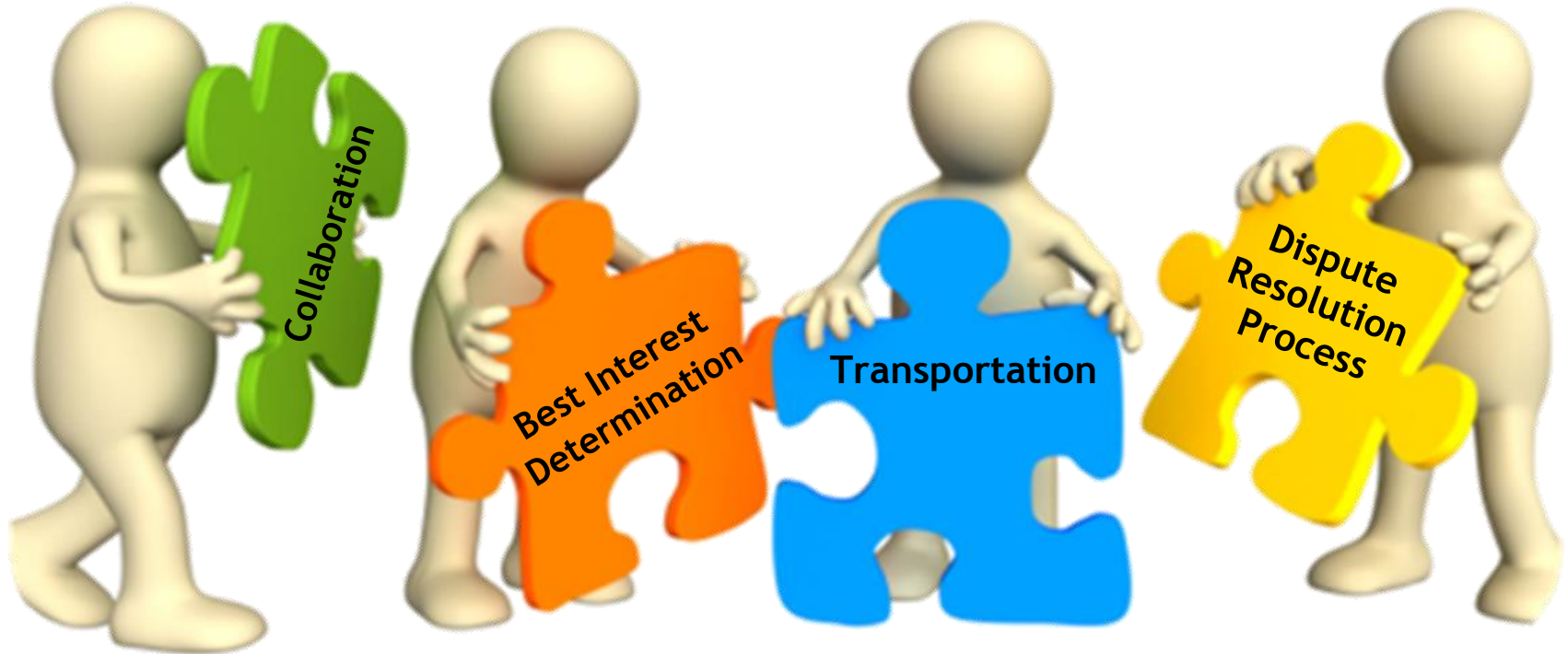


Ensuring Educational Stability for Children in Foster Care

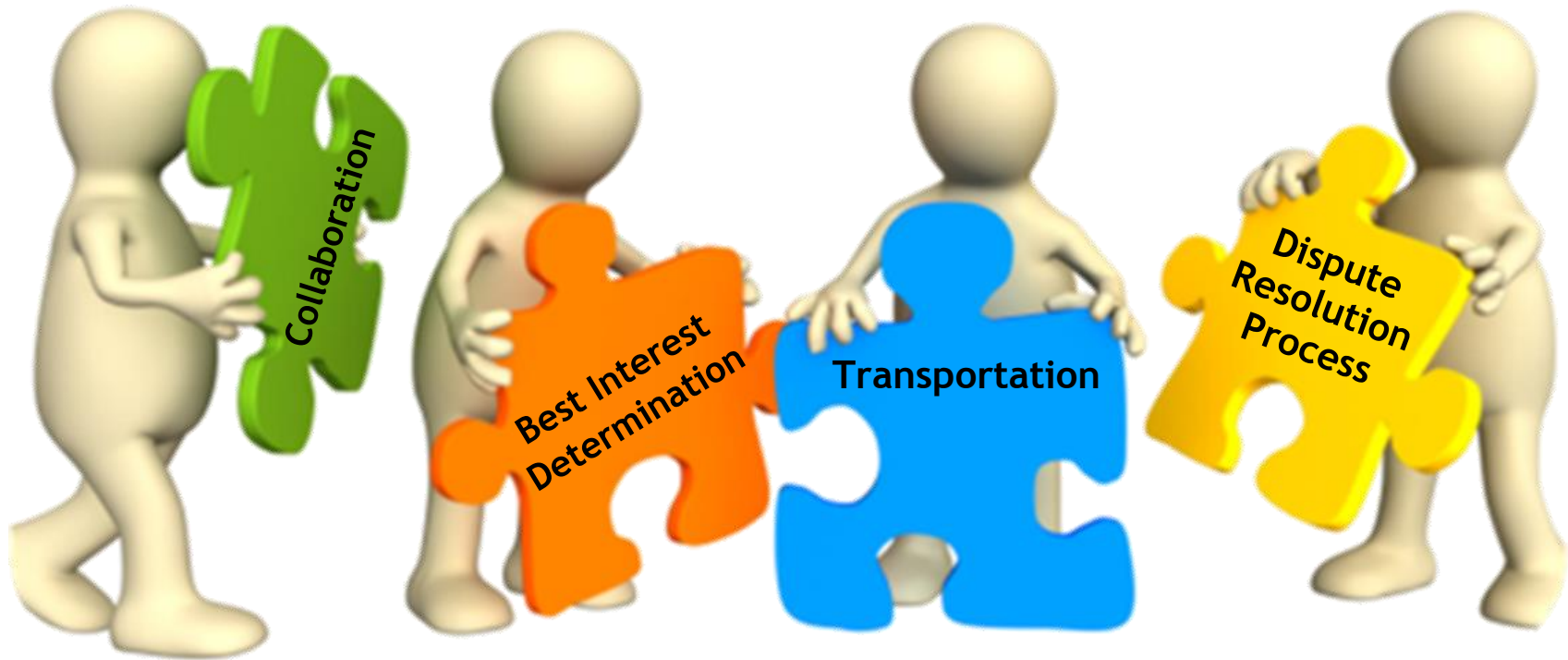
Tracie Sweet
Education Associate
March 28, 2017



