



September 2019

# FOSTER CARE

## Education Could Help States Improve Educational Stability for Youth in Foster Care

## Why GAO Did This Study

Roughly 270,000 school-aged youth were in foster care at the end of fiscal year 2017. Youth in foster care may change schools frequently, which can negatively affect their academic achievement. ESSA, enacted in 2015, reauthorized the Elementary and Secondary Education Act of 1965 and included provisions to improve educational stability for youth in foster care. These included requiring state educational agencies to ensure youth placed into foster care stay in their current school, unless it is not in their best interest to do so.

GAO was asked to review implementation of these provisions. This report examines (1) the challenges SEAs and selected school districts face implementing the ESSA educational stability provisions for youth in foster care, and (2) how Education provides technical assistance and monitors state implementation efforts. GAO surveyed SEA foster care points of contact in the 50 states, District of Columbia, and Puerto Rico and all but one state responded. In addition to interviewing federal officials, GAO interviewed selected state and local educational and child welfare agency officials, and held discussion groups with foster youth and parents, in three states selected by number of youth in foster care, among other factors. GAO also held discussion groups with officials from 14 SEAs and 5 state child welfare agencies, and reviewed relevant federal laws, regulations, guidance, and technical assistance.

## What GAO Recommends

GAO recommends that Education develop an online clearinghouse of resources. Education agreed with GAO's recommendation.

View [GAO-19-616](#). For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or [nowickij@gao.gov](mailto:nowickij@gao.gov).

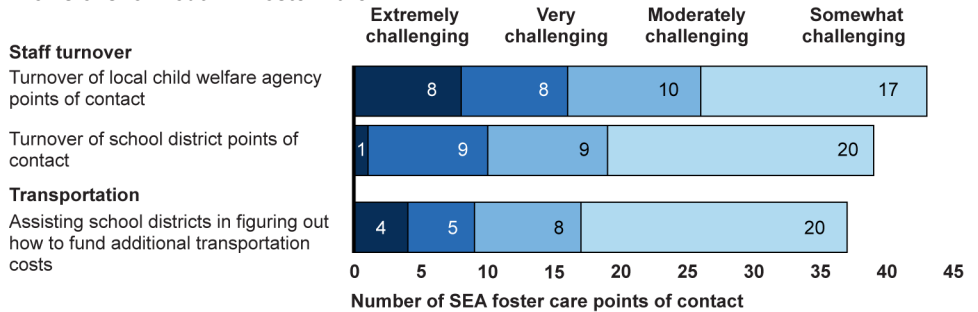
# FOSTER CARE

## Education Could Help States Improve Educational Stability for Youth in Foster Care

### What GAO Found

State educational agencies (SEAs) reported several challenges in implementing the provisions in the Every Student Succeeds Act (ESSA) related to educational stability for youth in foster care. In their responses to GAO's national survey, SEAs reported challenges, including high turnover among local educational and child welfare agency officials, and with identifying and arranging transportation to schools for students (see figure). Turnover of local staff can result in the loss of knowledge and experience needed to implement the provisions, according to SEA and local officials we interviewed. Regarding transportation, ESSA requires school districts to work with child welfare agencies to provide and fund transportation so that youth in foster care can remain in their current school when it is in their best interest. Six school district and child welfare agency officials we interviewed indicated that funding was a concern and some noted that transporting youth to their current school can result in extensive costs.

**Selected Challenges SEAs Reported Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

The Department of Education (Education) provided technical assistance in the form of written guidance, webinars, and in-person meetings to help states implement the ESSA educational stability provisions. Education officials said they also plan to monitor state implementation of the provisions. Most SEA officials reported in GAO's survey that they would like additional assistance and more opportunities to interact with other state officials. Education plans to convene a community of practice for several states in which participants will meet regularly for several months, and is exploring other technical assistance efforts. To share information about implementing the ESSA educational stability provisions, Education maintains an email address list of SEA foster care points of contact. GAO found that the list was inaccurate and not regularly updated. Education updated the list in late summer 2019 and plans to do so quarterly. Education also provides information online, but the information is scattered across different web pages. Twenty-two SEA officials reported on GAO's survey that a clearinghouse of information would be extremely helpful. Federal standards for internal control require agencies to externally communicate necessary information in a manner that enables them to achieve their objectives. Without a dedicated web page about implementing the provisions, states may not receive the assistance they need to improve educational stability for youth in foster care.

---

# Contents

---

Letter		1
	Background	5
	State and Local Officials Reported Several Challenges Related to Implementing the ESSA Educational Stability Provisions	8
	Education Could Take Steps to Improve Access to Technical Assistance and Plans to Begin Monitoring of the ESSA Educational Stability Provisions	21
	Conclusions	29
	Recommendation for Executive Action	30
	Agency Comments and Our Evaluation	30
Appendix I	Scope and Methodology	32
Appendix II	Additional Survey Data	36
Appendix III	Comments from the U.S. Department of Education	43
Appendix IV	GAO Contact and Staff Acknowledgments	45
Tables		
	Table 1: General Assistance Provided by SEAs to Facilitate Implementation of the ESSA Educational Stability Provisions for Youth in Foster Care	37
	Table 2: Selected Examples of Written Guidance Provided by SEAs to Local Agencies to Facilitate Implementation of the ESSA Educational Stability Provisions for Youth in Foster Care	38
	Table 3: SEA-Reported Monitoring of Selected ESSA Educational Stability Provisions for Youth in Foster Care	39
Figures		
	Figure 1: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Staff Turnover	9

---

Figure 2: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Best Interest Determinations	11
Figure 3: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Transportation	13
Figure 4: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions Related to Identifying Youth Who Are in Foster Care	16
Figure 5: SEA-Reported Challenge Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Monitoring	19
Figure 6: Ten Areas Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care for Which SEAs Reported Additional Federal Assistance Would Be Helpful	24
Figure 7: Additional Types of Technical Assistance Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care that SEAs Reported They Would Find Helpful	25
Figure 8: Challenges Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Included on Survey to SEA Points of Contact and SEA Responses	36
Figure 9: SEA-Reported Requirements for School District and Child Welfare Cost-Sharing for Additional Costs of Transporting Youth in Foster Care to their School of Origin	40
Figure 10: Ten Areas for Which SEAs Reported Additional Federal Assistance Would Be Helpful (With All Response Options Provided) in Implementing the ESSA Educational Stability Provisions for Youth in Foster Care	41
Figure 11: Additional Types of Federal Assistance SEAs Reported Would Be Helpful (With All Response Options Provided) in Implementing the ESSA Educational Stability Provisions for Youth in Foster Care	42

---

---

## Abbreviations

Education	U.S. Department of Education
ESEA	Elementary and Secondary Education Act of 1965
ESSA	Every Student Succeeds Act
Fostering Connections Act	Fostering Connections to Success and Increasing Adoptions Act of 2008
HHS	Department of Health and Human Services
LEA	Local educational agency
SEA	State educational agency

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



September 19, 2019

The Honorable Charles Grassley  
Chairman  
The Honorable Ron Wyden  
Ranking Member  
Committee on Finance  
United States Senate

The Honorable Patty Murray  
Ranking Member  
Committee on Health, Education, Labor, and Pensions  
United States Senate

The Honorable Tina Smith  
United States Senate

Roughly 270,000 school-aged youth were living in foster care at the end of fiscal year 2017.<sup>1</sup> Youth in foster care experience much higher levels of residential instability than their peers, and it is not uncommon for a student to change schools when changing living placements.<sup>2</sup> Studies from two states, Colorado and California, showed that approximately 9 percent of youth in foster care in those states attended at least three schools in one school year.<sup>3</sup> We previously reported that student mobility has a negative effect on students' academic achievement.<sup>4</sup> Specifically,

<sup>1</sup>U.S. Department of Health and Human Services, *The AFCARS Report, Preliminary FY 2017 Estimates as of August 10, 2018*, No. 25 (Washington, D.C.: August 2018). This includes children in foster care between 5 and 17 years old. In this report, we use the terms "children" and "youth" interchangeably.

<sup>2</sup>National Working Group on Foster Care and Education, *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care* (April 2018).

<sup>3</sup>Elysia V. Clemens, PhD, LPC, and Alison Phillips Sheeseley, MS, LPC, University of Northern Colorado, "Every Transition Counts: Educational Stability of Colorado's Students in Foster Care" (2016); and W. Wiegmann, E. Putnam-Hornstein, V.X. Barrat, J. Magruder, and B. Needell, "The Invisible Achievement Gap Part 2: How the Foster Care Experiences of California Public School Students are Associated with Their Educational Outcomes" (2014). Both studies used state child welfare and education administrative data to determine the percent of youth in foster care that attended different schools within the state in a single school year. The Colorado data was from the 2013-14 school year and the California data was from the 2009-10 school year.

<sup>4</sup>GAO, *K-12 Education: Many Challenges Arise in Educating Students Who Change Schools Frequently*, [GAO-11-40](#) (Washington, D.C.: Nov. 18, 2010).

---

we cited research that found that students who change schools more frequently than other students tended to have lower scores on standardized reading and math tests and drop out of school at higher rates than their less mobile peers.<sup>5</sup>

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) aimed to improve educational stability for youth in foster care by requiring, among other things, that state child welfare agencies participating in the federal foster care program coordinate with local educational agencies (LEAs) to ensure that youth in foster care remain in the school in which they are enrolled at the time of each placement (also referred to in this report as the current school or school of origin), if it is in the best interest of the child.<sup>6</sup> The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), included similar requirements for state educational agencies (SEAs) participating in Title I, Part A of the ESEA to generally maintain such children in their school of origin.<sup>7</sup> ESSA also established requirements for participating LEAs to collaborate with child welfare agencies to develop and implement written procedures governing how transportation to the youth's school of origin will be provided, arranged, and funded, if it is in the youth's best interest to stay there. If it is not in the youth's best interest to remain in their school of origin, the youth must immediately be enrolled in a new school, even if the youth is unable to produce records normally required for enrollment. In addition, under the amendments made by ESSA, each SEA is required to designate a point of contact for foster care agencies.<sup>8</sup> The U.S.

---

<sup>5</sup>For more information on these research studies, see [GAO-11-40](#).

<sup>6</sup>Pub. L. No. 110-351, § 204, 122 Stat. 3949, 3960 (codified at 42 U.S.C. § 675(1)(G)). The Fostering Connections Act amended Title IV, Part E of the Social Security Act (Title IV-E or the federal foster care program), which provides federal funding to support state foster care and adoption assistance programs. See 42 U.S.C. § 670 *et seq.* Title IV-E, as amended by the Fostering Connections Act, requires that the case plan for each child in foster care include a plan for ensuring the educational stability of the child while in foster care, and other related assurances. If remaining in the current school is not in the best interest of the child, the child must be immediately enrolled in a new school, along with the child's educational records. See 42 U.S.C. § 675(1)(G).

<sup>7</sup>Title I, Part A of the ESEA, as amended, provides formula grants to states for their LEAs to improve educational programs in schools with high concentrations of students from low-income families. See 20 U.S.C. § 6311 *et seq.*

<sup>8</sup>For the amendments made by ESSA that pertain to the educational stability of youth in foster care (referred to collectively in this report as the "ESSA educational stability provisions"), see generally Pub. L. No. 114-95, §§ 1005-1006, 129 Stat. 1802, 1820-59 (2015) (codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5)).

---

Department of Education's (Education) Office of School Support and Accountability oversees the implementation of Title I Part A, including the ESSA educational stability provisions, while the Children's Bureau within the Department of Health and Human Services' (HHS) Administration for Children and Families oversees implementation of the federal foster care program, including the provisions added by the Fostering Connections Act.

You asked us to review the implementation of ESSA provisions related to the educational stability of youth in foster care, including collaboration between educational and child welfare agencies and any challenges these agencies may encounter. This report examines (1) the challenges states and selected local educational agencies face implementing the requirements of ESSA related to educational stability for youth in foster care, and (2) how Education provides technical assistance and monitors states and localities to ensure compliance with these requirements, including collaborating with HHS.

To address these objectives, we conducted a survey of SEA foster care points of contact from the 50 states, the District of Columbia, and Puerto Rico (referred to as "states" in this report). All but one state responded, for an overall response rate of 98 percent (51 respondents).<sup>9</sup> The survey included questions about the practices states employed to implement the ESSA educational stability provisions, challenges they faced, and their views of federal technical assistance and guidance. We also conducted site visits to Arizona, Georgia, and Ohio to obtain information on how some SEAs, school districts, and child welfare agencies are implementing these provisions.<sup>10</sup> We selected these three states based on a mix of factors, including the type of child welfare agency (state- or county-administered) and whether the number of children in foster care exceeded the national average. We also sought diversity in location; variety in types of school districts; and percentage of students attending school in urban, rural, or suburban districts. We selected three school districts to visit in each state—an urban, rural, and suburban district—where we met with the school district officials responsible for implementing the ESSA educational stability provisions and their primary

---

<sup>9</sup>Texas did not respond to the survey.

