



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	17-OCFS-LCM-09 (revised)
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services
Date:	Date issued June 14, 2017 Date Revised August 29, 2017
Subject:	Federal Fiscal Year 2017 Education and Training Voucher Program
Contact Person(s):	See Page 6
Attachments:	

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to provide guidance to local departments of social services (LDSSs) on the federal fiscal year (FFY) 2017 Education and Training Voucher (ETV) program. The ETV program is intended to help youth aging out of foster care to make the transition to self-sufficiency by receiving the education, training, and services necessary to obtain employment. This LCM also describes the application and appeal processes, eligibility criteria for awarding FFY 2017 ETV program funds, and the funding requirements for the program.

For FFY 2017, \$2,083,160 in federal funding is available for the ETV program in New York State. The New York State Office of Children and Family Services (OCFS) administers the ETV program and expects to use a portion of the ETV funds for eligible youth placed in OCFS custody. The ETV funds must be fully liquidated (spent and claimed to the federal government) by September 30, 2018.

A significant change in FFY 2017 is that OCFS will use available state funds to meet the 20 percent federal match requirement. As a result of the state's contribution, LDSSs are no longer required to provide a match or an intercept letter.

Effective for FFY 2017, OCFS will review and approve applications of eligible youth who have applied for an ETV award, and, if applicable, will provide notice of appeal rights to those applicants who have been denied an ETV award. LDSSs are requested to submit the names of youth who meet the ETV eligibility requirements set forth in this LCM to

OCFS starting June 15, 2017 (refer to Section V. Application and Selection of Program Participants).

II. Background

The Promoting Safe and Stable Families Amendments of 2001, Public Law 107-133, were signed into law on January 17, 2002. Title II, Section 201, of the amendments, entitled "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)).

Federal law provides that education and training vouchers under this program may be available to youth otherwise eligible for services under the state's Chafee Foster Care Independence Program (CFCIP).¹ These eligible youth include youth in foster care (i.e., youth in the care and custody, or custody and guardianship, of an LDSS commissioner) who are 14 years of age or older, or who are placed in a foster home with an approved relative regardless of age, and who are likely to remain in foster care until 18 years of age. This includes all categories of foster care, 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 OCFS operated facilities of 25 beds or less, and those who are on aftercare status; and
- former foster care youth who are between 18 and 21 years of age.

For the purposes of the ETV program, youth who are adopted from, or enter kinship guardianship from foster care, after attaining 16 years of age, are also considered to be youths otherwise eligible for services under the state's CFCIP.² A youth participating in an ETV program on the date he or she attains 21 years of age may remain eligible until he or she attains 23 years of age, so long as the youth is enrolled in a post-secondary education or vocational or training program, and the youth is making satisfactory progress toward completion of that program.³

Many of the youth enrolled in the state's ETV program attend either college or university. LDSSs are reminded that youth attending vocational and training programs also may be eligible for ETV funds provided such programs meet the federal definition of institution of higher education set forth in statute.⁴ Encouraging youth to receive their high school diploma and continue attending a post-secondary education or a vocational training

¹ 42 U.S.C. § 677(i)(1).

² 42 U.S.C. § 677(i)(2).

³ 42 U.S.C. § 677(i)(3).

⁴ 20 U.S.C. §§ 1001 and 1002.

program that will prepare them for employment is an effective means for youth to develop the skills necessary to lead independent and productive lives.

OCFS currently contracts with Orphan Foundation of America (OFA), doing business as Foster Care to Success (FC2S), to administer and serve as New York State's fiscal agent for the ETV program for FFY 2017.

III. Funding Requirements

For FFY 2017, \$2,083,160 in federal funding is available for the ETV program in New York State.

Federal law establishes a 20 percent match requirement in order to access ETV funds.⁵ For FFY 2017, OCFS will use available state funds to meet the federal 20 percent match requirement. As a result of the state's contribution, LDSSs will no longer need to contribute a local match in order to utilize ETV funds.

