

Students in Foster Care

A. Definitions:

1. 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.
2. 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 foster care.
3. 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 foster care.
4. Foster care: has the same meaning as in RCW 13.34.030, and means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.
5. 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.
6. School of origin: means the school in which a child is enrolled at the time of placement in foster 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.

B. Duties of the Foster Care Liaison:

The superintendent or designee will designate a district foster care liaison to facilitate district compliance with state and federal laws related to student in out-of-home care and to collaborate with the department of children, youth, and families to address educational barriers for these students. The role and responsibilities of a foster care liaison may include:

- (a) Coordinating with the department of children, youth, and families on the implementation of state and federal laws related to students in out-of-home care;
- (b) Coordinating with foster care education program staff at the office of the superintendent of public instruction;
- (c) Attending training and professional development opportunities to improve school district implementation efforts;
- (d) Serving as the primary contact person for representatives of the department of children, youth, and families;
- (e) Leading and documenting the development of a process for making best interest determinations in accordance with the processes identified in this procedure;
- (f) Facilitating immediate enrollment in accordance with RCW 28A.225.330;
- (g) Facilitating the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;
- (h) Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;

- (i) Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;
- (j) Ensuring that students in out-of-home care are enrolled in and regularly attending school, consistent with RCW 28A.225.023; and
- (k) Providing professional development and training to school staff on state and federal laws related to students in out-of-home care and their educational needs, as needed.

The district foster care liaison will also:

1. Collaborate with the district's Title I coordinator and the appropriate child welfare agency point of contact on the implementation of Title I provisions;
2. Document all best interest determination processes as well as collaboration with the child welfare agency or agencies;
3. Develop and coordinate local transportation procedures;
4. Manage transportation costs disputes;
5. Coordinate all appeals of education-based decisions for students in out-of-home care and district appeals of inter-agency disputes; and
6. As resources permit, provide guidance to school staff on Title I provisions and educational needs of students in out-of-home care on an as-needed basis.

C. Enrollment in School of Origin:

When the district foster care liaison receives notification from a child welfare agency that a student in foster care 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 placed into out-of-home care must remain enrolled in the school they were attending upon entering foster care, unless it is determined that such placement is not in the student's best interest.

D. Best Interest Determination:

When a determination of the student's best interest is necessary, it will take into account a variety of student-centered factors and input from relevant and appropriate persons. The student-centered factors for consideration may include:

- (a) How long is the student's current foster care placement expected to last?
- (b) What is the student's permanency plan and how does it related to school stability?
- (c) How many schools has the student attended in the current year?
- (d) How many schools has the student attended over the past few years?
- (e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?
- (f) What are the immediate and long-term educational plans of, and for, the student?
- (g) How strong in the student academically?
- (h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?
- (i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?
- (j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
- (k) Which school does the student prefer?
- (l) How deep are the child's ties to his or her school of origin?
- (m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?
- (n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?

- (o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?
- (p) How anxious is the student about having been removed from the home or about any upcoming events?
- (q) What school does the student's sibling attend? And
- (r) Are there safety issues to consider?

When making best-interest determination, every effort should also be made to gather meaningful input from relevant and appropriate persons on their perspective regarding which school the student should attend during his or her time in foster care, consistent with the student's case plan. Such relevant and appropriate persons include:

- (a) Representatives of the department of children, youth, and families;
- (b) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;
- (c) Biological parents;
- (d) Foster parents;
- (e) Educational liaisons identified under RCW 13.34.045;
- (f) The student's relatives; and
- (g) Depending on their age, the student.

The best interest determination will be made as quickly as possible in order to prevent educational discontinuity for the student. Written notification of the determination will be given to appropriate parties involved in the determination, including the student's biological parents, foster parents, school representatives and educational liaisons, as well as representatives of the department of children, youth, and families.

Only a caregiver or education decision-maker for the student may file an appeal using the Dispute Resolution Process.

E. Dispute Resolution Procedure: Disputes between the district and the student's caregiver/education decision-maker.

The District shall ensure that the child/youth attends the school in which they sought enrollment while the dispute process is being carried out.

1. Notification of Appeal Process

If the district seeks to place a foster child in a school other than the school of origin or the school requested by the parent, the school district shall inform the parent or the unaccompanied youth of the right to appeal. The district shall provide the parent or unaccompanied youth with written notice including:

- a. An explanation of the child's placement and contact information for the district and the OSPI foster liaison, including their roles;
- b. Notification of the parent's right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the federal legislation governing placement of foster care students

2. Appeal to the School District Liaison – Level I

If the parent or unaccompanied youth disagrees with the district's placement decision, they may appeal by filing a written request for dispute resolution with the school, the district's foster care liaison or a designee. If submitted to the school, it will be immediately forwarded

to the foster care liaison. The request for dispute resolution must be submitted within fifteen business days of receiving notification of the district's placement.

The liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the complaint was filed.

- a. A copy of the complaint must be forwarded to the liaison's supervisor and the superintendent.
- b. Within five business days of the receiving the complaint, the liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent's right to appeal.
- c. The district will verify receipt of the Level I decision;
- d. If the parent or unaccompanied youth wishes to appeal, notification must be provided to the district liaison within ten business days of receipt of the Level I decision. The liaison shall provide the parent with an appeals package containing:
 - i. The complaint filed with the district liaison at Level I;
 - ii. The decision rendered at Level I; and
 - iii. Additional information provided by the parent, unaccompanied youth and/or foster care liaison.

3. Appeal to the School Superintendent – Level II

The parent or unaccompanied youth may appeal the district liaison's decision to the superintendent or the superintendent's designee using the appeals package provided at Level I.

- a. The superintendent will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package.
- b. Within five business days of the conference with the parent or unaccompanied youth the superintendent will provide that individual with a written decision with supporting evidence and notification of their right to appeal to the OSPI.
- c. The district will verify receipt of the Level II decision.
- d. A copy of the superintendent's decision will be forwarded to the district's foster care liaison.
- e. If the parent or unaccompanied youth wishes to appeal to the OSPI, notification must be provided to the district foster care liaison within ten business days of receipt of the Level II decision.

4. Appeal to the Office of the Superintendent of Public Instruction – Level III

- a. The district superintendent shall forward a copy of the Level II decision and all written documentation to the OSPI foster care liaison within five days of rendering a decision. The district will submit the entire dispute package to the OSPI in one complete package by U.S. mail.
- b. The OSPI's foster care education coordinator or designee, along with the appropriate agency director, and/or agency assistant superintendent shall make a final decision within fifteen business days of receiving the appeal;

- c. The OSPI's decision will be forwarded to the district's foster care liaison. The liaison will distribute the decision to the parent or unaccompanied youth and the local superintendent.
- d. The OSPI's decision will be the final resolution for placement of a foster care child or youth in the district.
- e. The district will retain the record of all disputes, at each level, related to the placement of foster care children.

F. Inter-District Disputes

If districts are unable to resolve a dispute regarding the placement of a foster care student, either district may submit a written request to the OSPI seeking resolution.

The OSPI will resolve the dispute within 10 business days of notification of the dispute and inform all interested parties of the decision.

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Stanwood-Camano School District
Revised: