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## EDUCATION POLICY

### **PHILOSOPHY/PURPOSE**

Children in care deserve to have an educational experience that is designed to meet their intellectual, educational, developmental, social and well-being needs. It is the responsibility of the Department to have active, frequent communication with the child, the resource family and the educational setting, whether that be early childhood education, elementary, secondary or post secondary to ensure the needs of the child are met and the child is experiencing success.

Children in care deserve to remain in their original home school system if at all possible. If it is not possible for the child to remain in his or her own school system, the child needs to have the transition to his/her new school be as supported and planned as possible. This policy provides child welfare caseworkers with guidelines and strategies that support positive educational outcomes for children in the custody of the state of Maine. It includes strategies that guide the caseworker in the process of collaborative team decision-making to determine the best interests of the child when considering the school environment that can best meet the child's needs.

For circumstances in which it is determined in the best interests of the child to transfer to a new educational setting, this policy provides guidance to ensure a smooth transition which is sensitive to the individualized needs of the child. The desired outcome of this policy is improved developmental and educational outcomes for children in care, achieved through positive collaborative efforts. Every child in care deserves to have the best possible educational experience, beginning with a stable early childhood educational experience.

Very young, preschool age children have a significant need for positive early learning experiences that enhance their intellectual, social and emotional development and lay the foundation for later school success. Young children living in high-risk environments or removed from their homes need additional supports to promote their healthy, early growth and development. All childcare or early education situations, including family and center-based child care have the potential to provide high-quality, individualized, responsive and stimulating experiences for young children. This can best occur within the context of strong consistent relationships and which are imbedded in everyday routines and are not disrupted due to a child entering foster care.

### **LEGAL BASE:**

Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, 122 Stat.3949

Title 20-A MRSA §5201, §5202, and §5205, sub- 3-A

Title 22 MRSA §4067 Permission for Participation in School Activities



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**PROCEDURE:**

**EDUCATIONAL STABILITY**


**Best Interest Determination – Placement and Transfers**

Children that enter foster care must be provided the most consistency possible in relation to their educational environment. Consideration of keeping a child in their home school regardless of whether it is an early childhood setting, pre-school environment, primary or secondary school is required.

The Fostering Connections to Success and Increasing Adoptions Act of 2008, as well as corresponding state statute, provides guidance relating to collaborative efforts towards ensuring school stability. Either when a child enters the care of the Department of Health and Human Services or when a child who is already in the care of the Department is placed by the Department with an adult who is not the child's parent or legal guardian, then the child may be considered either a resident of the school system in which s/he currently resides or may be considered a resident student of the school system in which s/he resided prior to the Department placing him in the current placement. The determination of which school system is chosen is the result of a thoughtful and collaborative process which reviews which system is better equipped to meet the "best interests" of the child.

Family Team Meetings should be scheduled whenever consideration is given to placement of the child which will also involve determination of which school system will meet the "best interests" of the child. The appropriate school staff from both the child's school of origin and from the school system serving the area of current residence will be invited to attend the Family Team Meeting during which the child's educational goals and "best interests" will be discussed. The opportunity for participants to attend through conference call shall be made available.

Multiple factors are reviewed in determining which of the school systems meets the best interests of the student. These factors include review of safety concerns if the child returns to the school of origin; review of supports available in each school system to assist the child in reaching individualized educational goals; and review of the child's ability to maintain significant relationships and to participate in extracurricular events and activities. Determination of the school system which meets the best interests of the student should also factor in the preference expressed by the child, as well as that expressed by the birth parent and current caregiver. As a final step following the process of gathering input from team members, the Department is responsible for making the determination of which school system meets the best interests of the child.

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Both the federal Fostering Connections legislation as well as the corresponding state legislation clarify that when a child is placed by the Department in a district outside of the child's school system of origin, then the Department of Health and Human Services is responsible for funding transportation of the child to and from the school of origin. The exception to this is only if specialized transportation has been identified as a result of a child's Individualized Educational Program (I.E.P.).

