



New Child Welfare Education Liaison Webinar

September 25, 2025



Welcome Back to Another School Year!

- State updates
- Why Educational Stability?
- Foster care student identification
- Overview of Federal and Colorado Statute for Students in Foster Care
- Break down of legal requirements FAQ's
 - Immediate enrollment
 - Denial of admissions
 - School fees
 - Best interest determinations
 - Transportation
 - IDEA and ESSA considerations

Disclaimer: this presentation is not intended to provide legal advice. CWELs are encouraged to contact their school district's legal counsel to interpret the federal and state statutes mentioned throughout this presentation.





State Updates



House bill 22-1374-Foster Care Success Act

The act requires the department of education to identify specific goals for its foster care education initiative to improve the educational attainment of youth in foster care. The act also requires the department of education to report specified data on annual improvement of the educational attainment of youth in foster care to specified committees of the general assembly.

<https://leg.colorado.gov/bills/hb22-1374>

Annual reports to the legislature

https://www.cde.state.co.us/studentsupport/fostercare_legislation



Non-regulatory Guidance

In November of 2024, the US Department of Education and the US Department of Health and Human Services released *Ensuring Educational Stability and Success for Students in Foster Care Joint Non-Regulatory Guidance*. This guidance updates previous joint guidance from 2016 and provides critical new information about how federal laws support students in foster care, including the Every Students Succeeds Act (ESSA) and the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections). The guidance covers a range of topics, including school stability, academic success, special populations, funding, and data collection.

Please visit the link below for more information:

<https://www.fostercareandeducation.org/overview/education-stability>



Non-regulatory Guidance Continued...

To accompany the non-regulatory joint guidance the American Bar Association released an in-focus video series. The in-focus video series is divided up into 5 areas of focus from the joint non-regulatory guidance which includes: introduction, educational stability, academic success, special populations, funding, and data.

You can access the videos on the link below:

<https://www.fostercareandeducation.org/overview/education-stability>



Training for CWEL's/County Supervisors/Caseworkers

- Training was established due to the addition of legislation title 22.32.138 (1.5)(A)(II)(B)
- Mandated training
 - Every new CWEL must complete
 - Must be completed once every two years after the initial training
- In collaboration with the Department of Human Services, CDE is in the process of updating the mandatory training based on the joint non-regulatory guidance, and feedback from the field. CWEL's will receive a message in early October with an invitation to renew module completion. **Please wait to renew your module completion until you receive the invitation from CDE**



Fall Office Hours

- CDE will be hosting fall office hours for CWEL's
- The first office hours will be Tuesday, October 14, 2025, at 11:00 am
 - The topic for this office hour will be IDEA and commonly asked questions
 - November office hours will be on Tuesday, November 11, 2025, at 11:00 am



Colorado Department of Higher Education Webinar

Join the Colorado Department of Higher Education's Postsecondary Options Navigators for an informative session highlighting two key financial aid programs designed to support students with foster care experience in pursuing postsecondary education.

FosterEd is a state-funded initiative that covers the full cost of attendance for eligible students enrolled at public institutions of higher education in Colorado. After scholarships, grants, and other financial aid are applied, FosterEd pays the remaining balance—ensuring comprehensive financial support.

The Education and Training Voucher (ETV) Program is federally funded and provides up to \$5,000 annually to Colorado residents aged 17 to 25 who are currently or formerly in foster care. This funding helps cover expenses related to postsecondary education and training.



Colorado Department of Higher Education Webinar

If you would like to attend, please use the link below to register:

Topic: FosterEd & ETV Training - CWEL Liaisons

Time: Oct 1, 2025, 10:30 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://highered-colorado.gov.zoom.us/j/81791760542?pwd=rW6RlrtlbazpD62sZsjo0aU4BMbzC8.1>



Background Conversation: Displacement

What situations could cause an adult to be displaced from their home?

How might an adult respond to displacement?



Background Conversation: School Memories

Consider your favorite memories from school (k-12).
What did you enjoy? What got you through?

When you consider your favorite memories from school,
how many of them would have been possible if you had
attended a different school?





Foster Student Identification Process



Foster Student Identification

- Data sharing agreement between the Department of Education and Department of Human Services
- Collaborative process with the data professionals at your district

Foster Student-Data Identification

- Foster students are indicated by an internal data flag in multiple CDE data collections. (e.g., [Student October](#), [Student End of Year, Attendance](#))
- This internal flag is determined by the SASID being identified as a student in foster care as reported to CDE by the Colorado Department of Human Services (CDHS).
 - 0 No
 - 1 Yes
- Students indicated as 'yes' must also have Free/Reduced Lunch (FRL) status = 01 (free) and Free Lunch Eligibility Identification 2 (other source categorical)
- Business rule in OCT, SEY & ATS will trigger if student is not coded as free lunch
- Foster Student status is used when determining annual Instructional Program Service Type (IPST) data for dropout rates, mobility/stability rates, pupil membership, etc.



