



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 25, 2023

Dear Chief State School Officer:

As you prepare for the upcoming school year, I am writing to remind you of State educational agencies' (SEAs') responsibilities to support the unique needs of students in foster care, as required under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA). This letter provides important reminders about the ESEA's educational stability requirements for students in foster care, recommendations for effective implementation of these requirements, and information about upcoming technical assistance opportunities to support SEA implementation efforts.

Primary among the ESEA's educational stability requirements for students in foster care is active collaboration, partnership, and information sharing between educational agencies and child welfare agencies (CWAs). Now six years into implementation of the ESEA's educational stability requirements, there remains an urgent need for SEAs and local educational agencies (LEAs) to continue partnering with State, local, and Tribal CWAs to address persistent challenges in improving the educational stability of students in foster care.

Prior research has demonstrated that students in foster care are more likely than their peers to experience adverse educational outcomes, including lower academic achievement in reading/language arts and mathematics,<sup>1</sup> higher grade retention rates,<sup>2</sup> and lower rates of high school graduation<sup>3</sup> and postsecondary enrollment.<sup>4</sup> Research has also suggested that students in foster care may be up to almost three times as likely to receive special education services as their peers who are not in foster care.<sup>5</sup> Finally, research conducted using data from individual States and districts suggests that students in foster care from those jurisdictions are three to four times

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<sup>1</sup> Clemens, E. V., Klopfenstein, K., Lalonde, T. L., & Tis, M. (2018). The effects of placement and school stability on academic growth trajectories of students in foster care. *Children and Youth Services Review*, 87, 86–94. <https://doi.org/10.1016/j.childyouth.2018.02.015>

<sup>2</sup> Courtney, M., Terao, S., Bost, N. (2004). [Midwest Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Youth Preparing to Leave State Care](#). Chicago: Chapin Hall at the University of Chicago. Indiana Department of Education Foster Care Data Outcomes Report, April 2020.

<sup>3</sup> See National Center for Education Statistics, ED Facts file 150 and 151. [Public high school 4-year adjusted cohort graduation rate \(ACGR\), by selected student characteristics and state: 2010-11 through 2019-20, 2022](#). As shown there, for each state where an ACGR is reported for students in foster care, that rate is lower than the state's "all-student" ACGR.

<sup>4</sup> Courtney, M.E., Okpych, J.H. et al. (2020). [Findings from the California Youth Transitions to Adulthood Study \(CalYOUTH\): Conditions of Youth at Age 23](#).

<sup>5</sup> Gee, K.A. (2020). [Predictors of special education receipt among child welfare-involved youth](#). *Children and Family Services Review*, 114, 105018.

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more likely than their peers to experience exclusionary discipline<sup>6</sup> and about twice as likely to be chronically absent from school.<sup>7</sup>

These challenges are tied, in great part, to the high mobility of students in foster care and the educational discontinuity that can result from entering the child welfare system or changing foster care placements once in the system. Greater educational stability—ensuring that, when appropriate, a student in foster care remains in their school of origin when they enter foster care or experience a change in foster care placements—is associated with improved outcomes for foster youth, including higher graduation rates.<sup>8</sup>

The Title I foster care provisions emphasize the **importance of collaboration and joint decision-making between educational agencies and CWAs**. These provisions, together with the requirements in the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Uninterrupted Scholars Act of 2013,<sup>9</sup> make clear that the **educational stability of students in foster care is a joint responsibility of educational agencies and CWAs**. The U.S. Department of Education (Department) remains committed to supporting your efforts to effectively implement the following requirements in sections 1111(g)(1)(E) and 1112(c)(5) of the ESEA, which include requirements for collaboration between educational agencies and CWAs:

- **Ensure your SEA has appointed a foster care point of contact (POC):** SEAs must designate a staff member (who by statute cannot also be the State coordinator for homeless education programs) to serve as the State’s foster care POC. The State foster care POC is responsible for both ongoing collaboration with the State’s CWA and overseeing LEA implementation of the ESEA’s foster care requirements. In addition, the ESEA requires LEAs to designate a POC if the corresponding CWA notifies the LEA that it has designated a POC.<sup>10</sup> Among other things, LEA POCs coordinate local implementation of the relevant ESEA requirements in collaboration with the local CWA. Please update the Department by emailing us at [fostercare@ed.gov](mailto:fostercare@ed.gov) when there is a change to your State foster care POC to help us get timely information to the right member of your team.
- **Ensure the best interest determination (BID) process prioritizes school of origin:** When a student enters foster care or changes foster care placements, an LEA must collaborate with the appropriate CWA to ensure that the student remains in their school of origin, unless a determination is made that attending that school would not be in the best interest of the student. The Department strongly recommends that SEAs collaborate

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<sup>6</sup> Indiana Services Foster Care Data Report (April 2020). Massachusetts Court Improvement Program, 2019; WA Office of Superintendent of Public Instruction (OSPI) Report Card, 2020.

