



School Stability Promotes Educational Opportunity for Connecticut's Children in Foster Care Tamara Kramer¹ and Alexandra Dufresne, J.D.

November 2009

When a child is removed from his home due to abuse or neglect, everything in that child's life changes. He is separated from his parents, home, and possibly his siblings. Many times, he is also removed from his school, resulting in the sudden loss of connections to friends, teachers, and other caring adults. Research shows that frequent school changes, which are harmful to all children, are particularly devastating for children in the foster care system, who are already at high risk for academic failure.

This paper explains the educational costs of frequent school changes on children in the child welfare system, as well as its effects on their peers and their schools. It also discusses Connecticut's efforts to provide school stability to children in its care.

What are the educational costs of frequent school changes on children in foster care?

The frequent moves that are often required by the foster care system² create a barrier to school success. Studies have shown that it takes a child approximately three to six months to recover academically from each school transfer.³ Researchers from the University of California found that students who changed schools even once during high school were less likely to graduate than their peers who remained in the same school.⁴ Testing on seventh grade students has showed that school mobility can create large learning deficits for younger children as well. Researchers compared students who had been at the same school since first grade to students who had moved at least once and found that the non-mobile group was already outscoring the mobile group by an average of one year and six months in reading.⁵

Not surprisingly, the educational cost of multiple transfers is even more devastating. Extensive research links frequent school changes to an increased risk of failing a grade, repeated behavior problems, and dropping out.⁶ For these reasons, foster care experts have identified ensuring school stability as "perhaps the single most important" method of improving educational outcomes for foster children.⁷

What are the costs of school instability to other students and the schools?

When children are shuffled in and out of classrooms, it is not only the child who is moving who suffers. The other children who are in that classroom also experience an interruption of instruction as teachers work to accommodate their new classmate. Research shows that teachers are rarely provided with sufficient training to prepare them for the integration of a new student mid-year.⁸ Bridget Allison, a social studies teacher and the Dean of the Law and Government Academy at Hartford Public Schools, has testified before the Connecticut Legislature detailing the difficulties that she had maintaining consistency and integrating students as children were coming and going throughout. Even the most extraordinary and devoted teachers cannot educate children effectively without stability and continuity. And when foster children who switch schools mid-year fall behind and are retained or must attend summer school, towns and taxpayers are left paying for additional schooling.

How do children and youth in Connecticut's care experience school instability?

The costs of frequent school transfers are most dramatic when viewed through the eyes of those who experience it. Current and former foster youth have testified before the Connecticut Legislature on multiple occasions to explain the challenges they face from educational disruptions. Indeed, youth in Connecticut's system have consistently identified school stability as one of their top priorities for policy reform.⁹

*Aisha, a youth currently involved in care, told the General Assembly's Education Committee, "In the abundance of schools I went to, there were different expectations in each, and now as a junior in high school, I am not even sure I have the right amount of credits to graduate because they didn't always transfer. The curriculum was different in each school, which caused me to repeat some of the classes I already took."*¹⁰

*Shenice, another youth currently in the custody of the Department, shared the difficult decision that pitted her desire to live with a family member against her desire to attend school: "...Currently I'm living with my aunt. I was very happy when she asked me to come live with her, but it also meant that I would have to change schools yet again. I really loved Hamden High, where I spent my sophomore year, but I had to choose between a permanent home and a school I wanted. This was really hard, because most kids don't have to make this kind of choice."*¹¹

Vanessa Gonzales, a 21 year-old former foster youth and current student at St. Joseph's University in West Hartford, has been extremely active in the push for the creation of a school stability program at the Department of Children and Families (DCF). Vanessa was placed into the care of the department at four months and experienced over twenty placement changes and ten school moves during her time in the foster care system. She has said, "...the goal for most foster youth is to go on to college, and if you move you do not have a solid foundation." She has also described the obstacles to student success when a child is constantly moving through a revolving door of teachers, classrooms and peer groups. Her experiences have led her to identify educational stability as "one of the most challenging problems facing Connecticut's foster youth today."

