

# DO YOU KNOW?



As of 7/1/10, the NYS Office of Special Education (OSE) is now a part of the State's Office of P-12 Education. The State says the change is to ensure students with disabilities are an integral part of the development and implementation of education policy. The new web site is:  
[www.emsc.nysed.gov/specialed/](http://www.emsc.nysed.gov/specialed/)  
*Parents, be sure to visit and sign up for their electronic mail to keep informed!*

**Assistive Technology for Tots:**  
 General information and resources about Assistive Technology for Infants and Toddlers can be accessed at:  
[www.pacer.org/publications/pdfs/ALL7.pdf](http://www.pacer.org/publications/pdfs/ALL7.pdf)

**BULLYING: Be Pro-Active -**  
 Information for professionals and students can be found at:  
[www.pacer.org/publications/bullying.asp](http://www.pacer.org/publications/bullying.asp)

## ADVOCATES FOR CHILDREN OF NEW YORK, INC.

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

212-947-9779

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### 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 & Hearings
- School Discipline
- School Access
- Student and Parents' Rights

# The Advocate



## FREE ONSITE WORKSHOPS

FOR PARENTS, PROFESSIONALS AND STUDENTS AT YOUR SCHOOL OR PROGRAM ON SCHOOL-RELATED ISSUES

The free trainings provide a customized, interactive presentation from an expert, opportunities to ask questions, and easy to use information packets.

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Attention: Joanne

For more information or to schedule a training, contact Joanne Buccellato at Advocates for Children at:

**JBuccellato@AdvocatesforChildren.Org**  
or **212-822-9505**

### Announcing

## THE FALL 2010 FREE WORKSHOP SERIES\* AT AFC!

- **OCTOBER 14:** ADD / ADHD
- **NOVEMBER 18:** TRANSITIONING FROM HIGH SCHOOL
- **DECEMBER 9:** HOW TO DEVELOP & READ AN IEP



\*Space is limited

### AFC WORKSHOP RESPONSE FORM

ORGANIZATION

CONTACT NAME & TITLE

ADDRESS

PHONE

FAX

EMAIL ADDRESS

What is your client base (Who does your organization serve)?

What issues are you interested in learning about?

What dates are best for you to host a workshop?

Thank you for your interest! We will contact you shortly to set up a workshop!



ADVOCATES FOR CHILDREN OF NEW YORK



# The Advocate

HELPING CHILDREN SUCCEED IN SCHOOL

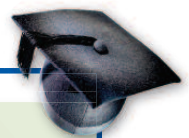
FALL 2010



WWW.ADVOCATESFORCHILDREN.ORG

## MISSION STATEMENT

Advocates for Children promotes access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. We use uniquely integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students.



## Ruben L.

Age 20

Graduating: Hallen School

New Program: Culinary Program VESID



Ruben was referred to AFC in his second year at Gompers High School, where his guidance counselor maintained that success at school was "unattainable for Ruben," although he was attending regularly and staying out of trouble.

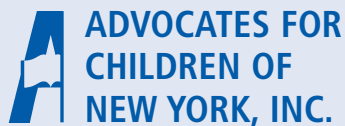
AFC got Ruben a full evaluation, which confirmed that he would be better served, and could indeed thrive, in a high school program that included vocational training as well as special education support. When the Department Of Education failed to offer Ruben an appropriate placement, AFC was able to secure Ruben a spot at the Hallen School in its work-supportive program. AFC's work did not stop there, however; we continued to support Ruben and his family and to offer appropriate counseling and other advocacy to ensure that Ruben was successful at Hallen.

Throughout his three years at Hallen, Ruben was a leader: he routinely volunteered to help out around the school, was a mentor and friend to new students, and responded positively to feedback from his teachers and counselors. He completed several internships, including tours at a veterinary clinic and a retirement home. His self-confidence increased as he worked steadily on acquiring the skills he will need to live independently and to one day enter the workforce. Indeed, Ruben is capitalizing on his keen interest in the culinary arts. He started a culinary program through Vocational and Educational Services for Individuals with Disabilities (VESID) shortly after he graduated.

**Congratulations to Ruben and best of luck in your future endeavors!**

# The Advocate

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## AFC LAUNCHES PARTNERSHIP WITH THE DEPARTMENT OF PROBATION

AFC's Juvenile Justice Education Advocacy Project is excited to be welcoming Charisa Smith, an accomplished attorney, to develop and staff an innovative new partnership with the New York City Department of Probation. The Department of Probation decided to fund this position in large part because it has found that youth frequently violate the terms of their probation because of school-related issues. Charisa will provide direct educational advocacy for individual students while also building the capacity of probation officers to better assist youth with education issues themselves. Furthermore, she will be collaborating with the Department of Probation to identify and address systemic issues that stand in the way of academic success for court-involved youth.

The position is notable in a number of other important respects. For example, in addition to 2 days at AFC each week, Charisa will be spending 3 days per week at Probation offices in the Family Courts. She will be covering all 5 boroughs over the course of the coming year. While AFC attorneys and advocates have spent time in the Probation offices in the past, spending 3 days there every week represents a dramatic increase in the amount of time an educational advocate from

AFC will be present in the Family Courts. This will also be the first time we will have a regular presence in the Family Courts in Manhattan and Staten Island. This presence in the courts will greatly improve our ability to train probation officers to address educational problems facing youth while also facilitating our efforts to encourage systemic change.

Charisa comes to AFC with an extensive background in juvenile justice and education. After graduating from Yale Law School in 2005, Charisa clerked for the Honorable F. Lee Forrester of the New Jersey Superior Court. She then served as an Arthur Liman Public Interest Fellow at the JustChildren Program of the Legal Aid Justice Center in Virginia, where she helped juvenile clients obtain re-entry services and improve conditions of confinement. She has also served as the director of the Juvenile Justice Project for the Correctional Association of New York and most recently, as the Coordinator for the New York Task Force on Racial Disparities in the Juvenile Justice System.

For more information on this project, please contact Charisa Smith at [csmith@advocatesforchildren.org](mailto:csmith@advocatesforchildren.org)

## Mediation, A Due Process Right

Ana Espada, one of our senior staff members, has found that mediation can be an effective way to help families and schools resolve problems, forge better relationships, and avoid litigation. Ana has been particularly interested in using mediation in cases where a child's behavior requires creative and consistent support from the school. In addition to participating in individual mediations, Ana is also a member of the Special Education Mediation Task Force, which is a group of various stakeholders throughout the City of NY (for example, parents, Department of Education and State Education personnel, and advocates).



Ana Espada

The task force meetings are sponsored by the Safe Horizon Mediation Program and held monthly at the Program's offices. For more information about special education mediation, please contact the [Safe Horizon Mediation Program](#) at **718-834-6671 ext. 20**, or [Ana Espada](#) at **212-822-9513** or [aespada@advocatesforchildren.org](mailto:aespada@advocatesforchildren.org).

# DEPARTMENT OF EDUCATION ROLLS OUT SPECIAL EDUCATION REFORM

Last February, the New York City Department of Education (DOE) announced plans to reform special education and has been working since then to ready about 1/5 of the community schools in NYC to use more flexible classroom options to support students with disabilities and to improve outcomes for students with Individualized Education Programs (IEPs). The reform is expected to be rolled out over the next two years. Two hundred and sixty-five schools will participate in the first phase of the reform during the 2010-2011 school year. All remaining public schools will join in the 2011-2012 school year. **A list of the Phase I schools may be found at: <http://www.arisecoalition.org/Phase%20I%20Schools.pdf>.**

Families with students who have IEPs in one of the Phase 1 schools should expect to see changes this fall. In some schools, they may be dramatic; in others, less so. Families in the Phase 1 schools should expect that their children's IEPs will be reviewed by IEP teams, which continue to include parents, to make certain that each student is edu-

cated in the most appropriate and least restrictive environment. At those reviews, IEP teams may decide to modify the supports and services an individual student receives, but until that review, there should be no IEP or program changes. Any move of a student to a less restrictive setting must go hand-in-hand with supports and services necessary to make that placement successful. Students best served by District 75 programs should expect to continue to be served there.

Parents continue to have the same rights under law when their child is getting special education services as they ever have. For example, all students with IEPs will continue to be entitled to receive the services on their IEPs. To learn more about parents' rights, contact Advocates for Children for a copy of our Short Guide to Special Education or go to: <http://www.advocatesforchildren.org/guides.php>.

Be sure to follow these reforms on the Arise Coalition\* web site: [www.arisecoalition.org](http://www.arisecoalition.org).

\*The ARISE Coalition is coordinated by AFC and consists of parents, educators, and other supporters of students with disabilities who came together to bring meaningful and positive reform to New York City's schools.

## AFC WINS MEALS FOR LOW-INCOME STUDENTS WITH DISABILITIES

AFC is happy to report a successful conclusion to a federal lawsuit that we brought in 2005 on behalf of six low-income students who had to attend special education private schools because the New York City Department of Education (DOE) did not offer them appropriate public school placements.

As a result of their household income, the students received free breakfasts and lunches while they were in public schools. The DOE, however, refused to include meals for these students at the special education private schools where they were placed. AFC, along with its co-counsel at the firm of Weil, Gotshal & Manges LLP, challenged the DOE's refusal in a lawsuit filed in the Southern District of New York. In February 2009, the Court permitted the case to proceed, ruling that the DOE's failure to provide meals to these students with disabilities could violate Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. As the court recognized, "Disabled students should not have to choose whether to learn or to eat, and the law does not require them to choose."

This summer, the DOE agreed to settle the litigation, providing reimbursement for the costs of the meals while the six students attended private school for the past 5 years. In addition, the DOE has initiated a program by which they will reimburse special education private schools at a specified rate to provide free or reduced cost breakfasts and lunches to all students who would be eligible to receive these meals if they attended public school.

For more information regarding this lawsuit, contact **Rebecca Shore** at [rshore@advocatesforchildren.org](mailto:rshore@advocatesforchildren.org)



To learn more about how AFC **helps thousands of families** each year, or to make a tax-deductible donation, please visit our website at [www.advocatesforchildren.org](http://www.advocatesforchildren.org).