

STUDENTS IN OUT-OF-HOME CARE

POLICY:

The Board recognizes that students in out-of-home or foster care experience mobility in and out of the foster care system and from one home placement to another that disrupts their education, thereby creating barriers to academic success and on-time graduation. Through collaboration with state, local, and/or tribal child welfare agencies, the District will strive to minimize or eliminate educational barriers for students in out-of-home care, particularly with regard to enrollment, transfer of student records, and transportation to their school of origin. Pursuant to Chapter 28A.225 RCW, the District's collaboration with the State's department of children, youth, and families in compliance with RCW 74.13.56 is mandatory. The Superintendent or designee is authorized to establish procedures and/or practices for implementing this policy.

The District and its schools will work to improve systems to identify students in out-of-home care to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

Point of Contact

The Superintendent or designee will designate an appropriate staff member to serve as the District's point of contact for local child welfare agencies. The point of contact will work with appropriate state, local, and/or tribal child welfare agencies to receive notifications and share information regarding the status and progress of students in out-of-home care. The point of contact will also work collaboratively with the District's Title I Coordinator to provide support for students in foster care that are enrolled or seeking to enroll in the district.

Enrollment

Whenever practical and in the best interest of the child, students placed into out-of-home care will remain enrolled in the school they were attending at the time they entered out-of-home care. Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student and should take into consideration student-centered factors and input from the relevant and appropriate persons listed in procedure (see below).

If remaining in the school of origin is determined not to be in the student's best interest, the District will immediately enroll that student in his/her new school. Enrollment may not be denied or delayed based on the fact that documents normally required for enrollment have not been provided.

A school may not prevent a student in out-of-home care from enrolling based on incomplete information of any history of placement in special education; any past, current, or pending disciplinary action; any history of violent behavior or behavior listed in RCW 13.04.155; any unpaid fines or fees imposed by other schools; or any health conditions affecting the student's educational needs during the ten- (10) day period that the Department of Social and Health Services has to obtain that information. Upon enrollment, the District will make reasonable efforts to obtain and assess the child's educational history in order to meet the child's unique needs within two (2) school business days.

Records Transfer

When a student in out-of-home care transfers schools, whether within the district or to another school district, the enrolling school will immediately contact the sending school to obtain academic and other records. The sending school will respond as soon as possible to requests it receives for records of students in out-of-home care.

Additionally, upon receipt of a request for educational records of a student in out-of-home care from the Department of Social and Health Services, the District will provide the records to the agency within two (2) school days.

Transportation

The District will collaborate with state, local, or tribal child welfare agencies, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportation will be provided, arranged, and funded for students to remain in their school of origin when in their best interest for the duration of their time in out-of-home care.

The written procedure will ensure that if additional costs are incurred in providing transportation, the District will provide transportation to the school of origin if: 1) the child welfare agency agrees to reimburse the transportation, 2) the District agrees to pay for the cost of the transportation, or 3) the District and the child welfare agency agree to share transportation costs.

Dispute Resolution

In the event that a caregiver or education decision-maker disputes a district decision regarding the best interest of the student in out-of-home care with regard to enrollment or the provision of any other education-related service, including transportation, the caregiver or education decision-maker may use

the three-tiered appeals process outlined in the procedure that accompanies this policy. The District will make all reasonable efforts to collaborate with appropriate agencies and aggrieved parties to resolve the dispute at the local level.

In the event that a dispute occurs between the District and a child welfare agency with regard to issues that do not involve educational placement or the provision of educational services (e.g., transportation reimbursements, failure to collaborate), such disputes may be forwarded to the Office of the Superintendent of Public Instruction for resolution.

Review of Unexpected or Excessive Absences

A district representative or school employee will review unexpected or excessive absences of students in out-of-home care and those awaiting placement. The review will include the student and adults involved with the student, i.e., his/her caseworker; educational liaison; attorney, if one is appointed; parent; guardian; and/or foster parents. The purpose of the review is to determine the cause of the absences, taking into account unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. The representative or employee will take proactive steps to support the student's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

Facilitating On-Time Grade Level Progression

The District will: 1) waive specific courses required for graduation for students in out-of-home care if similar coursework has been satisfactorily completed in another school district, or 2) provide reasonable justification for denial of the waiver. In the event the District denies a waiver and the student would have qualified to graduate from his/her sending school district, the District will provide an alternative process of obtaining required coursework so that the student may graduate on time.

The District will consolidate partial credit, unresolved, or incomplete coursework and will provide students in out-of-home care with opportunities to accrue credit in a manner that eliminates academic and nonacademic barriers for the student.

For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, the District will grant partial credit for coursework completed before the date of the withdrawal or transfer. When the District receives a transfer student in these circumstances, it will accept the student's partial credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the district.

In the event a student is transferring at the beginning of or during his/her junior or senior year of high school and is ineligible to graduate after all alternatives have been considered, the District will work with the sending district to ensure the awarding of a diploma from the sending district if the student meets the graduation requirements of the sending district.