<sup>10</sup>In this report, we use the terms "school districts" and "LEAs" interchangeably to refer to local educational agencies.



---

child welfare agency counterpart.<sup>11</sup> We conducted three discussion groups—two with SEA officials and one with state child welfare agency officials—that focused on the educational stability provisions in ESSA. In total, these groups included representatives from 14 SEAs and five state child welfare agencies. During our site visits, we also held two discussion groups with foster parents and three with current or former youth in foster care to gain their perspectives on educational stability. We reviewed selected provisions of ESSA pertaining to the educational stability of youth in foster care, relevant federal guidance, webinars, and other documents. Finally, we interviewed officials from Education and HHS.<sup>12</sup> For further information on our scope and methodology, see appendix I.

We conducted this performance audit from June 2018 to September 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

<sup>11</sup>We visited two suburban districts in Ohio, and they were located in the same jurisdiction of one county child welfare agency.

<sup>12</sup>We reviewed and discussed selected provisions of the Fostering Connections Act with HHS and state and local child welfare agencies when relevant to our work. However, a review of the implementation of the Fostering Connections Act was beyond the scope of this report; therefore, we did not assess child welfare agencies' compliance with the Act. For a more comprehensive review of the implementation of the Fostering Connections Act, see GAO, *Foster Care: HHS Needs to Improve Oversight of Fostering Connections Act Implementation*, [GAO-14-347](#) (Washington, D.C.: May 29, 2014).

---

## Background

---

### ESSA Provisions Related to the Educational Stability of Youth in Foster Care

Enacted in December 2015, ESSA's amendments to Title I, Part A (Title I) of the ESEA included a number of requirements for SEAs and school districts to ensure the educational stability of children in foster care.<sup>13</sup> For the purposes of this report, we refer to these requirements collectively as the "ESSA educational stability provisions."

Specifically, SEAs are required to describe in their Title I state plans<sup>14</sup> the steps they will take to ensure collaboration with the state child welfare agency to ensure the educational stability of children in foster care, including assurances that:

- Such children enroll or remain in their school of origin, unless a determination is made that it is not in the child's best interest to attend the school of origin. This decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.
- When a determination is made that it is not in a child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment.
- The enrolling school shall immediately contact the school last attended by the child to obtain relevant academic and other records.
- The SEA will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the above provisions.<sup>15</sup>

LEAs are required to provide in their Title I LEA plans assurances that they will collaborate with the state or local child welfare agency to:

---

<sup>13</sup>ESSA also made various other amendments to Title I, including amendments to the requirements for state accountability systems. For more information, see GAO, *Every Student Succeeds Act: Early Observations on State Changes to Accountability Systems*, [GAO-17-660](#) (Washington, D.C.: July 13, 2017).

<sup>14</sup>To be eligible for Title I funds, SEAs are required to submit state plans to the Secretary of Education for approval. Similarly, in order to receive Title I subgrants from their SEAs, LEAs are required to have an SEA-approved plan on file with the SEA.

<sup>15</sup>20 U.S.C. § 6311(g)(1)(E).

- 
- designate a point of contact, if the corresponding child welfare agency notifies the LEA in writing that the child welfare agency has designated a point of contact for the LEA; and
  - develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.<sup>16</sup>

The ESSA requirements described above were generally required to be implemented by December 10, 2016. In addition, SEAs and school districts are required to publicly report on the academic achievement and graduation rates of youth in foster care on their annual report cards.<sup>17</sup>

States and localities also have some flexibility in implementing the ESSA educational stability provisions. For example, ESSA does not prescribe a specific process for determining whether it is in a child's best interest to remain in their school of origin. In making this determination, state and local agencies have flexibility in determining which factors should be considered when evaluating the appropriateness of a child's current educational setting, as well as any additional factors that pertain to a child's best interest. Similarly, school districts and child welfare agencies generally determine the transportation procedures to use, provided they meet the minimum statutory requirements. In addition, SEAs may choose various approaches to help LEAs implement the ESSA educational stability provisions. For example, SEAs may decide to independently, or with their state child welfare agency, issue policies or guidance, disseminate question and answer documents, or hold informational meetings and webinars.

---

<sup>16</sup>20 U.S.C. § 6312(c)(5). These procedures must ensure that children in foster care needing transportation to their school of origin will promptly receive transportation in a cost-effective manner and in accordance with the foster care maintenance payment provisions of Title IV-E. In addition, the procedures must also ensure that, if there are additional costs incurred in providing transportation to the school of origin, the LEA will provide such transportation if (1) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation; (2) the LEA agrees to pay for the cost; or (3) the LEA and local child welfare agency agree to share the cost.

<sup>17</sup>20 U.S.C. § 6311(h)(1)(C)(ii)-(iii) and (h)(2)(C). The ESEA, as amended by ESSA, requires SEAs and LEAs to annually prepare and disseminate state and local report cards that include specified information, including information on student achievement on state assessments and high school graduation rates, for all students and disaggregated by "status as a child in foster care." According to Education officials, as of January 2019, most states began publishing their report cards for school year 2017-2018.

---

## Federal Technical Assistance and Oversight

Education and HHS collaborated to provide states with joint non-regulatory guidance specific to the ESSA educational stability provisions.<sup>18</sup> In addition to this written guidance, Education provides technical assistance to states, such as through the State Support Network, one of its technical assistance providers.<sup>19</sup> Each state also has a point of contact at Education for questions, according to Education officials. Education's Office of School Support and Accountability oversees state implementation of Title I, Part A of the ESEA, including the amendments made by ESSA. Education's oversight of SEAs includes reviewing state Title I plans that describe how states will follow a variety of federal requirements outlined in Title I, and periodic reviews of how each state is implementing Title I. These reviews occur every few years. HHS's Children's Bureau oversees state child welfare agencies' implementation of Title IV-E, including the provisions in the Fostering Connections Act, and also provides related technical assistance.<sup>20</sup>

---

<sup>18</sup>Department of Education and Department of Health and Human Services, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (June 2016). In addition, in November 2016, Education issued a final rule implementing various ESSA provisions, including the educational stability provisions; however, this rule was invalidated under the Congressional Review Act in March 2017. See Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans, 81 Fed. Reg. 86,076 (Nov. 29, 2016) and Pub. L. No. 115-13, 131 Stat. 77 (2017). However, according to Education, the information in the June 2016 joint non-regulatory guidance was unaffected and remains applicable.

<sup>19</sup>The State Support Network is a technical assistance initiative of Education designed to support state and district school improvement efforts. It brings states and districts together with technical assistance providers and subject matter experts to use research and resources to analyze practical challenges and develop strategies for supporting schools.

<sup>20</sup>HHS's primary means of oversight is through the Child and Family Services Reviews—a comprehensive review of a state's child welfare program that is completed roughly every 5 years. The department also reviews state Title IV-E plans, which include assurances from states regarding implementation of federal requirements, including the educational stability provisions of the Fostering Connections Act.

---

## State and Local Officials Reported Several Challenges Related to Implementing the ESSA Educational Stability Provisions

State and local officials reported facing several challenges related to implementing the ESSA educational stability provisions. Specifically, officials reported challenges with (1) turnover among local child welfare and educational agency staff, (2) obtaining school district input during the process for determining whether it is in a youth's best interest to remain in their school of origin (referred to as best interest determinations), (3) providing and funding transportation, (4) ensuring accurate identification of youth in foster care, and (5) monitoring how school districts implement these provisions. In addition, while we did not ask on our survey about the requirement to immediately enroll youth in a new school if it is determined that remaining in the school of origin is not in their best interest, or about the requirement for the enrolling school to immediately contact the last school attended to obtain relevant records, education and child welfare officials we interviewed said they experienced challenges with immediate enrollment and records transfer for special populations of youth.<sup>21</sup>

### Turnover among Local Child Welfare and Educational Agency Staff

Turnover of local educational and child welfare agency officials was reported as a significant challenge that affects how many states and localities implement the ESSA educational stability provisions, according to our survey and interviews. Specifically, in our survey, 43 of 51 SEAs reported turnover of local child welfare agency points of contact as at least somewhat challenging.<sup>22</sup> A similar number of respondents (39) reported facing challenges with turnover of school district points of contact (see fig. 1).<sup>23</sup> During our discussion group, state child welfare agency officials highlighted turnover of local child welfare agency and school district staff as one of the most significant challenges their states face in ensuring educational stability for youth in foster care.

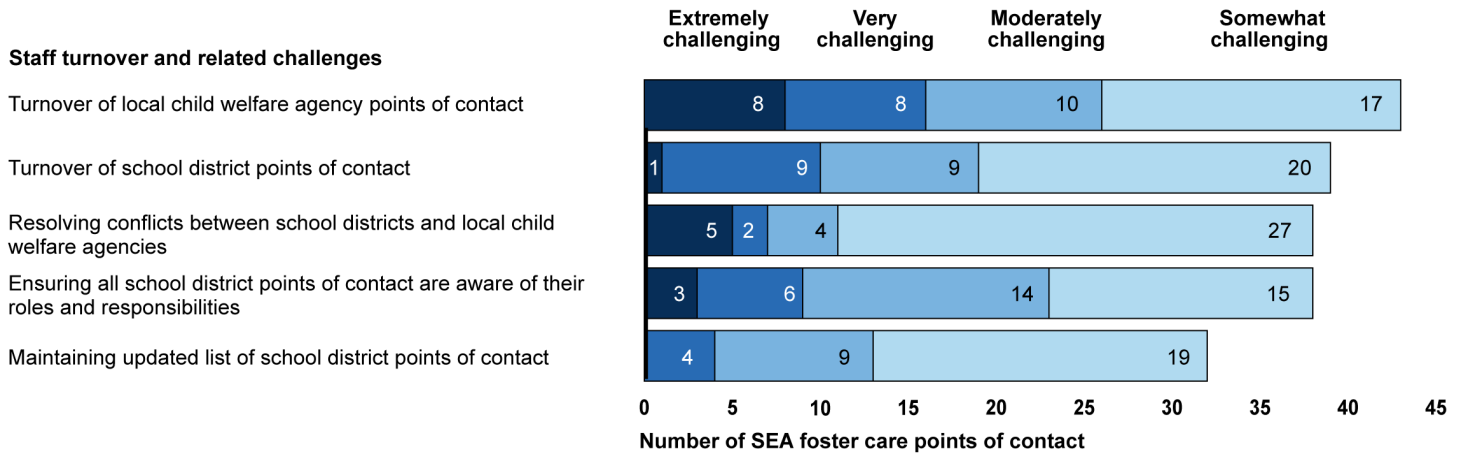
---

<sup>21</sup>We asked about several other potential challenges on our survey to SEAs, such as lack of communication between SEAs and state child welfare agencies, and differences in terminology used by these entities. However, most SEAs reported that these areas were not a challenge. See appendix II for more information.

<sup>22</sup>Generally, our survey results are out of 51 respondents because Texas did not respond to the survey. In some instances, our survey results are out of 50 respondents because a state did not respond to a specific survey question.

<sup>23</sup>In our survey, we asked respondents to rate how challenging their state found 17 different items related to implementing the ESSA educational stability provisions. We discuss the 10 challenges with the highest number of respondents reporting the item as at least "somewhat challenging." Figure 8 in appendix II contains information on the additional challenges.

**Figure 1: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Staff Turnover**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico, and received responses from all SEA points of contact except Texas. We present survey responses here only if SEAs indicated an item was currently a challenge. Additional response options to the question not presented in the figure were: not a challenge, was a challenge that is now resolved, and not applicable.

In addition to turnover itself being a challenge, several other challenges reported by SEAs are related to staff turnover, according to officials we spoke with from four state and local educational and child welfare agencies. Specifically:

- Thirty-two SEA survey respondents identified maintaining an accurate list of school district foster care points of contact for their state as challenging, and officials from four state and local educational and child welfare agencies we spoke with stated turnover makes it difficult to keep these lists updated. One SEA point of contact said that when she sends emails to school district points of contact, she receives numerous responses each time from school district staff saying they are no longer the point of contact. Officials we interviewed at one school district noted that they tried to identify a new point of contact at another school district, but the list on the state website had not been updated.
- Thirty-eight SEAs reported on our survey that ensuring that school district points of contact are aware of their responsibilities is a challenge. Eight state and local educational and child welfare agency

---

officials we interviewed echoed this observation and cited staff turnover as leading to a lack of awareness of responsibilities or protocols related to the ESSA educational stability provisions.

