



THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234



TO:

**District Superintendents
Superintendents of Public Schools
Charter School LEA Administrators**

students in foster care by December 10, 2016. These new federal requirements in ESSA are critical to protecting the rights of students in foster care, and we recognize that these changes must be implemented quickly. We also recognize that there are a series of steps that are required as the State, school districts and LDSSs begin to implement these changes. This Field Memo is being issued so that school districts and LDSSs are aware of the changes that must be implemented by December 10, 2016. We will provide further updates to the field as we move through the implementation process. School districts and LDSSs are advised to consult with their attorneys to ensure compliance with the new provisions related to students in foster care.

Background

Studies have shown that children and youth in foster care are much more likely to struggle in school and are less likely to graduate from high school than their peers. One reason for this is that children and youth frequently are required to transfer schools. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was enacted to increase educational stability and reduce school transfers for children and youth in foster care. Fostering Connections requires child welfare agencies to collaborate with school districts to keep children in foster care in the same school in which they are enrolled when entering foster care or changing foster care placements, unless the child welfare agency determines that it is in the best interest of the child to transfer schools. In making the best interest determination, the child welfare caseworker must take into

consideration of the appropriateness of the current educational setting to the school in which the child is enrolled at the time of the placement. In 2012, NYSED issued the New York State Office of Court Administration (OCA). This Memo explains the

provide the transportation for the student. In a joint letter issued in May 2014, available here: <http://www2.ed.gov/about/inits/ed/foster-care/fostering-connections-letter.doc>, the U.S. Departments of Education and Health and Human Services specifically stated that school districts have an obligation to "collaborate and coordinate" with social service districts to ensure school stability for students in foster care.

Foster Care Provisions in ESSA: State Education Department Requirements

ESSA includes amendments to Title I, Part A designed to complement and enhance the school stability provisions in Fostering Connections. ESSA (§ 1111 [g][1][E]) requires that the Education Department collaborate with the OCFS to ensure that:

1. Children or youth in foster care are enrolled or remain in their school of origin, unless a determination is made that it is not in their best interest.
2. school of origin, the child will be immediately enrolled in a new school even if the child is unable to produce records normally required for enrollment.
3. The enrolling school must immediately contact the school last attended by a youth in foster care to obtain relevant academic and other records.
4. The Education Department will designate a Foster Care point of contact for LDSSs,

The NYSED point of contact on matters concerning implementation of foster care provisions is Karen Hollowood in the Office of Student Support Services. District or school staff with questions may call (518) 486-6090 or email StudentSupportServices@nysed.gov.

Foster Care Provisions in ESSA: School District Requirements

Additionally, under ESSA (§1112 [c][5][A] and [B]), a school district receiving Title I funds must provide **assurances** that it will collaborate with the LDSS to:

1. Develop and implement clear written procedures for how **transportation** to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care. These procedures must ensure that:
 - a. children and youth in foster care who need transportation to the school of origin promptly receive it in a cost-effective manner; and
 - b. if there are additional costs incurred in providing transportation to the school of origin, school districts will provide transportation if:
 - i. The LDSS agrees to reimburse the school district;
 - ii.

required to designate a point of contact in order to best meet the needs of foster care youth. When school districts have designated a school district Foster Care point of contact, they must submit the name and contact information for the school district Foster Care point of contact to NYSED, post the name and contact information for

provide the name and contact informat
of contact in writing to the point of contact for any LDSS known by the school district

Points of Contact at the State and Local Child Welfare Agencies

The New York State point of contact on education matters, for child welfare, is Lisa Ghartey Ogundimu at OCFS who can be reached Ocfs.sm.cwcs.essa@ocfs.ny.gov or 518-473-9447. Each LDSS must also designate a point of contact for school districts by, and preferably before, December 10, 2016. Each LDSS must email the name, phone number, and email address of the child welfare agency point of contact to Lisa Ghartey Ogundimu. This contact information will be maintained by OCFS. OCFS will post a statewide list of foster care child welfare points of contact by LDSSs. Additionally, each LDSS must post contact information for the point of contact on their respective websites. Finally, each LDSS must send the contact information for the point of contact to all school districts in the county.

Required Next Steps for School Districts and Local Child Welfare Agencies

To comply with the December 10, 2016 effective date of the foster care amendments to Title I, Part A, school districts must submit **Assurances** and point of contact information⁵ to the Department via the NYSED Application Business Portal by **5:00 pm on December 9, 2016** as follows:

assurance that the school district, in collaboration with LDSSs, has/will develop(ed) transportation procedures, interim or final, in place for students in foster care in accordance with the provisions described above; and

of contact.

For further clarification regarding school district responsibilities, please see the recently

<http://www.p12.nysed.gov/accountability/T1/fieldmemos/titlefostercareassurancesfieldmemo.pdf>.

In addition to the assurances, school districts must post the name, phone number, and

NYSED will maintain a list of school district points of contact on the NYSED website at: <http://www.p12.nysed.gov/sss/>.

As previously noted, LDSSs and voluntary agencies must notify Lisa Ghartey Ogundimu at OCFS by e-mail at Ocfs.sm.cwcs.essa@ocfs.ny.gov or phone at 518-473-9447, with(-)-3.958 (94S 253

Final Regulations: ESSA Accountability and State Plans:
<https://www.federalregister.gov/documents/2016/11/29/2016-27985/elementary-and-secondary-education-act-of-1965-as-amended-by-the-every-student-succeeds>

NY

2015:

http://www.p12.nysed.gov/accountability/homeless/docs/FCandSchoolTransportation_082715.pdf

NY

http://nysteachs.org/media/INF_SED_EdStabilityGuidance2012.pdf

Thank you for your prompt attention to this important matter. If school districts have any questions, please contact Student Support Services at 518-486-6090, the Title I Office at 518-473-0295, or the Office of Pupil Transportation at 518-474-6541. If LDSSs or voluntary agencies have any questions, please contact OCFS at 518-473-9447.