



## Open Enrollment Policies 2022

### Does the state have specific enrollment provisions for students in foster care?

March 2022

This datapoint captures enrollment provisions that apply specifically to students in foster care, including enrollment priority and educational continuity. It does not capture states that have codified requirements under the McKinney-Vento Homeless Assistance Act.

STATE	Does the state have specific enrollment provisions for students in foster care?	Citation for students in foster care
Alabama	Not specified in state policy.	
Alaska	Not specified in state policy.	
Arizona	Yes. Students in foster care are given priority in open enrollment decisions. Students in foster care may be granted a certificate of educational convenience, which allows them to attend school in an adjoining district under certain conditions.	Ariz. Rev. Stat. Ann. § 15-816.01 Ariz. Rev. Stat. Ann. § 15-825
Arkansas	Yes. A foster parent may submit a request to the department of human services to transfer to another public school or school district. The department may approve the request if it is in the best interest of the child. The school must accept the transfer request unless they can demonstrate that granting the request would exceed their capacity or violate a court desegregation order.	Ark. Code Ann. § 6-18-233

STATE	Does the state have specific enrollment provisions for students in foster care?	Citation for students in foster care
California	Yes. Students in foster care are permitted to remain in their school of origin following a change of residence.	Cal. Educ. Code § 48204
Colorado	Yes. Students in foster care must be immediately enrolled in a new school prior to the transfer of records. Students may remain in their school of origin in the event of a move to a different placement if it is deemed to be in their best interest. School districts must collaborate to determine how transportation and other services will be provided and funded.	Colo. Rev. Stat. Ann. § 22-32-138
Connecticut	Not specified in state policy.	
Delaware	Yes. Students placed in foster care are considered to have a "good cause" exemption from transfer application deadlines.	Del. Code Ann. tit. 14, § 402 Del. Code Ann. tit. 14, § 403
District of Columbia	Not specified in state policy.	
Florida	Yes. Students in foster care must be given priority in open enrollment determinations. School districts are permitted to withhold Title I funding in order to provide transportation for students in foster care to their school of origin or choice programs.	Fla. Stat. Ann. § 1002.31 Fla. Stat. Ann. § 1011.69
Georgia	Not specified in state policy. However, students who attend school for more than half a school year are also permitted to stay enrolled in the school remainder of the year in the event of a change of residence.	Ga. Code Ann. § 20-2-296
Hawaii	Not specified in state policy.	
Idaho	Yes. Students in foster care placements must be admitted to receiving districts without the payment of tuition.	Idaho Code Ann. § 33-1404

STATE	Does the state have specific enrollment provisions for students in foster care?	Citation for students in foster care
Illinois	Yes. Students in foster care may not be charged tuition if a foster placement relocates the student to a different district.	105 Ill. Comp. Stat. Ann. 5/10-20.12b
Indiana	Yes. Students in foster care are permitted to remain in their school of origin following a relocation and the receiving district is required to provide transportation.	Ind. Code Ann. § 20-50-3-1 et seq.
Iowa	Yes. Students in foster care are eligible for good cause exemptions from open enrollment application deadlines. Students may also remain enrolled in their original district of residence following a foster care placement outside of the district.	Iowa Code Ann. § 282.18
Kansas	Not specified in state policy.	
Kentucky	Yes. Students in foster care may remain in their school of origin unless it is determined that remaining in the school of origin is not in their best interest.	704 Ky. Admin. Regs. 7:090
Louisiana	Not specified in state policy.	
Maine	Yes. A student placed by the Department of Health and Human Services with an adult who is not the student's parent or legal guardian is considered a resident of either the district where the student resides during the placement, or the district where the student resided prior to the placement, based on the best interest of the student. The student's best interest will be determined by the Department of Health and Human Services, in consultation with the department of education and the school districts.	Me. Rev. Stat. tit. 20-A, § 5205
Maryland	Yes. Regardless of where a student in foster care is currently residing, that student may remain at the school they are currently attending if it is determined to be in the best interests of the student.	Md. Code Ann., Educ. § 7-101
Massachusetts	Yes. Statute specifies that the state will reimburse the public school of any city, town, or regional school district for students placed in foster care who are enrolled outside of their home town.	Mass. Gen. Laws Ann. ch. 76, § 7

