

Highly Mobile Student Guide: Understanding ESSA and Colorado Statute

A Guide to Assist with Educational Stability for Highly Mobile Students
Students in Foster Care
Homeless or Unaccompanied Youth
Migrant Students



COLORADO
Department of Education

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Introduction

Welcome to the Highly Mobile Students training guide. This manual is intended to provide guidance on the foster care provisions in the **Every Student Succeeds Act (ESSA)** and **McKinney-Vento Homeless Education Act**. The Colorado Department of Education, and more specifically, the Office of Dropout Prevention and Foster Care Education, have coordinated efforts to put together a tool-kit intended to improve educational stability for students in foster care, and students eligible for McKinney-Vento services.

It is important to note **that students in foster care and students experiencing homelessness are two different student populations under ESSA**. While both populations are entitled to the same types of educational protections, such as immediate enrollment and best interest determinations, there are inherent differences in terms and language in the laws.

This manual is intended to enhance understanding regarding the similarities and differences in the laws, and to give stakeholders information to **advocate for all highly mobile students**. It's intended to be a training module, as well as central location for information regarding **highly mobile students in the state of Colorado**.



**Please visit the Office of Dropout Prevention webpage for additional support and links to specific topics and training documents.*

***There is also a highly mobile student presentation available on the CDE webpage that expands this information in written form. Additional resources are listed at the end of this presentation.*

Purpose and Contents

The purpose of this training guide is to provide guidance on understanding the **foster care provisions in ESSA, related Colorado State Statutes** for students in foster care, the **McKinney-Vento Homeless Education Act**, and strategies for working with highly mobile student populations.

It is meant to assist stakeholders working with students in foster care and for those working with students and families experiencing homelessness. These laws are in place to provide students with the opportunity to experience educational stability and increase educational attainment for student populations that historically are highly mobile.

We hope to streamline the process of integrating students during a school transition, **establish common language** surrounding the process, and **increase continuity of care** for vulnerable students.

This manual contains information regarding **common topics, policies and procedures** that need to be considered when it is in a **student's best interest** to remain in their school of origin, or providing the tools necessary to create a smooth transition when a school change is necessary.

The first part of this guide will be dedicated to students in foster care, and the second part will provide information on the McKinney-Vento Act.



Common Language

Key Acronyms

BID: Best Interest Determination
CWEL: Child Welfare Education Liaison
ESSA: Every Student Succeeds Act
GAL: Guardian Ad Litem
LEA: Local Education Agency
MOU: Memorandum of Understanding
SPOC: State Point of Contact

Important Terms



Student in
Foster Care

A school-aged individual experiencing an out-of-home placement (e.g. kinship placement, licensed foster or group home, or residential child care facility), for any length of time, from a few days, to years



Highly Mobile
Student

A student who experiences (or is at risk for experiencing) multiple school moves during their K-12 education outside of regular grade promotion. This includes (and is not limited to) youth in foster care, those experiencing homelessness, and migrant students

BID

Best Interest
Determination

A process that takes place prior to a student's potential school transition, where individuals who know the student (Caseworker, CWEL, school rep, guardian, etc.) meet to determine where the student's needs will be best served

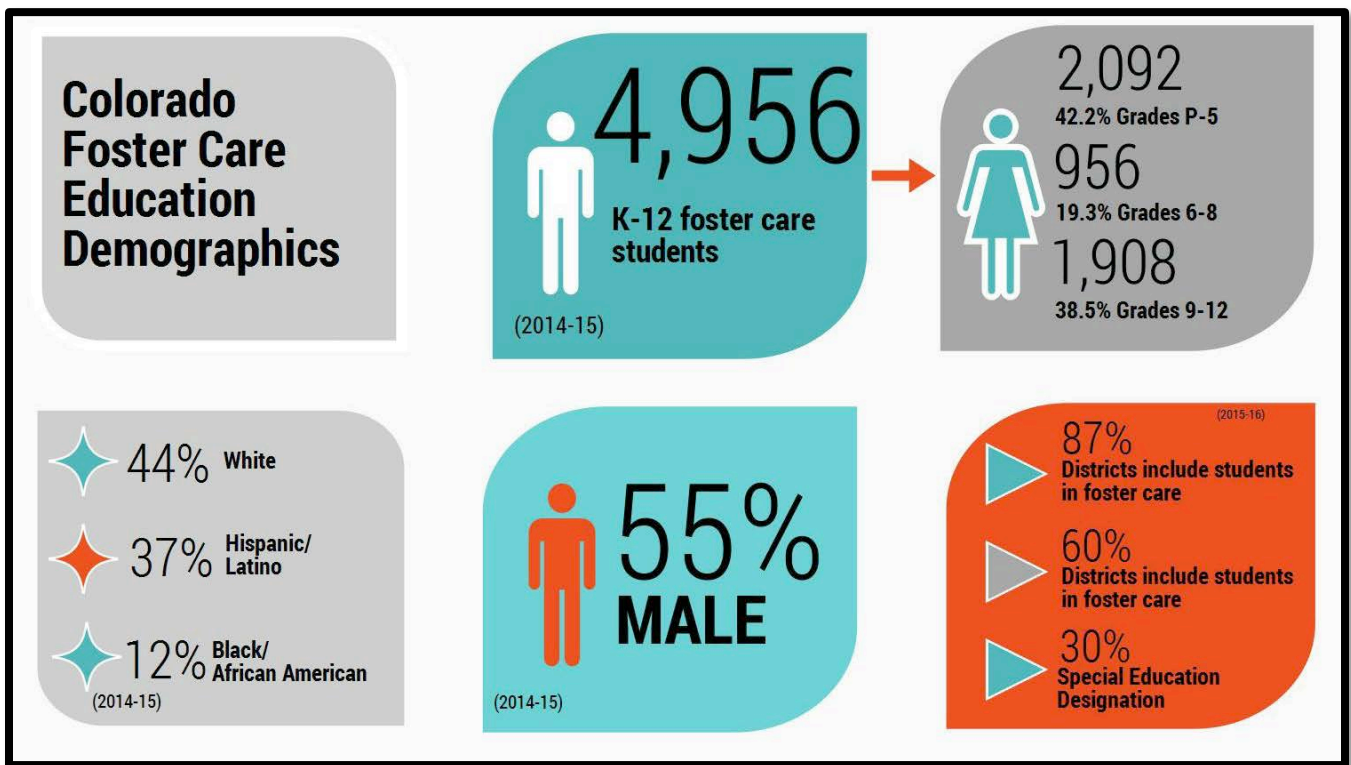
MOU

Memorandum of
Understanding

A document between counties and school districts that outlines how transportation will be provided, arranged, and funded for students in foster care. MOUs may also include agreed upon processes between counties and school districts

Foster Care Demographics

The infographic below depicts demographics for students in foster care in Colorado. This data is derived from a data-sharing agreement between the Colorado Department of Human Services and the Colorado Department of Education. Human services data from the Trails system is matched with State Assigned Student ID numbers to track students in foster care in Colorado schools.




*Please note this does not include students in facility schools.


