



# Ohio

## Every Student Succeeds Act: Ensuring Educational Stability for Children in Foster Care in Ohio

NOVEMBER 2016



Ohio Department of Jobs and Family Services

Ohio Department of Education

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## Purpose of the Guidance

The Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA), contains key provisions to promote educational stability and success for students in foster care. ESSA requires state and local education agencies to collaborate with custodial agencies (child welfare agencies and local Title IV-E courts) to effectively address the educational needs of children in foster care. This document details federal requirements and provides initial recommendations to facilitate joint implementation of this law at the local level. It will be amended periodically to share updated information about public policy recommendations and preferred practices.

The Center for Accountability and Continuous Improvement at the Ohio Department of Education and the Office of Families and Children at the Ohio Department of Job and Family Services, in conjunction with local education and child welfare stakeholders, created this document. Excerpts from the Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, published by the U.S. Department of Education and the U.S. Department of Health and Human Services on June 23, 2016, are referenced throughout this guidance.

Two sample procedure documents accompany this guidance document. Students in foster care are a highly mobile population, therefore, districts and custodial agencies should consider collaborating across district and county lines and adopting consistent procedures. The forms accompanying this guidance may be used in part or in full to encourage consistency across districts and counties.

1. Ohio's Model Best Interest Determination Form
2. Ohio's Sample Transportation Procedure
  - a. Example of a local interagency transportation agreements
  - b. Example of an individual student transportation plans

## Who can be contacted for help regarding the education of students in foster care?

Ohio Department of Education: <a href="mailto:Fostercare@education.ohio.gov">Fostercare@education.ohio.gov</a>	Ohio Department of Job and Family Services: Susan E. Williams, ACSW Inter-Systems Program Administrator Office of Families and Children <a href="mailto:Susan.Williams@jfs.ohio.gov">Susan.Williams@jfs.ohio.gov</a>	Ohio Department of Youth Services: Mike Orban Title IV-E Manager <a href="mailto:Michael.orban@dys.ohio.gov">Michael.orban@dys.ohio.gov</a>
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The Ohio Department of Education's Foster Care Education Program webpage contains up-to-date information and can be accessed at [education.ohio.gov/Topics/School-Improvement/Foster-Care](http://education.ohio.gov/Topics/School-Improvement/Foster-Care).

The Ohio Department of Job and Family Services webpage contains up-to-date information and can be accessed at <http://jfs.ohio.gov/ocf/educational-stability.stm>.

## Overview of Foster Care in the Every Student Succeeds Act (ESSA)

In December 2015, Congress passed the Every Student Succeeds Act, which reauthorized the Elementary and Secondary Education Act of 1965 and instituted new protections for students in foster care. The requirements under Title I, Part A of ESEA, as amended by ESSA, highlight the need to provide educational stability for children in foster care, with particular emphasis on collaboration and joint decision making among school

districts, individual schools and custodial agencies to ensure that foster youth have the equitable opportunities for academic achievement and social development. These provisions take effect on Dec. 10, 2016.

ESSA also amended section 725 of the McKinney-Vento Homeless Assistance Act, removing children “awaiting foster care placement” from the definition of “homeless children and youth” for purposes of the Education for Homeless Children and Youth program. Thus, beginning Dec. 10, 2016, the state and districts must meet Title I requirements for children awaiting foster care placement.

ESSA provisions mirror and enhance existing child welfare mandates contained in the Fostering Connections and Increasing Adoptions Act of 2008. The Fostering Connections Act requires custodial agencies to collaborate with districts to ensure foster children’s school placements remain intact when substitute care placements change, if deemed to be in their best interest to do so.

Considered together, these laws hold schools and custodial agencies jointly accountable for ensuring the educational stability of youth in foster care. Federal statutes outline expectations of collaboration and effective implementation of the educational stability provisions.

## Educational Stability

New requirements under Title I of ESEA, as amended by the ESSA, emphasize the importance of keeping foster children in their schools of origin when their living arrangements change (either by entering foster care or changing foster care placements), unless it is determined to be in the individual student’s best interest to change schools. Should a school transfer be necessary, these provisions further require that students in foster care be enrolled in their new schools **without delay, regardless of whether relevant records are available**, in order to limit educational disruption. Schools, districts and custodial agencies must ensure compliance with other applicable laws, such as Title VI of the Civil Rights Act of 1964 (Title VI), the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) when implementing these provisions.

### To which children do the new ESSA requirements to ensure educational stability of children in foster care apply?

The requirements for ensuring educational stability for children in foster care apply to all foster children enrolled in public schools, including public preschools. Foster care means 24-hour substitute care away from parents or guardians and for whom a public agency has care and placement responsibility. This includes, but is not limited to: placements in foster family homes, kinship care (when a court is involved), group homes, emergency shelters, residential facilities, and pre-adoptive homes. Foster care placements may be short- or long-term.

Additionally, in Ohio, a Title IV-E agency means a public children’s services agency (i.e., local child welfare agency) or a public entity with whom the state has a Title IV-E Subgrant agreement in effect. As the Ohio Department of Job and Family Services subcontracts with select Title IV-E Courts for this purpose, foster care placements include those under the auspices the local child welfare agencies as well as the Title IV-E Courts. The term “custodial agency” is used throughout this guidance and supplemental documents to refer to both of these entities which hold responsibility for ensuring the educational stability of children in foster care. For more information, see [Ohio Revised Code](#).

### By when must the Ohio Department of Education and districts meet the ESSA educational stability requirements?

The Ohio Department of Education and districts must implement the ESSA foster care provisions by **Dec. 10, 2016**.

## What are the districts' responsibilities in ensuring educational stability of children in foster care?

Districts must collaborate with custodial agencies to implement the educational stability provisions for students in foster care. Districts should work closely with their custodial agencies to tailor processes and procedures to accommodate unique community needs.

## What responsibilities does a custodial agency have in ensuring the educational stability of children in foster care?

Custodial agencies must address educational stability in each foster child's case plan. Plan components include assurances that:

- Each out-of-home placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
- The custodial agency has coordinated with the district to ensure the child can remain in his or her school of origin, or
- If it is not in the child's best interest to remain in the school of origin, the child will be promptly enrolled in a new school and the new school obtains relevant academic records.

These assurances relate to the circumstances at the time of the child's initial placement into foster care and each time the child moves to a different foster care placement. The custodial agency should include copies of the child's individualized education program (IEP), if applicable, in the child's case plan to ensure a seamless transition of services.

The child's parents and child welfare officials develop the child's case plan no later than 30 days after the child is removed from the home. The custodial agency routinely updates the child's case plan whenever there is a significant change, including school placement. The custodial agency, in collaboration with the school district, has flexibility in choosing which factors to consider when determining whether the child will remain in the school of origin. **The cost of transportation cannot be a factor in this determination.**

## Do the ESSA educational provisions apply to preschool-age children in foster care?

Yes, if a district offers public preschool, the district must meet the educational stability requirements for children in foster care who were enrolled in preschool at their time of placement in a foster home. Public preschool programs include early childhood education programs for children who have not started kindergarten. Public preschool is funded by tax dollars or other public funds and includes both preschool programs operated by the district and funded through the district. Children may attend preschool at a specific location or participate in a home-based program.

For more information about preschool eligibility in Ohio can be found in [Ohio Administrative Code](#).

## What special considerations and legal requirements should be taken into account when implementing the educational stability provisions for foster children with disabilities under the IDEA and students with disabilities under Section 504?

A significant percentage of children in foster care are receiving special education services. An IEP developed and implemented in accordance with the IDEA is one means of meeting the Section 504 Free Appropriate Public Education (FAPE) standard. School districts often develop written plans, commonly referred to as Section 504 Plans, for students with disabilities who receive services under Section 504. Even if a student does not require special education services and does not have an IEP, he or she may nevertheless be a student with a disability under Section 504 and be entitled to receive related aids and services under a Section 504 Plan.

As is true under the IDEA, Section 504 also requires that, to the maximum extent appropriate, students with disabilities be educated in the regular educational environment, unless they cannot be educated satisfactorily in that environment with the use of supplementary aids and services.

## What special considerations and legal requirements should be taken into account when implementing the educational stability provisions for foster children who are English learners?

