

MOU for Educational Stability Implementation Guidance

When a child comes into custody or needs to transition from one living situation to another, there are many issues to consider. Educational stability, continuity, and overall academic success are important considerations for a child's long-term well-being.

This document provides guidance for social workers, educators, and other partners to appropriately use the *Memorandum of Understanding between Department for Children and Families (DCF) and Agency of Education (AOE) Regarding Educational Placement & Alternative Education Plans for Children in DCF Custody of 2009*.



Appendix A includes a flowchart of the basic steps involved in this process. Appendix D provides a matrix summary of steps and responsibilities.

Why is educational stability important?

The educational impact of every school change is significant. Every time children enter new schools, they must adjust to different curricula, different expectations, new friends, and new teachers. Children in out-of-home care must simultaneously adjust to a new home environment and community. The school environment often plays an important role for children in out-of-home care by providing opportunities to develop positive relationships with supportive teachers, school-based counselors and classmates. These relationships often provide a measure of protection from the disruption and uncertainty associated with out-of-home placements.

What does federal law say?

The *Fostering Connections to Success and Increasing Adoptions Act of 2008* promotes school stability and enrollment for children in out-of-home care through several important provisions:

1. The child's DCF case plan must show that the child's placement in kin / foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.
2. DCF must coordinate with local education agencies to ensure the child remains enrolled in the school in which the child was enrolled at the time of placement, unless it is in the child's best interest to attend a different school.
3. If remaining in the same school is not in the best interest of the child, the child's case plan must include assurances by DCF and the local education agencies to provide immediate and appropriate enrollment in a new school, with all school records provided to the school.
4. That each school-age child is a full-time elementary or secondary school student or has completed secondary school.
5. Travel to school was added in the foster care maintenance payment definition.

It is critical to note that this focus on educational stability in no way overshadows DCF's mandate to consider a child's placement with kin as well as permanency goals.

For more information on the federal law visit:

<http://www.acf.hhs.gov/programs/cb/resource/implementation-of-the-fostering-connections>

How does this fit with Vermont’s law and the MOU?

Vermont law specifies that students attend school to the town school district in which they live. Therefore to promote educational stability and continuity, AOE and DCF created the Memorandum of Understanding (MOU) for the benefit of all children in custody of the state. The MOU does two things: (1) Describes the *Best Interest Determination* (BID) for teams to decide what educational placement is in the student’s best interest, and (2) outlines the steps necessary for requesting that a student attend school outside of his or her school district. *Please note:* The MOU provides a mechanism to support all children in custody. However a separate request for each child is needed following the steps outlined below.

How should an Education Best Interest Determination (BID) be conducted?

The Child’s Social Worker is the designated guardian and is responsible for making the Best Interest Determination. Social workers should seek input and/or convene a team meeting including the educational surrogate if child is receiving or being evaluated for special education services. This meeting will determine the educational best interest within 3-5 business days after a change in a child’s living arrangement (or as soon as possible when school is not in session).

After DCF determines the most appropriate residence for a child (taking into account the *appropriateness* of child’s educational setting and *proximity* to school), the Fostering Connections Act and Vermont MOU specify that the DCF social worker and school **must** collaborate to determine the school placement that is in the child’s best interest when his or her residence changes. Rather than decide alone, it is recommended that a team of those most invested in the child’s education participate with DCF and the schools to reach this decision. This includes the child / youth, parent, and other family members and community and education partners and members of other meetings that have already occurred: Individualized Education Plan (IEP), Coordinated Services or Act 264 Plan (CSP), Educational Support Team (EST), etc. The MOU goes on to say that the decision should be based on child’s history, present circumstances, and permanency needs.

When a child attends an alternative educational setting

When living arrangements change for a child who has been placed at an alternative educational setting, different rules apply. DCF must enroll the child in school in the town where they now reside. Then the IEP team in the new school, together with an IEP representative from the former school district, need to determine how the child’s educational needs are to be met. If the same alternative education setting is recommended by this team, then the BID will inform the Local Education Agency (LEA) about the need for the child to remain stable. The LEA makes the final decision regarding which alternative setting the child will attend.



