

## THE PATH TO SUCCESSFUL

Although the rights and responsibilities for children and youth in out-of-home care are clearly defined, attention is still needed to ensure all goes smoothly and seamlessly in the educational setting for the child. A number of state agencies, private providers and other parties are working together to improve the educational experience of children in out-of-home care. A number of resources are available to assist those parents and children that encounter difficulties in enrolling and participating in the classroom wherever they may be located. The goal is to have a barrier-free path to education that reaches every child regardless of placement, education level or time of the school year.

## GETTING HELP

The county school district director of attendance has been established by state policy as a liaison to help children in out-of-home care obtain needed programs and services. For help from your county, see the county school district contact.

The West Virginia Department of Education has established a state coordinator in the Office of Institutional Education Programs to assist in the compliance and implementation of the basic rights and responsibilities across the state. For information or assistance, contact the coordinator of education for homeless, attendance and student placement at (304) 558-8833.

## COUNTY SCHOOL DISTRICT CONTACT

Place local contact information here.



## LEGAL REFERENCES

Const. Art. 12, §1; *White by White v. Linkonogger*, 344 S.E.2d 633 (W.Va. 1986); McKinney-Vento Homeless Assistance Act – 42 U.S.C. § 11431 et seq.; §126CSR81 Attendance (4110); Individuals with Disabilities Education Improvement Act of 2004; §126-42-5.6.8e Assuring the Quality of Education: Regulations for Education Programs (2510).



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# REACHING EVERY CHILD



## Educational Success for Children in Out-of-Home Care

Rights, Responsibilities and Opportunities

## MESSAGE FROM THE STATE SUPERINTENDENT OF SCHOOLS

West Virginia has nearly 3,000 children and youth in out-of-home care at any given time. Children in out-of-home care are children who have been removed from their homes and placed in the care of the Department of Health and Human Resources to ensure their safety, stability and healthy development.

Studies conducted by the West Virginia Department of Education have shown that children in out-of-home care are seriously behind in educational achievement. The state Board of Education and the Department of Education are committed to closing the achievement gap for these children by removing all barriers to full access to education and ensuring that every child receives appropriate and timely services.

This brochure highlights vital information for school districts, parents and advocates to help children in out-of-home care receive appropriate educational services. This is one in a series of initiatives designed to help children in out-of-home care receive full access to public education and the opportunities for a successful life.

Dr. Steven L. Paine



State Superintendent of Schools  
West Virginia Department of Education



## ABOUT THIS BROCHURE

The material presented here is important for children and youth who are in out-of-home care in West Virginia and for whom a county school district has responsibility for their education. These include children and youth who have been placed in family foster care, kinship care or in an emergency shelter.

The goal of this brochure is to help children and youth in out-of-home care attain educational access and success.

## BASIC EDUCATION RIGHTS AND RESPONSIBILITIES

Knowing what is mandated and expected to happen at every school when children in out-of-home care are involved offers greater opportunity for them to succeed in all educational settings. The following is a helpful **checklist** of the established rights and responsibilities pertaining to school programs for children in out-of-home care.

- ✓ **Right to education.** All children in West Virginia, including children in out-of-home care, have a fundamental, constitutional right to an education. A child's fundamental right to an education cannot be denied or delayed due a sudden change of circumstance that causes his or her custodial situation to be in a state of confusion or flux.

- ✓ **Participation.** Enrolling a child in out-of-home care in school means that the student has full and equal opportunity to participate in school programs and activities.
- ✓ **Academic achievement.** Children and youth in out-of-home care have the right to the opportunity to meet the same high academic achievement standards all students are expected to meet.
- ✓ **Prohibiting segregated programs.** Schools may not segregate children and youth in out-of-home care from students in the mainstream school environment on the basis of their status as a child or youth in out-of-home care. For example, school districts may not design education for children in shelter care in an off-site facility or in the shelter setting. Children in out-of-home care must be educated as part of the school's regular educational program.
- ✓ **Special programs.** Schools are required to make available special programs to meet the learning needs of children in out-of-home care. Children in out-of-home care often have learning and behavioral problems and special education needs.
- ✓ **Enrollment.** School officials must immediately enroll an out-of-home care child in school when the student and/or parent or guardian appears at school with or without school records. Children may not be denied access to school because they do not have school records in hand. Enrollment is defined as attending classes and participating fully in school activities.
- ✓ **Records.** School officials are required to rapidly transfer school records to ensure that children in out-of-home care receive appropriate services. They also are required to assist in obtaining immunizations, records of immunizations or other medical records if students do not have them and to enroll the child in school while records are being obtained.
- ✓ **Grades and credits.** Children and youth in out-of-home care have the right to receive appropriate grades and/or credit for all work completed while attending school regardless of the duration of their enrollment period.
- ✓ **School stability.** School districts are required to keep these children and youth in their schools of origin, to the extent feasible, (unless it is against their parents or guardians wishes) and provide needed transportation services.
- ✓ **Preschool services.** Parents of preschool children in foster care have the right and are encouraged to enroll their child in the county's preschool program(s).

