****

**STATE LEGISLATION CHART:**

**Providing School Stability and Continuity for Children in Foster Care**

A federal child welfare law, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections), provides education stability for *all* children in foster care. A federal education law, the McKinney-Vento Homeless Assistance Act (McKinney-Vento), has been providing education stability for *some* children in foster care, including those “awaiting foster care placement.” Importantly, both laws recognize the critical need for school stability and continuity for these highly mobile children.

In addition, recognizing the importance of school stability and continuity, many individual *states* have enacted laws designed to improve the education outcomes of children in foster care. These laws may define “awaiting foster care placement” under the McKinney-Vento Act, or they may be the state adaptation of the federal requirements under the Fostering Connections Act. Often, the state laws provide entirely separate, but often similar, rights and protections as those under the McKinney-Vento or Fostering Connections Acts. Understanding the federal and state laws applicable to the education stability and continuity of children in care, and the interplay between each, is critical to adequately advocate for these children.

Below is a chart of existing state laws and policies that provide rights and protections to children in foster care to assist with school stability and continuity. Each state law is broken down to highlight specific elements: (1) the right to remain in the same school (school of origin) even when living outside of the school catchment area; (2) the right to transportation and the responsibility to provide it; (3) the right to immediate enrollment in the new school when staying in the school of origin is not in the child’s best interest; (4) expedited record transfers to prevent any delay in enrollment; and (5) a designated staff liaison or point-of-contact to help the children navigate the system. The Legal Center for Foster Care and Education plans to keep this chart up-to-date and accurate, so we encourage you to email us with any changes or additions ([Kristin.Kelly@AmericanBar.org](mailto:Kristin.Kelly@AmericanBar.org)).

The most up-to-date version of the chart, with links to the applicable statutes, is always available on our website: www.fostercareandeducation.org.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Federal:**  [**McKinney-Vento Homeless Assistance and Education act**](http://new.abanet.org/child/PublicDocuments/McKinney_Vento.pdf)  **42 U.S.C. § 11431-11435**  Enacted: 07/22/1987 | Children in emergency or transitional shelters, or those “awaiting foster care placement,” as defined by state or school district policy or at the discretion of the McKinney-Vento Liaison. | Children have the right to remain in their school of origin if in their best interest. | Local education agencies (LEAs) are responsible for providing school transportation. If there is a disagreement between schools about transportation, the schools split the cost. | LEAs must enroll students in school immediately, including attending classes and participating fully in school activities, even if they lack documents that are typically required (e.g. birth certificate, immunization records). | **Expedited Record Transfers:**  LEAs must immediately contact each other for records. Also, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each eligible child or youth shall be maintained so that the records are available, in a timely fashion, when a child or youth enters a new school or school district. | Each LEA must have a McKinney-Vento Liaison that is responsible for, among other things, arranging transportation, coordinating enrollment, and generally assisting the child with navigating the education system. |  |
| **federal:**  [**Fostering Connections to Success and Increasing Adoptions Act of 2008**](http://new.abanet.org/child/PublicDocuments/Fostering_Connections.pdf)  **42 U.S.C. § 675(1)(G)**  Enacted:  10/07/2008  Amended: 03/23/2010 | Children in foster care. | When placing a child, the child welfare agency must take into account and document in the case plan the appropriateness of the current educational setting and the placement’s proximity to the school. The child welfare agency must coordinate with LEAs to *ensure* that the child remains in the school in which the child is enrolled at the time of placement. | -Child welfare agency must coordinate with LEAs to ensure that the child remains in the school at which the child is enrolled at the time of placement.  -Reasonable transportation to a child’s school at the time of placement is an allowable IV-E foster care maintenance reimbursement (previous guidance made transportation to a child’s school an allowable IV-E administrative cost). | If remaining in the same school is *not* in the child’s best interest, the child welfare and LEAs must provide *immediate and appropriate* enrollment in a new school, with all of the educational records of the child provided to the school. | **Expedited Record Transfers:**  If remaining in the same school is *not* in the child’s best interest, the child welfare and LEAs must provide immediate and appropriate enrollment in a new school, with all of the educational *records* of the child provided to the school. | No provision. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Arizona**  [**A.R.S. § 8-527**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121019_150033_BnpCIx_0.pdf)  Approved:  2009 | Children in out-of-home care. | No provision. | No provision. | No provision. | No provision. | No provision. | The agency or division shall make every reasonable effort to not remove a child who is placed in out-of-home care from school during regular school hours for appointments, visitations or activities not related to school. |
| **Arkansas**  **[Act 1255](http://new.abanet.org/child/PublicDocuments/AR_1255.pdf)**  **[A.C.A. §9-27-103](http://new.abanet.org/child/PublicDocuments/AR_1255.pdf)**  Approved:  03/29/2005  Effective:  08/12/2005 | Children in foster care. | Yes, school shall, unless court finds not in child’s best interest and conflicts with other law excluding residency requirement  [No mention of duration of school of origin]. | To extent reasonable and practical, school is encouraged to work out plan. | In a timely manner, when determined necessary, appropriate, and in their best interest.  -Caseworker must contact new school within 2 days of needing to reenroll school must immediately enroll  (d)(1) even if the foster child is unable to produce any required clothing or required records. | **Expedited Record Transfers:**  Foster Care Liaisons (FCL) shall expedite. FCL in new school must request records within 3 days of move; FCL from old school must provide records to new school within 10 days of receiving request. | Every school district will have a liaison. | -No lowering of grades for time out of school resulting from a change in enrollment, time in court, or time at court-ordered counseling or treatment.  -Requires school to accept credit coursework when the child demonstrates satisfactory completion of the appropriate education placement assessment.  -Gives foster parents the right to make educational decision under IDEA, if the court has limited the birth parents’ educational rights |
| **Arkansas**  [**Assem. 591, 88th Gen. Assem., Reg. Sess. (Ark. 2011)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140901_uWN_0.pdf)  Issued:  03/08/2011  Approved:  03/23/2011 | Children in foster care. | Yes, if in child’s best interests. | Yes, if reasonable and practical. | Yes, the new school must immediately enroll the child even if unable to provide required clothing or records. | **Expedited Record Transfers:**  Yes, foster care liaison shall expedite the transfer of records. | Individuals directly involved in the care, custody, and education of a foster child shall work together to ensure continuity of educational services to the foster child |  |
| **California**  [**Cal. Ed. Code § 48853.5**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_101552_UPIZG_0.pdf)  Effective:  01/01/2012 | This section applies to any foster child who has been removed from his or her home. | At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the academic school year. |  | The new school shall immediately enroll the foster child even if the foster child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce records or clothing normally required for enrollment, such as previous academic records, medical records, proof of residency, other documentation, or school uniforms. | **Expedited Record Transfers:**  Local education agency shall assist foster children when transferring from one school to another or from one school district to another in ensuring proper transfer of credits, records, and grades. | Each local educational agency shall designate a staff person as the educational liaison for foster children. In a school district that operates a foster children services program the educational liaison shall be affiliated with the local foster children services program. |  |
| **California**  [**AB 1933, 2010 Leg., Reg. Sess. (Cal. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_112834_zrG_0.pdf)  Introduced:  02/17/2010  Chaptered:  09/30/2010  Approved:  09/30/2010 | Foster children. | Requires LEA to allow a child to continue his or her education in school of origin and matriculate with classmates to middle and high school for as long as the child is in foster care and the educational placement is in his or her best interests. |  |  |  |  | An act to amend Section 48853.5 of the Education Code, relating to foster children. |
| **California**  [**Cal. Educ. Code §49069.5**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140901_TurNu_0.pdf)  Approved:  10/12/2003  Effective:  01/01/2006  Amended:  01/01/2006 | Supervised by either the county probation or child welfare agency, *and*  in, or have been in, relative, kin, foster family or group home placements. | If the child’s placement changes, the child has the right to remain in his or her school of origin for the duration of the school year, provided it is in the child’s best interest to do so. | No provision. | When a foster child changes schools, the new school must provide for immediate enrollment and attendance even if the child is missing:  Academic and medical records,  immunization records,  proof of residency, or  school uniform  or fees or materials are owed to the prior school | **Expedited Record Transfers:**  County placing agency shall notify school immediately with date student leaving and request for transfer; local school shall then within 2 days transfer pupil and deliver records(including determination of seat time, full or partial credits earned, classes, grades, immunizations, and IEP); new school shall contact last school attended to obtain records within 2 days of request for enrollment | Requires each local educational agency to designate a staff person as the educational liaison for foster children who is competent to handle the transfer procedure and aware of the specific educational recordkeeping needs of homeless, foster, and other transient children who transfer between schools. | -No lowering of grades for time out of school resulting from a new placement or time in court.  -Requires school to accept full or partial credit for coursework completed, including in a non-public institution.  -Decision regarding placement should take into account proximity to child’s school attendance area in order to promote educational stability.  -Case workers and probation officers can access a foster child’s school records without parental consent or a court order. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **California**  [**SB 1353, 2010 Leg., Reg. Sess. (Cal. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_114816_vNsf_0.pdf)  Introduced:  02/19/2010  Chaptered:  09/30/2010  Approved:  09/30/2010 | Homeless children as defined by McKinney- Vento. | Educators, county placing agencies, care providers, advocates, and juvenile courts shall work together to maintain stable school placements based upon the best interests of the child.  Best interest analysis shall promote educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.  Educational stability is determined by taking into consideration proximity to the child’s school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child’s matriculation schedule, in addition to other indicators of educational stability that the State Department of Social Services and the State Department of Education develop. |  | Provides for “immediate and appropriate enrollment in a new school.” | See McKinney-Vento | See McKinney-Vento | When a child is placed in foster care, the case plan for each child shall include a summary of the education information or records of the child. The education summary shall include, but not be limited to, the child’s grade level performance, school record, the number of school transfers the child has already experienced, and the child’s educational progress. |
