

NEW GUIDELINE - ESSA

CHILDREN AND YOUTH IN FOSTER CARE

Requirements of Title I of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) emphasize the need to provide educational stability for children and youth in foster care, with a particular emphasis on collaboration between State Education Agencies (SEAs), local education agencies (LEAs), and custodial agencies (child welfare agencies and/or Title IV-E courts). These provisions stress the importance of limiting educational disruption by keeping children in foster care in their schools of origin unless it is determined to be in their best interest to change schools. If a change of schools is determined to be in their best interest, children in foster care shall be enrolled in their new schools without delay.

In implementing these provisions, the District, together with the SEA, other LEAs, and custodial agencies, shall comply with applicable laws, such as Title VI of the Civil Rights Act of 1964 (Title VI), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 (Section 504).

School of Origin

The school of origin is the school in which a child is enrolled at the time of placement in foster care. If a student's foster care placement changes, the school of origin is then considered to be the school in which the student is enrolled at the time of the placement change. School of origin determinations shall be consistent with the educational stability requirements under the Fostering Connections Act and shall prevail throughout the time the child remains in foster care. The District, together with the SEA, other LEAs, and custodial agencies, shall consider the educational stability benefits for students during times of transition out of foster care. Allowing a student to remain in the school of origin until the end of the school year or until another point in the school year such as the end of the quarter or semester, may be considered in accordance with Board of Education policy.

Best Interest Determination

A number of factors relating to a child's best interest must be considered in making school placement determinations. These factors shall include:

- A. the child's participation in specialized instruction (e.g., gifted programming, career technical education program, College Credit Plus, Advanced Placement classes;
- B. the child's ability to earn full academic credit, the ability to proceed to the next grade, or the ability to graduate on time;
- C. school climate, peer support, supportive adults, and involvement in extracurricular activities;
- D. availability and quality of the services in the school to meet the child's educational and socioemotional needs);
- E. the length of commute and its impact on the child, based on the child's developmental status and functioning;
- F. whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and ;
- G. whether the child is an English Learner (EL) and is receiving language services and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and Equal Education Opportunity Act (EEOA).;
- H. next steps to maintain educational stability.

These facts may also include:

- A. preference of the child;
- B. preferences of the child's parent(s) or education decision maker(s) as defined by State law, if applicable;
- C. the child's attachment to the school, including meaningful relationships with staff and peers;
- D. placement of the child's sibling(s);
- E. anticipated length of out-of-home placement; and/or
- F. history of school transfers and the impact on the child.

Transportation costs should not be considered when determining a child's best interest.

The State Education Agency (SEA), District, and custodial agencies shall collaborate in making best interest determinations when a child is placed in a foster care placement outside the attendance area of the child's school of origin. The parties shall strive to gather meaningful input from relevant parties, such as the child (depending on age), foster parents, biological parents when appropriate, education decision maker(s), and other relatives to determine whether the child should remain in the school of origin or enroll in the school or district in the attendance area of the foster care placement. Educational decision maker(s) should be knowledgeable about the child and be able to provide input concerning significant relationships; academic progress; and social and emotional well-being. If the child has an IEP or a Section 504 plan or is an EL student, then relevant school staff will need to participate in the best interest decision process and provide information about all required special education and related services and supports.

Best interest determinations should be made as quickly as possible in order to maintain educational stability. The custodial agency and District should make such determination within five (5) school days of the child's placement in foster care or change in the child's living arrangement. To the extent feasible and appropriate, the student in foster care shall remain in his/her school of origin while the determination is being made.

District Point of Contact

The District's local point of contact (POC) is responsible for safeguarding the rights of children and youth in foster care who attend school in this District. The POC must be notified immediately upon the enrollment or assignment of a foster care child/youth. The POC shall serve as a liaison to coordinate with child protection agencies, lead the development of a process for making the best determination for a student, facilitate the transfer of records, and oversee the enrollment and regular school attendance of students in foster care.

The District's POC's responsibilities will include, but are not limited to:

- A. coordinating the implementation of Title I requirements with the corresponding custodial agency POC;
- B. leading the development of a process for making best interest determinations;
- C. documenting and overseeing the implementation of best interest determinations;
- D. facilitating the immediate enrollment of children/youth in foster care and securing the transfer of students' records;
- E. facilitating data sharing with appropriate custodial agencies, consistent with FERPA, District policies, and other privacy protocols;
- F. developing and coordinating local transportation procedures and services;
- G. managing best interest determinations and transportation cost disputes;
- H. overseeing that children in foster care are enrolled in and regularly attending school;

- I. providing professional development and training to school staff on the Title I provisions and educational needs of students in foster care.
- J. providing pertinent information to staff concerning students in foster care to help staff in gaining a better understanding of a child's unique needs so that they can better assist the child in reaching his/her full academic potential; and
- K. verifying that appropriate data is collected and reported regarding children in foster care as required by the U.S. Department of Education and the Ohio Department of Education for use in making necessary program adjustments and improving educational outcomes for children in foster care.

The District's POC should also collaborate with custodial and other relevant agencies to verify that all school staff members are provided with information concerning the need to be sensitive to the complex needs of children in foster care; informed about the impact of trauma on children's abilities to learn; and equipped to provide the necessary interventions and strategies to help children in foster care succeed in the educational environment.

