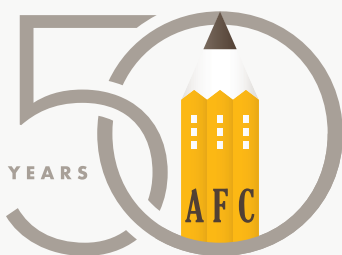# BUILDING ON POTENTIAL

Next Steps to Improve Educational Outcomes for Students in Foster Care

JANUARY 2023

ADVOCATES FOR CHILDREN OF NEW YORK

Protecting every child's right to learn since 1971

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EXECUTIVE SUMMARY

Roughly 7,500 New York City students spend time in foster care each year. Though relatively few in number when compared to the entire public school population, youth in the foster system have some of the most complex educational needs and bleakest academic outcomes of any student group. And while the City should be particularly well-aware of these students and their needs—by definition, the City itself, through the Administration for Children's Services (ACS), has legal custody of children in foster care and has assumed responsibility for their well-being—this population has frequently been overlooked, seemingly invisible within the City's sprawling public school system.

Last fall, the New York City Department of Education (DOE) took an important step forward by hiring a small team of staffers dedicated to supporting students in foster care, as recommended by the City's Interagency Foster Care Task Force in March 2018. Prior to August 2022, there was not a single staff member at the DOE focused solely on students in the foster system. This newly-created team will be tasked with providing support and training to school staff with respect to the educational rights of children in foster care and their families, reviewing data to ensure schools are meeting the needs of students in foster care, and developing and implementing policies to improve educational experiences and outcomes for this population.

As the new team gets up and running, this report aims to provide a broad overview of the current state of education for students in foster care in New York City. It analyzes DOE data from the 2016–17 through 2020–21 school years obtained by Advocates for Children of New York (AFC) pursuant to a Freedom of Information Law (FOIL) request, supplemented with publicly available data from ACS and other

KEY FINDINGS

» Over 40% of students in foster care are classified as students with disabilities, more than twice the Citywide rate, and they are over-represented in segregated special education settings.

» During each of the 2016–17 through 2020–21 school years, roughly half of all students in foster care were chronically absent; between one in six and one in nine students in care missed more days of school than they attended.

» Pre-pandemic, the DOE issued suspensions to students in foster care at almost four times the rate at which it issued suspensions to City students overall.

» Students in foster care in grades 3–8 are more than twice as likely to receive the lowest possible score on the New York State tests—meaning they are performing *significantly* below grade level—than they are to score proficient. According to the 2017, 2018, and 2019 exams, nearly 85% of students in care are not proficient in math and four out of five are not reading proficiently.

» Only 40.2% of students who entered ninth grade in 2017 and spent time in foster care while in high school graduated in four years, less than half the Citywide rate; one in five students with foster care experience during high school dropped out, more than quadruple the Citywide rate.

» School stability matters. Students in foster care who transfer schools during the year are even less likely to score proficient on the grades 3–8 state tests than their peers in care who do not change schools. Of students who started high school in 2017, spent time in the foster system, and transferred schools two or more times by senior year, a greater percentage dropped out (27.3%) than earned a diploma (only 18.2%) in four years.

sources. Based on this analysis and our decades of experience working with students in the foster system, we make recommendations for how the City can better support students in foster care and where the new DOE office should focus its initial efforts.

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RECOMMENDATIONS

» Train school staff on the unique needs and legal rights of students in foster care and their families.

» Improve communication between schools, families, and foster care agencies and ensure parents, foster parents, and agency staff all have timely access to educational information.

» Guarantee door-to-door transportation for students in foster care so they can continue to attend school without interruption.

» Collaborate with families, ACS, and foster care agencies to promote school attendance.

» Revise policies to remove barriers that limit the full participation and success of students in foster care.

» Ensure students in foster care have access to behavioral and mental health services and are proactively supported through trauma-informed practices and alternatives to suspension.

» Strengthen pathways to college, careers, and post-secondary programs, particularly for students on alternative routes to graduation.

» Publicly report educational data about students in foster care.

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When ACS removes a child from their home, they are separated from their parents, and possibly from siblings, pets, and other loved ones; they may be placed in an unfamiliar neighborhood with caregivers who are complete strangers, and they may have to change foster homes multiple times while in care. No matter the circumstances prompting the removal, this is a deeply disruptive and traumatic event in a young person's life, and one over which they have little to no control. In taking such drastic action, the City has a moral obligation to ensure these children's needs are being met and—at bare minimum—to avoid causing further harm. But as the data discussed below make clear, the City is failing to provide a sound, basic education to most students in the foster system. There is much work to do, and now is the time to leverage the new DOE team focused on students in foster care to improve support for students in care and begin to address the many obstacles to success in school that these young people face.

FINDINGS

Demographics and school enrollment

Children and youth in foster care in New York City are disproportionately Black and from low-income communities. For example, of preschool- and school-age children in foster care in December 2021, over half (51%) were Black, though only about a quarter of all 3- to 20-year-olds living in the five boroughs are Black. The percentage of children in care who are Latinx (38%) is roughly proportional to the overall population, while White and Asian children are notably under-represented (comprising just under 5% and about 2%, respectively, of those in the foster system).[1] While students in foster care are spread out across the City, they are particularly concentrated in high-poverty neighborhoods in the Bronx, central and east Brooklyn, and southeast Queens. In addition, more than a third (34%) of 13- to 20-year-olds in foster care in New York City identify as LGBTQIA, notably higher than the general population.[2]

Students in care span the grade levels: of the 6,604 students in care in 2020–21 for whom grade level is available, 7.0% were in pre-K, 23.1% were in kindergarten through second grade, 20.2% were in grades 3–5, 17.2% were in middle school (grades 6–8), and 32.6% were in high school (grades 9–12). At every grade level, students in the foster system made up between 0.5 and 0.8% of total 2020–21 enrollment.[3] Students in foster care are *less* likely than City students as a whole to attend charter schools; during the 2020–21 school year, for example, 8.1% of students in care attended charters, compared to 12.7% of all students Citywide.

Alicia* is a student identified by the New York City Department of Education as having an emotional disability and entitled to special education services. She entered foster care in middle school. In seventh grade, Alicia was suspended multiple times and had to repeat the year due to all the class time she missed; then, midway through eighth grade, she suddenly had to change both foster homes and schools when it was discovered that she had been sexually abused by someone in her foster home. Alicia's school attendance plummeted; she ran away from several foster homes, experienced multiple psychiatric hospitalizations, and was failing all her classes in school.

Alicia stabilized for a while in her fourth foster home and was slowly beginning to re-engage in school when the pandemic hit. Like many students, Alicia struggled significantly with remote learning, and she ultimately earned only one credit during her first year of high school. While repeating ninth grade as a 16-year-old, she had to change foster homes yet again, and her school attendance became increasingly inconsistent as she struggled with her relationship with her foster parent and her overall mental health. Despite encouragement by staff at her foster care agency to complete her make-up work and attend class, Alicia eventually expressed that she wanted to drop out of school.

Luckily, Alicia also shared that she was interested in becoming a nurse, and foster care agency staff helped her apply to a transfer school—a school designed to support students who are over-age and under-credited for their grade—with a Certified Nursing Assistant's program. While Alicia initially continued to struggle with attendance, the CNA program includes a paid internship, which is a huge incentive for her. Alicia began to attend school regularly for the first time in many years; at 18 years old, she is actively participating in her education and focused on learning again.

* All student names have been changed to preserve confidentiality.

FIGURE 1 **There are particularly large numbers of children placed in foster care in Jamaica and Hollis in Queens (parts of school districts 27, 28, and 29); East New York and Brownsville in Brooklyn (school districts 19 and 23); Williamsbridge, Parkchester, and Morrisania in the Bronx (parts of districts 8, 9, 11, and 12); and St. George and Stapleton on Staten Island (part of district 31).**

Number of children in foster care by community district of foster placement (December 2021)

- 0—49
- 50—99
- 100—149
- 150—199
- 200 or more

(#) Geographic school district
·········· School district boundary

Staten Island not shown to scale.

Non-residential areas, including parks and airports, are unshaded.
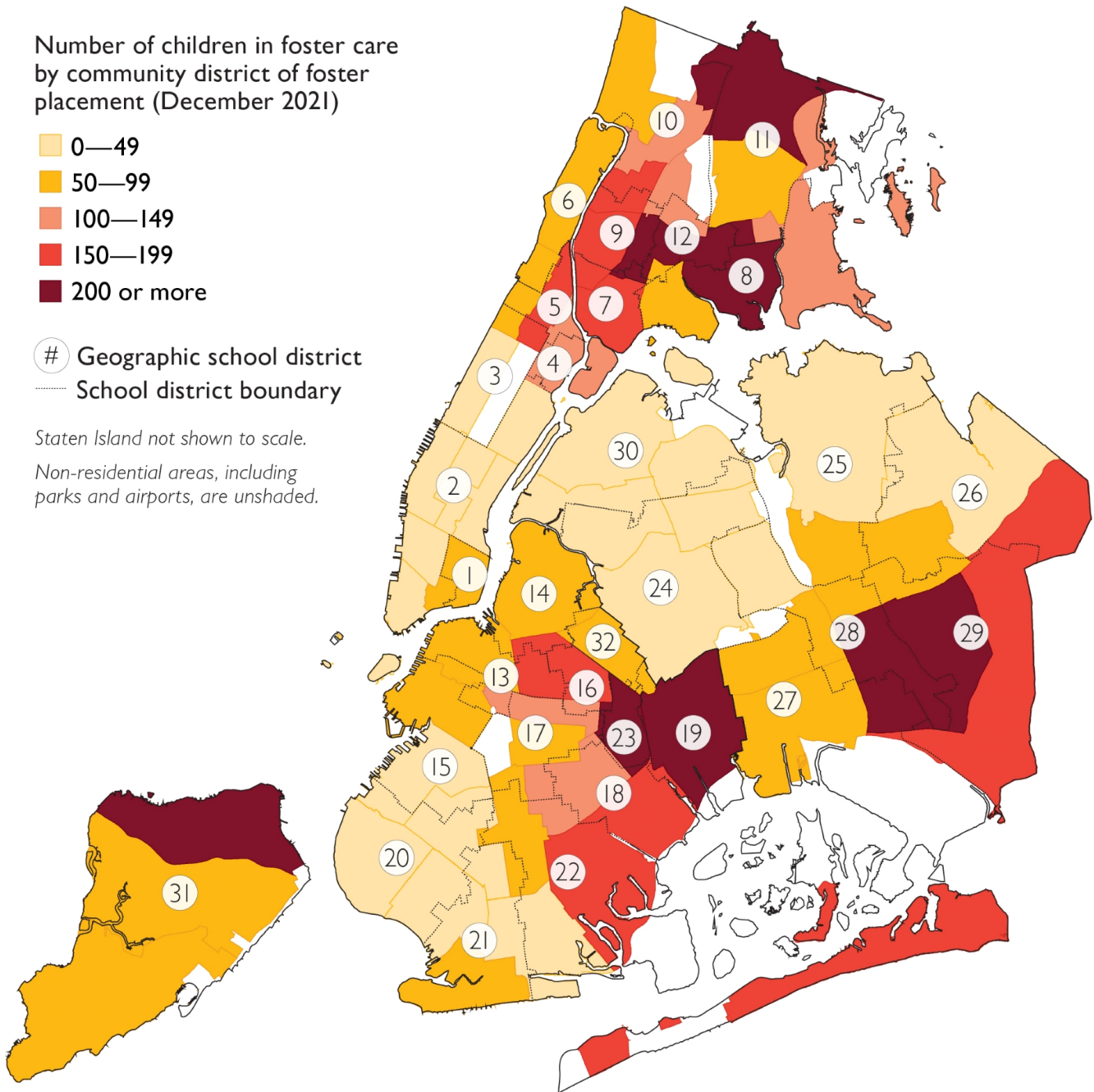
Includes all children who were in foster care in New York City on December 31, 2021 for whom community district is available (n=6,040), including those not enrolled in school (e.g., toddlers too young for 3-K and older youth who already graduated or dropped out).

