

JFABDA-R ©

REGULATION

ADMISSION OF STUDENTS IN FOSTER CARE

Admission

The school selected by the child in foster care shall immediately admit the child, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation; but the school may require the student to provide their Notice to Provider's document.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the Child Welfare Agency Point of Contact to the District ~~Liasion~~/Point of Contact (POC) for children in foster care, who shall assist in obtaining necessary immunizations, or immunization or medical records.

Admission Disputes

If a dispute arises over school selection or enrollment in a school:

- A. The student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
- B. the Child Welfare Agency Point of Contact shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of appeal;
- C. the Child Welfare Agency Point of Contact and student shall be referred to the school's Point of Contact ~~liason for children in foster care~~, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and

Enrollment Decision

The decision regarding enrollment shall be made regardless of whether the student lives with the foster parents or has been temporarily placed elsewhere.

Best Interest Determination – Children in Custody of DCS

School District POCs should seek a Best Interest Determination ("BID") form from DCS. The BID process includes the following:

To determine whether the student should remain in their school of origin and in collaboration with the appropriate child welfare agency, the School District must take into consideration all factors relating to a child's best interest.

These factors include the appropriateness of the current educational setting and proximity of placement.

The State Education Association (SEA), District and child welfare agencies have flexibility in determining which factors should be considered as part of evaluating the appropriateness of the current educational setting, as well as any additional factors that pertain to a child's best interest.

Though the specific factors may vary depending on context, in order to make a holistic and well-informed determination, a variety of student-centered factors should be considered.

These factors may include:

- A. Preferences of the child;
- B. Preferences of the child's parent(s) or education decision maker(s);
- C. The child's attachment to the school, including meaningful relationships with staff and peers;
- D. Placement of the child's sibling(s);
- E. Influence of the school climate on the child, including safety;
- F. The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- G. History of school transfers and how they have impacted the child;
- H. How the length of the commute would impact the child, based on the child's developmental stage;
- I. Whether the child is a student with a disability under the Individuals with Disabilities Education Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is

receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and

J. Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act (EEOA).

Transportation costs should not be considered when determining a child's best interest, which is consistent with the program instruction released by the U.S. Department of Health & Human Services (HHS) subsequent to the passage of the Fostering Connections Act.

Best Interest Determination – Children in Custody of Tribal Social Services

The Arizona Department of Education, Office of Indian Education, has issued guidance on best interest determinations for children in the custody of Tribal Social Services. The BID form provided by DCS may differ with tribal agencies. School District Points of Contact are urged to determine best interests for students in collaboration with tribal agencies. See link for guidance; https://docs.google.com/document/d/1l62BqAF5LhAm8RJ61uoTvqkzCD7bSVaBOxl_aBXyjI4/edit?usp=sharing.