



The Office of Public Instruction’s (OPI) Foster Care Program partners with the Child and Family Services Division of DPHHS to improve the educational outcomes of children in foster care.

The OPI provides training and technical assistance to school districts and local foster care points of contact. The OPI also provides information and awareness materials to educators, case workers, nonprofits, group homes, and other interested community members throughout the state of Montana.

The OPI’s Foster Care Program is located in the 1300 11th Avenue building, Helena, Montana, in the Federal Programs Division. The purpose of this program is to ensure that every foster care child in Montana has equal access to the same free, appropriate public education as provided to other children in Montana schools.

**Montana Office of Public Instruction**

Christy Hendricks  
State Foster Care Point of Contact  
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Jack O’Connor  
State Title I Director  
[joconnor2@mt.gov](mailto:joconnor2@mt.gov), 406-444-3083

**For more information regarding the educational rights of children in foster care**

The Fostering Connections to Success and Increasing Adoptions Act was signed into law on October 7, 2008, as Public Law 110-351.FCA to improve outcomes for children in foster care. [www.childwelfare.gov](http://www.childwelfare.gov)

The Child and Family Services Division of DPHHS is responsible for providing protective services to children.  
<https://dphhs.mt.gov/CFSD/FosterParent>

Legal Center for Foster Care and Education – American Bar Association.  
A national voice for the education of children in foster care.  
[www.fostercareandeducation.org](http://www.fostercareandeducation.org)

Casey Family Programs – Their mission is to provide and improve – and ultimately prevent the need for – foster care. [www.casey.org](http://www.casey.org)



**Foster Care Point of Contact Name:**

**School Name:**

**Address:**

**City, ST, ZIP Code:**

**Phone:**

**Fax:**

**Email:**

**Montana Office of Public Instruction**

**Students in Foster Care**



ESSA Sec. 1111 (g)(1)(E)  
ESEA Title I, Part A



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# The OPI's Students in Foster Care Program

## Definition of a Student in Foster Care



The term *student in foster care* “means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility.” (Fostering Connections to Success and Increasing Adoptions Act of 2008 – PL 110-351)

Under the law a child may qualify as a student in foster care if they have been placed in:

- A foster family home.
- A foster home of a relative.
- A group home.
- An emergency shelter.
- A residential facility.
- A childcare institution.
- Or a pre-adoptive home.

*A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the State, Tribal, or local agency for the care of the child. (45 C.F.R. § 1355.20(a))*

**If you or someone you know is living in one of these situations, contact your local school district for assistance with services in your school and community.**



The Office of Public Instruction is committed to equal opportunity and non-discriminatory access to all our programs and services.



For more information or to file a complaint, contact Jeff Kirksey, OPI Title IX/EEO Coordinator at 406-444-3161 or jeffrey.kirksey@mt.gov

## Students in Foster Care Have the Right to:



- Immediate enrollment in school, even if the caregiver does not have the required paperwork.
- Continue attending the school in which they were enrolled when they entered foster care, the last school attended, or the school closest to their foster care placement based on a best interest determination.
- Remain in the sequence of schools with their peers when a placement is longer than one school year.
- Receive transportation to and from school.
- Automatic enrollment for free meals at school.
- Automatic qualification for Title I services, even if the student is enrolled in a non-Title I school.
- Receive all school-based services for which they qualify.
- Participate in all programs and activities offered to other students, including athletics, music, clubs, and other extracurricular activities.
- Have their caregivers participate in and attend school events and activities.



## Tips for Caregivers



- Notify the school that the student is in a foster care placement.
- If the placement is located outside of the attendance zone of the school of origin request, a best interest determination meeting with the Child and Family Services case worker, a representative from both schools, and the caregiver must be held.
- If your student has an IEP, request a meeting with the Special Education staff.
- Talk with your child's school about your living situation. Your child may qualify for additional help through other programs and resources available at the school.
- Talk to your child's teacher. The more a teacher knows about your child, the more they can help them succeed.
- Talk to your child's school counselor. They can assist the child with making new friends and learning helpful social and emotional skills.