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Report on the Actions of U.S. States Regarding
Education for Students in Foster Care and the Every
Student Succeeds Act (ESSA)

Students in foster care have lower academic outcomes than their peers, even when controlling for other factors such as poverty level. In fact, only 50% of students involved with the child welfare system complete high school by age 18¹. With the enactment of the Every Student Succeeds Act, states have the opportunity to enhance the level and impact of support provided to students in foster care to promote educational stability and long-term academic success. In an effort to better serve students in foster care and close the achievement gap between those students and their peers, several states have taken distinct steps including employing educational liaisons and building information sharing networks.

The following report contains information on the ongoing work of several states who have taken purposeful and progressive steps towards helping students in foster care succeed academically. The Center for Policy, Practice & Innovation at Children’s Home + Aid encourages states, agencies and advocates to review strategies to improve outcomes for students in foster care and use this information to inform implementation of the Every Student Succeeds Act and other state and agency policies pertaining to students in foster care.

¹ National Working Group on Foster Care and Education. (2014, January). Fostering success in education: National factsheet on the educational outcomes of children in foster care. In *Foster Care to Success*. Retrieved October 3, 2016, from <http://www.fc2success.org/wp-content/uploads/2012/05/National-Fact-Sheet-on-the-Educational-Outcomes-of-Children-in-Foster-Care-Jan-2014.pdf>

Note: Not all states are represented in this report. The states discussed below have implemented or plan to implement strategies to promote the academic success and overall well-being of students in foster care. All information was provided by key informants unless another source is listed (see footnotes). This report only informs on components of policies that are intended to benefit students in foster care. See the sources listed for more information about these policies and practices. States are listed in alphabetical order and not indicative of rank or quality.

ARIZONA

Key informant²: Peter Hershberger, Director, FosterEd: Arizona, National Center for Youth Law

Pre-ESSA Initiatives

In 2014, the National Center for Youth Law began a pilot program establishing positions for three educational liaisons in child welfare agency offices throughout Pima County, Arizona. These liaisons developed a support structure so each student on their caseloads would have an educational champion and an education team. These supports then collaborated to set goals for the student's education, track progress and achievement of goals, and identify and address any educational concerns or needs. The three liaisons also serve as advocates for students in foster care by raising awareness about their specific needs with agencies and school districts. They are employed by the National Center for Youth Law and funded by private foundations.

The success of this program led to the enactment of House Bill 2665 to fund the statewide Foster Youth Education Success Program, which will begin in summer 2017. When implementation begins, educational liaisons will be funded by public dollars and private foundation grants.

Every Student Succeeds Act (ESSA)

The Department of Child Safety has appointed a state-level point of contact.

CALIFORNIA

Key informants^{3,4,5}: Lisa Guillen, Education Programs Consultant, Foster Youth Services, California Department of Education; Casey Schutte, Director, FosterEd: California, National Center for Youth Law

Assembly Bill 490

Passed in 2003, AB 490 requires educational liaisons in every local education agency (LEA). Often, the educational liaison is an existing administrator or staff member. In districts with high concentrations of students in foster care, the educational liaison may be a separate job position.

As the legislation does not authorize funds, it is the responsibility of each LEA to secure the funding necessary to meet AB 490 requirements. According to the AB 490 Fact Sheet⁶, "Each school district

² Personal communication, R. Velcoff Hults, August 25, 2016

³ Personal communication, C. Schutte, August 31, 2016

⁴ Personal communication, R. Velcoff Hults, August 25, 2016

⁵ Personal communication, L. Guillen, August 3, 2016

and county office of education must designate an educational liaison for foster youth, whose duties are: To ensure proper educational placement, school enrollment, and checkout from school; To assist with the transfer of grades, credits, and records when there is a school change; and To request or provide school records within 2 business days when there is a change of school”.

Local Control Funding Formula⁷

California operated on a 40-year-old education finance system until 2013 when the Local Control Funding Formula (LCFF) was passed. With an estimated cost of \$18 billion and an eight year implementation timeline, LCFF expands the definition of “foster youth” and shifts services to a more localized approach. “Foster youth” is now defined as all youth involved in an open case, regardless of current placement (i.e. kinship, temporary custody, foster home)⁸.

LCFF established various grants (base, supplemental and concentration) for school districts and charter schools in an attempt to streamline funding. LCFF provides a supplemental grant of 20% the adjusted base grant (determined by grad clusters, i.e. K-3) multiplied by average daily attendance (ADA) and the unduplicated percentage of students deemed “targeted disadvantaged”. Targeted disadvantaged students include English learners, those qualifying for free or reduced-price meals, students in foster care or any combination of the aforementioned. It is important to note the supplemental grant is based on *unduplicated* percentage.

Furthermore, California Assembly Bill (AB) 854, which was implemented in October 2015, established separate funding for oversight activities and instructional programs for county offices of education. Regarding service delivery, LCFF reassigned responsibility for direct services for students in foster care from county offices to school districts for a more localized approach.

LCFF shifted county offices from a direct service to capacity-building model, requiring them to build the infrastructure for school districts to provide direct services. This new model required the creation of collaborative structures with schools, community partners, and other stakeholders in order to build systems to support students in foster care more holistically.

