



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12 Education

Office of Accountability
Title I School & Community Services
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NYS FIELD MEMO
ESSA: Title I, Part A and Foster Care Assurances
#01-2016

TO: Superintendents of Public Schools
Charter School LEA Administrators
Title I Coordinators

FROM: Maxine Meadows-Shuford *Maxine Meadows-Shuford*
Director Title I School and Community Services

SUBJECT: Educational Stability and Assurances for Students in Foster Care: Title I, Part A as amended in the Every Student Succeeds Act of 2015

DATE: November 21, 2016

This Field Memo is being issued by the New York State Education Department's (the Department) Title I School and Community Services office (Title I) to provide time sensitive and important information about changes to Title I, Part A regarding students in foster care as a result of the enactment of the federal Every Student Succeeds Act (ESSA) in December 2015.

ESSA requires that school districts including charter schools (also referred to as local educational agencies or "LEAs") and local departments of social services (also referred to as child welfare agencies) begin implementing the new requirements related to students in foster care by December 10, 2016. These new federal requirements are critical to protecting the rights of students in foster care, and we recognize that these changes must be implemented quickly. Further updates will be provided to the field as we move through the implementation process that will fully involve and include State and local child welfare agencies. However, because of the time sensitive urgency for LEAs, submissions of the **Assurances** for Students in Foster Care are **due on or before December 9, 2016 to the Title I Office via the Business Portal.**

Background:

ESSA includes significant amendments to Title I, Part A designed to provide school stability and immediate enrollment of children in foster care. These provisions complement those in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections), which require child welfare agencies to collaborate with educational agencies to keep children in foster care in the same school when living placements change, if remaining in that school is in the children's best interest. In 2012, the Department issued a Field Memo "Education Stability Guidance" in conjunction with the New York State (NYS) Office of Children and Family Services and the NYS Office of Court Administration that explains the responsibilities of child welfare agencies, school districts, and the courts to ensure school stability for students in foster care. A link to this field memo is provided here for your information: http://www.nysteachs.org/media/INF_SED_EdStabilityGuidance2012.pdf

For the Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, also refer to: <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

LEA Responsibilities: Assurances

The Foster Care provisions under ESSA require LEAs to maintain the educational stability of children in foster care. ESSA recognizes the joint responsibility of LEAs and child welfare agencies. Consistent with these provisions and in accordance with ESSA §1112 [c][5][A] and [B], LEAs receiving Title I funds are directed to submit the following **Assurances** regarding Foster Care to the Title I Office **on or before December 9, 2016**:

1. **Assure** they will collaborate with State or Local Child Welfare Agencies to:
 - Develop and implement clear written procedures for how transportation will be provided, arranged, and funded to maintain children in foster care in their school of origin when in their best interest for the duration of the time that a child is in foster care
 - Ensure that children will promptly receive transportation in a cost-effective manner in accordance with the Foster Connections Act
 - Ensure that, if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide transportation IF:
 - The local CWA agrees to reimburse the LEA
 - The LEA agrees to pay the cost; OR
 - The LEA and local CWA agree to share the cost
2. Designate a **point of contact** for the local child welfare agency.

Final Steps:

School districts must **submit these assurances using the "NYSED Application Business Portal."** To do so:

1. Go to www.nysed.gov
2. Click on Business Portal <http://portal.nysed.gov/portal/page/portal/PortalApp>
3. Click on the “Log On” button
4. Enter your username and password
5. Click on “SED Monitoring and Vendor Performance System”
6. Complete the Survey titled: “SED Title I Foster Care Transportation Assurances” **(see attached sample)**
7. Click send/submit
8. Log out

Thank you for your prompt attention to this important matter. If you have any questions, please contact the Title I Office at 518-473-0295 or by email at conappta@nysed.org

Attachment

Cc: District Superintendents

SED Title I Foster Care Assurances - Annually - 2016

SED Title I Foster Care Assurances

Foster Care Assurances

Pursuant to amendments made to Title I of the Elementary and Secondary Education Act as a result of the Every Student Succeeds Act (ESSA), local education agencies (LEAs) must submit by December 10, 2016 **assurances** to the Department that they will do the following:

1. Collaborate with State or Local Child Welfare Agencies (CWA) to develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of the time in foster care. Procedures must ensure that children will promptly receive transportation in a cost-effective manner in accordance with the Fostering Connections Act;
2. Ensure that, if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide transportation if: a) the local CWA agrees to reimburse the LEA; b) the LEA agrees to pay the cost; or c) the LEA and local CWA agree to share the cost; and
3. Designate an LEA point of contact for the local child welfare agency.

1. Does your LEA provide assurances regarding the collaborative development and implementation of transportation procedures for foster care youth (Item #1 above)?

Yes, the LEA provides assurances regarding the development and implementation of a transportation plan.

No, the LEA does not provide assurances regarding the development and implementation of a transportation plan.

1a. If the LEA does not intend to provide assurances, please select one of the following responses to indicate the reason for this response.

There are no foster youth being served by the LEA.

Collaboration and/or consultation unable to occur because CWA point of contact not identified.

Awaiting collaborative (NYSED/OCFS) statewide transportation policy.

Other

2. Does your LEA provide assurances regarding the additional costs incurred in providing transportation to the school of origin for foster care youth (Item #2 above)?

Yes, the LEA provides assurances regarding the additional costs incurred in providing transportation to the school of origin for foster care youth.

No, the LEA does not provide assurances regarding the additional costs incurred in providing transportation to the school of origin for foster care youth.

2a. If the LEA does not intend to provide assurances, please select one of the following responses to indicate the reason for this response.

There are no foster youth being served by the LEA.

Collaboration and/or consultation unable to occur because CWA point of contact not identified.

Awaiting collaborative (NYSED/OCFS) statewide transportation policy.

Other

3. Please provide the name of the LEA point of contact for the local child welfare agency (Item #3 above).

3a. Please provide the e-mail address of the LEA point of contact for the local welfare agency.

3b. Please provide the telephone number of the LEA point of contact for the local child welfare agency.