



**Administrative Policies and Procedures: 21.14**

<b>Subject:</b>	<b>Serving the Educational Needs of the Child/Youth</b>
<b>Authority:</b>	TCA 37-1-130; 37-1-131; 37-1-140; 37-5-106; 49-6-3001; Individuals with Disabilities Education Act, 20 U.S.C. Sec.1400 et. Seq.; Every Student Succeeds Act ; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).
<b>Standards:</b>	<b>COA: PA-KC 9; PA-RTX 10.</b>
<b>Application:</b>	All Department of Children Services Employees, Foster Parents, Contract Provider Agencies
<b>Policy Statement:</b>	
All children/youth of compulsory school attendance age are enrolled in an educational program with appropriate services in the least restrictive environment. Children under the age of five (5) receive educational services based on need.	
<b>Purpose:</b>	
To ensure and promote appropriate and successful educational programming for children/youth.	
<b>Procedures:</b>	
<b>A. Responsibilities of the Family Service Worker (FSW)/ Juvenile Service Worker (JSW)</b>	<ol style="list-style-type: none"> <li>1. Ensure that the child/youth is enrolled in an appropriate education program based on developmental and academic needs. Use the <a href="#">Protocol for Educational Programs and Resources</a> as a guide.</li> <li>2. Each time placement changes are considered, make every effort to minimize disruption of the educational setting. Those efforts must be clearly documented in case notes or documented in <b>CS-0747, Child and Family Team Meeting Summary</b>.</li> <li>3. Ensure timely transfers of school records when a child/youth changes schools. Compile and maintain DCS form <b>CS-0657, Education Passport</b> and <b>School Notification Letter</b> as stated in DCS Policy <a href="#">21.19, Education Passport</a>.</li> <li>4. The Family Service Worker (FSW)/Juvenile Service Worker (JSW) is required to notify the receiving school system as far in advance as possible of the intended placement of all students in DCS custody.</li> <li>5. Promote school stability and monitor progress by communicating regularly with school personnel and foster parents collecting information regarding attendance, academics and behavior to present to the Child and Family Team</li> </ol>

	<p>(CFT).</p> <ol style="list-style-type: none"> <li>6. <u>Special Education/Services Section 504 Services</u>: If a disability is suspected and the child/youth has not been previously identified, the FSW/JSW makes an immediate written referral to the school for an evaluation for special education eligibility. A referral form may be obtained from the school.</li> <li>7. <u>Attend Individual Education Plan (IEP) and Section 504 meetings (or ensure attendance by a supervisor designee) and:</u> <ol style="list-style-type: none"> <li>a) Include the Education Specialist as appropriate and necessary.</li> <li>b) Encourage the foster parents to attend. The school has the responsibility to notify and involve the birth parents.</li> <li>c) Ensure that the school appoints a surrogate parent if parental rights have been terminated, if birthparents are unknown, or if the school in conjunction with DCS is unable to locate a parent.</li> </ol> </li> <li>8. Consult with the Regional Education Specialist when:             <ol style="list-style-type: none"> <li>a) Special Education/Section 504 concerns arise;</li> <li>b) Significant discipline problems arise or the child has a history of school discipline problems. This would include expulsion, zero tolerance offenses, suspension of ten (10) days or more and/or truancy issues;</li> <li>c) A child/youth has significant treatment issues that may impact the school day. In a Child and Family Team Meeting (CFTM), the FSW/JSW works with the Education Specialist, parents, foster parents, surrogate parent, school and others as necessary to determine education supports and recommendations;</li> <li>d) There is a delay in the transfer of school records from school to school; or</li> <li>e) School enrollment problems arise;</li> <li>f) A child is transferring from TEIS to special education in public schools;</li> <li>g) There is required notification to school principals of certain delinquency adjudications. Refer to DCS Policy <a href="#">21.18, Notification to School Principals of Certain Delinquent Adjudications</a> for the listing of adjudications and the process for consulting with the Education Specialist to report them to school principals.</li> </ol> </li> </ol>
<p><b>B. Role of the Child and Family Team</b></p>	<ol style="list-style-type: none"> <li>1. The CFT considers the individual needs of children/youth when recommending any changes in placement and ensures efforts are made to keep the child in his/her current school whenever possible.</li> <li>2. The goal of the CFT is to prevent placement disruption and allow the child/youth to remain in the same school.</li> <li>3. Through quarterly Progress Review CFTM's, the CFT monitors the student's educational progress using information provided by the FSW/JSW and/or Education Specialist and parent/foster parent provider agency.</li> <li>4. The CFT must convene for a Special-Called CFTM within five (5) days when a child is expelled or suspended from school for ten (10) or more days or has multiple shorter term suspensions (see DCS Policy <a href="#">21.16, Rights of Foster Children With Disabilities Under Title II, Section 504 of the Rehabilitation</a></li> </ol>

