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NEW POLICY - VOL. 17, NO. 2

5111.03 - CHILDREN AND YOUTH IN FOSTER CARE

The School Board 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 Florida Department of Education (FLDOE), other schools and school districts, and the appropriate child welfare agencies to provide educational stability for children and youth in foster care.

Definitions

Children who meet the Federal definition of "in foster care" 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 child welfare 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.

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 child welfare agencies to provide educational stability for these children and youth. District staff will work closely with child welfare 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)).

Best Interest Determination

In making the best interest determination, the District will follow the guidelines established by ODE and the State or tribal child welfare agencies. The District shall utilize the prescribed process in conjunction with local child welfare agencies in making best interest determinations. Once a determination is made the District shall provide the decision in writing to all relevant parties, in collaboration with the appropriate child welfare 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 Department of Children and Family (child welfare agency) 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 Department of Children and Family (child welfare 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 Department of Children and Family (child welfare agency) will make the final determination.

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 State law, State Board rule, or State/Tribal or local child welfare 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 child welfare 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 vocational and technical education;
- D. programs for gifted and talented students;
- E. school nutrition programs; and
- F. before - and after-school programs.

Transportation Services

Consistent with procedures developed by the District and the State/Tribal or local child welfare agency, the District shall provide transportation services for children in foster care

(☒) who reside within the District.

Transportation services shall be provided in the most cost-effective manner possible.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the attendance zone where the student now lives, transportation shall be provided for the student in foster care even if other students who are not in foster care but who live in the same school attendance area are ineligible for transportation pursuant to Board policy or State law.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the District but not in the attendance zone where the student now lives, transportation services shall be arranged, provided, and funded for the duration of the child's placement in foster care.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin, which is in another county, and the student now lives in the District, the

☐ Superintendent

☒ District's local point of contact

shall meet with the State/tribal or local welfare agency and the local point of contact from the district in which the school of origin is located to determine how transportation services can be provided in the most cost-effective manner possible. A goal of this collaboration shall be that the district in which the student's school of origin is located, the State/tribal or local welfare agency, and the District will share the cost of the student in foster care's transportation.

☒ Until a plan for providing transportation is developed, the District shall provide the necessary transportation.

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shall meet with the State/tribal or local welfare agency and the local point of contact from the district in which the school of origin is located to determine how transportation services can be provided in the most cost-effective manner possible. A goal of this collaboration shall be that the district in which the student in foster care is residing, the State/tribal or local welfare agency, and the District will share the cost of the student in foster care's transportation to the school of origin in the District.

☒ Until a plan for providing transportation is developed, if necessary, the District shall provide the necessary transportation.

The District shall maintain a record of any additional cost incurred by the District to provide transportation for students in foster care to their schools of origin so that reimbursement under Section 475(4)(A) of the Social Security Act, from the State/tribal or local welfare agency, and/or from the other district can be requested and received. Additional costs incurred in providing transportation for a student in foster care to his/her school of origin should reflect the difference between what the District would otherwise spend to transport a student to his/her assigned school and the cost of transporting a student in foster care to his/her school of origin.

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.

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Legal 45 C.F.R. 1355.20 et seq.
 42 U.S.C. 675

Last Modified by Sam Stalnaker on July 30, 2018