



## **Educational Services for Children Placed in Foster Care**

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION  
WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES



# **Educational Services for Children Placed in Foster Care**

**A Joint Publication**

**Wisconsin Department of Children and Families**

**Wisconsin Department of Public Instruction**

**Madison, Wisconsin**



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## Introduction

Each year, more than 7,000 children are cared for in Wisconsin's foster care system. In most cases, these children are removed from their homes for their protection and safety, and the data tells us that they are much more likely than their peers to experience significant educational challenges. These challenges may be attributed, in part, to the effects of traumatic experiences in their lives that inhibit their capacity to learn. In addition, systems issues create additional barriers to academic success (e.g., instability in foster care and school placements, reduced school attendance due to court hearings and medical appointments, reduced credit transfer and accumulation, and absence of permanent adults in their lives to help them track academic progress).

A longitudinal study of Wisconsin, Iowa, and Illinois youth, who aged out of foster care, reveals areas in which both the public schools and child welfare system can take steps to improve outcomes for some of Wisconsin's most vulnerable citizens. Youth from Wisconsin who have aged out of foster care fare much worse in adulthood than their peers who were raised with their families.\*

- Less than 3 in 5 former foster care youth from Wisconsin have a high school diploma at age 19 years. Almost 1 in 4 did not have a diploma by age 21 years.
- Fewer than 1 in 8 former foster care youth are enrolled in 2-year or 4-year colleges, compared to 1 in 2 of their age peers.
- More than 7 in 10 young women raised in foster care reported a pregnancy by age 21 years. More than 3 in 5 pregnancies were repeat pregnancies.
- Youth aging out of the foster care system are 10 times more likely to be arrested than their age peers.
- Half of the Wisconsin former foster care youth, who aged out of care, reported at least one of these serious hardships by age 21 years:
  - insufficient money to pay rent,
  - insufficient money to pay utility bills,
  - gas or electricity disconnected,
  - phone services disconnected, and
  - eviction.

Collectively, we can improve the outcomes for youth jointly served by the public school and child welfare systems. The primary responsibility to improve the outcomes for these young Wisconsin citizens falls to the public school and child welfare systems. To accomplish this joint goal, schools, child welfare agencies, and tribes must commit to work cooperatively with one another to ensure success for the children we serve.

While the focus of this publication is on foster care, there are other types of out-of-home placements, such as residential care centers, group homes, or kinship care. While much of what is written in this guidance is also applicable to children living in these other placement types, there may be unique issues not fully addressed here. Additional information and resources regarding residential care, group homes, and kinship care may be obtained on the Department of Children and Families website at [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov).

\* Midwest Evaluation of the Adult Functioning of Former Foster Youth from Wisconsin: Outcomes at Age 19. Chapin Hall, 2005

This publication was produced through a collaborative effort of the Wisconsin Departments of Children and Families (DCF) and Public Instruction (DPI), and the Wisconsin Association of Family and Children’s Agencies (WAFCA). Its purpose is to help facilitate cooperation between the child welfare and public school systems by:

- summarizing the legal responsibilities of each system to serve children living in foster care, and
- sharing practices and resources that can help to improve how these two systems serve youth living in foster care.

The publication is divided into topical sections in a question and answer (Q&A) format to help readers find the information they need in a timely manner.

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# Foster Care Placement

## 1. Why are children placed in foster care?

Children are placed in foster care for a wide variety of reasons, including abuse or neglect, delinquency, uncontrollability, mental illness, truancy, and developmental or physical disability. In every court-ordered placement, the court must determine that continuation in the home would be contrary to the welfare of the child. Additionally, under the federal Indian Child Welfare Act (ICWA), an Indian child may be placed in foster care if it is determined that remaining in the home would result in serious physical or emotional damage to the Indian child.

## 2. How are children placed in foster care?

Most foster children are placed in foster care by an order of the juvenile or tribal court after a finding that a child is in need of protection or services or is delinquent. A small number of children are placed in foster care under a voluntary placement agreement between the child's parent(s) and a public or private human/social services agency. In the latter case, the placement cannot last longer than 180 days, at which time a court order must extend the placement if it is to continue. Each child that is placed in foster care has an agency-assigned caseworker who is responsible for overseeing the child's placement and care.

## 3. How many children are in foster care each year? How long do children stay in foster care? Where do children typically go to after leaving foster care?

As of December 31, 2007, a total of 7,396 children were in an out-of-home care placement in Wisconsin and 45% of these children were living in foster care or treatment foster care. Median time to discharge in calendar year (CY) 2007 was 157 days. Children exit out-of-home care to several permanent options. Reunification was the most frequent discharge reason (64%), followed by adoption (13%), reached the age of majority (8%), guardianship (6%), permanent placement with a relative (4%), and other (5%). For more information about children in foster care, please reference Department of Children and Families (DCF) annual reports available at <http://dcf.wisconsin.gov/cwreview/reports/OOHC-Y.htm>.

## 4. How is the tribal court involved in foster care placements?

The Indian tribes in Wisconsin are authorized to license foster homes on reservations. Tribal courts have either exclusive or concurrent jurisdiction to place Indian children in foster homes anywhere in Wisconsin or can contract for foster care placements with private agencies. In some cases, tribes have agreements (called 161 Agreements because the agreements were created by 1983 Wisconsin Act 161) with county agencies for payment of foster care costs. More information is available at <http://dcf.wisconsin.gov/children/ICW/INDEX.htm>.

## 5. How are school districts to be notified that a child is going to be placed in foster care in the school district?

Once the child's placement is determined, the school district of attendance should be notified immediately. Due to the emergency nature of some placements, this may not always be possible. Under Wis. Stat. sec. 48.62(3), the Department of Children and Families (DCF), county departments, and private child-placing agencies are required to notify the clerk of the school district when a foster care provider is licensed. Under Wis. Stat. sec. 48.625(2m), the

DCF is required to notify the clerk of a school district when a group home is licensed in the school district. Under Wis. Stat. sec. 48.64(1r), an agency placing a child in a foster home, treatment foster home, or group home must notify the clerk of the school district that a child has been placed. Direct notification of the building principal helps facilitate timely development of educational services for a child.

**6. Are relatives given priority when placing a child in foster care?**

Agencies must consider relatives for placement if the child's legal custody is to be transferred, the child is to be placed in foster care, or the child is to be adopted. An available relative placement must be in the child's best interests.

**7. How often is the placement of a child in foster care reviewed?**

Federal and state law requires the court to conduct a formal hearing to review the case every 12 months. The court or an administrative panel reviews the case within six months after the formal annual court review. Six-month reviews are supplemented by ongoing case decisions and informal reviews by the child's agency caseworker, his or her supervisor, and when applicable, the child and family team.

**8. Who determines the length of stay in foster care?**

Most children in foster care (approximately 96%) are placed by a children's or juvenile court. As a result, the court has ultimate authority over the length of a placement for most foster children. The child's parent(s), agency caseworker, the placing agency, the tribe if the child is an Indian child, the foster parent(s), the panel members or judge who conduct the six-month reviews, and others are all involved in the decision and provide input to the court.

**9. Is particular consideration given to keeping a child in the school of origin?**

The removal of a child from a family is an intrusive action on the part of a governmental agency. Such a decision must be thoughtfully considered and is only made within a statutory framework. Generally, when a child is removed from home, the court establishes conditions that must be met by the child, the parents, or both. Once those conditions have been met or determined they will likely not be met, the court and the placing agency are required to reunite the family or make other permanent placement efforts (e.g., place the child for adoption). Child welfare agencies are required to minimize the many disruptions placement causes in a child's life, including educational disruptions.

Placement decisions are based on the best interests of a child entering foster care, as mandated by law. County agencies placing children consider educational stability when making placement decisions for children. Wis. Stat. sec. 48.38(4)(dm) requires agencies to consider and make efforts to maintain a child's educational stability when making placement decisions. Most children are reunified with their families and will need to continue in the educational program near their family. If the child can remain in the same educational setting, even if placed in another school district boundary, the child welfare agency and school district should work together to coordinate any transportation needs.

There are federal programs that assist school districts and child welfare agencies with reimbursement for portions or all of the transportation costs in order to promote educational stability when it is appropriate. The federal programs include Title IV-E, as modified by the Fostering Connections to Success and Increasing Adoptions Act of 2008, the Individuals

with Disabilities Education Act (IDEA), and the McKinney-Vento Homeless Education Assistance Act. More information is available in the Transportation section of this publication.

**10. Do private agencies receive all of their referrals from county agencies?**

Most children are placed in foster care by private agencies at the request of county or tribal agencies. The county or tribal agency contracts with the private agency for the provision of certain services in exchange for established or negotiated costs. In a few cases, private agencies will place children under voluntary placement agreements with parents or place children referred to them from other states under the Interstate Compact on the Placement of Children.

**11. How does foster care placement lead to adoption?**

All children entering foster care must have a permanency goal, usually reunification with the family. Other goals might include adoption, placement with a relative, guardianship, long-term foster care, independent living, or sustaining care. If parental rights are terminated, plans may include adoption, traditional adoption or guardianship in the case of an Indian child, or "sustaining foster care" (care in which the child is unlikely to be adopted, but the plan is for the child to remain with the current foster parent until adulthood). Permanency planning attempts to place the child in a stable, permanent environment as soon as possible.

**12. Is there a limit to the number of children placed in a foster home?**

Up to four foster children may be placed in a foster home. If the foster home has multiple siblings, this may be increased to six, allowing the sibling group to remain in the same home. The licensing rules relating to space, etc., and the capacity of the foster parents to serve all of the children still apply. A treatment foster home may have up to four foster children with no exceptions. A licensing agency may, for a number of reasons, license the home for less than four children or may license the home only for a specific child. In some cases, the foster parent is licensed only for children of a certain age, gender, or "type" (e.g., developmentally disabled, emotionally/behaviorally disabled).

## **Licensure and Supervision of Foster Parents**

**13. What is required for licensure as a "treatment" foster parent?**

Treatment foster parents are licensed according to Wis. Stat. sec. 48.62(1)(b) and Wis. Admin. Code sec. DCF 38 and DCF 56. Treatment foster care requirements include heightened standards of qualifications and training of both social workers and treatment foster parents. In general, treatment foster care is a family-based approach to out-of-home care, but serves a population of children with more complex needs than those children in "regular" foster care.

**14. Who regulates and licenses private treatment foster parents?**

All foster parents in Wisconsin, treatment or otherwise, are licensed pursuant to rules promulgated by the Department of Children and Families (DCF) or the requirements of a tribe. The DCF, a county agency, tribes, or a private agency, if licensed by the DCF, may license foster parents. A private treatment foster parent is licensed by a private agency (licensed by the DCF), according to the requirements of the state licensing rule. To that

extent, the DCF "regulates" the licensure, but the licensing agency supervises the foster family, Wis. Stat. sec. 48.75.

**15. What training is provided to treatment foster parents?**

The Department of Children and Families (DCF) rules identify basic areas of training and licensing agencies may have their own requirements. Treatment foster parents must receive 18 hours of training prior to placement of the child. Beginning in the second year of licensure, 24 hours of training are required with 18 hours per year required for every subsequent year.

**16. How are foster parents selected?**

Generally, a potential foster parent contacts a licensing agency or a county department (in Milwaukee County, the Department of Children and Families Bureau of Milwaukee Child Welfare) and completes an application. The licensing agency assesses the family according to Wis. Admin. Code sec. DCF 56. Licensing agencies utilize their methodologies (e.g., home visits and interviews) to determine whether the requirements of Wis. Admin. Code sec. DCF 56 are met. Once a foster parent is licensed, the placing agency attempts to match foster children with the foster parents.

**17. Is the background of potential foster parents investigated?**

Wis. Admin. Code sec. DHS 12 and 13 and DCF 56 require fingerprint-based, criminal record, and child protective services checks. Health examination documentation is required for all household members. The licensing agency may also request other information it deems necessary to determine if the applicant is qualified to obtain a license, such as references and employment history, Wis. Stat. sec. 48.685.

**18. Is there a review process for evaluating foster parents?**

A foster care or treatment foster care license can be issued for up to two years. Criminal background and child protective services checks must be conducted at least every four years. Licensing agencies meet with foster parents prior to re-licensure to identify strengths and weaknesses, training needs, support services, etc. To a certain extent, foster parents are evaluated on a constant basis when the agency caseworker meets with the foster child. If a complaint is filed, the licensing agency or another social services agency investigates to determine the validity of the complaint. Remedial actions will result from such findings.

**19. Who monitors foster parents to ensure the proper health and safety of foster children?**

This responsibility rests with the licensing agency and, if different, the placing agency. Monitoring is conducted from both the licensing and child welfare perspective. Private agencies are licensed by the Department of Children and Families (DCF) and counties are supervised by the DCF. Tribes are sovereign entities and have their own requirements.

## **Residency for Educational Services**

**20. Which school district is responsible for educating a child living in foster care, the school district in which the child lives or the school district in which the child's parent lives?**

A child is considered a resident of the school district in which the child lives, regardless of the residence of the child's parent(s), as long as the primary reason for the child's residency

is not school attendance. The Wisconsin State Supreme Court established this in *State Ex Rel. School-District Board v. Thayer, State Superintendent*, 74 Wis. 48, 41 N.W. 1014 (1889). More information about residency can be found at <http://dpi.wi.gov/sped/sbresidency.html>.

