



# GUIDE TO SUPPORTING STUDENTS IN FOSTER CARE



2nd Edition

PRODUCED BY



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## IN HER OWN WORDS: AN ALUMNA OF THE WASHINGTON STATE FOSTER CARE SYSTEM

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As a youth who grew up in foster care, I experienced firsthand the stigma that is associated with not having a “traditional” family. While most of my classmates would go home to a two-parent home where they knew they were loved and wanted, I seldom knew where I would be living from week to week. It was hard to make connections to other kids, and I struggled to form any sort of bond with the adults in my life. Between the ages of 4 and 7 I moved placements 17 times. I was fortunate to have my older brother with me the majority of the time. I am convinced that his presence and support during this very tumultuous time changed my trajectory. My brother and I attended the same elementary school, and he helped me fit in. Although kids would often make fun of me, I knew that there was one person who didn’t care that I was a foster youth.

I struggled early on in school, frequently copying off of others’ classwork because I had bigger things I was worried about — things like figuring out where I would eat next, trying to fall and stay asleep despite nightmares and determining why I wasn’t good enough for a family to want me. I was fortunate to have a fourth grade teacher who told me that I could be bigger than my pain and a track coach who taught me to run out my worries and fears. I slowly began to believe that I was smart and loveable. Without these two champions in my life, I am positive I would not be where I am today.

My love for learning and sports continued throughout middle school, high school and college. It is truly amazing what the power of someone believing in you can propel you to do. I was driven to not be a statistic, to not be another youth in foster care who got lost in the system. I owed it to myself and to my champions in my life to become the best version of myself I could be. Youth in foster care need to be shown that life’s obstacles can be stepping stones rather than stumbling blocks. Despite my challenging circumstances, I successfully graduated from high school and received both my bachelor’s and master’s degrees in Criminology and Criminal Justice. I now have my dream job helping youth in the foster care system reach their academic and life goals. I attribute my accomplishments to the people who helped me realize that I could do anything and that being a youth in foster care was a badge of honor and not something to be embarrassed about.



**My hope is that teachers, counselors, coaches, caseworkers, judges, school board members and every other person in a foster youth’s life will share the same vision, goal and fierce optimism. I succeeded because people saw a fire in me and instead of extinguishing it, they fanned it until the fire was so big I could see “my way.” Together we can help all youth in foster care find their way.**





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# CHAPTER

# 1



## INTRODUCTION

- GOALS OF THIS GUIDE
- HOW TO USE THIS GUIDE
- WHO ARE STUDENTS IN FOSTER CARE AND WHY IS THIS GUIDE NECESSARY?
- TOP THINGS TO KNOW ABOUT STUDENTS IN FOSTER CARE

# CHAPTER 1

## Introduction

Welcome to the Guide to Supporting Students in Foster Care. The primary purpose of this guide is to provide information, resources and tools to positively impact the educational experiences of students in foster care. It is our hope to promote collaborative practices and strategies for Washington state's education, child welfare and court systems that improve educational stability and achievement, while increasing awareness about the complexities and challenges that impact students in foster care. This guide is intended for educators, professionals, caregivers, child welfare workers, child advocates and others who work with students to help them achieve success in school and in life. Knowledgeable, caring adults play a significant role in guiding students to a positive educational experience while in the foster care system and beyond.

**Thank you for considering this resource guide and for making a difference in the lives of young people who are involved with the child welfare, court and education systems in Washington state.**

### GOALS OF THIS GUIDE

The intent of this guide is to fulfill the following goals:

- Provide useful information to guide professionals and caregivers in creating a positive educational experience for students in foster care.
- Familiarize professionals and caregivers with the complexities of the foster care system and the relevant laws and policies that influence the educational experience of a student in foster care.
- Centralize foster care and educational information while increasing awareness and promoting improved cross-system practices and partnerships that benefit students in Washington's foster care system.

Working to achieve these goals, Washington state strives to fulfill the educational provisions of federal legislation that promotes school stability and requires coordination and appropriate data sharing across child welfare and education systems. This legislation includes the following:

- Fostering Connections to Success and Increasing Adoptions Act (2008)
- Uninterrupted Scholars Act (2013)
- Elementary and Secondary Educational Act (ESEA), as reauthorized by the Every Student Succeeds Act (2015)

### HOW TO USE THIS GUIDE

- View the Table of Contents for specific questions and relevant topics.
- Consult the practice tips, relevant laws and resource sections found in this guide to assist you in supporting the educational success of students in foster care.
- Refer to the appendices for resources and supplemental information, including a glossary with relevant child welfare and legal terms and acronyms, to gain a better understanding of the child welfare system and terms used throughout the guide (see page 82).

Helpful tips, laws and resources featured throughout this resource guide are noted by the following icons:





## WHO ARE STUDENTS IN FOSTER CARE AND WHY IS THIS GUIDE NECESSARY?

For the purposes of this guide, a student in foster care is any child in the custody of Washington state due to abuse and/or neglect, regardless of the child's living arrangement. Detailed information about the foster care system in Washington state, including different types of placements and caregivers, is provided in Chapter 2.

### Washington State Overview

At any given time, approximately 9,000 children in Washington state are in foster care. Nearly 4,500 are school age and represent some of the most vulnerable students in the state. These students comprise a small percentage of the total student population yet face unique challenges that greatly affect success in the school environment. Before entering foster care, students may have lived in chaotic home environments, experienced physical or emotional trauma, attended school sporadically or had parents or family members who were unable to meet their physical and emotional needs.

The Children's Administration (CA) is Washington state's child welfare agency. When CA becomes involved due to abuse or neglect allegations, it seeks to ensure the safety and well-being of children. If they cannot safely remain with a parent, CA petitions the court and then a ruling awards legal custody to CA. CA seeks to place the student with a relative or in a foster home. A judge oversees the case while a student is in foster care temporarily or for a longer period of time, depending on the court's findings. Once in foster care, a student may experience subsequent placement changes while awaiting placement in a permanent home. Unfortunately, more often than not, placement changes are accompanied by a change of school.

Research shows that frequent school moves have a negative impact on the academic achievement of highly mobile students. A student in foster care loses approximately six months of academic progress per school change and is twice as likely to repeat a grade and change schools midyear, relative to peers not in foster care.<sup>1</sup> Students who change schools frequently suffer the loss of important emotional and social connections. Additionally, when students in foster care change schools, they may lose course credits, repeat courses they have already taken, be placed in inappropriate classes or grade levels, or not be allowed to participate in extracurricular activities. Delays in transferring school records may result in serious disruptions in a student's learning and academic progress. The result: less than half of students in foster care in Washington state successfully graduate from high school on time.<sup>2</sup> Despite these challenges, many former students in foster care report that school provided much-needed consistency in their lives. Students often recall caring teachers or school staff members who truly made a difference.

### National Overview

On any given day, approximately 400,000 children are in the foster care system nationwide, and each year an estimated 18,000 young people "age out" of the system when they turn 18 without having a permanent family.<sup>3</sup> These students have significantly lower educational achievement than their peers not in foster care.

To ensure successful educational outcomes for students in foster care, 12 organizations joined together to form the National Working Group on Foster Care and Education to review studies from across the country on students currently and formerly in foster care.<sup>4</sup> According to these studies, when compared to the general student population, students in foster care were more likely to be suspended or expelled, repeat a grade or drop out. They also scored lower on statewide standardized tests and were less likely to graduate.<sup>5</sup>

Not surprisingly, these challenges have long-term and far-reaching effects. In 2011, The University of Chicago published the largest longitudinal study ever undertaken on the adult functioning of alumni of foster care. This nationally recognized study, "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," reveals the following:<sup>6</sup>

EDUCATIONAL ATTAINMENT	FOSTER CARE ALUMNI	NATIONAL SAMPLE
No High School Diploma	20%	6%
Two-Year College Degree	4%	10%
Four-Year College Degree	3%	24%
One or More Years of Graduate School	1%	13%

Lower educational achievement has a significant ripple effect leading to other difficult circumstances. Studies show that many foster care alumni experience higher rates of unemployment and homelessness and are more likely to face economic hardships in adulthood.<sup>7</sup>

Research suggests that education is a critical component to positively impacting the life paths of young people who experience foster care. Success in school can be a positive counterbalance to the challenges students have experienced.<sup>8</sup> Whether students are in the foster care system for short or long periods of time, their education is important for long-term success.

## **Partnering for Improved Outcomes for Students in Foster Care**

Educators, caregivers and other professionals are critical partners in effectively meeting the needs of students in Washington's child welfare system. Strengthening partnerships between educators, child welfare caseworkers, court representatives and caregivers is essential to improving the outcomes of students impacted by foster care. It is important that students in the foster care system are seen as "our" children and not the sole responsibility of any one system or group. Through partnership and coordination, we can accomplish the goal of improving the educational experience and outcomes for students in foster care.

### **TOP THINGS TO KNOW ABOUT STUDENTS IN FOSTER CARE**

#### **Students enter foster care through no fault of their own and have experienced abusive and neglectful environments.**

Common concerns include the long-term effects of experiencing chronic abuse and neglect at the hands of a caretaker, exposure to drugs and/or alcohol and witnessing domestic violence or other criminal behavior. For example, students in foster care may have challenges related to attachment and bonding that can affect motivation, engagement and academic performance.

#### **Students in foster care have experienced tremendous loss.**

Students are often separated from siblings, family members and personal belongings. Loss of important educational, social, cultural and familial connections are common and compound the trauma experienced.

#### **Upon entering foster care, students work with many child welfare professionals.**

These professionals can include a child welfare caseworker, a Court Appointed Special Advocate (CASA) or guardian ad litem (GAL), a court-appointed educational liaison and an attorney. It is likely that these persons will contact the child's school and caregivers to get educational information regarding the student.

#### **Students in foster care may be a mobile population.**

Due to a variety of circumstances, students may have to relocate to new homes and communities even after their initial placement. Transitions and school moves may happen quickly, meaning students are not able to say goodbye to their current school relationships. School withdrawal procedures may not be followed, which contributes to additional challenges with school transitions. Special accommodations may be needed to help secondary students complete course credits when similar courses are unavailable at their new school and/or they enroll partway through a semester.

#### **Students often enter foster care with gaps in their education.**

Some students may not be prepared to enter their age-appropriate grade at the time they enter foster care for a variety of reasons. Chronic absenteeism, delays in transferring records from school to school, changes in their Individual Education Program (IEP) team and the loss of course credits all contribute to gaps in students' education.

#### **School may be the only consistent environment for students in foster care.**

The school day can provide a sense of normalcy and can be an escape from the challenges students face in their home life. In addition, students may experience multiple changes in placement while in care, and their teachers, school staff and peers may be the only consistent community they experience.



## TOP THINGS TO KNOW ABOUT STUDENTS IN FOSTER CARE continued...

### **Trauma and adverse experiences may impact students' learning and behavior.**

As a result of trauma and adverse childhood experiences, students in foster care may show signs of depression or anxiety and may have trouble socializing with their peers and trusting adults. School staff will benefit from additional training on the impact of trauma and how to implement trauma-informed practices in the classroom (see page 54).

### **Maintaining confidentiality and sensitivity is very important.<sup>9</sup>**

Students do not want to be stigmatized as foster children and often do not want school staff or their peers to know they are in foster care. Students communicate that this label has negative connotations and can be embarrassing and shameful. School staff must make every effort to protect the privacy of students in foster care and respect the sensitive nature of their situations.

### **Students in foster care have many strengths.**

Students in foster care have talents, incredible resilience, friendships, caring family members and relationships with other supportive adults. These strengths should be celebrated, nurtured, supported and integrated into student engagement strategies.

### **Students in foster care want to be empowered with decision making and goal setting.**

In foster care, students often feel like they have little or no involvement in the decisions made about their lives. Students benefit from being included in decision making and discussions related to their school success and long-term goals. Building a sense of empowerment and control over their lives is a crucial element of students' ability to overcome the trauma they have experienced before and while in foster care. Involving the student in age-appropriate decision-making opportunities regarding their education can also be an effective student engagement effort.

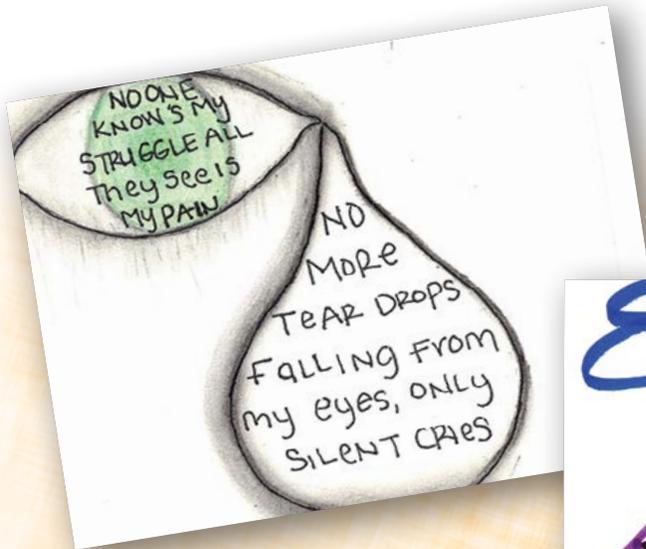
### **Students in foster care can go to college when they receive support and are connected with the right resources.**

Students' goals and dreams for the future serve as strong motivators during challenging times in the foster care system. Supporting these goals helps students engage at school. College scholarships, grants and supportive campus-based programming are available to assist students in foster care as they transition to college and career training opportunities. Additionally, child welfare programs and services are available to help students prepare for and transition to adulthood. Educators and counselors should be aware of these opportunities and, when able, connect students to these resources.

### **Federal and state legislation supports students in foster care.**

Issue areas supported by law include immediate enrollment, school stability, maintaining school placement, smooth transitions, designated school district foster care liaisons or campus champions, and coordination between child welfare and education.

Washington representatives of education, child welfare and the courts are committed to improving the educational outcomes of students impacted by the foster care system.



## CHAPTER

# 2



## UNDERSTANDING THE FOSTER CARE SYSTEM

- WHAT IS FOSTER CARE?
- HOW DOES A STUDENT ENTER THE FOSTER CARE SYSTEM?
- WHAT TYPES OF ABUSE/NEGLECT DOES CPS INVESTIGATE?
- WHERE DOES A STUDENT LIVE WHEN PLACED IN FOSTER CARE?
- WHAT IS A STUDENT'S JOURNEY THROUGH FOSTER CARE?
- WHO ARE KEY PEOPLE IN THE LIFE OF A STUDENT IN FOSTER CARE?
- HOW TO WORK WITH KEY PEOPLE IN A CHILDREN'S ADMINISTRATION CASE IN THE SCHOOL SETTING

## CHAPTER 2

# Understanding the Foster Care System

### WHAT IS FOSTER CARE?

When students can't live safely at home and an appropriate non-custodial parent is currently unable or unwilling to care for them, the court can give temporary, legal custody of the students to Children's Administration (CA). CA temporarily places these students in out-of-home care, more commonly known as foster care.

Foster care is meant to be temporary until a permanent living arrangement is found and CA no longer has legal custody. However, for some students it can become permanent. CA strives to provide quality services for students in foster care. However, students in foster care may have to change placements several times due to a variety of factors such as licensing standard violations, court rulings, requested moves by the students or caregivers, identification of appropriate relatives or suitable adults, or changes in the foster home or facility. CA consistently works toward better matching the needs of each individual student with an appropriate placement.

### HOW DOES A STUDENT ENTER THE FOSTER CARE SYSTEM?

Students enter the foster care system when they are “at risk of imminent harm” or have “been abandoned; . . . abused or neglected; or [have] no parent, guardian, or custodian capable of caring for [them].”<sup>10</sup>

Before a decision is made to remove a student, Child Protective Services (CPS) must make reasonable efforts to safely maintain students with their families, including sometimes providing necessary support and services.<sup>11</sup> CA, Tribes and community agencies can provide these services. Students may also be voluntarily placed into the care and custody of CA by their parents. The Voluntary Placement Agreement (VPA) provides a time-limited plan for foster placement in cases where students are unsafe or there is no parent capable or available to care for them.

When necessary to ensure their safety, CPS can file a dependency petition with the court to remove students from the care of their parents. This begins a court process called a “dependency case” in which the parents are entitled to representation and due process. In an emergent situation where it appears that students are at risk of imminent harm or have already been seriously abused or neglected, a policy officer can place them in “protective custody” for no more than 72 hours (not counting weekends or holidays). Custody of the students is then transferred to CPS. If CPS determines their safety can be managed in the home, the students can be returned to the care of their parents. If CPS determines that their safety cannot be managed in the home, it will file a dependency petition and follow the court process or enter into a time-limited VPA with the parents.

Once students are taken into custody and a decision has been made to file a dependency petition, the court will hold a shelter care hearing to determine whether they can safely return home or if they need to remain in foster care because there is reasonable cause to believe they have been abandoned, abused or neglected or there is no parent, guardian or custodian capable of taking care of them.<sup>12</sup> Subsequently, a fact-finding hearing takes place, as does a disposition hearing.<sup>13</sup> These activities result in a decision regarding whether students will return home or move to foster care.

## WHAT TYPES OF ABUSE/NEGLECT DOES CPS INVESTIGATE?

- Physical abuse
- Sexual abuse
- Sexual exploitation
- Negligent treatment or maltreatment
- Abandonment



**LAW:** “Abuse or neglect” means sexual abuse, sexual exploitation or injury of a child by any person under circumstances which cause harm to the child’s health, welfare or safety . . . or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child pursuant to RCW 26.44.020.

Definitions of child abuse and neglect, as defined by Section 388-15-009 of the Washington Administrative Code (WAC), that may result in investigation and placement in foster care are provided below.

FORM OF ABUSE/NEGLECT:	DEFINITION:
Physical Abuse	<ul style="list-style-type: none"> <li>• Non-accidental infliction of physical injury or physical mistreatment on a child.</li> <li>• Physical abuse includes, but is not limited to, such actions as:               <ul style="list-style-type: none"> <li>- Throwing, kicking, burning or cutting a child.</li> <li>- Striking a child with a closed fist.</li> <li>- Shaking a child under age three.</li> <li>- Interfering with a child’s breathing.</li> <li>- Threatening a child with a deadly weapon.</li> <li>- Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child’s health, welfare or safety.</li> </ul> </li> <li>• Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size and condition of the child and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate.</li> <li>• Other factors may include the developmental level of the child and the nature of the child’s misconduct. A parent’s belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.</li> </ul>

FORM OF ABUSE/ NEGLECT:	DEFINITION:
Sexual Abuse	<ul style="list-style-type: none"> <li>• Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code.</li> <li>• It also includes the intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child or a third party.</li> <li>• A parent or guardian of a child, a person authorized by the parent or guardian to provide childcare for the child or a person providing medically recognized services for the child may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care and medical treatment or diagnosis.</li> </ul>
Sexual Exploitation	<p>Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding or otherwise causing a child to engage in the following:</p> <ul style="list-style-type: none"> <li>• Prostitution.</li> <li>• Sexually explicit, obscene or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted.</li> <li>• Sexually explicit, obscene or pornographic activity as part of a live performance or for the benefit or sexual gratification of another person.</li> </ul>
Negligent Treatment or Maltreatment	<p>Negligent treatment or maltreatment encompasses a range of behaviors that show a serious disregard of the consequences to the child and create a clear and present danger to that child's health, welfare or safety. Negligent treatment or maltreatment may occur as isolated incidents or patterns of conduct where a person responsible for caring for the child has acted, or failed to act, to the point that the child faces risk of suffering harm. This threat exists regardless of whether the child suffers actual damage or physical or emotional harm.</p> <p>Negligent treatment or maltreatment may include, but is not limited to, these situations:</p> <ul style="list-style-type: none"> <li>• Failure to provide adequate food, shelter, clothing, supervision or health care necessary for a child's health, welfare or safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves.</li> </ul>

FORM OF ABUSE/ NEGLECT:	DEFINITION:
Negligent Treatment or Maltreatment (cont.)	<ul style="list-style-type: none"> <li>• Actions, failures to act or omissions that result in injury to or that create a substantial risk of injury to the physical, emotional and/or cognitive development of a child.</li> <li>• The cumulative effects of a pattern of conduct, behavior or inaction by a parent or guardian in providing for the physical, emotional and developmental needs of a child, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations and duties when the result is to cause injury or create a substantial risk of injury to the physical, emotional and/or cognitive development of a child.</li> </ul>
Abandonment <sup>14</sup>	<p>A parent or guardian abandons a child when the parent or guardian is responsible for the care, education or support of a child and acts or fails to act as follows:</p> <ul style="list-style-type: none"> <li>• Deserts the child in any manner whatsoever with the intent to abandon the child.</li> <li>• Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene and medically necessary health care.</li> <li>• Forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to exercise such rights, duties and obligations.</li> </ul> <p>Criminal activity or incarceration of a parent or guardian does not constitute abandonment in and of itself, but a pattern of criminal activity or repeated or long-term incarceration may constitute abandonment of a child.</p>

## WHERE DOES A STUDENT LIVE WHEN PLACED IN FOSTER CARE?

There are a variety of different placement types for student in foster care. Each placement is selected based on the student's needs and the ability of the caregiver to best meet those needs. The goal of each placement is to provide a student with a safe, stable and nurturing environment.



**TIP:** These settings may influence a student's time during and after school differently. It is helpful to remain sensitive of the variety of settings a student may live in and consider the impact of these environments on the student.

**Below is a list of placement types in which a student in foster care may live:**

PLACEMENT TYPE:	DESCRIPTION:
Kinship or Suitable Adult Caregiver	A relative or suitable adult who is identified or volunteers to be a placement resource for a student in foster placement. A relative is a member of the student's biological or adoptive family. A suitable adult is a person who has a longstanding and significant relationship with a student or with the student's family. Relatives or suitable adults can choose to become licensed foster caregivers.
Foster Home	A state-licensed home (can be temporary) for student in foster care. Caregivers known as "foster parents" receive a reimbursement for providing room, board and transportation for students living in their home.
Group Home	A licensed facility where multiple students live. Staff oversee the facility, and students live there 24/7.
Crisis Residential Center (CRC)	Temporary shelter for students ages 12-17 missing from home or foster care, in serious conflict with parents or guardians, in need of emergency placement or sexually exploited. Available 24/7.
Treatment Facility	Setting equipped to handle students with behavioral, mental health or substance abuse issues. This type of placement is appropriate for children with serious enough problems in any of these areas that they cannot live in a family situation. Care or supervision is provided 24/7.
Temporary Residential Care	Placement for students living in unsafe situations where their legal status, physical and mental health, chemical dependency and educational ability will be assessed and a plan for permanent, stable housing developed.



