

SURRY SCHOOL BOARD POLICY

JFABE

Policy JFABE: Foster Children

The Surry School Board does not operate any schools and is recognized as a sending district. Therefore, the Surry School Board recognizes and incorporates by reference the policies and procedures applicable to students and parents/guardians of students attending the receiving school districts and adopted by the receiving school boards in the school districts where Surry resident students attend school. The Surry School District shall work in cooperation with the New Hampshire Department of Education, appropriate child welfare agencies, and the receiving schools with regard to education of foster children.

It is the intention of the Surry School Board to remove barriers to the identification, enrollment, and retention in school of children who are in foster care. It is the expectation of the school board that receiving schools shall take reasonable steps to ensure that children in foster care are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

Definition.

Under guidance issued jointly by New Hampshire Department of Education and the New Hampshire Department of Health and Human Services, and for the purposes of this policy, “foster care” shall mean “24-hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility. This includes children in foster family homes, shelters, relative foster homes, group homes and residential facilities, regardless of whether the foster care facility is licensed or whether payments are made by the state.” To the extent required under applicable law, a child in foster care under this policy also includes children whom an appropriate child welfare agency indicates are awaiting a foster care placement.

District Responsibilities.

The Surry School District shall coordinate with other districts, local child welfare agencies, and other agencies or programs providing services to students in foster care as needed. The coordination requirements apply to both situations when a student who is a resident of the Surry School District is placed in foster care in another district, or when a student residing in another district is placed in foster care in a home within the Surry School District.

The Superintendent is responsible for providing assurances to applicable state and federal agencies that the Surry School District is complying with requirements to ensure the educational stability of children in foster care, and for reasonably monitoring compliance with such assurances.

The Superintendent shall designate a District point of contact referred to as the Foster Care POC. The Foster Care POC shall coordinate between the New Hampshire Division of Children, Youth and Families (DCYF), New Hampshire Department of Education (NHDOE), other districts, and other child welfare agencies as needed.

The responsibility of the Foster Care POC is to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care, pursuant to applicable state and federal statutes, regulations and guidance. The Foster Care POC shall work with the receiving district POC to facilitate the education of foster care children.

Best Interest Enrollment Determinations.

Generally, a student in foster care will remain in his/her school of origin, unless there is a determination that it is not in the student's best interest. The Foster Care POC shall assist DCYF or any other child welfare agency to make a "best interest determination" education decision, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in a new school.

In some cases, it is determined that the best interest of a child is not to remain in the school of origin. If a foster student is placed within the Surry School District, because the Surry School Board does not operate any schools, the Foster Care POC will work with the Keene School District to facilitate enrollment, even if any documents or records otherwise required for enrollment are not immediately available.

If there are disputes regarding a best interest determination for a child in foster care, it is expected that DCYF and the sending and receiving will work collaboratively at the local level to resolve the issue. Should there be no resolution, RSA 193.12, V-b, requires the Department of Health and Human Services to request in writing that the two Superintendents involved resolve the dispute. If the residency dispute remains unresolved after 10 days after such request, the Department of Health and Human Services shall request that the Commissioner of the Department of Education determine the residence of the child for purposes of school enrollment.

Transportation.

When the Surry School District is notified that a student in foster care needs, or may need, transportation to a receiving school, the Foster Care POC will take steps to establish an individualized plan that addresses transportation to maintain the student in his/her school of origin, provided and funded for the duration of time that the student in foster care is attending his/her school of origin.

In establishing such a plan, the Foster Care POC and school district foster care point of contact shall follow any existing transportation procedures, systems-level plan or agreement that the District, acting in collaboration with DCYF and/or other departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student.

Out of District transportation of children in foster care shall be provided in accordance with DCYF's or other child welfare agency's authority to use child welfare funding for school of origin transportation.

If there are disputes regarding the provision or funding of transportation, the school district foster care point of contact and child welfare agency representative will contact their respective Supervisor and Superintendent of the school to resolve the dispute. To the extent feasible and appropriate, the school districts involved should ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce school transitions.

Nothing in this policy should be construed as obligating the Surry School District to take on any transportation obligations, other than those required by law.

References: 20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)
20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)
20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (provisions in ESSA regarding obligations to students in foster care)
- 2 U.S.C. 671 (a)(10) and 675 (1)(G) (child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care)
42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)
Public Law 110-351, The Fostering Connections to Success and Increasing Adoptions Act of 2008
34 C.F.R. 200.30 (f)(1)(iii) (ESSA’s definition of “foster care”)
Plyler v. Doe, 457 U.S. 202 (1982)
RSA 193:12, Legal Residence Required
NHDOE Guidance on Every Student Succeeds Act and Foster Care
RSA 193:29 Liability for Education of Children in Homes for Children or Health Care Facilities
RSA 193:27 Definitions

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