Data on School Stability

Students in foster care have a **mobility rate of approximately 55%** and prior to entering foster care have historically moved schools far more often than their non-foster peers. High school students in foster care attend, on average, four different high schools in four years.


A recent study out of the University of Northern Colorado indicated that:




Highly mobile students have lower test scores and overall academic performance



Research shows that the test scores of non-mobile students were significantly lower in high schools with high student mobility rates



Students who change high schools, EVEN ONCE, are less than half as likely to graduate when compared to peers who did not move



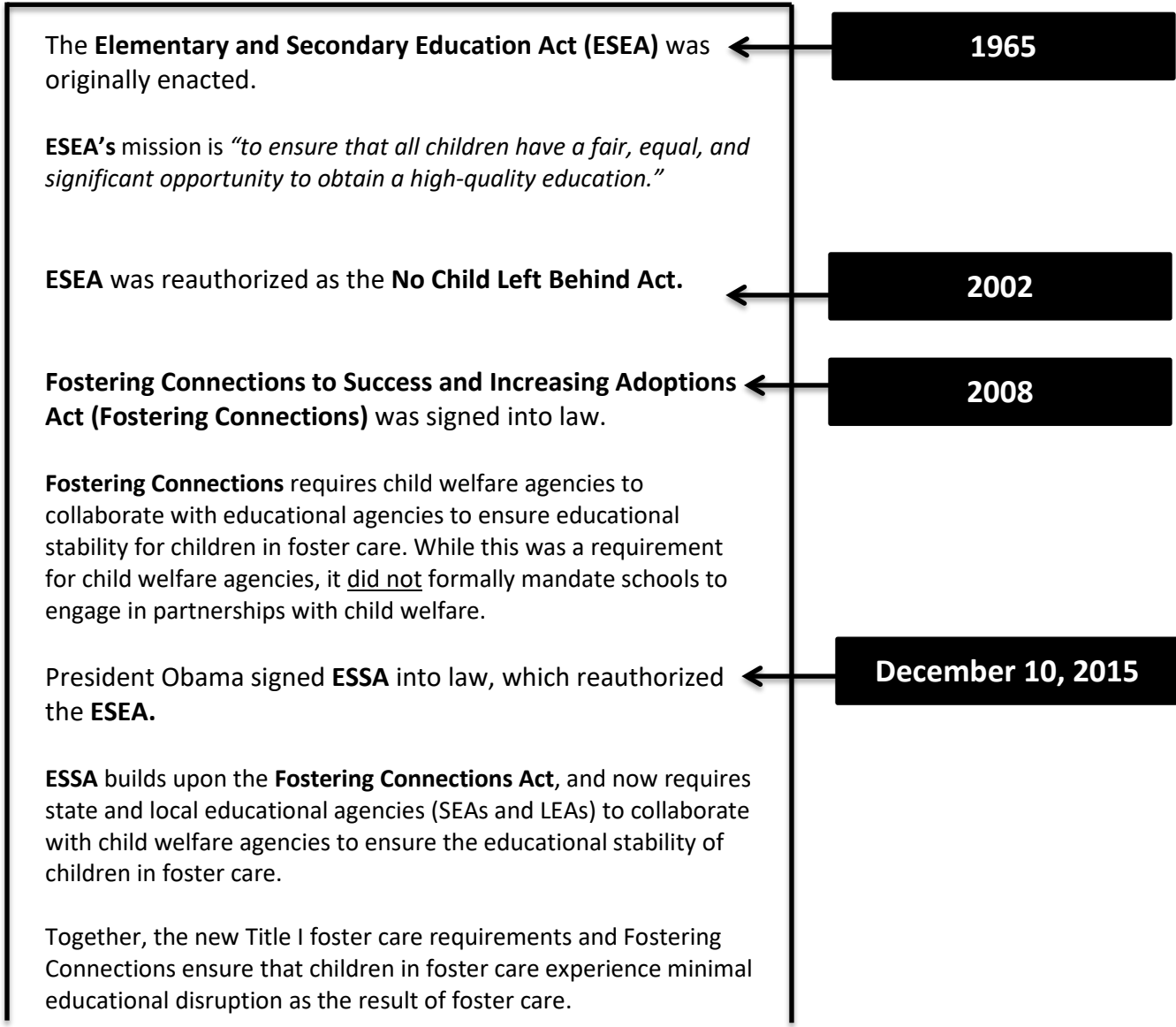
Students in foster care have higher suspension and expulsion rates

It is **essential** for professionals working with students in foster care to understand how mobility impacts education and to **work together to mitigate barriers** to a **stable and quality education**.

Overview of ESSA

In order to increase school stability for students in foster care, specific foster care provisions were included in the **Every Student Succeeds Act (ESSA)**.

ESSA is the first major overhaul of federal education law in over a decade! For the first time, the ESEA **now contains key protections for students in foster care to promote school stability and success and required collaboration with child welfare partners.**








Impact of foster care provisions included under ESSA:

- ✧ Ensure educational stability Minimize disruptions for students in foster care
- ✧ Formalize cross-agency collaboration to work on behalf of children and youth in foster care



How Colorado Legislation Adds to ESSA

This table is intended to highlight the ESSA foster care provisions as well as those in Colorado statutes and regulations (Section 22-32-138, C.R.S. and 12 CCR 2509-4., 7.301.241).

	Point of Contact 	Educational Stability 	Enrollment 	Transportation 	Access/Data 
Colorado	In Colorado, each school district/institution must designate a Child Welfare Education Liaison (CWEL)	Human Services regulations require county departments to initiate and facilitate BID meetings when necessary, including reaching out to the CWEL to request school input.	Immediate enrollment for students in out-of-home placement is expected regardless of the ability to produce school records.	County departments and LEAs shall collaborate to develop systems-level transportation plans, including how transportation will be provided, arranged, and funded for the duration of time in foster care.	Children in out-of-home placements deserve access to the same opportunities enjoyed by other students. -Absences excused -Fees waived -Credit transfers
ESSA Fed. Legislation	Single point of contact at each State Education Agency Single point of contact at each Local Education Agency	Students in foster care must remain in their school of origin unless doing so is not in their best interest.	When a youth in foster care does not remain in the school of origin, the student must be enrolled immediately, regardless of documentation	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 school of origin when in their best interest will be provided, arranged, and funded for the duration of time in foster care.	States must provide data on foster care youth and achievement, including graduation rates

U.S. Departments of Education and Health and Human Services about implementation of the foster care provisions of the ESSA, <http://www.2.ed.gov/policy/elsec/leg/essa/index.html>
American Bar Association: Fostering Connections Act of 2008 Implementation Toolkit Improving Education Outcomes for Children and Youth in Foster Care. www.americanbar.org
The Legal Center for Foster Care and Education, www.fostercareandeducation.org

Point of contact:

ESSA requires each state to have a single point of contact regarding students in foster care. In Colorado, the state point of contact is **Kristin Myers**.

All local education agencies are also required to have a single point of contact. In 2012, Colorado defined this position as the Child Welfare Education Liaison, or (CWEL). A complete list of CWELs can be found on the foster care education main webpage.

