

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 255

Section: 200 Pupils

Title: Educational Stability for
Children in Foster Care

Adopted: November 16, 2017

Revised: November 19, 2020

255 EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

Purpose

The Board of Education (“Board”) recognizes that school stability for students in foster care is paramount to their wellbeing and is one of many conditions students need to achieve academically. Evidence shows that frequent moves are detrimental to student success. In addition, foster children face more hurdles to progressing through school on time and often need more supportive services in order to be successful. The purpose of this policy is to authorize interventions and supports to ensure and promote educational stability for children in foster care. The best interest determination shall be made in accordance with federal and state laws and regulations, court orders, and established local procedures.

Definitions

Additional costs: The difference between what the District spends to transport a resident student to their assigned school and the cost to transport a child in foster care to their school of origin. Examples of “additional costs” could include special transportation aides, such as 1:1 support and transportation equipment not covered by other programs such as Individuals with Disabilities in Education Act (IDEA).

Foster care: Twenty-four (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. A child is in foster care in accordance with this definition 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.-[1]

School of origin: The school in which a child is enrolled at the time of placement in foster care. 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.

Authority

The Federal Every Student Succeeds Act requires the Board to ensure the educational stability of children in foster care. To effectuate that requirement, the Board requires the District to collaborate with the local children and youth agency and other school districts. [2][3][4]

Delegation of Responsibility

The Board directs the Superintendent or their designee, through the Office of Student Rights and Responsibilities, to designate a point of contact for children in foster care, who shall have the duties and responsibilities established by the Pennsylvania Department of Education.

The District's point-of-contact shall coordinate with: [2]

1. Local children and youth agency to:
 - a. Establish methods to ensure that the District is promptly notified when a child enters foster care or changes foster care placements;
 - b. Develop a protocol on how to make best interest determinations;
 - c. Develop and coordinate transportation procedures; and
 - d. Determine if the student needs additional interventions and support to ensure educational stability.
2. Other school districts on issues of transfer of educational records, transportation, and other interdistrict activities.

In addition, the District program office will conduct a quarterly review of foster care student progress, in collaboration with the Department of Human Services, in order to ensure that appropriate interventions are being taken at the school level to provide what is necessary to ensure student achievement and success.

Training

The District's point-of-contact for children in foster care shall provide professional development and training to school staff on the Title I foster care provisions and education needs of children in foster care, as needed.

Mandatory Regulatory Procedures

A child in foster care shall continue to be enrolled in their school of origin unless there is a dispute and a judicial determination that it is not in their best interest to attend the school of origin. [2]

Best Interest Determination

The best interest determination shall be made in accordance with federal and state laws and regulations, court orders, and established local procedures. [2]

1. In determining whether it is in a child's best interest to remain in their school of origin, all factors relating to a child's best interest shall be considered, including the appropriateness of the current educational setting and proximity of foster care placement. [2]
2. Documentation related to the best interest determination shall be kept in the student's educational record. [5]

Enrollment

When a child in foster care is placed in the city and seeks enrollment in a District schools, the District's point-of-contact shall: [2][6]

1. Ensure the child is immediately enrolled and attending school, even if the records normally required for enrollment pursuant to District policies are not available; and
2. Immediately contact the school last attended by the child to ensure relevant academic and other records are transferred.

Dispute Resolution

If a dispute arises over the appropriate school placement for a child in foster care, to the extent feasible and appropriate, the child shall remain in their school of origin, pending resolution of the dispute and a judicial decision.

Assignment

If the District is unable to determine the student's grade level due to missing or incomplete records, the District shall administer tests or utilize appropriate means to determine the student's assignment within the school. [7]

Appropriate means may include screener results on standardized diagnostic assessments and growth students show on subsequent progress monitoring, unit assessments, performance on rubrics for extended rethinking activities, homework and class assignments, and quizzes and tests utilized during the course.

Student Who Has Exited Foster Care

A student who exited foster care and is no longer a District resident may be permitted to remain for the remainder of the school year in District schools, upon District approval and payment of tuition, if applicable. [8]

Education Records

The District may disclose personally identifiable information from the education records of a student without written consent of the parent(s) or the eligible student if the disclosure is in compliance with applicable law and Board policy, including: [5][9][10]

1. To comply with a court order authorizing the disclosure of education records in a case where a parent is a party to a proceeding involving child abuse or neglect or a dependency matter; or
2. To an agency caseworker or other representative of a state or local child welfare agency, or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student, provided that the educational records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization except to an individual or entity engaged in addressing the student's educational needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the state or tribal laws applicable to protecting the confidentiality of a student's educational records.

Transportation

The District shall ensure that children in foster care needing transportation to their school of origin will promptly receive transportation. [3][11]

To ensure that transportation for children in foster care is provided, arranged, and funded, the District shall collaborate with the local children and youth agency to develop a local transportation plan. [3]

The transportation plan shall address the following: [3]

1. The procedure the District and local children and youth agency will follow to:
 - a. Promptly provide transportation for children in foster care;
 - b. Promptly arrange transportation for children in foster care; and
 - c. Ensure transportation is funded and in accordance with Section 475(4)(A) of the Social Security Act.
2. How transportation costs will be covered if additional costs are incurred. Options include:
[3]
 - a. The local children and youth agency agrees to reimburse the District;
 - b. The District agrees to pay for the cost;
 - c. The District and the local children and youth agency agree to share the costs; or
 - d. The district of origin, the district of current residence, and the placing children and youth agency agree to share the costs.
3. Dispute resolution procedures to ensure that any disagreements regarding the cost of transportation are resolved promptly and fairly, and do not impact a student's ability to remain in the school of origin during the dispute resolution process. [12]

The District shall submit the local transportation plan, including any updates or revisions, to the Pennsylvania Department of Education.

Transportation shall be provided to children in foster care in accordance with the local transportation plan regardless of whether transportation is provided to District students. [2][3]

Legal References:

1. [45 CFR 1355.20](#)
2. [20 U.S.C. 6311](#)
3. [20 U.S.C. 6312](#)
4. [42 U.S.C. 675](#)
5. [Policy 216](#) - Student Records
6. [Policy 200](#) - Enrollment of Students
7. [Policy 206](#) - Assignment Within District
8. [Policy 202](#) - Eligibility of Nonresident Students
9. [20 U.S.C. 1232g](#)
10. [Policy 113.4](#) - Confidentiality of Special Education Student Information
11. [Policy 810](#) - Transportation
12. [34 CFR 299.13](#)

Related Information:

[34 CFR Part 99](#)