

Best Interest Determination (BID) Information

The Every Student Succeeds Act (ESSA) includes unique educational stability protections for students placed in out-of-home care (OHC). **Following an OHC placement change, a student should only change schools if remaining in their school of origin (current or last attended public school) is not in their best interest.**

What is a Best Interest Determination (BID)?

During a BID, a child welfare agency and school(s) review key details about the student, their OHC placement, and educational needs and strengths to decide whether it would be in the student's best interest to remain in their school of origin or transfer to their new school of residence.

Child welfare agencies and schools should work together to develop clear protocols on how to make best interest determinations. A BID does not need to be a formal meeting, but the process should include every effort to gather meaningful input from relevant parties and take into consideration student-centered factors. The attached worksheet may be a helpful resource for collecting information and documenting decisions.

What should be considered during a BID?

While the law and regulations do not provide a clear definition of the term "best interest," non-regulatory guidance from the Departments of Education and Health and Human Services identify some of the factors that should be considered.

Core Factors

- Preferences of the student, the parent, and any education decision-maker
- Safety of the student
- Availability and quality of the services in the school to meet the student's educational needs
- Educational needs and strengths (specialized language services, individual education plan (IEP), advanced placement (AP) courses)

Additional Factors

- Expected length of placement and the student's permanency plan
- Number of schools the student has attended over the past few years and how transfers have impacted the student
- Connection to the student's ethnic, cultural, and/or linguistic background
- Student's attachment to the school, including meaningful relationships with staff and peers
- Timing of the transfer (possible to align with a logical juncture like the end of a semester or school year?)
- School(s) the student's sibling(s) attend
- Impact of length of commute on student

Important Note: The non-regulatory guidance specifically states that **the cost of transportation should not be considered when determining a student's best interest.*



Who should be involved in a BID?

A BID should involve input from a variety of sources – including the student (when appropriate). Other perspectives to consult include:

- Family members
- School staff from the school of origin (current school)
- School staff from the school of residence (potential new school)
- Other professionals working with the student or the family

A more comprehensive list of BID participants can be found in the attached worksheet.

What happens if there is not agreement about what is in the student's best interest?

While the law and the final regulations are silent on the issue of differences of opinion between the school and the child welfare agency in terms of the best interest of the student, the **federal guidance indicates that the child welfare agency should be considered the final decision-maker**. The rationale for this is that the child welfare agency is *"uniquely positioned to assess vital non-educational factors such as safety, sibling placements, the child's permanency goal, and other components of the case plan. The child welfare agency also has the authority, capacity, and responsibility to collaborate with and gain information from multiple parties, including parents, children, schools, and the court in making these decisions."*

In situations where a dispute may require additional discussion, both the Department of Public Instruction (DPI) and Department of Children and Families (DCF) have state points of contact available to offer support.

- **DPI:** Kim Jenkins, kimberly.jenkins@dpi.wi.gov, (608) 266-5180
- **DCF:** Education Point of Contact, dcfedupoc@wisconsin.gov

When other avenues have been exhausted, DPI has developed a dispute resolution process. More details about that process can be [found here](#).

Helpful Resources for Best Interest Determinations

- **Best Interest Determination Worksheet** (attached): This worksheet is not required but includes information that may be helpful in determining the best interests of a student.
- **[Promoting School Success for Foster Children: A Desk Guide for Caseworkers](#)**: Created by DCF for use by county caseworkers, this includes basic information about school enrollment, 2015 Wisconsin Act 161, the Education Passport, and best practices for child welfare staff.
- **The Education Passport**: Available as a template in eWisACWIS, the Education Passport is an efficient way to share child welfare information with schools.
 - [eWisACWIS Knowledge Web User Guide: Creating and Maintaining Education Record](#)
 - [Education Passport Sample Form](#)
- **[Understanding Guardianships, Legal Custody, and Physical Custody for School Professionals in Wisconsin](#)**: Created by DPI for school staff and community partners, this document summarizes guardianships, legal custody, physical custody, and educational decision-making authority.
- **[School Stability Under Fostering Connections: Making Best Interests Decisions](#)** (American Bar Association, 2011)
- **[Non-Regulatory Guidance: Ensuring Educational Stability and Success for Students in Foster Care](#)** (U.S. Department of Education and U.S. Department of Health and Human Services, 2024)

For additional information about out-of-home care issues, please go to <https://dpi.wi.gov/foster-care> or contact Kim Jenkins: kimberly.jenkins@dpi.wi.gov, (608) 266-5180.

Best Interest Determination (BID) Worksheet

The Every Student Succeeds Act (ESSA) requires schools and child welfare agencies to work together to support students placed in Out-of-Home Care (OHC). **Following an OHC placement change, a student should remain in their *school of origin* unless a BID finds it is in the student's best interest to enroll in the new school.** The school of origin is the school where the student was enrolled or most recently enrolled in at the time of OHC placement.

When a change in schools is considered, the local education agency (LEA) & child welfare agency (CWA) must collaborate to conduct a BID. Federal guidance recommends LEAs and CWAs work together to decide how to make best interest determinations. During the BID, every effort should be made to gather meaningful input from all relevant parties. All factors relating to the student's best interest must be considered – including child/youth centered factors like preferences of the student and special relationships formed at their current school. Cost of transportation should not be considered when determining what is in the student's best interest.

