



# Foster Education Summit

October 2-3, 2018



**SUMMIT:** 

a conference of highest-level officials

We're glad you're here!



#### Introductions

- Sara Bigley, State Coordinator for Foster Education (NC)
- Christina Endres, Program Specialist, National Center for Homeless Education (SERVE)
- Jan Moore, Assistant Director, National Center for Homeless Education (SERVE)
- Erin Goodman, Administrative Support Specialist (SERVE)
- George Hancock, Executive Director of the SERVE Center



#### Introductions









































































Welcome to Greensboro

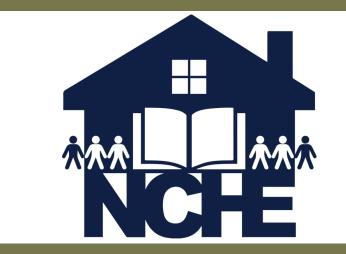
A History of Civil Rights



THE UNIVERSITY of NORTH CAROLINA

## GREENSBORO





#### SERVE Center Activities, Contracts, Projects

- The National Center for Homeless Education (NCHE)
- The North Carolina Homeless Education Program
- The North Carolina Foster Education Program
- 21<sup>st</sup> Century Community Learning Centers
- Migrant Education Programming
- Communities and Schools (CIS)
- Early Colleges High School Reform
- STEM Programming in Early Colleges
- Strategic Planning & Needs Assessments (Schools, Districts, SEAs)









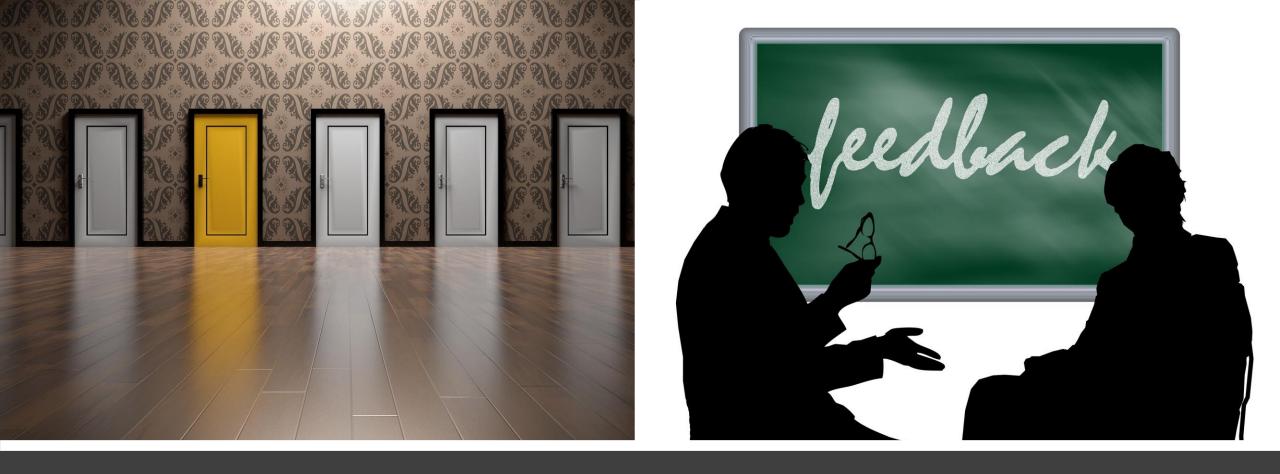












## Interview Activity



#### MORNING BREAK



What the Law Says
About Education for
Students in Foster Care



# FOSTER CAIRIE IFIEUID

### WHAT IS IT?

A fun, interactive way to learn more about the education of students in foster care and/or reinforce your current knowledge



#### TEAMS AND ROUNDS

- 4 teams, each with 4 players
- Teams will be asked to select a team name
- 3 round
  - Round 1- first 2 teams face off; the team with the most points wins the round
  - Round 2- second 2 teams face off; the team with the most points wins the round
  - Championship Round- winning teams from previous rounds face off for the Championship Title!



## QUESTIONS

- This first 2 rounds will have a total of 16 questions; each contestant will respond to 2 questions
- The championship round is shorter, with only 8 questions; each contestant will respond to 1 question
- Questions will alternate back and forth between the 2 teams
- If the contestant responds incorrectly, the question is "dead" and no points are awarded. The hostess will give the correct response.
- Questions are worth 50 points each.



#### POINT BOOSTER

- At the end of each round, there will be a "face off" question worth a 25% point booster.
- Each team must choose a team member to face off on its behalf.
- Whichever contestant squeaks in first will be given the option to respond first.
- If the contestant responds correctly, their team gets a 25% boost in points based on the total points earned in that round.



#### POINT BOOSTER

- If the first contestant to squeak in answers the question incorrectly, the contestant representing the other team will have the option to respond.
- Contestants must wait until the full point booster question is read before squeaking in. If a contestant squeaks in early, the other team will win the right to answer the question first.



# **QUESTIONS?**





#### FIRST TWO TEAMS...

Come on down and choose your team name





**ROUND 1** 

#### TRUE OR FALSE

The Point of Contact at the state educational agency may also be the State Coordinator for Homeless Education

20 U.S.C. Section 1111(g)(1)(E)(iii) prohibits McKinney-Vento State Coordinators from serving as the Foster Care POC.



#### TRUE OR FALSE

School district foster care liaisons may also serve as the McKinney-Vento liaison.

True



#### FILL IN THE BLANK

School districts must designate a point of contact for CWAs if \_\_\_\_\_\_.

The CWA notifies the district in writing that it has designated a point of contact for the district.



#### FILL IN THE BLANK

The Fostering Connections to Success and Increasing Adoptions Act was passed in \_\_\_\_?

2008



The Fostering Connections to Success and Increasing Adoptions Act amended Parts IV-B and IV-E of what law?

- A. The Every Student Succeeds Act
- B. The Social Security Act
- C. The Child Abuse Prevention and Treatment Act

B. The Social Security Act



The Every Student Succeeds Act, passed in December 2015, amended what law?

- A. The No Child Left Behind Act
- B. The Improving America's Schools Act
- C. The Social Security Act
- D. The Elementary and Secondary Education Act

D. The Elementary and Secondary Education Act



State report cards must include information related to outcomes for students in foster care, including:

- A. Academic assessment information
- B. Information on other academic indicators for elementary schools and non-high school secondary schools
- C. Chronic absenteeism rates
- D. All of the above
- E. A and B only

20 U.S.C. Sections 1111(h)(1)(C)(ii)-(iii) requires the information in A and B as well as high school graduation rates.

#### TRUE OR FALSE

Students awaiting foster care placement are deemed homeless under 42 U.S.C. Section 11434a(2) of the McKinney-Vento Act.

False. The Every Student Succeeds Act removed this subgroup of students from the McKinney-Vento Act.

#### FILL IN THE BLANK

Under \_\_\_\_, parent means parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Family Educational Rights and Privacy Act (FERPA)

### TRUE OR FALSE

Schools may only release the school records of students in foster care with parental consent.

False. FERPA allows school districts to release information without parent consent to CWAs and tribal organizations authorized to access a student's case plan when the agency is legally responsible for the student's care and protection.



#### TRUE OR FALSE

A school district must provide education records to a CWA that requests them for a student in foster care.

False. A school district may release the records, but retains the right to deny the request.



#### The definition of foster care includes:

- A. Licensed homes only
- B. Homes for which payments are made for the care of the child only
- C. 24 hour substitute care for which the IV-E agency has placement and care responsibility
  - C. 24 hour substitute care for which the IV-E agency has placement and care responsibility (45 C.F.R. Section 1355.20)



## FILL IN THE BLANK

During the 90 day period immediately prior to the date on which the child will attain 18 years of age, a caseworker on the staff of the state agency, and as appropriate, other representatives of the child, provide the child with assistance and support in developing a \_\_\_\_\_ that is personalized at the direction of the child, 42 U.S.C. Section 675(5)(H)

Transition Plan



According to 42 U.S.C. Section 675(5)(D), a child's health and education record is to be reviewed and updated and a copy provided to the foster parent or care provider...

- A. Once a year
- B. At the time the child is placed
- C. At such time as the child needs an Individualized Education Plan
  - B. At the time the child is placed



The \_\_\_\_\_ provides education and training vouchers to foster care youth who have attained 14 years of age, and former foster care youth who were adopted from or enter kinship guardianship from foster care.

Chafee Foster Care Independence Program



Education and Training Vouchers, or ETVs, may not exceed the lesser of \$\_\_\_\_ per year or the cost of attendance in a postsecondary education or training program.

\$5,000





States are allowed to use up to 30% of their Chafee funds to provide youth aged 18 to 21 who have aged out of foster care with \_\_\_\_\_.

Housing



#### SECOND TWO TEAMS...

Come on down and choose your team name





ROUND 2

The amount of an education and training voucher available to a student should be considered when the student is applying for other federal aid.

False. The amount of the voucher may be disregarded for purposes of determining the recipient's eligibility for or the amount of any other federal assistance per 42 U.S.C. Section 675(i).



Title I of the Elementary and Secondary Education Act describes best interest is as

- A. What the student wants
- B. What the foster parent wants
- C. Nothing- it's not described
- D. What the CWA wants

C. Nothing- it's not described in the law.



Name three student centered factors that Non-Regulatory Guidance suggest be considered when determining the school placement of a student in foster care.



When making a best interest determination for a student's school placement, the cost of transportation should be considered.

False



When a dispute regarding a student's best interest occurs

- A. The school must resolve the dispute within 5 school days
- B. The student must continue to attend the school of origin
- C. The CWA has five days to file a request for mediation

B. The student must continue to attend the school of origin



Districts have to provide transportation to students, even if they live across county or state lines.

True



If additional costs are incurred when transporting a student to the school of origin, the school district shall provide the transportation

- A. If the CWA agrees to reimburse the school district
- B. If the district agrees to cover the additional costs
- C. If the CWA and the district agree to split the costs
- D. Only if procedures are outlined in policy
- E. A, B, and C

E. A, B, and C



If a school district does not provide transportation to other students, the district does not have <u>any</u> obligation to provide transportation to students in foster care.

False



Which of the following may be used to cover the excess cost related to keeping a student in the school of origin:

- A. State or local funds
- B. Title IV-E funds
- C. Title I funds
- D. All of the above

D. All of the above



If a dispute occurs regarding either the school placement of a student or how to apportion the excess cost of transportation to the school of origin, the school district must provide transportation while the dispute is mediated.

True



If a student needs to transfer the local school, the student must be enrolled

- A. Within 5 days
- B. Within 3 days
- C. Immediately
- D. Within 24 hours

A. Immediately



A school district may charge tuition if a student is placed in the school district while the student is under the jurisdiction of a neighboring state.

True



Name two potential responsibilities of the SEA point of contact.



Name two potential responsibilities of the school district point of contact.



Name two potential responsibilities of the CWA point of contact.



The school of origin is the school

in which a child is enrolled at the time of placement in foster care.





Title I provisions do not apply to preschool aged students in foster care because compulsory education laws do not cover preschool aged children.

False.





### CHAMPIONSHIP ROUND

How long does a student have the right to remain in the school of origin?

For the duration of the child's time in foster care.



If a student needs to transfer to a new school, who shall immediately contact the previous school to obtain the student's school records?

- A. The foster parent
- B. The parent
- C. The CWA
- D. The enrolling school

D. The enrolling school



How long did school districts have to develop and implement written transportation procedures that maintain students in their school of origin, including how transportation will be provided, arranged, and funded?

One Year



Under 42 U.S.C. §§ 675(1)(G), educational stability case plans require CWAs to take into account the appropriateness of the current educational setting and the

- A. Wishes of the student
- B. Other factors as determined by the CWA
- C. Proximity to the school in which the child is enrolled at the time of placement
- C. Proximity to the school in which the child is enrolled at the time of placement

Once a decision is made regarding a dispute, a \_\_\_\_\_ should be provided to all involved parties

Written statement



When a student exits care, the school district must still provide transportation to the school of origin until the end of the school year in which the student exited care.

False



What should school districts consider in order to provide transportation to the school of origin in a "cost-effective manner and in accordance with Section 475(4)(A) of the Social Security Act?"

- A. The cost
- B. The distance
- C. The length of travel
- D. No cost options
- E. All of the above

E. All of the above



Give two examples of no cost options a school district can consider when providing transportation in a cost effective manner consistent with Section 475(4)(A) of the Social Security Act?





The words collaborates, collaboration, and coordinate are used in Non-Regulatory Guidance on Ensuring Educational Stability for Children in Foster Care how many times?

- A. 55
- B. 23
- C. 42



## OPEN ENDED (EXTRA)

Name two pieces of information that must be included in educational stability case plans under 42 U.S.C. § 675(1)(C).



# LUNCH



# The Who, When, Where, and How of Transporting Students



- John McGinnis, Specialist, Pupil Personnel, MD
- Matt Butensky, SEA Foster Care Education Point of Contact, PA
- Sara Bigley, SEA Foster Care Education Point of Contact, NC



**Topics to Be Covered** 

- 1. An overview of the Every Student Succeeds Act of 2015
- 2. State examples of putting the transportation pieces together
- 3. Group discussion time
- 4. Group sharing and reporting out

# Transportation for children in foster care

# Must collaborate with State or local CWAs to:

 Develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.

