

Texas Foster Care & Education Local Collaboration Survey Summary

- From November 2016-January 2017, a statewide survey was distributed to the following groups:
 - Judges hearing child welfare cases;
 - Attorneys representing children and parents;
 - Employees of the Department of Family and Protective Services;
 - Employees or volunteers of CASA;
 - Employees of a Child Placing Agency;
 - Employees or volunteers of a government agency or nonprofit;
 - Employees of a school district;
 - Employees of an Education Service Center; and
 - Foster parents or caregivers.
- The survey yielded 549 respondents, including stakeholders from every region in Texas.
- There are several laws, policies, and procedures in place to promote school stability and educational success for children and youth in foster care. The survey was designed to capture how these laws are interpreted and implemented at the local level. While there are many strengths and best practices to build on, the survey also revealed areas for improvement.
- Four distinct tools were developed to address key themes from the survey responses. Each tool has a different focus: educators, child welfare staff, caregivers, and legal stakeholders.
- Please share the themes and responses at regional education consortiums and other cross-system meetings and trainings. Also consider using the survey results to spark conversation within your community or organization.
- The complete survey results are available on the Children's Commission website at: <http://texaschildrenscommission.gov/media/83694/edu-statewide-survey-results-final.pdf>.
- The views expressed herein are those of the individual respondents to the survey, and accordingly these views should not be construed as an advisory or ruling on specific cases or legal issues by the Supreme Court of Texas. The survey respondents' information has been edited for typographic errors and to remove personally identifiable information only.

Special thanks to the University of Texas at Austin Texas Institute for Child & Family Wellbeing for creating and distributing the survey in collaboration with the Children's Commission Foster Care and Education Local Collaboration Workgroup members.

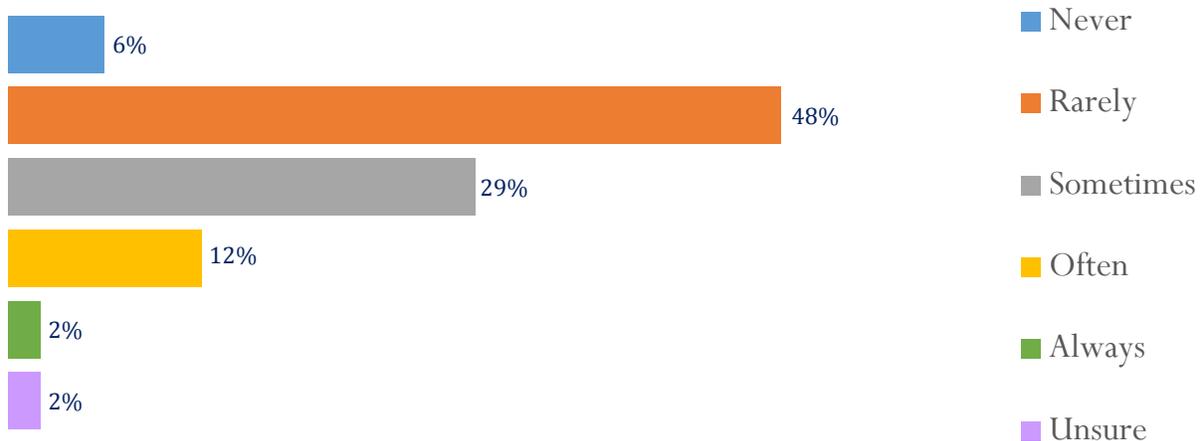
In 2017, a statewide survey of stakeholders across the child welfare, court, and education systems revealed the following responses.

FOSTER CARE LIAISON AND ESC CHAMPION

44% of liaisons (n=48 of 110 liaisons) surveyed indicated that their district has special enrollment procedures for students in foster care.

- A school district must immediately enroll a student in foster care without the documentation typically required; DFPS has 30 days to provide that documentation. *Texas Education Code §25.002.*
 - A student in foster care can be admitted if the required immunizations are begun and the student continues to receive the immunizations as rapidly as medically feasible. *Texas Education Code §38.001.*
 - Procedures should be in place, and school staff should be trained, to ensure the student’s foster care status is accurately recorded every year in PEIMS. *Texas Education Code §7.029.*
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All survey respondents (n=403) were asked, “How often do you think students in foster care remain in the same school, even when placed in foster care?”

