



ARIZONA DEPARTMENT OF  
**EDUCATION**

# Foster Care Education: New Guidance

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# Objectives

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## Participants will...

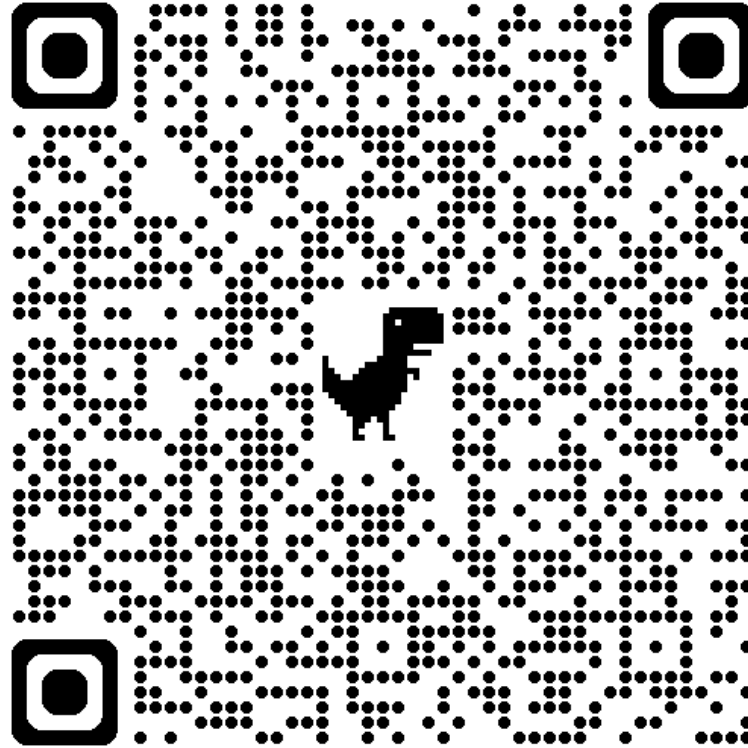
- become familiarized with the new federal guidance to support students in foster care within their LEA



# Federal Guidance

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# New Guidance



Nov. 15, 2024

Supersedes Previous

Major Collaboration

<https://www.ed.gov/media/document/non-regulatory-guidance-ensuring-educational-stability-and-success-students-foster-care-november-15-2024>



# New Guidance Highlights

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# Highlights Pg. 1

## Federal Update: New Joint Guidance to Support Students in Foster Care December 2024



### INTRODUCTION:

On November 15, 2024 the U.S. Department of Education and U.S. Department of U.S. Department of Health and Human Services released new Non-Regulatory Guidance: Ensuring Educational Stability and Success for Students in Foster Care. This guidance updates previous joint guidance from 2016 and provides critical new information about how federal laws support students in foster care, including the Every Student Succeeds Act (ESSA) and the Fostering Connections to Success Increasing Adoptions Act (Fostering Connections). This guidance:

- Prioritizes and strengthens continued quality implementation of school stability provisions 9 years after ESSA;
- Expands on what is needed for school stability and success by adding new focus on academic success;
- Addresses intersectional identities by focusing on special student populations who are also in foster care; and
- Emphasizes new key considerations of funding and data collection that are critical to student success.

### Highlights of the New Joint Guidance

#### COLLABORATION & POINTS OF CONTACT

Building on the ESSA requirements for the state education agency (SEA) to have a point of contact (POC) and local education agency (LEA) to have a POC if the child welfare agency also has a POC, the new guidance outlines the potential roles and responsibilities of those POCs. The new guidance adds that POCs should "have sufficient capacity and the necessary resources to meaningfully oversee implementation of the Title I educational stability provisions." (B-2 & B-4)

Speaking to the importance of collaboration, the new guidance encourages agencies to "view interagency collaboration as an essential component of their programs, and staff at both agencies should have the time and capacity required to meaningfully engage in the collaboration." (C-2 & C-5)

#### BEST INTEREST DETERMINATIONS

The new guidance provides many clarifications and details about implementing the educational stability provisions of Title I Part A of ESEA. Highlights include:

- Trial reunification with parents qualify for Title I education stability protections (A-1)
- If a child in foster care has never been enrolled in a school before, they do not have a school of origin and should be immediately enrolled in school (D-2)
- School of origin is the public school a student is enrolled in when they entered foster care or changed foster care placements (D-1)
- School of origin includes feeder schools (D-5)

Additionally, the new guidance encourages best interest determinations to be completed within 3 business days. (E-3)

#### TRANSPORTATION

ESSA explicitly says the cost of transportation cannot be a best interest determination factor. The new guidance builds on this by stating the "administrative burden for educational agencies or child welfare agencies should not be considered when completing a BID process." (E-6) Additionally, the new guidance clarifies that transportation to a school of origin should be provided "without undue delay - e.g. within 3 business days of the completion of the BID process." (F-3) This transportation should include "transportation for needed academic supports" including tutoring, summer school, and enrichment programs. (F-10)

Finally, the new guidance encourages school districts to adopt policies that allow students who exit foster care to remain at their school of origin, with transportation, for the remainder of the school year. (D-4 & F-15)

#### IMMEDIATE ENROLLMENT

The new guidance clarifies that "immediate" means as soon as practicable and uses 3 business days as an example. (G-2) The new guidance also defines enrollment by stating "a student is not fully enrolled if a student is not attending school or fully participating in classes, extracurricular activities, and out-of-school summer opportunities." (G-2)

To facilitate immediate enrollment, the guidance encourages the enrolling school to reach out to the school of origin to request education records and suggests the school of origin should provide the requested records within 3 business days. (G-4)

# Highlights Pg. 2

## Federal Update: New Joint Guidance to Support Students in Foster Care November 2024



### DISPUTE RESOLUTION

The new guidance expands on how disputes should be addressed when agencies have collaborated but are unable to reach agreement. The guidance strongly encourages states to come up with procedures to govern how to resolve disputes. These procedures "should cover all manner of disputes that might arise in the implementation of the...school stability provisions" including decision around school placement, school of origin transportation, and school enrollment. The procedures also should address disputes between education and child welfare agencies, disputes between LEAs, and cross state disputes between SEAs.

### ENSURING ACADEMIC SUCCESS

A brand new guidance section about ensuring academic success for students in foster care encourages school districts to look critically at their policies to remove barriers for student in foster care for attendance (I), discipline (J), and credit accrual and graduation (K). The section includes resources and programs that schools and child welfare agencies can adopt to ensure academic success for students in foster care.

The guidance emphasizes a disciplinary removal from school should be used only as a last resort and prior to taking disciplinary action schools should consider issues related to a student's involvement in the child welfare system. (J-1)

Also included is a detailed list of programs to assist transition-aged youth including: Perkins V, GEAR UP, TRIO, on-campus supports, independent living, Chafee ETV, extended foster care, and tuition assistance programs. (K-7 & K-8)

### SPECIAL POPULATIONS

The new guidance features a new section focusing on special student populations and how to assist schools in creating opportunities to fully meet each student's needs. The section includes information about cross-program opportunities to support student in foster care including students with a disability (L), English Learners (M), experiencing homelessness (N), involved in the juvenile justice system (O), American Indian or Alaska Native (P), or pre-school aged (Q).

### FUNDING

This new guidance includes for the first time descriptions of possible funding opportunities to provide services for students in foster care. The section outlines how to use both child welfare and education federal funding streams including:

- Title I, Part A of the ESEA (R)
- Title IV, Part A of the ESEA (S)
- 21st Century Community Learning Centers Program (T)
- Full-Service Community Schools Program of the ESEA (U)
- Title IV-E of the SSA (V)

The guidance cautions some of these funding streams are only available for certain eligible students, not all students in foster care.

### DATA COLLECTION & REPORTING

The new guidance encourages agencies to use data to drive program implementation and expands on how to use data (W) and details federal reporting requirements (X).

Additionally, the new guidance encourages routine data sharing between educational agencies and child welfare agencies. (Y-1) The guidance suggests considering the following when creating a data sharing structure: formal agreement, directionality, frequency, data elements, use, and access by third parties. (Y-4) The guidance suggests the types of data that could be shared. (Y-5 & Y-6)

*Throughout this resource the letters and numbers cited reference the corresponding questions answered in the guidance. We encourage you to read fully the new guidance using this [link](#).*

For additional information about how to support students in foster care please visit our website and connect with us online.

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# Full Summary

## Federal Update: Summary of New Federal Joint Guidance to Support Students in Foster Care

January 2025



### INTRODUCTION:

On November 15, 2024, the U.S. Department of Education and the U.S. Department of Health and Human Services released new [Non-Regulatory Guidance: Ensuring Educational Stability and Success for Students in Foster Care](#). This guidance updates previous joint guidance from 2016 and provides critical new information about how federal laws support students in foster care, including the Every Student Succeeds Act (ESSA) and the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections). The guidance covers a range of topics, including [school stability](#) (A-H), [academic success](#) (I-K), [special populations](#) (L-Q), [funding](#) (R-V) and [data collection](#) (W-Z).

### Title I Educational Stability Provisions (A-H)

#### APPLICABILITY OF PROVISIONS (A):

The guidance distinguishes between the Title I educational stability provisions found in ESEA section 1111(g)(1)(E) and ESEA section 1112(c)(5). The requirements in ESEA section 1111(g)(1)(E) apply to all children in foster care enrolled in a state educational agency (SEA), whereas certain additional requirements in ESEA section 1112(c)(5) apply only to children in foster care attending schools in local educational agencies (LEAs) receiving Title I subgrants.<sup>1</sup> (A-1, A-6). The Title IV-E definition of foster care<sup>2</sup> includes children placed in trial reunifications with their parents when the child welfare agency retains placement and care responsibility. (A-1). The Title I educational stability provisions apply to children of compulsory school age when they (i) enter foster care or (ii) experience a change in foster care placement. (A-5, A-3). If a child is currently not enrolled in school, the LEA and local child welfare agency must enroll the child in school. (A-2, A-3). While the Title I provisions do not create new requirements for child welfare agencies, the guidance cross-

<sup>1</sup>These additional provisions include requirements related to school of origin transportation and LEA POCs. (A-6).  
<sup>2</sup>See 45 C.F.R. § 1355.20(a).





# Comparison Between the New & the Old

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# New vs Old Comparison

2016 Guidance	2024 Guidance	Possible New Practices
	"This guidance supersedes the 2016 non-regulatory guidance <i>Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care</i> ."	

## Title I Educational Stability Provisions

### A. Applicability of Provisions

2016 Guidance	2024 Guidance	Possible New Practices
<p><b>"1. To which children do the new Title I requirements to ensure the educational stability of children in foster care apply?"</b></p> <p>The requirements for ensuring educational stability for children in foster care under section 1111(g)(1)(E) apply to all children<sup>15</sup> in foster care enrolled in schools in the SEA. Consistent with the Fostering Connections Act, "foster care" means 24-hour substitute care for children placed away from their parents</p>	<p><b>"A-1. To which students do the Title I educational stability provisions apply?"</b></p> <p>The Title I educational stability provisions in ESEA section 1111(g)(1)(E) apply to all children<sup>9</sup> in foster care enrolled in schools in an SEA. Additional requirements in ESEA section 1112(c)(5) apply to children in foster care attending schools in LEAs receiving Title I subgrants. Consistent with Title IV-E of the SSA, "foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care</p>	



# Guidance Gold

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# Collaboration

**LEAs & CWAs work together to support the needs of students in foster care.**

**C8:** “Cross-system collaboration should also ensure... to meet the unique needs of students in foster care...consider opportunities to cross-train... on the importance of educational stability for students in foster care.”

# Public

Public added to school of origin definition

**D1:** “The school of origin is the public school a student is enrolled in when they enter foster care or when they change foster care placements.”

# No School History

Never attended a public school → New school immediately enrolls

**D2:** “A child in foster care who has never been enrolled in a public school does not have a school of origin and should be immediately enrolled in a new school even if the child is unable to produce records normally required for enrollment...”

# Feeder Schools

**Feeder school becomes the school of origin.**

**D5:** “When a student **completes the final grade level** serviced by the school of origin, **the next school in the feeder school pattern becomes the school of origin.**”

# BID Definition

**BID as a process.**

**E1:** “A **BID** is a process through which **educational agencies** and **child welfare agencies** partner with important people in a student’s life to **determine** whether it is in a student’s **best interest** to remain at their **school of origin** or change schools.”



# BID Timeline

## 3 Days for BIDs

**E3:** “LEAs, in collaboration with child welfare agencies, are encouraged to complete a **BID** process within **three business days** of the time of placement in foster care.”

# School of Origin During the BID

Remain in the school of origin during the BID process.

**E4:** “Yes. To ensure educational stability, a student in foster care must **remain in their school of origin** until the LEA, in collaboration with the child welfare agency, **completes the BID process** and determines that it is in the student’s best interest to attend a different school.”

# Old School as a New School???

Remain in the school of origin during the BID process.

**E5:** “A BID process should be **student-centered** and **context-specific**... presume that remaining in the **school of origin** is in the student’s **best interest**, unless the BID suggests that attending another school, including **any public school** the student has **attended previously**, is in the student’s best interest.”

# No Costs or Burden Considered

**Cost & logistics of transportation NOT a BID factor.**

**E6:** “Consistent with HHS’ guidance in [ACYF-CB-PI-10-11](#), **transportation costs should not be considered** when determining a student’s best interest. Similarly, **administrative burden** for educational agencies or child welfare agencies **should not be considered** when completing a BID process.”

# Transportation Timeline

## 3 Days to Transport

**F3:** “... LEA’s written transportation procedures should establish the LEA’s process for **providing, arranging, and funding** school of origin transportation in sufficient detail to allow such transportation to be provided **without undue delay**—e.g., within **three business days** of the completion of the BID process.”

# More Comprehensive Transportation

Academic Supports ✓

Extra-Curriculars ✗

**F10:** “This includes transportation for needed academic supports... such as afterschool tutoring and summer learning and enrichment programs... encouraged to provide transportation... occur outside the regular school day, including extracurricular activities that support their overall well-being.”

# Full Participation in School

Immediately enrolled, fully participating in classes, & extracurricular/out-of-school/summer activities.

**G2:** “A student is not **fully enrolled** if a student is not **attending school** or **fully participating** in classes, extracurricular activities, and out-of-school and summer opportunities.”

# Disproportionate Discipline

Schools should be prepared to support the unique challenges of students in foster care

**J1:** “Involvement in the **child welfare system** can be **traumatic**... students in foster care... experience... adverse childhood experiences... ACEs... higher... **suspension and expulsion**. These policies are ineffective... strongly encouraged... **trauma-informed practices and positive behavioral interventions**...”



# FAFSA Simplification Act

**Don't need to prove independent status every year**

**K4:** “... under the FSA, students who are in or have transitioned from foster care: Do not need to annually redetermine their independent student status and Are entitled to an initial independent student status determination as quickly as practicable.”

# Related Service Transportation

**LEA transports when a related service in IEP.**

**L6:** “Yes... the **LEA is responsible** for transportation that is required as a related service under IDEA. Therefore, the cost of **school of origin transportation** for a student in foster care with transportation listed as a **related service** in the student’s **IEP** is generally the full responsibility of the LEA...”



# Closing & Next Steps

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# Feedback Survey & Certificates

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## Feedback survey

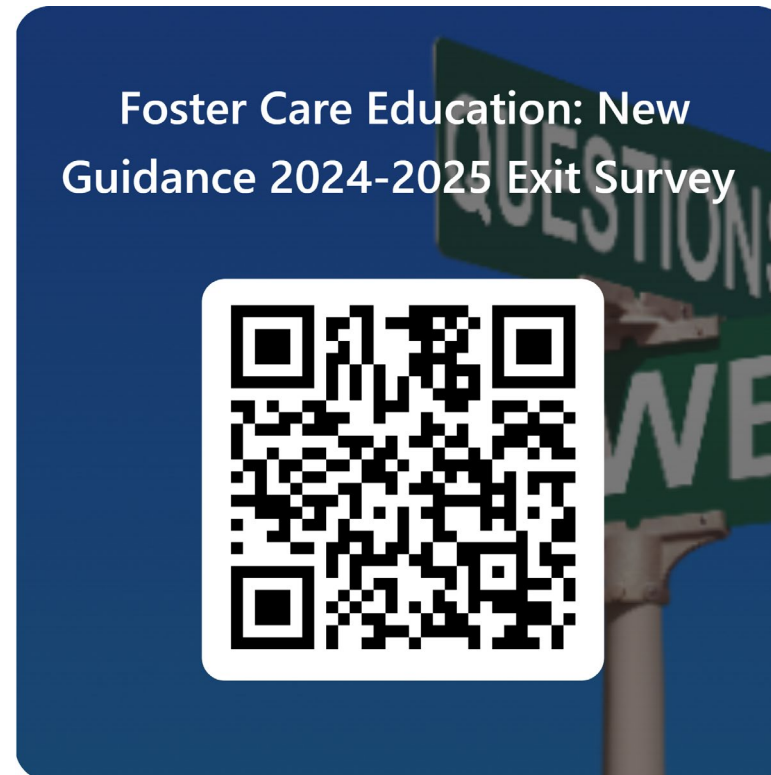
- Must complete survey to receive PL certificate in APLD Blackboard & receive credit for attending the mandatory training

## Recording and slides

- The recording & slides will be posted on ADE's [Foster Care webpage](#)

# Survey Link

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<https://forms.office.com/r/ksNSGduwz6>

# Questions

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# Thank You!

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