

## CHAPTER

# 8



## SCHOOL STABILITY & PROMOTING EFFECTIVE TRANSFERS: COMMON QUESTIONS

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## CHAPTER 8

### School Stability & Promoting Effective Transfers: Common Questions

#### Can special accommodations be made to let a student stay in a particular school or district even when placed outside of the attendance zone?

Yes, federal law requires a child moving to a new residential placement to remain in the school in which he or she was enrolled at the time of entering foster care, unless it is not in the child’s best interest.<sup>79</sup> The educational provisions of the federal *Fostering Connections to Success and Increasing Adoptions Act* promote school stability. Some local board policies regarding enrollment may be contrary to the intent behind *Fostering Connections*, which allows ALL students to stay in the school in which they were enrolled at the time of placement in foster care. Local districts should analyze policies and make sure that they are consistent with the *Fostering Connections Act*. Caseworkers should consult with the school, student, caregiver, district liaison, and others to determine a plan that promotes school stability.



**LAW:** A student enrolled in public school may remain in the school they were enrolled in at the time of placement in foster care, even when moved outside the schools’ district and attendance zones. Texas law now allows students in primary and secondary school who are placed in conservatorship by DFPS to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition.<sup>80</sup> This is in accordance with the *Fostering Connections Act* that promotes school stability for students in foster care.

#### Teamwork is necessary!

School stability is an important component of educational success and linked to increased graduation of students in foster care.<sup>81</sup> Individual schools and districts are essential partners; in teaming with child welfare agencies and caregivers, they can help implement federal and state legislation that makes it possible for students to stay in their home schools even after changes in residence take place.

#### Who is responsible for providing transportation when students are traveling from another attendance zone?



To take advantage of laws related to remaining in school, the caregiver is ultimately responsible for arranging daily transportation to the school. However, if a student is receiving special education services, transportation may be written into the student’s IEP; if so, transportation is the school’s responsibility. Schools’ willingness to assist with transportation can alleviate barriers and help students remain in their school, receive appropriate credits, and stay on track for graduation.



**TIP:** Local education agencies help by partnering with caseworkers and caregivers to coordinate transportation and develop creative solutions that keep students at their home schools.

In some instances, districts may coordinate across neighboring school and district attendance zones. Partnerships and creative solutions, such as the use of city bus routes, bus passes, and carpooling, are necessary to promote student success and maintain school stability.



For more information on school stability and the importance of transportation, see the Legal Center on Foster Care and Education, “When School Stability Requires Transportation,” *which contains examples of child welfare and education professionals working together to address transportation needs*: [www.americanbar.org/content/dam/aba/publications/center\\_on\\_children\\_and\\_the\\_law/education/transportation\\_brief\\_final\\_revised.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/transportation_brief_final_revised.authcheckdam.pdf)

### What should be done when a student in foster care withdraws or changes schools?

District liaisons and school personnel can assist in the coordination of proper withdrawal by ensuring that the person withdrawing the child knows the process and by confirming that all records are gathered and forwarded in a timely manner. Making certain all educational records follow the child during school moves is critical and impacts education outcomes. Once the school is notified of the need to withdraw a child, whether it is advance or emergency notice, then the school personnel should immediately begin gathering records.

#### **TIP: Inform caregivers of the school and district withdrawal processes.**

Additionally, withdrawal information like report cards and check-out sheets may be given to the caregiver and placed in the student’s Education Portfolio for possible use by the new school (see Appendix I for a list of what education information is included in the Education Portfolio).

### Who is responsible for withdrawing students?

Generally, the caregiver or the CPS worker is responsible for withdrawing students.



**LAW: Because of a Family Educational Rights and Privacy Act (FERPA) exception, even if a caregiver or foster parent did not formally withdraw the student from the previous school, enrollment by a student in another school district provides authority for the original school district to release the education records of that student to the new (receiving) school, regardless of whether parental consent has been received.<sup>82</sup>**



#### **TIP: The person who withdraws the student may be different from the person who enrolled the student.**

In some instances and for numerous reasons, the caregiver or caseworker who enrolled the student may not be the same person who is withdrawing the student. Communication between school staff, caregivers, and caseworkers can aid in clarifying roles and responsibilities.

### How can school personnel promote effective records transfer?

Local child welfare and education agencies are encouraged to coordinate and establish collaborative practices to improve overall records transfer and communication. A delay in records transfer may result in a student repeating a course or not receiving appropriate educational services.



#### **TIP: District liaisons should follow up with the previous school to ensure withdrawal and with the current school to ensure enrollment.**

Facilitating smooth transfers is a key responsibility for newly-appointed foster care liaisons. District liaisons or a designated staff member on each campus, such as a campus champion, can follow up to make sure that students receive their grades and are awarded credit and partial credit for work completed previously.<sup>83</sup> They can also see that credits earned are properly entered in the TReX system and transferred through TReX to the new school and district. Following up within the schools will help facilitate effective withdrawal and records transfers. Liaisons also provide an important point of contact within the education system for those in the child welfare community — CPS, caregivers, court-appointed advocates — to follow up and coordinate regarding school moves, records transfers, enrollment, and other issues.



