

EDUCATION OF STUDENTS IN FOSTER CARE

Policy Statement: Children in foster care are often a vulnerable and highly mobile student population. Children in foster care typically make more unscheduled school changes than their peers in a given school year. Compared to their peers, students in foster care experience lower high school graduation rates, lower scores on academic assessments, and higher rates of grade retention, chronic absenteeism, suspensions, and expulsions.

It is therefore the policy of the District that children currently enrolled in the District remain as students in the District while in foster care unless there is a determination that it is not in the student's best interest to continue to attend school in the District. It is also the policy of the District that a nonresident student placed in foster care located within the District shall be immediately enrolled in the District if it's not in the child's best interest to stay in the student's district of residence, even if the student is unable to produce records normally required for enrollment.

Definition of Foster Care: 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, and includes placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the State, Tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Notification to the District: The Department of Social Services, Division of Child Protection Services (CPS) will notify the District within one school day when a student has been placed into foster care or has a change in his or her living arrangements. The CPS will also inform the placement could result in a change to the student's school. The District will immediately update the student's foster care status in the student database.

Best Interest: The best interest determination must be based on multiple student-centered factors, including but not limited to appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. The District and the Department of Social Services, Division of Child Protection Services (CPS) will collaborate to develop a joint process for making best interest determinations. The student will remain in his or her school of origin until the District and CPS make a best interest determination. CPS and the District will make a best interest determination within five (5) school days of the student's foster care placement, except in emergency removal situations. CPS and the District will document the decision and next steps. Transportation costs should not be a factor. The District and CPS shall consult the student, if appropriate, and adults who have meaningful relationships with the child. If the District and CPS cannot agree on what is in the best interest of the student, the ultimate decision resides with CPS. To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves.

Immediate Enrollment of Child Placed in Foster Care: If it is not in the child's best interest to stay in his or her school of origin, the student must be immediately enrolled in the new school and eligible to attend classes and receive appropriate academic services even if the student is unable to produce records normally required for enrollment. The enrolling school shall the day of enrollment contact the school last attended to obtain relevant academic and other records and the school of origin is to send the student's records within one (1) school day. CPS will provide the new school with as much information as possible about the student (such as age, grade and academic history) to ensure appropriate support and placement until the school receives relevant records from the school of origin. If the enrolling school does not know the student's grade, it can give grade-level assessments to determine the student's placement until the school receives relevant records. The new school will provide the student appropriate credit for full or partial coursework satisfactorily completed while attending prior school(s).

Transportation: If the District and CPS determine the child should stay in the District, the District and CPS will develop and implement a plan to provide, arrange and fund transportation within five (5) school days of the best interest determination. If the District is the school of origin and there are additional costs incurred in providing transportation, the District will

provide transportation if CPS agrees to reimburse the District, if the District agrees to pay the cost, or if the District and local CPS agree to share the cost. The District and CPS will arrange interim transportation until permanent transportation plans are in place.

Point of Contact: The Board shall designate a Point of Contact (POC) for CPS and inform CPS of the person designated. The POC shall be responsible for coordination with local CPS to develop a process for implementation of Every Student Succeeds Act (ESSA) provisions and shall have the capacity and resources to guide the implementation of the ESSA provisions.

DISPUTE RESOLUTION PROCESS

Disputes between the District and the student's caregiver/education decision-maker:

Level I.

The student's caregiver or education 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. They may do so by providing the District or the District's Foster Care Point of Contact (POC) with written notice of the dispute within fourteen (14) 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 education decision-maker).

The notice of dispute, if provided to the District, will be immediately forwarded to the Foster Care POC, or if that person is unavailable, another designee. The POC will log receipt of the notice (including the date and time), and then forward a copy of this documentation to their immediate supervisor and the superintendent or designee. The Liaison will make a decision on the dispute within seven (7) business days of receipt and inform the caregiver or education decision-maker in writing of the result. The following documents will be included in the decision in an appeals package:

- A copy of the original notice of dispute;
- Any additional information from the caregiver or education decision-maker and/or foster care liaison;

- Instructions on appealing the decision to Level II. The liaison will verify receipt of the written decision by the caregiver or education decision-maker.

Level II.

If the caregiver or education decision-maker disagrees with the decision of the foster care liaison, he or she may appeal the decision to the Superintendent or his/her designee. He or she may do so 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.

Within seven (7) business days of the notification to the District that the caregiver or education 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 education decision-maker, the student if appropriate, and at least one representative from CPS. If it is not possible for the CPS 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.

Within seven (7) business days of the conference, the Superintendent or designee will provide the caregiver or education decision-maker with a written decision, supporting evidence, reasons for the decision and an appeals package that includes:

- A copy of the initial dispute filed at Level I and the Level I decision;
- The Level II decision rendered by the Superintendent or designee;
- Any additional information from the caregiver or education decision-maker and/or foster care liaison;
- Instructions as to how to file a Level III appeal, including the physical address and email address of where to submit the dispute.

The District's Foster Care POC will also be provided a copy of the Level II decision and appeals package. The POC will be responsible for verifying receipt of the decision and appeals package by the caregiver or education decision-maker.

Level III.

If the caregiver or education 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 within fourteen (14) business days of receipt of the Level II decision of their intent to file a Level III appeal. The Superintendent or designee will forward all written and electronic documentation to the South Dakota Department of Education State Foster Care Liaison within seven (7) calendar days of receiving notification of the caregiver or education decision-maker's intent to file a Level III appeal.

Disputed between the District and the child welfare agency: In the event that the District and the child welfare agency are unable to resolve a dispute that does not involve educational placement or the provision of educational services to a student in foster care (e.g., failure to collaborate, transportation reimbursements, data sharing, records release policies), either party may forward the dispute in writing to the South Dakota Department of Education State Foster.

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