12/19/13

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF EDUCATION,

LOCAL EDUCATION AGENCIES
AND THE

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES-DIVISION OF FAMILY SERVICES, DIVISION OF PREVENTION AND BEHAVIORAL HEALTH SERVICES, AND DIVISION OF YOUTH REHABILITATIVE SERVICES

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I. Title of the Agreement

This agreement shall be known as the Memorandum of Understanding (MOU) between the Department of Education (DOE); Local Education Agencies (LEAs) and the Department of Services for Children, Youth, and their Families (DSCYF).

II. Parties Involved and Their Authority

The parties to this Interagency Agreement are the DOE, LEAs, and the DSCYF;

The authority of the parties involved is derived from the following statutes:

A. Fostering Connections to Success and Increasing Adoptions Act of 2008.
B. Title VII-B of the McKinney-Vento Homeless Assistance Act
C. The Public Health and Welfare/Chapter 119 – Homeless Assistance Subchapter VI – Education and Training/Part B – Education for Homeless Children and Youths, 42 U.S.C. § 11431 to § 11435
D. Child Abuse Prevention and Treatment Act (CAPTA) as amended by P.L. 111-320, the CAPTA Reauthorization Act of 2010
E. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g.F. Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.L. 104-191)
F. Child Welfare, 31 Del. C., Chapter 3
G. Department of Services for Children, Youth and Their Families, 29 Del. C., Chapter 90
H. Abuse of Children, 16 Del. C., Chapter 9
I. Education, Title 14 of the Delaware Code
J. Education of Homeless Children and Youth, 14 DE Admin. Code 901
K. Education, 14 DE Admin. Code 609
L. Education, 14 DE Admin. Code 611

III. Purpose of the Agreement

This MOU between the DOE; LEAs; and the DSCYF (DFS, DPBHS, and DYRS) has been jointly developed for the following purposes:

A. To develop a uniform process for all Delaware LEAs to report child abuse and neglect;
B. To develop a uniform process for DFS to receive school reports of child abuse and neglect;

C. To establish consistent procedures for DFS and LEAs to follow when the DFS investigates a report of child abuse or neglect or the DSCYF is providing case management services;
D. To ensure multi-disciplinary collaboration between DOE, LEAs, and DSCYF in child abuse and neglect investigations, recognizing the paramount goals of all agencies to ensure the health, safety, and well-being of children;
E. To address necessary supports for all students and families held in common by the two departments;
F. To develop a uniform process to provide children, who are in the custody of DSCYF, with a school placement that is based upon the individual child's best interest, i.e. to maintain enrollment in their school of origin or to promptly enroll them in a new school;
G. To establish consistent procedures to address when children in foster care change residence resulting in a new school enrollment or the need for transportation to their school of origin;
H. To enhance communication and coordination of the McKinney-Vento Act and 14 Del. C. § 202;
I. To ensure that in all instances, educational and placement decisions regarding children and youth in foster care are based on the best interests of the child;
J. To establish protocols for transition to/from DSCYF programs and LEAs;
K. To establish protocols for communication between DSCYF and LEAs, and
L. To ensure compliance with 14 Del. C. § 4123.

In addition, to meet the needs of the parties hereto, the MOU will:

1. Define the responsibilities of each organization.
2. Establish joint training between the organizations.
3. Establish liaison procedures for promoting communication and problem-solving.
4. Establish a system to oversee implementation of the MOU.
5. Encourage enhanced communication and coordination among agencies via System of Care principles.

IV. Definitions

A. **Abuse** – Per 10 Del. C. § 901(1), abuse means a person:
   1. Causes or inflicts sexual abuse on a child; or
   2. Has care, custody or control of a child, and causes or inflicts:
      a. Physical injury through unjustified force as defined in §468 of Title 11;
      b. Emotional abuse;
      c. Torture,
      d. Exploitation; or
      e. Maltreatment or mistreatment.

B. **Best Interest** –These factors are to be considered (not inclusive) in determining best interest of a child for purposes of McKinney-Vento:
   1. Child's safety;
   2. Child's wishes;
   3. Parent's/legal guardian's/Relative Caregivers' wishes;
   4. Physical and mental health of the child;
   5. Child's adjustment to his or her foster placement, school, and community;
   6. Child's educational needs;
   7. Child's disability and/or special needs; and
   8. Distance of commute to school.
   9. Permanency Plan

C. **CASA** – a court-appointed special advocate trained to provide representation of a child's best interest in child welfare proceedings.

D. **Dependency** – Per 10 Del. C. §901(8) means that a person:
   1. Is responsible for the care, custody, and/or control of the child;
   2. Does not have the ability and/or financial means to provide care of the child; and
      a. Fails to provide necessary care with regard to: food, clothing , shelter, education, health care, medical care or other care necessary for the child's emotional, physical or mental health, or safety and general well-being; or
      b. The child is living in a non-related home on an extended agency or court licensed or authorized to place children in a non-related home; or
      c. The child has been placed with a licensed agency which certifies it cannot complete a suitable adoption plan.

   In making a finding of dependency under this section, consideration may be given to dependency, neglect, or abuse history of any party.

E. **Educational Surrogate Parent** – An educational surrogate parent is appointed by the Department of Education to represent a child in DSCYF custody who receives, or may be in need of, special education. The Educational Surrogate Parent participates in all educational decision making pertaining to the identification, evaluation and educational placement of the student and the provision of a free appropriate public education to the child when any one of the following situations exist: (1) a parent/legal guardian/Relative Caregiver cannot be identified; (2) after reasonable efforts, the whereabouts of the parent/legal guardian/ Relative Caregiver cannot be discovered; (3) parental rights have been terminated and the child has not been adopted; (4) the child's parent/ legal guardian/Relative Caregiver has consented voluntarily, in writing, to the appointment of an educational surrogate parent, (5) child is in the custody of a public welfare agency and in need of an educational surrogate (DFS/DSCYF), or (6) child is an unaccompanied youth under McKinney-Vento. See 14 DE Admin. Code §926.19.0

F. **Foster Child** – A child, age 0-18, placed in the custody of the DSCYF and living in an out of home placement (foster home, group home, extended family). Children in foster care who continue their high school education after turning 18 and receive DSCYF services are eligible for the same protections, services and programs.

G. **Foster Care** – A temporary out of home placement setting, including extended family, for children in the care, custody and supervision of DSCYF.

H. **Guardian** – A non-parent legally appointed by the court with the powers, rights, and duties which are necessary to protect, manage and care for a child. A guardian has the legal authority to take care of the child until the child turns 18 years of age or until such guardianship order is rescinded or terminated.

I. **Guardian Ad Litem (GAL)** – A court appointed attorney charged with representing the best interests of the child in any child welfare proceedings.

J. **Homeless Child** – Any child who lacks a fixed, permanent and adequate residence; a child awaiting foster care placement; and a child in foster care (as defined in IV.G).

K. **Institutional Abuse (IA)** –A determination, after investigation by DFS, that physical or sexual abuse of a child occurred in an out-of-home setting. These settings include transitional living programs, residential child care facilities (group homes), foster homes, licensed child day care facilities (child care homes, child care centers), shelters, correctional and detention facilities, day treatment programs, all facilities at which a reported incident involves a child(ren) in the custody of DSCYF, and all facilities operated by the DSCYF. License-exempt childcare facilities (schools, hospitals or church operated babysitting/Sunday schools) are not included and those reports should be referred to the police.

L. **Liaison**
   1. **DSCYF Liaison** – DSCYF employee that interacts with the LEA Liaison when a local or systemic issue or concern arises (as it relates to this MOU) that cannot be resolved at the school level.
   2. **LEA Liaison** – LEA administrator that interacts with DSCYF when a local or systemic issue or concern arises (as it relates to this MOU) that cannot be resolved at the school level.
   3. **Homeless (McKinney-Vento) Liaison** –LEA employee designated to assist with the identification and support of students who are homeless.

M. **Investigation Caseworker** – DFS employee responsible for investigating reports made to DFS alleging child abuse, neglect, or dependency. The caseworker may be classified as a Family Services Specialist, Senior Family Services Specialist, Master Family Services Specialist, or Family Crisis Therapist (FCT). The Investigation caseworker may be assisted by a Family Service Assistant. Note: A

school based DPBHS Early Intervention FCT does not have authority to investigate.

N. **Local Education Agency (LEAs)** – Any administrative group providing oversight for the delivery of education to children. The DOE has regulatory authority over public school districts. The term LEA is inclusive of school districts and charter schools.

O. **Neglect** – Per 10 Del. C. § 901(18) means a person who:
   1. Is responsible for the care, custody, and/or control of the child; and
   2. Has the ability and financial means to provide for the care of the child; and
      a. Fails to provide necessary care with regard to: food, clothing, shelter, education, health, medical or other general care necessary for the child's emotional, physical, or mental health, or safety and general well-being; or
      b. Chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being, or
      c. Fails to provide necessary supervision appropriate for a child when the child is unable to care for that child's own basic needs or safety, after considering such factors as the child's age, mental ability, physical condition, the length of the caretaker's absence, and the context of the environment.

