



**COMMONWEALTH of VIRGINIA  
Department of Education**

October 28, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Required Provisions for Students in Foster Care under the *Every Student Succeeds Act of 2015* (ESSA)**

The *Every Student Succeeds Act of 2015* (ESSA) contains several new provisions for students in foster care. The purpose of this memorandum is to provide a summary of the foster care provisions in ESSA, including the Title I Foster Care Assurances form that must be received from each school division by **December 9, 2016**.

**State Responsibilities**

Under Section 1111(g)(1)(E) of ESSA, each state must collaborate with the state agency responsible for administering the state's plan under the Fostering Connections Act to ensure the educational stability of children in foster care. States must provide assurances that: 1) a child in foster care will remain in the child's school of origin until a best interest determination is made; and 2) if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will immediately be enrolled in a new school, even if the child is unable to produce records normally required for enrollment. Each state is also required to designate a point of contact for child welfare agencies.

The Virginia Department of Education and the Virginia Department of Social Services have a strong history of collaborating to meet the educational needs of students in foster care. Guidelines for the best interest determination for students in foster care that are aligned with the requirements outlined above are available on the [Enrollment for Students in Foster Care webpage](#). The Department's point of contact for child welfare agencies is Jo Ann Burkholder, Director of the Office of Student Services.

**Division Responsibilities**

Under Section 1112(c)(5) of ESSA, each division's Title I, Part A, funding application must include assurances that the division will: 1) designate a point of contact if the corresponding child welfare agency notifies the division, in writing, that the agency has designated a corresponding agency point of contact; and 2) develop and implement clear, written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of a child's time in foster care. Transportation procedures must ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner. If additional costs are incurred in providing transportation to the school of origin, the division will provide transportation to the school of origin if:

- The local child welfare agency agrees to reimburse the division for the cost of transportation;
- The division agrees to pay for the cost of transportation; or
- The division and the local child welfare agency agree to share the cost of transportation.

Divisions must develop and begin implementing transportation procedures that meet the requirements above by December 10, 2016.

Each division has designated a [foster care liaison](#) (PDF) who serves as the point of contact for local child welfare agencies. To assist divisions in meeting the requirement to develop and implement transportation procedures, the Department, in collaboration with the Virginia Department of Social Services, has developed suggested [Transportation Procedures for Students in Foster Care](#) (Word). Divisions should review the suggested procedures with local child welfare agencies, make adjustments that best suit the division's needs, and adopt and begin implementing transportation procedures for students in foster care by December 10.

To comply with the new Title I, Part A, foster care requirements for 2016-2017, each division must complete and submit the Title I Foster Care Assurances form (Attachment A) no later than Friday, **December 9, 2016**. The signed form should be submitted by email to [ESSA@doe.virginia.gov](mailto:ESSA@doe.virginia.gov) or by fax to Lynn Sodat, Director of the Office of Program Administration and Accountability, at (804) 371-7347. In future years, these assurances will be incorporated into the Title I, Part A, assurances that accompany the annual application for federal funds.

Questions regarding foster care provisions should be directed to Dr. Patricia Popp, Virginia State Coordinator for Project Hope, at [homlss@wm.edu](mailto:homlss@wm.edu) or 757-221-4002 or Dr. Vivian Stith-Williams, School Social Worker Specialist, at [vivian.stith-williams@doe.virginia.gov](mailto:vivian.stith-williams@doe.virginia.gov) or 804-225-4543.

Questions about the Title I Foster Care Certification Assurances form should be directed to Dr. Lynn Sodat, Director of the Office of Program Administration and Accountability, at [lynn.sodat@doe.virginia.gov](mailto:lynn.sodat@doe.virginia.gov) or 804-225-2870.

SRS/lb

Attachments:

- A. [Title I Foster Care Assurances](#) (Word)

Links:

[The Every Student Succeeds Act of 2015](#) (PDF)

[Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#) (PDF)

[Enrollment of Students in Foster Care](#)

[List of Division Foster Care Liaisons](#) (PDF)

[Transportation Procedures for Students in Foster Care](#) (Word)