



The Advocate

Fall
2018

Advocates for Children of New York
Protecting every child's right to learn

www.advocatesforchildren.org

MISSION STATEMENT

Advocates for Children of New York's mission is to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds.

AFC achieves this through four integrated strategies: free advice and legal representation for families of students; free trainings and workshops for parents and professionals, to equip them to advocate on behalf of students; policy advocacy to effect change in the education system and improve education outcomes; and impact litigation to protect the right to quality education and to compel needed education reform.

Emma's Story

Emma, a 12-year-old student with autism, is currently making great strides academically, socially, and in daily living skills, thanks to a school placement that meets her unique needs. When Advocates for Children first met Emma in 2016, however, her future was not looking nearly as bright. Though Emma began receiving special education services in preschool and displayed many common symptoms of autism, the Department of Education (DOE) never properly evaluated her for this disability. As a result, she spent elementary school in special education classes where she made minimal progress, performing several years below grade level in multiple academic subjects and struggling to pay attention and organize her thoughts. The DOE failed to offer Emma a more supportive program and school placement, even when Emma's mother expressed concerns. In fact, Emma's school actually *decreased* her speech-language therapy—despite an evaluation showing that she continued to have significant speech and language delays—and suggested moving Emma to a class where she would have even less individualized attention.

AFC intervened, getting Emma a comprehensive evaluation to determine her needs and then working with her mother to find a more appropriate school. After filing an impartial hearing request, we secured tuition for Emma to attend a specialized non-public school, where she started in the summer of 2017. With individualized support and instruction from teachers with expertise in working with students like her, Emma's made academic gains, improved her social-emotional skills, and become more independent!

Emma's mother describes her family's journey best:

"Before AFC, parents [like me] feel angry, broken, hopeless, and powerless. After AFC, parents and children become more confident and walk tall. AFC provides parents with many resources and useful information to better understand our children's disabilities. I believe that at AFC, my little Emma's future matters.

Our lives have been transformed for the better in these past two years that we have been part of the AFC family. I cannot believe how much Emma has progressed academically, emotionally, and in her social skills because AFC helped us to place her in a school where she belongs. I have called every single staff member at AFC that has contacted us a guardian angel."



Emma on the first day of school, September 2018



The Advocate

PUBLISHED BY

Advocates for Children
of New York

151 West 30th Street, 5th Floor
New York, NY 10001

info@advocatesforchildren.org
www.advocatesforchildren.org

Phone • 212-947-9779
Fax • 212-947-9790

AFC's Jill Chaifetz
Education Helpline

(866) 427-6033
Monday–Thursday
10am–4pm

Board of Directors

Eric F. Grossman, *President*
Jamie A. Levitt, *Vice President*
Harriet Chan King, *Secretary*
Paul D. Becker, *Treasurer*
Matt Berke
Jessica A. Davis
Lucy Fato
Robin L. French
Brian Friedman
Kimberley D. Harris
Caroline J. Heller
Maura K. Monaghan
Jon H. Oram
Jonathan D. Polkes
Steven F. Reich
Veronica M. Wissel
Raul F. Yanes

Executive Director

Kim Sweet

Deputy Director

Matthew Lenaghan

The Advocate is supported in part by a grant from the U. S. Department of Education. The views and opinions in the newsletter do not necessarily reflect views and/or policies of the U. S. Department of Education.

NEW GUIDES & RESOURCES

STUDENTS WITH DISABILITIES

These two resources are available in English and Spanish at https://www.advocatesforchildren.org/get_help/guides_and_resources/disability under "School Visits and IEP Meetings."

Emergency Planning for Students with Disabilities

This fact sheet provides tips on how to keep children with disabilities safe in the event of emergencies at school, such as lock-downs and evacuations. It offers suggestions for steps parents can take to help students with disabilities prepare for possible emergencies as well as questions to ask their child's school about emergency planning.

IEP Meeting Prep Sheet

This worksheet is designed to help parents think through their child's progress, areas where their child is struggling, and what types of support their child may need in the coming year in order to prepare for an Individualized Education Program (IEP) meeting.

HIGH SCHOOL STUDENTS & TRANSITION

The following publications are available in English and Spanish at https://www.advocatesforchildren.org/get_help/guides_and_resources/transition.

Know Your Options: Alternatives for High School Students

This fact sheet describes options for students who are struggling in high school and need a fresh start, including transfer schools, YABCs, and high school equivalency programs.

Regents Exam Rights

This fact sheet explains students' rights related to taking the New York State Regents exams and answers frequently asked questions.

Guide to Transition Services & College Planning: Helping Students with Disabilities Move from School to Adulthood

This guidebook explains the transition process, including students' rights, available services and how to obtain them, and where to find support.

"Instead of alleviating the burdens borne by disabled students and their families, the current policies spawn a cumbersome and counter-intuitive bureaucracy that undermines the goal of educating these children."

— Judge William Pauley III of the federal district court for the Southern District of New York, in a decision allowing AFC's lawsuit over the school district's denial of nursing services to move forward.

Learn more at <https://www.advocatesforchildren.org/node/1261>.

DID YOU KNOW?

Nearly 30 years after the passage of the Americans with Disabilities Act, 80% of New York City public schools are still not fully accessible to students, parents, and teachers with physical disabilities. Our newest data brief, **Access Denied: School Accessibility in New York City**, finds that:

- In 28 of the City's 32 school districts, less than one-third of schools are fully accessible.
- In seven districts, less than 10% of schools are fully accessible.
- District 16 in Brooklyn has no fully accessible schools at all.

Check out the full report and our recommendations at <https://www.advocatesforchildren.org/access>.

KNOW YOUR RIGHTS | Superintendent's Suspensions

In New York City, a suspension from school for six to 180 days (a year) is called a Superintendent's suspension. Before suspending a student for this many days, the school must investigate the incident, question the alleged victim and any witnesses about what happened, and get approval from the district Superintendent. Once approved, the school must tell the parent of the suspension immediately by phone and in writing within 24 hours. The written notice must be given in the parent's main language. It should include:

- **The reason for the suspension**, also called the "charges." This is what the school says your child did that violates the DOE's Discipline Code.
- **The date, time, and place of a hearing at a suspension office**, where a hearing officer will decide if the charges are true. The hearing will be held within five school days of the suspension.
- **A list of witnesses** the school may bring to the hearing.
- **The location where your child will attend classes** during the suspension period, including before the hearing. Your child must be given education in another site outside the school and has the right to take any citywide or state tests that are given while they are suspended.
- **Parents' rights and places to call for help.**

Before the suspension hearing...

You should ask the principal's office for the "suspension packet." This packet has all the evidence the school may use at the hearing, including:

- The occurrence report;
- Written statements from your child and anyone who saw the incident;
- Evidence of what happened, such as injury reports or video;
- Other school records, like a transcript and an IEP (if your child has one).

Tip: If the school does not give you the whole suspension packet before the hearing, call the suspension hearing office and ask the director for help. The phone number is on the suspension notice.

At the suspension hearing...

- The school must prove the student did what they are accused of doing.
- You have the right to an interpreter if your main language is not English.
- You have the right to call witnesses and to bring other evidence with you.
- You can ask for another hearing date (an "adjournment") if you need more time to gather evidence or want to change the date.

Note: If you do not want to fight the charges, you can plead "no contest." This means your child neither admits to nor denies what they are accused of doing. Instead, you give up your right to a hearing, the charges are upheld, and the hearing office decides the length of the suspension.

LEARN MORE: See AFC's *Guide to School Suspensions* and *Guide to Manifestation Determination Review*, both available in English and Spanish at https://www.advocatesforchildren.org/get_help/guides_and_resources/discipline.

Do students with disabilities have any additional rights?

Yes! Students cannot be punished for behavior that was caused by their disability or by the school not following their Individualized Education Program (IEP). Schools may not suspend a student with a disability for more than 10 days without first holding a meeting, called a Manifestation Determination Review (MDR), to decide whether or not your child's behavior was related to their disability. If it was, they have the right to return to class right away. The school should also conduct a Functional Behavioral Assessment (FBA) to identify what might be causing the problem behavior, and then create a Behavior Intervention Plan (BIP) to give your child supports in school to address the behavior.



CHECK IT OUT!

The New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS)—AFC's project focused on students in temporary housing—has a brand new website! Check out <https://nysteachs.org/> for lots of great resources, including:

- Answers to frequently asked questions about the educational rights of children and youth experiencing homelessness;
- Information on topics like enrollment, transportation, and access to higher education;
- Trauma-sensitivity resources of the month;
- Downloadable forms and templates for schools; and
- Data on students in temporary housing.

The Advocate

Fall 2018



Advocates for Children of New York

Protecting every child's right to learn

151 West 30th Street, 5th Floor
New York, NY 10001

www.advocatesforchildren.org

NON PROFIT ORG.
U.S. POSTAGE
PAID
NEW YORK, NY
Permit #3393

TO GET HELP

Call the Jill Chaifetz Education Helpline:

(866) 427-6033 (toll-free) • Monday–Thursday • 10 am–4 pm
Or email us at info@advocatesforchildren.org

We can speak to you in your language.

TO MAKE A DONATION

If you would like to make a donation to support our work, please send your gift to:

Advocates for Children of New York
151 West 30th Street, 5th Floor
New York, NY 10001

Or visit us online at
www.advocatesforchildren.org.

Questions about donating? Contact Linda at lyassky@afcnyc.org or (212) 822-9512.

FREE ONSITE WORKSHOPS

To schedule a training at your school or organization, email workshops@afcnyc.org.

KEEP IN TOUCH!

Sign up for our monthly Blackboard Bulletin and other email updates at <http://bit.ly/AFCsignup>.

To receive additional hard copies of this newsletter, email advocate@afcnyc.org.