   In making a finding of neglect under this section, consideration may be given to dependency, neglect, or abuse history of any party.

P. **Parent** – Biological or adoptive parent whose rights have not been terminated.

Q **Relative Caregiver** – An adult who by blood, marriage or adoption is the child's great grandparent, grandparent, step grandparent, great aunt, aunt, step aunt, great uncle, uncle, step uncle, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, niece, nephew, first cousin or first cousin once removed but who does not have legal custody or legal guardianship of the student.

R. **Responsible Parties** – References to responsible parties include parents, custodians, guardians, school personnel, Relative Caregivers, DSCYF staff, and children.

S. **School of Origin** – Public school in a school district or charter school where child began the school year because of residence, choice or charter application.

T. **System of Care (SOC)** – A "System of Care" is a strengths-based, family-centered, child-focused, culturally competent model. It is based on the belief that the best care and protection for children can be achieved when the strengths of the families are aligned with community and DSCYF supports. There are seven SOC principles:
   1. Practice is individualized
   2. Services are appropriate in type and duration

3. Child centered and family focused
4. Care is community-based
5. Care is culturally competent
6. Care is seamless, within and across systems
7. Teams develop and manage care

U. **Treatment caseworker** – DFS employee responsible for the provision of case management services to a family that has been substantiated or has been identified at risk for child abuse, neglect or dependency. The services may be provided directly by the Treatment caseworker or involve the coordination of services provided by a DFS contracted provider, community-based provider, Division of Prevention and Behavioral Health Services, the Division of Youth Rehabilitative Services, or another State agency. The caseworker may be classified as a Family Services Specialist, Senior Family Services Specialist, Master Family Services Specialist, or Family Crisis Therapist (FCT). The Treatment caseworker may be assisted by a Family Service Assistant. Note: Services provided by a school based DPBHS Early Intervention FCT are targeted to prevent entry into the DFS child protective services system, whereas the Treatment caseworker's services occur after entry into DFS child protective services system.

V. **Wellness Centers** – State-funded health clinics are provided in public High Schools. They are staffed by health organizations selected by the individual district, but funded through the Division of Public Health.

V. Roles and Responsibilities of Each Agency

A. Child Abuse Reporting and Investigation

1. LEA duty to report:

Per 16 Del. C. §903, a school employee who "knows or in good faith suspects child abuse or neglect shall make a report" to DFS. School personnel shall immediately report known or suspected child abuse or neglect to the 24 hour Child Abuse and Neglect Report Line (1-800-292-9582). A report must be made each time abuse or neglect is suspected regardless of current DFS activity with the family. Anyone participating in good faith in the making of a report shall be immune from civil or criminal liability per 16 Del. C. §908. Failure to comply with §903 may result in a civil penalty not to exceed $10,000 for the first violation, and not to exceed $50,000 for any subsequent violations. Persons, agencies, organizations, and entities will be referred to the Department of Justice for investigation if they fail to make mandatory reports of child abuse or neglect.

An immediate oral report must be made by the school staff person who has first-hand knowledge of the child abuse or neglect (i.e., child discloses to staff person or staff person witnesses it). This staff person shall also share the names and contact information for every person at the entity who has information regarding the report/incident. Two or more persons from separate entities, such as a teacher and Family Crisis Therapist, will require a separate report from each. DFS may contact the reporter or other school personnel with knowledge of the situation, to obtain additional first-hand information. In addition to an oral report, DFS requires that a written report be mailed to the Report Line address on the form or faxed within 72 hours for documentation purposes. (See Appendix A - Mandatory Reporting Form).

Other scenarios, in which physical or behavioral indicators are observed but abuse or neglect is not yet suspected, should be referred to the appropriate school personnel (e.g.., nurse or counselor) to ask Minimal Fact questions. Minimal Fact questions include: (1) What happened?, (2) Where did that happen?, (3) When did that happen?, and (4) Did you tell anyone what happened? The responsibility of determining whether or not abuse or neglect has occurred rests with DFS. A school staff person should not interview or probe a child to obtain details about the abuse or neglect. Also, the child should not be questioned more than once or beyond the disclosure. Once you have obtained the information needed to make a report, it is not necessary to ask the child other details about the abuse or neglect incident. Questioning the child beyond obtaining basic reporting information or questioning a child more than once could prevent DFS, law enforcement, the Department of Justice, and the Children's Advocacy Center from conducting an effective investigation and hinder potential prosecution.

DFS utilizes the Structured Decision Making® (SDM) tool to screen reports. This approach focuses on three basic questions: (1) What are we worried about? (2) What is working well?, and (3) What needs to happen next? An oral report will require approximately twenty minutes of reporting time. In addition to the basic information about the alleged child abuse or neglect, DFS will request:

a. demographic information;
b. known information about parents or siblings;
c. known information about the alleged child victim's physical health, mental health, and educational status;
d. information regarding medical attention that may be needed for injuries;

e. any information you have about the way the caregiver's behavior is impacting the care of the child; and
f. known information that could put the child's or DFS worker's safety in peril such as the presence of alcohol, drugs, weapons, dangerous animals or criminal behavior.

DFS shall notify the school of the decision to accept or screen out a report, based on SDM protocol, by phone or e-mail, within 24 hours.

2. DFS duty to receive a report:

DFS receives reports of all child abuse and neglect in the State of Delaware 24 hours a day, 365 days a year through the toll-free Child Abuse and Neglect Report Line number (1-800-292-9582). Upon receipt of the report, DFS will do one of three things: accept the report and investigate the allegations or conduct a family assessment; refer the report to law enforcement for investigation; or document the report but not investigate the allegations. Family Assessments involve identifying the family's strengths and needs and offering voluntary services tailored to the family's needs. Also, all alleged reports involving licensed child placement facilities (e.g., child care, residential care), known as institutional abuse reports, should be made to the Child Abuse and Neglect Report Line.

3. Investigation of the Report

a. LEA initiated reports:

1) Prior to response, the assigned DFS Investigation caseworker shall contact the school designee to advise that DFS is responding to the school. The school should not notify the parent/legal guardian/Relative Caregiver. DFS and/or law enforcement will decide how and when the parent/legal guardian/Relative Caregiver will be notified.

DFS policy dictates that the source of a report will be divulged only with the reporter's consent. The initial school reporter, or designee, will reserve the right to remain unknown to the family. In the event of court proceedings, the disclosure of the reporting source may become necessary if ordered by the Court.

2) After discussing the report with the initial school staff reporter, the DFS Investigation caseworker will make a decision whether or not to initiate the investigation at the school instead of another location based on case specific information. If a

school response is warranted the DFS worker will go to the main office and provide identification and purpose of visit. DFS is required by 16 Del. C. §906(b) (3) to also contact the appropriate law enforcement agency regarding any report, which if true, would constitute a crime against the child. (See Appendix B – List of Violations)

3) If a response is made to the school office, the DFS Investigation caseworker will show agency identification and request to speak to the school designee. The school will identify a location where the child can be interviewed privately by the DFS caseworker within the school and arrange for the child to come to that location as required by 16 Del. C. § 906 (b) (2). When requested or approved by the student, a school designee may attend the interview only as an observer to support the child. It must be understood that the staff person may be subpoenaed for testimony if a trial is held.

   Prior to meeting with the child, DFS will discuss the interview process with the school designee and the conditions under which the school personnel could be present if there is a need. Under all circumstances DFS will be responsible for interviewing the child.

4) It may be necessary for DFS to observe a child's physical injuries to determine if police intervention is warranted and if medical treatment is needed due to the degree of injury. DFS and other involved agencies (e.g., police) should minimize the number of times a child's injuries are physically assessed.

   a. Per 16 Del. C. §906 (e) (3), DFS is required to contact the appropriate law enforcement agency upon receipt of any report that would constitute a criminal violation "against a child by a person responsible for the care, custody, and control of the child." (See Appendix B – List of Violations) In severe injury cases reported by school staff, DFS may contact the police and request they respond to the school to conduct a joint investigation. In the event a child has pending or outstanding criminal charges, the police will approach the child as a victim first.

   b. If the injury does not appear to require medical treatment, the physical assessment shall be limited to an external physical assessment, shall exclude the genital area of a male or female and chest area of a female, and shall be done in the presence of a school nurse. DFS will be

sensitive to the age, sex, and special needs of the child. When a child between the ages of 9 and 18 indicates an unwillingness to be physically assessed at the school, DFS will pursue a medical examination.

Children under the age of 9 must be examined by a physician per DFS policy. DFS has the authority per 16 Del. C. § 906(e)(7) to secure a medical examination of a child without parental/legal guardian/Relative Caregiver consent if the examination is necessary to protect the health and safety of the child and provided that it has been classified as an investigation under 16 Del. C. §906(e)(3).

c. Under no circumstances should school staff or DFS staff conduct a physical assessment of a child alleging sexual abuse. DFS and the police will coordinate the medical examination in these cases with the appropriate medical facility.

d. The DFS Investigation caseworker or law enforcement officer may photograph the child's injuries to document evidence of the injuries for the investigation. School personnel are not authorized, and have not been trained in the proper procedures, to photograph a child's injuries for evidentiary purposes.

