

**Mississippi Department of Education
and
Mississippi Department of Child
Protection Services**

**Foster Care Joint Guidance
2024**

**Ensuring Education Stability For
Students In Foster Care**



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MDCPS is dedicated to protecting children and nurturing Mississippi families. The vision of MDCPS is that Mississippi's children will grow up in strong families, safe from harm and supported through partnerships to promote family stability and permanency. Our mission is to lead Mississippi's efforts in keeping children and youth safe and thriving by strengthening families; preventing child abuse, neglect, and exploitation; and promoting child and family well-being and permanent family connections.

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Purpose

Children/youth in foster care face unique challenges and experience multiple risk factors that may prevent them from achieving academic advancement and college and career readiness. The children/youth in foster care are entitled to the same educational stability and opportunity to thrive academically and socially as their peers. State child welfare agencies and local educational agencies play a critical role in ensuring the educational stability of children/youth in foster care. Federal statutes set forth specific requirements for state child welfare agencies and local and state educational agencies to implement to ensure the educational stability of children/youth in foster care.

Federal law requires state child welfare agencies to have a plan that ensures the educational stability of each child in foster care placement. A plan for educational stability must include an assurance that careful consideration is given to the appropriateness of the child's educational setting and the proximity to the school the child is enrolled in at the time of his/her initial placement as well as any subsequent placement changes. Moreover, state child welfare agencies must coordinate with their state educational agencies (SEAs) and local educational agencies (LEAs) to ensure that each child remains in their school of origin (i.e., the school he/she is attending at the time of the initial placement or any subsequent living placement change), unless it is not in the child's best interests to remain in that school.

MDCPS is responsible for ensuring the educational stability of each child/youth in MDCPS custody and collaborating with the Mississippi Department of Education (MDE), local education agencies, child/youth in care, and other designees so each child/youth in MDCPS custody can continue their education without disruption, maintain important relationships with peers and adults, and have the opportunity to advance academically and achieve college and career readiness. The MDCPS and MDE Joint Guidance provides direction for LEAs and MDCPS personnel by outlining each agency's roles and responsibilities for ensuring the educational stability and academic advancement of each child/youth in MDCPS custody.

NOTE: *This Joint Guidance document will serve as a valuable resource for MDE and MDCPS personnel whose work directly serves the children/youth in the Mississippi foster care system. However, due to the unique challenges, needs, and experiences of each child/youth in the custody of a state child welfare agency, MDE and MDCPS personnel may encounter circumstances requiring guidance beyond the scope of this Joint Guidance document. In these situations, MDE and MDCPS personnel are advised to contact their agency's Foster Care State Point of Contact to ensure the best appropriate course of action is taken on behalf of the child/youth.*

State-Level Points of Contact Roles and Responsibilities

Foster Care and Education State Points of Contact will be designated for the MDE and the MDCPS. Through the Every Student Succeeds Act (ESSA) and the Fostering Connections Act, MDE and MDCPS are provided provisions for collaboration. This collaboration ensures educational stability throughout the development and dissemination of uniform guidelines. Upon the implementation of the guidelines, the two agencies will work in conjunction to assist when requested, provide clarification for transportation as needed, provide technical assistance as requested, and resolve disputes by following the guidelines set within the Mississippi Educational Stability Joint Guidance. Data-sharing protocols are to be established consistent with the confidentiality laws and policies. Monitoring cycles shall occur from both State agencies. The MDE Point of Contact (MDE POC) is tasked with publishing and maintaining the State and local points of contact for LEAs and MDCPS online. The link (https://www.mdek12.org/OCSA/Foster_Care) is on the MDE website.

Annual updating by the MDE POC ensures the availability of the appropriate contact person when needed.

Local Education Agency (LEA) Responsibilities

To meet the needs of children in foster care, there are responsibilities that lie with the school district or the Local Education Agency Points of Contact (LEA POC) and other designees within the district. The LEA POC and designees should work in collaboration with other LEA departments and their functions such as special education, transportation, and other local school district personnel to carry out responsibilities and meet the unique needs of the students.

Districts must collaborate with MDCPS to implement the educational stability provisions for children in foster care. Districts should work closely with MDCPS to ensure that all policies and procedures are in place to meet the unique needs of children in foster care, including children in public preschools (or subsequently enrolled in preschool while in foster care), English Learners, children in juvenile detention, children eligible for IDEA and/or Section 504, Child Find, and other children on a case-by-case basis.

Check List for LEA's Responsibilities

- The LEA shall designate an LEA POC for children in foster care and report to the MDE POC. The LEA POC will collaborate with the appropriate MDCPS Child Welfare Specialist to ensure educational stability for children in foster care.
- The LEA shall develop and maintain a process to identify children in foster care.
- The LEA shall ensure that children in foster care remain in the school of origin unless there is a determination that it is not in their best interest. LEAs will provide transportation to maintain children in foster care in the school of origin.

- The LEA shall ensure that, if it is in the best interest of the child to leave the school of origin, the child must be immediately enrolled in the new school even if they do not have the required documentation.
- For students in foster care who leave their school of origin, the LEA will ensure that the enrolling school shall immediately contact the school last attended to obtain the child's records.
- The LEA shall develop and implement clear written procedures for how transportation will be provided, arranged, and funded for a child's duration of time in foster care – in collaboration with appropriate MDCPS personnel.
- LEA shall train all pertinent personnel on the ESSA requirements relating to educational stability for children in foster care, and the procedures for best interest determination and transportation.
- The LEA shall 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:
 - MDCPS 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 MDCPS agree to share the cost of such transportation

LEA Designee Responsibilities

Educational stability for children in foster care relies on implementation and collaboration at the local level; therefore, LEAs shall designate a primary POC for MDCPS county personnel. To ensure compliance with the Federal and State education stability provisions for youth in foster care, LEAs shall ensure that a secondary POC is designated for the continuation of the Best Interest Determination (BID) in the absence of the primary LEA POC. LEAs shall ensure that accurate information about the designated LEA POC is available on the district's website and submitted to the MDE POC. The contact information for the LEA POC should be made public so the designee may be easily reached when required.

The LEA POC has the following responsibilities:

- Coordinate implementation of the school stability provisions for children in foster care.
- Actively participate and document the BID decision.
- Ensuring Individualized Education Program (IEP) committee participation in the BID decision for foster care children with disabilities.
- Ask guiding questions during the BID meeting.

- Initiate a school-to-school transfer of records with the school of origin for enrollment and ensure the student attends school while the records are being transferred.
- Participate in education information sharing with MDCPS.
- Ensure children in foster care are enrolled and attending school.
- Compile school records including service-related documents and ensure no delay or interruption in services (services begin on the first day of enrollment).
- Initiate collaboration with MDCPS county personnel and contact the designated MDCPS Educational Liaisons with concerns, such as, but not limited to:
 - Resolving issues relating to services for children with special needs.
 - Clarifying which children are currently in foster care.
 - Obtaining records.
 - Confirming the status of the education rights of the birth parent if applicable, seek information on who holds educational decision rights, and assist in the appointment of an education decision maker, if needed.
 - Ensuring the individual designated to make educational decisions can access student records.

