



Kentucky Department of
EDUCATION

Kentucky Department of Education

Foster Care Handbook

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Introduction

This handbook has been developed to provide local foster care points of contact (POCs) with an overview of the legal expectations and recommendations for effective implementation. Foster care POCs are encouraged to use the resources developed by the Kentucky Department of Education (KDE) to support your work and help ensure best practices.

Foster care POCs should also review the [Ensuring Educational Stability and Success for Students in Foster Care Non-Regulatory Guidance](#), developed jointly by the U.S. Department of Education (USED) and U.S Department of Health and Human Services (HHS). This document features an expanded scope beyond the basic Title I, Part A educational stability requirements and will help LEAs provide well-rounded services for students in foster care.

Background

Children involved in the child welfare system are impacted by significant obstacles to their education, such as the effects of trauma, frequent moves and undiagnosed health and behavioral challenges. These obstacles are tied, in great part, to the high mobility of students in foster care and the educational discontinuity that can result from entering the child welfare system or changing foster care placements once in the system. Ensuring that, when appropriate, a student remains in the school in which they are currently enrolled (referred to as the school of origin or SOO) when they enter foster care or experience a change in foster care placement can help support educational success.

Foster care is intended to provide a temporary stable home for children and young people who cannot safely remain in their current living situations due to abuse, neglect or abandonment. Consistent with the [Fostering Connections to Success and Increasing Adoptions Act of 2008](#) and [45 Code of Federal Regulations \(CFR\) 1335.20\(a\)](#), foster care is defined as “24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency (CWA) has placement and care responsibility.” This includes, but is not limited to, placements in foster family homes, foster homes of relatives (known as “formal kinship care”), group homes, emergency shelters, residential facilities, childcare institutions and pre-adoptive homes.

Legislation Supporting Students in Foster Care

The legislation created to help protect children in foster care include the Fostering Connections Act which amended Title IV-E of the Social Security Act (SSA) and the Every Student Succeeds Act (ESSA) which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). Both have similar requirements aimed at supporting students in foster care.

The foster care educational stability provisions of ESSA’s Title I, Part A apply to children in all grades (including preschool) in foster care enrolled in schools in the state. These provisions apply when a student enters foster care or experiences a change in foster care placement and aim to:

- minimize school changes

- require collaboration between the local educational agency (LEA) and CWA in developing and implementing written transportation procedures and the right to SOO transportation
- guarantee immediate enrollment and timely transfer of records when the student enrolls in a new school.

The assurances signed annually by the superintendent in the Grant Management Application and Planning (GMAP) system affirm that the district will comply with the Title I, Part A requirements related to students in foster care.

LEA Foster Care Point of Contact (POC)

ESSA 1112(c)(5)(A) requires all LEAs designate a POC for foster care. Foster care POCs, also referred to as liaisons, are responsible for:

- Developing a process for completing a best interest determination (BID);
- Documenting outcomes of BID processes;
- Resolving disputes related to BID processes and SOO transportation;
- Facilitating the transfer of records and ensuring immediate enrollment when students in foster care change school placements;
- Ensuring that foster care student records are requested and transferred in accordance with Kentucky Revised Statute (KRS) [KRS 199.802](#).
- Ensuring the CWA receives current educational information on the [Educational Passport](#) for a student to promote educational stability.
- Facilitating data sharing with the CWAs, consistent with the Family Educational Rights and Privacy Act (FERPA) and other federal or state privacy laws, regulations and policies;
- Developing and coordinating implementation of local SOO transportation procedures;
- Ensuring that students in foster care are enrolled in and regularly attending school; and
- Providing professional development and training to school-based staff on the Title I educational stability provisions and the unique educational needs of students in foster care.

Kentucky Administrative Regulation (KAR) [704 KAR 7:090\(7\)\(3\)](#) states, “The foster care liaison shall be allocated sufficient time to administer the educational stability requirements for children in foster care.” It is not unusual for the POC to have additional responsibilities beyond foster care and “sufficient time” will vary across districts.

Child Welfare Agencies

The Department of Community Based Services (DCBS) is housed within the Kentucky Cabinet for Health and Family Services (CHFS). Also referred to as the child welfare agency (CWA) or Child Protective Services (CPS), the department’s Social Service Workers (SSWs) division coordinates permanency services, including recruiting and certifying adoptive homes for children in foster care. CWAs are primarily responsible for ensuring the safety, permanency and well-being for children in foster care while also supporting their educational success. LEAs and CWAs should

jointly review protocols specific to each agency's implementation of school stability requirements.

