

Every Student Succeeds Act (ESSA) and Students in Foster Care Frequently Asked Questions

Eligibility

1. Who is eligible for the ESSA provisions?

- ESSA applies to any student in foster care – children and youth who initially enter Department for Children and Families (DCF) custody or have moved foster placements. ESSA applies to children ages 3-21. Students may be enrolled in a:
 - public school,
 - pre-qualified preschool,
 - independent school/private school that has been approved by the State Board of Education (i.e., Baird, Laraway, Kindle Farm, Turning Points, East Meadow, Centerpoint, SOAR).

For students who were enrolled in a home study program prior to entering custody, please contact [Alicia Hanrahan](#) at the Agency of Education (AOE).

2. Who is not eligible for the ESSA provisions?

- ESSA is not applicable to students who are the subject of a Conditional Custody Order (CCO). See Family Services [Policy 72](#) and Vermont Statute (16 V.S.A. §1075).
- ESSA is not applicable to students who have been placed by the Department of Mental Health (DMH) or the Department of Aging and Independent Living (DAIL) in a therapeutic foster/group home or a developmental home.

Please note: While not required by federal law, it is still in the best interest of children and youth (placed by DMH, DAIL or who have a CCO) to consider the overall impact of school placement change. To discuss other options that may be available for this population, contact [Alicia Hanrahan](#) at the Agency of Education (AOE).

Determinations/Enrollments

3. Who must be involved in an Educational Best Interest Determination (BID) decision?

- At a minimum, representatives from both schools, DCF Family Services, and the educational surrogate (if applicable) are required to participate in a BID meeting or conversation. Others with insight into the child's educational best interest (including the student) are encouraged to participate.
- DCF Family Services will continue to involve parents in educational decision-making unless parents are unable or unavailable to participate, their parental

rights have been terminated, or doing so would not be in the child's best interests.

4. Why must the Educational Stability Agreement (FS-72A) or Educational Best Interest Determination (BID) (FS-72B) paperwork be completed?

- These forms are the method AOE and DCF Family Services use to determine what is in the student's educational best interests.
- Additionally, DCF Family Services needs to manage its transportation budget and approve the cost of transportation in the event there are costs associated with the move to a new foster placement.
- AOE needs to know which school the student is attending to determine whether the school is eligible for any educationally state-placed funding (AOE Worksheet A).

5. Who enrolls the student in school when there is a change in their foster placement and it is in their best interests to change schools?

- Family Services Workers must enroll students in school. Foster parents may assist division staff in completing the paperwork but cannot enroll students.
- As a reminder, students who move foster placements must continue to attend their school of origin unless the Educational Best Interest Determination (BID) (FS-72B) has been completed. If the student remains in the school of origin, the Educational Stability Agreement (FS-72A) is completed.

6. Who contacts the school to inform them of a change in a student's legal custody status or foster placement?

- Family Services [Policy 72](#) requires Family Services Workers to notify the school's guidance counselor or principal within two working days if a child enters DCF custody. Schools should be informed as soon as possible about a change in foster placements.

7. Who completes the Educational Stability and/or BID paperwork?

- The ESSA provisions do not specify which entity is responsible for completing the paperwork. The forms are typically initiated and completed by DCF Family Services. However, this process is a joint effort between AOE and DCF Family Services. We expect that both entities will be equally responsible in completing and submitting the paperwork.

8. Which superintendent or designee signs off on the paperwork?

- If the student remains in the school of origin, the current superintendent/designee signs the Educational Stability Agreement (FS-72A). If the student moves to a new school district, the new district's superintendent/designee signs the Educational Best Interest Determination (BID) (FS-72B).

9. Who receives the completed forms?

- Please email the paperwork to Alicia Hanrahan (Alicia.Hanrahan@vermont.gov) from AOE and Barb Joyal (Barbara.Joyal@vermont.gov) from DCF Family Services. The district office should retain a copy of the form for the case file and tracking purposes.

10. If a student moves to a new foster home in a new school district, can the LEA or DCF Family Services choose any school to enroll the student?

- No. If the team (both LEAs and DCF Family Services) agree through the Educational Best Interest Determination (BID) (FS-72B) process that the school of origin isn't an appropriate placement for the student, then the new school district must immediately enroll the student in the school within the town where the student resides. This is not an opportunity to choose any school within the vicinity.

Independent (Private) Schools

11. What happens if the student is attending an independent/therapeutic school and enters DCF custody or has moved to a new foster placement?

- The student's school placement remains the same. The LEA responsible for oversight will not change. An Educational Stability Agreement (FS-72A) is completed.
- If the LEA expresses concerns about the need to change the LEA responsibilities, then both school districts and DCF Family Services (and others as appropriate) will need to determine which school should serve as the LEA. The Educational Best Interest Determination (BID) (FS-72B) will guide this process.
- Please note: If you encounter an IEP issue and ESSA applies, it is a good strategy to convene an IEP team meeting. The IEP team may need to be convened to assess the new school placement and determine if changes to the IEP are needed.

12. What is the process if a student has "school choice" and enters DCF custody or has moved to a new foster placement?

- Similar to the example of the student in an independent school, the school placement remains the same. This is considered the school of origin.
- When a student resides in a new town but remains at the school offering school choice AND there is concern regarding who should hold the LEA responsibilities, a meeting with both schools, DCF Family Services (and others as appropriate) will determine which school should serve as the LEA. The Educational Best Interest Determination (BID) (FS-72B) will guide this process.
- If the student continues to attend the "school choice" school, and the LEA responsibilities move to a school district that does not have school choice, then the LEA may request for tuition reimbursement from AOE via

Group Homes/Micro-Residential Homes

13. What is the process if a student is placed in a group home (GH) or micro-residential home (MRH)?

- The student can remain in their school of origin if it is geographically appropriate, and the Educational Stability Agreement (FS-72A) will be completed. Otherwise, the student can attend the school closest to the group home or micro-residential home. Typically, an Educational Best Interest Determination (BID) (FS-72B) will need to be completed to determine what is in the child's best interests.

14. For a student leaving a group home or micro-residential home, can they continue to attend the same school they were attending while residing at a GH or MRH?

- They may. Whenever a student is exiting a group home or micro-residential home, the Educational Best Interest Determination (BID) (FS-72B) should be completed.
- If the student is discharged from a GH or MRH, the current school where the student was attending is viewed as the "school of origin". If the student remains in that school placement, the Educational Stability Agreement (FS-72A) is completed. An Educational Best Interest Determination (BID) (FS-72B) can be completed if one of the team members believes it is in the child's best interest to move schools.

Residential Programs/Short Term Placements

15. What if the student is placed in a residential treatment program by the Case Review Committee (CRC)?

- ESSA does not apply to students in residential settings (in-state or out-of-state). At this stage in Vermont's implementation of ESSA, neither the 72A nor 72B are required to be completed. The student automatically attends the school associated with the residential school system. The LEA may change. The LEA is based on the parents' town of residence, or in the event that the parents' rights have been terminated, the town where the parents' rights were terminated. Contact [Alicia Hanrahan](#) from AOE if you have questions about the student's LEA.

16. When a student returns from a residential treatment program, are they eligible to return to their school of origin?

- The last school the student attended prior to the residential treatment program is the school of origin. While it is difficult to say if the student will return to the school of origin upon completion of their treatment, the student is still "eligible" to attend the school of origin. The Educational Best Interest

Determination (BID) (FS-72B) should be completed during the transition process prior to discharge from the program.

17. When a student leaves a residential treatment program after a long-term stay, is that student eligible to go back to their school of origin?

- Yes, and an Educational Best Interest Determination (BID) (FS-72B) should be completed during the transition planning process. Any concerns regarding the student returning to the public school setting will be addressed and resolved during the transition planning process.

18. How do you determine who the LEA is when a child enters a residential treatment program?

- The town in which the legal parents resided in at the time the student entered a residential treatment program is determined to be the LEA. There are other extenuating circumstances that may change this situation (i.e., if the parents are incarcerated, are deceased, or if their parental rights have been terminated). Contact [Alicia Hanrahan](#) from AOE if you have questions related to the LEA determination.

19. What do we do when a student enters a short-term program (i.e. 204 Depot, Mountainside, Depot GAP, emergency beds)?

- Many short-term and/or emergency placements offer tutorials. As such, the student's school of origin continues to be his/her LEA prior to entering the short-term program. No forms need to be submitted as this is a short-term setting and it is expected that the student will return to the school of origin.
- If the student moves to a new foster home upon leaving the short-term program, the student's team will need to determine if the Educational Stability or BID forms will need to be completed.

Other

20. What happens when a student moves to a new foster placement during the summer?

- The student continues to attend the school of origin when school resumes in the fall, and the Educational Stability Agreement (FS-72A) is completed. If there is a question about whether remaining in the school is in the student's best interests, the Educational Best Interest Determination (BID) (FS-72B) should be completed.
- It is NOT recommended that the team wait until the beginning of school to complete the paperwork and make a decision. Schools should identify staff who can participate in educational stability decisions during the summer months. Additionally, schools need to identify a designee to sign the paperwork if the superintendent is unavailable. In the same way we collaborate with our education partners during the school year, education staff should be engaged during the summer. We follow the same protocol. If

a representative from the school is unavailable over the summer or the Family Services Worker is having trouble identifying a contact, [Alicia Hanrahan](#) can be contacted and will reach out to identify the appropriate contact.

21. What if I think a student's educational stability might be impacted by the Interstate Compact for the Placement of Children or the Interstate Compact on Juveniles?

- If a student is placed in another state and remains near their school of origin, it is permissible for them to remain in their school and the Educational Stability Agreement (FS-72A) is completed. You may contact [Trissie Casanova](#), [Barb Joyal](#), or [Alicia Hanrahan](#) for questions or consultation.

22. Some youth who turn 18 will choose to enter into a Voluntary Services Agreement. Does ESSA apply?

- The ESSA process can be used if a youth over 18 with a Voluntary Services Agreement experiences a placement disruption and decisions need to be made about which school the student will attend. ESSA applies to youth who continue to be in foster care after they turn 18. Complete the relevant ESSA forms as usual. DCF may support transportation and associated costs as needed.

Universal PreKindergarten Education (UPK)

23. For a UPK aged student (ages 3, 4 and 5 not yet enrolled in a Kindergarten*) who has never been enrolled in a UPK program before and is now enrolling in UPK, who is the School of Origin?

- The student's Town of Residence (where the student is currently residing) is considered the School of Origin
- For example, if the student moves from Montpelier (where the parents reside) and moves to Burlington to a new home provider, Burlington would be considered as the School of Origin when enrolling in a UPK program.

*please note that the UPK age cut-off is determined at the school district and replicates the K cut-off date for entry

24. For a student who has never been enrolled in a UPK or K program and is now enrolling in K for the first time, who is the School of Origin?

- Since the School of Origin has not previously been established, the Town of Residence (where the student is currently residing) is considered to be the School of Origin.
- For example, if the student has been placed in foster care in Rutland City and is being enrolled in K for the first time, then Rutland City is the LEA.

25. What happens if the student is already enrolled in a UPK program and then enters into the custody of DCF? Does the student remain enrolled in that UPK program? Who is the responsible LEA?

- The student remains enrolled in the current UPK program as that program is considered the School of Origin.
- If the student's team feels that it is in the student's Best Interest to move to another UPK program, then a Best Interest Determination (BID) form must be completed
- The Town/LEA who placed the student in the UPK program is responsible for the funding of the UPK program
- For example, if Montpelier places a student in a Barre UPK program and the student moves to Northfield with a home provider, then Montpelier continues to be the LEA.

26. If the student in foster care is enrolled in a UPK program and is moving to K (may or may not be attending K in the same town as the UPK program), who is the LEA?

- The responsible LEA continues to be the one who placed the student in the UPK program.
- For example, if Brattleboro placed the student in a Brattleboro UPK program, then the student will be enrolled in a Brattleboro K program (regardless as to where the student is living)
- If Brattleboro placed the student in a UPK program in Rockingham and the student is living in foster care in Townshend, then Brattleboro would enroll the student in a Brattleboro K program.

27. What happens if a student from another state (and is in DCF custody in that state) is enrolled in the other state's PK program? Who is the LEA?

- The student remains in the other state's PK program and the other state remains the LEA. If it's in the Best Interest for the student to move to a VT UPK program, then a Best Interest Determination form is completed.

28. What happens if a student is in the custody of another state and has never been enrolled in a UPK program, but is placed in VT through an Interstate Compact (ICPC)?

- The student is not entitled to be enrolled in a VT UPK program and paid for by a VT voucher.
- The sending state can enroll and pay for the student to attend a VT UPK program

For a list of Qualified Pre-K settings visit : <https://education.vermont.gov/documents/2020-2021-public-and-private-prekindergarten-providers-list-and-prequalification-status>