

FOSTER CARE & STUDENT SUCCESS:



TEXAS SYSTEMS WORKING TOGETHER TO TRANSFORM EDUCATION OUTCOMES OF STUDENTS IN FOSTER CARE



ACKNOWLEDGMENTS

STATE OF TEXAS COLLABORATION

Texas Education Agency

Mike Morath

Commissioner of Education

Texas Department of Family and Protective Services

Jaime Masters

Commissioner

Supreme Court of Texas, Permanent Judicial Commission for Children, Youth and Families (Children's Commission)

The Honorable Eva Guzman

Former Justice, Past Chair Supreme Court of Texas Children's Commission

DEVELOPMENT TEAM AND CONTENT CONTRIBUTORS

Texas Education Agency

Kelly Kravitz

Director, Highly Mobile and At-Risk Student Programs, Office of Special Populations and Monitoring

Jordan Brown

Special Projects Coordinator, Highly Mobile and At-Risk Student Programs, Office of Special Populations and Monitoring

W. Montgomery Meitler

Senior Counsel & Confidentiality Officer, Office of General Counsel

Kelly Goodman

Manager of Communications and Outreach, Office of Special Populations and Monitoring

Lisa Gouveia

Creative Media Designer, Office of Strategic Communications

Texas Department of Family and Protective Services

Denise Brady

Senior DFPS Policy Attorney

Carol Self

Director of Permanency

Felicia Penn

Education Program Specialist

Paul Busby

Permanency Program Specialist

Supreme Court of Texas, Permanent Judicial Commission for Children, Youth and Families (Children's Commission)

Jamie Bernstein

Executive Director

Renee Castillo De La Cruz

Staff Attorney

Aimee Corbin

Staff Attorney

SPECIAL APPRECIATION FOR AGENCY LEADERSHIP AND SUPPORT

Texas Education Agency

Jennifer Alexander

Associate Commissioner, Office of Special Populations and Monitoring

Justin Porter

Executive Director, Special Education Program

Texas Department of Family and Protective Services

Deneen Dryden

Associate Commissioner for Child Protective Services

Additional acknowledgments are included on page 171



POSTCARDS SEEN IN GUIDE

The postcard art included throughout this guidebook is generously donated by [Foster Care Alumni of America](#). The postcard art provides insights, shares perspective, and highlights experiences from youth and alumni who have experienced foster care.



“MY HOPE IS THAT PROFESSIONALS IN ALL SYSTEMS AND COMMUNITIES REALIZE THAT MY STORY CAN BECOME THE NORM WHEN EVERYONE INVOLVED DOES THEIR PART TO ENSURE THE BEST INTERESTS OF CHILDREN AND YOUTH ARE NOT ONLY TALKED ABOUT, BUT MORE IMPORTANTLY FOLLOWED THROUGH ON. LET US STAND TOGETHER TO IMPROVE OUTCOMES FOR CHILDREN AND YOUTH IN FOSTER CARE.”



Growing up in foster care wasn't the best experience for me, but it was definitely more bearable knowing that I had a constant support system from the day I entered at five years old until I aged out at 18. Too many times, children and youth in foster care are stigmatized because they are in the system. Oftentimes, they are discouraged from participating in extracurricular activities and encouraged to graduate on the minimum plan, which leads to several barriers for alumni who want to attend college. However, I consider myself truly blessed because my foster parents, caseworkers, judge, attorney, therapist, community personnel, teachers, counselors, and so many other advocates refused to allow my status as a child in foster care to prevent me from being successful.

I had my share of behavior problems that led to my being sent to in-school suspension (ISS) several times. Yet, my support system quickly guided me back on track. They helped me realize it was okay to be upset, sad, confused, and frustrated because I was in foster care, but it wasn't okay to act out in a negative way on those emotions. Their consistent patience and understanding paid off, and I realized no matter what problems I had, they were in my corner and committed to my success. Behavior problems became unheard of when I entered high school.

Although I moved through approximately eight placements while in foster care, the adults in my life advocated to keep me in the same school [community] for elementary, middle school, and high school. The mere fact that I never changed schools [districts] is a phenomenon practically unheard of among children and youth in foster care. Staying in the same school [community] allowed me to have lasting friendships, participate in various extracurricular activities in my school and community, and build a large caring adult support system. Their efforts to embody the idea that “it takes a village to raise a child” helped me transition from high school to college successfully. I was able to graduate with my bachelor in Sociology and master in Social Work. I still have plans of obtaining my PhD. My hope is that professionals in all systems and communities realize that my story can become the norm when everyone involved does their part to ensure the best interests of children and youth are not only talked about but more importantly followed through on. Let us stand together to improve outcomes for children and youth in foster care.

— An alumna of the Texas foster care system

KEY FOR ICONS AND COLORS

Helpful resources and reminders featured throughout this guide are noted by these icons:



▷ Tip



▷ Law



▷ Reminder



▷ Resources



▷ Collaboration



▷ New Items



▷ Note



▷ Best Practice

You will see the following icons and corresponding colors to indicate the type of chapter/section:



Preface, Appendices, and References



Overview



Cross-System and Collaboration



District and LEA (Local Educational Agency) Responsibilities

TABLE OF CONTENTS



PREFACE 9

Opening Remarks..... 9

The Goals of this Guide 9

Guide Background 9

How to Use this Guide 10

Where Can I Go for More Information on Foster Care and Education at the Texas Education Agency?..... 10

Top Things Educators Should Know About Students in Foster Care 11



CHAPTER 1 | Education & Students in Foster Care: An Overview 13

Introduction 14

National Overview 14

Maintaining School Stability..... 15

Texas Foster Care Data..... 17



CHAPTER 2 | Increasing Cross-system Awareness 22

Texas Commits to Improving Education Outcomes of Students in Care..... 23

Texas Department of Family & Protective Services 24

Court System 25

Education System..... 25

Workforce System 27



CHAPTER 3 | Building Cross-System Partnerships: Education, Child Welfare, And Courts 29

Cross-System Collaboration is Necessary..... 30

Guiding Principles and Ground Rules 30

Practical Steps for Establishing Collaboration and Local Partnerships 31

Collaboration in Action: Foster Care Consortia 33



CHAPTER 4 | Child Welfare 101 35

What is Foster Care?..... 36

How Children and Youth Enter the Foster Care System 37

Types of Abuse and Neglect Investigated by the Department of Family and Protective Services 38

Reporting Child Abuse and Neglect..... 40

Living Arrangements of Children and Youth in Foster Care..... 41

A Student’s Journey Through Foster Care..... 43

Key People Involved in the Life of a Student in Foster Care..... 45

Working with Key People in a DFPS Case in the School Setting..... 51

Other Situations Where a Child May Be Living in Out-of-Home Care, but not in DFPS Managing Conservatorship 52



CHAPTER 5 | Education Agency Foster Care liaisons: Responsibilities & Expectations 53

Liaison Introduction and Overview 54

Annual Reminders 55

13 Key Activities for LEA Foster Care Liaisons 57



CHAPTER 6 | School Enrollment, Withdrawal, and Other Transition Considerations For Students In Foster Care 62

Why Prompt Enrollment is Important 63

Timeframe for Enrollment at a New School 63

Records Needed to Admit and Enroll a Student in School 65

Information Necessary for Admission and Enrollment Described 65

Actions to Take When a Student in Foster Care Withdraws or Changes Schools 69

DFPS Coordination to Support School Transitions 70

Other School Transition Considerations 73



CHAPTER 7 | Identifying Students & Maintaining Confidentiality 78

Reasons Why Schools Must Identify Students in Foster Care 79

Acceptable Documents for Identifying Students at Enrollment 80

Foster Care and PEIMS Coding 81

FERPA and Information Sharing For Students in Foster Care 82

Practices to Identify Students And Ensure Confidentiality 83

Communicating “Need-to-Know” Information 85



CHAPTER 8 | Introduction to The Every Student Succeeds Act (ESSA) 87

The Every Student Succeeds Act (ESSA) Described 88

ESSA, Fostering Connections and Texas Law 88

ESSA Impacts for Students in Foster Care 89

ESSA Foster Care Topics and Common Questions 90



CHAPTER 9 | Education Decision-Making 95

Education Decision-Making Authority 96

Education Decision-Making for Students Receiving Special Education Services 97

Caregiver & Caseworker General Education Decision-Making Responsibilities 98

Deciding Where a Student Attends School 99

Involvement of the Student’s Parents or Other Family Members 99



CHAPTER 10 | Trauma-Informed School Supports, Student Mental Health & Discipline 100

The Impact of Traumatic Childhood Experience on Education 101

Adverse Childhood Experiences (ACEs) 101

Trauma-informed School Communities 102

Supporting the Mental Health Needs of Students in Foster Care 104

Supporting the Behavioral Health Needs of Students in Foster Care 105

Student Discipline: Special Considerations For Students In Foster Care 105

Truancy and Attendance Concerns 108
 Bullying Prevention 110
 Multi-tiered Systems of Support..... 112

CHAPTER 11 | The School Experience: Promoting Student Success 114

Create a School Environment that is Sensitive to the Experience of Students in Foster Care..... 115
 Programmatic School Supports for Students Academic Success and Well-being 118
 Implementing Academic Supports and Intervention According to State Law..... 119
 Promoting High School Completion 124
 Determining the Right Endorsement for Graduation 126
 The Impact of Testing on High School Completion..... 128
 Determining When a High School Equivalency Program (HSEP) is Appropriate..... 129

CHAPTER 12 | Students Eligible For or Receiving Special Education Services 130

Special Education Eligibility..... 131
 Serving as the “Parent” Regarding Special Education Decisions 132
 Surrogate Parents..... 133
 The Role of Caregivers for Students in Special Education..... 134
 Requesting a Psychological or Educational Evaluation of a Student..... 134
 Considerations for Highly Mobile Students 135
 If a Student’s Special Education Needs are Not Being Met 135
 Section 504 136

CHAPTER 13 | Transitioning From Foster Care & Post-Secondary Education Opportunities 137

Transitional Living Services Described 138
 Helping Students Prepare for the Transition to Successful Adulthood..... 139
 High School to College & Career - Creating Post-Secondary Pathways 140
 Post-Secondary Education Opportunities 142
 Financial Supports for Post-Secondary Education 143
 Preparing Students for College 144
 College Support Network and College Campus Programs 145

ADDITIONAL INFORMATION 147

Endnotes 147

Appendices 151

Appendix A: Glossary of Terms 151
 Appendix B: Rights of Children and Youth in Foster Care 157
 Appendix C: Key People Involved in the Life of a Student in Foster Care? 161
 Appendix D: CPS Process—Flow Chart..... 162
 Appendix E: Placement Authorization Form 2085—Sample..... 163
 Appendix F: Designation of Education Decision-Maker (2085-E) 164
 Appendix G: List of School Records to be Transferred Through the TReX System..... 165



Appendix H: Education Records Collected by CPS System, Case Record and Education Portfolio
(CPS Handbook, Section 4330 and 4360)..... 166

Appendix I: Description of the Responsibilities and Duties of the DFPS Regional Education Specialist 167

Appendix J: Resource Section 168

Appendix K: DFPS Forms, Enrollment, and Identification FAQs 169

Original Guide Key Contributors Acknowledgment.....171

Beyond The Guide 172

Citation, Disclosure & Copyright 173

PREFACE

Welcome to the Second Edition of the Texas Foster Care & Student Success Resource Guide. The revised version maintains the integrity of the first publication originally released in 2013, while restructuring some of the information, adding new chapters, and providing updated content to align with current federal and state laws and best-practice guidance. The primary purpose of this guide is to inform, educate, and empower education professionals with information, resources, and tools to positively impact the educational experience of students in foster care. Our goal is to increase awareness about the complexities and challenges that impact students in foster care and promote cross-system practices and collaborative strategies that improve their educational stability and achievement. Although this guide is primarily designed for education professionals, it will also be beneficial to caregivers, child welfare workers, kinship families, child advocates, and others who work with students to help them achieve success in school and in life. Knowledgeable, caring adults play a significant role in guiding students to a successful educational experience while in the foster care system and beyond.



Defining the term “FOSTER CARE,”

For the purposes of this guide, the term “foster care” is used to refer to all children and youth who are in the custody of the State of Texas due to abuse and/or neglect, regardless of their living arrangement. This includes living arrangements with relatives and kin, also known as kinship care. Detailed information about the foster care system in Texas, including different types of living arrangements and caregivers, will be explained in [Chapter 4](#).

THE GOALS OF THIS GUIDE

- To provide educators with useful information that will guide them in creating a positive education experience for students in foster care.
- To familiarize educators with the complexities of the foster care system and the relevant laws and policies that influence the educational experience of students in foster care.
- To centralize foster care and education information, while increasing awareness and promoting improved cross-system practices and partnerships that benefit students in the Texas foster care system.







Working to achieve these goals, Texas strives to fulfill the education provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Every Student Succeeds Act (ESSA) of 2015 that promote school stability and require coordination across child welfare and education systems.

GUIDE BACKGROUND

The Texas Education Agency (TEA) joined with the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children’s Commission) and the Texas Department of Family and Protective Services (DFPS) to address improving the education outcomes of students in foster care. The second edition of this Resource Guide reflects the collaborative efforts of many caring professionals, agencies, and systems working together to address the education of students in foster care.



HOW TO USE THIS GUIDE:

- ▷ View the Table of Contents for specific questions and relevant topics. The chapter content is grouped by colors and icons:
 -  Preface, Appendices, and References
 -  Overview
 -  Cross-System and Collaboration
 -  District and LEA (Local Educational Agency) Responsibilities
- ▷ The guide provides practice tips, key reminders, collaboration strategies, relevant laws, take-away notes, additional resources, and new content throughout. There are many links to additional information and guidance to assist you in supporting the educational success of students in foster care.
- ▷ The appendices contain charts, resources, and information, including a Glossary with relevant Child Protective Service (CPS) and legal terms/acronyms, to provide a better understanding of the child welfare system and terms used throughout the guide (see page 151).

WHERE CAN I GO FOR MORE INFORMATION ON FOSTER CARE AND EDUCATION AT THE TEXAS EDUCATION AGENCY?

1. Visit [TEA's Foster Care & Student Success webpage](#) for more information.
2. Subscribe to [TEA's Foster Care and Student Success newsletter](#). TEA releases newsletters with information, resources, and tools related to education and students in foster care.
3. Email Fostercareliaison@tea.texas.gov if you have any questions or need support in addressing the education of students in foster care.

Thank you for considering this resource guide and for making a difference in the lives of students who are involved with the child welfare, court, and education systems in Texas.





TOP THINGS EDUCATORS SHOULD KNOW ABOUT STUDENTS IN FOSTER CARE:

-  **STUDENTS COME INTO FOSTER CARE THROUGH NO FAULT OF THEIR OWN AND MAY HAVE EXPERIENCED CHAOTIC, ABUSIVE, OR NEGLECTFUL ENVIRONMENTS.**

Some concerns may include prenatal exposure to drugs or alcohol, witnessing domestic violence involving one or more of the student's parents or caregivers, or exposure to other abusive behavior.
-  **STUDENTS IN FOSTER CARE WANT TO BE TREATED LIKE OTHER STUDENTS.**

The school day can provide a sense of normalcy and be an escape from challenges students are facing in their personal and home life.
-  **MAINTAINING CONFIDENTIALITY AND SENSITIVITY IS VERY IMPORTANT.**

Students in foster care do not want to be stigmatized as "foster children" and often do not want their schools to know. Students communicate that this label has negative connotations and can feel embarrassing and shameful. Maintaining confidentiality and sensitivity is highly important. School staff must balance privacy with the need to share information to better support a student's education.
-  **STUDENTS IN FOSTER CARE HAVE MANY STRENGTHS.**

Each student has unique gifts, talents and attributes. School leaders have a unique role in recognizing and cultivating these strengths and linking students to opportunities where they can grow and thrive. Students in care also have friendships, caring family members, and supportive adults. All strengths should be celebrated, nurtured, and supported. Look for and seek out opportunities to promote the strengths of students in foster care.
-  **FAMILY INVOLVEMENT IS IMPORTANT.**

Immediate family and relatives will remain an important part of the student's life, even after a student is removed and placed in foster care. In most cases, family can and should be involved. However, contact may be limited by DFPS or the court, so check with the student's caseworker to find out if there are any specific restrictions.
-  **STUDENTS OFTEN ENTER FOSTER CARE WITH GAPS IN THEIR EDUCATION.**

For a variety of reasons some students may not be prepared to enter their age-appropriate grade. Additionally, school moves, delays in transferring educational records from school to school, and loss of course credits can contribute to gaps in a student's education.
-  **TRAUMA AND ADVERSE EXPERIENCES MAY IMPACT STUDENT LEARNING, BEHAVIOR, AND SOCIALIZATION.**

As a result of trauma and adverse childhood experiences, students in foster care may show signs of depression or anxiety and may have trouble socializing with their peers or trusting new adults. Students in foster care may also present challenging behavior at school. School staff may benefit from additional training on the impact of trauma, how to implement trauma-informed practices in the classroom, and solution-focused alternatives to suspension and disciplinary school placements.
-  **STUDENTS IN FOSTER CARE ARE OFTEN HIGHLY MOBILE.**

Due to a variety of external circumstances, students may have to relocate to new homes and communities. A student may experience several residential or school moves while in care. Residential changes and school moves may happen quickly and leave students unable to say "goodbye" to their current school, supportive adults, and peers. If school withdrawal procedures are not followed, there may be additional challenges with school transitions.
-  **STUDENTS IN FOSTER CARE HAVE EXPERIENCED TREMENDOUS LOSS.**

Students are often separated from siblings, family members, friends, pets, and personal belongings. Loss of important education, social, cultural, and family connections are common and compound the trauma experienced. Celebratory seasonal events such as school holiday festivities and related classroom activities or assignments may inadvertently reignite feelings of loss and trigger grief for students in out-of-home care.

✓ **STUDENTS IN FOSTER CARE WANT TO PARTICIPATE IN DECISION-MAKING AND ENGAGE IN GOAL SETTING.**

Students benefit from being included in decision-making and discussions related to their school success and long-term goals.

✓ **ACADEMIC AND EXTRA-CURRICULAR ENRICHMENT OPPORTUNITIES HELP STUDENTS REACH THEIR HIGHEST POTENTIAL.**

Promoting access to advanced academics and rigorous coursework such as Advanced Placement (AP), International Baccalaureate (IB), Career and Technical Education (CTE) classes, in addition to challenging extracurricular activities, supports well-rounded personal growth and an overall positive school experience. Involving students in foster care in innovative high school programs such as Pathways in Technology Early College High School (P-TECH); Texas Science, Technology, Engineering and Mathematics (T-STEM); and early college high schools provides students with a range of opportunities to earn post-secondary credits while in high school.

✓ **THERE ARE MANY CHILD WELFARE PROFESSIONALS AND ADVOCATES WHO WORK WITH STUDENTS UPON THEIR ENTRY INTO FOSTER CARE.**

These individuals may include a Department of Family and Protective Services (DFPS) caseworker, the student's DFPS designated Education Decision-Maker, Community-Based Care staff and caseworker, child placement agency case manager, a Court Appointed Special Advocate (CASA) or guardian ad litem, and an attorney ad litem, among others. It is likely that these persons will contact the student's school to get education information regarding their client.

✓ **SUPPORTS AND RESOURCES ARE AVAILABLE TO HELP STUDENTS TRANSITION OUT OF FOSTER CARE AND PAY FOR COLLEGE.**

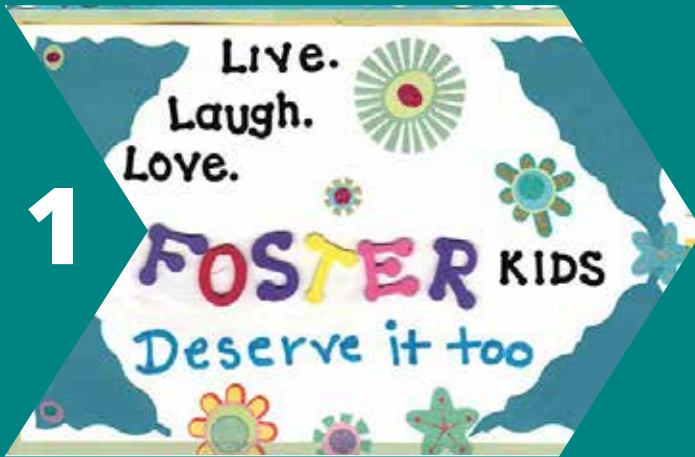
These can include college scholarships, tuition and fee waivers, grants, and college campus-based programming. Additionally, DFPS programs and services help youth prepare for and transition to a successful adulthood. Educators and counselors must be aware of these opportunities and, when able, connect students to these resources.

✓ **FEDERAL AND STATE LEGISLATION SUPPORTS STUDENTS IN FOSTER CARE.**

Topics supported by law include immediate enrollment, school stability, maintaining school placement, easing transitions, designating LEA Foster Care Liaisons, information sharing, transportation, and coordination between the child welfare and education systems.

Representatives of education, child welfare, and the courts are committed to improving the educational outcomes of students impacted by the Texas foster care system.





EDUCATION & STUDENTS IN FOSTER CARE: AN OVERVIEW



EDUCATION & STUDENTS IN FOSTER CARE: AN OVERVIEW

- INTRODUCTION
- NATIONAL OVERVIEW
- MAINTAINING SCHOOL STABILITY
- TEXAS FOSTER CARE DATA

POSTCARD: Provided by Foster Care Alumni of America - "Live. Laugh. Love."

CHAPTER 1

Education & Students in Foster Care: An Overview

INTRODUCTION

On any given day, there are approximately 17,000 school-aged students in Texas schools who are in foster care. Texas students in foster care compose a small percentage of the total student population, yet face unique challenges that greatly impact success in the school environment and require specialized supports, interventions, and cross-system collaboration. Before entering foster care, students may have lived in chaotic home environments, experienced physical and/or emotional trauma, attended school sporadically, or had parents or family members who were unable to meet their physical and emotional needs.

When the Department of Family and Protective Services (DFPS) becomes involved with a student due to abuse, neglect, or exploitation allegations, it seeks to ensure their safety. A court grants legal custody of the student to DFPS if it is determined the student cannot safely remain with a parent or legal guardian. DFPS secures a relative, foster home, or other setting to ensure the student's safety and well-being. A judge oversees the case while a student is in foster care. A student may be in foster care temporarily or for a longer period of time, depending on the court's findings. Once in foster care, students may experience several residential placement changes before they are placed in or returned to a permanent home. If the school placement also changes, students are faced with the challenge of adjusting simultaneously to both their new home environment and an unfamiliar school setting.

In the 2019-20 school year, nearly 20% of all students in foster care made at least one school move. Research shows that frequent school moves have a negative impact on academic achievement for students. In some instances, highly mobile children may lose four to six months of emotional and academic growth and educational progress for each school move.¹ Students who change schools frequently suffer the loss of important emotional and social connections. Additionally, when students in foster care change schools, despite the protections in place, they may lose course credits, repeat courses they have already taken, be placed in inappropriate classes or grade levels, or not be allowed to participate in extracurricular activities. Delays in transferring school records may result in serious disruptions in a student's academic progress. Despite these challenges, many students formerly in foster care report that school provided much needed consistency in their lives. Students often recall a caring teacher or school staff member who truly made a difference.

There are approximately
17,000
school-aged students
in Texas schools who
are in foster care on any
given day.

NATIONAL OVERVIEW

Nationally, there are approximately 400,000 children in the foster care system on any given day, and an estimated 26,000 young people "age out" of our nation's foster care system annually.² These students have significantly lower educational achievement than their peers not in foster care.

To ensure successful educational outcomes for students in foster care, twelve organizations joined together to form the [National Working Group on Foster Care and Education](#) to review studies from around the country on children and youth currently and formerly in foster care.³ According to these studies, when compared to the general student population, students in foster care were more likely to be suspended or expelled, repeat a grade, or drop out. They also scored lower on statewide standardized tests and were less likely to graduate.⁴



33% of students formerly in foster care **enrolled in higher education** within 7 years of turning 18.



In 2017, DFPS and the Texas Higher Education Coordinating Board exchanged state data for the first time on the outcomes of higher education for students formerly in foster care. The data revealed that out of the 33% of students formerly in foster care who enrolled in higher education within seven years of turning eighteen-years old, 1.5% obtained a Bachelor's Degree, 0.5% obtained an Associate Degree, and 1.5% earned a certification in a technical field.⁵

Lower educational achievement has a significant ripple effect leading to other difficult circumstances. Studies show that foster care alumni experience higher rates of unemployment and homelessness and are more likely to face economic hardships in adulthood.⁶

Research suggests that education is a critical component to positively impacting the lives of students who experience foster care. Success in school can be a positive counterbalance to the challenges students have experienced.⁷ Whether students are in the foster care system for short or long periods of time, their education is important for long-term success.

Success in school can be a positive counterbalance to the challenges students have experienced.

MAINTAINING SCHOOL STABILITY

School stability is a necessary component to improving the educational experience and outcomes of students in foster care. Research highlights a link between school stability and improved graduation rates. According to the Casey Family Programs' National Alumni Study, foster youth who had one fewer placement change per year were almost twice as likely to graduate from high school.⁸ It is widely recognized that school mobility contributes negatively to education outcomes and has adverse effects on students in general.⁹

WHY DO MANY STUDENTS IN FOSTER CARE MOVE FREQUENTLY?

Students in foster care change residential placements when their current situation is not meeting their specific needs. When a change of placement is required, and there is no available placement within the current school district attendance zone that meets the student's needs, the student may be placed outside of the attending school district. The student remains in that new residential placement until it is necessary or in the best interest for the student to move to a more permanent placement. Often, there is sufficient time to notify the school and prepare the student for transfer; however, sometimes circumstances require abrupt changes on short notice.



WORKING COLLABORATIVELY

Strengthening partnerships between educational agencies, DFPS, and court systems is essential to supporting students impacted by foster care. It is important that agencies and systems who work with students in foster care collaborate with each other and include the students themselves and their families in decision-making. Educators are critical partners in effectively meeting the needs of students in the Texas child welfare system. Through partnership and coordination, education and child welfare systems can accomplish the goal of improving the educational experience and outcomes of students in foster care.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008¹⁰ requires state child welfare agencies to work with their state and local education systems to support initiatives to improve educational outcomes for students in foster care. In 2015, federal education law was reauthorized and, for the first time, included educational stability provisions for students in the child welfare system. The Every Student Succeeds Act (ESSA) strengthened and mirrored the educational stability mandates of the Fostering Connections Act. It did so by requiring state and local education and child welfare partnerships, collaboration, and accountability to increase educational stability and improve educational outcomes.



LAW: Federal Education and Child Welfare Provisions

Child Welfare Law: Fostering Connections to Success and Increasing Adoptions Act of 2008 includes:

- Emphasis on the importance of school stability, maintaining the school in which the child was enrolled at the time of placement, and the need for coordination between state and regional child welfare and state and local educational agencies.
- Assurance that the residential placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.
- If remaining in the same school is not in the child's best interest, the child welfare and local educational agencies will work together to ensure immediate and appropriate enrollment and provide ALL of the child's educational records to the new school.

Education Law: Every Student Succeeds Act (ESSA) of December 2015 includes:

- Mandatory collaboration between child welfare and educational agencies at both the local and state level to ensure school of origin protections, transportation, best interest decision-making, and dispute resolution processes are jointly established and followed.
- Designation of state and local level points of contact at both the educational and child welfare agencies to support implementation of ESSA education stability provisions for children in the foster care system.
- Collaboration on the best interest decision-making processes between educational and child welfare agencies to determine factors that influence whether remaining in the school of origin is in the best interest of the child.
- Education and child welfare joint development of local written transportation procedures and "additional cost" sharing of transportation when it is in the best interest of children in foster care to remain in their school of origin.
- Development of dispute resolution processes for disagreements between child welfare and educational agencies on how to cover costs of transportation to sustain school of origin attendance.
- Reporting of disaggregated data by state and local educational agencies on the academic achievement and graduation rates of students in foster care.

TEXAS FOSTER CARE DATA

NUMBERS HIGHLIGHT CALL TO ACTION

- ⇒ Students in foster care experience educational instability and lag behind the general student population in high school completion.
- ⇒ Students in foster care are almost 2.5 times more likely to receive special education services compared to students in the general population.¹¹
- ⇒ Students in foster care are much more likely to be disciplined in school than other children; they receive out-of-school suspension at more than two times the rate of their peers.¹²
- ⇒ In 2019, children from the ages of 14–17 made up approximately 17% of children in the Texas child welfare system.¹³
- ⇒ 1,212 young adults aged out of foster care in 2019 and lived, on average, in six different placements.¹⁴
- ⇒ Only 39% of the children in foster care were living in their home county¹⁵ in August, 2019.¹⁶

Students in foster care are **2.5 times** more likely to receive special education services.

Students in foster care:



All Students:



1,212 young people aged out of foster care in 2019 and lived on average in **6 different placements.**



THE HISTORY AND PURPOSE OF THE TEXAS FOSTER CARE PEIMS CODE

In 2013, Texas law established the identification and reporting of students in foster care through the Public Education Information Management System (PEIMS). Identifying and reporting the number of students in foster care attending Texas public schools helped to ensure that they received applicable educational supports.

In 2015, ESSA included students in foster care as a sub-population for data collection and analysis by state and local educational agencies. State report cards are now required to include disaggregated information, including the graduation rates and academic achievement of students in foster care. The existing PEIMS code for students in foster care helped Texas fulfill the new ESSA data collection requirements beginning in the 2016-2017 school year. Texas public schools can now make data-informed decisions when building infrastructures and mechanisms to support academic interventions for students in foster care.

Data Reveals Achievement Gap

State and federal report cards now include education data for students in foster care.¹⁶⁶ This information reveals a significant achievement gap between students in foster care and their peers. Students in foster care have the lowest graduation rate and highest dropout rate of all highly mobile student groups. TEA encourages local educational agencies to set up systems and processes to monitor and assess the academic progress of students in foster care.

EDUCATIONAL OUTCOMES

GRADUATION RATES

In 2019, high school graduation rates for students in foster care decreased from 63.4% to 62.6%. These rates are significantly behind their peers statewide, which have held steady at 90.0%.¹⁶⁷

Students in foster care are **graduating at lower rates** than their peers statewide.

Students in foster care:



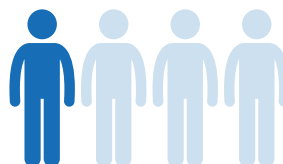
All Students:



DROPOUT RATES

In 2019, 25.0% percent of students in foster care dropped out of school, while less than 6.0% of their peers in the same graduation class cohort dropped out of school.¹⁶⁸

In Texas **1 out of every 4 students,**



25% in foster care **dropped out of school,** compared to 5.9% of their peers in 2019.

2018-2019 STAAR Results

Academic achievement data reveals the percentage of students in foster care who approached, met and mastered grade level for the 2018-19 school year on the State of Texas Assessment of Academic Readiness (STAAR). The STAAR is a series of statewide tests that helps reveal how students are doing in school. The goal is to ensure students are learning what they should be and are on-track to graduate from high school ready for college, a career, or the military.

57% of students in foster care scored at **Approaches Grade Level or Above** on the STAAR in all subjects and all grades compared to their peers at 77%.

28% of students in foster care scored at **Meets Grade Level or Above** on the STAAR in all subjects and all grades compared to their peers at 49%.

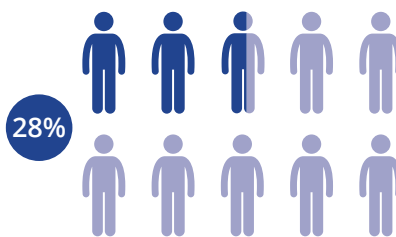
10% of students in foster care scored at **Masters Grade Level or Above** on the STAAR in all subjects and all grades compared to their peers at 23%.

→ Approaches Grade Level or Above

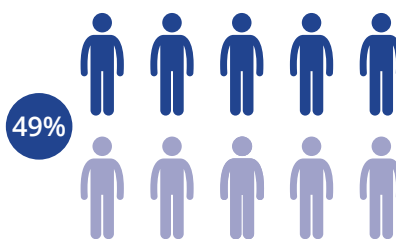
✓ Meets Grade Level or Above

⚙ Masters Grade Level or Above

Students in Foster Care:

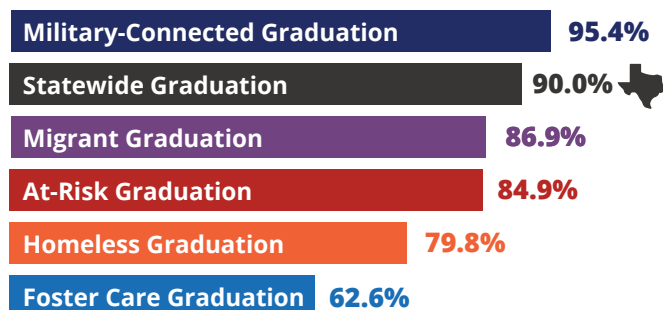


Student Peers:

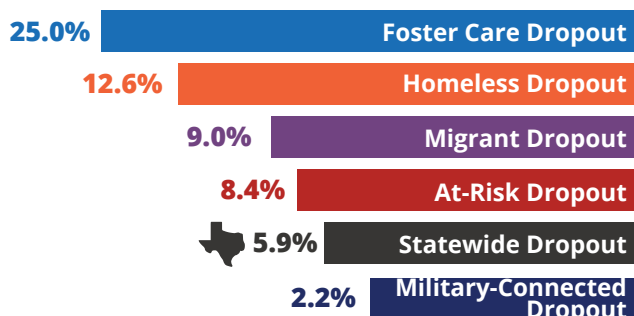


The chart below provides a look at graduation and dropout rates among highly mobile students, at-risk students, and all students state wide. Of these groups, students in foster care have the lowest graduation rate (62.6%) and highest dropout rate (25.0%). This data demands attention and action.

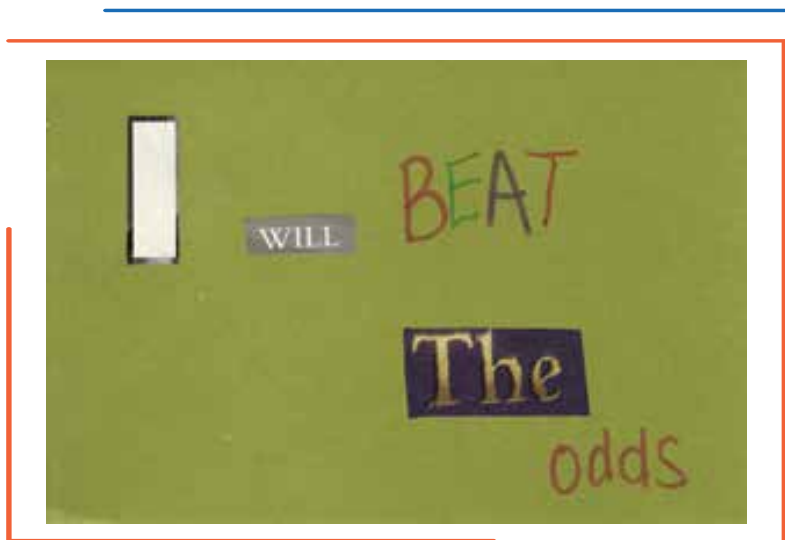
Graduation Rates



Dropout Rates



“ ALTHOUGH I AM A CHILD IN FOSTER CARE AND THE STATE OF TEXAS IS MY LEGAL GUARDIAN, IT DOESN'T MEAN MY DREAMS MUST DIE. A SUCCESSFUL EDUCATION WILL HELP ME TAKE ONE CRUCIAL STEP OF MANY I WILL TAKE IN LIFE TO ACHIEVE MY DREAMS. THE QUESTION IS: WILL I SAY BECAUSE OF YOU OR IN SPITE OF YOU... I REACHED MY DREAMS? ”

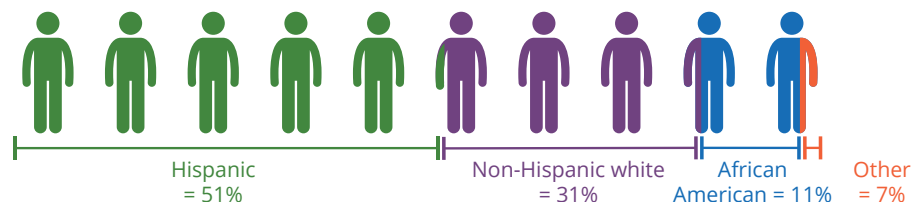


DEMOGRAPHICS OF TEXAS STUDENTS IN FOSTER CARE¹⁷

Students in Foster Care:



Total Population of Students in Texas:



Child Welfare and Disproportionality

Disproportionality is a term used to describe the over- or under-representation of a particular group in comparison to their percentage in the general population.¹⁶⁹ Children of color are overrepresented in the child welfare system. There is research available to increase understanding of the theories regarding the disproportionate representation of children of color in foster care, including parent and family risk factors, community factors, and organizational and systemic factors.¹⁷⁰

- African American children and youth are the most overrepresented racial group in the foster care system. Of the 20,540 children and youth removed from their homes in 2018 by DFPS, 4,373 were African American, totaling 21% of all children removed. This percentage is disproportionate, considering that African American children and youth represent only 11% of the total child and youth population in Texas.
- 8,280 Hispanic children and youth were removed from their homes, totaling 40% of all children removed from their homes. Hispanic students are disproportionately underrepresented, considering they represent 51% of the total child population in Texas.
- 6,463 Caucasian children and youth were removed from their homes, totaling 32% of all children removed from their homes. Caucasian students are slightly underrepresented, considering they represent 31% of the total child population in Texas.
- All other races are categorized as “Other,” totaling 7% of all children removed from their homes. Children in this category are removed proportionally, considering they represent 7% of the total child population in Texas.



RESOURCES: Disproportionality and Child Welfare

Texas Department of Family and Protective Services, [“FY 2018 Disproportionality Analysis.”](#)

Pursuant to DFPS Rider 14 of the 2018-2019 General Appropriations Act, 85th Legislature, the analysis provides DFPS information on the racial and ethnic breakdown of children in the seven largest counties in the state of Texas.

Child Welfare Information Gateway, [“Racial Disproportionality and Disparity in Child Welfare.”](#)

National Council of Juvenile and Family Court Judges (NCJFCJ), Technical Assistance Bulletin, [“Disproportionality Rates for Children of Color in Foster Care.”](#) Provides a comprehensive breakdown of each state’s child welfare data, as it relates to disproportionality rates for children in foster care.

Casey Family Programs, [“Disproportionality and the Child Welfare System: The Disproportionate Representation of Children of Color in Foster Care.”](#)



RESOURCES: Foster Care and Education

[The Texas Department of Family and Protective Services](#)

[Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families, Foster Care and Education](#)

[Texas Education Agency, Foster Care & Student Success](#)

Children's Bureau, The Child Welfare Information Gateway, "[What is Child Welfare? A Guide for Educators.](#)"

[The Legal Center for Foster Care and Education](#)

[Casey Family Programs, Education resources](#)

[HHSC Child Welfare Information Gateway, Fostering Connections](#)

[U.S. Department of Education, Foster Care](#)

[Data Report from DFPS/Children's Commission/TEA](#)





Stronger
than

INCREASING CROSS-SYSTEM AWARENESS



IN THIS CHAPTER

- TEXAS COMMITS TO IMPROVING EDUCATION OUTCOMES OF STUDENTS IN CARE
- TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
- COURT SYSTEM
- EDUCATION SYSTEM
- WORKFORCE SYSTEM

POSTCARD: Provided by Foster Care Alumni of America - "Stronger than expected"

CHAPTER 2

Increasing Cross-System Awareness

TEXAS COMMITS TO IMPROVING EDUCATION OUTCOMES OF STUDENTS IN CARE

In 2010, the Supreme Court of Texas issued an Order Establishing the Education Committee of the Permanent Judicial Commission for Children, Youth and Families (the Children’s Commission). The order charged the Education Committee to study the education challenges of students in foster care and develop recommendations to improve educational outcomes of students in the Texas foster care system. The order resulted in over 100 court, education, and child welfare stakeholders coming together over an 18-month period to listen and learn from each other, discuss and debate the issues, and ultimately develop the Education Committee’s recommendations. The recommendations can be found in the Final Report of the Education Committee, [“The Texas Blueprint: Transforming Education Outcomes For Children & Youth in Foster Care,”](#) which was submitted to the Supreme Court of Texas on May 3, 2012.

The core focus areas of the committee included:

- Judicial Practices
- Multi-Disciplinary Training
- School Stability and Transitions
- Post-Secondary Education
- Data and Information Sharing
- School Readiness
- School Experience, Supports, and Advocacy
- Future Collaboration



The Education Committee reached consensus on many recommendations, including changes to daily practices, modifications to education and child welfare policy, and amendments to the Texas legal framework.

In December 2012, the Supreme Court of Texas created by court order the Texas Blueprint Implementation Task Force—which included members from DFPS and TEA—to prioritize the Texas Blueprint recommendations and monitor implementation. In 2015, the Children’s Commission committed to long-term implementation by creating a standing Foster Care & Education Committee.

Since this time TEA, DFPS, the Children’s Commission, and other stakeholders have participated in state-level workgroups and committees focused on complex policy issues, collaboration, training, guidance, processes, and related matters for advancing the education of students in foster care in Texas.

Areas of focus include education decision-making, higher education, data analysis, information sharing, special education, residential treatment centers, ESSA implementation, confidentiality, transition planning, and higher education pathways.



TEXAS FOSTER CARE & EDUCATION COLLABORATIVE REPORTS

Texas has engaged in cross-systems, collaborative work to address recommendations from the Texas Blueprint and advance the education of students in foster care in Texas schools:

- [Foster Care College Tuition & Fee Waiver Process: Flowchart](#)
- [Texas Blueprint Implementation Data Workgroup, "Texas commits to transform education outcomes of students in foster care."](#)
- [Foster Care & Education Committee, "Information Sharing Between Child Welfare and Schools: Maintaining Privacy and Promoting Educational Success."](#)
- [Regional CPS Education Consortia, "The Building Blocks to Engaging Community Stakeholders."](#)
- [Foster Care & Education Committee, "Statewide Survey on Local Collaboration Summary and One-pagers \(School, Caregiver, CPS, and Legal\)."](#)
- [Texas CASA, "Educational Advocacy Toolkit."](#)
- [Texas Higher Education Coordinating Board, "Texas Higher Education Information and Resource Guide for Foster Care Liaisons."](#)
- [Foster Care & Education Committee, "The Road to College: Texas Foster Youth & Post-Secondary Education."](#)
- [Transition Planning Guide for Students in Foster Care Receiving Special Education Services](#)

Please visit the [Children's Commission Education Committee](#) website for more information.



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (DFPS)

In Texas, DFPS¹⁸ investigates allegations of child abuse and neglect, provides services to children and families, and monitors the state foster care system. DFPS also manages prevention and early intervention programs in the community, which aim to prevent delinquency, abuse, neglect, and exploitation of Texas children.

DFPS staff are responsible for:

- Providing services to children and families in their own homes;
- Placing children in foster care;
- Providing services to help youth in foster care make the transition to a successful adulthood; and
- Placing children in adoptive homes.

Every day, about 10,000 DFPS employees in more than 300 offices in 11 DFPS regions across the state protect the physical safety and emotional well-being of the most vulnerable citizens of Texas. Within each DFPS region there are a number of services and opportunities to support students in foster care.

Pursuant to Texas law, in some parts of the state, services are provided through a model called “Community Based Care,” in which entities referred to as Single Source Continuum Contractors (SSCCs) coordinate and oversee services (see *Chapter 4 for more information on the DFPS system*).

COURT SYSTEM

Child Welfare, also referred to as Child Protective Services (CPS),¹⁹ cases are heard by district, county court-at-law, or associate judges in courts with jurisdiction to hear family law matters. Depending on the county, some or all of the judges with jurisdiction in that county may hear the cases or one judge may be designated as the CPS judge. Additionally, there are multiple specialty judges who solely hear CPS cases; these specialty courts are referred to as Child Protection Courts. The Texas Family Code requires that courts hold periodic hearings during the time a child is in foster care. The court makes specific findings at each hearing and may enter additional orders to ensure that the child’s emotional, physical, and educational needs are being met while the child is in care.



TIP: Reach out to the local judges and lawyers who handle DFPS cases to enhance collaboration. Introducing the foster care liaison is a good place to start, as well as informing the court stakeholders of other LEA efforts to help students in foster care. Some judges have education-specific initiatives, so these connections can directly impact the experiences of students in foster care.

EDUCATION SYSTEM

Texas has one of the largest public-school systems, composed of more than 1,202 independent school districts and charter schools that educate 5.4 million students each year. Of those, 51% of students were identified as at-risk for dropping out of school in the 2019–2020 school year, according to definitions adopted by the Texas Legislature.

STATE EDUCATIONAL AGENCY (SEA):

TEA is the state educational agency (SEA) responsible for administering federal and state education laws and policies. Statewide educational leadership in Texas is provided by the [Commissioner of Education](#), the [State Board of Education](#) (SBOE), and the [State Board for Educator Certification](#) (SBEC). The head of the TEA is the Commissioner of Education, who is appointed by the [governor](#). The Commissioner is supported by a hierarchy of deputy commissioners, associate commissioners, division directors, and agency staff. The TEA and SBOE guide and monitor activities and programs related to public education in Texas. The SBOE consists of fifteen elected members representing different regions of the state. One member is appointed chair by the governor. The SBEC oversees all aspects of the preparation, certification, and standards of conduct of public school educators. The mission of TEA is to improve outcomes for all public-school students in the state by providing leadership, guidance, and support to school systems. TEA maintains a comprehensive website of resources and information for the public and works to implement statewide policy initiatives, including facilitating collaboration among education stakeholders on both the state and local levels. For information about foster care programs, please visit the [TEA Foster Care and Student Success webpage](#).



