



Friday, August 28, 2020

COVID-19 Guidance: Educational Considerations

Introduction

The Department is committed to supporting the children and families in our communities, and to keeping our workforce safe and healthy. Child protection is an essential community service for some of our most vulnerable residents and families who are struggling to safely care for their children. In general, there is no substitute for seeing children and families in person. Given the current COVID-19 pandemic, it is necessary and prudent to balance the educational stability needs of children who are placed in out-of-home care. The Department strongly supports educational stability for children in placement and acknowledges the ongoing importance of children having a stable educational experience.

As the 2020-21 school year approaches during the COVID-19 pandemic, local education agencies are creating various plans to educate children across Wisconsin. Local school districts across the state have identified plans for their communities. Some school districts are continuing with in-person instruction, some school districts are instituting solely virtual education, some school districts are offering hybrid models inclusive of some in-person instruction and some virtual, and some school districts are offering family choice of the options previously stated. For children in out-of-home care, it is necessary for schools, child welfare agencies, parents and providers to collaborate about how to best meet their educational needs

These changes to educational settings also raise considerations related to child protective services reporting and youth justice truancy referrals. As always, communication and collaboration with system partners is essential in promoting child, family, and community safety and well-being.

School Changes and Educational Options

I. Decision on School of Origin-School Changes

The decision to change a child's school to an all virtual school or home school the child would be a change in the child's school if the virtual school is not being supported by the child's currently enrolled school district.

Every Student Succeeds Act (ESSA) requires child welfare agencies and school staff to talk about children they have in common. Specific conversations about school stability must occur when:

- a child enters out-of-home care; or
- when a change in placement could result in the child attending a new school.

Best Interest

ESSA states that the child must stay in their current school unless it is not in their best interest. The child welfare agency and school(s) are responsible for making the best interest determination. The Best



Interest Determination Guidance and Worksheets are tools agencies and schools may use when making these determinations.

Transportation

ESSA also requires schools and child welfare agencies to work together to transport students to and from school. The Transportation Procedures may assist with the creation of transportation plans or policies. The following materials may also be helpful:

- Joint Letter regarding Transportation
- Model Transportation Procedures
- Sample Student Transportation Plan

II. Decision on format of education during the Pandemic

ESSA does not speak to the format of the child's education, virtual, in-person, hybrid, or choice of options, and school districts are often providing the choice to the child's caregivers. Child welfare agencies, out-of-home care providers, and parents should work together to determine the best plan forward to meet the educational needs of a specific child before any changes are made. Considerations may include the parents' wishes, the availability of caregivers to support virtual school, the health and behavioral health needs of the child and other members of the household, and the comfort of the child's team with the plan of the school. The child welfare agency, out-of-home care providers and parents should communicate any questions or concerns with the school, who may be able to offer additional information or support in decision making. If agreement cannot be reached agencies should consult with their legal counsel on how to proceed.

Children, out-of-home care providers and agency staff should follow all safety guidelines that are set forth by the school district, (i.e., wearing of face masks, good hygiene, etc.). Children who are not well should not be sent to school. Previously issued guidance shall be followed for any child who is symptomatic and/or has had exposure to COVID-19.

Child Care Resources Information to Assist Out-of-Home Care Providers

Out-of-home care providers may have additional childcare considerations, depending on the school aged child's educational format. This section explains what changes have been made to the WI Shares childcare assistance program for school aged children, as well as, previously issued guidance on the inclusion of educational materials and childcare costs in the foster care rate.

