



ESSA brings major changes to education of children in foster care

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On June 23, 2016, the U.S. Department of Education and the U.S. Department of Health and Human Services issued a [joint letter](#) emphasizing significant new responsibilities for K-12 schools with respect to children in foster care. These changes are required under provisions of the recently enacted Every Student Succeeds Act (ESSA)—the legislative successor to the No Child Left Behind Act, originally enacted in 2002. The focus of the new legislation is directed at achieving greater “educational stability” for children in foster care, and “improved outcomes,” including higher graduation rates.

Some key responsibilities imposed by ESSA with respect to foster children are:

- a child in foster care must remain in his or her “school of origin” (school in which child is enrolled at time of placement in foster care) unless not in child’s “best interest”
- “best interest” determination must be made jointly by school and the applicable child welfare agency whenever the child’s placement is changed
- transportation must be provided to the foster child’s “school of origin” under procedures developed collaboratively with state and local child welfare agencies
- foster children changing schools must be “immediately enrolled” in their new school, even if they are unable to produce records normally required for enrollment
- individual schools, as well as the state education agency, must “report annually on academic achievement and graduation rates for children in foster care as a separate subgroup.”

A more detailed explanation of the new requirements relating to the education of foster children can be found in the [Non-Regulatory Guidance](#) also issued by USDOE and HHS on June 23, 2016.

Compliance with the ESSA’s provisions on foster children is required by December 10, 2016.



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