The Educational Stability Checklist is an available tool to support and guide caseworkers in their review and discussion with team members regarding which school system could better meet the needs of the student on the various checklist items. Once the team, including the child, caregiver(s), and school staff has engaged in a comprehensive discussion on the best interest determination, and once the Department has made the final determination of best interest, the caseworker then sends a letter to the superintendent of each school system informing of the results of the team decision-making process. Copies of the Educational Stability Checklist and of the Determination of School Administrative Unit which Meets the Best Interests of Student letter are included in the Appendix to the policy manual.

#### TRANSFERRING FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT:

Every effort should be made to avoid a change in educational placement before the end of the school year. When the best interest determination results in a determination that a child's best interests would be met by transferring to a new school system, then efforts will be made to ensure the transition of the child to the new school system is as smooth as possible. The School Stability Checklist provides guidance on steps to enhance smooth transition, including steps toward ensuring prompt transfer of school records and assignment of a peer buddy to assist the child in acclimating to the new school.

Caseworkers are encouraged to utilize the Keeping Maine's Children Connected (KMCC) Liaison for the prior school and/or new school district. The KMCC Liaison will either work with the DHHS caseworker directly or identify a person who can work with the caseworker to ensure that the transition for the child to the new school is made as smoothly as possible. The caseworker is responsible, with the assistance of the KMCC liaison, for ensuring that educational credit is given for educational work already completed. The KMCC database includes the names of KMCC Liaisons for each school district at the following address: [www.maine.gov/education/speced/kmcc/index.htm](http://www.maine.gov/education/speced/kmcc/index.htm)

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**PRACTICE GUIDANCE TO SUPPORT TRANSITION TO NEW SCHOOL:**

The DHHS caseworker will contact the prior school as soon as he or she knows that the child will be leaving that school to request that the child's school records be immediately sent to the new school that the child will be attending.

The DHHS caseworker will also contact the new school's liaison or their designee before the child enrolls in the new school to provide information regarding the child's transition to the school. Children should not be enrolled in school without at least one day's notice to the school. When notice is within one day, the narrative log should document the emergency circumstances that precluded more notice.

If the child who is transferring to a new school has an Individualized Educational Program (IEP), the DHHS caseworker will contact the child's surrogate parent as soon as possible to allow the surrogate parent to immediately request an IEP meeting be scheduled at the child's new school. In most situations, the child's resource parent is designated as the surrogate parent. However other individuals, including the birth parent or the guardian ad litem may be assigned by the school system to fill the role of surrogate parent.


If possible, the DHHS caseworker will attend the child's first IEP meeting at the new school to provide the school with the important information needed to develop an appropriate Individualized Education Plan (IEP) for the child.

If the child is not a special education student, the DHHS caseworker will contact the appropriate school personnel, prior to the child's enrolling in his/her new school, to inform the school that the child will be enrolling, to discuss the child's needs, to determine how academic credit will be applied and to answer any questions that the school staff may have.

If possible, the DHHS caseworker should meet the school staff in person either before enrolling the student in school, or shortly after the child is enrolled in school.

DHHS caseworkers will ensure, in collaboration with the child's care provider, that the child is able to say good-bye to friends, gather addresses, telephone numbers, and email addresses during planned moves. In a crisis situation, the caseworker should try to help the child use other means of communication to say good-bye.

The caseworker will ensure that there are methods identified so that the child has the opportunity to say good-bye, or maintain contact with friends and teachers at his/her previous school.

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The DHHS caseworker will ensure that the child will visit the new school prior to his/her admission. The caseworker may arrange for a familiar person, such as the caregiver, to accompany the youth for the visit.

The DHHS caseworker will ensure that the child has a contact person (go-to person) at the new school to check in with on the first day and thereafter as needed. (school social worker, guidance counselor, school secretary, or principal)

The DHHS caseworker will provide clarifying information for the child, for his or her care provider, and for school personnel regarding various roles and responsibilities (who to contact in the case of an emergency, who should be notified about IEP meeting, and who will attend parent/teacher conferences, etc.)


The DHHS caseworker should ensure that the "Athletics/Field Trip" release form is signed by the DHHS caseworker, which will then allow the caregiver to sign individual permission slips allowing the child to participate in field trips, play school sports, and attend other school related activities. This will ensure that children in care can fully participate in school activities for the current school year. (see Title 22, §4067). A copy of the "Athletics/Field Trip Release Form is included in the Appendix to the policy manual.

