

NC BEST INTEREST DETERMINATION FORM INSTRUCTIONS

Purpose

The Best Interest Determination Form serves two purposes. The form documents a child's:

1. Educational best interest determination when a child enters placement services or a change in placement is necessary, and/or
2. Educational needs and services whenever a child must change schools.

The Best Interest Determination Form meets the requirements of Fostering Connections and Every Student Succeeds Act (ESSA) for documentation that must be maintained in the child welfare case file for every child regarding the best interest determination for educational stability.

When to use this form

This form should be completed at the:

1. Best Interest Determination (BID) Meeting/CFT whenever a child enters the nonsecure custody of a county child welfare agency or at the PPAT when a placement change is necessary, and/or
2. Educational Services (ES) Meeting whenever a child changes school.

Policy requires completion of the BID form within seven days of the BID/ES meeting and a copy shall be maintained in the county child welfare case file and provided to the child's placement provider.

Best Interest Determination Meeting & Documentation

The Fostering Connections to Success and Increasing Adoptions Act ([P.L. 110-351](#)) Section 204 requires:

The child's case plan must include (1) assurances that the child's placement takes into account the appropriateness of the current education setting and the proximity to the school in which the child was enrolled at the time of the placement; (2) an assurance that the state agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; and (3) if remaining in the school is not in the child's best interests, assurances by the state agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

Fostering Connections and ESSA require that every child remain in his or her school of origin unless a determination is made that it is not in his or her best interest. The decision as to what is in the child's best interests shall take place at a Best Interest Determination Meeting ("BID meeting"). Scheduling of the BID meeting is the responsibility of the county child welfare social worker. The social worker should collaborate with the local education agency to schedule a BID Meeting prior the child(ren) entering nonsecure custody or a placement change as a part of a CFT meeting. The county child welfare agency shall also discuss with the child the purpose of the meeting, prepare the child for the meeting (unless it is determined that the child should not attend the meeting), and assist the child in the identification of a supportive adult who the child would like to attend the meeting.

When the BID does not occur prior to foster care placement or a placement change, it must occur within 3 school days of the local educational agency's receipt of the Notification of Placement Form (DSS-5133).

NC BEST INTEREST DETERMINATION FORM INSTRUCTIONS

For counties that hold a Child Planning Conference or Day One Conference, the BID meeting could be held at the same time whenever possible.

In making the determination as to whether it is in the child's best interest to remain in his or her school of origin, the county child welfare agency and local education agency must consider the appropriateness of the current educational setting and proximity of placement. In addition, the county child welfare agency and local education agency should consider all factors relating to a child's best interest, including:

- Preferences of the child;
- Preferences of the child's parent(s) or education decision maker(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Influence of the school climate on the child, including safety;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage;
- Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the EEOA.

Transportation costs should NOT be considered when determining a child's best interest.

The following parties should be invited to attend the BID meeting:

- The Point of Contact for the county child welfare agency, and/or the social worker with the most information about child;
- The Point of Contact for the local education agency, and/or the representative from the school of origin who has the most knowledge about the child and who is best able to provide feedback on significant relationships the child may have formed with staff and peers and how changing schools would impact the child's academic, social, and emotional well-being. This could be a teacher, counselor, coach, another meaningful person in the child's life, or any or all of the above;
- If the child has an IEP or a Section 504 Plan, the relevant school staff members who could speak to the special needs of the child should also be invited to participate;
- If the child is an English Learner, a student identified as having limited English proficiency in speaking, listening, reading, or writing English, other relevant school staff may need to participate;
- The child, depending on age;
- Foster parents, when appropriate;
- Biological parents, guardians, or custodians when appropriate;
- Relatives of the child with perspective on which school the child should attend while in foster care; and
- The child's court appointed Guardian ad Litem, or a representative from the appropriate GAL program.

The outcome of the BID meeting should be:

- Selection of the school based on the child's best interests,
- Identification of the transportation method (if there is adequate information), and

NC BEST INTEREST DETERMINATION FORM INSTRUCTIONS

- Clear tasks for follow up, as needed, including transportation funding, or new enrollment.

When a county child welfare agency places a child in foster care or in a new foster home, the child should continue to attend his or her current school. Exceptions may exist when a change in the school placement is necessary for emergency foster care placements or placement changes. A change in school placement should only occur before the BID meeting when it is detrimental to the child's best interests to remain in his or her school of origin and a school placement change is necessary before a BID meeting can be held and requires approval by the county child welfare agency director (or designee).

Educational Services Meeting & Documentation

When the outcome of the BID meeting is that a school change is necessary, even when there was a Best Interest Determination (BID) meeting, the Immediate Enrollment form (DSS-5135) should be provided to the school and an Educational Services (ES) Meeting should be scheduled after enrollment in the new school. The purpose of the ES meeting is to ensure the child has all required educational services and to discuss the child's school transition. Scheduling of an ES meeting is the responsibility of the county child welfare agency. The county child welfare worker should collaborate with the LEA to schedule the ED Meeting within 30 days of the child's enrollment in a new school.

The BID Form shall be used to document the ES meeting. Check on the top of the form the box for Educational Services meeting. For an ES meeting the following questions in Section II do not need to be completed: 4, 12, 13, 14, and 15. Section III is also not completed for an ES meeting.

Additional Educational Stability Documentation

The Child Education Status Form (DSS-5145) together with the Best Interest Determination Form meet the requirements of the Fostering Connections and Every Student Succeeds Act (ESSA) that documentation be maintained in the child welfare case file for every child in the nonsecure custody of a county child welfare agency regarding educational stability. The Child Education Status form (DSS-5425) or Best Interest Determination form is to be completed for every case at a CFT, PPAT, BID, ES meeting or other review of a child's placement case. The Child Education Status Form or Best Interest Determination form shall be updated at a minimum of every 6 months and must be completed within 7 days of a CFT, PPAT, BID, or ES meeting. The form must be maintained in the child's county child welfare case file and provided to the child's placement provider.