5) If the child's safety is an issue and the parents/legal guardian /Relative Caregiver have not been contacted, it may be necessary for DFS to contact the police and request their assistance to transport the child to the hospital, Children's Advocacy Center, or local police station. DFS is not authorized to transport a child without legal custody, temporary emergency protective custody, or a signed parental/legal guardian/Relative Caregiver consent to transport.

A DFS Investigation caseworker shall have the authority to take temporary emergency protective custody of a child when it is suspected the child is in imminent danger of suffering serious physical harm or threat to life as a result of abuse or neglect providing the child in question is located at a school, day care facility, or child care facility at the time the authority is initially exercised. Per 16 *Del. C.*§ 907, temporary emergency protective custody shall not exceed four hours and it permits temporary placement within a hospital, medical facility, or such other suitable placement, except a secure (locked) detention facility.

6) Upon the conclusion of the child interview and physical assessment, DFS shall inform the school designee about the planned course of action for the child.

7) When the school is the reporter, the DFS Investigation caseworker shall inform the school designee:
   a. That a response was made, and whether the child is safe or the child was placed out of the home;
   b. Who is allowed to have contact with the child;
   c. Explain to the school designee if there is something the school should be doing, such as referring the child to a guidance counselor;
   d. Who school staff should call if something else happens to the child; and
   e. When the child's placement changes if the child was placed out of the home. (See Section B. McKinney-Vento Protections).

b. Reports made by other sources:

1) In the event that DFS or the police deem it necessary to pursue an investigation in the school setting, the DFS caseworker shall inform the school designee and request assistance per the procedures in Section V.A.3.a.3-8 above.

2) Alleged physical abuse will be directly investigated by the DFS Investigation caseworker who may request that the school nurse assist with a physical assessment. Physical assessments of alleged physical abuse reported by sources outside the school will not be conducted by the school nurse prior to DFS response to the school.

3) Reports to DFS from a Wellness Center will be handled in the same manner as external reports. The school will be notified if it is necessary to obtain information from school personnel.

4) A report that alleges educational neglect by a home school will not be investigated by DFS unless the report also alleges another type of abuse and neglect or dependency.

4. Case Collaboration on Active DFS Investigation Cases

Verbal or written consent of a parent/legal guardian/Relative Caregiver is not required for DFS to investigate allegations of abuse, neglect or dependency or to interview a child in connection with the foregoing. 16 Del. C.§ 906 (e)(3) states DFS "...shall conduct an investigation

involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody, and control of the child..." In determining how best to respond, 16 Del. C.§ 906 (e) (2) mandates that DFS "...shall give priority to ensuring the well-being and safety of the child."

Once an investigation has begun, LEAs and DFS encourage the sharing of information to enhance the investigation, protect children, prevent further child abuse and neglect, and provide family-focused services. When an investigation is complete and the need for ongoing treatment services has been identified, information can be shared with a signed State of Delaware Interagency Consent to Release Information obtained by either agency from the parent/legal guardian/Relative Caregiver. To expedite the exchange of information, either agency may fax the signed consent form. (See Appendix C – State of Delaware Interagency Consent to Release Information). Additional information regarding the sharing of information may be found under "Confidentiality."

a. No Identified DFS Investigation Caseworker

When the DFS Investigation caseworker's name is not known and a school staff person wants to share information about the case or wants to obtain information relevant to the school, the school may contact the Report Line (1-800-292-9582) to request that the assigned caseworker contact the school staff person about the case.

b. Identified DFS Investigation Caseworker

When a school staff person knows the DFS Investigation caseworker's name, the caseworker should be contacted directly to share information or obtain information relevant to the school.

5. Case Collaboration on Active DFS Treatment Cases

When a case is active in Treatment, the DFS Treatment caseworker shall contact the school periodically to assess the child's educational status. Also, see V.A.4.a. and b. above. (Note: The investigation of a new report about an active DFS Treatment case will be investigated by a DFS Investigation caseworker. The DFS Treatment caseworker will also stay involved with the family during the investigation period).

6. School Child Abuse Training

14 Del. C.§ 4123(a) requires that each public school ensure that each full-time teacher receives one hour of training every year in the detection

and reporting of child abuse. "Any in-service training shall be provided within the contracted school year as provided in §1305(e) of this title." See 14 Del. C.§4123(b).

Additionally, the following members will be required to receive training:

a. Members of the Department of Education staff will all receive training on mandated reporting upon hire. Documentation of this training will be maintained by Human Resources.
b. Alternative Educational Settings. All teachers in these settings will receive training and report verification to DDOE Education Associate, Student Services and Special Populations.
c. Driver's Education teachers hired in private schools. Annual verification will be made to Director, Career and Technical Education.
d. Parents As Teachers (PAT) and Early Childhood Assistance Program (ECAP) teachers. Annual verification will be made to DDOE Early Development and Learning Resources Workgroup.

The yearly training curriculum and all materials used in such training will be prepared and annually updated by DFS and located on the DDOE website. School Principals reserve the right to request an on-site presentation by a DFS staff person. DSCYF will provide on-site training to teachers contingent on available staffing resources. The principal will be required to certify for DOE that all required school staff have received the training. Additional training materials will be available from DSCYF upon request.

B. McKinney-Vento Protections

1. Department of Education shall:

   a. Ensure that children in foster care placement are provided the benefits of the McKinney – Vento Act for homeless children, i.e. the right to stay in their school of origin, when in the best interest of the child, and be provided transportation to the school of origin regardless of changes in foster care placement.

      1) Share the cost of transportation for IV-E eligible and qualified foster care students to the school of origin, when in the child's best interest. Best interest consideration should include a discussion of the questions posed in the "Determining Feasibility of School Placement Form". (See Appendix E).

   b. Ensure that all educational and school placement decisions for children and youth in foster care be made in the least restrictive educational setting.

c. Ensure that all children in foster care have access to academic resources, services, and extracurricular enrichment activities that are available to all students.

2. Department of Services for Children, Youth, and their Families shall:

   a. Provide care, supervision and placement of children in court-ordered legal custody of the Department/Division.

   b. Plan with families for the safety, permanency and well-being of a child in foster care, including the child's educational needs.

   c. Request a Best Interest Meeting with the LEAs Homeless Liaison upon initial placement in foster care and when there is a change in foster family placement. The purpose of this meeting is to determine where the student should be enrolled based on the child's best interest and any related services (e.g., transportation, counseling, supplies, etc.) that would enhance the student's success. The meeting must take place prior to removing the student from their current school and before any decisions are made about school placement and transportation. After the caseworker and school have decided on a time/place/method of the meeting each will invite those needed to participate. School staff will invite needed educationally related participants. The case worker will invite the parent/legal guardian/Relative Caregiver, foster care parents, GALs, and CASA volunteers. Best interest consideration should include a discussion of the questions posed in the "Determining Feasibility of School Placement Form" (see Appendix E). To avoid delays, meetings may be held using available technology.

   d. Enroll a child who is in foster care in school (based on the results of the Best Interest Meeting) immediately (24-48 hours), once DSCYF staff has faxed registration materials (including IEP, if applicable). The child may be brought to the school by the foster parent to complete additional paperwork needed by the school (e.g., emergency card).

   e. Provide/arrange for transportation to the school, determined in the Best Interest Meeting, until LEA transportation is established. Please note that it might take 3-5 working days to establish transportation in some areas of the state.

   f. Provide the school with information regarding the last school of attendance, grade, credits (if known), and whether the child is receiving special education services at the time of enrollment.

g. Provide the school with proof of legal custody, with court order appointing the child's legal representative, and an authorized list of contacts and transportation authority.

h. Request the assignment of an Educational Surrogate Parent (ESP) for any child in foster care who receives or may be in need of special education services and no parent can be identified; parent/legal guardian/Relative Caregiver cannot be located; parental rights have been terminated and the child has not been adopted; the child is an unaccompanied homeless youth; the child is in the custody of DSCYF; or the parent/legal guardian/Relative Caregiver voluntarily consents to having an ESP appointed. Appointment of ESPs must be approved by DOE. The referral form for an ESP can be found on the Parent Information Center's website at http://www.picofdel.org/resources/index.asp.

i. Withdraw a child in foster care immediately (24-48 hours) from their original school to facilitate enrollment in a new school, if a decision (at a meeting with the child's school staff and DSCYF) has been made that it is in the best interest of the child to change schools.

j. Attend an annual "best interest of the child meeting" at the child's school for educational planning of a child in foster care. This meeting, to be held generally in May or June, shall include the CASA or Guardian ad litem, parent/legal guardian/Relative Caregiver or educational surrogate. If this discussion occurs during an IEP meeting, it may occur from April through June.

k. Consider maintaining a child in his or her own community, school or school district when a change in foster care placement is imminent and in the child's best interest.

l. Support parents' rights to plan for their child's education.

m. Share the cost of transportation for IV-E eligible and qualified foster care students to the school of origin. This responsibility will be managed by the DFS Treatment Program Manager.

n. Share the educational stability plan with school staff to include the transition plan for emancipating youth (at least 90 days prior to emancipation date).

