

Foster Care & Education

COVID-19

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Preparing for the New School Year During COVID-19

Introduction

With the new school year starting during an ongoing pandemic, it is essential that local and state education agencies (LEAs and SEAs) and child welfare agencies coordinate with each other about students in foster care to address their unique needs and challenges. Regardless of the type of instruction a school district uses (i.e., in-person, remote learning, or a hybrid), SEAs, LEAs and child welfare agencies (CWAs) must collaborate to address the issues these students face to prevent further academic challenges, trauma and stress.

For LEAs and child welfare agencies to meet their responsibilities to ensure educational stability for students in foster care under federal law (including the Every Student Succeeds Act (ESSA) and Fostering Connections to Success and Increasing Adoptions Act) they must adapt to the current pandemic by considering new factors to ensure quality best interest decisions for students in foster care. For more information about education decision making, please see Appendix A. Increased data-sharing and partnership between SEAs, LEAs and child welfare agencies is also critical to ensure students in care have access to educational materials and technology, track students' academic progress (or regression), and address problems as needed. Strong data-sharing and partnership practices can also help prevent the spread of COVID-19 and protect the health of the student, caregivers, teachers and peers, and communities as the school year begins.

Checklist for LEAs and Child Welfare Agencies

General

Information-sharing between LEAs and child welfare agencies:

- SEA and/or LEAs should share updated LEA foster care point of contact information with child welfare agencies so child welfare agencies can efficiently send and request information.
- Child welfare agencies should provide LEAs with an accurate list of students in foster care.
 - Update this information at the start of the school year.
 - Update and send this information immediately upon enrollment of new students throughout the school year.



- LEAs should communicate up-to-date continuity of learning plans for fall 2020 to child welfare agencies as soon as available and provide timely updates if the plans change throughout the school year. This allows the child welfare agency time to put change of supports in place as school plans change, as they may need to revise plans for many students in foster care across school districts.
- Child welfare agencies must provide clear information to LEAs about who holds education decision-making rights for the student and ensure there is a clearly defined education decision maker (EDM) at all times. This may be the birth parent, the foster or kin parent, or another individual. Child welfare agencies may also want to clarify when there are specific education decisions the agency (i.e., ESSA school stability) or others (i.e., reasonable and prudent parenting standards) are authorized to make.

Coordinating and preparing:

- If the student’s caregiver has children in different schools with different learning plans, the child welfare agency should work with the family and the LEAs to coordinate a manageable way for the family and students to balance conflicts that might exist. When in the student’s best interest and if feasible, consider arranging for foster siblings to be on a coordinated school schedule.
- Everyone must be prepared to switch to a different learning plan at short notice and help students and caregivers do so. Some schools will begin school with a fully remote learning plan, with plans to move to a hybrid or in-person school model at some point during the school year. Other schools that start in person may need to move to remote or hybrid learning models. Only with good communication between the caseworker, caretaker, and schools can these changes be navigated smoothly.

Supporting caregivers:

- LEAs and child welfare agencies should frequently contact caregivers about their evolving needs and challenges as they support the student’s educational needs. The need for caregiver involvement in a student’s education has increased in most cases, regardless of the reopening model implemented by a school. Caregivers may need additional resources (i.e., how to access additional supports for the student) and advice to successfully take on this role.
- Many LEAs are providing free meals to students in need through their school nutrition programs. LEAs should continue, and increase where necessary, providing meals to students during the COVID-19 pandemic, even when school buildings are closed. Child welfare agencies should partner with LEAs to ensure all families known to the agency know meals are available and they can access this benefit. Even before the pandemic, students in foster care were categorically eligible for free and reduced school meals. Since the pandemic, many students in foster care are eligible for additional supports.

Accessing technology:

- LEAs and child welfare agencies should work together to ensure all students in foster care have their own technology and internet connectivity ready for the first day of school.
- LEAs and child welfare agencies must work together to address liability issues when receiving school-issued technology. Confusion about who is responsible for lost or damaged equipment must be avoided to prevent harming students in foster care, as access to school-issued technology may be critical to their education this year.



- Child welfare agencies should secure technology for students in foster care if school-issued technology is not available.
 - Work with local organizations and donors to secure funding and devices before the start of the school year so valuable learning time is not missed.

Supporting struggling students:

- To best support students in foster care, professionals should be trained on trauma-informed care and interventions. This is always important for students who have experienced abuse and neglect and is especially critical now due to the strong potential for additional trauma and stress.
- Consider a tracking and monitoring procedure that ensures both child welfare agency and the LEA can identify which students in foster care are regressing during COVID (e.g., examining progress check data, assignment grades, test scores).
- When students are struggling or unengaged, child welfare agencies and LEAs should collaboratively reach out to the student and family (i.e., jointly conduct virtual home visits) and identify specific supports that are best for the student.
- LEAs and child welfare agencies should discuss and provide training on any changes needed to comply with mandated reporting guidelines. Caution should be taken to ensure abuse and neglect reporting is happening appropriately.
 - Be aware of overreporting. Some signs that alert reporters of abuse and neglect in normal circumstances, such as absenteeism, may be attributed to other reasons during COVID-19 (e.g., internet connectivity issues).
 - Revised guidelines should address how to make necessary reports in a virtual environment (e.g., what a teacher should do if they observe abuse on video camera during class time).

