



FOSTER CARE PROVISIONS

EVERY STUDENT SUCCEEDS ACT (ESSA)

Division of Funding & Disbursements

Illinois State Board of Education

May 9, 2018



EVERY STUDENT SUCCEEDS ACT

On December 10, 2015, President Obama signed the bipartisan Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA).

ESSA builds upon the critical work States and local educational agencies (LEAs) have implemented over the last few years. The reauthorized law prioritizes excellence and equity for our students and supports educators.

This is a transition from the ESEA and amends the No Child Left Behind Act of 2001 (NCLB).



ESSA and FOSTER CHILDREN

- Requires States to report on achievement and graduation rates for children in foster care
 - Emphasizes shared agency responsibility and decision-making
- Includes new foster care provisions that complement requirements in previous Acts
 - Fostering Connections to Success and Increasing Adoptions Act of 2008
 - Uninterrupted Scholars Act of 2013



ESSA and FOSTER CHILDREN

Ensures:

- The child's placement takes into account the appropriateness of the current educational setting and the proximity to the school of origin;
- The agency has coordinated with LEAs to ensure that a child in foster care remains in his or her school of origin if it is in the child's best interest; and
- If remaining at the school of origin is not in the child's best interest, the child is immediately enrolled in a new school and records are transferred to the new school.



ESSA: STATUTORY CONTEXT

- ESSA included significant amendments to Title I, Part A designed to provide school stability and immediate enrollment to children in foster care.
- Implementation of these provisions is not part of the McKinney-Vento Act and does not fall under the McKinney-Vento Coordinator's responsibility.
- ESSA also amended the McKinney-Vento Act to remove children and youth "awaiting foster care placement" from the definition of homeless.
- Effective December 10, 2016



ESSA: STATUTORY CONTEXT

- *Youth “awaiting foster placement” are no longer covered under McKinney Vento*

However.....

- Homeless children who are also in foster care (e.g., youth who have run away from child welfare placements).
- Children in foster care living in emergency or transitional shelters.



McKinney -Vento

Homeless
Children who
are not in
foster care

Qualifies for Both

Homeless children who
are also in foster care
(e.g., youth who have
run away from child
welfare placements).

Children in foster care
living in emergency or
transitional shelters.

Fostering Connections

Children in
foster care
who are not
McKinney
Vento eligible



ESSA: Key Provisions

- Children in foster care remain in the school of origin unless there is a determination that it is not in his or her best interest.
- If it is in the best interest of the child to leave the school of origin, the child must be immediately enrolled in the new school even if they don't have the required documentation. The enrolling school shall immediately contact the school last attended to obtain the child's records.
- LEAs must collaborate with child welfare agencies to develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of a child's time in foster care.



BEST INTEREST DETERMINATION

- The best interest determinations must be based on all factors, including:
 - Appropriateness of the current educational setting,
 - Proximity to the school in which the child is enrolled at the time of placement.
- LEAs and child welfare agencies should collaborate to develop a joint process for making best interest determinations.
- Multiple student-centered factors should be considered though transportation should NOT be a factor.
- The child should be consulted, if appropriate, as well as adults who have meaningful relationships with child.



BEST INTEREST DETERMINATION

- ISBE, LEAs and DCFS should coordinate to develop dispute resolution procedures.
- If an agreement cannot be reached, the ultimate decision shall reside with DCFS.
- To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves.



BEST INTEREST DETERMINATION

- What are some factors should be part of best interest decisions?
 - safety
 - the child's age and placement of siblings
 - special needs
 - time in the school year
 - distance and the effect of the commute on the child's well-being and education.
- Who should be involved in the best interest decisions?
 - The LEA
 - Child Welfare Agency Personnel (DCFS)
 - Student (The child's preference should receive strong consideration.)
 - Student's Biological and Foster family



IMMEDIATE ENROLLMENT

ISBE must provide assurance that:

- If it is 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 schools shall immediately contact the school last attended to obtain relevant academic and other records.



POINTS OF CONTACT

DCFS – Molly Uhe, Molly.Uhe@illinois.gov (217) 557-2690

ISBE – Mike Stier mstier@isbe.net (217) 782-5256

- Joint responsibilities include:
 - Monitoring LEAs and coordinate agency guidelines,
 - Establish uniform criteria around best interest determination and guidelines for transportation procedures,
 - Provide professional development opportunities for LEAs and LEA Foster Care Points of Contact