

FOSTER CARE EDUCATIONAL STABILITY POLICY

The District shall collaborate with county and tribal child welfare agencies to ensure the educational stability of children in foster care. Foster care refers to 24-hour substitute care for children placed away from their parents and guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. To the extent required under applicable law, a child in foster care under this policy also includes children who an appropriate child welfare agency indicates are awaiting a foster care placement.

Children in foster care shall have equal access to the same free, appropriate public education as provided to other children in the District. They shall be provided the services and have access to the programs and activities that are offered to other children attending District schools, including educational services for which the children meet eligibility criteria (e.g., special education, Title I programming, programs and services for English Language Learners, talented and gifted programming, etc.), career and technical education programs, and school nutrition programs.

The Appleton Area School District does not discriminate against students on the basis of sex, race, color, religion, age, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression, or physical, cognitive, emotional or learning disability or handicap in its education programs or activities. Discrimination complaints shall be processed in accordance with established procedures.

Cross Reference: Student Records, 347 and 347 Rule
Student Nondiscrimination, 411.2 and 411.2 Rule
School Admissions, 420 and 420 Rule

Legal References: Wisconsin State Statutes: Section 48.38(4), Section 48.383, Section 48.64(1r), Section 48.78, Section 115.298(1)(b), Section 118.125(2)(q), Section 938.78

Federal Laws: Title I, Part A of the Every Student Succeeds Act (ESSA); Title IV of the Social Security Act; Fostering Connections to Success and Increasing Adoptions Act; Family Educational Rights and Privacy Act

Adoption Date: August 28, 2017

FOSTER CARE EDUCATIONAL STABILITY POLICY

Procedure

Foster Care Point of Contact

The District will designate a Foster Care Point of Contact who will have primary administrative-level oversight of the District's services for children who are in foster care. He/she, or a qualified designee, shall be responsible for (1) providing any required assurances to applicable state and federal agencies that the District is complying with applicable state and federal requirements related to ensuring the educational stability of children in foster care; and (2) reasonably monitoring compliance with such assurances.

The District's Foster Care Point of Conduct, or a qualified designee, will:

- Act as the District's primary liaison for the representatives of child welfare agencies who also have responsibility for ensuring the educational stability of children in foster care.
- Coordinate with the points of contact and other appropriate representatives of child welfare agencies and of other educational agencies on the implementation of the Title I provisions related to ensuring the educational stability of children in foster care.
- Work with administrators and other District personnel to periodically review existing policies, procedures, practices, and data to identify and develop proposals to remedy and remove barriers that children in foster care may face in the school enrollment and admission processes, in regularly attending school, in accessing applicable support services (such as school counselors), in accessing academic programs, academic activities, or co-curricular activities, or in receiving appropriate credit for prior academic work.
- Assist appropriate child welfare agency representatives in making "best interest of the child" education decisions, including particularly the determination of whether or not it is in a child's best interest to remain in his/her school of origin or to enroll in a new school.
- Facilitate the continued enrollment of a child in foster care in his/her school of origin; or, if remaining in the school of origin is determined not to be in the child's best interest, facilitate the child's immediate enrollment in a new school even if the child is unable to produce records normally required for enrollment.
- Request, facilitate, and confirm, as applicable, the timely transfer of student records any time a child in foster care will be enrolling in a school (within or outside of the District) other than the school the child is currently attending (or most recently attended).
- Coordinate the implementation of local transportation procedures related to children in foster care and the resolution of any transportation cost disputes, in consultation with the Chief Financial Officer and in accordance with established procedures.
- Facilitate the sharing of student record information with child welfare agency personnel in a manner that is consistent with applicable legal requirements, any applicable record sharing agreements, and established District policies and procedures regarding the maintenance and confidentiality of student records.
- Ensure that children in foster care attending schools in the District have access to and receive the educational services and supports and specialized programming for which they are eligible.

411.3-Rule

- Coordinate professional development activities and resources and serve as a local resource, as needed, for other District staff related to the Title I provisions and the educational needs of children in foster care.
- Coordinate the collection and appropriate reporting of any data that is needed to meet the established legal requirements related to children in foster in care.

