



#327-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #327-21**

DATE: December 17, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Foster Care Payment Eligibility Expanded**

The *Code of Virginia* § [22.1-3.4](#) specifies conditions for the enrollment of certain children placed in foster care. As provided in § [22.1-101.1](#) of the *Code of Virginia*, to the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child who is not a resident of such school division. The *Code of Virginia* language specifies the conditions under which reimbursement will be made to school divisions.

Governor Northam's introduced amendments to the 2020-2022 budget, communicated to the 2021 General Assembly (HB 1800), changed the eligibility for state Foster Children Education Payments to include any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age. This change aligns with § 22.1-3.4, *Code of Virginia*, as amended during the 2020 General Assembly Session, and is intended to ease the administrative burden of enrollment for students who no longer are supported by the foster care system but are continuing their education. This change was adopted in the amended 2020-2022 budget that was enacted on April 7, 2021, at the 2021 Special Session I of the General Assembly in Item 145 C.24.a. of Chapter 552's budget.

The adopted budget language changes support implementation of [HB 368](#) and [SB 275](#) from the 2020 Session of the General Assembly and, in part, states that an additional state payment

will be provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Virginia Department of Education, for each pupil not a resident of the school division providing his education "*who is a student that was formerly in foster care upon reaching 18 years of age but who has not yet reached 22 years of age.*" For such pupil in foster care, the school division shall keep an accurate record of the number of days in which such child was enrolled in its public schools, and it shall be included in the division's certification provided to the Board of Education by July 1 each school year, per the *Code of Virginia* § 22.1-101.1 C.

For more information

For questions related to Foster Care in Virginia, contact Laura Hackett, Assistant Coordinator, Project HOPE-VA, by email at LHack@wm.edu, or by telephone at (757) 221-4002. For questions related to budget, contact Edward Lanza, Director, Office of Budget, Virginia Department of Education, by email at Edward.Lanza@doe.virginia.gov, or by telephone at (804) 225-2025.

JFL/LH/rge