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# Educational Rights for Students in Foster Care

Colorado Department of Education  
Colorado Department of Human Services

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- Why this work matters
- Overview of Federal and Colorado Statute for Students in Foster Care
- Best Interest Determinations
- Resources

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ALL MEANS ALL

## Why this work is so important?

- Students in foster care are by far the most vulnerable student population.
  - Students in foster care have all experienced trauma
- 24.8% graduation rate for students in foster care as compared to 80% for non-foster peers.
- 66% of students in foster care score unsatisfactory in math, and only 11% are proficient or advanced.
- 63% of students in foster care scored unsatisfactory or partially proficient in reading.

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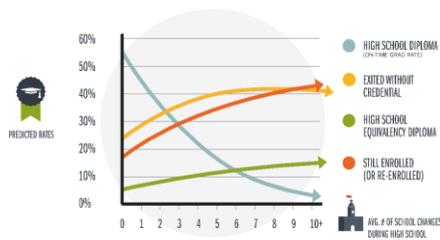


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ALL MEANS ALL

## Why this work is so important?

- Frequent school changes result in a loss of peer group and connectedness to school
- Only 11.3% will enroll in postsecondary education
  - For every school change in high school, the odds of enrolling in postsecondary education decreases by 12%
- Each school change reduces the chance a student in foster care will graduate with their peers. After 3 school moves, the likelihood of high school graduation is dramatically lower.



Data found in the [Every Transition Counts Report](#)

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# From the Student Perspective....

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[Youth Voice for Educational Stability](#)

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# Federal and State Statutes for Educational Stability



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## Requirements of ESSA

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

- Assumes it is the best interest of the to remain 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 categorically eligible for free and reduced lunch.



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## C.R.S 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 students 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



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## Roles and Responsibilities of CWEL's

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



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## Caseworker Responsibilities

- Determining if a BID is required
  - Can ONLY be called by the Department of Human Services or a caseworker
  - Ultimately makes the final decision
- Work collaboratively with the student, case team and school district
- Transportation Discussions

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## HB 18-1306

- Signed into law June 1, 2018
- Specific state funding set aside to support transportation costs to keep students in their school of origin
- State reimburses 80% of transportation costs for eligible students
  - MOU to decide responsibilities between local DHS agencies and their local school districts (including how to split the remaining 20%)

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# Students in Out-of-Home Placement (foster Care)

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## Definition of Out-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.**”

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## How do I find out if a student is in Out-of-Home placement

- County child welfare agencies are responsible for informing CWELs about students in out-of-home placement regardless of whether or not a school change is being considered.
- Free and Reduced Lunch Coordinators receive a monthly list of students who have been classified as in out-of-home placement. **Caution: this data is not real-time.**
- A child/youth must be in the custody of the county (even for one day) to be considered in out-of-home placement.
- CWELs can verify with county child welfare agencies (list provided on CDE's Foster Care Education Webpage).

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## Best Interest Determination Meetings

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## Who should attend a BID?

According to Colorado Revised Statute Volume 7 (volume 7.301.241 (D) (2) (a-e))

- The child/youth (in a developmentally appropriate way)
- Parents as defined in Volume 7
- Caseworkers or appropriate designee
- Guardian ad litem GAL (if one is appointed)
- Counsel for Youth
- Representative from the school of origin that knows the student as determined by the local education agency
- Educational surrogate parent
- Others as relevant or appropriate as determined by the county

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## Best Interest Determination (BID)

- Presumption that it is in the best interest of the student to remain in the school of origin
- Important things to remember:
  - What is your mindset entering the meeting?
  - What is the mindset of others?

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- When is a BID necessary?
  - Whenever a school move is being considered, due to a placement or change of placement
- Examples:
  - When the team is considering changing school enrollment to the local school after a new placement
  - When a child/youth is placed in a residential facility and may transfer to the facility school
  - When the caregiver would like the child/youth to move to attend the same school as other children in the household
  - ANY consideration of a move to an online or virtual school that would require a change of enrollment
    - Please note that in this online or virtual school is different than the “homeschool” definition
  - When the team believes it is time to consider a change for a child/youth who has been attending a school or origin for quite some time

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- When is a BID not necessary?
- Examples:
  - When a student REMAINS in their school of origin after a placement or a change in placement
  - When the school determines that a change in enrollment is necessary for academic reasons (such as a change in an IEP or enrollment in an academic magnet program)
  - When an educational decision is court ordered

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# BID Case Study Discussion



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# Resources



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## Education and Training Voucher Program

The Education and Training Voucher (ETV) program is a federally funded program administered by the Colorado Department of Higher Education. The program provides Colorado residents who are currently or have previously been in foster care and are between the ages of 17 and 25 with financial support for post-secondary education at a college, university, vocational, technical, or trade school

[Educational and Training Voucher \(ETV\) Application](#)

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## FosterEd

FosterEd (SB 22-008) is a state-funded program that provides Colorado residents who are currently or have previously been in foster care with financial assistance at in-state public institutions of higher education. This program pays for the remaining balance of a qualifying student’s total cost of attendance after scholarships, grants, and other financial aid awards have been applied.

[Foster Youth Postsecondary Education Programs and Services | Higher Education \(colorado.gov\)](#)

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# Chafee

- Independent Living Program for youth who have experienced foster care on or after their 14th birthday up to their 23rd birthday
  - Work with young people in an age/developmentally appropriate way
- Chafee focuses on areas such as but not limited to:
  - Academic support, Post-secondary educational support, Career Preparation, Budget and Financial Management
- Chafee works to improve outcomes such as:
  - Increase financial self-sufficiency, improve educational (academic or vocational) attainment, assist youth in identifying safe and permanent connections, reduce homelessness, reduce high risk behaviors, improve access to health insurance
- [County Chafee Contact](#)
- [Chafee Webpage](#)

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## Colorado Youth Leadership Network (COYLN)/ Youth Awareness Week (YAW)

- COYLN
  - Was created to help integrate the multiple efforts working to to increase youth voice and engagement with systems serving youth
- YAW
  - Emphasize positive youth voice
  - Celebrates the influence youth have in our state and local communities
  - ALL youth of Colorado

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## Foster Youth in Transition (FYIT)

- [HB 21-1094](#)
- FYIT is
  - Voluntary 18 to 21
  - Client-directed counsel
  - Freedom to act as a legal adult
  - Ability to leave and come back
  - Financial support and flexibility in housing
  - Roadmap to Success - individualized plan during case
  - Emancipation Transition Plans - deliberative process at Emancipation
  - Process for involuntary discharge includes tolerance for mistakes from youth
  - Mandatory statewide services
- Interested
  - contact their local child welfare agency or email [cdhs\\_fosteryouth@state.co.us](mailto:cdhs_fosteryouth@state.co.us)
- [Child Welfare Transition Age Youth Programs](#)
  - Programs at a glance



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An intervention to support educational outcomes for young people who have experienced foster care.

Fostering Opportunities centers around:

- Coordination and communication between child welfare and education systems.
- Specialists who advocate, mentor, and provide social-emotional support and academic support. They also consult and coordinate information to ensure that students experience a consistent network of support in the school environment and beyond. They are not bound to a specific school but instead follow the students and continue to support after the closure of a child welfare case.
- An effective and efficient data sharing system used by both human services and school districts to identify students eligible for the program, ensure timely and reliable communication to their network of support, track changes in their network of support, and monitor students as they exit intensive services.



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# Questions?



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