Using this Worksheet

This worksheet can be used by child welfare professionals in collaboration with appropriate school staff and other supportive adults in the student's life to guide a BID. Each section is designed to provide information about the student or prompt conversation around key concepts and factors that should be discussed when considering a school change. While use of this tool is not required, LEAs and CWAs may find this document helpful for discussing and documenting BID decisions in a consistent manner. This worksheet should be saved with any supporting documentation in the student's case file.

BID Meeting Information

Date of Meeting

Meeting Facilitator

Child Welfare Agency Representative Name

County Human Service Agency Name

CWA Representative Phone

CWA Representative Email

Local Education Agency Representative Name

School/District Name

LEA Representative Phone

LEA Representative Email

Best Interest Determination Worksheet

Student Information

Name	
Date of Birth	Grade Level
School of Origin	District of School of Origin
School of Residence	District of School of Residence
Other Potential School (if applicable)	District of Potential School (if applicable)

Schools Previously Attended		
<i>School</i>	<i>District</i>	<i>Year(s) Attended (if known)</i>

Supporting Documentation Used in BID

<input type="checkbox"/> IEP or 504 Plan	<input type="checkbox"/> Evaluations
<input type="checkbox"/> Report Cards and Progress Reports	<input type="checkbox"/> Transcript with current credits (if in high school)
<input type="checkbox"/> Student Achievement	<input type="checkbox"/> Discipline Records
<input type="checkbox"/> Attendance Data	<input type="checkbox"/> Education Passport
<input type="checkbox"/> Written Input from Absent Participants	

Other (please list):

Best Interest Determination Worksheet

BID Participant List

All roles listed below are individuals who could be invited to offer input during a BID or attend a BID meeting. Additional information about some of the roles on this list can be found in [Understanding Guardianships, Legal Custody, and Physical Custody for School Professionals in Wisconsin](#).

Role	Full Name (first, last)	Participating? Y/N	Contact Information
Student			
Parent			
Parent			
Child Welfare Education Point of Contact			
School Foster Care Point of Contact			
CWA Representative or Caseworker			
Out of Home Care Provider			
Student's Attorney, Guardian Ad Litem (GAL) or Court Appointed Special Advocate (CASA)			
Staff from Current School Who Knows Student			
School Counselor			
School Psychologist			
School Social Worker			
Other:			
Other:			
Other:			
Other:			

Questions for Consideration

1. Current School

How long has the student attended this school? How well are they performing academically?

2. School Stability

How many schools has the student attended over the past few years? This year? How have past school transfers impacted the student?

3. Academic Needs

How is the current school serving the student's academic needs, including gifted or special education, vocational opportunities and other interests? How could the new school serve these needs? If the student is a student with a disability, how will the new school provide services required by the student's individualized education program (IEP)?

4. Academic and Career Goals

What is the student's academic and career goals? How would changing schools affect the student's ability to earn full academic credit, advance to the next grade, graduate on time, etc.?

5. Social, Emotional, and Cultural Needs

How is the current school serving the student's social, emotional, and cultural needs? Does the student access school-based supportive services? How could the new school serve these needs?

6. School Relationships

Describe the nature, quality, and duration of the student's relationships in the current school. Specifically consider whether the student has a meaningful and supportive relationship with an adult at the school of origin. Also consider where the student's sibling(s) attend school, if applicable.

7. School Climate

Does the current school climate support the student's needs? Does the student have friends who provide peer support? Are they involved in extracurricular or other activities?

Best Interest Determination Worksheet

8. Living Arrangement

Is the student's new living arrangement expected to be short- or long-term? How is this impacted by the school selection?

9. Commute

How would the commute to the current school impact the student? Consider the student's age and developmental functioning as well as the length of the commute with various modes of transportation (car, school bus, public transit). ****Cost of transportation cannot be a factor when determining best interest.**

10. Academic Calendar

If the student must change schools, is it possible to time the transfer so it coincides with a logical academic juncture (like the end of a quarter, semester, or school year)? Consider the academic calendars of the new school and current school.

11. Factors Not Already Listed

What other factors should the team consider when making the best interest decision?

Best Interest Determination Worksheet

Best Interest Determination

Student Name

Key factors in team's decision:

It is in the best interest of the student to remain in the school of origin.

While permanent transportation is being arranged, interim transportation is to be provided to ensure there is no disruption in the student's education.

Decision Details

Transportation will be provided by:

Plan for additional transportation costs:

It is in the best interest of the student to not remain in the school of origin.

*The enrollment process will be completed by the parent, the child welfare agency or its agent (like a foster parent or facility staff person) with the school of residence **within one school day of the child's placement.***

*The student will be **immediately enrolled** in the school of residence and the school of residence will request the student's pupil records **the same day** from the school of origin. "Enrollment" means attending and actively participating in class.*

*The school of origin is to transfer the student's pupil records to the school of residence within **one school day.***

Decision Details

Name of school of residence student to be enrolled in:

Name of district of school of residence:

Date student to be enrolled (must be within one school day of placement):

Person responsible for enrolling student: