Facilitating Educational Stability for Youth in Foster Care in New York State

New York State Board of Regents
October 15, 2018

AGENDA

❖ Introductions

❖ Background: Children in Foster Care

❖ Data and Academic Achievement for Students in Foster Care

❖ Federal Laws

❖ ESSA and New State Law
- ➤ State and Local Level Points of Contact
- ➤ Transportation

❖ Students in Foster Care Toolkit

❖ Next Steps

Foster Care

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:

- ➢ foster family homes
- ➢ agency operated boarding homes
- ➢ group homes
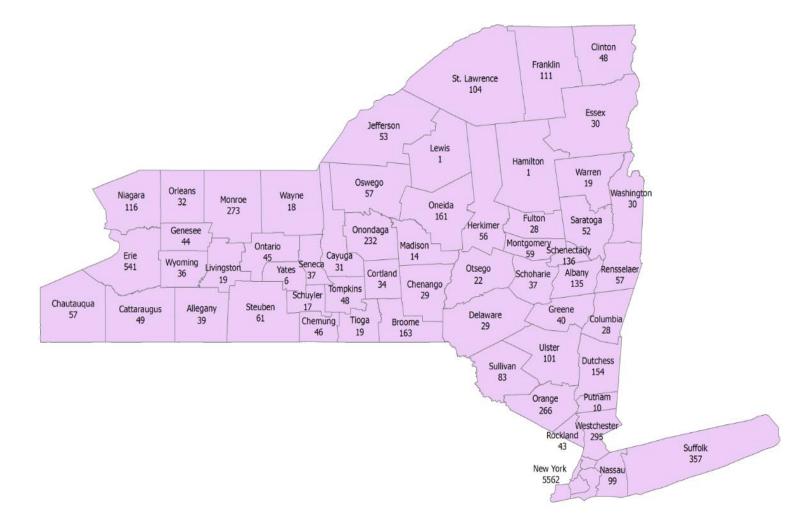- ➢ group residences; or
- ➢ child care institutions.

Data and Academic Achievement for Students in Foster Care

Characteristics of School-Age Youth In Foster Care in New York State as of Dec 31, 2017

o There were over 10,000 school-age children in foster care in New York at the end of last year.

o Students in foster care are disproportionately classified as students with disabilities (51%) compared to 17% of all students in public schools statewide.

o Likewise, students in foster care are disproportionately from low-income families (86%) compared to 55% of students statewide.

o 40% of students in foster care are black compared to 17% of all students in public schools statewide.

o Educational outcomes (test performance, graduation rate) for students in foster care are significantly lower than their peers not in foster care.

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School-Aged Students Out-of-Home Placed in Foster Care by County, 12/31/17

* 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 were a preschool student with a disability in the 2016-17 school year.
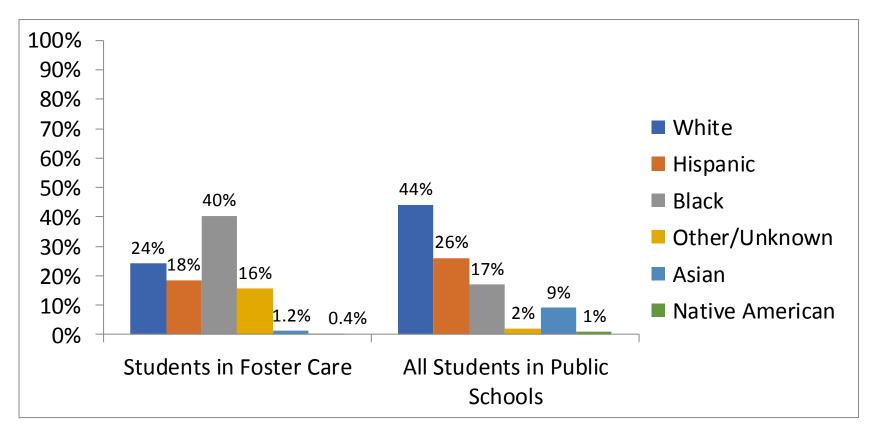
Memorandum of Understanding between NYSED and OCFS

- 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.
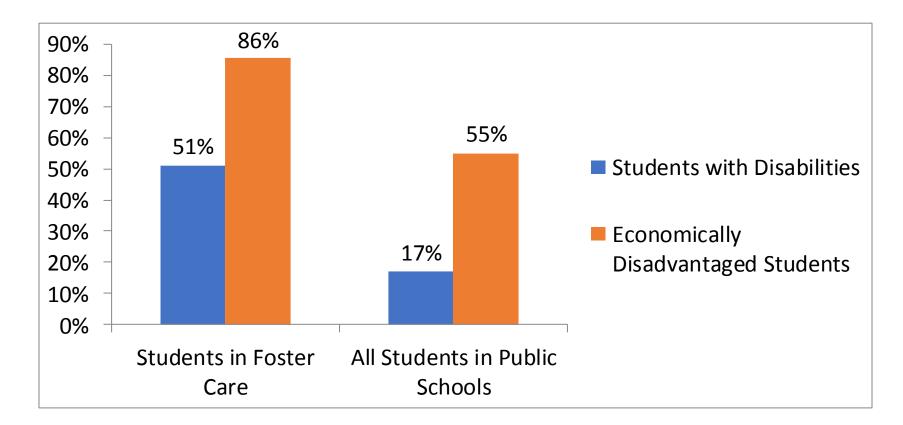
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Characteristics of School-Age Youth In Foster Care in New York State on December 31, 2017