IV. ETV and Chafee Funds

Federal law precludes the use of general CFCIP funds to supplant the award of ETV funds a youth may receive under the ETV program.⁶ Federal law additionally precludes the use of general CFCIP funds to supplement the \$5,000 per year ceiling that an eligible participant may receive under the ETV program. LDSSs are advised that a district's CFCIP allocation may not be used for expenses associated with the cost of attendance at institutions of higher education that are eligible for reimbursement under the ETV program, but that such funds may be used for other non-higher educational learning activities such as Test Assessing Secondary Completion (TASC) diploma programs, mentoring programs, and other supportive services for eligible youth. ETV funds may only be used for the cost of attendance at an institution of higher education, as this term is defined under statute.⁷ Cost of attendance is also defined under statute,⁸ and includes room and board expenditures and child care expenses. LDSSs are reminded that districts may use their CFCIP allocation for expenditures related to a youth applying to a post-secondary educational, vocational or training program. This would include, for example, expenditures for standardized tests, including SAT/ACT/PSAT tests required for admission to many colleges and universities, applications for admission to college or vocational or training programs, examinations for attendance at a vocational or training program, visits to colleges, vocational or training programs, clothing for interviews at a post-secondary educational program or vocational or training program, and other supports and services a youth needs to prepare for successful attendance at a post-secondary educational or vocational or training program.

V. Application and Selection of Program Participants

Youth eligible for vouchers under the ETV program are youth otherwise eligible for services under the state's CFCIP, including: youth in foster care (i.e., youth in the care

⁵ 42 U.S.C. § 674(e).

⁶ 42 U.S.C. § 677(d)(2).

⁷ 20 U.S.C. §§ 1001 and 1002.

⁸ 20 U.S.C. § 1087II.

and custody, or custody and guardianship, of an LDSS commissioner) who are 14 years of age or older, or who are placed in a foster home with an approved relative regardless of age, and who are likely to remain in foster care until 18 years of age. This includes all categories of foster care, including, but not limited to, persons in need of supervision (PINS) and juvenile delinquents in the custody of an LDSS commissioner; juvenile delinquents in the custody of OCFS who are placed in OCFS-operated non-secure facilities of 25 beds or less, and those who are on aftercare status; and former foster care youth who are between 18 and 21 years of age.

For the purposes of the ETV program, youth who had been in foster care and are at least 16 years old who were adopted or entered kinship guardianship may also be considered to be youth otherwise eligible for services under the state's CFCIP, and therefore eligible to receive ETV.

A youth participating in an ETV program on the date he or she attains 21 years of age may remain eligible until the youth attains 23 years of age as long as the youth is enrolled in a post-secondary education or vocational program, and the youth is making satisfactory progress toward completion of that program.

The following priorities will be applied in the initial selection of eligible participants for the ETV program for FFY 2017:

- First priority will be given to youth over the age of 21 but under 23 years of age who received an ETV award in FFY 2016, 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, as determined by the individual educational institution's standards for satisfactory academic progress.
- Second priority will be given to any other youth under the age of 21 who received an ETV award in FFY 2016.
- Third priority will be given to youth who are 20 years of age and will be 21 by July 1, 2017, who are enrolled in and attending a post-secondary educational or vocational training program and are making satisfactory progress toward completion of that program. Such youth would not have received an ETV award in FFY 2016.
- Fourth priority will be given to youth who are 17, 18, 19, and 20 years of age who are enrolled in and attending a post-secondary educational or vocational training program and making satisfactory progress toward completion of that program.

LDSSs must identify eligible recipients of the voucher and electronically mail the list of youth to Mr. Kenneth Kirton at ETV.Coordinator@ocfs.ny.gov starting **June 15, 2017**.

Either the LDSS or the youth may complete the ETV application online at the OFA website <http://www.fc2sprograms.org/new-york/>. Any youth who believes he or she is eligible may apply.

The online application for FFY 2017 will be available beginning on July 1, 2017. The online application will require demographic information such as the name of the post-secondary educational or vocational training program the youth is currently enrolled in and/or attending. It will also require specification of the selection of the priority that is applicable

to the youth and the amount of funds being requested for the cost of attending the post-secondary educational or vocational training program. Although the student's application will be submitted to the OFA website, OCFS will be making eligibility determinations for the youth applying to the ETV program. The ETV award will be the lesser of the \$5,000 or the total cost of attendance minus any other available resources (e.g., TAP award, Pell Grant, and scholarships).

The LDSS providing OCFS with the names of students who may be eligible for ETV will help expedite the funding process for youth. To help expedite the OCFS approval process, an LDSS must respond to OCFS quickly when asked whether a youth was in foster care. OCFS anticipates that demand for vouchers may exceed availability, and quick turnaround of information will facilitate an eligible youth's acceptance prior to the exhaustion of funds. Youth who are receiving an ETV award must continue to make satisfactory progress toward the completion of the post-secondary educational or vocational training program in which they are enrolled to remain eligible to receive an ETV award.

An LDSS's identification of youth who may be eligible to receive an ETV award must be consistent with the state criteria set forth above and uniformly applied to all youth in the LDSS. The number of names submitted to OCFS by June 15, 2017, will be categorized by priority and availability of funds. After eligible youth within priority group one are served, remaining ETV funding will be available for vouchers for youth within priority group two. Similarly, ETV funding remaining after eligible youth within priority group two are served will be used for vouchers for youth within priority group three. Finally, any funding remaining after eligible youth within priority group three are served will be used for vouchers for youth within priority group four. If funding is insufficient to provide vouchers for an entire priority category, funds will be prorated within the priority. Based on the amount of funding available within the priority, need for funding will determine the amount of the voucher. Applications will be accepted on an ongoing basis and, should funding be available after the initial applications are received, vouchers will be issued based on the date of receipt of the application.

VI. Fair Hearing 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 available ETV award will be advised, in writing, by OCFS of the right to appeal the denial. OCFS will inform the applicant that he/she must first request an administrative review, in writing, within 15 calendar days from the date of the denial letter. The applicant must complete and mail the administrative review request back to OCFS within the specified timeframe. OCFS will then advise such applicant, in writing, of the determination of the administrative review. If such applicant wishes to appeal the determination of the administrative review, OCFS will provide information for requesting a fair hearing in the administrative review determination letter. OCFS has determined that appeal rights do not apply to applicants who have been denied ETV awards due to unavailable federal funding.

VII. ETV Coordinator

In accordance with 05-OCFS-LCM-01, each LDSS is required to identify a person to serve as the ETV coordinator. LDSSs must advise Kenneth Kirton of any changes in the name and/or phone number of the ETV coordinator at: ETV.Coordinator@ocfs.ny.gov.

VIII. Contact Names

Please contact your OCFS regional office with any questions regarding the ETV program:

BRO – Amanda Darling (716) 847-3145 - Amanda.Darling@ocfs.ny.gov
RRO – Karen Buck (585) 238-8549 - Karen.Buck@ocfs.ny.gov
SRO – Sara Simon (315) 423-1200 - Sara.Simon@ocfs.ny.gov
ARO – John Lockwood (518) 473-7763 - John.Lockwood@ocfs.ny.gov
SVRO – Yolanda Désarmé (845) 708-2499 - Yolanda.Desarme@ocfs.ny.gov
NYCRO – Ronni Fuchs (212) 383-1788 - Ronni.Fuchs@ocfs.ny.gov
Bureau of Indian Affairs – Heather LaForme (716) 847-3123 - Heather.LaForme@ocfs.ny.gov

Issued By:

/s/ Laura M. Velez

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Title: Deputy Commissioner
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