

# Every Student Succeeds Act and Children in Out-of-Home Care

State Superintendents  
Leadership Conference 2018  
11:30 – 12:30  
Wisconsin Dells



# Presenters

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# Wisconsin Out-of-Home Care Facts

- As of 8/31/18, a total of [?] children were in an out-of-home care placement in Wisconsin & 70% of these children were living in foster care.
- The median time to discharge for a child in foster care in calendar year (CY) 2016 was [?] days [?]
- Children exit out-of-home care to several permanent options.
  - Reunification was the most frequent discharge reason in 2016 [?]
  - Adoption represents 9.4% of all discharges in 2016



# Wisconsin Out-of-Home Care Facts

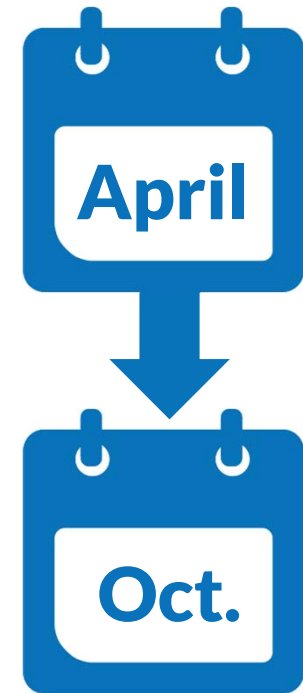
Children in Out-of-Home Care have well-researched poor educational outcomes.

- **Academic Achievement (standardized testing):** Most of the differences between CPS involved children and non-CPS involved children can be explained by poverty.
- **Grade Retention:** Children involved with CPS (in OHP and not) are at significantly higher risk for grade retention than their low-income peers.
- **Disciplinary Action:** Children involved with CPS (in OHP and not) are at significantly higher risk for disciplinary action than their low-income peers.
- **Graduation:** 90% of all Wisconsin students graduate within 5 years. 79% of children whose families receive SNAP graduate within 5 years. 56% of children who experience Out of Home Placement graduate in 5 years.

*\*Research by University of Wisconsin Institute for Research on Poverty*

# Educational Statistics

- **?** will change schools when first entering out-of-home care
- 38% of children in care have experienced one or more school changes; 11% have experienced 2 or more school changes
- Students lose **?** of academic progress with each school change



# Other Outcomes

## **Out-of-home care students have many assets:**

- Strong advocates at many levels
- resilient
- adaptive to new learning/situations
- often a variety of perspectives
- creative thinking skills,
- strong bonds w/ siblings

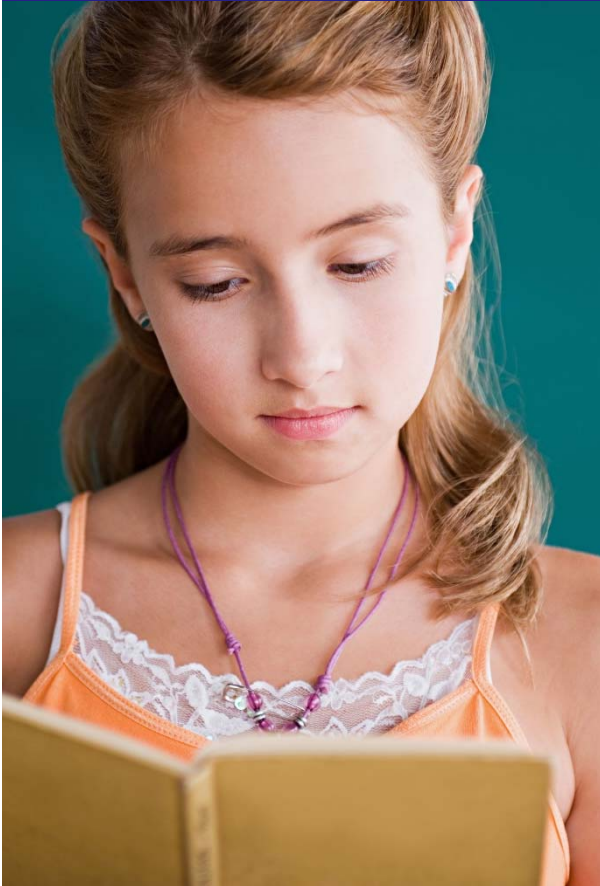


# Other Outcomes

- High risk for substance use and abuse
- Unexpected pregnancy
- Depression, mental illness, and anxiety
- Homelessness
- Trauma
- Mobility in foster care and school placements
- Difficulty finding employment; often low-paying jobs: exploitation, poverty, difficulty establishing independence
  - 75%: no career counseling
  - 50%: no training re: job applications or interviewing
- Disrupted school attendance due to court hearings, therapy/medical appointments, etc.
- Difficulty with credit transfers and accumulation



# 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."





# History (cont.)



**2015 WI Act 161 changes state pupil records law to allow disclosures of pupil records to child welfare agencies, even in the absence of parental consent**

- DCF and DPI partnered to support this legislation



# Special Education Authorization

**Foster parents are not “parents” under special education law.**

Exceptions:

- Surrogate parent
- Person acting as a parent

Foster parents may participate in IEP team meetings. Child’s “parent” with the legal right to grant consent to release education records must give written consent.



# Special Education Authorization

- All notices must be given to the parent, and authorizations and decisions must be made by the parent. S. 115.76(12), Wis. Stats.
- Formal written authorization must be in place to involve an out-of-home care provider or caseworker in an IEP meeting or team decision-making and planning.
- Where appropriate, involve both the parent and out-of-home care provider.



# History (cont.)

## Federal Every Student Succeeds Act (ESSA)

- Allows for flexibility in funding for counseling, school-based mental health programs, pupil services and training in trauma-informed practices
- Requires a designated foster care liaison at the state education agency and each local education agency
- Requires data collection and reporting of children in out of home care as a specific subpopulation
- Requires immediate enrollment in school and transfer of school records

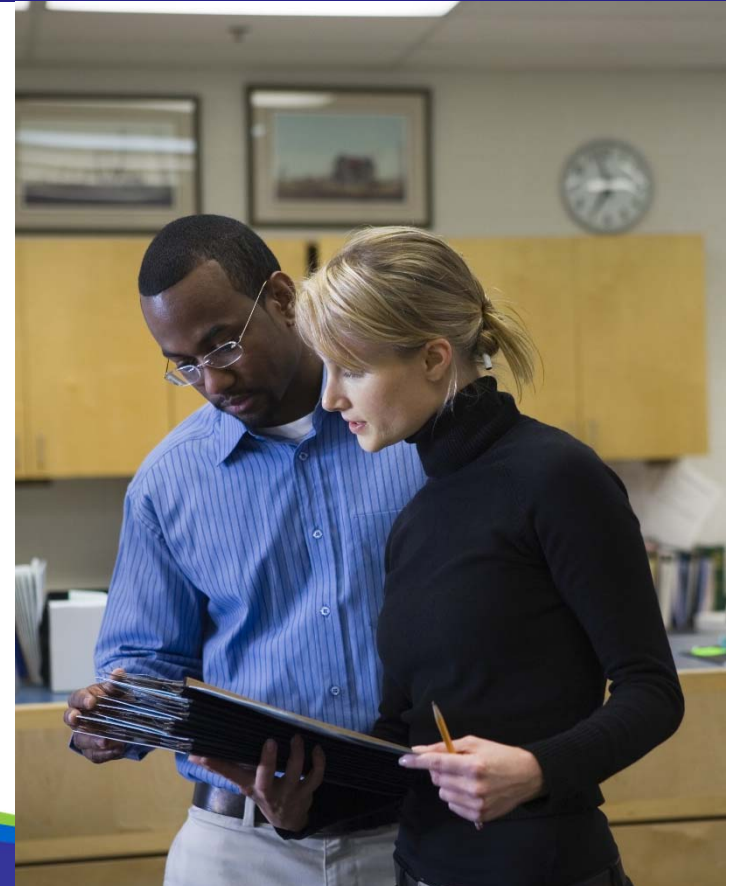


# Definitions

- **“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.
- **“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)
- **“Educational stability”** - 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; reducing suspensions and expulsions; transferring and accrual of credits; and higher graduation rates.
- **“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).

