

Ensuring Educational Stability for Children in Foster Care: An Overview of the ESSA and the NC DSS/NC DPI Joint Guidance



**North Carolina
Department of Justice**

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

Child welfare 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

Success

2



what people think
it looks like

Success



what it really
looks like

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
 - Educational stability provisions must be implemented by December 10, 2016



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>

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

- School of origin is the school in which the child was enrolled at the time of initial placement
 - If the child's foster care placement changes, the school of origin would then be the school in which the child is enrolled at the time of the placement change
- If it is determined to be in their best interest, children have the right to remain in their school of origin for the duration of their time in foster care
- Educational stability should continue to be prioritized once child exits foster care

BEST INTEREST DETERMINATIONS

GUIDANCE PROVISIONS

- 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

- Develop mechanism for where and when best interest determination will occur
- If parties cannot come to agreement, ultimate decision resides with the CWA
- 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 PROCEDURES

GUIDANCE PROVISIONS

- Even if an LEA doesn't transport other students, it must ensure that transportation is provided to children in foster care
- Transportation must be provided in a “cost-effective” manner so low-cost/no-cost options should be explored:
 - Pre-existing bus stops or public transportation
 - Foster parents provide transportation
 - Child is eligible for transportation by other programs (e.g. IDEA)
- “Additional costs” represent the difference between what an LEA would normally spend on transportation to the child's assigned school and the cost of transportation to the school of origin

TRANSPORTATION PROCEDURES

GUIDANCE PROVISIONS

- Title IV-E is an allowable funding source for children in foster care
- Title I is an allowable funding source, although funds reserved for comparable services for homeless children & youth may not be used for transportation
- All federal funding sources should be maximized to ensure costs are not unduly burdensome on one agency

TRANSPORTATION DISPUTES

GUIDANCE PROVISIONS

- If the LEA and CWA are unable to reach agreement on funding within 30 days, the disagreement should be referred to the state level POCs for the Division of Social Services and the Department of Public Instruction (DPI)
- If the state level POCs are unable to reach agreement on transportation funding within another 30 days, the LEA and the CWA must split the cost
- While a dispute is being resolved, the LEA must ensure that a child receives transportation to the school of origin, including funding that transportation

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

LEA POINT OF CONTACT (POC)

- Should have sufficient capacity and resources to guide the implementation of ESSA
- Responsibilities include:
 - Ensuring children in foster care are immediately enrolled in and regularly attending school
 - Coordinating with local CWAs to develop a process for implementing educational stability provisions
 - Developing and coordinating local transportation procedures
 - Providing training to school staff on educational stability and needs of children in foster care

POINT OF CONTACT (POC)

GUIDANCE PROVISIONS

CWA POINT OF CONTACT (POC)

- Serves as contact between children in foster care and LEA personnel and other service providers
- Collaborates with LEA POCs to share educational records and data and coordinate transportation
- Establishes county CWA processes to comply with Fostering Connections and ESSA
- Provides staff training on educational needs of children in foster care
- Ensures children in foster care have access to educational services
- Informs parents and community members of the education rights of children in foster care

EFFECTIVE COLLABORATION

ESSA REQUIREMENTS

Under ESSA, each state plan shall describe--

- The steps an SEA will take to ensure collaboration with the state child welfare agency to ensure the educational stability of children in foster care

Each LEA shall provide assurances that the LEA will:

- Collaborate with the State or local child welfare agency to--
 - Designate a point of contact
 - Develop and implement clear written transportation procedures

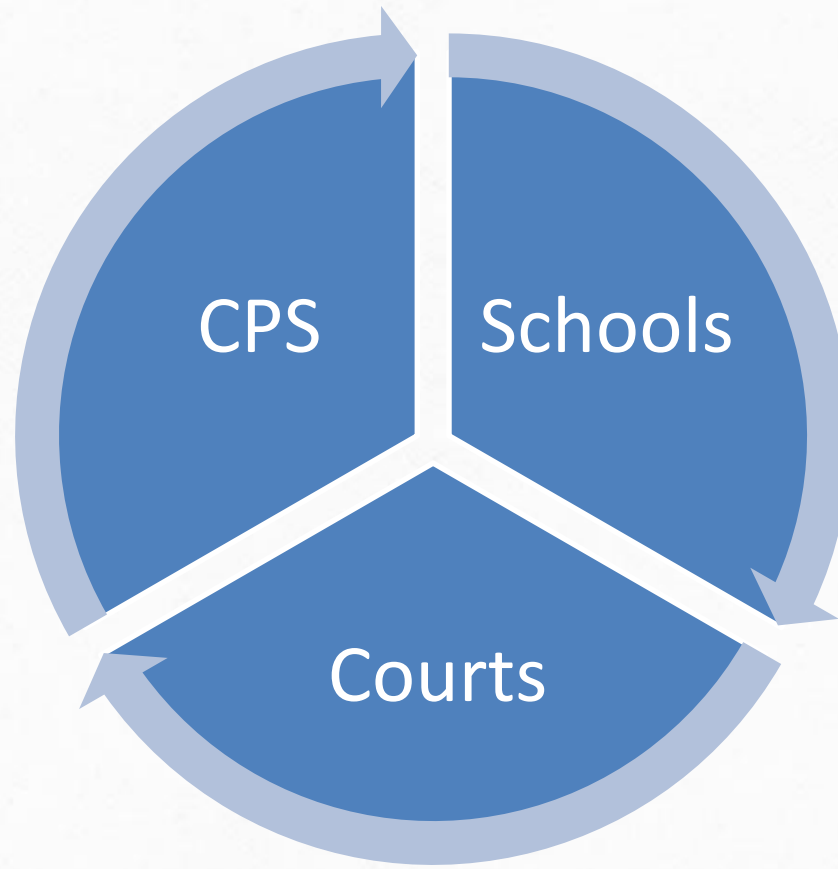
EFFECTIVE COLLABORATION

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

THE STATE AS PARENT = THESE CHILDREN ARE “OUR” RESPONSIBILITY



MCKINNEY-VENTO UPDATE

- The phrase “awaiting foster care placement” will be removed from the McKinney-Vento Homeless Assistance Act’s definition of homeless children and youth.
 - For non-covered states, effective 12/10/16
 - For covered states--that is, States that define “awaiting foster care placement” in statute--effective 12/10/17
- After the effective date, youth “awaiting foster care placement” must be served under ESSA
- Some children in foster care may still be eligible for McKinney-Vento services (e.g., youth who are living in transitional shelters or motels)

Access ED’s Guidance on the ESSA Amendments to McKinney-Vento:
<http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>

Educational Stability for Children & Youth in NC Child Welfare Custody

B 1. If safety requires a petition for custody or a foster care placement change prior to Best Interest Determination (BID)

Deliver Notification form to current school within one school day. BID must be scheduled within three days.**

A. Whenever a child(ren) may:
1) enter county child welfare agency custody or
2) require a provider placement change or school change

Convene a CFT or PPAT in conjunction with the Best Interest Determination (BID) meeting.
Child must remain in school of origin until the BID has occurred.

At the meeting,
1. Determine child's provider (foster care placement) or if safety required a foster care placement prior to the meeting, discuss the placement and child's transition, and
2. Select child's school (BID)

B 2. EXCEPTION - If/when safety requires a petition for custody or a placement change AND a school change prior to Best Interest Determination (BID) - This exception requires approval by the county director (or designee).

C. For a child who was not enrolled in public school prior to entering the custody of a county child welfare agency.

Same School?

No

Deliver Immediate Enrollment form within one school day of placement

Convene Educational Services (ES) meeting within 30 days***

Yes

Deliver Notification form within one school day of placement*

Consider

Monitor child's performance. Complete the Child Education Status or BID form whenever the Out-of-Home Family Services Agreement is reviewed. Whenever a placement change or school change is necessary return to start box at top. Confirm transportation and other services are in place and appropriate.

