DEPARTMENT OF HUMAN SERVICES

Bulletin

The Every Student Succeeds Act (ESSA) of 2015 – Educational Stability Documentation in SSIS for Reporting in the Adoption and Foster Care Reporting System (AFCARS)

TOPIC

The Every Student Succeeds Act [Public Law 114-95] and its provisions for children in foster care, and Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) [Public Law 110-351]

PURPOSE

To inform county and tribal supervisors and caseworkers about new changes in SSIS that support data collection under the Every Student Succeeds Act (ESSA) of 2015, and Fostering Connections, required to document educational stability efforts in AFCARS.

CONTACT

Helen J.M. Bassett, Title IV-E Administrative and Educational Stability Consultant
Child Safety and Permanency Division
651-431-4919, or helen.bassett@state.mn.us

SIGNED

JAMES G. KOPPEL
Assistant Commissioner
Children and Family Services Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

In 1965, the Elementary and Secondary Education Act (ESEA) was signed into law. The Act provided federal funds for primary and secondary education, as well as emphasizing high standards and accountability for the education of students in grades K-12, as well as providing federal funding. The federal government has reauthorized ESEA every five years since it became law.

On Dec. 10, 2015, ESEA was reauthorized for the 11th time, with the current reauthorization titled the Every Student Succeeds Act (ESSA), P.L. 114-95. The current reauthorization includes language that largely mirrors the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections), P.L. 110-351, directing state departments of education to meet similar requirements in providing education to students who are in foster care.

The provisions of ESSA that pertain to foster care students, as described in this bulletin, were effective Dec. 10, 2016. The U.S. Departments of Education and Health and Human Services provided non-regulatory guidance to assist education and child welfare agencies with implementation of ESSA: http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf.

II. Educational Stability

The Every Student Succeeds Act requires that state education agencies take steps to ensure collaboration with the state agency responsible for state plans under parts B and E of Title IV of the Social Security Act, *42 U.S.C. 621 et seq.* and *671 et seq.* to ensure educational stability of children in foster care, including:

- Assurances that the state education agency (Minnesota Department of Education) will collaborate with the state child welfare agency (Minnesota Department of Human Services) to ensure the educational stability of children in foster care.
- Assurances that a child in foster care will remain enrolled at their school of origin, unless determined not to be in the best interest of a child, based on all factors relating to a child's best interest, including consideration of the appropriateness of the current educational setting and proximity to the school in which a child is enrolled at the time of placement. Local education agencies and child welfare agencies must collaborate to ensure that transportation to the school of origin is provided.
- If it is determined that it is not in the best interest of a foster child to remain in their school of origin, the child must be immediately enrolled in a new school.
- The state education agency will designate an employee to serve as a point of contact for child welfare agencies.
- Local education authorities must identify a contact if a child welfare agency contacts the local education agency to indicate its point of contact.
- Data collected about students for data points such as graduation rates, achievement on state testing, and growth scores on state testing must be disaggregated for children in foster care.

The ESSA requirements for state and local education agencies offers the opportunity for the Minnesota Department of Education (MDE) to provide guidance to local education agencies on how to best serve children in foster care, as well as offer an opportunity for strengthened working relationships among these agencies. New and/or increased collaboration with local child welfare agencies should strengthen efforts to ensure the educational stability of foster students throughout Minnesota, as well as enhance their educational outcomes.

III. Best Interest Determinations

The Every Student Succeeds Act requires that state education authorities provide assurances that children in foster care will remain at their school of origin unless it is determined that it is not in their best interest. [*20 U.S.C. §1005(g)(E); Minnesota Statutes, section 260C.212, subdivision. 8(i)*] The best interest determination factors should include the appropriateness of the current educational setting, and the proximity of the placement location to the school in which a child is enrolled at the time of placement.

Meeting the educational needs of children in foster care often includes having a child remain in their school of origin to avoid educational disruption, keeping services already arranged to meet the educational needs of a child, and ensuring educational stability. It should be noted that federal guidance instructs that the cost of school transportation should not be a factor in determining the best interest of a child for school selection purposes. [*ACYF-DB-PI-10-11, section E*]

If it is determined that it is not in the best interest of a child to remain in the school of origin, they must be immediately enrolled in a new school, even if they are unable to produce records normally required for enrollment.[*20 U.S.C. §1005(g)(E)(i); Minnesota Statutes, section 260C.212, subdivision 8(ii)*] In addition, the enrolling school must immediately contact the last school that a child attended to obtain relevant education records. [*20 U.S.C. §1005(g)(E)(iii)*]

Both federal and state laws pertaining to the educational stability of foster care children and youth require local child welfare and education agencies to determine a child's educational needs, and how those needs can be met as part of considering the best interest of a child. [*20 U.S.C. §1005(g)(E)*; *Minnesota Statutes, section 260C.212, subdivision 8(i)*]

To best serve the educational stability needs of children in foster care, child welfare and education agencies are encouraged to create a mechanism through which both entities can participate in the process of making the best interest determination. In some cases, agencies may disagree on the best interest determination for a foster care child. To resolve such disagreements, these agencies should establish a dispute resolution process to allow for a formal process in cases where disagreements arise. It should be noted that per federal guidance, in the case of disagreements that cannot be resolved, the child welfare agency should be considered the final decision maker in a best interest determination.

IV. Transportation for Children and Youth in Foster Care Placement Outside of the School District of Origin

Transportation is a key aspect in ensuring the educational stability of children and youth in foster care, specifically when a child is placed in out-of-home placement outside of their school boundaries. The ESSA legislation requires education agencies to provide assurances that they have collaborated with state or local child welfare agencies to develop and implement clear written procedures for how transportation will be provided, arranged, and be funded for the duration of a foster care placement. [*20 U.S.C. §1112(c)(5)(B)*] These assurances must include procedures to ensure that a child will promptly receive transportation in a cost-effective manner in accordance with Fostering Connections. [*20 U.S.C. §1112(c)(5)(B)(i)*]

Local education agencies are required to ensure that if there are additional costs to provide transportation, it will provide transportation to the school of origin if the:

- local child welfare agency agrees to pay the additional costs
- education agency agrees to pay the additional costs
- two agencies agree to share the cost.
    [*20 U.S.C. §1005(c)(5)(B)(ii)*]

Local education agencies may also utilize Title 1 education funds to assist with paying for education transportation; however, funds reserved for comparable services for homeless children and youth may not be used for this purpose. It should be noted that even if an education agency does not provide transportation to children and youth who are not in foster care, it must provide transportation for those in foster care. [*20 U.S.C. §1112(c)(5)(B)(i)*]

As stated in DHS bulletin #15-68-14, for the local child welfare agency, Title IV-E reimbursement may be claimed for school transportation costs for an otherwise eligible child. These costs can be reimbursed for Title IV-E eligible children and youth in the following ways by:

- Including transportation in a child's Minnesota Assessment of Parenting for Children and Youth (MAPCY), the assessment that calculates foster care maintenance payments to foster parents for the care of a child
- Making a separate payment for a child's transportation costs to foster parents through mileage reimbursement or gas cards
- Making separate payments to another provider, such as the local school district or third party provider
- Paying for public transportation through use of bus cards.

Service arrangements and payments entered in the Social Service Information System (SSIS) for education-related transportation must include the special cost code 15 – educational transportation (Pre-k – 12 only). Payments with this special cost code selected create claims in the Child Foster Care Report that are identified as Title IV-E Service Type T – Educational Transportation. Agencies are able to claim education-related transportation costs for the current quarter and the previous four quarters.

It is the shared responsibility of both the local child welfare and education agencies to ensure the educational stability of a child in foster care, including transportation to and from school. These agencies must collaborate and coordinate transportation to ensure educational stability for foster care students, and a dispute resolution process should be created to address disagreements regarding transportation, as well as other issues related to educational stability.

V. Immediate Enrollment

When children and youth in foster care must change schools, Fostering Connections and Minnesota Statutes require that the local child welfare agency provide the school that a child will be attending all necessary education records to ensure immediate enrollment. [*42 U.S.C. §675(G)(ii)(II); Minnesota Statutes, section 260C.212, subdivisions (8)(ii), (9)*]

The Every Student Succeeds Act directs education agencies to immediately enroll a foster care student even if they are unable to produce records normally required for enrollment. [*20 U.S.C. §1111(G)(1)(E)(ii)*] Although students will be immediately enrolled in school even if the necessary records have not been presented, the local child welfare agency is still responsible for providing records to the school as quickly as possible, as these records are key to providing schools with pertinent information to deliver appropriate services and education for a foster care child.

VI. Point of Contact

State Agency Point of Contact

The state education agency will designate an employee to serve as a point of contact for child welfare agencies, and to oversee implementation of the state agency's responsibilities required under ESSA. [*20 U.S.C. §1005(g)(E)(iv)*] this point of contact cannot be the same person as the state's coordinator for education of homeless children and youth under the McKinney-Vento Homeless Assistance Act. [*42 U.S.C. §11432(d)(3*] the point of contact for the Minnesota Department of Education (MDE) is Beth Chaplin. Contact her via email at beth.chaplin@state.mn.us, or phone 651-582-8328.

The Minnesota Department of Human Services (department) has appointed Helen J.M. Bassett as the point of contact for educational stability of foster care children and youth. Contact her via email at helen.bassett@state.mn.us, or phone 651-431-4919.

VII. Local Education Agency and Child Welfare Agency Points of Contact

Under ESSA, each local education agency must designate a point of contact for educational stability to assist child welfare agencies, if the corresponding child welfare agency notifies a local education agency, in writing, that it has designated a point of contact. [*20 U.S.C. §1112(c)(5)(A)*] If the local child welfare agency does not provide this information, the local education agency is not required to designate a point of contact.

Federal guidance has indicated that an email can serve as written notification, which may help local child welfare agencies complete the task in a more efficient manner.

Local child welfare agencies that provide services in larger geographic areas with more than one school district may need to contact multiple education agencies to determine who the contact for each education agency will be.

The department strongly encourages local child welfare agencies to appoint a point of contact and promptly notify local education agencies of this appointment. The notification will trigger the requirement for the local education agency to appoint a contact, and promote better communication and collaboration between the two agencies. The point of contact position is not required to be a dedicated position, although in counties with large numbers of foster care children and youth, this may be appropriate. Point of contact duties may be incorporated into the job description of an existing position within child welfare agencies.

Possible duties for a local child welfare contact include:

- Serving as the primary point of contact between children and youth in care and school/district personnel and other service providers
- Coordinating with local education agency contacts
- Establishing a process to notify a local education agency when a child is placed in care, or a placement change is necessary
- Facilitating records transfers for pertinent information
- Meeting regularly with the local education agency to discuss the educational needs of foster children and youth.

When a local child welfare agency appoints an educational stability point of contact, forward that person's name and contact information to the state educational stability contact, Helen Bassett, at helen.bassett@state.mn.us.

VIII. Disaggregation of Data for Students in Foster Care

To better assess the educational attainment of foster care children and youth, ESSA requires that data collected for all students also be disaggregated for foster care students as a group. [*20 U.S.C. §1111(h)(1)(C)(VI))(ii) and (iii)*] Data disaggregation will be completed by MDE, as is the disaggregation of data for other subgroups.

IX. Removal of Students in Foster Care from the Definition of Homeless

Under ESSA, foster care children and youth awaiting foster care placement are removed from the definition of "homeless," which previously allowed these children and youth to receive transportation services under the McKinney-Vento Homeless Assistance Act of 2001. [*42 U.S.C. §11431, et seq.; 20 U.S.C. §9105(a)(1)(B)*] As of Dec. 10, 2016, children and youth awaiting foster care placement are no longer eligible for transportation services under the McKinney-Vento Act. Transportation for children and youth awaiting placement must be determined and arranged for in the same manner as transportation for all other foster care children and youth.

MDE has determined that children and youth awaiting foster care who met the eligibility criteria through the Dec. 9, 2016, date will continue to receive transportation services through the 2016-2017 school year. Transportation arrangements for these students will need to be re-determined at the beginning of the 2017-2018 school year in the same manner as all other foster care students under ESSA.

X. Local Child Welfare Agency and Local Education Agency: Collaboration

Best practice to address the requirements of Fostering Connections, ESSA, and the educational stability needs of children and youth in foster care includes the formalization of collaborative work efforts of local education and child welfare agencies. One way that this can be achieved is through development of a memorandum of understanding (MOU). A MOU should include specific information about the ways that local child welfare and education agencies will collaborate to meet the educational stability needs of students that are in foster care, as well as how responsibilities and duties will be carried out and by whom.

Items that should be addressed in a MOU include, but are not limited to:

- **How the local child welfare and education agencies will communicate and share information**. This process is key at various points throughout a foster child's attendance at school, such as when a child will be transferring to a new school, transferring out of school, or any other situation that may arise that requires involvement of both local agencies. Each local education and child welfare agency must determine the most effective, efficient and routine way that information can be shared. These methods could include paper or electronic forms, email notification, etc. Agencies should utilize a point of contact to make this process more efficient. These local agencies must also consider release of information requirements to ensure the privacy protections for children, youth and families are met.

- **Each agency should review its respective release of information documents and ensure that sensitive information that would need to be included in a release is already included, or the release is updated/amended in accordance with all applicable laws**. Details about information sharing and release of information procedures should be included in a MOU.

- **How the two local agencies will collaborate around best interest determinations**. The agencies should determine how they will collaborate to include the local education agency in the decision-making process to determine the best interest of a child pertaining to educational needs, including what information will be used to make a decision, how documentation and/or records should be utilized, and other details about how the process would work. This should include details on the formal dispute resolution process that will be utilized by the agencies if they cannot come to agreement on the best interest of a child with respect to educational stability, and what steps will be taken to ensure that a child remains in their school of origin during the dispute resolution process (if applicable).

- **How the local child welfare and education agencies will collaborate to make transportation arrangements when it is in the best interest of a foster care child to remain in their school of origin**. The MOU should document the steps that will be taken to consider all factors related to transportation of a foster care child to their school of origin.

Decisions should include:
- how student will be transported.
- who will be responsible for the cost of transportation
- how the local child welfare and education agencies will work together to ensure that transportation is immediate
- procedures for when outsourced vendors provide transportation
- protocols for data sharing when outsourced transportation vendors transport students
- Insurance liability.

The MOU should also include the formal dispute resolution process to be utilized by the agencies, as well as how they collaborate to ensure transportation is provided to a foster care child while the dispute resolution process is taking place. There is no state-level dispute resolution process. The state education and child welfare agencies' point of contact will provide technical assistance on a case-by-case basis, upon request, if an issue cannot be resolved at the local level.

Additional Resources

Non-regulatory Guidance: Ensuring Educational Stability for Children in Foster Care: http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf

American Bar Association, Highlights of Joint Federal Guidance to Ensure School Success for Students in Foster Care under ESSA: http://fostercareandeducation.org/Portals/0/pdfs/ESSA%20Guidance%20Final2.pdf

Education for Homeless Children and Youths Program Non-regulatory Guidance: http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf

Minnesota Department of Education's website on ESSA: http://www2.ed.gov/policy/elsec/leg/essa/index.html

Child Welfare Information Gateway, Education Stability in Foster Care: https://www.childwelfare.gov/topics/systemwide/service-array/education-services/meeting-needs/educational-stability/

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) (division's general information phone number) or toll free at (800) 627-3529 (include if available within the division) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

Educational Stability Documentation in SSIS for the Adoption and Foster Care Reporting System (AFCARS)

There are new changes in SSIS to document educational stability of students in foster care. These changes are needed to document required data reporting under the Every Student Succeeds Act (ESSA) of 2015. The Social Security Act (SSA) requires the Minnesota Department of Human Services (department) to report case-specific information every six months, on children who are in foster care or adopted, through the Adoption and Foster Care Analysis and Reporting System (AFCARS). The Social Service Information System (SSIS) is the mechanism for capturing this data.

The provisions of ESSA build on the Fostering Connections to Success and Increasing Adoption Act of 2008, [PL 110-351] and requires child welfare agencies to collaborate with educational agencies to ensure stability for children in foster care. The requirements of ensuring educational stability were further clarified in 2011 with the enactment of the Child and Family Services Improvement and Innovation Act, and also addressed in Minnesota Statutes, section 260C.212, subdivision 1(b) (8),(9).

In order to meet these provisions, agencies must assure that:

1. at initial placement in foster care, and at each subsequent move, efforts and plans are made to ensure education stability, unless remaining in the school of origin is not in a child's best interest,
2. if it is not in a child's best interest to remain in the school of origin, that a child is immediately enrolled in a new school, and
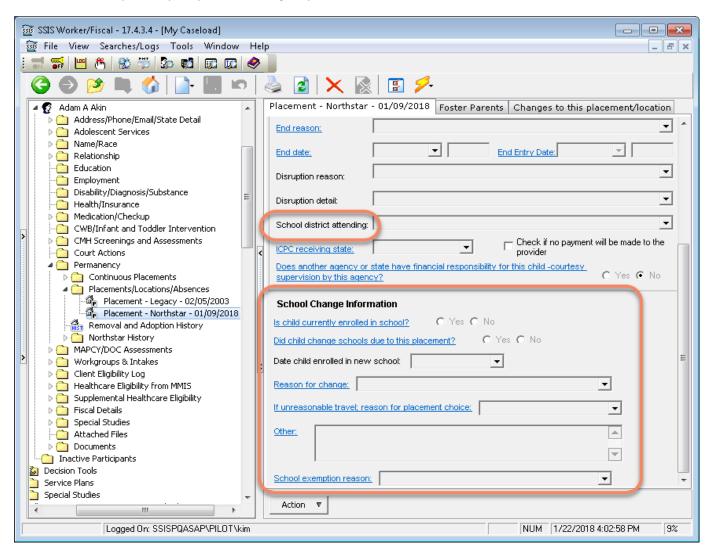3. child's records are immediately transferred to the enrolling school.

Changes in SSIS Supporting Educational Stability
As a part of efforts to ensure that the educational stability needs of foster care children are being met, enhancements to SSIS allow for recording and collecting data about agency efforts to meet educational stability requirements.

These fields are added in SSIS on the Placement Screen:

1. Is child currently enrolled in school?
2. Did child change schools as a result of out-of-home placement? If so, specify the reason
3. If the reason for school change was unreasonable travel, specify the reason for the placement choice.
4. If child is exempt from school attendance, specify the reason

Also on the Placement screen, agencies must select the "School district attending" for **each placement setting**. This data is used for ESEA reporting. The agency selects the school district from a list that SSIS gets from MDE (which is updated yearly). The local agency is not able to add selections to this list.
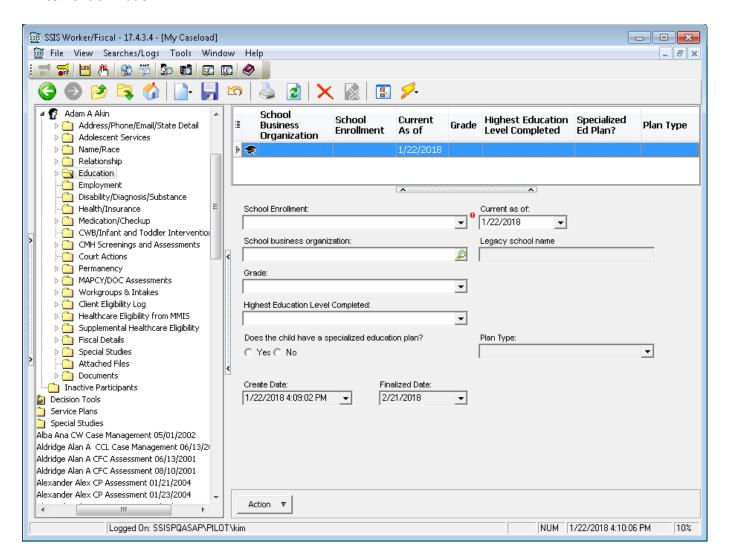

There are three education-related data elements required for AFCARS:

1.   School enrollment
2.   Highest educational level completed, and
3.   A set of elements related to educational stability which does not require including a specific school name, nor is there a requirement to designate home-schooling or online learning.

A revised Education node was added in SSIS for child, which adds fields to report education enrollment. The Education Record node in SSIS is required, and must be completed for **all** children who are entered into out-of-home placement, including for children in preschool or post-secondary, for continuous placements **lasting 30 days or more**.

