

FOSTER CARE AND EDUCATIONAL STABILITY

GENERAL STATEMENT

The New Jersey Department of Children and Families (DCF) maintains oversight of the processes involved in identifying and placing children in out-of-home placements. The school district plays a critical role in maintaining the educational stability of children placed in foster care including resource family homes or other out-of-home placements. The follow procedures structure the collaboration between the school district and DCF to optimize educational stability for students placed in foster care and ensure the prompt arrangement of transportation and payment of tuition.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none"> • Implementation and administrative oversight within the district • Transfer of records, written notifications • Appointment of the liaison
Building principal	<ul style="list-style-type: none"> • Implementation and oversight within the school building • Assessment of this regulation
District liaison	<ul style="list-style-type: none"> • Primary contact with the DCP&P case manager and DCF • Facilitates all aspects of the student’s enrollment and adjustment to school to ensure educational stability • Coordinates school services with BA, transportation director, CST, I&RS, school nurse • Facilitates the caregiver’s involvement in school
Business administrator	<ul style="list-style-type: none"> • Tuition calculation, payment • Transportation arrangements, payment
Transportation director	<ul style="list-style-type: none"> • Transportation arrangements
Intervention and Referral Services	<ul style="list-style-type: none"> • Provide assessments for students experiencing health, behavioral, educational or emotional difficulties • Provide appropriate services and/or referral resources
Child Study Team	<ul style="list-style-type: none"> • Implementation of the IEP, when applicable • Evaluation and assessment as necessary and requested
Nurse	<ul style="list-style-type: none"> • Implementation of health care arrangements and plans

DEFINITIONS

“New Jersey State Department of Children and Families (DCF)” was created in July 2006 as New Jersey’s first Cabinet agency devoted exclusively to serving and safeguarding the most vulnerable children and families in the state. DCF includes:

1. Child Protection and Permanency (DCP&P);
2. Children’s System of Care;
3. Family and Community Partnerships;
4. Office of Adolescent Services;
5. Office of Education;
6. Child Welfare Training Academy;
7. Centralized Child Abuse/Neglect Hotline;

“Best interests determination” as used for the purposes of educational stability, is generally made by the DCP&P case manager and if contested by court on whether or not the child should remain in his/her current school. In making a best interest determination the case manager considers several factors including but not limited to safety, proximity, age and grade level, the child’s preference, and special education programing needs (see N.J.S.A. 30:4C-26b for the complete list).

“Case Manager” is the child’s assigned case manager from DCP&P or other state authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management/UCM) who facilitates the child’s placement in any out-of-home setting and has supervision of said child.

“Caregiver” is a person who is licensed by DCF to provide resource family care or is employed by an agency to provide direct care and supervision for a child in a group home, treatment home, teaching family home or supervised transitional living home.

“District of residence” for children placed in resource family homes prior to September 9, 2010, is the school district where the resource family parents reside. On or after September 9, 2010, children placed in resource home care or moved from one resource home to another, the “district of residence” is the school district of the parent or guardian with whom the child lived prior to the most recent placement in resource home care per N.J.S.A. 18A:7B-12. For children placed in a non-resource family home, the “district of residence” is the school district where the parent resides.

“Educational Stability” is the continuation in the present school for a child placed in a resource family home or other out-of-home placement unless it is determined that this is not in the best interest of the child.

“Foster care” means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare 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 pre-adoptive homes.

“Resource family home” means and includes private residences wherein any child in the care, custody, or guardianship of the Department of Children and Families may be placed by the department, or with its approval, for care, and shall include any private residence maintained by persons with whom any child is placed by the Division of Child Protection and Permanency for the purpose of adoption until the adoption is finalized.

“Group home category placement” is any public or private establishment other than a resource home that provides board, lodging, care and treatment services on a 24-hour basis to 12 or fewer children in a homelike, community-based setting. Included in this category are group homes, treatment homes, teaching family homes and supervised transitional living programs.

“Out-of-home placement” is a temporary placement for a child, made by a State agency (DCP&P) or State authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management), in a group home category placement or resource family home, where care of the child is deemed necessary to protect the child’s safety and well-being.

“Parent” is the natural parent, adoptive parent, or an appointed surrogate parent. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights pertaining to N.J.A.C. 6A:14.

