

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 8: Out-of-Home Services	Effective Date: October 1, 2019
	Section 20: Educational Services	Version: 10

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) must obtain education records for each school-aged child in out-of-home care. DCS will review the education records at a Child and Family Team (CFT) Meeting or a Case Plan Conference to determine whether an Individualized Education Program (IEP) should be considered to address the child’s educational needs. The CFT will develop a plan to ensure the child’s educational needs are met. For further guidance, see policy [5.7 Child and Family Team Meetings](#).

DCS will encourage the child’s parent, guardian, or custodian to invite the child’s teacher, school social worker, local DCS Education Liaison (EL) (if applicable), and other identified educational supports to participate as members of the CFT.

DCS will ensure every school-aged child in out-of-home care is enrolled in school full-time, unless one (1) of the following circumstances exists:

1. The youth is eligible for, and actively pursuing, a High School Equivalency (HSE) Diploma;

Note: Some scholarships and grants will not be available if an HSE Diploma is completed instead of obtaining a high school diploma.

2. An alternate education plan has been recommended by the school the child attended at the time of placement and the plan has been approved by the court;
3. The youth has graduated from high school or has successfully completed an HSE Diploma;
or
4. The youth has a physician verified medical condition which prohibits him or her from attending school.

DCS will ensure the child’s educational goals and needs, as well as the efforts to enable the child’s school to provide appropriate support and to protect the safety of the child are included in the [Case Plan \(SF2956\)](#). See policy [5.8 Developing the Case Plan](#) for further guidance.

DCS will ensure the child’s current school, new school (if applicable), and required school corporations are notified **within 72 hours** of the child’s removal from his or her home. DCS will strive to allow the child to remain in the school he or she attended while living with his or her parent, guardian, or custodian when it is in the best interest of the child.

In accordance with the Every Student Succeeds Act (ESSA), DCS, the Indiana Department of Education (DOE), and local education agencies must identify a state and local Point of Contact (POC) to collaborate in determining the best educational interests of children in out-of-home care. DCS has appointed the Education Services Director as the agency’s state ESSA POC and the Education Liaisons (EL) as the agency’s local ESSA POC. See policy [8.22 School Notifications and Legal Settlement](#) and [Practice Guidance](#) for additional information.

DCS will document plans to maintain educational stability for a child in out-of-home care on the [Case Plan \(SF 2956\)](#) and provide this information to the court prior to any placement change. This information should include whether the child will attend the school he or she previously attended. If the child must transfer schools, information provided to the court will include, but is not limited to:

1. Efforts made to allow the child to remain at the school he or she attended at the time of removal or any placement change;
2. The reason it is in the best interest of the child to transfer schools;
3. The distance of the new school from the child's current placement;
4. Enrollment arrangements with the new school including transfer of educational records;
5. The child's current placement;
6. The current residence of the child's parent, guardian, or custodian (in order for the court to determine legal settlement);
7. The school and school corporation the child will attend while in out-of-home care; and
8. The transportation plan, which ensures the child is able to attend school.

Note: Unless educational services are provided in a residential facility where the child is placed, the child should have a transportation plan regardless of whether the child will attend the same school or change schools. The local education agency is required to provide transportation of foster youth who are removed from their home and placed outside of their [school of origin](#) when it is determined to be in the child's best interest to remain enrolled in the [school of origin](#). See policy [8.22 School Notifications and Legal Settlement](#).

DCS will not authorize a child in out-of-home care to enroll in a non-accredited educational program not recognized by the Indiana DOE. For additional information, see [Practice Guidance](#).

DCS will **not** pay for the cost associated with attendance at a private school unless it is included in services provided by a residential facility through a placement agreement. See [Related Information](#) for suggestions on responding to requests for private education for a child in out-of-home care.

DCS will **only** pay educational fees associated with the **repair or replacement of textbooks, devices, or musical instruments**. Indiana Public Schools may not collect other fees for a child placed in out-of-home care by DCS. Fees are paid directly to the school corporation by DCS. For additional information, see the [Letter of School Textbook and Related Fees](#) and [School Invoicing Process for Repair/Replacement of Textbooks, Electronic Devices, and Musical Instruments](#).

Note: Resource parents are required to purchase insurance if offered by the school, for any school issued devices. DCS will reimburse resource parents for the cost of the insurance and deductible. For additional information, see [Practice Guidance](#).

DCS will ensure every DCS ward in the 7th through 12th grade is enrolled in the 21st Century Scholars program and understands the requirements of the Scholar Success Program (SSP).