Educational Stability:

Under ESSA, it is assumed that it is in the student’s best interest to remain in their school of origin unless it is determined otherwise. If there is a proposed school change due to a child welfare placement change, a **Best Interest Determination (BID)** will take place.

**Contact Kristin Myers if there are any CWEL updates that are not reflected on the list. Kristin’s contact information is located at the end of this manual.*

****Resources for information above:**

U.S. Departments of Education and Health and Human Services about implementation of the foster care provisions of the ESSA. <http://www.2.ed.gov/policy/elsec/leg/essa/index.html>

American Bar Association: Fostering Connections Act of 2008 Implementation Toolkit Improving Education Outcomes for Children and Youth in Foster Care. www.americanbar.org

The Legal Center for Foster Care and Education, www.fostercareandeducation.org



More information about BID meetings will be addressed in depth later in this guide. In Colorado, there are specific Regulations 12 (CCR 2509-4, 7.301.241), which require county departments to coordinate with local education agencies (LEAs) to conduct a BID prior to the school move.

Enrollment:

When a student in foster care experiences a school move, **they are entitled to immediate enrollment**. ESSA mandates students in foster care to be immediately enrolled **regardless of the ability to produce records**, such as transcripts, grades, immunization records, or Individual Education Plans (IEPs).

ESSA requires schools to contact the previous school immediately to obtain any missing records. In Colorado, there is outdated language in Section 22-32-138, C.R.S. that allows five days for enrollment and records; however, because **federal law supersedes state law**, students in foster care are entitled to immediate enrollment.

ESSA clearly states that records cannot be withheld due to outstanding fees or fines from the previous school district. House Bill 17-1301 was passed in 2017, which no longer allows school districts or charter schools and a school to withhold records required for enrollment in another school or institution of higher education or a student's grades, transcripts, or diploma for failure to pay any fine or fee assessed by the local education provider, to return or replace textbooks or library resources, or to return other school property.

Transportation:

ESSA requires collaboration between schools and child welfare agencies to develop **clear written procedures** regarding how transportation to the schools of origin will be provided, arranged, and funded for the duration of students' time in foster care.

Colorado regulations reiterate and clarify that county departments of human services are required to collaborate with school districts to develop "systems-level plans" that define how transportation will be provided, arranged, and funded for the duration of time in foster care.

Data:

Under ESSA, states are required to provide data on the educational achievement for students in foster care. For the time being, the Colorado Department of Education is reporting data on school districts' behalf based on the data sharing agreement between the Colorado Department of Human Services and the Colorado Department of Education.

Access to Educational and Extracurricular Opportunities

Access to the same opportunities enjoyed by other students is one area that is unique to Colorado law. Section 22-32-128, C.R.S. entitles students in foster care to additional educational protections in the following areas:



- *Absences:* A student in an out-of-home placement shall receive excused school absences due to a required court appearance, participation in court-ordered activities, including but not limited to, family visitation or therapy.
- *Fee Waivers:* A school district or school in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including, but not limited to, any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs.

The school district or school shall not limit the opportunity of a student in out-of-home placement to participate in in-school and extracurricular activities and before-school and after-school programs due to waiver of the participation fees.

- *Credits:* When a student in out-of-home placement transfers from one school to another school, the sending school shall certify to the receiving school or school district the course work that the student has fully or partially completed while enrolled at the school. The receiving school or school district shall accept the student's certified course work and the course work certified by previous schools in which the student was enrolled, as reflected in the student's records, as if it had been completed at the receiving school.

The receiving school or school district shall apply all of the student's certified course work toward completion of the student's requirements for graduating from the grade level in which the student is enrolled at the receiving school or school district or for graduation from the receiving school or school district if the student is enrolled in twelfth grade. The receiving school or school district may award elective credit for any portion of the student's certified course work that is not aligned with the curriculum of the receiving school or school district.

Additional ESSA Considerations:

ESSA formally removes the “awaiting foster care placement” from the definition of homeless in the McKinney-Vento Homeless Assistance Act, which is the part of ESSA addressing students experiencing homelessness. The Highly Mobile Toolkit provides additional information on this act, and there is additional information available on the Homeless Education webpage through CDE.

**Visit the foster care education webpage for additional resources and a legislative overview that highlights the differences between the Fostering Connections Act, C.R.S. 22-32-138, and ESSA.*



FAQs

AS A REVIEW:

Q: Is there a person who can help navigate the education world for a student in foster care?

- √ YES! The CWEL is the first point of contact for all stakeholders when there is a school related question concerning a student in foster care.

Q: Can students in foster care have access to free lunch, tuition, and school fees waived?

- √ YES! Students in foster care are categorically eligible for free school meals without submission of a free and reduced-price household application. This means that a student in foster care can receive free school meals based on third-party documentation of their foster status. Acceptable documentation includes information indicating the State retains legal custody of the child. That documentation can come from the court that placed the child or from a State or local foster agency that administers the foster care program.

Q: Does a youth in foster care get absences excused if they have to go to court or therapy?

- √ YES! Absences are excused for students in foster care for court, family visits, or court related therapy.

Q: Do students in foster care automatically lose credits mid-year for changing schools?

- ☒ NO! Students do not always lose credits in the event of a school move. The receiving school may contact the school of origin to determine appropriate course placement and credit equivalents for the youth in foster care.

Q. Can a district withhold records or transcripts due to unpaid fines and/or fees?

- ☒ NO! School fees are waived for students in foster care, and records cannot be withheld due to outstanding fees or fines.

Best Interest Determination

Children in foster care frequently change schools – These moves may occur prior to entering foster care, when they first enter foster care, when they move from one foster care living arrangement to another, and when they return home.

Research shows that students who change schools frequently:

- ✧ Make less academic progress than their peers.
- ✧ Fall farther behind with each school change, leading to
 - Low test scores
 - Negative academic outcomes
 - High drop-out rates.
- ✧ Struggle to develop supportive relationships with teachers or peers.

Under ESSA, *it is presumed* that it is in the **best interest of the student to remain in their school of origin**, unless it is determined otherwise.

A **Best Interest Determination (BID)** is held when a change in out-of-home placement occurs that results in a potential school change and must take place prior to a school move. The best interest determination is held to discuss various factors such as the child’s wishes, their safety, as well as the social, emotional, and academic needs of the student. The BID will usually occur in an in-person meeting, but at times the county department of human services may gather input in other ways, such as by email or phone.

The **county departments of human/social services** are responsible for **initiating, inviting participants, and facilitating BIDs**. Colorado regulations 12 CCR 2509-4, 7.301.241 requires county departments to coordinate with **Local Education Agencies (LEA)** to conduct BIDs **prior** to a considered school move.