**What question do
you hope to have
answered by the end
of this session?**



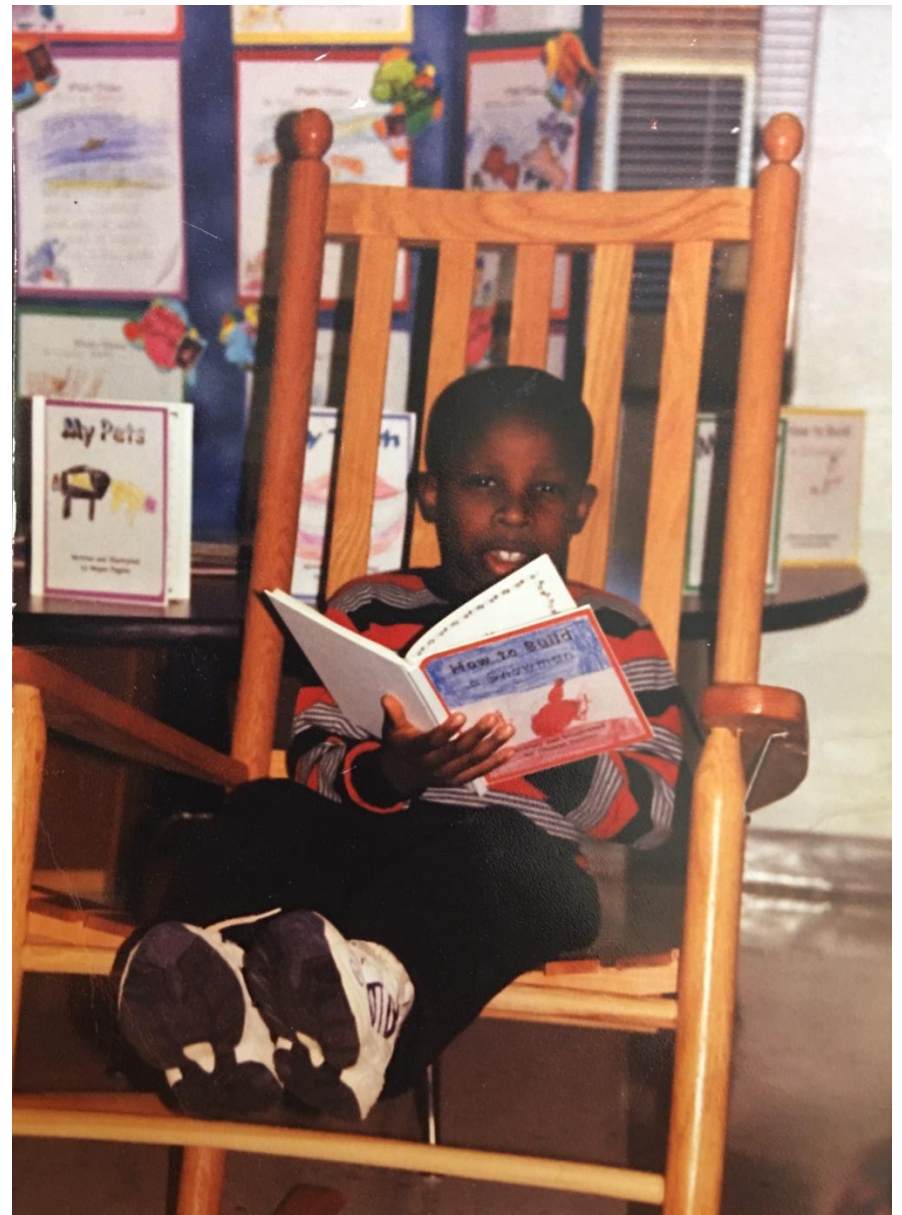
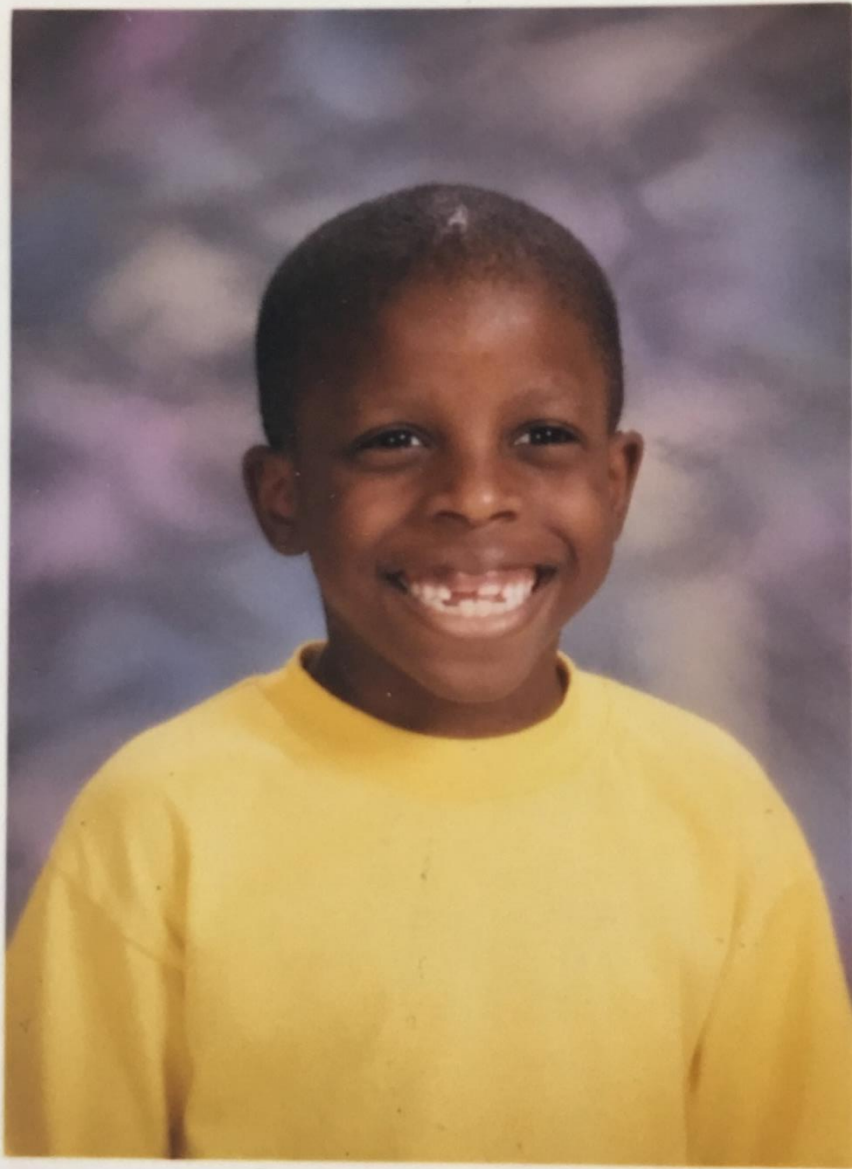
Ensuring Educational Stability for Children in Foster Care



