

**Policy/Practice Summary**  
**Education Policy for Children Birth through 22**  
**Policy #97-002 – Revised 9/2/2014**

**BACKGROUND**

A cross-agency working group of DCF field and lead agency staff with parent representation in 2011-2012 developed the revised draft policy which reflects changes to federal laws enacted in 2001 ("No Child Left Behind" and "McKinney-Vento Homeless Education Improvements" Acts), 2004 ("Disabilities Education Improvement Act") and 2008 ("Fostering Connections to Success and Increasing Adoptions Act") and to the regulations of the Massachusetts Department of Elementary and Secondary Education, especially those pertaining to special education. The draft policy was reviewed by the Statewide ICPM Implementation and CQI Team and Statewide Managers in 2012-2013 and given final draft approval by Senior Staff in 2013 and final approval in March 2014.

**SUMMARY OF CHANGES**

**GENERAL**

1. **Changes Agencies' Names:** New names of both Department of Children and Families (DCF) and Department of Elementary and Secondary Education (ESE) have been incorporated. DCF is referred to as "Department" throughout.
2. **Reflects SACWIS Implementation in 1998:** Policy distinguishes the "electronic case record" from the "physical case record."
3. **Uses "Special Education Surrogate Parent (SESP)":** Instead of the previous title, "Educational Surrogate Parent (ESP)," throughout.
4. **Incorporates Important Aspects of the "Operational Protocols":** That were developed jointly with ESE's predecessor and issued with the existing policy in 1996.

**INTRODUCTION**

5. **Broadens DCF Education Practice Focus to "Cradle to Career":** Previous policy centered on practices related to compulsory school attendance years (6 to 16). Revised policy recognizes importance of supporting educational needs and attainment for all Department-involved children from birth through higher education.
6. **Identifies Fundamental Federal and State Statutes:** Most of which were enacted after the previous policy issuance date of 12/2/1996. Delineates the responsibility public child welfare agencies have to support children with disabilities in acquiring a "free and appropriate public education."

**I. POLICY: GENERAL**

7. **Recognizes Department's Role in Education of All DCF-Involved Children, Not Just Those who Enter Department Care or Custody:** And also commits the Department, through its policies and work with families, to supporting children to be prepared to enter school, be attending school regularly and on time, be benefitting from extra-curricular activities and to graduate high school with a plan for post-secondary education, training and/or employment.
8. **Emphasizes the Importance of Educational Continuity and School and Placement Stability:** As required by the "Fostering Connections to Success and Increasing Adoptions Act of 2008."

9. **Carries Integrated Casework Practice Model (ICPM) Casework Forward:** By requiring the Department to set high expectations, identify and meet student's individual needs and partner effectively with families, schools and community.
10. **Provides for "Any Other Adult Involved with the Child in a Care-giving or Professional Role Concerned with the Child's Development" to Request a Special Education Evaluation:** The procedures also note that the foster/pre-adoptive parent should confer with the Social Worker prior to requesting a special education evaluation.
11. **Provides for the Department to Request Early Education Support Services:** Including pre-school screening for child age 3 or 4 or 2 ½ if she/he receives Early Intervention services or referral to EI for child under age 3.
12. **Links Child Care and Early Education Services to Education Spectrum.**
13. **Includes "Principles for Supporting Educational Achievement of Children Involved with the Department":** These were developed since the previous policy was implemented with input from the policy working group.
14. **Provides "Definitions":** Of key terms based on federal and state education statutes.

## **II. POLICY: CHILDREN NOT IN DEPARTMENT CARE OR CUSTODY**

15. **Clarifies Expectations When the Department Works with Children Not in Its Care or Custody:** Such as what information the Department seeks and that it supports school enrollment, including for youth who may be considered "homeless" under the McKinney-Vento Act of 2001.

## **III. PROCEDURES: CHILDREN NOT IN DEPARTMENT CARE OR CUSTODY**

16. **Clarifies that the Department Obtains and Documents Educational Information during a 51B Response, When Child is in Department Custody But Placed at Home or is Not in Department Care or Custody:** And maintains expectation that a release of information authorization is required to obtain educational information when the child is not in Department care or custody.

