

1007 - Students in Foster Care Procedures

Commission LEA Policy 6505 – Students in Foster Care lays out the broad requirements and expectations for serving students in foster care. This document provides the procedures for compliance with the Every Student Succeeds Act (ESSA) - Title I, Educational Stability for Children in Foster Care for Commission-authorized charter schools. The procedures cover:

- Point of Contact
- Enrollment
- School of Origin and Placement of Students
- Best Interest Determination
- Records Transfer
- Transportation
- Dispute Resolution
- Required Procedures
- Forms and Appendices

Point of Contact

Each charter school shall name a point of contact (“POC”) who will be the main liaison between students in foster care at the school and the Commission’s foster care POC. The school POC will work with the Commission’s POC on communication with the Department of Children’s Services (DCS) POC. The school’s POC shall communicate on at least a monthly basis, but as frequently as necessary, with the Commission’s POC on the implementation of serving students in foster care. The school’s POC shall also be responsible for completing the relevant sections of the school’s annual Sub-recipient Monitoring Self-Assessment. More information about the Sub-recipient Monitoring Self-Assessment can be found in the Commission’s Sub-recipient Monitoring Guidebook.

Every year, the charter school shall notify the Commission of the school’s foster care POC by submitting the individual’s name and contact information on spreadsheet contained within the reporting calendar. The school’s POC shall be familiar with Title I, Educational Stability for Children, and the requirements to serve students in foster care. Resources that are helpful to review include, but are not limited to:

- [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#)

Enrollment

Students in foster care shall be immediately enrolled if accepted through the enrollment period or lottery, even if the student is unable to produce records normally required for enrollment (i.e., academic records, immunization records, health records, proof of residency).¹ The term “enrollment” is defined as the child or youth in foster care regularly attending and fully participating in school while having their educational needs met.² DCS Policy 21.19 specifies that Family Services Workers (FSWs) will present an Education Passport (i.e., compilation of school records) to the new school upon enrollment. If enrolling in a school of choice, a representative of DCS will provide schools with signed documentation from DCS Director of Education approving this placement. Should a charter school receive both a completed Education Passport and signed documentation from DCS approving the placement, no Best Interest Determination (BID) meeting is required. Students in foster care cannot be enrolled in or withdrawn from a school of choice by their foster parent without the written consent of DCS. The Commission’s foster care POC should be contacted immediately if someone is attempting to enroll a student in foster care without an Education Passport and signed approval.

After receiving the Education Passport from DCS, the charter school shall then contact the student’s prior school for relevant records. If the charter school does not receive education records from the prior school within 48 hours of enrollment, the Commission POC or the charter school POC should contact the DCS POC.

The school’s POC shall ensure that the student’s records are received in a timely manner from the student’s previous school, update a student’s foster care status in the Commission’s student information system (students in foster care shall be coded as “FOSO1”), and place a student in a class or classes when records are not immediately available.

School of Origin and Placement of Students

Pursuant to Commission LEA Policy 6505 – Students in Foster Care, the school of origin shall mean the school at which a student is enrolled at the time of placement in foster care or the

¹ Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1111(g)(1)(E)(i)-(iv)

² Tennessee Department of Education Memo, November 15, 2016, “Foster Care Guidance: Enrollment and Records Transfers.”



school at which a student is enrolled when there is a change in placement address, if the child is already in foster care.

If a student enters DCS custody or a student changes placement while in custody, the DCS Child and Family team will discuss if it is in the best interest of the student to remain in the school of origin. If the team believes that the student should remain in the school of origin, the DCS POC will notify the POC for the Commission to arrange a best interest determination meeting.³

If a student enrolled in a Commission authorized charter school will be transferring from the school as a result of placement in foster care or a change in placement address, the school's POC should immediately inform the Commission's POC so that a best interest determination meeting can be arranged. Students shall not be unenrolled from the school of origin until a best interest determination meeting is held and any corresponding disputes resolved.

If a student exits a residential treatment center, the Charter Commission will consider the public school the child attended prior to placement in the residential facility to be the school of origin, in accordance with guidance from the U.S. Department of Education.

Best Interest Determination

The DCS POC will notify the Commission's POC if there is a student who DCS would like to keep in the school of origin, but who will no longer be living in that school's zone. At this point, the Commission and DCS can schedule a best interest determination team meeting within five (5) school days that includes:

- The DCS POC;
- The Commission POC;
- The school's POC;
- The educational decision maker for the child or youth;
- The school principal or designee; and
- Any other key partners for decision making.

