



Under the Congressional Review Act, Congress has passed, and the President has signed, a resolution of disapproval of the accountability and State plans final regulations that were published on November 29, 2016 (81 FR 86076). This guidance document is unaffected by that resolution and remains applicable.



June 23, 2016

Dear Chief State School Officers and Child Welfare Directors:

As the field prepares to implement the Elementary and Secondary Education Act (ESEA),¹ as amended by the Every Student Succeeds Act (ESSA), the U.S. Departments of Education (ED) and Health and Human Services (HHS) would like to draw your attention to important new provisions in Title I, Part A (Title I) of the ESEA that promote educational stability for children in foster care and that take effect on December 10, 2016. The success and well-being of foster youth require ongoing collaboration and partnership between educational and child welfare agencies, and the implementation of the Title I foster care provisions provides a critical opportunity for agencies to work together for the betterment of the nearly 270,000 school-aged children currently in foster care.

Data suggest that children in foster care are more likely than their peers not in foster care to experience adverse educational outcomes, including academic achievement in reading/language arts and math, grade retention, high school graduation, and postsecondary enrollment.² These challenges are tied, in part, to the high mobility of foster youth and the educational discontinuity that results from placement and school changes. Unplanned school changes may lead to delays in students' academic progress;³ this impacts foster youth more than most due to the number of placement changes that many young people experience while in foster care. Greater educational stability has been shown to lead to improved outcomes for foster youth, including higher graduation rates. For example, a recent study found that that educational stability may increase the rate of students in foster care graduating on time and lower the rate of students earning a high school equivalency diploma, remaining enrolled for more than four years, or exiting the K-12 system without a high school credential.⁴

In recognition of the importance of educational stability for foster youth, the Title I foster care provisions in the ESEA require that State educational agencies (SEAs) and local educational agencies (LEAs) collaborate with State and local child welfare agencies (CWAs) to ensure school stability for children in foster care. Specifically, as detailed in the attached joint ED and HHS non-

¹ In this letter, unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

² See, for example, Harden, B.J. 2004. "Safety and stability for foster children: A developmental perspective". *The future of children*, 14(1): 31-47; National Youth in Transition Database. Unpublished analyses (April 2016). Administration on Children, Youth and Families, HHS; and Frerer, K.; Sosenko, L.D.; Pellegrin, N.; Manchik, V.; & Horowitz, J. (2013). Foster youth stability: A study of California foster youths' school and residential changes in relation to education outcomes. Retrieved from <http://www.iebcnow.org/IEBCPublicFiles/iebc.public/67/67e52ff2-4b46-4afa-8133-ba223aa80c33.pdf>.

³ National Working Group on Foster Care and Education. (2014.) *Fostering success in education: National factsheet on the educational outcomes of children in foster care*. Retrieved from <http://www.fostercareandeducation.org/OurWork/NationalWorkingGroup.aspx>

⁴ Clemons, E. and Sheesley, A. (2016.) *Every transition counts: Educational stability of Colorado's students in foster care: 2007-08 TO 2013-14*. Retrieved from http://www.unco.edu/cebs/foster-care-research/pdf/reports/Every_Transition_Counts_V.1_Interactive.pdf.

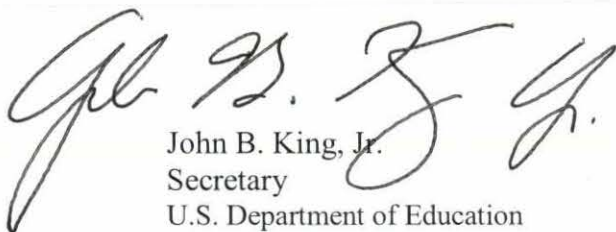
regulatory guidance, a child in foster care must remain in his or her school of origin if that is determined to be in the child's best interest. If, on the other hand, it is in the child's best interest to be enrolled in a new school, the child must be immediately enrolled, and the new school must promptly contact the school of origin to obtain necessary records. Further, to ensure that a child in foster care remains in his or her school of origin (when it is in the child's best interest), LEAs must develop procedures in collaboration with State and local CWAs that address how transportation to the schools of origin for children in foster care will be provided, arranged, and funded. In addition, for the first time, SEAs and LEAs must report annually on academic achievement and graduation rates for children in foster care as a separate subgroup to show how foster youth are performing relative to their peers. Bringing this crucial data to light will allow SEAs and LEAs to better understand the educational outcomes of foster youth and take appropriate steps to address any deficiencies.

The landmark Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was the first Federal legislation to require efforts to ensure educational stability for foster youth. Many of the new Title I foster care provisions reinforce and complement those in Fostering Connections, and both statutes emphasize the shared responsibility of educational and child welfare agencies in promoting the well-being of children in foster care. Since the passage of Fostering Connections, States and LEAs have made significant progress towards forming partnerships and instituting laws and policies that further promote school stability and college- and career-readiness for foster youth. Still, there is much work to be done.


We believe that the new Title I foster care provisions, in concert with Fostering Connections, can dramatically improve outcomes for foster youth. Successful implementation of the ESEA will require strong partnerships and consistent collaboration between educational and child welfare agencies. We are providing the attached joint guidance as a key tool for educational and child welfare agencies to use as they embark on establishing new partnerships and implementing the new provisions of the law. In addition to clarifying the statutory requirements, the guidance provides recommendations for SEAs, LEAs, and CWAs and highlights promising practices from the field for agencies to consider as they move toward implementation by December 10, 2016. Given this ambitious timeline, we strongly encourage agencies to begin working together now to ensure that all of the policies and processes are in place so that foster youth may receive the statutory protections to which they are entitled.

These new protections hold great promise for foster youth, and it is our hope that this collaboration leads to ongoing efforts by SEAs, LEAs, and CWAs to improve outcomes for this vulnerable student population. Thank you for all your work to support children in foster care to date, and we look forward to collaborating with you on this important issue in the future.

Sincerely,



John B. King, Jr.
Secretary
U.S. Department of Education



Sylvia M. Burwell
Secretary
U.S. Department of Health
and Human Services

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.