

## Students in Out-of-Home (Foster) Care

### Definitions

- **Additional costs incurred in providing transportation** are those costs which reflect the difference between what the district would otherwise spend to transport a student to his or her assigned school and the cost of transporting a student in out-of-home care to his or her school of origin. The district would, for example, incur an additional cost if it had no choice but to re-route busses to transport a student in foster care to one of its schools.
- **Best interest determination** means using child-centered criteria for determining which educational setting is best for a particular child. Decisions should be made on a case-by-case basis and should not be based on the cost of transportation.
- **Caregiver** means potential out-of-home placement options including licensed foster homes, relatives, group care providers or other court-ordered suitable parties. All placement options result from state dependency court actions. This term is relevant to the dispute resolution process for education-services decisions relevant to students in out-of-home care.
- **Educational decision-maker** means the caregiver and social worker listed on the *Caregiver Authorization Form* who are authorized to make day to day decisions for children and youth in foster care. Additional decision-makers such as the birth parent, education liaison or other appropriate adult may be court-appointed and identified on the *Health and Education Authorization Court Order*. This term is relevant to the dispute resolution process for enrollment and transportation decisions relevant to students in out-of-home care.
- **Out-of-home care** has the same meaning as in RCW 13.34.030, and means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.
- **Other supervising agency** means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in Washington under RCW 74.15.190 that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.
- **School of origin** means 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 is enrolled at the time of placement change.

### **Placement and Enrollment**

Whenever practical and in the best interest of the child, children placed into out-of-home care will remain enrolled in the school they were attending upon entering out-of-home care. If remaining in the school of origin is determined not to be in the student's best interest, the district will immediately enroll that student in their new school. Enrollment may not be denied or delayed based on the fact that documents normally required for enrollment have not been provided.

A school may not prevent a student in out-of-home care from enrolling based on incomplete information of any history of placement in special education, any past, current, or pending disciplinary action, any history of violent behavior, or behavior listed in RCW 13.04.155, any unpaid fines or fees imposed by other schools, or any health conditions affecting the student's educational needs during the ten (10) day period that the DSHS has to obtain that information. Upon enrollment, the district will make reasonable efforts to obtain and assess the child's educational history in order to meet the child's unique needs within two (2) school business days.

### **School of Origin**

When the district foster care liaison receives notification from a child welfare agency that a student in out-of-home care will be moving to a new residence and the necessary timeframe for determining the student's most appropriate school placement, the district liaison/designee will in turn provide the agency with information on the appropriateness of the current educational setting. In order to minimize disruption to their education, students in out-of-home care will be enrolled in or remain in their school of origin unless it is determined that such placement is not in the student's best interest.

### **Best Interest Determination**

When a determination of the student's best interest is necessary, the district's foster care liaison will consult with the child welfare agency's point of contact, the student, and, if feasible, the student's biological and foster family to determine whether the placement is in the student's best interest. The following list includes, but is not limited to, factors that should be considered:

- (a) How long is the student's current out-of-home care placement expected to last?
- (b) What is the student's permanency plan and how does it related to school stability?
- (c) How many schools has the student attended in the current year?
- (d) How many schools has the student attended over the past few years?

- (e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?
- (f) What are the immediate and long-term educational plans of, and for, the student?
- (g) How strong is the student academically?
- (h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?
- (i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?
- (j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
- (k) Which school does the student prefer?
- (l) How deep are the child's ties to his or her school of origin?
- (m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?
- (n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?
- (o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?
- (p) How anxious is the student about having been removed from the home or about any upcoming events?
- (q) What school does the student's sibling attend? And
- (r) Are there safety issues to consider?

When making best-interest determination, every effort should also be made to gather meaningful input from relevant and appropriate persons on their perspective regarding which school the student should attend during his or her time in out-of-home care, consistent with the student's case plan. Such relevant and appropriate persons include:

- (a) Representatives of the Department of Children, Youth, and Families;
- (b) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;
- (c) Biological parents;
- (d) Foster parents;
- (e) Educational liaisons identify under RCW 13.34.045;
- (f) The student's relatives; and
- (g) Depending on his or her age, the student.

Additionally, the district will adopt any best-interest determination guide developed by the office of the superintendent of public instruction during the discussion about the advantages and disadvantages of keeping the student in the school of origin or transferring the student to a new school.

The best interest determination will be made as quickly as possible in order to prevent educational discontinuity for the student. Written notification of the determination will be given to appropriate parties involved in the determination, including the student's biological parents, foster parents, school representatives and educational liaisons, as well as representatives of the department of children, youth, and families.

Only a caregiver or education decision-maker for the student may file an appeal using the Dispute Resolution Process.

### **Records Transfer**

When a student in foster care transfers schools, whether within the district or to another school district, the enrolling school will immediately contact the sending school to obtain academic and other records. The sending school will respond as soon as possible to requests it receives for records of students in foster care. Additionally, upon receipt of a request for education records of a student in foster care from the Department of Children, Youth, and Families, the district will provide the records to the agency within two (2) school days.

