

Foster Care & Education Judicial Checklist

School Readiness

- Children ages 0-3 assessed for Early Childhood Intervention (ECI) services. [34 C.F.R. Part 303](#)
- Children ages 0-5 enrolled in Early Head Start, Head Start, or Pre-Kindergarten. [45 C.F.R. § 1305.2](#); [Tex. Educ. Code § 29.153\(b\)](#)

School Stability

- Child remains enrolled in and has transportation to the school the child attended prior to removal. [Tex. Educ. Code § 25.001\(a\)](#)
- Child remains in the school where the child is currently enrolled unless it is not in their best interest, regardless of additional placement changes. [Tex. Educ. Code § 25.001\(g\)](#); [Tex. Educ. Code §25.001\(g-1\)](#)
- School changes occur at the end of grading periods. **(BP)**
- School changes do not conflict with standardized testing or final exams. **(BP)**

Education Decision-Making

- DFPS has conservatorship and designated an Education Decision-Maker (EDM). [Tex. Fam. Code § 153.371](#)
- Parent retains or other person given specific education-related rights as appropriate. [Tex. Fam. Code § 153.371](#)
- DFPS provided EDM Form 2085-E to child's school and information regarding the EDM filed with court. [Tex. Fam. Code § 263.004](#)
- Surrogate parent appointed to make decisions regarding special education if a foster parent is unwilling or unable to fulfill that role. [Tex. Fam. Code § 263.0025](#)

School Enrollment

- Child must attend their current school or be enrolled in a new school within three school days. [Tex. Fam. Code § 264.115](#)
- Education record or credit transfer issues addressed by court as necessary. [Tex. Educ. Code § 25.007\(b\)](#)

School Placement and School Success

[Tex. Fam. Code § 263.306](#); [Tex. Fam. Code § 263.5031](#)

- What does the child say about school and where wants to attend?
- Child in an appropriate school.
- Child progressing academically and on grade level.
- Additional school supports addressed as needed.
- Child involved in extracurricular activities.
- Discipline issues addressed (truancy, suspension, expulsion, restraints).
- Caregiver signed annual form to prohibit corporal punishment at school. [Tex. Educ. Code § 37.0011](#)

Post-Secondary Education

[Tex. Fam. Code § 263.306](#); [Tex. Fam. Code § 263.5031](#)

- If the youth is at least grade 9, personal graduation plan created and graduation endorsement chosen (this is in addition to the Foundation High School Program in STEM, Business & Industry, Public Services, Arts & Humanities, or Multi-Disciplinary Studies). [Tex. Educ. Code § 28.025](#)

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continued

Post-Secondary Education

- Child has a college or career plan. **(BP)**
- Child and his caregivers know about high school graduation requirements and how to prepare and apply for post-secondary education. [42 U.S.C. § 677](#); [Tex. Educ. Code § 54.366](#); [Tex. Educ. Code § 54.367](#)

Special Education

[34 C.F.R. Part 300](#)

- If needed, child evaluated for special education services.
- If eligible:
 - Date of child's last Admission, Review, and Dismissal (ARD) committee meeting.
 - Child has Individualized Education Program (IEP) that is current, appropriate, and in place.
 - ARD committee meets at least one time annually.
 - If child transfers schools, previous IEP implemented or a new IEP is developed and approved by ARD committee.
 - Transition planning coordinated, beginning no later than age 14.