

**District:** Marion County School District  
**Section:** J – Students  
**Policy Code:** JQO – Foster Care Plan  
**Policy**

**New Policy**

### **Foster Care Plan**

The Marion County School District is dedicated to promoting high achievement and educational stability to those students in foster care. The District will collaborate with the Mississippi Department of Education (MDE), the Mississippi's Child Welfare Agency, and the Mississippi Department of Child Protection Services (MDCPS) as needed to provide educational services for students in foster care.

### **DEFINITIONS**

1. Best Interest Determination (BID) – refers the collaborative process between MDCPS and local school districts based on the individual student's unique best interests. The determination involves input from multiple parties to make decisions about whether a student placed in foster care should continue to attend his or her school of origin.
0. School of Origin – refers to the school that a student was attending at the time of placement in foster care or the last school the student attended, despite a change in home. To ensure continuity in education, remaining in the school of origin is preferred.
0. School District of Origin – refers to the Mississippi school district in which a school of origin is physically located.

### **DISTRICT POINT OF CONTACT (POC)**

The District will maintain a staff person who is designated as the District's POC for students in foster care. The POC will follow all requirements as set forth in MDE Rule 30.8.

The District will provide MDE with the name and contact information of the District POC at the beginning of each school year. The POC and his/her contact information will be posted on the District's website for ease of contact. Any changes to the District POC before the end of the academic year will be provided to the MDE POC.

### **BEST INTEREST DETERMINATION (BID)**

The District will coordinate with MDCPS to finalize a BID within seven (7) school days from the date the District is notified, by MDCPS, of child's placement in foster care or change in the child's living arrangement, except in emergency removal situations.

During the BID determination period, the District will ensure the child is permitted to remain in his or her school of origin and the District will document how transportation shall be provided, arranged, and funded during the pendency of the BID decision. *See Policy EDA*

The BID decision will involve input from multiple, relevant parties who have the authority to make decisions regarding the child in foster care, and who have the knowledge and expertise about the child and the child's circumstances to determine whether a student in foster care should continue to attend his or her school of origin. These parties may include:

1. MDCPS representative;
2. Student, if applicable;
3. Child's foster family;
4. Individual from receiving school district;
5. Counselor;
6. Guardian Ad Litem; and,
7. Biological Parent, if determined by MDCPS or Court Order.

If there is disagreement regarding school placement for a student in foster care, MDCPS is the final decision maker. Students should continue to attend their schools of origin while BIDs are determined.

The District will consider all factors relating to a child's best interest. In evaluating the appropriateness of the current educational setting, the District will consider:

1. Appropriateness of the current educational setting (the school of origin),
2. Proximity to the school in which the child is enrolled (the school of origin) at the time of placement in foster care,
3. Preferences of the child's parent(s) or education decision maker(s) (individual legally authorized by the court to make educational decisions for a child in foster care);
4. Holistic and well-informed determination, utilizing a variety of student-centered factors including, but not limited to –
  - a. Student's age and grade level;
  - a. Student's preference, when age appropriate;
  - b. Student's attachment to the school, including meaningful relationships with staff and peers;
  - c. Placement of the student's sibling(s);
  - d. Distance/length of time to travel to/from school;
  - e. Time of academic year, academic performance, and skills;
  - f. Current educational goals and services; anticipated length of time in placement, and whether reunification is the family goal;
  - g. Number of placements to date;
  - h. Child's participation in specialized instruction (e.g., gifted programming, career technical education program, College Credit Plus, Advanced Placement classes);

- i. Availability of required special education and/or related services in a school other than the school of origin when the student has an identified disability under IDEA or Section 504;
  - j. Availability of language services in a school other than the school of origin when the student has been identified as an English learner;
  - k. Child's ability to earn full academic credit, the ability to proceed to the next grade, or the ability to graduate on time;
  - l. School climate, peer support, supportive adults, and involvement in extracurricular activities;
  - m. Availability and quality of the services in the school to meet the child's educational and socioemotional needs;
  - n. Impact the commute to and from school would have on the child, based on developmental functioning. For children with disabilities, consider the IDEA's federal requirements when determining best interest;
  - o. Any other relevant factors pertinent to the child.
2. Whether the student needs to remain in the school of origin for a limited time (e.g., until the end of the school year, the end of a testing or grading period).
  3. Determine if it is appropriate to revisit the question of whether it is in the student's best to remain in the school of origin or enroll locally, and if so, document a specific time to reassess; and,
  4. NOT consider the cost of transportation when determining a child's best interest.

#### REMAIN IN SCHOOL OF ORIGIN

When the District has determined that it is in the best interest of the child to remain in the school of origin, the District will document in the individualized student's plan regarding how transportation will be provided, arranged, and funded for the student.

The District will document, in collaboration with MDCPS, the Transportation Plan that supports the District's obligations under state and federal law and follows all guidelines in MDE Rule 30.8, in order for the student to receive transportation services on the first day of the student's attendance. *See also policy EDA.*

#### LEAVE SCHOOL OF ORIGIN

When the District has determined it is in the best interest of the child to leave the school of origin, the enrolling district will:

1. Ensure enrollment in the new school takes place on the same day the student is enrolled, even if the child is unable to provide records normally required for enrollment.
  - a. A student in foster care must be enrolled by a MDCPS representative.
  - a. The District will confirm, in writing, the person responsible for making educational decisions. If a student is removed, from the school, by anyone other than a MDCPS employee the district will notify MDE immediately, unless a court order states otherwise.

- b. The District will contact the school last attended (school of origin), within one (1) school day of enrollment, to obtain relevant academic and other records.
2. Update the student database and contact information for the student within one (1) school day of notification of enrollment from the custodial agency (MDCPS).
3. Ensure the student is assigned to a school in the district in the same manner and according to the same process used for all other students in the district.
4. Give foster children transferring into the District credit for full and/or partial coursework completed at their school of origin, in accordance with the District's policy on transfer credits.
5. Ensure each student in foster care shall be provided services comparable to other students in the school of attendance.
6. Ensure that it is documented that a student was withdrawn prior to the best interest determination, if applicable.

## STUDENT RECORDS

Upon receipt of a written request for school records from a new school, the school district of origin shall forward, in a manner consistent with state and federal law, a complete copy of the records of the student in foster care. Information needed by the receiving school district shall include, but is not limited to:

1. Proof of age;
2. Immunization records;
3. Cumulative education file, if the child is attending a public school.
4. Copy of the current IEP, if the child is eligible for special education services;
5. Copy of the current Section 504 Plan, if the child has a Section 504;
6. Copy of health records kept by the school; and,
7. Any other pertinent information needed to assist the enrolling school in providing appropriate educational services.

The inability to receive records shall not delay student enrollment. Once a foster student is disenrolled by MDCPS, no other sharing of information shall occur. The District will comply with all state and federal law in order to protect student privacy.

LEGAL REF: 20 U.S.C. §§ 6311(g)(1)(E); 6312(c)(5); Uninterrupted Scholars Act (USA), P.L. No: 112-278; Every Student Succeeds Act (ESSA); Equal Educational Opportunities Act of 1974 (EEOA); Family Educational Rights and Privacy Act (FERPA)

CROSS REF: Policy EDA Student Transportation

*Presented by MSBA 02/25/2021*