



## **School Stability for Youth in Foster Care Under ESSA Provisions**

Under the **Every Student Succeeds Act (ESSA) of 2015**, youth in foster care remain in the school of origin when they move, **unless there is a determination that it is NOT in their best interest**.

Transportation must be addressed for students who need transportation when they remain in their school of origin. In the case of dispute regarding transportation, the student must remain in the school of origin while transportation costs are being resolved.

The best interest determination must be based on student-centered factors that address appropriateness of current educational setting, proximity of placement to school of origin as well as other pertinent factors.

Best Interest Determination must be based on all factors including:

- Appropriateness of the current educational setting
- Proximity to school in which youth is enrolled at placement
- Preferences of the student
- Preferences of adults with meaningful relationships/student's education decision-maker(s)
- Safety including influence of the school climate on the student,
- Youth's age and placement of sibling(s)
- Youth's special needs
  - Availability and quality of the services in the school to meet the student's educational and socioemotional needs;
  - Whether the student is receiving special education services and, if so, the availability of those services in a school other than the school of origin;
  - Whether the student is an English Language Learner and is receiving language services, and, if so, the availability of those services in a school other than the school of origin.
  - History of transfers and how they have impacted the student;
- Time in school year
- Distance and the effect of the commute on the youth's wellbeing and education
- Student's attachment to the school

*Transportation costs should **NOT** be considered a factor for determining the student's best interest.*

Best Interest Determination meetings include: school and/or school district representative, child welfare personnel (e.g. caseworker), student (when appropriate), caregiver, birth parent (when appropriate).

If it is determined that it is not in the best interest of a youth in care to remain in the school of origin, the youth must be immediately enrolled in the new school, even if they do not have the required documentation. The enrolling school shall immediately contact the school last attended to obtain the youth's records.

A youth should also be attending classes and receiving appropriate academic services upon enrollment.



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*Educational Access Project for DCFS*

In addition, youth may remain in the school of origin for the duration of their time in foster care if it is in their best interest, consistent with the education stability requirements under Fostering Connections Act. The Child Welfare Agency and the Local Education Agency will review all factors relating to a student's best interest