Mississippi Department of Child Protection Services

MDCPS is responsible for ensuring each school-age child/youth in MDCPS custody is enrolled and attending an accredited public or private school unless the child/youth meets the specific criteria for exemption under state law. Miss. Code Ann. § 37-13-91. [See Appendix A](#). MDCPS shall ensure each school-age child/youth in MDCPS custody is enrolled and attending school within seven (7) business days of initial placement or any subsequent placement change, including placement in an emergency shelter or other temporary placement. Only an MDCPS specialist or MDCPS Educational Liaison may make decisions regarding enrollment, withdrawal, and waiving the right for a disciplinary decision for a school-age child/youth in MDCPS custody unless there is a court order to the contrary.

NOTE: Youth having attained the age of 17, who are in MDCPS custody, must attend school, a job-training program, or be actively seeking employment except for the previously identified exclusions.

To meet the education needs of children in foster care, the student's county MDCPS Specialist will work collaboratively with school districts, IEP committees (if the student has a disability), MDCPS Education Liaisons, birth parents, and foster parents.

Role of MDCPS Specialist

- Make all reasonable efforts to ensure the continuity of a child's educational experience by limiting the number of school changes and keeping the child in a familiar or current school and neighborhood when feasible and in the child's best interests. If a school change is unavoidable, the MDCPS Specialist or agency designee (including foster parents with written authorization) must enroll the child in the most appropriate educational setting available to meet the child's needs identified during the BID process.
- Review the educational record of each child who enters custody for the purpose of identifying the child's general and, if applicable, special educational needs.
- Document the child's educational needs within 30 calendar days of his/her entry into foster care.
- Ensure the child's educational needs are met. When additional services are needed, an MDCPS Specialist or agency designee will communicate and collaborate with the child's parents, foster parents, and educators to ensure the child's needs are met. These services may include, but are not limited to, development of an Individualized Educational Program (IEP), tutoring, occupational therapy, speech therapy, or after-school programs.
- Attend the child's IEP meetings. The child's MDCPS specialist or another agency designee shall attend IEP meetings while the child is in MDCPS custody and receiving special educational services. The child's parent(s), foster parent(s), and child placing agency personnel may also attend these meetings.
- Obtain the child's educational records from the school(s) and maintain the records in the child's case file. Educational records should include copies of all report cards, IEP decisions and reports, applicable medical records, and current information on schools attended and grade level achievement.

Role of MDCPS Education Liaisons

- Assist the child/youth's 's MDCPS Specialist, foster parent, or agency designee to support educational stability, school enrollment, school attendance, grade level attainment, and educational concerns while the child/youth is in MDCPS custody.
- Review education records to identify educational needs and/or concerns that a child/youth may be experiencing and address these needs and/or concerns with the child/youth's MDCPS Specialist.
- Collaborate with LEA to ensure the educational stability of all children/youth in MDCPS custody.

- Collaborate with the LEA POC to ensure immediate school enrollment as required in ESSA.
- Collaborate with the LEA POC and transportation personnel to develop a transportation plan for children/youth in MDCPS custody.
- Provide assistance with the Best Interest Determination (BID) process as needed.
- Attend school meetings and hearings at the request of the child/youth's MDCPS Specialist.
- Monitor cases using the Change of Placement form to see that youth are enrolled and attending an educational setting within seven (7) days of changing placement.

MDCPS caseworkers may request assistance from an MDCPS Education Liaison by calling the Education Referral Hotline at (601)576-1558. Assistance may be sought for any education-related concern.

Role of Foster Parents

Foster parents may do the following, when appropriate:

- Assist children in their home with day-to-day education needs and support including helping with homework, asking about school days, and signing permission slips.
- Enroll the student when instructed to do so by the MDCPS Specialist or agency designee. Foster parents must have written permission from MDCPS to enroll a foster child. Foster parents are not permitted to withdraw a student under any circumstances. [See Appendix I](#) for a sample MDCPS enrollment letter.
- Assist with transportation to and from school and extracurricular activities when possible.
- Assist with obtaining current grades and attendance records for the child and sharing these records with the MDCPS Specialist.
- Collaborate with the MDCPS Specialist to help the student be educationally successful.
- Attend educational meetings, including IEP meetings. Under Miss. Code Ann. §43-15-13(11)(g), foster parents must be given an opportunity to attend all IEP meetings while the child is receiving special education services.

Best Interest Determination (BID)

The Best Interest Determination is a collaborative decision about whether the student should remain in their school of origin or be immediately enrolled in a new school. A BID is required when a child/youth comes into MDCPS custody or there is a change in placement while in custody. **A BID shall be completed with every placement change.** [See Appendix F](#) for the current BID Form.

The local MDCPS agency will seek input from individuals who are in a position to understand the student's unique needs, including the child (if appropriate); the child's parent(s) (if appropriate); the district and school of origin; a representative from the district or school of origin's Special Education Department if the youth has an IEP or is being evaluated; and the LEA (if appropriate). All appropriate parties should have the opportunity to participate meaningfully in the decision-making process. Every effort should be made to reach a consensus regarding the appropriate school placement of a student in foster care.

The BID conference shall include the County of Responsibility (COR), Point of Contact (POC) for the district of origin, and a representative from the district of origin's Special Education Department if the BID is being made for a child with a disability.

If there is disagreement regarding school placement for a student in foster care, the MDCPS and MDE POC are considered the final decision makers. If the two State-level POCs cannot agree, the final decision will be made by MDCPS, and the decision will be subject to review by the court. To the extent feasible and appropriate, a student must remain in their school of origin while best interest determinations are being made.

MDCPS will coordinate with the LEA POC to finalize a BID within five (5) business days of a child entering foster care or changing placement. The BID should be student-centered and include the consideration of several factors, including:

- Number of schools the child has attended
- How often the child is changing schools
- Home placement type, length of stay, and number of placements
- Child's involvement in extracurricular/community activities
- Child's academic/career goals
- Child's academic achievement
- Child's ability to earn full academic credits, participate in sports, graduate on time, etc.
- Child's ability to receive necessary educational supports/services

- Preference of child, family, resource family, and MDCPS
- School safety concerns
- Child's access to gifted or accelerated programs
- Effect of school change on child's end of year testing
- Travel time to and from school
- Biological family, foster family, friends, mentor, residential personnel, and MDCPS relationships
- Child's relationships and connections to teachers and school personnel
- If the child is leaving a therapeutic facility or day treatment program, consider the recommendations from the facility or program where they attended school
- Whether the child needs to remain in the school of origin for a limited time (e.g., until the end of the school year, the end of a testing or grading period) and if it is appropriate to revisit the question of whether the student should change schools and if so, document a specific time to reassess.
- The cost of or need for transportation must not be a consideration when determining a child's best interest.

[See Appendix G](#) for the BID Questionnaire.

Special Circumstances to Consider in Best Interest Determinations

The following additional factors should be considered if the child is transitioning into or out of congregate care and specialized settings.

- Distance to travel – is it feasible for the child to continue school in the facility or within the program.
- Recommendation from the treating doctor.
- Review of the current IEP to ascertain what accommodations are necessary if the child is to enroll with the local school district.
- Request all behavioral modifications used through the facility to prepare the teacher and support personnel.
- Do not automatically transfer a student to the Alternative Education Program because they are a foster care student. Documentation will need to be in place like all other non-foster children enrolled in Alternative Education.

Transportation

Any child in foster care needing transportation to their school of origin shall promptly receive transportation services, regardless of whether the district provides transportation otherwise. This requirement includes children in foster care who attend public pre-schools. The LEA must collaborate with the local MDCPS to develop and implement clear written transportation procedures in accordance with 20 U.S. Code § 6312(c)(5)(B) if the child remains in their school of origin but moves outside the school's attendance zone. The two entities must establish a system that expedites transportation for children placed in foster care (MDE and ESSA Guidance, December 2016). [See Appendix J](#) for MDCPS Student Transportation Plan form.

