

A group of seven diverse children of various ethnicities and ages are standing in a school hallway with red lockers. They are smiling and looking towards the camera. The children are dressed in casual clothing, including t-shirts, overalls, and a sweater. The hallway is brightly lit, and the lockers are a vibrant red color.

**Unpacking Commissioner Rules to Support
School Transitions for Students
Experiencing Homelessness or in Substitute Care
(19 TAC Chapter 89, FF): Part #3**

**Friday, December 3, 2021
10:00 a.m. - 11:15 a.m.**



We equip school systems to increase awareness, promote equitable access, and improve outcomes for all special populations.



Presenters



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Webinar Objectives and Outline

To provide tools, processes, and procedures to support implementation of Commissioner Rules to support school transitions for students experiencing homelessness or in foster care.

Part 3:

- Introduction
- Promoting Access to Educational and Extra-Curricular Programs
- Promoting Postsecondary Information
- Provision of Special Education Services
- Notification of Educational Decision-Maker (Foster Care only)
- Closing and Next Steps



Transition Assistance Worksheet



TRANSITION ASSISTANCE PLANNING GUIDE

Learn, Reflect, & Do

LAW/TOPIC	NOTES	HELPFUL STRATEGIES	NEXT STEPS
§89.1603 Transfer Student Records			
§89.1605 Transition Systems and Procedures			
§89.1607 Award of Credit			
§89.1609 Educational Programs and Courses			
§89.1611 Educational and Extracurricular Programs			
§89.1613 Postsecondary Information			
§89.1615 Special Education			
§89.1617 Education Decision -Maker (Foster Care only)			

Highly Mobile and At-Risk Student Programs Division

Clear the form



Commissioner Rules Concerning Transition Assistance



19 TAC Chapter 89. Adaptations for Special Populations

Subchapter FF. Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care

- The adopted new rules assist with the transition of students who are homeless or in substitute care from one school to another and provide LEAs with guidance on the requirements of Texas Education Code § 25.007.
- **Effective Date: March 30, 2020**

Common Terminology

McKinney-Vento

Refers to the federal McKinney-Vento Homeless Assistance Act

Texas Education for Homeless Children and Youth (TEHCY) Program

Refers to the Texas McKinney-Vento program

McKinney-Vento Eligible Students

Refers to students experiencing homelessness

McKinney-Vento Liaison

Refers to the designated LEA local homeless liaison



Common Terminology Cont.

Substitute Care

The placement of a child who is in the conservatorship of the Texas Department of Family and Protective Services (DFPS) in care outside the child's home.

Foster Care

Twenty-four-hour substitute care for children placed away from their parents or guardians and for whom DFPS has placement and care responsibility.

Foster Care Liaison

Refers to the designated LEA local foster care contact



Transition Assistance Training Series

Part 1: (Friday, 10/22)

- Enrollment Conference
- Student Introductions
- Welcome Packets
- Nutrition Benefits

Part 2: (Wednesday, 11/10)

- Transfer of Student Records and Transcripts
- Award of Credit
- Placement Educational Programs and Courses

Part 3: (Friday, 12/3)

- Promotion of Access to Educational & Extracurricular programs
- Promotion of Postsecondary Information
- Provision of Special Education Services
- Notice to Student's Educational Decision-Maker & Caseworker



TRANSITION ASSISTANCE TRAINING SERIES

19 TAC 89. Subchapter FF. Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or in Substitute Care

Staff of ESCs, school districts, and open-enrollment charter schools are highly encouraged to attend.

Part 1:
October 22nd, 10:00 - 11:30 am CST
[Register Here](#)

Part 2:
November 10th, 10:00 - 11:15 am CST
[Register Here](#)

Part 3:
December 3rd, 10:00 - 11:15 am CST
[Register Here](#)

Please send any questions to Jordan.Brown@tea.texas.gov

***The 3-part Training Series will be archived on TEA's HMAR website*



LEA Foster Care and McKinney-Vento Liaison Requirements

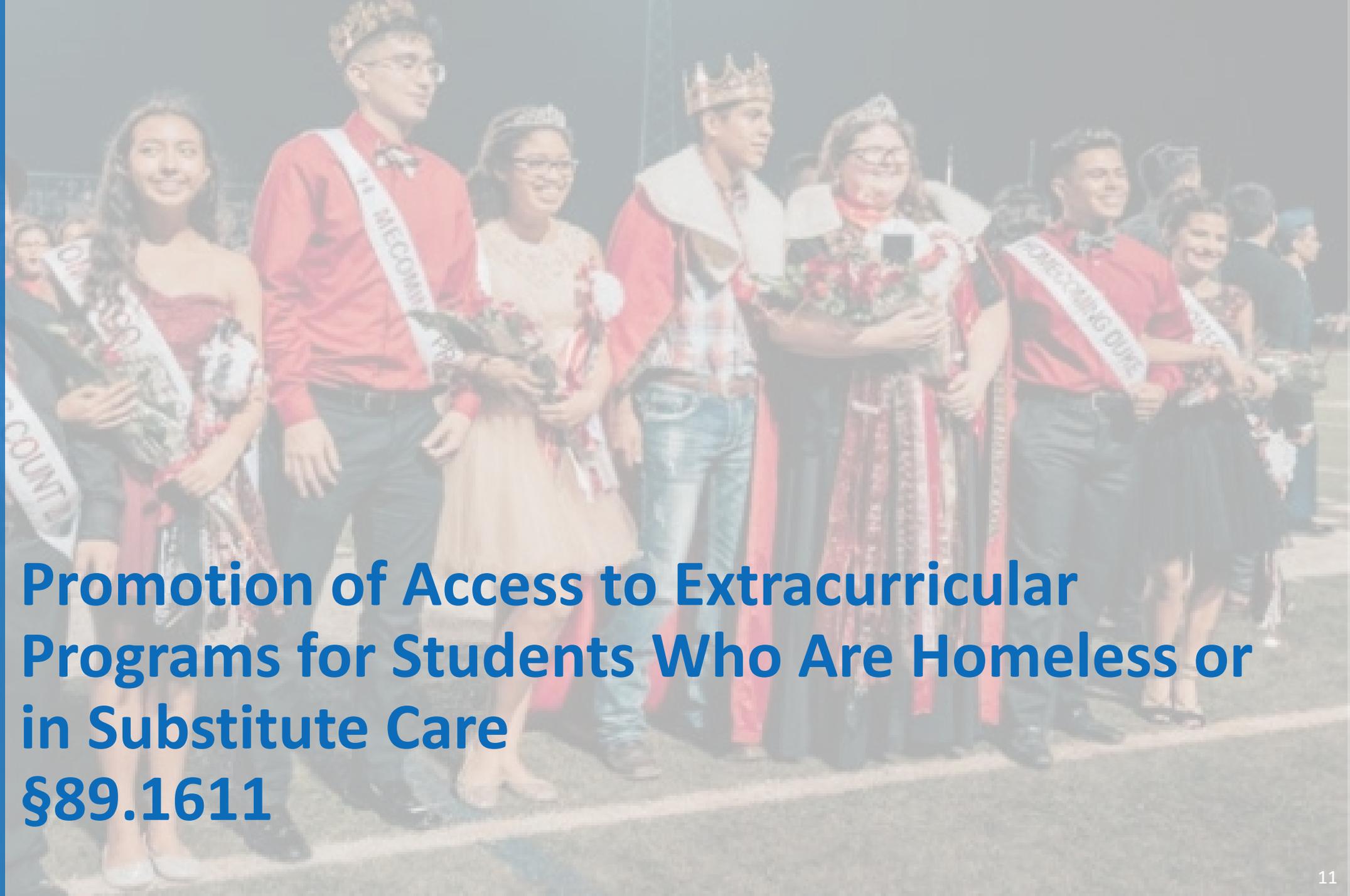
Assist with School Transitions

- **Foster Care** - (TEC §33.904) Each LEA must appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school or open-enrollment charter school of a child in the district or area served by the charter school who is in the conservatorship of the state.
- **McKinney-Vento** - The LEA will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A) as a local education agency liaison for homeless children and youth

[42 U.S.C. § 11432 (g)(1)(J)(ii)]

- Each local education agency liaison for homeless children and youths designated under paragraph (1)(J)(ii) shall ensure that homeless children and youths have access to and receive educational services for which they are eligible

[42 U.S.C. § 11432 (g)(6)(A)(iii)]



Promotion of Access to Extracurricular Programs for Students Who Are Homeless or in Substitute Care
§89.1611

Promotion of Access to Educational and Extracurricular Programs for Students Who Are Homeless or in Substitute Care | TAC §89.1611 (1)(2)

Appropriate school district or open-enrollment charter school staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless or in substitute care* and plans to participate in varsity athletics.**

(1) Districts and charter schools must comply with Texas Education Code, §25.001(f), and a durational residence requirement may not prohibit a student in substitute care from fully participating in any activity sponsored by the school district.

(2) Students in foster care or homeless remaining in their school of origin but residing outside of the school district of attendance remain eligible, as allowed *under UIL Constitution and Contest Rules Section 403 (f)*, if they have attended that school for at least *the previous school year****

**In most instances students in DFPS Managing Conservatorship (both foster care and kinship care placements) are in compliance with UIL policy §442(e) and do not need a waiver. No additional paperwork or approval from the UIL board is needed.*

***Please note that the waiver is not applicable to “other UIL sponsored activities”*

****Note the text above was modified to reflect UIL policy (403 F)*

UIL Background and Reminders



For the purpose of this section UIL activities and waiver requirements only apply to varsity athletics (does not apply to c-team and junior varsity sports participation)



Does not apply to other UIL activities, such as band/music, art, theatre and other UIL sponsored events.