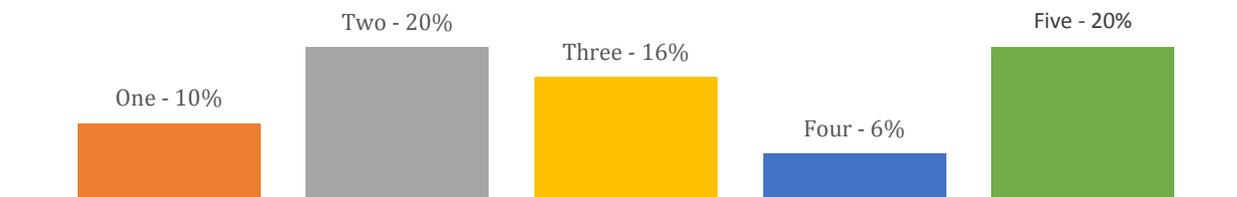


- Students in foster care can remain in the same school, sometimes referred to as the school of origin, after being placed in foster care, after changing placements while in foster care, and after exiting foster care, through the highest grade offered at the school, without payment of tuition. *Texas Education Code §25.001.*
- If remaining in the school of origin is not in the child’s best interest, the child welfare and education agency must work together to ensure immediate enrollment and prompt records transfer to a new school. *42 U.S.C. §675, 20 U.S.C. §6301 et seq.*

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School district liaisons (n=110) were asked, “Other than foster care liaison, how many additional coordinator positions do you have at the LEA (e.g. McKinney Vento, 504)?”



Note: Among respondents, 18% performed no additional roles and 9% were unsure. District size was not included in the question.

- Every school district and open enrollment charter school must designate a foster care liaison to facilitate enrollment, records transfer, and withdrawal. *Texas Education Code § 33.904*. LEAs report designation of the foster care liaisons in the AskTED system.
- Although liaisons fulfill an important role in facilitating transition support for students in foster care, this position will be most effective when done in coordination with PEIMS coordinators, administrators, counselors, registrars, and other LEA and campus staff.

45% of ESC champions (n=11) surveyed responded that there is a medium - high need for further guidance on parental engagement-coordination with caregivers.

- Whether a student lives with biological parents, relatives, foster parents, or in another residential setting, engagement with caregivers is key to student success.
- Foster parents and relative caregivers should be included in any existing LEA parental involvement efforts, including parent-teacher conferences and school activities. *See Texas Education Code §25.007*.
- Coordination is also required with the Education Decision Maker and IDEA Parent (for students receiving special education services). *Texas Education Code §§29.015, 29.0151, Texas Family Code §263.004*.