School Enrollment

The presumption is that a student will remain in the school of origin (i.e., the school in which the child is enrolled or the last school in which the child was enrolled at the time of placement into out-of-home care); a student should only change schools if remaining in the school of origin is not in the child's best interest, as determined collaboratively by the District and the child welfare agency.

The determination of a child's best interest in relation to school enrollment involves giving consideration to all factors relating to a child's best interest, including but not limited to:

- Preferences of the student, the parent, and any education decision-maker.
- Safety of the student.
- Educational needs and strengths (specialized language services, individual education plans (IEP), talented and gifted programming).
- Expected length of placement and the student's permanency plan.
- Number of schools the student has attended over the past few years and how transfers have impacted the student.
- Continuity in the student's ethnic, cultural, and linguistic background.
- Student's attachment to the school, including meaningful relationships with staff and peers.
- Whether the timing of the transfer would coincide with a logical juncture, such as the end of the school semester or school year.
- What school(s) the student's sibling(s) attend.
- How the length of the commute would impact the student.

The cost of transportation may not be a factor in determining best interest.

If there is a difference of opinion regarding school enrollment between the District and child welfare agency, the child welfare agency is considered the final decision-maker.

Transportation

The District recognizes that in the absence of any separate state or federal transportation obligation that may apply in a specific situation, the federal law related to the educational stability of children in foster care establishes transportation-related obligations that are shared among the school district of residence, the school district of attendance (if different), and the applicable child welfare agencies.

When such transportation is required by federal law and when a District school is the particular child's school of origin, the District's procedures addressing the transportation of children in foster care to their schools of origin are as follows:

A. Transportation Planning

1. A representative of the relevant child welfare agency or the child's agency-designated foster parent or adult caregiver should give clear notice to the District, as soon as practical, that a child in foster care needs, or may need, transportation to a District school that is the child's school of origin. Such notice may be given in writing or verbally directly to the District's Foster Care Point of Contact or his/her designee.
2. When the District is notified that a child in foster care needs, or may need, transportation to a District school serving as the child's school of origin, the District's Foster Care Point of Contact, or his/her designee, will promptly take steps to establish an individualized plan that addresses how transportation to maintain the child in his/her school of origin will be arranged, provided, and funded for the duration of time that the child is in foster care and attending the school of origin. The transportation plan for the child shall be established in consultation with appropriate District staff, appropriate representatives of the child welfare agency (such as the child's caseworker), representatives of any separate resident school district (if applicable), and may also include obtaining input from others who may be involved in education or other decision-making for the child, such as the foster parent or other designated caregiver.
3. The transportation plan for the child will normally be in writing and will normally include the following information:
 - a. A transportation strategy for providing transportation to and from the school of origin on school days, inclusive of identifying:
 - the mode(s) or method(s) of transportation,
 - the person or entity responsible for providing the transportation, and
 - if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any method or mode of transportation.
 - b. To the extent applicable, a description of how the child's school-related transportation will be funded, particularly when the planned transportation involves additional costs as defined under applicable laws and regulations.
 - c. Identification of any further approvals that must be obtained or any contracts or intergovernmental agreements that must be executed in order to implement the transportation plan (e.g., for purposes of funding).
 - d. A communication protocol that the District, representatives of the applicable child welfare agency, and other relevant persons (such as the child's foster parent) will use in order to:
 - address any questions or concerns that arise with the transportation plan (including considering possible adjustments to the child's transportation plan),
 - communicate to the District, as soon as possible, any relevant changes in the child's out-of-home placement that are relevant to the transportation plan, including prompt communication to the District from the child welfare agency who is responsible for the child's care and placement that there is a likely or imminent change in the child's status as a child who is in an out-of-home placement (e.g., that the child will be exiting foster care).