Commissioner Morath with Fort Bend ISD

LOCAL EDUCATIONAL AGENCIES (LEAS):

Texas has more than 1,200 Local Educational Agencies (LEAs) operating more than 8,800 public schools, including charter schools. Texas schools provide a free public education to students enrolled in grades Pre-K through 12.

EDUCATION SERVICE CENTERS (ESCS):

Texas has a regional education support system for LEAs called Regional Education Service Centers (ESCs). The support services and technical assistance ESCs provide to LEAs enables LEAs to operate more efficiently, implement legislative and commissioner initiatives, and assist in improving student performance. ESCs are funded through state, federal, and school district grants and contracts. Twenty independent ESCs provide services to school districts throughout the state. The ESCs are service organizations, not regulatory arms of the Texas Education Agency, and LEA utilization of ESC services is voluntary.



STEM and Work-Based Learning Tour, ESC Region 14



Every ESC has voluntarily designated an ESC Foster Care Champion to serve as a point of contact on foster care matters within their respective ESC region. ESCs offer professional development courses and some may host collaborative forums and joint trainings with child welfare partners, known as Education Consortia. Contact your local ESC to learn about opportunities, training, and supports that may be available to address the education of students in foster care. ESC Foster Care Champion contact information is maintained in AskTED. Locate your region's ESC Foster Care Champion by visiting the [AskTED Region Search](#) page, then selecting 'personnel' under information type and 'foster care liaison' from the drop down box under 'select roles'.



EDUCATION SYSTEM'S ROLE IN HELPING IMPROVE EDUCATION OUTCOMES

Both state and federal lawmakers recognize that students in foster care are faced with numerous barriers and unique challenges that impact a student's school experience and educational outcomes. Thus, state and federal laws exist to identify students (while maintaining confidentiality), improve school stability, remove barriers when school moves occur, and spur collaboration between education and child welfare systems to promote educational success. The Texas Education Code (TEC) and ESSA have numerous provisions concerning students in foster care that will be discussed throughout this resource guide.

INSTITUTIONS OF HIGHER EDUCATION (IHE):

An institution of higher education is any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined [TEC § 61.003](#).

TEXAS HIGHER EDUCATION COORDINATING BOARD (THECB):

The Texas Higher Education Coordinating Board is a state agency that oversees all public, post-secondary education in Texas.

Texas institutions of higher education designate a foster care liaison to support and assist students in foster care and young adults with experience in foster care. A public institution of higher education is statutorily required to obtain the names of current and incoming students currently or formerly in DFPS conservatorship and provide that information to the institution's foster care liaison. The law also requires the institution to publicize the liaison's name and contact information along with the available support services.

For more information about higher education Foster Care Liaisons and assisting students with accessing higher education, visit [Texas Higher Education Foster Care Liaisons Information and Reference Manual](#)



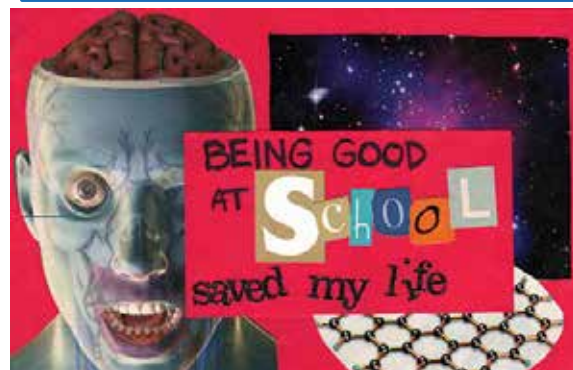
WORKFORCE SYSTEM

TEXAS WORKFORCE COMMISSION (TWC):

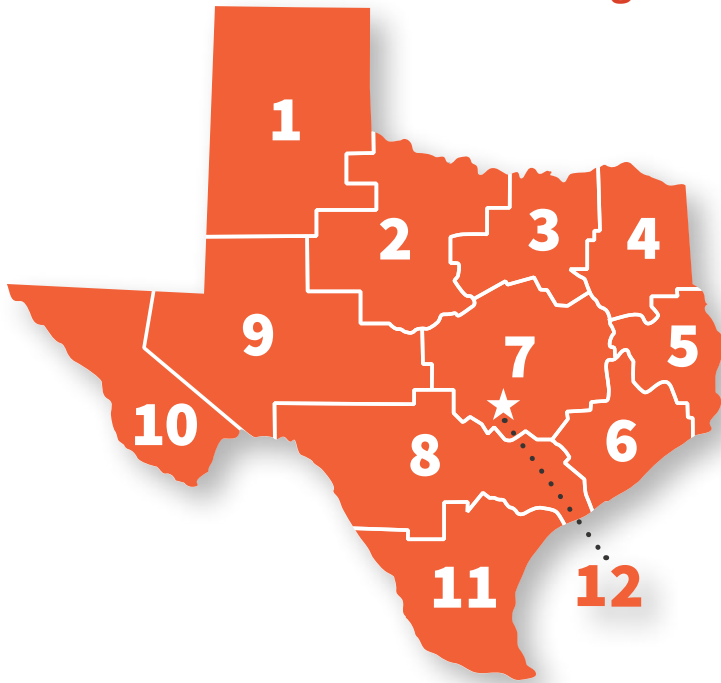
Texas Workforce Commission (TWC) is the state agency charged with overseeing and providing workforce development services to employers and job-seekers of Texas. TWC strengthens the Texas economy by providing the workforce development component of the governor's economic development strategy. TWC is part of [Texas Workforce Solutions](#), a local and statewide network comprised of TWC's twenty-eight workforce development boards and their contracted service providers and community partners. This network gives employers and job-seekers local access to workforce solutions and statewide services at numerous Workforce Solutions offices. The major functions of TWC include developing the workforce, providing support services including childcare for targeted populations participating in workforce training and adult education and literacy services, providing services for people with disabilities to obtain training and employment, and administering unemployment benefits and tax programs. Eligible youth in foster care receive priority over all other equally qualified individuals—except eligible veterans—in the receipt of federal- and state-funded TWC services. For more information visit [TWC Foster Care Programs](#).



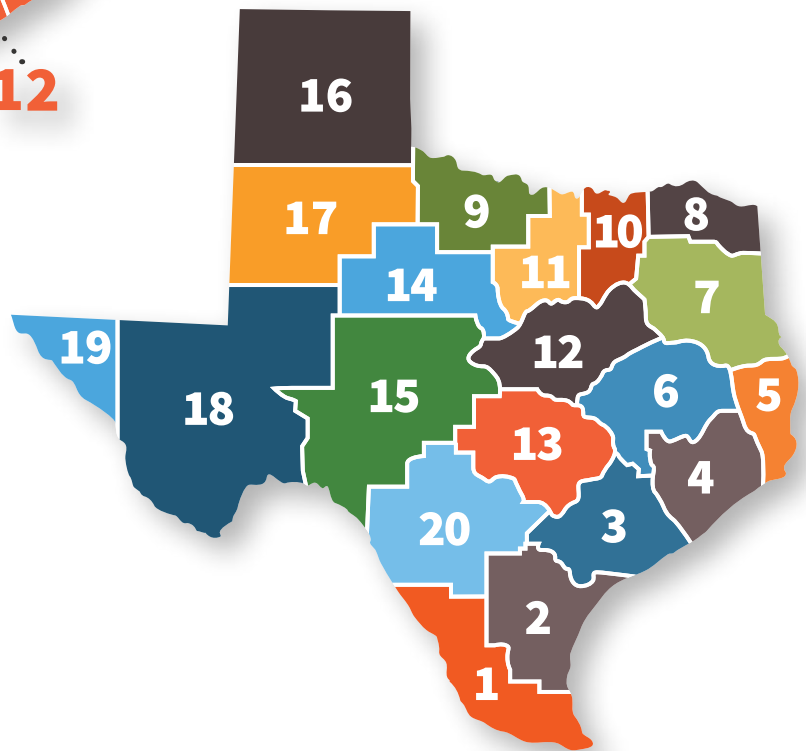
TIP: DFPS and ESC service region boundaries differ. It is important to clarify which type of region is being referred to when working with partners from the child welfare system. As Community-Based Care rolls out across the state, the DFPS map will change. See the [Community Based Care](#) webpage for the most up-to-date map and which contractors are operating in each area.



DFPS Regions



ESC Regions



Map of: [Texas Department of Family and Protective Services Regions](#)

Map of: [Texas Education Service Center Regions](#)



BUILDING CROSS-SYSTEM PARTNERSHIPS: EDUCATION, CHILD WELFARE, AND COURTS



IN THIS CHAPTER

- CROSS-SYSTEM COLLABORATION IS NECESSARY
- GUIDING PRINCIPLES AND GROUND RULES
- PRACTICAL STEPS FOR ESTABLISHING COLLABORATION AND LOCAL PARTNERSHIPS
- COLLABORATION IN ACTION: FOSTER CARE CONSORTIA

POSTCARD: Provided by Foster Care Alumni of America - "Together we can."

CHAPTER 3

Building Cross-System Partnerships: Education, Child Welfare, and Courts

CROSS-SYSTEM COLLABORATION IS NECESSARY

The federal Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) and the Every Student Succeeds Act (ESSA) direct local and state child welfare systems and educational agencies to partner in the implementation of educational stability provisions for students in foster care. Coordination between the child welfare and educational systems is vital to improving the educational outcomes of students who experience foster care. Child welfare system, educational agencies, and legal system stakeholders must work together to remove barriers, strengthen partnerships, and work in new and different ways to institute shared practices that promote education success of students in foster care.



The “Guiding Principles” and “Ground Rules” provided below were important components to the successful collaborative work of the Education Committee and the resulting Texas Blueprint report. These principles are based on the [“Blueprint for Change — Education Success for Children in Foster Care,”](#) a guide that was produced by Casey Family Programs and the American Bar Association Legal Center for Foster Care and Education.²⁰

GUIDING PRINCIPLES AND GROUND RULES

Guiding principles such as the ones below may be adapted locally or regionally to establish a shared vision for the work. Ground rules can also set the stage for effective collaborative work. The ground rules below may also be adapted for regional or local collaborative work:

Guiding Principle #1

Children and youth in foster care are entitled to remain in the same school unless it is not in their best interest.

Guiding Principle #2

Children and youth in foster care experience seamless transitions between schools.

Guiding Principle #3

Young children in foster care enter early grades ready to learn.

Guiding Principle #4

Children and youth in foster care have the opportunity and support to fully participate in all developmentally appropriate activities and all aspects of the education experience.

Guiding Principle #5

Children and youth in foster care have supports to prevent school dropout, truancy, and disciplinary actions, and to reengage in the education experience.

Guiding Principle #6

Children and youth in foster care are involved, empowered, and prepared to self-advocate in all aspects of their education.

Guiding Principle #7

Children and youth in foster care have consistent adult support to advocate for them and to make education decisions.

Guiding Principle #8

Children and youth in foster care have support to enter and complete post-secondary education.

GROUND RULES

- ⇒ Students in the Texas foster care system are our collective responsibility; finger-pointing is counterproductive and divisive.
- ⇒ Courts, education, and child welfare must all be represented in the discussion if a coordinated approach is to be established.
- ⇒ Collaboration requires people within systems to work in new ways. The student must remain at the center of decisions for collaboration to work most effectively.
- ⇒ Assume best intent of the person you are working with to support win-win collaborative solutions.
- ⇒ Do not let a lack of current funding options deter creative ideas.
- ⇒ All members must develop an understanding of the challenges other partners face and remain open to learning more about the system they are working with.
- ⇒ Communication is key to developing collaboration and continuing it in the future.

PRACTICAL STEPS FOR ESTABLISHING COLLABORATION AND LOCAL PARTNERSHIPS

- Establish contacts and build relationships across systems—knowing who to call within partnering agencies is helpful for coordinating cross-system activities.
- Use preexisting ESSA implementation template forms to track collaboration efforts around transportation, best interest decisions, point of contact documentation, and any dispute resolution processes.
- Create opportunities to learn about one another's systems, agency jargon, decision-making processes, job responsibilities, and services provided.



TIP: Take time to explain definitions and commonly used acronyms, processes, responsibilities, and constraints. All participants will benefit from understanding the organizational structure, as well as the mission, vision, and collective interests of each partner.

- Host, convene, or participate in a local or regional foster care consortium that meets regularly with education, child welfare, and community partners to identify barriers and create joint solutions.
- Maintain momentum and address complex problems through consistent and sustained communication.
- Learn about the wide variety of supports and resources different stakeholders provide.
- Identify high-level leadership in local educational agencies and the child welfare system who can help to champion efforts.



TIP: Bringing people together and creating awareness amongst decision-makers is an important component of systemic change and collaborative efforts.

- Establish a shared vision and goals.
- Develop strategies for collaborative work.



TIP: Identify and host opportunities for cross-system training on topics such as:

For school staff: Foster Care/DFPS 101, Community Based Care, Culture of Foster Care/Sensitivity, Confidentiality, Impact of Trauma, DFPS Transition Supports, School Stability, the Role of the Surrogate Parent, Post-Secondary Opportunities Specific to Youth in Foster Care, Human Trafficking, Mandatory Child Abuse Reporting, and others.

For child welfare partners: Enrollment/Withdrawal process, Student Data/Progress Tracking, Personal Graduation Planning (PGP), Surrogate Parent Training, Special Education Laws, Credit Recovery, Graduation Requirements, Parent Supports, Student Supports, McKinney-Vento Homeless Student Supports, and other services available.

- Involve youth, foster care alumni, and their families in planning and collaborative efforts.
- Include other stakeholders and relevant community partners.



TIP: Foster parent organizations, Court Appointed Special Advocates (CASA) and guardians ad litem, Preparation for Adult Living (PAL) staff and others involved with transition planning, cottage homes, emergency shelters, residential treatment centers, juvenile justice representatives, foster care alumni, child placing agencies, faith-based organizations, and non-profit organizations are all potential groups to involve in cross-system partnerships.

- Identify needs, opportunities, and solutions for improving district practices and policies.
- Use data to track progress.
- Celebrate successes and victories to keep the collaborative momentum going!

LESSONS LEARNED FROM CROSS-SYSTEM COLLABORATION EFFORTS

Staff at the state and local levels who collaborated to address the education of students in foster care have shared insights on cross-system collaboration:

- ✓ It is important to develop a common language and create cross-system training opportunities and information-sharing forums to gain insight from multiple perspectives.
- ✓ Building trust between schools and child welfare organizations is essential to removing barriers, blame, and assumptions.
- ✓ Patience is integral as a large, multi-disciplinary cross-section of stakeholders work together to understand each system's organizational processes and constraints.
- ✓ Youth voice must be represented in your collaborative efforts by including children and youth who have experienced foster care.
- ✓ Each victory in your coordination matters and should be celebrated along the way.



COLLABORATION IN ACTION – FOSTER CARE CONSORTIA

Texas local educational agencies (LEAs) coordinate with child welfare partners to address the education of students in foster care.

Throughout the state of Texas, Education Specialists from DFPS are taking the lead in partnering with Foster Care Liaisons from LEAs and Foster Care Champions at regional education service centers (ESCs) to coordinate and facilitate foster care consortia to identify and eliminate barriers, provide cross-systems training, and share meaningful resources to improve educational outcomes for students in foster care.



Texas Leadership Initiative Training Collaboration

Regional foster care consortium meetings bring together key points of contact, such as DFPS and LEA program personnel, community organizations, and external partners such as the Texas Workforce Commission (TWC), Health and Human Services Commission (HHSC), foster care program staff, faith-based organizations, independent living transitional service providers, and many more. This collective effort is an ongoing, grassroots approach to addressing often complex and nuanced

circumstances specific to students in foster care, and provides a safe place to share and build capacity to strengthen systems and bolster programs to meet the needs of this student group. Foster care, ESSA, transportation, graduation, student identification, tuition and fee waivers, and roles and responsibilities of school and DFPS personnel are just a few topics covered during these solution-focused meetings.

DFPS developed a guide to assist anyone interested in creating, hosting, facilitating, or taking part in a foster care education-focused consortium (see below).



RESOURCES: Building Cross-System Partnership and Collaboration

DFPS, [“Regional DFPS Education Consortia: The Building Blocks to Engaging Community Stakeholders.”](#)

An informational how-to guide on building regional and local foster care education consortia based on the Regional DFPS Education Consortium model.

Legal Center for Foster Care & Education, [“Making it Work: Child Welfare and Education Agencies Collaborating to Ensure School Stability for Children in Foster Care.”](#) A brief with practical tips on how education and child welfare systems can build partnerships.

Legal Center for Foster Care & Education, [“When Working Together Works: Academic Success for Students in Out-of-Home Care.”](#) An informative brief with practical tips on collaboration and coordination between child welfare and education partners.

Legal Center for Foster Care & Education, [“Making the Case: Engaging Education Partners in Addressing the Education Needs of Children in Foster Care.”](#) An informative brief on the importance of including and engaging education partners.

Casey Family Programs, [“Breakthrough Series Collaborative: Improving Education Continuity and School Stability for Children in Out-of-Home Care.”](#) A how-to guide for building effective cross-system collaboration and partnerships to support students in foster care.



IN THIS CHAPTER

- WHAT IS FOSTER CARE?
- HOW CHILDREN AND YOUTH ENTER THE FOSTER CARE SYSTEM
- TYPES OF ABUSE AND NEGLECT INVESTIGATED BY THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES
- REPORTING CHILD ABUSE AND NEGLECT
- LIVING ARRANGEMENTS OF CHILDREN AND YOUTH IN FOSTER CARE
- A STUDENT'S JOURNEY THROUGH FOSTER CARE
- KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE
- WORKING WITH KEY PEOPLE IN A DFPS CASE IN THE SCHOOL SETTING
- OTHER SITUATIONS WHERE A CHILD MAY BE LIVING IN OUT-OF-HOME CARE, BUT NOT IN DFPS MANAGING CONSERVATORSHIP

POSTCARD: Provided by Foster Care Alumni of America - "There will never be an easy button."

CHAPTER 4

Child Welfare 101

This chapter provides an overview of the Texas foster care system and describes the people and systems involved in a student's life while in foster care. The chapter describes different living arrangements and addresses common questions and complexities related to the child welfare system. A description of a student's possible journey through foster care and Department of Family and Protective Services (DFPS) "stages of service" is also included. A comprehensive list of terms and acronyms used by the child welfare and court systems is included in the **Appendix A on page 151**. A child in foster care has many rights. A list and description of these rights are described in **Appendix B on page 157**. Other situations that may be mistaken for foster care involvement will also be referenced.

WHAT IS FOSTER CARE?

Foster care, or out-of-home care, is the system that a child enters when a child cannot live safely at home and a court of law grants legal custody to the State of Texas. A child "in foster care" can be in either the temporary or permanent conservatorship of DFPS.

"Conservatorship" is a term also used in the Texas Education Code and by DFPS to describe the status of a child who is placed in DFPS legal custody by a court order. Although not as commonly referenced, "substitute care" is interchangeable with the terms "conservatorship" and "foster care." While a child is in foster care, DFPS may place the child in several different types of living arrangements. These include:

- Relative/kinship caregiver or 'fictive kin' (a close family friend)
- Foster family homes
- Cottage homes
- Residential treatment centers and emergency shelters
- Facilities overseen by another state agency
- Adoptive family
- Supervised independent living (SIL) arrangement.

A child may also be placed with a non-custodial parent or returned home (in what is known as a "return and monitor") and still be temporarily in DFPS conservatorship.

Foster care is meant to be temporary until a permanent living arrangement is found and DFPS no longer has legal conservatorship of the child. DFPS works closely with families to make it safe for children to return permanently to their parents. When it is not safe for a child to return to their parents, DFPS works to ensure a safe, permanent home for the child with relatives, fictive family, or non-relative adoptive homes. However, for some children, DFPS may maintain permanent conservatorship. Children in foster care may have to change placements while in foster care due to a variety of factors, such as being placed with a relative, court rulings, being placed with siblings, or changes in the foster



home or facility. DFPS consistently works towards increasing placement capacity to better meet the needs of each individual child.



Note: Youth who turn 18 while in DFPS conservatorship have the option to enter into Extended Foster Care, a voluntary program that offers young adults turning eighteen in DFPS care the opportunity to continue foster care placement and facilitate the transition to independence with DFPS supervision. These young adults, while not in the conservatorship of DFPS, are referenced as being “in foster care” the same as youth under age 18. They are still involved with DFPS, have a caseworker, and receive supportive services and case management.

Conservatorship — There are two terms used to define whether a child is in short or long-term conservatorship:

- **Temporary Managing Conservatorship (TMC):** The child may be in TMC while DFPS works with the family towards reunification or an alternate plan in the child’s best interest.
- **Permanent Managing Conservatorship (PMC):** DFPS may be named the permanent managing conservator for a child until conservatorship is given to another individual (for example, a relative or through adoption) or until the child turns 18.

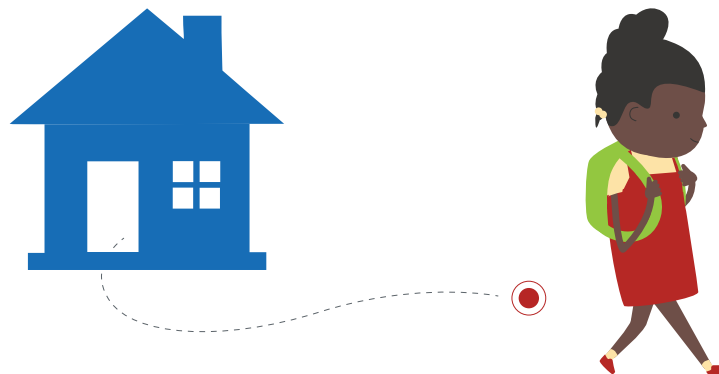


Reminder: The term “foster care” is being used throughout this guide to refer to all children and youth in DFPS conservatorship, as well as young adults who voluntarily enter extended foster care past the age of 18.

HOW CHILDREN AND YOUTH ENTER THE FOSTER CARE SYSTEM

A child or youth enters the foster care system when DFPS and a court determine that the child cannot safely remain with their parent and there are no other options for the child to safely remain in their home. DFPS must petition the court for approval to remove a child from their home because of safety concerns. Before a decision is made to remove a child, DFPS must make reasonable efforts to safely maintain children with their families, including providing necessary supports and services. These services are provided through Alternative Response (AR) or Family-Based Safety Services (FBSS) and are provided by DFPS staff, community agencies, or both.

If, despite reasonable efforts, there is still a danger or imminent risk of harm to the child and the child cannot be kept safe with the child’s family or a close family friend (fictive kin), DFPS can remove a child and take custody of them. DFPS must obtain a court order by proving to a judge that it is necessary to remove the child from the home and place the child in foster care. In most cases, DFPS goes to court and receives a court order before removing a child, but in the most urgent situations, DFPS may remove a child first and then obtain a court order. To ensure that reasonable efforts are made to keep children in their homes, courts must approve all decisions to remove and must offer the parents and their attorneys an opportunity for a contested adversary hearing within 14 days of the child’s removal from the home.²¹

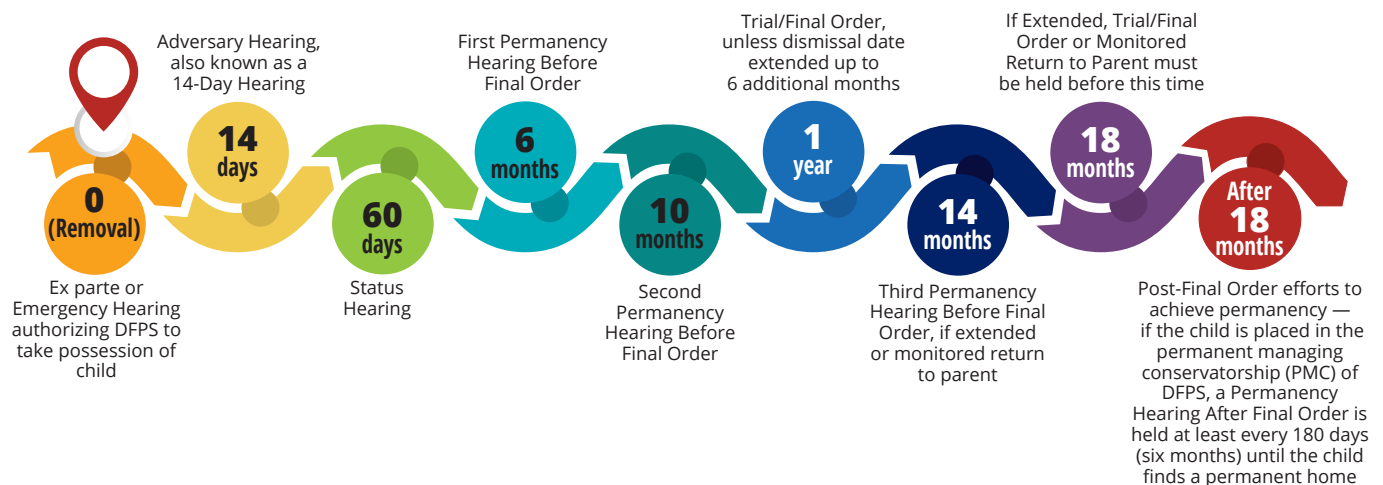


SCENARIOS WHERE DFPS MAY BE INVOLVED, BUT THE STUDENT IS NOT IN DFPS MANAGING CONSERVATORSHIP

- In some cases, DFPS may be investigating or providing services to a family but does not have managing conservatorship of the child. The family may be receiving what are referred to as Alternative Response or Family-Based Safety Services while the child remains in their home, in which case the parents have all the same rights as any parent in making education decisions. The school may not be aware when families are receiving these services, as the child is not considered to be in foster care.

In other cases, parents may choose to temporarily place their child with a relative or other adult caregiver while DFPS or a community agency is working with the family. If DFPS approves this arrangement, the placement is considered a Parental Child Safety Placement (PCSP) and is governed by law. Parents using a PCSP for temporary care of their child often execute an "Authorization Agreement for Nonparent Adult Caregiver," which authorizes that adult caregiver to take certain actions such as enrolling the child in school or making other education decisions. Executing an Authorization Agreement does not limit the rights of the parent. The Authorization Agreement is established by law.

TIMELINE OF REQUIRED HEARINGS IN DFPS LEGAL CASES INVOLVING AN IMMEDIATE REMOVAL OF A CHILD



TYPES OF ABUSE AND NEGLECT INVESTIGATED BY THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

- Abuse:
 - Emotional Abuse
 - Forced or Coerced Marriage Abuse
 - Physical Abuse
 - Sex and Labor Trafficking
 - Sexual Abuse
- Neglect:
 - Abandonment
 - Neglectful Supervision
 - Medical Neglect
 - Physical Neglect
 - Refusal to Assume Parental Responsibility (RAPR)



Definitions of abuse and neglect as defined by [Texas Family Code §261.001](#) and [Texas Penal Code \(Chapter 21, 22, 43\)](#), which may result in investigation and placement in foster care are provided below:

FORM OF ABUSE/NEGLECT:	DEFINITION:
EMOTIONAL ABUSE	<ul style="list-style-type: none"> • Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning. • Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning. • The current use by a person of a controlled substance as defined by the Texas Health and Safety Code, Chapter 481, in a manner or to the extent that the use results in mental or emotional injury to a child.
FORCED OR COERCED MARRIAGE ABUSE	Forcing or coercing a child to enter into a marriage.
PHYSICAL ABUSE	<ul style="list-style-type: none"> • Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm. • Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child. • The current use by a person of a controlled substance as defined by the Texas Health and Safety Code, Chapter 481, in a manner or to the extent that the use results in physical injury to a child. • Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by the Texas Health and Safety Code, Chapter 481.
SEX AND LABOR TRAFFICKING	<ul style="list-style-type: none"> • Compelling or encouraging a child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code. • Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a) (5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.
SEXUAL ABUSE	<ul style="list-style-type: none"> • Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code. • Failure to make a reasonable effort to prevent sexual conduct harmful to a child. • Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic. • Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by 43.25, Penal Code.
ABANDONMENT	<ul style="list-style-type: none"> • The leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and a demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child.

FORM OF ABUSE/NEGLECT:	DEFINITION:
NEGLECTFUL SUPERVISION	<ul style="list-style-type: none"> Placing the child in or failing to remove the child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child. Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse committed against another child.
MEDICAL NEGLECT	<ul style="list-style-type: none"> Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.
PHYSICAL NEGLECT	<ul style="list-style-type: none"> The failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.
REFUSAL TO ASSUME PARENTAL RESPONSIBILITY (RAPR)	<ul style="list-style-type: none"> The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

REPORTING CHILD ABUSE AND NEGLECT

Educators are mandated reporters of suspected child abuse and neglect, including human trafficking. Schools are required to have policies and training for personnel regarding the reporting of suspected child abuse and neglect, in accordance with relevant Texas statutes and the commissioner's rules (see list below).²² Child abuse and neglect reports are made by phone or online. Most reports come from teachers, doctors, and law enforcement.²³

LEA CHILD ABUSE, NEGLECT, AND MANDATORY REPORTING REQUIREMENTS (INCLUDING HUMAN TRAFFICKING)

- ✓ All new school employees must complete training on child abuse and neglect, sexual abuse, and human trafficking, as a part of new employee orientation (trainings are currently available separately to meet these requirements).
- ✓ School Board Members and superintendents must complete training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- ✓ Every school campus must post the DFPS Child Abuse Report Hotline telephone number on an 11x17 inch poster in English and Spanish in a highly visible area, at student eye-level.
- ✓ School district policy must be included in any informational handbook provided to students and parents addressing sexual abuse, trafficking, and other forms of maltreatment, including
 - » Methods for increasing staff, student, and parent awareness. Prevention techniques and knowledge of likely warning signs indicating that a child may be a victim.
 - » Actions a student who is a victim should take to obtain assistance and intervention
 - » Available counseling options.
- ✓ LEAs must provide research-based, age appropriate, child abuse anti-victimization programs in elementary and secondary schools.

- ✓ LEAs must develop and clearly articulate district policies, protocol, and procedures for reporting child abuse, neglect, and human trafficking and assisting victims with accessing supports and services.
 - » Local district policies must include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

REPORTING CHILD ABUSE AND NEGLECT

If you suspect child abuse or neglect, make a report by calling **1-800-252-5400** or visiting the Texas Abuse Hotline Website at www.txabusehotline.org.

Call **911** if it is an emergency.

(An emergency is a situation where a child faces an immediate risk of abuse or neglect that could result in death or serious harm.)

****If human trafficking is suspected, also contact local law enforcement or the Texas Department of Public Safety (DPS).**



RESOURCES: Reporting Child Abuse, Neglect, and Human Trafficking

TEA, [Child Abuse Prevention Overview](#) website.

TEA, [Child Abuse Reporting Hotline Poster](#) (English and Spanish). Found under the 'Student Reporting Posters' section of the Child Abuse Prevention Overview page.

TEA, [Human Trafficking Prevention and Awareness Training for Educators](#).

If you suspect human trafficking of a child or youth, call the [National Human Trafficking Hotline](#) at 1-888-373-7888 or visit the National Human Trafficking Hotline webpage.

DFPS, [Online Training for Professionals](#). A training course on how to report suspected abuse or neglect, including a video tutorial on mandatory reporting in the school setting.

DFPS, [Report Abuse, Neglect, or Exploitation](#).

DFPS, [Prevention and Intervention Resources](#). Programs Available in Your County.

For more information on in-person or virtual trainings that can be provided by DFPS, email dfpscpcommunications@dfps.texas.gov

[School Board Trustee Human Trafficking Training Information](#)

LIVING ARRANGEMENTS OF CHILDREN AND YOUTH IN FOSTER CARE

There are a variety of different placement types for children in foster care. Each placement is selected based on the child's needs and the ability of the caregiver to best meet those needs. The goal of each placement is to provide the child with a safe, stable, and nurturing environment.



TIP: Placement settings may influence a student's time during and after school differently.

It is helpful when educators remain sensitive of the setting in which any student may live and consider the impact of the environment on the student. Trauma-informed educators have the tools to promote a student's educational success and help the student build positive relationships with teachers and others. DFPS provides a [trauma-informed care training](#) to assist families, caregivers, and other social service providers in fostering a greater understanding of trauma-informed care and child traumatic stress. This free training resource is also available to professionals, advocates, stakeholders, and members of the public who are interested in learning about the impact of trauma.

PLACEMENT TYPES:	DESCRIPTION:
RELATIVE OR KINSHIP CAREGIVER	A relative or kinship caregiver provides care for a child who is in DFPS conservatorship. A relative is a member of the child's biological family. A kinship caregiver is a person who has a longstanding and significant relationship with the child or with the child's family (such as a close family friend). While DFPS maintains conservatorship of the child, the child in this type of placement is still considered to be "in foster care." Note that relatives and kinship caregivers can also become licensed foster parents, although this is not a requirement.
FOSTER FAMILY HOME	A state-licensed home (usually temporary) for children in foster care. Caregivers, known as foster parents, receive a reimbursement for providing room, board, and transportation for children living in their home.
COTTAGE HOME / GENERAL RESIDENTIAL OPERATION (GRO)	A licensed facility where multiple children live. Staff oversee the facility and students live there 24/7. These facilities may have "cottage home parents" who have roles very similar to caregivers in a foster family home.
EMERGENCY SHELTER	A shelter facility that houses children for up to 90 days while awaiting a longer-term foster placement.
RESIDENTIAL TREATMENT CENTERS (RTC)	Residential Treatment Centers are regulated by the Health and Human Services Commission (HHSC) and are meant to serve as a temporary placement focused on treatment for children who require specialized services that cannot be met in a traditional home setting. Once a child achieves their treatment goals, the child transitions out of the RTC and back into the most family-like setting possible, consistent with the child's needs.
ADOPTIVE FAMILY	Children who are legally eligible for adoption (this happens only when all parental rights have been terminated) may be placed with an adoptive family. DFPS maintains legal conservatorship until the adoption is finalized. Adoptive families are licensed to adopt in a similar way that foster families are licensed to foster.
PARENT	In some situations, a child may be placed with the child's parent(s) while the child is in DFPS conservatorship. While a child is placed with the parent(s), DFPS will still be the managing conservator and a caseworker will continue to be involved until custody is returned to the parent(s).
SUPERVISED INDEPENDENT LIVING (SIL)	Supervised Independent Living (SIL) is a type of voluntary Extended Foster Care placement where young adults can live on their own while still receiving case management and support services to help them become independent and self-sufficient. The DFPS SIL program allows young adults to live independently under a supervised living arrangement provided by a DFPS contracted provider. A young adult in SIL is not supervised 24 hours a day by an adult and has increased responsibilities. These young adults will be their own education decision-makers and will still have a caseworker.



DFPS, [Supervised Independent Living \(SIL\)](#).

DFPS, [Extended Foster Care](#).



TIP: Schools can help with targeted foster parent recruiting.

In partnership with DFPS, schools can play an active role in recruiting foster parents. Schools can specifically help increase the number of foster homes within school zones, especially in districts and school zones where there are a large number of children entering foster care.

Maintaining children in their home school or district supports educational stability. School personnel who are interested in becoming foster parents or know someone who might be should visit the [DFPS Adoption and Foster Care webpage](#), or contact the regional DFPS office for more information.

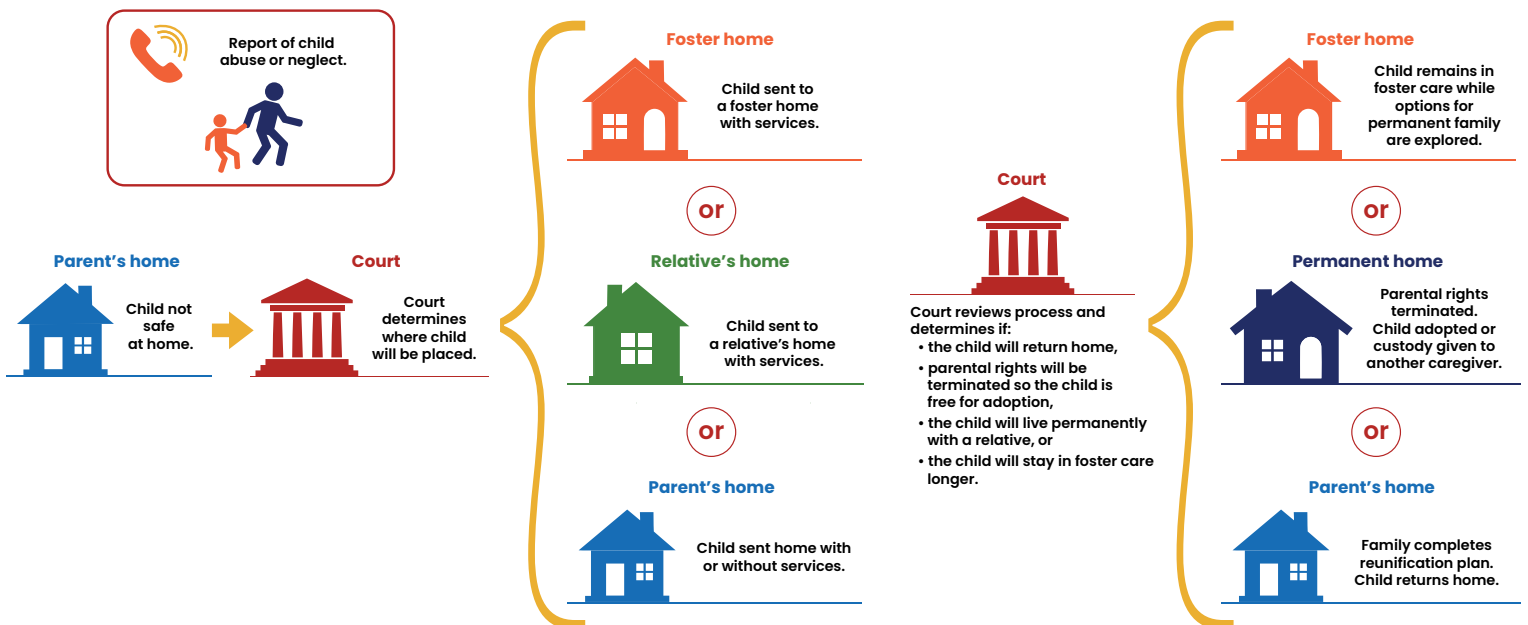
A STUDENT'S JOURNEY THROUGH FOSTER CARE

A student's journey through foster care is more clearly understood through the DFPS stages of service described below.

DFPS STAGES OF SERVICE:	DESCRIPTION:
INTAKE	DFPS operates a toll-free 24-hour hotline (1-800-252-5400) and online reporting at www.txabusehotline.org for reporting suspected abuse and neglect of children, the elderly, or people with disabilities.
INVESTIGATION	DFPS staff interview children, parents, and others to determine if abuse or neglect has occurred and evaluate child safety. Parents maintain legal custody of the child during the investigation unless the child is deemed unsafe and DFPS removes the child from the home under the authority of a court order or as allowed by the law.
ALTERNATIVE RESPONSE (AR)	Alternative Response is similar to a traditional investigation in that Alternative Response investigates abuse and neglect allegations. However, Alternative Response handles less serious allegations of abuse and neglect and has a higher focus on providing services and support to families while still keeping safety the top priority. An Alternative Response case may become a traditional investigation if new information prompts a higher level of safety concerns. Parents maintain legal custody of their children while receiving services during Alternative Response.
FAMILY-BASED SAFETY SERVICES (FBSS)	If an investigation reveals there are concerns and a child can safely remain in their home, families may be referred to Family-Based Safety Services to help stabilize the family and reduce risk of future abuse or neglect. Most children continue to live in their own homes or with relatives or kinship caregivers during this time. Parents maintain legal custody of the children.
CONSERVATORSHIP	When it is determined that it is not safe for a child to remain in their home, DFPS removes the child. The court can issue an order before or after the removal, depending on immediacy of the danger. If a judge upholds the removal, DFPS is granted temporary custody and the child enters foster care. Conservatorship is the term for DFPS legal custody of a child as well as the stage of service during this part of a child's journey. Once it is determined to be safe, the child may be placed with a parent with court oversight (in a "Return and Monitor") while continuing in DFPS conservatorship.

DFPS STAGES OF SERVICE:	DESCRIPTION:
EXTENDED FOSTER CARE	Extended Foster Care is a voluntary program that offers qualifying young adults turning 18 in DFPS care opportunities to continue foster care placement and facilitate the transition to a successful adulthood with DFPS supervision. These young adults are not legally in DFPS conservatorship. They will still have a caseworker, and may have a CASA volunteer, guardian ad litem, or caregiver. The young adult will generally be their own decision-maker, and others may continue to be involved to assist them.
ADOPTION	If all parental rights to a child have been terminated, the child becomes available for adoption and the court may name other individuals as the child's legal parents. (A lifetime college tuition and fee waiver is available for qualifying children who remain in foster care until age 18 and some of those who are adopted from DFPS care) (See <i>Financial Supports for Post-Secondary Education</i> , on page 143.) ²⁴

A CHILD'S JOURNEY THROUGH FOSTER CARE



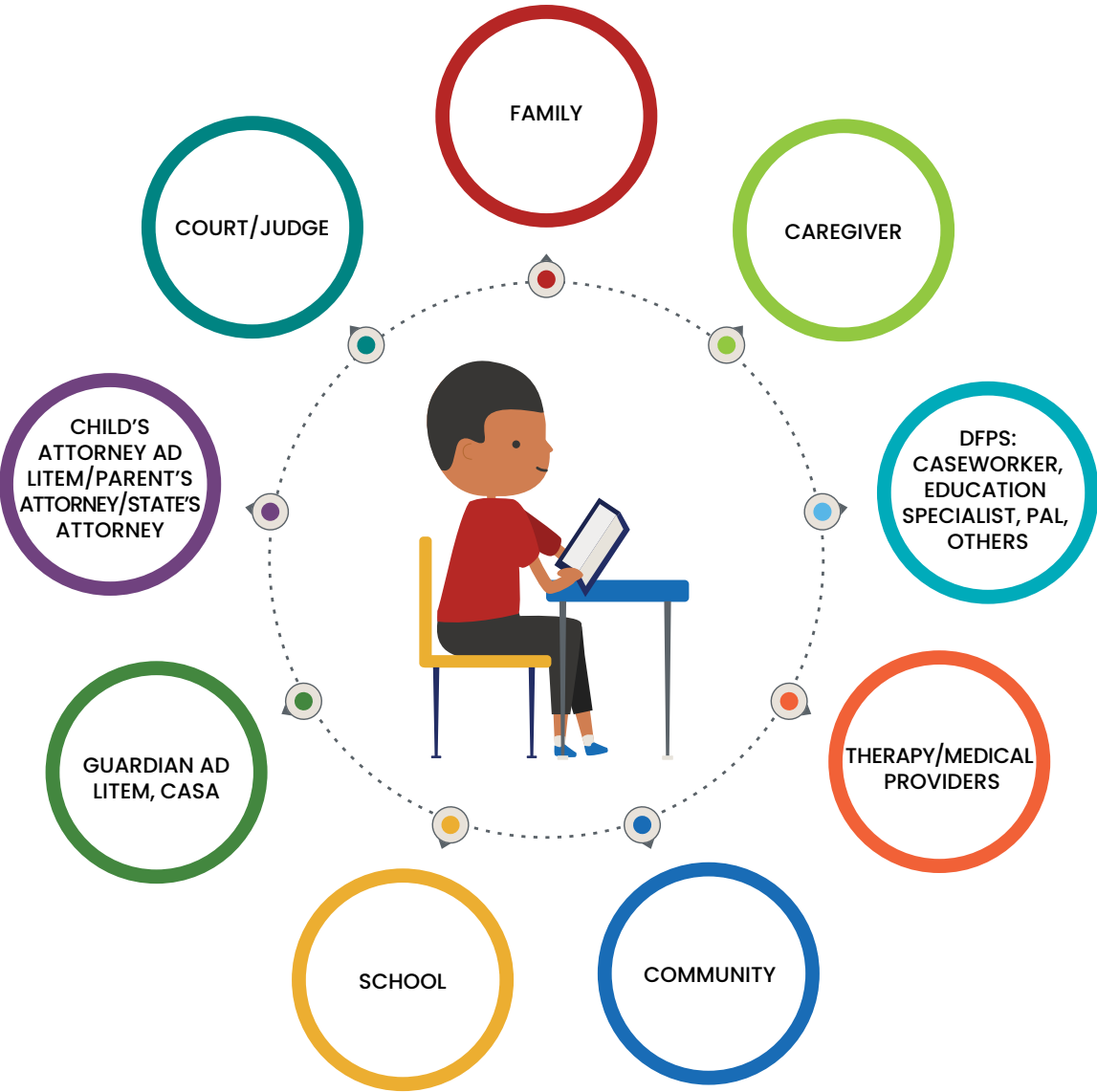
See *Appendix D* on page 162 for a more detailed flow chart describing the DFPS process. Additionally, more information about the foster care system in Texas can be found on the [DFPS Child Protective Services webpage](#).

KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE

When a child is placed in foster care, there are many adults and service providers who play a critical role in meeting their physical and emotional needs. It is helpful for education professionals to understand the various people and systems that may work with a student in foster care.



It is important to recognize that a child in foster care—even one who is in the permanent managing conservatorship of DFPS—has family they are connected to and love. Family can still be involved with the child, and, in many cases, even attend school events. Before reaching out to family, contact the child’s caseworker to get contact information and verify there are no contact restrictions. A child who maintains connections to the people who will have a long term presence in their life is more likely to experience improved outcomes in adulthood.