Additional Resources

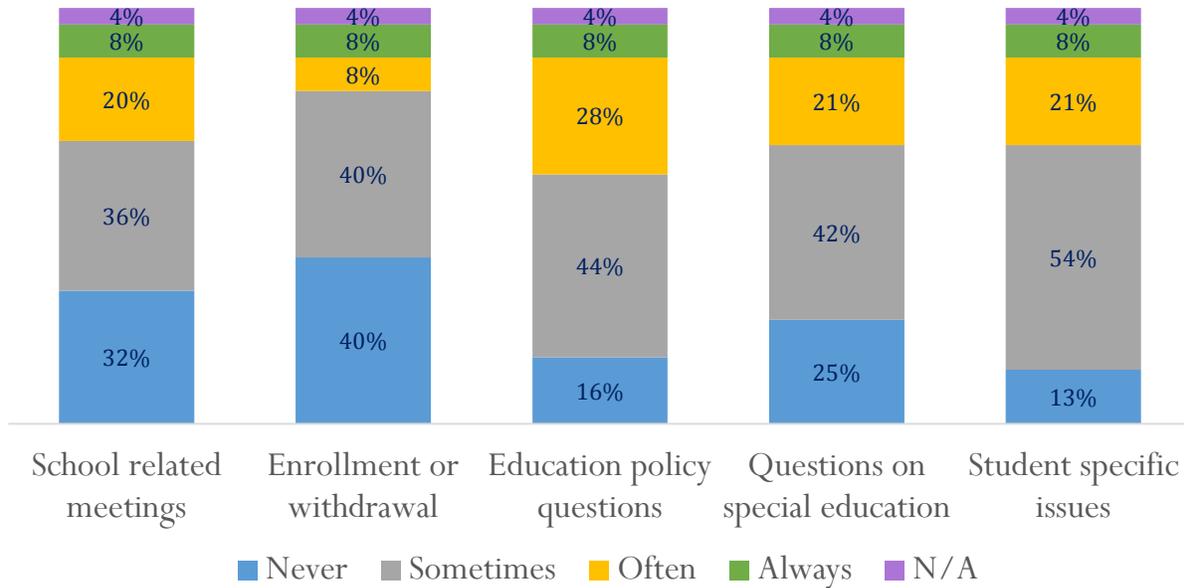
- Every Student Succeeds Act Foster Care, Preliminary Implementation Q & A
http://tea.texas.gov/ESSAfofostercare_qa.pdf
- Foster Care & Student Success Resource Guide
<http://tea.texas.gov/FosterCareStudentSuccess/resource-guide.pdf>
- PEIMS Supplemental Guidance, Foster Care
http://tea.texas.gov/Foster_Care_PEIMS_guidance.pdf
- TEA Foster Care and Student Success Liaison webpage, available at
<http://tea.texas.gov/FosterCareStudentSuccess/liaisons/>
- TX Assoc. of School Boards, ESSA Transportation Procedures for Students in Foster Care
<https://tasb.app.box.com/v/ESSATransportationProcedures>

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CHILD PROTECTIVE SERVICES (CPS) STAFF*

CPS Staff (n=25) were asked, “How often is the regional CPS Education Specialist contacted about the following matters?”



Every CPS region in Texas has a designated Education Specialist. Per CPS policy, some of the Education Specialist duties include:

- providing education-related services and student-advocacy advice to internal and external stakeholders on resources to improve the educational outcomes for children and youth in DFPS conservatorship;
- acting as a liaison with staff from Texas Education Agency (TEA), the independent school districts (ISDs), school district foster care liaisons, Education Service Centers (ESCs), and other program specialists with the DFPS state office;
- developing and coordinating regularly scheduled regional consortiums with internal and external stakeholders to address education-related issues and concerns; and
- providing training to CPS staff, foster parent, caregivers, and community stakeholders on trauma-informed strategies and education stability for children and youth in foster care.

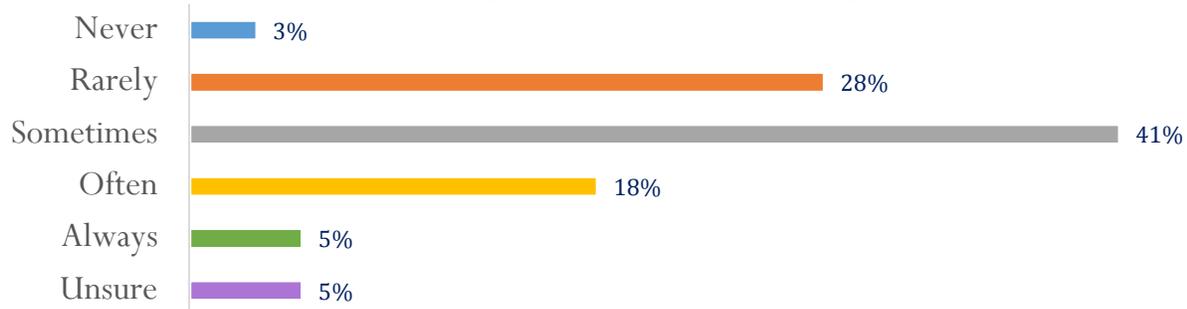
The Education Specialists offers expertise about the unique needs of children and youth in foster care both within CPS and in collaboration with the education community. The Education Specialists also support foster parents, relatives, and kin with education advocacy.