IMPORTANCE OF SCHOOL STABILITY

“Education was one of the few stabilities I had in my life. My hope would be that a family would fill that role, but for me, it was education. That was the greatest gift. Everything else was taken away from me, but education wasn’t...It made the difference.”

Former Foster Youth

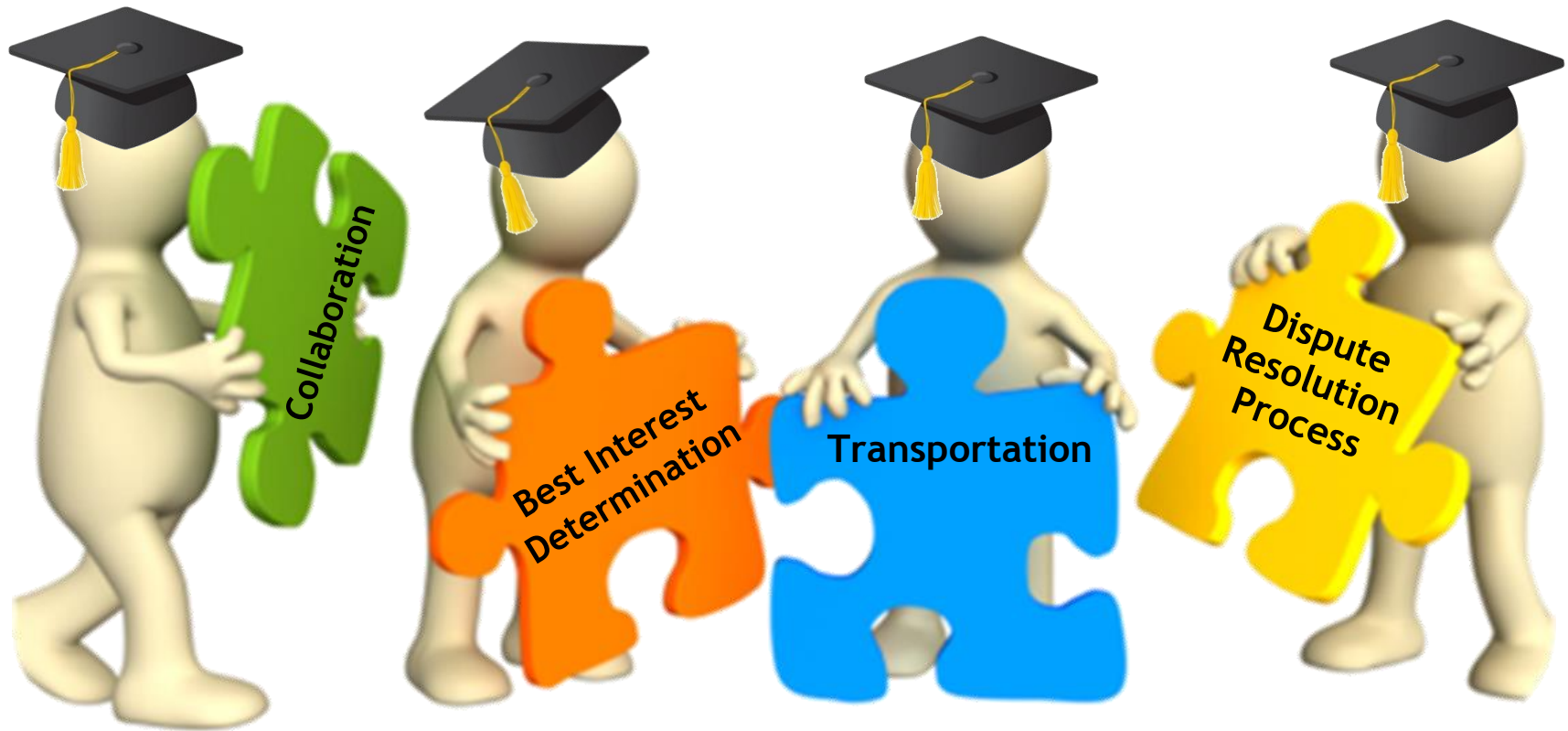




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DEPARTMENT of SOCIAL SERVICES

Ensuring Educational Stability for Children in Foster Care





South Carolina
Department of Education
&
South Carolina
Department of Social Services



Fostering Connections: Joint Guidance for Ensuring School Stability of Children in Foster Care

DRAFT
December 2016



Ensuring Educational Stability for Children in Foster Care

Collaboration & Best Interest Determination



EVERY STUDENT SUCCEEDS ACT OF 2015

BEST INTEREST DETERMINATION

- (i) any such child **enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin**, which decision shall be based on all factors relating to the child's best interest, **including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement**;

ESSA REQUIREMENTS

- Children in foster care remain in the school of origin, unless it is determined that it is not in his/her best interest.
- If it's not in the child's best interest to remain in his or her school of origin, the student must be immediately enrolled in the new school, even if the child is unable to produce records normally required for enrollment

LEA POINT OF CONTACT (POC)

GUIDANCE PROVISIONS

Local Education Agency (LEA) Point of Contact (POC)

- Responsibilities include:
 - Coordinating with local CWAs to develop a process for implementing ESSA provisions
 - **Leading development of best interest determination process**
 - Facilitating the transfer of records and immediate enrollment and data sharing with CWAs
 - Developing and coordinating local transportation procedures

Fostering Connections: Joint Guidance for Ensuring School Stability of Children in Foster Care –
page 6