- Local staff being unaware of their responsibilities under ESSA can lead to conflicts, according to officials from two state and three local agencies we interviewed, and resolving conflicts between school districts and local child welfare agencies was a challenge reported by three-quarters (38) of SEA survey respondents. For example, officials at one local child welfare agency said they encountered school district officials who did not believe a youth in foster care could attend their current school, since their foster parent lived outside the school district. To resolve the conflict, the school district point of contact discussed the provisions with the school officials.

To alleviate challenges related to turnover, SEA points of contact we surveyed and interviewed explained that they regularly provide information to local school district and child welfare agency officials on the ESSA educational stability provisions. To inform and remind local officials about the provisions, a few of these officials said they send emails to school district points of contact or provide training on the provisions at orientation for new staff at child welfare agencies. In all three states we visited, the SEAs and/or state child welfare agencies said they held joint presentations for both school districts and local child welfare agencies, and SEA officials in Georgia said they are considering holding regional collaborative meetings every four to six months.<sup>24</sup> In addition, most SEAs reported on our survey that they work with their state child welfare agencies to provide or develop assistance, guidance, and sample documents or templates to facilitate implementation of the ESSA educational stability provisions at the local level.<sup>25</sup> (See tables 1 and 2 in appendix II for more information on this assistance.)

---

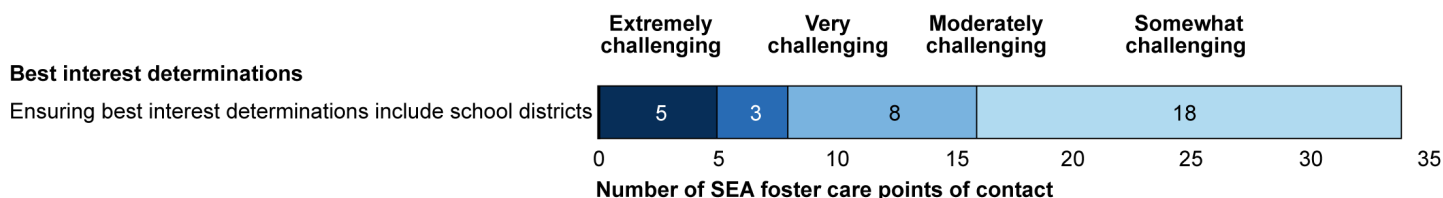
<sup>24</sup>Officials from more than half of the local educational and child welfare agencies we visited said they attended regular meetings with their counterparts to discuss ESSA implementation and some officials noted that having a personal connection with their school district or child welfare agency counterpart has helped them resolve issues easily.

<sup>25</sup>While most SEAs reported collaborating with state child welfare agencies to produce these documents, 28 reported that different priorities between these agencies can inhibit collaboration at the state level. For example, one SEA official explained in our discussion group that it has taken two years to produce joint guidance in their state because they need to reconcile various drafts that reflect the differing priorities of the two state agencies.

## School District Input for Best Interest Determinations

On our survey, 34 of 50 SEAs reported that ensuring school districts participate in best interest determinations is a challenge (see fig. 2). Two of five state child welfare agency officials in our discussion group also described challenges related to the lack of collaboration between child welfare agencies and schools on best interest determinations. While ESSA does not prescribe who should be involved in the best interest determination, the joint federal guidance encourages state and local child welfare and educational agencies, including school districts, to develop a process that involves all relevant parties.<sup>26</sup> School district involvement, however, depends on child welfare agencies informing them when a child enters foster care or changes homes.

**Figure 2: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Best Interest Determinations**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. We present survey responses here only if SEAs indicated an item was currently a challenge. Additional response options to the question not presented in the figure were: not a challenge, was a challenge that is now resolved, and not applicable.

Officials we interviewed at several child welfare agencies indicated they may not include school districts or schools in these determinations due to time constraints. Child welfare officials explained that removing a child from a home and placing them into foster care is a chaotic time and many steps need to be taken to quickly provide the child with a safe environment. During this time, caseworkers may lack the capacity to collaborate with school districts or schools. Child welfare agency officials at two local offices we visited explained that they prioritize a child’s health

<sup>26</sup>Department of Education and Department of Health and Human Services, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (June 23, 2016).



---

and safety when placing a child in a new foster home and that they place a greater focus on these issues than on educational stability.

Some child welfare agency officials we spoke with said they do not always need school district input to make a best interest determination. For example, officials at two local child welfare agencies said that in some cases, the commute to a child's current school may be so long that remaining there is clearly not in a child's best interest.<sup>27</sup> Officials from one state and two local child welfare agencies told us they assume it is in the best interest of the child to remain at their current school. Officials from the state child welfare agency said they do not believe they need to consult with school districts to make that decision. Officials at another local child welfare agency said it would not be helpful to collaborate with school districts on the best interest determination, since the child welfare officials do not believe where the child attends school is the highest priority. However, youth we spoke with in our discussion groups told us that changing schools can create several challenges (see text box).

**Challenges Selected Youth in Foster Care Described When They Change Schools**

Youth in foster care we spoke with identified challenges with changing schools, including:

- Repeating classes, since they are sometimes not in a class long enough to receive credit
- Repeating grades or not graduating on time
- Adapting to new teaching styles and class schedules
- Leaving old friends and making new ones
- Losing relationships with teachers and staff

Source: GAO analysis of discussion groups with youth currently or formerly in foster care in selected states. | GAO-19-616

Officials from other state and local child welfare agencies told us they recognize the need to involve school districts and are taking steps to try to include them in best interest determinations. For example, one state child welfare agency we visited includes a line for the school district point of contact's signature on the state's best interest determination form;

---

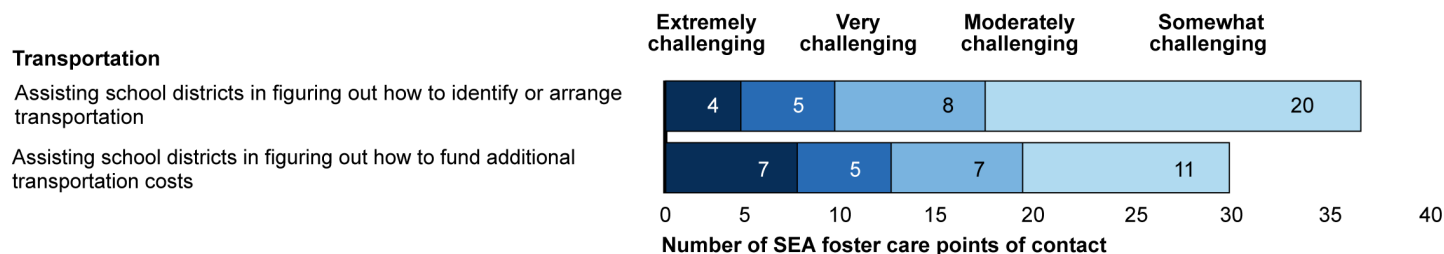
<sup>27</sup>We heard from officials from one state and from three local child welfare agencies that a lack of placements in the immediate area can mean that youth are placed very far from their school of origin, creating unfeasible commutes to that school. In our 2014 report reviewing implementation of the Fostering Connections Act, states reported that finding foster placements was a major impediment to implementing the school stability provisions of that Act. Specifically, finding foster placements near a student's current school was identified as a major challenge by 38 states in fiscal year 2014. See [GAO-14-347](#).

however, we heard from officials at a local child welfare agency that the school district point of contact may not be involved in making the best interest determination, and the form may not be consistently used. Officials at a local child welfare agency told us that they hold best interest determination meetings with the school district by phone because these meetings are faster to schedule than in-person meetings. Rather than speaking with school district staff, officials from four local child welfare agencies said they try to contact school staff that may be close to a child, such as a counselor or teacher, but officials from three of these agencies said they may not do so in every case.

### Providing and Funding Transportation

Thirty-seven of 50 SEAs reported on our survey that assisting school districts with identifying or arranging transportation is at least somewhat challenging (see fig. 3).

**Figure 3: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Transportation**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. We present survey responses here only if SEAs indicated an item was currently a challenge. Additional response options to the question not presented in the figure were: not a challenge, was a challenge that is now resolved, and not applicable.

To help school districts and local child welfare agencies identify transportation options, SEAs in two states we visited provide guidance or other documents to these agencies that describe potential transportation options. School district and local child welfare agency officials we spoke with reported using different approaches to transport youth, including having foster parents, school district or child welfare staff, or the youth drive to school; rerouting buses; hiring a taxi or other private

---

transportation service; or using public transportation. Sometimes they reported combining these methods to transport youth to their current school. However, eight school district and local child welfare officials noted difficulties with their options, including limited options in rural areas and lack of appropriate transportation for younger youth and those with behavioral issues. For example, an Arizona local child welfare official explained that while they can use taxis to transport youth, they are not approved for use for children age 6 and younger. Foster parents and youth we spoke with shared challenges they have experienced with transportation to the school of origin (see text box).

**Experiences of Selected Foster Parents and Youth with Transportation to School of Origin**

Multiple foster parents in two states we visited shared that they were told by child welfare case workers that the foster parent(s) would have to transport children in their care to school for those children to remain in their current school. They told us that sometimes they could not drive the child due to distance or the needs of other youth in their care, and the child transferred to a new school.

We also heard that other modes of transportation may be unreliable or cause difficulties for a child's schedule. For example:

- One child in foster care in Arizona told us that she missed a week of school because the taxi provided by the child welfare agency failed to pick her up.
- A child in a foster care group home in Ohio said that despite being placed in a school which was in the same school district as her school of origin, her commute was long—she needed to take two public buses—and she sometimes missed dinner.

Source: GAO analysis of discussion groups with foster parents and youth currently or formerly in foster care in selected states. | GAO-19-616

On our survey, 30 of 50 SEAs reported that helping school districts determine how to fund the additional transportation costs—defined in the joint federal guidance as the difference between what a school district would otherwise spend transporting a student to their assigned school and the cost of transporting a child in foster care to their school of origin—is also challenging. Among these 30 SEAs, 12 noted it was very or extremely challenging. Six school district and child welfare agency officials we interviewed also indicated that funding was a concern and some noted that transporting youth to their school of origin can result in extensive additional costs (see text box).

---

---

**Examples of Transportation Costs to Maintain Youth in Foster Care in Their School of Origin**

- Over a school year, officials from a local child welfare agency said it spent \$155,000 to transport students in one school district.
- According to officials at one school district, to transport one student, the school district had to hire a van at an estimated cost of up to \$30,000 per year.
- In one month, another school district reported paying over \$4,000 to transport five students.

Source: GAO analysis of interviews with and documentation from school districts and local child welfare agencies in selected states. | GAO-19-616

School district and child welfare officials said that they can rely on multiple funding streams—local, state, and/or federal—to cover these additional costs. Districts and local child welfare agencies reported that they sometimes split these costs, depending on their state’s policies. (See fig. 9 in appendix II for state-specific cost-sharing requirements reported in our survey.) For example, in Arizona, one agency transports the child to school and the other transports the child home and each pays for the cost of their one-way trip.<sup>28</sup> To assist localities with funding additional transportation costs, nine SEAs said their state provides funding that partially or fully covers these costs. While educational and child welfare agencies may use federal funding through Title I or Title IV-E for the additional transportation costs, some SEA, school district, and child welfare agency officials we interviewed noted that they do not use these funds. Officials at a few school districts said they use Title I funding for other needs, while some child welfare agency officials explained their agency does not use Title IV-E funds because they did not have state “matching” funding, did not understand how to use the funds to reimburse

---

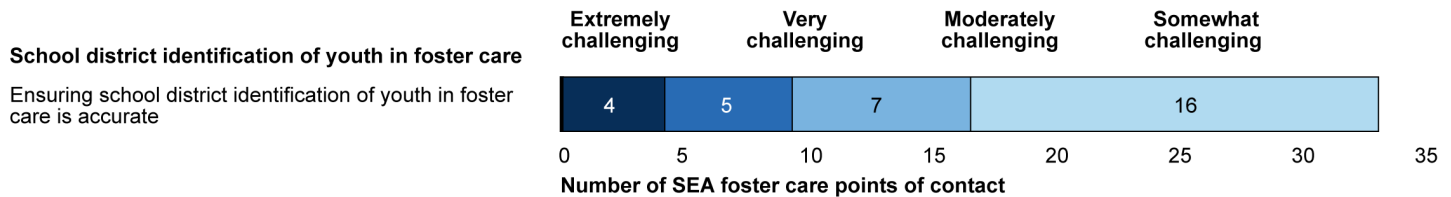
<sup>28</sup>Arizona officials noted that while arranging and funding transportation in this manner is a general practice in their state, transportation options may differ depending on the circumstances.

schools for their costs, or had some youth who are not Title IV-E eligible.<sup>29</sup>

### Ensuring Accurate Identification of Youth in Foster Care

Thirty-two SEA survey respondents reported that ensuring school districts can accurately identify youth in foster care is at least somewhat challenging (see fig. 4). School district officials we spoke with expressed similar concerns. Officials we interviewed in nine of 10 districts stated they are not consistently aware of which students in their district are in foster care, and seven explained that there is no systematic way for school districts to be notified when a child enters or leaves care. Similarly, officials in four local child welfare agencies said they have no systematic way to inform schools when youth in foster care leave care or when their status in foster care changes. Officials from two school districts also stated their data systems have no way to indicate that a student is in foster care, so even if the child welfare agency notifies them of a youth's status, they may not easily track the information.

