



**Ensuring Educational Stability for Children  
in Foster Care:  
An Overview of the ED/HHS Joint  
Guidance**

July 27, 2016

# TODAY'S PRESENTERS

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# TODAY'S AGENDA

1. Provide an overview of the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Every Student Succeeds Act of 2015
2. Provide an overview of the HHS/ED joint guidance on ensuring educational stability for children in foster care
3. Highlight next steps for collaboration and implementation
4. Q&A

# CHILDREN IN FOSTER CARE

## EDUCATIONAL OUTCOMES

- Children in foster care are often a **vulnerable** and **highly mobile** student population
- Children in foster care typically make more unscheduled school changes than their peers in a given school year
- Compared to their peers, students in foster care experience:
  - **LOWER** high school graduation rates
  - **LOWER** scores on academic assessments
  - **HIGHER** rates of grade retention, chronic absenteeism, suspensions, and expulsions



# Legislative Framework

# FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

Title IV-B/IV-E agencies must make assurances that:

- The child's placement takes into account the appropriateness of the current educational setting and the proximity to the school of origin;
- The agency has coordinated with local education agencies (LEAs) to ensure that a child in foster care remains in his or her school of origin if it is in the child's best interest; and
- If remaining at the school of origin is not in the child's best interest, the child is immediately enrolled in a new school and records are transferred to the new school

# EVERY STUDENT SUCCEEDS ACT OF 2015

- Reauthorizes and amends the Elementary and Secondary Education Act of 1965 (ESEA)
- Requires States to report on achievement and graduation rates for children in foster care
- Includes new foster care provisions that complement requirements in the Fostering Connections Act
  - Emphasizes shared agency responsibility/decision-making
  - **All education stability provisions must be implemented by December 10, 2016**



# Educational Stability Joint Guidance

# JOINT GUIDANCE: AN OVERVIEW

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**Access the joint guidance here:**

<http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>



# BEST INTEREST DETERMINATIONS

## ESSA REQUIREMENTS

SEAs must provide assurances that:

- Children in foster care enroll or remain in the school of origin unless there is a determination that it is not in his or her best interest to attend the school of origin
- The best interest determination must be based on all factors, including:
  - Appropriateness of the current educational setting
  - Proximity to the school in which the child is enrolled at the time of placement

# BEST INTEREST DETERMINATIONS

## GUIDANCE PROVISIONS

- SEAs and State CWAs should establish uniform guidelines for local agencies
- LEAs and local CWAs should collaborate to develop a joint process for making best interest determinations
- Should consider multiple student-centered factors
  - Transportation costs should not be a factor
- Should consult child, if appropriate, and adults who have meaningful relationships with child

# BEST INTEREST DETERMINATIONS

## GUIDANCE PROVISIONS

- If they can't come to agreement, ultimate decision should reside with the CWA
- SEAs and LEAs should coordinate with CWAs to develop a dispute resolution process
- To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves

# TRANSPORTATION PROCEDURES

## ESSA REQUIREMENTS

LEAs must provide assurances that they will collaborate with State or local CWAs to:

- Develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of the time in foster care
- Procedures must ensure that children will promptly receive transportation in a cost-effective manner in accordance with the Fostering Connections Act
- Ensure that, if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide transportation if:
  - The local CWA agrees to reimburse the LEA;
  - The LEA agrees to pay the cost; or
  - The LEA and local CWA agree to share the cost.

# TRANSPORTATION REQUIREMENTS

## GUIDANCE PROVISIONS

- Transportation must be provided in a “cost-effective” manner, so low-cost/no-cost options should be explored
- Even if an LEA doesn’t transport other students, it must ensure that transportation is provided to children in foster care consistent with procedures developed in collaboration with CWAs
- Transportation is an allowable use of federal funds, both under Title IV-E of the Social Security Act and Title I of the ESEA
- All funding sources should be maximized to ensure costs are not unduly burdensome on one agency

# TRANSPORTATION REQUIREMENTS

## GUIDANCE PROVISIONS

- LEAs and CWAs should work together to agree on costs
- Transportation procedures should include a dispute resolution process if parties can't come to agreement
- SEAs and State CWAs should develop uniform statewide guidelines and procedures
- A child must remain in his or her school of origin while any disputes regarding transportation costs are being resolved

# IMMEDIATE ENROLLMENT

## ESSA REQUIREMENTS

SEAs must provide assurances that:

- If it's not in the child's best interest to stay in his or her school of origin, the student must be immediately enrolled in the new school, even if the child is unable to produce records normally required for enrollment
- The enrolling school shall immediately contact the school last attended to obtain relevant academic and other records

# IMMEDIATE ENROLLMENT

## GUIDANCE PROVISIONS

- A child can't be denied enrollment because they don't have proper documentation
- Child should also be attending classes and receiving appropriate academic services
- SEAs and LEAs should review policies to remove barriers to immediate enrollment

# POINT OF CONTACT (POC)

## ESSA REQUIREMENTS

- **SEAs** must provide an assurance that they will designate a POC for CWAs
  - POC cannot be the McKinney-Vento State coordinator for homeless youth
- **LEAs** must provide an assurance that they will designate a POC for the corresponding CWA, if the CWA notifies the LEA, in writing, that it has designated a POC

# POINT OF CONTACT (POC)

## GUIDANCE PROVISIONS

### SEA POCs

- Should be designated as soon as possible
- Responsibilities should include monitoring LEAs and coordinating with the State CWA to issue state guidelines

### LEA POCs

- Should be designated as soon as possible—even if local CWAs haven't notified LEAs in writing
- Responsibilities should include coordinating with local CWAs to develop a process for implementation of ESSA provisions

### BOTH SEA & LEA POCs

- Should have the capacity and resources to guide the implementation of the ESSA provisions

# POINT OF CONTACT (POC)

## GUIDANCE PROVISIONS

### STATE & LOCAL CHILD WELFARE POCs

- CWAs are not required to designate POCs but are highly encouraged to do so
  - Local CWAs should send a letter to relevant LEAs as soon as possible identifying their POC
- Responsibilities include coordinating with SEAs and LEAs to develop a process for implementation
- Should serve as the primary POC between schools, families, and other service providers

# EFFECTIVE COLLABORATION

## GUIDANCE PROVISIONS

To facilitate effective collaboration, SEAs, LEAs, and CWAs should:

- Establish a structure for collaboration at the local level
- Collaborate, as appropriate, across district, region, and State lines
- Cross-train staff on the complex needs of children in foster care and the importance of educational stability
- Establish formal mechanisms to ensure LEAs are notified when child enters care
- Build capacity to collect and use data to support outcomes for children in foster care



## **Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care**

**Access the joint guidance here:**

<http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

# INSIGHT FROM THE FIELD



LEGAL CENTER FOR  
**FOSTER CARE & EDUCATION**



AMERICAN BAR ASSOCIATION

Center on  
Children and the Law

Access to Justice for Children & Families

Juvenile  
Law Center  
advancing the rights and  
well-being of children in jeopardy

**EDUCATION  
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[www.fostercareandeducation.org](http://www.fostercareandeducation.org)

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# INSIGHT FROM THE FIELD

## WHAT WE HAVE LEARNED SO FAR

- Interagency collaboration is critical
- Designated staff (POCs) can be the key to successful cross-agency communication
- Data collection and information sharing drive reform
- Investment in students in foster care improves strategies for *all* students
- The court's role in improved educational outcomes is critical

# INSIGHT FROM THE FIELD

## WHAT NEEDS TO HAPPEN NOW

- Help raise the visibility of the ESSA foster care provisions
- Create a sense of urgency, given the timeline for implementation of key provisions (December 2016)
- Encourage the quick identification of POCs
- At state level: develop guidance for local jurisdictions on processes needed to support implementation
- At local level: begin discussions about the written procedures that need to be in place to address transportation by December 2016
- Determine need for additional technical assistance



# Technical Assistance

# JOINT ED-HHS WEBINAR SERIES

Webinar Topic	Date
Points of Contact	August 17, 2016
Best Interest Determination & Immediate Enrollment	August 24, 2016
Transportation	August 31, 2016
Dispute Resolution and Collaboration	September 7, 2016

**All webinars will be held from 2 – 3 PM ET**

# QUESTIONS ABOUT IMPLEMENTATION?

CONTACT US!

## SEAs & LEAs

- Send questions to ED's ESSA mailbox:  
[essa.questions@ed.gov](mailto:essa.questions@ed.gov)



## CWAs

- The Children's Bureau (CB) provides technical assistance through the Capacity Building Center for States
  - For additional information, reach out to your Center for States Liaison  
(<https://capacity.childwelfare.gov/map>)



# Questions?



**Thank you!**