

K-12 to Higher Education

2023 EDUCATION REACH CONFERENCE

APRIL 3, 2023



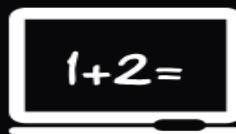


Felicia Penn and Hollye Pickett, Department of Family and Protective Services
Dr. LaTrenda Watson, Texas Education Agency
Aimee Corbin, Children's Commission

WHAT IS YOUR AGENCY'S
ROLE IN SUPPORTING YOUTH
IN FOSTER CARE?

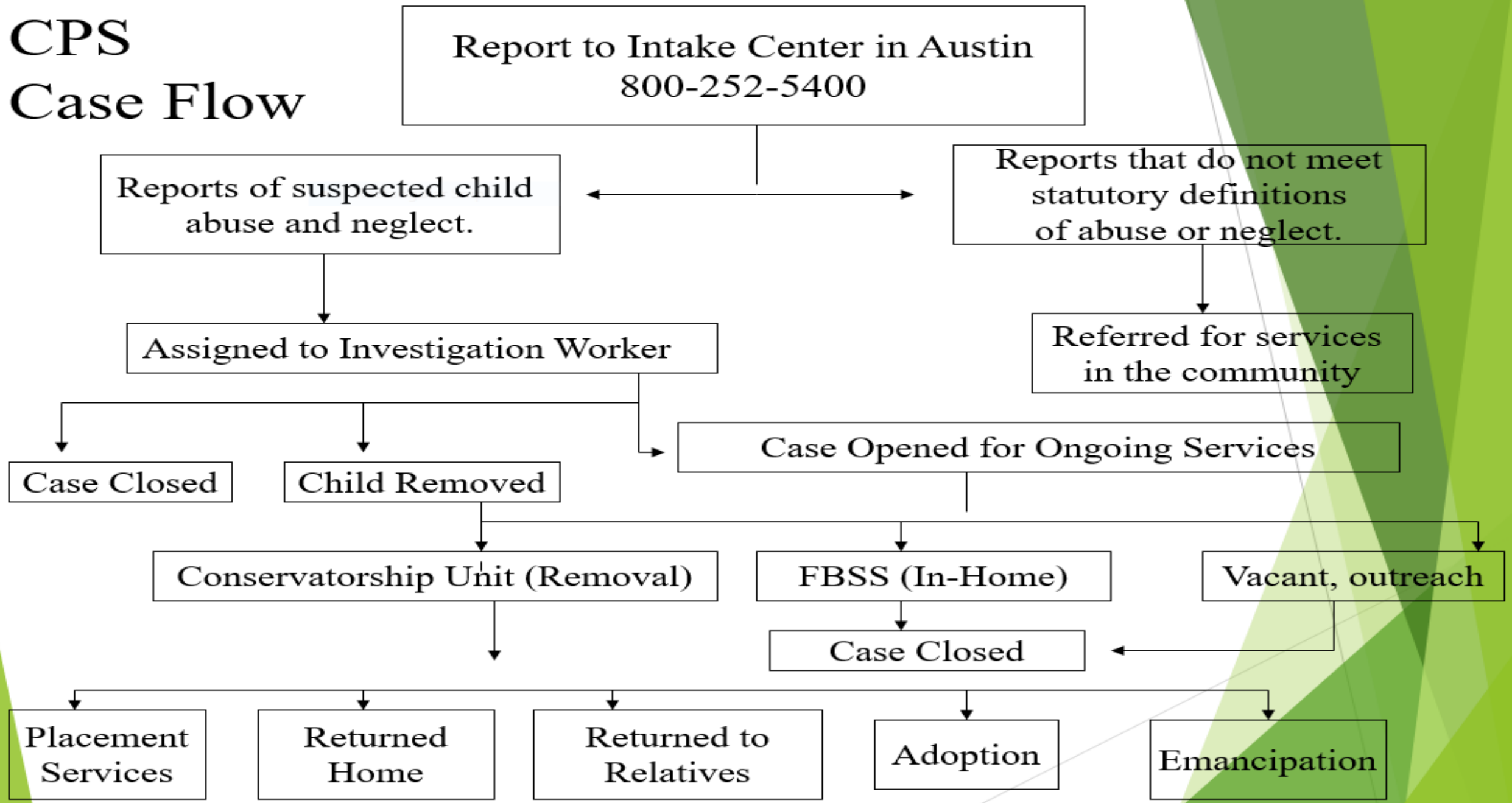
Education Matters

DFPS is committed to meeting the educational needs and goals for children in substitute care. Education contributes to the overall well-being of a child academically, emotionally and socially. Positive school experiences can help a child overcome some effects of abuse and neglect and in successfully transitioning to adulthood.