**TIP: Schools can help with targeted foster parent recruiting.**

In partnership with CA, schools can play an active role in recruiting foster parents. Schools can specifically help increase the number of foster homes within school boundaries, especially in districts and school catchment areas where there are a large number of students in foster care. Maintaining students in their home schools and/or districts supports educational stability. School personnel who are interested in becoming foster parents or know someone who might be should visit [www.dshs.wa.gov/CA/fos/becoming-a-foster-parent](http://www.dshs.wa.gov/CA/fos/becoming-a-foster-parent) or contact the regional CA office for more information.



## WHAT IS A STUDENT'S JOURNEY THROUGH FOSTER CARE?

A student's journey through foster care is more clearly understood through the CA stages of service described below.

CA STAGES OF SERVICE	DESCRIPTION:
Intake or Placement Into Protective Custody	<p>CPS accepts direct referrals from any source and in any form. CA administers a toll-free, 24/7 hotline for reporting suspected abuse and neglect of children. The number is 1-866-END HARM (1-866-363-4276) and is TTY-accessible. Once a referral is made, CPS will take one of the following three actions with each case:</p> <ul style="list-style-type: none"> <li>• “Screened in” and sent to a caseworker for further investigation.</li> <li>• Transferred to the Family Assessment Response (FAR) team for a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, family strengths and needs.</li> <li>• “Screened out” because the allegations do not meet the legal definition of child abuse or neglect.</li> </ul> <p>In an emergency situation where it appears that a student is at risk of imminent harm or has already been seriously abused or neglected, a police officer can place the student in “protective custody” for no more than 72 hours (not counting Saturdays, Sundays and holidays). Custody is then transferred to Child Protective Services (CPS), which places the student with a relative or suitable adult if possible. If an appropriate person is not available, the student is placed into a licensed foster home or group care facility. A court hearing is held within 72 hours (excluding Saturdays, Sundays and holidays) of the time the student was placed in custody.</p>
CPS Investigation	<p>Investigations address more serious allegations of abuse or neglect, injuries and/or abuse to students age 5 or younger, or when an emergent response is needed. In an investigation the parents are not contacted prior to seeing the student, whenever possible. In addition, investigators often coordinate responses with law enforcement. Investigations are an assessment of child safety, risk of future maltreatment and child well-being. The investigator is required to make a finding indicating whether the caregiver abused or neglected a student.</p>
CPS Family Assessment Response (FAR)	<p>Allegations that are of low to moderate risk are screened in to the Family Assessment Response (FAR) pathway. This alternative response connects families to extended family, community, services and concrete support to help stabilize the family and reduce the risk of future abuse or neglect. Parents maintain legal custody. Families that opt out of FAR will be investigated by a CPS caseworker.</p>
Family Voluntary Services	<p>Families that receive CPS services may be referred to Family Voluntary Services for additional services to address issues of child safety and risk. Students remain in the home while services are provided as long as it is safe for them to do so.</p>
Foster Care	<p>When it is not safe for students to live with their own families, CA petitions the court for custody and placement into foster care.</p>

<b>CA STAGES OF SERVICE</b>	<b>DESCRIPTION:</b>
Shelter Care Hearing	<p>The Shelter Care hearing is the initial court hearing that takes place after CA has petitioned the court for temporary custody. During a Shelter Care hearing, the court reviews the Dependency Petition filed by the State that alleges that the student has been abandoned, abused or neglected or that the student’s parents are incapable of providing care and therefore the State should assume temporary legal custody. The court then addresses issues, including the following:</p> <ul style="list-style-type: none"> <li>• Parental visitation.</li> <li>• Legal representation.</li> <li>• Placement and supervision of student until next hearing.</li> <li>• School and/or childcare placement.</li> <li>• Dependency Status.</li> </ul> <p>The court can keep the student in foster care, return the student home with court oversight, or decide to dismiss the case and return the student home at this hearing.</p>
Continued Shelter Care (Review) Hearing	<p>A Continued Shelter Care or review hearing will be held every 30 days until the case is dismissed or dependency is established, either through a Dependency Fact Finding hearing or an agreement between the parties. These parties include CA, the student’s parents, and the student’s attorney and/or the CASA or GAL if applicable.</p> <p>During the Continued Shelter Care hearings, the court reviews progress made by the parents and continues to address issues, including the following:</p> <ul style="list-style-type: none"> <li>• Parental Visitation.</li> <li>• Placement and level of supervision of student until next hearing.</li> <li>• School and/or childcare placement.</li> <li>• What services have been offered.</li> <li>• What additional services are needed.</li> <li>• When the student could be returned home.</li> <li>• If a petition for the termination of parental rights should be filed.</li> <li>• Possible dismissal of the dependency case.</li> </ul>
Dependency Fact Finding Hearing	<p>A Dependency Fact Finding Hearing is held to determine if the student should be made a dependent of the State. If the court finds the student dependent, another hearing is held to address the following issues:</p> <ul style="list-style-type: none"> <li>• Placement of student.</li> <li>• Parental visitation.</li> <li>• School attendance.</li> <li>• Services that will be provided to the student and parents to correct the problems and help make reunification possible.</li> </ul>



CA STAGES OF SERVICE	DESCRIPTION:
Review Hearing	<p>The Court reviews the progress made and determines the following:</p> <ul style="list-style-type: none"> <li>• What services have been offered.</li> <li>• What additional services are needed.</li> <li>• When the student could be expected to return home.</li> <li>• Whether a student’s educational, physical and emotional needs are being met in the foster placement (if the student is not returned home).</li> <li>• If a petition for the termination of parental rights should be filed if the parents are not making progress.</li> </ul> <p>The court can decide to dismiss the case and return the student home at this hearing. Review hearings occur every six months.</p>
Permanency Planning Hearing	<p>Once a student has been in care 9-12 months, a Permanency Planning Hearing is held where the court determines what the permanent plan for the student should be. The court also decides on a concurrent secondary plan. Permanent and concurrent plans include the following options:</p> <ul style="list-style-type: none"> <li>• Return home.</li> <li>• Termination of parental rights and adoption.</li> <li>• Guardianship.</li> <li>• Third-party custody.</li> </ul> <p>The court can decide to dismiss the case and return the student home at this hearing.</p>
Termination Trial	<p>If a student has been out of the home for 15 of the last 22 months and the parents have shown little to no progress, CA must file a petition for termination of parental rights. A termination trial is held, and the court may issue an order terminating the parents' legal rights to the student, making the student “legally free” and available for adoption. The birth parents can also choose to voluntarily relinquish their parental rights with an Open Adoption Agreement.</p>
Adoption	<p>Once a parents' rights have been terminated, a student is available for adoption. The adoption caseworker either starts searching for a permanent home or begins the process of finalization if the student is already in an identified permanent home. The court considers a student’s educational needs throughout the adoption process. Until an adoption is finalized, caseworkers partner with caregivers to make certain the student receives any necessary school services.</p>

**TIP: School personnel are mandated reporters in Washington state.**



If school personnel have any knowledge of or suspect that a student has been abused or neglected, they should call CA’s toll-free, 24/7 hotline at 1-866-END HARM (1-866-363-4276). To learn more about reporting child abuse and neglect and access a mandated reporting toolkit and training video, visit the CA website at [www.dshs.wa.gov/ca](http://www.dshs.wa.gov/ca).



**LAW: When any school personnel have reasonable cause to believe that a student has suffered abuse or neglect, they must report the incident, or cause a report to be made, to the proper law enforcement agency or to CA, pursuant to RCW 26.44.030. This report may be oral or in writing as provided in RCW 26.44.040.**

## WHO ARE KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE?

When a student is placed in foster care, there are many adults and service providers who play critical roles in meeting the student's physical and emotional needs. It is helpful to have a basic understanding of the various people and systems that may work with a student in foster care.



School personnel may interact with CA staff and others involved in the life of a student in foster care. The roles these key parties play are discussed below.

### **Caseworker**

Caseworkers have multiple responsibilities as the primary CA staff members for the oversight of student cases. They are the direct link between students, parents, caregivers, the court system and multiple service providers. Caseworkers are responsible for ensuring student needs are met and that all necessary and appropriate services are provided to students while in foster care. They visit with students at least once a month and supervise or coordinate visits with siblings and family members.

Caseworkers may interview school personnel with knowledge of an injury or incident related to students. They interview alleged victims outside the presence of their family and any alleged perpetrators. These interviews often take place at school, and the caseworker will ask school staff where they will be in case the student wants a third party present or needs to ask a question of a staff member.<sup>15</sup>



**TIP: CA experiences high staff turnover rates and the caseworker for a particular student may change without notice.**

If you are unable to contact the student's caseworker, check in with the caregiver to see if the caseworker has changed. Alternatively, you can try contacting the caseworker's supervisor. Contact information for both the caseworker and supervisor are listed on the Caregiver Authorization form and on CA's website: <https://fortress.wa.gov/dshs/ca/employeedirectory> (see Appendix C for a sample of the Caregiver Authorization form).

## Caregiver

The caregiver may be a relative, kinship care provider or a representative, such as a foster parent, affiliated with a child placing agency or CA or group home staff. Caregivers have responsibilities related to the student's education.

Caregivers and caseworkers are to be notified by school staff if there are any concerns about a student in foster care (see page 30 for more information on educational decision making and who to contact for school-related decisions).

## Court-Appointed Educational Liaison

For students in foster care attending middle or high school (grades 6-12), the court will designate an educational liaison. The educational liaison is a person committed to providing enduring educational support to students while they are in the foster care system. Educational liaisons regularly meet with school personnel and participate in meetings regarding the student's educational performance and academic needs. This person could be the student's parent, a relative or someone with whom the family has a preexisting relationship. The student's foster parent or CASA may also act as the liaison. The caseworker, however, may not.<sup>16</sup>

Courts will appoint a student's parent to serve as the educational liaison unless it finds reason not to, which may appoint a parent, which may include the following:<sup>17</sup>

- Parental Rights have been terminated.
- Parents are unavailable because of incarceration or other limitations.
- The court has restricted contact between the student and parents.
- The student is placed in a behavioral rehabilitative setting and the court has limited the educational rights of the parents.



**TIP: The liaison is an excellent contact to begin building partnerships with the local child welfare system.**

## Family of Origin

Alumni of foster care report concern and loss associated with being separated from family, which often influences students' learning processes and their school experiences. Each case is unique, and students may or may not see their biological parents, siblings or other family members. Sensitivity to visitation, court dates and other circumstances, such as school assignments related to family, is important. Birth parents may maintain some legal rights to the student's educational decisions (see page 33).

## Community

Students may be involved with community organizations such as after-school clubs, churches, mentoring organizations and other community-based support and services. Partnering with community-based organizations, sharing information about available resources and involving these groups in supporting students are all beneficial.

## Therapy/Medical Providers

Students may receive counseling, therapy or other medical or mental health services. Schools are encouraged to coordinate with caregivers when possible to ensure that students' individual service needs are met and that regular school attendance is maintained. Allowing service providers to provide therapeutic or support services within the school setting can help minimize students' absences from school.

## Court/Judge

Courts play a critical role in child welfare cases. No student enters or leaves foster care without a court order. Every day, judges decide whether students return home, live with relatives or become legally available for adoption. Understandably, court dates may cause a range of emotions for students, including anxiety leading up to or following the court date that may make it difficult for students to focus in class or complete schoolwork. Caregivers may communicate with school staff about upcoming court dates and absences related to foster care hearings and other activities. Pursuant to state law, a school absence due to a court date is considered an *excused* absence, and therefore students who are absent from school in order to participate in their court proceedings should not be penalized in any way.<sup>18</sup> School staff can help these students by providing opportunities to remain on track for course completion.



**TIP:** In certain areas of the state, students may have the option of participating in a court hearing via phone, which allows students to remain in school and not miss the entire school day due to traveling for a court date. Schools may assist by providing a phone and quiet, private space for students to use. Providing access to a school counselor prior to and after the phone call can help students process their emotions and prepare for their return to the classroom.

After a fact-finding hearing, the court enters a disposition order that dictates whether students need to live outside of their homes. The courts will continue to monitor the students' circumstances until they reside in safe, permanent homes.

## Student's Attorney

At its own initiative or upon request of a parent, a student, a GAL, a caregiver or CA, the court may appoint an attorney to represent the student's position in any dependency action. Students may also be represented by a privately retained attorneys. CA is required to let students age 12 and older know that they have the right to an attorney.<sup>19</sup>



**TIP:** The student's attorney may contact the school for information regarding the student's educational status and needs.

In an order appointing an attorney to represent the student, there should be language giving the attorney access to the student and any information relating to the student. The attorney is also entitled to records related to the student, including school records, without requiring a further order or release. The Family Educational Rights and Privacy Act (FERPA) requires schools to provide this information within 45 days of a request being submitted, and it is in the best interest of the student to provide this information as quickly as possible.<sup>20</sup>

## Attorneys for Parents and Department of Social and Health Services/Children's Administration

The attorney for a student's parents and the attorney for CA are other court-related representatives involved in a student's case. An attorney will represent CA in its legal proceedings. Parents' attorneys may be hired or appointed by the court, depending on the financial situation of the parents.<sup>21</sup> The attorneys for parents may be lawyers in private practice, part of an office that specializes in representing parents in CA cases or from the local public defender's office. FERPA requires attorneys to provide schools with a court order or subpoena in order to request academic records for the student. Schools must notify the parent or student before complying with the request.<sup>22</sup>

## Guardian Ad Litem<sup>23</sup>

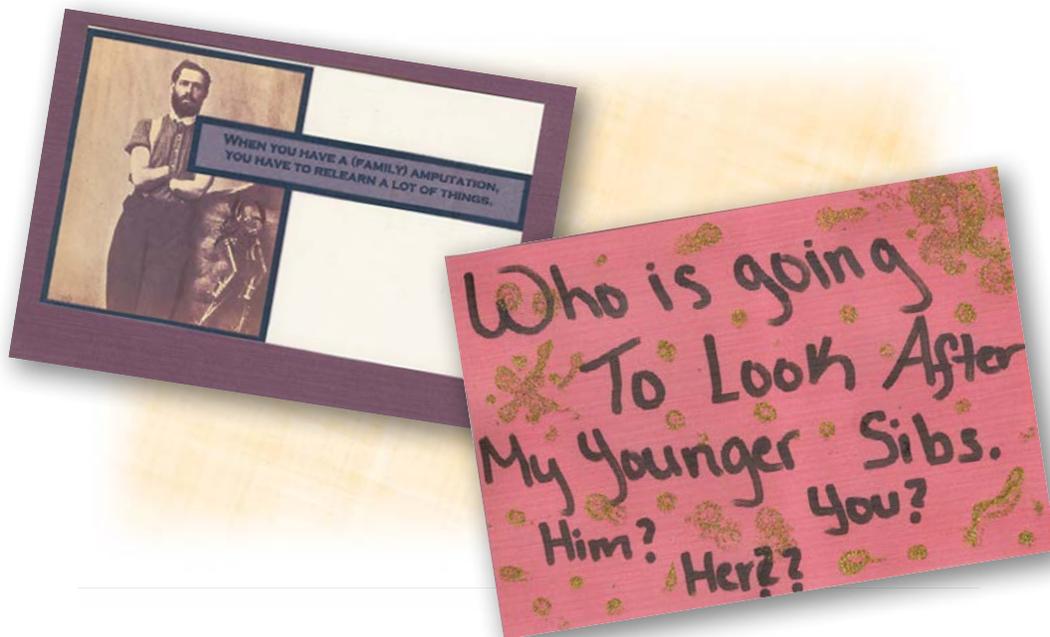
Unless deemed unnecessary, the court will appoint a GAL for any student who is the subject of a dependency. A GAL may be one of the following:

- A volunteer advocate, such as a CASA.
- A professional, other than an attorney, who holds a relevant professional license and whose training relates to the determination of the student's best interests.
- An adult having the competence, training and expertise determined by the court to be sufficient to represent the best interests of the student.
- An independent attorney representing the student in the proceedings.

A GAL is responsible for interviewing the student and each person who has knowledge of the case. GALs take part in the court proceedings, including providing reports to the court. Also, GALs are allowed access to the student and information regarding the student, including educational information.<sup>24</sup>

## Court-Appointed Special Advocate<sup>25</sup>

CASA volunteers are trained community volunteers appointed by judges to advocate for the best interests of abused and/or neglected students in court. A CASA volunteer may contact the school in order to gather information, review school records or interview school personnel in order to advocate for the student in court. As the student's GAL, a CASA is entitled to access relevant medical, psychological, educational and other information regarding the student. In some instances, the CASA volunteer may play an active role in enrolling the student and advocating for the student's educational needs. Current and former educators make excellent CASA volunteers. See [www.wacasa.org](http://www.wacasa.org) for more information.



## HOW TO WORK WITH KEY PEOPLE IN A CHILDREN'S ADMINISTRATION CASE IN THE SCHOOL SETTING

- School personnel may be subpoenaed or requested to attend a court hearing regarding the dependency case.
- Attorneys and GALs should be able to show a court order appointing them to represent the student in the case. Most of these orders include language allowing the attorneys and GALs to have access to the student and to information regarding the student, including school records. These attorneys may attend IEP team meetings (if invited by the person acting as the special education decision maker) or other school meetings for the student.
- Depending on the most recent court order, the birth parent may or may not have access to the student or to educational records. Check with the CA caseworker to find out who is responsible for educational decisions and what access a birth parent may have to the student or the student's records. Consult with the school's attorney to determine the school district's local policy for identifying who may have access to the student or to educational records (see Chapter 3 for more information on educational decision making, FERPA and information sharing).
- CASAs are sometimes appointed as surrogate parents for children who are receiving special education services (see page 66).
- Educators and supportive adults should use positive youth development practices that provide choices and include students in decision-making processes, including taking part in a student's Family Team Decision-Making (FTDM)<sup>26</sup> or Wraparound<sup>27</sup> meetings, if possible.

To help ensure the safety of people working on the student's case, please do not make a copy for the student file of the caseworker's, attorney's or CASAs driver's license. The file may later be accessed by the student's biological parent or other persons. It is acceptable to run information through the electronic school visitor tracking system, but no photocopy should be made. The person working the case can also provide the school with contact information and an identification badge from the organization he/she represents.

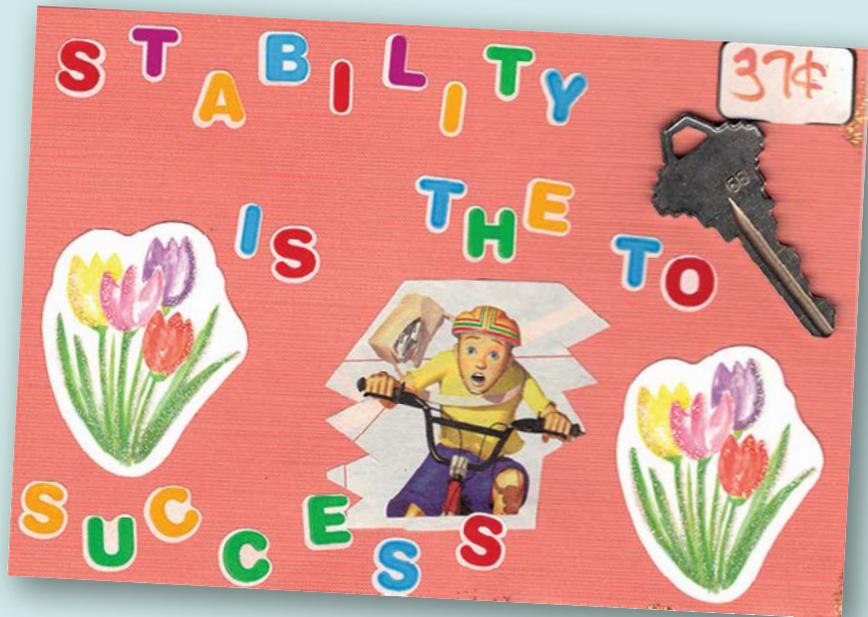


**TIP:** School office staff play a key role in maintaining the confidentiality of a student's support team.



## CHAPTER

# 3



## EDUCATIONAL ROLES, RIGHTS AND RESPONSIBILITIES OF KEY PARTIES IN THE LIFE OF A STUDENT IN FOSTER CARE

- WHO IS RESPONSIBLE FOR EDUCATIONAL DECISIONS?
- GENERAL EDUCATIONAL DECISION-MAKING RESPONSIBILITIES OF THE CASEWORKER, CAREGIVER AND COURT-APPOINTED EDUCATIONAL LIAISON
- WHO DECIDES WHERE A STUDENT ATTENDS SCHOOL?
- ARE BIOLOGICAL PARENTS STILL INVOLVED WHEN A STUDENT IS IN FOSTER CARE? WHAT IS THE NATURE OF THEIR INVOLVEMENT? ARE THEY INVOLVED WITH THE STUDENT'S SCHOOL?
- WHAT IMPACT DOES FERPA HAVE ON MY ABILITY TO SHARE EDUCATIONAL INFORMATION ABOUT STUDENTS IN FOSTER CARE?
- WHAT IS THE SCHOOL'S RESPONSIBILITY WHEN INDIVIDUALS CALL THE SCHOOL WANTING INFORMATION ABOUT A STUDENT?

## CHAPTER 3

# Educational Roles, Rights and Responsibilities of Key Parties in the Life of a Student in Foster Care

### WHO IS RESPONSIBLE FOR EDUCATIONAL DECISIONS?

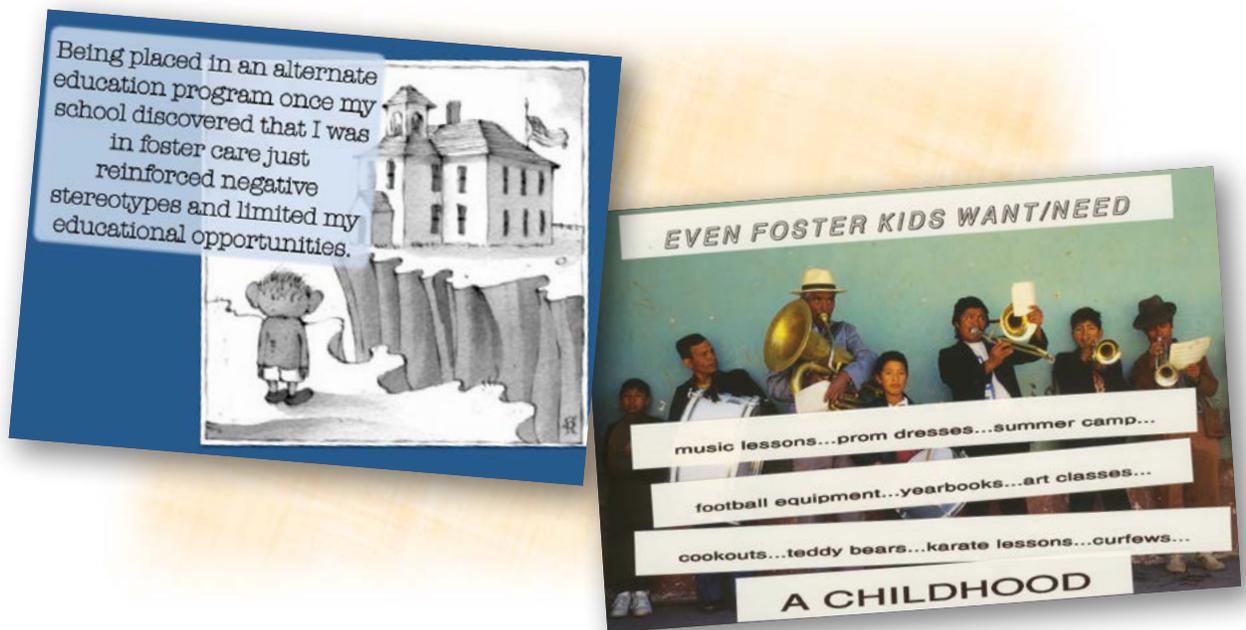
When a court order places a student in CA care and custody, state law provides that the agency is authorized to assume roles usually played by parents, including the responsibility to make educational decisions on the student's behalf.<sup>28</sup> CA generally delegates certain day-to-day educational decision-making responsibilities to the student's caregiver.

