



February 23,
2023

10:00 A.M.

FOSTER CARE &
STUDENT SUCCESS GUIDE

Chapter 12

Family is
more than

People who care!



Foster Care Guide

FOSTER CARE & STUDENT SUCCESS:



TEXAS SYSTEMS WORKING TOGETHER TO
TRANSFORM EDUCATION OUTCOMES OF
STUDENTS IN FOSTER CARE



Link:

<https://tea.texas.gov/foster-care-guide>



Dr. LaTrenda Watson

Highly Mobile & At-Risk State Coordinator


Highly Mobile and At-Risk Student Programs

Phone: 512-936-6208


Email: LaTrenda.Watson@tea.texas.gov




Foster Care & Student Success Guide Collaboration

FOSTER CARE & STUDENT SUCCESS:



TEXAS SYSTEMS WORKING TOGETHER TO TRANSFORM EDUCATION OUTCOMES OF STUDENTS IN FOSTER CARE





Objectives

Provide educators and all those working with students in foster care a brief overview of the foster care and student success guide.

Familiarize educators with the foster care guide and relevant laws and policies that affect the educational experience of students in foster care.

Provide access to the foster care guide for purposes of ensuring students in foster care are provided the proper assistance.

Agenda

Foster Care Guide Overview

Chapter 12

Pause for Understanding

Continue Chapter 12

Questions

Foster Care Guide Training Series

Let's see
who is
here.



In the Q &A, please indicate your job title.



Have you worked with students in foster care who are also served by special education?



AskTed Update

REMINDER

LEA Foster
Care Liaisons

Local Education Agency (LEA) must confirm that their Foster Care Liaison listed in AskTED is accurate.

If not, contact the LEA AskTED Coordinator to request any changes or updates to the AskTED directory.

More information is available on TEA's Foster Care and Student Success website, under the Foster Care Liaison tab.

ESC Foster Care Champions also posted in AskTED

Sign Up for Updates!

The screenshot shows the TEA website header with navigation links: Popular Applications, AskTED, ECOS for Educators, Grant Opportunities, Secure Applications, TEAL Login, TSDS, and Help Desk. The TEA logo is on the left, and a search bar is on the right. Below the header is a menu with icons for About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. A central banner features a photo of Greg Abbott speaking at a podium, with text about Coronavirus (COVID-19) and a 'GET UPDATES' button. Below the banner are three categories: Coronavirus (COVID-19), Supplemental Special Education Services, and Texas Home Learning. At the bottom, there are three colored boxes labeled 'Emergency Support', 'Texas Schools', and 'About'.

- Special Student Populations
 - At-Risk and Highly Mobile Student Program Division
 - Early Childhood Education
 - English Learners
 - Foster Care and Student Success
 - Gifted/Talented Education
 - Languages Other Than English
 - McKinney-Vento Homeless Education
 - Mental and Behavioral Health
 - Military Connected Students
 - Pregnancy Programs
 - Spanish Curriculum Standards
 - Special Education Updates

Icons within the guide

The icons are located throughout the guide to assist with finding information needed.

The table of contents and the chapters are grouped by color.



Preface, Appendices, and References



Overview



Cross-System and Collaboration



District and LEA (Local Educational Agency) Responsibilities

Use the icons as a valuable resource for understanding of specific information.



Tip



Reminder



Collaboration



Note



Law



Resources



New Items



Best Practice

Table of Contents

TABLE OF CONTENTS

	PREFACE	9
	Opening Remarks.....	9
	The Goals of this Guide	9
	Guide Background	9
	How to Use this Guide.....	10
	Where Can I Go for More Information on Foster Care and Education at the Texas Education Agency?.....	10
	Top Things Educators Should Know About Students in Foster Care	11
	CHAPTER 1 Education & Students in Foster Care: An Overview	13
	Introduction	14
	National Overview	14
	Maintaining School Stability.....	15
	Texas Foster Care Data.....	17
	CHAPTER 2 Increasing Cross-system Awareness	22
	Texas Commits to Improving Education Outcomes of Students in Care.....	23
	Texas Department of Family & Protective Services	24
	Court System	25
	Education System.....	25
	Workforce System.....	27
	CHAPTER 3 Building Cross-System Partnerships: Education, Child Welfare, And Courts	29
	Cross-System Collaboration is Necessary.....	30
	Guiding Principles and Ground Rules.....	30
	Practical Steps for Establishing Collaboration and Local Partnerships	31
	Collaboration in Action: Foster Care Consortia.....	33

Where can I get more information about Foster Care at TEA?

