



EDUCATION OF CHILDREN IN FOSTER IN IOWA

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A. Introduction

The Department of Education recognizes that children in foster care face additional educational barriers that their peers do not. These materials have been prepared as a courtesy to and for the use of school personnel, Department of Human Services caseworkers, foster parents, and all other interested parties as general guidelines regarding education issues for foster children. The intent of this document is to enable the people and entities who serve children in foster care to do so more ably and more consistently across the State and across serving agencies. These materials are not intended as legal advice to the reader.

B. Applicable Authority

1. NEW federal law

In October 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). The Iowa Department of Human Services must have a plan for ensuring the educational stability of each child of compulsory attendance age (6 – 16) while the child is in foster care. That plan must include the following:

“(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

“(ii)(I) an assurance that [DHS] has coordinated with appropriate local educational agencies ... to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

“(II) if remaining in such school is not in the best interests of the child, assurances by [DHS] and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”

In accordance with this new federal law, the Iowa Legislature (in S.F. 152) enacted new state laws or amended existing laws. The new or amended state laws are included below and are noted as being new.

2. State statutes from the Code of Iowa (2009):

► DHS laws pertinent to the education of foster children in Iowa:

217.30 Confidentiality of records -- report of recipients.

1. The following information relative to individuals receiving services or assistance from the department [of human services] shall be held confidential:

a. Names and addresses of individuals receiving services or assistance from the department, and the types of services or amounts of assistance provided, except as otherwise provided in subsection 4.

b. Information concerning the social or economic conditions or circumstances of particular individuals who are receiving or have received services or assistance from the department.

c. Agency evaluations of information about a particular individual.

d. Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning a particular individual.

2. Information described in subsection 1 shall not be disclosed to or used by any person or agency except for purposes of administration of the programs of services or assistance, and shall not in any case, except as otherwise provided in subsection 4, paragraph "b", be disclosed to or used by persons or agencies outside the department unless they are subject to standards of confidentiality comparable to those imposed on the department by this division.

...

4. ...b. Confidential information described in subsection 1, paragraphs "a", "b", and "c", shall be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits and other purposes directly connected with the administration of such programs, upon written application to and with approval of the director or the director's designee. Confidential information described in subsection 1, paragraphs "a", "b", and "c", shall also be disclosed to public officials for use in connection with their official duties relating to the support and protection of children and families, upon written application to and with the approval of the director or the director's designee.

...

NEW! 232.4 Definitions.

4. "Case permanency plan" ...

f. (1) When a child is sixteen years of age or older, a written transition plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. The transition plan and needs assessment shall be developed with a focus on the services, other support, and actions necessary to facilitate the child's successful entry into adulthood. The transition plan shall be personalized at the direction of the child and shall be developed with the child present, honoring the goals and concerns of the child, and shall address the following areas of need when the child becomes an adult, including but not limited to all of the following:

(a) Education.

...

m. Documentation of the educational stability of the child while in foster care. The documentation shall include but is not limited to all of the following:

(1) Evidence there was an evaluation of the appropriateness of the child's educational setting while in placement and of the setting's proximity to the educational setting in which the child was enrolled at the time of placement.

(2) An assurance either that the department coordinated with appropriate local educational agencies to identify how the child could remain in the educational setting in which the child was enrolled at the time of placement or, if it was determined it was not in the child's best interest to remain in that setting, that the affected educational agencies would immediately and appropriately enroll the child in another educational setting during the child's placement and ensure that the child's educational records were provided for use in the new educational setting.

NEW! 234.4 Education of Children in Departmental Programs.

If the department of human services has custody or has other responsibility for a child based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child's school attendance. As part of fulfilling the responsibilities described in this section, if the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student's degree of success in adjusting to the different school.

237.9 Confidential information.

A person who receives information from or through the department [of human services] concerning a child who has received or is receiving child foster care, a relative or guardian of the child, a single-family, home licensee, or an individual employee of a licensee, shall not disclose that information directly or indirectly, except as authorized by section 217.30, or as authorized or required by section 232.69.

