

Educational Stability for Students in Out-of-Home Care

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PUBLIC INSTRUCTION
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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).
 - ESSA emphasizes the need for collaboration between education and child welfare agencies at the state, local, and tribal levels.



History

- **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>
- **Final Regulations**; Department of Education; November 29, 2016
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-29/pdf/2016-27985.pdf>



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 new 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.]**
- **“New 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 “new 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.**



Best Interest

- Child will remain in school of origin unless it is determined to be in the child's best interest to move to a new school
- Best interest determination is made collaboratively between local education agencies and child welfare agency
 - DPI and DCF currently working on guidance about factors to be used in determining best interest



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**



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 will collaborate to develop guidelines and samples of written procedures.



Transportation

- **ESSA indicates that transportation should be provided in a cost-effective manner. This could include:**
 - **By foster parents or residential facility staff (Title IV-E basic maintenance rate or supplemental/exceptional rate; Title IV-E administrative funds)**
 - **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**



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