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Chapter:	Special Casework Issues	
Subject:	Educational Stability for Youth in DCF Custody	Page 1 of 13
Approved:	Cynthia K. Walcott, Deputy Commissioner	Effective:
Supersedes:		Dated:

Purpose

To support stability of educational placement for children and youth in the custody of DCF Family Services by articulating the responsibilities and authority of DCF Family Services Staff in coordination with the Agency of Education, local school districts and more specifically described under the Memorandum of Understanding between the Department for Children and Families (DCF) and Agency of Education Regarding Educational Placement and Alternative Education Plans for Children in DCF Custody of 2009.


This policy provides direction to appropriately use the Memorandum of Understanding between Department for Children and Families (DCF) and Agency of Education (AOE) Regarding Educational Placement & Alternative Education Plans for Children in DCF Custody.

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Introduction

The educational impact of every school change is significant. Every time children/youth enter new schools, they must adjust to different curricula, different expectations, new

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friends, and new teachers. Children/youth in out-of-home care must simultaneously adjust to a new home environment and community. The presence of a consistent, stable, school environment plays an important role for children in out-of-home care by providing opportunities to develop positive relationships with supportive teachers, school-based counselors and classmates. These relationships often provide a measure of protection from the disruption and uncertainty associated with out-of-home placements.

Policy

The federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* promotes school stability and enrollment for children in out-of-home care through several important provisions:


1. The child/youth's DCF case plan must show the placement in kin / foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.
2. DCF must coordinate with local education agencies to ensure the child remains enrolled in the school in which the child was enrolled at the time of placement, unless it is in the child's best interest to attend a different school.
3. If remaining in the same school is not in the best interest of the child, the child's case plan must include assurances by DCF and the local education agencies to provide immediate and appropriate enrollment in a new school, with all school records provided to the school.
4. That each school-age child is a full-time elementary or secondary school student or has completed secondary school.
5. Travel to school was added in the foster care maintenance payment definition.

The full federal law can be found at:

<http://www.acf.hhs.gov/programs/cb/resource/implementation-of-the-fostering-connections>

How does this fit with Vermont's law and the MOU?

Vermont law specifies that students attend school to the town school district in which they live. Therefore to promote educational stability and continuity, AOE and DCF

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created the Memorandum of Understanding (MOU) for the benefit of all children in custody of the state. The MOU does two things: (1) Describes the *Best Interest Determination* (BID) for teams to decide what educational placement is in the student’s best interest, and (2) outlines the steps necessary for requesting that a student attend school outside of his or her school district.

Please note: The MOU provides a mechanism to support all children in custody. However a separate request for each child is needed following the steps outlined below.

How should an Education Best Interest Determination (BID) be conducted?


Social workers should convene a team meeting to determine the educational best interest determination within 3-5 business days upon a change in a child’s living arrangement (as soon as possible when school is not in session).

After DCF-FSD determines the most appropriate residence for a child (taking into account the *appropriateness* of child’s educational setting and *proximity* to school), the Fostering Connections Act and Vermont MOU specifies the following:

- The DCF-FSD social worker and school must collaborate to determine the school placement that is in the child/youth’s best interest when his or her residence changes. Rather than decide alone, it is recommended a team of those most invested in the child’s education participate with DCF-Family Services and the schools to reach this decision. This includes the child/youth, parent, and other family members and community and education partners as appropriate.
- The DCF social worker should work with a member of the child’s coordinated services planning (CSP) team.
- The decision should be based on child’s history, present circumstances, and permanency needs.

If a student is receiving special education and has an Individualized Education Plan (IEP), I.D.E.A. says it is the IEP team that makes the BID. The child/youth’s social worker may not be an IEP team member, although he or she can be invited by the parent or the local education agency (LEA) to participate as a person who has “knowledge or special expertise regarding the child.” 34 C.F.R. §300.321(a)(5). The BID team process is especially important when the student is attending an alternative education program.

See Appendix B for the full BID Form.

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When do you use the MOU?