| **California**  [**AB 167, 2010 Leg., Reg. Sess. (Cal. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_120325_eEWeV_0.pdf)  Approved:  10/11/2009  Effective:  1/1/2010 | Applies only to pupils in foster care who transfer into a district or between high schools within the district while they are in 11th or 12th grade.  Foster children referred to as a “pupil in foster care” and defined as a foster child who has been removed from his or her home pursuant to Section 300 of the Welfare and Institutions Code. |  |  |  |  |  | Requires school districts to provide notice to foster youth exempted from additional district requirements if failure to satisfy such local requirements will affect the pupil’s ability to gain admission to a postsecondary educational institution. |
| **California**  [**SB 1568, 2012 Leg., Reg. Sess. (Cal. 2012)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_124406_Cry_0.pdf)  Location:  08/31/2012-S.  Chaptered:  09/06/2012 | Foster children | This bill would impose a state-mandated local program by also requiring a local educational agency to allow a former foster child to continue his or her education in the school of origin through graduation if the jurisdiction of the court is terminated while the foster child is in high school. | The bill would provide that a school district is not required to provide transportation to a former foster child who has an individualized education program that does not require transportation as a related service and who changes residence but remains in his or her school of origin, unless the individualized education program team determines that transportation is a necessary related service. |  |  |  |  |
| **California**  [**AB 709, 2011 Leg., Reg. Sess. (Cal. 2011)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140901_sBEcX_0.pdf)  Approved:  10/04/2011 | Foster children | If the jurisdiction of the court is terminated prior to the end of an academic year, the foster child shall be allowed to continue his or her education in the school of origin through the duration of the academic school year. | The school district is not required to provide transportation services to allow a foster child to attend a school or school district, unless otherwise required under federal law. | The new school is required to immediately enroll the foster child even if he or she is unable to produce medical records, including, but not limited to, records or other proof of immunization history. |  | Each local education agency shall designate a staff person as the educational liaison for foster children. |  |
| **California**  [**SB 578, 2011 Leg., Reg. Sess. (Cal. 2011)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_gitVy_0.pdf)  Approved:  10/04/2011 |  |  |  |  |  |  | School districts are required to award a pupil in foster care full or partial credit for the coursework completed while attending another public school. |
| **California**  **[AB216, 2013 Leg., Reg. Sess. (Cal. 2013)](http://www.fostercareandeducation.org/portals/0/dmx/2013/09/file_20130926_103129_zgAzb_0.pdf)**  Effective:  01/01/2014 | Pupils in foster care |  |  |  | **Credit Transfers:**  Requires a school district to exempt a pupil in foster care who transfers between schools any time after the completion of the pupil’s 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation, unless the school district makes a finding that the pupil is reasonably able to complete the school district’s graduation requirements in time to graduate from high school by the end of the pupil’s 4th year of high school; also includes additional provisions that would allow a student to complete high school based on the credit hours earned, and for the district to notify the pupil, and the person holding the educational decisions for the pupil, the effect of the waived requirements. |  |  |
| **Colorado**  [**HB 08-1019, 66th Gen. Assem., 2d Reg. Sess. (Colo. 2008)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_ghWmHs_0.pdf)  Approved:  04/17/2008 | Children in foster care or an out-of-home placement and children who return home  at the conclusion of an out-of-home placement. | Requires that before a child’s placement is changed, all parties must attempt to promote the child’s educational stability by attempting to find a new placement that allows the child to stay at the same school or find a new “educational situation that is comparable to the existing situation.” | No provision. | Provides that when a student in out-of-home placement transfers from one school to another, the district or school is to transfer the records after receiving a request for transfer and the receiving district or school is to immediately enroll the transferring student. | **Expedited Record Transfers:**  Provides that when a student in out-of-home placement transfers from one school to another, the district or school is to transfer the records within five school days after receiving a request for transfer and the receiving district or school is to immediately enroll the transferring student. | Requires each school district to appoint a person to act as the child welfare education liaison to work with child placement agencies, county departments and the state department to facilitate placement, transfers and enrollment in school for children in out-of-home placements. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Colorado**  [**Colo. Rev. Stat. Ann. § 19-3-213**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_130408_FYpXz_0.pdf)  Approved:  06/05/2003 | Children in out-of-home care. | Prior to a change of placement, all parties shall promote educational stability for the child by taking into account the child’s existing educational situation and, in accordance with the child’s best interests, selecting a change of placement that enables the child to remain in the existing educational situation or to transfer to a new education situation that is comparable to the existing situation. |  |  |  |  |  |
| **Colorado**  [**Colo. Rev. Stat. Ann. § 22-1-102.5**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_131200_bEctLr_0.pdf)  Enacted:  2006 | “Homeless child” includes all those defined under the McKinney-Vento Act as well as those:  in “a supervised, publicly or privately operated shelter designed to provide temporary living accommodations . . . and an institution that provides a temporary residence for individuals intended to be institutionalized.” | See McKinney-Vento | See McKinney-Vento | See McKinney-Vento | See McKinney-Vento | See McKinney-Vento |  |
| **Colorado**  [**HB 1274, 67th Gen. Assem., 2d Reg. Sess. (Colo. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_poL_0.pdf)    Approved:  05/25/2010 | Children in out-of-home placements. |  |  |  | **Expedited Record Transfers:**  Liaison shall ensure that education information and records of a student  in out-of-home placement are delivered to the student's new school within  five school days after receiving a request for the transfer of the student's  education information and records from a county department. | 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 child placement agencies, county departments, 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) Participating in interagency collaboration teams. |
| **Connecticut**  [**Joint Memorandum Between Dept of Children and Families (DCF) and Dept of Education (DOE)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140902_VKr_0.pdf)  Issued:  02/15/2005 | [For purposes of McKinney-Vento Act eligibility], “awaiting foster care placement” means”  -“Emergency or transitional shelter placements,” including Short Term Assessment and Respite Homes (STAR Homes)  - Placements on an “emergency basis in a transitional foster home with the plan of being moved within 30 days to a more permanent foster or adoptive home…on a case-by-case basis.”  -“SDE and DCF will also consider applying McKinney-Vento on a case-by-case basis to children who have experienced more than three placements in a 12-month period.” | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Connecticut**  **SB 31**  [**Conn. Pub. Acts No. 10-160**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_164645_BnPXCU_0.pdf)  Approved:  06/08/2010 | All school-age children in foster care and three- to five-year olds in foster care who have been (1) determined eligible for special education or (2) referred for determination. | Presumption that it is in the best interest of a child to continue to attend the school of origin. DCF must consult with all relevant players prior to making “best interest” decision that child should move schools.  The department will provide written notice of its decision within three days of making the decision. | DCF responsible for costs of transporting a child from a placement to school. | If not in “best interest” to remain in school of origin, provides for immediate enrollment in receiving school. | **Expedited Record Transfers:**  DCF must notify the board of education where the child lived before being removed from home within one day of the removal and in writing within two days.  For a child requiring special education, the law requires DCF to notify orally the school board responsible for the child's education.  The school of origin, within one day of receiving notice from DCF, must send all essential educational records, including any individualized education or behavioral intervention plan, and all documents the receiving school needs to determine an appropriate class placement and provide educational services. It must transfer nonessential records within 10 days. | No provision. | Includes mechanism for attorneys to challenge DCF decisions, with expedited review of disputes. During the dispute resolution process, children remain in the same school. |
| **Connecticut**  [**H.B. 5842, Jan. Sess. (Conn. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_pUoLfE_0.pdf)  Approved:  03/17/2009 |  | When in the best interests of the child, the child may continue to attend school attended prior to placement, provided school is within 25 miles of town in which child is placed. |  |  |  |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Connecticut**  [**H.B. 6705, Regular Sess. (Conn 2013)**](http://fostercareandeducation.com/portals/0/dmx/2013/06/file_20130621_155757_OMPKw_0.pdf)  Effective:  07/01/2013 | Children and youth who live in the custody of the Department of Children and Families or who are being served by the Court Support Services Division in the cities of Hartford, Bridgeport and New Haven |  |  |  | **Expedited Record Transfers:**  Coordinators shall help facilitate the prompt transfer and review of educational records and report to the Department of Children and Families and the educational surrogate critical educational information, including, but not limited to, (i) progress monitoring, (ii) absenteeism, and (iii) discipline. | The program shall use full-time coordinators to (1) assist with the identification of children or youth who are performing below grade level and are (A) in state custody, or (B) under juvenile justice supervision, and (2) develop plans, in collaboration with the child’s or youth’s legal guardian, educational surrogate or advocate, to improve the child’s academic performance. | For each child or youth who is in the state custody, Department of Children and Families shall include a description of the child’s educational status and academic progress in his or her case plan. Such description shall include information regarding the child’s current levels of educational performance, including absenteeism and grade level performance, and what supports or services will or are being provided to improve academic performance. For children and youth who are committed to Department of Children and Families’ custody, the educational status information shall be included in reports to the Juvenile Court and shall be reviewed by the court when decisions are made regarding the child’s well-being in care. |
