

Questions and Answers: Foster Care Office Hours

Updated October 12, 2023

This document contains the questions and answers addressed in the joint Tennessee Department of Education (department) and the Department of Children's Services (DCS) office hours. Please note that responses provided by the department and DCS are separated within each answer. New questions will be added after each meeting. For additional resources beyond this document, please join the next office hours or contact Jackie.Jacobson@tn.gov.

Education Passports

Question: Who is responsible for starting the passport paperwork? Is that person also responsible for making sure everyone has a copy?

Answer (DCS): The **Education Passport**, form **CS-0657**, is defined as a compilation of documents that constitute the educational history of a student. It is composed of the completed Education Passport Face Sheet with demographic information, additional school enrollment information, a listing of recent schools attended, the child/youth's status, and the following documents:

- ◆ Immunization records
- ◆ The most recent grade card with attendance data
- ◆ A current transcript for high school students
- ◆ As applicable, special education, student plans under Section 504 of the Rehabilitation Act or TEIS records.

The Family Service Worker (FSW) / Juvenile Service Worker (JSW) compiles/updates the Education Passport when the child/youth enters DCS custody or changes placement.

Question: Is the new passport final? Can changes be made?

Answer (DCS): The current Education Passport has been reviewed for comments and approved through a policy and forms committee. It is on the DCS server as an official form (CS-0657). Although no changes are expected soon, the form may be revisited at a later date.

Question: How frequently is the passport updated?

Answer (DCS): A new Education Passport Face Sheet is completed each time a child/youth enters custody or changes placements.

Question: What is the process if there is no passport (i.e., enrollment by foster parent)?

Answer (DCS): Only DCS shall complete the Education Passport form, however, an agency

contracted for case management, or a foster parent might be given the Education Passport to expedite enrollment. If a student is presented for enrollment without an Education Passport, please refer the agency / foster parent back to the FSW (Family Service Worker) / JSW (Juvenile Service Worker). Although a lack of records may not impede enrollment under ESSA, taking a moment to contact DCS is acceptable for that day. You may also contact your DCS Education Consultant for assistance as needed.

Question: If we do not have educational passports for our students, do we reach out to our educational specialists?

Answer (DCS): Since the Family Service Worker is responsible for completing the Education Passport, please use them as your primary contact. Both the agency case worker and the foster parent should have the contact information for the DCS FSW. If attempts to reach the FSW have been unsuccessful, please feel free to contact the Education Consultant.

Question: If a school receives an education passport and the BID section has not been completed, is the POC supposed to contact the FSW to set up the BID meeting?

Answer (DCS): The names and contact numbers for the FSW and foster parents (as well as parents holding Educational Rights under IDEA) should be current when the Education Passport is presented. Please contact the school of origin and the FSW to ensure that a BID meeting was conducted before enrollment into the school of zone.

Enrollment

Question: What if the foster parent arrives without a caseworker:

Answer (DCS): Although DCS is the responsible party to compile the Education Passport, the Family Service Worker (FSW) may not be present at enrollment. If the Passport is complete with current contact information and a BID meeting occurred before enrollment in the school of zone, the foster parent may continue the enrollment process. Please note, however, that best practice involves both the school of origin and school of zone to be part of the BID meeting; as such, the school of zone should be expecting the student.

Question: How long can we hold enrollment or withdrawal?

Answer (TDOE): ESEA section 111(g)(1)(E) states: "When a determination is made that it is not in the child's best interest to remain in the school of origin, the child is immediately enrolled in a new school." Federal guidance from the U.S. Department of Education (ED) has defined "immediately" as "as soon as possible not to disrupt educational continuity."

Question: What if we don't receive a passport?

Answer (DCS): Please remind the FSW, if present, to compile the Passport with the supporting documentation to expedite enrollment. If the foster parent or a contracted agency case worker

shows up to the school with an Education Passport, please refer them back to the FSW. If all else fails, please contact your Education Consultant.

Question: When a child is on a 90-day home trial, how should we proceed when the biological parent enrolls the child? Does the parent have the right to enroll? Will there be a passport?

Answer (DCS): Because the student is still in custody and receiving services through DCS, the FSW should either accompany the biological parent or provide a completed Education Passport.

Transportation

Question: Who will make the transportation decisions for DCS?

Answer (DCS): Each DCS regional office has different protocols that are processed through the local fiscal unit. On many occasions, the foster parent plays an integral role in this process if willing to provide transportation. Please discuss with the FSW or DCS representative present at the BID meeting once a decision has been reached on the best educational placement.

