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| INFORMATIONAL LETTER |  
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TRANSMITTAL: 95 INF-44

TO: Commissioners of  
Social Services

DIVISION: Services and  
Community  
Development

DATE: November 10, 1995

SUBJECT: MEMORANDUM OF AGREEMENT BETWEEN DSS AND STATE EDUCATION  
DEPARTMENT RE EDUCATIONAL RIGHTS OF CHILDREN IN FOSTER CARE

SUGGESTED

DISTRIBUTION: Directors of Services  
Financial Officers  
Child Care Institutions  
Chief School Officers  
Family Court Judges

CONTACT PERSON: Any questions concerning this release should be directed  
to the appropriate Regional Office of the Office of  
Family and Children Services.

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ATTACHMENTS Memorandum of Agreement (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		18/NYCRR 302, 427	SSL 153, 153-i, 398a SED Law, Art 81 & 89		

## INTRODUCTION

The purpose of this Informational Letter is to alert you to the attached Memorandum of Agreement between this Department and the State Education Department (SED) which formalizes efforts to insure equitable, quality education for children in foster care. It is a broad, State-level articulation of the two agencies' commitment to this goal, and focuses on the unique issues which foster children experience in their receipt of public education.

## SUMMARY OF THE MEMORANDUM

Both agencies recognize that a safe and supportive home environment and a quality educational program are critical to a child's development. Both agencies also recognize that foster care children must be assured "all the rights and resources afforded all other public school students, regardless of their school of origin or the expected length of stay in a particular school district." To this end, the Memorandum outlines five principles:

1. Foster care children are entitled to equal access to the full range of educational programs provided to all children in a school district.
2. Children in institutional programs are entitled to the full range of educational services in the least restrictive setting.
3. Educators and social services officials must take the responsibility for foster children's education that their respective roles and authorities allow.
4. Fiscal responsibilities must be coordinated with other human services systems and consistent with the child receiving services in the most appropriate setting.
5. Both educators and social services officials must assure continuity and minimize disruption in the foster child's educational program, and work to ease the transition when movements are necessary.

## PROPOSED ACTION

In order to achieve these principles, the Department and SED will develop technical assistance programs, provide joint communications, and cross-agency training for parents, social services district personnel, educators, and foster parents. There will also be cross-agency efforts to identify and resolve perceived barriers in regulations or program and policy practices such as:

- \* Payment for educational services
- \* Role and responsibilities of foster parents and DSS in the CSE and related processes

- \* Provide biological and foster parents with education-related material in understandable language and formats
- \* Analysis of changes in the current foster care system, e.g. block grants, and the impact on the educational system

During the next several months, Department and SED staffs will work to clarify and develop specific action steps to issues such as the ones listed above. If you have questions, or can provide information on areas of policy or regulation which need to be addressed to better serve this population, please contact your Regional Director.

NOTE: This Memorandum of Agreement is also being published by the State Education Department in the November/December issue of the School Executives Bulletin, which is received by school district officers and administrative staff.

#### STATE EDUCATION DEPARTMENT CONTACT

For SED-related questions or issues, please contact Elena Zongrone in VESID at (518) 474-1658.

#### SUMMARY

Many school districts and social services districts have developed excellent informal working agreements regarding the education of foster children. This Memorandum is built on those areas of good practice, and provides a framework to strengthen those agreements into a series of statewide program practices which will better serve the educational needs of children in foster care.

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Rose M. Pandozy  
Deputy Commissioner