| **Delaware**  [**H.B. 279, 143rd Gen. Assem., Reg. Sess. (Del. 2005)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121023_170624_QhkZ_0.pdf)  Approved:  07/07/2005 | [For purposes of McKinney-Vento Act eligibility], “awaiting foster care placement” means all children in foster care. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **District of Columbia**  [**McKinney-Vento Homeless Assistance Act State Plan (SY 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140902_Xyjkm_0.pdf) | [For purposes of McKinney-Vento Act eligibility], “awaiting foster care placement” means the time when a child is removed from their home until they enter a permanent placement. If a child is legally adopted or placed in a permanent placement, they are no longer entitled to the McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **District of Columbia**  [**Res. A18-0298, 2010 Leg. (D.C. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121106_144051_qrMLw_0.pdf)  Issued:  01/22/2010 | Child in foster care. | See Fostering Connections Act. |  | See Fostering Connections Act. | See Fostering Connections Act. |  |  |
| **District of Columbia**  [**Res. A18-0586, 2010 Leg. (D.C. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121106_145511_oKu_0.pdf)  Enacted:  10/10/10 | Any child in foster care | Amends the definition of case plan to include a plan for ensuring the educational stability of a child in foster care |  |  |  |  |  |
| **Florida**  [**S 1128, 2009 Leg., Reg. Sess. (Fla. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_130644_VpUOf_0.pdf)  [**Fla. Stat. § 39.0016**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_DwYrz_0.pdf)  Signed:  05/14/2009  Effective: 07/01/2009 | Children “known to the department” (those in shelter care or found to be dependent). | The Department of Children and Family Services shall enroll children in school and provide for continuing the enrollment of a child known to the department at the same school, if possible, with the goal of avoiding a disruption of education. Continued enrollment is preferable. | The Department of Children and Family Services shall determine whether transportation is available for a child known to the department when such transportation will avoid a change in school placement. The Department of Education shall assess the availability of federal, charitable, or grant funding for the transportation. | No provision. | No provision. | No provision. | The Department of Children and Family Services shall enter into an agreement with the Department of Education to facilitate the provision of services.  The Department of Children and Family Services shall establish a protocol for sharing information with the school district, consistent with FERPA. |
| **Florida**  [**Fl. Admin. Code § 65C-28.004**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_131724_YCpL_0.pdf)  Effective:  05/04/2006 | All homeless children, including children placed in an emergency shelter and continuing in out-of-home care while awaiting foster care placement. | Applies McKinney-Vento to these children, requiring efforts to be made to continue the child’s education in the school of origin for the duration of the removal episode unless the child is placed in another school district or out-of-state. | The Child Protective Investigator or Services Worker shall contact the school of origin and notify it of the need for transportation services to and from the school. | No provision. | No provision. | No provision. | When a child is dissatisfied with a failure to allow him or her to remain in the school or origin, he or she has access to a federally required dispute resolution process. |
| **Georgia**  [**Ga. Comp. R. & Regs. 160-5-1-.28**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_133417_rUO_0.pdf)  Effective:  10/04/2006  Amended:  09/30/2012 | Homeless children, which includes those who are awaiting foster care placement (uses the McKinney-Vento definition of “homeless”). | When a student is placed in a new home or facility, his or her school system must consult with the student’s custodian to ascertain whether the child should stay at the school or origin or be assigned to the “appropriate school” in the new school system, in accordance with McKinney-Vento. | No provision. | Children falling under McKinney-Vento shall be enrolled immediately in the new school even if they are missing appropriate documentation. | No provision. | No provision. |  |
| **Georgia**  [**Ga. Comp. R. & Regs. 160-5-1-.14**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_134327_RrWXf_0.pdf)  Adopted:  07/17/1991  Amended:  07/06/1999 |  |  |  |  | **Expedited Record Transfers:**  In response to a request for records, records must be transferred within 10 calendar days. |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Georgia**  [**Ga. Comp. R. & regs. 160-4-8-.17**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_135117_mVErK_0.pdf)  Adopted:  11/03/2005 |  |  |  |  |  | Each school principal shall designate a school social worker or other staff member to act as case manager. Upon notification that a DHR or DJJ child will be enrolled in a school, the case manager shall consult with the student, DFCS/DJJ counselor, and parent or guardian of the student to determine whether transition services are needed. |  |
| **Georgia**  [**HB 1085, 2010 Leg., Reg. Sess. (Ga. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_MQcx_0.pdf)  Issued:  05/27/2010 | Children in foster care. | See Fostering Connections Act. |  | See Fostering Connections Act. | See Fostering Connections Act. |  |  |
| **Illinois**  [**HB 4054, 96th Gen. Assem., Reg. Sess. (Ill 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_mrCQpL_0.pdf)  Effective:  01/01/2010 | Children in foster care. | No provision. | No provision. | No provision. | No provision. | No provision. | DCFS shall provide foster/adoptive parents with the child’s educational records and IEP. |
| **Illinois**  [**105 ILCS 5/10-20.12B**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_142001_QZIXPp_0.pdf)  Effective:  01/01/1997 | Children for whom state foster care agency is appointed guardian. | Option to keep child in original school of residence if in child’s best interest. If the child remains in original school of residence despite moving from the area, the child will not be required to pay tuition. | No provision. | No provision. | No provision. | No provision. |  |
| **Illinois**  [**105 ILCS 45/1-10**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_155156_rgek_0.pdf)  Effective:  01/01/1995 | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **Indiana**  [**I.C. § 20-26-11-8 (d)(3)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_160112_Aad_0.pdf)  Effective:  2005 | A student who is (1) by or with the consent of the Department of Child Services; (2) by a court order; or (3) by a child placing agency licensed by the department of child services; in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement | The student may attend school in either the school corporation in which the foster family or home or other home is located or the school corporation in which the student has legal settlement. DCFS and the student’s foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. | No provision. | No provision. | No provision. | No provision. |  |
| **Indiana**  **SB 330, 2008 Leg., Reg. Sess. (Ind. 2008)**  [**I.C. § 20-50-3-5**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_160911_EAiz_0.pdf)  Effective: 07/01/2008 | Students in foster care. | A student in foster care who is temporarily staying in a school corporation other than that where his school of origin is located may elect not to attend a school located in the school corporation where he is temporarily staying. | If a student temporarily stays in the student's original school corporation but outside the attendance area of that school, the original school must transport the student.  If a student who is temporarily staying in a school other than where his school of origin is located elects not to attend school where he is temporarily staying and the school of origin is located in an adjoining school, the original and transitional school corporations must enter into an agreement concerning transportation of the student. If an agreement cannot be reached, the cost and responsibility shall be divided equally. | No provision. | No provision. | No provision. | Except as provided in subsection (e), [where child had been in residential placement] transfer tuition is not required for the student. |
| **Indiana**  [**I.C. § 31-34-15-4**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_162413_ElbAxP_0.pdf)  Effective:  07/01/2012 | Children in need of services who is under the supervision of the county. | The case plan for the child must consider the proximity to the child’s school of origin of any placement, and the department must coordinate with local educational agencies to ensure that the child remains in the school of origin, if it is in his or her best interests. | No provision. | If the school of origin is not in the child’s best interests, the child’s enrollment in the new school must be immediate. | **Expedited Record Transfers:**  If the child is transferred to a new school, arrangements must be made to transfer the records from the old school. | No provision. |  |
| **Indiana**  **Public Law 131**  [**SB 365, 2009 Leg., Reg. Sess. (Ind. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_163518_PIzlhc_0.pdf)  Signed:  05/12/2009 |  |  |  |  |  |  | Establishes that a foster child’s case plan must include a plan for ensuring the educational stability of the child while in foster care. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Iowa**  [**2009 Ia. Legis. Serv. Ch. 120 (S.F. 152)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121025_164213_jhys_0.pdf)  Signed:  05/22/2009  Effective: 07/01/2009 | Children for whom the Iowa department of human services has responsibility under state or federal law | See Fostering Connections Act. | No provision. | A school district, upon notification by an agency of the state that a child in foster care is transferring into the school district must provide for the immediate and appropriate enrollment of the child. | **Expedited Record Transfers:**  A school district or an accredited nonpublic school, upon notification by an agency of the state that a child in foster care is transferring from the school district or accredited nonpublic school to another school district or accredited nonpublic school must promptly provide for the transfer of all of the educational records of the child not later than five school days after receiving the notification. | The director of the department of education must aid the department of human services as necessary to accomplish state and federal education-related objectives such as ensuring adherence to compulsory school attendance laws that are applicable to children for whom the department of human services has responsibility | -The educational stability of the child while in foster care must be documented in the child’s case plan, and must include evidence that there was an evaluation of the appropriateness of the child’s educational setting while in placement and of the setting’s proximity to the educational setting in which the child was enrolled at the time of placement.  -If the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student’s degree of success in adjusting to the different school. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Iowa**  [**Title VII Education and Cultural Affairs §§ 282.18 and 282.19**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_PfQWx_0.pdf)  Approved:  04/18/1990  Effective:  07/01/2012) | Child requesting a transfer as a result of a foster care placement, adoption, or other factors who is not currently using open enrollment. | Parent or guardian of the child may have the child remain in the original school under open enrollment unless it is not in the child’s best interest. | Parent or guardian is responsible for transportation to and from a regular school bus route of the receiving district; if the pupil meets the economic requirements, the sending district is responsible. | No interruption in the child’s education. | No provision. | No provision. | No fees paid to the former school until the start of the first full year of enrollment. |
| **Iowa**  [**Iowa Admin. Code r. 281-33.1(256)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121108_121614_gPCa_0.pdf)  Effective: 08/11/2004 | See McKinney-Vento. | School board shall determine school placement based on best interests of the child. Board shall, to the extent feasible, keep child in the district of origin. | If the child is enrolled in the same district in which the child lives, transportation will be provided on the same basis as for any resident child of the district. If the appropriate district is deemed to be a district other than the district in which the child lives, the district of origin shall agree on a method to apportion responsibility and costs for providing the child with transportation. If no agreement can be reached, the districts will divide responsibilities and cost equally. | School board must immediately enroll child and will not deny education to the child solely on the basis that the prior school records are unavailable. | **Expedited Record Transfers:**  Upon notification that a child intends to transfer out of the district, a school district shall immediately provide copies of the student’s records to the child, child’s parents, or child’s guardian who may take the copies with them. |  | School district designated for child’s enrollment shall make available to the child all services and assistance, including but not limited to:  compensatory education; English as a second language; Vocational and technical education courses or programs; Programs for gifted and talented pupils; Health services; Preschool; Before and after school child care; and Food and nutrition programs. |
| **Iowa**  **Memo from Dept. of Education**  Effective: 08/31/2010 | Definition of “awaiting foster care”: Youth in short-term foster care placements (expected stay less than 30 days) are categorically eligible for McKinney-Vento supports. Additionally, all youth in shelter placements are eligible. | See McKinney-Vento. | See McKinney-Vento. | See McKinney-Vento. | See McKinney-Vento. | See McKinney-Vento. | See McKinney-Vento. |
| **Iowa**  [**2010 Ia. Legis. Serv. Ch. 120 (S.F. 2298)**](http://educateiowa.gov/index.php?option=com_content&view=article&id=1475&Itemid=3333)  Approved:  03/19/2010 | Any person who is entitled to receive notice of a hearing concerning a child: a foster parent, relative, or other individual, and children who are of age appropriate. |  |  |  |  |  | Provides the right to the attendance relating to a child at juvenile court hearings or meetings during the pendency of a child in need of assistance. |
| **Iowa**  [**Iowa Section Code 280.29**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121018_153114_TvKJpf_0.pdf)  Effective:  07/01/2009 | Foster children |  |  |  | **Expedited Record Transfers:**  Provides that a school district shall promptly provide for the transfer of all of the educational records of the child no later than 5 school days after receiving notification. |  |  |
| **Iowa**  **[Iowa Section Code](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121018_152237_KlTFg_0.pdf)**  **[282.10](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121018_152237_KlTFg_0.pdf)**  Effective:  07/01/2012 | Foster children |  |  |  |  |  | This statute describes a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program. |
| **Iowa**  [**Iowa Section Code 282.19**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121018_152403_fjlYf_0.pdf)  Effective:  07/01/2009 | Foster child | Provides that a foster child shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement. |  |  |  |  |  |
| **Iowa**  [**Iowa Section Code 282.27**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121011_142654_GVtKL_0.pdf)  Effective:  06/03/1992 | Foster children residing in a psychiatric unit | Provides that children residing in a psychiatric unit of a hospital shall be included in the basic enrollment of their districts of residence. |  |  |  |  |  |
| **Iowa**  [**Iowa Section Code 282.30**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121011_142904_Sch_0.pdf)  Amended:  2012 | Child living in a foster home or juvenile detention home. |  |  |  |  |  | Provides that an area education agency will make provision for an appropriate program for each child living in a foster home or juvenile detention home. |
| **Iowa**  [**Iowa Section Code 282.31**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121011_143753_cUTZHC_0.pdf)  Effective:  07/01/2009 | Child in foster care |  |  |  |  | Explains who is responsible for the costs covering a child in foster care who receives special education. |  |
| **Iowa**  [**Iowa Section Code 282.33**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121011_143918_YnuJg_0.pdf)  Current:  2012 | Children in foster care |  |  |  |  |  | Explains who will review and approve expenditures affecting children in foster care and not enrolled in the educational program f the district of residence of the child. |
| **Louisiana**  [**HB 297, 2009 Leg., Reg. Sess. (La. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_AiIIu_0.pdf)  **La. Rev. Stat. 17:238**  Signed:  07/01/2009  Effective:  01/01/10 | Children in foster care. | Yes, if the Department of Social Services decides it is in the best interest of the child. | Transportation is provided cooperatively by Department of Social Services and the school district in which the student is enrolled. The DSS is responsible for arranging transportation of the child to a drop-off/pick-up point within the school district. The school district is responsible for getting the child from the drop-off/pick-up point to the appropriate school and back again. | Provides for immediate enrollment of children in school. Requires each city and parish school board to establish a policy to provide for the placement in school and for the education of any child temporarily residing within the jurisdiction of the board. | No provision. | No provision. | DSS and DOE in accordance with House Concurrent Resolution 228 of the 2006 Regular Session of the Louisiana Legislature have a working agreement encouraging collaboration between school districts and DSS staff for the purpose of providing improved educational outcomes for students in foster care. |
| **Louisiana**  [**La. Rev. Stat. 17:112**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121028_174316_sfoC_0.pdf)  Effective:  06/06/2001 |  |  |  |  | **Expedited Record Transfers:**  Requires the principal of every public elementary or secondary school to provide for transfer of student records within 10 days of receipt of a written request by an educational facility where the child is seeking enrollment. Records cannot be withheld due to unpaid fines, etc. |  |  |
| **Louisiana**  [**La. Admin Code. tit. 28, pt. CXV, § 341**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140905_KDPjyQ_0.pdf)  Enacted:  06/2005 | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento. | See McKinney-Vento. |  |
| **Maine**  [**ME ST T 20-A § 5205, sub-§3-A**](http://new.abanet.org/child/PublicDocuments/ME_5205.doc)  Effective:  1983  Amended:  2010 | State wards. | Student is considered a resident of either “the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student.” The Department of Health and Human Services, in consultation with the  department and the school administrative units, shall determine which of the 2  units is appropriate and notify that unit in writing of its determination. The  school administrative unit that provides public education for the student shall  count the student as a resident student for subsidy purposes. | No provision. | No provision. | No provision. | No provision. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Maine**  **P.L. Chap. 451, 123rd Leg., Reg. Sess. (Me 2007)**  Approved:  06/27/07  Effective  09/20/2007 | Any child experiencing “education disruption” for 10 or more consecutive school days, including those experiencing homelessness or foster care placement. | No provision. | No provision. | No provision. | **Expedited Record Transfers:**  Sending school shall send pertinent records, including academic and health information, to the receiving school no later than 5 school days after student enrolls. | No provision. | -The receiving school will agree to accept the academic programming, credits, and documentation of achievement of the standards completed by the student.  -A student must have a school completion plan. A school completion plan meeting must be convened by the receiving school and the plan must be developed or updated by the student, the parent, the guardian, and the sending and receiving school no later than 10 school days after the student enrolls in the receiving school.  -The Commissioner of the Dept. of Education shall issue a Dept. of Education diploma to a student who is unable to obtain a locally awarded diploma due to disruption of education resulting from homelessness or foster care. Student must demonstrate successful completion of the state’s content requirements. |
| **Maine**  [**Child And Family Services Manual - §v, Sub§K-3**](http://new.abanet.org/child/PublicDocuments/ME_CFSManual.doc)  Effective:  11/08/2005 | Any child coming into custody of child welfare agency. | Agency will make every effort to find a placement within school of origin; if impossible, efforts will be made to place child near the school, so that an agreement can be made to continue for the remainder of the school year. | School district staff and/or the child’s surrogate (if in special education) will work together to arrange for transportation for the child to attend for the remainder of the school year. | Caseworker must notify school 24 hours prior to enrollment. The caseworker will ensure that the child is provided with stamps and calling cards so the child has the opportunity to say goodbye or maintain contact with friends or teachers. | **Expedited Record Transfers:**  Caseworker will contact prior school to request records be immediately sent to new school; if in special education, the caseworker will contact the surrogate parent to request a new Pupil Evaluation Team meeting. | Caseworker will locate the Keeping Maine’s Children Connected district liaison to facilitate transition to new school;  Caseworker will assure child has a contact person at the new school. | Caseworker will assure child can say goodbye and gather contact information from friends and teachers at old school. |
| **Maine**  [**P.L. Chap. 508, 124th Leg., Sec. Sess. (Me. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_vQACj_0.pdf)  Effective:  July 12, 2010 | A student who is placed by the Department of Health and Human Services with an adult who is not the child’s parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 | The student is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. |  |  |  |  |  |
| **Maryland**  **SB 426,** [**2005 Leg., Reg. Sess. (Md. 2005)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_OpDngg_0.pdf)  **[MD EDUC](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_OpDngg_0.pdf)**  **[§8-501](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_OpDngg_0.pdf) through** [**§8-506**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121029_184132_ChTr_0.pdf)  Approved:  05/10/2005  Effective:  07/01/2005 | Any child in child welfare agency care. | No provision. | No provision. | Placing agency shall (or others may) notify new school of enrollment. | **Expedited Record Transfers:**  -Requires new school to notify old school of transfer w/in 2 days and make written request for records.  -Requires old school to immediately inform the receiving school orally of the child’s last enrolled grade level and status under the Rehabilitation Act or IDEA.  -Requires old school to transfer education and medical records to new school within 3 days of receipt of written notice. | No provision. |  |