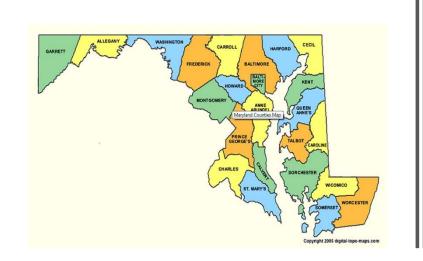


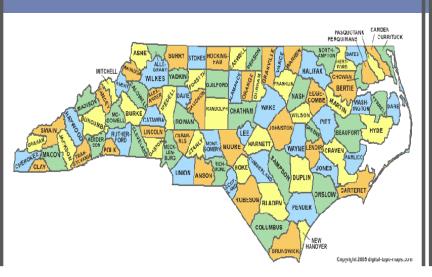
### **Procedures shall:**

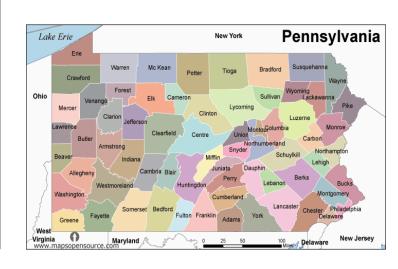
- Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner
- Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—
- ➤ The local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
- ➤ The local educational agency agrees to pay for the cost of such transportation; or
- The local educational agency and the local child welfare agency agree to share the cost of such transportation

### **Cost effective manner**

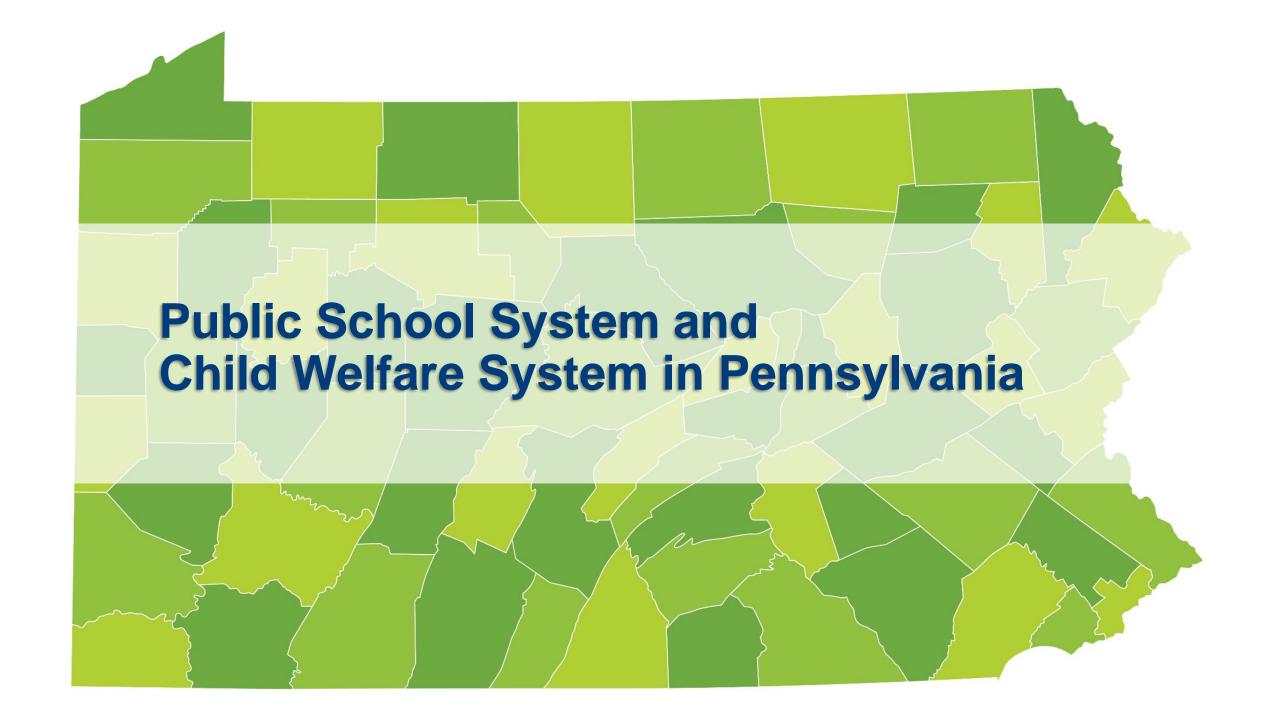
- Title IV-E maintenance payments may be used for reasonable costs of transportation
- Title I, Part A funds can help cover the excess cost
- Should explore low/no cost options such as:
  - ➤ Pre-existing bus stops or public transportation
  - ➤ A child may be dropped off at a bus stop near the existing transportation system
  - > Foster parents provide transportation
  - ➤ Eligibility for transportation by other programs (e.g., IDEA)
  - ➤ Buses that already cross district lines

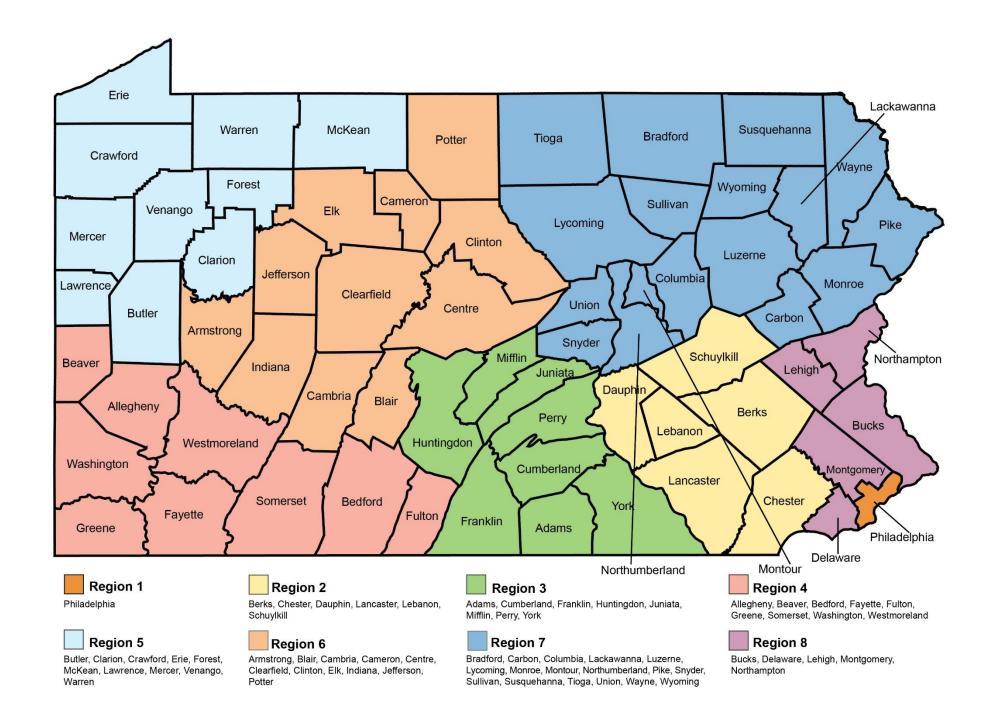






# State Examples





#### Staff & Collaboration in PA

**State Education Agency (SEA)** PA Department of Education State Education Point of Contact (SEA POC) Foster Care Youth Regional Coordinators LEA Foster Care Point of Contact (POC)

