



Washington Office of Superintendent of
PUBLIC INSTRUCTION



***Foster Care Education
Program: Frequently Asked
Questions***

FOSTER CARE EDUCATION PROGRAM

Frequently Asked Questions

2023

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TABLE OF CONTENTS

Purpose.....	5
Who can I contact for help regarding the education of students in foster care?	5
State Laws	7
Which students are eligible for services?.....	7
What are the foster care provisions?.....	7
How will students in foster care be identified?	7
Should students in foster care remain in their school of origin?.....	8
Are there guidelines around enrollment and transfers for students in care?	8
Do students in foster care have access to free meals?	8
Can a school district withhold records and transcripts due to unpaid fines and fees?.....	9
Does a child or youth in foster care get absences excused if they must participate in court-ordered activities or other services?	9
How must districts approach unexpected or excessive absences for children and youth in foster care?	9
What should schools do to facilitate grade progression and/or on-time graduation for students in foster care?.....	9
Federal Law and the Every Student Succeeds Act (ESSA).....	11
Are school districts required to designate a Foster Care Liaison?.....	11
What are the duties of the Foster Care Liaison?	11
Educational Stability.....	13
To which children do Title I, Part A requirements to ensure the educational stability of children in foster care apply?.....	13
What are the responsibilities of a school district in ensuring the educational stability of children in foster care?.....	13
What responsibilities does a child welfare agency have in ensuring the educational stability of children in foster care?.....	13
School of Origin.....	15
What is a school of origin?	15
What is the duration of time that a child is protected under the school of origin provision?	15
What happens once a child exits foster care?.....	15
Best Interest Determination	16
What factors should be considered in determining whether remaining in a child’s school of origin is in his or her best interest?.....	16
What process should SEAs and LEAs use when making the Best Interest Determination?.....	16
Who should be involved in making a Best Interest Determination?.....	17

How long do LEAs have to make the Best Interest Determination?..... 17

How should disagreements over the Best Interest Determination among parents, education decision makers, and other important stakeholders be handled?..... 18

Must a child remain in their school of origin while disputes are being resolved?..... 18

Transportation..... 19

Are school districts required to provide school of origin transportation to children and youth in foster care? 19

What is the role of the child welfare agency in providing transportation for a child in foster care to their school of origin? 19

What is the duration of time that the LEA must provide a child with transportation services under ESEA Section 1112(c)(5)? What happens once a child exits foster care? 20

What steps should an LEA and local child welfare agency take to ensure that transportation is provided if they face difficulty reaching agreement on how to pay for additional transportation costs? 20

Is an LEA required to transport children in foster care to and from their schools of origin while transportation cost disputes are being resolved? 21

If an LEA does not provide transportation to children who are not in foster care, is it required to transport children in foster care to their schools of origin?..... 21

Immediate Enrollment..... 22

What does it mean for a child to be “immediately enrolled” in a new school? 22

Collaboration..... 23

How can child welfare and educational agencies work collaboratively to raise awareness and improve staff capacity to meet the unique educational needs of children in foster care?..... 23

Legal Notice 24

PURPOSE

This document was created by the OSPI Foster Care Education Department and includes excerpts from the U.S. Department of Education (ED) Non-Regulatory Guidance published in June 2016.

Who can I contact for help regarding the education of students in foster care?

OSPI’s Foster Care Education Program Supervisor is available to provide technical assistance, training, and support as districts work to improve educational outcomes for children and youth in foster care. For assistance, email FosterCare@k12.wa.us or call 360-725-6505. You can also visit the [Foster Care Education Program webpage](#).

In addition, the Washington State Department of Children, Youth, and Families (DCYF) has designated Education Leads in each of its six regions. These individuals work collaboratively with school districts in their regions to better facilitate school stability and help address the educational barriers experienced by children and youth in foster care. Contact information for the DCYF Education Leads is provided in Figure 1 below.

