

Legislative Overview for Foster Care Education in Colorado

	Fostering Connections Act Federal Legislation	C.R.S. 22-32-138 Colorado Legislation	Every Student Success Act (ESSA) Federal Legislation
Summary	In 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law. This law amends parts B and E of Title IV of the Social Security Act that county departments of human services used to provide services to children and youth in foster care.	In 2008, 22-32-138 was created. Children who are in out-of-home placements, including but not limited to foster care placements, deserve access to the same opportunities that are enjoyed by other students.	In 2015, ESSA is the reauthorization of the Elementary and Secondary Education Act (ESEA). Among many new provisions to support vulnerable students, the law now requires states to ensure certain protections for students in foster care-addressing the role of state and local education agencies to support school stability and collaborate with child welfare agencies.
Points of Contact		Each school district shall designate an employee of the school district or the institute to act as the child welfare education liaison (CWEL) for the district or for state charter schools.	Local education agencies must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency has given notice of designating its own point of contact.
Educational Stability	When placing a child or youth, the child welfare agency must take into account and document in the case plan the appropriateness of the current educational setting and the placement's proximity to the school.	The duties of the liaison should include: working with child placement agencies, county departments, and the state department to facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement.	State plans must include assurances that foster youth be enrolled or remain in their school of origin, unless there is a determination that it is not in their best interest to do so. Factors in determining best interest include proximity and appropriateness of the educational setting.
Enrollment	If remaining in the same school is not in the child's best interest, the child welfare and LEA's must provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.	Provides that when a student in out-of-home placement transfers from one school to another, the district or school is to transfer the records and the receiving district or school is to enroll the transferring student.	When a foster youth does not remain in the school of origin, the student must immediately be enrolled in a new school, regardless of whether the youth can produce the records typically required for enrollment.
Transportation	Child welfare agency must coordinate with LEA's to ensure that the child remains in the school at which the child is enrolled at the time of placement if	Assist with transporting to the school of origin in collaboration with the county of custody.	Collaborate with the state or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their

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	applicable.		school of origin, when in their best interest will be provided, arranged and funded for the duration of time in foster care.
Achievement			States must provide disaggregated data on foster youth. Annual state report cards must contain information on student achievement for foster youth. The report cards must also contain information on high school graduation rates for foster youth, including four year adjusted cohort graduation rates and, at the state’s discretion, extended-year adjusted cohort graduation rates.
Other		There are other key parts of this legislation that include the prompt transfer of records, even when outstanding fines are present. Examples include outstanding fees owed, lost books, costs for uniforms, etc. Fees for textbooks, expendable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements as the term is defined by C.R.S. 22-32-138(1)(e).	Students “awaiting foster care placement” language are removed from the definition of homeless youth in McKinney-Vento.

To learn more about Foster Care Education

CDE Foster Care Education webpage at http://www.cde.state.co.us/DropoutPrevention/fostercare_index.htm or CDE State Coordinator of Foster Care Education, 303-866-6007.

Sources: U.S. Departments of Education and Health and Human Services about implementation of the foster care provisions of the Every Student Succeeds Act (ESSA). <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.

American Bar Association: Fostering Connections Act of 2008 Implementation Toolkit Improving Education Outcomes for Children and Youth in Foster Care, www.americanbar.org.

The Legal Center for Foster Care and Education (www.fostercareandeducation.org)