**State Child Welfare Agency** PA Department of Humans Services Office of Children, Youth and Families Regional Offices Child Welfare Resource Center CCYA Educational Liaisons or other assigned staff

### **PA Supports**

**Website** 

www.pafostercare.org

Find directories, tools and guidance

State and regional contacts/supports

PDE established 8 foster care regions

PDE/DHS joint guidance letter

Released November 2016



PA Tools Related to Transportation

- LocalTransportationPlan template
- TransportationPlan Guide

### **PA Transportation Requirements**

- LEAs required to submit final, signed transportation plans
- Local plans detail how transportation will be provided, arranged, and funded
- Transportation assurances found in Title I application
- Local dispute process incorporated into local transportation plan

### Local Dispute Process Example

- **Step 1:** CCYA and LEA appoint a "dispute resolution POC" within their organization
- **Step 2:** Child remains in LEA of origin during pendency of dispute in terms set forth in local transportation plan
- **Step 3:** Appointed dispute resolution POCs review and attempt to arrive at agreeable resolution, **within 5 business days**
- **Step 4:** CCYA and LEA solicitors review and attempt to arrive at agreeable resolution, **within 5 business days**

### The Transportation Puzzle in PA

### York County, PA

- Local county children and youth (CCYA) agency provides initial transportation early in process
- Additional costs are split equally among LEA of Origin, LEA of Foster Residence, and local CCYA

### **Montgomery County, PA**

 Local CCYA is sometimes able to secure more cost-effective transportation than LEAs. Local CCYA arranges and provides transportation while costs are shared among LEA of Origin and local CCYA

### Solving the Transportation Puzzle in PA

#### How do we solve the transportation puzzle?

- Facilitate opportunities for collaboration
- POCs are critical links



# Because You Were There

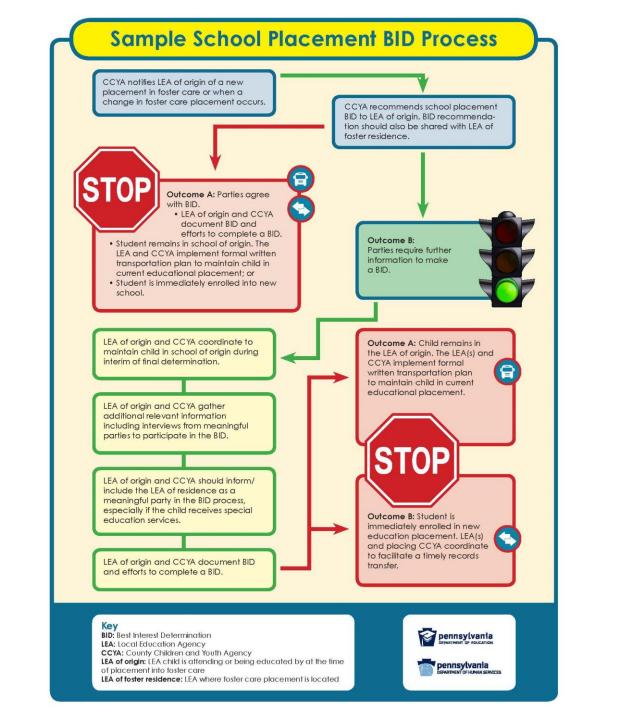
Working Together for Educational Stability

2018 Regional Trainings
September 28, Pittsburgh
October 18, Harrisburg
October 30, Philadelphia



## Best Interest Determination (BID) in PA

- Formal, collaborative process determining school placement
- If school placement may be impacted, BID must occur
- Child-centered and best-interest focused
- Does not consider tuition or transportation costs



#### **School Placement Best Interest Determination (BID) Participants**



Party Initiatina or Organizing





- Foster Care POC School
- Administrators Transportation
- Coordinator Special Education Coordinator
- IEP Team

**CCYA Participants** 

- ESSA POC/ **Education Liaison**
- Case Worker
- Case Manager

Party Initiating or Organizing



#### **BID Format:**

in-person conference



phone conference



electronically (email)



or a combination







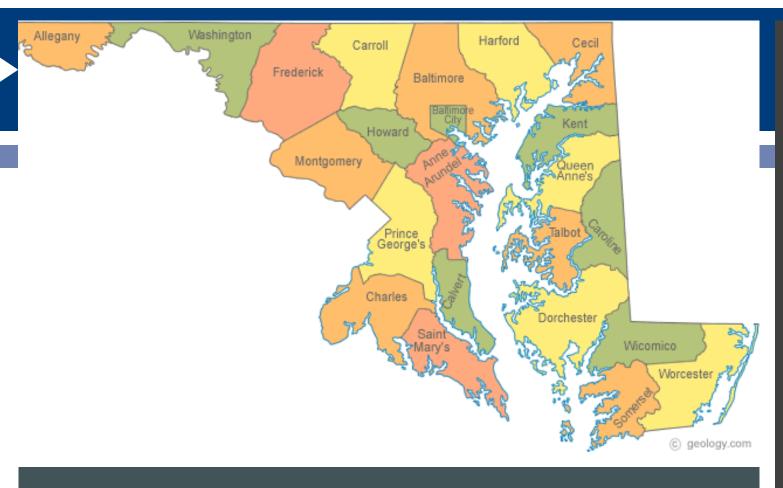
#### Parties request physical presence or gather meaningful input from:

- · School counselors, teachers, coaches, and English Learner (EL) staff
- Child's parents, child, child advocate, guardian ad litem, foster parent, in-home provider, and mental, behavioral, and physical health providers

**Key** CCYA: County Children and Youth Agency ESSA: Every Student Succeeds Act IEP: Individualized Education Plan LEA: Local Education Agency POC: Point of Contact LEA of Origin: LEA at time of placement LEA of Foster Residence: LEA where child resides







