

STUDENTS

Students in Out-of-Home (Foster) Care

A. Definitions

1. **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](#).
2. **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 pertaining to students in out-of-home care.
3. **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 out-of-home 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 pertaining to students in out-of-home care.
4. **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 DSHS to provide case management for the delivery and documentation of child welfare services as defined in [RCW 74.13.020](#).
5. **School of origin** means the school in which a student is enrolled at the time of placement in out-of-home care. If a student's out-of-home care placement changes, the school of origin would then be considered the school in which the student is enrolled at the time of placement change.

B. Placement and Enrollment

Best Interest Determination

Whenever practical and in the best interest of the student, students placed into out-of-home care must remain enrolled in the school they were attending at the time they entered out-of-home care.

Best-interest determinations should be made as quickly as possible to prevent educational discontinuity of the student and should take into consideration the student-centered factors and input from relevant and appropriate persons defined on page 3 below.

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 because records 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 DSHS has to obtain that information. Upon enrollment, the district will make reasonable efforts to obtain and assess the student's educational history to meet the student's unique needs within two (2) school business days.

Enrollment in School of Origin

When the district foster care liaison receives notification from DSHS or another supervising agency that a student in out-of-home care will be moving to a new residence, the district designee will provide the agency with information on the appropriateness of the current educational setting. To minimize disruption to their education, students placed into out-of-home care must remain enrolled in the school they were attending upon entering out-of-homecare, unless it is determined that such placement is not in the student's best interest.

When a determination of the student's best interest is necessary, it will consider a variety of student-centered factors and input from relevant and appropriate persons. The student-centered factors for consideration should include:

- How long is the student's current out-of-home care placement expected to last?
- What is the student's permanency plan and how does it relate to school stability?
- How many schools has the student attended in the current year?
- How many schools has the student attended over the past few years?
- Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?
- What are the immediate and long-term educational plans of, and for, the student?
- How strong is the student academically?
- If the student has special needs, what impact will transferring to a new school have on the student's progress and services?
- 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?
- Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
- Which school does the student prefer?

- How deep are the child's ties to their school of origin?
- 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?
- 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?
- How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?
- How anxious is the student about having been removed from the home or about any upcoming events?
- What school does the student's sibling attend?
- 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 their time in out-of-home care, consistent with the student's case plan. Such relevant and appropriate persons include:

- Representatives of the department of children, youth, and families;
- Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;
- Biological parents;
- Foster parents;
- Educational liaisons identify under [RCW 13.34.045](#);
- The student's relatives; and
- Depending on their age, the student.

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.

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 DSHS.

Records Transfer

When a student in out-of-home 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 out-of-home care.

Additionally, upon receipt of a request for education records of a student in out-of-home care from DSHS, 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, caregiver, and attorney if one is appointed. The purpose of the review is to determine the cause of the absences, considering: 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 schoolwork 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 make best efforts to provide an alternative process of obtaining required coursework so that the student may graduate on time.

The district encourages providing students in out-of-home care with the consolidation of unresolved or incomplete coursework and opportunities to accrue credit through classroom hours, online courses, and any other credit recovery options.

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.

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 out-of-home 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.

C. District's Foster Care Liaison

Point of Contact

The superintendent or designee will designate a staff member to facilitate district compliance with state and federal laws related to student in out-of-home care and to collaborate with the department of children, youth, families to address educational barriers for these students.

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

- 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;
- Coordinating with foster care education program staff at the office of the superintendent of public instruction;
- Attending training and professional development opportunities to improve school district implementation efforts;
- Serving as the primary contact person for representatives of the department of children, youth, and families;
- Leading and documenting the development of a process for making best interest determinations in accordance with the processes identified in this procedure;
- Facilitating immediate enrollment in accordance with [RCW 28A.225.330](#);
- Facilitating the transfer of records in accordance with [RCW 28A.150.510](#) and [RCW 28A.225.330](#);
- Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;
- Developing and coordinating local transportation procedures;
- Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;
- Ensuring that students in out-of-home care are enrolled in and regularly attending school, consistent with [RCW 28A.225.023](#); and
- 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:

- Work collaboratively with the district's Title I coordinator to provide support for students in out-of-home care that are enrolled or seeking to enroll in the district 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;
- Develop and coordinate local transportation procedures;
- Manage transportation cost disputes;
- 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.

D. Dispute Resolution Process

If the district seeks to place a student in out-of-home care in a school other than the school of origin, or the school requested by the caregiver or educational decision-maker in consultation with the student, the individual making the request shall be informed in a language and format understandable to that person of their right to appeal the decision made by the district and they shall be provided with the following:

- a. The written contact information for the district foster care liaison and the State Foster Care Education Program Supervisor, with a brief description of their roles.
- b. A simple, written, step-by-step description of how to dispute the district's decision and the contact information of the person designated to receive the dispute.
- c. Written notice of the right to enroll and attend immediately in the school requested by the student's caregiver or educational decision-maker while the dispute is being resolved.
- d. Written notice of the right to appeal to the state if the district-level resolution is not satisfactory, and applicable timelines.

Level I – Appeal to the District Foster Care Liaison

The student's caregiver or educational decision-maker may dispute the district's placement determination or transportation decision 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 educational decision-maker).

The district's foster care liaison is:

Foster Care Liaison
Categorical Programs
3900 Broadway
Everett, WA 98201
425-385-4030
fostercare@everettsd.org

The notice of dispute, if provided *to the district*, will immediately be forwarded to the foster care liaison or designee. The liaison or designee 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 decide 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":

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

The liaison will verify receipt of the written decision by the caregiver or educational decision-maker.

Level II – Appeal to the District Superintendent

If the caregiver or educational decision-maker disagrees with the decision of the foster care liaison, they may appeal the decision to the superintendent or designee (who must be someone other than the foster care liaison). They may do so by providing the superintendent's or designee'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 educational 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 a representative from DSHS or another supervising agency. If it is not possible for the DSHS 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 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 educational decision-maker and/or foster care liaison; and
- 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

The district's foster care liaison will also be provided a copy of the Level II decision and appeals package. The liaison will be responsible for verifying 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 educational decision-maker disagrees with the decision of superintendent or designee, they 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 educational decision-maker's intent to file a Level III appeal.

The caregiver or educational decision-maker may also submit related documentation to the OSPI Foster Care Education Program Supervisor or designee 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 decide 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 DSHS representative engaged by the district at Level II, and the superintendent or designee. The decision shall be the final resolution for placement and the provision of services for a student 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.

Disputes between the District and the Child Welfare Agency

If the district and the child welfare agency are unable to resolve a dispute that does not involve placement of a student in foster care (e.g., failure to collaborate, transportation reimbursements, data 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 or designee, the district's foster care liaison and the agency representative involved in the dispute.

Cross Reference: Board Policy 3116 Students in Out-of-Home (Foster) Care

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