

Joint Guidance on Ensuring the Educational Stability of Children in Foster Care



Issued by the
Alaska Department of Education & Early Development
and the
Alaska Office of Children's Services
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Children in foster care face many challenges; those challenges may include frequently changing schools throughout their time in the foster care system. Research tells us that frequently changing schools can negatively impact academic progress as well disrupt positive relationships with teachers, school staff, and peers. To address this, the Every Student Succeeds Act (ESSA) of 2015 and the Fostering Connections to Success and Increasing Adoptions Act of 2008 have included elements to ensure the educational stability of children in foster care, including the requirement that students in foster care remain in their "school of origin," unless a determination is made that it is not in the child's best interest.

To meet these federal statutory requirements, each Alaska school district and the Office of Children's Services must work together. To help facilitate this process, the Alaska Department of Education & Early Development (DEED) and Alaska's Office of Children's Services (OCS) have collaborated to create this document that establishes roles, definitions, and procedures for supporting students in foster care and ensuring compliance with federal statutes.

This Alaska joint guidance is based upon the four federal documents listed below and cited throughout:

- [Elementary and Secondary Education Act, as amended by Every Student Succeeds Act of 2015](#)
- [Fostering Connections to Success and Increasing Adoptions Act of 2008](#)
- [Title 45 Code of Federal Regulations Part 1355](#)
- [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, Joint Guidance Issued by USED and HHS, June 23, 2016 \(referenced as "Joint Federal Guidance"\)](#)

In addition to this joint guidance document, DEED and OCS have provided the following two sample templates that districts may use to efficiently collaborate with OCS. Alternatively, districts may create their own unique agreements with OCS, but must ensure that all required elements of ESSA and the Fostering Connections Act are included.

- **"Memorandum of Understanding to Ensure Educational Stability of Children in Foster Care"** (To document points of contact, affirm Joint Guidance, and identify transportation agreement)
- **"Foster Care Student Transportation Agreement"** (To arrange transportation and associated funding for an individual student in foster care)

To find statutes, guidance, templates, and resources, see the [Foster Care link](#) on the ESEA page of the DEED website.

Definition of Foster Care [45 CFR § 1355.20(a)]

The federal definition of "foster care" is "24-hour substitute care for children placed away from their parents or guardians and **for whom the title IV-E agency 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, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether

adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.” In the definition above, Title IV-E refers to the Social Security Act. OCS is the state Title IV-E agency in Alaska.

Providing Point of Contact [ESEA 1112(c)(5)(A); Joint Federal Guidance, page 21]

In order to facilitate collaboration between the school district and OCS, each will designate a Point of Contact (POC). If the assigned staff member changes, the host organization will contact the other to provide contact information for the new POC.

The district will also provide current Point of Contact information to the Alaska Department of Education & Early Development’s Foster Care Point of Contact: Jessica Paris; jessica.paris@alaska.gov; 907-465-8716

Sharing Information [20 U.S.C. § 1232g; 34 CFR Part 99; Joint Federal Guidance, pages 23-24]

In order to make timely, informed decisions regarding students in foster care, the school district and OCS will efficiently share and safeguard necessary information while respecting all relevant student privacy laws, including the Family Education Rights and Privacy Act (FERPA). Additionally, ESEA as amended by ESSA now requires that the status of a student in foster care be shared so that assessment and graduation data can be reported for students in foster care as a sub-group.

The OCS case worker will inform the school principal or their designee as soon as possible after the student is first taken into protective care and when a student already in protective care has a change in placement. The OCS case worker will provide the principal or designee additional information including guardian contact information, OCS case worker contact information, student’s new address, and whether there are persons restricted or prohibited from seeing child, etc.

For a greater understanding of how data should be shared between school districts and OCS, see the August 2014 “[Guidance for Education Data Sharing for Alaska Children in Out-of-Home Care](#)” jointly issued by the Alaska Department of Health & Social Services and the Department of Education & Early Development.

Remaining in School of Origin [ESEA 1111(g)(1)(E)(i); Joint Federal Guidance, pages 8 & 11]

The district and OCS both affirm their commitment to students remaining in their school of origin-- unless it is determined not to be in the student’s best interest--until the time the child exits foster care.

Both organizations define “school of origin” as the school in which the child was enrolled (or would have been enrolled) immediately prior to being placed into foster care. If a child’s foster care placement changes, the “school of origin” would then be considered the school in which the child was enrolled immediately prior to the placement change.

OCS affirms that when choosing a foster care placement for a child, they will take into account a placement’s proximity to the child’s school of origin, as well as appropriateness of the current educational setting.

If needed, the district will allow any student in foster care an in-district attendance area exception so the student can continue in his or her school of origin. The exception can apply across external district boundaries as well, when the student’s foster placement is in a neighboring district and the school of origin is close enough for this to be feasible.

OCS will direct foster parents and caregivers **not** to remove the foster child from his or her current school or enroll them in a different school unless a determination of the student’s best interest has been formally made in consultation with several stakeholders.

Determining Student's Best Interest [ESEA 1111(g)(1)(E); Joint Federal Guidance, pages 12-15]

Sometimes transferring schools, instead of remaining in the school of origin, is actually in the overall best interest of a child. Therefore, OCS and the school district are able to enroll a student in a new school **if** it has been documented that it was not in the best interest of the student to remain in the school of origin.

The best interest determination must be made with input from OCS, the school district, and other applicable stakeholders such as the case worker, the foster parent, staff from the school of origin, district Point of Contact, parent (if appropriate), student (if appropriate), the Guardian ad Litem, and others as appropriate. Ideally, the decision will be made through a meeting with all involved parties, either in-person, virtually, or telephonically. When such a meeting is not possible, information may be gathered by phone or email from applicable parties.