 FAMILY


PARENTS AND FAMILY

Foster care alumni report concern and loss associated with being separated from their family, which often influences a student's learning process and school experience. Each case is unique and students may or may not see their parents, siblings, or other family members. Educators should remain sensitive to a student's visitation, court dates, and other circumstances, such as school assignments related to family. In many cases, family can be involved in the student's school life. Examples include attending school-related events, helping with homework, aiding in transportation to extracurricular activities, or providing the teacher with information about the student's past school performance, behaviors, challenges, disabilities, testing, and successes. Educators can talk with the caseworker about the allowable extent of family involvement. Note that in situations where a student is in the process of being reunified with the parents, DFPS still has conservatorship of the student, but the parents regain primary caregiver responsibilities and the school will work directly with the parents in addition to the caseworker.


 CAREGIVER


CAREGIVER

The caregiver may be a relative, kinship caregiver, foster parent, or a representative of a facility (e.g. case manager, clinical director, etc.). Caregivers have responsibilities related to the student's education.


 DFPS:
CASEWORKER,
EDUCATION
SPECIALIST, PAL,
OTHERS


DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (DFPS)

School personnel may interact with DFPS or their contracted provider, and others involved in the life of a student in foster care, such as:


CASEWORKER

The caseworker is the primary staff member responsible for the oversight of a child's case and has multiple responsibilities. They are the direct link with the child, family, caregiver, the court system, and multiple service providers. They are responsible for ensuring the child's needs are met and that the child receives all necessary and appropriate services while in foster care. The caseworker visits with the child at least once a month and may also supervise visits with siblings (if placed separately) and family members. LEAs must provide notice to the caseworker and education decision-maker regarding events that may significantly impact the education of the student in foster care.²⁵ (See Chapter 9: *Education Decision-Making*, page 96.)


PREPARATION FOR ADULT LIVING COORDINATOR (PAL)

Preparation for Adult Living (PAL), in collaboration with public and private organizations, is a DFPS program that assists youth ages 14 and older in developing independent living skills. School personnel can support students by ensuring they are informed about enrolling in PAL services and further coordinating with the PAL provider to help students acquire job skills, academic records, and important life skills in preparation for transitioning to a successful adulthood and accessing college and career opportunities.



Note: Community-Based Care organizations may call the PAL program and PAL staff by a different name.

RESOURCE:

DFPS, [Preparation for Adult Living \(PAL\)](#) - More information on the PAL program and contact information for PAL in each region. (See *Chapter 13: Transitioning from Foster Care & Post-Secondary Education Opportunities*, page 138.)

INVESTIGATOR

Although this section covers the key people who are more regularly involved with a student in foster care, sometimes additional allegations of abuse or neglect—or an allegation that a caregiver has violated a foster care standard (for example, using corporal punishment to discipline a student in foster care)—requires an investigator to speak with the student at school. These investigators may be either DFPS investigators or investigators with the Health and Human Services Commission.



TIP: Reporting a concern of abuse or neglect of a child to the school's principal does not relieve an employee of the requirement to report the concern to the appropriate state agency. In addition, school employees must cooperate with investigators of child abuse and neglect. Staff are prohibited from interfering with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator contrary to the request of the duly authorized investigator. See TASB, "[Reporting Requirements for Child Abuse Allegations](#)."

THERAPY/MEDICAL PROVIDERS


THERAPY/MEDICAL PROVIDERS

Students may receive counseling, therapy, or other medical or mental health services. Schools are encouraged to coordinate with caregivers when possible to help align school and individual therapeutic strategies that support consistency in the student's school and home settings. Further, schools should coordinate with caregivers to ensure the student can maintain regular school attendance.

COMMUNITY-BASED CARE


COMMUNITY

Community-Based Care is a new way of providing foster care and case management services. Within a geographic service area, a Single Source Continuum Contractor (SSCC) is responsible for finding foster homes or other living arrangements for children in state care and providing them a full continuum of services. As Community-Based Care continues to be implemented across the state, DFPS will transition caseworker duties to the SSCC.

In Community-Based Care areas, Foster Care Liaisons/school leaders should work together with SSCC's to ensure processes for enrolling students, securing transportation, maintaining students in their school of origin, and other school stability goals are promoted locally and understood by all involved.

Students may be involved with community organizations such as after-school clubs, churches, mentoring organizations, and other supports and services. LEAs can partner with community and local organizations, share information about available resources, and involve these groups in supporting students.



TIP: DFPS staff, Community-Based Care staff, or the caseworker for a student may change without notice.

If you are unable to contact the student's caseworker, it is best to contact the caseworker's supervisor. Contact information for both the caseworker and supervisor are listed on the Placement Authorization Form 2085 (*See Information Necessary for Admission and Enrollment Described, page 66; Appendix E, page 163.*)

SCHOOL



EDUCATION DECISION-MAKER

Texas law requires DFPS to designate an individual to make education decisions on behalf of a child in conservatorship and to notify the court and the school of that person's name and contact information. DFPS uses Designation of *Education Decision-Maker Form 2085-E* to notify the school. An individual holding a *Form 2085-E* naming them as an education decision-maker for the student is operating under the authority of DFPS to make education decisions or to take actions to carry out DFPS decisions about the student's education. While the student's daily caregiver is often the designated education decision-maker, there are times when someone other than the caregiver is selected for this role. Note that Community-Based Care organizations will use the *2085-E form*.



REGIONAL EDUCATION SPECIALIST

Regional education specialists are the subject matter experts in education and school-related matters. They act as liaisons between DFPS and local schools and LEAs within their region. They advocate for educational and supplemental services that best meet the needs of children in the school environment. Regional education specialists also serve as a primary resource for school staff and child welfare staff on education matters involving students in foster care. Education specialists offer presentations to staff and community stakeholders on improving educational outcomes for children and youth in foster care, trauma-informed care, and intervention strategies; they may also facilitate local education consortia in coordination with Education Service Centers (ESCs). Regional education specialists also serve as the point of contact for the Every Student Succeeds Act (ESSA).



TIP: The regional education specialist is an excellent contact to begin building partnerships with the community and local child welfare system. The education specialist serves as the child welfare point of contact for schools concerning education best-interest decisions, transportation, dispute resolution, and other cross-system coordination needs and requirements.

The regional education specialist may help provide cross-system trainings and other information on services provided. DFPS maintains a list of [Regional Education Specialists](#) in the state.



OTHERS

Other staff members may transport or convey student documents and records, such as:

- Human Services Technician (HST)—This individual works closely with a caseworker to assist with the transportation of children.
- Case manager—This individual may work directly for a facility or for one of the many private agencies across the state that licenses foster parents.
- Administrative assistant.


GUARDIAN AD LITEM; CASA

GUARDIAN AD LITEM (GAL)

The Texas Family Code also requires that a guardian ad litem be appointed to represent a child's best interests when DFPS asks to be made the child's legal parent or seeks to have the parents' custodial rights terminated.²⁶

A guardian ad litem may be:

- A volunteer advocate, such as a Court Appointed Special Advocate (CASA);
- A professional, other than an attorney, who holds a relevant professional license and whose training relates to the determination of a child's best interests;
- An adult having the competence, training, and expertise determined by the court to be sufficient to represent the best interests of the child; or
- An attorney, who may also be appointed to serve in the dual role of attorney ad litem and guardian ad litem.²⁷

Similar to an attorney ad litem, a guardian ad litem is responsible for interviewing the child and each person who has knowledge of the case. A guardian ad litem takes part in the court proceedings, including providing reports to the court and should, prior to each scheduled hearing after the adversary hearing, determine whether the child's educational needs and goals have been identified and addressed.²⁸ Like the attorney ad litem, a guardian ad litem is allowed access to the child and information regarding the child, including education information.²⁹


COURT APPOINTED SPECIAL ADVOCATES (CASA)

CASA volunteers or CASA supervisors can serve as guardian ad litem or volunteer advocate to represent the best interests of a child in foster care. CASA may be appointed by the court, but not every child in foster care will have a CASA volunteer. The CASA volunteer may contact the school in order to gather information, review school records, or interview school personnel in order to advocate for the child in court. As the child's guardian ad litem, a CASA volunteer is entitled to access relevant medical, psychological, educational, and other information regarding the child.³⁰ In some instances, the student's CASA volunteer may play an active role in enrolling the child and advocating for their educational needs. A CASA volunteer may be appointed to act as the surrogate parent for the child, unless a foster parent of the child is making special education decisions on behalf of the student.³¹

DID YOU KNOW?

Current and former educators make excellent CASA volunteers! Local CASA nonprofit organizations recruit, train, and support CASA volunteers in most areas of the state. Consider becoming a [CASA volunteer](#) to advocate for the best interests of a child in court.


CHILD'S ATTORNEY AD LITEM/PARENT'S ATTORNEY/STATE'S ATTORNEY

CHILD'S ATTORNEY AD LITEM

The Texas Family Code requires that an attorney ad litem (AAL) be appointed to represent the legal interests of a child when DFPS asks to be made the child's legal conservator or seeks to have the parents' rights to the child terminated.³² The attorney ad litem is responsible for interviewing the child and each person who has knowledge of the case; reviewing all relevant records related to the child,

including school records; and presenting the child's position in court. The attorney ad litem should also determine whether the child's educational needs and goals have been identified and addressed prior to each scheduled hearing after the adversary hearing.³³ Once a final order is entered, the court must continue the appointment of the AAL or the GAL, or the attorney serving in the dual role for the child, as long as the child is in DFPS Conservatorship. The court may continue the appointment of both the AAL and the GAL.



TIP: The attorney ad litem may contact the school for information regarding the child's education status and needs.

In an order appointing the attorney to represent the child, there should be language allowing the attorney to have immediate access to the child and any information relating to the child.³⁴

The attorney ad litem for the child is also entitled to records related to the child, including school records, without requiring a further order or release.³⁵



ATTORNEY FOR PARENTS AND DFPS

Other court-related representatives involved in a child's case include the attorney for the child's parents and the attorney for DFPS. An attorney will represent DFPS in its legal proceedings. In some counties, DFPS will be represented by the local prosecutor's office—either the county or district attorney—or by a regional attorney who is an employee of DFPS. Parents' attorneys may be hired or appointed by the court, depending on the financial situation of the parents.³⁶ The attorneys for parents may be lawyers in private practice or part of an office that specializes in representing parents in DFPS cases, or the local public defender's office.



COURT/JUDGE

Courts play a critical role in child welfare cases. Once DFPS determines that a child needs to live outside of their home due to abuse or neglect, DFPS must file a lawsuit and ask a court to approve the child's living situation. Judges will continue to monitor the child's circumstances until the child resides in a safe, permanent home (*See Timeline of Required Hearings in DFPS Legal Cases Involving an Immediate Removal of a Child, page 38.*) At court hearings, judges must inquire about the student's educational needs and goals and may issue specific guidance regarding the child's education, medical, therapeutic, or behavioral services.



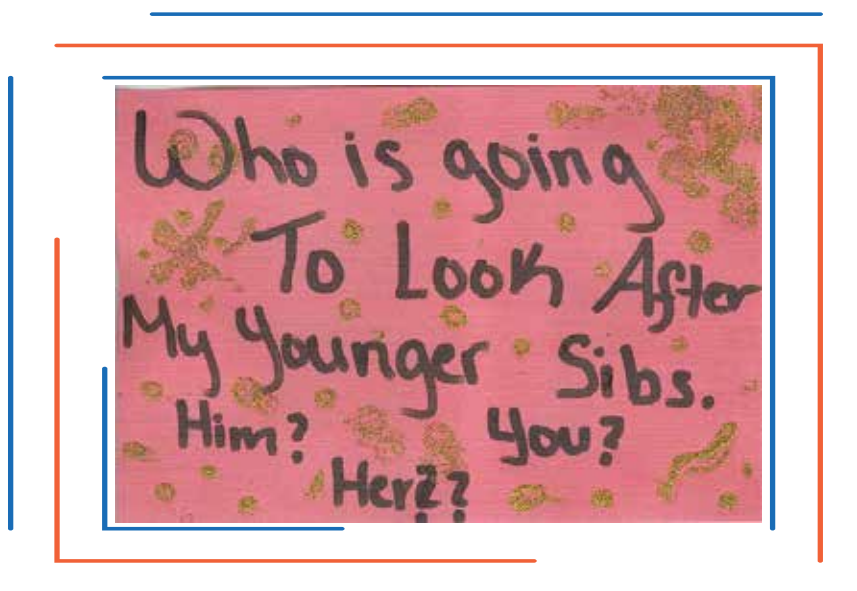
TIP: In some situations, students may have the option of participating in a court hearing via phone or video conference, enabling them to not miss the school day. Schools may assist in facilitating this remote option by providing a phone and/or quiet, private space for students to use.

COURT/JUDGE



WORKING WITH KEY PEOPLE IN A DFPS CASE IN THE SCHOOL SETTING:

- School personnel may be subpoenaed or requested to attend a court hearing regarding the DFPS case.
- Attorneys and guardians ad litem should be able to show a court order appointing them to represent the student in the DFPS case. Most of these orders include language allowing the attorneys and guardians ad litem to have access to the child and to information regarding the student, including school records. These attorneys may attend “ARD” committee meetings (if invited by the person acting as the special education decision-maker) or other school meetings for the student.
- Depending on the most recent court order in the DFPS case, the parents may or may not have access to the student or to educational records. Check with the DFPS or Community-Based Care caseworker to find out who is responsible for education decisions and what access parents may have to the student or the student’s records. Consult with the school’s attorney to determine the LEA’s local policy for identifying who may have access to the student or to educational records (*See Chapter 7: Identifying Students and Maintaining Confidentiality, page 79.*)
- CASA volunteers are sometimes appointed as surrogate parents for children who are receiving special education services.
- To help ensure the safety of people working on the student’s case, please do not make a copy for the student file of the caseworker’s, attorney ad litem’s, or CASA volunteer’s driver’s license, as these documents could be accessed by the student’s parents or other persons. It is acceptable to run information through the ISD Raptor system, but no photocopy should be made. The person working on the student’s case can also provide the school with contact information and an identification badge from the organization they represent.



OTHER SITUATIONS WHERE A CHILD MAY BE LIVING IN OUT-OF-HOME CARE, BUT NOT IN DFPS MANAGING CONSERVATORSHIP

DFPS PARENTAL CHILD SAFETY PLACEMENT (PCSP)

A Parental Child Safety Placement (PCSP) is not foster care. It is a temporary, short-term out-of-home placement a parent can make when DFPS determines that the child cannot safely stay with a parent and removal of the child can be prevented. (See *How Children and Youth Enter the Foster Care System*, on page 37.)

OFFICE OF REFUGEE RESETTLEMENT: "FEDERAL FOSTER CARE"

The Administration for Children & Families, Office of Refugee Resettlement, places unaccompanied child refugees in Texas in foster homes administered by the federal government. This is sometimes referred to as "federal foster care." Students in these circumstances are eligible for USDA nutrition benefits as a child in foster care, as well as the Education and Training Voucher benefit (see *Financial Supports for Post-Secondary Education*, on page 143) and ESSA related school stability provisions. Students in these circumstances, however, are not in Texas DFPS managing conservatorship and they are not coded as foster care for PEIMS purposes. Additionally, students in this program are not eligible for the higher education tuition and fees waiver or other state-specific benefits for students in Texas DFPS managing conservatorship.



It was hard to be a kid and focus at school when life had so many uncertainties.

Can you help
me get where I
need to be?

Success
NEXT EXIT

LOCAL EDUCATION AGENCY (LEA) FOSTER CARE LIAISONS: RESPONSIBILITIES & EXPECTATIONS



IN THIS CHAPTER

- LIAISON INTRODUCTION AND OVERVIEW
- ANNUAL REMINDERS
- 13 KEY ACTIVITIES FOR LEA FOSTER CARE LIAISONS

POSTCARD: Provided by Foster Care Alumni of America - "Can you help me get where I need to be?"

CHAPTER 5

Local Educational Agency (LEA) Foster Care Liaisons: Responsibilities and Expectations

LIAISON INTRODUCTION AND OVERVIEW

Each school district and open-enrollment charter school is statutorily required to appoint at least one employee to act as a Local Educational Agency (LEA) Foster Care Liaison to facilitate the successful enrollment and transfer of records for students in the legal custody of DFPS when enrolling in or changing schools³⁷. Federal law also requires LEAs to

designate an ESSA Foster Care Point of Contact (POC) to coordinate with the local child welfare agency concerning immediate enrollment, education best-interest, transportation, collaboration, and other ESSA requirements³⁸ that support school stability for students in foster care.

DID YOU KNOW?

In Texas, the Regional DFPS Education Specialist serves as the child welfare agency ESSA Foster Care Point of Contact (POC) for LEAs. Beginning in the fall of SY2021-22, DFPS will notify every school district electronically of the Child Welfare ESSA POC. In return, LEAs are required to notify the DFPS Education Specialist of who the ESSA Foster Care POC is for the LEA.

While LEAs have a choice for who they designate for both of these roles, in many instances the ESSA Foster Care POC also serves as the LEA Foster Care Liaison. For the purposes of this chapter, ESSA Foster Care POC duties are included. The information in this chapter provides suggestions on best practices for liaisons based on statutory requirements and feedback from current Foster Care Liaisons, as well as partners across education, child welfare, and the courts.

TEA recognizes that there are many activities listed in this chapter that go beyond the statutory requirements for the LEA

Foster Care Liaison strictly speaking. Fulfilling the minimum statutory requirements may not always meet the full needs of students in foster care. That being said, LEA Foster Care Liaisons play an incredibly important role in advocating for the needs of students in foster care and coordinating with various school personnel and departments to ensure the required supports, practices, and best-practice strategies for serving students in foster care are implemented within LEAs.

Foster Care Liaisons are strongly encouraged to work in coordination with the Title I director, transportation director, McKinney-Vento Homeless Liaison, dropout prevention/at-risk coordinator, special education staff, and other federal program staff to coordinate ESSA and other requirements for students in foster care within their LEAs.



LAW: Each school district and open enrollment charter school shall appoint at least one employee to act as a liaison 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.³⁹



LAW: Each LEA must collaborate with the state or local child welfare agency to designate a point of contact if the corresponding child welfare agency notifies the LEA, in writing, that the agency has designated an employee to serve as a point of contact.⁴⁰





WHAT TYPE OF SCHOOL STAFF WOULD MAKE AN IDEAL DISTRICT FOSTER CARE LIAISON?

While there are no formal requirements about who should serve in the LEA Foster Care Liaison role, certain education professionals may be a natural fit considering their skills or existing job responsibilities. Specifically, those who:

- Have the authority to champion and lead multi-departmental efforts within the LEA;
- Work with mobile student populations or other special populations;
- Are familiar with enrollment, records transfer, existing community services, and student supports;
- Understand the unique challenges of students who are in foster care;
- Serve as a high-level administrator;
- Are directors and leaders in student support services; and/or
- Are counselors or counselor administrators.

The term **“liaison”** or **“LEA Foster Care liaison”** refers to the school district and open-enrollment charter school foster care liaison unless otherwise indicated.



LEA Foster Care Liaisons are responsible for building capacity and infrastructure within their district to support students in foster care and ensure LEAs fulfill both state and federal educational requirements. Ideally, they will also coordinate with individual campuses, community services agencies, caregivers, local colleges, and advocates involved with the child welfare system.

WHAT IS ASKTED?

AskTED is a real-time public database where each school district and charter school's foster care liaison is listed.

RESOURCES: Foster Care Liaison Information

TEA, [AskTED Directory](#). You can view and download district and charter school foster care liaison contact information in AskTED. Information is available by district, region, and county.

TEA, [Guidance on Locating Foster Care Liaison Information in AskTED](#).

TEA, [Foster Care and Student Success Newsletter](#). Subscribe for updates and information from TEA.



ANNUAL REMINDERS

1. Notify TEA of Liaison via AskTED

- » Local education agencies (LEA) must submit foster care liaison contact information to TEA through the Texas Education Directory, AskTED:
 - » School districts must submit this information through the district's AskTED administrator. (Add link to [AskTED](#) administrators listings)
 - » Charter schools must submit their foster care liaison to the Charter School Division at TEA directly via (512) 463-9575 or CharterSchools@tea.texas.gov. Include your liaison's name, email address, and phone numbers. This information will be added to the AskTED directory.

Please contact your district's AskTED administrator or TEA's Charter School Division immediately if there are any changes. LEAs are required to keep the liaison information up-to-date and should have a regular process for notifying the LEA's AskTED coordinator if there is a change.

2. Remind District and Campus Leaders of LEA Foster Care Liaison Appointment

LEAs are encouraged to annually distribute an informal letter to campus and district leaders in order to increase awareness and promote effective practices within the district. Include information about the responsibilities of the liaison, importance of school stability for students in foster care, student identification, and the statutory provisions that support students in foster care. These letters may be sent out electronically with other district and campus communications to increase awareness and strengthen support for students in foster care.

3. Notify the Regional DFPS Education Specialist of LEA Foster Care Liaison Contact Information

LEAs must provide the ESSA Child Welfare Point of Contact (DFPS Education Specialist) the name and contact information of the LEA Foster Care Liaison, as required by federal law. Beginning in SY2021-22, the contact name and information for the ESSA Child Welfare POC will be provided annually to the LEA by DFPS to further support coordination and collaboration. If the LEA does not receive communication from DFPS, then the DFPS Education Specialist most likely is the Child Welfare Point of Contact. DFPS maintains contact information for DFPS Education Specialists by [DFPS Region](#) and by [county](#).

4. Designate and Train Individual “Campus Champions” for Students in Foster Care

Best practices suggest identifying individual campus champions to share the work of the foster care liaison and to ensure students in foster care are served appropriately and effectively at each campus within the LEA. Campuses have flexibility as to whom they designate. The liaison may coordinate with designated campus champions to provide trainings and streamline communication processes to ensure campuses work in a uniform and coordinated manner. Campus champions may assist with implementing new school transition requirements for students in foster care.⁴¹

A foster care campus champion can support the LEA Foster Care Liaison by being a point of contact at their campus to help:

- » **Facilitate effective enrollment and withdrawal:** When questions or issues arise upon enrollment or withdrawal, campus champions may offer face-to-face interaction to help resolve matters quickly and strengthen caregiver and student engagement.
- » **Ease student transition:** Campus champions may introduce themselves to the student and caregiver, arrange a campus tour, and check in with the student regularly within the first two weeks of school enrollment to support and ease the transition of being a new student. They may also participate in enrollment conferences, assemble welcome packets, and provide support with other new school transition requirements for students who are homeless or in substitute care.⁴²
- » **Coordinate across departments:** Campus champions may coordinate across departments to ensure each area is aware of student needs and promptly provide necessary supports.
- » **Organize individualized and enhanced campus level support:** Campus champions are familiar with campus personnel and may link them together to support student access to individualized services and activities that promote an enriched and well-rounded school experience for students in foster care.
- » **Keep the foster care liaison informed of campus level concerns:** Campus champions are well-connected to the unique needs of their campus and may communicate the trends, needs, and progress of foster care related affairs to the LEA Foster Care Liaison to formulate solutions, improve practices, and inform targeted training topics.



13 KEY ACTIVITIES FOR LEA FOSTER CARE LIAISONS

Note that not all of the activities below must be completed by the liaison. The liaison may delegate appropriate tasks to the ESSA Foster Care POC or the foster care campus champion.



Serve as ESSA foster care point of contact and coordinate related responsibilities (See *Chapter 8: Introduction to the Every Student Succeeds Act, on page 88.*)

- ✓ Notify DFPS of the LEA Foster Care Point of Contact.
- ✓ Work with DFPS to support education best-interest decisions.
- ✓ Collaborate with DFPS and the LEA transportation department to secure transportation for students to the school of origin, when necessary. See the [ESSA Transportation Procedures](#) guidelines for more information.
- ✓ Ensure students are immediately enrolled; if a student cannot remain in their school of origin, ensure that the student's records are transferred immediately.
- ✓ Develop and maintain systems and processes to properly identify and code students in foster care in PEIMS.
- ✓ Annually review and update transportation agreements in collaboration with DFPS, as required by ESSA.
- ✓ Utilize LEA foster care data to inform decision-making.



Support the LEA with implementing school transition requirements for students in foster care, as defined by 19 TAC § 89.⁴³ (See *Appendix G, page 165.*)

- ✓ Support the awarding of credit.
- ✓ Assist with placement in educational programs and courses.
- ✓ Promote access to educational and extra-curricular programs.
- ✓ Promote post-secondary information.
- ✓ Coordinate to ensure special education provisions are implemented (when necessary).
- ✓ Collaborate with the student's education decision-maker (when necessary).



Streamline enrollment processes and eliminate enrollment barriers for students in foster care. (See *Transition Assistance for Students who are Homeless or in Substitute Care, page 119.*)

- ✓ Serve as the LEA expert concerning the enrollment of students in foster care.
- ✓ Ensure there are systems and processes in place for appropriately identifying students in foster care at enrollment.
- ✓ Train registrars and front office staff on appropriate paperwork and communication processes with the liaison.
- ✓ Ensure that school records from the previous school are promptly received.
 - » Texas Records Exchange (TREx), the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application can be used to expedite coordination and communication between the sending and receiving schools.

- » Utilize the PID to locate information from the student's previous school if the information is not provided at enrollment.
- ✓ Develop a system for providing welcome packets containing information on school opportunities, supports, and resources available.
- ✓ Introduce new students to campus systems and processes, provide campus tours, and link with student ambassador programs (always maintain confidentiality and privacy).
- ✓ Ensure students are placed in the appropriate grade level classes and receive books.
- ✓ Coordinate with appropriate staff to ensure that transfer requirements are met for students who are eligible for special education services.
- ✓ Ensure an enrollment conference occurs within the first two weeks of school.
- ✓ Stay knowledgeable and informed of state and federal mandates to support students in foster care.

4

Accurately identify students for PEIMS and data use.

- ✓ Ensure proper identification of students in foster care for PEIMS purposes. Refer to guidance in TEA PEIMS Data Standards, C196 Code Table. For a list of acceptable and unacceptable paperwork for PEIMS coding, visit: [Foster Care PEIMS Guidance](#).
- ✓ Ensure registrars and campus staff are trained on appropriate paperwork and processes.
- ✓ Annually review LEA enrollment paperwork and online enrollment processes to ensure student information is requested appropriately.
- ✓ Establish systems to utilize data and monitor and track student progress, including attendance, course completion, enrollment, and withdrawals.

5

Ensure that students in foster care automatically receive school nutrition and meal program services.

A student in foster care is categorically eligible for USDA child nutrition programs without further application.⁴⁴ This includes the National School Lunch Program/School Breakfast Program, Special Milk Program for Children, Fresh Fruit and Vegetable Program, Summer Food Service Program, and the Child and Adult Care Food Program. A student's DFPS Placement Authorization Form 2085 addresses meal eligibility and is the only proof the LEA needs to confirm eligibility (*See Appendix E, page 163.*)

- ✓ Incorporate nutrition eligibility for students in foster care as a training element for LEA food coordinators and foster care campus champions.
- ✓ Establish a coordinated process to ensure students can receive meals immediately.
- ✓ Serve as a designee to sign for nutrition benefits for students in foster care.

6

Encourage involvement in extracurricular activities.

- ✓ Share information with students and caregivers about extracurricular activities, make connections with key staff, and help students connect with peers.
- ✓ Support transportation planning for extra-curricular activities, if necessary. The LEA may have bus passes, carpools, and other creative methods to assist student participation in extracurricular activities. Consider waiving associated fees using indirect state compensatory education funds, federal funds, and local funding sources. (*See Transition Assistance for Students who are Homeless or in Substitute Care, page 122.*)



Know which supports are available within the LEA and community.

- ✓ Connect students and caregivers to available LEA resources, such as tutoring and counseling services.
- ✓ Connect students and caregivers to free resources and community opportunities, such as backpack drives, sporting and holiday events, job fairs, college tours, and other resources.



Help coordinate withdrawal and records transfer.

- ✓ Seamless and timely records transfer and withdrawal are central duties of the foster care liaison.
- ✓ Develop and implement processes to ensure that students' credits are accurately calculated, and that school records and credits are transferred through the electronic Texas Student Records Exchange (TREx) system within 10 days of a student's withdrawal.
- ✓ Coordinate with campus champions, counselors, registrars, teachers, and, if applicable, special education teams and campus health services (e.g. nurse) to verify that a student's education records are complete, especially when a student moves in the middle of a grading period.
- ✓ Provide information for students acquiring partial credits.⁴⁵ Communicate with the student's caregiver, caseworker, and/or DFPS Educational Specialist regarding records and any additional information needed to support a successful withdrawal and transfer.



Coordinate with child welfare partners.

- ✓ Provide information to the student's caseworker to support Education Best Interest Decision- Making, when requested.
- ✓ Support school stability by providing school of origin transportation in collaboration with DFPS Regional Education Specialist.

A map of the DFPS regions is found on page 28. See Chapter 3 for more information on building cross-system partnerships.

- ✓ Troubleshoot problems that arise.
- ✓ Provide information and insight on the school system and processes to child welfare partners.
- ✓ Conduct cross-system trainings.
- ✓ Communicate with DFPS Education Specialists, Youth Specialists, and Preparation for Adult Living (PAL) Specialists to support students in foster care.
- ✓ Participate in local and regional foster care consortia to promote collaboration and strengthen cross-system partnerships.



TIP: The [DFPS Regional Youth Specialist](#) is youth formerly in foster care who works for DFPS and is available to provide understanding and strengthen awareness about the experience of students in foster care.

It is important to involve people who experienced foster care in trainings and to establish effective supports and practices.

10

Provide foster care related information and training to the LEA.

Liaisons can provide trainings and resources about foster care to their district and local campuses and can coordinate with child welfare and community partners to increase cross-system awareness. Trainings may include:

- ✓ Child Welfare System 101
- ✓ Confidentiality/Sensitivity
- ✓ Enrollment/Withdrawal
- ✓ Foster Care Education Laws
- ✓ Every Student Succeeds Act
- ✓ Mandatory Child Abuse Reporting
- ✓ Credit Retrieval and Recovery
- ✓ The Impact of Trauma on Learning and Mobility
- ✓ Transition Supports and Post-Secondary Opportunities

11

Coordinate with the academic counselor to ensure students are on track to graduate.

- ✓ Review students' class schedules and course credits to make sure that students are on track for graduation.
- ✓ Ensure that all students in foster care graduate with endorsements, if applicable, and have post-secondary plans identified in their personal graduation plans, to the extent required by TEC § 28.02121.
- ✓ Review alternative options for acquiring and restoring course credit (e.g. summer school, credit recovery etc.).
- ✓ Utilize local, state, or federal funding options to waive costs that may impede access to cap and gowns, graduation pictures, and ceremonies.

12

Encourage successful transition into adulthood and post-secondary opportunities.

- ✓ Ensure that all students in foster care in grades 11 or 12 are given information about tuition and fee waiver and dual credit opportunities.⁴⁶ Enrollment in *any* college coursework triggers this lifetime benefit. See [Foster Care Resources at College for All Texans](#) for more information.
- ✓ Help high school students access the Free Lifetime College Tuition and Fee waiver (available to qualifying Texas students currently or formerly in foster care) by facilitating enrollment in dual-credit or any college course at a public two-year college during high school.
- ✓ Promote successful transitions and college access by connecting students with local colleges and existing campus-based student support programs, including [Higher Education Foster Care Liaisons](#).⁴⁷ Promote successful transitions into adulthood by linking with DFPS programs and services that support youth in preparing for adulthood, including [Preparation for Adult Living \(PAL\)](#) and [Supervised Independent Living \(SIL\) programs](#).
- ✓ Inform students seeking post-secondary education opportunities of the bacterial meningitis vaccine requirement for college enrollment in Texas.⁴⁸

13

Become a foster care expert and promote practices that align with Texas law.

More information about foster care and education can be found on TEA's [Foster Care & Student Success webpage](#).

- ✓ Be familiar with the foster care system and the impact the foster care experience has on a student's education.
- ✓ Actively participate in professional learning and collaborative meetings, such as foster care consortia, to coordinate across systems, troubleshoot barriers, and remain up-to-date on policy and practice guidance.
- ✓ Be knowledgeable of the laws and policies that support students in foster care. Promote awareness and implementation of policies and practices that align with state and federal law across the LEA.



RESOURCES: Training for Foster Care Liaisons

Texas Children's Commission, [Reports and Resources](#) - A collection of education resources and collaborative reports are located under the Foster Care and Education tab.

Texas Children's Commission Foster Care & Education Confidentiality Workgroup, [Information Sharing Between Child Welfare and Schools: Maintaining Privacy and Promoting Educational Success](#)

[Legal Center for Foster Care and Education](#) - A central clearinghouse of information on foster care and education training and technical assistance across the country.

[Child Welfare Information Gateway](#)

[Sesame Street in Communities, Foster Care](#)

[TEA, College, Career, and Military Prep](#)

American Bar Association, Center on Children and the Law, Juvenile Law Center, Education Law Center; [ESSA Implementation Toolkit](#) - Addresses the transportation requirements of local education agencies under the Every Student Succeeds Act (ESSA). The report also explains the duties and responsibilities of local education agencies and provides a step-by-step plan to implement ESSA's transportation requirements.

It's not my
fault I'm n
in School...

SCHOOL ENROLLMENT, WITHDRAWAL, AND OTHER TRANSITION CONSIDERATIONS FOR STUDENTS IN FOSTER CARE



IN THIS CHAPTER

- WHY PROMPT ENROLLMENT IS IMPORTANT
- TIMEFRAME FOR ENROLLMENT AT A NEW SCHOOL
- RECORDS NEEDED TO ADMIT AND ENROLL A STUDENT IN SCHOOL
- INFORMATION NECESSARY FOR ADMISSION AND ENROLLMENT DESCRIBED
- ACTIONS TO TAKE WHEN A STUDENT IN FOSTER CARE WITHDRAWS OR CHANGES SCHOOLS
- DFPS COORDINATION TO SUPPORT SCHOOL TRANSITIONS
- OTHER SCHOOL TRANSITION CONSIDERATIONS:



McKinney-Vento Homeless Education Services and Child Welfare



Eligibility for School Meal Programs



Children In Foster Care Are Eligible for Free Pre-K Programs in Public Schools



Daily Attendance

POSTCARD: Provided by Foster Care Alumni of America - "It's not my fault I'm not in school."

CHAPTER 6

School Enrollment, Withdrawal, and Other Transition Considerations For Students In Foster Care

WHY PROMPT ENROLLMENT IS IMPORTANT

Delays and challenges with enrollment significantly impact the educational experience and outcomes of students in foster care. These challenges are both the responsibility of educators and child welfare stakeholders. Following the laws and practices established in the education and child welfare systems will prevent enrollment delays.

Challenges to enrollment include:

- Partial and missing student records.
- Lack of knowledge of the enrollment process and mandatory provisions for students in foster care.
- Lack of clarity about who may enroll a student in foster care.
- Unclear directions as to who is responsible for transfer of records.
- Misinformation about foster care generally.

This chapter provides practical information on enrollment of students in foster care to help educators, caseworkers, caregivers, and others work together to see that students enroll and enter school in a timely and efficient manner. This chapter also provides information on withdrawals and reviews the importance of child welfare staff and educators working together to promote effective school transitions.



TIP: Maintain confidentiality and sensitivity in the front office when enrolling a student.

It can be challenging to keep a student's foster care status confidential when enrollment is taking place in the school office. School staff should remain aware of who is within hearing distance and work with caregivers and students to enroll students in a manner that is both sensitive and respectful (i.e. without highlighting their foster care status). Some foster care alumni report that enrolling at a new school can sometimes be very humiliating and lead to negative labeling and stigmatization by school staff and peers. It is important to also keep this in mind when providing students welcome tours and introductions to the school environment (See Chapter 7: *Identifying Students and Maintaining Confidentiality*, on page 79.)

TIMEFRAME FOR ENROLLMENT AT A NEW SCHOOL



DO NOT DELAY! ENROLL FOSTER CARE STUDENTS IMMEDIATELY!

Under federal and state law, students in foster care are entitled to immediate enrollment when transferring to a new school or district — regardless of whether they have the necessary documentation and paperwork.⁴⁹ Texas law requires DFPS to enroll a student in foster care in school within **three (3)** school days of the student either: a) being placed in DFPS conservatorship (state custody), or b) moving to a new school or foster care placement.⁵⁰ DFPS then

has up to 30 days to ensure the necessary enrollment paperwork is provided to the new school.⁵¹ ESSA requires the receiving LEA to immediately contact the sending LEA when a student in foster care enrolls in a new school. School staff should follow up to ensure a student:

- Has their records requested and received from the sending school;
- Is placed in the correct grade level and classes;
- Receives their books, materials, and supplies;
- Is coded in PEIMS as a student in foster care;
- Promptly receives special education or Section 504 services, if appropriate;
- Promptly receives free school meals without completing meal applications;
- Is provided information on available academic programs, extracurricular activities, graduation endorsement options, etc., at their new school and receives continuity from previous enrollment and participation;
- Has an enrollment conference within the first two weeks of enrollment in a new school;⁵² and
- Is provided introductions in the new school environment by faculty, student leaders, or student ambassadors.



LAW: State law requires schools to implement systems to ease transitions and lessen the adverse impact of movement of a student who is in foster care or a student who is homeless within the first two weeks of enrolling in school. These activities include:⁵³



- Conducting an enrollment conference in the first two weeks of school or within the first two weeks after the student is identified as being in foster care;⁵⁴
- Ensuring welcome packets with relevant information and resources are provided to the student;
- Providing introductions for students to the school environment by faculty, student leaders, or student ambassadors (while protecting the student's confidentiality); and
- Ensuring that nutrition benefits are received immediately.

(See *Implementing Academic Supports and Intervention According to State Law*, on page 119.)



TIP: Staff members (such as principals, registrars, counselors, designated Foster Care Liaisons, nutrition coordinators, transportation specialists, etc.) should be knowledgeable concerning communication, processes, and procedures for facilitating successful school transitions for students who are homeless or in foster care.⁵⁵

LEA Foster Care Liaisons play an important role in ensuring successful enrollment and transfers for students in foster care. Foster Care Liaisons are an important point of contact for local campus and nutrition staff, caregivers, caseworkers, and court appointed advocates to troubleshoot and resolve enrollment challenges (See *Chapter 5: District and Open Enrollment Charter School Foster Care Liaisons: Responsibilities and Expectations*, on page 54.).





RECORDS NEEDED TO ADMIT AND ENROLL A STUDENT IN SCHOOL



ADMISSION:⁵⁶

1. Identity of parent or legal guardian/legal authority.
2. Proof of residence.



ENROLLMENT:⁵⁷

3. Proof of the student's identity (child's birth certificate or another acceptable document) *(see page 67 for list.)*
4. Immunization records.
5. School records from last school attended.
6. *DFPS Placement Authorization form 2085 or the DFPS Designated Education Decision-Maker form 2085-E can both serve as proof of foster care status prompting immediate enrollment.*



NOTE: The Placement Authorization 2085 is a series of forms and all forms in the 2085 series are acceptable.



LAW: If the student is in DFPS Managing Conservatorship, the LEA must accept the student for enrollment, even without the normally required documents. DFPS has up to 30 days to provide all the necessary enrollment paperwork when a student enrolls at a new school.⁵⁸

INFORMATION NECESSARY FOR ADMISSION AND ENROLLMENT DESCRIBED

ADMISSION



1. Identity of parent or legal guardian/legal authority

Who may enroll a student in foster care in school?

If a student is in DFPS conservatorship, DFPS has legal authority to enroll the student in school. DFPS may delegate that authority to another person, usually the person who will be responsible for day-to-day care of the student, such as the:

- Foster parent or designated caregiver;
- DFPS caseworker or other staff (such as a Community-Based Care caseworker);
- Relative or fictive kin;⁵⁹
- CASA or student's guardian ad litem;

- Residential facility staff;
- Child placing agency staff, including case manager; or
- In some cases, the student's parent.



When a student is in foster care, the person enrolling the student may provide one of the following documents to show they have legal authority to do so (*See Acceptable Documents for Identifying Students During Enrollment, on page 80.*)

DFPS FORMS



> **DFPS Placement Authorization Form 2085**, which is given to caregivers by DFPS or Community-Based Care providers, indicates who has the legal authority and responsibility for the student.

> **DFPS Designated Education Decision-Maker Form 2085-E**, which is provided to the appointed decision-maker by DFPS, says who has the legal authority and responsibility to make education decisions for the student. Special Circumstances may also include a surrogate parent (*see Surrogate Parents, on page 133*).

> A court order naming **DFPS as Temporary Managing Conservator (TMC)** or **Permanent Managing Conservator (PMC)** of the student.

If the person does not have the required documents, the DFPS caseworker, Community-Based Care caseworker, or the DFPS educational specialist may assist with providing the necessary forms.



TIP: When enrolling a new student, a school cannot request private and confidential information related to the student's foster care status. LEAs cannot utilize the lack of release of private and confidential information (e.g. private psychological evaluations, hospitalization records, non-felony charges, listings of prior providers, reasons for placements, sex-trafficking history, copies of DFPS student applications, placement summaries etc.) as reasons to delay services or enrollment.



LAW: If a parent or other person with legal responsibility for a student under a court order enrolls the student in a public school, that individual, or the transferring school district, shall furnish to the receiving school district:

- Student's birth certificate or other proof of identity,
- Records from the school most recently attended,
- Immunization records.⁶⁰



2. Proof of residence

Students in foster care are allowed to attend public schools in the district in which the foster parents reside free of any charge to the foster parents or DFPS.⁶¹ A parent or caregiver must provide appropriate documentation of residency in the school district if the district requires it.



LAW: A student placed in foster care is entitled to continue to attend the school in which the student was enrolled immediately before entering DFPS conservatorship. The student may also attend the public schools in the district in which the student's placement is assigned and may continue to attend the school at the time of any subsequent changes in foster care placements.⁶² Students have the right to remain enrolled through the highest-grade level offered by that school, regardless if they remain in foster care.⁶³ A student who meets the criteria above is eligible for attendance in the district as a regular student and should not be coded as a transfer student.⁶⁴

ENROLLMENT



3. Proof of student's identity

A birth certificate or other proof of the student's identity is necessary.⁶⁵ However, schools should be aware that DFPS may not have access to a student's original birth certificate and it could take longer than 30 days to obtain. When unable to acquire the original or a certified copy, DFPS will obtain a screen print of the birth record from the Bureau of Vital Statistics (BVS) system. Accepting the BVS screenshot will prevent challenges to school enrollment. Additionally, alternative methods to prove identity may be accepted, such as the court order, *DFPS Placement Authorization Form 2085*, or *DFPS Designated Education Decision-Maker Form 2085-E*.

Other alternative proof of identity and age includes:⁶⁶

- Driver's license;
- Passport;
- School ID card, records, or report card;
- Military ID;
- Hospital birth record;
- Statement of the child's date of birth issued for school admission purposes by the division of the Texas Department of State Health Services responsible for vital statistics;⁶⁷
- Adoption records;
- Church baptismal record; or
- Any other legal documents that establish identity.



TIP: The previous school may have a copy of the student's birth certificate in the school file. Contact the previous school to request a copy if the person enrolling the student does not have a birth certificate at the time of enrollment.



4. Immunization records

Generally, the student needs their proof of immunizations to enroll in school, unless the student's guardian(s) have requested an exemption under the law.⁶⁸ However, students in foster care may be admitted provisionally (for 30 days) even if acceptable evidence of vaccination is not available. If a student does not have the appropriate immunization records in place, DFPS must:⁶⁹

1. Ensure that the student visits the doctor or health clinic to begin immunizations;
2. Notify the school in writing that immunizations have begun; and
3. Ensure that immunizations are completed and that the immunization records are submitted to the school as soon as possible.



TIP: It is important that schools cooperate in transferring a student's immunization records to other schools when requested.⁷⁰ Approval from the student's legal guardian is not required before transferring immunization records if the immunization records are part of the student's education records.⁷¹



5. School records from last school attended

Upon a student's enrollment in a district, the district should attempt to secure all records and required documentation pertaining to the student from the previous district and/or the parent or other person with legal control of the student under a court order.⁷² The student's school record must be transferred via TReX within 10 working days.⁷³



TIP: In the event that a child arrives without records, schools may use the [Person Identification Database \(PID\) System](#) or the [Person Enrollment Tracking \(PET\) Systems](#) to look up the student and identify where the child was previously enrolled. School staff may use this information to reach out to the school(s) in which the student was previously enrolled to get more information to assist with enrollment in the new school.



TIP: DFPS, school Foster Care Liaisons, school registrars, and caregivers must work together to ensure records are properly transferred when school moves occur.



LAW: All eligible students who desire to enroll in a Texas public school are allowed to enroll, even if the new school has not received the academic records from the previous school. Additionally, credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and must be accepted by any other school district in the state.⁷⁴

ACTIONS TO TAKE WHEN A STUDENT IN FOSTER CARE WITHDRAWS OR CHANGES SCHOOLS



LEA Foster Care Liaisons and school personnel can assist in the coordination of proper withdrawal by ensuring that the person withdrawing the student knows the process and by confirming that all records are gathered and forwarded in a timely manner. LEA Foster Care Liaisons can follow up to ensure that the student receives their grades and is awarded credit and partial credit for work completed. Once the school is notified of the need to withdraw a student - whether it is advance or emergency notice communicated verbally or in writing - the school personnel should immediately begin gathering records. Where possible, provide DFPS with the student's records upon withdrawal.

WHO IS RESPONSIBLE FOR WITHDRAWING STUDENTS FROM SCHOOL?

Generally, the caregiver or the DFPS or Community-Based Care caseworker is responsible for withdrawing students.



LAW: Because of a Family Educational Rights and Privacy Act (FERPA) exception, even if a caregiver or foster parent did not formally withdraw the student from the previous school, enrollment by a student in another school district provides authority for the original school district to release the education records of that student to the receiving school, regardless of whether caregiver consent has been received.⁷⁵



TIP: The person who withdraws the student may be different from the person who enrolled the student. In some instances, the caregiver or caseworker who enrolled the student may not be the same person who is withdrawing the student.



HOW CAN SCHOOL PERSONNEL PROMOTE EFFECTIVE RECORDS TRANSFER?

Local child welfare and education agencies are encouraged to coordinate and establish collaborative practices to improve overall communication and records transfer. A delay in records transfer may result in a student repeating a course or not receiving appropriate educational services. Any available student records should be given to DFPS or their representative at the time of withdrawal and placed in the student's Education Portfolio (*See DFPS Coordination for School Transitions, on page 70.*) for possible use by the caseworker or caregiver for enrollment in the new school.



TIP: LEA liaisons should follow up with the previous school and the current school to ensure withdrawal and enrollment, respectively.

A student in foster care may leave school without a formal withdrawal from the previous LEA. Although new enrollment retroactively ends enrollment in the previous school, assistance may be needed to ensure a streamlined transition. Facilitating smooth transfers is a key responsibility for Foster Care Liaisons. Foster Care Liaisons or a designated staff member on each campus, can follow up to make sure that students receive their grades and are awarded credit and partial credit for work completed previously.⁷⁶ They can also see that credits earned are properly

Learn more about [TEA Foster Care Liaisons](#) and how to find this information in AskTED.

entered in the TReX system and transferred through TReX to the new school and district. Following up within the schools will help facilitate effective withdrawal and records transfers. Liaisons also provide an important point of contact within the education system for those in the child welfare community (e.g., DFPS, caregivers, court-appointed advocates) to follow up and coordinate regarding school moves, records transfers, enrollment, and other issues. (See Chapter 5: District and Open Enrollment Charter School Foster Care Liaisons: Responsibilities and Expectations, on page 54.)

What is the Texas Student Records Exchange - TReX?

TReX is the system that facilitates records exchange of all student records across Texas. When a student moves from one Texas public school district or charter school to another, the student's records must be transferred via TReX within 10 working days of receiving a written request.⁷⁷ All Texas schools have access to the TReX system. For purposes of transferring records through TReX, a working day does not include a day that the campus receiving the records request is closed or a day that the district's

administrative office is closed.⁷⁸ Information must be entered in the TReX system in a timely and efficient manner to facilitate smooth records transfers and immediate and appropriate enrollment of students in the new school (See Appendix G on page 165.).

School staff should be aware that each LEA may store records using various secured measures. When requesting records, the requestor must be clear that all records must be sent, including those held by other school records clerks or storage systems. Special education records are often stored separately from enrollment records and many public school districts or charter schools require requestors to request records from multiple entities within the same public school district or charter school.⁷⁹

WHAT IS THE IMPORTANCE OF WITHDRAWAL AND THE 10-DAY RECORDS TRANSFER TIMEFRAME?

Notification of withdrawal and formal exit provides the sending school with the opportunity to prepare the student's records for transfer via TReX to the new school. This may include calculating grades, recording credits on the transcript, and gathering assessments and special education documents.

Advance notice of withdrawal can assist a sending LEA with planning, provide the caregiver with some immediate information for the student's Education Portfolio (See DFPS Coordination to Support School Transitions, on page 71), and be helpful for a successful student transition. The former LEA is responsible for providing records upon written request. A timely and accurate records transfer is important so that students receive an appropriate program of instruction and class schedule in their new school.



LAW: Once an official written request for records is made by the caregiver, DFPS representative, or person with legal authority for the student, LEA staff must transfer student records to the new LEA within 10 working days.⁸⁰



DFPS COORDINATION TO SUPPORT SCHOOL TRANSITIONS



[DFPS Education Resource Guide](#) – Guidance and policy concerning the education of students in foster care.

[DFPS Education Policy Handbook, 15000 Education for Children](#) – DFPS education policy.

DFPS REGIONAL EDUCATION SPECIALISTS ARE AVAILABLE TO HELP WITH ENROLLMENT, WITHDRAWAL, AND STREAMLINED TRANSITIONS

Regional education specialists are designated education advocates within each DFPS region and a helpful resource to contact when there are challenges enrolling a student or assisting with records transfers and streamlined transitions.

CHILD WELFARE PARTNERS MAY PROVIDE ACADEMIC INFORMATION FROM THE PREVIOUS SCHOOL SETTING.

Parents, foster parents, caseworkers, and other advocates may facilitate the enrollment process by providing information from the student's previous school(s) at the time of enrollment. These include school transcripts, report cards, class schedules, special education and Section 504 evaluations and plans, and other documents. School staff are directed by TEA to use TReX and comply with minimum standards record procedures. *(See Appendix G, on page 165.)*



USE THE STUDENT'S DFPS EDUCATION PORTFOLIO TO SUPPORT SCHOOL TRANSITIONS, IF NEEDED.

All students in foster care should have an Education Portfolio provided by DFPS in a binder.

The portfolio contains education information and moves with the student from placement to placement. Copies of relevant documents kept in the Portfolio, such as the student's birth certificate, IEP, report cards or transcripts, may be shared with the new school to assist with immediate enrollment and appropriate class assignment, but the Education Portfolio is not to be given to the school in its entirety. Caregivers and caseworkers are responsible for updating the Portfolio and should only be including education records directly related to the academic and instructional history of the student. Documents that contain confidential or private information about a student or their family, such as legal affidavits, court orders, or psychological reports, should not be included and should not be shared with school personnel if they are found in the Portfolio. School leaders can work with caregivers or caseworkers to provide copies of updated education records and information that should be placed in the Education Portfolio⁸¹ (see Appendix I, page 167 for a list of education documents that are included in the Education Portfolio).

FAMILIARITY WITH DFPS ENROLLMENT AND WITHDRAWAL PROCESSES IS BENEFICIAL.

The law requires that DFPS ensure the student is enrolled in school no later than the third school day after a court order is issued removing the student from the home and placing the student in DFPS conservatorship (state custody) or following school withdrawal and movement to a new placement. If the student cannot attend school due to a temporary physical or mental condition, DFPS or the Community-Based Care caseworker must give the school written notice that the student cannot attend and will return to the new school as soon as possible. The DFPS or the Community-Based Care caseworker has 30 days to obtain and provide records to the new school.⁸² If the student is transferring from another school district, the DFPS or the Community-Based Care caseworker should provide the receiving school with the name and address of the transferring school to facilitate a prompt transfer of school records.

In the event of a withdrawal, DFPS will notify the school, as soon as feasible, to initiate the withdrawal process. Any available child records should be given to DFPS or their representative at the time of withdrawal and placed in the child's Education Portfolio.

Other Withdrawal Information

Once the sending school is notified of a student's withdrawal, the student is no longer a student of that LEA.

Proof of enrollment in a different campus or district permits retroactive withdrawal to the date a student enrolled in the new school. Meaning the date of enrollment in the new school can be considered the date of withdrawal from the previous school.

This is important for the 10-day timeline and ensuring that student records are transferred in a timely manner.

The requirement to transfer records to a new school within 10 working days of a request stands regardless of whether a student has returned or paid for their textbooks or other school property, including an electronic textbook.



TIP: LEAs failing to provide the required information within 10 calendar days of a written request by the receiving LEA should be reported to TReX Help Desk: (512) 463-7246 or email TREx@tea.texas.gov

WHY DO STUDENTS SOMETIMES HAVE MISSING RECORDS?

When a student enters foster care, the change can be abrupt and immediate, which may not allow the caregivers the opportunity to formally withdraw the student.

The student may have experienced inconsistency and significant lapses in education and school attendance or may have moved schools prior to entering the foster care system.

- The previous LEA may not be informed of the student's departure or the receiving LEA may not know where the student was previously enrolled.
- Transitions in foster care rarely occur at semester breaks, so the receiving LEA may be asking for current records before grades are available.
- When a student enters foster care, the school staff may be unsure about who is legally allowed to have the student's records as well as who has the legal authority to make education-related decisions. Some school officials may be hesitant to release education records without the consent of a parent or guardian. However, if DFPS has been appointed as the managing conservator of the student, DFPS has the legal authority to view and to receive those records in addition to the caregiver (*See Chapter 9: Education Decision-Making, on page 96.*)

WHAT HAPPENS IF A STUDENT'S WHEREABOUTS ARE UNKNOWN?

Liaisons and school staff should follow up with the caregiver, the DFPS caseworker, Community-Based Care caseworker, or DFPS regional education specialist when a student's whereabouts are unknown.

Following up with these individuals to determine a student's whereabouts is an important step before withdrawing the student and treating their whereabouts as unknown. In the event that a student is not found, and they have not officially withdrawn from school, the LEA should decide the withdrawal date for the student according to applicable local policies.⁸³

In addition to promoting effective transfers, *see Transition Assistance for Students who are Homeless or in Substitute Care on page 119* for information on how to implement effective transitions for students in foster care in accordance with TEC § 25.007 and TAC 89FF.



OTHER SCHOOL TRANSITION CONSIDERATIONS



MCKINNEY-VENTO HOMELESS EDUCATION SERVICES AND CHILD WELFARE

ESSA REMOVES “AWAITING FOSTER CARE PLACEMENT” FROM MCKINNEY-VENTO DEFINITION

The McKinney-Vento Homeless Assistance Act no longer includes children and youth who are awaiting foster care placement and are awaiting formal foster care placement under DFPS managing conservatorship. This means that children and youth who are awaiting foster care placement will no longer be considered homeless and will therefore not be eligible for McKinney-Vento services unless they meet the revised definition.

SCENARIOS WHERE A STUDENT IN DFPS MANAGING CONSERVATORSHIP IS ELIGIBLE TO BE SERVED AS HOMELESS UNDER MCKINNEY-VENTO

There are scenarios when a student in foster care is living in a setting that meets the definition of homeless under McKinney-Vento. Children without placement, also known as CWOP, are living in settings that temporarily meet the McKinney-Vento definition of homeless. In these scenarios DFPS has been unsuccessful in locating a place for the child to live. Therefore, these children may stay in hotels/motels, offices, churches, or dorms on a temporary basis until DFPS can locate a different placement for the child. Students in these scenarios are both in foster care and living in settings that are eligible to be served as homeless for McKinney-Vento purposes.

Additionally, there are scenarios when a child in DFPS managing conservatorship returns to live with their biological family. If the family is living in a setting that would be considered homeless for McKinney-Vento purposes, the child would be identified as homeless.

CONSIDERATION WHEN STUDENTS ARE INVOLVED WITH DFPS BUT NOT IN CONSERVATORSHIP OR FOSTER CARE

There are situations where students may be involved with DFPS and may be receiving services from the child welfare system but are not in foster care or conservatorship of DFPS (*See Chapter 4: Child Welfare 101, on page 52.*) In some circumstances, such as a student living in an emergency shelter or a voluntary placement with a family member, a student may qualify as homeless under McKinney-Vento.

For more information concerning students in foster care and McKinney-Vento eligibility, contact the district McKinney-Vento Homeless Liaison. District Foster Care Liaisons and Homeless Liaisons are encouraged to work together concerning student identification and ensuring appropriate services and supports for eligible students.



RESOURCES: McKinney-Vento and Foster Care

US Department of Education (USDE) [Letter to Chief School Officers, ESSA and ESEA Changes, Removal of Awaiting Foster Care](#)

[National Center for Homeless Education: A Look at Child Welfare from an Education Perspective Brief:](#)

Legal Center for Foster Care & Education and National Center for Homeless Education, Best Practices in Homeless Education, [“When Working Together Works: Academic Success for Students in Out-of-Home Care.”](#)

Legal Center for Foster Care & Education and National Center for Homeless Education, Best Practices in Homeless Education, [“Clearing the Path to School Success for Students in Out-of-Home Care.”](#)

USDE and HHSC Non-Regulatory Guidance: [Ensuring Educational Stability for Children in Foster Care.](#)

[National Association for the Education of Homeless Children and Youth \(NAEHCY\).](#)

USDE [Non-Regulatory Guidance: Education for Homeless Children and Youths Program \(2018\).](#)



ELIGIBILITY FOR SCHOOL MEAL PROGRAMS

Students in foster care are eligible for USDA child nutrition programs, including free meals and milk in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP), and the Child and Adult Care Food Program (CACFP). Caregivers for students in foster care do not have to complete a separate application for these programs. The DFPS Placement Authorization Form 2085 provides for immediate authorization of the student to participate in the programs offered through the USDA. LEA Foster Care Liaisons can verify students' eligibility with food service departments and local campuses to make sure students receive immediate meal assistance.

FOSTER CARE ELIGIBILITY EXPLAINED:⁸⁴

- All students in DFPS Managing conservatorship are eligible for nutrition benefits.
- Students from another state's child welfare system, placed by a court, where the state retains legal custody of the child are eligible for this benefit.
- Students who are in an Interstate Compact on the Placement of Children (ICPC) agreement and in foster care in another state and currently being monitored in Texas are eligible.
- Students who are Unaccompanied Refugee Minors (URM) and placed by the federal government in a non-DFPS foster care placement are eligible for this benefit.
- Students who were adopted out of foster care or who are no longer in foster care are not eligible for this benefit, unless the student's family meets the categorically eligibility guidelines in another way (e.g. income levels).



TIP: Foster Care Liaisons have the necessary documentation to directly certify a foster child for nutrition benefits. By directly certifying the foster child, the student's household application is not subject to verification unless non-foster students are listed on the household application.⁸⁵ Foster Care Liaisons and LEA nutrition coordinators must work together to ensure that students in foster care receive school meals on their first day of school.



RESOURCES: Nutrition Assistance

Texas Department of Agriculture, "[ARM Guide, Eligibility Determination, Section 4.](#)"

USDA, HHSC, USDE issue [tri-agency letter for Chief School Officers](#) outlining the categorical eligibility of children and youth in foster care for free school meals.

USDA, "[USDA Announces Expansion of Nutrition Assistance for Foster Children, Provision Expands Safety Net against Childhood Hunger and Promotes Healthy Lifestyles.](#)"

USDA Child Nutrition Programs Food and Nutrition Service, "[Eligibility Manual for School Meals, Determining and Verifying Eligibility.](#)"



CHILDREN IN FOSTER CARE (AGES THREE, FOUR, AND FIVE) ARE ELIGIBLE FOR FREE PRE-KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS

Children currently in the conservatorship of DFPS, or currently in another state's foster care system⁸⁶ or children who have *ever been* in foster care in Texas as a result of an adversary court hearing are eligible for enrollment in the local public school's pre-kindergarten program.⁸⁷ Texas schools are required to offer a free pre-kindergarten program if the district identifies 15 or more eligible students.⁸⁸ Once a program for four-year-olds has been established, children that meet the eligibility requirements for pre-kindergarten must be served and cannot be placed on a waiting list. Many districts offer a program for three-year-olds and, if they do, the eligibility is the same if the child is three years old by September 1st of the school year.

In some smaller districts, Head Start may be the sole provider of pre-kindergarten programs. Head Start programs may reach enrollment capacity and children in foster care, even though they are all eligible, may be placed on a waiting list. Head Start has a rolling admissions policy where children on the waiting list are enrolled throughout the year based on availability of space and staff.

ESSA requires students in foster care to remain in their school of origin when determined to be in their best interest to do so, which includes those students in pre-kindergarten. Generally, transportation is not required for the public school pre-kindergarten program, but if the school provides transportation for pre-kindergarten children, those costs can be included for funding purposes as part of the regular transportation system.

CHILDREN CURRENTLY OR FORMERLY IN TEXAS FOSTER CARE SYSTEM ARE ELIGIBLE FOR PRE-KINDERGARTEN

ALL children three, four, and five years of age who are currently in or were ever in Texas foster care as a result of an adversary hearing receive a Letter of Verification to enroll in a public school's pre-kindergarten program from DFPS. School districts are directed by TEA to accept the DFPS letter as proof of eligibility to enroll these children in free

pre-kindergarten. Head Start also accepts the DFPS Letter of Verification for pre-kindergarten enrollment. If a student does not have a letter, the student's parent or school representative, may contact DFPS pre-k verification mailbox at prekverificationltrs@dfps.texas.gov to receive a copy of the letter.



Due to changes by the 87th Texas Legislature, HB 725 amends TEC § 29.153 so that students who were in or are currently in another state's foster care system, residing in Texas, are eligible to receive free Pre-K, although they do not receive a verification letter.

PRE-K ELIGIBILITY FOR KINDERGARTEN FOR CHILDREN WHO TURN FIVE AFTER SEPTEMBER FIRST

Children who turn five after September 1st of the school year are not eligible for kindergarten enrollment but are still eligible for pre-kindergarten enrollment. Children must turn five before September 1st to be eligible for kindergarten for that school year.



RESOURCES: Early Childhood Education

TEA, [Early Childhood FAQs](#).

For more information on pre-kindergarten eligibility and enrollment, see Section 7 of the [TEA Student Attendance Accounting Handbook](#).



DAILY ATTENDANCE

EXPECTATIONS OF DAILY ATTENDANCE

School attendance is mandatory for students in foster care, as it is for all other six to eighteen year-old Texas students.⁸⁹ Due to the nature of foster care, students may have various appointments that are mandated through court orders or their case plans that may interfere with school attendance. Caregivers try to schedule student appointments before school, after school, and on the weekends; however, sometimes this is not possible. Caregivers and school staff should work together to secure missed assignments and to ensure students complete them.

ACCEPTABLE EXCUSED ABSENCES

Absences related to court-ordered activities (such as medical appointments, including mental health or therapy, or family visitation), and college visits (two per year during the junior and senior years of high school) are excusable, according to Texas law.⁹⁰ Foster Care Liaisons should actively communicate with school registrars and attendance teams to ensure attendance coding that reflects acceptable absences as excused. The principal may determine that other absences are excused.



TIP: To reduce the negative impact of missing school, communicate and coordinate with the caregivers if students are absent. Additionally, to ensure that students are not mistakenly given unexcused absences, it is important that caregivers communicate to schools in writing about appointments, court dates, and other activities that cause students to miss school.



TIP: Even if the student's absences are excused, being out of the classroom too much may cause the student to be unable to meet standards that require a student to be in attendance for at least 90% of the days a class is offered in order to receive credit (unless the student fits into an exception)⁹¹



SPECIAL PROVISIONS FOR STUDENTS IN FOSTER CARE WHO ARE EXPERIENCING HIGHER NUMBERS OF UNEXCUSED ABSENCES

If a student has three or more unexcused absences for three or more days or parts of days within a four-week period, but less than ten or more days or parts of days within a six-month period, the district must initiate truancy prevention measures.



If a school determines that a student's absences are the result of foster care, the district must offer additional counseling to the student and may not refer the student to a truancy court.

A district must employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district.⁹²

See *Section 3 of the TEA Student Attendance Accounting Handbook* for more information on attendance.

My best friend's mom
told her to "Find some
normal friends" when
she found out I was in
foster care.





IDENTIFYING STUDENTS & MAINTAINING CONFIDENTIALITY



IN THIS CHAPTER

- REASONS WHY SCHOOLS MUST IDENTIFY STUDENTS IN FOSTER CARE
- ACCEPTABLE DOCUMENTS FOR IDENTIFYING STUDENTS AT ENROLLMENT
- FOSTER CARE AND PEIMS CODING
- FERPA AND INFORMATION SHARING FOR STUDENTS IN FOSTER CARE
- PRACTICES TO IDENTIFY STUDENTS AND ENSURE CONFIDENTIALITY
- COMMUNICATING "NEED-TO-KNOW" INFORMATION

POSTCARD: Provided by Foster Care Alumni of America - "I keep it a secret so people wouldn't judge me."



CHAPTER 7

Identifying Students & Maintaining Confidentiality

REASONS WHY SCHOOLS MUST IDENTIFY STUDENTS IN FOSTER CARE

Schools need to be informed when a student in the LEA is in DFPS conservatorship for a number of reasons, but must maintain the confidentiality of that information and share it only for the purpose of supporting the child's education and well-being. Identification is necessary for:

- ✓ Improving education outcomes for this student population, pursuant to the Every Student Succeeds Act (ESSA) of 2015, the Fostering Connections to Success and Increasing Adoptions Act of 2008, and Texas state law.
- ✓ Collaborating with the child welfare agency to develop transportation plans for students in accordance with ESSA.
- ✓ Ensuring that students can remain in their school of origin, unless it is not in their best interest, under federal and state law.
- ✓ Providing assistance for students transitioning from one school to another, such as:
 - » Providing supportive services to ease transitions for students during the first two weeks of enrollment in a new school;
 - » Ensuring records are transferred to a new school within 10 working days;
 - » Ensuring that the school awards credit for coursework, including partial credit and credit for electives, if appropriate;
 - » Promoting practices that facilitate access to extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs at a nominal fee or no cost; and
 - » Implementing local procedures to lessen the adverse impact to the student of moving to a new school.
- ✓ Implementing other supportive educational services available to students in foster care, such as compensatory instructional services, tutoring, and credit recovery to assist with high school completion.
- ✓ Providing additional counseling for students who are truant, in accordance with state law.
- ✓ Enrolling students in the National School Lunch Program and the School Breakfast Program.
- ✓ Establishing proof of legal authority of the caregiver and of CPS for enrollment and education decision-making.
- ✓ Informing students in the 11th and 12th grade about the higher education tuition and fees waiver and other resources available to support students with post-secondary education.



LEAs must maintain the confidentiality of information shared and use it only for the purpose of supporting the child's education and well-being.



TIP: When identifying students in foster care, schools must take steps to maintain confidentiality and protect the dignity and privacy of students!



ACCEPTABLE DOCUMENTS FOR IDENTIFYING STUDENTS AT ENROLLMENT

DFPS or a Community Based Care agency operating as an agent of DFPS can provide three different documents to the school to confirm that the student is in foster care and that the caregiver has the authority to enroll the student:

1. DFPS Placement Authorization *Form 2085*,
2. DFPS Designation of Education Decision Maker *Form 2085-E*, or
3. A court order (see below for details).

Regardless of which of these documents is provided to the school, **documents containing information regarding the student's status as a youth in foster care are confidential.**

They should be kept in a secure area, such as a locked file cabinet, and only shared with other school personnel on a "need-to-know" basis (See *Confidentiality and Information Sharing*, on page 86).



1. PLACEMENT AUTHORIZATION FORM

DFPS uses [Placement Authorization Form 2085](#) to delegate its court-ordered authority to make day-to-day decisions regarding a child to an individual, usually a caregiver such as a foster parent or residential facility. The *Form 2085* is proof of the agency's legal authority and is preferred by DFPS as evidence of DFPS conservatorship over a court order because it is more likely that a foster parent or facility staff member will have a copy of the form rather than the court order.

When a caregiver seeks to enroll a student, the school may ask for a copy of the *Placement Authorization Form 2085* to confirm that the person presenting the form has the authority to enroll (See *Appendix E*, on page 163.)

2. DFPS DESIGNATION OF EDUCATION DECISION-MAKER FORM 2085-E

This form is also proof of the agency's legal authority and contains more detail regarding which individuals are authorized to make different types of education decisions on behalf the student. DFPS is required by law to ensure the school receives this information. Education decision-makers must be notified in instances when the school takes an action that will impact the student's education. (See *Appendix F*, page 164, for a sample of this form.)

3. COURT ORDER

If the caregiver does not provide the *2085* or *2085-E* forms, a school official may request a copy of the court order. This document names DFPS as the temporary managing conservator (TMC) or permanent managing conservator (PMC) of the student. Schools can use the court order to confirm that DFPS or its appointed caregiver has the authority to enroll and make education decisions for the student.



Court Orders and Confidentiality

Court orders have private and confidential information related to a student's family and the reasons for their placement in foster care. Sometimes schools request court orders or other documents related to the DFPS case unaware these may contain very personal details related to a student's abuse or neglect history.

Information may be redacted from the court order before a copy is given to the school if it is not related to identifying DFPS as the managing conservator or not needed to meet a student's educational needs.



TIP: If the school has questions or concerns about a student's identity, the school official may request the Placement Authorization *Form 2085*, DFPS Designated Education Decision-Maker *Form 2085-E*, the court order, or may call the DFPS or Community-Based Care caseworker listed on the paperwork for clarification. DFPS regional education specialists can assist when the caseworker cannot be identified.



Other forms at enrollment: Schools may be given other DFPS forms at the time of enrollment. For example, Texas law allows a parent/guardian to execute an Authorization Agreement for Voluntary Adult Caregiver form with which the parent/guardian can authorize a relative or other adult to temporarily take certain actions and obtain services for the student, such as enroll the student in school or get medical care for the student.



Note: Although some families involved with DFPS services may use such an Authorization Agreement, only the Placement Authorization Form 2085, DFPS Designated Education Decision-Maker 2085-E Form, or court order confirms a student is in the state's legal conservatorship and eligible for the foster care-related resources discussed in this guide.



FOSTER CARE AND PEIMS CODING

IDENTIFYING STUDENTS IN FOSTER CARE IN PEIMS

Federal and State law require TEA to collect and report data on students in foster care in Texas public schools. This data is reported to TEA by local education agencies (LEAs) through the Public Education Information Management System (PEIMS).⁹³ A school must enter a Foster Care Indicator Code in PEIMS for students who are currently in the conservatorship of DFPS (for Pre-kindergarten students, a student will also be coded if they were previously in DFPS conservatorship).

Identification helps TEA and LEAs collect and report academic achievement and graduation rates of students in foster care as required by the Every Student Succeeds Act (ESSA). Accurate identification and reporting of students in foster care is essential. LEAs must properly identify students so that students receive all of the supports and services for which they are eligible. LEAs are encouraged to analyze and review their data and use it to monitor and track student progress.

LEAs must properly identify students so that students receive all of the supports and services for which they are eligible.



See the following guidance provided by TEA: [Foster Care PEIMS Guidance.pdf](#). See [TEA's PEIMS Data Standards](#) for more information on foster care coding.

IF A STUDENT LEAVES FOSTER CARE WITHIN THE SCHOOL YEAR, DO THEY REMAIN CODED FOR THE REMAINDER OF THE YEAR IN PEIMS?

Yes. When a student receives the Foster Care PEIMS Indicator Code, the student remains coded the full school year and summer months even if the student leaves foster care within the school year.

IF A STUDENT REMAINS IN FOSTER CARE, DOES THE FOSTER CARE INDICATOR CARRY OVER FROM YEAR-TO-YEAR?

No. The Foster Care Indicator code does not carry over from year to year. A student's time in DFPS Managing Conservatorship is temporary. The student must be re-identified in PEIMS at the beginning of each school year.

IDENTIFYING STUDENTS IN FOSTER CARE FOR COMPENSATORY EDUCATION:

A student in DFPS Conservatorship is considered at risk of dropping out of school for the purposes of TEC § 29.081. Students enrolled with documentation that indicates they are in foster care must be coded with PEIMS at-risk indicator code #11. In some circumstances, students in foster care or who were previously in foster care are coded under code #13 (see code descriptions below for more information).

- **At-Risk Indicator Code #11:** The student is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official.
- **At-Risk Indicator Code #13:** The student resided in the preceding school year or resides in the current school year in a residential placement facility in a district. Such facilities include: a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized childcare home, or general residential operation.

Identify all at-risk indicators applicable to any student in foster care (e.g., pregnant, incarcerated, residential treatment placement, etc.) and ensure compensatory funding is accessed to support the student.



For more information visit [TEA's Compensatory Education FAQ](#).



FERPA AND INFORMATION SHARING FOR STUDENTS IN FOSTER CARE

Information sharing between the education and child welfare systems is an important element in supporting the academic success of students in foster care. The federal Family Educational Rights and Privacy Act (FERPA) is the privacy law governing an educational agency or institution that receives federal funds under any program administered by the Secretary of Education. FERPA is not a barrier to information sharing between child welfare and educational agencies.



What is the school's responsibility when individuals call the school wanting information about a student?

It depends on who is calling. School staff should follow their district's FERPA guidance when releasing school-related information. DFPS staff, Community-Based Care caseworkers, the child's caregiver, attorney ad litem, guardian ad litem, CASA, surrogate parent, and others identified in the court order or DFPS forms may generally access educational information. When in doubt, school personnel can always ask to see either the court order, call and verify the person's credentials with DFPS, or review the DFPS Placement Authorization Form 2085 and Designation of Education Decision-Maker Form 2085-E.

For additional commonly asked questions regarding information sharing and documentation for students in foster care, see *Appendix K, on page 169*.

FERPA generally requires parental consent before a school can share personally identifiable information in education records about a student, with some exceptions. FERPA regulations define a "parent of a student" to include a natural parent, guardian, or an individual acting as a parent in the absence of a natural parent or guardian.⁹⁴ For students in foster care, however, FERPA allows the school to share information with the student's state or local child welfare caseworkers without requiring permission of or notice to the student's legal parents.

FERPA also permits school districts to release records in compliance with a court order or subpoena.⁹⁵ The law includes exceptions that allow student records to be released by a school district to another school district where the student seeks or intends to enroll or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer. Such a release is permitted without parental consent.⁹⁶ If you have questions, ask your district FERPA compliance officer.



LAW: In addition to federal provisions that promote information sharing between education and child welfare, state law also supports it. Texas law requires school districts and local campuses to notify the student's educational decision-maker and caseworker regarding events that may significantly impact the education of a student in foster care.⁹⁷ For example, written notification to DFPS from the school district and campus is promptly required when the district assigns a surrogate parent to make special education decisions on behalf of a student in foster care.



RESOURCES: FERPA and Information Sharing

TEA, DFPS, Children's Commission, "[Information Sharing Between Childwelfare and Schools](#)" Guide 2017.

[U.S. Department of Education Letter addressing the Uninterrupted Scholars Act.](#)

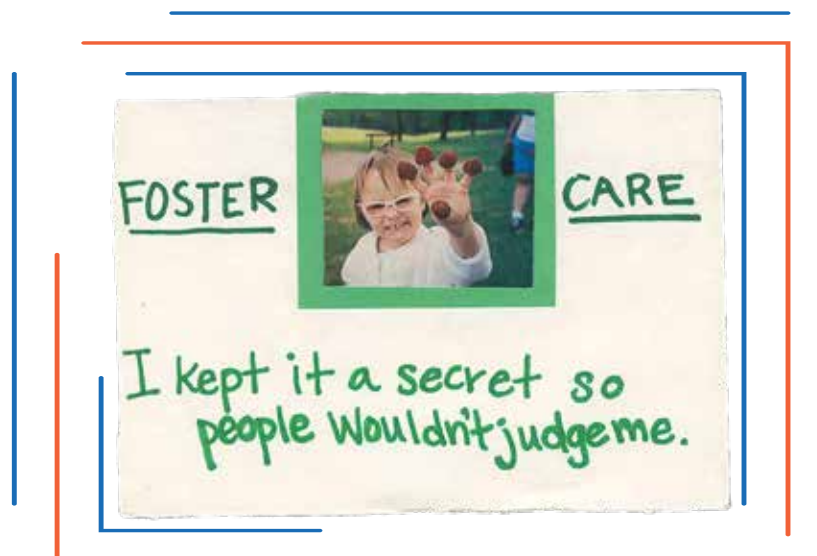
[Legal Center for Foster Care and Education, Uninterrupted Scholars Act video.](#)

Legal Center for Foster Care and Education, "[The Uninterrupted Scholars Act: How do Recent Changes to FERPA Help Child Welfare Agencies Get Access to School Records?](#)"

[The Legal Center for Foster Care and Education, "Solving the Data Puzzle — A How-to Guide on Collecting and Sharing Information."](#)

PRACTICES TO IDENTIFY STUDENTS AND ENSURE CONFIDENTIALITY

While each LEA will develop its own system to identify, enroll, and support students in foster care, always be mindful of the need for confidentiality. Students currently or formerly in foster care generally express a desire to have their foster care status kept private from school staff and peers who do not have a need-to-know or with whom they do not have a relationship. It is important for adults to be aware of a student's right to privacy and understand the potential negative impact of revealing students' personal information. File all forms, tracking logs, notebooks, and data safely out of view of other students. Keep records secure from individuals who do not need to know the student is in foster care. All written information with student names should be password protected or in locked files in order to avoid confidentiality violations, as well as to avoid potential harm to a student. Protecting a student's privacy applies to oral and written communications.





Each of the examples below provides an opportunity to think through how one would promote or maintain confidentiality, while still identifying students as being in foster care for PEIMS or eligibility purposes.

- ▷ Develop training and increase awareness with school registrars and front office staff on how to effectively identify and enroll students and inform the LEA Foster Care Liaison about the student. Training should include sensitivity and awareness, confidentiality, safe and secure storing of records, and effective practices that streamline enrollment.
- ▷ Add a question to the LEA's existing Student Residency Questionnaire (SRQ) that asks if the student is in foster care. Have the person enrolling the student verify their response by providing a DFPS Placement Authorization Form 2085 or Designation of Education Decision-Maker Form 2085-E. This leverages an existing form and process already used by many LEAs. If implemented, processing and handling of these forms must be confidential and sensitive, including all written and oral communication about the student.
- ▷ Add a question to the school enrollment form that discreetly identifies students—similar to using the SRQ as described above—but use language other than “foster care” to maintain student privacy. For example, ask on the form if a student has a Form 2085, but do not ask if the student is in “foster care.” Once again, it is important that identifying information on this form be kept confidential and secure.
- ▷ In addition to the student's caregiver information, document the caseworker's name and contact information in the student's records in case further information or follow-up is needed.
- ▷ Develop an identification code in the LEA database system for tracking and monitoring student progress for each campus in the LEA.
- ▷ Streamline the process with the LEA child nutrition coordinator to ensure students are immediately enrolled in and receive free school meal programs without further application.⁹⁸



COMMUNICATING “NEED-TO-KNOW” INFORMATION

CONFIDENTIALITY & INFORMATION SHARING WITHIN A SCHOOL DISTRICT

Schools need to know when a student is in foster care and are responsible for protecting the confidentiality of the information.

Schools need to be informed when a student is in DFPS conservatorship for several reasons but must maintain the confidentiality of that information and share it only for the purpose of supporting the student’s education and well-being. Other school personnel, such as the principal, school counselor, special education staff, or teachers, may also be informed if necessary to meet the student’s educational needs. Schools should always be sensitive to the youth’s desire for privacy and should not share the information with any parties who do not have a need to know.



SCHOOL PERSONNEL WHO MIGHT HAVE A NEED TO KNOW ADDITIONAL INFORMATION ABOUT A STUDENT IN FOSTER CARE INCLUDE:

- Superintendent, principal, or administrative staff: If necessary for enrollment, administrative, or educational purposes.
- Teacher(s): If necessary for education or other relevant classroom purposes.
- School counselor, school nurse: If necessary for educational, physical, or mental health purposes.
- Special education personnel: If student is or may be eligible for special education services.
- Coaches: If necessary or relevant to some aspect of the activity.
- Bus driver: May need to know a student’s address for transportation purposes, but may not need to know the student is in foster care.
- Front office staff and volunteers: May need to know who will pick the student up from school, but may not necessarily need to know the student is in foster care.
- Cafeteria staff: May need to know a student is eligible for school meal programs, but does not need to know on what eligibility grounds.

Decisions to share confidential information must be made on a case-by-case basis, sharing only the minimum information necessary and only to individuals who need to know the information to support the student’s education and well-being.

IT IS GENERALLY APPROPRIATE FOR DFPS TO SHARE THE FOLLOWING TYPES OF INFORMATION WITH RELEVANT SCHOOL PERSONNEL:

- DFPS Placement Authorization Form 2085, DFPS Designation of Education Decision-Maker Form 2085-E, or relevant portion of court order appointing DFPS managing conservator.
- DFPS or Community-Based Care caseworker and supervisor contact information.

- The fact that the student is in DFPS conservatorship and living in a foster home or in a relative/kinship care placement.
- The student's birth certificate, immunization records, names of previous schools attended, transcripts and report cards, Individual Education Programs, Section 504 Plans, other documents relating to special education and related services, and other educational records.
- Vision & hearing evaluations.
- Information regarding medications for the student that are administered by the school nurse during the school day, with doctor's written orders.
- Medicaid eligibility or number, if necessary for School Health and Related Services (SHARS).



Student Mental Health, & Discipline, on page 101).

BASED ON A CASE-BY-CASE DETERMINATION

The following information may be shared with relevant school personnel if it relates to the student's care and needs in the educational setting:

- Relevant medical, disability, or health information, including mental or behavioral health issues, services, and medications that are not administered at school.
- The effects of trauma and potential triggering events that may cause a behavioral response in the school setting. (*See Chapter 10: Trauma-Informed School Supports, Student Mental Health, & Discipline, on page 101).*

- Information from psychological evaluations, if relevant to the student's care and needs in the educational setting. Information from mental health and psychological evaluations not directly related to assisting the school in meeting the student's needs should be redacted.
- Effective behavior supports used by the caregiver to encourage consistency in the school and home environments.
- Whether the student has been arrested. This information may be provided by DFPS, although there is no requirement for doing so.



For more guidance on appropriate information sharing, view "[Maintaining Privacy and Promoting Educational Success](#)" developed by TEA, the Children's Commission, and DFPS.

IT IS NEVER APPROPRIATE TO SHARE WITH SCHOOL PERSONNEL:



- Abuse/neglect history.
- Name of the person who reported the abuse or neglect, if known.
- Details of the DFPS abuse or neglect investigation.
- Alcohol or substance abuse history and treatment of the student, unless clearly relevant and only if the release is specifically consented to by the student.
- Foster family income.
- Fact that student was adopted.



COMING SOON

INTRODUCTION TO THE EVERY STUDENT SUCCEEDS ACT (ESSA)



IN THIS CHAPTER

- THE EVERY STUDENT SUCCEEDS ACT (ESSA) DESCRIBED
- ESSA, FOSTERING CONNECTIONS AND TEXAS LAW
- ESSA IMPACTS FOR STUDENTS IN FOSTER CARE
- ESSA FOSTER CARE TOPICS AND COMMON QUESTIONS
 - School of Origin
 - Education Best Interest Determination
 - Streamlined Transitions
 - Designated Points of Contact
 - Transportation Dispute Resolution
 - Data Collection and Reporting

POSTCARD: Provided by Foster Care Alumni of America - "Family. Coming soon."



CHAPTER 8

Introduction to the Every Student Succeeds Act (ESSA)

THE EVERY STUDENT SUCCEEDS ACT (ESSA) DESCRIBED

The Every Student Succeeds Act (ESSA) is the most recent reauthorization of the Elementary and Secondary Education Act. ESSA became law in December 2015,⁹⁹ and many of the changes related to students in foster care became effective December 10, 2016.

ESSA made substantial changes to the education system, including giving more flexibility to states to measure accountability and student performance. As a part of its reforms, ESSA placed a new emphasis on the unique educational needs of students in foster care and the shared responsibility of the state educational agency (SEA), local educational agencies (LEAs), and child welfare organizations to collaborate on promoting educational stability.

ESSA's foster care education requirements mirror many of the provisions from federal child welfare law, the Fostering Connections to Success and Increasing Adoptions Act, and the Texas Education Code, while introducing new requirements for both state and local educational agencies. This chapter provides a high-level overview of the ESSA provisions that impact students in foster care.

ESSA, FOSTERING CONNECTIONS AND TEXAS LAW

The chart below clarifies how ESSA law aligns to, complements, and differs from the Fostering Connections Act and the Texas Education Code.

EDUCATIONAL RIGHT FOR STUDENTS IN FOSTER CARE	ESSA	FOSTERING CONNECTIONS ACT	TEXAS LAW
Right to remain enrolled in same school upon entering foster care	✓	✓	✓
Right to remain enrolled in same school while in foster care	✓	✓	✓
Right to remain enrolled in the same school after exiting foster care			✓
Right to remain enrolled in the same school until completing the highest grade offered at the school			✓
When it is not in the child's best interest to remain enrolled in the same school, immediate enrollment in a new school	✓	✓	✓ (3 days under Texas law, but 2 days under DFPS policy and contract)
Enrollment in a school, even if the child is unable to produce records normally required	✓		✓
Prompt records transfer when school move occurs	✓	✓	✓ (10 working days)



EDUCATIONAL RIGHT FOR STUDENTS IN FOSTER CARE	ESSA	FOSTERING CONNECTIONS ACT	TEXAS LAW
Designated points of contact for cross-agency collaboration to support school stability for students *Child Welfare Agency (CWA)	✓ (If the CWA notifies the LEA in writing, then the LEA will notify the CWA of their POC).		✓ (LEA Foster Care Liaisons already identified in AskTED)
Clear, written school transportation procedures	✓		
Assurance that each foster care placement will consider current educational setting and the proximity to the school in which the child is enrolled		✓	
State educational agencies (SEAs) to calculate graduation and dropout rates and include students in foster care on the Federal State Report Card submitted to USDE	✓		✓ (Texas law requires students in foster care to be captured in PEIMS, which is necessary to fulfill ESSA data reporting requirements.)

ESSA IMPACTS FOR STUDENTS IN FOSTER CARE

ESSA added requirements for TEA and LEAs to help ensure school stability for students in foster care.

EDUCATIONAL STABILITY PROVISIONS IN ESSA - BASIC OVERVIEW

SCHOOL OF ORIGIN	The school in which the student was enrolled upon entry into foster care or any subsequent placement change.
EDUCATION BEST INTEREST DETERMINATION	The decision-making process that determines what school setting is best for the child. ESSA requires educators and child welfare systems to work together and collaboratively determine which school setting is in the child's best interest, whenever possible.
STREAMLINED TRANSITIONS	The process for ensuring a student seamlessly transitions from one school to another, in the event of a school move (<i>see Chapter 11: The School Experience, on page 117</i>).
DESIGNATED POINTS OF CONTACT (POC)	A person who has been appointed by TEA, the LEA, or DFPS to coordinate the educational needs of students in foster care.
TRANSPORTATION	LEAs and DFPS must work together to ensure that a child promptly receives transportation to their school of origin when a determination is made that remaining in the school is in the child's best interest.
DISPUTE RESOLUTION	A process between education and child welfare systems to resolve disputes concerning education best interest decisions or transportation planning for a student in foster care to continue attending the school of origin.
DATA COLLECTION AND REPORTING	ESSA requires disaggregated data on students in foster care, including academic achievement, dropout, and graduation information. ¹⁰⁰ Previous reauthorizations, including No Child Left Behind, did not require this information to be collected, disaggregated, and reported by TEA.



ESSA FOSTER CARE TOPICS AND COMMON QUESTIONS



SCHOOL OF ORIGIN

WHAT IS SCHOOL OF ORIGIN?

- ✓ When a student is removed from a parent or legal guardian and placed into foster care, the school that the student attended prior to entering care is considered the school of origin.
- ✓ If a student moves while in foster care, the school of origin becomes the school the student attended before the residential placement change.
- ✓ A student in foster care enrolled (or at the time of placement in foster care) in public school may remain enrolled in their school of origin, even when moved outside the school of origin's attendance zone.



In addition to state and federal foster care resources, listed on page 94 this section takes a deeper dive into guidance and common questions, since the state and federal guidance was originally released.



EDUCATION BEST INTEREST DETERMINATION

HOW ARE BEST INTEREST DECISIONS MADE?

- ✓ ESSA requires collaboration between the LEA and DFPS in the best interest decision-making process.
- ✓ Remaining in the “school of origin” is always considered the best interest of the student, unless a determination is made that it is not in their best interest.¹⁰¹
- ✓ LEA Foster Care Liaisons play an important role in collecting information from the school and communicating information to the student’s caseworker and education decision-maker to support education best interest decisions.
- ✓ Some factors related to the determination include the appropriateness of the current educational setting and the proximity of the residential placement to the school of origin.
- ✓ DFPS must consult with the LEA foster care liaison and appropriate school personnel to gather information from educators who are knowledgeable about the student and can provide feedback on how changing schools would impact the student’s academic, social, and emotional well-being.

WHO HAS THE FINAL SAY IN THE EDUCATION BEST INTEREST DETERMINATION?

- ✓ The child welfare professionals and the court overseeing the child welfare case are ultimately responsible for the best interest determination on whether the student will remain in their school of origin.
- ✓ DFPS makes final decisions about school placement based on a holistic view of the student’s overall safety, permanency, and well-being.



STREAMLINED TRANSITIONS

WHAT HAPPENS WHEN IT IS NOT IN THE STUDENT’S BEST INTEREST TO REMAIN IN THEIR SCHOOL OF ORIGIN?

- ✓ When a determination is made that it is not in the student’s best interest to remain in the school of origin, the student must be immediately enrolled in a new school, even if DFPS is unable to procure records normally required for enrollment.¹⁰²

- ✓ When a student will not remain in their school of origin, the receiving school must immediately enroll the student and request records promptly.¹⁰³
- ✓ The receiving school must immediately contact the school last attended by the student to obtain academic and other relevant records.¹⁰⁴
- ✓ LEAs are mandated to enroll students in foster care immediately, regardless of whether the student has all records needed for enrollment.¹⁰⁵
- ✓ LEA Foster Care Liaisons and ESSA Child Welfare POCs are responsible to support streamlined transitions for students in foster care.



LAW: Texas law requires DFPS to ensure a student returns to school within three days of assuming conservatorship of the student unless the student has a temporary and remediable physical or mental condition that makes the student's immediate attendance in school unfeasible.¹⁰⁶

For additional information on enrollment, withdrawals, and transitions, see Chapter 6. For additional information on new school transition requirements, see Chapter 11 page 119.



DESIGNATED POINTS OF CONTACT

WHO ARE POINTS OF CONTACT AT THE STATE AND LOCAL LEVELS OF THE EDUCATION AND CHILD WELFARE AGENCIES?

