



Who Says Yes? Educational Decision-Making & School Stability in Foster Care

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Presenters



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Today's Agenda

Impact of school changes on
academic outcomes

Federal & state education law basics

Educational stability: Best Interest
Determinations & School of Origin

Educational Decision-making

Questions & Answers



What is one curiosity you have for today's training?



Image by [Pavel](#) from [Pixabay](#)



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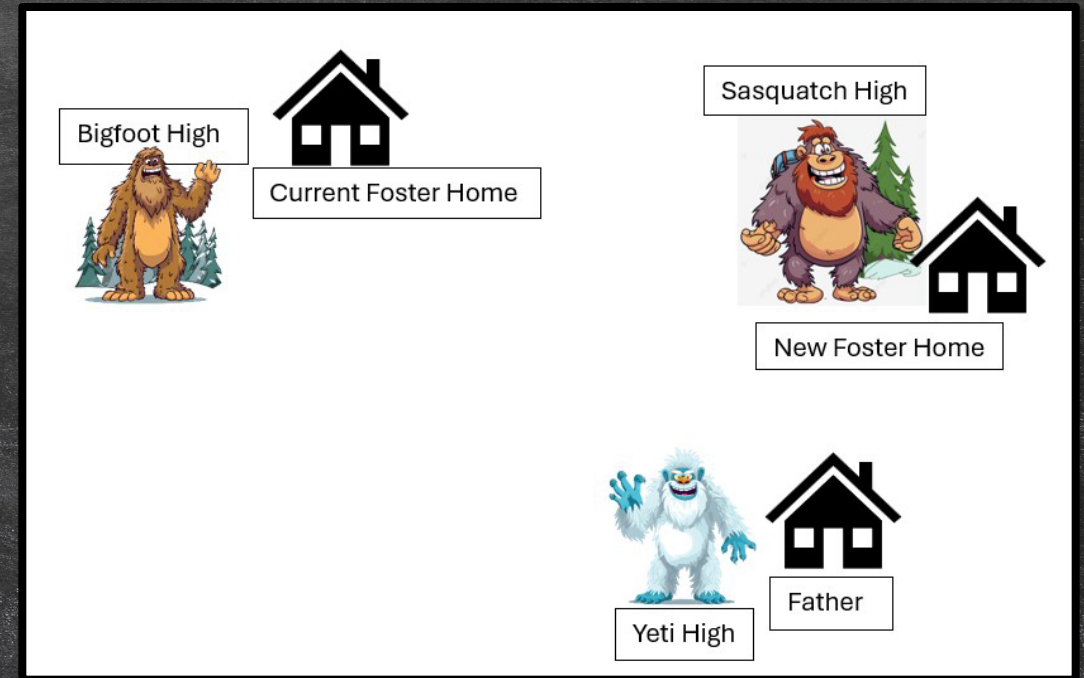


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SCENARIO

Bobby is currently in 10th grade at Bigfoot High School. He is moving to a new foster home 45 minutes away, in a different school district & within the Sasquatch High School boundaries. Bobby's attorney is recommending that he attend Yeti High School in a neighboring district. While Bobby has never attended Yeti High School, the attorney contends that it's much closer than Bigfoot HS and it's in the father's neighborhood so when reunification occurs, Bobby won't have to change schools again.

- A. Who gets to decide which school Bobby attends?
- B. Which schools should be considered?
- C. Which factors should be considered?
- D. What if there's not consensus on the school?
- E. Who is responsible for transportation?



School Changes & Academic Impacts



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Acronyms, Acronyms, Acronyms

ESSA – Every Student Succeeds Act

BIDM – Best Interest Determination Meeting

BPOC – Building Point of Contact

CEDARS – Comprehensive Education Data and Research System (at OSPI)

CWA – Child Welfare Agency

DCYF – Department of Children, Youth and Families (Child Welfare in WA)

FAFSA – Free Application for Federal Student Aid

IDEA – Individuals with Disabilities Education Act

IEP – Individualized Education Plan

LEA – Local Education Agency

OSPI – Office of the Superintendent of Public Instruction

PII – Personally Identifiable Information

RCW – Revised Code of Washington

SOO – School of Origin

504 – Civil Rights law that ensures students with disabilities have equal access to educational opportunities

Impact of School Changes

Research shows that every time a student changes schools, they *lose between 4-6 months of academic progress**. They quickly fall behind their peers.

A positive, stable school experience provides *structure and nurtures an environment where students can learn and grow.*

* Morton, B. M. (2015). Barriers to academic achievement for Foster Youth: The story behind the statistics. *Journal of Research in Childhood Education*, 29(4), 476–491. <https://doi.org/10.1080/02568543.2015.1073817>





Image by Gerd Altmann from Pixabay

With ***fewer school disruptions***, youth:

- ✓ are provided with a *familiar setting for learning*
- ✓ *remain connected* to school peers and supports
- ✓ are more likely to *access appropriate coursework* and remain on a path to achieve college and career readiness
- ✓ have *educators and school staff who know* their strengths and where they may need a little extra help



Children in foster care experience much higher levels of residential and school instability than their peers and are more likely to face a variety of academic difficulties.