All students when enrolling at a new school must fill out the Previous Athletic Participation Form (PAPF) – the information on the form will determine next steps with athletic participation and eligibility for new students. This can be discussed at the Enrollment Conference.



A student who remains in their same school, that they were enrolled in from the previous year (even if they move and are residing outside of the district) and are remaining in the same school (school of origin), meets the residency requirements for UIL participation and do not need a 'parent residence waiver'. This is only applicable if a student withdraws and is in a situation where they want to re-enroll in that school.



Previous Athletic Participation Form - PAPF

Previous Athletic Participation Form University Interscholastic League

Page 1
Revised 07/12

Eligibility Questionnaire for New Student Athletes in Grades 9-12

This Form Must be on File with School Before Participation at any Level in Grade 9-12
(To be filled out by the student and/or parent and filed with the school.)

Name of Student (print) _____ Grade _____ Birthdate _____ Age _____
Student's Current Address: _____ City _____ State _____ Zip Code _____
New School: _____ City _____ Public Charter Private School
Last School of Participation: _____ City _____ State _____ Public Charter Private School
Date of enrollment in new school: _____ Date of withdrawal from previous school: _____

Has the student been continuously enrolled in the new school for one calendar year? Yes No

1. Has the student ever practiced or participated in extracurricular athletic activities (before school, after school, or during an athletic period) at another school in the United States or Mexico in grades 8-12? If yes, the student must complete page 2 in addition to page 1 and both pages must be sent to the District Executive Committee Chairperson. If no, the student must complete page 1 and file with the school and/or athletic department ONLY.

2. Has the student ever enrolled or participated in a Home School program, Magnet program, Charter school, Open/Choice Enrollment (within the ISD) or International Baccalaureate (IB) program in grades 9-12? If yes, please provide the name of the school _____ and school year _____.

PARENT RESIDENCE RULE: *QUESTIONS IN THIS SECTION ARE REFERRING TO BIOLOGICAL PARENTS. REFERENCE C&CR SECTION 440(b) & 442.

3. Does the student live with one parent both parents guardian foster parent(s)? If the student lives with a GUARDIAN or FOSTER PARENT(S), a UIL Parent Residence waiver may be required. You MUST contact the district Athletic Director/Coordinator then contact the UIL Athletics Department at (512) 471-5883.

4. Are the parents of the student married never married married-living apart divorced deceased? If the parents are MARRIED-LIVING APART or MARRIED and the student is LIVING WITH ONE PARENT, a UIL Parent Residence waiver may be required. You MUST contact the district Athletic Director/Coordinator then contact the UIL Athletics Department at (512) 471-5883.

5. Does the parent(s) of the student reside outside the attendance zone of the school the student wishes to represent? If yes, a UIL Parent Residence waiver may be required. You MUST contact the district Athletic Director/Coordinator then contact the UIL Athletics Department at (512) 471-5883.

6. Is there a change in schools but no change in address? If yes, please attach an explanation.

7. Is more than one residence owned, rented or maintained by the parents? If yes, please attach an explanation.

8. Are any members of the family still residing at the previous residence? If yes, it should be investigated prior to participation on the varsity level.

9. Are there other family members in grades K-12 attending a different school district other than the school district the student is now attending?

FULL TIME STUDENT RULE: REFERENCE C&CR SECTION 403.

10. Is the student enrolled in less than an average of four hours per day of instruction for either state or local high school credit? If Yes, Please attach an explanation.

FOUR YEAR RULE AND AGE RULE: REFERENCE C&CR SECTION 400 & 405(FOUR YEAR) & 440(C), 446 (AGE).

11. Did the student first enroll in the 9th grade more than 4 years ago? The first date of enrollment in 9th grade.

12. Has the student ever repeated a grade since first entering the 7th grade? If yes, please attach an explanation.

13. Will (or was) the student 19 years of age on or before September 1 of the current school year?

FOREIGN EXCHANGE RULE: REFERENCE C&CR SECTION 468(3).

14. Is the student a foreign exchange student? If yes, a Foreign Exchange Waiver is required for Varsity athletic participation.

AMATEUR ATHLETIC RULE: REFERENCE C&CR SECTION 441.

15. Has the student done anything to jeopardize their amateur athletic status?

ASSIST IN DETERMINING IF STUDENT CHANGED SCHOOLS FOR ATHLETIC PURPOSES: REFERENCE C&CR SECTION 443.

16. Did anyone from the new school contact the student prior to their enrollment in the new school?

17. Was the student ever prohibited from participation at the previous school? If yes, please attach an explanation.

18. Did the student play on a non-school team and is transferring to the school where members of the non-school team attend?

19. Homeschool students participating in accordance with Section 33.0832 of the Texas Education Code: Has the student moved into the attendance zone within the past 12 months? If yes, a FULL hearing of the DEC is required for varsity participation.

20. Has the student enrolled in/intended any other high school(s) in grades 9-12, other than the school(s) already listed on the form? If yes, list the schools and attach an explanation.

TO BE COMPLETED BY STUDENT, PARENT AND ADMINISTRATOR OF NEW SCHOOL.

It shall be the responsibility of each school to have on file the following required annual forms for each student who participates in any practice (before school, after school or during an athletic period), scrimmage or game: Pre-participation Physical Examination (for students in their first and third year of high school participation), Medical History Form, Illegal Steroid Use and Random Steroid Testing, Parent and Student Notification/Agreement Form, Acknowledgement of Rules Form, Concussion Acknowledgement Form and Sudden Cardiac Arrest/Awareness Form. Incorrect or untrue information provided by the parent or student could cause ineligibility and could result in the forfeiture of contests in which the student has participated in addition to other penalties. The following signatures certify that to the best of your knowledge, all information presented on this form is true and correct.

Signature of Student _____ Date _____ Signature of Parent/Guardian _____ Date _____
Signature of New School Coach _____ Date _____ Signature of New School Administrator _____ Date _____
New School Coach Name _____ Coach's Email Address _____ Sport _____

Previous Athletic Participation Form University Interscholastic League

Page 2
Revised 08/01/17

All new students in grades 9-12 who have ever practiced or participated in baseball, basketball, cross country, football, golf, soccer, softball, swimming and diving, team tennis, tennis, track and field, volleyball or wrestling in grades 8-12 at another school in the United States or Mexico MUST have this form completed by the last school of participation and be approved by the District Executive Committee before they are eligible to participate at the **VARSIITY LEVEL**, at the new school. A student being continuously enrolled for one calendar year still requires a Previous Athletic Participation form before they are eligible to participate at the **VARSIITY LEVEL**, in athletics.

Name of Student _____ New School: _____ Last School of Participation: _____

Student's current address: _____ Street _____ City _____ State _____ Zip Code _____

I. ELIGIBILITY CERTIFICATION: This section should be completed by the individual(s) with whom the student is currently residing at the new school. We, the undersigned, certify that the student is in compliance with the transfer and admission policies of the local school district. This student is not changing schools for athletic purposes and was not recruited. We understand that any false or incorrect information could cause the student to be declared ineligible and could result in the forfeiture of contests in which the student has participated at the new school, in addition to other penalties.

Previous address _____ Status of previous residence? sold leased vacant still own

PARENT SIGNATURE _____ DATE _____

II. NEW SCHOOL CERTIFICATION: We certify that to our knowledge no one from our community has offered any inducement, directly or indirectly to the student or parents to move into our district. To the best of our knowledge this student is not changing schools for athletic purposes.

Name of New School _____ Signature of new school superintendent or designated administrator _____ Date _____

III. LAST SCHOOL OF PARTICIPATION CERTIFICATION AND RELEASE: Section III must be completed for any new student in grades 9-12 who has ever participated in baseball, basketball, cross country, football, golf, soccer, softball, swimming and diving, team tennis, tennis, track and field, volleyball or wrestling in grades 8-12 at another school in the United States or Mexico before they are eligible to participate at the varsity level at the new school. Please check the appropriate responses below. If any of questions 1-5 are marked 'Yes', a full meeting of the District Executive Committee (DEC) would be required only if requested by a member of the committee in the new district. If question 6 is marked 'Yes', a full hearing of the DEC is required in the new district.

Yes No
 1. Was there any conflict or dissatisfaction between the student, his/her parents, and the athletic/academic supervisors at the school?
 2. Was this student recruited to attend another school or was any undue influence exerted upon this student or family to change schools?
 3. Did this student quit an athletic activity or program while enrolled in your school? If yes, attach explanation to DEC.
 4. Was this student ever suspended or removed from your school athletic program? If yes, attach explanation to DEC.
 5. Would the student be prohibited from participation in athletics had they not changed schools? If yes, attach explanation to DEC.
 6. Based on your knowledge of the student and their circumstances, is this student changing schools for athletic purposes? If yes, attach explanation to DEC.

Print Name of Former superintendent or designated administrator _____ Print Name of Former principal or coach _____

*Signature of Former superintendent or designated administrator _____ AND *Signature of Former principal or coach _____ Date Signed _____
(* two signatures required)

Last School of Participation: _____ City _____ State _____

IV. EXECUTIVE COMMITTEE APPROVAL: We certify the above named student is approved.
● Check the appropriate box: Varsity Sub-varsity only (applying for a Waiver)
If a full hearing of the DEC is required based on the information in section III above, the student is ineligible for varsity athletic participation until the DEC hears testimony from the previous school, the student/parent and the new school and determines that the student did not change schools for athletic purposes. This process is required to be completed prior to the student applying for a waiver of the parent residence rule, if applicable. DATE OF HEARING _____

School _____ Conference _____ District No. _____
(School of District Executive Committee Chairman)

Signature of District Executive Committee Chairman _____ Date _____ Contact Email Address _____

The District Chairman makes two copies of the completed form. Send one copy to the student's current school and the other copy to the University Interscholastic League, Box 8028, University Station, Austin, Texas, 78713. Retain the original in your file.

