

Revised Sample Policy

File: JFABE*

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects the legal requirements that school districts must follow. This sample policy contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Students in Foster Care

It is the Board's intent to promote educational stability of 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.

~~Designation Duties~~ of the ~~district's~~ 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.

(Adoption date)

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 (~~school stability, transfer and~~ enrollment of students in out-of-home placements)
C.R.S. 22-33-103 through 22-33-110 (*school attendance law*)

CROSS REFS.: 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

NOTE 4: The term “foster care” is defined in federal law as follows:

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made. A child in foster care also includes a child who is awaiting foster care placement. 34 C.F.R. 200.30 (f)(1)(iii).

While the definition of “student in out-of-home placement” in state law closely tracks the federal law’s definition of a student in foster care, state law contains the following language which is NOT found in federal law:

- a child or youth who transfers school enrollment as a result of being returned to his or her home at the conclusion of an out-of-home placement.

~~C.R.S. 22-32-138 (1)(h-e). Colorado school districts that receive federal funds are required to follow the more stringent federal law requirements for students in foster care. All Colorado school districts must follow the requirements of state law regarding “students in out-of-home placements.” State law provides more expansive protections for students in out-of-home placements in comparison to federal law. The biggest difference between the two is that the federal law requires “immediate” enrollment and provision of transportation, in coordination with the child welfare agency. State law requires enrollment of a “student in out-of-home placement” within five days of the school’s receipt of the student’s education records and does not address transportation.~~

~~NOTE 2: While the definition of “student in out-of-home placement” in state law closely tracks the federal law’s definition of a student in foster care, state law contains the following language which is NOT found in federal law:~~

- ~~• a child or youth who transfers school enrollment as a result of being returned to his or her home at the conclusion of an out-of-home placement.~~

~~C.R.S. 22-32-138(1)(e). Colorado school districts that receive federal funds are required to follow the more stringent federal law requirements for students in foster care. All Colorado school districts must follow the requirements of state law regarding “students in out-of-home placements.” The biggest difference between the two is that the federal law requires “immediate” enrollment and provision of transportation, in coordination with the child welfare agency. State law requires enrollment of a “student in out-of-home placement” within five days of the school’s receipt of the student’s education records and does not address transportation.~~