

# Transcript of Ensuring Educational Stability for Foster Care Youth: Transportation Procedures

Karen Lehman: Good morning, and welcome to today's online learning session titled, "Ensuring Educational Stability for Foster Care Youth: Transportation Procedures." This session is sponsored by the Pennsylvania Department of Education in conjunction with the Center for Schools and Communities. This morning you would have received a PowerPoint via email containing the slides for today's presentation. If you did not receive it, the PowerPoint is also available on the control panel on the right of your screen. There's a menu that reads, "Handouts," and the slides are attached under handouts as a PDF.

I'm Karen Lehman, Youth Development Project Manager for the Center for Schools and Communities, and I will be the moderator for this online session. Carmen Medina, Chief of the Division of Student Services at the Pennsylvania Department of Education, will open today's presentation and be co-presenting with Mr. Matthew Butensky, who has been assigned as the Foster Care Point of Contact for Pennsylvania.

In this webinar you will receive an overview of the federal framework for ensuring the educational stability for children in foster care. You will here about key requirements from the Every Student Succeeds Act, or ESSA, around transportation. The audience will also here about some approaching deadlines that Pennsylvania must meet. At this point, I would like to turn the microphone over to Carmen Medina. Carmen?

Carmen Medina: Good morning. My name is Carmen Medina. I'm the Division Chief of Student Services at the Pennsylvania Department of Education, where the new initiative of provisions on foster care is being housed. During today's discussion, we're gonna provide an overview of the federal framework to ensure educational stability for children in foster care. We'll review the key pieces of the Every Student Succeeds Act requirements for children in foster care, and we will explain the transportation procedures required by ESSA for children in foster care. We also will review next steps and responsibilities in order to fulfill ESSA requirement by December 10th, 2016.

There will be three key takeaways. How ESSA establishes and enhances the collaborative working relationships between the county children and youth office and the local educational agencies ... Also, we will reemphasize that by December 10th, 2016, every LEA should designate a Foster Care Point of Contact to fulfill the educational stability requirements outlined by ESSA, in conjunction with the county children and youth agency. In addition, by December 10th, 2016, in collaboration with the county children youth offices, the LEAs must collaborate, and develop, and implement a clear written procedure for how transportation will be provided, arranged, and funded for the duration of the child's time in foster care.

Please be aware that ESSA reinforces many of the provisions, and protections, and responsibilities established in Fostering Connections Act of 2008. As part of Fostering Connections, child welfare agencies implemented a plan for ensuring the educational stability of a child in foster care in the child's case plan. This includes children youth agencies establishing educational lessons responsible for coordinating with LEAs. Establishing fostering connections, the plan must take into account the appropriateness of current educational setting and proximity in addition to coordination with the LEA, to ensure that the child remains in their school of origin, or immediate enrollment and transfer of educational records.

Matt Butensky:

Thank you Carmen, and good morning everyone. My name is Matt Butensky, and I'm a Youth Development Coordinator with the Center for Schools and Communities, and the newly assigned Foster Care Point of Contact for Pennsylvania. I would first like to introduce the joint federal guidance. In order to help both education and child welfare partners fulfill the ESSA foster care requirements, on June 23rd, 2016, the US Departments of Education and Health and Human Services issued joint, non-regulatory guidance on ESSA's provisions for ensuring educational stability for children in foster care. The joint guidance is truly today's key resource for the webinar, and we will be flagging specific areas of the guidance in addition to other federal resources using the marker that you can see in the box below. The guidance is hyperlinked throughout the presentation so that you may access it for your records and review.

Before we really break down the nuts and bolts of key ESSA provisions, we do want to spend a little time reviewing why these provisions are very important for foster care youth, and also provide the statutory framework with how laws have evolved to serve foster care youth for the better. Children and youth in foster care represent one of the most vulnerable student subgroups in this country, and also in Pennsylvania. Of the approximately 415 thousand children in foster care in 2014, nearly 270 thousand were in elementary and secondary schools. Studies find that children in foster care are much more likely than their peers to struggle academically and fall behind in school. Students in foster care are also less likely to graduate from high school, with only 65% graduating by age 21, compared to 86% among all youth.

Children in foster care also experience much higher levels of residential and school instability than their peers. One study showed that 75% of children in foster care made an unscheduled school change in one school year, compared to less than 40% for children not in foster care. The ESSA provisions we will be discussing today will help to limit educational disruption for students in foster care, granting them a stronger educational foundation for school success.

Next, let's briefly look at the federal framework and federal milestones, which has provided these protections for foster care youth. Very important to know is the protections outlined under ESSA build on the legislative foundation of the Fostering Connections to Success and Increasing Adoptions Act of 2008. Many of the provisions, such as ensuring a child can remain in their school of origin if it is in their best interest, and immediate enrollment and transfer of records when a

change in school placement occurs, mirrors or complements those found under Fostering Connections, as Carmen mentioned previously.

In 2013, the Uninterrupted Scholars Act enabled the sharing of education records between education and child welfare agencies. And then we arrive at the Every Student Succeeds Act, or ESSA, which was signed into law last December. ESSA reauthorized the Elementary and Secondary Education Act of 1965. ESSA laid out significant changes across the board in education, but today we are reviewing how these policy changes specifically grant special protections for students in foster care.

As mentioned earlier, this past June, the US Departments of Education and Health and Human Services issued joint, non-regulatory guidance on ESSA's foster care provisions. As this way a joint guidance at the federal level, it really speaks to how important collaboration at both the state and local level will be in order to ensure school stability and school success for students in foster care. On December 10th, 2016 ... And I'll say that again. December 10th, 2016 ... ESSA foster care provisions take effect. I do want to make a special note, that as of December 10th, these provisions and protections are provided through a statutory vehicle that is separate from the McKinney-Vento Homeless Assistance Act. ESSA removes awaiting foster care placement from McKinney-Vento and the definition of homeless youths. Protections for children in foster care are now found exclusively under Title I, Part A, not McKinney-Vento.

Carmen Medina: As Matthew just informed you, there are some key elements that will build the framework of the ESSA foster care provision. The first one is the staff and collaboration. The ESSA requires to have dual-agency vision, the LEAs to be partnering with the county children and youth agencies, in looking what is the best interest for a foster child. They also, in order to do that, the LEA must have the Point of Contact, that designated person that will be working in partnership with the children youth agency, and this is making decisions for the foster child.

In addition, as part of the framework, there is the ensuring educational stability. Our best determination for the child, what school they will stay, if a school of origin or a different school should be made. Also, there's gonna be this joint decision on transportation, immediate enrollment and transfer of records, and considerations for students with disabilities, as well as English learners.

ESSA also requires a data collection and reporting, the reporting of graduation rates and academic achievement of the foster children, and it will be reflected in the annual state report card. And as I mentioned prior, the McKinney-Vento piece of awaiting foster care will no longer be as part of the definition of the homeless of children and youths as of December 10th, 2016. And I will repeat that because it's very important. Any child that will be in the LEA under the category of awaiting foster care placement, that will be meeting the definition of homeless children and youth, no longer will be part of the homeless children and youth under McKinney-Vento as of December 10th, 2016.

The first key as a provision for children in foster care is the dual-agency collaboration. The LEA should work very closely with the county children and youth office, and they should work closely to work on the process and procedures to their area, to the child needs, to make sure they have enrollment protocols, transportation agreements, that the best determinations are made, and the records are transferred. In the box below this slide you will see the joint guidance under page seven on the frequently asked questions, and question four, that refer and talk in more detail about the responsibility of an LEA to ensure educational stability for children in foster care.

**Matt Butensky:** The next key ESSA provision is the Best Interest Determination, or BID. That is, local education agencies or LEAs, county children and youth agencies or CCYAs, and additional relevant parties must make a collaborative Best Interest Determination when determining whether it is in the child's best interest to remain in his or her school of origin. A child in foster care should always remain in his or her school of origin unless it is determined that remaining in the school of origin is not in the child's best interest.

This collaborative decision includes factors such as the appropriateness of the current educational setting and proximity of placement. Please remember that a child must remain in their school of origin until a final determination is made. In order to help guide LEAs, CCYAs, and other relevant parties in making a Best Interest Determination, a sample BID template will be distributed in early November for use. The BID template will include all relevant and appropriate parties so that they can all meaningfully participate in the Best Interest Determination. Please consider using this tool whenever a Best Interest Determination must be made.

The next key ESSA provision we want to discuss is immediate enrollment. Immediate enrollment means that if it has been determined that it is not in the student's best interest to remain in their school of origin, the student must be immediately enrolled in a new school as soon as possible to prevent educational disruption. This means that LEAs must ensure that a student in foster care is immediately enrolled in his or her new school, even if the student does not have the required documentation. Please note that children in foster care who change schools frequently may not have the documentation required to enroll in a new school. The new enrolling school must immediately contact a child's school of origin to obtain the relevant records and documentation. LEAs should review policies and practices to remove any barriers to immediate enrollment and records transfer for children in foster care.

**Carmen Medina:** The fourth key of the ESSA provisions for children in foster care is the Point of Contact, POCs. By December 10th, 2016, LEAs should designate an LEA Point of Contact, or POC, given that educational stability requirements and transportation plans for the foster youth must be implemented by the state. It is essential that this designated POC have sufficient capacity and necessary resources to fulfill their duties. Please refer to the SEA, LEA, and CCYA roles and responsibilities as part of the joint guidance, and in specific page 21. LEAs

must publicly share the contact information of their Point of Contact to their county children and youth agency so that they can easily be reached. There will be a creation of an LEA Foster Care Point of Contact Directory to encourage collaboration and communication with the county children and youth agency.

