

# ***ESSA PROVISIONS FOR HOMELESS AND FOSTER YOUTH***

**COMBINED FEDERAL PROGRAMS MEETING  
DECEMBER 2016**

# SESSION OBJECTIVES

## PARTICIPANTS WILL BE ABLE TO:

- **Recognize** the educational challenges for students in foster care and the importance of educational stability
- **Identify** the Title I, Part A Foster Care Educational Stability Provisions
- **Describe** how SEAs can support the implementation of foster care provisions at the local level
- **Identify** the new SEA/LEA accountability and reporting requirements for students who are homeless or in foster care and be able to-report better quality data on these two important subgroups

# TODAY'S AGENDA

- Importance of Educational Stability
- ESSA Provisions for Students in Foster Care
- Recommendations for SEA's Role in Implementation
- Group Activity: Foster Care Scenarios
- Homeless Education and Title I, Part A: New Approaches to the LEA Set-Aside
- New Accountability and Reporting Requirements

# SESSION PRESENTERS

## **Mary Myslewicz**

Casey IPA, Office of Planning, Evaluation, and Policy Development, U.S. Department of Education

## **John McLaughlin**

Federal Coordinator, Education for Homeless Children and Youth program, Office of Safe and Healthy Students, Office of Elementary and Secondary Education, U.S. Department of Education

# DEFINITION OF FOSTER CARE

## WHO IS IN FOSTER CARE?

The Title I foster care provisions apply to **ALL** children in foster care who are 21 or younger and who are entitled to a free public education through grade 12 in that SEA

**“Foster care”** means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility.

# DEFINITION OF FOSTER CARE

## WHO IS IN FOSTER CARE?

Examples of foster care placement situations:

- With Relatives (licensed or unlicensed)
- In an Emergency Placement Centers/Shelters
- In a Group Home or Residential Placement Setting
- In a Foster Family Home
- Whether or not they are eligible for Federal Title IV-E funding

# DEFINITION OF FOSTER CARE

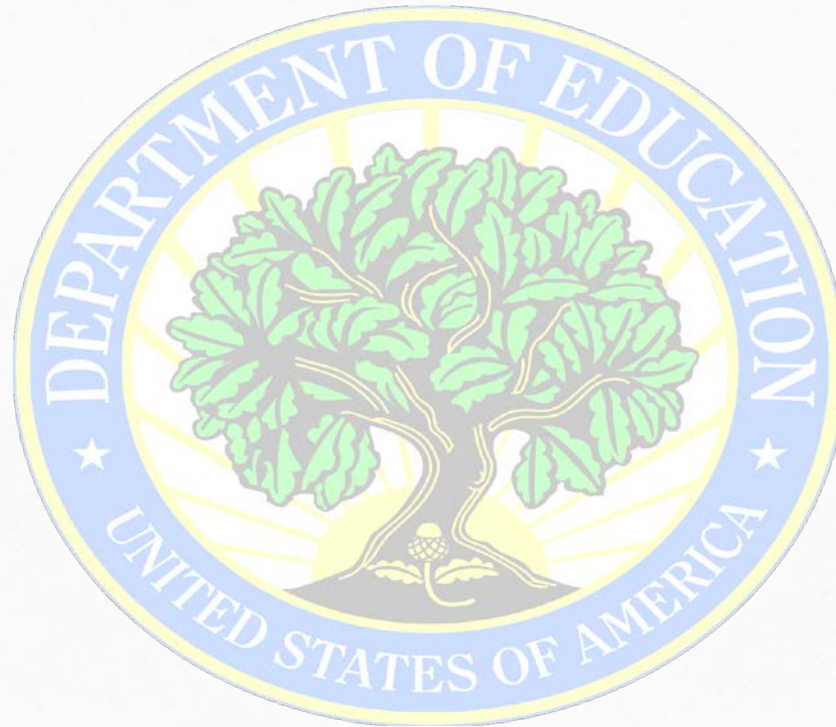
## WHAT IS **NOT** CONSIDERED FOSTER CARE?

Children are **not** in foster care if they are :

- Living at home with parents and receiving in-home services
- Informally placed with relatives without child welfare involvement
- Are not involved in the court system





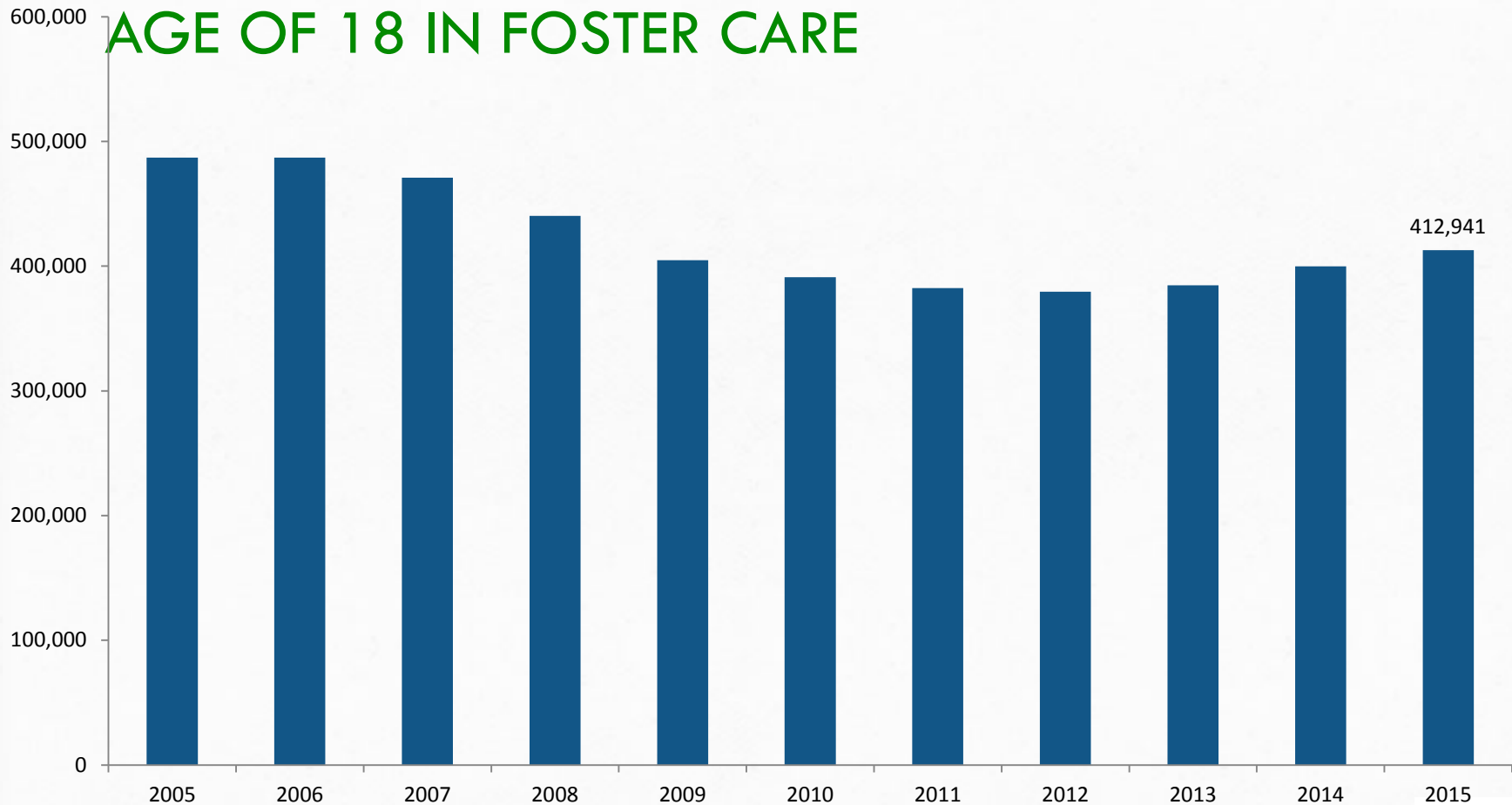


# IMPORTANCE OF EDUCATIONAL STABILITY



# JOURNEY THROUGH FOSTER CARE

ON SEPTEMBER 30, 2015, THERE WERE  
APPROXIMATELY **413,000 CHILDREN** UNDER THE  
AGE OF 18 IN FOSTER CARE



# JOURNEY THROUGH FOSTER CARE

**3.6 MILLION REFERRALS**

IDENTIFYING 6.6 MILLION CHILDREN (1.83 CHILDREN PER REFERRAL)

**2.2 MILLION REFERRALS  
SCREENED IN**

REPRESENTS 3.2 MILLION CHILDREN  
(22% OF CPS RESPONSES SUBSTANTIATED • 1,580 FATALITIES)

**1.3 MILLION  
CHILDREN**  
RECEIVED SERVICES

**265,000 (4%)  
CHILDREN**

ENTERED  
FOSTER  
CARE

# JOURNEY THROUGH FOSTER CARE

## WHY DO CHILDREN ENTER CARE?



Neglect and other\*

83%

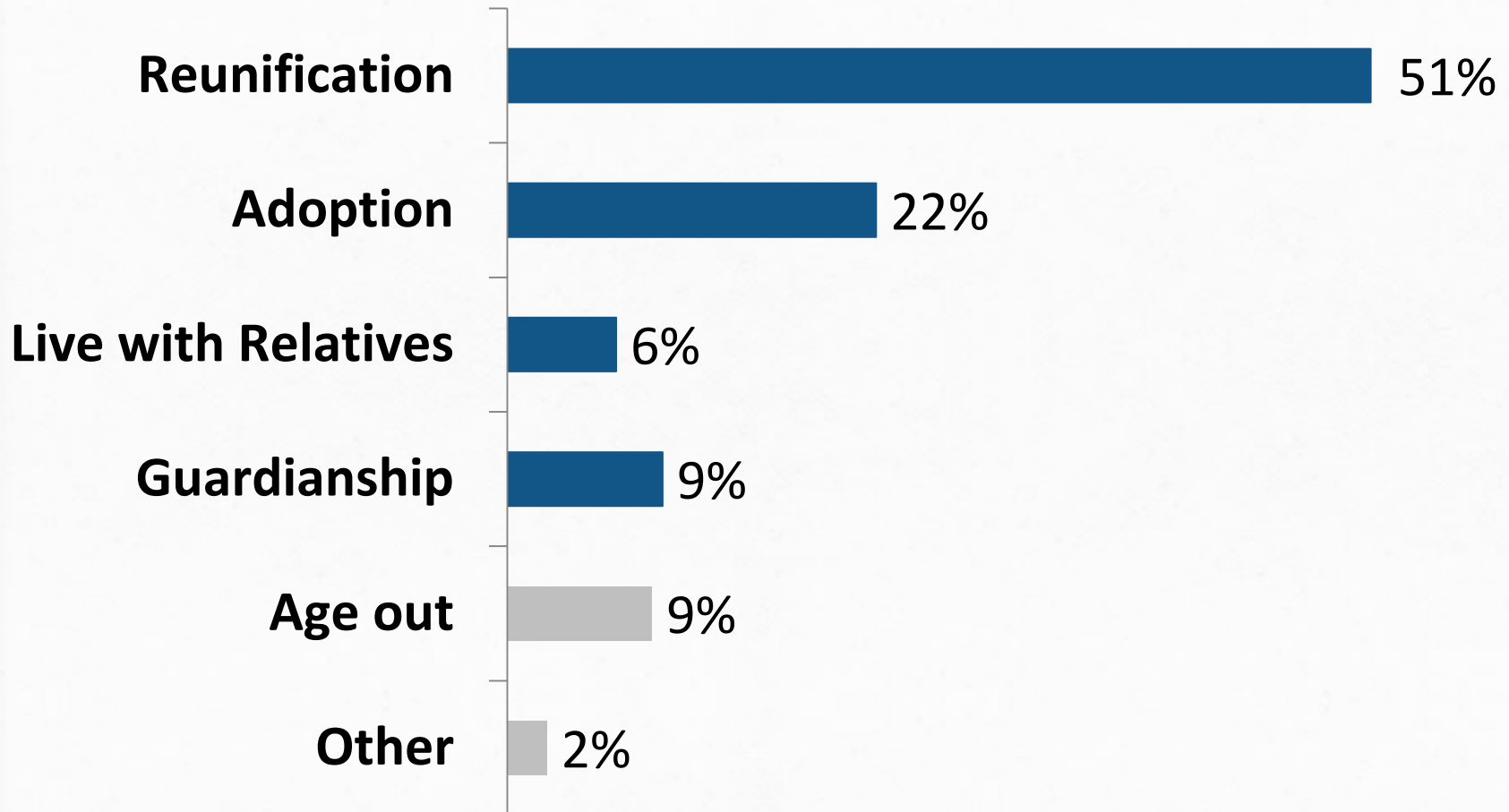
Abuse

17%

\* Other includes **parental substance abuse, child disability, child behavior problems, parent death, parent incarceration, caretaker inability to cope, relinquishment or inadequate housing**

# JOURNEY THROUGH FOSTER CARE

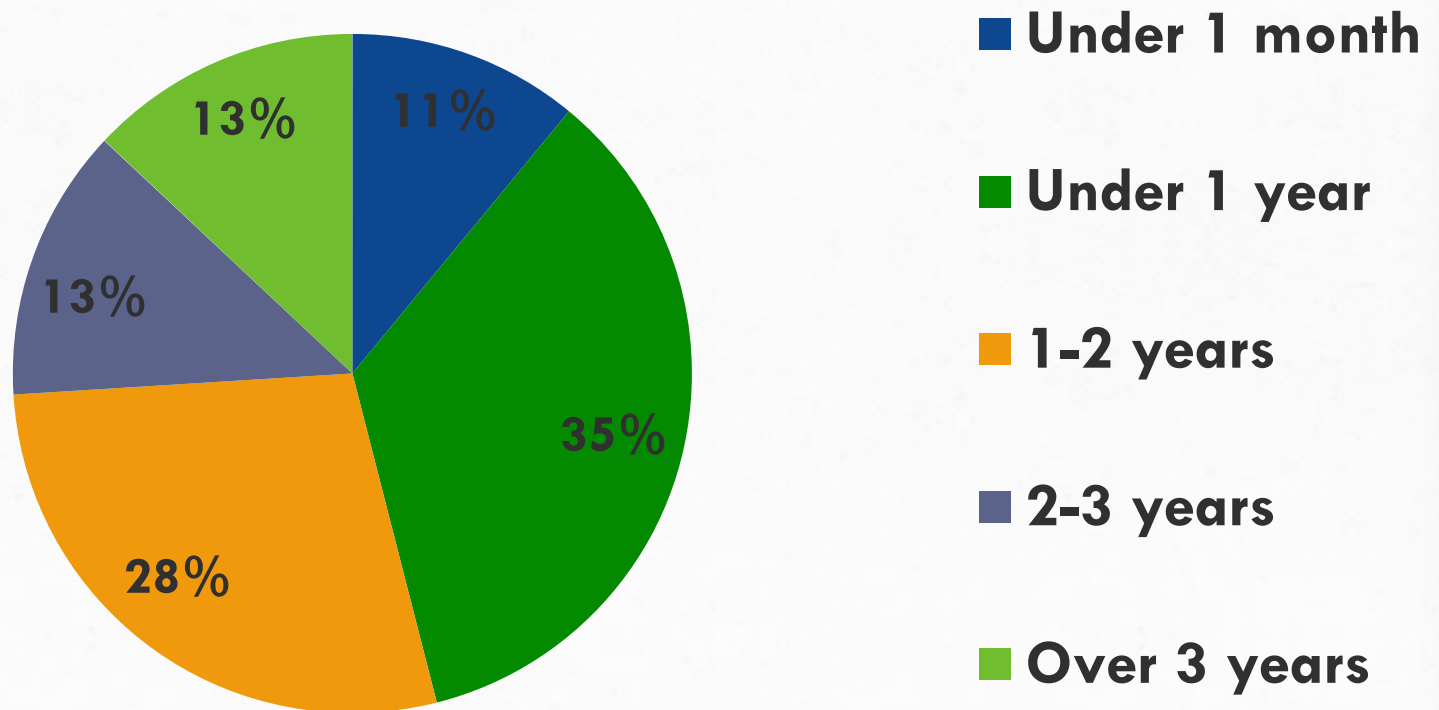
## WHERE DO THEY GO?



# JOURNEY THROUGH FOSTER CARE

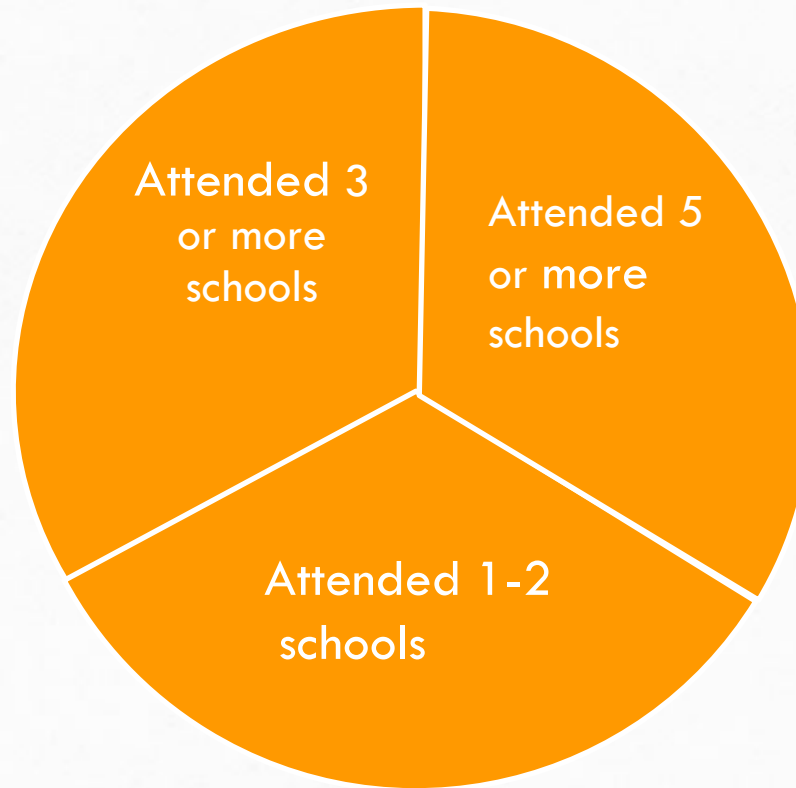
## HOW LONG DO THEY STAY?

Time in Care



# JOURNEY THROUGH FOSTER CARE

HOW OFTEN DO THEY EXPERIENCE SCHOOL INSTABILITY?



# IMPORTANCE OF SCHOOL STABILITY

## HOW ARE THEY DOING IN SCHOOL?

Compared to their peers, children in foster care experience:

- **LOWER** high school graduation rates
- **LOWER** scores on academic assessments
- **HIGHER** rates of grade retention, chronic absenteeism, suspensions, and expulsions





# IMPORTANCE OF SCHOOL STABILITY

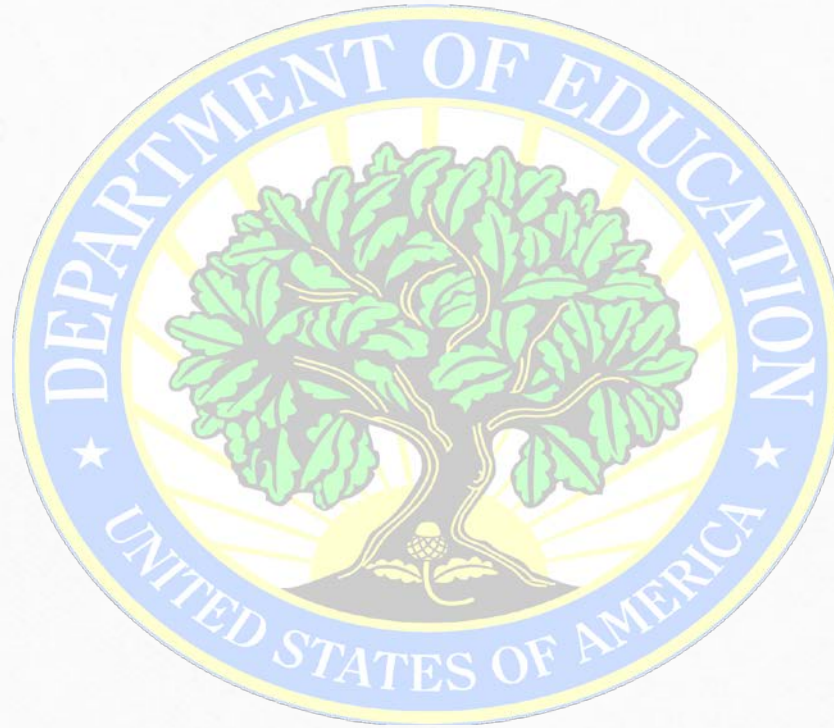
- Lose 4-6 months of academic progress per school change
- Studies found that school stability led to increased graduation rates
- School can be a positive counterweight to abuse, neglect, & separation



# IMPORTANCE OF SCHOOL STABILITY

“Education was one of the few stabilities I had in my life. My hope would be that a family would fill that role, but for me, it was education. That was the greatest gift. Everything else was taken away from me, but education wasn’t.... It made the difference.”

*Former Foster Youth*



# KEY ESSA EDUCATIONAL STABILITY PROVISIONS

ALL TITLE I FOSTER CARE PROVISIONS  
MUST BE IMPLEMENTED BY  
**DECEMBER 10, 2016!!**



(Starting today!)

# BEST INTEREST DETERMINATIONS

## ESSA REQUIREMENTS

SEAs must provide assurances that:

- 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 best interest determination must be based on all factors relating to the child's best interest, including:
  - Appropriateness of the current educational setting
  - Proximity to the school in which the child is enrolled at the time of placement

# IMMEDIATE ENROLLMENT

## ESSA REQUIREMENTS

SEAs must provide assurances that:

- If it's 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
- The enrolling school shall immediately contact the school last attended to obtain relevant academic and other records

# POINT OF CONTACT (POC)

## ESSA REQUIREMENTS

**SEAs** must designate a POC for CWAs

POC cannot be the State's Coordinator for Education of Homeless Children and Youths under the McKinney-Vento Act

**LEAs** must designate a POC if the corresponding CWA notifies the LEA, in writing, that it has designated a POC for the LEA



# TRANSPORTATION PROCEDURES

## ESSA REQUIREMENTS

LEAs must provide assurances that they will collaborate with State or local CWAs to:

- Develop and implement clear written procedures for how transportation to maintain children in foster care in their school of origin will be provided, arranged, and funded for the duration of the time in foster care
- Procedures must ensure that children will promptly receive transportation in a cost-effective manner in accordance with the Fostering Connections Act

# TRANSPORTATION PROCEDURES

## ESSA REQUIREMENTS

- Ensure that, if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide transportation if:
  - The local CWA agrees to reimburse the LEA;
  - The LEA agrees to pay the cost; or
  - The LEA and local CWA agree to share the cost.

# TRANSPORTATION PROCEDURES

## ESSA REGULATIONS

- SEA must ensure that the transportation procedures developed by LEAs in collaboration with State and local child welfare agencies describe how the LEA transportation requirements will be met in the event of a dispute over which agency or agencies will pay any additional costs incurred in providing transportation.
- The transportation procedures must also describe which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute.

(34 C.F.R. § 299.13(c)(1)(ii)).

# TRANSPORTATION PROCEDURES

## FEDERAL FUNDING SOURCES

- Title IV-E is an allowable funding source for children in foster care
  - Not all children in foster care are eligible
  - State child welfare agencies are responsible for non-federal portion
- Title I is an allowable funding source, although funds reserved for comparable services for homeless children & youth may not be used for transportation

# RECOMMENDATIONS FOR ROLE OF SEA

## CONTINUE OR IMMEDIATELY BEGIN:

- Issuing a Joint MOU or SEA Directive to LEAs with suggested guidance on implementation
- Designating and developing clear roles and responsibilities for the state POC
- Establishing Joint Best Interest Determination Procedures Guidelines
  - Include uniform factors to be used in determination

# RECOMMENDATIONS FOR ROLE OF SEA

## CONTINUE OR IMMEDIATELY BEGIN:

- Developing a transportation procedures template for LEAs
- Collaborating with State child welfare agencies to provide guidelines about what should be included in the local transportation procedures
- Sharing examples of cost-sharing practices
- Developing a transportation procedures checklist to use during Title I, Part A monitoring of LEAs

# RECOMMENDATIONS FOR ROLE OF SEA

## CONTINUE OR IMMEDIATELY BEGIN:

- Collaborating with Child Welfare agency to establish uniform, statewide policies, such as Dispute Resolution Process, if the LEAs and local child welfare agencies cannot come to an agreement
- Dispute Resolution Process could include:
  - Funding default such as splitting costs evenly
  - Sharing costs based on distance
  - Sharing costs based on length of time spent in care



# SMALL GROUP ACTIVITY

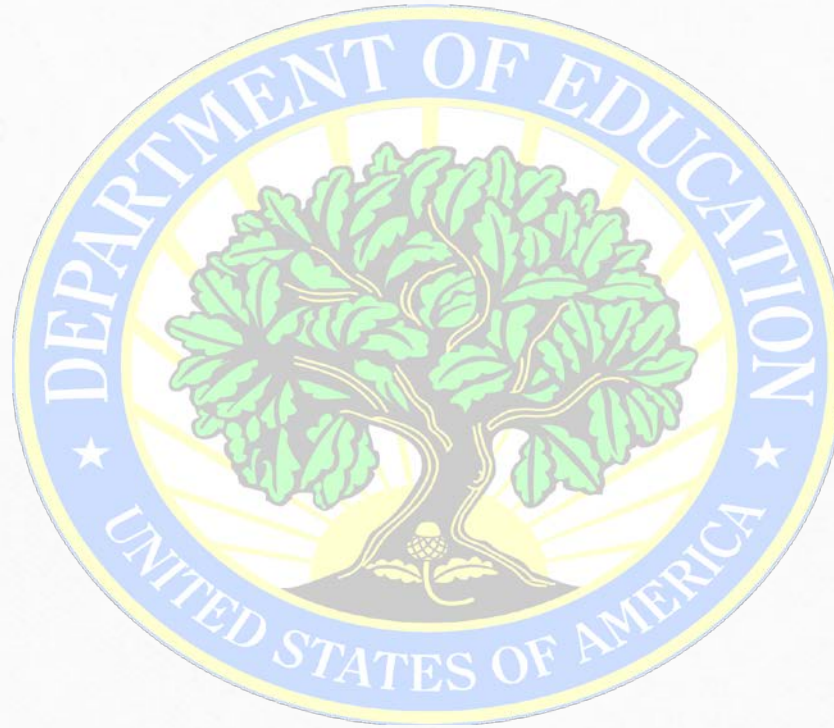


# STATE COST SHARING EXAMPLES

- Divide the distance and share the transportation responsibilities
- Split costs based on time in care (e.g., LEA covers 6 months, CWA covers 6 months)
- Cost-sharing to meet the Title IV-E match requirements for federal reimbursement
- Set aside state dollars to cover costs that both CWAs and LEAs can access

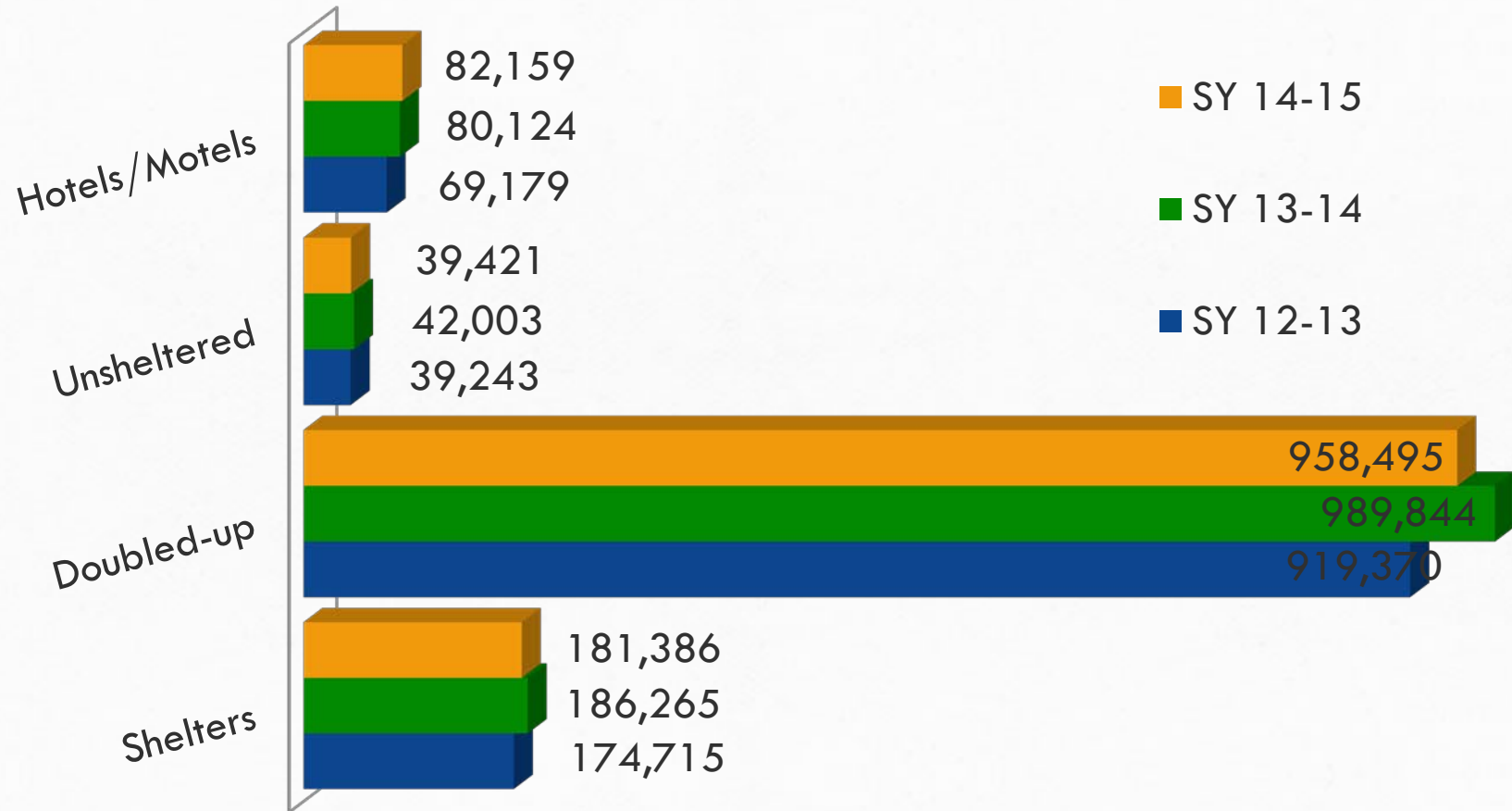
# JOINT GUIDANCE AND TA

- Issued **Joint Guidance** on June 23, 2016  
<http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>
- Held **5-part Webinar Series** on Substantive Topics:
  - Overview of Provisions
  - Best Interest Determination
  - Points of Contact
  - Transportation Procedures
  - Effective Collaboration<http://www2.ed.gov/policy/elsec/leg/essa/index.html>
- Issued **Dear Colleague Letter** on December 05, 2016

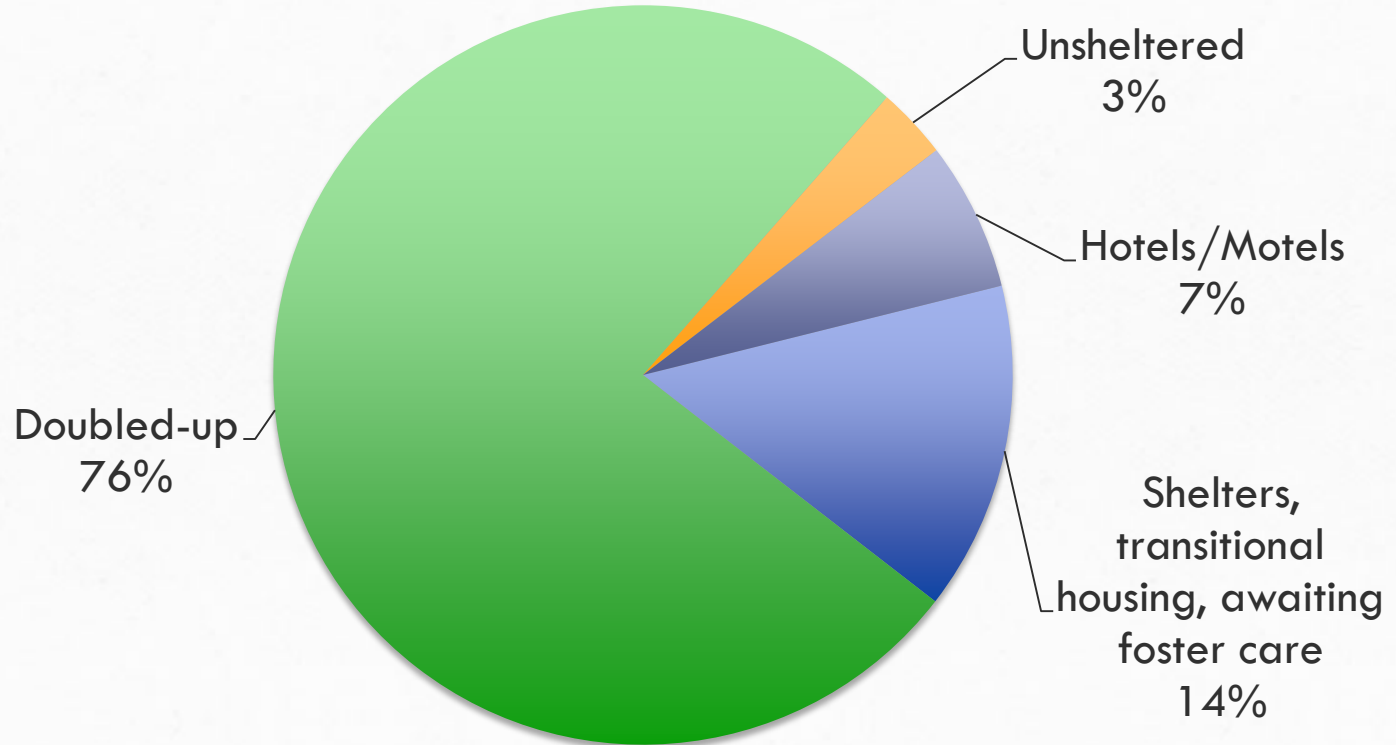


# KEY ESSA TITLE I, PART A HOMELESS PROVISIONS

# WHICH STUDENTS ARE HOMELESS AND HOW MANY? A 3-YEAR COMPARISON



# SY 14-15 PRIMARY NIGHTTIME RESIDENCE OF HOMELESS STUDENTS



# AWAITING FOSTER CARE PLACEMENT

- The phrase “awaiting foster care placement” is being removed from the McKinney-Vento Homeless Assistance Act’s definition of homeless children and youth.
  - For non-covered states, this change was effective 12/10/16
  - For covered states--that is, States that define “awaiting foster care placement” in statutory law--this change is effective 12/10/17

# AWAITING FOSTER CARE PLACEMENT

- After the effective date, youth “awaiting foster care placement” must be served under the ESSA
- There should be no gaps in transportation!
- Some children in foster care may still be eligible for McKinney-Vento services (e.g., youth who are living in shelters or motels)
- If a child exits from awaiting foster care placement status into permanent housing before December 10, 2016, they are eligible for MV services for the remainder of the year



# SMOOTHING THE TRANSITION IN 2017

- ED would like to develop a community of practice to discuss or think through challenges some or many States are facing.
- SEA Foster Care POCs would be the main audience for monthly calls but EHCY SC's would be invited to join.
- Any Title I, Part A foster care questions should go to your SEA's OSS desk officers.
- Any EHCY eligibility or use of funds questions should go to [HomelessEd@ed.gov](mailto:HomelessEd@ed.gov) and our unit team will support your OSHS State liaison in responding.

# TRICKY EHCY ELIGIBILITY QUESTIONS

Which of the following situations for a child or youth is not eligible for McKinney-Vento services?

- a) A public child welfare agency removed a child from his or her family and placed him or her in a emergency placement center
- b) A public child welfare agency arranged an informal kinship care situation with an adult relative who is not the lease or deed holder
- c) A youth of any age had a conflict with the foster parents or family and stayed with someone else for several nights but the agency or caseworker did not know about this

# HOMELESS STUDENTS AND SET-ASIDES: AVAILABLE DATA FOR CONTEXT

- Awaiting foster care placement has been categorized as “sheltered” since SY 2004-05; small part of 15% of total
- In some states it amounts to thousands of students (e.g., WA)
- Homeless students enrolled in LEAs overall totaled 1.305M for SY 13-14 vs. 680K in SY 06-07
- EHCY appropriations have been at about \$65M to \$70M for the past 5 fiscal years, averaging about \$55-\$65 per pupil
- Known Title I, Part A set-asides for homeless students probably amount to \$100-\$250M and 750K students are served by Part A (perhaps \$400M? based on ppfu’s)

# TRANSITIONING TO NEW HOMELESS SET-ASIDE REQUIREMENTS UNDER ESSA

- The Title I, Part A LEA homeless set-aside may be adjusted down for the lesser number of AFCP M-V students.
- Title I, Part A funds may be used to defray the additional cost of SoO transportation for students in foster care; LEAs getting Title I grants will be accountable for their performance from SY 17-18.
- EHCY subgrant funds should not be used for “excess cost” for formerly AFCP students.

# **TITLE I, PART A HOMELESS SET-ASIDES FROM SY 2017-18**

- SEAs should know how much every LEA receiving a Title I, Part A grant is reserving for homeless students and have a process in place for determining whether that is sufficient.
- If all schools in an LEA have SWPs or the LEA has not had any homeless students identified and enrolled for more than a year, probably the need for a set-aside is lower (although we can't say that \$0 reservation is allowable or what is sufficient).
- LEAs should be looking at homeless student achievement compared to economically disadvantaged students as a whole to assess the achievement gap.

# MORE ON IMPLEMENTATION AND MONITORING

- Homeless students are also a category set for new chronic absenteeism data SEAs will report to ED at the school level for SY 16-17.
- OSHS will look at these data for Title I LEAs/schools particularly when it monitors an SEA to determine if set-asides are addressing needs that are clear from publicly available data (e.g., whether homeless students are performing worse than other economically disadvantaged students in multiple grade levels or subjects).
- Title I compliance issues would come from an SEA having no coordination system in place but performance issues would result mostly in ED recommendations to analyze and act upon data.
- SEAs and LEAs should attend to where these rates are especially low compared to other economically disadvantaged students and consider what additional support services they may need through Title I, Part A programs.

# HOMELESS/FOSTER CARE ACCOUNTABILITY

- All homeless reporting requirements for academic achievement and cohort graduation rates also apply to students in foster care
- While many LEAs and SEAs are not yet prepared for report card requirements starting SY 17-18, LEAs and SEAs have been reporting homeless student graduate/completer and dropout numbers in all States since SY 08-09 and ACGR's also began then, so there are many examples to draw on
- SEAs and LEAs should attend to where these rates are especially low compared to other economically disadvantaged students and consider what additional support services they may need through Title I, Part A programs
- OSHS will start doing these analyses for SEAs selected for EHCY reviews from FFY 2018 and recommending further actions

# QUESTIONS AND COMMENTS

## Presenter Contact Information:



HOMELESS QUESTIONS: John McLaughlin, [HomelessED@ed.gov](mailto:HomelessED@ed.gov),  
Telephone: (202) 453-6777 or [john.mclaughlin@ed.gov](mailto:john.mclaughlin@ed.gov)

FOSTER CARE QUESTIONS: Contact your OSS program officers





**QUESTIONS?**