Every effort shall be made to ensure that non-school related appointments or interviews are scheduled outside of normal school hours.

## EARLY CHILDHOOD EDUCATIONAL CONSIDERATIONS

The early experiences of children contribute to their brain development and effect physical and mental health. Infants and young children require stability in all areas of their lives, including child care and early education settings. Young children that have experienced trauma and other adverse child hood experiences have a critical need for continuity of care and quality care. When a young child is removed from their home all efforts should be made to identify the child care setting they have been placed in and establish a means to preserve that placement if at all possible the emphasis should be on meeting the needs of the child.

If the child had not been in a child care, early education setting or a preschool and that need is identified after coming into care, it is critical that steps are taken to ensure quality care. DHHS has *Quality for ME*, Maine's Early Care and Education Quality Rating and Improvement System (QRIS) that can be used to support decision making about a transition or new early education setting. *Quality for ME* is a four step program designed to increase awareness of the basic standards of early care and education, to recognize and support providers who are providing care above and beyond those standards, and to

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educate families and communities about what high quality care is and why it is so important.

Head Start and Early Head Start Programs are mandated to provide priority enrollment for children in foster care and can also be explored as an option.

#### PLACEMENT IN PRIVATE SCHOOLS OR HOME SCHOOLING

Children in custody of the Department are expected to attend the public school that has been determined to be in their best interest and meet their specific needs. The decision regarding placement in a private school or a home school environment is the decision of the Department as the legal guardian.

##### Private School

When a request is made by either the child or the resource parent/kinship provider for a private school placement it is explained that the final decision will rest with the Department. In consideration of this request it must be determined whether or not the child has been previously identified as a special education student through the IEP.


In order for a private school to be approved for tuition purposes by the State of Maine (per Maine statute Title 20-A MRSA Section 2951), the school must meet the following requirements:

- a. Meet basic approval requirements (Title 20-A MRSA Section 2901 et seq);
- b. Be a non-sectarian school;
- c. Be incorporated under the laws of the State of Maine or the United States;
- d. Meet all other requirements of this section of Title 20- A including the requirements pertaining to financial audits, student assessment, and student records.

The caseworker will participate with the school and other relevant professionals to identify an educational plan for the child which is the most appropriate and least restrictive available to meet the child's needs.

##### Home Schooling

When a request for Home Schooling is made it is also the final decision of the Department. If a Home School request is made by the child or resource parent, it must be determined that the Resource Parents wishing to Home School have filed a "Notice of Intent" with the Department of Education Commissioner and the local Superintendent of Schools within 10 calendar days of the beginning of home instruction. It should be

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assessed that any special learning needs or social interaction needs will be met in this setting.

A copy of the Letter of Intent should be provided to DHHS and shall contain the following:


1. The name, signature and address of the student's resource parent;
2. The name and address of the birth parent (if no Termination of Parental Rights has occurred);
3. The name and age of the student;
4. The date the home instruction program will begin;
5. A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts, and in at least one grade from grade 6-12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and
6. A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress using one of the types of assessment in accordance with existing regulations of the Department of Education.

#### Private Faith Based School

When consideration is given to placement in a private faith based school it must meet the religious preference of the birth parent if no Termination of Parental Rights has occurred. The child must be in agreement with the placement. The child's wishes must be determined through a private interview and use of open ended questions.

The content of education must meet or be aligned with the requirements as established for Home Schooling and include:

- 1.) Assurance that indicates the instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts, and in at least one grade from grade 6-12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and

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2.) Assurance that indicates that the instruction program will include an annual assessment of the student's academic progress.

3.) Assurances that the educational program is in compliance with the Civil Rights Act and ADA requirements.