Given that these provisions will largely be implemented at the local level and involve multiple stakeholders, LEA should designate the LEA Point of Contact even if the child welfare agency has not yet notified them in writing of their corresponding Point of Contact. Some of the examples of potential roles of Point of Contact are listed on this slide. They are coordinating and corresponding with the children and youth agency; leading the development of a process of making Best Interest Determination; documenting the Best Interest Determination, and, as we indicated before, a sample of our template of the Best Interest Determination will be issued to the LEAs and county children and youth agencies for use if they choose to; facilitating transfer of records and immediate enrollments; facilitating data sharing with the county children and youth agency consistent with FERPA; ensuring that students are enrolled in, and regularly attending, school; providing professional development and training to school staff; developing, coordinating local transportation procedures; and managing the Best Determination forms and transportation cost dispute.

Matt Butensky:

Next we want to discuss the key ESSA provision of transportation, and spend some time detailing the responsibilities, which apply to LEAs and CCYAs. Transportation is a central component of educational stability, and may be needed in order to fulfill the requirements that both LEAs and CCYAs must provide in order to ensure the educational stability for children in foster care. ESSA requires that by December 10th, 2016, LEAs must collaborate with CCYAs to develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of a child's time in foster care. In order to help facilitate collaboration, in early November a Transportation Agreement Memorandum of Understanding, or MOU, and a sample transportation plan will be made available for LEA and CCYA use.

You may be asking, what exactly is the LEAs role, and what must LEAs do to fulfill their transportation procedure requirements? So let's review what exactly the key transportation assurances are in order to fulfill ESSA requirements. Well, again, I reemphasize that by December 10th, 2016, local education agencies must make assurances in their local transportation plan with county children and youth agencies that they will develop and implement clear written procedures for how transportation will be provided to maintain children in foster care in their school of origin when it is in their best interest, and how that will be provided, arranged, and funded for the duration of time in foster care. Additionally, procedures must be in place to ensure that children in foster care needing transportation to their school of origin will promptly receive it in a cost-effective manner. More information, including a definition of cost-effective, can be found in the joint guidance under questions 22 and 26.

Finally, when additional costs are incurred in providing transportation to the school of origin, LEAs will provide if they are reimbursed by the child welfare agency, the LEA agrees to pay the costs, or the LEA and the child welfare agency agree to share the costs. An LEA may use Title I funds to pay for additional costs, although funds reserved for comparable services for homeless children and youth may not be used to provide transportation for children in foster care. Even if an LEA does not provide transportation to children who are not in foster care, it must ensure that transportation is provided to children who are in foster care. All federal funding sources should be maximized to ensure costs are not unduly burdensome on one agency. Please see question 22 and question 27 of the guidance for more information and for a definition of additional costs.

These assurances that we just discussed will be addressed via the Memorandum of Understanding Transportation Agreement, and the local transportation plan between the LEA and the CCYA. LEAs and CCYAs have a dual responsibility to collaboratively design a formal written transportation plan by December 10th, 2016. LEAs and CCYAs must find approaches that are flexible and that make clear which agency is responsible for arranging transportation, and/or paying or sharing transportation costs, and under what circumstances. To facilitate the development of a local transportation plan, the Pennsylvania Department of Education and the Pennsylvania Department of Human Services will release a sample Memorandum of Understanding Transportation Agreement in early November, to ensure a jointly designed transportation plan between the LEA and CCYA. The Transportation Agreement MOU formally establishes an agreement between the LEA and the CCYA to jointly design a comprehensive local transportation plan by December 10th, 2016.

Carmen Medina: So what is looking ahead with resources and deadline? A lot of information has been provided to you now, and I will try to summarize. A sample Transportation Memorandum of Understanding will be provided early November, and the Transportation Memorandum provided will be to the LEAs as well as the county children and youth agencies. It can be modified, and it can be addressed unique and address the local needs.

The transportation plan, there will be a guide that will be issued in November. The sample transportation plan will be provided to assist the LEAs and the county children youth to collaboratively design a local transportation plan. In addition, the LEAs must submit the Memorandum of Understandings and transportation plans by December 10th, 2016. This must be a joint local transportation plan, and they will submit it to the Pennsylvania Department of Education no later than December 10th, 2016, through the web link [pafostercare@csc.csiu.org](mailto:pafostercare@csc.csiu.org). Please note that the Transportation Memorandum of Understanding is not a local transportation plan. It is an agreement between the LEA and the county children youth agency to collaboratively design a local transportation plan, and this must be completed and in place by December 10th, 2016.