The School Counselor and Supporting Students in Foster Care - American School Counselor Association (ASCA). (n.d.). [www.schoolcounselor.org. https://www.schoolcounselor.org/Standards-Positions/Position-Statements/ASCA-Position-Statements/The-School-Counselor-and-Supporting-Students-in-Fo](https://www.schoolcounselor.org/Standards-Positions/Position-Statements/ASCA-Position-Statements/The-School-Counselor-and-Supporting-Students-in-Fo)



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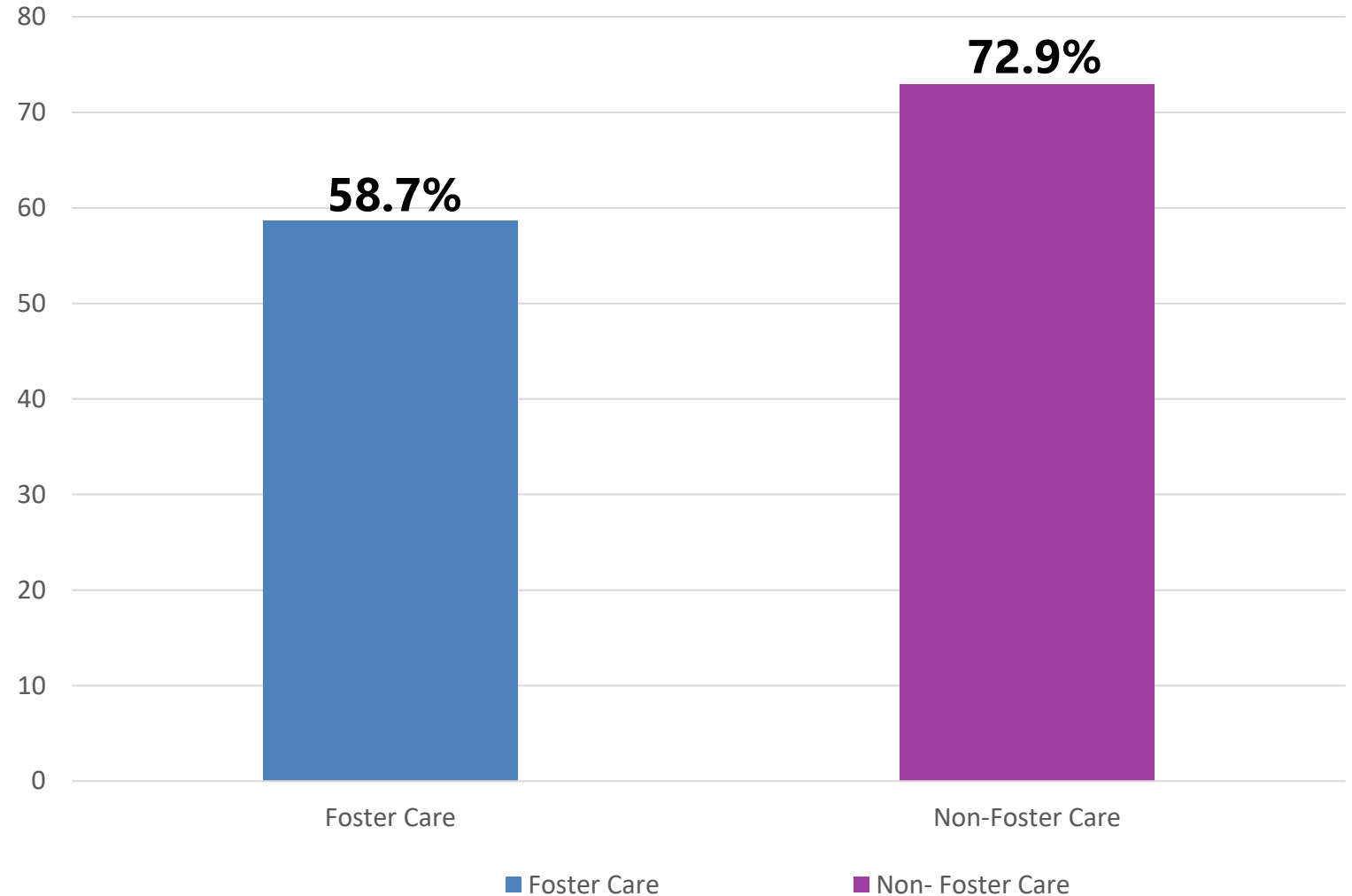


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Attendance 2024-2025

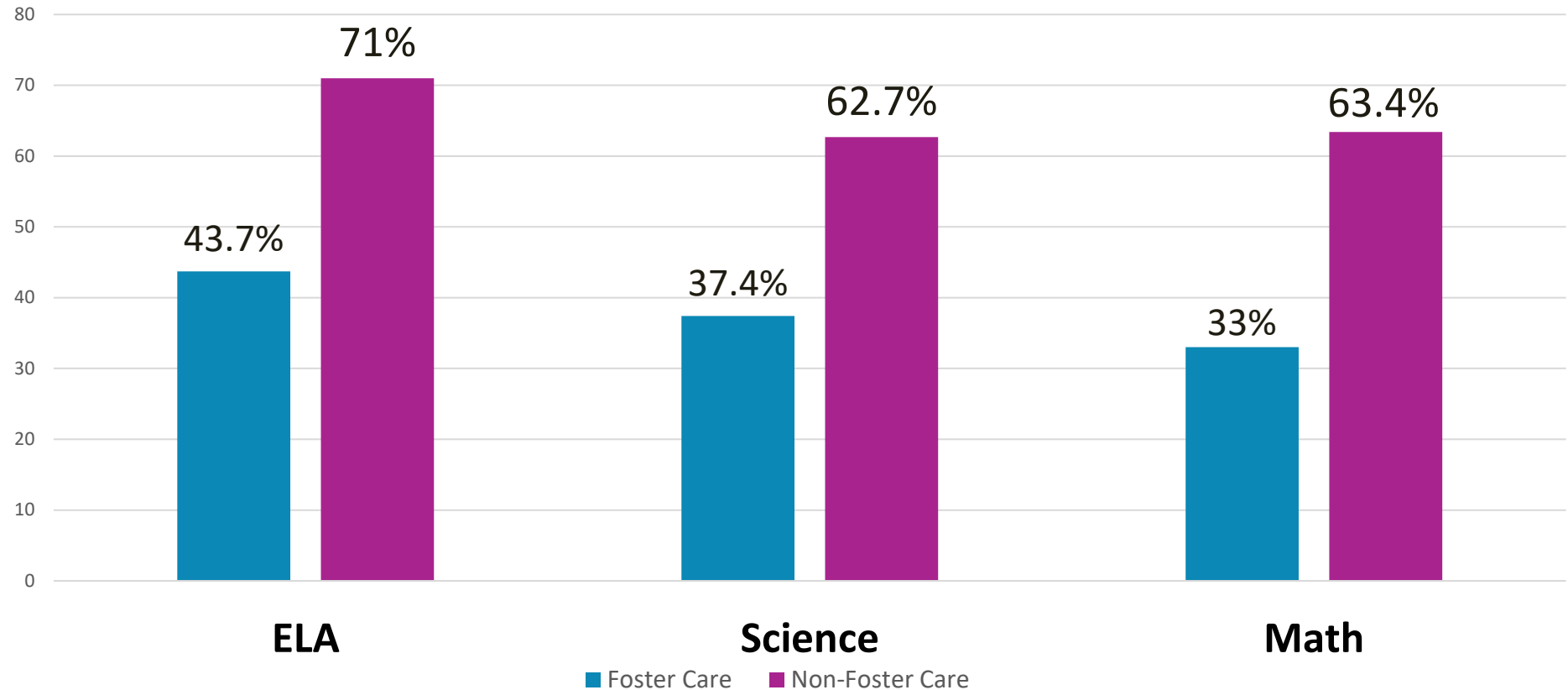
OSPI defines regular attendance as the percentage of students with an average of fewer than 2 absences per month.

