



DCF Legislative Testimony

March 11, 2025

TESTIMONY OF: Rebecca Gerhardt, Director of Permanency and Licensing, Kansas
Department for Children and Families

TESTIMONY ON: Written Only | Proponent | House Bill 2320 - Authorizing children in the custody of the secretary of the department for children and families 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.

DCF | HB2320 | FOSTER YOUTH SCHOOL ENROLLMENT

Chair Erickson and members of the committee. Thank you for the opportunity to provide testimony in support of House Bill 2320, which authorizes children in custody of the Secretary of the Department for Children and Families to attend school in any Kansas school district, requires timely exchange between school districts, and requires transportation plans for children and youth who stay in their school of origin.

House Bill 2320 clarifies the time frames and duties related to transfer of student records between school districts, or when a child in the custody of the Secretary changes school buildings within a district. Prior language placed the duty for transferring a student's records when a school change occurred on the Secretary. Amended language shares the responsibility for record transfer by assigning the Secretary the duty to provide notice to the school, and then for the school to effectuate the transfer of records to the new school district or building. Previously, no timeline for transfer of these records was included within the statute. Amended language states that within 2 days of receiving notice, the school shall transfer the records. Additionally, this bill states that districts shall not delay or deny enrollment of a student in the custody of the Secretary due to the lack of transfer of records.

HB 2320 also provides additional opportunities for educational placement for children in the custody of the Secretary by allowing these students to enroll in their school of origin, the school district where their placement is located, or where a best interest determination directs their enrollment to occur. This is further clarified Sec. 3, page 4, line 17 to include enrollment at any district in Kansas. HB 2320 additionally codifies the need for a transportation plan to be designed when it is determined that child is best served in their school of origin. Transportation planning considerations are particular to each individual child.

When a child in the custody of the Secretary is moved from one placement to another, the Case Management Provider (CMP) notifies the school the child is attending (school of origin) as soon as possible, and pursuant to DCF policy and the federal Every Student Succeeds Act (ESSA), a Best Interest Determination (BID) is held. The BID includes, at minimum, the foster care point of contact or designee from the school of origin and staff from the CMP. Additional individuals can be included in this meeting – including the child, biological parents, placement providers, Guardian ad Litem, Educational Advocate for the child, DCF staff, Court Appointed Special Advocate (CASA) and any tribal contacts or representatives for children who are Indian Children as defined by the Indian Child Welfare Act (ICWA).

The BID gathering determines if the child can remain in their school of origin. DCF policy and ESSA toolkits for child welfare agencies and educational agencies provide criteria for consideration in determining best interest through the BID. During 2025, Health and Human Services (HHS) and the Department of Education (DoE) issued joint guidance to state child welfare agencies and departments of education regarding the ESSA and the BID process. DCF and KSDE have provided joint informational sessions to case managers and educational institutions on effectively implementing the guidance.

ESSA presumes that children should stay in their school of origin unless it is in their best interest for a school change to occur. DCF policy requires children in the custody of the secretary attend school as required by state law. ESSA requires procedures for determining how transportation will be provided to maintain children in foster care in their school of origin when it is in their best interest. While DCF policy does not include a list of specific considerations for transportation planning, the list included within HB 2320 is similar to federal guidance provided for ESSA compliance and the current considerations for transportation after a BID is made. Child

Welfare Agencies and Local Education Agencies as part of the transportation plan under ESSA must discuss how additional costs of transportation will be covered. This can be done by either agency individually or cooperatively between the agencies. This is current practice and is codified within HB 2320.

When a child experiences placement instability, DCF and the CMPs strive to enroll the child in school as quickly as possible in order to fulfill their duty to ensure children attend school as required by law; however, barriers for enrollment can exist. Allowing greater flexibility to enroll children in any appropriate district while transfer of records occurs increases the ability to enroll children experiencing foster care in school and provides additional options for accessing education for these students while experiencing placement instability. Education services and access can have a positive effect on a child's ability to achieve placement stability – not only by providing a safe place for the child to receive educational support and services throughout the day but also giving these students the opportunity to engage in positive relationship development, which can lead to placement stability.

As discussed in recent testimony regarding the foster care report card, the gaps between youth experiencing foster care and the all-student population continue to narrow in many areas. This bill provides an opportunity to further narrow this gap by ensuring that youth in foster care can access educational services without delay and in the location that is in their best interest without regard to whether a stable placement has yet been identified.

DCF supports this legislation as written. Thank you again for the opportunity to provide testimony on House Bill 2320.