DCS will ensure youth age 17 years or older are provided with information about:

1. Pell grants;
2. Chafee funds from the John H. Chafee Foster Care Program for Successful Transition to

- Adulthood (the Chafee Program). This information may be provided at age 16;
3. Federal supplemental grants;
 4. The Free Application for Federal Student Aid (FAFSA);
 5. Individual Development Accounts (IDA); and
 6. The Indiana Commission for Higher Education – State Financial Aid.

Note: If the youth will be completing high school or an HSE Diploma prior to age 17, he or she should be provided the information prior to completion.

For further guidance, see policies [8.21 Special Education Services](#), [8.22 School Notifications and Legal Settlement](#), [11.10 Education and Training Voucher Program](#), and [11.6 Transition Plan for Successful Adulthood](#).

Code References

1. [IC 4-4-28: Individual Development Accounts](#)
2. [IC 20-26-11-9: Notice of Legal Settlement and Placement](#)
3. [IC 20-33-2: Compulsory School Attendance](#)
4. [IC 20-33-5: Financial Assistance for Students](#)
5. [IC 20-50-2: Tutoring and Mentoring for Homeless Children and Foster Care Children](#)
6. [IC 20-50-3: Transportation of Students in Foster Care](#)
7. [IC 20-51-2-1: List of Certified Scholarship Programs](#)
8. [IC 21-12-6-1: Twenty-First Century Scholars Program; Established](#)
9. [IC 21-12-6.5: Eligibility for Twenty-First Century Scholars Program for Foster Care Youth](#)
10. [IC 31-34-15-4: \(Case Plan\) Form; contents](#)
11. [IC 34-13-3: Tort Claims Against Governmental Entities and Public Employees](#)
12. [511 IAC 7-38-1: Access to and Disclosure of Educational Records](#)
13. [20 USC 1232g \(b\)\(1\)\(E\), \(L\): Education](#)
14. [42 USC 675\(1\)\(G\): Definitions](#)
15. [IC 20-50-3-3: School of origin](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Gather information regarding the child's education and discuss the child's educational best interests with the following:
 - a. The child,
 - b. The parent, guardian, or custodian, unless Termination of Parental Rights (TPR) has been finalized,
 - c. The resource parent, and
 - d. Members of the CFT.

Note: The FCM should complete the [Release of Education Records \(SF 55228\)](#) and submit to the last school in which the child was enrolled to obtain educational records.

2. Submit a Permanency and Practice Support (PPS) referral to the Education Services Team when the child's placement changes or there is the potential for an educational placement change;
3. Collaborate with the Education Liaison (EL) to complete the [ESSA POC Checklist](#) and determine if it is in the child's best interest to remain in the [school of origin](#), if applicable. For further guidance, see policy [8.22 School Notifications and Legal Settlement](#).

Note: The EL will facilitate collaboration with the Local Education Agency POC to make a

final determination regarding if remaining in the [school of origin](#) is in the child's best interest.

4. Work with school personnel to ensure the child is registered for school;
5. Complete the [School Notification \(SF 47412\)](#) and provide it to the school corporation's identified POC where the child currently attends and where the child has legal settlement **within 72 hours** of the child's:
 - a. Removal from his or her home and initial placement in out-of-home care,
 - b. Change in out-of-home placement,
 - c. Return home,

Note: The school where the child currently attends should also be **verbally** notified of the child's removal or placement change **as soon as possible**.

- d. Initial determination of legal settlement,
 - e. Change in legal settlement determination,
 - f. Educational placement change, or
 - g. DCS case closure.
6. Provide the resource parent with available educational information (e.g., the name of the school the child last attended, the child's current grade level, and a summary of academic progress);

Note: If applicable, discuss transportation options with the resource parent while preparations are being made by the school to begin providing transportation. See [Practice Guidance](#) for more information.

7. Ensure biological parents are included in all educational meetings and decisions, unless TPR has been finalized;
8. Encourage the parent, guardian, or custodian; resource parent; or educational surrogate parent (ESP) to refer the child for testing to identify any special education needs and/or related services, if needed. If it is determined the child needs individual tutoring, contact the school regarding this service. For further guidance, see policy [8.21 Special Education Services](#);

Note: DCS cannot refer a child for testing or sign any IEP documentation.