See CPS Education Policy, regional Education Specialists contacts, available at:
https://www.dfps.state.tx.us/Child_Protection/State_Care/education.asp.

**Staff surveyed included a sample of Child Protective Services Education Specialists, caseworkers, and other state and regional staff.*

In 2017, a statewide survey of stakeholders across the child welfare, court, and education systems revealed the following responses.

All survey respondents (n=402) were asked, “For students in foster care, how often do school and child welfare staff properly share information?”



- Under the Uninterrupted Scholars Act, educational agencies and institutions can release a child’s education records to an agency caseworker or other representative of a state or local child welfare agency, such as CPS, who is legally responsible for the care and protection of the child. *20 U.S.C. §1232g*.
- Caregivers provide DFPS Form 2085-E upon initial and annual enrollment and school personnel enter the child’s foster care status in PEIMS. *Texas Education Code §7.029*.
- CPS staff share child-specific information with schools on a “need to know” basis.
- Under the Every Students Succeeds Act, child welfare and education agencies must collaborate to promote school stability including coordinating best interest determinations and transportation. *20 U.S.C. § 6301 et seq.*

12% of those surveyed (N=369) responded that students in foster care regularly have their education records including transcripts at enrollment.

- A school district must enroll children in foster care immediately without the typically required documentation: CPS must furnish all documentation within 30 days of student enrollment. *Texas Education Code §28.002*.
- School records must be transferred via TREx within 10 working days of the child’s enrollment. *Texas Education Code §25.007*.
- CPS maintains Education Portfolios for all school-aged children in temporary or permanent managing conservatorship. *Texas Family Code §266.008*. The Education Portfolio should remain up to date and can aid in enrollment and class placement.

See Information Sharing Between Child Welfare and Schools: Maintaining Privacy and Promoting Educational Success, available at:

<http://texaschildrenscommission.gov/media/2076/confidentiality-guide-final.pdf>.

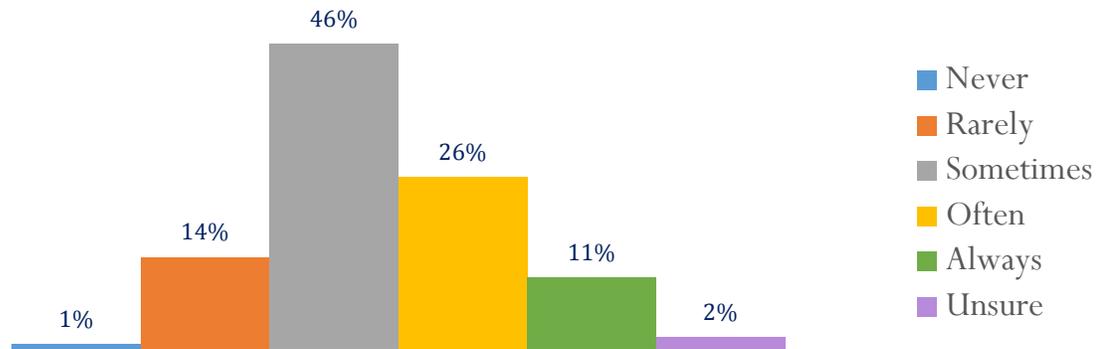
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CAREGIVERS

“All caregivers (including biological parents on monitored return) need to be invested as ‘parents’, reading to the child every night, helping the child with homework, signing up for parent portal for each child, using parent portal as a resource to check child’s daily work, grades, attendance and disciplinary issues at school, and attending parent teacher conferences.” – survey respondent

All survey respondents (n=404) were asked, “How often does a child in foster care have an adult who is invested in their education?”



