

Educational Support for Systems Involved Youth

- Risks
 - The Promise of School
 - Special Education and Supports
 - Discipline
- School Stability for Students in Foster Care

Poll

What do you think is the most challenging issue affecting the lives of court involved youth at school?

- Lack of..
 - a) Academic Support
 - b) Access to Extracurricular Activities
 - c) School Stability
 - d) Connection to Caring Adults at School
 - e) School Disciplinary Practices



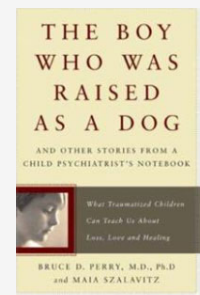
RISK

- Impaired Cognitive Ability and Academic Achievement
- Diminished Language Development
- Memory Difficulties
- Increased Likelihood for Mental Health Diagnoses
- Poor Social Skills

<https://developingchild.harvard.edu/guide/a-guide-to-toxic-stress>

IMPACTS IN SCHOOL, HOME, AND COMMUNITY

- Sleep disturbances (causing poor concentration)
- Need for control (causing conflict with teachers and other students)
- Attachment difficulties (making attachment to school problematic)
- Poor relationships (making school an unpleasant experience, destabilizing at school and home)
- Problem behavior



Bartlett & Rushovich, 2018; Forkey et al., 2016; Felliti et al., 1998; McLaughlin, 2012;

<https://developingchild.harvard.edu/guide/a-guide-to-toxic-stress/>

Risk Prior to Care

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Risk for Students in Foster Care: Adversity and Placement Instability

- School Achievement: Placement changes have a greater negative effect on academic growth than school moves do, even when school curriculum differs.

But the consequences on achievement are most significant when these disruptions co-occur.

- Placement disruption: Average loss of 2.5 percentile points in reading
- Co-occurring placement and school disruption: 3.7 per. points in reading

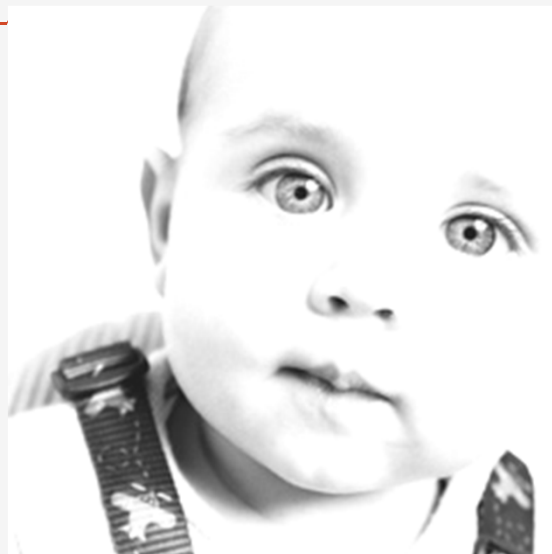
Risk for Students in Foster Care: Adversity and Placement Instability

Stability of placement matters:

- If a child stays in a foster placement at least four and a half months, they will make up this loss in percentile point loss to placement move (2.5). If the child can avoid a school move with the placement disruption, the damage to achievement can be minimized (Clemmons, Klopfenstein, Lalonde and Tis, 2018).

The good news:

Prevention and/or intervention can ameliorate risks and lead to better brain and behavior developmental outcomes



Decreasing Risk through School Engagement and Connection

“Stronger school attachments, such as improved teacher-student interactions and participation in school-sponsored activities, not only decrease the likelihood of delinquency, but also lead to greater commitment to school-based goals.” Hoffman et al., 2016

Student Connection



Intervention

- Special Education and Support for eligible students with disabilities.
- Stability:
- **Disciplinary Protections** for students with disability and
- **School Stability** under ESSA.

Foster Care and Special Education

Children and youth in foster care are **2.5 to 3.5 times** more likely to receive special education services than their peers.

Burley & Helpern, 2001; Castrechini, 2009; Smithgall et al., 2004.



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Special Education: Section 504 & IDEA

Section 504

- Civil rights law that prohibits discrimination on the basis of disability in programs that receive federal funding
- Eligibility: Physical or mental impairment that substantially limits a major life activity (concentrating, thinking, speaking, etc.).

IDEA:

- Education act that provides federal financial assistance to state educational agencies that opt into federal special education requirements as identified under the statute.
- Eligibility (part B): Children ages 3 to 22 birthday (or graduation, whichever comes first) who are determined to be eligible within one or more of 13 specific disability categories AND who need special education and related services.

Individuals with Disabilities Education Act

- The Individuals with Disabilities Education Improvement Act, or IDEA, is a federal special education law and grant program. It gives rights and protections to individuals with disability or delay from birth through high school graduation through the year the young adult turns 22 (whichever happens first).



Screening and Evaluation Across Childhood

- **Birth-3:**
 - Screening for disability required. DCS Admin Pol and Proc. 14.7 provides that DCS will refer to the Tennessee Early Intervention Services (TEIS) for substantiated cases involving children ages three (3) and under.
 - Services for babies and toddlers with disability.

Preschool, 3-5

- Services for children with disability

School Age

- Special Education or Disability Related Accommodations



Eligibility Categories Under IDEA

Autism

Deaf-blindness

Deafness

Emotional disturbance (ED)

Hearing impairment

Intellectual disability

Multiple disabilities

Orthopedic impairment

Other health impairment

Specific learning disability

Speech or language impairment

Traumatic brain injury

Visual impairment (including

blindness).

The Individuals With Disabilities Education Act- Part B

Key Components

- Identification and Evaluation through Child Find
- Individualized Education Program (IEP)
- Free Appropriate Public Education (FAPE)
- Education in the Least Restrictive Environment (LRE)
- Parent and Teacher Participation
- Procedural Safeguards

Parental Consent for Evaluation / Surrogate Parent (Foster Care)

- In general, birth parents keep educational decision making rights, unless a court has terminated parental rights, parents cannot be located, or the parents do not wish to be involved in the educational decision making. A grandparent or other family caregiver that lives with the child can also serve as parent, if the birth parent can't.
- The surrogate parent mandate applies to children eligible for special education / early intervention services and those who need an evaluation to determine eligibility.
- The surrogate can be appointed by the schools, when the child is in full guardianship, or through juvenile court.

Parental Consent for Evaluation / Surrogate Parent (Foster Care)

300.519 Surrogate parents.

(a) General. Each public agency must ensure that the rights of a child are protected when—

(1) No parent (as defined in §300.30) can be identified;

(2) The public agency, after reasonable efforts, cannot locate a parent;

(3) The child is a ward of the State under the laws of that State; or

(4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

Parental Consent for Evaluation / Surrogate Parent

IDEA Sec. 300.519 Surrogate parents

In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section.

(d) Criteria for selection of surrogate parents.

(1) The public agency may select a surrogate parent in any way permitted under State law.

(2) Public agencies must ensure that a person selected as a surrogate parent—

(i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;

(ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and

(iii) Has knowledge and skills that ensure adequate representation of the child.

Evaluation

- Evaluation should occur within 60 calendar days of receiving parental consent 34 C.F.R. 300.301(c)(1)(i)
- Every area of suspected disability.
- Different eligibility categories under the IDEA require different criteria. Intellectual functioning and academic functioning are common.
- Question for eligibility:
 - Does the child have a disability that meets the eligibility criteria in Tennessee?

Eligibility

- Team decides if the child is eligible.
 - Team includes parent and child, if parent agrees.
 - Also includes: Regular educator, special educator, School psychologist, Local Education Agency Chair, and Others with specialized knowledge of the child.
- Parent can request an Independent Educational Evaluation at public expense if parent disagrees with school's evaluation. LEA Chair can ask why.
- Parent must consent for services.

Discipline

- One large study indicated children with foster care experience are 6 times more likely to demonstrate problem behavior (Turney & Wilderman, 2016).

Suspension and Expulsion- Generally and for SWD

- All students have rights when they are disciplined.
 - Suspended for more than 10 days at a time or expelled- TN Statute provides a right to appeal within 5 days after receipt of notice. TCA 49-6-3401
- However, students with disabilities have extra rights.
 - Students with disabilities identified under IDEA or 504- or suspected of having disability, have the right to a formal review of their behavior before long-term suspensions or expulsions.

