FACILITATING EDUCATIONAL STABILITY FOR YOUTH IN FOSTER CARE IN NEW YORK STATE
INTRODUCTION VIDEO

Commissioner Maryellen Elia, Commissioner of Education and President of the University of the State of New York

Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge, Office for Justice Initiatives, New York State Office of Court Administration

Acting Commissioner Sheila Poole, New York State Office of Children and Family Services
AGENDA

- Welcome
- Panel Introductions
- Overview
- Foster Care Toolkit
- School District Transportation
- Dispute Resolution
- Scenarios and Q&A
- Next Steps
- Meet your Local Counterparts
PRESENTERS

• Kathleen McNaught, American Bar Association, Center on Children and the Law, Project Director, Legal Center for Foster Care and Education

• Lisa Ghartey Ogundimu, Assistant Commissioner, CWCS, New York State Office of Children and Family Services

• Kathleen DeCataldo, Esq. Assistant Commissioner, Office of Student Support Services, New York State Education Department

• Paul Overbaugh, Director of Pupil Transportation, New York State Education Department

• Brian Cechnicki, Director of Education Finance, New York State Education Department
Every Student Succeeds Means Children in Foster Care Too
ABA Center on Children and the Law

A nonprofit grant-funded entity within the American Bar Association with a mission to promote access to justice for children and families. Projects support collaboration and coalition building at local, state and national levels to build the capacity of legal practices and systems that serve children and families.

WWW.FOSTERCAREANDEDUCATION.ORG

- In-depth expertise in legal and policy issues related to education and foster care
- State and local technical assistance and support
- Listserv, Training Materials, Webinars, Factsheets and Searchable Database
- Facilitate Networks, including the National Working Group
Examples of Education Barriers Experienced by Children in Foster Care Nationally

• Lack of placement stability = school instability
• Delayed enrollment
• Credit transfer issues & graduation requirements
• Children with special education needs are not identified or fail to receive services
• Disproportionate rates of suspension and expulsion
• Over-representation in alternative education programs
• On-site educational programs
Goal 1: Remain in the Same School

Goal 2: Seamless Transitions Between Schools

Goal 3: Young Children Are Ready to Learn

Goal 4: Equal Access to the School Experience

Goal 5: School Dropout, Truancy, and Disciplinary Actions Addressed

Goal 6: Involving and Empowering Youth

Goal 7: Supportive Adults as Advocates and Decisionmakers

Goal 8: Obtaining Postsecondary Education

www.fostercareandeducation.org/AreasofFocus/BlueprintforChange.aspx
Federal Law & Policy

System Collaboration

Improving Education Outcomes for Students in Foster Care

Practice Change

Data Sharing

State Law & Policy
A Decade of Federal Law Improvements

- Fostering Connections Act 2008
- Uninterrupted Scholars Act (USA) 2013
- Every Student Succeeds Act (ESSA) 2015
- Joint Federal Guidance on ESSA 2016
Fostering Connections Act

Every Student Succeeds Act

Shared Responsibility to Support Educational Stability for Youth in Foster Care
### Key Provisions - School Stability and Continuity

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Coordination with LEAs</td>
<td>• Collaboration with CW agencies</td>
</tr>
<tr>
<td>• Presumption to stay in school of origin</td>
<td>• Presumption to stay in school of origin</td>
</tr>
<tr>
<td>• Best interest determinations</td>
<td>• Best interest determinations</td>
</tr>
<tr>
<td>• Immediate and appropriate enrollment</td>
<td>• Immediate enrollment, even without documentation</td>
</tr>
<tr>
<td>• Permissible use of IV-E funds to support transportation</td>
<td>• Transportation must be arranged, provided and funded</td>
</tr>
<tr>
<td></td>
<td>• Points of Contact</td>
</tr>
</tbody>
</table>

- **Fostering Connections Act (2008)**
  - Coordination with LEAs
  - Presumption to stay in school of origin
  - Best interest determinations
  - Immediate and appropriate enrollment
  - Permissible use of IV-E funds to support transportation

- **Every Student Succeeds Act (2015)**
  - Collaboration with CW agencies
  - Presumption to stay in school of origin
  - Best interest determinations
  - Immediate enrollment, even without documentation
  - Transportation must be arranged, provided and funded
  - Points of Contact
Every Student Succeeds Act (ESSA)

In 2017, OCFS worked closely with SED as they developed NYS’ ESSA plan.

