



May 30, 2014

Dear Chief State School Officers and Child Welfare Directors:

As National Foster Care Month concludes, the Departments of Education (ED) and Health and Human Services (HHS) would like to take the opportunity to discuss the crucial role we all play in supporting the well-being of students in foster care. We remain committed to the goal that through ongoing collaboration and cross-system coordination we can and will improve the educational outcomes and well-being of these students. To this end, we are writing to remind State educational agencies (SEAs) and State child welfare agencies (SCWAs) that SCWAs and local educational agencies (LEAs) are obligated to coordinate efforts to ensure the educational stability of students in foster care under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).

Of the approximately 400,000 children in foster care, 260,000 are school aged (5-18). Through the Fostering Connections Act, Congress has determined that children in foster care are entitled to educational stability, and that SCWAs and LEAs play key roles in ensuring the educational stability of children in foster care. In particular, the Fostering Connections Act requires that SCWAs receiving funds under Title IV-E of the Social Security Act include a plan for ensuring the educational stability of children in foster care as part of each child's case plan. Specifically, pursuant to section 475(1)(G) of the Fostering Connections Act, the plan must include:

1. An assurance that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement; and
2. An assurance that the SCWA has coordinated with the appropriate LEA(s) to ensure the child can remain in the school in which the child is enrolled at the time of each placement, or, if remaining in that school is not in the best interests of the child, assurances from the SCWA and LEA to enroll the child immediately in a new school, with all of his or her educational records provided to the school.

ED and HHS applaud the great strides many SCWAs and LEAs have made to implement the educational stability provisions of the Fostering Connections Act. Working in collaboration, educators and child welfare professionals across the country are building strong networks of support for these vulnerable students. In many communities, collaboration between SCWAs and LEAs is already producing significant improvements in the educational outcomes and well-being of children in foster care, while also enhancing the schools in which these children are enrolled.

In spite of the outstanding efforts of many SCWAs and LEAs, it nonetheless has come to our attention that the coordination required by the Fostering Connections Act is not always occurring. In particular, we are aware that some LEAs have concluded that the Fostering Connections Act applies only to State and tribal child welfare agencies receiving funds under

Title IV-E of the Social Security Act. As reflected in the requirements described above, however, while the educational stability requirements of the Fostering Connections Act apply most directly to SCWAs, compliance is contingent on routine coordination between these agencies and LEAs. Thus, we would like to take this opportunity to emphasize that the Fostering Connections Act imposes specific obligations on both SCWAs and LEAs, and that each play a vital role in helping to ensure educational stability for children in foster care.

To help ensure effective implementation of the educational stability requirements of the Fostering Connections Act, we ask that SEAs, in conjunction with SCWAs, remind LEAs of their obligations to collaborate and coordinate with SCWAs. To assist in this process, HHS and ED will be working with SCWAs, SEAs, and LEAs to provide technical assistance regarding the various agencies' responsibilities under the Fostering Connections Act and will coordinate on joint follow-up activities to ensure that both SCWAs and LEAs meet their obligations. Without the assistance of LEAs, SCWAs are unable to meet their obligations under the Fostering Connections Act. If coordination and the required assurances are not obtained from LEAs, funding for SCWAs may be placed in jeopardy.

To assist State and local efforts in addressing the educational needs of children in foster care, ED and HHS have developed resources and guidance designed to support educators, child welfare professionals, and others in their work to improve the educational outcomes and well-being for students in foster care. A dedicated Web page, Students in Foster Care, is now active on ED's Web site (<http://www2.ed.gov/about/inits/ed/foster-care/index.html>). This Web page provides information on relevant laws, guidance, and technical assistance materials related to educational support for students in foster care.

The Students in Foster Care Web page also includes newly released guidance on the implementation of the Uninterrupted Scholars Act amendment to Section 444 of the General Education Provisions Act (20 U.S.C. § 1232g) (commonly known as the Family Educational Rights and Privacy Act (FERPA)). The new guidance provides ED's interpretation of the statutory changes made to FERPA and how these changes affect the confidentiality provisions in the Individuals with Disabilities Education Act (IDEA). In addition, HHS offers supporting resources on the National Resource Center for Permanency and Family Connections Web site (<http://www.nrcpfc.org/is/education-and-child-welfare.html>). This site provides technical assistance and resource materials on addressing the education needs of children involved in the child welfare system, including information on data and information sharing; State examples of child welfare/education collaborations; resources on early childhood education; K-12 education; postsecondary education; State reports and resources; and webcasts on various topics.

It is paramount that States and localities raise awareness of efforts and progress toward improving the educational outcomes and well-being for this vulnerable student population. We urge child welfare and education agencies to work together this summer to develop policies and procedures that ensure both educational stability and the appropriate, immediate enrollment of all school-aged children in foster care in the upcoming school year.

Should you have any questions or need further assistance, please contact JooYeun Chang, Associate Commissioner of the Children's Bureau, Administration for Children and Families, at JooYeun.Chang@acf.hhs.gov.

Sincerely,

Deborah S. Delisle
Assistant Secretary
Department of Education

Mark H. Greenberg
Acting Assistant Secretary
Administration for Children
and Families