

IOWA FOSTER CARE AND EDUCATION

ISSUE BRIEF: ANALYSIS REPORT AND PROGRAM GUIDANCE

WHEN SCHOOL STABILITY REQUIRES TRANSPORTATION

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BACKGROUND

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (the Fostering Connections Act) requires child welfare agencies, in collaboration with local education agencies, provide educational stability for children by making concerted efforts to place children who need to be placed in foster care close enough to home that they can remain in their home school . The Fostering Connections Act also requires child welfare agencies determine the “best interest” of the child. It is only when the current school is determined to be “not in the best interest of the child”, that a child in foster care can be moved to a new school setting. The presumption is that remaining in the home school is in the best interest of the child.

For those children placed in a foster care setting near their home school, but outside of the local school’s busing area, lack of transportation presents a significant barrier to keeping children in their home school. Finding adequate transportation is even more difficult in rural areas.

While transportation problems cannot be remedied overnight, this issue brief will be part of a cross system training effort to raise awareness to barriers facing children in foster care. We cite education and child welfare law, explain the best interest determination, generally explain the roles of professionals involved with education decision making, and provide practice guidance to child welfare, education, and the courts on ways to implement and utilize transportation supports. Although the Fostering Connections Act requires collaboration across education and child welfare agencies, many agencies and youth serving programs are not yet even aware of the law.

Although there is some federal law and guidance regarding reimbursement for school transportation, each state and local level agency, program and provider must address its own structure, policy and practices to determine what will work best.

These are challenging tasks, but if undertaken in a spirit of cooperation, and with an understanding of the importance of school stability to children in foster care, education stability can be achieved.

Child Welfare, Education, the Courts and all citizens have a stake in this effort, because our ability to educate children and youth, in particular our most vulnerable children, will impact resources, programs, and individual outcomes. Successful implementation requires patience. All stakeholders must recognize that change takes time.

FEDERAL CHILD WELFARE POLICY

Enacted in October 2008, the “Fostering Connections to Success and Increasing Adoptions Act of 2008,” (Fostering Connections) is a comprehensive law designed to promote permanent family connections and improve the lives of children in the child welfare system. Among other important provisions, the Act requires child welfare agencies create “a plan for ensuring the education stability of the child while in foster care” and establishes a presumption that the appropriate education setting for a child in foster care is the one the child was attending when entering foster care, with an exception when that school setting is not in the child’s “best interest”.

The law is trying to promoted permanency and education stability for children in foster care. The law sites possible federal funding for transportation, specifically that the foster care maintenance payment can include “reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.”

BEST INTEREST DETERMINATION:

The Fostering Connections Act specifically requires that “best interest” determinations be made when deciding whether a child should remain in the current school or move to a new school. While the presumption is that children remain in their school, when these best interest determinations are made thoroughly and thoughtfully, the decision for some children will be that it is in their best interest to be immediately enrolled in a new school. In these situations, no special transportation will be needed.

For an important resource to help in making these best interest decisions, see School Selection for Students in Out-of-Home Careⁱ at:

http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/school_selection_brief.authcheckdam.pdf

Making the “best interest” determination:

To make this difficult decision, the case manager should consult the child (depending on age), parent, educators, court professionals, and others as needed and make the decision. This occurs at the time a child enters foster care, at a time when there is a potential school change, or other times as desired by the case manager, parent, school professional, court professional, or other person who cares for the welfare of the child. This can occur as a family team meeting, school staffing or other venue where “the team” can get the input of all involved responsible parties involved with the child.

The federal Administration for Children and Families has provided the following examples of factors that may influence the “best interest” decision:

- ✚ The child’s preference to change schools or remain in the same school;
- ✚ The safety of the child;
- ✚ The appropriateness of educational programs in the current school; and
- ✚ How each school is serving or can serve the child’s needs, including special education and other interests.
- ✚ Additional factors include:
 - ✚ Preferences of the child’s parent or education decision-maker;
 - ✚ The expected length of the child’s current placement and the child’s permanency plan;
 - ✚ The number of schools the child has attended over the past few years and this year, and how the school transfers have affected the child emotionally, academically and physically;
 - ✚ How anxious the child is about upcoming moves and about being in out-of-home care;

- ✦ How each school can respond to the child’s academic strengths and needs;
- ✦ Whether the timing of the school transfer would coincide with a logical juncture such as after testing,
- ✦ After an event that is significant to the child, or at the end of the school year;
- ✦ How changing schools would affect the student’s ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time;
- ✦ How the length of the commute to the school of origin would impact the child;
- ✦ The schools siblings attend.

CROSS SYSTEM PARTNERSHIPS

The Fostering Connections Act and the federal program instructions make clear that collaboration across child welfare and education agencies is required. Joint protocols and policies will be needed to ensure that all parties are following the same procedures. Clear communication and collaboration across systems are essential to making school transportation a reality.

Role of the Courts

State law specifies that judges cannot select placement of children, but only the type of placement (Iowa Code 232.19). So while judges will not be specifying a particular placement, judges are encouraged to remind those deciding on placement to keep school placement as a priority or ask what arrangements have been made to maintain the present school placement.

Role of the Iowa Department of Human Services

Direction from the Department of Health and Human Services, Administration for Children and Families makes clear that it is the duty of the child welfare agency to make the decision when it is not in the child’s best interest to keep the child in his home school, noting that the “agency should determine if remaining in the same school is in the child’s best interests.”ⁱⁱ

The child's custodian or/and guardian should request a meeting with the child's team to develop the child's educational plan. This team should include the student and his or her family or adult advocate, the caseworker, the foster care provider, the school contact, such as a transition counselor or specialist, a school placement specialist if one exists, and any providers who are expected to be involved in the care and education of the student. Ultimately, the individuals required to support a specific child will depend on the unique needs of that child and family, and they will need to be identified case by case. Once the educational plan is developed, one person, whether the caseworker, provider, or education professional should be identified to lead and coordinate the ongoing process.

