

# Superintendent Procedure 3116SP

## Dependent Students (Foster Care)

Approved by: s/Dr. Brent C. Jones Date: 3/16/22

Dr. Brent C. Jones, Superintendent



It is the policy of the Seattle School Board that every student receives the high-quality instruction, supports, and intensive supports necessary to graduate high school on time and prepared for the future. The district is committed to providing stability to students who are dependent pursuant to chapter 13.34 RCW (herein referred to as dependent students). This procedure is intended to provide additional guidance to achieve this stability through ensuring school attendance and other services and guide the manner in which the district will work with Dependent students, their designated caregivers, and their social workers.

### **A. The Foster Care Liaison**

The Superintendent or their designee will designate a district Foster Care Liaison to work with the district's Title 1 Coordinator to provide supports for students in foster care. The Liaison will also serve as the district's point of contact (POC) with appropriate SPS school building point of contacts, as well as with state, local, and/or tribal welfare agencies (as per The Indian Child Welfare Act of 1978) to share information regarding the status and progress of students in foster care.

The district Foster Care Liaison will:

1. Ensure that dependent students have full and equal opportunity to succeed in school;
2. Ensure that dependent students are enrolled and are able to continue at their original school if requested or when in their best interest;
3. Collaborate with transportation department to develop and implement transportation procedures;
4. Provide student-centered best interest determination for school placement;
5. Document all best interest determination processes as well as collaboration with child welfare agencies;
6. Facilitate the transfer of records;
7. Facilitate immediate enrollment when required;
8. Facilitate data sharing with child welfare agencies that is in compliance with FERPA and other student privacy legal requirements;
9. Manage transportation costs disputes;
10. Coordinate all appeals of education-based decisions for students in foster care and district appeals of inter-agency disputes; and
11. As resources permit, provide guidance to school staff on available Title 1 provisions and educational needs of students in foster care on an as-needed basis.

### **B. Definitions Applicable to Dependent Students**

1. “Foster Care” means twenty-four (24) hours per day temporary, substitute care for the student placed away from the student’s parents/guardians, and for whom the Department of Children Youth and Families (DCYF) or a licensed or certified child-placing agency has placement and care responsibility. This includes any foster care (including a relative or suitable person), so long as the student is under the placement and care of DCYF and placed in foster care by DCYF.
2. “School of origin” means the school in which a student is enrolled when their dependency begins. If a student’s placement changes, the school of origin would be considered the school in which the student is enrolled at the time of the change.
3. “Best interest determination” means using student-centered criteria for determining which educational setting is best for a particular student. Decisions should be made on a case-by-case basis and should not be based on the cost of transportation.
4. “Additional cost incurred in providing transportation” are those costs which reflect the difference between what the district would otherwise spend to transport a student to their assigned school and the cost of transporting a dependent student to their school of origin. The district would, for example, incur an additional cost if it had to reroute buses to transport a dependent student to one of its schools.
5. “Caregiver in Washington State” applies to potential out-of-home placement options that include: licensed foster homes, relatives, group care providers or other court-ordered suitable parties. These placement options must be the result of a state dependency action as established by the court for the dispute resolution process located herein to apply.
6. “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 students in foster care. Additional decision-makers such as the birth parent, education liaison, or other appropriate adults may be court-appointed and identified on the *Health and Education Authorization Court Order*.
7. “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 the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

### **C. Identification and Support Services**

The district will:

1. Receive from DCYF the foster care notification form that verifies students placed in state custody for school enrollment. This form will be provided to Enrollment Services and the current or receiving school.
2. Identify students in foster care by using the Comprehensive Education Data and Research System (CEDARS) through a collaborative effort between OSPI and DCYF. This process will help identify dependent students to focus on by offering services, data collection, and outreach efforts.
3. Include the Foster Care Liaison’s contact information on the district’s website.

