



**Administrative Policies and Procedures: 21.14**

<b>Subject:</b>	<b>Serving the Educational Needs of the Child/Youth</b>
<b>Authority:</b>	TCA 37-1-130; 37-1-131; 37-1-140; 37-5-106; 49-6-3001; Individuals with Disabilities Education Act, 20 U.S.C. Sec.1400 et. Seq.; McKinney-Vento Homeless Education Act of 2001; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).
<b>Standards:</b>	<b>DCS Practice Model Standards:</b> 6-401, 6-404, 6-405, 6-406, 6-407, 6-408 6-400
<b>Application:</b>	All Department of Children Services Employees, Resource Parents, Contract Provider Agencies

**Policy Statement:**

All children/youth of compulsory school attendance age will be enrolled in an educational program with appropriate services in the least restrictive environment. Children under the age of five (5) will receive educational services based on need.

**Purpose:**

To ensure and promote appropriate and successful educational programming for children/youth.

**Procedures:**

**A. Responsibilities of the Family Service Worker (FSW)**

1. Ensure that the child/youth is enrolled in an appropriate education program based on developmental and academic needs. Use the [Protocol for Educational Programs and Resources](#) as a guide.
2. Each time placement changes are considered, make every effort to minimize disruption of the educational setting. Those efforts must be clearly documented in case notes or documented in **CS-0747, Child and Family Team Meeting Summary**.
3. Ensure timely transfers of school records when a child/ youth changes schools. Compile and maintain DCS form **CS-0657, Education Passport-School Enrollment Letter** as stated in DCS Policy [21.19, Education Passport](#).
4. The FSW is required to notify the receiving school system as far in advance as possible of the intended placement of all students in DCS custody.
5. Promote school stability and monitor progress by communicating regularly with school personnel and resource parents collecting information regarding attendance, academics and behavior to present to the CFT.

	<ol style="list-style-type: none"> <li>6. <u>Special Education/Services Section 504 Services:</u> If a disability is suspected and the child/youth has not been previously identified, the FSW will make an immediate written referral to the school for an evaluation for special education eligibility. A referral form may be obtained from the school.</li> <li>7. <u>Attend Individual Education Plan (IEP) and Section 504 meetings (or ensure attendance by a supervisor designee) and:</u> <ol style="list-style-type: none"> <li>a) Include the Education Specialist as appropriate and necessary.</li> <li>b) Encourage the resource parents to attend. The school has the responsibility to notify and involve the birth parents.</li> <li>c) Ensure that the school appoints a surrogate parent if parental rights have been terminated, if birthparents are unknown, or if the school in conjunction with DCS is unable to locate a parent.</li> </ol> </li> <li>8. Consult with the Regional Education Specialist when:             <ol style="list-style-type: none"> <li>a) Special Education/Section 504 concerns arise;</li> <li>b) Significant discipline problems arise or the child has a history of school discipline problems. This would include expulsion, zero tolerance offenses, suspension of ten(10) days or more and/or truancy issues;</li> <li>c) A child/youth has significant treatment issues that may impact the school day. In a CFTM, the FSW will work with the Education Specialist, parents, resource parents, surrogate parent, school and others as necessary to determine education supports and recommendations. The Well-Being Teams may be able to identify additional resource.</li> <li>d) There is a delay in the transfer of school records from school to school; or</li> <li>e) School enrollment problems arise.</li> <li>f) A child is transferring from TEIS to special education in public schools.</li> <li>g) There is required notification to school principals of certain delinquency adjudications. Refer to DCS Policy <a href="#">21.18, Notification to School Principals of Certain Delinquent Adjudications</a> for the listing of adjudications and the process for consulting with the Education Specialist to report the to school principals.</li> </ol> </li> </ol>
<p><b>B. Role of the Child and Family Team</b></p>	<ol style="list-style-type: none"> <li>1. The Child and Family Team (CFT) will consider the individual needs of children/youth when recommending any changes in placement and ensure efforts are made to keep the child in his/her current school whenever possible. Use the <a href="#">Protocol for Assessing Educational Stability</a> as a guide.</li> <li>2. The CFT will consult with the DCS Well-Being Team as needed. This team may assist in obtaining in-home wrap around services for the child/youth and resource family. The goal of the CFT will be to prevent placement disruption and allow the child/youth to remain in the same school.</li> </ol>