The case manager for a child in foster care is required by law to document in each child’s case plan that education stability has been carefully considered. Specifically, Fostering Connections requires that the case plan include “assurances that the child welfare agency has coordinated with appropriate local educational agency to ensure that the child remains in the school in which the child is enrolled at the time of placement” unless “remaining in such school is not in the best interests of the child....”

Role of Foster Care Providers

Individuals from multiple systems need to work together to ensure a child in foster care receives appropriate care and support. Addressing education needs is no exception. The foster care provider can be a valuable resource to help build a positive educational experience for a child in foster care. Foster care providers should be including in developing all aspects of an educational plan for the child.

The foster care provider should partner with the child's parents to ensure the education needs of the child are met. While a provider of foster care services is not typically required to transport a child to school, the provider is often contractually required to support a child in an effort to achieve education stability. Foster care providers, at times, will transport a child to a community school or facilitate the transportation plan by utilizing existing school busing or public transportation. The foster care provider has an interest and investment in helping all children in their care succeed. All parties involved with the child's educational plan should assist the child, the child's parents and the foster care provider to remove barriers and build school success. Role of Foster Care Providers

Role of the Iowa Department of Education

The Department of Education (DoE) is primarily responsible to “generate policy and provide general supervision over the school transportation system in the state” (Iowa Code 285.8). The DoE establishes “uniform standards for locating and operating bus routes and for the protection of the health and safety of pupils transported”. Also, it is to “prescribe uniform standards and regulations for the efficient operation and maintenance of school transportation equipment and for the protection of the health and safety of children transported”. It supports schools when locating and establishing bus routes. It is the DoE that is expected by Iowa Code to “review all transportation arrangements when deemed necessary and have the authority provided under that law to disapprove any busing arrangements that are not in conformity with the law and established standards and may require changes to the arrangements so that they do conform”.

The Department of Education also establishes the minimum equipment specifications for transportation equipment. If the local district is providing transportation itself, the vehicle used must meet the requirements for being a “school bus” within the State of Iowa. These requirements can be found in Iowa Administrative Code Rules Chapter 281-44. There are requirements for both the traditional “yellow bus” and for multi-purpose family type vehicles such as SUVs, vans, and cars. Again, these are strict requirements that must be met if the vehicle is owned by the school district. Needless to say, other types of transportation may be used such as what is mentioned later in this briefing, including but not limited to RTA (regional transit authority) buses, city buses, and taxis. A later section of this brief deals with “creative” ideas for transportation, and that is where these options would most likely come into play.

Role of Local Education Agencies

While the DoE has general supervision over school transportation, it is the local school districts that have primary implementation responsibility. Delays and disruptions cause by school changes make it harder for students in foster care to access academic programs that they may have started in a previous school. To avoid this, Fostering Connections contemplates partnerships to ensure school stability.

Local schools and Area Education Agencies effectively address the unique challenges facing children in the foster care system when they create a foster care liaison or designee, similar to the McKinney-Vento liaisonⁱⁱⁱ within the school. Students in foster care are better served when a single person is designated to deal with issues that arise, such as who has

the right to sign papers or payments for extra-curricular activities. This person could receive special training and share knowledge with the rest of the school staff. Transfer of student records is a challenge for those helping a child in foster care. A registrar educated about the foster care system is a blessing, when trying to make sense of a patchwork of partially completed classes to give a child the credit he or she deserves.

ASSESSMENT OF THE NEED FOR SCHOOL TRANSPORTATION

The Iowa Collaboration, a group formed by Iowa Children’s Justice to partner to improve education outcomes for children in foster care, set out to evaluate the need for transportation supports in an effort to remove transportation as a barrier to keeping a child in foster care in his or her own school.

The work group began by imagining the types of students who would need our help to establish or maintain education stability. The work tackled needs for transportation by creating four groups: 1) when transportation is not needed, 2) when transportation is needed, but it can be provided at no cost, 3) when there is a cost, but there is an existing mechanism to pay, and 4) when we need to get creative with funding. The categories are detailed as follows:

1) CHILDREN NOT REQUIRING TRANSPORTATION

For some children entering the foster care system, no transportation is needed. Assessment of the appropriateness of the current education setting is required. Ideally, the child in foster care remains in the home school, assuming that setting is meeting the child’s educational needs.

Children who are placed within the school boundaries: A critical element of the Fostering Connections Act is that child welfare agencies must make a documented effort to place children within or close to their current school communities. If child welfare agencies are successful in these required efforts, fewer children will need to change schools.

Transportation assistance will not cost anything if children are not maintained in their home school due to “best interest” determinations; if the children’s placement is within the children’s home school boundaries; or if the children have completed their high school diploma or GED and are under the age of 18.

If a child in foster care is not “homeless” and is enrolled in the school district in which the child’s foster care placement is located, the child is entitled to free transportation on the same basis as any child. Iowa Code section 285.1 provides the following:

a. Elementary pupils shall be entitled to transportation only if they live more than two miles from the school designated for attendance.

b. High school pupils shall be entitled to transportation only if they live more than three miles from the school designated for attendance.

Children whose “best interest” dictates that they should be immediately enrolled in new schools: The Fostering Connections Act specifically requires that “best interest” determinations be made when deciding whether a child should remain in the current school or move to a new school. While the presumption is that children remain in their school, when these best interest determinations are made thoroughly and thoughtfully, the decision for some children will be that it is

in their best interest to be immediately enrolled in a new school. In these situations, no special transportation will be needed.

