

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Administrative Issuance: CFSA-23-1

TO: Staff

FROM: Nicole Gilbert,
Deputy Director, Office of Well-Being (OWB)

DATE: September 28, 2023

RE: Best Interest Determination (BID) Process for School Placement

The Child and Family Services Agency (CFSA) seeks to ensure that children in foster care can achieve academic success at the same levels as their peers. One way of accomplishing this is by providing educational stability for children in out-of-home care. Per the Fostering Connections Act of 2008, CFSA must work to keep children in foster care in the same school (i.e., school of origin) upon their initial entry into foster care or when a subsequent change in out-of-home placement occurs, when remaining in that school is in their best interest. In making this decision, CFSA and, if applicable, private agency education staff utilize the Best Interest Determination (BID) process to collaborate with members of the child's education planning team, birth parents, resource parents, and local educational agencies. Education staff liaise with school personnel by notifying them when a child enters care or changes placements and solicit their input on the BID. They also liaise with social workers to gather and review BID information, ensure a BID discussion is held and finalize and document the BID decision.

When making a BID, all factors relating to the child's best interest must be considered, including the child's safety, the appropriateness of the current educational setting, and the school's proximity to the student's current residence (*see the [Best Interest Determination \(BID\) Guide for School Placement form for more information](#)*). Whether the BID results in a decision to keep the child in their school of origin or their school placement is changed, CFSA and the private agency shall ensure that the school placement is appropriate for the child's needs and that transportation is in place if needed.

This Administrative Issuance provides guidance to CFSA and private agency staff on utilizing the BID to determine whether children shall remain in their school of origin. If you have questions regarding this issuance, please contact the Deputy Director of the Office of Well Being (OWB).

Definitions

1. **Best Interest Determination (BID)** – An Agency-led process of determining whether it is in a child's best interest to remain in their school of last enrollment after their initial entry to foster care and subsequent to any changes in their foster care placement. The Agency must seek the input of the Local Education Agency (LEA) and other stakeholders in making this decision via a discussion or a meeting that may occur in person, virtually, via telephone or email. Staff should utilize the [Best Interest Determination \(BID\) Guide for School Placement form](#) (hereinafter BID Guide) to document the decision-making process and final decision. Children should remain at their school of origin unless it is determined to be contrary to their best interests.

2. **Education Decision-Maker** – An individual authorized by the court or local education agency to make education decisions on behalf of the child when their parent(s) is unavailable or unwilling to make educational decisions in their best interest. Typically, a child’s birth or adoptive parent(s) retain the right to make education decisions unless a court has terminated their rights or transferred those rights to another individual.
3. **Out-of-Home Placement** – A placement provided to a child that has been separated from their home and placed in CFSA custody. Examples of out-of-home placement settings include foster homes, kinship placements, congregate care facilities and independent living programs.
4. **School of Origin (SO)** – The school in which a child is enrolled at the time of placement in foster care. If a child’s foster placement changes, the SO will be the school in which the child is enrolled at the time of the placement change.
5. **Surrogate Parent(s)** – An individual appointed by a local education agency or court to make educational decisions on behalf of a child with a disability, in cases where the child has no parent, the school system cannot locate a parent after making reasonable efforts, or the child is in the custody of the state/District. The appointed individual cannot be receiving public funds to educate or care for the child, must have no personal or professional interest that conflicts with the interest of the child and must have knowledge and skills that ensure adequate representation of the child.

Applicability

The BID process shall be applied to all school-aged children who are separated from their family and enter care or who are in care and undergo a subsequent change in placement. For this Administrative Issuance, the term “school-aged children” is defined as children between 3 to 21 years of age who are enrolled in elementary or secondary schools or programs.

BID Process Overview

1. When an initial separation or subsequent change in out-of-home placement occurs, the ongoing social worker shall work with the education planning team members (i.e., team of individuals involved in making educational decisions on behalf of the child) to keep the child in their SO, when in the child’s best interest. The education planning team members include, but are not limited to the following:
 - a. biological parent(s)
 - b. resource provider(s)
 - c. Guardian Ad Litem (GAL)
 - d. Assistant Attorney General (AAG)
 - e. school personnel
 - f. education decision maker/surrogate parent(s) or education attorney (as applicable)
 - g. the child (if age and developmentally appropriate)
 - h. other CFSA and private agency staff, as appropriate.
2. The social worker(s) is responsible for participating in Family Team Meetings (FTM), BID or BID review meetings or discussions to provide their input regarding the best interest of the child when determining whether to remain in their SO.
 - The ongoing social worker shall also work with CFSA’s education staff to make the determination using the [BID Guide](#).
3. A CFSA education staff designee will work with the ongoing social worker and school personnel to ensure a BID discussion is held virtually, via phone, email correspondence or through organizing and facilitating an in-person BID meeting. An assigned education staff designee shall gather and

review all the information pertaining to the education planning team members' positions on the school placement determination and assist the social worker with finalizing and documenting the determination.

