



NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES

Education Guiding Principles December 14, 2020

Introduction

These Education Guiding Principles provide Division of Child Protection and Permanency (CP&P) staff with clear expectations for the education of children and youth in foster care during the COVID 19 pandemic regardless, of the mode of instruction the children receive; whether it be in-person, hybrid or remotely. These Principles were written with input from the New Jersey Departments of Education and Health and are consistent with best case practice as well as Federal and New Jersey law and regulations.

Seamless Education

All school districts are expected to maintain equivalent levels of rigor and quality of instruction, whether engaged in full-time distance learning, full-time in-person learning, or a hybrid or blended approach, alternating between remote and in-person environments. This guidance primarily focuses on pre-K through 12th grade but seamless education, access to technology and connectivity, and access and equity also applies to youth and young adults who are attending post-secondary institutions.

If the students are attending either in-person, remote or a hybrid approach in the school facility, the students are required to wear face coverings and are required to do so when social distancing cannot be maintained, unless doing so would negatively impact the student's health. It is necessary to acknowledge that enforcing the use of face coverings may be impractical for young children or some individuals with disabilities. For more guidance on face coverings and the restart of school, please review the New Jersey Department of Education's "[The Road Back—Restart and Recovery Plan for education](#)".

Family Engagement

Involve families (birth, kinship and resource) early and often in developing and refining their child's or youth's continuous education plan(s) using multiple and diverse methods of engagement.

Residents of domestic violence shelters should work with the shelter staff to determine whether the student's home school district or the school district in which the shelter is located (when these are different) would be the safest and in the best interest of the child.

Engage Regional Coordinators and district McKinney-Vento (MV) Liaisons to assist with communicating with families experiencing homelessness and Migrant Education Regional Coordinators to connect with migrant families.

- The list of MV Regional Coordinators may be found at:
<https://www.nj.gov/education/homeless/grantees/>
- The list of MV School District Liaisons may be found at:
<https://www.nj.gov/education/homeless/liaison.shtml>
- The list of Migrant Regional Coordinators may be found at:
<https://www.nj.gov/education/migrant/reg/>

Children Have Stability in Their Education

Under the Fostering Connections to Success and Increasing Adoption Act and the Every Student Succeeds Act,¹ preschool and school age children in foster care (any type of out-of-home placement) should remain in their school of origin if it is in their best interest. CP&P Supervisors and case workers/Education Stability Liaisons continue to make best interest determinations for students entering out-of-home placements or changing placements in consultation with school staff, parents, law guardian and the child. The best interest determination must be made within 5 business days of placement or change in placement.

Upon completion of the best interest determination, the case worker/Education Stability Liaison completes Education Stability Parent and School Notification letters (CP&P form 5-71 and 5-72)

School Letter: http://www.state.nj.us/dcf/policy_manuals/CPX-A-1-5.72_issuance.shtml

Parent Letter: http://www.state.nj.us/dcf/policy_manuals/CPX-A-1-5.71_issuance.shtml

Under the Restart and Recovery Plan for Education, school districts can offer in-person, hybrid or remote learning. Schools that resume hybrid or full-time in-person instruction shall permit students to engage in full-time remote learning upon the request of a parent or guardian. When possible, this should be a joint decision between the birth/removal parents and resource parents.

¹ <https://www.ncsl.org/documents/cyf/FosteringConnectionsSummary.pdf>
<https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>

This discussion must be facilitated by the CP&P caseworker to assist in the development of a mutually agreed upon educational setting plan that will ensure placement stability and the best interest of the child(ren) in foster care. Engagement through the use of Family Team Meetings or other casework practices should be employed to address any differences. Best case practice is to include the Individualized Education Program (IEP) team in this discussion.

- The list of School District Education Stability Liaisons may be found at: <https://www.nj.gov/education/foster/contact/liaison.shtml>
- The list of CP&P Education Stability Liaisons may be found at: <https://www.nj.gov/dcf/families/educational/stability/Directory.pdf>

Prior to the return to school, the CP&P caseworker is responsible for convening a dialogue with resource parents and birth parents who maintain guardianship to discuss learning options available in the child's school district. The focus of this discussion is to encourage collaboration between the resource and birth parents and is meant to assist in the development of a mutually agreed upon educational setting that ensures the best interest of the child, as well as placement stability.

