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## MEETING THE EDUCATIONAL NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENTS

### Training Day 1

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## Objectives – Day 1

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- Recognize importance of addressing educational needs of children in out-of-home placements
- Learn to identify and surmount common obstacles children in out-of-home placements face in getting through the school doors
- Understand do's and don't's of information-sharing and effects of same on rapport development and success in advocacy efforts
- Know right questions to ask and role DYFS can play in cross-systems advocacy on general education issues

## BRAINSTORM

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What are some possible adverse effects of child welfare involvement on a child's education?

## RELEVANT DATA

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- More than 50% of school-age children in foster care have been retained at least one year in school. **True**
- 30-50% of youth exit the foster care system without a high school diploma or GED. **True**
- High school drop outs are eight times more likely to be incarcerated. **True**
- High school drop outs are 25 % more likely to be on public assistance. **False (40%)**
- High school drop outs are no more likely to use drugs or be involved in criminal activity than high school graduates. **False**

## RELEVANT DATA cont.

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- 10% of youth formerly in foster care complete a bachelor's degree before the age of 25, compared with 24% of the general population. **False (fewer than 2%)**
- 30% of the nation's homeless adults report foster care history. **True**
- More than 20% of foster youth are homeless at least one night within 1-5 years after exiting foster care system. **True (some studies show up to 60%)**
- The estimated cost to society of one youth who drops out and turns to crime & drugs is \$1.7 to \$2.3 million. **True**

## BRAINSTORM

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What are some possible adverse effects of changing schools on a child?

## Relevant Data

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- Youth in foster care who experience one fewer placement change per year are almost twice as likely to graduate from high school. **True**
- A child who changes schools more than twice is fifty percent more likely to drop out of school. **True**
- School-age children in foster care attend an average of \_\_\_\_\_ different schools by the age of 18. **Nine**
- Every time a child changes a family or foster placement, s/he loses up to \_\_\_\_\_ months of ground. **Six**

## BRAINSTORM

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What are some possible benefits of educational advocacy on behalf of children in out-of-home placements?

## Educational Advocacy – Benefits

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- **Maintain educational stability**
- **Surmount barriers to enrollment, attendance and information-sharing**
  - Reduce enrollment delays
  - Minimize attendance gaps
  - Ensure school records are complete
  - Provide for transfer of full and partial credits
- **Improve educational outcomes**
  - Keep students engaged
  - Access additional supports (e.g. tutoring, gifted and talented programs, extracurricular activities)
  - Transitional and long-term planning
- **Improve chances for permanency**

## BRAINSTORM

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What role can/should a child welfare agency play in the education of children under their care/custody?



## Facilitating the Process

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- **Understand the roles and responsibilities of professionals and agencies involved in child's education**
  - School district
  - Resource parents/group homes
  - DYFS
- **Know where responsibility lies and take it on**
  - Does it cross system/agency lines?
  - Is it vested in one party only?
- **Ensure child protected where responsibility not specifically delineated**

## Getting Through the Front Door

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Common roadblocks:

- Registration
- Attendance
- School Records
- "District of Residence"

### The Case of Marisol

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Marisol, age 10, lived with her mother in Trenton until one month ago when she was removed due to allegations of abuse. She was placed with a non-relative resource parent in Hamilton and it was found in her best interest to change school districts. How does Marisol register for school?

### Registration for School

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DOMICILE defined:

- Domicile of child determines school district
- Domicile for child in out-of-home placement is school district in which child placed by DYFS
- School district in which child is domiciled is responsible for *providing* child with an education (may differ from school district that is responsible for *paying* for child's education)

N.J.A.C. 6A:22-3.1

### Registration for School

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Required Documents to Register Child in Out-of-Home Placement:

- Resource Parent ID Letter (DYFS 5-49), Agency Placement Letter, or Court Order and
- Resource Parent Proof of Residence (e.g. lease, mortgage statement, utility bill, affidavit)

N.J.A.C. 6A:22-3.4

### Timeline for Registration

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School-age children should be registered immediately, and in no event more than 72 hours from the time of out-of-home placement

### Admission into School

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Required Documents for Attendance:

- Immunization Records AND
- Certified copy of child's birth certificate or other proof of identity within 30 days of enrollment

NOTE: non-production of birth certificate cannot be sole reason for denial of admission

\*School records recommended, NOT required for attendance at school

N.J.A.C. 6A:22-4.1 and N.J.S.A. 18A:36-25.1

### DYFS Responsibilities for Registration & Attendance

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DYFS must:

- Ensure all children in out-of-home placements enrolled in school
- Provide updated health record, incl. immunization record, to resource parent/caregiver agency
- Inform biological /adoptive parents of right to be involved in child's education

N.J.A.C. 10:122D-2.6

## Responsibilities – Resource Parents and Caregiver Agencies

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Resource parent/caregiver agency must:

- Register child
- Ensure child attends regularly
- Cooperate with DYFS to ensure child receives educational program
- Ensure child ages 3-5 (but not in K) enrolled in early childhood ed. program
- Ensure preschool age child in environment to stimulate proper development

N.J.A.C. 10:122C-6.3

## Responsibilities – School Districts

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School districts must NOT require any more documentation than provided by law for child in out-of-home placement to register in and attend school

## The Case of Keisha

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Keisha is a thirteen-year-old student in the seventh grade. She attended Shabazz Junior High School until approximately one month ago when allegations of abuse were made against her mother. After visiting Keisha's home, DYFS took temporary custody of her and placed her in a resource home 50 miles away. The closest middle school to her new home is MLK, Jr. Middle, but she has yet to begin attending.

## The Case of Keisha cont.

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- Who are the relevant parties for education purposes?
- What are the responsibilities of the relevant parties with respect to:
  - Registration?
  - Enrollment?
  - Attendance?

## Registration and Attendance – What Role Can You Play?

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- Obtain and compile necessary paperwork
- Ensure resource parent/caregiver agency receives needed paperwork for registration and enrollment purposes
- Educate parents/resource parents/caregiver agencies on “warning bells” may confront
- Confirm child attending school
- Educate biological/adoptive parent re right to be involved in child's education
- Create paper trail where needed

## Registration & Attendance – Red Flags

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- Refusal to register child w/o birth certificate
- Refusal to register child w/o immunization records
- Require custody or guardianship order for registration
- Require SSN or immigration status for registration or attendance
- Require school records for registration or attendance
- Require IEP for registration or attendance
- Require reevaluation of student prior to attendance

## The Case of Marisol

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Marisol transfers from the Trenton school district to the Hamilton school district, where her resource parent lives. Marisol's resource parent is told she cannot be registered in school until Hamilton receives all of her school records. As a result, she is sitting at home. The resource parent tells DYFS to move Marisol because she cannot continue to miss work to watch her.

## School Records

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### Mandated School Records include:

Student indentifying information, grades, health records, attendance records, standardized assessments, special education records

## Responsibilities for School Records – School Districts

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Where child transfers between districts:

- School district into which child is transferring must request child's school records within two weeks of child enrolling in district
- Former school district must forward records (incl. disciplinary records) to new school district within 10 days of receiving request

\*NOTE: CRITICAL ASSUMPTION – new district knows name of district child previously attended

N.J.A.C. 6A:32-7.5

## Responsibilities – School Districts cont.

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- Written consent of parent not required as condition of transfer
- Written notice to parent of school records transfer is required

## Responsibilities - DYFS

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- DYFS must compile educational records for each school-aged child entering out-of-home placement
- DYFS must provide resource parents with child's educational records at time of out-of-home placement and update records upon any placement transfers

N.J.A.C. 10:122D-2.6

## The Case of Marisol

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WHAT CAN YOU DO?

