

RCW 28A.225.350 Students subject to a dependency proceeding—

Best interest determinations. (1)(a) The protocols required by RCW 74.13.560 for making best interest determinations for students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW must comply with the provisions of this section.

(b) The requirements of this section, and the development protocols described in RCW 74.13.560 for making best interest determinations for students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW, may also be applied to students who are the subject of a federally recognized tribal court shelter care or dependency order that is the equivalent of a shelter care or dependency order issued pursuant to chapter 13.34 RCW, and students who are eligible for benefits under the federal foster care system as defined in RCW 28B.117.020.

(2)(a) Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student.

(b) When making best interest determinations, every effort should be made to gather meaningful input from relevant and appropriate persons on their perspectives regarding which school the student should attend while the subject of a dependency proceeding, consistent with the student's case plan. Relevant and appropriate persons include:

(i) Representatives of the department of children, youth, and families for students who are the subject of a dependency proceeding pursuant to chapter 13.34 RCW, or representatives of other applicable child welfare agencies;

(ii) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;

(iii) Biological parents;

(iv) Foster parents;

(v) Educational liaisons identified under RCW 13.34.045;

(vi) The student's relatives; and

(vii) Depending on the student's age, the student.

(3) In accordance with RCW 74.13.550, whenever practical and in their best interest, students who are the subject of a dependency proceeding must remain enrolled in their school of origin.

(4) Student-centered factors must be used to determine what is in a student's best interest. In order to make a well-informed best interest determination, a variety of student-centered factors should be considered, including:

(a) How long is the student's current care placement expected to last?

(b) What is the student's permanency plan and how does it relate to school stability?

(c) How many schools has the student attended in the current year?

(d) How many schools has the student attended over the past few years?

(e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?

(f) What are the immediate and long-term educational plans of, and for, the student?

(g) How strong is the student academically?

(h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?

(i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?

(j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?

(k) Which school does the student prefer?

(l) How deep are the student's ties to the student's school of origin?

(m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?

(n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?

(o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?

(p) How anxious is the student about having been removed from the home or about any upcoming moves?

(q) What school does the student's sibling attend?

(r) Are there safety issues to consider?

(5) 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.

(6) School districts are encouraged to use any:

(a) Best interest determination guide developed by the office of the superintendent of public instruction during the discussion about the advantages and disadvantages of keeping the student in the school of origin or transferring the student to a new school; and

(b) Dispute resolution process developed by the office of the superintendent of public instruction when there is a disagreement about school placement, a best interest determination, or a dispute between agencies.

(7) The special education services of a student must not be interrupted by a transfer to a new school.

(8) (a) If the student's care placement changes to an area served by another school district, and 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 the school districts are unable to agree upon an apportionment method, the responsibility and costs for transportation shall be shared equally between the districts.

(b) In accordance with this subsection, the department of children, youth, and families will reimburse school districts for half of all excess transportation costs for students under the placement and care authority of the department of children, youth, and families.

(9) For the purposes of this section, "students who are the subject of a dependency proceeding" has the same meaning as in RCW 26A.150.510, and "school of origin" means the school in which a child

is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin must be considered the school in which the child is enrolled at the time of the placement change. [2022 c 78 § 4; 2018 c 139 § 2.]

Effective date—2018 c 139: "This act takes effect September 1, 2018." [2018 c 139 § 7.]