

Every Student Succeeds Act – ESSA Toolkit Updates

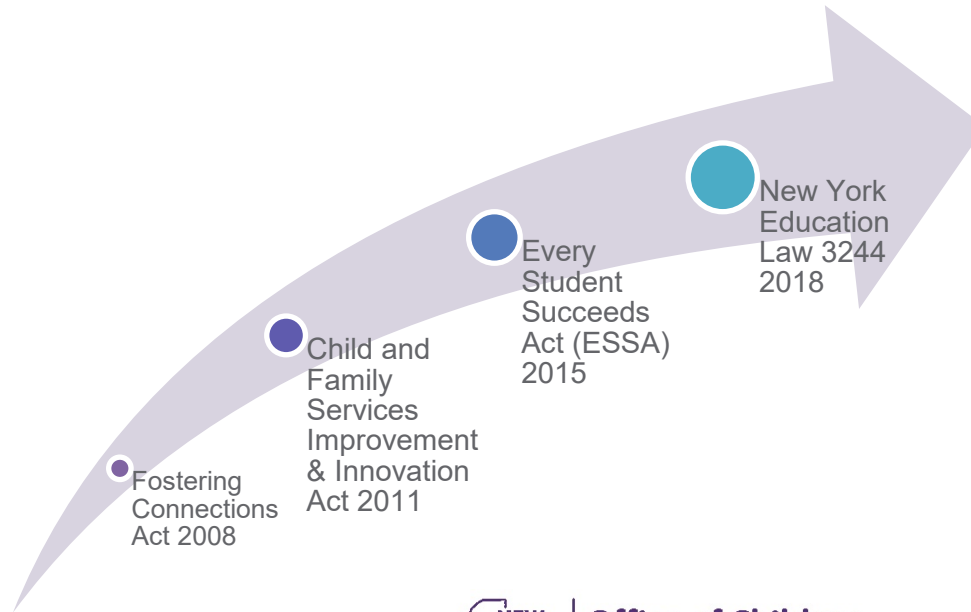


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A Decade of Law Improvements Leading to a Shared Responsibility to Support Educational Stability for Youth in Foster Care



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Education Law 3244 – Education of Children in Foster Care (Effective 2018)

- Establishes the rights of students placed, or moved, in foster care to:
 - Continue attending school of origin if determined to be in their best interest, or, if not, attend school near foster care placement,
 - Immediate enrollment, and
 - Transportation, if necessary to attend school of origin
 - Points of contact for LEA and LDSS



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Definitions to Know

Best Interest Determination (BID)

- A collaborative process between LEAs and LDSSs, from which the LDSS will determine, based on factors relating to child's best interest, whether it is in child's best interest to remain in the school of origin.
- BID is completed upon child's entry into foster care + upon any change in foster care placement.

State Level POC

NYSED POC: studentsupportservices@nysed.gov
OCFS POC: ocfs.sm.cwcs.essa@ocfs.ny.gov

Local POC

- Lists for LDSS & LEA points of contact for ESSA can be found on both the OCFS and NYSED websites:
<https://ocfs.ny.gov/main/fostercare/education.asp>
<http://www.p12.nysed.gov/sss/pps/fostercare.html>



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Definitions

LDSS

- Local department of social services
- Child Welfare governmental entity whose local commissioner of social services has care and custody/guardianship of a child
- Each LDSS must designate a POC

LEA

- Local Education Agency
- A public board or other authority legally constituted within a State for either administrative control or direction of...public elementary schools or secondary schools
- Each LEA must designate a POC



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Definitions

District of Origin

The school district within the state of New York 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



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Definitions

School of Origin

- The public school the child attended or would have been eligible to attend based on the child's last residence at the time of placement into foster care or change in foster care placement
- School of origin can include a preschool, charter school or a special act school district

District of Attendance

- The school district wherein the student in foster care is enrolled, or is entitled to attend, after a best interest determination is made

District of Residence

- The public school district where the child lives due to foster care placement. While the district of residence is defined as different from the district of origin, in some cases, it may be the same as the district of origin



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Schools and Foster Care Placements