How frequently do children in Connecticut's care change schools?

Connecticut does not track the school changes of children in its care, making it difficult to determine how many school moves, on average, a foster child experiences during his/her time in the state's care. Connecticut youth who have testified in support of school stability legislation have reported as many as seven to ten moves¹²; we do not know whether these children's situations are "outliers" or representative of the experience of many children in the child welfare system. This data gap makes it difficult to fully understand the impact of school transfers.¹³

What has been done on the state and national level to address children who experience school instability? What gaps still exist?

The McKinney-Vento Act, Title 42 U.S.C. § 11301, was passed in 1986 in order to provide federal funding to the national shelter program. The law specified that homeless children be allowed to attend any school they choose, with transportation provided by the school district, regardless of the district in which the child's family resides¹⁴. The law described homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." The definition included children who met the following criteria:

- (a) Children sharing housing due to economic hardship or loss of housing;
- (b) Children living in "motels, hotels, trailer parks, or camp grounds due to lack of alternative accommodations;"
- (c) Children living in "emergency or transitional shelters"
- (d) Children "awaiting foster care placement;"
- (e) Children whose primary nighttime residence is not ordinarily used as a regular sleeping accommodation (e.g. park benches, etc); and

(f) Children living in “cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations...”¹⁵

In 2003, Connecticut passed legislation to ensure compliance with McKinney-Vento and to extend educational stability to youth who fall in the above categories.¹⁶ Under the provisions of McKinney-Vento, school districts are responsible for the transportation of a child back to his or her school, including funding of that transportation. This work is coordinated through an individual who is appointed to be the McKinney-Vento Liaison.

Discussions between the State Department of Education and the Department of Children and Families resulted in an agreement that children in DCF custody who are placed in emergency or transitional shelter placements are entitled to school stability. These placements include SAFE homes, STAR homes, permanency diagnostic centers, and DCF-Licensed Shelter. These programs are designed to be short-term placements as children are transitioned into settings that are more long-term.

In a 2005 Memorandum of Understanding the Departments of Education and Children and Families agreed to apply the law on a case-by-case basis to those children placed in a transitional foster home with a plan of moving the foster child within 30 days to a more permanent foster or adoptive home¹⁷. The memo further states that, “SDE and DCF will also consider applying McKinney-Vento on a case-by-case basis to children who have experienced more than three placements in a twelve (12) month period.” While there is some anecdotal evidence of individual caseworkers and attorneys working towards allowing a child to remain in their school of origin, to date there has not been a systematic attempt to expand the program to cover the two above mentioned groups of children.

How have other states addressed the issue of school instability?

Delaware has ensured school stability for its foster youth by expanding its state definition of children eligible for McKinney-Vento to all of the youth in care.¹⁸ California has similarly taken the provisions spelled out in the federal law and created a separate state law that provides for the same protections for youth in the child welfare system. As of 2007, fifteen states have used a variety of laws and policies to create an entitlement similar to McKinney-Vento for the youth in their foster care system.¹⁹

The Oregon legislature created a different model by passing legislation in 2007 that placed the cost of transportation on the state’s child welfare agency, thereby creating a link between the choices of a child’s foster care placement and his or her education. This legislation was used as a model by children’s advocates in Connecticut for an educational stability law²⁰.

What has the federal government done to address school instability?

In October of 2008 the federal Fostering Connections to Success and Increasing Adoptions Act was signed into law.²¹ This landmark legislation included a requirement that all states adopt an educational stability system by July 1, 2010. The legislation specifically obligates states to factor the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled into all placement decisions.²² Further, in the event that a child is moved into a placement that is outside of the district of his school of origin, the legislation requires the child welfare department to coordinate with local education agencies to keep the child in his school of origin, as long as it is in the child’s best interest.²³ Like the Oregon model, the legislation puts the responsibility of arranging the transportation and paying for it on each state’s child welfare agency.²⁴ Portions of Title IV-E, a section of the Social Security Act which provides federal reimbursement to states for the costs of children placed out-of-home by court order, are amended by the legislation to allow for states to collect on reasonable costs associated with the implementation of this new requirement.

