

# Stillwater Public Schools Foster Care Plan and Procedures

This document creates a plan intended to address procedures and documentation needed to comply with the ESSA Act of 2015 and other Federal and State Educational and Civil Rights Laws.

Additionally, because of child confidentiality issues, the Uninterrupted Scholars Act (USA), which amended the Family Educational Rights and Privacy Act (FERPA) permits educational agencies and institutions to disclose, without parental consent or the consent of an eligible student, education records of students in foster care to state and tribal child welfare agencies. USDE guidance clarifies that the USA amendments to FERPA also affect the confidentiality of information provisions in the Individuals with Disabilities Education Act (IDEA) by permitting the nonconsensual disclosure of the education records of children with disabilities under the circumstances set forth in the USA.

## Educational Stability

Stillwater Public School's Foster Care Plan will address the following tenets outlined in law to assure education stability of foster care students:

- 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 is in immediate contact with the school of origin to obtain relevant academic and other records. (ESEA section 1111(g)(1)(E)(i)-(iii)).
- School of Origin: The school of origin is the school in which a child is enrolled at the time of placement in foster care.
- 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).
- All placement decisions must consider IDEA, section 504, and EL student Requirements in Federal and State Educational and Civil Rights Law.

## Procedure/Steps for determining the Student's Best Interest in School Placement.

- While the child welfare agency may contact school of origin personnel to help determine if a child should be moved, the school of origin does not receive full disclosure until a judicial determination has been made to assure the student's relationships are not affected.
- The school of origin provides the child welfare agency information on the appropriateness of the current educational setting and the child welfare agency uses the information from these consultations in the placement process. The Child Welfare agency also consults with other key partners including the child when appropriate. A checklist of the above possible factors determining placement (see list below) will be used in the determination.

- The best interest determination for school placement is completed as quickly as possible (e.g., within three business days). Once the decision is made, the child welfare agency notifies the school of origin. The Welfare Agency or their representative, the foster parent, will notify/enroll the child in the new school. The child will remain in the school of origin during the determination period unless contrary to the child's best interest. The child welfare agency arranges for transportation and payment of transportation expenses by the school of origin based on transportation guidelines.
- Stillwater Public Schools and local, state, and tribal agencies involved in foster care placements will meet at least once a year to review procedures and placements. If quarterly or monthly meetings are required to work with individual placements, additional meetings will be established.

## **Best Interest Determination**

Factors that will be considered (See attached State Department form):

- Preferences of the child;
- 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);
- Influence of the school climate on the child, including safety;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- 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;
- 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.

## **Participants in Best Interest Foster Care Student Placements**

Stillwater Public Schools will designate a qualified employee as the Point of contact (POC) for foster Care Students as will all other agencies involved. The POC from all agencies involved in the placement, including the school of origin and relevant specialists if the child is on an IEP, 504, or LIEP, will collaborate on the placement and its implementation. Participating child Welfare Agencies should also consult other relevant parties, such as the child (depending on age), foster parents, biological parents when appropriate, education decision maker(s), and other relatives for their perspectives on which school the child should attend during his or her time in foster care prior to consideration of moving a child from the school of origin. Stillwater Public School's POC, Vanessa Wedlake, will coordinate with other Child welfare, Foster Care, and Tribal Welfare Agencies, facilitate data sharing with these agencies,

facilitate student information transfers between schools and welfare agencies, and facilitate the quick resolution of any issues regarding transportation, best interest determination, or allowable FERPA student record transfers.

## **Dispute Resolution**

After all avenues of dispute have been explored without resolution by the schools and welfare agencies involved in a student's foster care school placement, the institutions involved will submit the information to the appropriate state agency for final resolution as described in the Oklahoma State Department of Education Foster Care Plan. Disagreements are to be resolved "expeditiously" and place the burden of proof on the child welfare agency to show that its decision is in the child's best interest. The child must be transported to the appropriate school during any period of dispute over placement or issues about who will be responsible for transportation costs. The school placement decision may be revisited at any time while the child is in out-of-home care, if circumstances change, to ensure the placement remains in the student's best interest.

## **Transportation**

Stillwater Public Schools will collaborate with the State or local child welfare agencies in implementing clear written approved procedures governing transportation to maintain children in foster care in their schools of origin, when in their best interest.

## **Procedure/Steps for determining transportation when Stillwater Public Schools is the school of origin:**

- Upon being notified by a Child welfare or placement agency that Stillwater Public Schools is the School of Origin in a Foster Care placement, SPS will work in collaboration with local child welfare agencies to assure foster care children will remain in their school of origin, if it is in their best interest, and provide needed transportation as described in section 475(4)(A) of the Social Security Act or other funding sources.
- Children in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost effective manner and in accordance with section 475(4)(A) of the Social Security Act; and
- Transportation will be arranged and funded for the duration of the time the child is in foster care and in need of transportation from the school of origin.
- If additional costs arise in transporting students, SPS will provide transportation if 1) the state/local child welfare agency agrees to reimburse SPS for the cost of such transportation 2) Stillwater Public Schools agrees to pay for the costs, or 3) SPS and the child welfare agency agree to share the cost (ESSA 1112©(5) (B)).
- If the foster care placement occurs across district lines, SPS and the school of origin will be included in the collaboration to determine how transportation will be provided and how any additional costs will be paid.

