



## **EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE**

Educational stability for children in care is governed by C.G.S.A. §17a016a which provides that when a child or youth is removed from his or her home by DCF and placed in a foster home outside of their school district, there shall be a presumption (rebuttable) that it is in the best interest of the child or youth to continue to attend the school of origin. This presumption applies to all successive moves as well, with the goal of maintaining the school placement throughout the out-of-home placement.

### **Who is covered?**

The law applies to all school-age children removed from their homes by DCF pursuant to a 96 hour hold, OTC, or order of commitment; and 3 – 5 year olds who have been (1) determined eligible for special education or (2) referred for determination.

### **Who makes the Best Interest (BIOC) determination regarding school placement?**

DCF. However, the law provides that there is a presumption that maintaining the school placement serves the child's best interests. The agency must consult with all relevant players, including parties and the school, prior to making BIOC decision.

### **What if DCF decides that BIOC is to move the school placement?**

DCF must send notice of this decision within 3 days. Notification to the parties must identify the factors relied on for the decision.

### **Who is responsible for transporting child or youth from foster placement to school of origin?**

DCF must ensure transportation. This can be accomplished through a variety of means available to the Department: foster parent, case aide, social worker, private transportation company, contract with school district for busing.

### **Can anyone challenge a decision regarding school placement?**

Any legal party has three days from notification of decision to send notice of objection. Child "stays put" in school of origin while dispute is pending, unless there is an emergency situation where child's safety is in danger in school of origin.

### **Can a school placement be revised later on?**

Yes. The school placement issue will be revisited at treatment plan meetings and ACRs. This provision acknowledges that a youth's circumstances may change. The youth may want to set down roots in the foster parent's town, particularly if reunification becomes less likely.

## **How are disputes about school placement resolved?**

If depends.

Regarding the *initial* school placement decision, the statute does not state a preference for resolving disputes via the juvenile court or the administrative hearing process. However, the law does mandate that disputes be “expeditiously resolved.” Lawyers may find that the placement issue is most easily resolved – if there is a dispute – at the preliminary OTC conference/hearing (consider including ed stability issues/notification part of the specific steps); the plea/disposition date or a subsequent permanency plan hearing or judicial review. Alternatively, disputes may be resolved by requesting an administrative hearing.

The anticipation is that with the legal presumption in favor of educational stability, there will not be a high number of disputes. If the youth wants to change school placements to go to the school where the foster parent resides, likely there will be no dispute resolution required.

Regarding subsequent school placement decisions, i.e. those made at administrative case review meetings, the statute provides that disputes shall be resolved via the administrative hearing process..

DCF bears the burden of proving that its school placement decision is in the BIOC.

## **What if it is not in the BIOC to remain in the school of origin?**

If the parties agree, or if the dispute resolution procedure finds that the child or youth should change schools, the statute provides that child or youth is entitled to immediate enrollment in the new school. The law requires that the school of origin, within one day of receiving notice from DCF that the child is moving schools, send all essential educational records, including any individualized education or behavioral intervention plan. The sending school must transfer nonessential records within 10 day.

## **DCF Policy 45-12**

- DCF policies outline the educational stability requirements and DCF's obligations.
- DCF has a system to ensure children and youth are transported to their home schools.
- DCF has circulated memorandum to staff regarding the law and the legal team has briefed regional directors and Area Office staff.
- DCF continues participation in a multi-agency educational taskforce whose mission is to review educational issues affecting youth in foster care.

## **Do the local school districts know about the educational stability law?**

All districts have been notified of the law and the placement, records and enrollment requirements. The State Department of Education works with the local districts and sends out memorandum and practice guidelines to provide technical assistance.

**If you notice problems with implementation of the educational stability law, please notify Martha Stone at the Center for Children's Advocacy at 860-570-5327 or [mstone@kidscounsel.org](mailto:mstone@kidscounsel.org).**