

“I Have All These Skills, Now Why Don’t They Just Listen?”

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Student Advocacy, Inc.: The History of the Agency and How it Grew

Student Advocacy, Inc. is a small non-profit agency that works in two counties in suburban New York City. It has been in existence for almost 30 years, serves approximately 1000 children and teens annually and resolves more than 99% of its cases at the IEP or 504 team level. Over 90% of the families served report that their children have improved or increased educational services.

There are 54 separate school districts in Westchester and Putnam Counties ranging from the massive Yonkers School District with over 25,000 students and special education costs of over \$17 million, 38 schools (including 8 middle/high schools, 13 PK-6, 13 PK-8 and 4 PK-7) to the Pocantico Hills School District with its one school (PK-8), a student population of 300 and an total annual budget of approximately \$500,000. School District funding is a combination of state and local funding, although the majority of the funding is local and each school district’s budget is submitted to the voters of that district annually.

The counties are ethnically, linguistically and economically diverse. There are 79 languages spoken in Westchester County (making its linguistic diversity bested only by the separately counted New York City boroughs of Queens, Brooklyn and Manhattan.) These are counties of recent immigrants as well as the strongly self-identifying immigrant populations who came in the latter parts of the nineteenth and early twentieth centuries. Because of the easy commute into mid-town Manhattan, many lawyers,

doctors, financiers and other professionals raise their families in Westchester and Putnam as well as New York City firefighters, police officers and schoolteachers. Percentages in terms of race are misleading: the differences go beyond race to country and culture of origin, religion, dates of immigration and acceptance of assimilation. There is a significant homeless population as well as a significant horse and country club set.

Student Advocacy, Inc. serves all these families. Unlike similar sounding agencies, it is not limited to serving children and young adults with particular disabilities or in the juvenile justice or dependency systems. It takes all comers. People contact the agency when they perceive that their child is struggling in school, can't be admitted to school, or has a disciplinary problem. These are usually complex cases and usually the family and district are at an impasse. In addition, social service agencies, departments of probation and mental health, schools and other service providers contact the agency with questions and referrals. Services are provided either free of charge or on a sliding scale.

Student Advocacy officially began in 1982 as the brain and heart child of a group of people (lawyers, probation workers and teachers) who had been meeting informally to discuss their frustrations regarding the services particular students they represented or counseled in some capacity were or were not receiving in the educational system. Many of these children were already caught in the juvenile justice system and had school histories replete with significant discipline and behavior problems. Many kids were currently in, about to be placed in or returning from residential placements. School personnel did not want these kids in their buildings. When these early interveners

looked closely at the students' educational and mental health records, they found that In addition to the disciplinary and behavior issues, these children had had difficulties in reading and math early in their school careers. These kids had been failing in school long before they were failing in society.

Student Advocacy, Inc. is and has always been a non-profit organization with no connection or funding from any school district. It receives some foundation support, some support from state and county funding streams associated with at-risk youth, and private contributions. It has a volunteer Board of Directors which provides oversight and spearheads fundraising, an Executive Director, a Legal Director, an Assistant Director for Fund Raising, four attorney advocates, one lay advocate and one support staff person. The Legal Director, in addition to supervising the advocacy staff, maintains an advocacy caseload. Cases are opened when a parent/guardian calls the agency seeking assistance for a student. Cases are assigned based on advocate caseload, urgency of the situation, and advocate specialty. While some cases are handled through technical assistance rendered during that initial phone contact, other cases significantly more work. After receiving the written consent of the parent or guardian, the SA advocate obtains school and other records, meets with the child and parent, develops a legally sound educationally strategy in collaboration with the family and other professionals working with the child and then participates in meetings of the IEP team as well as other community agencies.

Who are the SA Advocates?

Initially, the staffing of the agency consisted of former educators, parents, and staff from the New York State Division for Youth. Over time, the connection both from a funding and a staffing perspective changed. Currently the advocacy staff consists of parents who had or have children with special needs; former (generally retired) educators; attorneys; and social workers (primarily from schools or Early Intervention Programs). Usually, an SA Advocate fits into more than one or even two of these categories. For a long period of time, SA supplemented its advocacy staff with a group of dedicated volunteers, most of whom were retired schoolteachers or psychologists who provided the bulk of the technical assistance over the telephone but did not open full cases. Currently, two attorneys and one bilingual social worker provide volunteer support. A local law school has recently chosen Student Advocacy as a site for a two year post-graduate fellowship.