## **Immediate Enrollment and Records Transfer**

The school of origin is responsible for sending all essential educational records to the receiving school within **three days** of receiving notice from the child welfare agency that the child will be changing

schools. The caseworker verbally notifies both schools within one business day of making the decision and faxes the requisite documents to both schools within two business days of making the decision. The school of origin is required to transfer non-essential records to the receiving school within 10 days

## Student Data Sharing and Privacy

The child welfare agencies provide the names of the children in foster care, as well as the name and contact of person holding education rights; health (including immunizations) and education records (prior school placements, attendance, grades, etc.) to Stillwater Public Schools. Stillwater Public Schools provides to the Child Welfare Agency the following information for all students in foster care: the names and addresses of the education agencies; the child's grade level performance; start date and leave date; current class schedule; home language survey results; high school exit exam results and attendance records.

## Best Interest Determination Evaluation Form

(Stillwater Public School's includes this form copied from the State Department of Education Foster Care Plan as a "checklist" for information of importance in the best determination process.)

Child's Name: _____ Birthday: _____ Age: _____ Grade: _____ Date: _____ Current District: _____ Current Site: _____ <i>Student will remain in the current school unless consideration of the following factors indicates a change of school placement is in the child's best interest (check all that apply.)</i>			
	School of Origin  ( A )	Receiving School  ( B )	Other Previou s School Attend ed  ( C )
Which school will better meet the relational needs of the child? Select all that apply: <input type="radio"/> Siblings <input type="radio"/> Relationships with peers <input type="radio"/> Relationships with staff Describe the relationship connections at current school: _____ _____ List strategies for maintaining important connections should other			

<p>best interest determination be made:</p> <p>_____</p>			
<p>Which school will better meet the individual academic needs and challenges of the child? Select all that apply:</p> <ul style="list-style-type: none"> <li><input type="radio"/> IEP</li> <li><input type="radio"/> 504 Plan</li> <li><input type="radio"/> Gifted Program</li> <li><input type="radio"/> Career Tech</li> <li><input type="radio"/> EL Services</li> </ul>			
<p>Which school will better meet the social/emotional needs and challenges of the child?</p> <p>Select all that apply:</p> <ul style="list-style-type: none"> <li><input type="radio"/> Social</li> <li><input type="radio"/> Emotional</li> <li><input type="radio"/> Safety</li> </ul>			
<p>Which school will better meet the unique needs and interests of the child? Select all that apply:</p> <ul style="list-style-type: none"> <li><input type="radio"/> Extracurricular Activities</li> <li><input type="radio"/> Sports</li> <li><input type="radio"/> Other</li> </ul> <p>Student will describe the areas of desired school involvement:</p> <p>_____</p> <p>Which school will best meet the permanency goal and likelihood of reunification with parents or siblings?</p>			
<p>Which school is more appropriate for the child's age and length of travel?</p> <p>Explain: _____</p> <p>_____</p>			
<p>Describe the child's transfer history.</p> <p>_____</p> <p>_____</p>			
<p>Which school does the student prefer to attend?</p> <p>Explain: _____</p>			

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<p>Which school does the caregiver or current placement provider recommends the student attend? Explain: _____</p>			
<p>Identify strategies for successful transition to new school and/or support in current school: _____ _____</p>			
<p><b>Supporting Documentation</b> Attach any supporting documentation used to determine best interest of child:</p> <ul style="list-style-type: none"> <li><input type="radio"/> Report Cards</li> <li><input type="radio"/> Progress Reports</li> <li><input type="radio"/> Achievement Data (test scores)</li> <li><input type="radio"/> Attendance Data</li> <li><input type="radio"/> IEP or Section 504 Plans</li> <li><input type="radio"/> Other: _____</li> </ul> <p><b>Determination</b> <i>Based on the information provided and considering the best interest of the child, the team has determined the following school is the most appropriate educational placement for the child:</i> _____</p> <p><b>Team Members:</b></p> <p>LEA representative: _____  <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>Printed name</i></span> <span><i>Signature</i></span> </div> </p> <p>CWA representative: _____  <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>Printed name</i></span> <span><i>Signature</i></span> </div> </p> <p>Education Decision Maker _____  <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>Printed name</i></span> <span><i>Signature</i></span> </div> </p> <p>Other: _____  <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>Printed name</i></span> <span><i>Signature</i></span> </div> </p>			