Best Interest Determination

When a child is placed in foster care or experiences a change in placement which results in the child no longer residing in the attendance area of the SOO, a meeting must be held to determine if it is in the child's best interest to remain in the SOO or enroll in the new school. This is commonly referred to as the best interest determination (BID) meeting. ESSA 1111(g)(1)(E)(i) requires LEAs to ensure that any child in foster care remains in the SOO, unless a determination is made that doing so is not in the child's best interest. Such decisions shall be based on student-centered factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

The LEA and CWA are required to jointly develop and implement a BID process detailing how the meetings will be facilitated. The LEA and CWA should discuss how the LEA will be notified when a student enters foster care or experiences a change in foster care placement. Upon notification, the BID meeting should be scheduled. KDE suggests that the LEA foster care POC initiate the BID meeting, invite and/or gather meaningful input from all relevant parties and expedite the timeframe for determining the child's most appropriate school placement. BID meetings should be scheduled as quickly as possible to prevent educational discontinuity. KDE encourages LEAs to work with the CWA to complete the BID process within 3 business days of the child's placement in foster care.

BID Meeting

Representatives from the CWA and LEA should attend every BID meeting as each party may have relevant details that can impact the decision. Biological parents (when termination of parental rights has not occurred), the student's foster parents, teachers, counselors, court-appointed special advocates (CASAs) and anyone that is invested as a key player with the child or youth should be invited but are not required to attend. It is beneficial to get the child's input (when age appropriate).

BID meetings are student-centered and context-specific. During the BID meeting, parties involved must presume that remaining in the SOO is in the student's best interest, unless the BID suggests that attending another school, including any public school in the district the student has attended previously, is in the student's best interest. Costs of transportation and administrative burden cannot be considered when determining what is in the child's best interest. To the extent feasible, a child should remain in their current school setting while awaiting a decision. Question E-5 of the [non-regulatory guidance](#) as well as [KRS 199.802](#) list the factors which may be taken into consideration during the BID meeting include but are not limited to:

- The benefits to the child of maintaining educational stability;
- The appropriateness of the current educational setting;
- Preferences of the student;

- Preferences of the student's parent(s) or education decision maker(s);
- The student's attachment to the SOO, including meaningful relationships with staff and peers;
- The student's involvement in extracurricular activities at the SOO;
- Placement of the student's sibling(s);
- Influence of the school climate on the student, including safety;
- The availability and quality of the services in the school to meet the student's educational and social-emotional needs;
- History of school transfers and how they have impacted the student;
- How the length of the commute would impact the student, based on the student's developmental stage;
- Information about the immediate and long-term education plan (including any information within the child welfare case plan) for the student;
- Considerations of the student's child welfare permanency goal;
- Whether the student is a student with a disability under the Individuals with Disabilities Education Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving regular or special education or related aids and services; and
- Whether the student is an English learner (EL) and is receiving language services, and if so, the availability of those required services in a school other than the SOO, consistent with Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.

Although not required, KDE's [Best Interest Determination Worksheet](#) can be used to help guide BID meeting conversation.

BID Dispute Resolution

LEAS and CWAs are required to establish procedures to resolve disagreements related to best interest determination. In the event that an agreement on the best interest cannot be made, a dispute resolution may be necessary. The CWA has decision-making authority for best interest determinations, but if the LEA disagrees with the decision, the dispute resolution process should be followed. Information on how disagreements over the best interest determination between parents, education decision-makers and other important stakeholders should be handled can be found in the [dispute resolution process](#). The [dispute resolution form](#) is available to help guide the process.

Immediate Enrollment Following BID

Per ESSA 1111(g)(1)(E), when a BID process indicates that it is not in a student's best interest to remain in at their SOO, LEAs must ensure that a student in foster care is immediately enrolled in their new school even if the student does not have the documentation typically required for enrollment. Once a student is enrolled, the enrolling school must immediately submit a records request to the previous school to obtain academic and other records. [KRS 199.802](#) establishes specific time requirements for enrollment, records request and release of records for students in foster care. Records in the student information system must be transferred by the end of the

working day on which the request is received. If a record provided to the new school is incomplete, the previous school shall provide the completed record within three working days of the original request

State agency children as defined by [KRS 158.135](#) experiencing a change in placement require additional paperwork. As mandated by [KRS 158.137](#) and [KRS 605.110\(3\)\(e\)](#), the [educational passport](#) is used for enrolling the student in school. It is to be completed by the school/facility from which the student is leaving. This form shall be presented, by the SSW or foster parent, to the receiving school or educational facility within two days of enrollment.