- Residence in School District and Attendance Zone §442(e) Custodial
 - Foster Care/Kinship Care, generally **no UIL waiver is needed**, based on their living situation being involuntary and unavoidable under 442(e).
 - This shows up when the student fills out the PAPF (Previous Athletic Participation Form) described previously.
- Only time a waiver would be needed for a student in DFPS Managing Conservatorship (very rare):
 - *If a student's parent(s)(not the state) move the student to a foster home in another school district, the student is not eligible for a waiver. In this circumstance the child in foster care would need to apply for a waiver.*



Parent Resident Requirement | Waiver Needed for McKinney-Vento Students

Students who are McKinney-Vento eligible are not automatically eligible for the 'parent resident rule exception' (used for students in foster care)

The student's parent or guardian must fill out the 'parent resident rule' form

Athletic directors may help with this form. It is important to ensure that the application is filled out in its entirety (5 sections).

McKinney-Vento students are eligible for federal nutrition benefits and therefore eligible to receive a fee waiver.

The application must adequately explain how the student's living situation is involuntary and unavoidable.

The UIL Waiver Office will review the application, within 14 days, and make the initial decision to grant or deny the waiver. If denied, the waiver can be appealed to the Waiver Review Board.





UIL Waiver Application

APPLICATION FOR WAIVER OF ATHLETIC PARENT RESIDENCE RULE / FOUR YEAR RULE INSTRUCTIONS

Page 1
Revised July 2017

Athletic Parent Residence Rule:

When a student is living with a parent (married, but living apart), a guardian, or attending a school outside the attendance zone boundaries, where his/her parent(s) resides, the student must apply for a waiver.

Address why the student is not living with both parents or a legal guardian (legal guardianship and residence must be in effect for at least one calendar year)? Include any records or documentation of child abuse, neglect, mistreatment, or other unusual circumstances that affected the student and/or parent, etc.

Four-Year Rule:

When a student does not comply with the four-year rule because he/she has not met the requirements for graduation four years after his/her first entry into the ninth grade, and has not been able to participate in a specific activity for a season, that student may apply for a waiver. A chronology of previous enrollment and participation must be submitted with this application.

NOTE: There is no four-year waiver for an average student unless he/she qualifies for an over-age waiver (Section 463 (a) 4 of the C & CR).

Address why the student needs a fifth year of school to graduate?

Required Documentation	Explanation of documentation	Parent Residence*	Four-Year*
Application Form	Completed application page 2	✓	✓
\$100 non-refundable filing fee	Acceptable payment forms: cashier's check, money order, or school check. Include student's name and purchaser's name on payment. Waived fees: Current active military (provide current orders) and indigent students (provide documentation with lunch status from PEIMS coordinator or Cafeteria Manager) <i>Make payment payable to The University of Texas at Austin/UIL</i>	✓	✓
Transcript	Unofficial or official transcript verifying the first entry in the ninth grade and all grades recorded up to date of application. If the student is in the ninth grade, provide a report card from the previous school or a progress report from current school.	✓	✓
Previous Athletic Participation Form (PAPF)	Note: If the student did not participate at the previous school, page 1 is required. DEC minutes required if #6 on Section III is marked 'yes'.	✓	Page 1
District Executive Committee Chairperson's notification letter	Refer to the provided template	✓	✓
Birth certificate	Copy of birth certificate	✓	✓
Personal letter from student	Signed letter of the student explaining his/her situation why he/she is requesting the waiver (written in English)	✓	✓
Personal letter from parent/guardian	Signed letter explaining the complete background and all facts pertinent to the case (written in English)	✓	✓
Letter from present school	Signed letter outlining the facts of the case	✓	✓
Statement from previous school	Signed letter addressing the student's character. Letter is preferred from the coach if student participated in athletics.	✓	
Chronology of previous enrollment	List in chronological order previous enrollment from the ninth grade to the present grade. Include school year and school name.		✓
Optional	Documentation from physicians, probation officers, realtor, etc, to support your case.		

*Check mark above indicates required item

Retain a copy of submitted application for your files. Ensure all letters are signed. Submit application and documentation along with filing fee to:

Waiver Department
University Interscholastic League
P.O. Box 8028
Austin, TX 78713-8028

Visit our website: <https://www.uilutexas.org/waivers> for frequently asked questions.

APPLICATION FOR WAIVER OF ATHLETIC PARENT RESIDENCE RULE / FOUR YEAR RULE

Page 2
Revised July 2017

Please submit a **COMPLETED** application as a request for a waiver of the following rule:

SUBCHAPTER M: UIL Constitution and Contest Rules: Athletic Parent Residence: Sections 403 & 442
This application is for school year: _____ Four-Year Rule: Sections 400 & 408

1. STUDENT: Date First Entered Ninth Grade (mm/yyyy): _____ Current Grade: 9 10 11 12
Name (as listed on birth certificate): _____ Date of Birth (mm/dd/yyyy): _____
Physical Address: _____ City _____ Zip _____
Mailing Address (if different from physical address): _____ City _____ Zip _____
Contact Number: _____ City _____ Zip _____
Name of Whom Student is Living With: _____ Relation to Student: _____
Sport of Current Participation: _____ Next Sport of Participation (if any): _____

2. PARENT INFORMATION:
Name: _____ Contact Number: _____
Physical Address: _____ City _____ Zip _____

3. GUARDIAN INFORMATION:
Complete this section if the student is residing with an individual other than their biological parent(s).
Name: _____ Contact Number: _____
Physical Address: _____ City _____ Zip _____

4. CURRENT SCHOOL: (No abbreviations) Date of Enrollment (mm/dd/yyyy): _____
School Name: _____ School District: _____ School Phone: _____
Address: _____ City _____ Zip _____ School Fax: _____
Name of Coach: _____ Contact Number: _____ Sport: _____
Coach's Email Address: _____

5. ATHLETIC DIRECTOR'S INFORMATION:
Name: _____ Contact Number: _____
Email Address: _____

6. PREVIOUS SCHOOL: (Complete if applying for a Parent Residence Rule Waiver)
School Name: _____ School District: _____ School Phone: _____
Address: _____ City _____ Zip _____
Name of Coach: _____ Contact Number: _____
Date of Enrollment at Previous School: _____ Date of Withdrawal from Previous school: _____
Did the student ever practice or participate in extracurricular activities (before school, after school or during the athletic period)? YES NO If yes, list these activities: _____

7. STATEMENT OF ACCURACY OF INFORMATION AND RELEVANCE: We, the undersigned, attest to the accuracy of the information contained in this APPLICATION FOR WAIVER OF ELIGIBILITY RULES. We understand that this application to waive the eligibility requirement applies ONLY to Sections 400 and 408 (Four-Year Rule) or Sections 403 and 442 (Parent Residence Rule). All other eligibility requirements must be met. We further understand that submission of false information will result in the ineligibility of the above named student for at least one year for all League activities in any member school (Section 470).

Signature of parent or guardian _____ Print Name _____ Date _____
Signature current school administrator _____ Title _____ Print Name _____ Date _____
(Superintendent, Athletic Director, or Principal)

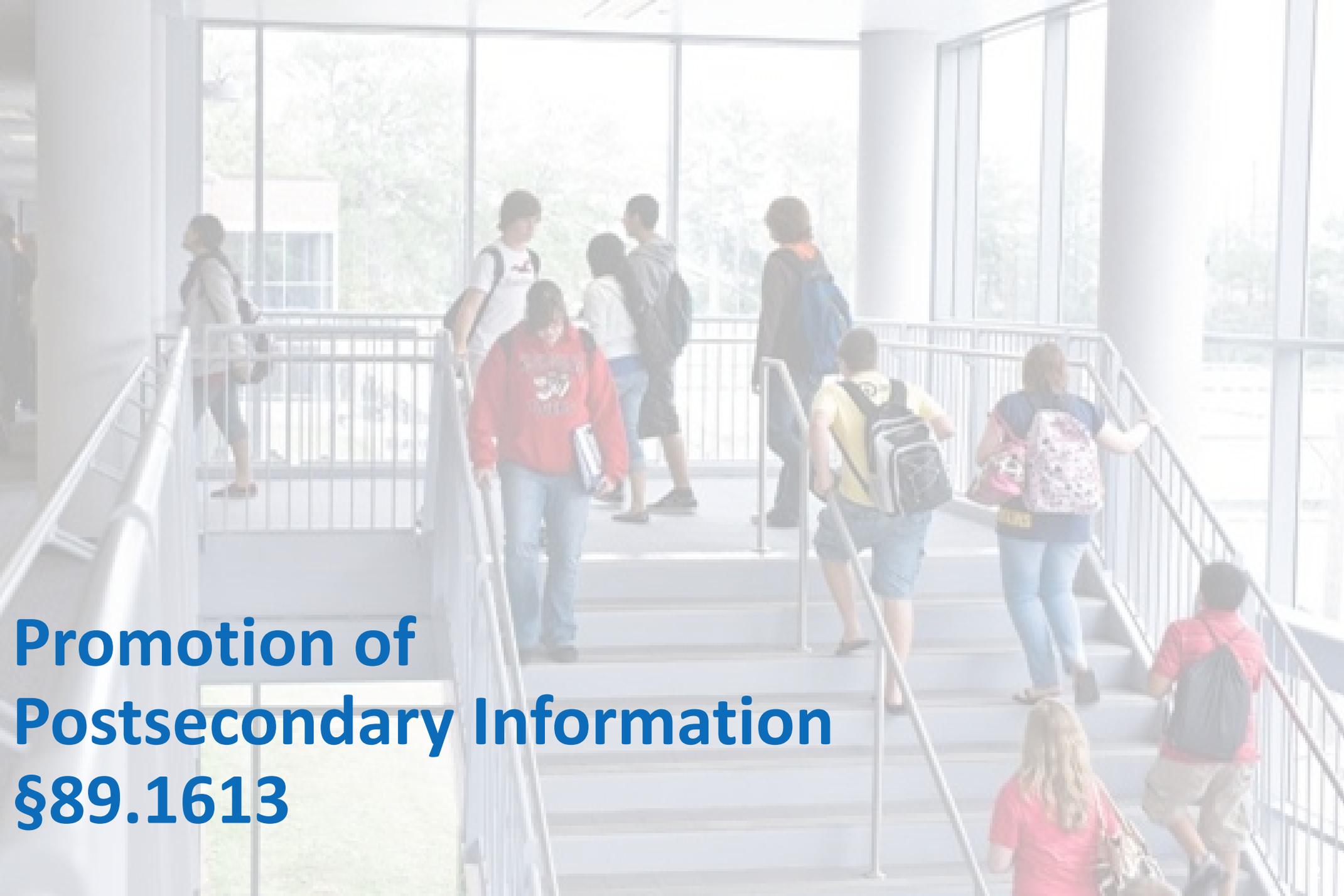
District # _____ Conference: A AA AAA AAAA AAAAA AAAAAA
Chairman of District Executive Committee: _____ Name/Title: _____
School or School District: _____

