

OFFICE OF THE DEPUTY COMMISSIONER FOR OPERATIONS

Educational Stability Procedures

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Policy The Department of Children and Families shall minimize changes in the educational placement of children in its care and custody and, whenever it is in their best interests, ensure that they remain in the school they were attending before any initial or subsequent change in placement.

Legal reference: Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351; Conn. Gen. Stat. §17a-16a

Rationale Children who change schools frequently due to changes in foster care placements or congregate care settings are more likely to fall behind their peers, have negative school experiences and drop out of school before graduation.

Definitions **"Child"** means any school-aged child or any child age three to five who has been identified as eligible for special education or any child age 27 months to five years who has been referred to a planning and placement team (PPT) to determine eligibility for special education and related services and who is placed in out-of-home care by DCF pursuant to a 96-hour hold, an order of temporary custody or is committed to DCF as neglected, abused or uncared for.

"Essential records" means all documents a receiving school needs to immediately enroll a child, including but not limited to, documents necessary to determine appropriate class placement and to provide educational services, an individualized education plan (IEP) or behavioral intervention plan, and immunization records.

"Receiving school" means the school that a child will attend following a school placement decision by DCF that remaining in the school of origin is not in the child's best interests.

"School of origin" means the school that a child is attending at the time DCF places the child in out-of-home care or the school the child is attending at the time of any change in the child's out-of-home placement by DCF.

"School placement decision" means a decision made by DCF regarding the school which a child will attend while the child is in out-of-home care. Note: This does not refer to decisions made by a planning and placement team for the provision of special education services.

Required Educational Decisions When Placing a Child Whenever a child is initially placed in out-of-home care, or moved from one out-of-home placement to another, the Social Worker shall consider the effect of such change in placement on the child's educational stability.

The Social Worker shall make reasonable efforts to place the child in the same town, or in the same school district, in which the child currently resides so that the child may more easily continue to attend the school of origin.

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Required Educational Decisions When Placing a Child

If the child cannot be placed in the same school district or town, the Social Worker shall document in the computer system the reasons the child was placed in a foster home or congregate care setting located in another town or school district.

Table with 2 columns: 'If this is an initial placement, or an emergency change of placement, then:' and 'If this is a planned or non-emergency change in placement, then:'. The table contains detailed procedural text for each scenario regarding school placement decisions.

When determining whether or not remaining in the school of origin is in the child's best interests, the Social Worker shall consider the following factors:

- travel distance between the new out-of-home placement and the school of origin;
• the age of the child;
• the mental health of the child;
• the medical health of the child;
• the school climate;
• the child's school performance;
• the child's connections in the school;
• the proximity to a natural school transition point, e.g., end of semester;
• the child's wishes;
• the positions of the child's attorney, guardian ad litem, parent(s) and surrogate parent, if applicable;
• any safety considerations;
• the likelihood of reunification; and
• other factors unique to the child's case.

Note: The cost of transportation shall not be considered when making the best interests determination.

Educational Decisions for Pre-School Children

An educational placement decision shall also be made for pre-school-aged children who are eligible for, or under consideration for, special education services.

The Social Worker shall first determine if the child is enrolled in, or under consideration for, special education services in the school district of origin. If so, the Social Worker shall apply the best interest factors to determine whether the child should continue to be served by the school district of origin. If it is in the child's best interests to be transferred to a new school district, the Social Worker shall initiate the notification procedures outlined in this policy.

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School Attendance While Educational Placement Decision is Pending

Unless remaining in the school of origin will jeopardize the immediate physical safety of a child, the child shall continue to attend the school of origin until the best interests decision regarding school placement is made and the time for the parents and the child's attorney or guardian *ad litem* to object has either passed or a timely objection has been resolved through an administrative hearing decision, court decision or agreement.

Transportation to School of Origin

The Social Worker shall make immediate arrangements for transportation for a child who continues to attend his or her school of origin if school district transportation is not available.

If DCF places a child in a new school district, but determines that the child's best interests are served by remaining in the school of origin, DCF and the school shall collaborate on a transportation plan for the child.

All cost-effective, reliable and safe transportation options shall be considered.

DCF shall ensure that the transportation plan is adequate, although the school district's existing transportation options may be used.

When This Policy Does Not Apply

When a child's placement is changed due to a revocation of commitment, transfer of guardianship, adoption or court-ordered placement with a suitable person, the provisions of this policy shall not apply.

School placement decisions made pursuant to an IEP shall supersede this policy.

Notification to Schools

Whenever a child is initially placed or placement is changed, the Social Worker shall notify the school of origin and, when appropriate, the receiving school, as follows:

- verbally, within one business day;
- by sending the Form DCF-603, "Notification to Local Education Agency of a Department Placement", within two business days.

Cross-reference: Notification to LEA subsection of DCF Policy 3-2, "Education Management".

Information Sharing

Upon request of a local or regional school district for a receiving school, DCF shall provide the name, date of birth and school of origin for each child in its custody who has been placed in foster care and is attending a receiving school in the district.

Legal reference: [Conn. Gen. Stat. §17a-16a](#)

Notification to Parents and Attorneys

The Social Worker shall notify the parents, the parents' attorneys, the child's attorney and guardian ad litem and, if applicable, the surrogate parent, in writing of the school placement decision within three business days after making the decision. The notification shall be made using the DCF-604, "Notification Regarding Child's Continued Attendance in School of Origin."

