# *Foster Care Liaison Q and A*

November 17, 2022 Training

## Cedars and Management Platforms

***When CEDARS report shows trial return home should I remove the foster care indication in Skyward (or other management platform)?***

No. Students who qualify as foster care are students who are "subject to a dependency proceeding". That includes students who are on a trial-return-home.

***Is there a way to "flag" foster students in my school management platform (i.e. Skyward, etc.)? Are there any confidentiality issues with that?***

Federal and state laws and policies require that a student's foster care status must be kept confidential. However, there will be staff who need to know in order to ensure that the student's health, welfare, safety and academic needs are being met. Districts have discretion to decide which staff have a "need-to-know".

There are some districts that have a code or flag for students in foster care in their Skyward or other student information system. OSPI guidance to school districts is to ensure that access to that information is limited to those with a need to know. That means that only those specific staff have access to the code/flag – or only they know what the code/flag means.

Please connect with your district's Skyward administrator to ensure you're following the district's guidelines around sharing foster care status.

Additional guidance around confidentiality can be found in the Guide to Supporting Students in Foster Care on pages 36-40.

## Best Interest Determinations (BID)

RCW 28A.225.350: Students subject to a dependency proceeding—Best interest determinations. (wa.gov)

***Are BID meetings a requirement for the social worker? Should the student attend the BID?***

Social workers, under Washington State law, are considered relevant and appropriate persons for best interest determinations. Social workers have vital information on the student factors that will be considered during the meeting. Every effort should be made to ensure they attend the best interest determination meeting.

The student is also considered a relevant and appropriate person. Depending on the age of the student, the student should attend.

***Who is responsible to set up the BID meeting?***

DCYF, whether it is the social worker or regional education lead, should work with the foster care liaison at the school district to set up the BID meeting. If a foster care liaison is aware of a student entering foster care or moving to the district, and haven't heard from anyone at DCYF, they should reach out to the DCYF regional education lead to get the BID scheduled. You can find your regional education lead here: Foster Care Liaisons/DCYF Contacts | OSPI (www.k12.wa.us)

***So just to be sure, a best interest determination needs to be held for every student who may transfer? What if they are placed in the same school zone?***

A BID should be held anytime a student goes into foster care and there is a home placement change. While that BID is being held and a decision being made, the student should stay in the school of origin (the school they attended at placement). Even if they are placed in the same school zone, a BID may be needed due to considerations around transportation and/or safety issues.

***Are BID required for the school foster care liaison?***

Every LEA has a local foster care liaison, who must ensure each eligible child receives his or her rights under ESSA, including the right to attend the school of origin. If a foster care liaison is unable to attend a BID, they need to ensure that the building point of contact and all relevant and appropriate persons are in attendance so that the educational stability of the student is ensured.

***What do I do if I the social worker isn't responsive?***

Contact your DCYF regional educational lead. They can be found here: Foster Care Liaisons/DCYF Contacts | OSPI (www.k12.wa.us)

## Fees, Fines and Forms

When a student is placed in foster care, the social worker should submit a School Notification Form to the district foster care liaison. Sometimes the social worker gives the form directly to the school, so please make sure the school is aware of the form and that the foster care liaison should receive it.

Under RCW 74.13.631, DCYF is responsible for any outstanding fees and fines of the student once they enter foster care. For the guidance and information on where to send invoices can be found on our website at Paying School fees and fines for students in foster care (www.k12.wa.us) Fees and fines include anything the student owes the district for – missing books, technology, library fines, etc.

You can find fees and fines in your school management platform (i.e. Skyward, etc.)

## Special Education Foster Care Students

***Who Can Serve as a Parent Regarding Special Education Decisions***

The definition of "parent" in the ESEA includes "a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare)." (See ESEA section 8101(38)).

A parent for the purposes of IDEA is defined as any of the following:

• Biological or adoptive parent.

• Foster parent.

• Guardian generally authorized to act as the student's parent or to make educational decisions for the student. **However, this does not include the state if the student is a ward of the state.**

• Person acting in place of a biological or adoptive parent and with whom the student lives, including other relatives.

• Person acting in place of a biological or adoptive parent who is legally responsible for the student's welfare.

• Surrogate parent appointed in accordance with WAC 392-172A-05130.

• Adult students whose rights have transferred to themselves.

If birth parents are still involved in the student's life, they may be considered a parent before a foster or relative caregiver. School staff should contact the student's caseworker to determine if the biological parents' parental rights have been terminated or if they present a danger or threat to the student prior to contacting them for consent and participation as an IEP team member.

**Social workers can not make IEP decisions for students, even if the student is in the custody of the state.**

***Enrollment and IEP's***

RCW 28A.225.330 defines timelines for transferring of records for students with and without special education needs. Immediate enrollment for students with IEP's is the same for students without IEP's.

***IEP Meetings***

All schools must follow federal law and provide a student with a free appropriate public education (FAPE). As with any non-foster child, if a student moves within your school district, the IEP will stay in place. The IEP should be accessible to the new school and services and accommodations must continue. If the student moves to another school district, the new school district must provide "comparable services". If you do not have a copy of the IEP, you should reach out to the former school immediately and request it. Students with IEP's are also foster students and the rights to immediate enrollment and educational stability remain with them.

Remember, students should not be moved until a best interest determination meeting has been held and placement decided.

## Foster Care or McKinney-Vento

While both programs have similarities, there are differences between the two. You can compare the two programs on the Foster Care or McKinney-Vento document.

For definition purposes, McKinney-Vento is defined as "individuals who lack a fixed, regular, and adequate nighttime residence." Foster care is defined as students who are the "subject of a dependency proceeding."

Funding for the two programs is different. Washington receives funding each year from the U.S. Department of Education and the Washington State Legislature to support the education of homeless students in school programs. Funding is distributed to LEAs through a competitive grant process. Foster Care funding is through the U.S. Department of Education based on reporting by DSHS. There is no mandated funding for foster care provisions Under Title 1. But an LEA can choose to do a foster care set aside.

The Foster Care Program point of contact must not be the same person as the State Coordinator for the Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act. (ESEA section 1111(g)(1)(E)(iv)).

At the local level (LEA), one liaison can serve as both foster care and McKinney-Vento.

## Immediate Enrollment

The federal definition of immediate enrollment is:

*Immediate enrollment means that a child in foster care should be enrolled in a new school as soon as possible in order to prevent educational discontinuity. In addition, enrollment must not be denied or delayed for any population of students (e.g., justice-involved youth in foster care, students with disabilities receiving special education and related services, or ELs receiving language services) because documents normally required for enrollment have not been provided. (See ESEA section 1111(g)(1)(E)).*

**Immediate enrollment applies to ALL students, including those in special education with IEP's**.

Immediate enrollment also applies to students who do not have their immunization records or medical plans transferred to a new school before they start. Federal law (ESSA) requires immediate enrollment for students in foster care, even without documents normally required, including health plans and/or documentation of life-threatening conditions or even meds. (See ESEA section 1111(g)(1)(E))