Figure 1: DCYF Regional Contact Information

Region/Counties	Contacts
<p>Region 1 Ferry, Stevens, Pend Oreille, Lincoln, Whitman, Garfield, Asotin, Spokane, Chelan, Douglas, Grant, Adams, Okanogan</p>	<p>Jessica Curry jessica.curry@dcyf.wa.gov 509-953-1414</p>
<p>Region 2 Kittitas, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia</p>	<p>Monica Jenkins monica.jenkins@dcyf.wa.gov 509-654-3325</p>
<p>Region 3 Whatcom, Skagit, Snohomish, San Juan, Island</p>	<p>Wryan Young wryan.young@dcyf.wa.gov 360-399-8136</p>
<p>Region 4 King</p>	<p>Donna LaFrance donna.lafrance@dcyf.wa.gov 206-639-6207</p>
<p>Region 5 Pierce, Kitsap</p>	<p>Dawn Flammang dawn.flammang@dcyf.wa.gov 253-260-0366</p>
<p>Region 6 Grays Harbor, Mason, Pacific, Lewis, Thurston, Cowlitz, Skamania, Clark, Jefferson, Clallam, Wahkiakum</p>	<p>Allison Sparks Allison.sparks@dcyf.wa.gov 360-999-0888</p>
<p>Statewide Education Program Administrator, Children’s Administration</p>	<p>Peggy Carlson peggy.carlson@dcyf.wa.gov 360-902-8474</p>

<p>Statewide Education Program Manager, Children's Administration</p>	<p>Terri Awoko terri.awoko@dcyf.wa.gov 360-522-3117</p>
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STATE LAWS

The Washington State Legislature has passed several laws regarding the responsibilities of public schools where children and youth in foster care are enrolled or are seeking enrollment. The following questions are about those state requirements.

Which students are eligible for services?

In Washington state, students who are “subject to a dependency proceeding,” including students in tribal child welfare and unaccompanied refugee minors, are eligible for services. This includes students in:

- Foster homes
- Relative placements
- Group homes
- Emergency shelters
- Residential facilities
- Pre-adoptive home
- Trial return home placements

What are the foster care provisions?

Foster Care Provisions include:

- Educational stability
- School of origin rights
- Immediate enrollment – even when documents normally required are lacking
- Transportation to and from school of origin – even when placed outside of school or district boundaries
- Best Interest Determinations prior to changing school placement
- Free meals at school
- Support with on-time grade level progression and graduation
- Support with attendance
- Student privacy

How will students in foster care be identified?

Students in foster care may be identified in multiple ways that maintain confidentiality. The following are some ways that districts may identify students:

1. Caseworkers are required to provide a [School Notification Form](#) to schools each time a student enters care, changes placement, and is returned home. This notification form should identify the student’s caregiver, caseworker, and other educational decision-makers.
2. School District Foster Care Liaisons may run a Foster Care Report for their district in the Comprehensive Education Data and Research System (CEDARS). This report is populated through a state level data sharing exchange between OSPI and DCYF. See [Instructions for Running a CEDARS Foster Care Report](#).

Should students in foster care remain in their school of origin?

Both state and federal laws pertaining to education **and** child welfare emphasize school stability for children and youth in foster care. State law requires that, whenever practical and in the best interest of the child, children placed into foster care shall remain enrolled in the school they were attending at the time they entered care.

Caseworkers and school district Foster Care Liaisons should work collaboratively to determine what is in the best interest of the student using criteria appropriate for the student's situation.

OSPI has created a Best Interest Determination toolkit to assist school districts and caseworkers in making Best Interest Determinations. You can find the toolkit on the [Foster Care Resources and Training website](#).

Are there guidelines around enrollment and transfers for students in care?

Yes. A school may not prevent a student who is dependent from enrolling in a public school if they are lacking records regarding any of the following:

1. Any history of placement in special educational programs.
2. Any past, current, or pending disciplinary action.
3. Any history of violent behavior, or behavior listed in [RCW 13.04.155](#).
4. Any unpaid fines or fees imposed by other schools.
5. Any health conditions affecting the student's educational needs.

If a student in foster care is enrolled in one school and transfers enrollment to another school, either in the same school district or in another school district, the sending school district or school shall transfer the student's education information and records to the receiving school within **two school days** after receiving a transfer request.

See OSPI guidance on [Best Practices: Immediate Enrollment for Children and Youth in Foster Care](#).

Do students in foster care have access to free meals?

Yes. Students in foster care are categorically eligible for free school meals without submission of a free and reduced-price household application. The School Notification Form provides for immediate authorization of named student to participate in programs through the U.S. Department of Agriculture (USDA). The Foster Care Liaison can provide information as well to directly certify students in foster care for free meals.

Students in foster care are eligible for free meals for the entire year, and up to 30 days into the subsequent year, even if the student returns to their home and is no longer considered a foster child.

Once a student is in foster care, DCYF will pay any unpaid school fees or fines due by the student, including past due meal charges. Districts should work with DCYF social workers to fill out DCYF form 05-210 (Administrative Approval Request) to arrange these payments.