Source: [OSPI Report Card](#), 4/1/26



Assessments 2024-2025

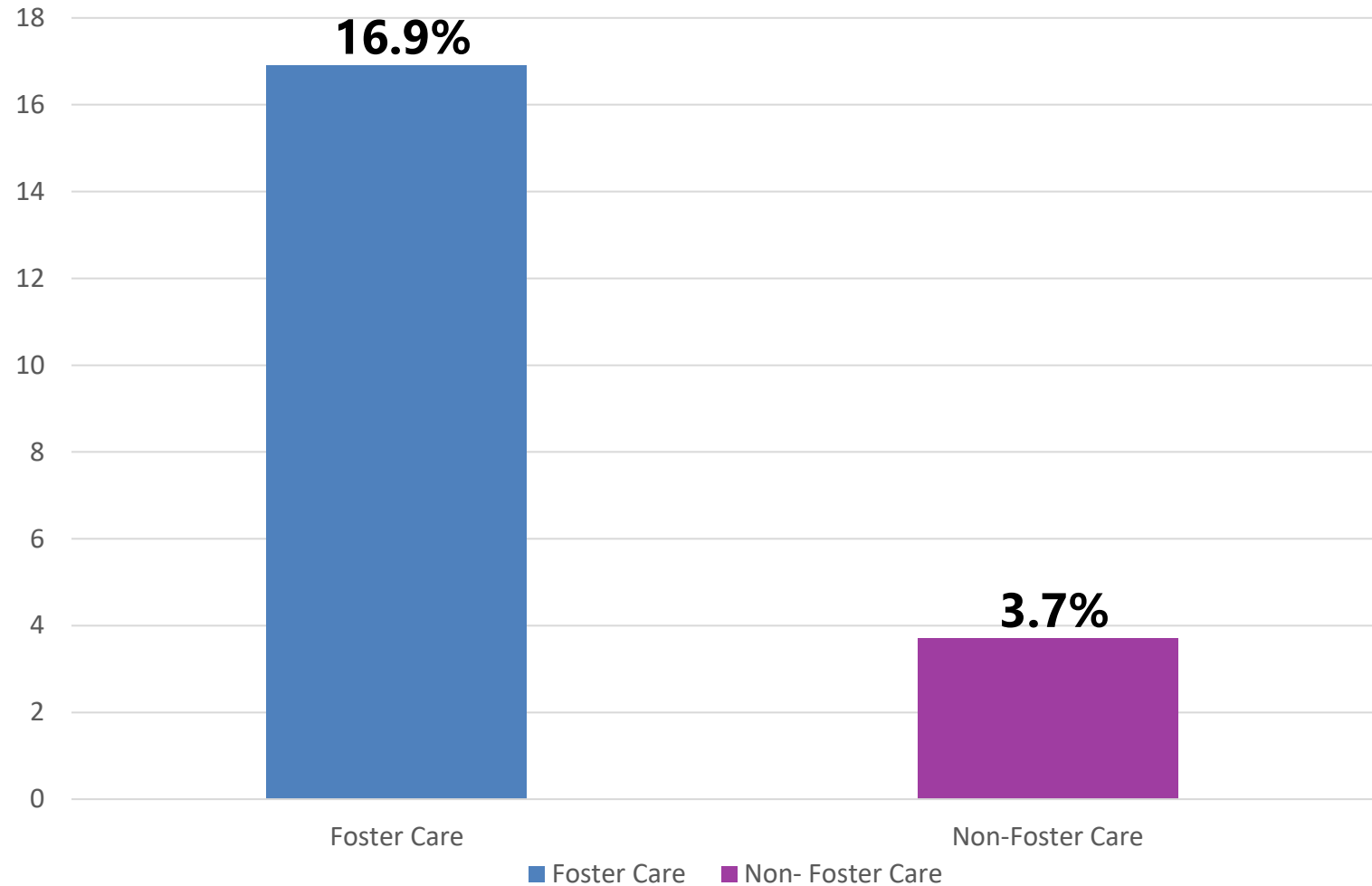
OSPI defines Level 2 or above as the student showing foundational grade-level knowledge.



Source: [OSPI Report Card](#), 4/1/26

Discipline 2024-2025

OSPI defines discipline as the percentage of students who are excluded in response to a behavioral violation.



Source: [OSPI Report Card](#), 4/1/26



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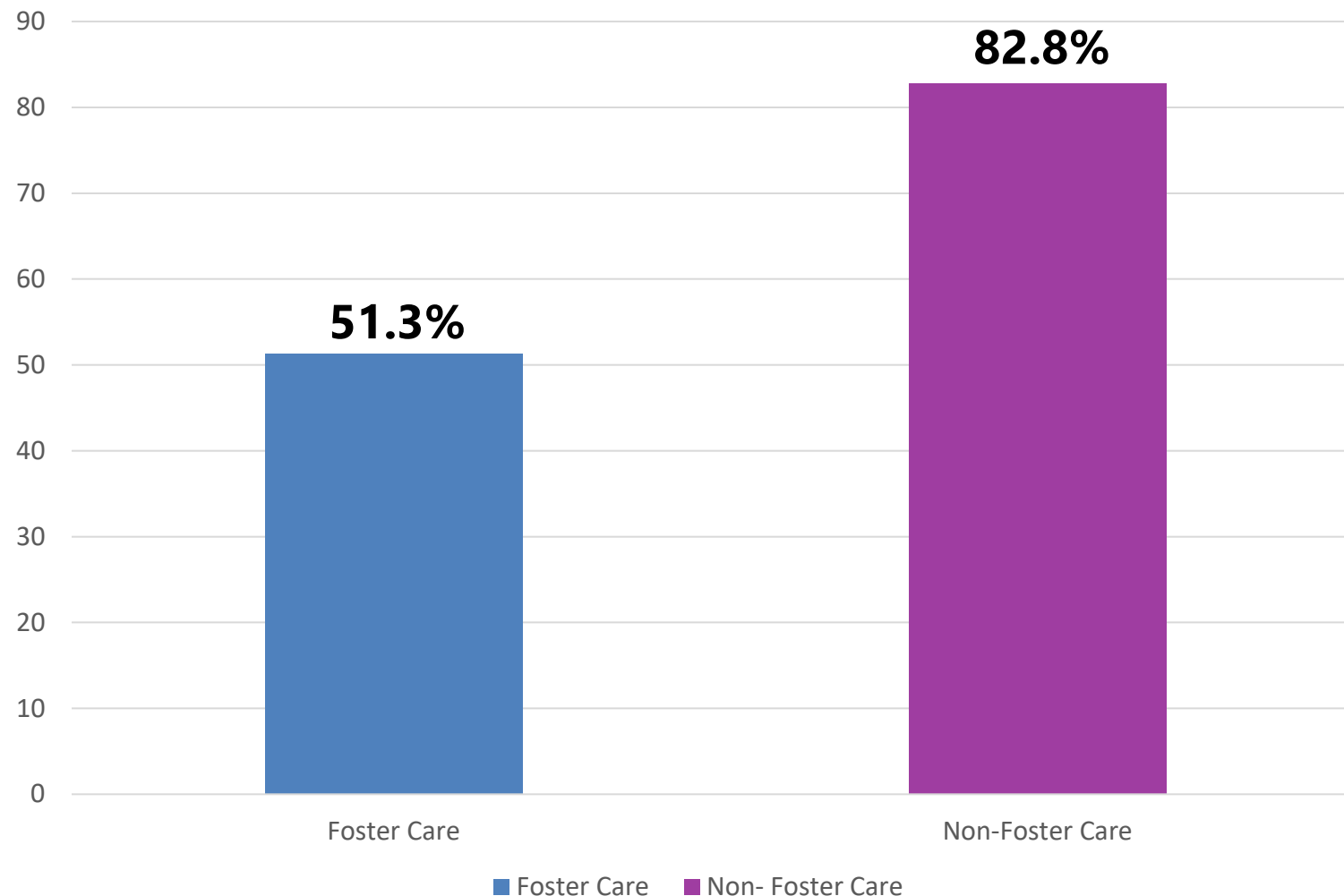


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Graduation 2024-2025

OSPI defines graduation as the percent of students who graduated in four years.

Source: [OSPI Report Card](#), 4/1/26



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Fostering Connections to Success and Increasing Adoptions Act 2008



The child's case plan must ensure **educational stability** while the child is in foster care and include:

- Placement takes the education setting into consideration; and
- Child welfare coordinates with the school district to:
 - Ensure the child remains in his or her school of origin; or
 - Immediate and appropriate enrollment in a new school, with records transferred, if remaining in the school of origin is not in the child's best interest.



Every Student Succeeds Act (ESSA) 2015

- Every school district is required to designate a Foster Care Liaison.
- Students remain in school of origin unless there is a determination that it is not in their best interest.
- Students in foster care are entitled to immediate enrollment, even without documents normally required.
- Schools/OSPI must collaborate with child welfare.



Child Welfare Law

Fostering Connections Act (2008)

Coordination with Local Education Agencies (LEAs)

Presumption to stay in school of origin

Best interest determinations

Immediate and appropriate enrollment

Permissible use of federal Title IV-E funds to support transportation

Education Law

Every Student Succeeds Act (2015)

Collaboration with Child Welfare Agencies (CWAs)

Presumption to stay in school of origin

Best interest determinations

Immediate enrollment, even without documentation

Transportation must be arranged, provided, and funded

State and local Points of Contact



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School of Origin

[RCW 74.13.550: Child placement—Policy of educational continuity.](#)

“It is the policy of the state of Washington that, whenever practical and in the best interest of the child, children who are the subject of a dependency proceeding shall remain enrolled in their schools of origin.”

*The federal and state presumption is **stability**.*



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State Legislation – Child Welfare

RCW 74.13.560: Educational continuity—Protocol development.

- The protocols for making **best interest determinations** for students in out-of-home care **must be implemented before changing the school placement** of a student and to maximize the educational continuity and achievement for the children.

RCW 74.13.631: Students subject to a dependency proceeding—School placement options.

- The department shall provide youth residing in out-of-home care the opportunity to **remain enrolled in the school he or she was attending** prior to out-of-home placement.
- Collaboratively discuss and document school placement options and plan

RCW 28A.225.350: Students subject to a dependency proceeding—Best interest determinations.