The legislation also provides that in cases in which remaining in the school of origin is not in the child's best interest, the child welfare department and the local education agencies are required to immediately and appropriately enroll the child in the new school and assure the prompt transfer of educational records.²⁵

What has Connecticut done to address school instability?

In the spring of 2008, six months before the signing of the federal Fostering Connections legislation, the Select Committee on Children of the Connecticut state legislature put forward a bill that would provide school stability for children in Connecticut's child welfare system. The bill was driven by youth in the child welfare system, State Representative Toni Walker, and a coalition of child advocates and children's lawyers, including the Center for Children's Advocacy, which had proposed similar legislation in 2007. The bills required the Department of Children and Families to provide and pay for transportation to a child's school of origin when it was in the child's best interest to remain in his school of origin. To limit transportation costs, the bill limited school stability to children whose schools of origin were within 25 miles of the child's new residential placement. This school stability bill passed unanimously through the Education and Children committees, and the Appropriations Committee allocated \$200,000 to DCF for school stability transportation costs. Several prominent legislators spoke out in favor of school stability, including Senate President Pro Tempore Don Williams who told the *Journal Inquirer*, "If we want children to succeed out of very difficult circumstances, we ought not to be imposing additional burdens on them by jumping them from one school to another to another." However, the proposed legislation failed to reach the floor of either the House of Representatives or the Senate.

After the federal legislation was passed, Connecticut began to take steps towards implementation within just a few weeks. The Commissioners of the Departments of Education and Children and Families convened a Joint Task Force, as recommended by the federal government and national children's advocates, in December of 2008. Representatives from both departments, as well as child advocates from around the state, met over the course of four months to craft a working document that recommended a series of legislative, policy, and practice changes that would be necessary in order to successfully implement school stability. The final product was sent to the chairs of the committees of cognizance in the General Assembly and was utilized in discussions throughout the session on legislative language. A copy of the joint task force recommendations document is included in the Appendix of this report.

In 2009, with the July 1010 federal deadline for implementation approaching, two bills that would create a school stability program again passed committees of the General Assembly. These bills provided that when it is in a child's best interest to remain in his school of origin, the Department of Children and Families must work with local education authorities to provide transportation to the school of origin. Both bills specify that the Department of Children and Families bear the responsibility for these transportation costs. One of the two bills contained restrictions, such as the 25 mile limit, that were inconsistent with the federal law and was allowed to die during the legislative process. A second bill, with provisions that more closely aligned to the requirements of the federal Fostering Connections legislation, was put forward and passed by the Education Committee and then later passed through the Human Services Committee. Although these bills enjoyed wide political support, they failed to be called in the Appropriations Committee. Regrettably, concerns about transportation costs in a time of an economic recession prevented the bills from moving forward.

Conclusion

Despite last year's setbacks, representatives from the State Department of Education, the Department of Children and Families, and children's advocates continue to work together towards the creation of a school stability system. There is optimism that by the end of the upcoming legislative session, which is scheduled to close in June of 2010, the state will have passed legislation to allow children in care due to abuse or neglect to have the ability to return to their school of origin. At stake is not only the more than \$230 million dollars of Title IV-E reimbursement from the federal government and compliance with federal law, but also the educational opportunity for some of the state's

most vulnerable children. Common sense tells us it is impossible for even the most hardworking child to reach her potential if she is shuffled between six schools before the age of 12. We must change this disruptive state policy that inadvertently sets our children up for failure.

¹ Tamara Kramer is a policy fellow at Connecticut Voices for Children and the lead author of this report. She can be contacted at tkramer@ctkidslink.org or (203) 498-4240.

² See Casey Family Program's White Paper on "Educating Children in Foster Care: The McKinney-Vento and No Child Left Behind Acts" at page 3. Can be viewed at: http://www.casey.org/Resources/Publications/pdf/McKinneyVento_FR.pdf.