If the student has an Individualized Education Program (IEP) or a Section 504 plan, or is an English Learner, then the relevant school staff members shall participate in the best interest decision process. For each best interest determination meeting, the DCS POC, School POC, and the Commission POC will determine which of these participants must be present in-person and who may join remotely or be consulted prior to the meeting in order to prevent unnecessary

³ Memorandum from the Tennessee Department of Children's Services, "Education Stability for Children in Foster Care."



delays due to scheduling. This determination shall be made as quickly as possible to prevent educational disruption, and transportation costs should not be considered when determining a student's best interest. A sample best interest determination process is included in these operating procedures.

Placement shall be determined based on the student's best interest. At all times, a strong presumption shall be maintained that keeping the student in the school of origin is in the student's best interest.

If the team decides it is in the best interest of the student to remain in the school of origin, then the student will be allowed to remain without tuition charges. Transportation to the school of origin should then be discussed by the team. For additional information regarding transportation, please review the transportation section of this document.

If the team decides it is not in the best interest of the student to remain in the school of origin, DCS will enroll the student in the new school. The enrolling school will then contact the previous school for all pertinent school records. The new school may then request official records from the previous school. DCS will contact the Commission's POC if its schools do not receive records within 48 hours of enrollment.

Regardless of the school the student attends, enrollment must not be denied to any population of students (e.g. justice-involved youth in foster care, student with disabilities receiving special education and related services, English Learners, etc.) due to incomplete records.

Records Transfer

When it is determined that it is not in the child's or youth's best interest to remain in his or her school of origin and either no objection to the change in school is filed or all objections have been resolved, the DCS POC, the Commission POC, and the school's foster care POC shall work together to ensure:

- the child or youth is immediately and appropriately enrolled in and attending the receiving school;
- the receiving school understands the child or youth may only be enrolled by the child's foster parent or the child's caseworker if accompanied by Education Passport and signed approval from DCS Director of Education;
- the school of origin sends all essential educational records to the receiving school within 48 hours of receiving notice from a DCS representative or the Commission POC that the child will be changing schools;

- the caseworker verbally notifies both schools within two (2) business day of making decisions and faxes requisite documents to both schools within two (2) business days of making the decision; and
- the school of origin transfers all non-essential records to the receiving school within two (2) weeks.⁴

Transportation

The Commission's POC and the school's POC will collaborate with the DCS POC to determine transportation options. If, in the Child and Family Team Meeting through DCS, it is determined that the student will remain in the school of origin and transportation is required, then transportation needs and possible costs for a student in foster care will be documented on the Transportation to the School of Origin form included in this guidance document. If there are additional costs⁵ incurred in providing transportation to the school of origin, the Commission's POC will collaborate with the DCS POC and the school's POC to determine how the additional costs will be paid.

If there are additional costs incurred in providing transportation that are the responsibility of the charter school, the school shall pay for the transportation costs either through general purpose (state/local school allocation) funds or other philanthropic resources. Title I funds may be used to provide transportation.⁶ All no-cost and low-cost options should be discussed first, including but not limited to:

⁴ Tennessee Department of Education Memo, November 15, 2016, "Foster Care Guidance: Enrollment and Records Transfers."

⁵ Additional costs are defined as the difference between what an LEA or charter school otherwise would spend to transport a student to his or her assigned school and the cost of transporting a student in foster care to his or her school of origin. DCS representatives (including the education specialists) do not have the authority to approve expenditures for transportation. In keeping with DCS policy, any transportation plan proposed that may include costs to DCS must be approved by the DCS fiscal division.

⁶ U.S. Department of Education and U.S. Department of Health and Human Services, June 23, 2016, "Non Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care," p. 19; An LEA may use Title I funds to pay for additional costs needed to transport children in foster care to their schools of origin. However, funds reserved for comparable services for homeless children and youth under section 1113(c)(3)(A)(i) of the ESEA may not be used to provide transportation needed to maintain children in foster care in their schools of origin.



- Adding or modifying a stop to an existing bus route;
- Dropping the student off at a school bus stop on the existing transportation system for the school of origin;
- Using public transportation, if the student is of an appropriate age and has or is able to acquire the skills to utilize such option;
- Having foster parents transport the student to school;
- Utilizing pre-existing bus routes or stops close to the new foster care placement that cross school district boundaries, such as transportation for homeless students required by the McKinney-Vento Act; or
- Providing transportation under another entitlement for which the student is eligible, such as IDEA.