TEA Points of Contact

- ✓ TEA has a designated ESSA Foster Care Point of Contact (POC) to support ESSA Foster Care requirements. This POC is separate from the McKinney-Vento POC.¹⁰⁷ For more information, visit TEA's [Foster Care and Student Success website](#).
- ✓ The DFPS Education Specialist in DFPS State Office serves as the state POC and coordinates with the TEA Foster Care POC as well as DFPS regional education specialists.

LEA and DFPS Local Points of Contact

- ✓ ESSA requires LEAs to designate an **ESSA Child Welfare POC** to coordinate with the local child welfare agency (DFPS).¹⁰⁸
- ✓ The State of Texas requires each LEA to designate a **Foster Care Liaison** (see Chapter 5, on page 54).¹⁰⁹ While LEAs have a choice for who they designate for these two roles, in many instances the ESSA Child Welfare POC also serves as the LEA Foster Care Liaison.
- ✓ ESSA requires LEAs to collaborate with the DFPS Child Welfare POC. DFPS has designated Regional Education Specialists to serve as the ESSA Child Welfare POCs. This role provides support and facilitates collaborative planning between the child welfare agency (DFPS) and the LEA.
- ✓ Beginning in the fall of SY2021-22, DFPS will notify every school district electronically/in writing of the ESSA Child Welfare POC. In return, LEAs are required to notify the DFPS Regional Education Specialist of the LEA ESSA Foster Care POC. If the LEA does not receive communication from DFPS, they should assume the DFPS Regional Education Specialist is the ESSA Child Welfare POC.
- ✓ LEAs have flexibility regarding local procedures and determining staff responsibilities.
- ✓ Contact information for DFPS Regional Education Specialists by [DFPS Region](#) and by [county](#) is located on the DFPS website. Note that child welfare regions are different from Education Service Center regions.



Note: Child welfare regions are different from Education Service Center regions. For more information on Foster Care Liaisons, please see Chapter 5.



TRANSPORTATION

WHO IS RESPONSIBLE FOR COORDINATING AND FUNDING TRANSPORTATION OF STUDENTS IN FOSTER CARE TO THEIR SCHOOL OF ORIGIN?

- ✓ Under ESSA, LEAs and DFPS are responsible to coordinate and promptly ensure that students receive transportation to their school of origin, when needed.
- ✓ LEAs receiving Title I funds are required to develop and implement clear written procedures in coordination with DFPS, when determining how transportation to the child's school of origin will be provided, arranged, and funded.
- ✓ The procedures must ensure that transportation will be provided promptly and in a cost-effective manner.
 - » If there are additional costs for transporting a student to the school of origin, the LEA must provide the transportation if:
 - DFPS agrees to reimburse the LEA for the additional transportation cost,
 - the LEA agrees to pay for the additional transportation cost, or
 - the LEA and DFPS agree to share the additional transportation cost.¹¹⁰
- ✓ LEAs should review their transportation plans and procedures annually with DFPS.
- ✓ In some instances, LEAs may coordinate with other LEAs across neighboring school and district attendance zones.



TIP: Creative solutions, such as rideshare options, the use of public transportation, bus passes, and carpooling may be necessary to promote cost sharing and maintain school stability.



Transportation is a shared responsibility between the LEA and DFPS. However, DFPS staff cannot enter into contracts with LEAs for transportation costs. DFPS may share in the cost of transportation by utilizing DFPS staff, residential contract providers, and other members of the student's child welfare team.

If a student receives special education services, transportation may be written into the student's Individual Education Plan (IEP).

Transportation is the school's responsibility. A schools' willingness to assist with transportation can alleviate barriers and help students remain in their school, receive appropriate credits, and stay on track for graduation.

Note: Funds reserved for comparable services for children and youth who are homeless may not be used for transportation of students in DFPS managing conservatorship, unless the student is also McKinney-Vento eligible.



TIP: LEAs should partner with caseworkers and caregivers to coordinate transportation and develop creative solutions that keep students at their school of origin. LEA Foster Care Liaisons may serve a pivotal role as points of contact to help facilitate and bridge communication between DFPS and appropriate school personnel.

IF THE STUDENT LEAVES FOSTER CARE, IS THE LEA STILL REQUIRED TO PROVIDE TRANSPORTATION SUPPORTS UNDER ESSA?

No. ESSA requires transportation provisions for the duration of the time the student is in foster care.¹¹¹

However, LEAs are strongly encouraged to continue prioritizing educational stability after the student exits foster care and make every effort to continue transportation through the end of the school year (when it has been determined that the student will remain in the school of origin.)



For more information on school stability and the importance of transportation, see the Legal Center on Foster Care and Education, "[Implementing ESSA's Transportation Procedures: How Local Education Agencies Can Work with Child Welfare to Ensure School Stability.](#)"



DISPUTE RESOLUTION

HOW ARE ESSA FOSTER CARE TRANSPORTATION DISPUTES RESOLVED?

- ✓ LEAs should partner with DFPS to anticipate and resolve transportation challenges to the greatest extent possible.
- ✓ If school staff and the caseworker cannot resolve the issue, the dispute should be sent to the LEA foster care liaison, the DFPS regional education specialist, and the DFPS Program Administrator.
- ✓ If the issue remains unresolved, the TEA Foster Care POC and DFPS education specialist at state office must reach a resolution, in consultation with each respective agency's leadership.



DATA COLLECTION AND REPORTING

WHAT EDUCATION DATA DOES ESSA MANDATE TO COLLECT AND REPORT FOR STUDENTS IN FOSTER CARE?

- ✓ ESSA requires LEAs to report disaggregated student and school performance information for students in foster care.¹¹²
- ✓ LEAs must properly identify and code students in foster care in PEIMS to support ESSA data requirements (see *Chapter 7: Identifying Students & Maintaining Confidentiality*, on page 79).
- ✓ TEA must include students in foster care in the annual state report card, including school performance measures, graduation and dropout rates, disciplinary measures, and other information.¹¹³
- ✓ LEAs are encouraged to review and analyze their data locally to identify student needs, plan services and interventions, and monitor and track progress of students in foster care.

For more information see [Every Student Succeeds Act State and Local Report Cards Non-Regulatory Guidance](#).¹¹⁴



Photo credit: Richardson ISD



RESOURCES: Guidance ESSA Foster Care Implementation

Texas Guidance:

State resources to support schools and DFPS with implementing ESSA:

TEA and DFPS [ESSA Foster Care Preliminary Implementation Q&A \(2017\)](#) (an extensive list of questions and answers related to educational stability laws under ESSA).

[TASB Exhibit A – Best Interest Decision Making](#)

[TASB Exhibit B – Transportation Coordination Planning](#)

Guidance provided by the state should be considered in conjunction with information provided by U.S. Departments of Education and Health and Human Services to assist local educational agencies and child welfare organizations in implementing the ESSA provisions.

National Guidance:

The U.S. Departments of Education and Health and Human Services issued joint guidance on June 23, 2016 to support states and communities with implementing the foster care provisions in ESSA, including the following:

[Dear Colleague Letter on Foster Care Guidance](#)

[Dear Colleague Letter on Foster Care Timelines](#)

[Non-Regulatory Guidance, Ensuring Education Stability for Children in Foster Care](#)

The School Superintendents Association (AASA) and National Association for the Education of Homeless Children and Youth (NAEHCY) developed "[Considerations for Local Educational Agencies in Developing Transportation Procedures for Students in Foster Care Under the Every Student Succeeds Act of 2015.](#)"

The American Bar Association [Legal Center for Foster Care and Education resources](#)

The [Every Student Succeeds Act Implementation Toolkit](#), published by the Legal Center in January 2017, contains a series of adaptable tools and resources for states and counties to support the school stability and success of students in foster care.



EDUCATION DECISION-MAKING



IN THIS CHAPTER

- EDUCATION DECISION-MAKING AUTHORITY
- EDUCATION DECISION-MAKING FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES
- CAREGIVER AND CASEWORKER GENERAL EDUCATION DECISION MAKING RESPONSIBILITIES
- DECIDING WHERE A STUDENT ATTENDS SCHOOL
- INVOLVEMENT OF THE STUDENT'S PARENTS OR OTHER FAMILY MEMBERS

POSTCARD: Provided by Foster Care Alumni of America - "Stability is the key to success."

CHAPTER 9

Education Decision-Making

EDUCATION DECISION-MAKING AUTHORITY

When a court order places a student in DFPS conservatorship, state law authorizes DFPS to assume roles usually assumed by parents and guardians, including the responsibility to make educational decisions for the student.¹¹⁵ DFPS generally gives certain day-to-day education decision-making responsibilities to the student's caregiver.



DFPS uses *Designation of Education Decision-Maker Form 2085-E* as its primary way of designating to whom it has given education decision-making power.



DFPS uses *Designation of Education Decision-Maker Form 2085-E* as its primary way of designating to whom it has given education decision-making power. An individual holding a Form 2085-E which names them as the primary education decision-maker for the student operates under the authority of DFPS to make education decisions or to take actions that carry out DFPS decisions about the student's education. This person does not need to show any further proof to the school that they have that authority. The student's caregiver is often the designated education decision-maker, however there may be times when someone other than the caregiver is selected. The school should contact the student's caseworker or caregiver to seek permission to communicate with anyone who is not listed on the 2085-E concerning education decisions (*see Caregiver & Caseworker General Education Decision-Making Responsibilities, on page 98*).

DFPS requires caregivers to present an Education Decision-Maker 2085-E form at enrollment for all students in foster care.¹¹⁶ This clarifies for schools who the education decision-maker and caseworker are for each student. This document can also be used to confirm that the student is in foster care and that the caregiver has the authority to enroll the student. If a student does not have this form at enrollment, request it from the caregiver. The form includes the contact information for the education decision-maker and caseworker.



TIP: The student's daily caregiver or caseworker will be listed on the 2085-E, as the education decision-maker.



LAW: Under ESSA, schools have a responsibility to contribute to education best interest decision-making concerning the student. Ultimately, DFPS makes the final decision; however, schools and DFPS representatives (who are responsible for education decisions) are required to work together under ESSA and federal child welfare law. See *Chapter 8* for more information concerning ESSA and coordination to support education best interest decision-making. See *Appendix K* for questions concerning the 2085-E, school decisions, and related permissions.



LAW: Texas law requires DFPS to notify the school regarding who is designated to be the student's education decision-maker within five days after the Adversary Hearing or a change in the designated education decision-maker.¹¹⁷

EDUCATION DECISION-MAKING FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

For students who are eligible for or who receive special education services, the Education Decision-Maker form 2085-E will also name the Surrogate Parent who can make special education decisions for the student if the student's caregiver is unable or unwilling to serve as the parent for special education purposes, or if the student is not placed in a foster home or kinship caregiver setting. The school has the responsibility to appoint a Surrogate Parent when one is needed and to inform DFPS in writing when an appointment has been made. The court also has the authority to appoint a Surrogate Parent for the student. DFPS will include the Surrogate Parent's information on the 2085-E form if a Surrogate has been appointed for the student and DFPS is notified of the appointment.

See *Appendix K* for frequent questions about the 2085-E. See *Appendix F* for a sample copy of the 2085-E form.



Note: As discussed in **Chapter 12**, students who are eligible for special education services have additional legal protections to ensure the person making special education decisions is knowledgeable about those services and has no conflicts of interest. While federal law prohibits a DFPS or residential facility staff member from making decisions regarding special education services for a student in foster care, they may be authorized to make other, non-special education-related decisions. All the individuals who are responsible for decisions regarding a student's education should work in collaboration to ensure the student's special education needs are being met.

DID YOU KNOW?

Students who are eligible for special education services have additional legal protections.

Being placed in an alternate education program once my school discovered that I was in foster care just reinforced negative stereotypes and limited my educational opportunities.



CAREGIVER & CASEWORKER GENERAL EDUCATION DECISION-MAKING RESPONSIBILITIES

CAREGIVER RESPONSIBILITIES — Unless the DFPS caseworker or Community-Based Care worker indicates otherwise, the caregiver or foster parent may make the following education-related decisions, take the following types of actions, or be contacted for the following purposes:

- ▷ Enroll a student in school, including providing identity or immunization information needed for enrollment.
- ▷ Determine, in conjunction with the student if appropriate, course selection and participation in extra-curricular activities.
- ▷ Attend routine school activities such as “Family Night,” parent/guardian-teacher conferences, PTA meetings, and similar activities that involve students’ families.
- ▷ Approve the student’s participation in routine or non-routine school activities such as dances, field trips, sporting events, etc.
- ▷ Be notified of injury or illness on school grounds or at a school activity on or off school grounds.
- ▷ Sign agreement with the Student Code of Conduct, and, as applicable, assist the student with understanding the Code of Conduct.
- ▷ Receive report cards, permission slips, and other routine school correspondence, including homework assignments on behalf of the student, if necessary.
- ▷ Have access to education records and the student’s Education Portfolio. (DFPS is responsible for ensuring that the education decision-maker has access to the student’s Education Portfolio¹¹⁸).
- ▷ Be notified of and take action regarding any events that may significantly impact the student’s education, including disciplinary or attendance matters, as required by TEC § 25.007.
- ▷ Determine whether the student should participate in special programs such as compensatory education, bilingual education, Gifted and Talented, and after-school tutoring.
- ▷ Determine when a referral for a special education evaluation is necessary or make a referral for an evaluation.



Note: The education decision-maker may be instructed by DFPS to notify or consult with the caseworker or supervisor on these matters before communicating a decision to the school.

CASEWORKER RESPONSIBILITIES — Unless otherwise indicated, the DFPS or Community-Based Care caseworker makes the following education-related decisions, takes the following types of actions, or is contacted for the following purposes:

- ▷ Select the appropriate school placement, in consultation with the regional education specialist and adhere to federal and state laws.
- ▷ Receive notification regarding truancy, suspension, expulsion, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Alternative Education Program (JJAE) as required by TEC § 25.007.
- ▷ Receive written notification of district and charter school surrogate parent appointments as required by TEC § 25.007. Written notification of the surrogate parent assignment must also go to the student’s designated education decision-maker.
- ▷ Sign and submit the form prohibiting using corporal punishment on the student or ensure the caregiver signs and submits the form.
- ▷ Ensure records transfer from previously attended schools.
- ▷ Consult with the education decision-maker and regional education specialist regarding retaining a student in a grade.



DECIDING WHERE A STUDENT ATTENDS SCHOOL

DFPS or the Community-Based Care provider is ultimately responsible for deciding where a student will attend school. Under ESSA and other federal laws, child welfare and school points of contact are required to work together to support education decision-making. Depending on the circumstances surrounding a student's placement, the opportunities and timeline for coordination will look different.



Under ESSA and other federal laws, child welfare and school points of contact are required to work together to support education decision-making.

In order to promote educational stability for students in foster care, federal child welfare and education law requires child welfare agencies and the student's school to maintain a student's school of origin when the student enters foster care and during any subsequent placement changes unless remaining in that school is not in the student's best interest¹¹⁹ (see *Chapter 8, on page 90*).



RESOURCES:

[Education Best Interest Coordination and Individual Transportation Plan Template for Students in Foster Care](#) - TASB, TEA, and DFPS worked together to develop resources to assist with collaborative decision-making and transportation coordination between education and child welfare systems in alignment with ESSA.

For more information on ESSA and coordination between child welfare and schools to support education decision-making see *Chapter 8*.

INVOLVEMENT OF THE STUDENT'S PARENTS OR OTHER FAMILY MEMBERS

When a student is in the managing conservatorship of DFPS, DFPS is authorized to make education and other important decisions for the student unless the court order indicates the biological family retains or another individual is given those rights. If educators are contacted by a parent and are unsure about discussing academic issues or allowing contact with the student, they should contact the caseworker or DFPS Education Specialist. Contact information for the student's caseworker can be located on Placement Authorization Form 2085 and Form 2085-E, Designation of Education Decision-Maker.

Who is going
To Look After
Younger Sibs
Him? You?
Her??

TRAUMA-INFORMED SCHOOL SUPPORTS, STUDENT MENTAL HEALTH & DISCIPLINE



IN THIS CHAPTER

- THE IMPACT OF TRAUMATIC CHILDHOOD EXPERIENCES ON EDUCATION
- ADVERSE CHILDHOOD EXPERIENCES (ACES)
- TRAUMA-INFORMED SCHOOL COMMUNITIES
- SUPPORTING THE MENTAL HEALTH NEEDS OF STUDENTS IN FOSTER CARE
- SUPPORTING THE BEHAVIORAL HEALTH NEEDS OF STUDENTS IN FOSTER CARE
- STUDENT DISCIPLINE: SPECIAL CONSIDERATIONS FOR STUDENTS IN FOSTER CARE
- TRUANCY AND ATTENDANCE CONCERNS
- BULLYING PREVENTION
- MULTI-TIERED SYSTEMS OF SUPPORT

POSTCARD: Provided by Foster Care Alumni of America - "Who is going to look after my young sib?"



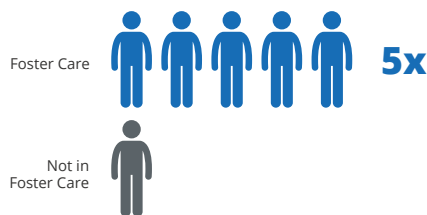
CHAPTER 10

Trauma-Informed School Supports, Student Mental Health & Discipline

THE IMPACT OF TRAUMATIC CHILDHOOD EXPERIENCES ON EDUCATION

According to the National Child Traumatic Stress Network, “child traumatic stress occurs when children and adolescents are exposed to traumatic events and traumatic situations, and when this exposure overwhelms their ability to cope with what they have experienced.”¹²⁰ Although the experiences and responses to trauma and loss differ among students, it is important that educational stakeholders become aware of the impact that trauma may have

Children in foster care are **at least 5 times more likely** to have anxiety, depression, and/or behavioral problems than children not in foster care.



on learning, student behavior, student responses to adults, and interactions with peers. Students living in foster care have likely experienced

complex trauma and stress due to experiencing multiple losses, movement from home to home, and having little consistency in their lives. In a 2017 study, Generations United found that “children in foster care are at least five times more likely to have anxiety, depression, and/or behavioral problems than children not in foster care.”¹²¹

“Understanding trauma is not just about acquiring knowledge. It is about changing the way you view the world. It’s about changing the helping paradigm from “What is wrong with you?” to “What happened to you?”

Sandra Bloom, 2007



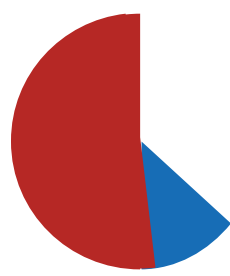
TIP: Implementing trauma-informed practices in the classroom and raising the level of awareness about the impact of adverse life experiences on a student’s learning process, classroom behaviors, and cognitive development will help educators and other advocates respond more sensitively and adaptively to a student’s needs.

ADVERSE CHILDHOOD EXPERIENCES (ACEs)

Adverse childhood experiences occur regularly with children across all races, economic classes, and geographic regions; however, there is a much higher prevalence of ACEs reported for children and youth in foster care.

Adverse childhood experiences (ACEs) are traumatic events that occur during a person’s childhood. ACEs can have a significant impact on a person’s physical, emotional, and mental health throughout their life. There are also known predictive factors of ACEs for children that can be single, acute events or sustained over time, for example, the death of a parent/guardian, or the detrimental effect of community violence and poverty, among others. Adverse childhood experiences occur regularly with children across all races, economic classes, and geographic regions; however, there is a much higher prevalence of ACEs reported for children and youth in foster care.¹²²

ACEs are linked to health issues, as well as mental, emotional, and behavioral challenges in school. Some examples of ACEs include emotional abuse, physical abuse, sexual abuse, emotional neglect, physical neglect, race-based trauma,¹²³ domestic abuse, household substance abuse, household mental illness, parental separation or divorce, or an incarcerated family member.



Over half
of students in the child welfare system compared to

only 13%
of students outside of foster care

had 4 or more ACEs.

Research suggests that children and youth in foster care experience traumatic events far more often than others, and this trauma can shape not only their behavior but also their view of the world. The early experiences of young children have a tremendous influence on their developing brains, and trauma can create toxic stress¹²⁴ with lifelong, costly impacts. Post-traumatic Stress Disorder (PTSD) occurs in children and youth in foster care at very high rates. According to a study

by the National Center for Mental Health Promotion and Youth Violence Prevention, 51% of the children in the child welfare system had four or more ACEs, while only 13% of children outside of foster care had four or more ACEs.¹²⁵

TRAUMA-INFORMED SCHOOL COMMUNITIES

Schools have an important role to play in creating a climate that addresses the integrated social, emotional, and academic needs of students who have experienced trauma.¹²⁶ Administrators, teachers, and school staff can help reduce the effects of trauma and grief on children by recognizing trauma responses, accommodating and responding to students within the classroom, and referring students to mental health professionals when necessary.

A trauma-informed school environment provides opportunities for students to have their needs met. Trauma-informed approaches help students:

- Feel connected to the teacher, their peers, and the curriculum being taught.
- Believe that success is attainable with reasonable effort.
- Feel respected by being heard.
- Feel a level of trust and safety in their school community.
- Develop a sense of responsibility, especially in helping other students.
- Look forward to sanctioned moments of gratitude, joy, and laughter every day.
- Believe that lesson content is relevant and purpose-driven.

TIP: By creating a school environment where children feel safe and connected, schools can cultivate important protective factors that promote resiliency and help realize the potential of all students.

TEA has a number of resources and tools available to support schools in implementing trauma-informed approaches. The resources are listed on the [TEA Grief Informed and Trauma Informed Practices webpage](#). Increasingly, Texas LEAs are partnering with local mental health organizations to create systems of care for students with mental health challenges. These community-wide partnerships are important to assure that students in foster care receive wraparound supports¹²⁷ while at school.

LAW: TEC § 38.351 requires LEAs to train school staff on grief-informed and trauma-informed practices. TEC § 38.036 requires LEAs to adopt and implement policy requiring the integration of trauma-informed practices in each school environment, including increasing staff and family awareness of trauma-informed care, implementation of trauma-informed practices and care by district and campus staff, and available counseling options for students affected by trauma or grief.



Promising Practices: Trauma-informed practices that a campus or LEA can implement to support students in foster care

- Ensure that staff members attend trauma-informed professional development that includes strategies for creating a trauma-informed classroom and the neuroscience behind trauma.
- Provide comprehensive mental health services with [trauma-informed strategies](#) in the school setting.
- Use all available data—both academic and non-academic—as well as a trauma-informed lens and relationship-building to prevent dropout and guide meaningful interventions for students in foster care.
- Ensure use of a strengths-based model that promotes protective factors, mitigates against risk factors, and encourages resiliency to help students thrive in school.¹²⁸



TIP: Neuroscience teaches that the early experiences of young children have a tremendous influence on their developing brains, and that trauma can create toxic stress¹²⁹ with lifelong, costly impacts. However, studies also show that providing supportive, responsive relationships as early in life as possible can prevent or reverse the damaging and costly impact of trauma that can contribute to negative life outcomes.¹³⁰



RESOURCES: Increasing Awareness About the Impact of Trauma on Learning

TEA, [Mental and Behavioral Health Grief and Trauma-Informed Practices](#).

National Child Traumatic Stress Network, [“Child Trauma Toolkit for Educators”](#) - An excellent guide on trauma and learning, available in both English and Spanish.

Washington State Superintendent of Public Instruction, [“The Heart of Learning: Compassion, Resiliency, and Academic Success.”](#) - This book provides innovative approaches, practical tools, and applicable resources to equip educators in working with students whose learning has been adversely impacted by trauma.

Child Welfare Information Gateway, [“Support Services for Youth in Transition: Mental Health.”](#) - Provides links and resources for mental health of children and youth in foster care.

Treatment and Services Adaptation Center, [“Support for Students Exposed to Trauma \(SSET\).”](#) - A 10-lesson curriculum designed to be implemented by teachers or school counselors with groups of 8-10 students.

National Center on Safe and Supportive Learning Environments, [“Trauma-Sensitive Schools Training Package.”](#) - Free, online training that offers school and district staff a roadmap and tools for adopting a school or districtwide approach to addressing trauma and promoting resilience for everyone.

Texas Christian University, [“Trust-Based Relational Intervention.”](#) - TBRI® is an attachment-based, trauma-informed intervention that is designed to meet the complex needs of vulnerable children.

Supreme Court of Texas Children’s Commission [Trauma Informed Texas](#).

SUPPORTING THE MENTAL HEALTH NEEDS OF STUDENTS IN FOSTER CARE

Hope and resiliency are key factors that support students' social and emotional well being. Building hope and developing resiliency in students requires school staff to understand the signs and symptoms of mental health concerns, understand trauma-informed practices, and develop healthy relationships with students in foster care.

The American Academy of Healthy Foster Care American Initiative, identifies mental and behavioral health as the “largest unmet health need for children and teens in foster care.”¹³¹ Of the 400,000-plus children in foster care in America, it is estimated that nearly 80 percent suffer from a significant mental health issue, nearly four to five times the incidence in the general population. Factors contributing to the mental and behavioral health of children and youth in foster care include the history of complex trauma, frequently changing situations and transitions, broken family relationships, inconsistent and inadequate access to mental health services, and the over-prescription of psychotropic medications.¹³²

Feelings of grief and loss may manifest in fear, loneliness, withdrawal, anger, an inability to self-regulate behaviors, and a lack of trust in adults. These responses, while normal for students who have experienced toxic stress and trauma, may be confusing to adults who have not been trained in working with students with a history of trauma and mental health challenges.

80%
of students in
foster care suffer
from mental
health issues.



LAW: TEC § 38.036 and TEC § 38.351 are also policies related to the mental health, suicide intervention/prevention/postvention, and trauma and grief-informed requirements of school districts in the areas of training, education, procedure, and policy development. Additionally, TEC § 21.054 includes continuing education requirements for a classroom teacher regarding how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support academic success of students affected by grief and trauma.

MENTAL HEALTH RESOURCES FOR STUDENTS IN FOSTER CARE

- Students in foster care have access to mental health resources on the school campus and in their LEA. Professional school counselors and other mental health specialists such as school social workers should provide tier one and tier two mental health supports. (see *Multi-Tiered Systems of Support (MTSS)*, on page 112).
- Many schools in Texas have access to [Communities in Schools](#) (CIS), whose mission is to surround students with a community of support, empowering students to stay in school and achieve in life.
- Each LEA in the state of Texas is required to assign a Foster Care Liaison at the district level (see *Chapter 5: District and Open-Enrollment Charter School Foster Care Liaisons*, on page 54). This individual can serve as the wraparound specialist¹³³ by connecting the foster family, foster family case manager, and DFPS Education Specialist, and DFPS Education Specialist to mental health supports.
- Oftentimes, students in foster care have licensed counselors that provide therapeutic support to the student. This is an additional member of the support team for students.



Promising Practices: Suggested practices that a campus or LEA can implement to meet the mental and behavioral health needs of students in foster care

- Assign a Care Team lead (foster care campus champion) at the campus level to serve as a champion for all students in foster care. This individual should have a deep understanding of the needs of the whole child

and serve as their campus level advocate. This individual can support the enrollment process, welcome the student to the school community, and help smooth their transition.

- Ensure that the foster care liaison serves as the Care Team liaison¹³⁴ between DFPS, campus leadership, the foster family, the case manager, and other community supports that the student may have.
- Enact policies and procedures to contact the campus champion and LEA Foster Care Liaison when any concerning mental health or behavior problem occurs.
- Ensure all staff members have received required trainings related to mental health signs and symptoms, suicide prevention/intervention/postvention, and trauma and grief-informed strategies.
- Regularly revisit mental and behavioral health best practices and specifically train on the unique needs of students in foster care.

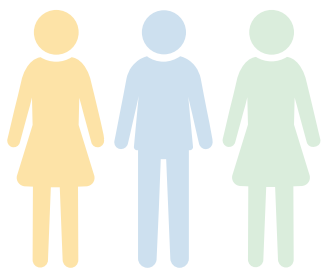
RESOURCES: Mental Health & Foster Care

National Conference of State Legislatures, [“Mental Health & Foster Care.”](#)
Chain Online, [“Mental Health in Foster Care Children.”](#)

SUPPORTING THE BEHAVIORAL HEALTH NEEDS OF STUDENTS IN FOSTER CARE

It is imperative that educators and campus leaders have a deep understanding of the unique experiences and needs of students in foster care and ensure that behavioral health supports are in place. Physical and emotional trauma may impact a student’s ability to effectively respond, think, learn, and interact in the school setting. Maltreatment can impact school performance, cause children to experience physical and emotional distress, and result in disruptive behaviors at school. Students who experience trauma may also become agitated, disorganized, and disruptive in both home and school. These disruptive behaviors can often lead to classroom infractions, discipline referrals, truancy, and bullying.

STUDENT DISCIPLINE: SPECIAL CONSIDERATIONS FOR STUDENTS IN FOSTER CARE



Students in Foster Care are ...

2 times
more likely to receive
in-school suspension,

3 times
more likely to receive
out-of school suspensions,

2 times
more likely to be placed in a
DAEP than their peers.

National data shows that students in foster care are disproportionately suspended, expelled, and placed in separate disciplinary schools or programs in relation to their peers. Data in this report also demonstrates that Texas students in foster care experience higher rates of exclusionary discipline than all other students in Texas schools.

A safe, supportive school climate and discipline practices are associated with high academic achievement, improved grades, strong student attendance, and improved graduation rates. Safe and supportive learning environments facilitate high levels of student engagement and self-discipline. Becoming trauma-informed requires a shift in the educational paradigm of classroom management, discipline practices, and local policies.

As there is no definitive model to support the behavioral health needs of all students, [TEA provides LEAs with guidance and training](#) for best-practice strategies in educational research such as:

- Multi-Tiered Systems of Support (MTSS)
- Positive Behavior Interventions and Supports-Interconnected System Framework (PBIS-ISF)
- Building comprehensive school mental health (SMH) teams
- Trauma and grief-informed training
- Mental health signs and symptoms training and suicide prevention/intervention/postvention training
- Restorative Discipline Practices



DID YOU KNOW?

Select DFPS Regional Education Specialists offer specialized training on trauma-informed care and classroom strategies. Regional education specialists may attend all notified Manifestation Determination Hearings and school disciplinary hearings as well as education-related meetings, including ARDs, Transition Planning, and Circles of Support at juvenile justice facilities, residential treatment centers, and emergency shelters. It is important that the LEA Foster Care Liaison and DFPS Regional Education Specialists are in close communication to support the student's needs.

NATIONAL GUIDANCE

The U.S. Departments of Justice and Education (ED) issued joint guidance urging LEAs to create safe and supportive school climates and use exclusionary discipline only as a last resort.¹³⁵

Schools are encouraged to:

- Provide “meaningful instruction” if a student is removed from class;
- Reduce the number of suspensions, expulsions, and arrests by providing targeted supports and interventions with a proven track record of success; and,
- Provide students with enhanced/increased access to mental health professionals.

These practices align with current educational research on student-centered approaches and personalized learning strategies for structuring the school experience for all students to become ready for college, a career, or the military. In contrast, exclusionary practices – where students are removed from their classroom without meaningful instruction and interventions to address their needs – deny students instructional time and may lead to poor outcomes such as truancy, decreased social development, dropping out of school, involvement in the juvenile justice system, and delayed employment.



SOME SCHOOL DISCIPLINARY ACTIONS MAY HAVE UNINTENDED NEGATIVE IMPACTS

Corporal Punishment — Some schools in Texas utilize corporal punishment as a form of discipline. DFPS policy states that all children and youth in DPFS conservatorship may NOT receive physical discipline, including corporal punishment. Children and youth who have been abused and neglected and who are in DFPS conservatorship are learning to recover from their abusive pasts and trust adults again. Physical discipline undermines the effort students make to overcome those experiences; it could also trigger other emotional responses. It is important that caregivers provide a written signed statement “opting out” students in foster care from receiving any form of corporal punishment. This opt-out statement should be signed annually and always completed when a student arrives at a new LEA.¹³⁶



School officials and LEA Foster Care Liaisons can assist in guaranteeing that corporal punishment is not used against any students in foster care. They can also remind caregivers during the enrollment process to sign the designated waiver exempting students from corporal punishment. One way to ensure this happens is to create policy and procedures for the LEA foster care liaison to be contacted when there is a discipline referral for a student in foster care.

Student Ticketing — In some school districts, school-based law enforcement officers issue citations for unlawful conduct committed on campus.¹³⁷ These citations can be problematic for students in foster care; DFPS lacks funding to pay for school tickets and fines, leaving this responsibility to the caregiver, who may or may not pay the ticket. Fines may go unpaid and older students, once they have left foster care, may have unpaid tickets that could lead to warrants issued for their arrest. LEAs should be aware of these consequences from the issuance of citations on students in foster care, students who are homeless, and other students who do not have resources to pay a fine.

Suspension and Expulsion — Multiple school suspensions and disciplinary actions have a negative impact on a student's education. Students in foster care are much more likely to be disciplined in school for fighting and "serious behavior" and are more likely to receive out-of-school suspension in comparison to the general student population.¹³⁸ This may be because of the effects trauma has on the brain and on behavior. Always use discipline practices that keep the student in school rather than suspension or expulsion – which could actually increase negative outcomes.

Authorities may consider other disciplinary actions, rather than school ticketing, for some student offenses. Schools may consider non-financial penalties, including community service and in-school disciplinary actions, for students in foster care.



LAW: LEAs must notify the student's educational decision-maker and caseworker regarding events that may significantly impact the education of a student, including the following school disciplinary actions:¹³⁹

- Any disciplinary actions under Chapter 37 for which parental notice is required.
- Citations issued for Class C misdemeanor offenses on school property or at the school-sponsored activities.
- Reports of restraint and seclusion required by § 37.0021.
- Use of corporal punishment as provided by § 37.0011 (not permitted for students in foster care).



TIP: The foster care liaison must serve as the connector when a disciplinary infraction takes place. This includes connecting with the mental health specialist, campus administrator, professional school counselor, teacher(s), caregiver, case manager, and others, to ensure there is open communication and supports are in place both on campus and in the home.

For a comprehensive list of school events where the education decision-maker and caseworker must be notified, See *Caregiver & Caseworker General Education Decision-Making Responsibilities*, on page 98.



Promising Practices: Trauma-informed discipline practices a campus or LEA can implement to support students in foster care:

- Participate in professional development on restorative circles, integrated school mental health, and trauma-informed disciplinary interventions that advance positive educational outcomes for students in foster care.

- Implement an integrated approach that connects behavioral and mental health services with academic instruction and learning, including discipline or classroom management plans. Support plans should include Restorative Practices.
- Explore collaborative agreements with local mental health agencies to provide prevention, intervention, and behavioral health support services that address student discipline and well-being at school.
- Develop local agreements with community organizations to address risk factors including mental health, physical health, truancy, attendance, and social service needs.
- Collaborate between caregivers, advocates, educators, and mental health professionals as a student support team or Care Team to share information needed to develop personalized, multi-tiered behavior support plans and practices that address root causes of disruptive behavior for students in foster care.
- Implement a schoolwide positive behavior approach that teaches appropriate behavior and ensures student safety in a supportive learning environment.

Students who feel safe and supported are better equipped to learn.



RESOURCES: Student Discipline

The Meadows Center for Preventing Educational Risk, "[Response to Intervention \(RTI\) and Students in Foster Care: What Service Providers Need to Know](#)." - Online professional development module about how schools use Response to Intervention (RTI) to prevent learning and behavior difficulties that specifically addresses students in foster care.

TEA, [Texas Behavior Support Initiative \(TBSI\)](#).

TEA, [Response to Intervention \(RTI\)](#).

Mental Health Technology Transfer Center Network, "[National Center for School Mental Health Best Practices](#)."

U.S. Department of Education, [School Climate and Discipline Laws and Guidance](#)

Office of Juvenile Justice and Delinquency Prevention, "[The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System](#)."

[Legal Center for Foster Care and Education](#) - Download national factsheet on the educational outcomes of children in foster care.

TEA, [Restorative Discipline Practices in Texas](#)

TRUANCY AND ATTENDANCE CONCERNS

School attendance is mandatory for students in foster care, as it is for all other 6 to 18-year-old Texas students. Due to the nature of foster care, students may have various appointments that are mandated through court orders or their case that may interfere with school attendance. Caregivers should try to schedule student appointments before and after school and on the weekends; however, sometimes this is not possible. Caregivers and school staff should work together to secure missed assignments and ensure students complete them. *See Section 3 of the TEA, Student Attendance Accounting Handbook*, for general attendance requirements.

If there are truancy concerns, contact the caregiver immediately. If the caregiver is not responsive and/or a student continues to miss school, contact the DFPS or Community-Based Care caseworker as soon as possible. This is applicable to all students, including those living in a group home, residential treatment center (RTC), or emergency shelter. To prevent further student disciplinary action, provide early notification to the student's caseworker.



TIP: Keep in mind that truancy, like many other behaviors that students in foster care exhibit, is likely an externalizing reaction to the trauma the students have experienced. Approaching the discipline of truancy with students in foster care in the same manner as students who are not in foster care may not lead to better behavior. See *Supporting the Behavioral Health Needs of Students in Foster Care*, on page 105.



LAW: TEC § 25.0915: A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of being in the state foster program.

Truancy policies in Texas require the analysis of the root cause of chronic attendance problems. For example, LEAs may need to provide students in foster care who are truant with additional counseling supports. Poor attendance can be remedied when schools partner with students and caregivers to use data to monitor student progress and implement promising and proven practices, particularly during transitions.



TIP: Attendance data related to students in foster care (including absences and tardiness) is an important piece of information to consider during student focused meetings.



Promising Practices: Trauma-informed truancy practices that a campus or LEA can implement to support students in foster care:

- Regularly monitor attendance data. Staff can calculate the percentage of all days attended by students in foster care based on the available instructional time. Given the mobility of students in foster care, this analysis may be a more accurate accounting of the percentage of school days the student attended.
- Implement practices and procedures for students in foster care who are truant. Students in foster care must receive additional counseling services if the school determines that the student's truancy is the result of being in foster care.



LAW: 19 TAC § 129.1045: It is important that a multi-disciplinary team works together to conduct an attendance and truancy needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students' attendance barriers.

Districts should ensure that the following personnel can be included in a multi-disciplinary team:

- Truancy Prevention Facilitators or Juvenile Case Managers
- Attendance Officers
- McKinney-Vento Liaisons
- LEA Foster Care Liaisons
- Title IX Coordinators
- 504 Coordinators
- Pregnancy and Parenting Coordinators
- Dropout Prevention Coordinators

- Special Education Staff
 - Other Appropriate Student Services Personnel
- Build a culture that promotes good attendance habits for children beginning in elementary school that will enhance the student’s instructional time for reading and mathematics to facilitate a pattern for strong school attendance in secondary school.
 - Develop local agreements with community organizations to help engage students and address risk factors including attendance, truancy, mental health, physical health, and social service needs of their student populations that present barriers to school success.
 - Ensure activities on the campus consist of engaging classroom instruction and extracurricular activities, including sports, the arts, youth development activities, and enrichment programs. These activities are strongly associated with enhanced school engagement evidenced by better attendance, higher levels of achievement, and aspirations to higher levels of education.
 - Assign mentors to ensure that students in foster care attend school every day. Mentors can help by:
 - Monitoring student attendance.
 - Assisting in making reasonable efforts to schedule appointments outside of school hours and test days.
 - Facilitating participation in extracurricular activities.
 - Helping students access tutoring and other needed supports.
 - Monitoring homework completion and academic progress.
 - Identifying students’ interests and strengths.
 - Communicating necessary social-emotional information.
 - Collaborating with teachers to strengthen school engagement and strategies for academic success.



RESOURCES:

TEC § 25.0915 – [Truancy Prevention Measures](#).

Texas Administrative Code (TAC), Title 19, Part 2, Chapter 129, Subchapter BB:
[Commissioner’s Rules Concerning Truancy Prevention Measures and Sanctions](#).

Texas Education for Homeless Children & Youth, [Foster Care Liaison](#).

BULLYING PREVENTION

Bullying can be defined as aggressive and unwanted behavior that involves a perceived or real imbalance in power. A bullying behavior is repeated or has the potential to be repeated over a length of time. Being bullied or bullying others has lasting effects. 1 in 3 elementary school students and 1 in 5 high school students report being bullied.¹⁴⁰ There are four types of bullying: cyberbullying, physical bullying, verbal bullying, and social bullying.¹⁴¹ Students in foster care are often more susceptible to bullying. Early exposure to abuse and trauma often results in lower self-esteem, a lack of social skills, and more introverted behaviors. These behaviors can draw attention to bullies seeking more vulnerable targets. Being bullied can lead to mood swings, depression, increased anxiety, and trouble in school.¹⁴² Bullying, added to complex trauma, can lead to serious mental health concerns for students.



TIP: Provide students in foster care with a safe adult (an “ally”) on campus to whom they can report any mistreatment or bullying.



LAW: “Cyberbullying,” as defined in David’s Law¹⁴³, is bullying that arises from a pattern of acts or one significant act that is done through any electronic communication device, including a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

DID YOU KNOW?

David’s Law provides that, in addition to a school counselor’s responsibilities, the counselor will serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying. This role will not exempt a school counselor from any mandatory reporting requirements imposed by other provisions of law.

David’s Law - Deeper Dive¹⁴⁴ (passed in 2017) amends the Education Code provisions regarding bullying to better define and encompass cyberbullying. It encourages school districts to establish a district-wide policy related to bullying prevention and mediation. It provides for anonymous reporting for students, includes cyberbullying off campus and after school hours, and modifies the parental/guardian notification procedure. It provides flexibility in the disciplinary placement or the expulsion of students engaged in certain types of very serious bullying. It authorizes school principals to report certain incidents of bullying to local law enforcement and provides protection from liability for doing so. It expands the scope of instruction that can satisfy continuing education requirements for classroom teachers and principals to include instruction related to grief-informed and trauma-informed strategies. It requires the Texas Education Agency (TEA) to maintain a website with resources related to student mental health needs.



Promising Practices: Trauma-informed, bullying-prevention practices a campus or LEA can implement to support students in foster care:

- Implement schoolwide programs and policies that promote a culture of open communication and ally behaviors. Assign a safe person both at school and at home to talk to when there is a concern with bullying. Strong relationships and open communication create transparency and honesty.
- Discuss bullying proactively; provide strategies for dealing with bullying situations whether the student is the target or bystander. Role play scenarios with them.
- Watch for signs that students in foster care are being bullied (e.g., faking illness, unexplained injuries, declining grades, decrease in self-esteem, changes in eating and sleeping habits, sleep issues, acting out in class in order to be sent home, etc.).
- Find ways for students in foster care to develop meaningful relationships with their peers and provide leadership opportunities.
- Host parent and caregiver information nights to educate parents/guardians about bullying, noting trends in cyberbullying and the use of cellphones.



TIP: Implementing a bullying prevention and intervention program without also addressing trauma may be missing the needs of many children.¹⁴⁵

MULTI-TIERED SYSTEMS OF SUPPORT (MTSS)

In order to keep students engaged in school and on track to graduate, schools are encouraged to use trauma-informed approaches within a Multi-Tiered System of Support (MTSS). Using and monitoring education data on the local aggregate and student levels can help courts, educators, caseworkers, caregivers, and advocates determine if students in foster care are on track for high school graduation. The Texas MTSS framework for school mental health is designed to provide a continuum of services. Specific to students in foster care, these supports could look like:

TIER 1: Broad activities targeted to all students

- Interpersonal/social and emotional teaching and learning.
- Teaching mental health awareness.
- Behavioral health screening.
- Grief and trauma-informed practices, policy, and procedures.
- Self-referral process and promoting help-seeking behavior for access to services and supports.
- School-wide behavior and mental health practices and procedures, including suicide and bullying prevention and interventions.

TIER 2: Targeted intervention for identified students

- Student Wellness or Intervention Plans with Care Team.
- Evidence-based classroom or small group interventions for skill building, such as problem-solving, conflict resolution, building/maintaining relationships, goal setting, decision-making, stress management, and resiliency building.
- Mentoring.
- Low-intensity classroom-based supports, such as daily teacher/student check-ins.
- Individual interventions, such as solutions-focused counseling, parent engagement, and family group psychosocial education.

TIER 3: Treatment or services for students with mental health needs

- Student Wellness or Intervention Plans with Care Team.
- Crisis responses.
- Re-entry plans.
- Group or family therapy.
- Data collection and monitoring progress.
- Case coordination with mental health providers, physicians, etc.



Promising Practices: Trauma-informed practices that campuses and LEAs can implement to support students in foster care:

- Hold frequent student Care Team Meetings to review the student's educational progress, identify needs, plan for academic interventions, and wraparound student support services both at school and in the community that include caregivers in the process.
- Use all available data - both academic and non-academic - as well as a trauma-informed lens, relationship building, and research to guide meaningful interventions to support school success for students in foster care and prevent dropouts.
- Develop local agreements with community organizations based on needs addressed by the MTSS Team. These partnerships help engage students and address risk factors including, truancy, mental health, physical health, attendance, and social service needs that present barriers to school success.
- Develop a local system to track data for students in foster care, including attendance, tardies, grades, credits, personal graduation plans (PGP)s, discipline records, nurse visits, etc. LEAs readily have access to this data to monitor student progress. Use of early warning data is a foundational research-based strategy to help students

who are disengaged get back on track, mitigate against risk factors, and prevent dropout. Schools and DFPS may add non-academic risk indicators to an early warning indicator system and may implement joint Early Warning Data Systems (EWDS) to examine well-being and academic risk indicators. Although educators can implement EWDS and caregivers can log into LEA parent/guardian portals to monitor measures such as grades, attendance, and homework completion, these academic indicators may not get to the root cause of what makes the student at risk for negative outcomes.

- Review the “[Information Sharing between Child Welfare and Schools Guide](#)” to balance confidentiality while building collaboration.
- Assess student interests, outreach to caregivers, and assist with enrolling students in extracurricular activities such as after-school programs that will help to engage students in school.



RESOURCES: Multi-Tiered Systems of Support

TEA, [Tiered Interventions Using Evidence-Based Research \(TIER\)](#). - Provides educators, caregivers, and other educational stakeholders with the knowledge and materials to ensure appropriate implementation of a multi-tiered system of supports (MTSS) in schools.

[Center on Positive Behavior Intervention Supports \(PBIS\)](#). - Examples, materials, presentations, publications and videos on PBIS in an Interconnected Systems Framework (ISF)

[The National Center for School Mental Health Institute \(NCSMHI\)](#). - Free online curriculum for LEAs to develop comprehensive school mental health (SMH) systems.



THE SCHOOL EXPERIENCE: PROMOTING STUDENT SUCCESS



IN THIS CHAPTER

- CREATING A SCHOOL ENVIRONMENT THAT IS SENSITIVE TO THE EXPERIENCES OF STUDENTS IN FOSTER CARE
- PROGRAMMATIC SCHOOL SUPPORTS FOR STUDENT ACADEMIC SUCCESS AND WELL-BEING
- IMPLEMENTING ACADEMIC SUPPORTS AND INTERVENTION ACCORDING TO STATE LAW
- PROMOTING HIGH SCHOOL COMPLETION
- DETERMINING THE RIGHT ENDORSEMENT FOR GRADUATION
- THE IMPACT OF TESTING ON HIGH SCHOOL COMPLETION
- DETERMINING WHEN A HIGH SCHOOL EQUIVALENCY PROGRAM (HSEP) IS APPROPRIATE

POSTCARD: Provided by Foster Care Alumni of America - "School gave me more than just an education."



CHAPTER 11

The School Experience: Promoting Student Success

CREATING A SCHOOL ENVIRONMENT THAT IS SENSITIVE TO THE EXPERIENCES OF STUDENTS IN FOSTER CARE

Students come into foster care through no fault of their own, but their status as “foster children” can be a source of deep shame and stigma. School personnel play an important role in being sensitive and creating a school environment that is emotionally safe and supportive of students who experience foster care.

REMEMBER TO:

- ✓ Maintain confidentiality.
- ✓ Be mindful of the impact that family-based school assignments and activities have on students.
- ✓ Avoid negative stigmatization and assumptions.
- ✓ Be aware of the reasons why a student in foster care may miss school and how it might impact coursework.
- ✓ Take time to build relationships and establish trust with students in foster care.
- ✓ Provide students with choices and include them in decision-making.
- ✓ Promote information related to foster care and activities, supports, resources, and scholarships available in school counseling centers, public places, district website, and student portals.

✓ MAINTAIN CONFIDENTIALITY.

- It is important that a student is not publicly labeled as a foster child nor attention brought to the fact that the student is in the foster care system.
- Avoid discussing private student matters in public places, such as a hallways and open office spaces, where confidential information may be overheard by school staff and/or students.
- Do not use public means to notify students of appointments and visitors related to their DFPS cases.
- Refrain from asking students personal questions related to why they are in foster care. If a student shares this very personal information, it should be completely up to them and not because school personnel initiated the discussion. All information should be kept confidential.

✓ BE MINDFUL OF THE IMPACT THAT FAMILY-BASED SCHOOL ASSIGNMENTS AND ACTIVITIES HAVE ON STUDENTS.

No matter the reasons for entering foster care, school assignments and activities that assume all students live with their birth family or know their family history may present challenges for students in foster care. Assignments such as creating a family tree or a Mother’s Day card or giving a presentation about a memorable family vacation can be very difficult. Educators should differentiate these activities with a choice board or menu of activities to allow for student choice without alienating any students.

✓ AVOID NEGATIVE STIGMATIZATION AND ASSUMPTIONS.

Students in foster care can be negatively labeled and stigmatized in school and in other community settings. Although not necessarily intended, these negative stigmatizations and resulting biases can be detrimental to a student's well-being and academic success. See the chart below for common assumptions and ways to address them.

COMMON ASSUMPTIONS	UNINTENDED CONSEQUENCE	PREFERRED ACTION
ENROLLMENT		
Students in foster care will only be enrolled in the new school for a short period of time.	Enrollment is delayed.	Ensure that enrollment occurs in a timely manner. No consideration should be given to the duration of attendance at the new school.
CONTINUITY OF SERVICE		
Students do not need accommodations, modifications, or scheduling changes.	The student's educational experience is disrupted.	Students should have the same course schedule including endorsements, enrichment, and extra-curricular activities. Services provided by special programs should also continue with the same guidelines and procedures.
GRADUATION PROGRAM		
Students in foster care do not have post-secondary education goals. ¹⁴⁶	Students do not achieve post-secondary success. Students do not graduate with endorsements.	Ensure that the endorsement students select matches their interest and promotes post-secondary success in their career, college, or military endeavors. ¹⁴⁷



TIP: Promote post-graduation career and education messaging and use asset- and strength- based approaches to encourage the academic dreams of middle and high school students in foster care (See Chapter 13: *Transitioning from Foster Care to a Successful Adulthood & Post-Secondary Education Opportunities*, on page 138.)



[Confronting Stereotypes of Youth in Foster Care](#) is a great video that can be shared to increase awareness about the stereotypes and stigmas students often face.

✓ BE AWARE OF THE REASONS WHY A STUDENT IN FOSTER CARE MAY MISS SCHOOL AND HOW IT MIGHT IMPACT COURSEWORK.

Students in foster care may miss school due to parent and sibling visits, court dates, therapy, and other appointments. These absences are excused if the activity was ordered by the court. Ensure that the appropriate documentation is submitted for attendance purposes. LEA staff and ESC Foster Care Champions should work together to ensure the student is able to make up coursework missed due to these activities.



Note: Caseworkers do their best to ensure school is not interrupted for visits or other appointments.

TIP: LEA Foster Care Liaisons should consider providing information regarding important testing dates to the DFPS Regional Education Specialists and other child welfare stakeholders. School attendance is especially important around state-mandated testing periods. School attendance is also important during benchmark testing periods, as benchmark testing monitors student academic progress to determine if additional interventions are needed.

✓ TAKE TIME TO BUILD RELATIONSHIPS AND ESTABLISH TRUST WITH STUDENTS IN FOSTER CARE.

- Students may have a difficult time trusting adults and relationships. Students in foster care have had adults disappoint them and may be reluctant to interact.
- Take the opportunity to celebrate birthdays, personal accomplishments, and student successes! Encouragement and support are essential elements of building rapport and trust.
- Research demonstrates the importance of a trusted, caring, supportive adult as a critical factor determining the success of students in foster care.
- Mentors serve an important role in supporting a student's social and emotional needs. Prioritize students in foster care for your district or community mentoring program.
- Discuss a student's positive attributes with them and communicate these to caregivers, caseworkers, and other adults involved in the student's life.



TIP: A great way to be a part of a high school student's success is by participating in a DFPS-sponsored meeting called a Circle of Support, if invited by the student (*see Transitional Living Services Described, on page 138*).

✓ PROVIDE STUDENTS WITH CHOICES AND INCLUDE THEM IN DECISION-MAKING.

Students in foster care may experience a sense of loss and powerlessness. Educators and supportive adults can use positive youth development practices that provide choices and include youth in decision-making processes.

✓ PROMOTE INFORMATION RELATED TO FOSTER CARE AND ACTIVITIES, SUPPORTS, RESOURCES, AND SCHOLARSHIPS AVAILABLE IN SCHOOL COUNSELING CENTERS, PUBLIC PLACES, DISTRICT WEBSITE, AND STUDENT PORTALS.

Students may not be identified publicly as being in foster care. However, providing information about resources available for students in foster care at counseling centers or similar settings keeps students informed of available supports without singling them out or invading their privacy. It also lets the students know they are supported and valued on their campus.

PROGRAMMATIC SCHOOL SUPPORTS FOR STUDENT ACADEMIC SUCCESS AND WELL-BEING

Compensatory education services available for students must be described in the LEA or campus improvement plan. School staff may recommend that funds be set aside for students in foster care to participate in academic and enrichment programs that promote well-being of the whole child. For more information, see the [TEA State Compensatory Education](#) webpage.

Students may be eligible for special programs and services, such as Special Education, English as a Second Language (ESL), and/or Gifted and Talented services.

College and Career Readiness Programs will afford students several more opportunities, such as military preparedness courses, advanced placement courses, dual credit opportunities, and Career and Technical Education (CTE).



Visit www.tea.texas.gov for more information on specific student programs and eligibility requirements.

LEAS SHOULD PROVIDE SERVICES TO SUPPORT ACADEMIC SUCCESS THROUGH:

- ▷ Tutoring and assessment intervention activities.
- ▷ Supplemental reading or math programs.
- ▷ Credit recovery programs.
- ▷ School counselors, parent support specialists, social workers, and/or student support teams.
- ▷ Home visitation to engage parents or caregivers in improving academic achievement.
- ▷ Coordinating community resources such as mentors and advocates.
- ▷ Out-of-school opportunities such as academic camps, summer school, Saturday school, and competitions.
- ▷ Providing direct individual, group, and crisis counseling.

Regardless of the funding source used for supportive services, all programs and supports should use evidence-based strategies that help increase a student's academic achievement and maintain advancement toward on-time promotion and high school completion. These strategies are discussed more fully in the following section.



RESOURCES: Additional Supports

[The Texas State Compensatory Education program](#)

[Bilingual and English as a Second Language Education Programs](#)

[Special Education](#) (See Chapter 12.)

[Gifted/Talented Education](#)

[Highly Mobile, At-Risk, and Mental Health Supports](#)

IMPLEMENTING ACADEMIC SUPPORTS AND INTERVENTION ACCORDING TO STATE LAW

According to [TEC Code § 25.007](#), students in foster care who move from one school to another are faced with special challenges in learning and future achievement. The law requires TEA to assist these transitions by providing a list of required supports.

To support the implementation of this law, [Commissioner Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care](#) were adopted into Chapter 89, Adaptations for Special Populations Subchapter FF of the Texas Administrative Code in 2019 and must be followed by all districts and open-enrollment charter schools.

These rules require LEAs to mitigate transitional barriers in order to support learning and academic achievement for students in foster care, particularly when students transition to new schools.



Reminder: The term “foster care” is being used throughout this guide to refer to all children and youth in DFPS conservatorship/substitute care. This next section uses language from the Texas Education Code (TEC) and the Texas Administrative Code (TAC) Commissioner Rules. Because the term “substitute care” is used in addition to the term “foster care” in the Texas Education Code, it is also used within this section when describing these provisions.



TRANSITION ASSISTANCE FOR STUDENTS WHO ARE HOMELESS OR IN SUBSTITUTE CARE



TAC § 89.1603, Transfer of Student Records and Transcripts

LEAs must ensure that copies of student records are made available to the receiving school.

Schools are required to transfer student records within 10 working days of receipt of a request from the receiving school (*see Chapter 6 for more information on enrollment and Chapter 8 for more information on records transfers for students in foster care*).



TAC § 89.1605, Development of Systems to Ease Transitions and Establish Procedures to Lessen the Adverse Impact of Movement of a Student

LEAs must develop specific supports and systems to ease the transition during the first two weeks of enrollment:

- ✓ **Provide** the student and caregiver with a **welcome packet** that includes information about enrolling in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, and contact information for pertinent school staff such as counselors, nurses, social workers, the foster care liaison, the homeless liaison, the principal and any assistant principal, and other related contacts.
- ✓ **Facilitate introductions** of the student to faculty, other students, and to the school environment while maintaining student privacy and confidentiality. Introductions can be facilitated by school faculty, a campus-based student leader, or student ambassador.
- ✓ **Ensure** processes are in place for students who qualify to receive **nutritional benefits** upon enrollment and expedite communication with the school nutrition coordinator to ensure students are not charged in error and do not experience delays in receiving these benefits.
- ✓ **Hold an enrollment conference** with the student in the first two weeks of enrollment or within the first two weeks after the student is identified as being in substitute care (LEAs may have similar processes, called something other than an enrollment conference, that can be adapted and implemented to achieve the same goals).

Enrollment Conference Described

The enrollment conference as required by **TAC § 89.1605** must occur within the first two weeks of enrollment or within the first two weeks of the student being identified as in substitute care and shall not delay or impede the enrollment of the student. This could be an opportunity to personally provide a welcome packet, check on how the student is adjusting, identify whether the student was receiving services from other special programs (e.g: special education, EL, dyslexia, 504, G/T, etc.) at the previous school, monitor academic progress, and share important resources with the family.

The enrollment conference may be composed of:

- School administrators
- Homeless or Foster Care Liaisons
- Social workers
- Teachers
- Counselors
- Dropout prevention specialists
- Attendance and/or truancy officers
- The caregiver or case manager
- The Texas Department of Family and Protective Services (DFPS) designated educational decision-maker
- The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteer as applicable
- A parent and/or guardian, unless the caseworker indicates the parent's and/or guardian's rights to participate have been restricted by the court

During an enrollment conference the school could also address the following:

- Credit recovery
- Credit completion
- Attendance plans
- Trauma-informed interventions
- Student interests and strengths
- Discipline or behavior concerns
- Previous successes
- College readiness
- Social and emotional supports
- LEA policies relating to transfers and withdrawals
- Communication preferences with parents and/or guardians



Reminder: School staff should remember that decisions about a student's special education eligibility or services may only be made by a properly constituted admission, review, and dismissal (ARD) committee.



TIP: The enrollment conference provides an opportunity to communicate in a confidential manner about court dates, behavior interventions, DFPS supports, and other information that may impact a student's academic success and progress.



TAC § 89.1607, Award of Credit

Schools must also do the following:

- ✓ Develop a credit recovery plan for students who were denied credits outside the district or charter school.
- ✓ Create a course transition plan for students who have been denied credit.
- ✓ Ensure that school staff engage with student, parent, or guardian, as applicable, to develop a credit recovery plan upon enrollment if the student has a credit deficit that would impede on-time promotion or graduation.

- ✓ Comply with TEC, § 28.025(i), concerning the award of diplomas for students who are homeless or in substitute care who are in Grade 11 or 12.
- ✓ Develop and administer a personal graduation plan for each student in junior high or middle school for whom a PGP is required in accordance with TEC § 28.0212.

Additionally, a student in foster care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine as determined by the district must have the student's course credit accrual and personal graduation plan (PGP) reviewed.

When developing the PGP, the school has the opportunity to communicate with the caregiver and student to:

- Identify educational goals for the student.
- Discuss and plan for the instructional program, including courses needed to meet graduation requirements.

For high school students, promote college and workforce readiness and career placement and advancement. The plan should also facilitate the student's transition from secondary to post-secondary education. Additional foster care-specific supports and resources are discussed in Chapter 13.

Proportional Credit and Credit by Exam Opportunities

LEAs are required to adopt a local policy for awarding course credit — including credit for a course that was earned prior to the student enrolling in or transferring to a new school, examine how credit is awarded based on satisfactorily meeting all state and local requirements, provide opportunities for administration of credit by examinations at any point of the school year, and award credit proportionately to a student in foster care who successfully completes only half of a course while enrolled at another school.



When a school move is required, coordination between DFPS and the school should ensure there is a process to analyze the current course work and ensure that the student's grades, attendance, and related support services are maintained in the transition. Stakeholders should work around LEA testing windows to ensure that students can complete any pending assessments.

Districts and schools may use online credit repair or recovery programs, the [Texas Virtual School Network \(TxVSN\)](#), and other TEA-approved programs to assist in the transition process.



TAC § 89.1609, Placement in Educational Programs and Courses

When a student in substitute care transfers before or during the school year, the receiving school shall initially place the student in educational programs and courses based on the student's prior enrollment in and current educational assessments from the sending school. Schools shall also ensure the continuation of a student's educational and course programs from the previous school and promote placement in academically challenging and career preparation courses.

- Educational programs include, but are not limited to, gifted and talented program services, bilingual or special language services for English learners, career and technical education, and early college high school.
- Course placement includes, but is not limited to, honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathway courses.

Each school must ensure that a student who is in substitute care has the ability to earn the same endorsement categories, if applicable. If only one endorsement is offered, it must be the multidisciplinary endorsement.



TAC § 89.1611, Promotion of Access to Educational and Extracurricular Programs for Students Who are in Substitute Care

School staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is in substitute care and plans to participate in varsity athletics or other UIL-sponsored activities.

LEAs may not impose durational residency requirements for students in foster care for any activity sponsored by the LEA.

Although the University Interscholastic League (UIL) imposes durational residence requirements on students generally, the Office of the Texas Attorney General has found that no durational residential requirement in the UIL rules may be applied to a student placed by DFPS or a court into a foster placement located in a receiving LEA.

This is true regardless of whether it is the student's first time to be placed in a foster home or the student has been moved to a new foster home. If the placement is by DFPS or a court, no durational requirement can be imposed if the reason for the student's relocation is placement in foster care.

Each LEA is encouraged to examine what services are available and how it can meet this goal. For example, if the school has a 21st Century Community Learning Center before-school or after-school program, a student in foster care may participate at no charge. Many schools have other after-school tutoring programs in which students may be encouraged to participate, such as the Communities In Schools (CIS) program that provides tutoring, mentoring, and summer programs.



Students in foster care should be afforded opportunities to participate in summer programs, credit transfers, electronic courses provided through the Texas Virtual School Network, and after-school tutoring programs at nominal or no cost.



RESOURCES: Extracurricular Programs

[21st Century Community Learning Centers](#)

[Communities In Schools of Texas](#)

[University Interscholastic League](#)



TAC § 89.1613, Promotion of Post-secondary Information

LEA staff must work with the Foster Care Liaison to ensure that student's in foster care graduate with endorsements, if applicable, and have post-secondary plans identified in their personal graduation plans, in alignment with TEC § 28.02121. Schools are required to provide services to support students in foster care who are applying for admission to post-secondary study and/or seeking sources of funding for post-secondary study.

LEAs are encouraged to provide information to students in foster care about college programs and opportunities to pursue post-secondary studies, including junior and community colleges; four-year colleges and universities; and vocational, technical, and certificate programs. Promote college access by linking students with local college programs to support their successful transition into post-secondary education.

Many specific financial resources and supports for students in foster care exist (*see Chapter 13: Transitioning from Foster Care to a Successful Adulthood & Post-Secondary Opportunities, on page 143*). LEAs should be informed of these resources, provide information, and connect students. In order to activate the waiver, the student must enroll in at-least one college course before turning 25 years old.



School personnel can assist students in foster care by facilitating enrollment in at least one dual-credit or college course while in high school, automatically qualifying students for the lifetime tuition and fee waiver. Any college course, including developmental courses and many continuing education classes, will initiate the tuition and fee waiver. Connecting students to these opportunities is a positive strategy schools can implement to support successful transitions and college and career readiness.



TAC § 89.1615, Provision of Special Education Services

Schools are required to accept a previous school's referral for special education services made for a student in substitute care.

By law, a receiving school must accept a referral for special education from a previous district to speed up the process for special education and ensure students receive proper academic supports and interventions once in their new school. The Texas Education Agency Student Attendance Accounting Handbook requires that records be transferred from one school to the next via TReX.

Records that must be transferred include assessment instrument results, records regarding special education services, and individualized education plans, if applicable. Schools should review the list of required records to transfer in order to facilitate continuity and educational stability for students in foster care. In instances where a student is already eligible for SPED, the receiving LEA must ensure that it meets the student transfer requirements of TAC § 89.1050(j). For more information on TReX and effective records transfer, see *Chapter 6: School Enrollment, Withdrawal, and Other Transition Considerations For Students In Foster Care*, on page 63; for more information on special education, see *Chapter 12: Students Eligible for or Receiving Special Education Services*, on page 131.



TAC § 89.1617, Notice to Student's Educational Decision-Maker and Caseworker

Schools must comply with TEC § 25.007(b)(10), and provide notice in writing to the educational decision-maker and caseworker of a student in substitute care regarding events that may significantly impact the education of the student.

These events include:

- requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
- admission, review, and dismissal committee meetings;
- manifestation determination reviews required by Section 37.004(b);
- any disciplinary actions under Chapter 37 for which parental notice is required;
- citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
- reports of restraint and seclusion required by Section 37.0021;
- use of corporal punishment as provided by Section 37.0011; and
- appointment of a surrogate parent for the child under Section 29.0151.



TIP: When receiving an Education Decision Maker Form 2085-E, make sure the form is signed and legible. A sample form is included in Appendix F. See *Chapter 9: Education Decision-Making*, on page 97.



PROMOTING HIGH SCHOOL COMPLETION

Helping to ensure students have their caps and gowns, senior pictures, yearbooks, and that they participate in school-related graduation activities is important! Additionally, being present at a student's high school graduation and taking the time to celebrate and congratulate their success is a meaningful way to support them. Staff should work with caregivers to ensure that students have others to celebrate with them, which may include the student's family (parents, siblings, and others).

Texas law supports high school completion for students in foster care!



LAW: If an 11th or 12th grade student in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the receiving district, the sending district shall award a diploma at the student's request, if the student meets the graduation requirements of the sending district.



LAW: A student in substitute care who was previously enrolled in a course required for graduation must be allowed the opportunity, to the extent practicable, to complete the course at no cost to the student before the beginning of the next school year.

School staff should work with students to identify high school completion and credit recovery supports that help students make progress towards high school completion. Alternative mechanisms to complete coursework and recover credits may be pursued. In some cases, a student may benefit from alternative high school programs and environments with fewer students and more individualized attention. Staff should work with the student, caregivers, and the student's caseworker to determine a school setting that promotes the student's individual success and high school completion.



TIP: If applicable, remind students they can attend school and receive their high school diploma after turning 18. In accordance with Texas law, some high schools provide an opportunity for students to earn their high school diploma up until the age of 26.

For more information visit [TEA graduation requirements](#).

School staff should work with students and caregivers to determine the appropriate high school graduation plan and to ensure that students in foster care are provided with challenging, engaging coursework that will help prepare them for college, career, or the military. Beginning with the Foundation High School Program (FHSP), students should be encouraged to pursue endorsements and participate in advanced academics, career and technical education, STEM programs, or one of the Texas College and Career Readiness School Models based on the availability within the LEA.



Best Practices for Academic Monitoring to Promote High School Completion and Prevent Dropout

LEAs should utilize student data reports to assist in academic progress monitoring of students in foster care. Student identification, attendance, assessment, discipline, grades, and credits should be monitored on a regular basis to ensure on-time promotion and graduation. Student data should be used to develop an individualized academic monitoring plan that provides targeted interventions, supports, and progress-monitoring strategies.

- » Ensure all students in foster care are accurately coded with the TSDS PEIMS Foster Care Indicator.
- » Ensure all students in foster care are accurately coded with the TSDS PEIMS At-Risk Indicator.

District and campus staff should collaborate with their PEIMS coordinator and registrar to run the following reports:

- ▷ Attendance
- ▷ Grades
- ▷ Credits Earned vs. Credits Attempted
- ▷ Assessment scores
- ▷ At-Risk Indicators
- ▷ Disciplinary Alternative Education Program
- ▷ Career and Technical Education (CTE)
- ▷ Special Student Populations (e.g. Special Education, Gifted and Talented, English Learner, Military-Connected, Migrant, Homeless, Foster Care, Pregnancy Related Services, etc.)



Academic monitoring is essential to the success of students in foster care. District and campus staff should develop a data-driven system that will facilitate and drive positive student experiences and academic outcomes.

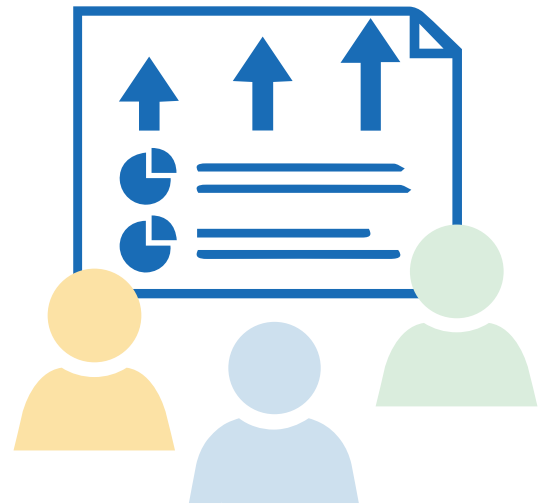
Additional strategies, tips, and resources will be provided throughout this chapter to drive an effective and positive student experience.

Review data reports throughout the year to:

- ▷ Monitor attendance and grades
- ▷ Identify or modify academic interventions and supports
- ▷ Adjust course schedules
- ▷ Develop student academic goals
- ▷ Monitor student progress and success
- ▷ Ensure students in foster care receive appropriate grades and/or credits for courses taken

Utilize data reports to:

- ▷ Ensure continuity of education programs, services, and supports
- ▷ Ensure on-time promotion and graduation
- ▷ Provide academic progress monitoring updates to foster care parents, caseworkers, caregivers, etc.
- ▷ Assist students in foster care with post-secondary planning



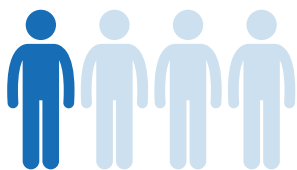
For more information on a free early warning data system tool that schools can use, visit the [Texas Comprehensive Center](#)

Research based strategies in dropout prevention are available to assist school leaders in facilitating the academic achievement of students at risk of dropping out of school. These strategies should be adapted to meet students' individual needs and applied intentionally in addressing the educational needs of students in foster care.



The U.S. Department of Education has identified seven key strategies for dropout prevention that apply to students in foster care:

In Texas **1 out of every 4 students,**



25% in foster care **dropped out of school,** compared to 5.9% of their peers in 2019.

1. Use diagnostic data and data systems to identify student needs.
2. Assign adult advocates to students who are at risk.
3. Provide academic supports and enrichment to improve academic performance.
4. Implement programs to improve students' classroom behavior and social skills.
5. Personalize the learning environment and instructional process.
6. Provide rigorous and relevant instruction that better engages students in learning.
7. Provide the skills needed to graduate and serve students after they leave school.



RESOURCES: Dropout Prevention

[TEA Dropout Prevention and Recovery Resources](#)

[TEA Dropout Prevention and Recovery Policies](#)

[Response to Intervention \(RTI\) and Special Education FAQ](#)

[National Dropout Prevention Center](#) — Provides resources for researchers, practitioners, policymakers, and families to increase opportunities for students identified as at-risk of dropping out to streamline the continuity of education and services necessary to successfully graduate from high school.

The center also maintains a [database of programs](#) that have been found to be effective in improving academic achievement.

Institute of Education Sciences (IES) "[Practice Guide - Dropout Prevention](#)" — Provides specific recommendations for program design, development, and implementation. A checklist is included that schools can use to design academic supports for students in foster care.

DETERMINING THE RIGHT ENDORSEMENT FOR GRADUATION

The Foundation High School Program (FHSP) is the start of a tailored educational experience. Students meet with an academic counselor to determine which endorsement options, distinguished level of achievement, and performance acknowledgements to pursue for their interests. It is important that students' interests and goals after graduation are considered when determining the endorsement for the graduation plan.

Students in foster care should be encouraged to receive endorsements and specialized training. See Chapter 13 for more information on participate in dual credit or early college programs.

Texas College and Career Readiness School Models (CCRSM) including Early College High Schools (ECHS), Texas Science, Technology, Engineering and Math (T-STEM), and Pathways in Technology Early College High Schools (P-TECH) provide an opportunity for students to earn a Distinguished Level of Achievement for high school graduation.



TIP: It is important that the student's high-school graduation plan accurately reflects their current goals and interests. The student and person acting as a parent can request to meet with a counselor to change or update the student's High School Graduation Plan.

In the event that a school move occurs for a student in high school, it is important to review and revisit this plan and make sure that the student has the necessary coursework to complete their Endorsements and Distinguished Levels of Achievement for Graduation.

The chart below provides an overview of the different high school graduation plans and compares participation percentages for students in foster care and the general state population.

Information in the chart below is found in: [Secondary School Completion and Dropouts in Texas Public Schools, 2018-19.](#)



FOSTER CHILDREN COMPARED TO STATE POPULATION: GRADUATES BY GRADUATION PROGRAM TYPE

According to TEA PEIMS data for the graduating class of 2018-2019, significantly more students in foster care graduated with the Foundations High School Plan without General Endorsements (FHSP) compared to the average student (39.2% compared to 12.3%). Significantly fewer students in foster care graduated with the Distinguished Level of Achievement than the average student population (55.4% compared to 83.5%). These graduation outcomes clearly articulate an achievement gap that exists between students in foster care and the average students in Texas. School staff can close these gaps by ensuring that students in foster care are more consistently placed on the Foundation High School Program with general endorsements and are provided the same opportunities to graduate with distinguished levels of achievement as their peers.



The student's parent/guardian must sign off on the student's high-school plan in the 9th grade. For students in foster care this may be the student's caregiver, caseworker, or education decision-maker.

Student type	Foundations High School Plan without General Endorsements (FHSP) (22 credits)	Foundations High School Plan with General Endorsements (FHSP) (26 Credits)	Distinguished Level of Achievement (DLA) (26 Credits)
Foster Care	39.2	5.4	55.4
State Population	12.3	4.2	83.5



TIP: It is always important to involve youth in planning and discussion about their long-term goals and future aspirations when determining their high school graduation program.



RESOURCES: High School Graduation

[Foundation High School Program requirements.](#)

[The Graduation Toolkit](#) is available in English and Spanish.

CAREER AND TECHNICAL EDUCATION (CTE) AND STUDENTS IN FOSTER CARE:

Career and technical education (CTE) generally includes instruction in the academic, technical, and employability skills and knowledge required to enter and succeed in specific occupations. At the secondary level, CTE introduces students to career fields and helps them begin to build marketable skills and, in some cases, earn credentials. At the post-secondary level, CTE provides an entry point for new or returning students to learn specific knowledge and specialized skills in a particular occupational field. At both levels, CTE often includes work-based learning experiences.

Students in foster care can benefit greatly from hands-on, work- and skill-based learning environments. Students who participate in CTE have higher education outcomes in comparison to their peers not participating in CTE. Students in foster care are a priority student group for Perkins 5 and CTE. Consider opportunities to promote CTE and link students in foster care to available programs in your LEA and community.

For more information visit [Texas CTE](#)



THE IMPACT OF TESTING ON HIGH SCHOOL COMPLETION

STATE OF TEXAS ASSESSMENTS OF ACADEMIC READINESS (STAAR) AND END OF COURSE (EOC)

The State of Texas Assessments of Academic Readiness (STAAR) and End of Course (EOC) exams measure the extent to which students have learned and are able to apply the knowledge and skills defined in the TEKS. The EOCs are administered for Algebra I, English I, English II, Biology, and U.S. History, which are required for high school graduation. The STAAR Algebra II and English III post-secondary readiness assessments are optional assessments for districts; however, if the district chooses to administer either or both assessments, students enrolled must take the exam. It is critical for LEAs to communicate with students and their caregivers about STAAR, the five end-of-course assessments, and the relationship of the state assessment program to high school graduation.¹⁴⁸

The TEA STAAR Resources website keeps current information and resources for STAAR that are helpful to school officials:

The 87th Texas Legislature established Accelerated Learning Committees for students who did not pass the STAAR test in reading or math (grades 3,5, and 8) (HB 4545). The committee is responsible for developing an individualized plan for accelerated instruction for the student. Accelerated instruction is the delivery of supplemental instruction (e.g. tutoring) before or after school, or embedded in the school day. For more information visit [TEA HB 4545 Implementation Overview](#).



- The STAAR program includes assessments that address students receiving special education services and English Learners (ELs) in grades 3-5 in reading, writing, mathematics, and science who meet particular participation requirements.
- Assessments for Students Receiving Special Education Services: STAAR Alternate 2
- Assessments for English Learners: STAAR Spanish Grades 3-5



TIP: It is important to provide information to child welfare partners about standardized testing dates and ensure students participate in testing, even if a school move occurs near testing dates.



INDIVIDUAL GRADUATION COMMITTEE:

If the student has not passed the minimum required EOC examinations, the student may be eligible to participate in an Individual Graduation Committee (IGC) to evaluate and determine if they are eligible to graduate.” This change is necessary as it is still not guaranteed.

A student receiving special education services is not subject to the individual graduation committee requirements in the TEC § 28.0258, or the provisions of this section.

COLLEGE, CAREER, AND MILITARY READINESS EXAMS

Texas Success Initiative Assessment (TSIA)

TSIA determines a student’s readiness for college-level coursework in the general areas of reading, writing, and mathematics. With the goal for high school completion and post-secondary education, school staff should encourage students to complete the TSIA early in their high school careers, especially on campuses with early college programs or dual credit options. For more information, visit the [TEA TSIA Webpage](#).

PSAT, SAT, or ACT

In order to expand the options of students in foster care for postsecondary education, liaisons should be aware of the district dates for school day administration of the PSAT, SAT, or ACT tests.

If a student in foster care missed the school day administration, there are fee waivers with these exams that allow the student to take the exam at other sites and could possibly waive college application fees depending on the college or university.

Armed Services Vocational Aptitude Battery (ASVAB)

As a part of the ASVAB Career Exploration Program, each school district may offer the ASVAB or an alternative test. To find more information on the ASVAB and resources visit, the [TEA ASVAB Webpage](#).

DETERMINING WHEN A HIGH SCHOOL EQUIVALENCY PROGRAM (HSEP) IS APPROPRIATE

In the event the student has not shown appropriate educational progress towards graduation, students have the opportunity to receive their [Texas Certificate of High School Equivalency](#) by taking the GED or HiSET exam. Below are resources to learn more about the GED and HiSET and determine if this is an appropriate next step for a student (*see Chapter 13, Transitioning from Foster Care to a Successful Adulthood & Post-Secondary Education Opportunities, on page 142*).

Eligibility: A resident of the state who has not graduated from an accredited high school is eligible to take the high school equivalency test per TEC § 7.111 in accordance with rules promulgated by the State Board of Education.

The HSEP prepares eligible students to pass the high school equivalency exams instead of earning a high school diploma.

[Here are the steps](#) to help prepare individuals to take their equivalency exam.

Who is going
To Look After
Younger Sibs
Him? Her??
You?

STUDENTS ELIGIBLE FOR OR RECEIVING SPECIAL EDUCATION SERVICES



IN THIS CHAPTER

- SPECIAL EDUCATION ELIGIBILITY
- SERVING AS THE “PARENT” REGARDING SPECIAL EDUCATION DECISIONS
- SURROGATE PARENTS
- THE ROLE OF CAREGIVERS FOR STUDENTS IN SPECIAL EDUCATION
- REQUESTING A PSYCHOLOGICAL OR EDUCATIONAL EVALUATION OF A STUDENT
- CONSIDERATIONS FOR HIGHLY MOBILE STUDENTS
- IF A STUDENT’S SPECIAL EDUCATION NEEDS ARE NOT BEING MET
- SECTION 504

POSTCARD: Provided by Foster Care Alumni of America - “Who is going to look after my young sib?”



CHAPTER 12

Students Eligible for or Receiving Special Education Services

Students in foster care are more likely to be identified as needing special education services than their peers who are not in foster care. There are many factors that contribute to a student's identification and need for special education services, including academic delays, trauma, early childhood experiences, learning disabilities, and emotional and behavioral needs. It is critical that students in foster care receive appropriate and timely evaluations for special education when deemed necessary and that educators provide assessments with a "trauma-informed" lens (see *Chapter 10: Trauma-Informed School Supports, Students Mental Health, & Discipline*, on page 101). Students may not be identified as eligible for special education solely based on lack of academic opportunities or because they are in the foster care system.



SPECIAL EDUCATION ELIGIBILITY

A student in foster care has access to special education services just like any other student. If a student is evaluated and determined to have a disability and because of the disability has an educational need for special education and related services,¹⁴⁹ the local educational agency (LEA) is required to provide that student a "free appropriate public education" (FAPE)¹⁵⁰ in accordance with the federal Individuals with Disabilities Education Act (IDEA).

For a list of special education-eligible disabilities, visit the [SPEDTex](#) webpage.



TIP: If LEA staff have a reason to suspect that a student in foster care has a disability under IDEA, the staff must refer the student for a full individual and initial evaluation.¹⁵¹ Additionally, LEA staff should advise the caregiver to contact the LEA's Director of Special Education to learn more about having the student evaluated to determine eligibility for special education services. A child aged three, four, or five who has been evaluated and determined to be a child with a disability may be eligible to participate in the school's Early Childhood Special Education (ECSE) program.

Information related to Free Appropriate Public Education (FAPE):

Federal law guarantees that all students with disabilities aged 3 through 21 have the right to a free appropriate public education, also known as FAPE. Districts must ensure that FAPE is made available from birth for children with visual impairments or who are deaf or hard of hearing.¹⁵² The right to a FAPE ends when a student graduates with a regular high school diploma in accordance with 19 TAC § 89.1070. A certificate of attendance or a certificate of coursework completion is not a regular high school diploma.

- As long as an eligible student is 21 years of age on September 1 of a school year, the student is eligible to receive special education services through that school year or until graduation with a high school diploma, even after turning 22.
- IDEA emphasizes that special education and related services must be designed to meet a student's unique needs and prepare the student for further education, employment, and independent living.

- FAPE is available to any individual student with a disability who needs special education and related services, even if the student is advancing in school and has not failed or been retained in a course or grade.
- Regardless of where a student moves or what type of facility they live in, a student who is eligible for special education services must be allowed to attend school and receive those services that are specified in the student's individualized education program (IEP).



TIP: Individuals who are involved in supporting the student's educational experience should receive relevant information from the IEP. Additionally, the student's parent (see full meaning of "parent" below) must be given a copy of the IEP at no cost.



RESOURCES: The Special Education Admission, Review, Dismissal (ARD) process.

TEA, [ARD Committee Resources](#) (or visit the [SPEDTex website for additional information](#))

TEA, "[5 Tips to Help Parents Prepare for First ARD.](#)"

TEA, Videos on [Admission Review Dismissal Committee.](#)

TEA, "[Parent Guide to the ARD Process](#)" and the "[Notice of Procedural Safeguards.](#)"

THE "CHILD FIND" RESPONSIBILITY

All children with disabilities residing in the state who need special education and related services, including children with disabilities attending private schools, must be identified, located, and evaluated. This process is called *Child Find*. IDEA specifically includes children with disabilities who are homeless, "wards of the state," and "highly mobile children, including migrant children" as groups of students for whom school districts have a *Child Find* responsibility.¹⁵³



TIP: LEA Foster Care Liaisons should work with district special education directors to determine avenues for collaboration among child welfare providers and schools to better identify students in need of special education services.

SERVING AS THE "PARENT" REGARDING SPECIAL EDUCATION DECISIONS

A PARENT FOR THE PURPOSES OF IDEA IS DEFINED AS:¹⁵⁴

- Biological or adoptive parent
- Foster parent unless prohibited by state law (this is allowed in Texas/not prohibited)
- Guardian generally authorized to act as the child's parent or to make educational decisions for the child
- Person acting in place of a parent and with whom the child lives, including other relatives
- Person legally responsible for child
- Surrogate parent

WHAT IS NEEDED IN ORDER FOR A FOSTER PARENT TO BE ELIGIBLE TO SERVE AS “PARENT” UNDER IDEA?¹⁵⁵

1. Texas Department of Family and Protective Services (DFPS) must be appointed as the temporary or permanent managing conservator of the student;
2. The rights and duties of DFPS to make education-related decisions for the student cannot have been limited by the court; and
3. The foster parent agrees to participate in making special education decisions on the student’s behalf and has or will complete a training program before the student’s next scheduled (ARD) committee meeting but not later than the 90th day after beginning to act as the parent for making special education decisions.



SURROGATE PARENTS

Every student in foster care has an education decision-maker selected by DFPS to make day-to-day education decisions on behalf of the student.¹⁵⁶ In addition, IDEA requires that state and local educational agencies involve parents in decisions about their student’s need for special education or related services. The LEA must appoint an individual to serve as a surrogate parent for a student who receives special education services within 30 days of realizing there is a need for one. Appointment of a surrogate parent must occur if:

1. The LEA is unable to identify or locate a parent for a student with a disability, or
2. The foster parent of a student is unwilling or unable to serve as a parent for the purposes of decision-making related to the student’s needs for special education or related services.

DID YOU KNOW?



A surrogate parent may also be appointed by the judge presiding over the student’s child welfare case.¹⁷¹ If a student has a court appointed surrogate parent, the LEA does not need to appoint a surrogate parent for the student.

WHO IS NOT ELIGIBLE TO BE A SURROGATE PARENT?

- All state employees. For example, an employee of TEA, the LEA, or any other agency involved in care or education of the student, such as DFPS, the Texas Juvenile Justice Department, or a residential treatment center.
- Any person with personal or professional interests that conflict with the interests of the student.¹⁵⁷



LAW: The LEA should make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after it is determined that the student needs a surrogate parent, unless, alternatively, the judge overseeing the student’s care appoints the surrogate.¹⁵⁸

WHAT ARE THE RESPONSIBILITIES OF A SURROGATE PARENT?

A surrogate parent must:¹⁵⁹

1. Be willing to serve in that capacity.
2. Exercise independent judgment in pursuing the child’s interests.
3. Ensure that the child’s due process rights under applicable state and federal laws are not violated.
4. Complete a training program that complies with minimum standards established by agency rule within the time specified in [TEC § 29.015\(b\)](#).

5. Visit the child and the school where the child is enrolled.
6. Review the child's educational records.
7. Consult with any person involved in the child's education, including the child's:
 - teachers,
 - caseworkers,
 - court-appointed volunteers,
 - guardian ad litem,
 - attorney ad litem,
 - foster parent, and
 - caregiver.
8. Attend meetings of the child's ARD committee.



REMINDER:

Actions to take if a surrogate or foster parent are not fulfilling their duties:

If the LEA determines that a court appointed surrogate parent is not properly performing their duties, the LEA must consult with DFPS about the issue, and DFPS will notify the court of any agreement to review the appointment of the surrogate parent. Upon notification, the court must review the appointment and enter any orders necessary to ensure the student has a surrogate parent who performs their required duties.¹⁶⁰



RESOURCES: Surrogate Parents

[Surrogate Parent Training and Eligibility](#)

[Surrogate Parent Training & What it Means to Be a Surrogate Parent](#)

[TEA ARD Guidance](#)

THE ROLE OF CAREGIVERS FOR STUDENTS IN SPECIAL EDUCATION

If viewed as a “parent” for special education purposes, the caregiver has the authority to make all special education related decisions, including requesting an independent educational evaluation if they disagree with the findings of the evaluation conducted by the school. They also have the authority to file a complaint and request due process over service or placement disagreements.¹⁶¹ Additionally, they are required members of the ARD committee and must be included in the development of the student's IEP.

REQUESTING A PSYCHOLOGICAL OR EDUCATIONAL EVALUATION OF A STUDENT

Students in foster care may have completed other related education and psychological evaluations while in foster care. If the LEA recommends a student in foster care undergo psychological and/or educational assessment, they must obtain consent from the student's caregiver, caseworker, or Education Decision-Maker.¹⁶²

Additionally, schools should work with the student's caseworker to:

- Request a copy of the student's most recent psychological or educational evaluations to assist in or alleviate the need for further testing.
- Continue coordinating with other child welfare workers and stakeholders about any recommendations that are identified through the evaluation.

CONSIDERATIONS FOR HIGHLY MOBILE STUDENTS

WHAT HAPPENS WHEN A STUDENT MOVES IN THE MIDDLE OF BEING INITIALLY EVALUATED FOR SPECIAL EDUCATION?

Under most circumstances, if a student is being initially evaluated for special education eligibility, the evaluation must be completed no later than the 45th school day following the date on which the LEA receives written consent for evaluation.¹⁶³ Exceptions to the 45th school day timeline are found at 19 TAC §89.1011(e).



DID YOU KNOW?

Texas law requires the receiving LEA to accept a special education referral made by the student's previous school if the student is homeless or in substitute care. The receiving LEA must provide comparable services to the student during the referral process or until the new school develops an IEP for the student.¹⁷²

If a student was in the process of being evaluated for special education eligibility by an LEA and enrolls in another LEA before the previous LEA completed the full individual and initial evaluation, the new LEA must coordinate with the previous LEA as necessary and as expeditiously as possible to ensure prompt completion of the evaluation. The new LEA is not required to complete the full individual and initial evaluation in the 45-school-day timeline, so long as the new LEA is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new LEA agree to a specific time when the evaluation will be completed.¹⁶⁴

WHAT IF THE STUDENT IS ALREADY RECEIVING SPECIAL EDUCATION SERVICES?

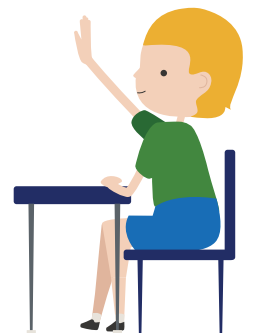
If the student was already receiving special education services at the prior LEA in Texas and enrolls in a new Texas LEA within the same school year, the new LEA must provide services comparable to those described in the student's IEP from the previous LEA until the new LEA either adopts the student's IEP from the previous LEA or develops, adopts, and implements a new IEP that meets federal requirements.¹⁶⁵

If the student was already receiving special education services and moves into a new LEA during the summer, the new LEA must fully implement the IEP in effect for the student on the first day of class in the new school year.