Appendix B includes the [Education Best Interest Determination Evaluation Form](#) to help teams reach recommendations for BID.

When do you use the MOU?

- When the education best interest determination recommendation is for the child in custody to go to school outside the school district where he or she lives.

- The MOU is *not needed* if best interest determination recommendation is to attend school in the district he or she is living.

What are the MOU steps?



Appendix A includes a flowchart of the basic steps involved in this process. MOU steps are in a grey box in flowchart.

IMPORTANT: Until the final decision has been made, and all appeals resolved, the student stays in current school.

Once a best interest determination is made with recommendation for school stability:

1. ***The DCF Social Worker sends the letter in Appendix C and the BID within 24 hours to superintendents and principals for both the student’s current school district and the one where the student is now living. The purpose of this letter is to request that child remain enrolled in the current school. The student should continue to be enrolled in the current school district while the request is pending.***



Appendix C includes a sample letter for DCF social workers.

2. ***If the current school district agrees to keep the student enrolled, the current school district superintendent shall send a letter to the Secretary of Education within 3 days, copied to the Interagency Coordinator.***
 - a. ***How:*** Superintendent requests an alternative education plan (not to be confused with alternative school setting), and residency assignment under 16 V.S.A. § 1075(b) and (c). Letters should contain the student’s name, and the beginning and ending dates of the requested alternative plan and indicate agreement between the home school and the school district where the student is placed. The Secretary will only consider requests for the current school year since much can change from year to year. For subsequent years a new BID needs to be conducted and if the recommendation is for educational stability, a new request needs to be made.
 - b. ***Why:*** So that the Local Education Authority (LEA) responsibility is clearly defined and the student can legitimately continue to be treated as a resident student for purposes of ADM, Child Count, Medicaid billing and special education formula reimbursement for the home school district.
3. ***If the current school district agrees to keep the student enrolled, DCF Family services is responsible for transportation for these students “deemed” by the commissioner to be in need of educational stability if no existing normalized transportation either exists or is appropriate for the needs of the student.***
4. ***If the request is denied by the current school district then the DCF Social Worker shall ask the reasons for the denial and make a request for their supervisor to begin review process within 3 days.***
 - a. To make a request for review, the DCF Social Worker shall send the supervisor and District Director the same materials sent to local school authorities including the case

plan and reasons for denial. DCF District Director shall forward this information to DCF Child Protection and Field Operations Director.

- b. The school district shall contact the AOE State Interagency Coordinator, send the documentation and reasons for denial.
- c. DCF Child Protection and Field Operations Director and AOE State Interagency Coordinator shall review the information provided, make recommendations to local players, and decide whether to refer to DCF Commissioner and AOE Secretary.

5. If request is still denied, the documentation and reasons for referral shall be given to the DCF Commissioner

- a. The *DCF Commissioner reviews materials and may make a request to the AOE Secretary* who will make a determination about the MOU within 5 business days of the request and will communicate the decision to the DCF commissioner.
- b. During this time, the student remains enrolled in the current school district placement unless, or until, there is an adverse decision by the Secretary of AOE to NOT continue the student's enrollment.
- c. At that point, the Family Services *social worker shall enroll the student in the new school district* where the parent(s) reside(s). However, the social worker shall work closely with both the current school district and the new school district to coordinate timing of the move so the student will not lose credit, and that it happens during a natural semester break for a smoother more successful school transition.

Special Considerations for Three Situations

Below are three examples to help illustrate how to provide educational stability and continuity for students in custody consistent with the MOU, federal and Vermont law, as well as which agency funds each situation.

Example 1: A student in the custody of DCF Family Services moves from home to a kin / foster home outside the district of parent's residence, and the team, through the best interest determination, agrees the home district is in the student's best educational interests.

- Services eligible for reimbursement for these students are the same as for any other resident student.
- Schools are not eligible to receive "state-placed" reimbursement for their own students, if the parent(s) reside in their district.

Example 2: A student in the custody of DCF Family Services moves home from a kin / foster placement outside the home district.

- When a student moves home from a kin / foster home outside the parent(s) school district, usually educational responsibility shifts immediately to the home school district.
- However there is an option for the student to remain enrolled in the school the student is currently attending through the end of the school year as a "state placed student."
- If a student is in need of educational stability, although they have returned home, the school district they currently attend can request the Secretary of the Agency of Education to "deem" the student in need of educational stability, which would allow "state-placed" funding to continue through the end of the current school year.

- DCF Social Worker may need to inform a judge of the MOU and the potential educational implications that custodial changes may have on a student's well-being.

Example 3: A Family Services custodial student moves from a kin / foster home outside parent(s) school district to another kin / foster home outside parent(s) school district.

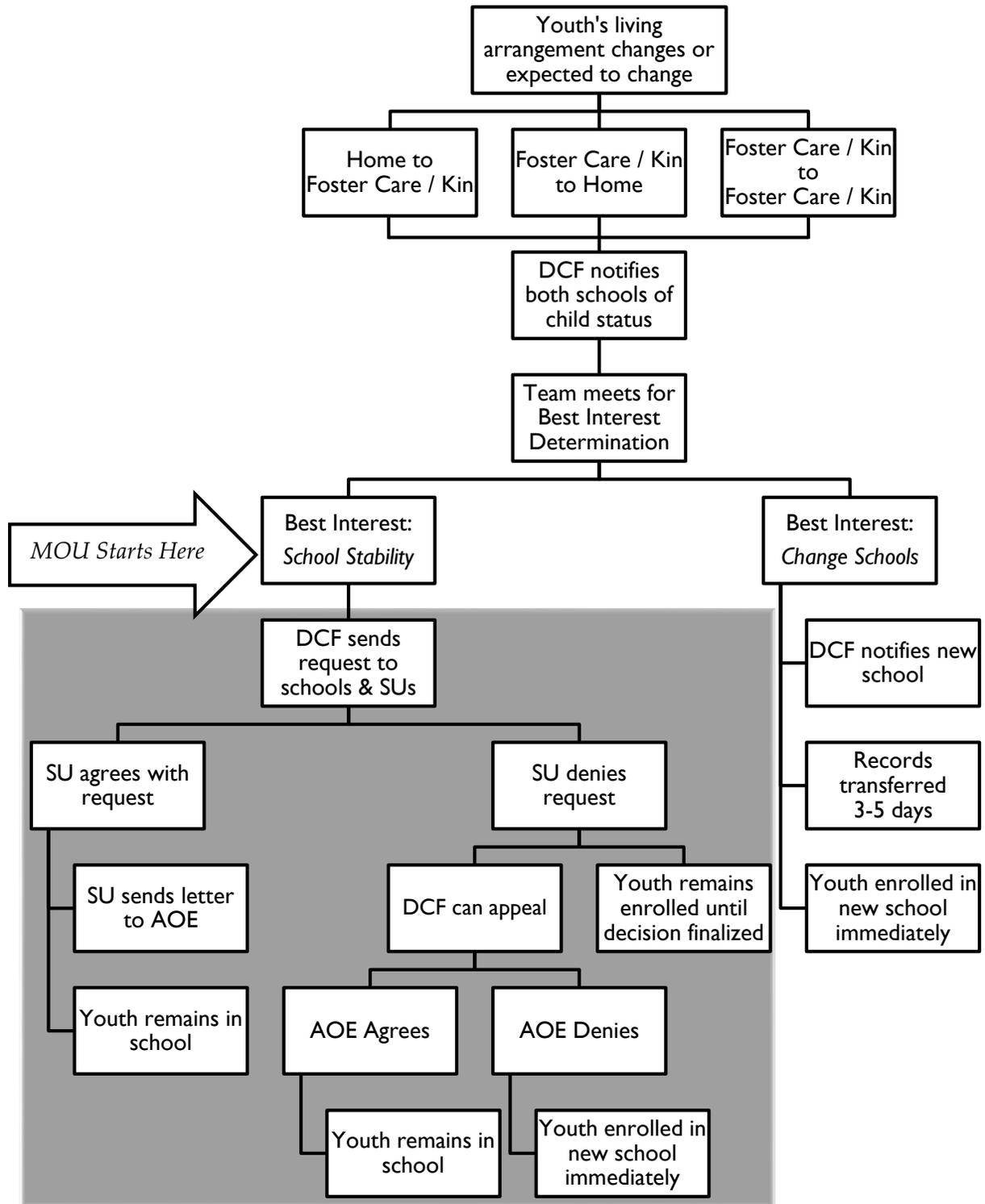
- If the school districts agree it is in the best educational interests of the student to remain in the current school district, the schools may seek continued "state placed" funding by sending a request for approval of an alternative plan for the education of the student to the Secretary of Education, copied to the interagency coordinator.
- Under 16 V.S.A. § 1075 (c) the Secretary of Education can agree to an alternative plan for the education of the student requested by the school districts, with the school district's assessment that it is in the student's best educational interests. The secretary has indicated general agreement with such requests.
- Specific requests still need to be made, so that the responsible LEA is clearly defined, for specific dates. This allows all of the "state placed" billing to continue as if the student was still residing in the district they are attending.

