

209: Students in Foster Care Policy

I. Purpose:

It is the policy of Providence Creek Academy (PCA) to ensure the educational rights and protections for children and youth experiencing foster care.

The Every Student Succeeds Act (“ESSA”) addresses additional protections for students in foster care and establishes a system of joint responsibility for schools, the Delaware Department of Education (“DDOE”), and the Delaware Department of Children and Families (“DFS”) to ensure the educational stability of students in foster care.

II. Definition:

- a. **Foster Care:** 24-hour substitute care for children placed away from their parents and for whom a child welfare agency has placement and care duties. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child-care institutions, and pre-adoptive houses.
- b. **Additional Costs:** Reflect the difference between what the district would spend to transport a student to the assigned school and the cost of transporting a student in foster care to his or her school of origin.
- c. **School of Origin:** The school in which a student is enrolled at the time of placement in foster care or of a change in placement. A student in foster care is entitled to remain in his or her school of origin unless it is determined not to be in the student’s best interest to stay at that school.
- d. **Foster Care Liaison:** A PCA employee who facilitates the enrollment in or transfer to a public school of a student who is a ward of the state.

III. Policy Statement:

- a. **Foster Care Liaison:**
 - i. PCA will designate a Foster Care Liaison each school year. This Foster Care Liaison and/or designee will ensure that:
 - 1. Students placed in Foster Care are properly identified.
 - 2. There is a coordination of services between PCA, DFS, and other applicable parties including acting as the designated point of contact with DFS on transportation procedures.

b. Best-Interest Determination:

- i. DFS will make the final decision regarding whether it is in a student's best interest to remain in the school of origin. PCA staff may be asked to provide information on the "educational best interest" of the student to support educational decision-making based on what is best for the student academically. For students receiving special education and related services under the Individual with Disabilities Education Act or for students on Section 504 accommodation plans, it is recommended that relevant team members should be consulted in the best interest determination process, as PCA will still be required to ensure compliance with Least Restrictive Environment requirements.
- ii. The United States Department of Education has provided a list of factors that may be considered in determining the student's educational best interest, which include appropriateness of the current setting, proximity of placement to school attendance centers, the child's preference, the parent's preference, the child's attachment to the school of origin, where siblings will be placed, and the availability of needed services. The "best-interest determination" may not be made based on transportation costs or funding.

c. Transportation of Students in Foster Care:

- i. ESSA requires each Delaware school to collaborate with child welfare agencies, such as DFS, to develop and implement clear, written procedures for how transportation to maintain a student in foster care in his or her school of origin (when in the student's best interest) will be provided, arranged, and funded. The procedures must ensure that the transportation will be provided promptly, in a cost-effective manner, and in accordance with federal law. Also, they must address how additional costs will be absorbed. Therefore, if there are any additional costs incurred to maintain a foster care student in his or her school of origin, the school will provide the transportation if:
 1. DFS agrees to reimburse the district for the additional costs;
 2. PCA agrees to pay the additional costs; or
 3. DFS and PCA split the additional costs.
- ii. Upon request, PCA will provide an assurance to DDOE that the district has transportation procedures meeting the above requirements.

IV. Responsibility:

- a. Providence Creek Academy will designate a Foster Care Liaison each school year. The Foster Care Liaison is responsible for adhering to the policy listed above.

V. Related Policies:

- a. None

VI. Related Procedures and Documents:

- a. Education for Students in Foster Care:
<https://education.delaware.gov/educators/whole-child-support/family-services/fostercare/>

Approval and Revision Dates:

APPROVED BY THE BOARD OF DIRECTORS DECEMBER 20, 2023

