

<b>COLORADO DEPARTMENT OF HUMAN SERVICES</b> <b>1575 SHERMAN ST., DENVER, COLORADO 80203-1714</b>  <b>AGENCY LETTER</b>	<b>NUMBER:</b> CW-09-02-I
	<b>CROSS REFERENCE NUMBER:</b>
<b>DIVISION OR OFFICE:</b> CW	<b>DATE:</b> January 5, 2009
<b>PROGRAM AREA:</b> Child Welfare – CW	<b>CHILD WELFARE DIRECTOR:</b> Lloyd D. Malone
<b>TITLE:</b> THE EDUCATION OF CHILDREN AND YOUTH IN OUT-OF-HOME CARE REGARDING: 2008 LEGISLATION, NOTIFICATION TO SCHOOL DISTRICTS, AND REPORTING THE LOCATION OF FOSTER HOMES IN TRAILS <b>TYPE:</b> I - Information	<b>DEPUTY EXECUTIVE DIRECTOR:</b> George Kennedy

Intended Audience:

County directors, child welfare administrators and supervisors, caseworkers, resource workers, and child placement agency (CPA) staff.

Purpose:

- To inform individuals and agencies about education bills passed by the Colorado General Assembly in 2008 that impact children/youth of school age in out-of-home placement.
- To provide information about timely notification that is needed by the county departments of human/social services when a child/youth is in out-of-home placement or changes schools or school districts.
- To provide the procedure for entering the school district of residence for family foster care homes into Trails.

Background:

In 2008, the Colorado General Assembly passed two bills that directly affect children/youth in out-of-home placement.

H.B. 08-1019, Concerning the Educational Services for Children in Out-of-Home Placements, adds Section 22-32-138, C.R.S., which establishes new requirements for schools, school districts, Boards of Cooperative Educational Services (BOCES), and the Charter School Institute. The purpose of the new requirements is to support children/youth in out-of-home placement in achieving educational success. The legislative intent in H.B. 08-1019 states:

The general assembly hereby finds:

- (a) 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 to:
  - (I) Meet the academic achievement standards to which all students are held;
  - (II) Maintain stable school enrollments;
  - (III) Be placed in the least restrictive educational environments; and
  - (IV) Have access to the same academic resources, services, and extracurricular and enrichment activities.

H.B. 08-1204 establishes a Facility Schools Unit within the Colorado Department of Education (CDE), which will receive guidance from a seven (7) member Facility Schools Board (appointed by the State Board of Education) regarding curriculum, graduation requirements, and student records.

Second, timely notification by the county departments of human/social services to the school district is currently required in Section 7.301.241 (12 CCR 2509-4) for children/youth with special education needs who are placed in out-of-home care. During hearings in the House and Senate Education Committees in 2008, foster care alumni testified about delays in enrollment, especially for youth in foster care. HB08-1019 establishes timelines for the timely transfer of records and enrollment for all children/youth based upon the initiation of notification by the county departments of human/social services to the appropriate school district.

Third, the Colorado Department of Human Services (CDHS) is required to submit an annual report to the U.S. Department of Health and Human Services with the number of children who are placed in family foster care homes during the month of October. The school districts receive Title I-Part A funds that are calculated from the data that are provided. The accuracy of the data is dependent on the school districts where each family foster care home is located as identified in Trails.

Information regarding H.B. 08-1019:

1. School districts and the Charter School Institute<sup>1</sup> must designate an employee or contractor to be the Child Welfare Education Liaison. The Child Welfare Education Liaison is responsible for working with the county departments of human/social services, child placement agencies, and CDHS “to facilitate the prompt and appropriate placement, transfer and enrollment in school of students in out-of-home placement within the school district or who are enrolled or are enrolling in institute charter schools.”
2. The sending school or school district must deliver to the student’s new/receiving school education information and records within five (5) school days following **notification of a transfer request from the county department of human/social services that has legal custody** of the child.<sup>2</sup>
3. If the student is receiving special education services pursuant to an individualized education program (IEP), then the receiving school or school district must notify the special education director for the school or school district as soon as possible **following the receipt of the transfer request from the county department of human/social services.**
4. Record transfers may not be delayed for any reason, including unpaid fines or fees the student may have that are outstanding at the sending school or school district.

