



# COLORADO

## Office of Children, Youth & Families

Division of Child Welfare

Office and Division: Office of Children, Youth and Families, Division of Child Welfare	Number: OM-CW-2018-0019
Program Area: Child Welfare	Issue Date: July 19 2018
Title: Implementation of HB 18-1306 on Educational Stability	Office Director: Minna Castillo Cohen
Memo Type: Operation	Division Director: Ann Rosales
Pertinent State/Federal Statute and/or State/Federal Rule: <ul style="list-style-type: none"><li>• CO HB 18-1306, codified at § 22-32-138, C.R.S. and § 19-3-208, C.R.S.</li><li>• 12 CCR 2509-1, 700.2, 12 CCR 2509-4, 7.301.24 and 7.301.241</li><li>• Fostering Connections Act, 42 U.S.C § 675(1)(g) and 675(4)(A)</li><li>• Every Student Succeeds Act, 20 U.S.C. § 6311(g) and 6312(c)(5)</li></ul>	Expiry Date: July 19, 2021
Outcome: Children and youth in out-of-home placement experience school stability, with educational decisions made in their best interest and transportation provided when necessary.	Effective Date: July 20, 2018
Key Words: School Stability, Transportation, Education, HB 18-1306	

### Intended Recipients:

This communication has been sent to all county department human or social service directors. Please forward pertinent information to administrators, caseworkers, supervisors, and others as necessary.

### Purpose:

The purpose of this operation memorandum from the Division of Child Welfare (DCW) is to provide guidance for implementation of HB 18-1306, which creates new funding and requirements for school stability for foster youth. This memorandum:

- Conveys keys changes resulting from HB 18-1306;
- Establishes an October 15, 2018 deadline to submit to DCW the county department's transportation agreements with local school districts;
- Provides instructions to access the \$2.7 million from HB 18-1306 for school transportation funding;
- Provides clarification on frequently asked questions about best interest determinations; and
- Re-issues updated Sample Interagency Agreement on School Stability and related forms.

### Background:

The Fostering Connections to Success and Increasing Adoptions Act of 2008, (Fostering Connections Act) and the Every Student Succeeds Act (ESSA, 2015) require child welfare agencies and education agencies to collaborate to ensure school stability and school attendance for all children and youth in foster care. When children or youth foster care placements, they remain in the school of origin with necessary transportation provided unless doing so is not in their best interest. If in their best interest to change schools, children or youth must be immediately enrolled in a new school, even without records.<sup>i</sup> ESSA further requires local collaboration to "develop and implement clear written procedures governing how transportation . . . will be provided, arranged, and funded."<sup>ii</sup>

The Code of Colorado Regulations (CCR) 12 CCR 2509-4, 7.301.24 and 7.301.241 provides the framework for best interest determinations.

### School Stability During Transitions:

"Student in Out-of-Home Placement" is defined<sup>iii</sup> to include children and youth who, at any time during an academic semester or term, are in placement out of the home as defined by § 19-1-103(85), C.R.S. By extending

the “out-of-home” status for educational purposes until the end of the semester or term when the child or youth exits out-of-home placement, transportation services must continue until a natural academic break. This provides stability during critical times of transition, such as returning home, adoption, or granting APR to a relative.

“School of Origin” is defined<sup>IV</sup> flexibly to ensure children and youth who might not otherwise have a school of origin can attend the school where they have meaningful connections. Designating a school as the “school of origin” allows the child or youth to attend there and receive transportation if necessary, even if they live outside the catchment area or transportation would not otherwise be provided.

- In most cases, the school of origin is the school in which a student was enrolled at the time of each placement into foster care. If the student’s foster care placement changes, the school of origin is the school in which the student is enrolled at the time of the change in placement. School of origin includes “the designated receiving school at the next grade level for feeder school or zone patterns when the student completes the final grade level served by the school of origin.” This allows students to continue with their peers as they move from elementary to middle school or middle to high school.
- If the student is “stepping down” from a facility school, including schools in a residential child care facility or secure detention facility, and the student will no longer attend the facility school, there is flexibility to look back to schools the student recently attended. The school of origin is either:
  - the last school the student attended within the previous two years for at least one complete semester or term prior to entering the facility school; or
  - another school where the student had a meaningful connection within the previous two years.
- When there is more than one potential school of origin, the student’s input must be given strong consideration when determining is the school of origin. Caseworkers or other county department staff should consult with the child or youth in a developmentally-appropriate manner.

#### Best Interest Determinations - When Required:

According to 12 CCR 2509-4, 7.301.241(D), “The county shall make a best interest determination prior to any school move resulting from a change in placements unless remaining in the school of origin poses a specific, documented threat to the child/youth’s safety.” The presumption under the Fostering Connections Act and the Every Student Succeeds Act, as well as HB 18-1306, is that children and youth in foster care will remain in their schools of origin. Because of this presumption, there is no decision-making process required until there is a consideration that a child or youth may need to change schools due to a foster care placement change.

#### Transportation Plans and Agreements with School Districts:

HB 18-1306 requires county departments and school districts to “coordinate...to establish systems-level plans for how necessary transportation to the school of origin is provided, arranged, and funded for the duration of a child’s or youth’s time as a student in out-of-home placement, including the equitable allocation of costs.” Consistent with the Every Student Succeeds Act, transportation plans must address how to fund the “additional costs” of transportation above what the school district would otherwise pay if the child or youth was not in foster care, such as transportation already required under the Individuals with Disabilities Education Act.

Many counties will need written plans with multiple school districts. Counties should consider local geography and student mobility patterns to determine the agencies they will interact with regularly. Although the sample agreement reflects a simple two-party agreement between a county department and a school district, counties and school districts may enter into multi-agency agreements, multiple two-party agreements, or a combination.

The attached documents provide a framework for these collaborations, including a Sample Intergovernmental Agreement on School Stability. DCW strongly encourages counties to use the sample, in consultation with legal counsel. The fill-in-able forms are in Microsoft Word format here: [www.colorado.gov/pacific/cdhs/forms-20](http://www.colorado.gov/pacific/cdhs/forms-20). To modify the form fields, add the “Developer” toolbar tab, and select “Design Mode.”

**Counties must submit their completed agreement(s) by October 15, 2018.** Agreements can be sent to Kristin.melton@state.co.us.

At a minimum, agreements must include:

- Points of contact for each agency, including an administrator/director-level contact as well as a contact for day-to-day, case-specific issues (these may be the same person where appropriate).
- Expectations for communication and collaboration in the best interest determination process.

- Timeframes and how the county department will provide the school district key information, including but not limited to when a student in the school district enters or changes out-of-home placement, when a best interest determination is being conducted, and when transportation services are needed.
- Timeframes and how the school district will provide the county department key information, including but not limited to input on best interest determinations.
- How transportation will/may be provided, including but not limited to the rate for mileage reimbursement for caregivers and the business names of any agreed upon private providers.
- How transportation will be provided, arranged, and funded, including how the county department and school district will equitably share the costs of transportation during all relevant phases, including:
  - the period immediately following a placement out-of-home, including before any best interest determination has been made;
  - the duration of the out-of-home placement; and
  - the period between when children/youth exit out-of-home placement and the end of the academic semester or term.
- Dispute resolution procedures as well as provisions to ensure transportation is provided and funded pending resolution of any disputes.

Equitable Cost Sharing After HB 18-1306:

Under HB 18-1306, approximately \$2.7 million is allocated to the child welfare block as a “letter note” for school transportation. This amount, like the rest of the child welfare block, is subject to an 80/20 state/county department split: about \$2.2 million are state funds and \$550k in county department funds. All of the foster care school transportation funds were directed to county departments through DCW, as CDE does not have a comparable method for reimbursing school districts for expenses. As a result, an equitable cost-sharing plan between a county department and a school district will take into account that 80% of the county departments’ costs will be reimbursed.

The following illustrates one method for equitable cost sharing under two circumstances, one when the school district has prior costs and one without.

**When school district does not have prior cost: total cost x 0.2 x 0.5 = amount split by county department and school district**

*Example:* Student changes foster care placements and needs transportation to the school of origin. The student did not previously have any special transportation, and there are no pre-existing bus routes, so the student will need a new transportation option. The transportation is \$25/day.

Because the school district had no prior transportation expense relevant to this student, the entire \$25 is subject to the school district and county department’s transportation plan. Under this plan, the county department pays for the transportation out of the child welfare block, coding the expense as school transportation. This expense is reimbursed to the county department at the usual 80/20 state/county department split, resulting in a cost of \$5/day to the county department, with the remaining \$20/day reimbursed by CDHS. The amount to split between the county department and school district is \$5. The county department and school district have agreed to split costs 50/50, so each pays \$2.50/day.

CDHS: \$20/day  
County department: \$2.50/day  
School district: \$2.50/day

**When school district has prior cost: (total cost - school district’s prior obligation) x 0.2 = amount split by county department and school district**

*Example:* Student receives special education and has transportation as part of her Individualized Education Program (IEP). Prior the change in foster care placements, the school district was paying \$15/day for the student’s transportation. After the change in foster care placements, transportation to the school of origin is \$25/day.

The “additional cost” under ESSA is \$10/day, so this is the amount subject to the school district and county department’s transportation plan. Under this plan, the county department pays for the transportation out of the child welfare block, coding the expense as school transportation. This expense is reimbursed to the county department at the usual 80/20 state/county department split,

resulting in a cost of \$2/day to the county department, with the remaining \$8/day reimbursed by CDHS. The amount to split between the county department and school district is \$2. The county department and school district have agreed to split costs 50/50, so each pays \$1/day.

CDHS: \$8/day  
County department: \$1/day  
School district: \$16/day (\$15 prior cost + \$1 cost share)

Transportation Between Exiting Out-of-Home Placement and End of Academic Semester or Term:

When a child/youth exits out-of-home placement, he or she retains school stability protections, including transportation to the school of origin, for the duration of the academic semester or term. This continuity aims to support permanency, prevent re-entry, and support educational outcomes.

Cost-sharing for transportation during this period must be addressed in the written plans between counties and school districts. Although the open child welfare case may have ended, the obligation to ensure school stability during this transition period is equally the responsibility of both the county department and school district.<sup>v</sup> Because the child welfare case is now closed, it is completely voluntary for the family to accept these services.

Counties and school districts may draft their plans to meet local needs, which may include counties and school districts taking sole financial responsibility in different circumstances. For example, in current local agreements, some counties and school districts have opted to absorb their own costs when an agency employee provides transportation; some have allocated costs for the first two weeks of a placement to the county department; etc.

If, in accordance with the county department and school district plan, the county department will have financial obligations during the period between a child/youth exiting out-of-home placement and the end of the academic semester or term, allowable funding sources include: the child welfare block (including the HB 18-1306 school transportation fund), parental fees collected pursuant to § 26-6-104, C.R.S, county department-only funds, and/or Temporary Assistance for Needy Families (TANF) for qualifying families.

**HB 18-1306 School Transportation Fund Availability and Billing in CFMS:**

Starting July 1, 2018, counties must submit school transportation expenditures in CFMS under coding W507.1505. This coding is for the \$2.2 million from HB 18-1306 and is exclusively for transportation to or from the school of origin, including related before school or after school activities.

County allocations are based on the number of children and youth in out-of-home placement. The allocation schedule is enclosed.

Counties have flexibility to determine the appropriate mode and provider of transportation on a case-by-case basis, consistent with county policies and local agreements with the school district. Examples of the variety of transportation options include mileage reimbursement, salary or wages, school district transportation, fees for service through third parties, contracts with third parties, etc.

If a county department exhausts its HB 18-1306 allocation, the county department must continue submitting expenditures under coding W507.1505 in order for expenses to be eligible during closeout for surplus distribution from the HB 18-1306 holdout. Balance of state will be closed out against itself first with any remaining surplus to roll into the ten large counties. If there are insufficient funds for surplus distribution through the HB 18-1306 holdout, the expenses will be shifted to the county department's general child welfare block during close-out. Additionally, continuing to use the same coding is essential for future budgeting and allocating.

DCW plans to monitor spending on school transportation to promote the most equitable access to the funding as possible, for this year and future years. For this reason, it is important that expenditures are entered into CFMS as quickly as possible. All expenditures for school transportation that occur prior to December 30, 2018 must be entered into CFMS no later than January 30, 2019.

**Documentation in Trails:**

12 CCR 2509-4, 7.301.24 requires documentation in the state automated case management system (Trails) regarding the county department's efforts to place the child or youth in proximity to his or her parents and school of origin. This information should be entered in Parts 4B and 4C of the Family Services Plan. This section should also include, "A summary of efforts to ensure educational stability as outlined in Section 7.301.241." <sup>vi</sup> This should

state the outcome of any best interest determinations and how school stability was provided for the child or youth. It does not need to replicate the level of detail already contained in other places, such as Record of Contact notes or the Family Engagement Meeting framework.

12 CCR 2509-4, 7.301.241 also requires documentation in Trails "to address all requirements of this section." Counties may enter the information anywhere but should be able to identify where the information can be found.

**Monitoring by the Administrative Review Division (ARD):**

ARD will soon issue a memo with the questions for reviewing to educational stability practices.

**Action:**

- Counties will conduct a best interest determination process, including all required participants, prior to a child or youth changing schools as a result of a change in foster care placements. The presumption is that the child or youth will remain in their school of origin with transportation provided.
- Counties will document their efforts under these rules in Trails as described above.
- Counties will collaborate with local educational agencies to develop intergovernmental agreements detailing how school transportation will be provided, arranged, and funded. These agreements will include expectations all areas outlined above. **These agreements must be submitted to [Kristin.Melton@state.co.us](mailto:Kristin.Melton@state.co.us) by October 15, 2018.**
- Counties will submit all school transportation expenditures in CFMS under the coding W507.1505.
- Counties will submit all expenditures for school transportation that occur prior to December 30, 2018 into CFMS no later than January 30, 2019.

Supersedes: OM-CW-2017-0004

Contact: Kristin Melton, Youth Services Manager: [kristin.melton@state.co.us](mailto:kristin.melton@state.co.us) or Trevor Williams, Youth Services Administrator: [trevor.williams@state.co.us](mailto:trevor.williams@state.co.us)

We look forward to our work together to continue to improve the safety and well-being of Colorado's children and families.

Website: <https://sites.google.com/a/state.co.us/cdhs-memo-series/home>

**Attachments:**

HB 18-1306 County Allocation Schedule

Sample Intergovernmental Agreement on School Stability

Best Interest Determination Worksheet

Notice to School District of Origin of Student in Out-of-Home Placement

Notice to Receiving School District of Student in Out-of-Home Placement

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<sup>i</sup> 42 U.S.C. § 675(1)(G); 20 U.S.C. § 6311(g)(1)(E) and § 6312(c)(5)(B).

<sup>ii</sup> 20 U.S.C. § 6312(c)(5)(B).

<sup>iii</sup> HB 18-1306 codified at § 22-32-138(1)(h) (2018, eff. August 8, 2018).

<sup>iv</sup> *Id.* at § 138(1)(g).

<sup>v</sup> § 19-3-208 (1.5)(b), C.R.S. (incorporating the § 22-32-138, C.R.S. definition of "student in out-of-home placement" which extends protections through the end of the academic semester or term).

<sup>vi</sup> Section 7.301.24(F) (emphasis added).