- A BID is made to determine if the child will continue to attend the school of origin or will be enrolled in the district of residence
- The district educating the child becomes the district of attendance and is responsible for providing transportation
- The district of origin remains unchanged for the duration the child is in foster care, even though it may not be the district of attendance or residence
- If the child is placed with a relative via an Article 10 direct placement, the child is NOT in foster care. In these cases, this provision of law does not apply, and the child should attend the school district where they are living with the relative



Best Interest Determination (BID)

- BID to determine whether the child will attend school of origin OR a different school located in the school district of residence (DOR)
- Must be made in consultation with relevant stakeholders, such as:
 - School personnel from school of origin AND the DOR or district of attendance
 - Birth parents
 - Foster/Adoptive parents
 - The child (if developmentally able)
 - Attorney for the child
 - Caseworker, planner, manager, supervisor
 - Any other relevant person, such as committee on special education representative (if applicable)
- The LDSS is responsible for making the BID



BID factors to consider

- Child's age and preference
- Grade level and how long child has been connected to school of origin
- Proximity of foster care placement to child's school of origin, including impact on length of time spent travelling to and from school each day
- Impact of potential school change on child's social, emotional and/or behavioral well-being
- Permanency plan
- Length of stay in care

The cost of transportation may not be a factor in the determination



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Academic Year: July 1 – June 30



A child is entitled to attend the designated school that has been determined to be in their best interest for the duration of their time in foster care regardless of foster care placement changes

Upon discharge from foster care, a child is entitled to continue to attend this school until end of the school year in which child is discharged from foster care AND for one additional year if that year is the final year in the school



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School Notification

Child in Foster Care Sample Notification Letter

SAMPLE INITIAL NOTIFICATION LETTER/EMAIL FROM DSS TO LEAs:

Instructions:

- Within (2) days of entry into foster care or a change in foster care placement that could impact educational placement and BID is required
- Send one (1) copy via letter, fax or email to school principal and one (1) copy to file. Subject line of correspondence should indicate "CONFIDENTIAL: READ IMMEDIATELY REGARDING STUDENT IN FOSTER CARE IN YOUR SCHOOL" and if sent via email, please send using "High Importance" indicator.

I

DATE: Click or tap to enter a date.

Dear: Click or tap here to enter text.

The purpose of this letter is to notify you that one of your students has:

- entered foster care or
- undergone a change in foster care placement.

This change for the student, Click or tap here to enter text, may impact their educational placement.

We are seeking your input on their educational best interest and school placement. This determination is required, under both state and federal law, and will help inform whether this student remains in their school of origin (your school) or immediately enrolls in a new school.

School placement changes have a profound impact on academic success and overall well-being, so your consideration of this student's educational needs is important.

Please respond to this letter by providing us with the name and contact information for the appropriate person at your school who can provide information about this student. We will be following up to contact this individual in preparation for making a best interest decision that must be made in the next five (5) days.

Please feel free to contact me with any questions.

Thank you,

Case Worker

LDSS/Agency _____

Phone _____

Email _____



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CHILD IN FOSTER CARE - SCHOOL NOTIFICATION

This Notice is being sent pursuant to section 445.1 of the Social Services Regulation on the following date:
 / / (Enter date notification is being transmitted)

- CHILD ENTERING FOSTER CARE
 CHANGE IN FOSTER CARE PLACEMENT
 CHILD DISCHARGED FROM FOSTER CARE

**Complete and transmit
within 10 days of notification date**

Section A

CHILD (Full name): / /	DATE OF BIRTH OR APPARENT AGE: / / OR / /
ADDRESS OF CHILD WHEN CHILD ENTERED FOSTER CARE: / /	GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female
	DATE CHILD ENTERED FOSTER CARE: / /
	DATE CHILD DISCHARGED FROM FOSTER CARE: / /
Foster Care Placement (Choose one): *Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Foster Boarding Home <input type="checkbox"/> Agency Boarding <input type="checkbox"/> Group Home <input type="checkbox"/> *List parent name/address ONLY if child is home on trial discharge basis (NOTE)	
NAME AND ADDRESS OF PARENT(S), GUARDIAN(S), FOSTER PARENT(S), OR CHILD-CARE AGENCY (Checked above): / /	
(AREA CODE) CELL PHONE NO.: () -	(AREA CODE) TELEPHONE NO.: () -
NAME OF SCHOOL DISTRICT CHILD RESIDED IN AT TIME OF ENTRANCE INTO FOSTER CARE (School District of origin): / /	ADDRESS OF SCHOOL DISTRICT OF ORIGIN: / /
NAME OF SCHOOL DISTRICT LAST ATTENDED (if different from above, School of Origin): / /	ADDRESS OF SCHOOL OF ORIGIN: / /