“Parental consent” is an agreement in writing from the parent having legal responsibility for educational decision making under N.J.A.C. 6A:14-2.2. The district must ensure that consent is informed and voluntary.

“Resource family home” is a private residence, other than a children’s group home, treatment home, teaching family home or supervised transitional living program, in which board, lodging, care and temporary out-of-home placement services are provided by a resource family parent on a 24-hour basis under the auspices of DCP&P.

PROCEDURES

Collaboration and Communication

The Superintendent shall appoint one or more district liaisons between the district and DCP&P to ensure that students in this district or students transferring to this district affected by placement in foster care including resource family homes or other out-of-home placement receive continuity and stability in their educational program.

The liaison shall have the authority to confer and coordinate the provision of services with DCP&P and school office/admission personnel, transportation staff, the child study team, intervention and referral services, guidance staff, district medical personnel, teachers, the director of special education and the director of curriculum in facilitating the transfer and adjustment of newly enrolled students and students remaining in the district after placement.

Best Interest Determination

A. When a child is placed in foster care including a resource family home or other out-of-home placement, DCP&P has five business days to make an assessment to determine if remaining in the district is in the

child's best interest, and during this assessment the child shall remain in the school that he/she is currently attending;

B. The liaison shall remain in contact with DCP&P to an extent that is practical and follow-up with DCP&P no later than the five business daytime period to ascertain the determination;

C. The liaison shall notify the counseling staff, who may arrange supportive services such as counseling, resource information and other assistance the student may need;

D. If DCP&P indicates that the student may be transferred to another district, the liaison shall begin overseeing the preparations for the transfer of the student's records. No records shall, however, be transferred until DCP&P gives the district the official determination.

Remaining in the District

Once notified by DCP&P that a student has been placed in foster care, including a resource family home or other out-of-home placement, and DCP&P has determined the student shall remain in the district, the liaison shall:

A. Notify the business administrator and/or the transportation director to coordinate transportation services when the placement is remote from the school;

B. Contact the student's caregiver and/or DCP&P case manager to update the student record with new contact information and emergency contact information;

C. Work with the DCP&P case manager regarding any custody and/or notification restrictions related to the court order to place the child;

D. Notify the counseling staff, district intervention and referral services and/or the student's teacher as appropriate, to arrange supportive services such as counseling, resource information and other assistance the student may need.

Transferring into the District

Once notified by DCP&P that a student who has been placed in foster care, including a resource family home or other out-of-home placement, and DCP&P has determined that a transfer is in the best interest of the child, the student shall be transferred into one of the district schools:

A. The liaison, in collaboration with the DCP&P case worker, shall facilitate the child's registration into the school district. Required documents for registration are limited to:

1. Foster/Resource Family Parent Identification letter or other agency letter pursuant to N.J.A.C. 6A:22-4.1;
2. Caregiver proof of residency. The district must accept, as proof of a child's address, any combination of documents that establish residency, including deeds, leases, mortgages, utility bills or other documents (N.J.A.C. 6A:22-3.4).

B. A child has the right to attend school. The district shall not delay or deny attendance based on its non-receipt of:

1. A certified copy of the child's birth certificate or other proof of identity. This is required within 30 days of initial enrollment (N.J.A.C. 6A:22-4.1(g); N.J.S.A. 18A:36-25.1);
2. Medical information, although attendance at school may be deferred while awaiting immunization records (N.J.A.C. 6A:22-4.1(h); N.J.A.C. 8:57-4);
3. The child's prior educational record pursuant to N.J.A.C. 6A:22-4.1(i).

C. The liaison, in collaboration with the DCP&P case worker, shall follow-up by contacting the district of previous attendance to ensure that the transfer of records from the school of previous attendance is being processed and to verify when the records will be sent;

D. The liaison, in conjunction with the DCP&P case manager, shall collect the necessary signed consent to release documentation so that staff members from the school of previous attendance and other relevant service providers may be consulted regarding continuity of the student's educational program. This may include the student's health, special education, social and emotional needs and other information necessary to assist with a smooth transition to the district;

E. The liaison, in collaboration with the DCP&P case worker, shall ensure that the child is referred for intervention and referral services (I&RS) to assist when the child is experiencing learning, behavior or health difficulties (see board policy 6164.1 Intervention and Referral Services). The I&RS team shall collaborate with district liaison and the DCP&P case worker to identify out-of-school interventions when appropriate;

