

## **Foster Care Plan**

*This plan is to address the requirement for foster care provisions under Title I of ESSA which require State Educational Agencies (SDE) and Local Educational Agencies (LEAs) to collaborate with Child Welfare Agencies (CWAs) to ensure educational stability and minimize educational disruptions for children in foster care.*

Marion County Schools is committed to provide all students with sound educational experiences. We recognize that foster children are at an increased risk of grade retention, gaps in academic achievement, low high school graduation rates, and postsecondary enrollment. These provisions promote greater stability for children in foster care so that they can continue their education without disruption, maintain important relationships with peers and adults, and have the opportunity to achieve college and career readiness.

The educational stability includes that (1) a child in foster care will remain in the child's school of origin, unless a determination is made that it is not in the child's best interest to remain in the school and (2) if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in the school of residence, even if the child is unable to produce records normally required for enrollment.

When a child is being placed in foster care, the DHR point of contact will notify the LEA point of contact to arrange transportation and schedule a meeting to determine school placement in the best interest of the child. DHR will work with the foster parent or a DHR approved volunteer to transport the child until the Shelter Care Hearing is held.

### **Assurances**

- 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.

- The new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records.

### **Committee**

The committee will be comprised of the LEA representative and/or the Foster Care POC, and the DHR Foster Care POC and/or their representative. In emergency circumstances, DHR has the authority to make an immediate decision regarding the school placement, and then consult with the LEA and revisit the best interest determination of the child. The determining factors that may be evaluated include:

- Safety considerations,
- Age and grade level of the child as it relates to the other best interest factors,
- Child's performance, continuity of education and engagement in the school the child presently attends,
- Child's special educational needs,
- Point of time in the year,
- Child's permanency goal and likelihood of reunification,
- Preferences of the child,
- Preferences of the child's parent(s) or educational decision maker(s),
- Placement of the child's sibling(s),
- 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 stages,
- Proximity of the resource family to the child's present school.

\*\*\* Transportation costs will not be a consideration when determining a child's best interest.

In the event of a disagreement regarding school placement for a child in foster care, the child welfare agency should be considered the final decision maker in making the best interest determination. DHR is uniquely positioned to assess vital non-educational factors such as safety, sibling placements, the child's permanency goal, and other components of the case plan. DHR also has the authority, capacity, and responsibility to collaborate with and gain information from multiple parties including parents, children, schools, and the court in making these decisions.

## **Enrollment of Students**

Foster care parents, social workers or other legal guardians will be allowed to immediately enroll children in Marion County Schools. The person enrolling the child will provide a court order showing that DHR has control of the child. It is understood that all necessary paperwork (birth certificates, shot records, academic records, special education records, etc.) may not be immediately available and we want to provide a smooth transition for the student into our school system. We will contact the school of origin for the records and make adaptations as needed. After enrollment, the following guardianship or legal custody documents shall be provided for verification by the foster care family or DHR, within a thirty day period.

## **Transportation**

Marion County Schools will coordinate with DHR and neighboring schools/districts to provide transportation to maintain children in foster care in their schools of origin. Mileage will be paid to foster parents and/or transportation volunteers based on the state mileage rate. In the event bus transportation is needed, DHR and the school system will share the cost that the LEA would otherwise spend to transport a student to his or her assigned school.

## **DISPUTE RESOLUTION PROCESS**

If an LEA seeks to place a child in foster care in a school other than the school of origin or the school requested by the educational decision-maker, the educational decision-maker shall be provided written notice of his/her right to appeal the decision (*see Appendix A for a sample written notice*), including:

1. The contact information for the LEA foster care point of contact and the SEA foster care point of contact.
2. An explanation of the reasons for the LEA's decision.
3. A step-by-step description of how to dispute the LEA's decision (Level I procedure), including a dispute form (*see Appendix B for a sample dispute form*).

4. An explanation that if the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin, receiving all appropriate educational services, until the dispute reaches its final resolution.
5. Timelines for resolution of the dispute at each level.
6. Notice of the right to appeal to the SEA if the local-level resolution is not satisfactory.

### **Level I: LEA Superintendent or Designee**

#### **1. Initiating the Level I Dispute**

To dispute an LEA's decision related to school selection (best interest) or enrollment for a child in foster care, an educational decision-maker must request dispute resolution in writing by submitting a dated appeal letter specifying the school in which enrollment is sought and the basis for seeking enrollment in that school. The appeal letter must include the name and contact information (phone, email and mailing address) for the educational decision-maker.

The educational decision-maker must submit the appeal letter within five (5) school days of receiving from the LEA written notice of the right to dispute the decision. The letter may be submitted via an email with the subject "Foster Child Appeal," or delivered to any school to the attention of the superintendent. Regardless of how the appeal letter is submitted, the school or LEA shall ensure the LEA's superintendent or designee receives it immediately.

The submission of the appeal letter by email or delivery to any school initiates the dispute. From that point, the student shall remain in the school of origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for which the student is eligible during the pendency of the dispute. Students attending their school of origin during the pendency of the dispute will be entitled to receive transportation. The LEA will provide or arrange transportation during the dispute. Once the dispute is resolved, transportation will be provided pursuant to the local transportation procedures developed collaboratively between the LEA(s) and local child welfare agencies.

#### **2. LEA Decision**

The superintendent, or superintendent's designee, will arrange for a personal conference to be held with the educational decision-maker, the student (if appropriate), and at least one representative from the local child welfare agency. The

personal conference will be arranged within five (5) business days of the LEA's receipt of the Level I appeal letter and will take place as expeditiously as possible.

Within five (5) business days of the personal conference, the superintendent, or superintendent's designee, will inform the educational decision-maker of the decision in writing, using the contact information provided in the appeal letter. The superintendent or designee may consult with the LEA foster care point of contact in making the decision. The written decision provided to the educational decision-maker must include:

1. A copy of the complete Level I appeal packet.
2. The decision rendered at Level I by the superintendent or designee and an explanation for that decision.
3. Instructions regarding how to file a Level II dispute, including the name, phone number and email address of the SEA foster care point of contact.

If the educational decision-maker disagrees with the Level I decision and wishes to appeal to Level II, the educational decision-maker shall inform the LEA superintendent or designee of the intent to appeal to Level II within five (5) school days of receipt of the LEA's Level I decision. If the educational decision-maker does not appeal within five (5) school days, the child shall be enrolled and provided all appropriate educational services in the school determined by the LEA. If that school is not the school the child had been attending during pendency of the dispute, the LEA will prioritize minimizing the disruption to the child's education in effecting the transition to the new school.

## **Level II: SEA**

### **1. Initiating the Level II Dispute**

If the student's educational decision-maker disagrees with the decision rendered by the LEA's superintendent at Level I, he/she may appeal the decision to the SEA. To appeal to Level II, an educational decision-maker must request an appeal in writing by submitting a dated appeal letter, which must include:

- The school in which enrollment is sought and the basis for seeking enrollment in that school.

- The name and contact information (phone, email and mailing address) for the educational decision-maker.
- A copy of the previous appeal letter submitted by the educational decision-maker.
- A copy of the decision rendered by the LEA at Level I.

The letter must be submitted via an email to the SEA foster care point of contact, with the subject “Foster Child Appeal.” The letter also must be submitted to the LEA superintendent via an email with the subject “Foster Child Appeal,” or delivered to any school to the attention of the superintendent. The appeal letter must be submitted to both the SEA and LEA superintendent within five (5) school days of receiving the Level I appeal decision from the LEA.

The LEA has an additional five (5) school days from its receipt of the educational decision-maker’s appeal letter to submit its response to the appeal letter to the SEA foster care coordinator, via an email with the subject “Foster Child Appeal.” Documents submitted by either party after the applicable deadlines will not be considered.