Section B

NAME OF SCHOOL DISTRICT THAT CHILD WILL ATTEND PURSUANT TO THE BEST INTEREST DETERMINATION (School district of attendance): / /	ADDRESS OF SCHOOL DISTRICT OF ATTENDANCE: / /
Date entered this district / /	Does child have an IEP? <input type="checkbox"/> NO <input type="checkbox"/> YES
SCHOOL DISTRICT OF ATTENDANCE CONTACT PERSON (Please print name): / /	
TITLE: / /	(AREA CODE) TELEPHONE NO.: () -

Section C

NAME OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF CHILD: / /	ADDRESS OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF CHILD: / /
NAME OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER (if applicable): / /	ADDRESS OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER (if applicable): / /
SIGNATURE OF COMPLETING OFFICIAL: / /	TITLE: / / DATE: / /
EMAIL: / /	(AREA CODE) TELEPHONE NO.: () -
NAME OF CASEWORKER (Please Print): / /	(AREA CODE) TELEPHONE NUMBER: () -

New LDSS 2999

Notable changes:

- Section A-condensed address, phone fields
- Section B-records the school pursuant to BID
- Section C-signatures
- Section D & E-BID process



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LDSS 2999 Section D and E

Section D - BEST INTEREST DETERMINATION

- Documents considered for BID: report cards and progress reports; achievement data (test scores); attendance data; disciplinary records; special education records; e-mail or correspondence from individuals consulted
- Name of parties who participated in the BID process: child, birth parent, caseworker, foster parent, attorney for the child, CPSE/CSE chair, pupil personnel services staff

Section E - BEST INTEREST DETERMINATION SUMMARY OF RATIONALE (Summarize the key factors influencing the determination)

LDSS POC Responsibilities

- Notify the LEA's POC that a child in the school district has entered foster care or changed foster care placements (see Sample Notification Letter)
- Collaborate with LEA's to make the BID
- Complete the Child in Foster Care School Notification – LDSS 2999 form
- Ensure the child is enrolled in school immediately if the BID determines the child should attend a new school
- Develop any interim transportation plan necessary
- Work with the LEA POC at the school of attendance to develop the individual transportation plan

LEA POC Responsibilities

- Upon receipt of LDSS notice, District of Attendance notifies appropriate school personnel (especially transportation personnel) to ensure the educational stability of the student **within two business days**
- District of Attendance immediately contacts the last school attended (if applicable) to obtain education records
- District of Attendance completes and implements 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 of notification of best interest determination



Two Transportation Forms are required

- *Local Transportation Agreement for Students in Foster Care*
 - Required to be prepared by LDSSs and LEAs every two years
 - Outlines local transportation procedures
 - Provides both agencies with key contacts for foster care issues, information to be provided by the LEA and LDSS in support of the BID, and additional supports available for students in foster care
- *Individual Transportation Plan for a Student in Foster Care*
 - Developed on a case-by-case basis
 - Specifies the plan for an individual student
 - Provides key contact information
 - Plan must be signed by the districts involved in the provision of or cost of transportation



Transportation

The LDSS and the school district of attendance will split 50/50 the costs remaining after deducting from the total cost:

1. the cost of what the school district would otherwise spend to transport a non-foster care student to their assigned school; and
2. the amount up to 50 miles received in state transportation aid for miles travelled



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Transportation

A child in foster care is entitled to receive transportation to attend the school of origin