**Figure 4: SEA-Reported Challenges Implementing the ESSA Educational Stability Provisions Related to Identifying Youth Who Are in Foster Care**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except

<sup>29</sup>Although states may provide foster care services to any child, they may generally only claim federal reimbursement for costs incurred serving children who meet Title IV-E eligibility criteria. Among other things, to be Title IV-E eligible, the child must have been removed from a home that would have qualified for cash assistance under the Aid to Families with Dependent Children program as of July 1996. See 42 U.S.C. § 672. The amount of a state's federal funding for its foster care expenses under Title IV-E is determined by a statutory formula that takes into account the amount the state spent serving eligible children as well as the type of expense. See 42 U.S.C. § 674(a); 45 C.F.R. § 1356.60. The federal share of title IV-E foster care assistance payments is calculated using the Federal Medical Assistance Percentage, a match rate calculated annually for each state by HHS according to a formula specified in the Social Security Act, 42 U.S.C. § 1396d(b).

---

Texas. We present survey responses here only if SEAs indicated an item was currently a challenge. Additional response options to the question not presented in the figure were: not a challenge, was a challenge that is now resolved, and not applicable.

Officials from two school districts said not knowing the status of youth in foster care in their district impedes their ability to effectively implement the ESSA educational stability provisions. For example, one district official stated they would probably be transporting more youth to their school of origin if they knew which students were in foster care. In addition, two school district officials said that if they do not know which students are in foster care, they cannot provide additional supports that may be available to these youth, such as tutoring, financial assistance, or mental health services. The ability of school districts to accurately identify youth in foster care can also affect the accuracy of state and local report cards.<sup>30</sup> Nine SEAs reported on our survey that they rely exclusively on school districts' identification of youth in foster care for their state report cards. Of those nine, seven reported that ensuring that school districts accurately identify these youth is a challenge, which may affect the accuracy of the additional report card data required by ESSA.

Some states and localities we visited had different ways to inform school districts when a youth's foster care status changes, but officials noted varying degrees of consistency in notifying the districts of changes. Officials at two state child welfare agencies we visited told us they require the person enrolling the youth in school to present an official document that shows the youth is in state custody; however, they said schools are not informed when a child leaves foster care. One county and one state we visited had electronic data sharing agreements between child welfare and educational agencies for the purposes of updating school district records when a child enters and leaves foster care. Specifically, in that county, once a child enters foster care under the custody of the county child welfare agency, the school district's database automatically receives pertinent information from the child welfare agency, according to officials. School and child welfare agency officials meet monthly to ensure data accuracy. In Georgia, officials from the state educational agency said they signed a data sharing agreement in spring 2018 with the state child welfare agency to allow information about youth in foster care to be

---

<sup>30</sup>As previously discussed, the ESEA, as amended by ESSA, requires SEAs and LEAs to annually prepare and publicly disseminate report cards that include information on student academic achievement and high school graduation rates, disaggregated by status as a child in foster care.

---

provided to school districts. The previous data sharing agreement prevented the SEA from sharing the data with the school districts, according to officials.<sup>31</sup> In Idaho (a state that participated in our discussion group), state officials said they ensure school districts are aware of youth in foster care by using an automated letter (see text box).

**Idaho's iCARE System for Youth in Foster Care**

When a youth enters foster care or changes placements, Idaho's iCARE system produces an automated letter that provides an initial communication from a child welfare social worker to the school district, SEA foster care points of contact, and the school principal.

When the youth's school of origin is entered into the system, the letter automatically populates the email addresses of the appropriate school district point of contact, SEA point of contact, and school principal. The letter contains the social worker's initial best interest determination, and indicates if the student will need transportation to attend their school of origin, which the school district point of contact is responsible for coordinating.

The school district point of contact has three days to provide input on the best interest determination when school is in session and 14 days during the summer months. The school district foster care point of contact and the child welfare social worker both must sign off on the plan identified within the electronic letter.

Source: GAO summary of information from officials at the Idaho Department of Health and Welfare Family and Community Services. | GAO-19-616

## **Monitoring School Districts' Efforts to Implement ESSA Educational Stability Provisions**

Under federal grant regulations, SEAs, which subgrant Title I funds to school districts, are required to conduct regular monitoring and oversight to ensure appropriate implementation of Title I by their school districts,<sup>32</sup> and 43 SEA survey respondents reported that their states used one of the methods asked about in our survey to monitor how school districts implement at least one of the ESSA educational stability provisions. For example, over half (33) of SEAs reported that the Title I plans they

---

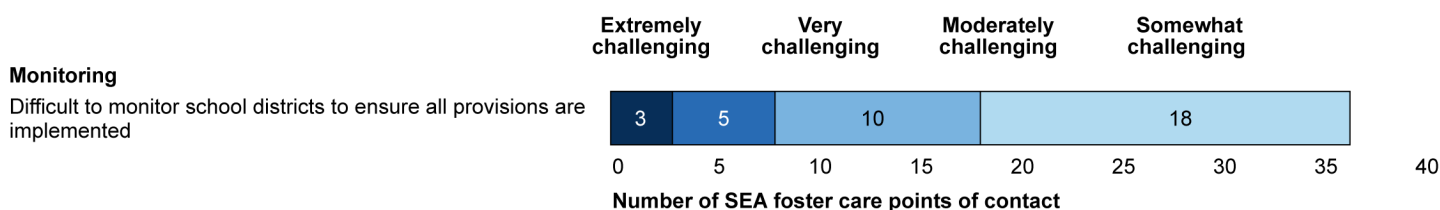
<sup>31</sup>In 2016, HHS finalized regulations authorizing federal Title IV-E funding for states to develop new Comprehensive Child Welfare Information Systems (CCWIS) that meet certain requirements. See Comprehensive Child Welfare Information System, 81 Fed. Reg. 35,450 (June 2, 2016). Among other things, the regulations require that, to the extent possible, a state's CCWIS must support data exchange with systems operated by the SEA, school districts, or both. 45 C.F.R. § 1355.52(e)(2)(vi). HHS provided states a two-year transition period to decide whether to adopt a CCWIS, which ended August 1, 2018. According to HHS officials, as of December 2018, 46 state child welfare agencies have agreed to adopt a CCWIS.

<sup>32</sup>See 2 C.F.R. §§ 200.331(d), 200.328(a); 34 C.F.R. § 76.770.

receive from school districts include an assurance related to at least one of the ESSA educational stability provisions we asked about on the survey.<sup>33</sup>

More than two-thirds (36) of SEAs reported on our survey that effectively monitoring school districts' implementation of the provisions is a challenge (see fig. 5). In their survey comments, eight SEA points of contact said limited state resources hinder their ability to ensure that the hundreds of school districts in their states properly execute the provisions. Officials we interviewed from all three SEAs in our site visits told us their states incorporate the educational stability provisions into their existing procedures for overseeing implementation of federal education programs. For example, SEA officials in Georgia told us that during one of their state reviews, they look for evidence of local agency collaboration, such as meeting agendas or emails. In Arizona, the SEA point of contact said he examines school district transportation procedures during on-site reviews. These on-site reviews occur for one-sixth of school districts in the state every year. (See table 3 in appendix II for more information on SEA monitoring of school districts.)

**Figure 5: SEA-Reported Challenge Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Related to Monitoring**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the

<sup>33</sup>As previously discussed, LEA Title I plans are statutorily required to include assurances related to two of the ESSA educational stability provisions: the provisions related to transportation and LEA points of contact. See 20 U.S.C. § 6312(c)(5). However, states may choose to require their LEAs to include additional assurances in their Title I plans. In our survey, we asked whether SEAs chose to require their LEAs to include the following additional assurances in their Title I plans: that children in foster care remain in their school of origin, unless a determination is made that it is not in the child's best interest; that children in foster care are immediately enrolled in a new school when a determination is made that remaining in their school of origin is not in their best interest; and that the new enrolling school immediately contacts school of origin to obtain relevant academic and other records. See appendix II for more information about SEAs' monitoring activities.



---

District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. We present survey responses here only if SEAs indicated an item was currently a challenge. Additional response options to the question not presented in the figure were: not a challenge, was a challenge that is now resolved, and not applicable.

### **Ensuring Immediate Enrollment and Obtaining Records**

While we did not ask on our survey about challenges related to immediate enrollment or obtaining records, seven state or local officials we spoke with noted difficulties with enrolling or obtaining records for students with disabilities who have individualized education programs, or students who previously attended juvenile justice or residential treatment facilities.<sup>34</sup>

Officials at a local child welfare agency and two school districts said that if an individualized education program is missing from a child's records, they cannot know which services or classes a child might need and it may delay the child's enrollment in the school or require switching classes again. Officials from Georgia's SEA said they mitigate this challenge by providing school districts the option to share individualized education programs electronically, which enables other school districts that need the records to more easily obtain them.

---

<sup>34</sup>An individualized education program is a written statement for each child with a disability that is developed, reviewed, and revised as appropriate at a meeting of a team of school officials, parents, the student if appropriate, and at the discretion of the parent or school, other individuals who have knowledge or special expertise regarding the student. It includes, among other information, statements of: the child's present levels of academic achievement and functional performance; measurable annual academic and functional goals; and the special education and related services, and supplementary aids and services. It also includes program modifications or support for school personnel that will be provided to enable the child to advance appropriately toward attaining those goals, be involved and make progress in the general education curriculum, and participate in other extracurricular activities. 20 U.S.C. § 1414(d) and 34 C.F.R. §§300.320-300.324.

---

## Education Could Take Steps to Improve Access to Technical Assistance and Plans to Begin Monitoring of the ESSA Educational Stability Provisions

---

### Education Provided Technical Assistance, At Times Collaborating with HHS, but Could Improve Access to Information

Education has provided technical assistance to states, at times in collaboration with HHS, to help states implement the ESSA educational stability provisions. Education's technical assistance included written guidance, webinars, and in-person meetings, according to Education officials.

- **Written guidance:** Education and HHS jointly issued non-regulatory guidance on June 23, 2016 to help state and local educational agencies meet their obligations related to educational stability for youth in foster care under ESSA.<sup>35</sup> On the same day, Education and HHS also issued a joint letter to chief state school officers and state child welfare directors that provided an overview of the ESSA educational stability provisions.<sup>36</sup> Education sent an additional letter to chief state school officers on December 5, 2016, that provided information about the timelines for implementing the provisions.<sup>37</sup> The letter also requested states to provide Education with their state foster care point of contact.<sup>38</sup>

---

<sup>35</sup>Department of Education and Department of Health and Human Services, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (June 2016).

<sup>36</sup>Department of Education and Department of Health and Human Services, *Letter to Chief State School Officers and Child Welfare Directors* (June 23, 2016).

<sup>37</sup>Department of Education, *Letter to Chief State School Officers* (Dec. 5, 2016).

<sup>38</sup>In addition, HHS's Children's Bureau, through its technical assistance providers, disseminated a list of resources for state and local child welfare agencies on August 13, 2018 to assist with their implementation of the educational stability provisions of ESSA and the Fostering Connections Act.

- 
- **Webinars:** Education and HHS hosted several webinars for state educational and child welfare agencies that addressed a number of issues related to implementation of the ESSA educational stability provisions. In late summer 2016, Education and HHS hosted four webinars on the roles and responsibilities of educational and child welfare agency points of contact; best interest determinations and immediate enrollment; transportation; and effective collaboration. These webinars described the related ESSA requirements and featured selected states' approaches to implementing the provisions. The State Support Network, one of Education's technical assistance providers, facilitated another series of webinars that were offered in summer 2018 to address areas of implementation that states reported to be particularly problematic.<sup>39</sup> HHS staff also participated in the webinar series, and topics included collaboration with child welfare agencies, data systems, transportation, and roles and responsibilities of points of contact.
  - **In-person and other assistance:** Education provided additional assistance to state educational agencies through an in-person meeting and continuously provides assistance upon request. Education and HHS jointly held a session on sharing data to support students in foster care during its Combined Federal Programs Meeting for SEA officials in December 2018 in Washington, DC.<sup>40</sup> At this meeting, Education also facilitated a session during which foster care points of contact networked with each other and subject matter experts, shared resources, and discussed outstanding implementation challenges. In addition, Education officials told us that they assign each state a point of contact at Education, and states can request technical assistance at any time through their assigned contact. This contact can work with the appropriate offices within Education to provide information requested by states and can facilitate further technical assistance through the State Support Network. Education officials said they respond to questions from states generally asking about expectations and requirements for the ESSA educational stability provisions.