Assembly Bill 854

Passed in 2015, AB 854 increased foster youth funding for county offices of education. This bill aligned the work of county offices of education with priorities for schools identified in LCFF. This alignment creates a collaboration model promoting capacity building for schools in order to expand services for pupils in foster care.

Every Student Succeeds Act (ESSA)

As of the key informant interview on August 3, 2016, California was still in the early stages of planning for ESSA. In addition to the AB 490 required educational liaisons, California has “county coordinators” in every county education agency serving as designated Points of Contact (POCs).

⁶ California Foster Youth Education Task Force. (2008, October). AB 490. Retrieved August 9, 2016, from http://www.ebclo.org/pdfs/AB_490_Fact_Sheet.pdf

⁷ California Department of Education. (2016, April 4). Local Control Funding Formula overview. Retrieved August 9, 2016, from <http://www.cde.ca.gov/fg/aa/lc/lcffoverview.asp>

⁸ Assemblymember Shirley Weber, Ph.D. (2015, October 14). Foster youth services/LCFF alignment. Retrieved August 9, 2016, from http://www.courts.ca.gov/documents/BTB_23_4H_1.pdf

There is one POC for the State Education Agency (Lisa Guillen of the Department of Education), along with coordinators in all 58 counties and educational liaisons in all 1100 LEAs. These positions were in place prior to ESSA and are in compliance with ESSA requirements. To coordinate the implementation of LCFF, AB 854 and ESSA, the state has charged two county offices with providing technical assistance for immediate implementation and development of a sustainability plan. California anticipates costs will increase with the implementation of ESSA.

DELAWARE

*Key informant⁹: Candice Brooks, Executive Assistant to the Secretary of Education,
Delaware Department of Education*

*Edits for content and clarity by: Jennifer Davis, Education Associate for Student Services and Special Populations,
Delaware Department of Education*

McKinney-Vento Act

Beginning in 2005, Delaware law¹⁰ has included all children in foster care under the “awaiting foster care placement” definition of the McKinney-Vento Act. This has allowed all students in foster care to receive services to protect their educational rights and stability, including best interest meetings and school of origin transportation. Delaware has applied all requirements under McKinney-Vento to the care and services for students in foster care.

Educational Liaisons

Prior to ESSA, LEA Homeless Liaisons have provided services to students in foster care in the same capacity they served students experiencing homelessness. With the implementation of ESSA, LEAs have been asked to identify a Foster Care Liaison to specifically serve students in foster care. Some LEAs will identify the current Homeless Liaison to serve in both roles. Other LEAs are taking the opportunity to identify a separate person as the Foster Care Liaison.

Every Student Succeeds Act (ESSA)

Delaware will continue to promote educational stability for students in foster care through the 2016-2017 school year using the already established McKinney-Vento process. They intend to continue providing these services, including best interest meetings and school of origin transportation, moving forward. Transportation is currently provided to students in foster care through the LEA where the child is enrolled. With the pending implementation of ESSA, Delaware has established a committee to determine cost responsibility for transportation in the future.

A committee comprised of a wide range of individuals representing education and child welfare is in the process of examining current practice and making recommendations for change based on ESSA. Delaware’s child welfare agency has appointed POCs for each county. The LEAs received requests to appoint a POC and submit the name to the Department of Education by Sept. 1, 2016 (as of the key informant interview on Aug. 24, 2016). The Department of Education plans to create and maintain a contact list of all POCs on the Department of Education/Foster Care webpage, which is currently in development. As of Aug. 24, 2016, the Department of Education is still gathering data to determine the cost implications of ESSA.

⁹ Personal communication, C. Brooks, August 24, 2016

¹⁰ State of Delaware. (2005). Title 14: Education: Free public schools: Chapter 2: The public school system: Subchapter 1: System of free public schools . Retrieved September 1, 2016, from http://delcode.delaware.gov/title14/c002/sc01/index.shtml#P25_330

DISTRICT OF COLUMBIA

*Key informant¹¹: Megan Dho, Education and Child Care Supervisor, Office of Well Being,
DC Child and Family Services Agency*

Pre-ESSA Initiatives

DC Child and Family Services Agency (CFSA) has an education unit with five education resource specialists whose primary function is to assist social workers in addressing any education barriers encountered by students involved in the child welfare system. These specialists also assist in connecting foster children to more appropriate education opportunities and services. The staff of this unit all have education backgrounds and serve as a child welfare contact with the schools. Since LEAs in the DC Metro area do not have specific individuals designated as foster child liaisons, the education staff at CFSA contacts whomever at the school is best to address each particular situation. For example, if the situation involves discipline, they might contact the Dean of Students to gather more information.

Prior to ESSA, CFSA also conducted a pilot project with one Maryland school district, Prince Georges County, that is responsible for educating approximately a quarter of all students in DC foster care. CFSA provided the school district with a contact sheet for each DC child in foster care enrolled in their school district at the beginning of the school year. The document included the name and contact information for the student's social worker, present caretaker and education decision maker. It also provided the contact information for the staff of CFSA's education unit and guidance on who to call when different types of educational issues arise (e.g., for field trip permissions, disciplinary actions, etc.). This was to promote better communication between the child welfare agency and the schools regarding the educational needs of youth in foster care. CFSA had plans to provide this type of contact/information sheet to all LEAs educating DC youth in foster care prior to the enactment of ESSA.