Visit:

[TEA Foster Care & Student Success Webpage](#)

Subscribe:

[TEA Foster Care & Student Success Newsletter](#)

Email:

Fostercareliaison@tea.texas.gov

CHAPTER
12

Who is going
To Look After
My Younger Sibs.
Him? You?
Here?



- Special Education Eligibility
- Serving as “Parent” Regarding Special Education Decisions
- Surrogate Parents
- The Role of Caregivers for Students in Special Education
- Requesting a Psychological or Educational Evaluation of a student
- Considerations for Highly Mobile Students
- If a Student’s Special Education Needs are Not Being Met
- Section 504

Special Education Eligibility



If a student is evaluated and determined to have a disability and because of the disability has an educational need for special education and related services, the local education agency (LEA) is required to provide that student a “free appropriate public education” (FAPE) in accordance with the federal Individuals with Disabilities Education Act (IDEA).



TIP: If LEA staff have a reason to suspect that a student in foster care has a disability under IDEA, the staff must refer the student for a full individual and initial evaluation. Additionally, LEA staff should advise the caregiver to contact the LEA’s Director of Special Education to learn more about having the student evaluated to determine eligibility for special education services.

Free Appropriate Public Education (FAPE)



Federal law guarantees that all students with disabilities aged 3-21 have the right to FAPE. Districts must ensure that FAPE is made available for children with visual impairments or who are deaf or hard of hearing.

As long as an eligible student is 21 years of age on Sept. 1st of a school year, the student is eligible to receive special education services.

IDEA emphasizes that special education and related services must be designed to meet a student's unique needs and prepare the student for further education, employment, and independent living.

FAPE is available to any individual student with a disability who needs special education and related services.

Regardless of where a student moves or what type of facility they live in, a student who is eligible for special education services must be allowed to attend school and receive those services specified in the students IEP.

The “Child Find” Responsibility



- All children with disabilities residing in the state who need special education and related services, including children with disabilities attending private schools, must be identified, located, and evaluated.
- IDEA specifically includes children with disabilities who are homeless, "wards of the state," and "highly mobile children, including migrant children" as groups of students for whom school districts have *Child Find* responsibility.



TIP: LEA Foster Care Liaisons should work with district special education directors to determine avenues for collaboration among child welfare providers and schools to better identify students in need of special education services.



- A parent for the purposes of IDEA is defined:
 - Biological or adoptive parent
 - Foster parent unless prohibited by state law (this is allowed in Texas/not prohibited)
 - Guardian generally authorized to act as the child’s parent or to make educational decisions for the child
 - Person acting in place of a parent and with whom the child lives, including other relatives
 - Person legally responsible for child
 - Surrogate parent



What is needed in order for a foster parent to be eligible to serve as a “parent” under IDEA:

- Texas Department of Family and Protective Services (DFPS) must be appointed as the temporary or permanent managing conservator of the student;
- The rights and duties of DFPS to make education-related decisions for the student cannot have been limited by the court; and
- The foster parent agrees to participate in making special education decisions on the student’s behalf and has or will complete a training program before the student’s next scheduled ARD committee meeting but not later than the 90th day after the beginning to act as the parent for making special education decisions.



IDEA requires that state & local educational agencies involve parents in decisions about their student's need for special education or related services.

The LEA must appoint an individual to serve as a surrogate parent for a student who receives special education services within 30 days of realizing there is a need for one.

Appointment of a surrogate parent must occur if:

The LEA is unable to identify or locate a parent for a student with a disability, or

The foster parent of a student is unwilling or unable to serve as a parent for the purposes of decision-making related to the student's needs for special education or related services.

Not Eligible to be a Surrogate Parent



- All state employees. For example, an employee of TEA, the LEA, or any other agency involved in a care or education of the student, such as DFPS, the Texas Juvenile Justice Department, or a residential treatment center.
- Any person with personal or professional interests that conflicts with the interests of the student.



LAW: The LEA should make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after it is determined that the student needs a surrogate parent, unless, alternatively, the judge overseeing the student's care appoints the surrogate.



