

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> October 1, 2019
	<b>Section 22:</b> School Notifications and Legal Settlement	<b>Version:</b> 4

<b>STATEMENTS OF PURPOSE</b>
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The Indiana Department of Child Services (DCS) will partner with the resource parent 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 policy [5.7 Child and Family Team Meetings](#) for additional information.

In accordance with the Every Student Succeeds Act (ESSA), DCS, Indiana Department of Education (DOE), and local education agencies must identify state and local Point of Contacts (POC) to collaborate on determining the best educational interests of children in out-of-home care. DCS has appointed the Education Services Director as the agency’s state ESSA POC and the Education Liaisons (EL) as the agency’s local ESSA POC. See [Practice Guidance](#) for additional information.

DCS will provide the court with the following addresses so the court may determine legal settlement<sup>1</sup>:

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

DCS will notify the school and the school corporation where the child currently attends and the school corporation where the child has legal settlement **in writing 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

**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.

7. DCS case closure.

<sup>1</sup> Legal settlement defines which school corporation has responsibility for payment of the child’s education expenses.

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: Transfer Tuition](#)
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](#)
4. [IC 31-34-21-10: Review of child's legal settlement](#)
5. [IC 20-50-3-3: School of origin](#)

### **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, and
  - d. Members of the CFT.

**Note:** The FCM should complete the [Release of Education Records \(SF 55228\)](#) and submit to the last school in which the child was enrolled to obtain educational records.

2. Submit a Permanency and Practice Support (PPS) referral to the Educational Services team when the child's placement changes and/or there is the potential for an educational placement change, including a child placed through an ICPC;

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

3. Work with the Education 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 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 \(SF 47412\)](#) and provide it to the school corporation's identified POC where the child currently attends and where the child has legal settlement **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. Notify the court if the parent, guardian, or custodian moves to a new address, so the court can re-determine "legal settlement". This may be completed as part of a progress report to the court; and
  8. Ensure all education information (e.g., current grade level, school name, and address, [School Notification \(SF 47412\)](#) forms, [ESSA POC Checklist](#), and IEP date and specifics), decisions, and actions taken are documented in the case management system as changes occur, or at a minimum, annually.

The EL will:

1. Collaborate with the FCM to complete the [ESSA POC Checklist](#) and assist in obtaining an official determination regarding whether it is in the child's best interest to remain in his or her [school of origin](#);

**Note:** If an official determination cannot be made between the FCM and EL, the FCM and EL will consult with the FCM Supervisor or the Local Office Director (LOD).

2. Send the [ESSA POC Checklist](#) to the local education agency POC, for review and determination on the child's best interests for school enrollment and transportation needs;
3. Obtain the signature of the local education agency POC on the [ESSA POC Checklist](#);
4. Sign the finalized [ESSA POC Checklist](#);
5. Upload the signed [ESSA POC Checklist](#) into the PPS referral prior to referral closure; and
6. Send the finalized [ESSA POC Checklist](#) to both the school corporation POC where the child will attend and the child's [school of origin](#).

The LOD will 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 Continuation of Placement in School Corporation \(SF 49812\)](#) form.

**Note:** If the child attends his or her [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 prior to the annual school notification.

## PRACTICE GUIDANCE

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

If the child's parent, guardian, or custodian moves, the person completing the [School Notification \(SF 47412\)](#) or the [Annual Notification of Continuation of Placement in School Corporation \(SF 49812\)](#) should include the current address of the child's parent, guardian, or custodian and the most recently determined school corporation of legal settlement. The school corporation of legal settlement and/or the Indiana DOE 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, 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 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 Hearing**

The FCM must include the date of the court hearing when the court agreed to the recommended placement on the [School Notification \(SF 47412\)](#) or the [Annual Notification of Continuation of Placement in School Corporation \(SF 49812\)](#) 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' POC and child welfare agencies' POC to collaborate on determining educational best interests for foster children when their home placement change causes the potential for their education placement to change. Foster children should remain in their [school of origin](#) unless there is justification, based on the needs of the child, to transfer to their new school of residence.

ESSA requires local education agencies' POC and child welfare agencies' POC to collaborate on providing transportation for foster children who attend their [school of origin](#) but have been placed outside of the district. The [school of origin](#) is required to provide transportation for a foster child removed from his or her home and placed outside of the [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](#). Best interest determinations, including a plan for transportation, between the local school POC and child welfare POCs are expected to be finalized within five (5) instructional days after receiving the request from the child welfare POC. In some situations, the collaboration process may take more time to deliberate.

DCS is responsible for arranging transportation until the best interest determination is completed. If resource parents are able and willing to provide transportation for the child, in collaboration with the school or origin, this is a suitable option to fulfill the school of origin's obligations to ensure transportation is provided.

### **Local School Point of Contact List**

A list of contact information for school corporations may be found in the [School Notification Point of Contact \(POC\) List](#). Best interest determinations need to be initially discussed between the FCM and the EL.

## FORMS AND TOOLS

1. [School Notification \(SF 47412\)](#)
2. [Annual Notification of Continuation of Placement in School Corporation \(SF 49812\)](#)
3. [ESSA POC Checklist](#)
4. [School Notification Point of Contact \(POC\) List](#)
5. [Release of Education Records \(SF 55228\)](#)

## 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.

### **School of Origin**

[IC 20-50-3-3](#) defines school of origin as 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.

### **Education Records**

Education records maintained by the school include a range of information about a student. Examples of information include, but are not limited to:

1. Date and place of birth, address of the parent, guardian, or custodian; and contact information in case of an emergency;
2. Grades, test scores, courses taken, academic specializations, activities, and official letters regarding a student's status in school;
3. Special education records;
4. Disciplinary records;
5. Medical and health records the school creates or collects and maintains;
6. Documentation of attendance, schools attended, awards conferred, and degrees earned; and
7. Personal information, such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.

**Note:** Personal notes made by teachers and other school officials that are not shared with others are not considered education records. Additionally, law enforcement records created and maintained by a school or district's law enforcement unit are not education records.