	<ol style="list-style-type: none"> <li>3. Through quarterly Progress Review CFTM's, the CFT will monitor the student's educational progress using information provided by the FSW and/or Education Specialist and parent/resource parent provider agency.</li> <li>4. The CFT must convene for a Special-called CFTM within 5 days when a child is expelled or suspended from school for 10 or more days or has multiple shorter term suspensions ( see DCS Policy <a href="#">21.16, Rights of Foster Children With Disabilities Under Title II, Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).</a>)</li> <li>5. The CFTM can be convened upon request to address school issues when a child/youth is;             <ol style="list-style-type: none"> <li>a) Experiencing significant behavioral and /or academic problems;</li> <li>b) Not attending school regularly; and /or</li> <li>c) Transitioning from school to school</li> </ol> <p><u>Note:</u> For Special Education eligible students, designee must contact new school and request an IEP meeting.</p> </li> <li>6. Recommendations and action steps for CFT members should be documented on <b>DCS form CS-0747, Child and Family Team Meeting Summary</b>, Section 4.</li> </ol>
<p><b>C. Responsibilities of the Education Specialist</b></p>	<ol style="list-style-type: none"> <li>1. Provide consultation/technical assistance to local DCS staff and contract provider agencies.</li> <li>2. Provide ongoing in-service training regarding educational issues to DCS Family Service Workers, resource parents, and other staff in his/her region.</li> <li>3. Provide consultation concerning special education services.</li> <li>4. Attend Child and Family Team Meetings and IEP meetings as necessary.</li> <li>5. Assist Family Service Worker with problems regarding school enrollment, school records, discipline and the provision of appropriate educational services.</li> </ol>
<p><b>D. Responsibilities of the DCS Well-Being Team</b></p>	<ol style="list-style-type: none"> <li>1. The Well-Being nurse and/or psychologist will attend IEP meetings when available and deemed appropriate.</li> <li>2. The DCS TennCare Representative and/or Well-Being nurse will be available to assist the resource parent, DCS Family Service Worker, provider agency case managers and the Education Specialist in accessing medically necessary health services (medical or behavioral) identified by the school. If the child/youth is TennCare-Medicaid eligible, all medically necessary services are the responsibility of TennCare under EPSDT.</li> </ol>
<p><b>E. Education Training</b></p>	<ol style="list-style-type: none"> <li>1. Family Service Workers and Resource Parents are required to have two (2) hours of in-service training per year regarding education services.</li> </ol>

	<p>2. Training may be made available through the regional training coordinators and the regional education specialist.</p>
<p><b>F. Education Plan for children in temporary or emergency placements</b></p>	<p>If the child/youth is in a temporary, emergency type of placement, it is the Department's expectation that the child/youth remain in his former school if doing so is in the child's best interest. The local school system is obligated to provide transportation for children falling within the <i>McKinney-Vento Homeless Act of 2001</i>. The DCS Family Service Worker, in consultation with any involved agency case manager, will:</p> <ol style="list-style-type: none"> <li>1. Advocate for enrollment, transportation (if needed) and other services under McKinney-Vento or Fostering Connections.</li> <li>2. Utilize the public school system's McKinney-Vento liaison.</li> <li>3. Seek help from the regional Education Specialist or DCS attorney if needed.</li> <li>4. Collaborate with school systems and contract providers regarding transportation.</li> <li>5. In the event of a dispute with the school, request that the resource parent transport the child back and forth to the child's school until his/her placement is made in a more permanent setting. If the resource parent is unable for legitimate reasons to transport the student, DCS will provide an alternative.</li> </ol>

<p><b>Forms:</b></p>	<p><a href="#"><u>CS-0657, Education Passport- School Enrollment Letter</u></a>  <a href="#"><u>CS-0747, Child and Family Team Meeting Summary</u></a></p>
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<p><b>Collateral Documents</b></p>	<p><a href="#"><u>Protocol for Assessing Educational Stability</u></a>  <a href="#"><u>Protocol for Educational Programs and Resources</u></a>  <a href="#"><u>CFTM Protocol</u></a></p>
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<b>Glossary:</b>	
<b>Individual Education Plan (IEP):</b>	<p>A written plan developed by an IEP team (formerly M-Team) for children eligible to receive special education services. The plan specifies:</p> <ul style="list-style-type: none"> <li>◆ Current levels of academic functioning</li> <li>◆ Annual goals,</li> <li>◆ Learning objectives</li> <li>◆ Transition goals (14 years old and older)</li> <li>◆ Assistive technology devices needed</li> <li>◆ Testing accommodations</li> <li>◆ Need for a behavior plan or behavior goals</li> <li>◆ Additional services, if needed (related services)</li> </ul>
<b>In-Home Wrap Around Services:</b>	<p>TennCare refers to these services as intensive mental health case management, CTT (Continuous Treatment Team) or CCFT (Comprehensive Child and Family Treatment). These services are available to children/youth in DCS custody that are in level 2 placements or lower.</p>
<b>Special Education Services:</b>	<p>Specialized educational services provided to disabled children, age birth (TEIS birth – 3) to age 22 (public schools age 3 -22).</p>
<b>Section 504 Services:</b>	<p>Services provided to disabled children by a school based on Section 504 of Rehabilitation Act of 1973. This act prohibits discriminatory practices towards the disabled. In schools, a Section 504 Service Plan outlines accommodations that will be provided to a child based on the child’s disability.</p>
<b>Surrogate parent:</b>	<p>An individual appointed by the Local Education Agency (LEA) in specific instances to act in the place of a parent in order to ensure that the rights of a child eligible for special education services under IDEA are protected.</p>
<b>Tennessee Early Intervention System (TEIS):</b>	<p>A division of the TN Department of Education/Division of Special Education that is Tennessee’s system for the coordination and provision of special education services for disabled infants and toddlers, ages birth to three who meet the State’s definition for services under IDEA Part C.</p>