---

<sup>39</sup>Education officials told us they held a virtual gathering of all state points of contact for foster care to discuss implementation strategies and troubleshoot problems in fall 2017.

<sup>40</sup>Education's Office of State Support and the Office of Special Education Programs hosted the 2018 Combined Federal Programs Meeting for State Directors of Title I, Title II, Title III, School Improvement, Foster Care, and Special Education programs.

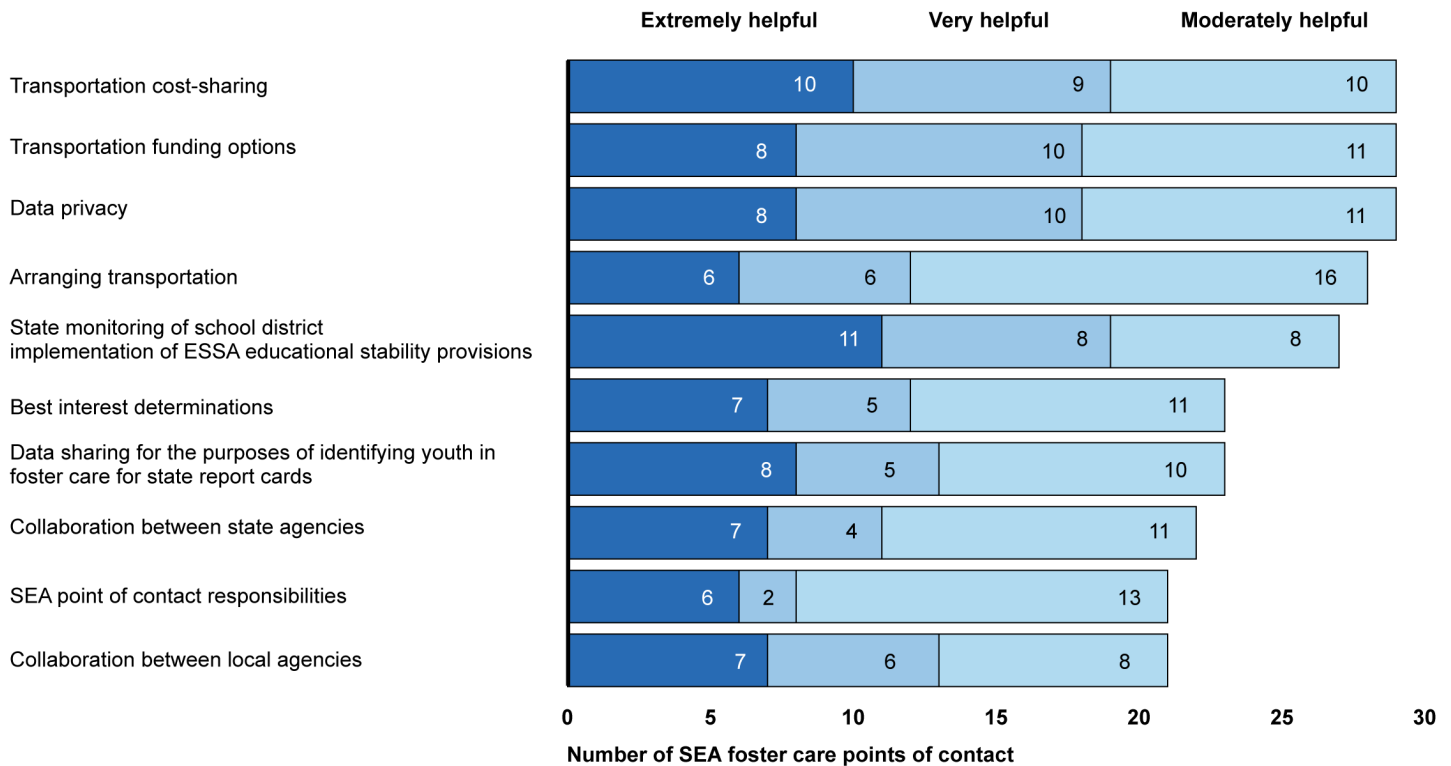
---

Thirty-seven SEAs reported on our survey that they would like additional federal assistance as they continue to implement the ESSA educational stability provisions. Our survey showed that most SEAs were interested in receiving additional guidance related to transportation cost sharing, transportation funding options, and arranging transportation; data privacy; and state monitoring of school districts' efforts to implement these provisions, among other topics (see fig. 6). (Also see fig.10 in appendix II for all survey responses on these topics.) With respect to transportation issues, several state officials commented that they would like more information on how other states and localities are arranging and funding transportation. Regarding data privacy, a few other officials commented that they could use more information regarding privacy laws and what information can be shared across agencies.<sup>41</sup> A few SEA officials noted that guidance on how they could monitor school district implementation would be useful.

---

<sup>41</sup>Data sharing arrangements may be subject to various laws and regulations, including those established to protect individuals' privacy. For example, Title IV-E requires states to provide safeguards that restrict the use or disclosure of information concerning individuals assisted under the Title IV-E plan. 42 U.S.C. § 671(a)(8). Similarly, the Family Educational Rights and Privacy Act of 1974 establishes certain limitations on the release of student education records by educational agencies and institutions. See 20 U.S.C. § 1232g.

**Figure 6: Ten Areas Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care for Which SEAs Reported Additional Federal Assistance Would Be Helpful**



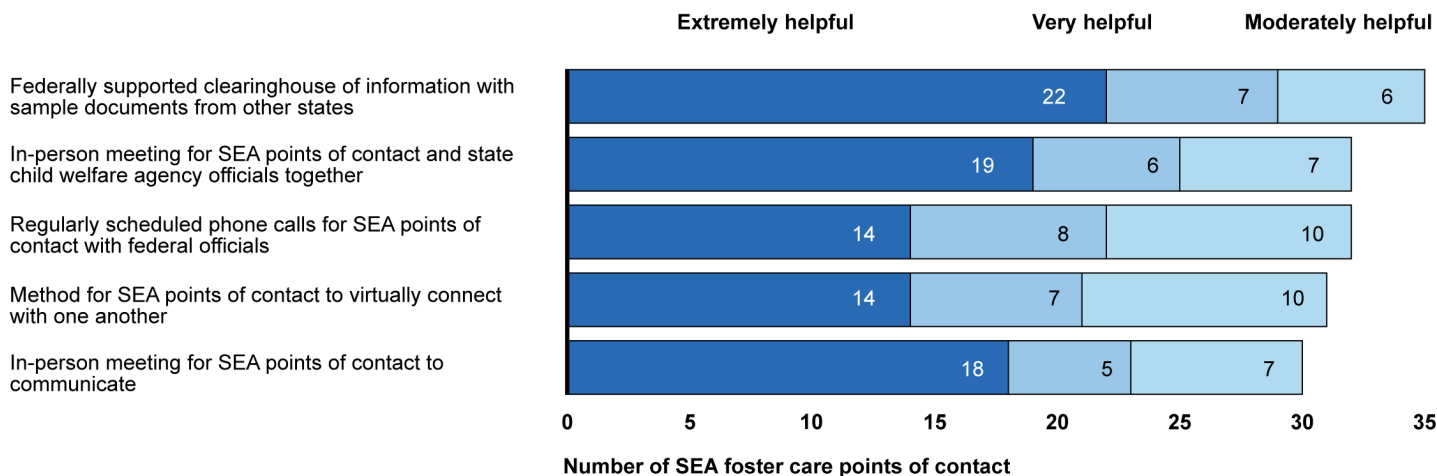
Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. We present survey responses here only if SEAs indicated additional guidance in a particular area would be more than somewhat helpful. Additional response options to the question not presented in the figure were: not at all helpful, somewhat helpful, and no opinion.

A majority of SEAs reported that opportunities for in-person and virtual meetings with a federal point of contact and their SEA and state child welfare agency counterparts, and a federally supported clearinghouse of information with sample documents from other states, would be moderately to extremely helpful (see fig. 7). (Also see fig. 11 in appendix II for all survey responses on this topic.) State educational and child welfare officials we interviewed explained that in-person and virtual meetings are helpful because they allow them to ask the federal contact questions and share and discuss issues with each other. Similarly, SEA officials in our discussion sessions said they would like federal agencies

to organize more collaborative opportunities for SEA points of contact to interact with their peers to help identify best practices they can adapt in their state. Some states suggested Education could adopt methods it uses for other programs, such as the Education for Homeless Children and Youth program, to provide assistance and support to foster care points of contact, such as facilitating regional phone calls and identifying a point of contact specific to foster care at the federal level.<sup>42</sup> According to Education officials, in June 2019 the agency selected a staff person to serve as the federal point of contact to work directly with SEA foster care points of contact, and they told us Education maintains a designated mailbox for all foster care-related correspondence ([FosterCare@ed.gov](mailto:FosterCare@ed.gov)).

**Figure 7: Additional Types of Technical Assistance Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care that SEAs Reported They Would Find Helpful**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

<sup>42</sup>The Education for Homeless Children and Youth grant program was initially established by the McKinney-Vento Homeless Assistance Act to improve access to public education for the nation’s homeless students. Under this program, states and their school districts are required to identify homeless children and provide them with needed services and support. Prior to the enactment of ESSA, children “awaiting foster care placement” were included in the definition of “homeless children and youths” under the program; however, ESSA removed them from the definition and, as a result, children awaiting foster care placement may no longer be served under the Education for Homeless Children and Youth program. ESSA also requires that the SEA point of contact for foster care be different from the state’s Coordinator for Education of Homeless Children and Youth under the program. For more information on the educational challenges faced by students experiencing homelessness, see GAO, *Education of Homeless Students: Improved Program Oversight Needed*, [GAO-14-465](https://www.gao.gov/products/GAO-14-465) (Washington, D.C.: July 2014).

---

Note: This figure presents responses from our survey on implementing the Every Student Succeeds Act (ESSA) educational stability provisions. We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. We present survey responses here only if SEAs indicated additional types of technical assistance would be more than somewhat helpful. Additional response options to the question not presented in the figure were: not at all helpful, somewhat helpful, and no opinion.

Education officials informed us that they plan to develop a community of practice for a small group of SEA foster care points of contact who will meet regularly for several months, which may facilitate more peer to peer interaction for a select number of states. Education plans to work with the Legal Center for Foster Care and Education to convene and facilitate the community of practice.<sup>43</sup> According to Education officials, the community of practice will provide networking opportunities for participants to ask questions and obtain answers from their peers, and may include discussions of promising practices at the state and local level, among other areas. Officials said they will solicit interest from all SEAs about the opportunity to participate in the community of practice. However, they will limit the number of participants, depending on the level of interest, to 10 to 12 SEAs to promote discussion and sharing among states. Officials noted that if more states are interested in participating in the community of practice than they can accommodate, they will consider additional ways to support and share information with those additional states. Education officials also noted that they are exploring other types of technical assistance to facilitate more interaction and information exchange among states, such as a web portal where states can upload and share documents.

Although Education is planning to develop a community of practice and is exploring other types of technical assistance, it may not have effective methods to reach all SEA points of contact to inform them of this assistance. In the course of our follow up on our survey, we determined that 22 of the current SEA points of contact were missing from Education's email list. Education primarily disseminates information pertaining to the ESSA educational stability requirements to states through email. Twenty-three SEAs reported on our survey that they were

---

<sup>43</sup>The Legal Center for Foster Care and Education is a joint effort by the American Bar Association Center on Children and the Law, the Education Law Center, and the Juvenile Law Center to advocate for the educational rights for children in foster care.

---

not aware of webinars that Education offered in summer 2018.<sup>44</sup> We discussed the email list with Education officials in June 2019 and they told us they had not conducted outreach to states to update the email list since they initially identified the SEA points of contact in 2016. Rather, officials said the email list was updated on an ad hoc basis, and Education depended on states to inform them when they want someone added to the email list. Subsequent to that discussion, in response to a recommendation included in a draft of this report which Education reviewed, Education officials told us they updated the email list in July and August 2019, and planned to update it quarterly moving forward. Education officials also acknowledged it could be useful to publicize the email list on its website.

