



North Carolina Department of Health and Human Services
Division of Social Services

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Director

August 1, 2016

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

ATTENTION: DIRECTORS, CHILD WELFARE PROGRAM MANAGERS AND SUPERVISORS

SUBJECT: EVERY STUDENT SUCCEEDS ACT (ESSA): NEW FEDERAL LAW PROMOTING EDUCATIONAL STABILITY FOR YOUTH IN FOSTER CARE

The purpose of this letter is to introduce The Every Student Succeeds Act (ESSA), a new federal law signed on December 10, 2015. ESSA reauthorizes the Elementary and Secondary Education Act of 1965. The Elementary and Secondary Education Act was last reauthorized in 2002 as No Child Left Behind. For the first time, ESSA embeds in federal education law provisions that promote school stability and success for youth in care and collaboration between education and child welfare agencies to achieve these goals.

Background

It is a top priority of both state and local child welfare agencies as well as the state and local education agencies to collaborate to ensure school stability, prompt school enrollment, and school success for children in foster care. Foster children are significantly more likely to struggle in school and to fall behind their peers. On average, foster children are less likely to graduate from high school, score lower on standardized tests compared to peers of similar backgrounds who are not in foster care, and suffer from significantly higher levels of school instability. Unscheduled school changes delay academic progress and make foster youth more likely to experience academic difficulties compared to their less mobile peers.

In recent years, the State and Federal governments have launched efforts to increase educational stability for foster youth and to improve educational outcomes. The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) was the first federal child welfare law with a major emphasis on the educational stability and success of foster youth.

Child Welfare Services

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The Fostering Connections Act requires child welfare agencies to collaborate with educational agencies to keep children in foster care in the same school when living placements change, if remaining in that school is in their best interest. The Fostering Connections Act also requires child welfare agencies to ensure that children in foster care who do change schools are promptly enrolled in a new school, with relevant school records.

The Every Student Succeeds Act (ESSA), a new federal law signed on December 10, 2015, reauthorizes the Elementary and Secondary Education Act of 1965. The Elementary and Secondary Education Act was last reauthorized in 2002 as No Child Left Behind. For the first time, ESSA embeds in federal education law provisions that promote school stability and success for youth in care and collaboration between education and child welfare agencies to achieve these goals.

Requirements for State Education Agencies

The ESSA requires state education agencies (SEAs) to include in their state plans the steps that will be taken to collaborate with state child welfare agencies to ensure school stability for youth in care, including assurances that children enroll or remain in their school of origin unless a determination is made that it is not in their best interest. Child welfare agencies are already required to collaborate with education agencies to ensure school stability when it is in the child's best interest pursuant to the Fostering Connections Act. ESSA creates a reciprocal obligation on education agencies.

The ESSA requires that state education plans must include the steps the state will take to ensure that when a school change is warranted, children in foster care can enroll immediately in a new school even if the child cannot produce the normally-required enrollment documents and school records. Further, the enrolling school is required to immediately contact the school last attended by the child to obtain relevant academic and other education records.

The ESSA requires that by December 10, 2016, the local education agencies (LEAs) and child welfare agencies must collaborate, and the LEAs must include in their local plans assurances that transportation for students in foster care will be addressed. Plans must include clear written procedures governing how transportation to ensure school stability will be provided, arranged, and funded for the duration of the time in foster care.

The ESSA requires that every state education agency must include in its state plan the steps it will take to ensure collaboration with the state child welfare agency, including designating an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the foster care provisions of the ESSA. The point person should also identify best practices and ensure effective implementation at the LEA level and with public charter schools. The point person must be someone other than the state's McKinney-Vento Act Coordinator.

The ESSA requires LEAs to include in their local plans assurances that they will collaborate with local child welfare agencies and that, when a child welfare agency notifies the LEA in writing that it has a point of contact for the education of children in foster care, the LEA must designate a similar point of contact.

County Child Welfare Point of Contact Required

Every county should designate a point of contact for the education of children in foster care and should provide that point of contact information to the appropriate LEA(s) in writing. Only upon receipt, is the LEA required to designate a point of contact for the local child welfare agency. Points of contact should streamline interagency communication and school record

requests. LEAs include both school districts and charter schools. A sample letter designating a local POC within the child welfare agency is attached below.

Other Provisions

Effective December 10, 2016, the ESSA removes "awaiting foster care placement" from the definition of "homeless" under the McKinney-Vento Act. This means that McKinney-Vento funds will likely no longer be used to fund transportation costs for children in foster care unless the foster child meets another definition of "homeless" under the McKinney Vento Act.

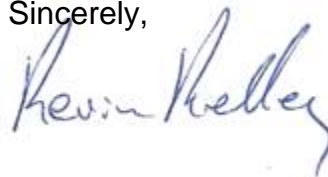
The ESSA will require SEAs to report annually on academic achievement and graduation rates for students in foster care. Disaggregated educational data pertaining to youth in care will allow for a better understanding of student achievement needs of foster youth and allow for appropriate response in a systemic way.

The ESSA further provides that States receiving charter school grants must work with charter schools on recruitment and enrollment practices to promote inclusion of all students, including eliminating barriers to enrollment for foster youth and unaccompanied homeless youth.

In summary, the ESSA paired with the Fostering Connections Act, envisions dual-agency responsibility for supporting educational success for students in foster care. Together they will lead to increased school stability and academic success for foster children and elimination of enrollment delays.

The North Carolina Division of Social Services will be partnering with the SEA over the coming months to coordinate implementation of the ESSA and to ensure compliance with the Fostering Connections Act. More guidance will be forthcoming during that time.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kelley". The signature is written in a cursive style with a large, sweeping "K" and a long, trailing "y".

Kevin Kelley, Section Chief
Child Welfare Services

CWS-03-2016