

ALABAMA EDUCATION STABILITY FOR FOSTER STUDENTS GADSDEN CITY BOARD OF EDUCATION

LEA STUDENT IN FOSTER CARE OVERVIEW

Number of Students in Foster Care SY 2022-2023 (Enrolled for Previous Year): **54**

Number of Students in Foster Care SY 2023-2024 (Currently Enrolled): **9**

List Agencies in Collaboration:

Gadsden City Board of Education, Attalla City Board of Education, Etowah County Board of Education, Etowah County DHR, and City of Gadsden / Continuum of Care

Policy Review and Revision (Describe how each agency in collaboration reviewed policies and the revisions made to policies as a result of reviews)

Each participating agency reviewed enrolment and transportation policies/procedures currently in place. Enrollment policies/procedures have been amended to include "CHILDREN IN FOSTER CARE" to the "immediate enroll" list of student groups.

Meetings between the participating agencies have effectively resulted in a collaborative establishment of a Foster Care Plan. Future meetings will be held in August and then will schedule another meeting for late fall and, second semester to make informed decisions about children in foster care and to remove barriers that may hinder the implementation of the Title I foster care provisions. During these meetings, policies are reviewed and revised. It is our goal to ensure that the appropriate interventions and strategies are in place to support foster care students to succeed in school. GCBOE has reviewed and revised board admission policies. These policies presently ensure students who are Homeless, Migrant, Immigrant and English Language learners are allowed access to education and educational services. During the revision process school administrators and counselors will be trained to ensure the enrollment of Foster Care, Homeless, Migrant, Immigrant and English Language learners shall not be denied or delayed due to any of the following barriers:

- Lack of birth certificate
- Lack of school records or transcripts
- Lack of immunization or health records
- Lack of proof of residency
- Lack of transportation
- Lack of a social security number
- Guardianship or custody requirements

Describe Collaboration and Coordination with Agencies (Include a list of team members, positions, signatures, and agencies)

A planning meeting was held on July 27, 2023 hosted by the Etowah County Board of Education. The following people were in attendance:

Beverly Bankston (Etowah County DHR); Attalla City Schools – Wesley Gullledge (Homeless Liaison/Foster Care Liaison); Etowah County BOE – Tiffany Scott (Federal Programs Director); Cindy Kirkland (ECBOE Social

Worker/Homeless Liaison); Lottie Hawkins (ECBOE Social Worker); Hope Whitaker (ECBOE Social Worker); Tisha Howell (ECBOE Curriculum Director); Tammy Moore (ECBOE Federal Programs); Kathy Roberts (ECBOE Federal Programs); Dena Cook (ECBOE Director of Student Services); Tammy Reagan (ECBOE Student Services)Gadsden City Schools – Hector Baeza (Federal Programs Director); Lynn Whisenant (Homeless Liaison/Foster Care Liaison); Genny Ball (HYPE facilitator)

See attached/uploaded sign in sheet.

LEA(s) Point(s) of Contact:

Hector Baeza (Federal Programs Director) hbaeza@gadsdencityschools.org

Lynn Whisenant (Foster Care Liaison) lwhisenant@gadsdencityschools.org

DHR(s) Point(s) of Contact:

Etowah County DHR- Beverly Bankston Beverly.bankston2@dhr.alabama.org

2 C. F. R. §§ 200.331(D), 200.328(A); 34 C.F.R. §76.770; ESSA SECTION 1111(1)(E) - LEAs must implement the Title I educational stability requirements of children in foster care, including ensuring that:

- A child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child’s best interest;
- If it is not in the child’s best interest to stay in his or her school of origin the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment; and
- That the new (enrolling) school immediately contacts the school of origin, to obtain relevant academic and other records.

Describe procedures for implementing the above provisions.

Delays in enrollment in school and disruptions to continuous education are not in the best interest of the child in foster care. Federal and state laws prohibit delaying a child’s ongoing education.

Therefore, the Gadsden City Board of Education (GCBOE) and Etowah County DHR (ECDHR) will collaborate to immediately and appropriately continue the enrollment of a child in foster care seeking to remain in the school of origin or immediately and appropriately enroll a child in foster care if the best interest is to transfer to another Gadsden City school. Please note the following definitions:

- “Immediate” means no later than one school day after notification of intent to enroll or the day the student is present for enrollment.
- “Enrollment” means the child is attending classes and participating fully in school activities.

To begin the enrollment process, the child’s ECDHR caseworker will notify the Gadsden City Foster Care Point of Contact (GCPOC) of the intent to enroll a child who is in foster care. Other adults, as permitted by ECDHR

may be required to assist with enrollment of the child, but the ECDHR caseworker will always direct the process and be the primary contact for the GCBOE staff.

The school where the child most recently attended is responsible for transferring the education records of the child directly to the school where a child is seeking to enroll.

Only the following documentation may be requested for enrollment of a child in foster care:

- 1) Documentation that the child is in foster care, including:
 - a) The parts of the most recent court order establishing legal custody; OR
 - b) A letter on letterhead of Etowah County Department of Human Resources that has custody of the child explaining that the child is in foster care.
- 2) Identification of the person who is authorized to enroll the student, including
 - a) Documentation to the receiving school that identifies the person as a ECDHR caseworker, or someone else authorized to enroll the child; AND
 - b) Photo identification

In addition, the GCBOE may request that ECDHR present documentation establishing the foster child's current residence. However, lack of such documentation is not a reason to delay or deny enrollment, and ECDHR may present such documentation after the child is enrolled if it is not available earlier. Appropriate documentation includes: ECDHR letter verifying the child's address, plus *one* of the following, as chosen by ECDHR or any other person authorized to assist with enrolling the child:

- A lease, rent receipts, deed, or property tax bill, or
- A utility bill

ESSA SECTION 1111(G)(1)(E)(I) – A description of how the LEA in collaboration with the local child welfare agency will ensure that in determining whether it is in the child's best interest to remain in his or her school of origin, and LEA takes into consideration all factors relating to a child's best interest.

Description of how the LEA will work with child welfare agencies to develop a clear policy or protocol on how to make best interest determinations including making every effort to gather meaningful input from relevant parties, in addition to required child welfare and school representatives, in deciding what school placement is in a child's best interest. Include a description of protocols in this description.

The GCBOE and ECDHR presumes the child should remain in his/her school of origin to provide school stability and educational continuity for the child, unless contrary to the child's best interests. In the event of transfer to the school of the foster students new home, the child shall be enrolled immediately and appropriately with all educational records provided to the new school, according to the procedures described below.

- ECDHR notifies the GCBOE that the child will be moving to a new residence and the necessary timeframe for determining the child's most appropriate school placement.
- The school provides ECDHR information on the appropriateness of the current educational setting and ECDHR will take into account this information and the distance from potential placements to the

child's current school in the decision making process. Special attention is given to not allow the cost of transportation to be a factor.

- ECDHR and the GCPOC jointly determine the child's best interest for school placement, in consultation with the child and other key partners.
- The best interest determination for school placement is completed within three business days after ECDHR notifies the school of the decision of the child's new residence; the child remains in the same school during that time, unless contrary to the child's best interest.
- ECDHR and the GCBOE will jointly arrange for transportation. Payments for the excess cost of transportation expenses above the average daily cost of transporting a GCBOE student for the child to remain in the school of origin will be shared equally between the GCBOE Title I program and ECDHR.

GCBOE and ECDHR will have face to face meeting in August, November, March, and May and phone meetings in September, October, December, January, February, and April to make informed decisions about children in foster care and to remove barriers that may hinder the implementation of the Title I foster care provisions. It is our goal to ensure that the appropriate interventions and strategies are in place to support foster care students to succeed in school.

When a student is taken into care, ECDHR will invite the GCBOE Point of Contact to Individualized Service Plan (ISP) meetings where best interest determination will be made. School representatives will make every effort to attend or provide input.

The best interest determination, consist of several student-centered factors that include the appropriateness of the current educational setting and the proximity of placement. The GCBOE and ECDHR should make all reasonable efforts to include in the best interest determination process other individuals who have knowledge of the child. Participation may occur through phone calls, teleconferences, emails or other electronic means, as well as by meeting in person.

