

The Advocate

ADVOCATES FOR CHILDREN
OF NEW YORK, INC.

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

Winter 2001

Changing the Rules -

The New Chancellor's Regulations
The New Continuum of Special Education
Services and other changes...

The Board of Education has been having a busy year restructuring, rewriting and restrategizing everything from the location of its central offices to the continuum of services that it offers to students with disabilities. Many of the changes are the result of Chancellor Levy's quest to streamline the hulking bureaucracy of the Board of Education—a worthy aim in itself, but unfortunately an aim that comes at the expense of securing students' rights. The biggest change on the horizon, however, has little to do with the Chancellor, but comes as a result of years of pressure (from advocates and the federal government) to restructure the special education system in New York in order to place more students with disabilities into less restrictive settings (i.e. as close to the general education setting as possible). Although an outline has been developed, the NYC Board of Education has not yet given the details on how it plans to implement the new continuum of special education services.

In this issue of the Advocate we offer you an overview of the major changes in the new Special Education Continuum and the new Chancellor's Regulations. Also inside you'll find information on AFC's new Family Court Project and our two new websites. Finally check out this issue's "Tips for Parents" on page 5 and learn about how to access Assistive Technology evaluations and services for your child with special needs.

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Inserts in Spanish, Chinese
and Haitian-Creole



AFC on the WEB!

Find out the real story on New York City's
public schools on AFC's websites:

www.advocatesforchildren.org—
Find out about your children's educational rights
in NYC public schools.

www.publicschoolreports.org—
See the stats and read about what other par-
ents and advocates have to say about your
child's school and NYC's other public schools.

The New Chancellor's Regulations

What documents do parents need in order to register their children at school? What is the procedure that schools must follow when suspending students? How do schools decide whether or not to have school uniforms? The answers to these questions along with almost every issue that concerns the rights of children in public schools are found in the Chancellor's Regulations—the set of rules that govern almost every facet of school policy, from admissions, to attendance, discipline, health, transportation, school records and more.

This summer, Chancellor Levy's office started a major overhaul of the regulations in an attempt to pare the regulations down and make them more accessible. The results of this overhaul can be found on the Board's website www.nycenet.edu (some regulations are still yet to be posted) - so far he has been successful in making the regulations less bulky, but in the process, many rights have been removed. Below is an overview of some of the changes that may affect students in our public schools.

Admissions, Transfers and Attendance

The regulations on admissions and attendance have been radically cut down, but fortunately there have been only minor changes when it comes to students' rights. Of note:

- Students no longer have an absolute right to remain in their school when they move out of their district. The new regulations state that they may now be transferred to their new zoned school if they have poor attendance.
- But, for kids who transfer into another district through an inter-district choice transfer, there's good news: they now have a right to remain in that district through junior high school (and no longer have to return to their home district they when finish elementary school).
- The regulation on Attendance and Grades, which gave guidelines for appropriate grading and described how parents could appeal inappropriate grades, is now gone.
- But, schools now have stricter requirements to notify parents when a student is absent. They now must call parents on the first day a student is absent and send a letter or postcard home on the second day of absence.

Special Education

Although the Chancellor's Regulations play little role in outlining the policy and rights around Special Education (that is left up largely to Federal and State laws and regulations), the new regulations do provide some guidelines on the placement of students with disabilities and the procedures for suspending students who are protected by special education law. AFC is currently reviewing and commenting on these regulations to make sure they comply with Federal Law.

School Security and Discipline

These regulations have been substantially changed to delineate the new relationship between the police (who now oversee security in the schools), school security and the principals, whose authority has been significantly decreased in security issues.

The new regulations on suspension also add provisions on:

- The additional rights of students who are in the process of being recommended for special education services.
- Early resolution conferences for students who do not want a suspension hearing.
- Guidelines on when a superintendent can transfer a student as the result of a suspension.
- The new expulsion policy for students 17 years old and older.

New and Missing Regulations

The following regulations have been entirely or almost entirely removed:

- Rights of Immigrant Students, which included school and district responsibility to ease transition for immigrant students.
- Gifted Students, which gave districts guidelines on their responsibility to provide gifted or alternative programs for students.

The Chancellor has added entirely new regulations, including:

- Sexual Harassment: Provides schools guidelines on how to address student to student sexual harassment.
- Pregnant and Parenting Teens: Outlines rights and options for pregnant and parenting students.

NYC's New Continuum of Special Education Services

Last summer the Board of Education adopted a new Continuum of Special Education Services (all the services that are available to children with disabilities both within general education and in special education classes). The Continuum has the potential to dramatically change the delivery of special education services in New York City's public schools. Although the Board of Education is still in the process of determining how and when the changes will be implemented, AFC has provided (below) a general overview on what parents can expect in the upcoming months.

The new continuum emphasizes educating children with special needs in the least restrictive environment (LRE) as called for by federal and state law. LRE means that, whenever possible, children with disabilities must receive the services they need in order to learn in the regular educational environment, alongside their peers without disabilities. New York City currently has one of the worst records of educating children with special needs in the LRE in the nation. It has been repeatedly demonstrated that learning in less restrictive environments benefits students with and without disabilities in that all children are likely to improve their academic performance and increase their communication and socialization skills. The new continuum, therefore, comes as welcome news.

Where will services be provided? The new continuum still provides for special education services in a range of locations – from the general education classroom with supports and services and self-contained classrooms in the same or separate buildings, to residential programs for the children with the most severe needs, emphasizing the need for what is most *appropriate* for each child. It requires that support services be provided for students and teachers in order to maintain all students with special needs in less restrictive environments than those in which they might have been educated in the past.

When will the new continuum be implemented? The Board has not yet produced a clear schedule for implementation or even released a formal plan for implementation. However, they have begun training school personnel. It is possible that as early as February, 2001 children coming up for natural reviews (annual reviews, triennials, requested reviews, or children being identified as needing services for the first time) will have Individualized Education Programs (IEPs) written to conform to the new Continuum.

Is there anything to watch out for? It is a great step forward to actually have the Board's policy align with federal law. However, at present it's unclear how effectively the new Continuum will be implemented. AFC has received many calls from parents and school personnel documenting situations where children were "dumped" in general education classrooms without sufficient supports and services; summarily moved from one school to another within the same district, or from a service district back to a home district; and where the new continuum was used to put the child in an inappropriate placement.

How can I prepare for the changes? If you are a parent going to a review starting in 2001, you must know your rights. Ask for a copy of the new continuum (or call AFC and we can provide it). Know that you can assert pendency (your child's right to remain in his/her current placement while you contest the CSE's new recommendation) if you think that it's in the best interest for your child to remain where he or she is already receiving services. Don't accept a placement decision that you think does not provide the proper supports and services for your child.

If you are having problems be sure to call our office during our helpline on Tuesdays and Thursdays from 10:00 am to 1:00 pm, or for intake call Monday and Wednesday mornings at 9:00am.

Implemented correctly the new Continuum should benefit all students in New York City whether or not they have special needs. A system that trains all teachers to educate all students and prepares all schools to accommodate an array of learning styles will benefit all students, whether or not they require special education services. However, if the Continuum is implemented without sufficient training to assure a genuine understanding of LRE and all available resources, children with special needs will be denied a FAPE and their classmates will suffer as well. As parents and advocates we will need to aggressively work to assure your children get the proper supports and services they require to progress in the LRE.

Please contact AFC if you have questions or need more information



Advocates for Children On Line

A New Website on Inclusive Education!

The Least Restrictive Environment (LRE) Coalition is a Coalition of 18 New York City Organizations, including Advocates for Children, which work on behalf of New York City's public school students. The purpose of the Coalition is to assure that all students with disabilities are educated in the LRE appropriate for each child, so that all students can learn to their fullest capacity. Federal and State law require this educational structure, and the New York City Board of Education has just adopted it formally in its Revised Continuum of Services for Students with Disabilities ("the Revised Continuum").

In January 2001 the Coalition will be launching **www.irecoalition.org**, a website that will offer information about the federal Individuals with Disabilities Education Act ("IDEA"), the Revised Continuum, LRE education in general, and suggestions for successful LRE practices. There will be information on each of the member organizations, links to helpful websites, and other suggestions for research and resources. Check it out and PLEASE offer your suggestions for improvements -- this is a work in progress!

Looking for a Good Public School?

Advocates for Children launched a new online service this fall to help New York City parents find good public schools for their children.

Called Public School Reports, this website offers statistical profiles of the city's 1,100 public schools, as well as vivid descriptions of some of the best schools based on our own reporting, visits and interviews with hundreds of parents, teachers and principals.

The new AFC staffers on the project, Clara Hemphill and Judith Baum, have spent the spring, summer and fall visiting schools, compiling data and designing the website, which can be visited at **www.publicschoolreports.org**.

AFC plans to visit more schools and to seek out community organizations who will share information from the website with parents who may not have Internet access. AFC staff will also give help to individual parents seeking out good schools.

New Project at AFC

Advocates for Children is proud to announce the start of its new Family Court Project which will address the education-related needs of court-involved youth. The project's goal is to provide a combination of direct legal services to children and their parents as well as training and technical assistance on education-related matters to professionals working with these families. Kate Frucher, a Skadden Fellow, and Lara Hirsh and Caitlin Galliker, Americorps VISTA Volunteers, are spearheading the project and have developed a pilot program working with the Juvenile Probation Office in the Queens Family Court. In its first three months, the Family Court Project has worked on more than thirty individual cases, held a series of workshops for juvenile probation officers and other professionals working in or around the Queens Court, developed a resource manual for professionals that includes advocacy tips and identifies other resources for court-involved youth, and has initiated discussions with service providers about how to better serve adolescents with remedial educational needs. For more information, please contact Kate Frucher at (212)947-9779 ext. 52.

A Special Thanks to Recent Funders

Major funding from the **Edna McConnell Clark Foundation** has helped to give a boost to one of AFC's newest programs, the Public Education Information Center, which oversees our new Public School Reports website.

In addition thanks to the **Joseph LeRoy and Ann C. Warner Fund** who recently awarded AFC a grant that will enable the creation of a team of a lawyer and a social worker who will work on complex special education cases, thus expanding and improving the quality of services we will be able to offer children and their families.

Tips for Parents .

Assistive Technology

Did you know that your child has the right to be evaluated to determine if he or she needs assistive technology services?

What is assistive technology? Assistive technology is any device, item, piece of equipment, or product that is used to help a child perform in school. A few examples of assistive technology include: adaptive toys, communication devices ranging from plastic boards with symbols to computers with voice output devices, and adjustments to computers that make them easier to use. Assistive technology is helpful for children with speech, learning and behavioral disorders, not just for children who are physically disabled.

How do you know if your child might need assistive technology? You can call United Cerebral Palsy (UCP) for a free opinion. Describe your child's situation, and ask them if they think your child would benefit from assistive technology. You can call any of the following: Jill Davis at (212) 979-9700 ext 734; Silvana Neyjovich at (718) 436-7979; or Marjorie Bissainthe at (212) 979-9700, ext. 709. Your insurance or Medicaid may pay for a private evaluation at UCP.

You can also request an assistive technology evaluation from the Board of Education if you think your child may need such service. If a special device is recommended for your child, it should be entered on his/her IEP. If the Board of Education has difficulty obtaining it, you may contact UCP to find out if they have the device. UCP has many different devices and is contracted to sell them to the Board of Education. If UCP does not carry the device, they can give you referrals on how to find it.

Special Camp Fair

Sponsored by Resources for Children with Special Needs

If you have a child with a disability and you are interested in finding a camp for him/her, do not miss Resources for Children's Camp Fair where you can:

- Meet the directors of camps for children with disabilities
- Get a free copy of Resources Special Camp Guide 2001

When: Sunday, February 4, 2001 10am—3pm

Where: The American Red Cross, 150 Amsterdam Avenue (between 66th and 67th streets), Manhattan

For more information call: Resources for Children at 212 677-4650

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AFC's Intake Line

(for Representation):

212-947-9779

Mon. & Wed. at 9am sharp

AFC's Education HelpLine

(for Advice and Referral):

212-947-9779

Tues. & Thurs. 10-1

AFC's Immigrant Student Hotline

(for Advice & Referral):

212-947-9779 Ext 60. Mon-Fri. 9-5

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

212-947-9779, Ext 50

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