

HB777

Enrollment of and Provision of Free Public Education for Certain Students; Kinship Care and Foster Care



Bill Patron: Delegate Katrina Callsen

WHAT THE BILL DOES:

Provides that certain provisions of law relating to continuity of public-school enrollment and attendance, and immediate enrollment for students in foster care, apply to a student who has transitioned out of foster care and whose custody has been transferred to the student's parent or prior legal guardian, or who has been emancipated.

If a student in a kinship care arrangement moves into a different school division during the school year as a result of safely returning home, being emancipated, or transitioning to a new kinship care arrangement, such student shall be deemed a resident in the previous school division of residence for the remainder of the school year for the purpose of tuition-free enrollment and attendance.

HOW DOES THIS IMPACT SCHOOL DIVISIONS?

This legislation prioritizes ensuring continuity of instruction. Therefore, any student transitioning out of foster care and:

- whose custody has been transferred to the student's parent or prior legal guardian; or
- who has been emancipated

shall be allowed to continue to attend the school in which he was enrolled prior to his placement transition.

Note: This decision will be made upon the joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the student. The student may also be immediately enrolled in the new school based on the student's current address. Current law contains similar provisions but is limited to students who have transitioned into or between foster care placements.

Tuition **may not be charged** to a student in a kinship care arrangement who moves out of the school division because of safely returning home, being emancipated, or transitioning to a new kinship care arrangement.

Both provisions shall continue to apply through the end of the academic year in which the student transitions out of foster care or kinship care.

WHAT RESOURCES ARE AVAILABLE?

- The [*Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*](#) is the U.S. Department of Education and U.S. Department of Health and Human Services guidance on the Foster Care Provisions in Title I, Part A of the Elementary and Secondary Education Act. The guidance will help school divisions meet the needs of students in foster care and answer

frequently asked questions around educational stability, school of origin, best interest determination, dispute resolution, transportation, and other pertinent areas.

- William and Mary’s [Project HOPE website](#) includes foster care points of contact in Virginia and the nation, federal guidance and information, and available training for interested staff.
- Project Hope’s training, Educational Stability for Children & Youth in Foster Care, is free and open to all school staff and anyone interested in supporting students in foster care. There are virtual and in-person trainings available through VDOE and William and Mary. For more information and to register for training, access Project HOPE’s [foster care website](#).
- *Code of Virginia* § [22.1-3](#) outlines and describes to school divisions that a free public education is available for persons of school age for certain kinship care arrangements.
- *Code of Virginia* § [22.1-3.4](#) will assist school divisions with immediate enrollment of children placed in foster care, including placement determination, continuity of instruction, and foster children education payments pursuant to [§ 22.1-101.1](#).

■ WHAT ADDITIONAL ITEMS WILL BE RELEASED?

- None.

■ SCHOOL DIVISION NEXT STEPS:

- For students exiting foster care (i.e., custody is transferred to parent or prior legal guardian or are emancipated):
 - School divisions should notify enrollment staff that such students who exit foster care still have the right to immediate enrollment. School divisions should discuss how they will identify students at enrollment for whom this process should apply.
 - School division foster care liaisons should contact their educational stability counterparts at the local department of social services to discuss how they will be notified when a student exits care and how the process for students in foster care will be applied.
 - School division foster care liaisons may consult with their Title I directors to discuss use of the Title I, Part A reservation and determine an appropriate set aside.
- For students in informal kinship care arrangements who move into a different school division during the school year as a result of safely returning home, being emancipated, or transitioning to a new kinship care arrangement:
 - School divisions must develop a process to notify appropriate staff that tuition cannot be charged when a student in informal kinship care arrangements who moves into a different school division during the school year as a result of safely returning home, being emancipated, or transitioning to a new kinship care arrangement, remains in the current school.
 - School divisions that have adopted a formal process to enroll students in informal kinship arrangements may add the additional option to remain in the current school to their existing process to allow the student to remain in the current school if the student’s kinship placement changes.

■ WHO IS THE VDOE CONTACT:

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