

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 3rd Meeting of the 2019 Interim

August 21, 2019

Call to Order and Roll Call

The 3rd meeting of the Interim Joint Committee on Education was held on Wednesday, August 21, 2019, at 1:00 p.m., in Room 149 of the Capitol Annex. Representative Regina Huff, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Regina Huff, Co-Chair; Senators David P. Givens, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Dan "Malano" Seum, Reginald Thomas, Johnny Ray Turner, Stephen West, and Mike Wilson; Representatives R. Travis Brenda, Mark Hart, Scott Lewis, Mary Lou Marzian, Reginald Meeks, Charles Miller, Kimberly Poore Moser, Melinda Gibbons Prunty, Steve Riley, Attica Scott, John Sims Jr, James Tipton, Russell Webber, and Lisa Willner.

Guests:

LRC Staff: Jo Carole Ellis, Joshua Collins, Lauren Busch, and Maurya Allen.

Approval of Minutes

Following the welcome of special guests, Senator Wilson made a motion, seconded by Representative Tipton, to approve the minutes as written. The motion passed by voice vote.

School District Perspectives on Issues Impacting the Education of Students in Foster Care

Eric Kennedy, Director of Advocacy, Kentucky School Boards Association, Dr. Deann Allen, Instructional Supervisor, Clay County Schools, and Jamie Weddington, Superintendent, Lewis County Schools, were present to speak regarding this issue. Mr. Kennedy said that the number of children in foster care is rising and almost all of them are educated in the public school systems. Without question, the issues facing them are consistent across the state.

At the July Child Welfare Oversight and Advisory Committee meeting, it was reported that over 9,000 children are currently in foster care, with 56 to 58 percent of those children placed with private foster care providers. Up until now, much of the attention towards foster children has been centered on the social services aspects, such as safety and moving through the legal system. Education is not always at the forefront, but it is vital to their long-term wellbeing. More than receiving education, they are being cared for, nurtured, fed, and loved in the public schools.

A primary concern for schools is that the information that would have been received by the school from parents during school enrollment periods is sometimes significantly delayed or not received at all for foster students. Foster children often do not receive the same levels of support from home that other students receive. Additionally, school staff do not have the same levels of collaboration between the classroom and home for foster students as they do for other students. The system is larger than just a single school; it incorporates everyone in the community surrounding the students. This presentation was not meant to criticize any single party but highlight the issues that need to be addressed by all stakeholders. There are five general categories of concern including lack of critical information provided to schools which impacts the ability to make proper educational placements; lack of stability in home placement that leads to lack of educational stability; inadequate support for education in the foster home; inadequate collaboration with the district to provide needed support services; and contacts with social workers or guardian ad litem that disrupt learning and could be done at different times.

Dr. Allen said that education is key to economic opportunity and every child deserves that opportunity and access to the best education possible. Over half of the foster care students in her district receive special education services. The federal laws require that without a parent signature an Individualized Education Program (IEP) cannot be established. This hampers the ability of the school to provide the services the child needs. She gave an example of a student who came into her school this year with an IEP that dictates homebound services, so he stays home three days a week to receive these services. But uncertainty within the foster home and with the school makes it unclear whether this child will continue to receive the education he needs. The child himself does not know the necessary information in order to provide it. One of the saddest stories she shared was that of an 8th grader who had already been in 60 foster placements. During his time at Clay County, he went through four more placements before he was eventually transferred out of the district. It is impossible for students to create the necessary social and emotional bonds when they are so frequently moved between homes, schools, and districts. There is also very rarely any consideration for school calendars and schedules.

Dr. Allen also gave examples of students who are deaf and placed in homes without any signing adults, children being charged mileage by their foster parents in order to drive them to school, and other children whose foster parents will not allow them to participate in sports because it is too time consuming. There is severe culture shock also occurring for

foster children who are moved so frequently. But when schools are unaware of prior history, they are unable to provide the best support and mitigate possible triggers for children who have suffered clear trauma. She further illustrated the many kinds of crisis that students are in when they come to the school, and the difficulties providing care when information is unavailable or there are conflicts in the IEPs.

Mr. Weddington said that lack of communication is the number one difficulty he faces in his district, and often, foster parents are unaware of the child's history or issues so they cannot share what they do not know. He shared the story of a young man who formed meaningful relationships with the basketball and football coaches in Lewis County and was able to graduate and enter postsecondary education. If the foster parents had chosen not to keep him, many of the teachers at the school would have volunteered to take him in order to support his education. But it took support from the coaches and parents in order to keep the student engaged and provide for the small things, such as before game meals and transportation. Time must be taken to ensure the proper placement for these students so that the best decisions are made and can result in less re-homing and movement among districts.