Some children in foster care also are English learners (ELs) — students identified as having limited English proficiency in speaking, listening, reading or writing English through procedures established by school districts. Title VI and the Equal Educational Opportunities Act of 1974 (EEOA) require public schools to ensure that all English learner students, including English learner students in foster care, can participate meaningfully and equally in educational programs. In order to meet their obligations under Title VI and the EEOA, districts must:

- Identify and assess all potential English learner students in a timely, valid and reliable manner;
- Provide English learner students with a language assistance program that is educationally sound and proven successful;
- Sufficiently staff and support the language assistance programs for English learner students;
- Ensure that English learner students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of English learner students;
- Ensure that English learner students with disabilities are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in these evaluations and delivery of services;
- Meet the needs of English learner students who opt out of language assistance programs;
- Monitor and evaluate English learner students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade-level core content, exit English learner students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district's language assistance program(s) to ensure that English learner students in each program acquire English proficiency and that each program was reasonably calculated to allow English learner students to attain parity of participation in the standard instructional program within a reasonable period of time; and
- Ensure meaningful communication with limited English proficient parents.

Additional information about states' and school districts' legal obligations under Title VI and the EEOA can be found in a [statement about English learner students and LEP parents](#) jointly released by the U.S. Department of Education and the U.S. Department of Justice.

## School of Origin

### What is a school of origin?

The school of origin is the school in which a child is enrolled at the time of placement in foster care or at the time of a change in foster placement. A district must ensure that a child in foster care remains in his or her school of origin unless a determination is made that it is not in the child's best interest to do so. If a child's foster care placement changes, the school of origin is considered to be the school the child was enrolled in at the time of the placement change.

Example: A child enters foster care and changes residences. She now lives 10 miles away from her school of origin (school A) and the closest school is school B. The custodial agency and the district determine it is in the child's best interest to attend school B. One year later, this same student changes



foster care placement. She now lives five miles away from school B and is closest to school C. For the purposes of determining which school is in this child's best interest, the custodial agency and the district should now consider school B as the school of origin.

Preschool-age children only have schools of origin if they are enrolled in public preschool at the time of placement in foster care.

Example: If a preschool-age child is placed in a foster home and is not enrolled in a preschool at the time of placement, he or she would not have a school of origin. If the child is enrolled in preschool once placed in a foster home, that school would become the school of origin only if the child's foster care placement changes.

Please note that the district of residence is determined by the court when the child is placed in foster care and may not be where the school of origin is located. Area coordinators should be contacted for further information. Find area coordinator contact information [here](#).

[What is the duration of time that a child is protected under the school of origin provision?](#)

[What happens once a child exits foster care?](#)

Districts and custodial agencies must collaborate to ensure that each child in foster care remains in his or her school of origin if it is determined to be in his or her best interest for the duration of the child's time in foster care. While these requirements no longer apply once a student has exited foster care, districts should continue to prioritize educational stability for these children. In addition to benefitting academically from school continuity, youth need to be able to maintain connections with peers, teachers and other supportive adults at the school during transitions from foster care. Districts may adopt policies that allow a child to remain in the school of origin through the end of the school year or when there is a natural juncture, such as the end of the semester or quarter.

## Best Interest Determination

[What factors should be considered in determining whether remaining in the child's school of origin is in his or her best interest?](#)

Districts and custodial agencies have flexibility to determine the appropriateness of the current educational setting for each student who is in foster care. The decision should be based on a variety of factors to ensure a holistic, whole-child determination.

A best interest determination procedure **must** address:

- The child's participation in specialized instruction (e.g. gifted programming, career technical education program, College Credit Plus, Advanced Placement classes);
- The availability of required special education and/or related services in a school other than the school of origin when the student has an identified disability under IDEA or Section 504;
- The availability of language services in a school other than the school of origin when the student has been identified as an English learner pursuant to Title VI and the Equal Educational Opportunities Act; and
- The student's ability to earn full academic credit, the ability to proceed to the next grade, or the ability to graduate on time;
- School climate, peer support, supportive adults, and involvement in extracurricular activities.
- The impact the commute to and from school would have on the student, based on developmental functioning;

- Availability and quality of the services in the school to meet the child’s educational and socio-emotional needs; and
- Next steps to maintain educational stability.

