

Federal Law

- Fostering Connections. *See* 42 U.S.C. §675(1)(G).
 - ✓ Case plan must include plan to ensure educational stability for child/youth.
 - ✓ Placement must take into account educational needs & proximity to school.
 - ✓ Requires coordination to ensure that child remains in school of enrollment at time of placement unless not in child's best interests.
 - ✓ If not in best interests to remain in pre-placement school, immediate and appropriate enrollment in new school is required.
 - ✓ Requires reasonable transportation to pre-placement school.
- McKinney Vento. *See* 42 U.S.C. §11431 *et seq.*
 - ✓ Requires immediate enrollment of homeless youth, even if records are lacking.
 - ✓ Each school district must designate one staff to serve as liaison.
 - ✓ Requires development of policies removing barriers to enrollment and retention.
 - ✓ "Homeless" is defined as lacking a fixed, regular and adequate nighttime residence and includes awaiting foster care placement, emergency shelters.

State Statutes

- Youth in Out-of-Home Placement
 - ✓ Change in placement must take into consideration educational needs and stability. C.R.S. §19-3-213(1)(d).
 - ✓ If change in schools is required for child/youth in out-of-home placement:
 - Sending school must transfer records within 5 days.
 - New school must enroll within five days of receipt of records.
 - Problems such as unpaid fees, lack of immunization records do not relieve schools of mandate to send records/enroll within 5 days. C.R.S. §22-32-138.
 - ✓ Schools must designate child welfare educational liaison. C.R.S. §22-32-138.
 - ✓ Certification of coursework and fee waiver provisions. C.R.S. §22-32-138.
- McKinney Vento Implementation
 - ✓ Immediate enrollment required. If there is a dispute regarding enrollment, homeless child must be immediately enrolled in school selected by child/parents and remain enrolled until dispute is resolved. C.R.S. §22-33-103.5.

State Regulations

- Family Services Plan must document how the placement is in reasonable proximity to the home of parents or relatives and to the school the child has attended. §7.301.24.E.
- §7.301.241.A, B: FSP must document relevant provider responsibilities & info related to appropriateness of out-of-home placement in relation to the educational placement, including but not limited to:
 - ✓ Efforts such as providing transportation to maintain the child in the same school, consideration of proximity of placement/appropriateness of school.
 - ✓ Reasons why remaining in same school is not in child's best interest and efforts that were made to assure enrollment in a new school including transfer of educational records in accordance with §22-32-138, C.R.S.
- Reimbursement for reasonable transportation (to provider and county) is allowed. *See* §7.418.1.A, §7.406.1.JJ.

<p><u>State Statutes</u></p> <ul style="list-style-type: none"> ➤ If proposed school district is located outside school district of the child's parents' residence, placing county must inform school district in which child's parents reside of proposed placement. Upon entry of court order placing child in out-of-home placement facility outside of parents' residence, county must notify parents' school district. C.R.S. §19-1-115.5(2)(c-f). <p><u>State Regulations</u></p> <ul style="list-style-type: none"> ➤ Health and educational info shall be documented in the State Department's automated system and updated at the time of each case review, including addresses and contact info about child's current education providers. §7.301.24.G. <i>See also</i> §7.301.242 (listing what information counties must maintain, including, but not limited to, grades, evaluations). ➤ Caseworker must make written referral for educational assessment to designated representative of the child's school district of jurisdiction before non-emergency placement. If placement is emergency placement, caseworker must make verbal notification within five working days and written notification within ten working days after the placement. If county does not do this, does not get reimbursed for the educational costs of the placement. §7.301.241.C. 	<p>General School Involvement/Info</p>
<p><u>State Statutes</u></p> <ul style="list-style-type: none"> ➤ Facility Schools Unit within the Colorado Department of Education is responsible for general oversight and monitoring of facility education programs (schools operated by residential child care programs, day treatment, etc). C.R.S. §22-2-403, 405. Responsibilities include: <ul style="list-style-type: none"> ✓ Developing and maintaining list of approved facility schools; ✓ Making recommendations for uniform curriculum and graduation requirements; ✓ Maintaining information/records for students enrolled in facility schools; ✓ Collaborating with other agencies concerning placement of students in schools; ✓ Adopting data reporting protocols and records transfer procedures for use by approved facility schools; ✓ Purchasing and implementing data system for student records. <p><u>State Regulations</u></p> <ul style="list-style-type: none"> ➤ Minimum standards for approved Facility Schools. §304-1:222-R-3.01. ➤ Comprehensive plan requirement. §222-R-3.02 ➤ Responsibilities of approved schools include a request for Individual Career and Academic Plan (ICAP). §222-R-4.01 <ul style="list-style-type: none"> ✓ ICAP shall address skills for emancipation and successful independent living in community as appropriate. ✓ If ICAP hasn't been developed yet, shall initiate planning for career, education, & independent living beginning in 9th grade or earlier. 	<p>Facility Schools</p>

Federal Law

- Individuals with Disabilities Education Act (Subchapter III). 20 U.S.C. §§ 1431 *et seq.*
- Implementing Regulations can be found at 34 C.F.R. Part 303.
- Subpart D, Section 303.300 *et seq.* sets forth criteria for state plan.

State Statutes

- 2014-15 State Plan can be found at:
<http://eicolorado.org/index.cfm?fuseaction=Documents.content&linkid=865>
- Early Intervention Programs- Legislature finds a need to enhance the development of infants/toddlers with disabilities, to minimize their potential for developmental delay, to recognize the significant brain development that occurs during a child's first 3 yrs of life, and the capacity of families to meet the special needs of their infants/toddlers with disabilities needs to be supported and enhanced. C.R.S. §27-10.5-701.

State Regulations

- When a county department substantiates child abuse or neglect regarding any child under the age of five years, must refer child to the appropriate state or local agency for developmental screening within sixty days after abuse or neglect has been substantiated. §7.202.52.K.
- EPSDT and supports. §7.301.243.
 - ✓ County must document referral, services, and planning
 - ✓ Children under 3 who may have delays in development or established conditions associated with disability must be referred to the local child find effort
 - ✓ County department must participate with school district and/or designated community resource/organization, family and other pertinent individuals to develop a plan to address identified service and support needs and for transition planning.
 - ✓ Child must have a medical examination before placement or a medical screening as soon as is reasonably possible after placement. Screening must be consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). §7.304.61.
- Early Intervention Programs §7.900
 - ✓ Enhance development in domains of adaptive development, cognitive development, communication development, physical development (including vision/hearing), & social/emotional development. §7.900.
 - ✓ Service coordinator shall ensure that Individualized Family Service Plan is updated annually to discuss and document child's current developmental levels in all developmental domains gathered through assessment methods. §7.940.B.7.
 - ✓ Early Intervention Services shall be provided in the natural environments of the child and family to the maximum extent appropriate. If services cannot be provided in natural environment, justification shall be provided in IFSP. §7.950.A.

Federal Law

- Individuals with Disabilities Education Act. 20 U.S.C. §§ 1400 *et seq.*
 - ✓ Implementing regulations can be found at 34 C.F.R. Part 300.
- Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. §794.
 - ✓ Implementing regulations can be found at 34 C.F.R. Part 104.

State Statutes

- In a court proceeding under Title 19, if county department recommends placement of a child in an out-of-home placement facility, county must consider the special needs, if any, of the child, including the ability of the school district to provide necessary services to meet those needs. C.R.S. §19-1-115.5.
- If proposed school district is located outside school district of the child's parents' residence, placing county must inform school district in which child's parents reside of proposed placement. Upon entry of court order placing child in out-of-home placement facility outside of parents' residence, county must notify parents' school district. Notified school district must then contact school district in which child is placed concerning the special educational needs, if any, of the child and the resources necessary to meet those needs. C.R.S. §19-1-115.5(2)(c-f).
- Colorado's Education of Exceptional Children Act. C.R.S. §22-20-101 *et seq.*
- Protection of Persons from Restraint. C.R.S. §26-20-101 *et seq.*

State Regulations

- If educational assessment determines child has educational disability qualifying child for IDEA or 504 Services, county and district of jurisdiction shall meet to determine if educational needs of child can be met in placement or core services program. §7.301.241.C.4.
- Rules for the Administration of the Exceptional Children's Educational Act. 1 CCR 301-8
 - ✓ Educational Surrogate Parents. 1 CCR 301-8, 2220-R-6.02(8).
- Rules for the Administration of the Protection of Persons from Restraint Act 1 CCR 301-45 2620 R1.00 *et seq.*
 - ✓ Sets forth procedures/ limits for use of restraints in public education programs.
 - ✓ Available at <http://www.cde.state.co.us/cdesped/Restraints.asp>.

State Statutes

- At permanency planning hearing, the court must make a determination that the permanency plan of a child 16 years of age or older includes independent living services. C.R.S. §19-3-702(3.5)(d).

State Regulations

- Emancipation/Independent Living
 - ✓ Independent living includes programs and services to prepare youth in out-of-home care for the transition from a structured living environment to living on their own. §7.305.1.
 - ✓ Services for all children/youth in out-of-home care should include efforts to build life skills & self-sufficiency competencies; services mandatory for youth age 16+ §7.305.1.
 - ✓ Independent living assessment requirements detailed in §7.305.2. Assessment must occur regardless of case goal.
 - ✓ Plan for transition to independent living shall be completed within 60 calendar days of child's 16th bday or case opening. §7.301.21.C. *See also* §7.301.24.K.
 - ✓ All youth in foster care who have reached the age of 16 must be assessed for independent living services. §7.305.2. Assessment must include:
 - Capacity for self sufficiency and self-support;
 - Individual, family, community and financial support resources available
 - ✓ Independent Living Plan must be developed **jointly** by the youth, caseworker, care providers and other significant persons. §7.305.2.
 - ✓ Independent living **arrangement** may be made when county has placement authority and ILA follows period of out-of-home care or approved core services. If prior placement < 30 days, administrator approval required. §7.305.2.D.
 - ✓ County department must establish written policy for use of independent living arrangement stipend; appeal and notification procedures required. §7.305.2.D.3
 - ✓ Free annual credit report required for youth age 16+ in foster care
 - Provided to GAL by county dept.
 - County dept. & GAL shall collaborate to ensure youth is referred to a Colorado DHS approved gov. or non-profit agency to resolve any inaccuracies in report.
 - ✓ Formal emancipation transition plan must be developed by youth, caseworker, and others at least 90 business days prior to projected emancipation date for youth. §7.305.2.F. Must include:
 - Assurances that plan meets self sufficiency/cost-of-living standard
 - Specific options for housing, health insurance and health care decision-making information, education, mentors, and after care support, work force supports and employment services.
- Vital life documents prior to emancipation: Youth must be provided with birth certificate, tribal affiliation, social security card, state id, health passport & other pertinent health records to include health care decision-making information, & educational records. §7.305.5.

- Chafee Foster Care Independence Program
 - ✓ Supplement to independent living resources/program—shall not duplicate/replace existing programs. §7.305.41.
 - ✓ Which youth are eligible is detailed in § 7.305.42
 - 15-18 in out of home placement for minimum 6 months (consecutive months not required)
 - 16-21 & meet requirements for Relative Guardianship Assistance & entered Relative Guardianship on/after age 16
 - 18-21 and in out-of-home care on 18th birthday
 - ✓ Participation is voluntary; must be entitled to reconsider refusal. §7.305.42.

Successful Transition to Adulthood (cont.)