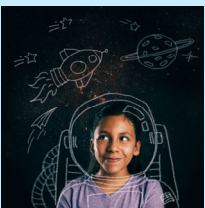



EDUCATIONAL ADVOCACY MATTERS !



Statistics: Why Is Educational Advocacy So Important?

- Students in foster care experience educational instability and lag behind the general student population in high school completion.¹
- The percentage of students in foster care receiving special education services (24%) is almost three times that of students not in care (9%).²
- The percentage of students in foster care who receive out-of-school suspension (16%) is more than three times that of students not in care (5%).³
- The percentage of students in foster care who attended two or more schools in one school year (47%) is 6.5 times that of students not in care (7%).⁴
- The average 17-18-year-old in foster care reads at a seventh-grade level.⁵
- The national data shows that 2-9% of youth formerly in foster care attain a bachelor's degree.⁶

WORKING WITH SCHOOLS



- There are more than 141 public school districts operating more than 1700 public schools, including charter schools, in the state of Tennessee.
- School personnel may be unfamiliar with DCS or CASA. Take the opportunity to increase awareness and educate school personnel about CASA and DCS.
- Every school district is required to appoint a foster care point of contact.¹¹ This person helps facilitate the enrollment and transfer of records for children in the legal custody of the Tennessee Department of Children's Services (DCS) when enrolling or changing schools.


CASA RESPONSIBILITIES	
Share	Share a copy of the Initial court order. Many schools will not allow you access to records without it.
Become	Become an expert on your CASA child's educational needs. Monitor whether those needs are being met.
Identify	Identify a point of contact within the school that can provide you updates if there is an academic or behavioral issue that requires attention.
Seek	Seek to collaborate with school personnel when advocating for the child.
Facilitate	Facilitate smooth transitions when there is a change in placement that requires change of school.

BEST PRACTICES					
Attend	Support	Mentor	Encourage	Help	Monitor
Attend IEP/504 meetings if possible.	Support students in areas of and help connect them to opportunities	Mentor students – provide support for home, school and family concerns.	Encourage positive behavior and work completion. This helps to reinforce teacher and foster parent rules.	Help students with accepting responsibility and following through.	Monitor behavior reinforcement systems. Make sure the child's school and home follow through on behavior plans.

CONFIDENTIALITY

Do Not Overshare

- Schools do not need to know why the child came into custody
- Share sensitivities or potential triggers, but with only the details necessary for the school to support the child
- Schools are sometimes reluctant to share information with CASA, providing a copy of your appointment order will help open communication



WHAT TO SHARE

- Educational Passport
- DCS Caseworker Contact
- Previous Schools Child attended
- 504, IEP or BIP (behavior intervention) eligibility and plans
- Medicaid information if necessary for services

Remember- the school needs to know how to support the child, but does not need to know every detail

NEVER SHARE:



- Alcohol or substance abuse disorder and/or treatment
- The fact that the child was adopted
- The name of the person who reported abuse/neglect
- CPS investigation details
- Biological or foster family income

Children that participate in sports, clubs, student government, the arts and other extracurricular activities have better grades and higher attendance, and are more likely to complete requirements for high school graduation


This is an excellent area in which to advocate for your CASA child. Learn what interests them, what is available in the school. Advocate for participation in extracurricular activities outside school hours to maximize the student's engagement in school.

Tennessee Law provides a waiver for foster youth from the eligibility rule for residing in a district for one year before playing sports.





DCS	CAREGIVER	EDM	CASA
Access school records and creates and maintains education portfolio	Helps to maintain education portfolio	Access school records and education portfolio	Access school records and education portfolio
Selects school	Takes care of the everyday needs of the child	May enroll child in school	Advocates for child's educational needs and goals to be met
Receives notice of disciplinary action and special education meetings	May have more duties if chosen to be the EDM or surrogate parent	Receives notice of disciplinary action and special education meetings	Reports educational issues to the Court. May be appointed EDM.
Ensures opt-out of corporal punishment form is submitted if district allows corporal punishment		Opts out in writing of corporal punishment in school, obtains report cards and approves field trips; determines (with the child if appropriate) course selection, etc.	

- DCS is required provide records within 48 hours of enrollment. Follow up to ensure this happens on time. Also, ask the school if you might be able to assist with the transfer of records. Be sure receiving school knows if there is an IEP/504
- FERPA exception, even if a caregiver or foster parent did not formally withdraw the student from the previous school, enrollment by a student in another school district provides authority for the original school district to release the educational records of that student to the new school, regardless of whether parental or caregiver consent has been received.



CHANGES IN PLACEMENT





- Depending on the school district, an individual with access to a child's school records can also access the online portal for parents and guardians to monitor grades, absences and disciplinary actions on a daily basis.

ADVOCATING FOR TEENS

Ages 14-15:

Introduce the child to higher education opportunities through campus tours and other activities. Start with local colleges and universities, and then identify other possible trips based on the youth's interests.

Age 16:

The child is eligible for Dual Enrollment Scholarship for high school dual credit courses.

Ages 16-18:

Review educational needs and identify necessary requirements for high school graduation (including credit recovery). A high school counselor can help with this.



SUPPORT SUCCESS!



- Students will confer with school counselors to identify and plan the appropriate courses for high school graduation. Make sure that your CASA child is in a class that is academically challenging but presented at a level that allows them to succeed.

- Pursuing tutors and special supports to ensure that your CASA child successfully manages their academic course load is essential. Every district is unique, so get to know the available services in your area. A great resource is your local school district website. You may be able to contact student support specialists, counselors and others who work with at-risk students.

