Foster Care & Student Success

2019 ESSA Institute Conference
March 26, 2019
Presented By: Letitia Thomas
Letitia Thomas
Foster Care Education and Policy State Coordinator
To build ESC capacity to support their LEAs in addressing the needs of students in foster care.
Agenda

• Introductions
• Child Welfare 101
• New Foster Care Education Data
• ESSA Overview
• Foster Care & Student Success Resources Available
• Commissioner Priority Projects-Foster Care
• Next Steps and Key Actions
1) Introduce yourself:
   • Name
   • Role/Title (*Include if FC Champion)
   • ESC #

2) Tell us one thing you know about foster care and/or the impact of FC on a student’s education:
2018-19 DFPS Data Book:

Total number of children (birth-18 years) in the custody of the Texas Department of Family and Protective Services =

52,397 children
What brings a child into DFPS Managing Conservatorship? Defining Child Abuse and Maltreatment

- Sexual Abuse
- Emotional Abuse
- Physical Abuse
- Labor and Sex Trafficking
- Abandonment
- Physical Neglect
- Medical Neglect
- Neglectful Supervision
- RAPR- Refusal to Assume Parental Responsibility

Abuse and Neglect Definitions (CPS).

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Foster Care: Who Are the Adults involved?
New TEA Foster Care Data

- 2018-2019 PEIMS
- Texas Prekindergarten Enrollment (3-4 yrs.) 2017-18 School Year
- Statewide STAAR Testing and Graduation Rates
# 2018-2019 PEIMS Students in Foster Care

## Texas Education Agency

Total Enrollment Counts in Student Program and Special Populations Reports

PEIMS Data 2018-2019

Statewide

<table>
<thead>
<tr>
<th>Total Enrollment</th>
<th>Total G &amp; T Students</th>
<th>Total CTE Students</th>
<th>Total ELL Students</th>
<th>Total Bilingual Students</th>
<th>Total ESL Students</th>
<th>Total Economically Disadvantaged Students</th>
<th>Total Title I Students</th>
<th>Total At Risk Students</th>
<th>Total Military Connected Students</th>
<th>Total Foster Care Students</th>
<th>Total Students Receiving Special Education Services</th>
<th>Total Homeless Students</th>
<th>Total Dyslexic Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,431,910</td>
<td>436,442</td>
<td>1,425,125</td>
<td>1,055,172</td>
<td>520,180</td>
<td>546,460</td>
<td>3,289,468</td>
<td>3,524,974</td>
<td>2,716,665</td>
<td>89,736</td>
<td>16,867</td>
<td>531,991</td>
<td>72,782</td>
<td>194,214</td>
</tr>
</tbody>
</table>

Source: [2018-2019 Student Program and Special Populations Reports](https://www.tea.texas.gov/)

Source: [DFPS Data Book- Children in DFPS Conservatorship in 2018 fiscal](https://www.dfee.state.tx.us/)

Under identified

30,340 in DFPS Conservatorship 5-18yrs of age
Students in Foster Care -vs- Peers Statewide
STAAR Testing and Graduation Rates

2017-18 Federal Report Card for Texas Public Schools

STAAR APPROACHES GRADE LEVEL IN ALL GRADES & SUBJECTS
STAAR MEETS GRADE LEVEL IN ALL GRADES & SUBJECTS
STAAR MASTERS GRADE LEVEL IN ALL GRADES & SUBJECTS
4YR COHORT (GR 9-12) GRADUATION RATE: CLASS OF 2017

77% 57% 47% 27% 21% 9% 89.70% 58.20%

All TX Students Foster Care

Source: 2017-2018 Federal Report Card for Texas Public Schools

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### Students in Foster -vs- Other Special Populations

