

October 13, 2022

1:00 P.M.

FOSTER



CARE

FOSTER CARE &
STUDENT SUCCESS GUIDE

Chapter 7

I kept it a secret so
people wouldn't judge me.



Foster Care Guide

FOSTER CARE & STUDENT SUCCESS:



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





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



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Foster Care & Student Success Guide Collaboration

FOSTER CARE & STUDENT SUCCESS:



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





Objectives

To 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.

Foster Care Guide Overview

Chapter 7

Pause for Understanding

Continue Chapter 7

Questions

Foster Care Guide Training Series

Let's see
who is
here.



In the chat, please indicate your job title.



What has been your concerns with
working with students in foster care?



AskTed Update

REMINDER

LEA Foster
Care Liaisons

LEAs need to confirm that their FC 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 horizontal menu with icons for About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. A large banner for Coronavirus (COVID-19) is visible, with a 'GET UPDATES' button. Below the banner are three categories: Coronavirus (COVID-19), Supplemental Special Education Services, and Texas Home Learning. The 'The Latest TEA News' section is also visible, with sub-sections for 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

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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 7

Stronger
than

You
Expect
To
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- ❖ Reasons why schools must identify students in foster care
- ❖ Acceptable documents for identifying students at enrollment
- ❖ Foster Care and PEIMS Coding
- ❖ FERPA and Information sharing for students in foster care
- ❖ Practices to identify students and ensure confidentiality
- ❖ Communicating "Need-to-Know" Information



- ❖ Every Student Succeeds Act (ESSA) 2015, Fostering Connections to Success & Increasing Adoptions Act 2008, Texas Law
- ❖ Transportation plans for students
- ❖ School of Origin
- ❖ Student transition
- ❖ Supportive educational services
- ❖ Truant counseling
- ❖ National School Lunch Program enrollment
- ❖ Enrollment and education decision-maker by DFPS
- ❖ Informing 11th & 12th graders about tuition & fee waiver & other resources for post-secondary support



Maintain confidentiality and protect the dignity & privacy of students.



LEAs must maintain confidentiality of information shared & use only for purposes of supporting the child's education and well-being.



- ❖ DFPS or Community Based Care agency provides three documents to the school to confirm students are in foster care & the caregiver has authority to enroll the student:
 - ❖ DFPS Placement Authorization Form – 2085
 - ❖ DFPS Designation of Education Decision Maker Form – 2085 E or
 - ❖ A court order

Placement Authorization Form - 2085



Appendix E

FOSTER CARE & STUDENT SUCCESS

APPENDIX E: PLACEMENT AUTHORIZATION FORM 2085 - SAMPLE FORMS

Below are screen-shots of two different varieties of Placement Authorization Forms. Either of these could be provided by the caregiver at enrollment.

2085 KO - PLACEMENT AUTHORIZATION KINSHIP OR OTHER NON-FOSTER CAREGIVER

PLACEMENT AUTHORIZATION – KINSHIP OR OTHER NON-FOSTER CAREGIVER

Purpose: Use this form to authorize placement in a regular kinship placement.
Directions: To complete this form, see 2085K09. After completing this form mark each box to indicate that information has been reviewed with the caregiver. Obtain signatures and give the original to the caregiver and maintain a copy in the case record. Contact your supervisor for issues regarding use of this form with regular kinship placements.

CHILD'S INFORMATION

The Texas Department of Family and Protective Services (DFPS) has managing conservatorship of

Child's Name:	Person ID:	Medicaid No.:	Date of Birth:
Legal County:	Court No.:	Cause No.:	Date of Placement:

Ethnicity: Hispanic Other Race: White Black Unable to Determine Asian American Indian/Alaskan Native Native Hawaiian/Pacific Islander

CAREGIVER INFORMATION

Caregiver's Name: _____ Relationship to child. Select all that apply: Relative Temporary Possessory Conservator Other: _____

2085 FC - PLACEMENT AUTHORIZATION FOSTER CARE/RESIDENTIAL CARE:

PLACEMENT AUTHORIZATION FOSTER CARE/RESIDENTIAL CARE

Purpose: Use this form to authorize placement in a foster care setting.
Directions: To complete this form, see 2085FC09. After completing this form and obtaining signatures, give the original to the caregiver and file a copy in the case record. Contact your supervisor for issues regarding use of this form with foster care placements.
This form and other documentation frequently refers to "DFPS Caseworkers". References to "DFPS Caseworkers" refers to employees of the Department of Family and Protective Services or employees of a Single Source Continuum Contractor (SSCC). The SSCC acts as an authorized agent of DFPS pursuant to Texas Family Code Chapter 264 Subchapter B-1. The SSCC has the same authority as DFPS regarding case management duties and associated responsibilities.

The Single Source Continuum Contract (SSCC) is _____.

CHILD'S INFORMATION

The Texas Department of Family and Protective Services (DFPS) has managing conservatorship of

Child's Name:	Person ID:	Medicaid No.:	Date of Birth:
Legal County:	Court No.:	Cause No.:	Date of Placement:

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- ❖ Placement Authorization Form – 2085
- ❖ Court-ordered authority to make day-to-day decisions regarding the child
- ❖ Legal authority
- ❖ Evidence of DFPS conservatorship
- ❖ Used for enrollment of a student in school



- ❖ DFPS – Designation of Education Decision-Maker Form - 2085E
- ❖ Provides legal authority to guardian
- ❖ DFPS required by law to provide information to schools
- ❖ Education decision-maker must be notified by school about actions that impact the student's education

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APPENDIX F: DESIGNATION OF EDUCATION DECISION-MAKER (2085-E)

Below is a screenshot of the front and back pages Education Decision-Maker form E-2085 that is required to be provided to the school for all students in DFPS managing Conservatorship.

Form K-900-2085-E
Revised September 2015

DESIGNATION OF EDUCATION DECISION-MAKER
CHILD PROTECTIVE SERVICES (CPS) - FOSTER CARE

Revised: DFPS must ensure that this form is provided to the court and the child's school under Texas Family Code §15.122 within five days of the Adversary Hearing. DFPS must inform the court of any changes in the Education Decision-Maker or alternate parent, if applicable, within 10 business days of the hearing report. DFPS must provide the updated information to the school no later than five days after any changes in the Education Decision-Maker or alternate parent, if applicable.

Directions: To complete this form, fill in all applicable fields. For additional guidance, contact your Regional Education Specialist. CPS staff may not complete a complete parent. CPS staff may only fill for the name of the alternate parent appointed by the court or the school.

SECTION 2: AUTHORITY TO MAKE EDUCATION DECISIONS

The Texas Department of Family and Protective Services (DFPS) is authorized by court order or provided in the Texas Family Code (FC) §15.122, to make education decisions on behalf of the following child currently in the conservatorship of DFPS:

Child's Full Name: _____ Child's ERMS (EMAC) Number: _____ Child's Medicaid Number: _____
 Date of Birth: _____ Sex: _____ Court Number: _____ Case Number: _____

DFPS delegates to the following individual(s) the authority (referred to as the Education Decision-Maker) the education decision-making responsibilities on behalf of the child as described in this form. Note: A representative of DFPS may be provided as a parent and/or alternate Education Decision-Maker.

(Designated primary Education Decision-Maker (and spouse, if applicable)) (Date of Designation): _____
 (Email) _____ (Telephone Number(s)) _____

(Backup Education Decision-Maker) (Date of designation): _____
 (Designated Education Decision-Maker for special education decisions) (Date of designation) (Designated by: CPS) _____
 (Email) _____ (Telephone Number(s)) _____

SECTION 3: SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES - IF APPLICABLE

Parent and child law authorize the individual named as the Education Decision-Maker to act as a representative of the school or the court to be the "appropriate parent" for the child to exercise the rights and responsibilities as outlined by the Individuals with Disabilities Education Act and state law. The individual is capable of the same parent or adult services, but may be a Court Appointed Special Advocate or other individual with knowledge of the child. In some cases the individual parent may retain the right to make certain special education decisions.

The law does not allow a DFPS staff person, school staff, staff, or anyone employed or provided care as a caregiver to the child to act as the parent or surrogate for special education decision making. A foster parent is not considered a parent and/or surrogate for the child.

All state law, the rights of the parent to make education decisions are transferred to the child, except for the child with a disability who has been determined to be incapacitated under state law.

Form K-900-2085-E
Revised September 2015

SECTION 4: ACKNOWLEDGMENT, AGREEMENT, AND SIGNATURES

As the Education Decision-Maker, I acknowledge and agree that:

- I have no professional interests that conflict with the interest of the child I represent.
- I will comply with the Education Decision-Maker rights and responsibilities as described in SECTION 2.
- I understand that failure to cooperate with DFPS may be the basis for revoking this designation.

Education Decision-Maker signature: _____	Date Signed: _____
Backup signature: _____	Date Signed: _____
DFPS Contact (print name): _____	Phone Number: _____ Alternate Phone Number: _____
DFPS signature (print name): _____	Phone Number: _____ Alternate Phone Number: _____
Child's daily caregiver or family staff (if different from Education Decision-Maker) (print name): _____	Phone Number: _____ Alternate Phone Number: _____
(Email) _____	

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- ❖ The school may request a copy of the court order if 2085 or 2085-E is not provided.
- ❖ The court order will state the temporary managing conservator (TMC) or permanent managing conservator (PMC) of the student.
- ❖ School can use the court order as to confirm that education decision-maker for the student.



Court Order

- Schools can request court orders or other documents related to DFPS case.



Confidentiality

- Court orders have private and confidential information related to the students' family & the reasons for placement.



Questions or Concerns

- Schools **may** request 2085, 2085-E, the court order or call DFPS or Community-Based Care caseworker; also Regional DFPS Educational Specialist.



- ❖ Federal & State law require TEA to collect & report data on students in foster care.