Mr. Weddington also said that he has experience with foster care parents who were removed from one private provider but went to another agency in order to continue receiving placements. He knows that these parents are not engaged in their students' education, but without communication routes between the schools and providers, there is little that can be done to assist these students.

Mr. Kennedy summarized saying there is a lack of critical information; even though there are many laws, policies, written procedures, and forms in place to facilitate the sharing of educational information for students in foster care. Even when a biological parent signs over educational decision making to the foster system, parents is not preclude from being present for decision making meetings (such as evaluation for IEPs). Lack of stability in home placement is terribly common, and education stability is more than just enrollment in a given district. The ability already exists for the department to prevent frequent transfer of foster students, but the funding needs to be provided for them to enforce the requirement. Use of respite care for extended periods is also a factor in lack of educational stability.

Some parents are not as invested in the care of their foster students as they need to be, and need better training. Many foster parents have not had any children of their own and need assistance in not just foster needs, but basic parenting skills. Lack of interest in and support for extracurricular activities and student supports offered by schools is often seen, even though foster children could benefit greatly from participation in these activities. Inadequate collaboration with the district comes with a lot of expense. Outside of just education needs, schools serve as a vital delivery mode for other supports such as clothing, food, and medical care. Better coordination of care across departments and agencies is

essential and could have an enormous positive impact. Federal Medicaid expansion is anticipated to assist in this, but there are other areas where the Cabinet for Health and Family Services (CHFS) could address it with better coordination. More social workers and analysts would be able to make positive improvements through something as simple as expediting paper work.

In closing, prioritizing education and keeping these vulnerable students in the classroom through the entire day would be in the best interest of the child. Education should be a foremost consideration, not an afterthought. Requiring that the child's social worker accompany the child and foster parent when enrolling at a new school could close the gap regarding transfer of information to the school. Allowing the new district direct access to student information in Infinite Campus would also ensure the timely transfer of information. Continuous implementation of performance-based contracting between CHFS and private foster care providers could be made to prioritize education and placement stability through incentives and disincentives. By allowing school liaisons to share information with the Department for Community Based Services (DCBS), including when the school and foster parents lack information, schools can be partners in making the decisions about what would be best for foster students and designing systems and policies to require these needs be met.

Mr. Kennedy also highlighted the Foster Child's Bill of Rights, which was made Kentucky law last year in House Bill 158 of the 2019 Regular Session. Allowing schools to provide necessary physical and mental health support services to a child in foster care in addition to any services they may be receiving from CHFS, private care providers, and others directly addresses the rights outlined in the bill. He also advocated for investing in new foster homes in every community and in high quality foster homes through training and support to foster parents that is focused on education and education stability. He suggested strongly encouraging biological parents to give secondary educational decision-making authority to CHFS and foster parents when a child is removed from the home to vastly improve timely sharing of information. All parties in the child welfare system should be encouraged to collaborate with schools, not only to support students in foster care, but to build up families and help prevent children from being removed from their homes.

The entire panel advocated for additional funding to districts to support the whole foster child, to other programs serving these children, and to children at risk for neglect and abuse (such as the HANDS program). Mr. Kennedy thanked the committee for shining a spotlight on this often overlooked group of students.

Chair Huff asked if there was any data on how Kentucky compares to the nation in terms of transfers of students. Mr. Kennedy said he did not have that data, but that the Cabinet may be able to provide it.

In response to Representative Brenda, Mr. Kennedy said the numbers used today did not include students in kinship care.

Responding to Senator Wise, Dr. Allen said she has close coordination with DCBS in her county and in her experience, DCBS gives information to the foster care provider who then is tasked with enrolling the student. This removes the direct line between the school and the social workers who would have necessary information, thus delaying ability to get information. Mr. Weddington said that their first stop is always with the private provider, and sometimes DCBS does not know which district specific children are assigned to by the private provider.

In response to questions from Representative Moser, Mr. Kennedy said in terms of the expansion of school plans in response to Senate Bill 1 of the 2019 Regular Session, there are many schools who are unclear when to bill Medicaid for services. Expansion of free care will hopefully allow schools to expand the number of care providers in the schools to address the needs of all students. A key piece will be providing information to districts on who can bill Medicaid and how, because they are unfamiliar with how to navigate these medical services.

Responding to Representative Gibbons Prunty, Dr. Allen said Infinite Campus has many parts including a teacher section, a school section, and a district section. When a child is transferred from one district to another, the records have to be requested by the receiving district and then imported into the new district when they are released. Mr. Weddington added that these students move so quickly that sometimes it is difficult to get access to the person who can release the information in a timely fashion. And sometimes there is information not even included in Infinite Campus, such as medical history.

