



TN

Department of
Children's Services



Contract Provider Manual

Section Thirteen (13) - Education Standards

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Applicable Policies

DCS Policy [21.14, Serving the Educational Needs of the Child/Youth](#)

DCS Policy [21.16, Rights of Foster Child with Disabilities and IDEA](#)

DCS Policy [21.18, Notification to School Principals of Certain Delinquency Adjudications](#)

DCS Policy [21.19, Education Passport](#)

DCS Policy [21.20, Non-traditional Educational Settings](#)

In House School Proposal Document

In-House School Compliance Document

School Settings for Students in Contract Agencies

1. Core Standard

The provider ensures that the educational needs of students are thoroughly assessed and that appropriate educational opportunities are provided according to DCS Policy. Whenever possible, children/youth in custody attend public schools. The provider maintains a liaison with the local education agency (public school).

2. Standard Foster Care

- a) Children in foster care typically attend public school.
- b) Using the CANS assessment tool, if any Educational domain (attendance, achievement or behavior) score is 2 or 3, OR if the YLS scores as “high” or “moderate”, these factors should be addressed within the treatment plan.

3. Therapeutic Foster Care

- a) Children in therapeutic foster care with emotional/behavioral health care needs typically attend public school.
- b) A moderate amount of mental health case management support may be needed to maintain attendance in public school.
- c) Using the CANS assessment tool, if any Educational domain (attendance, achievement or behavior) score is 2 or 3, OR if the YLS scores as “high” or “moderate”, these factors should be addressed within the treatment/service plan.
- d) Medically fragile therapeutic children/youth may require in home educational services.

4. General Group Care Facilities

- a) Child/youth in Group Care Facilities licensed as Family Boarding Homes or Maternity Homes typically attend public school.
- b) Children/youth in residential programs licensed as Group Care Homes, Child Placing Agencies and Residential Child Care Agencies may attend public school. Regions and providers work collaboratively through the CFTM process to determine educational services for a child/youth in congregate care.
- c) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend public school or an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- d) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

5. Special Populations Group Care

- a) Youth in this program may attend public school; however, if students are unable to attend public school, programs, they attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend public school or an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- c) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

6. Enhanced Level 2 A/D Services

- a) Youth attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) The provider is responsible for the costs of any education services that the student requires if he or she is unable to in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- c) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

7. General Residential Treatment

- a) Youth attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend an in-house, non-public school that is approved

by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.

- c) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

8. Residential Treatment Specialized (Sex Offender, Intellectually Disabled Sex Offender, Alcohol and Drug, and Autism Spectrum Neurological Disorders)

- a) Youth attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- c) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

9. Sub-Acute Psychiatric Residential Care

- a) Youth attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) Residential programs licensed as **Residential Treatment Facilities, Mental Health Hospital Facilities, Residential Rehabilitation Treatment Facilities or Mental Retardation Residential Habilitation Facilities** have available for students an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in state custody by the DCS Education Division.
- c) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- d) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

10. Continuums

- a) Youth in this program may attend public school; however, if students are unable to attend public school, programs, they attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) The provider is responsible for the costs of any education services, to include Level II and Level III children/youth, that the student requires if he or she is unable to attend public school or an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.

- c) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

11. Unique Care Agreements

- a) Whenever possible, students should attend public school.
- b) If students are not attending a public school, but are placed in Tennessee, the contractor must have an in-house school program that is approved by the Tennessee State Department of Education.
- c) If the in-house school is not in Tennessee, it must be approved in the state in which it is located by that State's Department of Education (or responsible state agency) or a nationally recognized accrediting agency.
- d) Students in an out of state in-house school must be able to progress from grade level to grade level. High school students must be able to earn credits toward a high school diploma or, if appropriate and eligible, be able to study for and take a high school equivalency exam.
- e) All in-house schools must provide the special education services described in Chapter 10- Educational Standards-Section C, 1 (e).
- f) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend public school or an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- g) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