County departments of human/social services are required to invite the following people to participate in best interest determinations:

- ✧ Child/youth (in a developmentally appropriate way)
- ✧ Parents
- ✧ Caseworker or appropriate designee
- ✧ Guardian ad litem (if one is appointed)
- ✧ Representative from the school of origin who knows the child/youth as determined by the LEA
- ✧ Educational surrogate parent, if any
- ✧ Others as relevant and appropriate as determined by the county which could include, but is not limited to:
 - Future caregiver
 - Court appointed special advocate (CASA)
 - Representatives from potential new school
 - Support person for the child/youth



Important note about BIDs:

While the **CWEL** is the initial point of contact for the district, they may not interact with the student on a regular basis. **CWEL's should contact the child's school** to choose a representative **who knows the child** to participate in the BID. This could be a **teacher, counselor, administrator, or any school representative who can provide pertinent educational and social/emotional considerations for the student**. If the representative cannot attend the BID in person, they may participate on the phone, or provide information directly to the county caseworker via phone or email as appropriate.

County departments of human/social services are responsible for initiating the BID process when there is a possibility of a school move as a result of an out-of-home placement change. Schools are a vital part in providing the necessary information to make the determination; however, schools do not have access to all of the confidential details in the child welfare case, which impact the BID decision.

The county department **MUST** consider how school of attendance affects the child/youth's safety, well-being, and permanency (i.e., the plan for who will care for the child/youth long term or for emancipation).

- A BID FAQ document is available on the foster care education webpage.
- Kristin Myers at CDE and Kristin Melton at CDHS also provide technical assistance for school districts and counties, respectively, regarding BIDs.
- The Colorado Department of Human Services created several sample templates for child welfare agencies and school districts to coordinate BIDs, notifications, and transitions for children and youth in foster care. These are attached in the appendices and available online (see Resources at the end of this document).

Immediate Enrollment

Children in foster care frequently face delays in school enrollment or are placed in the wrong classes or schools, often due to missing, incomplete, or delayed school records and documentation.

The purpose behind ESSA is to create educational stability and minimize disruption to students when a school change is necessary.

As noted previously, children in foster care have the right to enroll immediately in a new school in the event of a school change, even if the child cannot produce normally required enrollment documents and school records. Additionally, **enrolling schools must immediately contact the school last attended by the child to obtain relevant education records.**

As a reminder, records cannot be withheld due to outstanding fees at the previous school for any student in Colorado with the passing of HB 17-1301. Schools must also immediately enroll students in foster care regardless of the receipt of ANY school records (including shot records, transcripts, discipline, attendance, etc.)

When a student changes schools, the BID process should be only the beginning of a thoughtful transition for a student in foster care. CWELs and counties should work together to ensure students welcome and have their needs met in their new school.

Transportation

For some students in foster care, transportation is needed to allow them to remain in the same school. **ESSA mandated LEAs and child welfare agencies have transportation plans in place by December 10, 2016.**

Transportation plans are in varying stages of completion across the state, and stakeholders are encouraged to contact individual counties and school districts to inquire about individual plans.

Districts and counties that need additional guidance in developing MOUs are encouraged to use the sample toolkit provided by the Colorado Department of Human Services. These templates are intended to be edited by counties and districts in order to meet the needs of individual communities.

Keep in mind, the intent behind this provision is to provide transportation to students in foster care when necessary, so students are able to remain in their school of origin when possible.

*Sample MOU's are available at: <https://www.colorado.gov/pacific/cdhs/forms-2>



As of December 10, 2016, local education and child welfare agencies **MUST** have developed a plan for providing transportation for foster care students when it is determined that they remain in their school



Transportation must be provided to and from the school of origin until the end of the school year, or the student obtains permanent placement



Policies and procedures may need to be revised if they are a barrier to identification, enrollment, attendance or success

Transportation Considerations

Setting the Stage

The following information is meant to provide stakeholders with some considerations in creating a welcoming environment for children and youth in foster care. Although these suggestions may seem small or obvious, **a little relationship building can go a long way when a student is facing a school move.**



Communication with stakeholders is essential in taking care of the “behind the scenes tasks” that can assist in smooth transitions. For example, if a teacher in a school of origin communicates academic or social/emotional information to the receiving school, the new teacher can use this information to welcome the student.

Facilitating intentional connections at a new school can help the student feel safe and welcome. Receiving schools could provide peer helpers or guides to orient the student to school and introduce them to extracurricular activities. This is a great way for students to make new friends and connections in school.



Empathize with high mobility issues for students in foster care. Students that experience high mobility often have a difficult time making new connections and feeling safe and secure in a new environment. Look for ways you can help the student make academic and social connections from day one!

Go the extra mile to be a trusted adult for the child. Look for ways to incorporate their academic, extracurricular, and social interests to help them acclimate to the new home or school environment.



Look for ways to connect the student academically. School counselors are often one of the first professionals to interact with students. Work with the counselor to identify areas of academic interests, and communicate those interests with the teachers. Encourage school counselors to inquire about the student’s educational and future career goals to make meaningful connections within the school.

Ask yourself who could make a difference for this student? What school, community, or local resources are available? Are there any existing barriers that are preventing the student from having a positive experience in the new school? Work with stakeholders to break down any barriers to education through communication and coordination.



McKinney-Vento Act

Welcome to the Colorado Department of Education’s training guide on the **McKinney-Vento Act**.

This training is meant to provide you an overview of McKinney-Vento and help you understand your role in supporting students experiencing homelessness.

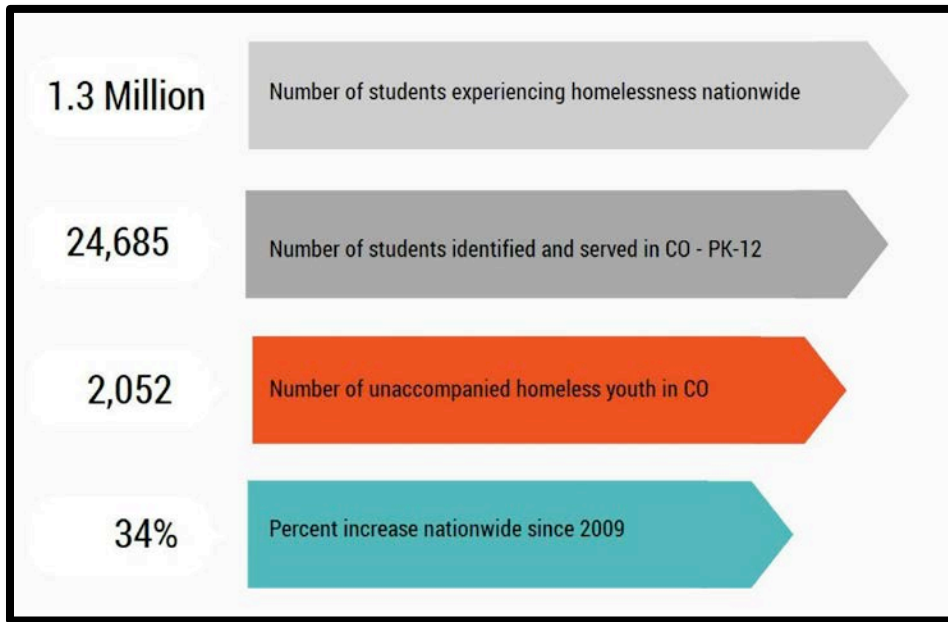
The learning objectives of this guide are:

- ✧ To develop and understanding McKinney-Vento law
- ✧ To understand the need for these regulations
- ✧ To know which students may qualify and their rights afforded under the law
- ✧ To understand your role AND the resources available to you to support you with the implementation of McKinney-Vento

Data on Homelessness

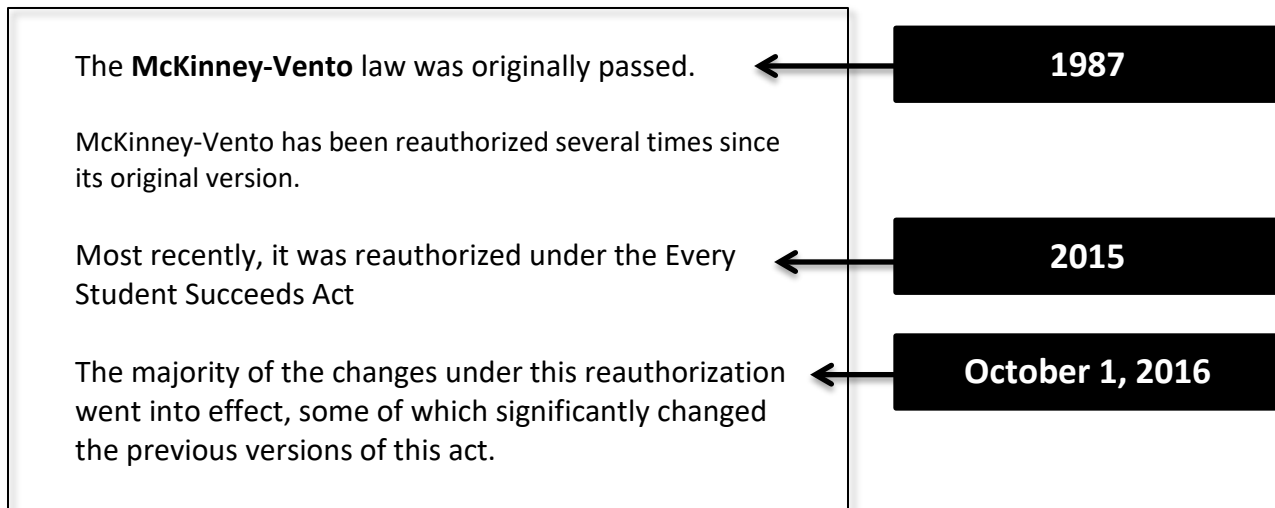
Both national and state data show an increase in the number of students experiencing homelessness in public schools. Nationally, over a million students each year are identified as meeting the federal definition of homelessness under the McKinney-Vento law.

Data in Colorado also show **consistent increases both overall in student homelessness and the number of Homeless Unaccompanied Youth each year.** These are students who meet the McKinney-Vento definition of homelessness while not in the physical custody of a parent or legal guardian.



Overview of McKinney-Vento Act

McKinney-Vento is the federal law that **protects the rights of children and youth experiencing homelessness**. It does this by outlining these rights and the roles and responsibilities of the **state coordinator, district liaisons and public schools, commonly referred to as the Local Education Agency or LEA**, and **outlines coordination with Title I, Part A**.



Causes of Homelessness

The causes of homelessness are vast and vary from situation to situation.

- Nationwide, a lack of affordable housing continues to be a struggle for many families, especially those with only one income.
- Families may experience an unexpected medical issue and be either uninsured or under-insured. This can significantly impact families in which the income earner is experiencing the health problems, leading to an inability for a family to sustain their own residence.
- Parents or guardians fleeing domestic violence is another cause of homelessness as the victim will oftentimes end up in a shelter or living with a friend or family member.
- Poverty is another cause of homelessness as wages continue to fall in relation to inflation.
- Natural disasters such as fires, floods or earthquakes can also contribute to homelessness.
- For students living as homeless unaccompanied youth, they are oftentimes fleeing situations of abuse, neglect or significant family dysfunction.

Who Qualifies for McKinney-Vento Accommodations?

Perhaps one of the most important aspects of the law is understanding who might qualify for eligibility under McKinney-Vento. This can be difficult to **determine as each student's situation is different.**

Eligibility should be determined by the school district's liaison, on a case-by-case basis.

The litmus test for determining if a student meets the definition of homeless under McKinney-Vento is if the student **lacks "fixed" "regular" or "adequate" nighttime residence.**



These include situations such as:

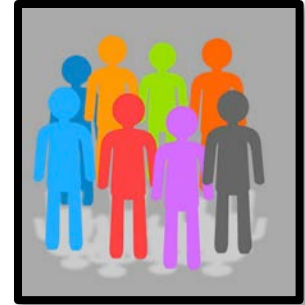
- Children and youth who are **sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason**
 - This is sometimes referred to as "doubled-up." While this is not included in the HUD definition of homelessness, students living in doubled-up situations do meet the federal definition of homelessness under McKinney-Vento.
- Children and youth living in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations.
- Children and youth living in emergency or transitional shelters or abandoned in hospitals.
- Children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings also qualify.
- Children and youth that are unsheltered, or those living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; in rural settings, this would include children living in places such as barns, forests or fields.
- Additionally, students not living in an adequate situation can be considered as homeless under McKinney-Vento.
 - This may include those living without basic utilities such as running water or heat.
 - It can also encompass inadequate situations such as a residence made unlivable by pest or mold infestation.
- Migratory children may qualify as homeless if they are living in circumstances as described above.

**Please note: awaiting foster care placement was removed from the McKinney-Vento definition on December 10, 2016 in Colorado.*

Unaccompanied Youth

Unaccompanied homeless youth are those living in one of the situations described on the previously while **not in the custody of a parent or legal guardian**.

There is no lower age limit on this designation and can even include children as early as preschool age. **The upper age limit is the age of enrollment in public education.**



Identification



To access the rights of the McKinney-Vento act, students must first be identified!

You play an **important role** in the identification of students experiencing homelessness. When speaking to families in particular, **please consider using terms such as “in transition” or “McKinney-Vento eligible.”** The term *homeless* can be **stigmatizing and cause families to withdraw or withhold information due to embarrassment or fear.**

LEAs should also provide **awareness activities to school personnel:**

- Such as sharing this guide, as well as videos available online
- Post outreach materials in schools or in the community where families who may be experiencing homelessness might frequent
- Coordinate with other agencies or organizations such as shelters, street outreach, child welfare, teen parent programs or other organizations which serve students and their families who are at risk or are currently experiencing homelessness

Districts may also use a housing questionnaire annually and for new enrollees to assist them in screening students who might be eligible for McKinney-Vento services.

School Stability

School stability is a pillar of the McKinney-Vento law.

Students experiencing homelessness graduate at significantly lower rates and also tend to score lower than their housed peers on standardized tests. Therefore, keeping students in their **school of origin can make a huge difference in that student's academic achievement.**

Remaining in the school of origin also provides a **sense of stability and routine** for a student



who may be experiencing a significant amount of transition in their life outside school.

Definition:

School of origin is the school the student last attended when permanently housed, or school in which the student last enrolled, including a preschool.