What exactly do SA Advocates do?

SA Advocates work closely with students, their families, their schools, mental health professionals, professionals from the juvenile justice system, and other service providers in order to understand the student on whose behalf they are working. Their goal is to gain a level of understanding and depth of the child and the child's records that no other professional has had either the time or skill to devote to one individual. This approach gives the SA Advocate the ability to meet the family where it is at in terms of understanding the child's disability, educational and social challenges and what

services, public and private may be available as well as what is or is not required under the law.

Cases at the agency may involve any of the following: initial referrals to the IEP Team; discipline cases for students protected by the special education laws as well as those who are not; program reviews for students already receiving special education services; reviews and referrals for accommodations under Section 504; issues surrounding bullying, Title IX, and transition from special education; residency cases including homelessness under the McKinney-Vento Act.

SA Advocates work with students and their families to make sure they understand the special education process. This goes well beyond explaining the child's and parent's rights under the laws. SA Advocates listen to the parent/guardian as well as the child and seek to understand what has and has not worked in the past both at home and in school. The advocate will also attend meetings with other agencies that serve the family. This creates a collegial and cohesive working system for the child and the family as well as helping to avoid duplication of service in some areas and neglect in others.

SA Attorney Advocates, in addition to working on special education plans, assist families with issues of residency, school registration, and representing students at disciplinary and Manifestation Determination hearings, and writing appeals to the New York State Commissioner of Education. Some of the attorneys also represent children independent of their work at Student Advocacy through the assigned counsel program in custody/visitation, dependency, juvenile justice, and domestic violence proceedings.

The Legal Director and Senior Advocates provide and participate in workshops for the community and for other public and private agencies. In addition, all advocates participate on the community level by attending informational meetings including the mental health providers, probation department, and department of social services as educational consultants.

What Can (and Cannot) be Taken on the Road

The above description is of a real agency that works with real districts. It is not merely the dreaming of an idealistic collaborative lawyer, a juvenile court judge or retired school teacher who never had to manage a budget or staff and now reside on a different planet. The law is not significantly different in its jurisdiction nor are test results analyzed in completely different ways. And the school districts are not in financially better shape than districts anywhere else.

But Student Advocacy cannot simply be cloned. Effective advocacy and early conflict resolution is a local phenomenon. 'Common sense' is common only when you have a lot of other things in common. 'Intuitively obvious' is obvious only when your guts have shared the same nourishment, your ears the same language, and your history the same cultural, social even cognitive assumptions and experiences. (Just imagine being with a Seattle native and never having heard of the PAC-10, or even known any adult who followed college sports if their kid weren't playing.)

Student Advocacy works, in large part, because its advocacy staff shares the same values, understands terms in the same way, and thinks of schools, kids and educational practices, services, and methods in ways very similar to the districts with

whom they work. In other words, effective advocacy and early conflict resolution is a local phenomenon. But it can be done.

The Underlying Principles of Student Advocacy's Success

The Credibility Factor

Because of the history of the agency and the background of its past and current staff SA Advocates is not strangers when they walk in to a school or social service meeting. Advocating on behalf of clients might lead to a different perspective from someone else, but relationships are rarely adversarial.

A common training point for new advocates (easy to say, but hard to implement) is that having non-identical interests is not the same and should never be confused with having adversarial interests. Further, since almost all advocates have taught in the public school systems (and those who have not, have taught in other settings) and call upon that experience when they speak, they are credible when they float ideas, challenge a statement that something was impossible to implement, or otherwise try to be flexible and creative members of the IEP team.

Advocates actively seek to meet and develop cordial relationships school personnel while working on behalf of a particular student and seek to maintain those connections after a particular matter is concluded. Moreover, there is a premium attached to knowing how each individual school district works, its strengths as well as its challenges and needs. It is acknowledged that some districts are easier to work with than others; some are stronger in educating students with specific disabilities; some welcome the SA Advocate as the "voice of reason" in a very difficult situation.

Having an advocate with this kind of credibility with the school district creates a respectful and open communication channel between the family and the school and adds value because of it can facilitate effective use of meeting time.