12. Primary Assessment Centers

- a) Youth attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- b) Residential programs licensed as **Residential Treatment Facilities, Mental Health Hospital Facilities, Residential Rehabilitation Treatment Facilities or Mental Retardation Residential Habilitation Facilities** have available for students an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in state custody by the DCS Education Division.
- c) The provider is responsible for the costs of any education services that the student requires if he or she is unable to attend an in-house, non-public school that is approved by the Tennessee State Department of Education and recognized to educate students in custody by the DCS Education Division.
- d) The provider is responsible for the cost of tutoring if deemed necessary by the Child and Family Team and there are no free local resources available.

13. Detention Centers

- a) Current licensure standards specify that students in Detention Centers receive education benefit. It is recommended by DCS Education that students not eligible for special education services receive at least 3 hours per day of instruction in mathematics and reading.
- b) Youth who are certified for special education upon admission are referred to the Director of Special Education of the school system in which the detention center is located.

School Placement for Students in Contract Agencies

1. There is a presumption that children in state custody should be educated in public schools whenever possible. Limiting the number of school changes limits the disruptions to the education of the child or youth. The federal [***Fostering Connections to Success and Increasing Adoptions Act of 2008***](#) encourages social services agencies to keep students in their home schools whenever possible and when it is in the best interest of the child.
2. Children and youth who have an identified and documented treatment need that prohibits placement in public school may attend an in-house educational program in a contracted treatment center. The determination of whether a student attends public school is determined by the Child and Family Team (CFT) and is documented on form [***CS-0772, Education Placement Evaluation***](#). If the CFT determines that a student should remain in the in-house school, there must documented treatment reasons for this decision or extenuating circumstances. In addition, the team must provide a review and target date for completion of the treatment and a projected date for transition to public school. (See DCS Policy [***21.20, Non-traditional Educational Settings***](#), Sections A and C, for guidance in determining the appropriate school setting and the review process).

Establishment of and Guidelines for In-House Schools

1. Contract agencies that have in-house school programs must complete an [***"In-House School Proposal"***](#) document. This document is provided by and evaluated by the DCS Education Division prior to a school being recognized to provide educational services to students in state custody. It is comprised of a series of standards and requires documentation and narratives that contractors comply with in the following areas:
 - a) School Approval:
 - The school is approved by the TN State Department of Education

b) School personnel:

- Teachers are licensed in Tennessee.
- A full time special educator is available at the school site

c) Educational planning:

- Students are assessed to determine placement in public school or the in-house school.
- Students' educational plans are appropriate for their grade level.
- Parents are involved in the educational process.
- The school has a school liaison to work with the public schools.

d) Educational programing

- Current and state approved textbooks and curriculum materials and standards are utilized.
- Courses required for graduation are offered.
- GED/HiSET preparation is available if [High School Equivalency Exam Recommendation](#) form is completed and approved prior to admission, and if an appropriate GED/HiSET program is available.
- Youth may attend post-secondary education institutions or job training programs as deemed appropriate.
- Tutoring, mentoring, and college preparation is available.
- A full 6.5 hour school day and student schedule is maintained.
- Teachers are evaluated with a state approved model and have opportunities for in-service activities.
- Libraries contain DOE minimum material requirements; computers/internet is available for students.
- Residential facilities provide a summer program with an academic component.
- The DCS Education Student Management Database is up to date.

e) Provision of special education services.

- Students are screened upon entry to determine if they are eligible for special education services. Students who are eligible have a current Individualized Education Program (IEP), eligibility report, and psychological evaluation in accordance with the State Board of Education Rules, Regulations and Minimum Standards.
- The (IEP) is developed by an appropriately constituted IEP-Team.
- Schools ensure that psycho-educational evaluations are provided as needed.
- Academic instruction is provided to eligible students by a certified special educator.
- Students receive related services (for example, speech therapy) as needed.
- Surrogate parents are available for students who require them.
- The facility has a referral process for students who are suspected of needing special education services.
- The student's current IEP and all other required special education information is in compliance and is maintained in the Department of Education's special education database.

