

Advocating Educational Stability for Children in Out-of-Home Care

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Introductions

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Advocating for Educational Stability

What role can you play in advocating for educational stability (and academic success) for your client?

- **What does educational stability mean?**
- **Why is it important?**
- **What does a child need to have educational stability?**



Activity: Key Considerations

- **Each student has individual strengths and needs based on their unique perspective and set of experiences**
- **Meaningful collaboration promotes educational stability**
- **Educational stability creates opportunities for academic success**



Considering Further Supports

(Activity Questions 3 and 4)

- **Have you attended to the student's cultural needs?**
 - **Have mental health and other social/emotional needs been considered?**
 - **Is there an adult mentor/advocate who represents the student's interests?**
 - **Have you had conversations with the student regarding their interests?**
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The Intent of ESSA

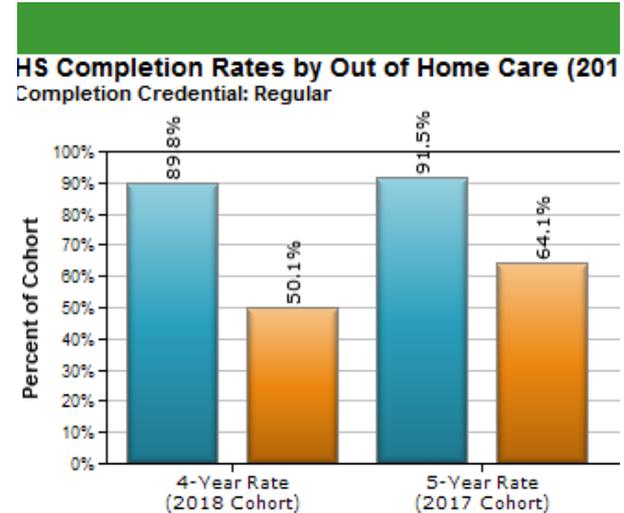
Why Focus on Educational Stability?



- **Preserve important relationships (friends, counselors, other meaningful relationships)**
- **Maintain some stability for a child who might already be experiencing grief, loss, or trauma**
- **Minimize educational disruptions, which can result in a loss of 4-6 months of academic progress**

Why Focus on Educational Stability?

- **44 percent of Wisconsin children in out-of-home care attended more than one school in a single year.**
- **In Wisconsin, children in care are less likely to graduate high school (50 percent compared to almost 90% for all students).**



Why Focus on Educational Stability?

National Data:

- Approximately one-third (34 percent) of 17-18 year olds in care have experienced five or more school changes.
 - Children in out-of-home care are two times as likely as other students to have an out-of-school suspension and are three times as likely to be expelled.
 - Children in out-of-home care are two-and-a-half times to three-and-a-half times more likely to receive special education services.
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Why Focus on Educational Stability?

Students living in Out-of-Home Care are:

- Resilient, independent
- Future leaders (ex. Youth Advisory Council)
- Have a strong desire and motivation to achieve academically
- Like all students, bring a unique set of experiences and strengths that can have a positive impact on the school and community!



Why Educational Stability? A Student's Perspective

"My whole life school was my safe haven. It was my home away from home; a place I knew was safe. It was something I also loved to do. Education has changed my life. It has set me on the right path. **Whether that means success or not** I know my decision to continue on (in school) was the best one ever. There was a moment in my life that I thought there was no chance for college because my family nor I was rich. Why does money have to be an issue? We have struggles already trying to live a normal life. Just because you came from nothing never means you are nothing. I want to see more youth go to school. I want more youth to achieve greatness and I want them to know they are not alone in any battle."

21-year-old who spent 8 years in out-of-home care

Wisconsin Youth Advisory Council Facebook Page, May 7, 2019

Required Elements under ESSA: Review

- ✓ **Collaboration**
- ✓ **School of Origin**
- ✓ **Transportation**
- ✓ **Best Interest
Determination**
- ✓ **Immediate Enrollment**
- ✓ **Transfer of Records**

School Scenario

A student is enrolled in a public preschool program and placed in an out-of-home setting in a neighboring district.

- 1. Does ESSA apply?**
- 2. If a BID is triggered, who should be involved?**
- 3. Can the student receive transportation to the School of Origin even if the district does not provide transportation to preschool students?**



Photo by MI PHAM

School Scenario



A student placed in out-of-home care recently changed placements. The student has an IEP and is continuing their education in their School of Origin.

- 1. What funding resources can pay for transportation?**
- 2. When should the transportation be established for the student?**
- 3. How long must transportation be provided for the student?**

Collaborating to Ensure School Success

ESSA and state law require *at a minimum* that schools work collaboratively with the child welfare agency to:

- Develop clear written procedures for [transportation](#);
- Consider all factors when conducting a [best interest determination](#); and
- Request and transfer records immediately if a student is enrolling in a new school.



Collaborating to Ensure School Success



Collaborating Effectively in Practice Means:

- Knowing who the points of contact are at each agency;
- Keeping the lines of communication open to share information; and
- Fully engaging in agreed upon processes to make well-informed decisions that support educational success for students.

