

McKinney Vento

Awaiting Foster Care Placement & in Foster Care

Frequently Asked Questions for Social Workers & School District Homeless Liaisons

**FOR ADDITIONAL
QUESTIONS PLEASE
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What is McKinney Vento?

The McKinney Vento Act is federal law which requires schools to provide certain services, including transportation services, to children and youth “who lack a fixed, regular, and adequate nighttime residence.” The Act specifically includes children and youth “awaiting foster care placement.”

How does Washington State define “Awaiting Foster Care Placement?”

Office of Superintendent for Public Instruction Answer:

The Office of Superintendent for Public Instruction (OSPI) has defined *Awaiting Foster Care Placement* as “. . . the period of time between the initial placement of the child into state care and the 30-day shelter care hearing.”

If a child/youth’s case does not have a 30-day shelter care hearing, when does the “Awaiting Foster Care Placement” definition begin and/or end?

A child/youth that enters into out-of-home care will be considered “awaiting foster care placement” for 30 days from the shelter care order.

If a child/youth meets the “Awaiting Foster Care Placement” definition and cannot be placed within a home in their school of origin is the school district required to continue immediate enrollment and/or transportation under McKinney Vento?

Yes, as with students in the general population who meet McKinney Vento eligibility the school district is required to facilitate immediate enrollment and transportation.

Is there a specified time limit that School Districts must follow and apply when providing services under McKinney Vento?

Yes, at a minimum under the McKinney Vento Act, a child is eligible for these services until the end of the school year in which the child was determined to be “awaiting foster care.”

Does McKinney Vento require a school district to arrange transportation for a child/youth in foster care beyond the end of the school year to their school of origin when a new school year begins?

No. McKinney Vento does not require schools to provide transportation or other services after the student’s eligibility for McKinney Vento services ends.

If a child/youth is in foster care for several years and is returned home on a trial basis does McKinney Vento apply for the purpose of transportation?

No. The “awaiting foster care” period begins with a pickup order and shelter care; in this situation the child/youth would not be considered a McKinney Vento eligible student.

If a school-age child/youth in foster care returned home and the case was closed but they re-enter foster care are they considered “Awaiting Foster Care Placement” and McKinney Vento eligible?

Yes, in this situation the child/youth can be considered “awaiting foster care placement” and McKinney Vento eligible because a new pickup and shelter care order would be entered.

How do amendments to Title IV-E due to the Fostering Connections Act apply to transportation for the purposes of McKinney Vento?

Title IV-E is a federal program under the Social Security Act that subsidizes the cost of care for eligible youth placed in foster care. Children's Administration (CA) claims Title IV-E Maintenance for the cost of transportation to maintain an IV-E eligible child in the school the child was enrolled at the time of placement.

In order for the state to receive IV-E reimbursement, foster parent transportation requirements must be stated in the case plan, supporting continuing enrollment in the school at time of placement in foster care. Transportation for non-IV-E eligible children and youth may also be paid when McKinney Vento no longer applies. In both situations social workers should work with their regional business office to determine funding availability and procedures to pay for the expense.

For further information on permissible Transportation expenses and caregiver reimbursement social workers can refer to CA Practice and Procedures Manual 4538 and 5250.

Does the McKinney Vento "Awaiting Foster Care Placement" definition apply to Group Homes and Staffed Residential Centers?

Yes, Children or youth who are placed in Group homes or Staffed Residential Centers at the time of their initial out-of-home placement may be considered McKinney Vento eligible for the academic year in which they were placed into foster care.

Does a child/youth who has been in care for several years and is placed in a different Foster Home, Group Home or Staffed Residential Center qualify for McKinney Vento?

No, placement changes throughout the life of a case are not the qualifying element. McKinney Vento services are available only until the end of the academic year in which a child or youth is determined to have met the status of "awaiting foster care."

If a school district doesn't learn of a child/youth's placement into foster care until after the 30-day hearing what obligation does the school have?

Children's Administration Answer: A child/youth that enters into out-of-home care will be considered "awaiting foster care placement" for 30 days from the shelter care order; and eligible for services for the remainder of that school year.

Office of Superintendent for Public Instruction Answer:

If the student experiences homelessness at any point in the school year (including because they are awaiting foster care), they have a right to remain enrolled in their school of origin for the remainder of the academic year in which they became permanently housed. So, even if the district did not initially identify the student as homeless, the district is still responsible for following McKinney-Vento as it relates to any enrollment rights/service provision for which the student is eligible.

Is the CA McKinney Vento memo available for school district staff to view?

Yes. The memo from Children's Administration is posted on the OSPI Homeless Education website at: <http://www.k12.wa.us/HomelessEd/default.aspx>