



# JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21<sup>ST</sup> ASSEMBLY DISTRICT

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## **AB 780: Foster Forward: Streamlining School Procedures Related to Foster Care**

**Testimony of State Representative Jessie Rodriguez**

**Assembly Committee on Education**

**January 10, 2018**

Chairman Thiesfeldt, fellow education committee members, thank you for the opportunity to testify on Assembly Bill 780, legislation that was developed through the Speaker's Task Force on Foster Care aimed at addressing several issues that impact both foster care and our education system.

As many of you are aware, over the last several months Representative Crowley and I, along with many of our colleagues participated in the Speaker's Task Force on Foster Care, traveling across the state to six different locations to learn about the foster care system in Wisconsin, the challenges it faces, and identify potential solutions to some of those issues. The legislation before you today provides three commonsense solutions that will streamline school procedures when a pupil is placed in out-of-home care.

First, the bill requires a child's school to be notified of a permanency plan review or hearing so that teachers and social workers, those that spend much of the day with the child, may submit written testimony to provide the court with valuable insight as they evaluate the child's progress while in out-of-home care.

Next, current law requires school districts to receive notification when a foster home is licensed. The proposal requires that the school the child will be attending to receive notification when a child is placed in out-of-home-care. Current law requires these notifications be sent to the "clerk of the school district." This language is problematic for schools that do not have an employee with this title. This bill simply states the notifications must be sent to "the school and the school district."



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Lastly, in the past when a child was placed in out-of-home-care, moving to a new school district, the school had up to five working days to transfer the pupil's records. The timeliness of this situation is incredibly important for the new school as they attempt to accommodate and understand the child's need in their environment. This proposal will require the school to make an immediate transfer of records within one working day. ESSA already requires the records to be transferred immediately. Immediately has been interpreted to mean one working day.

This bill is only one piece of a larger puzzle that will take more time, collaboration and effort to continue improving our foster care system. But these commonsense solutions are a step in the right direction that will help streamline a cumbersome system creating a better environment for children who are experiencing a difficult time in their lives. These changes aim to enhance the transition process for the child, strengthen the foster care system and improve outcomes for children who are in the child welfare system in Wisconsin. I appreciate your time and I encourage your support for this legislation.



DATE: January 11, 2018

TO: Chairman Thiesfeldt, Vice-Chairman Kitchens, and the Members of the Assembly Committee on Education

FROM: Representative David Crowley

RE: Written testimony in support of Assembly Bill 780

Thank you Chairman Thiesfeldt, Vice-Chair Kitchen and members of the Education Committee for holding a public hearing on AB 780. As was mentioned, this bill is part of the Foster Forward legislative agenda and was drafted based on suggestions from the Department of Public Instruction (DPI). It is our hope that these changes will help foster youth in Wisconsin's public schools.

There are three common sense recommendations included in AB 780 which would allow for schools to submit written testimony at a permanency reviews for foster children, clean up the notification process to schools when a child is placed in foster care, and ensure the immediate transfer of pupil records when a child in foster care transfers schools.

The first part of this bill would allow schools to receive a formal notice of permanency plan reviews or hearings in order to provide written testimony to the administrative review panel or to the court. Permanency plans are evaluated every six months after the removal of the child from his or her home and are an opportunity for the administrative review panel or the court to assess the appropriateness of a child's permanency goal and progress to that goal. As teachers and school social workers who spend 8 hours a day with the child, educational staff have valuable insight and information that might be useful when evaluating how the child is doing in foster care. Because of the sensitive nature of these cases, teachers and staff would not be present at the hearings. Instead, they would be able to submit their written testimony to provide the court with another prospective on how a child in foster care is doing.

The second part would make minor changes to the notification requirements for school districts when a foster home is licensed in their district and when a child is placed in foster care. The current law requires these notices to go to the "clerk of the school district." However, DPI has found that not all school districts have this position and there has been some confusion about where these notices should go. At the recommendation of DPI, AB 780 clarifies that the notification go to "the school and the school district." This will ensure that the appropriate point of contact receives this information in a timely manner.