³ See Inst. for Children & Poverty, *Homeless in America: A Children's Story (Part One)*, at 12 (1990) (suggesting that four to six months are lost per change in school); Casey Family Services, *Voice*, Summer 2007, Vol. 8, Iss. 3, at 5 (citing a 2004 study of Chicago students which found that youth in foster care experience a loss of roughly three months of academic progress with every change in school).

⁴ See Linda Jacobson, *Moving Targets*, Education Week, April 4, 2001, Vol. 20, Issue 29, p. 2.

⁵ See Kealey, Robert J. "Student Mobility and Its Effects on Achievement." *The Phi Delta Kappan*, Vol. 63, No. 5 (Jan., 1982), pp. 358-359, (Jan., 1982). See also Linda Jacobson, *Moving Targets*, Education Week, April 4, 2001, Vol. 20, Issue 29, p. 2 which describes a study that found that by sixth grade, students who were highly mobile during elementary school had already fallen as much as a year behind their classmates.

⁶ See Lily T. Alpert, *School Mobility and Issues of Educational Access for Children in Foster Care*, at 6 (School of Family Studies, University of Connecticut, 2005), citing studies associating "frequent school changes" with (1) "higher rates of absenteeism," (2) "lower scores in reading and mathematics," (3) "increased rates of high school dropout," and (4) "elevated likelihood of retention and enrollment in special education".

⁷ See Casey Family Programs, *A Road Map for Learning: Improving Educational Outcomes in Foster Care* (2004), p. 9.

⁸ See Andrea A. Lash and Sandra L. Kirpatrick, "A Classroom Perspective on Student Mobility," *The Elementary School Journal*, Vol. 91, No. 2 (Nov., 1990), pp. 177-191

⁹ Conversations with Connecticut youth participants in the Jim Casey Youth Opportunities Initiative from 2006, 2007 and 2008.

¹⁰ Aisha's testimony was submitted in support of S.B. 159, An Act Concerning Foster Care and Education, that was heard during a Committee on Children's Public Hearing on 2/28/08.

¹¹ Cheniece's testimony was submitted in support of S.B. 159, An Act Concerning Foster Care and Education, that was heard during a Committee on Children's Public Hearing on 2/28/08.

¹² See Aisha's testimony as submitted in support of S.B. 159, An Act Concerning Foster Care and Education, that was heard during a Committee on Children's Public Hearing on 2/28/08 (Aisha describes changing schools at least 7 times before entering junior high). See testimonial of Vanessa Gonzales at <http://www.ctkidslink.org/stability.html> (Vanessa estimates that she changed schools at least ten times while in the custody of the Department of Children and Families).

¹³ In the late 1990s, New York City undertook a project of tracking moves, attendance rates, and test scores of their students in the child welfare system. The results indicated that in the year following foster care placement over half of their students, around 57%, were transferring schools for non-educational reasons.

¹⁴ See Pub. L. 100-77, July 22, 1987, 101 Stat. 482, 42 U.S.C. § 11301

¹⁵ *Id.*

¹⁶ See Conn. Public Act 03-06. Can be viewed at: <http://www.cga.ct.gov/2003/act/Pa/2003PA-00006-R00HB-06806SS2-PA.htm>.

¹⁷ The memorandum can be viewed online at:

<http://74.125.95.132/search?q=cache:faY9ELXj1Zkj:www.abanet.org/child/rc/ij/education/mckinneyventoactfinal021505.doc+darlene+dunbar+memo+of+understanding+mckinney+vento&cd=4&chl=en&ct=clnk&gl=us>

¹⁸ See Casey Family Program's White Paper on "Educating Children in Foster Care: The McKinney-Vento and No Child Left Behind Acts" at page 17. Can be viewed at: http://www.casey.org/Resources/Publications/pdf/McKinneyVento_FR.pdf.