MARYLAND AMERICAN IN MINIATURE  Approximately 900,000 students

• 24 LEAs

Largest LEA –
 students –
 Montgomery County
 159,010

Smallest LEA –
 students – 2,593

#### BEST INTEREST DETERMINATION

- CWA NOTIFIES LEA LIAISON WHEN A STUDENT ENTERS FOSTER CARE OR IF THERE IS A CHANGE IN PLACEMENT
- PRESUMPTION STUDENT WILL REMAIN IN SCHOOL OF ORIGIN
- CWA WILL SEEK INPUT FROM THE LEA FOSTER CARE LIAISON OR OTHER EDUCATIONAL REPRESENTATIVES



# BEST INTEREST DETERMINATION

CWA WILL MAKE ALL REASONABLE EFFORTS TO INCLUDE ADDITIONAL PERSONS WHO CAN CONTRIBUTE

STUDENT SHALL REMAIN ENROLLED IN THE SCHOOL OF ORIGIN UNTIL BEST INTEREST DETERMINATION IS MADE

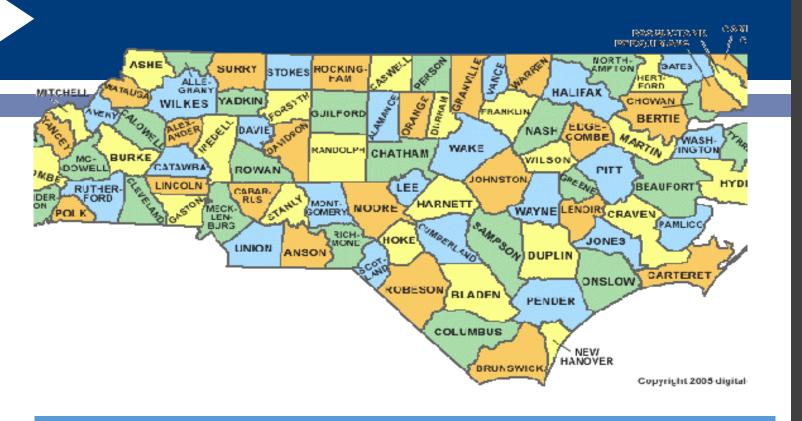
#### TRANSPORTATION

- LEA PROVIDES TRANSPORTATION TO SCHOOL OF ORIGIN IF IN BEST INTEREST
- LEA WILL ESTABLISH THE MOST APPROPRIATE AND COST-EFFECTIVE TRANSPORTATION DOCUMENTED BY COMPLETION OF THE TRANSPORTATION FORM
- WITHIN TWO (2) DAYS OF LEARNING STUDENT WILL REMAIN IN SCHOOL OF ORIGIN, LEA WILL ADVISE CWA OF TRANSPORTATION PLAN



# Maryland Transportation Plan

The transportation puzzle - Putting the pieces together



# Transportation ideas from North Carolina

 Connecting with existing systems

 Ongoing collaboration – building bridges

Other ideas

### **Connecting with Existing Systems**

- Survey LEAs POCs to guide training needs
- Regional trainings with NC federal programs, monitoring and support
- Regional trainings with NC homeless education program (many MV liaisons and FC POCs serve dual roles)
- Presenting at transportation directors meetings and ongoing collaboration with NC DPI Transportation Director (roundtables)
- State conferences
- Regional trainings with NC early childhood team
- University system, UNC-Greensboro, WCU, UNC-CH
- NC System of Care (SOC)

### Ongoing collaboration – building bridges

- NC DHHS and local DSS agencies (Joint guidance, state data share MOU, ongoing teamwork and support) – team, team, team
- LEA trainings, TA and support (joint)
- University system
- LEA MOUs
- The SERVE Team (Local, state and national knowledge and TA support)



Additional ideas

- Survey LEA POCs to guide ongoing training needs
- Separate line item to designate Title I monies in federal program system for foster care (separate from MV)
- Requiring local MOUs to be uploaded in federal program or other existing system
- State Foster Care Advisory Board
- State Foster Care Leadership Summit
- FAQs

### **Group Time**

# - Guiding questions –

- What is working well with transportation?
- What are the biggest challenges with transportation?
- What is needed to improve transportation for children?
- Other question/needs/concerns?

## Afternoon Break



# Doing More With Less: Funding Services for Students in Foster Care



# Title I, Part A Amendments on Foster Care-- Local Title I Plans

- Within one year of enactment, develop and implement procedures for how transportation to maintain foster youth in their schools of origin, when in their best interest, will be provided, arranged and **funded**, which must:
  - 1. Ensure that foster youth who need transportation to the school of origin promptly receive it in a **cost-effective** manner, and in accordance with the child welfare agency's authority to use child welfare funding available under section 475(4)(A) of Title IV-E of the Social Security Act to provide transportation.



# Title I, Part A Amendments on Foster Care-- Local Title I Plans

- 2. Ensure that if there are **additional costs** incurred in providing transportation to the school of origin, LEAs will provide it **if**:
  - They are **reimbursed** by the child welfare agency;
  - The LEA agrees to pay the costs; or
  - The LEA and the child welfare agency agree to **share the costs**.



# Non-Regulatory Guidance: Transportation

- "We encourage SEAs to include guidelines for how additional costs for transportation will be funded and to establish a mechanism or policy for LEAs to resolve interagency disputes related to transportation costs." (q. 21)
- The Guidance repeats ESSA regarding LEA responsibilities (collaborate with child welfare to develop procedures, paying additional costs under 3 specific conditions). (q. 22)
  - Additional costs are "the difference between what an LEA otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin." (q. 27)



# Non-Regulatory Guidance: Transportation Funding

- "We encourage child welfare agencies to continue to work with the appropriate LEA(s) in exploring the full range of options for providing and **funding** transportation to maintain a child in his or her school of origin." (q. 23)
- "Given the emphasis on shared agency responsibility to ensure educational stability in both the Fostering Connections Act and Title I, the LEA and the local child welfare agency should make every possible effort to reach agreement regarding how transportation should be funded if there are additional costs." (q. 28)



# Non-Regulatory Guidance: Transportation Funding (cont.)

- Allowable funds include: (q. 30)
  - State and local funds typically available for transportation.
  - Child welfare Title IV-E funds (for children eligible for IV-E foster care maintenance payments).
  - Title I funds.
    - But NOT funds from the homeless set-aside.