Over the course of the last two years, CFSA has dedicated itself to developing a comprehensive education strategy aimed at ensuring the entire agency is working together to improve the educational outcomes for students in foster care. With consultation from the American Bar Association's Legal Center for Foster Care and Education, they have used the ABA's Blueprint for Change document to guide the development of their own Blueprint for Change which identifies six main action areas for change.

One example of the work being accomplished and planned for under this initiative is the improvement of data sharing between the child welfare agency and the LEAs serving DC youth in care. CFSA now has access to data allowing them to verify student enrollment and retrieve achievement test scores, grades and attendance data for nearly every child in the agency's custody. For example, CFSA receives basic education data on a quarterly basis from select local education agencies serving its youth, including grades, GPA and attendance. This allows CFSA to conduct trend analysis on DC foster children's educational performance and share the information directly with social workers so they are informed about individual children's school performance and can intervene as needed.

¹¹ Personal communication, M. Dho, August 24, 2016

CFSA is also working to improve their own data capture regarding the current educational status for all youth in care so they can more efficiently and appropriately target resources. For example, with new information being gathered on the school or childcare status of children in foster care ages 0-5, CFSA can now identify children in daycare settings who may be eligible for preschool or other early learning programs (i.e., Early Head Start or Head Start). The agency's early childhood resource specialist can then reach out to the families of those children and inform them of early learning opportunities the child can take advantage of to enhance their school readiness and development.

CFSA also doubled the tutoring budget for children and youth involved with the agency to provide more in-home tutoring services. This was to respond to the remediation needs of many children and youth when they come into care. Additionally, CFSA's budget also includes a line item to provide educational incentives for students. For example, students who attended the Pathways to Success event for 9th to 10th graders in order to learn what they can do to become more college ready and network with professionals were given prizes for participation from the funds allotted to education incentives.

This incentive money has also been used to encourage parent engagement. For example, parents can earn points toward prizes when they provide proof of participation in events such as a PTA meeting or parent-teacher night. CFSA has also used the incentive program during the school year for all grade levels to encourage improved student achievement. Students can identify a specific goal, such as passing a class or having perfect attendance, at the beginning of the year. If they can prove achievement of this goal at the end of the term, they are eligible to receive a prize.

Since the passage of the Fostering Connections Act of 2008, CFSA has also provided school transportation services to support school stability after removal and placement changes when it is determined to be in the child's best interest. They have also developed a form for social workers to use to facilitate best interest determinations. CFSA has a private transportation contract to receive and accept referrals from social workers who need transportation for students in foster care. To capitalize on the provisions of Fostering Connections, CFSA also developed a mechanism to identify students who are Title IV-E eligible to receive the reimbursement from the federal government for the transportation cost. This reimbursement only covers a portion of the cost. CFSA has assumed the remainder of the cost.

Every Student Succeeds Act (ESSA)

CFSA's strategy for educating children and youth in foster care has shifted since the enactment of ESSA. With the POC requirement, CFSA education specialists will now have a more streamlined approach to communicating with LEAs. CFSA has sent letters to every LEA in the DC metropolitan region who educated or has the potential to educate DC foster youth to give them contact information for the Education & Child Care Supervisor as the child welfare POC. The letter then invites the LEAs to identify their own POC and provide that information to CFSA. The key informant reported already receiving responses from LEAs regarding their designated POC for children in foster care. CFSA has begun using these responses to develop an internal contact list for LEA POCs.

CFSA also began working towards new mandates this summer to develop transportation plans with every LEA to ensure transportation is provided to every student in foster care who needs it. CFSA recently met with representatives from DC's state education agency (SEA) to discuss the development of these plans and agreed to work with them in developing guidance to all LEAs in

DC on the transportation plan requirement. CFSA and the SEA intend to have this guidance completed and issued in September 2016.

CFSA hopes its transportation costs will decrease because of the ESSA-required shared responsibility of transportation cost. Though not finalized, the state has considered including in the guidance a mandate for LEAs to identify their available transportation resources, such as private transportation or dedicated funds, so resources can be efficiently utilized. If the LEA does not have any transportation resources, the state is considering a set formula to provide a certain percentage of reimbursement to the child welfare agency for transportation cost outlays.

IDAHO

Key informant¹²: Karen J.M. Seay, Director, Federal Programs, State Department of Education

Every Student Succeeds Act (ESSA)

As of the key informant interview on Aug. 1, 2016, the Idaho State Department of Education (ISDE) has identified a Foster Care Liaison and is working with Health and Welfare counterparts to develop an agreement addressing key issues, which include the transportation provisions required by ESSA. The ISDE supports a 50/50 split between the two agencies in the event a transportation agreement cannot be reached.

