

Is your child's school complaining about your child's behavior, but not offering any clear solutions to resolve the behavioral problem?

Advocating for your Child with a Behavior Problem

Know how to advocate for your child's right to get a free and appropriate public education.

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If your child's school is complaining about your child's behavior, or if you are aware of behavioral problems that your child is having at school, s/he is entitled an appropriate public school education, with the support services s/he needs.

What the Schools Should Do

According to Chancellor's Regulation (CR) A-440, "When a student engages in disruptive behavior, school officials should explore techniques for resolving the behavioral problem." Some of the suggestions that the regulation makes are:

- using "**alternative instructional materials and/or approaches**" – Your child may be acting out because he is having difficulty learning in the classroom; he may learn better if material is presented in a manner that accommodates his strengths and/or weaknesses. It may also be possible that your child is very bright and would benefit from more challenging material or from being placed in a more advanced class.
- using "**alternative classroom management techniques**" – Many students benefit from having behavioral plans that are developed by teachers and parents, with the help of school guidance staff. By making a clear plan of the rewards and punishments both at home and school, you can help a child understand and respect the limits of behavior in the classroom.

- offering “**remedial services**” – All public schools offer remedial or extra help services in the school for the students who most need them. Often children who fall behind in their reading and math skills grow frustrated and end up acting out in the class. The schools should offer supportive services to these children. Ask your principal what kind of programs your school offers, some possibilities are:
 - Title I – supportive services for students of all grades who need help in their basic math and reading skills
 - PCEN – similar to Title I
 - Project Read – reading program for 1st through 3rd graders

- offering “**alternative class placement**” – Sometimes a student simply has a bad relationship with his teacher or another student in the classroom; by changing your child’s class, many of the behavioral issues may be resolved.

- offer “**guidance support**” – Schools have funds to offer short term counseling to students who need it, often known as ERSS counseling. (Schools will often tell parents that their child can only receive counseling if they are in special education. This is not true. Tell the school that the NY State Regulations of the Commissioner, section 100.2 (v)(2) states that any student with a behavioral problem is entitled to ERSS counseling.) Schools can also offer peer mediation if a child is having problems with one or two students in particular.

What the School Should NOT Do if Your Child has a Behavior Problem

The School Should NOT Suspend Your child

A child can only be suspended when his “overt behavior presents a clear and present danger” or “prevents the orderly operation of classes or other school activities.” (Chancellor’s Regulation A-440) A child CANNOT be suspended for general disruptive behavior.

When a child is suspended by the principal,

- you must be notified immediately by phone and in writing, telling you what the specific charges are against your child
- at the suspension conference you have a right to :
 - bring up to two people with you (friend, relative, advocate or attorney)
 - present witnesses and other evidence to show that the charge was not true
 - see all the school’s evidence and question the school’s witnesses
 - discuss the appropriateness of the suspension
- after the conference, you can appeal the suspension to the district office, then the community school board and finally to the Chancellor

A principal can only suspend a child twice in a school year and for no longer than five days for each suspension. Your child has a right to return to his school no later than the sixth day after suspension.

The School Should NOT Hold Your Child Over

A child can only be held over because they do not have the academic skills to do the work in the next grade level. A child CANNOT be held over for a behavioral problem. According to Chancellor's Regulation A-501, "The decision to retain a student in these grades (elementary and middle school) should be based on a comprehensive assessment of the student's academic record, including current achievement level, degree of academic deficiency, and a guidance counselor interview." The regulation also says "Promotion may not be used as a disciplinary measure."

If a school is considering holding over your child, they must inform you of the possibility by January 31 and offer your child the extra help s/he needs to be promoted.

The School Should NOT Refer Your Child to Special Education

According to the Individual's with Disabilities Education Act (IDEA), before a child is referred to special education, schools must provide intervention supportive services to a child in the school. This means that the school should try some of the preventive measures listed on page 1 and 2 of this guide. Only after they have tried to resolve the behavioral issue in general education, can a child be referred to special education. You as a parent have a right to not consent to a special education evaluation. A school cannot force you to sign; only an

impartial hearing officer can okay an evaluation without a parent's consent.

The School Should NOT Tell You to Keep Your Child Home

Every child between the ages of 5 – 21 without a high school diploma has a right to attend school. A child can only be kept home when he has been officially suspended by either the principal or the superintendent. If a principal tells you to keep your child home, tell him/her you want to see the official notice of suspension otherwise your child is coming to school. Remember a principal can only suspend a child twice in a school year.

The School Should NOT Harass You

Parents and schools need to work together to help resolve problems that a child is experiencing at school. If a school has complaints about your child's behavior, they should not be calling you all the time to complain – they should be inviting you in to work on a plan on how you, your child, your child's teachers and support staff can all work together to resolve the problems that exist.

What *You* Should Do

- Know your child's rights.
- If the school has not taken the active step to contact you to discuss making an intervention plan, you will have to take that step yourself. This should not be your responsibility, but your proactive involvement can force the school to give your child the support he needs. Write the principal, describing your concerns and requesting to meet with the principal and any one else you think necessary (teacher, counselor, etc) to develop a strategy for dealing with the problems that exist.
- Go to the meeting prepared to clearly explain your concerns and the problems that need to be resolved. Come with your own ideas on how to resolve the problem, but keep an open mind both to the schools concerns and the solutions they offer. You will need to work together to figure out what is going on in the classroom and how to resolve the problems both within the school environment and at home.
- Keep the meeting focused. Do not let the school derail the purpose of the meeting which is to develop a clear plan for working with your child in the future. If the school is only focused on the past, bring their attention back to what can be done *now*.
- It's always a good idea to bring along a relative, friend, or trusted member of the community to

make sure the meeting keeps on track, and to act as a witness to what transpires – whether negative or positive.

- If the meeting is successful, follow up with a thank you letter which outlines what you all resolved to do; e.g.: “Thank you for the opportunity to meet with you... I am glad that in the future we have resolved to...” etcetera. This letter will not only help to maintain a positive rapport with the school, but will also document the promises that the school has made.
 - If the meeting was unsuccessful, either write the principal on why you were disappointed with the meeting and request a second go around, or write directly to the district superintendent’s office to get assistance from their pupil personnel office.
 - Keep as much of your contact with the school in writing (requests for meetings, information about your child’s progress, or requests for
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