Supporting students with IEPs or other special education:

- Regardless of the model of learning used this coming school year, special education students remain entitled to the services and supports required by the Individuals with Disabilities Education Act (IDEA).
 - Individual Education Programs (IEPs) should continue to be updated annually and new referrals should be evaluated timely.
 - LEAs must continue to track and monitor the progress students in foster care receiving special education services make under the IDEA.
- LEAs must work with child welfare agencies, service providers, and caregivers to ensure the right services and supports are being provided, both at home and in person at school.
- Child welfare agencies must advocate to ensure students in foster care who qualify for special education are receiving the supports and interventions they need to make educational progress. Child welfare agencies and caregivers should track the student's progress, or regression, and be prepared to advocate for services (including compensatory services). At times third party advocates (i.e., legal aid attorneys, child attorneys, special education attorneys) could assist the agency or caregiver in these efforts.



Unique Considerations for Different Learning Models:

In-person schooling

Health and safety considerations:

- LEAs and child welfare agencies must collaborate to ensure students' emergency contacts are accurate and up-to-date. Students may be sent home during the school day if they display symptoms of COVID-19 or if health concerns arise at school, and the appropriate party must be notified.
- LEAs and child welfare agencies should coordinate to ensure students in foster care and their families have enough protective equipment, including masks, sanitizer, and other health and safety supplies, and can access the school building safely.

School stability and best interest determinations:

- Even when a school returns to in-person learning, the school may allow a student to remain virtual if it is in their best interest. Safeguards must be used to make sure any decisions related to school delivery models are student-specific decisions that include the right considerations. All involved parties must be clear on how the final decision will be made. For more information, see Appendix A.

Students with IEPs or other special education needs:

- If a student was not provided the instruction or services included in their IEP before in-person instruction resumed, schools should provide compensatory services in a timely manner when in-person learning starts.
 - The child welfare agency may need to advocate (or involve third-party entities to assist) for the child to receive supports to get back on track to succeed in school.
- Even when in-person learning resumes for students receiving special education, there may be reasons why it is in the student's best interest to choose a remote learning option, if offered. As mentioned above, all education decisions, including choices about learning format, need to be made in a student-centered way following a clear decision-making process. See Appendix A for more details.

Transportation:

- Transportation plans may need to be adjusted to account for COVID-related challenges (i.e., school child is attending is open, but school providing transportation is doing distance learning; social distancing requirements disrupting carpools).

Hybrid Options (some combination of in-person and distance)

School stability and best interest determinations:

- Best interest decisions need to consider all parts of the hybrid option. Factors must be weighed with as much detail as possible, including: student learning strengths and weaknesses, caregiver ability to supervise students during distance learning, developmental stage of the child, and other specifics to each student's case and situation. For more information, see Appendix A.

Transportation:

- Transportation plans may need to be adjusted to account for COVID-related challenges (i.e., school child is attending is open, but school providing transportation is doing distance learning; social distancing requirements disrupting carpools).



Students with IEPs or other special education needs:

- It may be challenging to meet the needs of special education students through distance learning. Therefore, schools may allow students with disabilities to benefit from in-person instruction when safe and possible to do so, even if in-person instruction is not an option for other students.

Distance learning

School stability and best interest determinations:

- If a student participating in distance learning is required to change living placements, maintaining school stability is possible regardless of how far the student moves from the physical school. While this may increase school stability and continuity, an ESSA best interest decision should still be made to guarantee that distance learning at that school is in the child's best interest. For more on this process, see Appendix A.
- If a student is participating in distance learning through a school outside the district they live in, consider allowing the student to access free and reduced meals from the district closest to them.
 - This is recommended whenever a student in foster care is enrolled in a school outside of the district they live in, regardless of whether the school is using a distance learning model.

School Engagement:

- Child welfare agencies and LEAs will need to encourage student attendance and participation during distance learning, as students in foster care will be at greater risk of disengaging from school. Some strategies to increase engagement include:
 - LEAs and child welfare agencies can share student engagement data so child welfare agencies can encourage and support students who are not engaging with online learning opportunities.
 - Caseworkers or teachers may attempt to connect with the student through text or other messaging to check in and encourage participation.
 - Parents/caregivers may be notified of the number of days or classes the student has missed, along with attendance expectations.

