
OVERVIEW

Every effort must be made to ensure that the educational needs of all children in foster care are met. The supervising agency must ensure that foster children are provided with appropriate educational services to support and encourage school success. The supervising agency is responsible for monitoring the provision of educational services to ensure identified needs are being addressed.

**COMPULSORY
SCHOOL
ATTENDANCE****Minimum Age**

Children who are six years of age by December 1st of the school year must be enrolled and attending school.

Maximum Age

Children are required to attend school until he/she graduates or successfully completes a General Educational Development (GED) program.

**EDUCATIONAL
REQUIREMENTS**

All children in foster care or receiving guardianship assistance payments must meet one of the following conditions:

- Is a full-time elementary or secondary student.
- Has completed secondary education.
- Is incapable of attending school on a full-time basis due to the child's medical condition. Incapacity must be supported by annual information submitted by a medical provider.

Note: The required supporting documentation of full-time school attendance, school completion, or medical incapacity must be documented in the case service plan and filed in the education section of the child's case record.

MDHHS POINT-OF-CONTACT AND DISTRICT FOSTER CARE LIAISON

The Every Student Succeeds Act (ESSA) of 2015, requires school districts to identify a foster care liaison when the MDHHS county office has an education point-of-contact identified. The school district's foster care liaison is required to collaborate with foster care staff when considering school placement and to help arrange transportation when needed.

The MDHHS education point-of-contact will:

- Receive initial and ongoing training when new education policy/law goes into effect that will cause a change in caseworker protocol.
- Share information with MDHHS offices and private agencies.
- Serve as primary contact for district foster care liaisons.
- Connect education staff with assigned foster care caseworkers, when needed.
- Provide technical assistance to foster care caseworkers with transportation paperwork.
- If assisting with an individual case, notify the caseworker so that it can be documented within MiSACWIS.
- Collaborate with district foster care liaisons regarding transportation plans and payment.

Identified district foster care liaisons can be found on the [Educational Entity Master \(EEM\)](#) webpage.

The district foster care liaisons will:

- Coordinate with the corresponding child welfare agency point-of-contact on the implementation of the ESSA provisions.
- Document the best interest determination.
- Facilitate the transfer of records and immediate enrollment.

- Facilitate data sharing with the child welfare agencies, consistent with Family Educational Rights and Privacy Act (FERPA) and other privacy protocols.
- Develop and coordinate local transportation procedures.
- Manage best interest determinations and transportation cost disputes.
- Ensure that children in foster care are enrolled in and regularly attending school.
- Provide professional development and training to school staff on the ESSA provisions and on educational needs of children in foster care.

FOSTER CARE PLACEMENT AND PREFERRED SCHOOL

Fostering Connections to Success and Increasing Adoptions Act and the Every Student Succeeds Act requires that children entering foster care or changing foster care placements are to continue their education in the school of origin whenever possible and if in the child's best interest. The proximity of the caregiver home to the child's school is to be considered when placing or changing a child's placement.

Best Interest Factors

The caseworker must discuss best interest factors with the school, parent, foster parent/guardian, and child when appropriate, regarding school placement. Best interest factors include:

- The parent/legal guardian and child's preference.
- The child's:
 - Social and emotional state.
 - Academic achievement/strengths.
 - Extra-curricular activity participation.
- Continuity of relationships.
- Special education programming.
- Supportive relationships and/or services.
- Length of anticipated stay in placement.

- Distance/travel time to and from current school/new placement and impact on the child.

Note: The cost of transportation to the school of origin cannot be considered when reviewing best interest factors.

District Foster Care Liaison and School Staff Involvement

When making best interest decisions for a child, there should be a collaborative process between the caseworker, school staff, the child's parents, any assigned surrogate parent, and the child, if appropriate. As part of the collaborative process, the district foster care liaison and other school staff should be involved in the best interest decisions. The local school can:

- Provide input on academic, social, and emotional impact that changing schools may have on the child's wellbeing, 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

A parent, legal guardian, or surrogate parent may appeal a decision to place a child in a school other than the school of origin or the school the parent or legal guardian prefers. Decisions regarding school placement must be weighed by considering the best interest factors above. Caseworkers are to engage both the parents/legal guardian and the child in the discussion. The importance of school stability and educational continuity for a child should be reinforced.

