

# Students in Foster Care

## Tool Kit for Local Education Agencies and Local Social Services Agencies 2018



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## Guidance Overview

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) (P.L. 110-351) and Every Student Succeeds Act (ESSA) (§11112 [c][5][A] and [B]) require state and local education agencies to collaborate with child welfare agencies to promote school stability and educational success for students in foster care.

Additionally, Chapter 59 of the Laws of 2018, effective immediately, established new state statutory requirements regarding the educational stability of students in foster care covering areas such as school selection and best interest decision-making and transportation. The new law makes it clear that the school district where it has been determined the child will attend must provide transportation and will be able to receive transportation state aid for the allowable costs. The law also provides that any uncovered or unreimbursed transportation costs must be split 50/50 between the school district and social services district. These provisions are discussed more fully later in this guidance document.

To ensure that students in foster care attend the school that is in their best interest and have transportation to the school, the New York State Education Department (SED) and the New York State Office of Children and Family Services (OCFS) have collaborated to develop a state policy for school transportation of students placed in foster care.

This state policy seeks to prepare local education agencies (LEAs), charter schools, preschools, and local departments of social services (LDSSs) to meet the needs of children placed in foster care by focusing on the creation of processes and relationships between the local agencies. The needs of children placed in foster care vary widely, so it is essential that a standard process is created at the local level to address these needs quickly, effectively, and sensitively. A consistent process with clearly defined roles and timelines for the LEAs and LDSSs will provide for the needs of these students in a timely and appropriate manner. In all cases, the presumption is that the child remains in the child's school and district of origin, unless the LDSS determines it is not in the best interest of the child. The local agencies will work together to ensure that the child is transported to the school determined to be in the child's best interest and educational stability is maintained.

The purpose of this toolkit is to provide LEAs and LDSSs with instructions, documents, and forms to facilitate transparent communication between local agencies as they work to meet the educational needs of a student in foster care.

To assist readers, pages pertinent to both LEAs and LDSSs have a purple border at bottom of page; those for LDSSs have a light blue border; and those for LEAs have a dark blue border.

## **Terms**

**Point of Contact (POC)** - The school district must appoint a Local Education Agency Foster Care Point of Contact (LEA POC) who will work collaboratively with representatives from LDSSs. The LEA POC shall not be the same as the liaison designated under McKinney-Vento for homeless students, unless that person has sufficient time, capacity, and ability to carry out the duties of both positions. Likewise, each LDSS must also designate a point of contact for school districts (LDSS POC). SED and OCFS will also appoint state-level points of contact to assist local agencies (see [SED Office of Student Support Services- Foster Care](#) for contact information. LDSS POCs can be found on the OCFS website under Educational Points of Contact at [SED Office of Student Support Services- Foster Care Office of Children and Family Services- Foster Care](#).

**District of Origin** - The school district within the State of New York in which the student was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care, which is different from the district of residence.

**School of Origin** - The public school or charter school the child is currently attending when first placed in foster care or at the time of a change in foster care placement. Although the district of origin will never change for the duration the child is in foster care, the school of origin may change based upon a best interest determination.

**District of Residence** - The school district within the State of New York in which the child is residing due to foster care placement, which is different from the district of origin.

**District of Attendance** - The school district where the student placed in foster care is enrolled after a best interest determination is made.

**Best Interest Determination** - A collaborative process between LEAs and LDSS, from which the LDSS will determine whether it is in a child's best interest to remain in the school of origin once a child has been placed in foster care or changes foster care placement.

**Local Education Agency (LEA)** - A public board of education or other public authority legally constituted within a state for either administrative control or direction of public elementary schools or secondary schools that are recognized in a state as an administrative agency for its public elementary schools or secondary schools.

**Local Department of Social Services (LDSS)** - The local child welfare governmental entity whose local commissioner of social services (or the commissioner of OCFS) has care and custody of a child. This includes, but is not limited to, placements in certified or approved foster family boarding homes, agency-operated boarding homes, group homes, group residences, or child care institutions. In general, the LDSS has case management responsibility of a child in foster care, except in New York City, where voluntary agencies (VAs) may have case management responsibilities.

# School Stability and Transportation Policy for Students in Foster Care

## **Implementation**

This policy is focused on making certain that timely communication occurs between LDSSs and LEAs. The intent is that when a child is placed in foster care or has changed foster care placement, the educational needs of the child will be met quickly, including the provision of transportation by the district of attendance, because the necessary processes are already well-established.