The Division of Early Care and Education has issued guidance on the ability to receive support through WI Shares during the 2020-2021 school year that includes guidance on school-aged Authorization options. The resources below can be found on the [COVID 19 Child Care Subsidy Guidance and Resources Page](#)

[Parent Letter](#) (Guidance for Parents on School-Age Authorization options)



[County/Tribe Contacts for Wisconsin Share Questions for Parents](#)

Additionally, the Division of Safety and Permanence has issued guidance on adding education and child care costs to the foster care rate in the [Case Practice: Placement and Licensing Guidance](#). For ease of access that information is being restated here:

Uniform Foster Care Rate Setting

All licensed foster parents receive a foster care payment to reimburse for the care of a foster child, called the Uniform Foster Care Rate. There are four parts of the Uniform Foster Care Rate. One such component is the Exceptional Rate, which can be used to reimburse foster parents for the care of a foster child whose level of needs are above and beyond what is covered by the Basic and Supplemental portions of the foster care rate. Only licensed foster parents certified as a level 2 or higher are eligible for the exceptional payments. Under Title IV-E, the Exceptional Rate may reimburse foster parents for the cost of childcare, including the cost of a babysitter or providers that are not certified/licensed, to provide daily supervision during a foster parent's working hours when the child is not in school. This allowance includes the cost of childcare during the COVID-19 pandemic. Caseworkers should work with their agency Foster Care Rate Setter to ensure this cost is properly reimbursed in the Exceptional Rate as a child's supervision need. In the Exceptional Rate narrative, this shall be documented to include the cost of childcare in the following manner:

- Childcare costs related to COVID-19: \$XXX

In addition to the cost of childcare, foster parents may experience an increase in other child-specific costs related to COVID-19, such as supervision, additional time, cleaning supplies, an increase in food needs, etc. Questions about other types of reimbursement related to COVID-19 should be directed to the agency Foster Care Rate Setter. Allowable COVID-19 costs may be reimbursed in the exceptional portion of the child's foster care rate using the following allowable justifications:

- COVID-19: Additional supervision needs: \$XXX
- COVID-19: Additional foster parent time: \$XXX
- COVID-19: Child personal incidentals: cleaning supplies \$XXX
- COVID-19: Child personal incidentals: additional food \$XXX
- COVID-19: Child personal incidentals: other expenses \$XXX

The purchase of tablets or other technologies for foster parents to assist with agency contacts, and for other means as needed in relation to COVID-19, is not an allowable expenditure in the 7 Exceptional Rate. At this time, the Department recommends that agencies keep a record of any COVID-19 related costs that the agency has incurred.

COVID-19 exposure and CPS Reporting

Local CPS agencies may receive CPS reports with concerns related to COVID-19. There will be situations where children may be exposed to COVID-19 while they are with their family members, in out-of-home



care placement, or in school. Efforts to quarantine and manage this in the home or placement may be occurring. This is a reality for many families, and absent any information that constitutes child abuse or neglect, these reports may be screened out.

Local CPS agencies may receive reports that include information relating to COVID-19 exposure and also concerns of maltreatment. Any information received that constitutes child abuse or neglect, or threatened child abuse or neglect, continues to be required to be screened in.

Truancy

School offerings in virtual or blended formats may raise questions regarding attendance and truancy. Under Wisconsin statutes, habitual truancy is defined as “a pupil who is absent from school without an acceptable excuse under sub. (4) and s. 118.15 for part or all of 5 or more days on which school is held during a school semester” [s. 118.16(1)(a)]. School attendance policies are set at the local school district level. DPI’s “Education Forward: Operating Schools During a Pandemic” guidance recommends that districts review and update attendance policies and communicate any changes with all stakeholders. In addition, DPI guidance on attendance in online and blended learning environments notes that districts have the flexibility to define attendance in local policy and provides several examples of factors that may be used in tracking attendance.

Given the anticipated variation in practices across school districts, the Department recommends that local child welfare/youth justice agencies work closely with local school districts to understand policies, establish shared expectations, and identify ways to support student and family engagement. Communication with corporation counsels, District Attorneys, and the courts is also recommended so that system partners have a shared understanding of options and preferred approaches for filing truancy petitions and how to proceed with truancy referrals that are received.

In engaging in these communications and collaborations, the Department encourages agencies to center the vision for the Wisconsin youth justice system, as outlined in the Youth Justice Vision and Strategic Plan, which is that it “focuses on prevention and diversion, and provides accountability and services to youth and families in the system that prepares them to thrive.” Within this framework, important considerations include keeping young people from unnecessarily entering the justice system, engaging with families, collaborating across systems, and advancing a supportive rather than punitive approach.