

## **Students in Foster Care**

### **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 foster 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 foster 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 foster 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 foster 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.
- Foster care means twenty-four hours per day temporary, substitute care for a child placed away from the child's parents or guardians, and for whom the Department of Social and Health Services (DSHS) or a licensed or certified child placing agency has placement and care responsibility. This includes any out-of-home care (including a relative or suitable person), provided the child is under the placement and care responsibility of DSHS, and placed in out-of-home care by DSHS.
- 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 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.

### **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 district's Title I coordinator 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;
- Develop and coordinate local transportation procedures;
- 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 meet 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 their 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). Notices of dispute should be addressed to the district foster care liaison.

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 their 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 or she may appeal the decision to the superintendent or his/her designee (who must be someone other than the foster care liaison). He or 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 their 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 their 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:

Foster Care Education Program Supervisor  
Old Capital Building  
PO Box 47200  
Olympia, WA 98504-7200  
fostercare@k12.wa.us

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 or 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 their 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 their 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, data 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.

Cross References:                    3120 - Enrollment  
    3231 - Student Records  
    3413 - Student Immunization And Life Threatening Health  
    Conditions

Legal References:                    RCW 28A.225.215 Enrollment of children without legal  
    residences  
    RCW 28A.320.145 Support for homeless students.  
    20 U.S.C. 6301 et seq. No Child Left Behind Act  
    42 U.S.C. 11431 et seq. McKinney-Vento Homeless  
    Assistance Act  
    Chapter 28A.320 RCW Provisions applicable to all districts  
    (new section created by 3SHB 1682, 2016 legislative session)

Management Resources:            Posters and Other Materials for Community Outreach - OSPI  
    2016 – July Issue  
    2014 – December Issue  
    2004 – October Issue  
    2002 - October Issue

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