



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Michael Sentance  
State Superintendent of Education

December 21, 2016

**MEMORANDUM**

**TO:** County and City Superintendents of Education

**FROM:** Michael Sentance *[Signature]*  
State Superintendent of Education

**RE:** Education Stability for Children in Foster Care

New requirements under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *Every Student Succeeds Act* (ESSA), highlight the need to provide educational stability for children in foster care with particular emphasis on collaboration between local education agencies (LEAs) and child welfare agencies to ensure that students in foster care have the opportunity to achieve at the same high levels as their peers. These provisions emphasize the importance of limiting educational disruption by keeping children who move in foster care (due to entering the foster care system or changing placements) in their schools of origin, unless it is determined to be in their best interest to change schools. These provisions also ensure that if it is not in their best interest to remain in their schools of origin, children in foster care are enrolled in their new schools without delay. In implementing these provisions, LEAs and child welfare agencies must ensure compliance with other applicable laws, such as Title VI of the *Civil Rights Act of 1964* (Title VI), the *Individuals with Disabilities Education Act* (IDEA) and Section 504 of the *Rehabilitation Act of 1973* (Section 504), among others.

Taken in totality, these provisions promote greater stability for children in foster care so that they can continue their education without disruption, maintain important relationships with peers and adults, and have the opportunity to achieve college and career readiness.

The Education Stability for Children in Foster Care provisions in ESSA requires LEAs to implement the Title I educational stability requirements of children in foster care, including ensuring that:

- A child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest.
- 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.
- That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records.

2 C. F. R. §§ 200.331(d), 200.328(a); 34 C.F.R. §76.770; ESSA Section 1111(1)(e)

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ESSA Section 1111(g)(1)(E)(i) requires LEAs to collaborate with local child welfare agencies to develop clear written protocols on how to make best interest determinations. Furthermore, ESSA Section 1112(c)(5)(B) requires LEAs to collaborate with local child welfare agencies to develop transportation protocols and procedures to include how additional costs for transportation will be calculated and funded as well as a policy for LEAs to resolve best interest disputes and interagency disputes related to transportation costs.

The Alabama State Department of Education will provide the following resources to assist LEAs in the implementation of the Foster Care Provisions in ESSA:

- A list of county child welfare agencies' Points of Contact
- A LEA Foster Care Template
- A transportation plan guide
- A dispute resolution sample plan
- Education Stability for Children in Foster Care Training Video

The resources can be located on our Web site at [www.alsde.edu](http://www.alsde.edu), Federal Programs, under the "Fostering Connections" tab. Please contact Julie Turner at 334-242-8199 if you have any questions regarding the Title I educational stability requirements.

MS/JT/AP

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