



# Transition Planning Guide for Students in Foster Care Receiving Special Education Services

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# Introduction

According to data exchanged between the Texas Education Agency (TEA) and the Texas Department of Family and Protective Services (DFPS), children and youth who experience foster care are almost three times as likely to receive special education services as the statewide student population.<sup>1</sup> Of the youth who are involved in both the child welfare and special education systems, over a third have a primary disability classification of emotional disturbance.<sup>2</sup> Students in foster care often experience severe trauma made worse by instability in their foster care and school experiences.<sup>3</sup> For these vulnerable students, coordination between caring adults is very important to support their transition to adulthood.

The child welfare and education systems are charged with helping older youth transition to adulthood, and this is especially true for students with disabilities. While the child welfare and special education systems each have extensive policies and procedures related to transition planning, the processes often work in parallel, but not in coordination with each other. Those working in the child welfare and education systems are urged to collaborate and coordinate to the greatest extent possible in order to promote efficiency, reduce duplication of efforts, and streamline supports and services for the student. This guide clarifies the similarities and differences in the transition planning processes in the child welfare and special education systems. The information also includes best practices and recommendations for improved coordination between systems to better support youth in foster care with disabilities during the transition to adulthood.

# Questions to Consider

Child Protective Services	Special Education Services	Recommendations
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To which population does this document apply?

<p>Child Protective Services (CPS) is a division of DFPS charged with providing services to children and families who come into contact with the child welfare system.</p> <p>Transition planning is required for “youth” and/or “young adults” of requisite age in the conservatorship, or custody, of the state. This document applies to those youth and young adults regardless of the residential placement setting. Some youth live in foster homes, others reside with kin or relatives, or in a residential facility.</p> <p>Transition planning and Preparation for Adult Living (PAL) services are available for all youth in DFPS conservatorship, including youth with disabilities, when they reach the appropriate age.</p>	<p>This document addresses transition planning for “youth” or “students” with disabilities who are eligible for or who are receiving special education services pursuant to the Individuals with Disabilities Education Act (IDEA) and related state laws and regulations.</p>	<p>The child welfare and special education systems often use different terminology, but some terms are used interchangeably. A Glossary is included later in this document to help define some commonly used terms from both systems. Learning to speak the same language is critical to improving coordination between the child welfare and special education systems.</p> <p>Note: Although this guide is focused on special education, it is also a best practice to coordinate planning for students receiving accommodations and services under Section 504.</p>
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What are transition services?

<p>Transitional Living Services is a program administered by DFPS that assists youth in the conservatorship of DFPS in transitioning from foster care to independent living.<sup>4</sup></p> <p>These services include development of a written description of the programs and services available to help with the youth's transition to adulthood.<sup>5</sup></p> <p>Transitional Living Services also include PAL supports, such as life skills classes, college and vocational exploration, and work readiness.</p>	<p>Transition services are a coordinated set of activities, based on the individual needs of a student with a disability, focused on improving the student's academic and functional achievement to facilitate his or her movement from school to post-school activities.<sup>6</sup></p>	<p>Transition planning is required in both the child welfare and special education systems. The focus of the child welfare system is to transition the youth from foster care to independent living. The emphasis in special education is transitioning the student from a secondary environment to life after high school. Youth share common needs and goals for transitioning from each system.</p> <p>Collaboration and coordination by the adults in each system who work with the youth is encouraged early and often throughout the transition planning process.</p>
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At what age is a student's transition plan first developed?

<p>CPS transition planning begins at 14 years of age.<sup>7</sup> If the youth enters conservatorship at age 14 or older, transition planning must begin at the age of entry into foster care.</p> <p>Federal law also requires transition planning during the 90-day period immediately before the young adult turns 18 or leaves extended foster care.<sup>8</sup></p> <p>Note: Some eligible youth voluntarily remain in extended foster care after their 18<sup>th</sup> birthday and up to their 22<sup>nd</sup> birthday.<sup>9</sup></p> <p>If the youth will require the appointment of a guardian through the state, this process should be initiated at age 16.</p>	<p>Transition planning must begin not later than when the student who is eligible for special education services reaches 14 years of age.<sup>10</sup> If the student does not become eligible for special education services before age 14, transition planning must begin when the student becomes eligible.</p>	<p>Transition plans are required in both systems starting at age 14. Child welfare and special education stakeholders can work with counselors, teachers, advocates, and community members to share information and make the transition planning meaningful throughout the student's time in high school.</p> <p>Although the applicable laws require starting this process at age 14, starting earlier has many benefits.</p>
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At what age is transition planning no longer required?

