



# ORIENTATION TO REGULATION 903

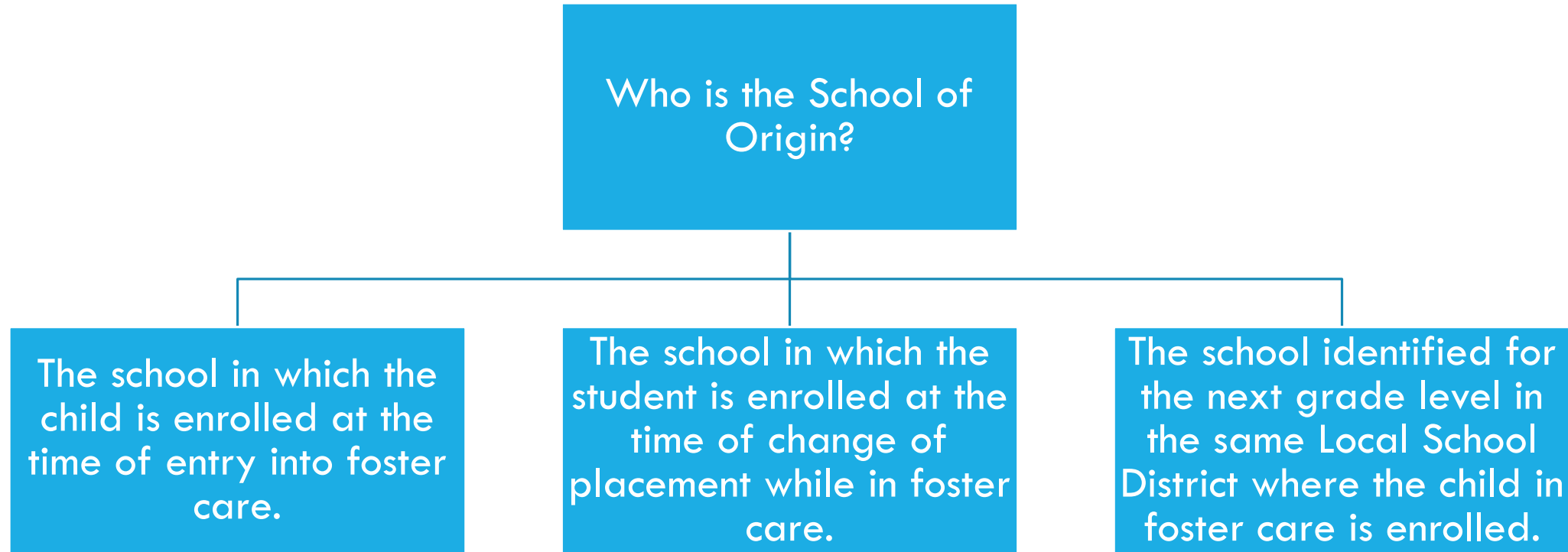
Best Interest Determination  
Process for School Placement –  
Students in Foster Care

# PURPOSE OF THE REGULATION

Under 14 **Del.C.** §202A, a student in the custody of DSCYF who is in foster care must remain in the student's School of Origin unless a determination is made that it is not in the student's best interest to attend such school. The purpose of this regulation is to provide the process for the determination of best interest in school placement decisions for students in foster care.

Please reference the regulation for specific definitions related to the process.

# SCHOOL OF ORIGIN FOR STUDENTS IN FOSTER CARE

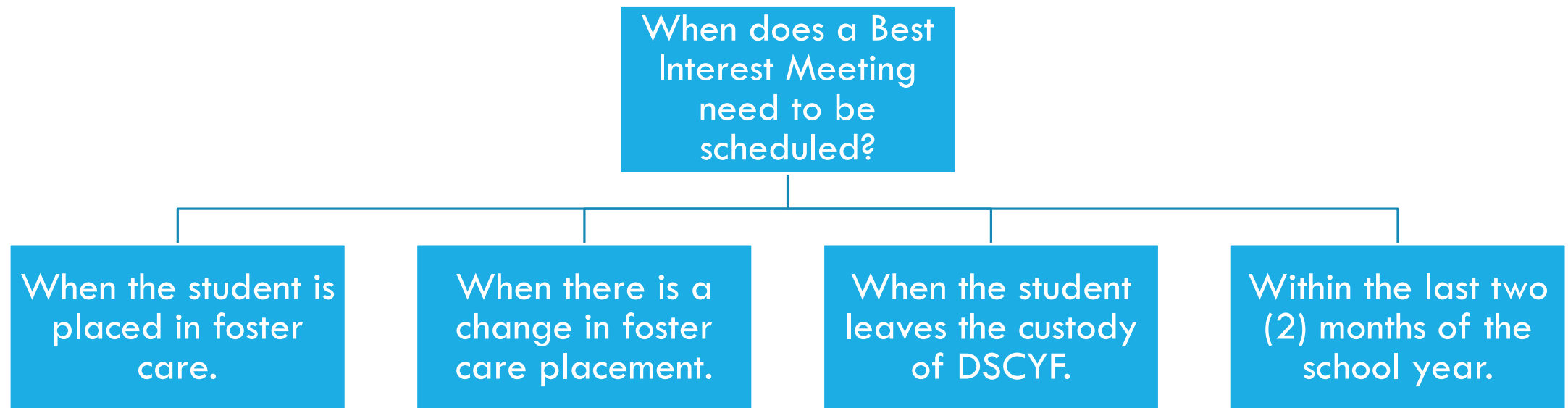


# BEST INTEREST MEETING TIMELINE

A Best Interest Meeting must occur within five (5) school days based on the School of Origin's school instructional calendar or seven (7) business days in the event of summer recess.

Note: Liaisons who do not work in the summer will need to identify a designated point of contact for these meetings to occur in the summer.

# BEST INTEREST MEETING TIMELINE CONT...



Note: A Best Interest Meeting should only occur when one (1) of these four (4) scenarios occurs. If exigent circumstances exist for a subsequent Best Interest Meeting to occur, an application shall be submitted on a form approved by the Department to the State Coordinator. The Secretary or designee will determine whether to approve the application for the requested subsequent Best Interest Meeting.

# WHAT IF A BEST INTEREST MEETING IS NOT HELD IN THE SPECIFIED TIME PERIOD?

If it is determined a Best Interest Meeting cannot occur within the specified time, documentation identifying the reason for the meeting delay shall be provided to the State Coordinator within ten (10) working days.

This information shall be provided annually to the chief school officer of the local school district or charter school.

# PROCESS FOR THE DETERMINATION OF BEST INTEREST

The DFS Caseworker and LEA Foster Care Liaison shall be responsible for the coordination of the date, time, and method for the Best Interest Meeting using available technology; however, in person attendance is preferred.

## The LEA Foster Liaison shall:

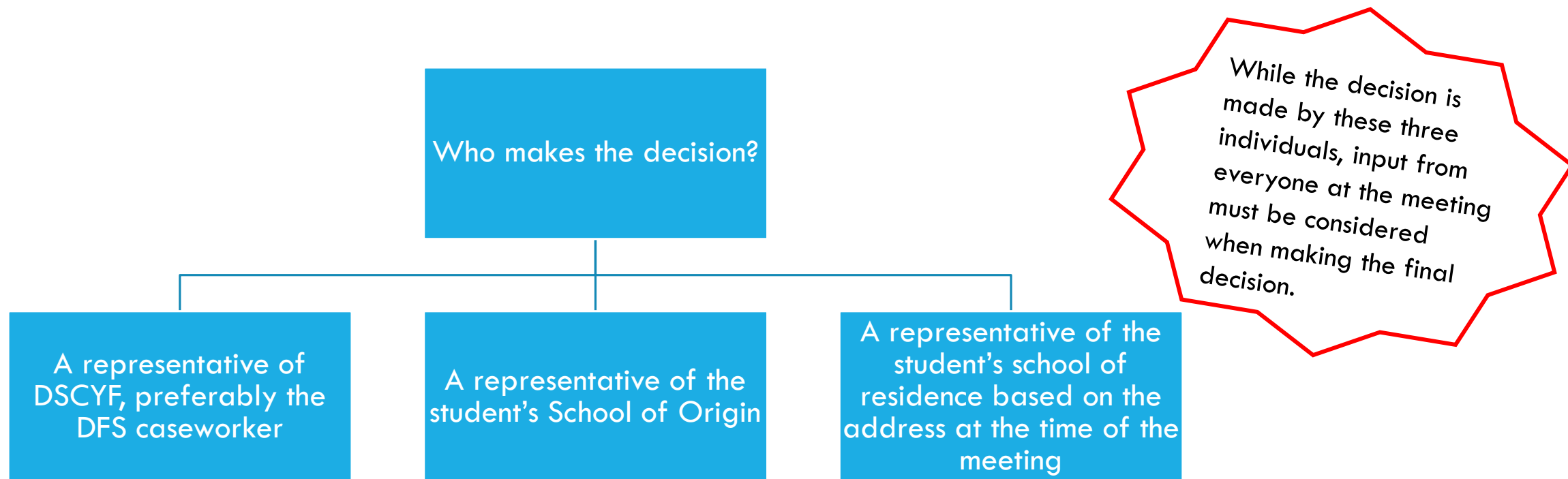
- invite needed educationally related participants; and
- invite the special education administrator or designee from the student's school of residence, based on the address of the DSCYF custody placement at the time of the meeting, and the student's School of Origin, and the educational surrogate parent when applicable to participate in the Best Interest meeting if the student is eligible for or receiving special education services.

## The DFS Caseworker shall:

- invite the parent(s) or legal guardian(s) or Relative Caregiver, foster care parent(s), attorney for the child or CASA, and educational decision maker, as applicable; and
- invite the student to attend when it is determined to be developmentally appropriate by the DFS Caseworker.

# PROCESS FOR THE DETERMINATION OF BEST INTEREST CONT...

The statewide Best Interest Determination Form for students in foster care must be completed at each meeting.



What if these three (3) individuals can't agree?

- The student shall remain in the School of Origin pending finalization of any applicable dispute resolution process.



# APPLICABILITY

- Nothing in this regulation shall alter a Local School District or Charter School's duties under the Individual with Disabilities Act (IDEA) or 14 **DE Admin. Code** 922 through 929. Nothing in this regulation shall prevent a Local School District or Charter School from providing supportive instruction to children with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and Delaware Department of Education regulations.
- Nothing in this regulation shall alter a Local School District or Charter School's duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent a Local School District or Charter School from providing supportive instruction to such students.

# IMPORTANT INFORMATION

[Title 14 §202A School enrollment for children in the custody of the Department of Services for Children, Youth and Their Families](#)

[Regulation 903 Best Interest Determination Process for School Placement - Students in Foster Care](#)

Questions: Please email the State Coordinator for Students in Foster Care

[Jennifer Davis](#)