

NEW HAMPSHIRE GUIDANCE ON THE EVERY STUDENT SUCCEEDS ACT AND FOSTER CARE TO ENSURE THAT THE EDUCATIONAL NEEDS OF CHILDREN AND YOUTH IN FOSTER CARE ARE BEING ADDRESSED

A Joint Publication of the New Hampshire Department of Education and
the New Hampshire Department of Health and Human Services

January, 2017

Dear Superintendents and Division for Children, Youth, and Families (DCYF) District Office Supervisors:

For every child, a consistent, appropriate education plays a significant role to adult independence and opportunity. Children in foster care are entitled under federal law and state laws to receive the same educational services to meet their needs as those in permanent, stable housing. National statistics have indicated that only 50 percent of foster youth complete high school by age 18 and only 20 percent of foster youth who graduate from high school attend college. This is despite 84 percent of age 17-18 foster youth wanting to go to college (Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care: January 2014). These statistics demand our state's collective attention.


With the passage of the Every Student Succeeds Act, the replacement of No Child Left Behind, the United States Congress has made the stability for students in foster care a priority. On June 23, 2016, the U.S. Department of Health and Human Services and the U.S. Department of Education released joint guidance on ensuring educational stability for students in foster care. In addition to this joint guidance, both the New Hampshire Departments of Education and Health and Human Services have developed this state guidance document to clarify the major points of the Every Student Succeeds Act (ESSA) and to help New Hampshire schools consider the next steps that need to be taken to ensure the effective implementation of the new ESSA provisions **by December 10, 2016**.


Highlights of the new foster care provisions in ESSA include requirements that address:

- how school transportation costs can be paid for youth whose foster parents live in another school district;
- immediate enrollment, even if there are missing required educational, health or special education records;
- immediate transfer of records;
- greater collaboration between Division of Children, Youth and Families (DCYF) offices and the school district; and
- collaborative determination of the child to remain in the school of origin.

The new requirements under ESSA hold great promise for all students in foster care. Children in foster care are among the most educationally vulnerable children in the nation. This guidance contains information that all New Hampshire schools and DCYF district offices can use to integrate a foster care child's needs into school success.

Thank you for all you do in providing quality educational programs to all of our children in New Hampshire.


Virginia M. Barry, Ph.D
Commissioner of Education


Jeffrey A. Meyers
Commissioner of Health and Human Services

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"With this bill, we reaffirm that fundamentally American ideal—that every child, regardless of race, income, background, the zip code where they live, deserves the chance to make of their lives what they will." — President Barack Obama

Overview

In December 2015, the Every Student Succeeds Act (ESSA) was signed into law and replaced the No Child Left Behind Act. Title I of ESSA includes recommendations to provide children and youth in foster care with core protections for school stability and school access through a statutory vehicle that is separate from the McKinney-Vento Act. It outlines clear, distinct and appropriate responsibilities for both the education and child welfare agencies.

National research shows that children in foster care are at high-risk of dropping out of school and are unlikely to attend or graduate from college. The frequent mobility of students in foster care has been identified as a major barrier to their academic success. Under ESSA, school districts have new responsibilities for educating students who are in the foster care system. Of particular importance to school districts are: (1) the collection and tracking of academic progress; (2) new transportation requirement; (3) immediate enrollment; (4) immediate transfer of records; (5) greater collaboration between DCYF offices and the school districts; and (6) collaboratively determining, in the best interest of the child, school placement.

Definition of "Foster Care"

"Foster care" is defined as "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.

State and LEA-Based Point of Contact

Both the NH Department of Education (NH DOE) and the NH Department of Health and Human Services (DHHS) have designated a Point of Contact (POC) for local educational agencies (LEAs) and child welfare agencies seeking further technical assistance.

Additionally, in requiring each SEA to identify a POC, ESSA also requires each LEA (which includes school districts and public charter schools) in every state to provide assurances that the agency will collaborate with the state or local child welfare agency to designate an LEA "Point of Contact" *if* the corresponding child welfare agency notifies the LEA in writing that the child welfare agency has designated an employee to serve as a POC for the LEA.

