
PERMANENCY REVIEW/HEARING: GUIDE FOR SCHOOLS TO PROVIDE INFORMATION TO A COURT OR REVIEW PANEL FOR STUDENTS IN OUT-OF-HOME CARE (FOSTER CARE)

Use of the Guide:

This guide is intended to assist school representatives in determining what information, if any, is relevant to present to a judge or administrative review panel regarding a permanency plan hearing or review for a student in out-of-home care. See Wis. Stat. §§ 48.38(5)(b) and 938.38(5)(b) and 48.38(5m)(b) and 938.38(5m)(b)

This guide does not, and is not intended to, constitute legal advice, and instead is made available for general informational purposes only. Please consult with your district's legal counsel when formulating policies and procedures about sharing of information.

What is a permanency plan and why does my input matter?

When students are placed in out-of-home care (commonly known as foster care), it is required under certain conditions that a written permanency plan is prepared for them. The plan must include a description of the services to be provided to the child; information about the child's family, siblings, and current placement; and information related to the student's health and education. The plan must also identify a permanency goal or goals for the student such as return to the child's home; adoption; or placement with a guardian or relative. The plan must be reviewed every six months, at which time a court or administrative review panel will review both the child's current placement, the services being provided, and the permanency goal. A student's school must receive notice when a review of the student's permanency plan will be held.

School is often the only place of continuity for a student: school is a stable place in the student's life where they might form their most consistent and meaningful relationships with caring adults. For this reason, schools may have valuable information to help inform the decision-making of judicial officials when they make important determinations about appropriate placements and permanency goals.

When is the information due?

If the Local Education Agency (LEA) chooses to share information regarding the student, the court must receive that information 10 days before the hearing date. The court will send out a notice 30 days before the hearing date. LEAs should consider a process or procedures to complete the information, with consideration of individuals who are most familiar with the student, such as a teacher or the school social worker.

Is my information confidential?

Yes and no. If the LEA chooses to provide information, it will be shared with the court, attorneys, youth, social workers and parents. Others need court approval to see it. An LEA can only disclose pupil records by court order, with parent written authorization, or by statute. The notice of a permanency plan hearing is not a court order authorizing disclosure. If a school is providing written comments for the hearing or review, the school could submit those comments to the student's caseworker who can then share those comments with the court or review panel.

Courts or review panels can use this information to inform their decision-making regarding issues having significant impact on a child's life. Information shared should be factual and backed by evidence, based on direct observation or experience with the student.

Need more information?

For more background on providing written comments, please see DPI's [memo regarding Permanency Plan Hearings for Children Placed in Out-of-Home Care](#). If you have general questions about child welfare process or the student's case, contact the [child welfare agency's Education Point of Contact](#).

Whenever sharing information about a student, it is important to adhere to state and federal laws governing the confidentiality and disclosure of pupil records.

Legal Considerations:

- Under Wisconsin law, pupil records can only be disclosed in three situations: with written authorization from a parent/guardian or adult student; by court order; or by statute. The notice sent by the court of a permanency plan review or hearing is not the same as a court order.
- Statute requires that school districts provide a judge a copy of all *progress* records of a pupil who is the subject of any proceeding in the court. To disclose *behavioral* records directly to a court absent a court order or other statutory authority, written authorization from a parent, legal guardian, or adult student is needed.
- The law does allow the school to disclose most pupil records (both progress and behavioral records) to a child welfare caseworker under certain conditions without written authorization. If providing information for a permanency plan hearing or review, school districts may decide to disclose pupil records to the caseworker, who could then legally re-disclose this information to a court or administrative panel. Patient health care records that the school obtains from an outside provider may not generally be re-disclosed to a third party.

See Wis. Stat. §§ 118.125(2), 118.125(2)(c)1, 118.125(2)(e), 118.125(2)(q), 146.82(2), 146.82(5).

School Permanency Plan Input	Date Completed
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Completion of this form is voluntary. School representatives do not need to complete every question and can include additional pages if needed. Schools may also choose to submit written comments without using this form; the form is provided solely to assist in directing your responses. This form does not, and is not intended to, constitute legal advice, and instead is made available for general informational purposes only.

Any information provided to the court is distributed to all parties involved with the permanency plan hearing or review, including the student's parent(s), the caseworker, guardian ad litem, attorney, therapists, and any other case participants. A copy of the information will become part of the student's child welfare record.

Instructions:

1. The first section should be completed using the information provided in the notice of review or hearing that was sent to your school.
2. Complete the questionnaire regarding the student's educational stability and social-emotional well-being. Remember that any comments provided here should be factual and backed by evidence, based on direct observation or experience with the student. Please provide specific evidence for each of your statements.
3. Follow your districts policies and procedures related to sharing information across systems. With written authorization from a parent/legal guardian, send this form directly to the county circuit court. Absent written authorization, the form may be sent to the student's child welfare caseworker, whose name and contact information should be included in the notice sent to your school. If you are missing this information please contact the court or agency who sent the notice.

Permanency Plan Hearing Details

Court Case Number	Date of Hearing or Permanency Plan Review
Student's Name (as it appears on the court document)	Student's Birthdate
Caseworker Name	Name of Agency

School Information

Name of School Representative Completing this Form	School Representative's Role
Length of time to date in current school	Student's Grade Level

Educational Stability

Leave blank any questions that you cannot answer based on direct observation or experience with the student.

Academics	<input type="checkbox"/> Academics	<input type="checkbox"/> Enrichment Activities	<input type="checkbox"/> Making progress on their goals
The student is showing success in the following:	<input type="checkbox"/> Attendance	<input type="checkbox"/> High School Credits	<input type="checkbox"/> Participation in the classroom
	Areas of growth:		

Please describe how these are evident (if specific examples are available):

Social-Emotional Well-Being	<input type="checkbox"/> Behavior	<input type="checkbox"/> Relationships with Peers	
The student is showing success in the following:	<input type="checkbox"/> Enrichment Activities	<input type="checkbox"/> Relationships with School Staff	
	Areas of growth:		

Please describe how these are evident (if specific examples are available):

Student Needs These are areas where the student may need support:	<input type="checkbox"/> Academics	<input type="checkbox"/> Enrichment Activities	<input type="checkbox"/> Making progress on their goals
	<input type="checkbox"/> Attendance	<input type="checkbox"/> High School Credits	<input type="checkbox"/> Participation in the classroom
	<input type="checkbox"/> Behavior	<input type="checkbox"/> Social/Relationships	<input type="checkbox"/> College and career readiness
	<input type="checkbox"/> Emotional Health	<input type="checkbox"/> Family Engagement	<input type="checkbox"/> Participation in activities
	<input type="checkbox"/> Transportation	<input type="checkbox"/> Relationships with Peers	<input type="checkbox"/> Relationships with School Staff
	Other areas of need:		

Please expand upon the areas noted above (if specific examples are available and if the notes are based on direct observation or experience with the student):

How are parents or other adults involved in the student's schooling? For example: who is attending parent teacher conferences, school events, IEP meetings (if applicable), bringing the child to school, etc.?

Have you noticed specific changes with the student in the past six months? Yes No

Additional comments on changes:
