FOSTER CARE EDUCATION PROGRAM

Frequently Asked Questions

2018

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TABLE OF CONTENTS

Purpose 6
1. Who can I contact for help regarding the education of students in foster care? 6
State Laws 7
2. Which students are eligible for services? 7
3. How will students in foster care be identified? 7
4. Should students in foster care remain in their school of origin? 7
5. Are there guidelines around enrollment and transfers for students in care? 8
6. Can students in foster care have access to free lunch? 8
7. Can a district withhold records and transcripts due to unpaid fines and fees? 8
8. Does a child or youth in foster care get absences excused if they have to participate in court-ordered activities or other services? 9
9. How must districts approach unexpected or excessive absences for children and youth in foster care? 9
10. What should schools do to facilitate grade progression and/or on-time graduation for students in foster care? 9
ESSA 10
11. Will my district be required to designate a Foster Care Liaison? 10
12. What will be the duties of the Foster Care Liaison? 10
Educational Stability 11
13. To which children do the new Title I, Part A requirements to ensure the educational stability of children in foster care apply? 11
14. By when must OSPI and school districts meet the Title I, Part A educational stability requirements? 11
15. What are the responsibilities of a school district in ensuring the educational stability of children in foster care? 12
16. What responsibilities does a child welfare agency have in ensuring the educational stability of children in foster care? 12
School of Origin 13
17. What is a school of origin? 13
18. What is the duration of time that a child is protected under the school of origin provision? What happens once a child exits foster care? 13
Best Interest Determination 13
19. What factors should be considered in determining whether remaining in a child's school of origin is in his or her best interest? 13

20. What process should SEAs and LEAs use when making the best interest determination? 14

21. Who should be involved in making a best interest determination? 15

22. How long do LEAs have to make the best interest determination? 15

23. How should disagreements over the best interest determination among parents, education decision makers, and other important stakeholders be handled? 15

24. Must a child remain in his or her school of origin while disputes are being resolved? 16

Transportation 16

25. Are school districts required to provide school of origin transportation to children and youth in foster care? 16

26. What is the role of the child welfare agency in providing transportation for a child in foster care to his or her school of origin? 17

27. By when must an LEA develop and implement its transportation procedures? 17

28. What is the duration of time that the LEA must provide a child with transportation services under ESEA Section 1112(c)(5)? What happens once a child exits foster care? 17

29. What constitutes "additional costs" incurred in providing transportation to maintain children in foster care in their schools of origin? 17

30. What steps should an LEA and local child welfare agency take to ensure that transportation is provided if they face difficulty reaching agreement on how to pay for additional transportation costs? 18

31. Is an LEA required to transport children in foster care to and from their schools of origin while transportation cost disputes are being resolved? 18

32. If an LEA does not provide transportation to children who are not in foster care, is it required to transport children in foster care to their schools of origin? 19

33. Can I use Title I, Part A funds to pay for the transportation of children and youth in foster care to their school of origin in the 2016–17 school year? 19

Immediate Enrollment 19

34. What does it mean for a child to be "immediately enrolled" in a new school? 19

Title I, Part A 20

35. How must a school district plan for serving children and youth in foster care under Title I, Part A? 20

36. Are children and youth in foster care eligible for Title I, Part A services? What if they are succeeding in school? 20

37. If a student in foster care attends a school that does not receive Title I, Part A funds, how does the student receive services? 20

38. What are the limitations on use of Title I, Part A funds? 21

39. What kind of services can Title I, Part A funds (including set-asides and other funds) pay for? 21

40. Can Title I, Part A set-aside funds be used to fund Foster Care Liaisons? 22
Collaboration 22
41. How can child welfare and educational agencies work collaboratively to raise awareness and improve staff capacity to meet the unique educational needs of children in foster care?. 22
42. What models or structures for collaboration should educational and child welfare agencies consider as part of the implementation of the new Title I, Part A foster care provisions? 23
Legal Notice 24

Purpose

This document was created in collaboration with the Foster Care Education Program, the Title I, Part A Program, and the Education of Homeless Children and Youth Program at OSPI and the Department of Children, Youth, and Families (DCYF). This document also includes excerpts from the U.S. Department of Education (ED) Non-Regulatory Guidance published in June 2016.

