



Chickasha Public Schools
Title 1 Part A
Foster Care Program
Handbook
2020-2021

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U.S. Department of Education - USDE

Oklahoma State Department of Education - OSDE and/or SEA

Chickasha Public Schools - LEA

Child Welfare Agencies - CWA



PURPOSE OF THE GUIDANCE

The guidance in the Foster Care State Plan is intended to eliminate barriers to the enrollment, attendance, and school success of children and youth in foster care, and provide such children and youth with the opportunity to meet the same challenging State academic achievement standards to which all students are held. The guidance will ensure that Chickasha Public School foster care children and youth have access to the same free, appropriate public education, including public preschool education, as provided to other children and youth, and that students in foster care are not separated from the mainstream school environment because of foster care placement.

Under ESSA, Section 1111(c)(5), an LEA must collaborate with the Child Welfare Agency and Tribal Child Welfare Agencies to implement the Title I educational stability provisions. Therefore, each LEA shall develop a clear, written Foster Care Plan that includes the following:

1. LEA Point of Contact and responsibilities;
2. Decision-making process;
3. The type of documentation or records that should be shared between parties;
4. Collaborative structure, such as regularly scheduled meetings, in which relevant individuals can participate in a particular process;
5. The best interest determination document regarding the child's school placement (school of origin or the receiving school);
6. Transportation procedures;
7. Responsibilities and costs related to student transportation;
8. Clear, written policies that will remove barriers to immediate enrollment and record transfers for children in foster care.



INTRODUCTION TO FOSTER CARE

Children in foster care often and inadvertently change schools, which along with enrollment delays and record transfers can have a significant disruptive impact on their academic progress. Studies have shown that children in foster care face an increased risk of grade retention, gaps in academic achievement, low high school graduation rates, and postsecondary enrollment.

Recognizing these adverse educational outcomes, the new foster care provisions under Title I of ESSA require State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) to collaborate with Child Welfare Agencies (CWAs) to ensure educational stability and minimize educational disruptions for children in foster care. Among other provisions, the educational stability includes assurances that:

1. A child in foster care will remain in the child's school of origin, unless a determination is made that it is not in the child's best interest to remain in that school; and
2. If a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in the school of residence, even if the child is unable to produce records normally required for enrollment.

These will help ensure that children in foster care experience minimal disruption to their education during moves and placement changes.

The Oklahoma State Department of Education recommends that Districts reserve 1% of Title I funds for Foster Care. The 1% recommended for foster care needs must be in addition to the set aside reserved for homeless students. If foster care funds are not utilized, the district can reassign funds for usage in other Title I areas.



LAW REQUIREMENTS

Fostering Connections Act

In 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law.

For children in out-of-home care, child welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. As part of this plan, the agency must include assurances 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 is enrolled at the time of placement; and
- The state child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

Additionally, the law requires that if remaining in such school is not in the best interest of the child, the case plan must include assurances by the child welfare agency and the local educational agencies that:

- Provide immediate and appropriate enrollment in a new school; and
- Provide all of the educational records of the child to the school. The Fostering Connections Act supports the well-being of children in out-of-home care by requiring states to provide assurances in their Title IV, Part E state plans that every school-age child in foster care, and every school-age child receiving an adoption assistance or subsidized guardianship payment, is a full-time elementary or secondary school student or has completed secondary school.

ESSA Law

In December 2015, Congress passed the Every Student Succeeds Act (ESSA). OSDE has developed the guidelines herein to ensure compliance with the new law requirements. The McKinney-Vento Act is a federal law that provides rights and protections to homeless children and youth, including those “awaiting foster care placement.” ESSA amended section 725 of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), removing children “awaiting foster care placement” from the definition of “homeless children and youths” starting on December 10, 2016.



Oklahoma State Law

340:75-1-9. Oklahoma Department of Human Services authority to administer a child welfare program

The authority and scope for the care and custody of children includes:

1. The Oklahoma Children's Code;
2. Federal laws and regulations under Title IV-B, IV-E, V, VI, XIX, and XX of the Social Security Act, as amended; and
3. Decisions made by the Oklahoma Commission for Human Services.

"Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities, per 10A O.S. § 1-1-105.

- For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed, or a designated official for a residential child care facility where a child in foster care has been placed.
- Each facility must assure that at least one employee is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally-appropriate activities. The authorized facility employee is provided with training on how to use and apply the reasonable and prudent parent standard.



EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

Identification of Children

New requirements under Title I of the ESEA highlight the need to provide educational stability for children in foster care, with particular emphasis on collaboration between SEAs, LEAs, and CWAs to ensure that all school-age children in foster care have the opportunity to achieve at the same high levels as their peers.

