

**EFFECTIVE**

Immediately, upon receipt.

**SUBJECT****Educational requirements for children and youths in foster care.**

Policy revision includes school stability provisions from the Fostering Connections to Success and Increasing Adoptions Act, the Dwayne B. v Granholm, et al. settlement agreement requirements and the McKinney-Vento Act (from L Letter 09-128 CW).

**FOM 722-6**

The Department of Human Services (DHS) must ensure that every effort is made to meet the educational needs of children and youth in foster care. The Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351, Fostering Connections Act) requires states to promote educational stability and appropriate school attendance for children and youth in foster care. The Settlement Agreement requires the department to ensure that foster children are provided with appropriate educational services. DHS is responsible for monitoring the provision of educational services to determine their quality and effectiveness and if found to be ineffective, make the appropriate adjustments in educational case service planning.

Every child or youth in foster care must be provided the following educational services:

- Initiating enrollment and ensuring full-time school attendance within 5 days of initial placement or any placement change, including placement in congregate care or emergency placements.
- Screening for educational needs within 30 days of entry into foster care.
- Requesting prior education assessments within 30 days of foster care placement and considering those assessments when determining the current educational needs of the child.
- Documenting diligence in requesting records in the case file.

- Coordinating with the last school of record and the new school to ensure the child does not lose any academic credits.

**Note:** No foster child shall be home schooled.

**Fostering  
Connections Act  
Requirements**

The Fostering Connections Act requires child welfare agencies to include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. The case plan must document:

- The placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement (school of origin).
- The state child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

If remaining in the school of origin is not in the best interest of the child, the case plan must include assurances to:

- Provide immediate and appropriate enrollment in a new school.
- Provide all of the educational records of the child to the new school.

Finally, the law requires that for all children in foster care or receiving guardianship assistance payments, the case plan must document that the child or youth is one of the following:

- A full-time elementary or secondary student;
- Has completed secondary education; or
- Is incapable of attending school on a full-time basis due to the child’s medical condition, which incapacity is supported by annual information submitted by a medical provider.

The required supporting documentation of full-time school attendance, school completion, or medical incapacity is filed in the education section of the child’s or youth’s case record.

## **The McKinney-Vento Act**

The McKinney-Vento Act, reauthorized in January 2002, ensures educational rights and protections for children and youths experiencing homelessness. The act helps to reduce barriers that eligible children and youth face in enrolling, attending and succeeding in school. The act's educational provisions entitle eligible students to numerous specific rights and benefits from local school districts. These educational provisions will assist the FC worker in meeting the requirements of the Fostering Connections Act and foster care policy.

The McKinney-Vento Act specifically covers children awaiting foster care placement. The Michigan Department of Education (MDE) Homeless Education Office considers a foster care placement temporary, that is, the child is awaiting foster care placement, until a child/youth has been in the care of the same foster parent for a minimum of six continuous months.

## **Educational Benefits under McKinney-Vento**

A foster child entering out-of-home placement or residing in the same foster care placement for less than six months is eligible for assistance under the McKinney-Vento Act. The educational assistance and benefits include:

- The right to remain in the school the child/youth attended at the time of placement (school of origin) if it is feasible and in the best interest of the child/youth. The child/youth may remain in the school of origin for the remainder of the current school year and until the child/youth resides in the same foster home for more than six months. If a temporary foster home placement extends over summer vacation, the child/ youth may remain in the school of origin for the subsequent school year.
- Transportation from placement to school of origin.
- Immediate enrollment in a new school for students who cannot attend their school of origin due to best interests, length of commute or other documented reasons. Students are able to enroll in a new school even if they do not have necessary records immediately available. Such records include:

- Immunizations or immunization records.
- Physical examinations or medical records.
- Academic records.
- Birth certificates.
- Proof of guardianship.
- Proof of residency.
- School Meal Programs.
- Access to preschool programs, provided space is available.
- Special education and related services.
- Intake/educational needs and barriers assessment.
- In some situations, school supplies or clothing.

**Implementation of McKinney-Vento and Fostering Connections Act**

Educational stability is crucial in addressing and improving the educational outcomes for children and youths in foster care. The foster care worker’s role is to coordinate with school personnel to ensure the foster child’s educational needs are identified and that the child is provided the necessary educational services. In coordinating these efforts, the FC worker must:

- Contact the local homeless education liaison within the local school district to identify the specific child as a foster child thereby eligible for services under the McKinney-Vento Act. The current listing for the local homeless education liaisons is located at:  
[http://www.michigan.gov/documents/mde/Homeless\\_Liaisons\\_08-09\\_255650\\_7.pdf](http://www.michigan.gov/documents/mde/Homeless_Liaisons_08-09_255650_7.pdf)
- Provide the local homeless education liaison information needed regarding the child and placement as early as possible but within three business days from any foster care placement/replacement. If the placement is known prior to the actual move, the advance notice to the school and homeless education liaison should assist in facilitating educational stability.
- Obtain information from the school or liaison for use in assessing the child’s educational needs and strengths.

All contacts and information exchanged must be documented in the social work contacts of the case service plan.

