STUDENTS IN FOSTER CARE

Definitions

This policy defines the following:

- *Foster care* as defined in 45 U.S.C. 1355.20 and NDCC 50-11-0.1(7).
- *School of origin* means the school in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the school of origin would then be considered the school in which the student is enrolled at the time of the placement change. Districts must ensure a student in foster care remains in the school of origin unless it is not in the student's best interest as determined as set forth herein.
- *Best interest determination* shall take into account all relevant factors, including, but not limited to, length of placement, student and/or student's parent(s) or guardian preference, safety issues, and the proximity to the school in which the student is enrolled at the time of foster care placement. Transportation costs must never be considered when determining best interest determination.
- *Immediate enrollment* means within twenty-four hours of the best interest determination. Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided. The enrolling school must immediately contact a student's school of origin to obtain the relevant records, and the school of origin should immediately transfer those records.

Foster Care Student Point of Contact

The Board designates the school counselor and/or principal as the district's Foster Care Point of Contact. This individual must perform all duties required by law to ensure the educational stability of a student in foster care.

Best Interest Determination

The District shall collaborate with state, local and tribal child welfare agencies, as applicable, and seek to eliminate barriers to school attendance for a student in foster care as defined by law[1]. When feasible and in the best interest of the student, as determined by the local child welfare agency (CWA), in collaboration with the district's Foster Care Point of Contact and other key partners, as applicable, the student in foster care must immediately be enrolled in their school of origin and transportation must be provided in accordance with law.

When not feasible for a student in foster care to attend their school of origin, as determined by the local CWA, in collaboration with the district's Foster Care Point of Contact and other key partners, as applicable, the student must be placed in a school that is in the best interest of the student. The local CWA shall submit such placement decisions to the foster parent or designated caregiver in writing.

If there is a difference of opinion regarding school placement between the District and CWA, the CWA shall be considered the final decision-maker.

[1] https://www2.ed.gov/about/inits/ed/foster-care/index.html

Transportation
The District shall collaborate with state, local and tribal child welfare agencies, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportation will be provided, arranged and funded for a student to remain in their school of origin, when in their best interest, for the duration of their time in foster care.

Dispute Resolution
To the extent feasible and appropriate, when a dispute arises as to the best interest determination, the District must ensure that a student in foster care remains in their school of origin and promptly receives transportation in a cost-effective manner, pending resolution of the dispute. The District shall make reasonable efforts to collaborate with appropriate agencies and aggrieved parties to resolve the dispute at the local level as expeditiously as possible. The aggrieved party wishing to file an appeal of a determination shall notify the district's Foster Care Point of Contact and follow the dispute resolution procedure created by the state.

Foster Care Student Records
The district's Foster Care Point of Contact shall maintain all best interest determination and transportation documents in the foster care student's educational record until there is a change in the student's situation, such as custodial care or new foster parents, or until permanent placement has been established.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- FDH-BR1, Foster Care Student Transportation Plan
- FDH-BR2, Foster Care Student Transportation Dispute Resolution Procedure
- FDH-E1, Foster Care Student Best Interest Determination Form
- FDH-E2, Foster Care Student Transportation Plan

End of Manvel School District #125 Policy FDH..... Adopted: 2/11/19