

Joint Statement in Response to ACS Draft Policy on School Continuity and Stability for Children in Child Welfare Foster Care Placements

Re: Transportation for Students in Foster Care

March 6, 2020

As organizations committed to school stability and educational success for students in foster care, we are writing to comment on the transportation provisions in the draft policy that the Administration for Children's Services (ACS) released for public comment, entitled "*School Continuity and Stability for Children in Child Welfare Foster Care Placements.*" **To promote school stability for children in foster care, it is critical for the City to guarantee busing or other comparable transportation for students in foster care who need it to remain in their schools.**

We appreciate the policy's stated intent to "reduce trauma to children who enter foster care through diligent efforts to maintain stability in their educational setting." For students who have been separated from their families and placed in foster homes, school has the potential to be an important stabilizing factor in their lives. The draft policy clearly recognizes the importance of school stability and requires foster care agency staff to gather education information from schools, parents and students; document their decision-making in writing regarding school placement decisions; and get approval from ACS before changing a child's school.

The policy also states that foster care agencies must work with schools and the ACS Office of Education Support to "ensure that transportation is provided, arranged, and funded." It directs agencies to consider whether the student is eligible for busing services under the Department of Education's (DOE's) general transportation criteria and to apply for busing by submitting an Emergency Evaluation Request if they are not. If the agency cannot get busing for the student from the DOE, it may seek reimbursement from ACS for the cost of private transportation services, but this cost can only apply to the transportation itself, and not be used to compensate an adult who may need to accompany the child. When ACS is looking to place children in foster homes with foster care agencies, agencies may not reject a referral from the Office of Placement Administration based on school transportation needs.

We are disappointed that this policy does not address the gaps in transportation for students in foster care. Despite state law requiring school districts to transport students between their foster care placements and schools, the DOE only guarantees bus service to students in foster care with special education needs, who have transportation recommended on their Individualized Education Programs (IEPs). Other students may get bus service if they can be added to an existing route. Despite some recent improvements, the DOE still regularly denies these busing requests, which can take 30 days or more to process, putting tremendous stress on already fragile foster care placements and over-extended agency staff in the meantime. When the City does not provide bus service, the only way younger students in foster care can get to school is if foster parents or foster care agency staff are available to escort them. However, many foster parents are unable to spend hours each day transporting a student to and from school due to competing childcare and job-related obligations, even if the agency can offer them a car service. Case

planners have full-time jobs focused on reunifying families and keeping children safe; they should not be serving as transportation chaperones.

Without guaranteed bus service or another comparable mode of transportation, agencies are placed in an untenable situation. They may have a home available to accept a child or a group of siblings, but the foster parent, because of pre-existing obligations, cannot escort the children to school. The agency has two bad choices: they can take a gamble and place the children in the home, hoping that DOE will eventually provide busing and that the agency can cobble together an interim transportation plan and maintain the child's school and foster home placement in the meantime, or they can violate the policy, reject the referral, and force the children to stay at the Children's Center awaiting placement in a foster home even longer. Either way, the students suffer.

If, in the end, the DOE does not provide busing, the student may end up transferring schools anyway. Last school year, more than one in four students in New York City had to change schools after entering foster care. These students were forced to cope with separation from their parents, siblings, and communities at the same time as they were abruptly transferred into an unfamiliar school environment with new teachers, peers, and curriculums. Research shows that students who change schools frequently have lower test scores, earn fewer credits, are more likely to be retained, and are less likely to complete high school than students whose school placements are stable.

As the City seeks to promote school stability for children in foster care, it must address these shortcomings and ensure that the lack of transportation does not pose a barrier to a student's ability to stay in their original school or be placed in a foster home in the first place. **No student in foster care should be forced to change schools due to lack of transportation. The City should abide by federal and state law and guarantee bus service or a comparable mode of transportation to students in foster care.**

Advocates for Children of New York

Alliance for Quality Education

Brooklyn Defender Services

Children's Aid

Children's Defense Fund-New York

The Children's Law Center

Citizens' Committee for Children of New York

Council of Family and Child Caring Agencies (COFCCA)

Court Appointed Special Advocates (CASA-NYC)

Good Shepherd Services

Graham Windham

JCCA

Lawyers for Children, Inc.

New Alternatives for Children, Inc.

The New York Foundling

The New York Junior League

NYU Family Defense Clinic

SCO Family of Services

Sheltering Arms