

July 8, 2022

The Honorable Eric Adams  
Mayor of the City of New York  
City Hall  
New York, NY 10007

Chancellor David C. Banks  
New York City Department of Education  
52 Chambers Street  
New York, NY 10007

**Re: Meeting the City's Obligation to Students in Foster Care**

Dear Mayor Adams and Chancellor Banks:

As organizations working on child welfare and education, **we write to urge the City to honor its commitment to fully staff a DOE team dedicated to meeting the unique educational needs of students in foster care and to meet its obligation under law to provide busing for this population.**

As Mayor Adams has said, "For far too long, we have ignored the young, bright, smart, energetic minds of those who are in foster care." The City now has the chance to reverse decades of underservice and make support for students in foster care a top priority.

Students in foster care deserve a K-12 education that prepares them for the future. We urge you to address the foundational needs of students in foster care **by honoring the City's commitment to fully staff the first-ever DOE office focused on students in foster care and guaranteeing busing (or other door-to-door transportation)** for this population who need it to maintain school stability. The educational needs of students in foster care raise issues of justice and equity that cannot continue to be overlooked.

**Staffing the DOE Office for Students in Foster Care**

Last fall, the City announced a first-ever DOE team devoted to meeting the unique needs of students in foster care. However, the DOE delayed posting these positions. While we understand that several positions are now moving forward, the DOE has still not committed publicly to hiring the full team that it promised to serve students in foster care. As a result, students in care continue to go without critical supports, while the ongoing pandemic has made their needs greater than ever.

The approximately 7,500 New York City students in foster care each year – who are disproportionately Black and come from the City's poorest communities – face enormous educational challenges. For example:

- Only 43% of New York City students in foster care graduated on time in 2021, compared to 81% of students not in foster care.
- More than 20% of New York City students in foster care repeat a grade, compared to only 6% of all DOE students.
- The average student in foster care misses the equivalent of one-and-a-half months of school each year, and one out of six students in care—and 43% of older students—has an attendance rate of less than 50%.
- While 20% of all New York City students have an Individualized Education Program (IEP) because they have a disability and need special education services, 45% of students in foster care have an IEP.

The new team, which the DOE promised would have 11 staff (seven focused on students in care and four supporting students in foster care and students who are homeless), has the potential to address the systemic and individual challenges that drive disparities and limit student success. For example, this team could quickly resolve the situation in which a student in foster care waits months for special education evaluations because their school can't determine which caregiver needs to provide consent. We are glad that the DOE is moving forward with hiring the first of the seven promised staff focused on students in foster care, as well as three of the four positions that will serve both students in foster care and the much larger population of students who are homeless. However, the rest of the positions are not yet posted. With the DOE delaying hiring for most of the team's positions, including the foster care coordinators who will provide direct support to school and foster care agency staff, students, and families, the DOE continues to lack the capacity and knowledge to address the needs of youth in care, and students are continuing to languish as a result.

### **Door-to-Door Transportation for Students in Foster Care**

For students separated from their families and placed in foster care, school has the potential to be an important stabilizing factor in their lives. However, without guaranteed transportation, this potential often goes unrealized, causing many students to transfer schools and experience further instability. In part due to the lack of bus service, nearly one in five students changed schools when entering foster care and again with each change in foster care placement during the 2019-2020 school year. For some, the lack of transportation also affects their home placement as foster care agencies have had to move children from one home to another.

Federal and state laws require the City to provide transportation to students in foster care so they can stay in their original school, unless it is in their best interests to transfer to a new school. Despite this legal obligation, the DOE guarantees bus service only to students in foster care who have transportation mandated on their IEPs.<sup>1</sup> While other students in foster care who do not meet the general eligibility criteria may apply for busing, the wait for a bus causes further educational disruption. These requests can take weeks or even months to process, putting tremendous stress on

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<sup>1</sup> Fulfilling this obligation to all students in care is feasible. In 2016, the City agreed to guarantee bus service to students living in shelter, a group of students much larger than students in foster care.

already fragile foster care placements and over-extended agency staff in the meantime. The DOE continues to deny some of these requests, only offering a MetroCard.<sup>2</sup>

Transportation to school is the first and most basic step to school stability and educational success. Without it, research—and this City’s history—makes plain the consequences: students forced to change schools frequently have lower test scores, earn fewer credits, and are more likely to be retained and drop out of school. The DOE must guarantee that students in foster care, who have a legal right to transportation between their foster homes and schools, are provided door-to-door transportation. **The City must guarantee 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.**

It has become increasingly clear over the years that students in foster care will not get the attention and support they require until the DOE staffs a foster care team devoted exclusively to their needs. We urge the City to staff this team and guarantee appropriate transportation to students in foster care.

Respectfully,

Abbott House  
Advocates for Children of New York  
Alliance for Quality Education  
Cardinal McCloskey Community Services  
Catholic Guardian Services  
Cayuga Centers  
Children's Aid  
Children's Defense Fund-New York  
Citizens' Committee for Children of New York  
Coalition for Hispanic Family Services  
Council of Family and Child Caring Agencies  
Court Appointed Special Advocates of New York City (CASA-NYC)  
Fostering Youth Success Alliance  
FPWA  
Good Shepherd Services  
Graham Windham  
HeartShare St. Vincent's Services  
JCCA  
Lawyers for Children, Inc.  
MercyFirst  
New Alternatives for Children

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<sup>2</sup> Providing MetroCards (and relying on foster care agencies to arrange transportation) is legally inadequate. 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>.

Next100  
NYU Education Advocacy Clinic  
Rising Ground, Inc.  
SCO Family of Services  
Seamen's Society for Children and Families  
Sheltering Arms  
The Children's Village  
The Jewish Board of Family & Children's Services  
The Legal Aid Society  
UJA-Federation of New York