State Points of Contact

[Local Points of Contact: LEA, County and Tribal CWAs](#)

Permanency Plan Hearings

- Schools must receive notice whenever there is a review of, or hearing on, a child's permanency plan, and schools have the opportunity to provide input at the hearing or review (2017 Act 251)
- Court or agency is required to notify the school of:
 - time, place, and purpose of the hearing
 - the issues to be determined at the hearing
 - the fact that they may have an opportunity to be heard at the hearing
- School will be invited to provide written comments (if submitting comments, court must receive the written comments not less than 10 working days before the review).

Permanency Plan Hearings

- **When might it be beneficial for schools to provide input at a review or hearing?**
- **Information shared should be factual and backed by evidence, based on direct observation or experience with the student.**
- **Schools must adhere to state and federal laws governing the confidentiality and disclosure of pupil records** (consider Wis. Stat. §§

[118.125\(2\)\(c\)](#), [118.125\(2\)\(q\)](#); [34 CFR §99.31 \(a\)](#))



Photo by Jonnelle Yankovich

Pupil Records - Sharing with the Courts

- **Districts are required to provide a judge a copy of all *progress* records of a pupil who is the subject of any proceeding in the court** Wis. Stat. § 118.125(2)(c)1
- **There is no express authorization in law that allows schools to disclose behavioral records to the court.**
- **However, schools may disclose pupil records to a caseworker.**

Sharing Information: Caseworker Access

Schools **may** disclose pupil records that are **pertinent to addressing a pupil's educational needs** to a caseworker or other representative...that is legally responsible for the care and protection of the pupil

- if the caseworker or other representative is authorized to access the pupil's case plan
- They may not re-disclose except to
 - OHC provider or court

Wis. Stat. 118.125(2)(q); Uninterrupted Scholars Act of 2013

School Scenario

A permanency plan hearing date has been set. The school gets notice and asks for help understanding how to provide written comment.

1. Which records may the school release directly to the court without parental authorization?
2. How can information legally be shared with the court about the pupil's behavior?
3. What type of information would you suggest the school staff include as relevant in their written statement to the court?

Resources

- **Student Records and Confidentiality Publication**

https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/srconfid_11-16-18.pdf

- **Sharing Information Across Systems**

https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/SharingInfo_11-16-18.pdf

- **Parent, Person Acting as a Parent, & Surrogate Parent**

https://dpi.wi.gov/sites/default/files/imce/foster-care/Parent-PersonActing-Surrogate_10.23.19.pdf

Key Takeaways for Information Sharing



- There are three basic types of pupil records in Wisconsin statutes
- The type of record determines access and disclosure authority
- Permanency plan hearing notices are not court orders
- Schools are not automatically authorized to disclose all pupil records to the court or an attorney

Advocating for Educational Stability

What role can you play in advocating for educational stability (and academic success) for your client?

- **Be that voice in the courtroom advocating for the importance of education.**

[Judicial Checklist on Educational Stability](#)

- **Assist school in sharing information with the court (when useful).**
- **Ask your client about their goals, dreams, hopes for the future. Help them make those goals a reality.**

Other considerations

- **Youth are eligible for public education between 4 and 20 years of age. A student with a disability continues to have rights to a Free and Appropriate Public Education (FAPE) until graduation with a regular diploma or until the age of 21.**

For more information: <https://dpi.wi.gov/wisedata/help/portal/uncommon-students/students-over-18>

Compulsory attendance FAQ: <https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/schlattendqa.pdf>

- **Students experiencing homelessness also have rights to their school of origin and transportation**

DPI website: dpi.wi.gov/homeless

- **Graduation and Credit Accrual**

Inquire as to whether your client needs help

Districts have the resources – reach out to them for support

Resources for Children and Youth

- [Independent Living Information](#)
 - [Youth Leadership Opportunities](#)
 - [Brighter Star, Wisconsin's Education and Training Voucher \(ETV\) Program](#)
 - [Wisconsin Youth Risk Behavior Survey](#)
 - [Advice Guide Book for Youth Justice Stakeholders](#)
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Resources

- **DPI Website**
<https://dpi.wi.gov/foster-care>
- **DCF Website**
<https://dcf.wisconsin.gov/cwportal/essa>
- **Educational Stability for Students in Out-of-Home Care Desk Guide** https://dpi.wi.gov/sites/default/files/imce/foster-care/OHC_ESSA_handout.pdf
- **Educational Services for Students Placed in Out-of-Home Care FAQ**
https://dpi.wi.gov/sites/default/files/imce/foster-care/EducationalServicesFAQ_.pdf
- **Student Records and Confidentiality Publication**
https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/srconfid_11-16-18.pdf
- **Sharing Information Across Systems**
https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/SharingInfo_11-16-18.pdf
- **Parent, Person Acting as a Parent, & Surrogate Parent**
<https://dpi.wi.gov/sites/default/files/imce/foster-care/Parent-PersonActing-Surrogate.pdf>

Contact Us

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<https://dpi.wi.gov/sspw/pupil-services/school-social-work>

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