

CHAPTER

10



ADDITIONAL SCHOOL PROVISIONS & PROCEDURES

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CHAPTER 10

Additional School Provisions & Procedures

ARE CHILDREN AND YOUTH IN FOSTER CARE CATEGORICALLY ELIGIBLE FOR SCHOOL MEAL PROGRAMS?

Yes, children and youth in foster care are categorically eligible for U.S.D.A. child nutrition programs, including free meals/milk in the National School Lunch Program (NSLP)/School Breakfast Program (SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP) and the Child and Adult Care Food Program (CACFP). Caregivers for children and youth in foster care do not have to complete a separate application for these programs. The DFPS *Placement Authorization Form 2085* provides for immediate authorization of the named child or youth to participate in the programs offered through the U.S.D.A.. District liaisons can verify students' eligibility with food service departments and local campuses to make sure students receive immediate meal assistance.



RESOURCES: Nutrition Assistance

U.S.D.A., "USDA Announces Expansion of Nutrition Assistance for Foster Children, Provision Expands Safety Net against Childhood Hunger and Promotes Healthy Lifestyles," February 3, 2011: www.fns.usda.gov/es/node/879

U.S.D.A. Child Nutrition Programs Food and Nutrition Service, "Eligibility Manual for School Meals, Determining and Verifying Eligibility": www.fns.usda.gov/cnd/guidance/EliMan.pdf (see page 10 & 46).

ARE CHILDREN AGES THREE, FOUR, AND FIVE ELIGIBLE FOR FREE PRE-KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS?

Yes, children currently in foster care or children who have ever been in foster care in Texas as a result of an adversary court hearing are eligible for enrollment in the local public school pre-kindergarten program.¹⁰⁸ Texas schools are required to offer a free pre-kindergarten program if the district identifies 15 or more eligible students.¹⁰⁹

Once a program for four-year-olds has been established, children that meet the eligibility requirements for pre-kindergarten must be served and cannot be placed on a waiting list. Many districts offer a program for three-year-olds and, if they do, the eligibility is the same as long as the child is three years old by September 1st of the school year.

In some smaller districts, Head Start may be the sole provider of pre-kindergarten programs. Head Start programs may reach enrollment capacity and foster children, even though categorically eligible, may be placed on a waiting list.

Transportation is not required for the public school pre-kindergarten program, but if the school provides transportation for pre-kindergarten children, those costs can be included for funding purposes as part of the regular transportation system.

How do I know that a child currently or formerly in foster care is eligible for pre-kindergarten?

ALL children three, four, and five years of age who are currently in or were ever in foster care as a result of an adversary hearing receive a *Letter of Verification* to enroll in a public school's pre-kindergarten program from their Regional DFPS Education Specialist. School districts are directed by TEA to accept the DFPS letter as proof of eligibility to enroll these children in free pre-kindergarten.

Are children who turn five after September 1st eligible for kindergarten?

No, children who turn five after September 1st of the school year are not eligible for kindergarten enrollment but are still eligible for pre-kindergarten enrollment.



RESOURCES: Early Childhood Education

TEA, “Top 10 Frequently Asked Questions on Early Childhood in Texas”:
www.tea.state.tx.us/index2.aspx?id=2147495517&menu_id=2147483718

For more information on pre-kindergarten eligibility and enrollment, see *Section 7* of the TEA *Student Attendance Accounting Handbook*.

WHAT ARE THE EXPECTATIONS OF DAILY ATTENDANCE?

School attendance is mandatory for students in foster care, as it is for all other six-to-18-year-old Texas students.¹¹⁰ Due to the nature of foster care, students may have various appointments that are mandated through court orders or their case plans that may interfere with school attendance. Caregivers try to schedule student appointments before and after school and on the weekends; however, sometimes this is not possible. Caregivers and school staff should work together to secure missed assignments and to ensure students complete them. See *Section 3* of the TEA, *Student Attendance Accounting Handbook*, for more information on attendance.

WHAT ARE ACCEPTABLE EXCUSED ABSENCES?

Students in foster care are expected to attend school regularly. Absences related to court-ordered activities such as medical appointments, including mental health or therapy, family visitation, and college visits (two per year during the junior and senior years of high school) are excusable, according to Texas law.¹¹¹ The principal may determine that other absences are “excused.” See *Section 3* of the TEA, *Student Attendance Accounting Handbook* for a list of excusable absences.

TIP: To reduce the negative impact of missed school, communicate and coordinate with the caregivers if students are absent. Additionally, to ensure that students are not mistakenly given unexcused absences, it is important that caregivers communicate to schools in writing about appointments, court dates, and other activities causing students to miss school.

ARE THERE ANY ADDITIONAL CONSIDERATIONS IF A STUDENT IS TRUANT?

Truancy for students in foster care should be handled as it is for all other students. If truancy is an issue, contact the caregiver immediately. If the caregiver is not responsive and/or a student continues to miss school, please contact the CPS caseworker as soon as possible. This is applicable to all students, including those living in a group home, RTC, or emergency shelter. To prevent further student disciplinary action, provide early notification to the student’s caseworker.

