

Summary of protections for children in foster care established in law through the Every Student Succeeds Act (ESSA) that still remain in effect after March 27th repeal of the Accountability Regulations

American Bar Association
Center on Children and the Law

*** Remain in the Same School When in the Child's Best Interest**

State education agencies must include in their State Title I Plans the steps that the agencies will take to ensure -in collaboration with the state child welfare agencies-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 not in their best interest.

*** Immediate Enrollment in School and Transfer of School Records**

State Title I Plans must also 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 normally required enrollment documents and school records.

*** School Transportation when Necessary**

By December 10, 2016, local education and child welfare agencies must collaborate, and the local education agencies must include in their Local Title I Plans, assurances that they have developed and implemented clear written procedures governing how transportation to ensure school stability will be provided, arranged, and funded for the duration of the children's time in foster care.

*** Point of Contact Designated Within State Educational Agency**

By December 10, 2016, every state education agency must designate 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 must be someone other than the state's McKinney-Vento Act Coordinator.

*** Local Educational Agency (LEA) Point of Contact**

LEAs (typically a school district, but it could also be a charter school or other LEA) must include in their Local Title I Plans assurances that they will collaborate with local child welfare agencies and that, when a child welfare agency notifies the LEA that it has a point of contact for the education of children in foster care, the LEA must designate a similar point of contact.

*** Required Data Collection and Reporting**

For the first time, state educational agencies are required to report annually on student achievement and graduation rates for students in foster care. To implement this requirement, education and child welfare agencies will need to work together to ensure effective, appropriate, and confidential data and information sharing between systems.

*** Removal of "Awaiting Foster Care Placement" from McKinney-Vento Homeless Assistance Act**

Because of these new ESSA protections for students in foster care, and in recognition of the need for additional resources for students who are homeless, this law removes "awaiting foster care placement" from the definition of "homeless" for purposes of the McKinney-Vento Act by December 10, 2016. (For

certain states that define or describe "awaiting foster care placement" in their state statutes, this provision will go into effect by December 10, 2017.)

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