

Best Practices: School Selection for Children and Youth in Foster Care

Introduction

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), and created new protections for children in foster care. These provisions, which take effect on December 10, 2016, complement those in the Fostering Connections Act of 2008 and require SEAs and LEAs to work with child welfare agencies to ensure the educational stability of children in foster care.

Making Best-Interest Decisions

Children in out-of-home care tend to have many adults involved in their lives, and it may be unclear who has the authority to make general education decisions for them.

Usually, birth parents or caregivers are the decision makers, even if a child has been removed from the home, but courts in Washington State may appoint an educational decision maker who is neither the parent or the caregiver. General educational decision-making rights may be given to foster parents, caseworkers, relatives, or other advocates. In these cases, for children in out-of-home care, the educational decision maker will assume the rights of the parents under the Title I, Part A provisions of the Every Student Succeeds Act, including the right to select the school in the child's best interest and pursue any disputes with the school district.

The school must be informed of who has decision-making authority for each student; the responsibility of informing the school typically lies with the student's child welfare caseworker.

In order for parents or other educational decision-makers to make informed decisions about selecting the school that is in a child's best interest, they need to have as much practical information as possible.

Every LEA has a local foster care liaison, who must ensure each eligible child receives his or her rights under ESSA, including the right to attend the school of origin. The local liaison and school or district staff can play an instrumental role in assisting with choosing the school that is in a student's best interest. For children in foster care, schools should identify Children's Administration staff to assist with the school selection provisions of the Fostering Connections Act.

Steps to Best-Interest Decision-Making

LEAs should work with local child welfare agencies to develop a clear protocol on how to make best interest determinations. This process should include making every effort to gather meaningful input from relevant parties, in addition to required child welfare and school



representatives, in deciding what school placement is in a child's best interest. The following steps may be helpful when determining whether or not it is in a child or youth's best interest to remain in their school of origin:

- Input on the academic, social, and emotional impact that transferring to a new school may have on children.
- If the child has special education needs, input on the impact that changing schools may have on the child's progress and services. If a school change is indicated, ensure that evaluations and/or services are not interrupted.
- Input on which programs at the two schools are comparable and appropriate for the child.
- Information about the commute to the schools under consideration in terms of the distance, mode of transportation, and travel time, and work with caseworkers to develop transportation plans.
- Information about the immediate and long-term educational plans for the student, and information about the child's permanency plan as it relates to school stability.

Questions to Consider when Making a School Selection

School districts and child welfare agencies should use student centered factors to determine whether or not it is in the best interest of a student in foster care to remain in their school of origin. Though the specific factors may vary depending on context, in order to make a well-informed determination, a variety of factors should be considered. These factors may include:

- How long is the child's current placement expected to last?
- What is the child's permanency plan?
- How many schools has the child attended over the past few years? How many schools has the child attended this year? How have the school transfers affected the child emotionally, academically, and physically?
- How strong is the child academically?
- To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
- Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
- Which school does the student prefer?
- How deep are the child's ties to his or her current school?



- Would the timing of the school transfer coincide with a logical juncture such as after testing, after an event that is significant to the child, or at the end of the school year?
- How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?
- How would the length of the commute to the school of origin impact the child?
- How anxious is the child about having been removed from the home and/or any upcoming moves?
- What school do the child's siblings attend?
- Are there any safety issues to consider?

Conclusion

Decisions regarding school selection should be made on a case-by-case basis, giving attention to the circumstances of each individual student. The following checklist (Table 1) may help local foster care liaisons, or other designated education and child welfare agency staff, guide a discussion on school-selection options available to the student and the advantages and disadvantages of each option. It may be beneficial to train several staff members at both the child welfare agency and the school district to assist in this decision-making process.



Table 1: School Selection: A Checklist for Decision Making

School of Origin Considerations		Local Attendance Area School Considerations	
<input type="checkbox"/>	<p style="text-align: center;">Continuity of instruction</p> <p style="text-align: center;"><i>Student is best served due to circumstances that look to his or her past.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Continuity of instruction</p> <p style="text-align: center;"><i>Student is best served due to circumstances that look to his or her future.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Age and grade placement of the student</p> <p style="text-align: center;"><i>Maintaining friends and contacts with peers is critical to the student’s meaningful school experience and participation.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Age and grade placement of the student</p> <p style="text-align: center;"><i>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student’s meaningful school experience and participation.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Academic strength</p> <p style="text-align: center;"><i>The child’s academic performance is weak, and the child would fall further behind if he/she transferred to another school.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Academic strength</p> <p style="text-align: center;"><i>The child’s academic performance is strong and at grade level, and the child would likely recover academically from a school transfer.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Social and emotional state</p> <p style="text-align: center;"><i>The child is suffering from the effects of mobility, has developed strong ties to the current school, and does not want to leave.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Social and emotional state</p> <p style="text-align: center;"><i>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Distance of the commute and its impact on the student’s education and/or special needs</p> <p style="text-align: center;"><i>The advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Distance of the commute and its impact on the student’s education and/or special needs</p> <p style="text-align: center;"><i>A shorter commute may help the student’s concentration, attitude, or readiness for school.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Personal safety of the student</p> <p style="text-align: center;"><i>The school of origin has advantages for the safety of the student.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Personal safety of the student</p> <p style="text-align: center;"><i>The local attendance area school has advantages for the safety of the student.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Student’s need for special instruction</p> <p style="text-align: center;"><i>The student’s need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Student’s need for special instruction</p> <p style="text-align: center;"><i>The student’s need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.</i></p>
<input type="checkbox"/>	<p style="text-align: center;">Length of anticipated stay in a temporary shelter or other temporary location</p> <p style="text-align: center;"><i>The student’s current living situation is outside of the school-of-origin attendance zone, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i></p>	<input type="checkbox"/>	<p style="text-align: center;">Length of anticipated stay in a temporary shelter or other temporary location</p> <p style="text-align: center;"><i>The student’s current living situation appears stable and unlikely to change suddenly; the student will benefit from developing relationships with school peers who live in his local community.</i></p>

