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in School...

SCHOOL ENROLLMENT, WITHDRAWAL, AND OTHER TRANSITION CONSIDERATIONS FOR STUDENTS IN FOSTER CARE



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Daily Attendance

POST CARD: Provided by Foster Care Alumni of America - "It's not my fault I'm not in school."

CHAPTER 6

School Enrollment, Withdrawal, and Other Transition Considerations For Students In Foster Care

WHY PROMPT ENROLLMENT IS IMPORTANT

Delays and challenges with enrollment significantly impact the educational experience and outcomes of students in foster care. These challenges are both the responsibility of educators and child welfare stakeholders. Following the laws and practices established in the education and child welfare systems will prevent enrollment delays.

Challenges to enrollment include:

- Partial and missing student records.
- Lack of knowledge of the enrollment process and mandatory provisions for students in foster care.
- Lack of clarity about who may enroll a student in foster care.
- Unclear directions as to who is responsible for transfer of records.
- Misinformation about foster care generally.

This chapter provides practical information on enrollment of students in foster care to help educators, caseworkers, caregivers, and others work together to see that students enroll and enter school in a timely and efficient manner. This chapter also provides information on withdrawals and reviews the importance of child welfare staff and educators working together to promote effective school transitions.



TIP: Maintain confidentiality and sensitivity in the front office when enrolling a student.

It can be challenging to keep a student's foster care status confidential when enrollment is taking place in the school office. School staff should remain aware of who is within hearing distance and work with caregivers and students to enroll students in a manner that is both sensitive and respectful (i.e. without highlighting their foster care status). Some foster care alumni report that enrolling at a new school can sometimes be very humiliating and lead to negative labeling and stigmatization by school staff and peers. It is important to also keep this in mind when providing students welcome tours and introductions to the school environment (See Chapter 7: *Identifying Students and Maintaining Confidentiality*, on page 79.)

TIMEFRAME FOR ENROLLMENT AT A NEW SCHOOL



DO NOT DELAY! ENROLL FOSTER CARE STUDENTS IMMEDIATELY!

Under federal and state law, students in foster care are entitled to immediate enrollment when transferring to a new school or district — regardless of whether they have the necessary documentation and paperwork.⁴⁹ Texas law requires DFPS to enroll a student in foster care in school within **three (3)** school days of the student either: a) being placed in DFPS conservatorship (state custody), or b) moving to a new school or foster care placement.⁵⁰ DFPS then

has up to 30 days to ensure the necessary enrollment paperwork is provided to the new school.⁵¹ ESSA requires the receiving LEA to immediately contact the sending LEA when a student in foster care enrolls in a new school. School staff should follow up to ensure a student:

- Has their records requested and received from the sending school;
- Is placed in the correct grade level and classes;
- Receives their books, materials, and supplies;
- Is coded in PEIMS as a student in foster care;
- Promptly receives special education or Section 504 services, if appropriate;
- Promptly receives free school meals without completing meal applications;
- Is provided information on available academic programs, extracurricular activities, graduation endorsement options, etc., at their new school and receives continuity from previous enrollment and participation;
- Has an enrollment conference within the first two weeks of enrollment in a new school;⁵² and
- Is provided introductions in the new school environment by faculty, student leaders, or student ambassadors.



LAW: State law requires schools to implement systems to ease transitions and lessen the adverse impact of movement of a student who is in foster care or a student who is homeless within the first two weeks of enrolling in school. These activities include:⁵³



- Conducting an enrollment conference in the first two weeks of school or within the first two weeks after the student is identified as being in foster care;⁵⁴
- Ensuring welcome packets with relevant information and resources are provided to the student;
- Providing introductions for students to the school environment by faculty, student leaders, or student ambassadors (while protecting the student's confidentiality); and
- Ensuring that nutrition benefits are received immediately.

(See *Implementing Academic Supports and Intervention According to State Law*, on page 119.)