School of Origin Transportation

Transportation to and from the SOO should be provided without undue delay (e.g., within three business days of BID completion) and includes transportation to necessary academic supports in order for the student to succeed in school. This includes afterschool tutoring, summer learning and enrichment programs. Please note that the LEA must ensure that SOO transportation is provided for students in foster care even if the LEA does not provide transportation to students who are not in foster care.

Written Transportation Agreement

ESSA 1112(c)(5)(B) requires LEAs receiving Title I funds to collaborate with the CWA to develop and implement clear written procedures governing how transportation will be provided, arranged and funded to ensure children in foster care can remain in their SOO when in their best interest for the duration of the time in foster care. These procedures shall:

- Ensure the children in foster care needing transportation to the SOO will promptly receive it in a cost-effective manner and in accordance with [section 475\(4\)\(A\) of the Social Security Action \(42 U.S.C. 675\(4\)\(A\)\)](#); and
- Ensure that, if there are any additional costs incurred in providing transportation to maintain children in foster care in their SOO, the LEA will provide transportation to the school of origin if:
 - The local CWA agrees to reimburse the LEA for the cost of such transportation.
 - The LEA agrees to pay for the cost of such transportation; or
 - The LEA and the local CWA agree to share the cost of such transportation.

KDE's [ESSA Foster Care Transportation Guidance](#) provides an overview of all required components of the written agreement. Although not required, LEAs and CWAs may use KDE's [Foster Care Transportation Agreement Template](#) when developing their own agreement.

The LEA is responsible for ensuring the agreement is in place. The agreement should be reviewed by both parties on a regular basis to ensure accuracy and consistent implementation. For additional information on developing a transportation agreement, refer to Section F of the [non-regulatory guidance](#).

Funding for Educational Support Services and Transportation

Although ESSA does not provide a dedicated funding source exclusively for students in foster care, there are federal funds which can be used to address the unique needs of students in foster care. It should be noted that eligibility for the federal programs varies; a student in foster care may not meet the requirements for every program.

Title IV-E

Title IV-E is the source of federal funding available to CWAs to use for costs of transporting foster care children to their SOO. Per [45 CFR 1355.20](#) Title IV-E of the SSA defines “foster care maintenance payments” as payments to cover the cost of (and the cost of providing): food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, reasonable travel to the child’s home for visitation and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. To meet the Title IV-E eligibility requirements children in foster care must fall into one of the following categories:

- The child was removed from home in accordance with judicial determinations that the agency made reasonable efforts to prevent removal and that it was contrary to the welfare of the child to remain in the home; OR a voluntary placement agreement.
- The Title IV-E agency has responsibility for placement and care of the child.
- The child was removed from a home that would have been eligible for Aid to Family with Dependent Children.
- Child’s placement setting is fully licensed and meets safety requirements.
- Child is placed in a foster family home childcare institution or residential family-based treatment facility for substance abuse.

Examples of other allowable Title IV-E expenses, as mentioned previously, include: travel of a child in foster care to/from activities for school attendance and extracurricular activities per [45 CFR 1356.60\(c\)\(2\)](#), case management/administrative costs for staff to analyze specialized assessments including educational assessment to inform the case plan, and legal representation for all stages of foster care legal proceedings.

Title I, Part A

Students in foster care are not automatically eligible for Title I services, however an LEA may reserve Title I, Part A funds at the district level to implement the following educational stability provisions:

- Paying for “additional” costs incurred in providing transportation to the school of origin for students in foster care. “Additional costs” refers to the difference between what an LEA would otherwise spend to transport a student to their assigned school and the cost of transporting a child in foster care to their SOO.
- Funding the position of the LEA foster care POC. Please note, if the individual serving as POC has job duties other than supporting students in foster care, only their time as POC may be supported with Title I, Part A funds. Time and effort documentation must be

maintained in accordance with the LEA's internal controls to ensure the appropriate amount is charged to the program. Refer to the [Title I, Part A Handbook](#) for information on time and effort.

At the school level, foster care students are eligible to receive Title I services on the same basis as other students attending a school operating a schoolwide or targeted assistance program.