Graduation

- If your CASA child is in or entering high school, monitor your child's progress toward graduation. Be sure that the child is enrolled in courses that will lead to graduation.

- DCS recognizes the extraordinary costs with seniors approaching graduation. There is a graduation package that includes cap and gown, graduation invitations, yearbooks, senior pictures, senior event clothing (such as prom attire), school spirit packets, senior class trip, and class rings. Questions regarding covered expenses should be directed to the student's Independent Living support worker.



PARTNER IN PLANNING

Scholarships



• **Promote the vision with college visits.** Research has proven that youth who are exposed to college life via college visits, summer camps and other activities on college campuses are more likely to attend college than students who have never visited. Visits allow the youth to envision themselves in the college environment and helps them develop goals and aspirations for college success. Start this as early as possible in your CASA child's life.

• **Help prepare your CASA child for college entrance exams.** Because young people in foster care placement are so often behind academically, it's important to support them in preparing for the ACT and SAT exams. Work with DCS to find online programs that offer practice tests, test prep and tutoring.

• **Help them search for scholarships online.**

RESIDENTIAL TREATMENT CENTERS

If your CASA child is in a **Residential Treatment Center (RTC)**, it will be even more critical for you to be informed about your child's educational needs. An RTC is a general residential operation that exclusively provides treatment services for children with emotional disorders.

The RTC should have plans for meeting the educational needs of each child, including the RTC's educational program and required participation by students.

Stay up to date with the child's living arrangements and consider how any changes could affect their needs in school.



EARLY CHILDHOOD INTERVENTION

Tennessee Early Intervention Services (TEIS) (0-36 months)

Tennessee Early Intervention Services (TEIS) serves families with children from birth to 36 months with developmental delays or disabilities. The TEIS program helps children AND their families navigate all the resources available for a child to reach their optimal development.

Families, doctors or anyone with concerns about a child's development can make a referral. TEIS will then coordinate a developmental evaluation, and if the child is eligible for the program, TEIS staff members will develop a Plan.





Educational Stability drives placement stability, future earning capacity and likelihood of becoming justice involved. CASA Advocates must be aware of their child's educational needs.



THANK YOU!

**In the Weeds:
Educational Support for Systems Involved Youth**

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

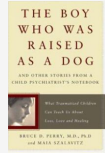
RISK

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

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

- Performance on state achievement tests indicated that the largest deficits in reading and math achievement are evident in the months immediately preceding removal from the home (Berger, Cancian, Han, Noyes, & Rios-Salas, 2015).
- The precursors for removal are associated with depressed achievement: Childhood experience of abuse and neglect, high mobility and family instability, domestic violence, and poverty, which are prevalent for child welfare-involved youth, are associated with low achievement (Berger et al., 2015; Herbers et al., 2012; Romano, Babchishin, Marquis, & Fréchette, 2015).



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

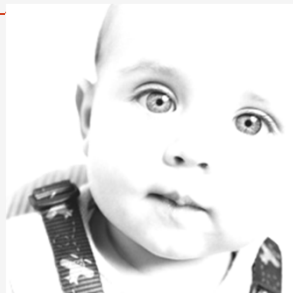
Risk for Students in Foster Care: Adversity and Placement Instability

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

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 & Helpem, 2001; Castrochini, 2009; Smithgall et al., 2004.



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	Orthopedic impairment
Deaf-blindness	Other health impairment
Deafness	Specific learning disability
Emotional disturbance (ED)	Speech or language impairment
Hearing impairment	Traumatic brain injury
Intellectual disability	Visual impairment (including blindness).
Multiple disabilities	

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.

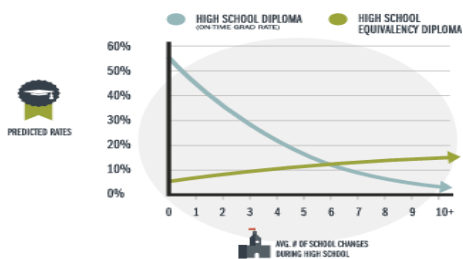
Manifestation Determination Review

- 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.

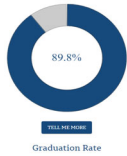
School Stability and Students in DCS Custody



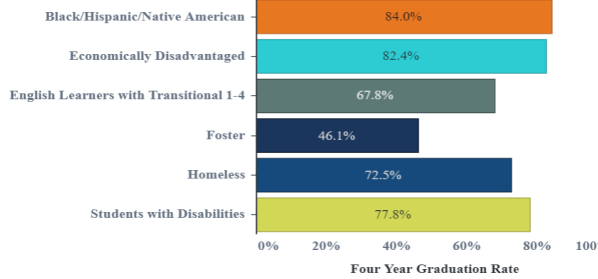
Why this Matters

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

Statewide graduation rate for the 2021-2022 school year, from our most recent Report Card:



Graduation Data from the Tennessee Report Card



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 of Origin
The student has a right to remain in their school of origin, even if they move to a different home placement, unless it is not in their best interest to do so.

Immediate Enrollment and Records Transfer
If the student changes schools, they must be enrolled immediately, even without required records. The enrolling school must immediately contact the prior school for academic and other records.

Transportation to School of Origin
School districts and child welfare agencies must work together to ensure the student receives transportation for the duration of their time in foster care.

*Graphic from FosterEd, a project of the National Center for Youth Law

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.

Youth Voice

**Any Questions – Please
Contact:**

Carrie.Mason@tncourts.gov

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

Education Manual