TIP: Staff members (such as principals, registrars, counselors, designated Foster Care Liaisons, nutrition coordinators, transportation specialists, etc.) should be knowledgeable concerning communication, processes, and procedures for facilitating successful school transitions for students who are homeless or in foster care.⁵⁵

LEA Foster Care Liaisons play an important role in ensuring successful enrollment and transfers for students in foster care. Foster Care Liaisons are an important point of contact for local campus and nutrition staff, caregivers, caseworkers, and court appointed advocates to troubleshoot and resolve enrollment challenges (See *Chapter 5: District and Open Enrollment Charter School Foster Care Liaisons: Responsibilities and Expectations*, on page 54.).





RECORDS NEEDED TO ADMIT AND ENROLL A STUDENT IN SCHOOL



ADMISSION:⁵⁶

1. Identity of parent or legal guardian/legal authority.
2. Proof of residence.



ENROLLMENT:⁵⁷

3. Proof of the student's identity (child's birth certificate or another acceptable document) (see page 67 for list.)
4. Immunization records.
5. School records from last school attended.
6. *DFPS Placement Authorization form 2085* or the *DFPS Designated Education Decision-Maker form 2085-E* can both serve as proof of foster care status prompting immediate enrollment.



NOTE: The Placement Authorization 2085 is a series of forms and all forms in the 2085 series are acceptable.



LAW: If the student is in DFPS Managing Conservatorship, the LEA must accept the student for enrollment, even without the normally required documents. DFPS has up to 30 days to provide all the necessary enrollment paperwork when a student enrolls at a new school.⁵⁸

INFORMATION NECESSARY FOR ADMISSION AND ENROLLMENT DESCRIBED

ADMISSION



1. Identity of parent or legal guardian/legal authority

Who may enroll a student in foster care in school?

If a student is in DFPS conservatorship, DFPS has legal authority to enroll the student in school. DFPS may delegate that authority to another person, usually the person who will be responsible for day-to-day care of the student, such as the:

- Foster parent or designated caregiver;
- DFPS caseworker or other staff (such as a Community-Based Care caseworker);
- Relative or fictive kin;⁵⁹
- CASA or student's guardian ad litem;

- Residential facility staff;
- Child placing agency staff, including case manager; or
- In some cases, the student's parent.



When a student is in foster care, the person enrolling the student may provide one of the following documents to show they have legal authority to do so (*See Acceptable Documents for Identifying Students During Enrollment, on page 80.*)

DFPS FORMS



> **DFPS Placement Authorization Form 2085**, which is given to caregivers by DFPS or Community-Based Care providers, indicates who has the legal authority and responsibility for the student.

> **DFPS Designated Education Decision-Maker Form 2085-E**, which is provided to the appointed decision-maker by DFPS, says who has the legal authority and responsibility to make education decisions for the student. Special Circumstances may also include a surrogate parent (*see Surrogate Parents, on page 133.*)

> A court order naming **DFPS as Temporary Managing Conservator (TMC)** or **Permanent Managing Conservator (PMC)** of the student.

If the person does not have the required documents, the DFPS caseworker, Community-Based Care caseworker, or the DFPS educational specialist may assist with providing the necessary forms.



TIP: When enrolling a new student, a school cannot request private and confidential information related to the student's foster care status. LEAs cannot utilize the lack of release of private and confidential information (e.g. private psychological evaluations, hospitalization records, non-felony charges, listings of prior providers, reasons for placements, sex-trafficking history, copies of DFPS student applications, placement summaries etc.) as reasons to delay services or enrollment.



LAW: If a parent or other person with legal responsibility for a student under a court order enrolls the student in a public school, that individual, or the transferring school district, shall furnish to the receiving school district:

- Student's birth certificate or other proof of identity,
- Records from the school most recently attended,
- Immunization records.⁶⁰



2. Proof of residence

Students in foster care are allowed to attend public schools in the district in which the foster parents reside free of any charge to the foster parents or DFPS.⁶¹ A parent or caregiver must provide appropriate documentation of residency in the school district if the district requires it.



