

SCHOOL ENROLLMENT FOR STUDENTS IN FOSTER CARE

The *Fostering Connections to Success and Increasing Adoptions Act 2008* is a federal mandate that ensures school stability for children in out-of-home care. The act requires child welfare agencies (i.e., department of social services, child-placing agencies, etc.) to coordinate with local educational agencies (LEA) to ensure educational stability for every child in foster care. Educational delays and challenges significantly impede positive educational outcomes of students in foster care. Although, laws have been established in the areas of education and child welfare, school enrollment obstacles still exist.

The *Fostering Connections to Success and Increasing Adoptions Act 2008* requires state child welfare agencies and local education agencies to **immediately** coordinate efforts to improve educational stability and outcomes for children in foster care in four primary areas:

- ❖ School enrollment (within three {3} school days);
- ❖ School stability; an assurance that each placement of the child takes into account the appropriateness and proximity to the current placement of the current educational setting, coordination with the local education agency to ensure that the child can remain in that school; or if remaining in that school is not in the best interests of the child, an assurance to enroll the child immediately in a new school with all educational records provided;
- ❖ School transportation; costs of travel to a school allowed as part of foster care maintenance payments; and,
- ❖ Development of a transition plan; a plan for educational stability in the case plan for each child in foster care.

School Placement Determination

Local education agencies and the Mississippi Department of Human Services (MDHS) shall jointly determine the child's best interest for school placement. For general education students and for students with disabilities (after the FAPE determination is made that the child can be enrolled in either school), the MDHS, and appropriate school representative/IEP team must work together to determine the child's best interest for school placement and ensure educational stability for the child. The presumption is that the child will remain in the current school where he/she was last enrolled, unless contrary to the child's best interest. The MDHS and the school representative/IEP team, in collaboration with the child and other key partners, will make a determination as to whether the child should:

- ❖ remain in the school where the child was enrolled at the time of placement in the new residence, taking into account the appropriateness of the educational setting; or
- ❖ change schools and enroll in the school of residence for the child's new residence placement, if remaining in the current school is not in the child's best interest.

The child must be enrolled immediately and appropriately with all educational records provided to the new school. It is recommended that the records be received within five (5) days of enrollment.

Students with Disabilities

For students with disabilities, the responsibility for placement determination and the mechanism for making the determination are driven not only by *Fostering Connections*, but also by the state and federal regulations under IDEA.

Note: The McKinney-Vento Act and Fostering Connections Act may overlap. For example, if a child is in out-of-home care and also meets the definition of awaiting foster care placement, both Fostering Connections and McKinney-Vento apply. State laws may also apply. Children who are initially housed in an emergency placement are considered homeless and the McKinney-Vento Law applies requiring admission immediately into the LEA. Once the student enters a foster home or other setting he/she is no longer considered homeless and McKinney-Vento Laws are no longer applicable. The application of one law does not diminish the rights provided by the others. Rather, each law adds a layer of rights and protections for children, based on their circumstances and needs.

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A child is placed in foster care and requires a change in residence.

MDHS notifies current school that child needs a change in residence. School provides MDHS information regarding the child's current educational setting and/or placement.

MDHS determines the most appropriate residence for a child, taking into account educational information provided by school (i.e., distance from residence).

MDHS will determine the appropriate school district personnel that the child will have a change in residency and the need for a joint determination regarding school placement.

Within 3 school days

MDHS and local school district jointly determine if the child's best interest is to remain in the current school. In accordance with IDEA, the IEP team will make such determination if the child is receiving special education services.

MDHS notifies the child's current school and the new school of residence regarding withdrawal, enrollment, and the status of parental rights.

NO

YES

Child remains in current school. MDHS handles transportation needs. **Note: When specialized transportation is warranted in accordance with a child's IEP, the school district responsible for the FAPE makes arrangements and incurs cost.**

MDHS enrolls the child immediately in the new school of residence with required documentation and other viable information.

Current school expedites transfer of school records within five (5) school days to new school of residence.



Child is receiving an education within three (3) school days.