• **Implications for youth in care:**
  - making a best interest determination;
  - educational liaisons;
  - data sharing; and
  - transportation plans.

To improve educational outcomes regionally and ultimately across New York State, there must be meaningful collaborations between education, child welfare, and family court.
New State Law –Part CC of Chapter 56 the Laws of 2018

- New Education Law §3244
- Amends: Education Law §3202(4)
  - Social Services Law §153-k

- Establishes rights of students placed, or moved, in foster care to:
  - Attend a school determined to be in their best interests
  - Immediate enrollment, and
  - Transportation

- Codifies ESSA requirement of LEA Point of Contact
Local Education Agency (LEA)

A public board of education or other public authority legally constituted within a State for either administrative control or direction of . . . public elementary schools or secondary schools . . . that [are] recognized in a State as an administrative agency for its public elementary schools or secondary schools.
Terms to Know

- **Local Department of Social Services (LDSS)**

- Local child welfare governmental entity whose local commissioner of social services (or the commissioner of OCFS) has care and custody or custody and guardianship of a child.
Terms to Know

- **Best Interest Determination (BID)**

A collaborative decision-making process between local education agencies (LEAs) and local department of social services (LDSSs) to determine whether it is in a child’s best interest to remain in the school of origin once a child has been placed in foster care or changes foster care placement.
Terms to Know

- **State Level POC**

- The State Education Department and Office of Children and Family Services have appointed state level points of contact to assist local agencies.
Terms to Know

- **Point of Contact (POC)**

- Representatives from both the Local Education Agency (LEA) and the Local Department of Social Services (LDSS) who will work collaboratively to ensure students in foster care attend the school that is in their best interest and have transportation to that school.
State and Local POCs

- OCFS has posted the LDSS Point of Contact information on the OCFS website:
  

- NYSED has posted the State Level POCs, LDSS Points of Contact and LEA Points of Contact information on the NYSED foster care page:
  
Terms to Know

- Building **Designee**

The point person in each school building to provide information as necessary to the LEA POC.
District of Origin

District of Residence (Formerly referred to as the district of location)

District of Attendance

The school district in which the student was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care.

The school district in which the child is residing due to foster care placement.

The school district where the student placed in foster care is enrolled after a Best Interest Determination is made.
Terms to Know

- **School of Origin**

  The public school or charter school the child is currently attending when first placed in foster care or at the time of a change in foster care placement.

  Although the District of Origin will never change for the duration the child is in foster care, the School of Origin may change based upon a best interest determination.
CHALLENGES VIDEO

New York State Youth in Foster Care
Foster Care 101

October 29, 2018
Entry into Foster Care

- Children placed in foster care due to allegations of abuse or neglect by parent or caretaker
- Adjudicated by family court to be a person in need of supervision (PINS) or juvenile delinquent (JD)
- Temporarily placed for rehabilitation and treatment
- Destitute child
- Voluntary placement by parent
Foster Care Placements

• Legal custody is transferred to the commissioner of the local department of social services (LDSS)
• LDSS has the full responsibility for their safety and well-being
• Variety of settings: foster family boarding homes, agency-operated boarding homes, supervised independent living programs (SILPs), group homes, group residences, and institutions.
Permanency Planning Goal

- Return to Parent
- Legal custody or Guardianship
- Adoption
- Another Planned Permanent Living Arrangement (APPLA)
- Adult Residential Care
Youth in Foster Care and Trauma

Potentially traumatic events can include:

- Separation from a loved one
- Abuse (physical, sexual, emotional)
- Neglect

Bullying

- Becomes another traumatic event
- This is true of the child’s first separation from his or her home and family, as well as any additional placements

Placement in the child welfare system
Education Outcomes of Children in Foster care –Children in Care on 12/31/17

Vajeera Dorabawila, Ph.D.
Assistant Director/Research Scientist
Bureau of Research Evaluation & Performance Analytics
Office of Children and Family Services
A child in foster care is one who is in the care and custody or custody and guardianship of the local social services district commissioner or the OCFS Commissioner.

Includes placements in:

- certified or approved foster family homes
- agency operated boarding homes
- group homes
- group residences; or
- child care institutions.
* Note that these data are based on “matched” data and includes students in foster care who were either enrolled in preK-12 in a public school, or was a preschool student with a disability in the 2016-17 school year.
• Records of children in the OCFS system are “matched” with public school district reported records in NYSEDS statewide Student Information Repository System (SIRS) for OCFS case management and research purposes. Match rate ~92%.

• OCFS securely transmits a student-level file of directory information for students in foster care to NYSED; NYSED securely returns education records for students that were “matched.”

• Each September, the record “match” and data exchange occurs for all children in foster care; in addition, as children come into care, bi-weekly “matches” and data exchange occurs throughout the year.

• NYSED data includes students enrolled in public schools (preK-12) and preschool students with disabilities.
Characteristics of School-Age Youth In Foster Care in New York State on December 31, 2017

Data are based on “matched” data and includes students in foster care who were either enrolled in preK-12 in a public school, or was a preschool student with a disability in the 2016-17 school year.
Data are based on “matched” data and includes students in foster care who were either enrolled in preK-12 in a public school, or was a preschool student with a disability in the 2016-17 school year.
Outcomes for Children in Foster Care 12/31/17 Snapshot

Approximately 11,000 children 5 and over in care on 12/31/17

- Education stability
- Achievement
% of Children: School Moves and District Transfers

New York State (n=10,283)  New York City (n=5,562)  Rest of State (n=4,721)

- Any Move - any change in schools during the academic year
- District Move - Any change in school district during the academic year
Grade Level (End of Academic Year) & Age on 6/30/17

- Age 18 (12th Grade): 30% Expected Grade for Age, 65% Lower than Expected Grade for Age, 5% GED/TASC
- Age 17 (11th Grade): 33% Expected Grade for Age, 63% Lower than Expected Grade for Age, 4% GED/TASC
- Age 16 (10th Grade): 43% Expected Grade for Age, 57% Lower than Expected Grade for Age, 4% GED/TASC
- Age 15 (9th Grade): 54% Expected Grade for Age, 46% Lower than Expected Grade for Age, 4% GED/TASC
- Age 14 (8th Grade): 59% Expected Grade for Age, 41% Lower than Expected Grade for Age, 4% GED/TASC
- Age 13 (7th Grade): 62% Expected Grade for Age, 38% Lower than Expected Grade for Age, 4% GED/TASC
- Age 12 (6th Grade): 61% Expected Grade for Age, 39% Lower than Expected Grade for Age, 4% GED/TASC
- Age 11 (5th Grade): 63% Expected Grade for Age, 37% Lower than Expected Grade for Age, 5% GED/TASC
- Age 10 (4th Grade): 67% Expected Grade for Age, 33% Lower than Expected Grade for Age, 5% GED/TASC
- Age 9 (3rd Grade): 72% Expected Grade for Age, 28% Lower than Expected Grade for Age, 4% GED/TASC
- Age 8 (2nd Grade): 74% Expected Grade for Age, 26% Lower than Expected Grade for Age, 2% GED/TASC
- Age 7 (1st Grade): 86% Expected Grade for Age, 14% Lower than Expected Grade for Age, 2% GED/TASC
- Age 6 (Kindergarten): 95% Expected Grade for Age, 14% Lower than Expected Grade for Age, 5% GED/TASC
- Age 5 (Pre School): 100% Expected Grade for Age, 5% Lower than Expected Grade for Age, 5% GED/TASC
- Age 4 (Pre School): 100% Expected Grade for Age, 5% Lower than Expected Grade for Age, 5% GED/TASC

Legend:
- GED/TASC
- Expected Grade for Age
- Lower than Expected Grade for Age
- Special Ed
English Language Arts, Grades 3-8

- General Pop Children (n=939,983):
  - Level 4: Exceed: 13%
  - Level 3: Proficient: 27%
  - Level 2: Partially Proficient: 34%
  - Level 1: Below Proficient: 26%

- New York State Foster Care (n=2,892):
  - Level 4: Exceed: 8%
  - Level 3: Proficient: 25%
  - Level 2: Partially Proficient: 66%
  - Level 1: Below Proficient: 1%

- New York City Foster Care (n=1,646):
  - Level 4: Exceed: 13%
  - Level 3: Proficient: 34%
  - Level 2: Partially Proficient: 50%
  - Level 1: Below Proficient: 3%

- Rest of State Foster Care (n=1,246):
  - Level 4: Exceed: 11%
  - Level 3: Proficient: 30%
  - Level 2: Partially Proficient: 57%
  - Level 1: Below Proficient: 2%
English Language Arts Regents, Grades

<table>
<thead>
<tr>
<th>Category</th>
<th>Level 5: Exceed</th>
<th>Level 4: Meet</th>
<th>Level 3: Partially Meet</th>
<th>Level 2: Partially Meet (Safety Net)</th>
<th>Level 1: Below Proficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Pop Children</td>
<td>47%</td>
<td>17%</td>
<td>20%</td>
<td>6%</td>
<td>10%</td>
</tr>
<tr>
<td>New York State Foster Care</td>
<td>15%</td>
<td>14%</td>
<td>24%</td>
<td>14%</td>
<td>33%</td>
</tr>
<tr>
<td>New York City Foster Care</td>
<td>13%</td>
<td>14%</td>
<td>26%</td>
<td>17%</td>
<td>32%</td>
</tr>
<tr>
<td>Rest of State Foster Care</td>
<td>18%</td>
<td>14%</td>
<td>23%</td>
<td>11%</td>
<td>35%</td>
</tr>
</tbody>
</table>

General Pop Children (n=225,096)
New York State Foster Care (n=663)
New York City Foster Care (n=393)
Rest of State Foster Care (n=270)
A BID is made to determine if the student will continue to attend the school of origin or will be enrolled in the district of residence. The district educating the student becomes the district of attendance, and is responsible for providing transportation. The district of origin may not be the district of attendance or residence but will remain unchanged for the duration the student is in foster care.
Student Enters Foster Care

Placement located in the district of origin. District student attending or entitled to attend at the time of placement in foster care is the district of origin. The district of origin is unchanged for duration student is in foster care.

The foster care placement located in district outside the district of origin. District where placement located in is the district of residence.

BID is to continue student in the school of origin (school last attended-not district last attended)

Student will continue to attend the school of origin. The district of attendance in which the school of origin is located will continue to transport student. In this instance the district of attendance is also the district of origin.

Student will be immediately enrolled in the district of residence, now known as the district of attendance. This new district of attendance will transport student.

Education Law §3244 Educational Stability for Students in Foster Care

BID is to continue student in the school of origin (school last attended- not district last attended)

Student will continue to attend school at the school of origin. The district of attendance in which the school of origin is located will continue to transport student.

Student will be immediately enrolled in the district of residence, now known as the district of attendance. This new district of attendance will transport student.

District where new foster care placement located in is now the district of residence.
SUPPORTS VIDEO

New York State Youth in Foster Care
Students in Foster Care Tool Kit for Local Education Agencies and Local Social Services Agencies 2018
## Toolkit Guidance Overview

| School Stability | Ensure students in foster care attend school that is determined to be in their best interest.  
*Cost of school transportation IS NOT to be a factor in determining best interest of the child for educational stability* |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure</td>
<td>Ensure transportation to that school is provided and, if school changes, immediate enrollment and transfer of school records.</td>
</tr>
<tr>
<td>Create</td>
<td>Create a standard process which will assist LEA and LDSS to meet students’ needs quickly, effectively, and sensitively.</td>
</tr>
</tbody>
</table>
### Local Transportation Agreement for Students in Foster Care

Local department of social services (LDSS) and local school district (LEA) will jointly prepare a local transportation agreement for students in foster care that will outline local transportation procedures. This document will provide both local agencies with a list of key contacts for foster care issues, as well as statements regarding the information to be provided by the LEA and LDSS in support of the best interest determination to be made by the LDSS, and additional supports available for students in foster care. These agreements must be done between LEAs and LDSSs when children in the care and custody of social services are attending the school/district.

<table>
<thead>
<tr>
<th><strong>LEA:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LDSS:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>School Year(s) to which the current plan applies:</strong></td>
<td></td>
</tr>
</tbody>
</table>

To provide continuity of appropriate educational services for children who are placed in foster care, the LEA, and LDSS agree to cooperate effectively to meet the educational and transportation needs of children in foster care as follows:

1. The LEA and LDSS will identify key contacts and update as needed immediately upon any change.

#### Critical School District Local Education Agency (LEA) Contacts

<table>
<thead>
<tr>
<th>Role</th>
<th>Name/Title</th>
<th>Phone - Office</th>
<th>Phone - Cell</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEA</td>
<td>Point of Contact</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Alternate LEA)</td>
<td>Point of Contact</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Counselor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CSE Chair/Director (Region where applicable)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Critical Social Services District Contacts

| LDSS Commissioner             |            |                |              |       |
| LDSS                          |            |                |              |       |
| (Point of Contact)            |            |                |              |       |
| (Alternate LDSS)              |            |                |              |       |
| Volunteer Agency              |            |                |              |       |
| LDSS                          |            |                |              |       |

---

**Page 10 of 25  Students in Foster Care - State and Local Education Agencies**
Local Transportation Agreement Between LEA and LDSS

- Renewed every 2 years
- Outlines local transportation procedures
- Lists key contacts for foster care issues
- Outlines information to be provided by the school district for the Best Interest Determination to be made by the LDSS.

*Transportation agreements must be agreed to between an LEA and its county LDSS(s), as well as with any other LDSS that has children in its care and custody attending school within the LEA.
## Individual Transportation Plan for a Student in Foster Care

### School District of Origin

**Student's Name:**

**Best Interests Determination document received: Date:**

**Date if Individual Transportation Plan for a Student in Foster Care completed (within two business days for in district, or five business days for out of district or notification of best interest determination):**

**Plan renewed annually: Date:**

**Date transportation must commence:**

**Student Information:**

**Student's Date of Birth:**

**Student's Current Grade Level:**

**School District of Residence (where different from District of Origin or District of Attendance):**

### School to be attended (address and contact info)

**Placement Address (address from which transportation will be provided):**

**School District of Attendance (where different from Districts of Origin and Residence):**

### Local Department of Social Services' Contacts

**Name of Local Department of Social Services (LDSS):**

**LDSS POC:**

**Telephone and Email:**

**LDSS Commissioner (Name, Telephone and Email):**

**Other (e.g., nonprofit, voluntary agency etc.) (Name and Contact Info):**

### School District Contacts

**Superintendent, District of Origin:**

**Telephone and Email:**

**LEA POC, District of Origin:**

**Telephone and Email:**

**Transportation Director (or equivalent), District of Origin:**

**Telephone and Email:**

**Transportation Scheduling Agency (if not school district):**

**Contact Information for Districts of Attendance and/or Residence (if applicable):**
Responsibilities of Local Departments of Social Services (LDSS)

Inform, either orally or in writing, the school district’s LEA POC as soon as possible and no later than within two business days of a child entering foster care or changing foster care placement that a child who is currently a student in the district has been placed in foster care or changed foster care placement.

Collaborate with LEAs to make a Best Interest Determination.

Forward the Best Interest Determination (BID) form to inform the school district(s) of the determination.

Forward the completed LDSS 2999 Form to inform the School District of Origin and the School District of Attendance (if different) of that determination.
Toolkit: Steps for LDSS POC to Follow

Steps for LDSS POC to Follow

1. Inform, either verbally or in writing, the school district's LEA POC as soon as possible, but no later than two business days, after the child enters foster care or changes placement, that a child who is currently a student in the district has been placed in foster care or changed foster care placement.

   When a child enters foster care, or is currently in foster care and changes placement, the LDSS POC shall take steps necessary to collaborate with LEAs to make a best interest determination that considers the student's individual situation and educational program and needs.

   **Date Completed:**

2. The Recommended Best Interest Determination Document and the LDSS-2999, School District Notification of Child Entering Foster Care Placed in a Foster Family, Agency, Boarding, or Group Home form, must be completed, returned to the case record, and a copy of each provided to the LEA POC of the school district believes to be the district of origin, and, if a school change is recommended, to the LEA POC of the school district of attendance, no later than 10 days after the placement of a child in foster care placement or earlier if possible.

   **Date Completed:**

3. After notifying the LEA POC of the district of attendance regarding the best interest determination, collaborate with the LEA POC for the child's immediate or continued enrollment in school. If it is determined to be in the child's best interest to enroll in a new school, the LEA POC of the district of attendance must ensure that the student is immediately enrolled in the new school, regardless of whether all necessary documentation is available, to avoid gaps in the child's school attendance. The LDSS POC and the LEA POC should collaborate to develop any interim transportation plan that may be necessary.

   **Date Completed:**

4. The LDSS POC and the LEA POC of the district of attendance shall develop an Individual Transportation Plan for a Student in Foster Care document.

   **Date Completed:**
Toolkit: Best Interest Determination

**Recommended Best interest Determination Document**

The presumption is that a student should remain in the school the child is currently attending unless a change of school placement is in the child’s best interest. This document is to be completed and updated by the LSEF and maintained in the child's uniform case record. It is to be completed at the child’s date of initial foster care placement and each time there is a change in foster care placement. This document is designed to help guide a LSEF in consultation with others, including relevant school personnel, in determining whether a child should remain in the child’s current school or should transfer to a new school, and what plans and notifications are necessary to ensure continuous school enrollment. Where agreement cannot be reached, it is the LSEF’s judgment that makes the final determination about the best interest of the child as it relates to educational stability. The district designated as the district of origin can seek additional assistance to facilitate that it is not the district of origin and can further appeal the LSEF’s determination to the commissioner of education. This document also serves to inform the LSEF’s best interest determination. Additional guidance is available in 12 CFRS 201.3, New Requirements Regarding Educational Stability of Foster Children.

<table>
<thead>
<tr>
<th>Student’s Name</th>
<th>Grade in School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student’s Education ID #:</td>
<td>Child Welfare ID #:</td>
</tr>
<tr>
<td>School District of Origin (dates of attendance, if known)</td>
<td></td>
</tr>
<tr>
<td>School District of Residence</td>
<td></td>
</tr>
<tr>
<td>School District of Attendance (not the District of Origin)</td>
<td></td>
</tr>
<tr>
<td>Other Schools and School Districts the Student Previously Attended and Dates of Enrollment (if applicable and known)</td>
<td></td>
</tr>
<tr>
<td>Date of Meeting:</td>
<td></td>
</tr>
<tr>
<td>Documents considered at meeting:</td>
<td></td>
</tr>
<tr>
<td>- Report cards</td>
<td></td>
</tr>
<tr>
<td>- Progress reports</td>
<td></td>
</tr>
<tr>
<td>- Achievement data (test scores)</td>
<td></td>
</tr>
<tr>
<td>- Attendance data</td>
<td></td>
</tr>
<tr>
<td>- Disciplinary records (if any)</td>
<td></td>
</tr>
<tr>
<td>- Individualized Education Program (IEP)</td>
<td></td>
</tr>
<tr>
<td>- 504 Plan</td>
<td></td>
</tr>
<tr>
<td>- Emails or correspondence from individuals consulted</td>
<td></td>
</tr>
<tr>
<td>- Other</td>
<td></td>
</tr>
</tbody>
</table>

Page 10 of 25  Students in Foster Care, State and Local Social Service Agencies: Point of Contact
Responsibilities of Local Education Agencies (LEAs)

School districts must be prepared to demonstrate written protocols for their:

- Procedures
- Completed Local Transportation Agreement(s)
- Individual Transportation Plans for a Student in Foster Care
- Provide proof of compliance with the transportation plan upon audit or records review by the New York State Education Department
Responsibilities
Local Education Agencies (LEAs)

✓ Appoint the Local Education Agency Foster Care Point of Contact (LEA POC); and
✓ Identify in each school building a designee who will be the point person (building designee) to provide information as necessary to the LEA POC
## Toolkit: Steps for LEA POC to Follow

### Steps for LEA POC to Follow

1. Upon receipt of LDGS notice, notify appropriate school personnel to ensure the education stability of the student. At a minimum, the school personnel to be notified within two business days, e.g.:
   - a. School District Superintendent
   - b. School District Superintendent
   - c. School District Pupil Personnel Services
   - d. School Building Principal (building of origin)
   - e. District Transportation Administrator
   - f. CEB/CDE Chairperson (if applicable)

2. Received LDGS-2988 School District Notification of Child Entering Foster Care Placed in a Foster Home, Agency Boarding, or Group Home, and informing District of Origin that student is placed in foster care and referred to Board of Education and other personnel, as appropriate.
   - Date received

   Please Note: Districts have 10 days to dispute assignment as the District of Origin [EL 5/22/2014 (OH)]

3. District of Origin received Best Interest Determination Transmittal form from LDGS that student will continue attending school of origin in district, or that student will be attending school out of district.
   - Date received

4. District of attendance (if not district of origin) received Best Interest Determination Transmittal form from LDGS that student will be attending school in district. Student is immediately enrolled.
   - Date received

5. District of Attendance immediately contacted the last school attended to obtain education records if student will be attending a new school.
   - Date of request

6. District of Attendance ensured that the transportation office was informed immediately when the child was placed in foster care and that new transportation will need to be arranged. Information included the child's residential address, school building that the student will attend, and any other special transportation needs.
   - Date completed

7. Completed and commenced the Individual Transportation Plan for a Student in Foster Care within two to three business days for in-district transportation, or five to seven business days for out-of-district transportation. Notice of determination of best interest determination.
   - Date completed
TRANSPORTATION VIDEO

New York State Youth in Foster Care
How Pupil Transportation Works...

- New York State educates more than 2.6 million children everyday
- New York provides transportation for 2.3 million children
- Roughly 1/3 use mass transit and 2/3 ride the yellow school bus
- Transportation budgets are created in March and April
Transportation for Foster Care

• A student in foster care is entitled to receive transportation in order to attend the school of origin, or, for a change in foster care placement, the school in which the student was enrolled.

• The district of attendance is responsible to arrange and provide transportation to and from the student’s foster care placement to the school of origin.
School Stability and Transportation Policy for Students in Foster Care

School districts must ensure the transportation office and other pertinent school personnel are informed immediately when:

The District is notified that a child has been placed in foster care.

A child has changed foster care placement and new transportation will need to be arranged.

OR
Local Transportation Agreement

- LDSS and LEA will biennially create a Local Transportation Agreement for Students in Foster Care that outlines the local transportation procedures.
- The agreement provides key contacts for the individual agencies.
- Provides information by LEA in support of BID to be made by the LDSS with consultation with LEA.
School Stability and Transportation Policy for Students in Foster Care

Individual Transportation Plan for a Student in Foster Care

✓ Prepared by school district when a child is placed in foster care or there is a change in foster care placement.
## Individual Transportation Plan for a Student in Foster Care

<table>
<thead>
<tr>
<th>School District of Origin:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student's Name:</td>
</tr>
<tr>
<td>Best interest Determination document received: Date</td>
</tr>
</tbody>
</table>

**Date of Individual Transportation Plan for a Student in Foster Care completion:**
- Within two to three business days for in district, or five to seven business days for out-of-district notification of best interest determination.
- Plan reviewed annually: Date(s): 
- Date transportation must commence: (Same as timeframe noted above)

**Student Information:**
- Student's Date of Birth: 
- Student's current grade level: 
- School District of Residence (where different from District of Origin or District of Attendance): 

**School to be attended (address and contact info):**
Local Transportation Agreement

• LDSS should realize that due to the driver shortages, transportation cannot be provided on demand.

• In district transportation will take 2-3 school days to arrange transportation when the district of residence and district of attendance are the same.

• Out of district transportation will take 5-7 school days to arrange busing when the district of residence is out of district.
The school district of attendance must provide transportation, regardless of the school district the foster care placement is located in. Any costs incurred are “state aidable” up to 50 miles. Any excess costs shall be split 50-50 between the school district and the social services district.
School Stability and Transportation Policy for Students in Foster Care

The LEA and LDSS are expected to consider and utilize all allowable funding sources including any available federal funds, to cover additional transportation costs.
School Stability and Transportation Policy for Students in Foster Care

**Excess Allowable Transportation Costs**: Excess costs beyond those reimbursed **shall be shared equally between the LDSS and the designated school district of attendance**.

“Excess transportation costs” has been defined in Education Law §3244:

“The difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin.”
Transportation

- Costs - State Aid rates vary
- Excess for each district, therefore there may be excess costs based on which school district of attendance is providing the transportation.

- The LEA will share documented additional costs incurred in providing transportation to the school of origin (school child attended at time of placement or change) from a placement made outside the school district of origin with LDSS.
SUCCESS VIDEO

New York State Youth in Foster Care
Dispute Resolution

• All local education agencies (LEAs) and local departments of social services (LDSSs) are required to have a point of contact (POC). The POCs are to coordinate with their counterpart to facilitate the educational stability of students in foster care and ensure state and federal requirements are met.

• When a dispute arises that cannot be solved by the local POCs, the State Education Department and the Office of Children and Family Services POCs may be contacted for guidance and technical assistance.
Dispute Resolution

- While awaiting the Best Interest Determination and during any dispute, to the extent feasible and appropriate, the student must continue to attend the school of origin to reduce the number of school moves.
District of Origin Disputes

• If there is a dispute regarding the District of Origin (LDSS 2999), either the LEA or LDSS may file an Education Law §310 appeal with the Commissioner of Education.

