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Welcome!

- The "why" behind school stability
- The basics of the federal and state statutes
- Best interest determination meetings
- Transportation
- Special education considerations

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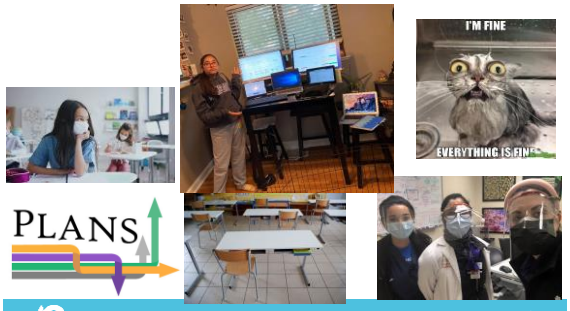
Welcome to the 2020-21 school year!



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"I think that a lot of times kids go into foster care, any amount of control is immediately stripped away from them. It's not a choice and it's never a process. It's like one night you go to sleep, and the next day you wake up and everything is different"

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How many students are we talking about?
Approx. 3000-5000 students statewide

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Why school stability matters

Students in Foster Care

- 26.6% Graduation Rate
- 6.9% Dropout Rate
- 38.5% Completion Rate
- 5-7 Year Grad and Completion rates go up to 45 and 55%

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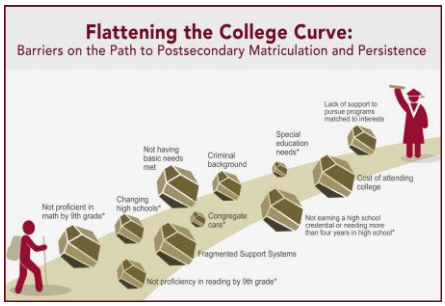
Barriers for students in foster care



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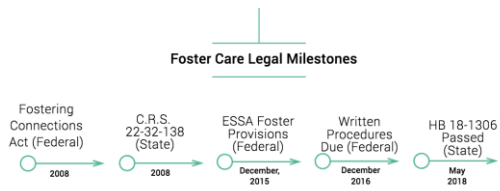

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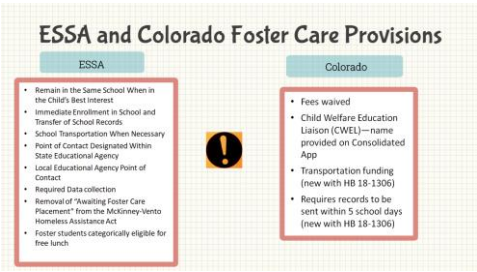
The basics…



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Considerations for GALs

- Immediate means ***immediate***!
- Special education considerations
- Learning modalities during COVID
- School safety considerations during in-person learning
- "Stepping down" from a restrictive setting

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Best Interest Determination Meetings

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Best interest decisions require gathering quality information from a number of sources.

- often in a short period of time, and
- while other critical events are occurring

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Considerations for GALs

- Talk to your child/youth.
- Talk to the parent or caregiver.
- Get school records and review them.
- Be aware as you connect with the child/youth and the people that surround them.
- Understand the protections that federal and state law provide,
- Don't be afraid of to ask questions and don't be afraid to change directions if what your doing does not work.
- If you don't have enough information, figure out how to get it.

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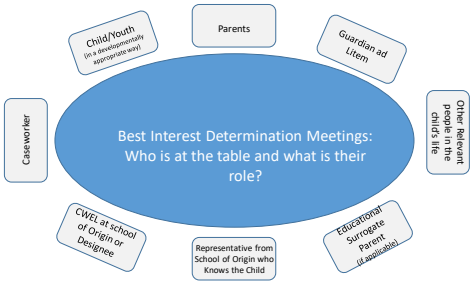

Note: Ideally the child's whole system and the potential receiving school should attend the meeting (e.g. CASA, foster parent, etc.)

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Transportation to School of Origin

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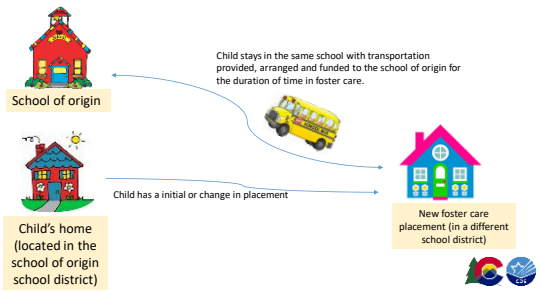
Ideally…



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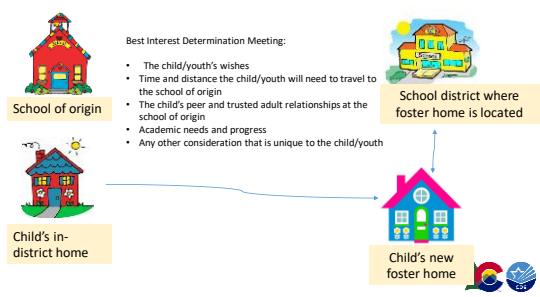
But if a school change is being considered…



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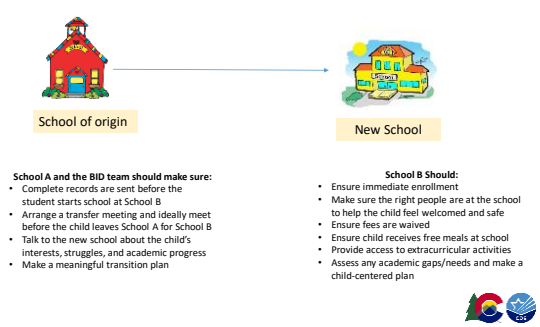
When a school change is necessary



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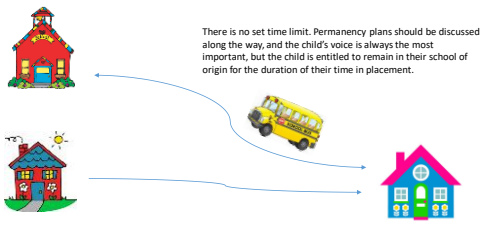
So how long does this go on?