In the event a student enrolled in three or more school districts as a high school student, has met state credit and assessment requirements, has transferred to the district, but is ineligible to graduate from the district after all alternatives have been considered, the District may waive its unique local requirements and ensure that the student receives a diploma.

Legal References:

RCW 28A.150.510 Transmittal of education records to department of social and health services – Disclosure of educational records – Data-sharing agreements – Comprehensive needs requirement document – Report
RCW 28A.225.023 Youth dependent pursuant to Chapter 13.34
RCW - Review of unexpected or excessive absences – Support for youth’s school work
RCW 28A.225.215 Enrollment of children without legal residences
RCW 28A.225.330 Enrolling students from other districts— Requests for information and permanently records—Withheld transcripts—Immunity from liability—Notification to teachers and security personnel—Rules
RCW 28A.320.192 On-time grade level progression and graduation of students who are dependent youth
RCW 74.13.550 Child placement – Policy of educational continuity
20 U.S.C. 6301 et seq. Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act [ESSA]

Management Resources:

2017 - July Issue
2016 - November Issue
OSPI list of Foster Care Liaisons/DSHS Contacts

POLICY NO. 5031
Adopted: 9/12/18

STUDENTS IN OUT-OF-HOME CARE

PROCEDURE:

A. Definitions

- **Additional costs incurred in providing transportation** are those costs which reflect the difference between what the District would otherwise spend to transport a student to his or her assigned school and the cost of transporting a student in out-of-home care to his or her school of origin. The District would, for example, incur an additional cost if it had no choice but to re-route busses to transport a student in out-of-home care to one of its schools.
- **Best interest determination** means using child-centered criteria for determining which educational setting is best for a particular child. Decisions should be made on a case-by-case basis and should not be based on the cost of transportation.
- **Caregiver** means potential out-of-home placement options including licensed foster homes, relatives, group care providers or other court-ordered suitable parties. All placement options result from state dependency court actions. This term is relevant to the dispute resolution process for education-services decisions relevant to students in out-of-home care.
- **Educational decision-maker** means the caregiver and social worker listed on the *Caregiver Authorization Form* who are authorized to make day to day decisions for children and youth in out-of-home care. Additional decision-makers, such as the birth parent, education liaison, or other appropriate adult, may be court-appointed and identified on the *Health and Education Authorization Court Order*. This term is relevant to the dispute resolution process for enrollment and transportation decisions relevant to students in out-of-home care.
- **Out-of-home care** has the same meaning as in RCW 13 34 030 and means placement in a foster family home or group care facility license pursuant to chapter 74.15 RCW or placement in a home, other than the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.
- **Other supervising agency** means an agency licensed by the state under RCW 74.15.090 or licensed by a federally recognized Indian tribe located in Washington under RCW 74.15.190 that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.
- **School of origin** means the school in which a child is enrolled at the time of placement in out-of-home care. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of placement change.

Duties of the Foster Care Liaison

The Superintendent or designee will designate a district foster care liaison to work with the District's Title I Coordinator to provide supports for students in foster care. The liaison will also serve as the District's point of contact (POC) with appropriate state, local, and/or tribal child welfare agencies to receive notifications and share information regarding the status and progress of students in foster care.

The district foster care liaison will:

- Collaborate with the appropriate administrative supervisor within the district and the appropriate child welfare agency point of contact on the implementation of Title I provisions;
- Lead the development of a district process for making a best interest determination;
- Document all best interest determination processes as well as collaboration with the child welfare agency or agencies;
- Facilitate the transfer of records and immediate enrollment;
- Facilitate data sharing with child welfare agencies that is in compliance with FERPA and other student privacy legal requirements;
- Coordinate local transportation procedures;
- Collaborate with the appropriate administrative supervisor to manage transportation costs disputes;
- Ensure that students in foster care are enrolled in and regularly attending school;
- Coordinate all appeals of education-based decisions for students in foster care and district appeals of inter-agency disputes; and
- As resources permit, provide guidance to school staff on Title I provisions and educational needs of students in foster care on an as needed basis.

Enrollment in School of Origin

When the District foster care liaison receives notification from a child welfare agency that a foster care student will be moving to a new residence and the necessary timeframe for determining the student's most appropriate school placement, the district liaison/designee will in turn provide the agency with information on the appropriateness of the current educational setting. In order to minimize disruption to their education, students in foster care will be enrolled in or remain in their school of origin unless it is determined that such placement is not in the student's best interest.

Best Interest Determination

In the event that the student's placement in the school of origin is questioned, the District's foster care liaison will collaborate with the child welfare agency's point of contact, the student, and, if feasible, the student's biological and foster family to determine whether the placement is in the student's best interest.

The following list includes, but is not limited to, factors that should be considered:

- Preference of the student;
- Preference of the student's parents or education decision makers;
- The student's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the student's sibling(s);
- Influence on the school climate of the child (including safety);
- The availability and quality of services in school to meet the child's educational and socioemotional needs;
- History of school transfers and their impact on the student;
- Length of commute and how it would impact the student based on his/her developmental stage;
- Whether the student is eligible to receive special education or related services under IDEA or eligible to receive related aids or services under Section 504 and, if so, the availability of those services in a school other than the school of origin; and
- Whether the student is receiving ELL services and, if so, the availability of those services in school other than the school of origin.

