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INFORMATION MEMORANDUM

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act.

SUBJECT: Interagency Collaboration between Child Welfare and Educational Agencies to Support the Academic Success of Children and Youth in Foster Care.

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act (the Act); Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) (Public Law (P.L.) ([110-351](#))); and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) ([P.L. 114-95](#)).

PURPOSE:

The Children's Bureau (CB) within the U.S. Department of Health and Human Services is committed to collaborating with the Office of Elementary and Secondary Education in the U.S. Department of Education to support the academic success and emotional well-being for children in foster care. The Department of Education issued a [Dear Colleague Letter](#) on July 25, 2023 about the importance of collaboration and joint decision-making between educational agencies and child welfare agencies to prioritize the educational stability of students in foster care.

The purpose of this Information Memorandum (IM) is to remind state and tribal title IV-E agencies of the school enrollment and educational stability requirements for students in foster care included in title IV-E and the Elementary and Secondary Education Act. CB encourages title IV-E agencies to collaborate with state and tribal education agencies to develop policies addressing immediate school enrollment, timely transfer of education records, best interest determinations and transportation arrangements to ensure that students in foster care can remain in their school of origin when in their best interest to do so, and the availability of trauma-informed services to support the educational and social-emotional well-being needs of students in foster care. To facilitate collaboration, this IM also provides information on the [state child welfare educational liaison staff](#) or points of contact in each state. It also elevates state and local promising practices to continue to improve the implementation of educational provisions. In addition, the Child Welfare Information Gateway has created a [webpage](#) with additional

resources and State Promising Practice examples related to the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

CB is committed to working with our Department of Education partners to improve educational outcomes of children and youth in foster care. Aligned with Executive Order 13985, [Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#), and [ACF-IOAS-22-01 on Equity in Action: Prioritizing and Advancing Racial Equity and Support for Underserved Communities](#), CB has identified goals to build a more equitable child welfare system by strengthening supports for children and youth in foster care to successfully transition into adulthood. School environments that are safe and supportive are successful at connecting adolescents to a network of caring peers and adults, including parents, other primary caregivers, and teachers. Promoting safe and supportive environments can be particularly important for lesbian, gay, bisexual, transgender, queer or questioning, intersex and youth who are nonbinary, or have non-conforming gender identity or expression (LGBTQI+), who are more likely to be bullied at school and may lack family support at home.¹ Delivering robust services and supports is vital for students in foster care who are more likely to experience disparate outcomes during and after their exit from foster care, especially those who are Black, Latino, Indigenous, Asian Americans and Pacific Islanders and other persons of color as well as children and youth who identify as LGBTQI+.

This IM is organized as follows:

- I. Background
 - II. Federal Requirements related to Educational Stability for Children in Foster Care
 - III. State and Local Points of Contact
 - IV. Data Sharing/Reporting of Educational Data
 - V. School Enrollment and Educational Stability
 - VI. Best Interest Determinations
 - VII. Transportation
 - VIII. Supporting the Social Emotional Well-Being for Students in Foster Care
 - IX. Conclusion
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- Appendix I. Federal Statutory Authorities and Requirements
 - Appendix II. State Promising Practice Examples.
 - Appendix III. Resources on Federal Funding for Education-Related Administrative and Transportation Costs
 - Appendix IV. Federal Policy Guidance and Resources related to Data Collection for Children in Foster Care

I. BACKGROUND

Children and youth in foster care represent one of the most vulnerable student subgroups in this country. Of the approximately 391,098 children who were in foster care in [2021](#), approximately 242,000 were school-aged. Children in the foster care system represent a diverse group of learners with complex educational needs.²

Children in foster care are more likely than children not involved in the child welfare system to experience family disruptions, abuse, trauma, out-of-home placements, and changing schools -- all of which are associated with school-related problems.³ These related educational difficulties may result in: disciplinary problems, lower academic achievement (e.g., grades, test scores), repeating a grade, being placed in a special education program, lower odds of graduating from high school and barriers to entering postsecondary education in comparison to their peers.⁴ Black or African American students in foster care were suspended at a rate nearly 5.5 times higher than all White students.⁵

Children in foster care experience much higher levels of school instability than their peers. One study found that 34 percent of students in foster care experience five or more school changes by the age of 18.⁶ Unplanned school changes may be associated with delays in children's academic progress, leaving highly mobile students more likely to fall behind academically compared to their peers.

Because of these factors, studies find that children in foster care are more likely than their peers to struggle academically in reading and math. They are also at greater risk for dropping out of school prior to completion of high school.⁷ Students in foster care at age 17 are also less likely to graduate from high school, with 70 percent graduating or obtaining a General Equivalency Diploma (GED) by age 21.⁸ Research from a national prevalence study found that young adults who did not obtain a high school diploma or GED had 4.5 times the risk of experiencing homelessness compared to peers who completed high school.⁹

Conversely, students in foster care who are able to experience school stability, are more likely to have positive relationships with peers, positive school experiences, and emotional connections with adult mentors, resulting in improved outcomes, including higher graduation rates.¹⁰ Studies have also shown that children in foster care who are placed in family foster homes have a greater likelihood of graduating from high school than those in congregate care.¹¹

CB and the Department of Education are committed to addressing the disparities and ensuring all children and youth in foster care are provided the education services they need to be successful, thriving adults.

