



<b>INDIANA DEPARTMENT OF CHILD SERVICES</b>	
<b>CHILD WELFARE POLICY</b>	
<b>Chapter 8:</b> Out-of-Home Services	
<b>Section 20:</b> Educational Services	
<b>Effective Date:</b> July 1, 2023	<b>Version:</b> 13

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## POLICY OVERVIEW

Success in school is more likely to occur when planning for safety, stability, well-being, and permanency is fully integrated with the child’s educational plan. Therefore, educational services are provided to a child in out-of-home care, as part of the Case Plan/Prevention Plan, to meet the child’s educational goals and needs.

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## PROCEDURE

The Indiana Department of Child Services (DCS) must obtain education records for each school-aged child in out-of-home care. DCS will review the education records and any mental health records which directly affect the child’s education and/or educational setting at a Child and Family Team (CFT) Meeting or a Case Plan Conference. DCS will also invite the child’s school to provide information and participate in the case planning process as well as ensure a member of the Education Services team is present, when appropriate, to help determine whether an Individualized Education Program (IEP) or a Section 504 Plan (504 Plan) should be considered to address the child’s needs. The CFT will develop a plan to ensure the child’s educational needs are met (see policy 5.07 Child and Family Team Meetings).

DCS will ensure every school-aged child in out-of-home care is enrolled in school full-time, unless one (1) of the following circumstances exists:

1. The youth is eligible for, and actively pursuing, a High School Equivalency (HSE) Diploma;

**Note:** Some scholarships and grants will not be available if an HSE Diploma is completed instead of obtaining a high school diploma.

2. An alternate education plan has been recommended by the school the child attended at the time of placement and the plan has been approved by the court;
3. The youth has graduated from high school or has successfully completed an HSE Diploma; or
4. The youth has a physician verified medical condition which prohibits the youth from attending school.

In accordance with Every Student Succeeds Act (ESSA), DCS, the Indiana Department of Education (DOE), and local education agencies must identify State and Local Points of Contact (POC) to collaborate and determine the best educational interests of children in out-of-home

care. DCS has appointed the Education Services Program Director as the agency's State ESSA POC and the DCS Education Services Team as the agency's Local ESSA POCs. Additionally, if in the best interest of a child in out-of-home care, arrangements should be made to keep the child at the child's current school of origin.

DCS will not authorize a child in out-of-home care to enroll in an educational program that is non-accredited or unrecognized by the DOE, unless an exception is approved by DCS and the court.

DCS will **not** pay for the cost associated with attendance at a private school unless it is included in services provided by a residential treatment facility through an Individual Child Placement Referral (ICPR). DCS will **only** pay educational fees associated with the **repair or replacement of textbooks, devices, or musical instruments**. For additional information, see the Letter of School Textbook and Related Fees and School Invoicing Process for Repair/Replacement of Textbooks, Electronic Devices, and Musical Instruments.

**Note:** If offered by the school, resource parents are required to purchase insurance for any school-issued devices. DCS will reimburse resource parents for the cost of the insurance and deductible.

The Family Case Manager (FCM) will:

1. Complete the Release of Education Records form and submit the form to the last school in which the child was enrolled to obtain educational records;
2. Gather information regarding the child's education and discuss the child's educational best interests with the following:
  - a. The child,
  - b. The parent, guardian, or custodian, unless Termination of Parental Rights (TPR) has been finalized,
  - c. The resource parent, and
  - d. Members of the CFT.
3. Recommend and encourage the child's parent, guardian, or custodian to include the child's teacher, school social worker, or school counselor; Education Services Team (if applicable); and other involved school representatives as members of the CFT;
4. Notify the child's school of the child's placement change once the child is safely placed and within 24 hours;

**Note:** The school where the child currently attends should also be **verbally** notified of the child's removal or placement change once the child is safely placed.

5. Submit a referral to the Education Services Team within 24 hours of a child's placement change or if there is the potential for an educational placement change;

**Note:** When a child is to be enrolled into a non-accredited or an unrecognized educational program, the FCM must submit a referral to the Education Services Team for an Exceptions for Home School and Private School Attendance request. The Education Services Team will submit recommendations to the FCM and the FCM is to submit to the Regional Manager (RM) prior to seeking court approval, unless the child's enrollment in the non-accredited or unrecognized educational program has already been ordered by the court.

6. Communicate with the Education Services Team regarding information gathered and input of the CFT for completion of, the School Notification and Best Interest Determination (BID) form;

**Note:** If the child's school changes, work with school personnel to ensure the child is registered for school.

7. Provide the resource parent with available educational information (e.g., the name of the child's school of origin, current grade level, summary of academic progress, and any current discipline concerns);

**Note:** If applicable, discuss transportation options with the resource parent while preparations are being made by the school to begin providing transportation.

