

Foster Care & Education Judicial Checklist

School Readiness

- Children ages 0-3 assessed for Early Childhood Intervention (ECI) services. 34 C.F.R. Part 303
- Children ages 0-5 enrolled in Early Head Start, Head Start, or Pre-Kindergarten. 45 C.F.R. § 1305.2; Tex. Educ. Code § 29.153(b)

School Stability

- Child enrolled in and has transportation to current school. Tex. Educ. Code § 25.001(a)
- Child remains in current school, regardless of additional placement changes. Tex. Educ. Code § 25.001(g); Tex. Educ. Code § 25.001(g-1)
- School changes occur at the end of grading periods. **(BP)**
- School changes do not conflict with standardized testing or final exams. **(BP)**

Education Decision-Making

- DFPS has conservatorship and designated an Education Decision-Maker (EDM). Tex. Fam. Code § 153.371
- Parent retains or other person given specific education-related rights as appropriate. Tex. Fam. Code § 153.371
- DFPS provided EDM Form 2085-E to child's school and information regarding the EDM filed with court. Tex. Fam. Code § 263.004
- Surrogate parent appointed to make decisions regarding special education if a foster parent is unwilling or unable to fulfill that role. Tex. Fam. Code § 263.0025

School Enrollment

- Child enrolled in a new school within three school days if a change was required. Tex. Fam. Code § 264.115
- Education record or credit transfer issues addressed by court as necessary. Tex. Educ. Code § 25.007(b)

School Placement and School Success

Tex. Fam. Code § 263.306; Tex. Fam. Code § 263.5031

- What does the child say about school and where wants to attend?
- Child in an appropriate school.
- Child progressing academically and on grade level.
- Additional school supports addressed as needed.
- Child involved in extracurricular activities.
- Discipline issues addressed (truancy, suspension, expulsion, restraints).
- Caregiver signed annual form to prohibit corporal punishment at school. Tex. Educ. Code § 37.0011

Post-Secondary Education

Tex. Fam. Code § 263.306; Tex. Fam. Code § 263.5031

- If the youth is at least grade 9, personal graduation plan created and graduation endorsement chosen (this is in addition to the Foundation High School Program in STEM, Business & Industry, Public Services, Arts & Humanities, or Multi-Disciplinary Studies). Tex. Educ. Code § 28.025
- Child has a college or career plan. **(BP)**

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continued

Post-Secondary Education

- Child and his caregivers know about high school graduation requirements and how to prepare and apply for post-secondary education. 42 U.S.C. § 677; Tex. Educ. Code § 54.366; Tex. Educ. Code § 54.367

Special Education

34 C.F.R. Part 300

- If needed, child evaluated for special education services.
- If eligible:
 - Date of child's last Admission, Review, and Dismissal (ARD) committee meeting.
 - Child has Individualized Education Program (IEP) that is current, appropriate, and in force.
 - Transition planning coordinated, beginning no later than age 14.

(BP) denotes a Best Practice