



**STATE OF VERMONT**  
**DEPARTMENT OF EDUCATION**  
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To: Principals, Special Education Coordinators, Superintendents, Department for Children & Families

From: Karen Edwards, Director of Student Support Services  
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Subject: Updated Guidance for MOU Implementation with 2009 statutory changes

Field Memo: FM#09-14.

**Revised Guidance for MOU Implementation with Title 16 - Changes Bolded**

*When a child comes into custody or needs to transition from one living situation to another, there are many issues to consider. Educational continuity is an important consideration.*

Vermont Law provides for students attending school according to the town school district in which they live, *however* alternative arrangements are possible under certain circumstances.

The longer a youth is in out-of-home care, the greater number of out-of-home placements he or she is likely to experience. Frequent changes in placements often yield to frequent changes in schools. Researchers suggest that it takes approximately 4-6 months for a child to recover academically after changing schools.

Furthermore, changing schools during high school diminishes the chances for graduation. The educational impact of every school change is significant. Each time youth enter a new school, they must adjust to different curricula, different expectations, new friends, and new teachers. Children in out-of-home care must simultaneously adjust to a new home environment and community. The school environment often plays an important role for children in out-of-home care by providing opportunities to develop positive relationships with supportive teachers, school-based counselors and classmates. These relationships often provide a measure of protection from the disruption and uncertainty associated with out-of-home placements.

## The law for state placed students resides in 16 V.S.A. § 1075, and 16 V.S.A. § 11

### *If the Student:*

Lives outside the school district of either parent(s) residence, and not in a member union school district, and the team wants student to remain in home school, caseworker asks home school board through superintendent. The attached document can be used to build the case as to why student should remain in the home school. The caseworker should make the request to the Superintendent of schools.

Lives outside school district of parent(s) and the team wants the student to attend former school also not in school district of parent(s) residence, if both school administrators agree it is in students best interests they can request that the commissioner of education grant an exception to educate the student in the former school. In that case, the school administrators could be given a copy of this document to assist them in writing a letter. The letter will need to indicate that the schools both agree it is in the student's educational best interests and why, what the plan will be, and how long the requested exception is for, and what the requested funding arrangement would be.

We have drafted examples to help illustrate how to provide educational continuity for students in custody consistent with the MOU, and Vermont statutes, as well as which funding provisions apply for each situation. It is important to understand the provisions before agreements are reached.

### ***A Family Services custodial student moves from home to a foster home outside the district of parents residence, and the team agrees the home district is in the student's best educational interests:***

When a student in Family Services custody is moved from home to a foster home outside their parents school district, and the team for the student agrees it is in the students best educational interest to remain in the home school district, the Family Services caseworker requests of the Superintendent for the home school district that the student remain in the home school district. Suggested questions to consider for enrollment decision making are at the end of this document.

If the school district agrees to keep the student, which we encourage school districts to do since national data support that it is in the educational best interests of students to have educational stability, the district would send a letter to the Commissioner of Education copied to the Interagency Coordinator requesting an alternative plan for the education of the student, and residency assignment under 16 V.S.A. § 1075(b) and (c) so that the LEA responsibility is clearly defined and the student can legitimately continue to be treated as a resident student for purposes of ADM, Child Count, Medicaid billing and special education formula reimbursement for the home school district.

Letters should contain the student's name, and the beginning and ending dates of the requested alternative plan and indicate agreement between the home school and the school district where the student is placed. The commissioner will only consider requests for the current school year since much can change from year to year.

Services eligible for reimbursement for these students are the same as for any other resident student. Schools are not eligible to receive "state-placed" reimbursement for their own students. Parent(s) reside in their district.

**However with changes in the statute effective July 1, 2009, under 16 V.S.A. §11(28) (D) (I)(ii) if a home school district agrees to continue to educate a child in custody DCF who was placed outside the home district, and the student has been deemed by the commissioner of education to be in particular need of educational continuity, transportation is assumed by DCF then under 16 V.S.A. § 1075(c)(2) .**

***A Family Services custodial student moves home from a foster placement outside the home district.***

**When a student moves home from a foster home outside the parent(s) school district, usually educational responsibility shifts immediately to the home school district. However the option for the student to remain in the school the student is currently attending through the end of the school year as a “state placed student” is now available. If a student is in need of educational stability, although they have returned home, the school district they currently attend can request the Commissioner of the Department of Education to “deem” the student in need of educational stability, which would allow “state-placed” funding to continue through the end of the current school year.**

**This is a major change in state placed funding law to support educational continuity and success for students in care. Additionally DCF Family services is responsible for transportation for these students “deemed” by the commissioner to be in need of educational stability if no existing normalized transportation either exists or is appropriate for the needs of the student.**

Family Services workers planning moves home for students living outside their school district need to work very closely with the both home school district and the current school district to coordinate timing of the move so the student will not lose credit, and it is at is a natural semester break, leading to a smoother more successful school transition. Judges may also need to be apprised when making decisions regarding custody that the educational implications can have a significant impact on the student’s success.