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments*

*Adopted in the Second House*

LLS NO. 18-0944.01 Brita Darling x2241

HOUSE BILL 18-1306

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**House Committees**  
Public Health Care & Human Services  
Appropriations

**Senate Committees**  
State, Veterans, & Military Affairs  
Appropriations

SENATE  
3rd Reading Unamended  
May 4, 2018

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A BILL FOR AN ACT

101   **CONCERNING ENSURING EDUCATIONAL STABILITY FOR STUDENTS IN**  
102   **OUT-OF-HOME PLACEMENT, AND, IN CONNECTION THEREWITH,**  
103   **MAKING AN APPROPRIATION.**

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SENATE  
Amended 2nd Reading  
May 3, 2018

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

HOUSE  
3rd Reading Unamended  
April 30, 2018

The bill aligns state law with federal "Every Student Succeeds Act" (ESSA) provisions relating to students in foster care, referred to in state statutes as "students in out-of-home placement". ESSA permits students in out-of-home placement at any time during the school year to remain in their school of origin, as defined in the bill, rather than move

HOUSE  
Amended 2nd Reading  
April 27, 2018

**Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.**  
**Capital letters or bold & italic numbers indicate new material to be added to existing statute.**  
**Dashes through the words indicate deletions from existing statute.**

to a different school upon placement outside of the home or changes in placement, unless the county department of human or social services (county department) or juvenile court determines that it is not in the child's best interest to remain in his or her school of origin. Specifically, the bill:

- ! Defines "education provider" to include public schools, school districts, and boards of cooperative services;
- ! Clarifies the role of an education provider's child welfare education liaison with respect to the best interest determination, the transfer of records, transition planning, and immediate enrollment of the child or youth;
- ! Establishes a permanent foster care education coordinator at the department of education and creates a state advisory group on foster care education;
- ! Requires education providers to immediately enroll students in out-of-home placement in school even without academic and immunization records and includes provisions for requesting and receiving records from a sending school;
- ! Requires education providers and county departments to enter into agreements relating to how transportation and other necessary services for students in out-of-home placement will be provided, arranged, and funded; and
- ! Removes barriers to obtaining a high school diploma by allowing education providers to waive course requirements or provide competency-based measures to satisfy graduation requirements.

The bill creates the educational stability grant program (grant program) in the department of education to provide grants to education providers to provide educational services and supports to highly mobile students. The state board of education shall adopt rules for the grant program and award the grants. The department of education shall report on the implementation and outcomes of the grant program.

The bill requires county departments to develop a process for determining the best interests of a child or youth in remaining in the school of origin. Counties are required to provide services, including transportation, for students remaining in the school of origin and services for those students transferring to another school, and to enter into agreements with education providers regarding the provision of these services and funding for the services.

The bill updates the definition of "homeless child" to include children and youth and amends education statutes relating to school attendance and services for homeless children and youth.

1       *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4           (a) For the class of 2017, only twenty-three percent of students  
5 who had been in foster care at any time during high school graduated on  
6 time;

7           (b) Half of Colorado students in foster care change schools at least  
8 once, and often several times, each year;

9           (c) Multiple school transitions create gaps in a student's  
10 knowledge and create barriers to educational attainment;

11           (d) Improving educational stability is likely to increase the  
12 four-year graduation rate;

13           (e) A University of Northern Colorado study found that when a  
14 student has three or more moves during high school, the odds of the  
15 student exiting without a credential are greater than the odds of  
16 graduating;

17           (f) In 2008, Colorado was among the first eleven states to enter  
18 into the Interstate Compact on Educational Opportunity for Military  
19 Children, which removes barriers to high school graduation for youth in  
20 military families;

21           (g) Foster youth often experience even more school changes than  
22 military youth and would benefit from similar protections; and

23           (h) It is imperative to remove barriers to the educational success  
24 of students in foster care due to frequent moves and lack of continuity in  
25 education.

26           (2) Therefore, the general assembly declares that implementing a  
27 policy that ensures flexibility and cooperation between the education

1 system, child welfare system, and families and students is necessary to  
2 ensure that students in foster care and other highly mobile student  
3 populations achieve educational success.

4 **SECTION 2.** In Colorado Revised Statutes, 22-32-138, amend  
5 (2), (3)(a), (3)(b), (3)(d), (4)(a) introductory portion, (4)(a)(I), (4)(c), (5),  
6 and (7); **repeal and reenact, with amendments, (1); and add (1.5), (8),**  
7 **and (9)** as follows:

8 **22-32-138. Out-of-home placement students - school stability,  
9 transfer, and enrollment procedures - absences - exemptions -  
10 provision of academic supports - definitions. (1) AS USED IN THIS  
11 SECTION AND IN SECTION 22-32-138.5, UNLESS THE CONTEXT OTHERWISE  
12 REQUIRES:**

13 (a) "CHILD PLACEMENT AGENCY" HAS THE SAME MEANING AS  
14 PROVIDED IN SECTION 19-1-103 (21).

15 (b) "COUNTY DEPARTMENT" HAS THE SAME MEANING AS PROVIDED  
16 IN SECTION 19-1-103 (32).

17 (c) "DEPARTMENT OF EDUCATION" MEANS THE DEPARTMENT OF  
18 EDUCATION CREATED IN SECTION 24-1-115.

19 (d) "DEPARTMENT OF HUMAN SERVICES" OR "STATE DEPARTMENT  
20 OF HUMAN SERVICES" MEANS THE STATE DEPARTMENT OF HUMAN  
21 SERVICES CREATED AND EXISTING PURSUANT TO SECTION 24-1-120.

22 (e) "EDUCATION PROVIDER" MEANS A SCHOOL, SCHOOL DISTRICT,  
23 THE STATE CHARTER SCHOOL INSTITUTE, OR A BOARD OF COOPERATIVE  
24 SERVICES THAT OPERATES A SCHOOL.

25 (f) "SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT, A  
26 SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES PURSUANT TO  
27 ARTICLE 5 OF THIS TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED

1 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, A  
2 STATE-LICENSED DAY TREATMENT FACILITY, OR AN APPROVED FACILITY  
3 SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

4 (g) "SCHOOL OF ORIGIN" MEANS THE SCHOOL IN WHICH A STUDENT  
5 WAS ENROLLED AT THE TIME OF EACH PLACEMENT INTO FOSTER CARE. IF  
6 THE STUDENT'S FOSTER CARE PLACEMENT CHANGES, THE SCHOOL OF  
7 ORIGIN IS THE SCHOOL IN WHICH THE STUDENT IS ENROLLED AT THE TIME  
8 OF THE CHANGE IN PLACEMENT. IF THE STUDENT IS ENROLLED IN A  
9 FACILITY SCHOOL, INCLUDING RESIDENTIAL CHILD CARE FACILITIES AND  
10 SECURE DETENTION FACILITIES, AND THE STUDENT WILL NO LONGER BE  
11 ENROLLED IN THE FACILITY SCHOOL, THE SCHOOL OF ORIGIN IS THE LAST  
12 SCHOOL THE STUDENT ATTENDED WITHIN THE PREVIOUS TWO YEARS FOR  
13 AT LEAST ONE COMPLETE SEMESTER OR TERM PRIOR TO ENTERING THE  
14 FACILITY SCHOOL OR ANOTHER SCHOOL WHERE THE STUDENT HAD A  
15 MEANINGFUL CONNECTION WITHIN THE PREVIOUS TWO YEARS. "SCHOOL  
16 OF ORIGIN" INCLUDES THE DESIGNATED RECEIVING SCHOOL AT THE NEXT  
17 GRADE LEVEL FOR FEEDER SCHOOL OR ZONE PATTERNS WHEN THE  
18 STUDENT COMPLETES THE FINAL GRADE LEVEL SERVED BY THE SCHOOL OF  
19 ORIGIN. WHEN THERE IS MORE THAN ONE POTENTIAL SCHOOL OF ORIGIN,  
20 THE STUDENT'S INPUT MUST BE GIVEN STRONG CONSIDERATION IN  
21 DETERMINING WHICH SCHOOL TO DESIGNATE AS THE SCHOOL OF ORIGIN.

22 (h) "STUDENT IN OUT-OF-HOME PLACEMENT" MEANS A CHILD OR  
23 YOUTH WHO AT ANY TIME DURING AN ACADEMIC SEMESTER OR TERM IS IN  
24 FOSTER CARE AND RECEIVING EDUCATIONAL SERVICES THROUGH A  
25 STATE-LICENSED DAY TREATMENT FACILITY OR WHO AT ANY TIME DURING  
26 AN ACADEMIC SEMESTER OR TERM IS IN PLACEMENT OUT OF THE HOME, AS  
27 THAT TERM IS DEFINED IN SECTION 19-1-103 (85), INCLUDING BUT NOT

1 LIMITED TO ANY CHILD OR YOUTH WHO IS IN PLACEMENT OUTSIDE OF THE  
2 HOME AT ANY TIME DURING AN ACADEMIC SEMESTER OR TERM AS A  
3 RESULT OF AN ADJUDICATION PURSUANT TO ARTICLE 2 OF TITLE 19.  
4 "STUDENT IN OUT-OF-HOME PLACEMENT" INCLUDES A CHILD OR YOUTH  
5 WHO TRANSFERS ENROLLMENT AS A RESULT OF BEING RETURNED TO HIS  
6 OR HER HOME AT THE CONCLUSION OF OUT-OF-HOME PLACEMENT.

7 (1.5) **Department of education foster care education**  
8 **coordinator - creation and duties.** SUBJECT TO AVAILABLE  
9 APPROPRIATIONS, THE DEPARTMENT OF EDUCATION SHALL HIRE A  
10 FULL-TIME FOSTER CARE EDUCATION COORDINATOR WHO HAS THE  
11 FOLLOWING DUTIES BEGINNING IN THE 2019-20 FISCAL YEAR:

12 (a) PROVIDING TRAINING AND PROFESSIONAL DEVELOPMENT TO  
13 ADDRESS NEEDS ASSOCIATED WITH IMPLEMENTATION OF STATE AND  
14 FEDERAL MANDATES RELATING TO FOSTER CARE EDUCATION;

15 (b) COLLECTING AND DISSEMINATING CHILD WELFARE EDUCATION  
16 LIAISON CONTACT INFORMATION ON THE DEPARTMENT OF EDUCATION'S  
17 WEBSITE;

18 (c) COORDINATING WITH THE DEPARTMENT OF HUMAN SERVICES  
19 AND OTHER AGENCIES AS NECESSARY;

20 (d) PROVIDING TECHNICAL ASSISTANCE TO EDUCATION PROVIDERS  
21 FOR REMOVING BARRIERS TO GRADUATION PURSUANT TO SUBSECTION (5)  
22 OF THIS SECTION;

23 (e) SERVING AS A POINT OF CONTACT TO REVIEW COMPLIANCE OF  
24 EDUCATION PROVIDERS; AND

25 (f) ACTING AS A LIAISON IN COORDINATION WITH THE DEPARTMENT  
26 OF HUMAN SERVICES TO REVIEW COMPLAINTS RELATED TO DISPUTES OVER  
27 TRANSPORTATION AGREEMENTS BETWEEN SCHOOL DISTRICTS AND THE

1           **STATE CHARTER SCHOOL INSTITUTE AND COUNTY DEPARTMENTS.**

2           (2) (a) Each school district and the state charter school institute,  
3           created pursuant to section 22-30.5-503, shall designate an employee of  
4           the school district or the institute to act as the child welfare education  
5           liaison for ~~the ALL~~ district SCHOOLS or for ALL state charter schools. In  
6           lieu of designating an employee, a school district or the state charter  
7           school institute may contract with an individual to act as the child welfare  
8           education liaison. Each school district and the state charter school  
9           institute shall report to the department of education by August 15, 2010,  
10          and by August 15 each year thereafter, the name and contact information  
11          of the child welfare education liaison. The department of education shall  
12          be responsible for posting that information on the department of  
13          education's website and providing the information to the department of  
14          human services.

15          (b) The child welfare education liaison shall be responsible for  
16          working with child placement agencies, county departments, and the state  
17          department OF HUMAN SERVICES to facilitate SERVICES TO MAINTAIN  
18          STUDENTS IN OUT-OF-HOME PLACEMENT IN THEIR SCHOOLS OF ORIGIN OR,  
19          IF THE COUNTY DEPARTMENT  DETERMINES THAT IT IS NOT IN THE  
20          STUDENTS' BEST INTERESTS TO REMAIN IN THE SCHOOL OF ORIGIN, OR  
21          FACILITATE the prompt and appropriate placement, transfer, and  
22          enrollment in school of students in out-of-home placement within the  
23          school district or who are enrolled or enrolling in institute charter schools.  
24          The specific duties of The child welfare education liaison shall LIAISON'S  
25          SPECIFIC DUTIES include but need not be limited to:

26           (I) RESPONDING TO A COUNTY DEPARTMENT REQUEST FOR INPUT  
27          FROM AN EDUCATION PROVIDER CONCERNING THE DETERMINATION OF

1 WHETHER IT IS IN THE BEST INTEREST OF THE STUDENT IN ~~■~~ OUT-OF-HOME  
2 PLACEMENT TO REMAIN IN THE SCHOOL OF ORIGIN;

3 (II) COLLABORATING WITH THE COUNTY DEPARTMENT TO ENSURE  
4 THAT ANY NECESSARY TRANSPORTATION AND SERVICES ARE PROVIDED  
5 FOR THE STUDENT IN OUT-OF-HOME PLACEMENT TO REMAIN IN THE  
6 STUDENT'S SCHOOL OF ORIGIN;

7 (H) (III) IF A COUNTY DEPARTMENT DETERMINES THAT IT IS NOT IN  
8 THE STUDENT'S BEST INTEREST TO REMAIN IN THE SCHOOL OF ORIGIN,  
9 working with ~~social workers from county departments, juvenile probation~~  
10 officers, PARENTS, ~~GUARDIAN AD LITEMS~~, and foster care parents to ensure  
11 the prompt school enrollment of students in out-of-home placement and  
12 the prompt transfer of their education information and records when  
13 students are required to change school enrollment due to changes in  
14 placement;

15 (H) Ensuring that the STUDENT IS ENROLLED IN A NEW SCHOOL  
16 IMMEDIATELY WITH TRANSITION PLANNING, AND THAT THE STUDENT'S  
17 COMPLETE education information and records ~~of a student in out-of-home~~  
18 ~~placement are delivered to~~ ARE REQUESTED IMMEDIATELY BY the student's  
19 new school within five school days ~~after receiving a request for the~~  
20 ~~transfer of the student's education information and records, from a county~~  
21 ~~department as required in subsection (3) of this section UPON~~  
22 ENROLLMENT;

23 (H) (IV) Upon receiving the required notification and invitation,  
24 participating in a transition planning meeting regarding the enrollment in  
25 a public school of a student in an out-of-home placement pursuant to  
26 section 22-2-139 FROM A STATE-LICENSED DAY TREATMENT FACILITY,  
27 FACILITY SCHOOL, OR HOSPITAL, or having his or her designee

1           participating in said PARTICIPATE IN THE meeting;

2           ~~(FV)~~ (V) Participating, OR HAVING HIS OR HER DESIGNEE  
3           PARTICIPATE, in any interagency collaboration teams or threat-assessment  
4           teams centered on students IN OUT-OF-HOME PLACEMENT, which teams the  
5           school district EDUCATION PROVIDER may develop or on which teams the  
6           school district EDUCATION PROVIDER may be invited to participate; and

7           ~~(V)~~ (VI) Providing to the department of education, the department  
8           of human services, and the education committees of the house of  
9           representatives and the senate, or any successor committees, the  
10          information required pursuant to sections 22-2-139 and 26-1-138. E.R.S.

