



## DEPARTMENT OF HEALTH & HUMAN SERVICES

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**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
**Administration on Children, Youth and Families**  
330 C Street, S.W.  
Washington, D.C. 20201

July 20, 2016

Dear Child Welfare Leaders:

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) was the first federal law to require educational stability for youth in foster care. Since enactment of the Fostering Connections Act, additional legislation has been enacted to promote improved educational outcomes for children in foster care. In December 2015, President Obama signed the Every Student Succeeds Act (ESSA) into law. The ESSA reauthorized the Elementary and Secondary Education Act of 1965 (ESEA) and included provisions instituting new protections for students in foster care.

The new foster care provisions of Title I, Part A of the ESEA, which take effect December 10, 2016, emphasize the importance of collaboration and shared decision-making between child welfare and educational agencies. These provisions mirror and enhance similar provisions in Title IV-E of the Social Security Act, as amended by the Fostering Connections Act. Considered together, these laws make clear that the educational stability of children in foster care is a joint responsibility of educational and child welfare agencies.

On June 23, 2016, the Departments of Health and Human Services and Education (ED) released joint guidance on ensuring educational stability for students in foster care.<sup>1</sup> We encourage you to review this guidance, and to consider the steps that your agency will need to take to ensure the effective implementation of the new ESEA provisions by December 2016.

This summer the Children's Bureau (CB) will publish an Information Memorandum that highlights child welfare agencies' role in ensuring educational stability for children in foster care in light of the overlapping Fostering Connections Act and ESEA provisions. However, given the accelerated timeline for implementing these ESEA provisions, we want to take this opportunity to highlight some key provisions that will require your immediate attention:

- ESEA section 1112(c)(5)(A) requires local education agencies (LEAs) to designate a point of contact (POC) if the corresponding child welfare agency designates a POC and notifies the LEA, in writing, of the designation. Given the December 10, 2016 implementation deadline of the ESEA provisions, we strongly encourage local child welfare agencies to immediately designate POCs and notify corresponding LEAs of the designations, thereby triggering the ESEA requirements for LEAs.<sup>2</sup>
- ESSA section 1111(g)(1)(E) requires state education agencies (SEAs) to detail the steps they will take to ensure collaboration with state child welfare agencies to ensure

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<sup>1</sup> Access the guidance here <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.

<sup>2</sup> For additional information, see Question 36 and the sample POC Notification Letter in the [guidance](#).

educational stability of children in foster care, to include designation of a state-level POC. To support this collaboration, we also strongly encourage state child welfare agencies to immediately designate POCs and notify corresponding SEAs of the designations.

- Under the educational stability case plan requirement added by the Fostering Connections Act, Title IV-B/IV-E agencies must assure that the agency has coordinated with LEAs to ensure that a child in foster care remains in the school he or she was enrolled in at the time of placement (school of origin), unless a determination is made that it is not in the child's best interest to remain at that school.<sup>3</sup> As part of that coordination, Title IV-B/IV-E agencies should work closely with LEAs to ensure that each student in foster care has transportation, if needed, to his or her school of origin, consistent with the child's educational stability plan.<sup>4</sup>
- We would also like to remind Title IV-E agencies that they may include the cost of reasonable travel for a child to remain in the same school in the child's Title IV-E foster care maintenance payment.<sup>5</sup> In addition, transportation costs associated with the child's attendance at his or her school of origin are allowable foster care administrative costs under Title IV-E.<sup>6</sup>

To continue to support you in this important work, we will provide technical assistance to child welfare agencies on the ESEA provisions. CB and ED are planning to host a series of webinars for child welfare and educational agencies that will take a deeper look at each of the components of the joint guidance.<sup>7</sup> CB will continue to provide technical assistance expertise through the Capacity Building Center for States; for further information please contact the liaison assigned to your jurisdiction.<sup>8</sup>

The new ESEA provisions hold great promise for students in foster care, and it is our hope that SEAs, LEAs, and child welfare agencies will continue to work together to improve educational outcomes for our students. Thank you for all you do to support children in foster care. We look forward to our continued work on this important issue.

Sincerely,

/s/

Rafael López  
Commissioner  
Administration on Children, Youth and Families

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<sup>3</sup> 42 U.S.C. § 675(1)(G)(ii).

<sup>4</sup> LEAs receiving Title I funds must collaborate with child welfare agencies to develop and implement local transportation procedures, including procedures for funding transportation, by December 10, 2016. For additional information, see Questions 22 and 23 in the [guidance](#).

<sup>5</sup> 42 U.S.C. § 675(4).

<sup>6</sup> For more detailed guidance, see page 20 of [ACYF-CB-PI-10-11](#) and Question 30 in the [guidance](#).

<sup>7</sup> We will be hosting a webinar that provides an overview of the joint guidance on July 27, 2016 at 1:30 pm ET. To register for the webinar, please visit <https://attendee.gotowebinar.com/register/4666854390289874689>.

<sup>8</sup> For a list of regional liaisons, please visit <https://capacity.childwelfare.gov/map>.