II. Federal Requirements related to Educational Stability for Children in Foster Care

Over the last two decades, several major laws have been enacted to improve the educational outcomes of children in foster care. These includes [the Fostering Connections to Success and Increasing Adoptions Act of 2008](#) (Fostering Connections Act) that amended titles IV-B and IV-E of the Social Security Act and the Every Student Succeeds Act (ESSA) of 2015 that amended the Elementary and Secondary Education Act of 1965 (ESEA). These laws establish

requirements for federal, state, local, and tribal governments, agencies, and officials regarding service provision and data collection related to educational outcomes among children in foster care, including the educational stability of children in foster care. *See Appendix I. Federal Statutory Authorities and Requirements for children in foster care by child welfare and education agencies.*

Every Student Succeeds Act

In 2015, Every Student Succeeds Act (ESSA) amended the Elementary Secondary Education Act (ESEA) to include educational requirements for state and local educational agencies. The law also underscored the need for enhanced educational stability for students in foster care and includes additional requirements of state and local educational agencies. The Children’s Bureau and the Department of Education published [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#) that clarified the requirements of State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) to: 1) identify students who are in foster care; 2) better monitor the educational outcomes and needs of students in foster care as a cohort; and 3) implement data-driven interventions to support the individualized academic and social/emotional needs of each student in foster care.

Title IV-E Requirements for Educational Records

Accurate and timely educational records are the foundation for student success. Title IV-E agencies must include certain education records in the child’s case plan ([section 475\(1\)\(C\)](#) of the Act) including:

1. Most recent information available regarding the names and addresses of the child’s educational providers,
2. Child’s grade level performance,
3. Child’s school record, and
4. Other relevant education information the title IV-E agency has determined is appropriate to include.

The education record(s) must be reviewed and updated at the time of *each* placement of the child in foster care per [section 475\(5\)\(D\) of the Act](#). The child’s case plan must be maintained, up to date, and be accurate. CB encourages title IV-E agencies to ensure that education records are also included in a youth’s transition plan that must be developed during the 90-day period before the youth attains age 18, or if applicable, before the later age, for a youth in extended foster care per [section 475\(5\)\(H\) of the Act](#). *See Appendix I. Federal Statutory Authorities and Requirements for children in foster care by child welfare and education agencies.*

III. State and Local Points of Contact

We believe that it is ideal for title IV-E agencies to identify an education point of contact at both state and local child welfare agencies. A list of current state and local point of contacts is available on the [Child Welfare Information Gateway](#). The Department of Education maintains a roster of the SEA Foster Care Points of Contact on this [webpage](#). When a child welfare agency notifies the LEA that it has a designated a point of contact per ESEA [section 1112I\(5\)\(A\)](#), the

LEA must designate a local point of contact for child welfare agencies. See Table 1 above for more information on points of contact.

Title IV-E agencies are encouraged to notify LEAs and corresponding school districts in writing regarding the education point of contact staff person at the child welfare agency. *See Appendix III. Resources on Federal Funding for Education-Related Administrative and Transportation Costs* to learn more about federal funding available to title IV-E agencies to cover the workforce.

CB encourages child welfare agencies to develop interagency agreements or joint protocols with the SEA to specify each agency's implementation responsibilities on school stability requirements, best interest determination procedures, and transportation policies to ensure a timely transition for students in foster care. To learn more about State implementation, *see Appendix II. State Promising Practice Examples., State Promising Practice Examples.*

IV. Data Sharing/Reporting of Educational Data

Child welfare and education agencies have separate but interconnected data collection and federal reporting requirements. Tracking data across systems is an important element of supporting the educational success of students in foster care, as well as for measuring program and policy interventions. The CB encourages child welfare agencies to collaborate with their education counterparts to identify opportunities for data sharing and exchange of information that may facilitate greater accuracy in identifying children who are eligible for educational and child welfare supports. *See Appendix IV. Federal Policy Guidance and Resources related to Data Collection for Children in Foster Care.*

CB encourages title IV-E agencies to collaborate with the SEA and LEAs to ensure accurate and timely identification of children in foster care enrolled in schools. For students in foster care, SEAs must collect and report data annually on student achievement and graduation rates for all students in foster care. The AFCARS 2020 [final rule](#) requires title IV-E agencies to report to [AFCARS](#) several education-related elements for students in foster care, including: a child's involvement in the special education system, current school enrollment, and last grade or education level completed. Title IV-E agencies may also collect additional education data that is necessary for implementing the child's case plan, such as information on school stability, attendance, and grades.

Comprehensive Child Welfare Information System (CCWIS) and Bi-Directional Data Exchanges

Child welfare agencies can access federal funding to implement a Comprehensive Child Welfare Information System ([CCWIS](#)), a case management information system that title IV-E agencies may develop to support their child welfare program needs. Title IV-E agencies who choose to operate a [CCWIS](#) are required to implement bi-directional data exchanges with educational agencies to collect and share education data, *where practicable*, to bolster educational planning for children who are in foster care per [45 CFR 1355.52\(e\)\(2\)\(vi\)](#). CCWIS bi-directional data exchanges can enable child welfare and educational agencies to share student level data.

CB encourages title IV-E agencies through their CCWIS systems to explore efforts to gather these important student-level data elements. Below are some examples of the type of case information shared by child welfare and education agencies.

Data Examples	
Child Welfare Agency	Education Agency
<ul style="list-style-type: none"> • Demographics (name, date of birth, current address), • Child welfare agency information including any additional placement and care responsibility of the child, • Contact information for the case worker who has daily case management responsibilities for the child, • Foster care placement history (dates and types of placements including current placement contact information), • School of Origin and other historical information, • Prior Best Interest Determination, • Educational Rights Holders¹², • Transportation details. 	<ul style="list-style-type: none"> • School enrollment information, • Attendance records, • School discipline records, • Academic performance • School credits • Degrees & Awards received <p>Additional services and supports including information about specialized educational needs.</p> <ul style="list-style-type: none"> • School of Origin and other historical information, • Prior best Interest Determination. • Educational Rights Holders, • Transportation details.

CB maintains on its [webpage](#) information on the CCWIS status of child welfare information systems. To learn more about State implementation, see *Appendix II. State Promising Practice Examples., State Promising Practice Examples.*

V. School Enrollment and Education Stability

Title IV-E agencies must assure in the title IV-E plan that each child receiving a title IV-E foster care maintenance payment who reached the age for compulsory school attendance is a full-time elementary or secondary student under the law of the State, unless the child is incapable of attending school full time due to a medical condition as established in section 471(a)(30) of the Act. See *Appendix I. Federal Statutory Authorities and Requirements for children in foster care by child welfare and education agencies.*

Immediate Enrollment/Records Transfer

Per ESEA, if it is determined that it is not in the student’s best interest to remain in their school of origin, the student’s new school must immediately enroll the student, even if the student cannot produce documents normally required for enrollment. The enrolling school must immediately contact the school of origin to obtain necessary records. This requirement is especially critical for students in foster care who are receiving special education services to prevent disruption of essential services. Educational records are also reviewed by the child and

youth attorneys and Guardians Ad Litem as an important aspect in providing [high quality legal representation](#).

CB encourages title IV-E agencies to work with their LEAs to address barriers to enrollment, develop policies and procedures to ensure timely transfers with records, train staff in both agencies, dedicate staff with the time and capacity necessary to support school stability and enrollment, and monitor the progress of each child in school consistent with education case plan requirements. To learn more about State implementation, *see Appendix II. State Promising Practice Examples., State Promising Practice Examples.*

Educational Stability

The ESEA highlights the need to provide educational stability for children in foster care, with particular emphasis on collaboration between SEAs, LEAs, and child welfare agencies to ensure that students in foster care have the opportunity to achieve at the same educational outcomes as their peers. CB encourages title IV-E agencies to develop policies and practices that support placement stability and ensure school stability whenever possible and, in the child’s best interest. States are expected to describe their coordination with schools as part of their 5-year Child and Family Services Plan (see Services coordination ([45 CFR 1357.15\(m\)](#))) to demonstrate that children in foster care are receiving appropriate services to meet their educational needs. Child welfare agencies are encouraged to coordinate with local educational agencies, such as joint meetings with the student’s educational team, specialized preparation for statewide testing, and assisting the student in transitioning to the new school, if it is determined appropriate.

VI. Best Interest Determinations

As mentioned above, when a student enters foster care or changes foster care placements, LEAs must collaborate with child welfare agencies to ensure that the student remains in their “school of origin” unless a determination is made that attending that school would not be in the best interest of the student. CB encourages child welfare agencies to collaborate with the SEAs to establish and disseminate written Best Interest Determination decision-making and dispute resolution protocols to be used by LEAs and schools in coordination with local child welfare agencies. These protocols should include the involvement of all relevant stakeholders, especially students themselves where appropriate.

Under ESEA, a student should only change schools if remaining in the school of origin is not determined to be in the child’s best interest ([section 1111\(g\)\(1\)\(E\)\(i\) and 1112\(c\)\(5\) of ESEA](#)). If a change in schools is being considered, the LEA and child welfare agency must jointly collaborate to conduct and complete a student-centered Best Interest Determination. As part of the Best Interest Determination, CB encourages child welfare agencies to review all relevant factors such as:

- ❖ Active participation by the child/youth and family in the decision,
- ❖ Preferences of the child’s parent(s) or education decision maker(s),

- ❖ Placement of the child’s sibling(s),
- ❖ The appropriateness of the child’s educational setting and the proximity to and anticipated duration of their current foster care placement,
- ❖ The availability and quality of the services in the school to meet the child’s educational and social-emotional needs,
- ❖ Influence of the school climate on the child, including safety, history of school transfers and how they have impacted the child,
- ❖ The permanency goal of the child/youth,
- ❖ The child’s attachment to the school, including meaningful relationships with staff and peers,
- ❖ The importance of typical experiences, or normalcy, to the child’s overall healthy development and well-being, such as participation in age and developmentally appropriate extracurricular and social activities, and connections with peers,
- ❖ How the length of the commute would impact the child, based on the child’s developmental stage,
- ❖ Whether the child is a student with a disability under the Individuals with Disabilities Education Act ([IDEA](#)) who is receiving special education and related services or a student with a disability under [Section 504](#) who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin, and
- ❖ Whether the child is an English Learner and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with [Title VI](#) and the Equal Educational Opportunities Act.

Cost of Transportation should not be considered when determining what is in the child’s best interest.

