

THE PHILADELPHIA DEPARTMENT OF HUMAN SERVICES
Children and Youth Division
Policy and Procedure Guide

Issue Date: February 18, 2010

To: All CYD Social Work Services Staff (SWSS)¹ and Provider Staff

From: Dell Meriwether, Deputy Commissioner 
Pamela Mayo, Operations Director 
Paul Bottalla, Policy and Planning Director 

Re: Educational Stability and Continuity for Children in Substitute Care

Effective: Immediately

Purpose:

The purpose of this Policy and Procedure Guide is to clarify the responsibilities of DHS and provider workers regarding the provision of educational stability and continuity for children in county custody.

Discussion:

On October 1, 2008, the Pennsylvania Department of Public Welfare issued bulletin 3130-08-01 (Educational Stability and Continuity for Children in Substitute Care). The purpose of the bulletin was to clarify the responsibilities of county children and youth agencies regarding educational stability and continuity for children in county custody. On October 7, 2008, the federal *Fostering Connections to Success and Increasing Adoptions Act* went into effect, requiring that additional efforts be made to maintain educational stability and continuity for children in the custody of the county children and youth agency.

One important change in practice is for DHS workers to obtain a Family Educational Rights and Privacy Act (FERPA) release in order to access educational information for children. Although the school district has agreed to allow DHS to access educational information if the parents refuse to sign the release, it is vital that regular attempts are made to obtain the parents' signature on the release.

- Even though DHS and the School District of Philadelphia (SDP) have agreed to share certain data about children, including Individual Education Plans (IEPs) for children receiving Special Education Services, receiving this information for children who are attending non-SDP schools requires the consent of the parent.
- Engaging families in understanding the importance of having educational records is best practice. It is critically important for DHS to get educational records in order to track and support the educational stability and continuity of children and youth in DHS care, per federal legislation and state regulations.

¹ Social Work Services Staff (SWSS) refers to the CYD chain of command including Social Work Services Trainees, Social Work Services Managers 1, Social Work Services Managers 2, Social Work Supervisors, Social Work Administrators, and Human Services Directors.

- Having the FERPA consent provides DHS with unlimited access to the educational records. If school district administrations change and data sharing agreements are no longer in place, the FERPA consent allows DHS to continue accessing the educational records of children and youth whose parents signed the consent.

Policy

DHS and provider workers must consider educational stability and continuity for children in DHS custody at every point in the life of the case, document decisions which affect a child's education, and maintain current education information in the case record. DHS and provider workers should advocate for educational stability on behalf of the children in CYD care. This is to be done for children in public schools, non-public schools and non-traditional school settings, such as home schooling.

Case Records:

To promote continuity of a child's educational placement, case records must include copies of the child's current:

- Education history, including the names and addresses of schools attended and the child's current and anticipated school.
- Copy of the Family Educational Rights and Privacy Act (FERPA) release.
- Grade level.
- Attendance.
- Individualized Education Program (IEP), if applicable.
- Recent report card or alternate measures of performance, including discipline.
- Results of benchmark tests (e.g. PSSA).
- Child Permanency Plan (CPP).
- Individual Service Plan (ISP).
- Service Agreement (for children with disabilities or medical needs that require modifications at school but who do not qualify for special education), if applicable.
- The name and address of the education decision-maker or surrogate parent, if one has been appointed.

Educational information must be reviewed and updated each time a child's placement changes, or at the six month review if no placement change has occurred. If a FERPA release has not been signed yet, parent(s) should be requested to sign one at each FSP review (every 6 months), until a signed release has been obtained.

- For children of compulsory school age who are receiving adoption subsidies, the annual contact with the adoptive family must include a question about the child's school attendance.

Each time a child has educational information updated, the most recent information shall be given to the resource parent or foster care provider with whom the child is placed. Unless parental rights have been terminated, biological parents continue to be entitled to this information from the school as well.

Education records shall be given to the legally responsible person when the child is discharged from service. The county agency shall obtain a signed and dated receipt from the person to whom the documents are given. If the child being discharged is 18 years or older or is emancipated, the documents shall be given to the child.

School Stability for Children in Substitute Care:

A child's educational placement must be considered when making decisions about where the child will live. When a child enters placement, the child must remain in his/her current school unless there is a documented reason why it is not in the child's best interest to remain there. If it is not in the child's best interest to remain in his/her current school, the child must be immediately enrolled in a new school with all of the educational records needed for the new school.

– Provider Responsibilities:

The Provider is responsible to ensure that a child placed in one of the provider's foster homes, or other placement setting, is transported to and from school, even if the child engages in extracurricular activities. If a foster parent cannot transport the child, either the provider agency must transport the child, or the child cannot be placed in that home.