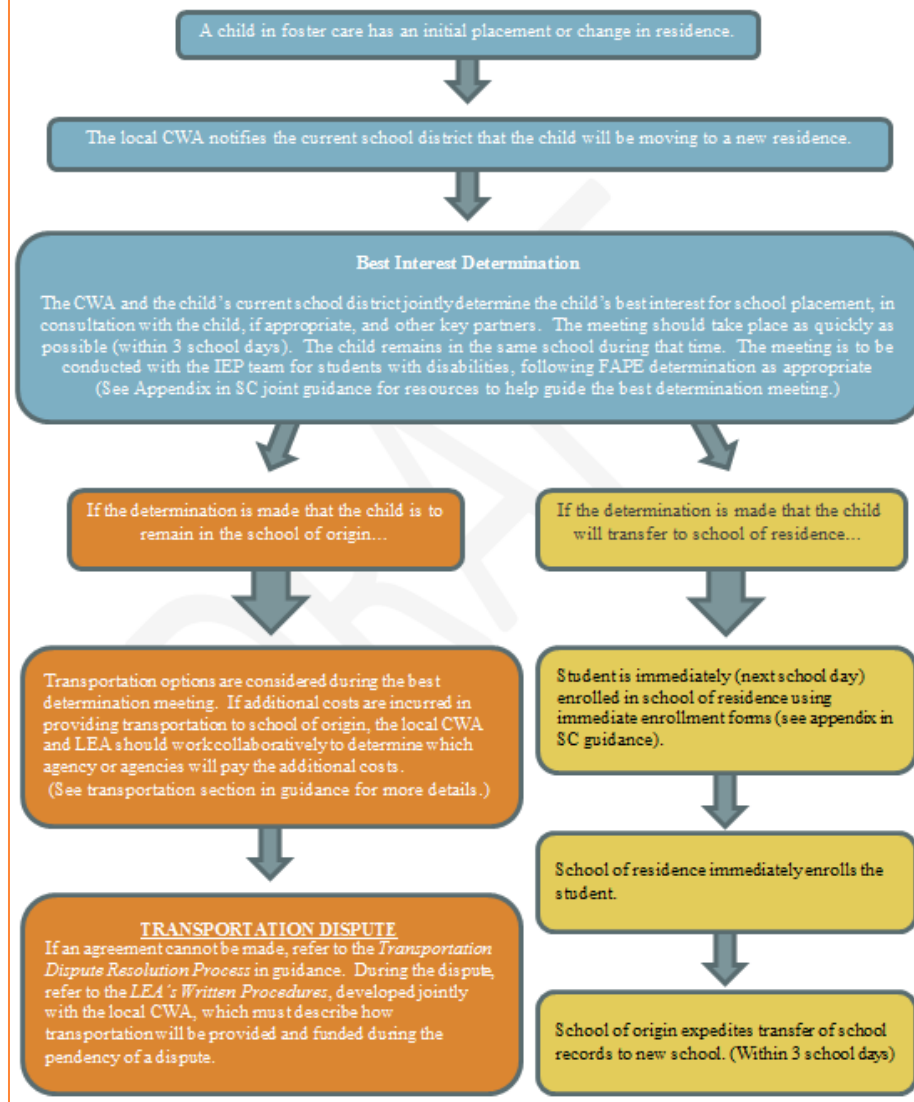
POINT OF CONTACT (POC)

GUIDANCE PROVISIONS

State & Local Child Welfare POCs

- CWAs are not required to designate POCs but are highly encouraged to do so.
 - Local CWAs should send a letter to relevant LEAs **as soon as possible** identifying their POC.
- Responsibilities include coordinating with SEAs and LEAs to develop a process for implementation.
- CWA POCs should serve as the primary POC between schools, families, and other service providers.

SCHOOL PLACEMENT PROCESS FOR CHILD IN FOSTER CARE



Fostering Connections: Joint Guidance for Ensuring School Stability of Children in Foster Care – page 9

SCHOOL PLACEMENT PROCESS FOR CHILD IN FOSTER CARE

A child in foster care has an initial placement or change in residence.

The local CWA notifies the current school district that the child will be moving to a new residence.

Best Interest Determination

The CWA and the child's current school district jointly determine the child's best interest for school placement, in consultation with the child, if appropriate, and other key partners. The meeting should take place as quickly as possible (within 3 school days). The child remains in the same school during that time. The meeting is to be conducted with the IEP team for students with disabilities, following FAPE determination as appropriate (See Appendix in SC joint guidance for resources to help guide the best determination meeting.)

If the determination is made that the child is to remain in the school of origin...

If the determination is made that the child will transfer to school of residence...

Transportation options are considered during the best determination meeting. If additional costs are incurred in providing transportation to school of origin, the local CWA and LEA should work collaboratively to determine which agency or agencies will pay the additional costs. (See transportation section in guidance for more details.)

Student is immediately (next school day) enrolled in school of residence using immediate enrollment forms (see appendix in SC guidance).

School of residence immediately enrolls the student.

TRANSPORTATION DISPUTE

If an agreement cannot be made, refer to the *Transportation Dispute Resolution Process* in guidance. During the dispute, refer to the LEA's *Written Procedures*, developed jointly with the local CWA, which must describe how transportation will be provided and funded during the pendency of a dispute.

School of origin expedites transfer of school records to new school. (Within 3 school days)

BEST INTEREST DETERMINATION (BID)

ROLE PLAY –

How do we know when we need to conduct a BID?

- **A's – Focus on questions**
- **B's – Focus on actions**
- **C's – Focus on results**

