Foster Care Educational Rights

Every Student Succeeds Act 42 U.S.C. § 675(1)(G)(ii). Under Title 1 Part A of The Elementary and Secondary Education Act and 22-32-138 C.R.S

COLORADO
Department of Education

Right to Remain in School of Origin

- It is assumed to be in the best interest of the student to remain in their school of origin despite where the foster home is located. The "school of origin" means the school in which the student was enrolled at the time of each placement into foster care. The school of origin includes the designated receiving school at the next grade level for feeder school or zone patterns.
- If child welfare is considering a school change due to a foster care placement change, the student's child welfare caseworker will arrange a Best Interest Determination (BID) meeting. A team will decide if the student should remain in the school of origin. Someone from the school who knows the student is required to be invited to the BID meeting.
- If the student is "stepping down" from a facility school, residential treatment facility, or secure detention facility, the student has the right to return to the school of origin. The term "school of origin" is defined flexibly to ensure students can attend the school where they have meaningful connections within the last two years.

Right to Immediate Enrollment

- Schools are legally required to enroll students in school immediately when a school change is necessary.
- Schools are legally required to enroll students even if the student lacks records (including birth certificate, Individualized Education Program or immunization records).
- The previous school district is required to send records immediately (not to exceed five days).

Why School Stability Matters

On average, students in foster care move schools more than three times due to changes in foster care placements. Research shows that each school move reduces the chance a student in foster care will graduate with their class.

School stability laws were passed in 2008 to help mitigate the adverse educational effects of school mobility. The intent of these laws are to ensure students can remain in their school of origin even if they have to move foster care placements.

If a school change cannot be avoided, it is essential for students to enroll and fully participate in school a new immediately.

Connectedness to school, trusted adults, and peers is essential for students in foster care. Schools can help by ensuring students access extracurricular activities and eliminate barriers to fully participating in school.

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Research source: Clemens, E. V., Klopfenstein, K., Lalonde, T. L., & Tis, M. (2018). The effects of placement and school stability on academic growth trajectories of students in foster care. Children and Youth Services Review, 87, 86-94.

Right to Transportation to School of Origin

- When a student remains in the school of origin, school districts and county child welfare agencies are required to provide, arrange, and fund transportation to the student's school of origin for the duration of time in foster care.
- School districts and county child welfare agencies are legally required to have a written transportation agreement. Contact the Child Welfare Education Liaison (CWEL) at the school district to inquire about transportation procedures.

Right to Fee Waivers and Participation in Extra Curriculars

- Colorado statute states: "An education provider 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 school or extracurricular activities, and fees for before-school or after-school programs. The education provider shall not limit the opportunity of a student in out-of-home placement to participate in-school and extracurricular activities and before-school and after-school programs due to waiver of the participation fees." (C.R.S.22-32-138(7))
- Students are eligible to participate in any activity authorized under the Colorado High School Activities Association (CHSAA) if a school change is not avoidable. Contact CHSAA for eligibility authorization.

Categorically Eligible for Free Meals

- Students in foster care are categorically eligible for free meals for the duration of time in foster care. If a student was in the custody of the county or the state for even one day, they are eligible for free meals for the entire school year and thirty days into the next school year.
- Child Welfare Education Liaisons (CWELs) at each school district receive notification from the county child welfare agency when a student is placed in foster care. This notification and/or verification from the CWEL is adequate documentation to provide free meals immediately. View the CWEL directory anytime for a current list.

Schools of Choice Considerations

- Students in foster care have the right to remain in their school of origin regardless of where the foster placement is located. Students do not have to go through a choice school process if they are remaining in their school of origin.
- If a student moves schools to where the foster placement is located, the student will follow the enrollment procedures of that school district. Note: students in foster care do not need to produce records for enrollment (see "right to immediate enrollment" section for more detail).
- If a student returns to their school of origin from a facility school, residential treatment facility or detention facility, the student does not have to engage in school of choice procedures within the district.

Special Education Considerations

- The Individuals with Disabilities Education Act (IDEA) remains in place regardless of foster care status. Foster care situations are unique and there are multiple considerations related to IDEA and ESSA.
- Students in foster care have a right to immediate enrollment as well as a Free and Appropriate Public Education. If it takes time for the school to arrange to meet a student's special educational needs, the student must be provided educational services during the time it takes for the school to make these arrangements.

School Safety Considerations

- As a part of the right to immediate enrollment, if a student in foster care requires a school safety plan, educational services must be provided during the time that the safety plan is being developed.

WHERE CAN I LEARN MORE?

Foster Care Education at the Colorado Department of Education
http://www.cde.state.co.us/dropoutprevention/fostercare_index
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