Finally, the last part of AB 780 speeds up the process for school records transfers when a child in foster care changes schools. Under current law, record transfers must be made within five working days. However, the federal Every Student Succeeds Act (ESSA) requires that records for foster children be transferred "immediately." AB 780 would simply say that for foster child record



transfers, "immediately" means one working day. We hope that this change will ensure that a foster child's academic records will be available to their new school and new teachers as soon as possible.

Again, thank you for taking the time to hear this bill. I would be happy to answer any questions you may have at this time.

Sincerely,

David C. Crowley  
State Assembly Representative  
17<sup>th</sup> Assembly District

**Assembly Committee on Education**  
**January 11, 2018**

**Testimony in Support of Assembly Bill 780**

**Mark Mitchell**, School Administration Consultant: Foster Care  
Title I and School Support Team  
Division of Student and School Success

**Susan Piazza**, Assistant Director  
Title I and School Support Team  
Division of Student and School Success

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Good afternoon, Chairman Thiesfeldt and members of the Committee on Education. We appreciate the opportunity to provide information to this committee regarding 2017 Assembly Bill 780. The Department of Public Instruction (DPI) has appreciated working with the Speaker's Task Force on Foster Care, from which this bill arose; and supports the passage of this bill.

**Background**

As you know, there are three primary federal laws which, in combination, created the need for state education and state child welfare agencies, and their counterparts at the local level, to work together collaboratively to improve outcomes for children in out-of-home care. These laws are:

The Fostering Connections to Success and Increasing Adoptions Act of 2008. This law required that a child's permanency plan include "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."

The Uninterrupted Scholars Act of 2013. This law allows and requires the sharing of pupil records by the child's school with the child welfare agency which has responsibility for the placement and care of the child.

The Every Student Succeeds Act (ESSA) of 2015. This law emphasizes the need for collaboration between schools, school districts, and child welfare agencies at the state, local, and tribal levels. It requires these agencies to collaborate in determining if it is in the best interest of a child to attend the school of residence rather than the school of origin; the latter being the presumption that must be overcome.

The first two have been codified into state law; the third, ESSA, has not.

**Data**

Children who have been in out-of-home care – especially those who age out of that system – experience outcomes that create significant barriers to their overall success in life. Those same children also attend Wisconsin's schools for a significant portion of their days, and their educational outcomes are similarly concerning. A few of the highlights of those data are the following:

- 44 percent of Wisconsin children in out-of-home care attended more than one school in a single year. On the national level, roughly one-third of 17 to 18-year olds have experienced five or more school changes (the percentage is lower in Wisconsin).
- Nationally, between 56 percent and 75 percent of children placed into out-of-home care will change schools when first entering care.
- These first two data points are critical because a student loses **four to six months** of academic progress with each school change.
- During the 2013-14 school year, the average attendance rate for Wisconsin children in out-of-home care was 86 percent, while for all children, it was 94 percent.
- 17 and 18-year olds in out-of-home care are twice as likely to have an out-of-school suspension and three times more likely to be expelled than all students. (National data)
- Children in out-of-home care are two-and-a-half to three-and-a-half times more likely to receive special education services. (National data)
- Only 50 percent of children in out-of-home care finish high school by age 18. (National data)
- Only 57 percent of Wisconsin children in out-of-home care will graduate high school, compared to 88 percent for all children.
- Perhaps among the most disturbing of all the data is this:
- 84 percent of children in out-of-home care express a desire to go on to college.
  - However, only 20 percent of children in out-of-home care who graduate high school will go on to college. Of those, only 2 percent to 9 percent will attain a bachelor's degree. (National data)

### **Educational Stability**

Clearly, we need to focus on educational stability – maintaining a child in one school to the extent possible. We recognize this may not always be in the best interest of the child. Under ESSA, this is a primary goal. Maintaining that child's placement will reduce stressors on the child, including having to “start over” in a new school (often times, in the middle of a semester), being taken away from friends, and losing close relationships with school staff. Remaining in the same school can often be the only anchor in the life of a child who is placed into out-of-home care.

