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## Cumberland County Board of Education Administrative Procedures

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Revised: May 18, 2017	Procedure: Students in Foster Care	Policy Reference: 6.505
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### Educational Stability Provisions for Children in Foster Care

In December 2015, Congress passed the Every Student Succeeds Act (ESSA) that reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), which instituted new protections for children in foster care. These provisions complement the Fostering Connections for Success and Increasing Adoptions Act of 2008 and took effect December 10, 2016. The act requires state educational agencies and local educational agencies to work with child welfare agencies to ensure the educational stability of children in foster care.

Resources Available in ePlan: TDOE Resources under “Title I, Educational Stability for Children in Foster Care”

- Recorded Webinar: Best Interest/Immediate Enrollment
- Recorded Webinar: Transportation
- Recorded Webinar: District and CWA POCs
- Recorded Webinar: Educational Stability Overview
- Best Interest Determination
- Enrollment and Records Transfer
- School of Origin
- Transportation
- More resources are also available in the “Legal Center for Foster Care & Education Briefs” subfolder.

(Source of information in the section above: Consolidated Planning and Monitoring, CPM, Update January 2017)

The Every Student Succeeds ACT (ESSA) contains key protections for students in foster care that are designed to promote school stability, student success, and collaboration between local education agencies (LEAs) and child welfare agencies.

### Definitions

“**Foster Care**” is defined as 24 hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility.

“**School of origin**” is 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 was enrolled at the time of the placement change.

Source of information in the section above:

To: Tennessee Local Education Agency Foster Care Points of Contact (POC)  
From: Bonnie Hommireh, Commissioner, Department of Children’s Service (DCS)  
Subject: Educational Stability of Children in Foster Care

### **Procedures for Foster Care: Best Interest Determination**

ESSA requires that the Cumberland County School System ensures a student’s educational stability when the student first enters foster care and whenever there is a change in the child’s living arrangements. The following procedures apply:

- a. The DCS will notify the school and school district of a student’s placement into foster care or a change in the child’s living arrangement within one day of the event.

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- b. Should the child’s placement be outside of the school attendance boundary, a best interest determination will be made within **five days** to decide if the child will attend the school zoned for his or her foster care placement or continue to attend the school of origin. While the best interest determination is being made, the child is to remain in his or her school of origin. The Cumberland County School System and DCS points of contact will ensure that interim transportation is provided to the student during this period after consultation among the family, DCS, the CCBOE Point of Contact and the Cumberland County School System’s Director of Transportation to finalize those details.
- c. Based on the best interest determination outcome consultation, a discussion about how to fulfill the child’s permanent transportation needs will follow and be documented on the Best Interest Determination Form.
- d. Methods of transportation and related costs will **NOT** be considered when determining best interest.

(Source of information in the section above: TDOE CPM December 2016 document titled “Making a Transportation Plan”)

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## Best Interest Determination Form

### Student Information

School System: \_\_\_\_\_ School of Origin: \_\_\_\_\_ Date: \_\_\_\_\_  
 Student's Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Grade: \_\_\_\_\_  
 IDEA/504?EL? \_\_\_\_\_ Primary Contact (Title/Name/Number): \_\_\_\_\_  
 Emergency Phone Contact (Title/Name/Number): \_\_\_\_\_  
 Foster Parent Name: \_\_\_\_\_ Cell # \_\_\_\_\_ Address: \_\_\_\_\_

**I. Determination: Mark either school of origin or school of zone for each.**

Consideration Item	School of Origin	School of Zone	Evidence/Comments
Preference of Youth/Child			
Preference of Education Decision Maker			
Child's of Youth attachment to school			
Placement of Siblings			
Educational & social emotional needs			
IDEA or 504 needs & supports			
Existing services (Homeless, EL, PreK, sports, etc.)			
Special Academic Needs (EL, etc.)			
Time in route			
Other			

### Final Determination

Student will attend:  School of Zone  School of origin  Undecided: Refer to dispute resolution team:  
 Explanation for decision: \_\_\_\_\_ Transportation Needed: \_\_\_\_\_  
 School: \_\_\_\_\_ School Address: \_\_\_\_\_ School Hours \_\_\_\_\_  
 Pick up address: \_\_\_\_\_ Drop off Address: \_\_\_\_\_

**II. Signatures**

**Contact Info**

	DCS POC
	LEA POC
	Educational Decision Maker
	School Principal or Designee
	DCS Case Worker
	Other (DCS or LEA)
	Other (DCS or LEA)

1. If a student exits foster care during the school year, TDOE indicates that the Cumberland County School System will allow them to remain in the school of origin at least through the end of the academic year.
2. The school system will ensure that students remain in their school of origin while any dispute is being resolved.
3. Methods of transportation and related costs will **NOT** be considered when determining the best interest.

