



# Implementation Checklists

## ESSA & Fostering Connections

### Overview

- **The Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) was enacted in October 2008.** This law amends parts B and E of Title IV of the Social Security Act. In addition to other key areas, it requires child welfare agencies to include assurances in every child's case plan that the child will remain in the same school unless a school change is in the child's best interest. In that case, the child must be immediately enrolled in the new school with all school records.
- **The Every Student Succeeds Act (ESSA) was enacted in December 2015.** It reauthorized the Elementary and Secondary Education Act (ESEA). ESEA was enacted in 1965 and last reauthorized as the No Child Left Behind Act in 2002. The ESSA contains key protections for students in foster care, imposing new requirements on education agencies relating to school stability and prompt school enrollment like those the Fostering Connections Act imposes on child welfare agencies. Under ESSA, school agencies must collaborate with their child welfare partners to ensure school stability and success for these youth, including reporting on the academic outcomes of students in foster care.
- Together, ESSA and Fostering Connections **envision dual agency responsibility; these laws require state and local education and the child welfare agencies *jointly*** to ensure school stability and prompt school enrollment.
- While quality implementation of these provisions will take time, several ESSA requirements have **short implementation timelines**—therefore advocacy from child welfare and education communities on the state and local level should start now.
- ✓ **Checklist Part 1** focuses on the role of specific agencies and stakeholders, outlines key steps to consider based on those roles, and provides a starting point for action.
- ✓ **[COMING SOON] State Guidance to Ensure School Stability** provides an outline of the components that the state child welfare and education agency should include in the required SEA Title I plan due in December 2016. **Tips on Developing LEA Transportation Procedures** provides tips and sample language for developing joint procedures at the school district level. Each of these tools will guide conversations in your state—within and among the involved agencies and entities—and ensure thoughtful implementation of these new protections.

### Acronyms:

#### ESSA

Every Student Succeeds Act

#### ESEA

Elementary and Secondary Education Act

#### SEA

State Education Agency

#### LEA

Local Education Agency

#### POC

Point of Contact

### KEY STEPS for STATE EDUCATION AGENCIES:

- ✓ Make sure staff **understand the requirements of Fostering Connections and ESSA** relating to school stability and prompt school enrollment and that children in foster care must receive these protections.
- ✓ **Collaborate with the State child welfare agency** to implement ESSA requirements ensuring educational stability of children in foster care. This includes working together to create and disseminate uniform state guidelines for implementation.
- ✓ **Designate a state Point of Contact (POC)** to focus on needs of children in foster care. This person cannot be the same person who serves as the McKinney-Vento Coordinator.
  - Develop clear roles and responsibilities for the state POC.
  - Help the POC convene the relevant staff/leaders within the State Education Agency and State Child Welfare agency so these agencies can start identifying next steps and each agency's role in implementing ESSA's foster youth provisions.
  - Reach out to the McKinney-Vento Coordinator. Although this person cannot be the SEA POC for foster care, he or she has expertise on how to support the school stability and success of students that are homeless, and may have advice about how to support the school stability and success of students in foster care.
- ✓ **Alert LEAs that they must appoint POCs within their agencies whenever they are notified in writing by corresponding child welfare agencies that child welfare POCs have been appointed.** If in your state all child welfare agencies are required to have POCs, inform all LEAs in the state of their duty to appoint. Consider asking LEAs to send contact information of POCs so that the SEA POC can maintain communication to ensure smooth implementation of the law.
- ✓ **Alert LEAs of the need to develop and implement clear written transportation procedures by the December 2016 deadline**, in collaboration with state or local child welfare agencies. To support LEAs, develop clear statewide policies **governing how transportation to maintain children in their school of origin when in their best interests will be provided, arranged, and funded** for the duration of their time in foster care. Such guidance should be produced in collaboration with the State child welfare agency, follow existing state law and help LEAs allocate responsibility for additional transportation costs.
  - Explain that transportation must be provided in a cost-effective manner, including collaborating to ensure children in foster care can use existing bus routes without incurring additional costs.
  - Explain that options for *funding any additional costs* include an agreement governing when child welfare will pay, the LEA agrees to pay, or both agree to share costs.
  - Develop *templates or model agreements or plans* to ensure uniformity across districts.
  - *Gather information about current transportation agreements and cost-sharing practices* among LEAs and child welfare agencies in the state and identify promising practices and gaps.
- ✓ **Review state policies and procedures** to determine if any change needs to be made to comply with ESSA's new requirement for children in foster care.
  - *Review any policies created to implement Fostering Connections* and revise as necessary.
  - *Review any state policies relating to "awaiting foster care placement"* through the McKinney Vento Act. Revise them to ensure that any child in foster care currently protected under that category will still have school stability and prompt school enrollment and that this transition is made seamlessly for the child.