LAW: A student placed in foster care is entitled to continue to attend the school in which the student was enrolled immediately before entering DFPS conservatorship. The student may also attend the public schools in the district in which the student's placement is assigned and may continue to attend the school at the time of any subsequent changes in foster care placements.⁶² Students have the right to remain enrolled through the highest-grade level offered by that school, regardless if they remain in foster care.⁶³ A student who meets this criteria above is eligible for attendance in the district as a regular student and should not be coded as a transfer student.⁶⁴

ENROLLMENT



3. Proof of student's identity

A birth certificate or other proof of the student's identity is necessary.⁶⁵ However, schools should be aware that DFPS may not have access to a student's original birth certificate and it could take longer than 30 days to obtain. When unable to acquire the original or a certified copy, DFPS will obtain a screen print of the birth record from the Bureau of Vital Statistics (BVS) system. Accepting the BVS screenshot will prevent challenges to school enrollment. Additionally, alternative methods to prove identity may be accepted, such as the court order, *DFPS Placement Authorization Form 2085*, or *DFPS Designated Education Decision-Maker Form 2085-E*.

Other alternative proof of identity and age includes:⁶⁶

- Driver's license;
- Passport;
- School ID card, records, or report card;
- Military ID;
- Hospital birth record;
- Statement of the child's date of birth issued for school admission purposes by the division of the Texas Department of State Health Services responsible for vital statistics;⁶⁷
- Adoption records;
- Church baptismal record; or
- Any other legal documents that establish identity.



TIP: The previous school may have a copy of the student's birth certificate in the school file. Contact the previous school to request a copy if the person enrolling the student does not have a birth certificate at the time of enrollment.



4. Immunization records

Generally, the student needs their proof of immunizations to enroll in school, unless the student's guardian(s) have requested an exemption under the law.⁶⁸ However, students in foster care may be admitted provisionally (for 30 days) even if acceptable evidence of vaccination is not available. If a student does not have the appropriate immunization records in place, DFPS must:⁶⁹

1. Ensure that the student visits the doctor or health clinic to begin immunizations;
2. Notify the school in writing that immunizations have begun; and
3. Ensure that immunizations are completed and that the immunization records are submitted to the school as soon as possible.



TIP: It is important that schools cooperate in transferring a student's immunization records to other schools when requested.⁷⁰ Approval from the student's legal guardian is not required before transferring immunization records if the immunization records are part of the student's education records.⁷¹



5. School records from last school attended

Upon a student's enrollment in a district, the district should attempt to secure all records and required documentation pertaining to the student from the previous district and/or the parent or other person with legal control of the student under a court order.⁷² The student's school record must be transferred via TReX within 10 working days.⁷³



TIP: In the event that a child arrives without records, schools may use the [Person Identification Database \(PID\) System](#) or the [Person Enrollment Tracking \(PET\) Systems](#) to look up the student and identify where the child was previously enrolled. School staff may use this information to reach out to the school(s) in which the student was previously enrolled to get more information to assist with enrollment in the new school.



TIP: DFPS, school Foster Care Liaisons, school registrars, and caregivers must work together to ensure records are properly transferred when school moves occur.



LAW: All eligible students who desire to enroll in a Texas public school are allowed to enroll, even if the new school has not received the academic records from the previous school. Additionally, credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and must be accepted by any other school district in the state.⁷⁴

ACTIONS TO TAKE WHEN A STUDENT IN FOSTER CARE WITHDRAWS OR CHANGES SCHOOLS



LEA Foster Care Liaisons and school personnel can assist in the coordination of proper withdrawal by ensuring that the person withdrawing the student knows the process and by confirming that all records are gathered and forwarded in a timely manner. LEA Foster Care Liaisons can follow up to ensure that the student receives their grades and is awarded credit and partial credit for work completed. Once the school is notified of the need to withdraw a student - whether it is advance or emergency notice communicated verbally or in writing - the school personnel should immediately begin gathering records. Where possible, provide DFPS with the student's records upon withdrawal.

WHO IS RESPONSIBLE FOR WITHDRAWING STUDENTS FROM SCHOOL?

Generally, the caregiver or the DFPS or Community-Based Care caseworker is responsible for withdrawing students.



