



October 28,
2022

10:00 A.M. -
11:30 P.M.

FOSTER CARE &
STUDENT SUCCESS GUIDE
Chapters 8 & 9

Foster Care Guide

FOSTER CARE & STUDENT SUCCESS:



TEXAS SYSTEMS WORKING TOGETHER TO
TRANSFORM EDUCATION OUTCOMES OF
STUDENTS IN FOSTER CARE



Link:

<https://tea.texas.gov/foster-care-guide>



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Foster Care & Student Success Guide Collaboration

FOSTER CARE & STUDENT SUCCESS:



TEXAS SYSTEMS WORKING TOGETHER TO TRANSFORM EDUCATION OUTCOMES OF STUDENTS IN FOSTER CARE





Objectives

To provide educators and all those working with students in foster care a brief overview of the foster care and student success guide.

Familiarize educators with the foster care guide and relevant laws and policies that affect the educational experience of students in foster care.

Provide access to the foster care guide for purposes of ensuring students in foster care are provided the proper assistance.

Agenda

Foster Care Guide Overview

Chapter 8

Pause for Understanding

Chapter 9

Questions

Foster Care Guide Training Series

Let's see
who is
here.



In the chat, please indicate your job title.



What is your working knowledge of The Every Student Succeeds Act (ESSA) with foster care?



AskTed Update

REMINDER

LEA Foster
Care Liaisons

LEAs need to confirm that their FC Liaison listed in AskTED is accurate.

If not, contact the LEA AskTED Coordinator to request any changes or updates to the AskTED directory.

More information is available on TEA's Foster Care and Student Success website, under the Foster Care Liaison tab.

ESC Foster Care Champions also posted in AskTED

Sign Up for Updates!

The screenshot shows the TEA website header with navigation links: Popular Applications, AskTED, ECOS for Educators, Grant Opportunities, Secure Applications, TEAL Login, TSDS, and Help Desk. The TEA logo is on the left, and a search bar is on the right. Below the header is a menu with icons for About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. A central banner features a photo of Governor Greg Abbott and other officials, with text about Coronavirus (COVID-19) and a 'GET UPDATES' button. Below the banner are three categories: Coronavirus (COVID-19), Supplemental Special Education Services, and Texas Home Learning. At the bottom, there are three columns for 'The Latest TEA News': Emergency Support, Texas Schools, and About.

- Special Student Populations
 - At-Risk and Highly Mobile Student Program Division
 - Early Childhood Education
 - English Learners
 - Foster Care and Student Success
 - Gifted/Talented Education
 - Languages Other Than English
 - McKinney-Vento Homeless Education
 - Mental and Behavioral Health
 - Military Connected Students
 - Pregnancy Programs
 - Spanish Curriculum Standards
 - Special Education Updates

Icons within the guide

The icons are located throughout the guide to assist with finding information needed.

The table of contents and the chapters are grouped by color.



Preface, Appendices, and References



Overview



Cross-System and Collaboration



District and LEA (Local Educational Agency) Responsibilities

Use the icons as a valuable resource for understanding of specific information.



Tip



Reminder



Collaboration



Note



Law



Resources







New Items



Best Practice

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Where can I get more information about Foster Care at TEA?

Visit:
[TEA Foster Care & Student Success Webpage](#)

Subscribe:
[TEA Foster Care & Student Success Newsletter](#)

Email:
Fostercareliaison@tea.texas.gov

Chapter 8

Introduction to The Every Student Succeeds Act (ESSA)



- The Every Student Succeeds Act (ESSA) described
- ESSA, Fostering Connections and Texas Law
- ESSA Impacts for Students in Foster Care
- ESSA Foster Care Topics and Common Questions

The Every Student Succeeds Act (ESSA) Described



■ ESSA

- (2015) Elementary and Secondary Education Act
- (2016) Changes related to students in foster care
- Measure accountability & student performance
- Shared responsibility of SEA, LEA & child welfare organizations
- Foster care education requirements should mirror each other:
 - Federal child welfare law
 - Fostering Connections to Success & Increasing Adoptions Act
 - Texas Education Code



ESSA, Fostering Connections and Texas Law



EDUCATIONAL RIGHT FOR STUDENTS IN FOSTER CARE	ESSA	FOSTERING CONNECTIONS ACT	TEXAS LAW
Right to remain enrolled in same school upon entering foster care	✓	✓	✓
Right to remain enrolled in same school while in foster care	✓	✓	✓
Right to remain enrolled in the same school after exiting foster care			✓
Right to remain enrolled in the same school until completing the highest grade offered at the school			✓
When it is not in the child's best interest to remain enrolled in the same school, immediate enrollment in a new school	✓	✓	✓ (3 days under Texas law, but 2 days under DFPS policy and contract)
Enrollment in a school, even if the child is unable to produce records normally required	✓		✓
Prompt records transfer when school move occurs	✓	✓	✓ (10 working days)

ESSA, Fostering Connections & Texas Law



EDUCATIONAL RIGHT FOR STUDENTS IN FOSTER CARE	ESSA	FOSTERING CONNECTIONS ACT	TEXAS LAW
Designated points of contact for cross-agency collaboration to support school stability for students *Child Welfare Agency (CWA)	✓ (If the CWA notifies the LEA in writing, then the LEA will notify the CWA of their POC).		✓ (LEA Foster Care Liaisons already identified in AskTED)
Clear, written school transportation procedures	✓		
Assurance that each foster care placement will consider current educational setting and the proximity to the school in which the child is enrolled		✓	
State educational agencies (SEAs) to calculate graduation and dropout rates and include students in foster care on the Federal State Report Card submitted to USDE	✓		✓ (Texas law requires students in foster care to be captured in PEIMS, which is necessary to fulfill ESSA data reporting requirements.)



EDUCATIONAL STABILITY PROVISIONS IN ESSA - BASIC OVERVIEW

SCHOOL OF ORIGIN	The school in which the student was enrolled upon entry into foster care or any subsequent placement change.
EDUCATION BEST INTEREST DETERMINATION	The decision-making process that determines what school setting is best for the child. ESSA requires educators and child welfare systems to work together and collaboratively determine which school setting is in the child's best interest, whenever possible.
STREAMLINED TRANSITIONS	The process for ensuring a student seamlessly transitions from one school to another, in the event of a school move (<i>see Chapter 11: The School Experience, on page 117</i>).
DESIGNATED POINTS OF CONTACT (POC)	A person who has been appointed by TEA, the LEA, or DFPS to coordinate the educational needs of students in foster care.
TRANSPORTATION	LEAs and DFPS must work together to ensure that a child promptly receives transportation to their school of origin when a determination is made that remaining in the school is in the child's best interest.
DISPUTE RESOLUTION	A process between education and child welfare systems to resolve disputes concerning education best interest decisions or transportation planning for a student in foster care to continue attending the school of origin.
DATA COLLECTION AND REPORTING	ESSA requires disaggregated data on students in foster care, including academic achievement, dropout, and graduation information. ¹⁰⁰ Previous reauthorizations, including No Child Left Behind, did not require this information to be collected, disaggregated, and reported by TEA.



■ School of Origin

- The school that the student attended prior to conservatorship
- If a student moves while in foster care, the school the student attended before the residential placement change
- A student in foster care enrolled (or at the time of placement in foster care) in public school may remain enrolled in their school of origin, even when moved outside of the school of origin's attendance zone.



In addition to state & federal foster care resources, listed on p. 94 explores guidance and common questions, since state and federal guidance was originally released.

Education Best Interest Determination



ESSA requires collaboration between LEA & DFPS

School of Origin is always considered in the best interest of the student unless it is determined that it is not.

LEA Foster Care Liaison:
Collecting information from the school and communicating the information to the case worker & education decision-maker



Factors to education best interest: appropriateness of current educational setting & proximity to the residential placement to school or origin

DFPS must consult with the LEA foster care liaison & appropriate personnel to gather information from educators

Who has the final say in the education best interest determination?



Child welfare professionals & the court are ultimately responsible for the best interest determination on whether the student will remain in their school of origin.

DFPS makes final decisions about school placement based on a holistic view of the student's overall safety, permanency, and well-being.

Streamlined Transitions



- When a determination is made that it is not the student's best interest to remain in the school of origin, the student must be immediately enrolled in a new school, even if DFPS is unable to procure records normally required for enrollment.
- When a student will not remain in their school of origin, the receiving school must immediately enroll the student and request records promptly.
- The receiving school must immediately contact the school last attended to obtain academic & other relevant records.
- LEAs are mandated to immediately enroll students in foster care, regardless of all records needed for enrollment.
- LEA Foster Care Liaisons & ESSA Child Welfare POCs are responsible to support streamlined transitions for students in foster care.



