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Subject:	Educational Issues for Children in Custody	Page 1 of 6
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## Purpose

To outline the requirements of social workers to ensure that all children in custody receive an appropriate education.

## Policy

### Enrolling the Child in School

All children in DCF custody must be enrolled in school immediately following any change in placement. The social worker is responsible to enroll the child, and may not delegate that responsibility to a substitute care provider or educational surrogate parent. It is the responsibility of the receiving school to obtain the child’s school records.

When a child needs to be moved out of an existing placement, all efforts should be made to place the child within the same school district. When that is not possible or appropriate the social worker will collaborate with school personnel to ensure that the child’s transition to the new school is as smooth a possible.

As soon as a planned placement change becomes known or, within 3 school days of an emergency placement change, the social worker will arrange a meeting with the sending school, the receiving school, substitute care providers and educational surrogate parent (if applicable) to discuss the education plan and transition if applicable.

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If a child is changing schools the social worker will provide the receiving school with:

- The child’s name, date of birth, grade level and town of parental residence;
- any special needs;
- a copy of current IEP or 504 plan and the name of the Educational Surrogate Parent if applicable;
- the name and address of former school district;
- the name and address of new substitute care providers; and
- the date student will enter school.

The social worker will complete the actual enrollment when the child has moved.

**Educational Surrogate Parents**

State and federal law (Individuals with Disability Education Act) requires that when a student in DCF custody is eligible for special education, an educational surrogate parent shall be appointed to legally represent that child in the special education planning process.

The social worker will immediately refer any child eligible for special education to the Vermont Educational Surrogate Parent Program (VESPP) using the VESPP referral form or by calling the VESPP.

If the social worker suspects that the child has a disability, he or she will contact the child’s school to request a special education evaluation, and contact the VESPP immediately.

The Educational Surrogate Parent has the rights of a parent in matters concerning special education. The Educational Surrogate Parent:

- Must be informed about the student’s program and educational needs;
- attends all Individual Education Plan (IEP) and Individual Family Service Plan (ISFP) meetings concerning the child;
- receives notice of any proposed evaluation or placement from the school;
- participates on the Evaluation and Planning Team in planning special education evaluations;
- advocates in the development of the IEP to assure that the IEP meets the child’s educational needs;
- is invited to attend all Family Services Administrative Case Reviews;
- receives (along with the VESPP) notice from FS of any planned change in substitute care; and,

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- participates in the interagency planning process when there is a need to coordinate services.

In addition, Family Services caseworkers are responsible to make referrals to the Vermont Educational Surrogate Parent Program when:

- A child 0-3 years of age, in DCF custody, is evaluated and/or receiving services through the Family Infant Toddler Program; and
- A child 3-5 years of age, in DCF custody, is enrolled in/receiving services from an Early Essential Education program.

#### **Promoting Educational Stability**

Typically, the school district in which a student resides is responsible for his or her education. However, the Commissioners of the Department of Education (DOE) and the Department for Children and Families have entered into a Memorandum of Understanding (MOU) that has developed a procedure by which children in DCF custody may be able to maintain an appropriate educational placement despite a change in foster home placement. The assigned worker should discuss with his or her supervisor the details of this procedure. (see appendix for the MOU and for Procedures for Educational Residency Determination for Children in DCF Custody).

To assist in ensuring the stability of educational services for children in DCF custody, DCF workers are now required to obtain report cards and attendance information for all children in DCF custody

The social worker should contact the child’s school at the beginning of the year or at the end of each marking period to obtain the report card and attendance record for that marking period and incorporate this information into the child’s case plan.

Following a review of these attendance records, a coordinated services planning meeting will be convened for all children in custody who are on IEP’s or on 504 plans under any of the following occurrences:

- When a school district reports a child’s absence of 15 days or more in a school quarter;
- when a school district reports a child’s absence of 20 or more days in a trimester; or
- when a school district reports a child’s absence of 45 or more days in one school year.

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In the event that school districts fail to provide attendance records for children in custody who are on IEP's or on 504 plans to the DCF caseworker or Surrogate Parent Program Regional Coordinator, the caseworker and the surrogate parent will coordinate a referral to the Local Interagency Team.

#### **School Records**

As the custodial parent representative, FS social workers have access to the educational records of a student in DCF custody. In addition, the educational surrogate parent and the child's parents (unless there has been a termination of parental rights) also have a right of access to the records.

Federal law requires social workers to review and update a child's education and health records at administrative case reviews and supply them to the foster care provider with whom the child is placed. This information must also be shared with new providers at the time of each placement change.

In addition, Family Services is required to supply education and health records to youth, free of charge, at the time the youth leaves foster care by reason of having attained the age of majority under State law.

#### **Education for Children in Residential Placements**

When a student is proposed for residential care, the social worker should call a treatment team meeting that includes representatives of the current school district and the district of the parent's residence as well as the Educational Surrogate Parent (if any) to discuss the proposal and develop and implement a Coordinated Service Plan.

The social worker will notify the Family Services Placement Specialist and the Department of Education regarding possible residential placement and submit the required CRC packet for placement approval.

Children who are placed in a residential facility that operates a school or tutorial are the educational responsibility of the district of parental residence; they are the Local Education Agency (LEA).

When no parent resides within the state, the Department of Education will assign a LEA based on the district where the child and parent(s) lived at the time of entrance into custody as documented on the disposition report.

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### Home Schooling or Placement in a Parochial or Private Independent School

Family Services is responsible to coordinate planning for the educational needs of all children in custody, including students eligible for special education. However, if a child is receiving special education, the decision for the child to receive education in a private school, parochial school, or at home is made by both the educational surrogate parent and the case worker.

All requests for children not receiving special education services to receive education in a private school, parochial school, or at home should be made through the appropriate operations manager.

Family Services will not pay the cost of tuition for non-residential schools unless approved by the Deputy Commissioner or designee.

### Teams for Educational Support

The Family Services case worker is the parent representative for the following planning teams:

**Educational Support Teams (EST):** All schools have Educational Support Teams that focus on the school meeting the needs of all students and to ensure collaboration with families, community supports and services. Social workers should make a referral to the EST when they believe a child in their care is in need of academic or behavioral assistance. The social worker may also be asked to attend an EST meeting called by the school to share information and help brainstorm solutions.

**Section 504 Teams:** Students with disabilities who are not in need of special education must be provided with appropriate accommodations in order to assure access to general education. 504 teams must plan appropriate accommodations with input from the parent or guardian. Educational surrogate parents are not assigned to 504 eligible students.

### Encouraging Youth to Stay in School

Social work staff will encourage youth in custody to complete their education whenever possible. According to Vermont law, all youth must stay in school (or an approved alternative) until age 16, or be regarded as truant. Youth in custody may not drop out of school without the permission of the social worker. If a youth is considering dropping out, the social worker will work with that youth to explore alternative ways to complete his or her education. The youth's parent(s) and treatment team should be consulted in the decision-making.

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**Notification to Central Office**

Districts will notify their operations manager when:

- A child or youth not on an IEP is receiving home-bound instruction (home tutoring) in excess of ten days;
- an application to home school a child has been made to the Department of Education;
- a child or youth is suspended for more than ten days; or
- a hearing to expel a child or youth is scheduled.