



***ENSURING EDUCATIONAL STABILITY FOR  
STUDENTS IN FOSTER CARE: UPDATES  
FROM U.S. ED***

**2021 NAEHCY CONFERENCE**

**NOVEMBER 16, 2021**

# OBJECTIVES

As a result of this session, attendees will be able to

- Identify key educational agency responsibilities in ensuring educational stability for students in foster care;
- Identify key child welfare agency responsibilities in ensuring educational stability for students in foster care;
- Access resources from the U.S. Department of Education and the U.S. Department of Health & Human Services to support students in foster care during the duration of the COVID-19 pandemic.

# AGENDA

1. Welcome & Session Overview *(5 minutes)*
2. Supporting Students in Foster Care *(30 minutes)*
  - State & Local Educational Agency Responsibilities
  - State & Local Child Welfare Agency Responsibilities
3. Supporting Students During the COVID-19 Pandemic  
*(10 minutes)*
4. Q&A *(15 minutes)*

# PRESENTERS



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# DEFINING *FOSTER CARE*

- ED follows the definition of “foster care” established by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).
- *Foster care* means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency (CWA) has placement and care responsibility.
- Foster care includes placements in:
  - Foster family homes
  - Kinship providers
  - Group homes
  - Emergency shelters
  - Residential facilities
  - Childcare institutions
  - Pre-adoptive homes





# Supporting Students in Foster Care – SEA & LEA Responsibilities

# EDUCATIONAL STABILITY FOR STUDENTS IN FOSTER CARE

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), includes new foster care provisions in Title I, Part A. These provisions went into effect on December 10, 2016.

## Elementary and Secondary Education Act of 1965

[As Amended Through P.L. 114–95, Enacted December 10, 2015]

### SECTION 1.<sup>1</sup> [20 U.S.C. 6301 note] SHORT TITLE.

This Act may be cited as the “Elementary and Secondary Education Act of 1965”.

### SEC. 2.<sup>2</sup> TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

### TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

- Sec. 1001. Statement of purpose.
- Sec. 1002. Authorization of appropriations.
- Sec. 1003. School improvement.
- Sec. 1003A. Direct student services.
- Sec. 1004. State administration.

### PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

#### Subpart 1—Basic Program Requirements

- Sec. 1111. State plans.
- Sec. 1112. Local educational agency plans.
- Sec. 1113. Eligible school attendance areas.
- Sec. 1114. Schoolwide programs.
- Sec. 1115. Targeted assistance schools.
- Sec. 1116. Parent and family engagement.
- Sec. 1117. Participation of children enrolled in private schools.
- Sec. 1118. Fiscal requirements.
- Sec. 1119. Coordination requirements.

<sup>1</sup> Section 5(a) through (c) of the Every Student Succeeds Act (Public Law 114–95) provides as follows:

### SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, or an amendment made by this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment.

Under the Congressional Review Act, Congress has passed, and the President has signed, a resolution of disapproval of the accountability and State plans final regulations that were published on November 29, 2016 (81 FR 86076). This guidance document is unaffected by that resolution and remains applicable.



## Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care

In June 2016, the U.S. Departments of Education and Health and Human Services released joint, non-regulatory guidance on ESSA’s educational stability provisions.



# TITLE I, PART A – EDUC. STABILITY

## SEA Requirements

[ESEA section 1111(g)(1)(E)]

1. SEA collaboration with State CWA
2. Schools of origin
3. Best interest determinations
4. Immediate enrollment & records transfer
5. SEA point of contact

## LEA Requirements

[ESEA section 1112(c)(5)]

1. LEA collaboration with local CWA(s)
2. LEA points of contact
3. Transportation procedures
4. Funding transportation to schools of origin



The Title I, Part A educational stability provisions for students in foster care only take effect when a student (i) enters foster care or (ii) experiences a change in foster care placement.



# TITLE I, PART A – EDUC. STABILITY

## SEA & LEA POINTS OF CONTACT



SEA Point of Contact	LEA Point of Contact
<ul style="list-style-type: none"><li>Required for all 50 States, Puerto Rico, and the District of Columbia</li></ul>	<ul style="list-style-type: none"><li>Required in LEAs when the corresponding local CWA notifies the LEA that the local CWA has a point of contact</li></ul>
<ul style="list-style-type: none"><li>Responsible for overseeing the implementation of the Title I, Part A educational stability requirements across the State</li></ul>	<ul style="list-style-type: none"><li>Responsible for overseeing the implementation of the Title I, Part A educational stability requirements within an LEA</li></ul>
<ul style="list-style-type: none"><li>Should collaborate with State CWA(s)</li></ul>	<ul style="list-style-type: none"><li>Should collaborate with local CWA(s) – may include local CWAs within neighboring States/jurisdictions</li></ul>



# TITLE I, PART A – EDUC. STABILITY

## SCHOOL OF ORIGIN/BEST INTEREST DETERMINATIONS

- The **school of origin** (SOO) is the school in which a child is enrolled at the time of placement in foster care or the school in which a child is enrolled at the time of a foster care placement change.
- **Best interest determination** (BID) meetings allow stakeholders to determine whether it is in a student's best interest to remain at his/her SOO or enroll in the neighborhood school associated with his/her current placement.

 <b>Factors to consider during a BID meeting</b> 	
<ul style="list-style-type: none"><li>• “all factors relating to the child’s best interest”</li></ul>	<ul style="list-style-type: none"><li>• Potential costs of transportation to SOO</li></ul>
<ul style="list-style-type: none"><li>• Appropriateness of the SOO</li></ul>	
<ul style="list-style-type: none"><li>• Student’s proximity to the SOO (after placement change)</li></ul>	

# TITLE I, PART A – EDUC. STABILITY

## TRANSPORTATION

- When a BID meeting indicates that it is in a student in foster care's best interest to remain at his/her SOO, the student is entitled to transportation to the SOO.
- Each LEA (with a Title I, Part A grant) should maintain written transportation procedures, which describe:
  - How such transportation will be “provided, arranged, and funded”;
  - How “additional costs” incurred in transporting the student to the SOO will be handled; and
  - How transportation will be provided in a “cost-effective” manner.
- A student in foster care is entitled to transportation to his/her SOO for the duration of his/her time in foster care.



# TITLE I, PART A – EDUC. STABILITY

## IMMEDIATE ENROLLMENT & RECORDS TRANSFER

- When a BID meeting indicates that it is in a student in foster care's best interest to leave his/her SOO and enroll in a new school, the student must be immediately enrolled in the new school, even if he/she does not have the records or forms typically required at the time of enrollment.
  - In this case, the enrolling school should immediately contact the student's SOO and request the transfer of the student's records.



# TITLE I, PART A – EDUC. STABILITY

## INTERAGENCY DATA EXCHANGES

The ESEA does not require formal data and information sharing between SEAs, LEAs, and/or CWAs; however, non-regulatory guidance from the U.S. Department of Education and Health & Human Services encourages the use of data-sharing agreements between educational and child welfare agencies.


<b>Benefits to SEAs/LEAs</b> Education stakeholders will be able to...	<b>Benefits to CWAs</b> Caseworkers will be able to...
Accurately identify students in foster care.	Better assist with school transitions.
Ensure educational stability requirements implemented for all students in foster care.	Monitor academic performance of students in their care.
Develop an enhanced understanding of student's unique needs.	Monitor school attendance for students in their care.

# TITLE I, PART A – REPORT CARDS

- Title I, Part A of the ESEA requires SEAs and LEAs to publish State and local report cards, which should be available on each SEA's website.
- State and local report cards:
  - Support State, LEA, and school accountability.
  - Engage parents and communities.
  - Provide transparency regarding the outcomes of education policies, uncover academic challenges and deficits, and highlight areas in which the State, LEAs, and schools have made gains.
- ESEA section 1111(h) requires that State and local report cards include the following information disaggregated by student subgroups, including children in foster care:
  1. Information on student achievement on the State mathematics, reading/language arts, and science assessments
  2. High school graduation rates

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### Download Preview

[FS150](#) [Local Education Agency](#) [Title I, Part A](#) [2017-2018](#) [2018-2019](#)

[RESET FILTERS](#)

Displaying 1 - 10 of 205721

School Year	State	NCES LEA ID	LEA	School	NCES SCH ID	Data Group	Data Descript
2018-2019	ALABAMA	0100005	Albertville City			695	Four-Year Adj Cohort Gradua Rates
2018-2019	ALABAMA	0100005	Albertville City			695	Four-Year Adj Cohort Gradua Rates
2018-2019	ALABAMA	0100005	Albertville City			695	Four-Year Adj Cohort Gradua Rates

Access ED Data Express at <https://eddataexpress.ed.gov/>.

# U.S. DEPARTMENT OF EDUCATION

## RESOURCES

- Students in Foster Care Webpage  
<https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/students-foster-care/>
- Non-regulatory Guidance: Ensuring Educational Stability for Children in Foster Care  
[https://oese.ed.gov/files/2020/09/Non-Regulatory-Guidance\\_06-23-2016.pdf](https://oese.ed.gov/files/2020/09/Non-Regulatory-Guidance_06-23-2016.pdf)
- Non-regulatory Informational Document: Opportunities and Responsibilities for State and Local Report Cards under the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act  
<https://oese.ed.gov/files/2020/03/report-card-guidance-final.pdf>



Contact us at [FosterCare@ed.gov](mailto:FosterCare@ed.gov)!





# Supporting Students in Foster Care – State & Local CWA Responsibilities



# Purpose of Child Welfare Agencies

- The goal of child welfare is to promote the well-being, permanency, and safety of children and families by helping families care for their children successfully or, when that is not possible, helping children find permanency with kin or adoptive families. Among children who enter foster care, most will return safely to the care of their own families or go to live with relatives or an adoptive family.
- The Children's Bureau (within the U.S. Department of Health and Human Services) works with State and local agencies on developing and implementing programs that focus on child welfare services.

# How Education Agencies Support Child Welfare

- Educators make crucial contributions to the development and well-being of children and youth. Due to their close relationships with children and families, educators can play a key role in the prevention of child abuse and neglect and, when necessary, support children, youth, and families involved with child welfare. This discussion will focus on how educators and child welfare workers can help each other, and lists resources for more information.

# Child Welfare Legislation & Data Collection

- Titles IV-B and IV-E of the Social Security Act Adoption and Foster Care Analysis and Reporting System (AFCARS)
- National Youth in Transition Database (NYTD)
- National Child Abuse and Neglect Data System (NCANDS)
- Comprehensive Child Welfare Information System (CCWIS)

# Titles IV-B and IV-E of the Social Security Act

Title IV-B/IV-E Agencies must include certain education records in a case plan for a child in foster care including

- the most recent information available regarding the names and addresses of the child's educational providers,
- the child's grade level performance,
- the child's school record, and any
- other relevant education information that the CWA has determined is appropriate to include in the case plan.

Section 475(1)(C) of the Social Security Act

Title IV-B/IV-E Agencies are required to:

Each title IV-E agency must include a plan for educational stability in the case plan for each child in foster care. The plan must include:

- an assurance that the child's placement takes into account the appropriateness and proximity to the current placement of the current educational setting; and

Section 471(a)(30) of the Social Security Act

## Title IV-B/IV-E Agencies are required to:

Each title IV-E agency must include a plan for educational stability in the case plan for each child in foster care. The plan must include:

- an assurance that the title IV-E agency has either coordinated with the local education agency to ensure the child can remain in that school, or
  - if remaining in that school is not in the best interests of the child, an assurance to enroll the child immediately in a new school with all of his or her educational records.
- 
- For children who are eligible for title IV-E foster care, the Title IV-B/IV-E agency may claim reimbursement for transportation costs as part of the Title IV-E Foster Care Maintenance Payment.

# Student Level Data Examples

- Student name
- Address
- Most recent educational agency attended by student
- Dates of enrollment
- School credits
- Degrees and awards received

# Child Welfare Reporting Systems

- The *Adoption and Foster Care Analysis and Reporting System (AFCARS)* collects case-level information from state and tribal title IV-E agencies on all children in foster care and those who have been adopted with title IV-E agency involvement. Title IV-E agencies are required to submit AFCARS data twice a year.
- *National Youth in Transition Database (NYTD)* collects information about youth in foster care, including outcomes for those who have aged out of foster care.
- *The National Child Abuse and Neglect Data System (NCANDS)* is a voluntary data collection system that gathers information from all 50 states, the District of Columbia, and Puerto Rico about reports of child abuse and neglect.

# Comprehensive Child Welfare Information Systems

(1) promote data sharing with other agencies;

- States and Tribes who chose to operate a comprehensive child welfare information system (CCWIS) are required to implement bi-directional data exchanges with education agencies to collect and share education data, where practicable.

(2) require quality data (timely, accurate, and complete)

(3) allow agencies to build systems tailored to their needs.

CCWIS <https://www.acf.hhs.gov/cb/training-technical-assistance/state-tribal-info-systems>

# Child Welfare Agency Data which supports Education Needs includes

- **Demographics**, such as name, date of birth, address
- **Child Welfare Agency Information** who has placement and care responsibility of the child. Case Worker information who has daily case management responsibilities of the child
- **Foster Care Placement** history such as dates and types of placement, including current placement contact information.
- **School of origin**, educational rights holder, transportation details

# Education Agency Data Examples that Support Child Welfare Needs

- Enrollment information
- Attendance
- School discipline
- Performance
- Additional services and supports

# Opportunities for Interagency Collaboration

- Joint Training to Child Welfare and Education Points of Contact
- Interagency Workgroups to Develop Educational Stability Plans, Best Interest Determination Procedures
- Interagency Committees can develop local transportation plans and templates
- Data Sharing at both State and Local CW and Education levels

# Children's Bureau Resources

Children's Bureau Reporting Systems

<https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems>

Educational Stability for Children and Youth in Foster Care

<https://www.childwelfare.gov/topics/systemwide/service-array/education-services/meeting-needs/educational-stability/>

State Foster Care Managers

[https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspList&rolType=Custom&RS\\_ID=155](https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspList&rolType=Custom&RS_ID=155)

Children's Bureau Regional Program Managers

<https://www.acf.hhs.gov/cb/training-technical-assistance/childrens-bureau-regional-program-managers>



# Contact Us

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Children's Bureau  
Administration on Children, Youth and Families  
330 C Street, SW  
Washington, DC 20024  
Children's Bureau Website:  
[www.acf.hhs.gov/programs/cb/](http://www.acf.hhs.gov/programs/cb/)


[Children's Bureau FAQs](#) - The Administration of Children and Families (ACF) maintains a list of frequently asked questions about the Children's Bureau.





# Supporting Students During the COVID-19 Pandemic

# COVID-19 RESOURCES



U.S. Department of Education

Student Loans

Grants

Laws

Data

## COVID-19 Resources for Schools, Students, and Families

There are several Department of Education COVID-19 resources available for states, communities, educators, and families. These resources include guidance and policies related to [elementary and secondary education](#), [special education](#), postsecondary education, and other aspects of lifelong learning. [The Centers for Disease Control and Prevention \(CDC\)](#) also continues to provide updated [guidance for school settings](#).

Send questions for which the Department may be helpful to: [COVID-19@ed.gov](mailto:COVID-19@ed.gov).

### What's New!

#### All Education Levels

- [Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#) (July 26, 2021)
- [Improving Ventilation in Schools, Colleges, and Universities to Prevent COVID-19](#)
- [American Rescue Plan \(ARP\)](#)
- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#) (May 13, 2021)

#### Elementary and Secondary Education

- [Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs](#) (October 19, 2021)
- [Supporting Students During the COVID-19 Pandemic: Maximizing In-Person Learning and Implementing Effective Practices for Students in Quarantine and Isolation](#) (September 17, 2021)
- [Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time](#) (August 31, 2021)
- [How to Use this Guidance: Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time](#) (August 31, 2021)
- [Return to School Roadmap: A Guide for K-12 Schools and Communities](#)
- [ED COVID-19 Handbook, Volume 2: Reopening and Meeting Students' Needs \(Español\)](#) (April 9, 2021)
- [ED COVID-19 Handbook, Volume 1: Safely Reopening Elementary and Secondary Schools \(Español\)](#) (February 12, 2021)
- [Elementary and Secondary School Emergency Relief \(ESSER\) Fund](#)
- [Governors' Emergency Education Relief \(GEER\) Fund](#)

#### Coronavirus Resources

- [Coronavirus.gov](#)
- [Resources and Updates from CDC](#)
- [Government Response to Coronavirus, COVID-19](#)

### How Do I Find...?

- Student loans, forgiveness
- Higher Education Rulemaking
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098, tax forms
- More...

### Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- Constitution Day

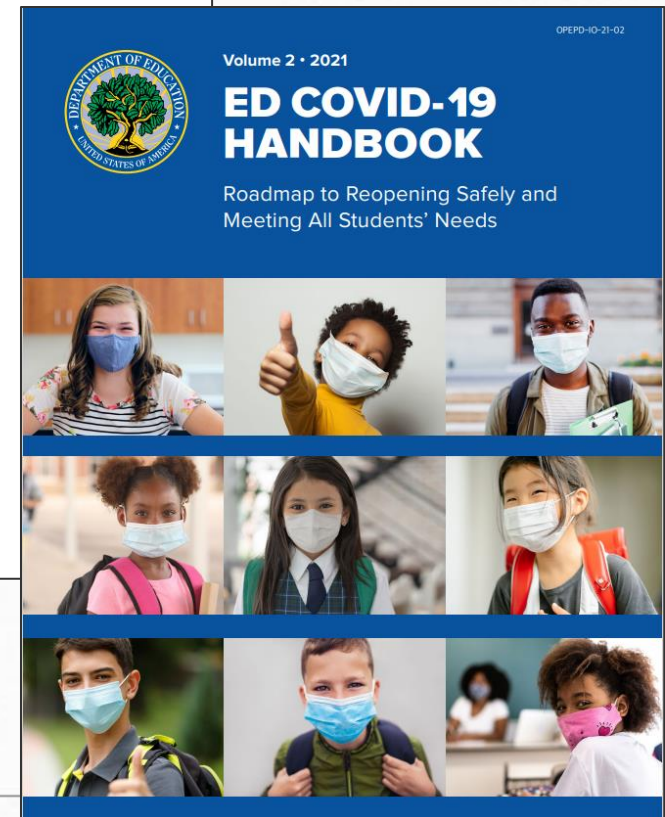
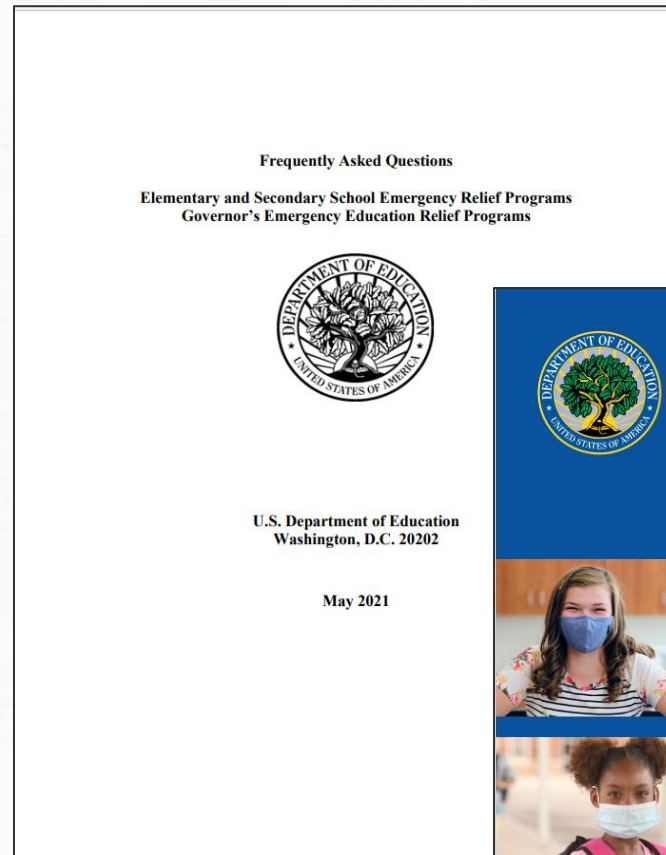
### Table of contents

- CARES Act Emergency Relief
- Remote Learning: Resources for Educators, Administrators and Related Service Providers
- Resources for Learning at Home
- Waivers and Flexibility
- Program Information: FAQs and Responses


# USING RELIEF FUNDS TO SUPPORT STUDENTS IN FOSTER CARE

SEAs and LEAs can use pandemic relief funds from the following programs to address the unique impact of COVID-19 on students in foster care:

- CARES Act – ESSER
- CARES Act & CRSSA Act – ESSER
- CARES Act & CRRSA Act – GEER
- ARP Act – ESSER



# SAFER SCHOOLS AND CAMPUSES BEST PRACTICES CLEARINGHOUSE

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We know that getting vaccinated against COVID-19 is the best way to protect yourself and those around you as we begin the 2021-22 school year. When I visited a pop-up vaccination clinic in Topeka, Kansas, I learned again how eager students are to get back to in-person learning for the 2021-22 school year. Please see this great webpage from the Department of Health and Human Services for information on how you can open a pop-up vaccination site at your school or district.

Miguel A. Cardona, Ed.D., Secretary of Education

**6 Ways Schools Can Promote COVID-19 Vaccines from the Centers for Disease Control (CDC):**

1. Set up a COVID-19 vaccination clinic at your school.
2. Partner up on COVID-19 vaccine-related activities in your community.
3. Arm school staff with resources for answering general COVID-19 vaccination questions.
4. Promote vaccine confidence among students, parents, and guardians.
5. Promote well-child visits for routine health needs.
6. Make COVID-19 a teachable moment.



Secretary Miguel Cardona  
@SecCardona


Want to get back on the field, back to enjoying your high school years, or back to protecting your loved ones? Get vaccinated. [Vaccines.gov](https://vaccines.gov) #VaxToSchool


We're here in Topeka.


5:33 PM · Aug 16, 2021

86   See the latest COVID-19 information on Twitter

[Tweet your reply](#)

**REOPENING SAFELY**

**STUDENT SUPPORTS**

**EDUCATOR SUPPORTS**

Access the Best Practices Clearinghouse at  
<http://bestpracticesclearinghouse.ed.gov/index.html> .

# COVID-19 Resources

A Message on COVID-19 from the Children's Bureau

<https://www.acf.hhs.gov/cb/outreach-material/covid-19-resources>

Letter to Child Welfare Directors About Equitable Access to COVID-19 Vaccine

<https://www.acf.hhs.gov/cb/policy-guidance/equitable-access-covid-19-vaccine>

CDC resources for Community, Work, and School

<https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>



# Questions?