¹⁹ As of 2007, Arkansas, California, Florida, Illinois, Iowa, Maine, Maryland, Missouri, Nevada, New Hampshire, Ohio, Oregon, Pennsylvania, Virginia, and Washington had instituted a school stability program covering at least some of the mobile youth in their state. See chart prepared by the Legal Center for Foster Care and Education at http://www.abanet.org/child/education/Legal_Center_FC_Non-McKinney_State_Chart_FINAL.doc.

²⁰ Oregon's legislative language can be viewed at <http://www.leg.state.or.us/05reg/measpdf/hb3000.dir/hb3075.en.pdf>

²¹ See Pub. L. 110-351, Oct. 7, 2008, 122 Stat. 3949, 42 U.S.C. § 1305

²² See Section 204, Part A, Paragraph 1 of the Fostering Connections to Success and Increasing Adoptions Act. ("[provides] assurances that the placement of the child in foster care 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.")

²³ *Id.* ("[provides] an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school.")

²⁴ *Id.*

²⁵ See Section 204, Part A, Paragraph 1 of the Fostering Connections to Success and Increasing Adoptions Act (“if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”)

APPENDIX:

JOINT TASK FORCE
FOR THE
IMPLEMENTATION OF
THE EDUCATIONAL STABILITY
PROVISIONS
OF
FOSTERING CONNECTIONS TO SUCCESS AND
INCREASING ADOPTIONS ACT OF 2008
P.L. 110-351
FINAL RECOMMENDATIONS
April 23, 2009

JOINT TASK FORCE FOR THE IMPLEMENTATION OF THE
EDUCATIONAL STABILITY PROVISIONS OF
FOSTERING CONNECTIONS TO SUCCESS AND INCREASING
ADOPTIONS ACT OF 2008

P.L. 110-351

FINAL RECOMMENDATIONS

April 23, 2009

INTRODUCTION

Last year, Congress passed, and President Bush signed into law, new federal legislation titled the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). The Act contains a number of mandatory and optional provisions. One such mandatory provision is the implementation of several interconnected educational stability requirements. These are undoubtedly the most far-reaching requirements of the Fostering Connections Act, both in terms of immediate positive impact on children placed in foster care and in terms of the complexity of implementation for child welfare and educational agencies. The federal Administration for Children and Families has approved an extension of time to July 1, 2010 for the State of Connecticut to fully implement the effective date for the educational provisions.

The educational stability requirements of the Fostering Connections Act are summarized as follows:

- State child welfare agency decisions to place school-aged children in foster care must factor in the educational setting and the proximity of the foster care placement to the school the child is enrolled in at the time of placement.
- State agencies must coordinate with local school districts to ensure that children remain in their home schools unless, on a case-by-case basis, that would not be in the child's best interests.
- If remaining in the same school is not in a child's best interests, the state must ensure immediate enrollment in an appropriate new school with the educational records of the child provided immediately to the new school.
- The cost of transportation from a child's foster home to that child's home school, if any, can be used as part of the calculation for federal Title IV-E reimbursement to child welfare agencies.²⁵
- States must assure that every school-aged child in foster care, and every school-aged child receiving an adoption assistance or subsidized guardianship payment, is enrolled as a full-time elementary or secondary school student, or has completed secondary school, or is exempt from school attendance due to a medical condition. States must write these provisions into all subsidy agreements and expand efforts to monitor the educational status of the impacted children.

In December 2008, Department of Children and Families Commissioner Susan I. Hamilton and State Department of Education Commissioner Mark McQuillan formed a Joint Task Force to develop recommendations for the implementation of the Fostering Connections educational stability provisions. The Task Force has met three times and individual members have communicated in person and via email several times in order to draft

recommendations that reflect the views of a majority of members of the Task Force.²⁵ This document represents that serious and careful work.

