



# **SCHOOL BOARD ACTION REPORT**

**DATE:** June 21, 2018  
**FROM:** Denise Juneau, Superintendent  
**LEAD STAFF:** Wyeth Jessee, Chief of Student Support Services,  
rwjessee@seattleschools.org  
Alesia Jessie, Family Support Program Manager,  
amjessie@seattleschools.org, 252-0850

**For Introduction:** August 29, 2018  
**For Action:** September 5, 2018

## **1. TITLE**

Motion to amend Board Policy No. 3116, Students in Out-of-Home (Foster) Care.

## **2. PURPOSE**

This action amends Board Policy No. 3116, Students in Foster Care.

## **3. RECOMMENDED MOTION**

I move that the School Board amend Board Policy No. 3116, Students in Out-of-Home (Foster) Care, as attached to the Board Action Report.

## **4. BACKGROUND INFORMATION**

### **a. Background**

On March 21, 2018, Governor Inslee signed ESHB 2684, Students in Out-of-Home Care – Best Interest Determinations. Effective September 1, 2018, this legislation defines and modifies the process for making educational placement decisions for students placed in out-of-home care, formerly known as foster care. Replacing references to “foster care” with “out-of-home care” communicates the status of those children more accurately, as children placed out of the care of their parents could be in a foster family home but could also be in a licensed group care facility, or in another home, such as that of a relative other than a parent. New requirements in the legislation include that the out-of-home care liaison in collaboration with the Department of Children, Youth, and Families (DCYF) should make best interest determinations as quickly as possible to prevent educational discontinuity for the student. Further, the legislation states that when making best interest determinations, every effort should be made to gather meaningful input from “relevant and appropriate persons” regarding which school the student should attend while placed in out-of-home care. Board Policy No. 3116, Students in Out-of-Home (Foster) Care, as amended, aligns our current policy to the changes in the law.

### **b. Alternatives**

Not amend the policy. This alternative is not recommended as the changes reflect new law that the District must follow.

c. **Research**

Review of ESHB 2684, current Board Policy No. 3116, and the Washington State School Directors' Association (WSSDA) Policy 3116.

5. **FISCAL IMPACT/REVENUE SOURCE**

There is no direct fiscal impact to amending Policy No. 3116.

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

If this motion is passed by the Board, the amended policy will be posted online, all impacted departments will be informed, and the policy will be used by our out-of-home care liaison in the practice of their work and to educate District staff.

7. **EQUITY ANALYSIS**

The use of the Racial Equity Analysis Tool brought to light the need to be aware of bias when applying the "best interest determination" analysis for students in out-of-home care. As a result, additional language and a cross reference to Board Policy 0030 was added to the policy to help ensure that students will benefit equally from this work.

8. **STUDENT BENEFIT**

Adoption of the amended policy will provide clear guidance for our District Out-of-Home Care Liaison. This policy further clarifies the requirements the District will follow to support each child that is in out-of-home care, including transportation, school placement, and access to the National School Lunch Program free and reduced-price meals.

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**

This policy will amend Board Policy No. 3116.

**11. BOARD COMMITTEE RECOMMENDATION**


This motion was discussed at the Operations Committee meeting on August 22, 2018. The Committee reviewed the motion and moved the item forward for consideration by the full Board.

**12. TIMELINE FOR IMPLEMENTATION**

Upon approval of this motion, the amended policy will be posted online and used by our out-of-home care liaison to ensure the District is following the recent changes to state law.

**13. ATTACHMENTS**

- Board Policy No. 3116 (clean – for approval)
- Board Policy No. 3116 (tracked changes – for reference)
- RCW 28A.225.350, Students in Out-of-Home Care – Best Interest Determinations
- RCW 28A.320.360, Students in Out-of-Home Care – School Districts and the Department of Children, Youth, and Family Collaboration

	<b>STUDENTS IN OUT-OF-HOME (FOSTER) CARE</b>	<b>Policy No. 3116</b>  <b>Date</b>  <b>Page 1 of 3</b>
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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 prepare for the future. Students in out-of-home care are likely to 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 out-of-home 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 out-of-home care.

