



# Office of Children and Family Services

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## Informational Letter

<b>Transmittal:</b>	23-OCFS-INF-03
<b>To:</b>	Commissioners of Local Departments of Social Services Executive Directors of Voluntary Authorized Agencies Education Training Voucher and Independent Living Coordinators
<b>Issuing Division/Office:</b>	Division of Youth Development and Partnerships for Success
<b>Date:</b>	March 20, 2023
<b>Subject:</b>	<b>Education and Training Voucher Application and Eligibility Requirements</b>
<b>Suggested Distribution:</b>	Independent Living Coordinators Education Training Voucher Coordinators Child Welfare Supervisors Foster Care Supervisors Adoption Supervisors Voluntary Agency Program Directors Community Multi-Services Offices Youth Bureau Directors Runaway and Homeless Youth Coordinators
<b>Contact Person(s):</b>	Kenneth Kirton, Program Manager, Bureau of Education and Transition Support Services, <a href="mailto:ETV.Coordinator@ocfs.ny.gov">ETV.Coordinator@ocfs.ny.gov</a>
<b>Attachments:</b>	None

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
22-OCFS-INF 02	22-OCFS-INF 02		The Promoting Safe and Stable Families Amendments of 2001, PL 107-133;  Family First Prevention Services Act, PL 115-123; 42 U.S.C. § 677(i); 42 U.S.C. §		<a href="https://ocfs.ny.gov/main/ddps/adolescent/etv.asp">https://ocfs.ny.gov/main/ddps/adolescent/etv.asp</a>

## I. Purpose

The purpose of this Informational Letter (INF) is to inform local departments of social services (LDSSs) and voluntary agencies (VAs) of the application and eligibility requirements that must be met for youth to participate in the New York State Education and Training Voucher (ETV) program.

## II. Background

The Promoting Safe and Stable Families Amendments of 2001, Public Law 107-133, was signed into law on January 17, 2002. Title II, section 201, of the amendments, "Education and Training Vouchers for Youths Aging Out of Foster Care," amended section 477 of Title IV-E of the Social Security Act, targeting additional resources, specifically to meet the education and vocational or training needs of youth. The voucher or vouchers awarded to youth under the ETV program may be available for the cost of attendance at an institution of higher education, as defined in 20 U.S.C. §§ 1001 and 1002, and shall not exceed the lesser of \$5,000 per year or the total cost of attendance, as defined in 20 U.S.C. § 1087II (see 42 U.S.C. § 677[i][4]). The federal statute was subsequently amended by the enactment of the Family First Prevention Services Act, Public Law 115-123. Amendments to the federal statute have been incorporated into this INF. Also see [19-OCFS-LCM-08, Federal Fiscal Year 2019 Independent Living Allocations](#).

The ETV program is intended to help current and former youth in foster care make the transition to self-sufficiency by receiving the education and training necessary to obtain employment. The ETV award will be the lesser of \$5,000 or the total cost of attendance minus any other financial resources (e.g., TAP award, Pell Grant, and scholarships) available to the youth. Many of the youth enrolled in the state's ETV program attend either college or university. However, youth attending vocational and training programs may also qualify for ETV program funds, provided the vocational or training program meets the federal definition of institution of higher education as found in 20 U.S.C. §§ 1001 and 1002; see also section 102 of the federal Higher Education Act of 1965.

The New York State Office of Children and Family Services (OCFS) administers the ETV program. OCFS currently contracts with Welfare Research, Inc. (WRI) to serve as New York State's fiscal agent for the ETV program.

OCFS uses available state funds to meet the 20% federal match requirement. As a result of the state's contribution, LDSSs need not provide a match or an intercept letter.

## III. Program Implications

### **ETV Eligibility Requirements**

OCFS will review all ETV applications and determine the priority and eligibility of the applicant. If an applicant is not eligible for an ETV award, OCFS will notify the applicant of the denial and will provide notice to the applicant of the right to an appeal, where applicable.<sup>1</sup>

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<sup>1</sup> Applicants who have been denied due to a lack of available ETV funds will be so informed. However, these applicants will have no right to appeal.

The following is a list of the initial eligibility requirements for first-time applicants of ETV. An applicant must

- be younger than 21 to be initially eligible for the ETV program;<sup>2</sup>
- be a U.S. citizen or a qualified or unqualified non-citizen; and
- be enrolled in or attending a post-secondary education or vocational training program at an “institution of higher education,” as defined in 20 U.S.C. §§ 1001 and 1002.

In addition, an applicant for ETV must have been

- in foster care<sup>3</sup> on or after their 14<sup>th</sup> birthday and otherwise eligible for services under the John H. Chafee Foster Care Program for Successful Transition to Adulthood (the Chafee Program) (see [19-OCFS-LCM-08](#)); or
- adopted or entered kinship guardianship from foster care at age 16 or older; or
- a juvenile delinquent in the custody of OCFS placed in a non-secure OCFS-operated facility of 25 beds or fewer (in other words, a youth who is placed in a facility that would allow the youth to be eligible for Title IV-E funding) or on aftercare status.

