

CHILD WELFARE FACT SHEET

June 2019

THE EVERY STUDENT SUCCEEDS ACT AND ITS IMPACT ON YOUTH IN FOSTER CARE

President Obama signed the *Every Student Succeeds Act (ESSA)* into law on December 10, 2015 which reauthorized the *Elementary and Secondary Education Act of 1965 (ESEA)*. *ESSA* creates new possibilities for student and school success in public education by giving states more responsibility in designing and implementing accountability systems and in determining the needs of schools. This is a shift away from the previous focus on test scores and graduation rates alone. *ESSA* allows states to create a holistic approach to accountability that includes multiple measurements of success and provides opportunities for local innovation. The focus on the whole child allows states to leverage improvements to achieve more equitable school systems. The law enhances collaboration between education and child welfare agencies and includes provisions that ensure school stability for children in foster care.^{1,2}



SCHOOL STABILITY FOR CHILDREN IN FOSTER CARE



Children and youth in foster care experience higher levels of residential and school instability than their peers. Student mobility is associated with lower academic performance, behavior difficulties, lower levels of school engagement, and increased risk of dropping out of high school. One-third of children in foster care will experience five or more school changes before they turn age 18, and such changes often result in lost academic progress.³

The federal *Every Student Succeeds Act (ESSA)* promotes continuous collaboration and joint responsibility between education and child welfare agencies in ensuring the educational stability of foster youth. *ESSA* includes provisions to give students in foster care more educational stability by allowing students to stay in their school of origin, if it is in their best interest and by providing transportation to that school. If it is not in the child's best interest to remain in their school of origin, *ESSA* requires that the child must be immediately enrolled in a new school, even if they lack the records normally required. It is up to the new school to immediately contact the school of origin to obtain records. The cost of school transportation cannot be a factor in determining which school is in the child's best interest.^{4,5}



STUDENTS IN FOSTER CARE DATA COLLECTION



In FY 2017, there were more than 275,000 school-age children (ages 5 to 18) in foster care in the United States. They represent one of the most vulnerable student subgroups in the country and face unique educational challenges. Students in foster care are much more likely to fall behind in school, have lower graduation rates, and lower test scores than their peers.⁶

ESSA provides an important opportunity for school systems and child welfare agencies to work together to collect and use data in order to support children in foster care throughout their education. When data is shared between child welfare agencies and educational agencies, both parties are better able to assist the child. *ESSA* also requires state education agencies to report disaggregated data on graduation rates, performance on state-selected academic indicators, and achievement on academic assessments for youth in foster care.⁷

- In July 2017, the Rhode Island Department of (RIDE) and the Rhode Island Department of Children, Youth and Families (DCYF) signed a memorandum of agreement to support the implementation of *ESSA*'s provisions related to school stability. The memorandum states that DCYF agrees to revise policies and protocols to meet the requirements of *ESSA* and that RIDE will develop a statewide data collection and reporting plan on student achievement and graduation rates for children in foster care. DCYF and RIDE agree to designate a point of contact for *ESSA* implementation and work together to ensure children's continued enrollment within their schools of origin unless it is not in their best interest, develop transportation protocols, eliminate barriers to the enrollment of children in foster care in charter schools, and convene a stakeholder work group to review and develop policies that meet the school stability provision of *ESSA*.⁸
- In September 2017, Rhode Island submitted its *Every Student Succeeds Act* State Plan to the U.S. Department of Education. The plan specifies that the state will provide performance data on students in foster care. In 2019, for the first time, states are required to report how well students in foster care are performing on state testing and how many are graduating from high school. Rhode Island has reported data on how students in the foster care system perform on state assessments compared to their peers.^{9,10}

Recommendations

- Finalize and publicly release state guidance on *ESSA* implementation as it relates to children in foster care, including question and answer documents and implementation tool kits to aid local jurisdictions.
- Report on the progress of the *ESSA* memorandum of agreement (including the identification of RIDE and DCYF points of contact, revised policies and protocols, and elimination of barriers to enrolling children in foster care in school).
- Track and publicly report data on students in the foster care system (including school of origin, achievement in math and reading, and graduation rates).
- Ensure students are transported to their school of origin unless it is not in their best interest by creating a procedure for best interest determinations that includes transportation agreements and written transportation procedures.
- Pass legislation requiring that educational achievement and development for children in foster care are tracked and publicly reported.
- Ensure teens in out-of-home placement are in the least restrictive and most family-like setting to maximize access to their school and community of origin.

References

¹ U.S. Department of Education and U.S. Department of Health and Human Services. (2016). *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*.

² Darling-Hammond, L., Bae, S., Cook-Harvey, C., Lam, L., Mercer, C., Podolsky, A., & Leisy Stosich, E. (2016). *Pathways to New Accountability Through the Every Student Succeeds Act*. Palo Alto, CA: Learning Policy Institute.

^{3,5} Rhode Island KIDS COUNT. (2018). *Student Mobility-RI Kids Count Factbook*.

^{4,7} American Bar Association. (2018). *Every Student Succeeds Means Children in Foster Care Too: State Progress on ESSA's Foster Care Provisions*. Retrieved December 11, 2018, from www.americanbar.org

⁶ U.S. Department of Health and Human Services. (2018). *Adoption and foster care analysis and reporting system (AFCARS) preliminary FY 2017 estimates as of August 10, 2018 - No. 25*. Retrieved on June 24, 2019 from www.acf.hhs.gov

⁸ Department of Children and Families, RI Department of Education. (2017). *Memorandum of agreement: Implementing the school stability provision of ESSA*. Retrieved April 3, 2019 from www.ride.ri.gov

⁹ Rhode Island Department of Education. (2017). *Rhode Island's Every Student Succeeds Act state plan*. Retrieved April 3, 2019 from www.ride.ri.gov

¹⁰ Rhode Island Department of Education. (2019). *State and district report cards*. Retrieved June 21, 2019 from <https://reportcard.ride.ri.gov>



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