Chapter 30: Dropout Prevention

Rule 30.1 Compulsory School Attendance

1. Requirements


   b. Pursuant to {MS Code §43-21-321 and §37-13-80} School Attendance Officers shall:

      i. Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and

      ii. Gather accurate data on youth in juvenile detention centers to properly track students.

   c. In addition to the duties set forth in statute, State School Attendance Officers shall be required to provide technical assistance to school districts in the areas of attendance and dropout prevention.


Rule 30.2 Reporting Unexcused Absences.

1. Pursuant to Mississippi Code 37-13-91, a parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic for the period of time that the child is of compulsory-school-age. Mississippi Code Section 37-9-14(2)(u) states that School District Superintendents are “to comply in a timely manner with the compulsory education reporting requirements prescribed in Section 37-13-92(6).” The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer.

   a. An unlawful absence is an absence by any compulsory school-age child missing for thirty-seven (37%) or more of a school day, in which the absence is not due to a valid excuse for temporary nonattendance.

   b. An unlawful absence is an absence by any compulsory school-age child who is removed from school for days missed as a result of disciplinary suspension. Absences due to suspension or expulsion shall not be excused by the school district superintendent, or his designee. A student that is absent due to suspensions or expulsions shall not be reported as truant.

2. Based on Section 37-13-91(6), the school district superintendent or his/her designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officers. Therefore, pursuant to Section 37-13-85(o), provides that the MDE shall adopt any other policies that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add or contradict with the requirements of Section 37-13-91. The
superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur and code them as “unexcused absences”. However, these absences will not be counted towards a student being identified as truant.

3. For the purpose of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of his/her instructional day, as fixed by the local school board, and defined by the student’s schedule, in order to be considered in full-day attendance.

4. Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

   a. An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

   b. An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

   c. An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

   d. An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

   e. An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

   f. An absence may be excused if the religion, to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

   g. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

   h. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to
warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

5. If a compulsory-school-age child is **participating in an authorized school activity** with the prior approval of the superintendent of the school district, or his/her designee, the student is considered **PRESENT** for average daily attendance reporting purposes. The activities include, but are not limited to:
   
   a. Official Organized Events Sponsored by the 4-H
   b. Future Farmers of America
   c. Junior Livestock Shows
   d. Rodeo Events
   e. Official Employment as a Page at the State Capitol
   f. Subject-Matter Field Trips
   g. Athletic Contest
   h. Student Conventions
   i. Music Festivals or Contest

6. A student’s participation in an authorized school activity must be verified by one of the following:

   a. Student Schedule
   b. Class Roster
   c. Activity Roster

7. If a district superintendent fails to comply with the above guidelines, the following may occur:

   a. The School Attendance Officer may present evidence to the Director of the Office of Compulsory School Attendance Enforcement that a school superintendent has failed to report unexcused absences in a timely manner. Such a report must be in writing and supported by written evidence.

   b. If no action is warranted, the Director of the Office of Compulsory School Attendance
c. Enforcement will notify the School Attendance Officer in writing of the determination.

d. If further action is warranted, the Director of the Office of Compulsory School Attendance Enforcement may recommend to the State Superintendent of Education or his/her designee, downgrading of the district's accreditation status.

e. When information on file in the Mississippi Department of Education indicates that a school district may be in violation of a state law, the superintendent of the district will be informed in writing by appropriate staff in the Department responsible for monitoring compliance with the compulsory school attendance law.

f. School district officials will be given thirty (30) days from the date of receipt of notification to provide a written response verifying accuracy or inaccuracy of the notice of possible noncompliance with the compulsory school attendance law. If the written response includes appropriate evidence to correct or refute the alleged violation, the superintendent of the district will be notified by appropriate staff.

g. The appropriate staff member in the Office of Accreditation will notify the superintendent of the district in writing of the verified violation. Although the accreditation status of the district may not be subject to change until the next assignment of annual district status, the superintendent is required to provide a written response specifying how and when the violation will be corrected.


Rule 30.3 Compulsory School Attendance (Repealed 5/2010)

Rule 30.4 Truancy Rate Definition, Calculation and Rate

1. PURPOSE
Pursuant to MS Code §37-13-91, a parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory-school-age. A “Compulsory-school-age child” means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to disenroll the child from the program on a one-time basis, and such child shall not be deemed a compulsory-school-age child until the child attains the age of six (6) years.