- ❖ The data is reported to TEA by LEAs using Public Education Information Management System (PEIMS)

- ❖ Foster Care Indicator Code in PEIMS for students who are currently in conservatorship of DFPS.
 - ❖ Pre-Kindergarten students could be coded if they were previously in foster care



If a student leaves foster care within the school year, do they remain coded for the remainder of the year?

Yes. When a student received the FC PEIMS Indicator code, the student remains coded the full school year & summer months even if the student leaves foster care within the school year.

If a student remains in FC, does the FC Indicator carry over from year-to-year?

No. The FC Indicator code does not carry over from year to year.

The student must re-identify in PEIMS at the beginning of the school year.



- ❖ Identifying Students in Foster Care for **Compensatory Education**:
 - ❖ DFPS Conservatorship students are considered at risk of dropping out of school for the purposes of TEC section 29.081.
 - ❖ Student enrolled with documentation that indicates they are in foster care must be coded with PEIMS at-risk indicator # 11.
 - ❖ Custody or care of DFPS or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement.
 - ❖ Students in Foster care or who were previously in foster care are coded under # 13.
 - ❖ Resided in the preceding school year or resides in the current school year in a residential placement facility in a district.

For more information: [TEA's State Compensatory Education](#)



❖ The federal Family Educational Rights and Privacy Act (FERPA) is the privacy law governing an educational agency or institution that receives federal funds under any program administered by the Secretary of Education.



❖ FERPA requires parental consent before a school can share personally identifiable information in education records about a student, with some exceptions.

❖ FERPA allows the school to share information with the student's state or local child welfare caseworkers without requiring permission of or notice to the students' legal parents.



Texas law requires school districts & local campuses to notify the students' educational decision-maker and caseworker regarding events that may significantly impact the education of a student in foster care.



Resources: FERPA & Information Sharing

["Information Sharing Between Childwelfare and Schools"](#)

[Legal Center for Foster Care and Education, Uninterrupted Scholars Act video](#)



Pause for Understanding

* What information was new to you in Chapter 7?



Students currently or formerly in foster care generally express a desire to have their foster care status kept private from school staff and peers.

File forms, tracking logs, notebooks, and data safely out of view of other students.

Keep records secure from individuals who do not need to know the student is in foster care.

All written information with student names should be password protected or locked in files in order to avoid confidentiality violations.

Protecting a student's privacy applies to oral and written communications.



- ❖ Examples of ways to provide opportunity to promote confidentiality:
 - ❖ Develop training and increase awareness with school registrars & front office staff on how to effectively identify and enroll students in foster care; inform the LEA Foster Care Liaison about the student.
 - ❖ Add a question to the LEA's existing Student Residency Questionnaire (SRQ) that asks if the student is in foster care.
 - ❖ Add a question to the school enrollment form that discreetly identifies students – use language other than "foster care" to maintain privacy.
 - ❖ Document the caseworkers name & contact information in the student's records in case further information or follow-up is needed.
 - ❖ Streamline the process with the LEA child nutrition coordinator to ensure students are immediately enrolled & receive free school meal programs with further application.



Confidentiality & Information Sharing Within a School District

School personnel: principal, school counselor, special education staff, teachers

Cafeteria staff

Coaches

Front office staff

Bus drivers



- ❖ Schools need to know when a student is in foster care and are responsible for protecting the confidentiality of the information.
- ❖ Schools should always be sensitive to the student's desire for privacy and should not share the information with any parties who do not have a need to know.
- ❖ Decisions to share confidential information must be made on a case-by-case basis, sharing only minimum information necessary and only to individuals who need to know so they can support the student's education and well-being.



2085, 2085-E or court order

DFPS or Community-Based Care caseworker

DFPS conservatorship & living in foster home or relative/kinship care placement

Birth certificate, immunization records, names of previous schools attended, transcripts, report cards, IEPs, 504 plans, special education records

Medications for the student that are administered by the school nurse with doctor's written orders



- ❖ Information that may be shared with relevant school personnel if related to student's care and needs in the educational setting:
 - ❖ Medical, disability, or health information; mental or behavioral health issues, services and medications that are not administered at school
 - ❖ Effects of trauma and potential triggering events that may cause a behavioral response
 - ❖ Psychological evaluations
 - ❖ Behavioral supports used by the caregiver to encourage consistency in the school and home environments
 - ❖ Arrest record

It is Never Appropriate to Share with School Personnel



Abuse/neglect history

Name of person who reported the abuse or neglect, if known

Details of DFPS abuse or neglect investigation

Alcohol or substance abuse history and treatment of the student, unless clearly relevant and only if the release is specifically consented by the student

Foster family income

Fact that the student was adopted



Pause for Understanding.



What information are you going to share from today's training?





Upcoming Trainings

**Chapters
8 & 9**

**Chapter
10**

**Oct. 28,
2022**

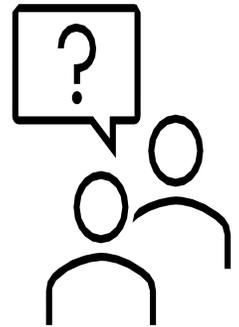
**Dec. 2,
2022**

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