Students who have successfully graduated from high school will no longer need school transportation as they have completed their secondary education. Also, some youth will have received a GED and not be planning to obtain a regular high school diploma. A goal of the school stability requirements of the Fostering Connections Act is to provide youth with opportunities to remain in school or return to school. Of course, youth who have left school and have not yet completed a diploma or GED, but will hopefully reengage, should be included in the numbers that may require transportation to achieve education stability.

2) CHILDREN WHO NEED TRANSPORTATION, BUT THERE IS NO ADDITIONAL COST

Family members of the student, school teachers, or friends of the family may be willing to transport to school, at least for a short period of time until a more permanent arrangement can be made. It is incumbent upon education and child welfare professionals to respectfully and cooperatively engage such persons to ensure necessary transportation and other education supports are made available.

If the child's placement is close enough to existing bus stops for home school or there is transportation available to drop the child off at the bus stop and to pick the child up from the bus stop after school no additional funding is needed. This type of arrangement will require good communication between the DHS caseworker or foster parent and the school district.

If the child's placement is outside the home school busing boundary but inside the school district and the school has transportation options to transport the children across the district, no additional funding is needed. For example, additional transportation options may exist due to McKinney-Vento routes, special education student transportation, magnet schools, alternative schools, etc. (see McKinney-Vento program in section 3 below).

Transportation can be facilitated by various caring adults. Cost can be reduced or eliminated if the child's placement is outside school district but there is an adult available who is willing to commit to provide consistent transportation for the child to maintain the child in their home school. The adults could include teachers or volunteers within the home school district, Big Brothers or Big Sisters, relatives, etc.

It was brought to the attention of the work group that some of the "would be transporters", such as school professionals, friends or neighbors may decline requests to transport because of a real or perceived liability. These liabilities include cost, but can also include fear of being sued if they get into an accident or being accused of harming the child in some other way. These are real worries that beg consideration if a local district or child welfare agency decides to engage community members, volunteers, or others to transport children.

As for a teacher transporting in a personal vehicle –such practice is discouraged. By using their own vehicle teachers are taking on quite a bit of unneeded liability, plus the vehicle being used really should meet the minimum specification requirements for school transportation equipment if being used on a regular basis because this truly is "home to school" transportation. Is it illegal? No, as long as the teacher is not being compensated for providing the transportation. But if the teacher's vehicle does not meet the safety and equipment requirements prescribed in the IAC Chapter 44 rules, is that then really fair to that child so far as being transported in a "safe" vehicle? On the other hand, if the teacher is being

compensated for the transportation, the vehicle then MUST meet the requirements and the teacher, in a role then as a “school bus driver”, must also meet the training, licensing, and physical requirements set forth for “school bus drivers”.

3) CHILDREN WHO NEED TRANSPORTATION AT A COST, BUT THE COST CAN BE COVERED BY SOME EXISTING MECHANISM OR FUND

Some of the children in foster care have unique needs or circumstances that qualify them for special services or funding. The work group found we need to share information across systems to better utilize existing programs and funds. Sharing information about programs and supports across systems is particularly helpful to secure transportation. Examples of children who need transportation, but it is already covered, are:

- Students who are considered homeless under the McKinney-Vento Homeless Assistance Act.
- Students who have an Individual Education Plan (IEP).
- Students who need transportation to maintain education stability and the local DHS office is able to fund transportation.
- Students who live close to their home school, but just across the bus route boundary.

Children for whom DHS can pay transportation in order to maintain school stability: The Fostering Connections Act states that child welfare agencies must ensure that children stay in the school in which the children were enrolled at the time of placement (unless it is not in their best interest to do so). Therefore, child welfare agencies must ensure that school transportation is provided when needed. Federal child welfare reimbursement dollars are available to assist with transportation costs, but funding is extremely limited in Iowa and based on circumstances and protocols that vary by DHS service area. The DHS case manager will know if such funding exists in their service area.

Children who are eligible for special education services may receive services like transportation, under the Individuals with Disabilities Education Act (IDEA). Students receiving special education services have Individualized Education Plans (IEPs), which describe the children’s educational needs and services required to meet those needs. If the IEP team decides that transportation is a necessary related service to facilitate participation in the child’s special education program, the local education agency is required to provide that service.

For the school to use federal funding for transportation, the child must have an Individualized Education Plan (IEP) that outlines the child’s education needs and services, including related services. Transportation is a “related service” that must be provided to a child if the IEP team concludes that a child needs transportation to and from the child’s special education program. Although transportation will not be added to the IEP for the sole purpose of preserving school stability, transportation for the child to attend his or her special education program may support the child remaining in the current school. Foster care involvement alone is not sufficient to warrant an IEP or special education supports or services. Two examples illustrate this point:

- Child A is placed in a foster care arrangement outside of her home district. Child A is in special education and has a unique set of special education needs that can only be met in her home district. Child A’s IEP team could permissibly add special transportation to her IEP.
- In contrast, Child B, who was also placed in a foster care arrangement outside of his home district, has special needs that can be met in the district of foster care placement. In Child B’s case, transportation would not be a related service because transportation would be for needs other than special education.

Children considered Homeless: Children in foster care are entitled to free school transportation if a child meets the definition of “homeless”. Education and child welfare professionals tend to agree that for the purposes of foster care, only children who are awaiting foster care placement^{iv} are considered homeless and eligible for McKinney-Vento services. This means that children who are expected to remain in foster care for thirty days or less or who are placed in shelter are eligible. If eligible, the child is entitled to free transportation to the school at which the child is enrolled, including the child’s school of origin. It will be necessary to consult with local school professionals, but potentially some of the students involved with child welfare who are requiring transportation can be transported via this funding source.

