



FOSTER CARE PROVISIONS IN ESSA

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Objectives

- Statutory Context
- Best Interest Determinations
- Transportation Procedures
- Point of Contact
- Collaboration



WHAT IS ESSA AND ITS STATUTORY CONTEXT?



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). The 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 great educators.

- This will be a transition from the ESEA.
- It has amended 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/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 local education agencies 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
 - 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 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 CWAs 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.



McKinney-Vento Provisions

- The phrase “awaiting foster care placement” will be removed from the McKinney-Vento Homeless Assistance Act’s definition of homeless children and youth on December 10, 2016
- Some children in foster care may still be eligible for McKinney-Vento services (e.g., youth who are living in transitional shelters or motels)



WHAT ARE THE BEST INTEREST DETERMINATIONS?



Best Interest Determinations

- 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 CWAs 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 Determinations

- The SEA, LEA, and CWA should coordinate to develop dispute resolution procedures.
- If an agreement cannot be reached, the ultimate decision shall reside with the CWA.
- 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 Decisions

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
- Student (The child's preference should receive strong consideration.)
- Student's Biological and Foster family



Immediate Enrollment

ISBE must provide assurance 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 schools shall immediately contact the school last attended to obtain relevant academic and other records.



WHAT ARE THE TRANSPORTATION PROCEDURES?



Transportation Procedures

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

- Develop and implement clear written procedures for how transportation 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
- Ensure that, if there are additional costs incurred in providing transportation to the school of origin



Transportation Procedures

- LEAs and CWAs should work together to agree on costs
- Transportation procedures should include a dispute resolution process if parties can't come to agreement
- ISBE and CFS will develop uniform statewide guidelines and procedures
- A child must remain in his or her school of origin while any disputes regarding transportation costs are being resolved



Transportation Procedures

- Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with the child welfare agency's authority to use child welfare funding for school of origin transportation.
- Ensure that, **if** there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin **if**:
 - the local child welfare agency agrees to **reimburse** the LEA for the cost of such transportation;
 - the LEA **agrees** to pay for the cost of such transportation; **or**
 - the LEA and the local child welfare agency **agree** to share the cost of such transportation.



GUIDANCE:
LOCAL EDUCATIONAL AGENCY TRANSPORTATION PROCEDURES
For Students in Foster Care

Under ESSA, local educational agencies (LEAs) are required to provide assurances that they will collaborate with State or local child welfare agencies (CWAs) in the following ways:

- Develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of time students are in foster care;
- Ensure that students in foster care will promptly receive transportation in a cost-effective in accordance with the Fostering Connection Act; and
- Ensure that if there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin (SOO), that the LEA will provide transportation to the SOO if:
 - the local CWA agrees to reimburse the LEA for the cost of such transportation;
 - the LEA agrees to pay for the cost of such transportation; or
 - the LEA and the local CWA agree to share the cost of such transportation.¹

How to use this document:

The following is intended to provide assistance to LEAs in the course of their collaboration with CWAs in developing and implementing a Transportation Procedure for students in foster care.

What to consider and/or include in the development of each Transportation Procedure:

As part of your LEA's respective transportation plan, below are the individuals to consider identifying in the development of your Transportation Procedures:



As part of your LEA’s respective transportation plan, below are the individuals to consider identifying in the development of your Transportation Procedures:

Title/Role of Participant in Plan Development	Name of Participant
Title I Director/Coordinator	
LEA Point of Contact (POC)	
LEA DCFS Liaison, as permitted by 105 ILCS 5/10-20.58, if any	
LEA representative that oversees transportation	
CWA POC	
Other (i.e. representative from social services, student services/pupil services, special education, etc.)	

[Insert School District /Charter School Name]² Transportation Plan for Students Placed in Foster Care

Language to be Included:

¹ 20 U.S.C.A. §6312(c)(5)(B)(i)-(ii)(I)-(III); “Ensuring Educational Stability for Children in Foster Care: Transportation Procedures,” U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 5 (August 31, 2016)

² “Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care,” U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, 19 (June 23, 2016)



“Foster care students shall be transported in accordance with Section 6312(c)(5)(B) of the Elementary and Secondary Education Act.”

Suggested Sequence of Events:

- When a student is placed in foster care or changes residence while in foster care, the CWA worker assigned to the student, notifies the child’s current school. If the child moves to a new residence and is not in the same school zone, the foster care POC is notified and invited to participate in the Best Interest Determination (BID).
- The CWA worker, foster care POC, and other essential members of BID share information on the appropriateness of the current educational setting. The CWA takes into account this information and the distance from potential placements to the child’s current school in the decision making process
 - The SOO transportation designee identifies potential ways that the child could be transported (see list of options below). This information is given to the foster care POC to include in the BID.
- If the BID decision is that the student will remain in the current school, the foster care POC notifies the SOO transportation designee, who then assists the CWA worker in arranging transportation to and from school.³

Options to Consider:

The following factors should be considered when developing the Transportation Procedures for a foster care student:

- Safety;
- Duration;
- Time of placement change;
- Type of transportation available;
- Traffic patterns;
- Flexibility in school schedule;
- Impact of extracurricular activities on transportation options; and
- Maturity and behavioral capacity.⁴



The following low cost/no cost options should be considered when developing the Transportation Procedure for a student in foster care:

- A pre-existing transportation route;
- A new transportation route;
- Route-to-route hand-offs;
- District-to-district boundary hand-offs;
- Eligibility of the child for transportation through other services such as:
 - Special education students (Individuals with Disabilities Education Act); or
 - Homeless students (McKinney-Vento Act).
- Alternatives not directly provided by [Insert School District /Charter School Name] such as:
 - Contracted services: taxis, student transport companies, uber, lyft, etc.;
 - Public transportation such as city buses, rails, etc. ; and
 - Carpools; or
 - School/District staff.
- Options explored by the CWA worker outside of those provided by the school district, such as reimbursing the foster parents for transportation costs, or including transport in contracts with licensed child placing agencies or group homes.⁵

Funding Options:

1. Title IV-E (however, consider that all children in foster care may not be eligible, tribal foster children may be eligible, and the State CWA is responsible for the non-federal portion);⁶
2. Title I (but funds reserved for comparable services for homeless children & youth may not be used for transportation);⁷
3. If the student has an Individual Educational Program (IEP) that includes provisions for specialized transportation, transportation must be provided by the school district responsible for the student's Free Appropriate Public Education (FAPE). Based on Illinois' special education regulations, any alternative special education placement, whether public or private, assumes specialized transportation is part of the IEP and must be provided for the student to receive FAPE.⁸



Process to Consider if Agreement Cannot Be Reached⁹

The student must remain in his/her school of origin while any dispute regarding transportation costs are being resolved.¹⁰

Where to Maintain your Transportation Procedures:

Each LEA should have on file [some version of the above methodology for addressing individual foster care transportation needs].

Additional Resources and support can be found at: <http://www.isbe.net/Pages/Foster-Care.aspx> or by contacting foster@isbe.net



WHO ARE OUR POINTS OF CONTACT AND COLLABORATION?



State Point of Contact (POC)

Melina Wright, ISBE (217-524-4832) mewright@isbe.net

Mary Long, DCFS (312)793-6052)

Mary.J.Long@Illinois.gov

- Responsibilities include:
 - Monitoring LEAs and coordinating with the State CWA to issue state guidelines,
 - Establishing uniform criteria around best interest determination and guidelines for transportation procedures,
 - Facilitating data sharing with State and tribal CWAs,
 - Providing professional development opportunities for LEA POCs, and
 - Having the capacity and resources to guide the implementation of the ESSA provisions.



LEA Point of Contact (POC)

- Should be designated as soon as possible if the CWA hasn't notified LEAs in writing.
- Responsibilities include:
 - Coordinating with local CWAs to develop a process for implementing ESSA provisions,
 - Leading development of best interest determination process,
 - Facilitating the transfer of records and immediate enrollment and data sharing with CWAs, and
 - Developing and coordinating local transportation procedures.
- Should have the sufficient capacity and resources to guide the implementation of the ESSA provisions.



Add POC in the “Entity Profile System” for each SCHOOL

you are "Authorized" to access a system, simply click on the system description to use it. [Click Here for Due Dates](#)

Categories - Click to Expand/Collapse Tree	Authorization
Grants	
-- eGMS Dashboard	Authorized
-- eGMS Reports	Authorized
Active Grants	
-- NCLB Consolidated Application	Authorized
-- School Improvement Grant (1003g)	Authorized
-- School Improvement Grant (1003g) - New Awards	Authorized
-- Title I Delinquent	Authorized
-- Title I District Plan	More Info Pending - ISBE
-- Title I N/D Juvenile and Adult Corrections	Authorized
-- Title I Neglected	Authorized
Retired (Expired Funding)	
-- ARRA - NCLB Consolidated Application	Authorized
-- ARRA Title I Special Projects	Authorized
Reporting	
Annual	
-- E-Report Card	Authorized
-- NCLB Performance Report - FY 2016	Authorized
-- NCLB/ESSA Monitoring Instrument	Authorized
-- NCLB/ESSA Title I Comparability Documentation	Authorized
-- Nonpublic Registration Enrollment Staff Report	Authorized
-- Nonpublic School Application for Recognition and Calendar	Authorized
ISBE Internal	
Web	
-- Entity Profile System (Internal)	Authorized

