

National Association of State Boards of Education

➔ ESSA and Students in Foster Care

By Sarah-Jane Lorenzo

For years, students in foster care have been among the most transient in the nation, enduring sudden, sometimes frequent school changes as they move from home to home.¹ The lack of school stability contributes to those children's academic struggles: Students in foster care are more likely than their peers to score lower on assessments and less likely to graduate high school, especially within four years.²

Similar to its provisions regarding homeless students, the Every Student Succeeds Act (ESSA) emphasizes school stability for youth in foster care and gives states a lead role in ensuring these students benefit from the support of a familiar school environment. State boards of education are uniquely positioned to minimize the obstacles to success for the nation's quarter million students in foster care.³

CHALLENGES OF CHANGING SCHOOLS

When students move into the foster program from their original homes, they often end up living closer to a school different from the one they attended before entering foster care. For many students, their new address automatically leads to a school change. In addition to the stress and uncertainty students face upon entering foster care, they must also leave behind supportive friends and teachers and enter new classrooms where students are learning from different curricula and studying different topics. For high school students, transferring may mean leaving behind classes that are not available at the new school and losing potential credits toward graduation.

Further troubling students' transitions, many spend extended time out of school awaiting completion of formal paperwork and data transfers necessary for them to begin attending a new school. This forced absence can put them behind their peers.

Students in foster care often change family placements more than once, which may result in a stressful repetition of the school change process. The stress can have lasting consequences: Although 84 percent of foster youth aged 17 to 18 want to go to college, fewer than 10 percent earn bachelor's degrees.⁴

ESSA'S STUDENT PROTECTIONS

New stipulations under ESSA require state and local education agencies to work with child welfare agencies to ensure that children remain enrolled in their original schools if doing so is in their best interest (section 1111(g)(1)(E)). The legislation leaves states with significant flexibility to decide how to make best-interest determinations but includes one caveat: Transportation costs should not be considered. ESSA also requires districts to construct and implement clear written protocols for provision, arrangement, and funding of transportation that allow foster youth to stay in their original schools (section 1112(c)(5)(B)). These stipulations are tied to Title I funds; districts that receive those funds are required to comply.

If it is in a child's best interest to transfer schools, a final key ESSA provision aiding foster youth requires state education agencies to ensure that the child will be enrolled right away even if formal documentation cannot immediately be completed (section 1111(g)(1)(E)(ii)-(iii)).

The changes in ESSA align with the Foster-

ing Connections to Success and Increasing Adoptions Act of 2008, which took initial steps toward ensuring educational stability for students in foster care. Accordingly, many states have already implemented measures that increase support for foster youth.

ESSA goes further, encouraging collaboration between state, local, and child welfare agencies to create more organized and comprehensive protocols and supports.⁵ Implementation of the Fostering Connections Act demonstrated that the most critical step states can take is to create uniform guidelines, which decrease the risk of confusion and disputes and enable local agencies to work easily across district or county lines.⁶

In its nonregulatory guidance to aid in the implementation of these regulations, the US Department of Education recommends ways states and local education agencies can make best-interest determinations for whether students should remain in their original schools. The department advises that the decisions be student centered and follow a protocol encompassing views of a concert of individuals who know the student well and understand the student's connection to their current school. Foster parents, biological parents, and foster youth themselves may also be a part of the decision depending on circumstance. If disputes arise over what is in a child's best interest, ESSA stipulates that the child must remain enrolled in their original school until the dispute is resolved in order to minimize educational disruptions (ESEA section 1111(g)(1)(E)(i)).

Many children who enter foster care eventually return to their families, while others are adopted. Regulations in ESSA do not specify how states or districts should respond when a child exits foster care, but ED strongly encourages state or local education agencies to create policies that continue to protect students' school stability. Such policies would ideally allow students at least to finish the academic year in the school they were attending before their exit and would ensure continued transportation to that school.⁷

CRITICAL STATE BOARD ACTIONS

New ESSA guidance and mandates give state boards fresh opportunities to help build robust supports and protections for foster youth. In light of ESSA's renewed focus and statewide implementation efforts, state boards should review their states' foster care systems and the policies that currently promote wellness, educational stability, and achievement of youth in foster housing.

Although ESSA emphasizes school stability and transportation, it is up to state, local, and child welfare agencies to create the critical protections and supports to comprehensively assist all children in the foster care system. Many of these supports are connected to schools' efforts to help foster students succeed. Academic supports may include tutoring and guidance through school transitions. Personal supports can include counseling and mentoring to help students confront the uncertainty and emotional stress they may experience in foster care.

Boards should also be mindful that students in foster care place significant trust in their schools to keep sensitive information about them secure, especially if they transfer schools and, as per ESSA regulations, are promptly enrolled. The new haste that must be added to school transfers should not decrease the level of care devoted to keeping student data safe, especially due to the potential for heightened sensitivity of records related to students' foster care experiences.

When considering the concerns of students in foster care, boards are powerfully positioned to confront complications unique to these students' needs. Boards are particularly well suited to create measures that help foster youth earn high school degrees. Students in foster care face several challenges that contribute to their low graduation rates and frequent grade retention, including the risk that when they change schools midyear or mid-semester they may not receive credit for unfinished classes not offered at their new school. As a result, they may have to retake courses entirely to meet graduation requirements. State boards can create measures that let students cumulatively meet requirements by earning partial credit

from similar courses at different schools, ultimately reducing obstacles to high school degrees.

For the first time, ESSA instructs states to specifically track the academic progress and performance of students in foster care. State boards should take care to reflect on the data produced by this new metric and ensure their states' schools provide all children in foster homes the individual care and support they need to succeed.

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NOTES

1. US Department of Education, "Dear Colleague Letter on Foster Care Guidance," (June 23, 2016), <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercaredcl.pdf>.
2. US Department of Education, "Ensuring Educational Stability for Children in Foster Care," nonregulatory guidance (June 23, 2016), <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.
3. Ibid.
4. National Working Group on Foster Care and Education, Legal Center for Foster Care and Education, "Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care," (January 2014).
5. ED, "Ensuring Educational Stability."
6. Ibid.
7. Ibid.