

State Board of Education

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MEMORANDUM

TO: School District Superintendents
FROM: Hershel Lyons
DATE: October 25, 2016

Contact Information

Iris Williams
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850-245-7851
DPS: 2016-166

**SUBJECT: School District Foster Care Requirements in the Every Student Succeeds Act
Effective December 10, 2016**

There are several provisions in the Every Students Succeeds Act (ESSA) that focus on ensuring educational stability for children in foster care that take effect December 10, 2016 (one year after the enactment of ESSA). The purpose of this memo is to make sure that local educational agencies (LEAs/school districts) are aware of these provisions, describe what will need to happen by when, and share resources that may be helpful as LEAs implement these provisions.

Regarding LEA responsibilities, Sections 1111(g)(1)(E) and 1112(c)(5) of the Elementary and Secondary Education Act as amended by ESSA require LEAs to:

1. Designate a point of contact if the corresponding child welfare agency notifies the LEA, in writing, that the agency has designated an employee to serve as a point of contact for the LEA.
2. Develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged and funded for the duration of the time in foster care.
3. 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 federal Social Security Act.
4. 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 (a) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation; (b) the LEA agrees to pay for the cost of such transportation; or (c) the LEA and the local child welfare agency agree to share the cost of such transportation.
5. Ensure that any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be 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.

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6. Ensure that when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment.
7. Ensure that the enrolling school immediately contacts the school last attended by any such child to obtain relevant academic and other records.

These procedures must be developed in collaboration with a state or local child welfare agency.

The United States Departments of Education and Health and Human Services have released guidance on this topic at <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>. Corresponding technical assistance presentations are available at <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.

The Florida Department of Education has identified Iris Williams, School Social Work Consultant in the Bureau of Exceptional Education and Student Services, as the state point of contact for LEAs. Her contact information can be found at the top of this memo. Even though an LEA point of contact is not required by ESSA in all circumstances, the department needs to have a complete list for communication purposes. Please submit this point of contact to Ms. Williams as soon as possible.

As LEAs develop the required written procedures, they should consider including the following individuals: student services director, foster care point of contact, homeless education point of contact, transportation director, MIS director, finance officer, Title I director, local child welfare agency point of contact and others involved in local implementation of these provisions.

Every LEA, including charter LEAs, must be in compliance with these requirements by December 10, 2016, and each LEA will be required to amend its Title, Part A application to provide an assurance of compliance. Attached is a checklist you may use to assess your level of compliance; it is not required to be returned.

HL/he

Attachment

cc: School District Assistant Superintendents
School District Student Services Directors
School District Transportation Directors
School District Title I Directors
School District Finance Officers
School District MIS Directors
School District Foster Care Liaisons
School District Homeless Education Liaisons