The McKinney-Vento Act is the primary piece of federal legislation dealing with the education of children and youth experiencing homelessness. It was originally signed by President Reagan in 1987 and was reauthorized as Title X, Part C, of the No Child Left Behind Act in January 2002. The M-V Act requires schools to provide, for example, transportation for homeless youth to and from their school of origin.

Schools must identify children and youth in homeless situations and provide appropriate services. According to the McKinney Vento Homeless Assistance Act, a “Homeless child or youth” is defined as a child or youth from the age of 3 years through 21 years who lacks a fixed, regular, and adequate nighttime residence and includes a child or youth who is awaiting foster care placement.

Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services, however, children already in foster care are not eligible (See Section 725(2)(B)(i) of the McKinney-Vento Act.) An Iowa definition of “Awaiting foster care” was developed to make more clear that some of the children who some might consider in foster care are, in fact, still eligible for McKinney Vento supports under federal law.

The term “awaiting foster Care” is defined as any child in shelter or in foster care who is expected to remain in the current placement for less than thirty days and is eligible for the supports of the McKinney Vento Homeless Assistance Program. This includes transportation to keep a child in his/her school and requires that the child be enrolled immediately. This definition has been provided to all school district superintendents in Iowa.

Transportation may be paid for or provided through McKinney Vento Act funding to school districts, however, funding is extremely limited. Consult the local school district McKinney Vento Liaison for more information.

For a factsheet detailing the overlap of the rights and responsibilities for child welfare and education agencies under McKinney-Vento and Fostering Connections, see:

http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa_fc_and_mv_overlap_final.authcheckdam.pdf

For numerous policy and guidance documents on Iowa’s Department of Education website, please visit:

http://educateiowa.gov/index.php?option=com_content&task=view&id=422&Itemid=1393

4) STUDENTS WHO NEED TRANSPORTATION AND THERE IS A COST: CREATIVITY REQUIRED

Some children will need transportation provided at additional cost. The federal instruction is very clear that cost should NOT be a factor in determining the best interest of the child for school selection purposes. Stated another way, lack of transportation is not an acceptable reason for moving a child who doing fine at his home school.

In the best case scenario, a child in foster care is placed close to home and so we don't need to worry about how or if we need transportation. When things don't fall into place, it's time for all the people in the child's life to get creative. There should be no dispute that education is one area of a child's life where the courts, child welfare, and education have a stake and a responsibility to do what it takes to help maintain stability and ensure progress.

Some examples of transportation with associated costs are:

- A foster parent, relative or other adult provides transportation but needs reimbursement for mileage.
- An agency provides the youth or caretaker with bus passes or other public transportation vouchers.
- An agency contracts with private transportation company to provide a bus/van/car
- A school district reroutes, or adds a bus to its fleet, to accommodate the transportation needs of children in foster care.

In order to increase the number of children who remain in their home school, the case worker will reach out to partners on the child's "team". Many times, it is through these conversations that a solution emerges.

It is important the local school is notified by the child's caseworker to see if they can help facilitate transportation, if needed. When a child enters the foster care system, there is much to do, to be sure, but establishing a relationship with the local school professionals involved with the child can pay great dividends in terms of knowledge of the child and family situation, potential mentors or supports, and policy or funding information that only the educators would know about. In all likelihood, the district will want to try to keep the child in the school as well. Deciding to add a bus or to reroute existing routes might be an option to accommodate transportation for a child in foster care.

Contracting with transportation agencies to provide transportation, either through a statewide contract or through service area contracts, is not unprecedented. Contact your local regional transit authority to explore this option.

It may be that someone in the child's life whose existing commute to work complements the child's transportation need. To find such a person, engaging the youth in this search is critical. Next, a family team meeting, school staffing, or court hearing can be used to discuss who works or lives near the child's school or foster care setting.

When students move across school district lines, the issue of transportation obviously becomes more complicated. However, there may be opportunities to transport the child to his or her current school using some or all of the school transportation system that is already in place. Good communication between the current and new school districts is critical.

Iowa Jobs for America's Graduates is an example of a support and advocacy program working with foster students in school across the State of Iowa. iJAG is offered in some schools and funded, in part, through the Department of Human Services. An iJAG Education Specialist works in the school. They are responsible for a smaller learning environment of small class sizes that a typical classroom. One benefit of this program is the ability to be an advocate of foster care students in the education system. Specialists work with caseworkers, school administration and faculty, guardians, and parents to determine the best educational plan for stability of the student. Being a constant source of support for their

students, the specialists within the schools are a resource for building and district staff in relation to issues related to foster care students and continue to be a significant advocate for the best interest of the student.

Specialists also assist with the coordination of services including but not limited to: transportation to court hearings, gaining and sustaining employment, required meetings, and credit retrieval. iJAG is a nonprofit agency housed with the Iowa Department of Education.

IOWA FOSTER CARE PLACEMENT SETTINGS

FAMILY AND CHILD ENGAGEMENT

The role of the family should be considered first, when making education decisions, including the preferences of the child and parent. Because a child is in foster care, does not mean a parent cannot make decisions regarding the education of the child. The parent retains rights to education decision making for the child when the child enters foster care, unless a court order determines otherwise. The parent's interaction with the child and educators to support the child's education can be a first step to regaining stability for the family and the child. Relatives and friends may provide short term and low cost transportation

Team decision making, in Iowa known as Family Team Decision Making (FTDM), is not a foster care setting, rather it's a philosophy and a practice strategy for delivering child welfare services that is used in an effort to avoid foster care altogether, and when foster care is necessary, reduce disruption to the child and family. The Department of Human Services [DHS] child welfare focus is on serving families with children at serious risk of harm from abuse and neglect. Building teams at the time of crisis to support families where there is a risk of serious harm to the child has been identified as a means to address the factors that threaten the child's safety, establish permanency for the child, and promote well-being – central expectations in the provision of child welfare services.