2. After becoming recognized as an in-house school, an annual [“In-House School Compliance Document”](#) is completed. This is a document in which the agency initials a series of statements to ensure continued adherence to the aforementioned educational standards.

Records Transfer and School Settings

1. The contractor develops a process to ensure a quick transfer of records, information, and individual support when children change schools.
2. A quick transfer of records from one school to another is vital to the new school. When records are delayed or not sent, students may:
 - a) Be placed in inappropriate classes;
 - b) Not receive credit for work completed;
 - c) Be forced to repeat classes and state-mandated tests;
 - d) Not receive special education services.
3. DCS Policy [21.19 Education Passport](#), requires that Family Service Workers (FSW’s) compile an “Education Passport” for students in state custody. An Education Passport is defined as a compilation of documents that constitutes the educational history for a student. DCS Policy [21.19 Education Passport](#), Section A, specifies what is to be included in the Education Passport. DCS form [CS-0657, Education Passport-School Enrollment Letter](#), is the coversheet for the Education Passport.
4. For students enrolled in contract agency schools, a current transcript of all courses and credits that a student has completed in the contract agency school and in any previous schools is maintained in the student management system provided by the DCS Education Division. Requests for copies of transcripts by FSWs or DCS educational staff should be completed as soon as possible but no later than 48 hours after the request is made.

Needs Assessment

1. **Obtain previous school records in order to** ensure that the educational needs of students are thoroughly assessed.

The contract agency obtains and reviews previous educational records for each student. The FSW provides the agency with the Education Passport mentioned above. However, the agency school must contact the student’s previous schools if it does not receive educational records. Children who are eligible for special educational services must be identified, and

the agency must ensure that those services are provided. Should the agency school have difficulty obtaining records, each DCS region has an Education Specialist assigned to assist students, parents, and schools with education issues related to students in state custody. A list of [Education Specialists](#) is provided with the counties that that each one serves.

Changes in Educational Planning

The contract agency monitors and limits changes in a student's educational placement in order to avoid disruptions in the learning process.

“School mobility has been shown to have a significant negative effect on children’s academic progress and opportunities for educational success.” (Legal Center for Foster Care and Education, [Fact Sheet: Educational Stability and Continuity for Children and Youth in Out-of-Home-Care](#) (Washington, D.C.: American Bar Association, 2007).

Parental Involvement in Educational Planning

The contract agency ensures that parents/guardians are involved in the educational planning and educational activities of the students.

Unless a court has terminated parental rights, a student’s parents are involved in the planning of the child’s educational program. This is a “best practice” since reunification is often the goal for students in custody. In addition, both federal and state laws require parents to be invited by the school to participate in meetings for students eligible to receive special education services.

Special Education Teaching Certification

In order for schools to be approved by the State Department of Education and recognized by DCS, teachers must hold an appropriate Tennessee teaching license. To meet the needs of students eligible for special education services, at least one teacher working daily at the school, must be certified in special education.

Behavioral Problems in School

When notified by a foster parent that a child/youth is having behavioral problems at school, the family services worker may wish to contact the regional DCS Education Specialist. The school may need to schedule a planning meeting or arrange for a behavior assessment of the student. In addition, a Child and Family Team meeting (CFTM) may need to be scheduled to develop a plan for improvement.

Suspension/Expulsion from Public School

When a child/youth in DCS custody is suspended for ten (10) or more days from public school, the regional DCS education specialist must be consulted for assistance per DCS Policy [21.16, *Rights of Foster Child with Disabilities and IDEA*](#), Section B.

Notification to Principals of Specific Adjudications

State law requires DCS to report very specific adjudications to public school principals. The only adjudications that can be reported and the process for reporting them are found in DCS Policy [21.18 *Notification to School Principals of Certain Delinquency Adjudications*](#), Section C. The regional Education Specialist must inform the school of the adjudication—not the contract agency. The contract agency's responsibility is to ensure that both the child/youth's FSW and the Education Specialist are aware of any such adjudications **PRIOR** to enrolling any student in public school.