Credit Transfer and Graduation Requirements

The District will verify that children in foster care receive appropriate credit for full or partial coursework satisfactorily completed prior to their enrollment in the District. In order to determine whether a child should receive any credit, the District will consult with appropriate staff at the last school attended by the child concerning the child's coursework, and informally or formally evaluate the child's current mastery of courses partially completed. The District will also consider the following strategies to assist a child with earning and recovering the necessary credits towards graduation:

- A. awarding partial or full credit for work completed;
- B. offering credit recovery courses;
- C. working to keep the child in his/her school of origin;
- D. providing support to enable the child to attend school consistently and progress academically;
- E. offering independent study programs, including learning labs, online learning, and computerized models in addition to regular classes;
- F. offering information about after-school networks;
- G. collaborating with District personnel and custodial agencies to create or improve diversion programs or alternative education programs; and
- H. using various types of support and interventions to verify whether the student is experiencing problems with issues related to mobility and homelessness or whether there are other needs that should be addressed in order for the student to progress academically.

Transportation

Transportation services may be necessary to maintain children in foster care in the school of placement (school of origin or otherwise) that is determined to be in their best interest. The District will collaborate with the State and/or local custodial agency or agencies in providing, arranging, and funding such transportation services. A transportation plan shall be developed within five (5) school days of the date of the best interest determination. The District and custodial agency will provide reliable interim transportation while permanent transportation is being finalized. The District POC will coordinate, oversee, and document the transportation provisions, which may include:

- A. use of pre-existing bus routes or stops close to the new foster care placement (that may cross district boundaries), such as bus routes for magnet schools, non-public or charter schools, and transportation for homeless students as required by the McKinney-Vento Act;
- B. re-routing of existing bus routes within the district and/or outside of the district as identified in A. above;
- C. use of a school bus stop near the existing transportation system for the school of origin (or placement) for drop-off and pick-up;
- D. use of existing public transportation options, if the child is of an appropriate age and has or is able to acquire the skills to utilize such options safely;
- E. use of foster parents or other family member(s) who may be willing and able to transport the child to/from school; or
- F. use of transportation service covered by other programs, for which the child is eligible.

The District is responsible for transportation services for the foster care student for the duration of the time the child is in foster care. When a student exits foster care, the District will continue to prioritize the student's educational stability in determining placement, supports, and services deemed to be in the child's best interests. Continuing transportation services through the end of the school year or until another point in the school year such as the end of the quarter or semester, when remaining in the school of origin, may be a part of the best interest determination.

Additional costs incurred in providing transportation to the school or origin should reflect the difference between what the District would otherwise spend to transport a student to his/her assigned school and the cost of transporting the foster care student to the school of origin. If the District does not calculate average cost of transportation per student, it will determine additional costs to be those costs above what the state reimburses the District for student transportation. The District will collaborate with the SEA, other LEAs, and custodial agencies to pursue possible funding sources and arrangements to deal with transportation costs.

Student Data and Privacy

The District will collaborate with the SEA, other LEAs, and custodial agencies to communicate and share data in order to improve educational outcomes for children in foster care. All communications and data sharing, however, shall comply with all statutory requirements to protect student privacy, including FERPA, District policies (Policy 8330 and AG 8330), and other privacy requirements under Federal, State, or local laws.

Failure to protect personal information can result in an inappropriate release of information that endangers students, their caregivers, and possibly school personnel. Therefore, the POC shall work with other school personnel to secure the PII (personally identifiable information) contained in student databases and records. Conversations about students in foster care shall be held in private locations to prevent information from being overheard. Information regarding domestic violence or other safety issues must be addressed in student records and information release procedures.

Under normal circumstances, the District should receive written notification from the custodial agency within one (1) day of child's placement in foster care or a change in his/her living arrangement. The District will update the child's information in the District's student databases and records within twenty-four (24) hours of receiving such notification. The child's information will be updated even if the child remains in his/her school of origin.

Upon enrollment of a child or youth in foster care, the POC will coordinate with appropriate administrative staff to assure that the school last attended by the child/youth is immediately contacted (within twenty-four (24) hours) to provide relevant academic or other relevant records. If upon enrollment the student does not have any immunization required for enrollment by State law or any other medical records, the POC will assist the family or student in obtaining the immunizations or necessary medical records. The POC will also contact the Director of Transportation to assure transportation of the homeless student is provided in accordance with the Board's Transportation policy and transportation procedures agreed upon by the District.

Dispute Resolution

Any disputes regarding the enrollment, assignment, or transportation service of a foster care student will be referred to the POC for expeditious resolution. When a dispute arises over school placement, the child or youth shall, to the extent feasible and appropriate, remain enrolled in the school of origin, pending resolution of the dispute, and shall be provided with all services, including adequate and appropriate transportation, for which they are eligible while the dispute is being resolved. The custodial agency of record is considered the final decision maker in making best interest determination if there is disagreement regarding school placement for a child in foster care. Such final determination will be made within five (5) school days of the child's placement in foster care or change in the child's living arrangement.