<sup>7</sup> Massachusetts Court Improvement Program, 2019; WA Office of Superintendent of Public Instruction (OSPI) Report Card, 2020. Hwang, S., Griffis, H., Son, L., & Rubin, D. (2014). [Supporting the Needs of Students Involved with the Child Welfare and Juvenile Justice System in the School District of Philadelphia](#). Philadelphia, PA: PolicyLab.

<sup>8</sup> Clemens, E.V., Lalonde, T.L., & Sheesley, A.P. (2016). [The relationship between school mobility and students in foster care earning a high school credential](#). *Children and Youth Services Review*, 68, 193-201.

<sup>9</sup> The U.S. Department of Education and the U.S. Department of Health and Human Services [jointly issued guidance](#) on the implementation of the Uninterrupted Scholars Act in May 2014.

<sup>10</sup> Even where this does not occur, the Department strongly recommends that every LEA proactively appoint a foster care POC.

with State CWAs to establish and disseminate written BID decision-making and dispute resolution protocols to be used by LEAs and schools in coordination with local CWAs. These protocols should include the involvement of all relevant stakeholders, especially students themselves where appropriate.

- **Remind LEAs of immediate enrollment/records transfer requirements:** If it is determined that it is not in a student's best interest to remain in the student's school of origin, the student's new school must immediately enroll the student, even if the student cannot produce documents normally required for enrollment. The enrolling school must immediately contact the school of origin to obtain relevant academic and other records. For a student in foster care who is receiving special education services and enrolls in a new LEA during the same school year, the new LEA collaborating with the foster or relative caregiver must provide a free and appropriate public education to the student until the new LEA adopts the previous individualized education program (IEP) or develops a new IEP.<sup>11</sup> The Department encourages SEAs to provide guidance reminding LEAs of the requirement to immediately enroll students.
- **Ensure collaborative school of origin transportation procedures are in place:** To help ensure that a student in foster care remains in his or her school of origin, unless a determination is made that it is not in the student's best interest to do so, an LEA must develop procedures in collaboration with State and local CWAs that address how transportation to the school of origin will be provided, arranged, and funded. The Department urges LEAs to prioritize and simplify a student's transportation experience—for example, by minimizing the number of times a student is required to switch vehicles during their commute.

In addition to the educational stability requirements discussed above, Federal reporting requirements for both SEAs and LEAs provide further opportunities for interagency collaboration to support students in foster care. For example, on State and local report cards required under Title I of the ESEA, SEAs and LEAs must report annually on academic achievement and graduation rates for students in foster care as a separate student group to provide information to stakeholders and the public on how students in foster care are performing relative to their peers.<sup>12</sup> These data must also be reported annually to the Department as part of the [EDFacts initiative](#). Beginning with data reported from the 2022-23 school year, SEAs are also required to report the number of students in foster care in LEAs that receive Title I subgrants as part of EDFacts.<sup>13</sup>

To best understand the experiences of students in foster care—and ultimately improve their academic outcomes and well-being—SEAs and LEAs should collect, review, and disseminate additional critical education data points disaggregated by foster care status, such as special education status, chronic absenteeism rates, and exclusionary discipline rates. These data provide an opportunity to develop collaborative strategies at the State and local levels to address disproportionate outcomes for students in foster care. Establishing robust data-sharing

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<sup>11</sup> 34 C.F.R. § 300.323(e). See also question A-4 of the Return to School Roadmap: Development and Implementation of IEPs. <https://sites.ed.gov/idea/files/rti-iep-09-30-2021.pdf>

<sup>12</sup> ESEA section 1111(h)(1)(C)(ii)-(iii).

<sup>13</sup> EDFacts SY 2022-23 File Specifications, Foster Care Enrolled v19.0.

agreements between SEAs and LEAs and State, local, and Tribal CWAs is vital to facilitating the frequent exchange of data and information about students in foster care to best meet their needs.

In order to support SEAs and LEAs in meeting the educational stability requirements for students in foster care, the Department is pleased to announce forthcoming technical assistance opportunities, including webinars, communities of practice, tools, and additional resources. These technical assistance resources will cover all aspects of implementing the ESEA's educational stability requirements, with a focus on data-related practices. This technical assistance will build upon the [Data-Sharing Snapshots](#) published in March 2023, which highlight the ways eight States are sharing data and information across education and child welfare systems to support students in foster care and meet reporting requirements. We will share additional information about these technical assistance opportunities over the next several weeks.

As you continue to prepare for the school year ahead, we urge you to check in with your agency's foster care POC to assess how implementation of the ESEA provisions is progressing in your State. If our team can be of any support, please reach out to [fostercare@ed.gov](mailto:fostercare@ed.gov) with any questions, feedback, or needs. For additional information about supporting the needs of students in foster care, please access the Department's students in foster care program webpage at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/students-foster-care/>. Thank you for all you do to support students in foster care in your State.

Sincerely,



Adam Schott  
Deputy Assistant Secretary  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: State foster care points of contact  
State child welfare agency directors  
State Special Education Directors  
State Title I Directors