LAW: Texas law requires DFPS to ensure a student returns to school within three days of assuming conservatorship of the student unless the student has a temporary and remediable physical or mental condition that makes the student's immediate attendance in school unfeasible.

Designated Points of Contact



TEA has a designated ESSA Foster Care Point of Contact (POC) to support ESSA Foster Care requirements.

This POC is separate from the McKinney-Vento POC.

The DFPS Education Specialist in DFPS State Office serves as the state POC.

DFPS Education Specialist coordinates with TEA Foster Care POC as well as DFPS regional education specialists.

LEA and DFPS Local Points of Contact



- ESSA requires LEAs to designate an ESSA Child Welfare POC to coordinate with the local child welfare agency (DFPS).
- Texas requires each LEA to designate a Foster Care Liaison.
- ESSA requires LEAs to collaborate with DFPS Child Welfare POC.
- In the fall of 2022, DFPS will notify every school district electronically/in writing of the ESSA Child Welfare POC. LEAs are required to notify the DFPS Regional Education Specialist of the LEA ESSA POC.
- LEAs have flexibility regarding local procedures and determining staff responsibilities.
- Contact DFPS Regional Education Specialists by [DFPS Region](#) and by [county](#) is located on DFPS website.



Child welfare regions are different from Education Service Center (ESC) regions.

Transportation



- Who is responsible for coordinating & funding transportation of students in foster care to their school of origin?



Under ESSA, LEAs & DFPS are responsible to coordinate & promptly ensure that students receive transportation to their school of origin, when needed.



LEAs receiving Title I funds are required to develop & implement clear written procedures in coordination with DFPS, when determining how transportation to the school of origin will be provided, arranged & funded.



Procedures must ensure that transportation will be provided promptly & in a cost-effective manner.

- If there are any additional costs for transporting a student to the school of origin, the LEA must provide transportation if:
 - DFPS agrees to reimburse the LEA for the additional transportation cost,
 - The LEA agrees to pay for the additional transportation, or
 - The LEA & DFPS agree to share the additional transportation cost.

Transportation cont.



- Who is responsible for coordinating & funding transportation of students in foster care to their school of origin?



LEAs should review their transportation plans and procedures annually with DFPS.



In some instances, LEAs may coordinate with other LEAs across neighboring school and district attendance zones.



Creative Solution: the use of public transportation, bus passes & carpooling may be necessary to promote cost sharing & maintain school stability.

Transportation continued



- Transportation is shared responsibility between the LEA and DFPS. DFPS staff cannot enter into contracts with LEA for transportation costs. DFPS may share in the cost of transportation by utilizing DFPS staff, residential contracts providers, and other members of the student's child welfare team.
- If a student receives special education services, transportation may be written into the student's Individual Education Plan (IEP).
- Transportation is the school's responsibility. A schools' willingness to assist with transportation can alleviate barriers and help students remain in their school, receive appropriate credits, and stay on track for graduation.
- **Note:** Funds reserved for comparable services for children & youth who are homeless may not be used for transportation of students in DFPS managing conservatorship, unless the student is also McKinney-Vento eligible.





- LEAs should partner with caseworkers and caregivers to coordinate transportation and developed creative solutions that keep students at their school of origin. LEA Foster Care Liaisons may serve a pivotal role as points of contact to help facilitate and bridge communication between DFPS and appropriate school personnel.

If the student leaves foster care, is the LEA still required to provide transportation supports under ESSA?



No. ESSA requires transportation provisions for the duration of the time the student is in foster care.

However, LEAs are strongly encouraged to continue prioritizing educational stability after the student exits foster care and make every effort to continue transportation through the end of the school year (when it has been determined that the student will remain in the school of origin.)



Legal Center on Foster Care and Education:
[Implementing ESSA's Transportation Procedures: How Local Education Agencies Can Work with Child Welfare to Ensure School Stability.](#)



How are ESSA foster care transportation disputes resolved?

LEAs should partner with DFPS to resolve transportation challenges.

If school staff & the caseworker cannot resolve the issue, the dispute should be sent to the LEA foster care liaison, the DFPS regional education specialist, and the DFPS Program Administrator.

If the issue remains unresolved, the TEA Foster Care POC and DFPS education specialist at the state office must reach a resolution, in consultation with each respective agency's leadership.