# Points of Contact

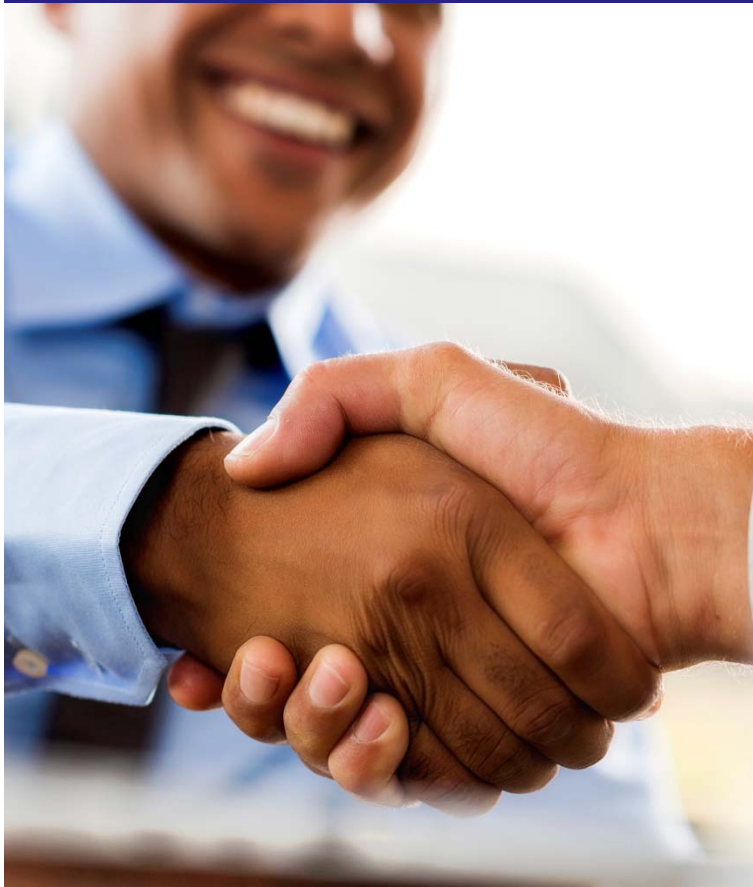
Each school district was asked to identify a [Foster Care Point of Contact](#) (FCPOC) with whom counties and tribal child welfare agencies should communicate. Similarly, each county and tribal child welfare agency was asked to identify an [Education Point of Contact](#) (EDUPOC) with whom school districts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



# Roles and Responsibilities Points of Contact

## Points of Contact should:

- 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

## Local Education Agency (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
- 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

## Child Welfare Agency (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



# Best Interest Factors

**“Best interest determination” means a decision regarding whether a child should remain in his or her school of origin or transfer to a school in the resident district.**

- ✓ Preferences
- ✓ Safety
- ✓ Educational needs and strengths
- ✓ Expected length of placement
- ✓ Permanence goal
- ✓ School attendance and transfers
- ✓ Ethnic, cultural, and linguistic needs
- ✓ Attachment to school
- ✓ Timing of transfer
- ✓ School attendance by siblings
- ✓ Length of the student’s commute
- ✓ Impact of transfer on credit accrual



# Best Interest

- Cost of transportation may **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



# Transportation

Transportation is one of the major implication of the best interest determination. It involves the mechanisms for transportation and cost.

**“Additional cost”:**

- the focus of collaborative discussions between school districts and child welfare agencies
- above and beyond what the resident school district would pay if the child was attending school there



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



# 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.”



# Transportation Funds

**Neither child welfare agencies nor school districts have specific funds for implementing this legislation**

- Beginning with the 2017-18 school year, LEAs are able to set aside Title I-A funds for out-of-home care transportation (LEAs are not receiving additional funds)



# DCF-DPI Strategic Focus

**DPI and DCF have collaborated to develop guidance for schools and child welfare agencies in the following required ESSA areas:**

- Establish points of contact for foster care in school districts and child welfare agencies
- 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



# DCF-DPI Strategic Focus

**“The mission of the DCF/DPI partnership is to facilitate effective collaboration among the state, local schools and child welfare agencies by providing guidance and information to improve opportunities and educational outcomes for Wisconsin children and families experiencing out-of-home care.”**





# DCF-DPI Strategic Focus

## Goal 1. Improve defined educational outcomes for children/youth in OHC:

- increase graduation from high school;
- reduce the number and frequency of suspensions and expulsions;
- increase educational stability (reduce the number school moves for children in care);
- increase enrollment into post-secondary education.



# DCF-DPI Strategic Focus

**Goal 2- Formalize effective collaborative processes between schools and child welfare agencies, the DPI and DCF**

**Goal 3- Increase data-sharing and utilize both quantitative and qualitative data to inform systems improvement**

**Goal 4- Facilitate data sharing at the local level to improve the educational experience and outcomes of children/youth in OHC**



# 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>
- Blueprint for Change: Education Success for Children in Foster Care  
<http://www.abanet.org/child/education/publications/blueprint.html>



# Every Student Succeeds Act and Children in Out-of-Home Care

Questions?



# Contact Information

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