



SCHOOL BOARD ACTION REPORT

DATE: August 7, 2017
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Alesia Jessie, Family Support Program Manager-(Foster Care Point of Contact) amjessie@seattleschools.org
Patricia Sander, Executive Director Coordinated School Health psander@seattleschools.org; Michael Tolley, Associate Superintendent Teaching and Learning mftolley@seattleschools.org

For Introduction: September 6, 2017
For Action: September 20, 2017

1. TITLE

Adopting Board Policy No. 3116, Students in Foster Care

2. PURPOSE

This Board Action Report adopts new Board Policy No. 3116, Students in Foster Care, in order to meet new requirements of the Every Student Succeeds Act (ESSA), effective October 2016. The changes emphasize the District’s need to be in compliance with the federal regulations that govern the rights of children and youth who reside in foster care.

3. RECOMMENDED MOTION

I move that the School Board adopt Board Policy No. 3116, Students in Foster Care, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

a. Background

The motion to adopt new Board Policy No. 3116, Students in Foster Care is formally required for the Seattle School District to meet its legal obligation.

New provisions under Title 1 ensuring educational stability for children in foster care under section 1111(g)(1)(e) as amended by the Every Student Succeeds Act (ESSA), October 2016, requires an additional Board policy for students in foster care. The ESSA removed the provision of children “awaiting foster care” from the definition of “homeless children and youth” eligible under the McKinney-Vento Act, section 725(2). In accordance with these changes, the ESSA requires the District to identify, enroll, and serve children and youth in foster care. Under the Fostering Connections Act (FCA) established October 2008, the State Education Agencies (SEAs) and the Local Education Agencies (LEAs) are required to work with child welfare agencies to ensure educational stability of children in foster care and the successful implementation of the FCA(5).

The FCA requires that the District appoint a person to serve as a point of contact (POC) with appropriate state, local and/or tribal child welfare agencies to receive notifications and share information regarding the status and progress of students in foster care. The FCA includes a mandate that SEAs and LEAs work together with other child welfare agencies to ensure youth in foster care receive adequate access to resources, such as transportation, as a means to help ease chronic absenteeism and boost academic success.

In order for the District to be in compliance with the FCA and new ESSA regulations, the District is required to identify and adopt new Board Policy No. 3116.

b. Alternatives

No alternatives are available, given that the adoption of Board Policy 3116 is required by Federal law, under the ESSA, effective October 2016.

c. Research

Research and data indicate that students in foster care may experience significant negative impact on children academically, socially, and emotionally.

Students in foster care experience greater school mobility than their non-foster care peers. School mobility may cause interruption to a child’s education and is associated with lower school achievement and increased risk of dropping out of school.

Students in foster care are at a greater risk of being chronically absent than their non-foster care peers. Chronic absenteeism is associated with lower academic achievement and higher dropout rates.

5. FISCAL IMPACT/REVENUE SOURCE

The District is responsible for providing school stability and educational supports for children in foster care as needed. These supports may include items such as clothing (apparel required to fully participate in school activities), student fees, test fees, personal supplies such as backpacks, immunizations, food, medical/dental services, counseling services, extended learning, and tutoring.

The fiscal impact of this action is estimated at \$51,000. This cost is eligible to be paid with Title I, Part A funds, under the ESSA law.

The revenue source for this motion is Title 1.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

- Not applicable
- Tier 1: Inform
- Tier 2: Consult/Involve
- Tier 3: Collaborate

In accordance with the FCA, key stakeholders including Title 1 Coordinator, Program Supervisor for Foster Care for the Office of Superintendent of Public Instruction (OSPI), Regional Contact for the Department of Social & Health Services-Children’s Administration, Treehouse, Youth Care, and the Washington Foster Care Regional Support teams were consulted.

Staff will continue to work with community partners and school staff to implement the new policy and procedures.

In addition, Washington State Directors’ Association (WSSDA) reference documents outline procedural guidelines that informed Policy No. 3116.

7. EQUITY ANALYSIS

The Racial Equity Analysis tool was not applied for this decision because the new provisions under the FCA, as amended by the ESSA, supports racially equitable outcomes for students experiencing foster care placement.

