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John B. Mattingly
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Nancy Martin
Associate Commissioner

To: Foster Care Provider Agency Executive Directors
Foster Care Provider Agency Program Directors

From: John B. Mattingly 

Date: November 6, 2009

Re: Fostering Connections- Educational Stability

This memorandum describes recently enacted Federal legislation¹ and New York State implementing regulations² enacted on an emergency basis of which all foster care providers should be made aware. This legislation impacts our placement considerations and education planning for children in foster care. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that children placed into foster care be provided with educational stability and continuity and have the option to remain in their current educational setting.

The Children's Services' Education Unit, in partnership with Advocates for Children, is currently developing guidance and tools to assist our in-house and provider agency staff in the implementation of this new regulation. While we continue this work, we also want to share with you the following summary of the new regulation:

When a child enters foster care, case planners in conjunction with parents and other stakeholders, must develop a service plan which takes into consideration what educational/ school placement would be in the best interest of the child. In addition, at a minimum, the child's service plan must contain:

- a. Assurances that the child's foster care placement considered the appropriateness of the child's current educational setting and the proximity of the current school to the child's foster home.
- b. Assurances that the case planning agency coordinated with appropriate local educational agencies to ensure that the child remains in the school in which s/he was enrolled at the time of placement, if doing so is in the child's best interest.

¹ P.L. 110-351, §204(a)(1), codified at 42 U.S.C.A. §675 (1)(G)(i), (ii).

² 18 NYCRR §430.11(c)(1)(i).

- c. Assurances by the case planning agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records for the child provided to the new school, if the child's best interest requires that the educational/school placement be changed.

For students attending a New York City public school, the NYC Department of Education regulations enable students who are placed into foster care to remain in their school of origin or attend a school which is geographically proximate to the address of the foster home.³

For technical assistance regarding educational stability, please contact the Children's Services Education Unit at 212-442-3030. For questions regarding this policy, please contact Children's Services Policies and Procedure Unit at 212-341-2858.

³ NYC DOE Regulation of the Chancellor, Admissions, Readmissions, Transfers and List Notices for All Students, A-101, June 2009.