There are various modes of transportation available for students. Examples of no-cost or low-cost options for transportation that LEAs and the MDCPS could explore include whether:

- The child can be dropped off at a school bus stop for the school of origin.
- The foster parent or other approved individual can transport the child to school. (Mileage may be reimbursable in some circumstances.)
- MDCPS and the LEA will review pre-existing bus routes or stops close to the foster care placement that cross district boundaries, such as bus routes for magnet schools and transportation for homeless children as required by the McKinney-Vento Homeless Assistance Act of 1987.
- MDCPS and the LEA will determine if the child is already eligible for transportation covered by other programs.
- MDCPS and LEA will address how the child welfare agency will use foster care maintenance payments and administrative funds to pay for transportation to the school.
- MDCPS and LEA will specify how "additional costs" of transportation will be calculated, to clearly delineate the LEA's responsibility to provide transportation when there are no additional costs.
- MDCPS and LEA will specifically describe how transportation to the school of origin will be provided in situations where there are no additional costs.
- MDCPS and LEA will specify the timing and procedures for the child welfare agency to reimburse the LEA for transportation costs if reimbursement is the plan agreed to by both MDCPS and the LEA.

Additional costs incurred in providing transportation to the school of origin should reflect the difference between what an LEA 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 MDCPS must consider what is in the best interest of the child if there is a dispute between the LEA and MDCPS concerning the cost of transportation. The cost of transportation shall be divided equally between the LEA and MDCPS. If the dispute continues, the LEA and MDCPS case worker may bring it to the MDE POC and MDCPS POC. The district of origin shall be responsible for the transportation while the disagreement is worked out between MDCPS and MDE.

Federal funds may be available to cover transportation costs for children in foster care in addition to State and local funds. Districts may use Title I funds to pay for additional costs needed to transport children in foster care to their schools of origin. MDCPS may be able to use Title IV-E funds for some transportation costs for IV-E eligible children. Cost-sharing to meet the match requirements for Federal reimbursement is allowable and is one-way LEAs and MDCPS can collaboratively meet their responsibilities for providing transportation and maximize the use of available Federal funds.

Immediate Enrollment

A student shall be enrolled within two (2) business days, even without normally required records, if it is determined that enrollment in a new school is in the best interest of the student. MDCPS must ensure immediate enrollment is initiated. Enrollment may be initiated by MDCPS POC, MDCPS representative or designee (e.g., the foster parent with written permission from MDCPS). Withdrawal of a student shall only be initiated by a local MDCPS representative; **foster parents are prohibited from withdrawing a child in foster care.**

To minimize disruption of the student's education, ESSA requires the LEA to enroll the student without having received the typical exchange of student enrollment documentation including proof of residency; academic records; IEPs; discipline records; documents evidencing proof of custody (e.g., birth certificates, or custody or guardianship orders); identification documents; and medical, health, and immunization records. Requiring emergency contact information for a student is not considered a barrier to immediate enrollment. The LEA POC shall initiate a school-to-school transfer of records with the school of origin and ensure that the student is attending school while the records are being transferred.

MDCPS shall also notify the LEA if a student who is currently enrolled has a custodial placement change that does not impact school placement. [See Appendix I](#) for the MDCPS Notification of Placement (Change) Form.

LEA's should assign children in foster care to schools in the same manner and according to the same process used for children who are not in foster care (except for immediate enrollment).

Special Education Concerns

Education Decisionmaker

Under the IDEA, a "parent" must make special education decisions, including consenting to an initial evaluation and signing IEPs, for a child with a disability.

The IDEA states that the term Parent (IDEA Parent) means:

- 1) A biological or adoptive parent of a child;
- 2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- 3) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (**but not the State if the child is a ward of the State**);
- 4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- 5) A surrogate parent who has been appointed in accordance with IDEA § 300.519 or section 639(a)(5) of the Act.¹

The IDEA prohibits MDCPS Specialists and other employees from acting as an IDEA Parent for a child in foster care.² Specialists are not allowed to provide consent for an initial evaluation³ or sign an IEP as the IDEA Parent; however, MDCPS Specialists are considered participants in IEP meetings and must attend all IEP meetings. Since MDCPS is prohibited from acting as an IDEA Parent for children in MDCPS custody the child will need an education decision maker.

Who May Act as an Education Decision Maker

¹ 34 C.F.R § 300.30(a)

² 34 C.F.R. §§ 300.30(a)(3) (The term parent means . . . "[a] guardian . . . (but not the State if the child is a ward of the State)," 300.519(d) (The surrogate parent must not be "an employee of the SEA, the LEA, **or any other agency that is involved in the education or care of the child.**)

³ 34 C.F.R. § 300.300(a)(2) provides that "For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if—
(i) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
(ii) The rights of the parents of the child have been terminated in accordance with State law; or
(iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child."

The following rules apply to children in MDCPS custody when determining the education decision maker:

- A. A biological/adoptive parent from whom the child was removed that is attempting to act as the child's education decision maker shall continue to be the child's education decision maker. This does not apply if one of the following is present:
 - 1. The biological/adoptive parent's parental rights have been terminated;
 - 2. The biological/adoptive parent cannot be located;
 - 3. The biological/adoptive parent is not attempting to act; or
 - 4. The Youth Court Judge with jurisdiction of the child's case appoints someone else to act as the child's education decision maker.
- B. A foster parent/relative placement may act as the education decision maker for a child in a foster home/relative placement if there is no biological or adoptive parent available. This does not apply if the foster parent/relative placement is not willing or able to serve as the education decision maker.
 - 1. The youth court with jurisdiction of the child's case may appoint a specific person to act as the child's education decision maker if the child's foster parent/relative placement is not willing or able to serve as the education decision maker.
 - 2. A foster parent/relative placement acting as the education decision maker must consult with MDCPS about the child's educational needs and concerns.
- C. An education decision maker must be appointed for children who do not have a biological/adoptive parent or a foster parent/relative placement available to act as the child's education decision maker. For example, an exceptional child placed in a congregate care setting whose parent's parental rights have been terminated will need an appointed education decision maker.

Best Interest Determination (Students with Disabilities)

When a BID is being made for a child with an IEP and a school change, there should be an IEP committee meeting that includes the current district Special Education Director or designee, LEA POC, MDCPS Specialist, and the child's education decision maker. The IEP meeting should take place prior to the child attending the new school to determine if appropriate and specialized services are available. Once the child has enrolled in the new school, the IEP committee should meet to review and revise the child's current IEP. However, in no case should the meeting of the IEP committee delay education services to the child.

Support or Dispute Resolution for Services Provided:

MDE provides procedural safeguard for children with disabilities. If there is a complaint or need for guidance for a student with disabilities, you may phone 877-544-0408 for assistance. ([MDE Dispute Resolution](#))

Student Records

The enrolling school must contact the child's prior school by the business day after the child's arrival to obtain relevant student records. The MDCPS POC or designee is responsible for providing known pertinent information regarding the child's age, grade, and academic history (e.g., current IEP) to aid the LEA POC in placing the child in an appropriate classroom setting until full educational records can be obtained. The LEA must utilize grade-level assessments to determine a child's placement if the child's grade level is not known. The child should be attending school and receiving instruction that best fits the child based on the information available while the enrolling LEA is waiting on education records.