- **Local Transportation Agreement:** To meet this goal, LDSSs and LEAs will biennially prepare a *Local Transportation Agreement for Students in Foster Care* (see page 18 for model agreement) that outlines local transportation procedures. This agreement also provides both local agencies with a list of key contacts for foster care issues, outlines the information to be provided by the school district in support of the best interest determination to be made by the LDSS in consultation with the LEA. These transportation agreements must be agreed to between an LEA and its county LDSS, as well as with any other LDSS that has children in its care and custody attending school within the LEA.
- **Internal Protocols:** School districts must develop internal protocols that will ensure that the transportation office is informed immediately when the district is notified that a child has been placed in foster care or has changed foster care placement and new transportation will need to be arranged.
- **Transportation document for a Student Placed in Foster Care:** When a student is placed in foster care, and after any subsequent change in foster care placement, school districts should prepare the *Individual Transportation Plan for a Student in Foster Care* (see page 22). The plan serves as a record that transportation is being provided in a timely manner that is consistent with the protocol.
- **Aidable Transportation Costs:** A student in foster care is entitled to receive transportation to attend the school of origin. Such transportation shall be provided and funded by the school district of attendance and shall be aidable up to 50 miles each way. Likewise, when a student is designated to attend the school district of residence, rather than the school of origin, any cost incurred for transportation of that student is aidable as long as it does not exceed an amount determined by the commissioner of education.
- **Excess Allowable Transportation Costs:** Excess costs beyond those reimbursed as discussed above shall be shared equally between the LDSS and the designated school district of attendance. "Excess transportation costs" has been defined in Education Law §3244 as "the difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin." The LEA and LDSS are expected to consider and utilize all allowable funding sources, including any available federal funds, to cover additional transportation costs. The LEA must ensure that children in foster care promptly receive transportation without delay as needed to the school determined to be in their best interest.
- **Dispute:** During any dispute regarding the best interest determination or responsibility to provide transportation, the student has the right to continue to attend the school of origin. [ESEA section 1111(g)(1)(E)(i)]

## **Responsibilities**

**Local Department of Social Services (LDSS):** To comply with federal child welfare law, state regulation(s), state policy, and meet the goal of ensuring the educational stability of children placed in foster care, the LDSS will commit to the actions contained in the local transportation agreement. This agreement applies to the overall relationship between the two agencies prospectively. In addition, the LDSS will do the following:

- Inform, either orally or in writing, the school district's LEA POC as soon as possible and no later than within two business days of the child either entering foster care or changing foster care placement, that a child who is currently a student in the district has been placed in foster care or changed foster care placement. This notification occurs prior to the best interest determination and enables the LEA POC to notify relevant school personnel to prepare for the best interest determination meeting to be held within 10 days of placement or change in placement. Relevant information regarding the student's placement address, school to be attended, if known at that time, and other needs should be shared.
- Collaborate with LEAs to make a best interest determination that considers the student's individual situation and educational program and needs, inform the school district(s) of the determination (see recommended *Best Interest Determination Transmittal document*, (see page 14), and also forward the completed **LDSS-2999, School District Notification of Child Entering Foster Care Placed in a Foster Family, Agency Boarding, or Group Home** form to inform the school district of origin and the school district of attendance, if different, of that determination.<sup>1</sup>
- While a permanent transportation plan is being arranged, LDSSs and school districts are encouraged to collaborate to ensure that students in foster care who remain in their current school are provided with transportation. They are encouraged to explore all available resources and employ creative strategies to facilitate transportation such as the following:
  - Use existing school district bus routes. For example, a foster parent could transport the student to an established stop where the school district bus could pick up the student.
  - Use alternate pickup and drop-off points. For example, school district A could transport the student to school district B, and then school district B could transport the student to a drop-off point within walking distance of the out-of-home placement if appropriate.
  - Use transportation available through the Individuals with Disabilities Education Act (IDEA). Students receiving special education services who have transportation marked as a related service on their Individualized Education Program (IEP) are entitled to transportation from the school district where the child is enrolled.
  - Having the child welfare caseworker, or other agency staff transport the child.
  - LDSS may consider reimbursing the foster parent for the cost of mileage or public transportation to take the child to school.
- Keep the school district of origin, as well as the school district(s) of attendance and/or residence informed regarding changes in placement or other information essential to the maintenance of educational stability, meeting the student's educational needs and the provision of transportation.
- Inform the local school district(s) immediately regarding any changes to its program or the staff listed as contacts on the *Local Transportation Plan for Students in Foster Care*.

