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## OVERVIEW

Every effort must be made to ensure the educational needs of all children in foster care are met. The supervising agency must ensure that children in the care of the Michigan Department of Health and Human Services (MDHHS) are provided appropriate educational services to support and encourage school success. The supervising agency is responsible for monitoring the provision of educational services to ensure identified needs are being addressed.

## COMPULSORY SCHOOL ATTENDANCE

### Minimum Age

Children who are six years of age by December 1st of the school year must be enrolled and attending school.

### Maximum Age

Children are required to attend school until they graduate or successfully complete a General Educational Development (GED) program.

## EDUCATIONAL REQUIREMENTS

All children in foster care must meet one of the following conditions:

- Is a full-time elementary or secondary student.
- Has completed secondary education.
- Is incapable of attending school on a full-time basis due to the child's medical condition. Incapacity must be supported by annual information submitted by a medical provider.

**Note:** The required supporting documentation of full-time school attendance, school completion, or medical incapacity must be documented in the case service plan and updated in the education section of the electronic case record.

## SCHOOL ENROLLMENT

School-aged children must be registered for and attending school within five school days of initial placement or any placement

change, including while placed in child caring institutions (CCI) or emergency placements.

## **EVERY STUDENT SUCCEEDS ACT (ESSA)**

The federal Every Student Succeeds Act (ESSA) of 2015 requires state education agencies ensure education stability for students who are in foster care. This includes requiring that school staff collaborate with child welfare staff to make best interest determinations for school placement.

ESSA requires that every local school district identify a foster care liaison. The local school district's foster care liaison is required to collaborate with foster care staff when considering school placement and to help arrange transportation when needed.

### **School District Foster Care Liaisons**

Every local school district is required to have a foster care liaison identified.

School district foster care liaisons can be found in the [Educational Entity Master \(EEM\)](#) database. Instructions for how to find the liaison are as follows:

- Click "search" on the left.
- Select "quick".
- Under "entity name" type in the name of the local school district, not the building.
- Click "search".
- Select the district from the list, there may be several pages to look through, click on the blue underlined name.
- Scroll to the bottom of the page.
- Under the admin/contacts tab, using the scroll bar, find "foster care liaison".

The school district liaison will:

- Coordinate with the corresponding child welfare agency point-of-contact and the foster care case manager on the implementation of the ESSA provisions.
- Assist with education placement best interest determination.
- Facilitate the transfer of records and immediate enrollment.
- Facilitate data sharing with the child welfare agencies, consistent with Family Educational Rights and Privacy Act (FERPA) and other privacy protocols.
- Collaborate with the child welfare agency point-of-contact and the foster care case manager to develop and coordinate local transportation procedures.
- Manage best interest determinations and transportation cost disputes.
- Ensure that children in foster care are enrolled in and regularly attending school.
- Provide professional development and training to school staff on the ESSA provisions and on educational needs of children in foster care.

### **MDHHS Education Point-of-Contact**

Every county MDHHS office will have an education point-of-contact identified. This point-of-contact will:

- Receive initial and ongoing training when new education policy/law goes into effect that will cause a change in case manager protocol.
- Share information with MDHHS offices and private agencies.
- Serve as the primary contact for school district foster care liaisons.
- Connect education staff with assigned foster care case managers, when needed.
- Provide technical assistance to foster care case managers with transportation paperwork.

- If assisting with an individual case, notify the case manager so that it can be documented within the electronic case record.
- Collaborate with district foster care liaisons regarding transportation plans and payment.

## EDUCATION PLACEMENT

Children entering foster care or changing foster care placements must continue their education in the local school district of origin whenever possible and if in the child's best interest. The proximity of the caregiver home to the child's school is to be considered at initial placement and when changing a child's placement.

### Best Interest Determination

The case manager must discuss best interest factors with the school district foster care liaison, parent, foster parent/relative caregiver, guardian, and child when appropriate, regarding school placement. Best interest factors include but are not limited to:

- The parent/legal guardian and child's preference.
- Input from the school district foster care liaison and other school staff.
- The child's:
  - Social and emotional state.
  - Academic achievement/strengths.
  - Extra-curricular activity participation.
- Continuity of relationships.
- Special education programming.
- Supportive relationships and/or services.
- Length of anticipated stay in placement.
- Distance/travel time to and from current school/new placement and impact on the child.