Students with IEPs and other special education needs:

- To the extent possible, schools, child welfare agencies, and caregivers should work together to ensure students are provided services and accommodations they are entitled to under their IEPs or 504 plans. If certain services cannot be provided via distance learning, IEP teams can create unique distance learning plans to outline what services can be provided until in-person instruction resumes. (Note that these distance learning plans do not replace or waive students' rights to services under their IEPs. Every effort should be taken to ensure all required services are provided to students, regardless of learning format.)
- Schools should plan to provide compensatory services to students upon return to in-person instruction to address regression and loss of learning due to distance learning.



Appendix A: Making COVID-Related Educational Decisions for Students in Foster Care

The COVID-19 pandemic is challenging education systems across the nation. Students in foster care are among those most acutely impacted and their unique educational issues are more complex due to COVID-19. While decisions about school stability for students in foster care have always been significant, the COVID-19 pandemic and resulting fallout introduces new considerations and challenges that need to be addressed. This resource outlines a new process for making decisions that are in these students’ best interest.

School Stability Best Interest Decisions (BIDs) must consider new COVID factors

The Every Student Succeeds Act (ESSA) and Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) require a process to make BIDs when making decisions about school stability for children in care. Local Education Agencies (LEAs) and child welfare agencies (CWAs) must collaborate to determine if it is in a child’s best interest to remain in the same school when a child enters foster care or changes placement. This framework is essential to deciding where students in care will receive their schooling. Additionally, school stability BIDs are typically revisited periodically (at least every six months), often over the summer leading into a new school year. Any BIDs (made before or during COVID) that are revisited while the COVID-19 pandemic continues to impact learning must incorporate COVID considerations.

Factors to consider during an ESSA BID must include several new “COVID factors.” **See below for examples:**

<u>Typical School Stability BID Factors:</u>	<u>Additional “COVID factors”:</u>
<ul style="list-style-type: none"> • Appropriateness of current educational setting • Proximity of the placement • Child’s preference • Parent and/or EDM preference • Child’s attachment to school and staff • Placement of child’s siblings • Availability and quality of services in the current and potential school to meet needs • School climate/safety • Impact of school change, including commute • Child’s special needs (i.e., disability, English Language Learner) <p>*COST OF TRANSPORTATION CANNOT BE A FACTOR.</p>	<ul style="list-style-type: none"> • What dates are each school scheduled to begin new instruction? • Are there health needs of the child/household member that should be considered? • What is the plan for frequency and delivery of instruction for the child at each school? Would the student receive in-person, virtual, or hybrid instruction every day, alternate days, or another plan? • What is the capacity for internet connectivity where the student is living? What technology is needed and how could access be supported? • How will health mitigation strategies impact availability of transportation to school of origin? • What is the likelihood of each school division returning to more or less-restrictive modes of delivery in the near future, and how would this impact the student’s education? Are COVID-19 case numbers increasing or decreasing in each locality?



COVID-19 will require decisions to be made about a child’s best interest outside of school stability decisions.

Method of Learning Decisions. During the COVID-19 pandemic, a number of new decisions have to be made about a child’s education relating to the method of learning, many of which vary by school district. An example is whether a child should return to school in-person or continue in a distance-learning setting. A student in foster care may need to opt out of in-person learning and participate through distance learning. In other cases, advocacy may be needed to ensure a student can attend school in person if face to face instruction will help the student benefit and thrive.

BID Process for Method of Learning Decisions. The school stability BID process can be used for COVID-related method of learning decisions. In the BID process, the CWAs guide the decision making and involve the LEA, parent, caregivers, student, and other relevant parties. The role the child’s Educational Decision Maker (EDM) has in the decisions must be addressed in any procedure developed to make the COVID decisions. The EDM may be the child’s biological parent, caregiver, or another court-appointed figure. Regardless of who the EDM is, that person makes the final decision unless a court has said otherwise.

Replicating a school stability BID process for COVID decisions relating to method of learning ensures the child’s best interest is safeguarded. Any process used should ensure the decision involves all relevant information, people, and factors to consider (both COVID factors listed above and the more typical school stability BID factors) to reach the best final decision. Part of this decision-making process will likely include assessing health and safety risk factors for the child and family. This process gives all parties and participants a chance to be heard with the goal of reaching a consensus about what is best for the student.

Handling Conflicts There may be significant disagreement between individuals and agencies over how a child should receive their education. In these cases, it will be important to decide upon a dispute resolution process specific to these situations. For example, this could involve having a court resolve a dispute between the EDM and others, such as the CWA. Another option could be a court-ordered limitation of the education rights of the parent and placing EDM rights with another party. This change of EDM could be limited to just this COVID education delivery decision or could apply to all education decision-making authority.

Summary. The goal for all of these decisions is to have a clear process in place to reach a decision all parties can agree on while focusing on the individual and unique needs of the child. A blanket solution cannot be applied, and an established process is needed to protect students in care from further disruption.