9. Collaborate with the CFT to minimize school disruptions and assess the effects of placement on the child's school attendance and academic performance. For further guidance, see [Related Information](#) and policy [5.7 Child and Family Team Meetings](#);
10. Ensure information regarding the child's educational stability, goals, needs, and efforts to enable the child's school to provide appropriate support and protect the safety of the child is included in the [Case Plan \(SF2956\)](#) and provided to the court. See policy [5.8 Developing the Case Plan](#) for further guidance;
11. Recommend and encourage the child's parent, guardian, or custodian to include the child's school social worker, school counselor, EL (if applicable), and other involved school representatives as members of the CFT;
12. Assist the parent, guardian, custodian, and/or resource parent in the completion of forms for free or reduced lunch and textbooks, if applicable;
13. Provide each child in the 7th through 12th grade with information about the 21st Century Scholars program and the SSP. For further guidance, see policy [11.15 Post-Secondary Education](#);

14. Ensure an application for the 21st Century Scholars program is submitted for all youth who are the in 7th through 12th grade and in out-of-home care who are not already enrolled. Applications for the 21st Century Scholars program may be completed online by visiting www.in.gov/21stcenturyscholars. The application process requires the FCM to:
 - a. Assist the youth in completing the application, and
 - b. Ensure the youth marks “yes” to the pre-application question concerning foster care status.

Note: For further guidance, see policy [11.15 Post-Secondary Education](#).

15. Encourage and assist all youth in 9th through 12th grades to:
 - a. Update his or her address with 21st Century Scholars annually,
 - b. Comply with all requirements set forth in the SSP (see <http://www.in.gov/21stcenturyscholars/2373.htm>), and
 - c. Sign the 21st Century Scholars Affirmation Statement (see www.in.gov/21stcenturyscholars) during his or her senior year of high school.
16. Provide the youth with information regarding Pell grants, Chafee grants, federal supplemental grants, the FAFSA, and the Indiana Commission for Higher Education – State Financial Aid during a CFT Meeting held immediately prior to the youth’s 17th birthday. For further guidance, see policies [11.6 Transition Plan for Successful Adulthood](#) and [11.15 Post-Secondary Education](#);

Note: If the youth will be completing high school or an HSE Diploma prior to age 17, he or she should be provided the information prior to completion.

17. Provide youth with information about opening an IDA. For further guidance, see policy [11.15 Post-Secondary Education](#) and [Related Information](#);
18. Have the youth and caregiver sign an [Acknowledgement of Receipt of Information about Various Educational Programs \(SF 55743\)](#). Give the youth and caregiver a copy of this form and place the original form in the youth’s case file; and
19. Ensure all education information (e.g., current grade level, school name and address, [School Notification \(SF 47412\)](#) forms, [ESSA POC Checklist](#), and IEP date and specifics), decisions, and actions taken are documented in the case management system as changes occur, or at a minimum, annually.

The FCM Supervisor will provide guidance to the FCM as needed and ensure documentation is entered accurately in the case management system.

The EL will:

1. Collaborate with the FCM to complete the [ESSA POC Checklist](#) and assist in obtaining an official determination regarding whether it is in the child’s best interest to remain in his or her [school of origin](#), if applicable. See policy [8.22 School Notifications and Legal Settlement](#) and [Practice Guidance](#) for additional information; and

Note: If an official determination cannot be made between the FCM and EL, the FCM and EL will consult with the FCM Supervisor or the Local Office Director (LOD).

2. Assist the FCM in planning for the child's other educational needs as requested.

The LOD will ensure that before August 1st of each year the appropriate school corporations are notified of whether the child's placement is anticipated to continue in the subsequent school year, using the [Annual Notification of Placement in School Corporation \(SF 49812\)](#) form. For further guidance, see policy [8.22 School Notifications and Legal Settlement](#).

PRACTICE GUIDANCE

Minimizing School Disruptions

School disruptions may cause extreme emotional stress for a child and affect his or her academic performance, development, and/or overall well-being. The FCM should attempt to minimize school disruptions by:

1. Placing the child with a resource parent living in the same school district;
2. Making a referral to the EL for determination of best interests regarding the child's educational placement. See policy [8.22 School Notifications and Legal Settlement](#);
3. Delaying a change in placement until the end of a school semester or year, when waiting does not endanger the child's safety and/or well-being; and/or
4. Scheduling medical and court appointments during non-school hours, whenever possible.

Every Student Succeeds Act (ESSA) and Transportation for Students in Care

The ESSA, as it pertains to foster children, was implemented December 10, 2016. The ESSA requires local education agencies' POC and child welfare agencies' POC to collaborate on determining educational best interests for foster children when their home placement change causes the potential for their education placement to change. Foster children should remain in their [school of origin](#) unless there is justification, based on the needs of the child, to transfer to their new school of residence.

