






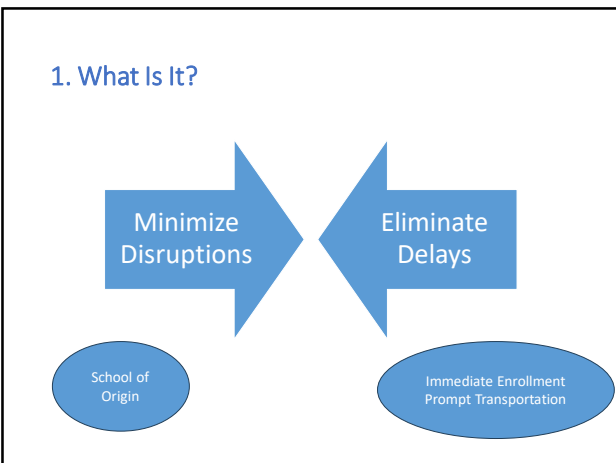
School Stability for Children in DSS Custody

1

Today's Agenda

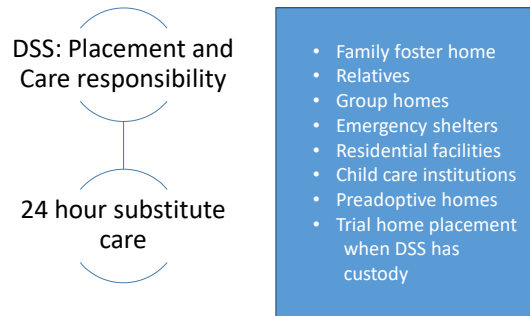
-  What is it
-  Why is it important
-  What does the law require

2



3

Children in Foster Care Defined

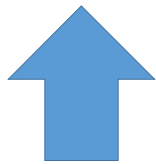


45 CFR 1355.20(a)

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2. Why Is It Important?

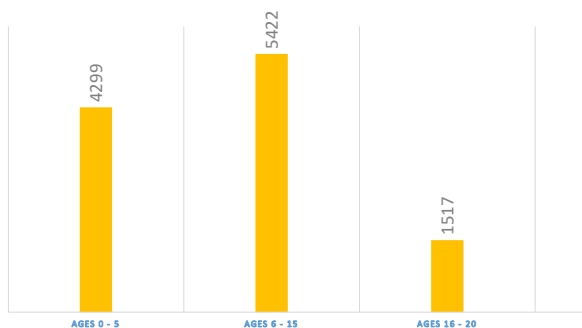
Chronic Absenteeism
Discipline
Special Education
Grade Retention
Drop Out
GED



Academic progress
Supportive Relationships
Graduation
College

5

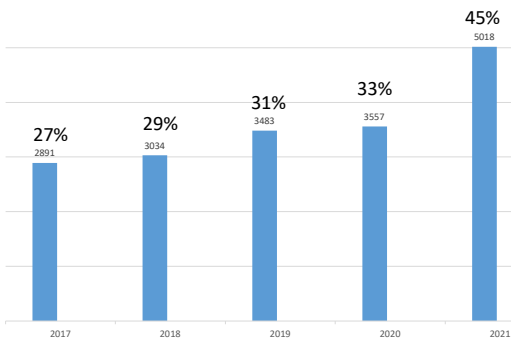
Age of children in Custody, 2021



Annie E. Casey Foundation, KIDS COUNT DATA CENTER

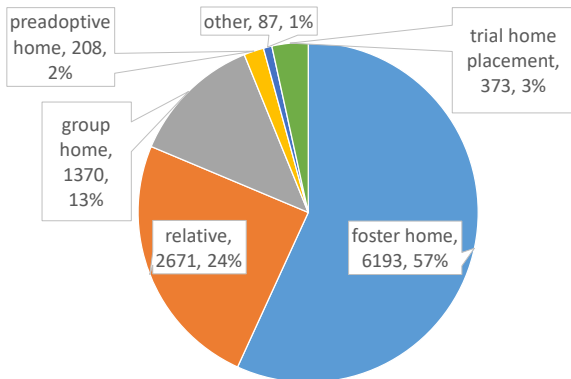
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More than 1 Placement



7

Type of Placement, 2021



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3. What Is Required?