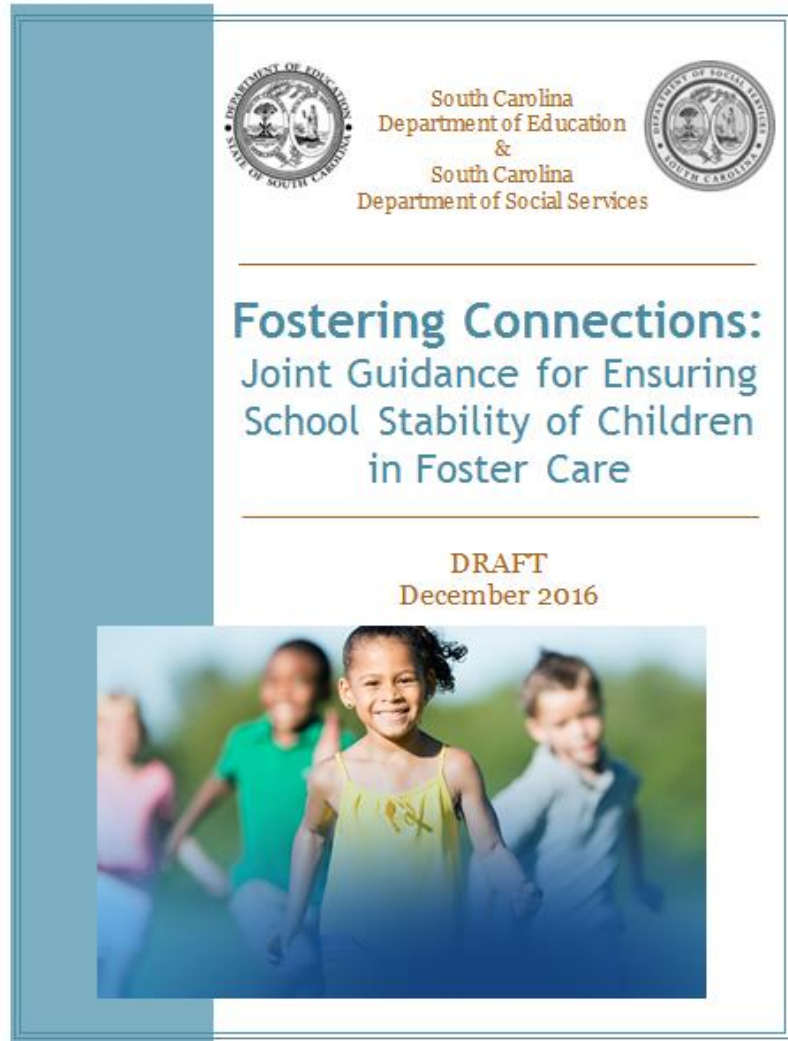


SCENARIOS

- **Scenario 1** – Student moved to a foster home **within** the school of origin attendance zone – No BID needed
- **Scenario 2** – Student moved to a foster home outside of the school of origin attendance area – BID needed
- **Scenario 3** – Student moved to a foster home outside of the school of origin attendance area – BID needed
- What was the difference between Scenario 2 and 3?

BEST INTEREST DETERMINATION FORMS

- Best Interest in School of Origin Decisions: A Checklist for Decision Making – *Appendix A, page 23*
- Best Interest Determination Placement Form - *Appendix B, page 25*



BEST INTEREST DETERMINATION – ROLE PLAY

What factors should be considered in determining whether remaining in a child's school of origin is in his/her best interest, as it relates to school stability?

- Read the scenario.
- Decide who will be LEA POC and CWA POC.
- Role play using the following resources:
 - Best Interest Determination Checklist
 - Best Interest Determination Placement Form
 - Immediate Enrollment Form

BEST INTEREST DETERMINATION FACTORS TO CONSIDER

What factors should be considered in determining whether remaining in a child's school of origin is in his/her best interest, as it relates to school stability?

BEST INTEREST DETERMINATION – BEST INTEREST FACTORS

➤ Examples

- Child's preferences
- Safety of the child
- Appropriateness of current educational programs in school or origin vs. school of residence
- Which school can best serve the student's needs (including special education)?
- **COST SHOULD NOT BE A FACTOR**

BEST INTEREST DETERMINATION

GUIDANCE PROVISIONS

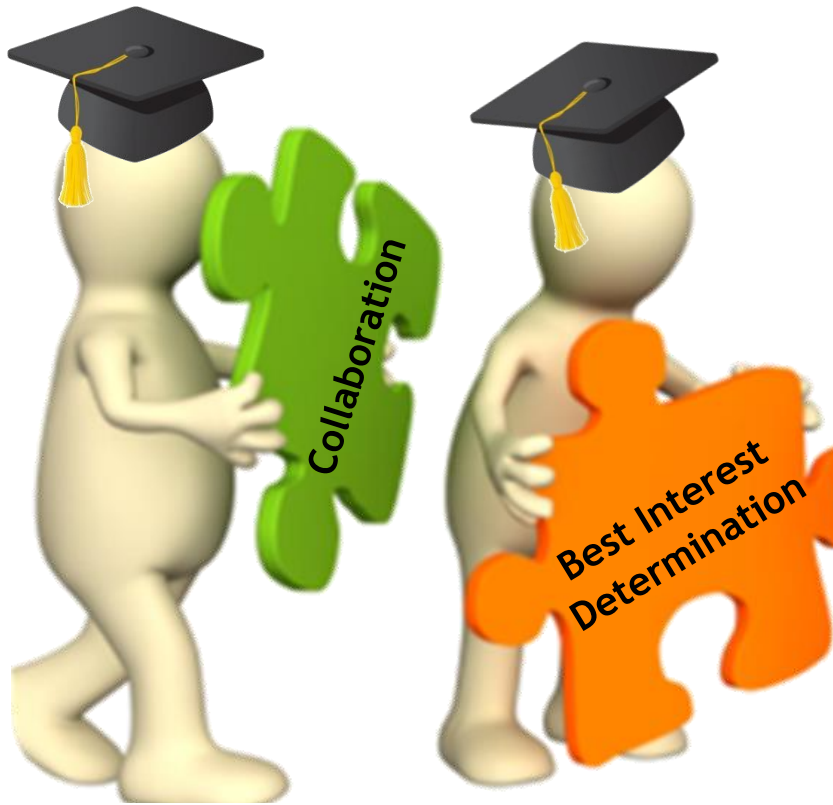
- If parties cannot come to agreement, ultimate decision should reside with the Child Welfare Agency (CWA)
- To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves

IMMEDIATE ENROLLMENT

- Immediate Enrollment Form - Appendix C, page 30
 - Foster care parents or case worker can take form to the school of residence
 - School of residence should enroll the child and then request records from the school of origin
- A child can't be denied enrollment because they don't have proper documentation
- A child should be attending classes and receiving appropriate academic services
- Policies should be reviewed to remove barriers to immediate enrollment