IF A STUDENT'S SPECIAL EDUCATION NEEDS ARE NOT BEING MET

Concerns related to a student's special education program can be addressed locally with the student's teachers, campus principal, special education director, or the superintendent, either informally or by using the ARD committee process. School personnel should also contact the student's caregiver, caseworker, and the DFPS regional education specialist for assistance.

If local resolution is not possible, the law provides for [state-level dispute resolution functions](#) through TEA. The dispute resolution handbook, which provides detailed information related to special education mediation, complaints, and due process hearings, can also be accessed through the above link.



SECTION 504

Section 504 of the Federal Rehabilitation Act is a civil rights law that prohibits discrimination against individuals with disabilities. Section 504's purpose is to ensure that a student with a disability has equal access to an education. Not all students who are eligible for protections under Section 504 will be eligible for special education and related services under IDEA. To receive special education, a student must have a disability that falls within at least one of the thirteen eligibility categories identified in IDEA and, because of that disability, requires special education and related services. Student with disabilities who do not meet one of the thirteen eligibility categories under IDEA may still be entitled to protections under Section 504. In those cases, schools will develop a Section 504 plan.

The purpose of the Section 504 plan is to create a blueprint that is unique to each student and provides the student access to an appropriate education. An appropriate education is one that is designed to meet the individual needs of the student as adequately as that of their non-disabled peers. Section 504 plans provide education accommodations that level the playing field, without changing what the student is expected to master.

RESOURCES: Technical Assistance, Section 504

U.S. Department of Education, "[Disability Discrimination](#)." - An overview of Section 504 with helpful resources and links.

TEA, "[Technical Assistance, Section 504](#)."

U.S. Department of Education, "[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)."

RESOURCES: Special Education

SPED basics:

- [Accommodations](#)
- [Key Terms to Know in Special Education](#)
- [Glossary of Terms](#)
- [ADHD and Hyperactivity Information](#)
- [Behavior at School](#)

Parent Resources and Advocacy Groups:

- [Disability Rights Texas](#)
- [SPEDTex](#)
- [Partners Resource Network - Empowering Parents through Education](#)
- [Texas Parent to Parent](#)
- [Decoding Dyslexia Texas](#)

TEA:

- [Special Education Dispute Resolution Process](#)
- [Special Education in Texas A-Z](#)
- [TEA Accommodations Resources](#)
- [Parent's Guide to the Admission, Review, and Dismissal Process](#)

CHAPTER 13

TRANSITIONING FROM FOSTER CARE & POST-SECONDARY EDUCATION OPPORTUNITIES



IN THIS CHAPTER

- TRANSITIONAL LIVING SERVICES DESCRIBED
- HELPING STUDENTS PREPARE FOR THE TRANSITION TO SUCCESSFUL ADULTHOOD
- HIGH SCHOOL TO COLLEGE & CAREER – CREATING POST-SECONDARY PATHWAYS
- POST-SECONDARY EDUCATION OPPORTUNITIES
- FINANCIAL SUPPORTS FOR POST-SECONDARY EDUCATION
- PREPARING STUDENTS FOR COLLEGE
- COLLEGE SUPPORT NETWORKS AND COLLEGE CAMPUS PROGRAMS

POSTCARD: Provided by Foster Care Alumni of America - "How to move forward."

CHAPTER 13

Transitioning from Foster Care & Post-Secondary Education Opportunities

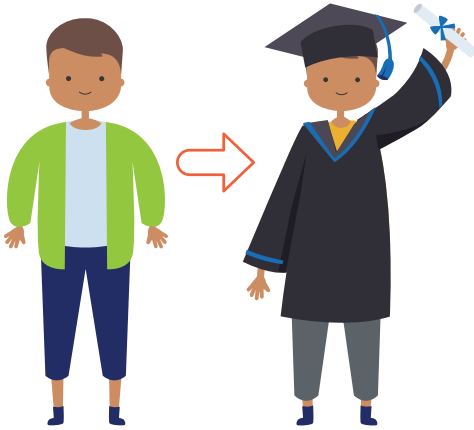
There are many supports and services available to help students in foster care prepare for a successful transition to adulthood. Linking students with these benefits ensures students and caregivers can take advantage of them. LEA Foster Care Liaisons can play a pivotal role in connecting students with Higher Education Foster Care Liaisons and encouraging a successful transition from high school to college. This section provides a high-level overview and brief descriptions of programs and services available. Contact your DFPS regional office and local service providers for more information.

LEA Foster Care Liaisons can play a pivotal role in connecting students with Higher Education Foster Care Liaisons and encouraging a successful transition from high school to college.

TRANSITIONAL LIVING SERVICES DESCRIBED

Preparation for Adult Living (PAL) Staff: PAL staff support foster youth by coordinating and providing services that help youth and young adults ages 16 to 21 prepare for their successful transition to adulthood. Life skills training, case management services, and some financial assistance is provided to eligible youth up to age 21. Refer youth and young adults to regional [DFPS PAL staff](#) for more information.

Transition Centers: Transition Centers provide a central clearinghouse of one-stop services to serve the diverse needs of youth and young adults currently or formerly in foster care, youth experiencing homelessness, or other at-risk youth from age 15 1/2 to age 25. Transition Centers are designed to serve as host locations for services such as PAL, job readiness and job search assistance, career exploration, higher education enrollment assistance, food and housing assistance, and mentoring. Transition Centers are an excellent place for community partnership for local colleges, Texas workforce solutions, and others to collaborate in serving youth in foster care. These centers are located throughout Texas. Contact and location information can be found on the [DFPS Transition Center](#) webpage.



Circle of Support (COS): Students in foster care usually participate in a Circle of Support meeting at age 16 and older but may start as early as age 14. Circle of Support meetings allow students to meet with supportive and caring adults to discuss the student’s goals and future plans for adulthood. The student may invite teachers, school counselors, family members, foster care providers, and mentors to attend the [Circle of Support meeting](#). Counselors and educators are encouraged to participate in Circles of Support when invited by students in foster care, as education-related supports, resources, and goals are important elements for discussion for a student transitioning to a successful adulthood. Ask students in foster care about their circles of support and let them know you are available and willing to attend.

Extended Foster Care: This is a voluntary program that allows eligible students enrolled in an education or career training program to extend their stay in foster care (up to the age of 22 to complete high school, or up to age 21 to complete college or vocational/technical training). Youth can discuss options with their PAL staff. More information can be found on the [DFPS Extended Foster Care](#) webpage.

Supervised Independent Living (SIL):

[Supervised Independent Living](#) is voluntarily extended foster care placement where young adults live on their own while still receiving casework and support services to help them become independent and self-sufficient. There are different SIL housing options contracted by DFPS and may include apartment settings, college and non-college dorm settings, shared housing settings, and host home settings.



There are a number of colleges and universities that are SIL locations. This partnership between DFPS and local colleges and universities assists students with their post-secondary goals by providing housing and transitional living support and assistance. [Education Reach for Texas](#) maintains a list of Texas colleges that participate.



DFPS [Transitional Living Services](#) - Visit DFPS Transitional Services for general information about the services, resources, and information available to youth currently or formerly in foster care.

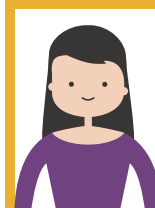
HELPING STUDENTS PREPARE FOR THE TRANSITION TO SUCCESSFUL ADULTHOOD

This section lists and describes important documents students must have as they prepare to transition to a successful adulthood. LEA Foster Care Liaisons and school personnel who work with students on life skills and post-high school planning can help prepare students currently or formerly in foster care by being informed of the following provisions.

Insurance: All children and youth in the conservatorship of DFPS are enrolled in STAR Health, a Medicaid program. This program provides continuous medical coverage to young adults ages 18 to 25 who remain in extended foster care at age 18 (see above section on extended foster care). Remind students to update their STAR Health coverage with address changes upon leaving foster care for continuing benefits. For more information, visit [Star Health](#).

Driver's License: Students in DFPS conservatorship, and those 18–21 living in a DFPS-paid foster care placement, are eligible for waived driver's license and state identification fees, provided there are funds in the dedicated Department of Public Safety (DPS) account for this purpose. Encourage students to contact their primary caseworker or Preparation for Adult Living (PAL) staff to find out more about this opportunity. Visit [DFPS Personal Documents](#).

IDENTIFICATION CARD



ID CARD



Make Sure Students Have Obtained Certified Copies of Birth Certificate, Social Security Card, and a Personal I.D. Card:

Youth should receive certified copies (or the original) of these documents before their 16th birthday. School personnel can follow up with students to make sure they have received copies of this important paperwork.

Documents students should receive or have no later than 30 days before exiting foster care:

School personnel who work with older youth can follow up with students to make sure they have received copies (or the original, if appropriate) no later than 90 days before the youth turns 18:

- ▷ Birth certificate
- ▷ Social Security card
- ▷ Personal identification (ID) card
- ▷ Immunization records
- ▷ Information contained in youth's Health Passport
- ▷ Proof of enrollment in Medicaid, if appropriate (i.e. Medicaid card)
- ▷ Any existing medical power of attorney regarding the youth.



RESOURCES: Preparing for a Successful Transition to Adulthood

DFPS, "[Access Granted — Texas Foster Care Handbook for Children, Youth & Young Adults](#)" — A youth-friendly guide that provides a general overview of the foster care system and guidance on resources and supports available for youth in Texas. Making this information available in school counseling centers is important for increasing awareness and supporting the unique needs of students in foster care ([English version](#)) ([Spanish version](#)).

DFPS, [Texas Youth Connection](#).

DFPS, [Youth Take Flight Instagram page](#) - Follow this page to receive updates and information.

DFPS, [Transitional Living Services](#).

Texas Foster Youth Justice Project, "[A Guide for Those "Aging Out" of Foster Care in Texas.](#)"

[Texas Foster Youth Justice Project](#).



HIGH SCHOOL TO COLLEGE & CAREER – CREATING POST-SECONDARY PATHWAYS

TEXAS COLLEGE AND CAREER READINESS

[Texas College and Career Readiness School Models \(CCRSM\) Network](#) exists to close opportunity gaps and equalize access to high-quality education. Within the CCRSM Network, there are three unique models (listed below) that create a pathway to post-secondary education. Students in foster care benefit greatly from being connected to these types of programs and opportunities to acquire specialized skills, hands-on training, knowledge, and experience to support their post-secondary goals and career preparation.

EARLY COLLEGE HIGH SCHOOL:

[Early College High Schools \(ECHS\)](#) initiative is an open-enrollment program that blends college and high school coursework, enabling students to earn up to two years of college credit (60 hours), tuition-free, while enrolled in high school.

PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH SCHOOLS (PTECH):

The [P-TECH initiative](#) offers an open-enrollment program that creates workforce pathways aligned with high-demand, high-wage fields throughout the state. Students enrolled in the P-TECH program work toward an associate degree while gaining hands-on work experience. Students who graduate from the P-TECH program

enter the workforce with proven, in-demand skillset, making them top candidates in their chosen industry. Connecting students in foster care to these types of opportunities is highly encouraged.

TEXAS SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (T-STEM)

The [T-STEM](#) initiative is an open-enrollment program that engages students in a rigorous STEM curriculum, preparing them for the global marketplace. Students apply what they learn in real-world contexts with campus leaders leveraging business partnerships and STEM enrichment activities, such as clubs and competitions, to promote problem-based thinking.

CAREER AND TECHNICAL EDUCATION:

[Career and Technical Education Programs of Study](#) offer a sequence of courses that provides students with coherent and rigorous content. CTE content is aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions. CTE provides work-based learning and on-the-job training opportunities. Students in foster care benefit greatly from being connected to these types of learning and enrichment opportunities. Additionally, students in foster care are a priority student group to be served by the program.



VOCATIONAL EDUCATION

It is encouraged to link students to vocational education opportunities and create avenues where students may receive specialized training in specific careers or trades. Students often benefit from hands-on training and skill-based instructional environments. Vocational education is a positive pathway for successful student transitions. Take the time to explore a student's interests and goals and connect them to available opportunities.

DUAL CREDIT

[Dual credit](#) provides the opportunity for an eligible high school student to enroll in college course(s) and receive credit for the course(s) from both the college and high school. Dual credit courses may be taught on the high school or college campus, and course options include both academic and technical subjects.



Note: Enrollment in a dual credit course activates a student's lifetime Tuition and Fees Waiver (see *Financial Supports for Post-Secondary Education*, on page 143)

WORKFORCE DEVELOPMENT BOARDS - WORKFORCE SOLUTIONS:

[Workforce Solutions Offices](#) throughout Texas offer vocational education, job training and certificate programs, job preparedness, career exploration, and other resources to teach students skills in preparation for entering the workforce. These types of job-based resources and skill-building opportunities are especially useful for students who plan to enter the workforce immediately or are unsure of their next steps following high school.

JOB CORPS

[Job Corps](#) is the largest nationwide residential career training program in the country. The program helps eligible youth ages 16 through 24 complete their high school education, train for meaningful careers, and obtain employment.

TEXAS LOCATIONS INCLUDE:



- » [North Texas Job Corps](#) (McKinney, TX)
- » [Gary Job Corps Center](#) (San Marcos, TX)
- » [Laredo Job Corps Texas](#) (Laredo, TX)
- » [David L. Carrasco Job Corps Center](#) (El Paso, TX)

ACT AND SAT – COLLEGE PREPARATORY TESTS

LEA Foster Care Liaisons, high school counselors, and others should encourage and assist students with taking college entrance exams, such as the SAT or ACT. Remind students of these exams and help them meet necessary timelines by making a plan to prepare for these tests. Additionally, help students troubleshoot any barriers with the exam fees and ensure they receive any eligible fee waivers due to their foster care status.



POST-SECONDARY EDUCATION OPPORTUNITIES



Remind students of college entrance exams and help them meet necessary timelines by making a plan to prepare for these tests.

There are many financial resources and college campus supports available to help foster youth access and succeed in higher education.



LAW: Each public institution of higher education must designate a Higher Education Foster Care Liaison and report the name and contact information for the liaison to the Texas Higher Education Coordinating Board. The Texas Higher Education Coordinating Board also has a designated Foster Care Liaison.

LEA Foster Care Liaisons, school counselors, and others working on behalf of the student can significantly support the student's post-secondary planning and transition by connecting them with the [Higher Education Foster Care Liaison](#). This intentional planning and linking between high school and college Foster Care Liaisons helps to ensure that necessary supports and resources are provided and basic needs of the student are met. These connections go a long way in creating a successful transition from high school to college, as positive relationships can help the student feel supported and provide them with the necessary know-how to navigate the college environment.

Some college campuses in Texas have specific support programs for alumni of the foster care system. School personnel should inform students of these resources and link them to higher education opportunities.



LAW: State law requires that school staff provide information to all students in grades 11 or 12 in substitute care about the tuition and fee waiver, dual credit, or other courses where a student may earn joint high school and college credit.



TIP: LEA Foster Care Liaisons are encouraged to link with local colleges and campus-based support programs to develop connections and facilitate effective transitions into post-secondary learning for students in foster care.



FINANCIAL SUPPORTS FOR POST-SECONDARY EDUCATION

COLLEGE TUITION AND FEE WAIVER

Some individuals formerly in the Texas foster care system qualify for a lifetime tuition and fees waiver at any Texas state-supported institution of higher education, as long as a student enrolls in at least one college or dual credit before turning 25.

Youth are eligible to have college tuition and fees waived at Texas state-supported colleges or universities, public medical schools, public dental schools, public junior colleges, and public technical institutes (as defined by TEC § 61.003, § 54.001, and § 54.002). This refers to a youth who:

- Was in the conservatorship of DFPS the day before their 18th birthday;
- Was in the conservatorship of DFPS on the day they graduated from high school or received their GED;
- Is in the conservatorship of DFPS and in high school and enrolled in a dual credit course, or other course for which a high school student may earn joint high school and college credit;
- Was in the conservatorship of DFPS on or after their 14th birthday, if the youth was also eligible for adoption on or after that day;
- Was in the conservatorship of DFPS the day before they were adopted, if the adoption occurred on or after September 1, 2009;
- Was in the conservatorship of DFPS the day before permanent managing conservatorship (PMC) was given to an individual who is not the child's parent, if PMC was given to the individual on or after September 1, 2009;
- Has an adoption assistance agreement with DFPS that provided both monthly payments and medical assistance; or
- Was age 14 or older in PMC or age 16 or older in TMC and subsequently exited conservatorship to the legal responsibility of a parent.



Note: The tuition and fee waiver is verified in the form of a letter from the Texas Department of Family and Protective Services provided to the youth to present to their institution of higher education. Schools may require that the student provide a new letter each academic year.

If after exiting the foster care system the youth returns to DFPS conservatorship, the youth's eligibility will be based on their current foster care circumstances.

A youth or child must have been in DFPS conservatorship before an adoption or PMC was granted to be eligible for the college [tuition and fee waiver](#). Students in foster care who do not enter college immediately after high school may return to college in later years. The Texas lifetime tuition and fee waiver is the only financial resource for foster care alumni that does not expire once it is activated. Therefore, school staff should help students to activate the college [tuition and fees waiver](#) while they are still in high school.

EDUCATION & TRAINING VOUCHER (ETV) PROGRAM

The Education & Training Voucher (ETV) program is a federally funded and state administered program for youth in foster care or those adopted from DFPS after turning age 16. It is available to youth starting at age 16 up to the age of 23. Expenses like books, transportation, and other school-related costs are covered through ETV. Students may be eligible to receive up to \$5,000 in financial assistance per year to support them in reaching their post-secondary education goals. Visit the [DFPS ETV Program](#) page for more information and eligibility requirements.



FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA)

It is important that students applying for college fill out their FAFSA accurately to qualify for the maximum number of scholarships and financial resources available. There are specific questions which ask prospective students to identify themselves as having been in foster care. Former foster youth qualify for the greatest amount of need-based financial aid available. School staff, LEA Foster Care Liaisons, and other partners can help students receive these benefits by assisting students as they complete their FAFSA applications. Students should also be aware that, while the federal government does not have a firm deadline for completion of the FAFSA application, Texas has a priority deadline of January 15th of their senior year of high school. Students applying for financial aid in Texas should submit their FAFSA applications by the priority deadline in order to maximize the amount of aid they may receive. It is also important for the student to be aware of their responsibility to maintain the required Grade Point Average (GPA) and course completion rate in order to maintain financial aid. There are financial penalties for students who do not complete their courses within the semester.



DID YOU KNOW?

In accordance with TEC § 28.0256, beginning in the 2021-2022 school year with students enrolled in the 12th grade, each student must do one of the following in order to graduate:

- ✓ Complete and submit a Free Application for Federal Student Aid (FAFSA);
- ✓ Complete and submit a Texas Application for State Financial Aid (TASFA); or
- ✓ Submit a signed opt-out form.



TIP: It is helpful for school counselors and liaisons to be aware of the foster care specific questions on the FAFSA, as they assist students in filing their application:

[Free Application for Federal Student Aid, Foster Care Questions.](#)

OTHER OPPORTUNITIES

There are additional foster care specific scholarships that may be available through non-profit and private sector organizations. Additionally, there are other types of scholarships that students may qualify for. Foster Care Liaisons, school counselors and others are encouraged to assist students with seeking out and applying for other types of scholarships for which students may qualify.

PREPARING STUDENTS FOR COLLEGE



All students need to feel successful and confident when preparing for college. School personnel can play a key role in encouraging students in foster care to believe college is possible!

Regardless of a student's current academic achievement, participation in college-related coursework and activities increases a student's college readiness, thereby making college a more accessible and attainable goal. Linking students to college and developmental (if needed) courses allows them to engage with the college environment while still receiving emotional and academic supports from the high school, child welfare system, and the student's caring adult support network.

School personnel can play a key role in encouraging students to believe college is possible!



Reminder: When students complete their college application via applytexas.org, close attention should be paid when filling out their current or prior foster care status. These questions help colleges and universities identify students who may be eligible to receive additional financial and campus supports.





TIP: Texas Lifetime Tuition and Fees Waiver

- » The tuition and fee waiver is activated regardless of whether a student completes a course.
- » Contact the student's PAL Staff to make sure that the DFPS State Tuition and Fee Waiver Form has been provided to confirm that the student meets one of the criteria of the waiver.
- » The DFPS State Tuition and Fee Waiver Form is provided in a hard copy from the Texas Department of Family and Protective Services. Requesting multiple copies of the letter and storing a copy for a student in the event the waiver becomes lost or stolen may help expedite college enrollment.
- » In the event a new copy of the DFPS State Tuition and Fee Waiver Form is needed, contact the Regional DFPS office Preparation for Adult Living (PAL) staff where the youth is from or DFPS state office.
- » Students must present a hard copy of the DFPS State Tuition and Fee Waiver Form when enrolling at a public Texas higher education institution. The university or college then decides whether to grant the waiver. Communicate with each college individually to determine their methods for applying the waiver and which department will accept and store the document.

COLLEGE SUPPORT NETWORKS AND COLLEGE CAMPUS PROGRAMS

Education Reach for Texans is a statewide network focused on increasing college access and retention for foster care alumni. Education Reach for Texans works with colleges and universities statewide in establishing and promoting best practices in higher education for students formerly in foster care. College campus-based supports for foster care alumni are continuously expanding throughout Texas.

Visit the [Education Reach for Texans](#) website to learn more about their annual conference, college access, and other resources available for students in foster care.



DID YOU KNOW?

Every higher education institution is required to have a designated foster care liaison who assists students in or formerly in foster care in navigating higher education. Visit [Higher Education Foster Care Liaison list](#) for more information.

DO STUDENTS NEED A BACTERIAL MENINGITIS VACCINATION IN ORDER TO ENTER COLLEGE?

Yes. This is also called the meningococcal vaccine. Texas college or university students cannot start classes until they show documentation that their vaccination or booster dose is current. Vaccinations are good for five years and must be done, at the latest, 10 days before the start of classes. Ensure students and caregivers are aware of this information and help connect them with the appropriate resources to satisfy this requirement.

Note: Students in foster care receive free medical coverage through STAR Health (*see Helping Students Prepare for the Transition to Successful Adulthood, on page 139*).

Visit [Texas Department of State Health Services](#) for more information.



RESOURCES: Planning for Post-Secondary Education

State Foster Care Resources:

- [DFPS, "DFPS Higher Education Services/Information for Current and Former Foster Youth, Adopted Youth, and youth in PCA/PMC" — An informative DFPS brief describing college financial resources available for Texas students in foster care.](#)
- [DFPS Youth Connection - Information about financial resources available for students in foster care.](#)
- [Education Reach for Texans, Texas Post-Secondary Programs for Students Formerly in Foster Care.](#)
- [Texas Children's Commission, "Texas Higher Education Foster Care Liaisons Resource Guide." — Information to support college planning and access for students in or formerly in foster care in Texas.](#)

National Resources:

- [U.S. Department of Education, "Foster Care Transition Toolkit."](#)
- [Free Application for Federal Student Aid, "Foster Care Questions."
 <https://studentaid.gov/2122/help/foster-care>](#)
- [Casey Family Programs, "Achieving Higher Education Goals" – Tools and scholarship information to support students in foster care with accessing higher education.](#)
- [Child Welfare Information Gateway, College Scholarships and Supports for Higher Education.](#)

General State Resources:

- [College for All Texans – Great links and resources to navigate career and college planning.](#)
- [Own Your Own Future](#)
- [Texas Gear Up](#)
- [TEA Dual Credit FAQ](#)



ENDNOTES

- ¹ van Wingerden, Emerson, & Ichikawa (2002), "Education Issue Brief: Improving Special Education for Children with Disabilities in Foster Care," Casey Family Programs, p. 6. Retrieved from <https://www.gascore.com/documents/ImprovingSpecialEducationforChildren.pdf>.
- ² U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau (2019, August), The Adoption and Foster Care Analysis and Reporting System (AFCARS) Report - no. 1926, pp. 1-3. Retrieved from <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars>.
- ³ The working group partners included: American Bar Association Center on Children and the Law, American Public Human Services Association, National Association of Public Child Welfare Administrators, Annie E. Casey
- ⁴ National Working Group on Foster Care and Education (2018, April), "Education Is the Lifeline for Youth in Foster Care," pp. 2-5 Fostering Success in Education: National Factsheet on the Education Outcomes of Children in Foster Care. Retrieved from <https://www.fostercareandeducation.org/OurWork/NationalWorkingGroup.aspx>.
- ⁵ The Road to College: Texas Foster Youth & Post-Secondary Education. (2018). Available online at http://texaschildrenscommission.gov/media/83924/texas-foster-youth-higher-ed_finalweb.pdf.
- ⁶ Chapin Hall at the University of Chicago: Midwest Evaluation of the Adult Functioning of Former Foster Youth Courtney et al. (2011), pp. 12, 28, 39. <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-26.pdf>.
- ⁷ National Working Group on Foster Care and Education (2011), p. 1. <https://www.fostercareandeducation.org/OurWork/NationalWorkingGroup.aspx>.
- ⁸ Pecora et al (2003, December 10), Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study, p. 43. Retrieved from https://www.casey.org/media/AlumniStudy_US_Report_Full.pdf.
- ⁹ (Pears, Kim, Buchanan, Fisher (2015, April 23), Adverse Consequences of School Mobility for Children in Foster Care: A Prospective Longitudinal Study. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4618793/>
- ¹⁰ Public Law 110-351, (Fostering Connections)
- ¹¹ These counts are based 2018-19 PEIMS attendance (3rd submission) data available at <https://rptsvr1.tea.texas.gov/adhocrpt/adser.html>.
- ¹² These counts are based 2018-19 PEIMS attendance (3rd submission) data available at <https://tea.texas.gov/reports-and-data/student-data/discipline-data-products/discipline-data-products-overview>.
- ¹³ Texas Department of Family and Protective Services. "CPS 2.4 Children In Legal Responsibility On August 31 By Region With Demographics FY2010-2019." (June, 2020). <https://data.texas.gov/Social-Services/CPS-2-4-Children-In-Legal-Responsibility-On-August/arrp-6dmq>
- ¹⁴ Texas Department of Family and Protective Services. "CPS 2.8 Exits from DFPS Custody by Exit Type, Avg # Placements, and Avg Months in Care FY2010-2019." (June, 2020). <https://data.texas.gov/Social-Services/CPS-2-8-Exits-from-DFPS-Custody-by-Exit-Type-Avg-P/k3di-36u5>
- ¹⁵ "Home county" is defined as the county the child lived in prior to entering foster care.
- ¹⁶ Texas Department of Family and Protective Services. "CPS 3.3 Children in Foster Care on August 31- Proximity to Home County FY2010-2019." (June, 2020). <https://data.texas.gov/dataset/CPS-2-8-Exits-from-DFPS-Custody-by-Exit-Type-Avg-P/k3di-36u5>
- ¹⁷ Definition as provided by the National Council of Juvenile and Family Court Judges (NCJFCJ) (2017, September), "Disproportionality Rates for Children of Color in Foster Care," Technical Assistance Bulletin. Full report available at https://www.ncjfcj.org/wp-content/uploads/2017/09/NCJFCJ-Disproportionality-TAB-2015_0.pdf.
- ¹⁸ The Texas Department of Family and Protective Services (DFPS), is a stand-alone state agency that works with communities to promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation through investigations, services and referrals, and prevention programs. DFPS has five major programs under its purview: Adult Protective Services, Child Protective Services, Child Protective Investigations, Prevention and Early Intervention, and Statewide Intake.
- ¹⁹ Child Protective Services (CPS) is the division of DFPS responsible for providing services to children and families referred by the Child Protective Investigations division of DFPS to ensure safety, permanency, and well-being for children. The acronym "CPS" is often used to refer to child welfare cases and as descriptor for the professionals associated with the case. All CPS caseworkers are members of DFPS and may also be referred to as a DFPS worker.
- ²⁰ American Bar Association & Casey Family Programs (2008), Blueprint for Change: Education Success for Children in Foster Care, Second Edition, p.ii. Retrieved from <https://www.fostercareandeducation.org/AreasofFocus/BlueprintforChange.aspx>.
- ²¹ Tex. Fam. Code ch. 262 & 263.
- ²² Tex. Educ. Code §§ 11.159, 21.054, 38.004, and 38.0041; Tex. Fam. Code § 261.109; 19 Tex. Admin. Code § 61.1051.
- ²³ The Guide to Texas Child Protective Services, Center for Public Policy Priorities (2010, December), p 12. library.cppp.org/files/4/CPSpaper_web.pdf. Last visited July 28, 2020.
- ²⁴ Tex. Fam. Code ch. 262 & 263.
- ²⁵ Tex. Educ. Code § 25.007
- ²⁶ Tex. Fam. Code § 107.011.
- ²⁷ Tex. Fam. Code § 107.001(5).
- ²⁸ Tex. Fam. Code § 107.002.
- ²⁹ Tex. Fam. Code § 107.006.
- ³⁰ Tex. Fam. Code § 107.001, § 107.002, § 107.006.
- ³¹ Tex. Fam. Code § 107.031, Tex. Educ. Code § 29.015.
- ³² Tex. Fam. Code § 107.012.
- ³³ Tex. Fam. Code § 107.003, §107.004.
- ³⁴ Tex. Fam. Code § 107.006(a).
- ³⁵ Tex. Fam. Code § 107.006(b).
- ³⁶ Tex. Fam. Code § 107.013.
- ³⁷ Tex. Educ. Code § 33.904
- ³⁸ 20 USC 6312(c)(5)
- ³⁹ Tex. Educ. Code § 33.904
- ⁴⁰ 20 U.S.C. 6312(c)(5)(A)
- ⁴¹ 19 Tex. Admin. Code § 89 Subchapter FF. Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care. <https://tea.texas.gov/sites/default/files/ch089ff.pdf>
- ⁴² 19 Tex. Admin. Code § 89 Subchapter FF. Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care. <https://tea.texas.gov/sites/default/files/ch089ff.pdf>
- ⁴³ 19 Tex. Admin. Code § 89 Subchapter FF. Commissioner's Rules

- Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care. <https://tea.texas.gov/sites/default/files/ch089ff.pdf>
- ⁴⁴ U.S. Department of Agriculture, Child Nutrition Programs Food and Nutrition Service (July 2017), Eligibility Manual for School Meals: Determining and Verifying Eligibility. Retrieved from <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>.
- ⁴⁵ Tex. Educ. Code § 25.007, 19 Tex. Admin. Code § 89.1607
- ⁴⁶ Tex. Educ. Code § 25.007.
- ⁴⁷ Texas Higher Education Foster Care Liaisons Information and Reference Guide Video <https://txicfw.socialwork.utexas.edu/texas-higher-education-foster-care-liaisons-information-reference-guide-vid-eo/>.
- ⁴⁸ 19 Tex. Admin. Code §§ 21.613, 97.64; For more information, please visit <https://www.highered.texas.gov/institutional-resources-programs/public-universities-health-related-institutions/other-institutional-resources/bacterial-meningitis>.
- ⁴⁹ Tex. Educ. Code § 25.002(g).
- ⁵⁰ Tex. Fam. Code § 264.115(a); CPS Policy Handbook Section 15310, Time Frame for Completing the Child's Enrollment. Available online at http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15310.
- ⁵¹ Tex. Educ. Code § 25.002(g).
- ⁵² 19 Tex. Admin. Code § 89.1605
- ⁵³ 19 Tex. Admin. Code § 89.1605
- ⁵⁴ 19 Tex. Admin. Code § 89.1605
- ⁵⁵ 19 Tex. Admin. Code § 89.1605
- ⁵⁶ Tex. Educ. Code § 25.001
- ⁵⁷ Tex. Educ. Code § 25.002
- ⁵⁸ Tex. Educ. Code § 25.002(g)
- ⁵⁹ Fictive Kin is an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child.
- ⁶⁰ Tex. Educ. Code §§ 25.002(a) and § 38.001(c).
- ⁶¹ Tex. Educ. Code § 25.001(c)(f).
- ⁶² Tex. Educ. Code § 25.001 (g) and (g-1).
- ⁶³ Tex. Educ. Code § 25.001 (f)(G)(G-1)
- ⁶⁴ TEA Student Attendance Accounting Handbook 2020-2021, Student Entitlement to Attend School in a Particular District, Section 3.3.6: <https://tea.texas.gov/sites/default/files/2020-2021%20SAAH%20-%20Adopted.pdf>
- ⁶⁵ Tex. Educ. Code § 25.002(a)(1).
- ⁶⁶ TEA, 2020-2021 Student Attendance Accounting Handbook, Section 3.3.3 Documentation of Identity and Age <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>
- ⁶⁷ As provided for by the Texas Health and Safety Code, §191.0046, a child's parent or guardian may request this statement free of charge from the division of the Texas Department of State Health Services responsible for vital statistics. To request this statement, the parent or guardian should complete the Mail Application for a Verification Letter, available at <http://www.dshs.state.tx.us/vs/reqproc/forms.shtm>, marking the application "Free for School Admission."
- ⁶⁸ Tex. Educ. Code § 38.001; Texas Education Agency, 2020-2021 Student Attendance Accounting Handbook: Section 3.3.8 Immunization, <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>.
- ⁶⁹ Texas Department of Family and Protective Services, CPS Policy Handbook, Section 15330. Immunization Requirements. Available online at http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15330.
- ⁷⁰ Tex. Educ. Code § 25.002(g).
- ⁷¹ 20 U.S.C § 1232g(b)(1)(B); 34 C.F.R. § 99.31(a)(2), § 99.34. Additional information on immunization requirements, exemptions, and documentation may be found at: <http://www.dshs.state.tx.us/immunize/school/default.shtm>.
- ⁷² Texas Education Agency, 2020-2021 Student Attendance Accounting Handbook: Section 3.3.2. District Responsibility to Secure Student Records, <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>.
- ⁷³ Tex. Educ. Code § 25.007(b)(1).
- ⁷⁴ 19 Tex. Admin. Code § 74.26(a)(1).
- ⁷⁵ 20 U.S.C § 1232(g).
- ⁷⁶ Tex. Educ. Code § 25.007.
- ⁷⁷ TEA, 2020-2021 Student Attendance Accounting Handbook, Withdrawal Procedures, Section 3.4 <https://tea.texas.gov/sites/default/files/2020-2021%20SAAH%20-%20Adopted.pdf>
- ⁷⁸ TEA, 2020-2021 Student Attendance Accounting Handbook, Withdrawal Procedures, Section 3.4. <https://tea.texas.gov/sites/default/files/2020-2021%20SAAH%20-%20Adopted.pdf>
- ⁷⁹ Tex. Educ. Code § 25.002 (a-1); Tex Educ. Code § 25.007 (b).
- ⁸⁰ Tex. Educ. Code § 25.002 (a-1); Tex Educ. Code § 25.007 (b).
- ⁸¹ If a student does not have an education portfolio (which is most often a green binder), school personnel might work with a student's caregiver and notify the DFPS regional education specialist to advocate that a student receives an education portfolio, although this is beyond the scope of an educator's responsibility.
- ⁸² Tex. Educ. Code § 25.002(g)
- ⁸³ TEA, 2020-2021 Student Attendance Accounting Handbook, Student's Whose Whereabouts Are Unknown, Section 3.4.3 <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>
- ⁸⁴ Texas Department of Agriculture, ARM Guide, Eligibility Determination, Section 4, August 12, 2020: https://squaremeals.org/Portals/8/files/ARM/ARM_Section4_Eligibility_210527.pdf
- ⁸⁵ *Ibid.*, page 90 footnote 129
- ⁸⁶ Tex. H.B. 725, 87th Leg., R.S. (2021) (to be codified at Tex. Educ. Code § 29.153(b)(6)(B))
- ⁸⁷ Tex. Educ. Code § 29.153 (b)(6).
- ⁸⁸ Tex. Educ. Code § 29.153(a-1).
- ⁸⁹ Tex. Educ. Code § 25.085(b).
- ⁹⁰ Tex. Educ. Code § 25.087(b)(1)(F), (b-2).
- ⁹¹ Tex. Educ. Code § 25.092. Note these requirements do not apply to open-enrollment charter schools unless it is included in the school's charter.
- ⁹² TEA Attendance, Admissions, Enrollment Records and Tuition Letter (2017): <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/attendance-admission-enrollment-records-and-tuition-august-2017>
- ⁹³ Tex. Educ. Code § 7.029(b-1)
- ⁹⁴ 20 U.S.C. § 1232g; 34 C.F.R. § 99.3.
- ⁹⁵ 20 U.S.C § 1232g (b)(1)(J); 34 C.F.R. § 99.31(a)(9).
- ⁹⁶ 20 U.S.C. § 1232g (b)(1) (B); 34 C.F.R. §§ 99.31(a)(2), 99.34.
- ⁹⁷ Tex. Educ. Code § 25.007(b)(10).
- ⁹⁸ U.S. Department of Agriculture, Child Nutrition Programs Food and Nutrition Service (2012, August), Eligibility Manual for School Meals,

- p.3. https://squaremeals.org/Portals/8/files/ARM/ARM_Section4_Eligibility_210527.pdf
- ⁹⁹ 20 U.S.C. § 6301 et seq.
- ¹⁰⁰ 20 U.S.C. § 6311(h)(1)(C)(ii)-(iii).
- ¹⁰¹ 20 U.S.C. § 6311(g)(1)(E)(i).
- ¹⁰² 20 U.S.C. § 6311(g)(1)(E)(ii).
- ¹⁰³ See 20 U.S.C. § 6311(g)(1)(E)(iii); 42 U.S.C. § 675 (1)(G)(ii)(II).
- ¹⁰⁴ 20 U.S.C. § 6311(g)(1)(E)(iii).
- ¹⁰⁵ Tex. Educ. Code § 25.002(g).
- ¹⁰⁶ Tex. Fam. Code § 264.115(a).
- ¹⁰⁷ 20 U.S.C. § 6311(g)(1)(E)(iv).
- ¹⁰⁸ 20 U.S.C. § 6312(c)(5)(A).
- ¹⁰⁹ Tex. Educ. Code § 33.904; 20 U.S.C. § 6312(c)(5)(A).
- ¹¹⁰ 20 U.S.C. § 6312(c)(5)(B).
- ¹¹¹ 20 U.S.C. 6312(c)(5)(B).
- ¹¹² 20 U.S.C. 6311(h)(2).
- ¹¹³ 20 U.S.C. 6311(h)(1).
- ¹¹⁴ Every Student Succeeds Act State and Local Report Cards Non-Regulatory Guidance (Jan. 2017). Available online at <https://www2.ed.gov/policy/elsec/leg/essa/essastatereportcard.pdf>.
- ¹¹⁵ Tex. Fam. Code § 153.371.
- ¹¹⁶ Texas Department of Family and Protective Services CPS Policy Handbook, Section 15340 - Documents Required for Enrollment. Available online at http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15340.
- ¹¹⁷ Tex. Fam. Code § 263.004.
- ¹¹⁸ Tex. Fam. Code § 264.1072.
- ¹¹⁹ 42 U.S.C. § 675(1)(G); 20 U.S.C. § 6311(g)(1).
- ¹²⁰ The National Child Traumatic Stress Network, (2013), Defining Trauma and Child Traumatic Stress. Retrieved from www.nctsn.org/content/defining-trauma-and-child-traumatic-stress.
- ¹²¹ Generations United. "In Loving Arms: The Protective Role of Grandparents and Other Relatives in Raising Children Exposed to Trauma." (2017). Retrieved from: <https://www.gu.org/app/uploads/2018/05/Grandfamilies-Report-SOGF-2017.pdf>
- ¹²² American Academy of Pediatrics. "Adverse Childhood Experiences and the Lifelong Consequences of Trauma." (2014). https://www.aap.org/en-us/Documents/ttb_aces_consequences.pdf
- ¹²³ Race-based trauma is the cumulative negative impact of racism on the lives of people of color.
- ¹²⁴ Toxic stress response can occur when a child experiences strong, frequent, and/or prolonged adversity—such as physical or emotional abuse, chronic neglect, caregiver substance abuse or mental illness, exposure to violence, and/or the accumulated burdens of family economic hardship—without adequate adult support.
- ¹²⁵ The National Center for Mental Health Promotion and Youth Violence Prevention (2020) <https://www.sophe.org/resources/national-center-mental-health-promotion-youth-violence-prevention/>
- ¹²⁶ Browne, C.H. supra note 12; McInerney, M. & McClindon, A. supra note 11; Center for Advanced Studies in Child Welfare, School of Social Work, University of Minnesota. (2013). The Intersection of Child Welfare and Disability: Focus on Children. Retrieved from http://casw.umn.edu/wp-content/uploads/2013/12/Spring2013_360_web-FINAL.pdf.
- ¹²⁷ Wraparound is an approach to treatment to help children and youth function more effectively in the community. It is a group of caring individuals who provide supports for the child and youth.
- ¹²⁸ Browne, C.H. (2014, September). Youth Thrive: Advancing Healthy Adolescent Development and Well-Being. Retrieved from https://cssp.org/wp-content/uploads/2018/09/Youth-Thrive_Advancing-Healthy-Adolescent-Development-and-Well-Being.pdf.
- ¹²⁹ Toxic stress response can occur when a child experiences strong, frequent, and/or prolonged adversity—such as physical or emotional abuse, chronic neglect, caregiver substance abuse or mental illness, exposure to violence, and/or the accumulated burdens of family economic hardship—without adequate adult support.
- ¹³⁰ Center on the Developing Child. "InBrief: The Impact of Early Adversity of Children's Development." Harvard University. Webpage: <https://developingchild.harvard.edu/resources/inbrief-the-impact-of-early-adversity-on-childrens-development/>
- ¹³¹ American Academy of Pediatrics. "Mental and Behavioral Health." (2020). Webpage: <https://www.aap.org/en/patient-care/foster-care/mental-and-behavioral-health-needs-of-children-in-foster-care/>
- ¹³² <https://futureeffect.org/2020/05/23/the-80-addressing-mental-health-challenges-of-children-in-foster-care/>
- ¹³³ A wraparound specialist provides guidance, services, and support to children and their foster families; similar to a case manager.
- ¹³⁴ The Care Team Liaison is generally the foster care liaison. The care team liaison works at the district level and the team lead/campus champion is generally at the campus level where the students attends school.
- ¹³⁵ "Rethinking Discipline" U.S. Department of Education. <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>
- ¹³⁶ Tex. Educ. Code § 37.0011(c).
- ¹³⁷ Citations are not allowed for Class C misdemeanor committed on school campus other than a traffic offense. Tex. Educ. Code § 37.143.
- ¹³⁸ TEA, (2012, August 22), "To the Administrator Addressed: Importance of Maintaining Educational Stability for Children and Youth in the Foster Care System." <https://www.houstonisd.org/cms/lib2/TX01001591/Centricity/Domain/8066/Letter%20to%20Admin%208-22-13.pdf>.
- ¹³⁹ Tex. Educ. Code § 25.007(b)(10).
- ¹⁴⁰ Pacer's National Bullying Prevention Center. "Bullying statistics." (2020). Webpage: <https://www.pacer.org/bullying/resources/stats.asp>
- ¹⁴¹ Stop Bullying Now website. Retrieved from: <https://www.stopbullyingnow.com/>
- ¹⁴² YMCA – Ways to Identify and Address Bullying of Foster Children. Retrieved from: <https://www.seattlemca.org/blog/ways-identify-and-address-bullying-foster-children>
- ¹⁴³ Tex. Educ. Code § 37.0832
- ¹⁴⁴ SB 179 David's Law, 85th Texas Legislative Session, Texas School Safety Center Resources: <https://txssc.txstate.edu/videos/bullying-and-the-law/>
- ¹⁴⁵ NCTSN Trauma and Bullying Facts. Retrieved from: https://www.nctsn.org/sites/default/files/resources/special-resource/bullying_and_trauma_facts.pdf
- ¹⁴⁶ Texas data reveals that students in foster care are disproportionately placed in the minimum graduation program. https://tea.texas.gov/sites/default/files/dropcomp_2018-19.pdf
- ¹⁴⁷ If students and education decision-makers are not consulted about the student's graduation program, they may be unaware of the impact of the minimum program on future college access and entrance.
- ¹⁴⁸ Tex. Educ. Code § 39.023(c).
- ¹⁴⁹ 34 C.F.R. § 300.306.
- ¹⁵⁰ 34 C.F.R. § 300.17.

- ¹⁵¹ 34 C.F.R. § 300.111; 19 Tex. Admin. Code § 89.1011(a)
- ¹⁵² 19 Tex. Admin. Code § 89.1035(b)
- ¹⁵³ 20 U.S.C. 1401(3), 1412(a)(3), 34 C.F.R. § 300.111.
- ¹⁵⁴ 34 C.F.R. § 300.30(a).
- ¹⁵⁵ Tex. Educ. Code § 29.015.
- ¹⁵⁶ Tex. Fam. Code § 263.004; CPS Policy Handbook Section 15371 Designating an Education Decision-Maker. Available online at http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15371.
- ¹⁵⁷ Tex. Educ. Code § 29.0151(c); Tex. Fam. Code § 263.0025(d).
- ¹⁵⁸ 20 U.S.C. § 1415(b)(2); Tex. Educ. Code § 29.0151; Tex. Fam. Code § 263.0025.
- ¹⁵⁹ Tex. Educ. Code § 29.0151(d)
- ¹⁶⁰ Tex. Educ. Code § 29.0151(f)-(g).
- ¹⁶¹ 34 C.F.R. § 300.300.
- ¹⁶² See CPS Policy Handbook. Referring a Child for a Special Education Assessment and Evaluation. http://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x15000.asp#CPS_15720.
- ¹⁶³ 19 Tex. Admin. Code § 89.1011(c)
- ¹⁶⁴ 19 Tex. Admin. Code § 89.1011(f).
- ¹⁶⁵ 34 C.F.R. § 300.323(e).
- ¹⁶⁶ TEA Federal Report Cards for 2018–19. Available at <https://rptsvr1.tea.texas.gov/perfreport/frc/2019/srch.html>.
- ¹⁶⁷ TEA Completion, Graduation, and Dropouts Data Search. Available at <https://tea.texas.gov/reports-and-data/school-performance/accountability-research/completion-graduation-and-dropout>.
- ¹⁶⁸ TEA Four-Year Graduation and Dropout Data, Class of 2019, last visited July 2020. Available at https://tea.texas.gov/sites/default/files/dropcomp_2018-19.pdf.
- ¹⁶⁹ Cheung, Leung, (2014, December 31) Race Disproportionality in the Foster Care System in Texas. Journal of Family Strengths. Volume 14, Issue 1, Article 13) Received from: <https://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1255&context=jfs>
- ¹⁷⁰ Texas Department of Family and Protective Services FY 2018 Disproportionality Analysis (September 2018) Received from: https://www.dfps.state.tx.us/About_DFPS/Reports_and_Presentations/Rider_Reports/documents/2018/2018-09-24_Disproportionality_Analysis.pdf
- ¹⁷¹ 20 U.S.C. § 1415(b)(2); Tex. Fam. Code § 263.0025.
- ¹⁷² Tex. Educ. Code § 25.007(b)(89).