1. Who can I contact for help regarding the education of students in foster care?

OSPI's Foster Care Education Program Supervisor is available to provide technical assistance, training, and support as districts work to improve educational outcomes for children and youth in foster care. For assistance, email Peggy Carlson or call 360-725-6505. You can also visit the Foster Care Education Program website.

In addition, DCYF has designated Education Leads in each of its three regions. These individuals work collaboratively with school districts in their regions to better facilitate school stability and help address the educational barriers experienced by children and youth in foster care. DCYF Education Leads can be reached at:

Figure 1: DCYF Regional Contact Information

Region/Counties	Contacts
Region 1 Ferry, Stevens, Pend Oreille, Lincoln, Whitman, Garfield, Asotin, Spokane, Chelan, Douglas, Grant, Adams, Okanogan	Angela Pelfrey angela.pelfrey@dcyf.wa.gov 509-818-7896
Region 2 Kittitas, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia	Monica Jenkins monica.jenkins@dcyf.wa.gov 509-654-3325
Region 3 Whatcom, Skagit, Snohomish, San Juan, Island	Debbie Gomi debbie.gomi@dcyf.wa.gov 425-308-9718
Region 4 King	Donna LaFrance donna.lafrance@dcyf.wa.gov 206-639-6207
Region 5 Pierce, Kitsap	Sandy Duron sandy.duron@dcyf.wa.gov 253-328-2696
Region 6 Grays Harbor, Mason, Pacific, Lewis, Thurston, Cowlitz, Skamania, Clark, Jefferson, Clallam, Wahkiakum	Peggy Devoy peggy.devoy@dcyf.wa.gov 360-852-5209

Region/Counties	Contacts
Statewide Education Program Manager, Children's Administration	Shanna McBride mcbrism@dshs.wa.gov 360-902-8474

State Laws

The Washington State Legislature has passed several laws regarding the responsibilities of public schools that have children and youth in foster care enrolled or seeking enrollment. The following questions are in reference to those state requirements.

2. Which students are eligible for services?

"Foster care[1]" means twenty-four hours per day temporary, substitute care for the child placed away from the child's parents or guardians, and for whom DCYF or a licensed or certified child placing agency has placement and care responsibility. This includes any out-of-home care (including a relative or suitable person), so long as the child is under the placement and care responsibility of DCYF, and placed in out-of-home care by DCYF.

3. How will students in foster care be identified?

Students in foster care may be identified in multiple ways. The following are some ways that districts may identify students:

1. As of July 2017, caseworkers are required to provide a school notification form to schools each time a student enters care, changes placement, and is returned home. This notification form should identify the student's caregiver, caseworker, and other educational decision-makers.

2. Caregivers may provide the caregiver placement letter they received when the student was placed in their home. This document identifies the caseworker, and serves as documentation authorizing the caregiver to make educational decisions.

3. Systemically, students in foster care will be identified using the Comprehensive Education Data and Research System (CEDARS) through a collaborative effort between OSPI and DCYF. Districts should use this "foster care flag" to focus services, data collection, and outreach efforts. See the CEDARS website for more information.

4. Should students in foster care remain in their school of origin?

Both state and federal laws pertaining to education ***and*** child welfare emphasize school stability for children and youth in foster care. State law requires that, whenever practical and in the best interest of the child, children placed into foster care shall remain enrolled in

[1] *WAC 388-25-0010*

the school they were attending at the time they entered care[2].

Caseworkers and school district Foster Care Liaisons should work collaboratively to determine what is in the best interest of the student using criteria appropriate for the student's situation[3].

5. Are there guidelines around enrollment and transfers for students in care?

Yes. A school may not prevent a student who is dependent from enrolling in a public school if they are lacking records regarding any of the following:

(a) Any history of placement in special educational programs.
(b) Any past, current, or pending disciplinary action.
(c) Any history of violent behavior, or behavior listed in RCW 13.04.155.
(d) Any unpaid fines or fees imposed by other schools.
(e) Any health conditions affecting the student's educational needs.

If a student in foster care is enrolled in one school and transfers enrollment to another school, either in the same school district or in another school district, the sending school district or school shall transfer the student's education information and records to the receiving school within **two school days** after receiving a transfer request[4].

