

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243 - 0001



CESAR A. PERALES
Commissioner

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 89 ADM-43

**TO: Commissioners of
Social Services**

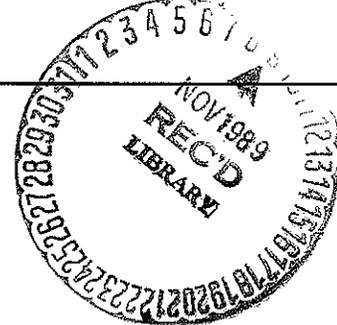
**DIVISION: Family and
Children
Services**

DATE: November 1, 1989

**SUBJECT: Foster Care: Assuring Appropriate Educational Services for
Foster Children Placed in Out-of-State
(Residential) Facilities**

**SUGGESTED
DISTRIBUTION:**

Directors of Services
Child Welfare Staff
Staff Development Coordinators



**CONTACT
PERSON:**

Daniel Zeidman, (800) 342-3715, (Extension 4-9572),
Bureau of Resource Management
New York State Department of Social Services

ATTACHMENTS:

Attachments are not available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
82-ADM-36			Education Law, Section 3202.6		

DSS-296EL (REV. 9/89)

I. PURPOSE:

The purpose of this Directive is to explain the notification procedure which must be followed to assure the provision of appropriate educational services to foster children placed by a social service district in out-of-state residential facilities.

II. BACKGROUND:

There are currently a number of foster children placed in out-of-state residential facilities by various social services districts. Many social services districts have followed the educational referral guidelines for children in child care institutions set out in a previous directive, 82-ADM-36, to assure the most appropriate educational program for these children. In that previous Directive, social services districts and local school districts were assigned responsibilities regarding the educational referral process set out in Article 81 of the Education Law for children residing in child care institutions. However, Article 81 defines a child care institution as a facility licensed by the New York State Department of Social Services. Therefore, because the Department does not license out-of-state institutions, the provisions of Article 81 do not apply to out-of-state placements. Thus, the notification procedure for assuring appropriate educational services for children placed by a social services district in an out-of-state residential facility was not specified in 82-ADM-36. (The notification procedures for assuring appropriate educational services for children placed by a social services district in a foster family home, agency boarding home or a group home (either in-state or out-of-state) are set out in 82-ADM-36. The notification form for this procedure is DSS-2999).

III. PROGRAM IMPLICATIONS:

Section 3202.6 of Education Law provides that the child's school district of residence is responsible for assuring appropriate educational services for a child placed in an out-of-state residential facility (i.e. in a hospital or other child caring institution). The child's school district of residence must arrange for appropriate educational services for such a child pursuant to the regulations of the Commissioner of Education. Such educational services may be provided by a tutor, or by contract with a school connected with the residential facility, or by contract with the local school district where the residential facility is located.

Consequently, for out-of-state placements in a residential facility, the social services district still would initiate the contract for residential foster care the same as for in-state placements. The Model Contract for local purchase of child foster care services and maintenance agreements is specified in 88-ADM-28. The educational services, however, would be contracted for by the child's school district of residence. The

child's school district of residence is the public school district where the child is a resident with parents or legal guardians at the time of placement into an out-of-state residential facility. The school district of residence for a child in a foster boarding, agency boarding or group home at the time of placement into an out-of-state residential facility, is the public school district where the foster boarding, agency boarding or group home is located. The school district of residence for a child in a group residence or institution at the time of placement into an out-of-state residential facility, is the public school district where the child resided with parents or legal guardians prior to the placement in a group residence or institution, or where the child resided in a foster boarding, agency boarding or group home prior to the placement in a group residence or institution depending on which living situation preceded the group residence or institutional placement.

Responsibility for both the maintenance and educational costs for a child who is placed in an out-of-state residential facility by a social services district lies with the placing social services district responsible for the child's support and maintenance. These reimbursement requirements are not changed by this Directive and are consistent with the payment requirements applicable to in-state institutional foster care placements.

IV. REQUIRED ACTION:

In order for the child's district of residence to fulfill its responsibility to provide educational services to a child who is placed in an out-of-state residential facility by a social services district, the social services district upon placing the child must send to the child's school district of residence basic information identifying the child and family, and basic information about the date of placement and the facility in which the child is placed. (Attached is a model letter for informing the appropriate school district).