Data Collection and Reporting



- ESSA requires LEAs to report disaggregated student & school performance information for students in foster care.
- LEAs must properly identify & code students in foster care in PEIMS
- TEA must include students in foster care in annual state report card:
 - School performance measures
 - Graduation & Dropout rates
 - Disciplinary measures
- LEAs are encouraged to review & analyze their foster care data locally to identify:
 - Student needs
 - Plan services & interventions
 - Monitor & track progress





- Texas Guidance:
 - TASB Exhibit A – Best Interest Decision Making
 - TASB Exhibit B – Transportation Coordination Planning

- National Guidance:
 - Non-Regulatory Guidance, Ensuring Education Stability for Children in Foster Care
 - Legal Center for Foster Care and Education Resources
 - Every Student Succeeds Act Implementation Toolkit



Pause for Understanding

* What information was new to you in Chapter 8?

CHAPTER
9

my DREAM
IS FOR YOU
TO BE HAPPY

Education Decision-Making



- Education Decision-Making Authority
- Education Decision-Making for Students Receiving Special Education Services
- Caregiver & Caseworker General Education Decision-Making Responsibilities
- Deciding Where a Student Attends School
- Involvement of the Student's Parents or Other Family Members

Education Decision-Making Authority



- Court order places student in DFPS conservatorship
 - DFPS assumes the role of the parents until an education decision-maker is given the responsibilities to the caregiver
- DFPS uses Designation of Education Decision-Maker Form 2085-E as its primary way of designating to whom it has given education decision-making power.

FOSTER CARE & STUDENT SUCCESS

APPENDIX F: DESIGNATION OF EDUCATION DECISION-MAKER (2085-E)

Below is a screenshot of the front and back pages Education Decision-Maker form E-2085 that is required to be provided to the school for all students in DFPS managing Conservatorship.

Page 1

Page 4



DFPS uses **Designation of Education Decision-Maker Form 2085-E** as its primary way of designating to whom it has given education decision-making power.



- DFPS requires caregivers to present an Education Decision-Maker 2085-E form at enrollment for all students in foster care.
- If a student does not have this form at enrollment, request it from the caregiver.



Under ESSA, schools have a responsibility to contribute to education best interest decision-making concerning the student. Ultimately, DFPS makes the final decision, however, schools & DFPS representatives are required to work together under ESSA & federal child welfare law.



Texas law requires DFPS to notify the school regarding who is designated to be the student's education decision-maker within five days after the Adversary Hearing or a change in the designated education decision-maker.

Education Decision-Making for Students Receiving Special Education Services



- For students who are eligible for or who receive special education services, the Education Decision-Maker form 2085-E will also name the Surrogate Parent who can make special education decisions for the student if the student's caregiver is unable or unwilling to serve as the parent for special education purposes.
- Surrogate Parent information is on the [Special Education Information Center website. www.spedtex.org](http://www.spedtex.org)



- While federal law prohibits a DFPS or residential facility staff member from making decisions regarding special education services for a student in foster care, they may be authorized to make other, non-special education-related decisions.

Caregiver General Education Decision-Making Responsibilities



Enroll a student in school, including providing identity or immunization information.

Determine, in conjunction with the student if appropriate, course selection & participation in extra-curricular activities.

Parent/guardian-teacher conferences

Approve the student's participation in routine or non-routine school activities such as field trips, etc.

Be notified of injury or illness on school grounds

Sign agreement with the Student Code of Conduct

Receive report cards, permission slips, and other routine school correspondence

Has access to education records & the student's Educational Portfolio



Note: The education decision-maker may be instructed by DFPS to notify or consult with the caseworker or supervisor on these matters before communicating a decision to the school.

Caseworker General Education Decision-Making Responsibilities



Select the appropriate school placement, in consultation with the regional education specialist & adhere to federal and state laws

Receive notification regarding truancy, suspension, expulsion or removal to DAEP or JJAEP

Receive written notification of district or charter school surrogate parent appointments.

Ensure records transfer from previously attended schools

Consult with the education decision-maker & regional education specialist regarding retention of student in a grade.

Deciding Where A Student Attends School



- Under ESSA & other federal laws, child welfare and school points of contact are required to work together to support education decision-making.
- In order to promote educational stability for students in foster care, federal child welfare and education law requires child welfare agencies and the student's school to maintain a student's school of origin when the student enters foster care & during any subsequent placement changes unless remaining in that school is not in the student's best interest.