Other considerations **may include**:

- Anticipated length of out-of-home placement;
- Preferences of the child;
- Preferences of the child’s parent(s);
- Placement of the child’s siblings;
- History of school transfers;

**Method of transportation and related costs are NOT to be considered when determining best interest.**

### What process should be used when making the best interest determination?

The custodial agency and district must collaboratively develop a best interest determination procedure by Dec. 10, 2016.

The district and custodial agency must make a best interest determination when a child is placed in a foster care placement outside the attendance area of the child’s school of origin. Collaboratively, the district and the custodial agency should determine if the child will stay in his or her school of origin or enroll in the school or district in the attendance area of the foster placement. The custodial agency must notify the school and district within **one school day** of the child being placed in foster care or of a change in the child’s living arrangement. Except in emergency placement situations outside the district boundaries, the custodial agency should initiate a best interest meeting as soon as possible. The custodial agency and district have up to **five school days** to make a best interest determination after the child is placed in foster care or changes foster care placements. While the best interest determination is being made, the student is to remain in his or her school of origin.

As part of the process, custodial agencies and districts need to jointly develop protocols to facilitate meaningful participation of all relevant parties in these discussions. The representative from the school of origin should be knowledgeable about the child and provide input on significant relationships; academic progress; and social and emotional well-being. This person may be a teacher, counselor, or other meaningful person in the child’s life. If the child has an IEP or a 504 Plan, the district must provide information about all required special education and related services and supports.

Custodial agencies and districts also may wish to consult with others for additional information (e.g., biological parents, foster parents, relatives). The child may participate when developmentally appropriate to do so.

The custodial agency should collaborate with the district to fully consider relevant information regarding academic programming and related service needs, however, the custodial agency holds ultimate legal responsibility for making best interest determination for the foster child in their care. If a best interest determination cannot be reached collaboratively, the custodial agency must make the final determination within **five school days**.

Please review the [Ohio’s Model Best Interest Determination Form](#).

### Does a child have to stay in his or her school of origin while the best interest determination is being made?

Yes. Arrangements are to be made so that the child in foster care can continue to regularly attend classes and fully participate in activities at his or her school of origin while the best interest determination is being made.

## What happens when a child changes schools abruptly due to an emergency removal from the foster placement?

In emergency removal situations, a formal meeting with school personnel may not be feasible. In this situation, the custodial agency will contact the school and district the **next school day** to inform the school of the child's new school placement. The school will use this information to mark absences excused, update contact information for the child and immediately transfer records.

## Is a best interest determination needed when there is a change in a foster child's living arrangement, but not the school setting?

No. Best interest determinations are required only when there is a potential change in the school; however, the custodial agency should inform the student's school **the next school day** when there is an out-of-home placement or a change in placement. Doing so will ensure the school has accurate information. The school should update the student database and contact information for the student once notified. Timely notification allows the school and district to adjust necessary services and interventions (e.g., counseling, school-based health services).

## How long do the district and the custodial agency have to make a best interest determination?

The custodial agency and district have **five school days** from the date of child's placement in foster care or change in the child's living arrangement to finalize a best interest determination. During this period, the child is to remain enrolled in and regularly attending his or her school of origin. If needed, the district and custodial agency are to provide interim transportation to ensure continuity of the child's educational programming. If a collaborative agreement cannot be reached regarding the best interest determination within **five school days**, the custodial agency holds legal responsibility for the foster child's school placement.

## Does a child have to stay in his or her school of origin while disputes are being resolved?

Yes. The child is to stay in his or her school of origin while the decision is being made. If no agreement can be reached, the custodial agency must make the final determination within **five school days**.

## Transportation

Transportation to the school of origin is essential to educational stability for children in foster care. Districts and custodial agencies must collaborate to ensure that transportation for children in foster care is provided, arranged and funded. Pursuant to The Fostering Connections Act, custodial agencies also are mandated to arrange provision of appropriate transportation for the child to remain in the school of origin when needed.

## What is the district's role in providing transportation?

A district must collaborate with the custodial agency to develop and implement clear written procedures for providing and funding transportation to and from the child's school of origin. Transportation procedures should address the district and custodial agency's interagency transportation agreement and a procedure to address the transportation needs of individual students in foster care. These procedures ensure that:

- Transportation to the school of origin will begin promptly for a student in foster care who needs transportation to and from the school of origin;
- The district and custodial agency will collaboratively decide how additional costs are paid;
- A child will not miss school due to transportation disputes or logistics;
- Permanent transportation arrangements will be made within **five school days** after the best interest determination is finalized; and
- Interim transportation is arranged during the best interest determination process; while the district arranges permanent transportation; and during any dispute processes.