The 30-day window is believed to provide adequate time for case workers providing case management services. The case manager will collect and enter the education data, in most situations. The rules may be adjusted after the department receives more guidance on new AFCARS regulations.

The Education screen was moved to its own node from the former CWB/Education/Infant and Toddler Intervention node.

Federal Register (FR) p. 90572, final regulations Dec. 14, 2016, section 14, addresses school enrollment, and defines an elementary or secondary school student in section 471 (a) (30) of the Social Security Act as: "enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the state or other jurisdiction in which the institution is located; instructed in elementary or secondary education at home in accordance with a home school law of the state; in an independent study of elementary or secondary education program in accordance with the law of the state and administered by the local school or school district." See Minnesota Statutes 120A.22, subdivisions 5 and 9, regarding compulsory education and curriculum; and Minnesota Statute 120A.05 regarding definitions for pre-school, elementary, and secondary education.

School enrollment: Is required for all foster children. Drop down options for school enrollment are:[1]

- Elementary
- Secondary

---

[1] Minnesota Statutes 120A.05, subdivision 9, defines elementary students as students in grades pre-kindergarten through grade 6. Minnesota Statutes 120A.05, subdivision 13, defines secondary school as grades 7 – 12. A student in grades 7-12 may be classified as a secondary student. A student in grades pre-kindergarten – 6 may be considered elementary. **Note:** A district may configure their schools to include a middle school, which must be two consecutive grades above fourth (think sixth grade) and below tenth grade, (think ninth grade). Often a school district that includes that configuration will offer a junior high option within their district, at grades seven, eight and nine.

- Post-secondary education or training (enrolled full or part time)
- College (enrolled full or part time)
- Not school-age
- Not enrolled
- Pre-school/Head Start

Current as of: School enrollment information must be updated each year, and/or when a child changes schools. This date indicates when the school information was current, and it cannot be a future date.

School business organization: School business organization names are selected from the Business Organization Search. The legacy school name is read-only, and displays information previously entered on the Legacy screen. This information is not required if a child is not school age or not enrolled is selected.

Grade and highest education level completed: Record the current grade and highest education level completed. Both fields are required when a child is enrolled in school. The list of available values for Highest Education Level Completed in SSIS is listed below.

Not school age
Pre-school/Head Start
Kindergarten
First grade
Second grade
Third grade
Fourth grade
Fifth grade
Sixth grade
Seventh grade
Eighth grade
Ninth grade
10th grade
11th grade
12th grade
GED
Post-secondary education or training (at least one semester)
College (at least one semester)
None completed

Specialized education plan: Not required if not school age or not enrolled is selected. Plan Type:
- Individualized Education Program (IEP)
- Individualized Family Service Program (IFSP), special education services for children under age 3
- The 504 plan – describes accommodations that will help students succeed in the classroom and follow curriculum without changing the curriculum itself.

General question regarding home schooling: Local social service agencies/tribes can continue to use the Business Organization field. Workers may either select the Business Organization for a specific school within a district, or the school district itself. It may be beneficial to add a separate Business Organization for the school or school district with "home schooling" designated in the Business Organization name.

For example **"Bloomington school district – homes schooling"** or **"Jefferson High School – home schooling"** or enter the actual name of the public or non-public school, approved by the commissioner of education; or continue listing the school district only. There is no requirement for a more specific designation related to home schooling or online schooling.

Create date: Timestamp will record when a worker creates a record. For existing education records this date would be set to the date of the 17.3 release.

Finalized date: Is calculated as 30 days after the creation date, which will lock the record and not allow editing as of the finalization date. This will document a child's educational history.

Data clean-up: The revised Education screen is included in SSIS v17.3, but the requirement to enter data for children in a 30-day continuous placement will not be included in a data clean-up message until the v17.4 release.

Data clean-up requirements for the Education screen will be modeled after the current requirements, but may be changed again, once more guidance is provided about revised AFCARS requirements and regulations.

For questions about documenting the educational stability requirements in SSIS contact the SSIS Help desk at 651-431-4801, or dhs.ssishelp@state.mn.us.