- When the education best interest determination recommendation is for the child/youth in custody to go to school outside the school district where he or she lives.
- The MOU is not needed if best interest determination recommendation is to attend school in the district he or she is living.

MOU Steps

Once a best interest determination is made with recommendation for school stability:

1. The Family Services Social Worker sends the letter in Appendix C and the BID within 24 hours to superintendents and principals for both the student's current school district and the one where the student is now living. The purpose of this letter is to request that child remain enrolled in the current school. The student should continue to be enrolled in the current school district while the request is pending.
2. If the current school district agrees to keep the student enrolled, *the current school district superintendent shall send a letter to the Secretary of Education within 3 days*, copied to the Interagency Coordinator.
 - a. How: Superintendent requests an alternative education plan (not to be confused with alternative school setting), and residency assignment under 16 V.S.A. § 1075(b) and (c). Letters should contain the student's name, and the beginning and ending dates of the requested alternative plan and indicate agreement between the home school and the school district where the student is placed. The Secretary will only consider requests for the current school year since much can change from year to year. For subsequent years a new BID needs to be conducted and if the recommendation is for educational stability, a new request needs to be made.
 - b. Why: So that the Local Education Authority (LEA) responsibility is clearly defined and the student can legitimately continue to be treated as a resident student for purposes of ADM, Child Count, Medicaid billing and special education formula reimbursement for the home school district.

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2. If the current school district agrees to keep the student enrolled, DCF Family services is responsible for transportation for these students “deemed” by the commissioner to be in need of educational stability if no existing normalized transportation either exists or is appropriate for the needs of the student.

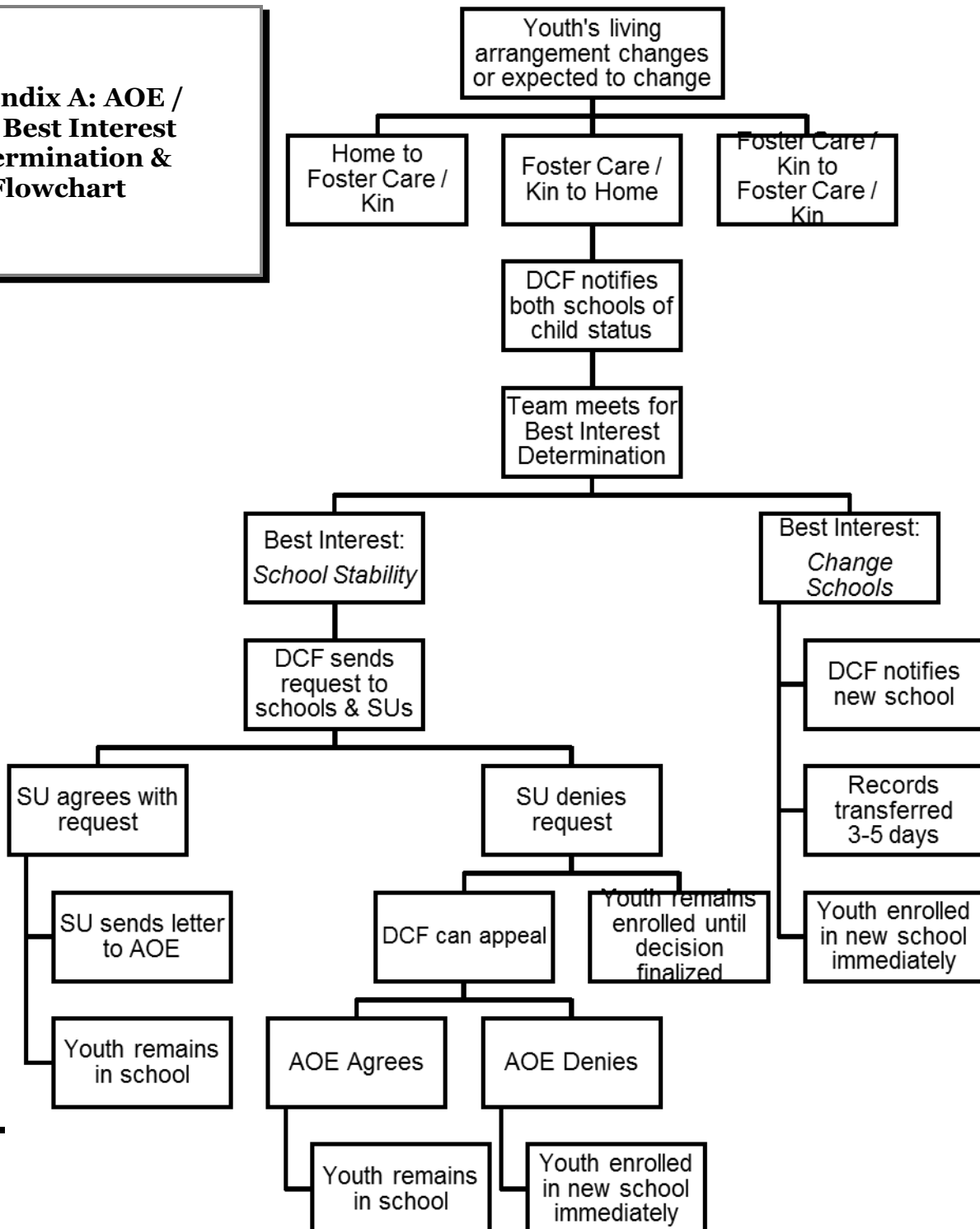
3. If the request is denied by the current school district then the DCF Social Worker shall ask the reasons for the denial and make a request for their supervisor to begin review process within 3 days.
 - a. To make a request for review, the DCF Social Worker shall send the supervisor and District Director the same materials sent to local school authorities including the case plan and reasons for denial. DCF District Director shall forward this information to DCF Child Protection and Field Operations Director.
 - b. The school district shall contact the AOE State Interagency Coordinator, send the documentation and reasons for denial.
 - c. DCF Child Protection and Field Operations Director and AOE State Interagency Coordinator shall review the information provided, make recommendations to local players, and decide whether to refer to DCF Commissioner and AOE Secretary.


