

August 22, 2012

TO THE ADMINISTRATOR ADDRESSED:

Re: Importance of Maintaining Educational Stability for Children and Youth in the Foster Care System¹

There are approximately 16,000 children under the umbrella of foster care attending Texas public schools. Children in foster care face a number of challenges that impact their ability to be successful in the school environment. Children in foster care move from home to home and school to school more frequently than other children for a number of reasons; usually those reasons involve the need to ensure the child resides in the safest and most appropriate home environment that meets the child's needs. Some children and youth may reside in multiple placements and may ultimately attend many different schools over the course of their time in foster care. Consequently, children in foster care frequently lose course credit, repeat courses they have already taken, are placed in inappropriate classes or grade levels, and cannot participate in extracurricular activities. Delays in transferring school records result in serious disruptions in learning and special education services.

Research shows poor education outcomes for youth in foster care. From aggregate data provided by the Texas Education Agency (TEA) from its Public Education Information Management System (PEIMS), the Texas Department of Family and Protective Services (DFPS) concluded that many students in foster care struggle to achieve minimum educational outcomes and establish educational stability. The following DFPS conclusions mirror the national research on education outcomes for children and youth in foster care conducted by the Casey Family Programs. (www.casey.org):

- Children and youth in foster care are likely to lack basic foundation skills in core subjects.
- 51% of the students in foster care graduate from high school compared to 79% of students in the general population. (PEIMS 2010-2011)
- Students in foster care are almost three times more likely (31%) to receive special education services compared to students in the general population (10%). (PEIMS 2010-2011)
- Students in foster care are much more likely to be disciplined in school for fighting and "persistent misconduct" than students in the general population and are more likely to receive out-of-school suspension. (PEIMS 2010-2011)

¹Foster or substitute care means the placement of a child who is in the conservatorship of the Texas Department of Family and Protective Services or an authorized agency in care outside the child's home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the Texas Youth Commission. *See* Fam. Code § 263.001.

Federal Law

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, requires state child welfare agencies to work with their state and local education systems to support initiatives to improve educational outcomes for children in foster care. On August 25, 2011, the U.S. Department of Education and the U.S. Department of Health and Human Services issued a joint letter to all Chief State School Officers and State Child Welfare Directors (<http://nrcpfc.org/nrc-wu/mainview.asp?ID=165>) informing them of provisions in the federal law that require local education agencies and child welfare agencies to coordinate to ensure that children in foster care maintain "education stability."

As outlined in the letter, the law specifically requires that at the time of a child's initial placement in foster care, the child welfare agency (DFPS) must coordinate with local education agencies to ensure that children remain in their current school (unless doing so poses a safety risk for the child or is otherwise not in the child's best interests), thereby keeping them connected with teachers, other family members including siblings, and friends, and helping them continue to progress in their school work.

State Law

Section 25.007 of the Texas Education Code requires TEA to assist the transition from one school to another of students in foster care by:

- ensuring that school records for a student in foster care are transferred to the student's new school not later than the 14th day after the date the student begins enrollment at the school;
- developing systems to ease transition of a student in foster care during the first two weeks of enrollment at a new school;
- developing procedures for awarding credit for course work, including electives, completed by a student in foster care while enrolled at another school;
- promoting practices that facilitate access by a student in foster care to extracurricular programs, summer programs, credit transfer services, electronic courses provided under the Texas Virtual School Network, and after-school tutoring programs at nominal or no cost;
- establishing procedures to lessen the adverse impact of the movement of a student in foster care to a new school;
- entering into a memorandum of understanding with DFPS regarding the exchange of information as appropriate to facilitate the transition of students in foster care from one school to another;
- encouraging school districts and open-enrollment charter schools to provide services for a student in foster care in transition when applying for admission to post-secondary study and when seeking sources of funding for postsecondary study requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student in foster care by a school previously attended by the student; and
- providing other assistance as identified by TEA.

Memorandum of Understanding

Pursuant to section 25.007(b)(6) of the Texas Education Code, TEA entered into a Memorandum of Understanding (MOU) with DFPS that requires the exchange of information to facilitate the transition of students in foster care from one school to another and includes

provisions to support the additional requirements of section 25.007 aimed at easing the disruption caused by educational placement moves by children in foster care.