Texas Department of
Family and Protective Services
Child Protective Services

CPS Case Flow





Highly Mobile and At-Risk Student Programs Division

Military
Connected
Students

Homeless
Children &
Youth

Child
Abuse &
Neglect

Pregnancy
Related
Services

Foster
Care &
Student
Success

Purpose: To increase awareness, build capacity, and improve TEA supports, resources and tools available for schools to address the unique needs and statutory requirements of highly mobile and at-risk students.

We are committed to improving the school experience and education outcomes of all highly mobile and at-risk students in Texas public schools.



Texas Children's Commission

- Established by Supreme Court of Texas order in November 2007 and chaired by Justice Debra Lehrmann and Deputy Chair Justice Rebeca Huddle.
- Mission: To strengthen courts for children, youth and families in the Texas child-protection system and thereby improve the safety, permanency, and well-being of children.
- Members:
 - About 24 Commissioners, including judges, attorneys, individuals with lived experience, agency leaders, legislators, tribal representative, and mental health experts.
 - 40+ members on multi-disciplinary Collaborative Council that serves in advisory role.

What the Commission does:

- Administer the federal Court Improvement Program grant.
- Serve as a facilitator of collaboration for state leaders in the executive, judicial, and legislative branches.



Foster Care & Education Committee

A Brief History:

- Established by Order of the Supreme Court of Texas in 2010.
- [The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care](#)
- Texas Blueprint Implementation Task Force and Advisory Council initiated in 2012.
- A standing Foster Care & Education Committee was created in 2015, with quarterly meetings.
- Three to four workgroups focus on short-term projects and the creation of deliverables aimed at addressing identified education issues.



DEEP DIVE INTO FOSTER CARE AND EDUCATION

Ever Wonder?



- ▶ Where am I going/who is going to take care of me?
- ▶ Will I see my family again?
- ▶ Do I have to change schools?
- ▶ Will I see my friends?
- ▶ Will everyone know I am in foster care?



THE DATA HAS SHOWN....

- ▶ 1 out of 5 youth in foster care attend 3 or more schools in one school year
- ▶ Youth in Foster care school instability is higher than homeless and military children
- ▶ Youth in Foster care are retained at higher rates than other youth
- ▶ Youth in Foster care are 4 times more likely to drop out of high school
- ▶ Youth in Foster care in Texas are 3 times more likely to receive special education services (Emotional Disturbance 31% primary diagnosis)
- ▶ Youth in Foster care are 4 times more likely to be placed in a Disciplinary Alternative Education Program (DAEP) & Juvenile Justice Alternative Education program (JJAEP)
- ▶ Foster care youth are 2 times more likely to be expelled





Better
Data



Better
Educational
Outcomes

Stronger
Federal/State
Laws



Increase
Education
Stability



Foster Care, or out-of-home care, is the system that a child enters when a child cannot live safely at home and a court of law grants custody to the state of Texas.

Conservatorship is a term used in the Texas Education Code and by Department of Family Protective Services to describe the status of a child who is placed in DFPS legal custody by a court order.

Conservatorship:
Temporary or Permanent



There are approximately 15,000 school-aged students in Texas schools who are in foster care on any given day.

Wheel of Support



Public Education Information Management System (PEIMS) Coding

Foster Care PEIMS Indicators - C196

0	Student is not currently in the conservatorship of the TX DFPS
1	Student is currently in the conservatorship of the TX DFPS
2	Pre-kindergarten student was previously in the conservatorship of the TX DFPS
3	Pre-kindergarten student is or ever has been in foster care in another state or territory, if the child resides in this state (Texas). TEC, §29.153(b).





FOSTER CARE AND THE LAW

TEXAS LAWS

- Developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school;
- Students in DFPS custody are allowed to have absences excused due to services required through the child's service plan.
- *Students in DFPS custody are allowed to remain in their school despite living outside of the attendance zone even if there is a change in placement after enrollment. Youth have the right to attend the school up to the highest grade that the school offers (*DFPS will determine best interest) Federal Law
- All Public schools and open enrollment charters schools must have an assigned foster care liaison registered with TEA (see TEA website for a list of assigned districts foster care liaisons)
- State Universities/Colleges foster care liaisons
- Requires high school counselors to inform foster care students about the Education and Training Voucher program (ETV) and the college tuition fee the first year the student is in high school and every year afterwards