A. OVERALL RECOMMENDATIONS

1. Consistent with P.L. 110-351, every decision made by the Department of Children and Families to place a school-age child into foster care, and any subsequent placement decisions made during foster care, should "take into account the appropriateness of the school setting and the proximity to the school in which the child is enrolled at the time of placement."
2. Once a foster care placement decision is made for a school-aged child, DCF should next make a school placement decision with the presumption that it is in the child's best interests to remain in his or her school of origin, applying a "best interests of the child" standard.
3. For the purposes of the implementation of P.L. 110-351, "school of origin" should be defined as "the school that the child is attending at the time of placement, or at the time of a change of placement by the Commissioner of the Department of Children and Families."
4. For the purposes of the implementation of P.L. 110-351, "school placement decision" should be defined as "a decision regarding the school in which the child will be enrolled."
5. In addition to school-age children identified by P.L. 110-351 as those impacted by this Act, the implementation of this Act in Connecticut should also apply to children between the ages of three and five years who have been identified as children with disabilities under the Individuals with Disabilities Education Act (IDEA) and who have individual education plans (IEPs), as well as those children between the ages of three and five years who have been referred to a planning and placement team (PPT) for eligibility. For students with nexus, the responsibility for completing the evaluation should be the nexus school district; for students who have a no-nexus status, the school district who received the initial referral for a special education evaluation should maintain the responsibility for conducting the evaluation.²⁵
6. The discussion of the school placement decision that is made in the "best interests of the child" (BIOC) at the time of initial and subsequent placements by DCF can be revisited at any time during the child's placement should the needs of the child or the circumstances of the case change. Each DCF treatment plan and administrative case review (ACR) should address the appropriateness of the school placement using the BIOC standard.
7. An analysis by the State Department of Education of the impact of P.L. 110-351 on the current state agency school placement statute and the current state agency school placement grant is necessary in order to determine the extent of the fiscal impact this legislation may have on state agency placement payments to local education agencies. It is possible that the costs of the state agency placement grant could be substantially reduced due to the reduced movement of students among school districts.

B. RECOMMENDATIONS REGARDING THE SCHOOL PLACEMENT DECISION USING BEST INTERESTS OF THE CHILD (BIOC) STANDARD

Recommendations for making the school placement decision using the BIOC standard:

-
1. There should be a presumption that it is in the “best interests of the child” to remain in his or her school of origin and the child shall remain in the school, of origin until a determination is made that placement in the school of origin is not in the child's best interests.
 2. Multiple factors should be considered as part of the school placement decision-making process. These factors, which are known collectively as the "best interests of the child" standard, may include, but are not limited to, travel distance between the new foster placement and the school of origin; age of child; mental health of the child; medical health of the child; school climate; the child’s school performance; the child’s connections in the school; proximity to a natural school transition point, *e.g.*, end of semester; the child's wishes; the positions of the child’s guardian *ad litem*, the child's parent(s); the surrogate parent, if applicable; any safety considerations; the likelihood of reunification; and other factors unique to the child's case.²⁵
 3. The school of origin should be consulted by DCF for information about the child and this information should be considered as part of the school placement decision. The school placement decision should be made only after consulting with all necessary parties and should be documented on appropriate forms and in accordance with established policy and procedures.
 4. The BIOC standard and the school placement decision-making process should be incorporated into DCF policy, but it is not necessary to detail either in statute.

C. DISPUTE RESOLUTION²⁵

1. DCF should develop policy language clarifying that the school placement decision is DCF's responsibility after gathering the necessary information, including that from the child’s school of origin; consulting attorneys; parties, guardian(s) *ad litem* and surrogate parent, if any; and applying the BOIC criteria. DCF should be required to notify all parties; attorneys; guardian(s) *ad litem* and surrogate parents, if any; the school of origin, and the new school, if applicable, of its decision the same day it is made.
2. At any time that continued placement in the school of origin is deemed to jeopardize the child's immediate physical safety, DCF may immediately remove the child from the school, and notify the child’s attorney and parents, and guardian *ad litem* and surrogate parent, if any. If any party objects to the removal from the school of origin, DCF should hold an expedited administrative hearing within three business days of notice to the parties, to address whether continued placement in the school of origin is in the child’s best interests.
3. Parties disagreeing with the school placement decision in situations in which the child's physical safety is not immediately jeopardized should be entitled to an expedited administrative hearing within ten business days of notice to the parties, to address whether continued placement in the school of origin is in the child’s best interests.
4. Pending the conclusion of a non-emergency administrative hearing, the child should remain in the school of origin, subject to removal only if remaining in the school of origin jeopardizes the child's immediate physical safety.
5. For the purposes of an expedited hearing, "notice" should be defined as a "telephone and/or fax transmission of the school placement decision sent by the DCF Area Office on the day the decision is made to the DCF Administrative Hearings Unit, as well as to the parents, the attorneys for the parents and child and, where applicable, any guardian *ad litem* for a party or a surrogate parent for the child."