Oct. 2008
Fostering
Connections

Dec. 2015
ESSA enacted

Dec. 2016
ESSA effective

9


Case Plan Requirements under CAPTA
42 CFR 671(a)(3)

Compulsory school age and IV-E eligible

- Assurance full-time student in
 - School
 - Home School
 - Independent study administered by school
- If unable to attend FT because of medical condition, incapability must be supported by regularly updated information in case plan

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Fostering Connections Act of 2008
 42 USC 675(1)(G)



**U.S. Department of
Health and Human Services**
 Enhancing the health and well-being of all Americans

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DSS assurances each placement takes into account


- Appropriateness of current educational setting
- Proximity to school child is enrolled at time of placement (School of Origin)

Remain in community of residence
G.S. 7B-505(d), -903(a1)

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DHHS coordinate with LEA ensure child remain in school child was enrolled in at time of each placement



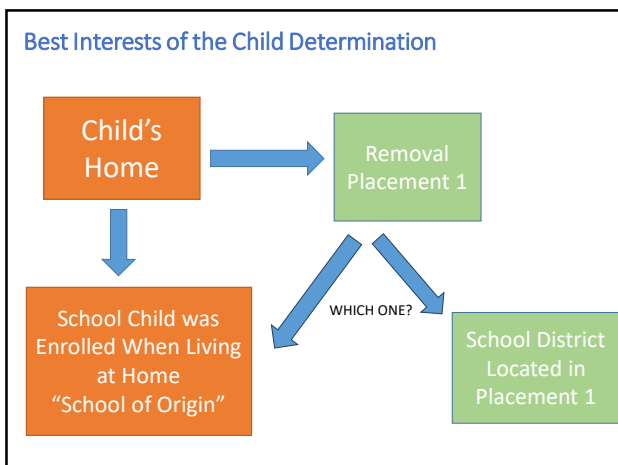
If not BIC, assurance DHHS and LEA provide immediate and appropriate enrollment in new school, w/ all educational records provided

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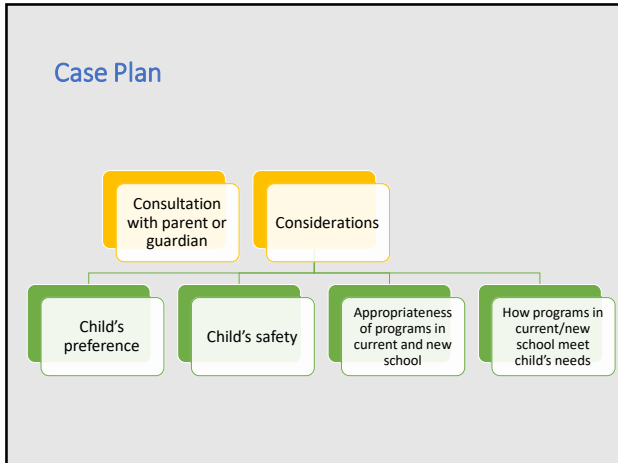
School Assignment
G.S. 115C-366

- School of their domicile
 - Reside with parent, custodian, guardian, pre-adoptive home
- Where resides with adult domiciled in school district if
 - Abuse or neglect (adjudication) by parent or guardian
 - Abandonment by parent or guardian
 - Incarceration of parent or guardian
 - Cannot provide adequate care due to physical or mental condition
- AND not expelled/long term suspension
- AND caregiver and parent or guardian sign separate affidavits

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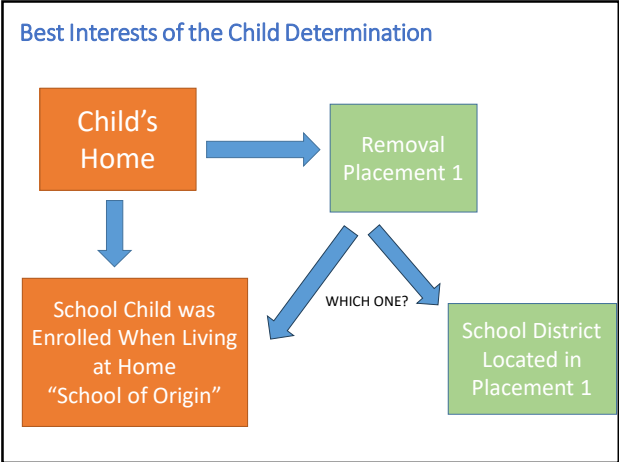
17

