

APPENDIX A: Definition

Child in foster care

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.¹

- The legal right to school stability extends to ALL children in foster care, regardless of whether they are eligible for Title IV-E funding from child welfare agencies that may be used to reimburse transportation costs.
- A LEA must ensure a child in foster care receives any transportation needed to the school of origin for the duration the child is in foster care.² Upon entering foster care or changing foster care placement a child has the right to school stability, unless it is not in the child's best interest. Federal guidance encourages agencies to "make every effort to continue to ensure transportation is provided through the end of the school year" in which a child exits foster care.³

School of origin

The school of origin is the school in which the child was enrolled before entering foster care. If a child's foster care placement is changed, the school of origin is the school where the child was enrolled when the placement changed.⁴ LEAs must ensure a child in foster care remains in the school of origin unless it is not in the child's best interest.

Immediate enrollment

When it is in the child's best interest to change schools, a child should be enrolled —and not just technically enrolled, but attending and meaningfully participating.⁵ Enrollment cannot be denied or delayed because documents normally required for enrollment (proof of age, proof of residency, vaccination records) have not been submitted.⁶ School records, including an IEP, are never required for enrollment, but an enrolling school must immediately contact the school of origin to obtain relevant records.⁷

Title IV-E (of Social Security Act) funding

Child welfare agencies can receive federal reimbursement for some children in foster care. Specifically, school transportation to ensure school stability is allowable as either Title IV-E foster care maintenance payments or administrative costs. However, child welfare agencies may only claim reimbursement for students who are "Title IV-E eligible," which varies by state.

Title I (Part A of the Elementary and Secondary Education Act) funding

Title I, Part A sets assessment and accountability requirements for SEAs and LEAs. Funding provided under Title I, Part A supports the education of disadvantaged students across the country. Federal guidance states the LEAs can use Title I funding for the additional costs of school stability transportation.

Point of Contact

Federal law provides for the designation of several points of contact (POC) to oversee and implement educational stability provisions for children in foster care.

- State Education Agencies (SEAs) must designate a POC to oversee implementation of state responsibilities.⁸
- LEAs are required by law to designate a POC once child welfare agencies notify the LEA that their agency has designated a POC.⁹ However, LEAs should designate their POC promptly because it is the LEA's duty to establish written transportation procedures by December 10, 2016.

Endnotes

¹ See Joint Guidance at 6, Q1.

² ESEA § 1112(c)(5)(B); Joint Guidance at 17, Q25.

³ Joint Guidance at 17, Q25.

⁴ Joint Guidance at 11, Q10.

⁵ Joint Guidance at 20, Q33.

⁶ ESEA § 1111(g)(1)(E); Joint Guidance at 20.

⁷ ESEA § 1111(g)(1)(E)(iii); Joint Guidance at 20, Q33.

⁸ ESEA § 1111(g)(1)(E)(iv); Joint Guidance at 21. For more information see POC Q and A at http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2067&Command=Core_Download.

⁹ ESEA § 1112(c)(5)(A); Joint Guidance at 21.

¹⁰ Joint Guidance at 21.