-
6. For school placement decisions not made as a result of a change in placement, the established treatment plan hearing process should be used to challenge such decisions.
 7. Parties to expedited hearings (as with all administrative hearings) are DCF, both parents, and the child. The child should be represented by his or her attorney. The child's guardian *ad litem* and/or surrogate parent may also appear and advocate for the child. The Department should bear the burden of proof that the school placement decision is in the best interests of the child.
 8. No legislation regarding dispute resolution is recommended. DCF should send notice and conduct the hearing in compliance with the Uniform Administrative Procedures Act. DCF policy and regulations should be modified as necessary to add the expedited hearings.

D. SCHOOL ACCOMMODATIONS

Recommendations when it is in the best interests of the child move to the school in which the new foster placement is located:

1. The DCF Form 603, "Notification to the Responsible School District," is recommended as the uniform vehicle for notifying the new school district of the need for immediate enrollment and notifying the school district of origin of the need to immediately provide records. Minor changes to this form are recommended. A telephone call from the DCF Area Office to both schools regarding the school placement change is recommended.
2. Upon notification by DCF of the placement of a child into foster care or of a change in a foster care placement, the new school should immediately make a telephone call to the school of origin. It is recommended that "immediate" be defined as "within one business day of receipt of the DCF Form 603." Essential records should be faxed immediately from the school of origin to the new school, and should include the IEP, if any, and all those documents that are necessary for the new school to determine appropriate class placement and educational services. Non-essential records should be immediately mailed to the new school.²⁵
3. School districts should be made aware that no release is required for the school of origin to provide records to the new school. It is recommended that a circular letter from the Commissioner of Education or a joint memorandum from the Commissioners of DCF and SDE be issued regarding this.
4. The identification of who can enroll a foster child in a new school also should be clarified in DCF policy, and in a joint memorandum from the Commissioners of DCF and SDE. Those authorized to enroll a foster child in a new school should be the assigned social worker, the foster parent, or other caretaker authorized by the Commissioner of DCF.
4. Each school district should have a point person who is well-versed in the Fostering Connections Act and state statute requirements. This recommendation should be set forth in a joint memorandum from the Commissioners of DCF and SDE.²⁵
5. Statewide training for school districts, attorneys, DCF, guardians *ad litem*, and surrogate parents on the Fostering Connections educational stability requirements and related state statutes and DCF policy is essential to the full implementation of this legislation.

E. TRANSPORTATION

Recommendations regarding development of school transportation options:

1. SDE and DCF should work together with each school district to arrange, through the district's existing transportation system, the transportation of any student to his or her school of origin from a location within the school district, but outside the particular school's catchment area. DCF should reimburse the school districts for all additional costs incurred in accommodating this transportation.
2. SDE and DCF should work together to assess a range of feasible options for the transportation of students who will be transported to their schools of origin from locations outside of their school districts of origin. In reviewing these options, consideration should be given to the option's flexibility, cost-effectiveness, reliability, adequacy and appropriateness. This effort may include the issuance of a formal Request for Information in order to receive professional input on designing, procuring, and purchasing such services, the costs for which should be borne by DCF.

