

Every Student Succeeds Act (ESSA)

The federal Every Student Succeeds Act (ESSA) was signed into law in late 2015, and replaced the No Child Left Behind Act (NCLB) as the latest reauthorization of the Elementary and Secondary Education Act (ESEA) originally enacted in 1965.

In addition to providing substantial funding to address the needs of disadvantaged students generally, ESSA begins to address the unique difficulties of foster youth in the education system. Research shows that foster youth experience higher rates of suspension and expulsion, have lower standardized test scores,¹ higher levels of dropping out and being held back a grade, and graduate from high school² and college at a lower rate than their peers. The definition of foster youth for the purposes of ESSA includes [juvenile justice system-involved youth who have an out-of-home foster placement order](#). ESSA includes key protections for these foster youth, aimed at increasing educational stability as a lever to improving overall outcomes for young people in out-of-home care.³ Some of these safeguards include the right to remain in the school of origin⁴ when it is in the best interest of the student, the right to immediate school enrollment⁵ and records transfer, and the designation of a point of contact for child welfare agencies within the state educational agency for coordination and oversight of the ESSA Title I responsibilities related to educational stability.⁶

ESSA also addressed the issue of school transportation for foster youth. The law now requires that local education agencies (LEAs) that receive Title I, Part A funds contain an assurance in their local Title I plans that the LEA will collaborate with the state or local child welfare agency to 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 student's time in foster care.⁷ Title I, Part A's new transportation procedures apply to all children in foster care for the duration of their time in care.⁸

Title I, Part A

Budgeted at \$14.9 billion in FY 2016, Title I, Part A of ESSA is the largest grant program at the U.S. Department of Education (DOE) that supplements education spending for the country's poorest children. These federal funds are intended to ensure that all children, especially those from low-income families, are able to receive an equitable high-quality education. To be eligible for Title I, Part A funds, states must submit a plan to the U.S. DOE outlining the state's educational accountability system. 7% of each state's Title I, Part A allocation must go to schools implementing comprehensive support and improvement activities for the lowest performing schools, which creates an opportunity to use these funds to support mental health services and other interventions to address the impacts of trauma and violence.

Title I, Part D

Budgeted at \$47.6 million annually, Title I, Part D of ESSA supports prevention and intervention services for justice-involved, neglected, or at-risk youth. Title I, Part D funding

is meant to provide educational services to assist youth released from secure detention to transition back to school or employment, to prevent at-risk youth from dropping out of school, and help dropouts get back to school and on track to graduate. Coordination between the health, education, social services and probation systems is encouraged, “if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education.”⁹

More Information

CDE – Every Student Succeeds Act (ESSA)

<http://www.cde.ca.gov/re/es/>

U.S. Department of Education – Every Student Succeeds Act (ESSA)

<https://www.ed.gov/essa>

U.S. Department of Education – Students in Foster Care

<https://www2.ed.gov/about/inits/ed/foster-care/index.html>

U.S. Department of Education – ESSA: Title I, Part A

<https://www2.ed.gov/programs/titleiparta/index.html>

U.S. Department of Education – ESSA: Title I, Part D

<https://www2.ed.gov/programs/titleipartd/index.html>

U.S. Department of Education – Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care

<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

Futures Without Violence – Funding Opportunities in the Every Student Succeeds Act (June 2016)

https://s3.amazonaws.com/fwvcorp/wp-content/uploads/20160620210045/ESEAFundingGuide_FINALsingle3_web-current.pdf

¹ Frerer, K.; Sosenko, L.D.; Pellegrin, N.; Manchik, V.; & Horowitz, J., *Foster youth stability: A study of California foster youths’ school and residential changes in relation to education outcomes* (2013), available at <http://hdl.voced.edu.au/10707/411439>.

² U.S. Department of Health and Human Services, Administration on Children, Youth and Families, National Youth in Transition Database, Unpublished analyses (April 2016).

³ Courtney, M., Roderick, M., Smithgall, C., Gladden, R. & Nagaoka, J., *The educational status of foster children* (2004), available at https://www.researchgate.net/profile/Cheryl_Smithgall/publication/268053940_The_Educational_Status_of_Foster_Children/links/54e4c0320cf22703d5bf415e.pdf.

⁴ ESEA § 1111(g)(1)(E)(i). Non-Regulatory Guidance issued on June 23, 2016 by the U.S. Departments of Education and Health and Human Services defined school of origin for children in foster care as “the school in which a child is enrolled at the time of placement in foster care.... If a child’s foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the

placement change.” U.S. Departments of Education and Health and Human Services, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, Question 10* (2016).

⁵ ESEA § 1111(g)(1)(E).

⁶ ESEA §§ 1111(g)(1)(E) & 1112(c)(5).

⁷ These 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 and in accordance with the child welfare agency’s authority to use child welfare funding for school of origin transportation; ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if: (1) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation; (2) the LEA agrees to pay for the cost of such transportation; or (3) the LEA and the local child welfare agency agree to share the cost of such transportation. See National Association for the Education of Homeless Children and Youth, *Considerations for Local Educational Agencies (LEAs) in Developing Transportation Procedures for Students in Foster Care Under the Every Student Succeeds Act of 2015* (Aug. 2016), <http://www.naehcy.org/sites/default/files/dl/legis/Transportation%20plan%20guide%20August%209.pdf>.

⁸ ESEA § 1112(c)(5)(B).

⁹ U.S. Department of Education, Title I, Part D, Subpart 2, Section 1424: Uses of Funds, available at <https://www2.ed.gov/policy/elsec/leg/esea02/pg11.html>.