**21. May a parent or social services agency opt to keep a child in the school in which he or she began the school year (especially if the foster care placement might be short-term)?**

Under Wis. Stat. sec. 121.84(1)(a), a school board is required to allow a student who is enrolled in the district and is a resident of the district on the third Friday in September or the second Friday in January and was enrolled at least 20 school days in the current school year, to complete the school year without payment of tuition, even if the student moves out of the district during the school year and is no longer a resident. A school board may permit a student, who was enrolled in and a resident of the school district at the beginning of the school year, to complete the school year at the school he or she was attending, without payment of tuition, even if the student is no longer a resident of the district.

## **Provision of Services**

**22. Who is responsible for the provision of non-educational services and case management for a child in foster care?**

Court orders must include identification of the agency primarily responsible for the provision of services to the child and the agency that will provide case management services. This will, in most cases, be the county department of social or human services, or in Milwaukee County, the Department of Children and Families (DCF) Bureau of Milwaukee Child Welfare. If a private agency is involved, the county agency, as the purchaser of services, retains primary responsibility. In a special needs adoptive placement, the DCF retains this responsibility. See Question #9 for information on foster care and educational stability.

**23. Is the school notified in writing who has legal custody of a child?**

Court orders indicate the individual or agency that has legal custody of the child. Under Wisconsin law, legal custody should be transferred from the parent only in very limited circumstances. If the court order is not shared with the school for confidentiality reasons, the child's agency caseworker should notify the school in writing of the status of the child's legal custody and the name of the individual to be contacted for educational purposes. Unless otherwise notified, the school should assume that the child's parent remains the child's legal custodian.

**24. What programs and services are schools obligated to provide children living in foster care?**

Children living in foster care are entitled to the same educational benefits as children who reside with parents in the district, including, but not limited to, special education, field trips, athletics and other extracurricular activities, etc. Some school activities require special permission or equipment and may take longer to obtain for students living in foster care. Their equitable participation can be facilitated by allowing extra time for these arrangements.

**25. Must a school district enroll a child placed in foster care, even if the placement will be short-term?**

Yes. A child's right to education is established under Article X, Section 3, of the Wisconsin Constitution. A school district has no authority to deny enrollment to an individual between the ages of 4 and 20 years who has not graduated from high school and who is a resident of the district. For educational purposes, a child placed in foster care is a resident of the school district where the foster home is located, regardless of the anticipated length of placement.

**26. May a public agency transferring a child between foster homes and school districts permit the child to remain at home prior to attending the school, so that the new district has adequate time to prepare?**

Wisconsin's compulsory school attendance law requires that any adult having control over a child between the ages of 6 and 18 years shall cause that child to attend school during the full period and hours, religious holidays excepted, that the school is in session, Wis. Stat. sec. 118.15. Since the Wisconsin Constitution guarantees each child an education, a school district must enroll and serve a resident foster student immediately. Foster parents as well as school districts are not permitted to retain foster children at home regardless of the anticipated length of stay for the foster child.

**27. Is it possible to have different requirements for a foster child leaving an institution versus a home? When a child goes from an institution into a foster home, how does the school develop a program for that child? Must a school district provide educational services immediately when receiving a child placed in foster care or may the district wait for records and take time to plan? If service(s) must be provided, may it be at an alternative site?**

Regardless of whether a child is placed from home or some other out-of-home care placement, there should be no differences in how schools program for a child in foster care. The reality for the child is the same. He or she is in foster care and must enroll in and attend the local school. In either case, the school that the child is attending must obtain previous educational records and plan accordingly. A school district must enroll and serve a resident student immediately (see Questions #25 and #26). If the student has an Individualized Education Program (IEP), the school must implement the IEP until the school either adopts the IEP or develops a new IEP.

Wis. Stat. sec. 118.16(4)(cm) allows a school board to establish policies that provide that a high school age student may be assigned to a period of assessment as a consequence of the student's truancy or upon the pupil's return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility, or other out-of-school placement. These policies must specify the conditions under which a high school student may participate in the assessment without being in violation of the compulsory school attendance laws and the maximum length of time that a student may be assigned to the assessment period.

The school district may not assign the high school student to an assessment period:

- without the written approval of the student's parent or guardian;
- for a period longer than the time necessary to complete the assessment and place the student in an appropriate education program or eight weeks, whichever is shorter;



- more than once; and
- if the school district has an alternative education program available for the student that is appropriate for the student's needs.

Goals of the assessment period are to develop an educational plan for the student, implement an appropriate transitional plan, and facilitate the student's placement in an education program in which the student will be successful. The school board is to provide students who are assigned to an assessment period with information on other education programs that the school district or other community providers have available for the student. *This assessment period may not be utilized for a student with disabilities, unless his/her Individualized Educational Program (IEP) specifically authorizes the period of assessment, and the student continues to receive a free, appropriate public education during the assessment.*

**28. Are parents still involved when a child is in foster care? What is the nature of that involvement? Are they involved with their child's school?**

In most cases, the child's permanence goal is to return home. As a result, there is generally some involvement between the parents and child. The degree to which there is involvement varies from case to case. Parents' involvement with the child may increase as time goes on and the return home becomes more imminent. Parents of a child in foster care usually retain most of the legal rights of any other parent (except physical custody of the child) unless limited by a court order.

Child welfare agencies provide those services parents and children may need to establish a safe and functional home. The legal mandate of child welfare services is, in most cases, to reunite families. During this treatment period, the educational laws, including those pertaining to children with disabilities, must be followed. Educational laws must be carefully interpreted to ensure both the child's educational rights and child welfare status are protected. Schools and agency caseworkers should communicate regarding the provisions of the court order when programming for foster children. Schools should keep all parties informed as to the child's progress in the same manner as any other child, unless ordered to do otherwise by the court. The student who is a foster child should not, however, be released to the custody of any person not designated by the court or the social services agency as appropriate.

Where a parent has been denied periods of physical placement by the Family Court under Wis. Stat. sec. 767.41(4), the school district may not reveal the student's education records to that parent without a release of information from the child's custodial parent or guardian. However, if a child is placed in a foster home or other out-of-home placement by a children's court or juvenile court related to maltreatment or delinquency, the parent will usually still have authority to receive information about the student. The social services agency should be consulted regarding release of information to the parent. Visitation by parents to the child's classroom may or may not be appropriate. The school's visitation policy and the decision of the social services agency regarding who has the right to visit the child need to be in agreement.

Financial responsibility for school expenses not covered under educational requirements should be discussed with the social services agency supervising the child's foster care placement, since they are aware of the limits of parental financial responsibility. Additional information regarding pupil records and sharing confidential information between schools and child welfare agencies is available in two Department of Public Instruction publications:

- *Student Records and Confidentiality* – <http://www.dpi.wi.gov/sspw/srconfid03.html>
- *Sharing Information Across Systems* – <http://www.dpi.wi.gov/sspw/sharing.html>

**29. To whom can the school go when there is a conflict between the foster parent and the parent?**

Conflicts between foster parents and parents should be brought to the attention of the social services agency responsible for the child. Disputes between parents and foster parents occurring within the education setting are likely to have broader ramifications for families and children. If this type of conflict occurs, the district should confer with the social services agency to determine a joint course of action. If the decision involves a school mandate, the social services agency can be enlisted to support the district's decision. When conflicts are of a non-educational nature, the school should also involve the social services agency. Depending upon any court orders involved, the authority to make educational decisions for the child may be with the parent or someone other than the parent.

**30. Whom does the school contact if it believes a foster child needs more services than he or she is receiving?**

School staff who believe a foster child needs additional services should first contact the child's agency caseworker or other representative of the placing agency. Should those attempts be unsatisfactory, it may be appropriate to contact the agency director. If satisfaction is not obtained, school staff should contact the appropriate Department of Children and Families (DCF) regional office staff. Please see the Resources section for a list of DCF regional administration offices.

**31. Under what circumstances should schools and teachers be made aware of medications a child in foster care is taking? If so, who is responsible for the notification?**

Under state law, the parents or guardian must provide written instructions and written consent to the school in order for the school to administer over-the-counter drugs. School administration of a prescription drug requires written instructions from a medical doctor and written consent from the parents or guardian. A parent or guardian may wish to delegate authority to the foster parent to consent to routine medical care, including administration of over-the-counter drugs and some or all prescription drugs. School districts should consult the social services agency regarding the authority of the foster parent to consent to routine medical care.

If the student is taking medications outside the school setting that may affect behavior or school performance, or which might preclude a student from certain activities, the decision to inform the school is left to the parent or guardian. For example, parents may want to consider informing the school of a student initiating anti-depressant therapy due to the associated increased risk of suicidal ideation.

When making a decision regarding notification of a school, parents and guardians should consider the benefits to the student of sharing this information, the risk of adverse effects that may affect learning or behavior, and the student's right to privacy.

**32. What requirements must a student fulfill to graduate from high school?**

High school graduation standards established in state law include at least 4 credits of English, 3 credits of social studies, 2 credits of science, 2 credits of mathematics, 1.5 credits of

physical education, and .5 credit of health education, Wis. Stat. sec. 118.33 (1)(a). In addition, the law encourages school districts to require an additional 8.5 credits in vocational education, foreign language, fine arts, and other areas. A school district may require community service as a condition of graduation.

School districts have varying course requirements to achieve a high school diploma. Along the same lines, postsecondary institutions vary on what they require for acceptance to their institution. High school graduation requirements and postsecondary entrance requirements do not necessarily match. Multiple school changes, that foster care youth often experience, negatively impact their ability to accrue needed credits to graduate from high school and enter a postsecondary institution in a timely way.

Under Wisconsin law, youth may only remain in foster care until they are 18 years old, or if they are a full-time student who is expected to graduate from high school or an equivalent program in a vocational or technical college, until their 19<sup>th</sup> birthday. It is critical for child welfare and school personnel to be aware of a high school youth's credit status in order to ensure the youth is on track to obtain or make up the needed credits to graduate while the student is still in a foster care placement.

A number of county and tribal child welfare agencies require that students over the age of 15 participate in a Life Skills/Independent Living skills development class through their agency. These classes parallel classes many high schools offer to students, covering such topics as insurance, checking and savings accounts, budgets, loans, credit cards, etc. School districts may consider awarding course credit for participation in these classes and should work with the local child welfare agency regarding this possibility. Credit-deficient students living in foster care can also benefit from access to summer, correspondence, and online classes accepted by the district for high school credit.

### **33. Are there alternative routes for students to achieve a high school or equivalent diploma?**

School districts may grant a high school diploma to a student who has been enrolled in an alternative education program and demonstrates proficiency in the subjects listed in the first paragraph of Question #32 equivalent to that which he or she would have obtained if he or she had satisfied the credit requirement, Wis. Stat. sec. 118.33(1)(d). More information about alternative education programs is available at <http://www.dpi.wi.gov/alternativeed/index.html>.

Students 16 years of age or older who qualify as a child at risk as defined in Wis. Stat. sec. 118.153 may request and a school board is required to allow that student to attend, in lieu of high school or on a part-time basis, a technical college if the student is working toward a high school diploma, Wis. Stat. sec. 118.15(1)(b). Written consent from the parent or guardian is required.

A child at risk is a student in grades 5-12 who is at risk of not graduating from high school because he/she is a dropout or is two or more of the following:

- one or more years behind his or her age group in the number of high school credits attained,
- two or more years behind his or her age group in basic skill levels,
- a habitual truant, as defined in [Wis. Stat. sec. 118.16\(1\)\(a\)](#),

- a parent,
- an adjudicated delinquent,
- an eighth grade student whose score in each subject area on the examination administered under [Wis. Stat. sec. 118.30\(1m\)\(am\)1.](#) was below the basic level, an eighth grade student who failed the examination administered under [Wis. Stat. sec. 118.30\(1m\)\(am\)2.](#), and an eighth grade student who failed to be promoted to the ninth grade, Wis. Stat. sec. 118.153(1)(a).

More information about alternative routes to a high school or equivalent diploma can be found in the Department of Public Instruction (DPI) publication *Answers to Frequently Asked Compulsory School Attendance Questions* available at <http://www.dpi.wi.gov/sspw/pdf/schlattendqa.pdf>.

### **34. Are there opportunities to help a child in foster care obtain a postsecondary education?**

The College Cost Reduction and Access Act expanded the definition of an "independent student" to include any student who is an orphan, is in foster care, or is a ward of the court at any time the student is 13 years of age or older. These youth may now complete the Free Application for Federal Student Aid (FAFSA) as an "independent student." Students who are considered independent can apply for federal and state aid without parent's information or consent. A form that can be used to verify status as an unaccompanied, homeless youth can be found at [http://www.naehcy.org/higher\\_ed.html](http://www.naehcy.org/higher_ed.html).