In addition, social services districts must provide appropriate local school districts with a list of all children currently placed by the social services district in an out-of-state residential facility. This procedure is necessary to assure that all children currently placed will receive appropriate educational services.

V. SYSTEM IMPLICATIONS: None

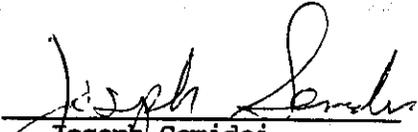
VI. ADDITIONAL INFORMATION:

Attachment 1 - is a copy of a memo sent by the State Education Department to local school districts advising them of their responsibilities for providing appropriate educational services to foster children placed in out-of-state residential facilities.

Attachment 2 - is a model letter to be used by a social services district for notifying the child's school district of residence about a child's placement in an out-of-state residential facility as specified in Section IV of this Directive.

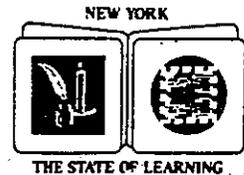
VII. EFFECTIVE DATE:

This ADM is effective as of November 6, 1989, retroactive to January 1, 1989.



Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

attachments



THE STATE EDUCATION DEPARTMENT THE UNIVERSITY OF THE STATE OF NEW YORK ALBANY, N.Y. 12234

ASSISTANT COMMISSIONER FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

February 1989

TO: Superintendents of Public Schools
 Principals of Public Schools
 Committee on Special Education Chairpersons
 Directors of Special Education
 Directors of Pupil Personnel Services
 Commissioner's Advisory Panel

FROM: Lawrence C. Gloeckler *Lawrence C. Gloeckler*

SUBJECT: Educational Responsibilities for Children Placed in Out-Of-State Facilities by the Department of Social Services

This memorandum is to clarify responsibilities of local school districts for children, including those with handicapping conditions, who are placed in out-of-state hospitals or other institutions for the care, custody and treatment of children by the Department of Social Services (DSS).

Children in the custody of the Commissioner of Social Services who are placed by social services districts in out-of-state facilities are entitled to receive appropriate education services. The school district where the child is living at the time the social services district placed the child in an out-of-state facility, is responsible for the provision of education services. Education services for these children may be provided by a tutor, by contract with a school connected with the residential program or by contract with the local public school district in which the facility is located. The responsibility for the cost of instruction for a child who is supported and maintained by the Department of Social Services and who is placed by DSS in an out-of-state facility, lies with the local Department of Social Services.

The placement of a child with a handicapping condition by DSS in an out-of-state facility does not suspend a school district's responsibility for the child's education. The school district maintains the responsibility to provide a free appropriate public education to all pupils with handicapping conditions between the ages of five and twenty-one who have not earned a high school diploma. DSS will notify school districts of children placed in these facilities. If the responsible school district suspects the child of having a handicapping condition, a referral should be made to the school district's Committee on Special Education (CSE). If a child is classified educationally handicapped by the CSE, the school district shall ensure that the services recommended on the Phase I Individualized Education Program (IEP) are provided

and that the IEP is reviewed at least annually. The school district shall work cooperatively with the local department of social services to ensure that the child's right to an appropriate education is protected.

Local school districts will receive information from local social services districts identifying children from that school district who have been placed in out-of-state programs through the social services system. School districts will also be notified on an ongoing basis as additional placements are made. These interagency procedures are intended to assure that school districts are alerted to their responsibilities for children under the care of the social services system who are residing in out-of-state hospitals or other institutions for care, custody and treatment of children.

If you have questions regarding this procedure, contact:

Attn: DSS Out-of-State Children
OECHC-Division of Program Development
Room 1071, Education Building Annex
New York State Department of Education
Albany, NY 12234

ATTACHMENT 2

MODEL LETTER

Regarding: Notification of Foster Child Placed in an Out-of-State Residential Facility

Dear District Superintendent:

I am notifying you of a foster child placed in an out-of-state residential facility.

This will provide you the information you need to assure the provision of appropriate educational services for such child pursuant to Section 3202.6 of Education Law.

Name of Child: _____

Name of Parents: _____

Address: _____

Phone Number: Home: _____ Work: _____

Name of Facility: _____ Phone: _____

Address: _____

Suspected Handicapping Condition: _____

Date of Out-of-State Placement: _____

For Additional Information, please contact:

Telephone # _____

