

Foster Care Best Interest Determinations (BID)

Understanding the BID process in Colorado

Best Interest Determination Introduction

The Every Student Succeeds Act (ESSA), 42 U.S.C. § 675(1)(G)(ii) includes provisions that are intended to increase educational stability and protect educational rights for children and youth in foster care. Under ESSA, it is assumed that it is in the child's best interest to remain in their school of origin in the event of an out-of-home placement, unless otherwise determined. In order to make that decision, a BID is held to determine whether or not a school move should occur based on a number of factors. Colorado has specific requirements for BID's under Social Services Rules 12 CCR 2509-4. The school-relevant considerations in these rules are outlined in this document.

This FAQ related to Best Interest Determinations (BID) for youth in foster care is intended to help in summarizing the BID intent and process for schools in Colorado. For more details about ESSA and Colorado Statute related to educational stability, please visit the [CDE Foster Care Education webpage](#).

BID FAQ

What is the definition of “student in foster care”?

The term “student in foster care” means that an individual has experienced an out-of-home placement and has been enrolled in a Colorado public school during the time period or school year referenced. The foster care could be brief, such as a few days, or might occur across multiple years.

What is meant by the term “out-of-home placement”?

Children and youth in out-of-home placements fall under the ESSA foster care provisions. The out-of-home placement takes place when a child is removed from their home and the county assumes custody. Examples of out-of-home placement settings include foster homes, kinship placements, trial reunifications, residential childcare facilities, group homes, and department of youth services settings.

Are schools responsible for arranging and facilitating BID meetings?

No. The county departments of human/social services are responsible for initiating, inviting participants, and facilitating BIDs. Social Services Rules 12 CCR 2509-4, 7.301.241 require county departments to coordinate with Local Education Agencies (LEA) to conduct BID meetings prior to the school move.

Who is invited to attend BID meetings?

County departments of human/social services are required to invite the following people to attend best interest determinations: child/youth (in a developmentally appropriate way), parents, caseworker or appropriate designee, guardian ad litem (if one is appointed), representative from the school of origin who knows the child/youth as determined by the LEA, educational surrogate parent, others as relevant and appropriate as determined by the county which includes, but is not limited to: future caregiver, court appointed special advocate (CASA), representatives from potential new school, support person for the child/youth.



How are schools initially contacted about the BID?

Each LEA is required to determine a Child Welfare Education Liaison (CWEL) as a single point of contact as defined under C.R.S. 22-32-138. A current list of CWEL's can be found on the [CDE Foster Care Education Webpage](#). County departments of human/social services coordinate with CWEL's from the school of origin and the potential receiving school district to be a part of the BID process. CWEL's at the school of origin should designate a representative who knows the child/youth to provide pertinent educational and social/emotional considerations for the student.

What should I do if a foster parent comes to enroll a student and a Best Interest Determination has not happened?

If the school is not aware of whether or not the county child welfare department held a best interest meeting, the CWEL should: 1) call the county department of human/social services to inquire about the best interest meeting, and 2) if the CWEL does not get an acceptable answer within one business day, call CDE and CDHS for help contacting the county.

What information is factored into consideration at a BID?

The information that is factored into the BID includes, but is not limited to: child/youth's wishes, child/youth's safety, how the school of origin can meet the academic and non-academic needs (including special education, extra-curricular activities, social, emotional needs, and meaningful relationships at the school of origin), how the decision impacts permanency goal(s), and time and distance traveled. Note: ESSA mandates that cost of transportation is **not** a permissible consideration in determining the child/youth's best interest.

Are there any special considerations for students in special education?

IDEA remains in place regardless of out-of-home placement status.

Due to the complex nature and multiple considerations related to IDEA and ESSA, a separate fact sheet on this topic is being created. In the meantime, contact the State Coordinator for Foster Care Education at CDE with questions.

Who makes the final determination in the BID?

The county departments of human/social services, and ultimately the juvenile court have decision-making responsibilities regarding children and youth under their jurisdiction, including BIDs. While schools are a vital part in providing the necessary information to make the determination, schools do not have access to confidential details of the child welfare case. The county department must consider how school of attendance affects the child/youth's safety, well-being, and permanency.

Who coordinates transportation the child to remains in the school of origin?

Under ESSA, LEAs and County departments of human/social services are to develop written transportation systems-level plans that define how transportation to the school of origin will be arranged, provided, and funded for the duration of time in foster care.

Are there sample BID and transportation documents?

Yes. The Colorado Department of Human Services created several sample templates for County departments of human/social services and school districts to coordinate transitions and transfers for children and youth in foster care.

Where to learn more?

- [CDE Foster Care Education webpage](#)
- Department of Human Services Social Services Rules CHILD WELFARE SERVICES 12 CCR 2509-4
- House Bill 08-1019 and Colorado Revised Statute 22-32-138
- Every Student Succeeds Act (ESSA) , 42 U.S.C. § 675(1)(G)(ii)



The following link connects to the [Colorado Department of Human Services website](#). To access the sample forms and templates, click "Child Welfare Forms & Helpful Documents" then scroll down to the "educational success" folder.

The Colorado Department of Education

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