The student shall remain in the school of origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for which the student is eligible during the pendency of the dispute. Students attending their school of origin during the pendency of the dispute will be entitled to receive transportation. The LEA will provide or arrange transportation during the dispute. Once the dispute is resolved, transportation will be provided pursuant to the local transportation procedures developed collaboratively between the LEA(s) and local child welfare agencies.

## 2. SEA Decision

The Level II decision will be made by a three-person panel including the SEA foster care point of contact, another SEA staff, and a representative of the state child welfare agency. The panel shall make a final decision within thirty (30) days of receipt of the dispute.

The SEA foster care point of contact will forward the final written decision to the educational decision-maker and the LEA superintendent. The written decision must include:

1. A copy of the complete Level II appeal packet.
2. The decision rendered at Level II and an explanation of that decision.

The LEA must implement the SEA's decision in full, immediately.

The SEA shall maintain a record of all disputes related to the children in foster care. **For every type of dispute regarding a child in foster care, the LEA and local child welfare agency must make every effort to resolve the dispute collaboratively at the local level. Documented patterns of excessive disputes to the SEA from particular LEAs and/or local child welfare agencies will be reviewed by the SEA and State child welfare agency and appropriate measures will be taken to ensure compliance by both local agencies.** All parties are encouraged to seek assistance from the Foster Care Point of Contact at the State Education Agency (SEA), and the Education Coordinator at the State Child Welfare Agency (or similar personnel) prior to any dispute.

## **INTER-AGENCY TRANSPORTATION DISPUTE PROCESS TO RESOLVE DISPUTES BETWEEN LEAs AND CHILD WELFARE AGENCIES REGARDING TRANSPORTATION**

ESSA requires LEAs and child welfare agencies collaboratively to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the children's time in foster care. To ensure the children receive transportation and that both the LEA and child welfare agencies are working to ensure educational stability, these transportation procedures should:

- Describe how the child welfare agency is implementing its requirements to develop a plan for ensuring the educational stability of each child in foster care, including ensuring that each placement of every child takes into consideration the proximity to the school of origin (see the Fostering Connections to Success and Increasing Adoptions Act).
- Ensure that children in foster care needing transportation to the school of origin will promptly receive it.
- Ensure that transportation is provided in a cost-effective manner.
- Address how the child welfare agency will use foster care maintenance payments and administrative funds to pay for transportation to the school of origin (see sections 475(1)(G) and (4)(A) of the Social Security Act (42 U.S.C. 675(1)(G) and (4)(A)).
- Specify how “additional costs” of transportation will be calculated, to delineate clearly the LEA's responsibility to provide transportation when there are no additional costs.
- Specifically describe how transportation to the school of origin will be provided in situations where there are no additional costs.
- Specifically describe those situations (if any) for which the LEA has agreed to pay additional costs, or share additional costs with the child welfare agency.
- Specify the timing and procedures for the child welfare agency to reimburse the LEA for transportation costs.

LEAs and child welfare agencies must make every effort to collaborate in serving children in foster care. When a dispute arises between the agencies over paying the

costs of transportation, the LEA and local child welfare agency must make every effort to resolve the dispute collaboratively at the local level. **Documented patterns of excessive disputes to the SEA from particular LEAs and/or local child welfare agencies will be reviewed by the SEA and State child welfare agency and appropriate measures will be taken to ensure compliance by both local agencies.** The SEA and State child welfare agency may establish a Memorandum of Understanding regarding appropriate measures to limit disputes and ensure compliance by both LEAs and local child welfare agencies. All parties are encouraged to seek assistance from the Foster Care Point of Contact at the State Education Agency (SEA), and the Education Coordinator at the State Child Welfare Agency (or similar personnel) prior to any dispute.