EDUCATIONAL STABILITY PROVISIONS IN ESSA - BASIC OVERVIEW

SCHOOL OF ORIGIN	The school in which the student was enrolled upon entry into foster care or any subsequent placement change.
EDUCATION BEST INTEREST DETERMINATION	The decision-making process that determines what school setting is best for the child. ESSA requires educators and child welfare systems to work together and collaboratively determine which school setting is in the child's best interest, whenever possible.
STREAMLINED TRANSITIONS	The process for ensuring a student seamlessly transitions from one school to another, in the event of a school move (<i>see Chapter 11: The School Experience, on page 117</i>).
DESIGNATED POINTS OF CONTACT (POC)	A person who has been appointed by TEA, the LEA, or DFPS to coordinate the educational needs of students in foster care.
TRANSPORTATION	LEAs and DFPS must work together to ensure that a child promptly receives transportation to their school of origin when a determination is made that remaining in the school is in the child's best interest.
DISPUTE RESOLUTION	A process between education and child welfare systems to resolve disputes concerning education best interest decisions or transportation planning for a student in foster care to continue attending the school of origin.
DATA COLLECTION AND REPORTING	ESSA requires disaggregated data on students in foster care, including academic achievement, dropout, and graduation information. ¹⁰⁰ Previous reauthorizations, including No Child Left Behind, did not require this information to be collected, disaggregated, and reported by TEA.

Foster Care and Student Success Guide 2022, Chapter 8 ESSA, page 89

TEC § 7.029

Data Sharing & Collection requirements

TEC § 29.153(6)(B)

Free pre-kindergarten eligibility to children who are or have been in foster care in another state or territory and reside in Texas

TEC § 25.001 (g)

Attendance when placed outside school zone

TEC § 25.001 (g-1)

Attendance in that school zone regardless of DFPS managing conservatorship

TEC § 25.007

Transition Assistance Requirements

TEC § 25.087

Excused absences for court-ordered appointments

TEC § 33.904

District & Charter Foster Care Liaison designation, tracking & training requirements

TEC § 54.366

Free college tuition & fee waiver

Foster Care Liaison Requirement

Texas Education Code Sec. 33.904

LIAISON FOR CERTAIN CHILDREN IN CONSERVATORSHIP OF THE STATE

(a) Each school district and open-enrollment charter school shall:

- (1) 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; and
- 2) submit the liaison's name and contact information to the agency in a format and under the schedule determined by the Commissioner.

(b) The agency shall provide information to the liaisons on practice for facilitating the enrollment in or transfer to a public school or open-enrollment charter school of children who are in the conservatorship of the state.



19 TAC 89 FF Subchapter FF: Transition Assistance for Highly Mobile Students Who are Homeless or in Substitute Care

§89.1603. Transfer of Student Records and Transcripts

§89.1605. Development of Systems to Ease Transitions and Establish Procedures to Lessen the Adverse Impact of Movement of a Student

§89.1607. Evaluation of Student Records for Students Who are Homeless or in Substitute Care

§89.1609. Placement in Educational Programs and Courses

19 TAC 89 FF Subchapter FF: Transition Assistance for Highly Mobile Students Who are Homeless or in Substitute Care

§89.1611. Promotion of Access to Educational and Extracurricular Programs

§89.1613. Promotion of Postsecondary Information

§89.1615. Provision of Special Education Services

§89.1617. Notice to Student's Educational Decision-Maker and Caseworker.

Key Texas Legislative Initiatives

KINDERGARTEN THROUGH 12TH GRADE

- **Foster Care Liaisons** Tex. Educ. Code § 33.904
- **School of Origin** Tex. Educ. Code § 25.001
- **Court Hearings** Tex. Fam. Code §§ 263.306, 263.5031
- **Pre-Kindergarten** Tex. Educ. Code § 29.153
- **Education Decision-Makers & Surrogate Parents** Tex. Educ. Code § 29.0151; Tex. Fam. Code §§ 263.004, 263.0025
- **Transition Support** Tex. Educ. Code § 25.007

HIGHER EDUCATION

- **Foster Care Liaisons** Tex. Fam. Code § 264.1212; Tex. Educ. Code § 61.0908
- **Tuition and Fee Waiver** Tex. Educ. Code § 54.366, 54.367
- **Supervised Independent Living** Tex. Fam. Code § 264.121





TRANSITIONING TO HIGHER EDUCATION

How can schools help us be successful?



