

ESSA: Students in Foster Care

The following document provides guidance for LEAs regarding the exclusion of “awaiting foster care” from the definition of “homeless” under the McKinney-Vento Act, as amended by the Every Student Succeeds Act (2015)(ESSA). LEAs should be aware of this change, its implications, and requirements as indicated below.

Awaiting Foster Care under No Child Left Behind (2001):

Under McKinney-Vento as amended by No Child Left Behind (2001), students “awaiting foster care” were included in the definition of homeless and were eligible for services for the entire school and one month into the next school year.

Foster Care students under the Every Student Succeeds Act

The Every Student Succeeds Act (2015) removed “awaiting foster care” from the definition of homeless, therefore students identified as “awaiting foster care” are not eligible for services under the McKinney-Vento Homeless Assistance Act. Title I Part A institutes new protections for children in foster care. These provisions, which take effect on December 10, 2016 complement those in the Fostering Connections Act which is implemented through the Cabinet for Health and Family Services.

The following table outlines the relationships, points of contact, and other information regarding this change. Please note, this is solely with regards to students “awaiting foster care.”

Child Welfare Agency (CWA) Liason	Serves as one of the primary contact between families and school staff, district personnel, child welfare personnel, LEA Foster Student Liason and other service providers.
Local Education Agency (LEA) Foster Student Liason	Secondary and supplemental Coordinating with the corresponding child welfare agency point of contact on the implementation of the Title I provisions.
Best Interest Determination	Responsibility of CWA Liason to collaborate with the student, families, and school staff, district personnel, LEA Foster Student Liason, and other service providers.
School of Origin	Responsibility of CWA Liason to collaborate with the student, families, and school staff, district personnel, LEA Foster Student Liason, and other service providers.
Transportation	CWA is the primary source of providing and funding transportation. LEA’s role is supplemental.
Dispute Resolution	Responsibility of the CWA.