



Best Interested Determination – FRAMING & PROCESS

This document is solely a guideline. Explain the law and process in lay terms to ensure all parties understand - especially the educational rights holder & child.

Opening Explanation:

We are here today for a Best Interest Determination for [REDACTED] (Student Name) Decisions regarding school selection should be made on a case by case basis, giving attention to the circumstances of each student.

We are here today to discuss the advantages and disadvantages of each school option – the school of origin (SOO) or the current school. We will also explore all other considerations and input from everyone.

This is a process that should involve teamwork and focused on meeting the best interest for [REDACTED] (Student Name)

Background and Law:

Studies consistently show that school stability is critical for academic achievement. Therefore, the law allows a youth to remain in their school of origin regardless of placement. However, the child may transfer to school residence, if the youth and the person holding educational rights - with the educational liaison of school of origin advisory - determine that otherwise it is in the best interest of the child.

When a child is going to change residences, whether this is due to initial entry into the foster care system or a placement change afterwards, the first key decision is whether or not the child will remain in the same school.

The McKinney-Vento Act legislation states that the following assurances:

42 USC §11431. Statement of Policy

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to

ensure that such children and youths have an opportunity to meet the same challenging State academic standards to which all students are held.

Today our focus is to:

- Identify all potential schools
- Discuss pros and cons of each potential school using the Best Interest Determination for School of Origin Checklist
- Work with the ERH to reach a school placement decision
- Develop a transportation plan which includes working with the caregiver
- Move forward to implement the plan created
- Document our discussion via a summary of the decisions made today

Each of the individuals present today will provide and assist in providing information about _____ . (Student Name)

Move forward into the remainder of the BID Agenda