

A photograph of a classroom with rows of desks and blue chairs. The desks are light-colored, and the chairs have colorful, hand-drawn patterns on their backs. The background is slightly blurred, focusing attention on the text.

# Title I Educational Stability Provisions

Ensuring Educational Stability and Success for Students in Foster Care

# Presenters



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# Agenda

1. Context and the Legal and Guidance Framework
2. Initiative Structure in Pennsylvania
3. Applicability of Provisions
4. Sustainable Collaboration
5. Title I Educational Stability Provisions
6. Dispute Resolution and Contact

# Learning Objectives

- **Explain the importance of educational stability and its impact** on academic achievement, graduation rates, and student well-being for children in foster care.
- **Understand the legal and policy framework** that guides educational stability, including ESSA, the Fostering Connections Act, and relevant Pennsylvania guidance.
- **Identify roles and responsibilities** of Local Education Agencies (LEAs), County Children and Youth Agencies (CCYAs), and other stakeholders in implementing educational stability provisions.
- **Apply key provisions of ESSA Title I** for students in foster care, including school of origin, best interest determinations (BIDs), transportation, immediate enrollment, and records transfers.
- **Develop and refine effective collaboration practices** between education and child welfare systems to support students in foster care.
- **Recognize strategies to resolve disputes** related to school placement, enrollment, or transportation in a timely, student-centered manner.



# 1. Context and the Legal and Guidance Framework



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# School Outcomes

- Nearly three-quarters of children and youth in foster care are enrolled in elementary and secondary schools.
- Highly mobile students are more likely to fall behind academically than their less mobile peers.
- Lower graduation outcomes — in Pennsylvania 49% compared to 87% among all students.
- Lower subject-based proficiency rates — in Pennsylvania 12% proficient in high school mathematics compared to 62% of all students.

**Consolidated State Performance Report, Part II, School Year 2021-2022, Pennsylvania, [bit.ly/CSPR2021-22](https://bit.ly/CSPR2021-22)**

**Ensuring Educational Stability and Success for Students in Foster Care, Non-Regulatory Guidance, November 2024, [bit.ly/NonRegGuidanceNov2024](https://bit.ly/NonRegGuidanceNov2024)**

# Purpose of Education Stability



Reduce school moves and disruptions.



Provide a familiar setting for learning.



Develop and maintain connections.



Access appropriate coursework, programming, and interventions.

# Goals for Providing Education Stability

## Goal 1

Improve academic achievement.

## Goal 2

Increase grade retention and high school graduation rates.

## Goal 3

Support social and emotional well-being.

## Goal 4

Reduce chronic absenteeism and disengagement.

# ▶ Federal Legal Framework

**2015** Every Student Succeeds Act

**2013** Uninterrupted Scholars Act

**2008** Fostering Connections to Success and Increasing Adoptions Act

**ESSA's Title I educational stability provisions and Fostering Connection's Title IV-E requirement to create effective educational stability plans are the keystones to support school-age students in foster care.**

# ▶ Every Students Succeeds Act (ESSA)

- Reauthorizes and amends the Elementary and Secondary Education Act of 1965 (ESEA).
- Includes foster care provisions that mirror or complement the Fostering Connections Act.
- Embeds protections for foster students in federal education law.

**ESSA, Public Law 114–95—Dec. 10, 2015, [bit.ly/ESSA121025](http://bit.ly/ESSA121025)**

# Federal and State Guidance Framework Development

**June 2016**

ED/HHS non-regulatory guidance (v.1).



**April 2022**

PA DHS guidance regarding maintaining confidentiality when sharing information with schools.



**Nov. 2024**

ED/HHS non-regulatory guidance (v.2).



**Nov. 2016**

PDE/DHS joint guidance.



**May 2023**

PDE guidance for foster care students' educational placement.



**Tools, resources, professional development, and directories are found at [PAFosterCare.org](https://PAFosterCare.org).**

# Federal and State Guidance Framework

- 10 years of ESSA.
- Significant progress to provide education stability.
- Opportunity to tune up, review strengths and challenges, and set new goals.
- Continued commitment to students in foster care across Pennsylvania.



# ED/HHS Non-Regulatory Guidance (v.2)

## Guidance Sections

- Title I Educational Stability Provisions
- Ensuring Academic Success
- Special Populations
- Funding
- Data Collection and Reporting

# Title I Educational Stability Provisions Training

**This is a comprehensive training on the Title I Educational Stability Provisions reflecting updated non-regulatory guidance.**

Supplemental training will include other new and expanded sections of the guidance.

Throughout the training, **NEW!** information is designated to reflect changes or updates to the non-regulatory guidance.



## 2. Initiative Structure in Pennsylvania



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# Education Structure in Pennsylvania

Pennsylvania Department of Education  
Bureau of School Support



Center for Schools and Communities



Regional Foster Care Offices

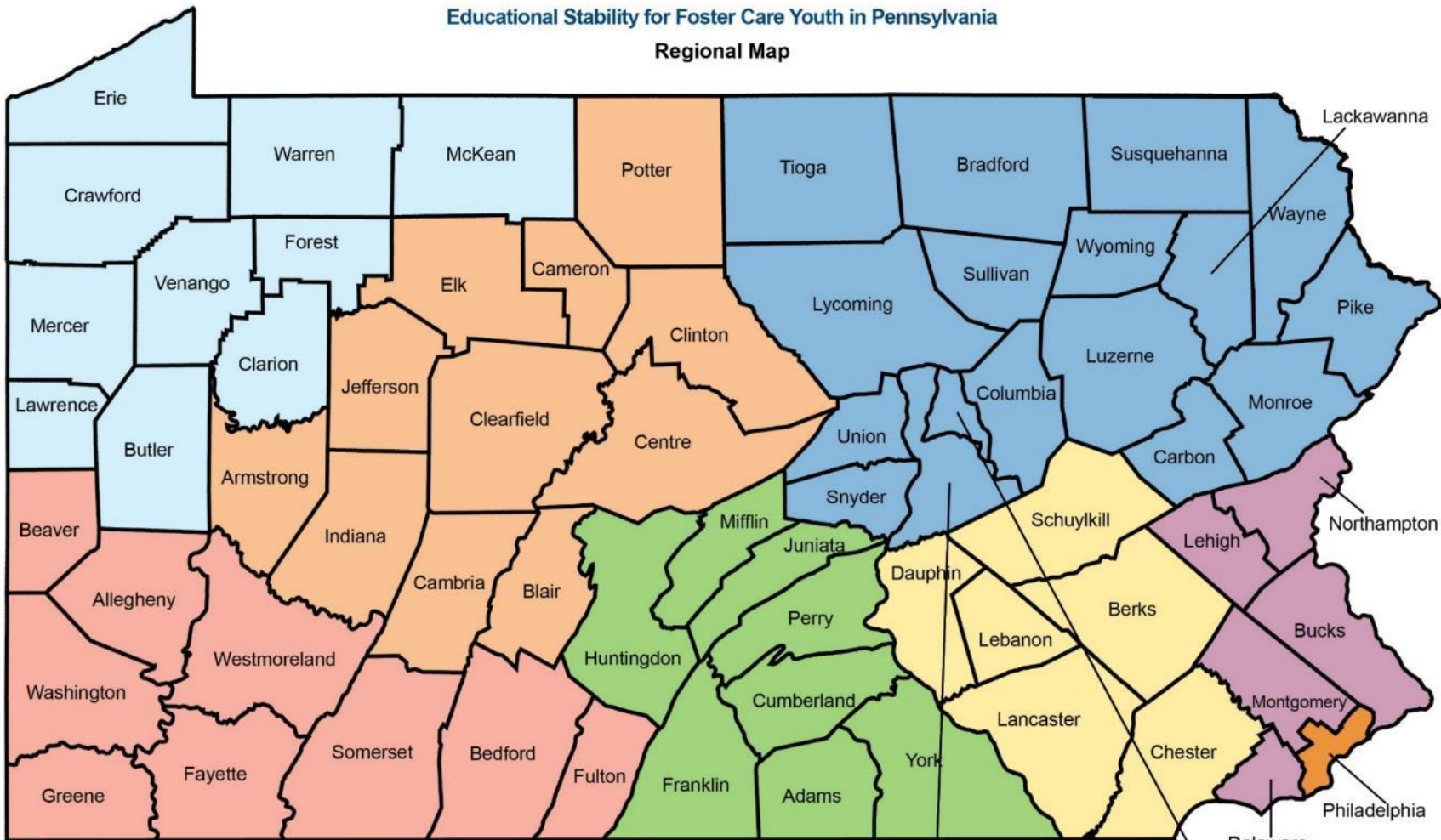


Local Education Agencies



# Educational Stability for Foster Care Youth in Pennsylvania

## Regional Map



**Region 1**

Philadelphia

**Region 2**

Berks, Chester, Dauphin, Lancaster, Lebanon, Schuylkill

**Region 3**

Adams, Cumberland, Franklin, Huntingdon, Juniata, Mifflin, Perry, York

**Region 5**

Butler, Clarion, Crawford, Erie, Forest, McKean, Lawrence, Mercer, Venango, Warren

**Region 6**

Armstrong, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Indiana, Jefferson, Potter

**Region 7**

Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming

**Region 4**

Allegheny, Beaver, Bedford, Fayette, Fulton, Greene, Somerset, Washington, Westmoreland

**Region 8**

Bucks, Delaware, Lehigh, Montgomery, Northampton



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# Child Welfare Structure in Pennsylvania