CA uses the Caregiver Authorization form as its primary way of designating the person(s) to whom it has delegated educational decision-making authority (see Appendix C for a sample of this form). An individual holding a Caregiver Authorization form naming them as primary caregiver for a student is operating under the authority of CA to make educational decisions or to take actions to carry out CA decisions about the student's education. This person does not need to show any further proof to the school that he or she has that authority. A Health and Education Authorization court order could also be submitted to the school in addition to, or in lieu of, the Caregiver Authorization form.

Alternatively, caseworkers may provide to the school a School Notification Form that provides the following:<sup>29</sup>

- Specifies the caregiver and provides the caregiver's contact information.
- Names the person with authority to sign for field trips, absences, etc.
- Requests that the caseworker be listed as a second parent to receive report cards, test scores, etc.

**NOTE:** As discussed in Chapter 8, children who are eligible for special education services have additional legal protections to ensure the person making special education decisions is knowledgeable about those services and has no conflicts of interest. Federal law prohibits a CA caseworker from being the special education decision maker for a student in foster care.<sup>30</sup> However, the caseworker may be authorized to make other, non-special education-related decisions and should work in collaboration with the special education decision maker or surrogate parent to ensure the student's special education needs are being met.





## GENERAL EDUCATIONAL DECISION-MAKING RESPONSIBILITIES OF THE CASEWORKER, CAREGIVER AND COURT-APPOINTED EDUCATIONAL LIAISON

### CASEWORKER RESPONSIBILITIES

Unless otherwise indicated, the caseworker makes the following education-related decisions, takes the following actions or is contacted for the following purposes:

- Selects the school placement.
- Receives notification regarding truancy, as required by RCW 28A.225.020.
- Ensures records transfer from previously attended schools.
- Consults with the educational decision maker regarding academic progress, including decisions affecting grade retention or promotion.

### CAREGIVER RESPONSIBILITIES

Unless the CA caseworker indicates otherwise, the caregiver or foster parent may make the following education-related decisions, take the following types of actions or be contacted for the following purposes:

- Enroll a student in school, including providing identity or immunization information needed for enrollment.
- Determine, in conjunction with the student if appropriate, course selection and participation in extracurricular activities.
- Attend routine school events such as parent night, parent-teacher conferences, PTA meetings and similar activities that involve parents.
- Approve the student's participation in routine or non-routine school activities such as dances, field trips and sporting events.
- Be notified of injury or illness on school grounds or at a school activity on or off school grounds.
- Sign agreement with the Student Code of Conduct and, as applicable, assist the student with understanding the code.
- Receive report cards, permission slips and other routine school correspondence, including receiving homework assignments on behalf of the student, if necessary.
- Have access to educational records.
- Be notified of, and take action regarding, disciplinary or attendance issues.<sup>31</sup>
- Determine whether the student should participate in special programs such as Title IA, Learning Assistance Program, other supplemental educational services, bilingual education, Highly Capable Program and before- and after-school programming.
- Determine when a referral for a special education evaluation is necessary or make a referral for an evaluation.

For every student in foster care, there are approximately 10 students being raised by relative caregivers who have never been involved, or are currently not involved, with the child welfare system. ESEA (2015) clearly states that persons acting in the place of a parent (in loco parentis) have the right to enroll students and make regular educational decisions in the place of a parent if none is available.



**TIP:** Caregivers can support and encourage smooth academic progress and transitions by maintaining an educational portfolio for students in their care. School personnel can assist caregivers and caseworkers in maintaining accurate educational records by providing copies of school-related information such as report cards, transcripts, standardized test scores, current IEPs or Section 504 plans, health and immunization records, school withdrawal information and any school correspondence.

### COURT-APPOINTED EDUCATIONAL LIAISON RESPONSIBILITIES

For students in grades 6-12, the court will designate an educational liaison.<sup>32</sup> In such cases, the liaison will take on the following responsibilities:<sup>33</sup>

- Attend all education-related meetings.
- Meet with local school personnel at regular intervals regarding the student's educational performance and academic needs.
- Seek to understand the student's academic strengths, areas of concern and future life goals.
- Advocate for necessary educational services.
- Join in the decision-making processes regarding appropriate school placements, school coursework, personal future and educational planning.
- Explore opportunities and barriers for students to participate in extracurricular activities.
- Involve students in educational decisions as developmentally appropriate.
- Provide a written or verbal report to the court including information about the student's educational progress, experience in school and the educational liaison's and student's recommendations regarding needed services in school or the community.

**NOTE:** The educational decision maker may be instructed by the caseworker to notify or consult with the caseworker or supervisor on these matters before communicating a decision to the school.

### WHO DECIDES WHERE A STUDENT ATTENDS SCHOOL?

CA is responsible for deciding where a student will attend school but collaborates closely with school personnel and the student's caregiver to determine what is in the student's best interest and to coordinate necessary services. Federal law and CPS policy require CA to consider the appropriateness of the current educational setting and the proximity to the school in which the student is enrolled at the time of removal when making foster care placement decisions.<sup>34</sup> CA is also responsible for ensuring that every student in foster care has an educational stability plan. Federal and state law requires CA to coordinate with the local education agency to ensure that the student remains enrolled in the school the student attended at the time of placement into foster care unless remaining in that school is not in the student's best interest. The law further requires that CA coordinate with the local education agency to maintain the student in their most recent school if there is a subsequent change in placement.<sup>35</sup> Therefore, in many cases, students should continue to attend the same school they were attending at the time they were removed from their home, or their placement changes, even if the caregiver with whom they are now living does not reside in that school district's attendance zone (see page 48). When a student enrolls in a new school due to safety or best interest concerns, the student must enroll in the school that is in the attendance zone of the caregiver's residence.

## ARE BIOLOGICAL PARENTS STILL INVOLVED WHEN A STUDENT IS IN FOSTER CARE? WHAT IS THE NATURE OF THEIR INVOLVEMENT? ARE THEY INVOLVED WITH THE STUDENT'S SCHOOL?

The short answer is—it depends. Each case has different dynamics, and decisions are made on a case-by-case basis. When a student is in the care and custody of CA, the agency is authorized to make educational and other important decisions for the student without parent approval. Unless the court has limited a parent's educational rights or an educational decision maker has been appointed, the parent still retains rights to access records directly from the school and to make decisions about the student's education.<sup>36</sup> In some circumstances, the student's parent may participate in school-related activities. If school staff are contacted by a parent and they are unsure about discussing the student's welfare or scholastic issues, communicating with the student on behalf of the parent and/or allowing contact with the student, they should contact the caseworker for more information.

## WHAT IMPACT DOES THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) HAVE ON MY ABILITY TO SHARE EDUCATIONAL INFORMATION ABOUT STUDENTS IN FOSTER CARE?

Information sharing between child welfare and education agencies is an important element in supporting the academic success of students in foster care. FERPA requires schools to protect the confidentiality of a student's educational records. FERPA is sometimes identified as a barrier to information sharing between child welfare and education agencies; however, FERPA's confidentiality protections should not be an obstacle to providing records and information for students in foster care.<sup>37</sup>

- Recent amendments to FERPA further clarify information sharing for students in foster care. The federal Uninterrupted Scholars Act allows education agencies to release educational records to child welfare caseworkers or other representatives of a state or local child welfare agency.<sup>38</sup>
- According to FERPA, the caregiver or other person authorized by the student's legal guardian should have access to educational records.<sup>39</sup>
- FERPA regulations define a parent to include natural parent, guardian or an individual acting as a parent in the absence of a natural parent or guardian.<sup>40</sup> Kinship care providers, or other adults caring for students with no involvement in the child welfare system, have the right to student records under the "individual acting as parent" exception in FERPA.
- FERPA permits school districts to release records in compliance with a court order or subpoena.<sup>41</sup>
- FERPA exceptions allow student records to be released by a school district to another school district where the student seeks or intends to enroll or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer, even if parental consent was not received.<sup>42</sup>



**LAW:** Under Washington state law, records retained by state, county and municipal agencies are generally subject to disclosure under the Public Records Act. This requirement does not apply to personal information in any files maintained for students in public schools, pursuant to RCW 42.56.230.<sup>43</sup> However, a court-appointed educational liaison may have access to all educational records pertaining to the student involved in the case, without the consent of a parent or guardian, or if the student is under 13 years of age.<sup>44</sup>

## WHAT IS THE SCHOOL'S RESPONSIBILITY WHEN INDIVIDUALS CALL THE SCHOOL WANTING INFORMATION ABOUT A STUDENT?

It depends on who is calling. School staff should follow FERPA regulations and the Uninterrupted Scholars Act when releasing school-related information. CA staff; the child's caregiver, attorney, GAL, CASA, educational liaison and others identified in the court order may access educational information, according to state and federal guidelines. **When in doubt, one can always ask to see either the Health Care and Education Authorization court order or the Caregiver Authorization form.**



### RESOURCES:

#### The Family Educational Rights and Privacy Act (FERPA)

- FERPA Information for School Officials: <https://studentprivacy.ed.gov/audience/school-officials-k-12>.
- FERPA FAQs: <https://studentprivacy.ed.gov/resources/frequently-asked-questions-disclosure-avoidance>.

#### The Uninterrupted Scholars Act

- Joint Letter from the U.S. Department of Education and the Department of Health and Human Services addressing the Uninterrupted Scholars Act: [http://ptac.ed.gov/sites/default/files/Joint\\_FERPA\\_Letter\\_with\\_ED\\_OESE\\_HHS\\_ACF\\_4\\_24\\_2013.pdf](http://ptac.ed.gov/sites/default/files/Joint_FERPA_Letter_with_ED_OESE_HHS_ACF_4_24_2013.pdf).
- Video about the Uninterrupted Scholars Act: [www.youtube.com/watch?v=4IkflRXx6Y&feature=player\\_embedded](http://www.youtube.com/watch?v=4IkflRXx6Y&feature=player_embedded).
- Q&A write-up about the Uninterrupted Scholars Act and access to school records: [www.fostercareandeducation.org/portals/0/dmx/2013/02/file\\_20130211\\_145758\\_xjnFqt\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2013/02/file_20130211_145758_xjnFqt_0.pdf).

#### The Legal Center for Foster Care and Education

- “Mythbusting: Breaking Down Confidentiality and Decision-making Barriers to Meet the Education Needs of Children in Foster Care”: [www.americanbar.org/content/dam/aba/migrated/child/education/publications/mythbusting2.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/mythbusting2.authcheckdam.pdf).
- “Solving the Data Puzzle—A ‘How To’ Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care”: [www.americanbar.org/content/dam/aba/migrated/child/education/publications/solvingthedata puzzle.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/solvingthedata puzzle.authcheckdam.pdf).

#### Federal and State Education Resources for Supporting Students in Foster Care

- Office of Superintendent of Public Instruction Foster Care website: [www.k12.wa.us/FosterCare/](http://www.k12.wa.us/FosterCare/).
- U.S. Department of Education Foster Care website: [www2.ed.gov/about/inits/ed/foster-care/index.html](http://www2.ed.gov/about/inits/ed/foster-care/index.html).

## CHAPTER

# 4



## IDENTIFYING STUDENTS & MAINTAINING CONFIDENTIALITY: KEY CONSIDERATIONS

- WHY DO SCHOOLS NEED TO IDENTIFY STUDENTS IN FOSTER CARE?
- HOW DOES THE CEDARS FOSTER CARE FLAG HELP IDENTIFY STUDENTS IN FOSTER CARE?
- WHAT ARE ACCEPTABLE DOCUMENTS FOR IDENTIFICATION OF STUDENTS?
- PRACTICES TO IDENTIFY STUDENTS AND ENSURE CONFIDENTIALITY

## CHAPTER 4

# Identifying Students & Maintaining Confidentiality: Key Considerations

### WHY DO SCHOOLS NEED TO IDENTIFY STUDENTS IN FOSTER CARE?

Identifying which students are in foster care may be challenging in the school setting, but it is an important part of improving educational outcomes for this at-risk population.

#### Identification is necessary for these reasons:

- For proof of legal authority of the caregiver during enrollment.
- To implement many state and federal educational provisions enacted to support students in foster care. Without knowing that a student is in foster care, school personnel may fail to comply with the following:
  - State laws including RCW requirements for school stability, ready enrollment (even in cases of missing records or identifying information) and transmittal of records to CA. See Chapters 5 and 6 for more information.
  - Federal laws including the Fostering Connections Act, Uninterrupted Scholars Act and ESEA.
- To identify students who are eligible for supplemental instructional services such as Title I, LAP, Child Nutrition Services, etc. (see page 57–59).
- To facilitate successful transitions for students (see Chapter 6).
- To facilitate high school completion and overall student success in school (see Chapter 7).
- To facilitate planning and transitioning into postsecondary education (see Chapter 10).
- To be in compliance with data disaggregation requirements mandated in state and federal reporting.



**TIP:** Identifying students in a way that maintains confidentiality and provides the utmost sensitivity is very important. (see page 38)

### HOW DOES THE CEDARS FOSTER CARE FLAG HELP IDENTIFY STUDENTS IN FOSTER CARE?

The Comprehensive Education Data and Research System (CEDARS) contains longitudinal educational data on students, teachers and courses. Student information contains, among other data points, an indicator of whether a student is currently in foster care (the “foster care flag”). District-appointed CEDARS administrators can run reports to create lists of students in foster care to disseminate to appropriate school personnel. This will help school staff identify students who may require the services described in this guide. Each district and campus must implement stringent protocols for the dissemination and management of this highly confidential list of students.

### WHAT ARE ACCEPTABLE DOCUMENTS FOR IDENTIFICATION OF STUDENTS?

There are three primary documents that a school can request from a caregiver to confirm that the student is in foster care and that the caregiver has educational decision-making authority for the student: (1) the CA Caregiver Authorization form, (2) a School Notification form and (3) a court order. Regardless of which of these documents is provided to the school, **documents containing information regarding the foster care status are confidential.** They should be kept in a secure area, such as a locked file cabinet, and only shared with other school personnel on a “need-to-know” basis (see page 39).



## 1. Caregiver Authorization Form

CA uses the Caregiver Authorization form to delegate its court-ordered authority to make day-to-day decisions regarding a student to an individual, usually a caregiver such as a foster parent or residential facility staff member. The form is proof of the agency's legal authority per police custody, a court order or a voluntary placement agreement. In addition, the Caregiver Authorization form is preferred by CA as evidence of CA care and custody because it is more likely an individual foster parent or facility staff member will have a copy of the form rather than the court order (see Appendix C for a sample of the form).

When a caregiver reports to a school official that a student is in the care and custody of CA, the school official may ask for a copy of the Caregiver Authorization form to confirm that the person presenting the form has the authority to make educational decisions regarding the student (see Chapter 3 for more information on educational decision making).

## 2. CA School Notification Form

In addition to the Caregiver Authorization form, caseworkers should provide to the school a School Notification form which includes the following:<sup>45</sup>

- Specifies the caregiver and provides the caregiver's contact information.
- Names the person with authority to sign for field trips, absences, etc.
- Requests that the caseworker be listed as a second parent to receive report cards, test scores, etc.

This documentation holds the same authority as the Caregiver Authorization form or court order.

## 3. Court Order

A school official may also request a copy of the Health and Education Authorization court order naming CA for the care and custody of the student to confirm that CA and its appointed caregiver have the authority to make educational decisions for the student.

**Note:** If the school has questions or concerns about a student's identity, the school official may request the Caregiver Authorization form, School Notification form or the Health and Education Authorization court order or may call the CA caseworker listed on the paperwork for clarification.

### HELPFUL INFORMATION

#### **Can the Caregiver Authorization form or School Notification form be used as evidence of legal responsibility when enrolling a student in school?**

Yes, schools may allow a person to show evidence of legal responsibility for the student other than a court order, such as the CA Caregiver Authorization form or School Notification form, to enroll a student in school. Schools are encouraged to accept this proof of CA care and custody in order to prevent any delays in enrollment or educational decision making as caregivers may not have court orders in their possession.

#### **CPS Court Orders and Confidentiality:**

Dependency court orders may contain private and confidential information related to a student's family and the reasons for the student's placement in foster care. Sometimes schools request court orders or other documents related to the CA case unaware these may contain very personal details related to a student's abuse or neglect history. Information may be redacted from the court order before a copy is given to the school if it is not related to identifying CA's responsibility for care and custody, not needed to meet a student's educational needs or for the safety of other students.

### **HELPFUL INFORMATION continued...**

#### **Additional Educational Support:**

Students in foster care are categorically eligible to receive supplemental educational services through Title I. Services can include tutoring and other support. Students may also be served through the Learning Assistance Program (LAP). All students in foster care are eligible for free breakfast and lunch (see pages 57-59).

#### **Schools may be given other forms at the time of enrollment:**

These forms authorize nonparent caregivers to enroll a student in school and make education-related decisions. However, only the Caregiver Authorization form, School Notification form and court order confirm a student is in the state's custody and eligible for the foster care-related resources discussed in this guide.

## **PRACTICES TO IDENTIFY STUDENTS AND ENSURE CONFIDENTIALITY**

Identifying students in a way that maintains confidentiality and provides the utmost sensitivity is critical. Once students in foster care are properly identified, districts can implement systems and processes to identify, track and ensure beneficial support to students.

While each district will develop its own system to identify, enroll and support students in foster care, staff should always be mindful of the need for confidentiality. It could be harmful to a student if peers learn of their foster care status. Also, foster care alumni and students in foster care have reported feeling negatively perceived by school staff. It is important for adults to be aware of students' rights to privacy and to understand the potential negative impact of revealing students' personal information.

#### **Here are some strategies to protect the confidentiality of students in foster care:**

- Thoughtfully file all forms, tracking logs, notebooks and data safely out of view of other students.
- Keep records secure from individuals who do not need to know the student is in foster care.
- All written information with student names should be behind password protection, in locked file cabinets or in locked bookshelves or drawers in order to avoid confidentiality violations and potential harm to a student.
- Avoid having conversations about confidential information in public spaces — particularly places where students or parents may overhear. The same care should be taken when having conversations with school staff when there are other adults around.
- Likewise, consider that confidentiality and protecting student privacy apply to both oral and written communication.

#### **The examples below are practices that promote or maintain confidentiality as described above while still identifying students.**

- Develop training and increase awareness with school registrars and front-office staff on how to effectively identify and enroll students and communicate identified students to the school district foster care liaison. Training should include sensitivity and awareness, confidentiality, safe and secure storing of records and effective practices that streamline enrollment.
- In addition to the student's caregiver information, document the caseworker's name and contact information in the student's records in case further information or follow-up is needed.
- Track and monitor student progress for each campus and across the district by leveraging CEDARS foster care flag.

The Office of Superintendent of Public Instruction (OSPI) has developing recommended strategies for promoting confidentiality when disseminating foster care-related data collected from CEDARS. These standards have been developed in collaboration with CA.

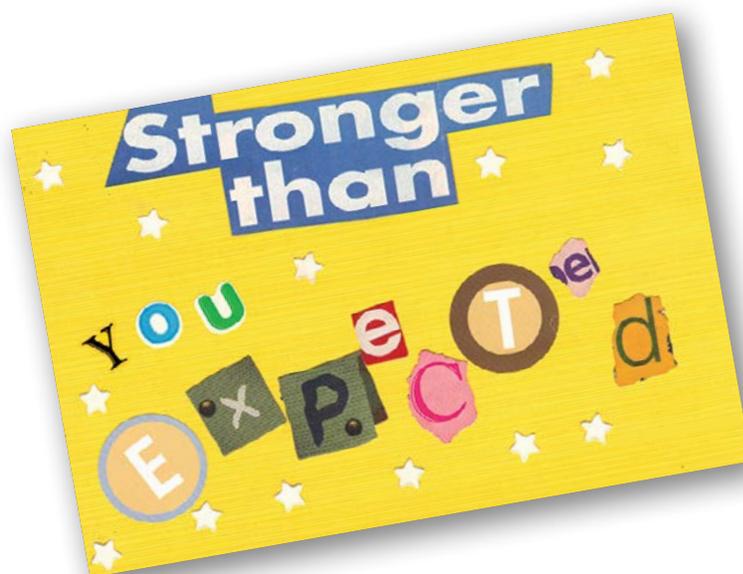


## COMMUNICATING “NEED-TO-KNOW” INFORMATION WITHIN A SCHOOL DISTRICT

Federal and state laws and policies require that a student’s status of being in CA’s care and custody must generally be kept confidential. However, there will be times when information related to a student must be communicated to a teacher or school staff member who works with the student in order to ensure that the student’s health, welfare, safety and academic needs are being met. According to the American Bar Association (ABA) Legal Center for Foster Care and Education, “If important information related to the student does not ‘trickle down’ to the staff working directly with that student, information sharing does not achieve the intended benefit.” Further, “While sharing information among school staff that has a legitimate interest in working with a student is necessary, schools must be careful not to violate the privacy of students who are in foster care by sharing information with others who do not have a need to know.”<sup>46</sup> Exercising professionalism and sensitivity when addressing confidentiality issues is critical to developing an educational environment that protects and benefits students in foster care.

School personnel who might have a “need to know” about a student in foster care include the following:

- Superintendent, Principal or administrative staff — if necessary for enrollment, administrative or educational purposes.
- Teachers — if necessary for educational or other relevant classroom purposes.
- School counselor, school nurse — if necessary for educational or physical/mental health purposes.
- Title I, Part A/LAP directors and staff.
- Special education personnel — if student is or may be eligible for special education services.
- Coaches — if necessary or relevant to some aspect of the activity.
- Bus drivers — may need to know a student’s address for transportation purposes, but may not need to know the student is in foster care.
- Front-office staff and volunteers — may need to know who will pick the student up from school, but may not necessarily need to know the student is in foster care.
- Cafeteria staff — may need to know a student is eligible for school meal programs, but do not need to know on what eligibility grounds.