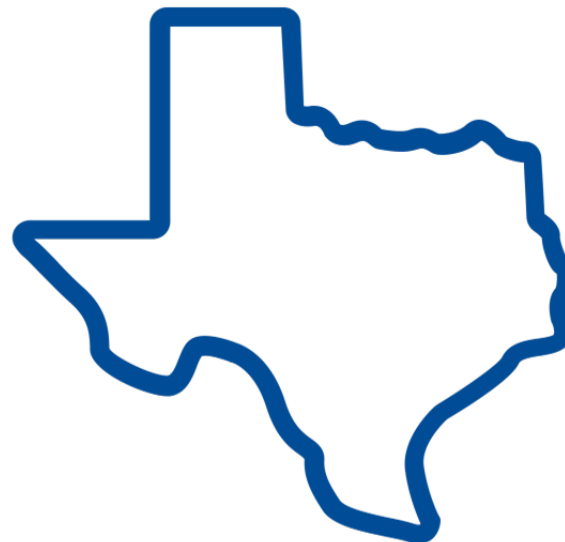
- ▶ Enroll us Immediately
- ▶ Please keep my foster care status on a need to know basis
- ▶ Please help ensure that I receive my free breakfast/lunch immediately
- ▶ Please request my records thru Trex
- ▶ Please help me feel welcomed
- ▶ Please contact your district Foster Care Liaison for questions regarding foster care

Context

Total Foster Care Students:

14,183

**2021-2022
PEIMS Data**



Under Identified

28,753 in DFPS Conservatorship
5-18 years of age

Sexual Abuse
Emotional Abuse
Physical Abuse
Labor and Sex Trafficking
Abandonment

Neglectful Supervision
Physical Neglect
Medical Neglect
RAPR-Refusal to Assume
Parental Responsibility

Children in out of home placement for reasons of safety and protection:

- Victims of abuse, neglect and exploitation
- Court ordered removal intervention
- In the Conservatorship of Texas Department of Family and Protective Service

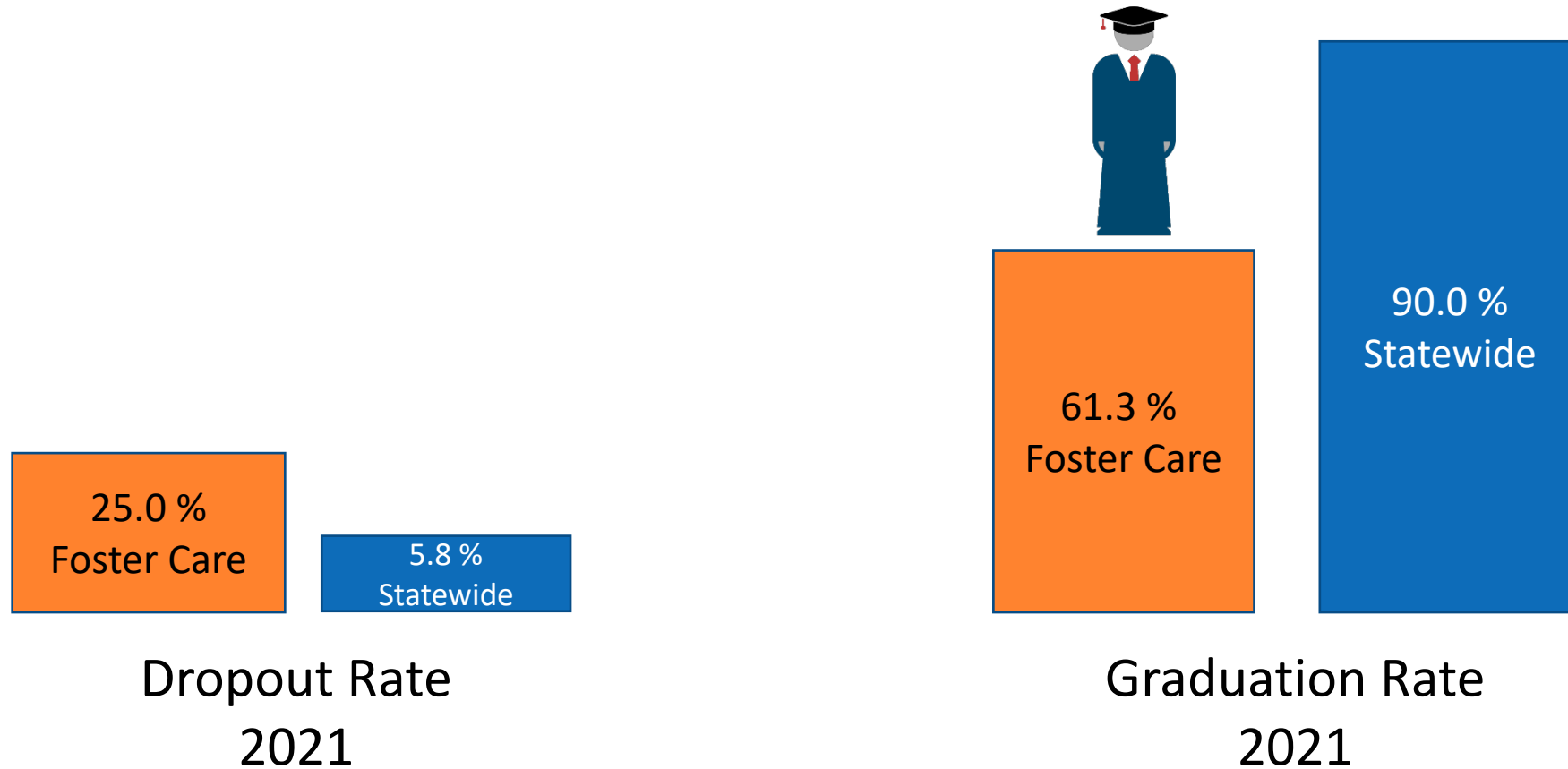
Source: [Texas Education Agency, PEIMS Standard Report Data 2021-2022](#)