ILLINOIS

*Key informants¹³: Melina Wright, Federal Liaison, Illinois State Board of Education;
Tiffany Gholson, Associate Deputy Director in the Office of Education & Transition Services,
Office of Child Well-Being, Illinois Department of Children and Family Services*

Educational Liaisons

The successful enactment of PA99-0781 in August 2016 encourages the appointment of school district liaisons for students in foster care. These liaisons will facilitate enrollment of students in the event of a school transfer, ensure timely transfer of records, advocate for necessary social services in the new school and plan for on-time graduation so academic progress is not interrupted. The law encourages liaisons to build support structures in schools and communities to promote the academic success of students in foster care. This law was effective immediately following the Governor's approval on Aug. 12, 2016.

Every Student Succeeds Act (ESSA)

Illinois is still in the beginning stages of ESSA implementation, but has taken several steps to ensure development of a comprehensive state plan. The Illinois State Board of Education (ISBE) has conducted listening tours to be inclusive of parents, educators, administrators, and community members in the plans for ESSA implementation. The first round of listening tours began in April and the second round will begin in September. ISBE has established several workgroups to provide

¹² Personal communication, K. Seay, August 1, 2016

¹³ Personal communication, M. Wright & T. Gholson, August 26, 2016

input on development of the accountability system. On Aug. 25, 2016, ISBE released the first draft of the ESSA state plan and requested comments from the public.

INDIANA

Key informant¹⁴¹⁵: Julie Smart, Program Coordinator for School Social Work and McKinney-Vento Education Coordinator, Indiana Department of Education; Rachel Velcoff Hults, Chief Operating Officer, FosterEd, National Center for Youth Law; Melaina Gant, Education Services Director, Indiana Department of Child Services

Multi-disciplinary Approach

Indiana has previously protected the education rights of students in foster care through cross-collaboration with the Department of Children Services, foster care agencies, school transportation directors, school social workers and school guidance counselors. They anticipate this collaboration to continue and expand under the implementation of ESSA.

Educational Liaisons

In 2011, the Department of Child Services launched a county-wide pilot for a child welfare-based education program. This became a statewide program in 2012 with an education services director and regional educational liaisons. Liaisons identify educational needs of students in foster care and seek to meet those needs through collaboration with youth, biological parents, foster parents, family case managers and school district personnel. These liaisons correspond frequently with the state Department of Education and receive yearly professional development from the McKinney-Vento Education Coordinator.

Every Student Succeeds Act (ESSA)

It is important to note the Indiana Department of Education is still working on the process of implementing ESSA. As of Aug. 18, 2016 key informant interview, Indiana has named a state-level ESSA point of contact and conducted internal meetings to develop the guidance. The Department of Education and Department of Child Services have plans for joint meetings in the future to develop and distribute the state-level guidance, including provisions for transportation. The state intends to have joint guidance in place and issued prior to the scheduled fall break (Oct. 3, 2016) to address students in foster care.

To comply with the POC requirement, the state Department of Education is realigning several internal positions. The current McKinney-Vento Education Coordinator will become the state POC for foster care as another internal staff member assumes the McKinney-Vento position. The state plans to use school social workers and/or school guidance counselors as the LEA POCs. These staff persons will work with Department of Child Services liaisons and case managers to make appropriate arrangements and provide services for students in foster care. The Department of Child Services has designated the Education Services Director as the state-level child welfare POC. The Education Services Director reports they are on-track to meet the December deadline.

¹⁴ Personal communication, J. Smart, August 18, 2016

¹⁵ Personal communication, R. Velcoff Hults, August 25, 2016

The LEAs can retrieve information about ESSA through online courses and regional workshops provided by the state, and on-going technical assistance will be available from the Department of Education and Department of Child Services. The Department of Education is currently uncertain about the cost increase for transportation. The Department of Education and Department of Child Services intend state guidance to permit the most efficient use of funds by LEAs for transportation costs. They do not anticipate an increase in personnel costs due to the internal realignment.

NEW JERSEY

*Contact¹⁶: Matthew Angelo, Federal Liaison, Division of Legal and External Affairs,
New Jersey Department of Education*

Education Stability Law

In 2010, New Jersey passed the Education Stability Law¹⁷ in response to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. New Jersey developed this state plan to support and implement the federal legislation. The Education Stability Law was implemented by the joint efforts of the Department of Children and Families, Department of Education and the Office of the Child Advocate.

Title 18A:7B-12 Determination of District of Residence¹⁸

This title set parameters to determine which school district is responsible for students of vulnerable populations in order to determine the appropriate funding. The parameters are as follows: If the child is in the district of their resource family home prior to the enactment of this law, the child will remain in that district. If the child is moved to a new resource family home, group home, skill development home, private school or out-of-state facility on or after the enactment of this law, the child will remain in the school district they lived in prior to their new placement.

If the child becomes homeless, they will remain in the school district they belonged to prior to homelessness. If the child's circumstance cannot be resolved by these provisions, the state is required to assume financial responsibility for the full tuition (equal to the "approved per pupil cost") of the child. If the child is living in an out-of-district domestic violence shelter or transitional living facility for more than one year or if the child is in a Department of Education-approved private educational facility for students with special needs, the Department of Education will pay the department of Children and Families, Department of Corrections, or Juvenile Justice Commission. If the child is homeless or placed in a resource family home, the Department of Education will pay the school district for the "weighted base per pupil amount".

Title 30:4C-26 Placing Child in Resource Family Home or Institution¹⁹

¹⁶ Personal communication, M. Angelo, August 10, 2016

¹⁷ Department of Education. (n.d.). Educational stability for youth in foster care. In *State of New Jersey Department of Education*. Retrieved September 1, 2016, from <http://www.state.nj.us/education/students/safety/edservices/stability/>

¹⁸ State of New Jersey. (2014). 18A:7B-12 Determination of district of residence. Retrieved August 10, 2016, from <http://www.nj.gov/dcf/documents/divisions/dyfs/18A7B12.pdf>

¹⁹ State of New Jersey. (2010). 30-4C-26 Placing child in resource family home or institution. Retrieved August 10, 2016, from <http://www.nj.gov/dcf/documents/divisions/dyfs/304C26.pdf>

This title sets parameter for determining when moving the child to a new school is in their best interest. The parameters are as follows: The determination will be made by the Division of Youth and Family Services in the Department of Children and Families. The child will remain in their original school until the determination is made. If the school placement threatens safety or is otherwise damaging to the child, they will be immediately transferred to the school district of their resource family home. The Division of Youth and Family Services will consult with the parent/guardian, child's law guardian, a school representative from the present district and a school representative from the prospective district(s) when possible.

The following factors were listed for consideration when making the best interest determination in the title²⁰: "safety considerations; the proximity of the resource family home to the child's present school; the age and grade level of the child as it relates to the other best interest factors listed in this subsection; the needs of the child, including social adjustment and wellbeing; the child's preference; the child's performance, continuity of education, and engagement in the school the child presently attends; the child's special education programming if the child is classified; the point of time in the school year; the child's permanency goal and the likelihood of reunification; the anticipated duration of the current placement; and such other factors as provided by regulation of the Commissioner of Children and Families."

"Improving the Educational Outcomes of Children in Out-of-Home Placements: An Interagency Guidance Manual"²¹

A multiagency state work-group developed and distributed this manual in 2013. The manual includes forms, resources and collaboration model/strategies to be employed by LEAs in collaboration with the Department of Children and Families. It also offers strategies for the state child welfare agency and LEAs to meet goals for educational stability for students in resource center homes as well as strategies for constructing and implementing a memorandum of agreement between school districts and the Department of Children and Families.

The New Jersey Department of Education names the goals for creating educational stability for out-of-placement students as follows²²: "Goal 1: Children remain in their current school when in their best interest. Goal 2: Children enter school ready to learn. Goal 3: Children receive supports and services to participate in all aspects of school and to prevent school dropout, truancy, and disciplinary actions. Goal 4: Children are engaged in their education, are empowered to advocate for their educational needs and pursuits, and receive supports and services to ensure a successful transition into adulthood. Goal 5: Children with disabilities are located, identified and evaluated for eligibility for special education and section 504 services and, if eligible, must receive a free, appropriate public education."

Every Student Succeeds Act (ESSA)

²⁰ State of New Jersey. (2010). 30-4C-26 Placing child in resource family home or institution. Retrieved August 10, 2016, from <http://www.nj.gov/dcf/documents/divisions/dyfs/304C26.pdf>

²¹ Department of Children and Families. (2013, October 29). Improving the educational outcomes of children in out-of-home placements: An interagency guidance manual. In *State of New Jersey*. Retrieved August 10, 2016, from <http://www.nj.gov/education/students/safety/edservices/stability/outcomes.pdf>

²² State of New Jersey Department of Education. (2014). Educational Stability for Youth in Foster Care. Retrieved August 10, 2016, from <http://www.nj.gov/education/students/safety/edservices/stability/>

Due to the expansive policy work started in New Jersey to protect the educational rights of students in foster care, ESSA planning includes the review and examination of internal and existing processes and policies to determine where revisions are necessary to meet new federal requirements.

NEW MEXICO

Key informant²³: Grace Spulak, Director, FosterEd: New Mexico, National Center for Youth Law

Pre-ESSA Initiatives

In March 2016, FosterEd launched a pilot program in Lea County, New Mexico similar to those launched in California and Arizona. This program sought to build a support structure of an educational champion, education team and education plan for students in foster care and/or the juvenile justice system to advance success and address outstanding educational needs.

In their efforts to protect the educational rights of students involved in foster care and the juvenile justice system, FosterEd is facilitating advocacy and legislative work to ensure state law includes protections for credit transfer and development of sustainable funding for educational liaisons on the state level. Additionally, FosterEd is seeking legislation for the collection of state level data regarding education indicators. They are collaborating with the state child welfare agency, Public Education Department, and Administrative Office of the Courts to develop specific procedures for this data collection.

PENNSYLVANIA

Key informants²⁴: Katherine Burdick, Staff Attorney, Juvenile Law Center and Maura McInerney, Senior Staff Attorney, Education Law Center of Pennsylvania

Legislative Proposals Pending

Companion bills have been introduced in both the House and the Senate establishing various standards and policies to ensure school stability and support students in foster care to graduate. Each of the three bills introduced in each chamber operate in tandem to establish the role and function of courts, child welfare agencies and school districts to ensure school stability. These bills include: HB 1808 (amending the Human Service Code); HB 1809 (amending the Judiciary Act); and HB 1828 (amending the School Code). The Senate bills include: SB 1271 (amending the Judiciary Act, which has passed out of committee and to Appropriations); SB 1272 (amending the Human Service Code) and SB 966 (amending the School Code).

For example, HB 1809 addresses a judge's obligation to determine when a school change is necessary. The language of the bill is as follows²⁵: "The court shall ensure that the child shall remain in the school the child attended immediately prior to placement, unless the court determines that

²³ Personal communication, R. Velcoff Hults, August 25, 2016

²⁴ Personal communication, K. Burdick & M. McInerney, August 4, 2016

²⁵ The General Assembly of Pennsylvania. (2016, January 27). House Bill No. 1809 Session of 2015. Retrieved August 9, 2016, from <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2015&sessInd=0&billBody=H&billTyp=B&billNbr=1809&pn=2770>

remaining in the same school would be contrary to the child's safety or well being. In making a determination ... the court shall consider the wishes of the parent or other legally authorized education decision maker and, where appropriate, the wishes of the child."

HB 1828 includes a comprehensive amendment to the School Code based on changes to ESSA and requires a designated individual in the State Department of Education to oversee school stability and to collaborate with the State Department of Human Services to develop an interagency agreement. The interagency agreement responsibilities of the Department of Education in the language of the bill are as follows²⁶: "Collect disaggregated data regarding graduation rates and the academic performance of children in foster care. Assist local education agencies and county children and youth agencies in ensuring school stability."

Interagency agreement responsibilities of the LEAs in the language of the bill are as follows²⁷: "Assign an individual to serve as a point of contact with the local child welfare agency who shall assist students as described under this section. Disaggregate and report data to the Department of Education regarding the academic performance and graduation rates of children in foster care. Collaborate with county children and youth agencies to implement transportation procedures to support school stability in accordance with this section." These bills determine who is responsible for transportation costs per ESSA and reflects that the child welfare agency will pay unless the LEA can transfer at no cost.

Finally, SB 966 offers significant amendments to the School Code to ensure school stability and support students in foster care by preventing loss of credits and promoting credit waivers to support timely graduation. The language of the bill is as follows²⁸: "Assist the student's transition to the new school by determining appropriate class placement and connecting the student with appropriate services and opportunities, including participating in extracurricular activity and vocational and other programs. Work with the student in grades nine (9) through twelve (12) and the student's parent, foster parent or other educational decision maker and the county children and youth agency to evaluate and document partial and full credits the student has earned and the credits needed to graduate for inclusion in a graduation plan for the student. The documentation shall be maintained in the student's file. School districts shall honor credits previously earned in any prior educational placement by students experiencing an educational disruption. School districts shall consider waiving local school district requirements for graduation and awarding credit based on alternative methods, such as testing or written work, as determined by the district for students who meet state graduation requirements. School districts shall also offer options to allow students experiencing an educational disruption to make up lost credits. Options may include summer school, after-school or online credit recovery programs overseen by a teacher or other assessments to the extent these

²⁶ The General Assembly of Pennsylvania. (2016, February 5). House Bill No. 1828 Session of 2015. Retrieved August 9, 2016, from <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2015&sessInd=0&billBody=H&billTyp=B&billNbr=1828&pn=2812>

²⁷ The General Assembly of Pennsylvania. (2016, February 5). House Bill No. 1828 Session of 2015. Retrieved August 9, 2016, from <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2015&sessInd=0&billBody=H&billTyp=B&billNbr=1828&pn=2812>

²⁸ The General Assembly of Pennsylvania. (2015, August 7). Senate Bill No. 966 Session of 2015. Retrieved August 9, 2016, from <http://openstates.org/pa/bills/2015-2016/SB966/>

options are available within the school district.” Finally, these bills mandate the immediate transfer of school records when students in foster care are transferred to a new school.

Education Liaisons – Child Welfare Agency

Since 2008, Pennsylvania has required each of its 67 County Children & Youth agencies to designate an “education liaison” to support students in foster care and interface with school districts. The liaison receives a formal training on the educational rights of children in foster care and serves as a point of contact for caseworkers who confront barriers to enrollment, school stability, special education services, etc. This position adds specific duties to designated staff, but is not separately funded by the child welfare agency.

As a result of this practice, which has made a significant difference for hundreds of children in foster care, school districts will also designate a “Foster Care Point of Contact” as required under ESSA.

Education Support Center

Both Philadelphia and Pittsburgh have created specific departments within their child welfare agencies to support students in foster care. The Education Support Center in Philadelphia (ESC) responds to hundreds of inquiries each year from caseworkers in need of assistance and works directly with School District of Philadelphia staff to address issues. The ESC recently moved to be co-located in the School District. This center began through the use of private funding, but is now fully funded by the Pennsylvania Department of Human Services. The Pittsburgh counterpart has received national attention and federal funding for its robust data and information sharing with school districts to support students in foster care.

Pending ESSA Recommendations of the Education Law Center of Pennsylvania (ELC-PA)

ELC-PA has recommended Pennsylvania establish an ESSA workgroup specifically for vulnerable populations including but not limited to students who are homeless and students in foster care. ELC-PA has recommended that, when establishing a solution for transportation to support school stability, the state must clearly define what constitutes “additional costs” and encourage and support school districts to investigate no-cost options of utilizing existing bus routes. The state should also designate which agency will pay in cases where there is a disagreement between a child welfare agency and the local educational agency.