Throughout the processes involved in this work, the District will maintain as a priority the provision of services wherein all students in out-of-home care will have the opportunity to benefit equally regardless of their race, class, or other personal characteristics such as creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

The Superintendent or their designee will appoint a staff member to serve as the District's liaison for local child welfare agencies. The liaison will:

1. Coordinate with the Department of Children, Youth, and Families (DCYF) on the implementation of state and federal laws related to students in out-of-home care;
2. Coordinate with the Foster Care Education Program (FCEP) staff at OSPI;
3. Attend training and professional development to improve District implementation;
4. Serve as the primary contact person for representatives of DCYF;
5. Lead and document the development of a process for making best interest determinations;
6. Facilitate immediate enrollment of students in accordance with RCW 28A.225.330;

7. Facilitate the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;
8. Facilitate data sharing with child welfare agencies consistent with state and federal privacy laws and rules;
9. Develop and coordinate local transportation procedures;
10. Manage best interest determination and transportation cost disputes according to best practices developed by OSPI;
11. Ensure that students in out-of-home care are enrolled in and regularly attend school, consistent with RCW 28A.225.023; and
12. Provide professional development and training to school staff on state and federal laws related to students in out-of-home care and their educational needs.

The District's out-of-home care liaison 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 out-of-home care. This liaison will also work collaboratively with the District's Title I coordinator, building points of contact, and/or other staff or agencies to provide needed supports for students in out-of-home care that are enrolled in, or seeking to enroll in, the District.

Best interest determinations should be made as quickly as possible to prevent educational discontinuity for the student. Whenever practical and in the student's best interest, students in out-of-home care will remain enrolled in the school they were attending upon entering out-of-home 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 out-of-home 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. Students will also automatically be enrolled in the free and reduced-price meals program.

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 out-of-home care that are placed in a school outside of the District.

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

Adopted: September 2017

Revised:


Cross Reference: Board Policy No. 0030, 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; RCW 74.13.560 Educational Continuity – Protocol Development; RCW 74.13.631 School-Aged Youth in Out-of-Home Care – School Placement Options; RCW 28A.300.800 Education of School-Age Children in Short-Term Foster Care – Working Group – Recommendations to Legislature; 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:**

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>STUDENTS IN <b>FOSTER CAREOUT-OF-HOME (FOSTER) CARE</b></p>	<p>Policy No. 3116 <del>September 20, 2017</del> <u>Date</u> Page 1 of 3</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 ~~fooster careout-of-home care~~ are likely to 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 ~~fooster careout-of-home care~~ 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 ~~fooster careout-of-home care~~ care.

Throughout the processes involved in this work, the District will maintain as a priority the provision of services wherein all students in out-of-home care will have the opportunity to benefit equally regardless of their race, class, or other personal characteristics such as creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

The Superintendent or ~~his or her~~ their designee will appoint a staff member to serve as the District's ~~point of contact liaison~~ for local child welfare agencies if such agencies notify the District in writing that they have designated a point of contact liaison for the District. The liaison will:

1. Coordinate with the Department of Children, Youth, and Families (DCYF) on the implementation of state and federal laws related to students in out-of-home care;
2. Coordinate with the Foster Care Education Program (FCEP) staff at OSPI;
3. Attend training and professional development to improve District implementation;
4. Serve as the primary contact person for representatives of DCYF;
5. Lead and document the development of a process for making best interest determinations;

6. Facilitate immediate enrollment of students in accordance with RCW 28A.225.330;
7. Facilitate the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;
8. Facilitate data sharing with child welfare agencies consistent with state and federal privacy laws and rules;
9. Develop and coordinate local transportation procedures;
10. Manage best interest determination and transportation cost disputes according to best practices developed by OSPI;
11. Ensure that students in out-of-home care are enrolled in and regularly attend school, consistent with RCW 28A.225.023; and
12. Provide professional development and training to school staff on state and federal laws related to students in out-of-home care and their educational needs.

