

District falls short on serving Latinos

Only partial progress has been made for non-English speakers

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In the spring of 2015, the nonprofit law firm Empire Justice Center began discussions with the Rochester City School District over systemic problems in special education, particularly in relation to students whose families do not speak English.

At the same time, the *Democrat and Chronicle* published an extensive investigation into the same topic, documenting widespread complaints about the provision of services, student discipline and communication with Spanish-speaking families.

More than a year later, the district has made only partial progress in improving the education those Latino children receive.

Most striking, the district recounted its students with disabilities and realized that about 1,600 of them need, or prefer to have, written materials in a language other than English. Last year, it reported having only 691 such students.

The problem, special-education director Chris Suriano said, was that the computer system assumed people spoke English unless someone specified otherwise. It was similar to how the district used to assume students were in class unless the teacher marked them absent.

“A family might go to a (special-education) meeting and there was no interpreter scheduled ... because the system told the (staff) that it’s an English-speaking family,” Suriano said.

The district also hired an additional in-house Spanish interpreter and contracted with a translation service that can render meeting notices, educational plans and evaluation reports into 27 languages. District records show that interpreters have been present at nearly every special-education meeting this year, and that meeting notices have been going out on time.

“All the bilingual (problems) were systemic,” Suriano said. “We are committed to fixing the translation issues we’ve struggled with in the district.”

Interviews with a number of Spanishspeaking students and families, though, disputed some of those conclusions and showed that serious problems remain, particularly with students getting placed in appropriate programs.

Keilanies Medina, for instance, is in third grade at School 35. Her mother, Gloria Sabater, complained last year that her daughter’s epileptic seizures were being ignored at school.

Since then, Keilanies has changed schools. But Sabater said the district’s own procedure for handling those seizures — there were five this year, Sabater said — still are not being followed.

Keilanies does not have an Individualized Education Plan, or IEP, the document that defines the services a student with disabilities receives. Instead, despite her mother’s pleading and a recommendation from a doctor

— despite the fact that at age 9, she is two years behind grade level in reading, according to her mother — Keilanies has a different sort of plan meant only to ensure that her right to an education is not being violated.

She has a one-to-one aide at school, but Sabater said that aide isn't always with her in class.

Despite the district's efforts to improve its Spanish-language outreach, Sabater displayed letters she has received in the last several weeks that were written only in English, a language she does not speak.

“Every day my daughter comes home crying,” Sabater said in Spanish. “It's true I can't speak English very well, but still, they're discriminating against us. ... It's not just.”

Two other students featured in last April's *Democrat and Chronicle* report, Juan Carlos Collado and Haydee Lopez, are now attending school at BOCES; both are happy with their current placements, though Lopez's parents say the district is not providing appropriate transportation for their daughter, who uses a wheelchair.

Federal law prohibits the district or BOCES from discussing individual students' educational or medical records. In Keilanies case, Sabater said school staff told her they had no indication her daughter ever had a seizure in school.

Several dozen Puerto Rican families have been insisting more loudly on their children's rights in the last few years under the leadership of advocate Ana Casserly. They have also coordinated with the Empire Justice Center, as well as the Rochester social justice agency Metro Justice.

“Yes, we have made some small steps,” Casserly said. “But if we fix one child's life, what happens to the other 45 I represent? ... Parents still have to fight for every penny and every need.”

Empire Justice Center represents more than 100 families a year on special education problems in Rochester. Attorney Bryan Hetherington said he believes many of the language access issues have improved over the last year.

At the same time, he suggested Suriano and other top-level district officials may be too far removed from the classroom to appreciate the severity of the problems that remain, either with English- or Spanish-speaking students.

“The district leaders assume all the services on an IEP are being delivered unless someone raises their hand and says, ‘This kid isn't getting services,’ ” he said. “That's what they used to do with attendance. It wasn't highly reliable. ... We discovered that when you drilled down, the senior managers rarely knew about the depth of the problems.”

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Gloria Sabater with her daughter Keilanies Medina, 8.

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