Training for Foster Parents/School Liaisons/Family Service Workers

Each agency family services worker/DCS family services worker/agency school liaison working in the area of foster care is required to have two (2) hours of in-service training per year on educational services/issues (see DCS Policy [21.14, *Serving the Educational Needs of the Child/Youth*](#), Section E). Foster parents are required to complete training on education services/issues according to DCS Policy [16.8, *Requirements of Approved Foster Homes*](#) and accompanying [Required Foster Parent In-Service Training Chart](#). The required training has been developed by the DCS Education Division and may be made available through the regional training coordinators and the DCS regional education specialists.

Alternative Educational Settings

Alternative educational settings include HiSET/G.E.D. programs, non-public school settings, and home schools.

1. For students who are attending a contract in-house school, the child/youth's Child and Family Team (CFT) must meet to determine if a student is eligible and able to participate in a HiSET/GED program. If so, the regional Education Specialist submits a [High School Equivalency Exam Recommendation](#) form to the DCS Director of Education for appropriate signatures. **Note:** The DCS Director of Education cannot sign this form for students who are attending public school. Only the public school may sign the form for these students.
2. If there are extenuating circumstances, a child/youth's CFT may request that a student be allowed to attend a non-public school or a home school. The regional Education Specialist must be involved in the CFT, and must make a written recommendation from the team to the DCS Director of Education. Approval or disapproval is on a case-by-case basis.
3. DCS Policy [21.20 Non-traditional Educational Settings](#), Section C, explains the population of students who may be appropriate for these programs and the processes for requesting enrollment in these alternative settings.

Use of Required Databases

1. All school systems are required to use a computerized student management system approved by the State Department of Education (DOE). The system shares students' education information with the State Department of Education (DOE) and the data shared generates funding for school systems including DCS. DOE also requires the use of EdPlan (EasyIEP) in order to track and transfer data for special education students to the state and between school systems.
2. Due to the DOE requirements above, all students enrolled in contractor's in-house school must be entered in the DCS Education Division Student Management System and assigned a full class schedule. The Individual Education Programs (IEPs) and other special education information for students eligible for special education must be entered in the EdPlan (EasyIEP) computerized data base program. The databases should be kept current at all times. There is no cost to the contractor for the use of these databases.

Student Graduation

Students may graduate from a contractor's DOE approved and DCS recognized in-house school program if state requirements are met.

1. The contractor's in-house school must submit a cumulative student transcript, transcripts from previous schools, and [CS-0886, Roster of Graduates](#) form to the DCS Director of Education for review. If approved, a diploma is sent to the school for the student.
2. If a school believes that a newly enrolled student may meet the requirements for graduation during his/her attendance in the in-house school, the DCS Education Division recommends that the school immediately request a transcript for review to determine which courses are still needed for the student to graduate. This ensures that there is no confusion when the final transcript is submitted for approval.

Monitoring

Contract in-house schools are monitored throughout the year by the DCS regional education specialists based on the standards in this document. A written report is filed with the DCS Education Division. The contractor is expected to complete any corrective action required in the monitoring report by the deadline specified. If corrective action is not completed, the DCS Provider Quality Team is notified and determines further action to be taken.

Availability of Educational Staff and Attorneys

DCS educational staff and DCS attorneys are available to assist contract agency case management staff in advocating on behalf of students in state custody.

Each DCS region has been assigned an educational specialist and an educational attorney to advocate for students in state custody. The educational specialists should be the first contact for agencies that need assistance with any part of a student's educational program. The educational specialists work in conjunction with the DCS Education Office to ensure that appropriate educational services are provided to all students in custody. As necessary, the educational attorney assists students, agencies, and other DCS educational staff with legal issues surrounding the student's instructional program.