4. Access dependent student data available in the Comprehensive Education Data and Research System (CEDARS).
5. Establish a building point of contact at each elementary, K-8, middle, and high school appointed by the principal of the designated school in consultation with the district Foster Care Liaison who is responsible for identifying dependent students and connecting them to the district's Foster Care Liaison.
6. Provide foster care building point of contact information and training, as needed.
7. Provide materials for social workers and foster parents for students in foster care, in all applicable languages.
8. Develop agency partnerships to serve dependent students, as needed.

#### **D. Placement and Enrollment**

1. Upon receipt of notification from DCYF that verifies a student has been placed in state custody or will be changing placements, the Foster Care Liaison will, in a timely manner, determine the appropriateness of the current educational setting.
2. In order to minimize the educational disruption, it is presumed that dependent students should remain enrolled in their school of origin unless it is determined that such placement is not in the student's best interest.
3. After conducting a best interest determination, the district's Foster Care Liaison will provide to the student's social worker a written explanation of the final decision and the right to appeal in a timely manner and in a language that can be understood (see Dispute Resolution Procedure, below).
4. Should it be determined that the dependent student will change schools, relevant academic and other records will be immediately obtained and forwarded to the new school.
5. Pending resolution of disputes that arise over eligibility, school selection, or enrollment, the district will immediately enroll dependent students in the school in which their social worker or foster parent seeks enrollment.
6. The district will avoid delays or denial of enrollment of students in foster care, even if they have missed application or enrollment deadlines during any period while dependent, or if they are unable to produce records required for enrollment (e.g., previous academic records, immunization, health records, proof of guardianship, birth certificates).

#### **E. Best Interest Determination**

1. In the event that the student's school of origin placement is questioned, the district Foster Care Liaison will meet with the child welfare agency's point of contact, the student, and, if feasible, the student's biological/adoptive parent, and caregiver or educational decision-maker to determine a placement that is in the student's best interest. The factors that should be considered include, but are not limited to, the following:
  - a. Preference of the student;
  - b. Preference of the student's parents or educational decision-makers;
  - c. The student's attachment to the school, including meaningful relationships with staff and peers;
  - d. Placement of student's sibling(s);

- e. Influence on the school climate of the student (including safety);
  - f. The availability and quality of school services to meet the student's educational and social-emotional needs;
  - g. History of school transfers the resulting impact on the student;
  - h. Length of commute and how it would impact the student based on their developmental stage;
  - i. Whether the student is eligible to receive related aids or services under Section 504 and, if so, the availability of those services in a school other than the school of origin;
  - j. Whether the student is receiving English Language Learning services and, if so, the availability of those services in the school other than the school of origin;
2. Any best interest determination will be made promptly after DCYF's notification of placement to the district. All meeting participants will receive written notification of the outcome.
  3. In addition, the student's caregiver or educational decision-maker will receive the notice of the appeals process after the best interest determination. Only a caregiver or education decision-maker for the student may file an appeal using the Dispute Resolution Process. (See the Dispute Resolution Process below.)

#### **F. Transportation**

1. Transportation will be provided for dependent students to their school of origin while placed out of the home, or, if the student returns home, until the end of the academic school year.
2. The district and DCYF will develop and implement clear, written procedures governing transportation to keep students in foster care in their school of origin, when it is in their best interest.
3. The district and DCFY will determine a method to apportion the responsibility and costs for a student's transportation to and from their school of origin. If the agencies cannot reach agreement, the responsibility and costs for transportation will be shared equally.
4. If additional cost is incurred in providing transportation to the school of origin, the district will provide transportation if:
  - a. The local child welfare agency agrees to reimburse the district for the cost of such transportation;
  - b. The district agrees to pay for the cost using Title 1, Part A funds; or
  - c. The district and the local child welfare agency agree to share the cost equally.
5. Pending the outcome of any enrollment appeal or transportation dispute, transportation will continue to be provided until resolution is reached.