When properly applied, FTDM supports a trust-based relationship, facilitates family engagement, and sustains the family's interest and involvement in a change process. Within the context of keeping a child in his home school or determining a better school setting if his home school is not in the best interest of the child, family team meetings allow a mechanism to identify family members, friends, or providers who can help with transportation. It is a forum where discussion can happen about the cost of transportation, including the possibility of financial help from the local schools, AEAs, DHS or others. To monitor whether the chosen school setting is, in fact, working for the child, a FTDM meeting can be used for ongoing evaluation of what is working and what is not working so that intervention strategies can be changed or modified as circumstances change.

FTDM promotes unity of effort and provides an opportunity for all helping professionals to develop a shared understanding of the family's situation – which are critical elements in attaining positive results. It is for this reason the local school professionals, including social workers, a special teacher, AEA or others should be considered for invitation to the FTDM meeting. DHS should join with other professionals who may already be conducting education meetings for the child.

CHILD WELFARE SERVICES: DHS contracts with private agencies to provide child welfare services, such as safety plan services, family safety, risk and permanency services; family foster care; group care; child welfare emergency services and shelter; supervised apartment living services; graduated sanctions; and family reunification services. All

child welfare service providers have a role to play to promote child well-being, and specifically, education stability. The part the child welfare provider will play in the educating of a child in foster care will largely be decided through the referral process and in the family team meeting.

FAMILY FOSTER CARE

Iowa's recruitment and retention contractor, who assists with the selection of foster homes, Kidsnet, calls foster parents within the 20 mile radius first to keep the youth in their same school district. Those making the decision to change the education setting, if the current school is not in their best interest, are the social work team: worker, therapist, child, and parents. When a school change occurs, it is often because that school is not a positive environment for the child. The child needs to be part of this decision on what school he/she is attending to insure stability.

FOSTER GROUP CARE AND EMERGENCY SERVICES AND SHELTER

It is the Department's practice to place children as close to their home and school as possible. Caseworkers should not place outside the area where the child is living at the time of the placement unless there isn't an appropriate placement within that area or the out of home placement is in the best interest of the child. Sometimes an out of area placement is actually closer to the child's home.

When a child will be placed out of home into foster group care or Child Welfare Emergency Services (CWES) emergency juvenile shelter care, the Department must assure the educational stability of these children.

For children entering foster group care or CWES shelter, caseworkers determine the educational best interest of the child in collaboration with the child, parents, local education agencies, the guardian ad litem (child's attorney), and the placement contractor to work toward meeting the child's need for appropriate and stable educational opportunities. Other factors considered when choosing a placement include the child's need to be placed with siblings, continuity with previous placements, the ability of the placement contractor to support the placement, and the success of the placement contractor serving children with similar needs, anticipated length of placement, and availability of the placement.

While group care and CWES shelter contractors are available across Iowa, they aren't located in every single community or county. Therefore, whether or not a child can remain in their home school during placement must be considered.

Children in foster care should not change schools unless remaining in their current school is not in their best interest. When that's determined, caseworkers arrange for school enrollment in another educational setting. This can include schools provided on the campuses of group care or CWES shelter contractors (offered through agreements with and by teachers from the schools in the community where the placement contractor is located) or children in placement attend the local community school.

Department workers arrange for school record transfer at the time of discharge. Additionally, contracts with group care and CWES shelter providers require them to assure that all school aged children attend school regularly. Transportation to/from school must be facilitated by the contractor. In some cases placement contractors provide transportation directly and in other cases they assist with access to other modes of transportation.

SUPERVISED APARTMENT LIVING

In Supervised Apartment Living, Iowa's least restrictive level of foster care for children age 17 and older (16 year old youth can be served in a "cluster" setting), typically the school that the child will attend once in the program is the school they were attending when they entered the program. This is largely due to the flexibility providers have in selecting apartments for these young people –if there's not a SAL provider in that area, the worker will contact one of the other SAL contractors to see if they have staff that can staff the child in a scattered site placement. SAL providers are expected to make all efforts to keep the youth in the school they are attending unless it is not in the child's best interest. Because of the age of the child and the level of maturity required for a child in this level of program, the youth's desire is a stronger factor in the "best interest" determination. A youth living in their own apartment will often only attend the school they want to attend, rather than the school the adults in their lives say is "best" for them.

SAL providers will at times provide transportation to a school. If a youth is placed in Johnston, for example, and it is deemed critical to the youth's need to remain in school in the Des Moines district, fifteen miles away, for instance, they will often provide transportation for that youth. If a SAL provider is not available in a particular area, the case manager (DHS or JCS) may provide the SAL services in order to keep the youth in their current school.

DATA

Data can provide valuable insights into the need for and capacity of the child welfare system to provide transportation for foster children to maintain school stability. Ideally, child welfare and education agencies would be able to routinely identify who is successfully being maintained in their schools when removals occur and how far children are placed outside of their school districts when they cannot be maintained in their schools. The number and circumstances of children who change schools for good cause also need to be identified. Together this information can help us to identify the magnitude of the need as well as the system's current capacity to meet that need.

In Iowa, the administrative data systems in child welfare do not include information on the schools that children are attending at the time of removal or after placement. Proxies for this information must be used to intuit the potential need for school transportation. Information on placement addresses and home addresses can be used to determine the distance the child is placed from his home and then infer what happened in regard to the school the child is attending pre and post removal. For example, we know that children placed in kinship or foster family homes, the most frequent type of placements, are typically closer to home (and presumably the child's school) than congregate forms of placement. Further, although we tend to capture information about the schools and the child's performance in school in case plans, case notes, and case narratives, this information is not in a form that lends itself to systematic reporting.