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

- Provide immediate and appropriate enrollment in a new school within five days.
- Assist with the transfer of educational records of the child to the new school.

**SERVICES AT
PLACEMENT AND
PLACEMENT
CHANGES**

School-aged children must be registered for and attending school within five days of initial placement or any placement change, including while placed in child caring institutions (CCI) or emergency placements.

**Transfer of
Student Records
to New School**

When enrolling a transfer student, public schools are to request a copy of the CA-60, the Cumulative Record Folder, from his or her previous school within 14 school days after enrolling the transfer student. The sending school must forward a copy of the records within 30 school days of the request.

If the child's foster care case record does not contain the most recent school records, such as the report card, discipline records, or Individualized Education Plan (IEP) (if applicable), the caseworker must request copies of educational records from the last school attended within five days of enrolling the child in the new school. This will ensure the child will be placed in the appropriate classes and receive any needed special accommodations immediately, without having to wait while the sending school transfers the full CA-60 folder.

The Uninterrupted Scholars Act amended the FERPA to allow schools to release education records to child welfare caseworkers or other representatives of a state or local child welfare agency or tribal organization without parental consent for the purpose of school enrollment and case planning. As soon as a school move is expected, or any time a child changes school placement, a request for educational records must be sent to the former school. The caseworker must request student records using the DHS-942, School Notification and Education Records Release. Requested records should include, but are not limited to:

- Grades/unofficial transcript.
- Attendance.
- Special education records (if necessary).
- Disciplinary records.

Transfer of Student Records

Any time a child changes placement, including initial placements and reunification, all of the child's available student records must be provided to the new caregiver (foster parent, relative, legal parent/guardian, provider, etc.). This includes anything that is available within the foster care case file, such as report cards or Individualized Education Plans (IEPs).

Student records must be provided to the new caregiver, at the time of placement but no later than two weeks from the placement date. Documentation of the transfer of student records must be completed on the DHS-69, Foster Care/Juvenile Justice Action Summary, and within MiSACWIS.

Caseworker's Role

The caseworker's role is to coordinate with school personnel to ensure the child's educational needs are identified and that the child is provided the necessary educational services. In coordinating these efforts, the caseworker must:

- Consult with parents, foster parents, and the student to determine if education needs are met. This should be documented within the social work contact section of MiSACWIS.
- At the time of every foster home placement change, including initial placement, send the DHS-942, School Notification and Education Records Release, to the district foster care liaison in order to give updated placement information and request any needed education records.
- Provide the district foster care liaison information needed regarding the child and placement as early as possible but no later than 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 district foster care liaison should assist in facilitating educational stability.
- For children placed outside of the school of origin, coordinate with the district foster care liaisons in both districts prior to school selection and placement.

- For children placed in out-of-home care and will remain within the school of origin, notify the district foster care liaison of the change of placement within ten business days.
- Obtain information from the district foster care liaison for use in assessing the child's educational needs and strengths.
- Document all contacts and information exchanged in the social work contacts of the case service plan.
- Update the education section of MiSACWIS within five business days if a school move is required.
- Update the education section of MiSACWIS at the end of each school year to reflect grade advancement.

SCHOOL TRANSPORTATION

If it is determined that it is in the child's best interest to remain at his/her current school despite being placed in a foster home outside of the school district, and there is an additional cost for transportation, MDHHS is responsible for this cost. Options for transportation include, but are not limited to:

- Working with school district to re-route school buses.
- Gas reimbursement to foster parent.
- Public transportation.

Collaboration between education staff and foster care staff 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 case-worker must discuss transportation with the caregiver and work to make the most cost effective plan possible; [see FOM 903-09, Case Service Payments](#).

Note: The cost of transportation cannot be the reason that a child does not remain in the school of origin.

HOME SCHOOLING

All children in foster care are required to attend a regular public or private school program. Home schooling is not permitted. Online and blended learning opportunities are not considered home schooling and may be considered in special circumstances.

ONLINE EDUCATION PROGRAMS

Children in foster care must be enrolled in regular public or private school programs as often as possible. If the situation arises that an alternative education program is required, online programs may be considered for youth 16 years and older. All other options must be considered prior to considering an online education program.

Guidelines

Online education programs may be considered with the following guidelines:

- The decision to enroll a youth in an online education program should be a team decision and a Family Team Meeting (FTM) must be held.
- If found to be in the best interest for a youth to enroll in an online program, a plan must be formalized for how it will be monitored by the caseworker and foster care placement provider.

Note: This is considered typical parental supervision of education and will not qualify for a Determination of Care level.

- All information must be clearly documented in the case service plan.
- Online Education Best Interest Factors must be considered.

Online Education Best Interest Factors

The best interest factors to consider when determining if an online education program is appropriate for a foster youth include:

- The youth's preference.
- Whether the youth's academic, physical, emotional, and social needs will be met despite not being in a school setting.
- The youth's ability to follow instructions outside the classroom.

- If the youth is eligible for special education, the online program must meet the youth's specific educational needs as identified in the Individualized Education Plan (IEP).
- Whether the program offers a high school diploma or Certificate of Completion.

Note: A youth will **not** qualify for college federal funding through the Free Application for Federal Student Aid (FAFSA) if obtaining a Certificate of Completion. Eligibility remains for the Tuition Incentive Program (TIP) and the Education and training Voucher (ETV).

- The college the youth is planning to attend must accept the diploma/certificate from the online program.
- The school district's recommendation must be considered.
- The parent/legal guardian's preference.

Accepted Programs

All online programs that are offered through the local public school district must be considered first. If an online program within the local public school district is not available, these other options may be considered:

- Cyber Education Center.
- Great Lakes Cyber Academy.
- iCademy.
- K-12.
- Michigan Connections Academy.
- Michigan Virtual Charter Academy.
- Mosaica Online Academy of Michigan.

Exception Requests

An exception request must be completed when either of the following circumstances applies:

- A youth is under the age of 16, regardless of whether they are attending an approved program.
- Approval for a youth to attend an online program that is not on the list of accepted programs.

All exception requests must be sent to the [Education Policy mailbox](#).

Age

When completing an Online Education Program exception request for a youth under the age of 16, include the following information:

- Justification for the appropriateness of the online program.
- Documentation that a FTM was completed.
- Documentation that the above Online Best Interest Factors were considered.
- Documentation that the county director or designee, or PAFC director or designee, has signed in agreement with the decision.

Unapproved Programs

When completing an exception request for a student to participate in an online program that is not provided by the local public school district **and** is not on the approved list in this item, the following must be documented:

- Information about the program, including a contact person and his/her telephone number or email.
- Whether the program offers a Certification of Completion, a GED, or a high school diploma.
- If the student plans to attend college, the exception request must include a statement acknowledging that the online program will allow the youth to attend a post-secondary institution.

SPECIAL EDUCATION

The Individuals with Disabilities Education Act (IDEA) ensures that all children with disabilities are entitled to a free appropriate public education to meet their unique needs and prepare them for further education, employment, and independent living.

Individualized Education Plan (IEP)

An Individualized Education Plan (IEP) is a written plan for a student who has been determined to have a disability through an evaluation by a multi-disciplinary team. The IEP details the special education and related services that the student receives in the classroom. The IEP is developed at an IEP Team Meeting with school staff and is reviewed once per year, or more often if needed. Parents, legal guardians, or surrogate parents are encouraged to attend, along with the student if appropriate. Caseworkers are strongly encouraged to attend IEPs, in order to gain a better understanding of the child's needs and the services being provided.

Only the child's legal parent/guardian, caregiver, or an appointed surrogate parent can sign an IEP. **Caseworkers cannot sign an IEP as a parent.**

The caseworker must ensure all children that have an identified special education need have a developed IEP on file and are receiving the services outlined in the IEP.