Because children may be placed in foster care settings across district, county or state lines, districts and custodial agencies should work collaboratively to establish interdistrict, intercounty and interstate procedures. These procedures should address potential transportation issues that may arise as children in foster care move from one district to another or across state lines.

Please review the [Ohio's Sample Transportation Procedure](#).

### What is the duration of time that the district must provide a child with transportation services? What happens once a child exits foster care?

A district must ensure that a foster child who needs transportation to the school of origin receives it for the duration of the time the child is in foster care. When a child exits foster care, the district should:

- Continue to prioritize the child's educational stability;
- Consider each child's best interest on a case-by-case basis; and
- Provide transportation until the end of the school year or until a natural junction in the school year (the end of the quarter or semester) to ensure educational stability, when possible.

### What is the role of the custodial agency in providing transportation for a child in foster care to the school of origin?

The custodial agency must ensure that the educational stability plan for each child in foster care includes assurances that the custodial agency will coordinate with the appropriate districts to ensure the child will remain in the school of origin, or if that is not in the child's best interest, ensure that the child will be promptly enrolled in a new school.

### What does it mean to provide transportation in a cost effective manner?

If a child in foster care is eligible for Title IV-E, the custodial agency is permitted to include the reasonable costs of transportation of the eligible child for Title IV-E reimbursement. Thus, a district should consider the reasonableness of costs associated with transportation of children in foster care.

Districts and custodial agencies should consider whether transportation can be provided for minimal or no additional costs. Examples include:

- Using an existing bus stop for the school of origin;
- Utilizing public transportation options, if the child is of appropriate age and demonstrates the skills needed to do so safely;
- Having the foster parent transport the child to school;
- Utilizing pre-existing bus routes or stops close to the new foster care placement that cross district boundaries (e.g., bus routes for magnet schools and transportation for homeless students required by the McKinney-Vento Act); and
- Utilizing alternative transportation for which the child is eligible due to enrollment in other programs

### How long does a district have to finalize a student's personalized transportation plan?

A district has up to **five school days** from the date of the best interest determination to develop a plan to arrange and fund transportation to and from the school of origin. The district and custodial agency must provide reliable interim transportation while the district is finalizing permanent transportation.

## What is the deadline for districts to develop and implement transportation procedures?

While individualized transportation plans must be tailored to each student, districts are required to work with custodial agencies to establish local transportation protocols and procedures by **Dec. 10, 2016**. Please review the [Ohio's Sample Transportation Procedure](#).

## What constitutes additional costs incurred in providing transportation to maintain children in foster care in their schools of origin?

A district must address any additional costs incurred when providing transportation to and from the school of origin. The district may define additional costs as the difference between what the district would otherwise spend to transport a student to his or her assigned school and those of transporting a child in foster care to his or her school or origin. For districts that do not calculate average cost of transportation per pupil, districts can define additional costs as those costs above what the state reimburses the district for pupil transportation.

## What steps should a district and a custodial agency take to ensure that transportation is provided?

A district and the custodial agency should collaboratively explore options and agree to fund transportation at the local level. Districts and custodial agencies are encouraged to maximize use of available federal funds to offset community costs.

## What funding sources may be used to pay for additional transportation costs?

In addition to state and local funds that may be available for providing transportation, certain federal funds may be available to cover additional transportation costs to maintain children in foster care in their schools of origin.

In addition, districts may use Title I funds to pay for additional costs needed to transport children in foster care to their schools of origin. Questions regarding allowable use of Title I funds should be directed to the Ohio Department of Education Foster Care Inbox at [fostercare@education.ohio.gov](mailto:fostercare@education.ohio.gov).

Federal Title IV-E funds (i.e., child welfare dollars) may be available to assist with additional transportation costs for children who are eligible (i.e., those children who meet the specific requirements set forth in section 472 of the Social Security Act).