The factors that were considered in making the decision shall be clearly documented in the notification letter. If a school placement is changed because continued placement in the school of origin will jeopardize the child's immediate physical safety, the letter shall include specific facts supporting that decision.

Notice shall be delivered:

- to the child's attorney and guardian ad litem by email to Pubdefdcfkids@jud.ct.gov; and
- to a parent who is represented by an attorney by fax or email to the attorney;
- to a parent who is not represented by an attorney;
- by certified mail if the decision is to move the child from the school of origin;
- by regular mail if the decision is to leave the child in the school of origin;

AND

- to a surrogate parent by regular mail.

Note: If attorneys have not been appointed by the court at the time of placement, the Social Worker shall remain in contact with the court and send the notifications as soon as attorneys are appointed.

Objecting to the Decision

Either parent, the child's attorney or the child's guardian *ad litem* may object to the school placement decision within three business days of receiving the notification.

An objection shall be filed with the DCF Administrative Hearings Unit. However, if a parent or other party sends the objection to any other DCF employee, then that employee shall immediately forward it to the Administrative Hearings Unit.

The Administrative Hearings Unit shall schedule a hearing as quickly as possible. The type of hearing shall be an educational stability hearing pursuant to Conn. Gen. Stat. §17a-16a(b)(3)(c).

The Social Worker shall engage the parents and attorneys to resolve the matter without the need for a hearing. For example, the matter may be discussed at court if there is a hearing or case status conference scheduled or at the Case Planning Conference.

If a party chooses to make an objection to the court instead of the DCF administrative hearings unit, the Social Worker shall provide the assigned Assistant Attorney General with the relevant information as soon as possible. The fact that a party has filed a motion in court is not sufficient to stay the administrative hearings process.

Once the disagreement is resolved, the final decision regarding educational placement shall be documented in the Case Plan.

Moving the Child to a New School

If DCF determines that it is not in the child's best interests to remain in his or her school of origin and either no objection to the change in school is filed or all objections have been resolved, DCF shall work with the school of origin and receiving school to ensure the child's immediate and appropriate enrollment in and attendance at the receiving school.

The child may be enrolled in the receiving school by the child's foster parent or the Social Worker.

The school of origin is responsible under state law for sending all essential educational records to the receiving school within one day of receiving notice from DCF that the child will be changing schools. The Social Worker shall verbally notify both schools within one business day of making the decision and fax the DCF-603 to both schools within two business days of making the decision.

The school of origin is required to transfer non-essential records to the receiving school within 10 days.

Legal reference: Conn. Gen. Stat. §10-220h describes the procedure for transferring non-essential records.

Note: It is the legal obligation of the involved school districts, not the Social Worker, to ensure the transfer of records in a timely manner. However, it is the Social Worker's responsibility to notify the schools in a timely manner.

Changing the Decision

The school placement decision can be re-visited at any time while the child is in out-of-home care, if circumstances change, to ensure that the school placement remains in the child's best interests.

A parent, the child's attorney or guardian *ad litem*, or DCF may initiate such a review.

If DCF decides to change the child's school placement, notice shall be given as described above using the DCF-604. A parent or the child's attorney may object to the new decision by requesting a hearing, which must be held within three days. Therefore, it is imperative that the Administrative Hearings Unit receive notice of the objection immediately.

The hearing held under these circumstances shall be a case plan hearing, pursuant to Conn. Gen. Stat. §17a-15.

Emergency Removal of a Child from School Placement

DCF may immediately remove a child from his or her school placement if it is determined that remaining in that school will jeopardize the child's immediate physical safety.

The Social Worker shall notify the child's parents, the parents' attorneys, the attorney and guardian *ad litem* for the child, and the surrogate parent, if any, by telephone, fax or email on the day the child is removed from the school, and provide the written notice using the DCF-604.

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Emergency Removal of a Child from School Placement (Continued)

Either parent or the child's attorney or guardian *ad litem*, may object to the change in school placement within three business days of receiving the notice. DCF shall hold an administrative hearing within three business days of receiving the objection, following the procedures described above.

The child shall remain in the new school until a final decision on the placement is made.

Paying for School Placement

School placement decisions made pursuant to this policy do not affect the current system of educational jurisdiction for state-agency placed children.

The board of education for the school of origin shall continue to provide free school privileges to a child who is placed in another town but continues to attend his or her school of origin. In the case of children receiving special education and related services, the nexus school, if different from the school of origin district, is responsible for the cost of those services.

DCF shall be responsible for any additional or extraordinary costs of transportation beyond that available to or being provided by the school district if such costs result from the change in placement.

Placement Team

A child receiving special education services may change schools as a result of a decision by his or her PPT to place the child in a private special education program or an out-of-district school that meets the child's needs.

In such cases the Social Worker is not required to provide notice of the change pursuant to this policy because this is not a DCF placement. The due process procedures of the State Department of Education set forth the steps to be followed by anyone objecting to a decision of the child's PPT.

Children in Congregate Care

If a child is placed into or out of an in-state congregate care setting, the provisions of this policy shall apply and the Social Worker shall consider the child's educational placement while planning the placement change.

It is not sufficient to state in the DCF-603 that the removal from the child's school of origin is due solely to the child's placement into or from a congregate care setting.

Note: When a child is placed into or from a residential treatment facility with an on-grounds school, the Social Worker, in conjunction with the facility, shall also consider, as part of the best interests analysis, whether the child's treatment needs require that he or she be educated on-grounds or whether he or she can be educated in the community.
