

Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)

Definition

In accordance with state law, and for purposes of this regulation, a “student in out-of-home placement” means:

- a child or youth who is in foster care and receiving educational services through a state-licensed day treatment facility;
- a child or youth who is in placement for twenty-four-hour residential care in any facility or center operated or licensed by the department of human services;
- a child or youth who transfers school enrollment as a result of being returned to his or her home at the conclusion of an out-of-home placement.

“Student in out-of-home placement” does not include a child or youth who is in twenty-four-hour residential care funded totally by private moneys or a child or youth who is in an out-of-home placement for purposes of adoption.

Child welfare education liaison

The superintendent shall designate at least one district staff member to serve as the child welfare education liaison. In lieu of designating a district employee, the district may contract with an individual or request that the district’s Board of Cooperative Services (BOCES) designate a BOCES employee to serve as the district’s child welfare education liaison. By August 15 of each year, the district shall report the name and contact information of the district’s child welfare education liaison to the Colorado Department of Education.

The child welfare education liaison shall be responsible for working with child placement agencies, county departments of human services, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment of students in out-of-home placements. The specific duties of the child welfare education liaison shall include, but are not limited to:

- working with social workers from county departments of human services, juvenile probation officers, and foster care parents to ensure the prompt school enrollment and prompt transfer of students’ education information and records when students are required to change school enrollment due to changes in placement.

- ensuring that the education information and records of a student in out-of-home placement are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department of human services.

In addition to the liaison's duties pertaining to students in out-of-home placements, the district's child welfare education liaison is designated to receive notice of a student who is transitioning to public school from a state-licensed day treatment facility, facility school or hospital providing inpatient acute care or psychiatric services and who has been determined by that facility, facility school, hospital, or a court to be a risk to himself or herself or the community within the 12 months prior to the proposed transfer to a public school. Under certain circumstances, the child welfare education liaison may receive an invitation to participate in the development of a transition plan for such student.

Transfer of education records

If a student in out-of-home placement transfers to another school, the sending district shall transfer the student's education information and records to the receiving school within five school days after receiving a transfer request from the county department of human services that has legal custody of the student.

The sending district may release the student's education information and records to an employee of the county department of human services for the sole purpose of transferring the education information and records to the student's new school. Such release shall be in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act.

If the request for a records transfer involves a student who is receiving special education services pursuant to an individualized education plan, the sending district shall notify its special education director of the records request.

The sending district shall not delay the transfer of education information and records of a student in out-of-home placement for any reason, including but not limited to the existence of any unpaid fines or fees.

Enrollment

Unless otherwise permitted by state law to deny enrollment, the district or new school shall enroll a student in out-of-home placement within five days after receiving the student's education information and records, regardless of whether:

- the district or school has received the student's certificate of immunization;

- the student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or
- the student can comply with any other pre-enrollment restrictions or requirements imposed by the district or new school.

The district or school may deny enrollment to a student in out-of-home placement for the following reasons, subject to the district's responsibilities under the Exceptional Children's Educational Act and other laws pertaining to the education of students with disabilities:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.

The following shall constitute additional grounds for denial of enrollment of a student in out-of-home placement:

1. Graduating from the 12th grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
2. Failure to meet age requirements.
3. Having been expelled from any school district from the preceding 12 months, if the expulsion was for having drugs or weapons at school or for being a danger to self or others.
4. Not being a resident of the district unless otherwise entitled to attend under C.R.S. 22, Articles 23 (migrant children), 32 (exclusion of non-residents) or 36 (schools of choice).
5. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other pupils or of school personnel.

If the district or new school enrolls a student in out-of-home placement without receiving the student's certificate of immunization, the district or school shall notify the student's legal guardian that, unless the district or school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the student in out-of-home placement shall be suspended until such time as the district or school receives the certificate of immunization or authorization.

Transfer of credits

When a student in out-of-home placement transfers from one school to another school, the sending school shall certify to the receiving school or district the coursework that the student fully or partially completed while enrolled. The receiving school or district shall accept the student's certified coursework as if it had been completed at the receiving school.

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

Excused absences

A student in out-of-home placement shall receive an excused absence if the student misses school due to a required court appearance or participation in court-ordered activities, including but not limited to family visitation or therapy. The student's assigned social worker shall verify the student's absence was for a court appearance or court-ordered activity.

Waiver of fees

The school or district in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs.

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

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