

Educational Stability for Students in Out-of-Home Care

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WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION

Tony Evers, PhD, State Superintendent

Educational Statistics

- 56 to 75 percent will change schools when first entering out-of-home care
- 38 percent of children in care have experienced one or more school changes; 11% have experienced 2 or more school changes
- Students lose 4 to 6 months of academic progress with each school change
- Only 57 percent of Wisconsin children in care will graduate high school
- Two times more likely to have suspensions and 3 times more likely to be expelled



Educational Statistics

- 2.5 to 3.5 times more likely to receive special education services
- 84% want to go to college; only 20% who graduate from high school will attend college and only 2% to 9% will attain a bachelor's degree



Other Outcomes

- Homelessness
- Difficulty finding employment; often low-paying jobs: exploitation, poverty, difficulty establishing independence
- 75%: no career counseling
- 50%: no training re: job applications or interviewing



Other Outcomes

- **High risk for substance use and abuse**
- **Illegal drug use for:**
 - Experimentation and peer pressure
 - Self-medication due to lack of health care
 - Coping mechanism for stress
- **Unexpected pregnancy**
- **Depression, mental illness, and anxiety**



Needed Changes

Collaborative relationships with secondary and post-secondary educators, health care providers, career counselors, juvenile justice, child and family services, other community partners.



History

- **Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act)**
 - **Child’s permanency plan must include “assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.” [Codified in Wisconsin law at s. 48.38(4)(dm)]**



History (cont.)

- **Uninterrupted Scholars Act of 2013 (USA)**
 - Amended the Family Educational Rights and Privacy Act of 1974 (FERPA).
 - Requires sharing educational information by child's school with child welfare agency that has placement and care responsibility.
[Codified in Wisconsin law at ss. 115.298 and 118.125(2)(q)]



History

- **Every Student Succeeds Act of 2015 (ESSA)**
 - Amended the Elementary and Secondary Education Act of 1965 (ESEA).
 - Emphasizes the need for collaboration between education and child welfare agencies at the state, local, and tribal levels.
 - Became effective on December 10, 2016.
 - Applies to all children in out-of-home care who are enrolled in public schools, including public preschools



Definitions

- “Best interest determination” means a decision under Title I regarding whether a child should remain in his or her school of origin or transfer to a school in the resident district.
- “Educational stability” means maintaining a child in his or her school of origin unless it is determined that that is not in his or her best interest, in which case the child is immediately enrolled in the resident school and his or her academic and other records are immediately requested and transferred.



Definitions

- **“Individualized Education Plan” or “IEP” means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with s. 115.787. [Ref. s. 115.758(9), Wis. Stats.]**
- **“Resident school” means the school to which a child is transferred when it is determined that it is not in the child’s best interest to remain at the school of origin; once the child is enrolled in the “resident school”, it becomes the school of origin (in cases where the out-of-home care placement changes in the future).**



Definitions

- **“Out-of-home care” or “foster care” means a foster home, treatment foster home, group home, residential care center, shelter care facility, the home of a relative not a parent, or the home of a nonrelative where the child is under the placement and care responsibility of the Department of Children and Families or a county or tribal child welfare agency (i.e., county or tribal social or human services department).**
- **“School of origin” means the school in which a child is enrolled or was most recently enrolled at the time of the child’s placement in out-of-home care.**



Points of Contact

- Each school district was asked to identify a Foster Care Point of Contact (FCPOC) with whom counties and tribal child welfare agencies should communicate. Similarly, each county and tribal child welfare agency was asked to identify an Education Point of Contact (EDUPOC) with whom school districts should communicate.