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<sup>1</sup> The Charter School Institute is an agency within the CDE that is empowered to authorize state charter schools across the State. See §22-30.5-503, C.R.S. Institute charter schools are not associated with any school district; instead, they are subject to the general oversight of the Charter School Institute.

<sup>2</sup> For purposes of this agency letter, the term “sending” school or school district means the school or school district in which the student was enrolled prior to the out-of-home placement.

5. The **county department of human/social services with legal custody** *may request* that the sending school or school district release a student's records to a designated employee of the county department of human/social services for the sole purpose of transferring the information to the new school.
6. Generally, the receiving school or school district must enroll the student within five (5) school days following the receipt of the education records; however, there are exceptions to this general rule that involve circumstances such as the student's expulsion from a school district or school.<sup>3</sup>
7. The sending school or school district must certify course work fully or partially completed.
8. The receiving school must accept certified course work as if it had been completed at the receiving school.
9. Students in out-of-home placement must receive an excused absence for court-ordered activities (such as family visitation, therapy, and court appearances, etc.) *with caseworker written verification for each instance*.
10. School fees *must be waived* for students in out-of-home placement, and opportunities for participation in extra curricular and in-school activities may not be limited due to fees.
11. To the extent possible, prior to a change of placement, all parties (i.e., the county department of human/social services, court, guardian ad litem, and other parties) must consider the child's existing educational placement; and, select a change of placement in the child's best interest, that enables the child to remain in the existing educational situation or to transfer to a new educational setting that is comparable to the current educational situation. These efforts shall be documented into Trails.
12. If immunization records are not received prior to enrollment, the school must notify the legal guardian that the records must be received within fourteen (14) days of enrollment or the student will be suspended.

Procedures regarding H.B. 08-1019:

**Timely response and communication with schools, school districts, BOCES, and the Charter School Institute is critical to assist children/youth in out-of-home placement to benefit from the new legislation.**

1. When the placement of a child/youth in out-of-home care or a change in placement results in a change of school district, the county department of human/social services shall *notify the sending school district in writing in order to initiate the five (5) school day timeframe for the transfer of records*. The *notification shall occur immediately* in order to avoid delays in enrollment. Email will not serve as the written notice. In some school districts, telephone notification and written notification, may expedite the process. The county department should also notify the receiving school district in writing in order to initiate communication and a working relationship.
2. The county department of human/social services may request the school to release the student's education records to a designated county employee for the sole purpose of transferring the records to the new school.

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<sup>3</sup> The specific exceptions are enumerated in §22-32-138(4)(b) and §22-33-106 (2) and (3), C.R.S.

3. For *each* instance when a child/youth has court-ordered appointments that occur during the school day, the county department of human/social services shall notify the school in writing so that the student receives an excused absence.
4. The county department of human/social services should attempt to maintain the child/youth or school district whenever possible, in order to limit the disruption of the student's education, and to assure that the student receives comparable educational services.
5. It is recommended that county departments communicate with local school districts to obtain contact information regarding the designated liaison.

**Note:** The Social Security Act was amended by Public Law 110-351, effective 10/07/08, in a manner that may change some of the requirements outlined above. CDHS and CDE are reviewing Public Law 110-351 and will send additional guidance when the analysis is completed.

Information regarding H.B. 08-1019:

H.B. 08-1204 establishes an infrastructure within CDE for the general oversight and monitoring of facility education programs (i.e., schools operated by residential child care facilities, day treatment programs or other facilities licensed by CDHS) and requires no action by county departments of human/social services.

1. The bill creates a Facility Schools Unit within the CDE with the following responsibilities:
  - Recommend curriculum standards and graduation requirements to the Facility Schools Board;
  - Maintain student records;
  - Adopt data reporting protocols and record transfer procedures and
  - Collaborate with CDHS regarding out-of-home placements.
2. Creates a seven (7) member Facility Schools Board with the following responsibilities:
  - To advise the Facility Schools Unit;
  - Adopt curriculum and accountability measures;
  - Establish graduation requirements;
  - Award high school diplomas;
  - Make recommendations to the State Board of Education and CDHS regarding:
    - The process for the placement of children/youth in facility schools,
    - Methods for improving the involvement of school districts in placement decisions,
    - Methods and strategies for improving the quality of educational services and outcomes for students,
    - Provision of special education services and development of the IEP,
    - Methods of reimbursement for excess costs,
    - Oversight and monitoring of approved Facility Schools, and
  - Promulgation of rules related to awarding diplomas and the approval process for facility schools.