# Non-Regulatory Guidance: Transportation Disputes

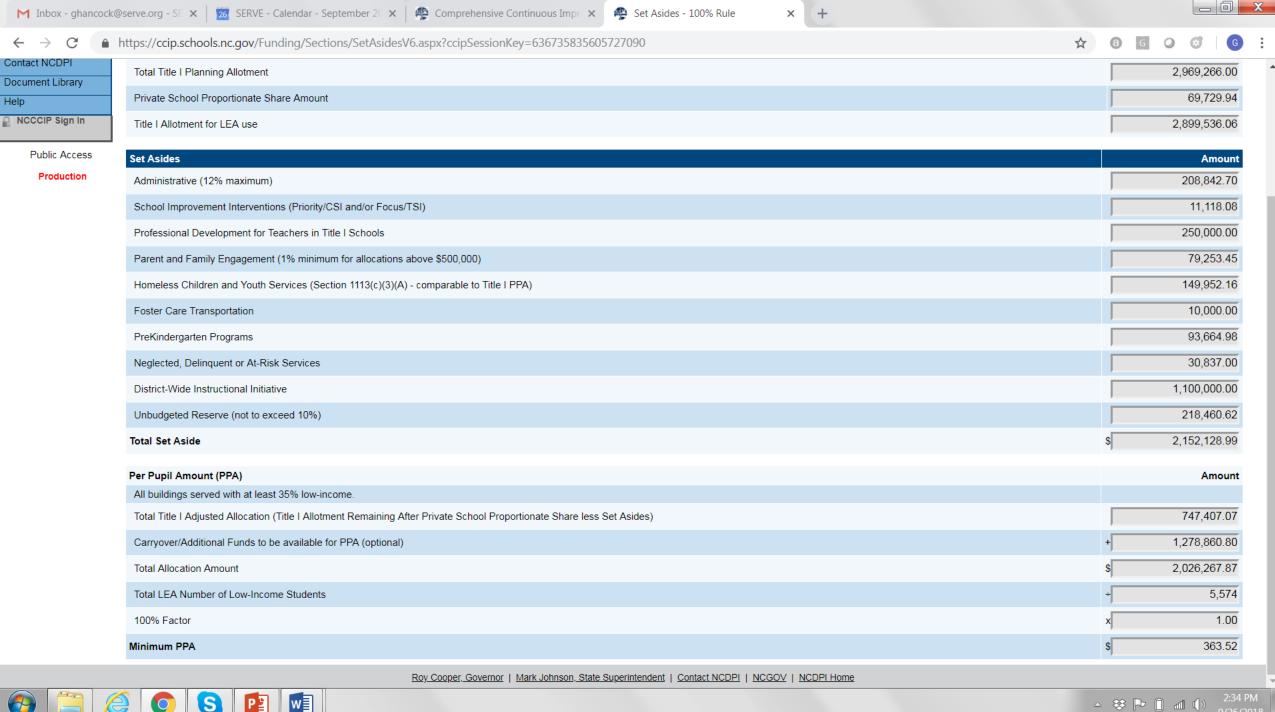
- "We recognize that there may be rare occasions when an LEA and local child welfare agency face difficulties reaching agreement on how to fund any additional costs incurred to provide transportation" (q. 28)
- Transportation procedures should include dispute provisions. (q. 28)
- States are encouraged to develop <u>uniform state</u> <u>dispute processes</u>. (q. 28)
- LEAs must provide transportation while payment disputes are resolved. (q. 32)



## Title I, Part A

- This program provides financial assistance through State educational agencies (SEAs) to local educational agencies (LEAs) and public schools with high numbers or percentages of poor children to help ensure that all children meet challenging State academic content and student academic achievement standards.
- LEAs target the Title I funds they receive to public schools with the highest percentages of children from low-income families.















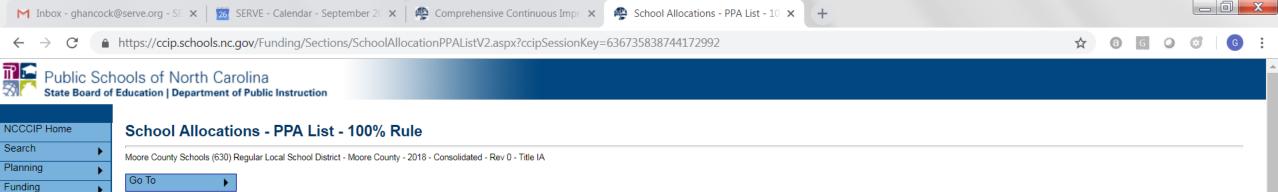












School/

ning
ling
ess Book
act NCDPI
ıment Library
CCCIP Sign In
Public Access
Production

Minimum Per Pupil Amount (PPA) \$

Low Income

Organization code	Attendance Area	LOW IIICOINE		WIII. Alloc	Actual Allocation	
		%	#		PPA	Total Amt
	A	В	С	D PPA x C	Е	F ExC
630320	Elise Middle	89.76	184	66,887.68	985.50	181,332.00
630308	Aberdeen Elementary	85.05	256	93,061.12	975.00	249,600.00
630348	Robbins Elementary	80.65	400	145,408.00	965.00	386,000.00
630304	Aberdeen Primary	75.61	248	90,152.96	790.00	195,920.00
630350	Southern Middle	61.60	401	145,771.52	775.00	310,775.00
630316	Carthage Elementary	60.53	230	83,609.60	450.00	103,500.00
630312	Cameron Elementary	60.15	157	57,072.64	450.00	70,650.00
630356	Southern Pines Elementary	54.91	207	75,248.64	450.00	93,150.00
630376	Westmoore Elementary	53.97	163	59,253.76	450.00	73,350.00
630352	Southern Pines Primary	52.33	191	69,432.32	450.00	85,950.00
630364	Vass-Lakeview Elementary	51.92	352	127,959.04	450.00	158,400.00
630328	Highfalls Elementary	39.61	101	36,715.52	425.00	42,925.00
630368	West End Elementary	38.88	187	67,978.24	400.00	74,800.00
		Total Low Income	3077		Total Allocations	2,026,352.00











School/Attendance Area Allocation

**Organization Code** 









Min. Alloc

363.52

**Actual Allocation** 

### Title IV-E (Non-Regulatory Guidance)

• Section 475(4)(A) of the Social Security Act defines "foster care maintenance payments," which includes the cost of reasonable travel for children in foster care to their school of origin. As such, that means if a child is receiving a Title IV-E foster care maintenance payment, the Title IV-E agency is permitted to include the reasonable costs of transportation for that eligible child.



## Individuals w/Disabilities Act (IDEA)

• Specific to children and youth who have transportation written into their Individualized Education Program (IEPs) because of legitimate special education needs.



#### State and Local Funds Available





# Challenges/Barriers, Creative Solutions....What do we need?





## Government Accountability Office



Greetings and Announcements

– Day 2



Scenario Sessions & Conversations with GAO



#### **DANIELLE**

Almost a year ago, 13-year-old Danielle was placed in a different county due to her therapeutic needs. She just had a step down in her level of care and was placed in a group home near the original placement but in a different school district. The new group home said a change in school was necessary since they cannot provide transportation to the school of origin, so the local school enrolled Danielle.

- How would you determine what school is in Danielle's best interest to attend?
- How would you address transportation?
- What else do you need to consider?

#### **EVAN**

Evan, a 17 year old senior, is placed in a different foster home than his three siblings. He's scheduled to graduate on time at the end of the current school year. His foster parent lives in a different school district and can transport him to the school of origin where he's attended since 9<sup>th</sup> grade, but she cannot pick him up right after school. There are no after school activities he can participate in until she can pick him up. The foster parent's residence is directly across the street from a school bus stop in the local school district.

- How would you determine what school is in Evan's best interest to attend?
- How would you address transportation?
- What else do you need to consider?

#### **JOHN**

John's foster parent worked in the preschool he's attended all year. Prior to coming into foster care, John had not attended a preschool program, but he is enjoying the school and thriving there. Last week, John was moved to a new foster home in another school district that does not have a public preschool program in his attendance zone. The preschool of origin is about 12 miles away.

- How would you determine where John should attend school?
- How would you address transportation?
- What else do you need to consider?

#### MORNING BREAK



# When the Answer Isn't Clear: Effective Practices for Dispute Resolution

Jan Moore, SERVE Center at UNCG National Foster Care Summit, Greensboro, NC October 2-3, 2018



- Train local staff to ensure they
  - Implement ESSA school stability provisions
  - Understand who to involve in their own & the counterpart agency
  - Communicate in person to diffuse disagreements before they reach the level of a formal dispute
  - Know that only additional costs of school of origin transportation can be disputed

#### **Best Interest Considerations**

- Preferences of child & parent or education decision maker
- Child's attachment to school, including meaningful relationships with staff & peers
- Placement of sibling(s)
- Influence of school climate, including safety
- Availability & quality of school services to meet educational & socioemotional needs



- History of school transfers & how they have impacted the child
- How length of commute would impact child
- For students with disabilities, the availability of required services in the local school
- For EL students, the availability of required services in the local school
- Transportation costs should NOT be considered



- Work with counterparts to establish how all parties can participate
- Could use a checklist to guide the school selection discussion
- Can be incorporated into previously established meeting or occur during a separate meeting
- SEAs & LEAs should provide written determination to all parties



- IEP team makes decision, as it does for students NOT in foster care
  - Should include local education & CW Points of Contact or representatives
- If the IEP team cannot agree, the parent or surrogate parent can go through the usual IEP dispute resolution process

#### **Disagreement About Best Interest**

- CWA is the final decision maker (unless state law or policy dictates otherwise) because the CWA can
  - Assess non-educational factors such as safety, sibling placements, & permanency goal
  - Get information from multiple parties

#### **State Dispute Resolution Process**

- No process fits every state
- State agencies can
  - Create their own methods to resolve disputes
  - Set a default cost split when there is a disagreement over transportation costs

#### **Local Dispute Resolution Process**

- Collaborate to develop local process that
  - Clearly explains how to orderly address disagreements about school placement
  - Is fair to all parties
  - Reaches decision expeditiously
  - Ensures written explanation of decision will be provided to all involved parties

#### Disagreements at BID mtgs

- If agencies disagree on best interest determination, they should follow the local dispute resolution process
- If there is still a disagreement, local CWA makes final decision on best interest
- To the extent feasible & appropriate, while awaiting best interest dispute resolution a child must remain in the school of origin

#### **Transportation Disputes**

- State agencies should jointly create state dispute resolution process including procedures to resolve interagency disputes related to
  - Best interest determination
  - Additional cost of transportation

#### **Table Discussions**

- 1. How did your state collaborate to create a dispute resolution process? How has the process been effective? What would you like to change?
- 2. What have been the biggest challenges regarding disputes or disagreements? How have you addressed those? What issues and role groups are usually involved?
- 3. Who or what has been valuable in resolving disputes?
- 4. What has been helpful to avoid disputes?

Scenario Sessions & Conversations with GAO



#### **COLLEEN**

The PPAT decided 13-year-old Colleen must make a placement change. She currently attends a magnet school for arts. The potential foster parent (Colleen's 10<sup>th</sup> placement to date) is unwilling to ensure she can attend all the afterschool extracurricular activities considered vital to her education. However, the foster parent can transport her to and from school during the designated school hours. In order for Colleen to participate in the extracurricular activities she could ride a city bus home from school. However, the closest bus stop to the foster home is a half mile away.

- How would you determine what school is in Colleen's best interest to attend?
- How would you address transportation?
- What else do you need to consider?

#### **DANNY**

DHHS just took custody of 8-year-old Danny. He attended kindergarten at Webber Elementary (Bass School District) and repeated at Paradise Elementary (Trout School District). He is in 1<sup>st</sup> grade this year at Holmes Elementary (Bass School District) and has 17 absences so far. Danny was just placed in a foster home 15 miles from Holmes Elementary, across the school district line. The Holmes staff does not know him well, but they are sympathetic to Danny's situation. Foster parents are retired and do not have demanding schedules, but they are not potential long term placements (if reunification is unsuccessful). Danny was just diagnosed with ADHD.

- How would you determine what school is in Danny's best interest to attend?
- How would you address transportation?
- What else do you need to consider?

#### **VICTORIA**

Sixteen year old Victoria's current foster parents are moving. The potential new placement is in another county, about 15 miles away. She attends high school with friends she has known since middle school. Her grades are good, and she is involved in many different activities and clubs at the current school. The potential foster/possible adoptive parents can only assist with transportation to the school of origin on a sporadic basis because of work schedules.

- How would you determine what school is in Victoria's best interest to attend?
- How would you address transportation?
- What else do you need to consider?

# LUNCH





# Why Monitor

- Ensures program growth
- Required to conduct regular monitoring and oversight
- Guarantees appropriate implementation of education stability provisions at the local level

• 2 C.F.R. §§ 200.331(d), 200.328(a); 34 C.F.R. § 76.770

## What to monitor

- A child in foster care remains in the school of origin if it's in the child's best interest;
- When in the student's best interest, the child is immediately enrolled in the new school even without records normally required for enrollment; and
- The new school immediately contacts the school of origin to obtain relevant academic and other records

## What to Monitor

Local transportation procedures and policies

Local dispute policies and procedures

Compliance with state policies

## What Sets the Program Apart

 Shared responsibility between the school districts and the CWAs for the educational stability of students

Need for collaboration with multiple partner agencies

## Discussion

 Who might you collaborate with to enhance staff capacity in order to meet this requirement?