Source: [DFPS Data Book- Children in DFPS Conservatorship in Fiscal Year 2021](#)

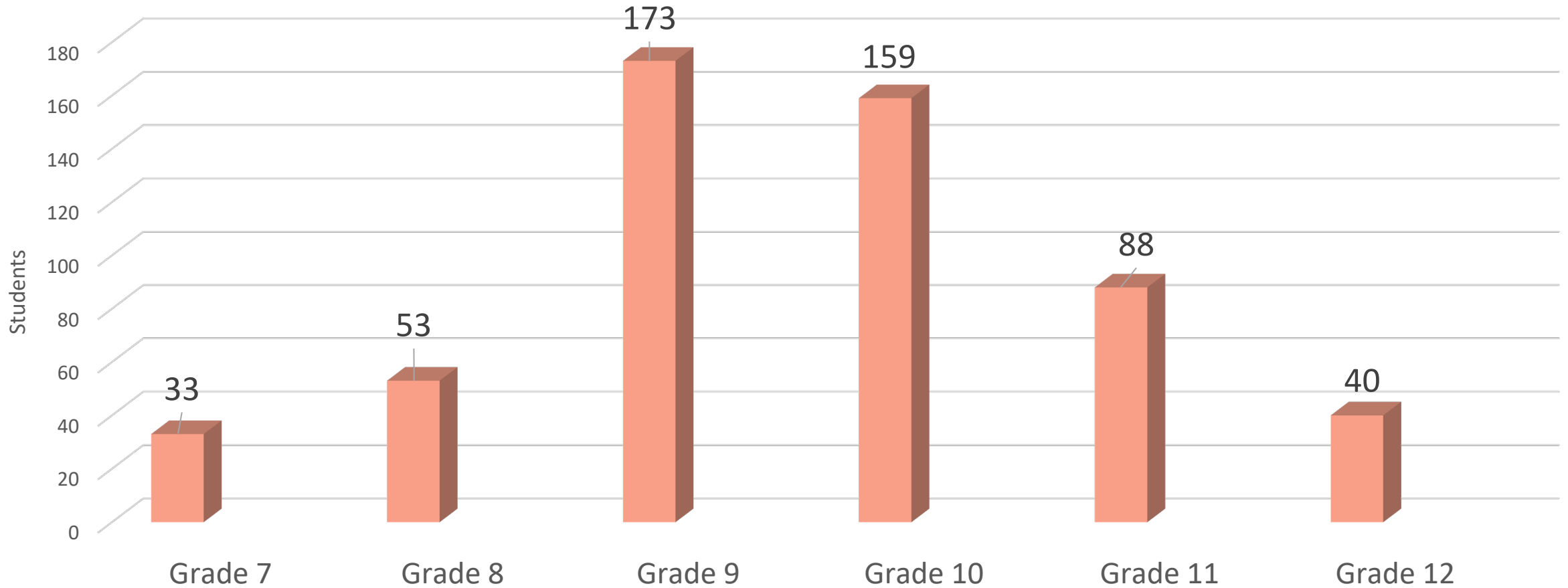


Graduation & Dropout Data

Students in Foster Care vs. Peers Statewide



Foster Care & Dropout Data



House Bill (HB) 5

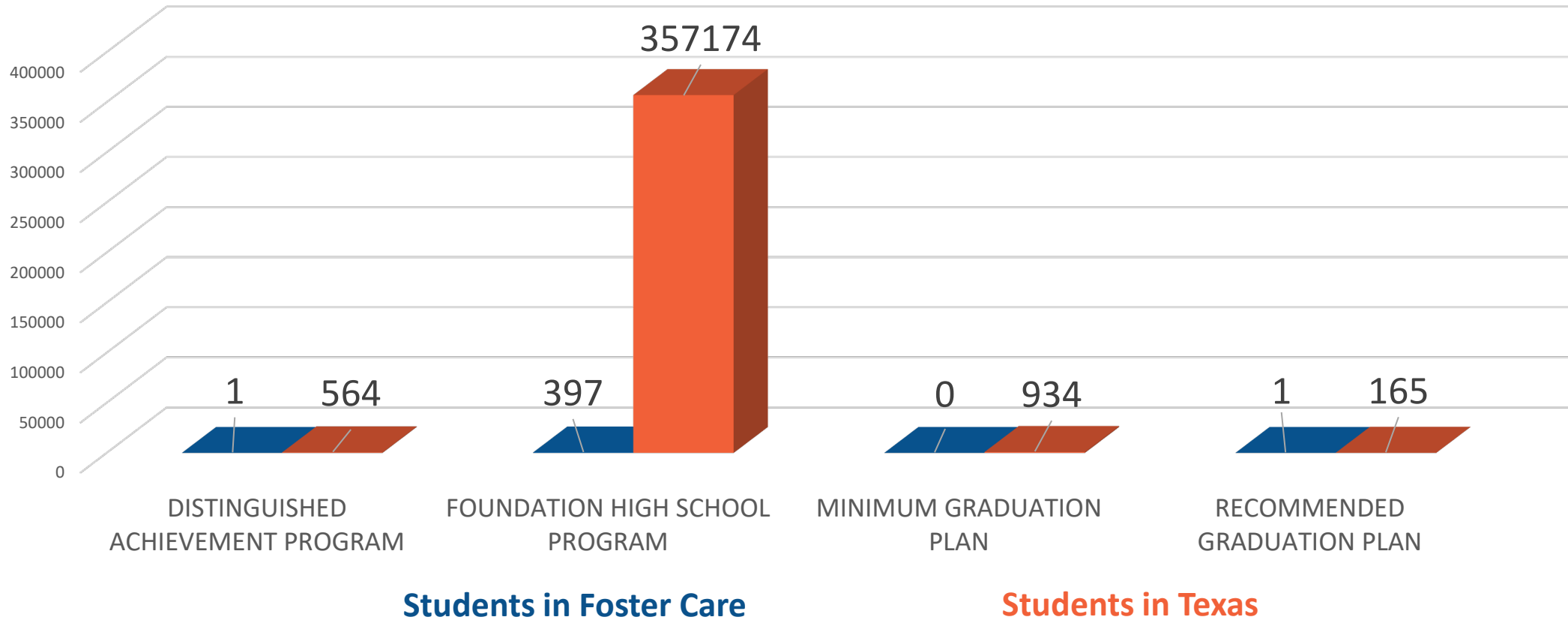
- **Foundation High School Program (FHSP) 22**
- Minimum High School Program (MHSP) 22
- Recommended High School Program (RHSP) 26
- Distinguished Achievement Program (DAP) 26

Financial Aid Application Graduation Requirement

- Texas Education Code (TEC), §28.0256, 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:
 - 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.

Foster Care & Graduation Plans

Foster Care & Graduation Plans 2021



Career and Technical Education (CTE) & Students in Foster Care

- CTE introduces students to career fields and help them begin to build marketable skills & in some cases, earn credentials.
- Post-secondary level, CTE provides an entry point for new or returning students to learn specific knowledge and specialized skills in a particular occupational field.



Texas CTE



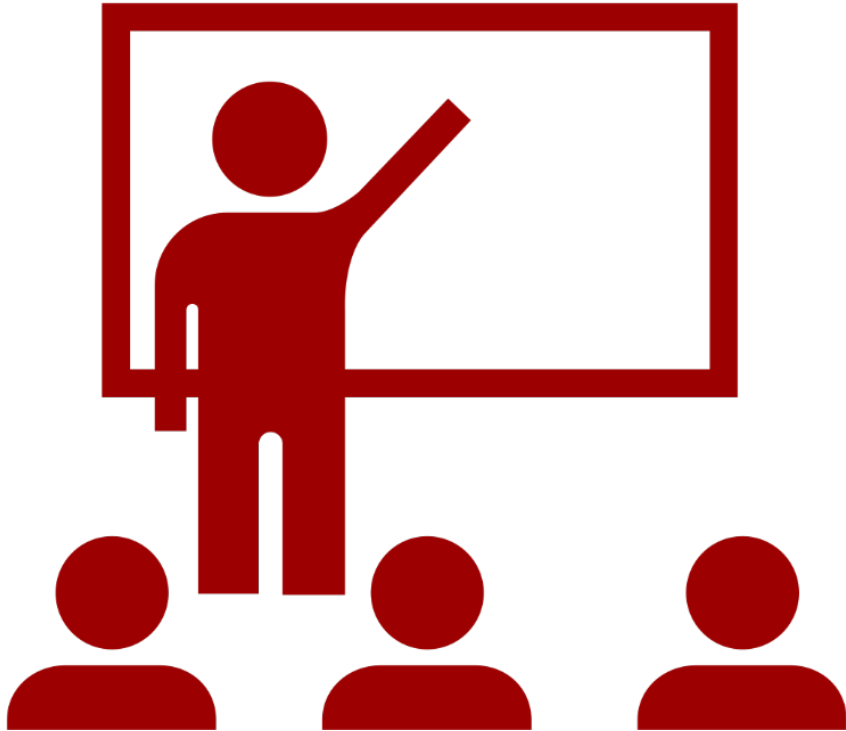
Training

Judicial and Legal Trainings

- Two statewide Education Summits
- Child Welfare Judges Conference
- Child Protection Court Convening
- Special Education, Child Welfare, and the Juvenile Justice System Course, State Bar of Texas

Webinars

- Understanding Support for Foster Alumni: Financial Aid, Enrollment Process & Campus Supports
- Enhancing Support for Foster Alumni



RESOURCES


Resources

School of Origin Determination

Transition Assistance Toolkit

School of Origin Determinations for Students in Foster Care

A student is entitled to remain at their **school of origin** *unless* it is not in the student's best interest.



What is a school of origin?

- » The school where the student was enrolled **prior to** entering foster care* OR
- » The school where the student was enrolled **when** a student changes placement while in foster care.

What timelines apply?

- » State law entitles a student to continue to attend the school of origin until **graduation or completion of the highest grade offered at the school** unless it is not in the student's best interest.

Who determines best interest?



- » DFPS/SSCC** **collaborates** with the school district and the student to make the best interest determination. DFPS/SSCC are responsible for final school of origin decisions.
- » Factors may include safety; student preference; academic, social, and emotional needs; and distance to the school. For additional information on best interest determination, see the [Foster Care and Student Success Guide](#) and [TASB Policy](#).

Example Scenarios:

- ▶ **Example A:** Jerry attends School A. Jerry enters foster care and is placed in a foster home in the attendance area for School B. School A is Jerry's school of origin and he is entitled to continue to attend School A unless it is not in his best interest.
- ▶ **Example B:** Jenny attends School A. Jenny enters foster care and is placed in a kinship home in the attendance area for School B. It is determined that attending School A is not in Jenny's best interest. Jenny must be immediately enrolled in School B even if records cannot be produced immediately.
- ▶ **Example C:** During the school year, Dan is adopted and leaves foster care while attending School A. His adoptive parents move to the attendance area for School B. Dan is entitled to continue to attend School A until he attains the highest grade offered in the school even though he is no longer in foster care.
- ▶ **Example D:** Nina continues to attend School A after she enters foster care. Nina enrolls in School B when she returns to her parents, who later moved to the attendance area for School C. Under TEC § 25.001(g), Nina can attend School A or, under TEC § 25.001(g-1), Nina can attend School B. Nina can also attend School C because she resides in the school's attendance area.

For more information, see TEA's Foster Care and Student Success Website

Legal citations: 20 U.S.C. § 6312(c)(5), 42 U.S.C. § 675(1)(G); Tex. Educ. Code § 25.001(g)-(g-1).
For situations when a student in DFPS conservatorship may be considered homeless, see [Chapter 6 of the Foster Care and Student Success Guide](#).
*Foster care is a term used to describe when a child is placed outside the home with a relative, kinship, foster home, or residential placement.
**Department of Family and Protective Services (DFPS) is appointed the managing conservator if a court decides it is unsafe for a child to remain in the home. In regions with Community-Based Care, a Single Source Continuum Contractor (SSCC) performs the duties of DFPS.

ENROLLMENT CONFERENCE 101

TAC § 89.1605

Local Education Agencies must convene an enrollment conference with a student who is homeless or in foster care within the first two weeks of enrollment at a new school or within the first two weeks after the student is identified as homeless or in foster care when enrolling at a new school. The student's participation in the meeting should be addressed on a case-by-case basis. The convening cannot delay or impede enrollment.