Roles and Responsibilities

Points of Contact

- **Should meet to discuss, create policies and procedures**
 - **Process for determining best interest**
 - **Transfer of records and immediate enrollment**
 - **Sharing of data**
 - **Provision of transportation during disputes**
 - **Ensure students are enrolled and regularly attending**
 - **Professional development and training**



Roles and Responsibilities School Staff and CW Caseworkers

- **Communicate regarding any child they have in common**
- **Completion and sharing of Educational Passport**
- **Caseworkers should attend school meetings re: child**



Roles and Responsibilities: LEA

- Collaborate with CWA on determining best interest
- Immediately enroll child in appropriate school
- Resident school immediately request records
- School of origin will immediately send records
- Review all available information provided by CWA



Roles and Responsibilities: LEA

- **With CWA, develop clear written procedures re: transportation**
 - **How transportation will be provided, arranged, and funded**
 - **Which agency will provide transportation until a permanent plan is developed**



Roles and Responsibilities: CWA

- **Assess appropriateness of current school placement and proximity to school**
- **Collaborate with LEA on best interest determination**
- **Immediately refer child for enrollment in resident school, if appropriate**
- **Follow information included in caseworker desk guide**



Roles and Responsibilities: DPI/DCF

- Collaborate to assist LEAs and CWAs through guidance, draft procedures, technical assistance
 - Best interest factors and determination worksheets
 - Transportation procedures and plans
 - Frequently asked questions
 - Sharing successful models of collaboration



Best Interest

- **Cost of transportation should NOT be used in determining best interest**
- **If there is a disagreement about best interest, the joint federal guidance indicated that the local child welfare agency should have final decision-making authority; NOT in law or final regulations**



Best Interest Factors

- Preferences of student, parent and any education decision-maker
- Safety of the student
- Educational needs and strengths (specialized language services, IEP, advanced placement courses)



Best Interest Factors

- **Expected length of placement and permanence goal**
- **Number of schools child has attended and impact of those transfers**
- **Continuity in student's ethnic, cultural, and linguistic background**



Best Interest Factors

- **Student's attachment to the school**
- **Timing of transfer (end of semester or school year)**
- **School attendance by siblings**
- **How length of commute would affect student**



Transportation

- Major implication of the best interest determination
 - Involves mechanisms for transportation and cost
- “Additional cost” is the focus of collaborative discussions between school districts and child welfare agencies
- “Additional cost” is what is above and beyond what the resident school district would pay if the child was attending school there



Written Transportation Procedures

- Local agencies are expected to “develop and implement clear written procedures” that describe:
 - How transportation costs will be handled, whether or not there is a dispute, and which agency or agencies will pay any additional costs incurred in providing transportation
 - Which agency or agencies will initially pay the additional costs so that transportation is provided promptly “during the pendency of the dispute.”



Written Transportation Procedures

- Wisconsin has 72 counties, approximately 440 local education agencies, and 11 federally-recognized Indian tribes.
 - This would be the definition of reinventing the wheel, given the number of possible combinations
- DPI and DCF are collaborating on the development of guidelines and samples of written procedures.



Transportation

- **ESSA indicates that transportation should be provided in a cost-effective manner. This could include:**
 - **By providing funding to the foster parents (through the Uniform Foster Care Rate Setting policy).**
 - **By providing funding to a group home as an Extraordinary Payment.**
 - **Volunteers as individuals or through social organizations**
 - **Existing public school bus routes**



Transportation

- **Transportation**
 - **Transportation to school of origin must be provided for as long as the child is in out-of-home care**



Foster Care Funds

- Title IV-E (of the Social Security Act) allocations from the feds are part of the block grants received by counties (Community Aids)
- Claiming is done by the state based on reporting by counties



Foster Care Funds

- **County annual allocations are not supplemented by actual out-of-home care costs experienced in a given year**
- **Community Aids allocation has its own funding formula not related to actual IV-E expenditures**



Education Funds

- **Similar to child welfare agencies, school districts do not have specific funds for implementing this specific legislation**
- **In 2018, schools will be able to set aside funds for foster care transportation, but this is simply a way to budget funds and see actual expenses – schools are NOT receiving additional funds**



Resources

- Non-Regulatory Guidance Ensuring Educational Stability for Children in Foster Care,
Departments of Education and Health & Human Services; June 23, 2016
<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>
- State Guidance and Resources - <https://dpi.wi.gov/foster-care>



ESSA

Questions?



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