

Instruction

2382

Students in Foster Care

The district recognizes that students in foster care face unique educational barriers and challenges. The district endeavors to create a safe and stable learning environment where all students have a fair, equal and significant opportunity to obtain a high-quality education.

DEFINITIONS

“Child welfare point of contact (CW POC) means the person appointed or delegated by the Idaho Department of Health and Welfare or other child welfare agency responsibility for serving as one of the primary contacts between children in foster care and school staff, district personnel and other service providers.

“Foster care” means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

“IDHW” means the Idaho Department of Health and Welfare, the agency responsible for child welfare and children in foster care in Idaho.

“Local or district point of contact (POC)” means the staff person designated by the district who is responsible for coordinating with child welfare agency points of contact and carrying out the duties prescribed in Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA).

“School of Origin” means the school in which a child is enrolled at the time of placement in foster care or at the time of placement change, including a preschool.

SCHOOL SELECTION

Each child in foster care has the right to continue attendance in his/her school of origin, unless it is determined to not be in the best interest of the child. School selection for students in foster care will be made on a case-by-case basis and according to the best interest of the child. In making the best interest determination, the district will, to the extent feasible, keep a child in foster care in the school of origin, unless doing so is not in the child’s best interest.

The school selection determination will be made in collaboration with the CW POC and based on a student-centered, individualized analysis of factors related to the child’s safety and educational well-being. In addition to collaborating with the CW POC, the district will consult with other relevant parties,

such as the child (depending on age), foster parents, biological parents when appropriate, education decision maker(s), and other relatives for their perspectives on which school the child should attend during their time in foster care, consistent with the child's case plan. Factors to be considered in determining the best interest of the student and feasibility of school or origin placement include, but are not limited to:

- preferences of the child;
- preferences of the child's parents or educational decision makers;
- the child's attachment to the school, including meaningful relationships with staff and peers;
- placement of the child's sibling(s);
- influence of the school climate on the child, including safety;
- availability and quality of services in the school to meet the child's educational and socio-emotional needs;
- history of school transfers and how they have impacted the child;
- how the length of commute would impact the child, based on the child's developmental stage;
- 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 or origin; and
- whether the child is an EL and receiving language services and, if so, the availability of those required services in a school other than the school or origin, consistent with Title VI and the EEOA.

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

While the district prioritizes the educational stability for students in foster care, specific circumstances may apply in which it would not be in the student's best interest to remain in their school or origin. The following guidelines are designed to provide a framework for the district to consider, in collaboration with the CW POC, in determining whether a change in an education setting is in the child's best interest:

- The child is involved in gang or illegal activity;
- The child's developmental or educational needs are not being met;
- There is risk of harm to the child due to proximity and access of the offender;
- The child has been moved to a permanent home due to adoption or guardianship;
- The child is opposed to remaining in the school due to a feasible and logical reason;
- The child is in a residential treatment facility with educational services on site and/or the travel time/distance to the child's school of origin would negatively impact their well-being. Although this determination will be evaluated individually based on the student's circumstances, as a general rule, a commute exceeding 45-60 minutes each way either with or without stops would not be considered in the child's best interest.

The best interest determination will be made as quickly as possible in order to prevent educational discontinuity for the child. To the extent feasible and appropriate, a child in foster care will remain in his or her school or origin while awaiting a decision on placement to reduce the number of school moves.

ENROLLMENT

A school that has been selected based on the best interest determination must immediately enroll the child in foster care, even if the child is unable to produce records normally required for enrollment. Enrollment will not be denied or delayed due to the lack of any document or condition normally required for enrollment including:

- proof of residency;
- transcripts or school records;
- immunization or other medical records;
- proof of guardianship;
- birth certificate;
- unpaid school fees or lack of school supplies; and
- any factor related to the student's living situation.

The enrolling school will immediately contact the school last attended by the student to obtain relevant academic or other records. Initial placement of students whose records are not immediately available will be made based on information gathered from the student, parent, or guardian, foster parent, CW POC, and previous schools or teachers. If a child needs to obtain immunizations, or immunization/medical records, the local POC will work with the CW POC to obtain the immunizations or records. Any student record ordinarily kept by the school will be maintained so that it is available in a timely fashion when the student enters a new school or school district.

