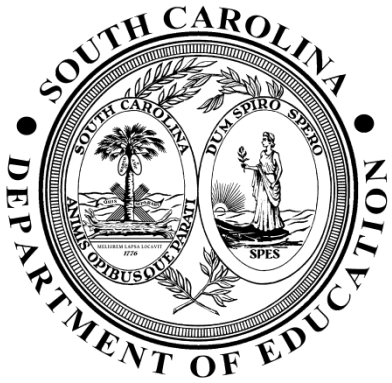

ESSA Academy Session:
Educational Stability for Foster Care Students

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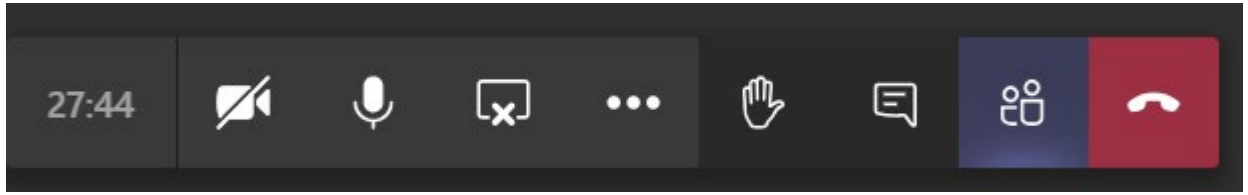
Housekeeping

To reduce distractions during the presentation, we ask that participants:

Mute your computer and/or phones during the presentation.

Turn camera function off.

Type questions in the chat box.



This presentation is being recorded.

Foster Care: The Every Student Succeeds Act 2015

Reauthorized the Elementary and Secondary Education Act of 1965 (ESEA)

Requires the South Carolina Department of Education (SCDE) to describe the steps it will take to collaborate with the South Carolina Department of Social Services to **ensure the educational stability of children in foster care.**

A Child in Foster Care

Is one for whom 24-hour substitute care is provided because the child has been placed away from his or her parents or guardians and for whom the child welfare agency has placement and care responsibility.

Educational Stability

Fifteen-year-old students in out-of-home care are about half as likely as other students to have graduated from high school 5 years later.

Only 54% of young adults who age out of foster care have completed high school.

Public school youth score 16-20 percentile points below their peers on statewide standardized tests.

Foster care youth, on average, read at only a 7th grade level after completing 10th or 11th grade.

Educational Stability can Make a Difference

In a national study of 1,087 foster care alumni, youth who had one fewer placement changes per year were almost twice as likely to graduate from high school before leaving care.

Educational Stability Under The LAW

ESSA requires the following:

- A foster care student must remain in the school in which the child is enrolled at the time of placement unless it is not in 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. **(BEST INTEREST DETERMINATON)**

- If it is not in the foster care child's best interest to remain in the school in which the child is currently attending, then the child is to be immediately enrolled in the new school. **(IMMEDIATE ENROLLMENT)**

Best Interest Determination Factors

Examples

- Child's preferences
- Safety of the child
- Appropriateness of current educational programs in school or origin vs. school of residence
- Which school can best serve the student's needs (including special education)?

- **COST SHOULD NOT BE A FACTOR**

Immediate Enrollment

A BID must take place at the previous school district BEFORE a foster care student can be enrolled in a new school.

WHY? ESSA states that a foster care child must remain in his/her current school unless it is not in his/her best interest. The BID determines what is in the best interest of the student. If a foster care child enrolls in another school without having a BID, the law has not been followed.

Immediate Enrollment

Case workers or foster care parents should take the immediate enrollment form to the new school.

A child can’t be denied enrollment because they don’t have proper documentation.

The child should be attending classes and receiving appropriate academic services even if all the documentation is not yet complete.

Transportation Requirements

Local Education Agencies (LEAs) and CWAs should work together to agree upon costs.

Transportation procedures should include a dispute resolution process if parties can't come to agreement.

A child must remain in his or her school of origin while any disputes regarding transportation costs are being resolved.

If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if

- the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
- the local educational agency agrees to pay for the cost of such transportation; or
- the local educational agency and the local child welfare agency agree to share the cost of such transportation.

Foster Care and COVID

Remote Learning

When a student is being enrolled in a new school, the school must follow the same policy as it uses for regular students in order to determine whether that student can enroll in face-to-face instruction or in remote learning.

Best Interest Determinations

When face-to-face BID meetings aren't feasible, vested parties may meet by TEAMS, telephone, or other means to complete the BID.

STATE EDUCATION AGENCY (SEA) POINT OF CONTACT (POC)

Responsibilities include the following:

- Monitoring LEAs and coordinating with the 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
- Provide technical assistance and professional development opportunities for LEA POCs

Child Welfare Agency Point Of Contact (CWA POC)

Responsibilities include the following:

- Serving as the primary POC between schools, families, and other service providers,
- Notifying the LEA POC when a foster care child enters into foster care or has a change of placement,
- Inviting relevant parties to participate in the best interest determination of the foster care child,
- Completing the immediate enrollment form when it is not in the best interest of the foster care child to remain in the current school, and
- Facilitating enrollment in the new school.

Local Education Agency – School Districts Point Of Contact (LEA POC)

Responsibilities include the following:

- Developing and coordinating local transportation procedures in collaboration with local CWA POC,
- Facilitating the best interest determination process,
- Facilitating the transfer of records when it is determined not to be in a foster care child's best interest to remain in his/her current school,
- Ensuring that barriers are removed that prevent foster care students from immediately enrolling in the district when ESSA provisions have been followed (i.e., BID at previous school, no pending expulsion hearing), and
- Facilitating the data sharing process with CWAs

Individuals with Disabilities Education Act (IDEA) and Foster Care

Legally-authorized special education decision-maker
- Decision-maker follows child's transition

Help expedite enrollment when a school change is necessary
- Contact the special education director in the new district

What documents are needed for enrollment
- Make sure necessary enrollment documents are part of each child's child welfare records.

Inform the new school district administration that the child is coming

Individuals with Disabilities Education Act (IDEA) and Foster Care

Child Find

Parental rights

Initial evaluations completed within 60 days

Student with an Individual Education Program (IEP)

Individuals with Disabilities Education Act (IDEA) and Foster Care

Transportation

Least Restrictive Environment (LRE)

Court absences excused

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