

# **ADVOCATES FOR CHILDREN**

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**2023 – 2024**

**Report**

# OVERVIEW OF ACHIEVEMENTS

Advocates for Children of New York (AFC) directly assisted 16,447 individuals by providing one-on-one advice or case representation or preparing them to advocate for themselves through our community workshops and fairs.

We secured over \$13.9 million in educational services for our clients. We provided 306 trainings and workshops and attended 31 fairs to distribute information to families. In addition, we disseminated more than 1 million informational documents via our website, email, and other methods to help families advocate for themselves.

AFC handles cases where low-income children in New York City are wrongfully excluded from school or denied the services that would enable them to learn and eventually graduate. Parents who come to us cannot figure out how to navigate the New York City Department of Education’s complex policies and procedures, and they cannot afford legal assistance to fight for what their children need. We help families secure the educational services and support their children need to succeed in school and maximize independence.

Our staff accompanies parents to school meetings and special education program reviews where services are negotiated and represents them in administrative hearings addressing suspensions or special education services.

Staff also conducts workshops for parents and professionals in all five boroughs to teach them about educational rights and options so they can help advocate for students successfully.



**Service Area:** New York City

**Population Served:** General Low-Income Children and Families

**Staffing Full Time Equivalents:**  
 Total Staff: 51.31  
 Lawyers: 27.40  
 Others: 23.91

# DIRECT LEGAL SERVICES

**Case Example #1, Education:** This September, Lillian headed to Hofstra University with a scholarship she obtained through a fund established for AFC clients. But when Lillian was in middle school, that seemed like a distant possibility. Determined to exhaust all her options, Maxine called her health insurance to ask what support they could provide. The customer service representative gave her AFC’s number on the spot and encouraged her to reach out for our help.

Maxine’s AFC advocate worked to secure an expert evaluation, which revealed that Lillian had been struggling with ADHD and anxiety and identified additional support that she needed. When Lillian’s school refused to provide that support, an AFC attorney requested and won an impartial hearing to secure a more appropriate school placement for Lillian, one where she could benefit from the one-to-one attention, multisensory teaching approach, counseling, and other services that her evaluation recommended.

At her new school, Lillian blossomed. With the new dedicated supports and services, her anxiety was no longer affecting her studies; she seemed at ease in the classroom and began to excel academically. “She’s about to graduate and she’s a whole new child,” said Maxine last spring. “Before, she was struggling and now she’s practically a straight A student. She would never participate in anything before, and now she’s in all the plays, she joined the choir, she’s playing instruments, spending so much time with her friends.”

As Lillian prepared to head to Hofstra, AFC continued to advocate to make sure she was set up to succeed; we connected her with the disability accommodations office to ensure that when she entered college in the fall, she would be equipped with the accommodations and services she needs to continue to thrive in the classroom.



# CASES BY LEGAL PROBLEM AREA



**Case Example #2, Education:** Roberto is a 16-year-old English Language Learner student with a learning disability who immigrated to the US from the Dominican Republic when he was a toddler. Roberto began receiving special education services when he was in preschool, but the services the DOE recommended each year were insufficient to address Roberto’s learning needs. Alarming, due to the DOE’s failure to provide him with appropriate special education services, when Roberto entered ninth grade in 2021, he was reading at a first-grade level. Instead of offering to help Roberto, school staff insisted that Roberto was simply not trying hard enough. In April 2022, frustrated by the DOE’s inaction and worried about her son, Roberto’s mother contacted AFC for assistance.

An AFC Staff Attorney helped Roberto’s mother obtain an expedited private neuropsychological evaluation in the fall of 2022, which diagnosed Roberto with a language disorder and learning disabilities in reading, writing, and math. Then, in the spring of 2023, Roberto’s attorney convinced the DOE at an IEP meeting to recommend that Roberto be placed in a supportive Non-Public School specializing in teaching students with Roberto’s needs. Roberto enrolled at his new school and is starting to make progress. This summer, the Staff Attorney filed a request for an impartial hearing asking that the DOE provide Roberto with intensive academic remediation by a private tutoring service to help compensate for their failure to provide Roberto with a free, appropriate, public education for more than four school years.

