

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Educational Stability
for Children in Foster Care

ADOPTED: November 16,
2017

REVISED:

255 EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

Authority

To ensure the educational stability of children in foster care, the School Reform Commission requires the district to collaborate with the local children and youth agency and other school districts.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Definitions

Additional costs - the difference between what the district spends to transport a resident student to his/her assigned school and the cost to transport a child in foster care to his/her school of origin.

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.[\[4\]](#)

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.

Delegation of Responsibility

The Superintendent or designee, in conjunction with the Office of Student Rights and Responsibilities, shall designate a district point of contact for children in foster care, who shall have the duties and responsibilities imposed by law and SRC policy.

The district's point of contact shall coordinate with:[\[1\]](#)

1. Local children and youth agency to:

- a. Establish formal mechanisms 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; and
 - c. Develop and coordinate transportation procedures.
2. Other school districts on issues of transfer of records, transportation and other inter-district activities.

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 Procedure

A child in foster care shall continue to be enrolled in his/her school of origin unless there is a determination that it is not in his/her best interest to attend the school of origin.[\[1\]](#)

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.[\[1\]](#)

1. In determining whether it is in a child's best interest to remain in his/her 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.[\[1\]](#)
2. Documentation related to the best interest determination shall be kept in the student's education record.

Enrollment - When a child in foster care is placed in the district and seeks enrollment in district schools, the district's point of contact shall:[\[1\]](#)[\[5\]](#)

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.
2. Immediately contact the school last attended by the child to ~~obtain~~ 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 his/her school of origin, pending resolution of the dispute.

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.[6]

Student Who Has Exited Foster Care - A student who exited foster care may be permitted to attend district schools, upon district approval and payment of tuition, if applicable.[7]

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:[8][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.
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 education 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 education 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 education records.

Transportation

The district shall ensure that children in foster care needing transportation to their school of origin will promptly receive transportation in a cost-effective manner.[2][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.[2] ___

The transportation plan shall address the following:[2] ___

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 in a cost-effective manner 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:[\[2\]](#)
 - 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.[\[1\]\[2\]](#)

Legal References:

1. 20 U.S.C. 6311

2. 20 U.S.C. 6312

3. 42 U.S.C. 675

4. 45 CFR 1355.20

5. Pol. 200 - Enrollment of Students

6. Pol. 206 - Assignment Within District

7. Pol. 202 - Eligibility of Nonresident Students

8. 20 U.S.C. 1232g

9. Pol. 113.4 - Confidentiality of Special Education Student Information

10. Pol. 216 - Student Records

11. Pol. 810 - Transportation

12. 34 CFR 299.13

Related Information:

34 CFR Part 99