Educational Stability

Rhode Island Department of Children, Youth and Families
Policy: 700.0150
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In compliance with state and federal law, the Department of Children, Youth and Families ensures that children (including children with disabilities) placed in the care of the Department receive the free, appropriate public education to which they are entitled. The Department coordinates with the RI Department of Education to ensure educational stability in compliance with federal law which requires that the Service Plan includes assurances that the initial (Fostering Connections to Success Act [PL 110-351]), and each subsequent placement (Child and Family Services and Improvement Act [PL 112-34]) of the child:

- 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 and that the Department has coordinated with appropriate local educational agencies to allow the child to remain in the school in which the child is enrolled at the time of the initial or each subsequent placement

or

- If remaining in such school is not in the best interests of the child, that the child is immediately and appropriately enrolled in a new school with all of the child's educational records provided to the school.

The Department ensures that a cooperative process is utilized to address the best interests and needs of the child with regard to school placements, school attendance and access to appropriate education services and required supports, including the provision of transportation services.

Related Procedure

Educational Stability

Related Policy

Guardianship for Education
Educational Surrogate Parent
Referral
Comprehensive Assessment and Service Planning

Educational Stability

Procedure from Policy 700.0150: Educational Stability

A. Educational Stability

1. When a child requires out of home care or at the time of a change in placement, the Department makes every effort to place the child in his or her community so that the child remains in the school of origin.
2. If an out of home placement cannot be located in the child's school district of origin, the Department takes into account the appropriateness of the student's current educational setting and the proximity of placement to that school.
3. The primary service worker and supervisor determine if remaining in the school of origin is in the child's best interests. When determining appropriate school placement, the primary service worker and supervisor consider:
   a. Expected length of child's current out of home placement
   b. Child's permanency plan
   c. Child's school transfer history
   d. School programs and activities that address the unique needs or interests of the student
   e. Child's preference
   f. Student's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade and graduation
   g. Impact of the commute to the school of origin on the child
   h. Where siblings of the child in care attend school
   i. Potential safety issues
4. If it is determined that child should remain in the same school, the primary service worker contacts the Department legal counsel to seek authorization from RI Department of Elementary and Secondary Education (RIDE).
   a. RIGL 16-64-5 and 16-64-8 provide:
      i. If a child is placed in a short term or series of short term placements, RIDE may designate the child's original city or town of residence as having continuing responsibility for the child's education for a period not greater then two months unless an extension is granted by the commissioner.
      ii. If a child changes his or her residence during the course of a semester the child must be allowed to complete the semester in his or her original city or town of residence.
      iii. If the youth is a senior or about to enter his or her senior year the youth will be allowed to complete his or her senior year in his or her original city or town of residence.
   b. The Department reimburses foster parent for transporting child to the school of origin.
5. If it is determined that remaining in the school of origin is not in the child's best interests, the primary service worker follows procedures outlined in B. below.
6. Educational stability is documented in the Service Plan in accordance with **DCYF Policy 700.0075, Comprehensive Assessment and Service Planning**.

B. School Transfer

1. If it is determined that a child must transfer, he or she is immediately enrolled in the new school.

a. ~~Each city or town is required by RIGL 42-72.4-1 to immediately enroll a child in its school system when the Intra-State Education Identification Card (DCF #132A) is presented.~~

b. ~~The primary service worker and supervisor ensure that the child's educational records are transferred expeditiously.~~

c. Rhode Island law, as well as the Rules and Regulations for School Health Programs promulgated by RIDE and the Department of Health, requires that every student upon entering any public or non-public school provide acceptable evidence of immunizations. A student may be exempt from the immunization requirement for medical reasons or grounds of beliefs with appropriate authorization.

