
PURPOSE

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency that are placed in out-of-home care are subject to the same policy requirements as abuse/neglect foster care youth outlined in [FOM 723, Educational Services](#), with the exceptions and additions in this policy item.

Note: When a youth is placed in a state-run or private, contracted residential treatment facility; see the JR4 Education policy series and the master contract for Residential Foster Care Juvenile Justice (RFCJJ) for residential facility staff duties.

Every effort must be made to ensure that the educational needs of all juvenile justice youth are met. The juvenile justice specialist must ensure youth are provided with appropriate educational services to support and encourage school progress and success. The juvenile justice specialist is responsible for monitoring the provision of educational services to determine their quality and effectiveness. If educational services are determined to be inadequate or ineffective, the juvenile justice specialist, in conjunction with the youth, will determine and make the appropriate adjustments in educational case service planning.

SCOPE

This policy applies to juvenile justice specialists, supervisors and managers of the juvenile justice program.

**COMPULSARY
SCHOOL
ATTENDANCE**

See [FOM 723, Educational Services](#). If a youth is 18 years of age or older and is placed in a state run or private, contracted residential juvenile justice facility, and the youth has graduated or completed his or her GED, the juvenile justice specialist must ensure the residential facility provides access to appropriate post-secondary educational and/or vocational opportunities for the youth.

**EDUCATIONAL
REQUIREMENTS**

See [FOM 723, Educational Services](#).

**MDHHS POINT-OF-
CONTACT AND
DISTRICT FOSTER
CARE LIASON**

The Every Student Succeeds Act (ESSA) of 2015 requires that school districts identify a foster care liaison to collaborate with foster care staff when considering school placement and to help set up transportation when needed. School districts are required to have identified these liaisons if MDHHS has identified education point-of-contact in each county office. See [FOM 723, Educational Services](#) for detailed information on responsibilities.

**FOSTER CARE
PLACEMENT AND
PREFERRED
SCHOOL**

Fostering Connections to Success and Increasing Adoptions Act and the Every Student Succeeds Act require that at the time of initial out-of-home placement or replacement, youth must continue his or her education in the school of origin whenever possible and if in the youth's best interest. The proximity of the caregiver home to the youth's school must be considered when placing or changing a youth's placement.

**Best Interest
Factors**

See [FOM 723, Educational Services](#).

**District Foster
Care Liaison and
School Staff
Involvement in
Best Interest
Decision**

See [FOM 723, Educational Services](#).

**Parent and Child
Involvement in
Best Interest
Decision**

See [FOM 723, Educational Services](#).

**SERVICES AT
PLACEMENT AND
PLACEMENT
CHANGES**

School-aged youth must be registered for and attending school within five days of initial placement or any placement change, including while placed in child care institutions or emergency placements.

**Transfer of
Student Records
to New School**

See [FOM 723, Educational Services](#).

**Transfer of
Student Records
to Placement
Provider**

See [FOM 723, Educational Services](#). The records indicated must be also be scanned into MiSACWIS as part of the juvenile justice assignment unit placement process when requesting placement in a state run or private, contracted juvenile justice treatment facility; see JJM 700, Juvenile Justice Assignment Unit.

**Juvenile Justice
Specialist Role**

The juvenile justice specialist must coordinate with school personnel, with input from the youth, to ensure the youth's educational needs are identified and that the youth is provided the necessary educational services; see [FOM 723, Educational Services](#) for detailed information on responsibilities.

**SCHOOL
TRANSPORTATION**

If it is determined that it is in the youth's best interest to remain at his/her current school despite being placed in a foster home outside of the school district, and there is an additional cost for transportation, MDHHS is responsible for this cost. See [FOM 723, Educational Services](#) for transportation options.

HOME SCHOOLING

All youth in out-of-home placement are required to attend a public or private school program. Home schooling is not permitted. Online and blended learning opportunities are not considered home schooling and may be considered in special circumstances.

ONLINE EDUCATION PROGRAMS

Youth in out-of-home placements must be enrolled in public or private school programs as often as possible. If the situation arises that an alternative education program is required, online programs may be considered for youth 16 years and older. All other options must be considered prior to considering an online education program.

Guidelines

See [FOM 723, Educational Services](#).

Exception: A family team meeting is not required.

Online Education Best Interest Factors

See [FOM 723, Educational Services](#).

Accepted Programs

See [FOM 723, Educational Services](#) for Accepted Programs.

Exception Requests

See [FOM 723, Educational Services](#) for information that must be included in the exception request.

Exception: A family team meeting is not required. An exception request must be sent to:

Juvenile Justice Policy
235 S. Grand Ave. Suite 1315
Lansing, MI 48909
Fax: 517-373-2799
Email: Juvenile-Justice-Policy@michigan.gov

SPECIAL EDUCATION

The Individuals with Disabilities Education Act (IDEA) ensures that all youth with disabilities are entitled to a free appropriate public education to meet their unique needs and prepare them for further education, employment, and independent living.

Individualized Education Plan (IEP)

See [FOM 723, Educational Services](#) for information on IEPs and the juvenile justice specialist role.

Requesting an IEP

See [FOM 723, Educational Services](#).

Suspensions/ Expulsions

See [FOM 723, Educational Services](#).

SURROGATE PARENTS

Surrogate parents are appointed to represent youth with disabilities and developmental delays under the following circumstances:

- No parent can be identified.
- The juvenile justice specialist, after documented reasonable efforts, cannot discover the whereabouts of a parent.
- The youth is a ward of the state or court **and** parental rights have been terminated.