DISCIPLINE AND SPECIAL CONSIDERATIONS:

Some schools in Texas utilize corporal punishment as a form of discipline. **It is important that caregivers provide a written signed statement “opting out” students in foster care from receiving any form of corporal punishment.** This opt out statement should be signed annually and always completed when a student arrives at a new school district.¹¹² CPS policy states that children and youth in DPFS conservatorship may **NOT** receive physical discipline, including corporal punishment. Children and youth who have been abused and/or neglected and who are in DPFS conservatorship are learning to trust adults again as well as learning to recover from their abusive past. Physical discipline undermines the strides children and youth make in overcoming those experiences. It could also trigger other emotional responses for the child or youth.

TIP: School officials and district liaisons can assist to guarantee that corporal punishment is not used against any students in foster care. They can also remind caregivers during the enrollment process to sign the designated waiver exempting students from corporal punishment.

Students in foster care may have a history of neglect and physical or emotional abuse, as well as school disruptions. Taken together, these traumatic experiences may impact a student's response to stimuli and result in challenging behavior. Therefore, learning more about trauma and trauma-informed care strategies is recommended.



TIP: Supporting trauma-informed training for teachers, resource officers, and other school staff (see page 82), as well as increasing awareness of positive behavioral supports and interventions, has been found to have a positive impact on student behaviors and on school climate (see below).

Some School Disciplinary Actions May have Unintended Negative Impacts:

Student Ticketing — In some school districts, school-based law enforcement officers issue citations for unlawful conduct committed on campus.¹¹³ These citations can be problematic for students in foster care. DFPS lacks funding to pay for school tickets and fines, leaving this responsibility to the caregiver, who may or may not pay the ticket. Fines sometimes could go unpaid and older youth, once they have aged-out of foster care, could have warrants issued for their arrest due to unpaid tickets. School districts should be aware of these consequences from the issuance of citations on students in foster care, students who are homeless, and other students who do not have resources to pay a fine. Authorities may want to consider in-school disciplinary actions, rather than school ticketing, for some student offenses.



TIP: Schools may consider non-financial penalties, including community service and in-school disciplinary actions, for students in care due to the additional challenges financial penalties create.

Suspension and Expulsion — Multiple school suspensions and disciplinary actions have a negative impact on a student's education. Students in foster care are much more likely to be disciplined in school for fighting and "serious behavior" and are more likely to receive out-of-school suspension in comparison to the general student population.¹¹⁴ School suspensions and expulsions contribute to education gaps and learning delays and seriously increase a student's likelihood of dropping out of school. The 2011–2012 TEA PEIMS data reveals foster students received in-school suspension disciplinary actions at nearly twice the rate of students statewide (21.3% compared to 11.3% statewide). Foster students received out of school suspensions at more than three times the rate of all students who received out-of-school suspensions (15.3% compared to 5.1% statewide).¹¹⁵ Click here to view the full report: www.yourhonor.com/myprofile/assets/WhatDoesTheDataTellUs.pdf



LAW: School districts must notify the child's educational decision maker and caseworker regarding events that may significantly impact the education of a child, including the following school disciplinary actions:¹¹⁶

- Any disciplinary actions under Chapter 37 for which parental notice is required;
- Citations issued for Class C misdemeanor offenses on school property or at the school-sponsored activities;
- Reports of restraint and seclusion required by section 37.0021; and
- Use of corporal punishment as provided by Section 37.0011, is not permitted for students in foster care.

For a comprehensive list of school events where the education decision maker and caseworker must be notified, see page 91.

UTILIZING RESPONSE TO INTERVENTION (RTI) AND POSITIVE BEHAVIOR SUPPORT (PBS):

In order to keep youth engaged in school and on track to graduation, schools are encouraged to use trauma-informed approaches with Response to Intervention (RTI) and Positive Behavior Support (PBS) strategies to work with behavior issues whenever possible.

The Texas Education Agency has developed resources to support students and schools by collaborating with Regional Education Service Centers (ESCs) and universities in Texas. TEA and ESCs provide school districts with research-based strategies and professional development regarding how to personalize the instructional environment for each student.

RESOURCES: Strengthening Supports & Impacts of Discipline

Some valuable resources to assist districts and schools with providing school-wide and targeted supports for students and schools can be found at these links:

The Meadows Center for Preventing Educational Risk, “Building RTI Capacity”: buildingrti.utexas.org/

Texas Behavior Support: www.txbehaviorsupport.org/

Response to Intervention: www.tea.state.tx.us/index2.aspx?id=2147500224

Texas Collaborative For Emotional Development in Schools (TxCEDs): www.txceds.org/

Council of State Governments (CSG) Justice Center and Public Policy Research Institute at Texas A&M, “Breaking Schools’ Rules: A Statewide Study on How School Discipline Relates to Students’ Success and Juvenile Justice Involvement” (July, 2011) csgjusticecenter.org/jc/category/youth/

Center for Public Policy Priorities, “Texas School Disciplinary System and Foster Care Children”: www.cppp.org/files/4/392_education.pdf