When making a best interest educational setting determination, CP&P staff, in collaboration with birth/removal parents and resource families, must consider and discuss the following:

- What options are being offered by the school district: in-person, hybrid or remote learning?
- Does the child have any special education needs that require an IEP and what supports are needed for each option?
- Does the child have a medical condition that presents a risk for any in person learning?
- Does the parent or CP&P have guardianship?
- What is the goal for the child?
- What is the age of the child, and if developmentally appropriate what educational setting does the child prefer?
- Will the decision disrupt the child's placement? If yes, will the replacement be to a family setting?

If there is disagreement regarding the best interest educational setting for the child(ren), CP&P staff will notify the court through consult with the Deputy Attorney General.

Decisions regarding the educational services for students receiving Early Intervention or Special Education services are made by the Individualized Family Service Plan (IFSP) or IEP team which include the parent(s) or guardian.

Under the Individuals with Disabilities Education Act (IDEA)² and N.J.A.C. 6A:14,³ birth or adoptive parents are required participants in the teams that make educational decisions about their children, unless the parent(s) is deceased or their whereabouts are unknown or educational rights have been limited by a court order (i.e., Termination of Parental Rights and Guardianship Orders).

For students ages three through 21, parental consent is required:

- Before a child is evaluated for the first time to determine whether the child is eligible for educational support services.
- Before implementation of the child's initial IEP, if one results from evaluation, and before provision of any special education or related services.
- Before the child is assessed as part of a reevaluation; however, if the district can show that it made reasonable efforts to obtain consent for the reevaluation of the child and the parent failed to respond, then the district may proceed to evaluate without parental consent.
- Before the child's records are released to a person or organization that is not otherwise authorized to see them. There is an exception under the Uninterrupted Scholars Act (USA) that permits school districts to release student educational records without parental consent to a child welfare agency caseworker or representative who has the right to access the student's case plan
- Each time the school district wants to access private insurance covering a child with a disability.
- Whenever the school district wants to excuse a required team member from a meeting of the child's IEP team.
- Whenever the child's IEP is recommended for amendment in the absence of an IEP meeting; and
- Whenever the parent and a district board of education agree to waive a reevaluation of the child;
- For a student with a disability, see N.J.A.C. 6A:14-2.3 for additional areas that require parental consent.

² <https://sites.ed.gov/idea/statuteregulations/>

³ <https://www.nj.gov/education/code/current/title6a/chap14.pdf>

Early Intervention also requires parental consent for:

- Evaluation for Eligibility
- Assessment
- Disclosure of personally identifiable information
- Development of the IFSP
- Provision of Services Identified in the IFSP
- Follow-up and/or Periodic IFSP Review
- Referral to the Appropriate Local Education Agency (LEA) for Transition from Early Intervention Services to special education services at the local district

Adolescents age 18-21 receiving special education services are their own decision maker, unless guardianship has been legally assumed by another individual. For more information regarding supported decision-making and guardianship for persons with disabilities age 18 and over, [see the brochure developed](#) by the New Jersey Department of Education, the Department of Human Services and the Department of Children and Families:

Children Ages Birth to Three Years Old Will Have Continuity in Early Intervention Services

The IDEA and Child Abuse Prevention and Treatment Act (CAPTA)⁴ requires that every child from birth to age three that is the subject of a substantiated case of child abuse or neglect be referred to Early Intervention Services.

The IDEA requires Early Intervention providers to obtain informed written consent from parents in order to proceed with their child's evaluations and assessments, and before the provision of Early Intervention Services.

Because of social distancing and other restrictions during the pandemic, it may not be possible to obtain a parent's signed, written consent in-person. The New Jersey Department of Health is now allowing consent to be provided via an electronic or digital signature. Services are currently being provided through telehealth and in person visits at the parent's discretion. The CP&P workers should continue to collaborate with New Jersey Early Intervention Coordinators to obtain parental consent in person or via an electronic or digital signature.

Equity and Access

Students with Disabilities and English Language Learners retain all rights consistent with the Individual with Disabilities Education Act and New Jersey State regulations, which require that students have their unique instructional and related-service needs met.

⁴ <https://www.acf.hhs.gov/sites/default/files/cb/capta.pdf>

An IEP that currently includes Extended School Year (ESY) services is required to be implemented to the greatest extent possible during the COVID-19 pandemic. The IDEA and the New Jersey Department of Education’s Guidance on the Delivery of ESY Services to Students with Disabilities defines ESY services as “special education and related services provided to a student with a disability beyond the normal school year in accordance with the student’s IEP at no cost to the parent.”

