



UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Indian Education
1849 C Street NW, MIB-3610
Washington, DC 20240

LEA/School Foster Care Educational Stability Procedures

FOSTER CARE POINT OF CONTACT

The [Name of LEA/school] will designate a Foster Care Point of Contact who will have primary administrative-level oversight of the services for children who are in foster care. They, or a qualified designee, shall be responsible for:

- Providing any required assurances to applicable state and federal agencies that the (Name of LEA/school) is complying with;
- Applicable state and federal requirements related to ensuring the educational stability of children in foster care; and
- Monitoring compliance with such assurances reasonably.

The LEA/school's Foster Care Point of Contact, or a qualified designee, will:

- Act as the [Name of LEA/school]'s primary point of contact between the representatives of child welfare agencies who also have responsibility for ensuring the educational stability of children in foster care;
- Coordinate with the points of contact and other appropriate representatives of child welfare agencies and of other educational agencies on the implementation of the Title I provisions related to ensuring the educational stability of children in foster care;
- Work with administrators and personnel to periodically review existing policies, procedures, practices, and data to identify and develop proposals to remedy and remove barriers that children in foster care may face in the LEA/school enrollment and admission processes, in regularly attending LEA/school, in accessing applicable support services (such as LEA/school counselors), in accessing academic programs, academic activities, or co-curricular activities, or in receiving appropriate credit for prior academic work;
- Assist appropriate child welfare agency representatives in making "best interest of the child" education decisions, including particularly the determination of whether or not it is in a child's best interest to remain in their LEA/school of origin or to enroll in a new LEA/school;

- Facilitate the continued enrollment of a child in foster care in their LEA/school of origin; or, if remaining in the LEA/school of origin is determined not to be in the child's best interest, facilitate the child's immediate enrollment in a new school even if the child is unable to produce records normally required for enrollment;
- Request, facilitate, and confirm, as applicable, the timely transfer of student records any time a child in foster care will be enrolling in [*Name of LEA/school*] other than the LEA/school the child is currently attending (or most recently attended);
- Coordinate the implementation of local transportation procedures related to children in foster care and the resolution of any transportation cost disputes, in consultation with the LEA/school administrator and in accordance with established procedures;
- Facilitate the sharing of student record information with child welfare agency personnel in a manner consistent with applicable legal requirements, any applicable record sharing agreements, and established [*Name of LEA/school*] policies and procedures regarding the maintenance and confidentiality of student records;
- Ensure that children in foster care attending [*Name of LEA/school*] have access to and receive educational services and support and specialized programming for which they are eligible;
- Coordinate professional development activities and resources and serve as a local resource, as needed, for other staff related to the Title I provisions and the educational needs of children in foster care;
- Coordinate the collection and appropriate reporting of any data needed to meet the established legal requirements related to children in foster care.

LEA/SCHOOL ENROLLMENT

The presumption is that a student will remain in the LEA/school of origin (i.e., the LEA/school in which the child is enrolled or the last LEA/school in which the child was enrolled at the time of placement into out-of-home care). A student should only change LEAs/schools if remaining in the LEA/school of origin is not in the child's best interest, as determined collaboratively by the [*Name of LEA/school*] and the child welfare agency.

The determination of a child's best interest in relation to LEA/school enrollment involves considering all factors relating to a child's best interest, including but not limited to:

- Preferences of the student, the parent, and any education decision-maker;
- Safety of the student;
- Needs and strengths (specialized language services, individual education plans (IEP), gifted and talented programming);
- Length of placement and the student's permanency plan;

- Number of LEA/schools the student has attended over the past few years and how transfers have impacted the student;
- Continuity in the student’s ethnic, cultural, and linguistic background;
- Student’s attachment to the LEA/school, including meaningful relationships with staff and peers;
- Timing of the transfer and whether it would coincide with a logical juncture, such as the end of the LEA/school semester or LEA/school year;
- What LEA/school(s) the student’s sibling(s) attend; and
- How the length of the commute would impact the student. (*Note:* The cost of transportation may not be a factor in determining best interest.)

