

NYC CRP
Minutes of the Meeting
April 13, 2010

Attendees:

Jorge Saenz Di Viteri

Wayne Ho

Sania Metzger

Jessica Arker

Jocelyn Brown

Elba Montalvo

Marion White

David Lansner

Guests: Gisela Alvarez, Esq., Senior Project Director, Advocates for Children

Erika Palmer, Supervising Attorney, Advocates for Children

Carmen Ortiz Hendricks

OCFS Staff: Renee Hallock

SCAA Staff: Diane Mastin

Handouts:

Agenda

Presentation handout

Ten for 2010 materials

NYS CRP Joint Panel meeting Strategic Planning questions

2010 Meeting and Topic Schedule

Memo of Support: ASFA Extender Bill

2009-10 Child Welfare Legislation chart

Minutes of the February 9th meeting

New York Nonprofit Press from March 30th on ACS changes to RFP

Budget charts

Revised minutes of the December 1, 2009 meeting

The meeting began with representatives from Advocates for Children providing an overview of the work of the organization and education advocacy needed especially for special education students. Advocates for Children was originally formed by parents who were dissatisfied with the services provided for children with disabilities in the public school system. The organization expanded its mission to promote access to quality education for all students, especially students of color and students from low-income backgrounds. They provide legal advocacy, impact litigation, and policy advocacy in New York City. Project Achieve was developed to work with various agencies on education issues in child welfare. Their work includes empowering parents to navigate the public school system and educating child welfare workers to identify and provide solutions to education issues for children. Attorneys and education specialists are onsite to support child welfare staff. Advocates for Children also take referrals and provide legal services. Project Achieve is now operating at four sites: Louise Wise Services, Forestdale, Graham Windham, and Cardinal McCloskey Services. The issues they work on include enrollment, admissions, transfers, busing, suspensions, alternative choices, special education, and school

placements. They work with birth parents, foster parents and children. Advocates for Children has come to realize that solving the educational issues children face leads to enhanced foster care placement stability and speedier reunifications and adoptions.

In NYC 19% of CPS reports involve an allegation of education neglect. Education Neglect reports begin with a 407 form that is automatically computer generated when a child misses a certain number of days of school, either in a row or over a specific time period. The schools in NYC are then obligated to reach out and engage parents to address any issues of concern. If at any time during the process the family does not cooperate, a report is made.

Over one-third of the school-age children who come into ACS custody have Individualized Education Plans (IEPs) and over 48% of students referred to Project Achieve had IEPs at the time of referral. Provisions in the federal Individuals with Disabilities in Education Act (IDEA) drive many of the decisions having to do with special education placements that can be made by parents and school districts. One of the areas of attention for Advocates for Children is to help parents understand their ability to give and withdraw consent for special education services. Schools can go to a court hearing to require a child be evaluated for services but only parents can consent to those services. Parents can withdraw their consent at any time. Schools cannot mandate children to be on medication in order to attend school. Often parents disagree with the placement a school is offering. Schools cannot report a parent for education neglect because they do not provide consent. If a child is in foster care, the birth parent maintains his/her right to give consent until termination of parental rights takes place.

One of the difficulties teachers face is that they are not trained to deal with challenging behaviors. Often the school's response is to ask a parent to come into school and sit with their child or to send the child home. If a parent is unavailable to come to school, the child is sent to a psychiatric hospital. School personnel do not have other options or skills to draw upon. Earlier intervention programs and services for children with emotional difficulties, bilingual services, and improved teacher education training are needed to address these behaviors more effectively.

Many factors contribute to a child's poor school attendance. It's important to identify the causes of poor attendance to provide solutions for individual children. Social services can help with a child whose family is coping with domestic violence, mental illness (especially depression), medical problems, and inadequate child care. Some older children may need to work to provide financial support for the family. Some youth feel their future is limited and there is no reason to continue to go to school. Others have gaps in schooling due to instability at home. Academic factors can discourage attendance due to frustration after years of not having one's needs met. Absences can increase when there is a lack of agreement with a placement decision; a child has stopped learning due to unmet needs; and transfers have been denied when a child feels unsafe.

There are some promising practices including Community Schools, School – Family – Community Partnerships, and alternative paths to graduation. There are also areas which require more attention. For instance, there are few services available at the middle school level and there are not enough education specialists available across the city. It's important to acknowledge that truancy and attendance issues are symptoms with multiple causes. Any solution would have to address those underlying causes and target at-risk children and youth.

In answer to a question about education stability, Advocates for Children began a two-month pilot with ACS in three communities. The work will involve education, training of staff and work with the Department of Transportation. Regarding IEP's, they stated that NYC schools do not follow IEPs. Service delivery reports are available on the State Department of Education's website with information about a school's compliance with three-year evaluations and were the services listed in the IEP provided or not. If only some of the services were provided, the reports will indicate full compliance.

Advocates for Children offers a citywide helpline, available Monday through Thursday from 9 to 4. The number is 1-866-427-6033. The mayor's office is planning an initiative that will address attendance.

Panel members gave an overview of the OCFS Ten for 2010 Listening Tour on April 12th and discussed agendas for their 2010 meetings. The outcome of the Listening Tour will be a roadmap for future child welfare reforms, many of which have been advocated by the panels in the past. Panel members decided to schedule another meeting on Tuesday May 11th at 10:00 to discuss the June 4th Panel meeting and develop a strategic plan for advocacy on their 2009 recommendations. One half hour of the agenda will be devoted to a discussion on guidelines for leaving children alone and discipline.

For their future meetings, panel members expressed interest in asking ACS to provide a review of the changes made after Nixzmary Brown's death and to have a public forum to receive feedback and input into their report. Other issues of interest include accountability, expansion of FAR, and DMR.