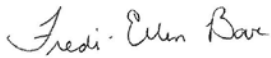


STATE OF WISCONSIN  
Department of Children and Families  
Division of Safety and Permanence

DSP Memo Series 2012 - 03  
March 9, 2012  
Re: School Activities for Children  
in Out-of-Home Care

To: DCF Area Administrators  
Bureau Directors  
Child Placing Agency Directors  
Child Welfare Agency Directors  
County Departments of Community Programs Directors  
County Departments of Developmental Disabilities Services Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Group Home Providers  
Indian Child Welfare Directors  
Private Child Placing Agencies  
Residential Care Center Providers  
Section Chiefs/Licensing Chiefs  
Shelter Care Providers  
Tribal Chairpersons/Human Services Facilitators

From: Fredi-Ellen Bove   
Administrator

This memo clarifies that a foster parent, relative caregiver, group home, residential care center (RCCs), or other individual with physical custody of a child under the child welfare system has the authority to give permission for school activities outside the classroom.

One of the key goals of the child welfare system is to promote the well-being of children in the child welfare system. Because education is a critical component of well-being, it is important that our child welfare policies support the educational success of children in out-of-home care. At the federal and state level, there is a strengthened collaboration between the child welfare and education systems to support educational success for children in out-of-home care.

School activities that occur outside the classroom and the school building, including field trips, sports activities, clubs, etc., are an important part of a child's educational experience. These activities provide:

- educational enrichment in terms of exposure to new topics or more in-depth coverage of subjects discussed in the classroom;
- an opportunity to socialize with peers; and
- life experiences that may otherwise not be available to the student.

Students in out-of-home care who are not able to participate in these activities risk having a narrower, less rich school experience than their classmates and face the stigma of being treated differently.

Given the state's increased focus on facilitating educational success for children in out-of-home care, Department of Children and Families (DCF) program and legal staff, in collaboration with the Department of Public Instruction, have reviewed current statutes and policies to remove barriers to successful educational outcomes for children in out-of-home care.

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#### Document Summary

This memo clarifies that a foster parent, relative caregiver, group home, residential care center (RCCs), or other individual with physical custody of a child under the child welfare system has the authority to give permission for school activities outside the classroom.

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For children in out-of-home care, it is important for the child welfare agency to keep the parent, i.e., the biological/adoptive parent or guardian, informed and involved as much as possible in their child's educational activities. However, the parent may not be available on a timely basis to make decisions on the child's participation in school activities outside the classroom, which can arise with relatively short notice.

DCF has concluded that under current statutes, a foster parent, relative caregiver, group home, RCC, or other individual with physical custody of a child has authority to make routine decisions regarding ordinary school and other sponsored activities. Physical custody of a child necessarily implies the authority to make ordinary day-to-day care decisions for the child that are implicit with exercising physical custody, including routine, ordinary activities of the child such as school and other sponsored activities.

The law distinguishes the authority of a physical custodian and a legal custodian. Physical custody means the right to make decisions pertaining to a child's everyday life. A party with physical custody has the normal parental responsibility of determining how the child spends his or her day. Legal custody, on the other hand, confers the right to make broader parenting decisions such as determining what kind of religious instruction the child receives. Decisions regarding educational placements (e.g., special education) continue to be the responsibility of the parent/guardian as delineated in state and federal law.

For this reason, a foster parent, relative caregiver, group home, RCC, or other individual with physical custody of a child has the authority to grant permission, by signing permission slips, for the children in their care to participate in school activities outside the classroom. It is not necessary to obtain the signature of the individual with legal custody, such as the biological parent, for the permission slip.

Some county child welfare agencies are already applying the policy described above with respect to permission for school activities. This memo clarifies that all county child welfare agencies should adopt this policy.

The Department of Public Instruction plans to send similar information to all school districts to clarify that foster parents, relative caregivers, group homes, RCCs, and other individuals with physical custody of a child have the authority to grant permission for school activities and that schools should accept permission slips for school activities signed by these parties.

We appreciate your application of this policy, which will help ensure that the school experience for children in out-of-home care is as meaningful and similar as possible to that of children residing with their parents.

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MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>