Similar challenges exist on the education side, regarding school stability of children placed in foster care. The Department of Education has data on where children are enrolled but does not consistently have data on who is in foster care or when they were placed.

As we move forward the Department of Human Services, the Department of Education, and the courts need to work together to find ways to share the information they have to help answer the key questions about system capacities and what is working today. As we work to improve the quality of the information available we also need to find ways to avoid creating additional burdens which may distract from the core mission to keep children safe and to provide for their educational development. Data sharing and matching can go a long way toward improving the understanding of the system's capacity to deal with transportation issues and what it takes to keep children in the same school when removal occurs. The recently enacted Uninterrupted Scholars Act, which will allow DHS direct access to school records of

children in care, clears one barrier to such information sharing. We should identify the additional data elements needed, such as good cause reasons for school transfers, so that they can be added to the administrative data systems as they evolve.

MEDIAN DISTANCE FROM FOSTER CARE TO HOME

The table inserted below displays the median distance children in foster care were placed from the parental home. This data was collected for a point in time (December 31, 2012) and for children of school age (5-20). The column headings show the placement type.

The impetus for looking at distance data is as follows: child welfare could use data to examine how far children were placed from their home school, and then find a way to transport children more frequently, to promote school placement stability. Seemingly simple, this has turned out to be quite problematic. As previously stated, child welfare doesn't have access to data that showed us the location of the school the students were attending when they entered foster care or the school they attend currently. Case workers have this information, as do schools, but the information systems don't necessarily have this information aggregated and the agencies are not to a point where a convenient process is in place to share data.

As a proxy....the work group looked at how far it is from the parent's home at removal to the foster home/other foster care placement. That is displayed in the appendix I with color groupings to show children who are placed more closely to home (green) and children placed far away from home (red). Clearly, the treatment needs of children is a factor in how far they are placed from home. Foster Group Care, for example, is a less frequently used service and the programs are fewer, therefore children who need end up farther from home to get the service they need.

The colors on the table range from placement proximity to home from very far away (red) to close by (green). The colors allow the reader to see trends at a glance. A few key things arose in the data analysis:

- **Children in relative placements are closer to home:** Analysis of the data determined the family settings, such as relative homes and family foster homes, tend to be closer to the family home than the more structured placements such as group care or institutions. Interestingly, the relative placements are even closer to home (average 9 miles) than the foster family homes (average 22 miles). One might infer from this that relatives are nearby or even in the same neighborhood as families that come to the attention of DHS. Foster home availability never seems to meet the need, particularly for older teens and children in rural areas. To be sure, DHS and our contractors need to continue to recruit quality foster parents, targeting high demand areas or expertise. The close proximity to home of children placed in relative care is seen as a good thing in terms of potential for family members to help out with transportation or other needs the children and their parents might have. This should inspire child welfare to redouble efforts to recruit and support relative placements.

Foster family placements are family homes, which are licensed and who receive a monthly stipend to care for the child. While these homes tend to be close to the home where the child was removed, some are quite far away. There are a host of reasons why the foster home might be far away, for example, that the child's health or behavioral needs require a foster parent with a particular skill set, however, the data is showing us we still have work to do to ensure children in foster homes are close enough for the child to remain in the home school.

- The more structured placement types house children farther from home:** Children in foster care who exhibit serious health or behavioral challenges and/or for some other reason cannot stay safely in a family home are placed in shelters, detention centers, or institutions. These placements are quite far away from the parental home, on average 97 miles for group care and over 100 for the state training schools (Eldora and Toledo). For a child in these structured placements, a determination first must be made that the child needs these supports and that this need overrides the need to be close to home. Given such a circumstance, it is implausible the child can remain in the home school. Transportation, even if it was paid for, is not reasonable. There are things that can be done, however. Providers of foster care, case managers, and juvenile court officers should be coordinating with local education and AEA staff to ensure transitions are seamless and that credits earned are credits maintained when there is a school change.

Median Mileage from Home by Placement Type as of Dec. 31,2012							
	Group Care	Shelter and Detention	Eldora and Toledo	Foster Family	Non-Relative-Unlicensed	Relative - Unlicensed	SAL
Adair	120					10	
Adams	120			15			
Allamakee	70			20		5	2
Appanoose	90	18	100	10		10	55
Audubon	78			45		7	18
Benton	90	18	100	10	10	15	
Black Hawk	54	21	50	10		10	32
Boone	100	12	75	15	10	45	10
Bremer	55	21		55	5	10	
Buchanan	70	40	100	20		5	
Buena Vista	150	45		25	2	1	
Butler				27	5	13	
Calhoun	90		60	30	10	10	
Carroll	78	30		14	12	7	18
Cass	78			30	12	7	
Cedar				20		5	
Cerro Gordo	55	21	50	15	5	5	
Cherokee	150			30	2	10	
Chickasaw		21		27		10	
Clarke	120	12	75	15			10
Clay	150	45	200	25	2	20	
Clayton	70			20		5	
Clinton	70		100	25	5	1	
Crawford	78	30	100	23		1	
Dallas	120	12		21	10	10	10
Davis	90			10		10	
Decatur				15		10	
Delaware	70			20		5	
Des Moines	140			20	10	1	60
Dickinson	150	45		25		10	
Dubuque	70	40	100	10	5	5	2
Emmet	150	45		35		10	40