TEA offers school districts technical assistance in their efforts to ensure that student records are transferred in a timely manner, and provides school district superintendents and principals with a periodic report of all requests for records in the Texas Records Exchange System (TREx) that have not been fulfilled within ten business days.²

Further, the MOU directs TEA and DFPS to jointly develop and distribute information to school districts regarding the challenges facing children and youth in foster care, and the importance of employing strategies that will help maintain or improve educational outcomes and stability for these youth.

New statute: Liaison with state child protective services required (House Bill 826)

Section 33.904 of the Texas Education Code requires each school district to appoint (by December 1, 2011) at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state.

In the 2011 – 2012 school year, TEA received a competitive federal demonstration grant from the Administration for Children and Families to build capacity at TEA to assist school districts with program information and support for the newly designated liaisons, commonly called school district foster care liaisons. The grant is a collaborative initiative between the Children’s Commission of the Texas Supreme Court, DFPS, and TEA. In the 2012 - 2013 school year, designated school district foster care liaisons will benefit from optional TEA training and support for this new school district liaison role including: an online foster care resource guide, a Webinar series, email support, a dedicated webpage, a collaborative space on Project Share, and a temporary foster care program specialist at TEA. These resources are currently under development in the TEA Division of Federal and State Education Policy.

Important Action Item: There are three (3) important ways for school district foster care liaisons to connect with TEA at the start of the school year. Please forward this information to the designated liaison(s).

- 1) Please complete this form to provide district contact information for the liaison registry:
<https://www.surveymonkey.com/s/fostercareliaison>
- 2) The designated email address to the TEA program office is:
fostercareliaison@tea.state.tx.us
- 3) To join the listserv: Go to <http://www.tea.state.tx.us/list>, select “Foster Care Education” from the pull-down list, then click the button “join” and follow the on-screen instructions.

Attendance, Admission, Enrollment Records and Tuition

On August 2, 2012, TEA distributed an annual *To The Administrator Addressed* letter that summarized several important Texas statutes relating to attendance, public school admission,

²Although section 25.007 of the Texas Education Code states that school records for students in foster care must be transferred to the student’s new school not later than the 14th day after the date the student begins enrollment at the school, section 25.002 of the Texas Education Code provides that school records must be furnished not later than the 10th working day after the date a request for the information is received.

enrollment records, and tuition. This August 2, 2012, document specifically addresses the enrollment of children in foster care in Section II. ADMISSION and Section III. ENROLLMENT RECORDS.

Strategies to Assist with Education Stability

- School superintendents should identify the school district foster care liaison for students in foster care and notify the Child Protective Services (CPS) Regional Education Specialist at the local DFPS office of that person's name and contact information. Administrators should utilize the local DFPS staff and CPS Regional Education Specialists³ for school-related issues and for training opportunities on topics such as recognizing and preventing child abuse, and the effects of trauma-informed care on students in foster care. A map identifying the DFPS geographic regions and contact information for DFPS staff can be found at: http://www.dfps.state.tx.us/contact_us/map.asp
- Pursuant to section 7.010 of the Texas Education Code, each school district and open-enrollment charter school must utilize the Texas Records Exchange (TREx) to electronically request and transfer student transcripts, including information concerning a student's course or grade completion, teachers of record, assessment instrument results, receipt of special education services (including placement in a special education program and the individualized education program developed), and personal graduation plan as described by section 28.0212 of the Texas Education Code. Prompt record transfer will enable students to complete grade and course requirements and improve the students' opportunity to participate in the school's credit recovery program rather than repeating an entire course.
- Schools should encourage eligible students to take advantage of the Texas Virtual School Network to take courses, including courses not offered at the local public school, toward requirements for high school graduation. Administrators and educators should identify and remove barriers for students in foster care to participate in extracurricular activities, enrichment and summer school programs, as well as sports activities.

With these strategies in mind, please note that TEA and DFPS appreciate your work to ensure that children in foster care maintain education stability and improve educational outcomes.

Sincerely,

R. Todd Webster
Chief Deputy Commissioner

³CPS Regional Education Specialists serve as DFPS resources and provide educational support to children and youth in foster care.