

What the Law Says

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), and instituted new protections for children in foster care. These provisions complement those in the [Fostering Connections Act](#) and require State Education Agencies (SEAs) and districts to work with child welfare agencies to ensure the educational stability of children in foster care.

As described in the [non-regulatory guidance](#) jointly released by the U.S. Department of Education (USDE) and the U.S. Department of Health and Human Services (HHS), “foster care” means *substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and pre-adoptive homes.*

What it Means

Children and youth in foster care represent one of the most vulnerable student subgroups in the country. Children in foster care experience much higher levels of residential and school instability than their peers¹ and unplanned school changes may be associated with delays in children’s academic progress, leaving highly mobile students potentially more likely to fall behind their less mobile peers academically.



State educational agencies (SEAs) and districts hold specific responsibilities aimed at supporting the educational rights and opportunities of students in foster care. These rights include access to immediate enrollment in schools regardless of access to records or additional requirements, free transportation to and from school, access to free meals services, and support engaging in academically and socially enriching activities offered by their school district. To learn more about the different types of foster care and eligibility under ESSA, visit the [Students in Foster Care web page](#) on the Oregon Department of Education website.

Requirements

The foster care provisions of Title I, Part A of the ESEA emphasize the importance of collaboration and joint decision-making between child welfare agencies and educational agencies at the state, district, and regional level. The requirements for ensuring educational stability² for children in foster care apply to all children³ in foster care enrolled in schools in the SEA. **Every district, regardless of whether it receives or accepts federal funds, must:**

- Allow students in foster care to remain in the school **district/school of origin** even when the foster home placement changes.
- **Immediately enroll students** in foster care after a school move.
- Identify a foster care **point of contact (FCPC.)**

¹ Retrieved from <https://www.fostercareandeducation.org/national-datasheet>

² ESEA Section 1111(g)(1)(E)

³ Under Title I, the term “children” includes children through age 21 who are entitled to a free public education through grade 12. (34 C.F.R. § 200.103(a)(1))



- Develop plans for school **district/school of origin transportation** to maintain a foster student attendance in the school district/school of origin.
- **Track achievement and graduation data** for students in foster care.

Leveraging Funds to Support Students

Title I, Part A

Unlike students experiencing houselessness, students in foster care are not automatically eligible for Title I-A services. Students in foster care are eligible to receive Title I, Part A services on the same basis as any other student. However, districts that receive Title I-A funds can [reserve funds](#) to **provide services to students in foster care, regardless of whether the student(s) are attending a Title I-A school**. These “set aside” funds can be used to assist in the provision of services for students experiencing foster care which may include additional costs to transport children to their school of origin⁴ as well as costs to support the position of the foster care POC.



Student Investment Account (SIA)

As a result of the Student Success Act (SSA) all Oregon districts are eligible for [Student Investment Account \(SIA\)](#) funds which are an enhancement to the State School Fund. Funds can be used to meet students’ mental or behavioral health needs, and increase academic achievement for students, including reducing academic disparities for specific groups of students, including those in foster care.

Dual Eligibility

As compared to their peers, students in foster care are more likely to receive Special Education Services. They are also more likely to experience housing instability. Consequently, students in foster care may be eligible for support under a variety of programs simultaneously. Districts should be sure all student data and tracking systems accurately identify these students and that all involved programs communicate and collaborate to ensure student needs are being met. It is also important to clearly identify which program funds are being used for each service/activity and that these uses align with the requirements of that program. Please contact the [State Foster Care Coordinator](#) if there is uncertainty around dual eligibility.

Recommendations for Practice

While students in foster care often face unique educational barriers, there are practices that have the potential to significantly improve their academic outcomes.

- **Team up.** The Foster Care Point of Contact and district personnel should communicate and collaborate on an ongoing basis to identify the needs of students in foster care, review available resources, and plan ways to address student needs. This could include involving the Foster Care Point of Contact in the creation of schoolwide, targeted assistance, and school improvement plans under Title I-A as well communication with those responsible for transportation.

⁴ ESEA Section 1112 (c)(5)
August 2024



- *Educate staff.* Consider having the Foster Care Point of Contact and Title I-A staff partner in providing joint program trainings and materials. This helps staff understand the responsibilities of the Foster Care Point of Contact as well as the rights of students in foster care.
- *Prioritize connection.* Educators make crucial contributions to the development and well-being of children and youth. Practices that promote trusting relationships with students in foster care are promising ways to improve students' educational opportunities.
- *Foster collaboration.* Strengthen connections with caseworkers and the county children's services agencies. Reach out when necessary to ensure there are comprehensive services and plans in place for foster youth and families.
- *Review policies.* Examine district policies to ensure they do not have a disproportionate or inequitable impact on students in foster care. These may include policies related to enrollment, discipline, attendance, school transfers, and transportation. Please take the steps necessary to update your policies with proactive practices that support educational stability, especially for highly mobile student populations. More information on the types of policies required to support students navigating foster care can be found in the [ESEA Monitoring Organizational Tool](#).

Questions for Reflection

1. How do we determine the strengths and needs of students in foster care? Who is involved in that process?
2. What training do we provide to staff to ensure district-wide awareness of the circumstances encountered by students in foster care and what supports are offered by the district?
3. How is the foster care point of contact involved in planning for use of Title I-A funds?
4. What are the barriers that our students in foster care face that impact their ability to succeed in school? What initiatives are underway at their school or in the district that address removal of those barriers?

Resources

- [Ensuring Educational Stability for Children in Foster Care \(Non-Regulatory Guidance\)](#)
- [Oregon Department of Education Foster Care webpage](#)
- [ESSA Quick Reference Brief: Set Asides under Title I-A](#)
- [Stability for Students in Foster Care](#)
- [Foster Care Monitoring Narrative form](#)