Colorado Department of Education

Foster Care Student List

Page:

District:
School Year: 2024-2025
Tag: All

This is a list of students who have been identified as in Foster Care by the Colorado Department of Education using data provided by the Colorado Department of Human Services. This information is confidential and should not be shared with unauthorized individuals. This list can serve as documentation of eligibility for free lunch status; all students on this list should be coded as 01 - Free Lunch, please change their coding if that is not the current coding and notify your school nutrition staff.

CDE Foster File Last Updated: Sep 06, 2024 11:59:51 AM DEM File Last Updated: Sep 09, 2024 08:16:52 PM SSA File Last Updated: Sep 09, 2024 08:19:57 PM

SASID	First Name	Last Name	Date of Birth	Grade Level	School Code	School Name	FRL Eligibility
							01 - Free Lunch
							01 - Free Lunch
							00 - Not Eligible
							01 - Free Lunch

- Reflects data from most recent Foster File upload & DEM + SSA file uploads
 - CDE Foster list is updated monthly
- Available to data pipeline users with *STD~LEAViewer* or *STD~LEAUser* access



Student End of Year: IPST Cohort Foster

- IPST Cohort data fields are used in the SEY collection when calculating IPST categories for graduation/completion rates.
- If a student with an assigned AYG (grades 9-12) belongs to the given subgroup at any point during their high school career they remain part of that subgroup, even if they are not an active member in the current year.
- Students indicated as Foster Students at any point in grades 9-12 will be marked as IPST Cohort Foster = 1 (yes) for graduation rate purposes

Best Practices

- District data staff and CWEL should collaborate regarding identification of foster students
- Review the short byte [video](#)
- [CWEL directory](#)
- CWEL – know who is responsible for student data collections within your district
- District data staff – regularly review the CEDAR report ‘Foster Student List’
- Regularly upload Student Interchange files (DEM & SSA) to reflect current student enrollment
- District data staff – communicate ‘Foster Student List’ with CWEL to verify foster list accuracy
- Contact Student October or Student End of Year collection lead for questions or concerns regarding CDE’s foster list
- District data staff and nutrition staff – ensure student is indicated as and receiving free lunch services



Questions?



Federal and State Statues For Educational Stability



Requirements of ESSA and C.R.S 22-32-138

Every Student Succeeds Act 1111(g)(1)(E)

- Assumes it is in the best interest of the student to remain in the school of origin
- Immediate enrollment if a school change is necessary
- Requires previous school to send records to new school immediately
- Requires schools and child welfare agencies have a written transportation plan that includes (at a minimum) how transportation will be provided, arranged, and funded
- Requires each local education agency to have a single point of contact to ensure laws are implemented
- Students in foster care are categorically eligible for free lunch

Colorado Revised Statute 22-32-138

- Everything in ESSA, plus:
- School fees waived
- Specific job requirements for Child Welfare Education Liaisons (CWEL)
- Transportation funding
- Specific definitions are provided for student in out-of-home placement (foster care) and school of origin
- Permission giving language provided for districts to allow competency-based measures for course completion and graduation requirements
- Educational stability grant program
- Defines the role of State Coordinator for Foster Care Education

Roles and Responsibilities of a CWEL

The role and responsibilities of a CWEL are defined in C.R.S. 22-32-138 as:

- CWELs required at each Local Education Agency
- Reporting of CWEL contact information by August 15 of each year (now met through Consolidated Applications)
- Participation in Best Interest Determination meetings upon request (or send a designee)
- Collaborating with county departments of human services to provide, arrange, and fund transportation to the school of origin
- Participation in threat assessment teams upon request
- Ensure immediate enrollment
- Ensure immediate transfer of records
- Honoring certified coursework and accepting partial credits (contact CDE for more information)
- Waiving fees that would otherwise be assessed





Students in Out-of-Home Placement

Definition of Out-of-Home Placement (Foster Care)

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.”





Immediate Enrollment



Immediate Enrollment

- The **Every Student Succeeds Act** is a federal law that contains provisions specifically for students in foster care. This law 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).
- Black’s Law Dictionary (2nd Ed.) defines “Immediate” as, “Present; at once; not deferred by any interval of time. In this sense, the word, without any very precise signification, denotes that action is or must be taken either instantly or without any considerable loss of time.”