McKinney-Vento students have the right to remain in their school of origin for the duration of the homelessness, and until the end of the academic year in which the student becomes permanently housed if it is in the child's best interest.

One of the changes under ESSA is the provision that preschools receiving LEA funding now are include in the school of origin definition. They also have the right to receive transportation for this period to and from their school of origin. A student experiencing homelessness may move across school attendance areas, district and even state lines. However, they have the right to remain at the school of origin if it is in their best interest.

If it is not in the child's best interest to remain in their school of origin, or at the parent, guardian or unaccompanied youth's request, they may enroll in any public school that housed students living where the student is living are eligible to attend.

Best Interest Determination

To determine if a student should remain at their school of origin or enroll in their local attendance area school, a **best interest determination** should be completed.

Best interest determinations are made with the following in mind:

- 1 It is presumed that remaining in the school of origin is in the student's best interest
- 2 LEAs should consider the negative impacts of student mobility on achievement, health and safety
- 3 The wishes of the parent, guardian or unaccompanied youth must be prioritized

School Enrollment

If it is not in the student's best interest to remain at their school of origin, then they **must be immediately enrolled in their new LEA even if they are lacking the normally required documentation for enrollment.**

Oftentimes, McKinney-Vento families are experiencing extreme trauma or fleeing dangerous situations. These circumstances **may mean they will not be in possession of the documents necessary for enrollment.**

The McKinney-Vento protections include immediate enrollment even in the absence of paperwork such as:

- Birth certificates
- Proof of residency
- Guardianship
- Immunizations
- Other documentation.

Enrollment **includes both attending classes and participating fully.** Additionally, McKinney-Vento requires LEAs to **develop, review, and revise** policies to remove barriers to the identification, enrollment and retention, including barriers due to outstanding fees or fines, or absences for students experiencing homelessness.



Support for Academic Success

Vital to a McKinney-Vento student's academic success are school stability and school enrollment. However, other supports exist under the law.



McKinney-Vento students are categorically eligible for free lunch and breakfast and receive Title I, Part A services even if they do not attend a Title I school.

Additionally, ESSA requires that LEAs create procedures to assure MV students receive appropriate full or partial credits for coursework completed.

Districts must coordinate McKinney-Vento and special education services and also assure that a student's living situation is protected under FERPA.

Disputes

Part of the McKinney-Vento law is the **parent, guardian or unaccompanied youth's right to dispute an LEA's decision on eligibility, school selection or enrollment**. During the dispute process, the student **MUST** be enrolled in the school where enrollment is sought, pending the resolution of the dispute, including all available appeals.

Final Thoughts

This portion of the presentation is meant to provide a brief overview of the McKinney-Vento law and your role in supporting students experiencing homelessness.

However, the law is comprehensive, complex and includes information beyond what has been presented in this guide.

For more information, including resources that can best answer questions you might have regarding your role, please visit the sources listed at the end of this presentation.

How We Can Improve Educational Outcomes for Highly Mobile Students?

Identification Strategies

- Provide awareness activities for school staff (registrars, secretaries, counselors, nurses, teachers, tutors, bus drivers, security officers, dropout prevention specialists, attendance officers, administrators, etc.).
- Post outreach materials and posters in all schools and where there is a frequent influx of low-income families and youth in high-risk situations, including motels, campgrounds, libraries, health center, youth services.
- Use enrollment and withdrawal forms to inquire about living situations.
- Make special efforts to identify preschool children, including asking about siblings of school-aged children.
- Coordinate with community service agencies, such as shelters, soup kitchens, law enforcement, legal aid, public assistance and housing agencies, mental health agencies and public health departments.

Transportation Strategies

- ✧ Develop close ties among local liaisons, school staff, pupil transportation staff, and shelter workers.
- ✧ Use technology such as a transportation database to maintain records, plot routes and make requests.
- ✧ Use school buses (including special education, magnet school and other buses).
- ✧ Develop formal or informal agreements with school districts where homeless children cross district lines.
- ✧ Use public transit where feasible, including supporting parents to travel with younger children.
- ✧ Use approved carpools, van or taxi services.
- ✧ Develop a system for gas vouchers for parents and youth with access to cars.
- ✧ Pursue inter-agency solutions.



Immediate Enrollment Strategies

- ❖ Request all records from the previous school immediately, including immunization records.
- ❖ Parental signature is not required for transfer students.
- ❖ The vast majority of students have been enrolled in school before and have received immunizations.
- ❖ Speak with parents and youth about the classes the student was in, previous coursework and special needs.
- ❖ Call the counselor, teachers or principal at the previous school for information.
- ❖ Ensure enrollment staff on **every campus** are aware of the law and procedures.

Unaccompanied Youth - Strategies

- ☐ Develop clear policies for enrolling unaccompanied youth immediately, whether youth enroll themselves, liaisons do enrollment, caretakers enroll youth in their care, or another procedure is in place. Offer youth an adult and peer mentor.
- ☐ Establish systems to monitor youth's attendance and performance, and let youth know you'll be checking up on them.
- ☐ Help youth participate fully in school (clubs, sports, homework help, etc.)
- ☐ Build trust! Be patient, and ensure discretion and confidentiality when working with youth.



Preschool Enrollment – Strategies

- ➔ Facilitate enrollment: include homelessness in needs assessments and priorities; put McKinney-Vento families at the top of waiting lists; provide enrollment forms on-site at shelters and motels.
- ➔ Expedite records by working together: joint release forms; share records within a family.
- ➔ Develop joint/streamlined procedures and forms: joint intake forms; provide uninterrupted services as children move.
- ➔ Work with families and providers to meet school of origin and comparable transportation requirements appropriately for young children.
- ➔ Cross-train preschool, school, and service providers.

Support for Academic Success: Full Participation

- * States must have procedures to eliminate barriers to academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.
- * LEAs should anticipate and accommodate the needs of McKinney-Vento students to enter these programs and consider giving them priority on waitlists.
- * SEAs and LEAs should develop policies to expedite full participation in extracurricular activities and work with athletic associations to adjust policies to facilitate participation.



References, Resources & Contact Information

Statutes and Regulations

Every Student Succeeds Act foster care provisions: 20 U.S.C. 6311 and 6312

Fostering Connections Act: 42 U.S.C. 675(1)(G)

Colorado Revised Statutes: 22-32-138, C.R.S.

Colorado Code of Regulations: 12 CCR 2509-4, 7.301.241

Colorado-Specific Data on Foster Care and Education

The Colorado Study of Students in Foster Care is located on the University of Northern Colorado webpage:
<http://www.unco.edu/cebs/foster-care-research/>

CDE annual publishes a CDE State Policy Report on Dropout Prevention and Student Engagement, which contain data on students in foster care at state and county levels:
https://www.cde.state.co.us/dropoutprevention/rad_coloradolegislaturereports

Colorado-Specific General Information

Child Welfare Education Liaison (CWEL) Resources and Links:
https://cde.state.co.us/dropoutprevention/fostercare_resourcesandlinks

Homeless Education: https://cde.state.co.us/dropoutprevention/homeless_index

Office of Dropout Prevention: <https://www.cde.state.co.us/dropoutprevention/bpguide>

Forms (BID, MOU, etc.): <https://www.colorado.gov/pacific/cdhs/forms-20> (click “Child Welfare Forms & Helpful Documents” then “Educational Success” to access the forms in editable format.)