Point of Contact for the NHDOE and NHDHHS

Child welfare and education systems are both meant to promote the well-being of children and families. Effective collaboration across entities (LEAs, NH DOE, DCYF, families and students, etc.) can help in meeting the educational, physical and mental needs of youth in foster care. For questions, comments, or clarifications about this guidance, the following consultants can be contacted:

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McKinney-Vento Act

The McKinney-Vento Homeless Assistance Act has been amended to strike “awaiting foster care placement” from the definition of homelessness. This change is **effective December 10, 2016**. After the effective date, the NH DOE and LEAs must meet the Title I requirements for children in foster care, including those awaiting foster care placement. Some children in foster care may still be eligible for McKinney-Vento provisions (e.g., youth who are living in transitional shelters or motels).

Relationship between the Local Educational Agency and the Child Welfare Office-A joint partnership

The Fostering Connections to Success and Increasing Adoption Act of 2008 mandates that *case management plans for foster care youth must include an educational plan* that addresses educational stability. DCYF child protective service workers (CPSWs)/Juvenile Parole and Probation Officers (JPPOs) from the DCYF offices are required to develop a case management plan as soon as a child goes into foster care. Foster care placement considerations must take into account where the child will attend school. Effective collaboration between the school and other agencies is critical to ensuring that all providers know which programs and services are available and are being provided to the child.

To assist in providing seamless transition, the legislature passed a statute, effective July 4, 2016, to ensure that schools and DCYF develop a transition plan for children who are in foster care as a result of an abuse and neglect case to minimize the number of placements for the child and to facilitate any change in placement with the least emotional and mental impact to the child.¹ A model transition plan has been developed by the ad-hoc Educational Stability Committee to assist school districts and DCYF in creating a transition plan.

School of Origin

When DCYF is considering or knows that a child will be moving into an out-of-home placement, DCYF shall notify the school district where the child is attending school and the school district where the child is placed by completing and sending the *Notice to School District of Residential Placement Change* (Appendix B). School districts and DCYF will work together to determine whether it’s in the child’s best interest to remain in the school of origin. A child in foster care remains in the school of origin unless it is determined that it is not in his or her best interest. *A Best Interest Determination Flowchart* (Appendix A) and *A Best Interest Determination Form, referred to as ‘BID’*, (Appendix C) has been developed to guide the discussion of the factors relating to the child’s best interest. *A Model Best Interest Determination Procedure* has been developed to outline the steps involved in this determination process and the transportation discussion. (Appendix E)

If it is not in the child’s best interest to remain in the school of origin, the child must be

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A Joint Publication of the New Hampshire Department of Education and the New Hampshire Department of Health and Human Services immediately enrolled in the new school even if the required documents are not available.

School of origin defined: The term “school of origin” means the school that a child or youth attended-when-they were placed in foster care.

School Registration and Enrollment

While each school district has its own enrollment practices, all schools require basic documentation for school registration and enrollment. Typical required documents include: (1) birth certificate, (2) immunization records, (3) certificate of a current physical examination, and (4) proof of residency in the school district. The LEAs must ensure that the child is enrolled even if the required documentation is not available at the time of enrollment.

To facilitate the immediate enrollment of a child in foster care, an **Immediate Public School Enrollment Form** (Appendix D) was created to ensure that the school district is aware that the child is in foster care. To facilitate timely and appropriate class placement and services for the child, it is critical that the school of origin send the current educational records that reflect the child’s grade placement, credits, and specialized services and programs received in the general and/or special education settings.

Transportation

LEAs that receive ESSA Title IA funds must assure in their local Title I plans that the LEA will, by December 10, 2016:

Collaborate with the state or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when it is determined to be in their best interest will be provided, arranged and funded for the duration of time in foster care.

Transportation procedures must:

Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with the child welfare agency’s authority to use child welfare funding for school of origin transportation. Ensure that, **if** there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin **if**:

- the local child welfare agency agrees to **reimburse** the LEA for the cost of such transportation;
- the LEA **agrees** to pay for the cost of such transportation; **or**
- the LEA and the local child welfare agency **agree** to share the cost of such transportation.

Local Title I Plans

LEAs that receive ESSA Title IA funds must contain an assurance in their local Title I plans that the LEAs will by December 10, 2016, address the guidance contained in this document. Page 10-11 of the **Title I On-Site Review Guide** contains the following questions to help with the development of the Foster Care Plan:

- ✓ How will services be coordinated with Every Child Succeeds Act of 2015 Foster Youth

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- ✓ How will the district help students in foster care remain in their school of origin unless it is in their best interest to change schools?
- ✓ How will the district ensure that when a change in school placement is necessary, students in foster care are immediately enrolled, even if they lack records typically required for enrollment?
- ✓ How will the district appoint a liaison to work with child welfare agencies regarding transportation needs for students in foster care?
- ✓ How will the district provide disaggregated data on foster youth?

Resources

Each of the resources below are hyperlinked.

USDOE Laws and Guidance: ESSA.

<http://www2.ed.gov/policy/elsec/leg/essa/index.html>

Children in Foster Care:

- [Foster Care Guidance \(June 23, 2016\)](#)
- [Dear Colleague Letter on Foster Care Guidance \(June 23, 2016\)](#)
- [Dear Colleague Letter on Foster Care Timelines \(June 23, 2016\)](#)
- [An Overview of the ED/HHS Joint Guidance PowerPoint Presentation \(July 27, 2016\)](#)
- [Overview Webinar Audio Recording \(July 27, 2016\)](#)
- [Education and Child Welfare Points of Contact Webinar PowerPoint \(August 17, 2016\)](#)
- [Points of Contact Webinar Audio Recording \(August 17, 2016\)](#)
- [Transportation Procedures Webinar PowerPoint \(August 31, 2016\)](#)
- [Transportation Webinar Audio Recording \(August 31, 2016\)](#)
- [Effective Collaboration Webinar PowerPoint \(September 7, 2016\)](#)
- [Collaboration Webinar Audio Recording \(September 7, 2016\)](#)

US Department of Health and Human Services – Children’s Bureau: Fostering Connections

- <https://www.childwelfare.gov/topics/systemwide/laws-policies/federal/fosteringconnections/>

National Association for the Education of Homeless Children and Youth

- <http://naehcy.org/>

New Hampshire Department of Education:

- [2016-17 Title I Onsite Review Guide \(Revised 12-1-2016\)](#)

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- Appendix A** • *Best Interest Determination Flow Chart*

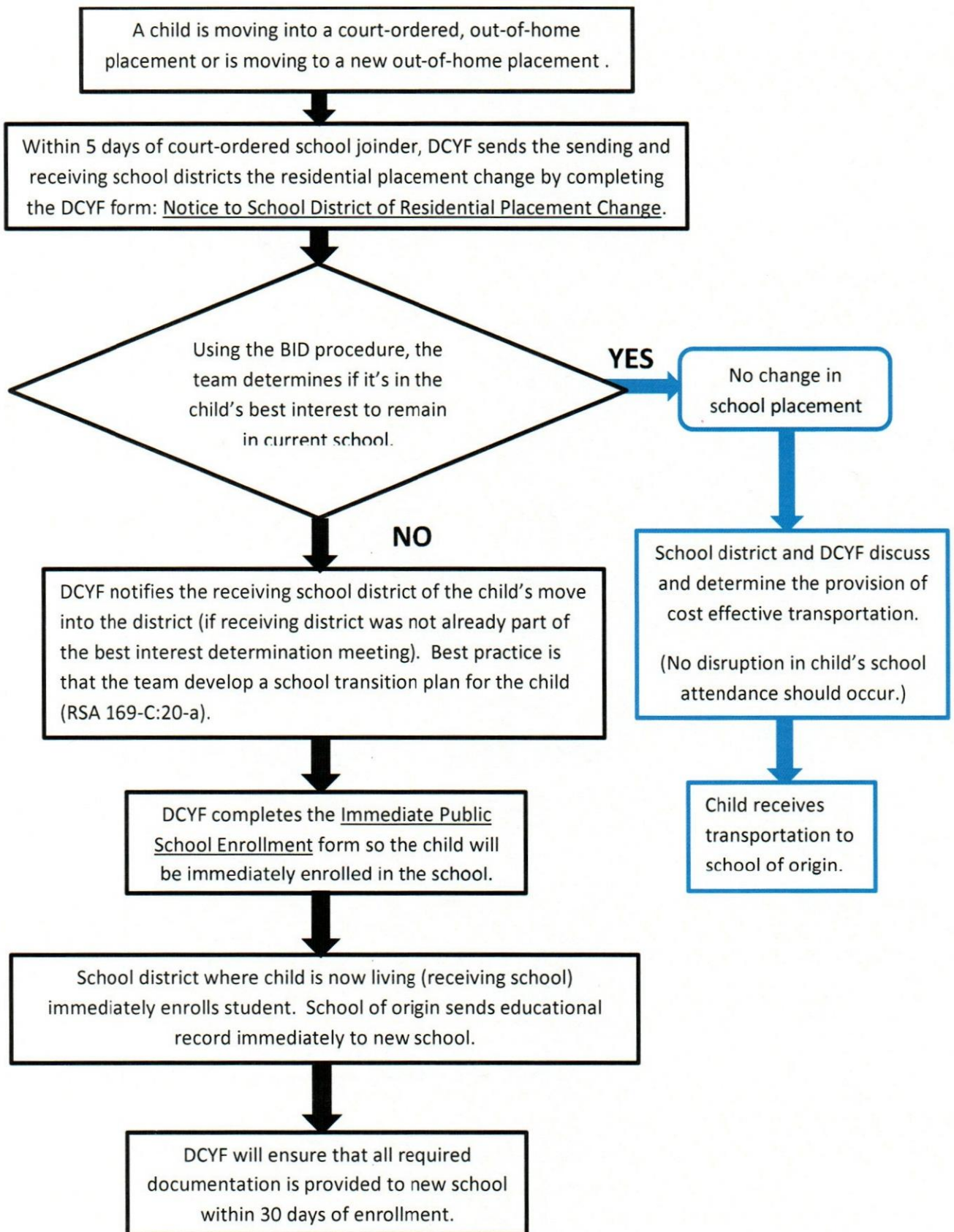
- Appendix B** • *Notice to School District of Residential Placement Change*

- Appendix C** • *New Hampshire Educational Best Interest Determination Form*

- Appendix D** • *Immediate Public School Enrollment Form for Student in DCYF Care*

- Appendix E** • *New Hampshire Model Best Interest Determination (BID) Procedure*

Appendix A: *Best Interest Determination Flow Chart*



Appendix B: Notice to School District of Residential Placement Change



STATE OF NEW HAMPSHIRE
Department of Health and Human Services
Division for Children, Youth, and Families
Child Protective and Juvenile Justice Services

Form 1667
July 2016

NOTICE TO SCHOOL DISTRICT OF RESIDENTIAL PLACEMENT CHANGE

This notice informs, the School District (sending) and, if appropriate, the School District (receiving) that there:

- A. Might Be a change of the residential placement for or the # Circuit Court - location and Division. name of child/youth being considered by DCYF The child/youth's date of birth is mm/dd/yyyy.

Name and address of the placement or placements under consideration:

The earliest possible date of placement: mm/dd/yyyy

The reasons that placement is being considered:

- B. Has Been a change of the residential placement for # Circuit Court - location and Division. name of child/youth made by DCYF, or the The child/youth's date of birth is mm/dd/yyyy.

Name and address of the current placement:

The date of placement: mm/dd/yyyy

Emergency Placement

The reasons for placement:

According to the Uninterrupted Scholars Act and the NH Rules for the Education of Children with Disabilities (Ed 1117), please immediately forward a copy of the student's educational records to the new school district or educational facility. Date of request: mm/dd/yyyy.

In accordance with RSA 169-C:20-a, DCYF and the school district shall develop a transition plan for the child to minimize the number of placements and to facilitate any change in placement or school assignment with the least emotional and mental impact to the child.

In accordance with RSA 186-C and Ed 1117, the school district must initiate a special education referral for any student who might be a child with a disability, upon receipt of this notice.

If the student is a child with a disability, a special education team meeting must be convened by the school district and DCYF, jointly at a reasonable time prior to placement or within ten (10) days after placement. This meeting must comply with the requirements of Federal law (34 C.F.R. 300.323, 300.324) and the NH Rules for the Education of Children with Disabilities (Ed 1109 and 1117).

DCYF Representative

Office Telephone Number

mm/dd/yyyy

Date of Notice

Office Address

- Send Copies To: [] The Sending School District's Spec Education Director [] Last Receiving School District [] New Receiving School District [] Parent or Guardian of Student [] Surrogate Parent [] Case Record or File [] Other (specify)



New Hampshire Best Interest Determination Form

Determination Decision Page

Student's Name: _____ School/District of Current Attendance: _____

Current Grade: _____ Date of Best Interest Determination Meeting: _____

Student's Date of Birth: _____

Decision:

The student shall remain in the school/district in which the student was enrolled at the time of DCYF placement.

Name of School/District: _____

Based on the Best Interest Determination, a change in school placement is needed.

The student will be enrolled in the school of current residence.

Name of School/District: _____

Note: If a change in educational placement is needed, enrollment will take place immediately or in accordance with the transition plan as required by 169-C:20-a, at the new school with all educational records provided to the new school.

Was the student informed of the benefits in inviting a significant person to attend the meeting? Yes No

If a person was identified, who did the student invite? _____

Which school does the student prefer? Why? _____

Attach any supporting documentation used in making this determination of best interest.

(The following is checklist of sample documents that may be considered. The list is not intended to be exhaustive.)

- Report cards
- Progress reports
- Achievement data (test scores)
- Health reports/records
- Documentation of Response to Intervention
- Attendance data
- IEP or 504 Plan
- E-mails or correspondence from individuals consulted
- Disciplinary referrals

Signature Page

The following individuals participated in determining the school placement that is in the student's best interest:

Participants	Printed name, title and/or relationship with student Include e-mail address or phone number	Signature	Agree with determination? (circle)
Student or youth in care			Yes No
Birth parent(s)/guardian or prior custodian(s)			Yes No
CPSW/JPPPO or supervisor			Yes No
Current caregiver			Yes No
School district representative from student's school at time of placement			Yes No
IEP team member, if applicable			Yes No
The student's CASA/GAL or Guardian Ad Litem			Yes No
Other significant person(s) the student or youth wishes to attend			Yes No
Educational Surrogate Parent (if applicable)			Yes No
Receiving School District representative			Yes No
Other _____			Yes No

The student remains in the current school at time of foster care placement unless the answers to the following questions suggest a change of placement is in the student's best interest. A check in the Yes column means that for that consideration, the student should remain in the same school; a check in the no column means that for the consideration the student *should not* remain in the same school. If a consideration is not applicable for the student (like future life goals, IEP, etc.) skip the question and write NA in the body of the BID. The Best Interest Determination is not based solely on the numbers of checks in the Yes and No columns, but rather in the totality of the considerations. One consideration may outweigh other factors.

Considerations		Yes	No
<p>1. The student believes that remaining in the current school is in his/her best interest.</p> <ul style="list-style-type: none"> • Consider social interactions and friendships, student's strengths and interests, bullying, privacy issues, academics, extracurricular activities. <p><i>Key factors in decision:</i></p>			
<p>2. The parents or legal guardians believe that remaining in the current school is in the student's best interest.</p> <p><i>Key factors in decision:</i></p>			
<p>3. The distance to the student's current school will be appropriate for a daily commute.</p> <ul style="list-style-type: none"> • Consider age, personality, disabilities, independence <p><i>Key factors in decision:</i></p>			
<p>Mileage _____ One way trip _____ (NH best practice is bus rides of 1 hour or less.)</p>			

Considerations	Yes	No
<p>4. The student has attended the current school for a long time or has attachments to the school.</p> <ul style="list-style-type: none"> • Includes the student's ties to his or her current school, significant relationships and involvement in extracurricular activities. <p><i>Key factors in decision:</i></p>		
<p>5. How is the student performing academically? (For older students, what are the youth's academic/career goals? Does one school have programs and activities that address the unique needs or interests?)</p> <ul style="list-style-type: none"> • Does the student have an IEP or 504 plan or receive other specialized types of instruction (gifted and talented, career and tech, etc)? • Would changing schools affect the student's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time? If so, how? • Special Factors <p><i>Key factors in decision:</i></p>		
<p>6. Safety considerations favor remaining in the current school.</p> <p><i>Key factors in decision:</i></p>		

Considerations	Yes	No
<p>7. Remaining in the same school will positively impact the student's social, emotional, health, and/or behavioral well-being.</p> <ul style="list-style-type: none"> • Where do the student's siblings attend school? • Consider the number of times the student has changed schools and how those changes affected the student. • The effects of trauma on learning impact attention, concentration, mood, interpersonal trust, and/or communication. A student who has experienced trauma can benefit immensely from remaining in the same classroom and school, even when the student moves to a new home or a new part of town. <p><i>Key factors in decision:</i></p>		
<p>8. What is the permanency goal? Estimated time/date for achieving the permanency goal?</p>		
<p>9. Will the timing of the school transfer coincide with a logical juncture, such as after testing (such as state assessments, SAT administration, special education evaluation), after an event that is significant to the student or at the end of a quarter/trimester/semester/school year?</p> <p><i>Key factors in decision:</i></p>		

Appendix D: *Immediate School Enrollment Form*

IMMEDIATE PUBLIC SCHOOL ENROLLMENT FORM FOR STUDENT IN DCYF CARE

<u>Date of Current Out-of-Home Placement:</u>		<u>Date Form Completed:</u>	
Student Information	<u>Student's Name (First, M, Last)</u>	<u>Address, City, & Zip</u>	<u>Date of Birth</u> <u>Last Grade Attended:</u>
	<u>Student's Primary Language (Circle One)</u> English Spanish French Other _____	<u>DCYF legal custody status:</u> Please check one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Legal Legal DCYF Supervision Custody Guardianship	
Parent(s) Guardian	<u>Parent 1 Name, Address and Phone:</u>	<u>Parent 2 Name, Address and Phone:</u>	
Parent(s) Primary Language:	<u>Status of Parental Rights</u> Intact Terminated	<u>Status of Parental Rights</u> Intact Terminated	
DCYF Information	DCYF Role Circle: CPSW or JPPO <u>Name:</u>	<u>Address, City & Zip</u>	<u>Phone #:</u>
Foster Parent(s) Or Adult Caregiver	<u>Name:</u> Caregiver's Primary Language (Circle One) English Spanish French Other _____	<u>Address, City & Zip</u>	<u>Phone #:</u>
Previous School Information	<u>District of Liability/Sending District:</u> <u>Name & SAU:</u> <u>Contact Person & Title:</u>	<u>Address, City & Zip:</u>	<u>Phone #:</u>

Appendix D: *Immediate School Enrollment Form*

IMMEDIATE PUBLIC SCHOOL ENROLLMENT FORM FOR STUDENT IN DCYF CARE

Child Placing Agency (if applicable)	Family Worker Name:	Address, City & Zip	Phone #:
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Does the student have an IEP?	Parent/legal guardian/Educational Surrogate Parent for Special Education purposes , if applicable:	Does student have 504 Plan?
Yes No	Name:	Yes No
Unknown	Address:	Unknown
	Phone:	

Are there any special factors or information important for school to know for necessary supports or services?

Release of Information

I, _____, as parent/legal guardian of _____, hereby authorize schools, their agents and employees in possession of this student’s educational records to release such information as necessary for the purposes of his/her educational enrollment at _____ (school of enrollment).

Parent/Guardian Signature

Date

DCYF shall coordinate with the school district to ensure that the child in foster care is immediately and appropriately enrolled with all educational records provided to the new school. ([Every Student Succeeds Act](#); [Fostering Connections to Success and Increasing Adoptions Act of 2008 \(P.L. 110-351\)](#); [Social Security Act, Title IV, § 475 \(1\) \(G\) \[42 USC 6751\]](#)). The child shall be enrolled even if all of the required documentation is available.

This document provides all information required for DCYF to immediately enroll the child in the school district.

“Immediate” means no later than the beginning of the next school day after the presentment for enrollment. “Presentment” means the person enrolling the child has appeared at the school and presented all required information and certifications. “Enrollment” means the child is attending classes and participating fully in school activities. If, despite all reasonable efforts, school officials are unable to enroll the child by the beginning of the next school day following presentment for enrollment, the student shall be enrolled no later than the second school day following presentment. If enrollment is delayed until the second school day after presentment, school officials shall document reasons for the delay and attach these reasons to this form.

(Please print on yellow paper)

NEW HAMPSHIRE'S MODEL
BEST INTEREST DETERMINATION (BID) PROCEDURE

*(Legal Reference: Elementary and Secondary Education Act, as amended by the
Every Student Succeeds Act (section 1112(c)(5)(B).)*

POLICY STATEMENT

School districts and DCYF shall work together to determine whether it is in a child's best interest to remain in the school of origin (see Appendix A). When DCYF is considering or knows that a child will be moving into an out-of-home placement, DCYF shall notify the school district where the child is attending school and the school district where the child may be placed by completing and sending the *Notice to School District of Residential Placement Change* (see Appendix B) form to the respective schools.

A child in foster care remains in the school of origin, unless it is determined that it is not in his or her best interest. If it is not in the child's best interest to remain in the school of origin, he or she must be immediately enrolled in the new school.

A Best Interest Determination (BID) meeting will be held in which the group of individuals involved in the child's case will meet to determine if it is in the child's best interest to remain in the school of origin. The BID meeting can take place during another meeting that is already scheduled such as after the Family Assessment and Intensive Reunification (FAIR) meeting, a treatment team meeting, or an IEP meeting, or if absolutely necessary, this meeting could be held through a conference call. Ideally, this meeting would take place before there is any educational disruption for the child. If this is not possible, the BID would occur within 10 calendar days of the out-of-home-placement.

BID CORE DECISION MAKERS

- Student/Youth in Care (if appropriate)
- Parents
- DCYF Worker (CPSW or JPPO)
- CASA/Guardian ad Litem (GAL)
- School District representatives - may be the districts' Points of Contact (POC)
 - from school of origin
 - from district in which student is out-of-home placed
- If student is special education eligible:
 - Educational member of the IEP team, preferably the Special Education Director/Administrator
 - Educational Surrogate
- Other significant person(s) the student or youth in care wishes to attend BID meeting
- Current caregiver

The assembled team shall discuss the questions on the New Hampshire Educational Best Interest Determination Form ("BID") (see Appendix C) to make a determination of what is in the child's best interest. The determination will guide whether transportation arrangements will be required if the child will remain in the school of origin. If there are multiple children in the family attending school, a BID should be discussed for each

Appendix E: *Best Interest Determination Model Procedure*

child. A BID meeting should occur in anticipation of a transition including a change of placement or reunification.

TRANSPORTATION PLAN FOR CHILDREN IN DCYF CARE

The Every Student Succeeds Act (ESSA) requires that a child in foster care remains in his/her school of origin if it is determined to be in the child's best interest. This policy is to ensure that the school district and DCYF explore all options to achieve this goal.

NH RSA 193:28 provides that whenever any child of school age (i.e. age 5) is placed and cared for in any home for children or is in an out-of-home placement by the Department of Health and Human Services (DHHS), the child shall be entitled to attend the public school that the child attended prior to placement or the public school where the out-of-home placement is located.

When the BID decision is that the student shall remain in the school that he or she was enrolled at the time of out of home placement, the school district and DCYF must discuss what will be necessary to provide transportation to the child. If there are additional costs to what is typically expended on a child's transportation in the district, the school district and DCYF may consider the following options:

- A. New foster parent/relative caregiver agrees to transport child to school. Please note that foster parent/relative caregiver does not have a legal obligation to provide transportation;
- B. Another foster parent in the area or relative transports the child to school;
- C. Child accesses transportation on the school of origin's current/existing bussing route or rides on a bus/vehicle that is going in the same direction as the child's out-of-home placement;
- D. If the child moves within the school district to an out-of-home placement, the school district may provide transportation within the district;
- E. Other creative options that may be available for the child's unique circumstances;
- F. Cost sharing between DCYF and the local school district(s);
- G. Special education considerations:
 - a. Transportation for a student with a disability that remains in the school of origin will be determined through the special education process.
 - b. An IEP team may consider educational placement at the public school in the school district in which the residential program is located (NH Rules for the Education of Children with Disabilities Ed 1117).
 - c. Transportation for a special education student that is enrolled in an out of district educational placement at the time of out-of-home placement will be determined through the special education process.

DISPUTE RESOLUTION

BID DETERMINATION OR STUDENT RESIDENCY:

If there are disputes regarding the BID determination or student residency, it is expected that DCYF and the school district 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 after 10 days after such request, the Department of Health and Human Services shall request that the Commissioner of the Department of Education determine the residence of the child for the purposes of school enrollment.

TRANSPORTATION: If there are disputes regarding the provision or funding of transportation, the school district representative and DCYF representative will contact their respective District Office Supervisor (or designee) and Superintendent (or designee) of the school.

As each of these situations is unique, the school district and DCYF will determine how the child will attend school during the pendency of the dispute considering all alternatives and both agencies commit that the child will not experience an educational disruption.