DCS will provide transportation during the five (5) school days from the time the Education Specialist notifies the Commission's POC until the best interest determination meeting is held, and for up to five (5) additional school days after the best interest determination meeting if the Commission and the authorized charter school need to make transportation arrangements in order to keep the student at the school of origin.

ESSA mandates school stability and transportation necessary to ensure school stability until students exit foster care. The guidance from the US Department of Education strongly urges states to extend these rights until the end of the school year in which the student exits foster care.

The charter school will ensure that a student in foster care remains in his/her school of origin while any disputes regarding transportation costs are being resolved.

Dispute Resolution

If there is a dispute following the transportation best interest determination meeting over who will pay the additional transportation costs, the dispute resolution team will meet. Commission staff members and DCS will be included in the discussion, and the team will use the dispute resolution forms included in these procedures.

Required Procedures

Authorized charter schools are required to develop clear procedures for transferring and accepting credits to ensure that a student in foster care receives appropriate credit for full or partial coursework satisfactorily completed while attending a prior school(s). Such procedures shall be submitted to the Commission when requested.



Forms and Appendices

The following documents are required forms for Commission authorized charter schools to use when serving students in foster care. The forms are based on the forms developed by the Department of Children's Services and modified for the Commission's context.

- Best Interest Determination Form – *required*
- Transportation to School Of Origin Form – *required*
- Dispute Resolution Process—Best Interest Determination – *required*
- Dispute Resolution Process—Transportation – *required*



Best Interest Determination Form

Student Information

School System: _____ School of Origin: _____

Student's Name: _____ Date: _____

Age: _____ Gender: _____ Grade: _____ IEP/504/EL/ILP-D: _____

Primary Contact (Title/Name/Number): _____

Emergency Phone Contact (Title/Name/Number): _____

Determination: Mark either school of origin or school of zone for each consideration item.

Consideration Item	School Of Origin	School of Zone	Evidence/Comments
Preference of youth/child			
Preference of education decision maker			
Child's or youth's attachment to school			
Placement of siblings			
Educational & social emotional needs			
IDEA or 504 needs & supports			
Special academic needs (EL, etc.)			
Time in route			
Other			



Final Determination

Student will attend:

- ☐ School of Origin
- ☐ School of Zone
- ☐ Undecided: Refer to dispute resolution team

Comments: _____

Printed Name/Signatures

DCS Representative _____

Commission POC _____

Educational Decision Maker _____

School Principal/Designee _____

Other _____

Other _____

Notes for Consideration:

1. If a student exits foster care during the school year, TDOE indicates that districts should allow them to remain in the school of origin at least through the end of the academic year.
2. A district must ensure that students remain in their school of origin while any dispute is being resolved.
3. Methods of transportation and related costs are NOT to be considered when determining the best interest.



Transportation to School of Origin Form

School System: _____ School of Origin: _____

Student's Name: _____ Date: _____

Age: _____ Gender: _____ Grade: _____ IEP/504/EL/ILP-D: _____

Primary Contact (Title/Name/Number): _____

Emergency Phone Contact (Title/Name/Number): _____

General Information

If the student will attend the school of origin, does he or she need transportation other than the regular bus route?

Yes No

For students remaining in the school of origin, the authorized charter school must provide transportation within five (5) school days of the best interest determination when minimal or no "additional costs" are involved.

During the best interest determination (5 school days) and the development of the authorized charter school's permanent transportation plan (5 school days), DCS will provide transportation to the school of origin for the student if there are additional costs to the charter school and/or permanent arrangements need to be made. DCS is responsible for transportation for a maximum of ten (10) school days.

- If there are additional costs*: ESSA specifies that the local school system will provide transportation if:
- The child welfare agency agrees to reimburse the charter school/district for the cost of such transportation;
- The authorized charter school agrees to pay the cost of such transportation; or
- The authorized charter school and the child welfare agency agree to share the cost of such transportation.