• Education Law §310 provides that persons considering themselves aggrieved by an action taken by school authorities may appeal to the Commissioner of Education for a review of such action.

• Commissioner of Education Regulations Parts 275 - 277
SCENARIOS
Student Enters Foster Care

Placement located in the district of origin. District student attending or entitled to attend at the time of placement in foster care is the district of origin. The district of origin is unchanged for duration student is in foster care.

The foster care placement located in district outside the district of origin. District where placement located in is the district of residence.

BID is to continue student in the school of origin (school last attended-not district last attended)

Student will continue to attend the school of origin. The district of attendance in which the school of origin is located will continue to transport student. In this instance the district of attendance is also the district of origin.

Student will be immediately enrolled in the district of residence, now known as the district of attendance. This new district of attendance will transport student.

Education Law §3244 Educational Stability for Students in Foster Care

District where new foster care placement located in is now the district of residence

BID is to continue student in the school of origin (school last attended- not district last attended)

Student will continue to attend school at the school of origin. The district of attendance in which the school of origin is located will continue to transport student.

Student will be immediately enrolled in the district of residence, now known as the district of attendance. This new district of attendance will transport student.
ADVICE VIDEO

New York State Youth in Foster Care
Case Example – Timeline

Child entered Foster Care in October 2014: Permanency Plan: Return to Parent

- Placement in new town
- BID completed. Results: remain in the school of origin

School year 2015-2016: Permanency Plan: Return to Parent

- BID completed over summer. Results: remain in school of origin

Placement changed March 2016: Permanency Plan: Return to Parent

- BID completed. Results: remain in the school of origin

School year 2016-2017: Permanency Plan: Adoption by Foster Parent

- BID completed. Results: enroll in district of residence.
Transportation for Foster Care Example

- District of Origin - Watervliet
- District of Residence - Albany
- Best Interest Determination – Watervliet
- District of Attendance - Watervliet
- Transportation is provided by Watervliet from Albany
- Watervliet Aid is 90%
- LEA Cost 5% AND LDSS Cost 5%
Transportation for Foster Care Example

- District of Origin- Greenburgh
- District of Residence- White Plains City
- Best Interest Determination – Scarsdale
- District of Attendance- Scarsdale
- Transportation is provided by Scarsdale from White Plains City
- Scarsdale Aid is .065%
- LEA Cost 49.97% AND LDSS Cost 49.97%
- Greenburgh pays tuition to Scarsdale
Transportation for Foster Care Example

- District of Origin - South Seneca
- District of Residence - Romulus
- Best Interest Determination – Penn Yan
- District of Attendance - Penn Yan
- Transportation is provided by Penn Yan from Romulus
- Penn Yan Aid is 50%
- LEA Cost 25% AND LDSS Cost 25%
- South Seneca pays tuition to Penn Yan
Next Steps for Action

- Continue State Agencies Collaboration to Implement ESSA Provisions
- State Agencies to Track Implementation Challenges and Successes at Local Level
- Education and Child Welfare Agencies Ensure Accuracy of State Report Card Data in Foster Care
- All LEAs Have Written Transportation Procedures and Dispute Resolution
- Joint Agency Focus on Accountability and Monitoring
Everyone Has A Role

**Schools**
- How many different county DSS agencies have children in their custody attending my school district?
- What do we need to do in our district to support school stability and to finalize these written transportation procedures?

**DSS**
- How many school districts are children in our custody currently attending?
- Has our agency been using a BI decision-making process for school placement decisions? If not, what do we need to do or change to do this moving forward?

**Courts**
- How can I support DSS and our local school districts to work together to improve school stability?
- How can I ensure this school stability process is happening for students in my courtroom?
Meet Your Local Counterparts: Key Questions

- WHO IN THE ROOM DO I NEED TO FOLLOW UP WITH?
- WHO ISN’T HERE THAT I NEED TO CONNECT WITH TO WORK ON OUR LOCAL AGREEMENT?
- HOW WILL WE CONTINUE CONVERSATIONS STARTED TODAY?
Meet Your Local Counterparts: Key Questions

What are 2 things that you can do when you return to work this week that would support school stability?

What are 2 questions you can commit to finding answers to in the next 2 weeks and bring that information back to your group?