

# **EVERY STUDENT SUCCEEDS ACT**

The National Center for Youth Law co-led the effort to include protections for students in foster care for the first time in a major piece of federal legislation governing education – the Every Student Succeeds Act (ESSA), the bill reauthorizing and amending the Elementary and Secondary Education Act (ESEA).

## **Every Student Succeeds Act Foster Care Provisions**

The new provisions specific to students in foster care are designed to support school districts in their efforts to serve foster youth effectively. We are creating tools and resources that support state and local education agencies across all of the new provisions:

- **School of origin:** State plans must include assurances that foster youth be enrolled or remain in their school of origin, unless there is a determination that it is not in their best interest to do so.
- **Immediate enrollment:** When a foster youth does not remain in the school of origin, the student must immediately be enrolled in a new school, regardless of whether the youth can produce the records typically required for enrollment.
- **Records transfer:** When a foster youth changes schools, the enrolling school must immediately contact the previous school to obtain academic and other records.
- **State-level point of contact:** State education agencies must designate a point of contact for child welfare agencies; this may not be the same person as the state’s McKinney-Vento coordinator.
- **Local-level point of contact:** Local education agencies must collaborate with the state or local child welfare agency to designate a point of contact *if* the child welfare agency has given notice of designating its own point of contact.
- **Transportation:** Local education agencies must collaborate with state or local child welfare agencies to implement clear written procedures as to how prompt, cost-effective transportation allowing youth to remain in their school of origin for the duration of their time in foster care will be provided, arranged, and funded.
- **Data disaggregation:** States must provide disaggregated data on foster youth. Annual state report cards must contain information on student achievement for foster youth. The report cards must also contain information on high school graduation rates for foster youth.
- **Homeless definition:** Students “awaiting foster care placement” are removed from the definition of homeless youth in McKinney-Vento. For states that have statutory laws that define or describe the phrase “awaiting foster care placement,” this change will take effect two years after ESSA’s enactment. For other states, this change took effect one year after ESSA’s enactment.

## Every Student Succeeds Act Provisions Impacting Justice-Involved Youth

- **Family involvement:** State and local agencies must involve parents, family members, and communities in programs to improve education outcomes for youth in the juvenile justice system.
- **Students in tribal schools:** ESSA expands the purpose of Title I, Part D to improve educational services for youth in tribal institutions for neglected and delinquent children and youth. Additionally, state agencies should utilize funding on transition services for youth moving between institutions and schools operated or funded by the Bureau of Indian Education. Local educational agencies can also use Title I, Part D funding for programs supporting “at-risk” Indian children and youth, including those who are in correctional facilities operated by the Secretary of the Interior or Indian tribes.
- **Transition services for youth in correctional facilities:** State and local agencies must coordinate with correctional facilities to facilitate successful education transitions for justice-involved youth.
- **High school diplomas:** State and local agencies are encouraged to assist youth in the juvenile justice system in attaining traditional high school diplomas. Moreover, one accountability standard for local education agencies is devoted to increasing the number of youth attaining high school diplomas.
- **Dual-status youth:** States should keep records of dual-status youth in its educational institutions, and states can use funds for targeted services assisting dual-status youth.
- **Pay-for-success initiatives:** State and local agencies can use funding for pay-for-success initiatives.
- **Higher education partnerships:** In their applications for funding, local education agencies should describe any partnerships they have with higher education institutions around post-secondary success and workforce development.
- **At-risk youth definition:** The definition of at-risk youth is expanded to include youth who are at risk of delinquency adjudication, as well as youth who have had any contact with the juvenile justice system.



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