

To: DCF/DMCPS Administrator  
DCF Area Administrators  
Child Placing Agency Directors  
Child Welfare Agency Directors  
County Departments of Community Programs Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Group Home Providers  
Tribal Social Service/Indian Child Welfare Directors  
Private Child Placing Agencies  
Residential Care Center Providers  
Shelter Care Providers  
Tribal Chairpersons

From: Fredi-Ellen Bove   
Administrator

Re: **Implementation of the federal Every Student Succeeds Act (ESSA)**

**PURPOSE**

To ensure county agencies understand the ESSA requirements that go into effect on December 10, 2016.

**BACKGROUND**

The federal Every Student Succeeds Act (ESSA), passed by Congress in December of 2015 amends the Elementary and Secondary Education Act of 1965. The ESSA, in conjunction with the Fostering Connections Act of 2008 and the Uninterrupted Scholars Act of 2013, requires certain actions of state and local educational and child welfare and tribal child welfare agencies designed to increase collaboration among those agencies to support successful educational experiences for children in out-of-home care.

**INFORMATION SUMMARY**

Recent preliminary guidance issued jointly by the U.S. Departments of Education and Health and Human Services, entitled “Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care”, addresses the mandated requirements of ESSA and the best practice recommendations developed by those federal Departments. The mandated requirements of the Act must be implemented in each state by December 10, 2016.

Over the next few months, the Department of Children and Families (DCF) and the Department of Public Instruction (DPI) will be developing – after consultation with representatives of school districts, county child welfare agencies, and tribes – further guidance related to both the mandated requirements and the best practice recommendations. The successful implementation of ESSA, and the resultant improved educational experiences of children in out-of-home care, will be dependent upon and the result of the collaborative efforts occurring at the local level.

The attached letter and desk guide provide a summary of key ESSA requirements and caseworker responsibilities. A similar letter from DPI/DCF was sent to school districts (i.e., local education agencies) in October.

CENTRAL OFFICE CONTACT: Human Services Supervisor Section Chief  
Division of Safety and Permanence  
Bureau of Youth Services  
608.422.6993

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachments: Joint Letter DCF/DPI  
<https://dcf.wisconsin.gov/files/cwportal/fc/fcschoolsuccess-dskguide.pdf>



**DEPARTMENT OF CHILDREN  
AND FAMILIES**

Eloise Anderson  
Secretary

**DEPARTMENT OF PUBLIC  
INSTRUCTION**

Tony Evers  
Superintendent



November 15, 2016

Dear Child Welfare Directors:

We are writing to provide you with information regarding implementation of the federal Every Student Succeeds Act<sup>1</sup> (ESSA), passed by Congress in December of 2015. This Act amends the Elementary and Secondary Education Act of 1965<sup>2</sup>. The ESSA, in conjunction with the Fostering Connections Act of 2008<sup>3</sup> and the Uninterrupted Scholars Act of 2013<sup>4</sup>, requires certain actions of state and local educational and child welfare and tribal child welfare agencies designed to increase collaboration among those agencies to support successful educational experiences for children in out-of-home care.

Recent preliminary guidance issued jointly by the U.S. Departments of Education and Health and Human Services, entitled "Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care"<sup>5</sup>, addresses the mandated requirements of ESSA and the best practice recommendations developed by those federal Departments. The mandated requirements of the Act must be implemented in each state by December 10, 2016.

These requirements are very important for this vulnerable population as children in out-of-home care experience significant barriers to success in the school setting:

- 44% of Wisconsin children in care attended more than one school in a single year;\*
- Only 57% of Wisconsin children in care will graduate high school (compared to 88% for all children).\*
- During the 2013-14 school year, the average attendance rate for Wisconsin children in out-of-home care was 86% while for all children it was 94% (this discrepancy is equivalent to approximately three weeks of school during the school year.\*
- Nationally, 56% to 75% of children in out-of-home care will change schools when they first enter out-of-home care;\*\*
- Nationally approximately one-third (34%) of 17-18 year olds in care have experienced five or more school changes;\*\*
- Students lose four to six months of academic progress with each school change.\*\*
- Nationally, children in out-of-home care are two times as likely as other students to have an out-of-school suspension and three times as likely to be expelled;\*\*
- Nationally, children in out-of-home care are 2.5 to 3.5 times more likely to receive special education services;\*\*
- Nationally, 84% of children in out-of-home care want to go to college, but only 20% of them who graduate from high school will attend college, and only 2% to 9% will attain a bachelor's degree.\*\*

(\* = Wisconsin data; \*\* = National data)

<sup>1</sup> [http://edworkforce.house.gov/uploadedfiles/every\\_student\\_succeeds\\_act\\_-\\_conference\\_report.pdf](http://edworkforce.house.gov/uploadedfiles/every_student_succeeds_act_-_conference_report.pdf)

<sup>2</sup> <http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/PLAW-110publ351/pdf/PLAW-110publ351.pdf>

<sup>4</sup> <https://www.congress.gov/112/plaws/publ278/PLAW-112publ278.pdf>

<sup>5</sup> <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

<sup>6</sup> National Working Group on Foster Care and Education, "Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care," Research Highlights on Education and Foster Care, January 2014.