**Note:** The cost of transportation to the school of origin cannot be considered when reviewing best interest factors.

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**School Foster Care  
Liaison  
Involvement**

When making the education placement best interest determination, the school district foster care liaison and other school staff should be involved. The local school district can:

- Provide input on academic, social, and emotional impact that changing schools may have on the child's wellbeing, progress, and services.
- Help determine which programs at the two schools are comparable and appropriate for the child.
- Provide information on the commute to the schools in terms of the distance, mode of transportation, and travel time.

**Parent and Child  
Involvement**

Case managers must engage both the parent(s)/legal guardian(s) and the child in the best interest determination.

**School Placement  
Decision**

As included in the Michigan Revised School Code, when a consensus cannot be reached between the foster care staff and the school district foster care liaison regarding where a child should attend school, the foster care staff, either MDHHS or placing agency foster care (PAFC), will make the decision, between the local school district of origin or the local school district of residence, giving preference to the child and parent's wishes.

Neither the local school district of origin nor the local school district of residence can deny enrollment for a child who is in foster care. This includes when there is a lack of paperwork, including immunization records or birth certificate.

If the foster parent or relative caregiver prefers the child attend a school that is not within the local school district of origin or the local school district of residence, they can apply for school-of-choice, if applicable. MDHHS is not able to assist with education transportation expense if enrolling in a school-of-choice option. All decisions about where to enroll the child must consider the child and parent's wishes.

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## School Change

If remaining in the school of origin is not in the best interest of the child, the case service plan must document that:

- The child was enrolled immediately into the school of residence, within five school days.
- Assist with the transfer of educational records of the child to the new school.

## Transfer of Student Records to New School

When a child in foster care has a school change, public schools are required to request a copy of the CA-60, the Cumulative Record Folder, from the child's previous school within 14 school days after enrolling the transfer student. The sending school must forward a copy of the records within 30 school days of the request.

If the child's foster care case record does not contain the most recent school records, such as the report card, discipline records, or Individualized Education Plan (IEP), if applicable, the case manager must request copies of educational records from the last school attended within five-days of enrolling the child in the new school, using the [DHS-942, School Notification and Education Records Release](#). This will ensure the child will be placed in the appropriate classes and receive any needed special accommodations immediately, without having to wait for the transfer of the full CA-60, Cumulative Record Folder.

## DHS-942, School Notification and Records Release

The Uninterrupted Scholars Act amended the Family Educational Rights and Privacy Act (FERPA) to allow schools to release education records to child welfare case managers or other representatives of a state or local child welfare agency or tribal organization without parental consent for the purpose of school enrollment and case planning. As soon as a school move is expected, or any time a child changes school placement, a request for educational records must be sent to the former school. The case manager must request student records using the [DHS-942, School Notification and Education Records Release](#). Requested records should include, but are not limited to:

- Grades/unofficial transcript.
- Attendance.
- Special education records (if applicable).
- Disciplinary records.

The [DHS-942](#) is also to be used to ensure that schools are aware when a student is in foster care or has moved foster home placements. It should be sent to the school district foster care liaison at the following points:

- When a student first enters foster care, whether a school move is required or not.
- Any time a student moves foster home placements while in care, whether a school move is required or not.
- Any time a student transfers schools.
- When there is a case manager change, to notify the school of new contact information.
- When a case manager is completing the case service plan and is requesting updated education information.
- When a foster care case closes.

### **Transfer of Student Records to Placement**

Any time a child changes placement, including initial placements and reunification, all of the child's available student records, such as report cards or IEPs contained in the foster care case file must be provided to the new caregiver, foster parent, relative, legal parent/guardian, provider.

Student records must be provided to the new caregiver, at the time of placement but no later than two-weeks from the placement date. Documentation of the transfer of student records must be completed on the [DHS-69, Foster Care/Juvenile Justice Action Summary](#), and uploaded within the electronic case record; see [FOM 722-08E, Foster Care/Juvenile Justice Action Summary](#).