APPENDICES

APPENDIX A: GLOSSARY OF TERMS

This glossary defines keywords, terms, and acronyms used by DFPS and the courts to identify programs and services. The glossary also contains some common terms that may be used in the school setting.

AAL - Attorney ad Litem

An attorney ad litem is appointed to represent the legal interests of a child when DFPS asks to be made the child's legal conservator or seeks to have the parent's rights to the child terminated.

Abuse Hotline

1-800-252-5400 or <https://www.txabusehotline.org/> is the hotline number for Statewide Intake (SWI) at DFPS, which provides 24-hour intake services to report abuse, neglect, and exploitation of children, adults with disabilities, or the elderly. Statewide Intake also provides referral services and can answer procedural questions on protective services investigations. State law requires school staff to immediately report all cases of suspected child abuse and neglect to SWI.

BVS - Bureau of Vital Statistics

Bureau of Vital Statistics, also referred to as Vital Statistics or Vital Statistics Section, is operated by the Department of State Health Services (DSHS), which is part of the Texas Health and Human Services Commission (HHSC). BVS issues birth certificates and other vital documents for Texans.

Caregiver

Caregiver may be a relative, kinship caregiver, legal guardian, a representative such as a foster parent paid by a child placing agency or CPS, or a representative of a facility (like a residential treatment center) who provides care to a child or youth.

CASA - Court Appointed Special Advocates

Court Appointed Special Advocates are appointed as volunteer advocates or guardians ad litem to represent the best interests of a child.

Categorically Eligible

People, including children, who meet federal eligibility requirements based on income, disability, or specific designations for certain programs or services. Children in foster care are categorically eligible for Head Start and the federal National School Lunch Program (including breakfast and summer meal programs).

CBC - Community-Based Care

Community-Based Care is a newer model for delivering services and providing case management to children in foster care. It utilizes a private, non-profit, or governmental entity as a single contractor for a certain geographic area (referred to as catchment areas; catchment areas are based on DFPS regions, but do not mirror DFPS regions exactly).

Transitioning to CBC in a catchment area happens in phases. In Phase II, the CBC contractor/CBC caseworker is responsible for all the traditional activities that DFPS conservatorship caseworkers have been responsible for, such as reunification services, placement, kinship services, going to court, adoption, transitional services, and monitoring/supporting a child's education.

More information is available on the DFPS Community Based Care website. https://www.dfps.state.tx.us/Child_Protection/Foster_Care/Community-Based_Care/default.asp

CPD - Core Professional Development

Core Professional Development is the initial training program for all caseworkers of Child Protective Services (CPS) and Child Protective Investigations (CPI). It includes a mentoring program for new caseworkers.

CPI - Child Protective Investigations

Child Protective Investigations, a primary division of the Department of Family and Protective Services (DFPS) that is responsible for investigating allegations of child abuse and neglect. This responsibility includes children in their own homes as well as children in foster care who are placed in kinship homes when the kinship home is not also licensed as a foster home.

CPS - Child Protective Services

Child Protective Services is a primary division of the Department of Family and Protective Services (DFPS), and is responsible for:

- Providing services to children and families in their own homes through its Family-Based Safety Services (FBSS) division.
- Monitoring and administering the state foster care system and Community-Based Care (CBC) programs and contracts.
- Providing services and case management to children who have been removed and placed in foster care (out-of-home care), as well as their families.

Court Order

Official document signed by a judge that defines the legal relationship of a child or youth to DFPS or certain individuals, such as parents. The court order contains confidential information about the child's case and sometimes why they are in the foster care system. A child cannot enter, remain in care, or exit care without a court order

CPOS - Child's Plan of Service

Child's plan of service is a living document that outlines the plans for a child's care and goals while in foster care. Every child, youth, and young adult in extended foster care has a CPOS. It outlines services for every aspect of foster care, including social and emotional issues, education, health care, etc.

CVS - Conservatorship

An acronym for the legal term "conservatorship." This is the term used to refer to a child in the legal custody of DFPS. Sometimes, caseworkers who work with children in foster care refer to themselves as CVS workers.

DAEP - Disciplinary Alternative Education Program

Disciplinary Alternative Education Program is established in accordance with TEC § 37.008 and defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons.

DFPS Department of Family and Protective Services

The Texas Department of Family and Protective Services is charged with protecting children and adults who are vulnerable from abuse, neglect, and exploitation.



DFPS (Department of Family and Protective Services) Caseworker

The DFPS caseworker has multiple responsibilities to the child or youth who may have experienced abuse or neglect. The CPI caseworker investigates allegations of abuse and neglect. The CPS caseworker ensures children's needs are met while in foster care or while receiving services in their own homes (either through Family-Based Safety Services prior to removal or reunification services after removal). The caseworker is the direct link with the child, caregiver, court system, and multiple service providers. Caseworkers and foster parents are to be notified by school staff if they have concerns about a child or youth in DFPS conservatorship.

ECI - Early Childhood Intervention

Early Childhood Intervention provides special support services to children under the age of three (birth to 36 months). Children in DFPS conservatorship are referred to ECI through their Medicaid health provider, STAR Health, or a DFPS caseworker or Community-Based Care caseworker.

Emergency Shelters

A shelter facility that houses children and youth for up to 90 days while they await a longer-term foster placement. Emergency Shelters are temporary housing until more appropriate placements and services are available. Children and youth in emergency shelters are provided services under the McKinney-Vento Homeless Education Act, which includes immediate school enrollment and transportation to the student's school of origin.

ETV - Education and Training Voucher

The Education and Training Voucher is a federally funded and state administered program that provides financial assistance for youth and young adults ages 16 to 23 to attend college or vocational programs.

Ex Parte Hearing

An emergency hearing, usually held when a child first enters foster care.

FBSS - Family-Based Safety Services

Family-Based Safety Services is a division of CPS that provides in-home services to children and families. These services are mostly short-term and designed to prevent the child from being removed by helping families address parenting or other issues that impact child safety. Parents retain legal custody of their children during this time, although the children may voluntarily be placed with a relative.

Fictive Kin

A person who is fictive kin is a person with a long-standing and significant relationship with the child or family. A close family friend is considered fictive kin.

Fostering Connections to Success and Increasing Adoptions Act

Federal child welfare law that directs child welfare agencies to ensure educational stability for children and youth in foster care and coordinate with educational agencies in the process.

Foster Home

A home licensed by the state to provide a temporary home for children who are in foster care. Foster homes are given reimbursement for providing room, board, and transportation to the child living in their home. A child may also live with a relative, who goes through the process of becoming "licensed," and in doing so, becomes eligible for the same monthly reimbursement payment.

Foster Parent

An adult contracted by a Child Placing Agency (CPA) or CPS to provide daily care for children in CPS custody.

GAL - Guardian ad Litem

Guardian ad litem appointed to represent a child's best interests when DFPS asks to be made the child's temporary conservator or seeks to have the parent's rights to the child terminated.

GRO - General Residential Operation

General residential operation is a term used for residential treatment centers (RTCs), emergency shelters, and large group homes (such as cottage-style facilities).

HHSC - Health and Human Services Commission

The Texas Health and Human Services Commission operates several state social services programs, such as Medicaid and the Supplemental Nutrition Assistance Program (SNAP). DFPS used to be part of HHSC, but DFPS is now a stand-alone agency. The Department of State Health Services (DSHS) is still part of HHSC, which operates the Bureau of Vital Statistics (BVS).

IDEA - Individuals with Disabilities Education Act

Individuals with Disabilities Education Act is federal law that prescribes the education and ancillary services to children and youth receiving special education services in the least restrictive environment (LRE), as appropriate.

IEP - Individualized Education Program

An individualized education program is a written document developed, reviewed, and revised at least annually by the student's admission, review, and dismissal (ARD) committee that details the student's special education and related services.

JJAEF - Juvenile Justice Education Program

Juvenile Justice Alternative Education Program is an alternative educational setting in which the child is supervised by the Texas Juvenile Justice Department (TJJD). Twenty-five counties currently have mandatory JJAEFs and 5 other counties have discretionary JJAEFs.

Kinship Caregiver

A kinship caregiver is a biological relative or fictive kin (close family friend) who provides care to a child in DFPS custody (conservatorship). A kinship caregiver may be licensed as a foster family or unlicensed.

Managing Conservatorship

Managing conservatorship is a legal term in Texas used in child custody and child welfare cases. It means that a judge appoints a person or agency (i.e. DFPS) to be legally responsible for a child.

Temporary managing conservatorship (TMC) is time-limited and, in DFPS cases, generally can last up to 12 months from a child's removal. TMC can be extended an additional six months from the child's removal when extraordinary circumstances are approved by a judge.

Permanent managing conservatorship (PMC) can last until a child turns 18. DFPS, a kinship caregiver, or other adult approved by a judge, can be given PMC. Giving PMC to DFPS does not require that one or both parent's parental rights be terminated. However, for a child in the PMC of DFPS to be adopted, all parental rights must be terminated.



McKinney-Vento

Refers to the McKinney-Vento Homeless Assistance Act, which requires every school district and open-enrollment charter to designate a local McKinney-Vento Liaison to facilitate the identification, enrollment, and academic success of students experiencing homelessness. Local McKinney-Vento Liaison takes the lead on providing services and outreach to students experiencing homelessness, including immediate enrollment of students experiencing homelessness without records normally required for enrollment, even if they have missed application or enrollment deadlines during a period of homelessness. Students experiencing homelessness are automatically eligible for the federal Breakfast/Lunch program. School districts and open-enrollment charter schools must provide School of Origin transportation at the request of the parent, guardian, or in the case of an unaccompanied youth, at the request of the local McKinney-Vento Liaison if it is in the best interest of the student to support school stability.

PAL - Preparation for Adult Living

Preparation for Adult Living is a program most youth in foster care start around age 16 to gain additional knowledge and skills for a successful transition to adulthood. When funding is available, or other criteria are met, a youth may engage in PAL services as early as age 14.

PMC - Permanent Managing Conservatorship

Permanent Managing Conservatorship or Permanent Managing Conservator refers to the status of a child who has been placed in the permanent conservatorship (custody) of DFPS until the child is adopted, turns 18, or when legal custody is given to an individual (such as a relative). It is also referred to as long-term foster care.

Providers

Persons or organizations who are under contract with DFPS to provide certain services to children and youth in foster care and their families.

RCCI - Residential Child Care Investigations

Residential Child Care Investigations – which is a part of CPI – investigates alleged violations of minimum standards or abuse/neglect allegations for children in licensed foster care settings.

RTC - Residential Treatment Centers

Residential Treatment Centers are regulated by HHSC to provide placements and services to youth who require specialized services. An RTC is a type of general residential operation (GRO).

RTB - “Reason to Believe”

“Reason to Believe” is a finding made after a CPS investigation confirming/substantiating allegations of child abuse or neglect.

School of “origin” and “enrolled at the time of placement”

The school of “origin” is language used in McKinney-Vento law to describe the school the student attended when permanently housed, or the school in which the student was last enrolled (42 U.S.C. §11432(g)(3)(G)). For students in DFPS conservatorship (custody), federal and state law do not use school of “origin” language and instead “enrolled at the time of placement” is used when describing provisions that allow students to remain in their school, even when placed outside of the attendance area for the school or school district (TEC § 25.001 (g)).

SHARS - School Health and Related Services

School Health and Related Services provide additional services in a school setting to children and youth in foster care through a Medicaid program available to Texas public schools for students receiving special education services. SHARS provides additional resources to schools. The caregiver and/or education decision-maker may be asked during an ARD by the school to sign consent in order for the district to access these funds.

TLS - Transitional Living Services

Transitional Living Services provide a systematic and integrated approach to transition planning, services, and benefits for youth in foster care and young adults who have left foster care at age 18 or older. Services are available to youth ages 14 up to age 23.

TMC - Temporary Managing Conservatorship

Temporary Managing Conservatorship refers to the status of a child when the child has been placed in the conservatorship of DFPS but no final orders have been issued by a court determining the permanent legal status for the child. TMC for a child generally lasts for less than a year.

Transition Centers

Transition Centers are one-stop providers run by non-profit organizations for youth currently in foster care or young adults who were previously in foster care, for youth experiencing homelessness, and for youth at risk of other negative outcomes. www.texasyouthconnection.org



APPENDIX B: RIGHTS OF CHILDREN AND YOUTH IN FOSTER CARE

Texas CPS Rights of Children and Youth in Foster Care

https://www.dfps.state.tx.us/Child_Protection/Foster_Care/Childrens_Rights.asp

AS A CHILD OR YOUTH IN FOSTER CARE I HAVE THE RIGHT TO: SAFETY AND CARE

1. Be told:
 - Why am I in foster care?
 - What will happen to me?
 - What is happening to my family (including brothers and sisters)?
 - How is DFPS planning for my future?
2. Good care and treatment that meets my needs in the most family-like setting possible. This means I have the right to live in a safe, healthy, and comfortable place and I am protected from getting hurt, treated with respect, and have some privacy for personal needs.
3. Be told the rules by a person at the place where I am living.
4. Be free from abuse, neglect, exploitation, and harassment from any person in the household or facility where I live.
5. Be kept informed about any investigations that involve me.
6. Be treated fairly.

FAMILY AND OTHER CONTACTS

7. Live with my siblings who are also in foster care, if possible. If I am not living with my siblings, I have the right to know why. If there are no safety or other compelling reasons why I cannot live with my siblings, it is my caseworker's job to try and find a home where I can live with my siblings.
8. Visit and have regular contact with my family, including my brothers and sisters (unless a court order or case plan doesn't allow it) and to have my worker explain any restrictions to me and write them in my record. I have the right to file a court petition to request access to my sibling(s) if I have been separated from my sibling(s) because of an action by DFPS.
9. Visit and have contact with persons outside the foster care system. These visitors can be, but are not limited to, teachers, church members, mentors, and friends.

HAVE A NORMAL LIFE

10. Speak and be spoken to in my own language. This includes Braille if I am blind or sign language if I am deaf. If my foster parents or caregiver does not know my language, CPS will give me a plan to meet my needs to communicate.
11. Go to school and get an education that fits my age and individual needs.
12. Have my religious needs met.

13. Participate in childhood activities that are appropriate for my age and maturity, including youth leadership development, foster family activities, and unsupervised childhood and extracurricular activities (including playing sports, playing in the band, going on field trips, spending time with friends, etc.).
14. Privacy, including sending and receiving unopened mail, making and receiving private phone calls, and keeping a personal journal, unless an appropriate professional or court says that restrictions are necessary for my best interest.
15. Personal care, hygiene, and grooming products and training on how to use them.
16. Comfortable clothing for my age and size and similar to clothing worn by other children in my community. I also have the right to clothing that protects me against the weather. If I'm a teenager, I should have the reasonable opportunity to select my clothing.
17. Have my personal items and gifts at my home and to get additional things within reasonable limits, as planned for and discussed by my caregiver and caseworker, and based on my caregiver's ability.
18. Personal space in my bedroom to store my clothes and belongings.
19. Be informed of search policies (going through my personal items). I have the right to be told if certain items are forbidden (or if I am not allowed to have them) and why. If my belongings are removed, it must be documented.
20. Healthy foods in healthy portions for my age and activity level.
21. Seek employment, get paid for work done at my placement (except for routine chores or work assigned as fair and reasonable discipline), keep my own money, and have my own bank account in my own name, depending on my age or level of maturity.
22. Give my permission in writing before taking part in any publicity or fundraising activity for the place where I live, including the use of my photograph.
23. Refuse to make public statements showing my gratitude to a foster home, child-placing agency, or operation.
24. Not get pressured to get an abortion, give up my child for adoption, or to parent my child, if applicable.

DISCIPLINE

25. Be free of any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment. This means I should never:
 - Be shaken, hit, spanked, or threatened with being shaken, hit, or spanked
 - Be forced to do unproductive work
 - Be denied food, sleep, access to a bathroom, mail, or family visits
 - Have myself or my family made fun of
 - Be threatened with losing my placement or shelter, or
 - Be treated in a way meant to embarrass, control, harm, intimidate, or isolate me by use of physical force, rumors, threats, or inappropriate comments.
26. Be disciplined in a manner that is appropriate to how mature I am, my developmental level, and my medical condition. I must be told why I was disciplined. Discipline does not include the use of restraint, seclusion, corporal punishment, or threat of corporal punishment.

27. Be informed of emergency behavioral intervention policies in writing. I have the right to know how they will control me if I cannot control my behavior, and to know how they will keep me and those around me safe.

PLANS FOR ME WHILE IN CARE

28. See my caseworker at least once a month and in private.
29. Receive a complete plan that addresses my needs and services, including transition activities when I am 14 or older, that plans for my life as an adult, to include a career, college, or help enrolling in an educational or vocational job training program. I also have the right to a copy or summary of my plan and the right to review it.
30. Actively participate in creating my plan for services and permanent living arrangements. I have the right to ask someone to act on my behalf or to support me in my participation. At age 14, I have the right to invite two or more additional people of my choosing, that are not my foster parent or caseworker, to participate in my case planning meetings.

If I am an older youth:

31. If I am age 14 or older, I have the right to one or more Circle of Support Conferences or Transition Planning Meetings.
32. If I am age 14 or older, I have the right to be told about services, programs and benefits available to me when I leave care (PAL, Education and Training Voucher program, College Tuition and Fee Waiver, STAR Health-Medicaid, Extended Foster Care, etc.).
33. If I am age 16 or older, I have the right to attend Preparation for Adult Living (PAL) classes and other state and regional activities as required or appropriate to my plan for services.
34. If I am age 16 or older, I have the right to get help in obtaining a place to live and information on the cost of housing when aging out of care, so that I can plan for my future independence.

MEDICAL

35. Good medical, dental, and vision care, and mental health and developmental services that adequately meet my needs. I have the right to also request that the care or services be separate from adults (other than young adults) who are receiving services.
36. Not be forced to take unnecessary or excessive medication.
37. Be involved in decisions about my medical care:
 - I may consent to my own treatment in some cases if allowed by the health care provider. For example, the law allows me to consent to my own counseling for suicide prevention, drug or alcohol problems, or sexual, physical or emotional abuse, and I can agree to be treated for serious contagious or communicable diseases.
 - If I am pregnant and unmarried, I can agree to hospital, medical or surgical treatment, other than abortion, related to the pregnancy. If I have a child who is in my legal care, I can consent to all medical care for my child.
 - If I am 16 years old or older, I have the right to ask a judge to legally authorize me to make some or all of my own medical decisions, such as which kinds of medications I should take.

LEGAL/COURTS

38. Contact and speak privately to: my caseworker, attorneys, ad litem, probation officer, court appointed special advocate (CASA), and Disability Rights Texas at any time.
39. Go to court hearings and speak to the judge, including talking to the judge about where I am living and what I would like to see happen to me and my family.

RECORDS

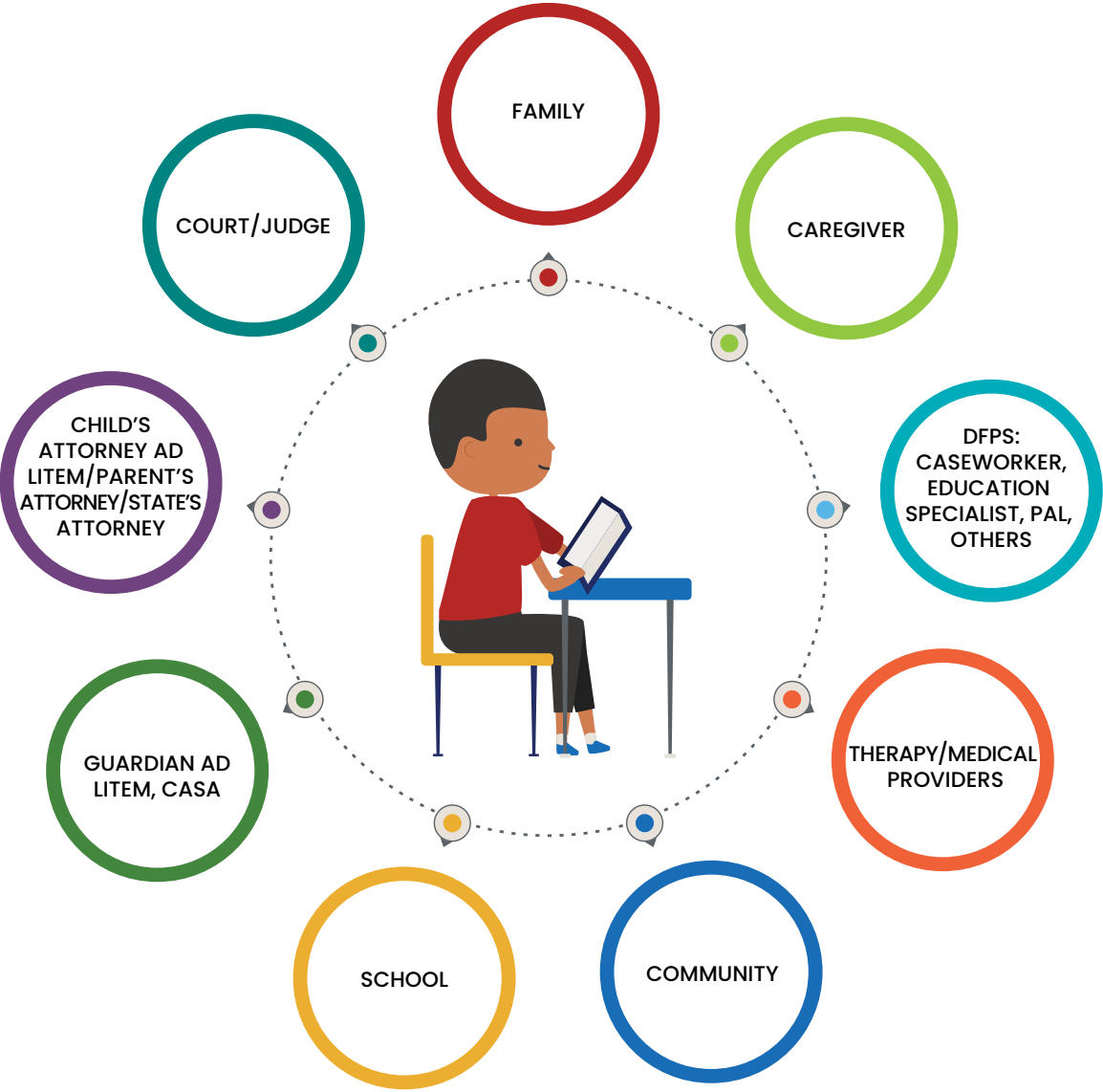
40. Expect that my records and personal information will be kept private and will be discussed only when it is about my care.
41. A copy of the CPS Rights of Children and Youth in Foster Care and that they be explained to me in my primary language or in any means that successfully explains it to me.
42. Have a credit report run annually beginning at age 14, be informed of the results, and receive assistance in interpreting the report and disputing any inaccuracies.
43. Receive help with getting my driver's license, social security card, birth certificate, and state ID card if I am age 16 or older.
44. Get necessary personal information within 30 days of leaving care, including my immunization records, proof of Medicaid enrollment, information about how to set up a Medical Power of Attorney, and information contained in my education portfolio and health passport.

COMPLAINTS

45. Make calls, reports, or complaints without being punished, threatened with punishment, or retaliated against; and I have the right to make any of these calls privately and anonymously if I choose and the call center permits it. Depending on the nature of the complaint, I have the right to call:
 - The DFPS Texas Abuse/Neglect Hotline at 1-800-252-5400
 - The HHSC Ombudsman for Children and Youth currently in Foster Care at 1-844-286-0769
 - The DFPS Office of Consumer Relations at 1-800-720-7777
 - Disability Rights Texas at 1-800-252-9108
46. To get information from my caseworker, attorney, CASA, or any other individual in my case about where I can make my complaint if I have one.
47. Be kept informed about the outcomes of any complaints made to the HHSC Ombudsman for Children and Youth currently in Foster Care.

APPENDIX C: KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE.

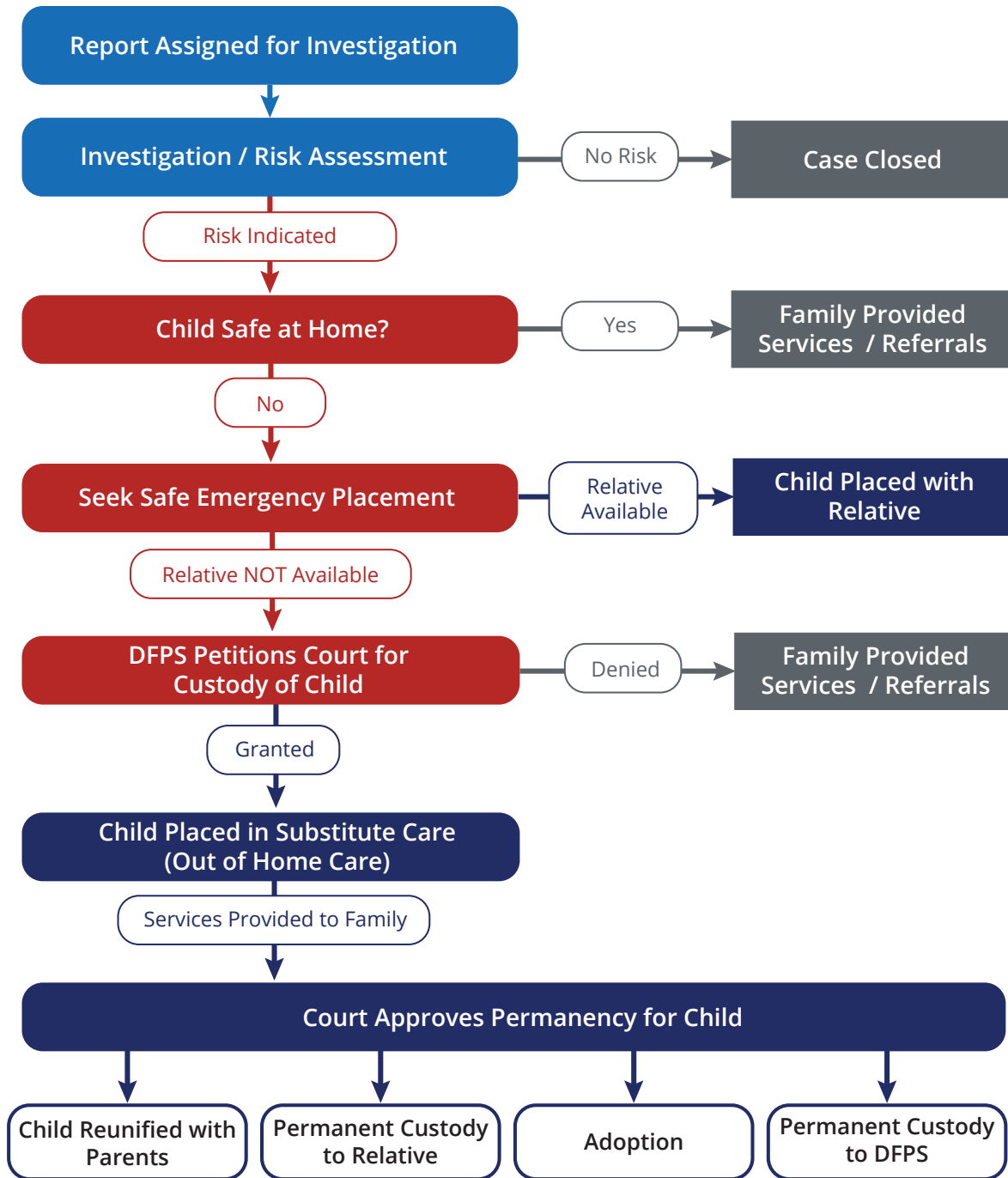
THERE ARE MANY KEY PEOPLE AND SYSTEMS INVOLVED IN A STUDENT’S LIFE. EVERYONE MUST WORK TOGETHER FOR EDUCATIONAL SUCCESS!



TIP: Working in new and coordinated ways often means making the circle bigger. Brainstorm ways to involve others who also work with students in foster care.

APPENDIX D: CPS PROCESS — FLOW CHART

CPS Flow Chart




Note: This chart is for reference only and does not necessarily represent the flow of a case. Graphic is adapted from the DFPS 2011 Annual Report & Data Book, p. 29.



APPENDIX E: PLACEMENT AUTHORIZATION FORM 2085 - SAMPLE FORMS

Below are screen-shots of two different varieties of Placement Authorization Forms. Either of these could be provided by the caregiver at enrollment.

2085 KO - PLACEMENT AUTHORIZATION KINSHIP OR OTHER NON-FOSTER CAREGIVER



Texas Department of
Family and Protective Services

Form K-908-2085KO
Revised April 2020

PLACEMENT AUTHORIZATION – KINSHIP OR OTHER NON-FOSTER CAREGIVER

Purpose: Use this form to authorize placement in a regular kinship placement. |

Directions: To complete this form, see 2085KOins. After completing this form mark each box to indicate that information has been reviewed with the caregiver. Obtain signatures and give the original to the caregiver and maintain a copy in the case record. Contact your supervisor for issues regarding use of this form with regular kinship placements. |

CHILD'S INFORMATION |


The Texas Department of Family and Protective Services (DFPS) has managing conservator of |

Child's Name: █	Person ID: █	Medicaid No. █	Date of Birth: █
Legal County: █	Court No.: █	Cause No.: █	Date of Placement: █
Ethnicity: <input type="checkbox"/> Hispanic <input type="checkbox"/> Other		Race: <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Unable to Determine <input type="checkbox"/> Native Hawaiian/Pacific Islander	

CAREGIVER INFORMATION

Caregiver's Name: █	Relationship to child. Select all that apply:
	<input type="checkbox"/> Relative <input type="checkbox"/> Temporary Possessory Conservator <input type="checkbox"/> Other: █

2085 FC - PLACEMENT AUTHORIZATION FOSTER CARE/RESIDENTIAL CARE:



Texas Department of
Family and Protective Services

Form K-910-2085FC
Revised April 2020

PLACEMENT AUTHORIZATION FOSTER CARE/RESIDENTIAL CARE

Purpose: Use this form to authorize placement in a foster care setting. |

Directions: To complete this form, see 2085FCins. After completing this form and obtaining signatures, give the original to the caregiver and file a copy in the case record. Contact your supervisor for issues regarding use of this form with foster care placements. ||

This form and other documentation frequently refers to "DFPS Caseworkers". References to "DFPS Caseworkers" refers to employees of the Department of Family and Protective Services **or** employees of a Single Source Continuum Contractor (SSCC). The SSCC acts as an authorized agent of DFPS pursuant to Texas Family Code Chapter 264 Subchapter B-1. The SSCC has the same authority as DFPS regarding case management duties and associated responsibilities.

The Single Source Continuum Contract (SSCC) is █.

CHILD'S INFORMATION |

The Texas Department of Family and Protective Services (DFPS) has managing conservator of |


Child's Name: █	Person ID: █	Medicaid No. █	Date of Birth: █
Legal County: █	Court No.: █	Cause No.: █	Date of Placement: █



APPENDIX F: DESIGNATION OF EDUCATION DECISION-MAKER (2085-E)

Below is a screenshot of the front and back pages Education Decision-Maker form E-2085 that is required to be provided to the school for all students in DFPS managing Conservatorship.

Form K-908-2085-E
Revised September 2015



DESIGNATION OF EDUCATION DECISION-MAKER CHILD PROTECTIVE SERVICES (CPS) - PERMANENCY

Purpose: DFPS must ensure that this form is provided to the court and the child's school under Texas Family Code §261.004 within five days of the Adversary Hearing. DFPS must inform the court of any changes in the Education Decision-Maker or Surrogate Parent, if applicable, in the next permanency hearing report. DFPS must provide the updated information to the school no later than five days after any changes in the Education Decision-Maker or Surrogate Parent, if applicable.

Directions: To complete this form, fill in all applicable fields. For additional questions, contact your Regional Education Specialist. DFPS staff may not appoint a surrogate parent. DFPS staff may only list the name of the surrogate parent appointed by the court or the school.

SECTION 1: AUTHORITY TO MAKE EDUCATION DECISIONS

The Texas Department of Family and Protective Services (DFPS) is authorized by court order as provided in the Texas Family Code §153.371 to make education decisions on behalf of the following child currently in the conservatorship of DFPS.

Child's Full Name:		Child's DFPS IMPACT Person ID:	Child's Medicaid Number:
Date of Birth:	County:	Court Number:	Cause Number:

DFPS delegates to the following individual(s) (hereinafter referred to as the Education Decision-Maker) the education decision-making responsibilities on behalf of the child as described in this form. **Note: A representative of DFPS may be named as a primary and/or backup Education Decision-Maker.**

Designated primary Education Decision-Maker (and spouse, if applicable):		Date of designation:
Email:		Telephone Number(s):
Backup Education Decision-Maker:		Date of designation:
Surrogate Education Decision-Maker for special education decisions:	Date of designation:	Designated by: <input type="checkbox"/> Court <input type="checkbox"/> ISD
Email:		Telephone Number(s):

SECTION 2: SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES — IF APPLICABLE

Federal and state law authorize the individual who is acting in the role of the child's parent or who is appointed by the school or the court to be the "surrogate parent" for the child to exercise the rights and responsibilities as outlined by the Individuals with Disabilities Education Act and state law and rule. The individual is usually the foster parent or daily caregiver, but may be a Court Appointed Special Advocate or other individual with knowledge of the child. In some cases the biological parent may retain the right to make certain special education decisions.

The law does not allow a DFPS staff person, school district staff, or anyone employed to provide care or treatment for the child to act as the parent or surrogate for special education decision-making. A foster parent is not considered a person employed to provide care for the child.

At age 18, the rights of the parent to make education decisions are transferred to the child, except for the child with a disability who has been determined to be incapacitated under state law.

Page 1

Form K-908-2085-E
Revised September 2015

SECTION 8: ACKNOWLEDGMENT, AGREEMENT, AND SIGNATURES

As the Education Decision-Maker, I acknowledge and agree that:

- I have no professional interests that conflict with the interest of the child I represent.
- I will comply with the Education Decision-Maker Rights and Responsibilities as described in SECTION 3.
- I understand that failure to cooperate with DFPS may be the basis for revoking this designation.

Education Decision-Maker signature: X	Date Signed:
Backup Signature: X	Date Signed:
DFPS Caseworker (print name): X Email Address:	Phone Number: Alternate Phone Number:
DFPS Supervisor (print name): X Email Address:	Phone Number: Alternate Phone Number:
Child's daily caregiver or facility staff (if different from Education Decision-Maker) (print name): X Email Address:	Phone Number: Alternate Phone Number:

Page 4



APPENDIX G: LIST OF SCHOOL RECORDS TO BE TRANSFERRED THROUGH TREX SYSTEM

School districts and public charter schools are required to participate in the TREx system. Below is a list of school records transferred using TREx.

- Texas Unique ID
 - Social Security number or state-approved alternative ID last reported through TSDS PEIMS
- First, middle, and last name and generation code, if applicable
- Date of birth
- Gender
- Ethnicity and race
- Current grade level
- Immunization information
- Receipt of special education services and individual education plan, if applicable
- Academic year
- Course completion
- Final grade average
- Teachers of record
- Assessment instrument results
- District and campus ID
- Campus name and phone number

For high school students transferring from one Texas public school district or charter school to another, the following additional information is required to be sent via TREx:

- Student's address, including city, state, and zip code
- District or LEA name
- Either the date the exit level requirement for Texas Assessment of Knowledge and Skills (TAKS) was met or the performance level on each end-of-course assessment and the date the performance was met for State of Texas Assessments of Academic Readiness (STAAR)
- Advanced measures completed for the distinguished graduation program, if applicable
- Graduation program type required by the end of the student's junior year
- College Board College Entrance Examination Board (CEEB) campus code and ACT high school code (optional)
- Certification of coursework completion date, if applicable
- Current and previous coursework, including the following:
 - Academic year
 - Session type
 - Campus awarding credit
 - Course category, name, number, abbreviation, semester, grades, and credit
 - Course grade average, final grade average, or both
 - Special explanation codes, if applicable
 - Pass/fail credit indicator codes, if applicable

For additional information about TREx, see the [Student Attendance Accounting Handbook](#).

APPENDIX H: EDUCATION RECORDS COLLECTED BY CPS SYSTEM CASE RECORD AND EDUCATION PORTFOLIO (CPS HANDBOOK, SECTION 4330 & 4360)

School personnel may assist in maintaining accurate CPS education records by providing copies of school-related information to caregivers and caseworkers when appropriate.

See below for a list of education documents maintained in the student's Case Record and Education Portfolio:



All Children:

- ▷ Report cards (current school year)
- ▷ Transcripts
- ▷ Birth certificate (copy/birth verification form)
- ▷ Immunization records
- ▷ Placement authorization forms
- ▷ List of medications taken during the school day (the caseworker gives a copy to a school nurse)
- ▷ Standardized testing scores
- ▷ School withdrawal documentation (if applicable)

Children receiving Special Education or Section 504 Services:

- ▷ ARD meeting for the current school year
- ▷ Results of the child's full and individual evaluation (FIE) or current assessments and evaluations of tests offered by the LEA
- ▷ Results of the child's IEP, updated annually (ARD meeting paperwork)
- ▷ Documentation of services provided under Section 504
- ▷ Individual Transition Plan or Summary of Performance (9–12th grade)
- ▷ All records required for all other children
- ▷ Correspondence to and from the school



APPENDIX I: A DESCRIPTION OF THE RESPONSIBILITIES AND DUTIES OF DFPS REGIONAL EDUCATION SPECIALISTS

This position coordinates and acts as a liaison between DFPS and LEAs in each DFPS region throughout Texas. The regional education specialist provides assistance and support to DFPS staff as follows:

- » Provides information and referral services regarding developmental disability or education-related resources.
- » Identifies educational services or resources in the region.
- » Helps identify resources for specialized placement that meet the child's educational needs.
- » Assists with case planning to identify specific educational needs and services by conferring with others through individual case staffing and attending permanency planning meetings, as needed.
- » Attends Admission, Review, and Dismissal (ARD) meetings, when possible, when the caseworker is unable to attend.
- » Acts as a liaison with the TEA, LEAs and other program specialists with the DFPS state office.
- » Helps caseworkers resolve education issues with schools and LEAs and acts as a liaison with staff from the DFPS Legal Division, as needed.
- » Develops training curriculum and trains CPS staff and foster parents.
- » Works with regional DFPS staff to ensure that children in the conservatorship of DFPS receive appropriate educational services and that each child's case record includes a copy of the necessary education records. The caseworker creates an Education Portfolio with these records for each school-age child in DFPS conservatorship.
- » Helps coordinators associated with the Preparation for Adult Living (PAL) program develop transition plans for youth who are aging out of DFPS conservatorship.

APPENDIX J: RESOURCE SECTION

DFPS HOTLINE Numbers:

1-800-233-3405	Adoption Hotline
1-800-862-5252	Licensing Hotline
1-800-647-7418	State Supported Living Centers (SSLC)
1-800-720-7777	Ombudsman Office
1-800-252-5400	Abuse Hotline (Statewide Intake)
1-888-580-4357	Runaway Hotline
1-888-373-7888	Youth Helpline
1-844-888-6565	Family Helpline

The information provided is from the CPS Handbook, Section 15120.



APPENDIX K: DFPS FORMS, ENROLLMENT, AND IDENTIFICATION FAQs



WHERE SHOULD SCHOOL STAFF DIRECT CONCERNS ABOUT THE STUDENT'S EMERGENCY CONTACT?

The school should contact the student's caseworker on Form 2085-E to express their concerns.



DOES THE STUDENT'S EDUCATION DECISION-MAKER HAVE AUTHORITY TO WITHDRAW AND ENROLL A STUDENT IN FOSTER CARE?

Yes, the student's education decision-maker has authority to withdrawal and enroll a student in school (*See Caregiver & Caseworker General Education Decision-Making Responsibilities, on page 100.*)



IF THE STUDENT IS REMOVED FROM THEIR EDUCATION DECISION-MAKER, WILL ANOTHER EDUCATION DECISION-MAKER AND 2085-E FORM BE ISSUED?

Yes, another education decision-maker will be assigned. The 2085-E form should always be accurate with current information. If the school does not receive new paperwork, please contact the DFPS caseworker located on the 2085-E.



IF THE STUDENT IS REMOVED FROM THEIR RESIDENTIAL PLACEMENT AND PLACED IN AN EMERGENCY SETTING WITHOUT PAPERWORK (2085 AND 2085-E), WHAT SHOULD THE SCHOOL DO?

The student will always be placed with a Placement Authorization 2085. Sometimes there will be a delay in receiving the 2085-E. If a student is placed without paperwork, contact the student's caseworker immediately.



WHAT SHOULD THE SCHOOL DO IF THERE IS NO SURROGATE PARENT SIGNATURE LOCATED ON THE 2085-E?

Contact the caseworker for the information. If they do not have a surrogate parent, the school should assign one.



WHAT SHOULD THE SCHOOL DO IF THE 2085-E REQUIRED SIGNATURES (PAGE 4 OF THE FORM) ARE MISSING OR ILLEGIBLE?

Request a completed 2085-E from the caseworker or request an updated 2085-E that is legible. See Appendix E for a screenshot of the 2085-E form.



WHO MAY WITHDRAW THE STUDENT FOR APPOINTMENTS? WHERE IS THIS INFORMATION LOCATED?

Any DFPS employee, child placing agency staff, agency representative in Community Based Care (CBC) areas (with proper identification, e.g. badge), or current caregiver may withdraw the student for appointments. The caregiver may notify the school of persons allowed to pick up a student.



HOW DOES THE SCHOOL IDENTIFY A STUDENT'S TRANSPORTER IF THEIR NAME IS NOT LOCATED ON THE STUDENT'S PAPERWORK?

DFPS transporters/agency staff will have identification (such as a badge).



WHAT SHOULD THE SCHOOL DO IF THE CHILD-PLACING AGENCY CASEWORKER REQUESTS INFORMATION ABOUT A STUDENT, BUT THEY ARE NOT LISTED ON THE STUDENT'S PAPERWORK?

Contact the DFPS caseworker or the caregiver to seek permission to release information to the child-placing agency caseworker.



IF THE STUDENT'S BIOLOGICAL FAMILY CAN BE INVOLVED IN THE EDUCATION MEETINGS AND DECISIONS, WHERE IS THIS INFORMATION LOCATED?

This is information that the caseworker would have within a court order. The caregiver may have the information as well. School staff may confirm this information with the child's caregiver or caseworker.



ORIGINAL FOSTER CARE AND STUDENT SUCCESS GUIDE (2013) KEY CONTRIBUTORS ACKNOWLEDGMENT

While the guide has been updated with new laws, resources, and guidance. The original content and integrity of the guide was maintained. The original guide serves as the bedrock and foundation, for which all updates have been made. Although most of the guide's original authors are no longer serving in their previous capacity, we would be remiss, to release the guide without recognizing and honoring their contributions to this incredible resource.

Texas Education Agency

Kelly Kravitz

Foster Care Education & Policy Coordinator

W. Montgomery Meitler

Senior Counsel & Confidentiality Officer

Julie Wayman

Student Success Programs Director

Texas Department of Family and Protective Services

Denise Brady

Senior DFPS Policy Attorney

Zophelia Conley

Youth Specialist, Region 3

Jenny Hinson

Division Administrator for Permanency

Kristine Mohajer

Education Program Specialist

Shannon Ramsey

Transitional Living Services, Team Lead

Supreme Court of Texas, Permanent Judicial Commission for Children, Youth and Families (Children's Commission)

Tina Amberboy

Executive Director

Katie Brown

Staff Attorney

Tiffany Roper

Assistant Director

BEYOND THE GUIDE:

We trust that the updated Foster Care and Student Success Resource Guide will continue to be an excellent resource for equipping education leaders and the child welfare community in addressing the educational needs of students in foster care.

For questions or additional assistance, school districts may contact the Highly Mobile and At-Risk Student Programs division office at: foستercareliaison@tea.texas.gov. We encourage you to submit your ideas, suggestions, and shared experiences with us.

Thank you for reading this guide and for your commitment to supporting the educational success of students in foster care!

Sincerely,

Texas Education Agency
Texas Department of Family and Protective Services
Supreme Court Children's Commission



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Users may find this resource and other foster care and education information at:

www.tea.state.tx.us/FosterCareStudentSuccess/.

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FOSTER CARE & STUDENT SUCCESS:

**TEXAS SYSTEMS WORKING TOGETHER TO TRANSFORM EDUCATION
OUTCOMES OF STUDENTS IN FOSTER CARE**

