

Foster Care Education: Legislation at a Glance

Legislation	Who this covers	Right to remain in school of origin	Transportation	Immediate Enrollment	Expedited Record Transfers	Designated Staff Resource
<u>FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008</u> 42 U.S.C. § 675(1)(G) SIGNED BY PRESIDENT 10/07/2008 AMENDED: 03/23/2010	Children and youth in out of home placements including foster care.	When placing a child/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.	*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 applicable. *Reasonable transportation to a child's school at the time of placement is an allowable IV-E foster care maintenance reimbursement (previous guidance made transportation to a child's school an allowable IV-E administrative cost).	If remaining in the same school is <i>not</i> in the child's best interest, the child welfare and LEA's must provide <i>immediate and appropriate</i> enrollment in a new school, with all of the educational records of the child provided to the school.	If remaining in the same school is <i>not</i> 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 <i>records</i> of the child provided to the school.	No provision.

Legislation	Who this covers	Eligible	Transportation	Immediate Enrollment	Expedited Record Transfers	Designated Staff Resource
<u>FEDERAL</u> <u>UNINTERRUPTED</u> <u>SCHOLARS ACT</u> SIGNED BY PRESIDENT JANUARY 2013	Children and youth in out of home placements including foster care.					This adds child welfare professionals to the list of approved people who can access a foster youth's education records and help transfer their credits to new schools.
<u>FEDERAL</u> <u>McKINNEY-</u> <u>VENTO</u> <u>HOMELESS</u> <u>ASSISTANCE AND</u> <u>EDUCATION ACT</u> 42 U.S.C. § 11431-11435 SIGNED BY PRESIDENT 07/22/1987	Children in emergency or transitional shelters, or that lack a fixed and adequate or regular primary nighttime resident that are verified by the school district or the McKinney-Vento Liaison	Children have the right to remain in their school of origin if in their best interest and feasible.	Local education agencies (LEA's) are responsible for providing school transportation. If there is a disagreement between LEA's about transportation, the LEA's split the cost.	LEA's must enroll students in school immediately, including attending classes and participating fully in school activities, even if they lack documents that are typically required (e.g. birth certificate, immunization records).	Expedited Record Transfers: LEA's must immediately contact each other for records. Also, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each eligible child or youth shall be maintained so that the records are available, in a timely fashion, when a child or youth enters a new school or school district.	Each LEA must have a McKinney-Vento Liaison that is responsible for, among other things, arranging transportation, coordinating enrollment, and generally assisting the child with navigating the education system. *McKinney-Vento eligibility may be determined on a case by case basis as in all McKinney-Vento situations. *Contact your local district's McKinney-Vento Homeless Liaison for additional information. See the last page for details.

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<u>COLORADO</u> <u>HB 08-1019, 2008</u> <u>Colo. Legis. Serv. Ch. 147</u> SIGNED BY THE GOVERNOR: 04/17/2008	Children and youth in foster care or an out-of-home placement and children who return home at the conclusion of an out-of-home placement.	Requires that before a child/youth's placement is changed, all parties must attempt to promote the child/youth's educational stability by attempting to find a new placement that allows the child/youth to stay at the same school or find a new "educational situation that is comparable to the existing situation."	No provision.	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 after receiving a request for transfer and the receiving district or school is to immediately enroll the transferring student. <i>In Colorado we have a 5 day record transfer and 5 day enrollment timeframes is the "immediate" enrollment.</i>	Liaison shall ensure that education information and records of a student in out-of-home placement are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department. <i>In Colorado we have a 5 day record transfer and 5 day enrollment timeframes is the "immediate" enrollment.</i>	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 appointed child welfare education liaison is to work with child placement agencies, county departments and the state department to facilitate placement, transfers and enrollment in school for children in out-of-home placements. 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. There are other key parts, like not

						delaying transfer because of fees owed (book fines), costs for uniforms, lab fees, etc. *Contact your local district's Child Welfare Education Liaison (CWEL) for additional information. See below for details.
<u>COLORADO</u> <u>HB 10-1274</u> SIGNED BY THE GOVERNOR: 05/25/2010	Children in out-of-home placements.		No provision.		Liaison shall ensure that education information and records of a student in out-of-home placement are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department.	This bill required the liaison list to be posted on the CDE web page. 1274 only added a couple of things that include reporting and a transition process for certain students that were re-entering public school after coming from a public hospital, RCCF, etc AND who had been determined in the previous 12 months. 1274 added the duties to the liaison: Participating in transition planning meetings; and allows participating in interagency collaboration teams.

CDE Foster Care Education

- http://www.cde.state.co.us/DropoutPrevention/fostercare_index.htm

CDE Homelessness/McKinney-Vento

- http://www.cde.state.co.us/DropoutPrevention/homeless_index.htm

Source: American Bar Association

- www.americanbar.org

Sheree Conyers

State Coordinator of Foster Care Education

Conyers_S@cde.state.co.us

303-866-6007