11           ~~(b)~~ (c) Notwithstanding the provisions of paragraph (a) of this  
12          subsection~~(2)~~ SUBSECTION (2)(a) OF THIS SECTION, a board of cooperative  
13          services created pursuant to article 5 of this title TITLE 22 may designate  
14          an employee of the board to act as the child welfare education liaison for  
15          the school districts that are members of the board of cooperative services.  
16          A child welfare education liaison employed by a board of cooperative  
17          services ~~shall have~~ HAS the duties specified in this subsection (2) and  
18          shall perform them on behalf of the school districts that are members of  
19          the board of cooperative services.

20           (3) (a) If a student in out-of-home placement is enrolled in one  
21          school and transfers enrollment to another school either in the same  
22          school district EDUCATION PROVIDER or in another school district or to  
23          another type of school EDUCATION PROVIDER, the sending school district  
24          or school EDUCATION PROVIDER shall transfer the student's education  
25          information and records to the receiving school ~~within five school days~~  
26          AS SOON AS POSSIBLE BUT NOT TO EXCEED FIVE SCHOOL DAYS after  
27          receiving a transfer request. ~~from the county department that has legal~~

1       **custody of the student:**

2               (b) Notwithstanding any provision of law to the contrary, without  
3       having to obtain a court order, the county department that has legal  
4       custody of a student in out-of-home placement may request that the  
5       school district or school EDUCATION PROVIDER in which the student was  
6       enrolled release the student's education information and records to an  
7       employee of the county department. ~~for the sole purpose of transferring~~  
8       ~~the education information and records to the student's new school.~~ The  
9       school district or school EDUCATION PROVIDER may comply with the  
10      requirements of paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF  
11      THIS SECTION by complying with the county department's request ~~within~~  
12      AS SOON AS POSSIBLE BUT NOT TO EXCEED five school days after receiving  
13      the request.

14               (d) If a school district or school AN EDUCATION PROVIDER receives  
15      a transfer request pursuant to paragraph (a) of this subsection (3)  
16      SUBSECTION (3)(a) OF THIS SECTION or a request for release of records  
17      pursuant to paragraph (b) of this subsection (3) SUBSECTION (3)(b) OF  
18      THIS SECTION and the request involves a student who is receiving special  
19      education services pursuant to an individualized education program, the  
20      school district or school EDUCATION PROVIDER shall notify the special  
21      education director for the school district or school EDUCATION PROVIDER  
22      of the request as soon as possible following receipt of the request.

23               (4) (a) Notwithstanding any provision of law, other than  
24      paragraph (b) of this subsection (4) SUBSECTION (4)(b) OF THIS SECTION,  
25      to the contrary, if a student who is in out-of-home placement is either  
26      newly placed within a school district or school or required to change  
27      schools, due to a change in placement, the school district or school

1 EDUCATION PROVIDER shall enroll the student in school ~~within five school~~  
2 ~~days after receiving the student's education information and records~~  
3 IMMEDIATELY, regardless of whether:

4 (I) ~~The school district or school~~ EDUCATION PROVIDER has  
5 received the student's EDUCATIONAL INFORMATION AND RECORDS,  
6 INCLUDING THE certificate of immunization;

7 (c) If ~~a school district or school~~ AN EDUCATION PROVIDER enrolls  
8 a student in out-of-home placement without receiving the student's  
9 certificate of immunization, the ~~school district or school~~ EDUCATION  
10 PROVIDER shall notify the student's legal guardian COUNTY DEPARTMENT  
11 that, unless the ~~school district or school~~ EDUCATION PROVIDER receives  
12 the student's certificate of immunization or a written authorization for  
13 administration of immunizations within fourteen days after the student  
14 enrolls, the ~~school district or school~~ EDUCATION PROVIDER shall suspend  
15 the student until such time as the ~~school district or school~~ EDUCATION  
16 PROVIDER receives the certificate of immunization or the authorization.

17 (5) (a) When a student in out-of-home placement transfers from  
18 one school to another school, the sending ~~school~~ EDUCATION PROVIDER  
19 shall certify to the receiving ~~school or school district~~ EDUCATION  
20 PROVIDER the course work that the student has fully or partially completed  
21 while enrolled at the ~~school~~ IN THE EDUCATION PROVIDER. The receiving  
22 ~~school or school district~~ EDUCATION PROVIDER shall accept the student's  
23 certified course work and the course work certified by previous ~~schools~~  
24 EDUCATION PROVIDERS in which the student was enrolled, as reflected in  
25 the student's records, as if it had been completed at the receiving ~~school~~  
26 EDUCATION PROVIDER. The receiving ~~school or school district~~ EDUCATION  
27 PROVIDER shall apply all of the student's certified course work toward

1 completion of the student's requirements for graduating from the grade  
2 level in which the student is enrolled PROMOTION at the receiving school  
3 or school district EDUCATION PROVIDER or for graduation from the  
4 receiving school or school district EDUCATION PROVIDER if the student is  
5 enrolled in twelfth grade.

6 (b) WHEN A STUDENT EXPERIENCES OUT-OF-HOME PLACEMENT AT  
7 ANY POINT DURING HIGH SCHOOL, AN EDUCATION PROVIDER MAY WAIVE  
8 COURSE OR PROGRAM PREREQUISITES OR OTHER PRECONDITIONS FOR  
9 PLACEMENT IN COURSES OR PROGRAMS UNDER THE JURISDICTION OF THE  
10 EDUCATION PROVIDER.

11 (c) AN EDUCATION PROVIDER MAY WAIVE SPECIFIC COURSES  
12 REQUIRED FOR GRADUATION IF SIMILAR COURSE WORK HAS BEEN  
13 SATISFACTORILY COMPLETED IN ANOTHER JURISDICTION OR THE STUDENT  
14 HAS DEMONSTRATED COMPETENCY IN THE CONTENT AREA. IF THE  
15 RECEIVING SCHOOL DOES NOT GRANT A WAIVER TO A CHILD WHO WOULD  
16 QUALIFY TO GRADUATE FROM THE SENDING SCHOOL, THE EDUCATION  
17 PROVIDER IS ENCOURAGED TO PROVIDE AN ALTERNATIVE MEANS OF  
18 ACQUIRING THE REQUIRED COURSE WORK OR COMPETENCY REQUIREMENTS  
19 SO THAT TIMELY GRADUATION MAY OCCUR. The receiving school or  
20 school district EDUCATION PROVIDER awarding THE DIPLOMA may award  
21 elective credit for any portion of the student's certified course work that  
22 is not aligned with the curriculum of the receiving school or school  
23 district EDUCATION PROVIDER OR FOR DEMONSTRATED COMPETENCIES  
24 THAT ARE NOT ALIGNED WITH THE RECEIVING EDUCATION PROVIDER.

25 (d) IF A STUDENT IN OUT-OF-HOME PLACEMENT WHO IS  
26 TRANSFERRING AT THE BEGINNING OF OR DURING TWELFTH GRADE IS  
27 INELIGIBLE TO GRADUATE FROM THE RECEIVING EDUCATION PROVIDER,

1 THE EDUCATION PROVIDER MAY REQUEST A DIPLOMA FROM A PREVIOUSLY  
2 ATTENDED EDUCATION PROVIDER AND THE PREVIOUSLY ATTENDED  
3 EDUCATION PROVIDER MAY ISSUE A DIPLOMA IF THE STUDENT MEETS THE  
4 EDUCATION PROVIDER'S GRADUATION REQUIREMENTS.

5 (7) ~~A school district or school~~ AN EDUCATION PROVIDER in which  
6 a student in out-of-home placement is enrolled shall waive all fees that  
7 would otherwise be assessed against the student, including but not limited  
8 to any general fees, fees for books, fees for lab work, fees for  
9 participation in in-school or extracurricular activities, and fees for  
10 before-school or after-school ~~■~~ programs. The ~~school district or school~~  
11 EDUCATION PROVIDER shall not limit the opportunity of a student in  
12 out-of-home placement to participate in in-school and extracurricular  
13 activities and before-school and after-school ~~■~~ programs due to waiver  
14 of the participation fees.

15 (8) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF  
16 HUMAN SERVICES SHALL ENTER INTO A DATA-SHARING AGREEMENT THAT  
17 ENSURES THAT INDIVIDUAL DATA RELEVANT TO STUDENTS IN  
18 OUT-OF-HOME PLACEMENT IS SHARED AT THE STATE LEVEL FOR PURPOSES  
19 OF ACCOUNTABILITY, PROGRAM IMPROVEMENT, AND RESEARCH.

20 (9) ~~SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL~~  
21 ~~INSTITUTE~~ SHALL COORDINATE WITH COUNTY DEPARTMENTS TO  
22 ESTABLISH SYSTEMS-LEVEL PLANS FOR HOW NECESSARY TRANSPORTATION  
23 TO THE SCHOOL OF ORIGIN IS PROVIDED, ARRANGED, AND FUNDED FOR THE  
24 DURATION OF A CHILD'S OR YOUTH'S TIME AS A STUDENT IN OUT-OF-HOME  
25 PLACEMENT, INCLUDING THE EQUITABLE ALLOCATION OF COSTS.

26 SECTION 3. In Colorado Revised Statutes, add 22-32-138.5 as  
27 follows:

1           **22-32-138.5. Educational stability grant program - application**  
2       **- grants - fund created - rules - report.** (1) THERE IS CREATED WITHIN  
3       THE DEPARTMENT OF EDUCATION THE EDUCATIONAL STABILITY GRANT  
4       PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO  
5       PROVIDE GRANT MONEY TO [REDACTED] EDUCATION PROVIDERS TO USE IN  
6       PROVIDING ACADEMIC AND SOCIAL-EMOTIONAL SERVICES AND SUPPORTS  
7       TO HIGHLY MOBILE STUDENTS. SUBJECT TO AVAILABLE APPROPRIATIONS,  
8       COMMENCING WITH THE 2019-20 FISCAL YEAR, THE STATE BOARD OF  
9       EDUCATION SHALL AWARD EDUCATIONAL STABILITY GRANTS TO  
10      PRESCHOOL, ELEMENTARY, AND SECONDARY EDUCATION PROVIDERS FROM  
11      MONEY APPROPRIATED FROM THE EDUCATIONAL STABILITY GRANT  
12      PROGRAM FUND CREATED IN SUBSECTION (4) OF THIS SECTION.

13           (2) THE STATE BOARD OF EDUCATION SHALL ADOPT RULES  
14       PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE  
15       4 OF TITLE 24, FOR IMPLEMENTATION OF THE GRANT PROGRAM. AT A  
16       MINIMUM, THE RULES SHALL INCLUDE:

17           (a) TIMELINES AND PROCEDURES BY WHICH AN EDUCATION  
18       PROVIDER MAY APPLY FOR A GRANT;

19           (b) THE INFORMATION TO BE INCLUDED ON GRANT APPLICATIONS,  
20       INCLUDING AT A MINIMUM:

21           (I) THE NUMBER OF HIGHLY MOBILE STUDENTS THE EDUCATION  
22       PROVIDER SERVED IN THE PREVIOUS SCHOOL YEAR, WHICH SHALL INCLUDE  
23       CHILDREN OR YOUTH WHO AT ANY TIME DURING THE ACADEMIC YEAR  
24       WERE HOMELESS, AS DEFINED IN SECTION 22-1-102.5; WERE IN  
25       NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION 19-1-103; WERE  
26       STUDENTS IN OUT-OF-HOME PLACEMENT, [REDACTED] AS DEFINED IN SECTION  
27       22-32-138; OR WERE MIGRANT CHILDREN, AS DEFINED IN SECTION

1       22-23-103;

2           (II) A DESCRIPTION OF SERVICES TO BE PROVIDED THROUGH THE  
3       GRANT, INCLUDING A DESCRIPTION OF INNOVATIVE PRACTICES TO ADDRESS  
4       BARRIERS FOR STUDENTS IN OUT-OF-HOME PLACEMENT;

5           (III) A DESCRIPTION OF THE NEED FOR THE SERVICES TO BE  
6       PROVIDED THROUGH THE GRANT;

7           (IV) AN ESTIMATED COST TO PROVIDE SERVICES THROUGH THE  
8       GRANT;

9           (V) CRITERIA FOR MEASUREMENT OF THE EFFECTIVENESS OF  
10      SERVICES PROVIDED THROUGH THE GRANT;

11          (VI) A DESCRIPTION OF THE EDUCATION PROVIDER'S EXISTING  
12      POLICIES AND PRACTICES RELATING TO THE TRANSFER OF STUDENT  
13      RECORDS BETWEEN EDUCATION PROVIDERS;

14          (VII) THE EDUCATION PROVIDER'S COLLABORATION WITH COUNTY  
15      DEPARTMENTS TO MAKE BEST-INTEREST DETERMINATIONS AND TO  
16      PROVIDE TRANSPORTATION, WHEN NEEDED;

17          (VIII) THE PROVISION OF SERVICES FOR STUDENTS IN  
18      OUT-OF-HOME PLACEMENT WHO RECEIVE SPECIAL EDUCATION SERVICES;

19          (IX) ACCESS TO EXTRACURRICULAR ACTIVITIES FOR STUDENTS IN  
20      OUT-OF-HOME PLACEMENT; AND

21          (X) TRANSITION PRACTICES RELATING TO SCHOOL MOVES FOR  
22      STUDENTS IN OUT-OF-HOME PLACEMENT.

23          (3) EACH EDUCATION PROVIDER THAT SEEKS A GRANT PURSUANT  
24      TO THIS SECTION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT OF  
25      EDUCATION IN ACCORDANCE WITH THE RULES ADOPTED BY THE STATE  
26      BOARD OF EDUCATION. THE DEPARTMENT OF EDUCATION SHALL REVIEW  
27      THE GRANT APPLICATIONS RECEIVED AND RECOMMEND GRANT RECIPIENTS

1 AND GRANT AMOUNTS TO THE STATE BOARD. THE STATE BOARD SHALL  
2 ANNUALLY AWARD GRANTS THROUGH THE GRANT PROGRAM AFTER  
3 CONSIDERING THE DEPARTMENT'S RECOMMENDATIONS.

4 (4) (a) THE EDUCATIONAL STABILITY GRANT PROGRAM FUND,  
5 REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE  
6 TREASURY. THE FUND CONSISTS OF ANY MONEY CREDITED TO THE FUND  
7 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION AND ANY MONEY THAT  
8 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND,  
9 INCLUDING MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN  
10 SECTION 39-28.8-501. SUBJECT TO ANNUAL APPROPRIATION BY THE  
11 GENERAL ASSEMBLY, THE DEPARTMENT OF EDUCATION MAY EXPEND  
12 MONEY FROM THE FUND FOR THE PURPOSES OF THIS SECTION.

13 (b) THE DEPARTMENT OF EDUCATION MAY SEEK, ACCEPT, AND  
14 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES  
15 FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT OF EDUCATION  
16 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR  
17 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO  
18 THE FUND.

19 (c) THE DEPARTMENT OF EDUCATION MAY EXPEND MONEY  
20 ANNUALLY APPROPRIATED FROM THE FUND FOR REASONABLE AND  
21 NECESSARY ADMINISTRATIVE EXPENSES INCURRED IN IMPLEMENTING THIS  
22 SECTION AND IN EVALUATING AND PROVIDING TECHNICAL ASSISTANCE TO  
23 EDUCATION PROVIDERS THAT RECEIVE GRANTS PURSUANT TO THIS  
24 SECTION.