Can a school district withhold records and transcripts due to unpaid fines and fees?

No. State law requires the prompt/timely transmission of student records to DCYF for appropriate case planning, school enrollment, and maximizing the student’s academic achievement.

Records may not be withheld from DCYF for any reason, including fines and fees owed by the student⁵ In addition, records may not be withheld from receiving schools in a way that will prevent the academic progress, or the appropriate placement of the student in foster care.

State law provides that DCYF will pay unpaid fines and fees for children and youth residing in care. Contact the student’s case worker or the Education Lead assigned to your region for assistance.

Does a child or youth in foster care get absences excused if they must participate in court-ordered activities or other services?

Yes. Absences from school due to a required court appearances or participation in court-ordered activities, including but not limited to family visitation or therapy, should be excused.

See [WAC 392-401-020](#).

How must districts approach unexpected or excessive absences for children and youth in foster care?

State law requires school districts to monitor the unexpected or excessive absences of dependent youth. Schools should proactively support the student’s schoolwork so the student does not fall behind, and districts should avoid exclusionary discipline based on truancy.

See [RCW 28A.225.023](#).

What should schools do to facilitate grade progression and/or on-time graduation for students in foster care?

State law requires school districts to facilitate the on-time grade progression and graduation of students in foster care through the following strategies:

- Waiving specific courses required for graduation if similar coursework has been satisfactorily completed in another school district.
- Providing an alternative means to complete required coursework necessary for graduation.
- Consolidating partial credit and unresolved coursework and providing opportunities for

credit accrual.

- Facilitating the graduation from the sending district where graduation requirements were met.
- Facilitating the graduation from the receiving district when the student has met state requirements and waive local requirements.
- Granting partial credit for coursework completed before withdrawal or transfer with receiving district accepting those credits.

See [RCW 28A.320.192](#).

FEDERAL LAW AND THE EVERY STUDENT SUCCEEDS ACT (ESSA)

Requirements under Title I, Part A of the Elementary and Secondary Education Act (ESEA), as amended by ESSA, highlight the need to provide educational stability for children in foster care, with particular emphasis on collaboration between state education agencies (SEAs), local education agencies (LEAs), and child welfare agencies (state, federal, and tribal) to ensure that students in foster care have the opportunity to achieve at the same high levels as their peers.

These provisions emphasize the importance of limiting educational disruption by keeping children who move in foster care (due to entering the foster care system or changing placements) in their schools of origin, unless it is determined to be in their best interest to change schools.

These provisions also ensure that if it is not in their best interest to remain in their schools of origin, children in foster care are enrolled in their new schools without delay.

Are school districts required to designate a Foster Care Liaison?

Yes. ESSA contains key protections for students in foster care to promote school stability and success. ESSA requires the SEA and LEAs to collaborate with child welfare partners in an effort to improve the educational outcomes of children and youth in foster care. Under [RCW 28A.320.148](#), school districts in Washington must designate a Foster Care Liaison and each school must establish a Building Point of Contact.

To update the Foster Care Liaison and Building Point of Contact information, school districts can do so on the [OSPI website](#). The Foster Care Education Program Supervisor at OSPI will maintain a database of contact information for each of the designated school district Foster Care Liaisons and Building Point of Contact on the OSPI website. Keeping a current database is critical to the timely dissemination of information related to training and professional development opportunities, as well as updates related to the implementation of the federal law.

What are the duties of the Foster Care Liaison?

It is critical that staff designated as the Foster Care Liaison have the time and capacity to fulfill their responsibilities.

The general role of the district Foster Care Liaison is to facilitate district compliance with state and federal laws as they relate to children and youth in foster care, and to collaborate with DCYF in an effort to address educational barriers that prevent children and youth in foster care from being identified, enrolled, attending, and succeeding in school. Some of the roles and responsibilities of the Foster Care Liaison may include:

1. Coordinating the implementation of state and federal laws related to students who are the subject of a dependency proceeding.
2. Attending training and professional development opportunities to improve district

implementation efforts.

3. Serving as the primary contact person for DCYF and social workers.
4. Leading and documenting the development of a process for making Best Interest Determinations.
5. Facilitating the transfer of records.
6. Facilitating immediate enrollment.
7. Facilitating data sharing with the child welfare agencies, consistent with state and federal privacy laws and rules.
8. Developing and coordinating local transportation procedures.
9. Managing Best Interest Determinations and transportation cost disputes.
10. Ensuring that children in foster care are enrolled in and regularly attending school.
11. Providing professional development and training to school staff on state and federal laws related to students who are the subject of a dependency proceeding and their educational needs, as needed.
12. Coordinating with OSPI.