LAW: Because of a Family Educational Rights and Privacy Act (FERPA) exception, even if a caregiver or foster parent did not formally withdraw the student from the previous school, enrollment by a student in another school district provides authority for the original school district to release the education records of that student to the receiving school, regardless of whether caregiver consent has been received.⁷⁵



TIP: The person who withdraws the student may be different from the person who enrolled the student. In some instances, the caregiver or caseworker who enrolled the student may not be the same person who is withdrawing the student.



HOW CAN SCHOOL PERSONNEL PROMOTE EFFECTIVE RECORDS TRANSFER?

Local child welfare and education agencies are encouraged to coordinate and establish collaborative practices to improve overall communication and records transfer. A delay in records transfer may result in a student repeating a course or not receiving appropriate educational services. Any available student records should be given to DFPS or their representative at the time of withdrawal and placed in the student's Education Portfolio (*See DFPS Coordination for School Transitions, on page 70.*) for possible use by the caseworker or caregiver for enrollment in the new school.



TIP: LEA liaisons should follow up with the previous school and the current school to ensure withdrawal and enrollment, respectively.

A student in foster care may leave school without a formal withdrawal from the previous LEA. Although new enrollment retroactively ends enrollment in the previous school, assistance may be needed to ensure streamlined transition. Facilitating smooth transfers is a key responsibility for Foster Care Liaisons. Foster Care Liaisons or a designated staff member on each campus, can follow up to make sure that students receive their grades and are awarded credit and partial credit for work completed previously.⁷⁶ They can also see that credits earned are properly

Learn more about [TEA Foster Care Liaisons](#) and how to find this information in AskTED.

entered in the TReX system and transferred through TReX to the new school and district. Following up within the schools will help facilitate effective withdrawal and records transfers. Liaisons also provide an important point of contact within the education system for those in the child welfare community (e.g., DFPS, caregivers, court-appointed advocates) to follow up and coordinate regarding school moves, records transfers, enrollment, and other issues. (See Chapter 5: District and Open Enrollment Charter School Foster Care Liaisons: Responsibilities and Expectations, on page 54.)

What is the Texas Student Records Exchange - TReX?

TReX is the system that facilitates records exchange of all student records across Texas. When a student moves from one Texas public school district or charter school to another, the student's records must be transferred via TReX within 10 working days of receiving a written request.⁷⁷ All Texas schools have access to the TReX system. For purposes of transferring records through TReX, a working day does not include a day that the campus receiving the records request is closed or a day that the district's

administrative office is closed.⁷⁸ Information must be entered in the TReX system in a timely and efficient manner to facilitate smooth records transfers and immediate and appropriate enrollment of students in the new school (See Appendix G on page 165.).

School staff should be aware that each LEA may store records using various secured measures. When requesting records, the requestor must be clear that all records must be sent, including those held by other school records clerks or storage systems. Special education records are often stored separately from enrollment records and many public school districts or charter schools require requestors to request records from multiple entities within the same public school district or charter school.⁷⁹

WHAT IS THE IMPORTANCE OF WITHDRAWAL AND THE 10-DAY RECORDS TRANSFER TIMEFRAME?

Notification of withdrawal and formal exit provides the sending school with the opportunity to prepare the student's records for transfer via TReX to the new school. This may include calculating grades, recording credits on the transcript, and gathering assessments and special education documents.

Advance notice of withdrawal can assist a sending LEA with planning, provide the caregiver with some immediate information for the student's Education Portfolio (See DFPS Coordination to Support School Transitions, on page 71), and be helpful for a successful student transition. The former LEA is responsible for providing records upon written request. A timely and accurate records transfer is important so that students receive an appropriate program of instruction and class schedule in their new school.



LAW: Once an official written request for records is made by the caregiver, DFPS representative, or person with legal authority for the student, LEA staff must transfer student records to the new LEA within 10 working days.⁸⁰



DFPS COORDINATION TO SUPPORT SCHOOL TRANSITIONS



[DFPS Education Resource Guide](#) – Guidance and policy concerning the education of students in foster care.

[DFPS Education Policy Handbook, 15000 Education for Children](#) – DFPS education policy.

DFPS REGIONAL EDUCATION SPECIALISTS ARE AVAILABLE TO HELP WITH ENROLLMENT, WITHDRAWAL, AND STREAMLINED TRANSITIONS

Regional education specialists are designated education advocates within each DFPS region and a helpful resource to contact when there are challenges enrolling a student or assisting with records transfers and streamlined transitions.

CHILD WELFARE PARTNERS MAY PROVIDE ACADEMIC INFORMATION FROM THE PREVIOUS SCHOOL SETTING.

Parents, foster parents, caseworkers, and other advocates may facilitate the enrollment process by providing information from the student's previous school(s) at the time of enrollment. These include school transcripts, report cards, class schedules, special education and Section 504 evaluations and plans, and other documents. School staff are directed by TEA to use TReX and comply with minimum standards record procedures. *(See Appendix G, on page 165.)*



USE THE STUDENT'S DFPS EDUCATION PORTFOLIO TO SUPPORT SCHOOL TRANSITIONS, IF NEEDED.

All students in foster care should have an Education Portfolio provided by DFPS in a binder.

The portfolio contains education information and moves with the student from placement to placement. Copies of relevant documents kept in the Portfolio, such as the student's birth certificate, IEP, report cards or transcripts, may be shared with the new school to assist with immediate enrollment and appropriate class assignment, but the Education Portfolio is not to be given to the school in its entirety. Caregivers and caseworkers are responsible for updating the Portfolio and should only be including education records directly related to the academic and instructional history of the student. Documents that contain confidential or private information about a student or their family, such as legal affidavits, court orders, or psychological reports, should not be included and should not be shared with school personnel if they are found in the Portfolio. School leaders can work with caregivers or caseworkers to provide copies of updated education records and information that should be placed in the Education Portfolio⁸¹ (see Appendix I, page 167 for a list of education documents that are included in the Education Portfolio).

FAMILIARITY WITH DFPS ENROLLMENT AND WITHDRAWAL PROCESSES IS BENEFICIAL.

The law requires that DFPS ensure the student is enrolled in school no later than the third school day after a court order is issued removing the student from the home and placing the student in DFPS conservatorship (state custody) or following school withdrawal and movement to a new placement. If the student cannot attend school due to a temporary physical or mental condition, DFPS or the Community-Based Care caseworker must give the school written notice that the student cannot attend and will return to the new school as soon as possible. The DFPS or the Community-Based Care caseworker has 30 days to obtain and provide records to the new school.⁸² If the student is transferring from another school district, the DFPS or the Community-Based Care caseworker should provide the receiving school with the name and address of the transferring school to facilitate a prompt transfer of school records.

In the event of a withdrawal, DFPS will notify the school, as soon as feasible, to initiate the withdrawal process. Any available child records should be given to DFPS or their representative at the time of withdrawal and placed in the child's Education Portfolio.

Other Withdrawal Information

Once the sending school is notified of a student's withdrawal, the student is no longer a student of that LEA.

Proof of enrollment in a different campus or district permits retroactive withdrawal to the date a student enrolled in the new school. Meaning the date of enrollment in the new school can be considered the date of withdrawal from the previous school.

This is important for the 10-day timeline and ensuring that student records are transferred in a timely manner.

The requirement to transfer records to a new school within 10 working days of a request stands regardless of whether a student has returned or paid for their textbooks or other school property, including an electronic textbook.



TIP: LEAs failing to provide the required information within 10 calendar days of a written request by the receiving LEA should be reported to TReX Help Desk: (512) 463-7246 or email TREx@tea.texas.gov

WHY DO STUDENTS SOMETIMES HAVE MISSING RECORDS?

When a student enters foster care, the change can be abrupt and immediate, which may not allow the caregivers the opportunity to formally withdraw the student.

The student may have experienced inconsistency and significant lapses in education and school attendance or may have moved schools prior to entering the foster care system.

- The previous LEA may not be informed of the student's departure or the receiving LEA may not know where the student was previously enrolled.
- Transitions in foster care rarely occur at semester breaks, so the receiving LEA may be asking for current records before grades are available.
- When a student enters foster care, the school staff may be unsure about who is legally allowed to have the student's records as well as who has the legal authority to make education-related decisions. Some school officials may be hesitant to release education records without the consent of a parent or guardian. However, if DFPS has been appointed as the managing conservator of the student, DFPS has the legal authority to view and to receive those records in addition to the caregiver (*See Chapter 9: Education Decision-Making, on page 96.*)

WHAT HAPPENS IF A STUDENT'S WHEREABOUTS ARE UNKNOWN?

Liaisons and school staff should follow up with the caregiver, the DFPS caseworker, Community-Based Care caseworker, or DFPS regional education specialist when a student's whereabouts are unknown.

Following up with these individuals to determine a student's whereabouts is an important step before withdrawing the student and treating their whereabouts as unknown. In the event that a student is not found, and they have not officially withdrawn from school, the LEA should decide the withdrawal date for the student according to applicable local policies.⁸³

In addition to promoting effective transfers, *see Transition Assistance for Students who are Homeless or in Substitute Care on page 119* for information on how to implement effective transitions for students in foster care in accordance with TEC § 25.007 and TAC 89FF.



OTHER SCHOOL TRANSITION CONSIDERATIONS



MCKINNEY-VENTO HOMELESS EDUCATION SERVICES AND CHILD WELFARE

CHILDREN IN FOSTER CARE AND THE MCKINNEY-VENTO HOMELESS ACT

In 2015, the Every Student Succeeds Act (ESSA) removed children and youth who are “awaiting foster care placement” from the definition of homeless children and youth in the McKinney-Vento Act. Therefore, children and youth who are awaiting foster care placement will not be considered homeless and will not be eligible for McKinney-Vento services unless they meet the revised definition. Students in foster care are covered under similar specific foster care provisions in ESSA (see *Chapter 8: Introductions to ESSA, on page 84*).

SCENARIOS WHERE A STUDENT IN DFPS MANAGING CONSERVATORSHIP MAY BE ELIGIBLE TO BE SERVED AS HOMELESS UNDER MCKINNEY-VENTO

Students are not generally eligible for services under both programs; however, there are scenarios when a student in foster care is temporarily in a living situation that may meet the definition of homelessness under McKinney-Vento. Children without placement, sometimes referred to as a child in “child watch” or “CWOP,” are in a living situation that may temporarily meet the McKinney-Vento definition of homelessness. In these scenarios, DFPS is in the process of identifying an appropriate setting for the child to live; consequently, these students in foster care may be staying in offices, churches, dorms, or hotels/motels under the supervision of DFPS on a temporary basis.

Additionally, there are scenarios when a student in DFPS managing conservatorship returns to live with their biological family in a living situation that may be McKinney-Vento eligible.

For either of these scenarios, the LEA McKinney-Vento Liaison should assess each student’s unique circumstances and determine McKinney-Vento eligibility on a case-by-case basis and work collaboratively with the LEA Foster Care Liaison and the child welfare agency to best support the student.

CONSIDERATION WHEN STUDENTS ARE INVOLVED WITH DFPS BUT NOT IN CONSERVATORSHIP OR FOSTER CARE

There are situations where students may be involved with DFPS and may be receiving services from the child welfare system but are not in foster care or conservatorship of DFPS (see *Chapter 4: Child Welfare 101, on page 52*). In some circumstances, such as a student living in an emergency shelter or a voluntary placement with a family member, a student may qualify as homeless under McKinney-Vento. For more information concerning students in foster care and McKinney-Vento eligibility, contact the LEA McKinney-Vento Liaison. LEA Foster Care Liaisons and McKinney-Vento Liaisons are encouraged to work together concerning student identification and ensuring appropriate services and supports for eligible students.

For more information concerning students in foster care and McKinney-Vento eligibility, contact the district McKinney-Vento Homeless Liaison. District Foster Care Liaisons and Homeless Liaisons are encouraged to work together concerning student identification and ensuring appropriate services and supports for eligible students.



RESOURCES: McKinney-Vento and Foster Care

US Department of Education (USDE) [Letter to Chief School Officers, ESSA and ESEA Changes, Removal of Awaiting Foster Care](#)

[National Center for Homeless Education: A Look at Child Welfare from an Education Perspective Brief:](#)

Legal Center for Foster Care & Education and National Center for Homeless Education, Best Practices in Homeless Education, "[When Working Together Works: Academic Success for Students in Out-of-Home Care.](#)"

Legal Center for Foster Care & Education and National Center for Homeless Education, Best Practices in Homeless Education, "[Clearing the Path to School Success for Students in Out-of-Home Care.](#)"

USDE and HHSC Non-Regulatory Guidance: [Ensuring Educational Stability for Children in Foster Care.](#)

[National Association for the Education of Homeless Children and Youth \(NAEHCY\).](#)

USDE [Non-Regulatory Guidance: Education for Homeless Children and Youths Program \(2018\).](#)



ELIGIBILITY FOR SCHOOL MEAL PROGRAMS

Students in foster care are eligible for USDA child nutrition programs, including free meals and milk in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP), and the Child and Adult Care Food Program (CACFP). Caregivers for students in foster care do not have to complete a separate application for these programs. The DFPS Placement Authorization Form 2085 provides for immediate authorization of the student to participate in the programs offered through the USDA. LEA Foster Care Liaisons can verify students' eligibility with food service departments and local campuses to make sure students receive immediate meal assistance.

FOSTER CARE ELIGIBILITY EXPLAINED:⁸⁴

- All students in DFPS Managing conservatorship are eligible for nutrition benefits.
- Students from another state's child welfare system, placed by a court, where the state retains legal custody of the child are eligible for this benefit.
- Students who are in an Interstate Compact on the Placement of Children (ICPC) agreement and in foster care in another state and currently being monitored in Texas are eligible.
- Students who are Unaccompanied Refugee Minors (URM) and placed by the federal government in a non-DFPS foster care placement are eligible for this benefit.
- Students who were adopted out of foster care or who are no longer in foster care are not eligible for this benefit, unless the student's family meets the categorically eligibility guidelines in another way (e.g. income levels).



TIP: Foster Care Liaisons have the necessary documentation to directly certify a foster child for nutrition benefits. By directly certifying the foster child, the student's household application is not subject to verification unless non-foster students are listed on the household application.⁸⁵ Foster Care Liaisons and LEA nutrition coordinators must work together to ensure that students in foster care receive school meals on their first day of school.



RESOURCES: Nutrition Assistance

Texas Department of Agriculture, "[ARM Guide, Eligibility Determination, Section 4.](#)"

USDA, HHSC, USDE issue [tri-agency letter for Chief School Officers](#) outlining the categorical eligibility of children and youth in foster care for free school meals.

USDA, "[USDA Announces Expansion of Nutrition Assistance for Foster Children, Provision Expands Safety Net against Childhood Hunger and Promotes Healthy Lifestyles.](#)"

USDA Child Nutrition Programs Food and Nutrition Service, "[Eligibility Manual for School Meals, Determining and Verifying Eligibility.](#)"



CHILDREN IN FOSTER CARE (AGES THREE, FOUR, AND FIVE) ARE ELIGIBLE FOR FREE PRE-KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS

Children currently in the conservatorship of DFPS, or currently in another state's foster care system⁸⁶ or children who have *ever been* in foster care in Texas as a result of an adversary court hearing are eligible for enrollment in the local public school's pre-kindergarten program.⁸⁷ Texas schools are required to offer a free pre-kindergarten program if the district identifies 15 or more eligible students.⁸⁸ Once a program for four-year-olds has been established, children that meet the eligibility requirements for pre-kindergarten must be served and cannot be placed on a waiting list. Many districts offer a program for three-year-olds and, if they do, the eligibility is the same if the child is three years old by September 1st of the school year.

