

Students in Foster Care



**Chelsey Moore, Program Advisor
Federal Programs
Arkansas Department of Education**

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Students in Foster Care

Foster Care: 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.

- One of the most vulnerable subgroups
- More likely to struggle academically and fall behind
- Less likely to graduate from high school
- Experience much higher levels of residential and school instability



Foster Care Placements

- Foster family home
- Placement with relatives
- Group homes
- Emergency shelters
- Residential facilities
- Any placement of temporary guardianship



NOT Foster Care Placements

- Living at home with parents and receiving in-home services
- Informally placed with relatives without child welfare involvement
- Are not involved in the court system
- Permanent guardianship



Applicable Foster Care Laws for Schools

- Every Student Succeeds Act (ESSA) (2015)
- Ark. Code Ann. Sec. 9-28-113 (2011)
- Fostering Connections Act of 2008



Focus of Foster Care Laws

1. Increase educational stability
1. Emphasize importance of collaboration between educational and child welfare agencies to ensure students have same opportunity to achieve at high levels



Every Student Succeeds Act (2015)

Statute includes important protections for students in foster care:

- Remain in their school of origin unless a collaborative determination is made that it is not in the best interest of the child
- Immediate enrollment in school and transfer of school records
- School transportation when necessary



Every Student Succeeds Act (2015)

- Removal of “awaiting foster care placement” from McKinney-Vento Homeless Assistance Act - effective December 10, 2017
- LEA must develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged and funded for the duration of time in foster care.
- Designating a point of contact within SEA and each LEA



School of Origin

School of origin is the school in which a student is enrolled at the time of placement in foster care.

Note: Student can remain in their school of origin or attend school in the district in which they reside depending upon the best interest determination.



Best Interest Determination

Factors that the child welfare and educational agencies should consider:

- Preferences of child
- Child's attachment to the school
- Placement of siblings
- Influence of school climate on child
- Availability of services to meet needs
- History of school transfers
- How length of commute would impact student



Best Interest Determination

Some students will need transportation to remain in their school of origin. However, transportation costs **should not** be considered when determining a child's best interest.



Transportation

LEAs should collaborate with state and local child welfare agencies to develop and implement clear written procedures governing how transportation to maintain foster care students in their school of origin, when in their best interest, will be provided, arranged and funded for the duration of the child's time in foster care



Written Transportation Procedures

Procedures must ensure that:

- 1.Children in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost effective manner (cost, distance, whether mode of transportation is developmentally appropriate)



Written Transportation Procedures

2. If there are additional costs incurred in providing transportation, the LEA will provide such transportation if:

- The child welfare agency agrees to reimburse the LEA for the cost;
- The LEA agrees to pay for the cost; OR
- The LEA and local child welfare agency agree to share the cost



Transportation Costs

The LEA may use Title I funds to pay for additional costs to transport children in foster care to their school of origin.

Cannot use comparable services or homeless set-asides to provide transportation needed to maintain children in foster care in their school of origin.



Immediate Enrollment

LEAs must ensure that a child in foster care is immediately enrolled in his or her new school even if the student does not have the required documentation.



LEA Foster Care Liaison

- Leading the development of a process for making the best interest determination
- Facilitating the transfer of records and immediate enrollment
- Developing and coordinating local transportation procedures
- Facilitate data sharing with the CWA, consistent with FERPA and other privacy protocols
- Providing training to school staff on ESSA foster care provisions and the educational needs of children in foster care



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ARKANSAS DEPARTMENT OF EDUCATION

**Chelsey Moore, State Foster Care Liaison
Federal Programs**

chelsey.moore@Arkansas.gov

(501) 371-8051