

School Enrollment of Foster Care Children

The following provisions in the Code of Virginia for the enrollment of students provide possible impediments to school attendance for foster care children. School divisions must be prepared to address the following potential barriers to enrollment: presentation of birth certificates, provision of social security numbers, completion of immunization schedules and physical examinations, and provision of a sworn statement or affirmation indicating whether the student has been expelled from school attendance for an offense relating to weapons, alcohol or drugs, or willful infliction of injury to another person.

Provisions for enrollment of a foster care child are made by SB 1006 as follows: “if the documents required for enrollment of the foster child...are not immediately available upon taking the child into custody, the placing social services agency shall obtain or ensure compliance within 30 days of the child’s enrollment.” School divisions should be prepared to facilitate the enrollment of foster care students who do not have such documentation. The documentation will still be necessary, even though the child will be enrolled immediately.

Birth Certificate Requirement (§ 22.1-3.1.A)

This section of the Code states that “except as otherwise provided in this subsection, no pupil shall be admitted for the first time to any public school in any school division in this Commonwealth unless the person enrolling the pupil shall present, upon admission, a certified copy of the pupil’s birth record.” However, Subsection A continues with “If a certified copy of the pupil’s birth record cannot be obtained, the person enrolling the pupil shall submit an affidavit setting forth the pupil’s age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child’s age because of lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

Social Security Number (§ 22.1-260.C)

This section of the Code requires each student to present a federal social security number within 90 days of his enrollment. However, “In any case in which a student is ineligible...to obtain a social security number or the parent is unwilling to present such number, the superintendent or his designee may assign another identifying number to the student or waive this requirement.”

Immunization Requirements (§ 22.1-271.2)

Subsection A. of this Code section states that no student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization to the admitting official of the school or unless the student is exempted due

to religious tenets or practices or is homeless. SB 1006 requires the immediate enrollment of the student with a written statement from the person enrolling the child that, to the best of his or her knowledge, “the student is in good health and is free from communicable or contagious disease.” Local social service agency representatives may receive assistance in obtaining immunizations from local health departments. The school nurse can provide assistance in contacting the health departments. A directory of local health districts and department offices may be found at <http://www.vdh.virginia.gov>.

Preschool Physical Examinations (§ 22.1-270)

Subsection A of this Code section states that: “No pupil shall be admitted for the first time to any public kindergarten or elementary school in a school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed physician of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed no earlier than twelve months prior to the date such pupil first enters such public kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.”

If the student being enrolled is a foster care child, SB 1006 states that upon a written statement from the person enrolling the student that, to the best of his or her knowledge, the student is in good health and is free from communicable or contagious disease, the child shall be immediately enrolled. Local social services representatives from the county or city health department or other clinic or physician’s office may obtain the necessary physical examination. The school nurse can provide immediate assistance in assessment of the child’s health and the ability to physically be present in the school building.

Statement of Student’s School Status (§ 22.1-3.2)

Before admission to a public school, a parent or guardian, or other person having control of a child of school age, must provide a sworn statement or affirmation indicating whether the student has been expelled from a public or private school because of an offense involving weapons, alcohol or drugs, or willful injury to another person. The registration document is maintained as part of the student record. The person registering the foster care child should determine the status of the student prior to registration; however, if the status is unknown, the foster care child should be enrolled immediately, and the information provided as soon as the status can be ascertained.

Resolution of Enrollment Problems

In order to maintain records for foster care children with pending enrollment documentation needs, school divisions may want to adapt procedures and forms used by the school liaison designated to work with homeless children and youth under the federal McKinney-Vento Act. Each school will need to maintain a list of local social services agency representatives and contacts for each foster care child.