- The student must remain in the student's school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers.

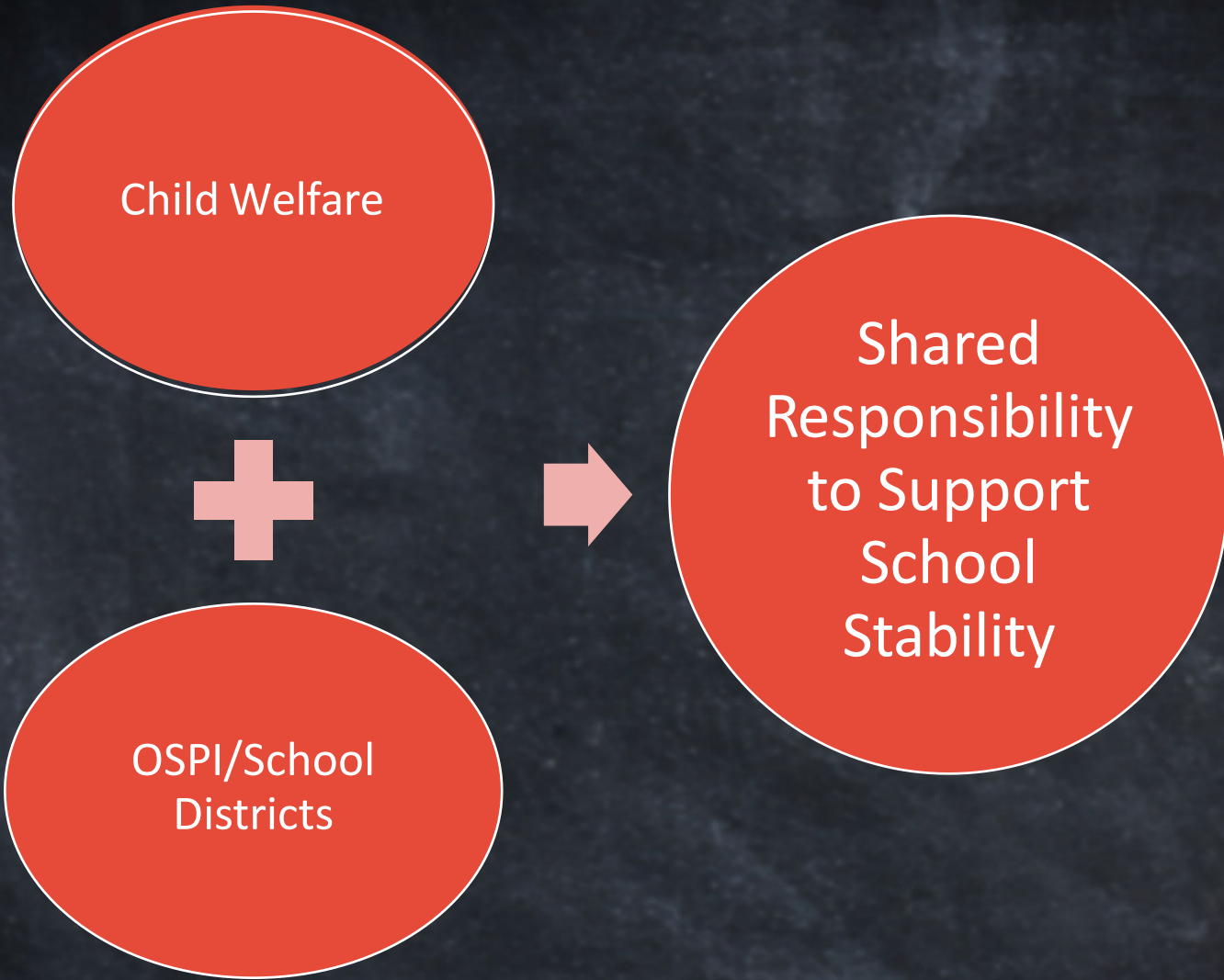
School of Origin

School in which child is enrolled at time of placement change.

Child must remain in school of origin until a determination is made.

Includes LEA preschool and designated feeder schools.





Best Interest Determination Meetings for Students in Foster Care



What is a BIDM?

A Best Interest Determination Meeting (BIDM) is a required, structured, documented meeting that must occur before any school placement change is made. It is the mechanism the law created to ensure decisions are made in the child's best interest – not based on convenience, proximity alone, or the preferences of any one party.



Best Interest Determination Process

- ✓ Student goes into foster care or has a change in placement
- ✓ School zone or district changes
- ✓ DCYF notifies Foster Care Liaison with School Notification Form and/or Foster Care Liaison runs CEDARS Foster Care Report and identifies student
- ✓ DCYF and Foster Care Liaison work collaboratively to schedule Best Interest Determination
- ✓ Student remains in their school of origin until the Best Interest Determination is made

A Best Interest Determination Meeting is required prior to changing the school placement

Input from:

- Student
- School where child currently attends (school of origin)
- School associated with new placement address
- Parents
- Foster parents/caregivers
- Social worker
- Other relevant adults (CASA, Treehouse advocate, etc.)

BEST INTEREST DETERMINATION

Best interest determination meetings should be made as quickly as possible in order to prevent educational discontinuity for the student.

Who Should Be at the Meeting

Parents | Foster Parents | Caregiver | Foster Care Liaison | Caseworker | CASA | Treehouse Advocates | IEP Team Members | Student (if appropriate)

In Person, virutally, or by phone are preferred. Must be a group decision.

Student must remain at school of origin while best interest determination is made and disputes are resolved.

STUDENT-CENTERED FACTORS



[Best Interest Determination Meeting Infographic](#)

Best Interest Determinations

Student Centered Factors

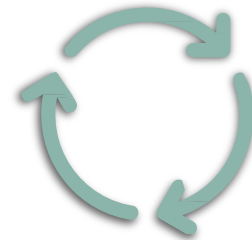
Student-centered factors must be used to determine what is in a student's best interest.