Additional UIL Considerations for Implementation:

- ✓ Discuss hobbies and interests with students and connect them to available extra-curricular opportunities to engage these interests.
- ✓ During the enrollment conference discuss if the student would like to participate in UIL sponsored activities.
- ✓ Remember that only participation in varsity sports requires UIL participation waiver (for certain students).

Additional UIL Considerations for Implementation Continued:

- ✓ The student needs to follow the districts processes for tryouts and team selection. The UIL waiver does not exempt students from this process.
- ✓ A majority of UIL sponsored activities do not require a waiver for participation (c-team, JV, theatre, band, etc.)
- ✓ Provide training for staff regarding UIL requirements.
- ✓ Review the required forms that are needed for UIL waivers and participation.

A background image showing a group of students walking on a set of stairs in a modern building with large windows. The students are wearing backpacks and casual clothing. The scene is brightly lit, suggesting a sunny day.

**Promotion of
Postsecondary Information
§89.1613**

Promoting Postsecondary Information | TAC §89.1613 (a)-(c)**

(a) McKinney-Vento & Foster Care

- Counselors or designated staff shall work with Liaisons to assist McKinney-Vento eligible and Foster Care students to graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans to the extent required by TEC §28.02121.

(b) Unaccompanied Homeless Youth

- Local Liaisons must inform unaccompanied youth about their status on the FAFSA and assist with verification of the status.

[42 U.S.C §11432(g)(6)(A)(x)(III)]

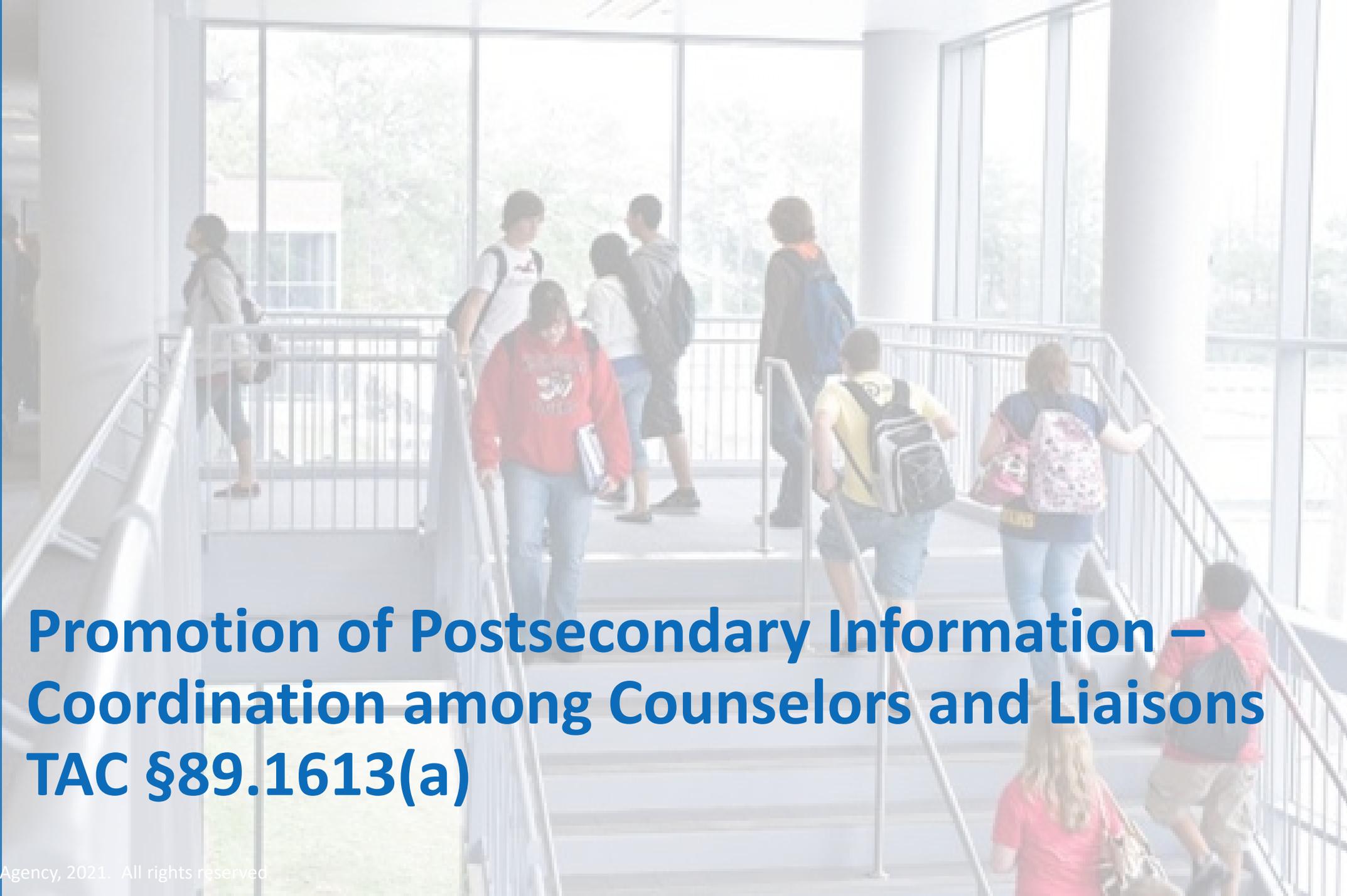
(c) Foster Care

- LEAs must ensure that Foster care students enrolled in Grade 11 or 12 are provided information regarding tuition and fee exemption for dual credit or other courses for which a high school student may earn joint high school and college credit.

TEC §54.366

** Text in the above boxes is paraphrased from the rule



A photograph of a school staircase with large windows in the background. Several students with backpacks are walking up and down the stairs. The image is slightly faded to allow text to be overlaid.

Promotion of Postsecondary Information – Coordination among Counselors and Liaisons TAC §89.1613(a)

Counselors or designated staff shall work with Liaisons to assist McKinney-Vento Eligible and Foster Care students with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans.

Considerations for Implementation:

- ✓ Provide the students with information about endorsements offered in the LEA.
- ✓ Build a communication system between the counselor and the liaisons to ensure post- secondary plans have been identified for students.
- ✓ Ensure each student has endorsements within their personal graduation plan.



Additional LEA responsibilities for promoting postsecondary education (not currently referenced in rule)**

McKinney-Vento Post-Secondary Planning and Support



School counselors must assist students experiencing homelessness with college preparation and readiness

[42 U.S.C. § 11432(g)(1)(K)]



(a) Each school counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding the importance of:

- postsecondary education,
- coursework designed to prepare students for postsecondary education,
- and financial aid availability and requirements.

Post-Secondary Education: School Counselor TEC §33.007(b)

- School counselors must provide information about postsecondary education to the student and the student's parent or guardian during the first school year a student is enrolled in high-school and each subsequent year throughout high school.



Counselor Postsecondary Education | Summary of Selected School Counselor Responsibilities

TEC §33.007(b)(1)-(6), (9)-(10)

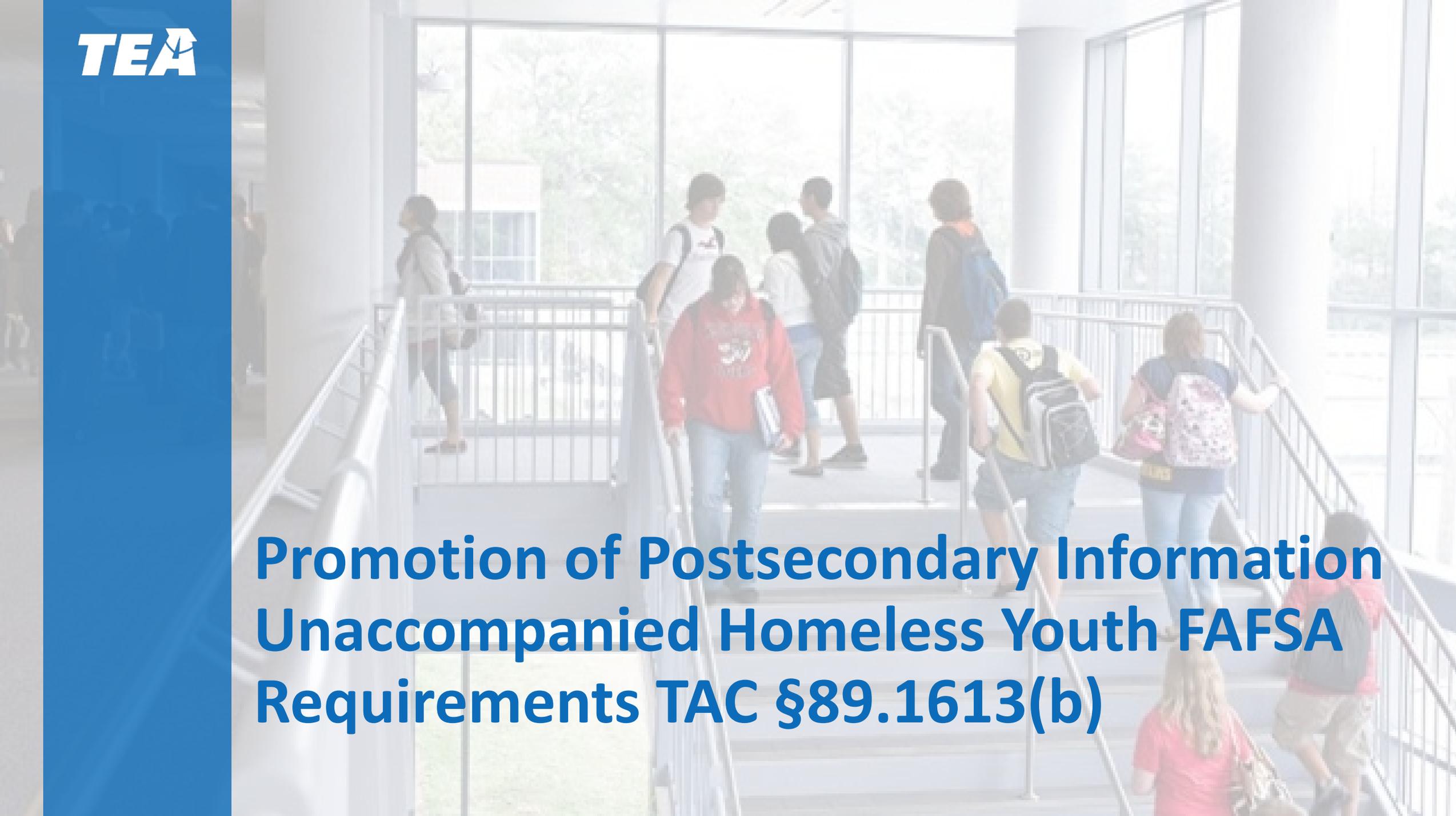
- Importance of postsecondary education,
- Advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program under Section 28.025,
- Disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma,
- Financial aid eligibility and how to apply for financial aid and information about the center for financial aid,
- Availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
- Availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education for a student who is or was previously in the conservatorship of the Department of Family and Protective Services.



Facilitation of Transition to Institution of Higher Education: Texas Family Code §264.1212 (**Students in DFPS Managing Conservatorship Only)

Each school district, in coordination with the department, shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Section [54.366](#), Education Code, and who is likely to be in the conservatorship of the department on the day preceding the child's 18th birthday to an institution of higher education by:

- assisting the child with the completion of any applications for admission or for financial aid;
- arranging and accompanying the child on campus visits;
- assisting the child in researching and applying for private or institution-sponsored scholarships;
- identifying whether the child is a candidate for appointment to a military academy;
- assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by the department; and
- coordinating contact between the child and a liaison officer designated under Section [61.0908](#), Education Code, for students who were formerly in the department's conservatorship.

A background image showing a group of students walking on a wide, modern staircase with metal railings. The students are wearing backpacks and casual clothing. Large windows in the background let in bright, natural light, creating a bright and airy atmosphere. The overall scene is a typical school hallway or outdoor walkway.

**Promotion of Postsecondary Information
Unaccompanied Homeless Youth FAFSA
Requirements TAC §89.1613(b)**

Promotion of Post-Secondary Information McKinney-Vento Eligible Students: TAC §89.1613 (b)

McKinney-Vento liaisons must inform unaccompanied homeless youth of their rights and status as independent students for the purpose of applying for financial aid for higher education and providing verification status for the FAFSA. [42 U.S.C. § 11432(g)(6)(A)(x) (III)]

Considerations for Implementation:

- ✓ Develop an LEA secondary unaccompanied homeless youth referral process
- ✓ Develop and maintain a report of all unaccompanied homeless seniors and provide a FAFSA verification letters to students on a monthly basis

** Text in the above boxes is paraphrased from the rule

Considerations for Implementation Continued:

- ✓ Provide a copy of FAFSA verification letters to your designated secondary professional school counselor contact
- ✓ Collaborate with professional school counselors to:
 - Ensure transcripts are complete and current
 - Provide resources and tools to support post-secondary planning
- ✓

FAFSA and McKinney-Vento

55. At any time on or after July 1, 2021, did your high school or school district homeless liaison determine that you were an unaccompanied youth who was **homeless** or were self-supporting and at risk of being homeless? **See Notes page 10.** Yes 1 No 2



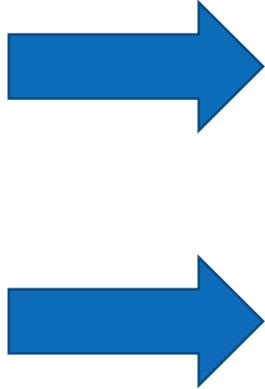
56. At any time on or after July 1, 2021, did the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development determine that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless? **See Notes page 10.** Yes 1 No 2



57. At any time on or after July 1, 2021, did the director of a runaway or homeless youth basic center or transitional living program determine that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless? **See Notes page 10.** Yes 1 No 2



FAFSA and McKinney-Vento



Notes for questions 55–57 (page 5)

Answer **“Yes”** if you received a determination at any time on or after July 1, 2021, that you were an unaccompanied youth who was **homeless** or at risk of being homeless.

- **“Homeless”** means lacking fixed, regular and adequate housing. You may be homeless if you are living in shelters, parks, motels, hotels, public spaces, camping grounds, cars, abandoned buildings, or temporarily living with other people because you have nowhere else to go. Also, if you are living in any of these situations and fleeing an abusive parent, you may be considered homeless even if your parent would otherwise provide a place to live.
- **“Unaccompanied”** means you are not living in the physical custody of your parent or guardian.

Answer **“No”** if you are not homeless or at risk of being homeless, or do not have a determination. However, even if you answer **“No”** to each of questions 55, 56, and 57, you should contact the financial aid administrator at the college you plan to attend if you are either (1) homeless and unaccompanied or (2) at risk of being homeless, unaccompanied, and providing for your own living expenses - as your college financial aid office can determine that you are “homeless” and are not required to provide parental information.

The financial aid administrator at your college may require you to provide a copy of the determination if you answered **“Yes”** to any of these questions.



McKinney-Vento FAQ #55: Students in Unique Situations

Tips for Completing the 2022-2023 FAFSA

Question #55 Step 3

“At any time on or after July 1, 2021, did your high school or school district homeless liaison determine that you were an unaccompanied youth who was **homeless** or were self-supporting and at risk of being homeless?”

Q: I became homeless during my senior year in high school. Am I considered an independent student?

A: You are considered an independent student if you received a determination any time on or after July 1, 2021, that you were an unaccompanied youth who was homeless. The financial aid administrator at your college may require you to provide a copy of the determination or other documentation.

If you are not sure you have a determination, but you believe you are an unaccompanied youth who is homeless or are an unaccompanied youth providing your own living expenses who is at risk of being homeless, contact your high school’s homeless liaison for assistance. Contact your college’s financial aid office for assistance if your high school’s homeless liaison did not make a determination.

“Youth” means that you are 21 years of age or less or are still enrolled in high school as of the day you sign the FAFSA.

“Unaccompanied” means you are not living in the physical custody of a parent or guardian.

“Homeless” means lacking fixed, regular, and adequate housing, including living in shelters, motels, cars, and temporarily with other people because you have nowhere else to go.



McKinney-Vento FAQ# 56: Students in Unique Situations

Tips for Completing the 2022-2023 FAFSA

Question #56 Step 3

“At any time on or after July 1, 2021, did the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development determine that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless?”

Q: I lived in an emergency shelter last year. How do I complete the FAFSA?

A: Answer “Yes” to Question #56 if you received a determination any time on or after July 1, 2021, that you were an unaccompanied youth who was homeless. The financial aid administrator at your college may require you to provide a copy of the determination or other documentation.

If you are not sure you have a determination, but you believe you are an unaccompanied youth who is homeless or are an unaccompanied youth providing your own living expenses who is at risk of being homeless, contact the director of the emergency shelter for assistance. Contact your college’s financial aid office for assistance if the shelter director did not make a determination.

“Youth” means that you are 21 years of age or less or are still enrolled in high school as of the day you sign the FAFSA.

“Unaccompanied” means you are not living in the physical custody of a parent or guardian.

“Homeless” means lacking fixed, regular, and adequate housing, including living in shelters, motels, cars, and temporarily with other people because you have nowhere else to go.



McKinney-Vento FAQ# 57: Students in Unique Situations

Tips for Completing the 2022-2023 FAFSA

Question #57 Step 3

“At any time on or after July 1, 2021, did the director of a runaway or **homeless** youth basic center or transitional living program determine that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless?”

Q: My mom died a few years ago and I have no contact with my dad. I am in a transitional living program. How do I complete the FAFSA? Am I an independent student?

A: Answer “Yes” to Question #57 if you received a determination any time on or after July 1, 2021, that you were an unaccompanied youth who was homeless or at risk of being homeless. The financial aid administrator at your college may require you to provide a copy of the determination or other documentation.

If you are not sure you have a determination, but you believe you are an unaccompanied youth who is homeless or are an unaccompanied youth providing your own living expenses who is at risk of being homeless, contact the director of the youth center or transitional housing program for assistance. Contact your college’s financial aid office for assistance if the director of the youth center or transitional housing program did not make a determination.

