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Approved:	Karen Shea, Interim Deputy Commissioner	Effective: 12/9/2016

Purpose

To establish division policy which ensures that children and youth in DCF custody:


- Are enrolled in school, attend school regularly, make educational progress, and benefit from extra-curricular activities and supports as they are available and suited to them;
- Remain in their school of origin when a placement change occurs unless there is a determination that it is not in their best interest to attend the school of origin; and
- Strive to graduate high school with a plan for post-secondary education, training, and/or employment.

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Introduction

The division is committed to supporting the educational needs and achievement of all children and youth in DCF custody. The division regards meeting the educational needs

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of children and youth as one of the highest priorities for their well-being. To support children and youth in their educational goals, the division must:

- Set high educational expectations for all children and youth;
- Identify and meet the individual needs of each student; and
- Partner effectively with families, students, schools, child care, early education, and other community providers and programs.

Policy

Educational decisions for children and youth will be made by the child or youth’s education team, which should include: the student, social worker, resource coordinator, parent and/or foster or pre-adoptive parent, guardian ad litem, a representative from the school district, and the educational surrogate if applicable. Final decisions related to education are made by the division except when the parent or guardian retains educational decision-making authority or an educational surrogate parent has been assigned. Educational needs, progress, and decisions will be documented in case notes and in the case file.

The division will continue to involve parents in educational decision-making, unless parents are unable or unavailable to participate, their parental rights have been terminated, or doing so would not be in the child’s best interest.

Educational Surrogate Program


When a student in DCF custody is eligible for special education, both state and federal law (Individuals with Disabilities Education Improvement Act) require an educational surrogate parent to be appointed to legally represent that child in the special education planning process.

Social workers will immediately refer any child eligible for special education to the [Vermont Educational Surrogate Parent Program \(VESPP\)](#) using the [VESPP Referral Form](#) or by calling the VESPP.

Social workers will contact the child’s school in writing to request a special education evaluation if they suspect the child has a disability.

The educational surrogate parent has the rights of a parent in matters concerning special education. The educational surrogate parent:

- Must be informed about the student’s program and educational needs;
- Attends all Individual Education Plan (IEP) and Individual Family Service Plan

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(ISFP) meetings concerning the child;

- Receives notice of any proposed evaluation or placement from the school;
- Participates on the evaluation and planning team in planning special education evaluations;
- Advocates in the development of the IEP to assure that the IEP meets the child’s educational needs;
- Is invited to attend all Family Services Division administrative case reviews;
- Receives (along with the VESPP) notice from the division of any planned change in substitute care; and
- Participates in the interagency planning process when there is a need to coordinate services.

Social workers will also make referrals to the Vermont Educational Surrogate Parent Program when:

- A child 0-3 years of age, in DCF custody, is evaluated and/or receiving services through the Family Infant Toddler Program; and
- A child 3-5 years of age, in DCF custody, is enrolled in/receiving services from an Early Essential Education program.

Enrolling Children and Youth in School

Compulsory school attendance is required by Vermont law for all children ages 6 to 16. All children in DCF custody must be enrolled in school immediately following any change in placement. [The Every Student Succeeds Act](#) (ESSA) (Public Law 114-95) allows children in foster care to be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. Entitlement to educational stability under ESSA applies to all pre-kindergarten–grade 12 students. Pre-kindergarten students must be enrolled and attending a prequalified approved education program to be eligible for educational stability entitlement under ESSA.

Social workers are responsible for ensuring children are enrolled in school. Social workers should partner with resource families to determine who is in the best position to enroll children in school. The receiving/enrolling school is required to immediately contact the school last attended by the student to obtain relevant academic records.

Meeting Children and Youth’s Educational Needs During Placement

When children and youth enter DCF custody, the following notifications will occur:

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If a child enters DCF custody during a child safety intervention (CSI)	The investigation/assessment social worker will notify the school's guidance counselor or principal within two working days.
If a child enters DCF custody during an ongoing case	The ongoing social worker will notify the school's guidance counselor or principal within two working days.

When children and youth are in DCF custody and placed out-of-home, the division will work with the family, placement provider, and school to support children's educational needs and maintain educational stability. Supporting educational achievement, stability, and success includes the following:

- Reviewing and maintaining up-to-date information in the case record on children's educational placement, attendance, and performance;
- When possible, making efforts to place children close to home so they can remain in their existing school; and
- Collaborating with education staff about necessary transportation to and from school to determine a plan that best supports students.

When a school-aged child experiences a change in placement, division staff will work with the child's school district to enable the student to continue attending the school they attended prior to the placement, unless it is determined to not be in the child's best interest. The collaboration between division staff and school districts should include:


- Discussions about transportation to determine arrangements that work best for students in foster care;
- Regular communication to promote educational achievement; and
- An ongoing partnership to support students in foster care.

Educational Best Interest Determination

It is presumed to be in children and youth's best interest to remain in their school of origin. All children and youth in DCF custody shall remain in their school of origin when initially entering DCF custody and each time their placement changes, unless it is determined to not be in their best interest.

Agreement for the Student to Remain in the School of Origin

If the education team is in agreement about a student remaining in their school of origin, social workers shall complete the [Educational Stability Agreement Form](#) (FS-72a). The [FS-72a](#) is used to:

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- (1) Document the team’s agreement that the student will remain in the school they are currently enrolled; and
- (2) Document the transportation agreements between the division and education partners.

Transportation planning should include discussions and agreement between division staff and education partners regarding:

- Who is arranging for the transportation?
- Who is paying for the transportation?
- How will the costs be billed?
- Who will drive the student to school?
- What is the student’s school schedule?
- What are the drop off and pick up times?
- What activities does the student participate in before and after school?

Additional guidance on transportation planning and arrangements is available in Appendix I of this policy.


Disagreement within the Education Team

If a member of the education team feels that it is not in a child or youth’s best interest to remain in their school, an education team meeting should be convened and the educational best interest will be determined by completing the [Educational Stability Best Interest Determination \(BID\) Form](#) (FS-72b). The [FS-72b](#) is used to:

- (1) Document the education team’s decision about what is in the student’s best interest; and
- (2) Document the transportation agreements between the division and education partners.

The following factors will be considered when making the best interest determination about a child’s educational setting:

- The student’s age and grade level;
- The student’s preference;
- Time of the year and academic performance;
- Length of time the child has been connected to their school;
- Appropriateness of the current educational setting;
- Current educational goals and services, and the IEP if applicable;
- Extracurricular activities, such as sports, clubs, music, or drama;
- Individual skills and needs;

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- The child’s social connections, friends, and ties to their current school;
- The input of adults with meaningful relationships with the child;
- Anticipated length of time in the current placement and the case plan/permanency goal;
- Number of placement changes the child has experienced;
- Ability to maintain family relationships and connections;
- Clinical, behavioral, or developmental needs;
- Bullying or other safety issues;
- Distance and length of travel time to the educational setting; and
- Availability of transportation.

Transportation costs **shall not** be a factor when making the educational best interest determination.

District director approval is required for a student in DCF custody to change schools. When a determination is made that it is not in a child or youth’s best interest to remain in their school of origin, they will be immediately enrolled in a new school even if the family is unable to produce records normally required for enrollment.

Coordination of Transportation


In most instances, the division is responsible for the costs of transportation to allow a child or youth in DCF custody to continue attending their school of origin. Students who are supported by an IEP may have transportation as a related service. If so, additional guidelines apply. See Appendix I of this policy for additional information on the coordination of transportation.

Supporting Children and Youth Through a Change in Education Settings

If it is determined to be in the child’s best interest for their school to change, the social worker and resource coordinator will collaborate with school personnel to ensure the child’s transition to the new school is as smooth as possible.

If a child is changing schools, the social worker will provide the receiving school with:

- The child’s name, date of birth, grade level and town of parental residence;
- any special needs;
- a copy of current IEP or 504 plan and the name of the educational surrogate parent if applicable;
- the name, address, and phone number of the former school district;

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- the name, address, and phone number of the new substitute care providers; and
- the date student will enter school.

Social workers will partner with resource families to enroll children and youth in their new schools.

Educational Stability Plan (Initial Case Plan)

The educational stability plan (the education section of the child or youth’s case plan) must be a written part of the child’s case record, which is jointly developed with the child’s parents no later than 60 days after a child’s removal from the home, and every six months thereafter.