8. Ensure the child's parent, guardian, or custodian is included in all educational meetings and decisions unless TPR has been finalized;
9. Encourage the parent, guardian, or custodian; resource parent; or educational surrogate parent (ESP) to refer the child for testing to identify any special education needs and/or related services, if needed. If it is determined the child needs individual tutoring:
  - a. Request a comprehensive copy of the child's school records (see Practice Guidance),
  - b. Determine if there are patterns documented in the records that may explain poor academic performance (e.g., several school placements, inconsistent attendance, and/or inappropriate behaviors),
  - c. Communicate with the school administration team to determine appropriate tutoring services for the child,
  - d. Communicate with the school's administration team or multidisciplinary team to determine what academic interventions are being used to meet the child's current academic needs. Ask to see data that measures the child's progress and supports the school's decision to use certain interventions,
  - e. Ask to see progress monitoring data to determine if the child is making adequate progress toward academic goals if the child receives special education services,

**Note:** For a child with an IEP, grades on the report card are not always the best measure of progress and academic performance.

- f. Make a referral to an outside tutoring service, if determined to be appropriate, for a child who has received in-school tutoring and is still struggling. Ensure the tutoring service knows who to communicate with to determine what interventions and strategies are being used or have been used with the child, and
  - g. Request regular updates from the tutoring provider on the child's progress toward the child's individual goals (see policy 8.21 Special Education Services).
10. Ensure information regarding the child's educational stability, goals, needs, and efforts to enable the child's school to provide appropriate support and protect the safety of the child are included in the Case Plan/Prevention Plan and provided to the court (policy 5.08 Developing the Case Plan/Prevention Plan). If the child must transfer schools, information provided to the court will include, but is not limited to:
  - a. Efforts made to allow the child to remain at the child's school of origin attended at the time of removal or any placement change,

- b. The reason it is in the best interest of the child to transfer schools,
- c. The distance of the new school from the child's current placement,
- d. Enrollment arrangements with the new school, including transfer of educational records,
- e. The child's current placement,
- f. The current residence of the child's parent, guardian, or custodian (in order for the court to determine legal settlement),
- g. The school and school corporation the child will attend while in out-of-home care, and
- h. The transportation plan, which ensures the child is able to attend school.

**Note:** Unless educational services are provided in a residential treatment facility where the child is receiving treatment, the child should have a transportation plan regardless of whether the child will attend the same school or change schools (see policy 8.22 School Notifications and Legal Settlement).

- 11. Assist the parent, guardian, or custodian and/or resource parent in the completion of forms for free or reduced lunch and textbooks, if applicable;
- 12. Provide each child in the 7<sup>th</sup> through 12<sup>th</sup> grades with information about the 21<sup>st</sup> Century Scholars program, including the Scholar Success Program (SSP) and assist the youth with creating a 21<sup>st</sup> Century ScholarTrack Student Account;

**Note:** The application for the 21<sup>st</sup> Century Scholars program for a child in out-of-home care occurs automatically through the child's ScholarTrack Student Account. All youth in the 21<sup>st</sup> Century Scholars program are required to adhere to the program's pledge. All youth in the 21<sup>st</sup> Century Scholars program have the right to opt out of the program at any time.

- 13. Encourage and assist all youth in 9<sup>th</sup> through 12<sup>th</sup> grades to:
  - a. Update the youth's address with 21<sup>st</sup> Century Scholars annually,
  - b. Comply with all requirements set forth in the SSP and 21<sup>st</sup> Century Scholars, and
  - c. Sign the 21<sup>st</sup> Century Scholars Affirmation Statement during the youth's senior year of high school.

**Note:** The student may complete required steps through the child's ScholarTrack Student Account (e.g., Affirmation Statement).

- 14. Provide the youth with the following information during a CFT Meeting held immediately prior to the youth's 17<sup>th</sup> birthday (see policies 11.06 Transition Plan for Successful Adulthood, and 11.15 Post-Secondary Education):
  - a. Pell grants,
  - b. Indiana Education Training Voucher (ETV) Program through Older Youth Services,
  - c. Chafee grants,
  - d. Federal supplemental grants,
  - e. Individual Development Accounts (IDA),
  - f. The Indiana Commission for Higher Education-State Financial Aid,
  - g. The Indiana Division of Student Financial Aid, and
  - h. Free Application for Federal Student Aid (FAFSA).

**Note:** Each Indiana emancipated Senior or the parent, guardian, or custodian of an unemancipated Senior is required to be provided an affirmation link by the Seniors' school to complete regarding their intent to file a FAFSA. Remind youth and members of

the youth's CFT to complete the affirmation. The FCM will make a referral to the Education Services Team if the youth or CFT member would like additional support processing and/or applying the career and college information the affirmation link will provide them. All information above should be provided earlier if the youth is applying to colleges before 17 years of age/senior year or if the youth is pursuing a High School Equivalency (HSE) Diploma.

15. Have the youth and caregiver sign an Acknowledgement of Receipt of Information about Various Educational Programs. Give the youth and caregiver a copy of this form and upload the form to the case management system; and
16. Ensure all education information (e.g., current grade level, school name and address, School Notification and Best Interest Determination [BID], and IEP or 504 Plan date and specifics), decisions, and actions taken are documented in the case management system as changes occur.

The FCM Supervisor will:

1. Provide guidance to the FCM as needed; and
2. Ensure documentation is entered accurately in the case management system.

The Education Services Team will:

1. Collaborate with the FCM to plan for the child's educational needs and complete the School Notification and Best Interest and Determination (BID) form;

**Note:** If a collaborative decision cannot be made about the child's best interest, the FCM and Education Services Team will consult with the FCM Supervisor, the Local Office Director (LOD), and/or Education Services Director.

2. Provide the School Notification and BID to the identified POC at the school corporation where the child currently attends and the POC at the school corporation where the child has legal settlement **within 72 hours** of the child's:
  - a. Removal from the child's home and initial placement in out-of-home care,
  - b. Change in out-of-home placement,
  - c. Return to the child's home,
  - d. Initial determination of legal settlement,
  - e. Change in legal settlement determination,
  - f. Educational placement change, or
  - g. DCS case closure.

**Note:** If a change in the child's home placement impacts the child's educational setting, the school corporation where the child will be attending will be notified per the POC collaboration required by ESSA.

3. Obtain the signature of the Local Education Agency's POC on the School Notification and Best Interest Determination (BID) form;
4. Sign the finalized School Notification and Best Interest Determination (BID) form;
5. Upload the signed School Notification and Best Interest Determination (BID) form into the Education Services Team referral prior to referral closure;

6. Send the finalized School Notification and Best Interest Determination (BID) form to the POC at the school corporation where the child will attend and the POC at the child's school of origin; and

**Note:** The Education Services Team will facilitate collaboration with the Local Education Agency's POC to make a final determination regarding if remaining in the school of origin is in the child's best interest.

7. Ensure before August 1<sup>st</sup> of each year the appropriate school corporations are notified of whether the child's placement is anticipated to continue in the subsequent school year, using the Annual Notification of Placement in School Corporation form (see policy 8.22 School Notifications and Legal Settlement).

**Note:** If the child attends the child's school of origin, but does not reside in the school district, a review of the child's best interest should occur with the Education Services Team before the annual school notification is due.

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## RELEVANT INFORMATION

### Definitions

#### Education Records

Education records are documents and information about a student which are maintained by the school (e.g., date and place of birth; Social Security Number [SSN]; pictures; address of the parent, guardian, or custodian; emergency contact information; grades; test scores; special education records; disciplinary records; medical and health records the school creates/collects and maintains; documentation of attendance, awards, and conferred, degrees earned).

#### Educational Surrogate Parent (ESP)

An ESP is a specially appointed advocate who has been trained to assume the responsibility of representing the child in the special education decision-making process.

#### Every Student Succeeds Act (ESSA)

ESSA is a federal law which, as it pertains to foster children, was implemented in 2016. ESSA requires local education agencies' POCs and child welfare agencies' POCs to collaborate on determining educational best interests for foster children when their home placement change causes the potential for their education placement to change. ESSA also requires collaboration between the POCs on providing transportation for foster children who attend their school of origin but have been placed outside of the district.

#### High School Equivalency (HSE)

An HSE is an exam, which measures an examinee's levels of achievement relative to that of a graduating high school senior. The HSE is equivalent to the exam or qualification which was formerly known as a General Educational Diploma (GED).

#### Individual Development Accounts (IDA)

An IDA is a matched savings account program designed to assist individuals in achieving self-sufficiency through financial literacy and asset generation.

### Individualized Education Program (IEP)

An IEP is a written statement developed for a child that describes:

1. How a student will access the general education curriculum, if appropriate; and
2. The special education and related services needed to participate in the educational environment.

