

ADE Foster Care Education Program Technical Assistance Cheat Sheet

Foster Care Education Program Foundations

Important legislation & guidance documents:

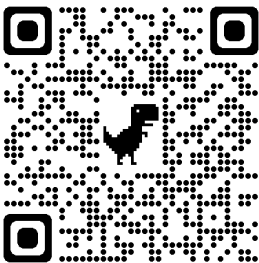
[ESSA Foster Care School Stability Assurances](#) (2015)



[Fostering Connections Act](#) (2008)



[Non-Regulatory Federal Guidance](#)



[Foster Care & Education Recent History](#)
[ADE Foster Care Education Program One-Sheet](#)

Here is a quick summary of the ESSA foster care school stability assurances:

- Children in foster care have the right to remain in their school of origin as they experience foster care related living arrangement changes.
- If it is not in the child's best interest to remain at the school of origin, the child should be immediately enrolled into the new school.
- To assess if it is in the best interest of the child to remain at their school of origin, there is a Best Interest Determination (BID). The BID is primarily conducted by the school of origin, the child welfare agency, the new school & whomever else would be relevant (there's more info on this in the Non-Reg Guidance).
- If there is transportation needed for the child in foster to attend their school of origin, the school of origin, in collaboration with the child welfare agency, ensure that the transportation is provided to the school of origin for the duration of the child's time in foster care.
- To address any additional costs, the LEA will provide transportation if the child welfare agency agrees to reimburse, or if the LEA agrees to pay the additional costs, or the LEA and the child welfare agency agree to share the costs.
- LEAs and the child welfare agencies must have points of contact for each other for the purposes of foster care school stability.

Key Definitions:

Foster Care- The requirements for ensuing educational stability for children in foster care under section 1111(g)(1)(E) apply to all children in foster care enrolled in schools in the SEA.

Consistent with the Fostering Connections Act, *"foster care" means 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 preadoptive 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. (45 C.F.R. § 1355.20(a)) (cited from

<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf#page=6>)."

School of Origin- *"The school of origin is the school in which a child is enrolled at the time of placement in foster care. A SEA and its LEAs must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest. (ESEA section 1111(g)(1)(E)(i)). 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* (Foster Care Non-Regulatory Guidance

<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf#page=11>)."

Best Interest Determination (BID)- A holistic assessment to determine whether the child in foster care should remain in their school of origin, or if it is not in the best interest to remain in

the school of origin, to ensure the student is immediately enrolled in the new school. It is important to note that the cost of transportation should not be considered in the BID. Here is the [BID Form](#) that guides this process.

New School- The ‘new school’ is not explicitly defined in ESSA nor in any written federal guidance. The spirit of the ESSA Foster care school stability provisions is that children in foster care would retain educational continuity throughout their foster care journey. *In alignment with the authorial intent, new school should be considered the public school designated to the address where the child in foster care is currently residing.* Given the nature of foster care, along with the unique context surrounding a child in foster care, the language of new school in ESSA does afford the scarce opportunity for the new school to be a non-residential public school or public charter. Note: this definition should not be misconstrued for the allowance of a child in foster care, their foster caregiver, or the child welfare agency to ‘choose’ any school for a child in foster care to attend. The priority remains school stability and maintaining children in foster care at their school of origin. This exception should only be utilized if it serves the child’s best interest, due to their particular circumstances within their foster care context.

LEA & Child Welfare Agency (CWA) Point of Contact

If an LEA or CWA needs to know the corresponding point of contact:

<https://www.azed.gov/fostercare/lea-child-welfare-agency-points-contact>

If the LEA foster care point of contact is not listed in the spreadsheet on the ADE Foster Care webpage:

Often the LEA foster care point of contact is also the McKinney-Vento/Homeless liaison. Look up the LEA in the [Homeless Liaison](#) list and provide that contact to the inquirer. Additionally, search the LEA’s website for information on their foster care point of contact; if there is contact information provide that as well. Another place to look for potential contacts would be within GME under the ESEA Consolidated funding application’s contact information. In these scenarios, it is good to reach out to the LEA contacts that you were able to find & ask them who from their LEA have they designated to be their foster care point of contact. To update the foster care point of contact list, fill out the form at this link

<https://forms.office.com/r/u96qgSfNxb>.