## COMMUNICATING “NEED-TO-KNOW” INFORMATION WITHIN A SCHOOL DISTRICT CONTINUED...

Decisions to share confidential information must be made on a case-by-case basis, sharing only the minimum information necessary and only with individuals who need to know the information to support the student’s education and well-being.

 **In general, it is appropriate for CA to share the following types of information with relevant school personnel:**

- Current address for student.
- Identity of individual with authority to enroll student in school.
- Caseworker contact information.
- Birth certificate or other identification.
- Previous schools attended.
- Transcripts, report cards.
- Special education or 504 eligibility, including any IEP reports or Behavioral Intervention plans.
- Immunizations.
- Vision or hearing evaluations.
- Medicaid eligibility or number, if necessary for services.

 **Based on a case-by-case determination by the CA caseworker or caregiver, it may be appropriate to share the following:**

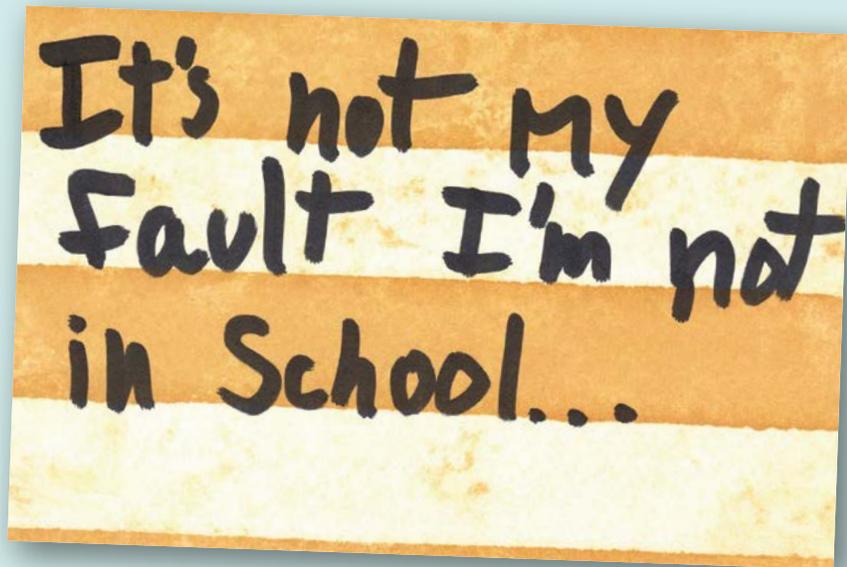
- Relevant court orders.
- Contact information for the biological family.
- Fact that student is in a relative or kinship placement.
- Student’s relevant medical, disability or health history.
- Mental or behavioral health issues.
- Medications, including psychotropic medications.
- Alcohol or substance abuse history and/or treatment (generally only with consent of all parties, including the student).
- Social history.
- History with law enforcement or juvenile justice.

 **It is NEVER appropriate to share this information:**

- Abuse/neglect history.
- Fact that student was adopted.
- Name of the person who reported the abuse or neglect, if known.
- CPS investigation details.
- Biological or foster family income in order to determine services for the student in foster care.

## CHAPTER

# 5



## ENROLLMENT

- WHY IMMEDIATE ENROLLMENT IS IMPORTANT
- ENROLLMENT AT A NEW SCHOOL
- REGISTRATION IN APPROPRIATE CLASSES AND PROGRAMS
- INFORMATION NECESSARY FOR ENROLLMENT
- HELPFUL INFORMATION – CHILDREN'S ADMINISTRATION AND ENROLLMENT

# CHAPTER 5

## Enrollment

### WHY IMMEDIATE ENROLLMENT IS IMPORTANT

Delays and challenges in enrollment significantly impact the educational experience and outcomes of students in foster care. Enrollment delays are common, despite state and federal laws and practices established in the education and child welfare systems to prevent them. Challenges to enrollment include the following issues:

- Partial and missing records.
- Lack of knowledge regarding the process and mandatory provisions for students in care.
- Lack of clarity about who may enroll a student living in out-of-home care.
- Unclear directions as to who is responsible for transfer of records.
- Misinformation about foster care generally.

**School staff have a key role together with caregivers, educational liaisons and caseworkers to ensure students experience as little disruption as possible when starting at a new school.**

### TIMEFRAME FOR ENROLLMENT AT A NEW SCHOOL

 **DO NOT DELAY – IMMEDIATELY ENROLL students in foster care.**

Under Washington state law and the new federal ESSA (2015), students in foster care are entitled to immediate enrollment when arriving at a new school or district, regardless of whether they have the necessary documentation or paperwork.<sup>47</sup> If a student's placement in out-of-home care or a change of placement necessitates a move to a new school, caregivers, educational liaisons or caseworkers should enroll the student immediately in the new school.<sup>48</sup> Ideally this occurs within 24 hours.

The enrolling school must request the student records from the previous school as expeditiously as possible. The sending school must send those records as quickly as possible.<sup>49</sup> CA must obtain any missing academic or medical records that are required for enrollment within 10 business days.<sup>50</sup> In addition, the receiving school district must try to retrieve the student's educational history to assess any unique needs within two business days.<sup>51</sup> Enrollment may not be denied or delayed because the student is missing records regularly required for enrollment.

The importance of placing a student in the correct educational setting, including any necessary accommodations, cannot be overstated. This process may require more extensive efforts in some cases than in others. However, district, school and CA staff, as well as caregivers, should strive to ensure it is completed expeditiously.

**TIP: Educational Advocates co-located in select CA offices across Washington state help to remove barriers to successful enrollment and transfers for students in foster care.**

Treehouse Educational Advocates work together with school staff, caregivers, educational liaisons, caseworkers and students in foster care to troubleshoot and resolve enrollment challenges (see page 95 for Treehouse contact information).

## REGISTRATION IN APPROPRIATE CLASSES AND PROGRAMS

In addition to ensuring immediate enrollment, school staff should work to obtain any information regarding a student's current academic standing and needs. This information includes the following:

- Transcripts and grade reports from previous schools.
- IEP and IEP team reports.
- 504 plan.
- Disciplinary history.
- Class schedules.

These materials will provide the receiving school with the information it needs in order to place a new student in classes matched to the student's previous achievement. In addition, the documents will enable the school to provide students with any additional assistance they require or adjust programs to better serve their needs.

If the student has any unpaid fines or fees, the school of origin may withhold a student's official transcript until any fine has been paid.<sup>52</sup> CA is required by state law to pay any unpaid fines or fees due to the school or school district while the student is in foster care. The school district should approach CA to request that they settle those fines or fees.<sup>53</sup> Enrollment should proceed with or without the official transcript.



**TIP: Students are an important source of information for prompt enrollment and registration in appropriate classes.**

Transcript delays are a common barrier to students being enrolled and placed in classes at their new school. Asking students about the classes and programs they were in, as well as the contact information for case managers at their school of origin can be a way to expedite the process and avoid further disruption in the students' academic progress.



**TIP: Credits earned toward state graduation requirements by a student in an accredited school district are transferable and should be accepted by any other school district in the state. In some instances, credits are not an exact match and the receiving district may need to reclassify them to fit requirements.<sup>54</sup>**

Students in foster care often have to switch schools and/or school districts with little notice due to no fault of their own. School personnel can help remove barriers to on-time grade level progression and graduation by being flexible and working with students to come up with creative solutions to enable their credits to transfer. Additionally, when students are moved close to the end of a semester, every effort should be made to ensure that they are given full credit for their work when possible to keep them on track. Find more information about the law promoting on-time graduation on page 63.

## INFORMATION NECESSARY FOR ENROLLMENT

### 1. Proof of Authority to Make Educational Decisions

If a student is in a foster care placement, CA has legal authority to enroll the student in school. CA may delegate that authority to another person, usually the person who will be responsible for day-to-day care of the student, such as the following individuals:

- Foster parent or designated caregiver.
- CA caseworker or other staff.
- Educational Liaison.
- CASA or student's GAL.
- Residential facility staff.
- Child-placing agency staff.
- Biological parent, in some cases.

When a student is in foster care, the person enrolling the student may provide one of these documents to demonstrate legal authority to do so (see page 37):

- CA Caregiver Authorization form.
- CA School Notification form.
- A Health and Education Authorization court order naming CA for the care and custody of the child.

**LAW:** A student placed in foster care can attend the public schools in the district in which the foster parents live, free of charge.<sup>56</sup>

Proof of residency is not required, but schools have the right to ask for it in order to ensure a student is being enrolled in the correct school.<sup>57</sup> The following are examples of documentation that may be used to support claims of residency:

- Utility bill receipts.
- Lease information.
- Professionally filed tax returns.

**TIP:** Certain exceptions allow students in foster care to remain enrolled in the school they were attending at the time of placement in foster care, even when placed out of the school or district's attendance zone (see page 48).<sup>58</sup>

### 2. Names of Prior Schools/School Districts<sup>59</sup>

Providing this information to the student's new school enables quicker transfer of educational records and timelier enrollment in the correct classes and programs. Upon a student's enrollment in a district, the district should secure all records and required documentation pertaining to the student from the previous district and/or the parent or other person with legal control of the student under a court order.<sup>60</sup>

**TIP:** Eligible students who desire to enroll in a Washington state public school are allowed to do so, even if the new school has not received the academic records from the previous school.<sup>61</sup>

Therefore, previous school records are not a requirement for enrollment in a new school for students in foster care. However, having a student's previous records helps tremendously in placing the student in proper classes and obtaining the appropriate services in the new school (see Chapter 6 for more information on promoting effective records transfers).

### 3. Information About the Student's Disciplinary History<sup>62</sup>

Though not required for enrollment, a student's history of discipline can help the new school develop appropriate proactive strategies to avoid and/or address any behavioral issues.

### 4. Special Education Needs<sup>63</sup>

In accordance with the Individuals with Disabilities Education Improvement Act (IDEiA), if a child already has an IEP, the enrolling school is required to provide services comparable to those provided under the existing IEP until the district determines that a new IEP is required or adopts the existing IEP.<sup>64</sup> The sooner a school knows of any special needs of the student, the better. As with disciplinary history, this information ensures that the students receive the additional assistance they need and helps to minimize any setbacks that result from transferring schools.

### 5. Health Conditions<sup>65</sup>

A student's safety depends on the school knowing of any allergies or medical conditions that may be affected by the school environment or may have an impact on the student's learning. Caregivers, caseworkers and other advocates may not know a student's health history but should make every effort to obtain that information and pass it along to the school.

### 6. Immunization Records<sup>66</sup>

If a student does not have the appropriate immunization records, the caregiver or caseworker must proceed as follows:<sup>67</sup>

1. Ensure that the student visits the doctor/health clinic to begin immunizations.
2. Notify the school that immunizations have begun.
3. Make sure that immunizations are completed and that the immunization records are submitted to the school.

If a caregiver does not have proof of immunizations for the student, the caregiver should call the Public Health Department.<sup>68</sup>



**LAW:** Enrollment may not be denied or delayed because students are missing any of the records listed above. Schools may not suspend students because they lack any sort of academic record, but should work.<sup>69</sup>



**TIP:** It is important that schools cooperate in transferring a student's immunization records to other schools when requested.<sup>70</sup> Approval from the student's legal guardian is not required before transferring immunization records.<sup>71</sup>

## HELPFUL INFORMATION – CHILDREN’S ADMINISTRATION AND ENROLLMENT

### **Missing paperwork should not keep a student from enrolling in school.**

Even if a caregiver, educational liaison, caseworker or advocate does not have some or all of the documentation described above, the student must be enrolled immediately. Students have the right to attend a public school, and schools are required to make exceptions to their usual rules and facilitate immediate enrollment to provide equal educational opportunities to students in foster care.<sup>72</sup>

### **Keeping the caseworker in the loop can be very helpful.**

When enrolling a student in foster care in school, caregivers can add the caseworker as a second contact person. The caseworker will receive information from the school, which saves time by streamlining communication and increasing coordination between the student's team members. Caregivers should remember to update school records if the caseworker, GAL or CASA changes.

### **Child welfare partner may provide academic information from the previous school setting.**

Caregivers, educational liaisons, caseworkers and other advocates may streamline the enrollment process by providing information from the student's previous school at the time of enrollment such as school transcripts, report cards, class schedules, IEP team reports and other documents. The enrolling school must still formally request a student's records from the previous school.

### **Familiarity with CA enrollment expectations is beneficial.**

The caseworker or caregiver must ensure students remain in their schools of origin or are enrolled as soon as possible after being removed from home and placed in CA custody or following a school withdrawal and movement to a new placement. Caseworkers/caregivers are also required to provide a School Notification form each time a student enters foster care, changes placement or returns home.<sup>73</sup> If the student is transferring from another school district, the caregiver or caseworker should provide the new school with the name and address of the original school to ensure prompt transfer of school records.

### **Educational Advocates are available to help with enrollment.**

Treehouse Educational Advocates are available in each CA region. They are helpful resources and contacts if there are challenges when enrolling a student (see page 95 for Treehouse contact information).

## CHAPTER

# 6



## PROMOTING SCHOOL STABILITY AND EFFECTIVE TRANSFERS

- WHY IS MAINTAINING SCHOOL STABILITY IMPORTANT?
- CAN STUDENTS IN FOSTER CARE STAY IN A PARTICULAR SCHOOL OR DISTRICT EVEN WHEN PLACED OUTSIDE OF THE ATTENDANCE ZONE?
- WHO IS RESPONSIBLE FOR PROVIDING AND PAYING FOR TRANSPORTATION WHEN STUDENTS ARE TRAVELING FROM ANOTHER ATTENDANCE ZONE?
- WHAT SHOULD BE DONE WHEN A STUDENT IN FOSTER CARE WITHDRAWS OR CHANGES SCHOOLS?
- WHO IS RESPONSIBLE FOR WITHDRAWING STUDENTS?
- HOW CAN SCHOOL PERSONNEL PROMOTE EFFECTIVE RECORDS TRANSFERS?
- WHY DO STUDENTS SOMETIMES HAVE MISSING RECORDS?
- WHAT HAPPENS IF A STUDENT'S WHEREABOUTS ARE UNKNOWN?

## CHAPTER 6

# Promoting School Stability and Effective Transfers

### WHY IS MAINTAINING SCHOOL STABILITY IMPORTANT?

School stability is a valuable component of educational success and is closely linked to the increased graduation rates of students in foster care.<sup>74</sup> Individual schools and districts are essential partners. In teaming with child welfare agencies, educational liaisons and caregivers, they can help implement federal and state legislation that makes it possible for students to stay in their original schools even after changes in residence take place. Frequently, school is the most stable environment for children in foster care. Consistent relationships with teachers, school staff and peers offer the support necessary to keep those students in school.<sup>75</sup>

### CAN STUDENTS IN FOSTER CARE STAY IN A PARTICULAR SCHOOL OR DISTRICT EVEN WHEN PLACED OUTSIDE OF THE ATTENDANCE ZONE?

Yes, federal and state laws require that students moving to a new residential placement remain in the school in which they were enrolled at the time of entering foster care unless it is not in their best interest.<sup>76</sup> The educational provisions of the federal Fostering Connections to Success and Increasing Adoptions Act, as well as guidelines in ESEA, promote school stability, and Washington state enacted legislation to fulfill that responsibility. Some local board policies regarding enrollment may be contrary to the intent behind the Fostering Connections Act, which allows ALL students to stay in the school in which they were enrolled at the time of placement in foster care. Local districts should analyze policies and make sure that they are consistent with federal and state laws. Caseworkers should consult with the school district foster care liaison, student, caregiver, educational liaison and others to determine a plan that promotes school stability (see Appendix D for a helpful school selection tool).



**LAW:** Students enrolled in public school may remain in the school in which they were enrolled at the time of placement in foster care, even when moved outside the school's district and attendance zones.<sup>77</sup>

### WHO IS RESPONSIBLE FOR PROVIDING AND PAYING FOR TRANSPORTATION WHEN STUDENTS ARE TRAVELING FROM ANOTHER ATTENDANCE ZONE?



In complying with the Fostering Connections Act and ESEA, school districts and CA share the responsibility for providing, arranging and paying for reasonable daily transportation that enables students in foster care to stay in their school of origin when in their best interest.<sup>78</sup>

Foster Care Liaisons can help promote student success and maintain school stability by partnering with caseworkers and caregivers to coordinate transportation and develop creative solutions such as the use of city bus routes, bus passes and carpooling. In some instances, districts will need to coordinate across neighboring school and district attendance zones. Schools are authorized to provide transportation to students within and outside their district boundaries.<sup>79</sup> Many school districts have Interagency Agreements with CA per RCW 74.13.550-74.13.570 that outline best practices for collaboration and sharing transportation costs. In the case of a transportation cost dispute, school districts are responsible for providing or arranging transportation for the student during the dispute resolution process. Schools' proactive assistance with transportation can alleviate barriers and help students remain in their school, receive appropriate credits and stay on track for graduation.



## RESOURCES:

For more information on the importance of transportation in maintaining school stability and technical assistance regarding transportation, see OSPI foster care webpage: [www.k12.wa.us/FosterCare/](http://www.k12.wa.us/FosterCare/).

## WHAT SHOULD BE DONE WHEN A STUDENT IN FOSTER CARE WITHDRAWS OR CHANGES SCHOOLS?

If remaining in the same school is not in their best interest, students may enroll at a new school or even in a new district. School personnel, caseworkers and district foster care liaisons can assist in the coordination of proper withdrawal by ensuring that the person withdrawing the student knows the process and by confirming that all records are gathered and forwarded in a timely manner. Making certain all educational records follow the student during school moves is critical and impacts educational outcomes. Once the school is notified of the need to withdraw a student, whether by advance or emergency notice, school personnel should immediately gather records.

### **TIP:** Inform caregivers and educational liaisons of the school and district withdrawal processes.

Notification of withdrawal and formal exit processes provide the sending school with the opportunity to prepare the student's records for transfer to the new school. This may include calculating grades, recording credits on the transcript and gathering assessments and special education documents. A timely and accurate records transfer is important so that students receive an appropriate program of instruction and class schedule in their new school.

### **LAW:** Once an official written request for records is made by the caregiver, CA representative or person with legal authority for the student, school district staff must transfer student records to the new district within 10 working days.<sup>80</sup>

### **TIP:** Educational Advocates co-located in CA offices across Washington state help to remove barriers to successful withdrawals and transfers for students in foster care.

Treehouse Educational Advocates work together with school staff, caregivers, educational liaisons, caseworkers and students in foster care to troubleshoot and resolve transfer challenges (see page 95 for Treehouse contact information).

## WHO IS RESPONSIBLE FOR WITHDRAWING STUDENTS?

Generally, the caregiver or the CA caseworker is responsible for withdrawing students.

### **TIP:** The person who withdraws the student may be different from the person who enrolled the student.

In some instances and for numerous reasons, the caregiver or caseworker who enrolled the student may not be the same person who withdraws the student. Communication between school staff, caregivers, educational liaisons and caseworkers can aid in clarifying roles and responsibilities.

## HOW CAN SCHOOL PERSONNEL PROMOTE EFFECTIVE RECORDS TRANSFER?

Local child welfare and education agencies should coordinate and establish collaborative practices to improve overall records transfer and communication. A delay in records transfer may result in a student unnecessarily repeating a course or not receiving appropriate educational services.



**TIP:** Campus champions should follow up with the previous school to ensure withdrawal and with the current school to ensure enrollment.

By designating a staff member on each campus to be a campus champion for students in foster care, schools can follow up and ensure that students receive their grades and are awarded credit and partial credit for work completed previously. Follow-up between the schools will help facilitate effective withdrawal and records transfers.

For more information on credits transfer and school completion for students in foster care, read the ABA Legal Center for Foster Care and Education Q&A brief, “Credit Transfer and School Completion,” at [www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/Q&A/Q&A%20Credit%20Transfer%20FINAL.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/Q&A/Q&A%20Credit%20Transfer%20FINAL.pdf)



**LAW:** Due to FERPA exception, even if a caregiver did not formally withdraw the student from the previous school, enrollment of a student in another school district provides authority for the original school district to release the educational records of that student to the new (receiving) school, regardless of whether parental consent has been received.<sup>81</sup>

## WHY DO STUDENTS SOMETIMES HAVE MISSING RECORDS?

- When students enter foster care, the change can be abrupt and immediate and may not afford caregivers the opportunity to formally withdraw students from the previous district.
- The student may have experienced inconsistency and significant lapses in education and school attendance or may have moved schools prior to entering the foster care system.
- The previous district may not be informed of the student’s departure, or the receiving district may not know where the student was previously enrolled.
- Transitions in foster care rarely occur at semester breaks, so the receiving districts may ask for current records before grades are available.
- Special education departments are sometimes left out of the loop and unaware of the student’s departure, resulting in IEP transfers being overlooked or delayed.
- When a student enters foster care, school staff may be confused about who is legally allowed to have the student’s records as well as who has the legal authority to make education-related decisions. Some school officials may be hesitant to release educational records without the consent of a parent or guardian. However, if CA has care and custody of the student, department staff have the legal authority to view and to receive those records in addition to the caregiver (see Chapter 3 for information on educational decision making and FERPA).<sup>82</sup>

School staff should work with caregivers, caseworkers and others involved in the life of a student in foster care to ensure that the student’s education is disrupted as little as possible, despite missing records.



## WHAT HAPPENS IF A STUDENT'S WHEREABOUTS ARE UNKNOWN?



**TIP:** District foster care liaisons and school staff should follow up with the caregiver, CA caseworker or CPS caseworker when a student's whereabouts are unknown.

Following up with these individuals to determine a student's whereabouts is an important step before withdrawing the student and treating the student's whereabouts as unknown.<sup>83</sup>

In the event that a student is not found, their whereabouts remain unknown and they have not officially withdrawn from school, the district can determine a withdrawal date according to applicable local policies. Schools should NOT withdraw a student after 20 days of nonattendance.<sup>84</sup> Withdrawal can create an additional barrier to future student engagement.



It was hard to be a kid and focus at school when life had so many uncertainties.

# What ARE YOUR goals?



- graduate
- housing
- a good job/income
- people I can trust: Friendship
- Know I am Loved



ARE They being reached ???



- A teacher may never know where his or her influence ends...

## CHAPTER

# 7



## THE SCHOOL EXPERIENCE: PROVIDING STUDENT SUPPORT, PROMOTING HIGH SCHOOL COMPLETION AND COMPLYING WITH STATE LAWS

- CREATING A SCHOOL ENVIRONMENT THAT IS SENSITIVE TO THE EXPERIENCE OF STUDENTS IN FOSTER CARE
- ARE STUDENTS IN FOSTER CARE CATEGORICALLY ELIGIBLE FOR SCHOOL MEAL PROGRAMS?
- DETERMINING THE NEEDS OF STUDENTS IN FOSTER CARE
- STATE FUNDING SOURCES SCHOOLS CAN USE TO PROVIDE ACADEMIC SUPPORT
- PROMOTING HIGH SCHOOL COMPLETION
- WHAT GRADUATION PROGRAM IS RIGHT FOR THE STUDENT?

## CHAPTER 7

# The School Experience: Providing Student Support, Promoting High School Completion and Complying With State Laws

### CREATING A SCHOOL ENVIRONMENT THAT IS SENSITIVE TO THE EXPERIENCE OF STUDENTS IN FOSTER CARE

Students enter foster care through no fault of their own, but their status as “foster children” can be a source of deep shame and stigma. School personnel play an important role in being sensitive and creating a school environment that is emotionally safe and supportive of students who experience foster care.

#### **Maintain confidentiality:**

- It is important that a student is not publicly labeled as a foster child nor attention brought to the fact that the student is in the foster care system.
- Avoid discussing private student matters in public places such as a break room, where school staff or students may overhear confidential information.
- Do not use the loudspeaker, class announcements or other public means to notify students of appointments and visitors related to their CA cases.
- Refrain from asking students personal questions related to why they are in foster care. If a student shares this very personal information, it should be completely up to the student and not because school personnel initiated the discussion.

#### **Avoid negative stigmatization and assumptions:**

Students in foster care can be negatively labeled and stigmatized in school and in other community settings. Stigmatization can be detrimental to a student’s well-being and educational success.

Stigmas in school create challenges that may include the following:

- Delays in enrollment due to assumptions that students in foster care will only be enrolled in the new school for a short period of time.
- Misdiagnosis of trauma and post-traumatic stress symptoms. This mistake leads to students not receiving appropriate educational support.
- Placement without consideration of postsecondary aspirations. Washington state data reveals that students in foster care are disproportionately placed in programs that only meet the minimum high school graduation requirements and fall short of fulfilling the College Academic Distribution Requirements (CADRs) students need to attend a four-year college.
- Assumptions that students in foster care do not have postsecondary educational goals. On the contrary, research demonstrates that 70% of students in foster care desire to attend college.<sup>85</sup> The myth negatively affects these students. If students and educational decision makers are not consulted about the graduation program, they may be unaware of the impact of the minimum program on future college access and entrance.



**TIP:** Promote pro-college messaging and use asset- and strength-based approaches to encourage the academic aspirations of middle and high school students in foster care (see Chapter 10 for more information on postsecondary opportunities for students in foster care).



## RESOURCES:

*Confronting Stereotypes of Youth in Foster Care* is a great video that can be shared to increase awareness about the stereotypes and stigmas students often face: [www.youtube.com/watch?v=rheuqLV7ebs&feature=youtu.be](http://www.youtube.com/watch?v=rheuqLV7ebs&feature=youtu.be).

### **Be mindful of the impact of family-based assignments and activities**

School assignments and activities that assume all students live with their birth family or know their family history may be difficult and present challenges for students in foster care, no matter the reasons for entering foster care. Assignments such as creating a family tree or a Mother's Day card or giving a presentation about a memorable family vacation can be very difficult. Alternative activities for these types of school assignments should be offered to all students so as not to call attention to the select students for whom the situation may be difficult.

### **Be aware of reasons for absences and impact on coursework**

Students in foster care may miss school due to parent and sibling visits, court dates, therapy and other appointments. Schools should work with these students to ensure they are able to make up coursework missed due to such activities.<sup>86</sup>

 **TIP:** School staff should consider providing information regarding testing dates to the caseworker and other child welfare stakeholders to make them aware of important testing dates. School attendance is especially important around state-mandated testing periods.

### **Take time to build relationships and establish trust and rapport with students in foster care**

Students in foster care may have a difficult time trusting adults and developing relationships as they have had adults disappoint them and may be reluctant to interact. This can be especially challenging when the student needs help but is unable to ask for it. School staff need to be patient and go the extra mile to try to engage students who may be struggling in silence. School staff should also take the opportunity to celebrate personal accomplishments and student successes. Encouragement and support are essential elements of building rapport and trust. Research demonstrates the importance of a trusted, caring, supportive adult as a critical factor for students in foster care.<sup>87</sup> Discuss a students' positive attributes with them and communicate these to caregivers, caseworkers and other adults involved in their lives.

### **Provide students with choices and a voice in decision making**

Students in foster care may experience a sense of loss and powerlessness. Educators and supportive adults can use positive development practices that provide choices and include students in decision-making processes.

### **Provide school-related information to students in foster care**

Students may not be identified publicly as being in foster care. However, providing information about services and assistance for students in foster care at counseling centers or in similar settings makes the resources available without invading student privacy. It also lets students know they are supported and valued on their school's campus.

### **Implement trauma-informed practices in the classroom**

According to the National Child Traumatic Stress Network, "child traumatic stress occurs when children and adolescents are exposed to traumatic events and traumatic situations, and when this exposure overwhelms their ability to cope with what they have experienced."<sup>88</sup> Although the experiences and responses to trauma and loss differ among students, it is important that educators and other advocates are sensitive to and aware of the impact that trauma may have on learning, student behavior, student response to adults and interaction with peers. Implementing trauma-informed practices in the classroom and raising the level of awareness about the impact of adverse life experiences on a student's learning process, classroom behaviors and cognitive development will help educators, school personnel and other advocates respond in a way that is the most sensitive and adaptive to a student's needs.

## RESOURCES: TRAUMA-INFORMED PRACTICE



The tools listed below are helpful for promoting sensitivity and increasing awareness about the impact of trauma on a student's learning and school experience.

- National Child Traumatic Stress Network, “Child Trauma Toolkit for Educators” — an excellent guide on trauma and learning, available in both English and Spanish. This is a must-read for educators and school personnel in supporting the academic success of students who have experienced trauma: <http://nctsn.org/resources/audiences/school-personnel/trauma-toolkit>.
- National Child Traumatic Stress Network, Resources for School Personnel website — provides a variety of excellent tools on trauma-informed practices, training tools and information to help educators understand and respond to the specific needs of traumatized students: [www.nctsn.org/resources/audiences/school-personnel](http://www.nctsn.org/resources/audiences/school-personnel).
- Washington State Superintendent of Public Instruction, Compassionate Schools Initiative, “The Heart of Learning: Compassion, Resiliency, and Academic Success” provides innovative approaches, practical tools and applicable resources to equip educators in working with students whose learning has been adversely impacted by trauma. This valuable resource is free and available online: [www.k12.wa.us/CompassionateSchools/HeartofLearning.aspx](http://www.k12.wa.us/CompassionateSchools/HeartofLearning.aspx).
- National Center for Mental Health Promotion and Youth Violence Prevention, Safe Schools Healthy Students, National Center Brief, “Childhood Trauma and Its Effect on Healthy Development”: <http://edn.ne.gov/cms/sites/default/files/u1/pdf/se14Childhood%20Trauma%20%26%20Its%20Effect%20on%20Healthy%20Development.pdf>.

## ARE STUDENTS IN FOSTER CARE CATEGORICALLY ELIGIBLE FOR SCHOOL MEAL PROGRAMS?

Yes, students in foster care are categorically eligible for USDA child nutrition programs, including free meals/milk in the National School Lunch Program (NSLP)/School Breakfast Program (SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP) and the Child and Adult Care Food Program (CACFP).<sup>89</sup> Caregivers for students in foster care do not have to complete a separate application for these programs. The CA Caregiver Authorization form or School Notification form provides for immediate authorization of the named student to participate in the programs offered through the USDA. School staff can verify students' eligibility with food service departments to make sure students receive immediate meal assistance.



**TIP:** Students in foster care are identified through the state management system, and school district nutrition programs are informed automatically about students' eligibility. They are not required to fill out school forms in order to receive this service.

If an eligible student is not receiving meal assistance for any reason, contact the school district's foster care liaison for assistance.



## RESOURCES: NUTRITION ASSISTANCE

USDA, “USDA Announces Expansion of Nutrition Assistance for Foster Children, Provision Expands Safety Net Against Childhood Hunger and Promotes Healthy Lifestyles,” February 3, 2011, [www.fns.usda.gov/es/node/879](http://www.fns.usda.gov/es/node/879). USDA Child Nutrition Programs Food and Nutrition Service, “Eligibility Manual for School Meals”: [www.fns.usda.gov/sites/default/files/cn/SP40CACFP18SFSP20-2015a.pdf](http://www.fns.usda.gov/sites/default/files/cn/SP40CACFP18SFSP20-2015a.pdf).

## DETERMINING THE NEEDS OF STUDENTS IN FOSTER CARE

Similar to the average student population, the skills and abilities of students in foster care vary significantly. Students in foster care, however, often face an uphill battle to graduate from high school on time due to home and school transitions, possible gaps in education and emotional upheaval — all of which result in some students lacking the skills or credits necessary to be placed in the age-appropriate grade level. In addition, the instability students in foster care experience often creates a lack of consistent adults in their lives who know their academic history and current support needs. As a result, these students’ educational success depends that much more heavily on school personnel learning what particular challenges they face.

Conducting an educational evaluation of new students helps schools ensure that students in foster care receive the support needed to succeed in the classroom. It allows schools to identify areas of strength and concern for students based on their educational history, provide necessary interventions to address any concerns and monitor progress toward high school graduation. Further, having both personal and educational information in one file will help streamline any subsequent changes of school, making it easier for the students to stay on track for graduation. An evaluation should be completed for each student in the district from age 3 up to high school graduation.

School staff should collect the following information for the evaluation:

- Personal information (name, date of birth).
- Contact information (student, caregiver, caseworker, educational decision maker, etc.)
- Last school attended and grade level.
- Grades/credits earned and state testing completed/passed.
- Attendance and behavioral history.
- Special education or other services received.
- Services needed and/or areas of concern.

## STATE FUNDING SOURCES SCHOOLS CAN USE TO PROVIDE ACADEMIC SUPPORT

Students in foster care are eligible for the regular instructional program per Washington’s Basic Education Act. Students may be eligible for several other special programs and services through initiatives such as the ESEA, special education, English Language Learners (ELL), Career and Technical Education (CTE) or other state grant initiatives. Below are brief summaries of some of these school-based services. Additional information, including eligibility requirements, is available on the OSPI website at [www.k12.wa.us](http://www.k12.wa.us).

### **Title I, Part A:**

Title I, Part A is a federal program that serves the unique needs of students — kindergarten through 12th grade — who struggle to learn. Title I programs and services provide customized instruction and curricula that help these students meet academic standards and take an active, engaged interest in what they learn and can do. As the oldest and largest federal education program, Title I programs build equity of opportunity for students whose struggles often keep them on the academic sidelines. Learn more at [www.k12.wa.us/titlei/default.aspx](http://www.k12.wa.us/titlei/default.aspx).

**Learning Assistance Program (LAP):**

LAP programs serve eligible students who need academic support for reading, writing and math or who need readiness skills to learn these core subjects. With special emphasis on reading literacy in the early grades, schools use their state LAP funds to deliver supplemental services that give these students the strong start they need for academic success. Learn more at [www.k12.wa.us/LAP/](http://www.k12.wa.us/LAP/).

**21st Century**

The 21st Century Community Learning Centers Program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours, particularly for students who attend high-poverty and low-performing schools. OSPI oversees the administration of the federal grant, Title IV Part B, which funds 21st Century programs for students. <http://www.k12.wa.us/21stCenturyLearning/>.

**Career and Technical Education (CTE)**

To be career- and college-ready, students need to be able to integrate and apply 21st-century skills, technical knowledge and skills, and core academic knowledge. With an emphasis on real-world, real-life skills, Career and Technical Education Washington connects students to academics and training that will help them graduate from high school ready to be globally competitive for work and postsecondary education and prepared for a successful future.

**Special Education**

IDEiA is a federal law ensuring services to children with disabilities. IDEiA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. In exchange for federal money, schools must guarantee that all students with disabilities will receive a “free, appropriate public education.”

**Equity and Civil Rights**

The Equity and Civil Rights Office works to ensure that each student has equal access to public education without discrimination. It provides students and families with information about their civil rights and raises awareness of barriers to equal access and civil rights responsibilities within public schools. Equity and Civil Rights can provide information, technical assistance and support for students in areas such as students with disabilities (Section 504), Title IX, pregnant and parenting students, student discipline and issues regarding gender identity and gender expression.

**Here are some other recommended independent and state-funded educational support programs specific to underrepresented youth or students in foster care:****Educational Advocacy**

Helps students, caregivers, schools and caseworkers work together to resolve difficult issues and remove barriers to school success. Applicable for elementary-, middle- and high school-aged students. Learn more at [www.treehouseforkids.org](http://www.treehouseforkids.org).

**Gear Up**

Encourages low-income middle and high school students to go to college by providing intensive tutoring and mentoring and career planning. Learn more at [www.gearup.wa.gov](http://www.gearup.wa.gov).

**Graduation Success**

Provides students in foster care with the resources and education planning, monitoring, coaching and support services that they need to graduate from high school with a plan for their future. Age eligibility varies by region. Learn more at [www.treehouseforkids.org](http://www.treehouseforkids.org).

**Supplemental Education Transitional Planning (SETuP)**

This program helps students ages 14-18 prepare for college by helping them to set goals, apply for colleges and financial aid, find housing and transportation and register for the right classes. Learn more at <http://independence.wa.gov/programs/setup/>.

**College and Career Coaches**

College awareness and readiness program where Americorps volunteers help seventh- and eighth-grade students with their high school-and-beyond plan detailing courses and course sequences they must take in high school to graduate and meet requirements for a four-year college. Learn more at [www.collegesuccessfoundation.org/wa/supports/middle-school](http://www.collegesuccessfoundation.org/wa/supports/middle-school).

**Higher Education Readiness Opportunity (HERO)**

HERO advisors provide ninth- and 10th-grade students with grade and attendance monitoring, transcript analysis, college visits and college awareness activities, helping students meet the timelines and course requirements for graduation and entry into college programs. Learn more at [www.collegesuccessfoundation.org/wa/supports/high-school](http://www.collegesuccessfoundation.org/wa/supports/high-school).

**Upward Bound**

Helps students ages 13-19 prepare for entering college. Learn more at [www.washingtontrio.org/upward-bound.html](http://www.washingtontrio.org/upward-bound.html).

**TRIO Program of Washington State**

Assists students ages 11-27 who have the potential to succeed in higher education by providing academic, career and financial counseling. Learn more at [www.washingtontrio.org/](http://www.washingtontrio.org/).

**Mathematics Engineering Science Achievement (MESA)**

This program helps underrepresented students grades 6-12 achieve in the areas of math and science so that they have equal opportunity to contribute to those fields. Learn more at [www.washingtonmesa.org](http://www.washingtonmesa.org).

**College Success Foundation Achievers Program**

This program provides proactive academic advising, college planning information, grade monitoring and referrals for additional interventions for students in 17 high schools in Seattle, Tacoma, Spokane and Yakima. Students apply as juniors and those in foster care are prioritized for admission into the program. Learn more at [www.collegesuccessfoundation.org/wa/students/achievers-program-reopen](http://www.collegesuccessfoundation.org/wa/students/achievers-program-reopen).

**Make It Happen!**

Summer program designed to help students in foster care currently enrolled as sophomores, juniors or seniors in high school develop their plans for the future by teaching them how to get into college. Learn more at [www.collegesuccessfoundation.org](http://www.collegesuccessfoundation.org).

**PROMOTING HIGH SCHOOL COMPLETION**

Promoting high school completion is important and necessary. Students in foster care are entitled to all educational services generally available to other students. Further, students may benefit from additional attention in the school setting to make certain they remain on track for high school completion and graduation. School staff can help by reviewing students' class schedules and coursework as an important element of properly advising students and ensuring progress toward timely high school completion and graduation. Communicating with the student and caregiver about academic progress, standardized testing and future goals is important. Developing a graduation checklist with the student can also be a helpful tool for the student to visualize the path to graduation.



**TIP: School staff can support and encourage graduating seniors in many ways.**

Helping to ensure students have their caps and gowns, senior pictures and yearbooks and are able to participate in school-related graduation activities is important. Additionally, students may not have other adults to celebrate with them. Being present at a students' high school graduation and taking the time to celebrate and congratulate their success is a meaningful way to support them.

School staff should work with students to identify high school completion and credit recovery support that help students make progress toward high school completion. Alternative mechanisms to complete coursework and recover credits may need to be pursued. In some cases, alternative high school programs and environments with fewer students and more individualized attention may be beneficial. Staff should work with students, caregivers and caseworkers to determine a school setting that promotes a student's individual success and high school completion.

School staff should compare a student's current standing to graduation requirements and to the student's postsecondary goals. Staff can then use that information to determine the most appropriate high school completion option for the student, identify exactly which credits the student must complete and provide any interventions or assistance necessary to do so. This plan will enable the student to readily track progress toward graduation and get the support needed to complete high school.



**TIP: Remind students they can attend school and receive their high school diploma after turning 18.**

Information about high school diplomas for older adults and other opportunities to earn a high school diploma should be considered and discussed with students when appropriate. Like all other Washington students, foster care alumni may enroll in and attend school to receive their high school diploma until age 21 and have other diploma completion options after that age.<sup>90</sup> School advisors and counselors should connect older students in foster care with opportunities to complete their high school diploma.

For more information on Washington state graduation requirements, visit [www.k12.wa.us/graduationrequirements](http://www.k12.wa.us/graduationrequirements).

## WHICH GRADUATION PROGRAM IS RIGHT FOR A STUDENT?

Due to family and home instability, changes in placement and ensuing school transfers, students in foster care may find it difficult to complete high school graduation requirements. In such cases, school staff should work with students and their caregivers and caseworkers to ensure the students remain on a path to graduation and are as well-prepared as possible for life after graduation.



**TIP: It is always important to involve students in planning and discussion about their long-term goals and future aspirations when determining their high school graduation program. Because requirements can vary across districts, school staff should ensure that students in foster care know all of their options as they work their way through high school.**



**Students cannot be denied a high school diploma due solely to “limitations” on their abilities.**<sup>91</sup> Therefore, district school boards can establish procedures allowing for alternatives to the standard program. Options include the following:

- Earn high school credits, develop a plan for high school and beyond and earn a Certificate of Academic Achievement (CAA) or Certificate of Individual Achievement (CIA) by passing state exams.
- Waive some required credits or offer substitutions to graduation requirements based on a student’s unusual circumstances.
- Use state-approved alternatives to required testing.
  - *Collection of Evidence (COE)* — Evaluation of student work samples prepared with support of a teacher.
  - *GPA Comparison* — Comparison of a student’s grades in English or math to grades of students who took the same courses and passed the state exams.
  - *College Admission/Advanced Placement (AP)/International Baccalaureate (IB) Tests* — Acceptance of scores from these other exams in lieu of the state tests.



**LAW: School districts are required to facilitate on-time graduation of students in foster care through the following means:**<sup>92</sup>

- Eliminating academic and nonacademic barriers to on-time grade level progression and graduation.
- Waiving specific courses required for graduation if similar coursework has been satisfactorily completed in another school district. Should a waiver not be granted to a student who would qualify to graduate from the sending district, the receiving district must use best efforts to provide an alternative means of acquiring required coursework so graduation may occur on time.
- Consolidating unresolved or incomplete coursework and providing opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.
- Ensuring the receipt of a diploma from the sending district if the student meets the graduation requirements yet is ineligible to graduate from the receiving district, after all alternatives have been considered, due to transferring at the beginning or during junior or senior year.
- For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer. The receiving school must accept those credits, apply them to the student’s academic progress or graduation or both, and allow the student to earn credits regardless of the student’s date of enrollment in the receiving school.

**Students receiving special education may be able to exercise the following options:**

- *State Tests With “Basic” Option* — Exams are taken at grade level, but IEP teams adjust the passing criteria.
- *Alternate Assessments* — Students demonstrate knowledge and skills through performance-based assessments.
- *Off-Grade Level Tests* — A state test is administered at an elementary or middle school level, with or without accommodations.
- *Locally Determined Assessments (LDAs)* — This option helps students for whom the preceding alternatives are not appropriate. LDA accommodations include adapted text, limited number of skills being tested and verbal or written communication.



**TIP: It is important to provide information to child welfare partners about standardized testing dates and work to ensure students participate in testing, even if a school move occurs near testing dates.**

**Further options exist for students who will not graduate after four years of high school.**

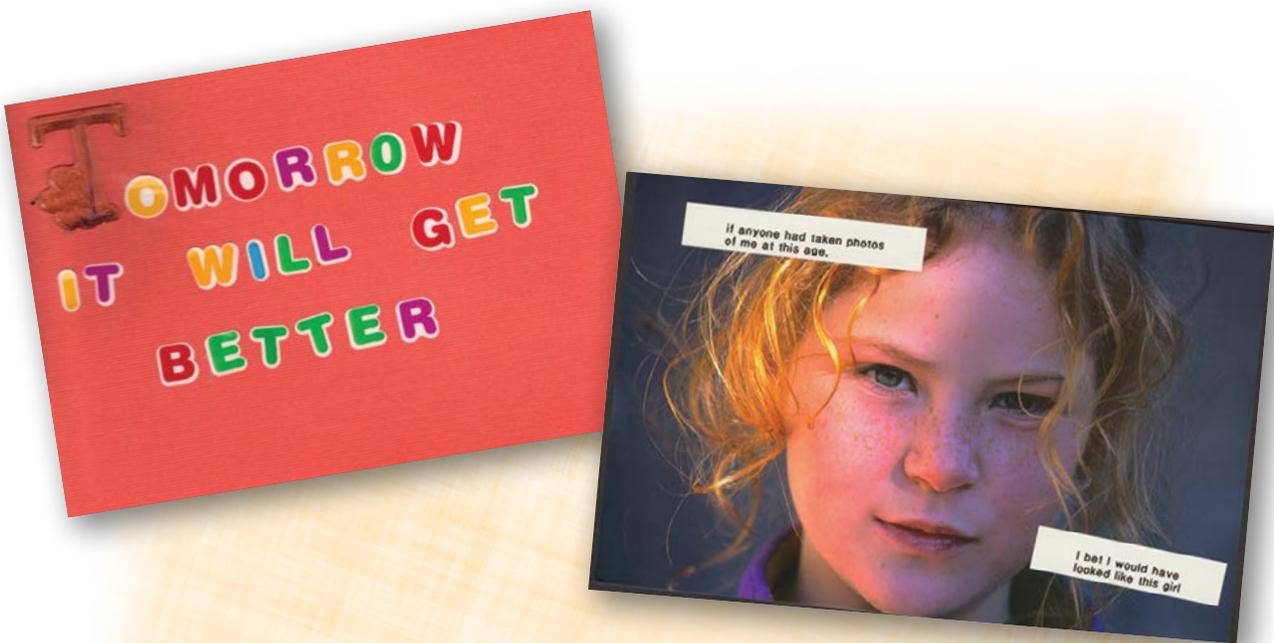
• **No-cost alternatives:**

- Attend high school through the year in which they turn 21.
- Enroll in a tuition-free high school completion program, coordinated by the school district and a community college.
- Continue Running Start to complete classes necessary for a diploma.