Legend: ⓘ : System Description - Detailed 📅 : Due Dates 👤 : Profile

[Want to Signup for Other Systems?](#)

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Creating Foster Care Contact in Entity Profile System

Log in to Entity Profile System and select **New Change** for the entity to which you would like to add the foster care contact.

User: Educational Partner (RCDT168) Version: 4.000
 RCDTS: 03-068-0220-26-0000 DB = EPSTest

Home History Reports

RCDTS	Entity Name	Contact Name	Status	Effective Date
New Change	00-000-0000-00-0000	District 000	Superintendent	

Schools

Search:

RCDTS	Category	Entity Name	Contact Name	Status	Effective Date
New Change	4	High School	Principal		
New Change	4	Elementary School	Principal		

Showing 1 to 2 of 2 entries



Click the “+” sign next to Contacts to add a new contact.

The screenshot shows the Entity Profile System (EPS) interface. At the top, there are tabs for 'EPS' and 'NSLP'. Below the tabs, the title 'Entity Profile System (EPS)' is displayed. Underneath, there are sections for 'Addresses +', 'Phone Numbers +', and 'Contacts +'. A red arrow points to the 'Contacts +' button. The 'Addresses +' section contains a 'Mailing' address: '123 Main Street, Anywhere, US 99999'. The 'Phone Numbers +' section contains a 'Business' phone number '(555) 555-5555' and a 'Fax' number '(555) 555-5555'. The 'Contacts +' section contains a 'Superintendent' contact: 'Mr. John Smith, Superintendent, john.smith@district.edu'. Below the contact information, there are buttons for '+ Address' and '+ Phone'.

Enter the contact’s information and select Foster Care Contact from the Contact Type dropdown list.



Create New Contact

Salutation:

First Name:

Middle Name:

Last Name:

Contact Type:

- Regional Superintendent
- District Superintendent
- Principal
- Director
- Administrator
- Sponsor Contact
- Sponsor Claim Contact
- Site Contact
- Executive Director
- Chairperson
- Seamless Contact
- Contractor Contact
- Authorized Representative
- CEO
- Secondary Site Contact
- ACCESS Coordinator
- DLM-AA Coordinator
- ISA Coordinator
- KIDS Coordinator
- NAEP Coordinator
- PARCC Coordinator
- Foster Care Contact

Title:

Email:

on
ny G Johnson

Save Close

Grades Served
P K 1 2 3 4 5 6 7 8 9 10 11

After you click Save you will return to that previous page and will see the new contact you created.



After you click Save you will return to that previous page and will see the new contact you created.

EPS NSLP

Entity Profile System (EPS)

Addresses +

Mailing

123 Main Street
Anywhere, US 99999

Phone Numbers +

Business

(555) 555-5555

Fax

(555) 555-5555

Contacts +

Superintendent

Mr. John Smith
Superintendent
john.smith@district.edu
+ Address + Phone

Foster Care Contact

Mrs. Jane Doe
Counselor
jane.doe@district.edu
+ Address + Phone

Now, if necessary, you can add addresses and phone numbers to the contact by clicking "+ Address" or "+Phone".



Collaboration with 99-0781

- State Law recently passed in the 99th General Assembly.
- Amends the School Code. Strongly encourages a school board to appoint at least one employee to act as a liaison to facilitate the enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services when enrolling in or changing schools.
- Provides that liaisons shall build capacity and infrastructure within the school district to support students within DCFS and prioritizes the role to personnel such as school social workers.
- Sets forth what the liaison's responsibilities may including the following:
 - streamlining the enrollment processes for students,
 - becoming knowledgeable on the foster care system and state laws and policies
 - coordinating with child welfare partners to provide foster care-related information and training to the school district,
 - Becoming knowledgeable on what support is available within the school district and community for students in the legal custody of the Department of Children and Family Services.
- Effective immediately.



Effective Collaboration

- To facilitate effective collaboration, SEAs, LEAs, CWAs should:
 - Establish a structure for collaboration at the local level
 - Collaborate, as appropriate, across districts, region, and State lines
 - Cross-train staff on the complex needs of children in foster care and the importance of educational stability
 - Establish formal mechanisms to ensure LEAs are notified when a child enters care
 - Build capacity to collect and use data to support outcomes for children in foster care



FREQUENTLY ASKED QUESTIONS



Questions

- **Who should be involved in developing the transportation procedures?**
- The procedures governing school of origin transportation for children in foster care are part of the LEA Title I Part plan. Therefore, the LEA Title I Director is responsible for developing the procedures. Since ESSA requires the LEA to collaborate with the state or local child welfare agency, the Title I Director should document efforts to collaborate.
- Federal child welfare law requires child welfare agencies to coordinate with LEAs on providing school stability for children in foster care. Therefore, the collaboration requirements are reciprocal.



Questions

- **Is the child welfare agency accessing federal and state child welfare funds to provide transportation to the school of origin? If it is not, what needs to happen for those funds to be accessed?**
- The Fostering Connections to Success and Increasing Adoptions Act of 2008 made reasonable transportation to the school of origin an allowable use of foster care maintenance payments (sometimes called Title IV-E payments), which are federal payments made for eligible children properly placed in licensed foster homes or child care institutions. ESSA specifically mentions the availability and use of these funds and related state funds.



Questions

- **ESSA's transportation provisions do not come into play unless remaining in the school of origin is in the student's best interest. How will these best interest determinations be conducted?**
- ESSA requires State Title I Plans to include assurances for best interest decisions that are based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.
- However, LEA transportation procedures are likely to be developed prior to the State completing its Title I Plan.



Questions

- **ESSA defines when an LEA must provide transportation to the school of origin if there are additional costs incurred. How will it be determined whether there are additional costs?**

- Considerations should include:
 - Under what circumstances does the LEA typically provide transportation to students?
 - Is the student in foster care eligible for transportation from the LEA for some other reason, such as having a disability?
 - How can the LEA calculate a standard cost of transportation for students who are not otherwise eligible for transportation, in order to calculate additional costs?
 - How can the LEA estimate administrative costs involved in the logistics of providing transportation, such as additional staff time.



NEXT STEPS, RESOURCES AND REFERENCES



July 31, 2017



Provide Point of Contact via
Entity Profile System



Submit Foster Care
Transportation Guidelines
via foster@isbe.net

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GRANTS

FOSTER CARE

Every Student Succeeds Act (ESSA) amended Title I, Part A of the Elementary and Secondary Education Act requires that LEAs receiving Title IA funds collaborate with state or local child welfare agencies on local procedures for transportation for students in foster care. This must be accomplished by ensuring that transportation for children in foster care is provided, arranged, and funded, (ESEA section 1112(c)(5)(B)). An LEA must ensure that transportation provided for children in foster care is consistent with the procedures developed by the LEA in collaboration with the State or local child welfare agency under section 1112(c)(5)(B) of the ESEA. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

An LEA must ensure that children in foster care needing transportation to the school of origin promptly receive such transportation in a cost-effective manner. (ESEA section 1112(c)(5)(B)(i)). Therefore, the LEA must provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved. To the extent that a charter school is considered an LEA under a State's charter school law, it must meet the transportation requirements on the same basis as any other LEA.

- [Foster Child Letter](#)
- [Frequently Asked Questions](#)
- [Creating Foster Care Contact](#)
- [Foster E-bulletin](#)
- [Foster Guidance on Transportation](#)

[U.S. Department of Education](#)



Where to Find the Documents

- Effective Dates Letter
 - <http://www2.ed.gov/policy/elsec/leg/essa/edhhseffective datesdcl.pdf>
- Non-Regulatory Guidance
 - <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercar enonregulatorguide.pdf>
 - <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercar edcl.pdf>
- Stakeholder Engagement Letter
 - <http://www2.ed.gov/policy/elsec/guid/secletter/160622.html>



DCFS Field Office

[https://www.illinois.gov/dcfs/aboutus/Pages/
phoneDirectory.aspx](https://www.illinois.gov/dcfs/aboutus/Pages/phoneDirectory.aspx)



References

U.S. Department of Education / Department of Health and Human Services July Guidance on Children in Foster Care Webinars

And

Considerations for Local Educational Agencies (LEAs) in Developing Transportation Procedures for Students in Foster Care Under the Every Student Succeeds Act of 2015, The School Superintendents Association and National Association for the Education of Homeless Children and Youth



foster@isbe.net

Thank
You!



Disclaimer

This presentation contains general information only and does not constitute legal advice. It is an overview of ESSA and not a comprehensive description of the statute.