Median Mileage from Home by Placement Type as of Dec. 31,2012							
	Group Care	Shelter and Detention	Eldora and Toledo	Foster Family	Non-Relative-Unlicensed	Relative - Unlicensed	SAL
Fayette	70	40		44		5	
Floyd	55			27	5	10	32
Franklin				30		10	
Fremont	78	30		20		7	
Greene	78	30		20		7	
Grundy	55	21		27		10	
Guthrie	78	30		20		7	
Hamilton	90		60	30		10	37
Hancock		21		27			
Hardin	90	60		30	10	10	37
Harrison	78	30		20	12	7	
Henry	75			20		5	
Howard				20		5	
Humboldt	90			70		10	
Ida	150	45		25		10	
Iowa	90	18		10	10	10	
Jackson	70		100	20		23	
Jasper	90	60	60	45	10	10	
Jefferson	90	18	100	10	10	10	
Johnson	75	18	100	15	10	5	55
Jones	90			10		10	
Keokuk	90			10	10	10	
Kossuth	150	45		25			
Lee	125	85	200	35		20	60
Linn	65	10	100	10	5	5	55
Louisa	75	85		20		5	
Lucas	120	12		15		10	
Lyon	150	45		25			
Madison	120			15		10	
Mahaska	90	18		10	10	14	
Marion	150	12	75	15	10	1	10
Marshall	56	60	60	15	10	12	
Mills	78	30		20	12	7	
Mitchell		21	50	27	5		
Monona	78			20		7	18
Monroe	90	18	100	10		10	
Montgomery	78	30	100	20		7	
Muscatine	75	85	200	15	10	6	
OBrien	150		200	33	2	10	
Osceola				25	2	10	
Page	78			19	12	7	18
Palo Alto	150	45	200	25		10	
Plymouth	150	45		25	2	25	40
Pocahontas	90		60	30		10	
Polk	100	10	75	15	10	10	10

Median Mileage from Home by Placement Type as of Dec. 31,2012							
	Group Care	Shelter and Detention	Eldora and Toledo	Foster Family	Non-Relative-Unlicensed	Relative - Unlicensed	SAL
Pottawattamie	95	30	100	10	12	6	18
Poweshiek	90	60		50		25	37
Ringgold	120	12		15	10	10	
Sac				20	12		
Scott	70	85	200	15	10	5	60
Shelby	78	30		20	12	7	
Sioux	150		200	25		10	
Story	150	60	60	20	10	15	37
Tama	120	60	60	15		10	
Taylor	78						
Union	120	12		10	10	1	
Van Buren	90		100				
Wapello	150	18	100	20	10	8	55
Warren	120	12	75	10	10	15	
Washington	90	18		10	10	15	
Wayne	120		75	15			
Webster	60	60	60	20		5	37
Winnebago	55			40			
Winneshiek	70			20	5	5	
Woodbury	150	45	200	20	2	10	40
Worth	55						
Wright	90		60	60		20	
Variation Statistics							
Minimum	54	10	50	10	2	1	2
Maxmum	150	85	200	70	12	45	60
Mean	97	34	103	22	8	9	31
Median	90	30	100	20	10	10	37
Standard deviation	31.2	20.7	51.3	11.2	3.4	6.1	19.0

Notes: Medical is a combination of: Hospital, PMIC, "Non Child Welfare", and "Other Medicaid" services.

If one county has less than 10 cases in each placement, the median mileage is represented by the median distance for the group of counties representing the DHS service area (as of Dec 31, 2012).

RURAL AREA TRANSPORTATION CHALLENGES

As challenging as finding transportation can be in urban areas, these struggles are compounded in rural areas by long distances between schools, diminishing local school resources, and fewer foster care placement options.

When funding is necessary, but not available through other resources, local DHS offices may use local flexible funds, known as decategorization, (known as a Family Assistance Contract), for all DHS client transportation needs, including transportation. Of course, decategorization funding is limited and so the use of funding for school transportation may not

be an option or may be limited in your area. Caseworkers occasionally gives out gas cards for families or buys bus passes for parent/youth transportation to school or appointments as necessary. Very little has been spent on transportation in the local offices that have been contacted. Decategorization coordinators can be consulted by contacting local DHS offices.

RURAL AREA TRANSPORTATION NETWORKS:

Rural areas may find success contracting for transportation for medical appointments or schools functions. For example, the Heart of Iowa Regional Transit Agency's website explains they provide public transit service available to all citizens and visitors of Boone, Dallas, Jasper, Madison, Marion, Story and Warren Counties in central Iowa, enhancing quality of life, enabling access to employment and education, and promoting independent lifestyles for central Iowa residents.

A Mobility Coordination model is utilized to access local public transit and planning agencies as well as human service agencies to coordinate transportation services to improve overall mobility for the general public, with an emphasis on the elderly, low-income persons, and/or persons with disabilities.

A VOICE FROM RURAL IOWA:

The following summary from a DHS supervisor in rural Iowa makes clear the challenges piecing together transportation, but also demonstrates the resourcefulness of local areas:

"It has been an issue 6 times that I can think of – all were relative placements. We used (decategorization) funds for each of the cases to some extent. Mostly for gas vouchers for the relative to transport the children to school and back each day. We also paid for Regional Transit Authority to bus the kids to their home school in one case (it was only for 1 month until school let out for summer). We also worked with the school to work out car-pooling when possible. In one case, a teacher from the school lived in the same town as the kids were staying. Mom signed a release, and the school arranged everything. In a case of a child with an IEP, everything was worked out in a family team meeting – school honored the door-to-door busing in the IEP and transported the child from (one town) to (the next town) each day. Ogden didn't have the ability to serve the child in their school system, so I believe they split the cost."