STUDENT RECORDS

[*Name of LEA/school*] designates as “LEA/school officials” with legitimate educational interests to receive limited student record information those specific individuals or officials from other LEA/schools, LEA/school systems, or child welfare agencies who are working with [*Name of LEA/school*] to implement the requirements of Title I, Part A of the Elementary and Secondary Education Act. Student information shared with other individuals will be limited to only that information necessary to implement the required services for students. Information shared in this process with designated individuals shall not be further disclosed for other purposes. This section shall be consistent with the Family Education Rights and Privacy Act, 34 CFR section 99.34, which permits the sharing of information to other LEAs/schools or LEA/school systems to which a student seeks or intends to enroll or to transfer.

TRANSPORTATION

The [*Name of LEA/school*] recognizes that in the absence of any separate state or federal transportation obligation that may apply in a specific situation, the federal law related to the educational stability of children in foster care establishes transportation-related obligations that are shared among the LEA/school of residence, the LEA/school of attendance (if different), and the applicable child welfare agencies.

Note. If there is a difference of opinion regarding LEA/school enrollment between the [*Name of LEA/school*] and the child welfare agency, the child welfare agency is considered the final decision-maker.

When such transportation is required by federal law and when it is the particular child’s school of origin, the [*Name of LEA/school*] procedures addressing the transportation of children in foster care to their LEA/school of origin are as follows:

TRANSPORTATION PLANNING

- A representative of the relevant child welfare agency or the child’s agency-designated foster parent or adult caregiver should give clear notice to the [*Name of LEA/school*], as soon as practical, that a child in foster care needs, or may need, transportation to the LEA/school that is the child’s LEA/school of origin. Such notice may be given in writing or verbally directly to the School’s Foster Care Point of Contact or their designee.
- When the [*Name of LEA/school*] is notified that a child in foster care needs, or may need, transportation to a LEA/school serving as the child’s LEA/school of origin, the LEA/school’s Foster Care Point of Contact, or their designee, will promptly take steps to establish an individualized plan that addresses how transportation to maintain the child in his/her LEA/school of origin will be arranged, provided, and funded for the duration of time that the child is in foster care and attending the LEA/school of origin. The transportation plan for the child shall be established in consultation with appropriate LEA/school staff, appropriate representatives of the child welfare agency (such as the child’s caseworker), representatives of any separate resident LEA/school (if applicable), and may also include obtaining input from others who may be involved in education or other decision-making for the child, such as the foster parent or other designated caregiver.
- The transportation plan for the child will normally be in writing and will normally include the following information:
 - A transportation strategy for providing transportation to and from the LEA/school of origin on LEA/school days, inclusive of identifying the mode(s) or method(s) of transportation, the person or entity responsible for providing the transportation, and if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any method or mode of transportation.
 - To the extent applicable, a description of how the child’s LEA/school-related transportation will be funded, particularly when the planned transportation involves additional costs defined under applicable laws and regulations.
 - Identification of any further approvals that must be obtained or any contracts or intergovernmental agreements that must be executed to implement the transportation plan (e.g., for purposes of funding).
 - A communication protocol that the [*Name of LEA/school*], representatives of the applicable child welfare agency, and other relevant persons (such as the child’s foster parent) will use to:
 - Address any questions or concerns that arise with the transportation plan (including considering possible adjustments to the child’s transportation plan), and

- Communicate to the [*Name of LEA/school*], as soon as possible, any relevant changes in the child's out-of-home placement that are relevant to the transportation plan, including prompt communication to the LEA/school from the child welfare agency who is responsible for the child's care and placement that there is a likely or imminent change in the child's status as a child who is in an out-of-home placement (e.g., that the child will be exiting foster care).

