

**Written Proponent Testimony to House Committee on K-12 Education Budget:
HB 2320 Authorizing Children in the Custody of DCF to
Attend School in Any School District
February 13, 2025**

Chair Goetz, Vice Chair Hill, Ranking Minority Member Winn, and Members of the Committee, I am writing as the Child Advocate with the Kansas Office of the Child Advocate, as a proponent of House Bill No. 2320 authorizing children in the custody of the secretary of the Department for Children and Families (DCF) to attend school in any school district, requiring records for such students to be timely transferred between school districts and requiring a transportation plan if the child remains in the school of origin. The Office of the Child Advocate (OCA) acts as a neutral, independent agency to ensure Kansas children and families receive adequate coordination of services for child safety and wellbeing. OCA receives and responds to complaints regarding state agencies, service providers, and juvenile courts that adversely affect the health, safety, and wellbeing of children. Through case and systemic recommendations, OCA seeks impact for best practices, policies, and law.

OCA has received complaint concerns specifically as to failure to provide a child with adequate educational services, inadequate transition to new placement (this includes transition in educational services), as well as placement instability/multiple moves in foster care. One, unfortunately not so uncommon example, are youth that are experiencing night-to-night placements. Oftentimes, such youth are not attending or participating in an educational program during the day. This is sometimes the result of the youth not having the necessary address to provide for school enrollment or the challenges in providing the necessary transportation for the youth from the night-to-night placement to the enrolled school. To provide context, in one case OCA reviewed, the youth was removed from home in County A and long-term placement was found in neighboring County B. It was determined to be in youth's best interest to enroll at School B near the foster home placement because the school of origin (School A) was too far away, and consistent transportation could not be arranged. Youth maintained placement for approximately two months before disruption. The foster care case management provider (CMP) was unable to locate a new long-term placement, therefore youth spent weeks in one-night placements. During this time, youth would arrive to a new placement at night between 6pm and 10pm, depending on transportation availability. Most of the one-night placements were in County C, two hours away from CMP office and two and a half hours from School B. Youth needed to be ready by 7 am with youth's belongings for CMP to pick youth up and take youth to School B, arriving late to class daily due to the distance. After school, CMP picked youth up and drove an hour to the CMP office to wait for that night's bed to be located. Not surprisingly, youth became frustrated and angry at being late to school daily and spending hours in the car each day. Youth began skipping school or refusing to attend, as well as forgetting schoolbooks at one-night placements several times a week, leading to homework not being completed. Youth expressed not understanding why they could not attend school with the other children also spending time at the office, especially since they attended the youth's original school, School A, and it was only 10 minutes from the CMP office. However, without a long-term placement, youth was only able to attend the "school of origin" which is defined as the last school youth was enrolled in (School B). As a result, youth was spending up to 5 1/2 hours a day commuting and was still late to class daily. If

youth was able to attend the school of choice or return to School A located in home County A, as set out in HB 2320, it would have reduced youth's commute time by at least an hour and a half per day, address youth's tardiness and poor attendance, including ability to remain organized and complete academic requirements.

There are three primary acts of federal law that influence educational outcomes for youth experiencing foster care: (1) ESSA (Pub. L. 114-95, 2015), the McKinney-Vento Homeless Assistance Act (Pub. L. 100-77, 1987), and the Fostering Connections to Success and Increasing Adoptions Act (Pub. L. 110-351, 2008).¹ When ESSA was enacted, reauthoring the 1965 ESEA, it also amended and reauthorized the McKinney-Vento Act which addresses the unique challenges of youth experiencing homelessness.¹ The reauthorization eliminated youth awaiting foster care placement within the definition of homelessness.¹

House Bill 2320 attempts to address three primary educational barriers impacting children experiencing foster care not otherwise covered or clearly set out under federal law. The first issue is school enrollment. As described in the example above, youth without a stable placement currently have fewer choices to meet their educational best interests. HB 2320 places the child's educational best interest at the forefront by allowing the child experiencing foster care to enroll in any school district, including attending the child's school of origin despite placement location or stability.

The second issue is timely transfer of records. HB 2320 requires school districts to promptly transfer records within two business days and allows the youth to attend school before transfer of the child's educational records, particularly in situations where there is delay. OCA would suggest that HB 2320 be amended to include the following language to page 2, line 1-3, requiring DCF or designee to *"notify the affected school district or districts **within two business days** that the child's placement has changed and request such child's records be transferred **following the Best Interest Determination (BID) as set out in the Department for Children and Families policies and procedural manual² and adopted by the State Department of Education. The Secretary shall complete the BID prior to any planned placement change or within two business days following an unplanned placement disruption.**"*

The third issue is transportation. HB 2320 directs the affected school district and the Secretary to develop a transportation plan, including cost allocation, taking into account delineated factors in the best interest of the child.

OCA appreciates your time and attention in recognizing the importance of ensuring children experiencing foster care do not face untenable barriers in receiving an education. In summary, OCA supports HB 2320 as a proponent recognizing the unique needs of children experiencing foster care by removing barriers related to enrollment, records transfer, and transportation, thereby improving the educational outcomes of our most vulnerable children.

I am pleased to stand for questions at the appropriate time.

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¹ Bush-Mecenas, S., Gomez-Bendaña, H., Barnes-Proby, D., & Gates, S. M. (2023). Education and Child Welfare System Efforts to Improve Educational Outcomes for Youth in Foster Care.

²https://content.dcf.ks.gov/PPS/robohelp/PPMGenerate/PPS_Policies/5000_Child_Welfare_Case_Management/5254_Ensuring_Educational_Stability.htm