ESSA complements Fostering Connections

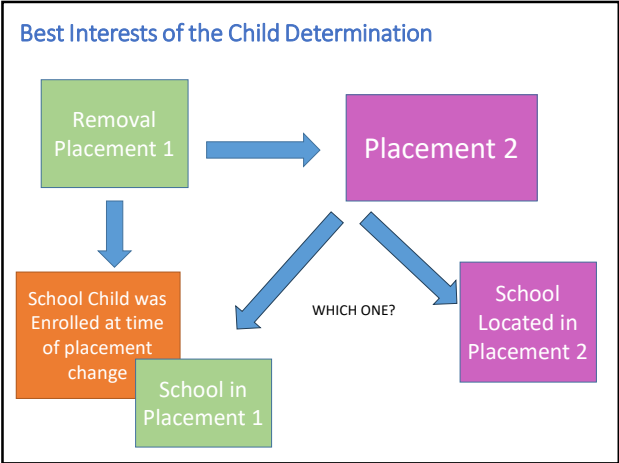
U.S. Department of Education

Duration of time in foster care

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Best Interests Determination

The Law

- Appropriateness of current educational setting
- Placement’s proximity to school of origin

Ensuring Educational Stability and Success for Students in Foster Care

Non-Regulatory Guidance

November 2024

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Every Student Succeeds Act:
Ensuring Educational Stability for Children
and Youth in Foster Care in North Carolina

North Carolina Division of Social Services and
North Carolina Department of Public Instruction
Joint Guidance

On June 23, 2016, the U.S. Department of Education and the U.S. Department of Health and Human Services issued a document entitled, "Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care" ("Federal Guidance"). Portions of this guidance is based on and excerpted from the federal guidance. This guidance also excerpts portions of guidance issued by the American Bar Association's Legal Center for Foster Care & Education on the implementation of ESSA and Fostering Connections.

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Factors

NOT TRANSPORTATION COSTS!

- Preferences (child/parent/educational-decision maker)
- Attachment to school/people in school
- Sibling placement
- Involvement in extracurriculars*
- Impact of School's climate on child (safety included)
- History of School Transfers
- Length of commute and impact on child
- Immediate and long-term education plan*
- Child's permanency goal*
- Availability/Quality of services and how meet child's educational and socio-emotional needs
 - IDEA/504
 - EL

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Transportation Dispute: w/in 30 days

LEA cover expense
during dispute

POC with DPI and DHHS
No resolution = split
costs

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Transportation

- Collaborate to develop and implement clear written procedures for how transportation provided, arranged, funded
 - NC Policy: primarily school responsibility but DSS ensure no break in attendance following placement change
- Prompt transportation in cost effective manner in accordance with Fostering Connections
 - Foster parents, public transportation, school transportation contract, community partners (relatives), DSS worker
- Foster care maintenance payments

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- Additional costs: LEA transport if
 - DSS agree to reimburse
 - LEA pay
 - LEA/DSS agree to share cost
- Difference between what LEA would normally spend on transportation to assigned school w/in district and cost of transportation to School of Origin

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NC Child Welfare Manual, Permanency Planning

PERMANENCY PLANNING SERVICES

Out-of-Home Placement Services: Educational Stability

Policy
SCHOOL ATTENDANCE County child welfare agencies must ensure every child in foster care, who has attained the minimum age for compulsory school attendance under state law, is enrolled as a full-time elementary or secondary school student or has completed secondary school. "Elementary or secondary school student" is defined to include a child that is: <ul style="list-style-type: none">• Enrolled in an institution which provides elementary or secondary education in compliance with state law;• Instructed in elementary or secondary education at home in accordance with state law on home schools;• Participating in an independent study program in elementary or secondary education that is administered by the local school or school district and is in accordance with state law; or• Incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the child's case plan.
EVERY STUDENT SUCCEEDS ACT
Legal Basis
The Every Student Succeeds Act (ESSA) (P.L. 114-95) reauthorized the 1965 Elementary and Secondary Education Act (ESEA) and includes new provisions that promote educational stability for children in foster care.

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DSS 5245

NORTH CAROLINA CHILD EDUCATION STATUS

Case Number: _____ Child/Youth's Name: _____
Copy provided to child/Youth's placement provider: _____ on: _____
Completed by: _____ Date: _____

Check one: ☐ Initial Entry into Custody ☐ Annual Review ☐ Placement/School Change
☐ Educational Services (ES) Meeting ☐ Other

Child/Youth's Permanency Plan, check one:
☐ Reunification ☐ Legal Guardianship ☐ Legal Custody ☐ Adoption
☐ Another Planned Permanent Living Arrangement ☐ Reinstatement of Parental Rights

☐ This child is not school age. Complete this section by checking all of the following that apply:
☐ Child is not enrolled in an educational setting.
☐ Child is enrolled in day care at: _____
☐ Child's developmental status was evaluated. Date: _____ Where: _____
Health: _____
Stop here for children who are not school age.