Federal Guidance and Information

U.S. Departments of Education and Health and Human Services about implementation of the foster care provisions of the ESSA: <http://www.2.ed.gov/policy/elsec/leg/essa/index.html>

National-level General Information

American Bar Association: Fostering Connections Act of 2008 Implementation Toolkit Improving Education Outcomes for Children and Youth in Foster Care: www.americanbar.org
The Legal Center for Foster Care and Education: www.fostercareandeducation.org

Colorado Contact Information:

Kristin Myers, State Coordinator for Foster Care Education
Myers_k@cde.state.co.us
303-866-6007

Kerry Wrenick, McKinney-Vento Regional Specialists
Wrenick_k@cde.state.co.us
303-866-6930

Kristin Melton, Youth Services Manager
Colorado Department of Human Services
Kristin.melton@state.co.us
303-866-5139



Appendices

BEST INTEREST DETERMINATION WORKSHEET

Use this worksheet to determine whether it is in a child or youth's best interest to remain in their school of origin each time a school change is considered due to a change in foster care placements. See 12 CCR 2509-4, 7.301.241 for the regulations regarding best interest determinations. The presumption is that a student will remain in the current school; a student should only change schools if remaining in the current school is not in their best interest.

Child/Youth's Name: _____ Grade in school: _____

Date of Meeting: Enter a date Meeting Facilitator: _____

Current School and District: _____

Potential New School(s) and District(s) considered:

- _____
- _____
- _____

PARTICIPANTS

Role	Name	Signature (Or note "on file")	Agree w/ determination?	
Child/Youth*			Yes	No
Parent*			Yes	No
Parent*			Yes	No
Caseworker or designee*			Yes	No
Child/youth's GAL, if appointed*			Yes	No
Current school rep. who knows child/youth*			Yes	No
Educational Surrogate Parent, if any*			Yes	No
Future Caregiver (new placement)			Yes	No
New school rep. w/ knowledge of resources			Yes	No
Other:			Yes	No
Other:			Yes	No
Other:			Yes	No

* Required by 12 CCR 2509-4, 7.301.241. If required participants do not attend, document attempts to invite the participant and obtain their input prior to the meeting.





SUPPORTING DOCUMENTATION CONSIDERED:

- | | |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Report cards/progress reports | <input type="checkbox"/> Discipline records |
| <input type="checkbox"/> Test scores | <input type="checkbox"/> Evaluations of student |
| <input type="checkbox"/> Attendance data | <input type="checkbox"/> Written input from absent participants |
| <input type="checkbox"/> IEP or 504 Plan | Other: _____ |
| <input type="checkbox"/> Transcript with current credits, if in high school | Other: _____ |

DISCUSSION OF CHILD/YOUTH'S BEST INTEREST

Bolded questions are required by 12 CCR 2509-4, 7.301.241.

1. **Which school does the child/youth prefer? Why?**

2. **Is the child/youth's safety impacted by which school they attend? If so, how?**

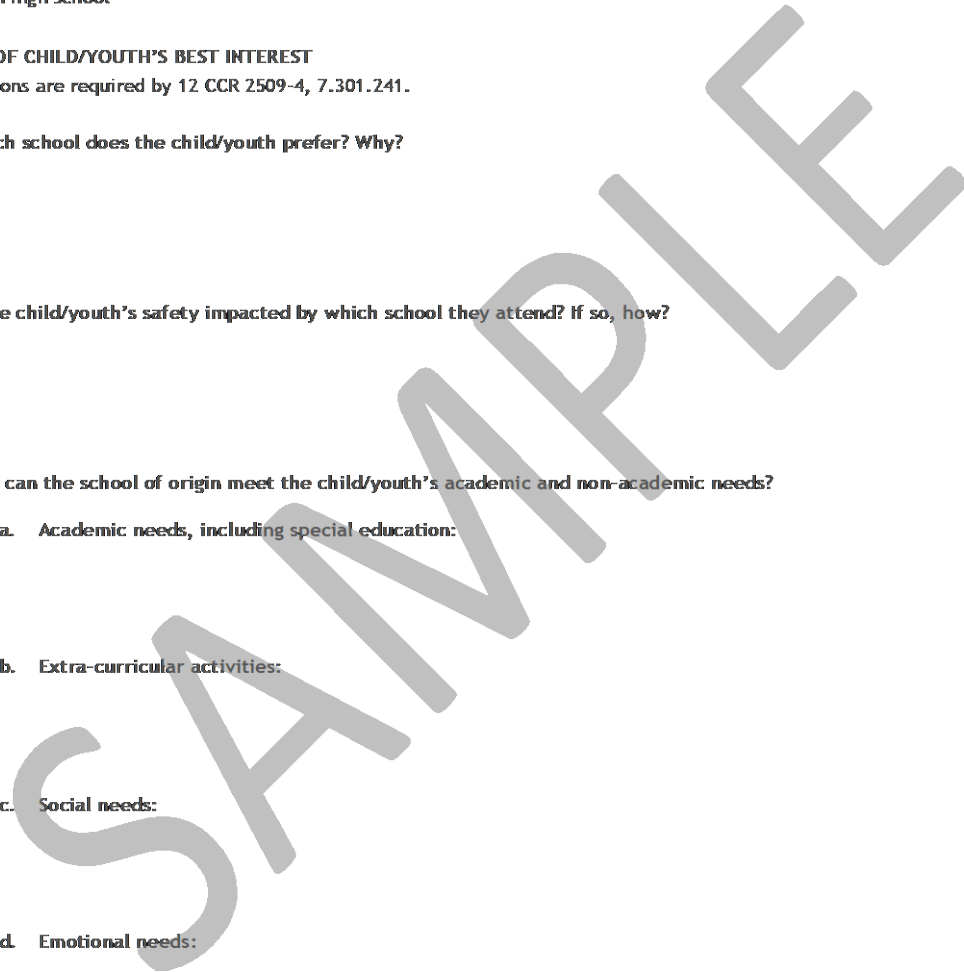
3. **How can the school of origin meet the child/youth's academic and non-academic needs?**
 - a. **Academic needs, including special education:**

 - b. **Extra-curricular activities:**

 - c. **Social needs:**

 - d. **Emotional needs:**

 - e. **Other needs:**





- f. Does the child/youth have a meaningful and appropriate relationship with an adult at the school of origin? Give special weight to this factor.
4. How can the proposed new school meet the child/youth's academic and non-academic needs? (Repeat for each school under consideration)
- a. Academic needs, including special education:
 - b. Extra-curricular activities:
 - c. Social needs:
 - d. Emotional needs:
 - e. Other needs:
5. Could a school transfer be timed to coincide with a logical academic juncture such as at the end of the school year or semester or an event that is significant to the child/youth? Consider the academic calendars of the proposed new school(s) and the current school.
6. How would changing schools affect the child/youth's ability to earn full academic credit, proceed to the next grade, or graduate on time?
7. How many schools has the child/youth attended over the past few years? This year? How have past school transfers impacted him/her?