EDUCATIONAL STABILITY

To which children do Title I, Part A requirements to ensure the educational stability of children in foster care apply?

The requirements for ensuring educational stability for children in foster care under Section 1111(g)(1)(E) apply to all children in foster care enrolled in public schools.

What are the responsibilities of a school district in ensuring the educational stability of children in foster care?

A school district must collaborate with state and tribal child welfare agencies to implement the Title I, Part A educational stability provisions (ESEA Section 1111(c)(5)).

School districts should work closely with OSPI and DCYF to ensure students are staying in their school of origin (when appropriate), are immediately enrolled, have necessary transportation, and barriers to educational stability are removed. Each school district is different, and process and procedures may vary. Federal and state requirements must still be met with students enrolled and attending school.

What responsibilities does a child welfare agency have in ensuring the educational stability of children in foster care?

A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan (the educational stability plan).

This plan must include:

1. An assurance that each placement of the child in foster care considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement.
2. An assurance that the child welfare agency has coordinated with the LEA(s) to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records.

These assurances relate to the circumstances at the time of the child's initial placement into foster care, as well as each time a child moves to a different foster care placement (see [Section 475\(1\)\(G\) of the Social Security Act.](#))

The educational stability plan must be a written part of the child's case record, which is jointly developed with the child's parent no later than 60 days after a child's removal from the home, and every six months thereafter.

Many communities do not have enough foster homes to successfully place children near their school of origin. Districts may work with DCYF to assist in foster parent recruitment efforts. Contact the Education Lead in your region to find out how you can help.

SCHOOL OF ORIGIN

What is a school of origin?

The school of origin is the school in which a child is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change. An SEA and its LEAs must ensure that a child in foster care enrolls or remains in their school of origin unless a determination is made that it is not in the child's best interest (ESEA Section 1111(g)(1)(E)(i)).

What is the duration of time that a child is protected under the school of origin provision? What happens once a child exits foster care?

OSPI and school districts must collaborate with state and local child welfare agencies to ensure that each child in foster care remains in their school of origin if it is determined to be in their best interest for the duration of the child's time in foster care (see ESEA Sections 1111(g)(1)(E)(i) and 1112(c)(5)), consistent with the educational stability requirements under the Fostering Connections Act.

While these requirements no longer apply once a student has exited foster care, school districts are encouraged to prioritize educational stability for these children. In addition to benefitting academically from school continuity, during times of transition out of foster care, it is important for youth to be able to maintain connections with their peers, teachers, and other supportive adults at school.

For example, school districts should consider adopting policies that allow a child that exited foster care during the school year to continue in the school of origin through at least the end of the academic year, if appropriate.

BEST INTEREST DETERMINATION

What factors should be considered in determining whether remaining in a child’s school of origin is in his or her best interest?

School districts and child welfare agencies should use student centered factors to determine whether it is in the best interest of a student in foster care to remain in their school of origin.

Though the specific factors may vary depending on context, in order to make a well-informed determination, a variety of factors should be considered. These factors may include:

1. How long is the child’s current placement expected to last?
2. What is the child’s permanency plan?
3. How many schools has the child attended over the past few years? How many schools has the child attended this year? How have the school transfers affected the child emotionally, academically, and physically?
4. How strong is the child academically?
5. To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
6. Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
7. Which school does the student prefer?
8. How deep are the child’s ties to their current school?
9. Would the timing of the school transfer coincide with a logical juncture such as after testing, after an event that is significant to the child, or at the end of the school year?
10. How would changing schools affect the student’s ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?
11. How would the length of the commute to the school of origin impact the child?
12. How anxious is the child about having been removed from the home or any upcoming moves?
13. What school do the child’s siblings attend?
14. Are there any safety issues to consider?

Transportation costs should **not** be considered when determining a child’s best interest.

[Student-Centered Factors](#) and [Key Considerations](#) are guidance created by OSPI to help school districts with Best Interest Determination decisions.

What process should SEAs and LEAs use when making the Best Interest Determination?

While the law does not prescribe a specific process, OSPI has worked with LEAs and DCYF to establish guidelines for the decision-making process. OSPI has developed a [Best Interest Determination Toolkit](#) that includes an outline of the process, who should participate in the

meetings, factors to consider, examples of documentation, and other necessary guidance. The toolkit and guidance can be used by LEAs, DCYF, and community partners to guide the decision-making process of Best Interest Determination meetings.