Often, children who change schools, especially mid-semester, may not get credit for the partial completion of academic work in one school and may not receive credit for the partial completion of academic work in the next school. This is only one of the factors as to why so much academic progress is lost with every school change.

Educational stability consists of four primary factors:

#### 1. *Best Interest Determination*

When a child is placed into out-of-home care, the school of origin (the school in which the child is currently enrolled or in which the child was last enrolled), the school of residence (the school in the school district where the out-of-home care placement is located), and the local child welfare agency (both county and tribal) must collaboratively weigh a number of factors to determine if the child should remain in the school of origin (the presumptive choice) or whether it is in the child's best interest to enroll in the school of residence. The increased cost of transportation to maintain the child in the school of origin **cannot** be a consideration in determining the best interest of the child.

2. *Sharing of Information*

Schools and child welfare agencies both maintain significant amounts of information regarding the child. Clearly, the sooner these agencies share their information with each other, the sooner the decision can be made about the child's best interest and the sooner the school of residence, if that is the determination, can fully involve the child in the comprehensive range of academic and supportive programs the child requires in order to be successful.

Educational stability also includes improving attendance and graduation rates for children placed in out-of-home care. It is incumbent on school staff, in consultation with child welfare agency staff, to understand the stressors children placed in out-of-home care face. Teachers, school social workers, counselors, and other appropriate staff need to understand that a child may come to school having just experienced an event that may affect his or her quality of work, behavior, and learning capacity from one day to the next. Such events could be a court hearing, additional or different conditions for reunification, a parental visitation, or other result from an action in the child welfare system process. These stressors can be manifested in unexcused absences, an inability to concentrate, or acting out behavior, leading to suspensions. Even if the behavior might be appropriate and expected given a particular event, it might be inappropriate in a school setting and the school should be prepared to deal with it in the most planful manner. The sharing of the placement in out-of-home care with the school is particularly important.

3. *Transportation*

Each school district, in collaboration with local child welfare agencies, is to develop a clear, written policy on how any transportation for the child is to be arranged, provided, and funded if it has been determined that the child will reside in one school district and attend school in another (i.e., remaining in the school of origin). The policy must include information on how such transportation will be provided, from day one, if there are any disagreements regarding the permanent decision. It should be pointed out that schools, districts, and child welfare agencies do not specifically receive any additional funding to cover these increased transportation costs.

4. *Collaboration*

Given the above, collaboration between schools and child welfare agencies cannot be overemphasized. Without ongoing and comprehensive communication and shared planning involving both agencies, there is little room for optimism that the lives of children placed in out-of-home care can be significantly improved.

We are very pleased to inform you that DPI and the Department of Children and Families (DCF) take this need for collaboration very seriously and are actively involved in developing both formal and informal methods of communication between the two departments.

We have recently undertaken strategic planning efforts internally within DPI and externally between DPI and DCF to determine how we can best improve the lives of children in out-of-home care, both in school and out. Among the activities to be undertaken is consideration of any recommendations to the Legislature for additional statutory changes designed to improve outcomes for this vulnerable population.

DPI and DCF have each identified a primary state point of contact to centralize communication and efforts around implementation of the federal laws. We have also requested all 422 school districts, 72 counties, and 11 tribal child welfare agencies to identify a local point of contact to encourage and facilitate communication at the local level for the same purpose.

DPI has developed assurances to which school districts must ascribe that identify their responsibilities to children placed in out-of-home care. School districts are assuming these responsibilities with awareness of their importance and we applaud their efforts to improve outcomes for this very vulnerable population.