Within (1) business day of receipt of a written request for school records, the school district of origin shall forward, in a manner consistent with Federal and State law and in compliance with all privacy and confidentiality laws (See [Appendix A](#)), a complete copy of the records of a student in foster care.

Academic Credit and Grades

All LEAs should have clear, written procedures in place to ensure that children in foster care receive appropriate credit for full or partial coursework satisfactorily completed while attending prior schools. Examples of such procedures may include LEAs awarding credits for all courses satisfactorily completed at a prior school, even if the school was in a different district or state. The LEA should consult with a child's prior school about the child's coursework at that school; evaluate, informally or formally, the child to gauge the student's current mastery of courses partly completed in a prior school, award partial credits; and offer credit recovery courses.

Accessing Student Records

Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of children's education records. The term "education records" (a) means those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. See 34 CFR § 99.3 "Education records." FERPA affords parents and eligible students the right to have access to their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. (An "eligible student" is a student who has turned 18 or is attending college at any age.) Under FERPA, an educational agency or institution is prohibited from disclosing

information from a student's education records, without consent from a parent or eligible student, unless the disclosure meets an exception to FERPA's general consent requirement. See 34 CFR § 99.30 and § 99.31. One exception to the general consent requirement is the provision of records to MDCPS when MDCPS is legally responsible for a student. Under FERPA, schools are permitted to disclose the education records of students in foster care to a MDCPS Specialist or MDCPS representative. See 20 U.S.C. § 1232g(b)(1)(L). FERPA defines a parent as a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. Foster parents are considered parents under this definition and can thus access records.

Dispute Resolution Process

Disputes must be forwarded to MDE and MDCPS State offices once all avenues to resolve a dispute involving a child in foster care have failed at the local level. Disputes between LEAs and the local MDCPS regarding implementing transportation procedures, calculating and paying for additional costs of transportation to the school of origin, other transportation disputes, or disputes in general will be resolved by a three-person panel. The panel will include the MDE's foster care point of contact, one other SEA personnel, and an MDCPS POC. Either an LEA or a local MDCPS can bring a transportation payment dispute to the SEA by submitting a dispute resolution request to the SEA foster care point of contact via email with the subject "Foster Care – Educational Services Dispute."

The dispute resolution request must include:

- A complete explanation of the dispute's basis with all pertinent facts;
- The name and contact information of the people who have been addressing the dispute thus far on behalf of both the LEA and the local MDCPS (phone, email, and mailing address);and
- Details on how the agencies have attempted to resolve the dispute at the local level.

Within ten (10) days of receipt of the dispute resolution request, the SEA foster care point of contact will contact the non-requesting party (either the LEA or MDCPS). The SEA foster care point of contact will identify the subject matter of the dispute and invite the non-requesting party to submit any information pertinent to the dispute. The non-requesting party will have ten (10) days to submit its explanation of the dispute. Documents that are submitted by either party after the applicable deadline will not be considered.

The panel, which includes the SEA Foster Care Point of Contact, SEA representative and a representative of the state MDCPS, shall make a final decision within 30 days of

receiving all information related to the dispute. The SEA foster care contact will forward the written decision and an explanation to the appropriate parties at the LEA and MDCPS.

The district of origin must ensure that a child in foster care receives transportation to and from the school of origin in a cost-effective manner until disputes are resolved.

[See Appendix K](#) for a complete description of the Dispute Resolution Process.

Appendix A: Federal & State Statutes and Policies

FEDERAL STATUTES

Federal Joint Guidance

Fostering Connections to Success

Fostering Connections to Success & Increasing Adoptions Act of 2008

The Uninterrupted Scholars Act

Every Student Succeeds Act (ESSA)

Individuals with Disabilities Education Act (IDEA)

Free Appropriate Public Education (FAPE) for Students with Disabilities

Public Law 94-142

Family Educational Rights and Privacy Act Regulations (FERPA)

STATE POLICY

MDE Rule 30.8 Foster Care Policy

MDE Rule 74.19 Individuals With Disabilities Education Improvement Act

MDE Rule 74.1 Educable Child Program

STATE STATUTES (these are not hyperlinked)

Miss. Code Ann. §37-23-3 Exceptional Child

Miss. Code Ann. §37-13-91 Mississippi Compulsory School Attendance Law

Miss. Code Ann. §43-21-105 Public Welfare – Child & Youth Definitions

Miss. Code Ann. §43-15-13 Best Interests of Child, Rights and Responsibilities of Foster Care and Relative Care Providers

Appendix B: Definitions

Best Interest Determination – a collaborative process, based on the individual student’s unique best interests and involving input from multiple parties, that is used to make decisions about whether a student placed in foster care should continue to attend the school of origin.

Case Management – MDCPS Specialists work with children to assess and identify individual and family strengths and needs, develop case permanency plans to provide appropriate supports and services, implement the case permanency plans, coordinate and monitor the provision of services, and evaluate client progress and the case. The CPS Case Manager for a child in Foster Care is also referred to as a specialist.

Child In Need of Supervision (CHINS) – “a child who has reached his seventh birthday and needs treatment or rehabilitation because the child:

- i. Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or
- ii. While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or
- iii. Runs away from home without good cause; or
- iv. Has committed a delinquent act or acts.”⁴

Child Find – an education program which takes steps to identify, locate, and timely refer all children for evaluation who may need special education and related services in the district.

Congregate Care Setting – a group care placement setting providing twenty-four-hour supervision. Examples of congregate care settings include group homes, residential treatment centers, and emergency shelters.

District of Origin (see below for School of Origin) – the Mississippi school district in which a school of origin is physically located. For situations in which an individual school operates as an individual school district, the school will be considered both the school of origin and the district of origin. Examples of such single-school districts/education authorities include, but are not limited to, charter schools. For students, whose IEP places them in an out-of-district approved private or public special education school, the district of origin is the district in which the student was enrolled at the time of the MDCPS placement.

⁴ Miss. Code Ann § 43-21-105(k).

Education Decision Liaison (EDL) – a person authorized to make educational decisions on behalf of a child in MDCPS custody.

Emergency Shelter – a short-term interim placement that is typically used until a more permanent placement is located.

English Learners (ELs) – students identified as having limited English proficiency in speaking, listening, reading, or writing English through procedures established by school districts. Title VI and the Equal Educational Opportunities Act of 1974 (EEOA) require public schools to ensure that all English Learner students, including English Learner students in foster care, can participate meaningfully and equally in educational programs.

Foster Care – Court ordered placement of a child into twenty-four-hour out-of-home care, away from his/her parents or guardians. These placements include, but are not limited to:

- Foster family homes
- Relative placements
- Congregate care settings
- Emergency shelters and other temporary placements
- Residential facilities

Foster Care Points of Contact (POC) – designated people (in districts, at MDE, and at CPS) who carry out various responsibilities to ensure the educational stability and rights of children in foster care. (see pages 6-7 for POC roles and responsibilities.)

Foster Parents – individuals licensed by MDCPS to provide temporary care to children in foster care. MDCPS maintains legal custody of children placed in foster care.

Guardian ad Litem (GAL) – The “guardian ad litem” is a person appointed by the court to represent the best interest of the child in a youth court matter. GALs “have the duty to protect the interest of a child for whom he has been appointed guardian ad litem. The guardian ad litem shall investigate, make recommendations to the court or enter reports as necessary to hold paramount the child's best interest.”⁵

Immediate Enrollment – when it is in a child’s best interest to leave the school of origin, enrollment in a school in the local school district must take place without delay, to prevent disruption of the child’s education.

