

The Advocate

ADVOCATES FOR CHILDREN
OF NEW YORK, INC.

Protecting Every Student's Right to a Free
and Appropriate Public Education

Summer School 2000— Failing English Language Learners and Students with Disabilities

Last year, the NYC Board of Education promulgated new regulations on its promotion policy for all public school students. These regulations promised to "raise the standards" for all children and to end "social promotion." Advocates for Children, however, feared that these regulations would disproportionately place a burden on recent immigrants and English Language Learners, and was also concerned that students with disabilities would be unfairly expelled from summer school in violation of their rights under the Individuals with Disabilities Education Act. Following are two articles on AFC's findings on our report on implementation of the promotion policy and on AFC's actions to prevent the illegal suspension of children with disabilities from summer school.

Citywide Summer School Report Uncovers Major Problems and Demands that System Play by the Rules

In August, Advocates for Children of New York and the New York Immigration Coalition released a report entitled **"Playing by the Rules When the School System Doesn't: Immigrant Families and Summer School in New York City."** The report, which is based on surveys of over 1100 parents and students citywide, uncovered problems faced by immigrant and refugee families who sought to comply with the Board of Education's new policies regarding promotion and mandatory summer school. Eight community groups from around the City worked directly with parents and students to gather information for the report. The report focused on immigrant families since over half of New York's school-age population is comprised of students who are immigrants or the children of immigrants.

"While the Board of Education deserves credit for running what was, for the most part, an orderly summer school program, they must also take responsibility for correcting many of its failings, particularly those that very disproportionately affected children from immigrant and refugee families," said Jill Chaifetz, Executive Director of Advocates for Children. "The results of the hundreds of surveys completed for our report show a system that repeatedly broke the rules by not providing education services that children needed, or by failing to communicate with parents about summer school," she continued. "They also showed families struggling to decipher what was expected of them, trying to comply with the new rules and regulations, usually with no help from the school system."

Survey respondents included 650 students enrolled in 173 schools and 457 parents with children enrolled in summer school in 104 schools. Major findings from the survey responses included less than 25% of parents and students reporting that they received notification about the likelihood that

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Published by

Advocates for Children
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Based on Suit Brought by AFC, Federal Court Orders the Board of Education to Protect Children with Disabilities from Illegal Expulsions from Summer School

In June of this year, Advocates for Children brought a lawsuit in federal court on behalf of a group of children with disabilities who were attending the Board of Education's summer school. The suit claimed, among other things, that the Board had failed to set up policies to ensure that children with disabilities were not illegally suspended or excluded from summer school without following due process procedures or for behavior resulting from their disability. Failure to do so, according to the suit, was a violation of federal laws including the Individuals with Disabilities Act one of whose purposes is to prevent the illegal and discriminatory removal of children in school discipline proceedings. Historically, children with disabilities were disciplined more harshly for conduct that was related to their disability and which they could not control.

Federal, State and NYC Chancellor's Regulations contain extensive procedural protections that the Board uses during the school year and for students with disabilities who are designated to receive services on a 12 month basis. (Such procedures also include mechanisms for school administrators to remove children they believe present a danger to the staff or other students.) Yet, in May, the Board announced that it did not plan on implementing these same procedures during the summer session. Their rationale for this action was that summer school is not "mandatory" for any students but is instead an "optional" remedial program. The court disagreed and on July 17th, Federal District Court Judge Charles Sifton issued a preliminary injunction ordering the Board of Education to implement procedures to protect children with disabilities from illegal exclusion from school.

Advocates for Children has been instrumental in reinstating children who have been illegally excluded from their summer school program. Parents of students with disabilities who have been suspended or expelled from summer school may contact our office for assistance.

ADVOCATES FOR CHILDREN WINS 2000 NYC ADA AWARD FOR EDUCATION

Advocates for Children is proud to be the recipient of the 2000 NYC American with Disabilities Act Achievement Award for Education presented by United Cerebral Palsy of New York City.

The award was inaugurated on the 10th anniversary of the Americans with Disabilities Act to honor those individuals and organizations who work to carry out the work and follow the spirit of the Act for the New York City disability community. In addition to Education, awards were presented in the areas of Mobility and Access, Design and Technology, Employment and Media.

AFC Executive Director and Deputy Director were pleased to join this year's distinguished recipients at the awards breakfast on July 26th at the Marriott Marquis and wish to express our appreciation for this honor and extend our congratulations to all of this year's winners.

If you have any questions regarding LRE or would like additional information, please contact our office or go to our web site at www.advocatesforchildren.org.

CITY KIDS IN FOSTER CARE ARE DENIED BASIC EDUCATIONAL SERVICES

In our new report entitled, "Educational Neglect: The Delivery of Educational Services to Children in New York City's Foster Care System", we conclude that the nearly 37,000 children in New York City's foster care system are being denied basic educational services.

Disturbingly, no agency in New York City or New York State collects data on the educational performance of children in foster care. To address this deficiency, Advocates for Children collected our own data through surveying foster parents, biological parents, educators, social workers, case-workers, educational professionals, lawyers and foster children themselves.

The report uncovers the failure of the agencies responsible for delivering services to these children, including the New York City Board of Education and the Administration for Children's Services to address this problem.

Our Executive Director, Jill Chaifetz, stated, "There are tens of thousands of children in foster care in the City, and though education is the key to future success, our study documents that the City agencies mandated to provide these services are failing in too many cases to provide basic educational services. If these children were living with their biological parents, this lack of care would amount to education neglect. For these children, who have been removed from their homes, neglect while in state care is an incalculable loss, both to those individual children and society as a whole. Studies document that instead of becoming productive citizens these children are headed for welfare dependency, homelessness, or incarceration in criminal and mental institutions."

The report shows children in foster care:

- are moved from school to school making them "educational nomads",
- experience serious delays in enrollment in school,
- are more likely to be suspended from school and held over, and disturbingly,
- are nearly three times more likely to be placed in special education. Of the foster care youths responding to the survey, 30% reported receiving special education services with 56% beginning AFTER entering foster care.

Our report provides a full analysis of the respondent's data, a review of the legal framework for the delivery of educational services to foster care children and four major recommendations for improving the educational experience and achievement of foster children.

A copy of the report may be downloaded from our web site, www.advocatesforchildren.org, or obtained by calling our office at 212 947-9779.

Summer School Report (Cont.)

they would need to attend summer school by January 31st, the date by which the Board of Education reported that 86% of parents had received such letters. Parents and students surveyed also reported that academic support services were provided to students at-risk of not being promoted in less than 50% of cases, in contrast with the Board's contention that over 80% had received such services, and when in fact **all** at-risk students were supposed to have received such services.

One of the most alarming findings was that the surveys of parents and students turned up large discrepancies in instruction services provided to students who were still learning the English language.

Community leaders who helped conduct the surveys in local neighborhoods and who participated in the release of the report expressed hope that the survey results would open the eyes of elected officials and school administrators to the reality in local schools. "Immigrants realize that the key to their children's success in America is a good education," said Saramaria Archila, Executive Director of the Latin American Integration Center in Woodside, Queens, an organization that focuses on immigrant integration and voting and that helped conduct the surveys. "We are over half of the City's workers and taxpayers, and we are tired of paying billions of dollars in taxes to support a school system that ignores the needs of our children and refuses to communicate with us," she continued. "If the school system wants major reforms and policy changes to succeed, it cannot continue to neglect the needs of immigrant parents and students."

To view the report in its entirety, you can visit our web site at www.advocatesforchildren.org or contact our office at 212 947-9779.



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The Advocate

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

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