

Students engaged in the foster care system face a variety of educational challenges. To support their success, the Every Student Succeeds Act of 2015 (ESSA) contains protective provisions that all schools must uphold.

When a student engaged in the foster care system seeks enrollment in a new school, the new school must immediately enroll the student to prevent educational discontinuity. The new school must enroll the student even if they present with an incomplete educational record (see ESSA section 1111(g)(1)(E)).

Students should be enrolled into the same setting as their previous school setting unless otherwise determined through the Best Interest Determination (BID) process. This determination should be informed by a variety of student-centered factors.

Being in foster care does not qualify a student for involuntary enrollment in an alternative education program (AEP). [704 KAR 19:002](#) permits the involuntary enrollment of students in AEPs to “ensure the safety of the individual student, the student body, or staff; to meet the educational needs of the students to transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080; or for disciplinary purposes.” Students placed in non-therapeutic foster care settings are not considered state agency children under KRS 158.135. Districts must be able to document a safety or educational need prior to involuntarily enrolling a student in an AEP.

In instances where the district, parents, and representatives of the Department for Community Based Services (DCBS) disagree on the placement of the child, they should utilize the [Dispute Resolution Process for the Best Interest Determination](#) to resolve the issue. The child must be enrolled in the new school and receiving instruction throughout the dispute resolution process.

Questions related to the enrollment of students engaged in the foster care system should be directed to [Sharma Aitken](#) at (502) 564-3791 ext. 4018.