JUDICIAL CHECKLIST – EDUCATIONAL STABILITY

Studies indicate that many children in out-of-home care perform below their peers academically and outcomes further decline when a change in placement results in a change of school setting.[1] The daily routine and established relationships at school or an early care program, such as childcare, preschool, Head Start, 4K and Early Childhood Special Education, often provide a source of stability for children removed from their homes. The Every Student Succeeds Act (ESSA) requires the school and child welfare agency to ensure that a child who is placed in out-of-home care remains in the school of origin unless determined collaboratively that it is not in the child's best interest.[2]

This checklist was designed to highlight key educational questions to assist judicial officers as they consider the impact of changing a child's school or early care setting as one of several factors in determining the most appropriate placement and conducting the overall best interest analysis. Judicial officers are encouraged to distribute this checklist to other professionals, such as attorneys and social workers to help them prepare for questions they will be asked in court at hearings where there is a request to change the child's placement.

AT TEMPORARY PHYSICAL CUSTODY HEARING OR WHEN THERE IS A PROPOSED CHANGE IN PLACEMENT:

1. Would the proposed placement result in a change of school or early care setting?

   No, verify that the parties have an opportunity to inform the court of their position on the proposal, and whether there are any circumstances that may affect the presumption.

   Yes, make the following inquiries:

   - ✓ Ask the agency if there was a best interest determination made in collaboration with the school, including:
     - The child's educational and early care history, including friends, extra-curricular activities, adult support, number of schools attended, and academic progress.
     - The child's perspective on his or her education, including the child's wishes, graduation status, advanced placement classes, number of school changes child has already experienced, etc.
   - ✓ Provide opportunity for the child, the child's parents, caregiver, and advocates (e.g., counsel, GAL, CASA, etc.) to inform the court of their position on the proposal and inquire whether a change in school would interfere with the ability of the child and parents to participate in educational planning.

2. When a change in schools is necessary, verify the following information:

   - ✓ There are no barriers to immediate and appropriate enrollment as provided for under the ESSA.
   - ✓ There are no issues with the transfer of records, as allowed under §§115.298 and 118.125(2)(q), Wis. Stats.
   - ✓ The child is connected to school staff and/or others to assist with the transition.
   - ✓ The parties have determined the transportation plan or an interim transportation plan, if needed.

3. Inquire if the child has additional service needs due to concerns such as behavior issues, truancy, poor academic performance, or failure to meet developmental milestones. For example: Birth to Three Assessment, Individualized Education Program (IEP), 504 Plan, trauma assessment, medication management, etc.

[1] Courtney, M. (2004). *Educational Experiences of Children in Out of Home Care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago.

[2] See Best Interest Determination factors under the Every Student Succeeds Act: https://dpi.wi.gov/foster-care/best-interest-determination