ESSA requires local education agencies' POC and child welfare agencies' POC to collaborate on providing transportation for foster children who attend their [school of origin](#) but have been placed outside of the district. The [school of origin](#) is required to provide transportation for a foster youth removed from his or her home and placed outside of the [school of origin](#) when it is determined to be in the child's best interest for the child to remain enrolled in the [school of origin](#). Best interest determinations, including a plan for transportation, between the local school POC and the child welfare POC are expected to be finalized within five (5) instructional days after receiving the request from the child welfare POC. In some situations the collaboration process may take more time to deliberate.

DCS is responsible for arranging transportation until the best interest determination is completed. If the resource parent is able and willing to provide transportation for the child, in collaboration with the [school of origin](#), this is a suitable option to fulfill the school of origin's obligations to ensure transportation is provided.

Note: In unique situations, DCS may pay for transportation. Please be aware the local school corporation may ask to work with resource parents to provide transportation for children placed in their home.

Documenting Educational Stability in the case management system

Information regarding educational stability should be documented in the [Case Plan \(SF 2956\)](#). The FCM should answer the question, "Has the child been placed in proximity to the school in which the child was enrolled at the time of placement?" Then, provide all other required educational stability details in the 'Explain' area next to the question.

Legal Settlement and Termination of Parental Rights

The court should re-determine legal settlement when parental rights are terminated. If the child is in his or her permanent placement, the address of that placement should be provided to the court. If the child is not in his or her permanent placement, the address of the current resource parent should be provided to the court. The address of the DCS local office should only be provided for the purpose of determining legal settlement if no other address may be used and the DCS local office is located within the school district the child attends.

Utilization of DCS Education Liaisons

An EL provides support to the FCM in identifying educational barriers and developing effective solutions. The FCM should submit a PPS referral to the EL through KidTraks when educational needs or concerns have been identified.

Exceptions for Home School and Private School Attendance

Education through an accredited school is optimal. However, in some unique circumstances home school or private school education may best meet the child's educational needs. In these instances, the decision to pursue home school or private school education shall be decided in a CFT Meeting and shall not be made without the approval of the parent, guardian, or custodian (unless TPR has been finalized). A referral to the EL must be submitted, as his or her expertise will be beneficial in making this decision. A written request for exception must be reviewed for approval by the Regional Manager (RM) prior to seeking required court approval. The written request for exception will be completed by the EL.

Private Schools

The CFT should review requests for a child to attend private school. For further guidance, see policy [5.7 Child and Family Team Meetings](#). The CFT should consider whether any of the following conditions apply:

1. The child attended the private school prior to being removed from his or her home;
2. The child has documented educational, medical, and/or psychological needs that would be better served by a specific private school; and/or
3. The child is placed in a residential facility that runs an in-house school or educational program.

If private education is requested, the CFT should consider funding options including, but not limited to, payment of tuition by the child's parent, guardian, or custodian and scholarships offered by the school. For further guidance, see policy [5.7 Child and Family Team Meetings](#).

Resource Parent Reimbursement of Insurance for School Supplied Devices

Resource parents are required to purchase insurance, when offered by the school, for any school supplied devices provided to the child. Resource parents will be reimbursed by DCS for the cost of the insurance and deductible if the device is damaged or lost. If a school issued device is damaged or lost:

1. The FCM will create a referral in KidTraks (Global Services > General Products > Other) for the amount of the insurance (or the amount of the deductible if the device is damaged or lost); and

2. The resource parent will request reimbursement using the [Claim for Support of Children Payable from Family and Children Funds \(SF 28808\)](#).

Note: The resource parent may contact DCSPaymentResearchUnit@dcs.in.gov for assistance.

Tutoring Services

In order to determine if tutoring services are needed, the FCM will:

1. Request a comprehensive copy of the child's school records including attendance, school placements, special education evaluations, IEPs, Indiana Statewide Testing for Educational Progress (ISTEP) scores, Response to Intervention (RTI) data, and grades;
2. Determine if there are patterns documented in the records that may explain poor academic performance (e.g., several school placements, inconsistent attendance, and/or inappropriate behaviors). If assistance is needed, submit a PPS referral to the Education Services Team;

Note: If a child has poor attendance at school, a tutor should not be put in place until a pattern of regular school attendance is established.