Custodial agencies have discretion in determining which costs to include in a child's foster care maintenance payment. Reasonable transportation costs to enable the child to attend his or her school of origin are allowable under the federal Title IV-E program. Agencies take multiple factors into account when defining reasonable transportation, including costs, distance and duration. Although Title IV-E reimbursement is available for the federal portion of these costs, local agencies receiving Title IV-E funds are responsible for the non-federal portion. Cost-sharing to meet the match requirements for federal reimbursement is allowable, and is one way for districts and custodial agencies to collaboratively meet their responsibilities for providing transportation and maximize use of available federal funds. For example, the local district may choose to contribute to the match needed for the custodial agency's federal reimbursement of costs associated with transporting the child to the school of origin. Match dollars must be from a non-federal source; state General Revenue Funds or local dollars can be used for this purpose.

## What if the district and custodial agency cannot reach an agreement on how to pay for additional transportation costs?

The district and a custodial agency's transportation procedures should include a dispute resolution procedure to address situations of non-agreement among parties.

Please review the [Ohio's Sample Transportation Procedure](#).

### Is a district required to transport a child in foster care to and from the school of origin while transportation cost disputes are being resolved?

Yes. A district must ensure that a child in foster care receives transportation to and from the school of origin in a cost effective manner until disputes are resolved.

### If a district does not provide transportation to children who are not in foster care, is it required to transport a child in foster care to his or her school of origin?

Yes. ESSA requires that districts must ensure that transportation is provided for a child in foster care, regardless of whether the district provides transportation otherwise. This requirement includes students in foster care who attend public preschools.

### Are districts required to provide transportation for students enrolled in public preschools?

Yes. A district must ensure that young children in foster care receive transportation to and from their public preschools of origin in a cost effective manner. Preschool students should not miss school due to not having transportation to and from their schools of origin. This only applies to students enrolled in public preschools at the time of their placement in foster care or when there is a change in the foster child's living arrangement. If a district cannot provide transportation to students in foster care who attend public preschool due to bussing limitations and laws, the custodial agency and district should collaboratively arrange alternative transportation for the child.

Public preschool programs include early childhood education programs for children who have not started kindergarten. Public preschool is funded by tax dollars or other public funds and includes both preschool programs operated by the district and funded through the district. Children may attend preschool at a specific location or participate in a home-based program.

For more information about preschool eligibility in Ohio can be found in [Ohio Administrative Code](#).

## Immediate Enrollment and Record Transfer

Children in foster care who change schools frequently may not have the documentation required to enroll in new schools. In addition, failure of schools to promptly transfer records to the new schools can lead to further delays in enrollment. These delays can negatively impact attendance and lead to other adverse consequences, such as being inaccurately enrolled in classes and not receiving the necessary academic services. When it is not in the best interest of the child to remain in his or her school of origin, a district must **immediately enroll the student in his or her new school even if the student doesn't have the necessary documentation for enrollment**. The enrolling school must contact the student's prior school for relevant records the same day as the student's arrival.

### What does it mean for a child to be immediately enrolled in a new school?

A child should be enrolled and placed in a class the same day the child arrives at the school, even if records are not available. The custodial agency is expected to provide as much information as possible regarding the child's age, grade and academic history (e.g., current IEP) to help the school appropriately support and place the child in a classroom until full student records can be obtained. If the enrolling school does not know the student's grade, it can give grade-level assessments to determine a student's placement until the school receives relevant records.

The school should use the results of the assessments, along with the child’s age and any other available information, when placing the child in a class until records are received. The new school also must request the child’s student records from the school of origin the same day of enrollment. The school of origin is expected to provide the student records to the new school within **one school day** of the request.

### Can a district withhold records and transcripts due to unpaid fines and fees?

No. A district may not hold records for any reason, including outstanding fees or fines.

## Credit Transfer and Graduation Requirements

### What types of barriers to credit accrual do students in foster care sometimes experience?

Students in foster care often face challenges in accruing credits. School districts across the state vary regarding class offerings, methods of calculating credits and graduation requirements. Students who change schools late in high school can suddenly find themselves in danger of not graduating due to differing class and credit requirements. Furthermore, high schools often have “seat time” rules that prevent students from earning credits if they enter the district late in the semester or leave early. These various policies and requirements have negative impacts on students whose foster placement forces them to change schools midyear. The physical and mental stress caused by being in foster care also affects students’ abilities to learn and earn credits.