| **Maryland**  **[MD ADC](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_112824_wPS_0.pdf)**  **[§ 13A.05.09.02](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_112824_wPS_0.pdf)**  Effective:  05/28/2009 | [For purposes of McKinney-Vento Act eligibility], “child awaiting foster care placement” means: (a) A child placed out of the child’s home pursuant to a shelter care order or a voluntary placement agreement documented by the Department of Social Services; or (b) A child committed to the care and custody of the Department of Social Services who is placed into a temporary, short-term placement of not longer than 90 school days, such as in: (i) An emergency or shelter facility; (ii) A diagnostic center; (iii) A psychiatric respite facility; (iv) An emergency foster home; or (v) Another temporary, short-term placement. | See McKinney-Vento Act. | Transportation will be provided; school of origin and local school system will agree on method to share costs or split equally if they can’t determine another method. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **Maryland**  [**SB 605, 2012 Leg., Reg. Sess. (Md. 2012)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121106_163144_MBedm_0.pdf)  Effective  07/01/2012 | A child who is: (1) in the custody of the social services; (2) subject to the educational stability provisions of the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008; (3) not subject to the McKinney-Vento Act | Requires a county superintendent to allow a child to remain at a certain school regardless of the domicile requirements for attendance at that school |  |  |  |  |  |
| **Maryland**  [**SSA Policy Directive #12-26**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121011_144100_sWKOts_0.pdf) | A child awaiting foster care placement or is in foster care | Pursuant to COMAR 13A.05.09.04A, the local school system is required to continue the child’s enrollment at the school of origin for the remainder of the academic year | Local school system provides and pays for transportation if the local school system has determined that it is in the best interests of the child to remain at the school of origin; See McKinney-Vento Act |  |  |  |  |
| **Massachusetts**  [**Department of Education Advisory 2004-9**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_114923_mWbciS_0.pdf)  Issued:  04/05/2004  [**Department of Education Advisory 2007-9A**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_114517_AyVlfw_0.pdf)  Issued:  06/11/2007 | [For purposes of McKinney-Vento Act eligibility], “awaiting foster care placement” means those students in temporary, transitional, or emergency living placements, including shelters, hotline homes, bridge homes, diagnostic placements, foster homes used as short term placements, Stabilization, Assessment and Rapid  Reintegration/Reunification (STARR)  Programs. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |
| **Massachusetts**  [**Mass. Code tit. 603 Sec. 28.10**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_122306_pbKCsg_0.pdf)  Amended:  02/27/2007 | See McKinney-Vento | To the extent feasible, homeless students should remain in their school of origin unless doing so is contrary to the wishes of such student’s parent, legal guardian, or the state agency with custody of the student. | See McKinney-Vento | See McKinney-Vento | See McKinney-Vento | See McKinney-Vento |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Michigan**  [**HB 5298, 2010 Leg., Reg. Sess. (Mich. 2010) & HB 2298, 2010 Leg., Reg. Sess. (Mich. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_clLtxd_0.pdf)  [**Mich. Rev. Sch. Code 380.1148**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_123829_xaQSw_0.pdf)  Approved:  09/10/2009  Effective:  07/01/2010 | “Child whose parents or legal guardians are unable to provide a home for the child and who is placed in a licensed home or in a home of relatives in the school district for the purpose of securing a suitable home for the child and not for an educational purpose.” | A school district shall allow the child to enroll in and attend the appropriate grade in the school in which the child is placed by child welfare agency without regard to whether the child is residing in that school district. | No provision | No provision | **Expedited Record Transfers:**  Yes, if the placement results in a child transferring to another school, the child’s schools records shall be transferred as provided under section 1135. | No provision |  |
| **Michigan**  [**HB 5299, 2009 Leg., Reg. Sess. (Mich. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_BAm_0.pdf)  Approved:  09/10/2009  Effective:  07/01/2010 | Foster care youth. | Yes. | No provision | -In response to a caseworker’s request, a school must enroll a foster child and a school district must count the child as a pupil without regard to whether the foster child resides in that school district.  -The school district in which the foster child is educated would not be required to obtain the consent of the child’s district of residence before counting the child as a pupil. | No provision | No provision |  |
| **Missouri**  [**Mo. Rev. Stat. § 211.032**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140905_sFO_0.pdf)  Approved:  06/29/2004  Effective:  07/01/2004 | Any child placed by the children’s division where the placement results in the child attending a new school. | Yes, upon request of the foster family, the guardian ad litem, or the volunteer advocate. Whenever possible, the child is permitted to remain in original school pending resolution of educational placement disputes. | No provision. | No provision. | No provision. | No provision. |  |
| **Missouri**  [**Mo. Rev Stat. § 167.018 through § 167.020**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_124805_iGxbz_0.pdf)  effective:  08/28/2009 | Children in foster care. | Creates a foster care education bill of rights which includes right to remain in original school pending resolution of educational placement disputes | No provision. | No provision. | **Expedited Record Transfers:**  -Liaison requests records within two business days and submits youth’s records to school within three business days of receiving the request.  -School districts permit access to pupil’s records to child-placement agencies within the limits of federal law. | Requires each school district to designate a staff person to act as educational liaison for foster care children. This liaison will assist with school transfers, record requests, and record submissions. | The school district shall accept for credit full or partial course work satisfactorily completed by a foster care student while attending a public school, non-public school, or non-sectarian school in accordance with district policy or procedure.  A foster care student’s school district of residence shall issue a diploma to a foster care student under the jurisdiction of the juvenile court providing the student completes the district’s graduation requirements.  A school district shall ensure that if a foster care student is absent from school because of a change in placement made by a court or child placing agency, or because of a verified court-appearance or court-ordered activity, the grades and credits of the foster care student shall be calculated as of the date the student left school, and the student’s grades shall not be lowered as a consequence of the absence.  Entitled to full six-hour school day unless school district determines fewer hours are needed. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Montana**  [**HB 83, 58th Leg., Reg. Sess. (Mont. 2005)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_cNyV_0.pdf)  Effective:  07/01/2005 | Child under the protective care of a state agency or has been adjudicated to be a youth in need of intervention or a delinquent youth. | Out of district attendance agreement allows a child to enroll in a Montana school district that is outside of the child’s district of residence or in a public school district of a state or province that is adjacent to the county of the child’s residence. | No provision. | No provision. | No provision. | No provision. | Requires the superintendent of public instruction to pay tuition for children who attend school outside of the district of residence because of placement in foster care or a group home. |
| **Montana**  [**M.C.A. 20-5-101**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_125839_pgnK_0.pdf)  Enacted:  1971  Amended:  2007 | See McKinney-Vento Act. | Homeless child will be assigned to a school district regardless of residence and will not be required to pay any form of tuition. | See McKinney-Vento Act | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **Nebraska**  [**Neb. Rev. Stat. § 43-1312**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140905_JxlNpa_0.pdf)  Effective:  07/18/2008 | Children in foster care. |  | No provision. | No provision. | No provision. | No provision. | The permanency plan shall include the name of the school, which the child shall attend. |
| **Nebraska**  [**Neb. Rev. Stat. § 79-215**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140905_nRr_0.pdf)  Effective:  07/18/2008 | Students- ward of the state or any court | -A ward residing in a foster home is deemed a resident of the school district in which he or she resided at the time of becoming a foster child.  -If it is determined under section 43-1311 or 43-1312 that he or she will not attend the school district in which he or she resided prior to becoming a foster child, he or she shall be deemed a resident of the district in which the foster home is located. | No provision | No provision | No provision | No provision |  |
| **Nebraska**  [**Neb. Rev. Stat. §43-1311**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140905_pAEy_0.pdf)  Effective:  07/18/2008 | Child removed from home. | Except as otherwise provided by the Nebraska Indian Child Welfare Act, the person or court in charge of the child shall require that the child attend the same school as prior to placement unless determined that attending such school would not be in child’s best interests. | No provision. | No provision. | No provision. | No provision. |  |
| **Nevada**  [**Nev. Rev. Stat. 392B.110**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140905_lxQ_0.pdf)  [**Nev. Rev. Stat. 392B.120**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_zMB_0.pdf)  Enacted:  05/31/2007  Effective:  07/01/2008 | Any child placed in a foster home is eligible to apply to the Program of School Choice for Children in Foster Care. Once in the Program, if in good standing at the school, youth remain eligible to remain until age 21 or graduation from high school, whichever comes first. | Upon submission of an application by legal guardian of a child to the Program of School Choice for Children in Foster Care, the Department of Education will accept or deny the application based on the best interests of the child and “every effort” must be made to enroll the child in the school requested. If more spaces in schools are requested than available, the Department of Education will use a lottery. | No school district is required to provide transportation to a school out of the zone. | No provision. | No provision. | No provision. |  |
| **Nevada**  [**Nev. Admin. Code 388.049**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_130910_HrIt_0.pdf)  Effective:  02/23/2006 | “Homeless youth” has the meaning ascribed to it in the McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **Nevada**  [**SB 31, 77**th**, Leg. Reg. Sess. (Nev. 2013)**](http://fostercareandeducation.com/portals/0/dmx/2013/06/file_20130620_170708_JGOJ_0.pdf)  Effective:  07/01/2013 | A child who is in the legal and physical custody of an agency which provides child welfare services shall be deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | This bill requires judges of the juvenile court , masters of the juvenile court, directors of juvenile services, superintendents of school districts, the Superintendent of Public Instruction, the directors of agencies which provide child welfare services, qualified professionals, physicians, guardians ad litem and persons who provide substance abuse treatment to share certain information concering a child who is within the purview of the juvenile court unless sharing such information would violate certain federal laws governing the privacy of health and educational finromation. |