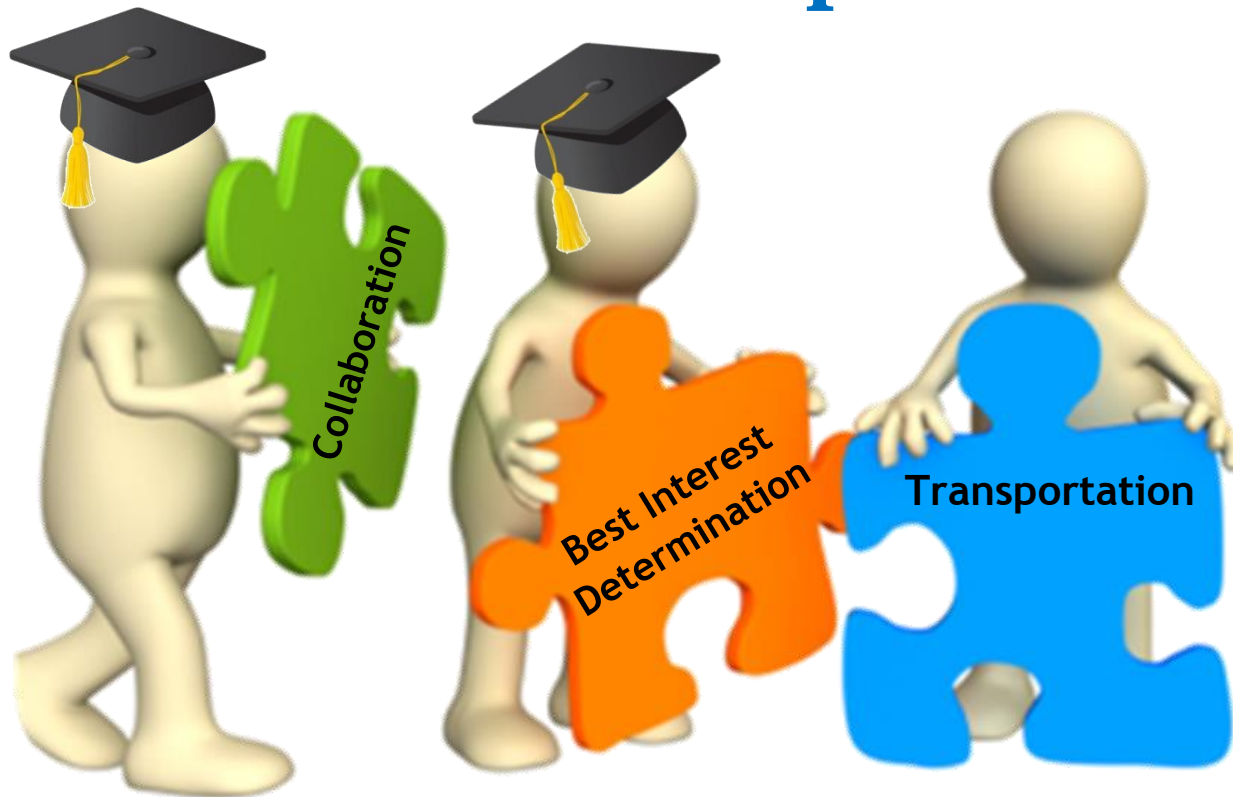
Ensuring Educational Stability for Children in Foster Care

Collaboration & Best Interest Determination



Ensuring Educational Stability for Children in Foster Care

Transportation



EVERY STUDENT SUCCEEDS ACT OF 2015

TRANSPORTATION

- “(B) by not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and **implement clear written procedures** governing how transportation to maintain children in foster care in their school of origin when in their best interest will be **provided, arranged, and funded for the duration of the time in foster care**, which procedures shall—





“(i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

“(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, **the local educational agency will provide transportation to the school of origin if—**

“(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

“(II) the local educational agency agrees to pay for the cost of such transportation; **or**

“(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation; (ESSA 1112(c)(5)(B))

TRANSPORTATION ESSA REGULATIONS



(ii) To ensure that children in foster care promptly receive transportation, as necessary, to and from their schools of origin when in their best interest under section 1112(c)(5)(B) of the Act, the SEA must ensure that an LEA receiving funds under Title I, part A of the Act will **collaborate with State and local child welfare agencies to develop and implement clear written procedures** that describe:

- A. how the requirements of section 1112(c)(5)(B) of the Act will be met in the event of a dispute over which agency or agencies will pay any additional costs incurred in providing transportation; and
- B. which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute.

<http://www2.ed.gov/policy/elsec/leg/essa/essaaccountstplans1129.pdf>

TRANSPORTATION REQUIREMENTS

GUIDANCE PROVISIONS

- Transportation must be provided in a “cost-effective” manner, so low-cost/no-cost options should be explored.
- Even if an LEA doesn’t transport other students, it must ensure that transportation is provided to children in foster care consistent with procedures developed in collaboration with CWAs.
- Transportation is an allowable use of federal funds, both under Title IV-E of the Social Security Act and Title I of the ESEA.
- All funding sources should be maximized to ensure costs are not unduly burdensome on one agency.

TRANSPORTATION REQUIREMENTS

GUIDANCE PROVISIONS

- LEAs and CWAs should work together to agree on costs.
- Transportation procedures should include a dispute resolution process if parties can't come to agreement.
- SEAs and State CWAs should develop uniform statewide guidelines and procedures.
- A child must remain in his or her school of origin while any disputes regarding transportation costs are being resolved.



TRANSPORTATION PROCEDURES



- Guidance Document – page 15
- 1. An **assurance** that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement.
- 2. An **assurance** that the child welfare agency has coordinated with the LEA(s) to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records within three school days.

TRANSPORTATION PROCEDURES



- **3. Describe** how the child welfare agency is implementing its requirements to develop a plan for ensuring the educational stability of each child in foster care, including ensuring that each placement of every child takes into consideration the proximity to the school of origin (see the Fostering Connections to Success and Increasing Adoptions Act).
- 4. A description of the **process** used by the LEA and local child welfare agency to develop and implement clear written transportation procedures. (*This is how you document that you are collaborating together.*)

TRANSPORTATION PROCEDURES



- 5. An **assurance** that children in foster care needing transportation to the school of origin will promptly receive it.
- 6. A **description** of how the requirements of section 1112(c)(5)(B) of the Act will be met in the event of a dispute over which agency or agencies will pay any additional costs incurred in providing transportation.

TRANSPORTATION PROCEDURES



- 7. An **explanation** of which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute.
- 8. An **explanation** of how transportation is provided in a cost-effective manner.

TRANSPORTATION PROCEDURES



- 9. A **list** of potential transportation options available to the school of origin in situations where there are no additional costs.
- 10. A **description** of the process that will be used to calculate additional costs of transportation in the event that additional costs are incurred.