The District of Attendance must provide the necessary transportation



Transportation is aidable up to 50 miles each way

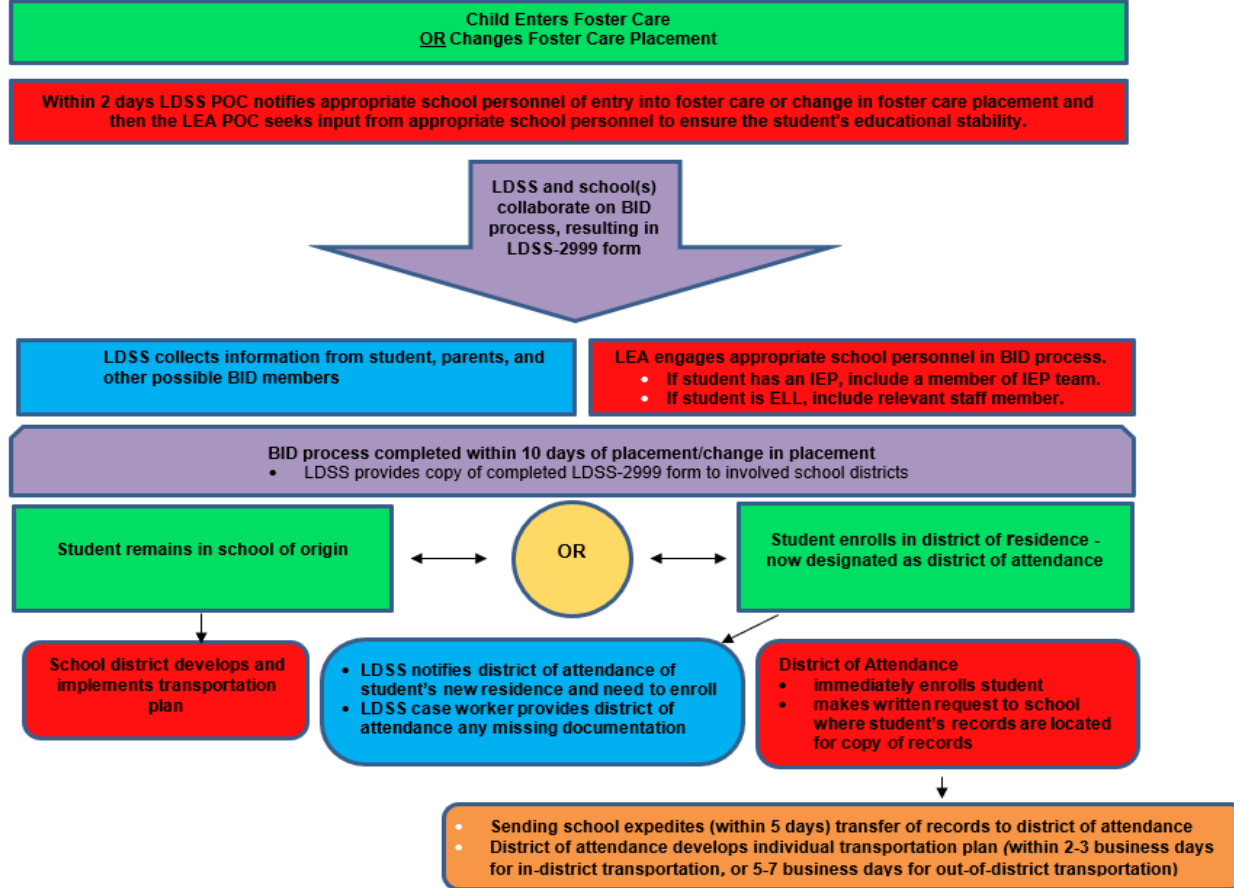


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Flow Chart: Foster Care Educational Placement Decision Process