Individuals with Disabilities Education Act (IDEA) – Federal legislation passed to ensure children with disabilities receive a Free Appropriate Public Education (FAPE)

⁵ Miss. Code Ann. § 43-21-121(3).

that meets their unique needs. The IDEA requires that an IEP be written for each student with a disability receiving special education and related services.

Individualized Education Program (IEP) – a plan or program developed to ensure that a child who has a disability identified under the law receives specialized instruction and related services.

Juvenile Detention Center – each sponsoring school district’s educational program located within the juvenile detention center is to provide children with a quality instruction through a continuum of educational programs that promote achievement, character, and skills necessary to become college and career ready.

Local School District (also referenced as the LEA, local educational agency) – the Mississippi school district in which the child’s foster care home, provider, or facility is physically located. When it is determined to be in child’s best interest to leave the school of origin, the local school district must enroll the child immediately.

MDCPS Authorized Designee – anyone authorized by MDCPS or the youth court to enroll, attend IEP meetings, or make overall educational decisions for youth in foster care.

MDCPS Specialist – all youth in care have an assigned MDCPS specialist to lead permanency planning, court ordered directives, educational stability, and evaluate the overall health and safety of the youth in the foster care.

Mississippi Department of Child Protection Services (MDCPS) – Mississippi’s child welfare agency. MDCPS is given legal custody of youth placed in the foster care system.

Permanency Plan – a case plan developed by MDCPS, the youth, the family, and other team members. The elements of the case plan include, but are not limited to:

- The child’s plan for permanency, which may include reunification, another planned permanent living arrangement, adoption, or guardianship;
- Assessments of the child’s and family’s strengths and needs;
- Identification of services;
- Health-related information and planning;
- Education stability plan and any other plans and information related to meeting the child’s educational needs;
- Treatment plan, if applicable;
- Safety information;
- Visitation plans;

- Casework actions required to ensure the child’s needs; and/or
- Transition planning for youth ages 14 and older.

Reasonable and Prudent Parenting Standard – a standard of decision making to be used by foster parents to determine whether a foster child can participate in normal, day-to-day activities that are age- or developmentally-appropriate.⁶ Under this standard, foster parents should make careful and sensible decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.⁷

School of Origin– the school that a child was attending at the time of placement in foster care or the school a child is attending at the time of any subsequent change in foster care placement.

Section 504 of the Rehabilitation Act of 1973– a Federal law that prohibits schools from discriminating against children with disabilities. Section 504 sets minimum standards for providing related services and aids to children with disabilities that substantially limits a major life activity. Section 504 applies to preschool, elementary education, secondary education, adult education, and private education. Section 504 provides reasonable accommodations, but it is not specially designed instruction.

Single-School Districts/Education Authorities – districts in which an individual school operates as an individual school district (for example, charter schools). The school is considered both the school of origin and the district of origin.

Students in Public Preschool – districts must meet the educational stability requirements for children in foster care who were enrolled in preschool at their time of placement in foster care or are subsequently enrolled in preschool while in foster care.

Therapeutic Facility – a live-in health care facility that states their intention is to provide therapy for substance abuse, mental illness, or other behavioral problems. The facility may provide in-house school, or the child may attend a local school district while living within the facilities.

Transition Planning – MDCPS services, supports, activities and referrals to programs that assist former or current youth in foster care ages 14 and older in acquiring skills and abilities necessary to successfully transition to adulthood. Transition planning is required under the IDEA and Title I, Part D (Elementary and Secondary Education Act).

Trauma-Informed Approach/Practices – when caring for children in foster care, the incorporation of an understanding of trauma and traumatic experiences and the effect they can have. A trauma-informed approach can be implemented in any type of service

⁶ 42 U.S. Code §§ 671(a)(24), 675(10)(A).

⁷ 42 U.S. Code § 675(10)(A).

setting or organization and is distinct from trauma-specific interventions or treatments that are designed specifically to address the consequences of trauma and to facilitate healing.

Trauma-Informed Care – trauma-informed care or services are characterized by an understanding that problematic behaviors may need to be treated as a result of the child’s adverse childhood experiences or other traumatic experiences someone has had, as opposed to addressing them as simply willful and/or punishable actions.⁸ In other words, treat the root cause of the trauma rather than the resulting symptoms/behaviors.

Juvenile Detention – Miss. Code Ann. §43-21-321 requires that educational services be provided to children detained in a juvenile detention facility. To ensure academic and behavioral concerns are addressed, MDE has set standards for the provision of educational services in accordance with all applicable Federal and State laws.

⁸ Harvard University Center on the Developing Child, ACEs and Toxic Stress: Frequently Asked Questions, <https://developingchild.harvard.edu/resources/aces-and-toxic-stress-frequently-asked-questions/>.

Appendix C: LEA Checklist

| Use this checklist as a guide to ensure LEAs receiving Title I funds carry out provisions in Sections 1111(g)(1)(E) and 1112(c)(5) of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act (ESSA). | |
|--|---|
| | The LEA will designate an LEA point of contact (POC) for children in foster care and report the POC to the FDOE. The LEA POC will collaborate with the appropriate Child Welfare Agency (MDCPS) to ensure educational stability for children in foster care. |
| | The LEA will develop and maintain a process to identify children in foster care. |
| | The LEA will ensure that children in foster care remain in the school of origin unless there is a determination that it is not in their best interest. LEAs will provide transportation to maintain children in foster care in the school of origin. |
| | The LEA will ensure that, if it is in the best interest of the child to leave the school of origin, the child must be immediately enrolled in the new school even if they do not have the required documentation. |
| | For children in foster care who leave the school of origin, the LEA will ensure that the enrolling school shall immediately contact the school last attended to obtain the child's records. |
| | The LEA will develop and implement clear written procedures for how transportation will be provided, arranged and funded for a child's duration of time in foster care – in collaboration with the appropriate MDCPS. |
| | All pertinent personnel have been trained on the ESSA requirements relating to educational stability for children in foster care, and the procedures for best interest determination and transportation. |
| | The LEA will provide transportation to maintain children in foster care in the school of origin. |
| | <p>The LEA will 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:</p> <ul style="list-style-type: none"> a) the local MDCPS agrees to reimburse the LEA for the cost of such transportation; b) the LEA agrees to pay for the cost of such transportation; or c) the LEA and the local MDCPS agree to share the cost of such transportation. |

Appendix D: Quick Guide for Schools

Children in foster care have unique educational needs that often go unnoticed. Frequent school changes cause serious confusion and sometimes lost instructional time. Students end up repeating or missing courses, at times failing to graduate as a result. Sometimes, children in foster care lack an active parent or other adult decision maker and advocate, which results in failing to receive an appropriate education (such as needed accommodations, remedial education, special education supports, or gifted and talented classes). Children in foster care are also more likely to experience school discipline, be truant, and ultimately drop out of school. The following best practices and tips can help improve the educational outcomes for children in foster care.

- ❑ **Welcome the student to the school** as you would any other student. Give them a tour and ensure they have all necessary school supplies.
- ❑ **Respect the student's privacy.** Be discreet about their involvement in the child welfare system. Consult with the student before disclosing his or her status.
- ❑ **Understand the impact of trauma** and be aware that most children in foster care have experienced some form of trauma. Use trauma-informed strategies when engaging children in foster care.
- ❑ **Ensure the school has a complete academic record for the student**, including current IEP, 504, transcripts, and/or other support plans (if applicable). Help to track down missing records or documents to complete the student's record.
- ❑ **Identify and communicate with adult advocates and decision makers involved with the student.** Remember the decision maker may still be the child's parents (even if not living with them) or another person appointed in that role. Also, communicate with the student's specialist, foster parent, attorney, GAL or CASA. These individuals will need regular academic and behavioral updates.
- ❑ **Engage the student in the school community.** Inform them of and help them join extracurricular activities, regardless of their enrollment date.
- ❑ **Advocate for the student.** Ensure the student has the support and guidance to progress academically and socially. This includes ensuring special education, behavioral, emotional, cultural, and linguistic needs are met.
- ❑ **Ensure the student is in the appropriate academic setting**, including universal screening processes and specialized school programs such as gifted and talented, honors, advanced placement, English as a second language, special education, etc.
- ❑ **Maintain up-to-date contact information** in the student's file and in your school database, including current caregiver and specialist information.
- ❑ **Consider waiving fees for any child in foster care**, including books, lab and technology fees, in-school activities, athletic fees, and before/after school programs. All children in foster care are automatically eligible for free and reduced lunch.
- ❑ **Stay up-to-date and participate in professional learning opportunities** so you can be a champion for children in foster care.

Be aware of upcoming court hearings, sharing relevant information about school with parties to the court case, and provide excused absences and make up opportunities for any school time missed for court attendance or other necessary child welfare appointments.

When students in foster care must change schools, several vital objectives should be completed on the student's first day.

Does the student...

- Have all necessary school supplies?
- Have the right placement in classes, including special education or 504 accommodations if needed?
- Need a tour of the school?
- Know how they are getting to/from school?
- Know how to find their school contact?
- Have all fees waived (sports, books, etc.)?
- Have online access to grades and homework?
- Know the attendance policy of the school?
- Have an adult to help with homework?
- Know about available extracurricular activities?

Students in foster care benefit from remaining in a stable school placement, even if their living placement is changing. Law and policy require schools to ensure a child remains in their original school, unless it is the student's best interest to change. Some key points to remember, when a current student enters care, or moves while in care:

- Connect with the child welfare agency to discuss what is in the student's best interest as it relates to remaining in the school.
- Gather information from teachers and staff who know the student so an informed best interest decision can be made.
- Once a best interest decision is made for a student to remain, contact transportation services to arrange prompt transportation when necessary.
- Consult with your school district point of contact (POC) about any issues or concerns.

When students are in foster care, a team of individuals and professionals should support the youth. Teachers and administrators must ensure they are part of that team and communicating with the entire team, so everyone is working in the best interest of the student.

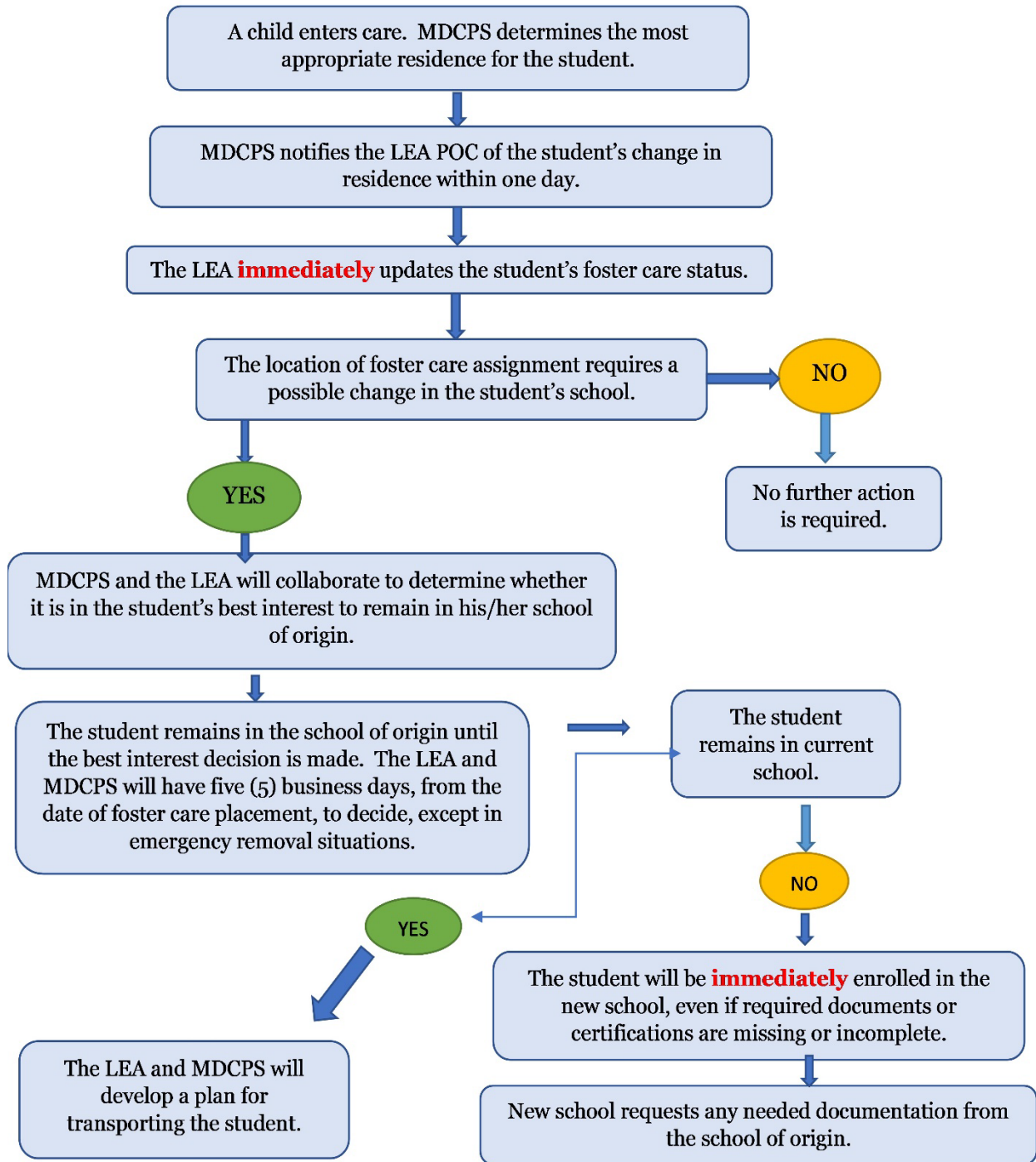
When working with other professionals...

- Introduce yourself to the team members.
- Invite all team members to education meetings and conferences.
- Provide regular academic and behavior updates.
- Share education records, including IEPs, 504 plans, and disciplinary reports.
- Report any school difficulties, challenges, or changes.
- Involve team in planning any educational supports.
- Develop a professional relationship with the team.
- Relay the student's accomplishments and successes.
- Keep updated contact information of current caregiver and education decision maker (may be different people).
- Ensure appropriate releases of information, if needed.

Please note these check lists were pulled directly from the ABA Center on Children and Law:

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Appendix E: Education Stability Flow Chart



Appendix F: BID Form

BEST INTEREST DETERMINATION FOSTER CARE SCHOOL PLACEMENT FORM

| BID Timeframe | | | | |
|---|---|---|-----------|--|
| A BID must be completed every time a youth comes into care or there is a placement change while in care. BID conferences/meetings with the school district POC must take place within five (5) business days of a child entering foster care or changing placement. The youth shall not be withdrawn/enrolled until a BID is completed. | | | | |
| Student Information | | | | |
| Student Name: (first, middle, last) | DOB: | Date of BID: | | |
| | Grade: | | | |
| Address/District of Residence: | MSIS: | IEP Ruling <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| School/District of Origin: | (enter school name) | | | |
| Mississippi Department of Child Protection Services Information | | | | |
| Case Worker: _____ | COR: | Phone: () - - | | |
| ASWS: _____ | | Phone: () - - | | |
| Determination | | | | |
| <input type="checkbox"/> The student shall remain in the district/school in which the child was enrolled at the time of placement (school of origin). | | | | |
| Name of School District/School: (enter school name) | | | | |
| <input type="checkbox"/> Based on the best interest determination, a change in school placement is recommended. In accordance with ESSA, the child will be enrolled in the district/school of current residence (receiving school). | | | | |
| Name of School District/School: (enter school name) | | | | |
| NOTE: If a change in educational placement is necessary, enrollment in the new school must take place immediately . All educational records must be provided to the receiving school. * An IEP Placement meeting should be scheduled with the new school district's POC. | | | | |
| BID Participants | | | | |
| Title | Participated or Notified | Printed Name | Signature | Agree with determination or received determination |
| Student | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| Birth Parent(s) if applicable | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| MDCPS POC- Case Worker or Supervisor | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| Guardian Ad Litem | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| POC for School of Origin | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| POC for New School District (if applicable) | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| IEP Team Member (if applicable) | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| Foster Parent (If applicable) | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| Ed. Decision Maker (if applicable) | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |
| Other | <input type="checkbox"/> Participated <input type="checkbox"/> Notified <input type="checkbox"/> N/A | | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Received Only |

Supporting Documentation

Indicate and attach any supporting documentation which was used in making this best interest determination interest. Send documentation to the receiving school district if applicable. (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)
- Attendance data
- E-mails or correspondence from individuals consulted
- Disciplinary referrals
- Health reports/records
- IEP or 504 Plan**

A copy of the BID form must be sent to the receiving school district and [BID@mdcps.ms.gov](mailto: BID@mdcps.ms.gov). When applicable, a copy of the BID form must be sent to the group home and/or treatment facility.

Special Education Decision Maker /Surrogate Parent Checklist

****Education Decision Maker/Surrogate Parent needed-** The local school district must appoint one if (Check all that apply)

- Parental rights have been terminated.
- Biological/adoptive parent cannot be located or not attempting to act
- Foster parent/relative is not willing or able to serve as the education decision maker
- Child/Youth placed in congregata care or residential treatment facility IF the first two boxes are checked

The Youth Court with jurisdiction of the child's case may appoint an Education Decision Maker/Surrogate parent.

_____ is authorized to make special education decisions as an Education Decision Maker/Surrogate Parent under IEAS. See 34C.F.R.300.30(a)(3) and 34 C.F. R.300.519(c).

Transportation Plan

A transportation plan is needed. (Only check if needed)

Any child in foster care needing transportation to their school of origin must promptly receive transportation services, regardless of whether the district provides transportation otherwise. This requirement includes students in foster care who attend public pre-schools. The LEA must collaborate with the local MDCPS to develop and implement clear written transportation procedures in accordance with 20 U.S.C. § 6312(c)(5)(B) if the child remains in their school of origin but moves outside the school's attendance zone. The two entities must establish a system that expedites transportation for children placed in foster care. (MDE ESSA Guidance, December 2016)

BID Impasse

The COR Worker must forward the BID Packet to the MDCPS Education Unit if an impasse is reached between the LEA and MDCPS. The LEA POC must forward a copy to the MDE Compulsory School Attendance Unit if an impasse is reached.

Appendix G: BID Questionnaire

Discussion of Student's Best Interest

1. How long has the student attended this school?
2. How well is the student performing academically?
3. How many schools has the student attended over the past few years? This year?
4. How have past school transfers impacted the student?
5. How is the current school serving the student's academic needs, including gifted or special education, vocational opportunities, and other interests? How can the new school serve these needs?
6. What is the student's academic and career goals?
7. How would changing schools affect the student's ability to earn full academic credit, proceed to the next grade, graduate on time, or receive an industry credential?
8. How is the current school serving the student's social, emotional, and cultural needs?
9. Does the student access school-based supportive services in the current school? How can the new school serve these needs?
10. Describe the nature, quality, and duration of the student's relationships in the current school. Consider whether the student has a meaningful and supportive relationship with an adult at the current school. Does the student have any family members at the school? Is he or she involved in extracurricular or other activities?
11. Is the student's new living arrangement expected to be short-or long term? What impact will this have on the student?
12. How would the commute to the current school impact the student? Consider the child's age and developmental functioning as well as the length of the commute with various modes of transportation. **The cost of transportation cannot be a factor when determining best interest.**
13. What other factors did the team consider when making this decision (How did you address the unique needs of the student?)?

Appendix H: Notification of Placement



Notification of Placement (Change)Form

For Children/Youth in the custody of MDCPS

The below information is for official use by authorized State Child Welfare Agency (CWA) and Local Educational Agency (LEA) personnel only.
To Be Completed & Signed by MDCPS COR Worker/Designee within 7 days of Initial Placement or Placement Change.

STUDENT INFORMATION

Child/Youth Name:

Age:

DOB:

Grade Level/Classification:

Enrollment Status: Initial enrollment School Change Currently Enrolled—No School Change

Date of Placement/Placement Change:

Date of Enrollment:

Date of BID:

AGENCY AND PLACEMENT CONTACT

MDCPS COR Worker:

Phone:

Email:

MDCPS ASWS:

Phone:

Email:

COR:

Check one: Initial Placement Foster Care Placement Change Exiting Foster Care

Foster Care Provider Type: Foster Home Relative/Kinship Home Therapeutic Home Congregate Care Facility

Foster Care Provider Name:

Phone:

Foster Care Provider Address:

The above Foster Care Provider has permission to receive and have access to the above student's current records regarding grades, discipline, teacher conferences, accommodations, and other educational related matters/concerns: Yes No

MDCPS COR Worker Signature:

Date:

LEA/SCHOOL INFORMATION (To Be completed by/obtained from School Personnel Within 7 Days of Initial Placement or Placement Change)

Student's MSIS #:

Current School Year:

School Name:

Phone:

School Address:

School District:

Phone:

Received/Completed By:

Title:

Date Received/Completed:

Signature:

** Email this completed form to education@mdcps.ms.gov **

Appendix I: Enrollment Letter



The State of Mississippi
Tate Reeves, Governor
Andrea Sanders, Commissioner
www.mdcps.ms.gov

Date

Dear _____ enrollment office:
Name of school

This letter is to inform you that _____
Name Relationship to youth
has permission from the Mississippi Department of Child Protection Services in
_____ County to enroll _____ in school.
Youth's name

The above-named individual may enroll the youth; however, school withdrawals of children in foster care must be initiated and completed by MDCPS or an individual specifically authorized by the youth court to execute primary and secondary school registration procedures. **Parent(s), foster parent(s), and group home staff are not permitted to withdraw a child in foster care from school under any circumstances.**

The above-named individual has permission to receive and have access to the youth's current records regarding grades, discipline, teacher conferences, accommodations, and other educational related matters/concerns. The above-named individual may also attend educational meetings regarding the youth. Foster parents/placement providers and school staff should notify MDCPS about any educational related meetings and concerns.