Information regarding special education services and IEPs must be documented in MiSACWIS. This includes uploading a copy of the IEP into MiSACWIS.

Requesting an IEP

If a child displays signs that a disability may exist and has not been identified as requiring special education services, a child's parent, guardian, or caregiver can request an evaluation to be completed. The request must be in writing and sent to the special education coordinator/director at the child's school. Once the request is received, the school has no more than 10 calendar days to obtain consent from the parents and begin the assessment process.

Suspensions/ Expulsions

A child with an active IEP can be removed from the classroom or suspended from the school due to their behavior for short periods of time without it affecting the provisions of his/her IEP. If a child is removed from his/her classroom or the school for a period of more than 10 consecutive days, or experiences a series of removals that accumulates to 10 days over the school year, the IEP team must

reconvene to determine if the child's behavior is a manifestation of his/her disability and consider a change in the IEP.

POST-SECONDARY EDUCATION

All youth who have graduated or completed a GED program must have access to appropriate educational and/or vocational opportunities, including youth who are placed in a public, or a private contracted child caring institution (CCI). Caseworkers must work with the residential facility staff and the youth to ensure this occurs.

SURROGATE PARENTS

Surrogate parents are appointed to represent children with disabilities and developmental delays under the following circumstances:

- No parent can be identified.
- The supervising agency, after documented reasonable efforts, cannot discover the whereabouts of a parent.
- The child is a ward of the state or court and parental rights have been terminated.

Surrogate parents have all the rights of birth parents for educational matters, (permission for evaluation and placement, release information and request for educational hearing). The primary responsibility of surrogate parents is to ensure that children with disabilities are provided with a free, appropriate public education.

Surrogate Parent Selection Requirements

An appointed surrogate parent must have received general overview training on the developmental needs, service options, and the legal rights of children eligible for Part C of IDEA. The surrogate parent has all rights accorded to parents under Part C and/or Part B of IDEA and is to represent the child in all matters pertaining to educational evaluation and assessment. The surrogate parent has no rights outside Part C and Part B of IDEA.

Surrogate parents may not be employed by an agency that is involved in providing early intervention, special education services,

and/or general care for the child. This includes, MDHHS, PAFC, and CCI employees.

Foster parents are not considered paid employees of MDHHS or a placement agency foster care provider; therefore, foster parents and relative/unrelated caregivers may be appointed to serve as surrogate parents upon the determination that they meet the criteria as stated in IDEA. In most instances, the child's foster parents or relative caregiver should be appointed as the surrogate parent unless they are unwilling or unable to serve in this capacity.

In selecting the surrogate parent, the local MDHHS will accord preference to a person who knows and understands the child and family's cultural, religious, and linguistic background. Surrogate appointments will last until the surrogate resigns, the appointment is terminated by the local MDHHS, or the child is no longer eligible for services under Part C or Part B of IDEA.

Appointing a Surrogate

MDHHS will appoint a surrogate parent for all state wards committed under 1935 P.A. 220 and 1973 P.A. 296, as required under Part C and Part B of the Individuals with Disabilities Education Act (IDEA). A surrogate parent may alternatively be appointed by the court. A school district has concurrent responsibility for the appointment of a surrogate parent.

Reasonable efforts must be made to assign a surrogate not more than 30 days after there is a determination by the supervising agency that the child needs a surrogate parent.

DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

All educational information and related tasks, activities, and contacts must be documented within the social work contacts, case service plans, placement, and the education section of MiSACWIS.