 What are the pros and cons to collaborating with each of the potential partners/programs?

# Evaluating Outcomes

- Is what you're doing working?
  - How do you know it's working?
- How would other staff answer the same questions?
- In which areas are you struggling?
  - Why isn't it working?
- In which areas are you excelling?
  - Why is it working?
  - How can we replicate that?

## Did Services...

- Result in higher parent involvement?
- Result in higher student achievement?
- Result in better attendance?
- Result in fewer office referrals?
- Result in better graduation rates?
- Result in fewer disputes?
- Result in fewer disagreements with other districts or agencies?
- Meet a statutory or district requirement not otherwise listed?

# Structuring Monitoring

- Activities should focus on helping schools improve, not gotcha activities
- Inform districts in advance of when they will be monitored, what to expect during and after monitoring
  - What type of evidence you'll accept
- In person vs. desk monitoring
- Assess risk: more risk, more questions

# Activity time!

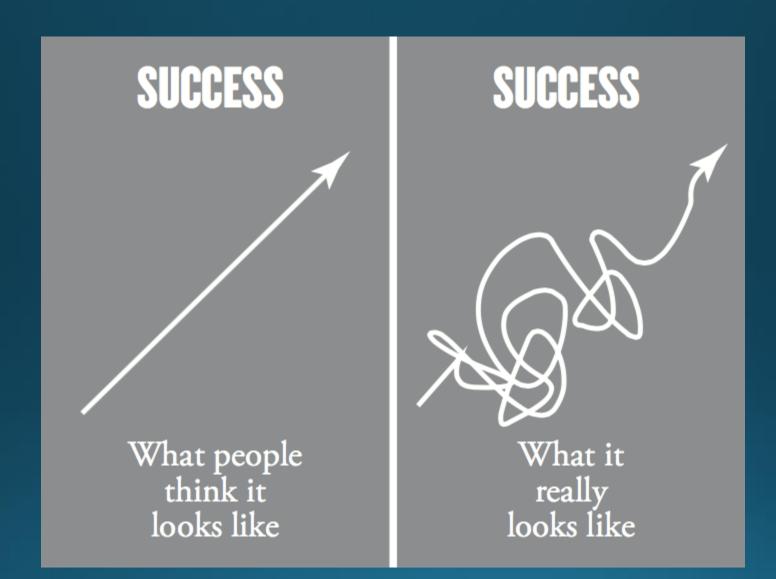
- Half of the room will spend time working on risk factors for monitoring
  - Criteria for assessing risk and assigning districts to risk tiers
  - Criteria for assessing risk and assigning CWAs to risk tiers
- Half of the room will spend time developing a protocol that can be used for monitoring school districts and CWAs

Make sure you record your discussion!

## Areas for Consideration

- Awareness
- Policy & procedure
- Disputes
- Identification
- Enrollment
- School selection

- Access to services
- Transportation
- School Success
- Collaboration
- Resources, capacity, & compliance



## Afternoon Break



Scenario Sessions & Conversations with GAO



#### JIM

Jim, an intellectually and developmentally delayed 15 year old, attended a district-wide special needs school (where he received occupational, mental health, and speech therapy) in the Shoreline School District since the age of 8 until last week when his family moved into the Gateway School District. Since Gateway has no comparable school, Jim will be enrolled in a traditional school in a self-contained classroom. During the CFT today, the team decided he will be taken into CWA custody. His grandmother (who lives in the Gateway School District, 15 minutes away from Jim's prior special-needs school) is a potential placement, but she will have difficulty taking him to appointments. Jim can get on and off the bus on his own and walk 5-10 minutes independently.

- How would you determine what school Jim should attend?
- How would you address the special education issues?
- What else do you need to consider?

#### MICAH AND DAMIEN

When 17-year-old Micah & his 9-year-old brother, Damien, came into CWA custody, there was no time to hold a CFT. Both were placed in a group home. Micah is a senior & has always attended East High School. He wants to graduate from East, but has had several disciplinary issues. The principal does not support keeping Micah at East. Damien is diagnosed ADHD, ODD, & PTSD. He has several services in place at his school, including mental health therapy. His school is supportive & wants him to stay there, but he is happy to go to new school. Both schools are 20 miles from the group home.

- How would you determine what school is in Micah's and Damien's best interest to attend? (Remember these are student-centered decisions; you must evaluate each student's situation individually.)
- How would you evaluate disciplinary & special education issues?
- How would you address transportation?
- What else do you need to consider?



Next Steps....

- National Meetings
- Webinars
- Regional Meetings
- Conference Calls
- Briefs
- Profiles
- Other Resources

### **COMBINED FEDERAL PROGRAMS MEETING**

#### U.S. DEPARTMENT OF EDUCATION'S OFFICE OF STATE SUPPORT

MEETING THEME	Improving Student Achievement through Analysis, Evaluation, and Accountability
SESSIONS	Sessions will explore topics related to Title I, Title II, <u>foster care</u> , school improvement, assessment, and special education topics.  Attendees will also have the opportunity to network and share resources with colleagues from across the country.  (Additional information, including a draft agenda, available on the conference website)
DATES	December 6–7, 2018 9 AM–5 PM ET (12/6)   8:30 AM–3 PM ET (12/7)
LOCATION	Renaissance Downtown 999 9 <sup>th</sup> Street, NW Washington, DC 20001
ADDITIONAL INFORMATION	Conference Website: <a href="https://apps1.seiservices.com/cfpm2018/">https://apps1.seiservices.com/cfpm2018/</a> Contact Bryan: <a href="mailto:bryan.thurmond@ed.gov">bryan.thurmond@ed.gov</a> or your Office of State Support (OSS) State Program Officer



### REQUEST TECHNICAL ASSISTANCE

### U.S. Department of Education, Office of State Support (OSS)

- Contact your OSS Program Officer
  - OSS.StateName@ed.gov (i.e., <u>OSS.NorthCarolina@ed.gov</u>)
  - https://www2.ed.gov/about/offices/list/oese/oss/contacts.html
- Foster Care Resources:
   <a href="https://www2.ed.gov/policy/elsec/leg/essa/index.html">https://www2.ed.gov/policy/elsec/leg/essa/index.html</a>



#### **State Support Network**

- Contact Aaron Butler (<u>abutler@air.org</u>)
- Network Website: <a href="https://statesupportnetwork.ed.gov/">https://statesupportnetwork.ed.gov/</a>





SAFE TRAVELS!!!