SOURCE: New York City ACS, Children in Foster Care by Borough/CD of Foster Care Placement, https://www.nyc.gov/assets/acs/pdf/data-analysis/2021/InFosterCareDec2021.pdf.

Students in foster care receive special education services at higher rates than the general student population and are over-represented in the most segregated settings.

During each school year from 2016–17 to 2020–21, between 43.9 and 48.3% of students in foster care in New York City were recommended for special education services, with a five-year average of 46.6%—*more than double* the Citywide special education classification rate of 20.5%.[4] Moreover, students in the foster system who have Individualized Education Programs (IEPs) are less likely than other students with IEPs to be learning in inclusive settings alongside their peers without disabilities:

» As of May 2021, approximately half (49.7%) of students with disabilities in foster care were recommended for self-contained special education classes, in which students with disabilities are segregated from their nondisabled peers. By comparison, roughly 30% of students with disabilities not in foster care had this IEP recommendation.[5]

» Students in the foster system are over-represented in District 75, the Citywide special education district that serves students with the most significant needs. During each of the 2016–17 through 2020–21 school years, more than one in five students in care with an IEP (between 21.3 and 23.7%, depending on the year) was in a District 75 placement, compared to a five-year average of only 11% for all City students with disabilities.

44.6%
20.8%
11.7%
21.3%

% who have Individualized Education Programs (IEPs)

% of those with IEPs who are in District 75 placements

SOURCE: New York City DOE response to FOIL request F18,237; New York City DOE Demographic Snapshot.

Though students in foster care are *more* likely to have disabilities, they are *less* likely than City students as a whole to be learning English as a new language: between 5.4 and 6.1% of students in foster care were English Language Learners (ELLs) during each of the 2016–17 through 2020–21 school years, with a five-year average of 5.8%. Citywide, 13.2% of all students were ELLs during this time frame.

Youth in the foster system attend alternative schools and programs at higher rates than City students overall.

In 2020–21, 18% of 9th–12th graders in foster care were over-age for their grade level, meaning they had been held back at least once and/or were behind on earning credits; by comparison, roughly 7.7% of all high school students were over-age that year.[6] Perhaps unsurprisingly, then,
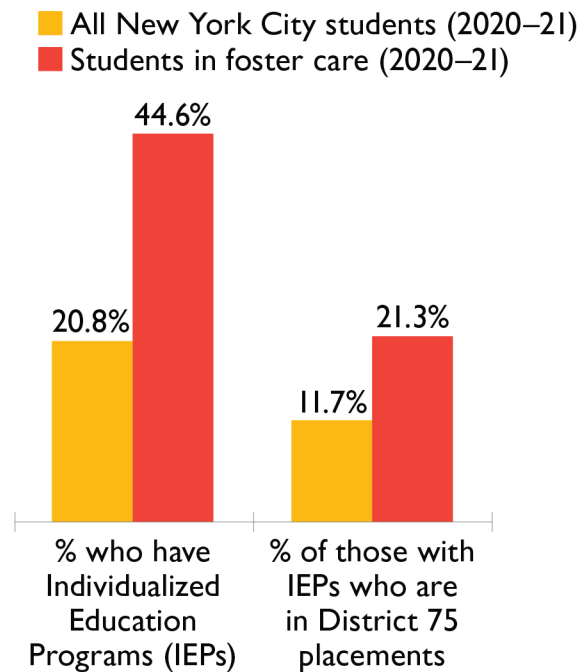
students in foster care attend transfer schools—which serve older youth who have dropped out or fallen behind on credits—at more than double the Citywide rate. In each of the five school years for which data are available, more than one in every ten high schoolers in foster care (an estim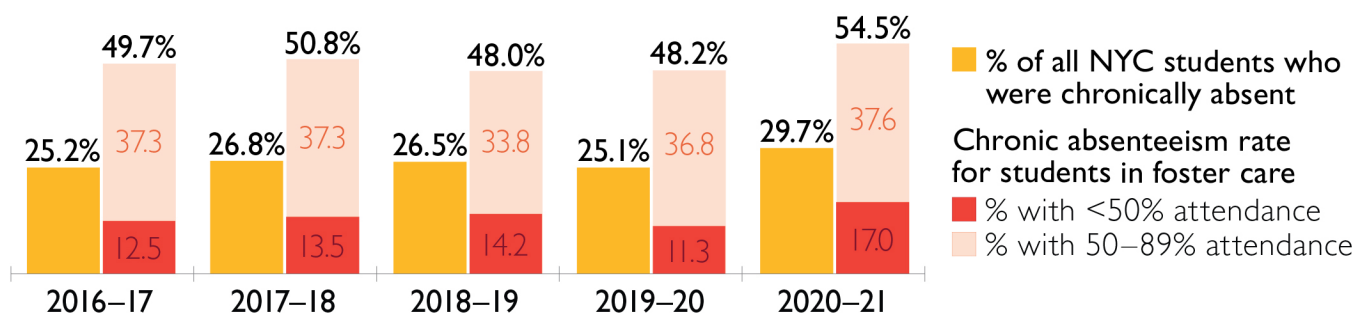ated 10.2 to 11.8%, depending on the year) was enrolled in a transfer school, compared to 4.2% of all New York City students in grades 9–12.[7] Youth in the foster system are also significantly more likely to be in Pathways to Graduation (P2G) programs, which prepare students to earn a high school equivalency diploma (GED/TASC) rather than a traditional Regents or local diploma. In each of the 2016–17 through 2020–21 school years, an estimated 6.1 to 7.3% of 9th–12th graders in care were enrolled in P2G programs, compared to only about 1.1% of high school students Citywide.

Overall, 4.4% of *all* students in foster care were in District 79—the City's alternative school district, which includes P2G along with other non-traditional programs, such as Young Adult Borough Centers (YABCs), which offer afternoon and evening classes for older youth—at the end of the 2020–21 school year, more than six times the rate of City students overall (approximately 0.7% of whom were enrolled in District 79). In prior years, this disparity was even more dramatic: during the 2016–17, 2017–18, and 2018–19 school years, foster youth were in District 79 at more than 12 times the Citywide rate (5.5–6.2% versus 0.4–0.5%).[8]

Attendance and chronic absenteeism

Roughly half of all New York City students in foster care are chronically absent, defined as missing at least one out of every ten school days.[9] And many are *severely* chronically absent: in 2020–21, for example, roughly one in every six students in care (17.0%) had an attendance rate below 50%, meaning they missed over half the school year. By comparison, slightly more than a quarter of all City students were chronically absent during each of the 2016–17 through 2020–21 school years (between 25.1 and 29.7%, depending on the year).[10]

FIGURE 3 **During each of the 2016–17 through 2020–21 school years, roughly half of all students in foster care (48.0 to 54.5%, depending on the year) were chronically absent. Between one in six and one in nine students in care attended school less than half the time.**

49.7%	50.8%	48.0%	48.2%	54.5%
25.2% 37.3	26.8% 37.3	26.5% 33.8	25.1% 36.8	29.7% 37.6
12.5	13.5	14.2	11.3	17.0
2016–17	2017–18	2018–19	2019–20	2020–21

■ % of all NYC students who were chronically absent

Chronic absenteeism rate for students in foster care
■ % with <50% attendance
■ % with 50–89% attendance

Includes all students between the ages of 5 and 20 in foster care as of June 30 of each school year for whom attendance data are available. Given the COVID-19 pandemic and the shift to remote learning, 2019–20 attendance only reflects the school year up to mid-March and is not fully comparable to other years.

SOURCE: New York City ACS Local Law 142 Reports; New York City DOE End-of-Year Attendance and Chronic Absenteeism Data.
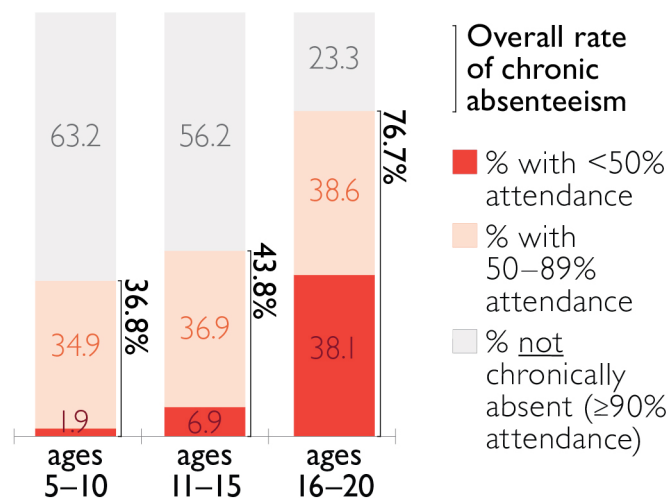
Absenteeism is especially alarming among older youth: during these five school years, less than a quarter of 16- to 20-year-old students in foster care attended school regularly (at least 90% of the time), while more than one in three (38.1%) had an attendance rate below 50%.

The consequences of chronic absenteeism are self-evident: students who are frequently absent have fewer opportunities to learn. Missing instructional time makes it more difficult to stay on track with the curriculum and succeed academically, and students who are not present every day also miss out on opportunities to socialize with peers, build relationships with teachers, and develop social-emotional skills. High rates of absenteeism have been linked with lower math and reading achievement, reduced odds of graduating from high school or enrolling in college, poorer executive functioning, higher rates of internalizing and externalizing behavior problems, and disengagement from school.[11]

Three out of four 16- to 20-year-old students in the foster system (76.7%) were chronically absent between 2016–17 and 2020–21; of those students, roughly half missed more days of school than they attended.

Overall rate of chronic absenteeism

■ % with <50% attendance

■ % with 50–89% attendance

■ % not chronically absent (≥90% attendance)

Includes all students in foster care as of June 30 of each school year for whom attendance data are available.

SOURCE: New York City ACS Local Law 142 Reports.

Suspensions and the school-to-prison pipeline

Students in the foster system are suspended from school at disproportionately high rates:[12]

» The DOE issued between 123 and 141 suspensions for every 1,000 students in foster care during each of the 2016–17, 2017–18, and 2018–19 school years, depending on the year.[13] By comparison, the Citywide rate was 33–36 suspensions per 1,000 students enrolled in DOE schools.[14] Overall, roughly one in every 13 DOE students in foster care was suspended during each of these three school years (7.9% of students in foster care at DOE schools received at least one suspension in 2016–17; 8.3% in 2017–18; 7.4% in 2018–19).

» Disparities are particularly extreme with respect to superintendent's suspensions (suspensions lasting 6–180 days). Combining the three pre-pandemic 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 (48.2 superintendent's suspensions per 1,000 students in care versus 9.3 for every 1,000 DOE students).

» While suspension rates fell substantially during the pandemic, students in the foster system were still far more likely than their peers to be subject to punitive, exclusionary discipline: in the 2020–21 school year, when the vast majority of students were learning remotely some or all of

the time, 6.4% of the unique students who received a principal's suspension (a suspension of 1–5 days) and 8.5% of those who received a superintendent's suspension were students in foster care—though students in care comprise *less than one percent* of the total student population in New York City.[15] Overall, there was one suspension issued for every 454 DOE students in care in 2020–21, compared to a Citywide ratio of one suspension to 2,055 students.

The DOE issued 133 suspensions for every 1,000 students in foster care between 2016–17 and 2018–19, almost four times the rate at which it issued suspensions to City students overall.

The below graph includes both principal's and superintendent's suspensions.

