



WELL-BEING

EVERY STUDENT SUCCEEDS ACT (ESSA)



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WHY IT MATTERS

There is evidence to suggest that educational success and stability are linked to increased permanency, reduced placement instability and reduced re-

entry into foster care after permanency.

Unfortunately, the growing body of research on this topic reveals some painful truths; students in foster care are in educational crisis

with disproportionate

rates of school failure. Two recent studies illustrate how poor the outcomes are for students in foster care even when compared with other at-risk populations.^{1,2}

What they revealed is that when compared to students with low socioeconomic status, English learners, and students with disabilities, students in foster care are most at-risk academically. They were more likely to change schools during the school year, more likely to be enrolled in the lowest performing schools, less likely to participate in state testing and more likely to

drop out and less likely to graduate on time. A cost/benefit analysis study in 2013 estimated that in the past decade over 300,000 youth have left foster care without

the supports needed to successfully transition from adolescence to adulthood.³ They also estimated the cost of the youths' less than average outcomes in academic achievement, too early pregnancy

and involvement in the criminal justice system at \$226 billion or just under a quarter of a trillion dollars.

Studies like the ones described above were instrumental in the passage of a recently enacted federal law that contains for the first time provisions for students in foster care. The *Every Student Succeeds Act* (ESSA) was signed by President Obama in December 2015. The ESSA provisions, coupled with the existing Fostering Connections school stability provisions directed to child

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welfare, creates dual agency responsibility for ensuring school stability and success for children in foster care. The ESSA provisions include:

1. Collaboration to appoint local education (LEA) points of contact, triggered by the appointment of child welfare points of contact;
2. Collaboration to keep students in their school of origin when in their best interest to do so;
3. Immediate enrollment in school and transfer of student records;
4. Coordinated transportation plans and clear procedures on how transportation to the school of origin will be provided, arranged and funded;
5. Inclusion and coordinated efforts with charter schools;
6. Establishment of a designated point of contact within the state educational agency;

7. "Awaiting foster care placement" language removal in McKinney Vento Homeless Assistance Act; and,

8. New data collection and reporting requirements on student achievement and graduation rates.

Legislation, like ESSA, is promoting provisions for students in foster care that will support their educational opportunities and success. Collaboration between the child welfare and education systems, the collection of key data measures to insure accountability of student progress and points of contact at state and local education areas (LEAs) will encourage schools to be better equipped to help students in foster care, ultimately preparing them to pursue their post high school goals. Pairing these strategies with those of the CASA volunteer who provides educational advocacy, has the potential to greatly improve the educational trajectory of students in foster care.

ADVOCATES IN ACTION

One cohort year (of students in foster care) graduating at the rate of the general population would increase earnings over a working life \$1,867,000,000 and increase taxes paid by \$430,000,000.⁴

ACTIONS

- **Learn what your state and local school districts know about ESSA and whether they are following the provisions included in the law.**

Begin by visiting the state's education agency's website and finding out who the designated point of contact for students in foster care is. If you can't locate information locally, start by contacting the state person.

- **Educate judges, judicial officers and other legal advocates about the foster care protections in ESSA.** Depending on where you live, there is a good chance that court personnel and other advocates don't know about these provisions. You can help lead efforts to bring this information to your colleagues.
- **Ensure judges inquire about school stability and immediate enrollment at every stage of the court process.** Doing so will likely safeguard that the ESSA provisions are attended to by all parties involved in the child's case.⁵
- **Encourage court data systems to collect and share information relating to educating children and youth in foster care.** Doing so will provide incentive to agency staff, caregivers and others working with the child to ensure that they are not only aware of the education provisions of ESSA but they are supporting the educational needs and success of their children and youth.

BRIGHT SPOT

Data from the 2016–2017 school year found that 89% of participating students demonstrated growth academically, behaviorally, or both.

FOSTERING OPPORTUNITIES JEFFERSON COUNTY, COLORADO

Education stability is one of the cornerstones of the Every Student Succeeds Act foster care provisions. In Jefferson County, Colorado, a collaboration between the child welfare agency and school district called "Fostering Opportunities" is designed to support the educational stability for youth in foster care. The project involves monthly meetings with the specialist and the student's teacher, using a rubric designed to guide the conversation. A "Best Interest Determination" process was developed in the fall of the 2016–2017 school

year to increase school stability and ensure the most appropriate educational placement for students who historically have been impacted by multiple school moves. This project also identifies and addresses individual needs, such as the need for special education services or adaptive accommodations in the classroom. Data from the 2016–2017 school year found that 89% of participating students demonstrated growth academically, behaviorally, or both.

To learn more visit,

<https://www.jeffersoncountycylc.com/education>⁶

SELECTED RESOURCES

Below are tools resources to support school placement stability and seamless transitions:

Name	Description
<p><u>American Bar Association, Legal Center for Foster Care and Education, <i>Every Student Succeeds Act Implementation Toolkit</i>⁷</u></p>	<p>The toolkit contains a series of adaptable tools and resources for states and counties to support the school stability and success of students in foster care. Individual implementation tools from the toolkit appear in the sidebar.</p>
<p><u>Children’s Defense Organization, <i>Foster Care and Education Q & A: How will the Every Student Succeeds Act (ESSA) Support Students in Foster Care?</i>⁸</u></p>	<p>This Q and A answers questions about all of the ESSA provisions impacting students in foster care including questions on school stability, best interest determination, points of contact for the education and child welfare agencies, transportation, immediate enrollment and charter schools.</p>
<p><u>U.S. Department of Education and U.S. Department of Health and Human Services <i>Guidance on the Foster Care Provisions in Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act of 2015</i>⁹</u></p>	<p>This guidance sends a strong message to schools and districts that the needs of children in foster care must be addressed. These provisions went into effect December 10, 2016. State and local child welfare and education agencies must immediately begin conversations about their shared responsibility to support the school stability and success of students in foster care.</p>

ENDNOTES

- 1 Barrat, V. & Berliner, B (2013). *The Invisible Achievement Gap: Education Outcomes of Students in Foster Care in California's Public Schools*. WestEd.
- 2 *Improving Education Outcomes for Children and Youth through Data Sharing*. Colorado Department of Education (2014).
- 3 *Investing to Improve the Well-Being of Vulnerable Youth and Young Adults: Recommendations for Policy and Practice* (2015). Youth Transition Funders Group (YTFG).
- 4 *Investing to Improve the Well-Being of Vulnerable Youth and Young Adults: Recommendations for Policy and Practice* (2015). Youth Transition Funders Group (YTFG).
- 5 See Issue Brief on "Education Advocacy in Dependency Court."
- 6 <https://www.jeffersoncountycylc.com/education>
- 7 See <http://www.fostercareandeducation.org/AreasofFocus/EducationStability.aspx>
- 8 See <http://www.childrensdefense.org/library/data/how-will-the-every-student.pdf>
- 9 See <https://www2.ed.gov/policy/elsec/leg/essa/index.html>