3. LEAs shall:

a. Provide children in foster care placement the benefits of the McKinney-Vento Act for homeless children, i.e. the right to stay in

their school of origin and be provided transportation to the school of origin when a change in foster care placement occurs, when in the best interest of the child.

b. Enroll a child in foster care (based on the results of the Best Interest Meeting) within two school days of referral in a new school even if DSCYF is unable to produce records, or the sending school has not yet transferred the records, such as previous academic records, medical records, proof of residency, and/or other documentation if all parties (child, school, parent/legal guardian/Relative Caregiver, Guardian ad litem, CASA, and DSCYF staff) agree that it is in the best interest of the child to change schools according to the McKinney-Vento Act.

c. Ensure that the receiving school promptly obtains school and medical records from the sending school for a newly enrolled child in foster care.

d. Transfer school and medical records from the sending school immediately (within three school days during the school year, or five working days in the summer) to a new school for a child in foster care who is transferring schools.

e. The receiving school shall immediately apply full credits and is encouraged to accept partial credits to benefit the student. The receiving and sending schools should determine, for transferring seniors, which school will provide the diploma.

f. Accept a DSCYF letterhead statement as proof of residency of a child in foster care with the placement resource identified.

g. Accept registration materials from DSCYF case managers via fax and schedule a meeting or a teleconference with the caseworker for a later date, within five business days, to discuss other educational information that may not have been shared.

h. Host meetings with necessary parties to develop the best educational plan for a child or youth in foster care, as may be needed from time to time.

i. Host a meeting in May or June, with all involved parties (district/school liaison, caseworker, parent, Guardian ad litem, CASA, and child) to determine whether it is in the best interest of the child to remain in the school of origin or be transferred to the district in which they are now living for the subsequent year. The school liaison will schedule the meeting and be responsible for scheduling other school personnel.

The DSCYF Caseworker will be responsible for scheduling the foster parent, Guardian ad litem, etc. needed to reach a good decision.

C. Transition from DSCYF to LEAs

To ensure successful transition from a licensed or contracted provider of DSCYF, the parties agree to follow the "Protocol for Transition to/from DSCYF Programs to LEA" Chart in Appendix E. The Protocol was developed based on a System of Care philosophy of integrated, seamless case planning.

D. Confidentiality

School Counselors, Mental Health & Medical Professionals are bound by their professional licensure and code of ethics and the Family Educational Rights and Privacy Act (FERPA) and as such they are required to maintain confidentiality. HIPAA (the Health Insurance Portability and Accountability Act of 1996) provides for confidentiality. However, certain information can be released in particular circumstances such as; law enforcement investigations, mandatory reporting (such as child abuse) and in the course of certain judicial or administrative proceedings. Additionally, students may give informed consent to release their information. Mental health and medical professionals are required to maintain confidentiality of all information acquired from clients in a professional capacity **except in the following situations: a student communicates an explicit and imminent threat to kill or seriously injure a clearly identified victim or victims (including themselves), or any suspicion of child abuse**, or in a case when the student presents with serious burns or respiratory tract burns, non-accidental poisoning, stab wounds, bullet wounds, gunshot wounds, powder burns, or other injury caused by the discharge of a gun, pistol, or other firearm.

In addition, each Agency will comply with the relevant laws and regulations that govern confidentiality. However, each Agency will provide information to each other which is not specifically protected in order to ensure the successful support of children and families. Each Agency will also make concerted efforts to ensure that parents/legal guardians/Relative Caregivers understand the importance of sharing information for the success of their child.

1. Child Abuse Prevention and Treatment Act (CAPTA)

   Section 106 (b) (2) B.viii.requires: methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that

reports and records made and maintained pursuant to the purposes of this title shall only be made available to –

I. individuals who are the subject of the report;
II. Federal, State, or local government entities, or any agent of such entities, as described in clause (ix);
III. child abuse citizen review panels;
IV. child fatality review panels;
V. a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and
VI. other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

2. Education

14 Del. C. § 4111 provides that all educational records in public and private schools are confidential. Education records and personally identifiable information can only be released in accordance with DOE regulations. DOE has adopted the Federal Family Educational Rights and Privacy Act and its implementing regulations with two exceptions which are not applicable.

3. Family Educational Rights and Privacy Act (FERPA)

Generally, schools must have written permission from the parent/legal guardian or eligible student in order to release any information from a student's education record. However, FERPA, 20 U.S.C. 1232(g), 34 CFR Part 099, allows schools to disclose educational records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

1. School officials with legitimate educational interest;
2. Other schools to which a student is transferring;
3. Educational authorities conducting audit, evaluation, or enforcement of education programs;
4. Appropriate parties in connection with financial aid to a student;
5. Organizations conducting certain studies for or on behalf of the school;
6. Accrediting organizations;
7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies;
9. Parents/legal guardians/Relative Caregivers of a dependent student; and

10. State and local authorities, within a juvenile justice system, pursuant to specific State law.
11. For students in foster care, the Uninterrupted Scholars Act permits educational agencies and institutions to disclose a student's educational records, without parental consent, to a caseworker or other representative of a State or local child welfare agency authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with the State law, for the protection of the student. The law permits disclosure to:

"(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records."

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. Directory information does not include student identification numbers or Social Security numbers. However, schools must give public notice to parents/legal guardians/Relative Caregivers and eligible students about what items the school has designated as directory information and allow parents/legal guardians/Relative Caregivers and eligible students a reasonable amount of time to request that the school not disclose directory information about them. (Source: U.S. Department of Education - www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

4. Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The reporting of child abuse and neglect is not precluded by HIPAA. Federal HIPAA rules do not apply where "the provision of State law, including State procedures established under such law, as applicable, provides for the reporting of disease or injury, child abuse, birth, or

death, or for the conduct of public health surveillance, investigation, or intervention." HIPPA (1) Section 160.203(c)

VI. Administration of MOU

The Cabinet Secretaries of the Department of Education and the Department of Services for Children, Youth, and their Families; the President of the Chief School Officers Association; or their designees will meet annually to review the implementation of this MOU. Each Department is charged with the responsibility of conducting training with their staffs to ensure all are familiar with the requirements and supports needed to implement it.

The Cabinet Secretaries of each Department and the President of the Chief School Officers will establish a joint committee to oversee the effectiveness of the MOU. This committee will establish agreed upon data points that can be monitored and evaluated in determining the impact of the MOU and create changes as necessary. This committee will meet on a quarterly basis.

In addition, Liaisons identified in IVL will support effective ongoing communication and implementation of the MOU, as well as to mediate conflict to successful resolution.

VII. Dispute Resolution

A. MOU Sections V. A, B and C

1. All attempts should be made to resolve disputes at the LEA and appropriate DSCYF Liaison level.

2. When disputes cannot be resolved at the program implementation level, they shall be referred, in writing, to the Secretary of Education who may appoint a designee and the appropriate DSCYF Administrator as follows:

   - DPBHS – Director of Clinical Services
   - DFS – Administrator of the Office of Children's Services
   - DYRS – DMSS Supervisor of Educational Services

   These individuals will review the situation and determine how the dispute should be resolved. Their decision shall be shared, in writing, with the parties involved in the dispute within thirty (30) working days of receipt of the request.

3. If the dispute cannot be resolved as described in #2 the dispute shall be referred in writing to the Cabinet Secretary of the DOE, the Cabinet Secretary of the Children's Department, and the President of the Chief School Officers Association. Further, any party disagreeing with the decision reached in step 2 may submit a written request for review within thirty (30) days of the decision to the Cabinet Secretary of the DOE, the Cabinet Secretary of the Children's Department, and the President of the Chief School Officers Association outlining their specific disagreement with the decision. The Cabinet Secretaries' and the President's decision shall be final and binding on all parties and shall be communicated in writing to all parties within thirty (30) days of referral of the matter to them or request for review.

4. This agreement does not restrict the client due process rights or procedures of each agency, nor are the rights/procedures on one agency extended to the other.

5. Disputes involving McKinney-Vento will follow the procedures established in 14 DE Admin. Code 901.4.0.

VIII. Agreement Review

This ongoing Agreement shall be effective immediately upon the written signatures of all parties and will remain in effect until a new agreement is signed. This Agreement shall be reviewed annually by appropriate personnel from each agency and shall be reauthorized at least every five (5) years by the DOE, DSCYF, and LEAs. Renegotiation of any portion of this Agreement may occur at any time for good cause, upon the written request of any of the participating agencies. This Agreement may be terminated by any of the parties upon thirty (30) days written notice.

IX. SIGNATORIES

Cabinet Secretaries

Mark Murphy, M.Ed.
Department of Education — Date: 12-11-13

Jennifer Ranji
Department of Services for Children, Youth and Their Families — Date: 12-19-13

School Districts

Matthew Burrows
Appoquinimink — Date: 10/4/13

Mark A. Holodick, Ed.D.
Brandywine — Date: 10/4/13

Kevin R. Fitzgerald, Ph.D.
Caesar Rodney — Date: 10/4/13

Robert S. Fulton
Cape Henlopen — Date: 10/4/13

Michael D. Thomas, Ed.D.
Capital — Date: 10-4-13

Freeman L. Williams, Ed.D.
Christina — Date: 10-4-13

Dorothy A. Linn, Ed.D.
Colonial — Date: 10-4-13

10/3/2013

David C. Ring, Ed.D.
Delmar

10/3/13

Susan S. Bunting, Ed.D.
Indian River

10/9/13

Daniel D. Curry, Ed.D.
Lake Forest

10/3/13

John Ewald
Laurel

10/3/13

Phyllis Kohel, Ed. D for Dr. Kohel
Milford

10/10/13

Victoria C. Gehrt, Ed.D.
New Castle County Votech

10/3/13

Deborah H. Zych, Ed.D.
Polytech

10/3/13

Mervin B. Daugherty, Ed.D.
Red Clay Consolidated

10/3/13

Shawn Joseph, Ed.D.
Seaford

10/3/13

Deborah D. Wicks
Smyrna

10-3-13

Allen F. Lathbury, Jr., Ed.D.
Sussex Technical

10/5/13

Heath B. Chasanov
Woodbridge

Charter Schools

Noel Rodriguez – Head of School
Academy of Dover
Date 11/15/13

~~Trish Hermance~~ – Head of School
Campus Community
Date 10/21/13

~~Charles Baldwin~~ – Head of School
Charter School of Wilmington
Date 10-21-13

Charles Hughes – Head of School
Delaware Academy of Public Safety and Security
Date 11/7/13

~~Howard Johnson~~ – Head of School
Delaware College Preparatory Academy
Date 10/21/13

Jack Wintermantel – Head of School
Delaware Military Academy
Date

Lamont W. Browne – Head of School
East Side Charter
Date 11/7/13

~~Dr. Tennell Brewington~~ – Head of School
Family Foundations Academy
Date 10-21-13

~~Pam Draper~~ – Head of School
Gateway Lab School
Date 10/1/13

for Sally Maldonado – Head of School
Kuumba Academy Charter School
Date 11-7-13

Margaret Lopez Waite – Head of School
Las Americas Aspira Academy
Date 10/21/13

Alana Walls

Keith Stephenson – Head of School — Date 11/7/13
The New Maurice J. Moyer Academy

Linda J. Jennings, Esquire – Head of School — Date 10-21-2013
MOT Charter School

Gregory R. Meece – Head of School — Date 10-21-2013
Newark Charter School

Nick Manolakos, Head of School — Date 11/18/13
Odyssey Charter School

For Edward J. Emmett, Jr. – Head of School — Date 11/7/13
Positive Outcomes Charter School

Jack L. Perry – Head of School — Date 11/7/13
Prestige Academy

Audrey Erschen – Head of School — Date 12/11/13
Providence Creek Academy Charter School

Tara Allen – Head of School — Date 12/11/13
Reach Academy for Girls

Patricia Oliphant, Ed.D. – Head of School — Date 10/31/13
Sussex Academy of Arts and Sciences

Salome Thomas-El – Head of School — Date 11.18.13
Thomas A. Edison Charter School

DSCYF Division Directors

Susan A. Cycyk, M.Ed. — 12/16/13
Prevention and Behavioral Health Services — Date

Victoria Kelly, Psy.D. — 12-16-13
Family Services — Date

Karryl McManus — 12/16/13
Management Support Services — Date

Nancy Dietz — 12/17/13
Youth Rehabilitative Services — Date

APPENDIX A – MANDATORY REPORTING FORM

State of Delaware
The Department of Services For Children, Youth and Their Families

Division of Family Services
CHILD ABUSE/NEGLECT MANDATORY REPORTING FORM
(Title 16, Delaware Code, Chapter 9, Subsections 901-914)
Toll Free 24-Hour Report Line 1-800-292-9582

INSTRUCTIONS: As required by, **16 Del. C, § 903 and 904** "Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, 'person' shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition. Any report of child abuse or neglect required to be made under this chapter shall be made to the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division, or in accordance with the rules and regulations adopted by the Division.

Within 72 hours after the **oral report**, mail or fax (302-577-5515) a completed Child Abuse/Neglect Mandatory Reporting Form to the address below. Please type or print the information and sign the form on the back.

DIVISION OF FAMILY SERVICES - STATE OF DELAWARE
3601 North Dupont Highway
New Castle, DE 19720-6315

IDENTIFYING INFORMATION

Child's Name (Last, First, Initial)	Date of Birth/ Age	Sex	Race	Victim (Yes / No)
1.				
Current Address:				
2.				
Current Address:				
3.				
Current Address:				
4.				
Current Address:				
5.				
Current Address:				

Parents'/Custodians'/Caretakers' Names (Last, First, Initial)	Date of Birth/ Age	Sex	Race	Perpetrator (Yes / No)
Mother				
6.				
Current Address:				
Father				
7.				
Current Address:				
Custodian/Caretaker (Relationship)				
8.				
Current Address:				

Please specify for numbers 1-8 above:
Foreign language spoken: #'s_____ Specify type:_____

Disabilities: #'s_____ Specify type:_____

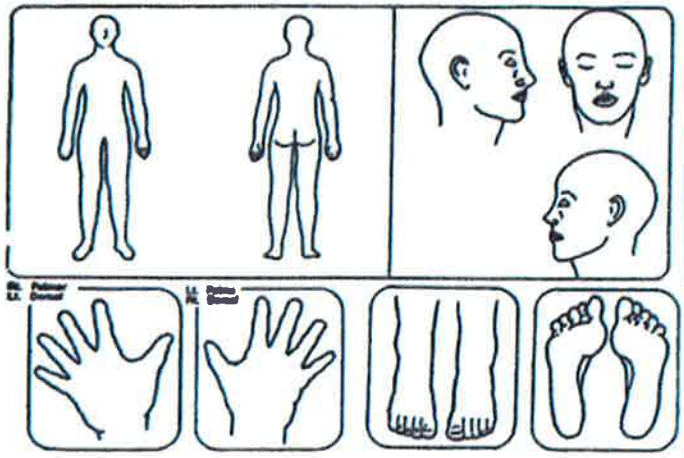
Document No.: 37-06-10-09-10-15
Revised 9-16-10

DESCRIPTION

1. Describe the child's current conditions/injuries and the reason you suspect abuse/neglect. Include evidence, if known, of prior abuse and/or neglect to this child or sibling. Add pages or attach further written documentation as needed.

2. If applicable, note the exact location of any injury by placing a number on the model below. Use the space to the right of the models to describe the corresponding injury that each number represents. Check the category of injuries:

☐ Physical Abuse ☐ Sexual Abuse ☐ Physical Neglect



3. Actions: Taken (T) or Pending (P)

____ Medical Examination ____ Notification of Police
____ X-Rays ____ Notification of Medical Examiner
____ Photographs ____ Other: _____

REPORTING SOURCE (Confidential)

Signature | *Title or Relationship to Child* | *Date of Report*

Facility/Organization | *Address* | *Telephone Number*

REPORT LINE USE ONLY

Date of Oral Report: _____ Report was ☐ Accepted ☐ Screened Out
Date Written Report Received: _____
Prior DFS Case Activity Reports? ☐ Yes ☐ No If "yes", specify dates: _____

APPENDIX B – LIST OF VIOLATIONS

Per 16 Del. C. § 906(e) (3):

The Division may investigate any report, but shall conduct an investigation involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody and control of the child of any of the following provisions of § 603, 604, 611, 612, 613, 621, 625, 626, 631, 632, 633, 634, 635, 636, 645, 763, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, , 780, 782, 783, 783A, 791, 1100A,1101, 1102, 1107, 1108, 1109, 1110, 1111, or 1259 of Title 11, or an attempt to commit any such crimes. The Division staff shall also contact the appropriate law enforcement agency and The Delaware Department of Justice upon receipt of any report under this section and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the Division in the investigation or provide the Division, within a reasonable time, an explanation detailing the reasons why it is unable to assist. Notwithstanding any provision of the Delaware Code to the contrary, to the extent the law enforcement agency with jurisdiction over the case is unable to assist, the Division may request that the Delaware State Police exercise jurisdiction over the case and upon such request the Delaware State police may exercise such jurisdiction;