F. ANCILLARY LEGAL ISSUES

1. It is recommended that the State Department of Education review the following statutes to determine whether new legislation or revisions are required:

- Conn. Gen. Stat. §10-186 should be reviewed to ensure that it fully identifies the right of children in foster care to free school privileges and the need for immediate enrollment if children do not remain in their schools of origin.
- Conn. Gen. Stat. §10-76d should be examined in terms of its language related to state agency placements and whether state grant funding will be negatively impacted.
- Conn. Gen. Stat. §10-253, regarding the educational rights of children in certain out-of-home placements, should be examined to determine whether any changes are necessary in light of the Fostering Connections Act and these recommendations.
- Conn. Gen. Stat. §10-220h should be amended to require schools of origin to send the records of a student placed in foster care for whom changing schools has been found to be in his or her BIOC, immediately to the new school consistent with Recommendation D.2. above.

2. The two existing McKinney-Vento joint memoranda and the existing joint memoranda on education in Safe Homes should be reviewed and either a.) rescinded; b.) merged into one joint memorandum that also includes the school stability components of Fostering Connections; or c.) all components of the three memoranda plus the relevant Fostering Connections requirements should be incorporated into an amendment to Conn. Gen. Stat. §10-253.

CONCLUSION

The Fostering Connections to Success and Increasing Adoptions Act of 2008 contains mandatory educational stability provisions that are designed to have a dramatic impact on the overall stability and best interests of children placed in foster care by state child welfare agencies. At the same time, the Act's provisions create certain fiscal and operational challenges for state agencies and local school districts. The Task Force has

thoroughly discussed and carefully considered the implications of the Fostering Connections Act on state law, procedure, and practice and we believe we have achieved a reasonable balance between the interests of all entities. If, when reviewing these recommendations, the Commissioners or other interested parties have questions, we are happy to participate in further discussions.

Respectfully submitted,

Joint Task Force for the Implementation of the Educational Stability Provisions of the Fostering Connections to Success and Increasing Adoptions Act Of 2008

Barbara J. Claire, Agency Legal Director, Department of Children and Families, Co-Chair

Donna Cambria, Education Consultant, Bureau of Special Education, State Department of Education, Co-Chair

Amy D'Amaddio, Coordinator of Educational Services, Judicial Branch Court Support Services Division

Laura Anastasio, Attorney, Office of Legal and Governmental Affairs, State Department of Education

Jamey Bell, Executive Director, Connecticut Voices for Children

Jill Bourbeau, President, Connecticut Association of Private Special Education Facilities

Andrea Brinnel, Education Consultant, Bureau of Early Childhood, State Department of Education

Cindy Butterfield, Assistant Chief Fiscal Officer, Department of Children and Families

Theresa DeFrancis, Education Consultant, Bureau of Special Education, State Department of Education

Alexandra Dufresne, Senior Policy Fellow, Connecticut Voices for Children

Sarah Healy Eagan, Director, Child Abuse Project, Center for Children's Advocacy

Jean Fiorito, Executive Director, Connecticut Association of Adoptive and Foster Parents

Stacey Gerber, Bureau Chief of Child Welfare, Department of Children and Families

Christina Ghio, Assistant Child Advocate, Office of the Child Advocate

Linda Goodman, Director, Connecticut Birth to Three System

Elysa Gordon, Office of the Child Advocate

Howard Haberman, Educational Consultant, Unified School District II, Department of Children and Families

Tamara Kramer, Policy Fellow, Connecticut Voice for Children

Brian Mattiello, Director of Strategic Initiatives and Organizational Development, Department of Children and Families

Gregory Messner, Chief Fiscal Officer, Department of Children and Families

Sarah Newkirk, Acting Superintendent, Unified School District II, Department of Children and Families

Maria Pastorelli, Department of Children and Families

Nancy Prescott, Executive Director, Connecticut Parent Advocacy Center

Brett Rayford, Bureau Chief of Adolescent and Transitional Services, Department of Children and Families

Michael Regan, Director of Pupil Personnel Services, Newtown Public Schools

Carolyn Signorelli, Chief Child Protection Attorney, Commission on Child Protection

Christine Spak, Consultant, Bureau of Special Education, State Department of Education

Maria Synodi, Education Consultant, Bureau of Special Education, State Department of Education

Louis Tallerita, Education Consultant, State Department of Education