Immediate Enrollment FAQ's

- What if a student does not have immunization records or a current copy of their Individualized Education Plan?
 - Hopefully this does not occur, but when it does, ESSA clearly states immediate enrollment is required even without records.
- What if our district requires specific paperwork to be filled out prior to enrollment?
 - Students in foster care have a right to immediate enrollment even without records normally required for enrollment by the district. CWELs and school registrars may continue to obtain documentation, but it cannot delay enrollment.
- What if a Best Interest Determination (BID) meeting did not happen?
 - This question will be covered in the BID section.



School Safety and Denial Of Admissions



Denial of admission

22-33-106. C.R.S.

- Colorado law permits a school to deny admission in eight circumstances. There are two safety related circumstances:
 - The student has been expelled from any school district in the previous twelve months;
 - The student's behavior in another school district in the previous twelve months was deemed detrimental to the welfare or safety of other students or of school personnel in that district.
- The parents or guardians may request a hearing on this matter. If a hearing is requested, a school district may not deny the student admission until after the hearing has been conducted. The same notice and procedural requirements apply to denial of admission hearing as apply to an expulsion hearing.
- Note: Under ESSA, enrollment is immediate without the ability to produce records and it is the receiving school's responsibility to contact the previous school for records.



School Fees

Waiving of School Fees

- 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.

How do I determine whether or not a fee is a school fee?

- A good test is to ask where the money is going. If the money is going to the school, then it is a school fee.
- If it is required to participate in a class or an extra-curricular opportunity, it is a school fee.
- If any student may participate in activity, sport, course, etc. for a fee, it is a school fee.
- If the school property is being used by an outside agency (e.g. Boys and Girls Club or private daycare service), and the money is not going to the school, that is not a school fee; HOWEVER, many agencies will provide a fee waiver or reduced cost for students in foster care upon request.
- Note: 21st Century Community Learning Center sites may use grant funds to provide transportation to and from the program.



Best Interest Determination Meetings



BID Requirements

County Child Welfare agencies are responsible for arranging and facilitating a Best Interest Determination meeting if a child in foster care has a change in placement that could potentially result in a school move. Social Services Rules 12 CCR 2509-4, 7.301.241 require county departments to coordinate with Local Education Agencies (LEA) to conduct BID meetings prior to the school move.



Required Invitees to a BID Meeting

- Child/youth (in a developmentally appropriate way)
- Parents
- Caseworker or appropriate designee
- Guardian ad litem (if one is appointed)
- Representative from the school of origin who knows the child/youth as determined by the LEA
- Educational surrogate parent (if appropriate)
- Others as relevant and appropriate as determined by the county (e.g. future caregiver, Court Appointed Special Advocate, representatives from potential new school, support person for the child/youth).

To BID or not to BID?

Is there a potential school move **due to a change in foster care placement?**

Yes



Child Welfare caseworkers are required to arrange a BID for any potential school move due to a change in placement PRIOR to a school move.

No



Caseworkers are not required to arrange a BID if the student will remain in the school of origin.

-----HOWEVER-----

Districts and counties should agree upon common communication practices when a BID has not occurred.

When a School Change is Not Being Considered

- If a child/youth in foster care has a change in placement and a school change is not being considered, they have the right to remain in the school of origin.
- Common concerns from CWELs:
 - There is no communication from the county about the new placement and the CWEL cannot ensure fee waivers or free lunch.
 - No update is made to caregiver contact information.
 - CWELs are sometimes asked to arrange transportation (this should be a **shared** responsibility between the county and district). If the commute/transportation plan is longer than the child experienced prior to the placement—there should be a BID.
 - Initial transportation plans fall through (e.g. the foster parent is no longer able to transport).

Considering School of Origin

- The school of origin is the school that a student is attending at the time of a placement or a change in placement
- Students are entitled to continued enrollment and full participation at the school of origin, even if a placement change moves them away from the school's attendance zone
- Students stepping down from facility schools may return to a school they have attended within the past two years where they have experienced a meaningful connection
- **It is presumed to be in a student's best interest to continue to attend the school of origin**



Common Issue's with Facility Schools

- A BID is necessary when a placement/change in placement moves a student in or out of a facility school
- If a judge orders a residential placement, it may be helpful to clarify whether the court is also ordering educational placement. If educational placement is court ordered, a BID is not necessary.
- Caseworkers are instructed to consider special education needs when these placements change, especially if a facility school has included the need for residential/day treatment in the current IEP.
- When a student leaves a facility school, the school of origin can be any school the student has attended for at least one term within the past two years where the student has experienced a meaningful connection (C.R.S. 22-32-138).

What if a BID Meeting did not Occur?

- If the school is not aware of whether or not the county child welfare department held a BID, the Child Welfare Education Liaison (CWEL) at the school district should:
 - Call the county department of human/social services to inquire about the best interest meeting
 - If the CWEL does not get an acceptable answer within one business day, call CDE or CDHS for help contacting the county
- Schools and counties should work together to develop common communication practices about BIDs and transportation planning.