Pennsylvania Department of Human Services



Office of Children, Youth, and Families



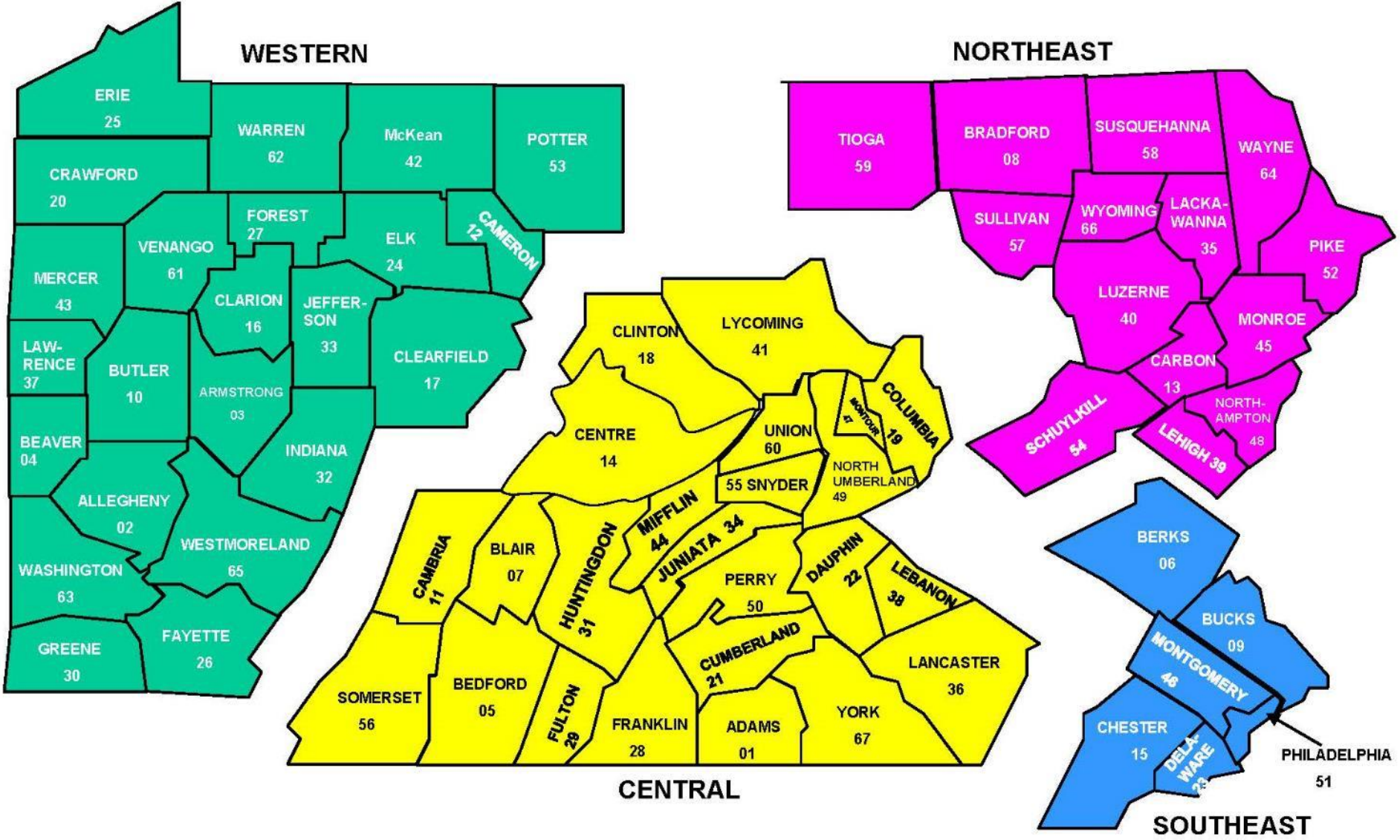
Bureau of Budget and Fiscal Support; Bureau of Child and Family Services; Bureau of Juvenile Justice Services; Bureau of Policy, Programs, and Operations



County Children and Youth Agencies



# Office of Children, Youth, and Families Regional Offices Map



# Other Collaborative Agencies and Institutions

- The Pennsylvania courts.
- Foster/kinship care private agencies/providers.
- Congregate care providers.
- Residential and hospitalization treatment.
- County juvenile probation agencies.
- Education, child welfare, Independent Living (IL), and foster/kinship parent advocacy groups.
- Community-based organizations providing wrap-around services.



## 3. Applicability of Provisions



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# Foster Care Protections

- Protections apply to all children in foster care enrolled in public schools.
- Consistent with Title IV-E, Foster care means a 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility.

**ESEA of 1965, Section 1111(g)(1)(E), page 46, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)  
Title 45, § 1355.20 Definitions, [bit.ly/Title45Definitions](http://bit.ly/Title45Definitions)**

# Foster Care Placement Types

Under this definition, “foster care” includes, but is not limited to:

- Foster family homes.
- Foster homes of relatives (also known as “formal kinship care”).
- Group homes.
- Emergency shelters.
- Residential facilities.
- Childcare institutions.
- Pre-adoptive homes.

**Title 45, § 1355.20 Definitions, [bit.ly/Title45Definitions](https://www.pse.edu/Title45Definitions)**

# Title I Education Stability Provisions

## The Title I educational stability provisions apply when a student:

- 1) enters foster care.
- 2) is already in foster care and is experiencing a change in foster care placement.

**NEW!** Foster care includes children who are placed in **trial reunifications** with their parents while the child welfare agency retains placement and care responsibility.