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## CASE MANAGER'S ROLE

The case manager's role is to coordinate with school personnel to ensure the child's educational needs are identified and the child is provided the necessary educational services. In coordinating these efforts, the case manager must:

- Initiate the best interest determination discussion when any foster care placement change occurs. The case manager must discuss best interest factors with the school district foster care liaison, parents, foster parents, relative caregivers, guardians, and the child, when appropriate, to make the school placement decision.
- Send the [DHS-942, School Notification and Education Records Release](#), to the school district foster care liaison at the time of every new placement, including initial placement, whether there is school placement change or not. This ensures that all updated placement information is provided to the school.
- Provide the school district foster care liaison information needed regarding the child and placement as early as possible but no later than three business days from any foster care placement/replacement. If new placement information is known prior to the actual move, the advance notice to the school district foster care liaison should assist in facilitating educational stability.
- Consult with parents, foster parents, relative caregivers, school staff, and the student to determine if education needs are met. This should be documented within the social work contact section of the electronic case record.
- Obtain information from the school district foster care liaison and other school staff for use in assessing the child's educational needs and strengths and to report on progress.
- For children placed outside of the school of origin, coordinate with the district foster care liaisons in both districts, to make a best interest determination for school selection and placement.
- Document all contacts and information exchanged in the social work contact section of the electronic case record.

- Update the education section of the electronic case record within five business days if a school move is required.
- Update the education section of the electronic case record at the end of each school year to reflect grade advancement. Each school year should be end dated with an end grade listed.
- Send the [DHS-942, School Notification and Education Records Release](#), to the school district foster care liaison when the foster care case closes.

## SCHOOL TRANSPORTATION

If it is determined that it is in the child's best interest to remain in the local school district of origin despite being placed outside of the local school district, there may be an additional cost for transportation. MDHHS and the local school district can assist with this cost.

Additional cost is the cost that is above the average cost that the local school district pays to transport per student.

**Example:** If the average cost of transportation per student for the local school district is \$10 per day, but the cost to transport a student in foster care to their school of origin is \$20 per day, only the additional \$10 is a part of this agreement and will be considered for reimbursement, the district will be responsible for the first \$10.

Transportation should be set up in collaboration with the school district foster care liaison and the caregiver to identify the most cost-effective plan. Options for transportation include, but are not limited to:

- Working with the local school district to re-route school buses.
- Gas reimbursement to the foster parent, relative caregiver, or volunteer driver.
- Public transportation.
- Taxi cab.
  - Taxi cabs should only be used when there are no other available options and are found appropriate for the age and maturity level of the child.

- When utilizing a taxi cab, alternative more cost-effective options should be considered on at least a quarterly basis.
- The case manager should ask the local school district what company they use and if there was a security clearance completed.
- If no security clearance has been completed, one must be conducted, including a criminal history and central registry clearance, on any driver that will be providing transportation.
- Payment to a cab will only be made for the time a child is in the vehicle. MDHHS will not pay for time or mileage back to the company location.
- Uber or Lyft.
  - When utilizing Uber or Lyft, identify specific consistent drivers and complete a security clearance.

The cost for transportation to the school of origin may be paid as follows:

- For a child who is in a title IV-E funded placement, MDHHS will pay the entire additional cost of the transportation expense while the local school district continues to pay the average daily cost.
- For a child who is in a non-title IV-E funded placement, MDHHS and the local school district of origin split the additional cost 50/50.
- Local school districts and MDHHS staff may also collaborate to agree on other payment options.

The MDHHS-5732, School Transportation Plan Agreement, should be completed by the case manager in collaboration with the local school district and signed by the local school district. The MDHHS-5732, School Transportation Plan Agreement, will be uploaded into the electronic case record, with the payment invoice once the payment is being made.

If MDHHS and the local school district are unable to come to an agreement on the transportation plan or payment, a formal dispute may be filed. If MDHHS or the PAFC is filing a dispute, the foster care supervisor will send information to the [Education Policy](#)

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[mailbox \(MDHHS-EducationPolicy@michigan.gov\)](mailto:MDHHS-EducationPolicy@michigan.gov). This should include the nature of the dispute and contact information for all parties, such as the foster care case manager, foster parent, relative caregiver, or school district liaison.