Manifestation Determination Review

- For some students with disabilities, problem behavior may be caused by their disability.
- Students cannot be subject to long term suspension or expulsion for behavior that is caused by their disability.

Manifestation Determination Review

- **A manifestation determination** is a meeting in which parents of a student with an IEP or 504 Plan and school staff review relevant information about the child and answer two questions:
 1. Was the behavior caused by, or have a direct and substantial relationship to the child's disability?
 2. Was the behavior the direct result of the school's failure to implement the child's IEP?
- If the answer is "yes" **to either** of the above questions, then the behavior is determined to be a manifestation of the child's disability.

Manifestation Determination Review

- If team consensus is the behavior was a **Manifestation:**
 - Suspension over ten days or expulsion revoked.
 - No change of placement unless parent and school agree
 - IEP team must create an FBA/ BIP to support child.
- If team says No Manifestation:
 - Student may be disciplined
 - Must receive educational services
 - May receive behavior support, as appropriate.

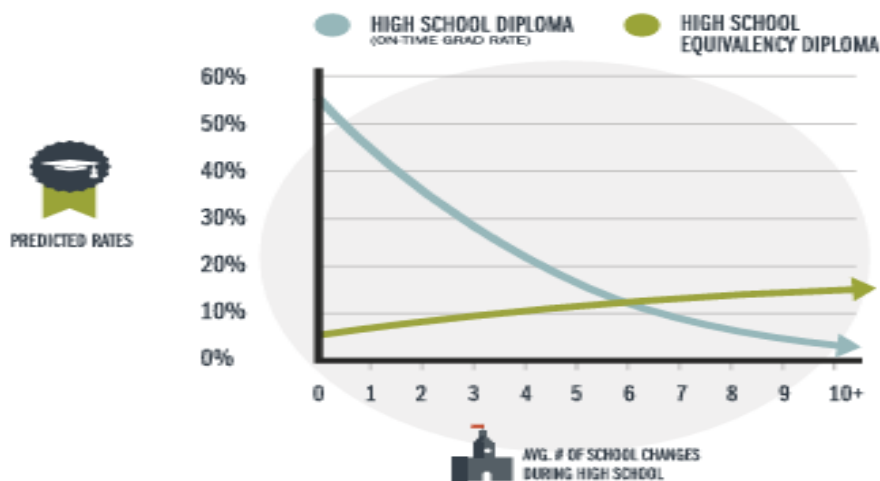
Manifestation Determination Review

- Section 504: An evaluation is required prior to an educational change of placement.
- The point is antidiscrimination, and the US DOE has said that the MDR meets the requirements of 504.

Special Circumstances

- School staff may place a student in an alternative education setting for up to 45 school days, even if the behavior is a manifestation of the disability, if the behavior was related to:
- Possession of a dangerous weapon at school or during a school event-
- Possession, use, or sale of an illicit drug or controlled substance
- Serious bodily injury to others.

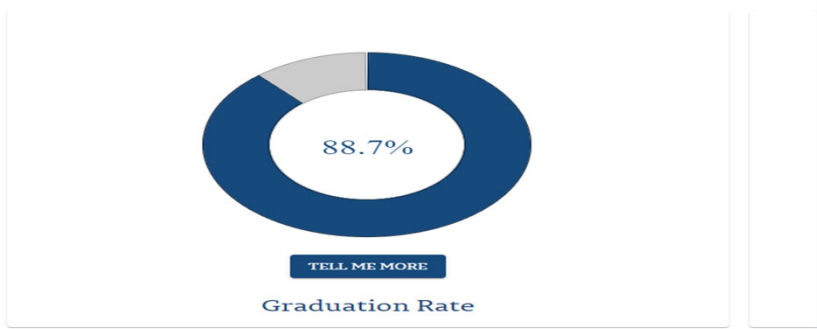
School Stability and Students in DCS Custody