**STAAR Testing and Graduation Rates**

<table>
<thead>
<tr>
<th>Highly Mobile &amp; At Risk Populations</th>
<th>Graduation Class of 2017</th>
<th>Masters Grade Level-All subjects/All Grades</th>
<th>Meets Grade Level All subjects/All Grades</th>
<th>Approaches Grade Level All subject/All Grades</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foster Care</td>
<td>58.2%</td>
<td>9%</td>
<td>27%</td>
<td>57%</td>
</tr>
<tr>
<td>Homeless</td>
<td>72.1%</td>
<td>13%</td>
<td>35%</td>
<td>66%</td>
</tr>
<tr>
<td>Migrant</td>
<td>84.5%</td>
<td>10%</td>
<td>29%</td>
<td>62%</td>
</tr>
<tr>
<td>English Learners</td>
<td>75.5%</td>
<td>9%</td>
<td>26%</td>
<td>60%</td>
</tr>
<tr>
<td>Military</td>
<td>94.7%</td>
<td>27%</td>
<td>57%</td>
<td>85%</td>
</tr>
</tbody>
</table>

Source: Texas Education Agency 2017-18 Federal Report Card for Texas Public Schools

TEA Four-Year Graduation and Dropout Data, Class of 2017

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What does the data reveal?
How can enrollment, graduation and academic achievement data be used to support your LEAs?
ESSA Changes and Updates

- Fostering Connections Alignment
- ESSA and State Law Alignment
- ESSA Components
- Data and Accountability
- Best Interest Decisions
ESSA and Students in Foster Care

- ESSA aligns federal education law with child welfare law

- Fostering Connections to Success and Increasing Adoptions Act of 2008 promotes school stability by:
  - Promotes school of origin and maintaining child in the school enrolled at the time of placement, unless it is not in the child’s best interest, coordination between education and child welfare;
  - Assures foster care placement decisions take into account appropriateness and proximity of current educational setting; and
  - Requires immediate and appropriate enrollment if remaining in that same school would not be in the child’s best interest.

  42 U.S.C. § 675(1)(G)

- A number of ESSA requirements are already in Texas law. ESSA expands collaboration with the child welfare organization at state and local levels (20 USC 6311(g)(1)(E)(i))
ESSA and Texas Law Work Together

- Under ESSA, students have a right to remain at school of origin unless it is not in their best interest
  
  $20 \text{ U.S.C. } \S 6311(1)(E)(i)$

- In Texas, students in foster care can remain at the school they are attending (both upon entering care and after changing foster care placement) unless it is not in their best interest:
  - Without payment of tuition
  - Through the highest grade level offered at that campus
  - Even after exiting the foster care system

  $\text{Tex. Educ. Code } \S 25.001(g)-(g-1)$

- If remaining in the same school, is not in the child’s best interest; both federal and state law require prompt enrollment at the new school

  $20 \text{ U.S.C. } \S 6311(1)(E)(ii), \text{ Tex. Educ. Code } \S 25.002(g)$
ESSA and Students in Foster Care

ESSA Components:

- Designating points of contact between education and child welfare
- Transportation planning;
- Best Interest Decision Making
- Including students in Foster Care in Title I; and
- Requiring new data reporting

Provides opportunity to examine and strengthen current practices and develop a baseline on academic and graduation outcomes
▪ Students in foster care are now a mandatory sub-group for which LEAs and states must collect and report data

20 USC §6311(h)(1)(C)(ii)

▪ State report cards must include disaggregated information, including the graduation rates and academic achievement of students in foster care

20 USC §6311(h)(1)(C)(iii)

▪ The existing PEIMS code for students in foster care will help Texas to fulfill the new data collection requirements

TEC §7.029(b-1)
Local Title I plans must contain assurances that LEAs will collaborate with the state or local child welfare agency to:

- Develop and implement clear written procedures for how transportation will be provided, arranged and funded to maintain students in foster care in their schools of origin, when in their best interest, for the duration of their time in FC.  
  20 U.S.C. §6312(c)(5)(B)

- Procedures will ensure that students in foster care needing transportation to schools of origin will promptly receive transportation in a cost effective manner and in accordance with section 475(4)(A) of the Social Security Act 42 U.S.C. §675(4)(A)  
  20 U.S.C. §6312(c)(5)(B)(i)
Procedures will also ensure that if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide it if:

- The LEA is reimbursed by the child welfare agency;
- The LEA agrees to pay the costs; or
- The LEA and the child welfare agency agree to share the costs

*Additional costs incurred should reflect the difference between what an LEA otherwise would spend to transport a student to his/her assigned school and the cost of transporting a child in foster care to their school of origin (ED/HHS Non-Regulatory Guidance, p. 7-8).