DPI has developed an out-of-home care webpage designed to share information with schools, county and tribal child welfare agencies, and other interested parties. We encourage you to visit the site at <https://dpi.wi.gov/foster-care> and provide us with any feedback or questions you might have.

### **Assembly Bill 780**

- AB 780 updates statutes by eliminating the usage of the term “school clerk”. This is an outdated term and not every school district has a “school clerk”. DPI has worked with all 422 school districts to identify a point of contact to help streamline future communication at the local level.
- ESSA requires the student’s file be transferred immediately for students in out-of-home care. AB 780 updates state law to comply with Federal law. The swift transfer of records promotes the continuity of supports and services for the student.
- AB 780 would provide notice that a permanency hearing is occurring and allow staff time to provide a written statement to the court that may be helpful to the student’s best interests regarding placement. School Staff spend a large amount of time with students and may have insights on their challenges, strengths and needs; the ability to provide a statement may provide an important perspective for the court to hear.

Thank you for your efforts on behalf of the Wisconsin children in the out-of-home care system. We are happy to answer any questions about AB 780 or the work that is currently being done by DPI on behalf of children placed in out-of-home care.





TO: The Honorable Members of the Assembly Committee on Education  
FROM: Linda A. Hall, Executive Director  
DATE: January 11, 2018  
RE: **WAFCA Support for Assembly Bill 780**

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The Wisconsin Association of Family & Children's Agencies (WAFCA) supports Assembly Bill 780 which proposes some simple modifications to state law to clarify and improve communications between the child welfare system and schools.

WAFCA is a statewide association that represents over fifty child and family serving agencies and leaders in the field and advocates for the more than 250,000 individuals and families that they serve each year. Our members' services include family, group and individual counseling; chemical dependency treatment; crisis intervention; outpatient mental health therapy; and foster care programs, among others.

In 2010, WAFCA was pleased to partner with the Wisconsin Department of Public Instruction and the Wisconsin Department of Children and Families to update the "Educational Services for Children in Foster Care" guidance – a resource to facilitate cooperation between the child welfare and school systems. Over the past several years there has been additional significant work at the state and federal level to improve educational outcomes for youth in foster care by supporting efforts to maintain school stability and quality exchange of information between the school and child welfare systems.

WAFCA has also appreciated the opportunity to work closely with the Speaker's Foster Care Task Force in the development of their package of proposals to improve Wisconsin's systems of care for vulnerable children and families.

One of the key elements that the 2010 guidance seeks to promote is the establishment of dedicated liaison responsibilities within schools and county child welfare agencies to increase the level of competency across systems to better serve children in foster care by maintaining active channels of communication while also protecting confidentiality.

Assembly Bill 780 proposes a few simple changes to further the goal of quality communication between schools and the foster care system and to recognize the critical role that school plays in the stability and well-being of children in care. The bill proposes three changes:

- Adding the child's school to the list of entities or persons that receive notice of a permanency plan review or hearing, which will afford the school the opportunity to submit relevant information to the courts regarding the child's progress;

- Requiring that licensing agencies inform school districts when a new foster home or group home is licensed in their school district; and
- Requiring that a child welfare agency making an out-of-home care placement notify the school district and school where the child will attend after the placement is made.

In practice, agencies are currently making notifications to the appropriate school when a child is placed in out-of-home care, however, the current statutes require notification to the clerk of the school district, which does not align with best practice and has also caused confusion, because it is often unclear who functions as the clerk of a school district. Requiring direct communication with the school where the child will actually be attending will conform the statute to practice and reduce confusion.

With regard to school notification of upcoming hearings on a child's permanency plan, WAFCA has also partnered with the court system in recent years to promote tools to assist judges in assessing the educational stability for children and youth in the system. Adding schools to the official list of interested parties would codify recognition of the significant role that schools play in the success of our vulnerable children in care.

Thank you for your support for AB 780.