

You Are Not Alone

A Handbook About Education for Youth in Foster Care in New York City

Lawyers For Children wishes to express our gratitude to Laura Daly, Esq., and Dawn Papacena, LMSW, for creating this handbook, and to the young people and members of LFC's staff who have generously provided their comments and suggestions. We also wish to offer sincere thanks to Lesley Ehlers for her outstanding artistic design and to Lauren Kernan for her editorial oversight of this project.

Lawyers For Children is a nonprofit organization providing critically-needed, top-quality legal representation and social work services to thousands of children and young people in foster care in New York City every year. We advocate on behalf of our clients in foster care, abuse, neglect, termination of parental rights and custody proceedings. In addition, Lawyers For Children engages in policy and reform efforts to benefit all children in foster care throughout New York State. To learn more about LFC, visit our website at www.lawyersforchildren.org, call us at 212-966-6420, or write to Lawyers For Children at 110 Lafayette Street, 8th Floor, New York, NY 10013.



TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

Why should I read this handbook? • 4

How do I find my lawyer? • 5

What are my rights as a student? • 6

How do I know if I need help? • 7

CHAPTER 2: ATTENDANCE

Do I have to attend school? • 8

How long can I remain in school? • 8

If I leave NYC, can I go back to my previous school when I come back? • 8

CHAPTER 3: ENROLLMENT

How do I register for middle school? • 10

How do I register for high school? • 11

How much time does the Department of Education (DOE) have to assign me to a school? • 12

If the DOE has assigned me to a school, can the school turn me away? • 13

If I am in special education, how do I register for school? • 13

If my foster care placement changes, what are my school options? • 13

CHAPTER 4: TRANSFERS

When can I ask for a safety transfer? • 14

What if my school is very far from where I am living? • 14

CHAPTER 5: PROMOTION AND GRADUATION

What do I need to do to be promoted in middle school? • 15

How many credits do I need to be promoted in high school? • 16

What do I need to do to graduate high school? • 17

If I am in special education, does that affect my promotion and graduation requirements? • 18

Regents or IEP diplomas • 19

What if English is my second language? • 20

CHAPTER 6: ALTERNATIVE HIGH SCHOOLS AND GED PROGRAMS

What are my options if I am struggling to earn credits in high school? • 22

As a young person in foster care, are there any charter schools for me? • 24

What if I want to go to school to learn a skill and earn my diploma? • 25

What if I decide to pursue a GED? • 27



CHAPTER 7: SPECIAL EDUCATION

What if I need extra help in school? • 29

What if tutoring isn't enough? • 29

As a young person in foster care, who makes special education decisions for me? • 31

What if I don't have a parent? • 32

What is an IEP? • 33

What are the different special education classifications? • 34

What are the different special education settings? • 36

What if I am in special education and English is my second language? • 38

What if I don't want to be in special education? • 38

CHAPTER 8: TRANSPORTATION

How do I get to school? • 39

What if I am in special education? • 39

What if I am living in a shelter or at the ACS Children's Center? • 40

CHAPTER 9: SUSPENSIONS

What if I receive a principal's suspension? • 41

What if I receive a superintendent's suspension? • 44

What if I am in special education and have been suspended? • 46

CHAPTER 10: STUDENTS' RIGHTS IN SCHOOL

Bullying • 47

What should I do if I am stopped by police personnel at school? • 48

Can police personnel search me at school? • 48

When can I file a complaint against a school safety officer? • 49

When can I file a complaint against school personnel? • 50

CHAPTER 11: EDUCATIONAL INFORMATION FOR STUDENTS IN FOSTER CARE WHO HAVE CHILDREN

What is Early Intervention? • 51

If I think my child needs EI, how do I refer her or him? • 52

Does the DOE provide daycare for my child? • 53

What is Head Start? • 54

Does my child need preschool special education services? • 55

How do I enroll my child in Pre-K? • 56

How do I enroll my child in kindergarten? • 56

Conclusion • 57

GLOSSARY • 58



1 INTRODUCTION

WHY SHOULD I READ THIS HANDBOOK?

This handbook was written by the Education Advocacy Project at Lawyers for Children to give you information about your educational rights as a young person in foster care. It was also designed to let you know about the resources that are available to help you succeed in school. Every child is entitled to receive an education in New York State, and as a young person living in foster care, you are eligible to receive additional benefits to achieve your educational goals.

Finding help when facing barriers to your educational goals is the first step in taking control of your academic career. Your school guidance counselor, agency caseworker, social worker, foster parent, and attorney can all assist you with any educational issues you might face. **Remember, you are not alone.**

You are not alone!

HOW DO I FIND MY LAWYER?

As a young person in foster care, you will have a lawyer assigned to you. Your lawyer will probably work for Lawyers For Children or the Legal Aid Society. Both of these offices represent young people. The most important thing to know about your lawyer is that she or he works for YOU. Your lawyer's job is to represent you and to protect your legal rights. At Lawyers For Children, this means that your lawyer will find out what you want and try to make it happen.

If you do not know how to get in touch with your lawyer, ask your caseworker for your lawyer's name and phone number. If you want to find out on your own, you can call Lawyers For Children and Legal Aid directly:

Lawyers For Children
1-800-244-2540 or 212-966-6420
WEB www.lawyersforchildren.org

Legal Aid
212-312-2260
WEB www.legal-aid.org

Lawyers For Children has a special project devoted to helping young people in foster care achieve their educational goals. The Education Advocacy Project is available to any young person represented by Lawyers For Children who needs help with any school-related issue. Please talk to your lawyer or social worker at Lawyers For Children if you think you need assistance from the Education Advocacy Project.



WHAT ARE MY RIGHTS AS A STUDENT?

All students in New York City have certain educational rights.

As a student, you have the right to:

- Attend school and receive a free public school education from kindergarten to age 21 or until you receive your high school diploma;
- Be in a safe and supportive learning environment free from discrimination, harassment, bullying, and bigotry;
- Receive a written copy of the school's policies and procedures, including the Disciplinary Code and the school district's Bill of Student Rights;
- Be informed about diploma requirements, including courses, examinations, and how to receive assistance to meet those requirements;
- Receive professional instruction;
- Know the grading criteria for each subject area and/or course offered by the school and receive grades for schoolwork completed based on established criteria;
- Be notified in a timely manner of the possibility of failing a course or being required to repeat a grade;
- Be notified of the right to appeal holdover decisions or failing grades;
- Access and review education records if you are in high school;
- Have your school records kept confidential; and
- Receive guidance, counseling, and advice for personal, social, educational, career, and vocational development.

RIGHTS

HOW DO I KNOW IF I NEED HELP?

Everyone has difficulty in school at some point in their lives. If you are having a hard time with classwork or homework, it is important to ask for help—no one will know unless you ask. If you answer “yes” to any of the following questions, or if you have any concerns at all about your education, you should speak with your caseworker at your foster care agency or with your lawyer as soon as possible.

- Are you not going to school because you don't like your school or because you have not found the right school placement?
- Do you feel unsafe in your school?
- Have you been left back and not promoted to the next grade?
- Are you unsure about graduation requirements?
- Are you overage or under credited for your grade (for example, are you 17 years old and in 9th grade)?
- Are you struggling academically?
- Do you feel like you are not learning enough in school?
- Have you been suspended?
- Do you need help with the Early Intervention process for your child?
- Are you having trouble attending school because you don't have daycare for your child?
- Do you struggle in school because English is your second language?

ASK
FOR
HELP

You are not alone

2

ATTENDANCE

DO I HAVE TO ATTEND SCHOOL?

Yes. In NYC, mandatory education starts at 6 years old, in the first grade. Therefore, children must enter school in September of the year that they turn 6 years old, and each child's parent/guardian is responsible for his/her enrollment. Children also have the right to attend kindergarten when they are 5 years old, but it is not mandatory. You are required to attend school until the last day of the school year in which you turn 17 years old.

HOW LONG CAN I REMAIN IN SCHOOL?

You have the right to attend school until the end of the school year in which you turn 21 years old, or until you have received your high school diploma, whichever comes first. If you are under the age of 21, and you want to return to school, you **cannot** be forced to enter a GED program instead.



IF I LEAVE NYC, CAN I GO BACK TO MY PREVIOUS SCHOOL WHEN I COME BACK?

Generally, NYC public school students have the right to return to their school within one calendar year (12 months) of their discharge. For example, if you left NYC in February of 2012, and came back in December of 2012, you could return to your previous school, but there are some exceptions in the policy, depending on what type of school you attended.

If you are a high school student, you have the right to return to your previous high school within the calendar year.



If you are an elementary or middle school student:

- you have the right to return to your previous zoned school if they have space at that school;
- you have the right to return to your previous non-zoned school program within the calendar year if you are eligible based on where you live; and
- you can return to your Gifted and Talented program if the school has space.

If your situation does not fit into these categories or you are not sure of your options, call your lawyer for help. You and your parent/guardian may have to go to a Borough Enrollment Center in order to find a school placement. A foster parent can go with you, as long as he/she has a letter from your foster care agency that states that you are residing in his/her home. Your caseworker can also take you, as long as he/she brings a letter from the foster care agency that states the address and name of the foster parent with whom you are living. A listing of all of the Borough Enrollment Offices, organized by district, is available on the NYC Department of Education (DOE) website:

WEB

<http://schools.nyc.gov/ChoicesEnrollment/NewStudents/BEO/Borough-EnrollmentOffices.htm>.



3

ENROLLMENT

HOW DO I REGISTER FOR MIDDLE SCHOOL?

WEB

CALL
311

Generally speaking, your address will determine which zoned middle school you should be assigned to. In order to determine which middle school is your “zoned” school, you or your foster parent can call 311, or you can do a search on the NYC DOE website: <http://schools.nyc.gov>. You can also apply to another middle school in your district, even if it is not your specific zoned school. Each school district publishes a Middle School Directory that you can review to learn about the different middle school offerings in your district, including Gifted and Talented programs.



Your foster care agency worker and your foster parent are responsible for registering you for middle school. As a young person in foster care, you are entitled to remain in the middle school you were attending before you were placed in foster care, if you want to keep attending the same school. ACS and the foster care agency are responsible for providing you with transportation assistance, such as a Metrocard. If you don't want to stay in the same school you attended before entering foster care, you are entitled to be enrolled in the closest middle school to your foster home that has room.

If you are interested in attending a Gifted and Talented middle school, there is a separate application process determined by the individual schools. If you are interested in another specialized middle school that is not in your zoned area, there will be a different application process as well. If you need extra help with applications, call your lawyer!

If you need extra help with this process, call your lawyer!

HOW DO I REGISTER FOR HIGH SCHOOL?

Your foster care agency worker and your foster parent are responsible for registering you for high school. As a young person in foster care, you are entitled to remain in the high school you were attending before you were placed in foster care, if that is what you want to do. ACS and the foster care agency are responsible for providing you with transportation assistance, such as a Metro-card. If you don't want to remain in your previous school, you are entitled to be enrolled in the closest high school to your foster home that has room.

As an eighth grade student and a ninth grade student, you are expected to participate in the high school application process. Eighth graders must participate in this process in order to obtain a spot for ninth grade. Ninth graders can participate if they wish to attend a different high school for tenth grade. As part of the high school application process, you will pick up to twelve high school programs within the city and list them in order of preference. The application must be turned in to your guidance counselor in early December. You will then be matched to one of the twelve schools you selected. This match will be based on your attendance, grades, and participation in open houses.

In some cases, students are not matched to any of the twelve schools they selected. The DOE releases a list of the schools that still have spots available in the spring, and students who have not been matched must complete a new list of up to twelve of these schools. If this happens to you, remember that you must still be provided a high school spot as close as possible to where you are living.

You may also apply to one of the many specialized high schools, which require a separate entrance exam or audition, admissions test, and application. The specialized high school admissions test is offered in late October and early November for all eighth and ninth grade students who wish to apply.



The NYC Department of Education (DOE) holds citywide and borough-wide high school fairs in the fall of every school year so that eighth grade and ninth grade students can learn about all of the different high school options. You should try to attend these fairs so that you can find out more about the schools you might like to attend and so that you can meet the representatives from the schools you may want to include in your top twelve.

If you are a new high school student in NYC and did not participate in the high school application process, then in order to be enrolled in school you need to go to the Borough Enrollment Office for the borough you live in. Your foster parent or agency caseworker must go with you and provide the following: proof of residence (a letter from the foster care agency indicating the address of your foster home); your most recent report card or transcript; a copy of your birth certificate; and any special education records you may have. A listing of all of the Borough Enrollment Offices, organized by district, is available on the NYC DOE website:

WEB

<http://schools.nyc.gov/ChoicesEnrollment/NewStudents/BEO/Borough-EnrollmentOffices.htm>.

You can always **call your lawyer** for help with this process.

HOW MUCH TIME DOES THE DEPARTMENT OF EDUCATION (DOE) HAVE TO ASSIGN ME TO A SCHOOL?

The NYC DOE must place you in a school within FIVE school days of when you asked for a school assignment. If the DOE does not offer you a school placement within this time frame, you should contact your agency caseworker and lawyer.





IF THE DOE HAS ASSIGNED ME TO A SCHOOL, CAN THE SCHOOL TURN ME AWAY?

NO! Any student who has been appropriately registered by a school or assigned by the NYC DOE's Office of Student Enrollment cannot be turned away by the school. Schools are not allowed to require proof of citizenship or ask in any way about your immigration status in order to admit you. Also, you must be admitted even if you do not have all of the necessary documents required for enrollment, such as proof of immunizations or documentation of age. The school must enroll you while it obtains these documents. If you are not being admitted to a school where you are registered, call your lawyer right away.

IF I AM IN SPECIAL EDUCATION, HOW DO I REGISTER FOR SCHOOL?

If you need to register for school in NYC and you have what is called an "Individualized Education Program" (IEP) for special education services, the NYC DOE's Committee for Special Education (CSE) is responsible for providing you with the school placement most appropriate to your needs. Your foster care agency must get your special education records to the CSE that oversees your district to obtain a school placement for you.

IF MY FOSTER CARE PLACEMENT CHANGES, WHAT ARE MY SCHOOL OPTIONS?

If you move to a new foster care placement, you are entitled to stay in the school you were attending before moving. ACS and the foster care agency are responsible for arranging transportation (usually by providing a Metrocard) from your new placement back to your school. If you do not want to stay in your previous school and want to attend a school closer to your new placement, you are entitled to be enrolled in the school closest to your new home that has a spot available.

4

TRANSFERS

WHEN CAN I ASK FOR A SAFETY TRANSFER?



If you are injured or threatened at school, you are entitled to a safety transfer. In order to obtain the transfer there must be a report from the police or from your principal detailing the circumstances of the safety issue. You should report any safety concerns to school authorities and get a written report from the school or the police so that a transfer can be processed by the NYC DOE. If a safety incident occurs off school property but involves students from your school, that incident can still provide the basis for requesting a safety transfer. You deserve to be safe in school, and if you do not feel safe, you should call your lawyer right away!

IF YOU DO NOT
FEEL **SAFE**
CALL YOUR
LAWYER!



WHAT IF MY SCHOOL IS VERY FAR FROM WHERE I AM LIVING?

As a young person in foster care, you do not need to meet the usual 90-minute commute threshold in order to obtain a “travel hardship” transfer to a new school closer to your foster care placement. If you move, and traveling creates any kind of difficulty, you are entitled to a travel hardship transfer to a new school closer to your home, regardless of how long your commute is. If you are having trouble getting a transfer, call your lawyer.



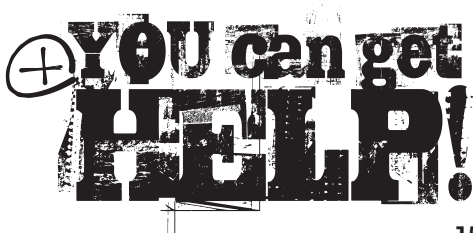
5 PROMOTION AND GRADUATION

WHAT DO I NEED TO DO TO BE PROMOTED IN MIDDLE SCHOOL?

Middle schools look at three factors when making promotion decisions: attendance, scores on state tests, and completion of course work in school. If you are in sixth, seventh, or eighth grade, in order to be promoted you need to do the following: attend school; obtain passing grades in English, Mathematics, Science, and Social Studies; and score a Proficiency Level 2 or above on the English Language Arts (ELA) and Mathematics state tests. State assessments are administered in the spring of every middle school year.

If you score below a Proficiency Level 2 on the state tests, then there is still a possibility that you can be promoted based on a portfolio of the course work you completed in that school year. Your teacher is responsible for preparing the portfolio and submitting it to the principal for promotion consideration. Also, if you do not achieve a Level 2 in the spring you can retake state tests in August, during summer school. Finally, it is important that if you receive any testing accommodations in school (such as extra time, having questions read to you, and having questions repeated as necessary), those accommodations must be provided to you during state tests.

If you are struggling to obtain passing grades in middle school, there are people who can help! Your foster care agency and the DOE are responsible for assisting you as much as possible to help you reach your education goals. Tutoring, after-school programs, one-on-one help from your teachers, and in-school supports are all available to you.



HOW MANY CREDITS DO I NEED TO BE PROMOTED IN HIGH SCHOOL?

Unlike middle school, once you are in high school you do not need to pass tests to be promoted from grade to grade. You **WILL** need to pass at least 5 state tests over the course of your high school career in order to graduate with a high school diploma, but the tests are spaced out according to when you take certain classes. To be promoted from grade to grade in high school, the NYC DOE has set out certain credit requirements per grade. You obtain credits by successfully completing your academic classes with passing grades. In order to be promoted from ninth grade to tenth grade, you must obtain 8 credits by passing your classes. In order to be promoted from tenth grade to eleventh grade, you must have earned 20 credits. In order to be promoted from eleventh to twelfth grade, you must have earned 28 credits. And finally, in order to be promoted from twelfth grade you must have earned a total of 44 credits.



WHAT DO I NEED TO DO TO GRADUATE HIGH SCHOOL?

In order to graduate from high school, you must have 44 academic credits, pass at least 5 Regents exams, and attend school regularly. If you are concerned about the number of times you have been absent and want to make sure it will not affect your ability to graduate, speak to your guidance counselor. The NYC DOE has a breakdown of how many credits you need in certain courses, such as English, math, social studies, science, gym, health education, art, electives, and second languages. Speak to your guidance counselor to be sure you are taking the classes you need in order to graduate. Guidance counselors are supposed to help you create a schedule each year that keeps you on track for graduation.

The Regents exams are state tests and all general education students must pass at least 5 Regents exams with a score of 65 or above in order to receive a high school diploma. The 5 required Regents exams are in Global Studies, US History, Living Environment (or Earth Science), and Math. You can also take more than 5 Regents exams to achieve an Advanced Regents Diploma.

It is best to take your Regents exams as soon as you finish the high school course in that particular subject. If you do not get a score of 65 or above, you can retake the Regents exams as often as is necessary to pass with a 65 or above. If you receive any testing accommodations in school, such as extended time or repeated questions, you should receive these accommodations while taking your Regents exams as well. If you are struggling with passing the Regents, seek help from your school as well as your foster care agency. Tutoring and in-school supports are available to you to help you achieve your educational goals. If you are not receiving the tutoring or other help you feel you need, call your lawyer!

IF I AM IN SPECIAL EDUCATION, DOES THAT AFFECT MY PROMOTION AND GRADUATION REQUIREMENTS?

If you receive special education services, then you have an Individualized Education Program (IEP), which details the services you should be getting in school to help you achieve your educational goals. The promotion section of your IEP will indicate whether you will be promoted from grade to grade according to the standards for general education students or according to modified standards specific to your needs. This section of your IEP will also indicate if you are required to take standardized tests such as Regents exams or if you will use alternative assessments instead.

It is important that you have a copy of your IEP and understand what it says so that you can reach your educational goals. The IEP is like a contract between you and the school and can be changed throughout the school year. Your lawyer or the social worker who works with your lawyer can help you understand your IEP.

All students receiving special education services are entitled to have a copy of their IEP. Your caseworker is also required to keep a current copy of your IEP in his or her records. If your school is not providing you a copy of your IEP, reach out to your caseworker or lawyer, who can get a copy for you.

Unlike general education students who must get a 65 or above to pass the Regents exam, as a student receiving special education services your score must be a 55 or above.

If your IEP indicates that you are taking alternative assessments instead of standardized Regents exams, then your school must develop a portfolio of your course work. By successfully completing this portfolio you will be fulfilling the graduation requirements under your IEP.



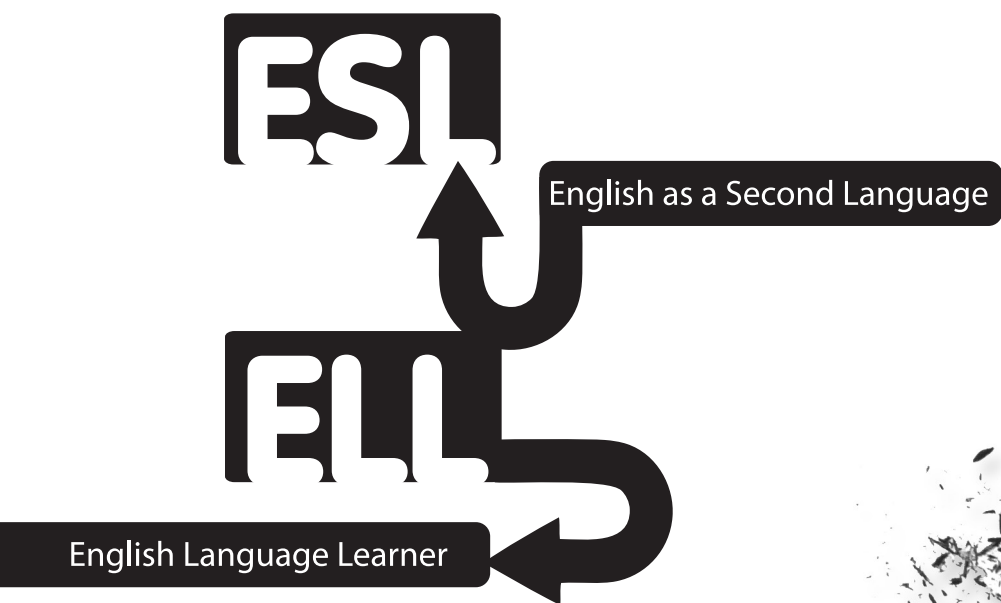
REGENTS OR IEP DIPLOMAS

Regular education students (students who are not in special ed) will be tracked for a Regents Diploma. Some special education students will be tracked for the Regents Diploma and some will work towards an IEP diploma instead. If you are being tracked for an IEP diploma and you want to be tracked for a Regents Diploma, please reach out to your guidance counselor, foster care agency worker, or lawyer.



WHAT IF ENGLISH IS MY SECOND LANGUAGE?

If your native language (the language that you learned as your first spoken language) is not English, and you did not receive a passing score on the Language Assessment Battery when you enrolled in the NYC school system, you have the right to receive certain services as an English Language Learner (ELL). As an ELL, you are entitled to bilingual or English as a Second Language (ESL) services. Every year, you will be given an English as a Second Language Achievement Test to determine if you still need ESL or bilingual services.



If you have been in a U.S. school for fewer than four years, you do not have to take tests in English. As an ELL student, regardless of how long you have been enrolled in a U.S. school, you must take exams for math, science, and social studies, but you may take these exams in your native language. If the exam is not available in your native language, someone can read you the questions in your native language. Regents exams may also be available in your native language or with reading translation. You can meet your high school graduation requirements while you are in a Transitional Bilingual, Dual Language, or ESL program.

Remember, if English is not your first language, that is not a reason to hold you back from being promoted. Your lawyer or the social worker who works with your lawyer can help you if you have not been given the testing services or the promotion help that you need.



There is help for you.

6

ALTERNATIVE HIGH SCHOOLS AND GED PROGRAMS

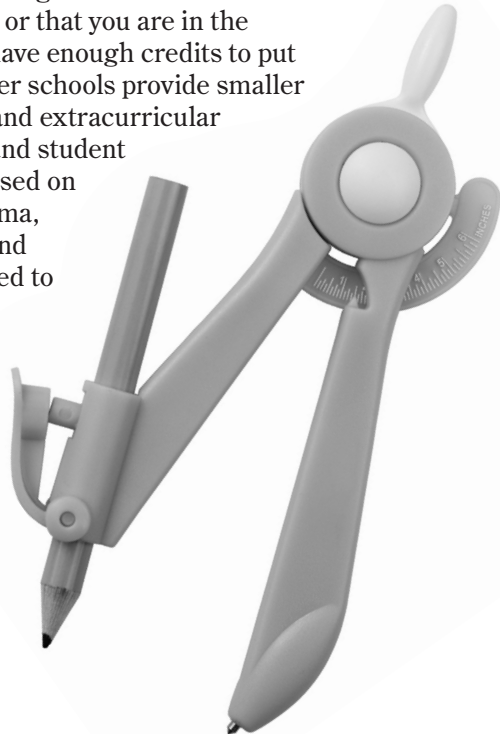
Completing high school can be hard for a lot of young people, and if you're in foster care, the difficulties may seem impossible to get through. There is help for students who are having a hard time completing high school—you just need to know where to look and who to ask. The NYC Department of Education (DOE) has a district just for students in these situations. District 79 is the citywide school district that manages transfer schools, GED programs,* programs for young parents, and specialized schools located in prisons and drug treatment centers.

*See pg. 27 for more information about the GED.

WHAT ARE MY OPTIONS IF I AM STRUGGLING TO EARN CREDITS IN HIGH SCHOOL?

Transfer Schools

Transfer schools are available for young people who are “over-age and under credited” (the term used in the education field) in high school. “Overage and under credited” really just means that you are older than most of the students in your grade, that you are having trouble catching up to the grade where other students closer to your age are placed, or that you are in the correct grade for your age but do not have enough credits to put you on track to graduate. These transfer schools provide smaller classes, speeded up credit programs, and extracurricular activities like sports programs, clubs and student government. Transfer schools are focused on helping you get your high school diploma, and they require that you participate and take advantage of the help that is offered to you. There are transfer schools in all five boroughs, and each has its own admissions requirements—many require an application, a certain number of credits and an interview with you and your guardian/parent/foster parent/social worker in order to create an educational plan.



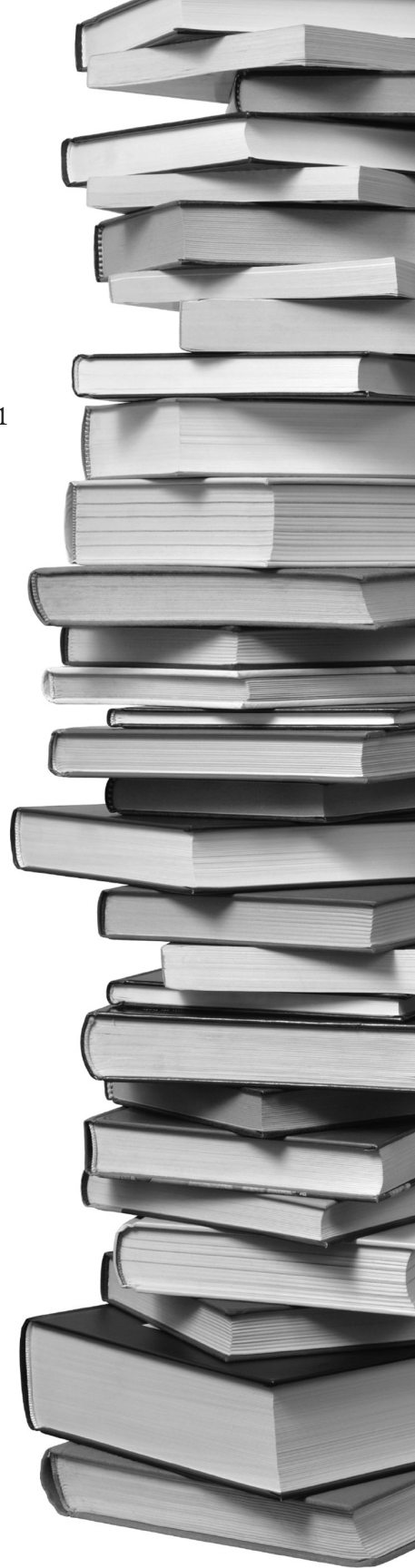
Young Adult Borough Centers (YABCs)

Another option to earn credits is through the Young Adult Borough Center (YABC) program run by the Department of Education. YABCs are located in specific schools throughout the five boroughs and provide classes for under-credited students. These are different from transfer schools and are for students between the ages of 17.5 and 21 years old. You must have finished 4 years of high school, have 17 credits, and have a referral from your guidance counselor. Most of these programs start after the regular school day and end in the evening, and they are designed to help you earn your high school diploma.

Here is a link to the comprehensive DOE Directory listing of transfer schools, YABCs, and GED programs:

WEB

<http://schools.nyc.gov/ChoicesEnrollment/AlternativesHS/directory.htm>.



AS A YOUNG PERSON IN FOSTER CARE, ARE THERE ANY CHARTER SCHOOLS FOR ME?

Yes! There are specific charter schools that give application priority to young people in foster care. Having priority does not mean that you will be automatically admitted into the school—all students have to apply and get the necessary paperwork signed. Broome Street Academy is a charter high school that is run by The Door in Manhattan (<http://www.broomestreetacademy.org/>), and ROADS Charter High School has two locations, one in the Bronx and one in Brooklyn (<http://roadsschools.org/>). These schools have numerous support services including extended-day and extended-year programs to help young people get through the social and academic demands of school. ROADS Charter High School is also the only program in NYC that will accept overage (14 or older) eighth grade students, as well as high school students.

WEB

WEB



WHAT IF I WANT TO GO TO SCHOOL TO LEARN A SKILL AND EARN MY DIPLOMA?

The Department of Education also has help available for students who want to complete their education and prepare for work at the same time.

If you are in a transfer school, a YABC program or a GED program, you can choose to enroll in a Learning to Work (LTW) program. LTW programs are run by the Department of Education and community-based organizations (CBOs) that have workers on site at the school to assist students who are enrolled in their programs. LTW programs provide students with resources to help them complete high school and prepare for the workforce, such as career exploration, academic support, subsidized internships (meaning they will pay a small stipend to students), and college counseling. When you first enroll in an LTW program, you will be matched with an advisor who will support you throughout the program and through your transition after graduation. These programs offer resources that many students don't know exist in public schools and can help you achieve academic success.



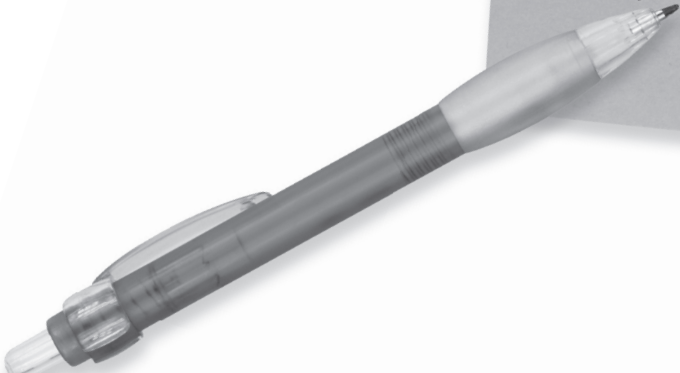
Another way to learn a skill while completing high school is through the School for Cooperative Technical Education—also known as Co-Op Tech (<http://www.co-optech.org/>). Co-Op Tech offers half-day career and technical programs to students who are already enrolled in high school at another DOE program. In addition, they offer job assistance and career counseling for students enrolled in the program. The goal of Co-Op Tech is to provide students with education and training so they can earn a livable wage after completing the program and high school. Co-Op Tech accepts students in regular and special education between the ages of 16 and 20 who are enrolled in other high schools in NYC.



WHAT IF I DECIDE TO PURSUE A GED?

The DOE also supports students who want to earn their General Equivalency Diploma, also known as the GED. GED students graduate when they pass the GED exam. The exam consists of five subject tests: Social Studies, Science, Math, Language Arts Reading and Language Arts Writing. The exam is offered in English, Spanish and French. The GED exam can be difficult if you have not been in school for a long time, and it is important to prepare for the test by going to classes.

The DOE provides *free* GED services to New York City students who are between the ages of 18 and 21 who have not received their high school diplomas. Students who are 17 years old may also enroll if they receive their parent/guardian's permission and have special reasons that keep them from attending high school. There are two ways to enroll in a GED program: GED Plus and GED Access. GED Plus is organized through borough office "hubs" where you can explore your options and choose where to attend GED classes. In addition, GED Plus can provide child care, housing, drug treatment, and other services to help you while you complete your GED. These are mostly full-time programs, just like going to high school. The other option, GED Access, has part-time evening programs combined with the LTW (Learning To Work) program to help students prepare for full-time jobs.



GED services are
free to New York City
students between
the ages of 18 & 21.

7 SPECIAL EDUCATION

All school-aged children learn things differently. Some people learn best by reading instructions, and others find it easier to learn by hearing instructions being read to them, or by actually doing a task. Some students have a hard time in some subjects but are strong in others. For example, some people have problems reading, but have an easy time with math.

In order to help all students succeed in school, the government created a law to provide students with special services. In New York City these are called Special Education Services. Most students have heard about Special Education (also called Special Ed or SpEd). Unfortunately, Special Education does not always have the best reputation. At the Education Advocacy Project, however, we know that all students deserve as much help as they need to succeed and thrive in school, and we make sure that every young person we represent gets whatever help he or she needs.

Knowing that you need extra help is the first step to owning your educational success—and don't forget, **you are not alone!** If you need help with your education, call Lawyers For Children at 212-966-6420 and ask for the Education Advocacy Project.



WHAT IF I NEED EXTRA HELP IN SCHOOL?

You have the right to get extra help in school if you need it. If you feel that the work is too hard for you, you can always speak to your teacher or guidance counselor. Needing extra help is not a sign that you are not smart or that you are a bad student. Everyone needs help at some point. You can ask your teacher if there are extended-day programs where you can go before or after school to get help with homework or class work. Some schools also have tutoring available in certain subjects, especially before test dates. If you feel that you need more help, you can also ask your agency caseworker to help you get a tutor to come to your home or to help you find a program where you can go after school for extra help. You can always ask your lawyer for help too!

WHAT IF TUTORING ISN'T ENOUGH?

If you feel that tutoring is not working and that you are just not able to do well in school, it may mean that you have difficulty learning, staying focused or handling your emotions while in class. If this is the case, your parent/guardian and sometimes your agency can make a referral for you to be evaluated to receive special education services. Your parent/guardian must send a letter to the School Based Support Team (SBST) at your school. If you don't have a parent or guardian who can help, just call your lawyer. After they receive this letter, the SBST will start the evaluation process for you.

If you don't know what the SBST is or how to contact them, you can always ask your guidance counselor or your lawyer.



Evaluations are tests that you complete with a trained adult, who is usually a psychologist, and they happen in school. They are different from state exams because they help the school figure out what services you need, and there are no grades on these tests. After you have completed the evaluation process, the SBST will schedule a meeting to discuss the tests and create an Individualized Education Program (IEP).*

Even if you are not living with your parent or guardian, your parent/guardian **MUST** be invited to this meeting, along with teachers, the evaluators, and a representative from the Department of Education. You also have the right to attend this meeting and should tell someone at the school, your agency worker, or your lawyer that you want to attend.


*See pg. 33 for more information about IEPs.



AS A YOUNG PERSON IN FOSTER CARE, WHO MAKES SPECIAL EDUCATION DECISIONS FOR ME?

Special education services and rights are part of the federal law and are described in the Individuals with Disabilities Education Act (IDEA). The IDEA is a very parent-focused law and while students have many rights under it, parents have equally strong rights. However, there are exceptions made for children in foster care.

Before you are evaluated for special education or receive any kind of special education services, your parent or legal guardian is asked to provide his or her consent to the NYC DOE. Special education services are voluntary and parents can refuse to agree to these services. Unfortunately, as the student, you are not allowed to take yourself out of special education services or change your special education services without the consent of your parent or legal guardian. However, your lawyer can always help you get the services that work best for you. Call your lawyer right away if you think the special education services you are getting are not right for you or are not helping you!



Call your lawyer
right away if you
think the special
education services
you are getting are
not right for you or
are not helping you.

WHAT IF I DON'T HAVE A PARENT?

If your parents are no longer living, if no one knows where they are, or if your parents' rights have been ended by the court, then they no longer have the right to agree or refuse to agree to your special education services. If you fit into any of these situations, you may have your foster parent or another relative or trusted adult become your "surrogate parent" for special education decisions. You should let your agency caseworker, school guidance counselor, and lawyer know who you feel comfortable having as a surrogate parent. If there is no one you have in mind, they can find a surrogate parent for you.

If your parents' whereabouts are known, but they do not want to be involved in your special education process, your school can decide it will make these decisions for you, without your parents. However, if you feel that your school is not listening to you about the special education services you think you need, tell your lawyer right away so that he or she can be sure that your voice is heard and that your educational rights are protected.

surrogate
PARENT



WHAT IS AN IEP?

If you are receiving special education services, you have to have an Individualized Education Program, also called an IEP. An IEP is a contract between you, your parent/guardian, the school and the Department of Education to provide you with special services to achieve stated educational goals. The IEP has several different sections, and it can be confusing, but if you know what should be on it, you can read one and understand what you should be receiving and if things need to change.



IEPs are created for you so that you can achieve your educational goals. You have the right to attend IEP meetings with adults who can help make sure your voice is heard.

If you find out that an agency caseworker or ACS worker is signing your IEP instead of your parent or surrogate parent, tell your lawyer right away! **This is against the law.**

Remember, you have the right to read your IEP and have it explained to you so you understand your education plan. You also have the right to receive the services that are listed on your IEP—it is a contract of services that the DOE has to provide to you. If you need help because **you don't understand your IEP or you're not getting your services, contact your lawyer's office!**

You have the
right
to read
your IEP

It is against the law
for an agency
caseworker or
ACS worker to
sign your IEP.
Tell your lawyer
right away! ↗ ↖

WHAT ARE THE DIFFERENT SPECIAL EDUCATION CLASSIFICATIONS?

There are many services and programs available to you if you qualify for special education. Schools must provide a free and appropriate education to all students in special education in the least restrictive environment. This means that if you have an IEP, you should be in the most academically challenging program in which you can make progress towards your educational goals. It is important to remember that special education is a service and not a place. You have the right to the same opportunities for academic success as students in general education.

If you feel like you are in a class that is too easy or too hard for you, it is important to tell your teacher, agency caseworker, or lawyer. An IEP can be created or changed anytime during the school year to better fit your needs, and it must be updated at least once every school year. There are different special education “classifications” that describe different educational difficulties. Some examples include speech and language difficulties, emotional issues, learning problems, and physical difficulties.

**AN IEP
CAN BE CREATED
OR CHANGED
ANYTIME DURING THE
SCHOOL YEAR TO
BETTER FIT YOUR NEEDS.**



Each classification requires a student to be in a certain school setting and receive specific types of services. Remember, the DOE is not allowed to place you in a setting that cannot meet your needs. You have the right to receive the services that are described on your IEP.



RIGHTS:

Remember, the DOE is not allowed to place you in a setting that cannot meet your needs. You have the right to receive the services that are described on your IEP.

WHAT ARE THE DIFFERENT SPECIAL EDUCATION SETTINGS?

The NYC DOE offers a Continuum of Services for special education programs. If you have an IEP, it will mention one of these programs, which are listed here in order of least restrictive (*least different from a regular classroom*) to most restrictive (*most different from a regular classroom*):

- **General education with supplemental aids and related services:** You will be in a regular school and a regular class, but you will receive extra services during the school day, such as Speech Therapy, Counseling, Occupational Therapy, Paraprofessional Support Services, Behavior Intervention Plans, or extended time on tests.
- **Special Education Teacher Support Services (SETSS):** This used to be called “resource room.” It is time during the day when you will work with a special education teacher either in your regular classroom or in another room in the school.
- **Collaborative Team Teaching (CTT):** Your classroom will be a mixture of general education and special education students taught by one general education teacher and one special education teacher who work together.
- **Special class in a community school:** You will be in a smaller classroom with other special education students in a regular school. You can sometimes join general education classes for certain subjects, and you are entitled to all of the after-school programs, opportunities, and any other activities that the school offers.
- **Special class in a special school (District 75):** You will be in a special education school with other students who have IEPs, and there will be many supports available to you.
- **Non-public schools:** You will be in a private school but the NYC DOE will be paying your tuition. If you are living at a Residential Treatment Center (RTC), you are likely attending the non-public school that is on the same grounds as your RTC.
- **Home or hospital instruction:** If you have a serious medical or psychiatric condition that prevents you from attending school, you can apply to the NYC DOE to receive home instruction. When you are in the hospital for a medical or psychiatric condition, you will receive instruction at the hospital.

Least
Restrictive

MOST
Restrictive

We know that there is a lot of information to take in, and it can be confusing, but there are people who can help you understand what each of these placements would mean for you as a student. You have a lawyer, social worker, guidance counselor and agency caseworker who can all answer any questions you may have.



WHAT IF I AM IN SPECIAL EDUCATION AND ENGLISH IS MY SECOND LANGUAGE?

As an English Language Learner (ELL), you can receive all of the special education services that non-ELL students receive. At the same time, being in special education does not affect any of the services you are entitled to as an ELL student. One such service may be a paraprofessional who speaks your native language and can translate school work for you.

WHAT IF I DON'T WANT TO BE IN SPECIAL EDUCATION?

Special education services are voluntary, but only a parent or surrogate parent can withdraw you from special education, even once you are past the age of 18. If your parent or surrogate parent agrees with your decision to be removed from special education, all he or she has to do is submit a letter asking that you be “declassified” from special education and moved to a general education classroom. If you do not agree with your parent’s decision to either keep you in or take you out of special education, you can still be sure that your voice is heard by calling your lawyer.

If you do not think you are getting the right special education services, talk to your agency caseworker, guidance counselor, or lawyer. Your IEP can be reviewed if you want to make changes to your services.



8

TRANSPORTATION

HOW DO I GET TO SCHOOL?

If you live 1.5 miles away from your school or farther, you are supposed to get a full fare Metrocard from your school. The full fare student Metrocard only works for 3 trips a day: from home to school; from school to an after-school activity; and back home. The card works from 5:30 am until 8:30 pm during the months of the year when school is in session, and each trip covers just one transfer. A special 4 trip Metrocard is available if your principal agrees that you need it.

If you live between 0.5 and 1.5 miles from your school, you are entitled to a half fare Metrocard which only works for 1 trip a day on a bus. It is provided so that you can avoid walking to school in bad weather.

WHAT IF I AM IN SPECIAL EDUCATION?

If you are in special education, you may receive yellow bus service if it is included on your IEP. Only if the “special education transportation” box is checked off on your IEP will you receive yellow bus service from your home to school and back home again every day.

If you have any kind of medical condition that requires door-to-door service, you may also be able to get yellow bus service. If you are returning as a day student to the school you attended while at an RTC outside of NYC, you will receive special education busing to go to school and return home every day. If you think you should be able to ride a yellow bus to and from school but you are not currently doing so, call your lawyer.



WHAT IF I AM LIVING IN A SHELTER OR AT THE ACS CHILDREN'S CENTER?

If you are living somewhere on a temporary basis, such as in a shelter or at the ACS Children's Center, you have the right to receive transportation to the school you were attending before you were placed there. If you are in a shelter, there will be someone who works for the DOE at your shelter who will be responsible for setting up busing for you. If you are residing at the ACS Children's Center and are able to travel on your own, you will be provided with a Metrocard.

Remember, if you need help traveling because of distance or a medical issue, ACS is responsible for arranging busing for you. If you are told that you cannot return to your regular school because it is too far away or because you no longer live in that school zone or district, call your lawyer right away!



9

SUSPENSIONS

The New York City DOE releases a disciplinary code every year to parents, which lists the types of behavior or actions that are not allowed in school, and the consequence the school gives for each type of behavior or action. These consequences can be small, such as a conference with a parent or a guidance counselor. There are also bigger consequences that can even lead to suspension. You have rights as a student if you are suspended, and there are resources available to help you through the process.


WHAT IF I RECEIVE A PRINCIPAL'S SUSPENSION?

A principal's suspension is considered a "short-term" suspension. A short-term suspension usually lasts between one and five school days, and is given for certain actions that the principal believes have violated rules in the disciplinary code. You can't be suspended for breaking a rule that you were not told about.



You have **three important rights** when you receive a principal's suspension:

- 1 **Right to notice:** The school has to provide you and your parent* with a written letter within 24 hours of the decision to suspend you via express mail or in-person delivery. The letter must include a description of the action that led to the suspension and the date of the action; an explanation of your right to ask for a conference; and an explanation of your right to question the person who reported you. If you do not receive notice, if the notice arrives late, or if it does not include all of this information, you can appeal your suspension.



* Because you are in foster care, it is important to know that if you are suspended, the school will contact the adult who is listed in your school records as the person you are living with. Therefore, it is very important that you keep your school records up to date and always make sure that your file contains the name, address, and phone number of your parent or your current placement. If you include your foster care agency information in your file, the agency will be contacted if you are suspended. Your school will not update this information for you, and if your records are out of date, you could miss out on important information.

② Right to request a conference: Having a conference with the principal gives you the chance to discuss the action/behavior that led to your suspension and offer explanations. The school will not automatically schedule this conference, even though it is your right, which means that you, your parent/guardian, your foster parent or another trusted adult has to request it from the school. It is helpful to bring a parent/guardian, foster parent, or other trusted adult with you to the conference, and you have the right to bring a second adult that you trust, but be sure to let the school know if you are going to do so. During the conference, the principal is not allowed to bring up other things you may have done at school that are not related to the suspension, and you have the right to question a witness (someone who saw the incident happen or reported the incident)—once again, be sure to notify the principal ahead of time if you want to have a conference.

③ Right to alternative instruction: You have the right to continue your schoolwork during your suspension if you are 17 or younger. This work should be equal to the work you would have done if you were in a classroom and cannot be below your learning level. The type of alternative instruction you receive will depend on the school district, and you should find out from your principal how to continue your education during a suspension. Remember, this is your right, and it can't be taken away—but you have to *ask* for it. If you ask and you are not provided with alternative instruction, call your lawyer.

SUSPENSION
RIGHTS

WHAT IF I RECEIVE A SUPERINTENDENT'S SUSPENSION?

A long-term suspension, or “superintendent’s suspension,” lasts more than five school days and must be approved by the superintendent of the school district. Usually young people receive these more serious suspensions when their behavior is extreme, violent or dangerous to other students and/or staff in school. You also have rights when facing a superintendent’s suspension, which are similar to the rights you have during short-term suspensions:

- **Right to notice:** The school has to provide you with a written letter notifying you of your long-term suspension *before* it starts. The school can’t notify you with a phone call, and the letter must be mailed to your parent/guardian or the other adult you are living with. If you are living in a group home or RTC, the letter will be sent to that address. The notice must include the following information: a description of the action that led to the suspension and the date it occurred; an explanation of your right to a suspension hearing and a date for your hearing; and an explanation of your right to question a witness at the hearing. A witness can be someone who saw the incident happen, reported the incident, or was involved in the incident that led to the suspension. If you do not receive notice, if the notice comes late, or if it does not contain all of this information, you can appeal your suspension to the Commissioner of Education.

If you are suspended for more than five school days without being given a hearing, call your lawyer right away.



- **Right to a fair hearing:** The right to a fair hearing is an automatic right, which means that the hearing will happen even if you don't ask for it. These hearings are also called suspension hearings, and they are your chance to tell your side of the story. There are officers who serve as "judges" during these hearings, and you have special rights to protect you during a hearing:

- **You have the right to be represented by someone you trust**—a lawyer, social worker, or family member. It is important that you have representation; if you do not, the DOE and the school will have a better chance of proving their side.
- **You have the right to present evidence and question witnesses**—either you or your representative can do this. If you want to question a witness who doesn't want to come to a hearing, they can be subpoenaed (forced to come).
- **You have the right to remain silent**—the school can't force you to answer questions. You can submit a written statement of your side of the story, but you do not have to and can't get into trouble for staying silent!
- **You have the right to an adjournment**—this means that you have the right to reschedule your hearing for any reason.

Right to a fair hearing

IMPORTANT

If you are suspended for more than five school days without a hearing call your lawyer immediately!



WHAT IF I AM IN SPECIAL EDUCATION AND HAVE BEEN SUSPENDED?

If you receive special education services, you can also receive short-term and long-term suspensions just like students in general education, but you are protected from being out of school for long periods of time. The school has to provide alternative instruction during the first ten days you are out of school in the same way it provides alternative instruction to general education students. The instructions you receive during these first ten days may not meet the requirements of your IEP. However, after the first ten days, the DOE is required to provide you with alternative instruction that will help you progress towards meeting the goals that are stated in your Individualized Education Program (IEP). Keep in mind that during a suspension, you are also entitled to take state tests and Regents exams.

If you receive special education services and have been suspended for more than ten days—either at one time or in total over the school year—the school has to have a meeting to discuss the reasons for this length of suspension. The following people must be present: someone from the school who knows you, your parent/guardian and a member of the school's Committee on Special Education. The purpose of this meeting is to decide if the behavior that led to the suspension is related to your special educational needs, and if so, a Behavior Intervention Plan (BIP) will be created to help manage future behavior that could lead to more suspensions.

The following links can help you with a long-term suspension. It is very important to contact these offices as soon as you find out you are being suspended for longer than five days. It is also important to contact your lawyer, social worker or the Education Advocacy Project if you have any questions regarding your education.



IMPORTANT
Contact these
offices
If you are
suspended for
longer than
5 days.



WEB

<http://www.suspensionrepresentation.org/>
<http://www.youthrepresent.org/>
<http://www.legalservicesnyc.org/>
<http://www.nyclu.org/knowyourrights>

10 STUDENTS' RIGHTS IN SCHOOL

You have the right to feel safe at school and to get an education free from discrimination based on your age, racial identity, racial expression, gender identity, gender expression, sexual identity, religion and/or socio-economic background.

You also have the right to be free from harassment by school personnel or school safety officers assigned to your school. The New York City Police Department has a school safety division that includes School Safety Officers (SSOs) and police officers assigned to schools in the five boroughs. These officers can question, stop, search, and even arrest students and adults in the school.

BULLYING

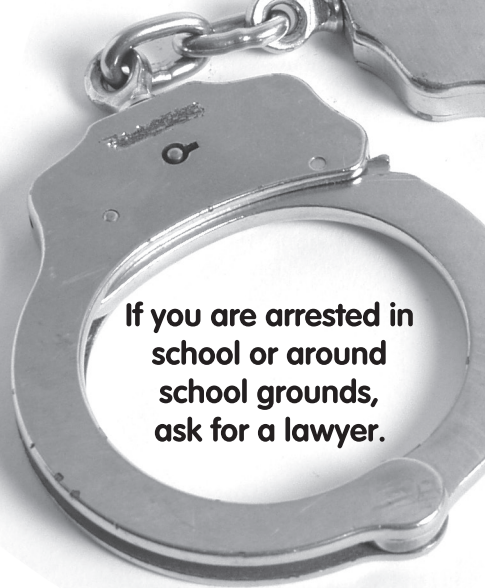
In New York State, the Dignity for All Students Act (DASA) makes bullying and harassment illegal in schools. As a student, you are protected from being bullied or harassed because of your race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. There are many forms of bullying—some students are bullied by words and some are bullied by being physically hurt. Others are victims of cyber-bullying, meaning that they are harassed or bullied through email, social media, or any other kind of electronic communication. You might be the victim of bullying or harassment if you are being made to fear for your safety. If you think you have been the victim of any kind of bullying or harassment, even if it is taking place outside of school, report it to a parent, teacher, principal, school employee, lawyer, social worker, or any other adult you trust.

WEB

WHAT SHOULD I DO IF I AM STOPPED BY POLICE PERSONNEL AT SCHOOL?

The most important and sometimes hardest thing to do is *stay calm*. It is important that you don't resist or run away from a school safety or police officer, even if you think he or she is wrong. Sometimes when young people resist an officer, it can lead to an arrest—this is not right, but it does happen, so it is important to know what to do.

Remember, you always have the right to remain silent until a parent/guardian (or other trusted adult of your choosing) is contacted, and even then you do not have to speak to an officer in school. If an officer wants to question you about something that happened in school, your parent/guardian and a school official must be present. If you are arrested in school or around school grounds, **ask for a lawyer**. If you are in foster care you already have a lawyer, and you should be sure to let the officer know that you want to talk to your lawyer before you answer any questions.

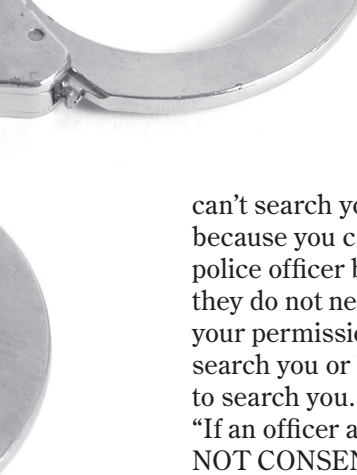


If you are arrested in school or around school grounds, ask for a lawyer.

CAN POLICE PERSONNEL SEARCH ME AT SCHOOL?

Most schools in NYC use metal detectors to do a general search of students' belongings to make sure that no dangerous items are brought into the school. If you set off a metal detector, the SSO can use a wand to scan you. The SSO that scans you must be the same sex as you and is not allowed to touch you while scanning you. You can't be sent home or denied entry into the school because you refuse to go through the metal detector—you should be sent to the principal's office to explain your reasons.

School officers can also search your pockets and belongings if they believe you have broken a school rule or committed a crime. They have to base this belief on *facts*—not on feelings, rumors or how you look. The type of search has to be related to the type of incident they think happened. For example, a school officer



can't search your pockets if they believe you stole a computer because you can't fit a computer in your pockets. If the SSO or police officer believes they have the legal grounds to search you they do not need your permission. However, they may ask for your permission if they are not sure that they have the right to search you or because they do not believe they have the grounds to search you. According to the New York Civil Liberties Union: "If an officer asks to search you or your bags, you can say: I DO NOT CONSENT TO THIS SEARCH. Saying this may not stop the search, but it's the best way to protect your rights in case you are arrested. No matter what, DO NOT resist or fight the officer! Resisting could get you arrested."*

WHEN CAN I FILE A COMPLAINT AGAINST A SCHOOL SAFETY OFFICER?

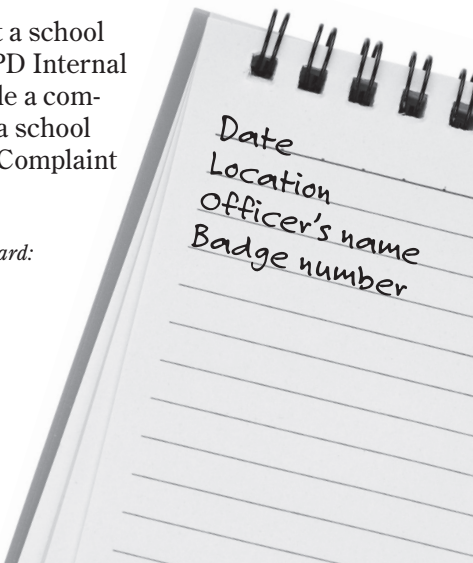
You have the right to file a complaint if you feel your rights were violated by an SSO or a police officer assigned to a school. It is important to write down the date, location, officer's name and/or badge number (you have the right to ask the officer for this information)—but don't get discouraged if you don't have everything. You still have the right to file a complaint if an SSO or police officer does any of the following:

- Physically assaults/hits you
- Curses at you
- Touches you inappropriately or makes inappropriate comments (especially of a sexual nature)
- Makes negative comments about aspects of your identity (race, religion, accent, sexual identity, etc.)

**CALL
311**

If you are going to file a complaint against a school safety officer, you should contact the NYPD Internal Affairs Bureau (IAB) by calling 311. To file a complaint against a police officer assigned to a school (or around a school), contact the Civilian Complaint Review Board (CCRB) by calling 311.

**from the New York Civil Liberties Union's Palm Card:
Know Your Rights with Police in Schools.*



Date
Location
Officer's name
Badge number

WHEN CAN I FILE A COMPLAINT AGAINST SCHOOL PERSONNEL?

You can file a complaint against school personnel if you have experienced verbal abuse, physical abuse or sexual misconduct by a school official, administrator, teacher, teacher's aide, volunteer and/or custodian. If a school official uses language that scares you, threatens physical harm, or makes fun of you, you can make a complaint to the principal or the Office of Special Investigations (OSI 718-935-3800). You can also make a complaint to this same number if a school official has used physical violence to discipline or punish you. If a school official discriminates against you based on your race, religion, gender, sexual identity or disability, you can file a complaint with the Office of Equal Opportunity (OEO 718-935-3320). If a school official makes sexual advances or asks you to do sexual things, you can also report this to the principal or the OEO office. If you have been sexually assaulted or abused by any school official, the police should be notified. The DOE has a special office that handles these complaints, and the principal should refer the complaint to this office. You have a right to be safe in your school and you should **always call your lawyer** if you feel that any person in your school is hurting you in any way!



YOU HAVE THE
RIGHT
to be **SAFE**
in School

11

EDUCATIONAL INFORMATION FOR STUDENTS IN FOSTER CARE WHO HAVE CHILDREN

If you are a pregnant or parenting person in foster care there are educational resources available to you and your child. Whether you need daycare for your child so that you can continue working towards your educational goals or you think your child could benefit from special services to assist in his or her development, there are resources in the community to help you. Being a parent at any age is a difficult job and as a young person in care, you are entitled to receive all the support you need to continue your schooling.

WHAT IS EARLY INTERVENTION?

Early Intervention (EI) is a program that provides services to children from birth to age three who have developmental delays or disabilities. EI services include special instruction, physical therapy, occupational therapy, feeding and nutrition services, family training, social work services, respite services, vision therapy, audiology services, and nursing care. EI services can be provided to your child for a certain number of hours a week either wherever you and your child are living or in an EI center-based school program. Children receiving EI services in a center-based program receive busing to and from their school.



IF I THINK MY CHILD NEEDS EI, HOW DO I REFER HER OR HIM?

If you worry that your child may be experiencing developmental delays, you can refer your child to EI. Your foster care agency and ACS are responsible for helping you with this referral. The EI referral form is available at:

WEB

<http://www.nyc.gov/html/doh/downloads/pdf/earlyint/ei-referral-form.pdf>.

CALL 311

You can also call 311 and ask for the EI Referral Hotline or call your lawyer.

Some risk factors that you should be aware of are if your child was born prematurely or was exposed to drugs or alcohol while you were pregnant. Your child's pediatrician may also be able to notice signs of developmental delays if your child is not meeting his or her developmental milestones.

When making a referral it is important to list every developmental or disability concern you have for your child so that he or she can receive a complete evaluation. Once your child has been referred, EI has 45 days to complete evaluations and invite you to participate in an Individual Family Service Plan (IFSP) meeting to decide which services your child is eligible to receive. Every child who receives EI services is then assigned a Service Coordinator who is responsible for arranging meetings and the delivery of services.

It is important to know that EI is a voluntary program and EI cannot provide services to your child without your consent. If you have any questions about the EI referral process or service provision, ask your agency caseworker or your lawyer.



DOES THE DOE PROVIDE DAYCARE FOR MY CHILD?

The Living for the Young Family through Education (LYFE) Program of the NYC DOE provides childcare and referral services for pregnant and parenting students who are enrolled in an NYC DOE school. Social workers are assigned to each of the 38 LYFE centers to provide social and emotional support. If you are a student, you can use a LYFE childcare program even if you don't attend the school in which the LYFE center is housed. You can enroll your child as soon as he or she is fully immunized (at the earliest, 8 weeks old), and your child can stay at a LYFE childcare site until the end of the school year in which he or she turns 3 years old. In order to enroll your child in LYFE, locate the center that is closest to your school by using this link:



WEB

<http://schools.nyc.gov/Offices/District79/SchoolsPrograms-Services/default.htm>.

When you find the center closest to your school, you can just walk in with your birth certificate, your child's birth certificate, and your child's immunization records.



WHAT IS HEAD START?

Head Start is a school readiness program for economically disadvantaged children from ages 3 to 5. Children living in a foster care placement and children of young parents who are themselves in foster care are eligible for Head Start preschools. ACS administers more than 250 Head Start centers throughout NYC. To place your child in a Head Start program near your home, locate the most convenient site to enroll your child:

WEB

http://www.nyc.gov/html/acs/html/child_care/headstart.shtml.

Due to the high demand for Head Start services, there may be a waiting list.





DOES MY CHILD NEED PRESCHOOL SPECIAL EDUCATION SERVICES?

If your child received Early Intervention (EI) services, it is a good idea to have your child referred to receive preschool special education services during the year in which they turn three years old. It may be that the EI services were enough and preschool special education is not necessary, but your child may benefit from further special education services during preschool until he or she turns five. If evaluators have told you that your child may have Pervasive Developmental Disorder, or that she or he has any motor delays or trouble communicating, preschool special education services can be very helpful. Similar to EI, preschool special education services are provided in your home or in a center-based school program, depending on the needs of your child.

If your child receives EI services, your EI service coordinator is responsible for making a referral to the NYC DOE Committee on Preschool Special Education (CPSE) for preschool evaluations. Preschool special education services are voluntary and evaluations cannot take place unless you agree. If you agree, the CPSE will give you a list of evaluation sites to choose from. Once evaluations are completed, the CPSE will arrange an IEP meeting where services will be discussed. Your attendance at the IEP meeting is very important, as you are the person who will make the final decision about what services your child will receive.

If your child did not receive EI services but you are worried about his or her development between three and five years of age, you can make your own referral to the CPSE. All you need to do is write a letter asking for special education evaluations for your preschool-aged child. There are ten CPSE offices throughout the five boroughs and each office covers certain school districts. Please ask your agency caseworker or lawyer if you need help in making a referral for your child for preschool special education services.



HOW DO I ENROLL MY CHILD IN PRE-K?

If your child is turning four years old during the upcoming school year, you can apply for your child to attend a Pre-Kindergarten program. Unfortunately, there is no guarantee that your child will be placed in a Pre-K program, but it is worth applying if your child is not already involved in a Head Start program, center-based preschool special education, or some kind of learning daycare setting. The deadline to apply for a Pre-K spot for your child is in early April and notification of acceptance is in early June. Both the NYC DOE and community-based organizations have Pre-K programs so there are two separate applications. You can visit the DOE website to find both applications and the Pre-K School Directory for school options:

WEB <http://schools.nyc.gov/ChoicesEnrollment/PreK/default.htm>.