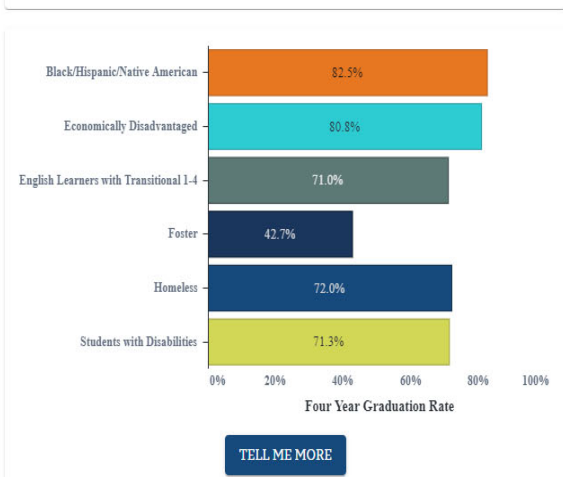
Why this Matters

ESSA also requires school systems to report on student outcomes overall and by subgroup.

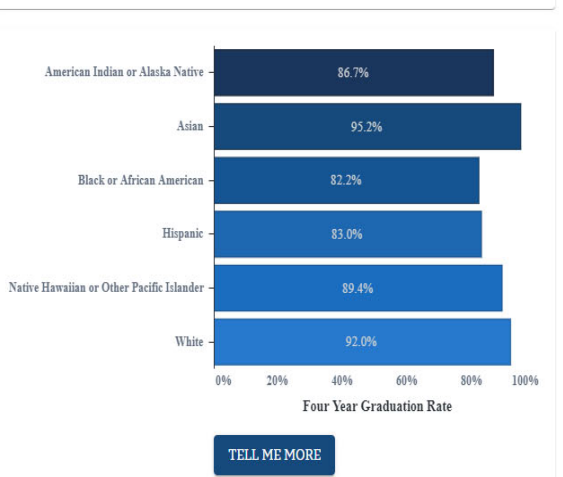
This is our overall statewide graduation rate for 2021-2022:



Graduation Data from the Tennessee Report Card



Graduation Rate by Student Group



Graduation Rate by Racial/Ethnic Group

The Every Student Succeeds Act

Students in out of home care are entitled to school stability when it is in their best interest

What is in the child's best interest with regard to school enrollment when the child has moved into a new school zone while in foster care?



School Stability under ESSA

Best Interest Determination: The decision that a team makes about school changes for students in foster care. The decision must be based on the student's best interest and not transportation costs.

The Every Student Achieves Act (ESSA): ESSA is a federal education law that governs public education policy nationwide. It includes provisions related to school stability for students in foster care.

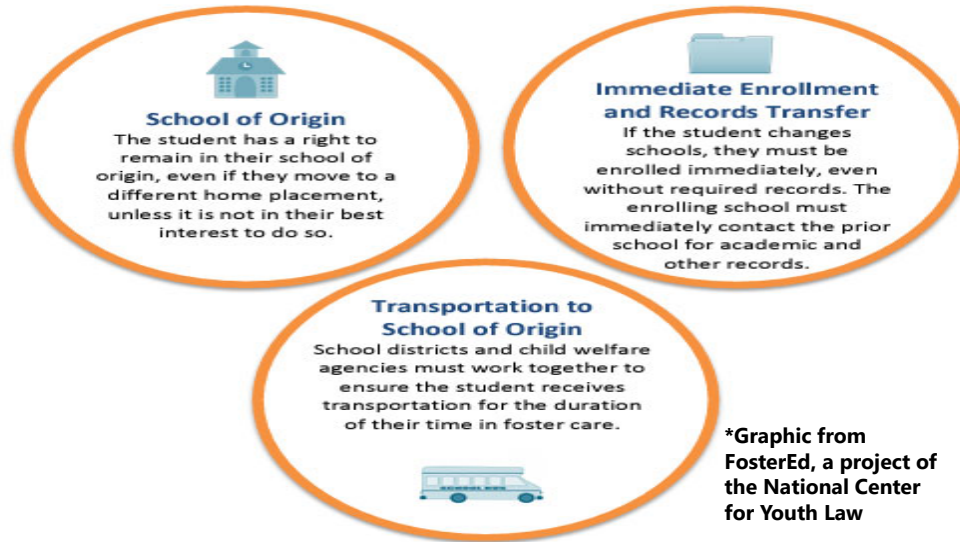
School of Origin: The school the student attended before coming into foster care or the last school the student attended in foster care, prior to a home placement move.

