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Doubly vulnerable

Parents point to systemic flaws in the way the city schools educate Latino special-ed students

JUSTIN MURPHY @CITIZENMURPHY To speak with clarity; to read and write; to develop a skill that could get her a job. Daisy Morales' goals were not extravagant, but there were many things working against her.

Her family is poor and speaks Spanish, not English, at home. Daisy also had learning and speech disabilities that tripped her up as she drifted through a series of Rochester schools.

School 8, then School 22, then School 53. The special education services she received for her speech problem weren't enough, and the constant change made it harder.

Her parents could hardly help because they don't understand English and because the district didn't make clear to them what Daisy needed, or how she was struggling. Daisy's four siblings also have disabilities, and they had problems, too.

By the time she got to Wilson Magnet High School, her attendance had fallen and graduation seemed far away. She asked to study cosmetology at Edison but instead was shunted into an uncertified, since-closed horticulture program.

Then she got pregnant. She was 17 years old.

The baby was due in November 2013. The district promised to send a teacher to Daisy's house before and after the birth to work with her until she could return to school, as required by law. It never did.

"They said to call when I got out of the hospital," she said. "But then they said, 'We can't give you no teacher because you're too late calling.' Right there, I just gave up."

'They're just paper'

That moment of submission — of giving up, or being given up on — is common to hundreds of children in Rochester who don't speak English and have a disability.

In a district where many children fall through the cracks, their situation is doubly vulnerable. Both their disabilities and a language barrier for students and their parents often prevent them from advocating for themselves or getting the help they need, although that sense of helplessness is lately changing to empowerment.

In particular, parents of Latino students with disabilities point to serious systemic flaws in the way the Rochester School District educates that population. Interviews with a dozen Spanish-speaking Rochester families pointed to a clear pattern of neglect and mistreatment.

Students' special education plans (individualized education plans, or IEPs) are sometimes developed in meetings without qualified interpreters, leading to serious omissions. Those IEPs are often ignored and parents' complaints are dismissed, with responses coming in English, if at all. Seemingly minor accommodations are withheld while students are shuttled from school to school or suspended for months at a time.

"Our children aren't children to them. They're just paper; one more IEP," said Ana Casserly, an advocate fighting on the families' behalf. "The first thing that passes through their mind is, 'This woman has an accent; she's from another country; we can walk all over her.'" For years, those parents have pursued their children's rights in isolation or simply given up. In the last few years, though, a group of Latino families has coalesced under the leadership of Casserly, a Gates woman who honed her advocacy skills fighting for her own son's education.

They brought their case to the Empire Justice Center, a local nonprofit law firm focusing on the poor, disabled and disenfranchised. Its lawyers gathered their stories and presented them to the district in March for redress, with the specter of legal action if the situation does not improve.

Casserly has also helped families file formal complaints with the state education department. Of 21 complaints submitted this school

year, mandated corrective plans were put into place for 10 of them.

School leaders acknowledge the problems, part of the district's broader struggle to better educate students with disabilities. It has addressed some of the students' complaints individually and is in the middle of an overhaul of its special education program.

"The district is working exceptionally hard to improve services to students with disabilities," spokesman Chip Partner said. "If we're failing to do that, we encourage parents and advocates to notify their school or (the district)."

For families of students like Daisy, though, the pace is too slow, the improvement too little.

"We are sort of patching things and solving students' issues one at a time," said Hilda Rosario Escher, president of the Ibero-American Action League. "But where those students came, there will be more. ... There comes a time when parents cannot take it anymore and they need to do something different."

History of problems

The district has a long history of providing an inadequate education to its thousands of students with disabilities.

A 1981 class action lawsuit brought by the Empire Justice Center on parents' behalf led to two decades of court supervision over its special education program. That supervision was lifted in 2002 when a final three-year extension expired, even though most of the benchmarks for progress had not been met.

Seven years later, an independent report showed special education in Rochester was rudderless even after 20 years of intervention. It criticized the district for failing to integrate students with disabilities into general education classrooms, among other offenses.

All available data show that the situation has hardly improved, particularly for students who do not speak English.

In 2013-14, there were 691 Rochester students classified as both special education and English language learners, according to data provided by the district. Of the 43 who should have graduated last spring, only six did, and that includes a non-Regents diploma for which some special education students are eligible.

Their attendance rate is 83.8 percent, meaning they are absent from school nearly once a week on average. They miss nearly twice as many days as the average city student, which is a troublingly low standard to begin with.

Only 4 percent of the 691 students progressed enough academically to have the special education label removed. Dropping out is much more likely; more than a quarter of them did that.

Most of those students' primary language is Spanish, but dozens of languages are spoken in the district. Students with disabilities who speak other foreign languages — Chinese, Arabic, Karen, Somali — face even greater hurdles in getting an education.

Part of the struggle in Rochester and elsewhere is coordination between specialists in special education and bilingual or English as a Second or Other Language (ESOL) instruction. A common problem, for instance, is foreign students being classified with speech impairments simply because they don't speak English well.

Rochester's heads of special education, bilingual education and ESOL began meeting regularly this year to help avoid lapses in services among their departments.

There is also a huge shortage of teachers who are certified in both special education and bilingual or ESOL education. Of Rochester's 763 special education-certified teachers, only 56 are also certified in either ESOL or bilingual education, and the pool of applicants is extremely shallow across the state.

"We as a district have attempted to get serious about educating our Latinos, but we're doing a very poor job of it," school board member Melisza Campos said. "If you're bilingual *and* special education, it's a double whammy, because we're trying to clean up both those programs."

The district has made some strides in special education in the last two years. The August graduation rate is up from 19 percent in 2012 to 27 percent in 2014 (still the lowest rate among the state's Big Five urban districts).

Its continuum of services for students with disabilities has been expanded, and there are specialized classes for students with language delays and autism. This year's budget also includes funding to hire an additional 24 ESOL teachers and more money for interpretation and translation in special education, and the district has obtained a state waiver to use teachers working toward getting their bilingual certification.

Special education chief Chris Suriano acknowledged that the failures in interpretation and translation, the shortage of qualified teachers and the generally poor state of affairs in special education in Rochester combine to put non-English-speaking families in a bad situation.

He strenuously denied, however, that the district's practices are discriminatory.

"I get that there's a feeling they're treated differently from other students with disabilities," Suriano said. "I can't change that they're feeling that. I can only work with them to resolve their concerns and problems. ... We're changing our practices systemically."

Faded hope

Daisy Morales and her husband live in a small house on Avenue A in northeast Rochester, next door to her mother. From their porch, they can see men exchange money for drugs in the street. Walking by them to the bus stop was one of the things she disliked most about going to school.

She named her daughter Sunshine. The little girl has advanced past walking to dancing by now, and loves baby dolls and cookies.

"When I'm sad, she makes my whole world come back again," Daisy said. "There's nothing more that God could give me."

A high school diploma, though — Daisy did want that. But when the teacher she was supposed to learn from never came, her hope faded. She's now pregnant again and says she has no time for school.

She can't read much, she confesses, and when she gets nervous, her stutter comes out. Her education is over, incomplete.

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Daisy Morales, with daughter Sunshine, said her learning disabilities and treatment from the Rochester School District hindered her efforts to get an education. And when she got pregnant and was unable to get a teacher sent to her house, she said, "I just gave up."

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