



Why Data Matters for New York Students in the Foster System

AUGUST 11, 2022 – CHANTAL HINDS

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National data about K–12 students in the foster system paint a grim picture of how our education and child welfare systems are failing this student population. Recent data (PDF file) from the American Bar Association’s Legal Center for Foster Care and Education indicate that only about 33 percent of 17-to-18-year-old students in the foster system are reading on grade level; these students are also suspended at a rate 2.5 to 3 times higher than students overall, and are chronically absent at about twice the rate of students not in the foster system. These data also reveal that in addition to challenging educational outcomes, about 30 to 50 percent of the students in the foster system need special education services.

The trend is similar in New York State. The 2021 four-year August graduation rate was 49 percent for students in the foster system, as compared to 86 percent for students not in the foster system. In 2019, only 17 percent and 16 percent of students in the system were proficient on their state English language arts (ELA) and math assessments, respectively. These scores were about 30 percentage points lower than students not in the foster system. Students experience poor outcomes when it comes to retention too: according to the most recently reported data from the 2015–16 school

year, New York City students in the foster system were 3.5 times more likely than all New York City Department of Education (NYCDOE) students to repeat a grade. In April 2022, NYCDOE staff testified¹ before the New York City Council, and noted that during the 2020-21 school year, middle and high school students in the foster system were overaged and undercredited at over three times the rate of the citywide average. At the same hearing, NYCDOE staff shared that, as of April 2022, students in the foster system had an attendance rate of 79 percent—having missed about seven weeks² of school.

These data shed some light on the academic experiences and needs of students in the foster system, but there is much we don’t know. While New York State currently collects and shares data about these students regarding enrollment, high school outcomes, graduation pathways, and state assessment data, these are just some of the data needed to truly understand the breadth of the educational experiences and outcomes of students in the foster system. New York State must make publicly available additional data regarding student attendance rates, discipline rates, access to gifted and talented programs and advanced courses, disability status and classifications, retention rates, school

This report can be found online at: <https://thenext100.org/why-data-matters-for-new-york-students-in-the-foster-system/>

stability rates, and data that highlights the long-term impact of involvement in the foster system on their educational outcomes and experiences. Better disaggregation of data within students in the foster system and cross-tabulation by certain student characteristics will help uncover any other areas where students in the foster system need additional support.

This report first describes the current state of New York's data on students in the foster system, including state and New York City data collection and reporting. The report then provides a snapshot of the data that are currently available from the state's education department about students in the foster system. The report concludes with recommendations for New York State to make more data publicly available about students in the foster system, as a key step in identifying the challenges faced by these students and creating solutions to address them. For a summary of this report, [click here](#).

In a state where nearly half of children and youth in the foster system are in a foster placement for more than two years—representing one or more school years—it is imperative that the state, as custodian for these children and youth, uncover and adequately address the educational challenges they face. Students in the foster system, like all students, are entitled to the support and investment they need to thrive. Failure to ensure these students have every opportunity to succeed academically is an abdication of a responsibility the state itself assumed when it removed these children and youth from their homes.

Why Data Matters

Data plays an important role in helping child welfare and education systems, policymakers, and advocates understand where service gaps are so that they can be appropriately targeted and addressed. Data transparency can also foster public trust, allowing for collaboration between the state and its communities in ways that improve conditions for the most unique and underserved people in any given system.

Data also help to uncover disparities. The child welfare

system disproportionately impacts children and youth of color. In their most recent publication of *The State of New York's Children*, the Schuyler Center notes, “[d]ue to racial bias, Black children are nearly twice as likely as white children to be reported to State Central Register (SCR)...and over three times more likely to be in foster care.” According to the same report, when compared with the rate of foster care placement for white children, Latinx³ and Native American children and youth are nearly 1.5 times and twice as likely, respectively, to be in the foster system in New York State.

The challenging educational outcomes and experiences noted earlier aren't limited to education: they also inform the life trajectories of a disproportionate number of Black and brown children who are overrepresented in and inadequately served by the education and child welfare systems.

Data Quality and Accessibility Today for Students in the New York State Foster System

Education-related data for children and youth in the foster system in New York State are collected and reported at various levels of government and across multiple agencies. As a result, the data is unclear and conflicting. Definitions of students in the foster system differ across agencies and reports; timing of reporting also impacts data consistency, and data can be challenging to find, located in various places on at least four different state and local agency websites. There is no central way to view the educational outcomes and experiences of students in the foster system in New York State. Below is a summary of what's currently available.

New York State Data Reporting

New York State Education Department (SED): The New York State Education Department (SED) reports the following on its public-facing data website for students in the foster system: enrollment, number of students with disabilities, number of English Language Learner (ELL) students, graduation and high school outcome rates, third-eighth grade state assessment results, and student

graduation pathways.⁴ These data can be disaggregated and cross-tabulated at multiple levels, including by gender, race/ethnicity, disability, or ELL status. Graduation and state assessment reporting is mandated by the 2016 Every Student Succeeds Act (ESSA)—however, the state goes beyond ESSA by reporting on the other data points.

ESSA required states to report data on students in the foster system beginning with the 2017–18 school year. While the state has provided some data for this population, unfortunately, the available data to date are incomplete, likely due to inconsistent school and school district reporting and inconsistent child welfare staff notification to schools of a student’s foster system status. In some school years, important data is missing for large numbers of students in the foster system. New York City’s data—the largest foster system population in the state, representing over half of all the state’s students in the system—is missing for the 2017–18 and 2018–19 school years. As a result of these missing data, the graduation rates and state assessment results do not paint a complete picture of the educational outcomes and experiences of children and youth in the foster system. Data for the 2019–20 and 2020–21 school years appears to be more accurate and includes New York City, but likely still represents an undercount of school-age children and youth as noted above, and based on the likely percentage of K–12 children in the foster system. While it is helpful to have more complete data for those school years—those were two of the most tumultuous years in modern public education, with students and school systems under various points of stress due to the pandemic, cancellation of Regents exams, extremely low participation in state ELA and math assessments, and changes in graduation requirements during both the 2019–20 and 2020–21 school years.

