

Providing Educational Stability for NC Children in Foster Care

Every Student Succeeds Act (ESSA)



EVERY STUDENT SUCCEEDS ACT (ESSA)

- Fostering Connections to Success and Increasing Adoptions Act of 2008, federal law regarding children in foster care
 - Addresses educational stability and
 - Requires child welfare agencies to create a plan to ensure educational stability
- ESSA
 - Applies to all children in foster care enrolled in public schools (including charter and alternative schools)
 - Requires joint responsibility and collaboration between educational and child welfare agencies
- School of origin is the school in which a child was enrolled:
 - At the time of the placement or
 - At the time of the placement change

BEST INTEREST DETERMINATION

- ESSA includes assurances that children remain in their school of origin until a determination is made that it is not in their best interest
 - Best Interest Determination (BID) meeting is the method for school best interest determination
 - Transportation costs should NOT be considered when determining a child's best interest
- If there is disagreement on the best interest determination
 - Referred to the school superintendent and county child agency director
 - If there is still a disagreement, the county child welfare agency director will make the final decision

Educational Stability for Children & Youth in NC Child Welfare Custody

B 1. If safety requires a petition for custody or a foster care placement change prior to Best Interest Determination (BID)

Deliver Notification form to current school within one school day. BID must be scheduled within three days.**

A. Whenever a child(ren) may:
 1) enter county child welfare agency custody or
 2) require a provider placement change or school change

Convene a CFT or PPAT in conjunction with the Best Interest Determination (BID) meeting.
 Child must remain in school of origin until the BID has occurred.

At the meeting,
 1. Determine child's provider (foster care placement) or if safety required a foster care placement prior to the meeting, discuss the placement and child's transition, and
 2. Select child's school (BID)

B 2. EXCEPTION - If/when safety requires a petition for custody or a placement change AND a school change prior to Best Interest Determination (BID) - This exception requires approval by the county director (or designee).

C. For a child who was not enrolled in public school prior to entering the custody of a county child welfare agency.

Same School?

No

Deliver Immediate Enrollment form within one school day of placement

Convene Educational Services (ES) meeting within 30 days***

Yes

Deliver Notification form within one school day of placement*

Consider

Monitor child's performance. Complete the Child Education Status or BID form whenever the Out-of-Home Family Services Agreement is reviewed. Whenever a placement change or school change is necessary return to start box at top. Confirm transportation and other services are in place and appropriate.

