

# Foster Care Education

Understanding House Bill 08-1019 and the Colorado Revised Statute (C.R.S.) 22-32-138

## Introduction

This document was created in response to commonly asked questions around educational issues for youth in foster care. This is a communication tool for technical assistance for school districts, schools, foster families, professionals and youth. The intent of this document is to help in summarizing applicable statute for youth in out-of-home placements including foster care.

## The Colorado House Bill 08-1019 and Colorado Revised Statute 22-32-138

The Foster Care Education Program is dedicated to helping students in foster care excel academically, complete courses and advance to the next grade, and continue on a path to postsecondary success.

### **Is there a person who can help navigate the education world for a student in foster care?**

Yes. Each local education agency (LEA or school district) shall designate an employee of the school district 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 (CWEL). To find a CWEL by schools district, please visit the CDE Foster Care Education webpage at: [www.cde.state.co.us](http://www.cde.state.co.us)

### **Are there any guidelines around enrollment and transfers for student in foster care?**

Yes. If a student in an out-of-home placement is enrolled in one school and transfers enrollment to another school either in the same school district or in another school district or to another type of school, the sending school district or school 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 that has legal custody of the student.

***\*Please note: under ESSA enrollment is immediately.***

### **Can students in foster care have access to free lunch?**

Yes. Students in foster care are categorically eligible for free school meals without submission of a free and reduced-price household application. This means that a student in foster care can receive free school meals based on third-party documentation of their foster status. Acceptable documentation includes information indicating the State retains legal custody of the child. That documentation can come from the court that placed the child or from a State or local foster agency that administers the foster care program.

### **Can a district withhold records and transcripts due to unpaid fines and fees?**

No. A school district or school shall not delay the transfer of the education information and records of a student in an out-of-home placement for any reason, including but not limited to the existence of any unpaid fines or fees that the student may have outstanding at the school from which the student is transferring.

### **Can a student in foster care register at a new school even if they don't have all of the standard enrollment documents?**

Yes. The school district or school shall enroll the student in school within five school days after receiving the student's education information and records, regardless of whether:

- 1) The school district or school has received the student's certificate of immunization;



- 2) The student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or
- 2) The student can comply with any other pre-enrollment restrictions or requirements imposed by the school district or school.

If these items are missing, the school or CWEL and caseworker can work together to obtain missing documents.

**\*Please note: under ESSA enrollment is immediately.**

### **Do students in foster care automatically lose credits mid-year for changing schools?**

No. When a student in an out-of-home placement transfers from one school to another school, the sending school shall **certify** to the receiving school or school district the course work that the student has fully or partially completed while enrolled at the school. The receiving school or school district shall **accept** the student's certified course work and the course work certified by previous schools in which the student was enrolled, as reflected in the student's records, as if it had been completed at the receiving school. The receiving school or school district shall apply all of the student's certified course work toward completion of the student's requirements for graduating from the grade level in which the student is enrolled at the receiving school or school district or for graduation from the receiving school or school district if the student is enrolled in twelfth grade. The receiving school or school district may award elective credit for any portion of the student's certified course work that is not aligned with the curriculum of the receiving school or school district.

### **Does a youth in foster care get absences excused if they have to go to court or therapy?**

Yes. A student in an out-of-home placement shall receive an excused absence from the school district or school in which the student is enrolled for any time the student is out of school due to a required court appearance or participation in court-ordered activity, including but not limited to family visitation or therapy. The assigned caseworker should contact the school to excuse these absences. It's important to note that school attendance is important to continuity in course instruction as well as student engagement; therefore it is a best practice to schedule appointments outside school hours or make prior arrangements with teachers to receive assignments to ensure the student keeps current and does not fall behind.

### **Are school tuition or school fees waived for students living in foster care?**

Yes. A school district or school in which a student in an 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 that are supported and/or provided by the school.

## **Where to learn more?**

- **CDE Foster Care Education webpage** at [www.cde.state.co.us](http://www.cde.state.co.us)
- **303-866-6007**
- **American Bar Association has the Fostering Connections Act of 2008 Implementation Toolkit Improving Education Outcomes for Children and Youth in Foster Care:** [www.americanbar.org](http://www.americanbar.org)
- **Source for the document, Lexis/Nexis:** <http://www.lexisnexis.com/hottopics/Colorado/>