

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services <b>Section 22:</b> School Notifications and Legal Settlement	
	<b>Effective Date:</b> February 1, 2025	<b>Version:</b> 6

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## POLICY OVERVIEW

Success in school is more likely when safety, stability, permanency, and well-being are fully integrated into a child's educational plan. To promote improved outcomes for a child in out-of-home care, the Indiana Department of Child Services (DCS) collaborates with the child's school to determine the best educational interest of the child.

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## 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. Submit a referral to DCS Education Services for completion of the School Notification and Best Interest Determination form within **24 hours** of the child's removal or change in placement to ensure formal notification is sent by the DCS Education Consultant (EC) within 72 hours (see the DCS Education Services Map);
2. Verbally notify the child's current school of the child's removal or change of placement within **24 hours** and submit a referral to DCS Education Services for review of the educational best interests. 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),
  - d. Admission to residential treatment (see policy 5.24 Child-Focused Treatment Review [CFTR]), and
  - e. Case closure (see policy 5.12 Closing a CHINS Case).
3. Gather information regarding the child's education (e.g., grades, discipline reports, attendance, special education, Individualized Education Program [IEP], Section 504 Plan [504 Plan]), and discuss the child's educational best interest with the following:
  - a. The child, if age and developmentally appropriate,

- 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 information learned with the DCS EC to determine whether it is in the child's best interest to remain at the school of origin;
- 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;

**Note:** If parental rights are terminated, the court should re-determine legal settlement. If the child is in permanent placement, the address of that placement should be provided to the court. If the child is not in a permanent placement, the address of the current resource parent should be provided to the court.

- 8. Complete a referral to DCS Education Services if legal settlement has changed;

**Note:** If the child's parent, guardian, or custodian moves, the School Notification and Best Interest Determination form or the Annual Notification of Continuation of Placement in School Corporation should include the current address of the child's parent, guardian, or custodian and the most recently determined school corporation of legal settlement.

- 9. Notify the court of a new event that will cause a redetermination to the child's legal settlement (e.g., the child's parent, guardian, or custodian moves to a new residence outside of the original school of legal settlement). This may be completed as part of a progress report to the court; and
- 10. Ensure all education information (e.g., current grade level, school name, school address, School Notification and Best Interest Determination form, and IEP or 504 Plan date and specifics), decisions, and actions taken are documented in the case management system as changes occur.

**Note:** All educational and placement information must be updated by June 30<sup>th</sup> of each year to support the DCS EC in the completion of the annual notifications that are required by August 1<sup>st</sup>.

The DCS EC 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 DCS EC 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, which results in a change of the child's physical address (e.g., resource parent moves to a new home, change in resource parent, admission to residential treatment, acute psychiatric treatment),
  - c. Return to the child's home,
  - d. Initial determination of legal settlement,
  - e. Change in legal settlement determination,
  - 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 school'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 DCS Education Services 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:** DCS Education Services will facilitate collaboration with the local school's POC to make a final determination regarding educational stability and best interests.

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 DCS Education Services before the annual school notification is due.

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

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## 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 and is determined by where the student's parents reside. Legal settlement of a student means the student's status with respect to the school corporation that has the responsibility to allow the student to attend its local public schools without the payment of tuition or to pay transfer tuition under IC 20-26-11 if the student attends school in a local public school of another school corporation.

### **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 Plan (504 Plan)**

The 504 Plan 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 Contact Map](#)
- DCS Education Services Team email - [DCS.Education@dcs.IN.gov](mailto:DCS.Education@dcs.IN.gov)
- [Every Student Succeeds Act \(ESSA\) U.S. Department of Education](#)
- [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 \(CFT\) Meetings](#)
- [5.12 Closing a CHINS Case](#)

- [5.24 Child-Focused Treatment Review \(CFTR\)](#)
- [8.04 Emergency Shelter Care and Urgent Residential Treatment](#)
- [8.39 Trial Home Visits \(THV\)](#)
- [9.03 Initial Placement/Placement Changes](#)

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## 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](#)
- [20 U.S.C. § 6301, et seq.: Every Student Succeeds Act \(ESSA\)](#)

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## **PRACTICE GUIDANCE- DCS POLICY 8.22**

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

N/A

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