School of Zone: The school the student is zoned for based on his or her current home address.

School Stability: Access to the same school that the student has attended before a home placement move while in foster care.



ESSA Requirement- Best Interest Determination

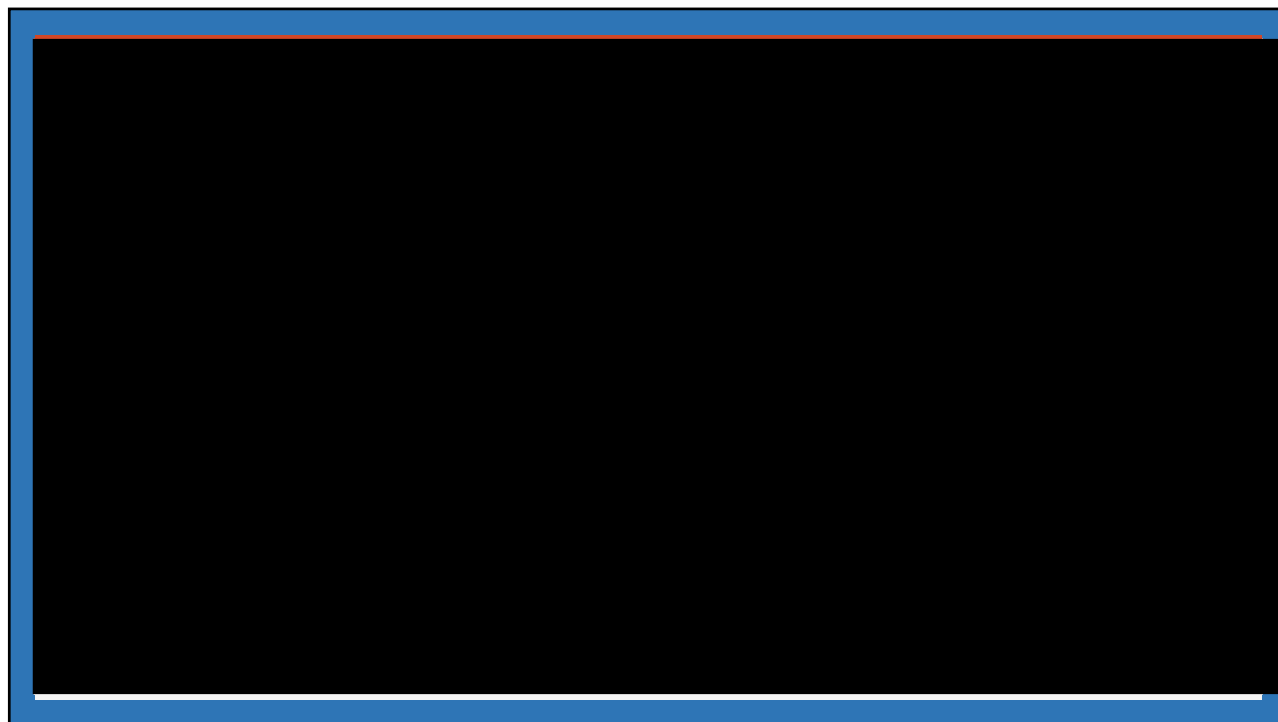


School Stability under ESSA- Application

ESSA's school stability provisions apply to students who live in:

- Foster homes,
- Group homes,
- Emergency shelters,
- Residential facilities,
- Child care institutions,
- Pre-adoptive homes.

The school stability provisions in ESSA also apply to youth in care stepping down from facilities. Additionally, if a public school system provides pre-school services for children ages 3-5, the school stability provisions apply to enrolled pre-school students in foster care.



**Any Questions – Please
Contact:**

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**Education Reference Guides
Special Education, Discipline, School Stability**

Education Manual