4. Within 5 days after a child's initial entry into care or after a placement change, CFSA shall determine if remaining in the SO is in the child's best interests by utilizing the BID process.

BID Process Following an Initial Separation to an Out-of-Home Placement

1. Notification of Initial Separation: The OWB education supervisor shall monitor and review the Agency's separation notification emails and forward the notification of the separation of school-aged children to an education staff designee within 1 business day of receipt.
 - a. Upon receiving the notification from the OWB education supervisor, the education staff designee shall contact the assigned FTM coordinator to determine when and if an FTM is being convened for the case.
 - b. In cases where an FTM is not held due to the circumstances of the case, the Agency's education staff designee shall contact the education planning team members to gather information about their positions on the child's best interest with respect to their school placement.
 - c. In addition, upon receipt of the separation notification, the education staff designee shall complete and send the child's SO the [BID Notice of Out-of-Home Placement or Placement Change form](#), to inform the school that the child has been placed in out-of-home care and ask them to provide any information that could help inform the BID.
2. Preliminary Best Interest discussion: A preliminary best interest discussion about whether it is in the child's best interest to remain in their SO should be made at the FTM, under the guidance of the FTM facilitator. When possible, both the Child Protective Service (CPS) investigative social worker and the newly assigned ongoing social worker should be present for the meeting.
 - If the biological or adoptive parent is unable to attend the FTM, the ongoing social worker shall identify another way to obtain the parent's preference with respect to the child's school placement and communicate that information to the assigned education staff designee.
3. Documentation of Preliminary Best Interest Discussion: Within 48 hours of the FTM meeting, the FTM Facilitator shall forward the FTM plan, which documents the outcome of the preliminary best interest discussion to cfsa.education@dc.gov.
4. Final BID: Within 5 calendar days after the separation, the education staff designee shall contact the ongoing social worker to review the information gathered (including feedback from the FTM, the education planning team and information from the school). The education staff designee shall also use the [BID Guide](#) to help guide the social worker in making a final BID and document relevant information on the form.
5. Documentation in Case Record: Notification of BID and Transportation Arrangements as Needed: Upon completion of the [BID Guide](#), the education staff designee shall complete the following tasks:
 - a. Enter a case note in FACES.net to document the completion of the BID and the outcome.
 - b. Send a [BID Follow-up Notice](#) to the SO of the final BID; and
 - c. Assist the ongoing social worker in securing transportation services, as needed.

BID Process Following a Change in Out-of-Home Care Placement

1. Notification of Placement Change: The OWB education supervisor shall monitor and review the cfsa.education@dc.gov mailbox and forward any placement change notices of school-aged children to the appropriate education specialist for follow-up.

2. Participation in BID discussion and notice to the SO of a placement change: As soon as the education specialist is notified of the placement change, the education specialist shall send a notification to the SO that the child's placement has changed and invite the school personnel to a BID meeting that the specialist will convene with other education planning team members. This meeting can occur by phone or other virtual means.
3. Documentation of BID, Notification of Parties, and Transportation Arrangements: Within 24 hours of the BID meeting, the education specialist shall work with the social worker to complete the [BID Guide](#) and the following additional tasks:
 - a. Enter a case note in FACES.net to document the completion of the BID and the outcome;
 - b. Send a notice to the SO of the final BID; and
 - c. Assist the social worker in securing transportation services as needed.

Child's Status Pending Final BID

1. During the time the BID is pending and subsequent to the decision being made, the social worker shall ensure that the child has a transportation plan in place to get to and from school safely each day.
2. In the event a biological or adoptive parent, resource provider or child disagrees with the resolution with the BID and seeks court review, CFSA shall ensure that the child remains in their current school of enrollment until the matter is resolved.

Immediate Enrollment if the Determination is to Change Schools

When it is determined that the SO or school continuity is not in the best interest of the child, the ongoing social worker shall work with the education planning team and relevant school staff to ensure the following:

1. The child/youth is immediately enrolled in the new school (i.e., by the next business day).
2. Transitions are made during a natural break in the school year (end of a semester, summer break, etc.) whenever possible.
3. Children are promptly withdrawn from their prior school whenever there is a need for a school change.
4. School records are requested by the receiving school, including a copy of a transcript, current class schedule, grades, and an Individualized Education Program (IEP) or Section 504 plan, if applicable.

Review of the BID

1. In addition to making an agency-led BID when a child is first separated or placed in another out-of-home placement, the social worker's assigned education specialist shall review the BID and school placement decision before the start of each new school year and, more often, as appropriate. Each year, the education specialist shall contact the assigned social worker during the month of May to confirm the school enrollment plan for the upcoming school year for each child on their caseload.
2. If the parties disagree about what school the child should attend or there is no agreed upon enrollment plan, the education specialist shall hold a BID review meeting with the education planning team to determine the school placement in the child's best interest.
3. Within 24 hours of the BID review meeting, the education specialist shall work with the social worker to complete the [BID Guide](#), and enter a case note to document that an updated BID was made and the outcome. The specialist shall also assist the social worker in securing transportation services, as needed.