

Children in Foster Care

The Board of Education (Board) recognizes that children and youth in foster care represent one of the most vulnerable student subgroups in this country. The Board recognizes the importance of collaboration and joint decision-making between child welfare agencies and educational agencies to meet the needs of this group. Further, the Board shares the belief that the educational stability of children in foster care is a joint responsibility of educational and child welfare agencies. In order to successfully implement the provisions of the Every Student Succeeds Act (ESSA) pertaining to children and youth in foster care, these entities need to collaborate continuously in order to meet the ESSA Title I educational stability provisions, effective December 10, 2016.

The new requirement under Title I of the ESSA highlights the need to provide educational stability for children in foster care in order to limit educational disruption to ensure that children who move in foster care remain in their schools of origin unless it is determined to be in their best interest to change schools. If such change is made, the child must be enrolled in his/her new schools without delay.

Definitions

1. **Foster care** means 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 foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.
2. **School of origin** is the school in which a child is enrolled at the time of placement in foster care. An SEA and its local districts must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest. (ESEA section 1111(g)(1)(E)(i)). 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 the placement change.
3. **Immediate enrollment** means that a child in foster care should be enrolled in a new school as soon as possible in order to prevent educational discontinuity. In addition, enrollment must not be denied or delayed for any population of students (e.g., justice-involved youth in foster care, students with disabilities receiving special education and related services, or ELs receiving language services) because documents normally required for enrollment have not been provided. (ESSA section 1111(g)(1)(E)).

The enrolling school must immediately contact a child's school of origin to obtain the relevant records and documentation (ESSA section 1111(g)(1)(E)(iii)), and the school of origin should immediately transfer those records. In addition to ensuring immediate enrollment, local districts should also ensure that children in foster care are regularly attending and fully participating in school and that their educational needs are being met. The District shall take affirmative steps, as deemed necessary, to revise policies that are barriers to enrollment and attendance for children in foster care.

The Board recognizes that the State Department of Education must ensure that the District implements the Title I educational stability requirements for children in foster care, including ensuring that:

- A child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;
- If it is not in the child's best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment; and
- That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records. (ESEA section 1111(g)(1)(E)(i)-(iii)).

The District will collaborate with State and tribal child welfare agencies to implement the Title I educational stability provisions. (ESEA section 1111(c)(5)). The district is prepared to work closely with child welfare agency counterparts to tailor processes and procedures to the unique local context. This includes determining with the State or local child welfare agency what documentation or records should be shared, establish criteria to be used in any decision-making process, and identify a structure, such as regularly scheduled meetings, in which relevant individuals can participate in a particular process.

Note: A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan (the educational stability plan). This plan must include: 1) an assurance that 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 was enrolled at the time of placement; and 2) an assurance that the child welfare agency has coordinated with the Local Educational Agency (LEA) to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records. These assurances relate to the circumstances at the time of the child's initial placement into foster care, as well as each time a child moves to a different foster care placement (See Section 475(1)(G) of the Social Security Act.)

The District, offering a public preschool education, will also meet the Title I requirements for children in foster care in preschool, including ensuring that a child in foster care remains in his or her preschool of origin, unless a determination is made that it is not in the child's best interest. (ESSA section 1111(g)(1)(E)).

Special Education Foster Children

The IDEA requires that the educational placement of each eligible child with a disability, including children with disabilities in foster care, be determined at least annually, and be based on the child's IEP in accordance with the child's individual needs. Unless the child's IEP requires some other arrangement, the child is educated in the school that he or she would attend if not disabled.

English Learners Foster Children

Children in foster care who are also English learners (ELs), students identified as having limited English proficiency in speaking, listening, reading, or writing English identified through District procedures, requires that all EL students, including EL students in foster care, can participate meaningfully and equally in educational programs.

Child's Best Interest Determination

Whenever a child is placed or receives a new foster care placement, the Department of Children and Families (DCF) in collaboration with the child's school district and key caregivers in the child's life, will take into consideration all factors relating to a child's best interest. These factors include the appropriateness of the current educational setting and proximity of placement (ESEA section 1111(g)(1)(E)(i)).

Note: State Educational Agencies (SEAs), LEAs, and child welfare agencies have flexibility in determining which factors should be considered as part of evaluating the appropriateness of the current educational setting, as well as any additional factors that pertain to a child's best interest. Though the specific factors may vary depending on context, in order to make a holistic and well-informed determination, a variety of student-centered factors should be considered. These factors may include:

- Student's age and grade level;
- Time of academic year and academic performance;
- Preferences of the child, when age appropriate;
- Preferences of the child's parent(s) or education decision maker(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Anticipated length of time in placement and whether reunification is the family goal;
- Mental and medical health of the child and the influence of the school climate on the child, including safety;
- The appropriateness of the current education setting, including the availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- Current educational goals, including individualized education program (IEP) goals and objectives for a student with an IEP;
- 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 (Proximity and travel time to the school that the child is enrolled in at the time of placement);
- 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, consistent with Title VI and the EEOA.

