

**Department of Human Resources
Social Service Administration
311 West Saratoga Street
Baltimore, Maryland 21201**

DATE: April 24, 2012

POLICY #: SSA # 12-26

TO: Local Departments of Social Services' Directors,
Assistant Directors, Out of Home Placement
Supervisors, and Finance Officers

FROM: Carnitra White, Executive Director 
Social Services Administration

RE: Educational Stability

PROGRAM AFFECTED: Out-of-Home Placement

ORIGNATION OFFICE: Resource Development, Placement and Support
Services

BACKGROUND: Educational Stability Supplement
(This policy directive supersedes
SSA Policy Directive 12-13 and Supplements SSA
Policy Directive #10-21, Caseplan Documentation
Clarification)

ACTION REQUIRED OF: All Child Welfare Service Staff

REQUIRED ACTION: Compliance with the Policy Directive

ACTION DUE DATE: Immediately

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BACKGROUND

FEDERAL AND STATE LAW IN REFERENCE TO EDUCATION FOR FOSTER CARE CHILDREN AND YOUTH

The Fostering Connections to Success and Increasing Adoption Act of 2008 requires States to develop a plan for ensuring the educational stability of children while in foster care, which includes ensuring that children entering foster care are (initial placement) kept in their school of origin unless this is not in the child's best interests.

In 1987, Congress passed the McKinney-Vento Act to make sure homeless students get the education they need. This federal law promotes stability, access, and academic success for homeless students. McKinney-Vento provides assistance for *homeless* youth with enrollment in a new school, transportation to school, and other educational and supplemental services. It promotes educational stability by allowing homeless youth to remain in their school of origin even if homelessness has caused them to move outside the school district. School of origin is defined as the school a student attended before becoming homeless or the school where the student was last enrolled.

Homeless youth includes a "*child awaiting foster care placement*". A child awaiting foster care placement is defined in COMAR 13A.05.09.02 as a child who is placed outside of the child's home pursuant to a shelter care order or voluntary placement agreement, or a child committed to the care and custody of the local DSS who is placed into temporary placement of not longer than 90 school days. This definition includes all initial removals.

Once the provisions of McKinney-Vento have been met, an eligible child remains eligible for services, including transportation to the school of origin, for the remainder of that school year even if she or he moves into a foster home. When the next school year begins, if the child continues to live in a foster home she or he will no longer qualify for transportation to the school of origin under McKinney-Vento, and at that time may have to transfer to a school in the district where she or he is residing, unless the local DSS determines that it is in the child's best interests to remain in the school of origin and is able to arrange transportation through an agreement with the local educational agency.

According to the Child and Family Services Improvement and Innovation Act (Public Law (Pub. L.) 112-34), effective October 1, 2011 Titles IV-B/IV-E agencies must now meet the educational stability case plan requirement at the time of *each* placement change and not just at the initial placement into foster care as was the original requirement under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub.L. 110-351) (section 475 (1)(G)).

PURPOSE:

This Policy Directive establishes guidelines to ensure the educational stability of children awaiting foster care as well as the children and youth that are in an out-of-home placement.

GOALS:

- To clarify the responsibilities of the local DSS and local school system in reference to school enrollment of children and youth awaiting foster care.
- To ensure that children and youth awaiting foster care have proper transportation to school.
- To ensure that the local DSS are adhering to the case plan requirements at the time of each placement change and not just at the time of initial placement into foster care.

RESPONSIBILITIES OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND THE LOCAL SCHOOL SYSTEM

- **The local DSS** is responsible for alerting the local school system when a child is *“awaiting foster care placement.”*
- **The local school system** has the responsibility to *“a child awaiting foster care placement”* to take certain actions: which include maintaining the child’s enrollment in the school of origin or enrolling the child in any public school that a non-homeless student living in the attendance area would be eligible to attend. **The local school system** makes that decision based on what is in the child’s *“best interest”* under specific criteria contained in COMAR 13A.05.09.04B.
- Pursuant to COMAR 13A.05.09.04A, **the local school system** is required to continue the child’s enrollment at the school of origin for the remainder of the academic year if a child becomes *“permanently housed” (meaning placed in a foster care placement, i.e. there has been a disposition in the CINA case)* during the school year.
- At the end of the first school year in out of home placement, **the local DSS**, as the primary decision maker, in consultation with the local school system, must assess whether it is in the foster child’s best interests to remain in the school of origin for the upcoming school year or whether the foster child should be transferred to the school serving the attendance area in which the foster child is currently living.
- In accordance with SSA Policy Directive #10-21, Caseplan Documentation Clarification, caseplan 2 sides 5, 6, and 7 are dedicated to the child’s education. **The local DSS** shall, at the time of each placement change and not just at initial placement into foster care, not only document educational needs, but also school enrollment, proximity to removal home, names and addresses of the educational providers, grade level, adjustment and performance from the child’s school record.