603 Reckless Endangering in the 2nd Degree; Class A Misdemeanor

604 Reckless Endangering in the 1st Degree; Class E Felony

611 Assault in the 3rd Degree; Class A Misdemeanor

612 Assault in the 2nd Degree; Class D Felony

613 Assault in the 1st Degree; Class B Felony

621 Terroristic Threatening

625 Unlawfully Administering Drugs, Class A Misdemeanor

626 Unlawfully Administering Controlled Substance or Counterfeit Substance or Narcotic Drug; Class G Felony

631 Criminally Negligent Homicide; Class D Felony

632 Manslaughter; Class B Felony

633 Murder by Abuse or Neglect in 2nd Degree; Class B Felony

634 Murder by Abuse or Neglect in 1st Degree; Class A Felony

635 Murder in the 2nd Degree; Class A Felony

636 Murder in the 1st Degree; Class A Felony

645 Promoting Suicide; Class F Felony

763 Sexual Harassment; Unclassified Misdemeanor

765 Indecent Exposure in the 1st Degree; Class A Misdemeanor

766 Incest; Class A Misdemeanor

767 Unlawful Sexual Contact in the 3rd Degree; Class A Misdemeanor

768 Unlawful Sexual Contact in the 2nd Degree; Class F Felony

769 Unlawful Sexual Contact in the 1st Degree; Class D Felony

770 Rape in the Fourth Degree; Class C Felony

771 Rape in the Third Degree; Class B Felony

772 Rape in the Second Degree; Class B Felony

773 Rape in the First Degree; Class A Felony

774 Sexual Extortion; Class E Felony

775 Bestiality; Class D Felony

776 Continuous Sex Abuse of a Child; Class B Felony

777 Dangerous Crime Against a Child, Definitions, Sentences

780 Female Genitalia Mutilation; Class E Felony

782 Unlawful Imprisonment in the 1st Degree; Class G Felony

783 Kidnapping in the 2nd Degree; Class C Felony

783 A Kidnapping in the 1st Degree; Class B Felony

791 Acts Constituting Coercion; Class A Misdemeanor

1100 Dealing in Children; Class E Felony

1101 Abandonment of a Child; Class A Misdemeanor

1102 Endangering the Welfare of a Child; Class E or G Felony

1107 Endangering Children, Unclassified Misdemeanor

1108 Sexual Exploitation of a Child, Class B Felony

1109 Unlawfully Dealing Child Pornography, Class B Felony

1110 Subsequent Conviction of Sections 1108 And 1109

1111 Possession of Child Pornography; Class F Felony

1259 Sexual Relations in a Detention Facility; Class G Felony

APPENDIX C – STATE OF DELAWARE INTERAGENCY CONSENT TO RELEASE INFORMATION (REDUCED TO FIT PAGES)

(ORIGINATING ORGANIZATION NAME)

AUTHORIZATION FOR THE RELEASE OF INFORMATION

CLIENT/STUDENT:	**DATE OF BIRTH:**

I hereby authorize the following individuals or organizations to release information:

To the following individuals or organizations:

The type of information to be provided is:

The purpose of providing this information is:

This authorization is valid until:

___ One year from the date of signature

___ The following date or event (not to exceed one year): _____

In signing this authorization I understand:

- This authorization is voluntary and services are not dependent on my authorization.
- I have a right to receive a copy of my authorization.
- This authorization may be revoked at any time by writing to the originating agency. The revocation will be effective on receipt, but will not affect actions taken prior to receiving my revocation.
- If I request release of information to individuals or organizations that are not subject to state or federal privacy regulations, the information could be re-disclosed without privacy protections.

Client/Student Signature* _____

Printed Name _____ **Date** _____

Representative Signature (Parent, Guardian, Custodian [Circle One]) _____

Printed Name _____ **Date** _____

*The signature of a minor client (under age 18) is required for the release of information which is, for example,

- from a school-based Wellness Center
- protected by federal regulations on the Confidentiality of Alcohol and Drug Abuse Patient Records
- Sexually transmitted disease information

Records protected under Delaware law or federal privacy regulations cannot be disclosed without written authorization unless otherwise provided for in the regulations. See, for example,

- Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2
- Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 CFR Parts 160 & 164
- Family Educational Rights and Privacy Act ("FERPA"), 34 CFR Part 99

NOTES

- Block 1 – ***Client/student*** and ***Date of Birth:*** Please check to be certain name is legible. Please check legibility of birth date.

- Block 2 – ***I hereby authorize the following individuals or organizations to release information:*** Enter the name and address of organization that is being asked to release information.

  Then, on lines below…

  To the following individuals or organizations: Enter the name and address of organization which will receive the information.

- Block 3 –***The type of information to be provided is:*** Be as specific as possible; this entry needs to follow the principle of "minimum necessary". If substance abuse, pregnancy, STD, HIV information is to be released it should be specified and appropriate signatures provided. Signature of minor required for substance abuse information; others under review but general advice would be to obtain minor's signature for information related to pregnancy, STD, and HIV.

- Block 4 – ***The purpose of providing this information is:*** This should be a simple statement such as "to assist in treatment planning and provision", "to determine eligibility and need for services"

- Block 5 – ***This authorization is valid until:*** If *"One year…"* is selected, please verify that a date is given in the signature box. If *"The following date or event …"* is selected, please be certain that the date or event is clear and not subject to different interpretations. It is not likely that a date more than a year after the form is executed would be acceptable; this option is usually used when the client or representative wishes to restrict future releases to a shorter time period.

- Block 6 – ***In signing this authorization I understand:*** These statements are required by HIPAA.

  - ***This authorization is voluntary and services are not dependent on my authorization.*** Signing a release to obtain information from another organization cannot be a requirement for the provision of needed services. We may require information to establish eligibility for services.

  - ***I have a right to receive a copy of my authorization.*** Providing a copy to signatory is the simplest way to deal with this issue and avoid complications later. The original usually goes to the organization from which information if requested, a copy must remain in our client file. We will explore the possibility of multi-part forms so you will not need to find a copy machine.

  - ***This authorization may be revoked at any time by writing to the originating agency. The revocation will be effective on receipt, but will not affect actions taken prior to receiving my revocation.*** There may be a conflict of federal regulations here; 42 CFR on substance abuse information does not require a written revocation, HIPAA does. If you receive an oral revocation, the best course of action may be to write that date on a revocation form and ask the client/representative to sign it just as soon as possible.

  - ***If I request release of information to individuals or organizations which are not subject to state or federal privacy regulations, that information could be re-disclosed without privacy protections.*** This statement may require some explanation. Essentially, it is meant to warn that if information is released to an individual or organization not subject to HIPAA or any of the other applicable Delaware or federal confidentiality laws or regulations, that individual or organization could provide the information to others without restriction or penalty. Please be sure you are comfortable explaining this to clients or their representatives.

- Block 7 – signatures: the complications here are:

  - Information from Wellness Centers requires student authorization; parent authorization is not required. (Presumably, information could also not be re-released to parents without minor's authorization—but we need opinion on this.)

  - Substance abuse information requires authorization of minor; parent authorization is not required. Information cannot be re-released to parents without minor's authorization—this one is very clear. Release of substance information also requires an accompanying 42 CFR statement.

  - Representative must indicate legal basis of representative status, e.g., parent, guardian, legal custodian with rights to information. If guardian or custodian or some other basis for representative status is indicated, please be certain we have appropriate documentation in client files.

APPENDIX D – DETERMINING FEASIBILITY OF SCHOOL PLACEMENT FORM

Name of Student: _____
Date: _____

According to the McKinney-Vento Homeless Assistance Act, a homeless child or youth has the right to attend the school of origin or the local attendance areas school, according to the best interest of the child:

The **school of origin** is defined as:

- The school that the child or youth attended when permanently housed; OR
- The school in which the child or youth was last enrolled

The **local attendance area school** (local school) is defined as:

- Any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend

This form will assist in determining which placement decision would be in the student's best interest.

Please provide the following information for the attendance options for the student:

School that the child or youth attended when permanently housed: _____

_____
Name of school and district: _____
Dates of attendance: _____
Living arrangement at the time: _____

School in which the child or youth was last enrolled: _____

_____
Name of school and district: _____
Dates of attendance: _____
Living arrangement at the time: _____

Local Attendance Area School: _____
Name of school and district: _____
Dates of attendance: _____

1. Are the school of origin and the local attendance area school in the same school district?

2. Which school does the child/youth want to attend? Why?

3. Which school does the parent want the child/youth to attend? Why?

4. What is the distance and time spent on travel from the current residence to the school of origin?

5. If transportation is currently unavailable to the school of origin, how can it be arranged?

6. What time of year is it (at the beginning of the school year, near the end of the school year, during the summer)?

7. How long did the child/youth attend the school of origin? Were meaningful social and educational relationships established?

8. Are there specific people in the school of origin who have been providing support or assistance to the family or child/youth experiencing homelessness?

9. Are there special programs, such as gifted, bilingual, or remedial education, in which the child/youth has been participating at the school of origin? If yes, please describe.

   Are these special programs also available at the local attendance area school?

10. Based on knowledge of the family's situation, how long is the family likely to remain at the current residence?

11. What is the likelihood that the family experiencing homelessness will reestablish residency in the attendance area of the school of origin?

12. What does the child's foster care permanency plan indicate?

Based on answers to the previous questions, the school district recommends the following school:

Individuals consulted to determine that this placement is in the student's best interest were:
Person/s making the recommendation:

Printed Name	Signature
Printed Name	Signature
Printed Name	Signature

APPENDIX E – TRANSITION TO AND FROM DSCYF PROGRAMS, LEAS

TIMEFRAME	ACTION	PARTICIPANTS	PARTY RESPONSIBLE FOR SCHEDULING MTG.
Before Admission* to DSCYF School Programs * Note: Admission to DSCYF Programs frequently occurs under emergency or unexpected circumstances to ensure the child's safety, evaluate and stabilize the child, or as a result of a Court order to detain or incarcerate.	1. Ensure that consents for release of educational records to DSCYF programs are signed and in the file. 2. School information will be shared as soon as possible, but no later than three school days. Technology will be used to avoid any delays. 3. Notify school district representative of admission date into DSCYF program and the date and time of the Initial Educational Planning meeting as soon as the date is established. The meeting should be held as soon as feasible, but no later than 30 days after admission. Tele-phone conferencing can be utilized to prepare for the 30 day meeting.	DPBHS Coordinator and/or DYRS/DFS Caseworker and School Designees	For State run programs, DSCYF/DMSS will set up meeting; If contracted program, DPBHS Coordinator or DYRS caseworker
Initial Educational Planning Meeting	Team Members: The meeting should include the client, parents/legal guardians/relative caregivers, Guardian ad litem, CASA, educational surrogate parent, school district representative, and appropriate DSCYF representatives. Purpose of the Meeting: Discussion of issues and development of collaborative team approach with the school district to facilitate a successful transition/discharge. Transition/ discharge planning begins when the child is admitted. It is important the school identify at the start of treatment the child's behaviors in school which are problematic. Likewise, it is important for parents and all other meeting participants to provide input about what issues and behaviors need to be treated. The schedule of future planning review meetings will be determined at the Initial Educational Planning meeting,	School District Representative and the DSCYF Educational Representative, client, parents/legal guardians/relative caregivers, Guardian ad litem, CASA, educational surrogate parent, school district representative, and appropriate DSCYF representatives	

TIMEFRAME	ACTION	PARTICIPANTS	PARTY RESPONSIBLE FOR SCHEDULING MTG.
Initial Educational Planning Meeting	Records Needed: The school district or charter school representative will bring to the meeting a completed educational intake/update (EIU) form, prior transcripts, prior report cards, attendance records, and school schedules. For students eligible for special education services, the representative will also bring the eligibility form, IEP, and psychological evaluations. Any additional or necessary records will also be provided by the school district representative. All of the educational records are given to the DSCYF educational representative. Discussion of the records may or may not be appropriate at the time of the meeting, but should be based on the needs of the student. All educators should be familiar with the student's records prior to attending the meeting.		
Educational Planning Reviews	1. The school representative will be involved in regular progress reviews which will be documented on the Educational Intake/Update (EIU) form. (See Appendix D). A planning meeting will occur no less than two weeks before discharge. This process as much as possible will include face to face contact with the school district representative and may involve school participation in family sessions/treatment plan reviews. Schools should NOT be involved in family sessions unless the session is focusing on school information. DSCYF will notify the school representative of the review dates. 2. The DSCYF educational representative will provide information to complete the EIU form prior to face to face contact with the school district representative.	School District Representative, DSCYF Educational Representative, Program Therapist (if applicable), DPBHS Coordinator and/or DYRS/DFS Caseworker	For State run programs, DSCYF/DMSS will set up meeting; If contracted program, DPBHS Coordinator or DYRS caseworker

TIMEFRAME	ACTION	PARTICIPANTS	PARTY RESPONSIBLE FOR SCHEDULING MTG.
Discharge Planning from DSCYF School Programs	1. For mental health facilities, the clinician assigned to the case works with the DPBHS Clinical Services Management Team Leader to determine which issues and behaviors need to be modified (decreased or increased). 2. In mental health facilities, the DPBHS Clinical Services Management Team leader, after hearing input from the clinician, parents, schools and other involved parties, decides when a child can be moved to a less intensive level of mental health services. 3. At each planning meeting with the schools approximate discharge projections by DPBHS or DYRS staff should be conveyed to school personnel. While these estimates of a discharge date constantly change, it is helpful for school planning. 4. As a part of the transitioning planning DPBHS or YRS should relate information related to the behavior of the student. Such information should at a minimum reflect function of the behavior, effective responses to the behavior, slow and fast triggers, and suggested life skill changes. 5. As part of the transition planning, the representatives of the receiving school will work with the treating/rehabilitating program to identify what services the school needs to provide to the child as early as possible. Consider 14 DE Admin Code 609 and 611. This would include evaluating whether the child qualifies for special education services or, if already qualified, whether any changes need to be made in the IEP. The early discharge planning process outlined in this document should enable seamless and timely transitions to school based on the DPBHS/DYRS projected discharge date. If the projected discharge date is accelerated then the primary case manager will request a transition meeting as quickly as possible.	School District Representative, DSCYF Educational Representative, Program Therapist (if applicable), client, parents/legal guardian/relative caregiver, Guardian ad litem, CASA, educational surrogate parent, school district representative, and appropriate DSCYF representatives	For State run programs, DSCYF/DMSS will set up meeting; If contracted program, DPBHS Coordinator or DYRS caseworker

	6. All agencies involved have more difficulty with summer transitioning. Most school employees are 10 month employees thus planning could be delayed during summer months. LEAs will identify employees available to participate in summer transition meetings. 7. Credit reviews and placement decisions will be made at the time of the final transition meeting and will be based on evident demonstration of improvement and the needs of the students at the time of transition.		

APPENDIX F – SERVICES PROVIDED BY DSCYF

Division of Prevention and Behavioral Health Services (DPBHS)

1. ***Crisis Services*** - A twenty-four hour service providing urgent mental health evaluations in the community, including brief bed-based stabilizations, and referrals for subsequent services.
2. ***Outpatient Services*** - Traditional face-to-face psychotherapeutic interventions provided in a mental health clinic, which may include medications, and can range in intensity from several times a week to several times a month.
3. ***Behavioral Health Aides*** - Trained paraprofessionals implementing supportive behavioral treatments under the supervision of the client's therapist.
4. ***Intensive, In-home Services (Intensive Outpatient)*** - Home and community-based behavioral and family interventions provided by a therapist/interventionist team in multiple sessions a week.
5. ***Day Treatment*** - Milieu-based multimodal mental health care including individual, family, behavioral, and group therapies with educational programming and psychiatric supports.
6. ***Residential Treatment*** - Twenty-four hour, milieu-based, multimodal mental health care including individual, family, behavioral, and group therapies with educational programming and psychiatric supports.
7. ***Psychiatric Hospital*** - Intensive, brief, medically-directed, twenty-four hour psychiatric evaluation and mental health care including individual, family, behavioral, and group therapies with educational programming.
8. ***K-5 Early Intervention Program*** - a statewide program which helps children and their families whose behaviors have impeded their social, emotional and academic success. This school based program places Family Crisis Therapists in elementary across school districts and charter schools statewide. The program provides crisis intervention as well as ongoing support to the children and families through groups, individual sessions, parenting groups, liaison with other agencies, etc.
9. ***Promoting Safe & Stable Families (PSSF)*** - a statewide family preservation and support program which provides consultation services to at-risk families.
10. ***Families and Centers Empowered Together (FACET)*** - a family support and empowerment program located in four child care centers in Wilmington.
11. ***Separating and Divorcing Parent Education*** - a legislatively mandated co-parenting education program that is 6 – 8 weeks in length, depending if there is domestic violence in the relationship.
12. ***Tobacco Prevention Education*** - tobacco settlement funds are contracted to *one statewide organization to provide prevention programming.*

Division of Family Services (DFS)

1. ***Office of Childcare Licensing (OCCL)*** - OCCL regulates in-home, out-of-home, residential, and group care facilities, conducts criminal background checks on potential providers, investigates concerns about child care centers, and provides training for providers. It is the goal of OCCL to ensure the health and safety of all children receiving child care services.
2. ***Office of Children's Services (OCS)*** - OCS is mandated to receive and investigate reports of child abuse, neglect, and dependency. Ensuring the safety of children is a priority. When necessary, appropriate treatment services are provided to change the behaviors and conditions which cause abuse and neglect and to promote the well-being of

children. Services may include in-home services, placement, family reunification, or other permanency options including adoption, guardianship, and independent living.

