

65C-28.018 Meeting the Child's Educational Needs.

(1) Maintaining the child's school stability while in out-of-home care is first priority, unless remaining in the ~~same~~ school of origin or educational setting is not in the best interest of the child as documented in FSFN.

(a) The child welfare professional caregiver will work with the caregiver child welfare professional, child's parent or guardian, guardian ad litem, child's attorney, and educational surrogate, if appointed, and school district representative or foster care liaison to ensure school stability for the child ~~determine the best educational setting:~~

1. At the time of placement in out-of-home care; and
2. At the time of any subsequent placement changes; ~~and,~~
3. ~~When it is determined that it is not in the best interest for the child to remain in the child's current educational setting.~~

(b) Educational settings include any setting set forth in Section 1002.20(6), F.S.

(c) Factors to be considered in making a determination that remaining in the school of origin is not in the child's best interest shall in determining the best educational setting for the child include:

1. The child's desire to remain in the school of origin.
2. The preference of the child's parent(s) or legal guardian;
3. Whether the child has a sibling(s), close friends, and/or a mentor at the school of origin
4. Cultural and community connections.
- ~~5.~~ 1. The ability to implement a 504 Plan, an I.E.P, or other special education services, if applicable.
- ~~6.~~ 2. The impact a change would have on academic credits and progress towards promotion.
- ~~7.~~ 3. The availability of extracurricular activities important to the child.
8. Course offerings.
- ~~5.~~ ~~Cultural and community connections.~~
- ~~9.~~ 6. The child's medical and behavioral health needs.
- ~~10.~~ 7. The child's permanency goal and timeframe for achieving permanency.
11. The child's history of school transfers and how they have impacted the child; and
12. The length of the commute and how it would impact the child.

(d) The cost of transportation cannot be a factor in making the best interest determination.

(e) The child welfare professional shall document and upload in FSFN the best interest determination on the “School Stability Checklist”, CF-FSP XXX, October 2016, incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-0XXX>.

(f)(4) If remaining in the school of origin is deemed to not be in the child’s best interest, then the change ~~Changes~~ in educational settings should be made at logical junctures, including during school breaks and at the end of a grading period. Once the decision to transfer the child to another educational setting has been made and a logical juncture identified, the child should be immediately enrolled in the new school at the identified time to avoid any absences in attendance.

(2) School Enrollment and Records. When a child enters care or changes schools as the result of a change in placement or any other reason, the child welfare professional responsible for the case shall immediately prepare and submit the necessary paperwork, in accordance with local agreement, to notify the child’s school that the child is in out-of-home care. . The child welfare professional shall provide the child’s new school with any documentation in the child’s record that is required for enrollment.

(3) Documentation of the best interest determination to change the child’s school of origin shall be provided by the child welfare professional to the child’s new school and uploaded into FSFN.

(4)(3) If no suitable out-of-home care placement is found within the same geographic boundaries as the school of origin, the child welfare professional shall review the child’s educational progress, records, and the specifics of any special programs in which the child is enrolled or through which the child receives services, and compare the child’s educational needs and current services with the services that are available in the school which serves the geographic area of the intended placement. The child welfare professional may consult with the school district representative or foster care liaison in reviewing and comparing services.

(5)(4) ~~When a child remains~~ If it is in the child’s best interest to remain in the school of origin, the child welfare professional shall, in accordance with local agreement, contact the foster care liaison or other designees as identified within the school district for the child’s school of origin to make arrangements for ~~determine whether the child meets the requirements of the McKinney Vento Homeless Assistance Act, 42 U.S.C.A. §11431 et seq., as a “child awaiting foster care placement” or whether the school district will otherwise provide~~ transportation to the school of origin, in accordance with local agreement ~~even if the child is moved to another county.~~

(a) If the school district agrees to provide transportation, the child welfare professional shall immediately arrange transportation to the school of origin in the interim period while awaiting the school district to begin providing the transportation.

(b) ~~If the school district refuses to provide transportation, or declines to define the child as homeless such that the child is not entitled to the protections of the McKinney Vento Act, the child welfare professional shall:~~

~~1. Discuss this denial with Children's Legal Services to determine whether the child should engage in the McKinney-Vento dispute resolution process; and,~~

~~2. Explore other transportation options to maintain school stability.~~

~~(6)(5) Special Education Considerations.~~

(a) When a child has, is suspected of having, or is identified in any assessment of having a disability, the child welfare professional shall communicate with ~~contact the Children's Legal Services attorney to determine whether~~ the child's parent or legal guardian to determine if they are ~~is~~ willing and able to continue to serve as the child's educational decision maker.

(b) If the child's parent or legal guardian is unwilling or unable to serve as the child's educational decision maker, the child welfare professional ~~CLS Attorney~~ shall:

1. Determine whether the out-of-home caregiver, excluding child-caring agency staff and therapeutic foster parents, is willing and able to attend the necessary training and to serve as the child's surrogate parent; or

2. Request the Children's Legal Services (CLS) attorney ~~s~~ Seek the appointment of a surrogate parent by the court.

~~(7)(6)~~ Documentation. The child welfare professional shall document in FSFN the following for each child:

(a) Information about the current school or educational setting of the child.

(b) All schools or educational settings the child has attended since the date the child has been in the custody of the Department.

(c) The length of time the child has spent in each school or educational setting.

(d) The number of high school credits each age child 14 years or older has earned.

(e) The child's surrogate parent, if one has been appointed.

(f) The reason for any change in the child's educational setting.

(g) Information regarding the child's educational records, which may include:

1. Report cards;

2. Transcripts;

3. Individual Education Plan; and,

4. A 504 plan, developed under the provisions of Section 504 of the Rehabilitation Act of 1973.