HOW DO I ENROLL MY CHILD IN KINDERGARTEN?

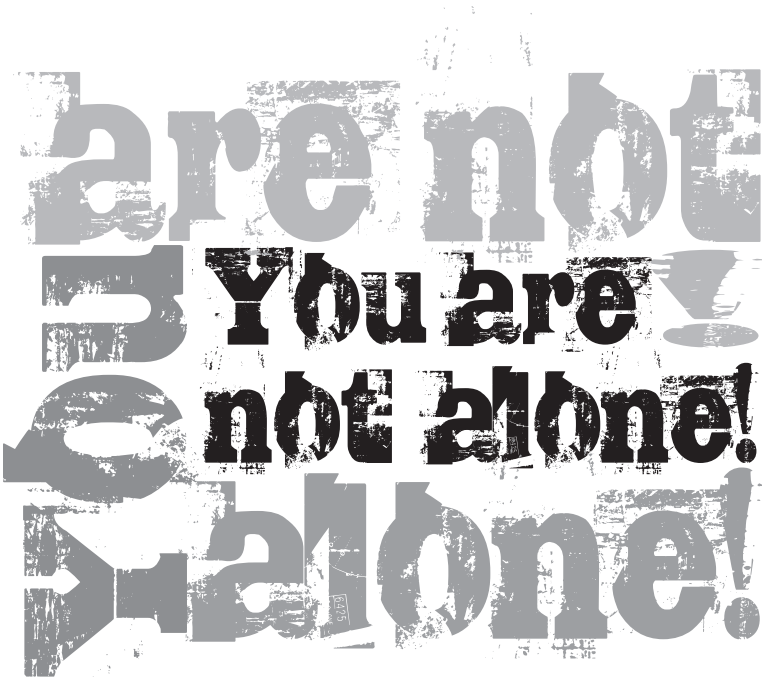
Similar to Pre-K, kindergarten is optional but encouraged if your child is turning five years old during the upcoming school year. Unlike Pre-K, if you request a kindergarten spot for your child, your child is entitled to receive a placement. If your child's home zone school does not offer a kindergarten program or if the kindergarten program is full, the NYC DOE must arrange for your child to attend kindergarten at a neighboring school and must provide transportation for your child. You should apply for a kindergarten spot for your child between January and March before the school year in which your child turns five. You can apply for spots directly at your child's zoned school. To find your child's zoned school and other information regarding the kindergarten admissions process, visit the DOE website at:

WEB <http://schools.nyc.gov/ChoicesEnrollment/Elementary/Enrollment+Information.htm>.



CONCLUSION

This handbook is filled with information about your rights as a student and your educational rights as a young person in foster care. Being aware of these rights is important, but you are not alone when it comes to your education so always remember to ask your caseworker, lawyer or another adult you trust for any help you need!



GLOSSARY



ACS or the Administration for Children's Services: the city agency that is responsible for caring for young people in foster care.

ADHD or Attention Deficit Hyperactivity Disorder: a diagnosis that is classified as "Other Health Impairment" on an IEP and often qualifies a young person for special education services.

Audiology Services: services offered to children ages 0-3 who are receiving Early Intervention and have hearing loss.

BIP or Behavior Intervention Plan: a service schools should offer to children who have difficulty managing their behavior in class.

CBO or Community-Based Organization: an organization that offers pre-Kindergarten programs, after-school programs, and other free services to children and families.


CCRB or Civilian Complaint Review Board: an independent non-police agency that investigates complaints made about New York City police officers. You can contact them to make a complaint about a police officer by calling 311.

Community School: a regular education school that has both special education and general education classes.

CPSE or the Committee on Preschool Special Education: an office within the DOE that is responsible for creating IEPs and placing preschool-aged students 3-5 in special education programs.

CSE or the Committee on Special Education: an office within the DOE that is responsible for creating IEPs, completing evaluations, and placing students between the ages of 5 and 21 in special education programs, including those students who are returning to NYC from placements outside of the city.

Declassification: A parent or surrogate parent can "declassify" their child from special education services at any time. Once declassified, the child is placed in general education and no longer has an IEP or receives special education services.



EI or Early Intervention: Early Intervention is a program provided by the New York City Department of Health for children who are 0 to 3 years old who need services to help them meet their developmental milestones.

ELL or English Language Learner: a student whose primary language is not English.

ESL or English as a Second Language: a program offered to students whose primary language is not English to ensure those students are simultaneously learning English and progressing academically.

GED or General Equivalency Diploma: a diploma alternative for students who did not graduate from high school. The GED is awarded after a student passes the GED test, which has five sections: Reading, Writing, Mathematics, Social Studies, and Science.

GED Access: full-time GED programs throughout the city offered by the DOE for young people ages 18 to 21. GED Access also offers Learning to Work programs onsite.

GED Plus: full-time and part-time GED programs throughout the city offered by the DOE for young people ages 18 to 21.

Gender: the socially- and culturally-defined idea of what is masculine or feminine based on identity, appearance, and behavior.

Head Start: a school readiness program for economically-disadvantaged children ages 3 to 5.

Hearing Officers: The DOE employs impartial hearing officers to decide whether students have committed acts warranting a superintendent's suspension. If so, they also decide how long the suspension period should last.

IAB or Internal Affairs Bureau: the office that investigates New York City police officers. They also investigate complaints made about School Safety Officers.

IDEA or the Individuals with Disabilities Education Act: a federal law that governs how state and public agencies provide early intervention, special education, and related services to children with disabilities.

IEP or Individualized Education Program: a federally-mandated document created by a school and parent for a child who receives special education services, which details the academic and emotional needs and goals to be addressed each school year.

IEP Diploma: a certificate received by a special education student. An IEP diploma signifies that a special education student has completed 12 years of schooling and met the goals set forth on his or her IEP.

IFSP or Individual Family Service Plan: the document detailing what services a child and family will receive if approved for Early Intervention.

LTW or Learning to Work: a program that offers in-depth job readiness and career-exploration activities at select Transfer Schools, YABCs, and GED Access programs.


LYFE or Living for the Young Family through Education: a program that supports pregnant and parenting students enrolled in DOE schools by providing childcare and referral services.

NYC DOE or the New York City Department of Education: the city agency that is responsible for providing education to students between the ages of 5 and 21 in New York City.

OEO or the Office of Equal Opportunity: a part of the NYC DOE that investigates complaints about discrimination and sexual harassment by school personnel.

OSI or the Office of Special Investigations: part of the NYC DOE that investigates student complaints about verbal and physical abuse by school personnel.





Principal's Suspension: a short-term suspension lasting between 1 and 5 school days, during which students are entitled to receive alternate instruction to continue their schoolwork.

Regents Exams: five exams that every general education high school student in New York State is required to pass with a score of 65 or higher in order to graduate. Special education students may be able to pass with a lower score in order to graduate.

Respite Services: services offered to families with children ages 0 to 3 who are receiving Early Intervention and need assistance in caring for a child with multiple needs.

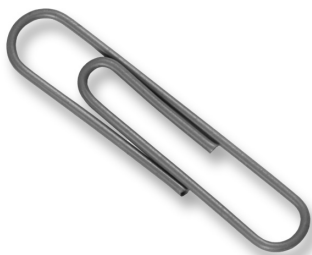
SBST or School Based Support Team: the group of professionals at a school who administer special education evaluations and conduct IEP meetings.

Sexual orientation: the direction of a person's sexual and romantic attractions, such as "gay," "lesbian," "bisexual," or "straight."

Specialized school: an NYC school for students with higher needs for special education services than can be met in regular education schools. Specialized schools offer more structure and supportive services than regular education school settings. There are specialized elementary, middle, and high schools throughout the five boroughs.

SSO or School Safety Officer: a member of the New York Police Department's school safety division. They can stop, question, search, handcuff and arrest students and adults.

Superintendent's Suspension: a long-term suspension lasting longer than 5 school days. Students are entitled to a suspension hearing where an attorney may represent them and in which the school has to prove the student committed the act for which he or she was suspended.



Vocational School: a school that assists students in learning and acquiring a certificate for certain skills like carpentry, electrical work, plumbing, or food services. The School of Cooperative Technical Education (Co-Op Tech) in NYC offers half-day career and technical training courses for students who are enrolled in academic courses in another DOE school or program, including GED Plus and Access.

YABC or Young Adult Borough Centers: this program is equivalent to night school. Students go to school after 4pm to earn credits towards graduation. YABCs are focused on students who are 17 and older, have been in high school for at least 5 years and have earned at least 17 credits.

Zoned school: A zoned school is one that is designated for certain addresses. Not every neighborhood has a zoned school, but for those students who reside in a neighborhood that does, they are given preference to attend that school over students who do not live in the zoned school's neighborhood.



YOU ARE
NOT
ALONE!

**YOU ARE
NOT
ALONE!**

