

# SERVING STUDENTS IN FOSTER CARE UNDER ESSA

# AGENDA

- Definition of Foster Care
- Statistics and Fast Facts regarding Foster Care
- School Stability for Children in Foster Care—Key Federal Laws
- Blueprint for Change: Education Success for Children in Foster Care
- ESSA Requirements for LEAs Serving Children in Foster Care—Collaboration, Transportation, School of Origin
- Best Interest Determination
- Procedures and Reminders for Enrollment Staff
- Helpful Resources

**Please note:** Excerpts in this presentation have been adapted and/or taken from the Tennessee Department of Education's presentation "ESSA Charting the Course: Equity and Opportunity for All—Foster Care Overview and Requirements for Transportation Procedures" by Earl Lattimore, Erin Christian, and Dan Froemel.

# WHAT IS FOSTER CARE?

- “Foster care” means 24-hour substitute care for children placed away from their parents or guardians ***and*** for whom Department of Children's Services (DCS) has placement ***and*** care responsibility. *It does not include children who are staying with relatives or friends for a few days while DCS investigates a situation.*
- Foster care includes **placements** in foster familyhomes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.
- The Title I foster care provisions apply to all children in foster care enrolled in publicschools.

## **Please note:**

Information in this section was taken from the National Association for the Education of Homeless Children and Youth's PowerPoint presentation regarding the ED/HHS June 2016 Guidance on Children in Foster Care <https://naehcy.org/essa-and-children-foster-care/>

# CHILDREN & YOUTH IN FOSTER CARE

- They represent *one of the most vulnerable student subgroups* in this country. \*Of the approximately 415,000 children in foster care in 2014, nearly 270,000 were in elementary and secondary schools.
- Studies find that children in foster care are much more likely than their peers to *struggle academically* and *fall behind* in school.
- Are often a *vulnerable* and *highly mobile* student population
- Experience *more unscheduled school changes* than their peers in a given school year
- Compared to their peers not in foster care, these children & youth experience...
  - *LOWER high school graduation rates;*
  - *LOWER scores on academic assessments; and*
  - *HIGHER rates of retention, absenteeism, suspensions, and expulsions*

\*From the Adoption and Foster Care Analysis and Reporting System (AFCARS) FY 2014 data



# FAST FACTS FROM NATIONAL DATASHEET

Educational Experience or Outcome	Findings
% of youth in foster care who change schools when first entering care	31% - 75% <sup>2</sup>
% of 17- to 18-year-olds who experienced 5 or more school changes	34.2% <sup>3</sup>
Likelihood of being absent from school	About twice that of other students <sup>4</sup>
Likelihood of 17- to 18-year-old youth in foster care having out-of-school suspension	About twice that of other students <sup>5</sup> (In one study the rate was 24% vs. national general population rate of 7%) <sup>6</sup>
Likelihood of 17- to 18-year-old youth in foster care being expelled	About 3 times that of other students <sup>7</sup>
Reading level of 17- to 18-year-olds in foster care	Average level 7 <sup>th</sup> grade 44% at high school level or higher <sup>8</sup>
% of youth in foster care receiving special education services	35.6% <sup>9</sup> - 47.3% <sup>10</sup>
% of 17- to 18-year-old youth in foster care who want to go to college	70% <sup>11</sup> - 84% <sup>12</sup>
% of youth in foster care who complete high school by age 18 (via a diploma or GED)	Colorado: 41.8% <sup>13</sup> Midwest Study (age 19): 63% <sup>14</sup>
% of youth in foster care who complete high school by age 21	65% by age 21 <sup>15</sup> (National data) (Compared with 86% among all youth ages 18-24 <sup>16</sup> )
% of youth in foster care who graduated from high school who enrolled in college at some level	31.8% <sup>17</sup> - 45.3% <sup>18</sup> (Compared with national college enrollment rate of 69.2% in 2015, which is slightly below national record high of 70.2% in 2009) <sup>19</sup>
% of foster care alumni who attain a bachelor's degree	3 - 10.8% <sup>20</sup> (Compared with national college completion rate of a BA or higher of 32.5%) <sup>21</sup>

\*Updated April 13, 2018—To view the entire document, please go to <http://foster-ed.org/fostering-success-in-education-national-factsheet-on-the-educational-outcomes-of-children-in-foster-care/>

# SCHOOL STABILITY FOR CHILDREN IN FOSTER CARE—KEY FEDERAL LAWS

- In 2008, the **Fostering Connections to Success and Increasing Adoptions Act** (Fostering Connections) included several education provisions in federal child welfare law.<sup>1</sup> This was the first time that school stability<sup>2</sup> was prioritized in federal law and marked a shift in the need for child welfare agencies to prioritize the educational needs of students in foster care.
- In December 2015, Congress passed the **Every Student Succeeds Act (ESSA)**, which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). This was the first time federal education law included specific provisions that promote school stability and success for youth in care and require collaboration between education and child welfare agencies to achieve these goals. These provisions, which mostly took effect on December 10, 2016, complement those in the Fostering Connections Act and require State Education Agencies (SEAs) and Local Education Agencies (LEAs) to work with child welfare agencies to ensure the education stability of children in foster care.
- In 2013, the **Uninterrupted Scholars Act** amended the Family Education Rights and Privacy Act (FERPA) to give child welfare professionals access to educational records of youth in their care, even without parental consent.

# BLUEPRINT FOR CHANGE: EDUCATION SUCCESS FOR CHILDREN IN FOSTER CARE

**Goal #1:** Remain in the Same School

**Goal #2:** Seamless Transitions Between Schools

**Goal #3:** Young Children are Ready to Learn

**Goal #4:** Equal Access to the School Experience

**Goal #5:** School Dropout, Truancy, and Disciplinary  
Actions Addressed

**Goal #6:** Involving and Empowering Youth

**Goal #7:** Supportive Adults as Advocates and  
Decision-makers

**Goal #8:** Obtaining Postsecondary Education



# ESSA REQUIREMENTS FOR LEAS SERVING CHILDREN IN FOSTER CARE

**Designate a Point of Contact:** Each LEA should have a Point of Contact (POC) designated to coordinate services for all students in foster care. Responsibilities should include coordinating with regional DCS offices to develop a process for implementation of ESSA provisions.

**The LEA must provide assurance that:**

- It will collaborate with DCS to develop and implement clear written procedures regarding transportation for children in foster care to remain in the school of origin (including how it will be provided, arranged, and funded during the time the child is in foster care).
- 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 enrolling school shall immediately contact the school last attended to obtain relevant academic and other records.

**Transportation costs should not be a factor when determining best interest!**



# WHAT IS SCHOOL OF ORIGIN?

- The school of origin is defined as the school in which the child is enrolled at the time of placement in foster care.
- If a child's foster placement changes, the school of origin would be the school in which the child was enrolled at the time of the placement change.
- Children can remain in the school of origin for their entire time in foster care.

If it is 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. *Immediate enrollment is defined as attending classes and receiving appropriate academic services.*

# BEST INTEREST DETERMINATIONS

- The Best Interest Determination (BID) team typically consists of the DCS Point of Contact, the LEA Point of Contact, the educational decision maker for the child or youth, the school principal or designee, and any other key partners for decision making.
- The BID Team should *consider multiple student-centered factors*
- The BID team should *consult the child*, if appropriate, *and adults* who have meaningful relationships with child
- If the LEAs cannot come to agreement regarding school placement, the *ultimate decision should reside with DCS*.
- LEAs must coordinate with DCS 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.



# EXAMPLE OF A BEST INTEREST DETERMINATION CHECKLIST

Student Name:	DOB:		Determination Decision: (circle one) School of Origin    or    Local School	
Best Interest Determination	Consideration		Evidence	
	School of Origin	Local School		
Preference of the child				
Preference of the educational decision maker				
Child's attachment to school				
Placement of the child's sibling(s)				
School Climate				
Educational and social emotional needs				
Need for services and supports under IDEA or 504				
Academic needs (EL, Advanced Academics, etc.)				

# FOSTER CARE PROCEDURES— JOHNSON CITY SCHOOLS

1. The DCS Education Specialist will notify the LEA's Foster Care Point of Contact of students who DCS would like to keep in the school of origin, but who will no longer be living in that school's zone.
2. A best interest determination (BID) team meeting will be scheduled within FIVE (5) school days.
3. At that point, the LEA's Foster Care POC will contact the Johnson City Transit within ONE (1) school day to provide the following information: the student's name, current school, new residential address, and whether the student has an IEP with specialized transportation.
4. Prior to the BID conference, Johnson City Transit will identify potential ways the child can be transported should the BID team decide that the child should remain in his/her current school. Johnson City Transit will share this information with the LEA's Foster Care POC, who will present it to the BID team. An Interagency Agreement (Transportation Procedure to Ensure Educational Stability for Students in Foster Care) may be used to assist in this decision-making process.



# FOSTER CARE PROCEDURES

## CONTINUED...

5. The DCS Foster Care POC, the LEA's Foster Care POC, the DCS caseworker, and other essential members of the BID team will share information and make a joint decision regarding the child's best placement. Should a dispute regarding the child's school placement arise between DCS and/or the LEAs, the dispute resolution process must be followed. However, if an agreement cannot be reached, the ultimate decision rests with DCS.
6. Finally, if the BID team decides that the student will remain in the current school, the LEA's Foster Care POC notifies Johnson City Transits, who then assists the DCS caseworker in arranging transportation to and from school if transportation is needed.

**Options:** Multiple factors will be considered and addressed in the BID when determining transportation options for foster care students, including (but not limited to) safety for the student and other students being transported, student age, length of commute and distance. Information from Johnson City Transit about these factors will be provided so that the BID will be comprehensive and include consideration of cost-effective measures.

The following options will be considered to provide school of origin transportation:

1. An existing bus route can be used.
2. The DCS worker will explore options outside of those provided by the school division such as reimbursing the foster parents for transportation costs, or including transportation in contracts with licensed child placing agencies or group homes.
3. Specialized transportation offered to other students can be accessed, such as: a. Special education; b. McKinney-Vento transportation

# FOR ENROLLMENT STAFF

- To ensure that we identify all children in foster care, please notify the school system's Foster Care POC when a child in foster care enrolls at your school or if you receive notification that a current student has been placed in foster care. The Foster Care POC will verify this information with the DCS Education Specialist and code the students appropriately in PowerSchool and EIS.
- Please remember that children in foster care have the right to *immediate enrollment* even if they initially lack documents normally required for enrollment.

# HELPFUL RESOURCES:

- U.S. Department of Education's Foster Care Transition Toolkit <https://www2.ed.gov/about/inits/ed/foster-care/youth-transition-toolkit.pdf>
- ED/HHS Joint Guidance for Ensuring Educational Stability for Children in Foster Care <https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>
- Legal Center for Foster Care & Education <http://www.fostercareandeducation.org/>
- National Center for Homeless Education [https://nche.ed.gov/ibt/sc\\_foster.php](https://nche.ed.gov/ibt/sc_foster.php)



# IF YOU HAVE QUESTIONS, PLEASE CONTACT:

Johnson City Schools Foster Care Point of  
Contact (POC)

Dr. Robbie Anderson, Director of  
Accountability and School Improvement

phone number: (423) 434-5222

Email: [andersonr@jcschools.org](mailto:andersonr@jcschools.org)