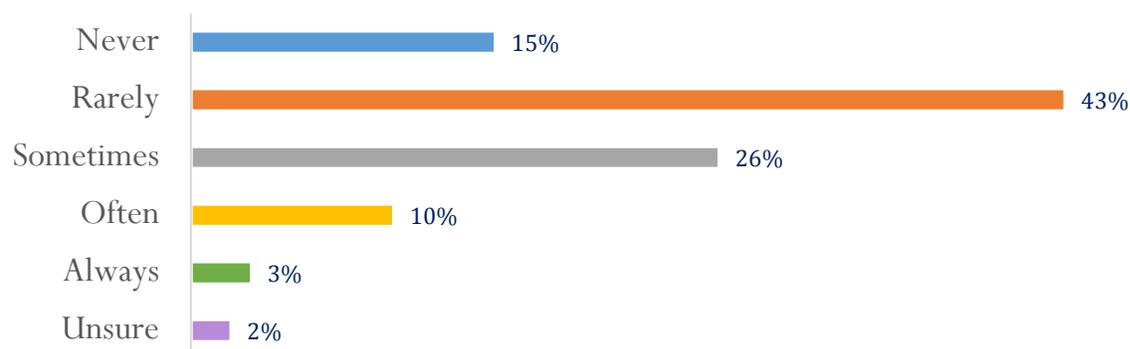
- Did you know? A child in foster care may attend the school in the district where the foster parent resides free of charge and a durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by the school district. *Texas Education Code §25.001.*
- Did you know? If the child changes schools, the child is still able to participate in extracurricular activities? UIL waivers are available for children in foster care. See <http://www.uil texas.org/waivers>.
- Did you know? National data show that the average 17-18 year old in foster care reads at a 7th grade reading level. Whether a child is a newborn or in high school, reading to children, limiting screen time, practicing homework and other skills, and exploring a child’s interests can lay the foundation for a safe and productive childhood, adolescence, and adulthood.
- Navigating the education and child welfare systems can be overwhelming for a child. Having a consistent adult for encouragement and support can help motivate and stabilize a child in crisis. Trauma can manifest in many settings, including at school. It is critical for caregivers and educators to work together to address the child’s academic, social, and emotional development.

See *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care* available at:
<http://formedfamiliesforward.org/images/Fostering-success-in-Education-Jan-2014.pdf>.

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All survey respondents (n=401) were asked, “If a child in foster care changes schools, how often is the transition between schools seamless?”



How can caregivers make a transition more seamless?

- Maintain education portfolio;
- Advocate for continuity in the child’s classes and extracurricular activities; and
- Bring DFPS Form 2085-E to school every year. DFPS uses Form 2085-E to identify conservatorship status to the school. Information will be shared only with educators who need to know in order to support the child’s education.
- Many laws and policies are in place to support children in foster care including nutrition benefits, additional compensatory education, prohibitions against corporal punishment, and eligibility for free college tuition and fees. If the caregiver and/or the school do not communicate, the student cannot benefit from these opportunities.

20% of those surveyed (n=397) responded that transportation is regularly available to keep children in foster care in their school of choice.

- Did you know? Transportation costs may fall under foster care maintenance payments but there may be additional costs associated with transportation.
- Did you know? Under the Every Student Succeeds Act, school districts and DFPS must coordinate to support children in foster care. A child can stay in the same school and every school district must have plans in place to address additional transportation costs. *20 U.S.C. §6312*. A creative and collaborative approach to each transportation challenge may create more options and unique solutions for each child in foster care.

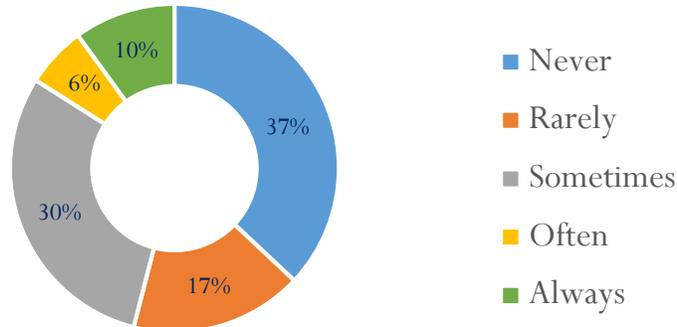
See DFPS Form 2085-E available online at:
https://www.dfps.state.tx.us/site_map/forms.asp

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JUDGES

Judges (n=30) were asked, “How often do you appoint a Surrogate Parent for children in foster care receiving special education services?”



