

Every Student Succeeds Act of 2015

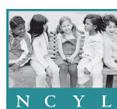


Foster Youth and Juvenile Justice Provisions

On December 10, 2015, the President signed into law the Every Student Succeeds Act (ESSA), the conference bill reauthorizing the Elementary and Secondary Education Act (ESEA). This bill broadly maintains annual testing while scaling back the federal role in education, providing states greater control over accountability and school improvement. The law also aims to create transparency regarding achievement gaps among disadvantaged subgroups of students, including foster youth.

Key Provisions Impacting Foster Youth

- **School of origin:** State plans must include assurances that foster youth be enrolled or remain in their school of origin, unless there is a determination that it is not in their best interest to do so. Factors in determining best interest include proximity and appropriateness of the educational setting.
- **Immediate enrollment:** When a foster youth does not remain in the school of origin, the student must immediately be enrolled in a new school, regardless of whether the youth can produce the records typically required for enrollment.
- **Records transfer:** When a foster youth changes schools, the enrolling school must immediately contact the previous school to obtain academic and other records.
- **State-level point of contact:** State education agencies must designate a point of contact for child welfare agencies; this may not be the same person as the state's McKinney-Vento coordinator.
- **Local-level point of contact:** Local education agencies must collaborate with the state or local child welfare agency to designate a point of contact *if* the child welfare agency has given notice of designating its own point of contact.
- **Transportation:** Local education agencies must collaborate with state or local child welfare agencies to, within one year, implement clear written procedures as to how prompt, cost-effective transportation allowing youth to remain in their school of origin for the duration of their time in foster care will be provided, arranged, and funded. If additional costs are incurred in providing transportation, the local education agency will provide transportation to the school of origin if the child welfare agency agrees to pay for the transportation, or the two local agencies agree to share the transportation costs.
- **Data disaggregation:** States must provide disaggregated data on foster youth. Annual state report cards must contain information on student achievement for foster youth. The report cards must also contain information on high school graduation rates for foster youth, including four-year adjusted cohort graduation rates and, at the state's discretion, extended-year adjusted cohort graduation rates.
- **Homeless definition:** Students "awaiting foster care placement" are removed from the definition of homeless youth in McKinney-Vento. For states that have statutory laws that define or describe the phrase "awaiting foster care placement," this change will take effect two years after ESSA enactment.



Key Provisions Impacting Youth in the Juvenile Justice System

- **Family involvement:** State and local agencies must involve parents, family members, and communities in programs to improve education outcomes for youth in the juvenile justice system.
- **Students in tribal schools:** The ESSA expands the purpose of Title I, Part D to improve educational services for youth in tribal institutions for neglected and delinquent children and youth. Additionally, state agencies should utilize funding on transition services for youth moving between institutions and schools operated or funded by the Bureau of Indian Education. Local educational agencies can also use Title I, Part D funding for programs supporting “at-risk” Indian children and youth, including those who are in correctional facilities operated by the Secretary of the Interior or Indian tribes.
- **Transition services for youth in correctional facilities:** State and local agencies must coordinate with correctional facilities to facilitate successful education transitions for justice-involved youth. The agencies must coordinate when a student: 1) transitions out of a correctional facility and into a local school; 2) enters a correctional facility or state institution; 3) has been discharged. State agencies must ensure students can transfer credits they earned during placement, and provide opportunities for students to enroll in credit-bearing coursework upon transitioning back to their local schools. State agencies must collaborate with correctional facilities to coordinate educational needs assessments for youth entering facilities.
- **High school diplomas:** State and local agencies are encouraged to assist youth in the juvenile justice system in attaining traditional high school diplomas. Moreover, one accountability standard for local education agencies is devoted to increasing the number of youth attaining high school diplomas.
- **Dual-status youth:** States should keep records of dual-status youth in its educational institutions, and states can use funds for targeted services assisting dual-status youth.
- **Pay-for-success initiatives:** State and local agencies can use funding for pay-for-success initiatives.
- **Higher education partnerships:** In their applications for funding, local education agencies should describe any partnerships they have with higher education institutions around post-secondary success and workforce development.
- **At-risk youth definition:** The definition of at-risk youth is expanded to include youth who are at risk of delinquency adjudication, as well as youth who have had any contact with the juvenile justice system.

Key Links

- [Full text of the conference bill](#)
- [Section-by-section summary](#)