In some smaller districts, Head Start may be the sole provider of pre-kindergarten programs. Head Start programs may reach enrollment capacity and children in foster care, even though they are all eligible, may be placed on a waiting list. Head Start has a rolling admissions policy where children on the waiting list are enrolled throughout the year based on availability of space and staff.

ESSA requires students in foster care to remain in their school of origin when determined to be in their best interest to do so, which includes those students in pre-kindergarten. Generally, transportation is not required for the public school pre-kindergarten program, but if the school provides transportation for pre-kindergarten children, those costs can be included for funding purposes as part of the regular transportation system.

CHILDREN CURRENTLY OR FORMERLY IN TEXAS FOSTER CARE SYSTEM ARE ELIGIBLE FOR PRE-KINDERGARTEN

ALL children three, four, and five years of age who are currently in or were ever in Texas foster care as a result of an adversary hearing receive a Letter of Verification to enroll in a public school's pre-kindergarten program from DFPS. School districts are directed by TEA to accept the DFPS letter as proof of eligibility to enroll these children in free

pre-kindergarten. Head Start also accepts the DFPS Letter of Verification for pre-kindergarten enrollment. If a student does not have a letter, the student's parent or school representative, may contact DFPS pre-k verification mailbox at prekverificationltrs@dfps.texas.gov to receive a copy of the letter.



Due to changes by the 87th Texas Legislature, HB 725 amends TEC § 29.153 so that students who were in or are currently in another state's foster care system, residing in Texas, are eligible to receive free Pre-K, although they do not receive a verification letter.

PRE-K ELIGIBILITY FOR KINDERGARTEN FOR CHILDREN WHO TURN FIVE AFTER SEPTEMBER FIRST

Children who turn five after September 1st of the school year are not eligible for kindergarten enrollment but are still eligible for pre-kindergarten enrollment. Children must turn five before September 1st to be eligible for kindergarten for that school year.



RESOURCES: Early Childhood Education

TEA, [Early Childhood FAQs](#).

For more information on pre-kindergarten eligibility and enrollment, see Section 7 of the [TEA Student Attendance Accounting Handbook](#).



DAILY ATTENDANCE

EXPECTATIONS OF DAILY ATTENDANCE

School attendance is mandatory for students in foster care, as it is for all other six to eighteen year-old Texas students.⁸⁹ Due to the nature of foster care, students may have various appointments that are mandated through court orders or their case plans that may interfere with school attendance. Caregivers try to schedule student appointments before school, after school, and on the weekends; however, sometimes this is not possible. Caregivers and school staff should work together to secure missed assignments and to ensure students complete them.

ACCEPTABLE EXCUSED ABSENCES

Absences related to court-ordered activities (such as medical appointments, including mental health or therapy, or family visitation), and college visits (two per year during the junior and senior years of high school) are excusable, according to Texas law.⁹⁰ Foster Care Liaisons should actively communicate with school registrars and attendance teams to ensure attendance coding that reflects acceptable absences as excused. The principal may determine that other absences are excused.



TIP: To reduce the negative impact of missing school, communicate and coordinate with the caregivers if students are absent. Additionally, to ensure that students are not mistakenly given unexcused absences, it is important that caregivers communicate to schools in writing about appointments, court dates, and other activities that cause students to miss school.



TIP: Even if the student's absences are excused, being out of the classroom too much may cause the student to be unable to meet standards that require a student to be in attendance for at least 90% of the days a class is offered in order to receive credit (unless the student fits into an exception)⁹¹



SPECIAL PROVISIONS FOR STUDENTS IN FOSTER CARE WHO ARE EXPERIENCING HIGHER NUMBERS OF UNEXCUSED ABSENCES

If a student has three or more unexcused absences for three or more days or parts of days within a four-week period, but less than ten or more days or parts of days within a six-month period, the district must initiate truancy prevention measures.



If a school determines that a student's absences are the result of foster care, the district must offer additional counseling to the student and may not refer the student to a truancy court.

A district must employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district.⁹²

See *Section 3 of the TEA Student Attendance Accounting Handbook* for more information on attendance.

My best friend's mom
told her to "Find some
normal friends" when
she found out I was in
foster care.