To see the list of district foster care liaisons who are registered with TEA, visit:  
[www.tea.state.tx.us/FosterCareStudentSuccess/liaisons/](http://www.tea.state.tx.us/FosterCareStudentSuccess/liaisons/)

For more information on credits transfer and school completion for students in foster care, read the ABA Legal Center for Foster Care and Education Fact Brief, “Credit Transfer and School Completion”: [www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/Q&A/Q&A%20Credit%20Transfer%20FINAL.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/Q&A/Q&A%20Credit%20Transfer%20FINAL.pdf)

### What is the Texas Student Records Exchange — TREx?

TREx is the system that facilitates records exchange of all student records across Texas. When a student moves from one Texas public school district or charter school to another, the student record must be transferred via TREx within 10 working days of receiving a written request.<sup>84</sup> All Texas schools have access to the TREx system. For purposes of transferring records through TREx, a working day does not include a day that the campus receiving the records request is closed or a day that the district’s administrative office is closed.<sup>85</sup>

Information must be entered in the TREx system in a timely and efficient manner to facilitate smooth records transfers and immediate and appropriate enrollment of students in the new school (see Appendix H for a list of records to be included in TREx).



**LAW: Enrollment in another school district gives the previous district authority to release the education records of a student, regardless of written parental consent.<sup>86</sup>**

### What is the importance of withdrawal and the ten-day records transfer timeframe?

Notification of withdrawal and formal exit provides the sending school with the opportunity to prepare the student’s records for transfer via TREx to the new school. This may include calculating grades, recording credits on the transcript, and gathering assessments and special education documents.

Advance notice of withdrawal can assist a sending district with planning, provide the caregiver with some immediate information for the student’s *Education Portfolio*, and be helpful for a successful student transition. The former school district is responsible for providing records upon written request. A timely and accurate records transfer is important so that students receive an appropriate program of instruction and class schedule in their new school.



**LAW: Once an official written request for records is made by the caregiver, DFPS representative, or person with legal authority for the child, school district staff must transfer student records to the new district within 10 working days.<sup>87</sup>**



### Other Withdrawal Information:

- ⇒ Once the sending school is notified of a student's withdrawal, the student is no longer a student of the previous district.<sup>88</sup>
- ⇒ Proof of enrollment in a different district or campus permits retroactive withdrawal to the date a student enrolled in the new school. That is, the date of enrollment in the new school can be considered the date of withdrawal from the previous school. This is important for the 10-day timeline and ensuring that student records are transferred in a timely manner.<sup>89</sup>
- ⇒ The official date of withdrawal depends on the time of day the student withdraws. If a student withdraws from school before attendance is taken, the withdrawal date is that day. If a student withdraws after attendance is taken, the withdrawal date is the next school day.<sup>90</sup>
- ⇒ The requirement to transfer records to a new school within 10 working days of a request stands *regardless of whether a student has returned or paid for his or her textbooks or other school property*.<sup>91</sup>



**TIP: Districts failing to provide the required information within 10 calendar days of a written request by the receiving school district should be reported to TREx Help Desk: (512) 463-7246 or email TREx@tea.state.tx.us**

### Why do students sometimes have missing records?

When students come into foster care, the change can be abrupt and immediate, which may not allow the caregivers the opportunity to *formally withdraw* the student from the previous district.

- The child may have experienced inconsistency and significant lapses in education and school attendance or may have moved schools prior to entering the foster care system.
- The previous district may not be informed of the child's departure or the receiving district may not know where the child was previously enrolled.
- Transitions in foster care rarely occur at semester breaks, so the receiving districts may be asking for current records before grades are available.
- In the TREx user's manual, TEA indicates that if a school receives a request and the student attended the institution, but the most current semester's grades have not yet been posted, the request can be placed on "hold." These types of holds result in the receiving school lacking the information it needs to award credits and place students appropriately. Liaisons can work with schools to make sure that holds do not hinder a student's records from being transferred.<sup>92</sup>
- When a child comes into foster care, the school staff may be confused about who is legally allowed to have the child's records as well as who has the legal authority to make education-related decisions. Some school officials may be hesitant to release education records without the consent of a parent or guardian. However, if DFPS has been appointed as the conservator of the child, either through TMC or PMC, DFPS staff have the legal authority to view and to receive those records in addition to the caregiver (see Chapter 9 for information on education decision making and FERPA).

## What happens if a student's whereabouts are unknown?



**TIP:** Liaisons and school staff should follow up with the caregiver, the DFPS caseworker, or DFPS Regional Education Specialist when a student's whereabouts are unknown.

Following up with these individuals to determine a student's whereabouts is an important step before withdrawing the student and treating his or her whereabouts as unknown.

In the event that a student is not found, his or her whereabouts remain unknown, and he or she has not officially withdrawn from school, the district should decide the withdrawal date for the student according to applicable local policies.<sup>93</sup>

In addition to promoting effective transfers, see page 84 for additional information on how to implement effective transitions for students in foster care in accordance with Texas Education Code § 25.007.