### **Review of Unexpected or Excessive Absences**

A district representative or school employee will review unexpected or excessive absences of students in out-of-home care and those awaiting placement with the student and adults involved with the student, including their caseworker, educational liaison, attorney if one is appointed, parent, guardian and foster parents. The purpose of the review is to determine the cause of the absences, taking into account: unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues and unavoidable appointments during the school day. The representative or employee will take proactive steps to support the student's school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

### **Facilitating On-time Grade Level Progression**

The district will: 1) waive specific courses required for graduation for students in out-of-home care if similar coursework has been satisfactorily completed in another school district; or 2) provide reasonable justification for denial of the waiver. In the event the district denies a waiver and the student would have qualified to graduate from their sending school district, the district will provide an alternative process of obtaining required coursework so that the student may graduate on time.

The district will consolidate partial credit, unresolved, or incomplete coursework and will provide students in out-of-home care with opportunities to accrue credit in a manner that eliminates academic and nonacademic barriers for the student.

For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, the district will grant partial credit for coursework completed before the date of the withdrawal or transfer. When the district receives a transfer student in these circumstances, it will accept the student's partial credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the district.

In the event a student is transferring at the beginning of or during their junior or senior year of high school and is ineligible to graduate after all alternatives have been considered, the district will work with the sending district to ensure the awarding of a diploma from the sending district if the student meets the graduation requirements of the sending district.

In the event a student enrolled in three or more school districts as a high school student, has met state requirements, has transferred to the district, but is ineligible to graduate from the district after all alternatives have been considered, the district will waive its local requirements and ensure that the student receives a diploma.

### **Transportation**

The district will collaborate with state, local or tribal child welfare agencies, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportation will be provided, arranged and funded for students to remain in their school of origin when in their best interest for the duration of their time in foster care.

The written procedure will ensure that if additional costs are incurred in providing transportation, the district will provide transportation to the school of origin if: 1) the child welfare agency agrees to reimburse the transportation; (2) the district agrees to pay for the cost of the transportation; or 3) the district and the child welfare agency agree to share transportation costs.

### **Foster Care Liaison**

#### **Point of Contact**

The superintendent or designee will designate a district foster care liaison who will serve as the district's point of contact (POC) with appropriate state, local and/or tribal child welfare agencies to receive notifications and share information regarding the status and progress of students in out-of-home care.

#### **Duties of the Foster Care Liaison**

The role and responsibilities of a foster care liaison may include:

- (a) Coordinating with the Department of Children, Youth, and Families on the implementation of state and federal laws related to students in out-of-home care;
- (b) Coordinating with foster care education program staff at the office of the superintendent of public instruction;
- (c) Attending training and professional development opportunities to improve school district implementation efforts;
- (d) Serving as the primary contact person for representatives of the Department of Children, Youth, and Families;
- (e) Leading and documenting the development of a process for making best interest determinations in accordance with the processes identified in this procedure;
- (f) Facilitating immediate enrollment in accordance with RCW 28A.225.330;
- (g) Facilitating the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;
- (h) Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;
- (i) Developing and coordinating local transportation procedures;
- (j) Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;
- (k) Ensuring that students in out-of-home care are enrolled in and regularly attending school, consistent with RCW 28A.225.023; and
- (l) Providing professional development and training to school staff on state and federal laws related to students in out-of-home care and their educational needs, as needed.

The district foster care liaison will also:

- Collaborate with the district's Title I coordinator and the appropriate child welfare agency point of contact on the implementation of Title I provisions;
- Document all best interest determination processes as well as collaboration with the child welfare agency or agencies;
- Coordinate all appeals of education-based decisions for students in out-of-home care and district appeals of inter-agency disputes; and
- As resources permit, provide guidance to school staff on Title I provisions and educational needs of students in out-of-home care on an as-needed basis.

### **Dispute Resolution**

In the event that a caregiver or education decision-maker disputes a district decision regarding the best interest of the student in out-of-home care with regard to enrollment or the provision of any other education-related service, including transportation, the caregiver or education decision-maker may use the three-tiered appeals process. The district will make all reasonable efforts to collaborate with appropriate agencies and aggrieved parties to resolve the dispute at the local level.

In the event that a dispute occurs between the district and a child welfare agency with regard to issues that do not involve educational placement or the provision of educational services (e.g., transportation reimbursements, failure to collaborate), such disputes may be forwarded to the Office of the Superintendent of Public Instruction for resolution.

**Dispute Resolution Process: Disputes between the district and the student's caregiver/education decision-maker**

If the district seeks to place a student in a school other than the school of origin, or the school requested by the caregiver/educational decision-maker in consultation with the student, as a result of a best interest determination, the caregiver or education decision-maker may dispute the district's placement determination. The caregiver or education decision-maker may also dispute transportation decisions through this process.

Additionally, the caregiver or education decision-maker for the student will receive notice of the appeals process (see Dispute Resolution Process below) after the best interest determination. Only a caregiver or education decision-maker for the student may file an appeal using the Dispute Resolution Process.