Education and Training Vouchers, as well as the Department of Children and Families (DCF) Scholarship for Children in Out-of-Home Care, are available to youth who exit court-ordered out-of-home care after the age of 18. This funding is available to youth to pursue postsecondary education leading to a diploma, certificate, or degree up to the age of 21 and may be extended. More information can be found on the DCF website at <http://dcf.wisconsin.gov/children/IndLiving/prgserv/Education.htm>.

The Higher Education Act Reauthorization of 2008 identifies foster youth and homeless youth as target populations for college preparation and support programs. The Department of Public Instruction's Wisconsin Educational Opportunity Programs provide counseling to help students access these services, including Talent Search, the Early Identification Program, the Precollege Scholarship Program, the Talent Incentive Program, and other student support services.

The Talent Search Program is designed to seek students with academic potential and from multicultural and disadvantaged backgrounds to encourage them to complete high school and go on to college.

The Early Identification Program (EIP) helps eligible students in grades 8-12 develop the necessary knowledge and skills to pursue postsecondary education. Counselors help students identify potential academic difficulties before they arise. The focus is on scholastic preparation and achievement, early parental involvement, and curriculum guidance. Minority and disadvantaged students selected for EIP are involved for four to five years and receive individual counseling and support through high school.

The Precollege Scholarship Program provides funds to eligible students to allow them to experience being on a college campus and take advantage of a variety of precollege academic offerings in public, independent, and technical colleges.

The Talent Incentive Program (TIP) provides grant awards to needy students who meet both the financial need and non-traditional/disadvantaged criteria. An example of the non-traditional/disadvantaged criteria would be a student whose environmental and academic backgrounds are such that they deter the pursuit of educational plans. Continuing TIP awards are available for students if they have successfully completed their first year at a postsecondary institution.

More information on these and other programs is available on the Department of Public Instruction's Wisconsin Educational Opportunity Programs (WEOP) website at <http://www.dpi.wi.gov/weop/index.html>.

## **Interagency Communication and Cooperation**

### **35. How can schools and human/social services agencies communicate more effectively?**

Schools and social services agencies each operate under a primary group of specific statutes, ordinances, and rules. It is not reasonable for each person in one agency to understand all of the required procedures of the other system. However, there are recommended actions that both school districts and social services agencies may take to facilitate better communication.

- Each agency may appoint one individual as a liaison to have frequent, non-case specific contact with the other organization to communicate concerns and questions from their colleagues about the other organization's actions. In some communities, an interagency task force may be warranted.
- On case-specific questions, schools and social services agencies may establish a procedure for clarifying specific concerns. The organizations' respective liaisons may be helpful in this regard.
- Administration of each agency may support the development of in-service training for their staff on the role and function of the other system. Each system may be able to help the other by providing speakers.
- Individuals in either system may contact the state department office of the other system or a tribe to seek assistance, or to register concerns when problems cannot be resolved locally.

Use of a single individual as a liaison with the schools or human/social services agencies has many advantages. This individual is familiar with the day-to-day operation of the other agency and can communicate any change in regulations that affects the interagency cooperation. A liaison can clarify misunderstandings and facilitate both educational and social service goals. Use of a liaison is recommended by both the Departments of Public Instruction and Children and Families where youth are living in foster care, given the areas of potential misunderstanding and conflict. Pupil services staff, particularly school social workers, are uniquely suited to fulfill this function for schools. Additional information on best practices is available in the section on resources.

### **36. What is the administrative relationship between state agencies and counties and school districts?**

For the purpose of this publication, it is important to understand the relationships between the state Department of Children and Families (DCF), county departments of human/social

services, and tribes, and the relationship between the Department of Public Instruction (DPI) and local school districts.

The state's DCF and DPI provide oversight and establish administrative rules, standards, and policies, distribute federal and state funds, and provide resources and technical assistance. Tribes are sovereign entities and are not overseen by any state department agency. Locally elected boards control the administration of services, while operating within a framework of state and federal laws and local board policies.

**37. When should the school be notified of events or changes in the child's life that may affect the child's behavior and attitudes in school?**

Agency staff and foster families should consider how changes in the child's life may affect the child's behavior and attitudes in settings beyond the foster home. If the child's team, the family, caseworker, or foster family express concerns that changes in the child's life may affect the child's behavior and attitudes in the school setting, information should be shared with the appropriate school staff. This will allow schools to provide support and respond appropriately to the child's behavioral changes. Not all case details will be shared, only the information that specifically affects the child in the school setting. Two examples of changes include, 1) when a child is transitioning to placement or after contact with their family, and 2) after a court hearing or decision is made that the child perceives to be stressful, such as a termination of parental rights, medication changes, and difficult familial dynamics, either in the family of origin or the foster family. Any information shared must be based on the constraints of all applicable confidentiality laws.

**38. May the child's caseworker contact the teacher or school of a child living in foster care on a regular basis?**

Regular contact between the school and the human services agency caseworker is helpful, assuming that the child's parent or guardian has consented to or a court order authorizes the sharing of information. Agencies are required to coordinate a child's education as a part of the child's permanency plan, which is part of the court order for all children in foster care. School buildings and staff should be open to visits from a caseworker on behalf of a student living in foster care.

When a caseworker contacts a child in the school, the district procedures should be closely followed. Such contacts should be scheduled in advance, whenever possible, and the building principal and the teacher should be aware that the contact is to occur. In the case of an emergency, the caseworker, at a minimum, should notify the building principal that the caseworker is in the building before contacting either the student or a staff member. Local school district policies generally require all visitors to register at the office prior to any contact with a child or staff member.

While regular contact between the school and the caseworker may be desired, it may not occur as often as either would like. In such situations, either party should request a meeting when appropriate to update all concerned individuals on the current issues. When contacting the student in school, caseworkers should consider the amount of time a child is removed from the classroom to minimize the disruption to a child's education experience.

**39. May schools be involved in developing a child's treatment plan or permanency plan?**

Prior to entering a dispositional order, the court must be given a court report that includes the child's permanency plan. "A plan for the provision of educational services to the child, prepared after consultation with the staff of the school in which the child is enrolled or the last school in which the child was enrolled" must be included in the court report, Wis. Stat. sec. 48.33(1)(e) and (4) and 938.33(1)(e) and (4).

The court identifies the agency who prepares the court report and the permanency plan, usually the county human services agency or tribal social services agency. Human/social services agencies may invite school personnel to participate in the child and family team meetings to bring together all important individuals in the family's life. This is an opportunity for school staff to provide input into the child's treatment and permanency plans. Before disclosing education records, the school must obtain consent to release the information or be explicitly authorized by law to release the information without consent. See Question #43 for more information.

**40. How can human/social services agencies and schools work together to help students living in foster care successfully transition to adulthood?**

Many schools in Wisconsin are establishing and implementing the Wisconsin Comprehensive School Counseling Model. One of the critical features of this model involves conferences in middle and high school with individual students and their parents. The purpose of these conferences is to discuss the student's career plans and what educational experiences will help that student explore and reach that career objective. Provided the school has obtained the required consent from the parent or guardian, schools should invite caseworkers and, as appropriate, the child's parents and foster parents to participate in these conferences.

Individualized Education Programs (IEPs) for students with disabilities, aged 14 years old and older, must contain a transition plan. The transition plan must include appropriate measurable postsecondary goals based on age appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills. Transition services (including a course of study) needed to assist the student in reaching the stated goals are also required. Agencies providing or paying for transition services must be invited to the student's IEP meeting if the parent or adult student consents, 34 C.F.R. 300.320(b), 34 C.F.R. 300.321(b), Wis. Stat. sec. 115.787(2)(g). In addition, students with disabilities may be eligible for vocational services through the Division of Vocational Rehabilitation (DVR) as they complete high school and enter the workforce or continuing education.

The child's agency caseworker coordinates the youth's Independent Living Transition Plan, which addresses a child's movement from foster care to independence. Areas addressed in the plan include, but are not limited to, education, financial self-sufficiency, employment, safe and stable housing, career planning, employment, and knowledge of community resources.

Collaboration among different providers of transition services is recommended to avoid conflicting goals or duplication of services in two or more plans.

#### **41. How can we avoid stigmatizing youth living in foster care in the school system?**

Avoiding the stigma of foster care begins with the understanding that children living in foster care are students who, due to certain circumstances, have been removed from their homes. Placement in foster care does not mean that the child has done anything wrong, nor does it allow one to infer anything specific about the circumstances or challenges that the child's family may be facing. Schools can dispel misconceptions by designating an individual as a liaison to child welfare agencies who can then be a knowledgeable voice within the school and community. This role is best filled by an individual who understands the child welfare system and is comfortable interacting with children and families experiencing challenges in their lives.

Children in foster care often report embarrassment or express concerns that exposing details of their private lives will make them feel marginalized, so it is important for the school to respect this concern and maintain appropriate confidentiality. These students can be unnecessarily singled out if proactive steps are not taken to ensure that permission is obtained for field trips and other special events.

In addition to a child's own sensitivities about his/her circumstances, there are often practical barriers to children fully integrating into the school-community, such as challenges to participating in extracurricular activities, frequent absences from school due to therapy, court, etc., and complications in the channels of communication. To help alleviate some of these barriers, school liaisons serve as a central point of contact to maintain communications with the child's caseworker, foster parents, and family.

## **Records & Confidentiality**

#### **42. What information may social services agencies share with school districts, foster parents, parents, and other service agencies?**

Wis. Stat. sec. 48.396, 48.78, 48.981(7), 938.396, and 938.78 are fairly specific about the types of information that may be shared with these agencies or individuals. There are also significant differences in the social services agency's ability to share information with these different groups. Current laws allow the following:

*Schools* – Under state statutes, information from a child's social service record, except as otherwise provided by law, may be shared on a confidential basis with school officials. Public schools must keep the information confidential pursuant to Wis. Stat. sec. 118.125. Private schools must keep this information confidential in the same manner pursuant to Wis. Stat. sec. 48.78(2)(b) and 938.78(2)(b). Both social services and school representatives are encouraged to obtain consent to allow the child's progress in school to be shared with foster parents and appropriate representatives of the social services agency. If the child's parent refuses to sign consent for information to be shared by the school with the social services agency, the social services agency may seek a court order to allow the disclosure of pupil records, Wis. Stat. sec. 938.78(2)(b)2. Schools must make a reasonable effort to notify the parent or guardian before disclosing the records.

Note – Federal law requires a release form to include the following information in order for a public school to share pupil records: name of the student whose record is being released, the records that may be disclosed, the purpose of the disclosure, and the party to



whom the disclosure will be made. The release form must be signed by the parent, 34 C.F.R. 99.30.

*Foster Parents* – Social services agencies must provide a significant amount of information to foster parents. Wis. Stat. sec. 48.371 and Wis. Admin. Code sec. DCF 37 specifically indicate what information must be shared with foster parents, treatment foster parents, family-operated group home parents, and other court-ordered physical custodians, including the results of any HIV and hepatitis B tests.

*Parents* – In most cases, there is a free flow of information between social services agencies and the child's parents or guardian. The only restrictions generally occur as the result of a court order and would relate to some limitation on the rights of the child's parent. The identity of the person who reported any alleged abuse or neglect may not be released to the parents under Wis. Stat. sec. 48.981(7).

*Other Social Services Agencies* – Depending on the agencies involved and the confidentiality laws that apply to each agency's information, there may be a flow of information between social services agencies that have either the child or his or her parents as clients.

**43. Who may review the child's education records? What are the procedures that need to be followed? What are the current requirements regarding the exchange of information about a child? May school records be shared with foster parents? How may schools communicate information about a child to foster parents?**

Pupil records mean all records maintained by the school, but do not include notes or records used by a licensed school staff person if such notes or records are not shared with any other person. Pupil records also do not include records necessary for, and available only to, persons involved in psychological treatment of the child or law enforcement unit records, Wis. Stat. sec. 118.125(1)(d). Pupil records are kept confidential pursuant to Wis. Stat. sec. 118.125 and the Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g.

- Behavioral records include a pupil's psychological tests, personality evaluations, records of conversations, any written statement relating to a child's behavior, tests of achievement or abilities, pupil physical health records other than those pertaining to immunization or lead screening records, law enforcement records, and any other records that are not progress records.
- Progress records include a pupil's grades, statement of courses taken, attendance record, immunization record, lead screening record, and record of the extracurricular activities in which the pupil has been involved.
- Pupil physical health care records include basic health information, immunization records, an emergency medical card, a log of first aid and medicine administered, an athletic permit card, a record of the student's ability to participate in an education program, lead screening records, the results of any routine screening test (hearing, vision, scoliosis), and any follow-up to such test.
- Patient health care records include any record that relates to a student's health that is not a pupil physical health care record.

For additional or more complete information, please refer to Wis. Stat. sec. 118.125.

School records may be shared with foster parents and human/social services agencies, if the parent or guardian gives written permission to do so or a court orders such release, as

authorized by Wis. Stat. sec. 118.125. Obtaining this permission allows the school district to communicate with the foster parent and agency staff at the same time as it communicates with the parent or guardian.

Wis. Stat. sec. 118.125 and the Family Educational Rights and Privacy Act (FERPA) do not authorize release of records to social services agencies without written consent or a court order. However, the county social services agency is required to access education records as part of its supervision of a child living in foster care, Wis. Stat. sec. 48.38 and 938.38. Consequently, it is important that written permission from the parent, guardian or surrogate parent or a court order allowing social services access to a student's educational records be obtained at the beginning of the supervision period.