### **Ineligible Transportation Payment Reasons**

MDHHS will not provide payment for transportation for the following reasons:

- If a child is placed within the district they are attending.
- If a caregiver chooses to enroll a child in a district that is not the district of origin or the district of residence, this is considered a school-of-choice. In this situation, the caregiver becomes responsible for the transportation.
- Transportation that occurs after a foster care case is closed or if a child is placed with a parent.

### **School District Transportation Plan**

Each local school district is required to have established procedures that include details of how transportation is to be maintained for children in foster care who attend their local school district of origin. MDHHS county directors or their designees should have input into this plan and be asked to review.

### **Transportation Payment**

School transportation to keep a child in the local school district of origin is paid within the electronic case management system; see [FOM 903-09, Case Service Payments](#). The cost of transportation cannot be the reason that a child does not remain in the local school district of origin.

### **HOME AND PRIVATE SCHOOLING**

All children in foster care are required to attend a regular 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.

When a child is attending a private school at the time of removal, they can remain enrolled at that private school when found in the best interest, provided the parent agrees to continue any tuition payment. MDHHS will not pay for private school tuition.

## ONLINE EDUCATION PROGRAMS

Children in foster care must be enrolled in regular 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

Online education programs may be considered with the following guidelines:

- The decision to enroll a youth in an online education program should be a team decision and a Family Team Meeting (FTM) must be held.
- If found to be in the best interest for a youth to enroll in an online program, a plan must be formalized for how it will be monitored by the case manager and foster care/relative placement provider.

**Note:** This is considered typical parental supervision of education and will not qualify for a Determination of Care (DOC) level. If there are needs outside of monitoring, see [FOM 903-03, Payment for Foster Family/Relative Care](#).

- All information must be clearly documented in the case service plan.
- *Online Education Best Interest Factors* must be considered.

### Online Education Best Interest Factors

The best interest factors to consider when determining if an online education program is appropriate for a foster youth include:

- The youth's preference.
- The parent/legal guardian's preference.
- The local school district's recommendation.
- Whether the youth's academic, physical, emotional, and social needs will be met despite not being in a school setting.
- The youth's ability to make educational progress outside the classroom.
- If the youth is eligible for special education, the online program must meet the youth's specific educational needs as identified in the IEP.
- Whether the program offers a high school diploma or Certificate of Completion.

**Note:** A youth will **not** qualify for college federal funding through the Free Application for Federal Student Aid (FAFSA) if obtaining a Certificate of Completion.

- The college the youth is planning to attend must accept the diploma/certificate from the online program.

### Accepted Programs

All online programs that are offered through the local public-school district must be considered first. If an online program within the local public-school district is not available, these other options may be considered:

- Cyber Education Center.
- Great Lakes Cyber Academy.
- iCademy.
- K-12.
- Michigan Connections Academy.
- Michigan Virtual Charter Academy.
- Mosaica Online Academy of Michigan.

### Exception Requests

An exception request for a youth to attend online education must be completed when either of the following circumstances applies:

- A youth is under the age of 16, regardless of whether they are attending an approved program.
- Approval for a youth to attend an online program that is not on the list of accepted programs or offered through the local school district.

### ***Age Exception***

When completing an Online Education Program exception request for a youth under the age of 16, include the following information:

- An explanation of why the youth is not/will not be attending school in-person and any expectation of them returning to in-person education.
- Justification for the appropriateness of the online program.
- Documentation that an FTM was completed.
- Documentation that the *Online Education Best Interest Factors* in this item were considered.
- Documentation that the county director or designee, or PAFC director or designee, has signed in agreement with the decision within two-weeks of the request.

### ***Program Exception***

When completing an exception request for a student to participate in an online program that is not provided by the local public-school district **and** is not on the approved list in this item, the following must be documented:

- Information about the program, including a contact person and their telephone number or email.
- Whether the program offers a Certification of Completion, a GED, or a high school diploma.
- If the student plans to attend college, the exception request must include a statement acknowledging that the online program will allow the youth to attend a post-secondary institution.