Flow Chart



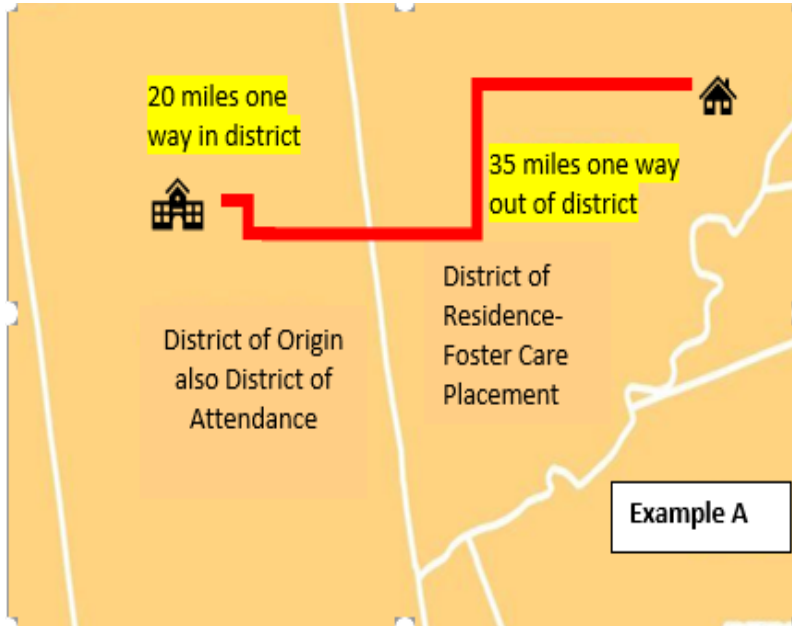
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Transportation-Foster Home to SOO (not DOO) – over 50 miles - Example A



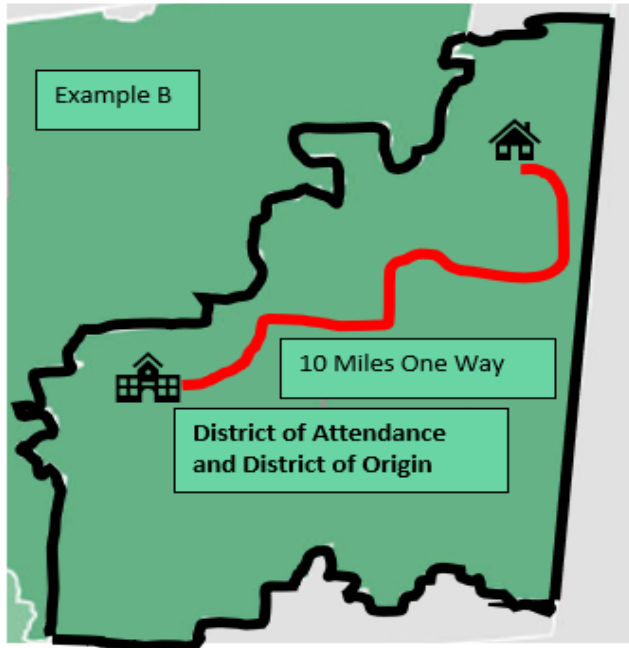
Example A		
Step 1	A: Distance from the BID school of attendance to the foster care placement (one-way)	55
	B: Distance [in district] from school to district boundary	20
	C: Distance from boundary [out of district] to school of attendance (transportation aid up to 50 miles one-way)	35
	D: Mileage over 50 miles (not aid able and divided 50/50)	5
Step 2	Calculate Cost per Trip (cost per mile x number miles one way)	\$2.09
Step 3	Determine applicability of State Transportation Aid Ratio, and calculate remaining shares for School District and LDSS	90%
Step 4	Calculate Costs	
Step 5	Calculate Number of Trips per Day and Number of Days	
	Trips Per Day	4
	Days per school year	30
	Total Trips	120



# of Miles Each Way	# of Miles Per Day	Cost Per Mile	Total Cost Per Day					
55	220	\$2.09	\$459.80					
	Miles in District Per Day		Cost of In-District Miles (Aidable)	Aid Amount for In-District Miles (90%)		LEA's Cost of Miles in District per day	LDSS Cost of Miles in District per day	
	80	\$2.09	\$167.20	\$150.48		\$16.72	\$0.00	
	Miles Out of District Per Day		Cost of Out-of-District Miles (Aidable)	Aid Amount for Out-of-District Miles (90%)	Remaining 10% to be Split Between LEA and LDSS	LEA Portion of the Remaining 10%	LDSS Portion of the Remaining 10%	
	120	\$2.09	\$250.80	\$225.72	\$25.08	\$12.54	\$12.54	
	Miles Over 50 Per Day (Unaided)		Cost of Miles Over 50 Per Day (Unaided)			LEA Portion of the Unaidable Cost	LDSS Portion of the Unaidable Cost	
	20	\$2.09	\$41.80			\$20.90	\$20.90	
							# of Days	Grand Total
NYSED Transportation Aid			\$376.20 Per Day				30	\$11,286.00
LEA's Total Expenses					\$50.16 Per Day		30	\$1,504.80
LDSS's Total Expenses						\$33.44 Per Day	30	\$1,003.20



Transportation-Foster Home to SOO (not DOO) – under 50 miles- Example B



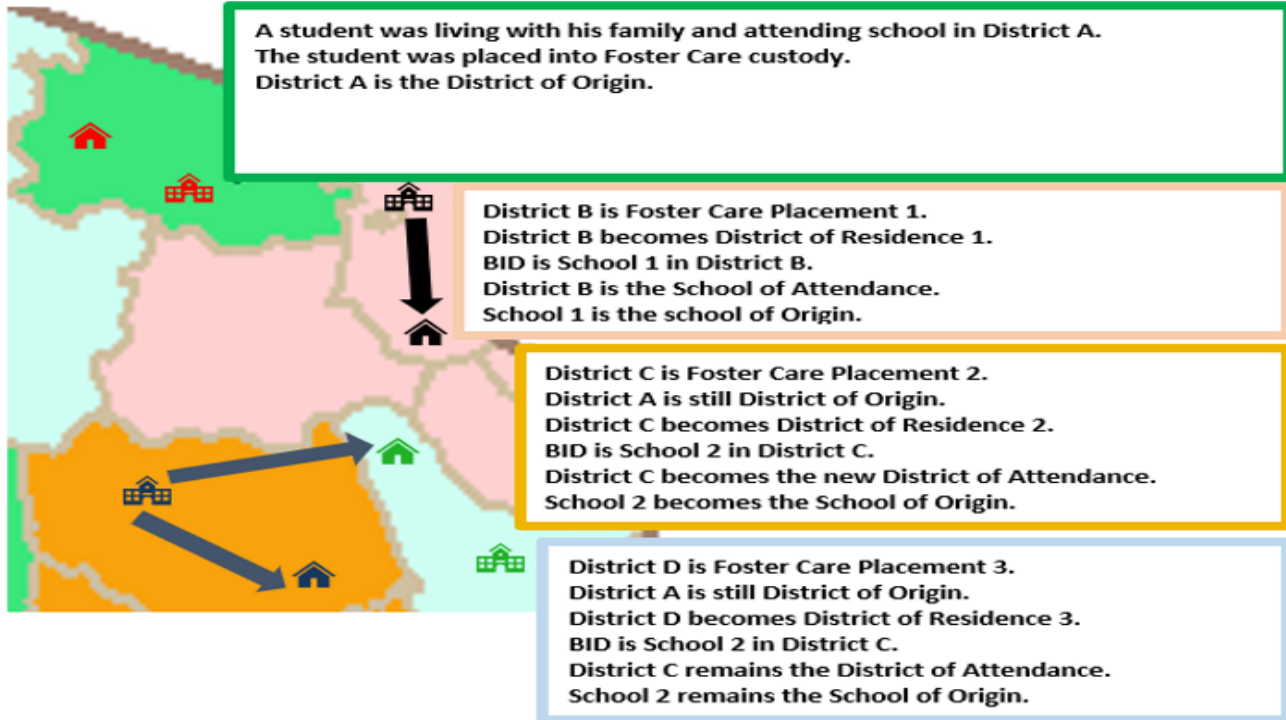
Example B		
Step 1	A: Distance from the BID school of attendance to the foster care placement (one-way)	10
	B: Distance [in district] from school to district boundary	10
	C: Distance from boundary [out of district] to school of attendance (transportation aid up to 50 miles one-way)	0
	D: Mileage over 50 miles (not aided and divided 50/50)	0
Step 2	Calculate Cost per Trip (cost per mile x number miles one way)	\$2.15
Step 3	Determine applicability of State Transportation Aid Ratio, and calculate remaining shares for School District and LDSS	90%
Step 4	Calculate Costs	
Step 5	Calculate Number of Trips per Day and Number of Days	
	Trips Per Day	4
	Days per school year	22
	Total Trips	88