TEXAS

Key informant and editor²⁹: Kelly Kravitz, Foster Care Education & Policy Coordinator, Texas Education Agency

Texas Blueprint (Children’s Commission)³⁰

The Children’s Commission Education Committee was created by a State Supreme Court order in 2010 leading to the release of the Texas Blueprint in March 2012. An Implementation Task Force and Advisory Council were then created to prioritize over 125 recommendations from the Texas Blueprint. After the first two years of implementation, in 2015 the Task Force recommended the

²⁹ Personal communication, K. Kravitz, September 12, 2016

³⁰ Texas Blueprint Implementation Task Force. (2015, February 27). Texas Blueprint Implementation Task Force final report. In *Texas Children’s Commission*. Retrieved August 5, 2016, from <http://texaschildrenscommission.gov/media/2505/TX-Blueprint-Childrens-Comm-Final-Report-FINAL-330pm-022415.pdf>

creation of ,³¹ “a standing foster care and education committee of the Children’s Commission, of a duration to be determined by the Children’s Commission, to meet quarterly, approve education-related initiatives, and monitor progress on collaborative projects; and encourage cross-system, multi-disciplinary, and diverse membership from child welfare, education, youth, and advocacy stakeholders.” The Children’s Commission created a standing Foster Care & Education Committee in February 2015. At present, the committee oversees four workgroups: Data, Postsecondary Education, Local Collaboration and Special Education.

Actions of the State Education Agency

Texas Education Agency (TEA) hired a full-time Foster Care Education & Policy Coordinator in 2012 to provide technical support, coordination and brokerage for the various agencies and infrastructures involved in promoting education parity and opportunity for students in foster care. This staff person is responsible for participating in the implementation of the Texas Blueprint, and coordinating activities within TEA and the broader education system to build capacity at the state education level, provide training and technical assistance, leverage existing systems for services and resources, and coordinate across program and service areas to ensure appropriate and efficient delivery. TEA has emphasized it is critical this be a full-time position at the state education agency in order to acknowledge challenges, gaps and opportunities to wholly serve students in foster care. This is on-going work at TEA and will be continued with the implementation of ESSA.

Foster Care Liaisons³²

As of the 2014-2015 school year, all LEAs are required to appoint a foster care liaison. The liaison’s contact information is then required to be recorded in the public database “AskTED”. Additionally, each Education Service Center has Voluntary Foster Care Champions who advocate for local training, answer questions pertaining to students in foster care and support the local school district. Their contact information is similarly made available through the Texas Education Agency website.

VERMONT

Key informants³³: Patrick Halladay, ESSA Program Manager, Vermont Agency of Education; Deb Quackenbush, General Supervision & Monitoring Division Director, Vermont Agency of Education; Alicia Hanrahan, Education Program Manager, Vermont Agency of Education

Fostering Connections Act of 2008

Following the enactment of the Fostering Connections Act, Vermont passed a state law that allowed students to remain in their schools of origin if they chose to do so beginning with the 2009-2010 school year. This has been achieved through memorandums of understanding (MOUs) with LEAs, but is not a statewide requirement. Vermont Agency of Education reports relative success of the MOUs, though comprehensive data is not available.

³¹ Texas Blueprint Implementation Task Force. (2015, February 27). Texas Blueprint Implementation Task Force final report. In *Texas Children's Commission*. Retrieved August 5, 2016, from <http://texaschildrenscommission.gov/media/2505/TX-Blueprint-Childrens-Comm-Final-Report-FINAL-330pm-022415.pdf>

³² Texas Education Agency. (n.d.). Foster care & student success - Texas school foster care liaisons. Retrieved August 15, 2016, from <http://tea.texas.gov/FosterCareStudentSuccess/liasons/>

³³ Personal communication, P. Halladay, D. Quackenbush & A. Hanrahan, August 23, 2016

Educational Liaisons

Vermont does not employ a legal requirement for educational liaisons to link LEAs and child welfare agencies; however, the Vermont Agency of Education employs a state level interagency coordinator who regularly corresponds with the Department for Children and Families.

Every Student Succeeds Act (ESSA)

Though still in the planning stages for the implementation of ESSA, the Department for Children and Families has committed to designate points of contact for the child welfare agency. The Vermont Agency of Education plans to facilitate conversations with LEAs in September and October 2016 in order to discuss new requirements under ESSA. Furthermore, they intend to create joint guidance with the Department for Children and Families to ensure consistency between the two state agencies. The state intends to increase data tracking, but has not made decisions regarding this as of the key informant interview on Aug. 23, 2016.

WEST VIRGINIA

*Key informant³⁴: Melanie Purkey, Executive Director, Office of Federal Programs,
West Virginia Department of Education*

Every Student Succeeds Act (ESSA)

Prior to ESSA, children “awaiting foster care placement” were covered under the McKinney-Vento Act. Children residing in foster care received the same provisions for enrollment and services. Transportation was covered under McKinney-Vento, but rarely used because of the challenge created by the rural environment of West Virginia (often a 1.5 hour drive each way for students moved out-of-county). At the time of the Aug. 8, 2016 key informant interview, a POC had been established at the state child welfare agency.