25 (d) ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSES  
26 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS  
27 PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST

1 AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN  
2 THE FUND TO THE FUND.

3 (e) THE DEPARTMENT OF EDUCATION IS ENCOURAGED TO DIRECT  
4 TO THE FUND ANY FEDERAL MONEY RECEIVED BY THE DEPARTMENT THAT  
5 MAY BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.

6 (5) (a) ON OR BEFORE MARCH 31, 2019, AND ON OR BEFORE  
7 MARCH 31 EACH YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION  
8 SHALL EVALUATE THE EDUCATIONAL STABILITY SERVICES PROVIDED BY  
9 EACH EDUCATION PROVIDER THAT RECEIVED A GRANT PURSUANT TO THIS  
10 SECTION IN THE PRECEDING FISCAL YEAR; EXCEPT THAT THE DEPARTMENT  
11 OF EDUCATION NEED NOT PROVIDE AN EVALUATION FOR ANY FISCAL YEAR  
12 IN WHICH GRANTS WERE NOT AWARDED. AT A MINIMUM, THE DEPARTMENT  
13 OF EDUCATION SHALL REVIEW:

14 (I) THE OUTCOMES AND EFFECTIVENESS OF THE SERVICES  
15 PROVIDED AS MEASURED BY THE DEMONSTRATED DEGREE OF  
16 EDUCATIONAL STABILITY;

17 (II) THE IMPROVEMENT IN SCHOOL ATTENDANCE;

18 (III) THE REDUCTION IN BEHAVIORAL AND DISCIPLINE INCIDENTS;

19 (IV) THE INCREASE IN GRADE-LEVEL PROMOTION;

20 (V) THE REDUCTION IN THE DROPOUT RATE; AND

21 (VI) THE INCREASE IN THE GRADUATION AND COMPLETION RATES  
22 FOR THE GRANT RECIPIENTS' SCHOOLS.

23 (b) (I) THE DEPARTMENT OF EDUCATION SHALL REPORT THE  
24 EVALUATION RESULTS TO THE EDUCATION COMMITTEES OF THE SENATE  
25 AND OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR  
26 COMMITTEES, IN CONJUNCTION WITH THE REPORT SUBMITTED PURSUANT  
27 TO SECTION 22-14-111.

1                   (II) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
2 (11)(a)(I), THE REPORT REQUIRED PURSUANT TO SUBSECTION (5)(b)(I) OF  
3 THIS SECTION CONTINUES INDEFINITELY.

4                   **SECTION 4.** In Colorado Revised Statutes, 19-3-208, amend  
5 (2)(b) introductory portion, (2)(b)(IV), and (2)(b)(V); and **add** (1.5),  
6 (2)(b)(VI), and (3) as follows:

7                   **19-3-208. Services - county required to provide - rules -**  
8 **definitions.** (1.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
9 OTHERWISE REQUIRES:

10                  (a) "SCHOOL OF ORIGIN" HAS THE SAME MEANING AS PROVIDED IN  
11 SECTION 22-32-138.

12                  (b) "STUDENT IN OUT-OF-HOME PLACEMENT" HAS THE SAME  
13 MEANING AS PROVIDED IN SECTION 22-32-138.

14                  (2) (b) The following services ~~shall~~ MUST be available and  
15 provided, as determined necessary and appropriate by individual case  
16 plans: ~~commencing on or after July 1, 1993.~~

17                  (IV) Visitation services for parents with children OR YOUTH in  
18 out-of-home placement; and

19                  (V) Placement services including foster care and emergency  
20 shelter; AND

21                  (VI) SERVICES INCLUDING BUT NOT LIMITED TO TRANSPORTATION  
22 AND CASE PLANNING, AS NECESSARY FOR A STUDENT IN OUT-OF-HOME  
23 PLACEMENT TO REMAIN IN HIS OR HER SCHOOL OF ORIGIN, UNLESS THE  
24 COUNTY DEPARTMENT DETERMINES THAT REMAINING IN THE SCHOOL OF  
25 ORIGIN IS NOT IN THE STUDENT'S BEST INTEREST.

26                  (3) (a) THE STATE BOARD OF HUMAN SERVICES SHALL  
27 PROMULGATE RULES CREATING A STANDARD AND DELIBERATE PROCESS

1 FOR DETERMINING, IN COORDINATION WITH THE EDUCATION PROVIDER,  
2 PARENTS, IF APPROPRIATE, GUARDIAN AD LITEM, AND THE CHILD OR  
3 YOUTH, WHETHER IT IS IN THE BEST INTEREST OF A CHILD OR YOUTH IN  
4 OUT-OF-HOME PLACEMENT TO REMAIN IN HIS OR HER SCHOOL OF ORIGIN  
5 WHEN THE CHILD OR YOUTH IS PLACED IN OUT-OF-HOME PLACEMENT OR  
6 EXPERIENCES A CHANGE IN PLACEMENT.

7 (b) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES  
8 SHALL COORDINATE WITH SCHOOL DISTRICTS AND THE STATE CHARTER  
9 SCHOOL INSTITUTE TO ESTABLISH SYSTEMS-LEVEL PLANS FOR HOW  
10 NECESSARY TRANSPORTATION TO A SCHOOL OF ORIGIN WILL BE PROVIDED,  
11 ARRANGED, AND FUNDED FOR THE DURATION OF A CHILD OR YOUTH'S TIME  
12 AS A STUDENT IN OUT-OF-HOME PLACEMENT, INCLUDING THE EQUITABLE  
13 ALLOCATION OF COSTS.

14 (c) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE  
15 TECHNICAL ASSISTANCE AND COMPLIANCE MONITORING FOR THE COUNTY  
16 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES TO ENSURE THAT COUNTY  
17 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES ARE PROPERLY  
18 IMPLEMENTING THIS SUBSECTION (3), INCLUDING ADMINISTERING FUNDS  
19 TO ALLOW STUDENTS IN OUT-OF-HOME PLACEMENT TO REMAIN IN THEIR  
20 SCHOOLS OF ORIGIN, WITH TRANSPORTATION PROVIDED.

21 (d) ANY STATE FUNDS EXPENDED PURSUANT TO THIS SECTION FOR  
22 CHILDREN ELIGIBLE UNDER TITLE IV-E OF THE FEDERAL "SOCIAL  
23 SECURITY ACT", AS AMENDED, SHALL BE COUNTED TO SATISFY MATCHING  
24 REQUIREMENTS FOR FEDERAL FUNDS RECEIVED PURSUANT TO THAT ACT.

25 **SECTION 5.** In Colorado Revised Statutes, amend 22-1-102.5  
26 as follows:

27 **22-1-102.5. Definition of homeless child.** (1) The general

1 assembly hereby finds and declares that, because of the growing number  
2 of children and families who are homeless in Colorado, there is a need to  
3 ensure that all homeless children AND YOUTH receive a proper education.  
4 It is the intent of the general assembly that no child OR YOUTH shall be  
5 denied the benefits of a free education in the public schools because the  
6 child OR YOUTH is homeless.

7 (2) (a) As used in this article 1, unless the context otherwise  
8 requires, "homeless child" means:

9 (I) A school-aged child OR YOUTH, INCLUDING PRESCHOOL, who  
10 lacks a fixed, regular, and adequate nighttime residence, including but not  
11 limited to:

12 (A) A child OR YOUTH who is living in a motel, hotel, or camping  
13 ground due to a lack of alternative adequate accommodations;

14 (B) A child OR YOUTH who is living in an emergency or  
15 transitional shelter; AND

16 (C) A child OR YOUTH who is abandoned in a hospital; and

17 (D) ~~A child awaiting foster care placement; or~~

18 (II) A school-aged child OR YOUTH, INCLUDING PRESCHOOL, who  
19 has a primary nighttime residence that is:

20 (A) A supervised, publicly or privately operated shelter designed  
21 to provide temporary living accommodations, including welfare hotels,  
22 congregate shelters, and transitional housing for persons with behavioral  
23 or mental health disorders; OR

24 (B) ~~An institution that provides a temporary residence for  
25 individuals intended to be institutionalized; or~~

26 (C) A public or private place not designed for, nor ordinarily used  
27 as, a regular sleeping accommodation for human beings, including but not

1 limited to an automobile, a park, an abandoned building, a bus or train  
2 station, or a similar setting; OR

3 (III) A CHILD OR YOUTH WHO IS SHARING THE HOUSING OF  
4 ANOTHER DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP, OR FOR SIMILAR  
5 REASONS.

6 (b) "Homeless child" shall not include any individual imprisoned  
7 or otherwise detained pursuant to an act of congress or a state law.

8 (c) "Homeless child" shall include a migrant school-aged child,  
9 INCLUDING PRESCHOOL, who meets the requirements of this subsection  
10 (2).

11 (d) "Homeless child" shall include a school-aged child, INCLUDING  
12 PRESCHOOL, who meets the requirements of this subsection (2) who is not  
13 in the physical custody of a parent or legal guardian.

14 **SECTION 6.** In Colorado Revised Statutes, amend 22-33-103.5  
15 as follows:

16 **22-33-103.5. Attendance of homeless children and youth.**

17 (1) **Equal access to school.** Nothing in this ~~article~~ ARTICLE 33 shall be  
18 construed to prohibit a child OR YOUTH from attending a public school  
19 without the payment of tuition solely because the child OR YOUTH is A  
20 homeless CHILD as defined in section 22-1-102.5.

21 (2) **Place of residence of a homeless child or youth.** A child OR  
22 YOUTH found to be homeless pursuant to the provisions of section  
23 22-1-102.5 may be deemed by the school districts described in paragraphs  
24 (a) and (b) of this subsection (2) THIS SUBSECTION (2), taking into  
25 consideration the best interests of the child OR YOUTH, to reside in:

26 (a) The school district where the child OR YOUTH presently seeks  
27 shelter or is located; or

1                   (b) For so long as the child OR YOUTH remains homeless, the  
2 school district in which the child's OR YOUTH'S school of origin is located;  
3 except that a child OR YOUTH who, subsequent to becoming homeless,  
4 becomes permanently housed in the same school year may be deemed to  
5 reside in the school district of the school of origin, but only for the  
6 remainder of the school year.

7                   (3) **School stability.** In determining the best interests of a  
8 homeless child for purposes of subsection (2) of this section, the school  
9 districts described in paragraphs (a) and (b) of subsection (2) SUBSECTION  
10 (2) of this section shall:

11                  (a) To the extent feasible and except when it is against the wishes  
12 of the homeless child's parent or legal guardian or against the wishes of  
13 an unaccompanied homeless child, keep the homeless child in the  
14 homeless child's school of origin;

15                  (b) Provide a written explanation IN A MANNER AND FORM  
16 UNDERSTANDABLE TO THE PARENT, LEGAL GUARDIAN, OR  
17 UNACCOMPANIED HOMELESS CHILD, including a statement regarding the  
18 right to appeal pursuant to subsection (4) of this section, to the parent or  
19 legal guardian of the homeless child, if the school districts send the  
20 homeless child to a school other than the child's OR YOUTH'S school of  
21 origin or to a school other than the school requested by the parent or legal  
22 guardian;

23                  (c) In the case of an unaccompanied homeless child, assure that  
24 the homeless child EDUCATION liaison designated by one of the school  
25 districts pursuant to subsection (7) of this section assists in the placement  
26 or enrollment decisions, considers the school preference of the  
27 unaccompanied homeless child, and provides notice of the right to appeal

1 pursuant to subsection (4) of this section to the unaccompanied homeless  
2 child.

3           **(4) Disputes.** (a) If a homeless child's parent or legal guardian or  
4 an unaccompanied homeless child disagrees with the decision of the  
5 school districts pursuant to subsection (2) of this section, the homeless  
6 child shall be immediately enrolled in the school selected by the homeless  
7 child's parent or legal guardian or, in the case of an unaccompanied  
8 homeless child, by the child OR YOUTH, pending resolution of the dispute  
9 through the appeal process created by the department of education  
10 pursuant to paragraph ~~(b)~~ of this subsection (4) SUBSECTION (4)(b) OF  
11 THIS SECTION.

12           (b) Consistent with federal requirements, the department of  
13 education shall create an appeal process for a parent or legal guardian of  
14 a homeless child or an unaccompanied homeless child to pursue if the  
15 parent or legal guardian or the unaccompanied homeless child disagrees  
16 with the decision of the school districts pursuant to subsection (2) of this  
17 section.

18           **(5) Enrollment and full participation.** (a) The school selected  
19 for a homeless child pursuant to this section shall immediately enroll the  
20 homeless child, even if the child OR YOUTH HAS MISSED APPLICATION OR  
21 ENROLLMENT DEADLINES DURING ANY PERIOD OF HOMELESSNESS OR THE  
22 CHILD OR YOUTH lacks records normally required prior to enrollment.  
23 ONCE ENROLLED, THE CHILD OR YOUTH MUST HAVE A FULL AND EQUAL  
24 OPPORTUNITY TO SUCCEED AT THE SCHOOL.

25           (b) The enrolling school shall immediately contact the school last  
26 attended by the homeless child to obtain any records necessary for  
27 enrollment.

1                   (c) If the homeless child's immunizations are incomplete or if the  
2 homeless child's immunization records are unavailable, the enrolling  
3 school shall arrange for such immunizations as may be necessary.

4                   (6) **Transportation.** (a) If it is determined pursuant to subsection  
5 (2) of this section that the best interest of a homeless child is to continue  
6 his or her education at the school of origin, **INCLUDING PRESCHOOL**, and  
7 the homeless child presently seeks shelter or is located in another school  
8 district, and the homeless child's parent or legal guardian or the homeless  
9 ~~child~~ EDUCATION liaison, on behalf of an unaccompanied homeless child,  
10 requests transportation to and from school, the school district where the  
11 homeless child presently seeks shelter or is located and the school district  
12 in which the school of origin is located shall agree upon a method to  
13 apportion cost and responsibility for the transportation of the homeless  
14 child to the school district where the homeless child is attending, or, in  
15 the alternative, each school district shall share equally in the cost and  
16 responsibility for transportation.

17                   (b) If a homeless child continues to reside in the school district in  
18 which the school of origin is located, such school district, upon request  
19 of the homeless child's parent or legal guardian or upon request of the  
20 homeless ~~child~~ EDUCATION liaison, on behalf of an unaccompanied  
21 homeless child, shall arrange or provide for transportation of the  
22 homeless child to and from school.

23                   (7) **Liaison.** The board of education of each school district in the  
24 state shall designate one or more of the employees of the school district  
25 to act as a homeless ~~child~~ EDUCATION liaison. The homeless ~~child~~  
26 EDUCATION liaison shall facilitate a homeless child's access to and success  
27 in school. The homeless ~~child~~ EDUCATION liaison shall also assist in the

1 mediation of any disputes concerning school enrollment, assist in making  
2 arrangements for transportation of the homeless child to and from school,  
3 assist in requesting school and immunization records, and assist any  
4 unaccompanied homeless child in making enrollment decisions. On or  
5 before the pupil enrollment count day, the homeless ~~child~~ EDUCATION  
6 liaison in each school district shall report to the department of education  
7 the number of homeless children enrolled in the school district.