- *Determine if new policies, regulations, or state laws are needed to ensure full implementation of both Fostering Connections and ESSA’s new requirements.*
- ✓ **Alert SEA data personnel about new annual disaggregated reporting requirements for children in foster care (including graduation rates and academic achievement data).** Connect SEA personnel to their child welfare data counterparts on the state and local levels so this information can be reported accurately.
- ✓ Determine if **other data elements should be collected** and whether they should be part of any sharing taking place across systems.
- ✓ Review your policies to identify and remove barriers to immediate enrollment and records transfers.
- ✓ Monitor and oversee local education agencies engaged in the effort to implement ESSA provisions.
- ✓ **If your state receives charter school grants** under Title IV Part C of ESSA, conduct outreach and work with charter schools on recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for foster youth and unaccompanied homeless youth.

### KEY STEPS for LOCAL EDUCATION AGENCIES:

- ✓ Collaborate with local child welfare agencies to develop local processes and procedures. These processes and procedure should:
  - Identify the documents or records to be shared between agencies.
  - Identify the criteria to be used in decision making.
  - Create specific processes that should be used (i.e. regular meetings).
- ✓ **Consider appointing LEA POCs** even before you have been notified in writing that a child welfare agency has made such an appointment. This is a best practice in many states. When you are notified of a child welfare POC, you must appoint an LEA POC.
- ✓ Even if you have not yet appointed a POC, **contact your local child welfare agencies to establish the relationships** needed to implement Fostering Connections and ESSA’s school stability and prompt school enrollment requirements.
- ✓ **Develop clear roles and responsibilities for your POC**, including the person’s role in developing and implementing the local transportation procedures and helping child welfare agencies make “best interest” determinations for children in care.
- ✓ Make sure that **relevant instructional and administrative school staff understand their responsibilities under ESSA and Fostering Connections**, including how best to work with child welfare agencies to make “best interest” determinations.
- ✓ **Develop clear written transportation procedures in collaboration with each child welfare agency** that has custody of children attending the LEA. Make sure the transportation procedures include the extent to which the LEA agrees to pay or share the costs of transportation with the child welfare agency.
- ✓ **Make sure your school district is collecting information** for your state to meet its duty to provide U.S. Department of Education mandated data on children in foster care, including academic achievement and graduation rates.
- ✓ **Ensure your school district makes student I.D. numbers available** to child welfare representatives responsible for children in foster care, as permitted under the 2013 amendment to the Family Educational Rights and Privacy Act (FERPA). This will support smooth transitions for students and help with data matching across agencies.
- ✓ **Reach out to local or state child welfare contacts** to determine information about the number of children in foster care in your district. Remember, children in care in your district may be in the custody of a number of different child welfare agencies. **Develop a process for maintaining ongoing and accurate information** about children in foster care in your district as children enter and exit care frequently.
- ✓ Review your policies and practices to identify and remove barriers to immediate enrollment and records transfers.

## KEY STEPS for STATE CHILD WELFARE AGENCIES:

- ✓ Provide local child welfare agencies clear direction that the **education of children in their care is critical** and a required part of addressing the child's well-being while in care.
- ✓ Make sure all relevant child welfare staff **understand the requirements of Fostering Connections and ESSA as they relate to school stability and prompt school enrollment** and that children in foster care are legally entitled to these protections.
- ✓ Provide local child welfare agencies **clear guidance on how to implement ESSA and Fostering Connections requirements.**
- ✓ Strongly encourage appointing **Points of Contact (POCs) within child welfare agencies at the local/regional and/or state level**, with written notice of these appointments to all Local Educational Agencies (LEAs) (i.e. all school districts and public charter schools where children in care are enrolled). This notice triggers the ESSA requirement that LEAs designate school-based POCs to work with child welfare agencies, including developing written procedures for transporting children for school stability.
  - Create *clear, written roles and responsibilities for any POC* at the state, regional, or local level, and clearly communicate them to the appropriate education partners.
  - *Promote connections and collaboration among POCs* in the local/regional child welfare offices to provide support, share knowledge, identify needs, and provide assistance and resources.
- ✓ Reach out to the state education agency to learn who will be identified as the **State Education Agency (SEA) POC** for children in foster care (now an ESSA requirement). Consider designating a POC within the state child welfare agency to meet with the SEA POC to ensure a common understanding of how the state agencies can work together to improve educational success for youth in care. A state level interagency agreement is one useful strategy. The SEA POC cannot be the state McKinney-Vento coordinator.
- ✓ Consider trying to connect with the state's McKinney-Vento Coordinator. Although this person cannot be the SEA POC for foster care, he or she has expertise on how to support the school stability and success of students that are homeless, and may have advice about how to support the school stability and success of students in foster care.
- ✓ **Understand and develop revisions to state-level education and child welfare policy or practice as needed** to ensure ESSA school stability requirements are implemented in a way that **aligns with implementation of companion Fostering Connections** requirements. Pay attention to how your agency, together with the SEA, can support collaborative efforts at the local level relating to school stability and effective local transportation plans.
  - Strongly encourage your state's education agency to work with your agency to develop *an interagency agreement or joint protocol* to specify each agency's implementation responsibilities and support local efforts.
  - Strongly encourage your state's education agency to work with your agency to release *joint guidance on school stability requirements and transportation* to help local jurisdictions develop and implement *transportation policies*, including how to address transportation costs to avoid confusion and delay and resolve disagreements regarding costs. Another area to clarify is how LEAs can assist local child welfare agencies make *quality best interest determinations* for students.
  - Review existing *Fostering Connections' school stability policies and case planning processing* to ensure they are in line with the new ESSA requirements and evolving SEA policies and practices.
- ✓ Alert your agency's data team about the **new SEA disaggregated data requirements** related to children in care. Ensure they work with the SEA's data personnel to identify next steps and actions needed.
  - Ensure you have a way to regularly *share information with your SEA* about who is in foster care throughout the state.

- Develop a mechanism to match data on current children in foster care with their SEA education data. Consider adopting a policy whereby a child welfare agency includes a child's unique student identifier as part of its demographic information and then provides that list of student I.D. numbers to the SEA.
  - If you have not already begun cross-system data sharing, *use the ESSA's required data points as a starting point* for conversations with SEAs.
- ✓ Work with the SEA to ensure adequate **outreach to public charter schools** in your state so they understand they must implement the new ESSA requirements for children in care and children experiencing homelessness enrolled in their schools.

### KEY STEPS for LOCAL CHILD WELFARE AGENCIES:

- ✓ Quickly **determine where (i.e., in which LEAs) children in your agency's custody are enrolled in school.**
- ✓ Strongly consider **designating a Point of Contact (POC)** for education related issues. **Notify all of the appropriate LEAs in writing that your agency has a POC and who that person is.** The written notice triggers the LEA's duty to appoint someone in the LEA to be a POC for youth in care. Remember that charter schools may be considered their own LEA and that some children in your custody may attend schools outside your jurisdiction or state.
- ✓ Develop **clear written roles and responsibilities** for your agency's POC.
- ✓ Collaborate with LEAs to develop local processes and procedures, including around making best interest decisions. These processes and procedure should include:
  - Identify the documents or records to be shared between agencies.
  - Identify the criteria to be used in decision making.
  - Create specific processes that should be used (i.e. regular meetings).
- ✓ **Work with LEAs to develop their transportation plans according to state law and guidance.** *Note:* By December 2016, *all* LEAs must have clear written procedures addressing how transportation to a school of origin will be provided, arranged, and funded so each child who needs such transportation to support school stability receives it promptly. **Make sure the transportation procedures include the extent to which the child welfare agency agrees to pay or share the costs of transportation with the LEA, including, if appropriate, a mechanism to reimburse school districts.**
- ✓ Create case planning procedures to consider proximity to the school in which the child is enrolled and the appropriateness of the educational setting.
- ✓ Develop a plan for ensuring education stability as part of the child's case plan. This education stability plan must include, at initial and subsequent placement:
  - Assurances that the placement takes into account the appropriateness of the education setting and the proximity to the school in which the child was enrolled at the time placement; and
  - Assurance that the child welfare agency coordinated with the LEA to ensure the child can remain in the school of origin, or is enrolled immediately in a new school if it is in the child's best interest.

### KEY STEPS for COURT LEADERS:

- ✓ **Educate judges, judicial officers, and legal advocates** about the foster care protections in ESSA and the education provisions in Fostering Connections.
- ✓ **Ensure judges inquire about school stability and immediate enrollment** at every stage of the court process.
- ✓ If needed, **develop guidance, training, and/or court rules, model orders, or protocols for judges on their role in making education decisions for children** whose cases they are reviewing. Decisions may include school stability/best interest decisions and transportation to maintain school stability.

- ✓ **Make sure judges regularly review whether child welfare agencies have considered the appropriateness of the current school setting and proximity of the living placement** to the child's school when a change in living placement is proposed.
- ✓ **Ensure attorneys collect, review, and present to the court appropriate education information** and submit this information in court reports before hearings.
- ✓ **Consider revising juvenile court rules** to require judges to address school stability, the appointment of education decision makers, and a child's need for educational services and supports.
- ✓ **Develop court data systems to collect and share information** relating to educating children in care, and develop ways to allow courts to have access to key education data during a court case.

### **KEY STEPS for STATE LEGISLATORS**

- ✓ **Consider amendments to education laws to ensure school stability and immediate enrollment** for children in foster care.
- ✓ **Consider amendments to child welfare laws to improve education outcomes** for children in foster care and to align with federal and state requirements.
- ✓ **Consider amendments to state laws governing your dependency court system** to address education issues related to children in foster care.