## **IV. POLICY: CHILDREN IN DEPARTMENT CARE OR CUSTODY**

17. **Prioritizes Meeting Children's Educational Needs:** And states the importance of involving parents and the role of the child's clinical team, while affirming that the Department makes the final decision, except when the parent(s)/guardian(s) retains educational decision-making authority. Policy also states that educational decision-making information must be documented in the electronic case record.

### **Meeting Children's Educational Needs during Placement**

18. **Specifies that DCF Will Maintain Educational and Placement Stability in Planning with the Family, Placement Provider and School:** As required by the "Fostering Connections Act" for all children in care/custody.
19. **Provides Guidance Re: the Determination of Educational "Best Interest" for Children Entering Foster Care, Community-Connected Residential Treatment and Short-Term Transitional Programs:** As required by the "Fostering Connections Act" and the McKinney-Vento Act for "homeless" children.

### **Assessing Educational Placement and Progress**

20. **Describes Information to be Gathered and Documented during the First 6 Weeks after Placement and Expectations for Practice Prior to the School Year and Ongoing:** And retains procedural requirements for when the Department suspects a child may have a disability which prevents her/him from progressing effectively in regular education.

## **V. PROCEDURES: CHILDREN IN DEPARTMENT CARE OR CUSTODY**

### **A. GENERAL EDUCATIONAL PLANNING**

- 21. Specifies the Minimum Level of Educational Information to be Obtained and Documented:** And retains requirement that provides for educational information to be obtained by giving the school principal/designee written documentation that the child is in DCF care or custody.
- 22. As Required by Federal "Fostering Connections Act," Specifies that Workers Will Complete Educational Planning for Children in Department Care or Custody:** And specifies that educational information will be incorporated into any plan with the family, youth and/or young adult; documented in the electronic case record; and updated each time a child changes placement that results in an educational setting change. Education planning must identify the child's educational decision-maker; address the appropriateness of the current educational setting educational stability, continuity of attendance and minimizing educational disruption; and advocacy that might be needed if the child does not speak English.
- 23. As Required by Federal "Fostering Connections Act," Provides for Enrollment Changes to be Documented in the Child's Electronic Case Record.**
- 24. Updates List of Documents Generally Required to Enroll a Child in a New School:** In addition to previously required birth record, immunization record and "student records," revised policy states that a "current" immunization record, transcripts that include MCAS and other assessment information, special education documents, discipline records and attendance records must be provided.
- 25. Advises Workers to Check with School to Obtain Specific Registration Procedures and Notes that, According to the Federal McKinney-Vento Act, Homeless Children Must be Immediately Enrolled.**
- 26. Describes Pre-Placement Visiting Procedures and Range of Support Services that Should be Arranged and Documented.**
- 27. States Department and ESE Procedures for Identifying the Educational Decision-Maker or Special Education Decision-Maker, or Requesting an SESP, When Needed:** That are similar to those included in previous policy. However, federal law now provides for the foster/pre-adoptive parent to make educational decisions without appointment as an SESP, when the Department determines that the parent will not make educational decisions for the child and that the foster/pre-adoptive parent does not have a conflict of interest and agrees to assume the responsibility.
- 28. Clarifies the Social Worker's Role in Monitoring and Documenting the Child's Educational Progress.**
- 29. Provides Procedures for Determining if the Child Has a Section 504 Qualifying Handicap.**

### **B. SPECIAL EDUCATION**

- 30. Clarifies that the Parent, Special Education Decision-Maker (who may be the foster/pre-adoptive parent) or SESP Consents to the Team Evaluation But the Department Worker is Prohibited and that Worker may Receive Assessment 2 Days Prior to Meeting through LEA.**
- 31. States that the Department Must be Represented at the Team Meeting and Expands Information about the Process:** Including the role the Department representative will play, that the parent may attend, that a separate meeting may be held when the child's needs cannot be met in a general education setting, that services must begin immediately after acceptance of the IEP, and that the worker documents the

meeting and its outcomes. Previous policy specified only who the Administrator of Special Education invites to the Team meeting or annual review and what is discussed.

