On December 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA), reauthorizing the Elementary and Secondary Education Act (ESEA). Originally enacted in 1965 and last reauthorized as the No Child Left Behind Act in 2002, ESEA’s mission is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education.” ESSA is the first major overhaul of federal education law in over a decade. For the first time, the ESEA now contains key protections for students in foster care to promote school stability and success, and required collaboration with child welfare partners.

**EVERY STUDENT SUCCEEDS ACT (ESSA) AND FOSTER CARE**

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**ESSA PROTECTIONS FOR FOSTER CARE STUDENTS**

**SOUTH DAKOTA DEPARTMENT OF EDUCATION CONTACT:**

Jenifer Palmer

[Jenifer.Palmer@state.sd.us](mailto:Jenifer.Palmer@state.sd.us)

605.773.4437

**SOUTH DAKOTA DEPARTMENT OF SOCIAL SERIVCES CONTACT:**

Eric Grover and Misty McAllister

[Eric.Grover@state.sd.us](mailto:Eric.Grover@state.sd.us) [Misty.McAllister@state.sd.us](mailto:Misty.McAllister@state.sd.us)

605.394.2525 ext. 251 605.394.2525 ext. 215

**DATA COLLECTION AND REPORTING**

For the first time, state educational agencies will be required to report annually on student achievement and graduation rates for students in foster care. LEAs will be responsible for encoding children in foster care within Infinite Campus.

**REMOVAL OF “AWAITING FOSTER CARE” PLACEMENT FROM THE MCKINNEY-VENTO ACT**

Because of the addition of these key protections for students in foster care and in recognition of the need for additional resources for students who are homeless, this law removes “awaiting foster care placement” from the definition of “homeless” for purposes of the McKinney-Vento Act one year after enactment.

**LEA POINT OF CONTACT**

When the child welfare agency notifies the local education agency that it has a point of contact for the education of children in foster care, the LEA is now required to designate a similar point of contact. This exemplifies the type of collaboration needed to support implementation of the law: both child welfare agencies and local education agencies need to designate staff to ensure school stability and support the educational success of children in care.

**TRANSPORTATION**

For some students in foster care, transportation is needed to allow them to remain in the same school. By December 10, 2016, local education and child welfare agencies must develop plans for providing cost-effective transportation when needed to allow students to remain in the same school.

**IMMEDIATE ENROLLEMENT**

Under the ESSA, children in foster care can enroll immediately in a new school when a school change is necessary, even if the child cannot produce normally required enrollment documents and school records. Additionally, enrolling schools must immediately contact the school last attended by the child to obtain relevant education records.

**SEA POINT OF CONTACT**

Under the new law, every state education agency must designate a point of contact for child welfare agencies. To ensure that the point person has the capacity and resources needed, the individual must be someone other than the state’s McKinney-Vento Act Coordinator.

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**REMAIN IN THE SAME SCHOOL WHEN IN THE CHILD’S BEST INTEREST**

Under the new law, state education agencies must assure that students in foster care remain in their school of origin, unless it is not in their best interest. Federal child welfare law already requires child welfare agencies to collaborate with education agencies to ensure school stability when it is in the child’s best interest; this law creates reciprocal obligations on education agencies.