Division of Management Support Services (DMSS)

Education Programs

1. ***Ferris School*** - Education is provided on site by certified school personnel to youth in the secure treatment facility. Students transitioning through Mowlds Cottage either continue in the Ferris Program or return to the home school. Regular and special education courses are offered through a schedule which mirrors any local public high school. Electives include art, technology, media literacy, school to work and JDG classes.
2. ***New Castle County Detention Center*** - All students attend a full day of courses which include all the Core Courses. GED is available to youth meeting criteria for entry into the Program. Special education services are provided in accordance with state and federal law.
3. ***Grace and Snowden Cottages*** - This program is a residential treatment program for adjudicated males and females. Students are typically between the ages of 12-18. The program, located on the Wilmington Campus, is operated directly by the Division of Youth Rehabilitative Services. Education is provided on site by certified school personnel who are employed by DSCYF.
4. ***Terry Children's Psychiatric Center*** - This DPBHS program is a Residential Treatment Center providing inpatient and day hospital services for youth under the age of 14. Education is provided on-site by certified school personnel. Special education services are provided in accordance with state and federal law.
5. ***Northeast Treatment*** - This program is operated by Northeast Treatment Centers, LKEC (Delaware) Inc. under contract to the DPBHS. Students ages 12-17 receive a full day of education by certified teachers. Special education services are provided in accordance with state and federal law.
6. ***Silver Lake Treatment Center*** - This DPBHS program provides day treatment and educational services to youth ages 12-17. Full complement of core courses is provided by teachers certified by Delaware Department of Education. Special education services are provided in accordance with state and federal law.
7. ***Stevenson House Detention Center*** - All students attend a full day of courses which include all the Core Courses. GED is available to youth meeting criteria for entry into the Program. Special education services are provided in accordance with state and federal law.
8. ***People's Place II*** - Peoples' Place II is a non-secure detention environment for non-adjudicated males and females ages 12-18. While in placement youth are required to attend school. The certified educator employed by Department of Services for Children, Youth, and Their Families, Education Unit works closely with the youth's "home school" to make sure the on-site education provided while in placement is aligned with the child's "home school" class assignments. The DSCYF teacher also ensures compliance with special education regulations as required and assists in arranging a smooth return to a more conventional school environment upon discharge from the non-secure detention placement. Education is provided year round, on site, and in compliance with state and federal regulations. Peoples' Place II is located in Milford, DE
9. ***Seaford House Treatment Center*** - This program provides day treatment and educational services at the treatment center operated by Children and Families First under contract with DPBHS. Students ages 12-17 receive a full day of education by certified teachers. Special education services are provided in accordance with state and federal law.
10. ***Delaware Day Treatment Center*** - There are two Delaware Guidance programs: one in Kent County and one in Sussex County. Both programs are operated by Delaware Guidance Inc. under contract to the DPBHS. Students ages 6-15 are provided with day treatment and educational services. Education is provided on site by certified teachers

employed by DSCYF. Special education services are provided in accordance with state and federal law.

Division of Youth Rehabilitative Services (DYRS)

1. *Secure Detention*

Youth who are eligible to be detained, per Del. C., can be securely detained at New Castle County Detention Center, on the Youth & Family Center campus or at Stevenson House in Milford. The behavioral model utilized at the facilities is the Cognitive Behavior training model.

Residential Alternatives to Secure Detention (RAD)

Youth eligible to be securely detained are also eligible to be placed by court order into a residential, mix gendered, facility with up to 10 beds located within the State of Delaware.

Pre-trial supervision services

Youth are placed in the community, under the supervision of a parent/guardian, along with a DYRS probation officer or a provider overseeing the conditions of the youth's bail order. Should electronic monitoring be indicated, the Division provides Global Position Supervision (GPS) to support the pre-trial worker.

2. *Probation Services*

Level I Administrative Probation

This level is appropriate for juveniles who have committed minor misdemeanor offenses but do not require supervision by a juvenile probation officer. Level I placements require an adequate family and/or community structure to monitor and notify the Court of violations. Dispositions to this level consist of fines and costs, restitution, counseling, community service, and education programs ordered by the Court and supervision by family or community members. There is no DYRS involvement with these programs.

Level II and Level III Probation

Youth ordered to Level II will be assessed by the Division's Assessment & Monitoring unit with the Positive Achievement Change Tool (PACT) and if found to be low to moderate risk of reoffending, they will be referred to the appropriate low level provider.

Youth ordered to Level II and Level III who are assessed (PACT) and found to be at moderate-high or high risk of reoffending will be assigned to a probation officer, who will refer as necessary to the umbrella services provider for programs to match the youth's criminogenic needs. Youth and their families will have contact with the probation officer based on their level of risk to reoffend.

3. *Secure Programs*

Level IV and Level V programs are indicated for juveniles whose adjudicated offenses include at least one of the following offenses:

- Level IV: Violent Felony D, E, and F
- Level V: Felony A, B, and C

Level IV Staff Secure Programs

Placement at Level IV involves a court-ordered commitment to an out-of-home placement for a minimum of 90 days. Staff secure programs involve 24 hour supervision of juveniles. The Division runs two Level IV cottages on the Youth and Family Center campus: Grace Cottage for young ladies and Snowden Cottage for young men, with a Cognitive Behavioral training model. Youth attend school daily at the Cleve White School on campus. Youth participate in programming to help to improve their outcomes when they return to the community.

The Division also contracts with out of state Level IV programs based on youth's identified needs that are unable to be served in-state, i.e. inappropriate sexual behavior.

Level V Locked Secure Programs

Placement at the locked secure program level requires court-ordered commitment to an out-of-home placement. Locked Secure Programs are the most restrictive rehabilitative programs available. A locked secure program is one in which the juvenile offender is under 24 hour supervision in a locked setting. The decision to commit at Level V is based on the youth's pending charges, and can include past charges which may, by Del. C., indicate a mandatory commitment which requires Level V placement, or a Level IV placement in lieu of a Level V if indicated. The Division runs one Level V facility for young men, Ferris School, which is generally followed by a transition through Level IV at Mowlds Cottage. Mowlds Cottage can also be utilized for a sanction or for a violation of probation for young men who have been through Ferris School and need a placement. Ferris/Mowlds programming are also based on a Cognitive Behavioral training model.

For young ladies requiring a Level V locked facility, the Division contracts with a provider outside of the state in Indiana.

4. Re-entry Services

Youth returning to the community following placement at a Level IV or Level V are placed on Aftercare status. At the time that a youth is committed to a Level IV or Level V facility, discharge planning begins in order to ensure appropriate services are in place to assist a youth and their family to succeed, upon the youth's exit from placement. A service to help parents to set limits with their youth is now available to those meeting criteria, and it should help to improve outcomes for youth and their families.

APPENDIX G - RESOURCES

Child Abuse 24/7 Report Line: 1(800) 292-9582

Division of Prevention and Behavioral Health Services:

- Crisis contact –
  - Northern New Castle County (800) 969-4357
  - Southern New Castle County (800) 969-4357
  - Kent and Sussex Counties (800) 969-4357
- Non-crisis intake, referral and information –
  - New Castle County (302) 633-2571 or (800) 722-7710
  - Kent and Sussex Counties (800) 722-7710

ContactLifeline: Crisis Helpline & Rape Crisis Program

- New Castle County (302) 761-9100
- Kent and Sussex Counties (800) 262-9800

Delaware Help! Line: 2-1-1 or out-of-state (800) 560-3372

Domestic Violence:

- Abriendo Puertas (Spanish) – Sussex County (302) 745-9874
- CHILD, INC. – New Castle County (Bilingual): (302) 762-6110
- SAFE – Kent and Sussex Counties: (302) 422-8058
  Northern Kent County: (302) 678-3886

Early Intervention Program (Children's Department):
(302) 892-4576

Educational Surrogate Parent Program (Courts):
(302) 999-7394

Family Court of the State of Delaware:

- New Castle County (302) 255-0300
- Kent County (302) 672-1000
- Sussex County (302) 855-7400

McKinney-Vento (Department of Education):
(302) 735-4060

Office of the Child Advocate (Courts):
(302) 255-1730

Prevention Resource Center (Children's Department):
(302) 633-2600

Parent Information Center: New Castle County (302)999-7394; Kent and Sussex Counties: (888) 547-4412

Wellness Centers (Division of Public Health):
(302) 744-4552

APPENDIX H

RELATED EDUCATIONAL MEMORANDA OF UNDERSTANDING (MOU)

INTERNET ADDRESSES

1. Interagency Agreement for the Delaware Early Intervention System under Part H of the Individuals with Disabilities Education Act (School FCTs)

http://kids.delaware.gov/pdfs/pol_mou_dscyf_Interagency_Agreement_PartH.pdf

2. Interagency Collaboration to Reduce Truancy between DOE/Public School Districts, DSCYF, and Justice of the Peace Court

http://kids.delaware.gov/pdfs/pol_mou_dscyf_InteragencyAgreementToReduceTruancy.pdf

3. Interagency Agreement for Serving Children with Disabilities between DSCYF, DOE and LEA/Charter Schools

http://kids.delaware.gov/pdfs/pol_mou_dscyf_doe_2008.pdf

4. District, Charter School and Alternative Program Memorandum of Agreement (MOA) with Law Enforcement Agencies

http://www.doe.k12.de.us/infosuites/students_family/climate/moa.shtml