

Benton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Students in Foster Care	Descriptor Code: 6.505	Issued Date: 01/03/17
		Rescinds:	Issued:

1 The Benton County School System shall provide all students in foster care, to include those awaiting
2 foster care placement, with a free and appropriate public education.

3 **ENROLLMENT**

4 Students in foster care, to include those awaiting foster care placement, shall be immediately enrolled,
5 even if the student is unable to produce records normally required for enrollment (i.e. academic records,
6 immunization records, health records, proof of residency), or missed the district's application or
7 enrollment deadlines.¹

8 **PLACEMENT**

9 The district and the child welfare agency shall determine whether placement in a particular school is in
10 a student's best interest. Other parties, including the student, foster parents, and biological parents (if
11 appropriate), shall be consulted. If the child has an IEP or a Section 504 plan, then the relevant school
12 staff members shall participate in the best interest decision process. This determination shall be made as
13 quickly as possible to prevent educational disruption.

14 Placement shall be determined based on the student's best interest. At all times, a strong presumption
15 that keeping the student in the school of origin is in the student's best interest shall be maintained.² For
16 the purposes of this policy, school of origin shall mean the school in which the student was enrolled,
17 including a preschool/pre-k program, at the time of placement in foster care or at the time of a placement
18 change if the student is already placed in foster care.³

19 When determining placement, student-centered factors including, but not limited to, the following shall
20 be considered:

- 21 1. Preferences of the student;
- 22 2. Preferences of the student's parent(s) or education decision maker(s);
- 23 3. The student's attachment to the school, including meaningful relationships with staff and peers;
- 24 4. Placement of the student's siblings;
- 25 5. Influence of the school climate on the student, including safety;
- 26 6. The availability and quality of the services in the school to meet the student's educational needs;
- 27 7. History of school transfers and how they have impacted the student;
- 28 8. How the length of the commute would impact the student;
- 29 9. Whether the student is receiving special education and related services, and if so, the availability
30 of those required services in a school other than the school of origin; and

1 10. Whether the student is an EL and is receiving language services, and, if so, the availability of
2 those required services in a school other than the school of origin.

3 Transportation costs should not be considered when determining a student's best interest.

4 If it is not in the student's best interest to attend the school of origin, the director or his/her designee shall
5 provide a written explanation of the reasons for the determination. The written explanation shall include
6 a statement regarding the right to appeal the placement decision. If the placement decision is appealed,
7 the district shall refer the student to the district coordinator for children in foster care, who shall carry
8 out the dispute resolution process as expeditiously as possible and in accordance with the law.² Until the
9 dispute is resolved, to the extent feasible, the student shall remain in his/her school of origin.²

10 **TRANSPORTATION**^{3,4}

11 The district shall collaborate with the local child welfare agency to develop and implement clear and
12 written procedures governing how transportation to a student's school or origin shall be provided,
13 arranged, and funded. This transportation will be provided for the duration of the student's time in
14 foster care.

15 The director of schools shall develop administrative procedures to provide for transportation of
16 students in foster care.⁵ These procedures must ensure that:

- 17 1. Students in foster care needing transportation to their schools of origin will promptly receive
18 that transportation in a cost-effective manner and in accordance with federal law; and
19 2. If there are additional costs incurred in providing transportation to the school of origin, the
20 district will provide such transportation if:
21 a. the local child welfare agency agrees to reimburse the district for the cost of such
22 transportation;
23 b. the district agrees to pay for the cost; or
24 c. the district and local child welfare agency agree to share the cost.⁴

25 The district will ensure that a student in foster care, to include a student awaiting foster care placement,
26 remains in his/her school of origin while any disputes regarding transportation costs are being
27 resolved.

Legal References

1. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95) § 1111(g)(1)(E)(ii)-(iii)
2. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1111 (g)(1)(E)(i)-(iv)
3. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1111 (g)(1)(E)
4. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1112 (c)(5); § 475(4)(A) of the Social Security Act, 42 U.S.C. § 675(4)(A)
5. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95), § 1112 (c)(5)(B)(i)

Cross References

Attendance 6.200
School Admissions 6.203