2. Transfer of School Records
   a. RIGL 16-64-7 provides that employees of Department can direct the transfer of student records when the right to control a child's education is vested with the Department (refer to **DCYF Policy 700.0115, Guardianship for Education**).
   b. If an educational surrogate parent has been appointed, both Department and the educational surrogate parent are authorized to direct the transfer of records (refer to **DCYF Policy 700.0000, Educational Surrogate Parent Referral**).
3. When a child's enrollment is denied or delayed for more than one week from application for enrollment the Department:
   a. Contacts the superintendent of the school system in question requesting immediate enrollment for the child.
   b. Contacts the RIDE School Approvals Unit for assistance if the child is not enrolled within forty-eight hours of the superintendent's notification. A record of the contact is recorded on the Education Tracking Form (Department #142).
   c. If the child is not immediately enrolled, Department Legal Counsel is notified in writing. This contact is documented on the Department #142 and in a Case Activity Note.
4. If a school system is reluctant to release the child's records to the receiving school without a signed parental release of information form, the primary service worker or supervisor, with assistance, as needed, from the Department Educational Support Services Unit:
   a. Contacts the superintendent of the school system in question and request assistance.
   b. Contacts the RIDE School Approvals Unit to request assistance if the records are not released within two working days.
   c. Contacts the receiving school system after five working days from contacting the School Approvals Unit to confirm receipt of the school record.
   d. Informs the Department Legal Counsel in writing if the record is not released within five working days of the School Approvals Unit's notification.
   e. Documents the school enrollment efforts in a Case Activity Note.
5. The primary service worker ensures that the receiving school obtains the child's educational records. If a school system agrees to forward student records to a receiving school but the records are not sent expeditiously the primary service worker:
   a. Contacts the receiving school system seven working days after the initial request to determine the status of the student's records.
   b. Contacts the school principal of the sending school regarding the delay if the records have not been forwarded.
6. For a child in care with a disability or a suspected disability, in accordance with RIGL 42-72-15 and **DCYF Policy 700.0000, Educational Surrogate Parent Referral**, the Department:

a. ~~Assesses the need for an educational surrogate parent referral and if necessary, make a referral to RIDE.~~

b. ~~Ensures that the school department seeks parental or educational surrogate parent's consent for a pre-placement evaluation if the school department finds that the referral material indicates the need.~~
   i. ~~If a parent, who maintains educational guardianship refuses to give his or her consent, the school department may utilize hearing procedures to gain permission to evaluate.~~
   ii. ~~The primary service worker documents the school department's intervention in the absence of parental consent in a Case Activity Note.~~
   iii. ~~After the evaluation process is completed and if the child is found to be eligible for special education, the school system develops an Individual Education Plan (IEP) and updates it annually. Only a parent or educational surrogate parent can sign an IEP to approve and initiate special education services.~~

c. ~~Ensure the child is placed by the school system in an interim program comparable to his or her current class placement before the new IEP is finalized even if the receiving school system or the educational surrogate parent believes that additional information or evaluation is needed. If the child is not immediately enrolled in an equivalent program, the Department:~~
   i. ~~Contacts the superintendent of the school system seeking immediate enrollment.~~
   ii. ~~Contacts the Department Educational Services Support Unit which contacts RIDE to ask for intervention. This request is documented on the Education Tracking Form (DCYF #142) by the Educational Services Support Unit.~~

d. ~~Ensure that the receiving school system does not require an IEP meeting to develop a new IEP if:~~
   i. ~~A copy of a current IEP is available; an IEP is current if developed within the previous twelve month period.~~
   ii. ~~Parent or educational surrogate parent is satisfied with the IEP.~~

7. ~~School Transfer Follow-Up~~
   a. ~~The primary service worker contacts the receiving school within twenty- one working days from the date of enrollment to review the child's transition into the new school system. This contact is documented in a Case Activity Note.~~
   b. ~~The primary service worker contacts the Department's Educational Services Support Unit whenever there is a change in the educational,~~
   ~~residential, legal or placement status of the child via a DCYF #061. This must be done as soon as a change is planned to ensure a seamless transition.~~
   c. ~~The primary service worker or the Department Educational Services Support Unit notifies the RIDE and the educational surrogate parent of the change in case status.~~