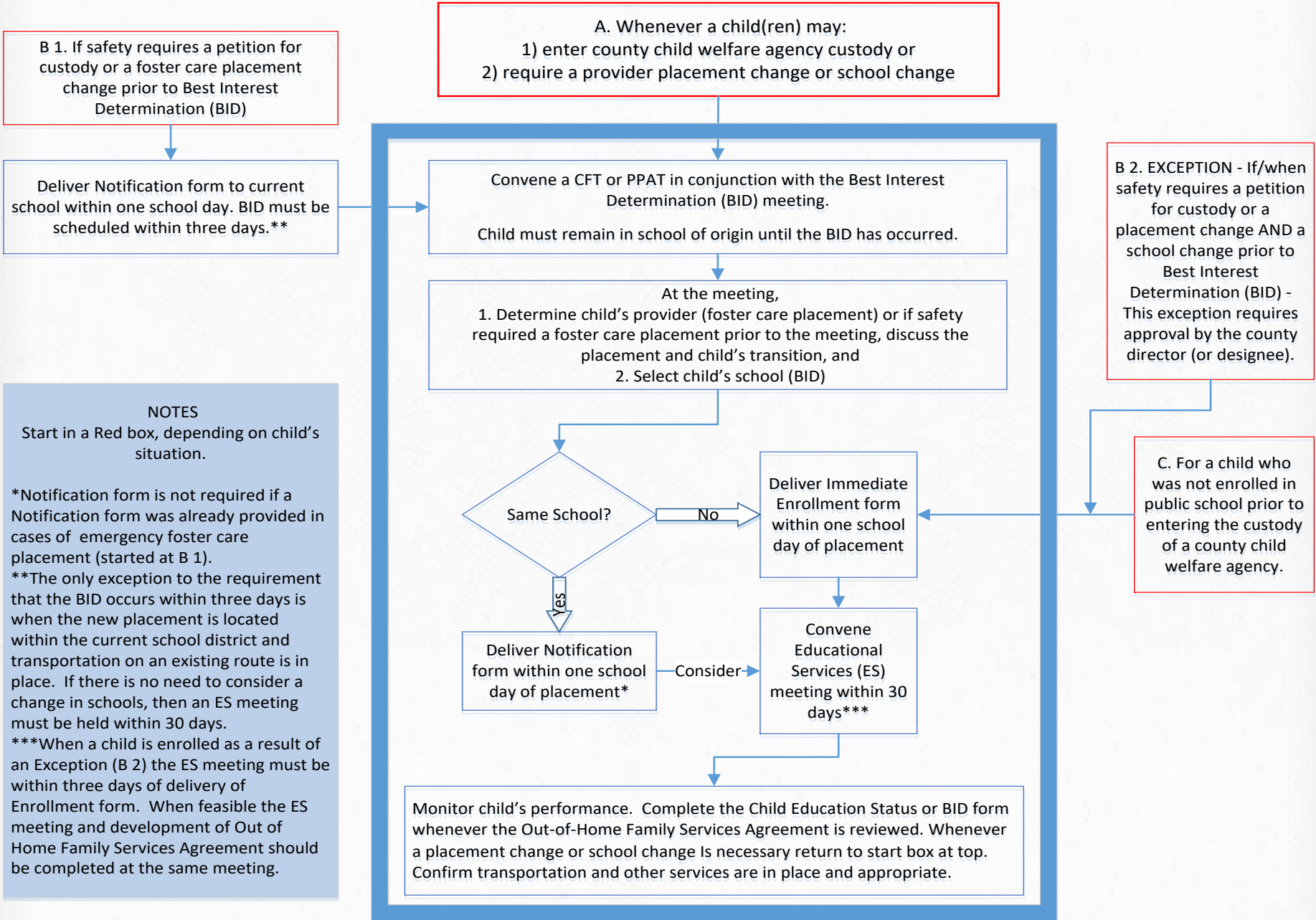
NOTES

Start in a Red box, depending on child's situation.

*Notification form is not required if a Notification form was already provided in cases of emergency foster care placement (started at B 1).

**The only exception to the requirement that the BID occurs within three days is when the new placement is located within the current school district and transportation on an existing route is in place. If there is no need to consider a change in schools, then an ES meeting must be held within 30 days.

***When a child is enrolled as a result of an Exception (B 2) the ES meeting must be within three days of delivery of Enrollment form. When feasible the ES meeting and development of Out of Home Family Services Agreement should be completed at the same meeting.



TRANSPORTATION PROCEDURES

- Educational and county child welfare agencies must provide and fund **school of origin transportation**
 - In a prompt and cost effective manner
 - For the duration of the time the child is in agency custody
 - Even if educational agency does not transport other students
- “Additional costs” are the difference between transporting a child to assigned school vs. transporting to the school of origin

TRANSPORTATION FUNDING OPTIONS

- Existing educational agency transportation at no additional cost
- Educational agency Title I Funding – typically through an IEP that includes provisions for specialized transportation
- Child welfare IV-E reimbursement
- Educational and child welfare agencies split costs

Transportation requirements and funding options

- Presented at eight regional ESSA presentations and
- Included in the Joint Guidance document provided by the Department of Public Instruction to all educational agencies

CHILD WELFARE IV-E REIMBURSEMENT

- **Option 1: Maintenance Costs**

Transportation costs incurred by a DSS Licensed foster home (foster parent providing transportation or arranging for transportation) can be added to the monthly maintenance payment. Reimbursement for any amount above the standard amount is reimbursed the approximately 66% Federal dollars and the remaining portion is all county dollars.

Note: If SFH would not have maximization.

- **Option 2: Administrative Costs**

Educational transportation time spent by agency staff can be coded to 251 Z.

- **Option 3: Purchased Services**

Expenses incurred by the county can be claimed on Part IV of the DSS-1571. Contracts will be needed for purchased transportation services.

OTHER CHILD WELFARE FUNDING CONSIDERATIONS

- Child Welfare Children with Trust Accounts

For those children receiving SSA, SSI, child support, or any other payments, county agencies should consider the trust account for funding of transportation expenses as maintenance costs may be reimbursable.

- Tracking Non IV-E Administrative Costs

Time spent by agency staff who complete day sheets can be coded to 251. For children who are not IV-E time can be coded as 251 X. Use of 251 coding enables county agencies to maintain records related to the transportation costs of maintaining children in their school of origin.

TRANSPORTATION DISPUTES

If educational and child welfare agencies are unable to reach agreement on funding within 30 days,

- The disagreement is referred to the state level Points of Contact for the Division of Social Services and the Department of Public Instruction
- If the state level Points of Contact are unable to reach agreement on transportation funding within another 30 days, the educational and the county child welfare agencies must split the cost
- While a dispute is being resolved, the educational agency must ensure that a child receives transportation to the school of origin, including funding that transportation

This same dispute process could apply when an educational or child welfare agency does not comply with an established transportation plan

RESOURCES

NC Foster Care Education (NCFCE)

<http://center.serve.org/hepnc/fostercare.php>

(provides Points of Contact for education and child welfare)

Still need 48 Child Welfare Agency Points of Contact

Legal Center for Foster Care & Education

<http://www.fostercareandeducation.org/AreasofFocus/EducationStability.aspx>

This site provides an *Every Student Succeeds Act Implementation Toolkit*. Within this Toolkit are two templates:

- **Interagency Agreement: Transportation Plan to Ensure School Stability for Students in Foster Care and**
- **Transportation to Ensure School Stability: Individual Student Form**

Joint Federal Guidance

www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf

POSSIBLE OVERTURN OF ESSA REGULATION

- On February 7, 2017, the US House of Representatives voted to overturn the US Department of Education's regulation implementing the Every Student Succeeds Act (ESSA) affecting accountability, state plans, and data reporting.
- The US Senate will possibly vote as soon as this week on whether to overturn the regulation.
- President Trump has indicated his willingness to sign it.

FINAL QUESTIONS?