Whenever a child is placed in a hospital setting, whether for physical or behavioral/mental health reasons, the school district must be notified so that there is minimum disruption of the child's education.

Other than court hearings and interviewing children during the course of an investigation/assessment, DHS and/or provider workers should avoid making appointments or scheduling meetings during school hours. DHS and/or provider workers should arrange for the child's attendance at such meetings before or after school hours, on weekends or on in-service days.

- If it is necessary to schedule such meetings during school hours, the reasons for doing so must be documented in the case record progress notes.
- Social Work Service Staff schedules are not a valid reason to schedule a meeting or appointment during school hours.

Under the federal McKinney-Vento Act, children defined as "homeless" because they are "awaiting foster care placement" have the right to remain in their original school when it is in their best interest and feasible to do so. Children and youth "awaiting foster care placement" include those who live in shelters or are placed in emergency, interim or respite foster care; kinship care; evaluation or diagnostic centers or placements for the sole purpose of evaluation.² These children are:

- to have transportation provided to and from their school, in accordance with the school district transportation policy;
- to be enrolled in school even if they cannot provide the required records;
- to have the services of an educational liaison to help them enroll in school and obtain records;
- to be informed, along with their families about rights and procedures available.

The Child Permanency Plan (CPP) for every child in CYD custody must contain documentation of:

- proximity of the placement setting to the school in which the child is enrolled at the time of placement;
- efforts to keep the child in his/her current school, including efforts to arrange for transportation;
- how the current school enrollment meets the child's educational needs;
- how visits and appointments will be made during non-school hours whenever possible.

² Pennsylvania Department of Education, Basic Education Circular (BEC) 42 U.S.C. sect. 11431 et seq. Education for Homeless Youth

Education Decision Makers:

Children identified as requiring special education, as well as children identified as gifted, require Education Decision Makers.

The birth or adoptive parent is the education decision maker for a child. The DHS and/or provider worker may **not** act as an education decision maker, or surrogate, for a child receiving services.

For children in foster family care, when the parent of a child is deceased, inactive, cannot be located, or when the parents' rights have been terminated, the foster parent automatically steps into this role and is authorized to make education decisions for the child.

- The Court has the authority to appoint an alternative decision-maker when in the best interest of the child.

For children placed in congregate care settings, a “surrogate parent” must be identified whenever the birth or adoptive parent is unavailable or unwilling, and the child is eligible for or needs to be evaluated for special education or gifted education.

- Whenever possible the child welfare agency should assist the school district or the court in identifying potential people who can serve as a surrogate to the child such as a relative, CASA worker, or a prior foster parent.
- The “surrogate parent” can be assigned by the juvenile court or, in cases in which the whereabouts of both parents are unknown, by the school district in which the child is living.
- The juvenile court can authorize any individual, including the DHS and/or provider worker, to consent to an **initial evaluation** of a child who is living in a congregate care facility such as a residential treatment facility or group home.

Procedure

Case Records:

- *The DHS worker will obtain written permission from the child's parent, or education decision maker using the Family Educational Rights and Privacy Act (FERPA) release, to allow the school to release a copy of the child's full school records and, if the child is not attending a Philadelphia public school, a copy of the child's report card/progress report. The FERPA release should be obtained when having parents sign releases for other collateral information during an investigation/assessment or, if not done before, at the first visit upon accepting for service. If parents refuse to sign, the DHS worker should request parents sign the release at each FSP review. **Parental refusal, or unavailability, to sign the release must be documented in the case progress notes.***
 - *The child's education information that must be documented in the case record should include:*
 - *Name of current school*
 - *List of all schools attended since enrollment*
 - *Grade*
 - *School Performance*
 - *General average (A, B, C, D, or F)*
 - *Reading/Language Arts*
 - *Mathematics*
 - *Current school attendance*
 - *# of excused and unexcused absences to date*
 - *Past year's school attendance*
 - *# of excused and unexcused absences in year previous to placement/DHS care*
 - *School Discipline*
 - *Satisfactory (no disciplinary incidents)*
 - *Needs improvement (some disciplinary incidents but no suspensions)*