<p>CPS transition planning is no longer required once the youth or young adult exits foster care. The goal is for every child or youth in foster care to achieve permanency, by returning to the biological family or forming another longer-term connection to supportive adults, and many do.<sup>11</sup> However, some young adults “age out of care” at age 18. Others voluntarily remain in extended care up to age 22.</p>	<p>Transition planning is no longer required once the student is ineligible for special education.</p>	<p>Streamlined communication will facilitate a successful transition at an earlier age. Include youth and caregivers and identified support persons in the planning process and in any communication loops as early as possible.</p> <p>Consider holding regular interagency meetings to have all stakeholders engaged throughout the transition planning process.</p> <p>Delays in transition planning or waiting until the youth is close to exiting either system can lead to a lack of a realistic or sufficient plan to meet the student’s needs.</p>
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How is the transition plan developed?

<p>The CPS transition plan is developed at the permanency conference. Once the youth turns 16, there are also Circles of Support (COS) or transition plan meetings. The COS is the preferred means of developing a transition plan but a transition plan meeting must occur if the youth does not want a COS or a COS cannot be convened.<sup>12</sup></p>	<p>The student’s admission, review, and dismissal (ARD) committee develops the individual transition plan (ITP).<sup>13</sup> The ITP is a component of the student’s individualized education program (IEP).</p> <p>At ARD meetings where the ITP is discussed, parents of some students may be encouraged to initiate the guardianship process.</p>	<p>Although the two systems operate independently, the student is at the center of each process. Youth voice is an important part of transition planning.</p> <p>Locate the regional contact in the child welfare or special education system and work together to ensure the student’s needs and goals remain paramount.</p> <p>Share copies of the education component of the CPS transition plan and the special education transition plan periodically between systems, such as by reviewing both plans at the annual ARD meeting to strengthen consistent planning activities that support the student’s transition goals.</p>
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What documents/processes can be used to inform the transition plan?

<p>Children and youth in foster care have many plans related to their safety, permanency, and well-being including:</p> <ul style="list-style-type: none"> <li>• the child’s plan of service identifies the services recommended by the child welfare agency to support the child and family.</li> <li>• a permanency plan for every child or youth in foster care to identify a long-term plan for the child, including connections to supportive adults.</li> </ul>	<p>ARD committees consider information from a variety of sources when developing a student’s transition plan. These sources include:</p> <ul style="list-style-type: none"> <li>• the student’s personal graduation plan (PGP);</li> <li>• transition-related assessments;</li> <li>• relevant information from the student’s CPS Transition Plan.</li> <li>• previous IEPs.</li> </ul>	<p>The PGP, permanency, and other plans contain a wealth of information about a student in foster care. To the greatest extent possible, share the recommendations in these documents using active networking efforts and document exchange protocols that are understood by all and that are distributed and updated regularly.</p> <p>Sharing of relevant information is allowable and encouraged. For example, CPS may share the relevant CPS plan information that impacts post-secondary planning for schools at the ARD meeting. The school may share the special education transition plan at an appropriate CPS planning meeting to aid in the development of the CPS transition plan. Sharing information will inform each transition plan and help achieve consistency for the youth while leveraging existing data sources and resources.</p>
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Who participates in developing the transition plan?

<p>The youth determines who should be invited to the circle of support or transition plan meetings.</p> <p>Some important participants may include:</p> <ul style="list-style-type: none"> <li>• the youth;</li> <li>• the youth's caregiver;</li> <li>• the youth's education decision-maker and/or surrogate parent;</li> <li>• at the option of the youth, up to two members of the case planning team who are chosen by the youth and who are not a foster parent of, or caseworker for, the youth. This may include the youth's biological parents, siblings, and extended family members; and</li> <li>• other caring adults who can provide support as the youth ages out of care.</li> <li>• the youth's appointed attorney, guardian ad litem, and other relevant professionals may be invited to participate.<sup>14</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Whenever appropriate, the student;</li> <li>• the parents;</li> <li>• at least one of the student's regular education teachers, if applicable;</li> <li>• at least one of the student's special education teachers or at least one of the student's special education providers, as appropriate;</li> <li>• a school district representative who: <ul style="list-style-type: none"> <li>– is qualified to provide, or supervise specially designed instruction;</li> <li>– is knowledgeable about the general education curriculum; and</li> <li>– is knowledgeable about the availability of district resources;</li> </ul> </li> <li>• at the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;</li> <li>• an individual who can interpret the instructional implications of evaluation results.<sup>15</sup></li> </ul> <p>Note: Students in foster care may have a foster parent or another individual serving as a surrogate parent.<sup>16</sup></p>	<p>Certain individuals must be invited and/ or attend transition planning meetings for students in care receiving special education services. While many of these individuals will be different in each meeting, there is overlap. Even if an individual participates in one transition planning process but not the other, both systems would operate more efficiently by understanding who is involved in each process and having access to the contact information for all individuals who participate.</p> <p>In addition to required participants, on a case-by-case basis, invite others who have an interest in the student's successful transition.</p>
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<p>Note: DFPS may reject an individual selected by a youth to be a member of the case planning team if DFPS has good cause to believe that the individual would not act in the best interests of the youth.</p>	<p>When a purpose of the ARD committee meeting is the consideration of postsecondary goals and transition services, the ARD committee must invite:</p> <ul style="list-style-type: none"> <li>• the student, but if the student does not attend, the school district must consider the student’s preferences and interests; and</li> <li>• as appropriate, with the consent of the parents or adult student, a representative of any participating agency that is likely to be responsible for providing or paying for transition services.<sup>17</sup></li> </ul> <p>If the student is in foster care, the school must notify the education decision maker and caseworker of significant events including any ARD committee meeting.<sup>18</sup> In addition, the student’s surrogate parent must consult with the student’s caseworker and other persons involved in the student’s education.<sup>19</sup></p> <p>In certain circumstances, additional personnel must be at ARD committee meetings.<sup>20</sup></p>	