• **Paid alternatives:**

- Enroll in a high school completion program at a community or technical college.
- Pursue a high school equivalency certificate (students ages 16 and older).
- Enroll in a public two- or four-year college or university.

For more information on all of these options, see OSPI's *Graduation in Washington* manual at [www.k12.wa.us/GraduationRequirements/GraduationToolkit.aspx](http://www.k12.wa.us/GraduationRequirements/GraduationToolkit.aspx).



## CHAPTER

# 8



## STUDENTS ELIGIBLE FOR OR RECEIVING SPECIAL EDUCATION SERVICES

- WHO IS ELIGIBLE FOR SPECIAL EDUCATION?
- WHAT SHOULD SCHOOL PERSONNEL CONSIDER BEFORE REQUESTING A PSYCHOLOGICAL OR EDUCATIONAL EVALUATION OF A STUDENT?
- WHO CAN MAKE A REFERRAL FOR A STUDENT IN FOSTER CARE?
- WHAT IS THE “CHILD FIND” RESPONSIBILITY AND HOW DOES IT AFFECT STUDENTS IN FOSTER CARE?
- WHO CAN SERVE AS “PARENT” REGARDING SPECIAL EDUCATION DECISIONS?
- WHAT ROLE DOES STUDENT’S CAREGIVER HAVE RELATED TO SPECIAL EDUCATION?
- WHAT IS A “SURROGATE PARENT”?
- WHAT IF A STUDENT WITH A COMPLETE OR IN-PROCESS IEP TRANSFERS SCHOOLS?
- WHAT CAN BE DONE IF A STUDENT’S SPECIAL EDUCATION NEEDS ARE NOT BEING MET?
- WHAT IS A SECTION 504 PLAN AND HOW CAN IT BENEFIT A STUDENT?

## CHAPTER 8

# Students Eligible for or Receiving Special Education Services

Students in foster care are three times more likely to require special education services than their peers who are not in foster care.<sup>93</sup> Many factors contribute to this increased need, including trauma, learning disabilities, emotional and behavioral issues, a lack of early childhood education and the loss of education due to transitions and instability at home. It is critical that students in foster care receive appropriate and timely evaluations for special education and 504 services when deemed necessary and that educators provide assessments with a “trauma-informed” lens. It is equally important that existing evaluations and service plans transfer with students transitioning schools to ensure that services are not disrupted. Note that schools may not identify students as eligible for special education based solely on their lack of academic opportunities or because they are in the foster care system.<sup>94</sup>

### WHO IS ELIGIBLE FOR SPECIAL EDUCATION?<sup>95</sup>

A student in foster care has access to special education services just like any other student. In accordance with IDEiA, if students are evaluated and determined to have disability and an educational need, local education agencies are required to provide free appropriate public education (FAPE) from the ages of 3-21.

Because students in foster care experience instability at home, caregivers may miss signs that they are struggling with a disability. Warning signs of a disability may include behavioral problems, poor peer relationships, dislike of school and developmental delays.



**TIP:** Caregivers for students that are exhibiting early signs of a disability should contact the local school district to learn more about having them evaluated to determine eligibility for special education services. Students ages 3, 4 or 5 who have been evaluated and determined to have a disability may be eligible for preschool special education services.

#### Information Regarding FAPE:

- Federal law guarantees that all students with disabilities ages 3-21 have the right to FAPE.
- As long as a student is age 21 at the beginning of the school year, the student is eligible to receive special education services throughout that school year, even after turning 22.
- IDEiA emphasizes that special education and related services are designed to meet a students' unique needs and prepare them for further education, employment and independent living.
- FAPE is available to any individual student with a disability who needs special education and related services, *even if the student is advancing in school and has not failed or been retained in a course or grade.*
- Regardless of where they move or the type of facility in which they live, students eligible for special education services must be allowed to attend school and receive those services specified in their IEP.
- The right to FAPE ends when a student *graduates with a regular high school diploma or ages out of special education services in accordance with WAC 392 172A-02000.* Neither a certificate of high school completion nor a GED constitutes a regular high school diploma.



**TIP:** It is helpful when caregivers and other student advocates are informed about the IEP by the special education teacher or an administrator familiar with the student.

For a complete list of special education-eligible disabilities, visit [www.parentcenterhub.org/wp-content/uploads/reports/items/gr3.pdf](http://www.parentcenterhub.org/wp-content/uploads/reports/items/gr3.pdf).

## WHAT SHOULD SCHOOL PERSONNEL CONSIDER BEFORE REQUESTING A PSYCHOLOGICAL OR EDUCATIONAL EVALUATION OF A STUDENT?

Students in foster care may have completed other related educational and psychological evaluations. A school psychologist or diagnostician must obtain consent from the student's caregiver before recommending that a student in foster care undergo psychological or educational assessment, or both.<sup>96</sup>

Additionally, schools should work with the student's caseworker in these ways:

- Request a copy of the student's most recent psychological evaluation to assist in or alleviate the need for further testing.
- Continue to coordinate with other child welfare workers and stakeholders about any recommendations that are identified through the evaluation.

## WHO CAN MAKE A REFERRAL FOR A STUDENT IN FOSTER CARE?<sup>97</sup>

Washington state law specifies that the following people or entities can refer a student for evaluation:

- Anyone who meets the definition of "parent."
- School personnel.
- School district staff.
- Another public agency.
- Other persons knowledgeable about the student.

See [www.k12.wa.us/SpecialEd/Families/Referral.aspx](http://www.k12.wa.us/SpecialEd/Families/Referral.aspx) for more information regarding the process.

## WHAT IS THE "CHILD FIND" RESPONSIBILITY AND HOW DOES IT AFFECT STUDENTS IN FOSTER CARE?<sup>98</sup>

All students with disabilities residing in Washington state who are in need of special education and related services, including students with disabilities attending private schools, must be identified, located and evaluated. This process is called "child find." IDEiA specifically includes "wards of the state" and "highly mobile children" as groups of students for whom school districts have a child find responsibility.

## WHO CAN SERVE AS “PARENT” REGARDING SPECIAL EDUCATION DECISIONS?

A parent for the purposes of IDEiA is defined as any of the following:<sup>99</sup>

- Biological or adoptive parent.
- Foster parent.
- Guardian generally authorized to act as the student’s parent or to make educational decisions for the student. However, this does not include the state if the student is a ward of the state.
- Person acting in place of a biological or adoptive parent and with whom the student lives, including other relatives.
- Person acting in place of a biological or adoptive parent who is legally responsible for the student’s welfare.
- Surrogate parent appointed in accordance with WAC 392-172A-05130.
- Adult students whose rights have transferred to themselves.

If a birth parents are still involved in the student’s life, they may be considered a parent before a foster or relative caregiver. School staff should contact the student’s caseworker to determine if the biological parents’ parental rights have been terminated or if they present a danger or threat to the student prior to contacting them for consent and participation as an IEP team member.

## WHAT ROLE DOES A STUDENT’S CAREGIVER HAVE RELATED TO SPECIAL EDUCATION?

If viewed as parents for special education purposes, foster parents or caregivers may request an independent educational evaluation if they disagree with the findings of the evaluation conducted by the school. The district must then grant the request or initiate a hearing to demonstrate that its evaluation is appropriate.<sup>100</sup> Additionally, foster parents or caregivers should be both included in the IEP process and involved in the development of the IEP.

## WHAT IS A “SURROGATE PARENT”?

IDEiA requires that state and local education agencies involve parents in decisions about their students’ needs.<sup>101</sup> In situations where the students are wards of the state or have no parents or no parents can be located, surrogate parents must be appointed to represent the students and protect their rights in matters relating to identification, evaluation and educational placements in special education.

Who is not eligible to be a surrogate parent?<sup>102</sup>

- An employee of OSPI, the school district or any agency involved in care or education of the student, such as CA, Juvenile Rehabilitation, a school or a residential treatment facility.
- Anyone with personal or professional interests that conflict with the interests of the student.
- A person lacking the knowledge and ability to adequately represent the student.



## RESOURCES

- Appointment, Training and Role of Surrogate Parents:  
[www.k12.wa.us/SpecialEd/pubdocs/SurrogateParent.pdf](http://www.k12.wa.us/SpecialEd/pubdocs/SurrogateParent.pdf).
- Role of a Surrogate Parent:  
[www.k12.wa.us/SpecialEd/pubdocs/RoleSurrogateParent.docx](http://www.k12.wa.us/SpecialEd/pubdocs/RoleSurrogateParent.docx).
- Parent and Student Rights (Procedural Safeguards):  
[www.k12.wa.us/SpecialEd/Families/Rights.aspx](http://www.k12.wa.us/SpecialEd/Families/Rights.aspx).

## WHAT IF A STUDENT WITH A COMPLETE OR IN-PROCESS IEP TRANSFERS SCHOOLS?

When a student moves to another district during the special education evaluation process, IDEiA and Washington state law require that the sending and receiving schools coordinate as soon as possible to make sure special education evaluations are completed and implemented. A student's prior school district must provide important information to the new district within two school days and provide school records as quickly as possible.<sup>103</sup>

Helpful information addressing when a student moves to a new school and the impacts of a move on special education can be found here:

[www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa\\_mobility\\_final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa_mobility_final.authcheckdam.pdf).

## WHAT CAN BE DONE IF A STUDENT'S SPECIAL EDUCATION NEEDS ARE NOT BEING MET?

Concerns related to a student's special education program can be addressed locally with the student's teachers, school principal, special education director and the superintendent. Additionally, these concerns can be addressed locally through the IEP process. Other important contacts include the student's caregiver and caseworker, court-appointed educational liaison, Governor's Office of Education Ombuds and the OSPI special education parent liaison.

If local resolution is not possible, state-level dispute resolution options are available, including mediation, citizen complaints and due process hearings. Please see [www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx](http://www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx).

## WHAT IS A SECTION 504 PLAN AND HOW CAN IT BENEFIT A STUDENT?

A Section 504 plan may be an option for students who do not qualify for special education services under IDEiA. Section 504 of the Rehabilitation Act is a civil rights law that prohibits discrimination against individuals with disabilities. It ensures that the child with a disability has equal access to an education. Section 504 plans provide educational accommodations that level the playing field without changing what the student is expected to master. Adjustments necessary for trauma-related and learning gaps can be provided through a Section 504 plan. Unlike IDEiA, Section 504 does not require that the school provide specially designed instruction.



## RESOURCES

Special Education Information and Resources

OSPI:

[www.k12.wa.us/SpecialEd](http://www.k12.wa.us/SpecialEd).

IEP Guidance:

[www.k12.wa.us/SpecialEd/Families/IEP.aspx](http://www.k12.wa.us/SpecialEd/Families/IEP.aspx).

Section 504 Guidance:

[www.k12.wa.us/HealthServices/pubdocs/504ManualFinal.pdf](http://www.k12.wa.us/HealthServices/pubdocs/504ManualFinal.pdf).

Behavior Guidance:

[www.parentcenterhub.org/repository/behavior-atschool](http://www.parentcenterhub.org/repository/behavior-atschool).

Key Words and Helpful Terms:

[www.parentcenterhub.org/repository/keyterms-specialed/?FID=177&DT=G&LID=en](http://www.parentcenterhub.org/repository/keyterms-specialed/?FID=177&DT=G&LID=en).

Advocacy Groups

Disability Rights Washington:

[www.disabilityrightswa.org](http://www.disabilityrightswa.org).

Parent Resources

Family Guide to Special Education Advocacy:

[www.treehouseforkids.org/wp-content/uploads/2013/07/Family-Guide-to-Special-Education-Updated-9.25.pdf](http://www.treehouseforkids.org/wp-content/uploads/2013/07/Family-Guide-to-Special-Education-Updated-9.25.pdf).

Special Education Parent Liaison:

[www.k12.wa.us/SpecialEd/Families/Assistance.aspx](http://www.k12.wa.us/SpecialEd/Families/Assistance.aspx).

Special Education Laws and Procedures:

[www.k12.wa.us/SpecialEd/LawsProcedures.aspx](http://www.k12.wa.us/SpecialEd/LawsProcedures.aspx).

Special Education Dispute Resolution Process:

[www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx](http://www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx).

## CHAPTER

# 9



## DISCIPLINE AND SPECIAL CONSIDERATIONS

- UNINTENDED NEGATIVE IMPACTS OF DISCIPLINE
- REASONS FOR DISCIPLINE
- FEDERAL GUIDANCE

## CHAPTER 9

# Discipline and Special Considerations

Students in foster care are roughly three times more likely to be disciplined in school than other students.<sup>104</sup> This trend persists for many reasons. Students in foster care may have a history of neglect and physical or emotional abuse, as well as removal from home and school disruptions. These traumatic experiences may impact a student's response to stimuli and result in challenging behavior.

Disciplinary actions taken against students in foster care can often have far more significant consequences than intended, negatively affecting their housing stability and potentially their longer-term permanent housing goals. Non-exclusionary and supportive approaches to dealing with disruptive behavior can benefit all students, but these approaches are especially important to help students in foster care stay in school and improve their educational outcomes.<sup>105</sup> This section presents information regarding rules for the discipline of students in foster care in school and guidance on best practices.



**TIP:** Supporting trauma-informed training for teachers, resource officers and other school staff (see page 54), as well as increasing awareness of positive behavioral support and interventions, has been found to have a positive impact on both student behavior and school climate.

### UNINTENDED NEGATIVE IMPACTS OF DISCIPLINE

Students in foster care who move through many home placements are five to 10 times more likely than other students to become involved with the juvenile justice system.<sup>106</sup> Schools must recognize that discipline affects a student's day-to-day learning, academic and social development and consequently their future prospects. Discipline is an excellent opportunity for school administrators and staff to build positive relationships with students in foster care by modeling empathy and fair disciplinary procedures that avert the negative impacts of disciplinary measures.

#### Suspension and Expulsion

Multiple school suspensions and disciplinary actions have a negative impact on a student's education. School suspensions and expulsions contribute to educational gaps and learning delays and seriously increase a student's likelihood of dropping out of school. Exclusionary discipline can also create placement changes for students in foster care, and those placement changes can further delay a student's academic progress.



**LAW:** School districts must notify the student's educational decision maker and caseworker regarding events that may significantly impact the education of a student, including the following school disciplinary actions:

- Any disciplinary actions for which parental notice is required.
- Citations issued for misdemeanor offenses on school property or at school-sponsored activities.
- Reports of restraint and seclusion.

## REASONS FOR DISCIPLINE

### Absences

Students in foster care often have related absences (e.g., medical appointments, court dates, visitation, etc.) Unexcused absences can lead to discipline with significant negative consequences for the student. Schools are required to monitor unexpected or excessive absences and should take proactive steps to mitigate the impact of those absences. They should work with caregivers to ensure that any absences related to a student being in foster care are recorded as excused.<sup>107</sup> This cooperation will help limit disciplinary ramifications on the student's education.

**Steps to stop or reduce the number of absences include the following strategies:<sup>108</sup>**

- Communicate with the student's support team early and often at the first sign of attendance concerns.
- Provide more individualized instruction or other help to catch up in school.
- Adjust the student's schedule.
- Provide vocational courses or work experience.
- Help the student obtain services that might address the cause of the absences.

### Behavior

Students in foster care are subject to the same school discipline policies as their peers unless they are in special education. By implementing appropriate intervention strategies, schools can effectively reduce and prevent problem behavior of students in foster care. Tools such as functional behavioral assessments and subsequent positive behavioral interventions (e.g., adjusting schoolwork, changing where a student sits in class) can break patterns of misbehavior and keep students in class, learning. Such steps will ensure that students in foster care do not experience further delays in learning and development due to discipline-induced gaps in education.

Helpful information on best practices and strategies for reducing disruptive behaviors can be found here: [www.k12.wa.us/studentdiscipline/default.aspx](http://www.k12.wa.us/studentdiscipline/default.aspx).

## FEDERAL GUIDANCE<sup>109</sup>

The U.S. Departments of Education and Justice developed guidance to help schools create and adopt policies and procedures that improve school climate. Based on research, the guidance aims to ensure a safe, positive school environment wherein discipline is fair and consistently applied to the student population. The departments established the following principles:

- Use exclusionary discipline only as a last resort. If students are removed from class, they should receive “meaningful instruction, and their return to the classroom should be prioritized.”
- Reduce the number of suspensions, expulsions and arrests by providing targeted support and intervention with a proven track record of success (e.g., restorative practices and positive behavioral intervention and support.)
- Provide students with enhanced/increased access to counselors, school psychologists and school nurses.
- Establish clear parameters for school and local police. They should not be involved in “routine” school discipline matters.
- Collect and maintain disaggregated data on school discipline and report it publicly.

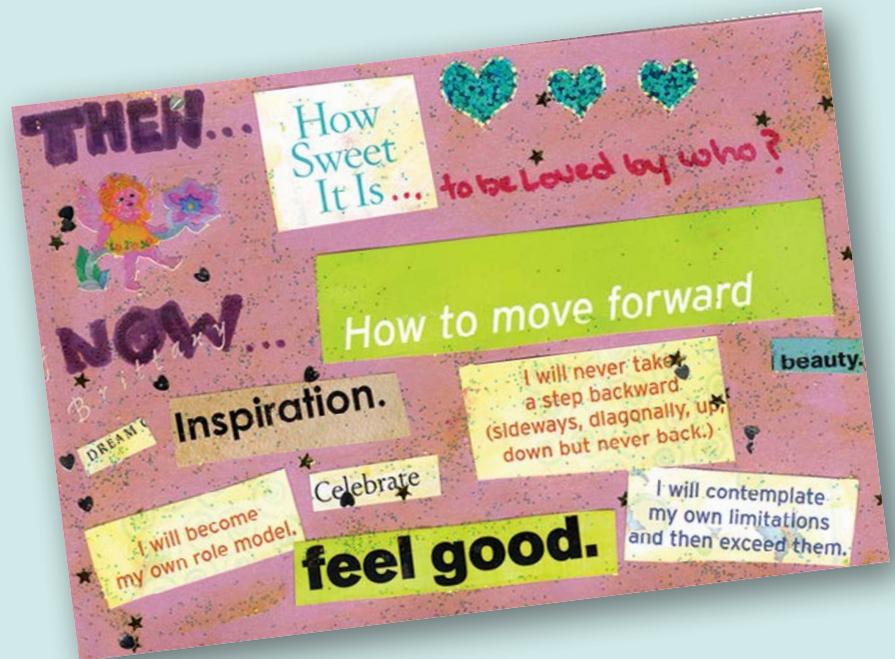
**These guiding principles will help not only students in foster care but all students. Schools can effectively institute the guidance in the following ways:**

- Connect students in foster care with supportive adults. These students often lack a network of caring adults engaged in their education. Schools can designate a point of contact at the school and train that staff member on the needs and opportunities of students in foster care.
- Implement culturally sensitive and trauma-informed school discipline practices. School discipline should support all students, and the guidance recommends evidence-based prevention strategies, social and emotional learning opportunities, and regular training for school personnel on how to engage students in positive behavior.
- Make sure every student in foster care has an engaged educational decision maker. The decision maker determines which school a student should attend, whether a student should remain in a school and whether the student can go on a field trip. This decision maker should play a key role in ensuring that any discipline of the student is appropriate.
- Remain vigilant about the special needs of students in residential placements. The positive disciplinary approaches described in the guidance should apply in alternative settings as well.
- Build school staff’s capacity to support student in foster care. Staff must understand implicit or unconscious biases regarding students in foster care, as well as the harms associated with using or failing to counter stereotypes imposed on these students.
- Collaborate with local mental health offices, child welfare agencies and other stakeholders to align resources, prevention strategies and intervention services. Much like the network of caring adults, a cooperative relationship between these entities can assist schools in supporting students in foster care. It will help them to identify students coping with trauma, expand interventions and ensure a continuum of care.
- Collect and publish data on students in foster care to create and evaluate programs. Regularly reviewing and analyzing data on discipline will help to identify, reduce and prevent discriminatory practices and limit their negative consequences. Schools will thus be better able to support student in foster care.

**For more information on the federal guidance, see the Legal Center for Foster Care & Education’s 2014 issue brief, “School Discipline & Youth in Foster Care: New Federal Guidance From the U.S. Departments of Education and Justice Can Help” at [www.fostercareandeducation.org/portals/0/dmx/2014%5C06%5Cfile\\_20140623\\_160924\\_bGK\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2014%5C06%5Cfile_20140623_160924_bGK_0.pdf) and U.S. Department of Education laws and guidance at [www2.ed.gov/policy/gen/guid/school-discipline/index.html](http://www2.ed.gov/policy/gen/guid/school-discipline/index.html).**

## CHAPTER

# 10



## TRANSITIONING OUT OF FOSTER CARE AND POSTSECONDARY EDUCATIONAL OPPORTUNITIES

- WHAT STATE TRANSITION SUPPORT SERVICES ARE AVAILABLE?
- HOW CAN SCHOOL PERSONNEL ASSIST STUDENTS IN PREPARING FOR ADULTHOOD AND TRANSITIONING OUT OF FOSTER CARE?
- WHAT POSTSECONDARY EDUCATIONAL OPPORTUNITIES AND SUPPORT EXIST?

## CHAPTER 10

# Transitioning Out of Foster Care and Postsecondary Educational Opportunities

Support and services are available to help students in foster care prepare for adulthood and transition out of foster care. Linking students with these resources helps to ensure that they and their caregivers are informed and able to take advantage of these opportunities. This section provides a high-level overview and brief description of programs and services available.

To learn more about the experience of students in foster care and the impact of transition, see the following links:



- “Aging out: voices from those in the foster care system”: <http://framework.latimes.com/2014/04/30/aging-out-voices-from-those-in-the-foster-care-system/>.
- “Place to Place” Level Ground: [www.youtube.com/watch?v=KF8IQ95FUIE](http://www.youtube.com/watch?v=KF8IQ95FUIE).
- “Giving Our Youth Wings to Fly”: [www.youtube.com/watch?v=2D2cC2inhls](http://www.youtube.com/watch?v=2D2cC2inhls).

### WHAT STATE TRANSITION SUPPORT SERVICES ARE AVAILABLE?

#### Extended Foster Care

The Extended Foster Care Program (EFC) is a voluntary program that provides support services to students aging out of the state foster care system. EFC provides case management, home placement options, supervised independent living that includes a monthly reimbursement and medical and dental services to eligible students who meet these criteria:

- Participate in high school or High School Equivalency Certification, or
- Pursue college or a vocational program, or
- Participate in a program or activity designed to promote or remove barriers to employment, or
- Are employed 80 hours or more, or
- Are unable to participate in any of the eligibility criteria due to a documented medical condition.

