



# Office of Children and Family Services

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## Informational Letter

<b>Transmittal:</b>	19-OCFS-INF-05
<b>To:</b>	Commissioners 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/Bureau of Vulnerable Populations
<b>Date:</b>	July 1, 2019
<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 Vulnerable Populations. <a href="mailto:ETV.Coordinator@ocfs.ny.gov">ETV.Coordinator@ocfs.ny.gov</a>
<b>Attachments:</b>	None

### Filing References (if applicable)

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
18-OCFS-INF 04			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. §		
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## 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 recently amended with the enactment of the Family First Prevention Services Act, Public Law 115-123. The relevant amendments to federal statute have been incorporated into this INF. See also [19-OCFS-LCM-08, Federal Fiscal Year 2019 Independent Living Allocations](#).

The ETV program is intended to help current and former foster care youth 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 Orphan Foundation of America (OFA), doing business as Foster Care to Success (FC2S), to serve as New York State's fiscal agent for the ETV program.

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.

### III. Program Implications

#### **Education Training Voucher Eligibility Requirement**

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>

The following is a list of the *initial* eligibility requirements for an applicant applying for the *first time* for an ETV award. The applicant must

- be below the age of 21 years old to be eligible for the ETV program;<sup>2</sup>
- be a U.S. citizen or qualified non-citizen; and
- be enrolled in or attending a post-secondary education or 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 his/her 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 years old or older; or
- a juvenile delinquent in the custody of OCFS who are placed in non-secure OCFS operated facilities of 25 beds or less (in other words, a youth who is placed in a facility that would allow the youth to be eligible for Title IV-E funding); and those who are on aftercare status.

If an applicant has previously been determined to be eligible to receive an ETV award, and would like to continue to receive such award, the applicant must reapply annually and demonstrate eligibility to continue receiving an ETV award. In no event may a youth

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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.

<sup>2</sup> A youth participating in the 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 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 participate in the ETV program for more than five years, whether or not those years are consecutive.

<sup>3</sup> 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 less and those who are on aftercare status; and former foster care youth who are between 18 and 21 years of age.

participate in the ETV program for more than five years, whether or not those years are consecutive.

The criteria described below are the three requirements that must be met by applicants in order to continue to receive an ETV award:

- An applicant must have previously been determined to be eligible based on the criteria described above.
- An applicant must show satisfactory progress toward the completion of the educational or vocational program.
- An applicant must be below the age of 23 years old.

#### **IV. ETV Application**

Youth may complete the ETV application online at the OFA website <http://www.fc2sprograms.org/new-york/>. 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. Any youth who thinks he or she may be eligible should apply.

The online application for FFY 2019 is available beginning on **July 1, 2019**. The online application will require information about the youth as well as information about the program 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. Necessary information includes the name of the post-secondary educational or vocational training program the youth is currently enrolled in and/or attending. 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.

#### **V. Priorities**

The following priorities will be applied in the initial selection of eligible participants for the ETV program for FFY 2019:

- First priority will be given to youth over the age of 21 who received an ETV award in FFY 2018, 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 2018.
- Third priority will be given to youth who are 20 years of age and will be 21 by July 1, 2019, 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 2018.

- 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.

## **VI. 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, in writing, by OCFS of the right to appeal the denial.<sup>4</sup> The denial letter from OCFS will inform the applicant that if they disagree 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.

## **VII. 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/ Dr. Nina Aledort**

Issued By:

Name: Dr. Nina Aledort

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.