## Confidentiality and Information Sharing

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### RELEVANT LAWS:

CAPTA  
FERPA  
AACWA

## Confidentiality and Information Sharing

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- Child Abuse Prevention and Treatment Act (CAPTA) requires that states enact laws to protect confidentiality of child's foster care records (42 USC 5101)
- Family Educational Rights and Privacy Act (FERPA) governs access to child's educational records and confidentiality parameters for these records (20 USC 1232)
- Adoption Assistance and Child Welfare Act (AACWA) requires child welfare agencies to keep child's education records in his/her child welfare case plan as appropriate (42 USC 675(1)(c))

## Confidentiality and Information Sharing – Disclosure by School Districts

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- School districts must provide DCF with access to a child's school records within 10 days of written request or pursuant to court order
- School records may be withheld from child's parent only if Court Order revokes right to access; only portion of record designated by Order may be withheld

N.J.A.C. 6A:32-7.1, 7.5, 7.6

## Confidentiality and Information Sharing – Disclosure by DYFS

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DYFS may share information only if in accordance with:

- Court order;
- To parent, foster parent, guardian or other person responsible for child's welfare where information relates to provision of care, treatment, assessment or evaluation of child and disclosure in child's best interests;

## Confidentiality and Information Sharing – Disclosure by DYFS cont.

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- To child's legal counsel, parent or guardian when information needed to discuss child's DYFS case to make decisions relating to or concerning child; or
- To member of family team or other case planning group to address child's safety, permanency or well-being when provision of such information in child's best interests

N.J.S.A. 9:6-8.10a

## The Case of Bethany

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Bethany transferred schools six months ago when she was placed in a new resource home by DYFS. Since that time, she has exhibited signs of depression and anxiety and now is refusing to attend school. DYFS is conducting a psychiatric evaluation to assess her mental state, determine whether she needs medication and to develop a plan for therapeutic support outside of school. The school district learned of the evaluation from Bethany's resource parent and has requested a copy of the psychiatrist's report.

### The Case of Bethany cont.

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- Can the psychiatrist's evaluation report be shared? Why or why not?
- If the school district conducted the psychiatric evaluation instead, could it be shared with DYFS? Why or why not?
- What are the potential benefits of sharing the information? What are the potential harms?
- How do rules of confidentiality and information-sharing affect cross-systems relationships?

### Educating Child v. Paying for Child's Education

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- District in which a child resides (domicile) is responsible for *educating* the child
- "District of Residence" (DoR) is responsible for *paying* for child's educational services and transportation
- DoR ≠ District in which child resides automatically

N.J.S.A. 30:4C-26

### Determining DoR after 9/13/10

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- If child placed in resource home or residential facility on or after 9/9/10, DoR is the present district of parent with whom child lived prior to placement into foster care
- State assumes fiscal responsibility for a child in out-of-home care if:
  - DoR cannot be determined or
  - DoR of parent is out-of-state

### The Case of Taliah

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For each situation below, determine which district is responsible for educating Taliah and which district is responsible for paying for Taliah's education.

- Taliah is removed from her mother's care and placed with her aunt in Trenton.
- Taliah is moved to a group home in Hamilton.
- Six months later, Taliah's mother moves to Atlantic City.
- Taliah moves back in with her mother in Atlantic City for two months, and then is placed in a residential treatment facility in Ohio.

### Who is the educational decision-maker?

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- If child is a regular education student:
  - DYFS allocates to resource parent authority to make routine educational decisions
- If child is eligible for special education:
  - Look to federal and state special education laws and regulations defining "parent" (to be discussed in detail on Training Day 2)

### Educational Duties to Homeless Children

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- McKinney-Vento Homeless Assistance Act (42 USC 11431) provides educational stability to homeless children and youth
  - Grants right to remain in school of origin despite changes to living situation as long as in child's best interest
- Homeless child/youth defined as having no fixed, regular and adequate nighttime residence
  - Includes children "awaiting foster care placement"
  - N.J. defines as children in temporary location awaiting foster care placement (N.J.A.C. 6A:17-2.3)

