



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 655- School Procedures Related to Foster Care

February 6th, 2018

Good morning, members of the committee, and thank you for the opportunity to provide testimony today on Senate Bill 655, a bill that came as a result of the 2017 Speaker's Task Force on Foster Care. I would like to thank the co-author of the bill, Representative Rodriguez, and the other members of the task force for their commitment to improving the foster care system for thousands of children in Wisconsin.

Senate Bill 655 provides three commonsense solutions to problems the Foster Care Task Force heard as they were travelling the state.

First, the bill requires a child's school to be notified of an upcoming permanency review or permanency hearing. Permanency plans are evaluated every six months after the removal of the child from his or her home and allow the panel or the court to review the child's permanency goal and their progress. By notifying the school, this bill gives teachers and social workers the opportunity to submit written testimony to provide the court with 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, but instead submit their testimony in written form.

Second, the bill requires school districts to receive notification when a foster home is licensed in their district and when a child is placed in foster care. 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. Senate Bill 655 clarifies the language to include "the school and the school district" to ensure the information gets relayed and in a timely manner.

Finally, the bill speeds up the process for school records to be transferred when a child in foster care changes schools. In the past, this transfer of records was required to happen within five working days. The school taking in the new student often needs to make the appropriate accommodations and understand the specific needs of the child so it is important they receive the child's records in a timely manner. This proposal will require the school to make an immediate transfer of records within one working day, matching what is already required under the Every Student Succeeds Act.

Recently the Assembly amended the bill to make a few technical changes to clarify language on behalf of the school districts. This amendment, along with AB 780, was passed unanimously out of the Assembly Committee on Education and I am hoping for the same support from my peers in the Senate.

Thank you for the opportunity to testify on this bill. I would be happy to answer any questions you may have.

29TH SENATE DISTRICT



JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

SB 655: Foster Forward: Streamlining School Procedures Related to Foster Care

Testimony of State Representative Jessie Rodriguez

Senate Committee on Education

February 6, 2018

Chairman Olsen, education committee members, thank you for the opportunity to testify on Senate Bill 655, 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.

Over the last several months many of our colleagues and I 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."



JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

The last piece will speed up the school notification process. 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 new 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.

Additionally, at the Assembly hearing last month, both the department and schools administrators made suggestions on ways improve this legislation. We considered those suggestions and drafted an amendment that does two things: first the amendment includes juveniles in need of protective services, JIPS, in the notification process. Like CHIPS, juveniles may sometimes be removed and placed in out of home care. If this were not addressed, the schools may not be notified of juveniles that have been placed in out-of-home care.

Second, school administrators suggested including the name and contact information of the social worker or case worker assigned to the family. Having this contact information available will assist teachers and other school personnel as they work to properly meet the child's educational needs.

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.

Senate Committee on Education
February 6, 2018

Testimony in Support of Senate Bill 655

Good afternoon, Chairman Olsen and members of the Committee on Education. My name is Dee Pettack, Legislative Liaison for the Department of Public Instruction (DPI), with me today is Mark Mitchell who leads DPI's work on Foster Care on the Title I and School Support Team. We appreciate the opportunity to provide information to this committee regarding Senate Bill (SB) 655. 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.

Senate Bill 655

- SB 655 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. SB 655 updates state law to comply with Federal law. The swift transfer of records promotes the continuity of supports and services for the student.
- SB 655 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 SB 655 or the work that is currently being done by DPI on behalf of children placed in out-of-home care.