More information about pupil records and how they can be shared with others is available:

- *Student Records and Confidentiality* - <http://www.dpi.wi.gov/sspw/srconfid03.html>
- *Sharing Information Across Systems* - <http://www.dpi.wi.gov/sspw/sharing.html>

#### **44. What information is most important for educators to have when a student transfers into a district?**

Just because a student resides in foster care does not mean the school needs to know the details of the child's life. There are three types of information that educators must have when a student transfers into a district, regardless of whether a student is living with his or her parents or in foster care.

- The school needs to know the child's address and the responsible party for educational matters. If someone other than the parent is to make educational decisions for the student, the school should ensure that person has the explicit approval from the parent or from a court to serve in that capacity.
- The school must have all the educational information documenting what school services the student needs. This information is forwarded to the school through normal educational channels. If the social services caseworker knows this information and the child's education records have not arrived, sharing the information as soon as possible is helpful to the student. Regardless of when education records are available, the school district must enroll the child and provide educational services immediately. See Questions #25, 26, and 27.
- The school needs to have information that pertains to the student's safety and the safety of others. For instance, if the child has uncontrolled seizures and needs medication or the student is liable to become violent and harm someone or the child is depressed and suicidal, that information must be shared with appropriate school staff. In addition, the school should be notified if there are any contact restrictions or reasons to be concerned about persons having contact with the child at the school (e.g., No Contact Orders or restricted Family Interaction Plans).

#### **45. How can education records be transferred in a timely manner?**

If movement of a child from one district to another is anticipated, a school district should be informed so it can forward the material immediately when the move actually occurs. An alternative would be to have the parent or guardian request a copy of the records and provide that information to the receiving district. Wis. Stat. sec. 118.125(4) requires that a school

district transfer to another school or school district all pupil records relating to a specific pupil within five working days after the school district receives written notice from:

- the adult pupil, parent, or guardian that the pupil intends to enroll in another school or school district,
- the other school or school district that the pupil has enrolled, or
- a court that the pupil has been placed in a juvenile correctional facility or a secured residential care center for children and youth.

**46. Is a residential facility that has been providing educational services to a youth, who has now enrolled in a public school, required to forward the student's educational records to the public school once the facility has received notice the student has enrolled in the public school?**

Yes, if the residential facility is a juvenile correctional facility, a secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled. Wis. Stat. sec. 118.125(4) requires that educational records be forwarded within five working days upon receiving written notice from the receiving school district that the student has enrolled or from the adult pupil, parent, or guardian that the pupil intends to enroll in another school district.

## **Funding**

**47. Do school districts receive any financial aid for serving children in foster care?**

Wis. Stat. sec. 121.79 requires the state to pay tuition for students who reside in foster or group homes located outside the school district in which the student's parent or guardian resides, but only when these homes are located on tax exempt property under Wis. Stat. sec. 70.11. The amount of tuition is calculated on the daily cost per student incurred by the school district that provides the service, multiplied by the number of school days the pupil was enrolled. The present statutes require the Department of Public Instruction (DPI) to reimburse school districts for 100% of prior year costs, after federal and state aids have been deducted.

**48. How can differences between the schools and the social services agencies be resolved in areas such as treatment plans and fiscal responsibility?**

Each of the two systems has a set of rules and regulations that govern their respective operations. Foster care provides for the basic maintenance for youth living in foster care. It does not provide for educational costs. If a school district pays for an activity for other students, it should pay for that same expense for a child living in foster care. If a parent pays for the expense, such as a field trip or athletic fee, the foster care payment may cover that cost. Foster parents may also voluntarily choose to pay this cost out of their own pocket, but they are not required to do so. In some situations, the child's parents may be willing and able to pay this cost, so the situation should be discussed with the social services agency. Youth who are living in foster care under a court order are generally considered a family of one for the purposes of qualifying for free or reduced meals. For miscellaneous costs, some districts or agencies maintain a special fund to meet these needs. Larger costs that are necessary for the child's health and safety, such as medical care or equipment, are covered by various social services-related programs. Human/social services agencies are familiar with the

appropriate funding resources and limitations, so schools may consult with them to determine fiscal responsibility in individual cases.

Treatment decisions for medical or psycho-social planning are primarily under the jurisdiction of the social services agency. Districts often have critical information that can influence how treatment plans are developed or implemented, but the county agency generally has the legal responsibility to make the appropriate decisions. In the case of a dispute, the school may advocate for a different or modified approach by first seeking a conference with administrative staff of the social services agency. If that is not satisfactory, the district may contact the appropriate DCF Division of Safety and Permanence regional office. Educational decisions that may have a bearing on the treatment plans of the social services agency are under the jurisdiction of the school district and may also be discussed in conference with social services agency administrative staff to resolve difficulties.

In either case, it is in the best interests of students living in foster care for the educational and treatment plans to be balanced and coordinated and the agencies involved to cooperate to ensure effective social and educational programs. Other efforts such as immediate notification when significant changes occur in either program may also be utilized to prevent misunderstanding and facilitate communication.

## **Attendance and Student Discipline**

### **49. Who determines if an absence is excused?**

Under Wis. Stat. sec. 118.16(4)(a), the school board establishes a written policy specifying the reasons for which pupils may be permitted to be absent from school. However, Wis. Stat. sec. 118.15(3)(c) provides in part that compulsory attendance does not apply to any child excused in writing by his parent or guardian before the absence. A child may not be excused for more than 10 days in a school year under this provision.

### **50. What is truancy and habitual truancy?**

A student is considered truant if he or she is absent without an acceptable excuse for all or part of one or more days during which school is held. A student qualifies as habitually truant when he or she is absent without an acceptable excuse for all or part of five or more days in a school semester, Wis. Stat. sec. 118.16(1)(a) and (c).

More information about compulsory school attendance can be found in the Department of Public Instruction publication *Answers to Frequently Asked Compulsory School Attendance Questions* available at <http://www.dpi.wi.gov/sspw/pdf/schlattendqa.pdf>.

### **51. May a school use corporal punishment as a form of student discipline?**

No. Wis. Stat. sec. 118.31 prohibits public schools from using corporal punishment as a form of discipline. However, the statute allows use of necessary and reasonable force under specific circumstances:

- to control a disturbance or prevent an act that threatens physical injury to any person,
- to get a weapon or other dangerous object from a student,
- for self-defense or the defense of others,
- for the protection of property,
- to remove a disruptive student,

- to prevent a student from self-injury, and
- to protect the safety of others.

In addition, a school employee may use incidental, minor, or reasonable physical contact designed to maintain order and control. School districts are required to have a policy that allows school employees to use reasonable and necessary force for the purposes listed above.

## **52. Are there any statutes that govern the personal privacy of students?**

Yes. Wis. Stat. sec. 118.32 prohibits school employees, officials, or agents from conducting a strip search of any student. Wis. Stat. sec. 118.325 allows a school employee, official, or agent to search a student's locker without the consent or notification of the student or obtaining a search warrant, as long as the school has a written policy specifying, 1) the school retains ownership and control of student lockers, 2) who may search lockers, and 3) students have received a copy of the policy. When a student turns 18 years old, all rights related to pupil records transfer from the parent or guardian to the student, 34 C.F.R. 99.5.

## **53. What is the school district's authority to suspend a student?**

The authority of a school district to suspend a student is found under Wis. Stat. sec. 120.13(1)(b)2. and (bm). Special requirements apply to suspensions of children with disabilities. More information is available in *Special Education in Plain Language* at <http://www.specialed.us/pl-07/pl07-index.html>. See Question #57.

A student may be suspended for not more than five days or, if a notice of expulsion hearing has been sent, for not more than 15 consecutive school days. The law permits a school district administrator, or any principal or teacher designated by the school district administrator, to suspend a student for:

- disobeying school rules;
- conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by explosives;
- conduct while at school or under the supervision of a school authority which endangers the property, health, or safety of others; and
- conduct while not at school or while not under the supervision of school authority which endangers the property, health, or safety of others at school or under the supervision of a school authority or endangers the property, health, or safety of any employee or school board member in the student's district.

For purposes of suspension and expulsion, conduct that endangers a person or property includes making a threat to the health or safety of a person or a threat to damage property. The law requires suspension if the student possessed a firearm while at school or under the supervision of the school authority.

For additional information regarding student suspension, refer to *Answers to Frequently Asked School Discipline Questions* at <http://www.dpi.wi.gov/sspw/pdf/schldscplnqa.pdf>.

## **54. What is the school district's authority to expel a student?**

The authority of a school district to expel a student is found under Wis. Stat. sec. 120.13(1)(c) and, for Milwaukee only, under Wis. Stat. sec. 119.25. Special requirements apply to expulsions of children with disabilities. See Question #56. More information is

available in *Special Education in Plain Language* at <http://www.specialed.us/pl-07/pl07-index.html>. See Question #57.

A student may be expelled from school for:

- repeated refusal or neglect to obey school rules;
- threatening to destroy school property by explosives;
- engaging in conduct while at school or under the supervision of a school authority which endangered the property, health, or safety of others; and
- conduct while not at school or while not under the supervision of school authority which endangered the property, health, or safety of others at school or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member in the student's district.

For purposes of expulsion and suspension, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property. In addition, the school board may expel a student who is at least 16 years of age if the school board finds that the student repeatedly engaged in conduct while at school or while under the supervision of school authorities that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority.

Finally, a school board is required to commence proceedings and expel a student for at least one calendar year for possession of a firearm at school or under the supervision of a school authority. The board may, however, modify this requirement on a case-by-case basis. For additional information regarding student expulsion, refer to *Answers to Frequently Asked School Discipline Questions* at <http://www.dpi.wi.gov/sspw/pdf/schldscplnqa.pdf>.

#### **55. What kind of educational services are available to students who have been expelled from school?**

When a student is expelled from a Wisconsin public school, no Wisconsin school district is required to provide educational services for the period of the expulsion, Wis. Stat. sec. 120.13(1)(c). School districts may elect to provide educational services to expelled students. However, what kinds of services are provided, how often, by whom, etc., are at the discretion of the school district. If the school district chooses not to provide educational services, then the parent is responsible for finding or providing educational services to the student.

Information for parents of expelled students is available at <http://www.dpi.wi.gov/sspw/pdf/expulbro.pdf>.

Virtual schools are an alternative for students who have been expelled, as they allow the student to continue in his or her course of study, while complying with the expulsion order to avoid school buildings and grounds. More information about virtual schools can be found at <http://dpi.wi.gov/imt/onlinevir.html>.

Child welfare agencies are required by federal law to ensure that all children living in foster care are enrolled and attend a full-time educational program. Even when a child is expelled from public schools, children living in foster care are required to participate in a full-time educational program. The child's family, foster family, and ultimately the child welfare agency are responsible for ensuring the continued educational programming for these children. Since child welfare agency staff are typically not experts in educational

programming, the school district may help the child welfare agency to fulfill its educational responsibility to the child by assisting the child's family, foster family, and child welfare agency in making alternative arrangements for the child's educational programming for the period of time the youth is expelled from public schools.

For more information about advocating for a foster child in the school setting see:

- <http://www.wifostercareandadoption.org/library/519/IEP.pdf>
- <http://www.wifostercareandadoption.org/library/522/TransitioningSchools.pdf>

**56. How should a school district address inappropriate behavior by a child with a disability?**

The district should hold an IEP team meeting to review the child's IEP and placement to determine whether they continue to be appropriate. The IEP team participants should determine whether the child's behavior is impeding his or her learning or the learning of others. If so, the team must consider positive behavioral interventions, strategies, and supports to address the behavior. The team should consider whether a functional behavioral assessment is appropriate to assist in the development of such strategies. The team should consider whether re-evaluation of the child by an IEP team may be needed to determine whether the child has other impairments or educational needs. A child with any type of disability may present behavior that impedes learning and requires positive behavioral interventions, strategies, and supports.

**57. For a student with an IEP, what must a school district do when a removal will result in a change of educational (not foster care) placement?**

When a disciplinary removal will result in a change of educational placement or because the removal exceeds ten consecutive school days, or the removal creates a pattern that results in a change in educational placement, the local education agency (LEA) must do the following:

Note – On the date the decision is made to initiate a removal which constitutes a change in placement, the child's parents must be notified of the decision and must be provided a procedural safeguards notice (statement of parent and child rights).

*Manifestation determination*

- Within ten school days after the date on which the decision to change the child's placement is made, the public agency, the parent and relevant members of the IEP team must determine whether the conduct is a manifestation of the child's disability. In making the determination, all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents, must be reviewed.
- The conduct must be determined to be a manifestation of the child's disability if:
  - The conduct was caused by, or had a direct and substantial relationship to, the child's disability; or,
  - The conduct was the direct result of the agency's failure to implement the IEP.
- The local education agency (LEA) must take immediate steps to remedy a failure to implement the IEP. A parent of a child with a disability who disagrees with any decision regarding the manifestation determination may request an expedited due process hearing.