Who can I contact with questions and help interpreting the MOU?

- Child Welfare: Karen Shea Karen.shea@state.vt.us
- Education: Mike Mulcahy Mike.Mulcahy@state.vt.us

Appendix A

AOE / DCF Best Interest Determination & Flowchart



Education Best Interest Determination Evaluation Form

Available online at: <http://vtfutres.org/>

Child's Name: _____

DCF Family / Child #: _____ Child's Education ID#: _____

Instructions:

This process is based on the assumption that a student should remain in their current school* *unless* the considerations on the following pages indicate that *a change of school placement is in the child's best interest.*

- This form is to be filled out at the child's date of placement and each time there is a change in living arrangement.
- Individuals with insight into the child's educational best interest are encouraged to participate in a BID meeting or conversation.
- You may use relevant information from recent meetings (i.e., EST, CSP, IEP or 504).

***Current school** is defined as the school the child is attending *prior* to a change in living arrangement.

Current School and Supervisory Union/School District: _____

Previous School(s): _____

Current Grade: _____ Date of Best Interest Determination Meeting: _____

Please list who was consulted and/or who attended a meeting about BID.

Name	Title / Role	Contact Information
	Child	
	Child's Primary Parents	
	Child's extended family as appropriate	
	Kin/Foster Family	
	DCF	
	Educator	
	Educator	
	GAL	
	Service providers	
	Educational surrogate	
	Other	

Documentation and Records

Which of these were used for BID? *Check all that apply and include in chart:*

- | | | |
|---|--|--|
| <input type="checkbox"/> Report cards | <input type="checkbox"/> IEP | <input type="checkbox"/> Emails or correspondence from individuals consulted |
| <input type="checkbox"/> Progress reports | <input type="checkbox"/> 504 Plan | |
| <input type="checkbox"/> Achievement data (test scores) | <input type="checkbox"/> Coordinated Services Plan (or Act 264 Plan) | |
| <input type="checkbox"/> Attendance data | | |
| <input type="checkbox"/> Other: _____ | | |

Considerations	Yes	No
<p>1. The child believes that remaining in their current school is in their best interest.</p> <ul style="list-style-type: none"> Consider social interactions, bullying, privacy issues, academics, extracurricular activities. <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. The parents/prior custodians believe that remaining in the current school is in the child's best interest.</p> <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. The distance to their current school will be appropriate for a daily commute.</p> <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4. The child has attended the current school for a long time or is attached to the school.</p> <ul style="list-style-type: none"> Consider includes the child's ties to his or her current school, including significant relationships and involvement in extracurricular activities. <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Safety considerations favor remaining in the current school.</p> <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