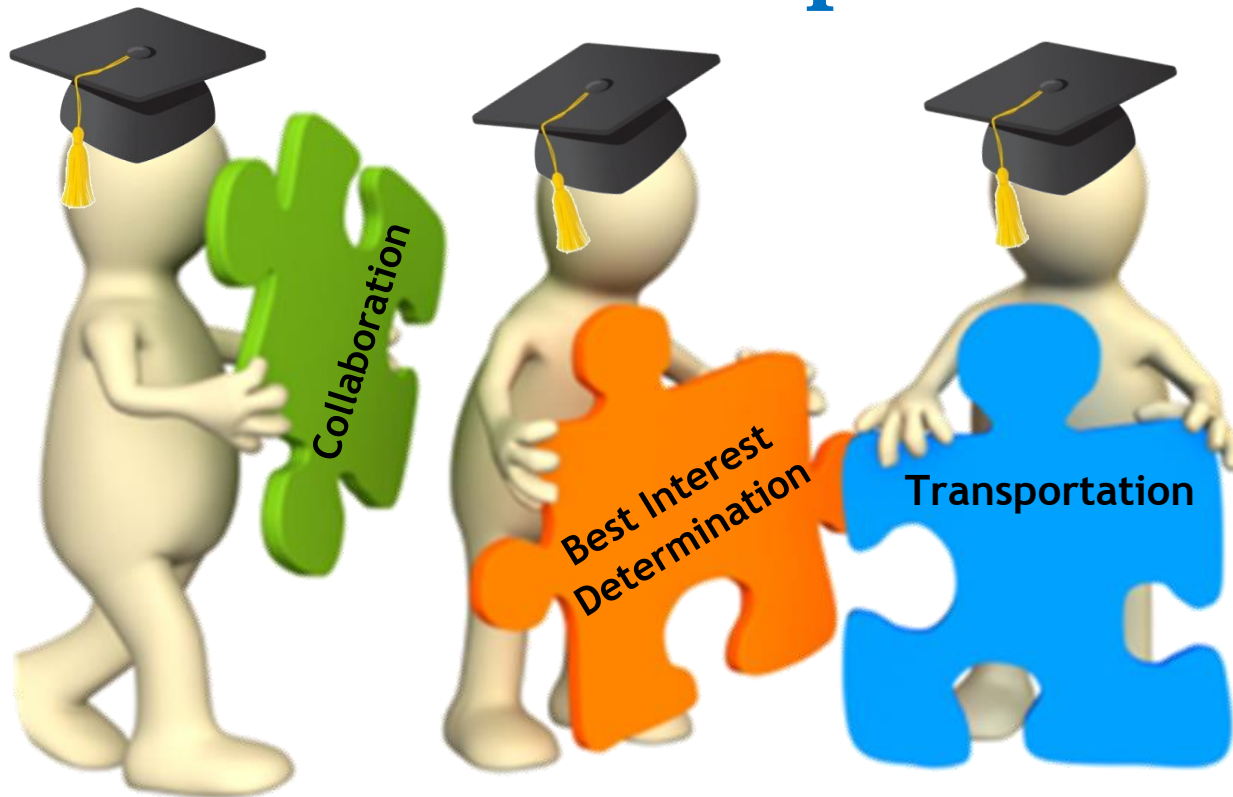
WHO SHOULD BE INVOLVED?



- LEA POC
- CWA POC
- Transportation Director
- Federal Program Staff (i.e. Title I Coordinator, Special Education Coordinator, McKinney-Vento)
- DSS Fiscal Staff
- Other (Superintendent, school board, etc.)

Ensuring Educational Stability for Children in Foster Care

Transportation



MONITORING AND COMPLIANCE

Title I, Part A of ESSA require joint decision-making and collaboration between CWAs and educational agencies. Efforts to collaborate must be documented.

Required

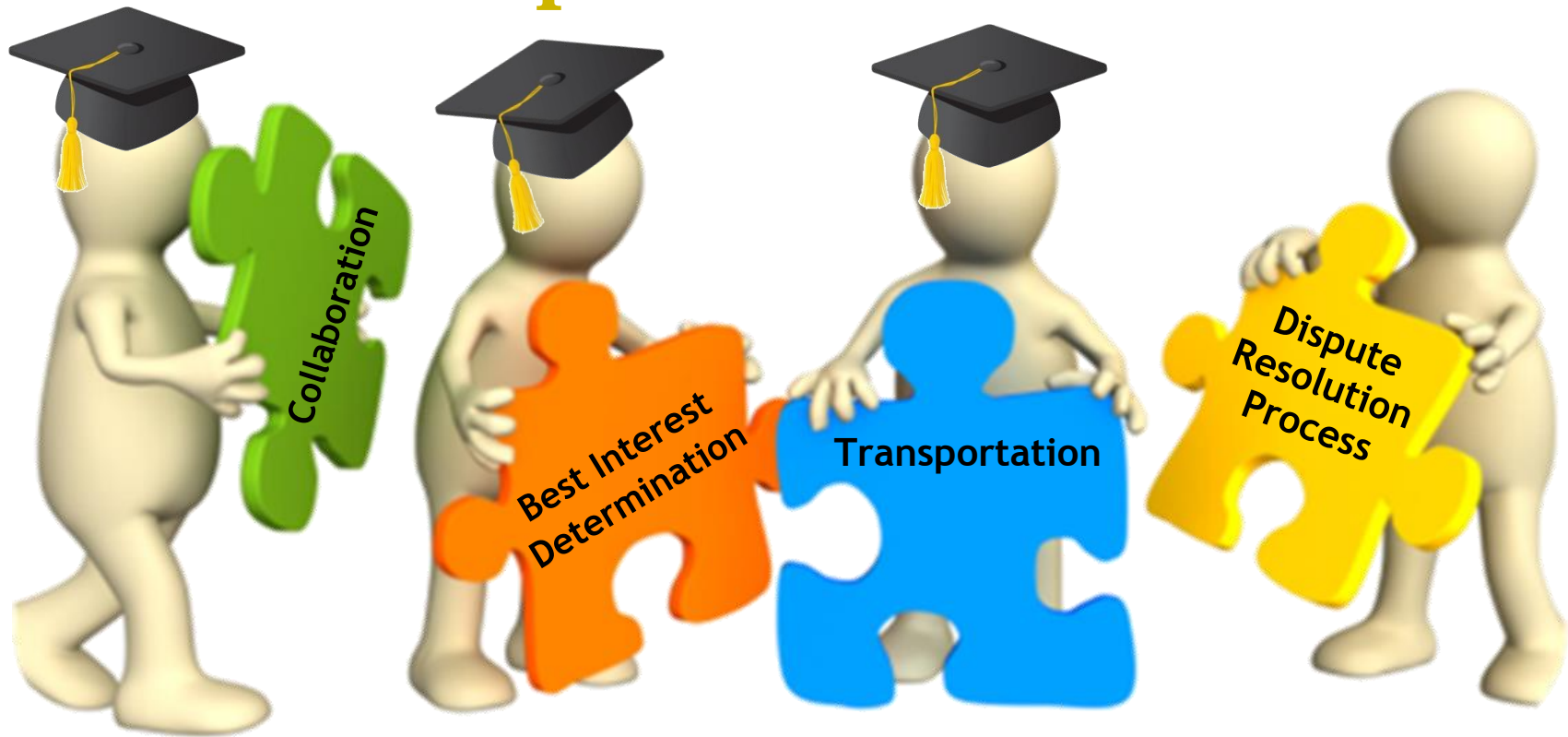
- Completed LEA written transportation procedures
- Best interest determination forms (signed and dated)
- Immediate enrollment forms indicating date of enrollment (signed and dated)