Transportation costs are NOT a factor in the BIDM. The decision must be made in the child's interest first.

Transportation logistics follow from that decision; they do not drive it.



Grade Level



Age



Special Needs



Timing of School Year



Length of Placement



Existing Connection



The Three Permissible School Options

School of origin – the school the child was enrolled in at the time of placement change

Neighborhood school – the school associated with the current foster placement address

A school with strong prior attachment – federal guidance recognizes this as a third option when there is documented, meaningful prior connection

These are the only three options. School selection for students in foster care is not an open-ended decision.





What Happens When there's Not Consensus?

- [OSPI's Foster Care Education: Dispute Resolution Process](#)
- Child remains enrolled in school of origin while that dispute is resolved.



Who Provides Transportation?

RCW 28A.225.350:

If it is determined to be in the best interest of the student to remain in the school of origin, the school district of origin and the school district in which the student is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin.

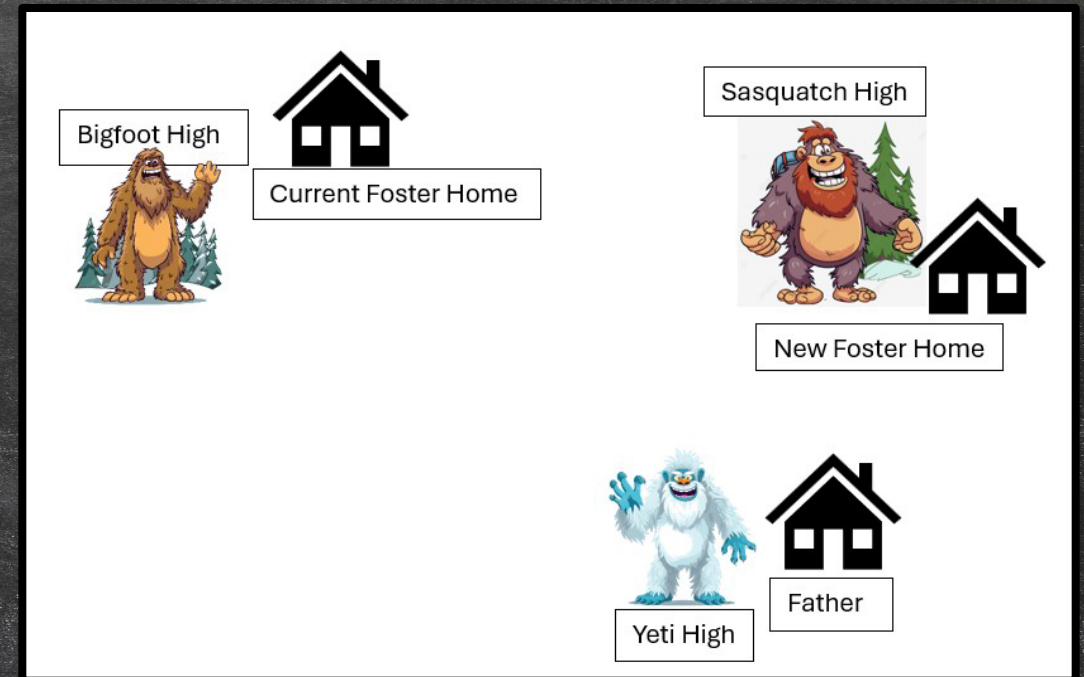
If there are excess costs because the student is commuting from outside the school/district boundaries, DCYF will reimburse 50% of those costs.



SCENARIO

Bobby is currently in 10th grade at Bigfoot High School. He is moving to a new foster home 45 minutes away, in a different school district & within the Sasquatch High School boundaries. Bobby's attorney is recommending that he attend Yeti High School in a neighboring district. While Bobby has never attended Yeti High School, the attorney contends that it's much closer than Bigfoot HS and it's in the father's neighborhood so when reunification occurs, Bobby won't have to change schools again.

- A. Who gets to decide which school Bobby attends?
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ACTIVITY



Educational Decisions



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Examples of Education Decisions

Best Interest
Decisions around
maintaining school
stability

School Transfer
and Records

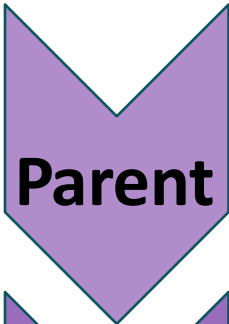
Services – Special
Education

Transportation

Participation in
Extracurricular
Activities



Who is Responsible for Educational Decisions?



- Unless limited by the court, parents retain rights to access records directly from the school and to make educational decisions



- Caregiver or foster parent makes day-to-day educational decisions
- Can serve as the “parent” regarding special education decisions



- DCYF is authorized to make educational* decisions w/o parent approval
- *May **NOT** be special education decision-maker

Special Education Decisions



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Who Can Serve as “Parent” Regarding Special Education Decisions?

- Biological or adoptive parent
- Caregiver or foster parent
- Person acting in place of parent and with whom student lives
- Surrogate parent appointed by the court or district
- Adult students whose rights have transferred to themselves

Federal law prohibits a DCYF caseworker or group home staff from being the special education decision maker for a student in foster care.

If the court has not restricted their access, birth parents are considered "parent" before a foster parent.

Joint guidance from OSPI/DCYF: [PPS 0093 Special Education What is an IDEA Parent Factsheet](#)

Who Can Serve as “Parent” in Special Education Decisions?

Who may not be the IDEA Parent?

Individuals who may have a personal or professional conflict of interest must not be the IDEA Parent, including:

- DCYF social worker/personnel
- Group home staff
- OSPI or school district employees

Is the young person 18-21 years of age?
(Rights held by parents transfer to the student at age 18.)

