

Narrative to accompany Fact Sheet about Colorado Kinship and Foster Care

Question: How do these definitions relate to the McKinney-Vento Act and state laws that provide education stability and other rights for children in out-of-home care?

Answer: The McKinney-Vento Act is a federal law that provides rights and protections to homeless children and youth, including those "awaiting foster care placement." In Colorado, "awaiting foster care placement" is not clearly defined to address this aspect of the law. The general guidance to child welfare education liaisons and homeless education liaisons is that once a child has been removed from a biological parent(s) and/or legal guardian the child/youth is in the custody of a county child welfare agency and not "awaiting a foster care placement." Normally county placements should be considered, fixed, adequate and regular. As always, each individual identification for McKinney-Vento eligibility should be considered on a case by case basis based on if the primary nighttime residence is fixed, regular and adequate. This can include length of stay and if any type of emergency shelter is involved.

The child/youth would have educational rights like others in the Kinship-Non-certified, Kinship-Family Foster Care, and Foster Care definitions. The Fostering Connections Act compliments and supports this work, as well as now requires all jurisdictions to address school stability and continuity.

Question: What is the Fostering Connections to Success and Increasing Adoptions Act of 2008?

Answer: On October 7, 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. Among its provisions to address the needs of children and youth in foster care, it seeks to promote education stability for foster children.

Question: How does Colorado legislation affect education stability for children in out-of-home care?

Answer: CO HB 08-1019 designates that each school district and the state charter school institute, created pursuant to section 22-30.5-503, shall designate an employee of the school district or the institute 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: 1) working with county departments (they have custody-info only), child placement agencies (they do not have custody and are a contractor of the county department-info only), and the state department to facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement; (2) Participating in transition planning meetings; and (3) Allows participating in interagency collaboration teams.