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What information is included in the transition plan?

<p>DFPS policy requires certain transition-related issues to be discussed at 14, with additional topics at age 16 and 18.</p> <p>For youth taking psychotropic medications the plan must include provisions that inform the youth about:</p> <ul style="list-style-type: none"> <li>managing long-term physical and mental health needs after leaving foster care</li> <li>the use of the medication;</li> <li>the resources that are available to assist with medication management; and</li> <li>informed consent and the provision of medical care.<sup>21</sup></li> </ul> <p>For youth age 16 and older, the transition plan must include provisions that:</p> <ul style="list-style-type: none"> <li>identify the cost of housing, related to sources of income, including any available benefits or rental assistance;</li> <li>if the youth's housing goals include residing with family or friends, DFPS must address:</li> </ul>	<p>The following issues should be considered by the ARD committee and, if appropriate, included in the student's IEP no later than when a student reaches 14 years of age:</p> <ul style="list-style-type: none"> <li>appropriate student involvement in his or her transition to life outside the public school system;</li> <li>if the student is younger than 18 years old, appropriate parental involvement in the student's transition;</li> <li>if the student is at least 18 years old, appropriate parental involvement in the student's transition for parents who are invited to the ARD committee meeting by the student or the school district;</li> <li>any postsecondary education options;</li> <li>a functional vocational evaluation;</li> <li>employment goals and objectives;</li> <li>if the student is at least 18 years old, the availability of age-appropriate instructional environments;</li> <li>independent living goals and objectives; and</li> <li>appropriate circumstances for referring a student or the student's parents to a governmental agency for services.<sup>25</sup></li> </ul>	<p>Recognizing individual student needs and goals, it is critical for individuals working in each of these systems to develop a common language and an understanding of both systems.</p> <p>Plans, activities, and services can and should be coordinated whenever possible to jointly support the youth through transitions. Information relevant to the youth's education needs and goals should be shared with the school as transition plans may be updated and may inform the youth's special education transition plan. The school should also share relevant information with CPS to inform the CPS transition plan.</p> <p>Taken together, the transition plans should provide a clear path for the child's education, career, living, and well-being in the future.</p>
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Child Protective Services	Special Education Services	Recommendations
<ul style="list-style-type: none"> <li>– the length of time the youth expects to stay in the housing arrangement;</li> <li>– expectations for the youth regarding paying rent and meeting other household obligations;</li> <li>– the youth's psychological and emotional needs, as applicable; and</li> <li>– any potential conflicts with other household members or any difficulties that may arise based on an psychological and emotional needs;</li> </ul> <ul style="list-style-type: none"> <li>• inform the youth about emergency shelters and housing resources, including supervised independent living and housing at colleges and universities, such as dormitories;</li> <li>• DFPS must review a common rental application with the youth and ensure that the youth has all required documentation to obtain rental housing; and</li> <li>• identify any individuals who are able to serve as cosigners or references on the youth's applications for housing.<sup>22</sup></li> </ul>	<p>Beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:</p> <ul style="list-style-type: none"> <li>• appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment,</li> <li>• where appropriate, independent living skills; and</li> <li>• transition services, including courses of study, needed to assist the student in reaching the postsecondary goals.<sup>26</sup></li> </ul> <p>IDEA and state regulations necessitate certain transition evaluations before a student's transition plan is created. These include a functional vocational evaluation and age-appropriate evaluations related to training, education, employment, and, when appropriate, independent living skills. The student's ARD committee must consider the outcomes of these evaluations when developing the student's transition plan.</p>	<p>Pre-planning, ahead of formal planning meetings, is absolutely critical. While the formal planning occurs and all decisions are made at the ARD committee meeting, COS, or transition planning meeting, informal efforts can strengthen the transition planning process and promote the development of thorough and comprehensive transition plans.</p> <p>Adults working with the youth in each system are encouraged to communicate between formal meetings to strengthen coordinated activities, services and plans to best support the youth.</p>