The enrollment conference may be used in conjunction with an existing meeting that is designed for a similar purpose for newly enrolling students.

An Enrollment Conference is a student-centered meeting for a newly enrolled student designed to:

- » Identify academic and extracurricular interests.
- » Review credits and assessment information.
- » Introduce school processes and opportunities for engagement.
- » Determine social-emotional support.
- » Develop course and instructional strategies.
- » Communicate confidential information that may impact a student's success, if needed.

KEY PEOPLE TO CONSIDER INCLUDING:

- » School Administrators
- » McKinney-Vento Liaisons
- » Foster Care Liaisons
- » Counselors

OTHERS TO INCLUDE*:

LEA AND CAMPUS STAFF	COMMUNITY SUPPORT
» Special Program Staff (e.g., Special Education, English Learner, Gifted and Talented, etc.)	» Parent or Guardian
» Teachers	» Relative or Foster Placement Caregiver
» Social Workers	» Case Manager
» Dropout Prevention Specialist	» DFPS Educational Decision Maker
» Attendance/Tuancy Officer	» CASA Volunteer

*Additional people may be invited, as needed.
**Discussion topics are required in TAC § 89.1605(b)(2) and should be adapted to meet the unique needs of each student.

KEY DISCUSSION TOPICS:**

- Student's interests, strengths, and previous successes
- Student's attendance, grades, credits, etc.
- Social, emotional, and behavioral supports
- LEA policies to support enrollment and withdrawal processes
- Communication preferences of parent/guardians or unaccompanied youth
- Post-secondary readiness



New Foster Care and Student Success Resource Guide Webpage

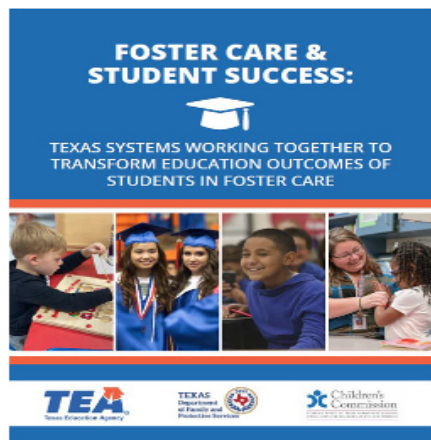
Updated Resource Guide 2022

The latest version of the Texas Foster Care and Student Success Guide (2022) is built upon the foundation of the original Foster Care and Student Success Guide (2013) and includes updated content throughout. Notably the guide now includes updates from three Texas Legislative Sessions, and adds two new chapters.

[Download Updated Resource Guide](#)

Individual chapter downloads are also available below.

Cover and Front Matter



[Download Cover and Front](#)

Foster Care & Student Success: Texas systems working together to transform education outcomes of students in foster care

- Acknowledgments
- Key for Icons and Colors
- Table of Contents
- Preface



TEA Website Resources

- [Foster Care 101](#)
- [Foster Care Guide Training Series](#)



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, and TSDS. The TEA logo is on the left, and a search bar is on the right. Below the header is a row of icons for About TEA, Texas Schools, Academics, Finance & Grants, Reports & Data, Student Assessment, and Texas Educators. A central banner features a photo of Governor Greg Abbott and other officials, with a blue box on the left containing the text 'Coronavirus (COVID-19)' and a 'GET UPDATES' button. Below the banner are three yellow boxes labeled 'Coronavirus (COVID-19)', 'Supplemental Special Education Services', and 'Texas Home Learning'. At the bottom, there are three colored boxes: 'Emergency Support' (red), 'Texas Schools' (teal), and 'About' (olive green).

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](#)



Tools



- [Foster Care and Education Judicial Checklist](#)
- Education Chapter in the [Texas Child Welfare Bench Book](#)
- [Foster Care and Student Success Guide](#)
- Texas CASA: [Educational Advocacy Toolkit](#)
- [Texas Higher Education Information and Resource Guide for Foster Care Liaisons Transition Planning Guide for Students in Foster Care Receiving Special Education Services](#)
- Top 10 Things to Know About Education for Children in Foster Care in Residential Treatment Centers: [Educators](#); [Judges, Lawyers, and Advocates](#); [Providers](#)
- [Information Sharing Between Child Welfare and Schools: Maintaining Privacy and Promoting Educational Success](#)
- [Regional CPS Education Consortia: The Building Blocks to Engaging Community Stakeholders](#)

QUESTIONS?

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