New York State Office of Children and Family Services (OCFS): In addition to SED data, New York State’s Office of Children and Family Services (OCFS)—the state’s agency that oversees the child welfare and foster systems—also collects and reports some data about students in the foster system. OCFS and SED have a data-sharing agreement whereby SED provides education data to OCFS (Microsoft Word file) via a data match. These data are used internally

at OCFS and within its local departments of social services (LDSSs) to identify child-level education data about students in the foster system.

In January 2021, new legislation required OCFS to report and make publicly available, on a biannual basis, data showing, among other things, “the total number of youth placed in a foster care setting that are in need of or receiving specialized educational services.” The first report was released in December 2021 with data as of June 2021, and includes state and county level counts of infants, toddlers, and school-age children and youth in the foster system who receive specialized educational services—either under the state health department’s Early Intervention program or as mandated by an Individualized Education Program (IEP) under the federal Individuals with Disabilities Education Act (IDEA). The reported data comes from OCFS’s statewide case management system. Unfortunately, these data are inaccurate. For example, the first report indicated that as of June 2021, only 1,292 students in New York City had IEPs, while SED data—as of October 2020, the most recent data available—indicated that there were 2,840 students in the foster system in New York City with IEPs. Moreover, NYCDOE staff testified during a hearing before the New York City Council Committee on Education in April 2022 that 3,306 students in the foster system had IEPs. Inconsistent data from two state agencies and one local agency is an example of the challenges inherent in relying on the existing data collection and reporting practices regarding students in the foster system. These inconsistencies mean more than an inaccurate headcount: they mean an incomplete understanding of the representation and needs of students in the foster system within the larger education system. They cannot receive the support they need and deserve when their educational needs are inadequately documented.

New York City Data Reporting

New York City Administration for Children’s Services (ACS): In New York City, four local laws require the New York City Administration for Children’s Services (ACS) to report education and transportation-related⁵ data for students in the foster system. This report focuses on

the education-related reporting required by Local Laws 2016/147, 2016/145 and 2016/142. Local Law 2016/147 requires an annual report from ACS containing high school and graduation-related information for students in the foster system disaggregated by age, gender, ethnicity, diploma type, and length of time it took to complete high school. This report utilizes a different definition of graduation rate from SED's cohort-based graduation report, including all students who were enrolled at any point during the reported school year. These inconsistent definitions create a clouded picture of how students in the foster system are completing high school.

Local Law 2016/145 requires ACS to issue an annual report about various data elements related to youth in the foster system in New York City, including education. The report must include high school general and special education enrollment, NYCDOE high school equivalency (HSE) program enrollment, college enrollment, and the number of youth who are not enrolled in high school, an HSE program, college, or vocational program. All elements are required to be disaggregated by age. Although this report is issued by the same city agency as the high school graduation report, it defines foster students differently, only including youth who were in the foster system on the last day of the calendar year.

Local Law 2016/142 requires an annual report from ACS on the educational continuity (school stability) of students in the foster system. ACS must issue a report which includes the number of children who entered the foster system during the school year, the number and percentage who remained in their original school ninety days after entry into the foster system or new foster system placement, the number and percentage who did not remain in their original school at entry into the foster system or after changing their foster system placement, and school attendance rates. The most recent report for the 2020–21 school year shows that the majority of students who enter the foster system or change foster placements remain in their schools of origin ninety days after placement. However, the report does not count unique students, instead students are counted each time they are transferred, potentially masking issues of individual students experiencing multiple transfers in any given school

year. Additionally, the data does not include moves in or out of the NYCDOE's special education or alternative school districts, which could help shine a light on whether, and how, students in the foster system may be experiencing disproportionate placement in these districts.

New York State Students in the Foster System: What Do We Know?

While the overall data picture of students in the foster system is complicated and varied, existing reporting provides some information about how students in the foster system are doing in New York. The data below should be viewed with caution, as statewide data contain undercounts due to missing New York City data for some years and incomplete counts for others. Graduation data for the 2019–20 and 2020–21 school years should also be viewed with caution, and is atypical due to the impact of the pandemic and changes to graduation requirements.

How many students are in the foster system in New York?

In the 2020–21 school year, SED reported 8,674 students in the foster system statewide, but this is likely an undercount, based on the size of the overall foster system population and because accurate counts rely both on school staff accurately flagging a student in its data system and LDSS staff notifying the school that a student has entered the foster system. We can estimate a more complete number of students in the foster system based on OCFS's count of children and youth in the system and the approximate percentage of school-age children in the foster system nationally. According to June 2021 OCFS data (Excel file), there were 16,686 children in the foster system.⁶ According to the American Bar Association's Legal Center for Foster Care and Education, approximately 61 percent (PDF file) of children and youth in the foster system are 5 through 17 years old, which is the typical K–12 school age range. With that estimation in mind, New York State's population of K–12 students in the foster system is likely over 10,000 students.

Who are the students in the foster system in New York?

According to 2020–21 SED data (see Figure 1), students in the foster system in New York are 52 percent female and 48 percent male. They are predominantly students of color, with the largest percentage being Black students at 43 percent, followed by Latinx⁷ students at 31 percent, Asian⁸ students at 2 percent, and Native⁹ students at 1 percent. Twenty-one percent of students in the foster system are white. Nearly half, 47 percent, of students in the foster system are students with disabilities and 5 percent are English Language Learners (ELLs).

Students in the foster system are spread throughout the state and across various types of school districts, ranging from those in rural areas to cities. However, students are predominantly concentrated in school districts in New York City, large cities, and in both urban and suburban areas.¹⁰ In the 2020–21 school year, New York City students in the

foster system made up 64 percent of students in the foster system statewide.

As is the case within the broader foster system context, disproportionality also exists within the student population (see Figure 2). For example, students in the foster system are disproportionately Black, with Black students represented at over 2.5 times their rate in the overall student population: they make up 43 percent of students in the foster system and only 16 percent of all students. Students with disabilities are also disproportionately represented in the foster system, at a rate over 2.5 times their rate in the overall student population (47 percent of students in the foster system and only 18 percent of all students).

How are students in the foster system doing on state assessments?

