

June 24, 2020

Chancellor Richard Carranza
New York City Department of Education
52 Chambers Street
New York, NY 10007

Dear Chancellor Carranza:

As organizations working on child welfare and education, we are writing to follow up with you on the unaddressed educational needs of students in foster care. As the DOE plans for the coming school year, we urge you once again to appoint a senior-level leader to focus full-time on students in foster care and to guarantee school bus or other door-to-door transportation for students in foster care who need it to maintain school stability when school buildings reopen. We understand the City is facing a budget shortfall due to the pandemic, but the educational needs of students in foster care raise issues of justice and equity that cannot continue to be overlooked.

Senior-Level Leader for Students in Foster Care

We were pleased to see the DOE state in the press: “Strengthening our support for students in foster care is a priority for the 2019-20 school year.” Unfortunately, as the school year ends, we have not seen the DOE do nearly enough to elevate the needs of these students. Prioritizing these students necessitates having a designated point person with knowledge about the laws and policies that apply to students in foster care and the capacity to work across city agencies and DOE divisions to develop and implement policies, provide training, respond to questions, and execute plans to better support these students.

Of the 1.1 million New York City students, approximately 5,000 are students in foster care. They are among the most likely to repeat a grade, be suspended, need special education services, or leave high school without a diploma. Students in foster care are disproportionately Black and come from the City’s poorest communities. Without a senior-level leader devoted to the needs of these students, the DOE has failed to develop informed policies to assist students in foster care. Additionally, schools, families, and child welfare professionals do not have a point person to contact with questions or concerns regarding the needs and rights of students in foster care—for example, who makes special education decisions for students in care, who should be invited to parent/teacher conferences, and whether the school can share information with the student’s parent or foster care agency.

During the pandemic, students in foster care have faced significant barriers to meaningful participation in remote learning, which have only served to highlight the need for a senior-level leader who understands and is solely dedicated to the educational success of students in care. For example, while we appreciate that the DOE prioritized students in temporary housing and students in foster care when distributing iPads, the DOE then delayed shipping the devices to many students in care by two weeks or more until their foster parents signed an online “Student Device Agreement.” This policy existed despite the fact that students in foster care are in the care and custody of the City of New York, *not* their foster parent, and could very well leave their

foster home with all their possessions for a new living arrangement on a moment's notice. Similarly, while the City is responsible for the education of all students in foster care, initially the DOE only provided devices to students in care attending district schools. Beyond devices, other issues have come up during the pandemic that have delayed or impaired education for students in foster care, such as confusion over who can consent to teletherapy or remote special education evaluations and who may access digital platforms such as NYC Schools Accounts or Google classroom, but there is no point person at the DOE responsible for determining how these remote systems will work for students in care.

Over two years ago, in March 2018, the City's Interagency Foster Care Task Force recommended that the DOE establish an infrastructure to focus on students in foster care that would "oversee and advise a team of borough-based foster care content experts" who would be responsible for providing schools with case consultation and professional development regarding students in foster care, filling a gap that has long existed. While the recommendation to support students in care originally conceived of a team of DOE staff, we strongly believe that there must be at least one staff member dedicated to students in foster care. If the DOE is unable to fund additional staff positions at this time, the DOE must reconfigure current staffing to ensure there is a full-time staff position focused on this population.

As the DOE considers its support structure for the 2020-2021 school year, the DOE must have at least one senior leader focused full-time on the needs of students in foster care.

Door-to-Door Transportation for Students in Foster Care

When school buildings reopen, students in foster care must have a way of getting there. In part due to the lack of guaranteed bus service, one in four students changes schools upon entering foster care. These students are abruptly dropped into an unfamiliar environment with new teachers, peers, and curricula at the same time as they are coping with the trauma of separation from their family and home. In addition, without guaranteed transportation, foster care agencies have had difficulty finding homes for some children and have had to move some children from one home to another.

For students who have been separated from their families and placed in foster care, school has the potential to be an important stabilizing factor in their lives. Recognizing the importance of school stability, federal and state law require the City to provide transportation to students in foster care so they can stay in their original school, unless it is in their best interests to transfer to a new school. Despite this legal obligation, the DOE guarantees bus service only to students in foster care who have special transportation recommended on their IEPs. The DOE allows other students in foster care who do not meet the general eligibility criteria to apply for busing through an emergency busing request form. Despite some recent improvements, these busing requests frequently take 30 days or more to process—putting tremendous stress on already fragile foster care placements and over-extended agency staff in the meantime. The DOE continues to deny some of these requests, offering only a MetroCard.

The DOE must honor its Fiscal Year 2020 commitment “to ensure bussing for students in foster care” and guarantee that students in foster care, who have a legal right to transportation between their foster homes and schools, are provided door-to-door transportation going forward. As the DOE determines how it will provide transportation to students when school buildings reopen in light of social distancing requirements and the potential need for staggered schedules, the DOE must include students in foster care in this planning as the law requires.

It has become increasingly clear that students in foster care will not get the attention and support they need until there is a high-level senior leader focused specifically on their needs and they are guaranteed door-to-door transportation. We urge the DOE to establish this necessary leadership position and make appropriate transportation available to all students in foster care who need it in the upcoming school year.

Respectfully,

Advocates for Children of New York
Alliance for Quality Education
Center for Family Representation
Children’s Aid
Children's Defense Fund-NY
The Children's Law Center
Citizens' Committee for Children of New York
Council of Family and Child Caring Agencies (COFCCA)
Court Appointed Special Advocates - NYC
Good Shepherd Services
Graham Windham
JCCA
The Jewish Board of Family & Children's Services
Lawyers For Children
The Legal Aid Society
New Alternatives for Children, Inc.
The New York Foundling
NYU Family Defense Clinic
Rising Ground, Inc.
SCO Family of Services
Sheltering Arms