TRANSPORTATION STRATEGIES

Applicable federal law requires procedures to ensure that children in foster care who need transportation to the LEA/school of origin promptly receive that transportation and to ensure that such transportation is arranged and provided in a cost-effective manner that is reasonable under the specific circumstances. Possible methods of transportation; the reliability, safety, distance, and overall commuting time associated with possible methods; and the effect that particular transportation arrangements may have on the child's education and well-being are factors that are relevant to consider for purposes of both the educational placement decision (i.e., whether the student should attend their LEA/school of origin) and in preparing a transportation plan for a child who is placed at their LEA/school of origin.

The cost of transportation may not be considered when determining which LEA/school enrollment is in a child's best interest, but the cost and funding of different possible methods of transportation are relevant in arranging a transportation plan for a child who is placed at their LEA/school of origin.

Situations where funding for LEA/school transportation has already been designated should be considered, for example:

- The out-of-home caregiver is provided funding to ensure the child's transportation.
- The child has transportation written into their individualized education plan (IEP) because of disability related needs, where the [*Name of LEA/school*] is obligated to provide transportation as part of the child's IEP as a "related service" under the Individuals with Disabilities Act (IDEA).
- Students who have been identified as eligible and/or on a 504 plan.

Considerations for making transportation cost-effective shall be considered, for example:

- By foster parents (through the foster care payment)
- By group home staff as an Extraordinary Payment
- By volunteers as individuals or through social organizations
- Existing public school bus routes (including, for example, a foster parent driving the child to meet a bus for the LEA/school of origin along the existing route)
- Public transportation (based on safety, disability, age, etc.)

- Taxis or other private transportation services (based on safety, disability, age, etc.; perhaps with a reduced-cost service contract)
- Walking within a reasonable walk zone (based on safety, disability, age, etc.)

FUNDING ADDITIONAL COSTS FOR PROVIDING TRANSPORTATION

Additional costs incurred in providing transportation to the LEA/school of origin should reflect the difference between what the [Name of LEA/school] otherwise would spend to transport a student to their assigned LEA/school and the cost of transporting a child in foster care to their LEA/school of origin. For example, if the [Name of LEA/school] provides transportation through an established bus route, there is no additional cost. If the [Name of LEA/school] provides transportation only for the child in foster care (e.g., through a private vehicle or transportation company), the difference between the transportation costs and the usual transportation costs can be considered additional. If the transportation plan for a child in foster care involves additional costs, as defined/allowed under applicable state and federal laws and regulations, the plan will identify the means by which the child's transportation will be funded.

Except to the extent that any law or regulation is enacted that provides specific and overriding funding directives, the [Name of LEA/school] will attempt to pursue, and may expressly agree with, one or more child welfare agencies to mutually implement the following priorities and options for funding any additional transportation costs:

1. Unless both the [Name of LEA/school] and the applicable child welfare agency mutually agree that an alternative funding approach is more appropriate to the specific circumstances, the LEA/school and agency will first prioritize any funding sources that represent additional aid/funding that would not otherwise be available to use for other purposes if transportation to the LEA/school of origin involving additional costs were not being provided for a child. That is, additional funding means an amount of money that the [Name of LEA/school] or agency would not otherwise be entitled to receive and to use for another qualified purpose if the child were not being provided with the transportation in question.
2. If the available additional aid and funding do not sufficiently address the funding of any additional costs of transportation, then the [Name of LEA/school] and each applicable child welfare agency will evaluate and attempt to reach an agreement on a means of funding the child's LEA/school transportation plan using other strategies and sources of funds. If the LEA/school and the child welfare agency cannot come to an agreement, the cost of transportation shall be shared equally. The [Name of LEA/school] and the local child welfare agency could share the costs based on:
3. An agreed-upon distance (e.g., the [Name of LEA/school] pays for transportation costs up to a certain number of miles, and the child welfare agency pays the remaining transportation costs);

- a. The length of time the child requires transportation (e.g., *[Name of LEA/school]* pays transportation costs for the first six months of a child's placement, and the child welfare agency pays for transportation costs beyond six months of a child's placement);
- b. A split of daily costs/responsibility (e.g., the *[Name of LEA/school]* is responsible for getting the child to school and the child welfare agency is responsible for managing after-school transportation); or
- c. Other arrangements agreed to by the involved entities.