**Foster Care  
Placement and  
Preferred School**

Children entering foster care or changing foster care placements are to continue their education in their schools of origin whenever possible and if in the child’s best interest. The proximity of the foster/relative home to the child’s school is to be considered when placing or replacing all children.

**BEST INTEREST  
FACTORS**

Best interest factors to consider regarding school placement include the parent’s or guardian’s preference and the child’s:

- Social and emotional state.
- Academic achievement/strengths.
- Continuity of relationships.
- Special education programming.
- Extra-curricular activity participation.
- Distance/travel time to and from current school/new placement and impact on the child.
- Supportive relationships and/or services.
- Length of anticipated stay in placement.

**Liaison and School  
Staff Involvement  
in Best Interest  
Decision**

As part of the collaboration process, the local liaison and school staff should be involved in the best interest decisions. Ideally, the local school can:

- Provide input on academic, social and emotional impact that changing schools may have on the child, the child’s progress and services.

- Help determine which programs at the two schools are comparable and appropriate for the child.
- Provide information on the commute to the schools in terms of the distance, mode of transportation and travel time.

### **Parent and Child Involvement in Best Interest Decision**

Under the McKinney-Vento Act, a parent or guardian may appeal a decision to place a child/youth in a school other than the school of origin or the school the parent or guardian prefers. Decisions regarding school placement must be weighed by considering the best interest factors above. Foster care workers are to engage both the parents/legal guardian and the child in the discussion. The importance of school stability and educational continuity for children should be reinforced.

### **School Transportation**

If it is determined that it is in the child's best interest to remain at his/her current school despite placement in another school district, transportation requires collaboration with the local school districts. The McKinney-Vento Act will assist foster care workers in this process. The act requires school districts to share responsibilities and costs of providing transportation to the school of origin.

Transportation entails a significant expense and logistical challenge for school districts. Collaboration between education and child welfare agencies is essential to ensure that the expense and logistical challenges of transportation do not pose a barrier to services and that transportation is provided quickly and efficiently for all students. The FC worker should discuss transportation with the foster parent. If the child is McKinney-Vento eligible, the school may provide a transportation stipend to the foster parent to transport the foster child to the school of origin (if this is the most viable transportation method). Although the mileage payment may be provided by the school district, the worker will need to follow up on the coordination of the transportation plan with the foster parent.

When a child/youth is no longer eligible for transportation services under the McKinney-Vento Act and still requires school transportation, DHS will have full responsibility for payment and coordination

of school transportation. The Fostering Connections Act amended the definition of foster care maintenance payment to include school transportation costs. The DHS transportation payment process is in development.

**New School Enrollment and Transfer of Student Records**

If a foster child or youth must be enrolled in another school, the McKinney-Vento Act allows for immediate enrollment of a foster child within the school even if school records or other needed documentation is not readily available. Michigan law requires a public school when enrolling a transfer student, to request a copy of the student's school record from his or her previous school within 14 days after enrolling the transfer student. The sending school must forward a copy of the records within 30 days of the request [MCL 380.1135(4)]. The No Child Left Behind Act requires that public schools have a procedure in place to facilitate the transfer of disciplinary records. A student's disciplinary record, including suspension and expulsion action against the student, must be included in the student record that is transferred to any private or public school.

**DOCUMENTATION**

All educational information and related tasks, activities and contacts must be documented within all case service plans.

**Educational Information for Placement and Replacements**

At the initial placement or any placement change, the narrative within the case service plan must include the following:

- In determining the placement, the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time is taken into account.
- The best interest factors and the input of the parent or legal guardian, along with the education liaison used to determine the preferred school.
- Discussion of the transportation plan.

- Verification that the child is enrolled in and attending school full-time within 5 days of initial placement or any placement change, including while placed in congregate care or emergency placements.
- Verification from the new school that child’s previous school record has been obtained within 30 days of enrollment.
- An initial assessment of the child’s educational needs and strengths, based on information obtained from the Michigan Department of Education Homeless Student Intake Form, educational assessments and through contacts with the parents, teacher, foster parent, child/youth and/or liaison.
- All other required educational information as outlined below.

**Required Educational Information**

Updated school information is required in all service plans. The narrative must reflect the child’s current academic achievements and challenges. All case service plans must document or address the following items:

- Name of current school and grade.
- A reassessment of the child’s educational needs and strengths each report period.
- Special education information, if applicable.
- Child’s current academic performance and behaviors in school.
- Description of provided services from school, parent, foster parent and/or others to meet the child’s educational needs.
- Document the child/youth’s full-time elementary or secondary school attendance with a statement that the child is a full-time student, has completed secondary education or is incapable of attending school on a full-time basis due to the child’s medical condition.

**Foster Parent  
Involvement**

For foster parents receiving a Determination of Care (DOC) supplement based on providing activities or tasks to meet the child's educational needs, detail the specifics for school collaboration and the actual tasks involved in the daily educational interventions required in the Parent-Agency Treatment Plan and Service Agreement under Foster Parent/Relative Caregiver Activities.

**MANUAL  
MAINTENANCE  
INSTRUCTIONS**