To the extent feasible and appropriate based on individual circumstances, a child should remain in their current school setting while awaiting a decision on the Best Interest Determination to maintain educational stability and reduce the number of school moves. In situations where the title IV-E agency, in consultation with the LEA, determines it is not in the child’s best interests to remain in the school the child was enrolled in at the time of placement, the child must be immediately enrolled in a new school. (See [ESEA section 1111\(g\)\(1\)\(E\)\(i\)-\(iii\).](#))

Title IV-E agencies are encouraged to develop clear plans for how these Best Interest Determinations will be conducted and document participation and factors that were considered in the decision. Title IV-E agencies are encouraged to create training materials for staff on the Best Interest Determination process and how to coordinate effectively with LEAs. To learn more about State implementation, *see Appendix II. State Promising Practice Examples., State Promising Practice Examples.*

VII. Transportation

Some children in foster care will need transportation to remain in their school of origin. To facilitate transportation for these children, an LEA receiving [Title I, Part A funds](#) must

collaborate with the State and/or local child welfare agency to implement clear written procedures to ensure prompt, cost-effective transportation. The ESEA states that these transportation plans should indicate how school of origin transportation will be provided, arranged, and funded. The ESEA further indicates that “additional costs” incurred in school of origin transportation can be covered by the LEA and/or the local child welfare agency. School of origin transportation should be provided to a student in foster care for the duration of their time in foster care ([ESEA section 1112\(c\)\(5\)\(B\)](#)). SEAs and child welfare agencies also play a key role in ensuring the adequate provision of transportation for children in foster care, as part of their overall responsibilities under Title I, Part A and the Fostering Connections Act to provide educational stability for these children.

A title IV-E agency may choose to include the cost of reasonable travel for the child to remain in the same school he or she was attending prior to placement in foster care as part of a child’s title IV-E foster care maintenance payment ([section 475\(4\) of the Act](#)). The title IV-E agency has the discretion to determine what is considered reasonable travel in examining factors such as cost, distance, and length of travel. As with any cost enumerated in the definition of foster care maintenance payments in section 475(4) of the Act, the title IV-E agency may decide which of the enumerated costs to include in a child’s foster care maintenance payment. The title IV-E agency may include the cost of reasonable travel for the child to remain in the same school in the child’s foster care maintenance payment paid to the child’s provider or may make a separate payment directly to the transportation provider. In addition, transportation costs associated with the child’s attendance at their school of origin are allowable title IV-E administrative costs under title IV-E if allocated as part of the State’s cost allocation plan. *See Appendix III. Resources on Federal Funding for Education-Related Administrative and Transportation Cost.* CB urges child welfare agencies to develop and implement transportation policies with SEA and LEA to address transportation costs, in advance of a child needing transportation to ensure that children in foster care remain in their school of origin. CB encourages child welfare agencies to prioritize and simplify the student experience in the implementation of transportation procedures—for example, by minimizing the number of times a student is required to switch vehicles during their commute.

Transportation may already be addressed through other means. The LEA will assess whether the child is entitled to transportation services under another entitlement or as a related service under the [Individuals with Disabilities Education Act](#) (IDEA), or Section 504 of the Rehabilitation Act. To learn more about State implementation, *see Appendix II. State Promising Practice Examples., State Promising Practice Examples.*

VIII. Supporting the Social Emotional Well-Being for Students in Foster Care

Children in foster care are more likely than their peers to have been exposed to and/or experienced trauma which, compounded by frequent foster care placements and unplanned school changes, can significantly impact academic performance and educational outcomes. At the same time, children in foster care experience higher incidents of harsher discipline including suspensions and expulsions compared to peers who are not in foster care. Children in congregate care settings may be at particular risk for negative outcomes, as many experience poor

educational outcomes and are seen as having behavioral challenges. In addition to frequent school mobility, children in congregate settings are also less likely to have an educational advocate to participate in decisions around meeting their educational needs.

Joint training between child welfare and educational agencies of teachers, school social workers, guidance counselors, and other educational professionals is critical. Training about the specific needs of children in foster care including the effects, signs, and behaviors associated with traumatic experiences, are an important part of interagency collaboration to ensure the educational needs of children in foster care are being met. Additional considerations should be given to the special needs of children in congregate care settings. While the impact of the COVID pandemic has been felt by all students, students in foster care have experienced disproportionate negative impacts that require additional services and interventions to address.

Comprehensive assessment and evaluations are needed to develop an individualized plan for special education supports. These assessments are critical when there is a change in school during the school year and at other critical educational junctures. CB encourages child welfare agencies to partner closely with community and mental health service providers to ensure that all students in foster care in schools are receiving appropriate supports. To learn more about State implementation, *see Appendix II. State Promising Practice Examples., State Promising Practice Examples.*

IX. Conclusion

Strong coordination and collaboration procedures and policies improve the academic and educational outcomes of children and youth in foster care. In communities where child welfare agency staff, school personnel, resource/foster parents, and teachers jointly collaborate in the educational decision-making process, students in foster care feel more supported and engaged in school. Through these relationships students develop lasting permanent connections with supportive adults in their community. Our children and youth in foster care need child welfare agencies and educational systems to make them a priority to ensure their academic and social emotional well-being, now and into adulthood.

Inquiries To: [CB Regional Program Managers](#)

/s/

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Appendix I. Federal Statutory Authorities and Requirements

Appendix II. State Promising Practice Examples.

Appendix III. Resources on Federal Funding for Education-Related Administrative and
Transportation Costs

Appendix IV. Federal Policy Guidance and Resources related to Data Collection for Children in
Foster Care

Citations

¹ The Centers for Disease Control and Prevention’s Division of Adolescent and School Health (DASH). [What Works: Safe and Supportive School Environments | DASH | CDC](#)

² Ruff, S. C., Linville, D., & Kjellstrand, J. (2022). Experiences during COVID-19: Needs of college students with a history of foster care. *Children and Youth Services Review*, 136, 106443.

³ Citations:

- Font, S., Cancian, M., Berger, L. M., & DiGiovanni, A. (2020). Patterns of intergenerational child protective services involvement. *Child Abuse & Neglect*, 99, 104247.
- Annie E. Casey Foundation. (2022). Child Welfare and Foster Care Statistics. Retrieved on February 14, 2023 from <https://www.aecf.org/blog/child-welfare-and-foster-care-statistics>
- Engler, A. D., Sarpong, K. O., Van Horne, B. S., Greeley, C. S., & Keefe, R. J. (2022). A systematic review of mental health disorders of children in foster care. *Trauma, Violence, & Abuse*, 23(1), 255-264.
- Fawley-King, K., Trask, E. V., Zhang, J., & Aarons, G. A. (2017). The impact of changing neighborhoods, switching schools, and experiencing relationship disruption on children’s adjustment to a new placement in foster care. *Child Abuse & Neglect*, 63, 141-150.
- Clemens, E. V., Klopfenstein, K., Tis, M., & Lalonde, T. L. (2017). Educational stability policy and the interplay between child welfare placements and school moves. *Children and Youth Services Review*, 83, 209-217.
- Foster Success (2020) Foster Success Foster Youth Report. A voice and vision for Indiana’s foster youth. Retrieved at [2020-education-outcomes-report-detail.pdf \(fostersuccess.org\)](#).

⁴ Citations:

- Palmieri, L. E., & La Salle, T. P. (2017). Supporting students in foster care. *Psychology in the Schools*, 54(2), 117-126.
- Clemens, E. V., Klopfenstein, K., Lalonde, T. L., & Tis, M. (2018). The effects of placement and school stability on academic growth trajectories of students in foster care. *Children and Youth Services Review*, 87, 86-94.
- Geiger, J. M., & Beltran, S. J. (2017). Experiences and outcomes of foster care alumni in postsecondary education: A review of the literature.

⁵ Foster Success (2020) Foster Success Foster Youth Report. A voice and vision for Indiana’s foster youth. Retrieved at [2020-education-outcomes-report-detail.pdf \(fostersuccess.org\)](#).

⁶ Palmieri, L. E., & La Salle, T. P. (2017). Supporting students in foster care. *Psychology in the Schools*, 54(2), 117-126.

⁷ Morton, M.H., Dworsky, A., & Samuels, G.M. (2017). *Missed opportunities: Youth homelessness in America. National estimates*. Chicago, IL: Chapin Hall at the University of Chicago

⁸ US Department of Health and Human Services. (2021). National Youth in Transition Database: Outcome Data Snapshot - National. Retrieved on February 14, 2023 At <https://www.acf.hhs.gov/cb/data-research/data-and-statistics-nytd>

⁹ Morton, M.H., Dworsky, A., & Samuels, G.M. (2017). *Missed opportunities: Youth homelessness in America. National estimates*. Chicago, IL: Chapin Hall at the University of Chicago.

¹⁰ Goltzman, J. Woodhouse, V., Suter, J. and Werrbach, M. (2016) A mixed method study on educational well-being and resilience among youth in foster care. *Children and Youth Services Review*, 70, 30–36.

¹¹ Clemens, E. V., Lalonde, T., Klopfenstein, K., & Sheesley, A. (2020). Early warning indicators of dropping out of school for teens who experienced foster care. *Child Welfare*, 97(5), 65-88.

¹² Educational Decision Making Rights. California Foster Youth Education Task Force, available at [Educational-Decision-Making-Rights-2014.pdf \(foster-ed.org\)](#)

Appendix I: Federal Statutory Authority and Requirements

Federal Statutory Authority	Child Welfare Title IV E Requirements per <u>Fostering Connections to Success and Increasing Adoptions Act</u>	Educational Provision
<p><u>Section 471(a)(30) of the Social Security Act</u></p>	<p>Title IV-E agencies must assure in the title IV-E plan that each child receiving a title IV-E foster care maintenance payment who reached the age for compulsory school attendance under the law of the State is a full-time elementary or secondary student in a school, in an authorized independent study program, or is being home schooled consistent with the law of the State or jurisdiction in which the school, program or home is located. Alternatively, the title IV-E agency must assure that such a child has completed secondary school or is incapable of attending school full time due to a medical condition as described in the case plan of the child.</p>	<p>School Enrollment</p>
<p><u>Section 475(1)(G) of the Social Security Act</u></p>	<p>A title IV-E agency is required to include a plan for ensuring the educational stability of a child in foster care in the child’s case plan. The plan must include: 1) an assurance that each of the child’s placement in foster care takes into account the appropriateness of the current educational setting and the proximity to the school the child was enrolled in at the time of placement; and, 2) an assurance that the title IV-E agency has coordinated with the local educational agency or agencies to ensure the child can remain in that school, or if remaining in that school is not in the best interests of the child, an assurance to enroll the child immediately in a new school with all of their educational records.</p>	<p>Educational Stability</p> <p>Best Interest Determination and School Enrollment</p>
<p><u>Section 475(4) of the Social Security Act</u></p>	<p>CB encourages title IV-E agencies to codevelop transportation procedures with educational agencies. These transportation arrangements can describe how child welfare and local educational agencies can implement cost-effective transportation procedures allowing children in foster care to remain in their school of origin. Title IV-E agencies may claim for the cost of reasonable travel for the child to remain in the same school the child was attending prior to placement in foster care as part of the child’s title IV-E foster care maintenance payment. In addition, transportation costs associated with the child’s attendance at the school of origin are allowable foster care <u>administrative costs</u> under title IV-E if allocated as part of the State’s cost allocation plan. Although title IV-E reimbursement is available for the Federal portion of these costs, child welfare agencies receiving title IV-E funds are responsible for the non-federal portion.</p>	<p>Transportation Costs</p>

Federal Statutory Authority	Child Welfare Title IV E Requirements per <u>Fostering Connections to Success and Increasing Adoptions Act</u>	Educational Provision
<u>Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care.pdf</u>	CB highly encourages state and local child welfare agencies to designate a point of contact. CB encourages the local child welfare agency to notify the LEA in writing of a local child welfare agency Point of Contact.	Points of Contact

Federal Statutory Authority	Education Requirements under Title I, Part A of the Elementary Secondary Education Act (ESEA) as amended by Every Student Succeeds Act	Educational Provision
<u>Section 1111(g)(1)(E)(iv) of the ESEA</u>	A State Educational Agency must designate a point of contact (POC) for child welfare agencies and to oversee the implementation of the State responsibilities under the Title I, Part A educational stability provisions for children in foster care.	SEA Points of Contact
<u>Section 1112(c)(5)(A) of the ESEA</u>	Required for Local Education Agency (LEA) if the local child welfare agency has notified the LEA in writing of a local child welfare agency Point of Contact	LEA Points of Contact
<u>Section 1111(g)(1)(E) of the ESEA.</u>	A child in foster care remains in their school of origin unless it is determined that it is not in the child’s best interest to remain in their school of origin. The child must be immediately enrolled in a new school even if the child is unable to produce records normally required for enrollment and the new (enrolling) school is required to immediately contact the school last attended by the child to obtain relevant academic and other records.	Best Interest Determination and School Enrollment
<u>Section 1112(c)(5)(B) of the ESEA</u>	An LEA receiving Title I, Part A funds must collaborate with the child welfare agency to develop and implement cost-effective transportation procedures. Transportation will be provided, arranged, and funded for a child in foster care to remain in his or her school of origin, when a best interest determination indicates it is in the student’s best interest to remain in the school of origin.	Transportation

Appendix II: State Promising Practice Examples

The Child Welfare Information Gateway has created a [webpage](#) with additional resources and State Promising Practice examples related to the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

I. State and Local Points of Contact

- Oregon has designated key state-level educational points of contact at both the child welfare and educational agencies, and at the regional level in every school district. The role of the statewide educational point of contact may include codeveloping and implementing statewide interagency agreements and policies to ensure statewide consistency in interpretation of school of origin laws. Staff also facilitate transportation arrangements to ensure that any child in foster care receives the needed transportation to attend their school of origin, or when it has been determined that it is in the best interest of the child to attend a new school. The Oregon statewide educational point of contact may also train and answer educational advocacy questions from local child welfare and education agency staff on these educational stability policies. The education point of contact may also inform education and community partners about: the importance of family preservation and preventative services in the community; the various ways that child welfare agencies can support families with poverty-related concerns, including addressing concrete needs, offering benefit navigator services, and connecting families with preventative legal advocacy; and how to codesign supports with people with lived expertise. The Oregon educational point of contact coordinates with the statewide child abuse hotline to ensure schools have updated mandatory reporting requirements, understanding the approaches used to assess for safety and risk of future maltreatment, especially in regard to assessing the distinction between a pattern of deprivation or chronic neglect, and poverty related neglect.¹
- The Texas Department of Family and Protective Services in coordination with the Texas Education Agency and the Supreme Court of Texas Permanency Judicial Commission for Children, Youth and Families, jointly developed the “[Foster Care and Student Success 2022 Resource Guide](#),” a comprehensive resource that describes the responsibilities of the Foster Care Education liaisons with specific information on the educational decision-making authority in Texas, an overview of the child welfare agency’s responsibilities, the procedures for school enrollment, and trauma-informed school supports.

II. Data Sharing/Reporting of Educational Data

- Washington State has demonstrated success in creating an active bi-directional interface exchange between the Washington Department of Children, Youth and Families (DCYF) and the Washington Department of Education. The exchange allows DCYF caseworkers to view educational data that is used for case planning activities and internal program management reports. Individual school districts are required to submit data to the Washington Office of Superintendent of Public Instruction (OSPI) once per semester. OSPI shares data nightly with the child welfare agency based on the student’s identification number matching the OSPI number with the child welfare information

Appendix II: State Promising Practice Examples

system for children in the custody and care of DCYF. The education agency shares the following [data](#) about the child: the child's school history, academics, attributes and programs, special education status, assessments, attendance, and discipline. The Department of Education's website also features [Washington's State Foster Care Data Exchange Policies and Practices](#).

III. School Enrollment and Educational Stability

- Nebraska includes an [Education Court Report](#) that is submitted to the court for each court hearing, following disposition for a child under the court's jurisdiction. The report can be submitted either as part of the child's case plan or as a separate document submitted in advance of an upcoming court hearing. The Education Court Report highlights school enrollment, whether there has been a school change, the best interest considerations and the efforts made for the child to remain in the school of origin; the transportation needs of the child; who has authority for educational decision making; any health or special education needs of the child, the child's academic performance and extracurricular activities and talents. Some judges have found [educational bench cards](#) to be useful in their judicial proceedings to confirm that the child's educational needs are being met.
- [New York's Kinship Navigator Program](#) assists kinship caregivers with completing affidavit forms to document the child's residency and demonstrate that the caregiver has care and control of the child needed for school enrollment. According to New York State regulations [100.2](#), the child shall be enrolled and begin attendance a day after the caregiver's request, and the caregiver has three business days to provide the residency documentation. The caregiver is not required to have legal custody or guardianship of the child when enrolling the child in school.
- Tennessee is combatting low enrollment rates of youth in foster care by implementing a "no documents needed" policy. If a youth is under the care and custody of the State of Tennessee, they are to be placed and enrolled within the local school district closest to their placement. Youth experiencing foster care may enroll without documents such as birth certificates and previous education records. Although those documents are not needed to enroll a youth, they are requested and there is a timeline in which the school will make sure they are obtained. This process is intended to ensure that youth in foster care are not denied enrollment due to incomplete records. See the Tennessee State Board of Education's "[Foster Care Procedures](#)" for more information.

IV. Best Interest Determinations

- [Colorado Department of Human Services](#) provides an open-source archive on Google Drive with resources pertaining to serving the educational needs of young people in foster care, including best interest determinations as well as many other topics:
 - Best Interest Determination Worksheet tool to guide the process and ensure decisions are made effectively,

Appendix II: State Promising Practice Examples

- Best Practices in Child Welfare to Support Educational Stability training details the importance of school stability, the consequences of enrollments disruptions, and considerations about conducting best interest determination processes, and
- Mesa County School Stability Training delivered to staff in Mesa County is part of a larger effort at transparency of information, including DHS's landing page titled Forms, which includes forms and policies for a wide range of relevant agencies and programs.

V. Transportation

- Indiana provides a [Transportation Plan](#) template clarifying how transportation costs are shared between educational and child welfare agencies. The LEA will be responsible for all transportation costs for youth in foster care enrolled within their school corporation. The child welfare agency will reimburse local educational agency for additional costs for providing transportation for youth in foster care enrolled within their school corporation when the mileage is outside of their school boundary lines.
- Kentucky provides [Transportation Guidelines and Procedures to Ensure Educational Stability for Children and Youth in Foster Care](#). These guidelines emphasize the importance of step-by-step processes and detailed mechanisms for both LEAs and child welfare agencies to collaborate to pay for transportation, such as: who contacts whom at each stage of the procedure; what records need to be kept; how to split costs (e.g., mileage); how often payments/invoices will occur; and how to manage school activities outside of classes. The document also clarifies that transportation will continue to be arranged for a student through the end of the school year to maintain the child's educational stability, even if a child exits foster care before the end of a school year. The document also has suggestions on providing transportation, considering no- or low-cost transportation options, arranging transportation, funding, dispute resolution process, and review and signature processes. The guidelines also provide an example of a dispute resolution process and how to include plans for how to continue providing prompt transportation to the student in the case of disagreements over costs. In addition, Kentucky state legislation, [House Bill 312](#), amended state law to include the cost of transportation as a reimbursable expense for LEAs.

VI. Supporting the Social Emotional Well-Being for Students in Foster Care

- The [Sweetwater Union High School District \(SUHSD\)](#) in San Diego, California in partnership with the local child welfare agency, implemented an array of services including: specialized school-based services for youth in foster care, school counseling, individualized education programming, credit recovery services, expedited transcript review, partial credit provision, credit path coaching, wellness rooms, and on-campus mental health services. Teachers in SUHSD were trained to use trauma-informed and restorative teaching approaches with all students, such as allowing students to take breaks during class, resolving disputes in the classroom by holding restorative circles, and offering Saturday School for students who fall behind on schoolwork. Due to these

Appendix II: State Promising Practice Examples

supports, between 2015 and 2019, high school dropout and suspension rates among students in foster care decreased by 25 percent and 6 percent, respectively.

- In New Mexico, the [Public Education Department](#) (PED) supported implementation of a new health education requirement for graduation. The New Mexico PED aligned the LEA's health education courses with their content and performance standards as well as the legal requirements. After implementation, high school students demonstrated decreases in risk behaviors and classroom teachers were more likely to address specific skills in a health education class. This data was gathered from the Youth Risk and Resiliency Survey (YRBSS), which is part of Center for Disease Control's national Youth Risk Behavior Surveillance System.

Child Welfare Information Gateway (2023). Separating Poverty from Neglect in Child Welfare.

Appendix III. Resources on Federal Funding for Education-Related Administrative and Transportation Costs

Allowable Title IV-E Administrative Costs

Note: Title IV-E agencies must allocate administrative costs to all benefiting programs and such costs must be approved within the title IV-E agency's cost allocation plan.

Educational Records. Title IV-E agencies are able to claim administrative costs to cover the cost of staff responsible for maintaining the educational records and providing educational support to the written case plan for a child in foster care per section 475(1)(C) of the Social Security Act. See Child Welfare Policy Manual (CWPM) 8.1B. Q.17.

Case Assessment and Case Planning. Title IV-E agencies can also claim administrative costs for child welfare agency staff to complete a case assessment, for the development of and ongoing updates to the case plan. A case assessment might consider information regarding psychological, developmental, behavioral and educational factors and examine the child and the family's needs, strengths, resources and existing support systems. See CWPM 8.1B. Q.17.