F. The liaison, in collaboration with the DCP&P case worker, and the school nurse shall make provisions for the health care needs of the student including, but not limited to, disseminating the appropriate notices and information to pertinent staff members regarding allergies, provisions of the individualized health care plan and the administration of medication and emergency medication as appropriate;

G. If I&RS is provided for children receiving special education, the services shall be coordinated with the child's IEP team, as appropriate (N.J.A.C. 6A:16-8.1) and according to board policy 6171.4 Special Education;

H. Appropriate instruction shall be provided to children performing below established standards of proficiency to improve their performance (N.J.A.C. 6A:8-4.3(c) and board policy 6171.1 Remedial Instruction);

I. The liaison shall work with the DCP&P case worker and the appropriate district staff to locate and identify children with disabilities to ensure that children with suspected educational disabilities are evaluated, and to ensure that there are no interruptions in special education and related services. Within 30 days, the district shall either adopt the current IEP or conduct all necessary assessments and develop and implement a new IEP for the student (board policy 6171.4 Special Education and N.J.A.C. 6A:14-4.1(g));

J. Schools identified as priority and focus schools will work with the Regional Achievement Centers to determine which interventions will be used pursuant to the approved Elementary and Secondary Education Act (ESEA) flexibility waiver;

K. The liaison, or his or her designee, shall contact the caregiver with district website information and written materials clearly identifying any and all available student support services such as tutoring, summer school, homework help and after school programs;

L. The liaison, or his or her designee, may offer training to parents and caregivers/caregiver agencies on how to participate in and support the education of children in their care.

M. Upon enrollment, the liaison or his or her designee shall make a reasonable effort to ascertain the child's past involvement in extracurricular activities and current interests to match the child with available programs, activities, etc.;

N. Within the first two weeks of enrollment, a list of programs, services, planned events, and extracurricular activities shall be distributed to the child and their parents/caregivers.

Transfer of Records

Records shall be transferred according to the following guidelines:

A. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;

B. Original mandated student records that the board of education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;

C. All records to be forwarded, including disciplinary records, shall be sent to the Superintendent or his or her designee of the school district to which the student has transferred within 10 school days after the transfer has been verified by the requesting school district;

D. The Superintendent or his or her designee shall request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;

E. Upon request, the Superintendent or his or her designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

F. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity shall be requested at the time of enrollment in a new school district;

District of Residence

The district of residence is responsible for continuing to educate a child within its own district or paying tuition for a child attending school in another district, and for providing for any needed transportation. Five school days after the best interest determination has been made, the district of residence must make arrangements for, and pay the cost of the transportation, wherever the child attends school. The district of residence is determined according to the following:

A. Placement in a resource family home:

1. When a child was placed in a resource family home prior to September 9, 2010, the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred;
2. When a child was or is placed in a resource family home on or after September 9, 2010, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

B. Placement in residential State facilities

When a child is placed in a residential State facility, or has been placed by State agencies in a group home, skill development home, private school or out-of-State facility, the district of residence shall be the

present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

Tuition

A. When a student is transferred into this district and his or her district of residence is other than this district tuition shall be assessed and the business administrator shall be responsible for the following, including but not limited to:

1. The calculation of the tuition rate according to all the provisions of N.J.A.C. 6A:23A-17.1 describing the method of determining the tuition rate including the calculation of the actual cost per student, the estimated cost per student, and the estimated daily average enrollment;
2. Obtaining certification of the actual cost per student for each tuition category for a given year from the Commissioner;
3. Establishing by written contractual agreement with the district of residence, a tentative tuition charge for budgetary purposes;
4. Using the forms prepared by the Commissioner of Education for certification of the actual cost per student for each tuition category for contracts, and for establishing the estimated cost per student for each tuition category for the ensuing school year;
5. When necessary and appropriate preparing proof that the charge for the use of the school facilities is not adequate and submitting it to the Commissioner for approval of an additional charge for the use of school facilities school facilities.

B. When this district is the district of residence responsible for paying the student's tuition, the business administrator shall be responsible for the following, including but not limited to:

1. Verifying all the receiving district's documentation related to the calculation of tuition;
2. Taking the appropriate actions to ensure that the payment of tuition is expedited promptly;
3. Making the necessary budgetary adjustments to account for district expenses related to tuition.