Education does not maintain information about its technical assistance webinars or other relevant materials in a centralized online location. Information relevant to implementing the ESSA educational stability provisions is located on multiple Education web pages, and the materials from the most recent 2018 webinars, including the recorded session and related sample documents shared by a number of states, are only available on a third party website for which there is no link from Education's website.<sup>45</sup> In our survey, SEA points of contact reported that they are interested in receiving additional information from other states. Thirty-seven SEAs reported in our survey that a clearinghouse of information with sample documents from other states would be helpful, and 22 of these 37 reported that this would be extremely helpful. One SEA official commented that it would be useful to have a clearinghouse that could be shared with school districts and other relevant parties nationwide. Federal standards for internal control maintain that management should select appropriate methods of communication, such as providing hard copy or electronic documents or conducting face-to-face meetings, and should periodically evaluate the methods of communication in order to communicate quality information on a timely basis.<sup>46</sup> Without creating and maintaining a centralized online location for

---

<sup>44</sup>Of the 23 SEA points of contact that reported on the survey that they were unaware of the summer 2018 webinar series, 13 were not on the email list, which may explain why they had not received the information. However, because we began contacting states in December 2018 about our survey, we cannot be certain who was on the list when the information for the 2018 webinar series was circulated to the email list.

<sup>45</sup>Education officials referred us to the Legal Center on Foster Care and Education to locate the recordings and associated materials from these webinars.

<sup>46</sup>[GAO-14-704G](#).



---

SEAs to access all related information, Education cannot ensure that all SEAs have access to technical assistance and guidance that could help them implement the ESSA educational stability provisions.

---

### Education Plans to Begin Monitoring Implementation of the ESSA Educational Stability Provisions in Fall 2020

Education officials told us that in 2020, they expect to fully implement the monitoring protocols for reviewing how states are implementing the ESSA educational stability provisions. Education officials said they plan to test draft protocols as part of a pilot by fall 2019 to determine necessary revisions and expect the final protocols to be implemented by fall 2020. According to Education officials, once the protocols are implemented, they plan to use a risk assessment approach to determine which states to review each year, and anticipate reviewing approximately nine states each year, depending on staff and resources. As part of their reviews, Education officials told us they plan to visit two school districts in each state under review to assess how the selected states are implementing the ESSA requirements, and to determine whether districts are getting appropriate support from the states. According to the draft monitoring protocols, during its state reviews, Education plans to obtain information on the following areas related to educational stability: SEA collaboration with the child welfare agency, best interest determinations, immediate enrollment, SEA foster care point of contact, and school district points of contact and transportation procedures.

Education reviewed states' plans for implementing Title I, however, Education officials said that the plans contain little information about the ESSA educational stability provisions. To receive Title I funds, states are required to submit state plans to the Secretary of Education, and the Secretary is required to approve the state plans if they meet the requirements in the law. While state plans are required to describe the steps the SEA will take to ensure collaboration with the state child welfare agency to ensure the educational stability of children in foster care, including various assurances, Education did not include specific

---

instructions for information states should include on these provisions in the state plan template it developed for states.<sup>47</sup>

---

## Conclusions

Youth in foster care face enormous challenges in their everyday lives and school can offer a stabilizing environment. Maintaining connections with teachers and friends, in addition to remaining in a familiar academic environment, can enhance the chances that a student is academically successful. However, many children in foster care are at higher risk of frequently changing schools, which can affect their academic achievement. ESSA made changes to the Title I program to help improve the educational stability of children in foster care. In the years since ESSA was enacted, SEAs and school districts have taken different approaches to implement its educational stability provisions, including collaborating with their child welfare agency counterparts.

Most SEAs we surveyed reported common challenges with staff turnover and assisting districts with arranging transportation, among others, which can affect the successful implementation of the educational stability provisions. In addition, SEA officials are seeking more opportunities to understand how other states and localities have implemented the provisions and learn from their peers. Despite the assistance Education has provided to SEAs on a range of topics, the mechanisms Education uses to inform states of assistance are limited. The email list it uses to notify SEA foster care points of contact had not been systematically updated until July 2019, and resources on educational stability are not housed in one space. Without improvements in areas like these, states will not have access to all of the available resources that can help them

---

<sup>47</sup>Education has developed a template that states can use when formulating and submitting their consolidated state plans. In order to simplify application requirements and reduce the burden for SEAs, the ESEA requires Education to establish procedures and criteria under which SEAs may submit a consolidated state plan for each of the ESEA programs in which the state participates. 20 U.S.C. § 7842(a). The ESEA provides that the Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated state plan. 20 U.S.C. § 7842(b)(3). Education officials said that consistent with this requirement, most of the requirements in the ESEA, including many for Title I, Part A, are not included in states' consolidated state plans. However, Education officials said that each state was required to sign an assurance that it would meet all Title I, Part A requirements, including the educational stability requirements for youth in foster care. According to officials, Education reviews whether the state is meeting all the requirements under the state through periodic monitoring and other forms of oversight.

---

improve the educational stability of youth in foster care, and ultimately, their academic success.

---

## Recommendation for Executive Action

The Secretary of Education should develop an online clearinghouse of sample documents from states and localities who wish to share them, past webinar recordings and their related documents, and links to other relevant resources that all SEAs can access. (Recommendation 1)

---

## Agency Comments and Our Evaluation

We provided a draft of this report to Education and HHS for review and comment. Education provided written comments, which are reproduced in appendix III, as well as technical comments, which we incorporated as appropriate. HHS did not have comments. We also provided relevant excerpts to states we visited and incorporated their technical comments as appropriate.

In its written comments, Education agreed with our recommendation to develop an online clearinghouse and noted actions it plans to take to implement it. Specifically, Education said in fall 2019, its Office of Elementary and Secondary Education will restructure its entire website to better organize its information, and create a new web page to house all foster care-related information and resources. Additionally, Education said this office will launch a virtual portal through which SEA foster care points of contact may collaborate and share resources.

In addition, in a draft report sent to Education in August 2019, we included a recommendation to Education to update its foster care point of contact email list, and develop a process to update it at regular intervals. Education noted in its comment letter that it had updated its email list and that it will solicit updates to the email list on a quarterly basis, so we subsequently removed this recommendation.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, the Secretaries of Education and Health and

---

Human Services, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at 617-788-0580 or [nowickij@gao.gov](mailto:nowickij@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of our report. GAO staff who made key contributions to this report are listed in appendix IV.



Jacqueline M. Nowicki, Director  
Education, Workforce, and Income Security Issues

---

# Appendix I: Scope and Methodology

---

This report examines (1) the challenges states and selected local educational agencies face implementing the requirements of the Every Student Succeeds Act (ESSA) related to educational stability for youth in foster care, and (2) how the Department of Education (Education) provided technical assistance and monitored states and localities to ensure compliance with these requirements, including collaborating with the Department of Health and Human Services (HHS). To address both objectives and obtain national information, we held three discussion groups with officials from state educational agencies and child welfare agencies and conducted a web-based survey of state educational agencies in the 50 states, the District of Columbia, and Puerto Rico. To obtain more in-depth information, we visited three states—Arizona, Georgia, and Ohio—where we interviewed officials from state and local educational agencies and child welfare agencies. We reviewed relevant federal laws and regulations, Education and HHS guidance to states, and other research publications. We also interviewed officials from Education and HHS’s Administration for Children and Families, and other organizations that carry out efforts related to education and child welfare, including the Legal Center for Foster Care and Education and Casey Family programs, regarding the provisions, federal requirements and guidance, and state and local implementation.

---

## State Educational and Child Welfare Agency Discussion Groups

To learn about actions states have taken to implement the ESSA educational stability provisions and challenges they have encountered, we held three discussion groups, two with state educational agency (SEA) officials, and one with state child welfare agency officials, during a national meeting for SEA foster care points of contact and state child welfare agencies in Greensboro, North Carolina in October 2018. To solicit participants for these groups, we asked the meeting organizers to forward an invitation we drafted to all individuals who registered for the meeting to participate in our discussion groups, and also allowed individuals to sign up once they arrived at the conference. Meeting attendees self-selected to participate in the groups. Each of our discussion groups with SEA officials had seven participants, for a total of 14 state agency officials representing 14 states. Our discussion group of state child welfare agency officials had six participants representing five states.

Discussion groups were guided by a GAO moderator using semi-structured interview protocols. These protocols included open-ended questions that encouraged participants to share their thoughts and experiences on implementing the ESSA educational stability provisions,

including how they monitored local agencies, and whether any additional federal assistance is needed. To reach group consensus on the top challenges facing states as they implement the provisions, we used a nominal group technique. Officials from each state identified their state's top three implementation challenges. The group then created a list from those named challenges and officials from each state used stickers to identify their top challenges from the list.

Discussion groups are intended to generate in-depth information about the reasons for participants' attitudes on specific topics and to offer insights into their concerns about and support for an issue. They are not designed to (1) demonstrate the extent of a problem or generalize results to a larger population, (2) develop a consensus to arrive at an agreed-upon plan or make decisions about what actions to take, or (3) provide statistically representative samples or reliable quantitative estimates. For these reasons, and because discussion group participants were self-selected volunteers, the results of our discussion groups are not generalizable.

---

## Survey of State Educational Agency Officials

To learn about actions states have taken to implement the ESSA educational stability provisions and challenges they have encountered, we conducted a survey of SEA officials in the 50 states, the District of Columbia, and Puerto Rico. The survey was administered from January to March 2019 and we had a 98 percent response rate.<sup>1</sup> The survey used a self-administered, web-based questionnaire, and state respondents received unique usernames and passwords.

Our survey population was foster care points of contact at SEAs. We used multiple sources to create an initial list of points of contact, including a list provided by the Department of Education, SEA website pages related to foster care, and information from knowledgeable experts in the field. We reached out to each point of contact to ask them to confirm they were the foster care point of contact for their state or identify the appropriate point of contact. We instructed respondents to consult with others who were familiar with their state's implementation of the provisions, if doing so would provide more accurate responses.

---

<sup>1</sup>SEA officials in Texas declined to participate in the survey.

Our survey included 20 fixed-choice and open-ended questions. We asked how SEAs collaborated with the state child welfare agency, how they assisted local educational and/or child welfare agencies, what challenges they encountered, and what assistance has been and would be helpful from the Department of Education in implementing the provisions. To draft the closed-ended questions and answer choices on the survey, we drew from recommended practices suggested in HHS and Education’s joint non-regulatory guidance to states, information shared during webinars sponsored by HHS and Education, and interviews with stakeholders, including our discussion groups with state educational and child welfare agencies.<sup>2</sup> A draft of the survey questionnaire was reviewed by officials at Education, a knowledgeable stakeholder organization, and an independent GAO survey professional for completeness and accuracy. We made revisions based on their comments. We conducted three pretests—one by phone and two in-person—with SEA foster care points of contact from three different states to check that (1) the questions were clear and unambiguous, (2) terminology was used correctly, (3) the questionnaire did not place an undue burden on agency officials, (4) the information could feasibly be obtained, and (5) the survey was comprehensive and unbiased.

To obtain our 98 percent response rate (51 out of 52 SEAs), we made multiple follow-up contacts by email and phone from January to March 2019 with points of contact who had not yet completed the survey. While 51 surveyed officials affirmatively checked “completed” at the end of the web-based survey, not all officials responded to every question or the sub-parts of every question. We conducted additional follow-up with a small number of respondents to verify key responses.

Because this was not a sample survey, the survey has no sampling errors. However, the practical difficulties of conducting any survey may introduce errors, commonly referred to as non-sampling errors. For example, unwanted variability can result from differences in how a particular question is interpreted, the sources of information available to respondents, or how data from respondents are processed and analyzed. We tried to minimize these factors through our reviews, pre-tests, and follow-up efforts. In addition, the web-based survey allowed SEA foster care points of contact to enter their responses directly into an electronic

---

<sup>2</sup>Department of Education and Department of Health and Human Services, *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (June 2016).

---

instrument, which created an automatic record for each state in a data file. By using the electronic instrument, we eliminated the potential errors associated with a manual data entry process.

---

## Site Visits to Selected States

To learn about actions states and localities have taken to implement the ESSA educational stability provisions and challenges they have encountered, we conducted site visits to three states to obtain information from state and local educational agency officials, state and local child welfare officials, foster parents, and current and former youth in foster care. We selected the three states—Arizona, Georgia, and Ohio—to represent a mix of factors, including type of child welfare agency (state or county administered), number of children in foster care, number of school districts, geographic dispersion, and variety in types of school districts (urban, suburban, rural). In each state we visited an urban, suburban, and rural school district, where we met with the school district officials responsible for implementing the ESSA educational stability provisions, and their primary child welfare agency counterparts.<sup>3</sup> We also met with state educational and child welfare agency officials. We used a semi-structured interview protocol for these meetings. We held discussion groups with a total of 13 youth in foster care or formerly in foster care in three states, and in two states, we held discussion groups with a total of 14 foster parents, to obtain their perspectives on implementation of the provisions and educational stability generally. Although we cannot generalize our findings beyond these states and localities, these visits provided us with illustrative examples of how states and localities are implementing the ESSA educational stability requirements.

