

# Foster Care & Education

## COVID-19

April 2020

### Courtroom Questions to Address Education During COVID-19

During these unprecedented times of extensive school building closures, supporting the educational needs of students in foster care is essential, and requires new approaches. For courts overseeing child welfare cases and ensuring children's well-being, including education, is being addressed, the inquiry must include information about distance learning. Instead of *"Is the child enrolled and doing well in school?"* and the typical conversations during a court hearing, courts should consider the following questions:

- **Can the child and family access resources to support education?** Do the child and his or her caretakers have access to materials to support education progress at home (i.e., packets from the school; reading materials; textbooks or online resources to support learning during closure)? Is the child actively engaged and participating in available educational opportunities?
- **What is the school offering to support distance learning?** Is the child accessing and benefiting from the distance learning opportunities offered by the school? Do any barriers (i.e., picking up packets, internet connectivity, computer access and use) need to be addressed so the child can stay connected to school-based learning, teachers, and peers?
- **Does the caseworker, or others, need to take action to support the child's education?** Do the child and his or her caretakers need added support from the child welfare agency to remove barriers to accessing education or supplement what the school offers (i.e., technology support, virtual tutoring, learning materials, virtual counseling)?
- **Does the child have special education needs that require additional support?** Is someone advocating for children with disabilities to ensure they receive supports and services through IDEA and/or 504 during this period, and tracking if compensatory services will be required when schools reopen?
- **Is there a clear education decision maker (EDM) still in place?** For a child in general or special education, who is the EDM? Does the parent continue to maintain EDM rights or has another person been designated as the EDM? Does the court need to change who holds education decision making rights during this time?
- **Is there strong communication with the school?** Is ongoing communication between systems continuing to ensure the child's education needs are being met? Also, if any changes in living placement or education decision-making have occurred during the closure, have these changes been communicated with the school? While this is always important, during school closures it is critical to ensure seamless transitions back to schools once open.