| **New Hampshire**  **[N.H. Rev. Stat. Ann.](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_szAg_0.pdf)**  **[§ 193:28](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_szAg_0.pdf)**  Approved: 07/17/2001  Effective: 09/15/2001 | Any child placed and cared for in home for children or placed by the Department of Health and Human Services in the home of a relative or friend pursuant to a lawful authority. | Child shall be entitled to attend the public schools of the school district that the child attended prior to placement if it is in the best interests of the child. | A child can only remain in the school he or she attended prior to placement if suitable transportation can be arranged without imposing additional costs on the school system or DHHS. | No provision. | No provision. | No provision. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **New Hampshire**  [**HB 205, 2007 Leg., Reg. Sess. (N.H. 2007)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121106_164601_YBk_0.pdf)  **N.H. Rev. Stat. § 192:12;** [**§193:27**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_yZxSb_0.pdf) **,** [**§193:28**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_szAg_0.pdf)**,** [**§193:29,**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_131655_lvv_0.pdf)[**§193:30**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_131923_Nye_0.pdf)  Approved: 07/13/2007  Effective:  09/11/2007 | Any school-aged child placed in any home for children, or placed by HHS in the home of a relative or friend of the child, including foster children; includes children awaiting foster care placement. | If in the best interests of the child as determined by the court and if the placement home is reasonably close to the school of origin and if transportation can be arranged without excessive cost to the school system or HHS. | Excessive cost eliminates right to remain. | No provision. | No provision. | No provision. | Prior to any placement which will require educational services outside of the child’s home school district, the court shall notify the school district and give the school district an opportunity to send a representative to the hearing in which such placement is contemplated. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **New Jersey**  [**Assem. 2137, 214th Leg., Reg. Sess. (N.J. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_NzQqQO_0.pdf)  Approved:  09/09/2010 | A child placed in a resource family home prior to the effective date of Bill. | When the Division of Youth and Family Services places a child in a resource home, there shall be a presumption that the child shall remain in that school, pending a best interests determination of whether the presumption is outweighed by the best interest factors supporting placement in the school district in which the resource family home is located.  A best interest determination shall include, but not be limited to: safety considerations;  proximity of the resource family home to the child’s present school; age and grade level of the child as it relates to other best interest factors; the needs of the child, including social adjustment and well-being; the child’s preference; the child’s performance, continuity of education, and engagement in the school the child presently attends; the child’s special education programming if the child is classified; the point of time in the school year; the child’s permanency goal and likelihood of reunification; the anticipated duration of the current placement; and such other factors are provided by regulation of the Commissioner of Children and Families. | District of residence will be responsible for transportation costs to district in which child is placed. | Enrollment in new school within three days. | No provision. | No provision. | The child shall be deemed a resident of such municipality and county for all purposes except school funding, and he shall be entitled to the use and benefit of all health, recreational, vocational and other facilities of such municipality and county in the same  manner and extent as any other child living in such municipality and county.  The Department of Education shall pay tuition to the school district in which the child is enrolled. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **North Carolina**  [**H.B. 1074, 2006 Leg., Reg. Sess. (N.C. 2006)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_cZk_0.pdf)  Approved:  06/29/2006  Effective:  07/01/2006 | A student who is not domiciled in a district but living there as a result of abuse, neglect, abandonment, or the death or incarceration of a parent. A student shall be deemed to be abused or neglected if there has been an adjudication of that issue | A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit. | No provision. | No provision. | No provision. | No provision. | The adult with whom the student is residing has been  22 given and accepts responsibility For educational decisions for  the child, including receiving notices of discipline under  24 G.S. 115C-391, attending conferences with school personnel,  granting permission for school-related activities, and taking appropriate action in connection with student records. The adult under this subsection shall have the same legal authority,  responsibility, and liability regarding the student as a parent or legal custodian would have. |
| **North Dakota**  [**ND St. § 15.1-19-08 (HB 1034, 56th Leg. Assem., Reg. Sess. (N.D. 1999)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_140801_zHTcK_0.pdf)  Approved:  04/14/1999 | See McKinney-Vento Act. | Placement of child according to the child’s best interest; a school district shall allow a nonresident child to attend school. |  |  |  |  | Superintendent of public instruction required to adopt rules implementing this section. |
| **Ohio**  **[Ohio Rev. Code Ann. § 3313.64 (F)(3)](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_Kcq_0.pdf)**  Effective:  07/17/2009 | All children in the custody of the child welfare agency who are relocated outside of their school district, but within the same county, are entitled to attend the school which they were entitled to attend at the end of the first full week of October of the school year. | May attend for the balance of the school year if the Board of Education in that school district has adopted this policy and the child’s parent provides written notification to both school superintendents. If a child becomes homeless, school districts must comply with the McKinney-Vento Act, and child can enroll in the child’s school or origin or the school in the same district closest to where the child lives. | Child is entitled to transportation services pursuant to an agreement between the districts; if there is no agreement; child gets transportation services based on inter-district open enrollment. | The enrollment in a school district under this provision shall not be denied due to a delay in the school district’s receipt of any records required for enrollment. | No provision. | No provision. | -Child is not entitled to attend the following school year.  -Any days of attendance and credits earned by a child while residing in a school district shall be accepted by any school where the student enrolls.  -“All school districts shall comply with the McKinney Vento Homeless Assistance Act” |
| **Ohio**  [**HB 14, 2013, 130th Leg., Gen. Assem. (Oh 2013)**](http://fostercareandeducation.com/portals/0/dmx/2013/07/file_20130718_163229_HtBer_0.pdf) | A child that is an abused, neglected, or dependent child under section 2151.27 of the Revised Code. |  |  |  | **Expedited Record Transfers:**  The judge of the court in which the complaint, under section 2151.27, is filed may order the board of education of the school district in which the child was enrolled immediately prior to the filing of the complaint to release the child’s grades, credits, official transcripts, IEPs, and 504 plans to any district or school in which the child enrolls after the complaint is filed. |  | Each board of education annually shall report to the department of education the number of pupils for whom the board sends transcripts under division (D) of this section and the total amount of unpaid fees los due to compliance with that division. |
| **Oklahoma**  [**2009 Okla. Sess. Laws Serv. Ch. 338 (H.B. 1734, 2009 Leg., Reg. Sess. (Okla. 2009))**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_144059_DuL_0.pdf)  Effective:  07/01/2009 |  |  |  |  |  |  | Creates a Passport Program in DHS to compile education, medical and behavioral health records for children in protective custody, kinship care, and foster care.. |
| **Oklahoma**  [**Okla. Stat. Ann. tit. 10A, § 1-4-704**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_144410_JgFk_0.pdf)  Effective:  05/21/2009 | Any child that has been adjudicated to be a deprived child. | Agency’s individualized service plan for child will ensure, where appropriate, that the child remains in the school in which the child was enrolled at the time of the placement. | No provision. | Agency and local educational agencies must provide immediate enrollment in a new school. | No provision. | No provision. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Oregon**  [**2005 Or. Laws Ch. 521 (H.B. 3075)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_154917_enMgd_0.pdf)  **Amends**  [**Or. Rev. Stat. § 339.133**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_155245_eoBI_0.pdf)  [**Or. Rev. Stat. § 326.575**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_155457_rrnY_0.pdf)  [**Or. Rev. Stat. § 419B.192**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_155711_ySg_0.pdf)  Approved:  07/15/2005  Effective:  07/01/2005 | Child placed by public or private agency in substitute care program. | Yes, if determined by juvenile court to be in the child’s best interest to do so. May continue in that school through the highest grade level in that school. | Child welfare agency (when funds have been designated for this purpose[[1]](#footnote-1)) responsible for providing the child with transportation to and from school when the need for transportation is due to the placement by the public agency. | No provision. | **Expedited Record Transfers:**  For student in substitute care programs, new school shall request records from old school within 5 days of student seeking initial enrollment; old school shall transfer records no later than 5 days after receipt of the request (for other students the requirement is 10 and 10). | No provision. |  |
| **Oregon**  [**HB 3681, 76th Leg. Assem., Reg. Sess. (Or. 2011)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121101_135837_cghERO_0.pdf)  Effective:  01/01/2012 | Nonemancipated children between the ages of 4 and 18 | “Resident pupil” means any pupil whose legal residence is not within the boundaries of the district reporting the pupil but who attends school in the district with the written consent of the affect school district boards. | A school district is not required to provide transportation outside the boundaries of the district to a person who is considered a resident of the district, except that a district (A) must allow persons who are considered a resident of the district as provided by this section to use existing bus routes and transportation services of the district; (B) may provide a stipend for a person who is a member of a low-income family; (C) must provide transportation if required by federal law |  |  |  |  |
| **Pennsylvania**  [**Pa. Stat. Code Ann. tit. 22 § 11.11**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_163424_uSrzbU_0.pdf)  Approved:  10/22/2004  Effective:  10/23/2004 | All children that move schools (not just children in foster care). | No provision. | No provision. | School shall normally enroll child the next business day, but no later than 5 business days of application. No obligation to enroll without proof of the child's age, residence, and immunizations.  . | **Expedited Record Transfers:**  New school must request education records from old school. Old school shall forward records within 10 business days of receiving request. | No provision. |  |
