

MEMORANDUM

TO: Superintendents, Special Education Administrators, Principals, Family Services
FROM: Amy Fowler, Deputy Secretary, Agency of Education and Karen Shea, Interim
Deputy Commissioner, Department for Children and Families
SUBJECT: Students in Foster Care and the requirements of ESSA
DATE: January 6, 2017

In December 2015, Congress passed the Every Student Succeeds Act (ESSA) which included provisions for students in the care of the Department for Children and Families (DCF)*. ESSA requires that the Agency of Education (AOE) and DCF communicate and collaborate to support students and promote educational stability. This memo shows how we have met that requirement.

Beginning on December 10, 2016, any student (ages 3-21) either entering DCF custody or *moving to a new DCF foster placement* is entitled to:

1. Continue to receive an education in his or her **school of origin** which is either:
 - a. School where the student is enrolled and their parent resides
 - b. School where the student is enrolled in while in foster care
2. If it is not in the child’s best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment. (Sec.1111(g)(1)(E)(ii))

These provisions will require a modification of the 2007 Memorandum of Understanding (MOU) between DCF and AOE which is currently being reviewed. Until Vermont State Statute T.16 §1075 (c) can be amended by the legislature, Superintendents or their designees must formally request the Secretary of Education’s permission to educate students in their school of origin when they are residing in another town/school district.

Please review and share the attached documents with the appropriate school staff for more information regarding changes to this process. If you have any questions, please contact Alicia Hanrahan at 802-479-1206 or at alicia.hanrahan@vermont.gov.

In addition to this memo and the attached flow chart, the following documents will be sent early next week:

- Educational Stability Best Interest Determination
- Educational Stability Agreement Form
- Transportation Guidelines
- Educational Stability Decision Making: Roles and Responsibilities

*These provisions do not apply to students who are in conditional custody through DCF