We conducted this performance audit from June 2018 to September 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

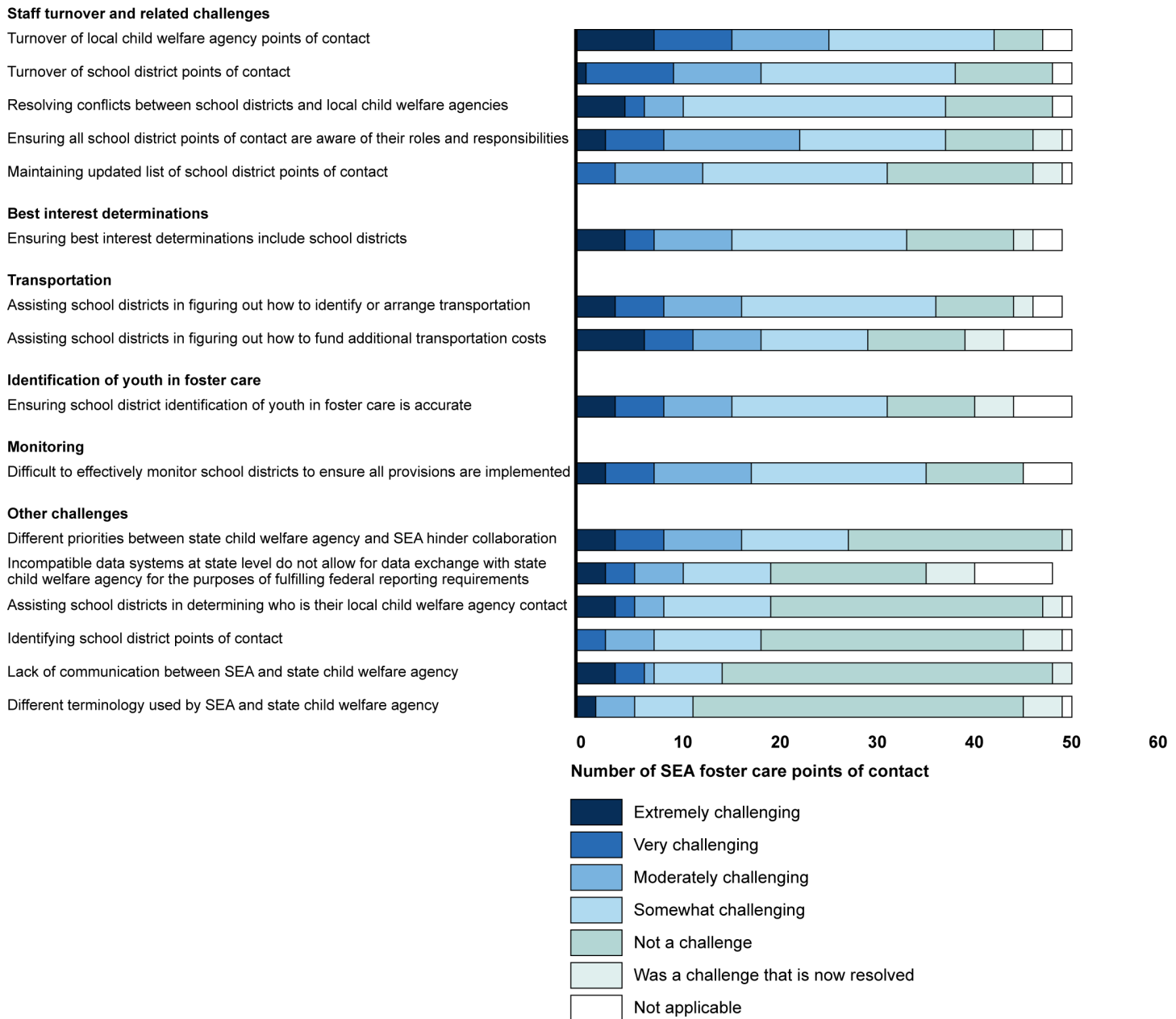
---

<sup>3</sup>We visited two suburban districts in Ohio, and they were located in the same jurisdiction of one county child welfare agency.



# Appendix II: Additional Survey Data

**Figure 8: Challenges Related to Implementing the ESSA Educational Stability Provisions for Youth in Foster Care Included on Survey to SEA Points of Contact and SEA Responses**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. Some results may not sum to 51 because not all states responded to every question. SEA points of contact were asked to respond

to the question: “How much of a challenge, if at all, is each of the following items in implementing the ESSA educational stability provisions?” The term “ESSA educational stability provisions” refers to the amendments made by the Every Student Succeeds Act (ESSA) to Title I, Part A of the Elementary and Secondary Education Act of 1965 that are related to the educational stability of youth in foster care. These provisions have been codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5).

**Table 1: General Assistance Provided by SEAs to Facilitate Implementation of the ESSA Educational Stability Provisions for Youth in Foster Care**

<b>Assistance</b>	<b>Number of SEAs that Provided this Assistance or are Developing this Assistance</b>	<b>Number of SEAs that Provided or are Developing this Assistance in Collaboration with State Child Welfare Agency</b>
Developed website of resources	44	28
Provided technical assistance when requested by school districts	50	38
Provided technical assistance when requested by local child welfare agencies	45	40
Trained school district staff on the ESSA educational stability provisions	47	30
Trained local child welfare agency staff on the ESSA educational stability provisions	41	35

Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Notes: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. SEA points of contact were asked to respond to the question: “Has the SEA taken the following actions to facilitate the implementation of the ESSA educational stability provisions? If yes or in development, which entity(ies) took the action?” In this table, the term “ESSA educational stability provisions” refers to the amendments made by the Every Student Succeeds Act (ESSA) to Title I, Part A of the Elementary and Secondary Education Act of 1965 that are related to the educational stability of youth in foster care. These provisions have been codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5).

**Table 2: Selected Examples of Written Guidance Provided by SEAs to Local Agencies to Facilitate Implementation of the ESSA Educational Stability Provisions for Youth in Foster Care**

Type of written guidance	Number of SEAs that Provided or Are Developing these Documents	Number of SEAs that Provided or are Developing these Documents in Collaboration with State Child Welfare Agency
Developed written guidance for implementation of the ESSA educational stability provisions	46	38
Transportation-related documents, like sample transportation procedures, cost-sharing examples, dispute resolution procedures, and transportation plans for individual students	44	36
Best interest determination documents, like meeting documentation templates, questions to consider during the meeting, or sample notices to inform parties of the decision	43	37
Sample memorandum of understanding/agreement for data sharing between school districts and local child welfare agencies for the purposes of identifying youth in foster care for the report card reporting	19	17

Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Notes: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. SEA points of contact were asked to respond to the question: "Has the SEA taken the following actions to facilitate the implementation of the ESSA educational stability provisions? If yes or in development, which entity(ies) took the action?" In this table, the term "ESSA educational stability provisions" refers to the amendments made by the Every Student Succeeds Act (ESSA) to Title I, Part A of the Elementary and Secondary Education Act of 1965 that are related to the educational stability of youth in foster care. These provisions have been codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5).

**Table 3: SEA-Reported Monitoring of Selected ESSA Educational Stability Provisions for Youth in Foster Care**

Monitoring activity	ESSA educational stability provision			
	Children in foster care remain in their school of origin, unless a determination is made that it is not in the child’s best interest. 20 U.S.C. § 6311(g)(1)(E)(i).	Children in foster care are immediately enrolled in a new school when a determination is made that remaining in their school of origin is not in their best interest. 20 U.S.C. § 6311(g)(1)(E)(ii).	New enrolling school immediately contacts school of origin to obtain relevant academic and other records. 20 U.S.C. § 6311(g)(1)(E)(iii).	School districts developed and implemented written transportation procedures. 20 U.S.C. § 6312(c)(5)(B).
No specific state monitoring of school districts with respect to this provision	3	4	4	1
SEA requires school districts to provide assurances in their Title I plans that this provision is being implemented	32	29	23	N/A <sup>a</sup>
SEA receives data/statistics/documentation from school districts related to implementation of this provision	12	11	11	27
SEA requires school districts’ Title I plans to specifically describe how school districts will/do carry out this provision	10	8	9	16
SEA conducts onsite monitoring of some or all school districts related to implementation of this provision	16	15	11	27
SEA responds when alerted to issues <sup>b</sup>	41	38	38	45
SEA provides other types of oversight	3	4	4	10

Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

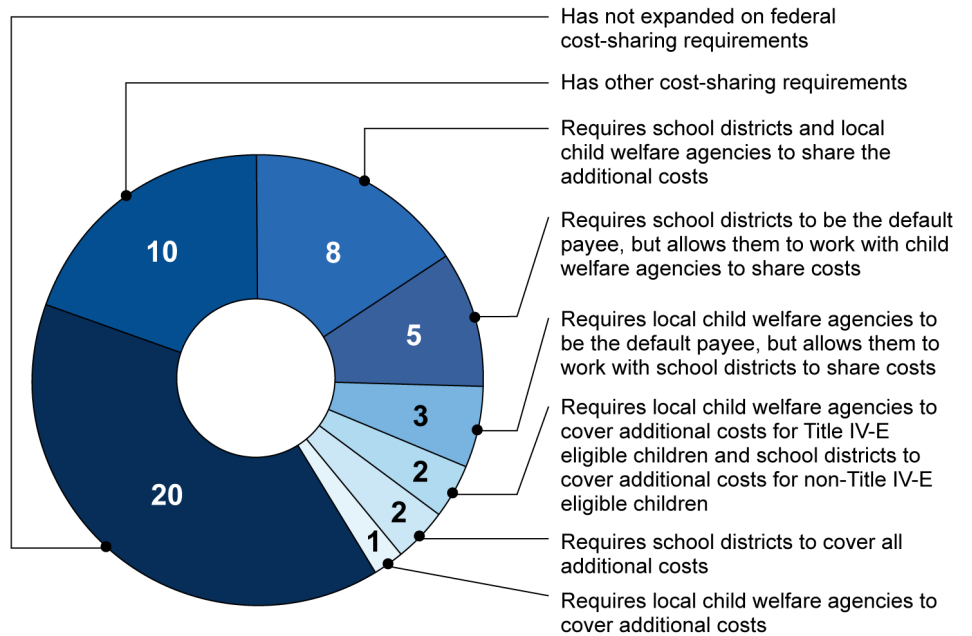
Notes: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. SEA points of contact were asked to respond to the question: “In which of the following ways, if any, does the SEA monitor LEAs to ensure that the following ESSA educational stability provisions are implemented?” and “Is the SEA monitoring LEAs in the following ways to ensure they, in collaboration with the state or local child welfare agency, are developing and implementing clear written procedures governing how transportation to maintain children to their school of origin will be provided, arranged, and funded?” SEA points of contact could select more than one monitoring activity per ESSA educational stability provision. LEAs refers to local educational agencies, also referred to in this table as school districts. In this table, the term “ESSA educational stability provisions” refers to the amendments made by the Every Student Succeeds Act (ESSA) to Title I, Part A of the Elementary and Secondary Education Act of 1965 that are related to the educational stability of youth in foster care. These provisions have been codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5).

<sup>a</sup>To receive funding under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended by ESSA, school districts are required to have an SEA-approved plan that includes various assurances (Title I plan). School districts’ Title I plans are statutorily required to include an assurance that the district will collaborate with the state or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their

school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.

<sup>b</sup>This includes states that reported that they solely respond when alerted to issues and do not conduct any other systematic monitoring activities. Specifically, nine states reported responding when alerted to issues regarding the provisions on best interest determinations and immediate enrollment, and did not report conducting any other monitoring activities. Similarly, 14 states reported solely responding when alerted to issues regarding new enrolling schools immediately contacting schools of origin to obtain relevant academic and other records, and did not report conducting any other monitoring activities. Finally, seven states reported responding when alerted to issues related to the provision on transportation procedures, and did not report conducting any other monitoring activities or did not know if their state monitors LEAs in other ways.