IDEA (Individuals with Disabilities Education Act) Students

Under the IDEA, each child's placement decision must be made by a group of knowledgeable persons, including the child's parents. This group may also include staff from a child welfare agency. "Parent" is defined in the IDEA at 34 C.F.R. § 300.30. Note that this definition includes a child's foster parent, unless State law, regulations or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent.

EL Students

Some children in foster care are also English Learners (ELs)—students identified as having limited English proficiency in speaking, listening, reading or writing English through procedures established by school districts. Title VI [42 U.S.C. § 2000d to d-7, 34 C.F.R. part 100] and the Equal Educational Opportunities Act of 1974 (EEOA)[20 U.S.C. § 1703(f)] require public schools to ensure that all EL students, including EL students in foster care, can participate meaningfully and equally in educational programs.



Oklahoma State Department of Education Responsibilities

OSDE Point of Contact for Foster Children

OSDE has designated an employee in the Office of Federal Programs to be the point of contact (POC) for Child Welfare Agencies (CWA) and to oversee the implementation of the OSDE responsibilities required under this subparagraph. For any questions, please contact:

Oklahoma State Department of Education Office of Federal Programs
2500 N. Lincoln Boulevard
Oklahoma City, OK 73105
(405) 521-2846

Roles and responsibilities of the POC at the state level may include:

1. Coordinate with the corresponding State and Tribal child welfare agency POCs to issue joint State guidance for the implementation of the Title I provisions.
2. Facilitate data sharing with the State and Tribal child welfare agencies, consistent with Family Educational Rights and Privacy Act (FERPA) and other Federal or State privacy laws, regulations, and policies;
3. Monitor LEAs to ensure compliance with the Title I requirements at the local level;
4. Provide professional development opportunities and technical assistance for LEA POCs and other personnel regarding school stability and educational support for children in foster care, as needed;
5. Collaborate with State and Tribal child welfare agencies to provide guidance to LEAs regarding laws, regulations and policies.

OSDE Dispute Resolution Process for Foster Care Complaints

Child welfare agencies, SEAs and LEAs each bring valuable perspectives to the best interest determination. Recognizing this, both the Fostering Connections Act and Title I require coordination among agencies at the State and local level to ensure the educational stability of children in foster care. Given these coordination requirements, the relevant agencies should make every effort to reach agreement regarding the appropriate school placement of children in foster care.



Chickasha Public Schools Responsibilities and Point of Contact

LEA Point of Contact for Foster Children

Under the requirements of ESSA, Section 1112(c)(5)(A), each LEA must “designate a point of contact if the corresponding child welfare agency notifies the local educational agency in writing that the agency has designated an employee to serve as a point of contact for the local educational agency.”

Chickasha Public Schools will designate a Foster Care Point of contact for the district. This person shall be designated by the Superintendent of schools, and disseminated to all stakeholders who meet the designation of Foster Care placement by the Director of Special Services/Federal Programs.

Roles and responsibilities of the LEA POC may include:

- Coordinating with the corresponding child welfare agency POC on the implementation of the Title I provisions;
- Leading the development of a process for making the best interest determination;
- Documenting the best interest determination;
- Facilitating the transfer of records and immediate enrollment;
- Facilitating data sharing with the child welfare agencies, consistent with FERPA and other privacy protocols;
- Developing and coordinating local transportation procedures;
- Managing best interest determinations and transportation cost disputes;
- Ensuring that children in foster care are enrolled in and regularly attending school; and
- Providing professional development and training to school staff on the Title I provisions and educational needs of children in foster care, as needed.

Chickasha Public Schools point of contact for foster children is:

Pam Ladyman, Director of Special Services/Federal Programs 405-222-6500
pladyman@chicksha.k12.ok.us



Enrollment

Children in Foster Care will be allowed to immediately enroll in their school of origin or their school of residence without proper documentation (i.e. birth certificate, shot records, or guardianship documents.) The foster care point of contact will then work with the foster parents or Department of Human Services to obtain the documents.