**Level I - Appeal to the District Foster Care Liaison**

The student's caregiver or education decision-maker may dispute the district's best interest determination, transportation decision, or the provision of any other education-related service for a student in out-of-home care. They may do so by providing the district or the district's foster care liaison with written notice of the dispute within fifteen (15) business days of receiving notice of the district's determination (e.g., that the district intends to enroll the student in a school other than the school of origin or the school requested by the caregiver or the education decision-maker).

The district's foster care liaison is:

Manny Espinoza  
124 E. Lawrence Street  
Mount Vernon, WA  
360-428-6110

The notice of dispute, if provided *to the district*, will be immediately forwarded to the foster care liaison, or, if that person is unavailable, another designee. The liaison will log receipt of the notice (including the date and time), and then forward a copy of this documentation to their immediate supervisor and the superintendent or designee.

The liaison will make a decision on the dispute within five (5) business days of receipt and inform the caregiver or educational decision-maker in writing of the result. The following documents will be included with the decision in an “appeals package”:

- A copy of the original notice of dispute;
- Any additional information from the caregiver or educational decision-maker and/or foster care liaison; and
- Instructions on appealing the decision to Level II.

The liaison will attempt to verify receipt of the written decision by the caregiver or education decision-maker.

### **Level II - Appeal to the District Superintendent**

If the caregiver or education decision-maker disagrees with the decision of the foster care liaison, he or she may appeal the decision to the superintendent or his/her designee (who must be someone other than the foster care liaison). He or she may do so by providing the superintendent’s office with a copy of the Level I appeals package within ten (10) business days of their receipt of the Level I decision.

Within five (5) business days of the notification to the district that the caregiver or education decision-maker intends to appeal, the superintendent or designee will arrange to meet within a reasonably expeditious time period either in-person or through phone/video conference with the student’s caregiver or educational decision-maker, the student if appropriate, and at least one representative from Department of Children, Youth, and Families or another supervising agency. If it is not possible for the Department of Children, Youth, and Families or other supervising agency representative to be present within a reasonable time, the superintendent or designee will document their efforts to include the representative and proceed with the conference.

Within five (5) business days of the conference, the superintendent or designee will provide the caregiver or educational decision-maker with a written decision, supporting evidence, reasons for the decision and an appeals package that includes:

- A copy of the initial dispute filed at Level I and the Level I decision;
- The Level II decision rendered by the superintendent or designee;
- Any additional information from the caregiver or education decision-maker and/or foster care liaison;



- Instructions as to how to file a Level III appeal, including the physical address and email address of where to submit the dispute:

Foster Care Education Program Supervisor  
Old Capital Building  
PO Box 47200  
Olympia, WA 98504-7200  
[fostercare@k12.wa.us](mailto:fostercare@k12.wa.us)

The district's foster care liaison will also be provided a copy of the Level II decision and appeals package. The liaison will make a reasonable effort to verify receipt of the decision and appeals package by the caregiver or educational decision-maker.

### **Level III - Appeal to the Office of the Superintendent of Public Instruction (OSPI)**

If the caregiver or education decision-maker disagrees with the decision of superintendent or designee, he or she may appeal the decision by notifying the district's foster care liaison within ten (10) business days of receipt of the Level II decision of their intent to file a Level III appeal.

The superintendent or designee will forward all written and electronic documentation to the OSPI Foster Care Education Program Supervisor or designee for review within five (5) business days of receiving notification of the caregiver or education decision-maker's intent to file a Level III appeal.

The caregiver or education decision-maker may also submit related documentation to the OSPI Foster Care Education Program Supervisor and the district's foster care liaison for review within five (5) business days after notifying the district of their intent to file a Level III appeal. The documentation must be submitted in one consolidated and complete package via email or the US Postal Service.

The OSPI Foster Care Education Program Supervisor or designee and appropriate DSHS representatives shall make a decision within fifteen (15) business days of receipt of the dispute. The decision will be forwarded to the district's foster care liaison for distribution to the caregiver or educational decision-maker, the DCYF representative engaged by the district at Level II and the superintendent. The decision shall be the final resolution for placement and the provision of services for a child or youth in foster care in the district.

The district will maintain records of disputes resolved at the Level I, Level II and/or Level III and shall be made available to OSPI upon request.

### **Dispute Resolution Process: Disputes between the district and the child welfare agency**

In the event that the district and the child welfare agency are unable to resolve a dispute that does not involve educational placement or the provision of educational services to a student in foster care (e.g., failure to collaborate, transportation reimbursements, date sharing, records release policies), either party may forward the dispute in writing to the OSPI Foster Care Education Program Supervisor or designee.

Within ten (10) business days of receipt of the dispute, a written decision will be forwarded to the superintendent, the district's foster care liaison and the agency representative involved in the dispute. The decision shall be the final resolution for placement and the provision of services for a child or youth in foster care in the district.

Board Adoption Date: 04/03/19