

Best Interest Determination Information Sheet

What is Best Interest Determination (BID)?

Meeting the requirements of Fostering Connections Act and Every Student Succeeds Act (ESSA) a BID must be completed for documentation that must be maintained in the child welfare case file for every student regarding the best interest determination for educational stability. Fostering Connections and ESSA require that every student remain in his or her school of origin unless a determination is made that it is not in their best interest. The decision as to what is in the student's best interest will be decided at a BID meeting. A collaboration, including the local Department of Social Services (DSS) and Local Educational Agency (LEA) must take into consideration all factors relating to a student's best interest when determining whether remaining in his/her school of origin is in the student's best interest. These factors can include the appropriateness of the current educational setting and the proximity of placement. (ESEA section 1111(g)(1)(E)(i)). At a minimum, a representative from both schools, DSS caseworker, and the educational surrogate (if applicable) are required to participate in a BID meeting. Others with insight into the student's best educational interest (including the student) are encouraged to participate.

Who initiates the BID process?

Initiation of the BID meeting is the responsibility of the local DSS caseworker. The caseworker should collaborate with the LEA to schedule a BID meeting prior to the student entering custody or a placement change and invite the potential placement district if a move is likely. If a student has an IEP or a Section 504 plan, then the relevant school staff members would also need to participate in the best interest determination process. If the student is a Multilingual Learner, appropriate educators may also need to be involved in the best determination process. If at all possible, the BID meeting should take place within three school days. To the extent feasible and appropriate, the student must remain in their school of origin while this determination is being made. (ESEA section 1111(g)(1)(E)(i)). If the student does not remain at the current school, a copy of the BID should be given to the new school of residence upon enrollment. A copy of this document should be retained at the school of origin for auditing purposes.

When to use this BID form?

This form should be completed when:

1. A student enters the custody of the child welfare agency.
2. A placement change may be necessary.

How is the decision made?

There is a list of questions to help guide the discussion of placement. Factors considered during a BID should be student-centered. BIDs are most effective when they are developed collaboratively, with input from education and child welfare stakeholders and when appropriate include the student. While the convenience and cost of transportation to the school district cannot be a consideration, distance of the commute and its impact on the student's education and/or special needs may be considered during the best interest determination meeting.

Best Interest Determination Information Sheet

Glossary of Foster Care Terms

Fostering Connections To Success And Increasing Adoptions Act and Every Child Succeeds Act (ESSA), reauthorized the Elementary and Secondary Education Act of 1965: Includes the Federal and State statutory requirements for students in Foster Care.

Foster Care: 24-hour substitute care for children placed away from their parents or guardians and for whom the CWA has placement and care responsibility.

Local Education Agency (LEA): A public board of education or other public authority within a state that maintains administrative control of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state. School districts are LEAs. Public Charter schools are treated as LEAs.

School of Origin (could be referred to as Home School): School of Origin is the school the student was enrolled in when first placed into foster care. If a student's foster care placement changes, the school of origin would then be considered the school in which the student is enrolled at the time of the placement change.

Best Interest Determination (BID): Meeting that discusses the factors that must be considered when making decisions about a student's appropriate educational placement.

Individualized Education Plan (IEP): This plan ensures that a student with a disability identified under the law receives accommodations that will ensure their academic success and access to the learning environment.

Behavior Intervention Plan (BIP): This plan outlines actions to improve or replace a student's behavior. The plan is based on the results of a functional behavior assessment (FBA), which identifies what causes the behavior.

Individualized Language Acquisition Plan (ILAP): Is a legally binding document that provides information about a ML (Multilingual Learner) and the support they must receive in order to have "meaningful and equal access to the curriculum." The ILAP provides guidance on best practices and allowable accommodations.

504 Plan: The 504 Plan is a plan developed to ensure that a student who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment.

Permanency Plan: The court must approve a plan for achieving permanence for the student and order one of the following permanent plans: reunification with parents, extension or modification of the placement plan for the purpose of reunification, TPR and adoption, relative or non-relative custody or guardianship, or another planned option.