Eligible students who do not elect to participate in the EFC program on their 18th birthday and are actively participating in one of the five eligibility criteria described above have until their 20th birthday to request to participate in the EFC program.

For more information see the following:

- <http://independence.wa.gov/programs/extended-foster-care-program>.

#### Independent Living/Transitional Living

Independent Living/Transitional Living is a voluntary program that helps prepare students currently and formerly in foster care to live on their own. The program works with eligible students ages 15-21 to increase their skills, knowledge and competencies in the following areas: education, employment, housing, health insurance, and building a local support network. Students are referred by their CA caseworkers to a contracted provider of Independent Living/Transitional Living services in the community. They learn daily life skills, job readiness, money management, self-advocacy and so forth by attending workshops and working with a case manager.

Find more detail on CA's Independent Living/Transitional Living program and the contacts in your area at these sites:

- <http://independence.wa.gov/programs/independent-living-program>.
- <http://independence.wa.gov/wp-content/uploads/2014/08/ilp-providercontact.pdf>.
- <http://independence.wa.gov/programs/transitional-living-program>.
- [www.youtube.com/watch?v=HwFoG05-FgU&nohtml5=False](http://www.youtube.com/watch?v=HwFoG05-FgU&nohtml5=False).

## HOW CAN SCHOOL PERSONNEL ASSIST STUDENTS IN PREPARING FOR ADULTHOOD AND TRANSITIONING OUT OF FOSTER CARE?

Listed below are sources of important information for students to have as they prepare for independence. School personnel who work with students on independent living and post-high school planning can assist students in foster care through knowledge of these provisions.

### Health Coverage

All students in the care and custody of CA are enrolled in Apple Health Core Connections, Washington state's Medicaid program for foster care, adoption support, Extended Foster Care and alumni. This program provides continuous medical coverage to 18-26 years olds who have aged out of traditional foster care.<sup>110</sup> School staff should remind students to update their Apple Health coverage with address changes upon leaving foster care for continuing benefits. For more information, visit

<http://independence.wa.gov/health/medical/health-insurance-what-i-need-to-know>  
[www.coordinatedcarehealth.com/members/foster-care.html](http://www.coordinatedcarehealth.com/members/foster-care.html).

### Documents Students Receive or Have Prior to Turning Age 18

Caseworkers are required to provide dependent students in foster care vital documents prior to turning age 18 to help ease the transition to adulthood. School personnel who work with older students should follow up with them to make sure they have received the following important documents:

- Official or certified birth certificate.
- Social security card.
- State identification card.
- Health insurance information.
- Medical records.

Schools should also ensure that students in foster care receive a copy of their IEP or 504 plan so that they can then provide it to any postsecondary program and receive appropriate assistance.<sup>111</sup>



**TIP:** School personnel invited to attend a student's "17½" meeting can help pave the path for a smooth transition to postsecondary education.

This CA-led planning meeting is required for students in foster care who are between the age of 17 and 17½ to discuss and develop a personalized, student-directed transition plan. The meeting covers six topics including education, employment, housing, health insurance, local opportunities for mentors and continuing support, and work force support and employment services.



## RESOURCES: PREPARING FOR ADULTHOOD AND TRANSITIONING OUT OF FOSTER CARE

### Independence for Youth in Foster Care

Links to resources and information covering a broad range of topics, including postsecondary education, employment, housing, health and life skills: [independence.wa.gov](https://independence.wa.gov).

### Aging Out Institute

Listing of resources available to students aging out of foster care, regardless of location in the U.S.: [agingoutinstitute.com/general-resources](https://agingoutinstitute.com/general-resources).

### Camellia Network

Network connecting students aging out of foster care to resources, opportunities and support: [camellianetwork.org](https://camellianetwork.org).

### Pathways to Employment

Listing of resources to help Washington residents with physical or mental disabilities connect to work opportunities and more fully engage in the community: [www.pathways.dshs.wa.gov](https://www.pathways.dshs.wa.gov).

### Washington Connections

An online benefit portal where low-income families and individuals can apply for and access a variety of vital services and benefits such as food, cash and medical assistance; child care subsidies; long-term care services and support; and drug and alcohol treatment: <https://www.washingtonconnection.org/>.



## WHAT POSTSECONDARY EDUCATIONAL OPPORTUNITIES AND SUPPORT EXIST?

Financial resources and college campus support are available to help students from foster care access and succeed in higher education. Some colleges in Washington state have specific support programs for alumni of the foster care system. School personnel play an important role in informing students of these resources and linking them to higher education and postsecondary opportunities. Connecting students with opportunities and helping to facilitate successful transitions from high school to college is an important step school personnel can take in assisting students.



**TIP:** Foster care liaisons, academic advisors and college counselors are encouraged to link with local colleges and campus-based support programs to develop connections and facilitate effective transitions into postsecondary education for students in foster care.

### Financial Support

School staff, particularly academic advisors and college counselors, should be familiar with financial assistance available to students in foster care so as to connect them with these critical resources. If students have been in foster care at any time after turning 13, their classes will likely be paid for at most Washington state colleges. Students turning 18 in foster care have even more resources available to them. An online guide to maximizing financial aid resources for students people who have experienced foster care, including a scholarship eligibility quiz and guidance on completing the Free Application for Financial Aid (FAFSA), can be found at [www.readysetgrad.org/fostercare](http://www.readysetgrad.org/fostercare).

#### State and Federal Need-Based Aid and the FAFSA

The most important step for students in foster care applying to college is to fill out their FAFSA as soon as possible once it becomes available. Students who have been in foster care after turning 13 are considered “independent” students when filing the FAFSA. This means they will likely qualify for maximum awards from the Federal Pell Grant (<https://studentaid.ed.gov/sa/types/grants-scholarships/pell>) and the Washington state Need Grant (<http://readysetgrad.org/college/state-need-grant>).

The application includes questions that ask prospective students to identify themselves as having been in foster care. School staff, foster care liaisons and other partners can help students receive these benefits by assisting them with their applications.

It is also important for each student to be aware of the responsibility to maintain the required grade point average (GPA) and course completion rate once in college in order to maintain financial aid eligibility. There are financial penalties for students who do not complete their courses within the term. More information regarding the FAFSA, as well as the application itself, is available at <https://fafsa.ed.gov/>.

#### College Bound Scholarship

The College Bound Scholarship program constitutes an early commitment of financial aid to students who pledge to maintain certain academic and behavioral standards in middle and high school. All youth in foster care in grades 7-12 who have not graduated from high school are auto-enrolled in this program. For more information, see [www.readysetgrad.org/college/college-bound-scholarship-program](http://www.readysetgrad.org/college/college-bound-scholarship-program).



**TIP:** Students in foster care are often unaware that they are automatically enrolled in College Bound. School personnel should help connect students to College Bound staff. If the student has not received a College Bound certificate and/or is not showing up on the school's portal report of eligible students, contact the College Bound office at 1-800-535-0747.

### **Education and Training Voucher Program**

A federally funded and state-administered program for students in foster care or those adopted from CA after turning 16, the Education and Training Voucher (ETV) Program is available to students starting at age 16. They may be eligible to receive up to \$5,000 in financial assistance per year to support them in reaching their postsecondary goals. The following site provides more detail on the ETV Program: [independence.wa.gov/programs/etv-program](https://independence.wa.gov/programs/etv-program).

### **Passport to College Promise Scholarship**

This program helps eligible students in foster care prepare for and succeed in college through financial support and specialized on-campus services. For more information, see [www.readysetgrad.org/college/passport-foster-youth-promise-program](http://www.readysetgrad.org/college/passport-foster-youth-promise-program).

### **Washington State Governors' Scholarship for Youth in Foster Care**

This scholarship program helps students who currently have an open dependency court order or dependency tribal court order continue their education and graduate from college. Details regarding program eligibility requirements are available at [www.collegesuccessfoundation.org/wa/scholarships/governors](http://www.collegesuccessfoundation.org/wa/scholarships/governors).

### **Foster Care to Success Casey Grant**

This program connects students in foster care with merit- and need-based financial support to assist them in completing postsecondary education. More information is available at [www.fc2success.org/programs/scholarships-and-grants](http://www.fc2success.org/programs/scholarships-and-grants).

For more information on these and other programs, see [www.readysetgrad.org/fostercare](http://www.readysetgrad.org/fostercare).

### **College Support Networks and Campus Programs for Foster Care Alumni**

Many colleges across Washington state have designated support staff for students who have experienced foster care. For a complete directory, visit [www.washingtonpassportnetwork.org/resources/campus-directory](http://www.washingtonpassportnetwork.org/resources/campus-directory).

Here are some well-established campus programs:

#### **Fostering Scholars**

This Seattle University program provides financial, academic and personal support to eligible students working toward undergraduate degrees. See [www.seattleu.edu/fostering scholars](http://www.seattleu.edu/fostering scholars) for more information.





### Champions Program

The University of Washington Champions Program supports current students in foster care and foster care alumni, targeting academic success and preparation for life beyond postsecondary education. The program provides one-on-one on-campus support, community building activities and educational advocacy support. Details are available at [depts.washington.edu/omadcs/champions](https://depts.washington.edu/omadcs/champions).

### College Success Program

By taking part in the College Success Program at Seattle Central College, alumni of the foster care program and former wards of the state are eligible to receive services including mentoring and financial assistance. See [www.seattlecentral.edu/collegesuccess](http://www.seattlecentral.edu/collegesuccess) for a complete program description.

### College Success Foundation's Make It Happen! College Campus Experience

College Success Foundation assists underserved, low-income middle and high school students, as well as college students and foster care alumni, by providing them with resources and support for academic success. Each year they offer a free annual event that provides Washington state students in foster care and foster care alumni a three-day, two-night college campus experience focused on how to get into college and what the college experience is all about: [www.collegesuccessfoundation.org/wa/make-it-happen](http://www.collegesuccessfoundation.org/wa/make-it-happen).

## RESOURCES: PLANNING FOR POSTSECONDARY EDUCATION

Legal Center for Foster Care and Education, “Postsecondary Education Resources for Youth in and Transitioning Out of the Child Welfare System” — provides information on filing the FAFSA and a step-by-step checklist for accessing financial resources available for students in foster care: [www.americanbar.org/content/dam/aba/publications/center\\_on\\_children\\_and\\_the\\_law/education/q\\_a\\_higher\\_ed.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/q_a_higher_ed.authcheckdam.pdf).

Casey Family Programs, “It’s My Life: Postsecondary Education and Training” — a resource guide that includes beneficial educational information, academic checklists, resources and tools to support students in foster care into postsecondary education: [www.f2f.ca.gov/res/ItsMyLife.pdf](http://www.f2f.ca.gov/res/ItsMyLife.pdf).

Casey Family Programs, “It’s My Life: Financial Aid, Postsecondary Education and Training” — helpful information and practice tips to help students access financial aid for college: [http://calswec.berkeley.edu/files/uploads/pdf/CalSWEC/EdRights\\_Casey\\_Access\\_Financial\\_aid.pdf](http://calswec.berkeley.edu/files/uploads/pdf/CalSWEC/EdRights_Casey_Access_Financial_aid.pdf).

Dual-credit Programs:

[www.k12.wa.us/SecondaryEducation/CareerCollegeReadiness/DualCredit/CollegeEnrollment.aspx](http://www.k12.wa.us/SecondaryEducation/CareerCollegeReadiness/DualCredit/CollegeEnrollment.aspx).

College Preparation and Transition Support Programs:

<http://www.treehouseforkids.org/our-services/academic-resource-center/free-low-cost-academic-support-programs/>.

Career and Technical Education:

[www.k12.wa.us/CareerTechEd](http://www.k12.wa.us/CareerTechEd).

## ENDNOTES

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- <sup>7</sup> Courtney et al. (2011). 12, 28, 39.
- <sup>8</sup> National Working Group on Foster Care and Education (2011, July). 1.
- <sup>9</sup> Federal Educational Rights and Privacy Act (FERPA), (20 U.S.C. § 1232g; 34 CFR Part 99). See [www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html) for further information.
- <sup>10</sup> Washington State DSHS Division of Children and Family Services (2003, November). Parent's guide to child protective services (CPS). Retrieved from [www.dshs.wa.gov/sites/default/files/SESA/publications/documents/22-484.pdf](http://www.dshs.wa.gov/sites/default/files/SESA/publications/documents/22-484.pdf).
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- <sup>12</sup> RCW 13.34.050.
- <sup>13</sup> RCW 13.34.110 and 13.34.065.
- <sup>14</sup> WAC 388-15-011
- <sup>15</sup> RCW 26.44.030 (14)(a)(i)
- <sup>16</sup> RCW 13.34.045.
- <sup>17</sup> RCW 13.34.045.
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- <sup>19</sup> RCW 13.34.100.
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- <sup>23</sup> RCW 13.34.100.
- <sup>24</sup> RCW 13.34.105.
- <sup>25</sup> Per Washington State CASA website, [www.wacasa.org](http://www.wacasa.org).
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- <sup>32</sup> RCW 13.34.045.
- <sup>33</sup> RCW 13.34.046.
- <sup>34</sup> 42 U.S.C. § 675(1)(G).
- <sup>35</sup> 42 U.S.C. § 675(1)(G) and RCW 74.13.560.
- <sup>36</sup> §1232g(a)(1)(A), § 1232g(b)(2)(B).
- <sup>37</sup> Baskin, J. (2011, July). Legal issues related to educational needs of children in foster care. Inquiry & Analysis, 3. Retrieved from [texaschildrenscommission.gov/media/23926/IA-July-2011.pdf](http://texaschildrenscommission.gov/media/23926/IA-July-2011.pdf).
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- <sup>39</sup> 34 CFR § 99.30.
- <sup>40</sup> 34 CFR § 99.3.
- <sup>41</sup> 20 U.S.C. § 1232g(b)(1)(J); 34 CFR § 99.31(a)(9).
- <sup>42</sup> 20 U.S.C. § 1232g(b)(1)(B); 34 CFR § 99.31(a)(2), § 99.34.
- <sup>43</sup> Per OSPI website, [www.k12.wa.us/DataAdmin/DataSharing/default.aspx](http://www.k12.wa.us/DataAdmin/DataSharing/default.aspx).
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- <sup>52</sup> RCW 28A.225.330.
- <sup>53</sup> RCW 74.13.631.
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- <sup>71</sup> 20 U.S.C. § 1232g(b)(1)(B); 34 CFR § 99.31(a)(2), § 99.34.
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## APPENDICES

### Appendix A: GLOSSARY OF TERMS

TERM	DEFINITION
ABA	American Bar Association.
Age Out	Reach the age of 18 while in the foster care system without being placed in a permanent home.
AP	Advanced Placement.
Apple Health	Washington state's Medicaid program (publicly funded health coverage). This program provides continuous medical coverage to students ages 18-26 who have aged out of traditional foster care.
BIP	Behavioral Intervention Plan. Incorporated into a student's IEP if deemed necessary by the student's IEP team in order for the student to receive FAPE.
CA	Children's Administration.
CAA	Certificate of Academic Achievement. Alternative to high school diploma.
CACFP	Child and Adult Care Food Program. USDA nutrition program for which students in foster care are categorically eligible.
CADR	College Academic Distribution Requirements. High school courses required for admission to one of Washington state's baccalaureate institutions.
Caregiver	Caregiver may be a relative, guardian or representative such as a foster parent, paid by a child-placing agency or Child Protective Services to provide care to students.
CASA	Court Appointed Special Advocate. Appointed as a volunteer advocate or guardian ad litem to represent the best interests of a student when Children's Administration asks to be made the student's legal conservator or seeks to have parental rights terminated.
Caseworker	Caseworkers have multiple responsibilities to students in foster care. They ensure student needs are met while in foster care and are the common link with the student, caregiver, court system and service providers. Caseworkers and foster parents are to be notified by school staff if they have concerns about a student in Children's Administration care and custody.



Categorically Eligible	Students are categorically eligible for services when they meet federal requirements based on income, disability or specific designations for certain programs or services. Such services include free breakfast and lunch, LAP and aid offered under Title IA.
CEDARS	Comprehensive Education Data and Research System. Longitudinal warehouse of data on courses, students and teachers collected from school districts.
CHET	Child Health and Education Tracking. Program for screening all students who are in foster care 30 days or longer.
Child Find	The process of identifying, locating and evaluating all students with disabilities in Washington state who are in need of special education and related services. School districts are responsible for carrying out these tasks.
CIA	Certificate of Individual Achievement. Alternative to high school diploma.
COE	Collection of Evidence. An evaluation of classroom work samples prepared by the student with instructional support from a teacher. Passing a COE satisfies the assessment requirement for a specific content area and will contribute to earning a CAA.
Court Order	Official document signed by a judicial officer, such as a judge or court commissioner. A court order may contain confidential information about student cases and sometimes why they are in the foster care system. Students may not remain in foster care without a court order, although they may enter the foster care system prior to shelter care, or within the first 72 hours of removal, without a court order.
CPS - Investigation and Family Assessment Response (FAR)	Child Protective Services has two pathways: Investigation and FAR. Student safety is the primary focus of both pathways. In the Investigative pathway, allegations of child abuse and neglect are investigated and a finding of whether abuse or neglect has occurred is made. In the FAR pathway, families with low- to moderate-risk allegations of child abuse or neglect are connected with services, concrete support and community resources to help them safely care for their children. A finding of abuse or neglect is not made in the FAR pathway.
CRC	Crisis Residential Center.
Dependency Petition	Legal action taken by the state to protect a student from harm within the family.
ESEA	Elementary and Secondary Education Act.



Educational Advocate	Treehouse educational advocates work with local campus staff, caregivers, educational liaisons, caseworkers and students in foster care to troubleshoot and resolve enrollment and transfer challenges.
Educational Liaison	Court-appointed individual assigned to provide educational support to students in foster care in grades six to 12 in order to improve educational outcomes of those students.
EFC	Extended Foster Care. Eligible students enrolled in an educational or career-training program can extend their stay in foster care up to the age of 21.
End Harm	24/7 Hotline for reporting suspected abuse or harm of a child or vulnerable adult. The number is 1-866-ENDHARM (1-866-363-4276) and is TTY-accessible.
ETV	Education and Training Voucher. Federally funded and state-administered program that offers financial assistance to qualifying students ages 16-23 from foster care so that they can attend postsecondary colleges and training programs.
FAFSA	Free Application for Federal Student Aid. Required for federal loan support of postsecondary education.
FAPE	Free Appropriate Public Education.
FBA	Functional Behavioral Assessment. An evaluation of a student's disruptive behavior, including descriptions of and motivations for the behavior, as well as remediation steps to replace the misbehavior with appropriate behavior.
FERPA	Family Educational Rights and Privacy Act.
FFVP	Fresh Fruit and Vegetable Program. USDA nutrition program for which students in foster care are categorically eligible.
Foster Care	Students are in foster care if they are in the custody of Washington state due to abuse and/or neglect, regardless of living arrangement. Foster care is intended to be a temporary solution until a permanent living arrangement is found.
Foster Care Flag	Indicator in CEDARS that a student is in foster care.
Foster Home	A home licensed by the state to provide a temporary home for students who are in foster care and given a reimbursement for providing room, board and transportation for students living in the home. Students may also live with relatives who go through the process of becoming "licensed" and, in so doing, become eligible for the monthly reimbursement.



Fostering Connections to Success and Increasing Adoptions Act of 2008	Federal law that directs child welfare agencies to ensure educational stability for students in foster care, including coordination among child welfare and educational agencies.
FTDM	Family Team Decision-making Meeting. Involves key people in the process of deciding about the removal of a student from the home, change of placement for a student and reunification or permanent placement of the student.
GAL	Guardian ad litem. Appointed to represent a student's best interests when Children's Administration asks to be made the student's legal parent or seeks to have parental rights terminated.
GED	General Equivalency Diploma.
GPA	Grade point average.
Group Care Facility	A licensed facility maintained and operated on a 24-hour basis to provide a safe and healthy living environment for a group of students and to meet the developmental needs of those students in accordance with RCW 74.15.020(f).
HHS	U.S. Department of Health and Human Services.
HIPAA	Health Insurance Portability and Accountability Act of 1996.
IAES	Interim Alternative Educational Setting. Temporary placement for a student that violates the code of student conduct.
IB	International Baccalaureate.
ID	Identification.
IDEiA	Individuals with Disabilities Education Improvement Act. Federal law that directs the education and ancillary services to students with disabilities. The law aims to ensure these students are provided FAPE in the least restrictive environment, as appropriate.
IEP	Individualized Education Program. Written document developed, reviewed and revised at least annually by the student's IEP team. An IEP details the student's special education and related services.
Independent Living	Students in foster care 15 years of age and older are eligible to receive assistance in preparing to live on their own. They learn such skills as obtaining and keeping a job, advocating for themselves and how to build a support network.
Kinship Caregiver	A kinship caregiver is a person with a longstanding and significant relationship with a student who provides care.



LAP	Learning Assistance Program. Supplemental academic support or readiness skills in reading, writing, math and behavior.
LDA	Locally Determined Assessment. Option for students receiving special education services to meet assessment requirements in reading, writing and math.
Least Restrictive Environment	Students in need of special education services should receive that support in a general education environment to the maximum extent possible.
NSLP	National School Lunch Program. USDA nutrition program for which students in foster care are categorically eligible.
OSPI	Office of Superintendent of Public Instruction. Agency responsible for the provision and administration of public education in Washington state.
Parent	FERPA defines a parent as including a natural parent, a guardian or an individual acting as a parent in the absence of a natural parent or guardian.
PTA	Parent-Teacher Association.
RCW	Revised Code of Washington.
Running Start	High school students can earn high school and college credit by attending institutions of higher education.
SBP	School Breakfast Program. USDA nutrition program for which students in foster care are categorically eligible.
School of Origin	The school a student attended when permanently housed or the school in which a student was last enrolled.
Section 504	A civil rights law, enacted as part of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities and ensures their equal access to education. Often, a plan is put in place to establish the educational accommodations and adjustments a student requires.
SFSP	Summer Food Service Program. USDA nutrition program for which students in foster care are categorically eligible.
Shelter Care	Court-ordered, temporary Children’s Administration custody.
SMP	Special Milk Program. USDA nutrition program for which students in foster care are categorically eligible.