Enrollment Considerations for BIDS

- In the event a school move is warranted through the BID process, a student is enrolled in a new **school district NOT in a school**.
 - Child welfare and ultimately the juvenile courts have ultimate decision-making responsibilities in a BID; however, this only applies to the **district** where the child is enrolled.
 - Example: A child is receiving special education services and the school where the foster home is located does not have the capacity to meet the needs on the IEP—the district will be responsible for placing the student in the appropriate school that will meet their educational needs



Transportation



What does ESSA say about Transportation?

Local Education Providers (School Districts) are required to “Develop and implement clear written procedures governing how **transportation to maintain children in foster care in their school of origin** when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.”

§1112(c)(5)(B)



What does Colorado say about Transportation?

- **“The Child Welfare Education Liaison shall be responsible** for working with child placement agencies, county departments, and the state department of human services to facilitate services to maintain students in out-of-home placement in their schools of origin...”C.R.S.22-32-138.
- “(10) School districts and the state charter institute shall coordinate with county departments to **establish systems-level plans** for how necessary transportation to the school of origin is provided, arranged, and funded for the duration of a child or youth’s time as a student in out-of-home placement, including the equitable allocation of costs.” C.R.S.22-32-138

Is there Money Available to help with Costs?

YES! \$2,750,328 was allocated specifically for transportation to school of origin for students in out-of-home placement. This amount came from a transportation needs assessment study CDHS completed in 2017 that estimated the cost to maintain students in out-of-home placement in their school of origin.



How do I access Funds?

- The state will reimburse 80% of the eligible costs up to the maximum available allocation. Districts and count split the remaining 20% equitably (50/50 split).
- Counties request reimbursement through CFMS
 - [Informational Memo](#)
- All counties are required to have MOU's with their local school districts.
 - Should send all updated MOU's to:
cdhs_dcw_school_stability@state.co.us
 - MOU discusses how the other 20% will be paid.
 - If a student is in a non-local school district and eligible for this funding, it is important to discuss which MOU will be used and/or if a new MOU is needed.

Who can provide Transportation?

- Caregivers with mileage reimbursement
- Any other trusted adult with mileage reimbursement
- School or county staff with mileage reimbursement
- School bus route (new, modified, or shared with IDEA)
- Public or third-party options

What about students with IEP needs?

- If a student enters out-of-home placement (foster care) and the IEP related transportation plan does not change due to the out-of-home placement, the district will continue to cover the cost.
- If there is any change to the IEP related transportation that results in additional cost, the additional cost is reimbursable (e.g. changed bus routes, change in provider, etc.)
- How do we determine additional costs? Your district should document any additional changes as appropriate.

Do students in Foster Care automatically get attend their school of choice?

- **No.** The federal and state laws clearly state **transportation is to the school of origin.**
- The intent is to maintain school stability whenever possible.
- If an educational decision maker wants a student in foster care to attend a school of choice, the process would be the same for them as any other student.

Helpful reminders.....

- **There is NOT a limit on the number of miles or time spent in a commute.**
- All decisions should be made on a case-by-case basis and should be based on the best interest of the individual child/youth based on their unique situation.
- This is a **SHARED** process between school districts and counties.
- It's complicated, it's tough AND it's worth it for our most vulnerable students.
- Please contact Maitri Jensen by email at Maitri.Jensen@state.co.us with all of





ESSA and IDEA Considerations

Free and Appropriate Public Education

All children have the right to a Free and Appropriate Public Education. The United States Department of Education issued a Dear Colleague Letter in 2013 to specifically address the timely transfer and enrollment of highly mobile students with disabilities. This letter contains specific guidance for schools in ensuring students in foster care are receiving FAPE in the Least Restrictive Environment (LRE).



Beginning of school year transfers

- At the beginning of the school year, the law states that the school district must have an IEP in effect for each child with a disability within its jurisdiction at the beginning of the school year. 34 CFR 300.323 (a). The failure to have an IEP in effect at the beginning of the school year may result in a denial of FAPE.
- As soon as possible following development of the IEP, special education and related services must be provided in accordance with the child's IEP. 34 CFR 300.323 (c)(2). Although the phrase “as soon as possible” does not mean immediately, a delay in implementation may result in a denial of FAPE where the student is being denied a significant portion of the services identified in the IEP.

Transfer IEP during the school year

"In the case of a child with a disability who transfers school districts within the same academic year, enrolls in a new school, and who had an IEP that was in effect in the same state, the LEA (school district) **shall** provide such child with a free appropriate public education, including services **comparable to** those described in the previously held IEP, in consultation with the parents, **until such time** as the school district **adopts** the previous IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law." (34 CFR 300.323).





Questions?

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