

## **EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE**

### **I. Preamble.**

A. The purpose of this policy is to ensure the educational stability of students in foster care. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the Public Schools of Brookline (PSB) are committed to supporting all efforts to ensure that students in foster care have access to high-quality, stable educational experiences from pre-school through high school graduation.

### **II. School Placement.**

A. Whenever a student changes placement (i.e. enters foster care or moves to another foster placement), a Best Interest Determination (BID) must occur. Irrespective of the location of a foster care placement, students in foster care shall continue to attend their school of origin or school of last enrollment, unless after a collaborative Best Interest Determination (as hereinafter defined), it is stated, in writing, to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care.

B. The superintendent shall designate a point of contact (POC) for students in foster care. The responsibilities of the POC include participating in the process for making best interest determinations, ensuring school enrollment and attendance of students in foster care, providing timely transfer of records, developing and implementing procedures for providing and coordinating cost-effective transportation, as needed; and facilitating professional development for district staff to promote educational stability for students in foster care. The PSB and the POC will collaborate with the Department of Children and Families (DCF) to ensure that students are enrolled in and regularly attending school, enjoy full and equal opportunities to succeed in school and meet the same state academic standards as other students, as well as receive other services for which they are eligible.

### **III. Best Interest Determination**

A. Decisions about whether a student in foster care should continue to attend the school of origin (a "Best Interest Determination") should be made promptly and collaboratively by DCF, the school and district of origin, the district in which the student resides in foster care, the education guardian ad litem (GAL) surrogate if one has been appointed, the court appointed special advocate (CASA) if one has been appointed, and as situationally appropriate, the student, the student's family, and the foster family. The PSB shall make an effort to also include appropriate individuals with specific knowledge of the student's needs, such as doctors, therapists, mentors, tutors, extracurricular program instructors, and other service providers.

B. Best Interest Determinations should focus on the needs of each individual student. Factors to be considered should include: (1) the student's age and grade level, (2) the student's preference (when age appropriate), (3) the time in the academic year, (4) academic performance, (5) current educational goals and services, (6) the Individualized Education Plan (IEP), if applicable, (7) individual skills, needs, and social connections, (8) ability to maintain family relationships and

engagement, (9) clinical and behavioral considerations, (10) safety issues, (11) distance to school, (12) length of the school day, (13) number of school changes and foster placements to date, (14) anticipated length of time in placement, and (15) DCF's goal for the child (e.g. reunification, third party custody, guardianship, adoption, etc.). Additionally, the parties involved in the decision may wish to determine a time to revisit the question of whether it is in the student's best interest to remain in the school of origin or enroll locally.

C. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, then DCF, as legal custodian, will finalize the Best Interest Determination if the relevant parties cannot agree on the best school for the student to attend.

D. All Best Interest Determinations shall be made in writing. The PSB shall ensure that copies of the Best Interest Determination will be provided to the POC of the school of origin or district in which the student resides (as applicable), the Department of Children and Families (DCF), and the student (if 18 or older) within three business days of completion. Upon written request, the PSB shall also provide copies of the Best Interest Determination to the student's attorney, the education GAL surrogate, and the CASA within three business days.

(i) Attorneys representing students must provide a certified copy of the applicable court docket confirming their appointment to represent the child, an active Massachusetts Attorney Bar card, and an active state or national photo identification card prior to receipt of any communications regarding the student.

(ii) Education GAL surrogates and CASAs must provide a certified copy of their court appointment, active professional licensure, and active state or national photo identification card prior to receipt of any communications regarding the student.

E. The PSB can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by the Department of Elementary and Secondary Education (DESE) and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate in accordance with state and federal law, the PSB will ensure that a child remains at the school of last attendance while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

#### IV. Transportation

A. Foster care students are entitled to transportation comparable to that provided for all other students attending school in the district. The PSB shall collaborate with DCF and the relevant outside district on how transportation will be arranged and provided to ensure that students in foster care who are eligible for transportation to remain in their school of origin or school of last enrollment will receive such transportation while they are in foster care, in accordance with state and federal law. Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, and seeking help from foster parent(s), etc.

#### V. Enrollment

A. If it is in the best interests of a student in foster care as determined by the BID to attend school locally (where placed in foster care), the district must enroll the student immediately. During enrollment of students in foster care, DCF representatives will present the district with current Notice to the Local Educational Agency and the Mittimus indicating that the student is in foster care, along with a state-agency identification badge.

B. If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

C. PSB students in foster care will be provided district services for which other PSB students are generally eligible, including pre-school programs, Title I, special education, and bilingual education. Foster care students will be eligible for vocational and technical education, gifted and talented programs, wraparound service programs, school nutrition programs, summer programs, after school programs, athletics programs, music, visual arts and performing arts programs, and other extracurricular activities.

#### VI. Attendance

A. ~~Enrolled PSB students who subsequently enter into foster~~ Foster care students may continue within the PSB for as long as they remain in foster care, pending provided that the Best Interest Determination(s) support(s) such continued enrollment, regardless of residency.

~~B. Foster care students who subsequently enroll into the PSB may remain within the PSB for as long as they reside in Brookline, except that:~~

~~(i) foster care students who relocate to foster placements outside of Brookline may remain within the PSB until the end of their school's current academic reporting period;~~

~~(ii) foster care students who relocate to foster placements outside of Brookline in the final grade level at a school within the PSB may remain within the PSB for the duration of that school year;~~

~~(iii) any Best Interest Determination(s) to the contrary shall supersede (i) and (ii) above.~~

B. Foster care students who exit foster care outside of Brookline may remain within the PSB until the end of their school's current academic reporting period, except that:

(i) foster care students who exit foster care in the final grade level at a school in the PSB may remain within the PSB for the duration of that school year.

D. For foster care students who completed or complete the final grade level served by the school of origin, and remain at a foster care placement in Brookline or were enrolled in the PSB at the

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time they entered foster care, the term "school of origin" shall also include the receiving school in the same school district educating students at the next grade level.

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