Send all exception requests to the [Education Policy mailbox \(MDHHS-EducationPolicy@michigan.gov\)](mailto:MDHHS-EducationPolicy@michigan.gov).

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## SPECIAL EDUCATION

The Individuals with Disabilities Education Act (IDEA) ensures that all children 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

An IEP is a written plan for a student who has been determined to have a disability through an evaluation by a multi-disciplinary team. The IEP details the special education and related services the student receives in the classroom. The IEP is developed at an IEP Team Meeting with school staff and is reviewed once per year, or more often if needed. Parents, legal guardians, or surrogate parents are encouraged to attend, along with the student if appropriate. Case managers are strongly encouraged to attend IEP meetings, to gain a better understanding of the child's needs and the services being provided.

Only the child's legal parent/guardian, foster parent, relative caregiver, or an appointed education surrogate parent can sign an IEP. **Case managers (MDHHS or PAFC) or CCI staff cannot sign an IEP as a parent.**

The case manager must ensure all children that have an identified special education need have an approved IEP on file and are receiving the services outlined in the IEP.

Information regarding special education services and IEPs must be documented in the electronic case record. This includes uploading a copy of the IEP into the education section of the electronic case record.

### Requesting an IEP

If a child displays signs that a disability may exist and has not been identified as requiring special education services, a child's parent, guardian, caregiver, or case manager can request an evaluation to be completed. In addition, anyone involved in a child's education, including CCI or PAFC staff can make the request. The request must be in writing and sent to the special education coordinator/director at the child's school. Once the request is received, the school has no more than 10 school days to obtain consent from the parents and begin the assessment process.

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## Suspensions/ Expulsions

A child with an active IEP can be removed from the classroom or suspended from the school due to their behavior for short periods of time without it affecting the provisions of their IEP. If a child is removed from their classroom or the school for a period of more than 10 consecutive days or experiences a series of removals that accumulates to 10-days over the school year, the IEP team must reconvene to determine if the child's behavior is a manifestation of their disability and consider changes to the IEP.

## SURROGATE PARENTS

Surrogate parents are appointed to represent children with disabilities and developmental delays who have an IEP under the following circumstances:

- No parent can be identified.
- The supervising agency, after documented reasonable efforts, cannot discover the whereabouts of a parent.
- The child is a ward of the state or court and parental rights have been terminated.

Surrogate parents have all the rights of legal parents for educational matters, including the authority to grant permission for evaluation and placement, release information, and request educational hearings. The primary responsibility of surrogate parents is to ensure that children with disabilities are provided with a free, appropriate public education.

An appointed surrogate parent must have received general overview training on the developmental needs, service options, and the legal rights of children eligible for special education services. The surrogate parent has all rights accorded to parents under Part C and/or Part B of IDEA and is to represent the child in all matters pertaining to educational evaluation and assessment. The surrogate parent has no rights outside Part C and Part B of IDEA.

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## Surrogate Parent Selection Requirements

Surrogate parents may not be employed by an agency that is involved in providing early intervention, special education services, and/or general care for the child. This includes, MDHHS, PAFC, and CCI employees.

Foster parents/relative caregivers are not considered paid employees of MDHHS, or a PAFC provider; therefore, foster parents and relative/unrelated caregivers may be appointed to serve as surrogate parents upon the determination they meet the criteria as stated in IDEA. In most instances, the child's foster parents or relative caregiver should be appointed as the surrogate parent unless they are unwilling or unable to serve in this capacity.

In selecting the surrogate parent, preference should be given to a person who knows and understands the child and family's cultural, religious, and linguistic background. Surrogate appointments will last until one of the following occurs:

- The surrogate resigns.
- The appointment is terminated by the local MDHHS, the local school district, or the child is no longer eligible for special education services.

## Appointing a Surrogate

The local school district has the responsibility to have procedures in place to appoint surrogate parents and to train any potential surrogate parents so they have the knowledge and skills to adequately represent the child as needed.