“Youth” means that you are 21 years of age or less or are still enrolled in high school as of the day you sign the FAFSA.

“Unaccompanied” means you are not living in the physical custody of a parent or guardian.

“Homeless” means lacking fixed, regular, and adequate housing, including living in shelters, motels, cars, and temporarily with other people because you have nowhere else to go.



FAFSA and McKinney-Vento: Federal Aid FAQ #1-3



Questions and Answers

Federal Student Aid and Homeless Youth

1. Can I receive federal student aid if I am homeless or at risk of becoming homeless?

Yes. When you complete the *Free Application for Federal Student Aid* (FAFSA®) form, you will be asked whether you are homeless or at risk of becoming homeless and “unaccompanied” (meaning not with your parents). Answer the question and continue with the application.

2. Do I need to provide my parents’ income information on the FAFSA® form?

No. If you answer “yes” to the homelessness question on the FAFSA form, you can submit it without providing information about your parents because you are stating that you are not with your parents.

3. Do I need to provide a home address on the FAFSA® form?

No, but you must provide a mailing address where you can reliably receive mail. Your mailing address can be the address of a relative or friend who has given you permission to use it, or it can be your college’s address. If you want to use your college’s address, you must contact the school for permission and instructions to ensure that your mail reaches you. If you find more permanent housing, you should update your address on the FAFSA form.



FAFSA and McKinney-Vento: Federal Aid FAQ #4

4. Will I be required to submit documentation to prove that I am “unaccompanied” and homeless or at risk of becoming homeless?

Maybe. Once you answer “yes” to the general homelessness question on the FAFSA[®] form, you will be asked whether you have received a homeless youth determination. If you indicate that you have, the financial aid administrator at the college you plan to attend may request the determination to prove that you are “unaccompanied” and homeless or at risk of becoming homeless.

You should contact one of the following individuals to ask if they can provide you with a homeless youth determination:

- Your high school or school district homeless liaison
- The director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development
- The director of a runaway or homeless youth basic center or transitional living program

In some cases, the individual listed above may only be allowed to make a homeless youth determination if you are receiving his or her program’s support or if, in the case of a school district homeless liaison, you are in his or her high school or high school district.

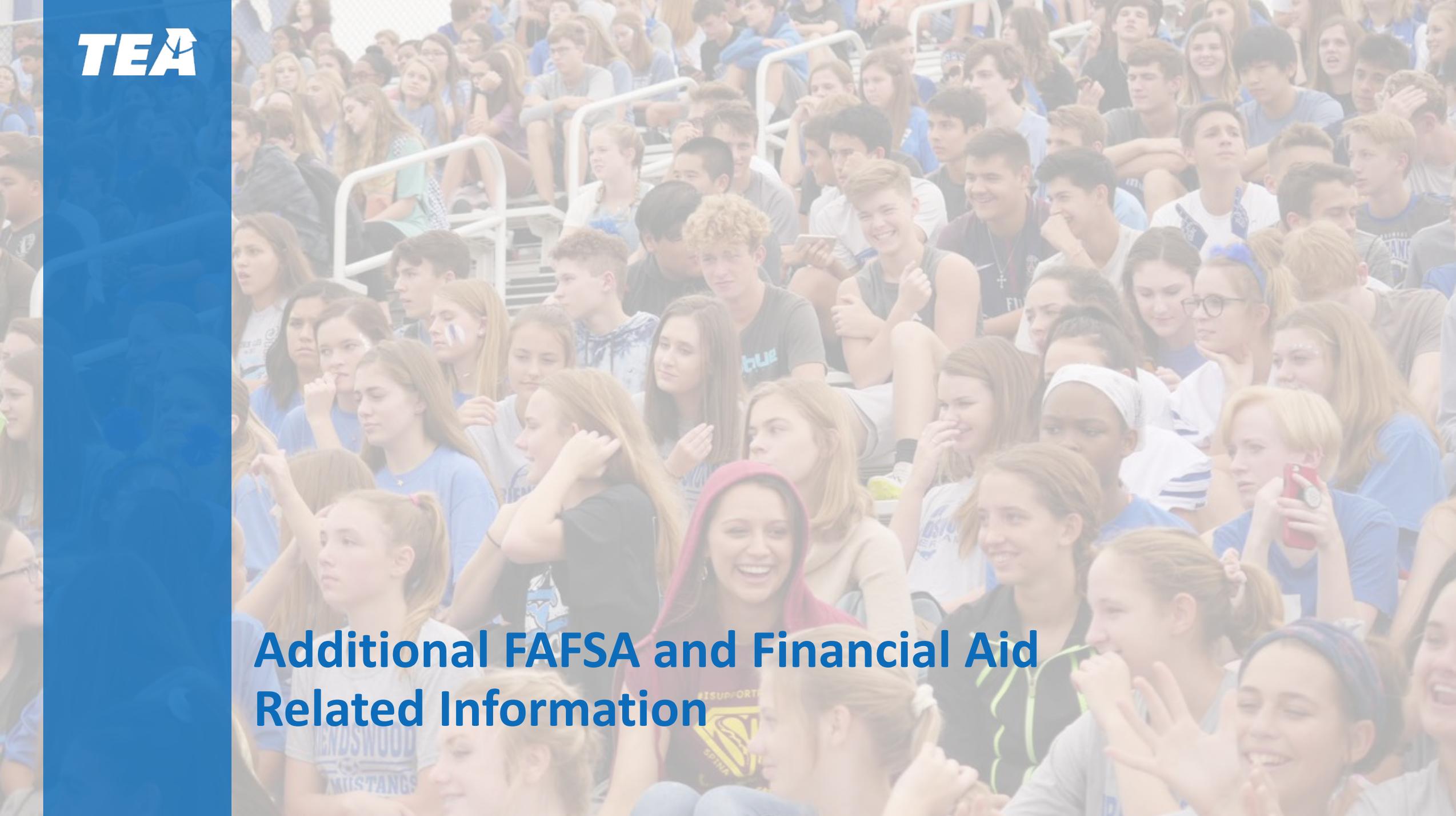
Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION

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Considerations for Implementation:

- Become familiar with required deadlines and share higher education contact information with unaccompanied youth experiencing homelessness.
- Provide opportunities for students to attend college visits, career presentations, and information webinars
- Ensure students have developed a transition plan to support entering the workforce, technical school, community college or four-year university
- Host post-secondary information sessions both during the day and evenings

A large, diverse crowd of students is seated in bleachers, likely at a school event. Many students are wearing blue shirts, and some have white face paint. The students are looking in various directions, some towards the camera and others towards the side. The background is slightly blurred, emphasizing the foreground students.

Additional FAFSA and Financial Aid Related Information

Reminder | New FAFSA Requirements 12th Grade | All Students

Beginning with students enrolled in **12th grade** during the **2021-2022 school year**, each student must do one of the following in order to graduate (TEC) §28.0256:

- Complete and submit a Free Application for Federal Student Aid (FAFSA);
- Complete and submit a Texas Application for State Financial Aid (TASFA); or
- Submit a signed opt-out form.

[Methods of Proof and Reporting Guidance Document](#)

[Texas OnCourse Financial Aid Resources](#)

[ApplyTexas Counselor Suite](#)

[State Financial Aid Program Resources](#)

FAFSA and Foster Care

52. At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent or ward of the court? **See Notes page 10.**

Yes

No

2022-2023

Notes for question 52 (page 5)

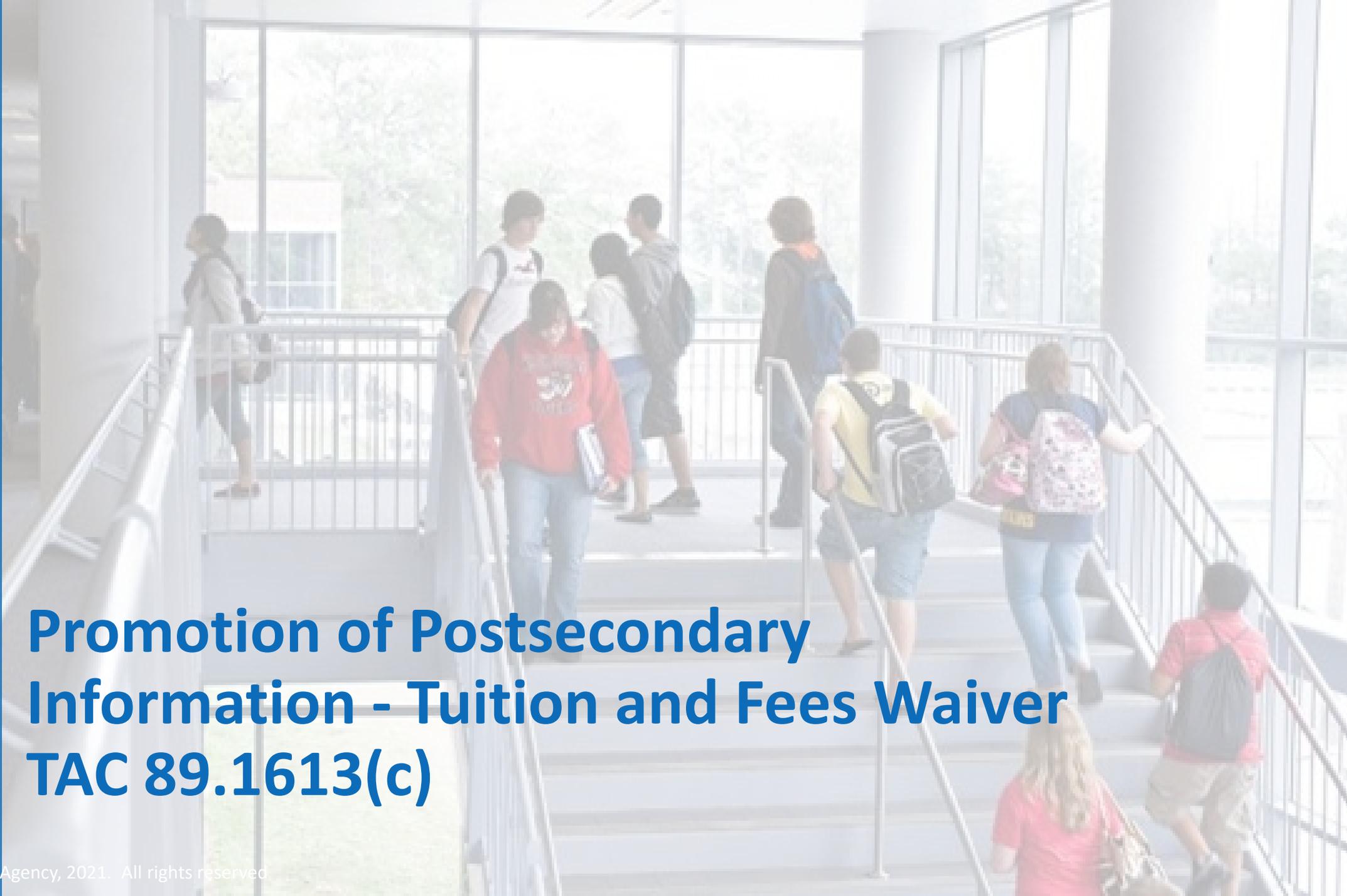
Answer **“Yes”** if at any time since you turned age 13:

- You had no living parent, even if you are now adopted; or
- You were in foster care, even if you are no longer in foster care today; or
- You were a dependent or ward of the court, even if you are no longer a dependent or ward of the court today. For federal student aid purposes, someone who is incarcerated is not considered a ward of the court.

If you are not sure if you were in foster care, check with your state child welfare agency. You can find that agency’s contact information at **[childwelfare.gov/nfcad](https://www.childwelfare.gov/nfcad)**.

The financial aid administrator at your school may require you to provide proof that you were in foster care or a dependent or ward of the court.

- [Texas OnCourse](#)
- [FAFSA](#)
- [ApplyTexas](#)
- [Education Reach for Texans](#)
- [Student in Unique Situations: Tips for Completing the 2022-2023 FAFSA](#)
- [Federal Student Aid and Homeless Youth FAQ](#)

A background image showing a group of students walking on a set of stairs in a modern building with large windows. The students are wearing backpacks and casual clothing. The image is slightly faded to allow the text to be read clearly.

Promotion of Postsecondary Information - Tuition and Fees Waiver TAC 89.1613(c)

LEAs must ensure that Foster care students enrolled in Grade 11 or 12 are provided information regarding tuition and fee exemptions for dual credit or other courses for which a high school student may earn joint high school and college credit TEC §54.366.



Tuition Fee Waiver – Available at any Texas state-supported institution of higher education, for eligible students currently or formerly in foster care, as long as the student enrolls in at least one college or dual credit course, before turning 25.
TEC §§ 54.366, 54.367.



The tuition and fee waiver is verified in the form of a letter from the Texas Department of Family and Protective Services and provided to the youth to present to their institution of higher education. Higher Education Institutions may require that the student provide a new letter each academic year.

Inform Students of Tuition and Fees Waiver | Foster Care | TAC §89.1613 (c)

Considerations for Implementation:

- ✓ Conduct meetings with students in foster care to provide tuition and fee exemption information for all 11th and 12th graders.
- ✓ Dual credit opportunities in the district may be provided to the students during enrollment conferences.
- ✓ LEA Foster Care Liaisons are encouraged to link with local colleges and campus-based support programs to develop connections and facilitate effective transitions into post-secondary learning for students in foster care.
- ✓ LEA Foster Care Liaisons, school counselors, and others working on behalf of the student can significantly support the student's post-secondary planning and transition by connecting them with the Higher Education Foster Care Liaison.



Education & Training Voucher (ETV) -

Federally funded and state-administered program for youth in foster care or those adopted from DFPS after turning age 16.

Students may be eligible to receive up to \$5,000 in financial assistance per year to support them in reaching their post-secondary education goals



Higher Education Foster Care Liaison –

Every public Higher Education Institution is required to have a Foster Care liaison to support students in foster care in higher education.

LEA Foster Care Liaisons, school counselors, and others working on behalf of the student can significantly support the student's post-secondary planning and transition by connecting them with the FC Liaison at the higher education institution the student plans to attend.



Provision of Special Education Services § 89.1615

TAC § 89.1615(a)

When a student who is homeless or in substitute care transfers into a school district or an open-enrollment charter school after being referred by a previous district or charter school for a special education evaluation, the receiving district or charter school must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in §89.1011 of this title (relating to Full Individual and Initial Evaluation).

TAC § 89.1615(b)

When a student who is already eligible for special education and is homeless or in substitute care transfers into a school district or an open-enrollment charter school during the school year, the receiving district or charter school must ensure that it meets the student transfer requirements of §89.1050(j) of this title (relating to The Admission, Review, and Dismissal Committee).

Considerations for Implementation | TAC §89.1615 (a)

(a) When a student who is homeless or in substitute care transfers into a school district or an open-enrollment charter school after being referred by a previous district or charter school for a special education evaluation, the receiving district or charter school must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in §89.1011 of this title (relating to Full Individual and Initial Evaluation).

Considerations for Implementation:

- ✓ Ask about any special education evaluations that were in process or if there was any discussion about a referral. Discuss if the student was receiving any academic or behavioral interventions. Make these conversations part of the enrollment conference.
- ✓ If a student was referred the new school district must coordinate with previous district to promptly complete the evaluation. Obtaining the referral paperwork and any pieces of the evaluation that were completed is critical.
- ✓ Due to student mobility and possible changes to who the child is living with, the person who signed the consent for the evaluation may not be the person who is currently enrolling and working with the child. This can make paperwork and information more challenging to obtain.

b) When a student who is already eligible for special education and is homeless or in substitute care transfers into a school district or an open-enrollment charter school during the school year, the receiving district or charter school must ensure that it meets the student transfer requirements of §89.1050(j) of this title (relating to The Admission, Review, and Dismissal Committee).

Considerations for Implementation:

- ✓ Getting student's paperwork can be very challenging. An all-hands-on approach is needed. Liaisons can help with tracking down ARD/ IEP paperwork and records from the sending school, caregivers/ parents, etc.
- ✓ If a student transfers during the school year the student receives comparable services immediately and an IEP must be in place by the 30th school day from the date services were verified.
- ✓ If a student enrolls in the summer, they must have an IEP in place on the first day of school.

Got questions about special education in Texas?



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Texas Education Agency



SPEDTEX

Special Education Information Center

www.spedtex.org ★ 1.855.773.3839



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Home / Academics / Special Student Populations

Special Education

Special Education in Texas

Together, we are committed to high expectations and strong systems that achieve equitable outcomes for every student with a disability.

Supplemental Special Education Services (SSES)

Supplemental Special Education Services (SSES) are on-line accounts for eligible parents/caregivers of students

Special Student Populations

- Dyslexia
- English Learner Support
- Gifted and Talented Education
- Highly Mobile and At Risk, and Mental Health Supports
- Review and Support
- Section 504
- Special Education
 - Significant Disproportionality
 - Special Education A-Z Index
 - Data and Reports
 - Dispute Resolution Processes
 - Parent and Family Resources
 - Programs and Services

A photograph of a school homecoming court. The court consists of several young men and women dressed in formal attire. The young men are wearing red shirts and dark pants, with some wearing crowns and sashes. The young women are wearing dresses and tiaras. They are all smiling and holding bouquets of flowers. The background is a blurred outdoor setting, likely a school courtyard or stadium.

**Notification of Student's
Educational Decision-Maker and
Caseworker (Foster Care Only)
§ 89.1617**

Each school district and open-enrollment charter school must comply with Texas Education Code (TEC), §25.007(b)(10), and provide notice in writing to the educational decision-maker and caseworker of a student who is in substitute care regarding events that may significantly impact the education of the student.



**Please note that a student who is homeless has been removed from the text above.*

Notice to students Educational Decision-Maker and Caseworker

Foster Care Only

Admission, Review Dismissal Committee

Manifestation Determination Review

Use of Corporal punishment (not permitted)

Appointment of a surrogate parent for child



TEC § 25.007(b)(10)

Building Personal Graduation Plans & Credit Recovery Plan

Any disciplinary actions for which parent notice is required

Reports of restraint & seclusion

Endorsement Decisions

School events that will impact students' educational decisions

Educational Decision Maker Form – 2085E

Form K-908-2085-E
Revised September 2015



**DESIGNATION OF EDUCATION DECISION-MAKER
CHILD PROTECTIVE SERVICES (CPS) - PERMANENCY**

Purpose: DFPS must ensure that this form is provided to the court and the child's school under Texas Family Code §263.004 within five days of the Adversary Hearing. DFPS must inform the court of any changes in the Education Decision-Maker or Surrogate Parent, if applicable, in the next permanency 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 Surrogate Parent, if applicable.

Directions: To complete this form, fill in all applicable fields. For additional questions, contact your Regional Education Specialist. DFPS staff may not appoint a surrogate parent. DFPS staff may only list the name of the surrogate parent appointed by the court or the school.

SECTION 1: AUTHORITY TO MAKE EDUCATION DECISIONS

The Texas Department of Family and Protective Services (DFPS) is authorized by court order as provided in the Texas Family Code §153.371 to make education decisions on behalf of the following child currently in the conservatorship of DFPS.