8                   **(8) Credit accrual and college readiness.** (a) THE HOMELESS  
9 EDUCATION LIAISON MUST ENSURE THAT A HOMELESS CHILD OR YOUTH  
10 AND AN UNACCOMPANIED HOMELESS CHILD OR YOUTH HAVE THE  
11 OPPORTUNITY TO MEET THE SAME STATE ACADEMIC ACHIEVEMENT  
12 STANDARDS AS OTHER CHILDREN AND YOUTH BY REMOVING BARRIERS  
13 THAT PREVENT A HOMELESS CHILD OR YOUTH AND AN UNACCOMPANIED  
14 HOMELESS CHILD OR YOUTH FROM RECEIVING CREDIT FOR FULL OR  
15 PARTIAL COURSEWORK.

16                   (b) COUNSELING SHALL BE PROVIDED TO A HOMELESS CHILD OR  
17 YOUTH AND TO AN UNACCOMPANIED HOMELESS CHILD OR YOUTH TO  
18 ASSIST THE HOMELESS CHILD OR YOUTH AND UNACCOMPANIED HOMELESS  
19 CHILD OR YOUTH BY ADVISING, PREPARING, AND IMPROVING ACCESS TO  
20 POSTSECONDARY OPTIONS.

21                   **(8) (9) Definitions.** As used in this section, unless the context  
22 otherwise requires:

23                   (a) "School of origin" means the school a child OR YOUTH  
24 attended at the time the child OR YOUTH became homeless, or, if the child  
25 OR YOUTH became homeless during a period that he or she was not  
26 attending school, the last school the child OR YOUTH attended prior to  
27 becoming homeless.

1                   (b) "Unaccompanied homeless child" means a child OR YOUTH  
2 who meets the requirements of section 22-1-102.5 who is not in the  
3 physical custody of a parent or legal guardian.

4                   **SECTION 7. In Colorado Revised Statutes, 22-32-113, amend**  
5                   (1)(c) and (4) as follows:

6                   **22-32-113. Transportation of pupils - when.** (1) The board of  
7 education of a school district may furnish transportation:  
8                   (c) To and from public schools for any reasonable classification  
9 of pupils enrolled in the schools of the district who are resident  
10 RESIDENTS of any other school district; if the district of residence is  
11 adjacent to the district of attendance, and if the board or other governing  
12 body of the district of residence shall consent to such transportation;

13                   (4) A board may reimburse a parent or guardian for the expenses  
14 incurred by such parent or guardian in furnishing transportation to and  
15 from a public school or designated school vehicle stop for his or her child  
16 or children and for other pupils enrolled in the schools of the district. but  
17 the board may not reimburse any person for transportation furnished to a  
18 pupil resident in another school district without the consent of the board  
19 or other governing body of the district of residence. The amount and  
20 payment of such TRANSPORTATION expenses shall be as ARE determined  
21 by the board paying such THE expenses.

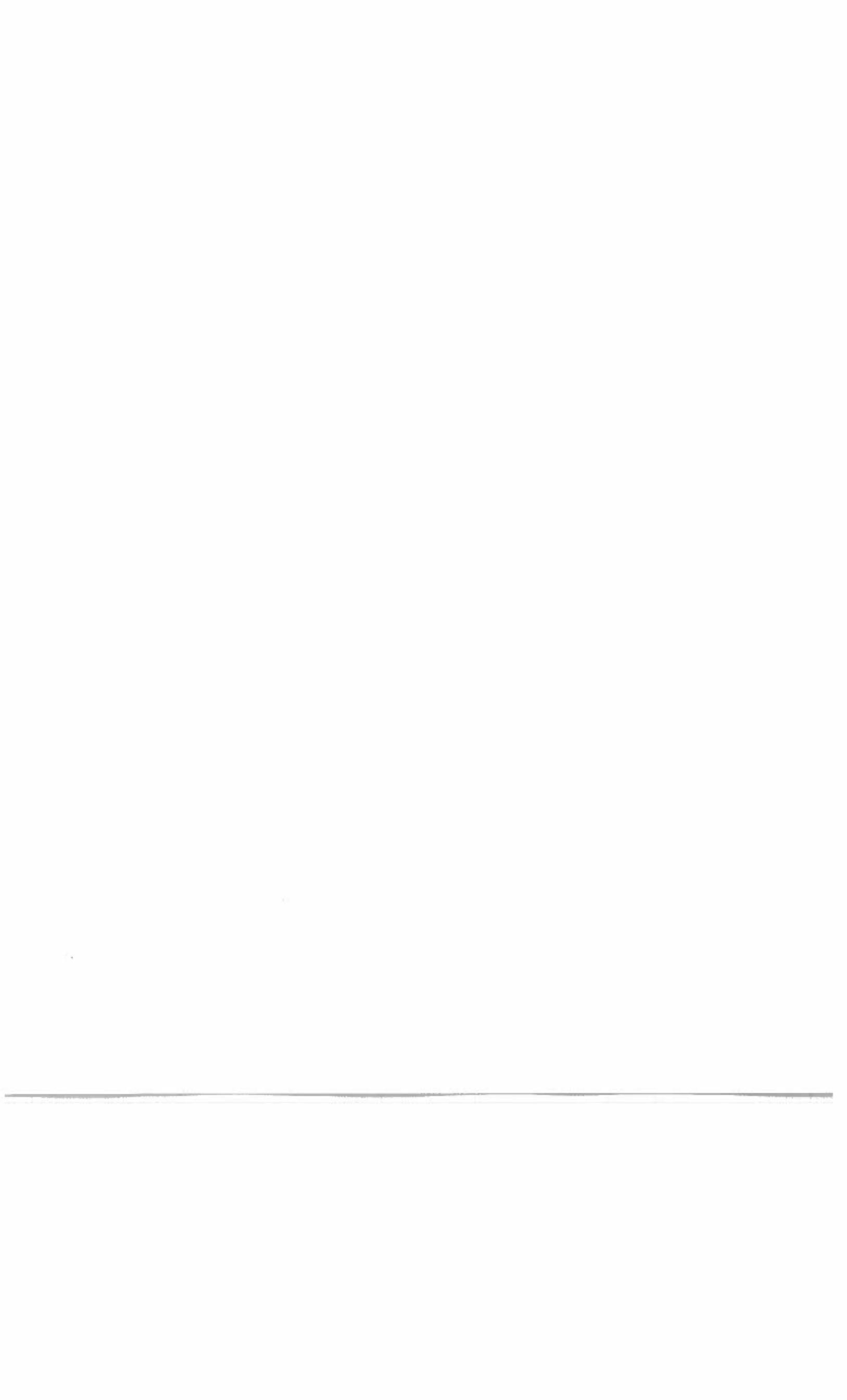
22                   **SECTION 8. Appropriation.** (1) For the 2018-19 state fiscal  
23 year, \$2,817,327 is appropriated to the department of human services.  
24 This appropriation consists of \$550,066 cash funds from local funds and  
25 \$2,267,261 from temporary assistance for needy families block grant  
26 funds. To implement this act, the department may use this appropriation  
27 as follows:

1                   (a) \$5,558 from temporary assistance for needy families block  
2 grant funds for use by the executive director's office for operating  
3 expenses;

4                   (b) \$61,441 from temporary assistance for needy families block  
5 grant funds for use by the division of child welfare for administration,  
6 which amount is based on an assumption that the division will require an  
7 additional 0.9 FTE; and

8                   (c) \$2,750,328, which consists of \$550,066 cash funds from local  
9 funds and \$2,200,262 from federal temporary assistance for needy  
10 families block grant funds, for use by the division of child welfare for  
11 child welfare services.

12                  **SECTION 9. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2018 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.



**HB 18-1306 Educational Stability  
FY 2018-19 County Funding Share**

**FY 2018-19 Appropriation from HB 18-1306**

Total Funds	TANF	County Share
\$ 2,750,328	\$ 2,200,262	\$ 550,066

**Funding Share by Out-of-Home Placements**

County	Grp	2015-16	2016-17	2017-18	3-yr Average	% of State	Allocation
Adams	TLC	1111	1049	1007	1055.67	0.105222938	\$ 289,398
Alamosa	BOS	127	98	113	112.67	0.011229982	\$ 30,886
Arapahoe	TLC	752	774	789	771.67	0.07691541	\$ 211,549
Archuleta	BOS	13	25	13	17.00	0.001694465	\$ 4,660
Baca	BOS	11	9	3	7.67	0.00076417	\$ 2,102
Bent	BOS	16	12	14	14.00	0.001395442	\$ 3,838
Boulder	TLC	252	286	295	277.67	0.027676258	\$ 76,119
Broomfield	BOS	46	57	47	50.00	0.00498372	\$ 13,707
Chaffee	BOS	37	50	48	45.00	0.004485348	\$ 12,336
Cheyenne	BOS	3	5	0	2.67	0.000265798	\$ 731
Clear Creek	BOS	31	26	28	28.33	0.002824108	\$ 7,767
Conejos	BOS	41	40	30	37.00	0.003687953	\$ 10,143
Costilla	BOS	37	40	39	38.67	0.003854077	\$ 10,600
Crowley	BOS	25	21	22	22.67	0.002259286	\$ 6,214
Custer	BOS	4	5	8	5.67	0.000564822	\$ 1,553
Delta	BOS	78	105	125	102.67	0.010233238	\$ 28,145
Denver	TLC	1767	1795	1531	1697.67	0.169213901	\$ 465,394
Dolores	BOS	1	0	0	0.33	0.000033225	\$ 91
Douglas	BOS	192	205	193	196.67	0.019602631	\$ 53,914
Eagle	BOS	20	17	12	16.33	0.001628015	\$ 4,478
El Paso	TLC	1376	1559	1640	1525.00	0.152003455	\$ 418,059
Elbert	BOS	30	15	20	21.67	0.002159612	\$ 5,940
Fremont	BOS	208	228	172	202.67	0.020200678	\$ 55,558
Garfield	BOS	66	79	66	70.33	0.007010433	\$ 19,281
Gilpin	BOS	26	17	12	18.33	0.001827364	\$ 5,026
Grand	BOS	7	7	6	6.67	0.000664496	\$ 1,828
Gunnison	BOS	11	14	14	13.00	0.001295767	\$ 3,564
Hinsdale	BOS	0	0	1	0.33	0.000033225	\$ 91
Huerfano	BOS	38	36	43	39.00	0.003887301	\$ 10,691
Jackson	BOS	1	0	0	0.33	0.000033225	\$ 91
Jefferson	TLC	1130	1049	942	1040.33	0.103694598	\$ 285,194
Kiowa	BOS	11	16	15	14.00	0.001395442	\$ 3,838
Kit Carson	BOS	16	12	29	19.00	0.001893814	\$ 5,209
La Plata	BOS	49	75	74	66.00	0.00657851	\$ 18,093
Lake	BOS	6	4	2	4.00	0.000398698	\$ 1,097
Larimer	TLC	297	334	313	314.67	0.03136421	\$ 86,262
Las Animas	BOS	69	50	42	53.67	0.005349193	\$ 14,712
Lincoln	BOS	31	24	36	30.33	0.003023457	\$ 8,315
Logan	BOS	73	71	95	79.67	0.007940727	\$ 21,840
Mesa	TLC	521	534	471	508.67	0.050701043	\$ 139,444
Mineral	BOS	1	2	2	1.67	0.000166124	\$ 457
Moffat	BOS	31	33	23	29.00	0.002890558	\$ 7,950
Montezuma	BOS	36	37	29	34.00	0.003388929	\$ 9,321
Montrose	BOS	132	149	132	137.67	0.013721842	\$ 37,740
Morgan	BOS	106	88	57	83.67	0.008339425	\$ 22,936
Otero	BOS	99	86	75	86.67	0.008638448	\$ 23,759
Ouray	BOS	2	0	0	0.67	0.000066450	\$ 183
Park	BOS	17	14	19	16.67	0.00166124	\$ 4,569
Phillips	BOS	14	12	3	9.67	0.000963519	\$ 2,650
Pitkin	BOS	2	1	4	2.33	0.000232574	\$ 640
Prowers	BOS	15	38	38	30.33	0.003023457	\$ 8,315
Pueblo	TLC	574	575	515	554.67	0.055286066	\$ 152,055
Rio Blanco	BOS	19	21	21	20.33	0.002026713	\$ 5,574
Rio Grande	BOS	26	26	27	26.33	0.002624759	\$ 7,219
Routt	BOS	7	10	12	9.67	0.000963519	\$ 2,650
Saguache	BOS	9	13	8	10.00	0.000996744	\$ 2,741
San Juan	BOS	2	2	2	2.00	0.000199349	\$ 548
San Miguel	BOS	5	4	11	6.67	0.000664496	\$ 1,828
Sedwick	BOS	0	3	0	1.00	0.000099674	\$ 274
Summit	BOS	12	6	9	9.00	0.00089707	\$ 2,467
Teller	BOS	45	39	40	41.33	0.004119875	\$ 11,331
Washington	BOS	9	10	6	8.33	0.00083062	\$ 2,284
Weld	TLC	327	355	406	362.67	0.036148581	\$ 99,429
Yuma	BOS	17	23	22	20.67	0.002059938	\$ 5,666
<b>STATE TOTAL</b>		<b>10037</b>	<b>10290</b>	<b>9771</b>	<b>10032.67</b>	<b>1</b>	<b>\$ 2,750,328</b>



## BEST INTEREST DETERMINATION WORKSHEET

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

Child/Youth's Name: \_\_\_\_\_ Grade in school: \_\_\_\_\_

Date of Meeting: Enter a date    Meeting Facilitator: \_\_\_\_\_

School of Origin and School District: \_\_\_\_\_

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

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### **PARTICIPANTS**

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



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

#### SUPPORTING DOCUMENTATION CONSIDERED:

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

#### DISCUSSION OF CHILD/YOUTH'S BEST INTEREST

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

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

(If there is a question which school is the "school of origin," use this space to also document the child/youth's input on which school he/she has a meaningful connection with.)

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

**3. How can the school of origin meet the child/youth's academic and non-academic needs?**

a. Academic needs, including special education:

b. Extra-curricular activities:

c. Social needs:

d. Emotional needs:

e. Other needs:

f. Does the child/youth have a meaningful and appropriate relationship with an adult at the school of origin? Give special weight to this factor.

**4. How can the proposed new school meet the child/youth's academic and non-academic needs? (Repeat for each school under consideration)**

a. Academic needs, including special education:

b. Extra-curricular activities:

c. Social needs:

d. Emotional needs:



e. Other needs:

5. Could a school transfer be timed to coincide with a logical academic juncture such as at the end of the school year or semester or an event that is significant to the child/youth? Consider the academic calendars of the proposed new school(s) and the current school.

6. How would changing schools affect the child/youth's ability to earn full academic credit, proceed to the next grade, or graduate on time?

7. How many schools has the child/youth attended over the past few years? This year? How have past school transfers impacted him/her?

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

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

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

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

12. Document any other factors the team considered.

**DETERMINATION AT END OF MEETING:**

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

Yes  
 No

It is in the child/youth's best interests to transfer to a new school, \_\_\_\_\_  
in \_\_\_\_\_ School District on Enter a date.





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

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

**Date**

School District Point of Contact Name, **Select Title**

School District

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

Dear **Name**,

This letter is to notify you that **Student's Name**, DOB **Date of Birth**, was placed or will be placed in out-of-home care by **County Name** Department of Human Services ("Human Services") on **Date**. The student is currently in **Grade** grade in **Name of School** in **Name of School District of origin**. In a process pursuant to 12 CCR 7.301.241, it has been determined to be in the student's best interest to transfer to a new school in your district, **Name of Receiving School District** ("School District") effective **Date decided in best interest process**.

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

**Important Contact Information**

The student's new placement is:

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

Address: **Phone:** **Email:**

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

Parent 1:

Phone: **Email:**

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

Parent 2:

Phone: **Email:**

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

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

Phone: **Email:**

Department of Human/Social Services Caseworker:

Phone: **Email:**

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

- The new school, **School**, immediately enroll the student, effective **Date decided in best interest process**, even without normally required records. Every Student Succeeds Act (ESSA), 20 U.S.C. § 6311(g)(1)(E)(ii); 22-32-138, C.R.S. (2018).
- The student's educational records be immediately requested from the school of origin. ESSA, 20 U.S.C. § 6311(g)(1)(E)(iii); 22-32-138, C.R.S. (2018).
- The student be enrolled in School District's free lunch program. 42 U.S. § 1758(b)(5) (categorical eligibility for free lunch).

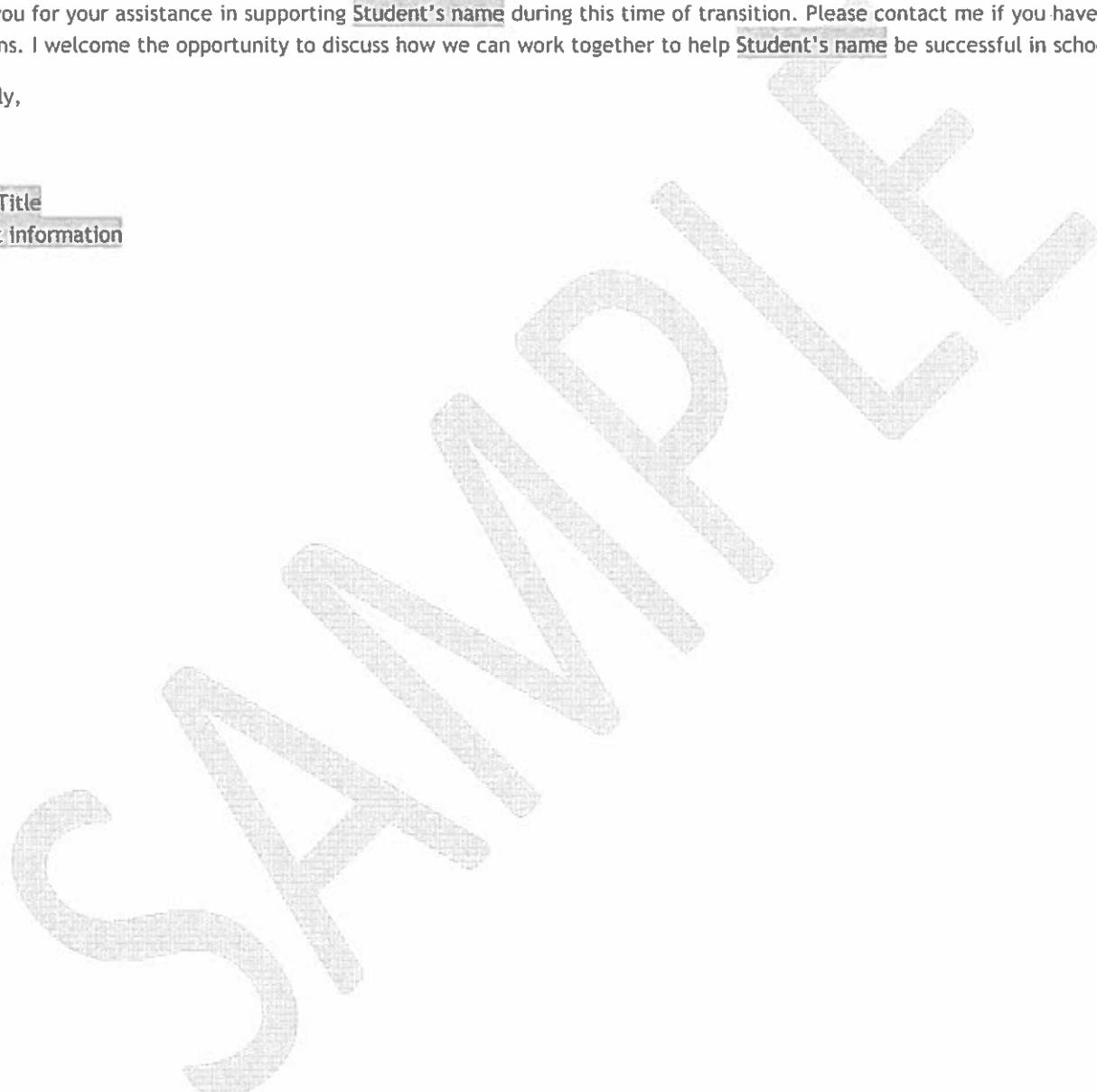


- The school and School District waive all school fees the student may incur, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs. § 22-32-138, C.R.S. (2017).
- The student is currently receiving special education services and will need to continue special education services in the new school. A copy of the student's current IEP is [Choose an item](#).
- [Other requests or information](#)

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

Sincerely,

Name, Title  
Contact information



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

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

Date

School District Point of Contact Name, Select Title

School District

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

Dear Name,

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

### Important Contact Information

The student's new placement is:

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

Address: Phone: Email:

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

Parent 1:

Phone: Email:

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

Parent 2:

Phone: Email:

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

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

Phone: Email:

Department of Human/Social Services Caseworker:

Phone: Email:

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

- The student will need transportation to the school of origin, Name of School, pursuant to the Intergovernmental Agreement between Human Services and School District. Please contact Contact Name as soon as possible to develop a transportation plan to remain in effect unless and until it is determined not to be in student's best interest to remain in the school of origin. See 22-32-138 and 19-3-208, C.R.S. (2018) and 12 CCR 7.301.241.
- It is presumed to be in a student's best interest to remain in the same school unless determined otherwise. In this case, Human Services is not considering a school move for the student, and Human Services requests the school and School District support the student during this time of transition. See 22-32-138 and 19-3-208, C.R.S. (2018) and 12 CCR 7.301.241.
- It is presumed to be in a student's best interest to remain in the same school unless determined otherwise. In this case, the Human Services is considering whether it is in the student's best interest to remain in the current school or to transfer to another school. Pursuant to 12 CCR 7.301.241, the Human Services invites participation from a



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

(Select one)

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

- The student be enrolled in the School District's free lunch program. 42 U.S. § 1758(b)(5) (categorical eligibility for free lunch).
- The school and School District waive all school fees the student may incur, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs. § 22-32-138, C.R.S. (2017).

- Other requests**

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

Sincerely,

**Name, Title**  
**Contact information**

#### PART II: FOLLOW-UP NOTICE OF BEST INTEREST DETERMINATION

**Date**

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

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



## SAMPLE INTERGOVERNMENTAL AGREEMENT ON SCHOOL STABILITY

This document is a sample to provide a starting point for local implementation of the requirement that "each local educational agency [] collaborate with the local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children and youth in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded." Every Student Succeeds Act (ESSA) 20 U.S.C. § 6312(c)(5)(B); Colorado HB 18-1306. This sample does not constitute legal advice and is not a substitute for consultation with an attorney.

### **INTERGOVERNMENTAL AGREEMENT ON SCHOOL STABILITY**

**State Fiscal Years 20xx-xx thru 20xx-xx**

*[Drafters should consult their attorneys to incorporate their county's signature and cover page, if applicable.]*

**WHEREAS**, ensuring school stability and academic success for children and youth in foster care is an important joint responsibility of child welfare and education agencies;

**WHEREAS**, Colorado's students in foster care experience much higher rates of school mobility and much lower rates of academic achievement than their peers, and less than one out of three Colorado students in foster care graduates high school within four years of entering ninth grade;<sup>1</sup>

**WHEREAS**, the Fostering Connections to Success and Increasing Adoptions Act of 2008,<sup>2</sup> (Fostering Connections Act), the Every Student Succeeds Act<sup>3</sup> (ESSA), and Colorado House Bill 2018-1306<sup>4</sup> require child welfare agencies and education agencies to collaborate to ensure school stability and school attendance for all children and youth in foster care;

**WHEREAS**, the Fostering Connections Act, ESSA, and HB 18-1306 require that when a child or youth in foster care changes foster care placements, he or she remains in the school of origin with necessary transportation provided, or, if this is not in his or her

<sup>1</sup> Clemens, E. V. (2014). Graduation and Dropout Rates for Colorado Students in Foster Care: 5-Year Trend Analysis (2007-08 to 2011-12). Greeley, CO: University of Northern Colorado. Visit <http://www.unco.edu/cebs/foster-care-research/reports.aspx> for all available reports and <http://www.unco.edu/cebs/foster-care-research/needs-assessment-data/> for interactive data visualizations by topic.

<sup>2</sup> Fostering Connections to Success and Increasing Adoptions Act of 2008 (hereinafter "Fostering Connections Act"), Pub. L. 110-351, 122 Stat. 3949 (codified as amended in scattered sections of 42 U.S.C.). Sections of Fostering Connections relevant to this Agreement include, but are not necessarily limited to, 42 U.S.C. § 675(1)(G) and (4)(A).

<sup>3</sup> Every Student Succeeds Act, Pub. L. 114-95, 129 Stat. 1802 (codified throughout 20 U.S.C.). Sections of ESSA relevant to this Agreement include, but are not necessarily limited to 20 U.S.C. § 6311(g) and 20 U.S.C. § 6312(c)(5).

<sup>4</sup> Colorado House Bill 2018-1306 (hereinafter "HB 18-1306") is codified in relevant part at § 22-32-138, C.R.S. and § 19-3-208, C.R.S.



best interest, that the child or youth is immediately and appropriately enrolled in a new school even without normally required records;<sup>5</sup>

WHEREAS, the Fostering Connections Act allows child welfare agencies to use Title IV-E funds for reasonable travel to the school of origin for eligible children and youth<sup>6</sup> and Colorado HB 18-1306 provides designated funding in the child welfare block for school transportation;

WHEREAS, ESSA allows educational agencies to use Title I funds to pay for additional costs needed to transport children and youth in foster care to their school of origin;<sup>7</sup>

WHEREAS, ESSA requires each local educational agency to collaborate with the local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children and youth in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded,<sup>8</sup> and HB 18-1306 reiterates and further defines this requirement and makes it reciprocal for county departments of human services;

WHEREAS, such transportation must be provided promptly and in a cost-effective manner and in accordance with Section 475(4)(A) of the Social Security Act (codified at 42 U.S.C. § 675(4)(A));<sup>9</sup> and

WHEREAS, ESSA requires each local educational agency to designate a point of contact if the corresponding child welfare agency notifies it in writing that it has designated a point of contact,<sup>10</sup> and in Colorado, educational agency points of contact, known as Child Welfare Education Liaisons (CWEL), are required in each local educational agency;<sup>11</sup>

THEREFORE, the undersigned Parties agree to the following:

## I. PARTIES

This Agreement is made between the following agencies:

COUNTY NAME COUNTY DEPARTMENT OF HUMAN SERVICES ("Human Services"), located at ADDRESS;

and

<sup>5</sup> 42 U.S.C. § 675(1)(G) and 20 U.S.C. § 6311(g)(1)(E) and § 6312(c)(5)(B).

<sup>6</sup> 42 U.S.C. § 675(4)(A). Throughout this document, "Title IV-E" refers to Title IV-E of the Social Security Act.

<sup>7</sup> 20 U.S.C. § 6302(a) (Appropriating funds to local educational agencies for use in carrying out activities described in ESSA Title I, Part A (20 U.S.C. § 6312)). Throughout this document, "Title I" refers to Title I of the Elementary and Secondary Education Act, reauthorized in 2015 as the Every Student Succeeds Act.

<sup>8</sup> 20 U.S.C. § 6312(c)(5)(B).

<sup>9</sup> *Id.*

<sup>10</sup> 20 U.S.C. § 6312(c)(5)(A).

<sup>11</sup> § 22-32-138, C.R.S.

**Comment [KM1]:** Counties and local educational agencies (LEAs, which are usually school districts but also includes BOCES, charter institutes, or Colorado School for the Deaf and the Blind) should consider local geography and student mobility patterns to determine with which agencies they need to enter into agreements. Although this sample reflects a simple two-party agreement between a county department of human services and a school district, counties and LEAs may enter into multi-agency agreements, multiple two-party agreements, or some combination.

In agreements with more than one LEA, parties may wish to consider dividing transportation costs between not only the LEA of origin and human services, as this sample contemplates, but also the LEA where the student would otherwise be considered a resident.



DISTRICT NAME PUBLIC SCHOOL DISTRICT ("School District"), District Code, located at ADDRESS.

## II. TERMS AND EFFECTIVE DATE

*[Drafters should consult their attorneys to incorporate additional desired provisions, such as Effective Date, Initial Term, Extension Terms, End of Term Extension, and Early Termination.]*

### A. Form of Notice

Prompt, efficient communication between parties is necessary to achieve the purposes of this Agreement. Therefore, unless otherwise specified, electronic signatures are sufficient, and notices do not need to be sent in hard copy.

To facilitate effective communication, unless otherwise specified, notices must:

1. Be in writing (verbal notice must be followed up with email);
2. Be delivered via email, in accordance with section IX.C regarding secure transfer of personally identifiable information; and
3. Utilize the agreed-upon forms included in the appendices to this Agreement, where applicable. Where there is no form, informal email messages are sufficient so long as they contain the necessary information.

## III. DEFINITIONS

*[The definitions included below are specific to the content of this model. Drafters should consult their county attorneys to incorporate additional definitions.]*

"Additional costs" are costs of transportation that exceed what the LEA would otherwise pay to transport the student to school if the student were not in foster care.<sup>12</sup>

"Best interest determination" refers to the outcome of a process facilitated by the County Department of Human Services, in accordance with 12 CCR 2509-4, 7.301.241, to determine whether it is in a child or youth's best interest to remain in the school of origin or, alternatively, transfer to a new school.

"Caregiver" for purposes of this Agreement, refers to any approved, non-professional adult who accepts the responsibility of transporting the student to school, including but not limited to a foster parent, kinship caregiver, custodial or non-custodial

<sup>12</sup> U.S. Departments of Education and Health and Human Services, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* at 17-18 (June 23, 2016) available at [http://www.acf.hhs.gov/sites/default/files/cb/ed\\_hhs\\_foster\\_care\\_guidance.pdf](http://www.acf.hhs.gov/sites/default/files/cb/ed_hhs_foster_care_guidance.pdf) (hereinafter, "Joint Guidance").



parent, non-custodial kin, older sibling, etc. The term is used broadly to describe persons who may be reimbursed for their mileage or public transit fares pursuant to this Agreement.

**"Child in foster care"** includes all school-aged children and youth in foster care, regardless of Title IV-E eligibility, including those attending a public preschool.<sup>13</sup>

**"Foster Care"** has the same meaning as defined by 45 CFR § 1355.20, which is "24-hour substitute care for children placed away from their parents or guardians and for whom the Title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made."

**"Immediate Enrollment"** means attending and meaningfully participating in school by the date designated in the student's best interest determination, in accordance with 12 CCR 2509-4, 7.301.241(D)(4).