B. Transportation Strategies

Applicable federal law requires procedures to ensure that children in foster care who need transportation to the school of origin promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner that is reasonable under the specific circumstances. Possible methods of transportation, the reliability, safety, distance, and overall commuting time associated with possible methods, and the effect that particular transportation arrangements may have on the child's education and well-being are factors that are relevant to consider for purposes of both the educational placement decision (i.e., whether the student should attend his/her school of origin) and in preparing a transportation plan for a child who is placed at his/her school of origin.

The cost of transportation may not be considered when determining which school enrollment is in a child's best interest, but the cost and funding of different possible methods of transportation are relevant in arranging a transportation plan for a child who is placed at his/her school of origin.

Situations where funding for school transportation has already been designated should be considered, for example:

- The out-of-home caregiver is provided funding to assure the child's transportation.
- The child has transportation written into his or her individualized education plan (IEP) because of disability related needs, where the District is obligated to provide transportation as part of the child's IEP as a "related service" under the Individuals with Disabilities Act (IDEA).

Consideration on how to make transportation cost-effective shall be considered, for example:

- By foster parents (through the foster care payment).
- By group home staff as an Extraordinary Payment.
- By volunteers as individuals or through social organizations.
- Existing public school bus routes (including, for example, a foster parent driving the child to meet a bus for the school of origin along the existing route).
- Public transportation (based on safety, disability, age, etc.).
- Taxis or other private transportation services (based on safety, disability, age, etc.; perhaps with a reduced-cost service contract).
- Walking within a reasonable walk zone (based on safety, disability, age, etc.).

C. Funding for Providing Transportation if Additional Costs Are Involved

Additional costs incurred in providing transportation to the school of origin should reflect the difference between what the District otherwise would spend to transport a student to his/or her assigned school and the cost of transporting a child in foster care to his or her school of origin. For example, if the District provides transportation through an established bus route, there is no additional cost. If the District provides transportation only for the child in foster care (e.g., through a private vehicle or transportation company), the difference between the transportation costs and the usual transportation costs can be considered additional. If the transportation plan for a child in foster care involves additional costs, as defined/allowed under applicable state and federal laws and regulations, the plan will identify the means by which the child's transportation will be funded.

411.3-Rule

Except to the extent that any law or regulation is enacted that provides specific and overriding funding directives, the District will attempt to pursue, and may expressly agree with one or more child welfare agencies to mutually implement, the following priorities and options for funding any additional transportation costs:

1. Unless both the District and the applicable child welfare agency mutually agree that an alternative funding approach is more appropriate to the specific circumstances, the District and agency will first prioritize any funding sources that represent additional aid/funding that would not otherwise be available to use for other purposes if transportation to the school of origin involving additional costs were not being provided for a child. That is, additional funding means an amount of money that the District or agency would not otherwise be entitled to receive and to use for another qualified purpose if the child were not being provided with the transportation in question.
2. If the available additional aid and funding does not sufficiently address the funding of any additional costs of transportation, then the District and each applicable child welfare agency will evaluate and attempt to reach agreement on a means of funding the child's school transportation plan using other strategies and sources of funds. If the District and the child welfare agency cannot come to an agreement, the cost for transportation shall be shared equally. The District and local child welfare agency could share the costs based on:
 - an agreed-upon distance (e.g., the District(s) pays for transportation costs up to a certain number of miles and the child welfare agency pays the remaining transportation costs);
 - the length of time the child requires transportation (e.g., the District(s) pays transportation costs for the first six months of a child's placement, and the child welfare agency pays for transportation costs beyond six months of a child's placement);
 - a split of daily costs/responsibility (e.g., the District(s) is responsible for getting the child to school and the child welfare agency is responsible for managing after-school transportation); or
 - other arrangement agreed to by the involved entities.

In the case where the school of origin and the out-of-home placement are located in different Local Educational Agencies, the two school districts and the child welfare agency will agree on a method for transportation and share costs (CWA- $\frac{1}{2}$; District 1- $\frac{1}{4}$; District 2- $\frac{1}{4}$).

