

Core Competencies of Foster Care and Education

July 20, 2018



Foster Care Legal Milestones



Overview of major updates in HB 18-1306

- Clarifies the role of CWELs with respect to the best interest determination, the transfer of records, transition planning, and immediate enrollment of the child or youth;
- Requires immediate enrollment for students in out-of-home placement;
- Requires agreements for how transportation and other necessary services will be provided, arranged, and funded; and
- Removes barriers to obtaining a high school diploma by allowing education providers to waive course requirements or provide competency-based measures to satisfy graduation requirements.



Key Terms and Definitions



Student in Out-of-Home Placement

"Student in Out-of-Home Placement" - defined to extend until end of semester or term when child/youth exits foster care.

- This provides children and youth school stability during critical times of transition, such as returning home. It also allows families time to plan a school change or arrange their own transportation.



School of Origin

"School of Origin"

- Usually the school the child/youth was enrolled in at time of placement
 - Includes "feeder schools" i.e., if child completes elementary school, the middle school where most students enroll is included in "school of origin"
- If stepping down from restrictive setting, look back to school with meaningful connection in last two years
 - Child/youth's voice must be strongly considered when there are multiple options



Best Interest Determinations

- Presumption of staying in the same school
- County initiates BID only if they are considering a school change
- The only timing requirement for best interest determinations is that they occur *prior to a school move*.



Child Welfare Education Liaison (CWEL) Roles and Responsibilities

- 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
- 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



Immediate Enrollment and Immediate Transfer of Records

- Students in an out-of-home placement must be enrolled in a new school immediately regardless of the ability to produce records (including shot records or Individual Education Plans). For any issues with this, contact the Child Welfare Education Liaison (CWEL) at the school district. This list can be accessed at: http://www.cde.state.co.us/dropoutprevention/fostercare_index
- Records: New school requests records immediately
- Sending school transfers records ASAP but within 5 school days



Transportation



Transportation Plan with Counties and School Districts

Collaboration between counties and school districts is essential to providing children and youth school stability. Consistent with the Every Student Succeeds Act, HB 18-1306 requires county departments and school districts to “coordinate...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’s or youth’s time as a student in out-of-home placement, including the equitable allocation of costs.”



Transportation Plans

- CDHS:
 - Forthcoming operation memo to counties will establish deadline (tentatively 9/30/18) for submitting agreements/plans to DCW
 - Memo will include list of essential components
- CDE
 - Name and contact information for CWEL reported through Consolidated Application for Federal Funding annually.
 - *“The LEA/BOCES has adopted policies and practices to ensure that children in foster care...”*



Example of equitable cost sharing: No prior district costs

Example: Student changes foster care placements and needs transportation to her school of origin. She did not previously have any special transportation, and there are no pre-existing bus routes she can access, so she will need a new transportation option. Her transportation is \$25/day.

CDHS: \$20/day
County: \$2.50/day
District: \$2.50/day




Example of equitable cost sharing: With prior district costs

Example: Student receives special education and has transportation as part of her IEP. Prior the change in foster care placements, the school district was paying \$15/day for the student's transportation. After the change in foster care placements, transportation to the school of origin is \$25/day.

CDHS: \$8/day
County: \$1/day
District: \$16/day (\$15 prior cost + \$1 cost share)






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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).

