

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 8: Out-of-Home Services	Effective Date: July 1, 2018
	Section 22: School Notifications and Legal Settlement	Version: 3

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will partner with the resource parent(s) and the Child and Family Team (CFT), to arrange for a child in out-of-home care to remain at his or her home school, when it is determined to be in the child's best interest. See separate policy [5.7 Child and Family Team Meetings](#) for additional information.

In accordance with the Every Student Succeeds Act (ESSA), DCS will collaborate with the local school to determine the child's best interest regarding remaining in the school he or she attended while living with his or her parent, guardian, or custodian. See [Practice Guidance](#) for additional information.

DCS will provide the court with the following addresses so the court may determine legal settlement¹:

1. The child's current placement; and
2. The current residence of the child's parent, guardian, or custodian.

DCS will notify in writing the school where the child currently attends, the school corporation where the child has legal settlement, and the school corporation where the child will be attending **within 72 hours** of the child's:

1. Removal from his or her home and initial placement in out-of-home care;
2. Change in out-of-home placement;
3. Return home;

Note: The school where the child currently attends should also be **verbally** notified of the child's removal or placement change **as soon as possible**.

4. Initial determination of legal settlement;
5. Change in legal settlement determination;
6. Change in educational placement; or
7. DCS case closure.

DCS will annually notify in writing the school corporation where the child has legal settlement and the school corporation where the child attends, whether the child's current school placement is anticipated to continue in the ensuing school year.

Code References

1. [IC 20-26-11: Legal Settlement and Transfer of Students](#)
2. [IC 31-34-3-4.7 Notice to the child's school](#)
3. [IC 31-34-20-5: Determination and reporting of legal settlement of child](#)

¹ Legal settlement defines which school corporation has responsibility for payment of the child's education expenses.

4. [IC 31-34-21-10: Review of child's legal settlement](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Gather information regarding the child's education and discuss the child's educational best interest with the following:
 - a. The child,
 - b. The parent, guardian, or custodian, unless Termination of Parental Rights (TPR) has been finalized,
 - c. The resource parent(s), and
 - d. Members of the CFT;

2. Submit a referral to the Education Services team when the child's placement changes and there is also the potential for an educational placement change;

Note: State statute requires immediate enrollment in school. Therefore, this process must be swift with little delay in communication.

3. Work with the Educational Liaison (EL) to determine if it is in the child's best interest to remain in the school of origin, if applicable;

Note: The EL will facilitate collaboration with the Local Education Agency Point of Contact (POC) to make a final determination regarding if remaining in the school of origin is in the child's best interest. See [Practice Guidance](#) for additional information.

4. Complete the [School Notification \(SF47412\)](#) and provide it to the child's current school, the school corporation of legal settlement, and the school corporation where the child will attend **within 72 hours** of the child's:
 - a. Removal from his or her home and initial placement in out-of-home care,
 - b. Change out-of-home placement,
 - c. Return home,

Note: The school where the child currently attends should also be **verbally** notified of the child's removal or placement change **as soon as possible**.

- d. Initial Determination of legal settlement,
- e. Change in legal settlement determination,
- f. Change in educational placement, or
- g. DCS case closure.

5. Convene the CFT to identify and plan solutions for any barriers regarding the child's educational placement;

6. Provide the court with the following addresses:
 - a. The child's current placement, and
 - b. The current residence of the child's parent, guardian, or custodian so that the court may determine legal settlement.

7. If the parent, guardian, or custodian moves, notify the court of the new address, so the court can re-determine "legal settlement". This may be completed as part of a progress report to the court.

The EL will:

1. Collaborate with the FCM to complete the [POC Checklist](#);
2. Send the signed POC Checklist to the DCS Local Office Director (LOD) for review;
3. Send the [POC Checklist](#) to the Local Education Agency POC, after it is signed by the LOD, for review and determination on the child's best interests for school enrollment and transportation needs;
4. Obtain the signature of the Local Education Agency POC on the [POC Checklist](#);
5. Sign the finalized [POC Checklist](#); and
6. Upload the signed [POC Checklist](#) into the KidTraks referral prior to referral closure.

The LOD will:

1. Review the [POC Checklist](#) to determine agreement with the educational placement best interests determination;
2. Sign the [POC Checklist](#) and return it to the EL; and
3. Ensure that before September 1st of each year, the appropriate school corporations are notified of whether the child's placement is anticipated to continue in the subsequent school year, using the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) form.

PRACTICE GUIDANCE

If the Child's Parent, Guardian, or Custodian Moves

The person completing the [School Notification \(SF47412\)](#) or the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) should include the current address of the child's parent, guardian, or custodian and the school corporation of legal settlement, most recently determined. The school corporation of legal settlement and/or the Indiana Department of Education will address any conflicts.

Legal Settlement and Termination of Parental Rights

If parental rights are terminated, the court should re-determine legal settlement. If the child is in his or her permanent placement, then the address of that placement should be provided to the court. If the child is not in his or her permanent placement, the address of the current resource parent(s) should be provided to the court. The address of the DCS local office should only be provided for the purpose of determining legal settlement if no other address can be used and the DCS local office is located within the school district the child attends.

Date of Court Order

The FCM must include the date the court agreed to the recommended placement on the [School Notification \(SF47412\)](#) or the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) to the school corporations.

Every Student Succeeds Act (ESSA) and Transportation for Students in Care

The ESSA as it pertains to foster children was implemented December 10, 2016. The ESSA requires local education agencies and child welfare agencies to collaborate on determining best interests and providing transportation for foster children who attend their school of origin but have been placed outside of the district.

The local education agency is required to provide transportation of foster youth who are removed from their home and placed outside of their school of origin when it is determined to be in the child's best interest for the child to remain enrolled in the school of origin. While the expectation is for transportation to be set up within three (3) to five (5) instructional days from initial notification to the school POC, transportation plans take time to establish and implement. It is DCS' responsibility to ensure transportation is arranged to and from the school of origin until the school's plan to transport is in place. Please prepare caregivers to provide transportation while preparations are being made by the school.

Note: In unique situations, DCS may pay for transportation. Please be aware that the local school corporation may ask to work with resource parents to provide transportation for children placed in their home.

FORMS AND TOOLS

1. [School Notification \(SF47412\)](#)
2. [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#)
3. [POC Checklist](#)

RELATED INFORMATION

Legal Settlement

[IC 31-34-20-5](#): and [IC 31-34-21-10](#): require the court to make findings regarding the legal settlement of all children placed in residential or other out-of-home placement. Legal settlement defines which school corporation has responsibility for payment of education costs. If the child is placed in a school within the school corporation where the child has legal residence, no transfer tuition is required. However, if the child is placed in a school corporation different from the school corporation where the child has legal settlement, the school corporation where the child has legal settlement is required to pay transfer tuition.