Cost of Local Transportation. Local travel associated with providing the items listed in the first sentence of section 475 (4)(A) of the Social Security Act (the Act): food; clothing; shelter; daily supervision; school supplies; and a child's personal incidentals is an allowable expenditure for title IV-E foster care reimbursement. The cost of local transportation associated with the items listed above are presumably included in the basic title IV-E foster care maintenance payment. The title IV-E foster care maintenance payment does include the travel of a child in foster care to/from the following activities for school attendance and extracurricular activities. See CWPM 8.3B.1 Question 1.

The cost of transporting the child to and from the school of origin as a separate item of expense is an allowable title IV-E administrative cost under title IV-E, a cost must be one of the examples listed in 45 CFR 1356.60(c)(2) or closely related to one of those examples. The costs described in the question are closely related to case management, which is listed as an example of an allowable administrative cost in 45 CFR 1356.60(c)(2). Any such costs must be allocated through an approved cost allocation plan or methodology. See CWPM. 8.1B. Question 27.

Specialized Assessments. Administrative title IV-E funds may also be used for the education points of contact and other staff spending time analyzing specialized assessments (including educational assessments) to inform the case plan. As part of the specialized assessments, child welfare agencies are encouraged to provide advanced training to child welfare agency staff related to understanding the educational needs and services available to students in foster care in accordance with state and local programs. See CWPM. 8.1B. Question 17.

Legal Representation. Title IV-E agencies can claim [title IV-E for legal representation](#) for children in foster care. This may include but is not limited to title IV-E administrative costs related to paralegals, investigators, peer partners, or social workers that support an attorney providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings for candidates for title IV-E foster care, youth in foster care and his/her parents.¹ This representation may also include circumstances related to providing support to a

child in meeting their educational case plan needs in reference to the development of their Individualized Education Plan (I.E.P.), Section 504 plan, and other conferences with school personnel related to a child's education or behaviors in school. Legal representation may also assist with educational advocacy related to truancy and educational neglect as needed to represent the youth's educational well-being goals. See CWPM. 8.1B Question 30, 31 and 32.

See Child Welfare Policy Manual. Question.

- [Section 8.1B.](#) Title IV-E, Administrative Functions/Costs, Allowable Costs - Foster Care Maintenance Payments Program. Allowable Costs Questions 17, 27, 30, 31 32
[Section 8.3B.1.](#) Title IV-E, Foster Care Maintenance Payments Program, Payments, Allowable costs. Question 1.
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Appendix IV: Federal Policy Guidance and Resources related to Data Collection for Children in Foster Care

Federal Statutory Authority	Child Welfare Requirements
<p><u>AFCARS 2020 Technical Bulletin 20: Data Elements for Out-of-Home Care & Adoption and Guardianship Assistance Data Files</u></p>	<p>Title IV-E agencies are also required to collect and submit data on children in foster care through the Adoption and Foster Care Analysis and Reporting System (AFCARS). AFCARS collects child-level information from title IV-E agencies on all children in foster care and those who have been adopted with title IV-E agency involvement.</p> <p>Under updated AFCARS requirements published in a 2020 <u>final rule</u>, title IV-E agencies are required, beginning in FY 2023, to report to <u>AFCARS</u> several education-related elements for students in foster care, including:</p> <ul style="list-style-type: none"> • a child’s involvement in the special education system, • current school enrollment, and • last grade or education level completed. <p>Title IV-E agencies may also collect additional education data that is necessary for implementing the child’s case plan, such as information on school stability, attendance, and grades.</p>
<p><u>CCWIS Federal Guidance</u></p>	<p>Child welfare agencies can access federal funding to implement a Comprehensive Child Welfare Information System (<u>CCWIS</u>), a case management information system that title IV-E agencies may develop to support their child welfare program needs. CCWIS allows child welfare agencies flexibility to build systems tailored to their needs. Most states are building or planning to build CCWIS to support their child welfare policy and practice, as well as state and federal reporting, auditing, and review requirements.</p> <p>CCWIS promotes data sharing with other agencies, relevant data that they can exchange to benefit each program while ensuring confidentiality. Title IV-E agencies who choose to operate a <u>CCWIS</u> are required, if practicable, to implement bi-directional data exchanges with educational agencies to collect and share education data to bolster educational planning for children who are in foster care per <u>45 CFR 1355.52(e)(2)(vi)</u>. CCWIS bi-directional data exchanges can</p>

Federal Statutory Authority	Child Welfare Requirements
	<p>enable child welfare and educational agencies to share student level data. CB encourages title IV-E agencies through their CCWIS systems to explore efforts to gather these important student-level data elements. Below are some examples of the type of case information shared by child welfare and education agencies.</p>

Resource	Education Report Card Requirements under Title U, Part A of the Elementary Secondary Education Act (ESEA) as amended by Every Student Succeeds Act
<p><u>Opportunities and Responsibilities for State and Local Report Card Under the Elementary and Secondary Education</u></p>	<p>For students in foster care, SEAs must collect and report data annually on student achievement and graduation rates for all students in foster care. The U.S. Department of Education describes these ESEA requirements to prepare and disseminate report cards in this resource.</p> <p>The data on students in foster care referenced in the state report cards can be used by child welfare agencies to review and assess any data trends in the academic performance of students in foster care across the state.</p>