Reporting School Districts into the Trails Resource area:

CDHS is required to submit an annual report to the U.S. Department of Health and Human Services that documents the number of children ages 5 through 17 who are in family foster care homes during the month of October, by school district. The school districts collectively receive several million dollars in Title I-Part A funds based upon the data that are provided. The funds are used to provide reading and math remediation services to students. Many of these children/youth are in out-of-home care and have gaps in learning and benefit from these programs.

*The accuracy of the data in Trails is vital to assure that the school districts receive the appropriate funding so that students receive the necessary services to positively impact their education.* Frequently there are no school districts identified for nearly two thousand children/youth in family foster care home placements and the Department must conduct ad hoc reports in order to gather the data.

Procedure to Enter School Districts into the Trails Resource Area:

The Provider Address is the **physical location** of the building where children reside in family foster care homes. The School District should be entered into the Provider Address window as shown below. A Trails enhancement is scheduled to make this field mandatory.

**Provider:**

The screenshot shows the 'TRAILS - CW' application window with the 'General Information' sub-window open. The 'General Information' window has a title bar and a close button. It contains several sections of data entry fields:

- Resource Type:** A dropdown menu with 'Service' selected.
- Governing Body Type:** A dropdown menu.
- Owner County/Region:** A dropdown menu with 'Division of Child Care' selected.
- Former Provider Ids:** A text input field.
- DYC:** A text input field.
- Central Administration:** A checkbox.
- Region:** A dropdown menu.
- Judicial District:** A dropdown menu.
- Name:** A section with a checkbox for 'Inquiry Only' and a text input field for '\*Agency/Facility:'.
- Prefix:** A section with four text input fields labeled '\*First:', 'Middle:', '\*Last:', and 'Suffix:'.
- SSN:** A text input field.
- FEIN:** A text input field.
- Receives Education Funds:** A dropdown menu with 'No' selected.
- Provider can be contacted directly for placement?:** Radio buttons for 'Yes', 'No', and 'N/A', with 'No' selected.
- Provider County:** Radio buttons for 'Yes' and 'No', with 'No' selected.
- Quest Card:** A checkbox.
- Discontinue:** A checkbox.
- Discontinue Reason:** A dropdown menu.
- Governing Body:** A text input field.
- Start Date:** A text input field with '00/00/0000' entered.

On the right side of the 'General Information' window, there is a vertical stack of buttons: 'Add', 'Change', 'Delete', 'Clear', 'Addresses...', 'Show Conflict...', 'Governing Body...', 'State Hold...', 'Cancel', and 'Help'. An arrow points to the 'Addresses...' button.

**Provider Address:**

Provider Address - [redacted]

**Address**

Type	Start Date	Address	City	State
Location	07/31/2000	[redacted]	Aurora	Colorado
Mailing	08/27/1996	[redacted]	Lakewood	Colorado

**Address Detail**

**Address Type:** Location

**Start Date:** 07/31/2000 **End Date:** 00/00/0000 **School District:** ADAMS-ARAPAHOE 28J **Location Type:** No Selection

**Format:**  Street  P.O. Box  Rural Route (RR)  Foreign  Zoned For Childcare

P.O. Box: [ ] RR Nbr: [ ] Box Nbr: [ ]

**Number:** [ ] **PreDir:** [ ] **Name:** [ ] **Suffix:** [ ] **PostDir:** [ ]

**Unit Type:** [ ] **Unit Nbr:** [ ]

**City:** Aurora **State:** Colorado **Zip:** 80012-0000

**County:** Arapahoe **Header:** [ ]

Buttons: Add, Change, Delete, Clear, Provider Address, Cancel, Help

Effective Date:

Immediately

Contact Person:

For questions related to child welfare:

Mary Griffin, Program Administrator for Foster Care and Kinship Care  
303-866-3546 or mary.griffin@state.co.us

For questions related to concerns about implementation of the education requirements for schools/school districts:

Kama Linscome, CDE Facility Schools Unit  
303-866-6979 or linscome\_k@cde.state.co.us

For questions related to Trails:

Kathy Chase, CW Business Analyst Supervisor  
303-866-7381 or kathy.chase@state.co.us