

Advocates for Children of New York, Inc.  
151 West 30th Street, 5th Floor  
New York, N.Y. 10001

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

*Advocates for Children* wishes to thank all the financial contributors that make our work possible. Our program is supported by:

Robert Sterling Clark  
Foundation

Altman Foundation

Booth Ferris Foundation

Child Welfare Fund

Clark Foundation

The Daphne Foundation

Everett Foundation

Morrison Foerster Foundation

Greenberg Traurig

Morgan Guaranty  
Trust Company

National Association for Public  
Interest Law

National Coalition of Advocates  
for Students

New York Community Trust

New York  
Immigration Coalition

New York State Education  
Department - VESID

New York State  
Interest on Lawyers  
Account Fund

New York State  
Office of Children  
and Family Services

U. S. Department  
of Education

United Way

Skadden Arps Slate  
Meagher & Flom Foundation

Individual donations from many concerned citizens

**T  
H  
E**

**A  
D  
V  
O  
C  
A  
T  
E**



**ADVOCATES  
FOR CHILDREN  
OF NEW YORK, INC.**

DECEMBER 1999

VOL. 2, No. 6

*Dedicated to the protection of every young person's  
right to a quality education*

**COURT SETTLEMENT BY  
ADVOCATES FOR CHILDREN  
FORCES NEW YORK CITY TO  
PROVIDE APPROPRIATE  
SERVICE TO 25,000 DISABLED  
PRESCHOOL CHILDREN**

The settlement agreement for the class action lawsuit, *Ray M. v. Board of Education et. al.*, was approved by Federal District Court Judge Eugene Nickerson February 25th, bringing relief to approximately 25,000 three to five year old preschool children with disabilities in New York City. The suit alleged that preschoolers with disabilities in the City were denied their rights to appropriate educational services under state and federal law.

The Ray M suit, was brought in 1994 by the parents of preschool children with disabilities. One of the Ray M claims alleged that preschoolers with disabilities were being wrongfully denied timely referrals and evaluations to special education and were automatically being placed in the most restrictive classroom settings in violation of state and federal law. Another claim alleged that disabled preschool students with limited English proficiency were being denied timely special education evaluations in the appropriate language and were being placed in inappropriately restrictive classroom settings.

Carrie B. mother of Plaintiff Katie B. conveyed the wish that with the settlement of Ray M. "that other parents will not have the same problems we did trying to get my daughter into an integrated school environment. Katie is flourishing in her integrated school class, as could thousands of children

currently in segregated environments."

Plaintiffs were represented by Advocates for Children of New York, as co-counsel, along with the Puerto Rican Legal Defense Fund, the law firm Davis, Polk and Wardwell, and the law firm of Stults and Balber.

"Ensuring timely and appropriate placement for disabled preschoolers is critically important. Research demonstrates that the earlier a disabled child receives appropriate educational and intervention services, the better chance that child has to develop the skills to be able to become academically successful," said Jill Chaifetz, Executive Director of Advocates for Children.

The settlement in Ray M requires the New York State Department of Education (SED) to provide guidance, training and technical assistance to the New York City Board of Education (the Board) concerning placement of students with disabilities into integrated settings. The SED must collect data and monitor the programs providing special education services to preschoolers. The Board is required to comply with the SED's monitoring efforts, revise its procedures to comply with new SED guidelines, and undertake measures to provide timely evaluations and transportation to preschool students.



**THE LEAST  
RESTRICTIVE  
ENVIRONMENT  
INITIATIVE**

Since 1975, the federal law entitled, "Individuals with Disabilities Education Act" (IDEA) has required that, as much as possible, children with disabilities be educated in classes with their non-disabled peers. This is called the "least restrictive environment" (LRE). There are tremendous benefits from this type of environment for both groups of children. For the children with special needs, they include increased motivation, higher self-esteem and improved communication and socialization skills. For the students without disabilities, they demonstrate greater awareness of diversity, increased responsibility, and improved academic performance as well.

While few school districts in the nation have succeeded in guaranteeing LRE for all their students, New York City's record is particularly abysmal. On a national average, 80% of special education students remain in general education settings for the greater part of the day. In New York State, however, only 65% are maintained in inclusive settings and in New York City, the proportion falls to 40%. New York City has a greater percentage of students overall in special education than the rest of the country and a disproportionate number of these students are minority or of limited English proficiency or both.