## **G. Dispute Resolution Process: District v. Student Caregiver/Educational Decision-Maker**

### **1. Level I**

- a. The student's caregiver or educational decision-maker may dispute the district's Best Interest Determination, transportation decision, or the provision of any other education-related service for a dependent student.
- b. Written notice of the dispute must be submitted to the district Foster Care Liaison 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).
- c. The Foster Care Liaison will log receipt of the notice, including date and time, and will electronically file documents.
- d. The Foster Care Liaison will make a decision on the dispute within five (5) business days of receipt and inform the caregiver or educational decision-maker in writing of the result.
- e. The Foster Care Liaison will verify receipt of the written decision by the caregiver or educational decision-maker.

### **2. Level II**

- a. The student's caregiver or educational decision-maker may appeal a Level I decision to the Superintendent or their designee by providing the Superintendent's office with a copy of the Level I appeals package within ten (10) business days of their receipt of the Level I decision.
- b. 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 provided by the caregiver or educational decision-maker and/or Foster Care Liaison; and
  - 3) Instructions on appealing the decisions.
- c. 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 at least one representative from DCYF or another supervising agency. If it is not possible for the DCYF 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.
- d. 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 evidence, reasons for the decision, and an appeals package that includes:
  - 1) A copy of the initial dispute filed at the Level I and the Foster Care Liaison's decision;

- 2) The Superintendent or designee's written decision;
- 3) Any additional information provided by the caregiver or education decision-maker and/or Foster Care Liaison; and
- 4) Instructions on appealing the decision, including the physical and email address of where to submit appeal-related documentation:

Office of the Superintendent of Public Instruction (OSPI)  
Foster Care Education Program Supervisor  
Old Capital Building  
PO Box 47200  
Olympia, WA 98504-7200  
[fostercare@k12.wa.us](mailto:fostercare@k12.wa.us)

And also to:

Foster Care Liaison  
Seattle Public Schools  
P.O. Box 34165 MS-31-644  
Seattle, WA 98124-1165

- e. The 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 decisions and appeals package by the caregiver or education decision-maker.

### 3. Level III

- a. If the student's caregiver or educational decision-maker disagrees with the decision of the Superintendent or designee, they may appeal the decision by notifying the district's Foster Care Liaison or Superintendent or designee within ten (10) business days of receipt of the Level II decision of their intent to file a Level III appeal.
- b. 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.
- c. The caregiver or educational decision-maker may also submit related documentation to the OSPI Foster Care Education Program Supervisor 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 together in one package and sent to both parties via email or the U.S. Postal Service.
- d. The OSPI Foster Care Education Program Supervisor or designee and appropriate DSHS representatives shall make a decision 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 (via certified mail), the DSHS representative engaged by the district at Level II, and the Superintendent. The decision

shall be the final resolution for placement and provision of services for a student in foster care.

- e. The district will maintain records of disputes resolved at Level I, Level II and/or Level III. Records shall be made available to OSPI upon request.

#### **H. Dispute Resolution Process: District v. Child Welfare Agency**

1. If a dispute between the district and the child welfare agency arises that **does not** involve educational placement or the provision of educational services (e.g., failure to collaborate, transportation reimbursements, data sharing, records release policies), either party may seek resolution of the dispute by contacting, in writing, the OSPI Foster Care Education Program Supervisor or designee.
2. Within ten (10) business days of receipt of the dispute, a written decision will be forwarded to the Superintendent, the district's Foster Care Liaison, and the agency representative involved in the dispute. The decisions of OSPI shall be the final resolution for placement and the provision of services for the dependent student.

#### **I. Inter-District Dispute Process**

1. If districts are unable to resolve a dispute regarding the placement of a dependent student, either district may submit a written request to the OSPI Foster Care Education Program Supervisor or their designee seeking resolution.
2. OSPI Foster Care Education Program Supervisor or designee will resolve the dispute within ten (10) business days of notification of the dispute and inform all interested parties of the decision.

Approved: September 2017

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Cross Reference: School Board Policy No. 3116