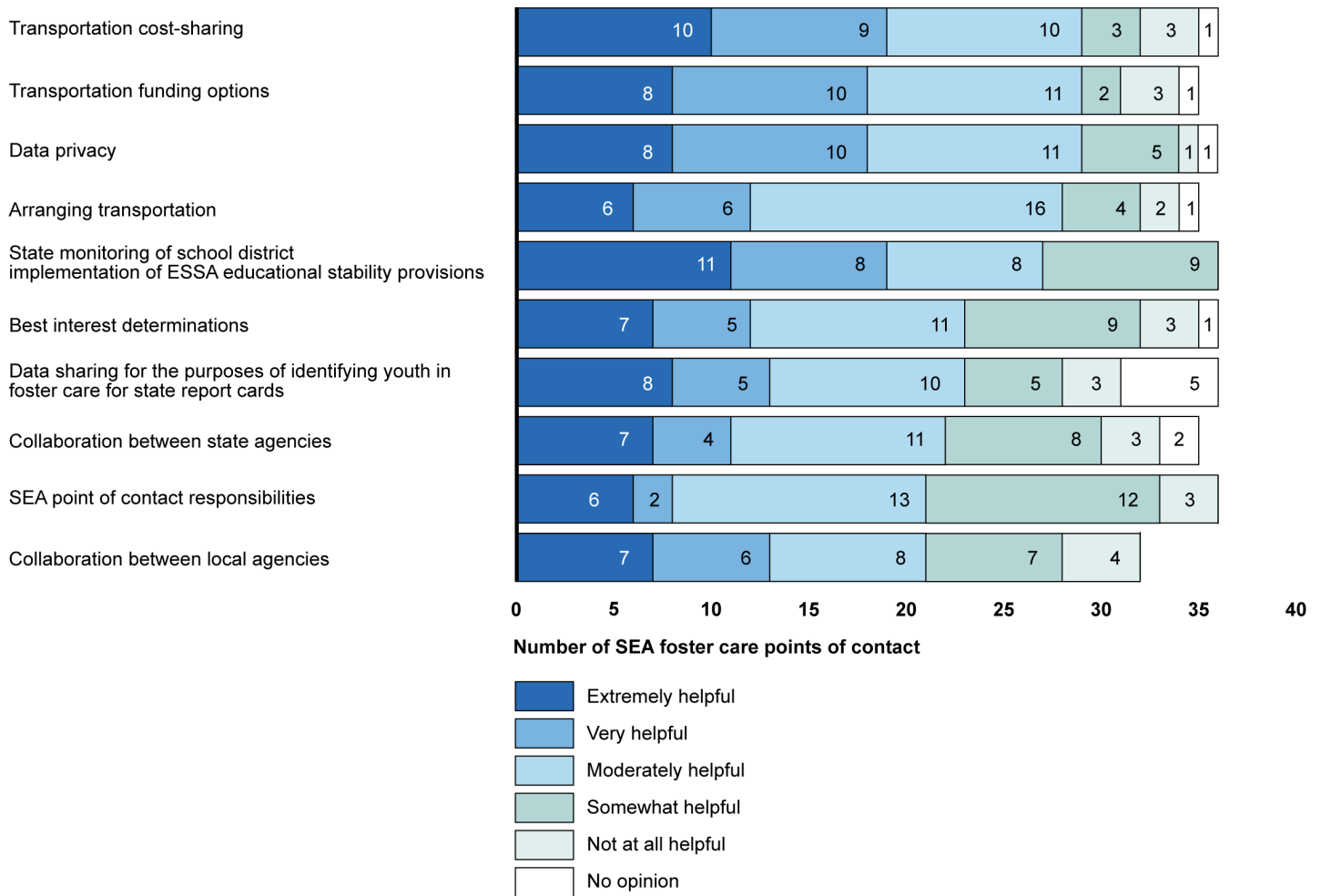
**Figure 9: SEA-Reported Requirements for School District and Child Welfare Cost-Sharing for Additional Costs of Transporting Youth in Foster Care to their School of Origin**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. SEA points of contact were asked to respond to the question: "Which of the following best reflects your state's specific cost sharing requirements for additional costs?" One of the provisions of the Every Student Succeeds Act requires that school districts collaborate with child welfare agencies to develop and implement clear written procedures governing how transportation to maintain children in foster care in the school of origin when in their best interest will be provided, arranged, and funded. It further requires that these procedures shall ensure that, if there are additional costs incurred in providing such transportation, the district will provide transportation to the school of origin if: (a) the local child welfare agency agrees to reimburse the school district for the cost of such transportation; (b) the school district agrees to pay for the cost of such transportation; or (c) the school district and the local child welfare agency agree to share the cost of such transportation. 20 U.S.C. § 6312(c)(5). Title IV-E refers to Title IV, Part E of the Social Security Act, which provides federal funding to support state foster care programs.

**Figure 10: Ten Areas for Which SEAs Reported Additional Federal Assistance Would Be Helpful (With All Response Options Provided) in Implementing the ESSA Educational Stability Provisions for Youth in Foster Care**

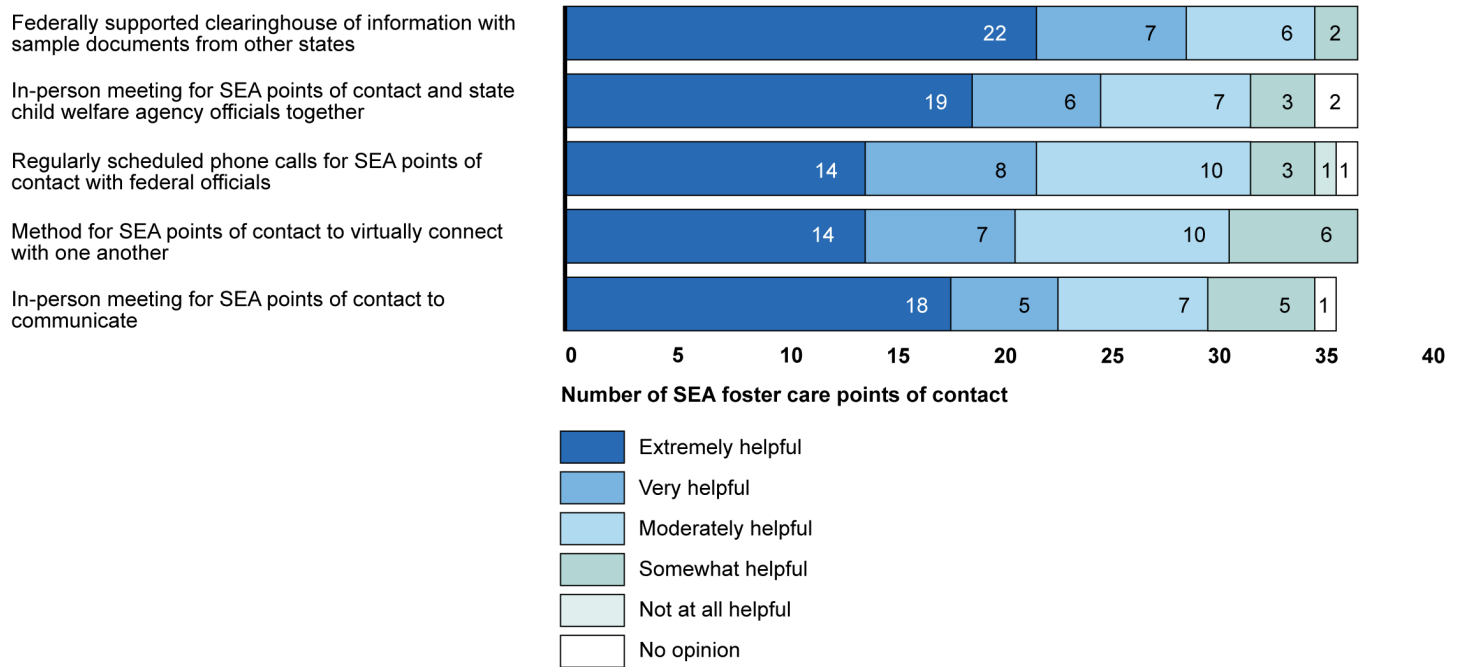


Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. Thirty-seven responded “yes” to the question “Would additional federal assistance be helpful as your state continues to implement the ESSA educational stability provisions?” These respondents were then asked to respond to the question: “How helpful, if at all, would guidance on the following topics be as your state continues to implement the ESSA educational stability provisions?” Some results in the figure do not total 37 because some states did not respond to every subpart of the question. The term “ESSA educational stability provisions” refers to the amendments made by the Every Student Succeeds Act (ESSA) to Title I, Part A of the Elementary and Secondary Education Act of 1965 that are related to the

educational stability of youth in foster care. These provisions have been codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5).

**Figure 11: Additional Types of Federal Assistance SEAs Reported Would Be Helpful (With All Response Options Provided) in Implementing the ESSA Educational Stability Provisions for Youth in Foster Care**



Source: GAO analysis of survey of state educational agency (SEA) foster care points of contact. | GAO-19-616

Note: We surveyed 52 SEA points of contact in all states, the District of Columbia, and Puerto Rico and received responses from all SEA points of contact except Texas. Thirty-seven responded “yes” to the question “Would additional federal assistance be helpful as your state continues to implement the ESSA educational stability provisions?” These respondents were then asked to respond to the question: “How helpful, if at all, would each of the following types of assistance be as your state continues to implement the ESSA educational stability provisions?” Some results in the figure do not total 37 because some states did not respond to every subpart of the question. The term “ESSA educational stability provisions” refers to the amendments made by the Every Student Succeeds Act (ESSA) to Title I, Part A of the Elementary and Secondary Education Act of 1965 that are related to the educational stability of youth in foster care. These provisions have been codified at 20 U.S.C. §§ 6311(g)(1)(E), 6311(h)(1)(C), and 6312(c)(5).

# Appendix III: Comments from the U.S. Department of Education



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 23 2019

Ms. Jacqueline M. Nowicki, Director  
Education, Workforce, and Income Security Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Nowicki:

The U.S. Department of Education's Office of Elementary and Secondary Education (OESE) has received and reviewed the U.S. Government Accountability Office's (GAO's) draft report titled *Foster Care: Education Could Help States Improve Educational Stability for Youth in Foster Care* (Report). OESE has noted GAO's two recommendations, and, in fact, members of my team have already taken steps to address the needs underlying both recommendations. Specifically, those recommendations are:

1. The Secretary of Education should update the foster care e-mail list by ensuring all current SEA points of contact are included and develop a process to update it at regular intervals. (Recommendation 1)
  - o Staff have updated the contacts on OESE's foster care listserv and will solicit updates to listserv contacts on a quarterly basis.
2. The Secretary of Education should develop an online clearinghouse of sample documents from states and localities that wish to share them, past webinar recordings and their related documents, and links to other relevant resources that all SEAs can access. (Recommendation 2)
  - o This fall, OESE will refresh its entire website. As part of this website redesign, OESE will better organize our information to help the public and stakeholders. The redesign will include the creation of a new page to house all foster care-related information and resources. In addition, this fall, we will launch a virtual portal through which foster care points of contact will be able to collaborate and share resources with one another.

I concur with the GAO that these recommended activities will heighten the support that OESE provides to the field related to the implementation of the educational stability provisions for students in foster care in the Elementary and Secondary Education Act of 1965, as amended.

[www.ed.gov](http://www.ed.gov)

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*



Page 2

I thank the GAO team for its partnership in ensuring the successful implementation of the Title I, Part A educational stability provisions for students in foster care.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank T. Brogan". The signature is fluid and cursive, with a large initial "F" and "B".

Frank T. Brogan  
Assistant Secretary for Elementary and  
Secondary Education

---

# Appendix IV: GAO Contact and Staff Acknowledgments

---

## GAO Contact

Jacqueline M. Nowicki, (617) 788-0580, [nowickij@gao.gov](mailto:nowickij@gao.gov)

---

## Staff Acknowledgments

In addition to the contact named above, the following individuals made important contributions to this report: Elizabeth Morrison (Assistant Director), Kate Blumenreich (Analyst-in-Charge), Aimee Elivert, and Kelsey Kreider. Also contributing to this report were Steven Campbell, William Chatlos, Sarah Cornetto, Holly Dye, Jill Lacey, Jessica Orr, Catherine Roark, and Curtia Taylor.

---

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (<https://www.gao.gov>). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to <https://www.gao.gov> and select "E-mail Updates."

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).  
Subscribe to our [RSS Feeds](#) or [E-mail Updates](#). Listen to our [Podcasts](#).  
Visit GAO on the web at <https://www.gao.gov>.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/fraudnet/fraudnet.htm>

Automated answering system: (800) 424-5454 or (202) 512-7700

---

## Congressional Relations

Orice Williams Brown, Managing Director, [WilliamsO@gao.gov](mailto:WilliamsO@gao.gov), (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800, U.S. Government Accountability Office, 441 G Street NW, Room 7149, Washington, DC 20548

---

## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707, U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548



Please Print on Recycled Paper.