(Source of information in the form above: Upper Cumberland Region DCS Education Consultant Rebecca Whitehead)

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**Clarifying the school district’s obligation to provide transportation when minimal or no “additional costs” will be incurred.**

The Cumberland County School System will provide transportation when it can be done at no “additional cost” (the difference between what a school district would otherwise spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin).

The school district will provide transportation if it is available with no cost or minimal cost based on the school district’s existing procedures captioned below:

- Adding or modifying a stop to an existing bus route
- Dropping the child off at a school bus stop on the existing transportation system for the school of origin
- Using public transportation, if the child is of an appropriate age and has or is able to acquire the skills to utilize such option
- Having foster parents transport the child to school
- Utilizing pre-existing bus routes or stops close to the new foster care placement that cross school district boundaries, such as bus routes for magnet schools or transportation for homeless students required by the McKinney-Vento Act
- Providing transportation under another entitlement for which the child eligible, such as IDEA.

**Document how “additional costs” will be addressed.**

The Cumberland County School System and DCS procedures to specify how additional costs will be covered or shared. Additional costs are defined as those costs above what the state reimburses. If the student’s transportation requires “additional costs” from the school district, the Cumberland County School System and DCS will consider the following options:

- The school district has other fiscal options to cover or share “additional costs” which in include a \$1,000 Title I-A set aside for this purpose and IDEA transportation funds for students with an IEP.
- DCS will recover/share the costs through Title IV-E maintenance dollars for this child’s transportation.
- Foster parents who are willing and able will transport their children to and from school as needed at their expense.

(Source of information in the section above: TDOE CPM December 2016 document titled “Making a Transportation Plan”

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### Transportation to School of Origin Form

#### Student Information

School System: \_\_\_\_\_ School of Origin: \_\_\_\_\_ Date: \_\_\_\_\_

Student's Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Grade: \_\_\_\_\_

IDEA/504?EL? \_\_\_\_\_ Primary Contact (Title/Name/Number): \_\_\_\_\_

Emergency Phone Contact (Title/Name/Number): \_\_\_\_\_

#### I. General Information

If the student will attend the school of origin, does he or she need transportation other than the regular bus route? **YES NO**

For students remaining in the school origin, the school district must provide transportation within 5 school days of the best interest determination when minimal or no "additional costs" are involved.

During the best interest determination (5 school days) and the development of the LEAs permanent transportation plan (5 school days), DCS will provide transportation to the school of origin for the student if there are additional costs to the LEA and/or permanent arrangements need to be made. DCS is responsible for transportation for a maximum of 10 school days.

If there are additional costs\*: ESSA specifies that the local school system will provide transportation **if**:

- The child welfare agency agrees to reimburse the district for the cost of transportation;
- The district (LEA) agrees to pay the cost of such transportation; or
- The district and the child welfare agency agree to share the cost of such transportation.

#### II. Transportation services to be Provided

Interim transportation to the school of origin during the best interest determination and the development of the permanent transportation plan will be provided in the following manner:

\_\_\_\_\_

\_\_\_\_\_

Permanent transportation for the student to the school of origin will be provided in the following manner:

The LEA will provide transportation  DCS will provide transportation.  
 The LEA and DCS will both provide transportation  Other: \_\_\_\_\_

Duration of time student will require transportation services: \_\_\_\_\_

If the LEA incurs additional costs\* they will be paid by:

The LEA  DCS  The LEA and DCS will share the costs.  
 Undecided: Refer to dispute resolution trans: Comments: \_\_\_\_\_

DCS Authorized Signature (RA or Designee) \_\_\_\_\_ Date: \_\_\_\_\_

LEA Authorized Signature \_\_\_\_\_ Date: \_\_\_\_\_

\*For School Systems: Additional costs are defined as the difference between what an LEA otherwise would spend to transport a student to his or her assigned school, and the cost of transporting a child in foster care student to his or her school of origin. Federal guidance permits the use of Title I funds, IDEA funds if the student has an IEP, or McKinney-Vento Funds if the child qualifies under the act. For DCS, Title IV-E maintenance dollars may be used to fund transportation.