Considerations	Yes	No
<p>6. Remaining in the same school will positively impact the child’s social, emotional, and/or behavioral well-being.</p> <ul style="list-style-type: none"> The effects of trauma on learning including attention, concentration, mood, interpersonal trust, and communication. A child who has experienced trauma can benefit immensely from remaining in their same classroom and school, even when they move to a new home or a new part of town. Where do the child’s siblings attend school? <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>7. Remaining in the same school will positively impact the child’s academics.</p> <ul style="list-style-type: none"> Consider how the child is performing academically in the current school and the child’s academic/career goals. Also, students on average lose 6 months of academic progress for each school change. <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>8. The child’s permanency goal, plan and expected date for achieving the permanency (reunification, guardianship, or adoption) support remaining in their current school placement.</p> <ul style="list-style-type: none"> DCF is required to place a child with a relative when appropriate. This factor may override a child remaining in their current school. The initial permanency goal for most children is to be reunited with their primary parents. <p><i>Key factors in decision:</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

Best Interest Determination Summary

Please summarize the key factors influencing the decision of the team below:

Education Best Interest Determination Recommendation of the Team

- The student shall remain in the same school where the child is currently enrolled.*

School: _____ SU / SD: _____

Transportation will be provided by: _____

Transportation will be paid for by what agency? _____

- Based on the best interest determination, a change in school placement is needed (see below)*

School: _____ SU / SD: _____

Individual responsible for enrolling child in school: _____

If a change in educational placement is needed:

1. The child's school transfer date should be determined by the child's best interest. Does it coincide with a logical juncture in the child's academic or personal progress (e.g., after an event that is significant to the child or end of the school year)?
2. Enrollment in the new school should take place without interruption of the child's education, with all education records provided to the new school. (*See interagency guidelines*).

- The team disagrees on the best interest determination for the child. If so, next steps are:*

- DCF Social Worker sends supervisor and District Director all materials shared with local school authorities including the case plan and reasons for denial. DCF District Director shall forward this information to DCF Child Protection and Field Operations Director.
- The school district shall contact the AOE State Interagency Coordinator, send the same documentation and reasons for denial.

Appendix C

Sample Letter for DCF Social Workers



Family Services
103 South Main Street
Waterbury, VT 05671-2401
Phone: (802) 241-2131
Fax: (802) 241-2407

[Date]

Name of School District
Address of Superintendent's Office

Dear Superintendent:

I am writing from the Department for Children and Families to request that **[Child's Name]**, who came into state custody on **[Date of custody]**, maintain school placement at **[Name of School]**.

The child has moved to the home of **[Name of Resource Family]** at **[Resource Family Address]**.

This child's mother, **[Name]**, lives in **[Town]**.
This child's father, **[Name]**, lives in **[Town]**.

Attached is a copy of the *Best Interest Determination Evaluation Form* that has been completed by input from this student's team. This document and attachments outline the student's educational needs and why those needs can be best met by the student remaining in their current school.

Thank you!