• Any such child enrolls or remains in school of origin, unless a determination is made that it is not in the child’s best interest to attend the school of origin, which decision shall be based on all factors relating the child’s best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.”

20 U.S.C. §6311(g)(1)(E)(i)
Encourages educators and child welfare to work together to determine what school is in the child’s best interest.

There are many factors that relate to determining “Best Interest” for students in foster care.

Educators can provide information to DFPS that supports their decision-making and planning processes.

DFPS makes the final decision regarding “Best Interest”.
Key Considerations for Best Interest Decisions

- Placement of the child’s sibling(s)
- Safety of the child in the school, in relationship to the child’s parent
- The child’s attachment to the school, meaningful relationships (staff/peers)
- Length of commute based on child's developmental stage
- Frequency of school changes and the impact on child and academically

TEA/DFPS ESSA Preliminary Implementation Q & A: https://tea.texas.gov/ESSAfostercare_qa.pdf

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Key Considerations for Best Interest Decisions

- Influence of the school climate on the child, including safety
- The availability and quality of services in the school to meet the child’s educational, social and emotional needs
- Whether the child is a student with a disability under IDEA receiving special education and related services or receiving accommodations under Section 504
- Whether the child is an English Learner and receiving language services
- Other considerations

TEA/DFPS ESSA Preliminary Implementation Q & A: [https://tea.texas.gov/ESSAfostercare_qa.pdf](https://tea.texas.gov/ESSAfostercare_qa.pdf)

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# Explore Ways You Can Support LEAs in Best Interest Decision Making

## Best Interest in School of Origin Decisions: A Checklist for Decision Making

<table>
<thead>
<tr>
<th>Student Name:</th>
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<table>
<thead>
<tr>
<th>Date</th>
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<table>
<thead>
<tr>
<th>Continuity of Instruction</th>
<th>Continuity of Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student is best served at the same school due to prior factors.</td>
<td>Student is best served at a different school due to lack of consistency.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age and grade placement of the student</th>
<th>Age and grade placement of the student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical to the student's meaningful school experience and participation.</td>
<td>Critical to the student's meaningful school experience and participation.</td>
</tr>
<tr>
<td>The student has been in this environment for an extended period of time.</td>
<td>( \text{A} )</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Academic Strength</th>
<th>Academic Strength</th>
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<tbody>
<tr>
<td>The student's academic performance is weak, and the child would falter further if he/she transferred to another school.</td>
<td>The student's academic performance is strong and at grade level, and the child would likely recover academically from a school change.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social and emotional state</th>
<th>Social and emotional state</th>
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</thead>
<tbody>
<tr>
<td>The child is suffering from the effects of mobility, has developed strong ties to the current school, and does not want to leave, or involve in school related or extra-curricular activities.</td>
<td>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring to another school.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distance of the commute and its impact on the student's education and/or special needs</th>
<th>Distance of the commute and its impact on the student's education and/or special needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The advantage of remaining in the school of origin outweighs any potential disadvantages presented by the length of the commute.</td>
<td>The relatively short commute may help the student's concentration, attitude, or readiness for school. The new school can meet all of the necessary educational and social needs of the student.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal safety of the student</th>
<th>Personal safety of the student</th>
</tr>
</thead>
<tbody>
<tr>
<td>The school of origin has advantages for the safety of the student.</td>
<td>The new school has advantages for the safety of the student.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Student’s need for special instruction</th>
<th>Student’s need for special instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>The student’s need for special instruction, such as Section 504, special education and related services, can be met better at the school of origin.</td>
<td>The student’s need for special instruction, such as Section 504 or special education and related services, can be met better at the new school.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of anticipated stay in a temporary or extended stay placement</th>
<th>Length of anticipated stay in a temporary or extended stay placement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The student’s current living situation is outside the school of origin, and the student is not involved in activities that are the primary source of support for the student.</td>
<td>The student’s current living situation appears to be stable and unlikely to change suddenly. The student will benefit from developing relationships with school peers who live in his or her community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Academic Performance Ranking</th>
<th>Academic Performance Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>The school of origin offers the student the best opportunity to achieve academic success, but the student is connected academically or socially to the school which outweighs transferring to a new school or higher performing school.</td>
<td>The student's current school performance appears to be at a high level, but the student is not connected academically or socially to the school which outweighs transferring to a new school or higher performing school.</td>
</tr>
</tbody>
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Included information about Texas’ commitment to the education of students in foster care.