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<sup>1</sup> Please see New York State Education Law Section 3202(4) for the process of appeal of the determination as the school district of origin, as an LDSS may be subject to financial responsibility determinations made by the commissioner of SED if it fails to make reasonable efforts to appropriately identify the school district of origin for a child in foster care.

**School districts:** To comply with federal and state education law and meet the goal of ensuring the educational stability of children placed in foster care, school districts must collaborate with the LDSS to do the following:

- Provide necessary information to inform the best interest determination to be made by the LDSS; updated as needed.
- Develop and implement clear written protocols for the provision of transportation to the school determined to be in the best interest of the child.
- Establish school district procedures that ensure children and youth in foster care receive prompt, cost-effective transportation to the **school of origin**. School districts will commence transportation as quickly as possible. School districts have a continuing obligation to transport children.
- Include staff responsible for pupil transportation as soon as possible after receipt of notice, so that appropriate long-term arrangements can be made as soon as possible.
- Appoint the LEA POC and identify in each school building a designee who will be the point person (building designee) to provide information as necessary to the LEA POC.
- Share documented additional costs with the LDSS if there are additional costs incurred in providing transportation to the school of origin (school child attended at time of placement) from a placement made outside the school district of origin.

School districts will also commit to the actions contained in the local transportation agreement, which apply to the overall relationship between the two agencies prospectively.

School districts must be prepared to demonstrate written protocols for their process, completed local transportation agreement(s), as well as any individual transportation plans for a student in foster care, and provide proof of compliance with the transportation plan upon audit or records review by SED.

# State and Local Social Services Agencies Point of Contact

## ***Office of Children and Family Services Point of Contact Responsibilities***

- Coordinate with New York State Education Department (SED) POC to issue joint state guidance for the implementation of state and ESSA foster care provisions, monitor implementation, and review and revise state level guidance as needed to support local implementation.
- Facilitate data sharing with SED, consistent with Family Educational Rights and Privacy Act (FERPA) and other federal and state privacy laws and regulations.
- Monitor LDSS compliance at the local level. Provide training/professional development opportunities and technical assistance to LDSSs regarding school stability and educational supports for children in foster care, as needed.
- Provide training to LEA and child welfare staff on the educational needs of children in foster care and on state and local policies, as needed.

## ***Local Department of Social Services Point of Contact Responsibilities***

- Coordinate with the corresponding LEA POCs on state law and ESSA implementation, including the immediate enrollment in a new school when a school change is determined to be necessary to meet the best interest of the child placed in foster care and coordinating transportation services.
- Follow all applicable statutes, regulations and OCFS policies for making timely best interest determinations in coordination with the LEA, including documenting the decision and notifying necessary school district personnel.
- Follow procedures to notify the LEA POC when a child has been placed in foster care or when there has been a foster care placement change.
- Coordinate with applicable school authorities for the immediate transfer of records, including immunization records, medical records, and copies of IEPs and 504 Plans.
- Coordinate transportation agreements with LEA POCs.
- Coordinate with the LEA POC to facilitate information necessary to support casework contact regarding the educational stability and progress of children in foster care, consistent with (FERPA) and other federal and state privacy and or confidentiality laws and regulations.
- Monitor that children in foster care are enrolled in and regularly attending school. Serve as a primary contact between schools, families, and other service providers to assist and coordinate educational services and supports for children in foster care.

## Steps for LDSS POC to Follow

1. Inform, either orally or in writing, the school district's LEA POC as soon as possible, but no later than two business days after the child enters foster care or changes placement, that a child who is currently a student in the district has been placed in foster care or changed foster care placement.

When a child enters foster care, or is currently in foster care and changes placement, the LDSS POC shall also take steps necessary to collaborate with LEAs to make a best interest determination that considers the student's individual situation and educational program and needs.

Date Completed

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
/ /

2. *The Recommended Best interest Determination Document*, and the **LDSS-2999**, *School District Notification of Child Entering Foster Care Placed in a Foster Family, Agency Boarding, or Group Home* form, must be completed, maintained in the case record, and a copy of each provided to the LEA POC of the school district believed to be the district of origin, and, if a school change is recommended, to the LEA POC at the school district of attendance, **no later than 10 days** after the placement of a child in foster care/change in foster care placement or earlier if possible.

Date Completed:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
/ /

3. After notifying the LEA POC of the district of attendance resulting from the best interest determination, collaborate with the LEA POC for the child's immediate or continued enrollment in school. If it is determined to be in the child's best interest to enroll in a new school, the LEA POC of the district of attendance must ensure that the student is immediately enrolled in the new school, regardless of whether all necessary documentation is available, to avoid gaps in the child's school attendance. The LDSS POC and the LEA POC should collaborate to develop any interim transportation plan that may be necessary.

Date Completed:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
/ /

4. The LDSS POC and the LEA POC of the district of attendance shall develop an *Individual Transportation Plan for a Student in Foster Care* document.

Date Completed:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
/ /

## Recommended Best interest Determination Document (as it relates to education stability)

The presumption is that a student should remain in the school the child is currently attending unless a change of school placement is in the child's best-interest. This document is to be completed and uploaded by the LDSS and maintained in the child's uniform case record. *It is to be completed at the child's date of initial foster care placement and each time there is a change in foster care placement.* This document is designed to help guide a LDSS (in consultation with others, including relevant school personnel) in determining whether a child should remain in the child's current school or should transfer to a new school, and what plans and notifications are necessary to ensure continuous school enrollment. When agreement cannot be reached, it is the LDSS that makes the final determination about the best-interest of the child as it relates to educational stability. The district designated as the district of origin can submit additional evidence to establish that it is not the district of origin and can further appeal the LDSS's determination to the commissioner of education. This document also serves to record the LDSS's best-interest determination. Additional guidance is available in 12-OCFS-ADM-03, *New Requirements Regarding Educational Stability of Foster Children.*

**Student's Name:** \_\_\_\_\_ **Grade in School:** \_\_\_\_\_

**Student's Education ID #:** \_\_\_\_\_ **Child Welfare ID #** \_\_\_\_\_

**School District of Origin** (dates of attendance, if known) \_\_\_\_\_

**School of Origin:** \_\_\_\_\_

**School District of Residence** \_\_\_\_\_

**School District of Attendance** (if not the District of Origin) \_\_\_\_\_

**Other Schools and School Districts the Student Previously Attended and Dates of Enrollment**

(if applicable and known) \_\_\_\_\_

**Date of Meeting:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **Caseworker:** \_\_\_\_\_

### Documents considered at meeting

- Report cards
- Progress reports
- Achievement data (test scores)
- Attendance data
- Disciplinary records (if any)
- Special Education Individualized Education Program (IEP)
- 504 Plan
- Emails or correspondence from individuals consulted
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

## Meeting Participants

Input from the child's caseworker, the child's parent(s) (if available and able to provide input), and the child (if developmentally able) must be sought in making the best interest determination. Education personnel from the child's current school must be informed of the meeting, invited to attend, and/or provide information to be considered in making the best interest determination. Other relevant parties should also be consulted, including the foster parent(s), the child's attorney, others involved in the case planning for the child, teachers, school counselors or social workers, special education coordinators, coaches, or other adults significant to the child.

Child

Name:

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Birth Parent(s)

Name:

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Caseworker

Name:

---

Foster Parent(s)

Name:

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Attorney for Child

Name:

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School representative from current school  
who knows student

Name:

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CPSE/CSE chair or designee (if applicable)

Name:

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Pupil personnel services (school social  
worker, school counselor, school psychologist,  
school nurse, attendance officer/teacher)

Name:

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Other:

Name:

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Other:

Name:

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Other:

Name:

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**Factors to be considered at the best interest determination meeting include, among others:<sup>2</sup>**

- Safety concerns, which could include negative relationships or concerns about bullying
- Child's preference to change schools or remain in the current school
- Parent's preference to have the child change schools or remain in the current school
- The appropriateness of educational programs in the current school or another school, and how each school serves or can serve the child's needs (including special education and other interests)
- Expected length of child's foster care placement, considering whether the child is likely to be returning home after a brief stay in foster care, or whether a change in placement is anticipated in the near future
- Child's permanency plan
- Child's need for proximity to the family
- Placement with siblings or relatives
- Available foster care resources
- Child's age
- Child's grade level
- Child's maturity level
- Number of school disruptions the child has already experienced
- Other child-centered needs, including social adjustment and well-being (for example, what are the strengths of the child's ties to peers and staff members at the current school; how would changing schools affect the child emotionally)
- How changing schools would affect the student's ability to earn full academic credit, proceed to the next grade, or graduate on time
- Involvement in extracurricular activities
- Input from representative of child's current school at time of removal or move
- Proximity of placement home to child's current school
- Length of commute and its impact on the child
- What school siblings attend
- What schools any other children in the foster home attend
- Point of time in school year and whether the timing of any school transfer would coincide with a logical juncture such as standardized testing, report card period, end of semester, end of school year

**The cost of school transportation is not to be a factor in determining the best interest of the child for educational stability.**

