Overview of Achievements, 2020-2021

Advocates for Children of New York (AFC) directly assisted more than 24,992 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 $8,175,073 in educational services for our clients. We provided 296 trainings and workshops and disseminated more than 1.1 million informational documents via our website, email and general distribution 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 supports their children need to succeed in school and maximize independence.

Our staff accompanies parents to school meetings and special education program reviews and represents them in administrative hearings addressing suspensions or special education services. Staff also conducts workshops in all five boroughs to teach parents about their educational rights and options so they can help themselves.

Population Served: General Low Income Children and Families

Area Served: New York City Metropolitan Area

Total Funding: $7,803,017.00

Total IOLA Grant: $112,500.00

Staffing - Full Time Equivalents:

- Total Staff: 53.00
- Lawyers: 28.87
- Others: 24.13
Jayce, an imaginative 5-year-old with Autism, needed a spot in Learning Bridges, NYC’s program to provide childcare during days of remote instruction. His kindergarten was only offering remote learning, but Jayce had a hard time focusing at home and wasn’t receiving any of his occupational therapy services. After months on a waitlist, Jayce finally got a Learning Bridges spot, but when his mother, Karen, arrived to drop him off, the staff warned her that they would not be able to care for him due to his disability.

Karen knew she didn't have to let that be the final word because she knew her rights; two years earlier, Advocates for Children had helped Karen successfully advocate for an appropriate preschool placement and related services for her son. When the Learning Bridges staff told her they couldn’t support Jayce, Karen used the same advocacy skills she’d gained from that experience to try and persuade the DOE for another school or Learning Bridges placement that could better suit Jayce's educational needs. But, after several weeks with no response and realizing she wasn’t getting any closer to a solution, Karen got back in touch with AFC.

When Karen emailed AFC to ask for support, we knew this was not an isolated incident; although the DOE had given students with disabilities priority in admissions to Learning Bridges programs, Jayce's case was not the first time we had heard from families who were being turned away because programs said they didn't have the expertise or capacity to serve children with disabilities.

Our education attorneys and advocates quickly reached out to the DOE to remind them of their legal obligations and worked with Karen to help her make her case for Jayce to return to full-time, in-person learning. At the same time, we began advocating for systemic changes, arguing successfully that all Learning Bridges programs are legally required to support students with disabilities and that parents should have a pathway to request services and accommodations to meet their children's needs.

Within two weeks, Karen and AFC had persuaded the DOE to find a District 75 school for Jayce that offered in-person learning 5 days a week, one that could provide the highly specialized instructional support he needs to succeed. Jayce and Karen are both thrilled at the new school, where Jayce has been thriving, and Karen feels confident in her ability to advocate for her son’s needs: in elementary school, middle school, high school, and beyond.

"Now I feel confident to advocate for Jayce because I know the hard work and stress it takes to make the Department of Education hear you," said Karen. "You guys gave me the strength I needed to keep fighting for Jayce. Thank you again!"
Other Services...

Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Total</th>
<th>1,325,388 people</th>
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<tbody>
<tr>
<td>Community Legal Education</td>
<td>1,195,126 people</td>
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<tr>
<td>Pro Se Assistance</td>
<td>419 people</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>129,843 people</td>
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**Other Legal Related Services: Overview**

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 helps parents to understand the laws, regulations, court orders, and policies governing the education of children with disabilities through workshops, training, and written materials. 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 and other groups that work with underserved parents to spot education-related problems and link the parents to the information they need. Our Parent Center provides trainings and workshops targeted to parents of children with disabilities and professionals who work with them, and we have projects that target workshops to special populations, such as immigrant students and English Language Learners (ELLs), homeless families, and children in the foster care system.

**Other Legal Related Services: Examples**

During this grant period, we created new workshops and updated existing curricula to include information related to COVID-19 and remote learning. For example, we presented a webinar called “IEPs and Evaluations During COVID-19: Special Education Services in NYC During School Closure,” with over 230 attendees. We also conducted a webinar called “Remote Learning 101: Critical Resources and Supports for Families” in English and Spanish. This live webinar had 92 participants. All of our webinars are made available for later viewing for those who miss the live presentation.

We also created or updated 34 publications and translated 10 publications with specific information related to changes in education as a result of COVID-19. For example, a new fact sheet called “Summary of Changes to Graduation Requirements Due to COVID-19” was developed. It is available in Spanish, Arabic, Bengali, Chinese, French, Fulani, Haitian Creole, Korean, Russian, Urdu, and Wolof.
Impact Cases and Other Group Entity Representation: Narratives

L.V. v. New York City Department of Education: In 2003, AFC and pro bono co-counsel 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. The settlement had increasing benchmarks that the DOE committed to reach before the settlement sunset. While a special unit for implementation of these orders created in 2011 was supposed to improve the DOE’s rates of implementation, any improvement slipped, and the DOE is now failing to meet even the lowest agreed upon benchmark. After years of the DOE failing to follow hearing orders to provide or pay for services for students with disabilities, in September 2019, we filed a Motion for an Independent Special Master to oversee the DOE’s implementation of these orders. In January 2021, the Court granted our motion and ordered the appointment of a Special Master.

In addition, in October 2020, we filed a motion in L.V. challenging the DOE’s new practice of conditioning the payment of tuition orders on the DOE’s approval of the private schools’ remote learning plans during COVID. In February 2021, the judge issued an opinion and declaratory judgment finding that the DOE’s practice violated the IDEA and New York law.

Z.Q. v. New York City Department of Education: In November 2020, with pro bono co-counsel Patterson Belknap Webb & Tyler LLP, we filed a class action complaint against the DOE and the New York State Education Department seeking an order requiring the DOE to develop a system outside of the impartial hearing process to provide appropriate compensatory services to students with disabilities who did not receive a free appropriate public education due to the pandemic.
Trainings

AFC builds continual learning and improvement into our program model for individual staff, project teams, and the organization as a whole. Individual staff receive annual performance reviews focused on development of core competencies and also have the option of creating individualized development plans to focus on professional goals. All performance reviews include discussion of the staff member’s learning and development goals for the coming year. In addition, we provide a robust in-house training program, including sessions related to diversity and inclusion, legal and advocacy skills, and education law and policy. A list of internal training programs for the reporting period is attached. During the reporting period, we provided 45 trainings to all staff. Staff attorneys also attend external training programs and a PLI training in education law at least once a year.

During this training period, we completed an initiative to send all supervisors to a two-day management training program at The Management Center, and we began sending other staff to Management Center trainings focused on project management and other skills. We also launched an internal, multi-session training series for staff attorneys on advanced skills for litigating special education impartial hearings.

With respect to our Board, it is our practice that all new Board members attend an orientation session with the Executive Director and that all Board members receive a term review by their peers every three years.

Technology

As a result of COVID-19, we had to re-think how we track certain data. For example, we had to add fields to our databases to capture information about Covid-related issues such as access to technology or remote learning issues. We also needed to figure out how to track participation and attendance at live virtual workshops and the number of people viewing recorded webinars. For the most part, these issues have been resolved, and we are confident we will be able to collect this data accurately going forward. We are continuing to grapple with the challenge of collecting demographic data for virtual trainings. We have been meeting internally and have been talking to other organizations to determine the best way to do this.

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 the staff of these partners by providing training and technical assistance.
Pro Bono Volunteer Involvement

AFC continues to maintain a robust Pro Bono Partners Program. In this grant period, assistance was provided in 47 cases by 63 pro bono volunteers from 14 firms. Ten pro bono partners attended two virtual trainings provided by AFC this year.

AFC takes on law student volunteers in the fall, spring, and summer. Usually, we have 3-6 term-time volunteers who work 10-15 hours a week. During the summer, we have 6-7 law interns and 2-3 college student interns. Summer interns work at AFC full-time for 10 weeks.

Pro Bono Statistics

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Pro Bono Statistics

Sources Of Funding

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<td>Other</td>
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