ESY services are intended to assist students with maintaining skills learned when an interruption in educational programming causes the student to regress and recoupment is not expected in a reasonable length of time. ESY services are typically provided to children with disabilities during the summer months; however, some ESY services, particularly ones that require direct, in-person contact, may not have been able to be delivered this past summer. In such instances, school districts may provide ESY services to the child during the school year, during school breaks or vacations, as appropriate to the child’s needs and consistent with applicable standards.

English Language Learners must get support from ESL teachers and language support staff in order to properly understand and participate in their classes. In addition to scheduled academic programming, ESL students should continue to have access to programming to develop their skills and acquire the English language.

Birth, kinship and resource parents should request a meeting with their child’s IEP team to resolve any concerns about their child’s educational services. Parents needing support in advocating for special education services may contact the [Statewide Parent Advocacy Network](#).

Students in Temporary Living Situations Have the Right to Attend Their School of Origin: Under the McKinney-Vento Homeless Assistance Act⁵ and N.J.A.C 6A:17-1.1 et seq, students from preschool through grade 12 who are homeless, which is defined as a student “who lacks a fixed, regular, and adequate nighttime residence,” are entitled to attend their school of origin. Examples of temporary living situations include, but are not limited to, youth who are:

- “doubled-up” by sharing housing for economic reasons or due to loss of housing in different places, also known as couch-surfing
- in congregate care shelters including domestic violence and runaway shelters
- unsheltered, in a motel, campground, car or other substandard housing
- temporary shelters provided to migrant workers and their children on farm sites

Upon determination that a youth meets the definition of “homelessness”:

- School District Homeless Liaisons work with the student and parent/shelter/CP&P to determine if the student should continue in their school of origin or attend the local school district. The list of School District Homeless Liaisons may be found at: <https://nj.gov/education/homeless/liaison.shtml>

- In situations for which a youth is in a “home style” setting (includes family shelters and domestic violence shelters) and the parent/guardian must work during school hours, the parent/guardian shall work with the domestic violence shelter advocate, CP&P staff, or program staff to determine what supportive resources are available in the community, e.g., a learning lab hosted by the student’s school district or a local childcare provider that is offering services to school-aged children.

Access to Technology

The school district must ensure that all students should have appropriate, secure and adequate access to the technology and internet connectivity needed to participate in their education. School districts engaged in remote or virtual learning should prioritize the provision of needed technology, as well as training and technical assistance as needed. School Districts should prioritize in-person instruction for students without access to technology needed for remote learning. A student participating in full-time remote learning “must be afforded the same quality and scope of instruction and other educational services as any other student otherwise participating in district programs.”⁶

Access to Nutritious Meals

All school aged children will have a nutritious, well-balanced breakfast and lunch in order to promote sound eating habits and to cultivate good health and academic achievement.

The New Jersey Department of Agriculture (NJDA) administers the federal Child Nutrition Program, which includes the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP). Eligible public schools, non-profit private schools, and residential childcare institutions (RCCI) enter into written agreements with NJDA to operate local programs that provide nutritionally balanced meals to children each day.

Students residing in foster care are categorically eligible to receive free and reduced-price meals pursuant to the Healthy Hunger Free Kids Act.⁷

All public schools participating in the NSLP and SBP, regardless of whether they are required to participate or opt-in voluntarily, must offer meals to all children, regardless of eligibility, during school days that consist of virtual or remote instruction. Meals may be “grab and go” style at the child’s school of attendance, “grab and go” style at another school site that is open, or at a congregate meal service at an open site in the school district. Schools should have provided information to parents about obtaining meals and can also locate nearby distribution sites can be found at:

⁶ July 24, 2020 Supplement to The Road Back plan:
<https://www.nj.gov/education/reopening/updates/docs/7.24.20%20RtR%20Fulltime%20Remote%20Update.pdf>

⁷ https://fns-prod.azureedge.net/sites/default/files/PL_111-296.pdf

Find Meals for Kids:

<https://usdafns.maps.arcgis.com/apps/webappviewer/index.html?id=789a7a56a07f4e3dab873fd8c2918f9a>

Children residing in foster care who are participants of childcare centers, Head Start or Even Start programs, After-School Programs or homeless shelters are also automatically eligible for free meals through the Child and Adult Care Food Program (CACFP).

Children previously enrolled in an After-School enrichment or educational program at a school or an After-School program center, should continue to receive afterschool meals and snacks. The continuation of the afterschool meal service should be through a non-congregate meal service option if the After-School program is closed.