Procedures to Implement the Educational Stability Provisions

To ensure the implementation of the Title I educational stability provisions for children in foster care under ESSA, OSDE provides the following guidelines and steps to be taken by the appropriate agency:

1. Child Welfare or the Foster Parent notifies Chickasha Schools regarding which students are in foster care;
2. Child Welfare informs the Chickasha Schools about a child placement away from parents or guardians and for whom the child welfare agency has placement and care responsibility. The CWA must start collaboration and consultation with the LEA within **72 hours**;
3. The child in foster care enrolls or remains in the school of origin, unless a determination is made that it is not in the child's best interest to attend the school of origin. Chickasha Public Schools and Child Welfare should consult and make a joint determination in regard to the best interest of the child. In the event of emergency circumstances, the CWA has the authority to make an immediate decision regarding the school placement, and then consult with the LEA and revisit the best interest determination of the child.
4. If there is disagreement regarding school placement for a child in foster care, the child welfare agency should be considered the final decision maker in making the best interest determination (unless State law or policy dictates otherwise). The child welfare agency is uniquely positioned to assess vital non-educational factors such as safety, sibling placements, the child's permanency goal and other components of the case plan. The child welfare agency also has the authority, capacity and responsibility to collaborate with and gain information from multiple parties, including parents, children, schools and the court in making these decisions;



5. Chickasha Public Schools will collaborate with Child Welfare to develop and implement clear written procedures governing how transportation is provided to maintain children in foster care in their schools of origin, when in their best interest; CWA receives funds under Title IV-E, and some of these funds may support the transportation costs to maintain the child in the school of origin.
 - a. CWA must ensure that transportation is provided when needed, and will be the agency mainly responsible for paying the transportation costs within the first 72 hours.
 - b. Foster care parents may agree to provide and pay for the transportation to the school of origin, but if this is not an option,
 - c. Chickasha Public Schools shall ensure transportation for the foster care children is provided, and reach an agreement with CWA in regards to covering the transportation costs as outlined by ESSA. CPS and CWA should aim to reach an agreement in regard to how the transportation will be provided, arranged and funded for the duration of the child's time in foster care.
6. OSDE highly recommends that LEAs reserve 1% of Title I funds to transport foster care students. If funds are not utilized, the district can reassign funds for usage in other Title I areas;
7. When a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in the school of residence by the child's foster parent or caseworker. To prevent educational discontinuity, ESSA, Section 1111(g)(1)(E) stipulates that enrollment must not be denied or delayed for children in foster care because documents normally required for enrollment have not been provided;
8. During the enrollment process, the following shall occur:
 - a. The caseworker notifies both schools within one (1) business day of making the decision and sends the required documents to both schools within two (2) business days of making the decision.
 - b. The receiving school shall immediately contact the school last attended by any such child to obtain relevant academic and other records.
 - c. The school of origin is required to transfer non-essential records to the receiving school within three (3) business days of receiving notice from the child welfare agency that the child will be changing schools.



LEA Legal Verification Documents

Foster care children may be brought to school for enrollment by their foster care parents, social workers or other legal guardians. The LEA has the obligation to immediately enroll these children in school. After immediate enrollment, the following guardianship or legal custody documents shall be provided for verification:

1. Power of Attorney
2. Affidavit
3. Court Order



Collaboration/Best Interest Determination

Though the specific factors may vary depending on context, in order to make a holistic and well-informed determination, a variety of student-centered factors should be considered. These factors include the appropriateness of the current educational setting and proximity of placement. [ESEA section 1111(g)(1)(E)(i)]. Listed in no particular order, these factors may include:

1. Safety considerations;
2. Proximity of the resource family home to the child's present school;
3. Age and grade level of the child as it relates to the other best interests factors;
4. Needs of the child, including social adjustment and well-being;
5. Child's performance, continuity of education and engagement in the school the child presently attends;
6. Child's special education programming if the child is classified;
7. Point of time in the school year;
8. Child's permanency goal and likelihood of reunification;
9. Anticipated duration of the placement;
10. Preferences of the child;
11. Preferences of the child's parent(s) or education decision maker(s)
12. The child's attachment to the school, including meaningful relationships with staff and peers;
13. Placement of the child's sibling(s);
14. Influence of the school climate on the child, including safety;
15. Availability and quality of the services in the school to meet the child's educational and socio-emotional needs;
16. History of school transfers and how they have impacted the child;
17. How the length of the commute would impact the child, based on the child's developmental stage;
18. Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and,
19. Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the EEOA.



STUDENT DATA PRIVACY

In January 2013, Congress passed the Uninterrupted Scholars Act (USA), which amended the Family Educational Rights and Privacy Act (FERPA) to permit educational agencies and institutions to disclose, without parental consent or the consent of an eligible student, education records of students in foster care to State and Tribal child welfare agencies. The statute also amended the requirement that educational agencies and institutions notify parents before complying with judicial orders and subpoenas in certain situations. This legislation helps to ensure privacy protections for children and families and to facilitate more efficient data-sharing pertaining to children in foster care between child welfare and educational agencies, a critical component to ensuring school stability for these youth. USDE issued guidance on the USA amendments to FERPA in May 2014. The USDE guidance clarifies that the USA amendments to FERPA also affect the confidentiality of information provisions in the Individuals with Disabilities Education Act (IDEA) by permitting the nonconsensual disclosure of the education records of children with disabilities under the circumstances set forth in the USA.

