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October 4, 2016

TO: Chief School Administrators  
Charter School and Renaissance School Project Lead Persons  
Educational Stability Liaisons

FROM: Karen L. Campbell, Director  
Office of Supplemental Educational Programs

Michele Safrin, Administrator  
Office of Educational Support and Programs  
Department of Children and Families

SUBJECT: Ensuring Educational Stability for Children in Foster Care

**This memo describes the Title I educational stability requirements for children in foster care that Local Educational Agencies (LEAs) must implement and includes the policies and procedures LEAs must have in place no later than December 10, 2016.**

**Background:** On December 10, 2015, President Obama signed the *Every Student Succeeds Act (ESSA)*, which reauthorized the *Elementary and Secondary Education Act (ESEA)* and instituted new protections for children in foster care that further enhanced the requirements of the *Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act)*. These provisions, which take effect December 10, 2016, require State Educational Agencies and Local Educational Agencies (LEAs) to work with child welfare agencies to ensure the educational stability of children in foster care.

In 2010, *N.J.S.A. 18A* and *N.J.S.A. 30* were amended in response to the federal *Fostering Connections Act*. These amendments established requirements to support and implement the federal legislation, requiring child welfare agencies and school districts to collaborate, and to keep children in foster care<sup>1</sup> in the same school when their living placements change, if remaining in that school is in their best interest. The New Jersey Departments of Children and Families (DCF) and Education (DOE) collaborated with local school districts to successfully implement those amendments, and we will continue to collaborate to support the implementation of the new requirements under *ESSA*.

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<sup>1</sup> Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

The foster care provisions of Title I, Part A of *ESSA* complement those in the *Fostering Connections Act*, and clearly state that the educational stability of children in foster care is the joint responsibility of both the education and child welfare systems.

**Requirements for LEAs:** LEAs must implement the Title I educational stability requirements for children in foster care, ensuring that:

- A child in foster care remains in his or her school of origin unless it is determined that remaining in the school of origin is not in that child's best interest;
- To the extent feasible and appropriate, the child remains in his or her school of origin while this determination is being made by DCF;
- If it is not in the child's best interest to stay in his or her school of origin, the child must be immediately enrolled in the new school even if the child is unable to produce records typically required for enrollment;
- The new (enrolling) school immediately must contact the school of origin to obtain relevant academic and other records: and
- Upon notification from DCF of their designated Point of Contacts (POCs), the LEAs must designate a corresponding POC. **Please see this [memo from DCF](#), which serves as notification of their designated POCs. LEAs are required to update this information in the CDS system.**

**Please Note:** No later than December 10, 2016, LEAs must have policies and procedures in place related to the following:

- Collaboration and communication with state or local child welfare agency to ensure children in foster care have transportation to and from school; and
- Tuition reimbursement to avoid barriers to immediate enrollment.

LEAs will receive further written guidance on how to implement the new requirements to ensure the educational stability for children in foster care.

Questions concerning LEAs' responsibilities in ensuring the educational stability of children in foster care should be directed to Barbara Pugh via email at [Barbara.pugh@doe.state.nj.us](mailto:Barbara.pugh@doe.state.nj.us) or by calling (609) 984-2879. You also may contact Charles Crudup, DCF's Statewide Coordinator for Education Stability via email at [Charles.Crudup@dcf.state.nj.us](mailto:Charles.Crudup@dcf.state.nj.us) or by calling at (609) 888-7757.

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