

PROCEDURE FOR EXCEPTIONS TO IN-PERSON LEARNING FOR A CHILD OR YOUTH IN DCYF FOSTER CARE
AND APPROVAL FOR ENGAGEMENT IN TO ENGAGE IN DISTANCE LEARNING FOR THE 2020-21
ACADEMIC YEAR
SEPTEMBER 2, 2020

This memo outlines the expectation and guidance for determining if a request for distance learning¹ for the 2020-21 school year for a child or youth in foster care should be approved.

First and foremost, it is DCYF's responsibility to ensure that children and youth in foster care have access to the same educational opportunities as their peers not involved with foster care. Even before the COVID-19 pandemic, research showed that children and youth in foster care were often less successful in academic achievement than those not in foster care, especially those children and youth who are at risk for needing or who are already receiving, special education services. We also know that student success with distance learning varies based on a student's and their caregivers ability to use technology, the ability of caregivers to support students with their academics, the age and developmental level of the student and whether or not any educational support they are provided in an in-person school setting can be effectively provided in a distance learning setting.

The Department also recognizes that, for most children and youth living in foster care, the parent(s) or legal guardian(s) of the child/youth has the right to make educational decisions. For some children/youth who are at risk for needing, or already receiving, special education services, an Educational Advocate is authorized and responsible for making educational decisions for the child/youth. The Educational Advocate will generally be a professional staff member of the Educational Advocate Program at the Sherlock Center, but may be a foster parent appointed by the Rhode Island Department of Education (RIDE). While prudent parenting allows for caregivers to make some decisions linked to the school (for example, attending field trips and participating in sports), how and where a child receives educational services is an educational decision and falls outside of prudent parenting.

Furthermore, RIDE and the Rhode Island Department of Health (RIDOH) have established metrics to determine if a school district should have all students attend school in person, utilize a hybrid model in which some or all students combine in-person learning with distance learning, or use an all distance learning model. Each school district has submitted to RIDE a School Reopening Plan (<https://www.back2schoolri.com/>) for each of these scenarios that addresses academic, health and safety, and school sanitation procedures. These metrics and plans informed the procedure outlined below.

Given this responsibility and the challenges that students may face in a distance learning environment, DCYF expects the following:

¹ Distance Learning is different than home schooling. **By DCYF Regulation, children and youth in foster care are not permitted to be home schooled.** Distance Learning is when a School District has arranged for students to use a combination of virtual and written methods to provide an educational program to students based on the District's approved curriculum. Home Schooling can only be approved by a local school committee, is requested by a parent/guardian and is based on a curriculum that the parents have developed and/or adapted.

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1. For school districts² that are using a full in-person model, any child or youth living in foster care³ is expected to attend school in-person;
2. For school districts that are using a hybrid model that requires distance learning on some school days, a child or youth living in foster care can engage in distance learning per the school district model but must attend in-person on those days where students are expected to be physically attending the school building;
3. For school districts providing the option for students to distance learn even when the district is using a full in-person or a hybrid model, any child or youth living in foster care shall attend school in-person in accordance with the school district's model.
4. For school districts providing a distance-only learning option, any child or youth living in foster care shall participate in distance learning.

The Department recognizes that there may be an individualized need for a child or youth living in foster care to engage in distance learning. Exceptions to the general guidance noted above will be reviewed by the Regional Chief of Practice Standards or the Associate Director of Juvenile Probation (hereinafter referred to as Administrator). Review of the exception will include a recommendation from the FSU Caseworker/Supervisor or Probation Officer/Supervisor. The Department will make best efforts to consult with parents, foster parents, congregate care providers, school personnel, the Educational Advocate, Guardians Ad Litem, the DCYF Educational Support Services Team and the DCYF Legal Office.

The criteria that the Department will consider in allowing the child to distance learn may include the following:

1. The School District in which the student is enrolled is above the COVID-19 safety metrics established by RIDOH and RIDE;
2. The student's School District is not in the same city/town in which the student lives and the city/town in which the student lives is above the COVID-19 safety metrics as established by RIDOH and RIDE;
3. An individual living in the foster care placement is living with a documented medical condition that places them at higher risk to be severely affected by COVID-19 if infected;
4. Whether or not the foster parent(s) or congregate care provider will be at home with the student during the school day to support them and ensure they are engaged in distance learning;

² For this procedure, a school district, also known as an LEA, includes Rhode Island's traditional public school districts defined by the geographic boundaries of a city/town or Regional School District and all public Charter Schools and Mayoral Academies.

³ For the purpose of this procedure, Foster Care means any out of home DCYF placement excluding the Rhode Island Training School and any residential program that includes the delivery of educational services in accordance with RIGL 16-64-1.1(c).

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5. Whether or not the student is identified as at risk for needing special education services or already receiving special education services and how effectively their educational needs, including special support services, can be met if the student is engaging in distance learning;
6. The academic level of the child as it is more challenging for children in Pre-Kindergarten and Kindergarten, as well as some lower elementary levels, to effectively engage in distance learning.

While there may be other factors to be considered, the Department views the above factors as the critical considerations that should be addressed in any decision to approve a child or youth in foster care to engage in distance learning.

The Administrator should make this decision as quickly as possible after receiving a recommendation from the DCYF worker/supervisor but is expected to render a decision within five (5) business days. The decision is to be documented in a Case Activity Note, with the rationale for the decision clearly stated, and communicated via email to the worker/supervisor who shall ensure that it is promptly shared with the student's parent(s) (unless there is a legal reason not to provide this to them), caregiver(s), GAL and the Educational Advocate if one is assigned.

Any dispute between the Department and the parent or educational advocate regarding the Department's decision on distance learning shall be resolved through the Department's Complaints and Hearings Policy ([DCYF Policy: 100.0055](#)).

Nothing in this guidance is intended to supersede the COVID-19 Guidelines as established and updated by RIDOH related to individuals who have COVID-19 symptoms, who have tested positive for COVID-19 or who have been exposed to an individual(s) who is symptomatic or has tested positive for COVID-19. Foster families and congregate care providers are expected to follow the protocols established by RIDOH for quarantine and/or isolation in those circumstances. In circumstances where a child or youth in foster care is under quarantine and/or isolation, and was previously attending school in-person, RIDE has directed LEAs to ensure the student has access to distance learning that is made available to all students in such circumstances and which shall also be provided without delay to the child or youth in foster care.

It is anticipated that each congregate care provider shall designate and identify to the youth's DCYF case manager a staff member who will coordinate the implementation of this guidance within the program.