A surrogate parent must:

- Be willing to serve in that capacity.
- Exercise independent judgement in pursuing the child's interest.
- Ensure that the child's due process rights under applicable state and federal laws are not being violated.
- Complete a training program that complies with minimum standards established by agency rule within the time specified in [TEC § 29.015\(b\)](#)
- Visit the child and the school where the child is enrolled.
- Review the child's educational records.
- Consult with any person involved in the child's education
- Attend meetings of the child's ARD committee





Reminder:

Actions to take if a surrogate or foster parent are not fulfilling their duties:

If the LEA determines that a court appointed surrogate parent is not properly performing their duties, the LEA must consult with DFPS about the issue, and DFPS will notify the court of any agreement to review the appointment of the surrogate parent. Upon notification, the court must review the appointment and enter any orders necessary to ensure the student has surrogate parent who performs their required duties.





Resources: Surrogate Parents

Surrogate Parent Training & Eligibility

Surrogate Parent Training & What it Means to Be a Surrogate Parent

TEA ARD Guidance



Pause for Understanding

What information in Chapter 12 is new so far?





If viewed as a “parent” for special education purposes, the caregiver has the authority to make all special education related decisions, including requesting an independent educational evaluation if they disagree with the findings of the evaluation conducted by the schools.



They also have the authority to file a complaint and request due process over service or placement disagreements.



They are required members of the ARD committee and must be included in the development of the student’s Individualized Education Program (IEP).



Schools should work with the student's caseworker to:

- Request a copy of the student's most recent psychological or educational evaluations to assist in or alleviate the need for further testing.
- Continue coordinating with other child welfare workers and stakeholders about any recommendations that are identified through the evaluation.



What happens when a student moves in the middle of being initially evaluated for special education?

- Under most circumstances, if a student is being initially evaluated for special education eligibility, the evaluation must be completed no later than the 45th school day following the date on which the LEA receives written consent for evaluation.
- Exceptions to the 45th school day timeline are found at 19 TAC §89.1011(e).

Initial Evaluation for Special Education & Highly Mobile Students



If a student was in the process of being evaluated for special education eligibility by an LEA and enrolls in another LEA before the previous LEA completed the full and individual initial evaluation, the new LEA must coordinate with the previous LEA as necessary and as expeditiously as possible to ensure prompt completion of the evaluation.

The new LEA is not required to complete the full individual and initial evaluation in the 45-school-day timeline, so long as the new LEA is making sufficient progress to ensure a prompt completion of the evaluation and the parent, and the new LEA agree to a specific time when the evaluation will be completed.



Texas law requires the receiving LEA to accept a special education referral made by the student's previous school if the student is homeless or in substitute care. The receiving LEA must provide comparable services to the student during the referral process or until the new school develops an Individualized Educational Program (IEP) for the student.



Comparable
Services

Moves into
LEA during
the summer



Concerns related to a student's special education program can be addressed either informally or by using the ARD committee process locally with the student's:

- Teachers,
- Campus Principal,
- Special Education Director,
- Superintendent

State-Level Dispute
Resolution Functions
through TEA



Section 504 of the Federal Rehabilitation Act

- Civil rights law that prohibits discrimination against individuals with disabilities.
- Purpose is to ensure that a student with a disability has equal access to an education



Not all students who are eligible for protections under Section 504 will be eligible for special education and related services under IDEA.

To receive special education, a student must have a disability that falls within at least one of the thirteen eligibility categories identified in IDEA and, because of that disability, requires special education & related services.

Students with disabilities who do not meet one of the thirteen eligibility categories under IDEA may still be entitled to protections under Section 504.



- U.S. Department of Education, “[Disability Discrimination.](#)” - [An overview of Section 504 with helpful resources](#) and links.
- TEA, “[Technical Assistance, Section 504.](#)”
- U.S. Department of Education, “[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools.](#)”





Special Education
basics

Parent Resources
and Advocacy
Groups

TEA



Pause for Understanding

What information from today's presentation will you make sure staff is trained on?





Upcoming Trainings

Foster Care & Student Success Guide

**Chapter
13**

**Mar. 30,
2023**

The sessions will be from 10:00 – 11:30 a.m. CST
Register on the [Foster Care Website](#)

Questions?

If you have further questions, please email:

fostercareliaison@tea.texas.gov

Survey



https://tea.co1.qualtrics.com/jfe/form/SV_b1tELNiEiZHPUXk