Who should be involved in making a Best Interest Determination?

Every effort should be made to gather meaningful input from relevant parties, in addition to required child welfare and school representatives, in deciding what school placement is in a child's best interest. State and local foster care points of contact (Foster Care Liaisons and Foster Care Building Points of Contact) can play an important role in establishing these policies and protocols and facilitating the process.

Representatives from the school of origin should be knowledgeable about the child and able to provide feedback on significant relationships that the child may have formed with staff and peers and how changing schools would impact his or her academic, social, and emotional well-being. Based on the individual situation, this person could be a teacher, counselor, coach, or other meaningful person in the child's life.

The LEA and local child welfare agency staff should consult other relevant parties, which may include the child (depending on age), foster parents, biological parents when appropriate, education decision maker(s), and other relatives for their perspectives on which school the child should attend during their time in foster care, consistent with the child's case plan. If a child has an Individualized Education Program (IEP) or a Section 504 Plan, then the relevant school staff members would also need to participate in the best interest decision process. If the child has been identified for multilingual/English learner services, this may also affect the relevant school staff members who would need to participate in the best interest decision process. To find out more about the relevant parties, see [Best Interest Determination Format and Participants](#).

How long do LEAs have to make the Best Interest Determination?

Although Title I, Part A does not prescribe a specific timeline for making a Best Interest Determination, the LEA should make this determination **as quickly as possible** in order to prevent educational discontinuity for the child. The LEA must ensure that a child remains in their school of origin while this determination is being made (see ESEA Section 1111(g)(1)(E)(i)).

How should disagreements over the Best Interest Determination among parents, education decision makers, and other important stakeholders be handled?

OSPI has developed a [dispute resolution process](#) for school districts to use when there is a disagreement about school placement, the provision of educational services, or when there is a dispute between agencies. For more information, contact the [Foster Care Education Program Supervisor](#) or find the dispute process on the [Foster Care Education Program](#) webpage.

Must a child remain in their school of origin while disputes are being resolved?

An LEA must ensure that a child remains in their school of origin while disputes are being resolved to minimize disruptions and reduce the number of moves between schools (see ESEA Section 1111(g)(1)(E)(i)).

TRANSPORTATION

Some children in foster care will need transportation to remain in their school of origin when it is in their best interest to do so. To facilitate transportation for these children, an LEA receiving Title I, Part A funds must collaborate with the state or local child welfare agency or agencies to ensure that transportation for children in foster care is provided, arranged, and funded (ESEA Section 1112(c)(5)(B)).

Are school districts required to provide school of origin transportation to children and youth in foster care?

An LEA must collaborate with the state or local child welfare agency to develop and implement clear, written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the child's time in foster care. These procedures must ensure that:

1. Children in foster care needing transportation to their schools of origin will promptly receive that transportation.
2. If there are additional costs incurred in providing transportation to the school of origin, the LEA should work with the Department of Children, Youth, and Families (DCYF) to cover 50% of all excess costs related to transporting students in foster care to and from their residence and school.

Since children may be placed in foster care placements across district, county, or state lines, coordination among multiple LEAs and child welfare agencies may be necessary. Thus, in developing the transportation procedures, LEAs should also work with the state or local child welfare agency to establish inter-district and inter-state procedures that address potential transportation issues that may arise as students in foster care move from one district to another or across state lines.

For more information about transportation and the shared cost procedure, visit the [OSPI Foster Care Education webpage](#).

What is the role of the child welfare agency in providing transportation for a child in foster care to their school of origin?

A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act must ensure that the educational stability plan of each child in foster care includes an assurance that the child welfare agency has coordinated with the appropriate LEA(s) to ensure the child can remain in the school of origin, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school.

To ensure the educational stability of students in foster care, DCYF will cover 50% of all excess costs related to transporting students in foster care to and from their residence and school—regardless

of the district's percent funded. This means that districts that are 100% funded can split costs with DCYF.

What is the duration of time that the LEA must provide a child with transportation services under ESEA Section 1112(c)(5)? What happens once a child exits foster care?

The transportation procedures developed by the LEA and child welfare agency must ensure that a child in foster care needing transportation to the school of origin receives such transportation for the duration of the time the child is in foster care (ESEA Section 1112(c)(5)(B)).

When a child exits foster care, the LEA should continue to prioritize the child's educational stability, consider each child's best interest on a case-by-case basis, and when possible, make every effort to continue to ensure transportation is provided through the end of the school year, if needed, when remaining in the school of origin would be in the child's best interest.

What steps should an LEA and local child welfare agency take to ensure that transportation is provided if they face difficulty reaching agreement on how to pay for additional transportation costs?

Transportation is a central component of educational stability, and it may be needed to fulfill the requirements that both LEAs and child welfare agencies ensure educational stability for children in foster care. Considering this mutual mandate, both agencies must collaborate regarding transportation if it is necessary so that a child in foster care may remain in their school of origin, consistent with Section 475(5)(G)(ii)(I) of the Social Security Act.

We recognize that there may be occasions when an LEA and local child welfare agency face difficulties reaching agreement on how to fund any additional costs incurred to provide transportation to the school of origin. An LEA must collaborate with the state or local child welfare agency to develop transportation procedures that ensure that children in foster care promptly receive transportation, as needed, to their school of origin (ESEA Section 1112(c)(5)(B)(i)). Therefore, the transportation procedures should address how this requirement will be met, even if the relevant agencies cannot reach agreement on how to fund any additional transportation costs.

OSPI has developed dispute resolution procedures under the authority of our overall duty to ensure educational stability under Section 1111(g)(1)(E) of ESEA. The dispute resolution process should be used to address these issues as they arise. For more information, contact the [Foster Care Education Program Supervisor](#) or find the dispute process on the [Foster Care Education Program](#) webpage.

Is an LEA required to transport children in foster care to and from their schools of origin while transportation cost disputes are being resolved?

An LEA must ensure that children in foster care needing transportation to the school of origin promptly receive such transportation in a cost-effective manner (ESEA Section 1112(c)(5)(B)(i)). Therefore, the LEA must provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

If an LEA does not provide transportation to children who are not in foster care, is it required to transport children in foster care to their schools of origin?

Yes. An LEA must ensure that transportation is provided for children in foster care consistent with the procedures developed by the LEA in collaboration with the state or local child welfare agency under Section 1112(c)(5)(B) of ESEA. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

IMMEDIATE ENROLLMENT

What does it mean for a child to be “immediately enrolled” in a new school?

Immediate enrollment means that a child in foster care should be enrolled and attending a new school as soon as possible.

Enrollment **must not** be denied or delayed because documents normally required for enrollment have not been provided (see ESEA Section 1111(g)(1)(E)). The enrolling school must immediately contact a child’s school of origin to obtain the relevant records and documentation (ESEA Section 1111(g)(1)(E)(iii)), and the school of origin should immediately transfer those records.

Under [RCW 28A.225.330](#), the school enrolling the student shall request the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in [RCW 13.04.155](#), attendance, immunization records, and academic performance from the school the student previously attended. If information is requested, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible.

A school may not prevent students who are the subject of a dependency proceeding from enrolling if there is incomplete information.

LEAs should also ensure that children in foster care are regularly attending and fully participating in school and that their educational needs are being met.

COLLABORATION

Even though they serve the same children and have a shared goal of improved educational outcomes, in some cases child welfare and educational agencies may not have formal collaborative processes in place to ensure the educational stability of children in foster care.

Child welfare and educational agencies can work together to make informed decisions about children jointly and remove barriers that may hinder the implementation of the Title I, Part A foster care provisions. The questions below provide some ideas for establishing and maintaining this collaborative work.

How can child welfare and educational agencies work collaboratively to raise awareness and improve staff capacity to meet the unique educational needs of children in foster care?

Children and youth in foster care are often exposed to a multitude of challenges throughout their childhood, which may include homelessness, domestic violence, abuse and neglect, chronic poverty, and other adverse childhood experiences. In addition, being separated from their families, even for a short time, is disruptive and potentially traumatizing, with damaging effects that may impact social and emotional development.

LEAs should collaborate with child welfare and other relevant agencies to ensure that all school staff are sensitive to the complex needs of foster youth, are informed about the impact that trauma has on a child's ability to learn, and that the appropriate interventions and strategies are in place to support them to succeed in school.

School districts may provide training to DCYF staff regarding K–12 education, the services available to students, or how to navigate the public education system. DCYF may provide training to school districts regarding child welfare procedures and requirements pertaining to education. LEAs are strongly encouraged to collaborate with DCYF to assist with foster parent recruitment efforts in their communities.

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