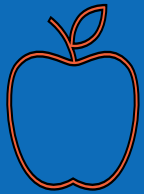
When a student is in the managing conservatorship of DFPS, DFPS is authorized to make education and other important decisions for the student unless the court order indicates the biological family retains or another individual is given those rights.



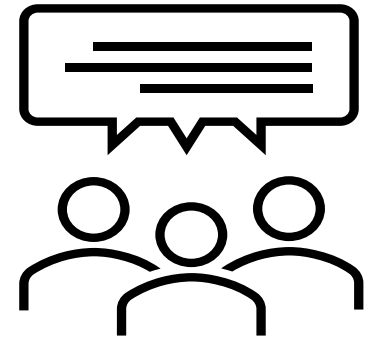
If educators are contacted by a parent & are unsure about discussing academic issues or allowing contact with the student, the educator should contact the caseworker or DFPS Education Specialist. Use the information from 2085 & 2085-E for contact information.



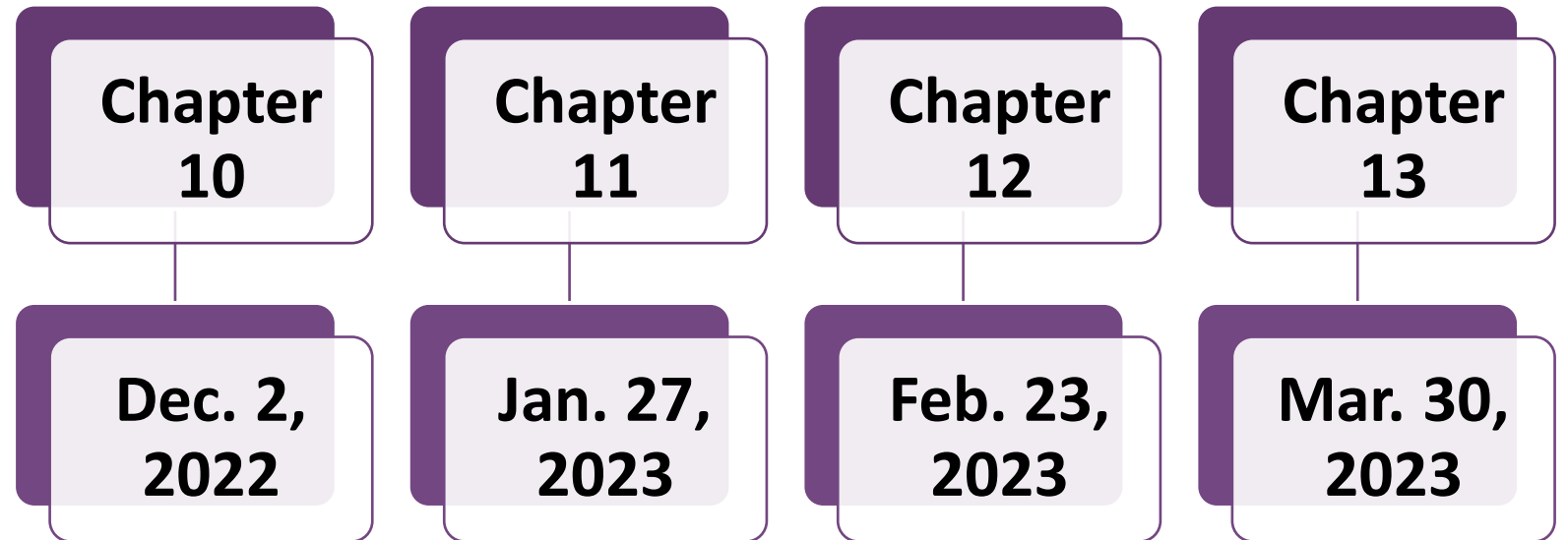
Pause for Understanding



What information are you going to share from today's training?



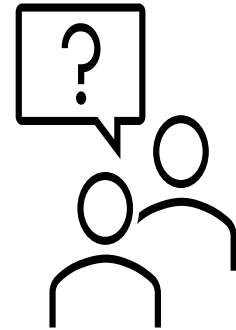
Upcoming Trainings



The sessions will be from 10:00 – 11:30 a.m. CST
Register on the [Foster Care Website](#)

Questions?

If you have further questions, please email:
fostercareliaison@tea.texas.gov



Survey



https://tea.co1.qualtrics.com/jfe/form/SV_b1tELNiEiZHPUXk