- *Unsatisfactory (multiple disciplinary incidents, including suspension)*
 - *Special Education*
 - *Yes*
 - *No*
 - *Date of most recent IEP*
 - *IEP in case record*
 - *No IEP completed*
 - *Name and contact information of the education decision-maker or surrogate parent (if applicable).*
- *In completing the child’s first CPP, the DHS worker will document, in the “Placement Selection” section, how the placement is appropriate for the child’s educational stability and general educational performance, in addition to the other information requested in this section.*
 - *include information such as the child being able to remain in his/her current school; if it is not in the child’s best interest to remain in the school, include how the placement selection better meets the child’s educational needs, and what support services were offered to attempt to keep the child in his/her school of origin.*
- *In completing the child’s first CPP, DHS workers will request a printout of the child’s current school information from the Director, or designee, of their Ongoing Service Region (if the child is attending a school in the School District of Philadelphia), and attach the printout to the CPP. If the child does not attend a Philadelphia public school, request a progress report from the child’s current school and attach the progress report to the CPP.*
 - *School information should include: the child’s school, the child’s grade, current school performance and behavior, date of the last IEP, if applicable.*
 - *The IEP is not included as part of the printout, so it will need to be obtained either by making a request to DHS’s Education Support Center, who will obtain it from the school district, or to the Family Support Center at Family Court at 1801 Vine Street, who can print out the IEP for DHS Social Work Services staff.*
 - *Document the information in the appropriate space on the CPP if the information is not otherwise attached.*
- *Every six (6) months, in conjunction with the review of the FSP/ CPP, or whenever there is a change in circumstances, review and update the child’s educational information by obtaining another school information printout or progress report, as applicable.*
- *Every child’s educational information should be documented and the information should be updated whenever the child’s educational information changes.*
 - *Each time a child has educational information updated, the most recent information shall be given to the resource parent or foster care provider with whom the child is placed.*
 - *Education records shall be given to the legally responsible person when the child is discharged from service. The county agency shall obtain a signed and dated receipt from the person to whom the documents are given. If the child being discharged is 18 years or older or is emancipated, the documents shall be given to the child.*

School Stability – Placement:

- *In completing the CRU social summary referral form, DHS workers must request a printout of the child’s current school information from the Director, or designee, of their Ongoing Service Region (if the child is attending a school in the School District of Philadelphia), and attach the printout to the CRU referral form. If the child does not attend a Philadelphia public school, request a progress report from the child’s current school and attach the progress report to the CRU referral form.*
- *The CRU will make every effort to place a child in the neighborhood of the school of origin unless there are critical issues, such as safety or special programs that the child needs that can only be provided at another school.*
- *In order to make a determination about whether it is in the child’s best interest to remain in his/her current school or enroll in a new school, consider the following factors:*
 - *The child’s safety;*
 - *The child’s ties to the current school;*
 - *Whether the child’s current program is appropriate to meet the child’s educational needs;*
 - *The effect of a move on the child’s academic performance;*

- *The distance of the commute;*
- *Efforts to arrange for transportation;*
- *Which school can better serve the child's educational needs, including special education needs; and*
- *The length of stay expected in this placement.*
- *If remaining in the school of origin is not in the best interest of the child:*
 - **Planned Placement, or non-emergency change in placement:**
Prior to placement, contact the DHS Education Support Center (ESC) Liza.Rodriguez@phila.gov, 215-683-4798. The ESC will convene a meeting or conference call with the DHS and provider workers, and attempt to consult with parents, any behavioral health professionals working with the child, the school counselor or point of contact and the child advocate and other appropriate parties, to review the child's educational record; address any specific educational needs of the child, agree on steps to adequately transition the child to another school, such as transportation needs, special programs at the new school and/or other matters.
 - **Emergency Placement, or emergency change in placement:**
The child should continue attending the school of origin and the consultation should take place within five (5) business days after the day of placement. The ESC will convene and coordinate the consultation as with a planned placement. Please contact the Education Support Center, as with a planned placement, to assist with this consultation.
- *If the issue of tuition is raised when the DHS worker is determining whether it is in the child's best interest to remain in his/her current school, the issue should be referred to the Law Department.*
- *The Provider worker must notify the DHS worker, and copy the DHS supervisor, whenever a child's school changes.*
- *In order to enroll a child in a new school as quickly as possible, DHS workers should retrieve the child's school record through their OSR Director's, or designee's, access to the Philadelphia School District database.*
 - *PA regulations require that a school enroll a child within 5 school days of presenting the required documents and, when a child is changing schools, that the records be transferred within 10 school days.*
- *Children who fit the definition of "homeless" under the McKinney-Vento Act (children in emergency, transitional, respite or other temporary placement) have the right to remain in their school of origin, and transportation must be provided to and from the school.*
 - **Regular Placement**
If the child is in a home that is 1.5 miles or more away from the school, the school district must provide transportation for the child. The Provider worker with the foster parent should contact the school counselor or principal at the school so that the school submits the transportation request. If applicable, the request for transportation needs to be made within five school days of the child's placement. If efforts to coordinate transportation directly with the school are not successful within 5 school days, please contact Liza M. Rodríguez, who will take the transportation request up to the chain of command at the School District.
 - *The Provider worker, with the foster parent, is responsible for transportation of the child until the school district transportation takes effect.*
 - *The contact information for individual schools and school counselors can be found on the School District's online school directory at: <https://sdp-webprod.phila.k12.pa.us/OnlineDirectory/schools.jsp>*
- *Children who fit the definition of "homeless" under the McKinney-Vento Act, who are changing schools, can be enrolled in a new school without the required school records.*
 - *The School District is aware of this law and has a "homeless liaison" in the main office. If school personnel are not responsive to enrolling a child protected under McKinney-Vento, please contact: DHS Education Support Center - Liza.Rodriguez@phila.gov, 215-683-4798.*
- *When a child is moving from a psychiatric or medical hospital/facility to an RTF setting, the DHS worker should contact the DHS Education Support Center to facilitate educational continuity.*