5118.3(d)

While there is a presumption under C.G.S. 17a-16a that remaining in the school of origin is in a child's best interests, an individualized best interests analysis is required in every case.

Transportation costs should not be considered when determining a child's best interest.

Note: Although Title I does not prescribe a specific timeline for making a best interest determination, the District should make this determination as quickly as possible in order to prevent educational discontinuity for the child. To the extent feasible and appropriate, the District must ensure that a child remains in his or her school of origin while this determination is being made.

Point of Contact Designation

The District designates the District Liaison for Homeless Students (or a different individual) (even if the child welfare agency has not yet notified them in writing of their corresponding point of contact person). The contact information for these individuals should be made public so that child welfare agencies can easily reach them.

Some of the roles and responsibilities of the District Liaison for Homeless Students, subject to State guidelines, include:

- Coordinating with the corresponding child welfare agency Point of Contact (POC) on ensuring educational stability for children in foster care;
- Ensuring smooth implementation of the ESSA educational stability provisions;
- Leading the development of a process for making the best interest determination and coordinating the best interest determination process among DCF, the child, the child's school, parents, foster parents, child's attorney or other placement providers;
- Documenting the best interest determination for each child;
- Facilitating the immediate transfer of records and immediate enrollment in cases where a child does not remain in a school of origin;
- Facilitating data sharing with DCF, consistent with FERPA and other privacy protocols;
- Developing and coordinating local transportation procedures, collaborating with DCF;
- Managing best interest determinations and transportation costs disputes;
- Providing to DCF the name and contact information of the child's current transportation provider, the current District cost of transportation to and from the child's former placement and the school of origin and the estimated cost of transportation to and from the child's new placement and the school of origin;
- Ensuring that children in foster care are enrolled in and regularly attending school; and
- Providing professional development and training to school staff on the Title I provisions and educational needs of children in foster care, as needed.

The federal guidelines indicate that States should issue State-specific guidance that details the roles and responsibilities of the local POC.

Transportation

The District will collaborate as required with DCF to develop and implement clear written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the child's time in foster care. These procedures must ensure that:

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

The District will ensure that a child in foster care needing transportation to the school of origin receives such transportation for the duration of the time the child is in foster care (ESEA section 1112(c)(5)(B)). When a child exits foster care, the District should continue to prioritize the child's educational stability, consider each child's best interest on a case-by-case basis, and, when possible, make every effort to continue to ensure transportation is provided through the end of the school year, if needed, when remaining in the school of origin would be in the child's best interest.

A cost-effective plan based on the District and DCF working together shall be established to determine whether transportation can be provided for minimal or no additional costs. Examples of no-cost or low-cost options for transportation that local school districts and local child welfare agencies could explore include whether:

- The child may be dropped off at a school bus stop near the existing transportation system for the school of origin;
- Public transportation options, if the child is of an appropriate age and has or is able to acquire the skills to utilize such options;
- The foster parents or other family member(s) are willing and able to transport the child to school;
- There are pre-existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools and transportation for homeless students as required by the McKinney-Vento Act; and
- The child is already eligible for transportation covered by other programs. For example, IDEA funds may be used to pay for transportation services if the child's IEP Team

determines transportation is a related service that is required in order for a child with disabilities in foster care to receive FAPE.

(cf. 5118.1 - Homeless Students)

(cf. 5141.3 - Student Health Assessments and Immunizations)

(cf. 5141.4 - Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes

10-253(e) School privileges for children in certain placements, non-resident children and children in temporary shelters.

17a-16a School placement for children in out-of-home care. Nexus school districts.

17a101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surrounding without court order.

17a103 Reports by others.

17a106 Cooperation in relation to prevention, identification and treatment of child abuse and neglect.

46b120 Definitions.

“Guidance on the Implementation of Every Student Succeeds Act Provisions Re: Foster Children – June 5, 2017” promulgated by Connecticut State Department of Education McKinney-Vento Homeless Assistance Act, (PL 107-110-Sec 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95.

Federal Register: McKinney-Vento Education for Homeless Children and Youths Program, Vol. 81, No. 52, 3/17/2016.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.)

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs.

Implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008, December 2, 2011.

ESSA, Part A (Title I)

Uninterrupted Scholars Act

Social Security Act

Adopted: February 9, 2021

NORTH CANAAN BOARD OF EDUCATION

North Canaan, Connecticut