

Students in Foster Care

It is the Board's intent to promote educational stability for students in foster care in accordance with state and federal law. Terms used in this policy and its accompanying regulation, such as "foster care," "school of origin," "child's best interest" and "child welfare agency" shall be as defined by applicable federal law.

The district shall coordinate with other districts and with local child welfare agencies and other agencies or programs providing services to students in foster care as needed.

At least one staff member shall be designated to serve as the child welfare education liaison and fulfill the duties set forth in state and federal law.

Duties of the child welfare liaison and procedures for enrollment and transportation for students in foster care shall be made in accordance with the accompanying regulation and applicable law.

Adopted: July 17, 2019

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)
20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (*provisions in Every Student Succeeds Act (ESSA) regarding obligations to students in foster care*)
42 U.S.C. 671 (a)(10) and 675(1)(G) (*child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care*)
34 C.F.R. 200.30 (f)(1)(iii) (*ESSA's definition of "foster care"*)
C.R.S. 22-32-138 (*enrollment of students in out-of-home placements*)
C.R.S. 22-33-103 through 22-33-110 (*school attendance law*)

CROSS REFS.:

Administrative policy:

JF, Admission and Denial of Admission
JH, Student Absences and Excuses
JJJ, Extracurricular Activity Eligibility
JLCB, Immunization of Students
JQ, Student Fees, Fines and Charges

Students in Foster Care

Child welfare education liaison

At least one district staff member shall be designated to serve as the child welfare education liaison. In lieu of designating a district employee, the district may contract with an individual or request that the district's Board of Cooperative Educational Services (BOCES) designate a BOCES employee to serve as the district's child welfare education liaison. By August 15 of each year, the district shall report the name and contact information of the district's child welfare education liaison to the Colorado Department of Education.

The child welfare education liaison shall be responsible for working with child placement agencies, county departments of human services, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care. The specific duties of the child welfare education liaison shall include, but are not limited to:

- working with social workers from county departments of human services, juvenile probation officers, and foster care parents to ensure the immediate school enrollment and prompt transfer of students' education information and records when students are required to change school enrollment due to changes in placement;
- ensuring that the education information and records of a student in foster care 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 of human services;
- participating and collaborating on best interest determinations with the local county department of human services; and
- providing training to district staff on the Title I provisions and educational needs of students in foster care.

In addition to the liaison's duties pertaining to students in foster care, the district's child welfare education liaison is designated to receive notice of a student who is transitioning to public school from a state-licensed day treatment facility, facility school or hospital providing inpatient acute care or psychiatric services and who has been determined by that facility, facility school, hospital, or a court to be a risk to himself or herself or the community within the 12 months prior to the proposed transfer to a public school. Under certain circumstances, the child welfare education liaison may receive an invitation to participate in the development of a transition plan for such student.

Enrollment determinations

In making enrollment determinations, the child welfare education liaison shall assist appropriate county department of human services representatives in making "best interest of the child" education decisions, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in a new school.

Transfer of education records

If a student in foster care transfers to another school, the sending district shall transfer the student's education information and records to the receiving school within five school days after receiving a transfer request from the county department of human services that has legal custody of the student.

The sending district may release the student's education information and records to an employee of the county department of human services for the sole purpose of transferring the education information and records to the student's new school. Such release shall be in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act.

If the request for a records transfer involves a student who is receiving special education services pursuant to an individualized education plan, the sending district shall notify its special education director of the records request.

The sending district shall not delay the transfer of education information and records of a student in foster care for any reason, including but not limited to the existence of any unpaid fines or fees.

Enrollment in a new school

If it is determined that it is not in the student's best interests to remain in his/her school of origin and unless otherwise permitted by state law to deny enrollment, the district or new school shall immediately enroll a student in foster care in the new school, regardless of whether:

- the district or school has received the student's education records or certificate of immunization;
- the student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or
- the student can comply with any other pre-enrollment restrictions or requirements imposed by the district or new school.

If the district or new school enrolls a student in foster care without receiving the student's certificate of immunization, the district or school shall notify the student's legal guardian that, unless the district or school receives the student's certificate of immunization or a written authorization for administration of immunizations within 14 days after the student enrolls, the student in foster care shall be suspended until such time as the district or school receives the certificate of immunization or authorization.

Transfer of credits

When a student in foster care transfers from one school to another school, the sending school shall certify to the receiving school or district the coursework that the student fully or partially completed while enrolled. The receiving school or district shall accept the student's certified coursework as if it had been completed at the receiving school.

The receiving school or district shall apply all of the student's certified coursework toward completion of the student's requirements for the grade level in which the student is enrolled at the receiving school or for graduation from the receiving school if the student is enrolled in 12th grade. The receiving school or district may award elective credit for any portion of the student's certified coursework that is not aligned with the curriculum of the receiving school or district.

Transportation

Applicable federal law requires the district to develop procedures to ensure that students in foster care who need transportation to their respective schools of origin promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner. Accordingly, when the district is notified that a student in foster care needs, or may need, transportation to a district school, the child welfare education liaison will take steps to establish an individualized plan that addresses how transportation to maintain the student in his/her school of origin will be arranged, provided and funded for the duration of time that the student is in foster care and attending his/her school of origin.

In establishing such a plan, the child welfare education liaison and other district staff shall follow any existing transportation procedures that the district, acting in collaboration with one or more relevant departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student in foster care. If there are additional costs in providing transportation to the school of origin, the district will provide such transportation if:

- the local county department of human services agrees to reimburse the district for the cost of such transportation;
- the district agrees to pay for the cost; or
- the district and local county department of human services agree to share the cost.

Adopted: October 23, 2013

Revised and recoded by the superintendent: July 17, 2019