8. STUDENT BENEFIT

ESSA requires the District to identify, enroll, and serve children and youth in foster care. The mandate requires SEAs and LEAs work together with state, local or other child welfare agencies to ensure youth in foster care receive adequate access to resources.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item

Other: _____

10. POLICY IMPLICATION

Board Policy No. 3116 Students in Foster Care

11. BOARD COMMITTEE RECOMMENDATION


This motion was discussed at the Operations Committee meeting on August 23, 2017. The Committee reviewed the motion and moved the item forward to the full board for consideration.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the policy will take immediate effect. Upon approval of this motion, the policy will be posted on the Board website. A Superintendent's Procedure will be routed for approval, and the District will collaborate with child welfare agencies to reach a mutual understanding on payment for services.

13. ATTACHMENTS

- School Board Policy No. 3116, Students in Foster Care (for approval)
- Superintendent Procedure 3116SP, Students in Foster Care (for reference)

	<p>STUDENTS IN FOSTER CARE</p>	<p>Policy No. 3116</p> <p>[DATE]</p> <p>Page 1 of 2</p>
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It is the policy of the Seattle School Board that every student receives the high-quality instruction, supports, and interventions they need to graduate high school on time and prepared for the future. Students in foster care experience mobility in and out of the foster care system and from one home placement to another. This mobility may disrupt education and create barriers to academic success and on-time graduation. By collaborating with involved state, local, and/or tribal child welfare agencies, the District will strive to minimize or eliminate educational barriers for students in foster care, particularly with regard to enrollment, transfer of student records, and transportation to their school of origin. The District will review unexpected or excessive absences and facilitate on-time grade level progression and graduation of students in foster care.

The Superintendent or his or her designee will appoint a staff member to serve as the District’s point of contact for local child welfare agencies if such agencies notify the District in writing that they have designated a point of contact for the District. This staff member will work with the involved state, local, and/or tribal child welfare agencies to receive notifications and share information regarding the status and progress of students in foster care. This staff member will also work collaboratively with the District’s Title I coordinator to provide supports for students in foster care that are enrolled in, or seeking to enroll in, the District.

Whenever practical and in the student’s best interest, students in foster care will remain enrolled in the school they were attending upon entering foster care. To determine the student’s best interest, the District will consider the factors provided in the procedures that accompany this policy. In addition, students in foster care who need transportation to their school of origin will have their transportation provided, arranged, and funded pursuant to the procedures that accompany this policy.

If remaining in the student’s school of origin is determined not to be in the student’s best interest, the District will immediately enroll the student in their new school. Enrollment will not be denied or delayed based on a failure to provide documents that are normally required for enrollment. Further, the District will expedite the transfer of records for former students in foster care that are placed in a school outside of the District.

The Superintendent is authorized to establish procedures for implementing this policy.

Adopted: [DATE]

Revised:

Cross Reference: 3115

Related Superintendent Procedure: 3116SP; 3115SP

Previous Policies:

Legal References: RCW 28A.150.510 Transmittal of education records to department of social and health services – Disclosure of educational records – Data sharing agreements – Comprehensive needs requirement document – Report; RCW 28A.225.023 Youth dependent pursuant to Chapter 13.34 RCW – Review of unexpected or excessive absences – Support for youth’s school work; RCW 28A.225.215 Enrollment of children without legal residences; RCW 28A.225.330 Enrolling students from other districts – Requests for information and permanent records – Withheld transcripts – Immunity from liability – Notification to teachers and security personnel – Rules; RCW 28A.320.192 On-time grade level progression and graduation of students who are dependent youth; RCW 74.13.550 Child placement – Policy of educational continuity; 20 U.S.C. 6301 et seq. Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (ESSA); The Indian Child Welfare Act of 1978

Management Resources:

Superintendent Procedure 3116SP Students in Foster Care



Approved by: _____ Date: _____

Dr. Larry Nyland, Superintendent

It is the policy of the Seattle School Board that every student receives the high-quality instruction, supports, and interventions they need to graduate high school on time and prepared for the future. To the extent practical and as required by law, the District shall work with students in foster care, their designated caregivers, and social workers to provide stability in school attendance and other services.

A. The Foster Care Liaison

The Superintendent or his or her 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 state, local, and/or tribal welfare agencies (The Indian Child Welfare Act of 1978) to receive notification and share information regarding the status and progress of students in foster care.

The District Foster Care Liaison will:

1. Ensure that students placed in foster care have full and equal opportunity to succeed in school;
2. Ensure that students in foster care are enrolled and are able to continue at their school of origin if requested or in their best interest;
3. Collaborate with transportation department to develop and implement transportation procedures;
4. Provide child-centered best interest determination for school placement;
5. Document all best interest determination processes as well as collaboration with the child welfare agency;
6. Facilitate the transfer of records and immediate enrollment;
7. Facilitate data sharing with child welfare agencies that is in compliance with FERPA and other student privacy legal requirements;
8. Manage transportation costs disputes;
9. Coordinate all appeals of education-based decisions for students in foster care and district appeals of inter-agency disputes; and
10. 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 Foster Care Students

1. "Foster Care" means twenty-four (24) hours per day temporary, substitute care for the child placed away from the child's parents or guardians, and for whom the Department of Social and Health Services (DSHS) or a licensed or certified child placing agency has placement and care responsibility. This includes any out-of-

home care (including a relative or suitable person), so long as the child is under the placement and care of DSHS, and placed in out-of-home care by DSHS.

2. "School of origin" means the school in which a child is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin would be considered the school in which the child is enrolled at the time of placement change.
3. "Best interest determination" means using child-centered criteria for determining which educational setting is best for a particular child. 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 his or her assigned school and the cost of transporting a student in foster care to his or her school of origin. The District would, for example, incur an additional cost if it had no choice but to reroute buses to transport a student in foster care 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 children and youth in foster care. Additional decision-makers such as the birth parent, education liaison, or other appropriate adult 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 Children's Administration (CA) the foster care notification form that verifies students placed in state custody for school enrollment. This form will be provided to Enrollment and the current or receiving school.
2. Identify foster care students by using the Comprehensive Education Data and Research System (CEDARS) through a collaborative effort between OSPI and DSHS. This will help with identifying children and youth in care to focus on services, data collection, and outreach efforts.
3. Include the Foster Care Liaison's contact information on the Seattle Public Schools website.
4. Access foster care student data available in the Comprehensive Education Data and Research System (CEDARS).
5. Provide foster care training, as needed.
6. Provide materials for social workers and foster parents for foster children and youth, in all applicable languages.
7. Develop agency partnerships to serve foster children and youths, as needed.

D. Placement and Enrollment

1. Upon receipt of notification from Children's Administration that verifies a student has been placed in state custody or will be moving to a new foster care placement, the Foster Care Liaison will, in a timely manner, determine the appropriateness of the current educational setting.
2. In order to minimize disruption to a foster care student's education, it is presumed that students in foster care 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 the foster care student will change school placement, 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 foster 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 foster care students, even if they have missed application or enrollment deadlines during any period while in foster care or 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 placement in the school of origin is in question, 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 parent and caregiver or educational decision-maker to determine a placement that is in the student's best interest. The following list includes, but is not limited to, factors that should be considered:
 - 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 child (including safety);
 - f. The availability and quality of services in the school to meet the child's educational and social-emotional needs;
 - g. History of school transfers and their 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 the Children's Administration'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 (see Dispute Resolution Process below) after the best interest determination. Only a caregiver or education decision-maker for the student may file an appeal using the Dispute Resolution Process.

F. Transportation

1. Transportation will be provided for foster care students to their school of origin while in foster care placement or until the end of the academic school year if the student exits foster care.
2. The District and Children's Administration will develop and implement clear, written procedures governing transportation to maintain students in foster care in their school of origin, when it is in their best interest.
3. The District and Children's Administration 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 agrees 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 student in foster care.
 - 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 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 his/her 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 DSHS or another supervising agency. If it is not possible for the DSHS 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.
 - 4) Instructions on appealing the decision, including the physical and email address of where to submit related documentation for the appeal

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

And also to:

Foster Care Liaison
Seattle Public Schools
P.O. Box 34165 MS-33938
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, he or she 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 into one package and sent to both parties via email or the US 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 child or youth in foster care in the District.
 - 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 a child or youth in foster care in the District.

I. Inter-District Dispute Process

1. If districts are unable to resolve a dispute regarding the placement of a foster care student or youth, either district may submit a written request to the OSPI Foster Care Education Program Supervisor or 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: [DATE]

Revised:

Cross Reference: School Board Policy No. 3115