

**EDUCATION OF CHILDREN IN FOSTER CARE**

It is the Board's intent to remove barriers to the identification, enrollment and retention in school of children who are in foster care. All staff shall take reasonable steps to ensure that children in foster care are not segregated or stigmatized and that educational decisions are made in the best interests of those students. The Board hereby authorizes the Superintendent or their designee to create procedures and/or protocols to implement this policy.

**A. Definition.**

Under guidance issued jointly by New Hampshire Department of Education (NHDOE) and the New Hampshire Department of Health and Human Services (NHDHHS), and for the purposes of this Policy, "foster care" shall mean "24-hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility. This includes children in foster family homes, shelters, relative foster homes, group homes and residential facilities regardless of whether the foster care facility is licensed or whether payments are made by the state." To the extent required under applicable law, a child in foster care under this policy also includes children whom an appropriate child welfare agency indicates are awaiting a foster care placement. (Note: children awaiting foster care may also qualify as homeless under policy JFABD).

The District shall coordinate with other districts and with local child welfare agencies and other agencies or programs providing services to students in foster care as needed. The coordination requirements apply to both situations (i) when a student who is a resident of the District is placed in foster care in another district, or (ii) when a student residing in another district is placed foster care in a home within this District.

The Superintendent is responsible for providing any required assurances to applicable state and federal agencies that the District is complying with applicable requirements related to ensuring the educational stability of children in foster care; and for reasonably monitoring compliance with such assurances. In doing such, the Superintendent is entitled to reasonably rely upon the information and assurances provided to her/him by District staff, including the District's "Foster Care POC", described in Section B of this policy.

**B. District Point of Contact with Child Welfare Agencies.**

The Superintendent shall designate a staff member to serve as the District's point of contact (the "Foster Care POC") between the New Hampshire Division of Children, Youth and Families ("DCYF"), NHDOE, other districts, and other child welfare agencies. This Foster Care POC shall not be the same individual as the Homeless Liaison in Board Policy JFABD. The main duty of the Foster Care POC is to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care, pursuant to applicable state and federal statutes, regulations, and guidance. Additionally, the Foster Care POC shall work with the Superintendent or designee to monitor regulations and guidance related to this policy and may be issued by the applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

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The District shall provide training opportunities and other technical assistance to the Foster Care POC and other appropriate District staff regarding the District's obligations to students in foster care.

**C. Best Interest Enrollment Determinations, Disputes and Enrollment.**

Generally, a student in foster care will remain in his/her school of origin, unless there is a determination that it is not in the student's best interest. The Foster Care POC shall assist DCYF or any other child welfare agency to make a "best interest determination" education decision, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in the new school. Unless local procedures are established in accordance with state and federal law, the District will use the model procedures prepared jointly by the NHDOE and DCYF.

If the determination is that the best interest of a child is not to remain in the school of origin, and instead placed within a new school within this District, the child in foster care shall be immediately enrolled in the new school ("receiving school"), even if any documents or records otherwise required for enrollment are not immediately available. The receiving school shall then immediately contact the school of origin to obtain relevant educational and other records.

If there are disputes between two different New Hampshire school districts regarding the best interest determination for a child in foster care, it is expected that DCYF and the separate school districts, both sending and receiving, will work collaboratively at the local level to resolve the issue. Should there be no resolution, RSA 193:12, V-b, requires the Department of Health and Human Services to request in writing that the two Superintendents involved resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the Department of Health and Human Services shall request that the Commissioner of the NHDOE determine the residence of child for purposes of school enrollment.

If a school within the District is a receiving school, such receiving school shall accept the student's certified coursework as if it had been completed at the receiving school. To the extent such coursework is not aligned with the curriculum, the awarded credit may be elective, but it must be counted toward required credits for advancement or graduation.

**D. Transportation.**

When the District is notified that a student in foster care needs, or may need, transportation to a District school, the Foster Care POC will take steps to establish an individualized plan that addresses transportation to maintain the student in his/her school of origin. This plan will ensure that transportation will be arranged, provided, and funded for the duration of time that the student in foster care is attending his/her school of origin.

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In establishing such a plan, the Foster Care POC and other District staff shall follow any existing transportation procedures, systems-level plan or agreement that the District, acting in collaboration with DCYF and/or other departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student. Out of District transportation of children in foster care shall be provided in accordance with DCYF's or other child welfare agency's authority to use child welfare funding for school of origin transportation.

If there are disputes regarding the provision or funding of transportation, the District Foster Care POC, and child welfare agency representative will contact their respective Supervisor and Superintendent to resolve the dispute. To the extent feasible and appropriate, the school district involved should ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce school transitions.

Nothing in this policy should be construed as obligating the Merrimack School District to take on any transportation obligation, other than those required by law.

**Legal References:**

20 U.S.C. § 6311 (g)(1)(E) and 6312(c)(5) (provisions in Every Student Succeeds Act (ESSA) regarding obligations to students in foster care)

42 U.S.C. § 671 (a)(30) and 675 (1)(G) (child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care)

Public Law 110-351, The Fostering Connections to Success and Increasing Adoptions Act of 2008

RSA 193:12, Legal Residence Required

RSA 193:28, Right of Attendance

RSA 169-C:20-a, Notice to School District of Out-of-Home Placement; Development of Transition Plan

"N.H. Guidance on ESSA and Foster Care to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed", January 2017, NHDOE and NHDHHS

"Non-Regulatory Guidance: Ensuring Educational Stability for children in Foster Care." U.S. Department of Education and US Department of Health and Human Services, June 23, 2016

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