## OTHER LEGAL-RELATED SERVICES

AFC assists parents and professionals in understanding the laws and systems important to the education of their children by providing community education. Due to AFC's legal expertise, we have a particular strength in explaining to parents their rights and how to use the due process mechanisms available. Unless parents and the professionals who work with them are fully informed about the complicated rules and procedures through which they must navigate to obtain educational services, they will never be able to advocate independently.

AFC also prepares parents to invoke the procedural safeguards available to them, including mediations, resolution sessions, impartial hearings, state administrative complaints, and administrative appeals to resolve their education-related disputes.

In all of our workshops and almost every phone or support contact involving a child with special needs, we provide parents and professionals with information about the laws and regulations governing special education services. AFC provides workshops to NYC's diverse communities and breaks down complicated education laws in parent-friendly brochures and training materials. We also provide training to build the capacity of community-based organizations, health care providers, and other groups that work with underserved parents to spot education-related problems and link the parents to the information they need.

**5,610**

people  
benefitted  
from  
**Pro Se  
Assistance**

**996,845**

people  
benefitted  
from  
**Community  
Legal  
Education**

**238,163**

people  
benefitted  
from  
**Web-  
Based  
Assistance**

Our trainings and workshops continue to be provided mostly virtually, though we are increasingly going on site again. During the reporting period, 90 of 306 were presented in-person. We archive recordings of all of our workshops that are delivered virtually so that parents and professionals can access them at their convenience. Our Parent Center provides trainings and workshops targeted to parents of children with disabilities and professionals who work with them. We also have programs that target workshops to special populations, such as immigrant students and English Language Learners (ELLs), families experiencing homelessness, and children in the foster system. During this reporting period, as reported above, we provided 306 workshops to more than 5,800 parents, professionals, and students. In addition, our recorded webinars were viewed 8,687 times.

**Example #1, Webinars:** During this reporting period, we presented new or redesigned webinars such as Unlocking Opportunities: Employment, Job Training, and ACCESS-VR Services; Exploring Work-Based Learning Opportunities & Career-Connected Programming; Seeking Higher Education: Navigating College Access and Accommodations; Turning 5: The Kindergarten Admissions Process (in Mandarin); and Special Education for K-12 Students: Understanding the IEP.

All of our webinars are made available for later viewing for those who miss the live presentation.

**Example #2, Publications:** In addition, we continued to create and revise written materials to provide the most current information and make them available through our website, email, and social media. New and significantly updated publications included: Advocacy Skills: A Guide to Help You Advocate for Your Child's Educational Rights, Parent-Teacher Conferences: What You Should Ask, Tip Sheets: Applying to Middle School, Guide for Court-Involved Students, Guide to Transition Services & College Planning, Guide to Gifted & Talented Programs for Students with Disabilities.

We continued to send our e-newsletter, The Blackboard Bulletin, to more than 15,000 parents and professionals on a weekly basis to share the latest updates and information.

# IMPACT CASES

## L.V. v. New York City Department of Education:

In 2003, AFC and Milbank LLP filed this class action lawsuit alleging that, after parents of children with disabilities received favorable orders in impartial hearings, the DOE was failing to implement the required remedies. In 2007, the DOE settled with the families and agreed to implement all orders involving special education within 35 days, unless the hearing officer set a different deadline.

After years of the DOE failing to follow hearing orders to provide or pay for services for students with disabilities, the Court granted our motion and ordered the appointment of a Special Master in 2021. In March 2022, the Special Master issued his first report detailing his findings on the DOE's implementation process. And identifying several areas where the DOE needed to improve its process.

In July 2023, Judge Loretta A. Preska of the U.S. District Court for the Southern District of New York issued an order compelling the DOE to change its systems for complying with special education administrative orders. The order incorporates the changes to the DOE's systems and internal structures that the Special Master recommended and includes more than 41 required steps that the DOE must take with deadlines ranging from two months to a little over a year.

Among other changes, the order requires the DOE to create a structure for parents to contact the DOE when their special education administrative hearing orders are not implemented, including a support hotline for order implementation; improve and build DOE technology systems for implementing hearing orders; and recruit and fund new staff to implement hearing orders.

## All Impact Cases

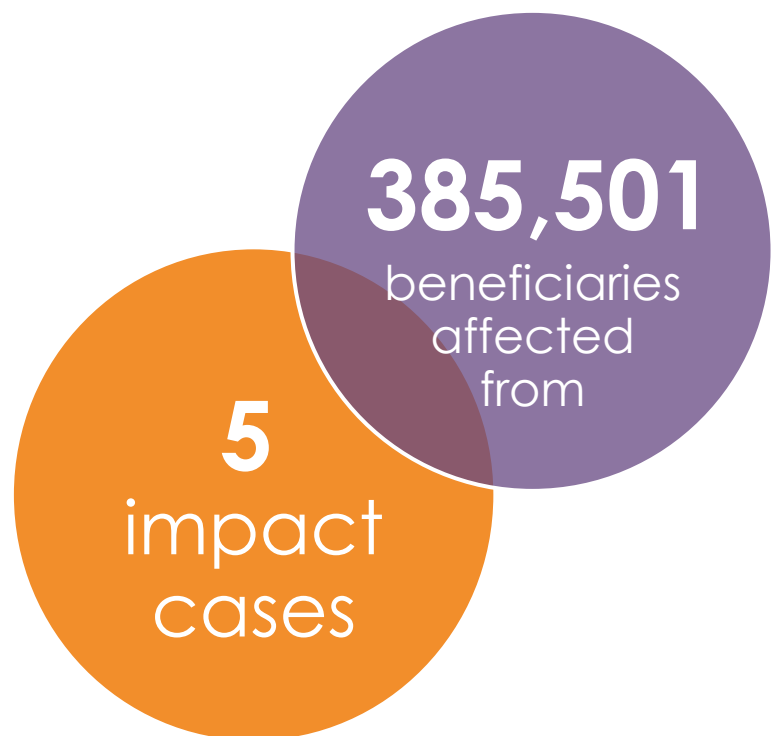
- JL v. New York City Department of Education (nursing case)
- LV v. New York City Department of Education (hearing order implementation)
- Jose P. (special education services)
- Z.Q. v. New York City Department of Education (compensatory services during remote learning)
- B.A. v. New York City Department of Education (compensatory services for Early Intervention student)

**B.A. v. New York City Department of Health and Mental Hygiene and New York City Department of Education:** In September 2023, Advocates for Children of New York (AFC) and Morrison & Foerster LLP (MoFo) filed a complaint in federal court against the New York City Department of Health and Mental Hygiene (DOHMH) and the New York City Department of Education (DOE) on behalf of a young child, R.A., who was not provided the critical services she was entitled to receive from DOHMH's Early Intervention program for infants and toddlers with disabilities. When R.A.'s family requested compensatory services to make up for the services that were never provided, DOHMH claimed they had no obligation to provide these services – although they had failed for seven months to deliver the mandated support R.A. needed to make progress – because she had aged out of the program when she turned three years old, and was therefore no longer eligible.

The DOE initially argued that it was also not responsible for providing these compensatory services. After a hearing on a preliminary injunction for the compensatory services, the DOE agreed to settlement negotiations and ultimately reached a settlement to provide the compensatory services that R.A. needed.

### **Z.Q. v. New York City Department**

**of Education:** In November 2020, Advocates for Children of New York (AFC) and Patterson Belknap Webb & Tyler LLP filed a class action complaint in federal court against the New York City Department of Education (DOE) and New York State Education Department (NYSED) on behalf of students with disabilities who have not received an appropriate education during the time of remote learning as a result of the COVID-19 pandemic. NYSED and the DOE moved to dismiss the complaint in 2021, claiming that the plaintiffs needed to exhaust their administrative remedies under the IDEA before filing a claim in federal court. In March 2022, the Court agreed with the defendants dismissing the complaint in its entirety. After the Court of Appeals for the Second Circuit reversed this dismissal in February 2023, the DOE and NYSED moved for the complaint to be dismissed again. In March 2024, the Court held that the IDEA claims against the DOE could proceed and denied the DOE's motion for judgment on the pleadings in connection with Plaintiffs' IDEA claims.





