

ENSURING THE EDUCATIONAL STABILITY OF CHILDREN IN OUT-OF-HOME CARE (FOSTER CARE)

Policy 411.3

Waunakee Community School District

Page 1 of 3

The District shall collaborate with the county child welfare agency [*and tribal child welfare agency as applicable*] in ensuring the educational stability of children in out-of-home care (foster care). “Foster care” refers to 24-hour substitute care for children placed away from their parents and guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. To the extent required under applicable law, a child in foster care under this policy also includes children who an appropriate child welfare agency indicates are awaiting a foster care placement.

Children in foster care shall have equal access to the same free, appropriate public education as provided to other children in the District. They shall be provided the services and have access to the programs and activities that are offered to other children attending District schools, including educational services for which the children meet eligibility criteria (e.g., special education, Title I programming, programs and services for English Learners, gifted and talented programming, etc.), career and technical education programs, and school nutrition programs.

The Director of Student Services has primary administrative-level oversight of the District’s services for children who are in foster care. He/she, or a qualified administrative-level designee, shall be responsible for (1) providing any required assurances to applicable state and federal agencies that the District is complying with applicable state and federal requirements related to ensuring the educational stability of children in foster care; and (2) reasonably monitoring compliance with such assurances.

The Director of Student Services shall designate a staff member who shall serve as the District’s primary point of contact for the education of children in foster care. The District’s designated point of contact will be the primary liaison for the representatives of child welfare agencies who also have responsibility for ensuring the educational stability of children in foster care.

The District’s point of contact for the education of children in foster care will work with administrators and other District personnel to periodically review existing policies, procedures, practices, and data to identify and develop proposals to remedy and remove barriers that children in foster care may face in the school enrollment and admission processes, in regularly attending school, in accessing applicable support services (such as school counselors), in accessing academic programs, academic activities, or extracurricular activities, or in receiving appropriate credit for prior academic work.

The District’s point of contact for the education of children in foster care will also:

1. Coordinate with the points of contact and other appropriate representatives of child welfare agencies and of other educational agencies on the implementation of the Title I provisions related to ensuring the educational stability of children in foster care.
2. Assist appropriate child welfare agency representatives in making “best interest of the child” education decisions, including particularly the determination of whether or not it is in a child’s best interest to remain in his/her school of origin or to enroll in a new school. As examples, the District’s point of contact may (a) be involved in defining a process for making such decisions; (b) coordinate input from, or other participation by, other District staff; and (c) make, or assist in making, the District’s evaluation of the available and relevant information in a specific case. The

ENSURING THE EDUCATIONAL STABILITY OF CHILDREN IN OUT-OF-HOME CARE (FOSTER CARE)

Policy 411.3

Waunakee Community School District

Page 2 of 3

determination of a child's best interest in relation to school enrollment involves giving consideration to all factors relating to a child's best interest, including but not limited to the appropriateness of the current educational setting and the proximity of the child's placement to the school(s).

3. Facilitate the continued enrollment of a child in foster care in his/her school of origin; or, if remaining in the school of origin is determined not to be in the child's best interest, facilitate the child's immediate enrollment in a new school even if the child is unable to produce records normally required for enrollment.
4. Request, facilitate, and confirm, as applicable, the timely transfer of student records any time a child in foster care will be enrolling in a school (within or outside of the District) other than the school the child is currently attending (or most recently attended).
5. Coordinate the implementation of local transportation procedures related to children in foster care and the resolution of any transportation cost disputes, in consultation with the Director of Business Services, and in accordance with established procedures.
6. Facilitate the sharing of student record information with child welfare agency personnel in a manner that is consistent with applicable legal requirements, any applicable record sharing agreements, and established District policies and procedures regarding the maintenance and confidentiality of student records.
7. Have shared responsibility for ensuring that children in foster care attending schools in the District have access to and receive the educational services and supports and specialized programming for which they are eligible.

Legal References:

Wisconsin Statutes

[Section 48.38\(4\)](#)

[requirements of what must be included in child placed in out-of-home care's permanency (case) plan, including information about the child's education and school placement]

[Section 48.383](#)

[reasonable and prudent parent standard; authorizes foster parents and other out-of-home caregivers to consent to a child's participation in extracurricular and other designated activities]

[Section 48.64\(1r\)](#)

[child welfare agency notification of placement of school-age child in out-of-home care]

[Section 48.78](#)

[confidentiality of records maintained by child welfare agencies; includes a provision allowing for the confidential exchange of information between the agency and a public school consistent with [section 938.78](#) of the state statutes]

[Section 115.298\(1\)\(b\)](#)

[school board authority to enter into memorandum of understanding with a county department of social services/human services or tribal organization to disclose information contained in student records under [section 118.125\(2\)\(q\)](#)]

ENSURING THE EDUCATIONAL STABILITY OF CHILDREN IN OUT-OF-HOME CARE (FOSTER CARE)

Policy 411.3

Waunakee Community School District

Page 3 of 3

[Section 118.125\(2\)\(q\)](#) of the state statutes when the parent/guardian of a student or an adult student does not grant permission for disclosure] [access to student records by caseworker, county departments of social services/human services and tribal organizations if legally responsible for care and protection of the student and authorized to have access to the student's case plan]

[Section 938.78](#) [confidentiality of records maintained by a child welfare agency; includes authority to enter into interagency agreement with a school board for the confidential exchange of information regarding an individual in the care or legal custody of the agency]

Federal Laws

Title I, Part A of the Elementary and Secondary Education Act [[20 U.S.C. §6311\(g\)\(1\)E](#) and [§6312\(c\)\(5\)](#)] [educational agency requirements related to ensuring the educational stability of children in foster care]

Title IV of the Social Security Act [[42 U.S.C. §671\(a\)\(10\)](#) and [§ 675\(1\)\(G\)](#)] [child welfare agency requirements related to supporting normalcy for children in foster care and ensuring the educational stability of children in foster care]

Cross References:

WASB PRG 411.3 Sample Policy 1

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