

	DEPARTMENT OF CHILDREN AND FAMILIES  Eloise Anderson Secretary	DEPARTMENT OF PUBLIC INSTRUCTION  Carolyn Stanford Taylor State Superintendent	
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## Best Interest and Educational Stability for Children in Out-of-Home Care

Under the Every Student Succeeds Act (ESSA), the presumption is that a student will remain in the school of origin, i.e., the school in which the student was enrolled or the last school in which the student was enrolled at the time of placement into out-of-home care; a student should only change schools if remaining in the school of origin is not in the student’s best interest, as determined collaboratively by the school and the child welfare agency. While the law and regulations do not provide a clear definition of the term “best interest,” the non-regulatory guidelines issued jointly by the U.S. Departments of Education and Health and Human Services and other documents do identify some factors that should be considered when attempting to ensure educational stability (i.e., best interest):

**1. When making a best interest determination for school stability for a student entering an out-of-home care placement, the following core factors should be taken into consideration:**

- preferences of the student, the parent, and any education decision-maker;
- safety of the student;
- educational needs and strengths (specialized language services, individual education plan (IEP), advanced placement (AP) courses).

**2. These additional factors should be considered in conjunction with the above 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;
- continuity in the student’s ethnic, cultural, and linguistic background;
- student’s attachment to the school, including meaningful relationships with staff and peers;
- whether the timing of the transfer would coincide with a logical juncture, such as the end of the school semester or school year;
- what school(s) the student’s sibling(s) attend; and
- how the length of the commute would impact the 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.

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.”

It is important to gather information from a variety of sources, including family members, school staff from the school of origin school of residence, other professionals working with the student or the family, and any other appropriate parties. The attached worksheet, which was developed by the state of Ohio and modified for Wisconsin, may be helpful in the process of determining the student’s best interest.

You may also find the document entitled “[Promoting School Success for Foster Children: A Desk Guide for Caseworkers](#)” to be useful. It was created by the Department of Children and Families for use by county caseworkers.

In addition, the Department of Children and Families has created an [Education Passport](#) for the purpose of sharing child welfare information with schools.

**For additional information about out-of-home care issues, go to <https://dpi.wi.gov/foster-care> or call the Title I and School Support Team office at (608) 267-3721.**

# Best Interest Determination Worksheet

*Note: The following materials are designed to indicate the concepts and factors that should be considered. They are not required. The process used in many cases may be more informal than these worksheets indicate.*

The Every Student Succeeds Act requires that a student remain in the school of origin (the school in which the student was enrolled or the last school in which the student was enrolled at the time of placement into out-of-home care) unless a best interest determination finds that the student should be enrolled in the school of residence.

The child welfare caseworker or child welfare agency point of contact can use this worksheet in collaboration with appropriate school staff and other supportive adults in the student's life. This worksheet and any supporting documentation should be maintained in the student's case file.

	Date of Meeting
	Meeting Facilitator
Student's Name <i>First and Last</i>	Grade
Child Welfare Agency Representative Name	
Phone <i>Area Code/No.</i>	E-Mail
Primary School Representative Name	
Phone <i>Area Code/No.</i>	E-Mail
School of Origin and District	
School of Residence and District	
School(s) and District(s) Previously Attended	Years (if known)
_____	_____
_____	_____
_____	_____
<b>Supporting Documentation Considered</b>	
<input type="checkbox"/> Report Cards and Progress Reports	<input type="checkbox"/> Discipline Records
<input type="checkbox"/> Student Achievement	<input type="checkbox"/> Evaluations
<input type="checkbox"/> Attendance Data	<input type="checkbox"/> Written input from absent participants
<input type="checkbox"/> IEP or 504 Plan	<input type="checkbox"/> Other:
<input type="checkbox"/> Transcript with Current High School Credits <i>If applicable</i>	<input type="checkbox"/> Other:

## Best Interest Determination Worksheet Participant List

Note that not all roles will be participating in all best interest determination meetings and in many cases there may not even be a formal meeting structure. The important concept is to obtain input from as many people as possible.

Role	Printed Name	Phone	E-Mail
Student	First: Last:		
Parent	First: Last:		
Parent	First: Last:		
Placing Agency Representative or Caseworker	First: Last:		
Foster Parent/Caregiver	First: Last:		
Student's Attorney, Guardian ad litem, or Court Appointed Special Advocate	First: Last:		
Person Acting as Parent	First: Last:		
Staff from Current School Who Knows Student	First: Last:		
Placing Agency Education Point of Contact	First: Last:		
School Foster Care Point of Contact	First: Last:		
School Counselor	First: Last:		
School Psychologist	First: Last:		
School Social Worker	First: Last:		
Other:	First: Last:		
Other:	First: Last:		

# Best Interest Determination Worksheet

## Questions for Consideration

### When Determining Student's Best Interest

1. How long has the student attended this school? How well is he or she performing academically?
2. How many schools has the student attended over the past few years? This year? How have past school transfers impacted the student?
3. 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 the services required by the student's individualized education program (IEP)?
4. What are 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. 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. 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. Consider where the student's sibling(s) attend school, if applicable.
7. Does the current school climate support the student's needs? Does the student have friends who provide peer support? Is he or she involved in extracurricular or other activities?
8. Is the student's new living arrangement expected to be short- or long-term? How is this impacted by the school selection?
9. 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 (e.g., car, school bus, public transit). *Note:* The cost of transportation may **not** be a factor when determining best interest.
10. If the student must change schools, is it possible to time the transfer so that it coincides with a logical academic juncture (e.g., the end of the quarter, semester, school year)? Consider the academic calendars of the new school and the current school.
11. What other factors did the team consider when making the best interest decision?

# Best Interest Determination Worksheet

## Conclusion Check List

Student Name *First and Last Name*

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.

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

- The enrollment process is to be completed by the child welfare agency or its agent (e.g., foster parent or facility staff person) and provided to the resident school **within one school day** of the child's placement.
- The student will be **immediately enrolled** in the resident school. The resident school is to 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 resident school within **one school day**.

### Resource

Wisconsin Department of Children and Families. [Promoting School Success for Foster Children: A Desk Guide for Caseworkers](#) (Accessed February 9, 2017)

# Best Interest Determination Worksheet

## Transportation Plan

Student's Name

Identify key factors relevant to the team's decision

**The student will remain in the school of origin.**

Transportation will be provided by: \_\_\_\_\_

\_\_\_\_\_

Responsible party or parties for additional transportation costs:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The student will be enrolled in the resident school.**

Enrollment in the resident school must take place without interruption.

The above-named student will be enrolled in \_\_\_\_\_ School  
in the \_\_\_\_\_ School District on \_\_\_\_\_  
(Date)

The person responsible for enrolling the student in the resident school is:

\_\_\_\_\_