Child Protective Services	Special Education Services	Recommendations
<p>During the 90-day period immediately before the youth turns 18, the transition plan, personalized at the direction of the youth, includes specific information regarding:</p> <ul style="list-style-type: none"> <li>• housing,</li> <li>• health insurance,</li> <li>• education,</li> <li>• local opportunities for mentors and continuing support service,</li> <li>• and work force supports and employment services, and</li> <li>• other provisions as applicable.<sup>23</sup></li> </ul> <p>Also during this time, the CPS caseworker ensures that the youth is provided with a Youth Transition Portfolio, <i>Almost 18?</i> Letter, and required checklist documents related to identification, social security, health insurance, citizenship status, birth records, etc.</p> <p>For CPS transition planning, DFPS <a href="#">Form 2500</a> is used to document the transition plan.<sup>24</sup> It includes guidance on how to fill in information about a youth’s hopes and dreams, strengths, fears, needs, and concerns, and permanency goal.</p>	<p>The <a href="#">IEP Model Form</a>, developed by the Texas Education Agency, includes a supplement for transition services.<sup>27</sup></p>	

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How often should the plan be reviewed and who reviews it?

<p>A caseworker can review a transition plan with the youth at any time, but must review and update:</p> <ul style="list-style-type: none"> <li>• every six months<sup>28</sup>; and</li> <li>• within 90 days before the date that the youth leaves foster care (whether that occurs when the youth ages out of care at 18 years old, or later when the youth leaves extended foster care.)<sup>29</sup></li> </ul>	<p>After the ARD committee has developed the student’s transition plan, the committee must review it at least once a year.<sup>30</sup></p> <p>In addition, if the student changes school districts within the school year, the student’s IEP must be reviewed within 30 school days of the school verifying the student is eligible to receive special education services.<sup>31</sup> The receiving school must provide the student with a free, appropriate public education until it adopts the student’s IEP from a previous school or it develops, adopts, and implements a new IEP.<sup>32</sup></p>	<p>Regularly meeting and reviewing the transition plan is essential to ensuring the student’s needs are anticipated and met. As the youth progresses through secondary schooling, different needs and goals may develop or change, so it is critical that the review of the transition plan is deliberate and extensive. Regular review of the transition plan allows for greater adaptability to the student’s needs as they evolve over time.</p> <p>Close coordination between systems is encouraged to ensure that changing circumstances and life developments that can affect transition outcomes for the youth are promptly addressed and reflected in updated transition plans. Flexibility in scheduling reviews based on fluid life events is important in this process.</p>
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Who are the key points of contact for transition planning in each system?

<p>Under the Fostering Connections to Success and Increasing Adoptions Act of 2008, child protective services must coordinate with local education agencies to promote educational success.<sup>33</sup> Recent passage of the Every Student Succeeds Act mirrors the coordination requirements and strengthens ties between state and local child welfare and education partners.<sup>34</sup> Coordination and collaboration are also encouraged in the CPS policy handbook.<sup>35</sup></p> <p>Child Protective Services established points of contact for the following roles in the state office and each of its 11 other regions:</p> <ul style="list-style-type: none"> <li>• Preparation for Adult Living Coordinator – focus on preparing youth and young adults for the transition to adulthood.</li> <li>• Education Specialists – serve as subject matter experts for issues related to education, including attending ARD meetings.</li> </ul>	<p>Each school district or shared services arrangement must designate at least one employee to serve as the district or shared services arrangement's designee on transition and employment services for students enrolled in special education programs.</p> <p>The designated individual must provide information and resources about effective transition planning and services and interagency coordination to ensure that local school staff communicate and collaborate with:</p> <ul style="list-style-type: none"> <li>• students enrolled in special education programs and their parents; and</li> <li>• as appropriate, local and regional staff of the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS) and other state agencies.<sup>36</sup></li> </ul>	<p>Coordination and collaboration are not only best practices focused on improving outcomes of students in foster care receiving special education services, but they are also addressed in state and federal law. There is a large array of services and supports to help youth who experience foster care transition to adulthood.</p> <p>These students are some of the most vulnerable in the state public education systems, and every effort to facilitate the transition out of foster care and/or high school will bolster the student's future opportunities, confidence, and ability to function independently as an adult.</p>
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Child Protective Services	Special Education Services	Recommendations
<ul style="list-style-type: none"><li>• Developmental Disability Specialists – provide consultation on service and placement options.</li><li>• Caseworker – primarily responsible for transition planning when child is younger than 16.</li></ul>		

# Glossary of Commonly Used Terms

## Child Protective Services (CPS)

- **Another Planned Permanent Living Arrangement (APPLA):** A permanency goal designed to promote a stable and secure living arrangement that includes building relationships with significant people in a youth's life that will continue after the youth leaves substitute care; refers to placements other than a reunification with a parent, adoption or permanent managing conservatorship to a relative.
- **Attorney ad Litem (AAL):** An attorney who provides services for the purposes of the legal action only, including representation of a child, and who owes to the person the duties of undivided loyalty, confidentiality, and competent representation.
- **Caregiver:** Caregiver may be a relative, guardian, or a representative, such as a foster parent, charged with providing day-to-day care to a child or youth.
- **CPS Caseworker:** The CPS caseworker has multiple responsibilities to the child or youth in care. The CPS caseworker ensures a child's needs are met while in foster care. The caseworker is the direct link with the child, caregiver, court system, and multiple service providers. Caseworkers and foster parents are to be notified by school staff if they have concerns about a child or youth in DFPS conservatorship.
- **College Tuition and Fee Waiver:** Qualified youth who were or are in the conservatorship of DFPS are eligible to have college tuition and fees waived at Texas state-supported colleges or universities, public medical schools, public dental schools, public junior colleges, and public technical institutes.
- **Court Appointed Special Advocate (CASA)** <http://texascasa.org/> : A specially screened and trained volunteer, appointed by the court, who conducts an independent investigation of child abuse, neglect, or other dependency matters and submits a formal report proffering advisory recommendations as to the best interests of a child. In some jurisdictions, volunteers without formal legal training, such as CASAs, are appointed to represent abused and neglected children, serving in the capacity of a Guardian ad litem.
- **Circle of Support (COS):** Held soon after a youth who has been removed from the home reaches age 16. Primary purpose is to develop a transition plan for the youth and to connect youth to supportive and caring adults who can help the youth when the youth leaves foster care. Circles of Support are led by the youth and the youth determines who is invited to participate.
- **Child Protective Services (CPS)** [http://www.dfps.state.tx.us/Child\\_Protection/](http://www.dfps.state.tx.us/Child_Protection/) : A division of Texas DFPS that investigates reports of abuse and neglect of children. It also: provides services to children and families in their own homes; places children in foster care; provides services to help youth in foster care make the transition to adulthood; and places children in adoptive homes.

- **Conservatorship (CVS):** Legal care, custody, and control of a child given by court order. If the court appoints managing conservatorship to DFPS, the state acts as the child's parent, regardless of the placement setting (foster home, group home, kinship home, residential facility, etc.)
- **Department of Aging and Disability Services (DADS) Guardianship:** See entry for Health and Human Services Commission.
- **Department of Assistive and Rehabilitative Services (DARS):** See entry for Health and Human Services Commission.
- **Department of Family and Protective Services (DFPS)** <http://www.dfps.state.tx.us> A state agency that is charged with protecting children, adults who are elderly or have disabilities living at home or in state facilities, and licensing group day-care homes, day-care centers, and registered family homes.
- **Department of State Health Services (DSHS)** <http://www.dshs.state.tx.us> : A state agency that promotes optimal health for individuals and communities while providing effective health, mental health and substance abuse services to Texans.
- **Education Decision-Maker (EDM):** An individual designates by CPS to make educational decisions on behalf of children and youth in foster care. Typically, the caregiver and the EDM are the same person. If the child receives special education services, a surrogate parent may be appointed to make decisions related to special education. The identity and contact information for this individual is included on DFPS Form 2085-E Designation of Education Decision Maker.
- **Education and Training Voucher (ETV):** A federally funded and state administered program that offers financial assistance to attend post-secondary colleges and training programs for qualified youth and young adults currently or formerly in the conservatorship of DFPS between the ages of 16 to 21 or 23.
- **Education Specialist:** Point of contacts in the state office and each of the 11 DFPS regions. Serve as liaisons with the school district foster care liaisons, participate in ARD committee meetings, and have subject matter expertise to advise caseworkers and other CPS staff.
- **Extended Foster Care (Ages 18 up to 21 or 22):** Extended Foster Care is a voluntary program that offers young adults opportunities to continue foster care placement and facilitate the transition to independence with DFPS supervision, if there is an available placement.
- **Former Foster Care Children (FFCC) program:** The FFCC program provides Medicaid coverage and help with benefits for former foster youth through age 25. Young adults will get Medicaid through STAR Health until age 21 and then receive Medicaid through the STAR plan of their choice.
- **Guardian ad Litem (GAL):** A person appointed by a judge to represent the best interests of a child in an abuse or neglect case; in many counties the GAL is the CASA.
- **Health and Human Services Commission (HHSC)** <https://hhs.texas.gov/> : The state agency that oversees operations of the health and human services system, including DFPS, DADS, and DSHS. Guardianship programs formerly operated under DADS have been moved to HHSC effective September 1, 2016. Vocational and other support services formerly operated under DARS have been moved to HHSC or the Texas Workforce Commission effective September 1, 2016.

- **Kinship Care:** Children in DFPS managing conservatorship can be placed with relatives or kin who take care of their everyday needs. This can include adults who are not actually related to the child but have a long-term connection to the child. Like other children in state conservatorship, transition planning is required for those living with kin.
- **Permanency Conference (PC):** Used to develop a youth's permanency plan and the family's service plan when a family group conference is not appropriate. For youth age 14 and 15, the transition plan is developed at the PC. Information in the other plans may be helpful for planning purposes.
- **Permanency Plan:** A plan that is developed by Child Protective Services and the Judge to arrange for the most permanent living situation possible for a child or youth in care, while considering best interests. The plan tells where and with whom a child in foster care will live and the proposed legal relationship between the child and the permanent caregiver(s).
- **Permanent Managing Conservatorship (PMC):** Placement of a child in the permanent conservatorship of an entity or person, by court order, (e.g. Texas DFPS, relative) with no intention of returning the child to the parent's custody.
- **Preparation for Adult Living (PAL):** A CPS program focused on preparing youth for adult life after leaving foster care. The program includes services, benefits, resources, and supports to help youth become healthy, productive adults. The program connects youth to community resources to assist with the transition to a successful adulthood.
- **Substitute Care:** Term used to describe a situation where a child a youth is removed from biological parents and the state becomes conservator for the child. Foster care implies the child lives in a foster home, and the term substitute care has broader implications including situations where a youth lives with other family members (e.g. grandmother) while technically under the conservatorship of the state.
- **Supervised Independent Living (SIL):** A type of voluntary Extended Foster Care placement where young adults can live on their own, while still getting casework and support services to help them become independent and self-sufficient.
- **Temporary Managing Conservatorship (TMC):** The awarding of conservatorship of a child to Texas DFPS. This may include children remaining in their home with orders from the court for particular requirements to ensure the safety of the child or the removal of a child from the family for safety and well-being purposes.
- **Transitional Living Services (TLS):** Transitional Living Services provide a systemic and integrated approach to transition planning, services, and benefits for older foster youth and those who have aged out of foster care. Services are available to youth ages 14 up to age 23.
- **Transition Plan Meeting (TPM):** A meeting held soon after a youth who has been removed from the home reaches age 16.
- **Transition Centers (TC):** TCs provide a central clearinghouse of one-stop services for current and former foster youth, youth experiencing homelessness, and other at-risk youth. There are 17 Transition Centers throughout Texas supported by DFPS, providers, and the Texas Workforce Commission. See [www.texasyouthconnection.org](http://www.texasyouthconnection.org) for more information.

## Special Education

- **Admission, Review, and Dismissal (ARD) Committee:** A committee composed of a student's parent(s) or the adult student and certain required school personnel and service providers who are involved with the student. Sometimes the student is also a member of the ARD committee. The ARD committee determines a student's eligibility to receive special education services and develops the student's individualized education program (IEP) and transition plan. The ARD committee is also referred to as the IEP team.
- **Free Appropriate Public Education (FAPE):** A free appropriate public education for a student with a disability. FAPE includes the special education and related services in a student's individualized education program (IEP) that the ARD committee determines are necessary to provide the student with an appropriate education at public expense.
- **Foster Care Liaison:** An individual designated by the school district or open enrollment charter school to facilitate the enrollment, transfer, and withdrawal of students in foster care. Each Texas public institution of higher education must also designate a liaison to support students formerly in foster care.
- **Graduation:** The successful completion of all curriculum requirements and satisfactory performance on the secondary exit-level assessment instrument or successful completion of an IEP and the criteria for graduating pursuant to an IEP. A student with a disability may graduate by completing the same program required of non-disabled students or by completing the requirements of his/her IEP and meeting certain criteria.
- **Individualized Education Program (IEP):** A written statement for each student with a disability that is developed, reviewed and revised by the ARD committee, of which parents or adult students are active members. The IEP includes, in part, the student's present levels of academic achievement and functional performance, participation in state and district-wide assessments, transition services, annual goals, related services, supplementary aids and services, extended school year services, and instructional setting.
- **Individuals with Disabilities Education Act (IDEA):** A federal education law designed to ensure that all students with disabilities have the opportunity to receive a FAPE, which includes the special education and related services necessary to meet their unique needs and to prepare them for further education, employment, and independent living.
- **Individual Transition Plan (ITP):** A plan included in the student's IEP that documents coordinated, measurable, and annual postsecondary goals.
- **Local Educational Agency (LEA):** This is the term used in IDEA and other federal education law. Also referred to as a school district.
- **Parent:** A natural or adoptive parent, a foster parent who meets State requirements for serving as a parent, a legal guardian (but not the State if the child is ward of the State), an individual acting in the place of a natural or adoptive parent with whom the child lives, an individual who is legally responsible for the child's welfare, or an individual assigned to be a surrogate parent.

- **Personal Graduation Plan (PGP):** A working document used to, among other things, promote college and workforce readiness and track progress towards completion of graduation requirements. Every student attending a Texas public high school has a PGP that is developed in the 9<sup>th</sup> grade.
- **Section 504 of the Rehabilitation Act of 1973 (Section 504):** A civil rights law that prohibits recipients of federal funding from discriminating against individuals with disabilities. Under Section 504, students with disabilities may receive accommodations and modifications as well as supplementary aids and services to ensure that their individual educational needs are met as adequately as those of non-disabled students. Under Section 504, children with disabilities must be educated with their non-disabled peers "to the maximum extent appropriate."
- **Surrogate Parent (SP):** The individual assigned by the school district or court to act as a surrogate for the parents whenever the parents are not known, cannot, after reasonable efforts, be located, or when the student is a ward of the State to ensure that the rights of a student with a disability are protected. The surrogate parent must not be an employee of the Texas Education Agency (TEA), the school district, or any other agency that is involved in the education or care of the child. The district must try to assign a surrogate parent within 30 days of determining that a student needs a surrogate parent. A surrogate parent must complete a training program within 90 after being assigned as a surrogate for the first time.
- **Special Education:** Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings and includes instruction in physical education.
- **Texas Education Agency (TEA):** The state educational agency (SEA) in Texas that is primarily responsible for the State supervision of public schools.
- **Ward of the state:** A child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency. The term does not include a foster child who has a foster parent who meets the definition of a parent.

# Important Contacts

- District Foster Care Liaisons and Education Service Center (ESC) Foster Care Champions
  - <http://tea.texas.gov/FosterCareStudentSuccess/liaisons/>
- Foster Care Liaisons at Institutions of Higher Education
  - <http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=429>
- Foster Care Liaison at Texas Education Agency
  - Foster Care Education & Policy Coordinator  
Kelly Kravitz  
512-463-9235  
Kelly.Kravitz@tea.texas.gov
- Foster Care Liaison at Texas Higher Education Coordinating Board
  - Director of Recruitment and Retention  
Natalie Coffey  
(512) 427-6227  
natalie.coffey@thech.state.tx.us
- DFPS Education Specialists
  - [https://www.dfps.state.tx.us/Child Protection/State Care/education\\_specialists.asp](https://www.dfps.state.tx.us/Child Protection/State Care/education_specialists.asp)
- DFPS Preparation for Adult Living Coordinators
  - [https://www.dfps.state.tx.us/child\\_protection/Youth\\_and\\_Young\\_Adults/Preparation\\_For\\_Adult\\_Living/PAL\\_coordinators.asp](https://www.dfps.state.tx.us/child_protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp)

## Resources for Additional Information

Education Law Center, Developing an IEP Transition Plan Toolkit: <http://www.elc-pa.org/wp-content/uploads/2016/10/Transition-Planning-Toolkit-2016.pdf>

Legal Framework (Education Service Center 18 ): <http://framework.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=117&DT=G&LID=en>

National Technical Assistance Center on Transition (NTACT): <http://www.transitionta.org/>

Texas Department of Family & Protective Services Transitional Living Services:  
<http://www.dfps.state.tx.us/Child Protection/Youth and Young Adults/Transitional Living/default.asp>

Texas Education Agency

- Secondary Transition Guidance: <http://tea.texas.gov/index2.aspx?id=2147496883>
- Foster Care & Student Success: [http://tea.texas.gov/index4.aspx?id=2147512292&menu\\_id=2147483761](http://tea.texas.gov/index4.aspx?id=2147512292&menu_id=2147483761)

Texas Foster Care Handbook for Youth: <https://www.dfps.state.tx.us/txyouth/foster-care-handbook.pdf>

Texas RioGrande Legal Aid Texas Foster Youth Justice Project: <http://texasfosteryouth.org/>

- A Guide for Those Aging Out of Foster Care in Texas: <http://texasfosteryouth.org/download/57/>

Texas Project First (Education Service Center 9) <http://www.texasprojectfirst.org/>

Texas Transition and Employment Guide:

- <http://www.transitionintexas.org/cms/lib/TX01001018/Centricity/Domain/3/Texas%20Transition%20and%20Employment%20Guide%202014.pdf>

Texas Workforce Solutions: <http://www.twc.state.tx.us/jobseekers/career-exploration-trends>

Think College! College Options for People with Intellectual Disabilities: <http://www.thinkcollege.net/>

Transition in Texas (Education Service Center 11): <http://www.transitionintexas.org/site/default.aspx?PageID=1>

U.S. Department of Education Foster Care Transition Toolkit: <http://www2.ed.gov/about/inits/ed/foster-care/youth-transition-toolkit.pdf>

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# Endnotes

<sup>1</sup> See Information on Children in Foster Care Attending Texas Public Schools 2012-2013, available online at <http://texaschildrenscommission.gov/foster-care-education/education-resources.aspx>.

<sup>2</sup> *Id.*

<sup>3</sup> See Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care (2014): [http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=1279&Command=Core\\_Download](http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=1279&Command=Core_Download).

<sup>4</sup> Tex. Fam. Code § 264.121(b)(3).

<sup>5</sup> 42 U.S.C. § 675(1)(D).

<sup>6</sup> 20 U.S.C. § 1401(34).

<sup>7</sup> See CPS Policy Handbook, Section 6252, available online at [https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_6200.asp#CPS\\_6252](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6200.asp#CPS_6252).

<sup>8</sup> 42 U.S.C. § 675(5)(H).

<sup>9</sup> Tex. Fam. Code (TFC) § 263.601 et seq; See further CPS Policy Handbook, Section 10400, available online at:

[http://www.dfps.state.tx.us/handbooks/cps/files/CPS\\_pg\\_x10400.asp](http://www.dfps.state.tx.us/handbooks/cps/files/CPS_pg_x10400.asp).

<sup>10</sup> Tex. Educ. Code § 29.0111.

<sup>11</sup> For more information about permanency options and efforts, see [http://www.dfps.state.tx.us/Adoption\\_and\\_Foster\\_Care/About\\_Adoption/permanency.asp](http://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Adoption/permanency.asp).

<sup>12</sup> See CPS Policy Handbook, Section 6252, supra.

<sup>13</sup> Tex. Educ. Code § 29.011(a).

<sup>14</sup> See CPS Policy Handbook, Section 6252, supra.

<sup>15</sup> 34 C.F.R. § 300.321(a) (Authority: 20 U.S.C. § 1414(d)(1)(B)–(d)(1)(D)).

<sup>16</sup> Tex. Educ. Code §§ 29.001(10), 29.015; Tex. Fam. Code § 263.0025.

<sup>17</sup> 34 C.F.R. § 300.321(b) (Authority: 20 U.S.C. § 1414(d)(1)(B)–(d)(1)(D)).

<sup>18</sup> Tex. Educ. Code § 25.007(b)(9).

<sup>19</sup> Tex. Educ. Code § 29.001(10)(C).

<sup>20</sup> 19 Tex. Admin. Code § 89.1050(c).

<sup>21</sup> Tex. Fam. Code § 264.121(g).

<sup>22</sup> Tex. Fam. Code § 264.121(i).

<sup>23</sup> 42 U.S.C. § 675(5)(H).

<sup>24</sup> DFPS Form 2500 is available online at [https://www.dfps.state.tx.us/site\\_map/forms.asp](https://www.dfps.state.tx.us/site_map/forms.asp).

<sup>25</sup> Tex. Educ. Code § 29.011(a).

<sup>26</sup> 34 C.F.R. § 300.320(b) (Authority: 20 U.S.C. § 1414(d)(1)(A) and (d)(6)).

<sup>27</sup> The IEP Model Form is available online in English and Spanish at

[http://tea.texas.gov/Academics/Special\\_Student\\_Populations/Special\\_Education/Programs\\_and\\_Services/IEP\\_Model\\_Form/](http://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Programs_and_Services/IEP_Model_Form/).

<sup>28</sup> 42 U.S.C. § 675(5)(B).

<sup>29</sup> 42 U.S.C. § 675(5)(H).

<sup>30</sup> 20 U.S.C. § 1414(d)(4)(A)(i).

<sup>31</sup> 19 Tex. Admin. Code § 89.1050(j)(1).

<sup>32</sup> 34 C.F.R. § 300.323(e).

<sup>33</sup> 42 U.S.C. § 675(1)(G).

<sup>34</sup> 20 U.S.C. § 6311(g)(1)(E).

<sup>35</sup> See CPS Policy Handbook, Section 15100, available online at [https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_x15000.asp](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp).

<sup>36</sup> See Tex. Educ. Code § 29.011(b).