|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type** | **Situation** | **County Child Welfare Involvement** | **County Supports** | **What Schools Need to Know** |
| **Kinship:****Informal**  | Temporarily staying with a relative or friend. | No child welfare involvement | Child Only TANF is generally $128 Child Only Medicaid | \*No legal authority for student\*Apply for free/reduced lunch based on household incomes.\*McKinney-Vento eligibly may be determined on a case by case basis. Contact your local district’s McKinney-Vento Homeless Liaison for additional information.\*Parental rights are intact, but they may not be available to the child.\*The school may appoint an educational surrogate parent to make special education decisions for the student if necessary. |
| **Kinship:****Non-certified** | The student was placed with a relative, someone viewed by the family as family-like, or someone that had a significant relationship with the student prior to placement. | Either the county department of the kinship caregiver has temporary legal custody when the county department is involved.If the county department is not involved, the kinship caregiver may have Allocation of Parental Responsibilities (APR), also referred to as permanent custody. | Child Only TANF is generally $128 Child Only Medicaid | \*Students in non-certified kinship care are categorically eligible for free meals during the time the county department has custody. Once the free meal benefits have been established for the student, they remain in effect for the entire school year. \*If the county department did not assume legal custody or the application was submitted after the kinship caregiver obtained legal custody, the student is not categorically eligible for free meals. Non-certified kinship caregivers may still apply for free and reduced meals, but all eligibility requirements will apply.\*Contact your local district’s CWEL (Child Welfare Education Liaison) for additional information.\*Parental rights are intact, but they may not be available to the child. The school may appoint an educational surrogate parent to make special education decisions for the student if necessary. |
| **Kinship:****Family Foster Care Home**This is a foster home generally certified by a county department of human services. | The student was removed by the county department from his/her home and placed with a relative, someone viewed by the family as family-like, or someone that had a significant relationship with the student prior to placement. | Family goes through full certification process to become a foster parent or home. The county that places the student has legal custody (if the parents or custodians move to another county, the court may grant a change of venue and the new county of residence becomes the custodial county) | Foster care reimbursement and Medicaid | \*Students are eligible for free/reduced lunch by marking Foster Care on the application.\*Unless not in the students best interest, the child welfare agency must work with the education agency to ensure the student can remain in their school at the time of placement.\*When staying in the same school is not in the student’s best interest, child welfare and LEA’s must provide immediate and appropriate enrollment in a new school, with all of the education records of the child/youth provided to the school. \*Contact your local district’s CWEL (Child Welfare Education Liaison) for additional information.\*Parental rights are intact, but they may not be available to the child, although the school may appoint an educational surrogate parent to make special education decisions for the student if necessary. |
| **Family Foster Care Home (non-relative)** | The student was removed from his/her home and is placed in a foster care home with a family. | The county that places the student has legal custody. | Foster care reimbursement and Medicaid | \*Students are eligible for free/reduced lunch by marking Foster Care section of the application.\*Unless not in the student’s best interest, the child welfare agency must work with the education agency to ensure the student can remain in their school at the time of placement.\*When staying in the same school is not in the child/youth’s best interest, child welfare and LEA’s must provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school. \* Parental rights are intact, but they may not be available to the child, although the school may appoint an educational surrogate parent to make special education decisions for the student if necessary. |

**County Supports are available depending on the residency of the family**

* <http://cokinship.org/county.html>

**CDE Foster Care Education**

* <http://www.cde.state.co.us/DropoutPrevention/fostercare_index.htm>

**CDE Homelessness/McKinney-Vento Act**

* <http://www.cde.state.co.us/DropoutPrevention/homeless_index.htm>

**Program Contact:**

**Jamie Burciaga, State Coordinator of Foster Care Education**

* Burciaga\_j@cde.state.co.us
* 303-518-5938
* Kinship definitions from the Colorado Department of Human Services

 October 2015

**Narrative to accompany Fact Sheet about Colorado Kinship and Foster Care**

**Question: How do these definitions relate to the McKinney-Vento Act and state laws that provide education stability and other rights for children in out-of-home care?**

Answer: The McKinney-Vento Act is a federal law that provides rights and protections to homeless children and youth, including those “awaiting foster care placement.” In Colorado, "awaiting foster care placement" is not clearly defined to address this aspect of the law.  The general guidance to child welfare education liaisons and homeless education liaisons is that once a child has been removed from a biological parent(s) and/or legal guardian the child/youth is in the custody of a county child welfare agency and not “awaiting a foster care placement.” Normally county placements should be considered, fixed, adequate and regular. Individual identification for McKinney-Vento eligibility should be considered on a case by case basis based on if the primary nighttime residence is fixed, regular and adequate.  This can include length of stay and if any type of emergency shelter is involved.

The child/youth would have educational rights like others in the Kinship-Non-certified, Kinship-Family Foster Care, and Foster Care definitions. The Fostering Connections Act compliments and supports this work, as well as now requires all jurisdictions to address school stability and continuity.

**Question: What is the Fostering Connections to Success and Increasing Adoptions Act of 2008?**

Answer: On October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law. This law amends parts B and E of Title IV of the Social Security Act. Among its provisions to address the needs of children and youth in foster care, it seeks to promote education stability for foster children.

**Question: How does Colorado legislation affect education stability for children in out-of-home care?**

Answer: CO HB 08-1019 designates that each school district and the state charter school institute, created pursuant to section 22-30.5-503, shall designate an employee of the school district or the institute to act as the child welfare education liaison for the district or for state charter schools. In lieu of designating an employee, a school district or the state charter school institute may contract with an individual to act as the child welfare education liaison.

The duties of the liaison should include: 1) working with county departments (they have custody-info only), child placement agencies (they do not have custody and are a contractor of the county department-info only), and the state department to facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement; (2) Participating in transition planning meetings; and (3) Allows participating in interagency collaboration teams.