Pursuant to the Elementary and Secondary School Act, Subpart I, §4112, (c)(3)(A)(B)(i), beginning with the 2005-2006 school year, state education agencies were required to report
truancy rates on a school-by-school basis to the US Department of Education. In an effort to ensure compliance with federal guidelines, this policy sets forth the distinction between excused and unlawful absences and provides formulas for truancy, habitual truancy, suspension and expulsion rate calculations. This information will serve to establish a uniform reporting method.

2. DEFINITIONS
   a. Cumulative Enrollment – sum of all entering students within a school year.
   b. Excused Absence – any of seven designated valid excuses for temporary nonattendance of a compulsory-school-age child enrolled in a public school, pursuant to MS Code §37-13-91, (4) (a) through (4) (i).
   c. Habitual Truant – a student who has accumulated twelve (12) or more unlawful absences, excluding suspension and expulsion days, in a school year, which shall result in the filing of a petition in a court of competent jurisdiction by the school attendance officer.
   d. School Day – pursuant to Mississippi Code §37-13-91 (d), defined as not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.
   e. Truant – a student that has accumulated five (5) or more unlawful absences in a school year, excluding suspension and expulsion days.
   f. Unlawful absence – (also known as an unexcused absence) an absence during a school day by a compulsory-school-age child, which the absence is not due to a valid excuse for temporary nonattendance, pursuant to MS Code §37-13-91 (4).

3. REQUIREMENTS
   a. Truancy shall only apply to students of compulsory-school-age.
   b. Each local school district shall determine whether an absence is excused or unlawful based on the Compulsory School Attendance Law §37-13-91 of the Mississippi Code 1972 Annotated.
   c. For the purpose of calculating truancy rates, out of school suspensions shall not be considered unlawful absences. Out of school suspension days shall not be factored into truancy rate calculations.
   d. Students that satisfy the school day attendance requirements shall not be considered absent and/or calculated in the truancy rate, including students enrolled in alternative education programs, GED Options programs, and students detained in juvenile detention centers.
   e. The MDE shall calculate the truancy, habitual truancy, suspension, and expulsion rates once per year. The MDE shall report disaggregated data at both the state and district
levels. The following calculations shall be used in determining truancy, suspension and expulsion rates:

i. The Truancy Rate shall be calculated using the following formula: Numerator: Number of students with five or more unlawful absences (truant) Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value

ii. The Habitual Truancy Rate shall be calculated using the following formula:
Numerator: Number of students with twelve or more unlawful absences (habitual truant)
Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value

iii. The Student Out-of-School Suspension Rate shall be calculated using the following formula:
Numerator: Total number of student out-of-school suspensions in a school year
Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value

iv. The Overall Out-of-School Suspension Rate shall be calculated using the following formula:
Numerator: Total number of out-of-school suspension days in a school year
Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value

v. The Expulsion Rate shall be calculated using the following formula: Numerator: Number of student expulsions in a school year Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value


Rule 30.5 Dropout Prevention Plan. Miss Code Ann § 37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; procedures for tracking students who enter and leave detention centers; dropout prevention plan to address student transition to home school districts; legislative intent [Repealed effective June 30, 2009].

1. There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program.

2. The State Superintendent of Public Education shall appoint a director for the Office of Dropout Prevention, who shall meet all qualifications established by the State Superintendent of Public Education and the State Personnel Board. The director shall be responsible for the proper administration of the Office of Dropout Prevention and any
other regulations or policies that may be adopted by the State Board of Education (Miss. Code Ann. §37-13-80).


4. Each local school district will be held responsible for reducing and/or eliminating dropouts in the district. The local school district will be responsible for the implementation of dropout plans focusing on issues such as, but not limited to:
   a. Dropout Prevention initiatives that focus on the needs of individual local education agencies;
   b. Establishing policies and procedures that meet the needs of the districts;
   c. Focusing on the student-centered goals and objectives that is measureable;
   d. Strong emphasis on reducing the retention rates in grades kindergarten, first and second;
   e. Targeting subgroups that need additional assistance to meet graduation requirements; and
   f. Dropout recovery initiatives that focus on students age seventeen (17) through twenty-one (21), who dropped out of school (Miss. Code Ann. §37-13-80).