Surrogate parents have all the rights of birth parents for educational matters, (permission for evaluation and placement, release information and request for educational hearing). The primary responsibility of surrogate parents is to ensure that youth with disabilities are provided with a free, appropriate public education.

Surrogate Parent Selection Requirements

See [FOM 723, Educational Services](#) for detailed information on selecting a surrogate parent.

Appointing a Surrogate

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency that are placed in out-of-home care and require a surrogate parent must have a surrogate appointed by the local MDHHS office supervising the youth's case, by the court of jurisdiction or school district. Reasonable efforts must be made to assign a surrogate not more than 30 days after there is a determination by the juvenile justice specialist that the youth needs a surrogate parent.

Reasonable efforts must be made to assign a surrogate not more than 30 days after there is a determination by the local MDHHS office that the youth needs a surrogate parent.

DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

All educational information and related tasks, activities, and contacts must be documented within the social work contacts, case service plans, placement and the education sections of MiSACWIS.

Educational Information for Placement and Replacements

See [FOM 723, Educational Services](#) for required narrative within the youth's service plan.

Exception: Documentation of assessment of a youth's educational needs must be completed in the Juvenile Justice Strengths and Needs Assessment.

The transfer of educational information must be documented on the DHS-69, Foster Care/Juvenile Justice Action Summary and within the Placement Details in MiSACWIS. The juvenile justice specialist

must enter the date on which the education information was provided to the new placement in the box titled "Education Information Provided" and the "Education Information Provided" date. For juvenile justice assignment unit placement referrals, this date should reflect the date the educational records were uploaded as part of the juvenile justice assignment unit referral packet; see [JJM 700, Juvenile Justice Assignment Unit](#).

Updated Educational Information

Updated school information is required in all case service plans; see [FOM 723, Educational Services](#).

Exception: Documentation of reassessment of a youth's educational needs must be completed in the Juvenile Justice Strengths and Needs Assessment.

Caregiver Involvement

See [FOM 723, Educational Services](#) and [FOM 722-08C, Foster Parent/Relative Caregiver Activities](#).

Note: The specifics for school collaboration and the actual tasks involved in the daily educational interventions required must be documented in the MiSACWIS Strengths and Needs section of the service plan, identifying the specific Action Steps with the caregiver(s) as the Responsible Person(s).

LEGAL BASE

Federal Laws

Fostering Connections to Success and Increasing Adoptions Act, PL 110-351, 42 USC 620 et seq.

The Fostering Connections to Success and Increasing Adoptions Act requires states to promote educational stability and appropriate school attendance for children in foster care.

McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq.

The McKinney-Vento Act, reauthorized in January 2002, ensures educational rights and protections for children experiencing homelessness. The act helps to reduce barriers that eligible children face in enrolling, attending, and succeeding in school. The act's educational provisions entitle eligible students to numerous specific rights and benefits from local school districts.

Uninterrupted Scholars Act, PL 112-278, 20 USC 1232g(b)(1(L))

The Uninterrupted Scholars Act became effective in January 2013. This Act makes key amendments to the Family Educational Rights and Privacy Act (FERPA) 20 USC 1232g, that improves information sharing between education and child welfare agencies. The Act allows schools to release a child's education records to child welfare agencies without the prior written consent of the parents or court order.

Individuals with Disabilities Education Act, 20 USC 1400 et seq.

The Individuals with Disabilities Education Act (IDEA) is a federal law enacted to meet the needs of persons with disabilities. IDEA ensures that students with disabilities receive appropriate education through the development and implementation of an Individualized Education Program (IEP). The IEP is designed to meet the assessed educational needs of each student with disabilities and assures students will be educated within the least restrictive environment appropriate to meet their needs.

Public Law 91-230, [20 USC 1400 et. seq.] the federal Individuals with Disabilities Education Act (IDEA) was enacted to meet the needs of persons with disabilities.

Part B [20 USC 1411-1419] covers children age three to age 21 with disabilities and ensures that they will have available special education and related services to meet their unique educational needs.

A number of procedural safeguards are provided under Part B that involve parental notice and consent. One of these procedural safeguards is the appointment of a surrogate parent if the child's legal parent cannot be located.

Every Student Succeeds Act, Title I, Part A of the Elementary and Secondary Education Act of 1965, PL 114-95, 20 USC 6301 et seq.

Every Student Succeeds Act (ESSA), passed in December 2015, amends the Elementary and Secondary Education Act (ESEA) and includes protections to support students who are in foster care. It requires state and local level education systems collaborate with child welfare agencies to ensure the educational stability of children and youth in foster care.

State Law**The Revised School Code, 1976 PA 451, as amended, MCL 380.1 et seq.**

MCL 380.1135(4) - within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request.

Exception: MCL 380.1148(2) does not apply to juvenile justice youth unless the youth is a dual ward - if a child who is under court jurisdiction under section 2(b) of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.2, is placed in foster care, a school district shall allow the child to enroll in and attend the appropriate grade in the school selected by the department of human services or a child placing agency without regard to whether or not the child is residing in that school district. If the selection results in a child transferring to another school, the child's school records shall be transferred as provided under section 1135.

MCL 380.1310(2) - If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals.

MCL 380.1311 - A school board, school district superintendent, school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent.

MCL 380.1561- compulsory attendance at public school; enrollment dates; exceptions.

Michigan Administrative Rules

Department of Education Special Education Programs and Services, 2013 AACCS, R 340.1701-340.1873.

POLICY CONTACT

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.