



Educational Stability for Children in Foster Care

Youth in out-of-home care live, on average, in two or three different places each year. As a result, educational outcomes for children in foster care significantly lag behind typical outcomes of the general student population. Children in the foster care system are significantly more likely to drop out and less likely to graduate than other students. Consequently, Congress enacted the Fostering Connections to Success and Increasing Adoptions Act in 2008, which amended parts of the Social Security Act. Among its many provisions to address the needs of children and youth in foster care, it seeks to promote educational stability for foster children by requiring that child welfare agencies include a plan for ensuring educational stability in every child's case plan.

The Every Student Succeeds Act (ESSA) now includes provisions related to students in foster care, and steps need to be taken in the near future to comply with the new statutory provisions. The new language is included in 20 U.S.C. § 6311 (State Plans) and 20 U.S.C. § 6312 (Local Educational Agency Plans). **These changes go into effect on December 10, 2016.**

Key Provisions:

Transportation: A school district must collaborate with the local child welfare agency to develop and implement clear written procedures governing how transportation will be provided, arranged, and funded to maintain children in foster care in their school of origin when in their best interest. When additional costs are incurred in providing transportation to the school of origin, school districts will provide transportation if: (1) they are reimbursed by the child welfare agency; (2) the school district agrees to pay the costs; or (3) the school district and the child welfare agency agree to share the costs. **While the requirements take effect on December 10, 2016, transportation plans/procedures must be submitted to PDE by January 31, 2017.**

In order to help LEAs, PDE and DHS recently released the following samples:

- [Transportation Agreement Memorandum of Understanding \(MOU\)](#)
- [Local Transportation Plan Template](#)
- [PA Transportation Plan Guide](#)
- [Best Interest Determination \(BID\) Form](#)

Point of Contact (Agency Collaboration): A school district must designate a Point of Contact if the local child welfare agency notifies the school district, in writing, that it has a designated Point of Contact for the school district. (Each county children and youth agency (CCYA) in PA already has an Education Liaison. See this [DHS Bulletin](#) clarifying the responsibilities of county children and youth agencies regarding educational stability and continuity for all children receiving services from a child welfare agency).

The LEA Foster Care Point of Contact (POC) responsibilities include but are not limited to:

- o Coordinating with the corresponding CCYA on the implementation of the Title I foster care provisions;
- o Sharing in the development of a process for making the best interest determination;
- o Documenting the best interest determination;
- o Facilitating with the CCYA the transfer of records including immunizations, medical records, and copies of IEPs and Section 504 plans to ensure immediate enrollment;
- o Facilitating data sharing with CCYA; consistent with FERPA and other privacy protocols;
- o Developing and coordinating local transportation procedures;
- o Sharing in making the best interest determination and resolving transportation disputes;
- o Ensuring that children in foster care are enrolled in and regularly attending school; and
- o Providing professional development and training to school staff on the Title I foster care provisions and education needs of children in foster care, as needed.

All LEAs must designate a POC by December 10, 2016. Once the LEA has designated a Point of Contact, please make sure the person's name and contact information is provided to the state via this [form](#).

Ensuring School Stability: PDE must make assurances in their State Plan that foster youth will remain in their school of origin if determined to be in their best interest. Stay tuned!

Additional Resources:

- On Nov. 29, 2016, the Pennsylvania Department of Education and the Pennsylvania Department of Human Services prepared and released [joint guidance](#).
- You can learn more about these new provisions and what they mean for states, districts, and schools through [joint guidance](#) released on June 23, 2016, from the U.S. Departments of Education and Health and Human Services.
- The Pennsylvania Department of Education, in partnership with the Pennsylvania Department of Human Services and the Center for Schools and Communities, offered an informational webinar on transportation to foster care students. The presentation is available [here](#).
- On Aug. 17, 2016, the U.S. Department of Education offered an informational webinar on Ensuring Educational Stability for Children in Foster Care: Education and Child Welfare Points of Contact. The recording is available [here](#).
- Visit <http://www.pafostercare.org/> for resources, guides, best practices, news and sample templates.

McKinney-Vento Homeless Assistance Act

On December 10, 2016, the phrase “awaiting foster care placement” will no longer be included in the definition of “homeless children and youths”. But keep in mind, even with the change in law to eliminate “awaiting foster care placement,” some students in foster care may still be eligible, including:

- Children in foster care living in “emergency or transitional shelters.”
- Children in foster care who are “unaccompanied homeless youth” (e.g., youth who have run away from child welfare placements).

Additional Resources:

- The Pennsylvania Department of Education has revised the Education for Homeless Youth Basic Education Circular (BEC). The revisions address local education agency liaison responsibilities, students awaiting foster care status, and transportation. Read the Education for

Homeless Youth Basic Education Circular on the Pennsylvania Department of Education's [website](#).

- On Wednesday, July 27, 2016, the U.S. Department of Education released guidance to states and school districts on the new provisions in the Every Student Succeeds Act (ESSA) for supporting homeless youth. The press release is available [here](#); and the guidance is linked below.
 - [Homeless Student Guidance](#)
 - [Homeless Student Guidance Fact Sheet](#)
 - [Homeless Student Notice of Rights and Protections](#)