



## **SECTION III: INSTRUCTION**

## **POLICY 3250**

### **FOSTER CARE PLAN**

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This plan addresses the requirements of the foster care provisions under Title I of the *Every Student Succeeds Act* (ESSA) that the district collaborates with Child Welfare Agencies and Tribal Child Welfare Agencies (CWAs) to ensure stability in education for children in foster care.

The district is committed to providing all students with educational experiences that are free from disruptions and recognizes that children in foster care often face barriers regarding enrollment, attendance, and school success. This policy is designed to promote stability for children in foster care so that they can continue their education without disruption, maintain meaningful relationships with peers and educators, and be ready to succeed in postsecondary education and careers.

This policy ensures that children in foster care have the same access to free, appropriate public education as other children and that students in foster care are not separated from the mainstream school environment because of foster care placement. This educational stability includes assurances that (1) a child in foster care will remain in the child's school of origin, unless a determination is made that it is not in the child's best interest in that school; and (2) if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in the school of residence, even if the child is unable to produce records normally required for enrollment.

#### **School District Assurances**

Each plan for ensuring the educational stability of a child in foster care will include the following assurances:

- Each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;
- The state child welfare agency will coordinate with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement;
- If it is not in the best interest of the child to return to the resident school, the child will immediately be provided appropriate enrollment in the district; and
- The district will gather and maintain educational records and promptly send them to any district to which the student moves.

## **Foster Care Child Liaison (POC)**

The district will assign at least one person to serve as a Foster Care Child Liaison, or Point of Contact (POC). The POC may also be the homeless student coordinator. The name of this person will be annually submitted to the Oklahoma State Department of Education (OSDE) through the online Grants Management System by September 30th. If additional staff members are needed to meet the requirements, the district will make assignments as necessary. The POC will work in the best interest of the child to ensure that all educational requirements are being met. The POC will have access to available training and materials to keep them informed of any changes to foster care laws. The POC will work closely with CWAs to:

- Coordinate with corresponding child welfare agencies on the implementation of Title I provisions,
- Lead the development of a process for making best interest determinations,
- Document best interest determinations,
- Facilitate transfer of records and immediate enrollment,
- Facilitate data sharing with child welfare agencies consistent with the *Family Educational Rights and Privacy Act (FERPA)* and other privacy protocols,
- Develop and coordinate local transportation procedures,
- Manage best interest determinations and transportation cost disputes,
- Ensure that children in foster care are enrolled in and regularly attend school, and
- Provide professional development and training to school staff on Title I provisions and the educational needs of children in foster care.

## **Decision-Making Process**

To determine the appropriate placement of each child in foster care, a committee will meet that is comprised of the site administrator or representative, the POC, and a member of the CWA. In emergency circumstances, a CWA has the authority to make an immediate decision regarding a child's school placement, then consult with the district and revisit the best interest determination for the child. The determining factors that may be evaluated include the following:

- Proximity of the resource family home to the child's present school;
- Safety considerations;
- Age and grade level of the child as it relates to the other best interest factors;
- Needs of the child, including social adjustment and well-being;
- Child's performance, continuity of education, and engagement in the school where the child presently attends;
- Child's special educational programming if the child is classified;
- Point of time in the year;
- Child's permanency goal and likelihood of reunification;
- Anticipated duration of the placement;
- Preferences of the child;
- Preferences of the child's parent(s) or educational decision maker(s);

- 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 the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the 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 of origin; and
- Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin.

\* Transportation costs will not be considered when determining a child's best interests.

In the event of a disagreement regarding school placement of a child in foster care, the child welfare agency should be considered the final decision maker in making the best interest determination. The child welfare agency is uniquely positioned to assess vital non-educational factors such as safety, sibling placements, the child's permanency goal, and other components of the case plan. The child welfare agency also has the authority, capacity, and responsibility to collaborate with and gain information from multiple parties including parents, children, schools and the court in making these decisions.

### **Enrollment of Students**

Foster care parents, social workers or other legal guardians will be allowed to immediately enroll children in the district. The district understands that all necessary paperwork (birth certificates, shot records, academic records, special education records, etc.) may not be immediately available and wants to provide a smooth transition for the student into the district. The district will contact the child's home school district for records and make adaptations as needed. After enrollment, the following guardianship or legal custody documents shall be provided for verification by the foster family or CWA:

- Power of attorney
- Affidavit
- Court Order

### **IDEA Students**

Part B of the IDEA directs school districts to make a Free Appropriate Public Education (FAPE) available to all eligible children with disabilities in the Least Restrictive Environment (LRE). FAPE under the IDEA includes the provision of special education and related services at no cost to the parents in accordance with a properly developed Individualized Education Program (IEP). Each child's placement decision must be made by a group of knowledgeable persons.

The district will operate in accordance with all state and federal laws regarding special education students. Special education services will be provided to foster care students just as they are to all district students following the guidelines below:

- Educational placement will be determined annually and will be based on the child's IEP in accordance with the child's individual needs;
- The child will be placed in the least restrictive environment and, unless they require some other arrangements, will attend the school that he/she would attend if not disabled;
- Timely and expedited evaluations and eligibility determinations for highly mobile children with disabilities will be made when possible;
- Children in foster care will have access to related aids and services that are designed to meet their educational needs;
- Children will have access to comparable services including summer and extended school year services if applicable; and
- Children in foster care will not be discriminated against and are considered a protected group.

### **EL Students**

The district will ensure that EL students in foster care will participate meaningfully and equally in educational programs by doing the following:

- Identifying and assessing all potential EL students in a timely, valid and reliable manner;
- Provide EL students with a language assistance program that is educationally sound and proven successful;
- Sufficiently staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students with disabilities are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in these evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs following federal guidelines;
- Continue to evaluate the effectiveness of school district language assistance programs and progress of each student; and
- Ensure meaningful communication with the parents of the students.

### **Transportation**

The district will collaborate with the CWA to develop and implement clear written procedures governing how transportation is provided to maintain children in foster care in their schools of origin and will also work with the CWA to reach an agreement regarding transportation costs. The

agreement will cover how transportation will be provided, arranged, and funded for the duration of the child's time in foster care. Each agreement can/will vary greatly because the needs of each child should be considered in making transportation decisions.

The regular transportation policies approved by the district will be followed in transporting foster care students. Drivers will be appropriately licensed, certified, and have required DMV and background checks. Various public school vehicles may be used to transport students depending on circumstances. Students who must be transported out-of-state will be approved by the school board as required by Oklahoma law.

### **Student Records**

The district will share education records with the CWA as allowed by FERPA and the IDEA. This allows educational agencies to disclose educational records of students in foster care to State and Tribal agencies without parental consent.

Source: *Broken Arrow Board of Education policy adoption, October 11, 2021.*