### What are the district’s responsibilities regarding credit accrual and transfer when a student in foster care changes schools?

All districts should have clear procedures in place to ensure that students in foster care receive appropriate credit for full or partial coursework satisfactorily completed while attending prior schools. Examples of such procedures may include districts awarding credits for all courses satisfactorily completed at a prior school, even if the school was in a different district or state. The district should consult with a student’s prior school about the student’s coursework at that school, informally or formally evaluating the student’s current mastery of courses partly completed in a prior school, awarding partial credits and offering credit recovery courses.

### What strategies should a district consider to support a student in foster care in accruing and recovering credits?

The districts should consider the following strategies:

- Working to keep the student in his or her school of origin so the student can avoid the challenges associated with school change;
- Providing support to enable the student to attend school consistently and progress academically;
- Awarding the student partial credit for work completed;
- Complementing regular classes with independent study programs, including learning labs, online learning and computerized models;
- Connecting with after-school networks.
- Using Multi-Tiered Systems of Support, Positive Behavioral Interventions and Supports, or Response to Intervention teams to identify if the student is struggling due to issues related to mobility and homelessness or if there are other needs that must be addressed in order for the student to demonstrate progress academically; and
- Working with family courts and district personnel to create or improve diversion programs or alternative education programs.

## State and Local Points of Contact

The Every Student Succeeds Act contains key protections to promote educational stability and success for students in foster care. ESSA requires states and districts to collaborate with custodial agencies to improve educational outcomes for children in foster care.

While most of the ESSA state plan will be implemented beginning with the 2017-2018 school year, districts must implement the foster care provisions by **Dec. 10, 2016**.

Each district must identify a foster care point of contact **by Dec. 10, 2016**, by entering the name and contact information into the [Ohio Educational Directory System](#).

### What are examples of potential roles and responsibilities of the district point of contact?

The district foster care point of contact should facilitate district implementation and compliance with state and federal laws as they relate to students in foster care. The district point of contact also should collaborate with the custodial agencies to address barriers to educational stability. Some of the roles and responsibilities may include:

- Coordinating with custodial agencies' points of contact on the implementation of ESSA foster care provisions;
- Coordinating with state-level points of contact at the Ohio Department of Education, the Ohio Department of Job and Family Services, and/or the Ohio Department of Youth Services;
- Attending professional development opportunities designed to improve educational outcomes for children in foster care;
- Serving as the primary point of contact for child welfare workers;
- Representing the district and documenting best interest determination processes;
- Facilitating immediate enrollment and transfer of records of individual children in foster care;
- Facilitating data sharing with custodial agencies, consistent with FERPA;
- Developing and coordinating local transportation procedures for students in foster care;
- Managing best interest and transportation cost disputes;
- Ensuring children in foster care regularly attend school; and
- Providing professional development and training to school staff on the education needs of children in foster care.

### Can both the foster care point of contact and the homeless liaison position be held by the one person or should the district hire two separate individuals?

Yes, one person can be both the foster care point of contact and the homeless liaison as long as:

- The district does not pay for the position completely by McKinney-Vento funds. The district should fund this position proportionately to the time spent on each position; and
- The person is able to effectively carry out all duties of the position as required by federal law.

### Are custodial agencies required to have points of contact?

No; however, all custodial agencies have identified personnel to serve as points of contact to work with the districts to address the educational needs of the children in their care. Ohio's custodial agencies' points of contact can be found at [education.ohio.gov/Topics/School-Improvement/Foster-Care](http://education.ohio.gov/Topics/School-Improvement/Foster-Care).