If no

Birth/Adoptive Parents retain their rights to make educational decisions unless the court has restricted/terminated those rights.

Are the birth/adoptive parents able and willing to be the IDEA Parent?

If no

If yes

Is there a foster parent/caregiver?

The birth/adoptive parent is the educational decision maker.

If no

If yes

Is there a court appointed Educational Decision Maker?

The foster parent is the educational decision maker.

Leave blank. The school district should identify a surrogate parent.

If no

If yes

The court appointed Educational Decision Maker is the educational decision maker.



IEP's and 504's

- ABA Legal Center for Foster Care and Education – [Factsheet for Children's Attorneys](#)
- ABA Legal Center for Foster Care and Education – [School Stability for Students with Disabilities in Foster Care: The Intersection of Federal Laws](#)
- ABA Legal Center for Foster Care and Education – [Mobility Issues and Special Education for Children in Out-of-Home Care](#)
- US Dept. of Education - [Guidance on IDEA and Highly Mobile Youth](#)
- [OSPI Special Education](#) website



Educational Liaison



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Educational Liaison - [RCW 13.34.045](#)

The department must identify an educational liaison for youth in grades six through twelve who are subject to a dependency proceeding and who meet one of the following requirements:

- (a) All parental rights have been terminated;
- (b) Parents are unavailable because of incarceration or other limitations;
- (c) The court has restricted contact between the youth and parents; or
- (d) The youth is placed in a behavioral rehabilitative setting and the court has limited the educational rights of parents.

It is presumed that the educational liaison is the youth's parent. If a youth's parent is not able to serve as the educational liaison, the department must identify another person to act as the educational liaison.



Educational Liaison - [RCW 13.34.045](#)

It is preferred that the educational liaison be:

- Known to the youth - a relative, other suitable person, or the youth's foster parent
- A person committed to providing enduring educational support to the youth

If the department cannot identify an adult with an existing relationship, the court may appoint another adult, such as the court-appointed special advocate, but may not appoint the youth's caseworker.

If any party disagrees with the department's recommendation, the court shall determine who will serve as the educational liaison based on who is most appropriate and available to act in the youth's educational interest.



Educational Liaison Responsibilities

RCW 13.34.046

Attend educational meetings and dependency hearings.

Meet with local school personnel at regular intervals regarding the youth's educational performance and academic needs.

Involve youth in educational decisions as developmentally appropriate.

Provide a report to the court during each dependency hearing, including information about the youth's educational progress, experience in school, and the educational liaison's and youth's recommendations regarding needed services in school or the community.

The educational liaison may serve as the surrogate parent or educational representative under federal law.

The educational liaison is a volunteer and not compensated for services.



4302A. Educational Services and Planning: Early Childhood Development, K-12 and Post-Secondary



Who can act as the Educational Liaison?

The Educational Liaison is presumed to be the parent. If the parent cannot act in this role it is preferred the Educational Liaison be known to the youth. The worker should then explore the appointment of another suitable person, such as:

- A relative
- Foster parent
- Family friend
- Coach



Dependency Order

2.7 Child's School:

- If disposition is heard separately, reserved pending dispositional hearing.
- The court found that the child should be removed from the home, pursuant to RCW 13.34.130(1)(b) and placed into out-of-home care. A placement that allows the child to remain in the same school they attended prior to the start of the dependency proceeding is is not practical and is is not in the child's best interests.
- The child meets the criteria for appointment of an educational liaison. DCYF recommends that the court appoint (*name*) _____ as the child's educational liaison.
- The parents are not able to serve as the educational liaison because:

4.6 Educational Liaison:

(*Name*) _____ is appointed as the child's educational liaison to carry out the responsibilities described in RCW 13.34.046. The educational liaison must complete criminal background checks required by DCYF.

[JU03_0400 Order of Dependency_2025_07.pdf](#)

Court Practices to Support Education

- Prioritize school stability – encourage placements that allow students to remain in their school.
- Ask about education in hearings: “How is the student doing in school?”
- School credit check – is the youth on track to graduate?
- Monitor discipline and attendance history
- Advocate for tutoring, mentoring, or behavioral supports
- Ask the youth:
 - How is school going? What do you like about school?
 - Do you have a support person to help you with school-related issues?
 - What do you want to do after graduation?



Framework of Support/Systems of Care

DCYF Education Team

- [K-12 Education](#)
- [Education & Training Voucher Program \(ETV\)](#)
- [DCYF Regional Education Leads](#)

School Districts

- [OSPI Foster Care Education Program](#)
- [District Foster Care Liaison](#)
- [Foster Care Building Point of Contact](#)

Treehouse

- [Educational Advocacy](#)
- [Graduation Success](#)
- Just-in-Time Funding
- Driver's Assistance



Image by [WOKANDAPIX](#) from [Pixabay](#)





treehouse™

[Treehouse - Make a Referral for Treehouse Services \(treehouseforkids.org\)](https://treehouseforkids.org)

Grad Success (Spokane, King, Pierce counties) –

Work directly with youth to help them graduate from high school with a plan for the future.

Ed Advocacy (Statewide) – Work with social workers, caregivers, and schools to resolve difficult issues at school and to remove barriers to kids' school success.



DCYF Regional Education Leads

Region 1

Bobbi Lloyd
Bobbi.Lloyd@dcyf.wa.gov

Region 2

Monica Jenkins
Monica.Jenkins@dcyf.wa.gov

Region 3

Marie Preftes Arenz
Marie.preftesarenz@dcyf.wa.gov

Region 4

Donna LaFrance
Donna.LaFrance@dcyf.wa.gov

Region 5

Dawn Flammang
Dawn.Flammang@dcyf.wa.gov

Region 6

Heather Lawhead-Hug
heather.lawhead-hug@dcyf.wa.gov



School District Foster Care Contacts

How to [find a Foster Care Liaisons, Regional Ed Leads and State Contacts](#)

Foster Care Liaison, DCYF, and State-wide Contacts

On this page, school district and level staff, families, caregivers, and advocates will find contact information for both school district Foster Care Liaisons and state-wide Department of Children, Youth, and Families (DCYF) staff who can provide support and help resolve issues.