► Education laws pertinent to foster children in Iowa:

256.46 Rules for participation in extracurricular activities by certain children.

The state board [of education] shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: ... the child is placed under foster or shelter care

NEW! 280.29 ENROLLMENT OF CHILDREN IN FOSTER CARE - TRANSFER OF EDUCATIONAL RECORDS.

In order to facilitate the educational stability of children in foster care, a school district, upon notification by an agency of the state that a child in foster care is transferring into the school district, shall provide for the immediate and appropriate enrollment of the child. A school district or an accredited nonpublic school, upon notification by an agency of the state that a child in foster care is transferring from the school district or accredited nonpublic school to another school district or accredited nonpublic school, shall promptly provide for the transfer of all of the educational records of the child not later than five school days after receiving the notification.

AMENDED! 282.1 School age -- nonresidents.

Persons between five and twenty-one years of age are of school age. ... For purposes of this section, "resident" means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

...

- 3. Lives in a juvenile detention center, ~~foster care facility~~, or residential facility in the district.

AMENDED! 282.19 CHILD LIVING IN SUBSTANCE ABUSE OR FOSTER CARE FACILITY PLACEMENT.

- 1. A child who is living in a licensed child foster care facility as defined in section 237.1, or in a facility that provides residential treatment as "facility" is defined in section 125.2, which is located in a school district other than the school district in which the child resided before receiving foster care entering the facility may enroll in and attend an accredited school in the school district in which the child is living.
- 2. A child who is living in a licensed individual or agency child foster care facility, as defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in

which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph "b" or for students who require special education shall be paid as provided in section 282.31, subsections 2 or 3.

AMENDED! 282.29 CHILDREN PLACED BY DISTRICT COURT.

Notwithstanding section 282.31, subsection 1, a child who has been identified as requiring special education, who has been placed in a facility, ~~or home,~~ or other placement by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services are provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be paid as provided in section 282.31, subsection 2 or 3.

AMENDED! 282.31, subsection 1, paragraph b:

(1) A child who lives in a facility or other placement pursuant to section 282.19, and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or ~~home~~ other placement pursuant to section 282.19, and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or ~~home~~ other placement is located.

AMENDED! 282.31, subsection 2, paragraph a:

a. The actual special education instructional costs incurred for a child who lives in a facility or other placement pursuant to section 282.19 or for a child who is placed in a facility or home pursuant to section 282.29, who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility, ~~or home,~~ or other placement is located, shall be paid by the district of residence of the child to the district in which the facility, ~~or home,~~ or other placement is located, and the costs shall include the cost of transportation.

3. State administrative rules

► Administrative rules of the Department of Education pertinent to all children in foster care:

281—18.3 Eligibility for waiver, partial waiver or temporary waiver of student fees.

The policy required by rule 18.2(256) shall include provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

18.3(1) Waivers. At minimum, the policy shall include the following provisions relating to eligibility for the waivers:

a. *Waiver.* A student shall be granted a waiver of all fees covered by this chapter if ... the student is in foster care.

281—33.2(256) Definitions.

“Homeless child or youth” is defined as a child or youth from the age of 3 years through 21 years who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. A child or youth who is ... awaiting foster care placement;

► Administrative rules of the Department of Education pertinent to children with disabilities who receive special education services or programs in foster care:

281—41.30(256B,34CFR300) Parent.

41.30(1) General. “Parent” means:

...

b. A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;

...

d. An individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives or an individual who is legally responsible for the child’s welfare; or

e. A surrogate parent who has been appointed in accordance with rule 41.519... .

41.30(2) Rules of construction and application. The following rules are to be used to determine whether a party qualifies as a parent:

a. Except as provided in 41.30(2)“b,” the biological or adoptive parent, when attempting to act as the parent under this chapter and when more than one party is qualified to act as a parent under this chapter, must be presumed to be the parent for purposes of this rule unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

b. If a judicial decree or order identifies a specific person or persons under paragraphs “a” to “d” of subrule 41.30(1) to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of this rule.

c. “Parent” does not include a public or private agency involved in the education or care of a child or an employee or contractor with any public or private agency involved in the education or care of the child in that employee’s or contractor’s official capacity.