---DHS Supervisor

THE IOWA DEPARTMENT OF TRANSPORTATION (DOT) MAKES RELIABLE TRANSPORTATION AVAILABLE TO ALL CITIZENS

The DOT has mandated that all 99 counties have a designated transit agency, allowing access to reliable transportation to all citizens in Iowa. There are 35 transit systems in Iowa – comprised of 16 rural and 19 urban/small urban systems. The majority of transit systems in the rural areas are operated door-to-door, meaning a client can be picked up at the residence and taken directly to their desired destination. Urban and Small Urban systems operate with fixed routes, meaning a client is to be at a certain location and taken on a fixed route through town. Urban systems may also be required to offer Complimentary ADA Paratransit service depending on population of their location. An interactive map has been set up by the Iowa DOT to easily find information on each system. Simply click on the region you wish to learn more about, and information will appear for that region. http://www.iowadot.gov/transit/interactive_map.html

For example, Heart of Iowa Regional Transit Agency (HIRTA Public Transit) is the rural transit agency available to all residents and visitors of Boone, Dallas, Jasper, Madison, Marion, Story and Warren Counties in Central Iowa. HIRTA Public Transit focuses on enhancing quality of life, enabling access to employment, education or medical, as well as social, all while promoting independent lifestyles for Central Iowa residents. Due to the uniqueness of each county within the HIRTA region, we have a variety of services, hours, and rates structures. HIRTA Public Transit both contracts transit services to human service agencies, and provides transit services directly within our region; a complete listing of service hours and rates, by county, is available at www.ridehirta.com or by calling 1-877-686-0029.

Mobility Management is relatively new in Iowa. Mobility Managers are utilized by local public transit, planning and human service agencies to coordinate transportation services to improve overall mobility for the general public, with an emphasis on the elderly, low-income persons and/or persons with disabilities. Iowa has a network of nine Mobility Managers, including one Statewide Mobility Coordinator, who are spread throughout the state. Mobility Managers serve as a one-stop source of information for everything transit related, not necessarily concentrated on one transit system. An interactive map has been set up by the Iowa DOT to easily find information on each Mobility Manager.

<http://www.iowadot.gov/iowamobilitymanagement/coordinators.html>

The Central Iowa Rural and Central Iowa Urban Mobility Coordinators work together to find transit solutions for those who need to cross boundaries from the Des Moines Metropolitan area to the rural counties and visa-versa. They also provide travel training, teaching people how to use each system and they are also available to attend meetings, workshops, or address any group and talk about transit in and around Central Iowa.

CONCLUSIONS

When it comes to helping children in foster care get the education they deserve, the stakeholders are many and include the family and the child, but also cross large systems such as education, court and child welfare. Public and private agencies have a role. Mentors and volunteer help is needed. Communication is a vital tool for all parties involved.

Lack of transportation is a barrier to keeping a child in the home school when the child enters foster care or changes foster care placements. Busing used to transport a child to his neighborhood school is no help for the child in foster care moved outside of his or her school district's busing boundaries. In the rural areas, this is much harder to maintain due to a lack of foster care placements and the travel time between districts.

While the Fostering Connections and McKinney-Vento Act provide accountabilities for state educators and child welfare professionals, and while there is a great deal of practice guidance available to states, it is critical that each state find its own way of removing barriers to education stability for children in the foster care system. Both child welfare and education agencies must have a clear understanding of what federal law requires. State and local agencies must review their laws and policies to determine to what extent they have already addressed school stability and transportation issues and which issues need to be addressed. Currently, there is widespread and understandable confusion about the overlap between the McKinney-Vento Act and the Fostering Connections Act and the differences in the responsibilities and requirements under each. There also is confusion about the specific aspects of the Fostering Connections Act, especially around what transportation costs are and are not covered by existing law. Successful state implementation requires a solid understanding of the current legal requirements as well as the areas of ambiguity or need for additional state or federal clarification.

In both the child welfare and education systems, the prevailing assumption has been that when a child's living situation changes, so does the school. Federal and state law refutes that assumption, making clear that the "default" placement is the school the child was attending when the child entered foster care. Continued work must be done so that staff's assumption now favors school stability – that a child's school remains stable unless it is in the child's best interest to change schools. We are on our way, but there is much work to be done.

ACKNOWLEDGEMENTS:

In December 2008, the Children's Justice Initiative formed the Education collaborative to address the education needs of youth in foster care. Iowa Children's Justice continues to support the education collaborative as a venue for state agency staff, providers, youth and families to partner to improve education outcomes for children in foster care.

The primary writer for this brief and the contact for questions or to provide additional information is Doug Wolfe, Division of Adult Children and Family Services, Iowa Department of Human Services, Hoover Office Building, Des Moines, Iowa, dwolfe@dhs.state.ia.us.

Iowa continues to receive technical assistance from the Legal Center for Foster Care and Education around best practice and better coordination between the Department and local school districts regarding sharing of information necessary for youth to achieve best educational outcomes. This document was created borrowing heavily from documents and concepts developed by the legal center and specifically, sage guide and mentor Kathy McNaught.

Jim Casey Youth Opportunities Initiative has been active in discussions around education in Iowa and is involved with a variety of child welfare partnerships.

The Iowa Foster Care Youth Council (AMP) participates in state and local level meetings and provides regular education and career information to teens at ten local chapter meetings.

Despite our efforts to make appropriate citations and acknowledgements, we may have missed something or someone. For any oversight, we apologize in advance.

ⁱ School Selection for Students in Out-of-Home Care was developed by The Legal Center for Foster Care and Education and the National Center for Homeless Education, Fall 2009.

ⁱⁱ U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; Children's Bureau; ACYF-CB-PI-10-11 July 9, 2010.

ⁱⁱⁱ Iowa's McKinney-Vento State Coordinator, who determines eligibility for McKinney-Vento, is Ms. Sandra Johnson, Bureau of Teaching & Learning Services, Iowa Department of Education, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319-0146; Phone: (515) 281-3965; Fax: (515) 242-6025; Email: sandra.johnson@iowa.gov.

^{iv} See Section 725(2)(B)(i) of the McKinney-Vento Act