Child's Full Name:		Child's DFPS IMPACT Person ID:	Child's Medicaid Number:
Date of Birth:	County:	Court Number:	Cause Number:

DFPS delegates to the following individual(s) (hereinafter 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 named as a primary and and/or backup 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:
Surrogate Education Decision-Maker for special education decisions:	Date of designation:
	Designated by: <input type="checkbox"/> Court <input type="checkbox"/> ISD
Email:	Telephone Number(s):

SECTION 2: SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES – IF APPLICABLE

Federal and state law authorize the individual who is acting in the role of the child's parent or who is appointed by the school or the court to be the "surrogate parent" for the child to exercise the rights and responsibilities as outlined by the Individuals with Disabilities Education Act and state law and rule. The individual is usually the foster parent or daily caregiver, but may be a Court Appointed Special Advocate or other individual with knowledge of the child. In some cases the biological parent may retain the right to make certain special education decisions.

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

At age 18, 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.

Page 1 of 4

Form K-908-2085-E
Revised September 2015

SECTION 3: EDUCATION DECISION-MAKER RIGHTS AND RESPONSIBILITIES

Unless otherwise indicated by provisions in this form, the Education Decision-Maker has the right and responsibility to:

- Enroll a child in the school chosen by DFPS, including providing identity or immunization information needed for enrollment.
- Determine, in conjunction with the child, if appropriate, course selection and participation in academic electives and activities.
- Determine whether the child should participate in special programs such as compensatory programs, bilingual education, Gifted and Talented, after-school tutoring, etc.
- Attend routine activities such as "Parent's Night," parent-teacher conferences, PTA meetings, and similar activities that involve parents.
- Approve child's participation in routine or non-routine school activities such as track and field, museum or field trips, etc.
- Be notified of injury or illness at a school activity on or off school grounds.
- Sign the Student Code of Conduct, and, if applicable, assist youth with understanding the Code of Conduct.
- Sign the annual directive to the school prohibiting the use of corporal punishment for the child and provide a copy to the caseworker for the child's case file.
- Receive report cards, permission slips, and other routine school correspondence including receiving homework assignments on behalf of the child if necessary.
- Have access to education records and the Education Portfolio.
- Be notified of and take action regarding disciplinary or attendance matters.
- Determine when a referral for a special education evaluation is necessary or make a referral for an evaluation.

The Education Decision-Maker has the following additional responsibilities:

- Meet with the child before making education decisions to ensure that the child's educational goals are appropriate and in the least restrictive environment.
- Review the child's Education Portfolio and pertinent educational records.
- Provide regular updates about the child's education to the DFPS caseworker, including copies of significant forms, records, and communication from the school.
- Inform the DFPS caseworker of any notification from the school regarding the child's disciplinary hearings, manifestation determination reviews, use of physical restraints and/or seclusion, truancy, suspension, expulsion, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Alternative Education Program (JJAEP). Inform the caseworker of notices for all education-related activities which involve Section 504 of the Rehabilitation Act or notices of special education Admission, Review, and Dismissal (ARD) committee meetings received.
- Ensure a copy of this Form 2085E has been provided to the child's school within five days of being named Education Decision-Maker.

Notes:
The Education Decision-Maker may be instructed by the caseworker to notify or consult with the caseworker or supervisor on any of these matters before communicating a decision to the school.

Unless otherwise indicated in Section 1 or Section 4, the daily caregiver with whom the child lives (foster parent, relative caregiver, or facility staff) may be involved in and notified regarding activities and decisions listed above which have a clear impact on the child's home life. For example, the caregiver is generally responsible for decisions about participation in extracurricular activities, sporting activities and events, dances, clubs, etc., regardless of whether the caregiver is also the child's designated Education Decision-Maker.

If school personnel have concerns about the decisions the Education Decision-Maker is making for the child, they should contact the DFPS caseworker or supervisor listed on page 4 of this form.

Page 2 of 4



Educational Decision Maker Form – 2085E

Form K-908-2085-E
Revised September 2015

SECTION 4: BIOLOGICAL FAMILY RIGHTS AND RESPONSIBILITIES, IF APPLICABLE

A biological parent of a child in DFPS Managing Conservatorship retains only the educational decision-making rights expressly ordered by the court. For the child named in this form, the following rights have been retained by or granted to the biological parents:

SECTION 5: CASEWORKER RIGHTS AND RESPONSIBILITIES

The DFPS caseworker has the right to:

- Access education records regarding the child.
- Select the appropriate school for the child.
- Receive notification regarding disciplinary hearings, manifestation determination reviews, use of physical restraints and/or seclusion, truancy, suspension, expulsion, Class C misdemeanor tickets, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Alternative Education Program (JJAEP).
- Receive notifications for all education-related activities which involve Section 504 of the Rehabilitation Act or special education Admission, Review, and Dismissal committee meetings.

The caseworker is responsible for:

- Informing the child's attorney ad litem, guardian ad litem, CASA volunteer, caregiver, and education decision-maker of any notification from the school regarding the child's disciplinary hearings, manifestation determination reviews, use of physical restraints and/or seclusion, truancy, suspension, expulsion, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Alternative Education Program (JJAEP).
- Informing the education decision-maker designee, the caregiver, or the surrogate parent, as applicable, of any education-related activities which involve Section 504 of the Rehabilitation Act and or special education Admission, Review, and Dismissal committee meetings, if known.
- Informing the school of any changes in naming the Education Decision-Maker or Surrogate Parent, if applicable, within five days of the change.
- Ensuring that the annual directive to the school prohibiting the use of corporal punishment for the child is on file with the school and placed in the child's case file.
- Updating the Education Portfolio.

The DFPS caseworker must ensure that this form is provided to the court and the child's school under Texas Family Code, Section 263.004 within five days of the Adversary Hearing. The caseworker must inform the court of changes in naming the Education Decision-Maker (or Surrogate Parent, if applicable) in the next permanent progress report.

SECTION 6: SCHOOL RESPONSIBILITIES

- Keep this 2085 E form confidential with the student's other privacy-protected education records.
- Ensure records are transferred within ten days if a student changes schools.
- Notify the DFPS caseworker and/or the Education Decision-Maker of significant school events as required by law or this Form.

SECTION 7: PRIVACY STATEMENT

DFPS values your privacy. For more information, read our [privacy policy](#).
NOTE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Page 3 of 4

Form K-908-2085-E
Revised September 2015

SECTION 8: 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 3.
- I understand that failure to cooperate with DFPS may be the basis for revoking this designation.

Education Decision-Maker signature: X	Date Signed:
Backup Signature: X	Date Signed:
DFPS Caseworker (print name): X Email Address:	Phone Number: Alternate Phone Number:
DFPS Supervisor (print name): X Email Address:	Phone Number: Alternate Phone Number:
Child's daily caregiver or facility staff (if different from Education Decision-Maker) (print name): X Email Address:	Phone Number: Alternate Phone Number:

Page 4 of 4



Considerations for Implementation:

- ✓ Provide notice in writing to the guardian/educational decision-maker regarding any events that may impact the students' education.
- ✓ Ensure you have the appropriate information to reach out to the educational-decision maker. For example, best contact phone number and electronic mail address.
- ✓ Build a system of communication for the student to ensure all staff understand when and to whom to communicate.

Transition Assistance Worksheet



TRANSITION ASSISTANCE PLANNING GUIDE

Learn, Reflect, & Do

LAW/TOPIC	NOTES	HELPFUL STRATEGIES	NEXT STEPS
§89.1603 Transfer Student Records			
§89.1605 Transition Systems and Procedures			
§89.1607 Award of Credit			
§89.1609 Educational Programs and Courses			
§89.1611 Educational and Extracurricular Programs			
§89.1613 Postsecondary Information			
§89.1615 Special Education			
§89.1617 Education Decision -Maker (Foster Care only)			

Highly Mobile and At-Risk Student Programs Division

Clear the form



Key Actions Steps to Guide Implementation

1. Review Transition Assistance Training Series presentations and resources

2. Provide training and resources to district and campus staff to support implementation

3. Utilize existing processes and systems to support implementation



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 search bar are links for A-Z Index, Contact, Employment, Sign Up for Updates (circled in red), and TEA Correspondence. A main navigation bar includes About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. A large banner for Coronavirus (COVID-19) features a 'GET UPDATES' button and a photo of Governor Greg Abbott. Below the banner are three categories: Coronavirus (COVID-19), Supplemental Special Education Services, and Texas Home Learning. The 'The Latest TEA News' section includes a sub-header and three columns: Emergency Support, Texas Schools, and About.

Special Student Populations

At-Risk and Highly Mobile Student Program Division [i](#)

Early Childhood Education [i](#)

English Learners [i](#)

Foster Care and Student Success [i](#)

Gifted/Talented Education [i](#)

Languages Other Than English [i](#)

McKinney-Vento Homeless Education

Mental and Behavioral Health

Military Connected Students

Pregnancy Programs [i](#)

Spanish Curriculum Standards

Special Education Updates [i](#)



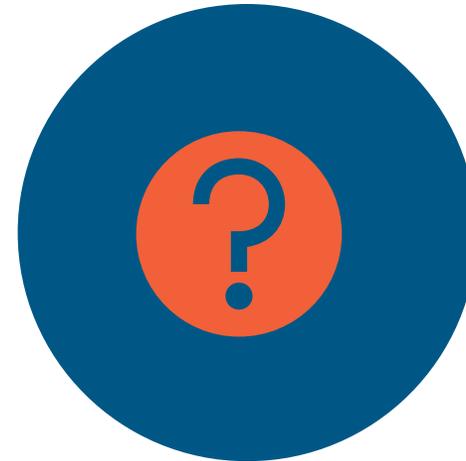
For More Information

FOR MCKINNEY-VENTO
QUESTIONS



HomelessEducation@tea.texas.gov

FOR FOSTER CARE
QUESTIONS



fostercareliaison@tea.texas.gov

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Thank you!

