

Guidelines for Child Welfare caseworkers to investigate the school stability needs of children in foster care and to make recommendations to the Juvenile Court regarding a child's best interests in school placement decisions

Background: Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P. L. 110-351) to improve permanency outcomes for children in foster care and to increase their educational stability. Fostering Connections includes a presumption that school stability is in the best interests of children unless there are other factors which indicate that it would be better for a child in foster care to change schools. The Oregon Legislature passed House Bill 3075 in 2005, amending ORS 339.133, Oregon's school residency statute. HB 3075 allows children in foster care to attend the same school through its highest grade level when the juvenile court makes a finding that it is in the child's best interests to remain in the same school after moving into a foster home in another district. Funding made available through the Fostering Connections Act also includes funding for transportation for foster children to travel to and from school.

Values: Decisions should be guided by the best interest of the child in terms of school stability, the best opportunity for the child to make school progress, and the importance of maintaining stable relationships with adults and peers.

Protocol for DHS case workers:

1. Complete this checklist to aid in assessing whether or not a shelter order for school enrollment is, or is still in the child's interests.
2. Talk to the child to get his or her preference, as well as to the parents.
3. If possible, contact the school before a preliminary hearing to get information about a child's functioning at school and the teacher's and other school staff's opinion about placement. Provide a copy of the checklist to the Juvenile Court and any parties.
4. Get updates from the child, foster parents, and parents about school on a regular basis and make a new assessment as the end of each school year approaches OR when there is a substantial change in circumstances.

State and federal laws emphasize the importance of school stability for children in foster care. Some of the reasons why school stability should be maintained include:

- ☐ The child's preference is to remain in the same school
- ☐ Minimize changes during a traumatic event in order to protect the child's emotional health
- ☐ Trauma and/or attachment is a primary issue for the child
- ☐ Avoid disruption of school progress when a child cannot stabilize in a placement and has frequent moves
- ☐ The child has already experienced other school disruptions
- ☐ The child is in a specialized program which meets his/her educational needs **and an equivalent program would not be available in the local school of residence**

- ☐ The child will be returning home after a brief stay in substitute care or a change in placement is anticipated
- ☐ Siblings, cousins or other family members attend the same school
- ☐ The child is participating in afterschool sports or activities that would be disrupted
- ☐ The child is behind academically and his/her progress will be further impaired by a change in school because research shows that school changes impede academic progress and reverse gains
- ☐ The new district has a different curriculum and/or uses different text books, which would make transition mid-year very difficult or the new school's curriculum or pacing is significantly different and child would be significantly ahead or behind the students in the new class
- ☐ The parent preference is for the child to remain in the same school
- ☐ The child would likely lose high school credits due to a change in schools mid term
- ☐ The new district has a different school calendar and the child would have to start at the new school during a grading period that has already begun

There will be circumstances when children are better served by changing schools. These transitions should be discussed with both the current and prospective school staff whenever possible. Situations in which it may be better for a child to change schools may include:

- ☐ The child is not safe at the current school and his or her safety cannot be addressed through safety planning
- ☐ The travel time/distance from the placement to his/her school is unreasonably long, given the child's age and developmental level
- ☐ The child does not already have a well-established placement in the school of origin due to length of attendance or grade level, and the new foster placement is expected to be a long-term placement.
- ☐ The child expresses that he/she wants to attend school closer to home or where the other children in the home attend
- ☐ The child wants to participate in local neighborhood/school activities but is unable to do so due to travel time
- ☐ The child is in his/her permanent placement and there is a natural transition point for a school change
- ☐ The child's attendance at the school of origin is suffering and the child would prefer to attend a new school closer to the placement
- ☐ The child is not prospering academically and there is reason to believe that performance will improve with a change in schools due to more appropriate services and supports in the new school
- ☐ The child is not prospering socially or emotionally and, after discussing the circumstances with the prospective district, there is reason to believe that starting over in a new school will improve functioning (this criteria needs careful scrutiny because children who are being removed from their family will often have social/emotional issues that manifest at school but are related to the trauma from being removed or being in an abusive situation)
- ☐ The impetus for the school move is not based upon the preference or convenience of the caseworker, foster parent or school staff