If the LEA/school of origin and the out-of-home placement are located in different LEAs/schools, the two LEAs/schools and the child welfare agency will agree on a method for transportation and share costs.

DISPUTES RELATED TO THE TRANSPORTATION OF A CHILD IN FOSTER CARE

Except to the extent that any law or regulation is enacted that provides any over-riding dispute resolution directives or procedures, if there is a disagreement between or among the parties that are involved in determining the method of transportation to the child's LEA/school of origin and/or the funding of any additional costs associated with providing such transportation, the LEA/school will attempt to pursue, and may expressly agree with one or more child welfare agencies to mutually implement, the following dispute resolution procedures:

1. A meeting will be scheduled that involves the Administrator(s) (or a qualified and knowledgeable senior-level designee) of each applicable LEA/school and child welfare agency. The parties will attempt to self-mediate the dispute. By mutual agreement, the parties may involve a third party to act as a neutral mediator in this process.
2. If the attempt to self-mediate is unsuccessful, or if all relevant parties mutually agree to proceed directly to this step, the parties will attempt to utilize any dispute-resolution process that may be offered by a state-level agency for this purpose.
3. If the dispute is not resolved after attempting the dispute-resolution methods listed above (to the extent available), then the parties may pursue any other mutually-agreeable means of resolving the dispute, or, in the absence of such agreement, any party may take such additional steps as are deemed necessary to protect its interests and achieve a resolution to the dispute.

INTERIM METHODS OF TRANSPORTATION

In the event of a dispute regarding the method of transportation that will be used to transport a child to their LEA/school of origin, the *[Name of LEA/school]* will attempt to identify and make a good-faith effort to arrange for the implementation of a short-term (interim) transportation strategy that will be used for a defined period of time so that the child can promptly receive transportation to the LEA/school of origin.

INTERIM FUNDING OF TRANSPORTATION

In the event of a dispute between *[Name of LEA/school]* and one or more other educational or child welfare agencies regarding the amount of or the means of funding additional costs of transportation to a child's LEA/school of origin that is located within the LEA/school, the *[Name of LEA/school]* and any such agency will attempt to define a mutually-agreed-upon, interim funding arrangement that will be implemented for a defined period of time so that the child can promptly receive transportation to the LEA/school of origin. In the absence of a voluntary interim funding arrangement, and in order to promptly provide transportation while a dispute is pending, *[Name of LEA/school]* will attempt to pursue, and may have an express agreement with one or more child welfare agencies to mutually implement, a default interim funding arrangement under which *[Name of LEA/school]* and the child welfare agency that is responsible for the placement and care of the child will each pay an equal share of the disputed additional costs of transportation on an interim basis until the funding dispute is resolved. However, if the child resides in an area with a LEA/school that is different from the area in which the LEA/school of origin is located, and if neither LEA/school has exclusive legal responsibility for the transportation, then the two LEAs/schools will each contribute 25% of the additional costs.

The final resolution of a funding dispute may require the full or partial reimbursement of funds expended under an interim arrangement to pay the costs of additional transportation during the pendency of the dispute.

DURATION OF TRANSPORTATION

Transportation will be provided for the duration of the student's time in out-of-home care as long as it continues to be in the child's best interest to remain in the LEA/school of origin.

To the extent the procedures above conflict with any specific written agreement that *[Name of LEA/school]* reaches with a child welfare agency or another party, the specific written agreement shall govern the interactions involving *[Name of LEA/school]* and such agency or other parties.