Transportation Services to be Provided

Interim transportation to the school of origin during the best interest determination and the development of the permanent transportation plan will be provided in the following manner:

Permanent transportation for the student to the school of origin will be provided in the following manner:

- ☐ The charter school will provide transportation.
- ☐ DCS will provide transportation.
- ☐ The charter school and DCS will both provide transportation.
- ☐ Other: _____

Duration of time student will require transportation services: _____

If the LEA incurs additional costs* they will paid by:

- ☐ The charter school
- ☐ DCS
- ☐ The LEA/charter school and DCS will share costs.
- ☐ The LEA (withheld from state/local allocations)⁷
- ☐ Undecided: Refer to dispute resolution team:

Comments: _____

DCS Authorized Signature: _____ Date: _____

LEA Authorized Signature: _____ Date: _____

*Additional costs are defined as the difference between what an LEA/charter school otherwise would spend to transport a student to his or her assigned school and the cost of transporting a foster care student to his or her school of origin. Federal guidance permits the use of Title I funds, IDEA funds if the student has an IEP, or McKinney-Vento Funds if the student qualifies under that act. For DCS, Title IV-E maintenance dollars may be used to fund transportation.

⁷ The Commission strongly prefers for the charter school to directly pay for the transportation costs rather than having to pay for the costs directly and withhold some state/local allocation from the charter school to cover the costs.



Dispute Resolution Process—Best Interest Determination

Student Information

School System: _____ School of Origin: _____

Student's Name: _____ Date: _____

Age: _____ Gender: _____ Grade: _____ IEP/504/EL/ILP-D: _____

Primary Contact (Title/Name/Number): _____

Emergency Phone Contact (Title/Name/Number): _____

The Commission Point of Contact and the DCS Point of Contact will notify the dispute resolution team members of their respective agencies within two (2) school days of a referral. The dispute resolution team will meet within two (2) school days of the notification. Meetings may take place in person or via phone, computer, etc.

DCS has agreed to provide transportation for a maximum of ten (10) school days during the best interest determination and pending arrangements by the Commission or the charter school for transportation. If the ten (10) school day limit has not been met, DCS will provide transportation to the school of origin until the time limit expires. The Commission or the charter school will then provide transportation to the school of origin until the dispute is settled.

Team Members from DCS will include the DCS Director of Education, the DCS Point of Contact, DCS Central Office Consultants (2), the Commission Point of Contact, the charter school Point of Contact, and other members selected by the Commission.

LEA Concerns

DCS Concerns

Team's Final Decision



Student will attend:

☐ School of Zone

☐ School of Origin

Comments/Special Conditions

Team Members	Signatures	Date
DCS Director of Education		
DCS Point of Contact		
DCS Central Office Consultant		
DCS Central Office Consultant		
Commission Point of Contact		
Charter School Point of Contact		
Other LEA Team Member		
Other LEA Team Member		



Dispute Resolution Process—Transportation

Student Information

School System: _____ School of Origin: _____

Student's Name: _____ Date: _____

Age: _____ Gender: _____ Grade: _____ IEP/504/EL/ILP-D: _____

Primary Contact (Title/Name/Number): _____

Emergency Phone Contact (Title/Name/Number): _____

The Commission Point of Contact and the DCS Point of Contact will notify the dispute resolution team members of their respective agencies within two (2) school days of a referral. The dispute resolution team will meet within two (2) school days of the notification. Meetings may take place in person or via phone, computer, etc.

DCS has agreed to provide transportation for a maximum of ten (10) school days during the best interest determination and pending arrangements by the Commission or the charter school for transportation. If the ten (10) school day limit has not been met, DCS will provide transportation to the school of origin until the time limit expires. The Commission or the charter school will then provide transportation to the school of origin until the dispute is settled.

Team Members from DCS will include the DCS Director of Education, the DCS Point of Contact, DCS Central Office Consultants (2), the Commission Point of Contact, the charter school point of contact, and other members selected by the Commission.

LEA Concerns

DCS Concerns



Team's Final Decision

Permanent transportation for the student to the school of origin will be provided in the following manner:

- ☐ The charter school will provide transportation.
- ☐ DCS will provide transportation.
- ☐ DCS and the charter school will both provide transportation.
- ☐ Other: _____

Duration of time student will require transportation services: _____

If the LEA incurs additional costs they will paid by:

- ☐ The charter school
- ☐ DCS
- ☐ The LEA/charter school and DCS will share costs.
- ☐ The LEA (withheld from state/local allocation)⁸

Comments/Special Conditions

⁸ The Commission strongly prefers for the charter school to directly pay for the transportation costs rather than having to pay for the costs directly and withhold some state/local allocation from the charter school to cover the costs.



Team Members	Signatures	Date
DCS Director of Education		
DCS Point of Contact		
DCS Central Office Consultant		
DCS Central Office Consultant		
Commission Point of Contact		
Charter School Point of Contact		
Other LEA Team Member		
Other LEA Team Member		