



**To:** Colorado Child Welfare Education Liaisons (CWEL)  
**From:** Kristin Myers, Ph.D., State Coordinator for Foster Care Education  
**Date:** August 20, 2019  
**Re:** Back-to-School Information for CWELs

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As a new school year and the fourth year of foster care provisions in Every Student Succeeds Act begins, and 11<sup>th</sup> year in implementing 22-32-138, C.R.S., CDE is providing the following information to assist with serving your students in foster care.

Please join us for the **2019-2020 Back-to-School Webinar, September 5, 2019, 10:00am-11:00am:** <https://enetlearning.adobeconnect.com/cwelbackto/>. This is a great opportunity to follow-up with any questions related to this memo or implementation.

If you are new to the CWEL role, welcome! There is an attachment to the email with new CWEL guidance to assist you in transitioning to this new role.

#### Back to School Memorandum

The purpose of this memorandum is to provide guidance and tools for implementation of ESSA and 22-32-138, C.R.S., which expands upon and funds existing school stability statutes and regulations. It is **not intended to provide legal advice.**

**New this year! Please find a document titled, “Quick Reference Guide in ESSA and C.R.S. 22-32-138” for frequently encountered situations in implementation.**

Educational outcomes for children and youth in foster care are extremely poor, and research indicates a correlation between high student mobility and low educational achievement. On average, Colorado’s high school students in foster care experience three or more school moves within four years of entering ninth grade, and less than one out of three graduates high school within four years of entering ninth grade.<sup>i</sup>

There has never been more urgency to put these policies effectively into practice: Despite several years of monitoring educational outcomes data, outcomes have recently worsened: in 2017-18, only 24.8 % of students in foster care graduated on time.<sup>ii iii</sup>

This memo includes:

- An overview of the foster care provisions in ESSA
- An overview of the Foster Care Education Program at CDE
- Specific duties of a CWEL as defined by C.R.S. 22-32-138
- Transportation funding information for students in out-of-home placement
- Supporting documents and resources

- Information regarding upcoming training opportunities and ways to reach out for additional support.

## Background

### Foster Care Provisions in the Every Student Succeeds Act (ESSA)

ESSA was signed into law on December 10, 2015. This federal law replaced the *No Child Left Behind Act* and amends Title I, Part A of the Elementary and Secondary Education Act. ESSA contains specific provisions related to students in foster care. These provisions are intended to ensure educational stability, minimize disruptions for students in foster care, ensure collaboration between state and local education agencies and child welfare agencies, and place an emphasis on cross-agency collaboration in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act). ESSA guidance encourages educational and child welfare agencies to consider ways to support better outcomes for students in foster care and facilitate successful transitions. For more information, review the joint letter from the U.S. Department of Education and the U.S. Department of Health and Human Services, [www2.ed.gov/policy/elsec/leg/essa/edhhseffectivedatesdcl.pdf](http://www2.ed.gov/policy/elsec/leg/essa/edhhseffectivedatesdcl.pdf).

### The Foster Care Education Program at the Colorado Department of Education (CDE)

The Foster Care Education Program at CDE supports local education agencies and communities serving students in foster care. This program provides assistance and training for key stakeholders including, CWEL's, special education directors, school administrators, and county child welfare agencies.

The Foster Care Education Coordinator at CDE is responsible for:

- Providing training and professional development to address needs associated with implementation of State and Federal mandates relating to foster care education;
- Collecting and disseminating Child Welfare Education Liaison contact information on CDE's website;
- Coordinating with the department of human services;
- Serving as a point of contact to review compliance of education providers; and
- Acting as a liaison in coordination with the Department of Human Services to review complaints related to disputes over transportation agreements between education providers and county departments of human services.

### Key Terms and Definitions

A **“student in foster care”** is synonymous with a **“student in an out-of-home placement”**, which is defined in 22-32-138. C.R.S. as, “Student in out-of-home placement means a child or youth who **at any time during an academic semester** or term is in foster care and receiving educational services through a state-licensed day treatment facility or who at any time during an academic semester or term is in placement out of the home, as that term is defined in section 19-1-103 (85), including but not limited to any child or youth who is in

placement outside of the home **at any time during an academic semester** or term as a result of an adjudication pursuant to Article 2 of Title 19. **‘Student in out-of-home placement’ includes a child or youth who transfers enrollment as a result of being returned to his or her home at the conclusion of out-of-home placement.’**

**“School”** means a public school of a school district, a school operated by a Board of Cooperative Services, Institute Charter School, or a state-licensed day treatment facility, or an approved facility school.

**“School of Origin”** is defined<sup>iv</sup> flexibly to ensure children and youth who might not otherwise have a school of origin can attend the school where they have meaningful connections and to ensure children and youth input is considered when selecting a school. Designating a school as the “school of origin” allows the child or youth to attend there and receive transportation if necessary, even if they live outside the catchment area or transportation would not otherwise be provided.