The best interest determination will be made promptly after the child welfare agency's notification of placement to the district. All meeting participants will receive written notification of the outcome.

Additionally, the caregiver or education decision-maker for the student will receive notice of the appeals process (see Dispute Resolution Process below) after the best interest determination. Only a caregiver or education decision-maker for the student may file an appeal using the Dispute Resolution Process.

Dispute Resolution Process: Disputes between the District and the Student's Caregiver/Education Decision-Maker

Level One

The student's caregiver or education decision-maker may dispute the District's best interest determination, transportation decision, or the provision of any other education-related service for a student in foster care. They may do so by providing the District or the District's foster care liaison with written notice of the dispute within fifteen (15) business days of receiving notice of the District's determination (e.g., that the District intends to enroll the student in a school other than the school of origin or the school requested by the caregiver or the education decision-maker).

The notice of dispute, if provided *to the District*, will be immediately forwarded to the foster care liaison; or, if that person is unavailable, another designee. The liaison will log receipt of the notice (including the date and time) and then

forward a copy of this documentation to his/her immediate supervisor and the Superintendent or designee.

The liaison will make a decision on the dispute within five (5) business days of receipt and inform the caregiver or educational decision-maker in writing of the result. The following documents will be included with the decision in an “appeals package”:

- A copy of the original notice of dispute;
- Any additional information from the caregiver or educational decision-maker and/or foster care liaison; and
- Instructions on appealing the decision to Level II.

The liaison will verify receipt of the written decision by the caregiver or education decision-maker.

Level Two

If the caregiver or education decision-maker disagrees with the decision of the foster care liaison, he/she may appeal the decision to the Superintendent or his/her designee (who must be someone other than the foster care liaison). He/she may do so by providing the Superintendent’s Office with a copy of the Level I appeals package within ten (10) business days of receipt of the Level I decision.

Within five (5) business days of the notification to the District that the caregiver or education decision-maker intends to appeal, the Superintendent or designee will arrange to meet within a reasonably expeditious time period either in-person or through phone/video conference with the student’s caregiver or educational decision-maker, the student if appropriate, and at least one representative from DSHS or another supervising agency. If it is not possible for the DSHS or other supervising agency representative to be present within a reasonable time, the Superintendent or designee will document his/her efforts to include the representative and proceed with the conference.

Within five (5) business days of the conference, the Superintendent or designee will provide the caregiver or educational decision-maker with a written decision, supporting evidence, reasons for the decision, and an appeals package that includes:

- A copy of the initial dispute filed at Level I and the Level I decision;
- The Level II decision rendered by the Superintendent or designee;
- Any additional information from the caregiver or education decision-maker and/or foster care liaison;
- Instructions as to how to file a Level III appeal, including the physical address and email address of where to submit the dispute.

The District's foster care liaison will also be provided a copy of the Level II decision and appeals package. The liaison will be responsible for verifying receipt of the decision and appeals package by the caregiver or educational decision-maker.

Level III

If the caregiver or education decision-maker disagrees with the decision of Superintendent or designee, he/she may appeal the decision by notifying the District's foster care liaison within ten (10) business days of receipt of the Level II decision of his/her intent to file a Level III appeal.

The Superintendent or designee will forward all written and electronic documentation to the OSPI Foster Care Education Program Supervisor or designee for review within five (5) business days of receiving notification of the caregiver or education decision-maker's intent to file a Level III appeal.

The caregiver or education decision-maker may also submit related documentation to the OSPI Foster Care Education Program Supervisor and the District's foster care liaison for review within five (5) business days after notifying the District of his/her intent to file a Level III appeal. The documentation must be submitted in one consolidated and complete package via email or the US Postal Service.

The OSPI Foster Care Education Program Supervisor or designee and appropriate DSHS representatives shall make a decision within fifteen (15) business days of receipt of the dispute. The decision will be forwarded to the District's foster care liaison for distribution to the caregiver or educational decision-maker, the DSHS representative engaged by the District at Level II, and the Superintendent. The decision shall be the final resolution for placement and the provision of services for a child or youth in foster care in the district.

The District will maintain records of disputes resolved at the Level I, Level II, and/or Level III and shall be made available to OSPI upon request.

Dispute Resolution Process: Disputes between the District and the Child Welfare Agency

In the event that the District and the child welfare agency are unable to resolve a dispute that does not involve educational placement or the provision of educational services to a student in foster care (e.g., failure to collaborate, transportation reimbursements, date sharing, records release policies), either party may forward the dispute in writing to the OSPI Foster Care Education Program Supervisor or designee.

Within ten (10) business days of receipt of the dispute, a written decision will be forwarded to the Superintendent, the District's foster care liaison, and the agency representative involved in the dispute. The decision shall be the final resolution for placement and the provision of services for a child or youth in foster care in the district.