Local transportation plans and procedures should address how transportation requirements will be met when parties cannot come to an agreement, such as transportation dispute for a solution process. And you can find more information about that on the joint guidance on page 18, question 28.

LEAs must ensure that a child in foster care remains in their school of origin while any dispute regarding transportation costs are being resolved. For additional guidance on designing a transportation plan, please see considerations for LEA and developing transportation procedures for students in foster care under the Every Student Succeeds Act of 2015. Please remember to submit your joint local transportation plan to [pafostercare@csc.csiu.org](mailto:pafostercare@csc.csiu.org) no later than December 10th, 2016. And these transportation plans must be in place and ready to be implemented by the same date of December 10th, 2016.

Matt Butensky:

So again, just reviewing the next steps, the first will be that LEAs designate a LEA Point of Contact in an expedited manner, given that the educational stability requirements and transportation plans for foster youth must be implemented by December 10th, 2016. And then, also, that by December 10th, 2016, LEAs must collaborate with CCYAs to develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of a child's time in foster care. And a reminder that this will be done via completion and submission of the Transportation Agreement MOU, and also the collaboratively designed local transportation plan.

We want to make you aware that technical assistance and professional development does not end here today on this webinar. PDE, the Pennsylvania Department of Human Services, the Center for Schools and Communities, and myself as the State Foster Care Point of Contact for Pennsylvania, will be working with you to help you fulfill your responsibilities by December 10th, 2016. Additionally, we are currently identifying Foster Care Regional Coordinators, who, in the coming days and weeks, will be working with you as well to ensure that Pennsylvania LEAs and CCYAs have the tools and guidance needed to meet their obligations with confidence.

The Foster Care Regional Coordinators' contact information will be forthcoming, and LEAs can anticipate hearing from these coordinators in the near future. As your MOUs and local transportation plans are received, they will be reviewed to ensure ESSA compliance, and we will also be monitoring LEAs to ensure compliance with the Title I foster care requirements. We are also pleased to announce that Pennsylvania's Educational Stability for Foster Care Youth initiative now has its own website. The website, [pafostercare.org](http://pafostercare.org), went live today, and should be bookmarked as your go to place for the latest information, resources, and tools. This website will be expanded in the coming weeks, however, please visit it now for a complete listing of resources discussed today, in addition to tools, which will be released in November.

We also encourage you to visit PDE's Every Student Succeeds Act webpage, and also utilize additional resources released by PDE and DHS as well. These

resources include a webinar, which was completed in September, and also a frequently used terms guide to better familiarized yourself with common language frequently referenced for this initiative. And, as mentioned at the very beginning of our presentation, the joint guidance has been heavily referenced today, and highlighted as a key resource. You may find the link again here on this slide. We also want to mention that there are additional resources available now to help you through the creation of a local transportation plan. The School Superintendents Association and the National Association for the Education of Homeless Children and Youth have developed a document titled, "Considerations for LEA in Developing Transportation Procedures." You may find that resource on this slide.

Some final resources we want to share with you is a five part webinar series completed jointly by the US Department of Education and the US Department of Health and Human Services. The webinar series includes an overview of the joint guidance and more information, including lessons from the field, on other topics such as points of contact, Best Interest Determination and immediate enrollment, transportation, and effective collaboration. The links to these resources are also provided on this slide.

Carmen Medina: As we come to a conclusion of the webinar, we want to thank all of you for listening. And we want to remind you that you can submit all your questions to [pafostercare@csc.csiu.org](mailto:pafostercare@csc.csiu.org) and to the RA account from the Pennsylvania Department of Education, [RA-edESSA@pa.gov](mailto:RA-edESSA@pa.gov). And to obtain more information on Ensuring the Educational Stability for Foster Care Youth, please visit PDE's website at [www.eduction.pa.gov](http://www.eduction.pa.gov). Thank you very much.

Karen Lehman: Thank you Carmen and Matt for today's presentation. That concludes our session for today, but I just wanted to followup with the FAQ. So we have over 400 people on today's webinar, and as you can imagine the questions are coming in fast and furious. I was not able, as a moderator, to respond to all of the questions. We will be combining like questions and putting out an FAQ. Matt Butensky, as the Point of Contact, will be able to respond individually to those of you who had questions that are not appropriate for an FAQ, that may be our site specific. And he can reach out to you and provide technical assistance that way.

We know that this is a lot of information, and we want to be able to provide technical assistance and support to you however possible. We encourage you to ... We'll leave this open just for a minute or two. If you still have questions you want to post on here, please put your question in. We'll make sure to include it in the FAQ. Thank you all for your attention. Thank you for the work you do every day to support Pennsylvania's education system and the students in our common wealth. Thanks, and have a great day.