Chickasha Public Schools takes the privacy of student data seriously. We will apply FERPA guidelines to students in Foster Care just as we do students who qualify under IDEA.



TRANSPORTATION

Child welfare agencies must ensure that children stay in the school in which the children were enrolled at the time of placement (unless it is not in the children's best interest to do so). Transportation must be provided in a "cost-effective" manner so low-cost/no-cost options should be explored:

- Pre-existing bus stops or public transportation
- Foster parents, relative or other adult provides transportation
- Child is eligible for transportation by other programs

Chickasha Public Schools will collaborate with Child Welfare to ensure transportation is provided to maintain children in foster care in their schools of origin, when in their best interest; CWA receives funds under Title IV-E, and some of these funds may support the transportation costs to maintain the child in the school of origin.

- CWA must ensure that transportation is provided when needed, and will be the agency mainly responsible for paying the transportation costs within 72 hours.
- Foster care parents may agree to provide and pay for the transportation to the school of origin, but if this is not an option, Chickasha Public Schools shall ensure transportation for the foster care children is provided, and reach an agreement with CWA in regards to covering the transportation costs as outlined by ESSA. CPS and CWA should aim to reach an agreement in regard to how the transportation will be provided, arranged and funded for the duration of the child's time in foster care. ESSA, Section 1112(5)(B) stipulates:

ESSA, Section 1112(5)(B) stipulates:

If there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin, the local educational agency will provide transportation to the school of origin if—

- (I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;*
- (II) the L.E.A. agrees to pay for the cost of such transportation; or*
- (III) the local educational agency and the local child welfare agency agree to share the cost of such transportation;*

In the event of a dispute about who is responsible for the cost associated with the transportation of a foster care student, Chickasha Public Schools will provide transportation until a resolution can be reached between organizations.



Complaint or Dispute Resolution

Every effort must be made to resolve the complaint or dispute at the Local Educational Agency level and Child Welfare Agency (CWA) level before it is brought to the Oklahoma State Department of Education (OSDE). It is the responsibility of the Chickasha Public Schools to inform the complainant of our Complaint Resolution Procedures when a question concerning the education of a foster child or youth arises.

The following rule is a complaint resolution process recommended by the Oklahoma State Department of Education (OSDE) when a dispute arises regarding the education of a foster care child or youth.

1. Contact the foster care LEA Point of Contact (POC), Director of Special Services/Federal Programs, Pam Ladyman. The foster care point of contact serves as a liaison between the foster care child and the school the child attends.
 - a. Request access to or a copy of the district board of education policies addressing the education of foster care children and youths and review them. Make an appointment with the foster care coordinator to discuss the complaint.
 - b. If the dispute is not resolved after the initial discussion with the foster care POC, the complainant may file a formal complaint in writing to the foster care POC for further review.
 - c. Chickasha Public Schools POC shall present a proposed resolution or a plan of action to the complainant. The LEA shall give a written resolution of the dispute or a plan of action within five (5) to ten (10) business days from the date the complaint was received by the foster care POC.
2. If the dispute is not resolved at the foster care POC level, the complaint shall be forwarded to the superintendent of the LEA for review. The superintendent may consult with the Local CWA to resolve the dispute. The superintendent shall meet with the complainant to discuss the dispute, and then shall give a written resolution within five (5) days from the date when the complaint was received.
3. If the dispute is not resolved at the district superintendent level, the complainant may take the matter before the school district's board of education for resolution. The final written resolution at the district level shall indicate the complainant's agreement or disagreement of the resolution.



Oklahoma State Department of Education Level

If the dispute is not resolved in a satisfactory manner at the school district level, the complaint shall be brought to the OSDE. Complaints made under this process must be made in writing and signed by the complainant. The following steps are to be taken:

1. Fill out the complaint form found on the OSDE's website. Address the complaint to:
Oklahoma State Department of Education Office of Federal Programs
2500 N. Lincoln Boulevard
Oklahoma City, OK 73105 (405) 521-2846
Include in the complaint:
 - a. Detailed description of the dispute;
 - b. The name(s) and age(s) of the children involved;
 - c. The name(s) of involved school district personnel and the district(s) they represent;
 - d. A description of attempts that were made to resolve the issue at the school district and child welfare agency level.
2. The foster care POC at OSDE will inform the involved parties and the child welfare agency of the complaint. The POC will gather needed information including documentation and statements of the parties, and may conduct an independent investigation through an on-site visit, if necessary.
3. Within thirty (30) days after receiving and investigating a complaint, the OSDEPOC will make a determination regarding the allegations on the complaint and will inform the parties, in writing, of the decision.
4. If a complainant disagrees with the decision, the complainant may, within ten (10) working days, appeal the decision to the State Superintendent of Public Instruction. This appeal must be in writing and state the reasons why the complainant disagrees with the decision.
5. Within thirty (30) days after receiving the appeal, the State Superintendent of Public Instruction will render a final decision and notify the complainant and all other interested parties in writing. Although the standard procedure allows thirty (30) days for a response, every effort will be made to resolve the complaint in the shortest possible time.
6. While the dispute is ongoing, the child(ren) in question must be enrolled in and attending school. If the dispute revolves around which school is the school of best interest for the child, the child shall remain in the school they currently attend until the dispute is resolved, unless arrangements already implemented allow the child to attend the school of origin.



Sources for this document:

- *Oklahoma State Department of Education - Title I, Part A Foster Care Handbook*
- *Oklahoma State Department of Education - Monitoring Toolkit*

Forms

- CPS Best Interest Determination Evaluation
- CPS Transportation Agreement



Chickasha Public Schools Best Interest Determination Evaluation

Child's Name: _____ Date: _____

Birthday: _____ Age: _____ Grade: _____

Current District: _____ Current Site: _____

Student will remain in the current school unless consideration of the following factors indicates a change of school placement is in the child's best interest (check all that apply.)

	School of Origin (A)	Receiving School (B)	Other Previous School Attended (C)
Which school will better meet the relational needs of the child? Select all that apply: • Siblings • Relationships with peers • Relationships with staff Describe the relationship connections at current school: _____ _____ _____ List strategies for maintaining important connections should other best interest determination be made: _____ _____ _____			



Which school will better meet the individual academic needs and challenges of the child? Select all that apply: • IEP • 504 Plan • Gifted Program • Career Tech • EL Services			
Which school will better meet the social/emotional needs and challenges of the child? Select all that apply: • Social • Emotional • Safety			
Which school will better meet the unique needs and interests of the child? Select all that apply: • Extracurricular Activities • Sports • Other Student will describe the areas of desired school involvement: _____ _____ Which school will best meet the permanency goal and likelihood of reunification with parents or siblings?			
Describe the child's transfer history. _____ _____			
Which school does the student prefer to attend? Explain: _____			



Which schools does the caregiver or current placement provider recommend the student attend? Explain: _____ _____			
Identify strategies for successful transition to new school and/or support in current school: _____ _____ _____			

Supporting Documentation

Attach any supporting documentation used to determine best interest of child:

- Report Cards
- Progress Reports
- Achievement Data
- Attendance Data
- IEP or Section 504 Plans
- Others: _____

Determination

Based on the information provided and considering the best interest of the child, the team has determined the following school is the most appropriate educational placement for the child; _____

Team Members:

Print Name	Signature	Title



Chickasha Public Schools Transportation of Foster Care Students Agreement

Dear Superintendent and Child Welfare Agency:

Fostering Connections Act (P.L. 110-351) is a federal law that protects and seeks to promote education stability for foster children. Under this Act, transportation to school must be provided to an enrolled foster care student, even though the student may be physically located in a different school district. Oklahoma law, however, prohibits school buses from crossing the transportation boundaries of another district, with a few exceptions. One such exception is by the mutual agreement of the boards of education. This letter is intended to be a Transportation Agreement designed to comply with legal requirements in the event that a participating school district must provide transportation services to a foster care child who is physically located in another participating school district.

Every Student Succeeds Act (ESSA), Section 1112(5)(B) stipulates: "If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if:

- (I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
- (II) the local educational agency agrees to pay for the cost of such transportation; or
- (III) the local educational agency and the local child welfare agency agree to share the cost of such transportation."

In order to comply with ESSA and to ensure educational stability, the receiving Local Educational Agency and the Child Welfare Agency (CWA) should aim for reaching an agreement in regard to how the transportation will be provided, arranged and funded for the duration of the child's time in foster care. This letter is also intended to be a Transportation Agreement between the LEA and CWA, designed to comply with ESSA requirements in terms of transportation costs.



If you wish to participate in the Agreement, please have this document approved by the board of education and provide me with a signed copy of the Agreement. I will then provide each of the participating parties with an executed copy.

Respectfully,

Signatures:

Chickasha Schools Foster Care Point of Contact

Date: _____

DHS / CWA Representative

Date: _____

Receiving School District

Date: _____

Transportation cost agreed to: _____

Attest: _____
Board Clerk

Date: _____