School: _____ School Address: _____ Grade: _____
School Contact (name/role/phone number): _____
Child/Youth functioning above grade in any subjects (list): _____
Child/Youth functioning below grade in any subjects (list): _____
If retained, what grade was repeated: _____
Special services (IEP, 504, etc.): _____
Attendance issues (absences, tardy days): _____
Child/Youth's Academic/Social Strengths: _____
Behavioral issues: _____
Social, Sports, Activities, Other: _____
Additional school related information: _____
Are services appropriate (or changes needed)? _____
Mode of School Transportation: _____ Any issues? _____
Surrogate Parent Needed/Identified: _____

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DSS 5137

BEST INTEREST DETERMINATION FORM

Case Number: _____
Child's Name: _____
Copy provided to child's placement provider: _____ on: _____
Completed by: _____ Date: _____

Check 1: ☐ Initial Entry into Custody ☐ Placement Change ☐ Educational Services Meeting

Section I: Best Interest Determination / Educational Needs

1. How many schools has the child attended? _____
How many schools has the child attended this year? _____
How have the school transfers affected the child emotionally, socially, academically, and physically? _____

2. How does the student feel about any upcoming moves? _____

3. What, if any, are the safety considerations related to school placement? _____

4. Which school is preferred by the student, birth parent and placement provider and why?

	School Preference	Why?
Student		
Birth Parent		
Placement Provider		

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DSS 5137a

NORTH CAROLINA 'Best Interest Determination' Meeting Override
For children in the custody of a NC County Child Welfare Agency when a BID meeting is waived upon Agency Director approval

County: _____ Case Number: _____

Child Information

Child's Name: _____
Age: _____ DOB: _____ Sex: _____
County Child Welfare Agency: _____
County Child Welfare Agency Contact Name: _____
Email: _____ Phone: _____ Fax: _____
Care Provider Name: _____ Phone: _____
Care Provider Address: _____

Type of Care Provider: ☐ Family Foster Home ☐ Relative/Kinship Home
☐ Therapeutic Foster Home ☐ Facility # _____
Child's Placement is: ☐ Within School of Origin ☐ Not within School of Origin ☐ Unknown
Transportation Zone _____ Transportation Zone _____

Check one: ☐ Initial Placement ☐ Placement Change

Date of Custody: _____ Date of Placement/Plan Change (if different): _____
Director approves override of Best Interest Determination Meeting due to:
☐ Safety Threat. Provide description: _____

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DSS 5133

Foster Child Notification of Placement (Change) Form <small>For children in the custody of a NC County Child Welfare Agency</small>		
Confidential		
Child Information		
Date of Notification:		
Child's Name:		
Age:	DOB:	Sex:
County Child Welfare Agency:		
County Child Welfare Agency Contact:	Phone:	Fax:
	Email:	
Foster Care Provider Name:	Phone:	
Foster Care Provider Address:		
Type of Foster Care Provider:	<input type="checkbox"/> Family <input type="checkbox"/> Relative/ Kinship Home <input type="checkbox"/> Therapeutic Home <input type="checkbox"/> Facility #	
Foster Care Placement:	<input type="checkbox"/> Within School of Origin Transportation <input type="checkbox"/> Not within School of Origin Transportation <input type="checkbox"/> Unknown	
<small>FOR FOSTER CARE PROVIDERS: <input type="checkbox"/> I am a foster parent in my home <input type="checkbox"/> I am a foster parent in my home <input type="checkbox"/> I am a foster parent in my home <input type="checkbox"/> I am a foster parent in my home <input type="checkbox"/> I am a foster parent in my home</small>		

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DSS 5135: School Transfer

Foster Child Immediate Enrollment Form <small>For children in the custody of a NC County Child Welfare Agency</small>		
Confidential		
Student Information		
Date Student Presented for Enrollment:		
Receiving School:		
Student Name:		
Age:	DOB:	Sex:
County Child Welfare Agency:		
County Child Welfare Agency Contact:	Phone:	Fax:
	Email:	
Foster Care Provider Name:	Phone:	
Foster Care Provider Address:		
Date of Nonsecure Custody:	Date of Placement Change (if different):	
School Enrollment Needed Due To:	<input type="checkbox"/> Best Interest <input type="checkbox"/> Emergency Foster Care Placement (or Placement Change) <input type="checkbox"/> New Enrollment	
Date of Meeting:		
Last School Attended:	Current Grade:	
Does student have IEP? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown 504 Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Any special safety concerns or special conditions?		

