



National Center for Youth Law

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President Obama Reauthorizes ESEA, Affording Groundbreaking Provisions for Children in the Foster Care and Juvenile Justice Systems

Washington, DC (December 10, 2015) – President Obama today signed into law the Every Student Succeeds Act (ESSA), which is the reauthorization of the Elementary and Secondary Education Act (ESEA), a key federal law governing education, originally signed into law in 1965 and last reauthorized as No Child Left Behind in 2002. The ESSA is the first major overhaul of federal education law in over a decade. Among many new provisions, the law now requires states to ensure certain protections for vulnerable youth in the foster care and juvenile justice systems.

“Children in foster care are often forced to change schools multiple times, disrupting important relationships and derailing children’s educations. The new provisions in ESSA are an important advance in ensuring school stability and academic success for students in foster care, and we look forward to supporting schools and child welfare agencies to ensure smooth implementation,” said Kathleen McNaught of the ABA Center on Children and the Law, who leads the Legal Center for Foster Care and Education.

The Legal Center, a collaborative project between the ABA, Juvenile Law Center and Education Law Center of Pennsylvania, along with the National Center for Youth Law and other members of the National Working Group on Foster Care and Education, have worked for years to educate members of Congress on the unique challenges faced by children in the foster care system.

“Eliminating enrollment delays and ensuring school stability make profound differences for students in foster care. Research shows that even one fewer placement change *doubles* the likelihood that students in foster care will graduate high school,” said Senior Staff Attorney Maura McInerney at Education Law Center of Pennsylvania.

Although states and districts will be grappling with implementation of ESSA’s many new provisions, the protections for youth in foster care hold great promise. The newly enacted ESSA is expected to reduce disruptions in education for youth in foster care and provide

them with greater school stability, continuity and success through a number of provisions, including:

- Allowing youth in foster care to remain in the same school even when their foster home placements are changed
- Requiring schools to immediately enroll children in foster care after a school move
- Requiring points of contact in every state education agency as well as many school districts
- Requiring planning for school transportation for youth in care
- Tracking achievement data for youth in care

“Numerous studies have found the educational outcomes of students in foster care to be tragically poor,” said Jesse Hahnel, Executive Director of the National Center for Youth Law. “Disaggregating foster student data will allow the public and policymakers to understand and respond to the student achievement needs of foster youth in a systemic way.”

By requiring the disaggregation of achievement data for various sub-groups including foster youth, African-Americans, English Learners and Special Needs students, school districts and states will be able to see important trends in achievement and use limited resources where they are needed most. Including foster youth as a subgroup will document and make public, for the first time, the extent of the achievement gap for youth in foster care.

The law also affords significant protections for youth in the juvenile justice system. “Youth involved with the juvenile justice system are also at a high risk for academic failure,” said Katherine Burdick, Staff Attorney at Juvenile Law Center. “These students are often struggling with family issues, mental health issues, substance abuse, or abuse and neglect. If we really want these students to succeed, we need to *remove* the barriers to academic success, not make it more difficult for them.”

New ESSA provisions will improve the rates of success for youth being rehabilitated in the juvenile justice system. Under the new ESSA, states receiving Title 1 Part D funding (funding for prevention and intervention programs for children and youth who are neglected, delinquent or at risk) must provide protections, including:

- Providing better planning and coordination of education between facilities and local districts
- Supporting reentry to the community for youth returning from juvenile justice placements, including timely re-enrollment in appropriate educational placements
- Creating opportunities to earn credits in secondary, postsecondary, or career/technical programming
- Requiring transfer of secondary credits to the home school district upon reentry
- Prioritizing attainment of a regular high school diploma

The National Center for Youth Law and the Legal Center for Foster Care and Education (a collaboration of the American Bar Association Center on Children and the Law, Juvenile Law Center, and Education Law Center of Pennsylvania) look forward to working with states to implement these new provisions.

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The **National Center for Youth Law** (NCYL) is a national non-profit organization that has been working for more than four decades to improve the lives of poor children. For more information visit youthlaw.org or follow on Twitter [@NCYLNews](https://twitter.com/NCYLNews).

The **Legal Center for Foster Care and Education** is a national collaboration between the **American Bar Association Center on Children and the Law**, **Education Law Center** and **Juvenile Law Center** designed to provide a strong national voice for the education of children in foster care and a national clearinghouse for information on foster care and education. For more information visit fostercareandeducation.org or follow on Twitter [@FosterEdSuccess](https://twitter.com/FosterEdSuccess).

Juvenile Law Center is the world's oldest non-profit, public interest law firm for children, working to advance the rights and well-being of youth in the justice and foster care systems. For more information visit jlc.org or follow on Twitter [@JuvLaw1975](https://twitter.com/JuvLaw1975).

Education Law Center of Pennsylvania works to ensure that all children have access to a quality public education, including poor children, children of color, children with disabilities, children in the foster care and juvenile justice systems, English language learners, and other vulnerable children. For more information visit elc-pa.org or follow on Twitter [@edlawcenterpa](https://twitter.com/edlawcenterpa).

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