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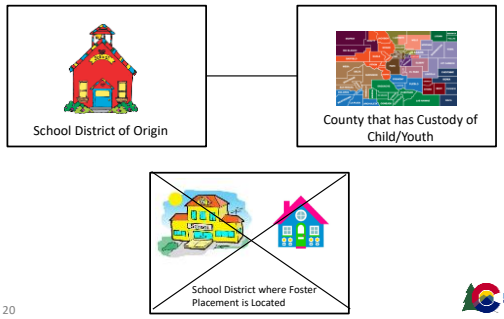
Who pays?



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Transportation Federal Legal Obligations

From the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015:

Each local educational agency shall "collaborate with the state or local child welfare agency to … 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, which procedures shall ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and … ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if … the local educational agency and the local child welfare agency agree to share the cost of such transportation." (ESEA 1112(c)(5))

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Transportation State Legal Obligations

"School districts and the state charter school 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*." (CRS 22-32-138(10))

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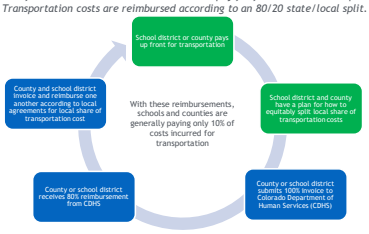
Foster Care Transportation in Colorado

The state of Colorado has set aside $2.7 million to pay for foster student transportation. Transportation costs are reimbursed according to an 80/20 state/local split.



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How do schools accommodate students with disabilities?

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Basics of Special Education

- Federal laws for the education of students with disabilities are established in the Individuals with Disabilities Educational Act (IDEA) and supported in Colorado by the state Exceptional Children's Educational Act (ECEA)
- Plans for educating students with disabilities are set forth in one of two types of plans: an Individualized Education Program/Plan (IEP) or a 504 Plan
- These plans establish what actions a school must take to accommodate the students educational needs as a result of their disability
- Because they are rooted in federal law, IEPs, 504s, and the way districts treat them will be fairly standard from school to school and even from state to state

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Who makes special education decisions?

- A parent must request and consent to an evaluation for special educational services, attend meetings to determine accommodations, and sign off on the final IEP or 504
- According to special education law in Colorado, the following people could serve as parent:
  - A biological or adoptive parent
  - A foster parent
  - A guardian authorized to make educational decisions
  - An individual acting in the place of a parent
  - An Educational Surrogate Parent assigned by the school
- If more than one of these are available, priority is given to the biological or adopted parent
- If court has appointed someone to make educational decisions, that person will take priority

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How does a student get evaluated?

- A parent requests that a school evaluate their child for special educational services
- The school district must complete the evaluation within 60 days of the initial request
- The initial IEP must be developed within 90 days of the parental consent for evaluation
- Parents have students have various avenues for alternative evaluations or appeals of district decisions if there is disagreement about the results of the evaluation

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Updates and Reevaluation

- A student's IEP must be reviewed annually with a team that includes educators, parents, the student, and other stakeholders
- Every three years, the student must undergo a full reevaluation for disability and services
- Any significant change that might affect a student's educational services warrants and update of the IEP, including changes in schools and other changes in within the school that may affect the accommodations listed in the IEP

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IEPs can affect school placements

- A school must always decide whether they are able to meet the educational needs outlined in the IEP within the building
- If a student has significant needs, the district may determine that they need a specialized program in another school building or at a facility school
- The provisions of the IEP also therefore determine which school placements would be possible at the time a student transfers enrollment from one district to another

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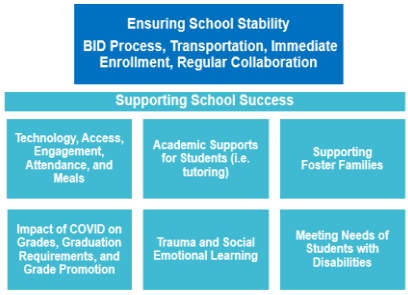

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References

- 42 U.S.C § 675 (1)(G); 20 U.S.C. § 6311 (g)(1)(E) and § 6312(c)(5)(B).
- 20 U.S.C. § 6312(c)(5)(B).
- Clemens, E. V. (2014). Graduation and Dropout Rates for Colorado Students in Foster Care: 5-Year Trend Analysis (2007-08 to 2011-12). Greeley, CO: University of Northern Colorado.
- Colorado Department of Education (March 15, 2018). 2017 State Policy Report, Dropout Prevention and Student Engagement at 16.
- HB 18-1306 codified at § 22-32-138(1)(h), C.R.S. (2018, eff. August 8, 2018).
- *Id*. at § 138(1)(g).

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