5. The Office of Dropout Prevention may provide technical assistance upon written request by the local school district. The Office of Dropout Prevention will collaborate with program offices within the Mississippi Department of Education to develop and implement policies and initiatives to reduce the state's dropout rate (Miss. Code An. §37-13-80).

6. Each school district's dropout prevention plan shall address how students will transition to the home school district from the juvenile detention centers (Miss. Code Ann. §37-13-80).

7. In addition, the Mississippi Department of Education recommends the following:
   a. expand educational affiliations to include head start, parochial, private and community early childhood programs to develop a systematic approach that will support students in acquiring the child development skills that are essential for success in a K-12 program. These skills will include cognitive, social, language, behavioral, gross and fine motor skills.
   b. develop criteria to identify students, as early as third grade that are potentially at risk of dropping out.
8. The Office of Dropout Prevention shall establish graduation rate benchmarks for each two-year period from the 2008-2009 school year through the 2018-2019 school year, which shall serve as guidelines for increasing the graduation rate for cohort classes on a systematic basis to eighty-five percent (85%) by the 2018-2019 school year.

<table>
<thead>
<tr>
<th>Graduation Benchmarks</th>
<th>School Years</th>
<th>Graduation Rates</th>
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<tr>
<td>Benchmark 1</td>
<td>2008-2009</td>
<td>63%</td>
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<tr>
<td>Benchmark 2</td>
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<td>66%</td>
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<tr>
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<td>81%</td>
</tr>
<tr>
<td>Benchmark 6</td>
<td>2018-2019</td>
<td>85%</td>
</tr>
</tbody>
</table>

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2012)*
Rule 30.6 Youth Detention Center Educational Provisions

In accordance with Miss. Code Ann. § 43-21-321, educational provisions are required for youth detainees in a juvenile detention center facility at a minimum during the sponsoring school district’s academic school year.

1. The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure that educational services are provided to every student placed in a juvenile detention center (JDC).

2. A certified teacher will provide educational services to detainees.

3. Teacher selection shall be in consultation with the youth court judge.

4. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.

5. The sponsoring school district in collaboration with the home school shall comply with the Individuals with Disabilities Education Act (IDEA) and comparable state laws for students with special needs.

6. After forty-eight (48) hours of detention during the calendar year, as determined by the sponsoring school district, the detainee shall receive the following services which may be computer-based:

   a. Diagnostic assessment of grade-level mastery of reading and math skills;
   b. Individualized instruction and practice to address any weaknesses identified in the assessment; and
   c. Character education to improve behavior.

7. The sponsoring school district shall work in collaboration with detention center staff to ensure that educational records have been obtained for any student that will be detained for more than 48 hours during the sponsoring school district’s academic school calendar. The sponsoring school district shall adhere to Child Find regulations throughout the calendar year.

8. Student assignments shall be provided to a juvenile detention center by the home school for completion during detainment if need by the Juvenile Detention Center (JDC). Student's records, including grades and attendance, shall be part of the student's transition process and submitted to the receiving school district for review, upon release. Grades received from the JDC’s education program shall be incorporated into academic performance grades.

9. The sponsoring school district will provide instruction based on the academic needs of each detainee. When a youth has been receiving special education services in his/her school placement, and is admitted with an existing Individualized Education Program (IEP), it is the responsibility of the educational personnel, at the detention center, to ensure the continued implementation of the IEP with modifications, if needed, due to the nature of the youth’s detainment.
10. School districts shall work collaboratively to develop a documented process for the continuation of related services. The school district of residence remains responsible for the student’s access to related services while the student is in a juvenile detention center.

11. The sponsoring school districts shall maintain and update the computer labs.

12. Students in the youth detention center shall not be classified as absent by the student’s home school and attendance data shall be reported to home district daily.

13. The sponsoring school district provides adequate substitute teaching staff to cover teaching duties of educational staff that are on sick or personal leave. The criteria for a substitute teacher shall be aligned with the district’s policy for short and long-term placement.

14. The sponsoring school district shall provide 330 minutes of instruction per school day.

15. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.

16. An Individualized Academic Plan (IAP) shall be written by the sponsoring school district for each student that has been detained for 10 days or more, during the sponsoring school district’s academic calendar, and forwarded to the student’s home school and is shall be used as a transition component. An IAP does not need to be developed if the student has an existing IEP. The JDC educational staff shall follow all state and federal laws for revisions and modifications of an existing IEP to ensure appropriate services.

