

STUDENTS IN FOSTER CARE

Code **JFABF*** Issued **9/17**

The board believes that students in foster care are best served through a collaborative relationship between the district and the South Carolina Department of Social Services (DSS). Every effort will be made to ensure that these students experience limited educational disruption during their placement in foster care and that they remain in their school of origin whenever possible.

Students in foster care will have equal access to the same free, appropriate public education as provided to other students in the district. They will also be provided the services and have access to the programs and activities that are offered to other students attending district schools, including educational services for which the students meet eligibility criteria (e.g., special education, Title 1 programming, programs and services for English Learners, gifted and talented programming, etc.), career and technical education programs, and school nutrition programs.

Definitions

Foster care – 24-hour substitute care for students placed away from their parents/ legal guardians and for whom DSS 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, student care institutions, and preadoptive homes. To the extent required under applicable law, this also includes students who an appropriate student welfare agency indicates are awaiting a foster care placement.

School of origin – the school in which a student is enrolled at the time of placement in foster care.

Additional costs – the difference between what the district would otherwise spend to transport a student to his/her assigned school and the cost of transporting a student in foster care to his/her school of origin.

District Point of Contact

The superintendent will designate a district foster care point of contact who will be the primary liaison between the district and DSS and will be responsible for the following:

- coordinating with DSS to develop a process for implementing federal and state laws and regulations related to students in foster care
- leading the development of the best interest determination process
- facilitating the transfer of records and immediate enrollment and data sharing with DSS
- developing and coordinating local transportation procedures

Placement Process

DSS will notify the district when a student is being moved to a new residence for purposes of entering foster care. Within three school days of this notification, DSS and the district point of contact will jointly determine the student's best interest for school placement, in consultation with the student, if appropriate, and other key stakeholders who can provide meaningful input as to the student's academic, social, and emotional well-being (e.g. teachers, coaches, counselors). If the student is served by an Individualized Educational Program (IEP) or 504 Plan or receives services as an English learner, the associated staff members must be included in this

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determination process. The student will stay in his/her current school of enrollment until this determination is made.

Factors that will be considered when making the best interest determination include:

- preferences of the student
- student's attachment at the school, including meaningful relationships with staff and peers
- placement of the student's siblings
- influence of the school climate on the student, including safety
- availability and quality of services in the school to meet the student's education and socioemotional needs
- history of school transfers and how they have impacted the student
- how the length of the commute would impact the student, based on the student's developmental stage
- whether the student has a disability and is served under the Individuals with Disabilities in Education Act or Section 504 and availability of all associated services
- whether the student is an English learner and will have continued access to language services

If it is determined that the best interest of the student is for him/her to transfer to the school of residence, the student will immediately (i.e., the next school day) be enrolled therein. The receiving school must enroll the student, and the school of origin should expedite the transfer of school records, which should be completed within three school days.

At the end of the student's foster care placement, he/she will be permitted to remain enrolled in the receiving school until the end of the academic year, if appropriate.

Placement dispute resolution

If the district foster care point of contact and the DSS representative do not agree on the student's best interest for school placement, the student will remain enrolled at the school in which he/she was enrolled at the time he/she entered foster care. Within five school days of the best interest determination meeting, the district foster care point of contact and the DSS representative will meet together to review the best interest determination documentation and resolve any dispute. If these two individuals are unable to agree on placement, they will obtain guidance and consultation from their respective state-level agencies (SCDE and DSS).

To initiate this consultation at the state agency level, an email will be sent to the designated foster care point of contact at each agency via email within 10 days following the local representative meeting and will include the Best Interest Determination for Foster Care Placement Form [JFABF-E(1)]. SCDE and DSS will then work together to provide guidance and assistance to both the district and the DSS representative.

If no decision regarding placement can be agreed upon, federal guidance indicates that DSS will be the final decision maker.

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Transportation

Transportation costs will not be considered when determining the student's best interest.

The district foster care point of contact and DSS representative will collaborate to develop transportation requirements that detail the handling of disputes over which entity or entities will pay any additional costs incurred in providing transportation to students in foster care and which agency or agencies will pay the costs until any dispute is settled. As appropriate, input from other federal programs staff, including special education and McKinney-Vento staff, and the transportation director will be obtained in developing this plan. Input may also be obtained from the superintendent and the board, if needed.

When a transportation dispute arises between the district and DSS over paying the costs of transportation, every effort will be made to reach a resolution at the local level prior to initiating the state-level dispute resolution process.

Recordkeeping

Evidence of compliance with this policy will be maintained by the district. Such evidence includes, but is not limited to, the best interest determination, the student's immediate enrollment, and the collaboration between entities regarding transportation.

Adopted 9/12/17

Legal References:

A. Federal Law:

1. Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.
2. Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. 110-351, 122 Stat. 3949.
3. Social Security Act, 42 U.S.C.A. §671(a)(10) and § 675(1)(G) - Student welfare agency requirements related to supporting normalcy for students in foster care and ensuring the educational stability of students in foster care.

B. Other:

1. South Carolina Department of Education & South Carolina Department of Social Services Joint Guidance, *Fostering Connections: Joint Guidance for Ensuring School Stability of Students in Foster Care*, December 2016.