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Dear Relative or Foster Parent:

As a valued partner, the Department of Child Services (DCS) strives to share information that affects your efforts to care for children placed with you by DCS. Recently, DCS has received questions relating to fees charged by school systems for textbooks and related items. Specifically, we have been asked whether relative and foster parents are required to pay these fees on behalf of foster children placed with them. This letter will provide guidance on this important issue.

There are two (2) main categories of items that have come to our attention:

- Textbooks, supplies or other required class fees, and
- Alternative Education enrollment fees/tuition.

For textbooks, supplies and other required class fees, a school system cannot legally collect fees charged for a foster child. This is because a foster child meets the financial aid standard set out in Indiana law. "Textbook" is defined in Indiana statute to include books, hardware, computer software or digital content. Thus, Indiana statute does not permit a school system to charge relative or foster parents for books, hardware, computer software, digital content, supplies, or other required class fees for a foster child that is placed in the relative or foster parent's care.[1] Additionally, public school systems are not permitted to withhold school books or supplies, require any special services from a child or deny the child any benefit or privilege because the fees are not paid.

Please note that your school system receives a listing of foster children from the Department of Education on a regular basis. Your school system should utilize this listing to determine who is exempt from paying the above fees.

For Alternative Education[2] enrollment fees/tuition, the Indiana Constitution mandates a uniform system of public schools where tuition is not charged. If a public school system offers an alternative education program, that program is considered a "public school." Absent specific statutory authority, tuition and enrollment fees cannot be charged to a student or parent for participation in a publicly funded education and in turn an alternative education program[3]. Thus, Indiana statute does not permit a school system to charge an enrollment fee or tuition for a child to attend an alternative school.[4]

DCS plans to share this letter with school corporations across Indiana. If you receive an invoice from your school corporation for textbooks, supplies or other required class fees or for Alternative Education enrollment fees/tuition, please feel free to also share this letter with them.

If you have any questions regarding this letter or receive an invoice from the school and need assistance, please contact your Family Case Manager or your Regional Foster Care Specialist for assistance. Thank you for all you do on behalf of Indiana's children and families.

Sincerely,

Regina C. Ashley
Deputy Director of Placement Support and Compliance

cc: James W. Payne, Department of Child Services
Jeffrey M. Lozer, Department of Child Services
David Judkins, Department of Child Services
Matt Voors, Department of Education
Andrew Kossack, Department of Education

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[1] See IC 20-33-5-2 (stating that the financial aid for students standard is the same as the federal free or reduced price lunch standard; foster children are categorically eligible for the federal free and reduced lunch program). See also IC 20-33-5-3, 20-33-5-7, 20-33-5-11 and *Gohn v. Akron School*, 562 N.E.2d 1291, 1292 (Ind. Ct. App. 1990) (which discuss textbook, supplies and other required class fees).

[2] The legislature has established criteria for which a student would be eligible for an alternative education program. Specifically, an eligible student would be one who intends to withdraw or has withdrawn from school before graduation, who has failed to comply academically, who is a parent or expected parent and is unable to regularly attend traditional. school, who is employed and the employment is necessary to support the student's family and the employment interferes with the schedule at a traditional school, or who is a disruptive student. IC 20-30-8-10.

[3] The legislature has specified that school corporations have the ability to offer certain classes for industrial or manual training and charge tuition for these specific courses.

[4] See Indiana Constitution, Article 8, Section 1; IC 20-30-8-9; IC 20-37-2-1; and *Nagy v. Evansville-Vanderburgh School Corporation*, 844 N.E.2d 481, 491 (2006) (pertaining to alternative education enrollment fee/tuition).