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## Topic: Foster Care and Educational Stability

### I. Overview

The Every Student Succeeds Act (ESSA) was passed in December of 2015. The foster care provisions of ESSA became effective on December 10, 2016. ESSA emphasizes the educational stability of children who have been placed in out-of-home care (foster care). The main strategy for accomplishing this goal is increased collaboration and the development of shared responsibility between schools and county and tribal child welfare agencies.

Local education agencies (LEAs) and local child welfare agencies jointly determine the child's best interest related to educational stability, then develop a plan to assure that transportation will be provided, arranged, and funded, on a shared basis, for the duration of the child's placement in out-of-home care.

More information can be found at the Wisconsin Department of Public Instruction's (DPI) Foster Care and Educational Stability webpage.

### II. Statutory Citation(s)

Fostering Connections to Success and Increasing Adoptions Act of 2008	
Topic	Section
School of origin; Best interests	P.L. 110-351 sec. 204(a)(1)(B)
Reasonable travel	P.L. 110-351 sec. 204(a)(2)(B)
Elementary and Secondary Education Act (as amended by the Every Student Succeeds Act of 2015)	
Topic	Section
Best interest; School of origin	1111(g)(1)(E)(i), Page 42
Best interest; Immediate enrollment	1111(g)(1)(E)(ii), Page 42
Immediate request for records	1111(g)(1)(E)(iii), Page 42
State education agency point of contact	1111(g)(1)(E)(iv), Page 42
School district point of contact	1112(c)(5)(A), Page 54
Written procedures for transportation; Provision, arrangement, and funding of transportation	1112(c)(5)(B), Page 54

### III. Provisions of Law and Regulations

- A. **Sharing Information between Child Welfare Agencies and School Districts:** Over recent years, legislators at the federal and state levels have come to recognize the need for sharing of information between systems to effectively and comprehensively serve the needs of students in the child welfare system. This includes children who have been abused or neglected who remain in their homes as well as children who, for a variety of reasons, have been removed from their homes and placed into out-of-home care. Currently, there is an expectation that information on the child will, with certain exceptions, be exchanged by each system with the other.
- B. **Foster Care and Education Points of Contact:** The Department of Children and Families (DCF) and DPI requested that each county and school district identify a point of contact (POC) who will collaborate on decisions about services for each student placed in out-of-home care. The Directory of POCs can be found at the DPI's Foster Care and Educational Stability webpage.
- C. **Best Interest Determination:** When a child is placed into out-of-home care, it is presumed to be in the child's best interest to remain enrolled in the school of origin. The school district and the local child welfare agency must conduct a best interest assessment to confirm that presumption or determine that the child should be enrolled in the resident school. This is to be a collaborative process.

The state DPI and DCF have issued suggested factors that should be considered in conducting such an assessment. Federal law does not specify any particular methodology for these assessments. Best interest information can be found at the DPI's Foster Care and Educational Stability webpage.

- D. **Written Procedures Regarding Transportation Cost:** Each school district, in collaboration with the appropriate child welfare agency, must develop and implement clear written procedures for the manner in which transportation to maintain a child in out-of-home care in his or her school of origin will be provided, arranged, and funded for the entire time the student is in out-of-home care. The procedures must indicate: (a) how transportation will be provided and funded by the school districts and the child welfare agency; and (b) how the transportation will be provided and funded while any disputes between the agencies are being resolved.
- E. **Immediate Enrollment:** if the result of the best interest assessment is that it would be in the child's best interest to enroll in the resident school (i.e., the school district in which the out-of-home care facility is located), then that resident school must immediately enroll the child even if it does not possess all of the records and other documentation normally required for enrollment purposes.

- F. Immediate Request for Transfer of Records: The school in which the child is enrolling must immediately request the transfer of all pupil records and any other appropriate documents from the school in which the child was most recently enrolled.

#### IV. Actions Required of School Districts

- Identify Foster Care Point of Contact
- Share information with child welfare agencies
- Collaborate with child welfare agencies in determining best interest for education stability
- Create written procedures regarding transportation plans and costs
- Implement the transportation plan
- Immediately enroll the child, if applicable
- Immediately transfer pupil records, if applicable

#### V. Frequently Asked Questions (FAQ)

Please see the FAQ Section at the DPI's Foster Care and Educational Stability webpage.

#### VI. Definitions

*Best interest determination* means a decision under Title I regarding whether a child should remain in his or her school of origin or transfer to the resident school.

*Child* means a school-aged minor who has been placed in out-of-home care.

*Collaboration* means to work with another person or group in order to achieve or do something.

*Educational stability* means maintaining a child in his or her school of origin unless it is determined not to be in the child's best interest, in which case the child is immediately enrolled in the resident school and his or her pupil records are immediately transferred.

*Foster care* means out-of-home care, unless otherwise specified.

*Immediate enrollment* means enrolled in school without any delay.

*Out-of-home care* means a foster home, treatment foster home, group home, residential care center, shelter care facility, the home of a relative other than a parent, or the home of a nonrelative where the child is under the placement and care responsibility of the Department of Children and Families or a county or tribal child welfare agency (i.e., county or tribal social or human services department).

*Resident school or school of residence* means the school in the district in which the out-of-home care placement is located. Once the child is enrolled in the resident school, it becomes the school of origin (in cases where the out-of-home placement changes in the future).

*School of origin* means the school in which a child is enrolled or was most recently enrolled at the time of the child’s placement in out-of-home care.

## **VII. Contact Information**

Title I and School Support Team  
Division of Student and School Success  
Department of Public Instruction  
(608) 267-3721