

Best Interest Determination Meetings – 12/5/24



Vision

All students prepared for post-secondary pathways, careers, and civic engagement.

Mission

Transform K–12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. We achieve this by developing equity-based policies and supports that empower educators, families, and communities.

Values

- Ensuring Equity
- Collaboration and Service
- Achieving Excellence through Continuous Improvement
- **Focus on the Whole Child**



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Equity Statement

Each student, family, and community possesses strengths and cultural knowledge that benefits their peers, educators, and schools.

Ensuring **educational equity**:

- Goes beyond equality; it requires education leaders to examine the ways current policies and practices result in disparate outcomes for our students of color, students living in poverty, students receiving special education and English Learner services, students who identify as LGBTQ+, and highly mobile student populations.
- Requires education leaders to develop an understanding of historical contexts; engage students, families, and community representatives as partners in decision-making; and actively dismantle systemic barriers, replacing them with policies and practices that ensure all students have access to the instruction and support they need to succeed in our schools.



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Tribal Land Acknowledgement

We would like to acknowledge the Indigenous people who have stewarded this land since time immemorial and who still inhabit the area today, the Steh-Chass Band of Indigenous people of the Squaxin Island Tribe.



General Housekeeping

- Make sure your name is correctly displaying on your picture frame for attendance purposes.
- Put questions in the chat and we will get to them!
- We will send out the PowerPoint to all attendees after the training.



PLEASE

Image by [DreamDigitalArtist](#) from [Pixabay](#)





Who's here?



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Who here has.....



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Acronyms

ESSA – Every Student Succeeds Act

LEA – Local Education Agency/School District

DCYF – Department of Children, Youth and Families

BPOC – Building Point of Contact

IEP – Individualized Education Plan

BIDM – Best Interest Determination Meeting



Review of the Federal and State Provisions



2015 Every Student Succeeds Act (ESSA)



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Image by [Phillip Roulain](#) from [Pixabay](#)

Every Student Succeeds Act (ESSA) - 2015

This is federal education law.

All schools must follow these provisions.

Washington State has codified these into state law as well.

Every school district is required to designate a Foster Care Liaison

Students remain in school of origin unless there is a determination that it is not in their best interest.

Students in foster care are entitled to immediate enrollment, even without documents normally required.

Schools/OSPI must collaborate with Child Welfare Agencies.



Every Student Succeeds Act (ESSA) – 2015 School of Origin

Students remain in school of origin unless there is a determination that it is NOT in their best interest.

Washington State - [RCW 74.13.550](#) and [RCW 74.13.631](#)

School of Origin

School in which the student is enrolled at the time of a placement change

This includes LEA preschool and designated feeder schools

Child must remain in the School of Origin until a Best Interest Determination is made



What is a Best Interest Determination?

A BIDM is a process through which educational agencies and child welfare agencies partner with important people in a student's life to determine whether it is in a student's best interest to remain at their school of origin or change schools. (See [ESEA section 1111\(g\)\(1\)\(E\)\(i\)](#)).

Source – [Ensuring Educational Stability and Success for Students in Foster Care, Non-Regulatory Guidance, November 2024](#)



When must a Best Interest Determination be completed under the Title I Educational Stability Provisions?

An SEA, in collaboration with the State child welfare agency, must ensure that LEAs complete a BIDM process at the time of foster care placement (i.e., when a student enters foster care or changes foster care placements). (See [ESEA section 1111\(g\)\(1\)\(E\)\(i\)](#)).

Source – [Ensuring Educational Stability and Success for Students in Foster Care, Non-Regulatory Guidance, November 2024](#)



Best Interest Determination Process

- ✓ Student goes into foster care or has a change in placement
- ✓ School zone or district changes
- ✓ DCYF notifies Foster Care Liaison with School Notification Form and/or Foster Care Liaison runs CEDARS Foster Care Report and identifies student
- ✓ DCYF and Foster Care Liaison work together to schedule Best Interest Determination
- ✓ Student remains in their school of origin until the Best Interest Determination is made

The Best Interest Determination Process...

- Is a **collaborative** 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.
- The BIDM is to **specifically assess** if it is in the **best interest** of the **child in foster care** to **remain** at their **school of origin**
- The BIDM should NOT be viewed as a choice between the school of origin & the new school



How quickly should LEA's and child welfare complete a BIDM?

LEAs, in collaboration with child welfare agencies, are encouraged to complete a BIDM process **within three business days** of the time of placement in foster care. In situations where a student will experience a planned foster care placement change, LEAs and child welfare agencies are encouraged to complete the BIDM process prior to the planned placement change.

Source – [Ensuring Educational Stability and Success for Students in Foster Care, Non-Regulatory Guidance, November 2024](#)



Format for Best Interest Determinations

**In-Person
Conference**

**Virtual/Phone
Conference**

**Electronic
(Email)**

OR A COMBINATION OF THE 3



Participants for Best Interest Determinations

LEA

Foster Care Liaison
Building Point of Contact
School Counselors
Teachers
Coaches
School Nurse
School/District Admin
Transportation Coordinator
Special Ed Coordinator
Necessary IEP Team Members

DCYF

Case worker
Case manager
Regional Ed Lead

Other Participants

Parents*
Student (if age appropriate)
Caregiver/Foster Parent
Child's Attorney
Treehouse Advocate
CASA/Guardian ad Litem
Mental, behavioral, and physical health providers



Example Email to Schedule

- Schedule within 3 days
- Email should include:
 - School of origin (all necessary attendees)
 - DCYF staff
 - Neighborhood school/school district foster care liaison
 - Bio/Adoptive Parents
 - Student
 - Caregivers
 - Special Education staff (if student has IEP)



Facilitator and Example Agenda

- Who should facilitate?
- Agenda:
 - Purpose of the meeting
 - Report from caregiver/parent
 - Report from School of Origin
 - Student voice
 - Possible receiving school input and questions
 - Determination



Meeting Size & Unable to Attend

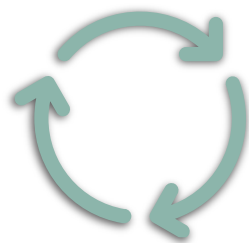
- Each agency should prioritize attendees to minimize size
- Coordinating schedules can be difficult and the priority is the urgency of the meeting
- If someone is unable to attend, they can fill out the online, fillable [attendee input form](#) and submit to School of Origin Foster Care Liaison



Student Centered Factors



Grade Level



Age



Special Needs



Timing of
School Year



Length of
Placement



Existing
Connection



Student Considerations

- How long is the child's current placement expected to last?
- How many schools has the child attended this year?
- How strong is the child academically?
- How deep are the child's ties to his or her current school (school of origin)?
- Would the timing of the school transfer coincide with a logical juncture such as after testing, after an event that is significant to the child or at the end of the school year?
- How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?
- What school do the student's siblings attend?
- Are there any safety issues to consider?
- If the student has special needs, what impact will be transferring to a new school have on the student's progress and services?
- Which school does the student prefer?



Every Student Succeeds Act (ESSA) – 2015 Immediate Enrollment

Students in foster care are entitled to **immediate enrollment**, even without documents normally required.

Washington State - [RCW 28A.225.330](#)



Immediate Enrollment

Immediate enrollment means that a child should be enrolled in, and attending, a new school as soon as possible.

- Appropriate classroom placement
- Transportation, if required

Enrollment must not be denied or delayed because documents normally required for enrollment have not provided

- Including medical records such as immunization or health plans



Immediate Enrollment Strategies

- Develop an **enrollment protocol** and ensure that all enrollment personnel are informed of it.
- Instruct DCYF staff, school secretaries, school counselors, school social workers, and principals on the Title I, Part A foster care requirements and the school or school district's procedures and protocols for enrolling children and youth in foster care.
- Have counselors meet with caregivers or education decision-makers and youth during registration to eliminate the need for additional trips to the school to arrange services for children and youth in out-of-home care.
- Accept previous school records directly from caregivers or educational decision-makers.
- Contact the previous school for assistance with placement decisions until records are received.
- Create new school records for students whose records are damaged or missing.
- Establish school and classroom-level procedures to facilitate incoming and departing student transfers.



Quick Poll!

How many school placements did you have in your K-12 experience? Not including normal feeder transitions.



Student in foster care experience...

Children experience more placements the longer they linger in foster care:

- In care for 12-24 months - 34% chance of 3+ school placements.
- In care for 24+ months – 59% chance of 3+ placements

* Average length of stay in WA is 22 months



Every Student Succeeds Act (ESSA) – 2015 Requirement 4

Schools/OSPI must collaborate with Child Welfare Agencies.



Department of Children, Youth, and Families Regional Structure



WASHINGTON STATE
Department of
Children, Youth, and Families



DCYF Regional Education Leads

Region 1

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Region 2

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Region 5

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Region 6

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Documenting the Best Interest

Tracking Database:

<https://ospi.k12.wa.us/sites/default/files/2023-08/example-best-interest-determination-tracking-database.xlsx>

Placement Decision Fillable Form:

https://ospi.k12.wa.us/sites/default/files/2024-07/foster_best_practices_school_district_placement_decision.pdf

Attendee Input Form:

https://ospi.k12.wa.us/sites/default/files/2024-07/foster_attendee_input_form.pdf



School Notification

[Click here to find the Foster Care Liaison in each school district.](#)

The student's social worker is to notify the school district foster care liaison that the below-named child:

Entered Placement Changed placement Returned home

Date: _____

To: _____

From: _____

DCYF WORKER'S NAME: _____ EMAIL: _____ PHONE: _____ FAX: _____

DCYF OFFICE: _____ DCYF SUPERVISOR: _____ EMAIL: _____ PHONE: _____

RE: _____

STUDENT'S NAME: _____ DATE OF BIRTH: _____ GRADE LEVEL: _____ SCHOOL OF ORIGIN/SCHOOL DISTRICT: _____

NEIGHBORHOOD SCHOOL/SCHOOL DISTRICT: _____

IEP OR 504 PLAN

IF CHECKED: EDUCATIONAL DECISION MAKER NAME: _____ PHONE: _____ EMAIL: _____

Statement of Confidentiality

The information disclosed in this form is confidential and disclosed under the limitations of RCW 13.50.100. This disclosure does not constitute a waiver of any confidentiality or privilege attached to the information by operation of any state or federal law or regulation. The recipient of this information must comply with the laws governing confidentiality and must protect the records from unauthorized disclosure. RCW 13.50.100(5).

The above-named student is in the legal custody of DCYF and:

is temporarily placed at the following location

has moved (or will be moving) to a new placement at the following location

resides in the parental home

is placed in a trial return home

TYPE OF PLACEMENT	ANTICIPATED DATE OF MOVE
<input type="checkbox"/> Foster care <input type="checkbox"/> Relative <input type="checkbox"/> Parent <input type="checkbox"/> Other: _____	_____

CAREGIVER NAME(S)	PHONE
_____	_____

ADDRESS: _____

EMAIL: _____

EDUCATION LIAISON (COURT APPOINTED—PLEASE ATTACH COURT ORDER) YES NO

Per court order, the people named below cannot have contact with the student:

FIRST NAME	LAST NAME	RELATIONSHIP (PARENT/UNCLE/AUNT/SIBLING, NO RELATIONSHIP, ETC.)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please notify the DCYF worker named above immediately if contact attempts are made.

School transportation is required to maintain school of origin.

Child/youth to be un-enrolled from school of origin on _____ (date). A best interest meeting finds that the student should change school placement.

Copy of the court order is attached.

School Notification Form

Date of Best Interest Meeting: _____ Decision: _____

Best Interest Determination Participants: School District Foster Care Liaisons

- Representative from Neighborhood School (required) Parent Caseworker
- Representative from School of Origin (required) Caregiver Youth

School Selection: A Checklist for Decision Making

School of Origin Considerations	Local Attendance Area School Considerations
<input type="checkbox"/> Continuity of instruction <i>Student is best served due to circumstances that look to their past</i>	<input type="checkbox"/> Continuity of instruction <i>Student is best served due to circumstances that look to their future</i>
<input type="checkbox"/> Age and grade placement of the student <i>Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation.</i>	<input type="checkbox"/> Age and grade placement of the student <i>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student's meaningful school experience and participation.</i>
<input type="checkbox"/> Academic strength <i>The student's academic performance is weak, and the student would fall further behind if transferred to another school.</i>	<input type="checkbox"/> Academic strength <i>The student's academic performance is strong and at grade level, and the student would likely recover academically from a school transfer.</i>
<input type="checkbox"/> Distance of the commute and its impact on the student's education and/or special needs <i>The advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.</i>	<input type="checkbox"/> Distance of the commute and its impact on the student's education and/or special needs <i>A shorter commute may help the student's concentration, attitude, or readiness for school.</i>
<input type="checkbox"/> Personal safety of the student <i>The school of origin has advantages for the safety of the student.</i>	<input type="checkbox"/> Personal safety of the student <i>The local attendance area school has advantages for the safety of the student.</i>
<input type="checkbox"/> Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i>	<input type="checkbox"/> Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.</i>
<input type="checkbox"/> Length of anticipated stay in a temporary shelter or other temporary location <i>The student's current living situation is outside of the school-of-origin attendance zone, but their living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i>	<input type="checkbox"/> Length of anticipated stay in a temporary shelter or other temporary location <i>The student's current living situation appears stable and unlikely to change suddenly; the student will benefit from developing relationships with school peers who live in their local community.</i>

For more information about selecting the appropriate school placement for students in foster care, please see:

https://www.k12.wa.us/sites/default/files/public/fostercare/pubdocs/Best_Practices_School_Selection_for_Children_and_Youth_in_Foster_Care.pdf

Adapted from the *Best Practices: School Selection for Students in Out-of-Home Care* issue brief developed by the Legal Center for Foster Care and The National Center for Homeless Education: Fall 20

Who is Responsible for Educational Decisions?

Parent

- Unless limited by the court, parents retain rights to make educational decisions and to access records directly from the school.

Caregivers

- Caregiver or foster care parent makes day-to-day educational decisions
- Can serve as the “parent” regarding special education decisions

DCYF

- DCYF is authorized to make day-to-day educational decisions without parent approval
- May not be special education decision maker



Students with Disabilities in Foster Care

- Students in foster care are more likely than their peers not in foster care to receive special education services.
- Research suggests that students in foster care who are receiving special education services tend to change schools more frequently than students receiving special education services who are not in foster care.
- Under IDEA, each student's educational placement decision must be made by a group of knowledgeable persons including the student's parents. This group may also include staff with special knowledge regarding the student from a child welfare agency. (34 C.F.R. § 300.116).
- [Letter to State Directors of Special Education on Ensuring a High-Quality Education for Highly Mobile Children](#)

Transportation

- Transportation **costs should not be a factor**
- LEAs must provide transportation services **for the duration of a student's time in foster care**
- DOE encourages states to **continue to provide transportation** once a child exits foster care, at least through end of school year.
- [RCW 28A.225.350](#) - "If the student's care placement changes to an area served by another school district, and it is determined to be in the best interest of the student to remain in the school of origin, the school district of origin and the school district in which the student is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the school districts are unable to agree upon an apportionment method, the responsibility and costs for transportation shall be shared equally between the districts."
- [Transportation Shared Cost Procedure with DCYF](#)



Follow Up Checklist

The Best Interest Determination Meeting is over, what now?

- The student remains at the School of Origin
- The student will attend another school other than the School of Origin
- Ongoing Follow-Up



OSPI Foster Care Website – Best Interest Determination Toolkit

[Foster Care Resources and Training](#)



Challenges & Barriers to Educational Progress

1. School instability (i.e., changing schools multiple times)
2. Delayed enrollment
3. Missing in-school class time (e.g., court hearings, required meetings)
4. Difficulties with credit transfers and shifting graduation requirements
5. Inadequate special education services and supports
6. Disproportionate rates of suspension and expulsion
7. Overrepresentation in alternative education programs
8. Inappropriate on-site education programs
9. Truancy and disproportionate referrals to law enforcement

Source: National Working Group on Foster Care and Education, Supporting Students in Foster Care: Cultivating Connections to Promote Student Success



Contact Information

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