In addition to the ECDHE caseworker, individuals who may have knowledge of the child might include:

- The child him/her self
- Child's birth parent(s) or prior custodian
- Individual the child would like to participate
- Parent Surrogate for educational decisions, if applicable
- School representative
- Classroom teachers
- School counselors
- Special education coordinator if the child has an IEP or 504 plan
- GCBOE Transportation Department
- Coaches
- Relatives who are caregivers or residential care providers
- Child's attorney and
- Court appointed special advocate

Factors to assess in determining the child's best interest for school placement include, but are not limited to, the following:

- The student's age

- The student's emotional needs
- The school attended by the student's siblings
- Length of time student is expected to remain at the current placement and the possible location of housing intended to be long-term
- Distance of commute and the impact it may have on the student's education and other student-centered, transportation-related factors including travel time but not travel expenses
- The preferences of the student, the birth parents or prior custodian as appropriate, and the student's foster parent(s) or current placement provider
- School stability and educational continuity
- Time remaining in the academic year
- Personal safety, attendance academic progress and social involvement of the student in the current school
- The impact transferring the student to a new school may have on his/her needs and progress academically, emotionally, socially and physically
- Availability of classes to avoid credit loss and for the timely graduation or promotion

The caseworker shall document the best interest determination in the child's case file, including factors considered, participants involved in the collaborative process, the determination for school placement, and the placement made. Documentation of the best interest determination shall be maintained in both the ECDHR child case file and the school's student cumulative record. If a change in placement is determined to be in the child's best interest, the school representative shall send this documentation to the new school as part of the student's cumulative record.

See Appendix A: Best Interest Determination Placement Notice

See Appendix B: Best Interest Determination Dispute Resolution

ESSA SECTION 1112(C)(5)(B) - Description of transportation protocols and procedures to include how additional costs for transportation will be calculated and funded as well as a policy for LEAs to resolve best interest disputes and interagency disputes related to transportation costs.

Description must include how transportation and transportation costs will be monitored. (Include LEA and welfare responsibilities for providing transportation.)

Description of Dispute Resolution Policy

For each student in foster care remaining in his or her school of origin the GCBOE and ECDHR will work collaboratively to provide, arrange, and fund transportation for the duration of the child's time in foster care.

Wherever possible, and where it is in the student's best interest, the GCBOE buses should be utilized for transportation according to the following procedure:

- The GCBOE will advise ECDHR within 3 school days whether it is able to transport the student in question by school bus and if so, the GCBOE will arrange transportation within 5 school days.

- During the interim period of up to 5 school days during which the GCBOE is arranging transportation, ECDHR will make all reasonable efforts to provide alternative transportation to ensure that the child does not miss school.

If the GCBOE advises ECDHR that it cannot transport a student by school bus, ECDHR and the GCBOE will collaborate to arrange for safe and timely transportation. ECDHR will assume the responsibility of authorizing the means of transportation, using, but not limited to one or more of the following options;

- Friends, relatives and neighbors of the child or foster parent reimbursed at the state mileage rate;
- Employees of DHR and residential programs;
- Public transportation paid at the established rate
- Contracted transportation

ECDHR and the GCBOE agree to pay for transportation mileage on the following plan:

- The GCBOE Transportation Director and the Chief School Financial Officer will compute the average daily rate of transporting a GCBOE student. This determines the base amount to be applied towards daily mileage expenses.
- In the event there are additional daily mileage expenses, the GCBOE Title I and ECDHR will share the remaining cost equally.

PENDING FINAL DECISION ONE OF THE TWO WILL REMAIN IN THE PLAN.

- GCBOE will pay the mileage and bill ECDHR
- ECDHR will pay the mileage and bill GCBOE

See Appendix C: Inter-Agency Transportation Dispute Process

ESSA SECTION 111(G)(1)(E)(II)-(III) - Describe protocol for a child in foster care to be immediately enrolled in a new school.

Students who live in the attendance areas of Gadsden City School System and who are identified as foster care shall not be prohibited from school attendance due to the following:

- Residency requirements
- Lack of social security number
- Lack of birth certificate
- Lack of school records or transcripts
- Lack of immunizations
- Legal custody requirements
- Transportation
- Language barriers
- Disabilities

Foster students shall be enrolled immediately, eligible for free meals, and transportation needs will be determined.

GADSDEN CITY SCHOOL SYSTEM

DISPUTE RESOLUTION PROCESS FOR PLACEMENT OF A FOSTER CHILD IN A SCHOOL OTHER THAN THE SCHOOL ORIGIN

If the Gadsden City Board of Education (GCBOE) seeks to place a child in foster care in a school other than the school of origin or the school requested by the educational decision-maker¹, the educational decision-maker shall be provided written notice of his/her right to appeal the decision (*see Appendix A for a sample written notice*), including:

1. The contact information for the GCBOE foster care point of contact and the State Education Agency (SEA) foster care point of contact.
2. An explanation of the reasons for the GCBOE's decision.
3. A step-by-step description of how to dispute the GCBOE's decision (Level I procedure), including a dispute form (*see Appendix B for a sample dispute form*).
4. An explanation that if the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin, receiving all appropriate educational services, until the dispute reaches its final resolution.
5. Timelines for resolution of the dispute at each level.
6. Notice of the right to appeal to the SEA if the local-level resolution is not satisfactory.

Level I: Gadsden City Board of Education Superintendent or Designee

1. Initiating the Level I Dispute

To dispute the GCBOE's decision related to school selection (best interest) or enrollment for a child in foster care, an educational decision-maker must request dispute resolution in writing by submitting a dated appeal letter specifying the school in which enrollment is sought and the basis for seeking enrollment in that school. The appeal letter must include the name and contact information (phone, email and mailing address) for the educational decision-maker.

The educational decision-maker must submit the appeal letter within five (5) school days of receiving from the GCBOE written notice of the right to dispute the decision. The letter may be submitted via an email with the subject "Foster Child Appeal," or delivered to any school to the attention of the superintendent. Regardless of how the appeal letter is submitted, the school or GCBOE shall ensure the GCBOE's superintendent or designee receives it immediately.

The submission of the appeal letter by email or delivery to any school initiated the dispute. From that point, the student shall remain in the school or origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for which the student is eligible during the pendency of the dispute. Students attending their school origin during the pendency of the dispute

¹ The Etowah County Department of Human Resources shall inform the Gadsden City Board of Education promptly of the name and contact information of the appropriately designated or appointed educational decision-maker for every child in foster care enrolled (or seeking enrollment) in the GCBOE.

will be entitled to receive transportation. GCBOE will provide or arrange transportation during the dispute. Once the dispute is resolved, transportation will be provided pursuant to the local transportation procedures developed collaboratively between the GCBOE and Etowah County Department of Human Resources (ECDHE).

2. Gadsden City Board of Education Decision

The superintendent, or superintendent's designee, will arrange for a personal conference to be held with the educational decision-maker, the student (if appropriate), and at least one representative from the local child welfare agency. The personal conference will be arranged within five (5) business days of the GCBOE's receipt of the Level II appeal letter and will take place as expeditiously as possible.

Within five (5) business days of the personal conference, the superintendent, or superintendent's designee, will inform the educational decision-maker of the decision in writing, using the contact information provided in the appeal letter. The superintendent or designee may consult with the GCBOE foster care point of contact in making the decision. The written decision provided to the educational decision-maker must include:

1. A copy of the complete Level I appeal packet.
2. The decision rendered at Level I by the superintendent or designee and an example for that decision.
3. Instructions regarding how to file a Level II dispute, including the name, phone number, and email address of the SEA foster care point of contact.

If the educational decision-maker disagrees with the Level I decision and wishes to appeal to Level II, the educational decision-maker shall inform the GCBOE superintendent or designee of the intent to appeal to Level II within five (5) school days of receipt of the GCBOE's Level I decision. If the educational decision-maker does not appeal within five (5) school days, the child shall be enrolled and provided all appropriate educational services in the school determined by the GCBOE. If that school is not the school the child had been attending during pendency of the dispute, the GCBOE will prioritize minimizing the disruption to the child's education in effecting the transition to the new school.

Level II: State Education Agency (SEA)

1. Initiating the Level II Dispute

If the student's educational decision-maker disagrees with the decision rendered by the GCBOE's superintendent at Level I, he/she may appeal the decision to the SEA. To appeal to Level II, an educational decision-maker must request an appeal in writing by submitting a dated appeal letter, which must include:

- The school in which enrollment is sought and the basis for seeking enrollment in that school.
- The name and contact information (phone, email and mailing address) for the educational decision-maker.
- A copy of the previous appeal letter submitted by the educational decision-maker.
- A copy of the decision rendered by the GCBOE at Level I.

The letter must be submitted via an email to the SEA foster care point of contact, with the subject "Foster Child Appeal." The letter also must be submitted to the GCBOE superintendent via an email with the subject "Foster Child Appeal," or delivered to any school to the attention of the superintendent. The appeal letter must be submitted to both the SEA and GCBOE superintendent within five (5) school days of receiving the Level I appeal decision from the GCBOE.

The GCBOE has an additional five (5) school days from its receipt of the educational decision-maker's appeal letter to submit its response to the appeal letter to the SEA foster care coordinator, via an email with the subject "Foster Child Appeal." Documents submitted by either party after the applicable deadlines will not be considered.

The student shall remain in the school of origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for which the student is eligible during the pendency of the dispute. Students attending their school of origin during the pendency of the dispute will be entitled to receive transportation. The GCBOE will provide or arrange transportation during the dispute. Once the dispute is resolved, transportation will be provided pursuant to the local transportation procedures developed collaboratively between the GCBOE and ECDHR

2. State Education Agency Decision

The Level II decision will be made by a three-person panel including the SEA foster care point of contact, another SEA staff, and a representative of the state child welfare agency. The panel shall make a final decision within thirty (30) days of receipt of the dispute.

The SEA foster care point of contact will forward the final written decision to the educational decision-maker and the GCBOE superintendent. The written decision must include:

- A copy of the complete Level II appeal packet.
- The decision rendered at Level II and an explanation of that decision.

The GCBOE must implement the SEA's decision in full, immediately.

The SEA shall maintain a record of all disputes related to the children in foster care.

For every type of dispute regarding a child in foster care, the GCBOE and ECDHR must make every effort to resolve the dispute collaboratively at the local level. Documented patterns of excessive disputes to the SEA from the GCBOE and/or ECDHR will be reviewed by the SEA and State DHR and appropriate measures will be taken to ensure compliance by both local agencies. All parties are encouraged to seek assistance from the Foster Care Point of Contact at the State Education Agency (SEA) and the Education Coordinator at the State Department of Human Resources prior to any dispute.

APPENDIX A

BEST INTEREST DETERMINATION PLACEMENT NOTICE
GADSDEN CITY BOARD OF EDUCATION
- SAMPLE WRITTEN NOTICE -

Delivered via: (in person or a reliable email address to ensure delivery)

DATE

To: Superintendent of Education, Gadsden City Schools
1026 Chestnut Street
Gadsden, AL 35904

The Gadsden City Board of Education has determined that the appropriate school placement for STUDENT NAME is SCHOOL NAME. We understand this is neither the school of origin nor the school requested by the student's educational decision-maker. Therefore, we are providing this explanation of our decision and information about how the educational decision-maker may appeal the decision.

We have determined that it is in the student's best interest to attend SCHOOL NAME because:

The educational decision-maker may appeal this decision by completing the attached Dispute Form, signing it, dating it, and submitting it by DATE (insert date ten school days from the date of this letter).

If the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin, receiving all appropriate educational services including transportation, until the dispute reaches its final resolution. Once the Dispute Form is received, the superintendent or designee will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from Etowah County DHR within ten (10) business days, and the conference will take place as expeditiously as possible. Within five (5) business days of the personal conference, the superintendent or designee will inform the educational decision-maker of the decision in writing. The educational decision-maker will be able to appeal to the State if the local resolution is not satisfactory.

If you have questions about this decision or how to appeal it, please contact:

GCBOE Federal Programs Director
Hector Baeza
hbaeza@gadscityschools.org
256-549-2947

ALSDE Foster Care POC
334-694-4516

APPENDIX B

BEST INTEREST DETERMINATION DISPUTE RESOLUTION

GADSDEN CITY BOARD OF EDUCATION

- SAMPLE DISPUTE FORM -

To appeal the district’s decision, please complete this form and submit it by the date indicted on the Written Notice you received from the school. You may submit this form by any of the following methods:

- Scan and email it to EMAIL ADDRESS with the subject “Foster Child Appeal”
- Return the paper form to any Gadsden City School
- Submit the paper form directly to the office of the superintendent at:

Superintendent of Education
Gadsden City Board of Education
1026 Chestnut Street
Gadsden, AL 35901

Student Name: _____

School in which enrollment is sought: _____

I am the educational decision-maker for this student, and I believe the school in which we are seeking enrollment is in the student’s best interest because:

I believe the student has a right to attend this school because:

If you would like to provide additional information, please attach it to this form.

The student shall remain in the school of origin, receiving all appropriate educational services including transportation, until the dispute reaches its final resolution. Once this Dispute Form is received, the superintendent or designee will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from Etowah County DHR within five (5) business days, and the conference will take place as expeditiously as possible. Within five (5) business days of the personal conference, the superintendent or designee will inform the educational decision-maker of the decision in writing. The educational decision-maker will be able to appeal to the State if the local resolution is not satisfactory.

Educational decision-maker name: _____

Email: _____

Phone: _____

APPENDIX C

INTER-AGENCY TRANSPORTATION DISPUTE PROCESS

GADSDEN CITY BOARD OF EDUCATION

TO RESOLVE DISPUTES BETWEEN LEAs AND CHILD WELFARE AGENCIES REGARDING TRANSPORTATION

ESSA requires the GCBOE and ECDHR to collaboratively develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the children's time in foster care. To ensure the children receive transportation and that both the GCBOE and ECDHR are working to ensure educational stability, these transportation procedures should:

- Describe how ECDHR is implementing its requirements to develop a plan for ensuring the educational stability of each child in foster care, including ensuring that each placement of every child takes into consideration the proximity to the school of origin (see the Fostering Connections to Success and Increasing Adoptions Act).
- Ensure that children in foster care needing transportation to the school of origin will promptly receive it.
- Ensure that transportation is provided in a cost effective manner.
- Address how ECDHR will use foster care maintenance payments and administrative funds to pay for transportation to the school of origin (see sections 475(1)(G) and (4)(A) of the Social Security Act (42 U.S.C. 675(1)(G) AND (4)(A)).
- Specify how "additional cost" of transportation will be calculated, to delineate clearly the GCBOE's responsibility to provide transportation when there are no additional cost².
- Specifically describe how transportation to the school or origin will be provided in situations where there are no additional costs.
- Specifically describe those situations (if any) for which the LEA has agreed to pay additional cost, or share additional costs with the child welfare agency.
- Specify the timing and procedures for the child welfare agency to reimburse the LEA for transportation costs.

LEAs and child welfare agencies must make every effort to collaborate in serving children in foster care. When a dispute arises between the agencies over paying the cost of transportation, the LEA and local child welfare agency must make every effort to resolve the dispute collaboratively at the local level. **Documented patterns of excessive disputes to the SEA from particular LEAs and/or local child welfare agencies will be reviewed by the SEA and State child welfare agency and appropriate measure will be taken to ensure compliance by both local agencies.** The SEA and State DHR have established a Memorandum of Understanding regarding

² Additional cost incurred in providing transportation to the school of origin should reflect the difference between what the GCBOE would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin. U.S. Departments of Education and Health and Human Services (2016). Non-Regulatory Guidance: Ensuring Educational Stability for Children in foster Care, Question 27.

appropriate measures to limit disputes and ensure compliance by both GCBOE and ECDHR. All parties are encouraged to seek assistance from the Foster Care Point of Contact at the State Education Agency (SEA), and the Education Coordinator at the State Department of Human Resources prior to any dispute.

