



## ESSA (Every Student Succeeds Act) Info Sheet for Special Education Surrogate Parents

### **What is ESSA?**

The Every Student Succeeds Act (ESSA) is the main law for K–12 public education in the United States. It replaces No Child Left Behind (NCLB). According to the statement of purpose in ESSA, "*The purpose of this title is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.*" This includes opportunity for disadvantaged students.

### **How does ESSA apply to the students we serve?**

Among other things, ESSA Title I, Part A ensures the educational stability of students in foster care and their equal access to the same free and appropriate public education through high school graduation as provided to other children and youth.

In brief, ESSA requires that foster care students continue to attend their school of origin, unless after a collaborative decision-making process it is determined to be in the student's best interest to enroll in and attend school in the district in which a foster care provider or facility is located (if different). ESSA also requires that when it is not in the student's best interest to remain in the school of origin, the student is immediately enrolled and attending in a new school district, even if records normally required for enrollment cannot be quickly produced.<sup>1</sup>

### **Definitions:<sup>2</sup>**

#### **Foster care (as defined under ESSA):**

ESSA broadly defines foster care as placement by DCF of a student into 24-hour out-of-home care, away from his/her parents or guardians. These placements include, among others: foster family homes; foster homes of relatives; emergency shelters (including STARR programs and Transitional Care units); residential facilities; child care institutions; group homes; and pre-adoptive homes.

#### **District of Origin:**

The Massachusetts school district in which a school of origin is physically located. For students whose IEPs place them in out-of-district approved private or public special education schools or collaboratives, the district of origin is the district in which the student was enrolled at the time of the DCF placement.

**School of Origin:** The school that a student was attending at the time of placement in foster care or the school a student is attending at the time of any subsequent change in a foster care placement.

**Local School District:** The Massachusetts school district in which the student's foster care home, provider, or facility is physically located. When it is determined to be in a student's best interest to leave the school of origin, the local school district must enroll the student immediately.

#### **Best Interest Determinations:**

Best interest determinations are conducted to make decisions about the school a student will attend following a foster care placement or change in placement (to a new city/town). These decisions should be made collaboratively by the parties who are best situated to understand the student's unique needs. These parties often include DCF; some combination of the student, the student's family, and any EDM [ie. The SESP]; the district and school of origin; and the local school district (as appropriate). DCF is considered the final decision maker in making the best interest determination.

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<sup>1,2</sup> Massachusetts DESE and DCF Joint Guidance - Educational Stability for Students in Foster Care – January 2018

## **Resources**

### **Contacts**

For student specific questions around ESSA, your primary contact is the student's DCF social worker, DCF education coordinator, and/or the school foster care point of contact (POC). If you are unsure of who to contact or what questions are relevant, please contact your case coordinator at the SESP Program for assistance (508-792-7679), or the RTSC at 617-399-8311.

### **State Level department contacts:**

#### **DESE:**

Kristen McKinnon, DESE Foster Care Point of Contact  
781-338-6306  
kmckinnon@doe.mass.edu

#### **DCF:**

Jim Morrison, DCF Education Manager and Foster Care Point of Contact  
781-915-7047  
James.J.Morrison@MassMail.State.MA.US

### **Visit the Following Links:**

- **For information on ESSA:**

*<http://www.doe.mass.edu/sfs/foster/>*

#### **Educational Stability for Students in Foster Care (DESE) Guidance**

- Massachusetts DESE and DCF Joint Guidance Cover Memorandum — January 2018
- Massachusetts DESE and DCF Joint Guidance - Educational Stability for Students in Foster Care — January 2018
- Massachusetts DESE and DCF Foster Care School Selection Dispute Resolution Process
- USED/USHHS Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care — Issued June 2016
- Guidance on Homeless and Foster Care Student Data Collection

#### **Regulations and Laws**

- ESSA - Excerpts Related to Foster Care Enrollment

- **For information on school district responsibility for the special education services of students in foster care.**

*<http://www.doe.mass.edu/sped/advisories/2018-3.html>*

#### **Administrative Assistance Advisory SPED 2018-3: Guidance on Amendments to Special Education Regulations, 603 CMR 28.10, to Align with ESSA Foster Care Provisions (DESE)**

- Appendix A: Question and Answer Guide that contains additional information, and will assist school district personnel to apply the amended regulations to specific factual situations
- Appendix B: LEA Assignment Quick Reference Guide, which provides a diagram and step-by-step process for determining district responsibility based on specific circumstances regarding the residence of the parent(s) and the student; and,
- Appendix C: Form 28M2, revised: "Request for Clarification of Assignment of School District Responsibility under 603 CMR 28.10"

### **For Additional Information:**

- RTSC Webinar: 2017-02 Every Student Succeeds Act: Promoting School Stability for Kids in Foster Care <https://fcsn.org/rtsc/upcoming-webinars/archived-webinar-recordings/>
- Massachusetts ESSA State Plan: <http://www.doe.mass.edu/federalgrants/essa/stateplan/>
- US Department of Education ESSA website: <https://www.ed.gov/essa>