**“State-Placed” reimbursement usually ends when the student moves home as per 16 V.S.A. § 11(28)(A)or(B), however can continue if the student has been “deemed” by the commissioner.**

***A Family Services custodial student moves from a foster home outside parent(s) school district to another foster home outside parent(s) school district:***

When a student in Family Services custody is moved from a foster home outside either of their parent’s school district to another foster home outside their parent’s school district, and the team for the student agrees it’s in the student’s best interest to remain in the former school district, the Family Services caseworker in consultation with both school district requests continued placement at the former school. If the school districts agree it is in the best educational interests of the student to remain in the former school district, the school that may seek continued “state placed” funding by sending a request for approval of an alternative plan for the education of the student to the commissioner of education, copied to the interagency coordinator.

Under **16 V.S.A. § 1075 (c)** the commissioner of education can agree to an alternative plan for the education of the student requested by the school districts, with the school districts assessment that it is in the students best educational interests. The commissioner has indicated general agreement with such requests.

Specific requests still need to be made, so that the responsible LEA is clearly defined, for specific dates. This allows all of the “state placed” billing to continue as if the student was still residing in the district they are attending.

A sub group of people working on the Casey Breakthrough Series on Educational Continuity created pages 1, 5 and 6 of this document containing “Questions to Consider for Enrollment Decision Making” to guide caseworkers and team members in their thinking about each student’s individual situation.

Feel free to use the form below if it is helpful to you.

**Student Data:**

Caseworker: \_\_\_\_\_ Date: \_\_\_\_\_

Student Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_ Grade: \_\_\_\_\_

Student resides with: \_\_\_\_\_ whose

mailing address: \_\_\_\_\_

(please include ZIP code)

This residence is in the town of: \_\_\_\_\_

What is the hoped for length of stay? \_\_\_\_\_

What is type of living situation is the child transitioning from / to? \_\_\_\_\_

(e.g.: home to foster care, foster care to pre-adoptive, etc.)

Name and TOWN OF RESIDENCE of primary parent/s:

Father's Name: \_\_\_\_\_

Mother's Name: \_\_\_\_\_

TOWN: \_\_\_\_\_

TOWN: \_\_\_\_\_

**If appropriate, please write "deceased" or "parental rights terminated".**

Others agencies/parties involved with this student are:

Name: \_\_\_\_\_

Role: \_\_\_\_\_

Agency: \_\_\_\_\_

Daytime phone: \_\_\_\_\_

Name: \_\_\_\_\_

Role: \_\_\_\_\_

Agency: \_\_\_\_\_

Daytime phone: \_\_\_\_\_

Name: \_\_\_\_\_

Role: \_\_\_\_\_

Agency: \_\_\_\_\_

Daytime phone: \_\_\_\_\_

Does this student have an Individualized Education Plan (IEP)?  Yes  No

Educational Surrogate Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Does this student have a 504 Plan?  Yes  No EST?  Yes  No

Educational disability, if applicable: \_\_\_\_\_

## Questions to Consider:

What are the student's educational strengths? \_\_\_\_\_  
(consider report card, student preferences, etc.)

What extracurricular strengths, interests & talents does the student have? \_\_\_\_\_  
\_\_\_\_\_

What are the student's educational needs? \_\_\_\_\_  
(consider discipline records, attendance, IEP, etc.)

If this is a high school student, how many credits does he/she have toward graduation? \_\_\_\_\_

What are the student's social connections (home/school/community)? \_\_\_\_\_

How long was the student enrolled in the former school? \_\_\_\_\_

How will this decision effect credit attainment for high school students? \_\_\_\_\_

Is there an interagency team around the child to help inform the decision making process?  Yes  No

What is their recommendation?      Act 264      or      individual treatment team meetings  
(circle one)

Are there safety issues that need to be addressed for the child or the community?     Yes     No

Is it feasible for a child of this age and developmental level to be transported back and forth to school daily?     Yes     No

If the child is on an IEP, what is the IEP team's recommendation? \_\_\_\_\_

Are there natural transitions such as summer, elementary school to jr. high, jr. high to high school, school vacations occurring that could be used to created a planned transition? \_\_\_\_\_