*Non-Regulatory Guidance, A-1., Page 8*

# ESSA's Title I-A requirements for LEAs

## Requirements apply to:

- Public school districts.
- Charter schools.
- Cyber charter schools.

Students in foster care attending career and technical centers, Intermediate Units, and other education placements also receive the Title I-A protections via their sending school/school of enrollment.



## Question

Do the Title I educational stability protections apply to preschool-age children in foster care?

## Answer

Yes, if an LEA offers a public preschool program, it must implement the Title I educational stability provisions for children in foster care in preschool.

*Non-Regulatory Guidance, Q-1., Page 52*

# Key Terms



Sustainable Collaboration



School of Origin



Best Interest Determinations (BIDs)



School of Origin Transportation



Immediate Enrollment and Records Transfers



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## 4. Sustainable Collaboration



Regular, **sustainable collaboration** between schools and child welfare agencies is critical to ensure school stability for students in foster care.

Strong coordination may lead to improved academic and educational outcomes for students in foster care.

Interagency collaboration should be viewed as an essential practice.

*Non-Regulatory Guidance, C-5., Page 14*



## Points of Contact (POCs) are essential for ensuring school stability.

### State and Local POCs

- State Education Agency (SEA) Point of Contact.
- State Child Welfare Agency Point of Contact.
- LEA Point of Contact.
- CCYA Education Liaison.

**LEA POC Guide**, [bit.ly/LEAPOCguide](http://bit.ly/LEAPOCguide)

**CCYA POC Guide**, [bit.ly/CCYAPOCguide](http://bit.ly/CCYAPOCguide)

# ▶ Pennsylvania's Regional Offices



**Regional offices supplement statewide support and facilitate local implementation to help ensure school stability.**

**Eight regional offices assigned by PDE at Intermediate Units and the School District of Philadelphia provide a network of assistance.**

**OCYF's four regional offices may also serve as a technical assistance resource to local CCYAs.**

# PDE Regional Office Assistance



- Guide requirements and implementation.
- Provide training and professional development opportunities.
- Facilitate meetings or forums to improve local program practices.
- Participate in Best Interest Determination (BID) meetings as needed.
- Help navigate disagreements and disputes.
- Provide supplemental support as available (i.e., referrals for transportation assistance, supply requests, wrap-around services, etc.).



## Question

Must child welfare agencies collaborate with LEAs to support the educational stability of students in foster care?

## Answer

Yes, under Fostering Connections, a child welfare agency is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan.

**Compilation of the Social Security Laws, Sec. 475, [bit.ly/SSAsec475](http://bit.ly/SSAsec475)**



## Question

With which child welfare agencies should an LEA collaborate?

## Answer

An LEA is encouraged to develop processes for collaboration with any child welfare agency with placement and care responsibility for students enrolled in the LEA.

*Non-Regulatory Guidance, C-6., Page 14*

# Strategies to Improve Collaboration (1)



- Develop standard procedures, criteria, and routines for holding BIDs.
- Hold bi-annual regional or local meetings to share information and discuss implementation challenges.
- Ensure procedures are in place for providing, arranging, and funding transportation.
- Develop routines for sharing data and information (i.e., annual school placement forms or letters).

# Strategies to Improve Collaboration (2)



- Ensure that appropriate staff are trained, aware of requirements, and understand their role in providing educational stability.
- Set clear expectations for immediate enrollment, which includes full participation in school.
- Be consistent in your implementation and practices.



# 5. Title I Educational Stability Provisions



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# Title I Educational Stability Provisions



## Key Concepts

- Students in foster care are presumed to remain in their school of origin.
- If it is not in their best interest to remain in their school of origin, students in foster care are enrolled immediately in their new school without delay.
- Transportation must be provided, arranged, and funded for students in foster care.

ESSA, Public Law 114–95—Dec. 10, 2015, [bit.ly/ESSA121025](http://bit.ly/ESSA121025)



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**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.**

At the time of entry or change in foster care placement, students are always presumed to remain in their school of origin.

*Non-Regulatory Guidance, D-1., Page 16*

# School of Origin (2)



- Applies for the duration of their time in foster care.
- **NEW!** A child in foster care who has never been enrolled in a public school does not have a school of origin and should immediately be enrolled in a new school.

*Non-Regulatory Guidance, D-2-D-3., Page 16*



- **NEW!** After exiting foster care, students should remain in their current school through at least the end of the school year.
- **NEW!** When a student completes their final grade at the school of origin, the next school in the feeder school pattern becomes the school of origin. Example:
  - elementary > assigned middle school > assigned high school

*Non-Regulatory Guidance, D-4-D-5., Page 16*



## Key Concept

A Best Interest Determination, or 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.

Non-Regulatory Guidance, E-1., Page 17

# The Importance of BIDs



- BIDs are the keystone of ensuring school stability.
- BIDs force agencies to focus on child-centered factors and away from unrelated interests, biases, and perspectives (i.e., transportation costs, administrative burdens).
- Collaborative, timely, and thoughtful BIDs help prevent and resolve disputes.
- BIDs ensure the best interest of the child at this moment in time.

# Key Practices of BID: LEAs and CCYAs



- Ensure that BIDs occur at the time of foster care placement (entry or change).
- Develop regional or local mechanisms for ensuring that BIDs take place.

*Non-Regulatory Guidance, E-2, E-7, and E-8., Pages 18-19*

# Key Practices of BID



## BID should:

- **NEW!** Take place within three business days of the time of entry or change in foster care placement.
- Be completed in advance of their move for planned placement changes.

*Non-Regulatory Guidance, E-3., Page 17*

**Students MUST remain enrolled and attending their school of origin until a final BID is made.**

**ESEA of 1965, Section 1111(g)(1)(E), page 46, [bit.ly/ESEA1965](https://bit.ly/ESEA1965)**



## Co-Led Process

The child welfare agency provides initial notification of a child's foster care placement. The BID process should be co-led by the placing CCYA, the school of origin, and the new school of foster care residence.

A co-led process will have multiple safeguards in place to ensure the BID takes place in a timely manner.

# Key questions to develop your local BID process.





## Key Questions

- Who will lead/co-lead the BID process, and what are their specific responsibilities?
- Who else will participate in the process, and what are the roles and responsibilities of each party?
- How will communication be documented (i.e., email, BID form, memo)?
- What is your contingency plan (i.e., in the event of staff absences)?



## Key Questions

- What types of information will be gathered to inform the BID decision (e.g., academic records, special education-related documents, social-emotional needs, transportation considerations)?
- How will this information be gathered, organized, and presented to support informed decision-making?



## Key Question

How will information be shared while protecting student privacy and ensuring compliance with security and confidentiality requirements?



## Key Questions

- Will BIDs always include a collaborative meeting? Or will BIDs take place over email exchange?
- What is the timeline for completing the BID once a change in placement occurs?
- Under what circumstances can BID decisions be revisited or reviewed?
- When will parties meet to review local policies and procedures to ensure sustainable collaboration? (i.e., bi-annually)





## Key Questions

- How will information be collected and shared if all relevant parties are unable to participate in a BID meeting?
- Who will be responsible for documenting the BID decision, and in what format?
- Where and how will BID records and supporting information be securely stored?
- Who is responsible for sharing the outcome of the BID, and who must receive notice of the decision?





## Key Questions

- How will disagreements about the BID outcome be addressed?
- What specific steps will be taken to resolve disputes, and who will be contacted for guidance or assistance?
- Is there a policy for handling BID disagreements?
- When may local solicitors need to be consulted during BID disagreements?



## Question

What factors should be considered in completing a BID process?

## Answer

The appropriateness of the current educational setting and the proximity to the school in which the student is enrolled at the time of placement.

**ESEA of 1965, Section 1111(g)(1)(E)(i), page 46, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)**

# BID Process



A BID process should be student-centered and context-specific.

*See non-regulatory guidance, E-5., Pages 17-18, for “What factors should be considered in completing a BID process?”*

**BID School Placement Form, [bit.ly/BIDSchoolPlacement](https://bit.ly/BIDSchoolPlacement)**



**Reminder:** 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.

*Non-Regulatory Guidance, E-6., Page 18,  
“Can transportation costs or administrative  
burden be considered in completing a BID  
process?”*



## Question

Must a student in foster care remain in their school of origin, while LEAs, in collaboration with child welfare agencies, complete the BID process?

## Answer

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.

**ESEA of 1965, Section 1111(g)(1)(E)(i), page 46, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)**

# Student's Best Interest



Participants of the BID process must presume that remaining in the school of origin is in the student's best interest, unless the BID suggests that attending another school, **NEW!** including any public school the student has attended previously, is in the student's best interest.

*Non-Regulatory Guidance, E-5., Page 17*



# SCENARIO

When might it be appropriate to consider a public school that the student previously attended?

# SCENARIO



A student lives in a group home and is attending the local public school. The student could not remain in their school of origin because of the proximity from their placement.

Now, the student is moving to a new placement in a neighboring school district. The new placement is near a previous public school of attendance/school of origin.

Due to the reasonable proximity, it may be appropriate to consider enrollment at a prior school. This would be determined through a BID.

# SCENARIO



Appropriate considerations might include:

- Having meaningful relationships
- Attachment to prior school
- Knowledge or sense of community
- Engagement with prior graduation cohort

# Residentially Placed Students



**Reminder:** Students in foster care placed in residential treatment facilities, group homes, other congregate care, or children's institutions receive the same protections to ensure school stability, including BIDs, transportation assistance, and immediate enrollment. **This includes children's institutions with PA School Code 1306.**

*Non-Regulatory Guidance, E-5., Page 18*

**Educational Programs for Students in Non-Educational Placements,**  
[bit.ly/NonEdPlacements](https://bit.ly/NonEdPlacements)

# BIDs for Students with IEPs (1)



A BID determines a student's enrollment and attachment to their school of origin or new school entity.



It is not a substitute for an IEP Team meeting, nor is it a determination related to a special education placement within an LEA.



A BID may signal a need for the IEP Team to meet.

# BIDs for Students with IEPs (2)



When the BID process begins, the IEP Team(s) should be notified and, if necessary, an IEP Team meeting should take place.



The child's special education needs and services should be understood and considered when determining best interest.

# BID Participants: LEAs



- **LEA POC(s) – From the school of origin and the new school of foster care residence.\***
- Teachers and school leaders.
- Coaches and mentors.
- Counselors or other school-based mental health professionals, such as school social workers or school psychologists.
- English Learner staff members.
- Special education staff members and providers.
- LEA representatives from IEP/504 and the placement team.
- Alternative education placement staff.

\* Participation needed. Other listed participants should attend or be consulted, when applicable. *Non-Regulatory Guidance, E-8., Page 19*

# BID Participants: Child Welfare Agency



- **Local child welfare agency Education Liaison or other POC.\***
- Student's caseworker or case manager.
- Independent Living (IL) case worker.
- Other CCYA administrator.

\* Participation needed. Other listed participants should attend or be consulted when applicable. *Non-Regulatory Guidance, E-8., Page 19*

# BID Participants: Other



- **Education Decision Maker (EDM).**\*
- **Student.**\*
- Parents.
- Current and future caregivers (includes foster parents, relatives, and legal guardians).
- The education and the student attorney.
- Court Appointed Special Advocate (CASA).
- Guardian ad litem.
- RTF, group home, or congregate care facility staff.
- Foster care private provider staff.
- Mental health professional.
- Hospitalization program staff.
- Juvenile probation.
- Translator.

\* Participation strongly recommended. Other listed participants should attend or be consulted, when applicable. *Non-Regulatory Guidance, E-8., Page 19*

# Education Decision Maker (EDM)



- Ensure that the EDM is invited to contribute or participate in the child's BID.
- Typically, the student's parent is the child's EDM and is responsible for making education decisions on behalf of the student.
- Family member, foster parent, Guardian ad Litem (GAL), and Court Appointed Special Advocate (CASA) are other examples of individuals who can be appointed by the court as an EDM.



## Key Concept

School of origin transportation is transportation to and from the school in which a child in foster care is enrolled at the time the child enters foster care or experiences a change in placement.

ESEA of 1965, Section 1112(c)(5)(B), page 58, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)



# LEA Requirements



- Collaborate with child welfare agencies to develop written procedures for arranging, providing, and funding school-of-origin transportation.
- Ensure transportation is provided promptly and cost-effectively.
- Provide transportation even if the LEA does not offer transportation for other students.
- LEAs must provide this transportation for the entire time a student remains in foster care.

*Non-Regulatory Guidance, F-1-F-17., Pages 20-25*



## **NEW! Academic Activities**

Transportation must be provided to ensure students can participate in school-sponsored academic extracurricular activities that support their success in school. This might include afterschool tutoring, summer learning, and academic enrichment programs.

## **NEW! Other Activities**

LEAs are strongly encouraged to provide transportation for the student to participate in other school activities that occur outside of the regular school day.

*Non-Regulatory Guidance, F-10., page 23*

# Extracurricular Activities



**Reminder:** There are federal and state legislative provisions for promoting normalcy for children and youth in out-of-home placement through reasonable and prudent parenting standards (RPPS). This includes extracurricular, enrichment, cultural, and social activities.

**Reasonable and Prudent Parent Standards, [bit.ly/DHSCYFParentStandards](https://bit.ly/DHSCYFParentStandards)**

# ▶ Appropriate Transportation



LEAs, in collaboration with child welfare agencies, should provide school of origin transportation to students in foster care that is **NEW! age- and developmentally appropriate.**

**NEW!** Transportation should be provided **within three business days** of completing the BID process.

*Non-Regulatory Guidance, F-2-F-3., Page 20*

# Transportation Plans



- Include short-term plans/strategies.
- Include long-term plans/strategies.

**For providing, arranging, and funding transportation.**

*Non-Regulatory Guidance, F-6., Page 21, “What details should written transportation procedures include?”*

# Transportation Plan Checklist



- Parties involved and their roles.
- Clear step-by-step protocol.
- Timelines for implementation.
- Cost-sharing agreement.
- Available transportation modes.
- Low-cost or no-cost options.
- Special education and IEP considerations.
- Student safety protocols.
- Support for extracurriculars, out-of-school time, summer learning.
- Dispute resolution procedures:
- Plan for discontinuing transportation when children exit foster care.
- Plan for when no transportation plan exists (e.g., out-of-county/state placements).
- Signatures + review/renewal timeline.

# ▶ Cost-Sharing and Responsibility Model



**Consider a default cost-sharing and responsibility model among the placing CCYA, the school of origin, and the new school of foster care residence if a transportation plan is not in place.**



**Reminder:** LEAs should establish a transportation plan with **any** placing CCYA they work with, even if it is across multiple counties or is outside of state lines.

# ▶ Across PA and Across State Lines



**Inter-LEA or inter-state protocols and collaboration are critical** when students are placed across boundaries.

Be aware of any **Interstate Compact on the Placement of Children (ICPC)** that exists between states.

