

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> August 1, 2021
	<b>Section 22:</b> School Notifications and Legal Settlement	<b>Version:</b> 5

## POLICY OVERVIEW

Success in school is more likely to occur when planning for safety, stability, permanency, and well-being is fully integrated with a child's educational plan. In order to achieve this for a child in out-of-home care, the Indiana Department of Child Services (DCS) and school must collaborate to determine the best educational interest of the child.

## PROCEDURE

In accordance with the Every Student Succeeds Act (ESSA), DCS, Indiana Department of Education (DOE), and local education agencies must identify State and Local Points of Contact (POCs) to collaborate on determining the best educational interests of children in out-of-home care. DCS has appointed the Education Services Program Director as the agency's State ESSA POC and the DCS Education Services as the agency's local ESSA POC.

The Family Case Manager (FCM) will:

1. Within 24 hours of the child's removal or change in placement, submit a referral to the Education Services team for completion of the School Notification and Best Interest Determination form;
2. Verbally notify the child's current school of the child's removal or change of placement within 24 hours. This includes but is not limited to:
  - a. A Trial Home Visit (THV) (see policy 8.39 Trial Home Visits),
  - b. A child placed through an Interstate Compact on the Placement of Children (ICPC) (see policy 9.03 Initial Placement/Placement Changes),
  - c. Emergency Shelter Care (ESC) (see policy 8.04 Emergency Shelter Care and Urgent Residential Treatment Review and Approval),
  - d. Admission to residential treatment (see policy 5.24 CFTR), and
  - e. Case closure (see policy 5.12 Closing a CHINS Case);
3. 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,
  - d. Members of the Child and Family Team (CFT) (see policy 5.07 Child and Family Team Meetings), and
  - e. The child's school if input is provided by the school.

**Note:** The FCM should complete the Release of Education Records form and submit to the last school in which the child was enrolled to obtain educational records.

4. Discuss the child's best interest determination with Education Services to determine if it is in the child's best interest to remain in the school of origin, if applicable.
5. Ensure transportation to school is arranged for the child until the best interest determination is completed.

**Note:** The child's school of origin is obligated to provide transportation for the child when it has been determined that it is in the child's best interest to remain enrolled in the child's school of origin.

6. Convene a CFT Meeting to plan for any barriers and identify solutions regarding the child's educational placement;
7. Provide the court with information per IC 20-26-11-2, to determine legal settlement;
8. Notify the court of a new event that will cause a redetermination to the child's legal settlement. This may be completed as part of a progress report to the court; and
9. Ensure all education information (e.g., current grade level, school name, school address, School Notification and Best Interest Determination form, and Individualized Education Program [IEP] or Section 504 Plan [504 Plan] date and specifics), decisions, and actions taken are documented in the case management system as changes occur.

The Education Services Team will:

1. Collaborate with the FCM to complete the School Notification and Best Interest Determination form;

**Note:** If a collaborative decision cannot be made about the child's best interest, the FCM and Education Services Team will consult with the FCM Supervisor, the Local Office Director (LOD), and/or Education Services Director.

2. Provide the School Notification and Best Interest Determination form to the identified POC at the school corporation where the child currently attends and the POC at the school corporation where the child has legal settlement **within 72 hours** of the child's:
  - a. Removal from the child's home and initial placement in out-of-home care,
  - b. Change in out-of-home placement,
  - c. Return to the child's home,
  - d. Initial Determination of legal settlement,
  - e. Change in legal settlement determination,

**Note:** The FCM will complete a referral to the Education Services Team when legal settlement has changed.

- f. Change in educational placement, or
- g. DCS case closure.

**Note:** If the child's home placement change impacts the child's educational setting, the school corporation where the child will be attending will be notified per the POC collaboration required by ESSA.

3. Obtain the signature of the Local Education Agency's POC on the School Notification and Best Interest Determination form;
4. Sign the finalized School Notification and Best Interest Determination form;

5. Upload the signed School Notification and Best Interest Determination form into the Education Services Team referral prior to referral closure;
6. Send the finalized School Notification and Best Interest Determination form to the POC at the school corporation where the child will attend and the POC at the child's school of origin; and

**Note:** The Education Services Team will facilitate collaboration with the Local Education Agency's POC to make a final determination regarding if remaining in the school of origin is in the child's best interest.

7. Ensure before August 1<sup>st</sup> 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 Placement in School Corporation form.

**Note:** If the child attends the child's school of origin, but does not reside in the school district, a review of the child's best interest should occur with the Education Services Team before the annual school notification is due.

The LOD will collaborate with the Education Services Team, as needed, to ensure the School Notification and Best Interest Determination form is completed and submitted.

## LEGAL REFERENCES

- [IC 20-26-11: Legal Settlement and Transfer of Students; Transfer Tuition](#)
- [IC 20-26-11-2: Legal settlement](#)
- [IC 20-50-3-3: School of origin](#)
- [IC 31-34-3-4.7: Notice to the child's school](#)
- [IC 31-34-15-4: Form; contents](#)
- [IC 31-34-20-5: Determination and reporting of legal settlement of child](#)
- [IC 31-34-21-10: Review of child's legal settlement](#)

## RELEVANT INFORMATION

### Definitions

#### Every Student Succeeds Act (ESSA)

ESSA is a federal law which, as it pertains to foster children, was implemented in 2016. ESSA requires local education agencies' POCs and child welfare agencies' POCs to collaborate on determining educational best interests for foster children when their home placement change causes the potential for their education placement to change. ESSA also requires collaboration between the POCs on providing transportation for foster children who attend their school of origin but have been placed outside of the district. Questions regarding ESSA may be directed to the DCS Education Services Team.

#### Individualized Education Program (IEP)

An IEP is a written statement developed for a child that describes:

1. How a student will access the general education curriculum, if appropriate; and
2. The special education and related services needed to participate in the educational environment.

#### Legal Settlement

Legal settlement defines which school corporation has responsibility for payment of education costs.

#### School of Origin

The school of origin is the school that a student in foster care attended when the student last had a permanent residence or the school in which a student in foster care was last enrolled.

#### Section 504 (504 Plan)

Section 504 is a Federal law that prohibits disability discrimination by recipients of Federal financial assistance. The qualified student is entitled to receive regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. The 504 Plan requires, among other things, that a student with a disability receives an equal opportunity to participate in athletics and extracurricular activities, and to be free from bullying and harassment based on disability.

#### **Forms and Tools**

- [Annual Notification of Continuation of Placement in School Corporation \(SF 49812\)](#)
- [DCS Education Services Map](#)
- DCS Education Services Team email - [DCS.Education@dcs.IN.gov](mailto:DCS.Education@dcs.IN.gov)
- [Release of Education Records \(SF 55228\)](#)
- [School Notification and Best Interest Determination \(SF 47412\)](#)
- [School Notification Point of Contact \(POC\) List](#)

#### **Related Policies**

- [5.07 Child and Family Team Meetings](#)
- [5.12 Closing a CHINS Case](#)
- [5.24 Child-Focused Treatment Review \(CFTR\)](#)
- [8.04 Emergency Shelter Care and Urgent Residential Treatment Review and Approval](#)
- [8.39 Trial Home Visits](#)
- [9.03 Initial Placement/Placement Changes](#)