The key informant also reported plans for a Stakeholders Meeting in August to draft guidance for the agreements between LEAs and local child welfare agencies. West Virginia has set a state deadline of mid-September for establishment and dissemination of the guidance. The guidance will include provisions for the school placement determination process, transportation agreements and strategies for facilitating the transaction between LEAs and child welfare agencies regarding transportation costs. In addition, the guidance will include a requirement that LEAs establish POCs and agree to terms with the child welfare agency regarding school placement determination and transportation by the December 10 federal implementation deadline. West Virginia is currently collecting data to determine the cost of ESSA provisions, but has not arrived at an amount.

WISCONSIN

*Key informant³⁵: John M. Elliott, Deputy Administrator, Division of Safety & Permanence,
Department of Children and Families*

Foster Connections to Success and Increasing Adoption Act of 2008 – Wisconsin Statutes

³⁴ Personal communication, M. Purkey, August 8, 2016

³⁵ Personal communication, J. Elliott, August 4, 2016

The Wisconsin Statutes for the Fostering Connections Act require collaborative action between the child welfare agency and school district. According to a memo from the Wisconsin Department of Children and Families³⁶, "...an agency placing a child in a foster home, group home, or shelter care facility approved under Section 938.22(2)(c) or in the home of a relative other than a parent, must notify the clerk of the school district that a child has been placed out of his/her home."

"Educational Services for Children Placed in Foster Care"

This was a joint publication by the Department of Children and Families and the Department of Public Instruction. This publication was the impetus for collaborative action such as data sharing agreement, data analysis to better understand students in foster care and their educational characteristics, and plans for the development of an education "portal" to provide child welfare staff access to school records.

Caseworker Desk Guide

This is a resource for child welfare staff to collaborate with school districts, specifically in regards to information sharing. The aforementioned publication states³⁷, "The guide includes a school enrollment checklist, federal and state laws regarding information sharing between child welfare and educational agencies, information on the Education Passport, information sharing best practices, and links to national resources."

Education Passport

A Department of Children and Families memo regarding the Education Passport states the following³⁸: "In the fall of 2014, DCF designed a new page in eWiSACWIS to collect information for the purpose of generating an Education Passport form. The Education Passport became functional in eWiSACWIS in June 2015. The form supports increased communication to schools, allowing workers to print out education information and give it to a child's school. The form includes demographic information, school information, child welfare agency information, parent(s)/guardian(s), custodian(s) information, out of home care provider information, and narrative questions to support school success..."

³⁶ Bove, F. (2015, September 3). Education information sharing. In *Wisconsin Department of Children and Families*. Retrieved August 11, 2016, from <http://dcf.wisconsin.gov/memos/infomemos/DSP/2015/2015-14.pdf>

³⁷ Bove, F. (2015, September 3). Education information sharing. In *Wisconsin Department of Children and Families*. Retrieved August 11, 2016, from <http://dcf.wisconsin.gov/memos/infomemos/DSP/2015/2015-14.pdf>

³⁸ Bove, F. (2015, September 3). Education information sharing. In *Wisconsin Department of Children and Families*. Retrieved August 11, 2016, from <http://dcf.wisconsin.gov/memos/infomemos/DSP/2015/2015-14.pdf>

Opportunities for States with Every Student Succeeds Act Implementation

Through the development of ESSA implementation plans, states have an opportunity to include strategies to further protect the educational rights of students in foster care, and improve their academic outcomes.

Following the examples of California, Pennsylvania and Texas, states should place educational liaisons in child welfare agencies. Liaisons should be directly linked to a point of contact at each local education agency. The educational liaison should be a unique position and not additional duties assigned to an existing staff member. The contact information for all educational liaisons should be made easily accessible to school personnel and child welfare staff. All foster parents, educational decision makers, biological parents and other stakeholders in students' success, as needed and appropriate, should be provided contact information for their child's assigned educational liaison when appropriate.

Following the example of Wisconsin, states should develop a system for interagency information sharing between the child welfare agencies and school districts. This should be easily accessible to appropriate school personnel and child welfare staff within the parameters of the Family Educational Rights and Privacy Act and the Health Insurance Portability and Accountability Act. This should include contact information for foster parents, educational decision makers, social workers, involved school personnel (i.e. guidance counselor) and biological parents when appropriate.

Involved agencies should include the following as criteria for the "best interest" decision:

- Preference of the child and parents
- Placement of any siblings
- Special academic/support needs of the child
- Number of school transfers and
- Effect of a commute on the child's personal and academic well-being

A "best interest" decision should be made within 10 days of the student's new home placement.

State agencies should assess processes in place for school stability and placement proximity and explore future collaboration to utilize placement options close to schools and avoid separating the child from their community as much as possible.

The ESSA planning and implementation process gives states a chance to review existing practices and policies, identify and employ new strategies, and change ways of supporting different subgroups. As experiences from other states highlight, unique opportunities exist to strengthen efforts to support children involved in the child welfare system, and to change their academic trajectories.

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