6. Can students in foster care have access to free lunch?

Yes. Students in foster care are categorically eligible for free school meals without submission of a free and reduced-price household application. While students are typically identified for free meals through a data exchange between OSPI and school districts, students in foster care who are newly enrolled may be verified immediately through third party documentation of their foster status.

Acceptable documentation includes information indicating if the state retains legal custody of the child. That documentation can come from the court that placed the child or from a state or local foster agency that administers the foster care program.

7. Can a district withhold records and transcripts due to unpaid fines and fees?

No. State law requires the prompt/timely transmission of student records to DCYF for appropriate case planning, school enrollment[5], and maximizing the student's academic

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[2] *RCW 74.13.550–Child placement–Policy of educational continuity, RCW 74.13.631(1)(e)–School-aged youth in out-of-home care*

[3] *RCW 74.13.631(1)(e)–School-aged youth in out-of-home care*

[4] *RCW 28A.255.330(7)–Enrolling students from other districts*

[5] *RCW 74.13.631(22(c)(d)–School-aged youth in out-of-home care–School placement options*

achievement.

Records may not be withheld from DCYF for any reason, including fines and fees owed by the student[6]. In addition, records may not be withheld from receiving schools in a way that will prevent the academic progress, or the appropriate placement of the student in foster care.

State law provides that DCYF is able to pay unpaid fines and fees for children and youth residing in care[7]. Contact the student's case worker or the Education Lead assigned to your region for assistance.

8. Does a child or youth in foster care get absences excused if they have to participate in court-ordered activities or other services?

Yes. Absences from school due to a required court appearances or participation in court-ordered activities, including but not limited to family visitation or therapy, should be excused.

9. How must districts approach unexpected or excessive absences for children and youth in foster care?

State law requires school districts to monitor the unexpected or excessive absences of dependent youth. Schools should proactively support the student's school work so the student does not fall behind, and districts should avoid exclusionary discipline based on truancy[8].

10. What should schools do to facilitate grade progression and/or on-time graduation for students in foster care?

State law requires school districts to facilitate the on-time grade progression and graduation of students in foster care. The Washington State Legislature specifically suggests the following strategies:

- Waiving specific courses required for graduation if similar coursework has been satisfactorily completed in another school district.
- Providing an alternative means to complete required coursework necessary for graduation.
- Consolidating unresolved coursework and providing opportunities for credit accrual.
- Facilitating the graduation from the sending district where graduation requirements were met.

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[6] *RCW 28A.150.510–Transmittal of education records to DSHS*

[7] *RCW 74.13.631(1)(e)–School-aged youth in out-of-home care*

[8] *RCW 28A.225.023–Review of unexpected or excessive absences–Support for youth's school work*

ESSA[9]

New requirements under Title I, Part A of ESEA as amended by ESSA, highlight the need to provide educational stability for children in foster care, with particular emphasis on collaboration between SEAs, LEAs, and child welfare agencies to ensure that students in foster care have the opportunity to achieve at the same high levels as their peers.

These provisions emphasize the importance of limiting educational disruption by keeping children who move in foster care (due to entering the foster care system or changing placements) in their schools of origin, unless it is determined to be in their best interest to change schools.

These provisions also ensure that if it is not in their best interest to remain in their schools of origin, children in foster care are enrolled in their new schools without delay.

11. Will my district be required to designate a Foster Care Liaison?

Yes. ESSA contains key protections for students in foster care to promote school stability and success. ESSA requires SEA and LEAs to collaborate with child welfare partners in an effort to improve the educational outcomes of children and youth in foster care.

OSPI will be sharing information with the field through the district designated Foster Care Liaison, and they will be a critical partner while planning for full implementation. For the 2016–17 school year, districts will identify this point of contact through their district's Title I, Part A application, iGrants Form Package (FP) 201.

To update this contact information in the future, districts will do so through the Foster Care Education Program. The Foster Care Education Program Supervisor at OSPI will maintain a database of contact information for each of the designated school district Foster Care Liaisons. Keeping a current database is critical to the timely dissemination of information related to training and professional development opportunities, as well as updates related to the implementation of the federal law.

12. What will be the duties of the Foster Care Liaison?

Due to changes in the McKinney-Vento Homeless Assistance Act, as reauthorized by the Every Student Succeeds Act, a school district should carefully consider the roles of each position before assigning the Foster Care Liaison position to staff. ***It is critical that staff designated as the Foster Care Liaison have the time and capacity to fulfill their responsibilities.***

The general role of the district Foster Care Liaison is to facilitate district compliance with state and federal laws as they relate to children and youth in foster care, and to collaborate with the DCYF in an effort to address educational barriers that prevent children and youth

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[9] *This portion of the Q&A was adapted from Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*

in foster care from being identified, enrolled, attending, and succeeding in school. Some of the roles and responsibilities of the Foster Care Liaison may include:

i. Coordinating with the corresponding child welfare agency point of contact on the implementation of the Title I, Part A provisions.
ii. Coordinating with the Foster Care Program Supervisor at OSPI.
iii. Attending training and professional development opportunities to improve district implementation efforts.
iv. Serving as the primary contact person for DCYF and social workers.
v. Leading and documenting the development of a process for making best interest determinations.
vi. Facilitating the transfer of records.
vii. Facilitating immediate enrollment.
viii. Facilitating data sharing with the child welfare agencies, consistent with FERPA and other privacy protocols.
ix. Developing and coordinating local transportation procedures.
x. Managing best interest determinations and transportation cost disputes.
xi. Ensuring that children in foster care are enrolled in and regularly attending school.
xii. Providing professional development and training to school staff on the Title I, Part A provisions and educational needs of children in foster care, as needed.

Educational Stability

13. To which children do the new Title I, Part A requirements to ensure the educational stability of children in foster care apply?

The requirements for ensuring educational stability for children in foster care under Section 1111(g)(1)(E) apply to all children[10] in foster care enrolled in public schools.

14. By when must OSPI and school districts meet the Title I, Part A educational stability requirements?

ESSA amended Section 725 of the McKinney-Vento Homeless Assistance Act by removing "awaiting foster care placement" from the definition of "homeless children and youths" as of December 9, 2016.

Therefore, the Title I, Part A educational stability provisions take effect on **December 10, 2016**. OSPI and school districts should begin planning for the implementation of these provisions, in collaboration with child welfare agencies, as soon as possible. For more

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[10] *Under Title I, Part A, the term "children" includes children through age 21 who are entitled to a free public education through grade 12 (34 CFR § 200.103(a)(1))*

information on the effective dates of the foster care provisions, see the June 23, 2016, joint ED/Health and Human Services Dear Colleague Letter on this topic[11].

15. What are the responsibilities of a school district in ensuring the educational stability of children in foster care?

A school district must collaborate with state and tribal child welfare agencies to implement the Title I, Part A educational stability provisions. (ESEA Section 1111(c)(5)). School districts should work closely with child welfare agency staff to tailor processes and procedures to the unique local context.

For example, the school district should decide with the state or local child welfare agency to establish criteria to be used in any decision-making process and identify a structure, such as regularly scheduled meetings, in which relevant individuals can participate in a particular process.

16. What responsibilities does a child welfare agency have in ensuring the educational stability of children in foster care?

A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan (the educational stability plan).

This plan must include:

1. An assurance that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement.
2. An assurance that the child welfare agency has coordinated with the LEA(s) to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records.

These assurances relate to the circumstances at the time of the child's initial placement into foster care, as well as each time a child moves to a different foster care placement. (See Section 475(1)(G) of the Social Security Act.)

The educational stability plan must be a written part of the child's case record, which is jointly developed with the child's parents[12] no later than 60 days after a child's removal from the home, and every six months thereafter.

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[11] The DCL is available at: U.S. Department of Education

[12] The definition of "parent" in ESEA includes "a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare)" (See ESEA Section 8101(38))

Many communities do not have enough foster homes to successfully place children near their school of origin. Districts may work with DCYF to assist in foster parent recruitment efforts. Contact the Education Lead in your region to find out how you can help.

School of Origin

17. What is a school of origin?

The school of origin is the school in which a child is enrolled at the time of placement in foster care. An SEA and its LEAs must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest. (ESEA Section 1111(g)(1)(E)(i)).

If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.

18. What is the duration of time that a child is protected under the school of origin provision? What happens once a child exits foster care?

OSPI and school districts must collaborate with state and local child welfare agencies to ensure that each child in foster care remains in his or her school of origin if it is determined to be in their best interest for the duration of the child's time in foster care. (See ESEA Sections 1111(g)(1)(E)(i) and 1112(c)(5)), consistent with the educational stability requirements under the Fostering Connections Act.

While these requirements no longer apply once a student has exited foster care, school districts are encouraged to prioritize educational stability for these children. In addition to benefitting academically from school continuity, during times of transition out of foster care, it is important for youth to be able to maintain connections with their peers, teachers, and other supportive adults at school.

For example, school districts should consider adopting policies that allow a child that exited foster care during the school year to continue in the school of origin through at least the end of the academic year, if appropriate.

Best Interest Determination

19. What factors should be considered in determining whether remaining in a child's school of origin is in his or her best interest?

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:

1. How long is the child's current placement expected to last?
2. What is the child's permanency plan?
3. 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?
4. How strong is the child academically?
5. To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
6. Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
7. Which school does the student prefer?
8. How deep are the child's ties to his or her current school?
9. 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?
10. 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?
11. How would the length of the commute to the school of origin impact the child?
12. How anxious is the child about having been removed from the home or any upcoming moves?
13. What school do the child's siblings attend?
14. Are there any safety issues to consider?

Transportation costs should **not** be considered when determining a child's best interest.

20. What process should SEAs and LEAs use when making the best interest determination?

The law does not prescribe a specific process, but ED encourages SEAs to work with the state or tribal child welfare agencies to establish guidelines to be used by LEAs and schools

in coordination with local child welfare agencies to guide the decision making process. OSPI is developing a best-interest checklist that should be used to guide the discussion of the advantages and disadvantages of staying in the school of origin or moving to a new school.

21. Who should be involved in making a best interest determination?

If they have not already done so, LEAs should work with local child welfare agencies to develop a clear policy or protocol on how to make best interest determinations, including 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. State and local foster care points of contact (Foster Care Liaisons) can play an important role in establishing these policies and protocols and facilitating the process.

The representative from the school of origin should be knowledgeable about the child and able to provide feedback on significant relationships that the child may have formed with staff and peers and how changing schools would impact his or her academic, social, and emotional well-being. Based on the individual situation, this person could be a teacher, counselor, coach, or other meaningful person in the child's life.

The LEA and local child welfare agency staff should consult other relevant parties, which may include the child (depending on age), foster parents, biological parents when appropriate, education decision maker(s), and other relatives for their perspectives on which school the child should attend during his or her time in foster care, consistent with the child's case plan. If a child has an IEP or a Section 504 plan, then the relevant school staff members would also need to participate in the best interest decision process. If the child is an EL, this may also affect the relevant school staff members who would need to participate in the best interest decision process.

22. How long do LEAs have to make the best interest determination?

Although Title I, Part A does not prescribe a specific timeline for making a best interest determination, the LEA should make this determination as quickly as possible in order to prevent educational discontinuity for the child. The LEA must ensure that a child remains in his or her school of origin while this determination is being made (See ESEA Section 1111(g)(1)(E)(i)).

23. How should disagreements over the best interest determination among parents, education decision makers, and other important stakeholders be handled?

OSPI has developed a dispute resolution process for school districts to use when there is a disagreement about school placement, the provision of educational services, or when there is a dispute between agencies. For more information, contact the Foster Care Education Program Supervisor or find the dispute process on the Foster Care Education Program website.

24. Must a child remain in his or her school of origin while disputes are being resolved?

An LEA must ensure that a child remains in his or her school of origin while disputes are being resolved to minimize disruptions and reduce the number of moves between schools. (See ESEA Section 1111(g)(1)(E)(i)).

Transportation

Some children in foster care will need transportation to remain in their school of origin when it is in their best interest to do so. To facilitate transportation for these children, an LEA receiving Title I, Part A funds must collaborate with the state or local child welfare agency or agencies to ensure that transportation for children in foster care is provided, arranged, and funded. (ESEA Section 1112(c)(5)(B)).

25. Are school districts required to provide school of origin transportation to children and youth in foster care?

An LEA must collaborate with the state or local child welfare agency to develop and implement clear, written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the child's time in foster care. These procedures must ensure that:

1. Children in foster care needing transportation to their schools of origin will promptly receive that transportation.
2. If there are additional costs incurred in providing transportation to the school of origin, the school district will provide such transportation if:
   a) The local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
   b) The LEA agrees to pay for the cost; or
   c) The LEA and local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B)).

Since children may be placed in foster care placements across district, county, or state lines, coordination among multiple LEAs and child welfare agencies may be necessary. Thus, in developing the transportation procedures, LEAs should also work with the state or local child welfare agency to establish inter-district and inter-state procedures that

address potential transportation issues that may arise as students in foster care move from one district to another or across state lines.

26. What is the role of the child welfare agency in providing transportation for a child in foster care to his or her school of origin?

A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act must ensure that the educational stability plan of each child in foster care includes an assurance that the child welfare agency has coordinated with the appropriate LEA(s) to ensure the child can remain in the school of origin, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school.

Given the shared responsibility of child welfare agencies and LEAs to ensure educational stability, we encourage child welfare agencies to continue to work with the appropriate LEA(s) in exploring the full range of options for providing and funding transportation to maintain a child in his or her school of origin, consistent with the child's educational stability plan.

27. By when must an LEA develop and implement its transportation procedures?

An LEA must collaborate with the state or local child welfare agency to develop and implement local transportation procedures by **December 10, 2016** (one year after the enactment of the ESSA). (ESEA Section 1112(c)(5)(B)).

28. What is the duration of time that the LEA must provide a child with transportation services under ESEA Section 1112(c)(5)? What happens once a child exits foster care?

The transportation procedures developed by the LEA and child welfare agency must ensure that a child in foster care needing transportation to the school of origin receives such transportation for the duration of the time the child is in foster care. (ESEA Section 1112(c)(5)(B)).

When a child exits foster care, the LEA should continue to prioritize the child's educational stability, consider each child's best interest on a case-by-case basis, and when possible make every effort to continue to ensure transportation is provided through the end of the school year, if needed, when remaining in the school of origin would be in the child's best interest.

29. What constitutes "additional costs" incurred in providing transportation to maintain children in foster care in their

schools of origin?

As part of developing and implementing its transportation procedures, an LEA must address any additional costs incurred in providing transportation to maintain children in foster care in their schools of origin. (See ESEA Section 1112(c)(5)(B)(ii)).

Districts should report their foster care transportation expenditures for ridership funding in the same manner that they report McKinney-Vento transportation. The expenditures should be reported in Program 99.

For more information regarding reporting expenditures to Program 99, contact OSPI's School Apportionment and Financial Services office. For additional information regarding ridership reporting of foster students, contact your Regional Transportation Coordinator.

30. What steps should an LEA and local child welfare agency take to ensure that transportation is provided if they face difficulty reaching agreement on how to pay for additional transportation costs?

Transportation is a central component of educational stability, and it may be needed to fulfill the requirements that both LEAs and child welfare agencies ensure educational stability for children in foster care. In light of this mutual mandate, both agencies must collaborate regarding transportation if it is necessary so that a child in foster care may remain in his or her school of origin, consistent with Section 475(5)(G)(ii)(I) of the Social Security Act.

We recognize that there may be occasions when an LEA and local child welfare agency face difficulties reaching agreement on how to fund any additional costs incurred to provide transportation to the school of origin. An LEA must collaborate with the state or local child welfare agency to develop transportation procedures that ensure that children in foster care promptly receive transportation, as needed, to their school of origin. (ESEA Section 1112(c)(5)(B)(i)). Therefore, the transportation procedures should address how this requirement will be met, even if the relevant agencies cannot reach agreement on how to fund any additional transportation costs.

OSPI has developed dispute resolution procedures under the authority of our overall duty to ensure educational stability under Section 1111(g)(1)(E) of ESEA. The dispute resolution process should be used to address these issues as they arise. For more information, contact the Foster Care Education Program Supervisor or find the dispute process on the Foster Care Education Program website.

31. Is an LEA required to transport children in foster care to and from their schools of origin while transportation cost

disputes are being resolved?

An LEA must ensure that children in foster care needing transportation to the school of origin promptly receive such transportation in a cost-effective manner. (ESEA Section 1112(c)(5)(B)(i)). Therefore, the LEA must provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

32. If an LEA does not provide transportation to children who are not in foster care, is it required to transport children in foster care to their schools of origin?

Yes. An LEA must ensure that transportation is provided for children in foster care consistent with the procedures developed by the LEA in collaboration with the state or local child welfare agency under Section 1112(c)(5)(B) of ESEA. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

33. Can I use Title I, Part A funds to pay for the transportation of children and youth in foster care to their school of origin in the 2016–17 school year?

Yes. If a school district is not fully funded by the student transportation funding system, additional costs may be covered using Title I, Part A funds.

Please note however, that funds reserved for comparable services for homeless children and youth under Section 1113(c)(3)(A)(i) of ESEA may not be used to provide transportation needed to maintain children in foster care in their schools of origin.

Immediate Enrollment

34. What does it mean for a child to be "immediately enrolled" in a new school?

Immediate enrollment means that a child in foster care should be enrolled in, and attending, a new school as soon as possible.

Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided. (See ESEA Section 1111(g)(1)(E)). The enrolling school must immediately contact a child's school of origin to obtain the relevant records and documentation (ESEA Section 1111(g)(1)(E)(iii)), and the school of origin should immediately transfer those records.

LEAs should also ensure that children in foster care are regularly attending and fully participating in school and that their educational needs are being met. SEAs and LEAs

should also take affirmative steps to revise policies that are barriers to enrollment and attendance for children in foster care.

Title I, Part A

35. How must a school district plan for serving children and youth in foster care under Title I, Part A?

The Consolidated Appropriations Act, 2016, generally requires an SEA or LEA to continue to operate its Title I, Part A program in the 2016–17 school year in accordance with the requirements of ESEA as in effect prior to the enactment of ESSA[13].

Section 1112(c)(5)(B) of ESEA however, specifically requires that an LEA begin implementing the requirements regarding transportation to maintain children in foster care in their school of origin no later than one year after the date of enactment of ESSA (December 10, 2015). Thus, each LEA that receives Title I, Part A funds must develop and implement, in collaboration with the state or local child welfare agency, procedures to provide, arrange, and fund transportation to maintain children in foster care in their schools of origin by **December 10, 2016**. In addition, an LEA must identify a Foster Care Liaison and ensure immediate enrollment[14].

For the **2016–17** school year, FP 201 includes an optional set-aside for services to students in foster care on Page 5. This optional set-aside comes off the top of the district allocation before allocations are made to the buildings according to rank order.

For a school district to receive Title I, Part A funds starting with the **2017–18** school year, its plan must describe the services the district will provide to children and youth in foster care, including but not limited to academic supports, transportation, and those services provided with the optional set-aside.

36. Are children and youth in foster care eligible for Title I, Part A services? What if they are succeeding in school?

Yes. All children and youth in foster care are categorically eligible for Title I, Part A services, whether or not they live in a Title I, Part A school attendance area or meet the academic standards required of other children for eligibility.

37. If a student in foster care attends a school that does not receive Title I, Part A funds, how does the student receive services?

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[13] *Dear Colleague Letter on Foster Care Timelines (June 23, 2016)*

[14] *Dear Colleague Letter on Foster Care Timelines (June 23, 2016)*

Districts setting aside funds for students in foster care may serve students in all buildings, regardless of whether the building receives a Title I, Part A allocation.

38. What are the limitations on use of Title I, Part A funds?

Title I, Part A states that funds cannot supplant other state or local funds. In other words, Title I, Part A funds cannot be used for services that are part of the core services provided by public schools, or services that schools are required to provide even in the absence of Title I, Part A funding. Title I, Part A funds may be used in similar ways to those funds used for McKinney-Vento eligible students.

The homeless set-aside must remain intact and cannot be reduced or repurposed to serve children in foster care. The set-aside for homeless students must be based on the needs of homeless students in the LEA, and any change in the amount of that set-aside must be justified only by changes in the needs of homeless students.

39. What kind of services can Title I, Part A funds (including set-asides and other funds) pay for?

Title I, Part A funds, including those under the optional set-aside, can be used to serve students in foster care in both Title I, Part A and non-Title I, Part A schools. The services should support student success in school and should help students meet academic achievement standards. Districts opting to use Title I, Part A funds for this purpose need to provide a description in their Title I, Part A plan.

Title I, Part A funds can be used to provide services that are not ordinarily provided to other Title I, Part A students. For example, to help students effectively take advantage of educational opportunities, and when the items or services are not available from other sources, Title I, Part A funds can be used to provide:

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement.
- Clothing and shoes necessary to participate in physical education classes.
- Student fees that are necessary to participate in the general education program.
- Personal school supplies such as backpacks and notebooks.
- Birth certificates.
- Immunizations.
- Food.
- Medical and dental services.
- Eyeglasses and hearing aids.
- Counseling services to address anxiety related to foster care that is impeding learning.

- Extended learning time (before and after school, Saturday classes, summer school).
- Tutoring services.
- Parental involvement specifically oriented to reaching out to foster parents.
- Fees for Advanced Placement and International Baccalaureate testing.
- Fees for SAT/ACT testing.

School district Foster Care Liaisons or other staff should contact the student's case worker or foster parent as a first priority to meet that student's non-academic needs. For example, the basic needs of students in foster care such as clothing, birth certificates, immunizations, and medical services are first and foremost the responsibility of DCYF. School districts may however, use Title I, Part A funds if other sources are not available.

40. Can Title I, Part A set-aside funds be used to fund Foster Care Liaisons?

Yes. An individual paid, in whole or in part, with Title I, Part A funds may serve as the Foster Care Liaison. Districts opting to use Title I, Part A funds for this purpose need to explain this in their Title I, Part A plan.

Collaboration

Even though they serve the same children and have a shared goal of improved educational outcomes, in some cases child welfare and educational agencies may not have formal collaborative processes in place to ensure the educational stability of children in foster care.

Child welfare and educational agencies can work together to make informed decisions about children jointly and remove barriers that may hinder the implementation of the Title I, Part A foster care provisions. The questions below provide some ideas for establishing and maintaining this collaborative work.

41. How can child welfare and educational agencies work collaboratively to raise awareness and improve staff capacity to meet the unique educational needs of children in foster care?

Children and youth in foster care are often exposed to a multitude of challenges throughout their childhood including homelessness, domestic violence, abuse and neglect, chronic poverty, and other adverse childhood experiences. In addition, being separated from their families, even for a short time, is disruptive and potentially traumatizing, with damaging effects that may impact social and emotional development.

LEAs should collaborate with child welfare and other relevant agencies to ensure that all school staff are sensitive to the complex needs of foster youth, are informed about the

impact that trauma has on a child's ability to learn, and that the appropriate interventions and strategies are in place to support them to succeed in school.

Schools districts may provide training to DCYF staff regarding K–12 education, the services available to students, or how to navigate the public education system. LEAs are strongly encouraged to collaborate with DCYF to assist with foster parent recruitment efforts in their communities.

42. What models or structures for collaboration should educational and child welfare agencies consider as part of the implementation of the new Title I, Part A foster care provisions?

Educational and child welfare agencies can choose to establish a structure to facilitate their collaboration, such as a work group, taskforce, or interagency committee, customized to the needs of the local community.

When identifying which entities should be represented as part of this collaboration, LEAs, tribes, and child welfare agencies are encouraged to work across state and district lines because it is likely that when implementing these provisions, an LEA or local child welfare agency will have to work with many partners. As such, establishing regional, inter-district, and inter-state collaborations prior to the effective dates of these provisions is critical.

Under this collaboration, the educational and child welfare agencies could engage community stakeholders, such as representatives from the court, community providers, tribal leaders, education advocacy groups, and parent mentor groups; create an open and transparent process, and work towards a shared vision of supporting the educational well-being of children in foster care.

The agencies could define the roles and responsibilities of member entities, including who will facilitate collaboration meetings, the frequency of such meetings (e.g., monthly or quarterly), resources to support the collaboration including the meeting location, and an effective process for communicating results with leadership and stakeholders. Ideally, this collaboration would be ongoing and outlast the initial implementation of ESSA, as appropriate, so that agencies can continuously improve their efforts to meet the academic needs of children in foster care.

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