



# The Advocate

Summer  
2018

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

[www.advocatesforchildren.org](http://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.

## Manny's Story

*"I was no longer bullied for being me. I was able to show the world who I really am and was accepted for the first time in my life."*

Manny is a long-time Red Sox fan who just graduated from high school and is off to Hostos Community College, where he plans to study digital design and animation!

Manny, who did not speak until he was five years old, was diagnosed with autism at age eight and attended multiple schools, trying to find one that could meet his needs. At each school, Manny was taunted by his peers, had difficulty making friends, and struggled in classrooms that were loud and overwhelming. Although Manny was mandated to receive speech, occupational, and physical therapies, he did not progress. Faced with Manny's traumatic experiences in school and the New York City Department of Education's (DOE's) inability to offer an appropriate program, Manny's mother knew she had to take action. A DOE psychologist secretly told her to call Advocates for Children, and the tide started to turn for Manny.

AFC worked quickly, obtaining Manny's admission to the sixth grade at Gersh Academy, a private school for students on the autism spectrum, and won an impartial hearing order awarding full tuition and compensatory services. With individualized attention and a supportive environment, Manny thrived both academically and socially. He says that at Gersh, "I was no longer bullied for being me. I was able to show the world who I really am and was accepted for the first time in my life." Along with pro bono co-counsel from Greenberg Traurig, LLP, we represented Manny for seven years, ensuring he could remain at Gersh through the end of high school. He graduated with a Regents diploma this June!

Throughout his academic career—despite living in temporary housing, illness in his family, and stresses of the unknown—Manny has persevered and blossomed in his education. He received the Education Champion Award at AFC's 2018 Spring Benefit in recognition of all his hard work!



*Manny with presenter Craig Melvin at AFC's 2018 Spring Benefit*



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of New York**

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**AFC's Jill Chaifetz  
Education Helpline**

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

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## NURSING SERVICES AT SCHOOL

This past fall, Advocates for Children and Greenberg Traurig, LLP filed two complaints against the New York City Department of Education (DOE) in federal court on behalf of four parents whose children did not receive the nursing services and specialized transportation they needed in order to attend school. The cases in the complaint are representative of a systemic problem—the DOE does not have policies and procedures in place to ensure that all medically fragile students receive required nursing services, resulting in long delays and the exclusion of students from the classroom for months or even years.

### *If your child needs nursing services at school...*

- Make sure to get all medical forms, including the medication authorization form (MAF) and/or request for provision of medically prescribed treatment (non-medication), filled out by their doctor and submitted to the DOE as soon as possible.
- If your child requires a one-on-one nurse at school or on the bus, make sure that the doctor states your child's need for a 1:1 nurse on every form, *even when the form does not ask for this information.*
- We also recommend that your child's doctor submit a separate letter or report detailing your child's medical and nursing needs.
- You must submit new forms each school year.



Medical forms are available at <https://www.schools.nyc.gov/school-life/health-and-wellness/health-services/>.

For more information on AFC's nursing services complaints filed in federal court, visit <http://www.advocatesforchildren.org/litigation/individuals/nursing>. If you have problems getting required nursing services in place for your child, call our Education Helpline at (866) 427-6033, Monday through Thursday, 10am to 4pm.

## CHECK IT OUT: English Language Learners & Special Education

AFC has a new fact sheet for parents of students learning English who believe their child may need special education services. The fact sheet answers frequently asked questions about bilingual special education evaluations and services. It is available in English, Spanish, Arabic, Bengali, Chinese, French, Haitian Creole, Russian, and Urdu at [http://www.advocatesforchildren.org/who\\_we\\_serve/immigrant\\_students\\_and\\_ells](http://www.advocatesforchildren.org/who_we_serve/immigrant_students_and_ells).



AFC at the 2018 Disability Pride Parade!

# KNOW YOUR RIGHTS: LGBTQ Students

*Students cannot be bullied, harassed, or discriminated against in New York City public schools for any reason, including gender, gender identity, gender expression, or sexual orientation.*

- This rule applies whether a student *self-identifies* as LGBTQ/gender-nonconforming, or someone *thinks* that the student does.
- Students who experience or witness bullying or harassment have the right to make a formal complaint. Schools cannot punish anyone who reports bullying, as long as the reporter genuinely believes that what they saw was bullying.
- School staff are required by law to promptly report harassment, bullying, and discrimination. This applies whether school staff actually saw the incident or was told about it.
- For more information, check out AFC's *Guide to Preventing & Addressing Bullying*, available in English and Spanish at [http://www.advocatesforchildren.org/who\\_we\\_serve/bullying](http://www.advocatesforchildren.org/who_we_serve/bullying).

*Students have the right to start a Gender and Sexuality Alliance (GSA)—sometimes known as a Gay-Straight Alliance—at their school.*

- The law says that all student clubs must be treated the same way and have equal access to school resources. This means that if other clubs get to be listed in an official directory, use classrooms, put up fliers, or participate in school events, the GSA must be allowed to do these things, too.

*Students have the right to be called by their preferred name and pronouns and to use the bathroom and locker room that match their gender identity.*

- This does *not* require a parent's consent or a court-ordered name or gender marker change.
- Permanent school records like transcripts, report cards, and attendance records will list the name and gender marker on a student's birth certificate, but non-permanent records like yearbooks, graduation programs, and student IDs should reflect a student's preferred name and pronouns.
- Deliberate use of pronouns and names that are inconsistent with a student's gender identity is considered harassment.
- For more information, see the DOE's Transgender Student Guidelines, available at <https://www.schools.nyc.gov/school-life/policies-for-all/transgender-policy>.



To learn more about LGBTQ students' rights in New York City schools, as well as what to do if these rights are violated, check out AFC's recently-updated *LGBTQ Education Guide* at <http://bit.ly/afclgbtq>.

## PARTNERSHIP

FEATURED

### **Supporting Court-Involved Youth in Brooklyn**

AFC recently partnered with the Center for Court Innovation's Brooklyn Justice Initiative (BJI), which includes an alternative-to-incarceration program for misdemeanor defendants ages 16 to 24. This program provides a variety of social services and aims to prevent future involvement in the justice system. AFC is providing a series of workshops to train BJI staff on the education rights of court-involved youth, how to identify educational problems as they arise, and how to effectively advocate for these students. For example, many young people do not want to return to the school they were attending prior to their arrest and need assistance obtaining a school transfer, enrolling in an alternative program, or accessing additional educational supports.

To learn more about the education rights of students in and coming out of the juvenile or criminal justice system, check out AFC's *Guide for Court-Involved Students*, available in English and Spanish at [http://www.advocatesforchildren.org/who\\_we\\_serve/court\\_involved\\_youth](http://www.advocatesforchildren.org/who_we_serve/court_involved_youth).



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

*We can speak to you in your language.*

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

Or visit us online at  
[www.advocatesforchildren.org](http://www.advocatesforchildren.org).

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

**FREE ONSITE WORKSHOPS**

To schedule a training at your school or organization, email [workshops@afcnyc.org](mailto:workshops@afcnyc.org).

**KEEP IN TOUCH!**

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

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