

Oneida Special Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <h2 style="text-align: center;">Students in Foster Care</h2>	Descriptor Code: 6.505	Issued Date: Click here to enter a date.
		Rescinds: 6.505	Issued: 01/05/17

The Oneida School System shall provide all students in foster care, including those awaiting foster care placement, with a free and appropriate public education.

ENROLLMENT

Students in foster care, including those awaiting foster care placement, shall be immediately enrolled even if the student is unable to produce records normally required for enrollment (e.g. academic records, immunization records, health records, proof of residency) or missed the school district’s application or enrollment deadlines.¹

PLACEMENT

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

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

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

1. Preferences of the student;
2. Preferences of the student’s parent(s) or education decision maker(s);
3. The student’s attachment to the school, including meaningful relationships with staff and peers;
4. Placement of the student’s siblings;
5. Influence of the school climate on the student, including safety;

6. Availability and quality of the services in the school to meet the student's educational needs;
7. History of school transfers and how they have impacted the student;
8. How the length of the commute would impact the student;
9. Whether the student is receiving special education and related services, and if so, the availability of those required services in a school other than the school of origin; and
10. Whether the student is an English learner and is receiving language services, and if so, the availability of those required services in a school other than the school of origin.

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

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

TRANSPORTATION^{3,4}

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

The Director of Schools shall develop administrative procedures to provide for transportation of students in foster care.⁵ These procedures shall ensure that:

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

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

Legal References

1. Elementary and Secondary Education Act (ESEA), as amended by ESSA (Pub. L. 114-95) § 1111(g)(1)(E)(ii)-(iii); State Board of Education Policy 2.103
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
Student Assignments 6.205
Transfers Within the System 6.206