	# suspensions issued per 1,000 DOE students	# suspensions issued per 1,000 students in the foster system
2016–17	34.0	133.2
2017–18	35.9	141.4
2018–19	32.6	122.9
3–YEAR TOTAL	34.2	132.6
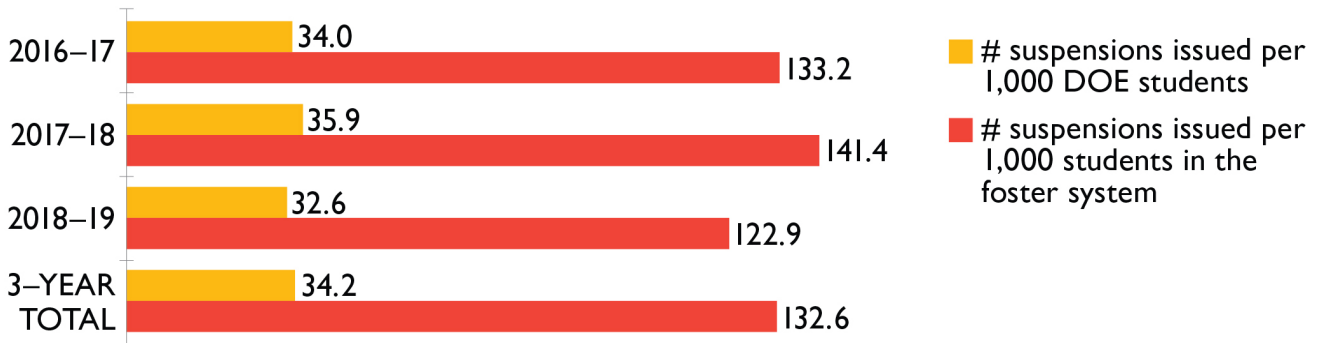
SOURCE: New York City DOE response to FOIL request F18,237; New York City DOE Annual Reports on Student Discipline.

These high rates of removal from the classroom are especially concerning when viewed in the context of the grim attendance rates for youth in foster care, as they represent even more lost instructional time and may similarly lead to disengagement from school. Numerous studies on exclusionary discipline have found that suspensions are linked with a range of negative outcomes: students who are suspended have higher rates of absenteeism, perform worse on standardized tests, are less likely to graduate from high school, and have higher odds of future contact with the juvenile or criminal legal system.[16]

For students in foster care, suspensions likely compound other risk factors that lead to their over-representation amongst court-involved youth. Consistent with past studies of New York City youth with both child welfare and juvenile legal systems involvement,[17] students in foster care are over-represented at East River Academy, which provides educational programming to 18- to 21-year-olds on Rikers Island,[18] as well as at Passages Academy, which serves youth ages 17 and younger who are detained or incarcerated. Approximately 15.3% of *all* young adults enrolled at East River Academy at the end of the 2020–21 school year were students in the foster system,[19] as were an estimated 46.9% of students at Passages Academy.[20] As noted above, students in foster care make up less than one percent of the public school population.

Daniel, a middle school student who has ADHD and a learning disability, came into foster care during the pandemic and was moved several times as he struggled to adjust to new foster homes. Luckily, Daniel's foster care agency worked with his foster parents to maintain Daniel's school placement as a source of stability in his life. Last winter, Daniel was reunified with his mother on a trial basis, and the family moved to a homeless shelter. Daniel got into frequent arguments with his mother, who was struggling with her own worsening mental health; unhappy at the shelter and overwhelmed with the move, he ran away to his former foster parent's home. Further efforts to reunify Daniel with his mother failed when she threatened him with a knife, and he had to return to foster care.

Shortly after this incident, Daniel received a superintendent's suspension from his school because he had a knife in his backpack. Advocates for Children tried to explain to his principal that Daniel had carried a knife because of the situation with his mother, but the principal refused to give Daniel any leniency. In fact, the principal was unwilling to even have a conversation to better understand the context of what was happening in Daniel's life that caused him to feel a need to defend himself. The hearing officer returned Daniel to school immediately after the suspension hearing, but at that point, the damage had been done. At a time when he had experienced significant trauma and desperately needed support from caring adults, Daniel had come to believe the school was not on his side. His attendance dropped dramatically as he began refusing to go to school, started staying out after curfew, and entered a deep depression.

Academic outcomes

Students in foster care have lower academic achievement, as measured by standardized test scores and high school graduation rates, than their peers. Moreover, past studies from elsewhere in the country have shown that these disparities are not simply a function of who is placed in foster care in the first place: while there are also well-documented disparities in test performance based on socioeconomic status, and children from low-income families are disproportionately likely to have contact with the foster system, gaps between students with and without foster care involvement cannot be explained by differences in socioeconomic status alone.[21]

Grades 3–8 math and reading proficiency

Roughly 2,300 students in foster care took the grades 3–8 New York State math and English Language Arts (ELA) exams in each of the 2016–17, 2017–18, and 2018–19 school years. Combining results from all three years, only 15.4% of students in the foster system were proficient (scoring level 3 or 4) in math, while almost 60% received the lowest possible score (level 1) on the math exam. In ELA, more than twice as many students in foster care were at level 1 (45.8%) than were reading proficiently (19.8%).

For both tested subjects, the lower proficiency rates for students in foster care as compared to students Citywide are primarily a reflection of the fact that students in care are more likely to receive the lowest possible score. For example, students in foster care scored a level 2 in math at roughly the Citywide rate (25.3% of students in care versus 25.9% Citywide), but there is a difference of more than 25 percentage points in the proportion of students scoring level 1 (59.3% of students in care as compared to 30.2% Citywide).[22] This pattern suggests that students in the foster system are more likely than their peers to be performing *significantly* below grade level; it is not the

case that low proficiency rates for this population are because students are falling just below the cutoff for passing.

According to the grades 3–8 New York State tests, nearly 85% of students in foster care are not proficient in math and four out of five are not reading proficiently.

The below graph combines results from the 2017, 2018, and 2019 test administrations and includes both DOE and charter schools. Levels 3 and 4 are considered proficient.
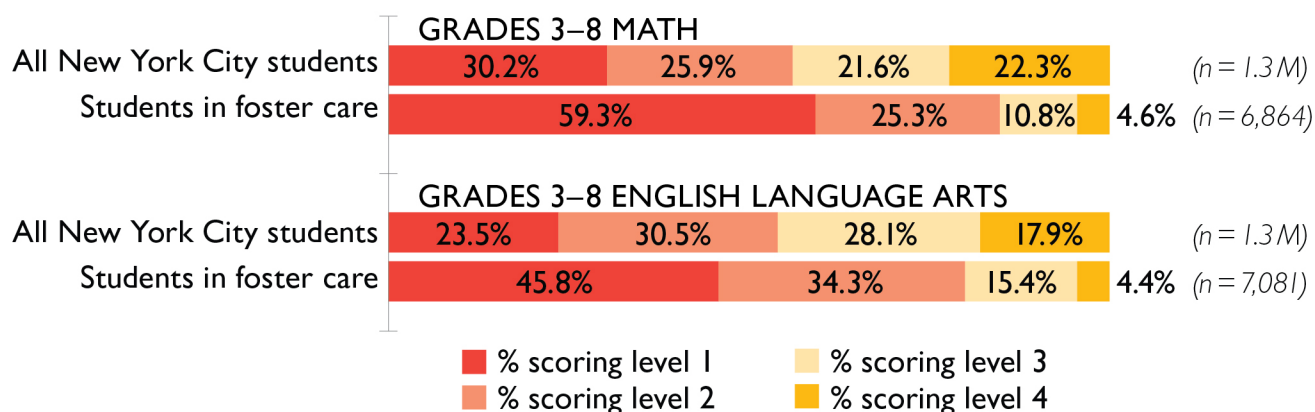
GRADES 3–8 MATH

	% scoring level 1	% scoring level 2	% scoring level 3	% scoring level 4	
All New York City students	30.2%	25.9%	21.6%	22.3%	*(n = 1.3M)*
Students in foster care	59.3%	25.3%	10.8%	4.6%	*(n = 6,864)*

GRADES 3–8 ENGLISH LANGUAGE ARTS

	% scoring level 1	% scoring level 2	% scoring level 3	% scoring level 4	
All New York City students	23.5%	30.5%	28.1%	17.9%	*(n = 1.3M)*
Students in foster care	45.8%	34.3%	15.4%	4.4%	*(n = 7,081)*

■ % scoring level 1   □ % scoring level 3
■ % scoring level 2   ■ % scoring level 4

SOURCE: New York City DOE response to FOIL request F18,237; NYSED 3–8 Assessment Database (2016–17, 2017–18, and 2018–19).

Without access to student-level data, we are unable to control for other variables—such as socioeconomic status, race/ethnicity, and disability status—that are correlated with both child welfare involvement and lower scores on standardized math and reading tests. In other words, we cannot tease out the extent to which the above proficiency rates are a reflection of broader inequities in the education and child welfare systems (the students most likely to be placed in foster care are those who are already marginalized, less likely to have access to a high-quality education, and thus less likely to score proficient), versus the extent to which students in the foster system are struggling academically *above and beyond* their similarly-situated peers.

Nevertheless, aggregate proficiency rates suggest that students in foster care in New York City constitute a *unique* subgroup that demands targeted attention. For example:

» There is a gap of 20 percentage points in reading proficiency rates between 3rd–8th graders in foster care and all 3rd–8th grade students who are eligible for free/reduced-price lunch or other public benefits (a subgroup somewhat more comparable to students in care than City students as a whole). Math proficiency rates for all low-income students are more than double those of students in foster care (38.2% versus 15.4%).

» Results for students with disabilities in foster care trail the already-low proficiency rates for students with disabilities Citywide. During these three school years, just 7.7% of 3rd–8th graders with IEPs in foster care were proficient in math and only 8.1% were reading proficiently, compared to proficiency rates of 16.8% (math) and 15.5% (ELA) for all New York City students with disabilities.

FIGURE 7 Math and reading proficiency rates for students in foster care—who are disproportionately from low-income communities—significantly trail those for all students who are economically disadvantaged. Likewise, students with disabilities in foster care are even less likely than students with disabilities Citywide to score proficient on the state tests.

The below graph combines results from the 2017, 2018, and 2019 test administrations and includes both DOE and charter schools.

% of 3rd–8th graders proficient in math

All New York City students	43.9%
All low-income students	38.2%
Students in foster care	15.4%
All New York City students with IEPs	16.8%
Students in foster care with IEPs	7.7%

% of 3rd–8th graders proficient in reading

All New York City students	46.0%
All low-income students	39.9%
Students in foster care	19.8%
All New York City students with IEPs	15.5%
Students in foster care with IEPs	8.1%
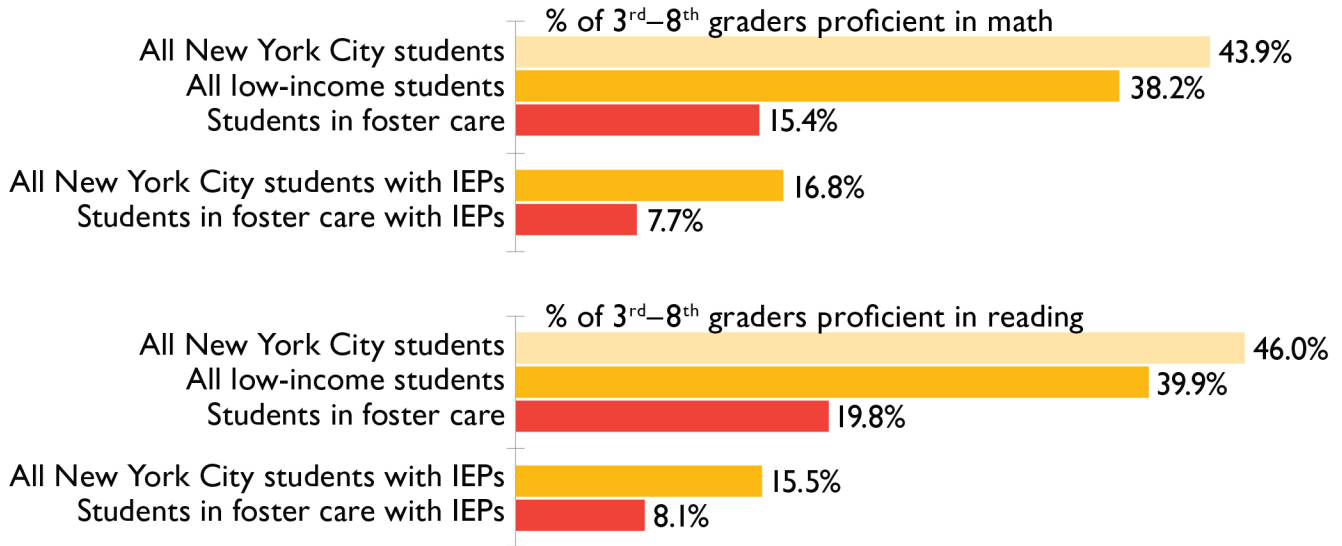
SOURCE: New York City DOE response to FOIL request F18,237; NYSED 3–8 Assessment Database (2016–17, 2017–18, and 2018–19).

High school graduation rates

Only 40.2% of students who started ninth grade in 2017 and spent time in foster care while in high school graduated in four years, compared to a Citywide graduation rate of 81%.[23] One in five students in this cohort who had foster care experience during high school (20.5%) dropped out by August 2021, more than four times the Citywide dropout rate of 4.6%. These disturbing numbers actually represent an improvement over previous cohorts: data obtained by AFC show that of students who entered ninth grade in 2016 and spent time in the foster system while in high school, only 32.7% graduated by August 2020, while a recent study by the NYC Center for Innovation through Data Intelligence (CIDI) reported that only 25.1% of youth with foster care experience graduated in 2019.[24]

As with performance on the state tests, graduation outcomes are even more abysmal for students with disabilities in foster care than for students in care overall. Of students with IEPs who spent time in foster care while in high school, only 29.7% of those who started ninth grade in 2017 earned a Regents or local diploma by August 2021, roughly half the Citywide graduation rate for all New York City students with disabilities in the cohort (57.9%). Students with disabilities who were in the foster system during high school dropped out at more than three times the Citywide rate for all students with IEPs (23.3% versus 6.8%).
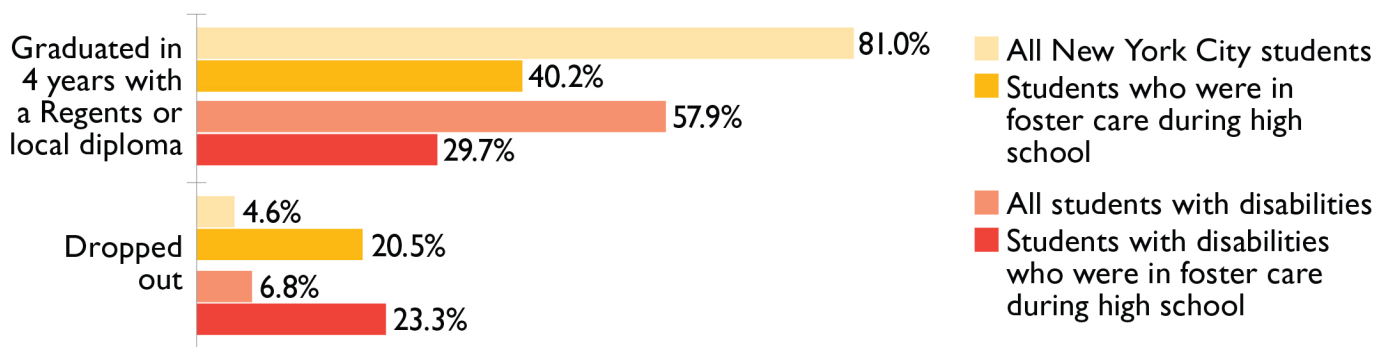
Advocates for Children met Juan when he was 17 years old, at which point he had spent most of his life in foster care, living in more than 10 foster placements and attending many different schools as a young child. Juan began receiving special education services when he was three because of a speech impairment, and as far as we can tell, the DOE never completed updated evaluations of Juan after preschool. When he was around 10 years old, Juan experienced several losses in his life and entered a psychiatric hospital. While hospitalized and in acute distress, Juan received a psychological evaluation. He did poorly on the assessment, and upon his discharge from the hospital, the DOE changed his special education classification from Speech Impairment to Intellectual Disability. The DOE then transferred Juan from his neighborhood school to a segregated District 75 program for students with significant disabilities on an alternate assessment track that would not offer him the chance to earn a high school diploma.

When he was in high school, Juan's home life finally stabilized, and he started telling anyone who would listen that he was not in the right school setting. Staff at his foster care agency began to believe that he might have greater potential than his special education program indicated and referred him for an evaluation with one of their psychologists. Testing revealed that Juan's cognitive abilities are actually above average, and that people had under-estimated him for years, letting him languish in a District 75 program with students who were far lower functioning than he was. As a result, Juan was about to turn 18, had no high school credits and little-to-no exposure to grade-level content, and was performing at roughly a third-grade level.

AFC worked closely with Juan, his foster care agency, foster parent, and school to change Juan's IEP to an integrated classroom setting and a standard-assessment, diploma bound track. Despite his age and lack of credits, Juan's determination impressed staff at a nearby transfer school, where he was able to enroll and earn high school credits at an accelerated pace. AFC also advocated with the DOE to obtain make-up tutoring services for Juan, as partial compensation for the seven or more years that he spent in a grossly inappropriate special education setting. Juan met diligently with his tutor and attended school every day; after two-and-a-half years of hard work, he graduated from high school at the age of 20 and enrolled in a post-secondary program for graphic design and visual arts. If it had not been for Juan's strong self-advocacy and belief in himself, he never would have had that opportunity.

FIGURE 8   **The four-year graduation rate for students who entered ninth grade in 2017 and spent time in foster care while in high school was less than half that for all City students, while youth with foster care experience dropped out of high school at more than quadruple the Citywide rate.**

The below graph includes both DOE and charter schools.

Graduated in 4 years with a Regents or local diploma
- 81.0%
- 40.2%
- 57.9%
- 29.7%

Dropped out
- 4.6%
- 20.5%
- 6.8%
- 23.3%

Legend:
- All New York City students
- Students who were in foster care during high school
- All students with disabilities
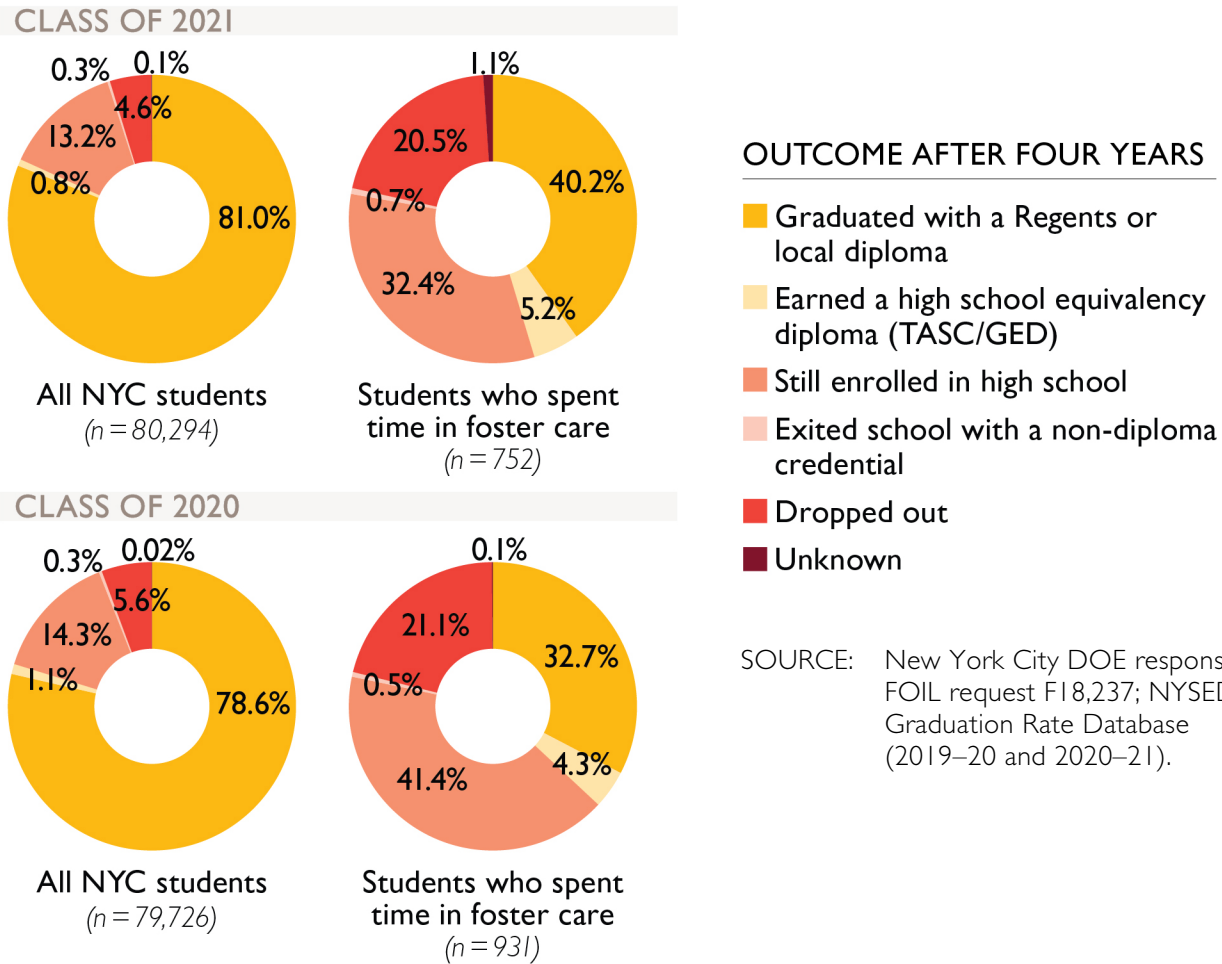- Students with disabilities who were in foster care during high school

SOURCE: New York City DOE response to FOIL request F18,237; NYSED Graduation Rate Database (2020–21).

In both 2020 and 2021, students in foster care were also more likely than City students as a whole to earn a high school equivalency diploma or to leave school with a Skills and Achievement Commencement Credential (SACC), a non-diploma certificate for students with disabilities. These patterns likely reflect the over-representation of students in foster care in Pathways to Graduation (P2G) programs and District 75, respectively.

In 2020 and 2021, well under half of students who spent time in foster care during high school graduated, while more than 20% dropped out.[25]

The below graph includes both DOE and charter schools.

CLASS OF 2021

All NYC students
(n = 80,294)

Students who spent time in foster care
(n = 752)

CLASS OF 2020

All NYC students
(n = 79,726)

Students who spent time in foster care
(n = 931)

OUTCOME AFTER FOUR YEARS

- Graduated with a Regents or local diploma
- Earned a high school equivalency diploma (TASC/GED)
- Still enrolled in high school
- Exited school with a non-diploma credential
- Dropped out
- Unknown

SOURCE: New York City DOE response to FOIL request F18,237; NYSED Graduation Rate Database (2019–20 and 2020–21).

School stability

When children have to transfer schools when they enter foster care or change foster placements, they are forced to adjust to a new curriculum, new teachers and classmates, and a new physical environment at the same time as they are coping with the separation from their home and family. Being the 'new kid' in class can be difficult under the best of circumstances; for students in the foster system, unexpected school transfers can sever relationships with friends and caring adults at a time when they need that support the most. Conversely, when students have a consistent school

placement while in care, school can serve as a safe haven and a source of stability amidst enormous stress, upheaval, and uncertainty.[26]

Federal and state law provide students in foster care with special protections that recognize the critical importance of school stability: school districts and foster care agencies are required to keep students in their original schools when they enter care or change foster homes, unless it is in a student's best interest to transfer to a new school.[27] Yet prior to the pandemic and the shift to remote and hybrid learning, more than one in four students in foster care in New York City transferred schools each year. In 2018–19—the last full school year unaffected by COVID-19—*at least* 20.7% of students in care (1,604 students) switched schools once and another 8.5% (656 students) transferred two or more times. By 2020–21, these numbers had dropped to 10.9% (one school transfer) and 3.5% (two or more transfers), but much of this decline is likely attributable to the fact that remote learning obviated the need to change schools when moving to a new home in a different neighborhood.[28]

Frequently changing schools disrupts both academic learning and socialization, and numerous studies have found that, for students both inside and outside the foster system, school mobility is associated with increased risk of grade retention, a decline in reading and math achievement, and lower educational attainment.[29] Data from New York City follow this pattern: students in foster care who transfer schools mid-year—and especially those who transfer multiple times—perform worse on the grades 3–8 New York State tests and are less likely to graduate high school in four years.
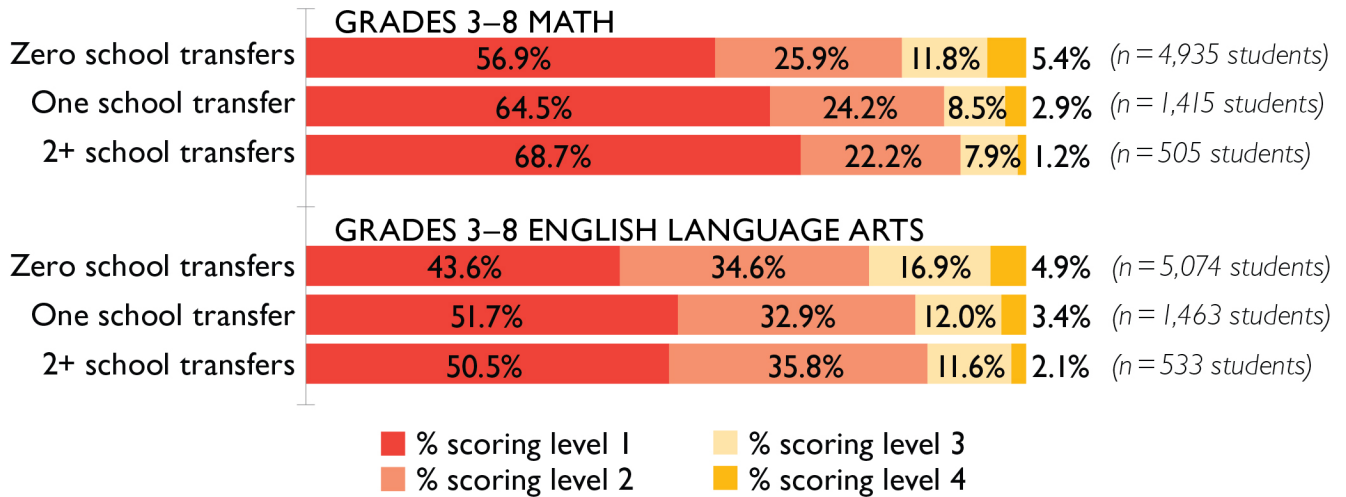
For example, combining results from the 2017, 2018, and 2019 test administrations, math and reading proficiency rates for 3rd–8th graders in foster care who did *not* transfer schools were more than five percentage points higher than those for students in foster care who changed schools once during the year they were tested and eight percentage points higher than those for youth with two or more school transfers.

Kareem is an elementary school-aged child who attends a gifted and talented program. When he first entered foster care, Kareem's foster parent drove him to school every day. However, after another family member fell ill and required her care in the mornings, she was no longer able to make the daily trip with Kareem. The foster care agency requested busing from the DOE, but the DOE said there was no route available. The agency then tried to arrange car service through a company whose drivers have undergone fingerprinting and background checks, but after several weeks, the company told the agency they could no longer transport Kareem. With no other options to keep Kareem in his school, where he had teachers he loved, staff from the foster care agency began taking Kareem to school every day themselves. For the next few months, agency staff spent nearly two hours each morning—time they could have spent attending to other job responsibilities—picking Kareem up at his foster home and accompanying him on his commute to school. Eventually, Kareem was reunified with his father, but had the agency not gone to such extreme lengths in the interim, he likely would have lost his spot in the gifted and talented program, for no other reason than that the DOE failed to provide a way for him to get there after he was placed in care.

FIGURE 10 **According to the New York State tests, 3rd–8th grade students in foster care who transfer schools during the year are less likely to be proficient in math and reading than their peers in care who do not change schools.**
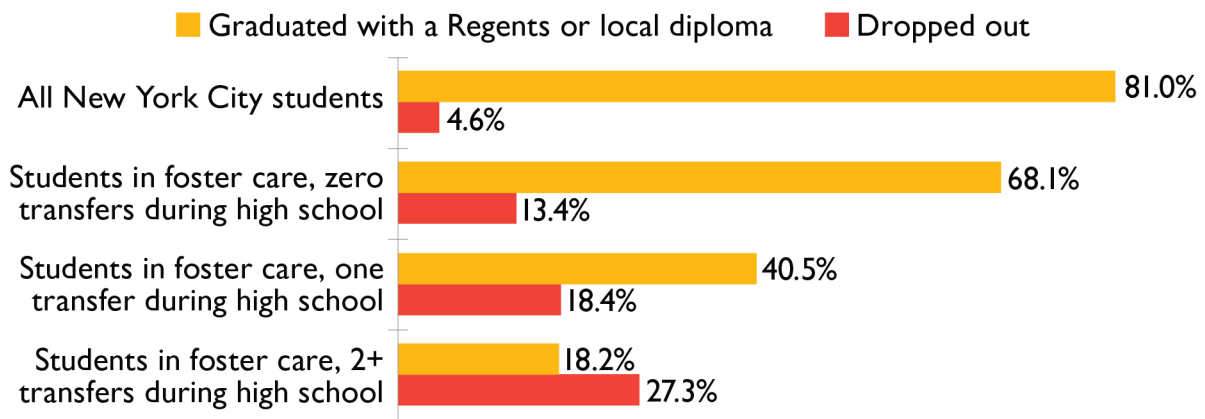
The below graph combines results from the 2017, 2018, and 2019 test administrations. Levels 3 and 4 are considered proficient.

GRADES 3–8 MATH

	% scoring level 1	% scoring level 2	% scoring level 3	% scoring level 4	
Zero school transfers	56.9%	25.9%	11.8%	5.4%	(n = 4,935 students)
One school transfer	64.5%	24.2%	8.5%	2.9%	(n = 1,415 students)
2+ school transfers	68.7%	22.2%	7.9%	1.2%	(n = 505 students)

GRADES 3–8 ENGLISH LANGUAGE ARTS

	% scoring level 1	% scoring level 2	% scoring level 3	% scoring level 4	
Zero school transfers	43.6%	34.6%	16.9%	4.9%	(n = 5,074 students)
One school transfer	51.7%	32.9%	12.0%	3.4%	(n = 1,463 students)
2+ school transfers	50.5%	35.8%	11.6%	2.1%	(n = 533 students)

■ % scoring level 1   ■ % scoring level 3
■ % scoring level 2   ■ % scoring level 4

SOURCE: New York City DOE response to FOIL request F18,237.

Similarly, of students who started ninth grade in 2017 and spent time in the foster system during high school, those who stayed at the same school through senior year had a four-year graduation rate of 68.1%, while only 18.2% of those who changed high schools two or more times earned a Regents or local diploma by August 2021. The 2021 dropout rate for students in foster care who transferred twice (or more) while in high school was 27.3%, more than double that of youth in care with zero school transfers (13.4%) and nearly six times the Citywide dropout rate (4.6%).
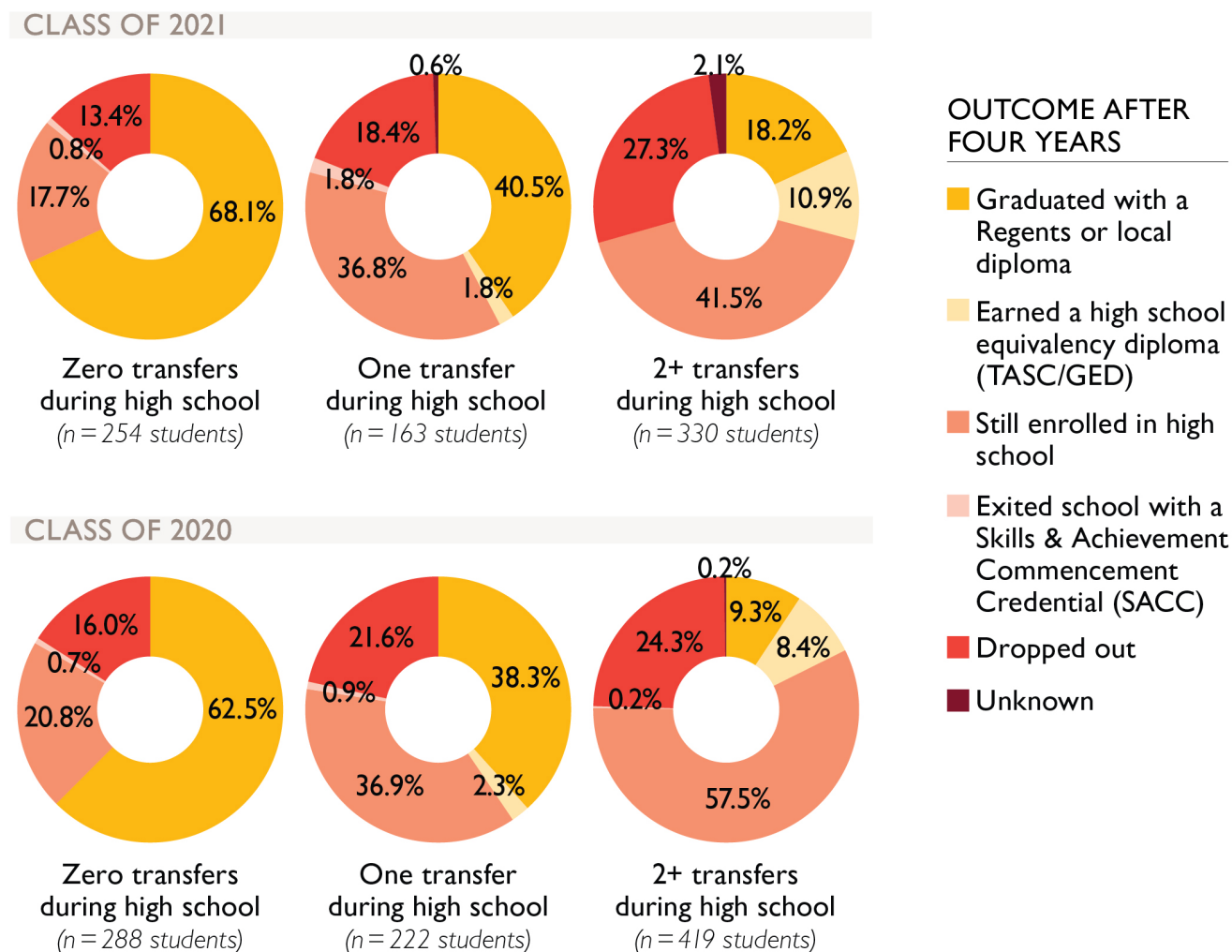
FIGURE 11 **The 4-year August graduation rate for students who started ninth grade in 2017, spent time in foster care while in high school, and transferred schools two or more times was just 18.2%—60 percentage points lower than the Citywide rate.**

■ Graduated with a Regents or local diploma   ■ Dropped out

	Graduated	Dropped out
All New York City students	81.0%	4.6%
Students in foster care, zero transfers during high school	68.1%	13.4%
Students in foster care, one transfer during high school	40.5%	18.4%
Students in foster care, 2+ transfers during high school	18.2%	27.3%

SOURCE: New York City DOE response to FOIL request F18,237; NYSED Graduation Rate Database (2020–21).

As discussed previously, we do not have access to student-level data and thus cannot control for other variables associated with earning a diploma to isolate the impact of transferring schools. However, our findings mirror those of the NYC Center for Innovation Through Data Intelligence (CIDI); their recent study, which included data on 11,000 youth in care who started high school between 2005 and 2015, controlled for a range of educational and child welfare indicators (e.g., 8th grade ELA and math scores, cumulative time spent in foster care) and found a statistically significant difference in the probability of graduating high school between students who attended one school and those who attended two or more schools.[30]

FIGURE 12   **Students in the foster system who transfer schools two or more times during high school drop out at higher rates than they earn a diploma; they are also significantly more likely than their peers in care who do _not_ transfer schools to earn a GED rather than a traditional high school diploma.**

CLASS OF 2021

Zero transfers
during high school
(n = 254 students)

One transfer
during high school
(n = 163 students)

2+ transfers
during high school
(n = 330 students)

OUTCOME AFTER
FOUR YEARS

- Graduated with a Regents or local diploma
- Earned a high school equivalency diploma (TASC/GED)
- Still enrolled in high school
- Exited school with a Skills & Achievement Commencement Credential (SACC)
- Dropped out
- Unknown

CLASS OF 2020

Zero transfers
during high school
(n = 288 students)

One transfer
during high school
(n = 222 students)

2+ transfers
during high school
(n = 419 students)

SOURCE: New York City DOE response to FOIL request F18,237.

RECOMMENDATIONS

The findings of this report are sobering. In the context of New York City's massive public school system, the approximately 7,500 students in foster care comprise a relatively small group; as a result, they have historically been overlooked. Yet if these students were to comprise their own school district, it would be a district roughly the size of White Plains—larger than almost 90% of all other districts in New York State. And it would be a district in which barely one in five students is reading proficiently, less than half graduate high school in four years, and 38% of older youth are absent from school more often than they attend. New York City clearly has work to do, and with the new DOE Foster Care Team in place, the time is ripe for meaningful change. The DOE should:

Train school staff on the unique needs and legal rights of students in foster care and their families.

A top priority for the DOE's new Foster Care Team should be ensuring schools have the information and skills they need to support students in foster care and their families. The DOE should provide training for educators and school staff that increases their capacity to understand and address the unique needs of youth in the foster system; such training should explain, for example:

» **How the foster care system works in New York City**, including what happens after a call to the state central registry from the perspective of families and children, and information about the key players (e.g., foster care agency case planners, Education Specialists, and Coaches) with whom school staff must be familiar in order to communicate effectively;

» **The rights of parents whose children are in foster care**, such as those around receiving school records, attending school meetings and events, participating in the special education process, and making educational decisions, as well as best practices for engaging parents in their children's education while children are in foster care;

» **The rights of students in foster care with respect to enrollment and school stability**, including students' right to remain in their school of origin, unless it is in their best interest to transfer to a new school, and their right to transportation while in foster care and upon reunification with their families;

» **The unique social-emotional needs of youth in care**, including the importance of confidentiality and maintaining family ties and connections, and how to implement trauma-informed practices and maintain sensitivity to differences in children's family dynamics and experiences;[31] and

» **Where school staff can turn for assistance** when complicated questions arise related to the above rights and needs (e.g., determining who should consent to special education evaluations and services in a specific student's case).

The DOE should also continue training staff on its recently updated surrogate parent manual, which outlines the policies and procedures for special education decision-making in cases in which a student does not have a parent or legal guardian to consent to special education evaluations and services. All school psychologists and other staff responsible for conducting special education

evaluations and holding IEP meetings should understand when and how a surrogate parent should be assigned. In our experience, confusion and misinformation regarding parental consent for students in foster care often lead to delays in students with disabilities getting the support they need to learn.

Improve communication between schools, families, and foster care agencies and ensure parents, foster parents, and agency staff all have timely access to educational information.

In addition to training school staff, the new Foster Care Team should directly support schools in forming effective partnerships with families of students in care and with foster care agencies. The DOE must also ensure that parents, foster families, and foster care agencies have timely access to all education-related information, including school notices, student education records, online portals like the New York City Schools Account (NYCSA), and school-specific apps like Classroom Dojo, so that everyone in a student's network can support the learner. To this end, the DOE should:

» **Amend Chancellor's Regulation A-820 to include parents' right to access their children's educational records** when they are in foster care and to reflect the 2013 amendments to the Family Educational Rights and Privacy Act (FERPA) under the Uninterrupted Scholars Act, giving foster care agencies access to the school records of students in their care.

» **Ensure schools make efforts to involve and engage parents while their children are in foster care**, unless they no longer maintain their rights, so that parents can continue to be involved in their children's education and are prepared for when their children return home. This includes ensuring that all notices are sent to the student's parent(s) and foster care agency—not solely to the current foster parent—including notices related to a student's special education needs or any disciplinary concerns, and that parents continue to be invited to parent-teacher conferences and other school events (e.g., a winter concert) while their children are in care, assuming no limiting court orders are in place.

» **Ensure foster care agencies and parents of students in foster care have access to online student information.** For example, the DOE uses an online platform, NYCSA, to give parents access to an increasing amount of student information, such as attendance records, report cards, and busing information. For students in foster care, typically only the foster parent can access this platform, even though NYCSA includes information to which parents are legally entitled and that foster care agencies need to support the children in their care. While the DOE has told foster care agencies that schools can generate "creation codes" to give agency staff and birth parents access to a student's NYCSA account, we have found that schools simply do not know how to do this, resulting in unnecessary and duplicative work for both parties as agencies repeatedly ask schools for student records that would otherwise be at their fingertips if they could access NYCSA or a similar DOE staff platform like Student Profile directly. The DOE should address these issues and ensure that parents and foster care agencies can access this information. Furthermore, as the DOE develops its new parent-accessible special education portal to replace the current Special Education Student Information System (SESIS), it will be equally critical to ensure that parents, foster parents, and foster care agencies all have access to this platform.

The new Foster Care Team can help resolve communication challenges between schools, families, and foster care agencies. Given the City's recent expansion of Fair Futures, which funds Specialists and Coaches at every foster care agency to support students' educational and employment goals, this is the perfect time to capitalize on that investment and focus on building strong relationships between schools and agency staff. The Foster Care Team has already begun using data, including student grades and transfers, to reach out to Superintendents, schools, and agency staff to develop individualized academic plans for students who are struggling. By gathering feedback and tracking any concerns raised about school-family partnerships, the DOE can understand what is happening on the ground in schools to appropriately target training, resources, and additional support.

Guarantee door-to-door transportation for students in foster care so they can continue to attend school without interruption.

The first step to succeeding in school is getting there in the first place. The DOE should guarantee door-to-door transportation—bus service or a comparable alternative—for students in foster care so they do not have to transfer schools unnecessarily.

As discussed above, federal and state law require school districts to provide students in foster care with transportation to their school of origin. Despite this legal obligation, the DOE does not currently guarantee bus service or comparable transportation to students in foster care. The DOE allows students in foster care who do not meet other busing criteria to apply for busing by completing an "exceptions request form" and will provide bus service if a student can be added to an existing route. The DOE offers free MetroCards to other students, despite the fact that many children in foster care are too young to take public transit by themselves. As a result, students who cannot travel to school on their own have been forced to transfer schools, or even transfer foster homes. In 2016, the DOE guaranteed busing to all kindergarten through sixth grade students living in shelter; it should do the same for students in foster care, who constitute a far smaller group.

Even when students do receive busing, delays in routing can be hugely destabilizing to students who are already in crisis. Therefore, the DOE also needs solutions that will allow students to be transported to their school of origin promptly upon placement in foster care or a change in foster homes. In cases in which busing cannot be arranged quickly and a student needs to wait to be routed, or where a comparable mode of transportation would be more effective, the DOE must provide an alternative that does not require the student's foster parent or agency staff to accompany the student to and from school.[32] Possible solutions the DOE could pursue on its own or in partnership with ACS include:

» Offering pre-paid car service or rideshare with a DOE-funded chaperone to accompany the child (e.g., a paraprofessional);

» Contracting with companies that use smaller vehicles with vetted drivers, such as HopSkipDrive (used by the Los Angeles Unified School District to transport students in foster care), provided the DOE ensures reliable service and works out the logistics of school staff escorting the child to and from the vehicle; and

» Ensuring prompt reimbursement to foster parents and agencies who pay transportation costs while awaiting busing.

As noted above, as part of their training for school staff, the DOE's Foster Care Team should ensure that schools understand students' rights around school stability when entering foster care, changing foster placements, or reunifying with their families, as well as how to enforce those rights and arrange transportation. Schools must know how to request busing for students in care and how to work with parents, foster parents, and foster care agencies to coordinate other transportation services while awaiting busing.

Collaborate with families, ACS, and foster care agencies to promote school attendance.

Addressing the alarmingly high rates of chronic absenteeism among students in care should be a priority for the new Foster Care Team. The DOE should ensure that caregivers and agency staff have access to real-time attendance information, including through online portals like NYCSA or Student Profile, so that families and agencies know when students miss school and can intervene early—before absences start to compound. ACS and the DOE have had an inter-agency data-sharing agreement for over a decade; while they share data on roughly a monthly basis, by the time the data is processed and makes its way to provider agencies, it is typically about six weeks old. In addition, some information about students in foster care who attend charter schools is not included in these reports, as charter schools do not use the same data systems as DOE schools. The DOE recently began sharing attendance data with ACS twice per month; they should continue working together to improve data accuracy, increase the frequency with which data are shared with provider foster care agencies, and ensure charter schools are also sharing attendance data for students in foster care with agency staff.

When attendance first starts to become a concern for a particular student in the foster system, schools should immediately reach out to the student's support network—including their current foster parent, parent(s), and foster care agency—to identify the underlying causes and develop targeted solutions. We have already seen several promising examples in which a foster care community coordinator on the DOE's new Foster Care Team flagged troubling attendance data for a foster care agency and worked collaboratively with agency staff and the student's family to identify and resolve the barriers resulting in absences from school. The joint DOE-ACS Tiered Response Protocol, which has been in effect for over six years, requires schools to notify the foster care agency immediately when a K–8 student in care has three consecutive unexcused absences, but we consistently hear from foster care agencies that schools rarely follow this protocol; with the new Foster Care Team up and running, adherence to the protocol and collaborative problem-solving for individual students struggling with attendance should be the rule, rather than the exception.

The new Foster Care Team should also work with ACS to identify systemic barriers that lead to absences for students in the foster system and address those challenges. For example, the DOE and ACS should encourage families and foster care agencies to schedule family visits, court appearances, doctor's appointments, and other obligations outside of the school day so that students in care are not forced to miss class. If an appointment must be scheduled during school hours, schools should work with families and agencies to ensure the student gets their assignments and has an opportunity to make up their work. Additionally, foster care agencies should support foster parents with transportation so the child can attend school before the appointment and return to school afterwards, rather than missing the entire day.

Revise policies to remove barriers that limit the full participation and success of students in foster care.

The City must ensure that students in foster care have access to the same educational programs, services, and opportunities as their peers who are not in foster care. To this end, the DOE needs to know how its policies, practices, and systems impact students in foster care and whether they create special barriers for students in the foster system. The new Foster Care Team is well-positioned to lead a comprehensive effort to assess existing policies and practices through such a lens. The DOE should track rates of participation in programs such as Summer Rising, gifted and talented classes, specialized programs for students with disabilities, and Career and Technical Education (CTE) programs by foster care status. Where disparities emerge, the Foster Care Team should work with students, families, and foster care agencies to identify barriers to full inclusion—assessing, for example, what is explicitly or implicitly required for students to enroll in and attend a service or program—and design responsive solutions that will support students' participation and attendance. For example:

» As bus service only covers the regular school day, students in foster care who rely on busing to travel to a foster home in another district or borough may be unable to attend programs or participate in activities that take place after school. Policy changes to limit this barrier might include providing academic intervention services during the regular school day, rather than after dismissal, or offering busing outside regular school hours to allow students to participate in athletics and extracurriculars.

» Rising sixth and ninth graders who enter foster care or move placements after the middle or high school admissions period has ended may be forced to attend a school that is under-enrolled, is lower-performing, or lacks a program in which they are particularly interested, simply because it is the only school within a reasonable distance that still has seats available. The DOE could expand admissions policies to combat such barriers; for example, by setting aside seats at each school for students who need placements after the start of the school year. Similarly, programs such as Summer Rising that have an application deadline must build in flexibility to allow students who are placed in foster care or move placements after the deadline to enroll in a program near their foster placement.

Following any such changes, the DOE must continually track progress in participation rates and continue to assess disparities between students in foster care and their peers. In addition, as the City prepares to announce new programs and initiatives, the DOE should consider the unique needs of students in foster care, ensuring such programs will be accessible to students in the foster system.

Ensure students in foster care have access to a comprehensive, integrated system of behavioral and mental health services and are proactively supported through trauma-informed practices and other alternatives to suspension.

Leverage new and existing mental health supports for students in foster care.

Students in foster care face unique challenges as they change home and family environments and experience the impacts of trauma.[33] As such, the DOE must collaborate with other agencies to

ensure that students in foster care receive the direct behavioral and mental health support they need to remain in school. In addition, expanding inclusive program options and providing more robust behavioral and mental health supports to students in foster care at District 1–32 schools could help reduce the over-reliance on District 75 placements. As the DOE continues to expand the availability of inclusive programs with mental health supports in schools, the Foster Care Team should leverage this work and ensure students in foster care have access to such programs. For example, the DOE Foster Care Team should ensure that foster care agency staff members are aware of the Path program—the DOE's specialized inclusion program for students with the classification of emotional disability—as the program expands to additional elementary schools. The new Foster Care Team should help families and foster care agencies understand the range of behavioral and mental health services available in different schools, like which schools are participating in the Mental Health Continuum, an innovative model for integrating supports for students with significant mental health needs in high-needs schools, so that they can make informed choices when completing elementary, middle, and high school applications.

Create healing-centered schools by educating all members of the school community about the impact of trauma and implementing trauma-informed and restorative practices tailored to students' individual needs.

Teachers and school staff who do not understand how trauma can manifest in a school setting may misjudge a child's behavior and respond in a manner that is ineffective or that causes further harm.[34] The City must shift to a preventive model that recognizes social-emotional well-being is essential for learning and that identifies and supports—instead of punishes—students who are experiencing the impacts of trauma. To do so, schools must eliminate harmful practices and structures—such as punitive and exclusionary discipline, metal detectors and policing, unnecessary transport to hospital psychiatric emergency rooms, and biased curricula—that do not make schools safer or promote student engagement. The DOE should improve how it trains school staff and give them the tools to proactively recognize and empathetically respond to the effects of trauma, including as it relates to the foster care experience specifically, and build schools' capacity to use inclusive, culturally responsive, and restorative practices to support students in the foster system. Indeed, schools that use healing-centered practices can help reverse the effects of trauma, boost academic engagement, and promote social-emotional well-being.[35]

Partner with students, families, and agencies to tailor supports for students in care and create supportive environments that keep them in school.

Interventions for students experiencing trauma must be responsive to a student's specific needs and targeted toward keeping the student engaged in learning. By developing collaborative relationships with families and foster care agencies and maintaining two-way communication, schools can proactively identify moments when a student may need additional support, such as during a transition to a new foster care placement, immediately before or after family visits, or when a permanency goal is changed from return to parent to adoption. School staff should work collaboratively with students, families, and agency support staff (including socio-therapists, clinicians, and Fair Futures Coaches and Specialists) to identify triggers for behavioral challenges and develop supports and supportive schools that keep students in the classroom. When a school does suspend a student in care, it should be only as a last resort and limited in duration. Furthermore, schools must communicate with a student's family and foster care agency immediately, including by providing

written notice of any disciplinary meetings or hearings, and should take proactive steps to re-engage the student and ensure they feel welcomed and supported upon their return to school.

Strengthen pathways to college, careers, and post-secondary programs, particularly for students on alternative routes to graduation.

The data show that students in foster care disproportionately attend transfer schools and participate in alternative pathways to graduation, such as GED programs. As such, the DOE should increase supports for students to successfully complete these programs and earn a high school diploma or equivalency following a disruption or setback in school. Given the high percentage of students in foster care who have disabilities, it is especially critical to ensure that non-traditional schools and programs can provide special education services; in our experience, students whose IEPs recommend self-contained classes often experience barriers to entry to alternative programs that might otherwise be a good fit. The types of training described in prior recommendations will also be particularly important for staff at transfer schools and District 79 programs to ensure they are aware of and sensitive to the unique needs of older youth in the foster system. For example, program staff should continue to communicate with a student's parent, foster parent, or foster care agency, even when students are over the age of 18, particularly youth who may not have a strong attachment to their foster parent or may live in a group home setting.

The DOE should also ensure that students graduating from non-traditional high schools and equivalency programs have clear pathways to college and careers. The DOE should continue to develop its vocational program offerings and build on the success of the Fair Futures initiative, which provides individualized coaching to youth in foster care from sixth grade to age 26, to support students in identifying programs that will help them meet their post-graduation goals. For students with disabilities graduating from transfer schools, YABCs, and P2G programs, the DOE should strengthen its connections to Acces-VR and other post-secondary accommodations and supports.

Publicly report educational data about students in foster care.

Shining a light on the inequities students in the foster system face is the first step toward developing solutions to address their unique needs.[36] Following the passage of the federal Every Student Succeeds Act (ESSA) in 2015, school districts nationwide were required to report on the graduation rates and state test scores of students in foster care for the first time, and the results were sobering: in New York City, students in foster care have the lowest four-year graduation rate of any student group. As the findings in this report make clear, students in foster care face many barriers to achieving educational success at similar rates to students not in foster care. Improved access to data about their educational outcomes and experiences is needed so that the DOE, ACS, other policymakers, and advocates can monitor disparities, identify appropriate intervention points and develop targeted solutions, and measure the effectiveness of any new programs or initiatives. New York City's existing education data reporting laws often require disaggregation by factors like student race/ethnicity, gender, disability and ELL status, eligibility for free/reduced-price lunch, and housing status, but at present, only the law related to data on student transportation includes

reporting requirements specific to students in foster care. Such laws—such as those mandating annual reporting on school discipline and special education—should be amended to include students in foster care as a distinct group. A City Council bill recently introduced by Council Member Rita Joseph (Intro. 857) would require such reporting.

*   *   *

Youth in the foster system have enormous potential that too often goes unrealized because the systems charged with their care and education fail to meet their needs—or even compound the challenges they face. But the troubling trends in attendance, exclusionary discipline, and academic achievement laid out in this report are by no means inevitable. By adopting the above recommendations, New York City can begin to turn the tide and make our schools a model of support for students in foster care. Youth in care deserve nothing less.

NOTES

[1] Includes all children and youth ages 3 to 20 in foster care as of December 31, 2021. New York City Administration for Children's Services (ACS), Local Law 145 Report on Youth in Foster Care (2021), https://www1.nyc.gov/assets/acs/pdf/data-analysis/2021/ReportOnYouthInFC2021.pdf. Population demographics estimated using data from the American Community Survey (ACS). Steven Ruggles, Sarah Flood, Ronald Goeken, Megan Schouweiler, and Matthew Sobek, IPUMS USA: Version 12.0 [2016–2020, ACS 5-year sample], Minneapolis, MN: IPUMS, 2022, https://doi.org/10.18128/D010.V12.0.

The over-representation of Black children in the foster system in New York City mirrors well-documented and longstanding national trends; for more, *see*, e.g., Frank Edwards, Sara Wakefield, Kieran Healy, and Christopher Wildeman, "Contact with Child Protective Services is pervasive but unequally distributed by race and ethnicity in large US counties," *Proceedings of the National Academy of Sciences of the United States of America* 118, no. 30 (July 2021), https://www.pnas.org/doi/full/10.1073/pnas.2106272118; Christopher Wildeman and Natalia Emanuel, "Cumulative Risks of Foster Care Placement by Age 18 for U.S. Children, 2000–2011," *PLoS ONE* 9, no. 3 (March 2014), https://doi.org/10.1371/journal.pone.0092785.

[2] New York City ACS, *LGBTQAI+ Action Plan* (January 2021), https://www1.nyc.gov/assets/acs/pdf/about/2020/LGBTQActionPlan.pdf, page 3.

[3] Grade-level enrollment—along with all subsequent data on students in foster care, except where otherwise noted—were obtained from the New York City Department of Education (DOE) pursuant to a Freedom of Information Law (FOIL) request. Includes students in foster care attending both DOE schools and charter schools. Citywide enrollment data come from the New York City DOE Demographic Snapshot, available at https://infohub.nyced.org/reports/school-quality/information-and-data-overview.

[4] DOE Demographic Snapshot, *supra* note 3.

[5] New York City Council, Transcript of the Minutes of the Committee on Education, Remote Hearing before Rita C. Joseph, Chairperson (April 20, 2022), https://on.nyc.gov/3IWBMSs, page 82.

[6] Citywide rate for all high school students estimated using data from the 2020–21 School Quality Reports for high schools and transfer high schools, available at https://infohub.nyced.org/reports/school-quality/school-quality-reports-and-resources.

[7] Total transfer school enrollment comes from the DOE Demographic Snapshot and is based on the October 31 audited register for each year (except for 2020–21, when counts were based on the November 13 register to account for the delay in the start of the school year). Foster youth enrollment, obtained via FOIL request, is as of the *end* of each school year. Given this discrepancy in dates, the finding that students in care attend transfer schools at more than twice the Citywide rate should be considered an estimate rather than a precise comparison.

[8] Citywide rates were calculated using enrollment data from the DOE Demographic Snapshot; see note 7 regarding the limitations of comparing these rates with those for students in foster care.

[9] Data on the attendance of students in foster care come from New York City ACS, Local Law 142 reports for SY 2016–17 through SY 2020–21, https://www1.nyc.gov/site/acs/about/data-analysis.page.

[10] Citywide rates do not include students attending charter schools, District 79 programs, NYC Early Education Centers (NYCEECs), or District Pre-K Centers, and are therefore not fully comparable to rates for students in foster care. New York City DOE, End-of-Year Attendance and Chronic Absenteeism Data (2016–17 through 2020–21), https://infohub.nyced.org/reports/school-quality/information-and-data-overview/end-of-year-attendance-and-chronic-absenteeism-data.

[11] *See*, e.g., Arya Ansari and Michael A. Gottfried, "The Grade-Level and Cumulative Outcomes of Absenteeism," *Child Development* 92, no. 4 (July/August 2021): e548-e564, https://doi.org/10.1111/cdev.13555; Michael A.

Gottfried, "Chronic Absenteeism and Its Effects on Students' Academic and Socioemotional Outcomes," *Journal of Education for Students Placed at Risk* 19, no. 2 (November 2014): 53-75, https://doi.org/10.1080/10824669.2014.962696; Jing Liu, Monica Lee, and Seth Gershenson, "The short- and long-run impacts of secondary school absences," *Journal of Public Economics* 199 (July 2021), https://doi.org/10.1016/j.jpubeco.2021.104441.

[12] Suspension data do not include students attending charter schools due to limitations in DOE reporting.

[13] As some students received multiple suspensions, the total number of suspensions issued to students in care is higher than the number of youth in care who were suspended.

[14] New York City DOE, Annual Reports on Student Discipline (2016–17 through 2020–21), https://infohub.nyced.org/reports/government-reports/suspension-reports.

[15] New York City Council, *supra* note 5, page 62.

[16] *See,* e.g., Elizabeth M. Chu and Douglas D. Ready, "Exclusion and Urban Public High Schools: Short- and Long-Term Consequences of School Suspensions," *American Journal of Education* 124, no. 4 (August 2018): 479–509, https://www.journals.uchicago.edu/doi/10.1086/698454; Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (July 2011), https://csgjusticecenter.org/publications/breaking-schools-rules/; Johanna Lacoe and Matthew P. Steinberg, "Do Suspensions Affect Student Outcomes?" *Educational Evaluation and Policy Analysis* 41, no. 1 (March 2019): 34–62, https://doi.org/10.3102/0162373718794897; Joel Mittleman, "A Downward Spiral? Childhood Suspension and the Path to Juvenile Arrest," *Sociology of Education* 91, no. 3 (July 2018): 183–204, https://doi.org/10.1177/0038040718784603; Thomas Mowen and John Brent, "School Discipline as a Turning Point: The Cumulative Effect of Suspension on Arrest," *Journal of Research in Crime and Delinquency* 53, no. 5 (August 2016): 628–653, https://doi.org/10.1177/0022427816643135.

[17] *See* J. J. Cutuli et al., "From foster care to juvenile justice: Exploring characteristics of youth in three cities," *Children and Youth Services Review* 67 (August 2016): 84–94, https://doi.org/10.1016/j.childyouth.2016.06.001 (finding that 11.1% of the more than 14,000 New York City children born in 1994 and 1995 who experienced at least one foster care placement also became involved in the juvenile justice system); Denise C. Herz et al., "Dual System Youth and their Pathways: A Comparison of Incidence, Characteristics and System Experiences using Linked Administrative Data," *Journal of Youth and Adolescence* 48, no. 12 (December 2019): 2432–2450, https://doi.org/10.1007/s10964-019-01090-3 (finding that, of the 1,272 10- to 15-year-olds in New York City who received their first court petition in 2013 or 2014, 70.3% also had contact with the child welfare system in some capacity).

[18] Importantly, young people incarcerated on Rikers Island often see their educational progress stymied: students are sometimes unable to attend class at all due to lockdowns and a shortage of staff escorts; well-documented violence and chaos make for an environment that is not conducive to learning; and East River Academy does not always provide mandated special education services. *See* Liz Rosenberg, "Rikers lockdowns and other restrictions stifle attendance at its East River Academy," *Chalkbeat New York* (December 21, 2022), https://ny.chalkbeat.org/2022/12/21/23520921/rikers-lockdowns-east-river-academy-chronic-absenteeism.

[19] Total June 2021 enrollment at East River Academy comes from the New York City DOE, Rikers Island Education Report: Educational Programming for Adolescents and Young Adults at Rikers Island – Local Law 168 of 2017, https://infohub.nyced.org/docs/default-source/default-document-library/local-law-168-d79-sy20-21.pdf.

[20] Total enrollment at Passages Academy comes from the DOE Demographic Snapshot and is based on the November 13 register; data on the enrollment of students in foster care, obtained via FOIL request, is as of the *end* of the 2020–21 school year. Both are snapshots in time, rather than cumulative counts; given the discrepancy in dates, the percentage of students at Passages who are also in the foster system is a rough estimate, and the true percentage may be higher or lower.

[21] *See*, e.g., Lawrence M. Berger et al., "Children's Academic Achievement and Foster Care," *Pediatrics* 135, no. 1 (January 2015): e109-e116, www.pediatrics.org/cgi/doi/10.1542/peds.2014-2448.

[22] Citywide proficiency rates include both DOE and charter schools and reflect the sum of county-level results from the New York State Education Department (NYSED) 3-8 Assessment Databases for 2016–17, 2017–18, and 2018–19, available at https://data.nysed.gov/downloads.php.

[23] The graduation rate for students in foster care reported here is lower than that reported by NYSED because it reflects outcomes for a larger cohort of students: data obtained via FOIL request include all students who spent time in foster care *at any point* during high school (*n*=752 for the class of 2021), whereas NYSED publicly reports graduation outcomes for students who were in foster care *during the school year in question* (*n*=433 in 2021). Citywide graduation rates include both DOE and charter schools and reflect the sum of county-level results from NYSED's Graduation Rate Databases, available at https://data.nysed.gov/downloads.php.

[24] NYC Center for Innovation through Data Intelligence (CIDI), *Education Outcomes of NYC Youth in Foster Care* (May 2022), https://www1.nyc.gov/site/cidi/projects/education-and-labor-outcomes-of-foster-youth.page.

[25] The "unknown" category reflects the difference between the total number of students in the cohort and the sum of the number who graduated, dropped out, earned an equivalency diploma or non-diploma certificate, or were still enrolled. Among those with foster care experience, there was one such student in the class of 2020 and eight students in 2021.

[26] For a discussion of the critical role of school as a 'safe haven' for youth in the foster system, as well as the negative impact of school mobility on students' sense of belonging, academic performance, and ability to form supportive relationships with teachers and peers, *see*, e.g., Elysia V. Clemens et al., "The voices of youth formerly in foster care: Perspectives on educational attainment gaps," *Children and Youth Services Review* 79 (August 2017): 65–77, https://doi.org/10.1016/j.childyouth.2017.06.003; Royel M. Johnson, Terrell L. Strayhorn, and Bridget Parler, "'I just want to be a regular kid:' A qualitative study of sense of belonging among high school youth in foster care," *Children and Youth Services Review* 111 (April 2020), https://doi.org/10.1016/j.childyouth.2020.104832; Indra M. Townsend, Emily P. Berger, and Andrea E. Reupert, "Systematic review of the educational experiences of children in care: Children's perspectives," *Children and Youth Services Review* 111 (April 2020), https://doi.org/10.1016/j.childyouth.2020.104835.

[27] New York Education Law § 3244 requires the school district of attendance to provide transportation "to and from the child's foster care placement location and the school of origin."

[28] In their response to AFC's FOIL request, the DOE provided the number of students in care who transferred schools zero, one, or two or more times; the sum of the number of students in each of these three categories is less than the total number of students who spent time in foster care during the year in question. In other words, there is a not-insignificant number of students (4.1% of all youth in care in 2018–19 and 11.3% in 2020–21) for whom data on school transfers is missing. If this subset of students is removed from the denominator, 30.5% of students in care transferred schools one or more times in 2018–19 and 16.2% transferred in 2020–21.

[29] With respect to school mobility and negative educational outcomes in the general population, *see*, e.g., Dan Goldhaber, Cory Koedel, Umut Özek, and Eric Parsons, "Using Longitudinal Student Mobility to Identify At-Risk Students," *AERA Open* 8, no. 1 (January-December 2022): 1–13, https://doi.org/10.1177/23328584211071090; Richard O. Welsh, "School Hopscotch: A Comprehensive Review of K–12 Student Mobility in the United States," *Review of Educational Research* 87, no. 3 (June 2017): 475–511, https://doi.org/10.3102/0034654316672068.

With respect to the impact of school transfers on students in foster care in particular, *see*, e.g., Elysia V. Clemens, Kristin Klopfenstein, Trent L. Lalonde, and Matt Tis, "The effects of placement and school stability on academic growth trajectories of students in foster care," *Children and Youth Services Review* 87 (April 2018): 86–94, https://doi.org/10.1016/j.childyouth.2018.02.015 (finding that a co-occurring change in a student's foster home and their school is associated with an average 3.7 percentile point decline in academic growth in reading and a 3.5 point decline in math); Elysia V. Clemens, Trent L. Lalonde, and Alison Phillips Sheesley, "The relationship between school mobility and students in foster care earning a high school credential," *Children and Youth Services Review* 68 (September 2016): 193–201, https://doi.org/10.1016/j.childyouth.2016.07.016 (finding that the more

frequently a student changes schools, the lower their odds of leaving the K–12 education system with a diploma, and the higher the odds of earning a GED or dropping out without any credential).

[30] CIDI, Education Outcomes of NYC Youth in Foster Care, *supra* note 24.

[31] Past qualitative research has found that students often face stigma and marginalization at school as a result of their foster care status, are inappropriately 'outed' as being in the foster system by school personnel, or feel teachers and school staff lack understanding of their experiences and of the impact of trauma; some current and former foster youth describe skipping class or disengaging academically in response to negative and alienating experiences at school. See note 26.

[32] NYSED guidance makes clear that if a foster parent is unable to accompany a child on public transportation, then the school district "must provide an alternate form of transportation that is viable for the student." The guidance also states that the school district must complete and commence an individual transportation plan for a student in foster care within 2-3 business days for in-district transportation or 5-7 business days for out-of-district transportation. *See* https://www.p12.nysed.gov/sss/documents/FosterCareToolkit3.17.22.pdf.

[33] In addition to trauma stemming from the foster care experience itself, past studies have found that children and youth in the foster system are significantly more likely than other young people to have had multiple adverse experiences (e.g., exposure to violence, the incarceration of a parent, substance abuse by a household member) and have higher rates of ADHD, depression, post-traumatic stress, and other mental and behavioral health challenges. *See*, e.g., Caitlin Papovich, "Trauma & Children in Foster Care: A Comprehensive Overview," Concordia St. Paul (July 10, 2019), https://www.csp.edu/publication/trauma-children-in-foster-care-a-comprehensive-overview/; Amy M. Salazar, Thomas E. Keller, L. Kris Gowen, and Mark E. Courtney, "Trauma exposure and PTSD among older adolescents in foster care," *Social Psychiatry and Psychiatric Epidemiology* 48 (April 2013): 545–551, https://doi.org/10.1007/s00127-012-0563-0; Kristin Turney and Christopher Wildeman, "Mental and physical health of children in foster care," *Pediatrics* 138, no. 5 (November 2016), https://doi.org/10.1542/peds.2016-1118; Kristin Turney and Christopher Wildeman, "Adverse childhood experiences among children placed in and adopted from foster care: Evidence from a nationally representative survey," *Child Abuse and Neglect* 64 (February 2017): 117–129, https://doi.org/10.1016/j.chiabu.2016.12.009.

With respect to the impact of trauma on school functioning, *see*, e.g., Michelle M. Perfect et al., "School-Related Outcomes of Traumatic Event Exposure and Traumatic Stress Symptoms in Students: A Systematic Review of Research from 1990 to 2015," *School Mental Health* 8, no. 1 (March 2016): 7–43, https://doi.org/10.1007/s12310-016-9175-2.

[34] *See*, e.g., Clemens et al., "Voices of youth formerly in foster care," *supra* note 26; Papovich, "Trauma & Children in Foster Care" *supra* note 33.

[35] For more on healing-centered schools, *see* https://www.legalservicesnyc.org/what-we-do/practice-areas-and-projects/access-to-education/community-roadmap-to-healing-centered-schools and https://pubadvocate.nyc.gov/education-opportunity/education-resources/healing-centered-schools.

[36] For a discussion of the education data New York State currently tracks regarding students in foster care, and recommendations to improve data collection based on best practices in other states, see Chantal Hinds, "Why Data Matters for New York Students in the Foster System," *Next100* (August 2022), https://thenext100.org/why-data-matters-for-new-york-students-in-the-foster-system/.