- 32. Clarifies that the Worker Has the right to Obtain and Review the IEP and May Encourage the Special Education Decision-Maker to Request an Appeal:** Whereas the previous policy stated only that federal law prohibits the Department's worker from signing the IEP.
- 33. Reduces to 2 Calendar Weeks the Desired Time Frame for the Worker or Supervisor to Notify the Administrator of Special Education/Designee of Planned Placement Change:** And commits the worker to working with the LEA to maintain the child in her/his current education program, as required by federal statutes when in the child's best interest. Previous policy provided 20 working days for the notification.
- 34. Clarifies that the Worker or Supervisor May Contact ESE's Program Quality Assurance Division to Resolve Special Education Concerns.**

### **C. ONGOING EDUCATIONAL NEEDS**

- 35. States that the Worker Reviews the Child's Educational Status and Performance Prior to the FCR.**
- 36. Requires Worker to Also Inform the Child's Educational Setting of Location or Legal Status Changes:** Using the Notice to LEA. Existing policy requires only that the principal/designee be informed.
- 37. Specifies that the Worker/Department Authorized Designee Informs the School District When a Child is Placed in Community-Connected Residential Treatment:** And requires the Social Worker or other Department authorized designee to obtain prior authorization before committing any Department resources or services for a child entering community-connected residential treatment.
- 38. Specifies that the Worker Documents Educational Concerns:** And how they are addressed in the child's electronic case record and places related written materials in the physical record.
- 39. Specifies What Worker and Supervisor Do to Meet Educational Needs of a Child Hospitalized for 14 or More Days.**
- 40. Specifies that When the Child is being Disciplined, Suspended or Expelled, the Worker Requests Copies of Any Written Notifications Provided by the School:** And consults with the Supervisor to determine what actions to take and documents actions taken in dictation and the electronic case record.
- 41. Provides Information about How a Worker Should Handle a Situation in which a Youth 16 or Older Wishes to Quit School:** And affirms the Department's value on supporting youth to remain in school, to graduate from secondary school and to have a plan for post-secondary/vocational education.

### **VI. POLICY: CHILDREN LEAVING DEPARTMENT CARE OR CUSTODY**

- 42. Requires the Department to Reassess Educational Achievements and Potential of Children Leaving Department Care or Custody:** And to work with the child and family to develop a transitional plan that maintains educational continuity, as required by the federal Fostering Connections Act, and promotes the highest level of educational achievement, including participation in post-secondary academic and vocational programs, with financial assistance that may be available to youth/young adults who have been in placement with the DCF and are determined eligible.

## **VII. PROCEDURES: CHILDREN LEAVING DEPARTMENT CARE OR CUSTODY**

**43. As Required by Federal Law, Mandates the Department to Provide the Child a Copy of Her/His DCF Educational Records When Leaving Department Care or Custody.**

### **Appendix A – DCF Children Placed in Short-Term, Transitional Programs: Access to Educational Services**

**44. Clarifies expectations under Federal McKinney-Vento Act for Educational Continuity When Children are Placed in a STARR or TCU Program:** And procedures to be followed. This information is contained in a guidance memorandum revised and reissued in August 2009.

### **Appendix B – Guidance on Appointment of Special Education Surrogate Parents**

**45. Provides Guidance Developed Jointly by ESE and DCF on Obtaining an SESP for a Child in Department Care or Custody:** Issued previously as a joint memorandum in 2002 and updated in January 2013. Includes the SESPP Student Referral form.

### **Appendix C – Special Education Team Evaluation Flow Chart**

**46. Provides an Overview of the Special Education Process:** Including time frames and regulatory references. Chart which was developed by ESE.

### **Appendix D – ESE Guidelines to Identify the Local Education Agency (LEA)**

**47. Updates Existing ESE Information the Department Can Access:** That can be used to determine the LEA with programmatic and fiscal responsibility for a specific child depending upon where she/he is residing and her/his custody status.

### **Appendix E – Educational Planning Resources for Department Staff**

**48. Provides Names and Contact Information for Individuals, Organizations and Websites:** With key education planning roles and/or information.

## **NOTICE TO LEA**

**49. Updates Format's Letterhead:** And adapts the form so that it can be used to request educational information, as well as serve its existing functions of: notifying the school district that a child has entered or changed placement or is entering or transferring to a new school; requesting a TEAM Evaluation or Re-evaluation; or confirming the child's foster care status for eligibility for free school meals.

## **LOCATION OF MATERIALS**

On the **DCF Intranet**, go to General Links as follows:

- **Policy:** See Policy/Chapter VIII – Services Provided by Other Agencies
- **Notice to LEA:** See Forms/Non-FamilyNet Forms until built into system