Question: Which district is responsible for transportation costs? The district of zone or the district of origin? What is DCS' responsibility for transportation?

Answer (TDOE): If the child is remaining in the school of origin, the presumption is that the district of origin will assume the responsibility of transportation. Please note, however, that there may need to be a collaboration with the district/school of zone.

Question: If transportation is set up via a third party and the team does not agree with that form of transportation, what is the next step?

Answer (TDOE): Each LEA has a signed transportation dispute resolution. We would refer you to that document for the next steps. Please be sure to include DCS in any conversations.

Question: To clarify, DCS can provide transportation for 5 days after the BID meeting while transportation is being set up in the school district?

Answer (TDOE): Yes. This is the current agreement with DCS. These timelines are included in the signed agreement each LEA uploads in the annual consolidated funding application.

Question: Our transportation director would like more guidance regarding transportation requirements for school/LEA of origin and school/LEA of zone.

Answer (TDOE): The technical assistance center for the U.S. Department of Education (ED) has consistently answered this question as follows: *"The only officially mandated partners in transportation are the school of origin and the child welfare agency."* The department encourages collaboration between the LEA of residence and the LEA of origin, but shared transportation is not mandated.

Question: How do you provide transportation when you have depleted the set-aside?

Answer (TDOE): The set aside can be revised through the consolidated funding application. Ongoing collaboration with DCS is recommended.

Question: Is there a limit on how long a student can be on a bus?

Answer (TDOE): Please reach out to your LEA transportation department to discuss any state statutes or guidance regarding time in transit ([TCA § 49-6-2105](#)).

Question: Who is responsible for transporting the child if the foster child is outside of the district (e.g., 30 miles from the LEA of origin)?

Answer (TDOE): The burden of transportation rests with the school of origin, although it is best practice to collaborate with the neighboring county/LEA.

Question: *New* Who is ultimately responsible for transportation? What should we do if a neighboring LEA refuses to collaborate?

Answer (TDOE): The technical assistance center for the U.S. Department of Education (ED) has consistently answered this question as follows: *“The only officially mandated partners in transportation are the school of origin and the child welfare agency.”* The department encourages collaboration between the LEA of residence and the LEA of origin, but shared transportation is not mandated.

BID Meetings

Question: Who schedules the BID?

Answer (DCS): The school of origin, in collaboration with DCS, schedules the BID meeting.

Question: Who initiates the BID?

Answer (DCS): When DCS compiles the Education Passport, a School Notification Letter (form CS-0657) should also be completed and presented to the school of origin. The first paragraph of the School Notification Letter is the request for the school of origin to set up a BID meeting.

Question: What if we can't locate a caseworker?

Answer (DCS): The DCS Education Consultant may be contacted to facilitate your communication with the FSW / JSW as needed.

Question: Why did the people needing to attend the BID meeting change?

Answer (DCS): Any person with information that helps the team make a best interest decision about the student's school placement should be part of the BID meeting, as appropriate. TN DCS serves as the decision maker for all routine education issues outside of those maintained by legal parents for services under IDEA. The role of DCS and foster parents (who might provide transportation) is different than the rights of legal parents under IDEA and presented some confusion for purposes of signatures.

Question: My education specialist was instrumental in setting up and facilitating BID meetings. Will that change now?

Answer (DCS): Most likely, yes. We are so grateful for your collaboration with our DCS Education Consultants, and we are proud of the work they have done to support students. With the clarification provided by the ED to remove the exclusionary travel factor, the number of student movements in the Department of Children’s Services is simply too overwhelming for one person.

Question: Why would we need a POC at each school? I would like to remain the primary point of contact.

Answer (TDOE): The process developed at each LEA is a local decision. All points of contact have a responsibility to create a process that is viable for the LEA and a responsibility to train all necessary staff/personnel.

Question: Can there be a set procedure for each LEA (origin & zone) to get a signed, final copy of each BID? Sometimes it is included in an email thread, but often it is difficult to get one copy with all signatures.

Answer (TDOE): While the department would not mandate this, the concept of such a procedure is certainly best practice. One idea provided by a participant is to convert the current form to a Google Doc so electronic signatures can be added.

Question: If a child hasn’t been enrolled in school before (Kindergarten age) and doesn’t have a school of origin before foster care placement, is a BID meeting necessary at that time since the school of zone is the only option?

Answer (TDOE): While a BID meeting is not required in this situation, there may be factors the team needs to consider. School enrollment of foster siblings or the biological children of the foster parents may enter into the conversation and a BID meeting may be appropriate.