# of Miles Each Way	# of Miles Per Day	Cost Per Mile	Total Cost Per Day				
10	40	\$2.15	\$86.00				
	Miles in District per Day		Cost of in District Miles (Aidable)	Aid Amount for in District Miles (90%)		LEA's Cost of Miles in District per day	LDSS Cost of Miles in District per day
	40	\$2.15	\$86.00	\$77.40		\$8.60	\$0.00
	Miles Out of District per Day		Cost of Out of District Miles (Aidable)	Aid Amount for Out of District Miles (90%)	Remaining 20% to be Split Between LEA and LDSS	LEA Portion of the Remaining 10%	LDSS Portion of the Remaining 10%
	0	\$2.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Miles over 50 per Day (Unaided)		Cost of Miles over 50 per Day (Unaided)			LEA Portion of the Unaidable Cost	LDSS Portion of the Unaidable Cost
	0	\$2.15	\$0.00			\$0.00	\$0.00
						# of Days	Grand Total
NYS ED Transportation Aid		\$77.40 Per Day				22	\$1,702.80
LEA's Total Expenses		\$8.60 Per Day				22	\$189.20
LDSS's Total Expenses				\$0.00 Per Day		22	\$0.00



Transportation- Foster Home Changes and SOO changes - Example C



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School of Origin Example		Dist. B	Dist. C	Dist. D
Step 1	A: Distance from the BID school of attendance to the foster care placement (one way)	10	12	15
	B: Distance [in district] from school to district boundary	0	0	2
	C: Distance from boundary [out of district] to school of attendance (transportation aid up to 50 miles one- way)	0	0	13
	D: Mileage over 50 miles (not <u>aidable</u> and divided 50/50)	0	0	0
Step 2	Calculate cost per trip (cost per mile x number miles one way)	\$2.09	\$2.09	\$2.09
Step 3	Determine applicability of state transportation aid ratio, and calculate remaining shares for school district and LDSS	90%	73%	84%
Step 4	Calculate Costs			
Step 5	Calculate number of trips per day and number of days			
	Trips per day	4	4	4
	Days per school year	20	15	60
	Total trips	80	60	240



# of Miles Each Way	# of Miles per Day	Cost per Mile	Total Cost per Day				
15	60	\$2.09	\$125.40				
	Miles in District per Day		Cost of in District Miles (Aidable)	Aid Amount for in District Miles (84%)		LEA's Cost of Miles in District per day	LDSS Cost of Miles in District per day
	52	\$2.09	\$108.68	\$91.29		\$17.39	\$0.00
	Miles Out of District per Day		Cost of Out of District Miles (Aidable)	Aid Amount for Out of District Miles (84%)	Remaining 16% to be Split Between LEA and LDSS	LEA Portion of the Remaining 16%	LDSS Portion of the Remaining 16%
	8	\$2.09	\$16.72	\$14.04	\$2.68	\$1.34	\$1.34
	Miles over 50 per Day (Unaidable)		Cost of Miles over 50 per Day (Unaidable)			LEA Portion of the Unaidable Cost	LDSS Portion of the Unaidable Cost
	0	\$2.09	\$0.00			\$0.00	\$0.00
						# of Days	Grand Total
NYS ED Transportation Aid			\$105.34 Per Day			60	\$6320.40
LEA's Total Expenses				\$18.74 Per Day		60	\$1123.20
LDSS's Total Expenses					\$1.34 Per Day	60	\$80.40



Dispute Resolution

- Both the Fostering Connections Act and ESSA require coordination among agencies to ensure the educational stability of children in foster care. Given these coordination requirements, the relevant agencies should make every effort to reach agreement regarding the appropriate school placement of children in foster care
- Each LDSS and LEA should involve their local POCs, who can seek additional input and guidance from their immediate supervisor and others within the LDSS and/or LEA to attempt to resolve the disagreement at the local level



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Next Steps/Items to Review

- Do you have a Local Transportation Agreement?
 - If you need assistance in developing one, please refer to the sample transportation agreement in the toolkit
- Does every child in foster care have a completed BID?
- How is the district of origin notified for children not yet of school age?
- How is the impact to the child considered when completing the BID with regard to distance and length of time to transport student back to the school of origin? Cost cannot be considered, but these factors both can and should be considered
- Has the district of residence been consulted regarding specific program availability for the child? (i.e.-BOCES)
- Review the changes to the LDSS-2999 Form and when to use the new school notification form