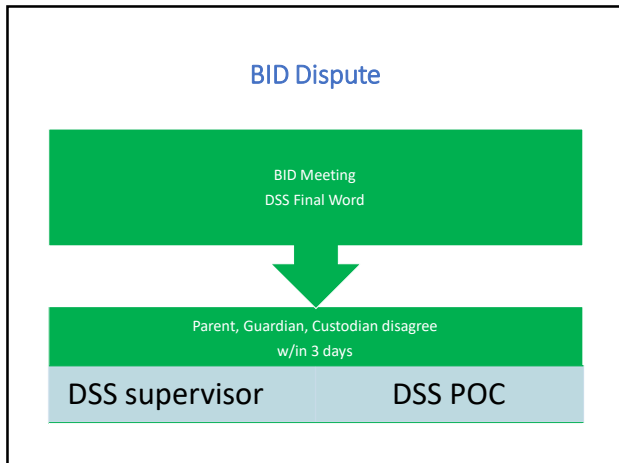
32

DSS 5241

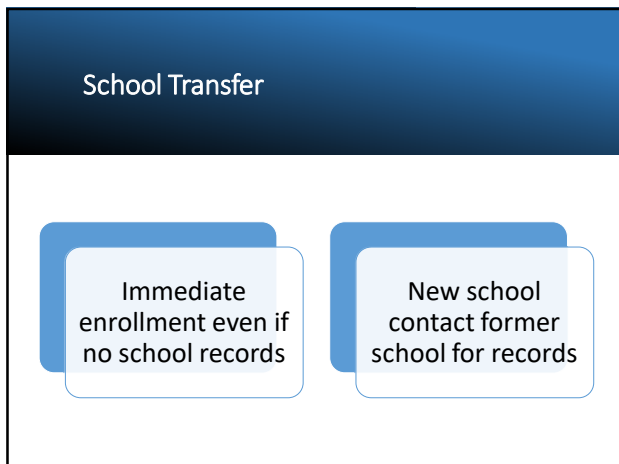
NORTH CAROLINA PERMANENCY PLANNING REVIEW
(b) Child/Youth Status (The second and third columns should be completed by the worker prior to the meeting. Review of the information for accuracy, progress and follow up should occur during the meeting with notes taken in the last column.)

<small>At the 12-month (since date of custody) permanency planning review and every 12 months thereafter, complete DSS-5245 Educational Status form and include identified Progress/Follow up/Next Steps on this form.</small>			
Educational / Developmental	School/Daycare: Grade: Has the child ever been retained/advanced in a grade? <input type="checkbox"/> Yes Explain: <input type="checkbox"/> No Services in place, IEP, A/G:	Are child/youth's educational/developmental needs being met? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:	Progress / Follow Up / Next Steps, if needed:

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Requires Collaboration

North Carolina Foster Care Education Program

Home About Local Points of Contact Law & Guidance Resources

The screenshot shows the website for the North Carolina Foster Care Education Program. The navigation bar includes links for Home, About, Local Points of Contact (which is highlighted with a blue circle), Law & Guidance, and Resources. Below the navigation bar, there is a section titled "The Every Student Succeeds Act (ESSA)" with a sub-header "The Every Student Succeeds Act (ESSA)". The text below this section states: "On December 10, 2015 the President signed into law the Every Student Succeeds Act of 2015 (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA). The Every Student Succeeds Act establishes protections for children in foster care under Title I, Part A (Title I). These provisions complement the requirements of the Fostering Connections to Success and Increasing...". At the bottom of the page, there is a URL: <https://ncfcep.uncg.edu/> and the text "SERVE UNC Greensboro".

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NC Policy requires local POC

- Responsibilities
 - Primary contact
 - Coordinate policy implementation
 - Participate in BID meetings
 - Facilitate transportation agreements
 - Facilitate records transfer
 - Ensure immediate enrollment or transportation
 - Coordinate services children can access
 - Provide training to staff
 - Coordinate data sharing

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Intersection with McKinney Vento

Homeless Status
may apply
(circumstances)

“awaiting foster
care placement”
≠ Homeless

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Take Away:
School age
child!



Are you getting this
information...



What school attending at
removal/change of placement?



Is it the same, if not why is it
BIC?



Do you agree?

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