[42 U.S.C. 675](#) of the Social Security Act requires case plans to include: “A plan for ensuring the educational stability of the child while in foster care, including—

- (i) assurances that each 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; and
- (ii) (I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or (II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”

Assessing Educational Placement and Progress

On an ongoing basis, social workers will gather information regarding children and youth’s educational strengths and needs. After a child or youth comes into DCF custody or after a placement change, the following will be done:

- Gather and review information from school records (including report cards, results of standardized tests and IEPs);
- Consider the continued appropriateness of the child’s current educational placement;
- Arrange for educational services and school-related activities to be set up and for records to be provided to the placement provider if not previously done;
- Initiate the development of a sound strategy for promoting her/his educational success at the highest level of achievement of which she/he is capable that is

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incorporated into the Department’s assessment and case planning;

- Consider supporting the child’s participation in early childhood education or post-secondary educational and vocational programs that are suited to her/his age and abilities; and
- When post-secondary goals are identified, consider financial, housing and social support resources available to the youth.

Prior to the beginning of each school year, the social worker, in consultation with their supervisor, should review the educational and developmental needs of each child in DCF custody and work with the child’s education team to address any concerns that may affect the child’s attendance, participation, and success in their educational program. The results of this review should be reflected in the child or youth’s case plan and documented in case notes. All educational actions taken, decisions made, and information received from schools will be documented in case notes and the case file.

School Records


As the custodial parent representative, social workers have access to the educational records of a student in DCF custody. In addition, the educational surrogate parent and the child’s parents (unless there has been a termination of parental rights) also have a right of access to the records.

Federal law requires social workers to review and update a child’s education and health records at administrative case reviews and supply them to the foster care provider with whom the child is placed. This information must also be shared with new providers at the time of each placement change.

Additionally, the division is required to supply education and health records to youth, free of charge, at the time the youth leaves foster care by reason of having attained the age of majority under state law. These records include:

- A list of the schools/educational programs (with names, addresses, and contact information) the child attended while in DCF custody;
- All transcripts documenting attainment of credits;
- The child’s grade level or program type upon leaving; and
- Copies of any evaluations, standardized test results, IEPs and school district correspondence.

Social workers should collaborate with the youth, their network of supports, and the

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Youth Development Program to determine the best method of ensuring youth have copies of their education and health records.

Education for Children and Youth in Residential Treatment Programs

In situations where a residential level of care is being considered for a child or youth, the social worker should convene a treatment team meeting that includes representatives of the current school district and the district of the parent’s residence (as well as the educational surrogate parent if applicable) to discuss the proposal and develop and implement a Coordinated Service Plan.

The social worker will notify the client placement specialist and the Vermont Agency of Education regarding possible residential placement and submit the required CRC packet for placement approval.

Children who are placed in residential treatment programs that operate a school or tutorial are the educational responsibility of the district of parental residence; they are the LEA.

When no parent resides within the state, the Agency of Education will assign an LEA based on the district where the child and parents lived at the time the child entered DCF custody as documented on the disposition report.

Home Schooling or Placement in a Parochial or Private Independent School


The division is responsible to coordinate planning for the educational needs of all children in DCF custody, including students eligible for special education. If a child is receiving special education, the decision for the child to receive education in a private school, parochial school, or at home is made by both the educational surrogate parent and the social worker.

All requests for children not receiving special education services to receive education in a private school, parochial school, or at home should be made through the assigned policy and operations manager. The division will not pay the cost of tuition for non-residential schools unless approved by the Deputy Commissioner or designee.

Teams for Educational Support

Social workers are the parent representative for the following planning teams:

- **Educational Support Teams (EST):** All schools have educational support teams that focus on the school meeting the needs of all students and to ensure

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collaboration with families, community supports and services. Social workers should make a referral to the EST when they believe a child in their care is in need of academic or behavioral assistance. The social worker may also be asked to attend an EST meeting called by the school to share information and help brainstorm solutions.

- **Section 504 Teams:** Students with disabilities who are not in need of special education must be provided with appropriate accommodations to ensure access to general education. 504 teams must plan appropriate accommodations with input from the parent or guardian. Educational surrogate parents are not assigned to 504 eligible students.

Encouraging Youth to Stay in School

Social work staff will encourage youth in custody to complete their education whenever possible. Per Vermont law, all youth must stay in school (or an approved alternative) until age 16, or be regarded as truant. For information on truancy and educational neglect, see [Family Services Policy 60: Juvenile Proceedings Act – CHINS \(C\) and \(D\) Assessments](#).


Youth in custody may not drop out of school without the written permission of the social worker. If a youth is considering dropping out of school, the social worker will work with the youth to explore alternative ways to complete their education. The youth’s parent(s) and team should be consulted in the decision-making.

The division expects and will support every child or youth in DCF custody to remain enrolled in an academic or vocational school or program, to graduate from secondary school, and to have a plan for post-secondary/vocational education.

Education for Children and Youth Subject to Conditional Custody Orders (CCOs)

Educational stability for children and youth, despite their custody status, is one of the highest priorities for well-being. The provisions of ESSA, including the presumption of educational stability, does not apply to children and youth subject to CCOs under federal law. Vermont law allows some flexibility in supporting educational stability for students subject to CCOs:

“A student who is in temporary legal custody pursuant to 33 V.S.A. § 5308(b)(3) or (4) and is a State-placed student pursuant to subdivision 11(a)(28)(D)(i)(II) of this title, shall be enrolled, at the temporary legal custodian's discretion, in the district in which the student's parents reside, the district in which either parent

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resides if the parents live in different districts, the district in which the student's legal guardian resides, or the district in which the temporary legal custodian resides. If the student enrolls in the district in which the temporary legal custodian resides, the district shall provide transportation in the same manner and to the same extent it is provided to other students in the district. In all other cases, the temporary legal custodian is responsible for the student's transportation to and from school, unless the receiving district chooses to provide transportation.” 16 V.S.A. § [1075](#)(c)(3)

For additional information on conditional custody orders, see Family Services [Policy 84](#).

Notifying Schools when Children and Youth are Missing

Social workers will notify school principals or guidance counselors when a child or youth has runaway, is abducted, or is missing. Per policy 155, social workers will attempt to ascertain the whereabouts of missing child and youth, in conjunction with law enforcement, through contact with family, friends, and other community partners and providers – which includes school personnel. See Family Services [Policy 155: Runaway, Abducted and Missing Youth](#) for additional information.

Additional Resources

Every Student Succeeds Act (ESSA) of 2015-2016 ([PL 114-95](#))

Fostering Connections to Success and Increasing Adoptions Act of 2008 ([PL 110-351](#))

Individuals with Disabilities Education Improvement Act of 2004 ([PL 108-446](#))

No Child Left Behind Act of 2001 ([PL 107-110](#))

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 ([PL 110-325](#))

[How Will the Every Student Succeeds Act \(ESSA\) Support Students in Foster Care?](#)
(published by the American Bar Association Center on Children and the Law,
Education Law Center and Juvenile Law Center)

[VT-FUTRES](#)

Appendix I: Transportation Guidelines

Entitlement to educational stability under the Every Student Succeeds Act (ESSA) applies to all Pre-K – grade 12 students placed in DCF custody and in foster care. Pre-K students must be enrolled and attending a pre-qualified, approved education program to be eligible for educational stability entitlement under ESSA.

ESSA provisions indicate that DCF is responsible for the costs of transportation to allow a foster child to attend their school of origin when other transportation is not available. Additionally, those students who have an IEP and have transportation listed as a related service remain entitled to transportation.

Outlined below are transportation options. A plan must be developed based on the needs of the individual student. Examples include:

- ✓ Public transportation (if age/developmentally appropriate and available)
- ✓ School bus routes
- ✓ A foster parent can agree to drive the student to school and DCF pays for it (using the Foster Parent Expense Form)
- ✓ A foster parent can transport part way and a school para-educator, teacher, behavior interventionist picks up and transports the remainder of the distance
- ✓ A foster parent can transport part way and the student can access the local school's bus route
- ✓ A student's parent is safe and available to drive the student to school
- ✓ A relative of the student is safe and available to drive the student to school
- ✓ A friend of the foster or kin family is willing and able to drive the student to school and is willing to undergo the approval process
- ✓ A parent of a friend of the student is willing and able to drive the student to school and is willing to undergo the approval process
- ✓ A combination of the above listed with a schedule worked out to ensure the student has transportation for all that is needed

For students who are eligible for special education AND have transportation written into an IEP as a related service:

- (1) If the student continues to reside in a foster placement in the same town as a parent, and is attending the school of origin, then the school district arranges for and pays for the transportation.
- (2) If the student resides in a new town and is attending the school of origin, the local Family Services Division Point of Contact (FSD POC) and the new school district's representative will develop a plan for transportation. The student's team will outline the schedule on the Educational Stability Agreement Form or the Best Interest Determination Form both of which identify what each agency is financially responsible for and how that will be achieved. **If there are additional costs incurred in providing transportation for a student on an IEP, the school of origin and DCF must collaborate to determine which entity is responsible for the additional cost.**