The referral rate to special education in New York City is even higher than the placement rate and no doubt signals a call for help from parents, teachers and administrators who feel there are not adequate resources in general education to help the students with the greatest needs. New York could respond by providing more supportive services in the general education classroom where they can benefit all children and decrease the need to refer so many to special education. Instead, the city removes a disproportionate number of students with mild disabilities. Even worse, children with no disabilities but with behavioral issues not rising to the level of emotional disturbance, (but which none-the-less create difficulties for inadequately trained and equipped teachers) are being placed in special education. The result is that these children are segregated from their peers and their own siblings and placed into separate classes or worse, separate facilities all together.

New York City decertifies (returns to general education) less than 3% of its special education students each year. Those that remain in special education rarely graduate from high school. When they do, they graduate with an Individual Education Program (IEP) diploma, rather than the Regents' diploma necessary to go on to higher education and succeed in today's world. Expectations for these children are inexcusably lowered. Opportunities for these children to achieve meaningful employment decrease significantly. This segregated

*Article continued on page 2*

# THE ADVOCATE

*published by*

**Advocates for Children  
of New York, Inc.**

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

*Email: info@advocatesforchildren.org  
Web Site: www.advocatesforchildren.org*

**Phone 212-947-9779**

**Fax 212-947-9790**

**Immigrant Student Hotline  
212-947-9779, Ext. 39**

**AFC's Intake Line  
(for Representation):**

Intake hours:  
Mon. & Wed. at 9am-10am

**AFC's Education HelpLine  
(for Advice & Referral):**

Tues. & Thurs. 10am-1pm

**AFC's Immigrant Student Hotline  
(for Representation & Advice):**

(212) 947-9779, Mon-Fri. 9-5

**To Schedule a Workshop or  
Obtain a Publication:**

(212) 947-9779, Ext. 50

## **OFFICERS**

Anne G. Feldman  
*President*

Sharon Katz, Esq.  
*Recording Secretary*

Roy Moskowitz  
*Treasurer*

## **BOARD OF DIRECTORS**

Barry Ford, Esq.  
Mala Thakur, M.Ed.  
Carol L. Ziegler, Esq.

Jill Chaifetz  
*Executive Director*

Elisa F. Hyman  
*Deputy Director*

**Comments, questions and  
opinions regarding  
"The Advocate" are encouraged  
and may be sent to "The Advocate"  
at the above address.**

# LEAST RESTRICTIVE

*Continued from page 1*

system as it now exists is not only educationally inappropriate, it also presents serious civil rights issues, as it sanctions and perpetuates the prejudices that lead to over-segregation and discrimination against individuals with disabilities.

Something has to be done to reform this scenario and several recent developments make this an especially good time to press for LRE reform. With the reauthorization of the IDEA in 1997, Congress strengthened the requirements for determining what is the LRE for a child (to be reflected on the individual education program, IEP) and established specific guidelines concerning the ways states choose to fund their special education services. New York State's current method for funding special education actually works counter to federal law and rewards school districts for more, rather than less, restrictive placements. This year the Federal Department of Education, Office of Special Education and Rehabilitative Services withheld \$335 million earmarked for New York's special education services because our funding formula violated the IDEA. That's nearly 10 % of the state's special education budget and represents a loss of over \$98 million for New York City alone. In August, new legislation was passed in New York State providing enhanced funding if a child who was placed, or was going to be placed, in a self-contained classroom is placed into an integrated environment. This is a positive step in moving children into least restrictive environment placements even though the new formula has problems. The new formula still bases funding on the type of placement a child receives rather than the services the child in special education might need.

Last year, the federal Department of Education's Office of Civil Rights (OCR) found not only that New York City places too many students in segregated special education classrooms but that it disproportionately classifies Black and Latino students as "learning disabled" or "emotionally disturbed." Recognizing the need to address these issues, the New York City Board of Education and OCR have signed a Memorandum of Understanding stating that the Board will take substantial steps to rectify the inequity by next year when OCR will reconsider the case.

The Mayor's own Task Force on Special Education issued a report last year entitled "Reforming Special Education in New York City: An Action Plan." The report strongly supports LRE reform. The Task Force acknowledged special education's general level of dysfunction.

New York City is working slowly to reform their own LRE practices. The Board of Education has begun a small LRE Initiative, and, although only a limited number of new programs have been created in only about one half of the City's school districts thus far, the initiative will be expanded into all of

the city's districts – requiring that each district identify at least 4 schools in which to focus their efforts. However, without coordinated pressure from advocates and parents, the school system's still circumscribed LRE reform initiative will instead remain far too limited – allowing far too many holes in the enforcement of the LRE mandate.