SCHOOL PLACEMENT AND DETERMINATION OF A CHILD’S “BEST INTEREST”**Local School System**

In accordance with COMAR 13A.05.09.04B the local school system shall, in determining a child’s *“best interest”* for a child awaiting foster care placement:

1. “To the extent feasible, keep a homeless child or youth in the school of origin unless contrary to the wishes of the child’s or youth’s parent or guardian;
2. In determining best interest consider the following:
 - a) The student’s age;
 - b) The school which the student’s siblings attend;

- c) The student's experience at the school of origin;
 - d) The student's academic needs;
 - e) The student's emotional needs;
 - f) Any other special needs of the family;
 - g) Continuity of instruction;
 - h) Length of stay in the shelter;
 - i) The likely location of the family's future permanent housing;
 - j) Time remaining in the school year;
 - k) Distance of commute and the impact it may have on the student's education and other student-centered, transportation-related factors; and
 - l) The safety of the child.
3. Provide a written explanation to the homeless child's or youth's parent or guardian, including a statement regarding the right to appeal pursuant to Regulation.07 of this chapter if the local school system sends the child or youth to a school other than the school of origin or school requested by the parent or guardian; and
 4. In the case of an unaccompanied youth, ensure that the local school system homeless coordinator:
 - a) Assist in the placement or enrollment decisions;
 - b) Consider the views of the unaccompanied youth; and
 - c) Provide notice to the youth of the right to appeal pursuant to Regulation.07 of this chapter".

Local Department of Social Services

At the end of the first school year in out of home placement, the local DSS, as the primary decision maker, *in consultation with the local school system*, must assess whether it is in the foster child's best interests to remain in the school of origin for the upcoming school year or whether the foster child should be transferred to the school serving the attendance area in which the foster child is currently living.

When making the assessment of the foster child's *best interests*, the local DSS shall consider the following factors:

- a. The child's age;
- b. The school which the child's siblings attend;
- c. The child's experience at the school he or she last attended
- d. The child's academic needs;
- e. The child's emotional needs
- f. Any other special needs of the child
- g. Continuity of instructions
- h. Length of expected stay at current placement;
- i. Likely location of the child's future permanent placement;
- j. Time remaining in the school year;
- k. Distance, time, and complexity of commute and the impact it may have on the child's education and other child-centered transportation-related factors
- l. The safety of the child.

If remaining in the child's school of origin, after the end of the first school year in out of home placement, is not in the child's best interests, the local DSS and the local

school system shall work together to ensure that the local school system *immediately* enrolls the child in a new school.

TRANSPORTION TO AND FROM SCHOOL

- When a child is “awaiting foster care placement”, the local school system provides and pays for transportation if the local school system has determined that it is in the best interests of the child to remain at the school of origin.
- If a child “awaiting foster care placement” becomes “permanently housed” during the school year, the local school system continues to provide and pay for transportation to the school of origin until the end of the current school year.
- In accordance with COMAR 13A.05.09.06C, if the child begins living in an area served by a local school system other than the local school system of origin, the two school systems must agree upon how to apportion responsibility for the cost of transportation to the school of origin, otherwise they share the cost equally.
- Thereafter, for the following school year and beyond, the local school system and local DSS are expected to work together to determine transportation arrangements to the school of origin, if it is in the best interests of the foster child to attend the school of origin. **The local school system may continue to provide the transportation, but the local DSS shall *pay* the transportation costs.**

CHARGING TRANSPORTION COST

- The McKinney-Vento Act requires that the local school system pay for the first full year of transportation for both IV-E and non IV-E eligible children and youth in order to keep them in their home school.
- After the first school year in out of home placement, if it is determined that it is in the child’s best interest to continue to remain in the school of origin, the local DSS may assume the reasonable education transportation costs to maintain the child in their home school.
- Workers at the local DSS will determine the child’s continuing eligibility and need for education transportation service.
- If the child is IV-E eligible and reimbursable, transportation costs to and from the home school are IV-E allowable expenses as outlined in the child’s education stability case plan.
- When it is determined that the local DSS will pay for the transportation cost for students, these expenses will be charged in MD CHESSIE using either code 2114 for IV-E eligible children or 7114 for non IV-E eligible children under the service Education/Education Transportation Cost.
- If the child’s placement expenses are charged to non IV-E 71XX, then education transportation cost should also be charged to non IV-E 7114.