| **Pennsylvania**  **[Office of Children, Families, and Youth Bulletin](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_KdVaVc_0.pdf)**  **[3130-08-01](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_KdVaVc_0.pdf)**  Issue Date:  10/01/2008  Effective:  02/01/2009 | Each county child welfare agency. | No provision. | No provision. | No provision. | No provision. | Each agency administrator must identify a “central point of contact on education” that will be trained on education issues, responsible for providing technical assistance and guidance to staff, serving as a liaison with parents, caretakers, and the school around education issues, and ensuring education records are included in case file. |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Pennsylvania**  **[Department of Education](http://www.education.state.pa.us/portal/server.pt/community/basic_education_circulars/7497)**  **[Board of Education Circular](http://www.education.state.pa.us/portal/server.pt/community/basic_education_circulars/7497)**  **[PDE BEC](http://www.education.state.pa.us/portal/server.pt/community/basic_education_circulars/7497)**  RE-Issued:  10/24/2011 | [For purposes of McKinney-Vento Act eligibility], children and youth “awaiting foster care placement ” are those children who are placed in shelters, emergency foster care, transitional foster care or respite care. These placement settings are intended to be short term, and do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, contact should be made with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still "awaiting foster care placement." | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
| **Rhode Island**  [**S.J. Res. 2872, 2010 Leg., Reg. Sess. (R.I. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_165029_iOGxvm_0.pdf)  Issued:  05/12/2010 |  |  |  |  |  |  | Rhode Island created a Legislative Commission Task Force On Foster Care and Education composed of 21 members. The Task Force shall identify challenges to ensuring educational stability and success for children in DCYF, including but not limited to: issues of determining best interest for placement, transportation, transfer of records, and portability of student credits. The Task Force shall identify and recommend strategies to the General Assembly to address these issues. |
| **South Carolina**  [**S.C. Code Ann. § 59-63-31**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_165537_sBDp_0.pdf)  Amended:  08/27/2003 | A child between 5 and 25 years of age who is taken into custody by Department of Social Services  or prior to being moved from one placement to another by the department. | Child can continue attending particular school without charge if child was attending that school before being taken into agency custody or moved to a new placement; the new placement is outside the school district; and the Dept. of Social Services ‘has determined that it is in the child's best interests for the child to continue attending the school, and that transportation for the child to and from the school is reasonably available. |  |  |  |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **South Carolina**  [**Act of June 15, 2010, ch. 38 (S.B. 1134, 2010 Leg., Reg. Sess. (S.C. 2010))**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_165958_trk_0.pdf)  Signed:  06/07/2010  Effective:  06/15/2010 | Children in foster care. | School districts shall consider maintaining a child in the same school if it is in the child’s best interest. | No provision. | Department of Social Services shall immediately enroll the child in school. | **Expedited Record Transfers:**  Records must be transferred within two days of receiving a transfer request. | No provision. | -Educational and school placement decisions must be made to ensure each child is placed in the least restrictive educational program and has access to all academic resources, services, and enrichment activities available to all students.  -Certified court absences will be counted as excused absences. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Tennessee**  [**Dept. of Children’s Services Administrative policies and procedures 21:14**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_rBd_0.pdf)  Effective: 05/01/2003  Effective:  09/01/2008 | All children and youth in Dept. of Children’s Services custody. | The Dept. of Children’s Services shall monitor and limit changes in a student’s educational placement in order to avoid disruptions in the learning process. | It is the obligation of the local school system to provide transportation. Dept. must collaborate with the school system and contract providers where feasible. When there is a dispute with the school system, the resource parent is to provide transportation, but if that is not possible, the Dept. of Children’s Services must provide an alternative. | If the child/youth is in a temporary, emergency type of placement, it is the Dept.’s expectation that the child/youth remain in his former school if it is in the best interests of the child. | **Expedited Record Transfers:**  It is the responsibility of the family services worker to consult with a regional educational specialist when there is a delay in the transfer of school records from school to school. | The Dept. of Children’s Services Family Service Worker is instructed to utilize the public school system’s McKinney-Vento liaison. |  |
| **Tennessee**  [**HB 3454, 106th Leg., Reg. Sess. (Tenn. 2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121102_100732_mmpC_0.pdf)  Approved:  04/09/10  Effective:  07/01/2010 |  |  |  |  | **Expedited Record Transfers:**  In the event that a department of children’s services provider agency school ceases operations, or the department no longer contracts with the provider agency, the permanent educational records for students who have been in state custody shall be forwarded to the department by the contract agency or provider. Such records shall be maintained in accordance with department policies and procedures as to educational records, and may be released to appropriate individuals or entities in accordance with department policy. |  |  |
| **Texas**  [**Tex. Educ. Code Ann. §25.001**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_LfyeL_0.pdf) **&** [**25.007**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_170900_CAzG_0.pdf)  Approved:  05/30/1995  Effective:  05/30/1995 | Student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care in a new school district or attendance area. | Entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition. | No provision. | No provision. | **Expedited Record Transfers:**  Agency shall assist children in substitute care who need to transfer schools by ensuring record transfer within 14 days. | No provision. | Agency will develop a system to ease transition for child from school of origin to new school. |
| **Texas**  [**SB 6, 79th Leg., 1st Sess., Tex. 2005**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140906_VBwT_0.pdf)  Approved: 06/06/2005  Effective:  09/01/2005 | Students in foster or other residential care | No provision. | No provision. | No provision.. | No provision. | No provision | Calls for an education passport for each foster child. Passport contains the child’s academic records, child’s grade-level performance, and any other information the Commission deems important. Dept. of Family and Protective Services is responsible for maintaining passport while child is in care. |
| **Texas**  [**SB 2248, 81st Leg., Reg. Sess. (Tex. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_dbwCH_0.pdf)  Issued:  06/19/2009 | Student in substitute care. |  |  |  | **Expedited Record Transfers:**  Ensures records are transferred within 14 days. |  | Establishes education transition assistance to a student in substitute care. Develop procedure to awarding course credit for work done at previous school placement. |
| **Texas**  [**SB 939, 81st Leg., Reg. Sess. (Tex. 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_171920_BSj_0.pdf)  Issued:  06/19/2009 |  |  |  |  |  |  | Requires the Texas Education Agency and Department of Family and Protective Services to enter into a memorandum of understanding regarding the tracking of educational information about foster children because TEA currently codes and tracks homeless and at-risk children to ensure they achieve academic success. |
| **Texas**  [**HB 826, 82nd Leg., Reg. Sess. (Tex. 2011)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121011_140125_QOmlsk_0.pdf)  Effective:  09/01/2011 | Children in conservatorship of State |  |  | Provides that each school district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district. |  | Each school district shall appoint at least one employee to as a liaison officer |  |
| **Texas**  [**Tex. Educ. Code Ann. § 25.001**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_LfyeL_0.pdf)    Effective:  09/01/1999 | Children in foster care |  |  |  |  |  | Provides that the student is entitled to attend the public schools in the district in which the foster parents reside free of any charge to the foster parents or the agency. |
| **Texas**  [**Tex. Educ. Code Ann. § 25.001**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_LfyeL_0.pdf)    Effective:  09/01/1999 | Youth in foster care who are in grades 9, 10, 11, or 12 | A student shall be entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition. |  |  |  |  |  |
| **Texas**  **[HB 2619, 83rd Leg., Reg. Sess. (Tex. 2013)](http://www.fostercareandeducation.org/portals/0/dmx/2013/09/file_20130917_152625_rEQF_0.pdf)**  Effective:  09/01/2013 | Children in the conservatorship of the Department of Family and Protective Services. |  |  |  |  | A guardian ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services shall determine whether the child’s educational needs and goals have been identified and addressed. | If a child in the temporary or permanent conservatorship of the department is eligible to participate in a school district’s special education program, the court may, when necessary to ensure that the educational rights of the child are protected, appoint a surrogate parent |
| **Texas**  **[SB 832, 83rd Leg., Reg. Sess. (Tex. 2013)](http://www.fostercareandeducation.org/portals/0/dmx/2013/09/file_20130917_152812_vlY_0.pdf)**  Effective:  09/01/2013 | Students in the conservatorship of the state |  |  |  |  | Each school district and open-enrollment charter school shall appoint at least one employee to act as a liaison officer or facilitate the enrollment in or transfer to a public school or open-enrollment charter school of a child in the district or area served by the charter school who is in the conservatorship of the state |  |
| **Texas**  **[SB 833, 83rd Leg., Reg. Sess. (Tex. 2013)](http://www.fostercareandeducation.org/portals/0/dmx/2013/09/file_20130917_153013_trLygZ_0.pdf)**  Effective:  09/01/2013 | Public school students who are in foster care |  |  |  |  |  | The agency shall, in the manner established by commissioner rule, collect data through the Public Education Information Management System (PEIMS) as to the foster care status of students. |
| **Texas**  **[SB 1404, 83rd Leg., Reg. Sess. (Tex. 2013)](http://www.fostercareandeducation.org/portals/0/dmx/2013/09/file_20130917_153146_TiAXwJ_0.pdf)**  Effective:  09/01/2013 | Students who are in the conservatorship of the Department of Family and Protective Services |  |  | The agency shall assist the transition of substitute care students from one school to another by (b2) developing systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school | **Expedited Record Transfers:**  The agency shall assist the transition of substitute care students from one school to another by (b1) ensuring that school records for a student in substitute care are transferred to the student’s new school not later than the 14th day after the date the student begins enrollment at the school |  | The agency shall assist the transition of substitute care students from one school to another by (b3) developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student in substitute care while enrolled at another school  If the 11th or 12th grade student in the convservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student’s request, if the student meets the graduation requirements of the district from which the student transferred. |
| **Utah**  [**H.B. 63, 58th Leg., Reg. Sess. (Utah 2009)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_172454_yHzuHG_0.pdf)    Effective:  05/24/2009 | Students in care of Division of Child and Family Services. | A child shall be allowed to enroll in any charter or public school in any district, including a district where the child does not reside, if enrollment is necessary, as determined by the Department of Child and Family Services, to comply with the provisions of 42 U.S.C. § 675 or remain in a school district, even if it is not the one in which they reside, if the DCFS deems it necessary. | No provision. | No provision. | No provision. | No provision |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Vermont**  [**16 V.S.A. § 1075**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_172803_AYTNlM_0.pdf)  Adopted:  01/21/2009 | State placed students. | State placed student shall be educated by district where student is living “unless an alternative plan or facility for the education of the pupil is agreed upon by the commissioner of education.” | Department for Children and Families is responsible for state placed students’ transportation | No provision. | No provision. | No provision. |  |
