

STUDENTS IN FOSTER CARE

It is the Board's intent to remove barriers to school enrollment and retention of students in foster care in accordance with state and federal law. The district will take reasonable steps to ensure that students in foster care are not segregated or stigmatized and that decisions are made in the best interest of the student.

Each identified student in foster care will be provided with all services for which the student is eligible, comparable to those provided to other students in the school, regardless of residency, including transportation services, school nutrition programs, education services, career and technical education programs, and gifted and talented programs.

Students in foster care will be provided access to education and other services that they need to ensure that they have an opportunity to meet the same student performance standards to which all students are held. All educational decisions will be made in the best interests of the student.

The district will coordinate with other districts and with local social service agencies and other agencies or programs providing services to children in foster care as needed.

The superintendent will designate at least one district employee to serve as a Child Welfare Education Liaison (CWEL) and fulfill the duties set forth in state and federal law.

Decisions on enrollment and transportation for students in foster care will be made in accordance with the accompanying regulation and applicable law.

Notice of Determination and Appeal

The Child Welfare Education Liaison will hand deliver to the student a written notice of the district's determination and of the right to appeal. If the liaison determines that the student will attend a TSD school other than the student's previous school or a TSD school other than the one requested by the student's parent/guardian, the liaison will also provide a written explanation regarding that decision to the parent/guardian.

Enrollment Disputes

If an enrollment dispute arises, the student will be immediately enrolled in the TSD school selected by the parent/guardian or student until the dispute is resolved.

The parent/guardian (or student, if applicable) may appeal an enrollment determination made by TSD to the TSD liaison within 10 days after receiving the written determination and notice of right-to-appeal.

The liaison will issue a written decision on the dispute within 10 days of the receipt of the appeal and hand-deliver a written decision and notice of right-to-appeal to the Board of Education to the parent/guardian (or student, if applicable).

Within 10 days of delivery of the liaison's decision and right-to-appeal notice, the parent/guardian (or student, if applicable) may appeal the decision to the Board of Education.

The Board will issue a written decision on the dispute within 10 days following Board action on the matter and hand-deliver the written decision and notice of right-to appeal to the State Coordinator for the Foster Care Education to the parents/guardian (or student, if applicable).

The decision of the State Coordinator shall be final.

Adopted May 16, 2018

Revised December 2, 2020

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 (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/JHA/JHBA, Student Absences and Excuses
JJJ, Extracurricular Activity Eligibility
JLCB, Immunization of Students
JQ, Student Fees, Fines and Charges

NOTE: 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). 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.