

Best Interest Determination Meetings



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Washington Office of Superintendent of
PUBLIC INSTRUCTION

Meet the OSPI Foster Care Education Team



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Take
the
poll!



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Acronyms

BIDM – Best Interest Determination Meeting

BPOC – Building Point of Contact

DCYF – Department of Children, Youth and Families (WA child welfare)

ESSA – Every Student Succeeds Act

FCL – Foster Care Liaison

IEP – Individualized Education Plan

LEA – Local Education Agency/School District

SEA – State Education Agency

SOO – School of Origin



RCW 28A.225.350

Students subject to a dependency proceeding – Best interest determinations

- Should be made as quickly as possible.
- Every effort should be made to gather meaningful input and identifies who some of those people are.
- Student centered factors/considerations are listed.
- Indicates that special education services must not be interrupted.
- Shared transportation cost and responsibility outlined.

[RCW 28A.225.350](#)



Non-Regulatory Guidance

US Department of Education and Department of Health and Human Services – Non-Regulatory Guidance

Education Stability — Legal Center for Foster Care & Education – Summary and highlights of the guidance

Ensuring Educational Stability and Success for Students in Foster Care

Non-Regulatory Guidance



November 2024

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.**

- 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.



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).

- That change in placement triggers the Best Interest Determination process.
- If there is not a school zone or school district change, no BIDM is needed.



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.



Best Interest Determination Process

✓ Student goes into foster care or has a change in placement

✓ School zone or district changes

✓ Student is identified as foster care by:

- ✓ DCYF School Notification Form or other communication
- ✓ CEDARS Foster Care Report
- ✓ School level staff notifies FCL

✓ 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

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: Foster care Relative Parent Other: _____

ANTICIPATED DATE OF MOVE: _____

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

Identifying the School of Origin

School in which child is enrolled at time of placement change.

Includes LEA preschool and designated feeder schools.

Child must remain in school of origin until a determination is made.



School of Origin – Example A

- A month ago, Jerry and his family moved, and he began attending School A.
- Yesterday, Jerry entered foster care and is placed in a foster home in the attendance area for School B.

What is Jerry's school of origin?



School of Origin – Example B

- Time of year – summer. Katie is a student in foster care.
- Katie has attended Elementary School A and is heading to Middle School A (the feeder school for Elementary School A) next school year.
- Over the summer, Katie is moved to a new foster placement and is now residing in Middle School B zone.

What is Katie's school of origin?



School of Origin – Example C

- Alfonso attends an LEA run preschool located in Elementary School A.
- His placement is located in Elementary School B.
- He starts Kindergarten this school year.

What is Alfonso's school of origin?

School of Origin – Example D

- Maria is a student in foster care and has had 3 placements this school year.
- When Maria entered foster care she was attending Middle School A in school district A and was a student there for 2 years.
- She was moved to Middle School B in school district A because her foster family enrolled her there before a Best Interest happened.
- Maria was then moved to a new placement a month later in the Middle School C in school district B (which is the neighboring district). The Best Interest determined Maria should attend Middle School C.
- 3 weeks later, Maria was moved back to school district A and is living in Middle School D school zone.

What is Maria's school of origin?



New School Right from ED Guidance

The [ED Non-Regulatory Guidance of November 2024](#) introduced new language on the bottom of page 17 in question E-5. The language says:

“Parties to the BIDM process must presume that remaining in the school of origin is in the student’s best interest, unless the BIDM suggests that attending another school, including any public school the student has attended previously, is in the student’s best interest.”

It is important to note the word “**school**” because it doesn’t indicate “school district”. The intent is not for a student to attend any school in the district, but to have the option to return to a specific school.





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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
- Schedule for an hour to allow for time
- Email should include (but not limited to):
 - School of origin (all necessary attendees – including BPOC)
 - DCYF staff – Case Worker and Regional Ed Lead
 - Neighborhood school/school district foster care liaison
 - Bio/Adoptive Parents
 - Student (if age appropriate)
 - Foster Parents/Caregivers
 - Special Education staff (if student has IEP)
 - Attorney for student
 - Treehouse staff



What calendaring option do you use to schedule the BIDM?

Put your answer in the chat!



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Facilitator and Example Agenda

- Who should facilitate?
- Who will take notes?
- Sample Agenda:
 - Purpose of the meeting and group norms
 - Student status at School of Origin
 - Input from School of Origin
 - Input from caregiver/parent
 - Student voice
 - Possible receiving school input and questions
 - Determination



Meeting Size & Unable to Attend

- Coordinating schedules can be difficult but the priority is the urgency of the meeting.
- Each agency should prioritize attendees to minimize size.
- Organizers may have to make decisions about which attendees are a priority.
- If the meeting is virtual, also offer people the opportunity to call in.
- 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 Considerations & School Stability Factors

- **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?

Documenting the Best Interest

Documentation should be shared with all participants to ensure mutual understanding and agreement.

Tracking Database:

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

Placement Decision Fillable Form:

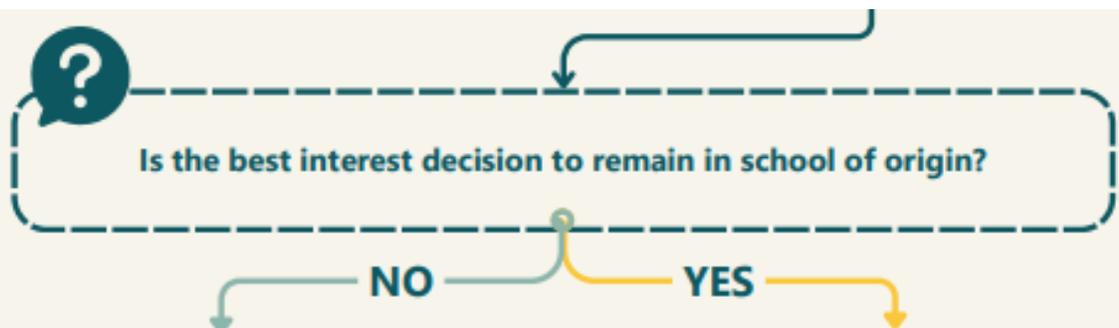
https://ospi.k12.wa.us/sites/default/files/2024-07/foster_best_practices_school_district_placement_decision.pdf

Attendee Input Form:

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



Foster Care Educational Stability Flowchart



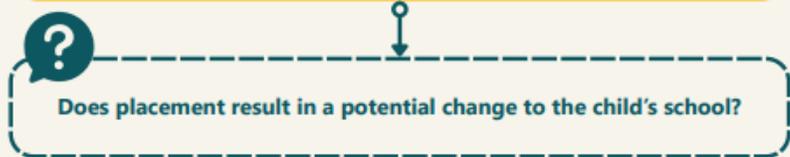
Immediate Enrollment
 Student immediately enrolled in new school, records sent within 2 school days. Transportation arranged as needed. ([Guidance](#))

Remain in School of Origin
 Transportation arranged for duration of foster care. All school-based services provided as required by [ESSA](#).



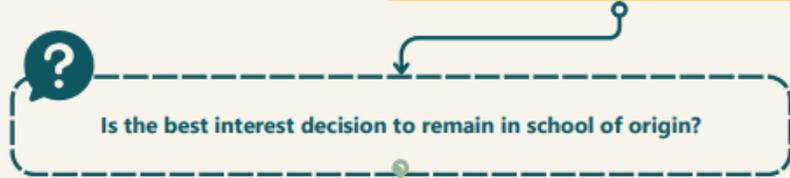
Foster Care Educational Stability Overview

Student Placement Change
 Student is placed into foster care or experiences a change in placement. DCYF sends the School Notification Form to the Foster Care Liaison. ([DCYF Notification Form](#))



Remain in School of Origin
 All school-based services provided as required by [ESSA](#) ([Meals](#), [Fees/Fines](#), [Transportation](#)).

Best Interest Determination Meeting
 Student remains at school of origin. Meeting scheduled with required parties (recommend within 3 days). ([Best Practices](#))



Immediate Enrollment
 Student immediately enrolled in new school, records sent within 2 school days. Transportation arranged as needed. ([Guidance](#))

Remain in School of Origin
 Transportation arranged for duration of foster care. All school-based services provided as required by [ESSA](#).

Follow Up
 Document the Best Interest Determination Meeting and complete follow-up checklist. ([Checklist](#))

Immediate Enrollment

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

[RCW 28A.225.330](#)

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



Records and New School Enrollment

- ❖ If the Best Interest Determination decision is to move to a new school, documentation transfer requests should begin in that meeting.
- ❖ New school district FCL should make the records request during the BIDM.
 - ❖ Per [RCW 28A.225.330](#) the records shall be transmitted within 2 school days.
- ❖ New school district FCL begins working with receiving school and transportation department so the student can begin attending immediately.
- ❖ There should be no disruption to education.



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** about the foster care requirements and the school or school district's procedures and protocols for enrolling children and youth in foster care.
 - [Foster Care Guidance for Secretaries and Registrars](#)
- Accept previous school records directly from caregivers or educational decision-makers.
- During the BIDM ask the outgoing school for assistance with placement decisions until records are received.
 - If no BIDM happened, then contact the previous school for assistance
- 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.

Transportation

- Transportation **costs should not be a factor** in the BIDM.
- 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
 - Inform the BPOC
 - Ensure transportation is set up
 - Continue all services and support
- The student will attend another school other than the School of Origin
 - Records transfer
 - Immediate enrollment
 - Appropriate classroom placement
 - Notify the BPOC
- Ongoing Follow-Up – attendance, academic progress, discipline – work with BPOC

What happens when the student is moved to another school district far, far away?

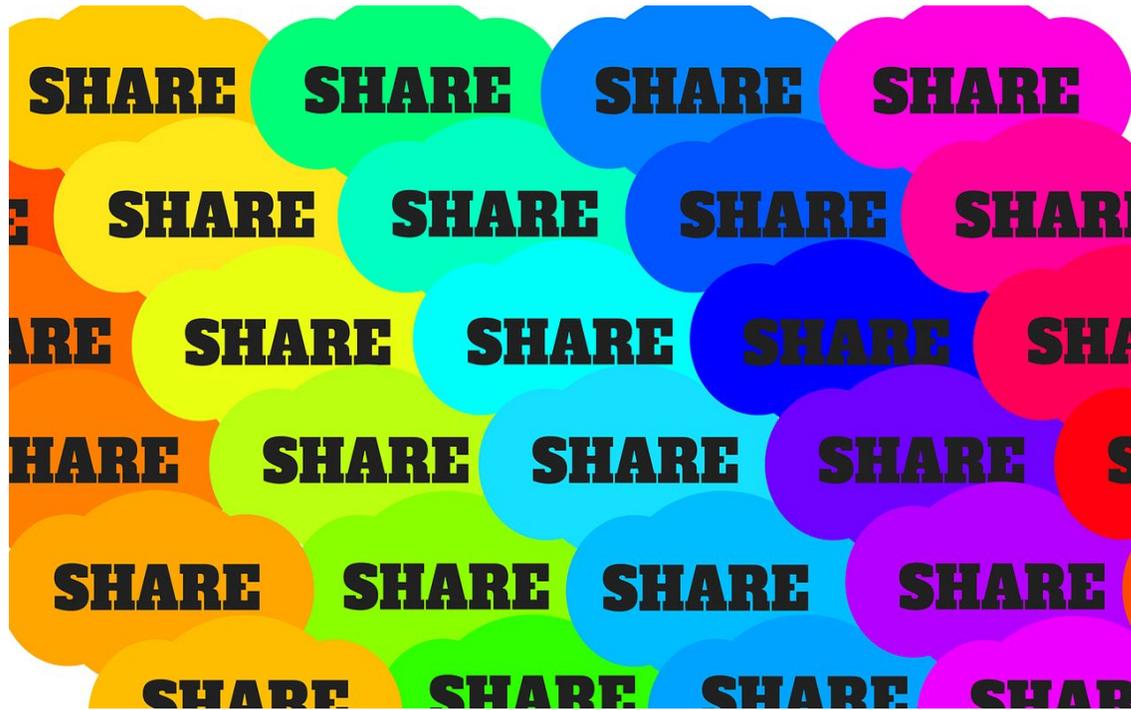


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- Student is enrolled immediately.
- The best interest becomes more of an “informational meeting”.
- This is an opportunity for the new school district to learn important information about the student. Such as:
 - Learning strengths or difficulties.
 - Extra curriculars they participate in.
 - If they have an IEP or 504.
 - MTSS Interventions in place to support the student.
 - Any other related information that will help the new school district place the student in the appropriate classroom setting and support them.



What if someone pressures to have another BIDM because they couldn't attend or heard about it after the fact?

- Time is of the essence with these meetings.
- If necessary parties were there and decision was collaborative, there isn't a need to have another meeting.
- If the individual disagrees with the decision, they can follow the [Foster Care Education: Dispute Resolution Process](#).



When should you “revisit” the BIDM?

- Unless it is discussed and agreed upon during the initial BIDM to revisit the BIDM in the near future (for example it is a short-term or temporary placement), BIDM should not be “revisited”.
- Best Interest Determinations are not intended to review educational or behavioral concerns, address crises, or reconsider a previous decision because a school is struggling to meet the student's needs.
- Best Interest meetings are also separate from IEP meetings and do not replace that process.
- An exception to this rule would be:
 - If the student expresses a preference to return to a previous school, in which case a Best Interest Meeting may be scheduled to reassess school stability.
 - Natural school transition time



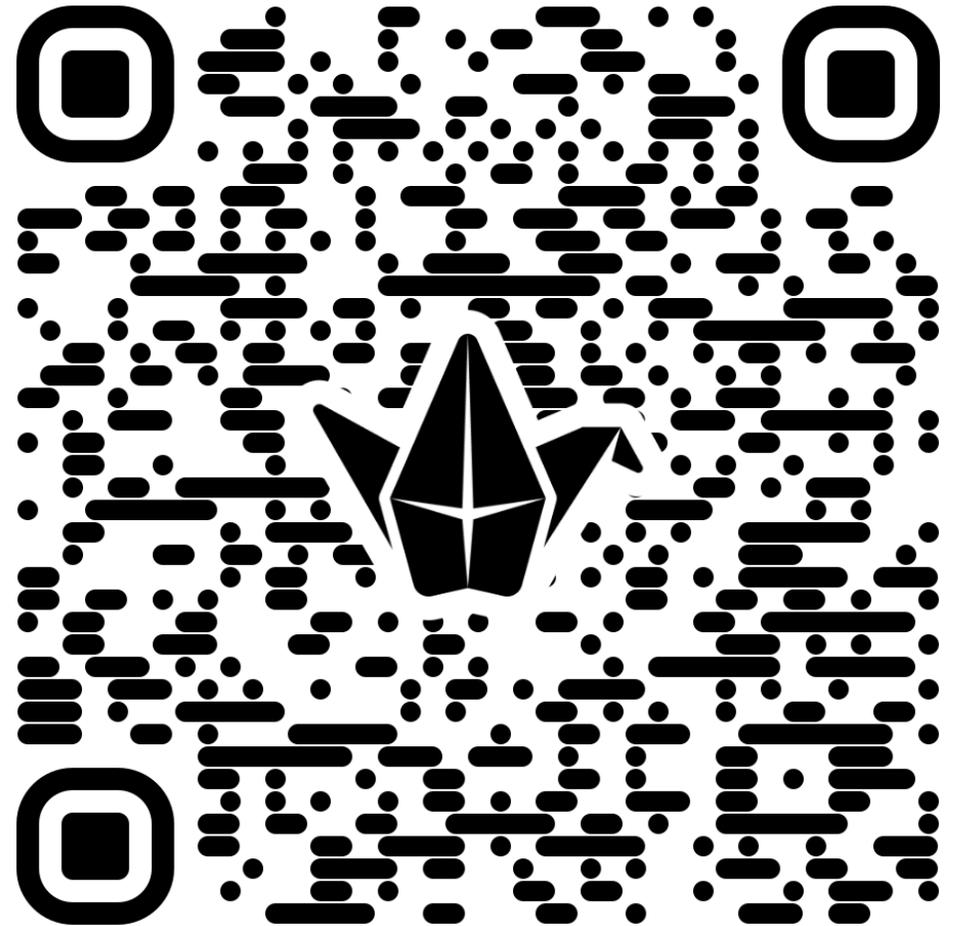
Mock Best Interest Determination

- Skye is a 10-year-old, 5th grader at Bigfoot Elementary in the Star School District and resides in a foster home in the same school district.
- Skye has had great challenges in both school and her current placement. Some of those challenges include:
 - Behind at least one grade level academically.
 - Has a Special Education IEP and is currently being re-evaluated in Star School District.
 - Behavior issues which often disrupt the classroom which require additional classroom supports by a one-on-one paraeducator for Skye to be successful.
 - Disengaged from learning instruction.
 - Doesn't want to go to school.
- Skye's current placement has disrupted, and she is being moved to another foster home in the neighboring Northwest School District. The neighborhood school is Boyd Elementary.
- Boyd Elementary is a smaller school in a smaller school district.
- The transportation commute from Skye's home placement to Bigfoot Elementary (SOO) will be approximately 20 minutes.
- DCYF is unsure how long the new placement will be but hopes it is long term.



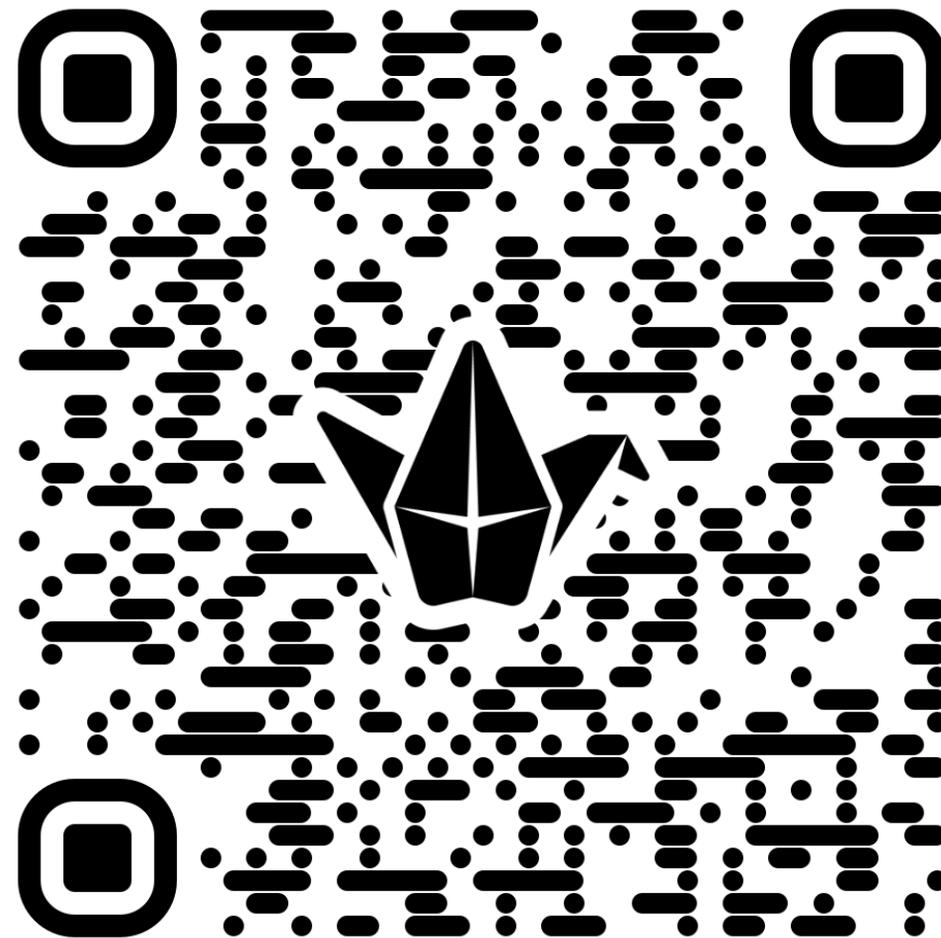
Mock Best Interest Determination

Who should be invited to the meeting?



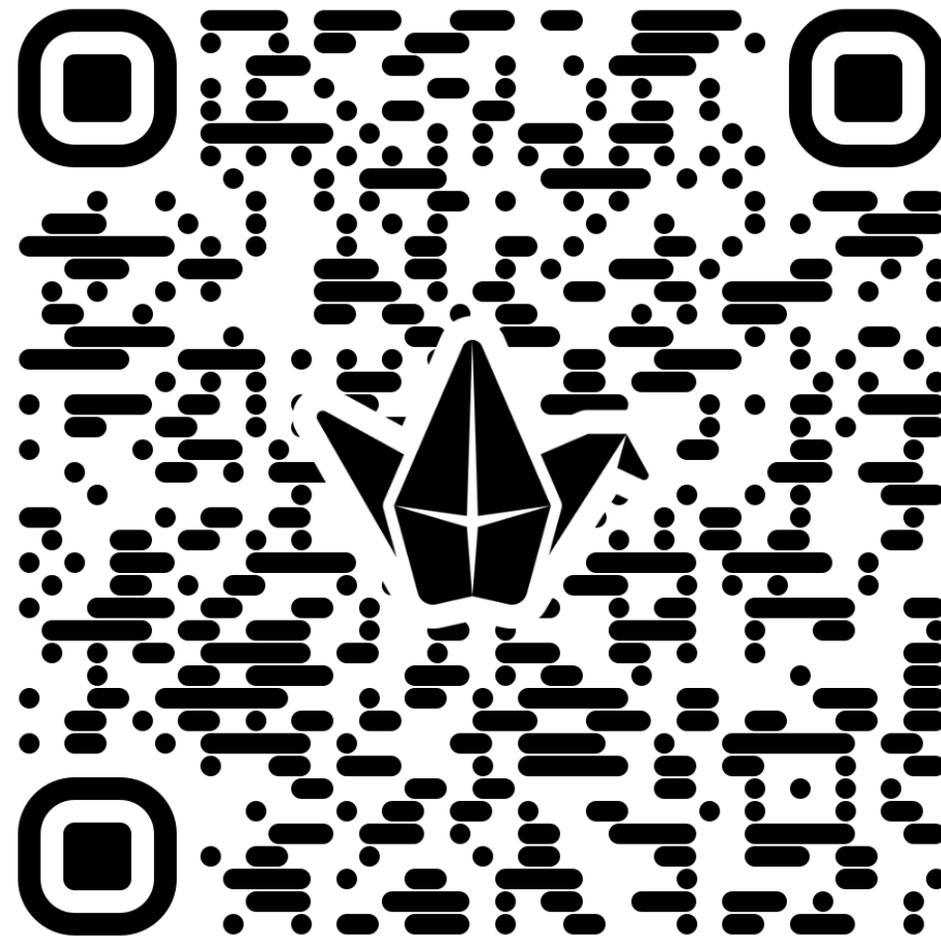
Mock Best Interest Determination

**What
considerations
about the SOO
should you
discuss?**



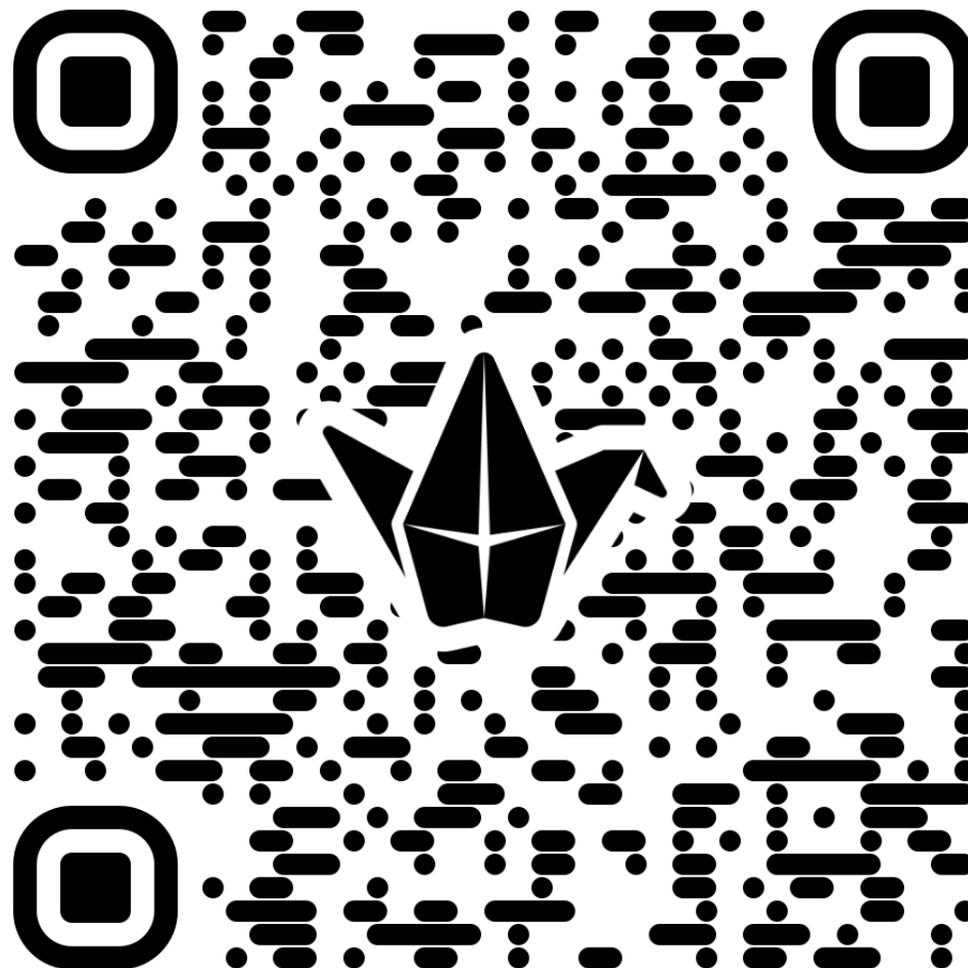
Mock Best Interest Determination

**What
considerations
about the
neighborhood
school should you
discuss?**



Mock Best Interest Determination

What if someone disagrees with the decision in the BIDM? What would you do?





Best Interest
Determination
TOOLKIT

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We want to hear from you! Please take the short survey.



Image by [Mohamed Hassan](#) from [Pixabay](#)

Last but not least...



Do you have a problem/question/concern or just need a thought partner? Contact us!

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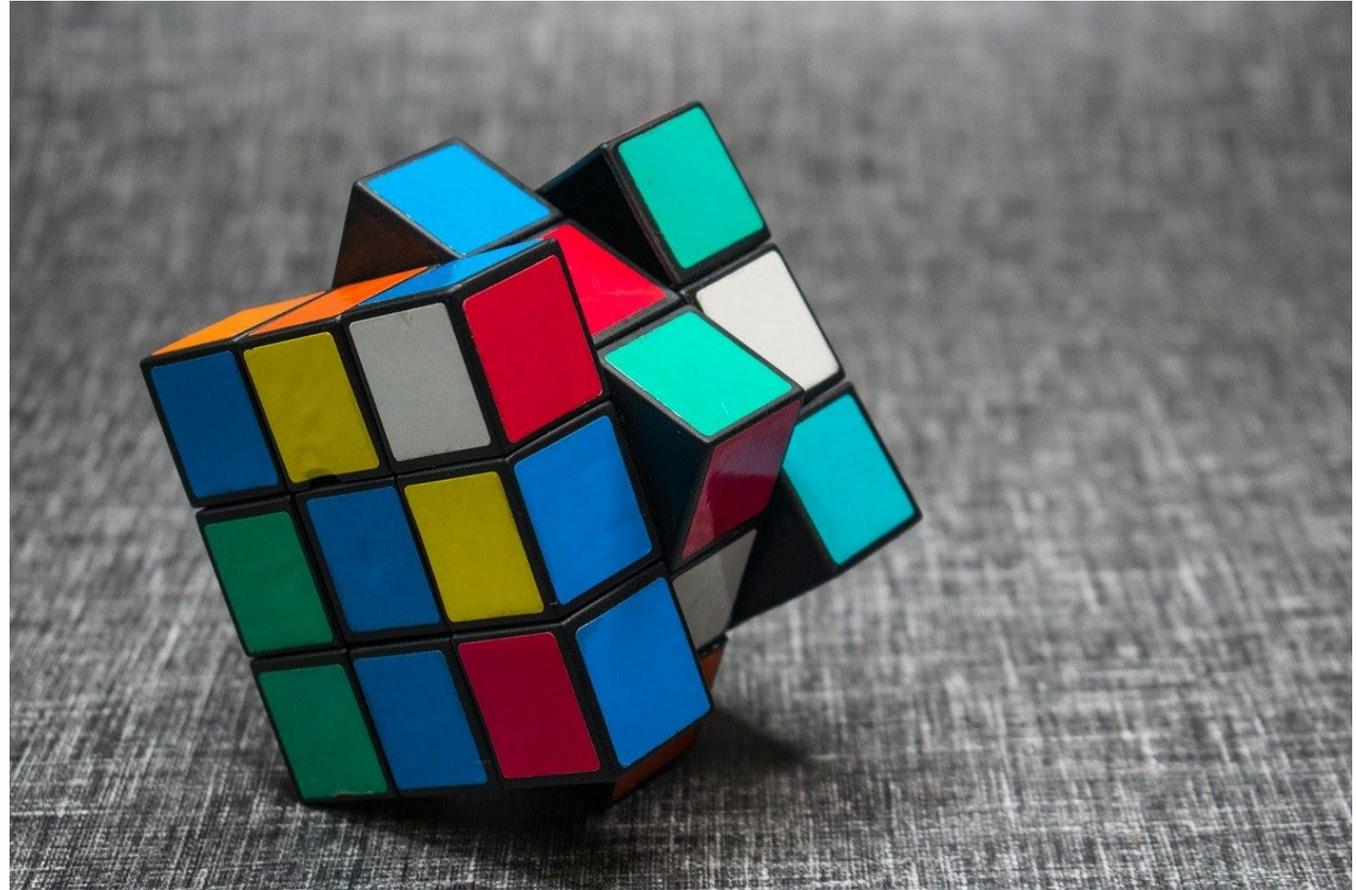


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