

# School Stability for Students in Out of Home Care

## A Court Reference Guide for Tennessee Child and Parent Attorneys, Multidisciplinary Professionals, Court Staff and Volunteers

*On average, youth in foster care switch schools three times in high school alone. A third of youth change high schools at least five times (Clemens, et al., 2015). The consequences of instability for young people are significant. It has been documented that youth in care are more likely to have low school engagement, and when these youth experience numerous school changes, they are less likely to develop supportive relationships (Tilbury, et al., 2014).*

### THE LAW

20 U.S.C. § 6301 et seq.; 42 U.S.C. § 675; 42 U.S.C. § 675; T.C.A. § 49-6-3901; DCS Admin Policies and Procedures 21.14.

**The Fostering Connections to Success and Increasing Adoptions Act of 2008** (Fostering Connections; 42 U.S.C. § 675) requires that DCS (and all child welfare agencies) keep the child in the same school any time the child's placement changes, unless school stability is not in the child's best interest. To meet the requirements of Fostering Connections, DCS must develop a plan to ensure the educational stability for children in foster care.

**The Every Student Succeeds Act** (ESSA; 20 U.S.C. § 6301 et seq.) mirrors Fostering Connections' educational stability provisions. ESSA *requires designation of a state point of contact to coordinate with child welfare agencies.* 20 U.S.C. § 6311(g)(1)(E)(iv).

**Tennessee statute requires each LEA to designate a foster care liaison to facilitate school system** compliance with state & federal laws related to students in foster care and to collaborate with DCS to address educational barriers for students in care. (TCA § 49-6-3901).

**DCS Policy 21.14** describes the requirements related to educational stability under the above identified federal laws.

### Rationale:

School is a source of stability and a place for academic and social development for youth in care. If a child must be removed/disrupted, our systems must consider the impact on the youth's education and what efforts can be made to keep the child in the same school, if possible.

### WHAT TO CONSIDER

#### **Has the youth recently moved into a new school zone?**

#### **If yes,**

- Was a Best Interest Determination meeting held in/with the school of origin to discuss whether or not it is in the youth's best interest to remain in their school of origin?
- Did the meeting include youth, DCS FSW/JSW, education rights holder, caregiver, and foster care points of contact/liaisons from the prior and new school districts?

#### **If no,**

- Ask or recommend that the court order DCS to ask the school of origin to convene a Best Interest Determination Meeting to discuss whether it is in the youth's best interests to remain in their school of origin with the appropriate parties listed above. DCS makes the final school placement decision, but there is a process for reconsideration/ appeal (varies by district).
- Has the youth been allowed to remain in their school of origin pending the best interest determination? **If no**, consider asking/recommending that the court order the youth be re-enrolled in their school of origin. The court may opt to set a date to review educational stability.
- If the youth is (or should be) attending their school of origin, ask: Does the youth need transportation to their school of origin? **If yes**, consider asking/recommending the court order DCS to meet with the school to develop a transportation plan, according to DCS Policy 21.14. Typically, DCS supports transportation costs initially, and after ten days, the local school system assumes costs. The agencies can opt to set up a transportation provider or reimburse caregivers for transportation. The court can schedule a hearing to confirm that a transportation plan for youth has been developed/implemented.
- Was the best interest determination enrollment in the new school zone? **If yes**, then enrollment in the new school must take place as soon as possible and the Education Passport presented to the new school should include the date and outcome of the BID Meeting. **The new school cannot delay enrollment due to missing paperwork per ESSA.**
- Was the student enrolled promptly? **If no**, consider recommending/requesting an order requiring DCS to immediately enroll student in the same/equivalent classes/grade as they were enrolled in at their old school. For youth with disabilities, consider requesting that DCS set an IEP/504 meeting to address the youth's ongoing needs. *\*See Special Education Reference Guide.*