State assessment results indicate that by and large, the educational system is failing to help students in the foster

FIGURE 1

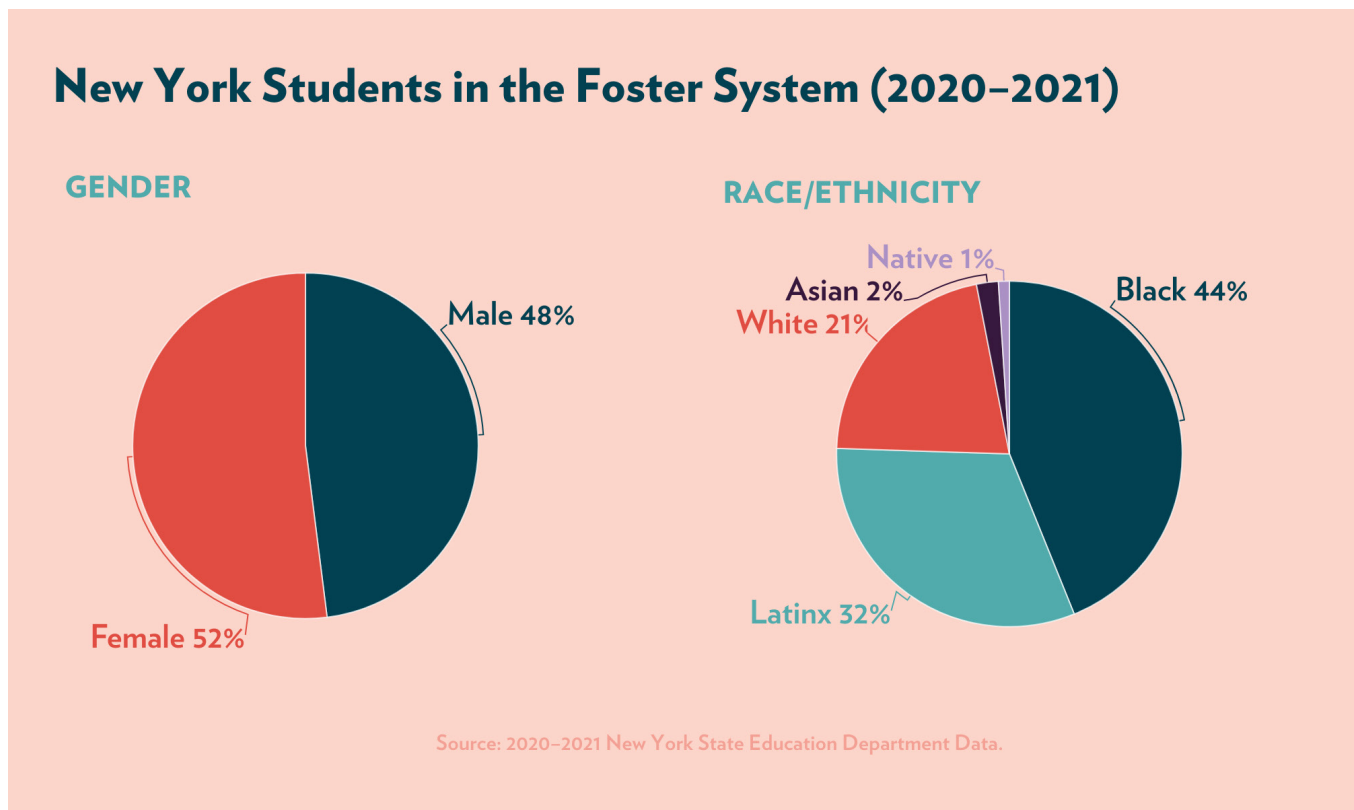
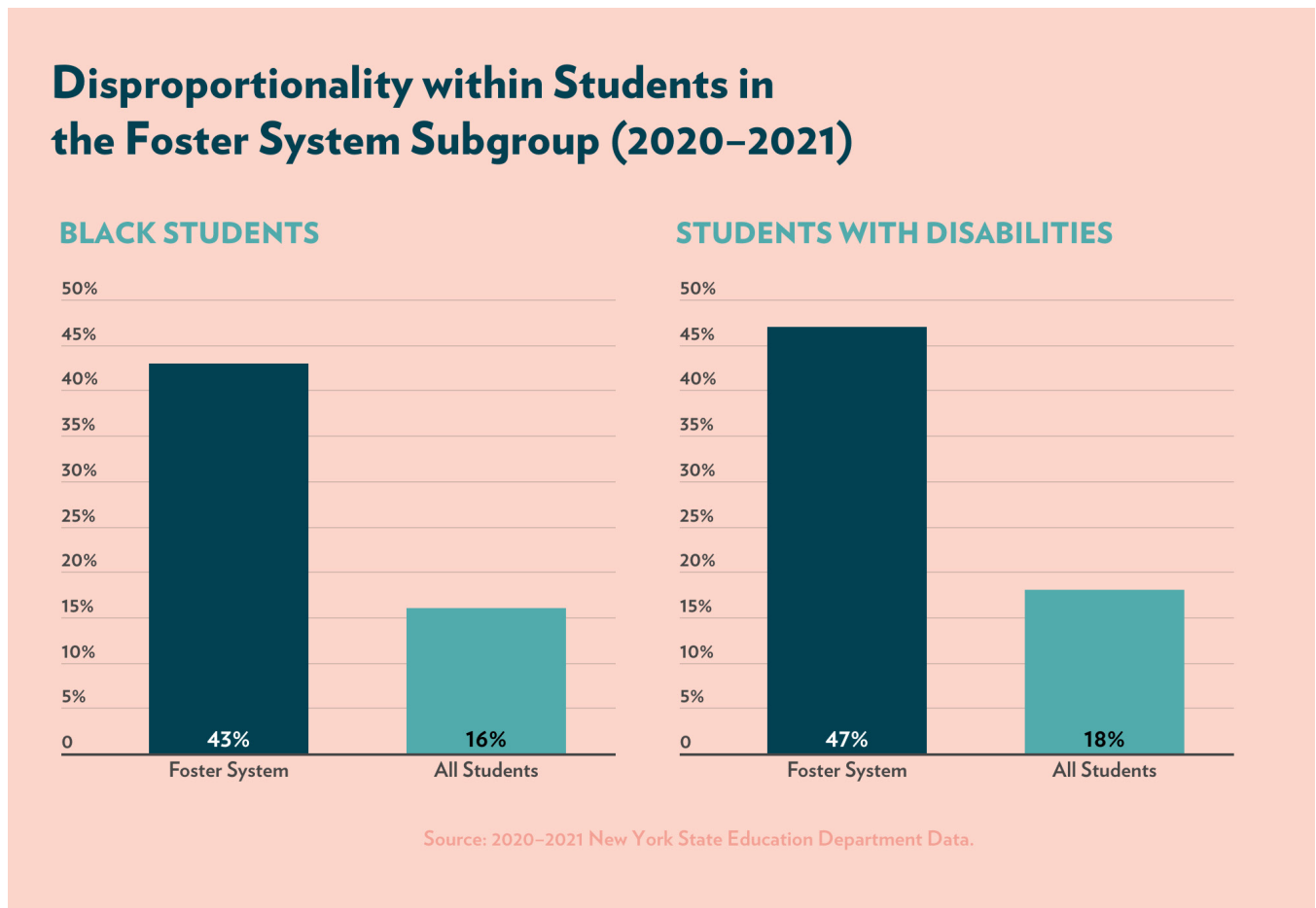


FIGURE 2



system achieve proficiency in math and ELA. The most recent assessment results are from the 2017–18 and 2018–19 school years;¹¹ however, SED enrollment data were incomplete during those years due to the lack of New York City data for students in the foster system. Even with this caveat, the results are alarming.

During the 2017–18 and 2018–19 school years, less than one in five—just 17 percent—of third through eighth grade students in the foster system who took the ELA exams those years were proficient. Students in the foster system scored about 28 percentage points lower than students who weren't in the foster system. For the 2018–19 school year (see Figure 3), about 45 percent of all students, 51 percent of white students, 35 percent of Black students, 36 percent of Latinx students, 36 percent of economically disadvantaged¹² students, and 27 percent of students experiencing homelessness who sat for the ELA assessment scored a proficient grade. For math

(see Figure 3), the results for students in the foster system were similar, at 17 percent and 16 percent respectively for the 2017–18 and 2018–19 school year. Again by comparison, in the 2018–19 school year, about 47 percent of all students, 56 percent of white students, 32 percent of Black students, 35 percent of Latinx students, 37 percent of economically disadvantaged students, and 25 percent of students experiencing homelessness who sat for the math assessment scored a proficient grade.

What are the high school outcomes for students in the foster system?

High school outcomes for students in the foster system are also concerning. While the 2018–19 school year data is incomplete for the reasons noted earlier, it is the most recent “typical” school year for which we have high school outcomes data for students in the foster system. The

statewide 2019 four-year August graduation rate (see Figure 4) for students in the foster system was 57 percent, with the five-year graduation rate at 60 percent and the six-year graduation rate at 76 percent. By comparison, the 2019 August four-year graduation rate for students who weren't in the foster system was 83 percent—twenty-six percentage points higher than those in the foster system. Even with two more years in high school, students in the foster system did not graduate at the same rate as their non-foster system-impacted peers who graduated two years earlier.

The statewide four-year August 2021 graduation rate for students in the foster system was 49 percent—thirty-seven percentage points fewer than their non-foster system-impacted peers of 86 percent. Although additional time in school did improve overall graduation outcomes, students in the foster system still graduated from high school in six years at a rate of 57 percent, significantly lower than the four-year

graduation rate of their non-foster system impacted peers (see Figure 5).

The 2021 graduation rate for students in the foster system was not only lower than their non-foster system impacted peers, their graduation rate was also lower than the following student groups: all white students (90 percent), all economically disadvantaged students (81 percent), all Black students (80 percent), all Latinx students (80 percent), all ELLs (61 percent), all students experiencing homelessness (69 percent), and all migrant students (63 percent). This data shows that the pandemic has compounded an already existing problem for students in the foster system and even changes in graduation requirements did not create enough change for far too many students in the foster system. Overall, too few students in the foster system are adequately supported in their efforts to graduate high school in four years.

FIGURE 3

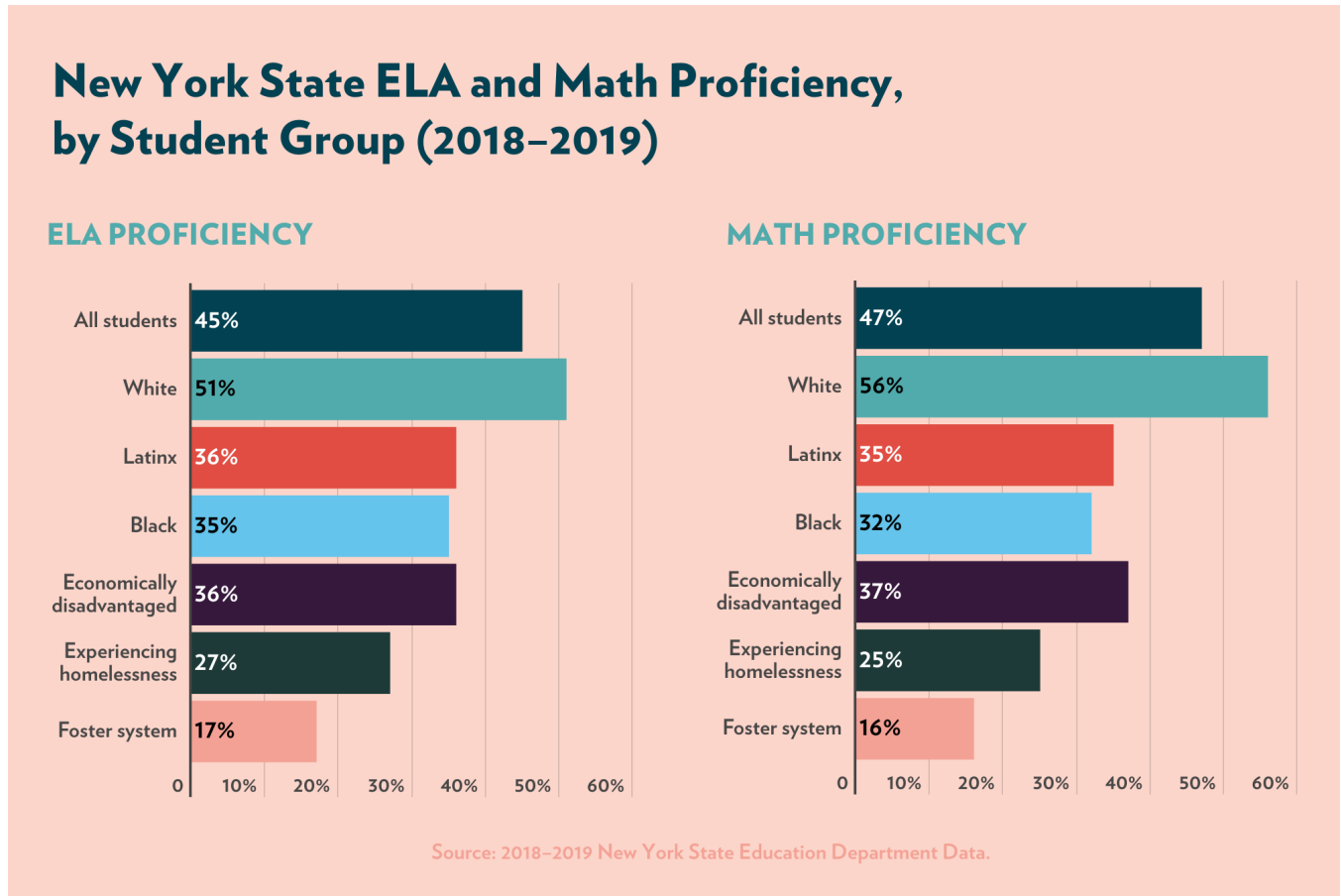
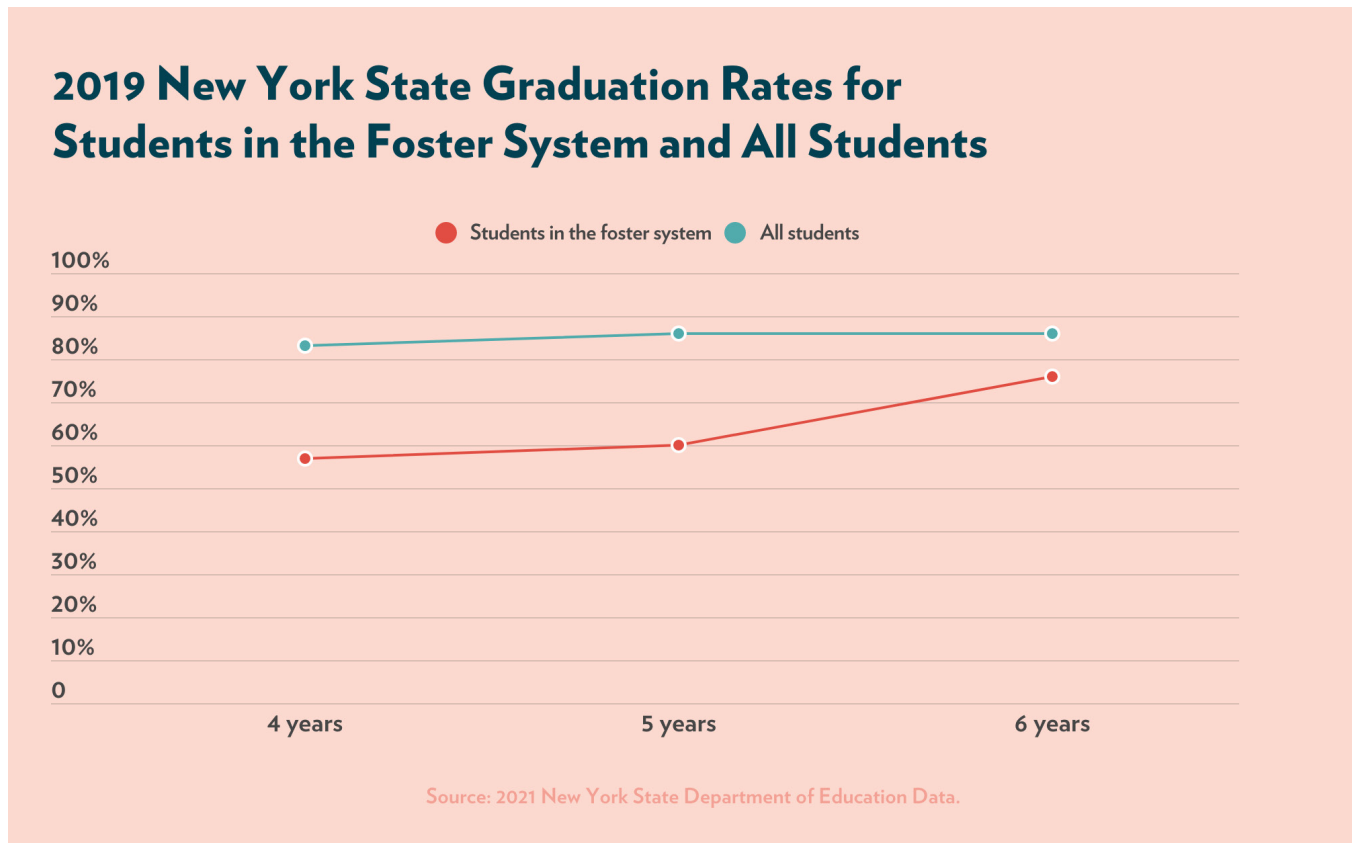


FIGURE 4



Despite the low statewide graduation rates for students in the foster system, some counties performed notably better than the state as a whole. These tended to be counties with much smaller graduation cohorts in the foster system. In these counties, four-, five-, and six-year graduation rates were more closely aligned with the statewide four-year graduation rate for all students. In August 2021, Onondaga County students in the foster system had a four-year graduation rate of 86 percent (6 of 7 students graduating in four years), students in Erie County had a five-year graduation rate of 91 percent (10 of 11 students graduating in five years), and students in Suffolk County had a six-year graduation rate of 84 percent with (36 of 43 students graduating in six years). Graduation data for the 2020–21 school year should not be compared to prior years due to the pandemic and pandemic-related graduation requirement changes, and the cohorts within each of these counties are small; that said, more research into these higher graduation rates might be helpful in identifying best practices for supporting students in the foster system.

Policy Recommendations

While, as noted above, there are significant data on this population collected by New York State and New York City, what is available is inconsistent, confusing, and unreliable. Each agency has its own definitions, criteria, and reporting time frames; and incomplete data further clouds the picture, resulting in inconsistencies across the board. The recommendations that follow would address these challenges by centralizing reporting within SED, which is in the unique position, as the state agency responsible for educating students, to centrally collect and report data that is reliable and consistent. Moreover, high school outcomes and test scores only tell us a piece of the puzzle of what’s happening with this group of students—more data can tell us where creative support and interventions may be required.

Making more data publicly available at the state level is

within the realm of possibility. In fact, New York State and New York City already report more data than is required under federal law. Additionally, other states can serve as a model for how New York might report additional data points. States like California and Indiana collect and publicly report data covering a wider range of educational experiences than New York, including discipline, retention, attendance, and school stability rates.

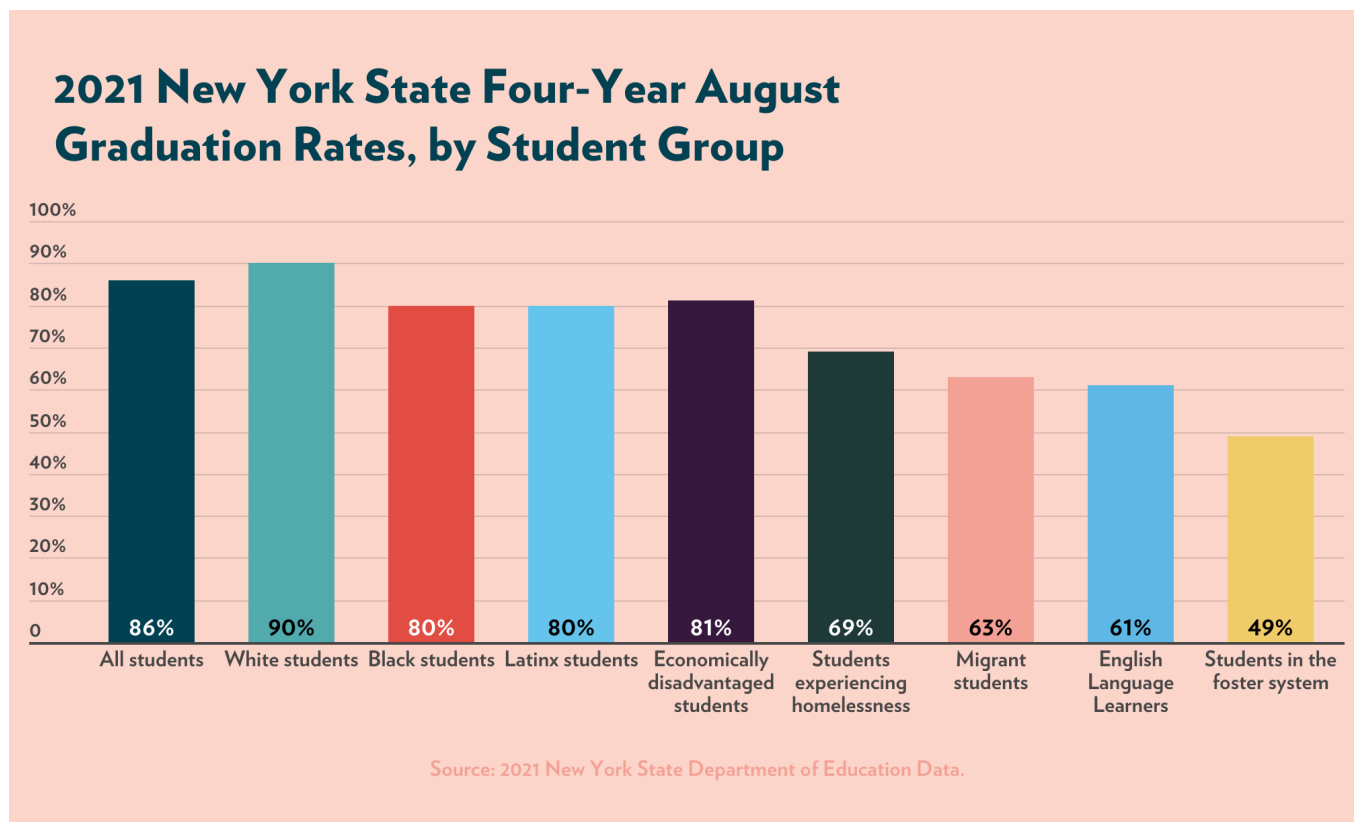
The following recommendations are based on promising practices in other states, and a survey of all state report cards carried out by the author in March 2022. Both state and federal recommendations are included below.

Recommendations for Improving Data for Students in the Foster System

SED should collect and make publicly available additional data about students in the foster system.

SED should make publicly available attendance and chronic absenteeism data for students in the foster system, disaggregated by age and grade. Attendance is crucial for academic success, and the state must ensure that it's clear whether students in the foster system are attending school regularly—especially because there is reason to believe that attendance rates for this population need examination. New York City data for the 2020–21 school year showed that the average attendance rate for students in the foster system ages 16–20 was 58 percent. New York State's report card already includes chronic absenteeism for all students and is disaggregated by race, ELL status, economically disadvantaged, and disability status—the state must ensure the data for students in the foster system is also disaggregated and reported. Actions that follow would address these challenges by centralizing

FIGURE 5





State Example: Maryland

Maryland's state report card provides disaggregated attendance and chronic absenteeism data for students in the foster system, disaggregated by school level (elementary, middle, and high school), gender, and race.

SED should make publicly available data regarding overall and unique suspensions and expulsions for students in the foster system disaggregated by suspension type, race, gender, ELL status, and disability status.

Reporting suspension and expulsion data for students in the foster system is critical to understanding whether these students are disproportionately impacted by class and school removals and expulsions. There is cause for concern about discipline rates for New York students in the foster system. Testimony from NYCDOE staff at an April 2022 New York City Council hearing before the Committee on Education seemed to indicate that students in the foster system were overrepresented in the number of suspensions of six days or more by twelve times their representation in the overall school population. SED should disaggregate suspension reporting by type, so that data on shorter-term suspensions don't mask longer-term suspensions. SED should also report on the unique number and percentage of students who received one suspension and students who received two or more suspensions in a given school year, so we can better understand the various ways students in the foster system experience school discipline.



State Example: California

California provides disaggregated suspension and expulsion data for students in the foster system that includes overall suspension data and unique counts of student suspensions.

SED should make publicly available disability status, disability classification, and specialized district and school placement data for students in the foster system. Students in the foster system are overrepresented in special education at a rate over 2.5 times greater than students not in the foster system. It's unclear whether there are any further disparities, by classification or school district or school placement type (i.e., BOCES, District 75 (NYC only), or non-public schools)—expanded SED reporting would help to answer that question. SED already issues a special education report, as required under the IDEA—disability classification and school placement data for students in the foster system could be added to this existing report.



State Example: Kentucky

Kentucky provides disability classification data for students in the foster system as part of its state report card.

SED should make publicly available grade retention data for students in the foster system. It's important to understand whether students in the foster system are having challenges advancing from one grade level to the next. There is cause for concern about retention rates for this student group based on a 2018 New York City Interagency Task Force Report, which looked at 2015–16 NYCDOE data that indicated students in the foster system were more than 3.5 times more likely than all NYCDOE students to repeat a grade.



State Example: Indiana

Indiana's foster care data report includes promotion and retention rates for students in the foster system compared to all students, disaggregated by grade and race.

SED should make publicly available Gifted and Talented (G&T), Advanced Placement (AP), and International Baccalaureate (IB) participation data for students in the foster system.

Participation data for these students will help uncover whether students in the foster system have access to and are enrolled in advanced courses and programs at similar rates as other students—helping to highlight any disparities for students in the foster system. SED should add students in the foster system to its existing AP and IB participation report.

State Example: Kentucky



Kentucky provides G&T data (disaggregated by foster system status and grade) and AP and IB data for students in the foster system in its state report card.

SED should make publicly available school stability data for students in the foster system. While New York City reports on school changes students experience as a result of placement in the foster system or changes in foster placement, the same data is not reported at the state level. SED should report this data, and go beyond New York City’s data to include unique student school transfers and transfers to specialized districts and alternative school districts or schools.

SED should collect and make publicly available “ever” in foster system and length of time in foster system data as it relates to high school outcomes and state assessment results to better understand the impact of foster system involvement on these students’ educational outcomes. “Ever” in the foster system and length of time in the foster system indicators can reveal much about how placement and length of stay in the system impacts educational outcomes and experiences. Ideally, SED would report key student outcome data—graduation rates, high school non-completion rates, HSE diploma rates, and state assessment results—disaggregated by length of time in the foster system, and “ever” in foster system students as a subgroup. Recent New York City data from the City’s Center for Innovation through Data Intelligence has shed some light on how these indicators can help inform our understanding of these students’

experiences. The report revealed a 2019 four-year graduation rate of 25 percent for students who were in the foster system for at least seven days during high school. The data also revealed a range of four-year graduation rates, based on length of time in the foster system, from as low as 10.3 percent for a six-to-twelve-month placement in the foster system to 24.8 percent for placement in the system for eight years or more—perhaps due to some stability experienced by students with longer stays in the system.

State Examples of “Ever” Foster Indicators



Nevada uses the “ever” foster system indicator in its graduation rate reporting and defines “ever” foster as including students who have been in the foster system at any time during their high school career.



Texas reports on two separate longitudinal graduation and non-completion rates for students in the foster system, one for students who were in the foster system anytime while in grades nine through twelve and the second for any students who were in the foster system during their last year enrolled in high school.



Minnesota reports two separate graduation rates for students in the foster system, including an “ever” in the foster system indicator that covers people 0–21 years old who are or have been in the foster system in the previous twenty-two years and a foster system in high school indicator. For academic achievement rates, Minnesota reports both “ever” in the foster system and currently in foster system results.

New data about students in the foster system should be cross-tabulated and reported at the school, district, county, and state levels. Any data shared regarding students in the foster system should be cross-tabulated by race, ethnicity, gender identity, sexual orientation¹⁵, disability status, and ELL status. Cross-tabulation allows policymakers and advocates to see, and begin to address, any disparities within the students in the foster system group. These cross-tabulation capabilities already exist within SED's data website and should carry through to any new reporting about these students.

Since data suppression may arise as a result of cross-tabulation at the school level, SED should consider, at a minimum, reporting educational outcomes and experiences data for students in the foster system at the district, county, and state levels.

SED and OCFS should ensure that reported data is accurate, consistent, and complete. SED and OCFS should continue to work together to improve data collection and reporting. OCFS should ensure that LDSS caseworkers are accurately and timely notifying school staff about a student's foster system status. SED should work with school districts to ensure that school-level staff understand and are aware of all data reporting requirements to ensure accurate counts of students in the foster system.

SED and OCFS should work together to issue a biennial report about the educational outcomes and experiences of students in the foster system. SED and OCFS should collaborate to issue a biennial report including existing and recommended data regarding the experiences of students in the foster system in New York State.

Following the release of the report, SED and OCFS should partner with parents, students, teachers, school administrators, and other school and child welfare staff to create a plan for improving educational outcomes and experiences for students in the foster system. The plan should also include areas of additional investigation and

research to learn more about the root causes of identified challenges.

Both the report and recommendations should be made publicly available.

General Data Recommendations

SED data should be more easily accessible and comparable for parents, students, policymakers, and advocates. SED's website functionality should be improved to increase ease of use and access, especially with regards to data comparison, data visualization, report customization, and data downloading.

SED's cross-tabulated data should be easier to see and compare across subgroups. SED's "filter" feature allows for cross-tabulation at three levels. However, the feature doesn't allow for easy comparison across cross-tabulated groups making it difficult to easily identify disparities within a particular student group.

SED's data should also be more easily comparable over time so that trends across school years are more easily identifiable. As of the time of this report, downloaded data provided this functionality, but these comparisons are much more challenging to navigate on the public facing data website.

SED's downloaded data could also be provided in a more accessible or common format like Excel. Many of the files available for download require knowledge of databases and programs that may not be common to many people.

SED should consider ways to make its data more accessible using New York State's existing Open Data website which allows for data visualization, customization, and simplified data downloading.

All SED data available on the website and for download should be fully translated. SED should consider ensuring that the Google translations on its website are accessible to speakers of languages other than English. Some studies

have noted inaccuracies in Google's translations in medical settings, leading to incomprehensible instructions to patients. As is the case in medicine, there are specific turns of phrase and terms in education that need to be translated accurately to ensure that everyone can understand the information that's being shared.

To increase comprehensibility, SED should work with native or bilingual speakers of languages other than English, including parents, students, and advocates to better understand how they discuss education and education-related concepts and ensure that the language on the website is aligned with commonly understood terms.

Downloadable data is currently only available in English. SED should consider making it available in other languages on the website or by request. If translated downloadable data is available by request, there should be clear instructions on the website about how to request it.

Recommendations to Improve Data Collection, Transparency, and Accessibility for Students in the Foster System at the Federal Level

Congress should require additional data collection and reporting about students in the foster system at the federal level. When the Elementary and Secondary Education Act (ESSA) is reauthorized, Congress should require that all data related to students in the foster system are cross-tabulated by gender, race/ethnicity, sexual orientation, disability status, and English learner status. Additionally, Congress should consider including "ever" in the foster system indicators for graduation rates, high school non-completion rates, HSE diploma rates, and state assessment results.

Expanded data reporting about students in the foster system will help to fulfill the intent of the Fostering Success in Education Act, introduced during the 111th Congress (2009–2010) by Senators Patty Murray and Al Franken and Representative John Lewis, which proposed data collection

for students in the foster system including preschool program enrollment, school stability data, retention data, and other data points, some of which are now required by ESSA.

The U.S. Department of Education (USDOE) should require states to include data about students in the foster system in its biennial Civil Rights Data Collection.

The USDOE can also play an important role in increasing our understanding of the specific needs of students in the foster system who are disproportionately Black, Native, and have disabilities. The CRDC should collect disaggregated data regarding students in the foster system as it relates to enrollment, attendance, discipline, HSE program participation, advanced course participation, and retention. For more on these recommendations, read the author's comment to the USDOE [here](#).

Conclusion

Since the state has taken responsibility for children and youth in the foster system, it's imperative that the state fully understand and publicly report how it's meeting this obligation and ensuring that these children and youth's educational needs are met. Current data indicate that Black and Latinx students are both disproportionately represented in the foster system, and at higher risk of experiencing unacceptable challenging academic realities that must be addressed. Accurate and more comprehensive data collection is a key step in understanding the challenges they face and providing them with the support they need. Data is just one tool for SED, OCFS, school districts, and LDSSs to use to address these challenges: they should also work with students, parents, foster parents, and advocates to ensure that issues are addressed and opportunities provided in meaningful ways.

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Notes

- 1 A recording of the April 20, 2022 “Oversight – Foster Care Students in the DOE System” hearing before the New York City Council Committee on Education can be found here <https://legistar.council.nyc.gov/Calendar.aspx>.
- 2 Week estimate based on [18 days representing about ten percent of school days](#).
- 3 This report uses the term “Latinx” to describe students the Schuyler Center describes as “Hispanic” or “Latino.”
- 4 New York State’s Education Department graduation pathways data provide information about the number of students who have graduated from high school through various pathways, focused on the arts, world languages, career and technical education, career development and occupational studies, humanities, and science, technology, engineering, and mathematics. <https://data.nysed.gov/pathways.php?year=2020&state=yes>.
- 5 [Local Law 2019/34](#), requires the NYCDOE Office of Pupil Transportation to [report](#) on transportation for DOE students in the foster system—including applications for school transportation and provision of busing and public transportation passes for students in the foster system.
- 6 This OCFS report entitled, “Children in Care by Facility Type – LDSS: Statewide as of Jun 30, 2021 for the Child Status in 24 Hour Care, Absent, Trial Discharge,” includes children and youth placed in foster boarding homes, kinship foster homes,

institutions, group homes, group residences, agency operated boarding homes, supervised independent living program placements (SILPs), those children and youth on trial discharge to their parent or caregiver, and a small number of children and youth under the category, “other,” which includes children in many categories, like those who were unaccompanied refugees.

7 This report uses the term Latinx when describing students SED describes as Hispanic or Latino. [SED defines Hispanic or Latino](#) students as: “[a] person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.”

8 This report uses the term Asian when describing students SED describes as Asian or Native Hawaiian/Other Pacific Islander. SED defines [Asian or Native Hawaiian/Other Pacific Islander](#) as: “[a] person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam; or a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.”

9 This report uses the term Native when describing students SED describes as American Indian or Alaska Native. [SED defines American Indian or Alaska Native](#) as: “[a] person having origins in any of the original peoples of North and South America (including Central America) and who maintains cultural identification through tribal affiliation or community recognition.”

10 These areas roughly correlate with SED’s [Need to Resource capacity categories](#) which divides districts into six categories based on a district’s measure of the approximate percentage of children eligible for free or reduced-priced school meals and district wealth per pupil. The seven categories are: New York City, Large City Districts (Buffalo, Rochester, Syracuse, Yonkers), Urban-Suburban Districts, Rural Districts, Average Needs/Resource Capacity Districts, and Low Needs/Resource Capacity Districts.

11 Due to the pandemic, 2019-20 and 2020-21 state assessment data were either unavailable due to canceled testing or because of low rates of participation.

12 [SED includes](#) students in the foster system in the economically disadvantaged category.

13 Including gender identity and sexual orientation data is of particular importance for students in the foster system where, according to a [2021 New York City Administration for Children’s Services Report](#), LGBTQIA+ children and youth in the foster system are overrepresented with one out of three 13-20 year olds identifying as LBGQTQIA+. These children and youth are also more likely to be Black or Latinx. Collecting gender identity and sexual orientation data is also in line with President Biden’s recent [executive order](#) which established a committee to advance equity for LGBTQIA+ individuals through expanded federal data collection on sexual orientation and gender identity. The executive order also created a new U.S. Department of Education working group to advance policies to ensure educational institutions are safe and inclusive learning environments where all students can thrive.