School Stability – Appointments:

- *The DHS and provider workers need to agree on and document a plan for making appointments during non-school hours. Appointments should be made before and after school, evenings, and weekends. The DHS worker and provider worker will also document special reasons for scheduling meetings during school hours. Document these efforts in the CYD case record, in the progress notes, and in the provider’s ISP.*

Special Education Decision Makers:

- *The people that can act as special education decision-makers are:*
 - *Birth or adoptive parents.*
 - *Foster parent when birth/adoptive parents are deceased, inactive, cannot be located, or when parental rights have been terminated.*
 - *Court appointed special education decision maker when the Court has determined that it is in the best interest of the child.*
 - *For children in congregate care settings, the DHS and provider workers need to work with provider and local school to identify a “surrogate parent” when birth or adoptive parent is not available or unwilling to step into this role and the child is either receiving special education services or needs a special education evaluation.*
- *DHS and provider workers can do the following to find and secure a “surrogate parent” for a child/youth that needs one:*
 - *Inquire at school or congregate setting about surrogate parent recruitment and training.*
 - *If in Philadelphia, contact School District Office of Specialized Services for new surrogate parent contacts.*
 - *Contact the child advocate to get assistance in identifying potential surrogate parents for specific children.*

Attachment

Family Educational Rights and Privacy Act (FERPA) release

Questions regarding this guide may be addressed to:

Samuel Harrison, Policy and Planning Administrator
Bari Rose-Epstein, Social Service Program Supervisor

683-4112
683-4116

**CITY OF PHILADELPHIA
DEPARTMENT OF HUMAN SERVICES**

**PARENTAL/GUARDIAN CONSENT TO DISCLOSE
EDUCATIONAL AND DHS INFORMATION**

Student: _____

Student ID #: _____

I am a parent or guardian of the student (the "Student") named above. As permitted by applicable law, including but not limited to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and 34 C.F.R. Part 99 ("FERPA"), I consent and authorize The School District of Philadelphia or the _____ School (the "School ") to release to the Department of Human Services of the City of Philadelphia ("DHS") the Student's entire educational record, including confidential records of the School, concerning the Student, in connection with certain truancy, dependency and other DHS matters involving the Student.

Accordingly:

(1) The School may disclose to DHS the Student's entire educational record, including without limitation, the complete Individualized Education Program ("IEP") and the complete disciplinary record;

(2) I consent to disclosure of student information to DHS in order to assist DHS in determining the educational needs of the Student;

(3) The School may disclose these records only to DHS, and DHS may share this information only with its staff, contracted providers under DHS's control who provide services to the Student if the DHS worker believes that such information is necessary for the service provider to carry out its responsibilities to meet the needs of the child, the Student's foster parent, the Court involved in the Student's case (if applicable), and any other person legally entitled to review the DHS case file; and

I understand that upon my request, the School shall provide me with a copy of the records disclosed. DHS shall keep all such information, and any other information I may provide concerning the Student, confidential to the fullest extent provided by applicable law, including FERPA. DHS must obtain my prior written consent before releasing any information concerning the Student to anyone other than those enumerated above, except that I hereby consent to the release and delivery by DHS to the School of information concerning the Student's educational program.

I further authorize DHS to share with the School my child's name, DHS case number, DHS worker and supervisor(s), provider agency, and if applicable, placement and discharge date, placement location, court dates, status of parent's educational rights, and other information as necessary for the School to assist in the provision of services to the child.

I HEREBY CERTIFY THAT I MAKE THIS CONSENT VOLUNTARILY AND THAT I HAVE READ THIS DOCUMENT AND UNDERSTAND ITS CONTENT. I HAVE HAD THE OPPORTUNITY TO DISCUSS ANY OF MY QUESTIONS OR CONCERNS ABOUT THE DOCUMENT AND ITS CONTENTS WITH DHS STAFF. I MAY REQUEST A COPY OF THIS DOCUMENT.

Parent or Guardian:

Signature

Date: _____

Print Name