<b>Suitable Adult</b>	A suitable adult caregiver is a person with a longstanding and significant relationship with a student who provides care.
<b>Surrogate Parent</b>	A person appointed by the judge in a student's case or by the school district to represent the student and protect student rights in matters relating to identification, evaluation and educational placements in special education. This person may not be an employee of OSPI, the school district or any agency involved in the care or education of the student.
<b>Temporary Residential Care</b>	Placement for students living in unsafe situations where their legal status, physical and mental health, chemical dependency and educational ability will be assessed and a plan for permanent, stable housing developed.
<b>Title IA</b>	Part of the Elementary and Secondary Education Act that targets states and school districts with students at risk of failing.
<b>Transitional Living</b>	Students in foster care ages 18-21 can take part in life-skill classes and workshops so as to ease their transition into adult life. Assistance may include educational services, help in finding a job and counseling.
<b>Treatment Facility</b>	Setting equipped to handle students with behavioral, mental health or substance abuse issues. This type of placement is appropriate for students with serious enough problems in any of these areas that they cannot live in a family situation. Care or supervision is provided 24/7.
<b>Uninterrupted Scholars Act</b>	Enacted in 2013, the federal Uninterrupted Scholars Act allows education agencies to release educational records to child welfare caseworkers or other representatives of a state or local child welfare agency.
<b>USDA</b>	U.S. Department of Agriculture.
<b>WAC</b>	Washington Administrative Code.
<b>WRAP</b>	Wellness Recovery Action Plan. Plan for managing mental illness and becoming stable.

## Appendix B: RIGHTS OF CHILDREN AND YOUTH IN FOSTER CARE

### AS A CHILD OR YOUTH IN FOSTER CARE, I HAVE THE RIGHT TO KNOW

- Why I am in foster care.
- How the foster care system works.
- The efforts to reunify me with my family.
- The expectations of my foster caregiver.
- The purpose of a case plan and the contents of my case plan.

### SAFETY AND WELL-BEING

I have the **right** to be protected from abuse and neglect.

I have the **right** to be treated fairly and equally, whatever my gender, gender identity, race, religion, ethnicity, national origin, disability, medical problems or sexual orientation and be addressed by the gender pronoun(s) I prefer.

I have the **right** to have my basic needs met (food, clothing, shelter, health care and education).

I have the **right** to participate in “normal” childhood activities (overnights with friends, after-school activities and sports).

I have the **right** to have space for storing my clothing and belongings.

I have the **right** for my case file and personal information to be confidential and kept in a secure place. Discussions of my information should only occur with designated individuals directly involved with my case plan.

I have the **right** to be free from cruel, frightening or unsafe discipline.

I have the **right** to practice my own religion or not at all.

I have the **right** to report abuse, neglect, exploitation or violation of my personal rights without fear of punishment, interference or coercion.

I have the **right** to be referred for legal services to determine whether an application for Special Immigrant Juvenile Status shall be submitted on my behalf to the Immigration and Naturalization Service.

### COURT PROCEEDINGS

I have the **right** to have someone appointed to represent my best interests in my dependency case such as a Guardian Ad Litem (GAL) or a Court Appointed Special Advocate (CASA).

I have the **right** to request an attorney or have someone request one on my behalf at any age.

I have the **right** to have my case reviewed in court every six months.

I have the **right** to be notified of and participate in my dependency hearings, if I am 12 or older.

I have the **right** to be notified that I can request an attorney to protect my legal rights and represent what I want, if I am 12 or older.

I have the **right** to be appointed an attorney six months after my parents’ parental rights have been terminated.

I have a **right** to be appointed an attorney if I am in Extended Foster Care.

I have the **right** to access and review my case records.

I have the **right** to be consulted about my permanent plan if I am 14 or older.

I have the **right** to invite two people of my choice to my Permanency Planning meetings if I am 14 or older.

## PLACEMENT AND VISITATION

**I have the right** to be placed in a residence where I am safe, that can meet my needs and provide appropriate privacy for my personal needs.

**I have the right** to be placed in a home with my siblings whenever possible.

**I have the right** to be placed with a willing and able relative or suitable adult I know and whom I am comfortable with whenever possible and appropriate.

**I have the right** to have regular and frequent contact or visits with my parents unless otherwise ordered by the court.

**I have the right** to visit my parents and siblings. These visits cannot be limited as punishment for my behavior.

**I have the right** to maintain regular contact or visits with siblings when separated unless the court orders that contact or visits are not appropriate.

**I have the right** to initiate and receive private phone calls and letters unless otherwise determined by the court.

**I have the right** to ask the court if I can move back home even if my parents' parental rights have been terminated and three years have passed since termination (and to have an attorney appointed to help me with the request).

## EDUCATION

**I have the right** to attend school.

**I have the right** to remain in the same school even when I move to a foster home when it is practical and in my best interest.

**I have the right** to enter school within three days of placement into foster care or placement change.

**I have the right** to have an Educational Liaison at my court hearings under certain circumstances.

## HEALTHCARE

**I have the right** to be informed of my health needs, medications and medical history.

**I have the right** to have annual well-check exams.

**I have the right** to have dental exams every six months through age 18 and annually thereafter until age 26.

**I have the right** to be informed of the benefits and risks of any and all medicines, vitamins or herbs that are prescribed or recommended to me.

**I have the right** to agree or disagree to take any or all medicines, vitamins or herbs unless the court says I must take them.

**I have the right** to obtain or refuse reproductive health care, including birth control and/or counseling regarding birth control, without consent or knowledge of a parent or guardian.

**I have the right** to receive outpatient mental health treatment without consent or knowledge of a parent or guardian if I am over the age of 13.

**I have the right** to receive outpatient substance abuse treatment without consent of a parent or guardian if I am over the age of 13.

**I have the right** to obtain tests and treatment for sexually transmitted infections without consent of a parent or guardian if I am age 14 or older.

**I have the right** to know Children's Administration duties and responsibilities if I am pregnant or a parenting foster youth and that my needs will be addressed and services will be provided.

## **TRANSITIONING OUT OF FOSTER CARE/EXTENDED FOSTER CARE**

**I have the right** to develop a transition plan for moving out of foster care.

**I have the right** to obtain my consumer credit report annually starting at age 14 until I turn 18.

**I have the right** to know in advance what my options are on my 18<sup>th</sup> birthday if I am still in foster care.

**I have the right** to know and understand all the components of the Extended Foster Care program.

**I have the right** to be appointed an attorney if I am enrolled in Extended Foster Care.

**I have the right** to enter/reenter Extended Foster Care prior to my 19<sup>th</sup> birthday.

**I have the right** to refuse Extended Foster Care or opt out at any point.

**I have the right** to be provided my vital documents when needed and upon leaving foster care, including birth certificate, social security card, Washington state ID, medical insurance information and a copy of my health and educational records.

**I have the right** to receive medical coverage through state health insurance (Medicaid) until age 26 if I was a ward of the state on my 18<sup>th</sup> birthday.

**I have the right** to know how to request my case records once I turn 18.

**I have the right** for my rights to be explained in an age-appropriate way and ask questions about the Rights of Children and Youth in Foster Care.

The rights listed above are based on information in “Rights of Children and Youth in Foster Care” by Passion to Action, The Mockingbird Society and Children’s Administration

[www.dshs.wa.gov/sites/default/files/SESA/publications/documents/22-1632.pdf](http://www.dshs.wa.gov/sites/default/files/SESA/publications/documents/22-1632.pdf).



## Appendix C: SAMPLE CAREGIVER AUTHORIZATION FORM



### Children's Administration Caregiver Authorization

DATE

This is to verify that \_\_\_\_\_, born \_\_\_\_\_, has been placed in foster care under the supervision of the Washington State Department of Social and Health Services (DSHS), Division of Children and Family Services (DCFS). The authority for this supervision is:

- Police Custody.  
 Court Order # \_\_\_\_\_.  
 Voluntary Placement Agreement, dated \_\_\_\_\_.

DSHS has authorized the placement of the above-named child in the home of \_\_\_\_\_, effective \_\_\_\_\_. DSHS authorizes the above-named caregiver(s) to engage in the activities indicated below:

- Routine Medical and Dental Care**  
 Arrange for routine medical and dental care on behalf of the child by a licensed physician, nurse or dentist. Routine care includes an Early Periodic Screening, Diagnosis, and Treatment examination within 30 days of initial placement and immunizations as needed. The caregiver must discuss routine care needs with the assigned DSHS social worker who will incorporate routine care needs into the child's written service plan.
- Mental Health and Substance Abuse Services and Treatment**  
 Arrange for mental health and substance abuse evaluations and treatment as needed and directed.
- Dispensing Prescribed and Over-the-Counter Medications**  
 Dispense medications prescribed for this child as indicated by the health care provider on the prescription bottle. Use reasonable discretion to dispense "over the counter" medications listed in WAC 388-148-1575 (found at <http://app.leg.wa.gov/WAC/default.aspx?cite=388-148-1575>) and 388-145-1860 (found at <http://apps.leg.wa.gov/wac/default.aspx?cite=388-145-1860>).
- Emergent Medical or Dental Care**  
 Arrange and consent, without prior notice to the assigned worker, to such emergent medical care as is necessary to prevent death or serious injury to the child. In cases in which prior notice is not given, the caregiver will notify the assigned worker as soon as possible after the child's medical needs are met.
- Educational Decisions**  
 Enroll the child in school and make routine educational decisions on behalf of the child.
- Out-of-State Travel Over 72 Hours**  
 Transport the child outside the State of Washington during the period \_\_\_\_\_ to \_\_\_\_\_. Prior notice of this travel has been given to the child's assigned worker and the approval for such travel is documented in the child's case record. (*Per Children's Administration Practices and Procedures 6100*)

Please feel free to contact the assigned DCFS worker at \_\_\_\_\_ if you have further questions.

DCFS WORKER'S NAME (PRINTED)	DCFS SUPERVISOR'S NAME	DCFS SUPERVISOR'S PHONE NUMBER
------------------------------	------------------------	--------------------------------

It is appropriate for above named caregiver to receive and share information that is necessary to meet the emergent and routine health related needs of the child. This information is consistent with the requirements of HIPPA (Health Insurance Portability and Accountability Act).

If there are questions about the prescribed service or treatment, the medical provider or pharmacist should **contact the assigned DCFS worker at \_\_\_\_\_ immediately**. It is not appropriate to deny services or seek parental consent. Doing so compromises the child's safety and confidentiality.

The foster parent or relative caregiver for this child is **NOT** financially responsible for any medical or health related services. Children in out-of-home placement are eligible for Washington State's Medicaid Program. Washington State also has reciprocating agreements with many states for Medicaid coverage while the child is outside Washington State.

To verify Medicaid eligibility, the child's ProviderOne number, or scope of coverage, please contact the Washington State Foster Care Medical Team at 1-800-562-3022 ext. 15480, Monday through Friday, 7:30 AM to 5:00 PM (Pacific Time)

Medical Providers can verify eligibility by checking HCA's Provider One system

<http://hrsa.dshs.wa.gov/providerone/providers.htm>

Copy to case file.

**CHILDREN'S ADMINISTRATION CAREGIVER AUTHORIZATION**  
 DSHS 10-454 (REV. 09/2015)

## Appendix D: SCHOOL SELECTION — A CHECKLIST FOR DECISION MAKING

School of Origin Considerations	Local Attendance Area School Considerations
<p><input type="checkbox"/> <b>Continuity of instruction</b> <i>Student is best served due to circumstances that look to the past.</i></p> <p><input type="checkbox"/> <b>Age and grade placement of the student</b> <i>Maintaining friends and contacts with peers is critical to the student’s meaningful school experience and participation. The student has been in this environment for an extended period of time.</i></p> <p><input type="checkbox"/> <b>Academic strength</b> <i>The student’s academic performance is weak, and the student would fall further behind if transferred to another school.</i></p> <p><input type="checkbox"/> <b>Social and emotional state</b> <i>The student is suffering from effects of mobility, has developed strong ties to the current school and does not want to leave.</i></p> <p><input type="checkbox"/> <b>Distance of the commute and its impact on the student’s education and/or special needs</b> <i>The advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.</i></p> <p><input type="checkbox"/> <b>Personal safety of the student</b> <i>The school of origin has advantages for the safety of the student.</i></p> <p><input type="checkbox"/> <b>Student’s need for special instruction</b> <i>The student’s need for special instruction, such as special education and related services or Section 504, can be better met at the school of origin.</i></p> <p><input type="checkbox"/> <b>Length of anticipated stay in a temporary shelter or other temporary location</b> <i>The student’s current living situation is outside of the school of origin attendance area, but the living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i></p>	<p><input type="checkbox"/> <b>Continuity of instruction</b> <i>Student is best served due to circumstances that look to the future.</i></p> <p><input type="checkbox"/> <b>Age and grade placement of the student</b> <i>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student’s meaningful school experience and participation. The student has attended the school of origin for only a brief time.</i></p> <p><input type="checkbox"/> <b>Academic strength</b> <i>The student’s academic performance is strong and at grade level, and the student would likely recover academically from a school transfer.</i></p> <p><input type="checkbox"/> <b>Social and Emotional State</b> <i>The student seems to be coping adequately with mobility, does not feel strong ties to the current school and does not mind transferring.</i></p> <p><input type="checkbox"/> <b>Distance of the commute and its impact on the student’s education and/or special needs</b> <i>A shorter commute may help the student’s concentration, attitude or readiness for school. The local attendance area school can meet all of the necessary educational and special needs of the student.</i></p> <p><input type="checkbox"/> <b>Personal safety of the student</b> <i>The local attendance area school has advantages for the safety of the student.</i></p> <p><input type="checkbox"/> <b>Student’s need for special instruction</b> <i>The student’s need for special instruction, such as special education and related services or Section 504, can be met better at the local attendance area school.</i></p> <p><input type="checkbox"/> <b>Length of anticipated stay in a temporary shelter or other temporary location</b> <i>The student’s current living situation appears stable and unlikely to change suddenly. The student will benefit from the developing relationships with peers in school who live in the local community.</i></p>

Adapted from a document created by the Texas Homeless Education Office

## Appendix E: EDUCATIONAL RESOURCES FOR STUDENTS IN FOSTER CARE

### Enrollment

- Learning by Choice, Student Enrollment Options in Washington: [www.k12.wa.us/GeneralInfo/pubdocs/LearningByChoice2014.pdf](http://www.k12.wa.us/GeneralInfo/pubdocs/LearningByChoice2014.pdf).
- Treehouse Academic Resource Center Enrollment Resources: [www.treehouseforkids.org/our-services/academic-resource-center/](http://www.treehouseforkids.org/our-services/academic-resource-center/).

### Special Education/Disabilities

- For a complete list of special education-eligible disabilities, visit [www.parentcenterhub.org/wp-content/uploads/repo\\_items/gr3.pdf](http://www.parentcenterhub.org/wp-content/uploads/repo_items/gr3.pdf).
- See [www.k12.wa.us/SpecialEd/Families/Referral.aspx](http://www.k12.wa.us/SpecialEd/Families/Referral.aspx) for more information regarding the referral process.
- Helpful information addressing when a student moves to a new school and the impacts of a move on special education can be found here: [www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa\\_mobility\\_final.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa_mobility_final.authcheckdam.pdf).
- Treehouse Academic Resource Center Special Education Resources: [www.treehouseforkids.org/our-services/academic-resource-center/](http://www.treehouseforkids.org/our-services/academic-resource-center/).
- Family Guide to Special Education Advocacy: [www.treehouseforkids.org/wp-content/uploads/2013/07/Family-Guide-to-Special-Education-Updated-9.25.pdf](http://www.treehouseforkids.org/wp-content/uploads/2013/07/Family-Guide-to-Special-Education-Updated-9.25.pdf).
- Special Education Parent Liaison: [www.k12.wa.us/SpecialEd/Families/Assistance.aspx](http://www.k12.wa.us/SpecialEd/Families/Assistance.aspx).
- Special Education Laws and Procedures: [www.k12.wa.us/SpecialEd/LawsProcedures.aspx](http://www.k12.wa.us/SpecialEd/LawsProcedures.aspx).
  - Parent and Student Rights (Procedural Safeguards): [www.k12.wa.us/SpecialEd/Families/Rights.aspx](http://www.k12.wa.us/SpecialEd/Families/Rights.aspx).
  - Appointment, Training and Role of Surrogate Parents: [www.k12.wa.us/SpecialEd/pubdocs/SurrogateParent.pdf](http://www.k12.wa.us/SpecialEd/pubdocs/SurrogateParent.pdf).
  - Role of a Surrogate Parent: [www.k12.wa.us/SpecialEd/pubdocs/RoleSurrogateParent.docx](http://www.k12.wa.us/SpecialEd/pubdocs/RoleSurrogateParent.docx).
- Special Education Dispute Resolution Process: [www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx](http://www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx).
- Disability Rights Washington: [www.disabilityrightswa.org](http://www.disabilityrightswa.org).
- OSPI Special Education Guidance: [www.treehouseforkids.org/our-services/academic-resource-center/](http://www.treehouseforkids.org/our-services/academic-resource-center/).
- WEA Special Education Support Center: [www.specialeducationsupportcenter.org/](http://www.specialeducationsupportcenter.org/).
- IEP Guidance: [www.k12.wa.us/SpecialEd/Families/IEP.aspx](http://www.k12.wa.us/SpecialEd/Families/IEP.aspx)
- Section 504 Guidance: [www.k12.wa.us/HealthServices/pubdocs/504ManualFinal.pdf](http://www.k12.wa.us/HealthServices/pubdocs/504ManualFinal.pdf).
- Behavior Guidance: [www.k12.wa.us/SpecialEd/Families/Behavior.aspx](http://www.k12.wa.us/SpecialEd/Families/Behavior.aspx) and [www.parentcenterhub.org/repository/behavior-atschool](http://www.parentcenterhub.org/repository/behavior-atschool).

### Discipline

- Legal Center for Foster Care & Education's 2014 issue brief, "School Discipline & Youth in Foster Care: New Federal Guidance from the U.S. Departments of Education and Justice Can Help": at [www.fostercareandeducation.org/portals/0/dmx/2014%5C06%5Cfile\\_20140623\\_160924\\_bGK\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2014%5C06%5Cfile_20140623_160924_bGK_0.pdf).
- U.S. Department of Education laws and guidance: [www2.ed.gov/policy/gen/guid/school-discipline/index.html](http://www2.ed.gov/policy/gen/guid/school-discipline/index.html).

## Discipline (continued)

- Treehouse Academic Resource Center Discipline Resources: [www.treehouseforkids.org/our-services/academic-resource-center/](http://www.treehouseforkids.org/our-services/academic-resource-center/).
- Office of the Superintendent of Public Instruction Student Discipline Guidance: [www.k12.wa.us/studentdiscipline/default.aspx](http://www.k12.wa.us/studentdiscipline/default.aspx).

## Meal Programs

- USDA, “USDA Announces Expansion of Nutrition Assistance for Foster Children, Provision Expands Safety Net Against Childhood Hunger and Promotes Healthy Lifestyles,” February 3, 2011: [www.fns.usda.gov/es/node/879](http://www.fns.usda.gov/es/node/879).
- USDA Child Nutrition Programs Food and Nutrition Service, “Eligibility Manual for School Meals”: [www.fns.usda.gov/school-meals/guidance-and-resources](http://www.fns.usda.gov/school-meals/guidance-and-resources).

## Graduation

- For more information on Washington state graduation requirements, visit [www.k12.wa.us/graduationrequirements](http://www.k12.wa.us/graduationrequirements).
- For more information on all high school graduation options, see OSPI’s Graduation in Washington manual at [www.k12.wa.us/graduationrequirements/GraduationToolkit.aspx](http://www.k12.wa.us/graduationrequirements/GraduationToolkit.aspx).
- Treehouse Academic Resource Center Graduation, College and Career Resources: [www.treehouseforkids.org/our-services/academic-resource-center/](http://www.treehouseforkids.org/our-services/academic-resource-center/).

## Trauma/Mental Health

- National Child Traumatic Stress Network, “Child Trauma Toolkit for Educators” — An excellent guide on trauma and learning, available in both English and Spanish. This is a must-read for educators and school personnel in supporting the academic success of students who have experienced trauma: <http://nctsn.org/resources/audiences/school-personnel/trauma-toolkit>.
- National Child Traumatic Stress Network, Resources for School Personnel website — provides a variety of excellent tools on trauma-informed practices, training tools and information to help educators understand and respond to the specific needs of traumatized students. <http://nctsn.org/resources/audiences/school-personnel>.
- Washington State Office of Superintendent of Public Instruction, Compassionate Schools Initiative, “The Heart of Learning: Compassion, Resiliency, and Academic Success” — provides innovative approaches, practical tools and applicable resources to equip educators in working with students whose learning has been adversely impacted by trauma. This valuable resource is free and available online: [www.k12.wa.us/CompassionateSchools/HeartofLearning.aspx](http://www.k12.wa.us/CompassionateSchools/HeartofLearning.aspx).
- National Center for Mental Health Promotion and Youth Violence Prevention, Safe Schools Healthy Students, National Center Brief, “Childhood Trauma and Its Effect on Healthy Development”: <http://www.healthysafechildren.org/>.

**Appendix F: RESOURCE CONTACT INFORMATION**

Abuse Hotline	1-866-END HARM (1-866-363-4276)
Adoption in Washington state	<a href="http://www.dshs.wa.gov/ca/adoption-and-adoption-support/adoption">www.dshs.wa.gov/ca/adoption-and-adoption-support/adoption</a>
Becoming a Foster Parent	1-888-KIDS-414
CLEAR (free legal assistance for low-income residents)	1-877-211-9724
Child Protective Services (CPS)	Daytime — call local office ( <a href="https://fortress.wa.gov/dshs/f2ws03apps/caofficespub/offices/general/OfficePick.asp">https://fortress.wa.gov/dshs/f2ws03apps/caofficespub/offices/general/OfficePick.asp</a> ) Nights and weekends — 1-800-562-5624
Foster Parent & Caregiver Support Line	1-800-301-1868
Office of Superintendent of Public Instruction	1-360-725-6505, <a href="http://www.k12.wa.us/fostercare">www.k12.wa.us/fostercare</a>
Office of the Education Ombuds	1-866-297-2597, <a href="http://oeo.wa.gov">http://oeo.wa.gov</a>
Runaway Hotline	1-800-RUNAWAY (1-800-786-2929)
Team Child	1-206-322-2444
Treehouse	1-206-767-7000, <a href="http://www.treehouseforkids.org">www.treehouseforkids.org</a>

## ACKNOWLEDGEMENTS

### Content Contributors



**Children’s Administration (CA)** is the public child welfare agency for Washington. CA staff work with children, families and community to reduce the risk of child abuse, find safe alternatives to out-of-home placement and to ensure safety, permanency and well-being for children in out-of-home care.



The Foster Care Education Program at **OSPI** supports students in foster care by encouraging innovative practices that reduce educational disruptions, strengthen school stability and improve academic performance. As part of the Student Support division, the Foster Care Education Program partners with educators, foster parents, social workers, state agencies and advocates as they work to support the whole child through evidence-based best-practices and collaboration.



**Treehouse** is a nonprofit organization that addresses the academic and other essential support needs of kids in foster care in Washington state. Treehouse helps 8,000 kids in foster care each year through programs that help them succeed in school, fulfill key material needs and provide important childhood experiences every child deserves. Learn more at [www.treehouseforkids.org](http://www.treehouseforkids.org).



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