

# Bulletin

June 14, 2010

Minnesota Department of Human Services -- P.O. Box 64941 -- St. Paul, MN 55164-0941

## OF INTEREST TO

- County and Tribal Directors
- Social Services Supervisors and Staff

## ACTION/DUE DATE

For your review.

## EXPIRATION DATE

June 14, 2012

## Educational Stability for Children in Foster Care

### TOPIC

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) amends Titles IV B and E of the Social Security Act, adding section 475 (1)(G) to revise case plan requirements to improve educational stability for children in foster care.

### PURPOSE

To inform counties and tribes of the educational provisions of the new federal law.

### CONTACT

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### SIGNED

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Erin Sullivan Sutton  
Assistant Commissioner  
Children and Family Services

**Background:**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) amends Titles IV B and E of the Social Security Act, adding section 475 (1)(G) to revise case plan requirements to improve educational stability for children in foster care.

The act requires that child welfare agencies provide a plan to ensure educational stability for foster children. This includes:

- Assurances that the placement of a child in foster care takes into account the appropriateness of the current educational setting, and the proximity of the school in which a child is enrolled at the time of placement; and
- An assurance that the state agency has coordinated with appropriate local educational agencies (as defined under section 9191 of the Elementary and Secondary Education Act of 1965) to ensure that a child remains in the school in which they are enrolled at the time of placement; or
- If remaining in such school is not in the best interests of a child, assurances by the state child welfare agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of a child's educational records provided to the school. In addition, the act expands the definition of "foster care maintenance payments" to include reasonable travel for a child to remain in the school in which they are enrolled at the time of placement.

The act includes an Educational Attendance Requirement in section 471(a) (30), as a part of the state Title IV-E plan, that school age children in foster care and for whom there is eligibility for a payment under the state plan, is a full-time elementary or secondary school student and is enrolled in school; instructed in elementary or secondary education at home; in an independent study elementary or secondary program; or incapable of attending school on a full-time basis due to the medical condition of a child, which incapability is supported by regularly updated information in the child's case plan.

Minnesota has several resources, statutes, and efforts in place to comply with the new federal educational stability requirements.

**Social Service Information System (SSIS) Documentation**

The Social Service Information System (SSIS) provides two places to record a child's educational status. There is an education screen in the Child Well-being/Checkup/Education folder where social workers can document a child's school information. The out-of-home placement plan provides fields to record a child's previous school attendance, and whether the agency has a copy of a child's school records. The out-of-home placement plan also asks for a child's specialized education plan, as appropriate, and the plan for addressing a child's special educational needs.

### **2007 Minnesota Child and Family Service Review (CFSR)**

In 2007, Minnesota participated in the federal Child and Family Service Review (CFSR). Many child welfare indicators are addressed in the federal review. The educational needs of children are found in the Child Well-being Outcome 2 indicator in the national Child and Family Service Review instrument. This indicator, Item 21, "Educational Needs of Children," addresses how well an agency attended to the educational needs of children in both in-home and out-of-home placement cases. In particular, the reviewers determined whether the educational needs of children were identified and documented in the case plan, and whether support services were provided when needed. In Minnesota's recent CFSR, federal reviewers determined that 86 percent of cases reviewed were rated as substantially achieved for this outcome.

Minnesota was found not to be in substantial conformity in this indicator, as the national standard requires a rating of 95 percent or higher for this outcome. In the cases reviewed:

- There was lack of assessment of educational needs, even when there was clear evidence that a child was experiencing school-related problems
- Educational needs were identified and noted in the case record, but no services were provided to address those needs; educational issues were not included in the case plan
- Truancy and the need for greater coordination among tribes, counties and local schools to improve school attendance for American Indian children and youth was identified as a significant need with serious consequences for children, families and the community.

Specific examples that contributed to cases being rated as strength included:

- The agency maintained consistent contact with a child's school through phone calls and meetings in order to monitor a child's school performance.
- Caseworkers regularly attended a child's individualized education plan (IEP) meetings
- Educational surrogate parents and guardians ad litem (GAL) educational advocates consistently represented children's educational needs
- The agency ensured that a child was in the right educational setting to meet their needs
- The agency promoted higher education opportunities and assisted children with college applications and tuition.

### **Financial Claims for Transportation Costs**

In order for counties to claim Title IV-E reimbursement for transportation costs for reasonable travel to and from a child's school, agencies should work with foster parents to have them provide transportation. These costs can be included in a child's Difficulty of Care (DOC) assessment as an increase to the DOC level of care. Another option is to make a separate payment for a child's transportation costs to foster parents or another provider, such as the local school district. A new Title IV-E service type will be added to the Title IV-E Abstract to submit child-specific claims for educational transportation only. A new Special Cost code for education related transportation will be added in SSIS Version 5.4 to Service Arrangements and Payments. This Special Cost code will ensure that education related transportation can be claimed when the IV-E Abstract Report is enhanced to accommodate the education related transportation business

rules. The changes to the IV-E Abstract Report to submit claims for education related transportation will be added by December 31, 2011. Counties will then be able to claim education related transportation for the current quarter, as well as the previous four quarters. For more information about how to claim educational transportation costs for the time period beginning October 1, 2008 through September 30, 2010, contact Deb Jensen, Financial Operations Division, (651) 431-3740.

### **Minnesota Statutes**

Minnesota Statutes, section 260C.212, subd. 2, Placement Decisions Based on Best Interest of a Child, considers schools and a child's educational needs as part of the eight placement factors. In addition, the following factors should be considered when reviewing a child's educational needs and deciding whether a child should be transferred to a new school:

- Child's grade level performance
- Child's ability to adjust to new school setting and whether school counseling services are available to help student adjust
- The special education needs, or Individual Education Plan (IEP) plan, if one is in place for a child
- Continuance of curriculum/coursework
- Ability for child to complete a grade and or graduate
- Ability for records to transfer
- Ability for credits, points to transfer and or be accepted at the new school
- Continuance or comparable academic support and or special education
- Distance of the commute from current school and potential foster home/placement setting
- Ability of foster parents to transport child to school.

School disruption is difficult for any student, therefore, caseworkers must ensure that youth remain in their current school when considering placement. Caseworkers should identify a foster home that can support a child's educational needs, including transportation, the need to stay after school for additional help, and participation in extra curricular activities that support a student's social network.

If a child must transfer to a new school, caseworkers should reduce the "gap" in time from a child exiting their current school and enrolling and entering a new school. Caseworkers should meet with school officials to address adjustment issues, and to plan academic continuity for a child.

Whether a child remains in their current school or is enrolled in a new school, case workers should be on hand to address the stigma of being in foster care, and or the family issues that led to a child entering care. In tight-knit or rural communities, children have to often deal with and discuss their "family issues" with fellow students that may have knowledge of their situation, and the reason they entered care. School teachers, counselors, and other officials should communicate with foster parents and caseworkers to address bullying, teasing, hazing and other

behavior adjustment issues in a timely manner.

Final Report, Minnesota Child and Family Services Review, May 8, 2008

U.S. Department of Health and Human Services

Administration for Children and Families

Administration on Children, Youth and Families

Children's Bureau.

**Americans with Disabilities Act (ADA) Advisory**

This information is available in alternative formats to individuals with disabilities by calling (651) 431-4671. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency's ADA coordinator.