The Respectful Communication Factor

Credibility also means that the advocate can be a model for respectful and hence effective communication among all members of the team. Advocates are frequently placed in the position of educating parents/guardians on how to speak with and make appointments with school personnel. They also translate or at least clarify what is being said, what is not being said and how words mean different things to different groups of people. Advocates also find themselves making the student's non-school life and pressures as well as family life comprehensible in particular ways to school personnel so that the child or parent is not seen in abstraction but as a full individual with a number of challenges only some of which are educational but all of which accompany the child (and the parent) into the classroom or meeting.

Assisting the parent/guardian in articulating what he or she thinks their needs to succeed to an acceptable degree in school, and then translating it to the district in educational terms is critical. On the other side, the school staff needs help at times to understand what the parent/guardian wants for their student and how this translates into educational terms so that a plan may be formulated.

The Completeness Factor

Another critical component to the SA's model is the completeness of the records

the SA Advocate reviews and analyzes. Often, the advocate is the only one who has the full educational record for the child as well as the only one who has gotten access to service providers and health records. (How this is accomplished varies from case to case; that it is a goal and almost always accomplished remains standard.) The underlying value here is that it is critical that someone at the table has taken the time to know the student, the family situation and the full documentary record.

Meeting with the student to hear what the student identifies as the problem or problems and possible solutions can be crucial. Seeing the student as a full person beyond the numbers on the page is often key to helping work through what is necessary in order for the child to be more successful in school, *i.e.* gain benefit from the school curriculum.

The Law Factor

A critical part of the SA model is that the individual advocacy always has its basis in the law. But the special education laws are viewed as a comfortable and potentially common language and not as a source of fear, intimidation or checklists. This is accomplished by the fundamental belief that the legal terminology not only has meaning but has relevant meaning in the educational context. Consequently, something like an FBA or a BIP is viewed in terms of being an assessment of what function a particular behavior plays in the student's life or communication skill set which should be addressed effectively and non-judgmentally in a plan to improve that behavior. The SA Advocate works with parents/guardians to explain the various laws and programs. Understanding the process, whether for services or a more restrictive setting, day or

residential, makes the parent/guardian a stronger IEP Team Member.

The Listening Factor

The SA model acknowledges explicitly that each member of the team has valuable expertise in the particular role they play in a particular case, but also that the roles and knowledge from other parts of a team member's life have to be acknowledged as well, albeit with intention and care. In large part because the SA advocate has no formal role or title (other than as someone with special knowledge of the child or as parent support or representative), in order to add value, she has to know what value is already there. And to do that, she must listen and assume that no matter what someone is saying or what is written, the best start is to assume that that person or document is really trying to make a point and that it is the advocate's job to work to understand it. So you seek to understand the story behind the story: why the parent appears so confrontational, why the teacher is so convinced that the child is just not trying, why the administrator is so reluctant to think out of the box. And you listen long enough and well enough that you hear and respond to the emotions as well as the intellectual cognizable facts and then set your own emotional reaction aside in order to acknowledge and help the other team members' move beyond them as well.

The commitment to real listening may be the key to what otherwise would appear to be the one thing that no one in these situations has in great measure: time. Sure it would be wonderful to have the time to gather all records, leisurely examine them, have a full conversation with a parent or colleague. But who has this kind of time? No one, certainly no teacher, administrator or parent of a child with special needs has the luxury

of time to gather and examine all of the student's records. And advocates and attorneys with huge caseloads have no more time than anyone else. Under the SA model, the fact that one person has more than one perspective is exploited. At some point or in some role, that particular advocate had the time or the need to focus on what one child needed and how to accomplish that.

A Proposed Road Model: The Modest Proposal

If effective advocacy and early conflict resolution is indeed local, it is important to discuss how these factors which underlie the SA model work can work in other parts of the country. One way to do this is to brainstorm about who exists in the community who has the needed knowledge or commitment to this kind of multi-disciplinary approach and to set up a series of small group conversations or talks. Another way to do this would be to partner a district with a university. But instead of having the student teachers work with the educators in the district, have the student teachers meet with an individual family. The reason for this being a student teacher and not a district person is that the key would be that the student's role is to listen and understand, not to teach, defend, diagnose or prescribe.

The goal of this workshop presentation is to tell the community of those interested in early conflict resolution what we have found that has worked in our communities, what has not worked when we tried to re-create the model without re-fashioning it for the local customs and mores, and have you start thinking about how these factors play out and can be used in your district and community.