D. Disputes Related to the Transportation of a Child in Foster Care

Except to the extent that any law or regulation is enacted that provides any overriding dispute resolution directives or procedures, if there is disagreement between or among the parties that are involved in determining the method of transportation to the child's school of origin and/or the funding of any additional costs associated with providing such transportation, the District will attempt to pursue, and may expressly agree with one or more child welfare agencies to mutually implement, the following dispute resolution procedures:

411.3-Rule

1. A meeting will be scheduled that involves the Chief Financial Officer (or a qualified and knowledgeable senior-level designee) of each applicable school district and child welfare agency. The parties will attempt to self-mediate the dispute. By mutual agreement, the parties may involve a third party to act as neutral mediator in this process.
2. If the attempt to self-mediate is unsuccessful, or if all relevant parties mutually agree to proceed directly to this step, the parties will attempt to utilize any dispute-resolution process that may be offered by a state-level agency for this purpose (e.g., by the Department of Public Instruction and/or the Wisconsin Department of Children and Families).
3. If the dispute is not resolved after attempting the dispute-resolution methods listed above (to the extent available), then the parties may pursue any other mutually-agreeable means of resolving the dispute, or, in the absence of such agreement, any party may take such additional steps as are deemed necessary to protect its interests and achieve a resolution to the dispute.

Interim Methods of Transportation. In the event of a dispute regarding the method of transportation that will be used to transport a child to his/her school of origin, the District will attempt to identify and make a good-faith effort to arrange for the implementation of a short-term (interim) transportation strategy that will be used for a defined period of time so that the child can promptly receive transportation to the school of origin.

Interim Funding of Transportation. In the event of a dispute between the District and one or more other educational or child welfare agencies regarding the amount of or the means of funding additional costs of transportation to a child's school of origin that is located within the District, the District and any such agency will attempt to define a mutually-agreed-upon, interim funding arrangement that will be implemented for a defined period of time so that the child can promptly receive transportation to the school of origin. In the absence of a voluntary interim funding arrangement, and in order to promptly provide transportation while a dispute is pending, the District will attempt to pursue, and may have an express agreement with one or more child welfare agencies to mutually implement, a default interim funding arrangement under which the District and the child welfare agency that is responsible for the placement and care of the child will each pay an equal share of the disputed additional costs of transportation on an interim basis until the funding dispute is resolved. However, if the child resides in a school district that is different from the school district in which the school of origin is located, and if neither district has exclusive legal responsibility for the transportation, then the two school districts will each contribute 25% of the additional costs.

The final resolution of a funding dispute may require the full or partial reimbursement of funds that were expended under an interim arrangement for the payment of the costs of additional transportation during the pendency of a funding dispute.

E. Duration of Transportation

Transportation will be provided for the duration of the student's time in out-of-home care as long as it continues to be in the child's best interest to remain in the school of origin.

411.3-Rule

To the extent the procedures above conflict with any specific written agreement that the District reaches with a child welfare agency or other party, the specific written agreement shall govern the interactions involving the District and such agency or other party.

Student Records

AASD designates as "school officials" with legitimate educational interests to receive limited student record information those specific individuals or officials from other schools, school systems or child welfare agencies who are working with AASD to implement the requirements of Title 1, Part A of the Elementary and Secondary Education Act. Student information shared with other individuals will be limited to only that information necessary to implement the required services for students. Information that is shared in this process with designated individuals shall not be further disclosed for other purposes. This section shall be construed consistent with the Family Education Rights and Privacy Act, 34 CFR section 99.34, which permits the sharing of information to other schools or school systems to which a student seeks or intends to enroll or to transfer.

Cross Reference: Student Records, 347 and 347 Rule
Student Nondiscrimination, 411.2 and 411.2 Rule
School Admissions, 420 and 420 Rule

Legal References: Wisconsin State Statutes: [Section 48.38\(4\)](#), [Section 48.383](#), [Section 48.64\(1r\)](#), [Section 48.78](#), [Section 115.298\(1\)\(b\)](#), [Section 118.125\(2\)\(q\)](#), [Section 938.78](#)

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