Are there benefits to a fresh start for the student or his peers? \_\_\_\_\_

### Matrix for Implementation of DOE-DCF MOU

	“State-placed” in both districts- Seeking continued enrollment although moved	“State-placed” where living/seeking enrollment in home district (Could be recently removed from home and needs to remain in home school)	“State-placed” in one district and then placed at home still in DCF Family Services custody.
<b>Statutes that apply</b>	<p>16 V.S.A. §1075 (b) (c)</p> <p>Commissioner agrees to an alternative plan for the education of the student when student is state placed in both current and former placements and school districts agree on best educational interest</p>	<p>16 V.S.A. §1075 (b) (c)</p> <p>Home school board decides if student can attend</p> <p>Letter to commissioner to agree to alternative plan Home school requests letter</p> <p>16 V.S.A. § 1075 (b)</p> <p>Pupil’s legal residence shall be determined by the board of school directors of the district the student seeks enrollment in, or seeks tuition payments from</p>	<p>16 V.S.A. § 11(28)(A)(B)</p> <p>Definition of “state-placed” students <b>usually</b> excludes students living at home</p> <p>.16 V.S.A. §11(28)(D)(i)(I)&amp;(ii) <b>can now be “deemed” by commissioner to be in need of educational stability therefore “state placed” when remaining in custody placed at home, remaining in former school-time limited to current school year.</b></p> <p>16 V.S.A. § 1075 (b)</p> <p>Pupil’s legal residence shall be determined by the board of school directors of the district the student seeks enrollment in, or seeks tuition payments from</p>
What needs to happen	<p>Team including both school districts discusses what is in student’s best educational interests.</p> <p>If it is to stay in previous school district then school district serving the student, who will also be seeking reimbursement, requests an alternative plan for the education of the student to the Commissioner of Education, cc Interagency Coordinator.</p>	<p>The team, including both school districts, discuss what is in student’s best educational interests.</p> <p>If it is attendance at the home school district a request is made to the Superintendent of Schools, by DCF Family Services worker.</p>	<p>Student needs to be enrolled in home school district. In most cases they attend their own school.</p> <p><b>Commissioner of Education can be involved for deeming students “state-placed” in situations where the student’s best educational interests are served by remaining in the school they were attending prior to being returned home through either a natural transition time or through the end of the current school year.</b></p>
Who is responsible to decide	<p>If team agrees for student to remain in former school district, School district seeking continued state placed funding requests alternative plan for the education of the student , Commissioner of DOE-grants and assigns the district serving the child to be the LEA.</p>	<p>Home school board decides if student can attend/ if yes request for alternative plan sent to Commissioner DOE and Interagency Coordinator/ Commissioner agrees to alternative plan, assigns home school district LEA allowing resident funding to flow</p> <p>If no, student attends school where they are living.</p>	<p>Home school district only if student is placed at home and attends home school.</p> <p><b>Commissioner or designee if request for deeming sent in. If student is deemed in need of educational stability by the commissioner of education, student can be funded as “state-placed” in current non home school district, to either finish the school year or transition at a natural break.</b></p>

	<b>“State-placed” in both districts- Seeking continued enrollment although moved</b>	<b>“State-placed” where living/seeking enrollment in home district (Could be recently removed from home and needs to remain in home school)</b>	<b>“State-placed” in one district and then placed at home still in DCF Family Services custody</b>
Who is responsible to pay for education	<p>School district serving the student-reimbursable under the usual state placed reimbursement.</p> <p>Commissioner agreement to an alternative plan for the education of the student and assignment of LEA allows “state-placed” funding to continue.\</p>	<p>Home school district as resident student, requests an alternative education plan sent to commissioner/ agrees to alternative plan, assigns home school district LEA allowing resident funding to flow</p> <p>If student is denied attendance at home school, student attends where living, state placed funding applies\</p>	<p>Home school district only for students placed at home in DCF custody and attending home school</p> <p><b>State Placed Fund-For students whose best educational interest will be served by remaining in their current school , although returned home in DCF custody, a request can be made to the commissioner or designee to deem them state placed for purposes of reimbursing the non resident school district through the end of the current school year</b></p>
Who is responsible to pay for transportation	DCF -Family Services if no existing transportation can be utilized	<p><b>DCF Family Services if no existing school transportation can be utilized- only for students who have an alternative plan agreed to by commissioner of education, and deemed in need of educational stability</b></p> <p>16 V.S.A. § (11)(28)(D)(i)(I)&amp;(ii)</p> <p><b>16 V.S.A. § 1075(c)(2)</b></p>	<p>Home school district for students attending home school, per the arrangement for all students in the home school district</p> <p><b>16 V.S.A. § 1075(c)(2) DCF Family Services- For students deemed “state placed” due to need for educational stability under new statute if the home school district and current school agree to continue a student in current school district until an appropriate transition time, and there is no existing appropriate transportation available through the school</b></p>