17. Student detainees who have received a High School Equivalency diploma shall be provided educational services, which may be computer-based on an academic screener. Instruction shall include an integrated career counseling component, and access to career and technical opportunities.

18. The sponsoring school district shall be responsible for providing educational and/or special educational services as required by state and federal law for youth detainees. At a minimum, educational services shall be provided during the sponsoring school districts academic school year and must include a six-week enrichment program. The enrichment program shall focus on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The sponsoring school district shall ensure compliance with all guidelines set forth by the IDEA. The summer enrichment program shall be at least four (4) hours per day and may be computer-based.

19. The non-sponsoring school districts that have students detained at a detention center, will share equally in the additional cost of educational services. Once the Legislature has allocated funding for educational services, provided by the state’s detention centers, the Mississippi Department of Education will disseminate the funding based on the need’s analysis submitted by each of the sponsoring school districts. Any remaining cost related to educational services, including the maintenance of computer labs, will be equally divided among the non-sponsoring
school districts, or district of residence, of juveniles placed in a detention facility.

20. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming.

21. The MDE shall monitor each detention center’s educational program in accordance with state law. Each sponsoring school districts shall be responsible for conducting a self-assessment of educational programs offered to student detainees. On-site monitoring may be conducted if specified risk factors are identified including, but not limited to:

   a. Complaints by the Department of Public Safety Facility Monitoring Unit
   b. Notification of non-compliance by the Office of Special Education
   c. Sponsoring school district’s self-assessment irregularities

Rule 30.7 Home School Guidelines. Pursuant to the Mississippi Code of 1972 Annotated Section 37-13-91, the Mississippi Legislature requires all compulsory-school-age children who have attained or will attain the age of six (6) years on or before September 1 of the calendar year and who have not attained the age of seventeen (17) years on or before September 1 of the calendar year; to enroll in and attend a public, private or home school.

1. A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:
   a. When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.
   b. When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.
   c. When a compulsory-school-age child is being educated in a legitimate home instruction program.

2. The parent, guardian or custodian of a compulsory-school-age child enrolled in home school must complete a certificate of enrollment.

3. The appropriate school official for any or all children attending a nonpublic school shall complete a “certificate of enrollment” in order to facilitate the administration of this section.

4. The certificate of enrollment shall be prepared and maintained by the Mississippi Department of Education, Office of Compulsory School Attendance Enforcement.

5. The Office of Compulsory School Attendance Enforcement shall be the only authorized entity to disseminate and collect the certificates of enrollment. Certificates of Enrollment will not be provided to school district personnel for distribution.

6. School district personnel must notify the Office of Compulsory School Attendance Enforcement (state school attendance officer) if a parent, guardian or custodian is seeking to enroll a compulsory-school-age child in home school.

7. District personnel cannot at any time complete a certificate of enrollment. The certificate of enrollment must be completed by the parent, guardian or custodian of the compulsory-school-age child enrolling in a home school program.

8. The school attendance officer will provide the parent, guardian or custodian with information and documents to ensure compliance with the Compulsory School Attendance Law.

9. The certificate of enrollment shall be designed to obtain the following information only:
a. The name, address, telephone number, and date of birth of the compulsory-school-age child;
b. The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;
c. A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and
d. The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a nonpublic school, the signature of the appropriate school official and the date signed.

10. The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in Mississippi Code of 1972 Annotated Section 37-13-91 (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

11. For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

Therefore, a “Certificate of Enrollment“ for students beyond the compulsory school attendance age will only be accepted if a student is or has been previously enrolled in a home instruction program and/or the student was enrolled in a home instruction program at any time prior to exceeding the compulsory school attendance age.

Certificates of Enrollment will not be accepted for individuals registering to enroll in a home instruction program, for the first time, that have exceeded the compulsory school age nor will the student be considered as a “transfer to home school”.

Rule 30.8 – Educational Stability for Students in Foster Care

The Mississippi Department of Education (MDE) State Board of Education recognizes the importance of educational stability for students in foster care to promote high level achievement similar to peers. Therefore, the MDE will collaborate, as appropriate, with Mississippi’s Child Welfare agency, the State agency responsible for administering the State plans under parts B and E of Title IV of the Social Security Act (42 U.S.C. §§ 621 et seq. and 670 et seq.), the Mississippi Department of Child Protection Services (MDCPS), to ensure school stability and success for youth in foster care.

I. Written District Policy

A. Each Local Education Agency (LEA) shall develop a local, written, district policy to address educational services for students in foster care in accordance with Federal and State laws and regulations.

B. The policy shall, at a minimum, include provisions regarding:

1. The process for deciding the Best Interest Determination (BID);
2. The development of written procedures governing how transportation for children in foster care will be provided, arranged and funded for the duration of time; and,
3. Awarding credit for full or partial coursework satisfactorily completed while attending prior schools, and consideration of credits partially completed in a prior school, awarding partial credits, and offering credit recovery courses.

II. Foster Care Points of Contact

Foster Care Points of Contact (POC) shall be designated at both the MDE (State POC) and in local school districts (LEA POC) to carry out various responsibilities that ensure the educational stability and rights of students in foster care.

A. Mississippi Department of Education Foster Care State Point of Contact

The MDE shall establish or designate an employee in the MDE as State POC. The MDE State POC shall:

1. Collaborate with the Mississippi Department of Child Protection Services (MDCPS) to agency to develop and disseminate uniform guidelines for implementing the Title I educational stability provisions;
2. Ensure the MDE State POC designee’s contact information is made publicly available on MDE’s website and in relevant publications;
3. NOT be the State’s Coordinator for Education of Homeless Children and Youths required under the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11432(d)(3));
4. Oversee implementation of the MDE’s responsibilities required under 20 U.S.C. §6311(g)(1)(E) (educational stability, school of origin, Best Interest Determination (BID), records, and enrollment); and, ensure:

   a. a list of LEAs POCs is maintained and updated at least annually;
   b. each LEA submits its local POC designee to the State POC; and,

as outlined in 20 U.S.C. §6312(c)(5)(A), if the corresponding child welfare agency (MDCPS) notifies an LEA, in writing, that the MDCS has designated an employee to serve as POC for the LEA, and the LEA has not designated an LEA POC, the MDE State POC shall designate an LEA POC, the MDE State POC shall designate an LEA POC.

B. Local Education Agency Foster Care Point of Contact

1. Each LEA shall designate a staff person to act as the LEA’s POC for students in foster care. The LEA POC shall, at a minimum:

   a. Coordinate implementation of the Title I, Part A provisions, as it relates to the Foster Care provisions outlined in the ESSA and State laws and regulations;
   b. Document the BID decision;
   c. Initiate a school-to-school transfer of records with the school of origin for immediate enrollment (as defined in subsection [(III)(C)(II)(b)], and ensure the student is attending school while the records are being transferred;
   d. Document data sharing with the MDCPS consistent with Federal and State laws and other privacy protocols;
   e. Ensure children in foster care are enrolled in school as outlined in the State’s compulsory attendance laws and regulations;
   f. Compile school and service-related documents (to include a student’s Special Education records, if applicable), and ensure no delay or interruption in services (services begin on the first day of enrollment); and,
   g. Initiate collaboration with MDCPS POC and contact the designated MDCPS POC with concerns, such as, but not limited to:

      i. Resolving issues relating to services for students with special needs;
      ii. Clarifying which children are currently in foster care;
      iii. Obtaining records;
      iv. Maintaining current documentation and contact information for the child’s Social Worker, foster parent of care provider, and person designated to make education decisions by confirming the status of the
education rights of the birth parent and, if applicable, seeking information on who holds educational decision rights; and,
v. Ensuring the individual designated to make educational decisions can access student records.

2. The LEA shall ensure that the name and contact information for the LEA POC is provided to the MDE at the beginning of each academic school year and placed on the District’s website, and otherwise publicly posted, so the designee may be easily reached when required.

3. LEAs shall provide, any changes during the year, to the MDE State POC.

III. School District and School

A. Definitions

1. Best Interest Determination (BID) refers the collaborative process between MDCPS and local school districts based on the individual student’s unique best interests. The determination involves input from multiple parties to make decisions about whether a student placed in foster care should continue to attend his or her school of origin.

2. School of Origin refers to the school that a student was attending at the time of placement in foster care or the last school the student attended, despite a change in home. To ensure continuity in education, remaining in the school of origin is preferred.

3. School District of Origin refers to the Mississippi school district in which a school of origin is physically located.

4. Single-school Districts/Education Authorities refer to situations in which an individual school operates as an individual school district (for example, charter schools). The school is considered both the school of origin and the district of origin.

B. Designation of School District and School

The LEA, in consultation with the MDCPS, shall determine whether placement in the school district of origin or the school district of foster care placement residence is in the best interest of a student in foster care (see, subsection IV. Best Interest Determination) to ensure educational continuity for the student.

C. LEA Responsibilities Upon School Designation

1. When the LEA, in consultation with the MDCPS, has determined in the BID that it is in a student’s best interest to remain in the school of origin, the LEA shall document in
writing the individualized student’s plan regarding how transportation shall be provided, arranged, and funded for the student.

a. The LEA shall document in writing the Transportation Plan, developed in collaboration with the MDCPS, that supports the District's obligations under federal and state law to ensure any student in foster care who requires transportation in order to attend his or her school of origin shall receive transportation services on the first day of the student’s attendance.

b. The Transportation Plan shall outline:
   i. How transportation will be provided, arranged, and funded, as well as the costs for transportation, which shall be provided and allocated pursuant to applicable laws and regulations.
   
   ii. The cost-effective manner as defined in 42 U.S.C. § 675(4)(A) to ensure each student in foster care receives transportation promptly to attend their school of origin.
   
   iii. If applicable, the amount of “additional costs.” Additional transportation costs incurred in providing transportation to maintain children in foster care in their school of origin reflect the difference between what an LEA would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin. If additional transportation costs are identified, the LEA shall enter into a written agreement with the MDCPS describing how excess transportation costs will be funded, consistent with applicable Federal and State laws and regulations.
   
   iv. An LEA should also consider whether transportation can be provided for minimal or no additional costs.
   
   v. If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if—

   (I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

   (II) the local educational agency agrees to pay for the cost of such transportation;

   or

   (III) the local educational agency and the local child welfare agency agree to share the cost of such transportation.
c. In the event a dispute arises between the LEA and MDCPS concerning the cost of transportation to ensure the child in foster care remains in his or her school of origin, the LEA shall forward the dispute to the MDE State POC in accordance with the Dispute Resolution Process (see subsection V).

d. Title 1, Part A may be utilized to provide transportation for foster youth; however, Title 1, Part A funds set aside to serve homeless children cannot be used for children in foster care [42 U.S.C. § 675(1)(G); 20 U.S.C. § 6311(g)(1)(E)(i); 20 U.S.C. § 6312(c)(5)(B)].

2. When the LEA, in consultation with the MDCPS, has determined in the BID it is in a student’s best interest to leave the school of origin, the enrolling LEA shall:

a. ensure enrollment in the new school takes place on the same day the MDCPS representative (i.e. case worker, educational liaison) enrolls the student, even if the child is unable to provide records normally required for enrollment, to prevent disruption of the student’s education.
   i. A student in foster care must be enrolled by a MDCPS representative (i.e., case worker, educational liaison or an individual with MDCPS foster parent verification).
   ii. The LEA shall confirm, in writing, the person responsible for making educational decisions. If a student is removed, from the school, by anyone other than a MDCPS employee (social worker, educational liaison or an individual with MDCPS foster parent verification), the LEA will notify MDE immediately, unless a court order states otherwise.
   iii. Contact the school last attended (school of origin), within one (1) school day of enrollment, to obtain relevant academic and other records.

b. update the student database and contact information for the student within one (1) school day of notification of enrollment from the custodial agency (MDCPS).

c. ensure the student is assigned to a school in the district in the same manner and according to the same process used for all other students in the district.

d. follow its local, written policy concerning transfer of coursework.

e. ensure each student in foster care shall be provided services comparable to other students in the school of attendance, including but not limited to: transportation services; educational services for which the student meets eligibility criteria;
educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted students; and school nutrition programs.

f. ensure that it is documented, on the BID, that a student was withdrawn prior to the BID, if applicable.

3. Student’s Records

a. Upon receipt of a written request for school records from a new school, the school district of origin shall forward, in a manner consistent with Federal and State law and in compliance with all privacy and confidentiality laws, a complete copy of the records of the student in foster care. Information needed by the receiving school district shall include, but is not limited to:

i. Proof of age;
ii. Immunization records;
iii. Cumulative education file, if the child is attending a public school.
iv. Copy of the current IEP, if the child is eligible for special education services;
v. Copy of the current Section 504 Plan, if the child has a Section 504;
vi. Copy of health records kept by the school; and,
vii. Any other pertinent information needed to assist the enrolling school in providing appropriate educational services.

b. The inability to receive records shall not delay student enrollment.

IV. Best Interest Determination

The Best Interest Determination (BID) is the collaborative process between MDCPS and local school districts based on the individual student’s unique best interests.

A. The LEA shall coordinate with MDCPS, educational liaison or social worker, to finalize a BID within seven (7) school days from the date the LEA is notified, by MDCPS, of child’s placement in foster care or change in the child’s living arrangement, except in emergency removal situations. During the BID determination period, the LEA shall ensure the child is permitted to remain in his or her school of origin and the LEA shall document how transportation shall be provided, arranged, and funded during the pendency of the BID decision.

B. BID Participants

The LEA shall ensure the BID decision shall involve input from multiple, relevant parties who have the authority to make decisions regarding the child in foster care, and who have the knowledge and expertise about the child and the child’s circumstances to determine
whether a student in foster care should continue to attend his or her school of origin. These parties may include:

1. MDCPS representative;
2. Student, if applicable;
3. Child’s foster family;
4. Individual from receiving school district;
5. Counselor;
6. Guardian Ad Litem; and,
7. Biological Parent, if determined by MDCPS or Court Order.

If there is disagreement regarding school placement for a student in foster care, MDCPS is the final decision maker. Under ESSA, to promote educational stability, students should continue to attend their schools of origin while BIDs are determined.

C. Factors for BID Decision

The LEA shall consider all factors relating to a child’s best interest. Although there is flexibility in determining which factors should be considered as part of evaluating the appropriateness of the current educational setting, the LEA shall, at minimum:

1. Appropriateness of the current educational setting (the school of origin),

2. Proximity to the school in which the child is enrolled (the school of origin) at the time of placement in foster care,

3. Preferences of the child’s parent(s) or education decision maker(s) (individual legally authorized by the court to make educational decisions for a child in foster care);

4. Holistic and well-informed determination, utilizing a variety of student-centered factors including, but not limited to –

   a. Student’s age and grade level;
   b. Student’s preference, when age appropriate;
   c. Student’s attachment to the school, including meaningful relationships with staff and peers;
   d. Placement of the student’s sibling(s);
   e. Distance/length of time to travel to/from school;
   f. Time of academic year, academic performance, and skills;
   g. Current educational goals and services; anticipated length of time in placement, and whether reunification is the family goal;
   h. Number of placements to date;
   i. Child’s participation in specialized instruction (e.g., gifted programming, career technical education program, College Credit Plus, Advanced Placement classes);
j. Availability of required special education and/or related services in a school other than the school of origin when the student has an identified disability under IDEA or Section 504;
k. Availability of language services in a school other than the school of origin when the student has been identified as an English learner;
l. Child’s ability to earn full academic credit, the ability to proceed to the next grade, or the ability to graduate on time;
m. School climate, peer support, supportive adults, and involvement in extracurricular activities;
n. Availability and quality of the services in the school to meet the child’s educational and socioemotional needs;
o. Impact the commute to and from school would have on the child, based on developmental functioning. For children with disabilities, consider the IDEA’s federal requirements when determining best interest;

5. Whether the student needs to remain in the school of origin for a limited time (e.g., until the end of the school year, the end of a testing or grading period).

6. Determine if it is appropriate to revisit the question of whether it is in the student’s best to remain in the school of origin or enroll locally, and if so, document a specific time to reassess; and,

7. NOT consider the cost of transportation when determining a child’s best interest.

V. Dispute Resolution Process

A. The LEA shall permit a student in foster care to remain in his or her school of origin while any dispute is pending in order to minimize educational disruptions and reduce the number of moves between schools.

B. Once all avenues to resolve a foster care dispute at the local level have been exhausted, the LEA may forward the dispute to the MDE.

C. In the event of a dispute, the dispute resolution request shall include:

1. A complete explanation of the basis of the dispute, with all pertinent facts.

2. The name and contact information of the individuals who have been addressing the dispute thus far on behalf of both the LEA and the MDCPS (phone, email, and mailing address).

3. Details of previous attempts to resolve the dispute at the local level prior to requesting assistance from the State POC.