~~This staff member~~ The District's out-of-home care liaison 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~~ out-of-home care. This ~~liaison staff member~~ will also work collaboratively with the District's Title I coordinator, -building points of contact, and/or other staff or agencies to provide needed supports for students in ~~foster care~~ out-of-home care that are enrolled in, or seeking to enroll in, the District.

Best interest determinations should be made as quickly as possible to prevent educational discontinuity for the student. Whenever practical and in the student's best interest, students in ~~foster care~~ out-of-home care will remain enrolled in the school they were attending upon entering ~~foster care~~ out-of-home 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~~ out-of-home 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. Students will also automatically be enrolled in the free and reduced-price meals program.

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~~ out-of-home care that are placed in a school outside of the District.

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

Adopted: September 2017

Revised:

Cross Reference: [Board Policy No. 0030](#), 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; [RCW 74.13.560 Educational Continuity – Protocol Development](#); [RCW 74.13.631 School-Aged Youth in Out-of-Home Care – School Placement Options](#); [RCW 28A.300.800 Education of School-Age Children in Short-Term Foster Care – Working Group – Recommendations to Legislature](#); 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:**

**RCW 28A.225.350**

**Students in out-of-home care—Best interest determinations.** (Effective September 1, 2018.)

(1) The protocols required by RCW 74.13.560 for making best interest determinations for students in out-of-home care must comply with the provisions of this section.

(2)(a) Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student.

(b) When making best interest determinations, every effort should be made to gather meaningful input from relevant and appropriate persons on their perspectives regarding which school the student should attend during his or her time in out-of-home care, consistent with the student's case plan.

Relevant and appropriate persons include:

(i) Representatives of the department of children, youth, and families;

(ii) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;

(iii) Biological parents;

(iv) Foster parents;

(v) Educational liaisons identified under RCW 13.34.045;

(vi) The student's relatives; and

(vii) Depending on his or her age, the student.

(3) In accordance with RCW 74.13.550, whenever practical and in their best interest, students placed into out-of-home care must remain enrolled in the school that they were attending at the time they entered out-of-home care.

(4) Student-centered factors must be used to determine what is in a student's best interest. In order to make a well-informed best interest determination, a variety of student-centered factors should be considered, including:

(a) How long is the student's current out-of-home care placement expected to last?

(b) What is the student's permanency plan and how does it relate to school stability?

(c) How many schools has the student attended in the current year?

- (d) How many schools has the student attended over the past few years?
- (e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?
- (f) What are the immediate and long-term educational plans of, and for, the student?
- (g) How strong is the student academically?
- (h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?
- (i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?
- (j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
- (k) Which school does the student prefer?
- (l) How deep are the child's ties to his or her school of origin?
- (m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?
- (n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?
- (o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?
- (p) How anxious is the student about having been removed from the home or about any upcoming moves?

8/22/2018 RCW 28A.225.350: Students in out-of-home care—Best interest determinations. (*Effective September 1, 2018.*)

<http://app.leg.wa.gov/RCW/default.aspx?cite=28A.225.350> 2/2

- (q) What school does the student's sibling attend?
- (r) Are there safety issues to consider?
- (5) The student must remain in his or her school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers.

(6) School districts are encouraged to use any:

(a) Best interest determination guide developed by the office of the superintendent of public instruction during the discussion about the advantages and disadvantages of keeping the student in the school of origin or transferring the student to a new school; and

(b) Dispute resolution process developed by the office of the superintendent of public instruction when there is a disagreement about school placement, the provision of educational services, or a dispute between agencies.

(7) The special education services of a student must not be interrupted by a transfer to a new school.

(8) For the purposes of this section, "out-of-home care" has the same meaning as in RCW 13.34.030.

[ 2018 c 139 § 2.]

NOTES:

Effective date—2018 c 139: "This act takes effect September 1, 2018." [ 2018 c 139 § 7.]

**RCW 28A.225.360**

**Students in out-of-home care—School districts and the department of children, youth, and families collaboration.** (Effective September 1, 2018.)

School districts must collaborate with the department of children, youth, and families as provided in RCW 74.13.560.

[ 2018 c 139 § 1.]

NOTES: Effective date—2018 c 139: See note following RCW 28A.225.350.