[Expand all](#)

State-wide Contacts



Regional Contacts



Foster Care Liaisons Contacts



Update Liaison Contact Information

Do you need to update your liaison contact information? Please fill out the update form below. Please only update your contact information if there has been a change to your contact.

[Update Your Liaison Contact Information](#)

Note: Allow two weeks for submitted updates to be reflected on the list below.

How to [find a Foster Care Building Point of Contact](#)

Foster Care Building Point of Contact

School Level Contact Information

Families, caregivers, and advocates may use the Foster Care Building Point of Contact list to find contact information for a specific school that a student attends.

Use one of the functions below to search for Foster Care Building Point of Contacts by school or district.

To update your building point of contact information, please fill out the update form below.

[Update Your Building Point of Contact Information](#)

[Download full list of contacts](#)

Note: Allow two weeks for submitted updates to be reflected on the list below.

School

- Please select -



School District

- Please select -



[Apply](#)

[Reset](#)



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Resources & References

OSPI:

- [OSPI Foster Care Resources and Training](#)
- [OSPI's Foster Care Legal Review](#)
- [State and Federal Foster Care Requirements](#)

DCYF:

- [DCYF Policy 4302A Educational Services and Planning: Early Childhood Development, K-12 and Post-Secondary](#)

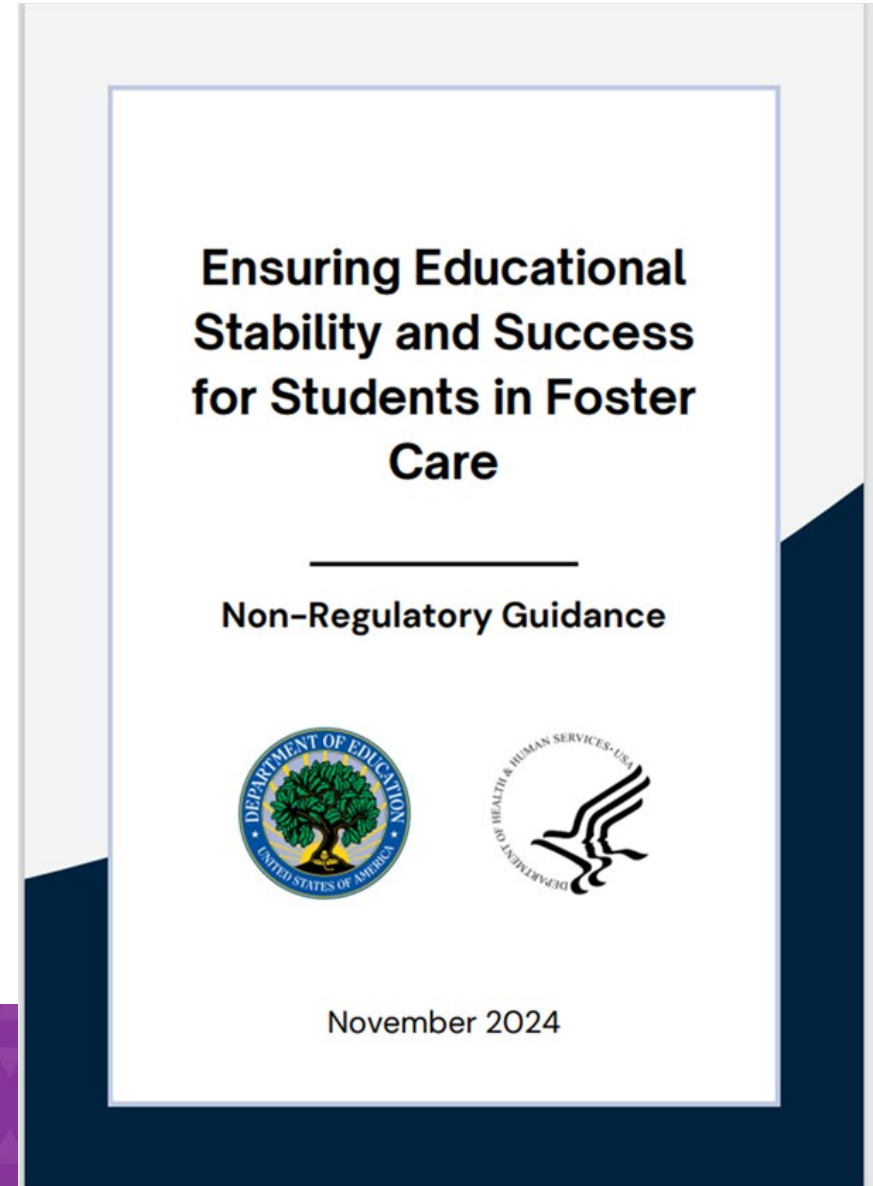
Federal:

- [Fostering Connections to Success and Increasing Adoptions Act \(2008\)](#)
- [Every Student Succeeds Act \(ESSA\) 2015](#)

Federal Resource

[US Department of Education and Department of Health and Human Services – Non-Regulatory Guidance](#)

[Education Stability — Legal Center for Foster Care & Education](#) – Summary and highlights of the guidance



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Questions?



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564-999-1939 (Cell)

A note about educational outcomes for students in foster care...

OSPI and DCYF have established a data exchange which allows us to identify all students who are in out-of-home care under the authority of DCYF. This information is used to identify foster care students for purposes of reporting and service delivery. For reporting, we use the rule that if a student is ever in out-of-home care within the school year, they are designated as foster care for the entire school year for the purpose of reporting. The one exception to this is graduation rate, which looks at a student's foster care status across 9th through 12th grades and designates them as foster care if they were ever in foster care in grades 9-12.