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## 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 determine their quality and effectiveness and if found to be ineffective, make the appropriate adjustments in educational case service planning.

### 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. These educational provisions will assist the caseworker in meeting the requirements of the Fostering Connections Act and foster care policy.

#### **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 was 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; see FOM 722-11, Surrogate Parent for Educational Purposes.

### **No Child Left Behind, PL 107-110**

The No Child Left Behind Act requires public schools to 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.

## **State Law**

### **The Revised School Code, 1976 PA 451**

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

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 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 380.1135(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.

## 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 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.

### Home Schooling

All foster children are required to attend a regular public or private school program. Home schooling is not permitted.

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**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 caregiver home to the child's school is to be considered when placing or changing a child's placement.

**Best Interest  
Factors**

Best interest factors to consider regarding school placement 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.

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

When making best interest decisions for a child, there should be a collaboration process between the caseworker, the school staff, the child's parents, any assigned surrogate parent, and the child, if appropriate. As part of the collaboration process, the homeless education liaison and 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, 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**

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.
- Provide all of the educational records of the child to the new school.

### **SERVICES AT PLACEMENT AND PLACEMENT CHANGES**

School-aged foster children must be registered for and attending school within five days of initial placement or any placement change, including while placed in child care institutions 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 case record does not contain the most recent school records, such as the report card, discipline records, or IEP (if applicable), the caseworker must request copies of educational records 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 special accommodations, if needed.

The Uninterrupted Scholars Act allows 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 DHHS-942, Education Records Release. Requested records should include, but are not limited to:

- Grades/unofficial transcript.
- Attendance.
- Special Education Records Accommodations (if necessary).
- Disciplinary records.

### **Transfer of Student Records to Foster Care Placement**

In addition, each time a child moves placements, including initial placement or reunification, the case worker must transfer available school records to the new placement (foster parent, relative, parent etc.) This is anything that is available within the foster care case file, such as report cards, or IEPs. This must be completed at the time of placement or at least within two weeks of placement, replacement, or reunification. This must be documented that it was completed on the DHS-69 and within MiSACWIS.

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

The McKinney-Vento Homeless Assistance Act specifically covers children awaiting foster care placement. The Michigan Department of Education Homeless Education Office considers "awaiting foster care placement" as a temporary placement and will consider a foster care placement temporary until a child has been in the same foster care placement for a minimum of six continuous months.

Each school district is required to have a McKinney-Vento homeless education liaison. The current listing for the local McKinney-Vento Liaisons is located at:  
<http://www.michigan.gov/homeless>.

The educational assistance and benefits for children *awaiting foster care placement* include:

- The right to remain in the school of origin, if it is feasible and in the best interest of the child. The child may remain in the school of origin for the remainder of the current school year, under McKinney-Vento guidelines.
- When a foster care placement begins during the months between school years, the six-month stability period also begins on the date of placement. The child would be eligible for McKinney-Vento educational services at the outset of the next school year until the 6-month stability period is reached.

**Example:** A child placed in care in July or August would be eligible for McKinney-Vento services at the start of the school year in September, for six months from the placement date.

- 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 certificate.
  - Proof of guardianship.
  - Proof of residence.

**Note:** Caseworkers must provide the school with these records as soon as they are available.

### Caseworker's Role

Educational stability is crucial in addressing and improving the educational outcomes for children in foster care. 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 neces-

sary educational services. In coordinating these efforts, the caseworker must:

- At the time of every foster home placement change, including initial placement, contact the district McKinney-Vento homeless education liaison and/or McKinney-Vento Grant Coordinator. This helps to determine McKinney-Vento eligibility.
- Provide the homeless education liaison information needed regarding the child and placement as early as possible but within three business days from any foster care placement/placement move. 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.
- For children placed in care outside the school of origin, coordinate with the McKinney-Vento Liaisons and/or McKinney-Vento Grant Coordinators in both districts prior to school selection and placement.
- For children placed in care within the school of origin, notify the district McKinney-Vento Liaison or school staff of the change in placement within ten business days.
- Obtain information from the school or McKinney-Vento 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 portion of MiSACWIS within five business days if a school move is required.
- Update the education portion 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 the school district, the child is eligible to receive transportation from the new foster care placement to the school for the six-month period allotted in the McKinney-Vento guidelines. The McKinney-Vento Act requires school districts to share responsibilities and

costs of providing transportation to the school of origin, if the child is eligible.

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 caseworker must discuss transportation with the caregiver. If the child is McKinney-Vento eligible, the school may provide a transportation stipend to the caregiver to transport the 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 caseworker must follow up with the caregiver to coordinate the transportation plan.

### **Child Ineligible For Transportation Services Under The McKinney- Vento Act**

When a child is no longer eligible for transportation services under the McKinney-Vento Act and continues to require school transportation, the supervising agency will have full responsibility for payment and coordination of school transportation; see FOM 903-09, School Transportation Payment Process.

School staff must be informed of the revised transportation plan at least five school days prior to the change.

### **ONLINE EDUCATION PROGRAMS**

Children in foster care must be enrolled in regular 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.

**Note:** If the youth was expelled, 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 to be 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.
- Best interest factors must be considered.

### 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. The district may offer a seat time waiver option, which would allow the school to remove the physical attendance requirements. A student who is expelled may be able to complete an online program under the seat time waiver option. If an online program within the district is not available these other options may be considered:

- 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.
- A youth is attending an online program that is not on the list of accepted programs.

#### **Age**

When completing an exception request due to age, include the following information:

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

### ***Unapproved Programs***

When completing an exception request for an unapproved program, include the following information:

- Information about the program, including a contact person and his/her telephone number or email.
- Whether the program offers a Certification of Completion 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.

All exception requests must be sent to:

Education Analyst  
Education and Youth Services  
235 S. Grand Ave. Suite 514  
Lansing, MI 48909  
Fax: 517-335-7789  
Email: RossiA@michigan.gov

## **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 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 as needed. Parents, legal guardians, or surrogate parents are encouraged to attend, along with the student if appropriate.

**Note:** Caseworkers cannot sign an IEP. The child's parent, guardian, caregiver, or an appointed surrogate parents can sign an IEP.

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.

### 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**

The 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 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.

The surrogate parent may not be employed by an agency that is involved in providing early intervention/special education services to and/or general care for the child. As an employee, the caseworker, whether DHS, PAFC or residential, cannot be appointed as the surrogate parent for the child.

Foster parents are not considered paid employees of DHHS 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 DHHS 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 DHHS or the child is no longer eligible for services under Part C or Part B of IDEA.

### **Appointing a Surrogate**

A state ward will have a surrogate appointed by the local agency having court assigned responsibility for the child's general care and welfare as required under Part C and Part B of the Individuals with

Disabilities Education Act (IDEA). This agency is the Department of Health and Human Services for all children committed under 1935 P.A. 220 and 1973 P.A. 296. A surrogate parent may alternatively be appointed by the court.

For children that meet the definition of a homeless youth under the McKinney-Vento Homeless Assistance Act, the local education agency shall appoint a surrogate in accordance with the law.

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 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:

- 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 homeless 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 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 these 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.

**Note:** 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.