Responding to Representative Scott, Dr. Allen said school bus transportation is provided to all students, including foster students, to get to school during regular instruction hours. However, there is a significant gap in providing for transportation for foster students to participate in extracurricular activities. She reported there is no additional cost to providing bus transportation. Additional costs are typically only incurred when additional personnel are needed to address the needs of foster children with IEPs. Additionally, Mr. Weddington said requiring foster parents to sign up for parent portal would be an excellent suggestion, so they could receive notifications regarding the student in a timely fashion.

In response to questions from Senator Higdon, Mr. Kennedy said the federal ‘free care’ program is a bit of a misnomer. It is actually more an ability to bill Medicaid for more students than is currently allowed. The program will expand it for schools to be reimbursed for any Medicaid eligible service provided to all students free-of-charge when students take advantage of those services.

Responding to questions from Senator Givens, Mr. Weddington and Mr. Kennedy said they both would prefer as much funding as possible, whether it is earmarked for a specific purpose or not. The schools will provide transportation and textbooks, regardless of how the money comes and whether those categories are fully funded or not. Schools do have the ability to flex money to where they need it already for many categories. Having the guidelines on where the legislature wants to place emphasis is nice, but flexibility is very important because Frankfort cannot anticipate what each individual district may need. Mr. Weddington did say that the rural districts are disadvantaged by the current distribution of funding for transportation.

Eric Clark, Commissioner, DCBS, Elizabeth Caywood, Deputy Commissioner, DCBS, and Mary Carpenter, Assistant Director, DCBS Division of Protection and Permanency, came forward to give a response to the presentation. Commissioner Clark said it is an exciting time of change and transformation for CHFS, and apologized that he was reacting to this presentation instead of being more proactive. CHFS is seeking to address many of the specifics in the presentation, and unfortunately there was not time today to address them all individually. But he wanted to stress the need to elevate the conversation and change the way foster care is discussed. Children enter the foster care system because there is trauma in their homes, and often times that decision, and the foster care system, causes more trauma than what they were already facing at home. Last fiscal year, over \$475 million were spent on children in foster care, and just over \$18 million was spent on prevention, such as in-home services. Over 96 percent of children receiving prevention services stayed in their homes. Working with biological families can provide overwhelmingly positive results in keeping students in schools and in their families. Upstream attention is invaluable. Children also linger too long in the foster care system, and sometimes the school system is the most stable location for a social worker to meet with a student.

Ms. Caywood said the presentation today did not take into account the situations causing students to be removed from homes and the need to provide safety for students. Safety will always be the priority of the DCBS, and often children leaving an unsafe situation are not equipped to learn. Schools need to take that into account first and foremost.

In response to questions from Senator Thomas, Commissioner Clark said the HANDS program is very highly regarded and expanding funding for it would be very welcome, however, mandatory parenting classes would be a very difficult thing to implement and enforce.

Responding to questions from Senator West, Ms. Caywood said there were 9,660 foster students as of earlier this month, which does include some foster students in kinship care situations. Foster care maintenance, arrangements with foster care providers, staff salaries, psychiatric services for children, and many other things factor into the over \$400 million spent on foster care children. And those dollars are paid from several different areas

including state funds, federal funds, Medicaid funds, TANF, and others. The average cost per child is a bit over \$53,000 a year. But these children are also headed for homelessness and other negative outcomes because they are not equipped for the workforce, so the conversation surrounding their care definitely needs to be had.

Responding to Representative Tipton, Ms. Caywood said there are a multitude of placement types. Approximately 32 percent are in DCBS, and slightly more than half are in private provider placements. They have oversight of the performance-based contracts between the state and private providers and broad authority to govern those agencies. Additionally, as a result of study groups, the contracts between DCBS and private providers are currently being studied and made more robust. Responding to further questions, she answered that over 35 percent of children in foster care had substance abuse as a factor in their removal.

In response to Representative Brenda, the panel responded that a state-wide regional breakdown of where children are entering foster care and where they are placed could be provided to members.

In response to Representative Willner, Commissioner Clark said there is a team in Washington D.C. currently investigating programs that help students stay in their homes in order to determine which programs would best serve the citizens of the Commonwealth. START (Sobriety Treatment And Recovery Team) is an in-home prevention service that is currently being implemented in this state that helps reunite parents, often mothers, with their children through a robust mentorship program. Ms. Caywood also said there are federal grant funds available to support the implementation of evidence based programs, and some specifically for the rural regions.

Responding to Representative Gibbons Prunty, Commissioner Clark said active engagement in the community helps families move forward instead of stagnating in situations that would not help them or their children. Ms. Caywood said expanded Medicaid has helped in some states because parents can access services and therefore they do not reach a point where children are removed from homes with their biological parents.

In response to Representative Moser, Commissioner Clark said he was unsure how much more funding schools could receive for expanding services and hiring more care providers.

With no further business to come before the committee, the meeting adjourned at 2:50 p.m. The next meeting of the committee will be Wednesday, September 11, 2019.