- Except where a student is disciplined for behavior involving weapons, drugs or serious bodily harm, if the behavior is determined to be a manifestation of the child's disability, the IEP team must return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.
- If the behavior is determined not to be a manifestation of the child's disability, the LEA may remove the child to the same extent it would remove a child who does not have a disability.

*Functional Behavioral Assessments (FBAs) and Behavior Intervention Plans (BIPS)*

- If the behavior is a manifestation of the child's disability and the child already has a behavior intervention plan, the IEP team must meet to review the plan and its implementation. The IEP team must modify the plan and its implementation, if necessary, to address the child's behavior. If the child does not have a behavior intervention plan, the IEP team must conduct a functional behavioral assessment and implement a behavioral intervention plan for the child.
- If the behavior is not a manifestation of the child's disability the child must receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

*Services* – When the behavior is determined not to be a manifestation of the child's disability, the LEA may proceed with the change in placement. The LEA must provide educational services, as determined by the IEP team, to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. Participation in the general curriculum does not mean that a school or district must replicate every aspect of the services that a child would receive if in his or her classroom.

For more information about disciplining students with disabilities, refer to DPI Bulletin 06.02 at <http://www.dpi.wi.gov/sped/bul06-02.html>.

## **Students Who Are Homeless**

### **58. Under what circumstances are children and youth considered “homeless” under the McKinney-Vento Homeless Education Assistance Act?**

Under Section 725 of the McKinney-Vento Act, a child or youth is considered homeless if the child or youth "lacks a fixed, regular and adequate night-time residence." The term includes children and youth who:

- share the housing of other persons due to the loss of housing, economic hardship, or a similar reason;
- are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- are living in emergency or transitional shelters;
- are abandoned in hospitals;
- are awaiting foster care placement;



- have a primary night-time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

Migratory children living in circumstances described above qualify as homeless under the McKinney-Vento Act.

**59. Under what circumstances would a child or youth, being served through the child welfare system, qualify as being "homeless" under the McKinney-Vento Homeless Education Assistance Act?**

Homeless identification under the McKinney-Vento Act is determined on a case-by-case basis. Children and youth who are already in foster care are usually not considered homeless. However, there are some general circumstances under Section 725(B)(i) of the McKinney-Vento Act in which a child or youth, being served through the child welfare system, may qualify as being homeless while "waiting foster care placement." These circumstances include a child or youth:

- living in a shelter;
- living in an emergency, interim, or short-term foster home;
- placed in a group home or residential placement that is not intended to be long-term;
- placed in an evaluation center or other placement for the sole purpose of evaluation; and
- aging out of the foster care system (turning 18 years of age), who has not graduated from high school, and will no longer have permanent housing upon reaching 18 years of age.

Placements not usually covered under the McKinney-Vento Act include:

- long-term foster homes,
- pre-adoptive homes,
- long-term kinship care, and
- group homes and residential placements, if a determination has been made that the placement is appropriate and long-term.

**60. Does the McKinney-Vento Homeless Education Assistance Act apply to private schools?**

No. The McKinney-Vento Act applies only to public school districts.

**61. What services do public school districts provide to a child who is considered "homeless" under the McKinney-Vento Homeless Education Assistance Act?**

Public school districts are required, according to the child's or youth's best interest to:

- continue the child's or youth's education in the school of origin for the duration of the homelessness;
  - in any case in which a family becomes homeless between academic years or during an academic year; or
  - for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

Schedule B of Title VII of the federal McKinney-Vento Homeless Education Assistance Act requires public schools to ensure children and youth experiencing homelessness are provided comparable services to those other students receive including:

- transportation services;
- educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- programs in vocational and technical education;
- programs for gifted and talented students; and
- school nutrition programs.

**62. How long is a student entitled to services under the McKinney-Vento Homeless Education Assistance Act?**

Any child or youth who is under 21 years of age, attending school, and becomes homeless before obtaining a high school diploma qualifies for services under the McKinney-Vento Act. Children and youth who are awaiting foster care placement are considered “homeless” until a long-term foster care placement is made. Consequently, in most instances, this is a brief period of time.

Once a child or youth is placed in foster care, all free services may be discontinued by the public school district, except for school meals. Once a student is designated as being “homeless,” the student is eligible for free school meals until the end of the school year in which the student was designated as homeless. The student also has the right to continue attending the same school no matter where the student is residing, but the parent/guardian or youth is responsible for transportation costs.

**63. Where is more information on the McKinney-Vento Homeless Education Assistance Act available?**

Additional information about the McKinney-Vento Homeless Assistance Act is available at <http://www.dpi.wi.gov/homeless/>.

**64. What resources exist for a foster youth who becomes homeless upon discharge after age 18 and has not yet completed high school?**

Court orders continue the placement of a child in foster care for a specified length of time not to exceed the date on which the child reaches 18 years of age. Orders may be extended if the youth is a full-time student at a secondary school or its vocational/technical equivalent and is reasonably expected to complete the program before reaching 19 years of age.

If it is expected that a youth may not be on track to graduate and is at risk of becoming homeless at age 18, it is advised that a referral to the school district’s homeless liaison be made prior to the youth’s senior year in high school. This referral can be made by anyone concerned with the child’s welfare, including the caseworker, foster parent, parent, any school district official, or the youth himself or herself. See Questions #32, 33, 34, and 40 for more information.

**65. What steps should a school district take if presented with an unaccompanied youth?**

When a public school becomes aware that a pupil is without a parent or guardian, the school is to notify the county department of social or human services, Wis. Stat. sec. 118.175. This requirement does not apply to any pupil who has a legal guardian or is cared for by a kinship care relative, as defined in state statute, Wis. Stat. sec. 48.02(11), 938.02(11), and 48.57(3m)(a)2. The school district's homeless liaison should also be notified, as it is this person's responsibility to ensure unaccompanied children and youth are identified by school personnel and through coordination by other entities and agencies. The liaison is responsible for enrolling youth in school and helping them succeed in school.

## **Transportation**

**66. Who provides transportation for children to and from school? Is there a maximum time or distance for a child to be transported?**

A pupil attending a public elementary or secondary school, including four- and five-year-old kindergarten, is entitled to transportation by the public school district in which the pupil resides if the pupil resides two or more miles from the nearest public school the pupil is entitled to attend. A pupil attending a private elementary or high school, including four- and five-year-old kindergarten in Wisconsin, is entitled to transportation provided by the public school district in which the student resides, if:

- the pupil resides two miles or more from the private school he or she attends;
- the pupil resides within the private school's approved attendance area; and
- the private school is located within the boundaries of the pupil's resident school district or not more than five miles beyond the boundaries of the school district measured along the usually traveled route.

A school district may adopt a policy to provide transportation to children living less than two miles from the school they attend. There is no established limit for the duration of the bus ride.

Generally, the school district of residence is not responsible for transportation beyond the school district's boundaries, unless the student is considered "homeless" under the McKinney-Vento Homeless Education Assistance Act. The Department of Public Instruction has suggested that inter-district cooperation may be appropriate to provide transportation. However, the law does not clearly define transportation rights and responsibilities in this area.

**67. May students receive free transportation to the public school they were attending before being placed in foster care?**

Under the McKinney-Vento Homeless Education Assistance Act, any student who is identified as being homeless may receive transportation, when requested by a parent, guardian, or unaccompanied youth, to the public school the child or youth was attending before becoming homeless, or the last school attended—the "school of origin." While a child is awaiting long-term foster placement and qualifies as "homeless," the family, student, or agency may request that the public school district provide transportation to allow the student to continue attending their school of origin. However, once the child or youth is placed in

long-term foster care, the student is no longer considered “homeless” under the McKinney-Vento Act and becomes ineligible for these transportation services.

**68. May child welfare agencies partner with public school districts to arrange transportation to allow a student in foster care to remain in her/his school of origin?**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 11—351, Fostering Connections Act) requires child welfare agencies to include “a plan for ensuring the educational stability while in foster care” in every child’s case plan. Part of this plan may include determining the most effective way to provide transportation to the child’s school of origin if the child has been placed outside of his or her school of origin. The Fostering Connections Act increases the amount of federal funding available to cover education-related transportation costs for children in foster care if they are able to be maintained in their school of origin when they are placed in a foster home that would require them to attend a different school. Child welfare agencies and school districts may work together when this issue arises to determine payment arrangements given a particular child’s situation. See Question #67 for more information.

## **Special Education**

**69. Where might one find basic resources for foster parents and social services agencies to better understand the special education process for children with disabilities— evaluation, initial provision of special education services, and reevaluation?**

There are extensive resources especially for parents located at <http://dpi.wi.gov/sped/hmparents.html>. This webpage has links to several documents, including *Special Education in Plain Language*, that explain the Individualized Education Program (IEP) process. Parents and others can also access the DPI Special Education Topical Index at <http://dpi.wi.gov/sped/tm-specedtopics.html>. Persons having specific questions regarding special education for children in foster placements may also contact the DPI Special Education Team at (608) 266-1781.

**70. What is the responsible local educational agency (LEA) for a child with a disability who resides in a foster care?**

The child’s LEA is the school district in which the child resides, whether the child resides with his or her parents or in a foster home. See Question #20 for more information.

**71. Who has the legal authority to grant written consent to evaluate a child for a suspected disability, to initiate special education and related services, or to consent to a reevaluation?**

The child’s “parent” must consent to evaluate a child for a suspected disability, to initiate special education and related services, or to reevaluate a child with a disability. All notices relating to these processes are sent to the “parent,” the “person acting as a parent,” or the “surrogate parent.” A foster parent does not have the legal authority to provide written consent, unless the LEA determines that the foster parent is a “person acting as a parent” under the law, or the LEA assigns the foster parent as a “surrogate parent” to provide written consent.

## 72. Who is a “parent” of a child with a disability?

The term “parent” includes:

- a biological parent;
- a husband who has consented to the artificial insemination of his wife under Wis. Stat. sec. 891.40;
- a male who has been adjudicated the child’s father under subch. VIII of ch. 48, under subch. IX of ch. 767, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state;
- an adoptive parent;
- a legal guardian;
- a person acting as a parent of a child (see Question #73);
- a person appointed as a sustaining parent under Wis. Stat. sec. 48.428;
- a person assigned as a surrogate parent under Wis. Stat. sec. 115.792(1)(a)2. (see Questions #74-76);
- a foster parent, if certain conditions are satisfied (see Question #73), Wis. Stat. sec. 115.76(12)(a).

The term “parent” does not include:

- any person whose parental rights have been terminated;
- the state or county or a child welfare agency, if a child was made a ward of the state or a county or child welfare agency under Ch. 54 Wis. Stat. or if a child has been placed in the legal custody or guardianship of the state or a county or a child welfare agency under Ch. 48 or Ch. 767;
- an American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency, Wis. Stat. sec. 115.76(12)(b).

## 73. Who is a “person acting as a parent?”

A “person acting as a parent of a child” may be a relative of the child or a private individual selected by the child’s biological or adoptive parents or guardian. It may include the child’s grandparents, neighbor, friend, or a private individual caring for the child with the explicit written approval of the child’s biological or adoptive parents or guardian. It does not include any person who receives public funds to care for the child, if the funds exceed the cost of the child’s care.

Generally, a foster parent cannot serve as a “person acting as a parent” for the purpose of parental consent for special education. However, under certain circumstances, the LEA may determine that a foster parent has the rights and responsibilities of a “parent” under special education law. A county social or human services department has no authority to do so. The LEA may determine that any person, including a foster parent, is a “person acting as a parent” and has the rights and responsibilities of a “parent” if the LEA determines all of the following:

- the right and responsibility of the “parent” (as defined in Question #72) to make educational decisions concerning a child have been extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order;

- there has been an ongoing, long-term parental relationship with the child;
- the person is willing to make the educational decisions that are required of a “parent” under special education law; and
- the person has no interests that would conflict with the interests of the child.

In determining whether a foster parent has such a relationship with the child, the LEA should consult with the caseworker regarding the designation, including such considerations as the amount of time that the child has been in the current foster placement and the anticipated permanency of the placement. Generally, an employment relationship between the foster parents and the agency responsible for the child’s care would create a conflict between the foster parents’ interests and those of the child. Foster parents are not considered employees of the agency responsible for the child’s care simply because they receive payments on behalf of the child to meet the child’s needs.

A form entitled, *Authorization for Foster Parent to Act as a Parent for the Purpose of Special Education*, can be found at <http://dpi.wi.gov/forms/doc/fpar-001.doc>. The Department of Public Instruction recommends the LEA obtain a copy of the court order extinguishing the rights of the child’s parents prior to designating the foster parent as “a person acting as a parent.” An otherwise qualified foster parent may also serve as the child’s “surrogate parent” when appointment of a “surrogate parent” is required.

**74. What is a “surrogate parent” and when is a “surrogate parent” assigned?**

A “surrogate parent” is a person assigned by the LEA to represent a child with a disability in all matters relating to the provision of special education and related services. The LEA shall establish and maintain procedures to ensure that a child’s rights are protected by the assignment of an individual, who shall not be an employee of the department, the LEA, or any other agency that is involved in the education or care of the child, to act as a surrogate for the child’s parents whenever the child’s parents are not known; the LEA cannot, after reasonable efforts, locate the child’s parents; or the child is a ward of the state. For a child who is a ward of the state, a judge overseeing the child’s care may appoint a surrogate for the child’s parents if the surrogate meets the requirements. The LEA may not appoint a “surrogate parent” to circumvent the procedures for obtaining consent for special education evaluation or placement from uncooperative or non-responsive parents.

The Department of Public Instruction recommends that the LEA obtain a copy of the court order relating to the custody of the child prior to denying a biological or adoptive parent the rights of a parent under special education law. A form for the *Assignment of a Surrogate Parent* can be found at <http://dpi.wi.gov/forms/doc/fpar-002.doc>.

**75. Who may be assigned by a local educational agency as a “surrogate parent?”**

Any person meeting the qualifications under 34 C.F.R. §300.519, including a foster parent, may be appointed a “surrogate parent” for a child. The LEA must ensure that a person selected as a “surrogate parent”:

- is not an employee of the Department of Public Instruction, the LEA, or any other agency that is involved in the education or care of the child (this requirement applies to all employees of the agency and not just those working directly with a particular child);
- has no interest that conflicts with the interests of the child he or she represents; and

- has knowledge and skills that ensure adequate representation of the child.

The LEA must make reasonable attempts to locate the student's "parent" and may only appoint a "surrogate parent" if no "parent" can be located. If the "parent" cannot be located, the LEA may appoint as a "surrogate parent" a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the standards above. With regard to these and other qualifications, it is the LEA that determines whether a particular person is qualified. A form for the LEA to document that it has assigned a "surrogate parent" can be found at <http://dpi.wi.gov/forms/doc/fpar-002.doc>.

**76. If the state, the county, or the child welfare agency already has the authority to make educational decisions for a child, why must a "surrogate parent" be assigned?**

While the state, the county, or the child welfare agency may have the general authority to make educational decisions under the terms of a court order, it does not have specific authority under special education law to make decisions regarding the evaluation, initial provision of special education and related services, and/or reevaluation of a child with a disability. Special education law does not recognize the state, the county, or the child welfare agency as the "parent," "person acting as a parent," or "surrogate parent" of a child.

**77. If the court assigns an employee of the Department of Children and Families, a county social services or human services agency, or a tribe as a child's guardian, is that person a parent under special education law?**

If an employee was assigned as the child's guardian because of his or her position with the agency, or if the employee acts as the child's guardian as a part of a position with the agency, then the employee is an agent of the county agency and is not considered a "parent," "person acting as a parent," or "surrogate parent" under special education law.

**78. May a parent object to a decision made by an IEP team that did not include the parent, but included a "person acting as a parent"?**

As long as the parental rights have not been terminated by a court order, a biological or adoptive parent or guardian may assert parental rights under special education law at any time.

**79. What role may the foster parent play in special education decision-making in a case where the parent retains legal rights?**

The LEA ensures that individuals who have the necessary knowledge or special expertise regarding the child participate in IEP team meetings. Such individuals may include the child's foster parents. However, before the child's foster parents are able to participate in an IEP team meeting or exchange information about the child, the child's "parent" with the legal right to grant consent to release education records must give written consent.

# Suggested Practices to Improve Educational Outcomes of Children Living in Foster Care

## Recommendations for School Districts

1. Ensure school principals or designated staff members are forwarded copies of notification from caseworkers as to which children/youth are in foster care.
2. Partner with the child welfare agency, the parent(s), and foster parent(s) to develop an education stability plan. If possible, allow the child to stay in her/his school of origin. The school of origin is defined as the school in which the child is enrolled at the time of foster care placement.
3. Consider these factors when making educational placement decisions:
  - Appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of foster care placement;
  - Desirability of maintaining educational stability for the child;
  - Immediate and appropriate enrollment in a new school if remaining in the school of origin is not in the best interest of the child; and,
  - Determination of the most effective way to provide transportation to the child's school of origin, and how transportation costs will be allocated.
4. Within each school, designate either:
  - a. One staff person to be responsible for all foster care issues, or
  - b. Choose individual staff members to monitor the academic progress of individual students (e.g., school counselor, homeless liaison, school social worker, teacher).
5. Obtain copies of pupil records from the student's previous school district, consistent with Wis. Stat. sec. 118.125(4). Ensure the student receives academic credit, including partial credit, for coursework at the prior school.
6. Notify the county caseworker of the contact information for the district staff member responsible for any students in foster care.
7. Send the caseworker the school schedule of district activities, including parent-teacher conferences.
8. Send the parent, foster parent, and caseworker copies of the school calendar, student handbook, and any other school materials furnished to parents of students enrolled in the school.
9. Ensure the student is provided any and all school services to which the student is entitled, including, but not limited to, alternative education programs and instruction and services for at-risk students, consistent with Wisconsin statutes.
10. Notify the caseworker, parent, and foster parent of any programs that may assist with postsecondary goals, e.g., Talent Incentive Program (TIP), Early Identification Program (EIP), and Gear Up through the Wisconsin Educational Opportunity Program (WEOP).



11. Monitor attendance, academic progress, and credit accrual toward high school graduation. Notify the caseworker, parent, and foster parent of any challenges or difficulties to the extent permitted by law.
12. For students with Individualized Education Programs (IEPs), coordinate transition planning with the caseworker.
13. Ensure any sharing of student information will be consistent with federal and state laws governing pupil records. A release form signed by the parent or a court order is necessary to authorize disclosure, Wis. Stat. sec. 118.125 (2) and the Family Educational Rights and Privacy Act (FERPA) - 34 C.F.R. Part 99.

## **Recommendations for Child Welfare Agencies**

1. Discuss with both the parent and foster parent the importance of:
  - Developing an educational stability plan, as part of the child's case plan, while the child is in foster care.
  - Engaging in school activities, including parent-teacher conferences.
  - Giving authority to the foster parent to authorize the child's participation in school activities not part of the regular school day (e.g., field trips).
2. Consider these factors when making educational placement decisions:
  - Appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;
  - Discussion with the local educational agency of the desirability of maintaining educational stability for the child;
  - Determination of immediate and appropriate enrollment in a new school if remaining in the school of origin is not in the best interest of the child;
  - Determination of the most effective way to provide transportation to the child's school of origin;
  - Arrangements for the foster parent to receive additional federal funding to cover education-related transportation costs for children in their care; and,
  - Need for the child to attend school full-time or complete secondary school.
3. Send copies of notification as to which children/youth are in foster care to the school principal or the building designee, including caseworker contact information. The notification should include who should be contacted for what kind of educational or legal issues.
4. If necessary, assist the school district in obtaining copies of the student's pupil records from the school district previously attended.
5. Notify the parent and foster parent of the school contact person.
6. With the parent and foster parent, meet at least once each semester with a representative of the school (e.g., classroom teacher, school counselor) to review academic progress, including credit accrual toward graduation.
7. Notify the school contact person of any issues or incidents outside of the school day that may affect the school performance of the student.

8. Ensure the youth is provided access to appropriate adult transition services. For youth with Individual Education Plans (IEPs), coordinate transition planning with the school.
9. Ensure any sharing of information will be consistent with federal and state laws that govern disclosure of child welfare records, Wis. Stat. sec. 48.78(2)(b), 48.981(7)(a)17., 938.78(2)(b)1.

## Resources

### National

Legal Center for Foster Care and Education (Legal Center FCE)

<http://www.abanet.org/child/education/>

Blueprint for Change: Education Success for Children in Foster Care

<http://www.abanet.org/child/education/publications/blueprint.html>

Solving the Data Puzzle: A “How To” Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care, published by the Legal Center for Foster Care and Education in the American Bar Association.

<http://www.abanet.org/child/education/publications/dataexchange.html>

National Working Group on Foster Care and Education

<http://www.casey.org/Resources/Initiatives/NationalWorkingGroup/>

Educational Outcomes for Children and Youth in Foster and Out-of-Home Care

<http://www.casey.org/Resources/Publications/EducationalOutcomes.htm>

Chapin Hall at the University of Chicago

<http://www.chapinhall.org/>

The Educational Status of Foster Children

<http://www.chapinhall.org/research/brief/educational-status-foster-children>

Midwest Evaluation of the Adult Functioning of Former Foster Youth

<http://www.chapinhall.org/research/report/school-engagement-and-youth-who-run-away-care>

School Engagement and Youth Who Run Away from Care: The Need for Cross-System Collaboration, published by the Chapin Hall Center for Children at the University of Chicago

<http://www.chapinhall.org/research/rreport/>

Foster Children and Education: How You Can Create a Positive Educational Experience for Foster Children, published by Vera Institute of Justice

<http://www.vera.org/content/foster-children-and-education-how-you-can-create-positive-educational-experience-foster-chil>

Transition: the Passage from Youth to Adulthood, published by The Advocacy Center for Persons with Disabilities, Inc. and Florida’s Children First, Inc.

[http://floridaschildrenfirst.org/pdf/Foster\\_Final\\_Proof.pdf](http://floridaschildrenfirst.org/pdf/Foster_Final_Proof.pdf)

Foster Youth: Tips for Completing the Free Application for Federal Student Aid (FAFSA), published by the National Association of Student Financial Aid Administrators

[http://www.michigan.gov/documents/mistudentaid/FosterYouthfafsa\\_257007\\_7.pdf](http://www.michigan.gov/documents/mistudentaid/FosterYouthfafsa_257007_7.pdf)

### Department of Public Instruction

**Answers to Frequently Asked Compulsory School Attendance Questions.** This document outlines the rights and responsibilities related to attendance in Wisconsin public schools.

<http://www.dpi.wi.gov/sspw/pdf/schlattendqa.pdf>

**Answers to Frequently Asked School Discipline Questions.** This document outlines the rights and responsibilities related to discipline in Wisconsin public schools.

<http://www.dpi.wi.gov/sspw/pdf/schldscplnqa.pdf>

**Confidential Services Available to Youth in Wisconsin.** This document describes the circumstances in which youth may access confidential services independently, according to Wisconsin law.

<http://www.dpi.wi.gov/sspw/confid.html>

**My Child's Been Expelled ... Now What?** This brochure provides information to parents who have a child who has been expelled from a public school.

<http://www.dpi.wi.gov/sspw/pdf/expulbro.pdf>

**Sharing Information Across Systems.** This resource is designed to help local school districts and their community partners develop local policies, procedures, and agreements regarding how they will share information across systems (i.e., law enforcement, the courts and juvenile justice, social services, and health).

<http://www.dpi.wi.gov/sspw/sharing.html>

**Student Records and Confidentiality.** This publication addresses the areas of access and disclosure, maintenance, parents' and students' rights and access, and transfer of records utilizing a question and answer format. Supporting and relevant statutes and documents are cited.

<http://www.dpi.wi.gov/sspw/srconfid03.html>

There are extensive resources related to special education especially for parents located at <http://dpi.wi.gov/sped/hmparents.html>. This webpage has links to several documents that explain the Individualized Education Program (IEP) process. Parents and others can also access the DPI Special Education Topical Index at <http://dpi.wi.gov/sped/tm-spedctopics.html>. Persons having specific questions regarding special education for children in out-of-home placements may also contact the DPI Special Education Team at (608) 266-1781.

## **Department of Children and Families**

**Child Foster Care.** This brochure provides basic information on foster care and is designed primarily for individuals thinking about becoming foster parents. Publication DCF P PFS-488.

[http://dcf.wisconsin.gov/publications/pdf/dcf\\_p\\_pfs0488.pdf](http://dcf.wisconsin.gov/publications/pdf/dcf_p_pfs0488.pdf)

**Foster Parent Handbook.** This is a resource for foster families about fostering in Wisconsin and where additional resources can be found.

[http://dcf.wisconsin.gov/publications/dcf\\_p\\_5000.htm](http://dcf.wisconsin.gov/publications/dcf_p_5000.htm)

**The Foster/Treatment Foster and Family-Operated Group Home Liability Insurance Program.** This brochure describes the liability insurance program available to foster parents whose foster child causes damages or loss to the foster family. Publication PFS-2010.

[http://dcf.wisconsin.gov/publications/pdf/dcf\\_p\\_pfs2010.pdf](http://dcf.wisconsin.gov/publications/pdf/dcf_p_pfs2010.pdf)

**DCF 38: Treatment Foster Home Care for Children.** This is the administrative rule for licensing treatment foster care providers in the State of Wisconsin.

