

Health and Education Justice Initiative
Advancing justice in child health and well-being

KNOW YOUR RIGHTS: EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

Did you know? Under the Every Student Succeeds Act (“ESSA”), foster children can remain in their current school even if their living situation changes. If staying in the same school is not in their best interest, they are entitled to immediate enrollment in a new school even if the child’s team cannot produce the typical records required for enrollment. A “best interest determination” (“BID”) conference, involving various stakeholders, ensures decisions are made in the child’s best interest. The Fostering Connections Act of 2008 also mandates child welfare agencies to support the educational needs of foster youth and maintain their academic records.

What Is a Best Interest Determination?

- A Best Interest Determination (or “BID”) is the “process through which educational agencies and child welfare agencies partner with important people in a student’s life” to determine whether it is in their “best interest to remain at their school of origin or change schools.” A student must remain at their school of origin until the BID is complete.
- A BID is triggered when a student enters foster care or changes foster care placements. The BID should be performed within 3 business days of the placement.

BEST INTEREST DETERMINATION CHECKLIST

- Was the child or youth informed of the benefits of inviting an advocate or “significant person” to attend the meeting?
- Was the child or youth’s school of origin identified and treated as the default (i.e. presumed to be in their best interest)?
- Was the child or youth asked about their preference?
- Was the child’s IEP team present if applicable?
- Did the BID team keep the cost of transportation out of the determination?
- Was the educational decision-maker/ parent informed of their right to dispute the BID?

SEE: <https://dese.mo.gov/media/pdf/dispute-resolution-procedures-foster-care>

for Missouri’s dispute resolution process.

FEDERAL LAW

Two federal laws work together to make sure child welfare agencies and schools do their part to support students in foster care

(1) The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) requires child welfare agencies to coordinate with local education agencies to ensure school stability and minimize disruptions to a foster student’s education.

(2) The Every Student Succeeds Act (ESSA) was enacted in 2015 and contains additional protections for students in foster care. ESSA requires that students must be immediately enrolled in school and provided transportation to their school of origin, even if they move to a new home.

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New Federal Guidance

In November 2024, the U.S. Department of Education & Children's Bureau released best practices information on educational stability which:

- **Reinforces the importance of school stability**, because staying in the same school helps foster students succeed and should be a top priority in placement decisions.
- **Broadens the focus to include academic success**, including support for attendance, graduation, and postsecondary goals.
- **Recognizes the unique needs of students with overlapping identities**, such as those with disabilities, English language learners, or youth involved in the justice system.
- **Highlights the critical role of funding and data**, showing how both are essential to helping students in foster care thrive.
- **Encourages school districts to consider the impact of trauma** and to use removal from school (i.e. suspension) only as a last resort.

Missouri Law

In 2009, Missouri created what is known as the "Foster Care Education Bill of Rights". These laws require public school districts and child placing agencies to ensure foster children don't fall through the cracks when it comes to receiving an education.

- **Section 167.018 – School District Responsibilities.** Each Missouri school district must designate an **educational liaison** for students in foster care. This liaison is responsible for: **(1) Helping with School Placement:** Ensuring foster children are placed in the right school and helping with enrollment and withdrawal. **(2) Supporting School Transfers:** Assisting students when they move between schools or districts, including making sure credits and grades transfer properly. **(3) Requesting Records Quickly:** Asking for a student's school records within **two business days** of their placement in a new school. **(4) Sending Records Promptly:** Providing school records within **three business days** when another school requests them.
- **Section 167.019 – Rights of Foster Youth.** This section outlines the **educational rights of students in foster care**, including: **(1) Right to Immediate Enrollment:** Students must be enrolled in school right away, even if they don't have all the usual documents. **(2) Right to Stay in the Same School:** If it's in their best interest, students can stay in their current school even if their foster placement changes. **(3) Right to Participate Fully:** Foster youth have the right to take part in all school activities, including sports and extracurriculars. **(4) Right to Graduate on Time:** Schools must help ensure foster youth can graduate on time, even if they've changed schools.

KEY TERMS

- **School of Origin:** The school where the child is enrolled at each placement in foster care.
- **School of Residency:** The school where the child is staying in foster care.
- **State Educational Agency (SEA):** The state agency that oversees all programs related to education and all LEAs; in Missouri, this is the Department of Elementary & Secondary Education (DESE).
- **Local Educational Agency (LEA):** The local entity, usually a school district, responsible for implementing education laws.
- **State Child Welfare Agency (SCWA):** The state agency that oversees all programs related to child welfare.

IMPORTANT INFO ABOUT TRANSPORTATION



- An LEA must ensure that a student in foster care in need of transportation to their school of origin receives transportation for the duration of their time in foster care.
- Transportation to a school of origin should be provided within 3 business days of the completion of the BID process.
- Either the LEA pays for transportation, the child welfare agency agrees to reimburse the LEA, or both share the cost.
- This transportation should include "transportation for needed academic supports" including tutoring, summer school, and enrichment programs.
- While not required when students exit foster care, the LEA is encouraged to provide transportation to the school of origin through the end of the school year in which the student exits foster care.

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