Thank you for your immediate assistance with this matter. Should you have additional questions, please contact me at _____
Email or phone number

Respectfully submitted,

ASWS Signature

ASWS Printed Name

Appendix J: Student Transportation Plan Form



Student Transportation Plan

Individual Student Procedures

Child's Name: _____ **Date of Birth:** _____ **Grade:** _____

MSIS ID: _____

Foster care provider: (name and contact information):

School District: _____

District foster care point of contact (name and contact information):

Case Specialist (name and contact information):

Supervisor (name and contact information):

MDCPS verifies that:

It is in the student's best interest to remain in the school of origin based on the following factors:

There is an existing transportation option that can serve the student's new housing placement. _____ Yes _____ No. If YES, describe the option.

The district and MDCPS agree that the most cost-effective transportation procedures for this student will be:

The district and MDCPS agree that while permanent transportation is arranged, interim transportation arrangements will be: (Skip if interim transportation arrangements are not needed.)

These transportation procedures must be implemented by the following date:
_____. (The procedures must be implemented within five (5) calendar days of this agreement being signed.)

Authorized Signature for MDCPS:

Signature Title Date

Authorized Signature for the Local Education Agency:

Signature Title Date

The completed form must be and placed in the youth's MDCPS file. A copy must be given to the school district's foster care POC for placement in the youth's education file.

Appendix K: Dispute Resolution

In a case where a dispute occurs regarding the determination of best interest or the provision of other educationally related services for a child or youth in foster care, the following process must be used:

- *The dispute or conflict is brought to the attention of the District Superintendent or designee.*
- *Unresolved disputes at the first level may be presented to the Mississippi Department of Education (MDE).*

Initiating the Level 1 Dispute: Superintendent or Designee

The LEA must collaborate with MDCPS and the aggrieved parties to resolve the complaint or dispute at the local level before it is sent to MDE.

To dispute a decision related to a BID for a child in foster care, MDCPS personnel must request a dispute resolution in writing. The written dispute resolution request for review must document the date submitted to the Superintendent or the designee. It is to include specifically the school in which enrollment is sought and the basis for seeking this enrollment. The submission of the dispute review letter may be by email or delivered to central office. If submitted by email, the subject “Foster Care – Educational Services Dispute” should be in the subject line. The dispute review letter must include the requestor’s name and contact information.

The educational decision-maker must submit the dispute review letter within (10) days of the district’s educational services decision for the foster care student.

The child or youth must remain enrolled in the school of origin while the dispute is being resolved to minimize disruptions and reduce the number of moves between schools. Students attending their school of origin during the dispute process will be entitled to receive transportation. Transportation will be provided pursuant to the local transportation procedures developed collaboratively between the LEA’s and the local child welfare agencies. Once all avenues for resolution of a foster care dispute at the local level have been exhausted, the dispute must be forwarded to the Mississippi Department of Education.

LEA Decision

The Superintendent or designee will arrange for a personal conference to be held with the MDCPS designated educational decision-maker(s), the student (if appropriate) and the child’s case manager and/or point of contact. The Superintendent or designee must have all documentation from the Best Interest Determination Meeting. The conference will be arranged within ten (10) business days of the LEA’s receipt of the dispute review letter.

Within five (5) business days of the conference, the Superintendent or designee will inform the MDCPS personnel and all parties who attended the conference with the

Superintendent of the decision in writing, using the contact information provided in the dispute review letter. The written decision provided to the educational decision-maker designated by MDCPS must include:

1. A copy of the complete Level 1 appeal packet
2. The decision rendered at Level 1 by the Superintendent or designee
3. Instructions regarding how to file a Level II dispute, including the name, phone number and email address of the MDE State Foster Care Point of Contact

*Please make sure all documentation is dated.

If the MDCPS personnel disagrees with the Level I decision and wished to appeal to Level II, the MDCPS personnel shall inform the LEA Superintendent or designee of the intent to appeal to Level II within five (5) days, the foster care student must be enrolled and provided all appropriate educational services in the school determined by the LEA.

Initiating the Level II Dispute: Mississippi Department of Education Foster Care Point of Contact

If MDCPS disagrees with the decision rendered by the LEA at Level I regarding the terms of the Best Interest Determination (BID), the following information must be provided to Mississippi Department of Education:

1. The contact information for the LEA Foster Care Point of Contact
2. The name and contact information of the people who have addressed the dispute thus far on behalf of both the LEA and the local child welfare agency (phone, email, and mailing address)
3. Best Interest Determination meeting and notes
4. A copy of the previous dispute review letter submitted by MDCPS personnel to the LEA
5. A copy of the decision rendered by the LEA at Level I
6. A statement ensuring the student shall remain in the school of origin, receiving all appropriate educational services, until the dispute reaches its final resolution

The letter must be submitted in writing to the SEA Foster Care Point of Contact, with the subject “Foster Care – Educational Services Dispute”. The letter must also be submitted to the LEA Superintendent via email or deliver to the central office to the attention of the superintendent. The Level II Dispute Review letter must be submitted to both the SEA and LEA superintendent within five (5) days of receiving the Level I dispute review decision from the LEA.

The LEA has an additional five (5) days, from its receipt of the MDCPS personnel’s notice letter, to submit its response to the dispute review letter to the SEA Foster Care Point of Contact, via email with the subject “Foster Care – Educational Services Dispute.”

The student shall remain in the school of origin until the dispute reaches its final resolution. The student shall be provided with all appropriate educational services for

which the student is eligible during the dispute process. Students attending their school of origin during the pendency of the dispute will be entitled to receive transportation pursuant to the local transportation plan's procedures developed collaboratively between the (LEA's) and local child welfare agencies.

SEA Decision

The Level II decision will be made by a three-person panel including the SEA Foster Care Point of Contact, SEA representative and a representative of the state MDCPS. The panel shall make a final decision within thirty (30) days of receipt of the dispute.

**Although the standard procedure allows thirty (30) days for a response, every effort will be made to resolve the complaint in the shortest possible time.

The SEA Foster Care Point of Contact will forward the final written decision to the MDCPS personnel and the LEA superintendent. The written decision must include:

1. A copy of the complete Level II packet.
2. The decision rendered at Level II and an explanation of that decision.

The LEA must implement the SEA's decision in full, immediately.

The SEA shall maintain a record of all disputes related to children in foster care. For every type of dispute regarding a child in foster care, the LEA and local child welfare agency must make every effort to resolve the dispute collaboratively at the local level. Documented patterns of excessive disputes to the SEA from any LEA and/or local MDCPS will be reviewed by the SEA and MDCPS and appropriate measures will be taken to ensure compliance by both agencies. All parties are encouraged to seek assistance from the Foster Care Point of Contact at the State Educational Agency (SEA) and the Educational Coordinator at the State Child Welfare Agency (or similar personnel) prior to any dispute.

PLEASE BE AWARE ANY HPERLINKS OR WEBSITES ARE BEYOND OUR CONTROL AND COULD CHANGE. IF YOU HAVE QUESTIONS AND THE HYPERLINK OR WEBSITE ARE NOT WORKING, PLEASE CALL 601-359-5743 OR EMAIL twilliams@mdek12.org.

Contact Information

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