In addition, under no circumstances shall the dispute delay or interrupt the provision of transportation for a child to the school of origin. To ensure no such disruption, the agency that had been paying for transportation prior to the dispute will continue to pay until the dispute is resolved. If transportation was not provided previously, the GCBOE will arrange and provide the transportation while payment disputes are being resolved.

Disputes between GCBOE and ECDHR regarding implementing the local transportation procedures, calculating and paying for additional costs of transportation to the school of origin for children in foster care, or other inter-agency transportation disputes will be resolved by a three-person panel including the SEA foster care point of contact, another SEA staff, and a representative of the State Department of Human Resources. Either the GCBOE or ECDHR can bring a transportation payment dispute to the SEA by submitting a dispute resolution request to the SEA foster care point of contact via an email with the subject "Foster Child Transportation Dispute." The dispute resolution request must include:

- A complete explanation of the basis of the dispute, with all pertinent facts.
- The name and contact information of the people who have been addressing the dispute thus far on behalf of both the LEA and the local child welfare agency (phone, email, and mailing address).
- Details of how the agencies have attempted to resolve the dispute at the local level prior to appealing to the state.

Within ten (10) days of receipt of the dispute resolution request, the SEA foster care point of contact will contact the party that did not submit the request (either the GCBOE or ECDHR) identifying the subject matter of the dispute and inviting that party to submit any information pertinent to the dispute. The party will have ten (10) days to submit its explanation of the dispute, with all pertinent facts. Documents submitted by either party after the applicable deadlines will not be considered.

The panel shall make a final decision within thirty (30) days of receiving all information related to the dispute. The SEA foster care contact will forward the written decision and an explanation of that decision to the appropriate parties at both the GCBOE and ECDHR. The decision shall be the final resolution.

Every Student Succeeds Act

“Each State plan shall describe—

...

(E) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

(i) any such child enrolls or remains in such child’s school of origin, unless a determination is made that it is not in such child’s best interest to attend the school of origin, which decision shall be based on all factors relating to the child’s best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(ii) when a determination is made that it is not in such child’s best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment; ...”

ESSA Section 1005, 20 U.S.C.6311(g)(1)(E)

U.S. Department of Education and U.S. Department of Health and Human Services (2016). Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care.

“The SEA should coordinate with the State or tribal child welfare agency to develop and disseminate uniform guidelines for implementing the Title I educational stability provisions. Developing uniform statewide policies and procedures for ensuring educational stability for children in foster care, as many States have already done under the Fostering Connections Act, will facilitate successful implementation at the local level. This is particularly important given the shared agency responsibility for educational stability under Title I and the Fostering Connections Act, and because a single LEA or local child welfare agency will likely have to collaborate with multiple partner agencies in implementing these provisions. Due to the high mobility of children in foster care, State guidance is crucial for consistency across school districts.” (Question 3).

“What process should SEAs and LEAs use when making the best interest determination?”

The law does not prescribe a specific process, but we encourage SEAs to work with the State or tribal child welfare agencies to establish guidelines to be used by LEAs and schools in coordination with local child welfare agencies to guide the decision making process.” (Question 13).

“However, if there is disagreement regarding school placement for a child in foster care, the child welfare agency should be considered the final decision maker in making the best interest determination (unless State law or policy dictates otherwise).” (Question 18).

“We encourage SEAs to include guidelines for how additional costs for transportation will be funded and to establish a mechanism or policy for LEAs to resolve interagency disputes related to transportation costs.” (Question 21).

“[W]e encourage the SEA, in partnership with State and tribal child welfare agencies and key decision-makers such as the governor, to develop a uniform State process for resolving such disputes.” (Question 28).

“We encourage SEAs and LEAs to collaborate with child welfare agencies to develop a dispute resolution process at the local level for parties to address disagreements over the best interest determination decision.... Once the decision is made, a written explanation should be provided to all involved parties.” (Question 19).

“To the extent feasible and appropriate, an LEA must ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.” (Question 20).

“[T]he LEA must provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.” (Question 32).