

## Foster Children Awaiting Placement Guidance Document

The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act of 2015 (ESSA), highlights the need to provide educational stability for children in foster care. These provisions emphasize the importance of limiting educational disruption by keeping children who are new to custody or changing foster care placements in their schools of origin. As children move throughout the child welfare system, they often encounter barriers to permanent foster placement. The purpose of this document is to provide guidance to local education agencies (LEAs) regarding children in foster care awaiting appropriate foster placement.

Pursuant to ESEA § 1111(g)(1)(E), it is required that all students remain in their school of origin unless it is determined to be in their best interest to leave the school of origin, regardless of the permanence of an address. Additionally, T.C.A. § 49-6-3001(c)(1) requires every parent, guardian, or other legal custodian residing in the state having control or charge of any child or children between six (6) and seventeen (17) years of age, both inclusive, to enroll the child or children in a public or non-public school.

### **Hospitalized Foster Children Awaiting Placement**

When children in the custody of the Department of Children's Services (DCS) are hospitalized, it may be necessary to identify a home placement that is medically appropriate after discharge. The process of locating an appropriate placement can be lengthy and complicated. As a result, children in foster care may remain in the hospital setting while a foster placement is identified.

### ***Local Education Agency Notification***

The responsibility of notifying the LEA of origin rests with DCS. To streamline communication, the child's caseworker (family service worker) will notify the DCS education specialist of the hospitalization. The DCS education specialist will notify the LEA foster care point of contact (POC), and the LEA POC will communicate with the school of origin. If the student is a child with a disability, the LEA POC will also notify the LEA director of special education. Hospital staff may be concurrently contacting LEAs and communicating medical admissions.

**Note:** If a student in foster care transfers to a hospital from a residential treatment center, and is awaiting appropriate medical placement, DCS will maintain enrollment and each case will be assessed individually.

### ***Educational Services for Students without a Disability***

The school of origin will maintain enrollment and communicate with the hospital to determine the most appropriate method to deliver instruction, in accordance with SBE Rule 0520-01-02-.10 governing the provision of medical homebound instruction.

**Note:** All homebound paperwork will be signed by the DCS physician, if applicable, indicating a DCS "medical placement hold."

### ***Educational Services for Students with a Disability***

The responsibility to provide a free and appropriate public education (FAPE) rests with the school of origin. The school of origin will maintain enrollment and communicate with the hospital to determine the most appropriate method to deliver instruction. In accordance with SBE Rule 0520-01-02-.10, “for students receiving special education and related services, the frequency and duration of instruction necessary to provide a free and appropriate public education for a student with a disability during a **medical** homebound instruction program placement shall be determined by the student’s IEP team but shall not be less than the minimum of three (3) hours per week.”

**Note:** The above guidance references **medical** homebound procedures and is not to be confused with SBE Rule 0520-01-09.07 which references educational homebound placements for students with disabilities made by the IEP team.

### ***Post-Discharge Best Interest Determination (BID) Meeting***

Once the child is discharged from the hospital and enters a new foster placement, DCS will communicate to the LEA the need for a BID meeting. If the child is placed in a new school of zone, a BID meeting will be held in accordance with existing educational stability processes and procedures.

### ***Foster Children Awaiting Placement in DCS Offices***

Children often come into the care and custody of DCS quickly and in crisis. Additionally, foster placements are disrupted, at times, with very little notice. Consequently, an appropriate placement may not be immediately available, and children are temporarily housed in a local DCS office.

### ***Local Education Agency Notification***

The responsibility to notify an LEA of a student’s entry into DCS custody or a change in the student’s placement rests with DCS. Upon entering custody or changing placement while in custody, the DCS Child and Family Team (CFT) will discuss educational stability and a preliminary recommendation regarding school placement. If there is no safety concern, and the DCS team believes the student should remain in the school of origin, the DCS Family Service Worker (FSW) will provide the LEA with a completed Education Passport and a completed School Notification form. Should the LEA be presented with an incomplete Education Passport or should DCS attempt to withdraw or enroll a student without an Education Passport, an immediate determination is not required. The LEA may ask for additional information to determine the next steps; however, determinations by the LEA shall be made in a reasonable timeframe to prevent barriers to enrollment.

### ***Educational Services for Students without a Disability***

Although students may not have a stable, permanent address, maintaining enrollment in the school of origin remains the requirement. While temporarily housed at a DCS office, all processes and procedures regarding BID meetings and transportation must be followed. If the result of the BID meeting requires enrollment in the school of zone, the LEA shall use the address of the DCS office to facilitate enrollment.

Due to the high mobility of this population, if a student is accumulating excessive, cumulative absences, the LEA of origin should make a concerted effort in collaboration with DCS to determine the location of the

student and determine enrollment status to facilitate existing educational stability processes and procedures.

### ***Educational Services for Students with a Disability***

The responsibility to provide a free and appropriate public education (FAPE) rests with the LEA of origin/enrollment unless it has been determined to be in the child's best interest to attend school where the out-of-home placement is located. IEP teams at the student's school of origin/enrollment will determine the appropriate way to meet the child's educational needs.

### **Foster Children in Assessment Homes**

Assessment foster homes provide supervision and support to children who display a wide range of behaviors and may require an additional period of observation and assessment to effectively determine the most appropriate service level and placement setting to meet their needs. Youth may remain in an assessment home for no more than 30 days after which time a more permanent placement is assigned.<sup>1</sup> If a child in foster care is placed in an assessment home, a BID meeting will be held in accordance with existing educational stability processes and procedures.

---

<sup>1</sup> Information about assessment homes may be found at <https://www.tn.gov/dcs/program-areas/training/fpt/training-spotlight/assessment-homes.html>.