### School of Origin

A school of origin is the school that a student in foster care attended when the student last had a permanent residence or the school in which a student in foster care was last enrolled.

### Section 504 (504 Plan)

The 504 Plan is a Federal law that prohibits disability discrimination by recipients of Federal financial assistance. The qualified student is entitled to receive regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. The 504 Plan requires, among other things, that a student with a disability receives an equal opportunity to participate in athletics and extracurricular activities and to be free from bullying and harassment based on disability.

### **Forms and Tools**

- [21st Century Scholars Website](#)
- [21<sup>st</sup> Century Scholars Pledge](#)
- [Acknowledgement of Receipt of Information about Various Educational Programs \(SF 55743\)](#)
- [Annual Notification of Continuation of Placement in School Corporation \(SF 49812\)](#)
- Case Plan/Prevention Plan (SF 2956) - Available in the case management system
- [Indiana Education and Training Voucher \(ETV\) Program](#)
- [Indiana High School Equivalency](#)
- [Indiana Housing & Community Development Authority](#)
- [Letter of School Textbook and Related Fees](#)
- [Release of Education Records \(SF 55228\)](#)
- [School Invoicing Process for Repair/Replacement of Textbooks, Electronic Devices, and Musical Instruments](#)
  - [Exhibit A1 \(Indiana Code Including Tort Claims Description\)](#)
  - [Exhibit A2 \(Tort Claim Form SF 54668\)](#)
  - [Exhibit B1 \(W-9 Request for Taxpayer Identification Number and Certification\)](#)
  - [Exhibit B2 \(Automated Direct Deposit Authorization Agreement SF 47551\)](#)
  - [Exhibit B3 \(W-9 and Direct Deposit Form Instructions\)](#)
  - [Exhibit C1 \(Claim for Support of Children SF 28808\)](#)
  - [Exhibit C2 \(Example Claim Form\)](#)
- [School Notification and Best Interest Determination \(BID\) \(SF 47412\)](#)
- [School Notification Point of Contact \(POC\) List](#)

### **Related Policies**

- [5.07 Child and Family Team Meetings](#)
- [5.08 Developing the Case Plan/Prevention Plan](#)
- [8.21 Special Education Services](#)
- [8.22 School Notifications and Legal Settlement](#)
- [11.06 Transition Plan for Successful Adulthood](#)
- [11.10 Education and Training Voucher Program](#)
- [11.15 Post- Secondary Education.](#)

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## LEGAL REFERENCES

- [IC 20-26-11: Legal Settlement and Transfer of Students; Transfer Tuition](#)
- [IC 20-50-3-3: School of origin](#)
- [IC 21-12-6-5.5: Identification and notification of eligible students](#)
- [IC 21-12-6-6.7: FAFSA](#)
- [IC 31-34-3-4.7: Notice to the child's school](#)
- [IC 31-34-20-5: Determination and reporting of legal settlement of child](#)
- [IC 31-34-21-10: Review of child's legal settlement](#)

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## PRACTICE GUIDANCE- DCS POLICY 8.20

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Comprehensive Educational Records**

Comprehensive educational records include:

1. Attendance over the last few years;
2. School placements;
3. Special education evaluations;
4. IEP's;
5. Indiana Statewide Testing for Educational Progress (ISTEP) scores;
6. Response to Intervention (RTI) data; and
7. Grades

### **Education Notes**

Personal notes made by teachers and other school officials that are not shared with others are not considered education records. Additionally, law enforcement records created and maintained by a school or district's law enforcement unit are not education records.

### **Individual Development Accounts (IDA)**

There are a limited number of IDAs available in Indiana. In order to open an IDA, individuals must meet the following eligibility requirements:

1. Be an Indiana resident;
2. Have an income below 175% of the Federal Poverty Guidelines;
3. Have at least \$400 per year in earned income;
4. Be able to save a minimum of \$35 per month; and
5. Meet minimum screening requirements.

Youth interested in opening an IDA may visit the Indiana Housing and Community Development Authority website or call 1-317-232-7777 for county specific information.

### **Minimizing School Disruptions**

School disruptions may cause extreme emotional stress for a child and affect the child's academic performance, development, and/or overall well-being. The FCM should attempt to minimize school disruptions by:

1. Placing the child with a resource parent living in the same school district;
2. Making a referral to the EL for determination of best interests regarding the child's educational placement. See policy 8.22 School Notifications and Legal Settlement;
3. Delaying a change in placement until the end of a school semester or year, when waiting does not endanger the child's safety and/or well-being; and/or
4. Scheduling medical and court appointments during non-school hours, whenever possible.

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