**"Local Educational Agency"** (LEA) means the local public school district, charter institute, Colorado school for the deaf and the blind, and/or board of cooperative education services (BOCES). Individual schools are part of their respective LEAs.<sup>14</sup>

**"Out-of-home placement"** for purposes of this Agreement is interchangeable with "foster care." See definition of "foster care."<sup>15</sup>

**"School of origin"** has the same meaning as defined in § 22-32-138, C.R.S.: "the school in which a student was enrolled at the time of each placement into foster care. If the student's foster care placement changes, the school of origin is the school in which the student is enrolled at the time of the change in placement. If the student is enrolled in a facility school, including residential child care facilities and secure detention facilities, and the student will no longer be enrolled in the facility school, the school of origin is the last school the student attended within the previous two years for at least one complete semester or term prior to entering the facility school or another school where the student had a meaningful connection within the previous two years. 'School of origin' includes the designated receiving school at the next grade level for feeder school or zone patterns when the student completes the final grade level served by the school of origin. When there is more

<sup>13</sup> Joint Guidance at 8 (including preschoolers in scope of ESSA foster care provisions).

<sup>14</sup> Local Educational Agency is defined in various areas of state and federal law. This Agreement utilizes the definition from 12 CCR 2509-1.

<sup>15</sup> Both terms are used due to variations in state and federal law referring to the same population. Colorado law tends to use "out-of-home placement," as defined in 19-1-103(85), C.R.S., while federal law uses "foster care."



than one potential school of origin, the student's input must be given strong consideration in determining which school to designate as the school of origin."

"Student" for purposes of this Agreement includes all school-aged children and youth who are in foster care for one or more days of an academic term, regardless of Title IV-E eligibility or out-of-home placement type (see definition of "foster care" above), including those attending a public preschool.<sup>16</sup> A school-aged child or youth is considered a "student" even if they have not been enrolled in or attending school.

#### IV. POINTS OF CONTACT AND DUTIES

##### A. Human Services Point of Contact

The primary point of contact for purposes of administration of this Agreement is:

*Name, Title* \_\_\_\_\_

*Email* \_\_\_\_\_

*Phone* \_\_\_\_\_

**Comment [KM2]:** List all relevant points of contact: if the point of contact for day-to-day, case-specific issues is different than the point of contact for administrative or contract issues, that should be stated with contact information provided for each.

By designating this individual as the point of contact, Human Services affirms that he or she has sufficient authority, capacity, and resources to fulfill the following:

- Coordinating with the corresponding School District point of contact.
- Making systemic operational and programmatic decisions.
- Directing Human Services staff to implement this Agreement.
- Ensuring development of necessary professional development and training to Human Services staff on Fostering Connections and ESSA provisions; § 22-32-138 and § 19-3-208, C.R.S., the school stability requirements of Volume 7 including 12 CCR 7.301.24, 7.301.241, and 7.301.242; and this Agreement.
- Participating in good faith in the dispute resolution process outlined in this Agreement in the event of disagreements regarding transportation.

The primary point of contact for purposes of implementing this Agreement is:

*Name, Title* \_\_\_\_\_

*Email* \_\_\_\_\_

*Phone* \_\_\_\_\_

<sup>16</sup> § 22-32-138, C.R.S. (2018).



By designating this individual as the point of contact, Human Services affirms that he or she has sufficient authority, capacity, and resources to fulfill the following:

- Coordinating with the corresponding School District point of contact.
- Participating in the implementation of a local best interest determination process that meets the requirements of 12 CCR 7.301.241, including ensuring all required participants are invited and all required documentation is completed. See Appendix A: Best Interest Determination Worksheet.
- Notifying the School District point of contact within two school days when any student who attends school in the School District has been placed in foster care or when there has been a foster care placement change. If transportation will be needed to maintain the student in the school of origin and/or when a school move is considered triggering a best interest determination process, this information must also be included in the notice. See Appendix B: Notice to School District of Origin of Student in Out-of-Home Placement.
- Notifying the School District point of contact within 1 school day of the outcome of a best determination for a student whose school of origin is within School District, including whether the determination triggers the need to provide ongoing transportation services pursuant to this Agreement. See the "Part II: Follow Up" section in Appendix B: Notice to School District of Origin of Student in Out-of-Home Placement. To ensure timely and consistent communication, the Human Services point of contact will send this notice even if a School District representative attended the best interest determination.
- Notifying the School District point of contact within 1 school day when there has been a best interest determination that student in foster care will transfer into a new school within School District from another local educational agency. See Appendix C: Notice to Receiving School District of Student in Out-of-Home Placement.
  - If the student is transferring between schools that are both within School District, the "Part II: Follow Up" notice on Appendix B is sufficient.
- Serving as a secondary source, when possible, to provide educational records from the Human Services case file to a student's new school.
- Coordinating necessary transportation for students as described in this Agreement, including through development of any Human Services policies or practices necessary to implement these procedures.

**Comment [KM3]:** The Best Interest Determination Worksheet and school notification forms are intended to be modified to meet local needs, while maintaining the components that are required by federal or state law. In particular, counties should modify forms to maintain consistency with the terms of their local agreements with LEAs (this document).

**Comment [KM4]:** Underlined timeframes throughout this model may be adjusted to meet local needs, so long as the student's educational stability is maintained pending the process.

## B. School District Point of Contact

The primary point of contact for purposes of administering this Agreement is:

Name, Title

Email

Phone

**Comment [KM5]:** In general, educational records are protected by FERPA, not HIPAA. There may be narrow circumstances where HIPAA applies. Counties should consult their attorneys to ensure appropriate treatment of all records.

See Joint Guidance, U.S. Departments of Education and Health and Human Services, *Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records* available at <https://www2.ed.gov/policy/gen/guid/fpc/o/doc/ferpa-hipaa-guidance.pdf>



By designating this individual as the point of contact, the School District affirms that he or she has sufficient authority, capacity, and resources to fulfill the following:

- Coordinating with the corresponding Human Services point of contact.
- Making systemic operational and programmatic decisions.
- Directing School District staff to implement this agreement.
- Developing a "needs to know basis" confidentiality policy to meet the educational needs of students in foster care while also protecting privacy of sensitive information.
- Ensuring development of necessary professional development and training to School District staff on ESSA provisions, § 22-32-138, C.R.S., this Agreement, and the educational needs of students in foster care.
- Participating in good faith in the dispute resolution process outlined in this Agreement in the event of disagreements regarding transportation.

The primary point of contact for purposes of implementing this Agreement is:

Name, Child Welfare Education Liaison

Email

Phone

By designating this individual as the point of contact, the School District affirms that he or she has sufficient authority, capacity, and resources to fulfill the following obligations of this agreement including:

- Coordinating with the corresponding Human Services point of contact to implement this Agreement.
- Ensuring participation of an individual from School District who knows the student when Human Services facilitates a best interest determination pursuant to 12 CCR 7.301.241. The participant should be someone who "is knowledgeable about the child and able to provide feedback on significant relationships that the child may have formed and how changing schools would impact his or her academic, social, or emotional well-being such as a teacher, counselor, coach, or other meaningful person in the child's life."<sup>17</sup>
- Implementing a "needs to know basis" confidentiality policy to meet the educational needs of students in foster care while also protecting privacy of sensitive information; documenting best interest determinations and foster care status on behalf of School District to the extent required to meet students' educational needs.

<sup>17</sup> Joint Guidance at 13.



- Facilitating the prompt transfer of educational records for students in foster care who enter or exit a school within School District.
- Facilitating immediate enrollment for students in foster care who enter a school within School District.
- Immediately requesting education records from the school of origin for students in foster care who enter a school within School District.<sup>18</sup>
- Ensuring that students in foster care are promptly enrolled in School District's free lunch program.<sup>19</sup>
- Ensuring that the school and School District waive all school fees for students in out-of-home placement, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs.<sup>20</sup>
- Facilitating data sharing with Human Services consistent with FERPA, the IDEA, and other privacy laws and policies.
- Coordinating necessary transportation for students as described in this Agreement, including through development of any School District policies or practices necessary to implement these procedures.

#### C. Seamless Coverage of Obligations

While the duties described above are expected to be fulfilled by the designated point of contact, the duties are obligations of the respective parties. School District and Human Services will ensure adequate staff time to meet the obligations of this agreement. School District and Human Services will ensure seamless coverage during times such as staff vacancies or leave.

#### V. BEST INTEREST DETERMINATIONS

When a school move is considered as a result of a change in foster care placements, Human Services must facilitate a best interest determination in compliance with 12 CCR 7.301.241. A copy of this section of rule is attached as Appendix F.

##### A. Responsibility for Determining Best Interest

Human Services is the entity responsible for determining whether it is in a student's best interest to remain in their school of origin, with input from School District.<sup>21</sup> Consistent with 12 CCR 7.301.241 and the point of contact duties outlined in this Agreement, Human Services must engage School District in this process, and School District must provide meaningful input from a representative who knows the student.

**Comment [KM6]: Parties should consider whether there are any additional procedures they wish to include beyond what is required by the rule and include those in this section.**

<sup>18</sup> 20 U.S.C. § 6311(g)(1)(E) (requiring receiving school to immediately initiate records transfer).

<sup>19</sup> 42 U.S.C. § 1758(b)(5) (establishing categorical eligibility for free lunch for students in foster care).

<sup>20</sup> S. 22-32-138, C.R.S. (2018).

<sup>21</sup> Joint Guidance at 14.



It is presumed to be in a student's best interest to remain in the school of origin with transportation provided. Therefore, if no school move is ever considered, a best interest determination is unnecessary. If School District believes a school move should be considered, and Human Services has not already initiated the best interest determination process, then the School District point of contact may send a written request for a best interest determination to the Human Services point of contact. If a best interest determination has not already occurred within the last 45 days, Human Services must then facilitate a best interest determination process within 2 weeks. If a best interest determination has been made in the last 45 days, Human Services may facilitate another best interest determination at their discretion.

In some instances, the juvenile court may exercise its jurisdiction to make a best interest determination. The juvenile court's orders are the final determination.

Decisions regarding best interests to remain in the school of origin are distinct from special education placement decisions, which are within the purview of the Individualized Education Plan (IEP) team.

Either party may initiate an informal conversation or staffing at any time as needed to identify and meet a student's needs.

#### B. Timing and Outcome of Best Interest Determination

The best interest determination must be made prior to a change in schools. The outcome of a best interest determination can be:

- (1) It is in the student's best interest to remain in the school of origin (with or without a transportation plan); or
- (2) It is in the student's best interest to change schools. The new school and date for transfer must be identified.

A determination that it is in a student's best interest to change schools must include the date when it is best for him or her to transfer, with the student continuing to attend the school of origin until that date. When a school move is necessary, it is assumed to be in a student's best interest to transition at natural academic junctures such as the end of the term but preferably at the end of a school year.

Human Services and School District agree to coordinate as outlined in this agreement to maintain students in their schools of origin unless it is determined not to be in their best interest to do so and until the designated date for transfer.

#### VI. IMMEDIATE SCHOOL ENROLLMENT

Human Services point of contact must notify School District point of contact within one school day of a determination that it is in a student's best interest to transfer into a school within School District. This notice must include the date designated for



transfer. See Appendix C: Notice to Receiving School of Student in Out-of-Home Placement or the "Part II: Follow Up" section of Appendix B: Notice to School District of Origin of Student in Out-of-Home Placement.

School District must ensure the student is immediately enrolled, which means attending and meaningfully participating in school by the date designated in the student's best interest determination, in accordance with 12 CCR 2509-4, 7.301.241(D)(4). Enrollment cannot be denied or delayed because documents normally required for enrollment (proof of age, proof of residency, vaccination records) have not been submitted.<sup>22</sup> School records, including an IEP, are never required for enrollment, but an enrolling school must immediately contact the school of origin to obtain relevant records.<sup>23</sup>

When a student transfers out of School District, School District must support that student's transition by ensuring prompt transfer of records to the new school. Records transfer must not be delayed due to any fees or fines the student may owe.

## VII. PROVISION AND ARRANGEMENT OF TRANSPORTATION

Human Services and School District share the goal and obligation of providing prompt, cost-effective transportation to maintain students in their schools of origin. To achieve this, parties agree to the following terms and procedures.

### A. Duration of Transportation

Transportation obligations begin on the day a student is placed out-of-home. It is presumed to be in a student's best interest to remain in the school of origin, so no formal best interest determination is needed to trigger parties' transportation obligations. However, School District may request a best interest determination as described in Section V of this Agreement.

Transportation must be continuously provided for the duration of the student's time in foster care unless and until it is determined not to be in the student's best interest. If a student exits foster care before the end of a school year, the transportation arrangement must be maintained through the end of the school semester to maintain the student's educational stability.<sup>24</sup>

### B. Short-Term Transportation - Arrangement and Order of Preference

**Comment [KM8]:**  
Parties may agree to extend this to the end of the academic year if desired.

**Comment [KM9]:** The procedures outlined below are only examples.

The examples provided place the burden of short-term transportation on DHS based on the assumption that DHS will be in a better position to know about and address the needs of the child/youth in the first few days immediately following a placement change. Local circumstances may warrant different assumptions.

Additionally, these examples assume that the administrative burden to DHS of seeking reimbursement from the school district for their "share" of short-term, lower cost options (mileage and/or public transportation for just the first few days) would outweigh the financial benefit. Localities are free to agree to any cost-sharing arrangements they wish.

<sup>22</sup> 20 U.S.C. § 6311(g)(1)(E); Joint Guidance at 20.

<sup>23</sup> *Id.*

<sup>24</sup> Colorado law defines "student in out-of-home placement" status to extend until the end of the academic semester or term in which the student exits out-of-home placement. HB 18-1306, codified at § 22-32-138, C.R.S. Federal guidance encourages agencies to "make every effort to continue to ensure transportation is provided through the end of the school year" in which a child exits foster care. Joint Guidance at 17. See also § 22-32-116, C.R.S. (2017) (entitling non-resident students to remain in their school until the end of the academic term, or year for elementary and 12<sup>th</sup> grade students).



Children and youth in foster care must remain in the school of origin unless and until it is determined to be in their best interest to attend a new school. In recognition that initial placement into foster care and changes in foster care placements often occur with little notice, Human Services is responsible for arranging short-term transportation to ensure school attendance immediately following a placement change. Human Services and School District agree to the following to provide short-term transportation services to a student's school of origin while longer-term decisions and arrangements are made. Transportation may be a combination of methods as necessary for the individual situation.

These short-term preferences also apply when circumstances change during an existing placement and the previously arranged transportation plan can no longer be followed.

A list of employees of Human Services and/or School District staff who may provide school transportation is attached as Appendix D. A list of third-party contractors who may provide school transportation is attached as Appendix E. Human Services and School District points of contact are responsible for reviewing these lists and coordinating to update it as needed but at least every six months.

Order of preference for short-term transportation:

1. *Caregiver.* The preferred immediate transportation option is for the student's caregiver or another appropriate adult (such as non-custodial parents, kin, a mentor, or a CASA volunteer) to provide transportation with mileage reimbursement.
  - Human Services caseworker must coordinate with caregiver to arrange transportation under this option.
  - If caregiver transportation is an option, Human Services accepts sole responsibility for the costs of caregiver mileage reimbursement to the school of origin for up to the first five school days. The Human Services caseworker is responsible for arranging this with the caregiver.
  - Starting on the sixth school day, Human Services and School District agree to share the additional costs as described in Section VIII.
2. *Public Transportation.* If public transportation is an appropriate option, the student may take public transportation to school.
  - The Human Services caseworker must work with the caregiver and student to identify a public transportation route.
  - Human Services accepts sole responsibility for the costs of public transportation, including the fares for an adult chaperone if necessary, to the school of origin for the first five school days.
  - Starting on the sixth school day, Human Services and School District agree to share the additional costs as described in Section VIII.
3. *Human Services or School District Staff.* Identified employees of Human Services and/or School District may provide school transportation. A list of these is individuals attached as Appendix D.