281—41.45(256B,34CFR300) Ward of the state.

41.45(1) General. ... “ward of the state” means a child who, as determined by the state where the child resides, is:

a. A foster child;

...

41.45(2) Exception. “Ward of the state” does not include a foster child who has a foster parent who meets the definition of a parent in rule 41.30.

41.45(3) Interpretive note. “Ward of the state” is a term rarely used in Iowa law. It would be an extremely rare occurrence for a child to be a ward of the state while not being either a foster child or in the custody of a public child welfare agency.

281—41.519(256B,34CFR300) Surrogate parents.

41.519(1) General. Each public agency must ensure that the rights of a child are protected when:

a. No parent as defined in rule 41.30 can be identified;

b. The public agency, after reasonable efforts, cannot locate a parent;

c. The child is a ward of the state under the laws of the state; or

d. The child is an unaccompanied homeless youth as defined in Section 725(6) of the McKinney–Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).

41.519(3) Wards of the State. In the case of a child who is a ward of the state, the surrogate parent may alternatively be appointed by the judge presiding in the child’s case, provided that the surrogate meets [the other requirements for appointment as a surrogate parent].

► Administrative rules of the Department of Human Services pertinent to all children in foster care:

441—202.1(234) Definitions.

“Foster care” shall ... include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

...

202.2(5) The need for foster care and the efforts to prevent placement shall be evaluated by a review committee prior to placement or, for emergency placements only, within 30 days after the date of placement. ...

The review shall meet the following requirements:

...

b. The review shall be open to the participation of the parents or guardian of the child, local and area education staff, juvenile court staff, the guardian ad litem, current service providers and previous service providers who have maintained a license.

441—202.6(234) Placement.

202.6(1) At the time of placement, the worker shall provide the facility with specific information regarding the child including the case permanency plan; the results of a physical examination; the child’s medical needs including special needs of HIV, behavioral patterns including safety–related information, and educational arrangements;

....

441—202.11(234) Services to the child. The service worker shall maintain a continuous relationship with the child and help the child plan for the future, evaluate the child's needs and progress, supervise the living arrangement, arrange for social and other related services including, but not limited to, medical, psychiatric, psychological, and educational services from other resources as needed, and counsel the child in adjusting to the placement.

441—202.18(235) Local transition committees. Local transition committees shall be established in each of the department service areas. The service area manager or designee shall determine the number of local transition committees needed within the service area, set operating policies and procedures, and appoint committee membership.

...
202.18(2) Membership. Each committee shall have a designated number of members.

a. The standing committee membership may include, but is not limited to:

...
(4) Education staff.

C. Frequently Asked Questions

Q1. Who is the legal custodian of a child in foster care?

A: Unless a court order indicates otherwise, the Department of Human Services [DHS] is the legal custodian of a child placed in foster care.

Q2. What rights does a custodian have?

A: The legal custodian has an extensive list of rights and responsibilities. Those responsibilities include the ability to place the child with a foster family or transfer the child to another foster placement. The legal custodian may also consent to *emergency* medical care for the child (if the legal guardian is not available). A court order may dictate additional rights and responsibilities for the legal custodian in a given case.

Q3. Who is the legal guardian of a child in foster care?

A: In most cases, the parents¹ of a child in foster care retain guardianship. Where a court has terminated the parental rights, DHS may also have guardianship. In cases of long-term foster care or pre-adoptive foster care, court orders may set out the rights and responsibilities of the foster parent, the biological parent, and the Department of Human Services.

When a person other than the parent is the guardian, that relationship is created only by a court order. A statement signed by the parent (even if notarized) does *not* create a guardianship.

Q4. What rights does a guardian have?

A: Guardianship normally confers upon a guardian the ability to act as a substitute for the child's parent. In cases where the guardian and parent disagree, the parent may challenge the guardian's choices in court. Absent court direction on a given issue, the guardian has the rights and responsibilities of the parent.

Q5. What school should a foster child attend?

A: Normally, foster children attend school in the school district in which the foster home or foster care facility is located. However, there are some

¹ Unless the term "foster parents" is used, "parent(s)" means the biological or adoptive parent(s) of a child in foster care.

circumstances in which a foster child may be open enrolled elsewhere (e.g., to be closer to a parent when reunification is the goal or to be closer to a relative seeking a long-term placement). Where the best interests of the foster child so dictate, DHS – with the parents' agreement or under court order – may seek open enrollment for that foster child.

Q6. May a foster parent file an open enrollment application on behalf of a foster child?

A: Only a parent or legal guardian may file an open enrollment application, although a court also may direct the custodian to file for open enrollment on behalf of a foster child. Because foster children are under the juvenile court's supervision, so DHS approval is necessary to insure that the child's best interests are protected. A court order may directly address this.

Q7. Who registers a foster child for school?

A: The DHS case manager is responsible for giving the school all necessary information for a child to be registered. The DHS employee may do this directly or by giving the foster parent permission to do so. (Any permission must be communicated to the school by DHS; the school may choose to ask for the permission either in writing or verbally.) As DHS moves toward a more managerial role related to reunification services, schools may also see Department delegates (private social workers or agencies who have contracts with DHS to provide certain services) registering students.

Q8. Who may attend parent-teacher conferences and other school meetings on behalf of a foster child?

A: The DHS case manager, parents, and foster parents may attend all school meetings. There may be exceptions to this in certain cases. Please check with the child's Department worker with any questions. NOTE: If parental rights have been terminated, the parents have no right to attend meetings or to receive any information about the child.

Q9: Who signs consent forms on behalf of a foster child?

A: Each case is different. The parent or legal guardian is authorized to sign consent forms unless a court order specifically delegates this responsibility to another party. In the case of an absent parent, for example, the court may order that the rights and responsibilities normally assigned to a parent are reassigned to the DHS worker, or even to the foster parent. Where a foster parent asserts a right to sign consent forms, school officials may require that they be allowed to see the court order that confirms this asserted ability.

Attached is DHS form number 470-4538 that allows parents to delegate to foster parents (referred to as “resource parents” in the form) the authority to sign permission slips for routine school activities (e.g., field trips). If more information is needed, contact the specific DHS case worker serving the child.

For a foster child with an IEP, any person meeting the definition of “parent” may sign special education documents. The Department and DHS are currently discussing the implication of the IDEA’s inclusion of “foster parent” in definition of “parent.” If a person meets another of the IDEA’s definitions of “parent” in addition to meeting the definition for a foster parent (i.e., kinship care provider, surrogate parent), that person is a parent for special education purposes. If a biological or adoptive parent of a foster child with an IEP disagrees with another person who meets the definition of parent, the biological or adoptive parent acts as the parent unless a court has determined the biological or adoptive parent does not have authority to make educational decisions for the child. If a court order identifies a person to make educational decisions for the child, that person acts as that child’s parent for special education decisions.

Q10. Who attends IEP team meetings on behalf of a foster child with a disability?

A: A foster parent may be an IEP team member if the foster parent meets the IDEA’s definition of “parent.” A foster parent who does not meet the IDEA’s definition of “parent” may also be invited to be an IEP team, by either the education agencies or the parent, if the foster parent has “knowledge or special expertise regarding the child.”

Q11. What happens in case of a medical emergency?

A: The legal custodian may give consent for immediate care and treatment if a medical emergency occurs. In the majority of cases, the legal custodian will be the DHS worker, but custodianship – or the rights and responsibilities associated with custodianship – may also be assigned by court order to a foster parent or relative with whom the child is placed. As in the case in the immediately preceding question, if the person claiming to have authority is not the DHS worker, school officials may require that they be allowed to see the court order that confirms the claim of authority.

Q12. May a foster parent home school a foster child?

A: Home schooling [in Iowa, this is called CPI, which stands for Competent Private Instruction], when not provided by the child’s parent, may only be provided by a person possessing a valid Iowa teaching license or certificate appropriate to the child’s age and grade level. With the

exception of a child who requires special education, permission *from school officials* to provide CPI is not required. However, the decision to provide CPI to a foster child shall be a team (i.e., child, child's parent or guardian, foster parents, and social worker) decision, and cannot be done without the approval of the parent, guardian, or court. Foster parents cannot decide on their own to provide CPI. Similarly, as with any child, a foster child cannot be enrolled in a school that does not use properly certified or licensed teachers.

Note that CPI includes enrollment of a child in any nonaccredited setting. If a setting calls itself a "school," but is not accredited by the Iowa Department of Education, all children in attendance at that setting are considered to be home schooled.

Once the decision has been made to provide CPI, a "Report of CPI" (a form available from any school district) must be filed with the district attended by the foster child. The form is to be signed consistent with Q9.

Q13. May a foster parent request open enrollment for a foster child?

A: As with the decision to provide home schooling to a foster child, the decision whether to seek open enrollment shall be a team (i.e., child, child's parent or guardian, foster parents, and social worker) decision, and cannot be done without the approval of the parent, guardian, or court. Foster parents cannot decide on their own to file for open enrollment. [If the decision is made to file the request for open enrollment, the usual filing deadline of March 1 may be waived by the school districts in certain circumstances.]

Q14. What information may a school give the parent about a foster child?

A: The school needs to confer with the DHS case manager to see if parental rights exist and whether any court order limits the information that can be given to the parent. If parental rights exist and there is no court order limiting the parent's access to information about their child, the school should give the parent all *educational* information sought by the parent. If the parent asks the school for information such as details about the foster family, the school shall not provide this information and shall report the inquiry to the DHS case manager.

Q15. What information may a school give a foster parent about a foster child?

A: Observed behaviors may be shared with a foster parent if pertinent to the care to be given by the foster parent and if the school official has a reasonable belief that passing on this information will assist the foster parent in meeting the needs of the child.

School officials must comply with the federal Family Educational Rights and Privacy Act (FERPA), which generally prohibits them from sharing education records with foster parents without first securing permission of the parent or of DHS. [Education records are defined as any record that contains information directly related to a student and that is maintained by a school.] But, any information that a foster parent acquires at a meeting regarding the child where the foster parent is lawfully a part of the child's care team (such as an IEP team meeting) is not acquired in violation of FERPA. **Schools may share written records with foster parents with the permission (written or verbal) of the parent or of DHS.** When in doubt, a school official should contact the DHS case manager.

Regarding a foster child with an IEP, the same rules apply. A foster parent who meets the IDEA's definition of "parent" would have access to special education records in the same manner as the biological or adoptive parent.

Q16. If a teacher reasonably believes that a foster parent is abusing a foster child, should the teacher report this?

A: Yes. Reasonable suspicions regarding a foster parent or any adult caretaker should be reported to DHS in the same manner as other mandatory reports of suspected child abuse.

Q17. May a school district charge tuition for a non-disabled foster child?

A: No, subject to the exception noted below. A foster child who does not receive special education programs or services is considered a resident of the school district in which the foster parent resides. Therefore, the child is entitled to a tuition-free education from that district. Iowa Code section 282.6.

There is one exception: If the foster parent receives permission (from parents and DHS) to enroll the child in another district, that district must charge tuition unless open enrollment procedures were properly utilized.

Q18. May a school district charge fees of a foster child?

A: No. Administrative rule 281—IAC 18.3(1) states that all school fees are to be waived for a child in foster care.

Q19. Are foster children subject to the general transfer rule regarding participation in interscholastic athletics?

A: No. Iowa Code section 256.46 makes an exception for foster children to the general rule that students who transfer into a school without having moved to the school district with their parents are ineligible for 90 school days to participate in interscholastic activities. Therefore, a foster child who transfers to a new high school due to a foster placement is immediately eligible to participate in interscholastic sports and activities (assuming the child is academically eligible and does not violate the school's code of good conduct).

Q20. If a foster child requires special education programs, who pays?

A: According to Iowa Code section 282.31(2,3), the actual special education instructional costs for the child are paid by the district of residence of the child's parents. If parental rights have been terminated, these costs are paid from the general funds of the state of Iowa. If the child is subsequently adopted, the adoptive parents' school district assumes responsibility for these costs.

Q21. Is a foster child also considered to be "homeless" as that designation is pertinent to educational rights?

A: It depends. Only a foster child who is "awaiting foster care placement" is defined as homeless under rule 281—33.2.

For more information about the education of homeless children and youth, go to http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=422&Itemid=654.

Q22. Are foster children entitled to free school transportation?

A: If a child meets the definition of "homeless" (see above), the child is entitled to free transportation to the school at which the child is enrolled, including the child's school of origin.

If a child in foster care is not "homeless" and is enrolled in the school district in which the child's foster care placement is located, the child is entitled to free transportation on the same basis as any child. Iowa Code section 285.1 provides the following:

- a. Elementary pupils shall be entitled to transportation only if they live more than two miles from the school designated for attendance.
- b. High school pupils shall be entitled to transportation only if they live more than three miles from the school designated for attendance.

Q23. Do the vaccination requirements of Iowa Code section 139A.8 apply to children in foster care?

A: Yes. This is no different from any child in elementary or secondary school. The immunization requirements are regulated by the Iowa Department of Public Health, and are specified at 641—IAC chapter 7, <http://www.legis.state.ia.us/aspx/ACODocs/DOCS/6-17-2009.641.7.pdf>. Per section 139A.8, school officials may provisionally enroll any child for up to 60 days while awaiting proper documentation (proof of required immunizations OR physician statement of exemption OR religious waiver affidavit from parent/legal guardian). For more, see <http://www.idph.state.ia.us/adper/immunization.asp>.

Q24. Do other health screening requirements apply to children in foster care?

A: Yes. This is no different from any child in elementary or secondary school.

- i. **Vision:** While there is no vision screening required, beginning July 1, 2009, Iowa Code section 280.7A requires that the person registering a child for kindergarten or a preschool program be given a student vision card. The goal is that every child receive an eye exam by age 7 years, but the exam itself is not mandatory.
- ii. **Dental:** It is a requirement, effective July 1, 2008, that all children entering elementary and high school have a dental screening. The purpose of the dental screening requirement is to improve the oral health of Iowa's children. Unlike immunizations, however, dental screenings are NOT a condition of enrollment of a child in any school. For more information, see http://www.idph.state.ia.us/hpcdp/oral_health_school_screening.asp. This requirement is regulated by the Iowa Department of Public Health, which ensures that dental screenings will be provided by an integrated network of health care professionals to supplement Iowa's dental workforce. Regional I-Smile™ coordinators, serving at the "hub" of this network, will partner with schools to assist students who need a screening.
- iii. **Blood lead poisoning:** All children entering kindergarten must be tested for lead poisoning. Again, this screening is NOT a condition of enrollment of a child in any school. For more information, see http://www.idph.state.ia.us/eh/lead_poisoning_prevention.asp.

D. Rights and Responsibilities of DHS, Foster Parents, Parents, and Schools

1. Foster Parents

Rights include:

- Attendance at all school meetings regarding the foster child
- Other rights as may be provided by court order
- Other rights as directed by DHS case manager
- May act as surrogate parents for a child with a disability if the criteria in rule 281—IAC 41.519 are met

Responsibilities include:

- Confer with DHS case manager to ensure that DHS registers child for school either directly or by giving foster parent authority to register the child
- Care for the foster child much like one's own child but within the parameters of appropriate foster care
- Other responsibilities as specified in court order or by DHS
- Assist DHS with reunification goals or other permanency plan

2. School Officials

Rights include:

- Receipt of all necessary information (from DHS or from foster parent if with the consent of DHS) to register the child for school and to adequately provide for the child's educational needs
- Knowledge of who to contact in case of emergency
- Knowledge of whose signature(s) to accept for consents and other forms

Responsibilities include:

- Waiver of all fees for children in foster care per rule 281—IAC 18.3(1)
- Enrollment of a foster child as soon as possible
 - If vaccinations are not current (or that information is not available), provisional enrollment for up to 60 days is available
 - If transcript, proof of date of birth, or other pertinent information is not immediately available, this is not an impediment to immediate enrollment
- Ensure that a newly enrolled student in foster care is accorded immediate eligibility (if eligible academically and per good conduct) to participate in interscholastic athletics under Iowa Code section 256.46
- Protection of the foster child's privacy rights consistent with FERPA requirements
 - This includes recognizing that a child's *status as a foster child* is confidential and protecting that information
- **NEW:** Within five school days of notification that a former student is in foster care and is enrolled in another Iowa school district, send a copy of the student's educational records to the present school of enrollment

3. Parents

Rights include:

- Absent a court order to the contrary, may attend any and all school meetings and functions
- Absent court order to the contrary, may receive a copy of all educational records of the child (NOTE to school officials: the identity and/or location of the foster parents may at times be withheld from parents by court order. Take care to know when such anonymity provisions are in place so that you and your staff are in compliance with such orders.
- Other rights as provided by court order or DHS directive

Responsibilities include:

- Cooperate with DHS to ensure that the child's educational needs are met
- Sign consents for non-emergency medical care
- Other responsibilities as provided by court order or DHS directive

4. Department of Human Services and its Employees and Agents

Responsibilities include:

- Get all necessary information to the school of the child's enrollment
- Attend school meetings as needed
- Get consent forms signed by authorized person
- To the greatest extent permissible and possible, give advance notice to a school in which a foster child will be enrolled, especially a child who has special needs

Additional responsibilities – if DHS is the custodian – include:

- Consent to emergency medical treatment for a foster child, including surgery
- Maintain or transfer to another the physical possession of the child
- Protect, train, and discipline the child
- Provide food, clothing, housing, and medical care for that child
- Sign a release of medical information to a health professional

(All of the immediate duties come from Iowa Code section 232.2(11).)

E. Additional Resources

The **Iowa Department of Education** Web site is: www.state.ia.us/educate. This document is online at http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=1475:fostrcare&catid=58:diverse-learners&Itemid=2508. Any Iowa school district may be located through this Web site at http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=692:iowa-school-district-directories&catid=562:directories&Itemid=1506.

The **Iowa Department of Human Services** Web site is: www.dhs.state.ia.us. Any local DHS office may be located through this Web site at http://www.dhs.state.ia.us/Consumers/Find_Help/MapLocations.html. The DHS policy manual is online at http://www.dhs.state.ia.us/PolicyAnalysis/PolicyManualPages/Manual_Documents/Master/17-app.pdf. The “Agreement and Consent for School Activities” form at the end of this document is also available in the DHS policy manual.

The **Iowa Foster & Adoptive Parents Association (IFAPA)** Web site is www.ifapa.org, and their main office phone number is 800/277-8145. Among the resources provided by IFAPA is “Building Bridges: Improving Education Outcomes for Children and Teens in Foster Care and Adoption.”

The American Bar Association’s **Legal Center for Foster Care and Education** includes several resources at its Web site, www.abanet.org/child/education.

Questions?

Questions about general education may be directed to Carol Greta, Attorney 3, Iowa Department of Education, carol.greta@iowa.gov or 515/281-8661.

Questions about special education may be directed to Thomas Mayes, Legal Consultant, Bureau of Student and Family Support Services, Iowa Department of Education, thomas.mayes@iowa.gov or 515/242-5614.