4. If request is still denied, the documentation and reasons for referral shall be given to the DCF Commissioner
 - a. The DCF Commissioner reviews materials and may make a request to the AOE Secretary who will make a determination about the MOU within 5 business days of the request and will communicate the decision to the DCF commissioner.
 - b. During this time, the student remains enrolled in the current school district placement unless, or until, there is an adverse decision by the Secretary of AOE to NOT continue the student’s enrollment.
 - c. At that point, the Family Services social worker shall enroll the student in the new school district where the parent(s) reside(s). However, the social worker shall work closely with both the current school district and the new school district to coordinate timing of the move so the student will not lose credit, and that it happens during a natural semester break for a smoother more successful school transition.

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Appendix A: AOE / DCF Best Interest Determination & Flowchart



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Appendix B: Education Best Interest Determination Evaluation Form

Child's Name: _____

DCF Family / Child #: _____ Child's Education ID#: _____

Current School and Supervisory Union/School District: _____

Previous School(s): _____

Current Grade: _____ Date of Best Interest Determination Meeting: _____

Team Members for Best Interest Determination:

Name	Title / Role	Contact Information



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Recommendation: Student should remain in current school *unless* consideration of the following factors indicates that *a change of school placement is in the child's best interest.*

Considerations (check only if answer is "Yes")	Yes
1. The child's permanency goal, plan and expected date for achieving the permanency support a change in school placement.	<input type="checkbox"/>
2. The parents/prior custodians or child believe that changing schools is in the child's best interest. <i>If so, state why:</i>	<input type="checkbox"/>
3. The length of the commute to return to the current school would negatively impact the child.	<input type="checkbox"/>
4. The child's current school environment is negatively impacting the child (e.g., bullying, etc.) and the child wants to change schools. <i>If so, state why:</i>	<input type="checkbox"/>
5. The child has only attended the current school for a short time or is not attached to the school. <i>Consider:</i> What are the child's ties to his or her current school, including significant relationships and involvement in extracurricular activities?	<input type="checkbox"/>
6. Safety considerations favor a change in school placement. <i>If so, state why:</i>	<input type="checkbox"/>



