

Foster Care & Education

Q&A

Points of Contact: How They Can Help Students in Foster Care?

Q: What is the ESSA and what does it say about students in foster care?

In December, 2015, the Every Child Succeeds Act (ESSA), a new federal education law, was enacted. This legislation includes important protections for youth in foster care. The ESSA aligns with the Fostering Connections Act of 2008 (Fostering Connections) and requires school stability protections for youth in care. To learn more, please see the Q&A Factsheet on ESSA. <http://www.fostercareandeducation.org/Portals/0/documents/QA%20ESSA%202015%20FINAL%205%2010%2016.pdf>. Also, to learn about effective implementation of these two laws, please see the 28 page joint federal guidance issued by the U.S. Departments of Education and Health and Human Services (Joint Guidance, POCs are addressed in Questions 34 through 37) <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>. Read our brief summary here: <http://www.fostercareandeducation.org/Portals/0/pdfs/ESSA%20Guidance%20Final2.pdf>.

Q: What does the ESSA say about state education agency “points of contact” (POCs)?

The ESSA requires each state education agency (SEA) to include in the Title I plan it submits to the federal government the steps it will take to ensure collaboration with the state child welfare agency to ensure educational stability for students in foster care. As part of this responsibility, every SEA must designate an employee to serve as a “point of contact” (POC) for foster care. The designated employee cannot be the State’s

Coordinator for Education of Homeless Children and Youths under the McKinney-Vento Act.

Q: What should be the role of a SEA POC?

The state level POC is responsible for ensuring that there is sufficient collaboration with the state child welfare agency and for overseeing implementation of the ESSA’s protections for youth in foster care. So, for example, the state POC should assist with the development of joint state guidance or an interagency agreement that could clarify how the state will support local educational agencies’ (LEA) development of transportation plans or their appointment of school-based POCs. They can also facilitate data sharing, monitor LEA compliance, and provide training and technical assistance to LEA POCs. See Joint Guidance for more information.

Q: What does the ESSA say about school-based POCs?

In addition to requiring each SEA to identify a state POC, the ESSA requires each local educational agency (which includes school districts and public charter schools) (LEA) in every state to provide assurances that the agency will collaborate with the state or local child welfare agency to designate a “point of contact” if the corresponding child welfare agency notifies the LEA in writing that the child welfare agency has designated an employee to serve as a POC for the LEA. See Attachment #1 for tips for child welfare agencies to provide this written notification and sample language to use.

In some states, like Pennsylvania, where every child welfare agency is already required to have an education liaison, this will mean that every school district in the state is required to appoint a school-based point of contact. In other jurisdictions this will be a local decision.

Q: What does law or guidance say about child welfare-based POCs?

Neither ESSA nor Fostering Connections require child welfare agencies to appoint POCs, but it is a very good thing to do. HHS is strongly urging child welfare agencies to appoint the POCs at *both* the state and local levels. And, unless child welfare appoints POCs and notifies the LEAs in writing, LEAs are not required to appoint local POCs. See Joint Guidance and ACF letter to child welfare directors for more information <https://www.acf.hhs.gov/programs/cb/resource/child-welfare-leaders-educational-stability-letter>.

Q: How can state and local POCs in both agencies help?

School-based and child welfare agency-based POCs can help the *adults* in these systems by clarifying who to contact when questions about the education of children in foster care arise. But, more importantly, they can help *children* directly by being available to them, focusing on their needs, and making it easier for staff in and across systems to work together.

Q: Who is best qualified to be a POC?

POCs can come from a variety of professional backgrounds. While training can help, the most effective POCs or liaisons have had experience in both the education and the child welfare systems -- for example, the child welfare-based liaison has worked as a teacher or the education-based liaison has been a child welfare caseworker.

School-based POCs need the authority to advocate effectively for children in foster care within the school and to ensure that their special needs are met. They should have an understanding of child welfare laws and practices. They should be familiar with the special needs of youth in care and the approaches (e.g., trauma-informed instructional and school discipline practices) that can benefit these youth. Since youth in care often experience several living placement and school changes, the liaison must be familiar with the importance of school stability, as well as enrollment and records

transfer procedures, and the range of school and community student support services.

Child welfare-based POCs should have a basic understanding of federal and state education law and practice, especially those laws with particular impact on children in care. Previous experience working or collaborating with school staff is also very helpful.

For many years, the federal McKinney-Vento Act has mandated a State level Coordinator and school-based liaisons for children experiencing homelessness. The ESSA explicitly prohibits appointing the McKinney-Vento State Coordinator as the state level POC for children in foster care. There is no such prohibition at the local level. But to be effective, the school-based POC must have enough time and resources to collaborate effectively with the local child welfare agency and to provide direct support to students. This is an important factor to take into account in determining which employee to designate.

Q: What have we learned from states that have already required child welfare and/or education liaisons?

Designating foster care and education liaisons in the education and child welfare systems had been a growing trend, even before the passage of ESSA. More than a dozen states had passed legislation requiring some kind of foster care education liaisons; some require school-based liaisons, while others require child welfare-based liaisons. Many other jurisdictions have created these positions by policy or practice.

What many jurisdictions have found is it helped to improve communication between agencies, streamline services and supports, and increase understanding of all staff about the educational needs of children in foster care. For additional information from two states, see:

1) Texas Systems Working Together to Transform Education Outcomes. (Includes a chapter on school district based Education Liaisons) <http://www.tea.state.tx.us/FosterCareStudentSuccess/source-guide.pdf> and

2) Allegheny County's Implementation of the Child Welfare Education Screen (Explains the trainings and responsibilities of a child welfare agency-based education liaison.) http://www.fostercareandeducation.org/portals/0/dmx/2013/09/file_20130923_140716_fmZBu_0.pdf.