| **Virginia**  **SB 1006, 2005 Leg., Reg. Sess. (VA 2005)**  [**§63.2-900(D)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_BJkg_0.pdf)  [**§§22.1-3.4**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_aeW_0.pdf)  [**§§ 22.1-289**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_kbI_0.pdf)  Approved:  03/21/2005  Effective:  07/01/2005 | Children placed in foster care. | Yes, if agreed to by both sending and receiving school and child welfare agency agrees that in child’s best interest. | [No provision on transportation]. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines. | Yes[[2]](#footnote-2), even if child welfare agency enrolling child cannot produce required documents.  Person enrolling must provide written statement, to best of knowledge, of child’s age, good school standing, and good health status.  Within 72 hours of placement, child welfare agency is required to notify principal of new school and the superintendent (or designee) of the relevant school division, and to inform the principal of the status of the parental rights. | **Expedited Record Transfers:**  -Sending and receiving school districts required to expedite transfer of education records when receive notice that a child in foster care has moved. A school system memorandum on implementation of this law construes this to mean immediate. | No provision. | Receiving school division shall be accorded foster children education payments. |
| **Virginia**  [**S.B. 1038, 2011 Leg., Reg. Sess. (Va. 2011)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_fxY_0.pdf)  [**Va. Code Ann. §63.2-900.3**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_173726_JoPBC_0.pdf)  **Va. Code Ann.** [**§§22.1-3.4**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_aeW_0.pdf)  **Va. Code Ann.** [**§§ 16.1-281**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_174554_bHAhnN_0.pdf)  Approved:  03/21/2005  Effective:  02/02/2011 | Children placed in foster care. | Yes, if there is a joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the child. | [No provision on transportation]. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines. | Yes[[3]](#footnote-3), even if child welfare agency enrolling child cannot produce required documents.  Person enrolling must provide written statement, to best of knowledge, of child’s age, good school standing, and good health status. | **Expedited Record Transfers:**  No new provision, BUT: The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines. | No provision. | Receiving school division shall be accorded foster children education payments. |
| **Virginia**  [**Dept of Ed and Dept of Social Services Joint Guidance on School Placement for Children in Foster Care**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_bqLxZ_0.pdf)  Effective:  12/2010 | See McKinney- Vento and Fostering Connection Act. (Children placed in foster care.) | Yes, if there is a joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the child. | The Local Department of Social Services (LDSS) shall arrange for transportation and payment of transportation expenses for the child to remain in the school. Funding for school transportation is available as a legitimate maintenance expense and shall be paid from Title IV-E for eligible children, consistent with federal and state law/policies; and State Pool Funds through the Comprehensive Services Act (CSA) for non-Title IV-E eligible children, consistent with state law and Community Policy and Management Team policies. | The child shall be immediately and appropriately enrolled with all educational records provided to the new school. The person enrolling the student provides a written statement, to the best of his or her knowledge: the student's age, required certifications, and that the student is in good health and is free from communicable or contagious disease (§ [22.1-3.4](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-3.4) of the Code of Virginia), as well as other information necessary for a smooth transition. | **Expedited Record Transfers:**  The sending and receiving schools shall expedite the transfer of the student’s record (§ [22.1-289](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-289) of the Code of Virginia). If the documents required by the school to enroll the child are not immediately available when the LDSS assumes custody or changes placement of the child, the LDSS shall obtain and produce, or otherwise ensure compliance with these requirements within thirty (30) days after enrollment of the child (§ [63.2-900.D](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-900) of the Code of Virginia). | No provision. | Extended guidance on what to do if there is a dispute re: child’s best interest in school placement. |
| **Washington**  [**S.B. 6709, 57th Leg., Reg. Sess. (Wash. 2002)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_hnlaZA_0.pdf)  [**Wash. Rev. Code Ann. § 28A.300.800**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_prKVV_0.pdf)    [**Wash. Rev. Code Ann. § 28A.630.005**](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_uXGTVZ_0.pdf)    Effective:  04/02/2002 | Children placed in foster care. | Whenever practical and in the best interest of the child, child shall remain enrolled in the school they were attending at the time they entered foster care. | In pilot program, school systems negotiate transportation and child welfare agency will not pay. | No provision. | No provision. | No provision. | Department of Social and Health Services and the Office of Superintendent of Public Instruction submit proposal to legislature by October 1, 2002 addressing educational stability for youth in foster care less than 75 days.  Establishes a pilot program in 2 school districts concluding in June 2003 to provide information to the work group: child shall stay unless not in the child’s best interests; school systems must negotiate transportation and child welfare agency will not pay.  Requires the department (of social and health services) to establish a work group to prepare a plan for the legislature by November 2002 addressing educational stability for children in foster care.  Requires the department (of social and health services) to establish an oversight committee composed of staff from the children’s administration of the department, the office of the superintendent of public instruction, and advocacy agencies to develop strategies and identify best practices. |
| **WASHINGTON**  [**SHB 1058, 58**th **Leg., Reg. Sess. (Wash. 2003)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_175414_jJdeDC_0.pdf)  [**Wash. Rev. Code Ann. § 74.13.550**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_175802_OAne_0.pdf)  **,Wash. Rev. Code Ann. §** [**74.13.560)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_180231_qfKusD_0.pdf)  Effective:  07/27/2003 | Children in foster care. | Requires that children/youth placed in foster care remain enrolled in their schools of origin whenever practical and in the best interest of the child/youth.  The legislation also requires DSHS/Children’s Administration and school districts to develop protocols which support educational stability for children and youth in foster care (RCW 74.13.550, 74.13.560) | The negotiated protocol must address transportation. | No provision | No provision | No provision | All negotiated protocols must address: service planning, transportation, information sharing, cross training, school-based foster parent recruitment. |
| **WASHINGTON**  [**SHB 2679, 60th Leg., Reg. Sess. (Wash. 2008)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_180604_kmtC_0.pdf)    **Wash. Rev. Code Ann. §** [**28A.150.510**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_181008_xPFJTu_0.pdf)  **Transmittal of education records to Department of Social and Health Services**  Effective:  06/12/2008 | Children in foster care | No provision. | No provision. | No provision. | **Expedited Record Transfers:**  -Education records must be transmitted within two school days of the request by DSHS/Children’s Administration. –School districts and DSHS/Children’s Administration regional offices are encouraged to develop systems to implement this new requirement for transmission of education records within two school days of request. | No provision. | The superintendent of public instruction shall provide an annual quantitative report to the legislature which summarizes progress in educational outcomes made in each school district. |
| **Washington**  **Children’s Administration**  **Practices and Procedures Guide**  **4032 A Educational Planning, Monitoring, and Documentation** | Youth in care. | Ensures children and youth remain enrolled in school of origin whenever practical and in best interest of child. | No Provision. | No provision. | No provision. | No provision. | No provision. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Washington**  [**Wash. Rev. Code Ann. § 13.34.136 (2010)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121030_181341_rOzS_0.pdf) |  | Unless it is not in the best interests of the child, whenever practical, the child should be allowed to remain enrolled in the school the child was attending at the time the child entered foster care. |  |  |  |  |  |
| **Washington**  [**HB 2592, 62nd Leg., Reg. Sess. (Wash. 2012)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121102_112906_zdLRqo_0.pdf)  Effective:  06/07/2012 | Youth currently enrolled in the “foster care to 21” program | Allows for youth to remain enrolled the “foster care to 21” program. |  |  |  |  |  |
| **Washington**  [**HB 2254, 62nd Leg., Reg. Sess. (Wash. 2012)**](http://www.fostercareandeducation.org/portals/0/dmx/2012/11/file_20121102_111229_IykfS_0.pdf)  Effective:  07/01/2012 | Youth in and alumni of foster care. |  | Navigators will negotiate transportation with the department of social and health services and the receiving school district. | Navigators will facilitate timely enrollment change. | **Expedited Record Transfers:**  Navigators will ensure timely transfer of school records and communication of any youth needs that might impact education to the school district or school building. | Office of the superintendent of public instruction must identify 6-10 school districts with the highest number of foster students and place staff persons, to be known as navigators, to focus on the educational outcomes of these students. |  |
| **West Virginia**  **[Executive Summary](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121031_180038_plKfa_0.pdf)**  **[West Virginia of Education Policy 4110](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121031_180038_plKfa_0.pdf)**  Signed:  05/22/2009 | [For purposes of McKinney-Vento Act eligibility], "awaiting foster care  placement" includes any child or youth  who: 1) is in the custody of the West Virginia Department of Health and Human  Resources, 2) has been placed in out-of-home care, and 3) is not in a permanent  placement. This includes, but is not limited to, children in family foster care,  kinship care, emergency shelter care, or in a residential group home. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. | See McKinney-Vento Act. |  |
|  |  |  |  |  |  |  |  |
| **West Virginia**  [**W. Va. CSR § 126-81-4**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121031_180606_vfOInA_0.pdf)  [**W. Va. CSR § 126-81-5**](http://www.fostercareandeducation.org/portals/0/dmx/2012/10/file_20121031_180735_pQPg_0.pdf)  Amended:  09/17/2010  Effective:  10/12/2010 |  |  |  |  |  | Each county board of education will have an attendance director whose responsibilities include serving as a liaison for homeless youth and ensuring all rights in McKinney-Vento Act are provided. |  |

1. DHS has earmarked $350,000 in SOC flex funds for each school year during the 2005-07 biennium for this purpose. [↑](#footnote-ref-1)
2. Will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents. [↑](#footnote-ref-2)
3. Will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents. [↑](#footnote-ref-3)