

To streamline enrollment and clarify expectations regarding the TSDS PEIMS indicator code, identifying students in foster care and acceptable documentation TEA developed the guidance below. Please ensure that Campus Administrators, TSDS PEIMS Coordinators, Foster Care Liaisons, Registrars, School Counselors, and other personnel who develop and support the enrollment processes are informed.

DEFINING “FOSTER CARE” FOR TSDS PEIMS (C196):

The general term “foster care” for education purposes includes *all* students in the **managing conservatorship (legal custody) of the Texas Department of Family and Protective Services (DFPS)**.

- ◆ This includes students placed by DFPS with a Kinship caregiver, when the child remains in the legal custody of Texas DFPS.¹
- ◆ Students who were in or are currently in another state’s foster care system, residing in Texas, are considered in “foster care” (For Pre-K purposes only) TEC §29.153(6)(B).
- ◆ The Texas Legislature granted TEA permission to collect the “foster care” status of students in Texas DFPS Managing Conservatorship, therefore students from another state’s foster care system, unless for pre-k purposes, and students who are identified as Unaccompanied Refugee Minors (URM) living in Texas may be considered “foster care” should not be coded for the purposes of TSDS PEIMS.

ACCEPTABLE DOCUMENTATION FOR TSDS PEIMS:

Schools may accept any official Texas Department of Family and Protective Services form, listed below, **that designate that a student is in Texas DFPS Managing Conservatorship**. A school may also accept a copy of the court order for this purpose.

All forms in the 2085 series:

- ◆ Foster Care/Residential Care - 2085 FC
- ◆ Kinship or Other Non-Foster Caregiver - 2085 KO
- ◆ Verified Kinship Foster Caregiver - 2085 KF
- ◆ Legal Risk - 2085 LR
- ◆ Home and Community-based Services (HCS) - 2085 HCS
- ◆ Supervised Independent Living - 2085 SIL
- ◆ Designation of Education Decision-Maker - 2085 E²
- ◆ Designation of Medical Consenter - 2085 B



¹ A ‘Kinship’ Caregiver is a relative or fictive kin who provides care for a child. A relative is a member of the child’s biological family. A fictive kin is a person who has a longstanding and significant relationship with a child in DFPS conservatorship or with the child’s family. For more information about “foster care” and other settings a student may live in visit pg. 41-42 of the [Foster Care & Student Success Resource Guide](#).

² **All** students in DFPS Managing Conservatorship are required to present an Education Decision-Maker 2085 (E-2085) form at enrollment in accordance with Family Code §263.004. If a student does not have this form at enrollment, please request it. The form includes the contact information for the education decision-maker and caseworker. Schools, in accordance with TEC §25.007 and [TAC §89.1617](#) are required to notify the education decision-maker and caseworker regarding any event that may significantly impact the education of a child. It is critical that schools receive this form and store it with other privacy-protected records. The [Foster Care & Student Success Resource Guide](#) contains additional information in [Chapter 9](#) regarding education decision-making and who to contact for what purpose(s).

ACCEPTABLE DOCUMENTATION (CONTINUED):

- ☑ DFPS Kinship Caregiver Agreement - 0695
- ☑ Court-Order naming Texas DFPS as the Temporary Managing Conservator (TMC) or Permanent Managing Conservator (PMC).
- ☑ Pre-k purposes only³ - DFPS issued letter & other states official paperwork
(Acceptable documentation from another state's child welfare system, including official paperwork from state or county child welfare system; Foster Care documents stating closure of a case; Redacted court order documents; adoption paperwork completed by the originating state.)

EXAMPLES OF NON-ACCEPTABLE DOCUMENTATION:

- ◆ Placement Authorization forms from Child Placing Agencies*
- ◆ Letters from Child Placing Agencies*
- ◆ Memorandums and Letters on DFPS letterhead (unless for pre-k verification)**
- ◆ Documents from another state's child welfare system
- ◆ Authorization Agreement for Nonparent Relative or Voluntary Caregiver - The State of Texas***
- ◆ Agreement for a Parental Child Safety Placement - DFPS 2298***
- ◆ Home and Community-based Services (HCS), Department of Aging and Disability Services - Form 8665**
- ◆ Documentation that a student is in conservatorship under another party other than Texas DFPS (e.g. Unaccompanied Refugee Minors)***
- ◆ Court/and or Legal paperwork stating another party outside of Texas DFPS is legally authorized representative or the custodial parent***

* Students with this documentation **are likely** in DFPS managing conservatorship and will also have a 2085.

** Students with this documentation **may** or **may not** be in DFPS managing conservatorship. Students who are in DFPS conservatorship will also have a 2085.

*** Student's with this documentation **are not** in Texas DFPS managing conservatorship.



Please remember that the “foster care” status of students is highly confidential. Foster care status and related information should be handled with the utmost sensitivity and in accordance with all FERPA guidelines. All foster care related documents should be stored under lock and key with other privacy protected records. Providing training for registrars, counselors, and school staff on confidentiality and sensitivity when enrolling students in foster care is highly recommended.

³ If a student is eligible for prekindergarten because the student is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Section 262.201, Family Code, the parent or caregiver of the child will be mailed a verification letter of prekindergarten eligibility. Districts are asked to accept the DFPS letter as proof of eligibility to enroll these children in free prekindergarten. For assistance in obtaining a letter, please contact the DFPS [Education Specialists](#) in your area for assistance or for a description of other forms of proof of eligibility. Additional information is provided on pg. 75-76 of the [Foster Care & Student Success Resource Guide](#).