- Under Individuals with Disabilities Education Act (IDEA), the law governing special education, an “IDEA parent” is a required participant in the Individualized Education Program (IEP) planning meetings, referred to in Texas as the Admission, Review, and Dismissal (ARD) committee.
- Every child in foster care has an education decision-maker for day-to-day issues (e.g. class trips). About $\frac{1}{4}$ of school-age children and youth in DFPS managing conservatorship receive special education services. Only children eligible to receive special education services have an IDEA parent to make related decisions.
- Preference is for a birth or adoptive parent, foster parent, guardian, or person who is legally responsible for the child to act as IDEA parent. For children placed in a foster home, the foster parent is the default IDEA parent unless a biological parent retains this right or the foster parent is unwilling to serve in this role. *20 U.S.C. §1401(23)*.
- If none of the individuals listed above are able to fulfill the role of IDEA parent, a Surrogate Parent must be appointed by the school district. A court can also appoint a Surrogate Parent to ensure the educational rights of a child are protected in the special education process. *Texas Family Code §263.0025*.

87% of judges surveyed (n=30) want someone with specialized training to be appointed as the Surrogate Parent.

- An individual appointed by the school district or court to serve as a Surrogate Parent (i.e. CASA, retired teacher, etc.) or a foster parent serving as IDEA parent must complete a training program before the next ARD committee meeting but no later than 90 days after assuming the role. *Texas Education Code §§29.015, 29.0151*.

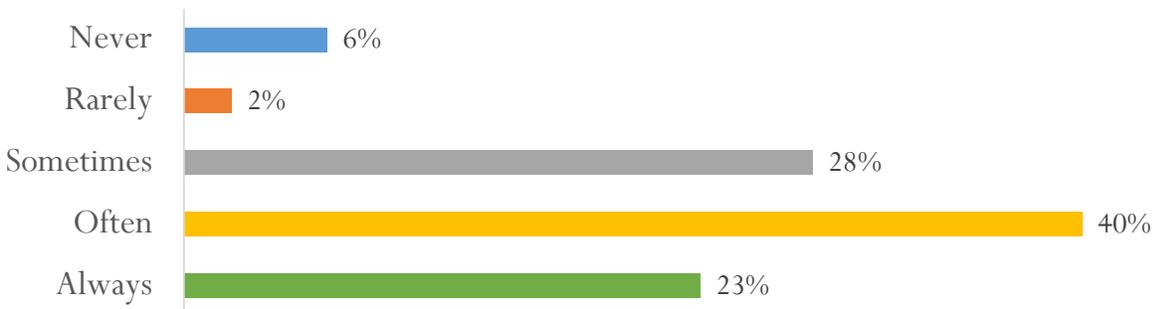
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CASA VOLUNTEERS & STAFF

76% of those surveyed (n=398) responded that it is a community strength that CASA volunteers monitor and advocate for education-related issues.

- One guardian ad litem duty is to determine whether the child’s educational needs and goals have been identified and addressed. *Texas Family Code §107.002.*
- CASA volunteers play a central role in tracking a child’s educational progress, advocating for school stability, ensuring academic and behavioral supports are in place, and helping the child stay on track to graduate from high school ready for college or a career.

CASA advocates (n=47) were asked, “How often do you communicate with the Education Decision-Maker (EDM), if you are not appointed to that role?”



- Generally, when appointed temporary or permanent managing conservator, DFPS is given the right to make decisions regarding the child’s education. Each child in foster care has an Education Decision Maker (EDM) *Texas Family Code §153.371.*
- DFPS delegates day to day decision making authority to the EDM. Schools are notified within five days of any change to the EDM. Courts usually receive notification through permanency progress reports. *Texas Family Code §263.004.*
- The EDM is responsible for enrolling the child, attending parent-teacher conferences, etc. Children who are eligible for special education also have an IDEA parent, typically the foster parent, who is designated to make special education related decisions.
- If the foster parent does not serve as the IDEA parent, courts may appoint a CASA volunteers to serve as a Surrogate Parent. *Texas Family Code §107.031.*

For more information, see Texas CASA Educational Advocacy Toolkit:
<https://texascasa.org/learning-center/resources/educational-advocacy-toolkit/>.

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