For more information about ICPC, visit:  
<https://icpcstatepages.org/Pennsylvania/info/>

# Written Transportation Plans



**Public school districts and charter schools must have a written transportation plan in place.**

Cyber charter schools, career and technical centers, and Intermediate Units are not required to have a written transportation plan in place.

**ESEA of 1965, Section 1112(c)(5)(B), page 58, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)**

# Transportation Plans: Review, Update, Re-Sign



**NEW!** Transportation plans should be **reviewed annually** by the LEA POC and the primary POC at the placing CCYA.

*Non-Regulatory Guidance, F-9., Page 23*

Per PDE and DHS guidance, transportation plans should be updated and re-signed **every three calendar years** by agency leadership.

# Explore Transportation Options



While LEAs are required to have formal, written transportation plans under ESSA, **CCYAs should fully support LEAs in exploring the full range of options for providing, arranging, and funding transportation, consistent with Fostering Connections' requirements.**

This includes participation in developing and establishing transportation plans.

**Compilation of the Social Security Laws, Sec. 475(4), [bit.ly/SSAsec475](https://bit.ly/SSAsec475)**



**NEW!** Strongly encourage providing transportation to the school of origin through the end of the school year in which the student exits foster care.

Non-Regulatory Guidance, F-15., Page 24

# Funding Responsibilities



**Transportation must be provided**, even if there are additional costs.

**Additional costs are those above and beyond** what the LEA would typically spend to transport a student to their assigned school.

*Non-Regulatory Guidance, F-8., Page 22*

**ESEA of 1965, Section 1112(c)(5)(B)(ii), pages 58-59, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)**

# ▶ Allowable Funding



## **LEAs**

Title I, Part A is an allowable funding source.

## **CCYAs**

Title IV-E foster care maintenance payments are an allowable funding source.

*Non-Regulatory Guidance, F-16., Page 25*

# Other Funding Sources (1)



- IDEA for students with IEPs requiring transportation.
- LEAs may use special education buses (IDEA-funded) for students in foster care if there is no extra cost and it is an incidental benefit.

*Non-Regulatory Guidance, F-17., Page 25*

# Other Funding Sources (2)



- Title IV, Part A may be an allowable funding source for LEAs.
- Consider existing programs that students in foster care may benefit from (i.e., 21st Century Community Learning Centers).
- Title I Homeless set-aside is **not** an allowable funding source for LEAs.

*Non-Regulatory Guidance, Funding Section, Pages 53-62*



## Key Concept

When a BID process indicates that a student will change schools, LEAs must ensure that a student in foster care is immediately enrolled in their new school.

ESEA of 1965, Section 1111(g)(1)(E)(ii-iii), page 46, [bit.ly/ESEA1965](http://bit.ly/ESEA1965)



# ▶ Immediate Enrollment (1)



**Documentation typically required for enrollment cannot prevent immediate enrollment.**

Once a student is enrolled, the enrolling school must contact the student's school of origin for relevant records.

**ESEA of 1965, Section 1111(g)(1)(E)(ii-iii), page 46, [bit.ly/ESEA1965](https://bit.ly/ESEA1965)**

# Immediate Enrollment (2)



- **NEW!** Immediate means that a student is fully enrolled as soon as practicable.
- **NEW!** In most cases, students should be fully enrolled within three business days.

***NEW!** Non-Regulatory Guidance, G-2., Page 26*

# Fully Enrolled and Participating



**NEW!** Full enrollment means that the student is attending classes and participating in activities and services, and not just on a school roster.

***NEW!** Non-Regulatory Guidance, G-2., Page 26*

**Students should transition to their new school with no disruption or as little disruption as is feasible.**

# Prompt Records Transfer



**NEW!** The school of origin is strongly encouraged to transfer these records **within three business days** to minimize disruption.

***NEW!** Non-Regulatory Guidance, G-4., Page 26, “How quickly should the school of origin transfer records to a student in foster care’s enrolling school?”*

# Records to Request



- Immunization and health records.
- Academic transcripts and class histories (including advanced or remedial coursework).
- Attendance records.
- IEP or 504 plans, if applicable.

*Non-Regulatory Guidance, G-3., Page 26, “What records should the enrolling school request from a student in foster care’s school of origin?”*



CCYAs may use the **Placement Notification Form** to provide LEAs with information related to foster care status.

**A court order is not a relevant academic record** and should not be requested. Excluding critical safety reasons, it is unnecessary for LEAs to have access to information included within a court order.

**Placement Notification Form, [bit.ly/PlacementNotification](https://bit.ly/PlacementNotification)**

# Assessing Academic History



Students in foster care may have missing or partial credit for work previously completed.

**It is essential that the student's academic history is thoroughly investigated.** This might include requesting prior records from more than one LEA.

# ▶ Act 1 of 2022



Students in foster care enrolling in a new school entity are eligible for Act 1 of 2022, also known as “Assisting Students Experiencing Education Instability.”

Visit *Act1EdInstability.org* for more information.

**Act 1 of 2022 – Assisting Students Experiencing Education Instability,**  
[bit.ly/Act1BEC](https://bit.ly/Act1BEC)



## Question

After immediate enrollment, can the enrolling school still require standard documentation?