Data and Information Sharing

Data sharing between the LEA and CWA is a critical component to improving educational outcomes for students in foster care. Collecting and evaluating data across both agencies allows stakeholders to track trends and deficits needed to drive program implementation and support students in foster care. The foster care POC should establish specific processes with the CWA about how important information will be shared such as when student enters or exits foster care. For more information on state laws that support data and information sharing, refer to KDE's [Foster Care Data Standard](#) as well as sections W, X and Y of the [non-regulatory guidance](#).

Infinite Campus Reports

SEAs and LEAs are required to annually report educational data for foster children. Infinite Campus (IC) provides several reports and tools to assist districts in tracking and monitoring foster care-related information and compliance requirements. The data in these reports is used for public reporting via the School Report Card. Access to these reports is controlled at the district level. District staff should work with their infinite campus district administrator to request permissions to obtain access to relevant foster care reports.

QA Foster Report

The QA foster report allows users to view information related to students identified as being in foster care. To locate the report, search QA Foster. The report includes the following two options:

- The **Detailed report** displays a list of students identified as being in foster care, along with any additional student groups to which they belong.
- The **Aggregate report** displays student counts by grade level and demographic group in a summarized table. For more information on using the QA report, including report screenshots and a description of each available output, see the [QA Foster Quick Reference Card](#).

The foster care POC should determine who in the district has the ability to run the QA foster reports and establish a regular scheduling for running the report (e.g., once a week). After reviewing the report it may be necessary to meet with program staff who work with programs under the Individuals with Disabilities Education Act (IDEA), Carl D. Perkins, etc. to ensure these programs and services are appropriately offered to students in foster care.

Transient Population Report in Infinite Campus

This custom report identifies transient students enrolled within a district and/or school. A student is classified as transient if they satisfy one or more of the following enrollment criteria:

- Enrollment in three or more schools during the current school year
- Enrollment in five or more schools during the previous two school years.
- Enrollment in 10 or more schools during the previous five school years.

Users may also filter the report to display only students in the foster care group. For more information on using the transient population report including detailed instructions, report definitions and sample report outputs see the [Transient Population Quick Reference Card](#).

Early Warning Tool

Foster care POCs should develop procedures for ensuring students are placed in appropriate courses. The Early Warning Tool identifies students who are at risk of not graduating by assigning each student a Graduation Related Analytic Data (GRAD) Score. The GRAD score is based on key indicators, including attendance, behavior, curriculum and student stability. The report provides educators with data to support early identification of at-risk students and inform intervention strategies. For additional analysis, users may create an AD Hoc Report in Infinite Campus to filter, customize and export student records for monitoring and reporting purposes.

Student Record Transfer Report

The purpose of this report is to assist district personnel in monitoring the length of time student records transfer requests take for students who are enrolling in or withdrawing from other Kentucky school districts. The report includes all students but can be filtered for students in foster care to monitor compliance with KRS 199.802. In addition to monitoring compliance with the statute, the report can help identify enrollments and withdrawals for which records requests have not been made as well as monitoring the timeliness of records transfer requests and releases. For more information, including report details and screenshots of sample report outputs, please refer to the [Student Records Transfer Quick Reference Card](#).

Privacy Protections and Students in Foster Care

It is imperative that data sharing is balanced with privacy and confidentiality protection. Often, students' records may contain sensitive information. The LEA POC should always abide by the protections under Family Educational Rights and Privacy Act (FERPA) when sharing educational information and student status with appropriate staff.

FERPA protects the privacy of student education records and requires consent from the parent or student if the student has reached the age of 18, before releasing personally identifiable information. It is important to understand who needs data and which data they need to access to protect a student's privacy. Limited information should be shared on a need-to-know basis as a result of court orders, information sharing between schools for enrollment or transfer purposes or similar applicable instances.

The Uninterrupted Scholars Act allows schools to share records with the CWA or authorized representative for students in care. As a best practice LEAs should notify parents of disclosures.

Conclusion

Many people play a role in supporting the educational stability of students in foster care. Collaborating across the district and between the district and CWA helps ensure students receive the highest level of support. By familiarizing themselves with the requirements and recommendations in this handbook and related resources, LEA foster care POCs can help minimize any educational disruptions caused by an initial placement in foster care or a change in placement.

Additional Resource

- U.S. Department of Health and Human Services [Information Memorandum](#) on interagency collaboration between CWAs and LEAs to support the academic success of children and youth in foster care.