STATE	Does the state have specific enrollment provisions for students in foster care?	Citation for students in foster care
Michigan	Not specified in state policy.	
Minnesota	Yes. A student who has been enrolled in a district, and is then placed in foster care in another district, may continue to enroll in their original district.	Minn. Stat. Ann. § 124D.08
Mississippi	Not specified in state policy.	
Missouri	Not specified in state policy.	
Montana	Yes. Out-of-district attendance agreements are mandatory when a student is required to attend school outside of their district of residence as the result of a placement in foster care or a group home licensed by the state.	Mont. Code Ann. § 20-5-321
Nebraska	Yes. A student in foster care will be deemed a resident of the district they resided in at the time of becoming a foster child; except in certain circumstances as specified in which case they will be deemed a resident of the district in which the foster home or foster family home is located.	Neb. Rev. Stat. Ann. § 79-215
Nevada	Yes. When a student enters foster care, the agency providing child welfare services must determine if it is in the student's best interest to remain in their school of origin. If it is determined that changing schools is in the student's best interest, their enrollment in the new public school must be facilitated immediately. If it is determined that it is in the best interests of the student to continue enrollment at their original school, the agency and the district must provide transportation and are jointly responsible for those costs.	Nev. Rev. Stat. Ann. § 388E.105 Nev. Rev. Stat. Ann. § 388E.125
New Hampshire	Not specified in state policy.	
New Jersey	Not specified in state policy.	
New Mexico	Not specified in state policy.	

STATE	Does the state have specific enrollment provisions for students in foster care?	Citation for students in foster care
New York	Not specified in state policy.	
North Carolina	Not specified in state policy.	
North Dakota	Not specified in state policy.	
Ohio	Not specified in state policy.	
Oklahoma	Yes. Any child in the custody of the Department of Human Services in foster care who is living in the home of a student who transfers may attend the school district to which the student transferred.	2021 OK S.B. 783 (NS)
Oregon	Yes. A district may consider a transfer request outside of the district's interdistrict transfer policy and procedures where a hardship exists. Hardship is defined as the student is experiencing instability related to homelessness or foster care placement.	Or. Admin. R. 581-021-0019
Pennsylvania	Yes. Nonresident children placed in foster care must be educated, which provides that a nonresident child in paid foster care is "entitled to all free school privileges accorded to resident children of the district. . . in the same manner as though such child were, in fact, a resident child of the district."	24 Pa. Stat. Ann. § 13-1305
Rhode Island	Yes. Rhode Island ensures that students are immediately enrolled in the new school if transferred to a new school due to foster placement and that students' records are transferred immediately.	16 R.I. Gen. Laws Ann. § 16-64-1.3
South Carolina	Not specified in state policy.	
South Dakota	Not specified in state policy.	
Tennessee	Not specified in state policy.	

STATE	Does the state have specific enrollment provisions for students in foster care?	Citation for students in foster care
Texas	Not specified in state policy.	
Utah	Not specified in state policy.	
Vermont	Not specified in state policy.	
Virginia	Yes. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction.	VA ST § 22.1-3.4
Washington	Not specified in state policy.	
West Virginia	Yes. A county must comply with all enrollment requirements for children who are in foster care or who meet the definition of unaccompanied youth prescribed in the McKinney-Vento Homeless Assistance Act	W. Va. Code Ann. § 18-5-16.2
Wisconsin	Yes. Students placed in foster care may apply for open enrollment. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the pupil's change in residence.	Wis. Stat. Ann. § 118.51
Wyoming	Not specified in state policy.	
Puerto Rico	Not specified in state policy.	
Total answers	Not specified in state policy: Yes:	27 25