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Considerations (<i>check only if answer is "Yes"</i>)	Yes
7. Transferring schools will positively impact the child’s <i>social, emotional, behavioral well-being</i> , and/or <i>academics</i> (e.g., the child’s siblings attend the new school). <i>Consider:</i> Trauma affects learning, including, attention, concentration, mood, interpersonal trust, and communication. A child who has experienced trauma can benefit immensely from remaining in their same classroom and school, even when they move to a new home or a new part of town.	<input type="checkbox"/>
8. The new school will better meet the child’s academic needs. <i>Consider:</i> How is the child performing academically in the current school? What are the child’s academic/career goals? Does the child’s new school have programs and activities that address the unique needs or interests of the student that the current school does not have?	<input type="checkbox"/>
9. The new school will better meet the child’s special education needs. <i>Consider:</i> Is the child receiving any special education services from his or her current school? Does the child participate in other specialized instruction (e.g., gifted program, technical program) that would be impacted by a school move?	<input type="checkbox"/>
10. Changing schools will <i>NOT</i> undermine child’s ability to stay on track to graduate. <i>Consider:</i> How would changing schools affect the student’s ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time? Does the new school have programs and activities that address the unique needs or interests of the student that the prior school does not have?	<input type="checkbox"/>
11. The timing of the school transfer will <i>NOT</i> undermine school success. <i>Consider:</i> Would the timing of the school transfer coincide with a logical juncture in the child’s academic or personal progress (e.g., after an event that is significant to the child or end of the school year)?	<input type="checkbox"/>
12. Were the child, child’s biological parent and child’s school informed of meeting, invited to attend and/or to provide information about decision?	<input type="checkbox"/>
13. Did you ask youth their opinion? Where does the child/youth want to go to school and why?	<input type="checkbox"/>

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Documentation and Records

Which of these were used for BID? *Check all that apply and include in chart:*

- | | | |
|---|--|--|
| <input type="checkbox"/> Report cards | <input type="checkbox"/> IEP | <input type="checkbox"/> Emails or correspondence from individuals consulted |
| <input type="checkbox"/> Progress reports | <input type="checkbox"/> 504 Plan | |
| <input type="checkbox"/> Achievement data (test scores) | <input type="checkbox"/> Coordinated Services Plan (or Act 264 Plan) | |
| <input type="checkbox"/> Attendance data | | |
| <input type="checkbox"/> Other: _____ | | |

Education Best Interest Determination Recommendation of the Team

- The student shall remain in the same school where the child is currently enrolled.*

School: _____ SU / SD: _____

Transportation will be provided by: _____

Transportation will be paid for by what agency? _____

- Based on the best interest determination, a change in school placement is needed.*

School: _____ SU / SD: _____

Individual responsible for enrolling child in school: _____

NOTE: If a change in educational placement is needed, enrollment should take place immediately with all education records provided to the new school.

- The team disagrees on the best interest determination for the child. If so, next steps are:*
- DCF Social Worker sends supervisor and District Director all materials shared with local school authorities including the case plan and reasons for denial. DCF District Director shall forward this information to DCF Child Protection and Field Operations Director.
 - The school district shall contact the AOE State Interagency Coordinator, send the same documentation and reasons for denial.

Appendix C: Sample Letter



[Date]

Name of School District
Address of Superintendent's Office

Dear Superintendent:

I am writing from the Department for Children and Families to request that **[Child's Name]**, who came into state custody on **[Date of custody]**, maintain school placement at **[Name of School]**.

The child has moved to the home of **[Name of Resource Family]** at **[Resource Family Address]**.

This child's mother, **[Name]**, lives in **[Town]**.
This child's father, **[Name]**, lives in **[Town]**.

Attached is a copy of the *Best Interest Determination Evaluation Form* that has been completed by this student's team. This document and attachments outline the student's educational needs and why those needs can be best met by the student remaining in their current school.

Thank you!

Sincerely,

Social Worker

Cc: Principal Superintendent



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Social Worker Tasks:

Supervisor Tasks:

District Director Tasks