Over the next few months, the Department of Children and Families (DCF) and the Department of Public Instruction (DPI) will be developing – after consultation with representatives of school districts, county child welfare agencies, and tribes – further guidance related to both the mandated requirements and the best practice recommendations. The successful implementation of ESSA, and the resultant improved educational experiences of children in out-of-home care, will be dependent upon and the result of the collaborative efforts occurring at the local level.

We are anticipating that we will be receiving finalized additional non-regulatory guidance from the federal departments, but we cannot wait for the issuance of that guidance if we are to successfully implement the required aspects of the law by December 10, 2016. Below you will find a summary of key ESSA requirements. The information below was sent in October to school districts (i.e., local education agencies) in a similar letter from DPI/DCF.

#### *Collaboration Requirements*

- Local education agencies (henceforth referred to as LEAs) shall collaborate with county and tribal child welfare agencies to implement educational stability provisions. (ESEA § 1112(c)(5))
- LEAs shall collaborate with child welfare agencies to ensure that transportation for students is provided, arranged, and funded. (ESEA § 1112(c)(5)(B)) (Final regulations from the U.S. Department of Education are pending. Once published, they will be made available and this document will be updated to reflect their content.)
- LEAs shall designate a point of contact for child welfare agencies if the applicable child welfare agency notifies the LEA, in writing, that the child welfare agency has designated a point of contact. (ESEA § 1112(c)(5)(A))
- LEAs shall assist the child welfare agency in determining whether it is in a child's best interest to remain in his or her school of origin, and consider all factors relating to a child's best interest, including the appropriateness of the current educational setting and the proximity of the student's placement. (ESEA § 1111(g)(1)(E)(i)) (Note: The child welfare agency must also make best interest determinations for purposes related to case dispositions and placements. In addition, under s. 48.01(2), Wis. Stats., such a best interest determination for an Indian child requires additional considerations. Educational decisions should also be taken into consideration by the child welfare agency in determining the best interest of a child.)

#### *Enrollment Requirements*

- Maintain each student in his or her school of origin for the duration of the out-of-home care placement, unless it is determined that remaining in the school of origin is not in the student's best interest. (ESEA § 1111(g)(1)(E)(i))
- To the extent feasible and appropriate, maintain a student in his or her school of origin while the best interest determination is being made. (ESEA § 1111(g)(1)(E)(i))
- Immediately enroll the student in the new school if it is determined that remaining in the school of origin is not in the student's best interest, even if the student is unable to produce records normally required for enrollment. (ESEA § 1111(g)(1)(E)(ii)-(iii))
- When receiving a new student, immediately contact the school of origin to obtain relevant academic and other records and, if the school of origin, immediately transfer those records. (ESEA § 1111(g)(1)(E)(iii))

A caseworker desk guide has also been created to assist child and tribal child welfare workers in promoting school success for children in the child welfare system. It accompanies this letter.

## POINT OF CONTACT

In order to enhance collaboration at the community level, DCF and DPI are asking school districts and county and tribal child welfare agencies to identify a Point of Contact (POC). Specifically, each school district will identify a *foster care* point of contact (FCPOC) for counties and tribal child welfare agencies to reach out to. Each county and tribal child welfare agency will identify an *education* point of contact (EDUPOC) for school districts to reach out to. The role of these POCs is to accomplish the following:

- Develop a process for making best interest determinations;
- Facilitate the transfer of records and immediate enrollment;
- Facilitate data sharing between agencies;
- Develop and coordinate local transportation procedures;
- Ensure that these children are enrolled in and regularly attending school;
- Provide professional development and training between agencies.

Both DPI and DCF will maintain a listing of all Point of Contact designees. County and tribal child welfare agencies should send the identified Education Point of Contact to [DCFEDUPOC@wisconsin.gov](mailto:DCFEDUPOC@wisconsin.gov). When POCs change, an email can be sent to this mailbox to request removal and/or update POC contact information.

We ask for your continued assistance and collaboration in addressing the educational needs of foster children by implementing the requirements set forth by the Every Student Succeeds Act. We look forward to working together to improve educational outcomes for these vulnerable students at the state and local level.

Should you have any questions regarding these requirements, please contact:

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