Except in the case of emergency, the student will not be removed from the school of origin and enrolled in another prior to this best interest consultation occurring; however, in the event a child's foster placement is in a new community that is not connected by road to the school of origin, or is more than 50 miles away by road, it may be assumed that it is **not** in the child's best interest to remain enrolled in and be transported to the school of origin.

When determining whether changing schools would be in the student's best interest, participants will consider the appropriateness of the current educational setting (at the school of origin) as well as the foster placement's proximity to the school of origin. More specifically, the participants may consider some or all of the following:

- How long is the placement expected to last and what is the permanent plan?
- How many schools has the child attended this year? The past few years?
- How strong is the child academically? How well are they likely to handle any disruption to instruction?
- Which school does the child prefer? Why?
- Does the child have siblings attending one of the schools?
- Would the timing of a transfer coincide with a logical juncture such as the end of the school year?
- How would the length of commute impact the child?
- Does the youth have any anxieties about the upcoming move or changes in his/her life?
- Are there any safety issues to consider related to the commute or related to the school?
- Does the student have any special instructional needs better met by one school?
- Is the student strongly connected to the school and/or involved in school related or extra-curricular activities?

Transportation costs should **not** be considered when determining a child's best interest, which is consistent with the program instruction released by HHS subsequent to the passage of the Fostering Connections Act.

If consensus about best interest cannot be reached, OCS will make the final decision.

A new meeting to reconsider or determine what school enrollment is in the student's best interest can be held at any time a change seems warranted.

Transportation to School of Origin [ESEA 1112(c)(5)(B); Joint Federal Guidance, pages 15-18]

Because a child in foster care's ability to remain in the school of origin may depend upon the provision of transportation to a school outside of the normal attendance area of the child's foster care residence,

the school district and OCS agree to work together to arrange, provide, and fund cost-effective transportation to the school of origin.

To clarify roles and procedures for transporting foster students to their school of origin--including which agency pays for "additional costs"--a separate agreement for transportation procedures will be developed and signed by the district and OCS. For a smaller district, the parties may agree to simply adopt the *Foster Care Student Transportation Agreement* template provided by DEED and OCS and then complete it for each foster child as needed. Alternatively, for larger districts the parties may want to create a district-specific document such as a master transportation contract that covers all children in foster care that are eligible for transportation. Regardless, transportation agreements must identify the best transportation option for a child, determine whether the chosen transport will incur "additional costs," and clarify how those costs will be covered (by the district, by OCS, or shared). Considerations for the transportation agreement include:

- For the first two weeks of a new foster home placement, OCS or their designee (e.g. foster parent) will arrange and, if necessary, provide all transport to and from the school of origin.
- Both agencies agree that even if a district's standard policy is to provide no transportation for any student (e.g. everyone walks), or to specific schools (e.g. no transportation to charter schools), or from a specific area (e.g. beyond bus route boundary) transportation must be provided to the school of origin for the student in foster care if needed.
- Both agencies define "additional costs" for transporting a child in foster care to or from the school of origin as only those costs that exceed what a district would normally allot for a student's transportation, and thus an allowable use of OCS IV-E funds for students who are eligible. Similarly, "additional costs" may include a portion of an FTE for the district staff arranging and coordinating the transportation if it is beyond what is regularly done.
- Both agencies acknowledge that it is allowable for a district to use ESEA Title I-A funds to cover "additional costs" to transport a child in foster care to their school of origin, regardless of whether the school has been designated a Title I-A school.
- If a student would normally be eligible for unique transportation due to special needs (e.g. a student with special transport needs in IEP), the agencies agree that the district funds that normally cover the cost of that transport will be used and so it is highly unlikely there would be any "additional costs" for OCS or Title I-A to cover.
- Both agencies affirm they will aim to use the most developmentally-appropriate, efficient, and lowest-cost option when selecting transportation to the school of origin over more expensive options. Transportation options typically include walking or using district bus routes, having the foster family provide a ride, or using a taxi cab or snow machine; however, what is best will be unique to the needs and age of the student and the geography of the community. Some communities may have other options like municipal bus passes, district mini-busses, or OCS vans.
- Both agencies agree, in the event a student is involved with two or more school districts, the "district" refers to the school district in which the student remains enrolled in the student's school of origin.
- Both agencies agree that the authorized representative who signs a transportation agreement assures that he or she has the authority to authorize the level of funding as determined in the agreement.
- If it has been determined to be in the student's best interest to transfer out of the school of origin and into a new school, none of the transportation protocols described in the section above will apply. Instead, standard district transportation procedures will be followed.
- Both agencies agree that no child in foster care will experience disruptions to school attendance due to any dispute between the agencies regarding transportation.

Immediate Enrollment [ESEA 1111(g)(1)(E); Joint Federal Guidance, page 20]

If it is formally determined that it is in the best interest of a child in foster care to move to a new school, the district agrees to expedite the related processes so that the child experiences no delay between leaving the school of origin and beginning at the new school.

If the district is receiving a child in foster care as a new student from a school within or from outside their district, they will immediately enroll the student, even if records normally required for enrollment are not available. The enrolling school will immediately contact the school last attended to obtain the relevant academic and other records.

If a school or district is contacted by another school or district requesting a child in foster care's student records needed for enrollment, the contacted agency will expedite the request to help avoid a disruption to the student's education.

OCS will instruct foster parents to alert districts when enrolling a student in a new school that the student is in foster care and thus should be given expedited enrollment in accordance with ESSA.