



# Advocates for Children of New York

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

### Re: Int 0857-2022, Expanding Disaggregated Data in Department of Education Reporting to Include Metrics on Students in Foster Care

### Int 0121-2022, Requiring the Department of Education to Report Annually on the Number of Teachers, Administrators, and School Staff Who Have Completed Therapeutic Crisis Intervention in Schools Training

June 21, 2023

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Thank you for the opportunity to testify in support of Intro. 857, to expand the NYC Department of Education's ("DOE's") data reporting requirements to include metrics on students in foster care, and Intro. 121, to require the DOE to report annually on therapeutic crisis intervention training in schools. 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 over 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.

#### ***Intro. 857 and Students in Foster Care***

In recent years, New York City has begun to focus on the unique educational needs of students in foster care. With the strong backing of the Council, the DOE created a first-in-the-nation team focused solely on students in the foster system. As the newly hired team dives into student data, they can see what we in the advocacy community have known anecdotally for years: that students in foster care disproportionately are suspended from school and over-represented in segregated special education settings, rather than receiving the behavioral supports and interventions they need in their home schools to heal from the trauma they have experienced. In fact, Advocates for Children recently published a [report](#) analyzing five years of education data we received from the DOE in response to a Freedom of Information Law request, showing that, among other findings, the DOE issued suspensions to students in foster care pre-pandemic at almost four times the rate at which it issued suspensions to City students overall.<sup>1</sup> Moreover,

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<sup>1</sup> See Advocates for Children of New York, *Building on Potential: Next Steps to Improve Educational Outcomes for Students in Foster Care* (January 2023) at 3, 9. Disparities were even worse with respect to superintendent's suspensions (suspensions of more than 5 days). During the 2016-17 to 2018-19



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students in foster care are more than twice as likely to be found eligible for special education services as other New York City students, and twice as likely to be recommended for District 75 placements, the Citywide all-special education district that serves students with the most significant needs.<sup>2</sup>

While the DOE is required to publicly report data regarding special education services and suspensions, these reports currently do not include any specific information about students in foster care, masking the significant disparities mentioned above. Public access to this data is vital so that policymakers and advocates can identify key intervention points, develop targeted solutions, and hold the school system accountable. That's why it's critical that the reporting laws be amended to include students in foster care as a distinct group. Thank you, Chair Joseph, for sponsoring this important bill and moving it forward. **We appreciate your commitment to improving the education of students in foster care and look forward to seeing Intro. 857 enacted into law.**

As we strive to improve the education delivered to students in foster care, we also must ensure that students in the foster system have prompt, reliable and appropriate transportation to school. Federal and state law require the City to provide transportation to students in foster care so they can stay in their original school when they come into foster care or change foster homes, except in the limited situations where it is in the students' best interest to transfer schools. While many students in foster care do currently get busing, the DOE still does not guarantee bus service or a comparable mode of transportation to these students. As the DOE [website](#) states, students in foster care in grades Pre-K to 6 are eligible for school bus service OR a MetroCard; if a bus is not available in 10 business days, alternative transportation may be available. Furthermore, while the DOE says it will reimburse transportation costs if no bus is available, they will not reimburse for a chaperone if the foster parent or an agency staff member cannot escort the student to and from school every day, and there have been significant delays in reimbursing foster care agencies for transportation expenses that are allowed. As a result, students who cannot travel to school on their own have been forced to transfer schools, and even change foster homes, if they cannot be added to an existing bus route.

Even when students do get busing, delays of a month or more in placing students on a bus route can be hugely destabilizing to families. Additionally, I routinely hear about students in foster care who are being picked up at 6 in the morning or earlier, only to arrive at school late, or whose drivers simply don't come at all, leaving children waiting for hours wondering if they will be able to go to school that day. Last week, I learned about a child whose bus has not been showing up at least once per week for over two months now. When it does come, the driver is often several hours late because, as the bus company told the foster parent, they "have to pick up and drop off the regular kids first."

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school years, the DOE issued superintendent's suspensions to students in foster care at more than five times the rate at which it issued long-term suspensions to City students overall.

<sup>2</sup> *Id.* at 7.



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To ensure students get the transportation they need, **the City should invest \$5 million in the DOE budget to provide prompt, reliable bus service or other door-to-door transportation to the relatively small number of students in foster care who need it to maintain school stability.**

***Intro. 121***

With respect to Intro. 121, public reporting on the number of crisis interventions, 911/EMS calls, and students restrained by school staff will be essential to monitoring the success and impact of Therapeutic Crisis Intervention in Schools (“TCIS”) training. To this end, we encourage the Council to collaborate with advocates, the DOE, NYPD, and others to amend the Student Safety Act to improve data collection and reporting requirements. We also recommend modifying section (b) of Intro. 121 to require the DOE to report on the number of hours of TCIS training received, in addition to the number and percentage of individuals trained. For example:

Such information shall include, but not be limited to: (i) the total number and percentage of teachers who have completed TCIS training within the preceding school year and the average number of hours of training received by each teacher; (ii) the total number and percentage of administrators who have completed TCIS training within the preceding school year and the average number of hours of training received by each administrator; and (iii) the total number and percentage of other school staff, including but not limited to guidance counselors and social workers, who have completed TCIS training within the preceding school year and the average number of hours of training received by each staff member.

Thank you for this opportunity to testify today. I’m happy to answer any questions you may have.