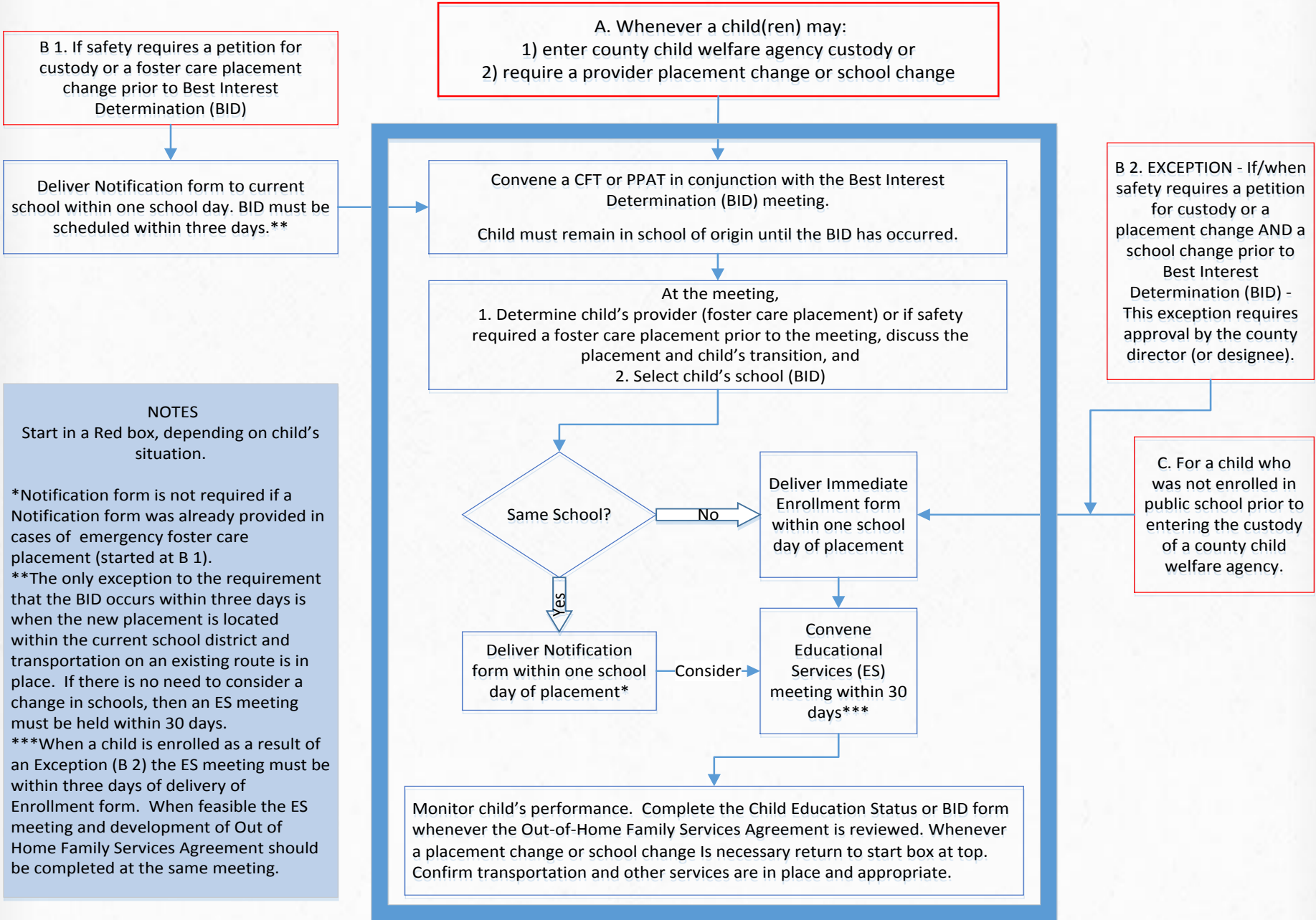
NOTES

Start in a Red box, depending on child's situation.

*Notification form is not required if a Notification form was already provided in cases of emergency foster care placement (started at B 1).

**The only exception to the requirement that the BID occurs within three days is when the new placement is located within the current school district and transportation on an existing route is in place. If there is no need to consider a change in schools, then an ES meeting must be held within 30 days.

***When a child is enrolled as a result of an Exception (B 2) the ES meeting must be within three days of delivery of Enrollment form. When feasible the ES meeting and development of Out of Home Family Services Agreement should be completed at the same meeting.



RESOURCES

NC FOSTER CARE EDUCATION (NCFCE)

Helpline ncfoster@serve.org or 800-352-6001

Website <http://center.serve.org/hepnc/fostercare.php> (includes Points of Contact for education and child welfare)

Joint Federal Guidance

www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf

Legal Center for Foster Care & Education

<http://www.fostercareandeducation.org/AreasofFocus/EducationStability.aspx>



Questions?

Thank you!

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