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:

- The child's placement was determined by taking into account the appropriateness of the current educational setting and the proximity to the school of origin.
- The best interest factors and the input of the parent or legal guardian, along with the district foster care 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 business days of initial placement or any placement change, including while placed in child care institutions or emergency placements.
- Documentation that requests for prior education assessments was completed within 30 calendar days of foster care placement.
- Documentation that prior education assessments were considered when determining the current educational needs of the child.
- Verification from the new school that child's previous school record has been obtained.
- An initial assessment of the child's educational needs and strengths must be documented in the Child Assessment of Needs and Strengths. Each child must be screened for educational needs within 30 calendar days of his or her entry into foster care. The caseworker must use the Child Assessment of Needs and Strengths to assess and document a child's educational needs. The information obtained from the sources listed above will assist with the screening to identify the educational needs of the child and services required to meet the child's needs.
- All other required updated educational information as outlined below.

Updated Educational Information

Updated school information is required in all case 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 documented each report period in the Child Assessment of Needs and Strengths.
- Special education information, if applicable.
- Child's current academic performance and behaviors in school.
- Description of provided services from school, parent, foster parent/caregiver and/or others to meet the child's educational needs.
- Document the child'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.

Caregiver Involvement

For caregivers 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; [see FOM 722-08C, Foster Parent/Relative Caregiver Activities.](#)

JOB AIDS

[Locating School Districts Liaisons in EEM](#)

LEGAL BASE

Federal Laws**Fostering Connections to Success and Increasing Adoptions Act, PL 110-351**

The Fostering Connections to Success and Increasing Adoptions Act requires states to promote educational stability and appropriate school attendance for children in foster care.

McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq.

The McKinney-Vento Act, reauthorized in January 2002, ensures educational rights and protections for children experiencing homelessness. The act helps to reduce barriers that eligible children 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.

Uninterrupted Scholars Act, PL 112-278

The Uninterrupted Scholars Act became effective in January 2013. This Act makes key amendments to the Family Educational Rights and Privacy Act (FERPA) that improves information sharing between education and child welfare agencies. The Act allows schools to release a child's education records to child welfare agencies without the prior written consent of the parents or court order.

Individuals with Disabilities Education Act, 20 USC 1400 et seq.

The Individuals with Disabilities Education Act (IDEA) is a federal law enacted to meet the needs of persons with disabilities. IDEA ensures that students with disabilities receive appropriate education through the development and implementation of an Individualized Education Program (IEP). The IEP is designed to meet the assessed educational needs of each student with disabilities and assures students will be educated within the least restrictive environment appropriate to meet their needs.

Public Law 91-230, [20 USC 1400 et. seq.] the federal Individuals with Disabilities Education Act (IDEA) was enacted to meet the needs of persons with disabilities.

Part B [20 USC 1411-1419] covers children age three to age 21 with disabilities and ensures that they will have available special

education and related services to meet their unique educational needs.

Part C [20 USC 1431-1445] covers infants under the age of three who have established conditions associated with developmental delay or who are developmentally delayed, and ensures early intervention services to the eligible child and the child's family.

A number of procedural safeguards are provided under Part B and Part C that involve parental notice and consent. One of these procedural safeguards is the appointment of a surrogate parent if the child's legal parent cannot be located;

Every Student Succeeds Act, Title I, Part A of the Elementary and Secondary Education Act of 1965, PL 114-95

Every Student Succeeds Act (ESSA), passed in December 2015, amends the Elementary and Secondary Education Act (ESEA) and includes protections to support students who are in foster care. It requires state and local level education systems collaborate with child welfare agencies to ensure the educational stability of children and youth in foster care.

State Law

The Revised School Code, 1976 PA 451

MCL 380.1561- compulsory attendance at public school; enrollment dates; exceptions.

MCL 380.1135(4)- within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request.

MCL 380.1148(2)- if a child who is under court jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is placed in foster care, a school district shall allow the child to enroll in and attend the appropriate grade in the school selected by the department of health and human services or a child placing agency without regard to whether or not the child is residing in that school district. If the selection results in a child transferring to another school, the child's school records shall be transferred as provided under section 1135.

MCL 380.1310 (2)- If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals.

MCL 380.1311 - A school board, school district superintendent, school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent.

Michigan Administrative Rules

Department of Education Special Education Programs and Services, R 340-1701-340-1862.

POLICY CONTACT

Questions about this policy item may be directed to the [Education Policy mailbox](#).