[http://dcf.wisconsin.gov/publications/pdf/dcf\\_p\\_pfs3052.pdf](http://dcf.wisconsin.gov/publications/pdf/dcf_p_pfs3052.pdf)

**DCF 56: Foster Home Care for Children.** This is the administrative rule for licensing foster care providers in the State of Wisconsin. Publication PFS-131.  
[http://dcf.wisconsin.gov/publications/pdf/dcf\\_p\\_pfs0131.pdf](http://dcf.wisconsin.gov/publications/pdf/dcf_p_pfs0131.pdf)

**Understanding the Uniform Foster Care Rate.** This brochure explains the basic maintenance, supplemental, and exceptional foster care rates, the initial clothing allowance, and the process for determining payment amounts. Publication PFS-142.  
<http://dcf.wisconsin.gov/publications/pdf/pfs0042.pdf>

**County contacts to report child abuse and neglect**  
<http://dcf.wisconsin.gov/children/CPS/cpswimap.HTM>

**County contacts for the Child Welfare Complaint Process**  
<http://dcf.wisconsin.gov/children/CoCWComp.pdf>

## **Department of Children and Families Regional Administration Offices**

Should you have questions or concerns regarding a county department of social or human services, please contact the area administrator in the appropriate DCF region office:

Patty Hammes, Southern Region  
1 West Wilson Street  
P.O. Box 639  
Madison, Wisconsin 53707  
(608) 264-6301

Counties served: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Juneau, Lafayette, Richland, Rock, and Sauk.

Audrey Roecker, Western Region  
610 Gibson Street, Suite 2  
Eau Claire, Wisconsin 54701-3687  
(608) 836-5713

Counties served: Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, and Washburn.

Patrick Cork, Northern Region  
P.O. Box 697  
Rhinelander, Wisconsin 54501  
(715) 365-2523

Counties served: Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, and Wood.

Cori McFarlane, Northeastern Region  
200 North Jefferson Street, Suite 411  
Green Bay, Wisconsin 54301  
(920) 448-5341

Counties served: Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago.

Laura Kleber, Southeastern Region  
141 NW Barstow Street  
Waukesha, Wisconsin 53188  
(262) 521-5113

Counties served: Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

## **Other Resources**

Wisconsin Foster Care and Adoption Resource Center

<http://www.wifostercareandadoption.org/>

Child Welfare Services in Wisconsin

Wisconsin Legislative Fiscal Bureau, Informational Paper 52

[http://www.legis.state.wi.us/lfb/Informationalpapers/52\\_child%20welfare%20services%20in%20wisconsin.pdf](http://www.legis.state.wi.us/lfb/Informationalpapers/52_child%20welfare%20services%20in%20wisconsin.pdf)

Wisconsin Transition Action Guide (short version)

[http://dwd.wisconsin.gov/dvr/pdf\\_files/tag\\_short\\_version.pdf](http://dwd.wisconsin.gov/dvr/pdf_files/tag_short_version.pdf)

Department of Children and Families Independent Living Program

<http://dcf.wisconsin.gov/children/IndLiving/index.htm>

## Glossary

### - A -

**Achievement test** means a test that measures what a child has already learned.

**Administrative review** means the review of the child's permanency plan that must be conducted no less frequently than every six months while the child is in out-of-home care. The review is conducted by either the court or a three-person panel designated by the social services agency and appointed by the court (in which case it would be called a "hearing"), Wis. Stat. sec. 48.38(5) and (5m) and 938.38(5) and (5m).

**Adoptive parent** means a parent who has adopted a child in his or her care.

**Alcohol and other drug abuse** means the legal or illegal use of alcohol or other drugs to such an extent that the social, educational, vocational, or intellectual functioning of an individual is adversely affected.

### - B -

**Babysitting** means the care of a child whose parents are not at home and is differentiated from respite care and day care by its short-term and irregular nature.

**Basic maintenance rate** means the monthly reimbursement provided to foster parents for the provision of food, shelter, clothing, basic transportation, and personal needs of a foster child and is based solely on the age of the foster child.

**Behavioral records** means pupil records that include:

- psychological tests;
- personality evaluations;
- records of conversations;
- any written statement relating specifically to an individual pupil's behavior;
- tests relating specifically to achievement or measurement of ability;
- the pupil's physical health records other than immunization records or lead screening records required under Wis. Stat. sec. 254.162;
- law enforcement officers' records obtained under Wis. Stat. sec. 48.396(1) or Wis. Stat. sec. 938.396(1m); and,
- any other pupil records that are not progress records, Wis. Stat. sec. 118.125(1)(a).

**Birth parent** means the biological parent of a child.

**Board** or School Board means the school board or board of education in charge of the schools in a school district.

**Boarding homes** mean homes to care for nonresident students who are receiving special education programs or services, or both, five days a week.

**Bureau of Milwaukee Child Welfare** means the subdivision of the Division of Safety and Permanence in the Department of Children and Families that has responsibility for the provision of child welfare services in Milwaukee County. This bureau assumed this responsibility from the Milwaukee County Department of Human Services effective on January 1, 1998.

**Bureau of Permanence and Out-of-Home Care** means the subdivision of the Division of Safety and Permanence in the State Department of Children and Families that has programmatic responsibility for foster care and other out-of-home care placements, independent living, special needs adoption, adoption search, and child welfare licensing, including group homes, residential treatment centers for children and youth, and private child-placing agencies.

**Bureau of Safety and Well-Being** means the subdivision of the Division of Safety and Permanence in the State Department of Children and Families which has programmatic responsibility for child welfare planning, child protective services (including abuse and neglect), family preservation and support, and domestic violence.

- C -

**Care and maintenance** means the basic services provided to a foster child by a foster parent, Wis. Stat. sec. 48.62.

**Case worker** means the employee of the social/human services agency who has lead responsibility for coordinating services for a child in the care of that social/human services agency.

**Case plan** has the same meaning as “permanency plan.”

**Case plan review** has the same meaning as “administrative review.”

**Chapter 48** means that chapter of the Wisconsin statutes that sets forth the procedures and policies for the operation of the child welfare system. Chapter 48 is also known as the “Children’s Code.”

**Chapter 938** means that chapter of the Wisconsin statutes that sets forth the procedures and policies for the operation of the juvenile justice system. Chapter 938 is also known as the “Juvenile Justice Code.”

**Child** means a person who is less than 18 years of age, except that for the purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “child” does not include a person who has attained 17 years of age. For the purposes of “children with disabilities,” a child means any person who is at least 3 years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, any person who becomes 21 years old during that school term and who has not graduated from high school, Wis. Stat. sec. 48.02(2), 938.02(2), and 115.76(3).

**Child advocate** means an individual who represents the interest of the child in the special education process.

**Child in need of protection or services** means a child for whom the juvenile court can order services and includes a child without parents or guardian; who has been abandoned; who has been sexually or physically abused; whose parents indicate that they are unable to care for or provide necessary special treatment or care for the child; who has been placed for care or adoption illegally; who is receiving inadequate care and the parent is missing, incarcerated, hospitalized, or institutionalized; who is at least age 12 and signs a petition indicating he or she is in need of special care or treatment which the parents are unwilling to provide; who is not receiving necessary care, food, clothing, or medical care so that there is serious endangerment of the child’s physical health and the parent neglects, refuses, or is unable (for reasons other than



poverty) to provide that care or treatment; who is suffering emotional damage evidenced by severe anxiety, depression, withdrawal, or aggression for which the parent is unwilling to provide treatment; who is suffering AODA impairment; or who has not received required immunizations, Wis. Stat. sec. 48.13.

**Child-placing agency** means a child welfare agency licensed to place children in foster care and group foster care and, in some cases, to license foster care and treatment foster care providers and to place children for adoption. A child-placing agency is regulated by Wis. Admin. Code sec. DCF 54, Wis. Stat. sec. 48.60.

**Child welfare agency** means a residential care center for children and youth or a child-placing agency, Wis. Stat. sec. 48.60.

**Child with a disability** means a child who, by reason of any of the following, needs special education and related services:

- Cognitive disabilities,
- Hearing impairments,
- Speech or language impairments,
- Visual impairments,
- Emotional or behavioral disabilities,
- Orthopedic impairments,
- Autism,
- Traumatic brain injury,
- Other health impairments,
- Learning disabilities.

Child with a disability may, at the discretion of the local educational agency and consistent with department rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services, Wis. Stat. sec. 115.76(5)(a) and (b).

**Children's Code** means Chapter 48, Wisconsin Statutes.

**Cooperative Educational Service Agencies (CESA)** mean the 12 cooperative educational service agencies designed to serve educational needs in all areas of Wisconsin by serving as a link both between school districts and between school districts and the state. They are designed to facilitate communication and cooperation among all public and private schools, agencies, and organizations that provide services to pupils. Authorization is provided under Chapter 116, Wisconsin Statutes.

**Counseling services**, under the Individuals with Disabilities Education Act, mean services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

**County agency** means a county Department of Social Services or Department of Human Services, Wis. Stat. sec. 46.215, 46.22, and 46.23.

**Court** means, unless otherwise specified, the court assigned to exercise jurisdiction under Ch. 48 or Ch. 938, Wis. Stat., and is also known as the children's court or juvenile court, Wis. Stat. sec. 48.02(2m) and 938.02(2m).

**Court condition** means any requirement which the court may impose on a child or the child's family as a part of any court disposition or as part of the conditions for the child's return to the parental home if the child has been removed from the home, Wis. Stat. sec. 48.355(2)(b)7., 48.38(4)(g), 938.355(2)(b)7. and 938.38(4)(g).

**Court-ordered placement** means a court disposition implemented by court order under which the child is placed in an out-of-home setting, Wis. Stat. sec. 48.345, 938.34(3) and (10), and 938.345(3) and (10). Approximately 96% of all out-of-home placements are court-ordered.

**Court report** means the report submitted to the court prior to the entering of a dispositional order and which includes the child's social history, the rehabilitation or treatment plan, the services to be provided, the objectives of the plan (including academic, social, and vocational skills), and a plan for the provision of educational services to the child, Wis. Stat. sec. 48.33 and 938.33.

**Custodial parent** means the parent to whom a court has granted legal custody. If it is "joint legal custody," both parents have equal custody rights. If it is "sole legal custody," one parent would have legal custody, Wis. Stat. sec. 48.02(12), 938.02(12), and 767.001(1s), (2), and (6).

**Custody** means either legal custody or physical custody.

- D -

**Day care or child care** means providing for the safety and developmental needs of a child in a group day care center, family day care center, or day camp. Day care must be licensed or certified, Wis. Admin. Code sec. DCF 250, 251, and 252.

**Delinquent** means a juvenile who is between 10 years and 17 years of age who has violated any state or federal criminal law, except as provided in Wis. Stat. sec. 938.17, 938.18, or 938.183, or who has committed contempt of court, Wis. Stat. sec. 938.02(3m).

**Department of Corrections** means the agency of the state created under Wis. Stat. sec. 15.14, and charged, in part, with the powers and duties described at Wis. Stat. sec. 938.48.

**Department of Children and Families (DCF)** means the agency of the state created under Wis. Stat. sec. 15.19 and charged, in part, with the powers and duties described at Wis. Stat. sec. 48.48.

**Department of Human Services (DHS)** means a county department responsible for social services, emotional illness treatment, developmental disabilities services, and other services as defined at Wis. Stat. sec. 46.23. All counties have either a department of human services or a department of social services, although the name of the specific agency may differ (e.g., Department of Health and Human Services).

**Department of Public Instruction (DPI)** means Wisconsin's state education agency, administered by the elected State Superintendent of Public Instruction.

**Department of Social Services (DSS)** means a county department responsible for social services and as defined at Wis. Stat. sec. 46.215 and 46.22. All counties have either a department of human services or a department of social services, although the name of the specific agency may differ (e.g., Department of Health and Human Services).

**Dispositional hearing** means the court hearing at which testimony is provided regarding the needs of a child and at which the court enters a dispositional order, Wis. Stat. sec. 48.335 and 938.335.

**Dispositional order** means the order of the court made at a dispositional hearing regarding services to be provided to a child or juvenile, Wis. Stat. sec. 48.355 and 938.355.

**Division of Long Term Care** means the subdivision of the Department of Health Services responsible for developmental disability and aging and long-term support programs.

**Division of Mental Health and Substance Abuse Services** means the subdivision of the Department of Health Services responsible for programs involving mental health and substance abuse.

**Division of Safety and Permanence** means the subdivision of the Department of Children and Families responsible for, among others, the Bureau of Safety and Well-Being, the Bureau of Permanence and Out-of-Home Care, and the Bureau of Milwaukee Child Welfare.

**Due process hearing** means a proceeding conducted under Wis. Stat. sec. 115.80 by a hearing officer appointed by the State of Wisconsin to resolve a dispute relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education to a child with a disability.

**DCF 37** means the administrative rule promulgated by the DCF for mandating what information must be provided to all physical custodians.

**DCF 38** means the administrative rule promulgated by the DCF for the licensing of treatment foster care.

**DCF 43** means the administrative rule promulgated by the DCF related to the training requirements for case managers and supervisors.

**DCF 51** means the administrative rule promulgated by the DCF relating to the adoption of children with special needs and training for potential adoptive parents.

**DCF 52** means the administrative rule promulgated by the DCF for licensing residential treatment centers for children and youth (previously known as “child caring institutions” or “CCIs”).

**DCF 54** means the administrative rule promulgated by the DCF for licensing child-placing agencies.

**DCF 56** means the administrative rule promulgated by the DCF for licensing foster care for children.

**DCF 57** means the administrative rule promulgated by the DCF for licensing group foster care for children.

**DCF 58** means the administrative rule promulgated by the DCF for administration of the Kinship Care Program.

**DCF 59** means the administrative rule promulgated by the DCF for the licensing of shelter care facilities.

- E -

**Exceptional rate** means that part of the Uniform Foster Care Rate which may be provided to a foster parent if the placement with that foster parent will allow a child to not be placed in a more restrictive setting or will allow a child to leave a more restrictive setting.