DISPUTE RESOLUTION PROCESS

A written explanation of the decision to deny enrollment and notice of the right to appeal will be promptly provided to the educational decision-maker. Such notice will be in language the educational decision maker can understand and will include an appeal form. To dispute the district's decision related to school selection, the educational decision-maker must submit the appeal form in writing within ten (10) school days of receiving the district's decision.

The submission of the appeal form to any school in the district initiates the dispute. From that point, the student shall remain in the school of origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for which the student is eligible during the pendency of the dispute. Students attending their school of origin during the pendency of the dispute will be entitled to receive transportation. The district will provide or arrange for transportation during the dispute; however, the IDHW is responsible for paying additional costs of transportation during the pendency of disputes. Once the dispute is resolved, transportation will be provided pursuant to the local transportation procedures developed collaboratively between the district and the local IDHW.

The superintendent or designee will arrange for a personal conference to be held with the educational decision-maker, the student (if appropriate), and the local CW POC or designee within the (10) business days of the district's receipt of the appeal. The superintendent or designee will inform the educational decision-maker of his/her decision in writing within five (5) business days of the personal conference. The superintendent or designee may consult with the district's POC in making the decision.

If an agreement cannot be reached between the parties regarding the educational placement or enrollment status of the student, the district and/or the educational decision-maker shall promptly seek further assistance from the State Foster Care Liaison, who will review and determine within ten (10) business days how the student's best interests will be served according to procedures adopted by the State Department of Education. All parties will be expeditiously informed of the State's determination in writing and such decision will constitute the final resolution of the dispute. The district will implement the State's decision in full, immediately.

LOCAL POC

The superintendent or designee will designate a local POC for children in foster care, their families and child welfare agencies. The local POC will serve as the primary contact between child welfare agencies, children in foster care and their families, district personnel and other service providers.

The responsibilities of the local POC include, but are not limited:

- coordinating with the State Department of Education and CW POCs to develop a process for ensuring this policy is implemented, including establishing procedures for how transportation will be provided, arranged, and funded for the duration of a child's time in foster care;
- ensuring children in foster care enroll in or remain in his/her school or origin unless it is not in the best interest of the child;
- ensuring that children in foster care are immediately enrolled in his/her new school, even if the child does not have documentation;
- ensuring that children in foster care and their families receive educational services for which they are eligible, including Head Start, Even Start, and other public preschool programs; and referrals to health, dental, mental health and other appropriate services;
- receiving a school letter from the CW POC;
- completing the best interest determination form, utilizing the best interest recommendation received from the CW POC, within three (3) business days of receipt of the letter from the CW POC;
- assisting with circumstances that require temporary plans to maintain a child in his/her school of origin;
- facilitating data sharing with the CW POC consistent with FERPA and other privacy protocols; and
- managing best interest determinations and transportation costs disputes.

COORDINATION

The local POC will coordinate with and seek support from the State Foster Care Liaison, the IDHW Child Well-Being Program Specialist, IDHW regional POCs public and private service providers in the community, the district transportation department, local POCs in neighboring districts, and other organizations and agencies as needed and appropriate to provide more effective and comprehensive services to children in foster care and their families. Both the public and private agencies will be encouraged to support the local POC and our schools in implementing this policy.

POLICY REVIEW

The district will review and revise any policies that may act as barriers to the enrollment of children in foster care. In reviewing such policies, consideration will be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation and guardianship. Special attention will be given to ensuring the enrollment and attendance of children in foster care who are not currently attending school.

LEGAL REFERENCE:

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (20 U.S.C. §§6301 *et seq.*)

Fostering Connections Act to Success and Increasing Adoptions Act of 2008, P.L. 110-351

Individuals with Disabilities Education Act. 20 U.S.C. §1400 *et seq.*

Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care

ADOPTED: 1-16-24