- In most cases, the school of origin is the school in which a student was enrolled at the time of each placement into foster care. If the student’s foster care placement changes, the school of origin is the school in which the student is enrolled at the time of the change in placement. ‘School of origin’ includes “the designated receiving school at the next grade level for feeder school or zone patterns when the student completes the final grade level served by the school of origin.” This definition allows students to continue with their peers as they move from elementary to middle school or middle to high school.
- If the student is “stepping down” from a facility school, including schools in a residential child care facility or secure detention facility, and the student will no longer be enrolled in the facility school, there is flexibility to look back to schools the student has recently attended. The school of origin in these situations is either:
  - the last school the student attended within the previous two years for at least one complete semester or term prior to entering the facility school; or
  - another school where the student had a meaningful connection within the previous two years
- When there is more than one potential school of origin, the student’s input must be given strong consideration when determining which school to designate as the school of origin.

**“Immediate”** refers to the enrollment of a student in out-of-home placement and transfer of records. In reference to records, 22-32-138, C.R.S. states, “Student is enrolled in a new school immediately with transition planning, and that the student’s complete education information and records are requested immediately by the student’s new school upon enrollment... “Education provider shall transfer the student’s education information and records to the receiving school as soon as possible but not to exceed five school days after receiving the transfer request.”

Keep in mind that Federal Law (The Every Student Succeeds Act) states, “(ii) when a determination is made that it is not in such child’s best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally

required for enrollment. (iii) the enrolling school district shall immediately contact the school last attended by any such child to obtain relevant academic and other records.” 1111(g)(1)(E)(ii)(iii).

### Role of a Child Welfare Education Liaison (CWEL)

Pursuant to Colorado Revised Statute 22-32-138 and House Bill 18-1306, each school district and the state Charter School Institute (CSI), shall designate an employee of the school district or CSI to act as the child welfare education liaison for the district or for state charter schools. In lieu of designating an employee, a school district or the state charter school institute may contract with an individual to act as the child welfare education liaison.

- The duties of the liaison should include, need not be limited to: working with child placement agencies, county departments, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement.
- By August 15 of every school year, each school district and CSI shall report to the state coordinator for foster care education the name and contact information of the CWEL. Note: this name is now reported through the Consolidated Application for Federal Funding.
- There are other key parts of state law and ESSA that prohibit delaying transfer of records or enrollment because of fees owed (book fines), costs for uniforms, lab fees, etc.

Note: Effective August 10, 2017, pursuant to HB17-1301, a school district shall not withhold, and shall ensure that a school of the school district does not withhold records required for enrollment in another school or institution of higher education or the diploma, transcript, or grades of any student who fails to pay any assessed fine or fee, to return or replace textbooks or library resources, or to return or replace any school property at the completion of any semester or school year.

- A school district or school in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs.
- The school district or school shall not limit the opportunity of a student in out-of-home placement to participate in in-school and extracurricular activities and before-school and after-school programs due to waiver of the participation fees.
- CWEL duties **DO NOT** include data collection at this time. State-level data collection is included the foster care education provisions in ESSA. For the 2017-18 school year, CDE is reporting foster care educational data to the U.S. Department of Education.

### Back-to-School CWEL Information

There are several documents that may prove helpful during back-to-school time. These documents include:

- Foster Care Education Fact Sheet

- Legislative Overview for Foster Care with 22-32-138, C.R.S. updates
- American Bar Association Q&A regarding foster care provisions in ESSA
- US Department of Education Non-Regulatory Guidance
- CWEL Job Description

All of the above mentioned documents and additional resources and materials are available on the [Foster Care Education webpage](#)

### **Foster Care Training Opportunities**

Trainings and meetings will be scheduled throughout the year, and are also available upon request. Please feel free to reach out to Kristin Myers ([myers\\_k@cde.state.co.us](mailto:myers_k@cde.state.co.us)) to request a training for your local region or school district.

Dates and registration information will be sent via email, and through The CDE *Scoop*, an electronic weekly update to schools and districts as appropriate. [Click here to sign-up for the Scoop](#). Please reach out with additional requests or specific technical assistance needed.

As always, thank you for your passion and commitment in helping our most vulnerable students access educational opportunities and reach academic success.

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<sup>i</sup> Clemens, E. V. (2014). Graduation and Dropout Rates for Colorado Students in Foster Care: 5-Year Trend Analysis (2007-08 to 2011-12). Greeley, CO: University of Northern Colorado.

<sup>ii</sup> Colorado Department of Education (March, 2019). 2018 State Policy Report, Dropout Prevention and Student Engagement at 16.

<sup>iii</sup>

<sup>iv</sup> *Id.* at § 138(1)(g).