**Comment [KM10]:** Counties should determine which responsibilities of coordinating with the family fall to the caseworker (whose primary role, in general, is to work with the family) versus the designated point of contact (whose primary role, in general, is to work with the school district).



- Human Services point of contact must select and arrange short-term transportation with the employee(s).
  - Human Services and School District agree to share the additional costs starting on the first school day and continuing until another appropriate transportation solution takes effect.
4. *Third-Party Private Provider.* Identified third-party providers may provide school transportation. A list of these providers is attached as [Appendix E](#).
- Human Services point of contact must select and arrange short-term transportation with the provider.
  - Human Services and School District agree to share the costs of providers on this list starting on the first school day and continuing until another appropriate transportation solution takes effect.

#### C. Ongoing Transportation - Arrangement and Order of Preference

Human Services and School District are jointly responsible for arranging ongoing transportation. The provisions of this section apply until the end of the academic semester in which a child or youth exits out-of-home placement.

Consistent with the duties described in Section IV, the Human Services point of contact must notify the School District point of contact within two school days when a student who already attends school in School District has been placed in foster care or when there has been a foster care placement change. See Appendix B: Notice to School of Origin of Student in Out-of-Home Placement. The Human Services point of contact must indicate in this notice and/or follow up communication if the student must need transportation to their school of origin under this Agreement.

Human Services point of contact must also notify the School District point of contact within two school days should other circumstances change requiring revision to the transportation plan.

Within two school days of being notified of the need for transportation, the School District point of contact must determine whether there is an existing transportation route that the student can take to the school of origin or, alternatively, whether the student is eligible for transportation under the IDEA or the McKinney-Vento Homeless Assistance Act.

School District and Human Services points of contact must coordinate promptly to develop an ongoing transportation plan for individual students. Transportation may be a combination of methods as necessary for the individual situation.

Additional costs of ongoing transportation must be shared by Human Services and School District as detailed in Section VIII.

Order of preference for ongoing transportation:



**Comment [KM11]:** Unlike with mileage and public transportation, the assumption in #3 and #4 is that the cost will be higher and thus necessary to share expenses starting on day one. This incentivizes both DHS and LEAs to work quickly to find a more affordable option, if possible, while also reducing the financial burden on any one agency.

**Comment [KM12]:** The lists in Appendices D and E should be developed in advance so that transportation can be arranged quickly when needed. The list should be kept current, and a person should be identified who is responsible for updating the list. DHS and the LEA should establish a convenient mechanism to update the Appendices mid-contract term as needed. Who needs to sign off on changes, and what is the process for this?

See the model Appendix E for additional considerations when developing this list.

**Comment [\*13]:** Per HB 18-1306 a child/youth is still entitled to transportation as a "student in out-of-home placement" until the end of the semester after they exit out-of-home placement. Parties may wish to have different agreements for transportation once the child/youth is no longer in out-of-home placement agreement assumes nothing will change.

1. **School District Route.** If there is an existing school district transportation route, including routes that can be modified, the School District point of contact must arrange for the student to begin riding on the existing route as soon as possible. The School District point of contact must notify the Human Services point of contact *and* the foster parent/kinship caregiver of the route information.
2. **Transportation Already Addressed through Other Means.** School District must assess whether the student is entitled to transportation services under another statute. School District must provide transportation funded by the School District if the student is eligible under the McKinney-Vento Homeless Assistance Act or the IDEA; because this transportation is already required, it does not pose an "additional cost."
3. **Drop-off to Meet School District Route.** This option is available when the student can be dropped off to meet an existing school district route, including routes that can be modified. School District point of contact will coordinate with Human Services point of contact *and* the foster parent/kinship caregiver to determine if this is an option.
4. **Caregiver.** As described above.
5. **Public Transportation.** As described above.
6. **Human Services or School District Staff.** As described above, except Human Services and School District points of contact must coordinate to select and arrange ongoing transportation with the employee(s).
7. **Third-Party Private Provider.** As described above, except Human Services and School District must points of contact must coordinate to select and arrange ongoing transportation with the provider.

## VIII. FUNDING OF TRANSPORTATION

### A. Mileage Reimbursement Rates and Eligibility

**Rates.** When using personal vehicles, Human Services and School District employees must be reimbursed for mileage at the rates established by their respective agencies. These employees must maintain automobile and liability insurance at the levels required by their respective agencies' policies for transporting minors.

The rate for caregiver mileage reimbursement must be the same as is provided to Human Services staff or School District staff, whichever is greater.

Mileage to be reimbursed includes the door-to-door actual miles necessary to take the student to school, less the provider's normal commute (if any).

**Insurance.**

*[Drafters should consult their attorneys to insert their insurance requirements and any other requirements for transporting children here. In the event parties have differing requirements, drafters should consider whether*



*[employees/caregivers are held to the requirements of their respective agencies or, alternatively, whichever requirement is higher.]*

**Safe Driving Record.**

*[Drafters should consult their attorneys to insert any requirements regarding traffic history here. In the event parties have differing requirements, drafters should consider whether employees/caregivers are held to the requirements of their respective agencies or, alternatively, whichever requirement is higher.]*

**B. Cost-Sharing Between Human Services and School District**

It is the intent of Human Services and School District to equitably share the costs of transportation to maintain students who are in out-of-home placement in their schools of origin. Except as otherwise provided in this Agreement, Human Services and School District will each pay fifty percent of the "additional costs" remaining after reimbursement/projected reimbursement by the Colorado Department of Human Services.

"Additional costs" are costs of transportation that exceed what the LEA would otherwise pay to transport the student to school if the student were not in foster care. When the district does not have any prior transportation cost for the student, the entire cost of the transportation is an "additional cost" subject to cost-sharing per this agreement.

In general, 80% of Human Services's expenses pursuant to this Agreement will be reimbursed by the Colorado Department of Human Services. Human Services and School District will cost-share the remaining 20%, which are Human Services's unreimbursed costs. In the event the HB 18-1306 school transportation fund is depleted and Human Services overspends its child welfare block allocation, some costs may not be reimbursed by the Colorado Department of Human Services. In that case, the entire amount of unreimbursed "additional costs" is subject to cost-sharing under this Agreement.

*Example of cost sharing when district does not have prior costs.*

Student changes foster care placements and needs transportation to the school of origin. The student did not previously have any district-provided transportation, and there are no pre-existing bus routes, so the student will need a new transportation option. The transportation is \$25/day.

$$\begin{aligned} \text{Total cost} \times 0.2 \times 0.5 &= \text{amount to cost-share} \\ \$25/\text{day} \times 0.2 \times 0.05 &= \$5/\text{day to cost-share} \end{aligned}$$

CDHS reimburses: \$20/day  
County cost-share: \$2.50/day



District cost-share: \$2.50/day

*Example of cost-sharing when district has prior cost.*

Student receives special education and has transportation as part of her Individualized Education Program (IEP). Prior the change in foster care placements, the school district was paying \$15/day for the student's transportation. After the change in foster care placements, transportation to the school of origin is \$25/day.

$$\begin{aligned} \text{(add'l cost} &= \text{total cost} - \text{district's prior obligation}) \times 0.2 = \text{amount to cost-share} \\ \text{add'l cost} &= \$25 - \$15/\text{day} = \$10/\text{day} \\ \$10/\text{day} \times 0.2 &= \$2/\text{day to cost-share} \end{aligned}$$

CDHS reimburses: \$8/day

County cost-share: \$1/day

District prior cost + cost-share: \$16/day (\$15 prior cost + \$1 cost share)

*[Insert provisions addressing:*

- The proportionate share of each agency
- Frequency of reimbursement of one agency to the other
- Any requirements for invoicing or accounting
- Financial points of contact of each agency
- Any circumstances which trigger alternative provisions, e.g., whether a student is Title IV-E eligible, use of a particular transportation provider, etc.
- County DHS/DSS notification to LEA of child or youth's Title IV-E eligibility]

## IX. CONFIDENTIALITY

### A. Confidentiality of Child Welfare Information

In order to protect family privacy, Human Services may not be able to disclose certain factors impacting the best interest determination, including but not limited to content of or progress on parents' treatment plans, details of students' mental health needs, sensitive family information, etc. The primary role of School District in the best interest determination process is to provide information and insight about the student and schools.

### B. School District Use of Sensitive Information

Notwithstanding the safeguards above, School District and its employees will inevitably learn information of a sensitive nature as a result of participating in the best interest determination process and in the ongoing work of supporting children



and youth in foster care. In recognition that education records are more accessible to a wider audience than child welfare records, School District must adopt practices and/or policies to allow it to utilize sensitive information to serve a student in foster care's educational needs without unnecessarily creating and maintaining "educational records" subject to disclosure pursuant to the Family Educational Rights and Privacy Act.

### C. Secure Transfer of Personally Identifiable Information

*[Drafters should consult their attorneys to incorporate provisions consistent with their county's data security policies, including security of email communications.]*

## X. DISPUTE RESOLUTION

### A. Funding of Transportation Pending Disputes

In order to meet the educational stability needs of children and youth, and to comply with Fostering Connections, ESSA, and Colorado HB 18-1306, Human Services and School District agree to provide and fully fund transportation as outlined in Section VIII above pending resolution of disputes.

### B. Dispute Resolution Procedures

As soon as it is apparent that a disagreement exists and dispute resolution is necessary, the School District and Human Services points of contact must notify their respective administrators, identified as the administrative points of contact above, of the dispute. The administrators must attempt to come to an agreement within 5 school days. If an agreement still cannot be reached, parties agree that [ ] will decide the outcome, including any amounts owed between parties for transportation provided pending the resolution.

**Comment |KM14|:** Parties should consider local options for dispute resolution. For example, parties may decide to pay for arbitration (in which case they should agree who pays – split or non-prevailing party pays?), utilize a local administrative review process, participate in mediation, or some other option. The essential elements are 1) a way to determine the default method of transportation and funding pending the dispute, 2) a tiered approach to resolution, and 3) an ultimate decision maker to resolve the dispute.

#### LIST OF APPENDICES:

Appendix A: Best Interest Determination Worksheet

Appendix B: Notice to School District of Origin of Student in Out-of-Home Placement

Appendix C: Notice to Receiving School District of Student in Out-of-Home Placement

Appendix D: Human Services and School District Staff Transportation

Appendix E: Approved Third-Party Private Transportation Providers



## Appendix D

### I. HUMAN SERVICES STAFF TRANSPORTATION

#### A. Human Services Staff

The following individuals have been identified to provide transportation to and from school for children and youth in foster care.

1. Name, Title
  - o Contact information
  - o Include any relevant information about this person, such as type of vehicle, starting location, handicap accessibility, distance able to travel, seasonal availability, morning or afternoon only, etc.
2. Name, Title
  - o Contact information
  - o Include any relevant information about this person, such as type of vehicle, starting location, handicap accessibility, distance able to travel, seasonal availability, morning or afternoon only, etc.

#### B. Human Services Staff Assurances

Background Checks.

*[Insert assurances regarding background check of School District employees listed above. State where detailed information on background check is stored and/or attach records.]*

**Comment (KWM15):** Ensure that the background checks and liability insurance for both DHS and the LEA meet the standards of either or both agencies, as stated in the Agreement.

Liability Insurance.

*[Insert assurances regarding vehicle and liability insurance information for School District employees listed above. State where detailed information is stored and/or attach records.]*

#### C. Costs of Human Services Staff Transportation

*[Describe in detail how costs will be determined for School District Staff providing transportation including costs for time, mileage and/or vehicle use, insurance costs, and indirect costs.]*



## Appendix D

### II. SCHOOL DISTRICT STAFF TRANSPORTATION

#### A. School District Staff

The following individuals have been identified to provide transportation to and from school for children and youth in foster care.

1. Name, Title
  - Contact information
  - Include any relevant information about this person, such as type of vehicle, starting location, handicap accessibility, distance able to travel, seasonal availability, morning or afternoon only, etc.
2. Name, Title
  - Contact information
  - Include any relevant information about this person, such as type of vehicle, starting location, handicap accessibility, distance able to travel, seasonal availability, morning or afternoon only, etc.

#### B. School District Staff Assurances

Background Checks.

*[Insert assurances regarding background check of School District employees listed above. State where detailed information on background check is stored and/or attach records.]*

Liability Insurance.

*[Insert assurances regarding vehicle and liability insurance information for School District employees listed above. State where detailed information is stored and/or attach records.]*

#### C. Costs of School District Staff Transportation

*[Describe in detail how costs will be determined for School District Staff providing transportation including costs for time, mileage and/or vehicle use, insurance costs, and indirect costs.]*



## Appendix E

### APPROVED THIRD-PARTY PRIVATE TRANSPORTATION PROVIDERS

The following individuals and/or organizations have been approved by Human Services and School District to provide transportation to and from school for children and youth in foster care. This list is ranked in order of preference. Where there is no significant preference between options, they are listed as subsets of the same ranking, i.e. "2a, 2b, 2c."

#### 1. Name, Title, Organization

- Contact information
- Include any relevant information about the provider, such as type of vehicle, starting location, handicap accessibility, distance able to travel, seasonal availability, morning or afternoon only, etc.
- Statement summarizing the costs of this provider. For independent contractors/private companies, consider attaching supporting documents such as contracts, quotes, prices lists, etc. Information should be of sufficient detail that parties are on notice of the potential expenses.
- Assurances regarding background check of provider/provider's employees. State where detailed information on background check is stored and/or attach records.
- Assurances regarding vehicle and liability insurance information for provider/provider's employees. State where detailed information is stored and/or attach records.

#### 2. Name, Title, Organization

- Contact information
- Include any relevant information about the provider, such as starting location, type of vehicle, handicap accessibility, distance able to travel, seasonal availability, morning or afternoon only, etc.
- Statement summarizing the costs of this provider. For independent contractors/private companies, consider attaching supporting documents such as contracts, quotes, prices lists, etc. Information should be of sufficient detail that parties are on notice of the potential expenses.
- Assurances regarding background check of provider/provider's employees. State where detailed information on background check is stored and/or attach records.
- Assurances regarding vehicle and liability insurance information for provider/provider's employees. State where detailed information is stored and/or attach records.

**Comment [KWMJ6]: Considerations when developing this list:**

- Potential providers could include:
  - CASAs (even if not the CASA on the individual student's case)
  - Private transportation companies
  - Non-profits with children/youth-focused missions
  - Individuals as independent contractors
    - These may be individuals who are employed by DHS or the LEA but acting in their individual capacity
    - Communities may decide to conduct outreach to partner agencies to develop a network of providers through schools, universities/community colleges, parent organizations, local nonprofits, faith-based organizations, and businesses. Individuals employed or associated with these organizations may offer their services below market rate.
- Include sufficient level of detail regarding the identity and contact info of the providers so DHS can reach them and make arrangements quickly.
- Include sufficient level of detail regarding the costs of each provider so both DHS and the LEA are on notice of the potential expenses.
- Complete and document background checks to meet the standards of both DHS and the LEA.
- Consider how the transportation needs of students with disabilities will be met. If the student already receives special transportation under their IEP, how will DHS and the LEA ensure this is continued upon a change in placement?
- Consider the variety/quantity of providers that makes sense for your region. For example, a larger region may want access to a 15-passenger van that can carpool several students traveling the same general direction.
- The Division of Child Welfare will share a Statewide Transportation Needs Assessment when it is completed on or around July 1, 2017. This may provide useful information in some of the above decisions.