### Procedure

For consideration of any alternative educational plan, the caseworker and/or supervisor shall prepare an Alternative Education Request memo that includes:

- 1.) Child's name, DOB, legal status
- 2.) Parent's name and address
- 3.) Resource parent names, address and contact information
- 4.) Special Education Status (IEP attached)
- 5.) Current school attending
- 6.) Type of school placement being requested
- 7.) A description of the child's educational needs
- 8.) A description of how the identified school program will meet those needs and how this program is identified as the most appropriate and least restrictive setting to meet those needs.
- 9.) The name, type and source of the educational certification of the proposed program.
- 10.) If the school is a faith based program, documentation that it meets the religious preference of the parent and is acceptable to the child.
- 11.) Acknowledgement that the educational plan has been agreed upon in the context of a Family Team Meeting. Date of Family Team Meeting.

### Approval

The Child Welfare Program Administrator may approve placement in an alternative educational setting when it meets the best interest of the child, facilitates a more appropriate and successful educational experience and has been agreed upon by all of the child/youth team members, including the child.

When consideration is being given to placement in a private school approved for tuition purposes by the State of Maine (per Maine statute Title 20-A MRSA Section 2951), the caseworker will coordinate and clarify ahead of time that the Department of Education will be responsible for the tuition. If transportation costs are necessary, a collaborative communication with the sending school will occur to determine transportation cost responsibility.





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Payment is not routinely provided to a faith based school unless there are special circumstances that warrant that placement, such as cultural affiliations or religious preferences of the parents to consider and a financial need is identified. A memo of justification of the cost shall be submitted to the Director, Division of Child Welfare for approval of tuition payment.

Any educational placement must be in accordance with the overall case plan and have been agreed upon in the Family Team Meeting environment.

**Appendix**

**Educational Stability CHECKLIST  
School Placement which is in Best Interest of the Student**

This is a guide for the process of determining which school placement meets the best interests of a child placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian. This guide will assist in determining whether the child's needs would best be met if the child were considered a resident of the school administration unit in which the child is currently residing with the current caregiver, or whether the child's best interests would be met if the child is considered a resident of the school administrative unit where the child resided prior to the placement. This decision will be determined by the Department following a collaborative process to review all circumstances which factor into the best interest determination.

Youth's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School attended prior to placement by DHHS: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Contact at School: \_\_\_\_\_ Role at School: \_\_\_\_\_

School under consideration due to child's current placement: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Contact at School: \_\_\_\_\_ Role at School: \_\_\_\_\_

Services under Special Education: yes \_\_\_ no \_\_\_

If yes, Surrogate Parent's Name: \_\_\_\_\_

**Where to Start:**

Discuss with student, parent, and caregiver preferences regarding the school which best meets the needs of the student, preferably through the Family Team Meeting process.

- Consider safety factors involved if student attends school of origin.



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- ❑ What is the likely time frame the child will be out of the home of origin - only a few months or a longer period of time?
- ❑ Does the school calendar make a difference year in this specific situation?
- ❑ Will the student's ability to participate in extra-curricular activities be affected by the distance and time required in transporting the child to and from school? Consider the student's connections to peers and to teachers in the school of origin.
- ❑ How much time will be spent commuting to and from school? (A period longer than 1 hour each way is generally considered excessive).
- ❑ Who will provide transportation? *The Department will reimburse cost of transportation, in excess of costs related to IEP- identified transportation costs, for transportation of a child from residence to prior school.*
- ❑ Consider student's academic credits and whether or not these will transfer to the new school.
- ❑ Consider the ability of the student to acclimate to new school setting and different curriculum. Will a transition to a new school result in educational disruption which impacts the student's ability to learn?

**If a decision is made that it is in the best interest of a student to continue attending the school of origin, then the following steps are needed:**

- ❑ Caseworker will communicate with staff person in the school who is a natural support for the student, or the KMCC school liaison, enlisting that person's assistance in communicating to the superintendent of that school unit the decision that it is in the best interest of the student to continue attending that school unit.
- ❑ The caseworker will make any necessary arrangements for transportation and will arrange reimbursement for that transportation, which is in excess of transportation services required by the IEP, to ensure the child's regular attendance at school.
- ❑ The caseworker will send a formal letter to the Superintendent of the school administrative unit, notifying the Superintendent of the collaborative determination regarding best interest of the student in choice of school administrative unit. The letter will inform of transportation and reimbursement plans arranged and funded by the Department.

**If a Decision is made that it is in the best interests of a student to transfer to a new school, then follow guidance provided by Student School Transfer Checklist**