- F -

**FERPA** means the Family Educational Rights and Privacy Act, a federal law governing public school maintenance of student records.

**Foster child** means, generally, a child placed for care and maintenance in an out-of-home care placement by the Department of Children and Families, a county agency, a child welfare agency or a circuit or tribal court. Most placements are made by court order but they may also be made via a voluntary placement agreement.

**Foster home** means any facility operated by a person required to be licensed by Wis. Stat. sec. 48.62(1)(a) in which care and maintenance are provided to no more than four children unless all of the children are siblings or up to six children if that will allow the placement of a sibling group, Wis. Stat. sec. 48.02(6), 48.62, and 938.02(6) and Wis. Admin. Code sec. DCF 56.02(12).

**Foster parent** means a person with primary responsibility for the care and supervision of one or more foster children placed in his or her home, Wis. Admin. Code sec. DCF 56.02(13).

**Free Appropriate Public Education (FAPE)** means special education and related services that:

- are provided at public expense, under public supervision and direction, and without charge;
- meet the standards of the Department of Public Instruction and the Individuals with Disabilities Education Act (IDEA);
- include preschool, elementary school, or secondary school education in the state; and
- are provided in conformity with an IEP that meets the requirements of the IDEA.

- G -

**Group home** means any facility operated by a person required to be licensed by the DCF under Wis. Stat. sec. 48.625 for the care and maintenance of five to eight children, Wis. Stat. sec. 48.02(7), 48.625 and 938.02(7) and Wis. Admin. Code sec. DCF 57.

**Guardian** means the person named by the court having the duty and authority of guardianship, Wis. Stat. sec. 48.02(8) and 938.02(8).

**Guardianship** means the duty and authority to make important decisions in matters having a permanent effect on the life and development of a child and the duty to be concerned about a child's general welfare including consent to marriage; enlistment in the armed forces; major medical, psychiatric, and surgical treatment; and obtaining a driver's license, Wis. Stat. sec. 48.023 and Chapter 54.

**Guardian ad litem** means an attorney who represents a child in certain proceedings and who is an advocate for the best interests of the child. The guardian ad litem differs from legal counsel in that the guardian ad litem is not bound by the wishes of his/her client, Wis. Stat. sec. 48.235 and 938.235.

- H -

**Health check** means the medical screening funded by Title XIX of the Social Security Act and which is the program through which foster children are screened for health needs. Foster children are categorically eligible for Title XIX for the payment of health services.

**Hearing officer** means a person appointed by the State of Wisconsin to conduct a due process hearing under Wis. Stat. sec. 115.80.

**Homeless** (under the McKinney-Vento Homeless Education Assistance Act) means an individual who lacks a fixed, regular, and adequate night-time residence. This includes children and youth who:

- share the housing of other persons due to the loss of housing, economic hardship, or a similar reason;
- are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- are living in emergency or transitional shelters;
- are abandoned in hospitals;
- are awaiting foster care placement;
- have a primary night-time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- are migratory children who qualify as homeless because they are living in circumstances described above.

- I -

**Independent Living Assessment** means an assessment for the purpose of assessing life-skills functioning given to youth age 15 years or older who are in foster care.

**Independent living services** mean a series of services designed to assist children in out-of-home care in making a successful transition from that care to independent living, generally when they age out of care, and to assist individuals aged 18-21 who have left care in making a successful transition to independent living.

**Independent Living Transition Plan (ILTP)** means a plan that is developed for every foster care youth over the age of 15 that identifies the youth's life skills development needs and describes how those needs will be met through identified goals and activities. At age 17½ years, the ILTP focuses on the transition to self-sufficiency including housing, employment, permanent connections, referral to community resources, etc., as well as identifying ongoing independent living needs and services to be provided up to age 21.

**Independent student** (for FAFSA purposes) includes youth who are orphans, wards of the court, veterans, graduate students, married, have a dependent, an unaccompanied homeless youth, youth who are in foster care at any time after age of 13, and youth who are emancipated minors or are in legal guardianships as determined by an appropriate court in the individual's state of residence.

**Indian** means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in 1606 of Title 43, 25 USC § 1903(3).

**Indian child** means any unmarried person who is under age 18 and is either, (a) a member of an Indian tribe, or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, 25 USC § 1903(4).

**Indian child's tribe** means, (a) the Indian tribe in which an Indian child is a member or eligible for membership, or (b), in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts, 25 USC §1903(5).

**Indian tribe** means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary (of the Department of the Interior) because of their status as Indians, including any Alaska Native village as defined in section 1602(c) of Title 43, 25 USC § 1903(8).

**Individualized Education Program (IEP)** means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with the law. The document establishes the educational program required for the child.

**Individuals with Disabilities Education Act (IDEA)** means the federal special education law. The act is codified at 20 United States Code (USC) Chapter 33. The implementing regulations are found at 34 Code of Federal Regulations (CFR) Part 300.

- J -

**Juvenile**, for the purposes of the juvenile justice system, means person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “juvenile” does not include a person who has attained 17 years of age, Wis. Stat. sec. 938.02(10m).

**Juvenile justice code** means Chapter 938 of the Wisconsin statutes, which sets forth the procedures and policies for the operation of the juvenile justice system.

**Juvenile in need of protection or services or JIPS** means a juvenile who has been found to be in need of protection and services under Wis. Stat. sec. 938.13 and which includes such youth as habitual truants and habitual runaways, uncontrollable children, and children under age 10 who have committed a delinquent act. For the most part, these children have been known in the past as “status offenders” [i.e., children and youth in violation of laws that apply only to juveniles (e.g., truancy, curfew violations, running away)].

- K -

**Kinship Care** means a program under which a specified relative other than a parent may receive a monthly payment to care for a minor child. The primary eligibility criteria are that there is a child welfare-related need for the placement, that the placement is in the child's best interest, and that the child currently or might in the future come under the jurisdiction of the court as a child or juvenile in need of protection or services. There is no financial eligibility requirement for the program.

**Kinship care relative** means a relative of a child, as defined in Wis. Stat. sec. 48.57(3m)(a) with whom a child is living.

- L -

**Legal custodian** means a person, other than a parent or guardian, or agency to whom legal custody of a child has been transferred by a court but does not include a person who has only physical custody of a child, Wis. Stat. sec. 48.02(11) and 938.02(11).

**Legal custody** means a legal status created by the order of a court, which confers the right and duty to protect, train, and discipline a child, and to provide food, shelter, legal services, education, and ordinary medical and dental care for a child, subject to the rights, duties, and responsibilities of the guardian of the child and subject to any existing parental rights and responsibilities and the provisions of any court order, Wis. Stat. sec. 48.02(12) and 938.02(12).

**License** means a document authorizing an agency or individual to operate a facility or program for which the license is given.

**Licensing agency** means the DCF, a county agency, a tribe, or a child placing agency licensed by the DCF to license foster homes.

**Local Education Agency (LEA)** means:

- a public school district; or
- a state-operated agency that provides instruction or education support services for students in any of grades prekindergarten through 12 or ungraded, including the Department of Children and Families, the Department of Health Services, and the Department of Corrections; or
- an organization administering a charter school, under Wis. Stat. sec. 118.40(2r).

- M -

**McKinney-Vento Homeless Education Assistance Act** means the federal law that requires public school districts to identify, enroll, and provide specific services for children and youth who are defined as being homeless.

**Medical services**, under the Individuals with Disabilities Education Act, mean services provided by a licensed physician. Medical services must be paid by the school district only if they are necessary to determine a child's medically related disability that results in the child's need for special education and related services.

- N -

**Non-custodial parent** means a birth or adoptive parent who has not been granted legal custody of his or her child and whose parental rights are not otherwise terminated, Wis. Stat. sec. 48.02(12) and 767.001(1) and (6).

- O -

**Out-of-home care** means any placement in which the child or youth is living due to a court order or a voluntary placement agreement (i.e., shelter care, the home of a relative other than a parent, foster care, treatment foster care, group foster care, or residential care center for children and youth).

- P -

**Parent** means either a birth parent or an adoptive parent whose adoption of a child has been finalized, Wis. Stat. sec. 48.02(13) and 938.02(13).

**Parent counseling and training**, under the Individuals with Disabilities Education Act, means the process of assisting parents in understanding the special needs of their child, providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP.

**Parental rights** mean all of those rights endowed upon the parent whose parental rights are not terminated.

**Permanency plan** means a plan designed to ensure that a child is reunified with his or her family whenever possible, or that the child quickly attains a placement or home providing long-term stability, Wis. Stat. sec. 48.38(1)(b) and 938.38(1)(b).

**Physical custody** means actual custody of a child, Wis. Stat. sec. 48.02(14) and 938.02(14).

**Psychological services**, under the Individuals with Disabilities Education Act, mean services that include:

- administering psychological and educational tests, and other assessment procedures;
- interpreting assessment results;
- obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
- planning and managing a program of psychological services, including psychological counseling for children and parents; and
- assisting in developing positive behavioral intervention strategies.

**Public agency** (under Chapter 48) means the DCF, a county department of social services or human services, or a tribe.

- R -

**Rehabilitation counseling** means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973.

**Relative** means a person so identified for specific purposes in Wis. Stat. sec. 48.02(15), 49.19(1)(a)2.a., and 938.02.(15).

**Residential care center for children and youth** means a residential facility required to be licensed as a child welfare agency under Wis. Stat. sec. 48.60 that provides treatment and custodial services to children, youth, and young adults ages 18, 19 and 20. Note: These were previously known as child caring institutions or CCIs.



**Respite care** means the temporary and short-term care of a foster child while the child's foster parents are obtaining rest or relief.

- S -

**School health services** mean services provided by a qualified school nurse or other qualified person to a child.

**School of Origin** (under the McKinney-Vento Homeless Education Assistance Act) means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. Under the Fostering Connections to Success and Increasing Adoptions Act, school of origin means the school that the child or youth was attending or last attended prior to the removal from his or her home and placement into out-of-home care.

**Social work services in schools**, under the Individuals with Disabilities Education Act, mean services for children with disabilities, including:

- preparing a social or developmental history;
- group and individual counseling with the child and family;
- working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- assisting in developing positive behavioral intervention strategies.

**Shelter care facility** means a nonsecure place of temporary care and physical custody for children. Shelter care facilities are generally licensed as a shelter care facility under Wis. Stat. sec. 48.66 or 938.22 and Wis. Admin. Code sec. DCF 59 or as a foster or group home, Wis. Stat. sec. 48.02(17) and 938.02(17).

**Special education** means specially designed instruction pursuant to an Individual Education Plan (IEP) in the classroom, the home, or in other settings (including instruction in physical education, speech language pathology services, travel training, and vocational education) at no cost to the parents, consistent with state standards, to meet the unique needs of a child with a disability.

**Supervising agency** means the agency responsible for overseeing the care and maintenance of a child placed in out-of-home care, Wis. Admin. Code sec. DCF 56.02(24).

**Supplemental rate** means that part of the Uniform Foster Care Rate that is made in recognition of the special needs of a foster child, Wis. Stat. sec. 48.62(4) and Wis. Admin. Code sec. DCF 56.09(2).

- T -

**Termination of parental rights** means that, pursuant to a court order, all rights, powers, privileges, immunities, duties, and obligations existing between parent and child are permanently severed, Wis. Stat. sec. 48.40(2).

**Title IV-E** means that section of the federal Social Security Act that provides funding for and places regulations on a state's out-of-home care program.

**Transportation**, for a child with a disability, means travel to and from school and between schools; travel in and around school buildings; and specialized equipment, such as special or adapted buses, lifts, and ramps, if required for the child to benefit from special education. Transportation, for a child or youth in foster care, can include a child with a disability, but also includes travel to and from the school of origin to their current out-of-home care placement.

**Treatment foster care** means that type of foster care which is intensive, individualized, and goal-oriented, and which utilizes specially selected and trained foster parents, which is designed to prevent institutionalization, and which is designed for children who have severe physical, mental, medical, alcohol or other drug abuse, cognitive, intellectual, behavioral, developmental, or similar problems, Wis. Admin. Code sec. DCF 38.

**Treatment plan** means the plan for the child that details the treatment and services to be provided to the child and his or her family, and includes the identity of the persons responsible for providing those services, the behavioral and measurable goals and objectives to be met, and the anticipated termination date or other appropriate disposition.

**Tribal court** means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings, 25 USC § 1903(12).

- U -

**Unaccompanied child or youth** means a child or youth not in the physical presence of a parent or guardian.

**Uniform foster care rate** means the system of reimbursement and funding for foster parents, and includes the basic maintenance rate, the supplemental rate, and the exceptional rate, Wis. Stat. sec. 48.64(2) and Wis. Admin. Code sec. DCF 56.

- V -

**Voluntary placement** means the placement of a child in a foster home which is accomplished by voluntary consent of a child's parent, the child (if age 12 or older), the foster parent, and a placing agency and which may not exceed 180 days, Wis. Stat. sec. 48.63(1).