Within 30-calendar days of the determination that a child needs a surrogate parent, the local school district must make reasonable efforts to ensure one is appointed. Although appointing the surrogate parent is the responsibility of the local school district, the case manager must collaborate with the school to identify someone who already has a relationship with the child, such as a relative or family friend.

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**POST- SECONDARY  
EDUCATION**

All youth who have graduated or completed a GED program must have access to appropriate educational and/or vocational opportunities, including youth who are placed in a public, or a private contracted CCI. Case managers must work with the residential facility staff and the youth to ensure this occurs.

**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 section of the electronic case record.

The education section of the electronic case record should be updated at the end of each school year to reflect when a child completes a grade and advances to the next or if they are repeating the same grade. Each school year should be end dated with an end grade listed.

**Educational  
Information for  
Placement and  
Replacements**

At the initial placement or any placement change, the narrative within the case service plan must include the following:

- Verification the child is enrolled in and attending school full-time within five school days of initial placement or any placement change, including while placed a CCI or emergency placement.
- The child's placement was determined by considering the appropriateness of the current educational setting and the proximity to the school of origin.
- The best interest factors and the input of the parent or legal guardian, along with the district foster care liaison used to determine the preferred school.
- Discussion of the transportation plan.

- Documentation that requests for prior education assessments was completed within 30-calendar days of foster care placement.
- Documentation that prior education assessments were considered when determining the current educational needs of the child.
- An initial assessment of the child's educational needs and strengths must be documented in the Child Assessment of Needs and Strengths (CANS). Each child must be screened for educational needs within 30-calendar days of their entry into foster care. The case manager must use the CANS to assess and document a child's educational needs. The information obtained from the sources listed above will assist with the screening to identify the educational needs of the child and services required to meet the child's needs.
- All other required updated educational information as outlined below.

### **Updated Educational Information**

Updated school information is required in all case service plans. The narrative must reflect the child's current academic achievements and challenges. All case service plans must document or address the following items:

- Document the child's full-time elementary or secondary school attendance with a statement that the child is a full-time student, has completed secondary education, or is incapable of attending school on a full-time basis due to the child's medical condition.
- Name of current school and grade.
- A reassessment of the child's educational needs and strengths is documented each report period in the CANS.
- Special education information, if applicable.
- Child's current academic performance and behaviors in school.

- Description of provided services from school, parent, foster parent/caregiver and/or others to meet the child's educational needs.

### Caregiver Involvement

Supplemental activities provided by caregivers to assist with educational participation, details for school collaboration, and the actual tasks involved in educational interventions are required for the child.

### RESOURCES

- [DHS-942, School Notification and Education Records Release.](#)
- [DHS-69, Foster Care/Juvenile Justice Action Summary.](#)
- [Locating School Districts Liaisons in EEM.](#)

### LEGAL BASE

#### Federal Laws

#### **Every Student Succeeds Act, Title I, Part A of the Elementary and Secondary Education Act of 1965, PL 114-95**

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.

#### **Fostering Connections to Success and Increasing Adoptions Act, PL 110-351**

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

#### **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 aged three to age 21 with disabilities and ensures that they will have available special education and related services to meet their unique educational needs.

Part C [20 USC 1431-1445] covers infants under the age of three who have established conditions associated with developmental delay or who are developmentally delayed and ensures early intervention services to the eligible child and the child's family.

Several procedural safeguards are provided under Part B and Part C 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.

### **Uninterrupted Scholars Act, PL 112-278**

The Uninterrupted Scholars Act became effective in January 2013. This Act makes key amendments to the Family Educational Rights and Privacy Act (FERPA) 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.

## **State Law**

### **The Revised School Code, 1976 PA 451**

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

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.

MCL 380.1148(2)- if a child who is under court jurisdiction under section 2(b) of chapter XIIA 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 health and 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.

### **Michigan Administrative Rules**

Department of Education Special Education Programs and Services, R 340-1701-340-1862.

## **POLICY CONTACT**

Questions about this policy item may be directed to the [Education Policy mailbox \(MDHHS-EducationPolicy@michigan.gov\)](mailto:MDHHS-EducationPolicy@michigan.gov).