In response, a coalition of education advocacy groups has united to work together to strengthen advocacy efforts on behalf of LRE issues in New York City. The organizations in the coalition include Advocates for Children, the Association for the Help of Retarded Children, Bronx Legal Services, Citizens' Committee for Children of New York, The Learning Disabilities Association of New York City, New Alternatives for Children of New York, New York Lawyers for the Public Interest, New York Legal Assistance Group, The New York Commission on the Quality of Care, Queens Legal Services, Resources for Children with Special Needs Inc., Sinergia, and South Brooklyn Legal Services. The coalition is run by a full-time coordinator working out of Advocates for Children's offices.

Since February, the coalition has:

- Developed a clearinghouse of governmental, academic works, and general resource materials.
- Worked closely with counsel for the on-going Jose P. litigation regarding special education in New York City and LRE issues in particular.
- Continued to reach out to other organizations doing similar work to expand our base and increase our strength and effectiveness.
- Begun a monitoring project of the City's efforts in their LRE initiative in coordination with the Citizens' Committee for Children of New York.
- Begun work with Sinergia on a project to look closely at the numbers of minority and English language learners over-represented in New York City's special education rosters focusing in particular on children placed in restrictive settings. With that information, made readily accessible, in print and on the internet, we hope to be able to better prepare parents and advocates for CSE meetings and impartial hearings.
- Started outreach efforts to parent organizations in NYC. The Coalition recognizes the central role of parents in determining the nature of the education their children receive and is working to expand parents' choices for their own children's educational experiences. We are working with parents both to train them to become more effective advocates on behalf of their own children, and to help mobilize them as effective agents for greater systemic change.
- Addressed the needed legislative changes with regard to the special education funding formula through a state-wide letter writing and advocacy campaign.

Our first several months as a Coalition concerned with LRE issues have been profitable, but we don't plan to rest until we succeed in assuring LRE placements in neighborhood schools for all children with special needs in

# GIFTED AND TALENTED PROGRAMS

The under representation of Black, Latino and limited English proficient children in gifted and talented programs is a problem Advocates For Children believes requires more attention than it currently receives. Gifted and Talented Programs provide enriched programs and are feeders to the most selective public high schools in New York City. Black, Latino and limited English proficient children enrolled in these programs are not proportionate to the number of these students in the New York City Public Schools. Parents need to receive the information about the gifted and talented programs in order to further pursue the option. Unfortunately, many schools are "selective" in disseminating information to parents.

A report by the Association of Community Organizations for Reform Now (ACORN) in 1996, uncovered how selective by race and language is access to this information. (The report is now available at [www.acorn.org](http://www.acorn.org).) ACORN suspected particular access to parents of different races and limited English proficiency so they decided to execute testing by sending in a tester of color and a white tester into the same schools asking about the respective school. White testers were told about gifted and talented programs more often than Black and Latino testers. Most non-English speakers were given no information. Following this report, an agreement was formulated between the Federal Department of Education (Office of Civil Rights/OCR) and the Board of Education to assure that information would be available to ALL parents.

Unfortunately, it appears that this serious problem continues despite this agreement. Advocates For Children followed up with its own investigation in late 1998 and early 1999 only to find that the same schools that had been exposed in the ACORN report were still not making the information available to all parents. When AFC staff called 31 of the districts regarding information on gifted and talented program only five sent the information about the programs as requested. Not only was information not posted as it was agreed upon in the ACORN agreement, but it was not offered in different languages, as was required further limiting access to non-English speaking parents.

In response to the results obtained by our personnel, Advocates for Children has written a detailed complaint to OCR which outlines violations of this agreement. We are considering litigation because of the violations by the Board of Education to ensure that Black, Latino and limited English proficient parents have access to information about gifted and talented programs. If you have had problems getting information or have questions about the gifted and talented programs, please contact our office at (212) 947-9779. You have a right to information about programs in not only in your child's school district but other districts as well.



## LEAST RESTRICTIVE

*Continued from page 2*

New York City. Children with disabilities can benefit greatly when placed in general education classes, integrated classes or inclusion classes with appropriate supports and services. Where appropriately called for by their indi-

vidual needs, children should be put in other placements along an improved continuum providing necessary and appropriate services which can assure opportunities for children to interact with the rest of the school population - in the lunchroom, gym or library for exam-

ple. It is imperative that children with exceptional needs are no longer simply moved to isolated classrooms without a meaningful chance to learn the same curriculum in the same setting with the same opportunities as their peers and loved ones.

## NEW FROM AFC

In the past several months, AFC has been expanding and reorganizing existing programs and adding new ones. AFC continues to be the only citywide agency offering the full range of free individual case assistance and legal assistance to young people and families who are experiencing problems in obtaining appropriate education services for their children.

Two new hotlines piloted in 1998 have been growing steadily. The general hotline opened in October 1998 addresses all education inquiries. Our "newcomer" hotline opened in December 1998 and addresses issues facing immigrant students and parents.

Two new and exciting developments are taking place in response to the federal mandate that children with special needs be educated in the Least Restrictive Environment (LRE). Under a two year fellowship received from the National Association for Public Interest Law, law graduate, Matthew Lenaghan, will provide the full range of

case representation from advice to hearing to appeal on all LRE related individual cases. This casework will be crucial in informing the policy work of our LRE Coordinator who leads a coalition of education legal services organizations dedicated to the implementation of the LRE requirements and funded through the generosity of the New York Community Trust.

Another program recently begun at Advocates is the Foster Care Education Advocacy Project funded by grants from the Robert Sterling Clark Foundation and the Child Welfare Fund. This program is designed to identify and solve problems systemic to the New York City schools and child welfare systems to enable foster children attain academic success. These children are often low academic performers as a result of cognitive, behavioral and emotional problems caused, in part, by family disruptions and transience. Policy analysis, advocacy and coalition will be the focal points of this project.

To address the problem of overrepresentation of

Black and Latino students in special education, Advocates and Sinergia are working together to develop a bilingual guide for parents illustrating the problem using data compiled by the federal Department of Education Office of Civil Rights. This project is funded through the NYS Department of Education VESID office.

As of March of this year, Advocates has a website up and running at [www.advocatesforchildren.org](http://www.advocatesforchildren.org). By September 28th, the website will become both an extensive resource for advocates, parent and students, as well as affording an in-depth description of our work. This is a new avenue in which to provide information to a wider audience and galvanize educational advocates to quick action.

These are some of the ways Advocates continues to work to assure equal, quality public education for all of New York's more than one million school children. The development of new projects and programs to make this a reality is ongoing.

Advocates for Children of New York, Inc.

## YON ANVIROMAN KI MWEN LIMITE

Dizon, "Anvironman ki Mwen Limite" vle di ke ti moun ki gen yon seri andikap dwe aprann nan plis klas ak ti moun parèy yo ki pa andikape. Se sa ke lwa federal ki rele, "Dekrè Edikasyon pou Moun ki gen yon seri de Andikap" (IDEA).

Jis jounen jodi a, Vil Nouyòk pa fè anpil pwogrè nan mete elèv li yo nan yon anvironman ki mwen limite. Nouyòk genyen plis elèv nan edikasyon espesyal ke lòt kote nan oze-tazini, anplis de sa anpil ladan yo se elèv minorite ak elèv ki pa finn pale anglè twò byen, oubyen toulède. Chif kote yo refere elèv nan vil Nouyòk nan sa yo rele edikasyon espesyal pi wo pase elèv ki enskri e sa bay endikasyon bezwen pou plis sèvis sipò nan klas edikasyon nòmal. Koulye a, vil la retire elèv ki gen yon seri de andikap, sa k pi mal la, elèv ki pa andikape ditou men ki gen pwoblèm ki pa andikape ditou men ki dezòd epi li mete yo nan klas separe. Pa gen okenn ekskiz ki pou bay deske randman yo te atann de ti moun yo pi ba. Sistèm apate sa a jan li ye koulye a, li pa apwopriye si n ap pale de edikasyon, mem tou li vinn poze yon pwoblèm dwa sivil. Alòs ke se yon sistèm ki kontinye ak sipòte prejije ki mennen a yon apate ak diskriminasyon kont moun ki andikape ak moun ki pa nan kilti ki popilè nan sosyete a an jeneral.

Ane pase, Depatman edikasyon pou dwa sivil nan Washinntonn (OCR) aprann ke non sèlman vil Nouyòk mete twop elèv nan klas

edikasyon espesyal, menm li kalifye yon gwo pòsyon elèv nwa ak pangnòl kòm "andikap paske yo paka aprann" oubyen kòm "ti moun ki manke yon fey". Apre twouvay sa Depatman Edikasyon nan Nouyòk ak OCR siyen yon lèt ansanm, lèt la di ke Depatman Edikasyon nasyonal pral pran yon seri de mezi pou l korije inegalite sa nan lane k ap vini an lè OCR pral rekonisidè sa a.

Vil Nouyòk ap travay dousman pou l refòme fason yo pwosede nan LRE, men si pa gen yon kowòdinasyon apati de moun k ap defann ti moun ak paran ki pou mete presyon, sistèm LRE sistèm lekòl la ka rete jan li ye a, kidonk limite. Pou reponn a bezwen sila, yon kowalisyon de gwoup k ap travay sou zafè edikasyon ki gen alatèt li yon kowòdinatè k ap travay nan biwo Moun k ap defann Dwa Ti Moun mete tèt yo ansanm pou yo travay pou ka ba efò ke y ap deplwaye sou koze LRE nan Vil Nouyòk jarèt.

Oganizasyon ki nan kowalisyon an rele: Moun k ap Defann Dwa Ti moun, Asosyasyon pou Ede Ti Moun ki Retade, Asosyasyon pou Moun ki gen gen Andikap lè pou yo Aprann, Sèvis Legal pou Sitwayen nan Bwonks, Komite pou Ti Moun nan Nouyòk, Avoka nan Nouyòk pou Enterè Piblik, Gwoup pou BAY Assistans Legal nan Nouyòk, Komisyon nan Nouyòk pou Bon Swen, Sèvis Legal nan Kwinns, Resous pou Ti Moun ki gen Bezwen espesyal. Sinergia ak Sèvis Legal nan Sid Bwooklinn.

Nou fè gwo pa alavans nan kelke mwa ke nou

## YON ANTANT NAN TRIBINAL DE OGANIZASYON K AP DEFANN TI MOUN FÒSE VIL NOUYÒK POU BAY 25,000 TI MOUN KI ANDIKAPE KI NAN JADEN DANFAN SÈVIS KI NAN BON TI MAMIT.

Dakò sou antant ki te nan pwosè ki te gen anpil moun, pwosè a te rele, Ray M. kont Depatman Edikasyon, elatrye. Se jij Eugene Nickerson ki nan tribinal federal ki te apwouve antant sila nan jou kite 25 fevriye a. Li te pote yon soulajman pou omwen 25,000 ti moun ki andikape ki gen 3 lane jiska 5 lane ki nan jaden danfan nan vil Nouyòk. Pwosè a te sou ti moun sa yo ki nan Nouyòk e ki gen yon seri de andikap yo eke vil la te retire dwa ke yo genyen pou sèvis edikasyonèl ki apwopriye dapre dizon lwa eta Nouyòk ak lwa federal.

egziste kòm yon kowalisyon ki konsene sou koze LRE, men nou pap pran repo jiskaske nou sèten ke enskripsyon LRE nan lekòl ki pre katye kote w rete a pou tout ti moun ak bezwen espesyal nan vil Nouyòk.

## PWOGAM POU TIMOUN KI GEN DON E KI ENTELJAN

Mank reprezantasyon ti moun ki nwa, pangnòl ak lòt ti moun ki pa finn pale anglè twò byen, pwogram ti moun ki gen don e ki entelijan se yon pwoblèm ke òganizasyon Moun k ap Defann Dwa Ti Moun kwè ke atansyon yo ba pwoblèm sa pa ase, okontrè li merite plis. Pwogram pou ti moun ki gen don e ki entelijan mete sou pye yon seri de pwogram ki louvri sèvo ti moun nan e genyen ladan yo ki alimante pi bon lekòl sekondè nan vil Nouyòk. Ti moun ki nwa, pangnòl ak ti moun ki pa twò konn pale anglè ki enskri nan pwogram sa yo pa egal a chif elèv sa yo ki nan lekòl piblik nan vil Nouyòk. Paran yo ta bezwen resevwa enfòmasyon de pwogram pou ti moun ki gen don ak ki entelijan, konsa ya va gen lòt altènatif. Malerezman, gen anpil lekòl k ap fè "Seleksyon" nan fason ke yo distribue enfòmasyon ba paran.

Nan yon rapò ke Asosyasyon pou Oganizasyon Kominotè pou Refòm Koulye a (ACORN) te pibliye nan lane 1996, yo dekouvri kouman ke yo "seleksyone" apati de ras ak lang pou jwenn enfòmasyon sa. (ou kapab jwenn rapò sa sou entènèt la nan [www.acorn.org](http://www.acorn.org)) ACORN te sispèk aksè patikilye a paran de ras ki diferan ak paran ki pa finn pale anglè twò byen, yo deside pou yo fè yon tès. Yo voye yon moun koulè (nwa, pangnòl) ak yon blan nan menm lekòl yo pou mande enfòmasyon.

The Advocate

Lekòl sa yo te di moun blan yo de pwogram ki pou ti moun ki gen talan ak ki entelijan plis ke yo te di moun nwa yo ak pangnòl yo. Anpil nan moun ki pa t twò konn pale anglè yo pa t jwenn enfòmasyon sa ditou. Apre rapò sa te finn pibliye te gen yon akò ki te fèt ant Depatman Edikasyon (Biwo Dwa Sivil/OCR) ak Depatman Edikasyon Nan Nouyòk pou rasire yo ke enfòmasyon sa li la pou TOUT paran ki vle l.

Malerezman, sanble ke pwoblèm sa ap kontinye malgre akò sa a. Oganizasyon Moun k ap Defann Dwa Ti moun te fè swit ak yon envestigasyon pa l nan fen 1998 ak kòmansman 1999, yo te vinn jwenn ke menm lekòl ki te nan rapò ACORN yo, lekòl sa yo ap seleksyone ki paran pou yo bay enfòmasyon sa yo. Lè ke anplwaye òganizasyon Moun k ap Defann Dwa Ti Moun te voye mande 31 lekòl nan distri enfòmasyon sou pwogram pou ti moun ki gen talan ak ki entelijan, te gen senk (5) sèlman ki te voye enfòmasyon sou pwogram nan jan yo te mande l la. Non sèlman enfòmasyon pa t afiche jan ke li te dakò nan akò ACORN nan, men yo pa t ofri li nan plizyè lang jan yo te mande la, sa vinn limite aksè a paran ki pa pale anglè yo.

Apati de rezilta ke anplwaye òganizasyon Moun k ap Defann Dwa Ti Moun te genyen, òganizasyon sa a te ekri yon plent ki byen

detaye ba OCR ki di kote yo te vyole akò a. N ap konsidere pou n ale lajistis akòz de vyolasyon Depatman Edikasyon nan Vil Nouyòk pou yo asire yo ke paran nwa, pangnòl ak sa ki pa twò konn pale anglè gen aksè a enfòmasyon de pwogram pou ti moun ki gen talan ak ki entelijan. Si w te gen pwoblèm ak pou jwenn enfòmasyon oubyen ou gen keksyon sou pwogram pou ti moun ki gen talan ak ki entelijan, souple rele nou nan (212) 947-9779. Ou gen dwa a enfòmasyon sou pwogram yo, non sèlman nan distri kote lekòl ti moun nan ye, men nan lòt distri tou.

Yon antant nan tribinal de Oganizasyon k ap Defann ti Moun fòse Vil Nouyòk pou bay 25,000 ti moun ki andikape ki nan jaden danfan sèvis ki nan bon ti mamit.

Dakò sou antant ki te nan pwosè ki te gen anpil moun, pwosè a te rele, Ray M. kont Depatman Edikasyon, elatrye. Se jij Eugene Nickerson ki nan tribinal federal ki te apwouve antant sila nan jou kite 25 fevriye a. Li te pote yon soulajman pou omwen 25,000 ti moun ki andikape ki gen 3 lane jiska 5 lane ki nan jaden danfan nan vil Nouyòk. Pwosè a te sou ti moun sa yo ki nan Nouyòk e ki gen yon seri de andikap yo eke vil la te retire dwa ke yo genyen pou sèvis edikasyonèl ki apwopriye dapre dizon lwa eta Nouyòk ak lwa federal.

## ARREGLO HECHO EN CORTE POR LOS DEFENSORES DE LOS NIÑOS FUERZA A QUE LA CIUDAD DE NUEVA YORK PROVEA SERVICIOS APROPIADOS A 25,000 NIÑOS IMPEDIDOS DE EDAD PRE-ESCOLAR.

El arreglo en la corte para transar la demanda colectiva *Ray M. v. Board of Education et. al.*, fue aprobada por el Juez del Distrito Federal Eugene Nickerson el 25 de febrero trayendo alivio a aproximadamente 25,000 niños con impedimentos en la ciudad de Nueva York. La demanda alegaba que a los niños pre-escolares con impedimentos en la ciudad se les eran negados los derechos a servicios educacionales apropiados bajo la ley estatal y federal.

Si tiene alguna pregunta con respecto a este caso, llámenos al (212) 947-9779.

## PROGRAMAS PARA NIÑOS DOTADOS Y TALENTOSOS

La falta de estudiantes de raza negra, latinos y estudiantes con un inglés limitado en los programas para estudiantes dotados y talentosos es un problema que los Defensores de los Niños (AFC, por sus siglas en inglés) cree requiere más atención de la que recibe presentemente. Los programas para estudiantes dotados y talentosos ofrecen currículos de enriquecimiento escolar que suplen las escuelas públicas más selectivas de la ciudad de Nueva York. El número de niños negros, latinos y con fluidez limitada en el inglés matriculados en estos programas está en desproporción con el número de estos estudiantes en las escuelas públicas de Nueva York. Los padres necesitan recibir más información sobre los programas para niños dotados y talentosos para poder explorar esta opción. Desafortunadamente, muchas escuelas "selectivamente" diseminan esta información a los padres.

Un informe de la Asociación de Organizaciones Comunitarias para la Reforma Ahora (ACORN, por sus siglas en inglés) hecho en 1996 descubrió cuan selectivo por raza e idioma es el acceso a ésta información. (El informe está disponible en el [www.acorn.org](http://www.acorn.org).) ACORN sospechaba que había un acceso peculiar para padres de diferentes razas y fluidez en el inglés por lo que decidieron exami-

## AMBIENTE MENOS RESTRINGIDO

El término "ambiente menos restringido" (LRE, por sus siglas en inglés quiere decir que los niños con impedimentos deben integrarse en clases con sus compañeros sin impedimentos en cuanto sea posible. Esto es un requisito del Acta de Educación para Individuos con Impedimentos (IDEA, por sus siglas en Inglés), una ley federal.

Hasta la fecha, la ciudad de Nueva York (la ciudad) no ha tenido mucho éxito en proveer un ambiente menos restringido a sus estudiantes. En general, tenemos más estudiantes en educación especial que el resto del país y un gran número de estos o son minorías, o tienen un conocimiento limitado del inglés, o ambas. La tasa de recomendaciones para educación especial en la ciudad es aún más alta que las plazas disponibles y parece indicar una necesidad para más servicios de apoyo en las clases de educación general. Presentemente, la ciudad saca de sus clases regulares a estudiantes con impedimentos leves, o aún peor, sin impedimento alguno pero con problemas de disciplina, y los coloca en clases separadas. Luego reducen inexplicablemente las expectativas para estos niños. Este sistema segregado, según existe hoy, no solamente es didácticamente impropio, sino que también presenta serios asuntos de derechos civiles pues, al parecer, continúan y apoyan prejuicios que pueden llegar a la segregación exagerada y al crimen contra individuos con impedimentos y/o culturas minoritarias en la sociedad en general.

El año pasado, la Oficina de Derechos Civiles (OCR, por sus siglas en Inglés) del Departamento de Educación encontró que la ciudad de Nueva York además de colocar a demasiados niños en clases de educación especial segregada, también clasifica desproporcionadamente a estudiantes negros e hispanos como "con problemas de aprendizaje" o "perturbado emocionalmente." Este

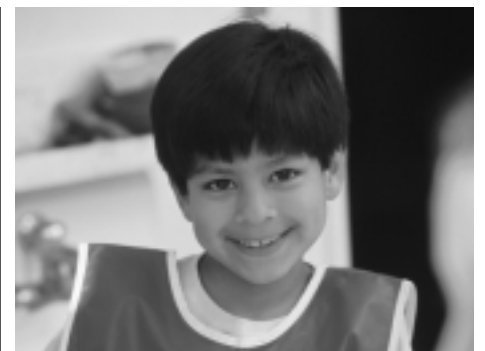
hallazgo forzó a que la Junta Educativa de la Ciudad de Nueva York (Board of Education) y la OCR firmaran un Memorando de Entendimiento el cual especifica que la Junta tomará medidas substanciales para rectificar este desequilibrio para el año próximo, en cuyo momento OCR reconsideraría el caso.

La ciudad está trabajando lentamente para reformar el LRE. Sin embargo, sin presión coordinada entre activistas y abogados de los derechos de los niños, y los padres, la iniciativa para reformar el LRE del sistema escolar puede resultar muy limitada. Como respuesta a esta necesidad, una coalición de grupos que abogan la educación, dirigidos por un coordinador a tiempo completo desde la oficina de los Defensores de los Niños, se han unido para fortalecer los esfuerzos hechos abogando soluciones ara conflictos relacionados al LRE en la ciudad. Las organizaciones en la coalición incluyen los Defensores de los Niños, la Asociación para la Ayuda de Niños Retardados, Servicios Legales del Bronx, Comité de Ciudadanos para los Niños de Nueva York, La Asociación de Impedimentos en el Aprendizaje de la Ciudad de Nueva York, Nuevas Alternativas para los Niños de Nueva York, Abogados de Nueva York para el Interés Público, Grupo de Asistencia Legal de Nueva York, Comisión Neoyorquina para la Calidad del Cuidado, Servicios Legales de Queens, Recursos para Niños con Necesidad Especiales, Inc., Sinergia y Servicios Legales de Brooklyn del Sur.

Nuestros primeros meses como una Coalición de activistas preocupados por asuntos de LRE han sido provechosos, pero no esperamos descansar hasta tener éxito asegurando plazas de LRE en escuelas de la comunidad para todos los niños con necesidades especiales en Nueva York.

nar este asunto enviando a personas de color y personas de raza blanca a las mismas escuelas procurando por los programas que estas ofrecen. A las personas blancas les dijeron acerca de los programas para estudiantes dotados y talentosos más frecuentemente que a las personas negras o latinas. A la mayoría de personas que no hablaban inglés no se le dio ningún tipo de información. A la luz de este informe, se formuló un acuerdo entre la Oficina de Derechos Civiles (OCR, por sus siglas en Inglés) del Departamento de Educación y la Junta Educativa de la Ciudad de Nueva York (Board of Education) para asegurarse de que esta información se hiciese disponible a TODOS los padres.

Desafortunadamente, parece que este serio problema persiste a pesar de éste acuerdo. Defensores de los Niños (AFC) le hizo seguimiento a la investigación con su propia investigación a fines del 1998 y principios del 1999 resultando en que las mismas escuelas que habían sido expuestas en el informe de ACORN aun no hacían la información disponible a todos los padres. Cuando el personal de AFC llamó a 31 de los distritos procurando información acerca de ls programas para estudiantes dotados y talentosos, solo cinco enviaron la información como debían. Aparte de no ofrecer la información como se acordó en el acuerdo de ACORN, tampoco se ofreció en diferentes idiomas como se requería, limitando más el acceso a padres con fluidez limitada en el inglés.



Respondiendo a los resultados obtenidos por nuestro personal, AFC ha preparado y enviado una querrela detallada a la OCR la cual plantea violaciones al acuerdo. Estamos considerando litigar este asunto dadas las violaciones de la Junta Educativa para asegurarnos de que los padres de raza negra, latinos o con fluidez limitada en el inglés tengan acceso a información acerca de los programas para dotados y talentosos. Si ha tenido problemas consiguiendo información o tiene preguntas acerca de los programas para dotados o talentosos, sírvase de comunicarse con nuestra oficina al (212) 947-9779. Usted tiene derecho a información acerca de estos programas, no solamente en el distrito de su niño(a), sino también en otros distritos.

Advocates for Children of New York, Inc.

Chinese text

# ADVOCATES FOR CHILDREN

WILL PROVIDE

## FREE ONSITE WORKSHOPS FOR YOUR STAFF AND CLIENTS AT YOUR PROGRAM ON SCHOOL-RELATED ISSUES

AFC can provide on-site training on any school-related topic, including:

- Early intervention Services for Infants and Toddlers
- Special Education Services
- Strategies For Parents to Advocate for their Children's Rights At School Conferences and Hearings
- School Discipline
- School Access
- Student and Parent's Rights

- Immigrant Student/Parent Educational Issues
- Federal, State and Local Laws That Govern Educational Entitlements For Children

For more information, call Joanne Buccellato at Advocates for Children at 212-947-9779, extension 50.

AFC is not-for-profit organization that provides advocacy, advice, legal services and training for parents, young persons and social service professionals about educational and school-related issues.



AS WE ENTER THE TRADITIONAL TIME OF GIVING, WE ASK THAT YOU KEEP **ADVOCATES FOR CHILDREN** IN MIND WHEN CONSIDERING YOUR DONATIONS THIS SEASON.

**A**dvocates is unique in the services we provide New York City public school students, their families and professionals. Your generosity will be felt and appreciated by many. Monetary donations are very much appreciated but donations of goods

(e.g. computers, furniture) are also welcome. Checks should be made to "**Advocates for Children of New York, Inc.**". If you have any questions or would like to discuss a donation, you may contact Joanne Buccellato (Ext. 50).