	<p><u><a href="#">Act of 1973 and the Individuals with Disabilities Education Act (IDEA).</a></u></p> <p>5. The CFTM can be convened upon request to address school issues when a child/youth is;</p> <ul style="list-style-type: none"> <li>◆ Experiencing significant behavioral and /or academic problems;</li> <li>◆ Not attending school regularly; and /or</li> <li>◆ Transitioning from school to school</li> </ul> <p><b>Note:</b> For Special Education eligible students, a designee must contact the new school and request an IEP Meeting.</p> <p>6. Recommendations and action steps for CFT members should be documented on DCS form <b>CS-0747, Child and Family Team Meeting Summary</b>, Section 4.</p>
<p><b>C. Responsibilities of the Education Specialist</b></p>	<ol style="list-style-type: none"> <li>1. Provide consultation/technical assistance to local DCS staff and contract provider agencies.</li> <li>2. Provide ongoing in-service training regarding educational issues to DCS Family Service Workers, foster parents, and other staff in his/her region.</li> <li>3. Provide consultation concerning special education services.</li> <li>4. Attend CFTMs and IEP meetings, as necessary.</li> <li>5. Assist Family Service Worker with problems regarding school enrollment, school records, discipline and the provision of appropriate educational services.</li> </ol>
<p><b>D. Responsibilities of the DCS Child Health Team</b></p>	<ol style="list-style-type: none"> <li>1. The regional nurse and/or psychologist attend IEP meetings when available and deemed appropriate.</li> <li>2. The DCS TennCare Representative and/or regional nurse is available to assist the foster parent, DCS Family Service Worker, provider agency case managers and the Education Specialist in accessing medically necessary health services (medical or behavioral) identified by the school. If the child/youth is TennCare-Medicaid eligible, all medically necessary services are the responsibility of TennCare under EPSDT.</li> </ol>
<p><b>E. Education Training</b></p>	<ol style="list-style-type: none"> <li>1. Family Service Workers are required to have two (2) hours of in-service training per year regarding education services.</li> <li>2. Foster Parents are required to take two (2) hours of <b>Working with Education System</b> training course during the first two (2) years.</li> </ol> <p><b>Note:</b> An Educator License, due to type of employment (i.e., teacher, principal, etc.), can replace this requirement.</p> <ol style="list-style-type: none"> <li>3. Training may be made available through the regional training coordinators and the regional education specialist.</li> </ol>

**F. Education Stability**

The Federal Every Student Succeeds Act (ESSA), 42 U.S.C. § 675(1)(G)(ii) contains key protections for students in foster care that are designed to promote school stability, student success, and collaboration between local education agencies (LEAs) and child welfare agencies (DCS). Section 1111(g)(1)(E) of the Elementary and Secondary Education Act (ESEA), as amended by ESSA, requires LEAs to ensure that a child in foster care remain in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest. Per ESSA requirements: use the [DCS Educational Stability Plan](#) as a reference.

1. Upon entering custody or changing placement while in custody, the student must remain enrolled in the current school (school of origin) until a Best Interest Determination (BID) Meeting is held with that school.
2. The FSW/JSW immediately provides a new or updated form **CS-0657, Education Passport** and **School Notification Letter** (pending) to the school of origin (see DCS Policy [21.19 Education Passport](#)). The **School Notification Letter** requests a BID Meeting and indicates whether the DCS CFT believes it is in the best interest of the student to remain in the school of origin or transfer to the school of zone (the school a student would attend in a public school district based on the address where the student resides).
3. Upon change of placement, the team immediately notifies the school of origin and presents an updated form **CS-0657, Education Passport** and **School Notification Letter**.
4. The form **CS-0657, Education Passport** and **School Notification Letter** (pending) shall be updated to provide current placement changes and to provide contact information for invitations to the BID Meeting.
5. The school of origin is responsible for setting up a BID Meeting to discuss school assignment in consideration of the new custodial event or change of placement. BID meetings may be scheduled in person, virtually, or in some instances by email.
6. In a BID Meeting, DCS and the LEA collaborate to determine if it is in the best interest of the student to remain in the school of origin or attend a new school. Local education agencies (LEAs), students, and child welfare agencies must participate in the educational placement best interest determination (BID) process and consider how additional relevant parties can meaningfully participate in the BID.
7. If the BID team decides that the best interest of the student is to remain in the school of origin, the two agencies shall then develop a plan for transportation to that school.
  - b) If the BID team determines that continued attendance at the school of origin is not in the student's best interest, then enrollment in the new school and the transfer of educational records must take place as soon as possible. The Education Passport presented to the new school should include the date and outcome of the BID Meeting. (See form **CS-0657**).
  - c) If there is disagreement over the best interest determination or transportation procedures/cost, an appeal process is in place and a dispute resolution meeting may be scheduled.

<b>Forms:</b>	<a href="#"><u>CS-0657, Education Passport and School Notification Letter</u></a> <a href="#"><u>CS-0747, Child and Family Team Meeting Summary</u></a>
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<b>Collateral Documents:</b>	<a href="#"><u>DCS Educational Stability Plan</u></a> <a href="#"><u>Protocol for Educational Programs and Resources</u></a> <a href="#"><u>Child and Family Team Meeting Guide</u></a>
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<b>Glossary:</b>	
<b>Individual Education Plan (IEP):</b>	<p>A written plan developed by an IEP team (formerly M-Team) for children eligible to receive special education services. The plan specifies:</p> <ul style="list-style-type: none"> <li>◆ Current levels of academic functioning</li> <li>◆ Annual goals,</li> <li>◆ Learning objectives</li> <li>◆ Transition goals (14 years old and older)</li> <li>◆ Assistive technology devices needed</li> <li>◆ Testing accommodations</li> <li>◆ Need for a behavior plan or behavior goals</li> <li>◆ Additional services, if needed (related services)</li> </ul>
<b>In-Home Wrap Around Services:</b>	<p>TennCare refers to these services as intensive mental health case management, CTT (Continuous Treatment Team) or CCFT (Comprehensive Child and Family Treatment). These services are available to children/youth in DCS custody that are in level 2 placements or lower.</p>
<b>IEP Services:</b>	<p>Services provided to disabled children that outlines accommodations that are provided to a child based on the child’s disability.</p>
<b>School of origin:</b>	<p>The school in which a child is enrolled at the time of placement in foster care. If a child’s foster care placement changes, the school of origin would then be considered the school in which the child was enrolled at the time of the placement change.</p>
<b>Special Education Services:</b>	<p>Specialized educational services provided to disabled children, age birth (TEIS birth – 3) to age 22 (public schools age 3 -22).</p>

<b>Surrogate parent:</b>	An individual appointed by the Local Education Agency (LEA) in specific instances to act in the place of a parent in order to ensure that the rights of a child eligible for special education services under IDEA are protected.
<b>Tennessee Early Intervention System (TEIS):</b>	A division of the TN Department of Education/Division of Special Education that is Tennessee's system for the coordination and provision of special education services for disabled infants and toddlers, ages birth to three who meet the State's definition for services under IDEA Part C.