## Answer

Yes, once the student is enrolled, the enrolling school should gather any outstanding records or standard enrollment documentation. **However, this process cannot delay students from fully participating in school.**

*Non-Regulatory Guidance, G-5., Page 26*



**Both prior school entities and the placing CCYA are sources to obtain relevant school records.**

Other education records sources may include:

- Schools within residential treatment facilities (RTFs).
- Intermediate Units.
- Alternative education placements.

# Enrollment Policies



LEAs should review and revise any school enrollment policies that may impede immediate enrollment and prompt records transfers.

**This includes accounting, billing, and tuition and reimbursement policies.**



## 6. Dispute Resolution and Contact



Pennsylvania  
Department of Education



Pennsylvania  
Department of Human Services



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# Dispute Resolution

Statewide and regional offices offer support when disputes arise and strongly encourage local dispute resolution procedures.

LEAs and CCYAs should be prepared to resolve disputes in these areas:

- **School Placement Best Interest Determination**  
If the LEA and CCYA disagree on the appropriate school for a student in foster care.
- **School Enrollment**  
If a disagreement occurs about whether a student should be immediately enrolled, or there is a delay in school enrollment.
- **School of Origin Transportation**  
If there is a conflict about how or who pays to transport a student to their school of origin.

# Procedures

- Local transportation plans will ideally include dispute resolution procedures.
- When developing procedures for conducting BIDs, LEAs and CCYAs should also determine dispute resolution for when an agreement on best interest cannot be made.
- Act promptly, fairly, and always put the student's educational stability first.
- Should highlight that the student is to remain in their school of origin while any dispute is being resolved.
- **Considers procedures when financial disagreements occur.**

# Procedural Items

- **Timeline** for resolving disputes, ideally within three business days.
- Clear, ongoing **communication**.
- **Decision-makers** at each agency to lead resolution efforts.
- Other **stakeholders** such as inclusion of local administration and solicitors.
- Considers **fairness** (i.e., default cost-sharing)
- Collaboration with **statewide and regional offices**.

# Final Decision Maker

**NEW!** The dispute resolution procedures could identify a specific party or agency as the **final decision maker** in the BID process.

For students with disabilities in foster care, placement decisions must adhere to relevant special education requirements.

*Non-Regulatory Guidance, H-2., Page 28*

# ▶ During Dispute Resolution and School of Origin

- Students in foster care must remain in their school of origin while any dispute is being resolved.
- This ensures continuity and avoids unnecessary educational disruption.

**ESEA of 1965, Section 1111(g)(1)(E)(i) and 1112(c)(5)(B), pages 46, 58-59,**  
[bit.ly/ESEA1965](http://bit.ly/ESEA1965)

# Strategies to Avoid Disputes

- Having regular opportunities to collaborate will help avoid disputes before they arise.
- Maintaining clear, formal policies and procedures for any agencies you work with.
- Keeping decision making child-centered and best interest focused in the absence of defined policies (i.e., outside of jurisdiction).
- Deferring to state-issued tools rather than local models when collaborating outside of normal jurisdictions, like the BID School Placement Form and the CCYA School Placement Notification Form.
- Being collaborative and flexible (i.e., agree to a default cost-sharing model).

# Ensuring School Stability Reminder



**Reminder:** If you have concerns about ensuring school stability, reach out to the state or PDE regional foster care offices for assistance immediately.

# Summary of Key Responsibilities

- Ensuring all students in foster care receive the right to school stability through ongoing, sustainable collaboration.
- Students have the right to remain in their school of origin for their duration of time in foster care.
- Coordinating, holding, and implementing a Best Interest Determination (BID).
- Ensuring immediate enrollment and records transfers.
- Providing, arranging, and funding transportation.



# Contact



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Pennsylvania  
Department of Education



Pennsylvania  
Department of Human Services



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# Mission of PDE

**For more information on the education stability for children and youth in foster care in Pennsylvania, please visit:**

[PAFosterCare.org](http://PAFosterCare.org)

The mission of the Department of Education is to ensure that every learner has access to a world-class education system that academically prepares children and adults to succeed as productive citizens.

Further, the Department seeks to establish a culture that is committed to improving opportunities throughout the commonwealth by ensuring that technical support, resources, and optimal learning environments are available for all students, whether children or adults.

# Mission of DHS and OCYF

**For more information on Education of Students Served by Pennsylvania County Children and Youth Agencies, please visit:**

[www.pa.gov/agencies/dhs/resources/early-learning-child-care/education-stability-child-welfare-services](http://www.pa.gov/agencies/dhs/resources/early-learning-child-care/education-stability-child-welfare-services)

The mission of the Department of Human Services is to assist Pennsylvanians in leading safe, healthy, and productive lives through equitable, trauma-informed, and outcome-focused services while being an accountable steward of commonwealth resources.

The Office of Children, Youth, and Families' mission is to support the provision of quality services and best practices designed to ensure the safety, permanency, and well-being of Pennsylvania's children, youth, and families.