(Source of information in the form above: Upper Cumberland Region DCS Education Consultant Rebecca Whitehead)

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### Dispute Resolution Process-Best Interest Determination

#### Student Information

School System: \_\_\_\_\_ School of Origin: \_\_\_\_\_ Date: \_\_\_\_\_

Student's Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Grade: \_\_\_\_\_

IDEA/504?EL? \_\_\_\_\_ Primary Contact (Title/Name/Number): \_\_\_\_\_

Emergency Phone Contact (Title/Name/Number): \_\_\_\_\_

The LEA Point of Contact and the DCS Point of Contact will notify the dispute resolution team members of their respective agencies within two school days of a referral. The dispute resolution team will meet within two days of the notification. Meetings may take place in person or via phone, computer, etc.

DCS has agreed to provide transportation for a maximum of 10 school days during the best interest determination and during pending arrangements by the LEA for transportation. If the 10 school day limit has not been met, DCS will provide transportation to the school of origin until the time limit expires. The LEA will then provide transportation to the school of origin until the dispute is settled.

Team members from DCS will include the DCS Director of Education, the DCS Point of Contact, DCS Central Office Consultants (2), the LEA Point of Contact, and other members selected by the LEA.

#### **I. LEA Concerns**

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#### **II. DCS Concerns**

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**III. Team's Final Decision:**      **Student will attend:**       **School of Zone**       **School of origin**  
**IV. Comments/Special Conditions**

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<b>V. <u>Team Members</u></b>	<b><u>Signatures</u></b>	<b><u>Date</u></b>
DCS Director of Education	_____	_____
DCS Point of Contact	_____	_____
DCS Central Office Consultant	_____	_____
DCS Central Office Consultant	_____	_____
LEA Point of Contact	_____	_____
Other LEA Team Member	_____	_____
Other LEA Team Member	_____	_____

(Source of information in the form above: Upper Cumberland Region DCS Education Consultant Rebecca Whitehead)

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### Procedures for Foster Care: Enrollment and Records Transfer

When a determination is made that remaining in the school of origin is not in a child's best interest, the Cumberland County School System will ensure that a child or youth in foster care is immediately enrolled in his or her new school even if the student does not have the required documentation. The enrolling school will then contact the student's prior school for relevant records. Enrollment is defined as the child or youth in foster care regularly attending and fully participating in school while having their educational needs met.

Enrollment will not be denied to any population of students (e.g., justice-involved youth in foster care, students with disabilities receiving special education and related services, or English learners (ELs) receiving language services) because documents normally required for enrollment may have not been provided.

When it is determined that it is not in the child's best interest to remain in his or her school of origin and either no objection to the change in school is filed or all objections have been resolved, the Tennessee Department of Children's Services (DCS) representative and district foster care point of contact (POC) shall work together to ensure:

- The child or youth is immediately and appropriately enrolled in and attending the receiving school;
- The receiving school understands the child or youth may be enrolled by the child's foster parent or the child's casework;
- The school of origin sends all essential educational records to the receiving school within two weeks of receiving notice from DCS representative or district POC that the child will be changing schools;
- The caseworker verbally notifies both schools within one business day of making decisions and faxes requisite documents to both schools within two business days of making the decision; and
- The school of origin transfers all non-essential records to the receiving school within two weeks.

Resource: Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care

Source of information in section above:

To: Federal Programs Directors, Foster Care Points of Contact

From: Jonathan Bolding, McKinney-Vento & Neglected/Delinquent Coordinator

Date: November 15, 2016 SUBJECT: Foster Care Guidance: Enrollment and Records Transfer

If the team decides it is **not** in the best interest of the student to remain in the school of origin, DCS will enroll the student in the new school. If this school is in the same LEA as the school of origin, the child will be enrolled immediately. The LEA's POC will arrange for the exchange of records between the two schools. If the student will be transferring to a new school system, DCS Policy 21.19 specifies that Family Services Workers (FSWs) will present an Education Passport (i.e., compilation of school records) to the new school upon enrollment or as soon as feasibly possible. The new school may then request official records from the previous school. LEAs who do not receive education records from DCS within 48 hours of enrollment should contact the DCS POC.

Source of information in section above:

To: Tennessee Local Education Agency Foster Care Points of Contact (POC)

From: Bonnie Hommich, Commissioner, Department of Children's Service (DCS)

Subject: Educational Stability of Children in Foster Care

The district will transfer and accept credits to ensure that a student in foster care receives appropriate credit for full or partial coursework satisfactorily completed while attending a prior school.

The student's Foster Care status will be updated in the Student Information System.