8. How will the placement change impact the child/youth's other relationships outside of school, such as friends, family and kin, faith and community organizations, etc.? Consider where the child/youth's siblings are placed and where they will go to school, if applicable.

9. What is the child/youth's permanency goal, and how is this impacted by the school selection?

10. How would the length of the commute to the current school impact the child/youth? Consider the length of the commute on various modes of transportation, e.g., car, school bus, public transit. (Note: The cost of transportation is not a permissible factor.)

11. Which school does the child/youth's parent(s) prefer? Why?

12. Document any other factors the team considered.

DETERMINATION AT END OF MEETING:

It is in the child/youth's best interest to remain in the school of origin. (*Presumed outcome*)
Is a transportation plan needed?

- Yes
 No

It is in the child/youth's best interests to transfer to a new school, _____

in _____ School District on Enter a date.





NOTICE TO SCHOOL DISTRICT OF ORIGIN OF STUDENT IN OUT-OF-HOME PLACEMENT

CONFIDENTIAL: This document is part of the student’s educational record and must be kept confidential according to the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) and any other applicable state or federal privacy laws.

Date

School District Point of Contact Name, Select Title

School District

VIA Email: Email address where letter is sent. Use secure email, not postal service, due to time-sensitive nature.

Dear Name,

This letter is to notify you that Student’s Name, DOB Date of Birth, was placed or will be placed out-of-home care by County Name Department of Human/Social Services (“Human Services”) on Date. The student is currently in Grade grade in Name of School in Name of School District (“School District”). This letter is intended to provide notification of the student’s out-of-home status and to make requests to ensure educational stability for the student. Please use this information to meet the student’s educational needs, and share only with those who have a need to know.

Important Contact Information

The student’s new placement is:
 Caregiver(s) in placement: Group Home/Facility name if applicable
 Address: Phone: Email:
 Notes: Notes re placement: e.g., kinship, placed with siblings in same school

Parent 1:
 Phone: Email:
 Notes: Notes re: parent 1, e.g., decision-making, permissions

Parent 2:
 Phone: Email:
 Notes: Notes re: parent 2, e.g., decision-making, permissions

Educational decision-maker/s (other than parent, if other than the parent(s):
 Phone: Email:

Department of Human/Social Services Caseworker:
 Phone: Email:

As a result of the student’s out-of-home placement, Human Services requests the following:

- The student needs transportation to the school of origin, Name of School, pursuant to the Intergovernmental Agreement between Human Services and School District. Please contact Contact Name as soon as possible to develop a transportation plan to remain in effect unless and until it is determined not to be in student’s best interest to remain in the school of origin.
- It is presumed to be in a student’s best interest to remain in the same school unless determined otherwise. In this case, Human Services is not considering a school move for the student, and Human Services requests the school and School District support the student during this time of transition.
- It is presumed to be in a student’s best interest to remain in the same school unless determined otherwise. In this case, the Human Services is considering whether it is in the student’s best interest to remain in the current school or to transfer to another school. Pursuant to 12 CCR 7.301.241, the Human Services invites participation from a





representative of the school who knows the student and can contribute meaningfully to the discussion. Please identify this person and notify him/her of this meeting.

(Select one)

- The meeting is scheduled for **Date** at **Time** at **Location** and address.
- The meeting is currently being scheduled. Please contact **email address of person scheduling** as soon as possible for more information.

The student be enrolled in the School District's free lunch program. 42 U.S. § 1758(b)(5) (categorical eligibility for free lunch).

The school and School District waive all school fees the student may incur, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs. § 22-32-138(7), C.R.S.

- Other requests

Thank you for your assistance in supporting **Student's name** during this transition. Please contact me if you have any questions. I welcome the opportunity to discuss how we can work together to help **Student's name** be successful in school.

Sincerely,

Name, Title
Contact information

PART II: FOLLOW-UP NOTICE OF BEST INTEREST DETERMINATION

Date

A best interest determination for the above student was held on **Date**. It was determined that:

- It is in the student's best interest to remain in the school of origin, and no transportation plan is needed.
- It is in the student's best interest to remain in the school of origin, and the student will need transportation to the school of origin pursuant to the Interagency Memorandum of Understanding between Human Services and School District.
(Select one)
 - Please contact **Contact Name** as soon as possible to develop the ongoing transportation plan.
 - The transportation plan has already been jointly developed by Human Services and School District, and it is in the student's best interest to remain in the school of origin.
- It is in the student's best interest to change schools. The student will begin attending **Name of School** in **Name of School District** on **Date**.
- Other requests or information





NOTICE TO RECEIVING SCHOOL DISTRICT OF NEW STUDENT IN OUT-OF-HOME PLACEMENT

CONFIDENTIAL: This document is part of the student’s educational record and must be kept confidential according to the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) and any other applicable state or federal privacy laws.

Date

School District Point of Contact Name, Select Title

School District

VIA Email: Email address where letter is sent. Use secure email, not postal service, due to time sensitive nature.

Dear Name,

This letter is to notify you that Student’s Name, DOB Date of Birth, was placed or will be placed in out-of-home care by County Name Department of Human/Social Services (“Human Services”) on Date. The student is currently in Grade grade in Name of School in Name of School District of origin. In a process pursuant to 12 C.R.S. 301.241, it has been determined to be in the student’s best interest to transfer to a new school in your district, Name of Receiving School District (School District”) effective Date decided in best interest process.

This letter is intended to provide notification of the student’s out-of-home status to make requests to ensure educational stability for the student. Please use this information to support the student’s educational needs, and share with only those who have a need to know.

Important Contact Information

The student’s new placement is:

Caregiver(s) in placement: Group Home/Facility name (if applicable):

Address: Phone: Email:

Notes: Notes re placement: e.g., kinship, placed with siblings in same school

Parent 1:

Phone: Email:

Notes: Notes re: parent 1, e.g., decision-making, permissions

Parent 2:

Phone: Email:

Notes: Notes re: parent 2, e.g., decision-making, permissions

Educational decision-maker/surrogate decision-maker, if other than the parent(s):

Phone: Email:

Department of Human/Social Services Case worker:

Phone: Email:

To ensure a seamless transition for the student, Human Services requests that:

- The new school, School, immediately enroll the student, effective Date decided in best interest process, even without normally required records. Every Student Succeeds Act (ESSA), 20 U.S.C. § 6311(g)(1)(E)(ii).
- The student’s educational records be immediately requested from the school of origin. ESSA, 20 U.S.C. § 6311(g)(1)(E)(iii).
- The student be enrolled in School District’s free lunch program. 42 U.S. § 1758(b)(5) (categorical eligibility for free lunch).





- The school and School District waive all school fees the student may incur, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs. § 22-32-138(7), C.R.S.
- The student is currently receiving special education services and will need to continue special education services in the new school. A copy of the student's current IEP is .
-

Thank you for your assistance in supporting during this time of transition. Please contact me if you have any questions. I welcome the opportunity to discuss how we can work together to help successful in school.

Sincerely,

SAMPLE