Sincerely,

Social Worker

Cc: Principal Superintendent

Appendix D

Matrix for Implementation of AOE-DCF MOU

	<i>“State-placed” in both school districts- Seeking continued enrollment although moved</i>	<i>“State-placed” where living/seeking enrollment in home school district (Could be recently removed from home and needs to remain in home school)</i>	<i>“State-placed” in one school district and then placed at home still in DCF Family Services custody.</i>
Statutes that apply	<p>16 V.S.A. §1075 (b) (c)</p> <p>Secretary agrees to an alternative plan for the education of the student when student is state placed in both current and former placements and school districts agree on best educational interest</p>	<p>16 V.S.A. §1075 (b) (c)</p> <p>Home school board decides if student can attend</p> <p>Letter to secretary to agree to alternative plan Home school requests letter.</p> <p>16 V.S.A. § 1075 (b)</p> <p>Pupil’s legal residence shall be determined by the board of school directors of the district the student seeks enrollment in, or seeks tuition payments from.</p>	<p>16 V.S.A. § 11(28)(A)(B)</p> <p>Definition of “state-placed” students usually excludes students living at home.</p> <p>16 V.S.A. §11(28)(D)(i)(I)&(ii) can now be “deemed” by secretary to be in need of educational stability therefore “state placed” when remaining in custody placed at home, remaining in former school-time limited to current school year.</p> <p>16 V.S.A. § 1075 (b)</p> <p>Pupil’s legal residence shall be determined by the board of school directors of the district the student seeks enrollment in, or seeks tuition payments from.</p>
What needs to happen?	<p>The team including DCF and both school districts discusses what is in student’s best educational interests. If it is to stay in previous school district then school district serving the student, who will also be seeking reimbursement, requests an alternative plan for the education of the student to the Secretary of Education, cc Interagency Coordinator and both school districts’ special education directors.</p>	<p>The team, including DCF and both school districts, discusses what is in student’s best educational interests.</p> <p>If it is enrollment at the home school district, a request is made to the Superintendent of Schools, by DCF Family Services worker.</p>	<p>Student needs to be enrolled in home school district. In most cases they will attend their own school.</p> <p>Secretary of Education can be involved for deeming students “state-placed” in situations where the students best educational interests are served by remaining enrolled in the public school they were attending prior to being returned home through either a natural transition time. or through the end of the current school year</p>
Who is responsible to decide?	<p>If team agrees for student to remain enrolled in former school district, School district seeking continued state placed funding requests alternative plan for the education of the student, Secretary of AOE- grants and assigns the district serving the child to be the LEA</p>	<p>Home school board decides if student can attend: If yes, request for alternative plan sent to Secretary AOE and Interagency Coordinator, cc’ing both school districts special education directors. Secretary agrees to alternative plan, assigns home school district LEA allowing resident funding to flow.</p>	<p>Home school district only if student is placed at home and attends home school.</p> <p>Secretary or designee if request for deeming sent in. If student is deemed in need of educational stability by the secretary, student can be funded as “state-placed” in current non home school</p>

Appendix D

Matrix for Implementation of AOE-DCF MOU

		<i>If no</i> , student is enrolled in the school district where they are living.	district, to either finish the school year or transition at a natural break.
<i>Who is responsible to pay for education?</i>	<p>School district serving the student-reimbursable under the usual state placed reimbursement</p> <p>Secretary agreement to an alternative plan for the education of the student and assignment of LEA allows “state-placed” funding to continue</p>	<p>Home school district as resident student, requests an alternative education plan sent to secretary agrees to alternative plan, assigns home school district LEA allowing resident funding to flow</p> <p>If student is denied attendance at home school, student attends where living, state placed funding applies</p>	<p>Home school district only for students placed at home in DCF custody and attending home school.</p> <p>State Placed Fund-For students whose best educational interest will be served by remaining in their current school, although returned home in DCF custody, a request can be made to the secretary or designee to deem them state placed for purposes of reimbursing the non resident school district through the end of the current school year</p>
<i>Who is responsible to pay for transportation?</i>	DCF -Family Services if no existing transportation can be utilized	<p>DCF Family Services if no existing school transportation can be utilized- only for students who have an alternative plan agreed to by secretary of education, and deemed in need of educational stability</p> <p>16 V.S.A. § (11)(28)(D)(i)(I)&(ii)</p> <p>16 V.S.A. § 1075(c)(2)</p>	<p>Home school district for students attending home school, per the arrangement for all students in the home school district</p> <p>16 V.S.A. § 1075(c)(2) DCF Family Services- For students deemed “state placed” due to need for educational stability under new statute if the home school district and current school agree to continue a student in current school district until an appropriate transition time, and there is no existing appropriate transportation available through the school.</p>