If an applicant has previously been determined to be eligible to receive an ETV award and would like to continue eligibility, the applicant must reapply annually and demonstrate eligibility to receive an ETV award. In no event may a youth receive an ETV award for more than five years, whether those years are consecutive or not.

The criteria described below are the three requirements that applicants must meet to continue to receive an ETV award:

- An applicant must have been previously determined to be eligible based on the criteria described above.

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<sup>2</sup> A youth who is made eligible for the ETV program before turning 21 may remain eligible until they are 23, as long as the youth is enrolled and attending a post-secondary education or vocational or training program at an institution of higher education, and the youth is making satisfactory progress toward completion of that program. However, in no event may a youth receive an ETV award for more than five years, whether those years are consecutive or not.

<sup>3</sup> For this purpose, foster care is defined as also including, but not limited to, persons in need of supervision (PINS) and juvenile delinquents placed in the custody of an LDSS commissioner; juvenile delinquents in the custody of OCFS who are placed in non-secure facilities of 25 beds or fewer and those who are on aftercare status; and former foster care youth who are under 21 years of age.

- An applicant must show satisfactory progress toward the completion of the educational or vocational program. If satisfactory progress is not met, the student's funding may be suspended until academic performance is improved.
- An applicant must be younger than 23.

#### IV. ETV Application

Youth may complete the ETV application online at <https://ETV-NYS.smapply.org/>. LDSSs and VAs are encouraged to identify eligible youth and assist them with applying for ETV; however, a youth does not need to be referred to the application by an LDSS or VA to apply. Any youth who thinks they may be eligible should apply. If youth have questions about their ETV application or funding, they can email [Admin@ETV-NYS.com](mailto:Admin@ETV-NYS.com).

The online application for the fall semester of 2023 will be available beginning on **July 1, 2023**. This application will require information about the youth as well as information about the institution of higher education the youth is enrolled in or attending. The youth should be as specific as possible in responding to questions in the application. Although the student's application is submitted to the WRI website, OCFS will make eligibility determinations for the youth applying to the ETV program. In addition, the application must be fully completed by submitting all required documents to receive an ETV award.

#### V. Priorities

The following priorities will be applied in the initial selection of eligible participants for the ETV program for federal fiscal year (FFY) **2023**:

- First priority will be given to youth older than 21 who received an ETV award in FFY **2022**, who continue to be enrolled in and attend a post-secondary educational or vocational training program, and who are making satisfactory progress toward completion of that program.
- Second priority will be given to any other youth who received an ETV award in FFY **2022**.
- Third priority will be given to youth who are 20 years old and will be 21 by July 1, **2023**, who are enrolled in and attending a post-secondary educational or vocational training program, and who are making satisfactory progress toward completion of that program. Such youth would not have received an ETV award in FFY **2021**.

Fourth priority will be given to youth who are 17, 18, 19, and 20 years old who are enrolled in and attending a post-secondary educational or vocational training program, and who are making satisfactory progress toward completion of that program.

## VI. Funding Schedule

The application and funding cycle will be divided into four periods in the academic year and are subject to the continued availability of funding.

- Eligible students who apply for an ETV between July 1-September 30 should anticipate funding by October 31.
- Eligible students who apply for an ETV between October 1-January 31 should anticipate funding by February 28th.
- Eligible students who apply for an ETV between February 1-March 31 should anticipate funding by April 30th.
- Eligible students who apply for an ETV between April 1-May 31 should anticipate funding by June 30th.

## VII. Appeal Rights for Denial of ETV Award

Federal law requires that the state provide the opportunity for a fair hearing to an individual whose claim for benefits available pursuant to Title IV-E of the Social Security Act is denied or is not acted upon with reasonable promptness, see 42 U.S.C. § 671(a)(12). An applicant who is denied an ETV award will be advised by OCFS in writing of the right to appeal the denial.<sup>4</sup> The OCFS denial letter will inform the applicant that if the youth disagrees with the denial, the youth must appeal that denial by requesting an administrative review, in writing, within 15 calendar days from the date of the denial letter. The denial letter will include an administrative review request form. The applicant who disagrees with the denial must complete and return the request form within 15 calendar days of the date of the denial letter. OCFS will conduct the administrative review in a timely manner. OCFS will then advise the appealing applicant, in writing, of the determination of the administrative review. Should the applicant disagree with the administrative review outcome, there is a right to a fair hearing. The administrative review determination letter will contain the information about the hearing opportunity.

## VIII. Contact Person

If you have any questions about the ETV program, please contact New York State ETV Coordinator Kenneth Kirton at [ETV.Coordinator@ocfs.ny.gov](mailto:ETV.Coordinator@ocfs.ny.gov).

**/s/ Nina Aledort, Ph.D., MSW**

Issued by:

Name: Nina Aledort, Ph.D., MSW

Title: Deputy Commissioner

Division/Office: Division of Youth Development and Partnerships for Success

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<sup>4</sup> Applicants who are denied due to a lack of federal funds do not have a right to appeal.