



Book	Policy Manual
Section	5000 Students
Title	CHILDREN AND YOUTH IN FOSTER CARE
Code	po5111.03
Status	Active
Adopted	August 14, 2017

5111.03 - **CHILDREN AND YOUTH IN FOSTER CARE**

The Board of Education recognizes the importance of educational stability for children and youth in foster care. Further, the Board recognizes these children and youth as a vulnerable subgroup of students in need of safeguards and supports in order to facilitate a successful transition through elementary and secondary education and into college and/or careers. To that end, the District will collaborate with the Ohio Department of Education (ODE), other schools and school districts, and the appropriate custodial agencies (child welfare agencies and/or local Title IV-E courts) to provide educational stability for children and youth in foster care.

Definitions

Children who meet the Federal definition of "in foster care", including those children who are awaiting foster care placement, will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The District shall establish safeguards that protect foster care students from discrimination on the basis of their foster care status or other of the recognized Protected Classes (Policy 2260). The District shall regularly review and revise its policies, including school discipline policies that may impact students in foster care.

Consistent with the Fostering Connections Act, "foster care" means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the custodial agency has placement and care responsibility. This includes, but is not limited to, placements in:

- A. foster family homes;
- B. foster homes of relatives;
- C. group homes;
- D. emergency shelters;
- E. residential facilities;
- F. child care institutions; and

G. 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. (45 C.F.R. 1355.20 (a)).

School Stability

The District shall remove barriers to the enrollment and retention of children and youth in foster care in schools in the District. Foster care students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation, in order to prevent educational discontinuity. Within twenty-four (24) hours of a student's enrollment in school, the District shall contact the school last attended by the student and request that it send all appropriate records and documentation concerning the student.

The District shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The District shall identify which students are in foster care and shall collaborate with State and tribal custodial agencies to provide educational stability for these children and youth. District staff will work closely with custodial agency personnel to develop and implement processes and procedures that include these enrollment safeguards:

- A. a child/youth in foster care shall remain in his/her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;
- B. if it is not in the child's best interest to stay in his/her school of origin, the child shall be immediately enrolled in the determined new school even if the child is unable to produce records normally required for enrollment; and
- C. the new (enrolling) school shall immediately contact the school of origin to obtain relevant academic and other records, including the student's Individualized Education Program (IEP) if applicable. (ESEA Section 1111(g)(1)(E)(i)-(iii)).

School of Origin

The school of origin is the school in which a student is enrolled at the time of placement in foster care. If a student'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 the placement change. A student in foster care shall remain in his/her school of origin, if it is determined to be in the student's best interest, for the duration of the student's placement 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.

A student who has exited foster care shall not be permitted to remain in the school of origin, unless there are extenuating circumstances and documentation to demonstrate that the child should remain in the school of origin through the end of the semester.

Best Interest Determination

In making the best interest determination, the District will follow the guidelines established by ODE and the State or tribal custodial agencies. The District shall utilize the prescribed process in conjunction with local custodial agencies in making best interest determinations, and shall make such determination within five (5) school days of the child's placement in foster care or change in child's living arrangement. Once a determination is made the District shall provide the decision in writing to all relevant parties, in collaboration with the appropriate custodial agency. When making decisions regarding educational placement of students with disabilities under IDEA and Section 504, the District shall provide all required special educational and related services and supports provided in the least restrictive placement where the child's unique needs, as described in the student's IEP or Section 504 plan, can be met.

Dispute Resolution

If there is a dispute regarding whether the educational placement of a child in foster care is in the best interest of that child, the dispute resolution process established by the Ohio Department of Education (ODE) shall be used.

The District's representatives shall collaborate fully in this process, considering relevant information regarding academic programming and related service needs of the child, and advocating for what the District believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her school of origin while disputes are being resolved in order to minimize disruption and reduce the possible number of moves between schools. (ESEA Section 1111(g)(1)(E)(i)).

Since the custodial agency holds ultimate legal responsibility for making the best interest determination for the foster child in their care, if the dispute cannot be resolved the dispute, the custodial agency will make the final determination. 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.

All notifications and reports regarding foster care placement, changes in school enrollment, transportation services, and changes in the child's living arrangements shall be provided to the affected parties, in writing, in accordance with the forms, procedures, and requirements of the ODE and the State or tribal custodial agencies.

Local Point of Contact

The Superintendent shall designate and make public a local point of contact who will perform the duties as assigned by the Superintendent. The point of contact 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.

Records

The District shall provide privacy protections for children and families and shall facilitate appropriate data-sharing pertaining to children in foster care between custodial and educational agencies, in accordance with the Family Educational Rights and Privacy Act (FERPA) and Policy 8330 – Student Records.

Services to Children and Youth in Foster Care

Foster care children and their families shall be provided equal access to the educational services for which they are eligible comparable to other students in the District including:

- A. educational services for which the student in foster care meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- B. preschool programs;
- C. programs in career and technical education;
- D. programs for gifted and talented students;
- E. school nutrition programs; and
- F. before - and after-school programs.

Transportation Services

The District shall provide that transportation services for children in foster care consistent with the procedures developed by the District in collaboration with the State or local custodial agency. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

In order for a student in foster care to remain in his/her school of origin, when in his/her best interest, transportation services shall be provided, arranged, and funded for the duration of the child's placement in foster care. The District's transportation services will provide that:

- A. Children in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost effective manner and in accordance with Section 475(4)(A) of the Social Security Act; and
- B. If there are additional costs incurred in providing transportation to the school of origin, the District shall provide such transportation if 1) the local custodial agency agrees to reimburse the District for the cost of such transportation; 2) the District agrees to pay for the cost; or 3) the District and the local custodial agency agree to share the cost. (ESEA 1112(c)(5) (B)).

The District will collaborate with the SEA, other LEAs, and custodial agencies to pursue possible funding sources and arrangements to deal with transportation costs.

Coordination of Service

Since foster care placements may occur across district, county, or State boundary lines, coordination among multiple agencies may be necessary. The District will work with appropriate State and local agencies to address such placement and transportation issues that arise. The District shall provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of children and youth in foster care.

© Neola 2017

Legal

45 C.F.R. 1355.20