If the district of residence cannot be determined by DCF, or if a district of residence is outside of the State, or if the child has resided in a domestic violence shelter or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per student cost established by law (N.J.S.A. 18A:7F-24). This amount shall be appropriated in the same manner as other State aid. The Department of Education shall pay the amount to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission.

In the case of a homeless child or a child in a family resource home, the Department of Education shall pay to the school district in which the child is enrolled the weighted base per student amount calculated according to law (N.J.S.A. 18A:7F-49) and the appropriate security categorical aid per student and special education categorical aid per student.

If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the Department shall pay the tuition to the Department of Human Services, the Department of Children and Families or the Juvenile Justice Commission, as appropriate. In addition, the Department of Education shall pay such aid as required to make the total amount of aid equal to the actual cost of the tuition.

Transportation

The child's district of residence is required to provide for transportation of the child to and from school. When this district is the district of residence as defined by law and board policy (5118.2) the following procedures shall apply:

- A. The liaison shall notify the business administrator and/or transportation director of any changes affecting the student's transportation arrangements;
- B. The business administrator and/or transportation director shall determine if the child is eligible for transportation services and arrange for those services;
- C. To ensure a smooth transition, DCP&P shall be responsible for the provision of, and payment for, transportation for the first five days after the placement decision is made;
- D. The district liaison shall cooperate with the DCP&P caseworker in arranging transportation to and from the school district that the child attends based on the best interest determination at the same time that DCP&P provides its notification. If the child is eligible for transportation and the district agrees to arrange and provide the transportation, the district shall bill DCP&P for the transportation costs for the first five days after the placement decision;

E. Beginning on the sixth school day after a child’s educational placement is determined, the child’s district of residence shall be responsible for the provision of any mandated transportation services. Should the district be unable to provide the transportation service at that time, DCP&P will continue to provide transportation and shall bill the district for the additional service;

F. Problems regarding the arrangements for required transportation shall be referred to the County Office of Education. If the matter cannot be resolved with the assistance of the county office, DCP&P educational liaisons should contact the DCP&P Statewide Educational Stability Administrator.

REGULATION HISTORY

Adopted: April 14, 2021

2415.30 TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

Federal Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), initiated protections for children in foster care that further enhanced the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act). These provisions require school districts to work with child welfare agencies to ensure the educational stability of children in foster care. New Jersey statutes support and implement Federal legislation and require New Jersey's child welfare agencies and school districts to collaborate and to keep children placed in foster care in the same school when their living placements change if remaining in that school is in the child's best interest. The educational stability of children in foster care is the joint responsibility of both the educational and child welfare systems.

The McKinney-Vento Coordinator shall be designated as the Board of Education's point of contact person for all matters related to the educational stability for children in foster care. The point of contact person for the school district shall not be the same person designated as the school district liaison for the education of homeless children.

For the purpose of this Policy, "child welfare agency" shall be the New Jersey Department of Children and Families.

For the purpose of this Policy, "foster care" means twenty-four hour substitute care for children placed away from their parents and for whom the child welfare 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 pre-adoptive homes.

For the purpose of this Policy, "school of origin" is the school district in which the child is enrolled at the time of placement in foster care or the school district of residence as per N.J.S.A. 30:4C-26 and N.J.S.A. 18A:7B-12.

A child in foster care shall remain in his/her school of origin if it is determined to be in the best interest of the child for the duration of time in foster care.

If a student attending the school district in accordance with the provisions of N.J.S.A. 18A:38-1 et seq. is placed in foster care, the school district contact person will collaborate with child welfare agencies to determine whether it is in the child's best interest to remain in the school district taking into consideration all factors relating to the child's best interest. These factors shall include the appropriateness of the current educational setting and proximity of placement (ESEA Section 1111(g)(1)(E)(i)). These factors may include, but are not limited to:

1. Preferences of the child;
2. Preferences of the child's parent(s) or educational decision maker(s);
3. The child's attachment to the school, including meaningful relationships with staff and peers;
4. The proximity of the resource family home to the child's present school;
5. The age and grade level of the child as it relates to the other best-interest factors;
6. The needs of the child, including social adjustment and well-being;
7. The child's performance, continuity of education, and engagement in the school the child presently attends;
8. The child's special education programming if the child is classified;
9. The point of time in the school year;
10. The child's permanency goal and likelihood of reunification;
11. The anticipated duration of the placement;
12. Placement of the child's sibling(s);
13. Influence of the school climate on the child, including safety;
14. The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
15. History of school transfers and how they have impacted the child;

16. How the length of the commute would impact the child, based on the child's developmental stage;
17. Whether the child is a student with a disability under the Individuals with Disabilities Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
18. Whether the child is an English language learner (ELL) and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act of 1974 (EEOA).