Question: Is a BID meeting necessary if the child is 18?

Answer (DCS): DCS students often fall behind in school due to inconsistencies in their educational careers. As such, many students turn 18 before graduation – particularly if they were retained for one or more years. They should be allowed to continue in their school of origin, especially when the student is connected to and making progress toward a diploma. Further, DCS students may voluntarily elect to continue services after their 18th birthday to access independent living assistance. Note: If you encounter such a case, please contact Jackie Jacobson or Mary Lyell to discuss the details.

Question: Just to clarify, are going to have a BID meeting for every foster child enrolling?

Answer (TDOE): LEAs are required to conduct a BID meeting for every child entering DCS custody or changing foster placements.

Question: Who needs a copy of the completed BID form?

Answer (TDOE): All parties involved in the conversation should be given a copy of the BID form. It is best practice to also send the school or LEA of zone a copy of the form if the child remains in the school of origin.

Question: Should the BID meeting form go in the permanent student record folder, or just the passport?

Answer (DCS): Please keep a copy of the form(s) in a central location. If you place the form(s) in a permanent record, be sure there is no confidential case information on the notification form.

Answer (TDOE): The guidance does not address location for records. We recommend you follow your local policies and procedures.

Question: How long should BID records be kept?

Answer (TDOE): The guidance does not address the retention of BID records. We recommend you follow your local policies and procedures for record retention.

Question: I've been asked to hold BID meetings via email. Is that ok?

Answer (DCS and TDOE): While we are not in favor of conducting BID meetings via email, there is nothing in federal guidance to prohibit this. As best practice, we recommend conducting BID meetings virtually or by phone given the unique individual factors that must be discussed. The email could then be used to finalize all details or collect signatures.

Question: What is the best way to collect all signatures on the BID document? If everyone agrees through email, can the school of origin "sign" for everyone? Is it best practice for the BID document to be sent to everyone for their signature?

Answer (TDOE and DCS): While it is always best practice to have original signatures, we understand this is not always feasible. Electronic signatures are allowable. In rare cases, when electronic signatures cannot be obtained, please maintain all email documentation indicating agreement. Attach all documentation to the BID document as evidence of agreement.

Question: How do you address BID meetings when the school of origin doesn't know the student has left their school until they get a request for records from the new school?

Answer (TDOE and DCS): Ideally, both the school of zone and the school of origin should receive notification from the case worker that there has been a change in foster placement. The school of origin should then arrange the BID meeting. If the student is moved without notification, it is best practice for the school of zone to contact the school of origin and case manager to discuss the student and discuss the need for a BID meeting. If the school of origin receives a records request and a BID meeting has not been held, it is entirely appropriate to reach out to your assigned regional educational consultant to discuss the details of the placement change (to the greatest extent possible given confidentiality guidelines). It is possible to conduct a BID meeting at that time, if appropriate.

Question: *New* Is a BID required if a student has been out of school for several years?

Answer (TDOE and DCS): The purpose of the educational stability provisions is to preserve educational connections and relationships that provide a sense of stability to children and youth in foster care. While every case is different, if a student has been out of school for several years, there is no educational stability to preserve, and therefore a BID would not be needed.

Other

Question: If DCS takes a child into custody at school, our policy requires a court order to let the child be released to the DCS worker. Is this still allowable and does the worker have access to these documents on the same day as the court has approved the removal? Does the passport and school notification letter replace the court order for same-day removal?

Answer (DCS): Under no circumstances shall a court order be copied and maintained at the school when it contains confidential information regarding the reasons for removal or the names of other persons involved in the case. DCS is consulting with Child Protective Services for a more clarifying legal opinion.

Question: Is a BID required if the foster parent moves into a different school zone?

Answer (DCS and TDOE): A BID meeting is required if the child experiences a change in foster placement initiated and coordinated by DCS.

Question: Are private schools required to complete BID documentation when they are the school of origin?

Answer (TDOE): No. Title I educational stability provisions do not apply to private schools.

Question: *New* Our LEA has identified several new group homes in the area. Are there new facilities that we should be aware of?

Answer (DCS): DCS has recently entered a partnership with the Department of Intellectual and Developmental Disabilities (DIDD) and with Guy Care. These agencies have agreed to provide housing and care for foster children. These homes are located across the state, and the DCS education team is working to create a comprehensive list of all locations. If you have identified a home in your geographic area, please work with your regional DCS educational consultant to develop a plan for notification and enrollment. All BID processes and procedures should be followed as these children are placed in homes.