

Statutes and Regulations Related to Schooling for Foster Children and Maintenance of their School Records



Statutes:

- **K.S.A. 65-508(a)(3).** The subsection requires foster homes to be operated with strict regard for the welfare of children residing in them. In the United States, education is considered fundamental to the welfare of each child at least through high school.

Regulations:

Family Foster Home Regulations.

- **K.A.R. 28-4-808. Recordkeeping requirements; confidentiality.** This regulation, at subsection (e), requires that each foster parent keep a file for each foster child that contains all the records and information required by K.A.R. 28-4-809. The regulation further specifies that all of the information kept on file for a foster child is confidential and must be kept in such a manner so as to ensure that confidentiality. Specific entities allowed access to the records include the child's child-placing agent, the sponsoring child-placing agency, the KDHE, law enforcement, or the court.
- **K.A.R. 28-4-809. Basic placement information; other required placement information; departure requirements.** At subsection (a)(8), this regulation makes clear that a foster parent may only accept placement of a foster child if, prior to or at the time of placement, the foster parent also receives the name, address, and telephone number of the contact individual for the last educational program the foster child attended. Subsection (c)(3) requires the foster parent to send all usable school supplies with the foster child when the child leaves the home and subsection (c)(4) makes clear that the child's life book, which may include school information, must be sent to the child's next destination as well.
- **K.A.R. 28-4-810. Case plan.** Subsection (a) requires foster parents to be active participants in case planning. Subsection (b)(1) specifies the participation shall include identifying and sharing information with individuals directly involved with achievement of the child's case plan. The case plan must include attainment of developmentally appropriate life skills that the child needs to become functional in the community. Contact with teachers and other school employees who are responsible to educate foster children should be made an important part of the child's case plan. Subsection (b)(3) places an affirmative duty upon the foster parent to recommend changes to the foster child's case plan to the child's CPA when needed. Thus, if an educational issue needs to be addressed, it is incumbent upon the foster parent to partner with the CPA so as to meet the foster child's needs.
- **K.A.R. 28-4-813. Child growth and development.** Subsection (a)(2) requires foster parents to provide for the growth and development of each foster child by ensuring access to school activities according to the child's age and interest. Subsection (d)(1) requires foster parents to provide facilitation of a foster child's timely enrollment and school attendance in a local school district or, when appropriate, the child's actual district of residence. The regulation requires the foster parent see to the foster child's regular attendance at school or other place of instruction in accordance with the foster child's individual education plan (IEP). Subsection (d)(2) requires foster parents to assist each foster child in learning basic life skills which allow the child the opportunity to strengthen his or her identity in

Statutes and Regulations Related to Schooling for Foster Children and Maintenance of their School Records



preparation for life after foster care. This regulation certainly includes assistance with formative education.

- **K.A.R. 28-4-814. Family life.** Subsection (a)(3) of this regulation requires foster parents to ensure, as part of the case plan, that each foster child has access to community resources, including schools. Subsection (c)(2) requires foster parents to notify sponsoring CPA's when special items are needed for school and provides a list of items which may be needed.

Private Child Placing Agencies Regulations.

- **K.A.R. 28-4-174. Social services related to child placing.** Subsection (b) requires Child Placing Agencies (CPA's) to assess each child's needs, strengths and resources and the role to be played by foster parents during placement. This includes assessment of the child's educational needs.

Subsection (c)(1) requires selection and description of the type of placement appropriate to meet the child's needs in the initial case plan which implies consideration of the educational requirements for the child when determining the placement type. Subsection (e) requires designation, in writing, of the worker or workers who have the ongoing responsibility for the child's supervision and periodic review of the child's case plan. It also requires that each worker's specific responsibilities to the child be set forth in writing. The case plan should contain educational goals and responsibilities for educator communication, record maintenance and forwarding and ensuring attendance at school. The case plan is required to set up at least monthly social worker visits with the foster child and foster family. These visits should include information sharing regarding the child's education situation and needs. The CPA is required to complete quarterly reviews of the case plan and progress toward goal achievement, which should include educational goals.

Subsection (g) requires the CPA, while selecting the most appropriate form of placement to provide the child's specialized needs, to select a placement that has the capacity to assist in the achievement of those needs which, of necessity, include education.

Subsection (i) requires the CPA to supervise the child during care and coordinate the services provided as set forth in the case plan which should include education. The CPA is also required to provide for any specialized educational services outlined in the case plan. Finally, the CPA is required to document providing services necessary to meet the goals of the case plan.

- **K.A.R. 28-4-179. Case records.** Subsection (d)(8) requires CPA's to maintain individual records, including educational records and reports, for each child placed in foster care.