### Ed'al Duties to Homeless Children cont.

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- McKinney-Vento applies to state and local educational agencies only – school district makes the best interest determination with parent/guardian
- If child not stay in school of origin, must be enrolled immediately in new school district (typical barriers to registration, enrollment and attendance NOT apply here)
- Child has right to stay in school of origin for as long as child is homeless, or for remainder of the school year if child gets permanent housing during that year

### Ed'al Duties to Hospitalized Children

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- Duty to educate a child is not relieved merely because child is hospitalized
- If child has temporary or chronic health condition causing child to miss 10 consecutive days or 15 cumulative days, entitled to education
  - At least 5 hours per week individualized instruction AND
  - At least 5 hours per week additional guided learning
- If child to miss more than 30 consecutive days, entitled to written Individualized Program Plan (IPP)
- Educational program must follow Core Curriculum Content Standards

N.J.A.C. 6A:16-10.1

### QUESTIONS TO ASK

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- Are the child's school records in the child welfare file?
  - Was consent of the parent obtained?
  - Has DYFS requested the records in writing? When? Is follow-up needed?
  - Is a court order needed to obtain the records?
- What is included in the school records?
  - Enrollment documents (for registration and attendance purposes)
  - Academic progress (e.g. report cards, progress reports)
  - Credits
  - Transition
  - Special Ed (IEPs & Evals)
- Are the school records recent (updated every 6 months)?

### QUESTIONS TO ASK cont.

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- Who is the child's educational decision-maker?
  - Is decision-maker actively involved?
  - If not, is a court order needed to appoint someone?
- Has the child changed school districts?
  - Has registration been completed?
  - Have school records been transferred?
  - Have credits (full and partial) been transferred?
- Is the child attending school?
  - Are there any truancy concerns?
  - Is the child in an appropriate educational program?

### QUESTIONS TO ASK cont.

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- Is the child making progress?
- Does the child need additional supports or services? (e.g. tutoring, therapeutic supports, graduation and transition planning)
- Is the child engaged in school? If not, how can this be facilitated? (clubs, sports, extra-curriculars, etc.)
- Are there any discipline\* concerns?

### What can you do to help?

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- Maintain enrollment and educational records in case file (including IEPs) and update these records every 6 months
- Make sure resource parent or other has all documents needed for registration and attendance
- Call the prior school and ensure prompt transfer of all educational records to new school within 10 days
- Clearly identify educational decision-maker
- Ensure that all earned partial and full credits are transferred

## What can you do to help? cont.

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- Access needed additional supports and/or services through school district or DYFS
- Review graduation requirements and transition planning with youth
- Assess child/youth engagement and facilitate as appropriate
- Evaluate child/youth's progress and make any needed referrals
- Identify any discipline\* concerns and address or refer as appropriate

## Signs of Success

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- Immediate enrollment and attendance in new school
- Timely transfer of school records and credits
- All crucial education documents are maintained in case file (including enrollment docs, IEPs, evaluations).
- Children receive full and partial credit for prior work completed according to educationally appropriate curriculum.
- No penalties to children for lost school time or work missed due to school transfers, court dates and/or child welfare-related activities, and time spent on those activities is minimized

## Remember: We All Are FOR EDUCATION

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"By all rights, education should be an easy sell because you never find anyone who is 'against' it. No advocacy groups clamor for its overthrow, no politicians or columnists protest its irrelevance. Unlike nuclear power, or abortion rights, or the graduated income tax, education has no enemies. The trouble, therefore, can only be with those who are 'for' it. In education, I've found, you can easily mistake the actions of those who are for it as being against it."

Joseph Fernandez, former Chancellor of the New York City Public Schools JOSEPH A. FERNANDEZ WITH JOHN UNDERWOOD, TALES OUT OF SCHOOL 1 (Little, Brown 1993).



**EDUCATION**  
is one of the  
greatest predictors  
of future success



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