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<sup>2</sup> (Please refer to 12 OCFS INF 04 Educational Stability of Foster Children: OCFS, State Education Department and NYS Uniform Court System Field Guidance, for more information)

**Best interest Determination Summary of Rationale:**

Please summarize the key factors influencing the decision below:

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**School and School District Child is to Attend:**

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Regular transportation within school district: \_\_\_\_\_

Interim transportation needed? \_\_\_\_\_

*(The student can enroll immediately in the new school. Transfer of school records **MUST** be completed **within five business days of school change.**)*

NOTES:

# State and Local Education Agency Points of Contact

## ***New York State Education Point of Contact (NYSED POC) Responsibilities***

The NYSED POC serves as the primary contact with OCFS. Both agencies agree to collaborate to ensure the educational stability of students in foster care. Additionally, the POC is a resource to LEAs and LDSSs to assist with matters relating to foster care students and school.

Responsibilities of the NYSED POC include, but are not limited to the following:

- Facilitating data sharing with OCFS, consistent with FERPA
- Monitoring LEAs to ensure compliance with state and federal requirements
- Providing professional development and technical assistance to LEA POCs and other school personnel

## ***Local Education Agency Foster Care Point of Contact (LEA POC) Responsibilities***

The LEA POC serves as the primary contact between schools, families, the LDSS, and other service providers. The LEA POC also advocates for prompt and appropriate actions that further the educational well-being of students in foster care. The LEA POC has the capacity and resources to guide the implementation of state and federal requirements for students in foster care.

Responsibilities of the LEA POC include, but are not limited to the following:

- Coordinating with the LDSS to develop processes for implementing state and federal requirements
- Notifying the school building designee and other school personnel including, but not limited to, administration, transportation personnel, PPS personnel, and CPSE/CSE chairperson, as needed, of the student's placement in the school
- Facilitating immediate enrollment and transfer of records from the school district where the student's records are located
- Developing and coordinating transportation protocols and plans
- Participating in best interest determinations, as needed
- Facilitating the enrollment and regular attendance of students in foster care
- Assisting students who have transferred schools with integration into the new school environment
- Maintaining or increasing students' involvement in appropriate programming including, but not limited to, career and technical programs, advanced placement courses, and extracurricular activities
- Providing information and helping to educate school staff on meeting the needs of students in foster care; and
- Maintaining an updated list of school building designees

## Steps for LEA POC to Follow

1. Upon receipt of LDSS notice, notify appropriate school personnel to ensure the educational stability of the student. At a minimum, the school personnel to be notified **within two business days** are:

a. School Building Designee	Date completed	_____ / _____ / _____
b. School District Superintendent	Date completed	_____ / _____ / _____
c. School District Pupil Personnel Services	Date completed	_____ / _____ / _____
d. School Building Principal (building of origin)	Date completed	_____ / _____ / _____
e. District Transportation Administrator	Date completed	_____ / _____ / _____
f. CSE/CPSE Chairperson (if applicable)	Date completed	_____ / _____ / _____

2. Received **LDSS-2999**, *School District Notification of Child Entering Foster Care Placed in a Foster Family, Agency Boarding, or Group Home* form informing District of Origin that student is placed in foster care and forwarded to Board of Education and other personnel, as appropriate.

Date received \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

*Please Note- Districts have 10 days to dispute assignment as the District of Origin [EL §3202(4)(f)(2)].*

3. District of Origin received *Best interest Determination Transmittal* form from LDSS that student will continue attending school of origin in district, or that student will be attending school out of district.

Date received \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

4. District of attendance (if not district of origin) received *Best interest Determination Transmittal* document from LDSS that student will be attending school in district. Student is immediately enrolled.

Date received \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

5. District of Attendance immediately contacted the last school attended to obtain education records if student will be attending a new school.

Date of request \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

6. District of Attendance ensured that the transportation office was informed immediately when the child was placed in foster care and that new transportation will need to be arranged. Information included the child's residential address, school building that the student will attend, and any other special transportation needs.

Date completed \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

7. Completed and commenced the *Individual Transportation Plan for a Student in Foster Care* (within two to three business days for in-district transportation, or five to seven business days for out-of-district transportation) of notification of best interest determination.

Date completed \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## Local Transportation Agreement for Students in Foster Care

Local department of social services (LDSSs) and local school districts (LEA) will biennially prepare a local transportation agreement for students in foster care that will outline local transportation procedures. This document will provide both local agencies with a list of key contacts for foster care issues, as well as statements regarding the information to be provided by the LEA and LDSS in support of the best interest determination (to be made by the LDSS), and additional supports available for students in foster care. These agreements must be done between LEAs and LDSSs when children in the care and custody of social services are attending the school/district.

<b>LEA:</b>	
<b>LDSS:</b>	
<b>School Year(s) to which the current plan applies:</b>	

To provide continuity of appropriate educational services for children who are placed in foster care, the LEA, and LDSS agree to cooperate effectively to meet the educational and transportation needs of children in foster care as follows:

- The LEA and LDSS will identify key contacts and update as needed immediately upon any change.**

### ***Critical School District/ Local Education Agency (LEA) Contacts***

<b>Role</b>	<b>Name/Title</b>	<b>Phone - Office</b>	<b>Phone - Cell</b>	<b>Email</b>
Superintendent	/Superintendent	( ) -	( ) -	
LEA Point of Contact	/	( ) -	( ) -	
(Alternate) LEA Point of Contact	/	( ) -	( ) -	
School Counselor	/	( ) -	( ) -	
CSE Chair/Director /Liaison (where applicable)	/	( ) -	( ) -	

### ***Critical Social Services District Contacts***

LDSS Commissioner	/Commissioner	( ) -	( ) -	
LDSS Point of Contact	/	( ) -	( ) -	
(Alternate) LDSS Point of Contact	/	( ) -	( ) -	
Voluntary Agency Point of Contact	/	( ) -	( ) -	
LDSS Point of Contact	/	( ) -	( ) -	

2. In recognition that the LDSS must determine the educational placement that is in the best interest of the child, the LEA agrees to cooperate with the LDSS to support the placement decision. The LEA also agrees to assist in providing the necessary logistical support for the implementation of the decision.

**Supporting the Best interest Determination Process:**

1. To support the best interest determination process of the LDSS, ***the LEA agrees to the following:***
  - Provide any information requested by the LDSS in support of the decision.
  - Make staff available that may be able to inform the decision about the educational needs of the child.
  - Align all processes and procedures regarding these discussions with privacy requirements under state and federal law.
2. To support the best interest decision determination process, ***the LDSS agrees to the following:***
  - Inform the current school district of attendance of the placement of a child in foster care as soon as possible and no later than two business days of placement of the child in foster care.

## **Implementation of Best interest Determination:**

Once the best interest determination is made, the **LDSS** will do the following:

- Immediately contact the district of origin and district of attendance, if different, POC(s) within 10 days of the placement of such child in foster care and earlier, if possible.
- Give written notice of such determination to district of origin's LEA POC.
- Continue its consultation with the school district of origin and/or district of attendance regarding the child's foster care placement and other issues relevant to the educational stability and well-being of the child in accordance with privacy and confidentiality requirements under federal and state law.

Once the best interest determination is made, the **LEA** will do the following:

***Based on the student's best interest determination, the school will implement steps under 1, 2, or 3.***

- 1. Where the student is placed in foster care inside his or her school district of origin and will attend school in the school of origin (the district of origin and district of attendance are the same)**

The LEA POC will be contacted by the LDSS, then the following parties in the district will be notified of the placement through the district's internal processes.

- District Superintendent
- School Building Principal (building of origin; new building)
- District Transportation Administrator
- CSE/CPSE Chairperson (if applicable)
- Pupil Personnel Services

The district of origin will transport the child in a manner appropriate to the child's needs from his/her placement address. The district will provide transportation as soon as reasonably possible to put a plan in place and as collaboratively agreed upon with the LDSS. The costs of expenditures associated with this transportation are aidable under the provisions of sections 3244 & 3202 of the Education Law.

- 2. Where the student is placed in foster care outside of his or her district of origin, but will attend the school of origin in the district of origin (the district of origin and district of attendance are the same)**

When the LDSS has determined that it is in a student's best interest to remain in his/her district of origin, the LEA POCs will be notified by the LDSS.

- a. Upon receipt of notice from the LDSS, the district of origin's LEA POC will notify appropriate school personnel. At a minimum, the school personnel that should be notified **within two business days or sooner** are:
  - School District Superintendent
  - School Building Principal (building of origin)
  - District Transportation Administrator
  - CSE/CPSE Chairperson (if applicable)

- b. **Transportation provision:** The school district of attendance shall provide transportation to and from the child's foster care placement to the school of origin. Any cost incurred for such transportation that is allowable up to 50 miles each way is an aidable expense. The district's transportation administrator should be immediately informed of the child's residential address, school building that will be attended, and any other special transportation needs.
- Transportation director will contact other school districts, per usual practice, to determine if the student can be accommodated on an existing (or reasonably modified) school transportation or public service route;
  - Once this determination has been made, a decision of how appropriate services will be provided will be made.

**3. Student is placed outside of the school district of origin, and will attend school in a district outside the school district of origin (the school district of residence and the district of attendance are the same)**

When the LDSS has determined that it is in a student's best interest to attend school in a new district, the District of Attendance LEA POC will be notified by the LDSS.

- a. Upon receipt of notice from the LDSS, the LEA POC in the district of residence (now known as the district of attendance) will notify appropriate school personnel. At a minimum, the school personnel that should be notified **within two business days** are:
- School District Superintendent
  - School Building Principal (building of origin)
  - District Transportation Administrator
  - CSE/CPSE Chairperson (if applicable)
  - Pupil Personnel Services
- b. The district of attendance will transport the child in a manner appropriate to the child's needs from his/her placement address. The district will provide transportation as soon as reasonably possible to put a plan in place and as collaboratively agreed upon with the LDSS. The costs of expenditures associated with this transportation are aidable under the provisions of *Sections 3244 & 3202 of the Education Law*.

**Agreed to on the following date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Authorized Signature for School District (LEA):** \_\_\_\_\_

**Authorized Signature for Local Department of Social Services (LDSS):**

\_\_\_\_\_

# Individual Transportation Plan for a Student in Foster Care

School District of Origin: \_\_\_\_\_

Student's Name: \_\_\_\_\_

Best interest Determination document received: Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date of *Individual Transportation Plan for a Student in Foster Care* completion (within two to three business days for in district, or five to seven business days for out-of-district of notification of best interest determination: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Plan reviewed annually: Date(s): \_\_\_\_ / \_\_\_\_ / \_\_\_\_, \_\_\_\_ / \_\_\_\_ / \_\_\_\_, \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date transportation must commence \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (Same as time frame noted above)

## Student Information:

Student's Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Student's current grade level: \_\_\_\_\_

School District of Residence (where different from District of Origin or District of Attendance): \_\_\_\_\_

## School to be attended (address and contact info):

Placement Address (address from which transportation will be provided): \_\_\_\_\_

School District of Attendance (where different from Districts of Origin and Residence): \_\_\_\_\_

## Local Department of Social Services' Contacts:

Name of Local Department of Social Services (LDSS): \_\_\_\_\_

LDSS POC: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ , \_\_\_\_ @ \_\_\_\_\_

LDSS Commissioner (Name, Telephone and Email: \_\_\_\_\_ , ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ , \_\_\_\_ @ \_\_\_\_\_

Other (i.e., nonprofit, voluntary agency etc.) (Name and Contact Info): \_\_\_\_\_

## School District Contacts:

Superintendent, District of Origin: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ , \_\_\_\_ @ \_\_\_\_\_

LEA POC, District of Origin: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ , \_\_\_\_ @ \_\_\_\_\_

Transportation Director (or equivalent), District of Origin: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ , \_\_\_\_ @ \_\_\_\_\_

Transportation Employing Agency (if not school district): \_\_\_\_\_

Contact Information for Districts of Attendance and/or Residence (if applicable): \_\_\_\_\_

Superintendent, District of Attendance: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_\_ ) - \_\_\_\_\_ , \_\_\_\_\_ @ \_\_\_\_\_

LEA POC District of Attendance: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_\_ ) - \_\_\_\_\_ , \_\_\_\_\_ @ \_\_\_\_\_

Transportation Director (or equivalent), District of Attendance: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_\_ ) - \_\_\_\_\_ , \_\_\_\_\_ @ \_\_\_\_\_

Superintendent, District of Residence: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_\_ ) - \_\_\_\_\_ , \_\_\_\_\_ @ \_\_\_\_\_

LEA Point of Contact District of Residence: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_\_ ) - \_\_\_\_\_ , \_\_\_\_\_ @ \_\_\_\_\_

Transportation Director (or equivalent), District of Residence: \_\_\_\_\_

Telephone and Email: ( \_\_\_\_\_ ) - \_\_\_\_\_ , \_\_\_\_\_ @ \_\_\_\_\_

**Approved Transportation Plan**

**1. (Until further revisions due to a change in services or a new school year)**

Once the regular transportation arrangements are made, the child will (check appropriate box):

- Walk (only if this is consistent with home to school travel policy for students living a similar distance from school)
- Use public transportation (only if this is consistent with home to school travel policy for students in similar circumstances)
- School-operated or contracted travel on a bus or other vehicle
  - a. If school-operated or contracted travel is the choice above, the student will travel on a vehicle owned and operated by \_\_\_\_\_
  - b. If a transfer between school buses is necessary, please describe below: \_\_\_\_\_  
\_\_\_\_\_
  - c. This is existing route # \_\_\_\_\_ (where applicable)
- Private transportation services provided by the child welfare agency.

**These transportation procedures were agreed to on the following date:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Authorized Signature for District of Origin \_\_\_\_\_

Authorized Signature for District of Attendance  
(if not District of Origin) \_\_\_\_\_

Authorized Signature for District of Residence (if applicable)  
\_\_\_\_\_

NEW YORK STATE  
OFFICE OF CHILDREN AND FAMILY SERVICES  
**SCHOOL DISTRICT NOTIFICATION OF CHILD ENTERING FOSTER CARE  
PLACED IN A FOSTER FAMILY, AGENCY BOARDING, OR GROUP HOME**

*(Please print information)*

CHILD ENTERING FOSTER CARE (FULL NAME):		
ADDRESS OF CHILD WHEN CHILD ENTERED FOSTER CARE:		GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female
		DATE CHILD ENTERED FOSTER CARE: / /
		DATE CHILD LEFT FOSTER CARE: / /
FOSTER PARENT'S NAME(S):		(AREA CODE) TELEPHONE NO.: ( ) -
FOSTER PARENT'S NAME(S):		(AREA CODE) TELEPHONE NO.: ( ) -
ADDRESS OF FOSTER PARENT(S):		
<b>Alternate living arrangement, Choose one:</b> *Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Agency Boarding <input type="checkbox"/> Group Home <input type="checkbox"/>		(AREA CODE) CELL PHONE NO.: ( ) -
		(AREA CODE) TELEPHONE NO.: ( ) -
NAME:		
ADDRESS:		
NAME OF SCHOOL DISTRICT CHILD RESIDED IN WHEN CHILD ENTERED FOSTER CARE (District of origin):		ADDRESS OF SCHOOL DISTRICT OF ORIGIN:
NAME OF SCHOOL DISTRICT LAST ATTENDED (If different from above):		ADDRESS OF SCHOOL DISTRICT LAST ATTENDED:

<b>TO</b> (School district child is attending, include full address):		<b>FROM</b> (County department of social services, include full address):	
<b>Date entered this district</b> / /		<b>Does child have an IEP?</b> <input type="checkbox"/> NO <input type="checkbox"/> YES	
Pursuant to Section 445.1 of the Social Services Regulations, I am notifying you of the foster care placement of the above-named child. For additional information regarding this notification, please contact:			
CONTACT PERSON (Please print name):		TITLE:	(AREA CODE) TELEPHONE NO.: ( ) -

NAME OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF CHILD:		ADDRESS OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF CHILD:	
NAME OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER:		ADDRESS OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER:	
SIGNATURE OF COMPLETING OFFICIAL:		TITLE:	DATE:
EMAIL:		(AREA CODE) TELEPHONE NO.: ( ) -	

NAME OF CASEWORKER (Please Print):		(AREA CODE) TELEPHONE NUMBER: ( ) -
COMMENTS:		

**COMPLETE AND TRANSMIT WITHIN 10 DAYS OF CHILD ENTERING FOSTER CARE.**  
**One copy** to originating agency, **one copy** to school district child now attends, and  
**one copy** to school district child resided in when child entered foster care

**INSTRUCTIONS**  
*(Please print all information clearly)*

**In the first bold box**

- Enter name, address, and date of birth, OR age of child entering foster care.
- Enter the gender of the child entered into the foster care system.
- Enter date child entered and left the foster care system.
- Enter foster parent's name and phone number.
- Enter address of foster parents OR if applicable, enter name, address of guardian, agency boarding OR group home.
- Enter parent's name(s), address, phone number only if child is home on trial basis (HOTB)
- Enter name, address, and phone number of the school district the child resided in when the child entered foster care.
- Enter name of the school district the child last attended if different from the one entered above.

**In the second bold box**

- Enter the school district the child is attending.
- Enter the county department of social services handling foster care.
- Enter the date the child entered the district.
- Does the child have an Individualized Education Plan (IEP)?
- Enter a contact person's printed name and his/her phone number.

**In the third bold box**

- Enter the name and address of the social services commissioner charged with care of the child.
- Enter the name and address of the authorized agency acting for the commissioner.
- Signature of the completing official, his/her title, phone number, email, and date.

**In the last box**

- Print the name of the social services caseworker, his/her area code and phone number.
- Comments the social services caseworker may have.

**Distribution of copies: One copy** to LDSS, **one copy** to school district of attendance, and **one copy** to school district of origin, if different