



# Advocates for Children of New York

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## Testimony to be delivered to the New York City Council Committee on Education

### Re: Students in Foster Care in the DOE System

April 20, 2022

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Thank you for this opportunity to testify and for holding this important hearing on the education of students in foster care. My name is Erika Palmer. I am a Supervising Attorney at Advocates for Children of New York and direct our foster care project, called Project Achieve. For 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. We speak out for students whose needs are often overlooked, such as students with disabilities, students from immigrant families, students who are homeless, students with mental health needs, court-involved youth, and students in foster care.

There are currently over 7,000 children and youth in foster care in New York City. Students in foster care, who are disproportionately Black and come from the City's poorest communities, are among the most likely to repeat a grade, be chronically absent, or leave high school without a diploma. They were also impacted particularly hard by the closure of schools. In fact, last year only 43% of students in foster care graduated from high school in four years – almost 40 percentage points below the city average of 81%. Unfortunately, many young people struggle when they leave foster care, experiencing homelessness, unemployment, and criminal legal system involvement at rates far exceeding their peers.

In recent years, the City has slowly begun to recognize the unique needs of youth in foster care. I want to recognize the strides the City has made in developing resources for students in foster care through the Fair Futures initiative. With the strong backing of the Council, funding for Fair Futures has enabled foster care agencies to hire staff to support students' education and employment goals, and I've seen firsthand the difference they can make in a young person's life. However, we need to see an equal commitment on the part of the Department of Education ("DOE"). **To fully address the needs of students in foster care, the DOE must guarantee transportation for students in care and move forward with its plans to hire the full team it promised for students in foster care.**

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, the federal Every Student Succeeds Act of 2015 and



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New York State Education Law § 3244 give students in foster care the right to transportation to their school of origin, unless it is in their best interest to transfer to a different school. Specifically, the school district of attendance must provide transportation “to and from the child’s foster care placement location and the school of origin,” regardless of whether the student’s foster care placement is located within the same school district.

Despite its legal obligation, the DOE does not guarantee bus service or comparable transportation to students in foster care. The DOE allows students in foster care who do not meet other criteria to apply for busing using an “exceptions request form” and will provide bus service if a student can be added easily to an existing route. However, foster care agencies are finding that it can take anywhere from one to three months from the time they submit an exceptions request for a student to be placed on a bus, if a route exists at all.

While students in foster care are waiting for the DOE to determine if they have a bus for the student, as well as in cases where there is no bus available, the DOE will provide a MetroCard or reimburse foster care agencies for the cost of car service. For students who cannot travel alone, these alternatives require an adult to accompany the child, and that’s where the system breaks down. Foster parents who have a job or other children in the home simply cannot commit to spending four hours or more each day transporting their child to and from school, at least not long-term. Just the other day I learned of a student who had to change schools because of their foster parent’s work schedule. The student’s new school did not have the services on their Individualized Education Program (“IEP”), and the student was suspended after attending the new school for only one day. Case planners at foster care agencies have full-time jobs focused on reunifying families and keeping children safe; they cannot fulfill their other responsibilities if they must spend hours each day escorting children to school. Like other nonprofits, many foster care agencies are also struggling with chronic turnover and understaffing as a result of the pandemic and simply don’t have the personnel to serve in this capacity. Finally, although the DOE will reimburse foster care agencies for the cost of car service, they will not reimburse agencies for chaperones to accompany students.

While the DOE has made some progress, such as adding a transportation liaison to process busing requests for students in temporary housing and students in foster care, these changes ultimately do not help students unless they are promptly provided with



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busing following their placement in foster care. **The DOE must provide bus service or other door-to-door transportation to students in foster care who need it to maintain school stability.**

I would like to spend the rest of my time telling you about a middle school student whom I'll call Daniel. Daniel came into foster care during the pandemic. Like many young people in care, he struggled adjusting to his new home and was moved several times before he clicked with his third foster parent. Luckily, Daniel's foster care agency worked with his foster parents to maintain Daniel's school placement. Academically, Daniel was an average student, but he sometimes had behavioral outbursts at school, likely because of the trauma he had experienced. He has ADHD and an IEP for a Learning Disability.

This past winter, Daniel was reunified with his mother on a trial basis. Daniel's mother struggles with mental health needs that became worse when he got home. Ultimately, Daniel had to come back into foster care when his mother threatened him with a knife. Shortly after that incident, Daniel received a superintendent's suspension from his school. We tried to explain Daniel's situation to his principal, but the principal refused to listen – in fact, he hung up the phone before we could explain the details of Daniel's story. Daniel was reinstated in school soon after the suspension hearing, but at that point, the damage had been done. Daniel began refusing to go to school, his attendance decreased dramatically, and he started staying out after curfew, to the point where his foster parent became concerned for his safety.

What difference could a DOE team for students in foster care make for students like Daniel? Such a team could analyze suspension data for students in foster care, identify schools that need training on how best to support youth in care, and identify schools that need monitoring to change their practices. A team could also propose a policy change requiring schools to take a child's foster care status into account when determining their disciplinary response. If a school refused to do so, parents, foster care agencies, and advocates would have somewhere to go for help.

Nearly every week, I hear about another student like Daniel. If we want to improve attendance rates for students in foster care – and make progress on those distressing graduation rates – we need to ensure that school is a place where students in foster care feel safe and supported, rather than another place where they feel unsafe, unwanted, or let down. This will not happen without dedicated staff; the DOE needs people whose



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job it is to make it happen. I am heartened to hear that the DOE is moving forward with hiring at least two of the previously envisioned foster care positions, but we want to ensure that ***all the promised positions*** – seven focused on students in foster care and four serving students in temporary housing and students in foster care – ***move forward***.

Thank you for this opportunity to speak with you. I would be happy to answer any questions you may have.