- Highlighted collaborative work with the Supreme Court of Texas Children’s Commission and Texas Department of Family and Protective Services to promote school stability and full implementation of ESSA requirements.
Foster Care and Student Success Resources
State Resources to Support ESSA Implementation

TEA/DFPS ESSA Preliminary Implementation Q & A:
• https://tea.texas.gov/ESSAfostercare_qa.pdf

TEA, TAA ESSA and the Education of Students in Foster Care, November 18, 2016:
• http://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Every_Student_Succeeds_Act_(ESSA)_and_the_Education_of_Students_in_Foster_Care/

TEA, State Transportation Allotment Handbook, Section 3:
• http://tea.texas.gov/Finance_and_Grants/State_Funding/State_Funding_Reports_and_Data/School__Transportation_Funding/

TASB Resources:
• Exhibit A: Student in Foster Care Educational Best-Interest Factors
• Exhibit B: Individual Transportation Plan Template for Student in Foster Care
Commissioner Priority Projects

- TEA/DFPS TSDS Student Identification Build and Roll Out
- Updated Foster Care and Student Success Resource Guide and Resource Suite
- Engaging the Experts
In collaboration with DFPS, TEA is building an automated data sharing process and secure portal through TSDS, so that LEAs will be able to accurately identify students in foster care, in nearly real-time.

- Display a roster of presently enrolled students in foster care
- Populate a list of schools and currently enrolled foster care students attended (within the same school year within or outside of enrolled district)

Remove student identification barriers

Accelerate the enrollment process

Improve the accuracy of PEIMS coding for students in foster care

Expedite services to students in foster care in accordance with state and federal statues
Texas Foster Care and Student Success Guide will be revised to include current laws and practice guidance.

- Will serve as the foundation for additional tools and training resources that are developed.
- TEA will work in collaboration with DFPS, the Children’s Commission, LEAs, ESC’s and other Stakeholders.

The Foster Care & Student Success website will be updated to reflect:

- Law updates
- Updated guidance, resources and tools
Engaging the Experts | Site Visits

TEA is visiting the top (5) LEAs w/the highest numbers of students in Foster Care to:

- Learn how districts identify and serve students in foster care.
- Recognize any barriers hindering their success.
- Obtain input on what is needed by LEAs to better assist students in foster care.
- Identify what types of supports, tools, resources, guidance materials, and training would be most beneficial and useful to LEAs.

Goal: Strengthen district ability to successfully identify and aid students in foster care and improve their educational outcomes.
Engaging the Experts | LEA and ESC Surveys

TEA is surveying ESC’s and the top (75) LEAs w/the highest numbers of students in Foster Care to:

- Identify barriers/challenges
- Learn about strengths and effective practices
- Gain clarity about the needs that ESC’s, districts and support staff encounter in their efforts to meet the needs of students in foster care.
- Identify what types of supports, tools, resources, guidance materials, and training would be most beneficial and useful to LEAs.

- Surveys go out April 12th
- Surveys returned by out April 26th
Reflection and Vision

Highlights:
How has your ESC supported LEAs to meet the needs of students in foster care?

What are your future plans to increase LEA capacity for effectively serving students in foster care?
ESC Engagement | Supporting LEAs with Foster Care
• LEA/ESC Surveys April 12th-26th
• Highly Mobile and At-Risk Division ESC TETN – Thursday April 11, 2019
• Foster Care and Student Success Listserv
• 2019 ACET Conference Austin, Texas April 23rd-25th at the Renaissance Hotel
• Rule-Making TEC 25.007 Transition Assistance for Students Who are Homeless or in Substitute Care
  • Public comment – summer of 2019
  • Effective fall 2019
The Latest TEA News

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Email: fostercareliaison@tea.texas.gov
Email: Letitia.Thomas@tea.texas.gov
To move the needle from where I am to where I want to go, within the next 30 days I will ...
THANK YOU!

Remember: “Every wall is a door” Ralph Waldo Emerson