The school district's point of contact person will discuss these factors and will make every effort to gather meaningful input and participation from the relevant parties, including appropriate school personnel, in the best-interest determination.

Eligible students with disabilities retain their right to receive a free appropriate public education in the least restrictive environment. When making a best-interest determination regarding the educational placement of a student with a disability under IDEA and Section 504, the Board must ensure that all required special education and related services are provided in the least restrictive placement where the child's unique needs, as described in the student's Individualized Education Program (IEP) or Section 504 Plan, can be met. The school district will identify and assess all potential ELL students and provide all ELL students, including ELL students in foster care, with a language assistance program that is educationally sound and proven successful. When a best-interest determination is made for an ELL student in foster care, the Board of Education will comply with its obligations under Title VI and the EEOA.

To the extent feasible, a child shall remain in his/her school of origin until a final best-interest determination is made. The child welfare agency will notify the school district of origin of the child's school placement after collaboration with the Board of Education's point of contact person and after the child's best-interest determination has been made. If a change of school is recommended by the child welfare agency, the new school shall immediately contact the school of origin to obtain relevant academic and other records of the foster care child. The financial responsibility for the payment of tuition for a foster care child placed outside the school district of origin and attending school outside the school district of origin shall be determined by the Commissioner of Education in accordance with N.J.S.A. 18A:7B-12 – Determination of District of Residence.

A foster care child who has been placed in this district and exits foster care during the school year will be permitted to continue in this school district for the remainder of the school year.

In the event there is a disagreement regarding school placement for a child in foster care, the school district will comply with the legal requirements for resolving the dispute. A parent can appeal a best-interest determination whenever the child changes schools.

Children placed in foster care outside the school district of origin, attending a school in that district, will be provided transportation to and from school in accordance with N.J.A.C. 6A:27-6.1 et seq. and the Transportation Policy of that district. The district of origin is financially responsible for transportation costs to and from school.

Children placed in foster care outside the school district of origin, but remaining in a school within the school district of origin, shall receive transportation to and from school on a "cost-efficient" manner and in accordance with Section 475(4)(A) of the Social Security Act for the duration of the time the child is in foster care. The district of origin is financially responsible for transportation costs to and from school.

The cost of transportation shall not be considered when determining the best interest of the child.

Section 475(4)(A) of the Social Security Act provides guidance on “cost-effective” transportation as it relates to the cost of reasonable travel for foster care children placed outside the school district of origin to their school of origin indicating: the child may be dropped off at a bus stop just within the school district of origin to be transported to a school in the district of origin; the school district may offer a public transportation option; the foster care parents or other families may be willing to drive the child to school in the school district of origin; the school district may utilize pre-existing bus routes or stops close to the out-of-district foster care placement that cross school district boundaries; or the foster care child may be eligible for transportation under other Federal or State requirements.

In the event there is a disagreement regarding transportation for a child in foster care, the school district will comply with the New Jersey Department of Education requirements for resolving the dispute. The Board of Education shall provide or arrange for adequate and appropriate transportation for foster care children while any disputes are being resolved.

In all cases regarding student data and records, the Board of Education will comply with all statutory requirements to protect student privacy, including Family Education Rights and Privacy Act (FERPA), and all other privacy requirements under Federal laws, State statutes, and administrative codes.

N.J.S.A. 18A:7B-12

N.J.S.A. 30:4C-26

New Jersey Department of Education Memorandum dated October 4, 2016 –

Ensuring Educational Stability for Children in Foster Care United States Departments of Education and Health and Human Services – Non- Regulatory Guidance - Ensuring Educational Stability for Children in Foster Care – June 23, 2016

Adopted: 14 October 2017