Is This Child in Foster Care?

If LEA staff inquire if a particular child is in foster care, point them back to the [CWA Foster Care Point of Contact link](#) on the ADE Foster Care webpage. That person will need to contact the CWA directly to confirm if the child is in foster care. Additionally, provide the [foster care definition](#) to see if the student in question meets the eligibility criteria.

Transportation

Transportation to the school of origin for a child in foster care is a shared responsibility between the LEA (of the school of origin) and the CWA. This responsibility remains shared

regardless of 'how' the transportation is ultimately provided for the child. There is tremendous creativity, flexibility, and freedom in providing transportation to the school of origin. ESSA states that transportation be 'prompt' and 'cost-effective'. The [Foster Care Transportation Procedure](#) document is a series of yes/no questions and as those questions are answered the most prompt & cost-effective method of transportation is illuminated. NOTE: the shared responsibility of transportation is only to the school of origin. If the outcome of the BID is that it is not in the best interest of the child to remain at the school of origin, the child would need to be immediately enrolled at the new school, but the new school would not have to provide any sort of specialized transportation for the child; the new school would just offer whatever transportation options are available for all students.

Best Interest Determinations

The BID process should be utilized any time a child either enters foster care or the child experiences a move while already in foster care. The BID process is most often a MS Teams/Zoom meeting between the CWA, LEA (of the school of origin), & any other ameliorating participants (new school, special education staff, CASAs, foster caregivers, etc.). These BIDs may often take time, but it is of the utmost importance that the child remains attending the school of origin during the BID process. This ensures no lapse of education. A foster caregiver must keep the child enrolled at their school of origin & would only be allowed to withdraw a child in foster care after the BID outcome determined that it is not in the best interest for the child to remain at the school of origin. If a foster caregiver attempts to withdraw a child before the BID process plays out, the school of origin should not withdraw the child and inform the foster caregiver of the child's school of origin rights. If there is a breach in compliance and a foster caregiver has withdrawn the child and is attempting to enroll the child at the new school, the new school should inform the foster caregiver of the child's school of origin rights and contact the foster care point of contact at the school of origin so the BID process can be initiated.

Special Education

Many children in foster care are also receiving special education services. Please refer to the AZ-TAS document from ADE ESS titled [Students in Foster Care Receiving Special Education](#). During the BID process, the special education services of a child in foster care should be considered, but during the BID process, it would be inappropriate to attempt to litigate or modify any special education services/IEP. The BID should be solely centered around if the child should remain at their school of origin.

If the child is placed at a private day school/level D placement, the school of origin remains the public school/charter that placed the child at the private day school/level D placement. Example: a child is placed at The ACES Peoria by Discovery Elementary School (Glendale ESD). The child now enters foster care. Discovery Elementary School (Glendale ESD) would be considered the school of origin and the BID process would need to determine if the child should remain at Discovery Elementary School (Glendale ESD). If it is in the best interest for the child to remain at Discovery Elementary School (Glendale ESD), the child would presumably continue to be placed at The ACES Peoria by Discovery Elementary School (Glendale ESD) according to the

child's special education needs. If it is not in the best interest to remain at Discovery Elementary School (Glendale ESD), then the new school would need to decide how they will provide special education in accordance with the child's special education needs. If there is a special education specific inquiry that does not really have to do with the ESSA school stability assurances, BIDs, transportation to school of origin, etc., please direct the inquirer to the [ADE ESS Program & Monitoring Specialist list](#) for more assistance.

Questions for the CWA

If there are questions for the CWA, please refer to the [CWA Foster Care Point of Contact link](#). Additionally, reach out to the EducationPOC@azdcs.gov inbox.