## What are some examples of potential roles and responsibilities of a custodial agency's point of contact?

Custodial agency point of contact roles and responsibilities may include:

- Serving as the primary point of contact for children in foster care, school staff, district personnel and other service providers;
- Coordinating with the corresponding district points of contact on the implementation of ESSA provisions, including immediate enrollment;
- Ensuring schools and districts are notified when a child has been enrolled one of their schools or when there has been a change in a foster child's living arrangement;
- Facilitating record transfers, including immunizations, medical information and copies of IEPs and Section 504 Plans;
- Working with districts to ensure foster children are immediately enrolled in school and that transportation services are provided, when needed;
- Coordinating with the district on the best interest determinations and transportation cost agreements;
- Providing training to the district and custodial agency staff on the educational needs of children in foster care;
- Coordinating appropriate data sharing with the district that is compliant with FERPA, HIPAA, child welfare protections and confidentiality provisions in IDEA;
- Coordinating services so that children in foster care have access to early educational services for which they are eligible, as well as screening and referrals to health, mental health, dental and other appropriate services;
- Informing parents, parent surrogates and other decision-makers of the foster child's legal rights regarding educational services; and
- Providing information to community stakeholders about the educational needs of children in foster care.

## Student Data and Privacy

Data sharing between districts and custodial agencies is essential to effectively collaborate and communicate between agencies. Data sharing is a driving force in improving the education outcomes for children in foster care. When caseworkers have access to children's education records, they can monitor and support the educational success of the children, assist with transitions and make sure the children are receiving appropriate services and interventions. Similarly, when a district is aware of which students are in foster care, school professionals can address each child's unique needs.

The implementation ESSA foster care provisions offers an excellent opportunity for the Ohio Department of Education, the Ohio Department of Job and Family Services, districts and custodial agencies to explore appropriate data sharing methods. In all cases, FERPA and all other privacy requirements under federal, state or local privacy laws should be maintained.

## How will districts be notified regarding which students are in foster care?

The custodial agency will use a standardized state form to notify the school and district **within one day** of a child's placement in foster care or a change in his or her living arrangement. School personnel will then use this form to update the student's information in the school's database. This process allows the school and district to arrange the academic and non-academic supports needed to ensure educational stability for the child while in foster care.

The custodial agency will provide the notification form to the school even when there is not a change in the school placement in order to maintain accuracy of educational records and contact information. Should the child be transferring schools, the custodial agency will present the notification form to the enrolling district and school to initiate enrollment and records transfer.

## Reporting Student Data

### How do districts identify and accurately report students in foster care?

The custodial agency will contact the school and district within **one school day** of the student's placement in foster care or a change in the child's living arrangement. The school should update the student's information in the student information system even if the child remains in his or her school of origin.

## Collaboration

It is essential custodial and educational agencies work together to make informed decisions about children they jointly serve. Only through such partnerships, can the barriers that currently impede the academic achievement of children in care be removed and the improvements in educational outcomes achieved.

### How can custodial agencies and districts work collaboratively to raise awareness and improve staff capacity to meet the unique educational needs of children in foster care?

Children in foster care are often exposed to a multitude of challenges throughout their childhood including homelessness, domestic violence, abuse, neglect, chronic poverty, and other adverse childhood experiences. Children are traumatized when separated from their families, which may negatively impact their academic, social and emotional development.

Districts should collaborate with custodial and other relevant agencies to ensure that all school staff members: are: sensitive to the complex needs of children in foster care, informed about the impact of trauma on children's abilities to learn; and equipped to provide the interventions and strategies necessary to help them succeed in school.

### What models or structures for collaboration should districts and custodial agencies consider as part of the implementation of the new ESSA foster care provisions?

Districts and custodial agencies can choose to establish a collaboration structure customized to the needs of the local community, such as a work group, taskforce or interagency committee. Through this process, districts and custodial agencies could engage community stakeholders, such as representatives from the courts, community providers, tribal leaders, education advocacy groups and parent mentor groups to create open and transparent processes, and work toward a shared vision of supporting the educational well-being of children in foster care. Given that children in foster care are highly mobile and may be placed in living arrangements outside of their home counties, districts and custodial agencies are also encouraged to work with partners across state and district lines.

## Additional Resources

### What are additional resources that districts can use to support students in foster care?

The U.S. Department of Education recently produced a [Foster Care Transition Toolkit](#), which is designed to provide resources for students aging out of foster care. The toolkit covers topics ranging from accessing educational opportunities, to finding a job, to securing housing and developing a support network. Additionally, the [National Center for Homeless Education](#) offers a number of resources for supporting students in foster care. The [Public Children Services Association of Ohio \(PCSAO\)](#) also offers resources specific to supporting students in foster care throughout Ohio.

