



State of Florida  
Department of Children and Families




Rick Scott  
Governor


Mike Carroll  
Secretary

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**DATE:** October 27, 2016

**TO:** Regional Managing Directors  
Community-Based Care CEOs

**THROUGH:** David L. Fairbanks, Deputy Secretary   
Vicki Abrams, Assistant Secretary for Operations   
JoShonda Guerrier, Assistant Secretary for Child Welfare 

**FROM:** Traci Leavine, Director of Child Welfare Practice 

**SUBJECT:** **Every Student Succeeds Act** – Amends the Elementary and Secondary Education Act of 1965

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**PURPOSE:** On December 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA), which amended the Elementary and Secondary Education Act of 1965. The purpose of this memorandum is to outline the changes to ESSA that will affect working agreements and collaboration between the Community-Based Care Lead Agencies (CBC) and the local school districts.

This memo also shares guidance the Florida Department of Education has distributed to local school districts and provides supporting documents to help explain the changes in federal law.

In addition, this memo shares a draft of the proposed changes to Chapter 65C-28, Florida Administrative Code, that address “Meeting the Child’s Educational Needs” and the accompanying draft “School Stability Checklist” that would help to document the “Best Interest Factors” being considered during placement decision-making. These proposed rule changes were discussed in a public hearing on October 4, 2016.

DCF Regional and CBC leaders are invited to share the attachments and coordinate feedback through designated points of contact as the Department strives to identify and implement any necessary policy changes in order to support full compliance of ESSA.

**BACKGROUND:** ESSA aligns the Department of Education requirements for the education of children in out-of-home care with the previously passed Fostering Connections to Success and Increasing Adoptions Act of 2008. There are several provisions in ESSA that focus on ensuring educational stability for children in out-of-home-care. Some of these provisions go into effect December 10, 2016.

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

The following highlights the provisions of ESSA that are related to children in out-of-home care:

- The Florida Department of Education (DOE) is required to include in its Title I plans the steps that DOE will take to ensure that children remain in their school of origin unless a determination is made that it is not in a child's best interest for the child to remain in the school of origin.
  - The Fostering Connections to Success and Increasing Adoptions Act of 2008 outlines this requirement for child welfare agencies. Community-Based Care Lead Agencies are encouraged to include their local school district's point of contact in all staffings that may affect the child's school stability.
- DOE must ensure that when school changes are necessary, the child can be enrolled immediately in the new school, even when the required records for enrollment may not be readily available. The new school must contact the child's most recently attended school to obtain the child's records.
  - The CBC must make every effort to assist the enrolling school in obtaining the child's records and provide the school all educational records available to the CBC. It is imperative that the two agencies collaborate to ensure the best interest of the child is maintained throughout any school transitions.
- DOE has named a statewide point of contact for children in out-of-home care according to the direction of ESSA. Most local school districts currently have designated points of contact to work with the CBCs. Those points of contact should remain the same, but may have additional support from their district Title I coordinators.
  - Each CBC has identified a point of contact to collaborate with the local school district's point of contact to ensure school stability for children in out-of-home care.
- The local school districts are required to develop local transportation plans to assist in maintaining school stability and keeping children in their school of origin. These plans are to be enacted no later than December 10, 2016. The plans must address how transportation will be provided, arranged for, and funded for the duration of the time the child is in out-of-home care. ESSA requires that if there are additional costs associated with providing transportation to the school of origin, the local school district will provide the transportation if one of the three conditions listed below are met:
  - The CBC agrees to reimburse the local school district for the cost of transportation;
  - The local school district agrees to pay for transportation; or
  - The local school district and the CBC agree to share the costs of transportation.

- The phrase “awaiting foster care placement” has been removed from the definition of “homeless child or youth” in the McKinney-Vento Homeless Assistance Act as children in out-of-home care will now be included in the state’s Title I plan.

Additional information and resources may be found at the below sites:

<http://www.ed.gov/essa> and  
<http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.

**ACTION NEEDED:** CBC leaders are asked to review the attached list of points of contact and verify your CBC representative is correctly listed. Please confirm the name and contact information for your CBC’s ESSA implementation point of contact by emailing DCF Office of Child Welfare Out-of-Home Care Specialist Amy Hand ([amy.hand@myflfamilies.com](mailto:amy.hand@myflfamilies.com)) by Nov. 4, 2016.

CBC leaders also are invited to send questions and suggestions about ESSA implementation to Stephen Pennypacker, CEO of Partnership for Strong Families ([stephen.pennypacker@pfsf.org](mailto:stephen.pennypacker@pfsf.org)), by Nov. 4, 2016.

Using the input provided by the CBCs to Mr. Pennypacker, the Office of Child Welfare will afterward convene a working session of DCF Regional and CBC leaders to discuss policy guidance needed to best support full implementation of ESSA and collaborations between CBCs and local school districts that effectively promote school stability and success for youth in care.

**CONTACT INFORMATION:** Should you have questions about this communication, please contact Amy Hand, Office of Child Welfare, at 850-717-4491 or via e-mail at [Amy.Hand@myflfamilies.com](mailto:Amy.Hand@myflfamilies.com).

## **ATTACHMENTS**

Education & Foster Child Q&A

DOE memo to School District Superintendents (“School District Foster Care Requirements in the Every Student Succeeds Act Effective December 10, 2016”)

65C-28.018 Proposed Rule - “Meeting the Child’s Educational Needs”

Proposed School Stability Checklist

School District and CBC Points of Contact list

cc: Rebecca Kapusta, General Counsel  
Grainne O’Sullivan, Children’s Legal Services Director  
Regional Family and Community Services Directors  
Elisa Cramer, Child Welfare Director of Strategic Projects  
Ginger Griffeth, Director of Child Welfare Performance and Quality Management  
Patricia Badland, Child Welfare Director of Operations  
CBC and Sheriff Contract/Grant Managers and Contract Manager Supervisors  
Florida’s Center for Child Welfare