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Characteristics of School-Age Youth In Foster Care in New York State on December 31, 2017
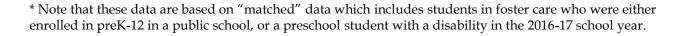

Data are based on "matched" data and includes students in foster care who were either enrolled in preK-12 in a public school, or was a preschool student with a disability in the 2016-17 school year.

Characteristics of School-Age Youth In Foster Care in NY as of Dec 31, 2017

	NYC		Rest Of State		State	
	number	%	number	%	number	%
males	2,111	45%	2,808	50%	4,919	48%
females	2,610	55%	2,754	50%	5,364	52%
2 to 5 years *	492	10%	538	10%	1,030	10%
6 to 9 years	1,088	23%	1,353	24%	2,441	24%
10 to 13 years	989	21%	1,180	21%	2,169	21%
14 to 17 years	1,775	38%	1,703	31%	3,478	34%
18 years and older *	377	8%	788	14%	1,165	11%
white (not hispanic)	2,190	46%	288	5%	2,478	24%
black/african american (not hispanic)	1,179	25%	2,961	53%	4,140	40%
hispanic/latino	592	13%	1,302	23%	1,894	18%
Native American/Alaskan native	35	1%	4	0%	39	0%
Asian	32	1%	89	2%	121	1%
Native Hawaiian/Pacific islander	-	0%	-	0%	-	0%
Other/unknown	693	15%	918	17%	1,611	16%
Total Students in Foster Care	**4,721**		**5,562**		**10,283**	

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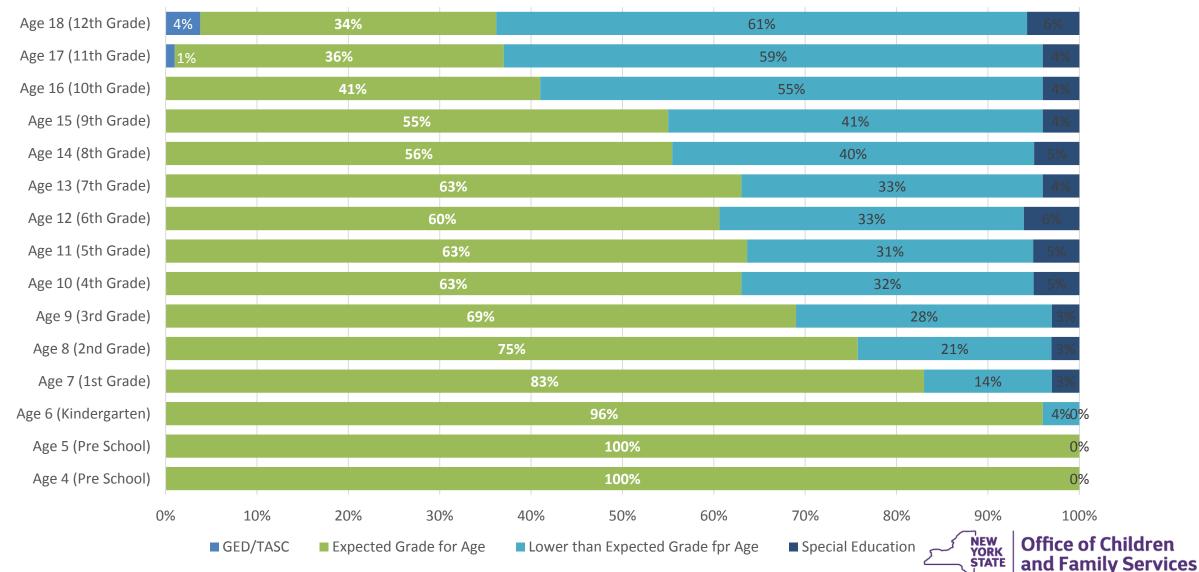
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Grade Level (End of Academic Year) & Age on 6/30/16

Age	GED/TASC	Expected Grade for Age	Lower than Expected Grade for Age	Special Education
Age 18 (12th Grade)	4%	34%	61%	6%
Age 17 (11th Grade)	1%	36%	59%	4%
Age 16 (10th Grade)		41%	55%	4%
Age 15 (9th Grade)		55%	41%	4%
Age 14 (8th Grade)		56%	40%	5%
Age 13 (7th Grade)		63%	33%	4%
Age 12 (6th Grade)		60%	33%	6%
Age 11 (5th Grade)		63%	31%	5%
Age 10 (4th Grade)		63%	32%	5%
Age 9 (3rd Grade)		69%	28%	3%
Age 8 (2nd Grade)		75%	21%	3%
Age 7 (1st Grade)		83%	14%	3%
Age 6 (Kindergarten)		96%	4%	0%
Age 5 (Pre School)		100%	0%	
Age 4 (Pre School)		100%	0%	

Legend: ■ GED/TASC   ■ Expected Grade for Age   ■ Lower than Expected Grade fpr Age   ■ Special Education

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English Language Arts, Grades 3-8

English Language Arts Regents, Grades 9-12

Legend:
- Level 5: Exceed
- Level 4: Meet
- Level 3: Partially Meet
- Level 2: Parially Meet (Safety Net)
- Level 1: Below Proficient

General Pop Children (n=225,096)
- 47%
- 17%
- 20%
- 6%
- 10%

New York State Foster Care (n=663)
- 18%
- 12%
- 32%
- 13%
- 24%

New York City Foster Care (n=393)
- 12%
- 12%
- 35%
- 15%
- 26%

Rest of State Foster Care (n=270)
- 27%
- 12%
- 28%
- 10%
- 23%

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Education Barriers Experienced by Children in Foster Care

- Lack of placement stability = school instability
- Delayed enrollment
- Credit transfer issues
- Children with special education needs fail to receive services
- Disproportionate rates of suspension and expulsion
- Over-representation in alternative education programs
- Inferior on-site educational programs

Fostering Connections Act

2008

Every Student Succeeds Act

2016

Shared Responsibility to Support Educational Stability for Youth in Foster Care

Every Student Succeeds Act (ESSA)

In 2017, OCFS worked closely with SED as they developed New York State's ESSA plan.

Implications for youth in care:

- making a best interest determination;

- Foster care points of contact;

- 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 – 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

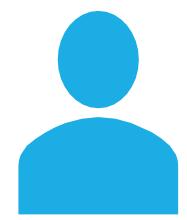➢ Codifies ESSA requirement of LEA Point of Contact

State and Local Points of Contact:
Posted December 2016

✓ OCFS has posted the LDSS Points of Contact (POC) information on the OCFS website:

https://ocfs.ny.gov/main/fostercare/education.asp

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

http://www.p12.nysed.gov/sss/pps/fostercare.html

Transportation Provisions

- ✓ **The school district of attendance must provide transportation.**
- ✓ **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.**

Transportation

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

Students in Foster Care

Tool Kit for
Local Education Agencies
and
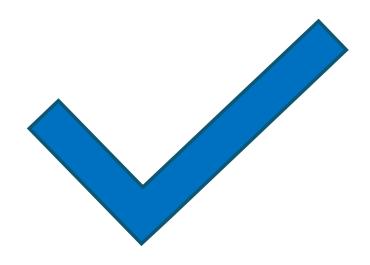## Local Social Services Agencies
2018

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NYSED.gov

2018 TOOLKIT for LEAS and LDSS: Local Transportation Agreements

- 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 a 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
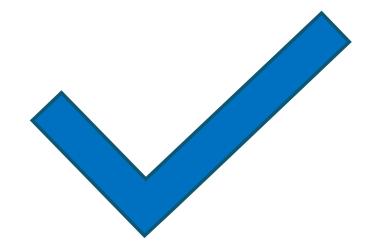
2018 TOOLKIT for LEAS and LDSS: Internal Protocols

School districts must develop internal protocols that will:

- ✓ 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

  OR

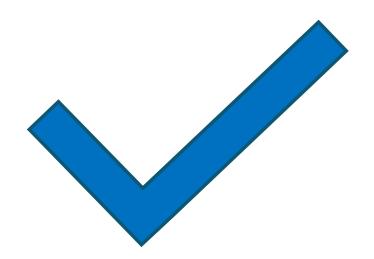 - ➢ a child has changed foster care placement and new transportation will need to be arranged

2018 TOOLKIT for LEAS and LDSS : Individual Transportation Plans

✓Prepared by school district when a child is placed in foster care or changes foster care placement

✓After Notification of Best Interest Determination:

➢Completed and commenced within 2 to 3 business days for in-district transportation

➢Completed and commenced within 5 to 7 business days for out-of-district transportation

Next Steps for Action

- Conduct Live Statewide Webinar Training for LEAs and LDSSs on Monday, October 29, 2018

- Ensure that All LEAs Have Written Transportation Procedures

- Track Implementation Challenges and Successes at the Local Level

- Develop and Issue Guidance on Dispute Resolutions

- Ensure Accuracy of State Report Card Data in Foster Care

GRACIAS
THANK YOU
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