3. Communicate with the school administration team to determine what tutoring services are provided through the school. If the child is placed out-of-home, the following Indiana Code applies:

[IC 20-50-2-3: Tutoring of children who are in foster care or are homeless](#)

This states:

“Each school corporation shall provide tutoring for a child enrolled in a school operated by the school corporation who is:

- (1) in foster care; or
 - (2) a homeless child;
- if the school corporation determines the child has a demonstrated need for tutoring;”

4. Communicate with the school's administration team or multidisciplinary team to determine what academic interventions are being used to meet the child's current academic needs. Ask to see data that measures the child's progress and supports the school's decision to use certain interventions;
5. Ask to see progress monitoring data to determine if the child is making adequate progress toward academic goals if the child receives special education services;

Note: For a child with an IEP, grades on the report card are not always the best measure of progress and academic performance;

6. Make a referral to an outside tutoring service, if determined to be appropriate, for a child who has received in-school tutoring and is still struggling. Ensure the tutoring service knows who to communicate with to determine what interventions and strategies are being used or have been used with the child; and
7. Request regular updates from the tutoring provider on the child's progress toward the child's individual goals.

Local School Point of Contact List

A list of contact information for school corporations may be found in the [School Notification Point of Contact \(POC\) List](#). Best interest determinations need to be initially discussed between the FCM and the EL.

FORMS AND TOOLS

1. [Case Plan \(SF 2956\)](#) - Available in the case management system
2. [Acknowledgement of Receipt of Information about Various Educational Programs \(SF 55743\)](#)
3. [School Notification \(SF 47412\)](#)
4. [Annual Notification of Continuation of Placement in School Corporation \(SF 49812\)](#)
5. [ESSA POC Checklist](#)
6. [Letter of School Textbook and Related Fees](#)
7. [School Invoicing Process for Repair/Replacement of Textbooks, Electronic Devices, and Musical Instruments](#)
 - a. [Exhibit A1 \(Indiana Code Including Tort Claims Description\)](#)
 - b. [Exhibit A2 \(Tort Claim Form SF 54668\)](#)
 - c. [Exhibit B1 \(W-9 Request for Taxpayer Identification Number and Certification\)](#)
 - d. [Exhibit B2 \(Automated Direct Deposit Authorization Agreement SF 47551\)](#)
 - e. [Exhibit B3 \(W-9 and Direct Deposit Form Instructions\)](#)
 - f. [Exhibit C1 \(Claim for Support of Children SF 28808\)](#)
 - g. [Exhibit C2 \(Example Claim Form\)](#)
8. [Claim for Support of Children Payable from Family and Children Funds \(SF 28808\)](#)
9. [School Notification Point of Contact \(POC\) List](#)
10. [Release of Education Records \(SF 55228\)](#)

RELATED INFORMATION

High School Equivalency (HSE) Diploma

Indiana has implemented the Test Assessing Secondary Completion (TASC), a replacement for the General Education Development (GED). TASC is the HSE exam, which measures an examinee's levels of achievement relative to that of a graduating high school senior. TASC also assesses for career and college readiness. For additional information, see <http://www.in.gov/dwd/HSE.htm>.

Education Records

Education records include a range of information about a student that is maintained by the school. Examples of information include, but are not limited to:

1. Date and place of birth, address of the parent, guardian, or custodian; and contact information in case of an emergency;
2. Grades, test scores, courses taken, academic specializations, activities, and official letters regarding a student's status in school;
3. Special education records;
4. Disciplinary records;
5. Medical and health records the school creates or collects and maintains;
6. Documentation of attendance, schools attended, awards conferred; degrees earned; and
7. Personal information, such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.

Note: Personal notes made by teachers and other school officials that are not shared with others are not considered education records. Additionally, law enforcement records created and maintained by a school or district's law enforcement unit are not education records.

Individual Development Accounts (IDA)

An IDA is a matched savings account program designed to assist individuals in achieving self-sufficiency through financial literacy and asset generation. There are a limited number of IDAs available in Indiana. In order to open an IDA, individuals must meet the following eligibility requirements:

1. Be an Indiana resident;
2. Have an income below 175% of the Federal Poverty Guidelines;
3. Have at least \$400 per year in earned income;
4. Be able to save a minimum of \$35 per month; and
5. Meet minimum screening requirements.

Youth interested in opening an IDA should visit <http://www.in.gov/ihcda/2403.htm> or call 1-317-232-7777 for county specific information.

Virtual Schools

A virtual school is a school in which coursework is taught primarily through online methods. Virtual schools may be public schools (traditional or charter) or nonpublic schools. Nonpublic schools may not be accredited through the Indiana DOE.

School of Origin

[IC 20-50-3-3](#) defines school of origin as the school that a student in foster care attended when the student last had a permanent residence or the school in which a student in foster care was last enrolled.