Other

- Meeting Invitations
- Agendas
- Meeting minute
- Emails that document collaboration
- Sign in sheets

Ensuring Educational Stability for Children in Foster Care

Dispute Resolution



DISPUTE RESOLUTION – SCHOOL OF ORIGIN

- LEAs and CWAs should make every effort to reach an agreement regarding appropriate school placement of children in foster care.
- However, if there is a disagreement, *Non-Regulatory Guidance* states that the child welfare agency should be considered the final decision maker in making the best interest determination.
- LEAs and local CWAs should develop a dispute resolution process at the local level to address disagreements over the best interest.

DISPUTE RESOLUTION – SCHOOL OF ORIGIN

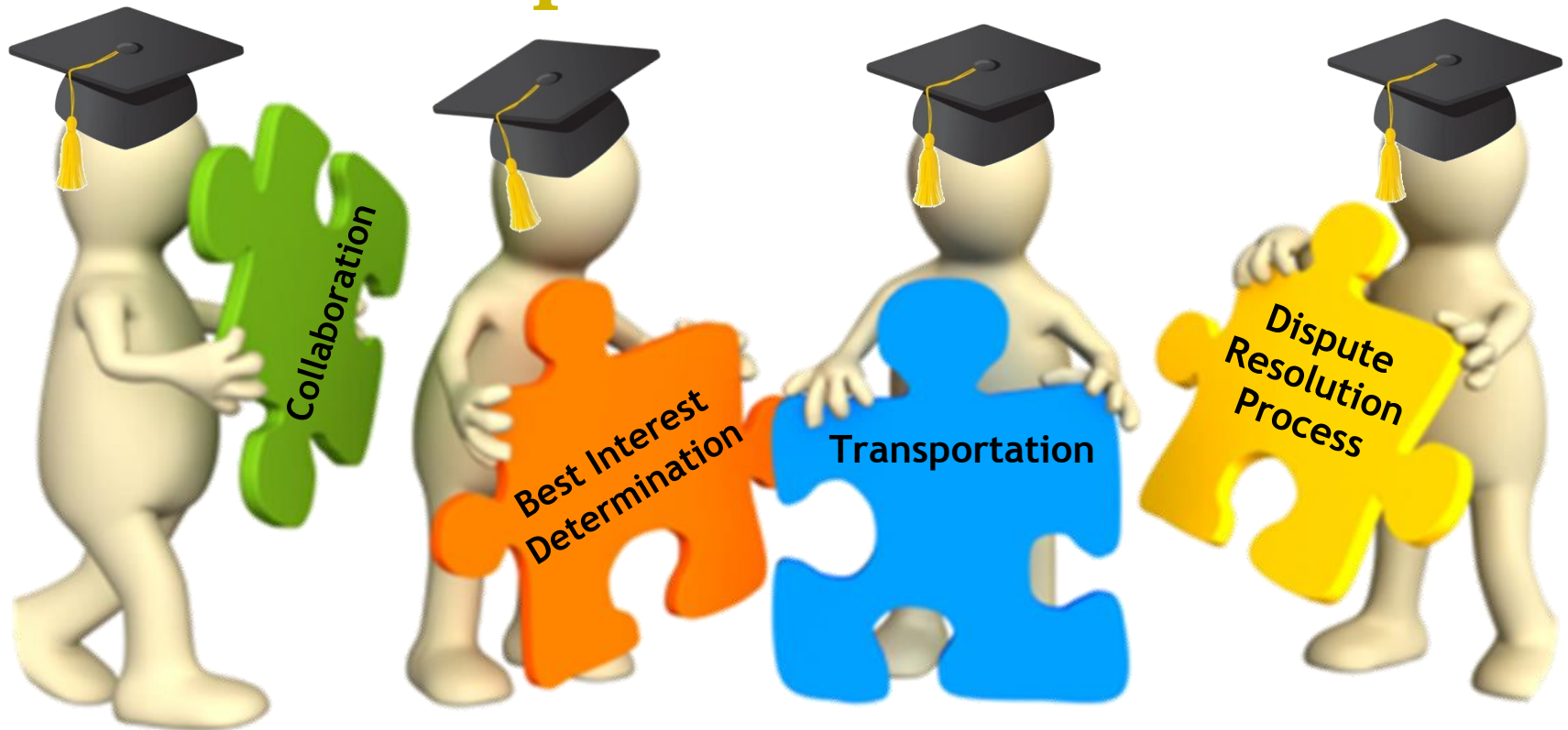
- A child must remain in his/her school of origin while disputes are being resolved to the extent feasible and appropriate to minimize disruptions and reduce the number of moves between schools (ESEA section 1111(g)(1)(E)(i)).
- See sample in SC guidance document p. 18

DISPUTE RESOLUTION - TRANSPORTATION

- Make efforts to resolve at the local level
- If dispute reaches the state level, resolved by a three-person panel:
 - SEA foster care point of contact (or designee)
 - State child welfare agency point of contact (or designee)
 - South Carolina Department of Education Deputy General Counsel for Federal Programs (or designee)

Ensuring Educational Stability for Children in Foster Care

Dispute Resolution



REFLECTION

POP THE QUESTIONS

What questions still remain?

1. Find a partner.
2. Both you and your partner pick up a balloon near you.
3. Read and answer the question on the balloon.
4. If the question was answered during the presentation, pop the balloon.
5. If the question was not answered, then hold the balloon in the air.



CONTACT INFORMATION



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