

November 18, 2016

TO THE ADMINISTRATOR ADDRESSED:

Subject: Every Student Succeeds Act (ESSA) and the Education of Students in Foster Care

The Every Student Succeeds Act (ESSA) makes significant changes regarding the education of students in foster care. Amendments to Title I, Part A strengthen school stability requirements for students in foster care and align federal child welfare and education law. Some aspects of ESSA are already addressed in Texas law, such as identifying state and district level foster care liaisons, students in foster care remaining in their school of origin and timely transfer of school records. ESSA also provides Texas with an opportunity to examine and strengthen current practices of collaboration between school districts and child welfare that support students in foster care. Additionally, there are new requirements necessitating immediate attention and action by school districts and open-enrollment charter schools. The following district-level ESSA Foster Care provisions go into effect on December 10, 2016:

- Education and child welfare agencies must designate points of contact to coordinate transportation planning.

Foster care liaisons may serve as the designated point of contact for local education agencies (LEAs). Districts must ensure that foster care liaison contact information is up-to-date in AskTed.

Texas Department of Family and Protective Services (DFPS) has designated the Child Protective Services (CPS) regional education Specialists and the CPS service program administrators to serve as the points of contact to coordinate with school districts regarding ESSA transportation planning. (Please note: Child Welfare regions are different from Education Service Center regions).

- To view a list of CPS regional education specialists and Service program administrators visit:
http://www.dfps.state.tx.us/Child_Protection/State_Care/education.asp
- To view a map of DFPS regions visit:
https://www.dfps.state.tx.us/contact_us/map.asp
- To view a list of corresponding DFPS regions, counties and local school districts visit: http://www.dfps.state.tx.us/contact_us/counties.asp?r=all
- Education and child welfare agencies must ensure that a child remains in the school of origin, unless a determination is made that it is not in the child's best interest to attend the school of origin. School personnel are encouraged to collaborate and provide

information to support DFPS with evaluating educational factors regarding best-interest determinations.

- School districts must collaborate with the state or local child welfare agency to develop and implement clear written procedures for providing, arranging, and paying for transportation to maintain children in foster care in their schools of origin when doing so is in their best interest. These procedures must ensure that
 - children in foster care who need transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance the federal Social Security Act; and
 - if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide the transportation to the school of origin if
 - the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
 - the local educational agency agrees to pay for the cost of such transportation; or
 - the local educational agency and the local child welfare agency agree to share the cost of such transportation.
- LEAs are required to provide assurance in their local Title I plans that they will collaborate with the State or local child welfare agency to designate a point of contact and develop clear, written procedures governing transportation. All districts receiving Title I funding will be required to sign and submit an addendum to the 2016-17 consolidated application through e-Grants no later than December 8, 2016.

Please note that students 'awaiting foster care placement' is removed from the McKinney-Vento definition of homelessness. As of December 10, 2016, all children and youth in foster care will be served under Title I, Part A.

To support LEAs with meeting the transportation requirements for students in foster care TEA has worked in collaboration with DFPS, Texas Association of School Boards (TASB), and the Supreme Court of Texas Children's Commission to develop the following resources:

- ESSA Foster Care - Preliminary Implementation Q & A (to be posted on the TEA website soon)
- Sample tools and resources (available through TASB's policy service)

If you have questions or need additional information please contact, Kelly Kravitz by email at fostercareliaison@tea.texas.gov or by phone at (512) 463-9235.

Thank you for the important role you play in implementing the new ESSA requirements and advancing the education of students impacted by foster care.
Sincerely,

Monica Martinez
Associate Commissioner
Standards and Support Services