**In addition, under no circumstances shall the dispute delay or interrupt the provision of transportation for a child to the school of origin.** To ensure no such disruption, the agency that had been paying for transportation prior to the dispute will continue to pay until the dispute is resolved. If transportation was not provided previously, the LEA will arrange and provide the transportation while payment disputes are being resolved.

Disputes between LEAs and child welfare agencies regarding implementing the local transportation procedures, calculating and paying for additional costs of transportation to the school of origin for children in foster care, or other inter-agency transportation disputes will be resolved by a three-person panel including the SEA foster care point of contact, another SEA staff, and a representative of the state child welfare agency.

Either an LEA or a local child welfare agency can bring a transportation payment dispute to the SEA by submitting a dispute resolution request to the SEA foster care point of contact via an email with the subject “Foster Child Transportation Dispute.” The dispute resolution request must include:

- A complete explanation of the basis of the dispute, with all pertinent facts.
- The name and contact information of the people who have been addressing the dispute thus far on behalf of both the LEA and the local child welfare agency (phone, email and mailing address).
- Details of how the agencies have attempted to resolve the dispute at the local level prior to appealing to the state.

Within ten (10) days of receipt of the dispute resolution request, the SEA foster care point of contact will contact the party that did not submit the request (either the LEA or child welfare agency) identifying the subject matter of the dispute and inviting that party to submit any information pertinent to the dispute. The party will have ten (10) days to submit its explanation of the dispute, with all pertinent facts. Documents submitted by either party after the applicable deadlines will not be considered.

The panel shall make a final decision within thirty (30) days of receiving all information related to the dispute. The SEA foster care contact will forward the written decision and an explanation of that decision to the appropriate parties at both the LEA and local child welfare agency. The decision shall be the final resolution.

## Appendix A

DATE

To: EDUCATIONAL DECISION-MAKER NAME

Delivered via: *(preferably a reliable email address to ensure delivery)*

NAME school district has determined that the appropriate school placement for STUDENT NAME is SCHOOL NAME. We understand this is neither the school of origin nor the school requested by the student's educational decision-maker. Therefore, we are providing this explanation of our decision and information about how the educational decision-maker may appeal the decision.

We have determined that it is in the student's best interest to attend SCHOOL NAME because:

The educational decision-maker may appeal this decision by completing the attached Dispute Form, signing it, dating it, and submitting it by DATE (insert date ten school days from date of this letter).

If the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin, receiving all appropriate educational services including transportation, until the dispute reaches its final resolution. Once the Dispute Form is received, the superintendent or designee will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from the local child welfare agency within ten (10) business days, and the conference will take place as expeditiously as possible. Within five (5) business days of the personal conference, the superintendent or designee will inform the educational decision-maker of the decision in writing. The educational decision-maker will be able to appeal to the State if the local resolution is not satisfactory.

If you have questions about this decision or how to appeal it, please contact:

ALSDE Foster Care POC – Sally Meek at (334)694-4527

## Appendix B

### Dispute Form Template

To appeal the district's decision, please complete this form and submit it by the date indicated on the Written Notice you received from the school. You may submit this form by any of the following methods:

- Scan and email it to EMAIL ADDRESS with the subject "Foster Child Appeal";
- Return the paper form to any school in this school district; or
- Submit the paper form directly to the office of the superintendent at ADDRESS.

Student Name:

School in which enrollment is sought:

I am the educational decision-maker for this student, and I believe the school in which we are seeking enrollment is in the student's best interest because:

I believe the student has a right to attend this school because:

If you would like to provide additional information, please attach it to this form.

The student shall remain in the school of origin, receiving all appropriate educational services including transportation, until the dispute reaches its final resolution. Once this Dispute Form is received, the superintendent or designee will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from the local child welfare agency within five (5) business days, and the conference will take place as expeditiously as possible. Within five (5) business days of the personal conference, the superintendent or designee will inform the educational decision-maker of the decision in writing. The educational decision-maker will be able to appeal to the State if the local resolution is not satisfactory.

Educational decision-maker name:

Email:

Phone: