

What DHS Workers Need to Know About the “Every Student Succeeds Act” (ESSA)

- ✓ ESSA is a comprehensive, federal education law passed in 2015 that ensures that child welfare and education agencies collaborate to promote educational stability and reduce academic disruption for children in foster care. It builds on the 2008 “Fostering Connections Act” that requires children in foster care to remain in their school of origin unless it is not in their best interest to do so, and immediate and appropriate enrollment and school records transfer. **The ESSA foster care provisions became effective on December 10, 2016.**
- ✓ **As part of the Iowa ESSA implementation, DHS and all of Iowa school districts (referred to as Local Education Agencies, or “LEAs”) have entered into a Memorandum of Understanding (MOA).** The MOA addresses communication/collaboration between DHS and the LEAs regarding best interest determinations for school placement, immediate/appropriate enrollment, records transfer, transportation, and dispute resolution.
- ✓ **The ESSA MOA** pertains to children in foster family, group, PMIC, shelter, relative, suitable other, pre-adoptive, and other out-of-home placement settings when DHS has placement care and responsibility.
- ✓ **Each LEA has an ESSA Point of Contact (LEA POC) whose responsibilities include:** Working with the schools and DHS in making a “best interest determination” about where the child in foster care will attend school, ensuring timely enrollment and the transfer of school records, assisting with determining a means of transportation, and coordinating the establishment of a transportation route.
- ✓ **Each DHS Service Area has an ESSA Point of Contact (DHS POC).** For DHS, the Service Area Executive Officer 1s are assigned this role. The DHS POC is a resource and support to the DHS social worker when there are questions about the process, concerns/disputes arise with the LEAs (including not being able to contact or effectively communicate/collaborate with the LEA POC), or other issues arise related to educational stability. The assigned DHS social worker is responsible for notifying the LEA POC in the District of Origin of foster care entry/placement changes and collaborating with the LEA regarding school placement, enrollment, and the transfer of records. DHS Service Areas may develop area specific DHS POC and DHS social worker roles/responsibilities in carrying out ESSA requirements. Consult with your supervisor if you have questions about your area’s process.
- ✓ **When a child enters foster care, or changes placement when in foster care,** the DHS social worker and the school district(s) shall collaborate to determine if it is in the child’s best interest to remain in the child’s current school (called “**the school of origin**”), enroll in the school that serves the placement resource, or in some situations, enroll in another school. This collaboration is referred to as making a “**best interest determination.**”

✓ **The School of Origin is:**

- **For initial placements**, the school the child was attending at the time the child was placed in foster care. Example: *Alejandro attends School A, and is initially placed in a foster home that is served by School B. School A is his school of origin at initial placement for the purpose of the “best interest determination.” He should stay in this school unless there is a reason(s) why he should not. (Should he remain in School A, or enroll in School B?).*
- **For placement changes**, the school the child is enrolled in at the time of the placement change is considered the school of origin. Example: *Alejandro changes from School A to School B at initial placement. He then moves to another foster home that is served by School C. School B becomes his “school of origin” for the purpose of the “best interest determination” when he changes placement (Should he remain in school B, or enroll in school C?).*

- ✓ **The Best Interest Determination** regarding school placement shall be made prior to foster care placement, except in the case of an emergency removal, in which case the best interest determination shall be made within 5 business days from the date of placement.

Unless not possible/appropriate, the child shall remain in the school of origin pending the outcome of the best interest determination. The best interest determination regarding school placement is made through a collaborative process between DHS and the school district(s). Input should be sought from other pertinent team members, including the child, child’s parents, current school staff, AEA, and others with relevant information.

Key Considerations in making best interest determinations include but are not limited to:

- Child and parent preference
- Continuity of instruction
- Age and grade placement
- Academic strength
- Social and emotional state
- Distance of commute (No more than 75 minutes for a secondary student, and 60 minutes for all others.)
- Personal safety
- Need for special instruction
- Length of anticipated duration of placement

- ✓ **Information Sharing.** DHS may share relevant information (excluding child abuse and HIPAA-protected health information,) about the child without a release signed by the parent as necessary for the purpose of the best interest determination and immediate/appropriate enrollment. Though information sharing is necessary, care must be taken to provide only information that is relevant to the best interest decision and enrollment. However, best practice is to engage the parent/guardian in signing a release and providing input about school placement preference.

- ✓ **Once the best interest determination is made, the foster child is entitled to immediate and appropriate enrollment.** The LEA is responsible for ensuring that records are transferred to the other school within five days of the child's enrollment.
- ✓ **Transportation arrangements and costs.** When it is determined it is in the child's best interest to remain in the school of origin, the school district of origin (LEA POC) and the DHS social worker must collaborate to establish the most cost effective means of transportation available, which could include but is not limited to school vehicles, public/regional transportation, and/or foster care providers. **(Note:** This does not apply to non-public schools.)

After determining viable means of transportation, it is **the district of origin's responsibility to coordinate the transportation route between the school of origin and the foster care placement.** If there is disagreement between DHS and the district of origin, the district of origin has financial responsibility for the transportation until the dispute is resolved.

- Costs associated with transportation to the school of origin within the same school district as the foster care placement are the responsibility of the district of origin.
- When a foster care placement is in a school district that **borders** the district of origin, transportation costs to the school of origin incurred within the bordering school district are the responsibility of the bordering district; transportation costs within the district of origin are that district's responsibility.
- When a foster care placement is in another school district that does **not border** the district of origin, DHS is responsible for transportation costs to the district of origin's border; transportation costs within the district of origin are that district's responsibility.
- When a foster care placement is in another state, DHS is responsible for transportation costs to the district of origin's border; transportation costs within the district of origin are that district's responsibility.
- For other scenarios, DHS and the District of Origin shall share transportation costs equally.

This and other documents related to ESSA, including the MOA, a map of DHS SAs, school districts, AEAs, and judicial districts, and contact information for all DHS and LEA POCs is located on the Service Information SharePoint in the Education Related Resources library under [ESSA Materials](#).