# TECHNOLOGY

During this grant period, we launched our newly designed website. Our updated website is mobile friendly, increases accessibility for a variety of languages and disabilities, has improved search capabilities, and is easier to navigate. It also reduces record-keeping burdens on AFC staff by interfacing directly with our case management database.

## IOLA TECHNOLOGY GRANT

AFC used our supplemental IOLA Technology Grant to help pay for our newly re-designed website, as described above. AFC would have re-designed our website without these funds; however, we would have had to use funds from our reserves or go without certain features, like the interface with our case management database, which is already saving time on data entry for case handling staff. This grant supported updating our website to use more modern technology (our old website was 13 years old) and to make it mobile friendly and more accessible, which was one of our strategic technology priorities.

## PRO BONO VOLUNTEERS

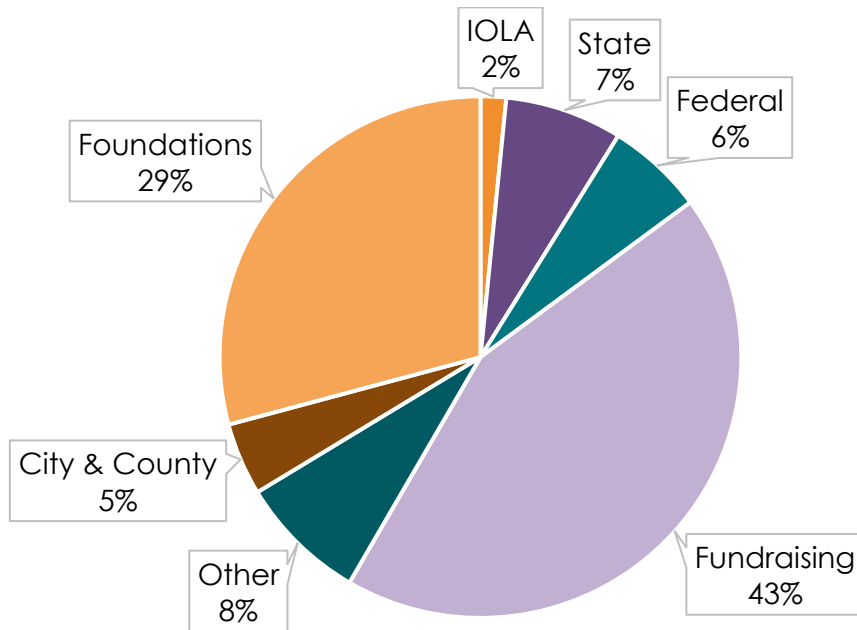
In total, AFC had pro bono attorneys, law students and other volunteers. AFC continues to maintain a robust Pro Bono Partners Program. In this grant period, assistance was provided in 37 cases by 49 pro bono volunteers from 14 firms. Thirty pro bono partners attended four virtual trainings provided by AFC this year. We had 31 law student volunteers and 24 other volunteers, including college and high school interns.

**62**attorneys volunteered **980** hours**31**law students volunteered **5,115** hours**24**other volunteers volunteered **7,056** hours

# SIGNIFICANT COLLABORATIONS

Our staff continued to work with hospital-based organizations that can evaluate our clients’ educational needs as well as provide information about evaluations and diagnoses for the students we serve. We maintain partnerships with the NYU Child Study Center, Promise Project, and the Center for Attention and Learning (CAL) at Lenox Hill Hospital. Our attorneys and caseworkers share their expertise with their staff by providing training and technical assistance.

## CIVIL LEGAL SERVICES FUNDING



<b>IOLA Funding</b>	<b>\$185,000</b>
<b>City &amp; County Funding</b>	<b>\$525,000</b>
<b>State Funding</b>	<b>\$849,363</b>
<b>Federal Funding</b>	<b>\$702,383</b>
<b>Foundations</b>	<b>\$3,403,260</b>
<b>Fundraising</b>	<b>\$5,075,275</b>
<b>Other Funding</b>	<b>\$928,074</b>