



Center for Children's Advocacy

Improving the Lives of Connecticut's Most Vulnerable Children

KidsCounsel®

Newsletter for Connecticut Attorneys and Child Advocates

March 2011

Center's Sunshine in February Event Honors 2011 Champion of Children Award Winners

On February 10, CCA held its first awards reception for Fairfield County, welcoming members of the legal and child welfare community, friends and family to Trump Parc, Stamford for a wonderful evening of celebration. CCA Executive Director Martha Stone announced a new matching grant received by CCA for our work with children and youth in Fairfield County. For information about this opportunity, email bberk@kidscounsel.org.

CCA Executive Director Martha Stone, with winners of the Center's 2011 Champion of Children awards: Shari Shapiro, Executive Director, Kids in Crisis, Greenwich; Emily Tow Jackson, Executive Director, and Leonard Tow, Founder, The Tow Foundation, New Canaan.

For event photos, go to www.kidscounsel.org/Stamford%20Event%20Photos%202011.pdf



DCF Commissioner Katz presents at CCA's February KidsCounsel Seminar



Newly-appointed DCF Commissioner Joette Katz spoke to child welfare professionals from locations throughout the state, offering her thoughts on necessary changes to the structure and response of the Department of Children and Families.

For the archive of KidsCounsel Seminars, including videotaped presentations and resource materials, go to http://www.kidscounsel.org/training_connecticutarchives.htm

CCA Executive Director Named to DCF Transition Team

Commissioner Katz has established a Transition Team to help set and implement her priorities. CCA's Executive Director, Martha Stone, was named to the Team in January, shortly after Commissioner Katz took office. Other members of the Team include Jeanne Milstein, Office of Child Advocate; Steven Grant, Court Support Services Division; Michael Williams, DCF Area Director; Cathy Holahan, CT Legal Services; Dr. Kenneth Robson, Institute of Living; Raymond Torres, Casey Family Services; Dr. Galo Rodriguez, Village for Families and Children; Dr. Nina Livingston, Ct. Children's Medical Center; Dr. Darcy Lowell, Child First; Jim Battaglio; Kimberley Fontaine, foster parent; Rev. Bonita Grubbs, Christian Community Action; Molly Cole, UCHC.

Leo, a seven year old boy, struggles to cope.



Leo is talking about killing himself. His father died this year and at just seven years old, Leo feels the trouble and sadness that surround his family each day.

Leo's mother is struggling. She has three young children to care for - and she is completely on her own. Leo's youngest brother was born with health problems that require frequent medical appointments and hospitalizations. The middle brother has mental health issues that require his mother's constant supervision.

Leo feels alone. His father is gone; his mother often does not have the capacity to devote the time and attention a young boy needs. He is bullied at school and he cries a lot. He is often not clean and his classmates tease him. Despite his young age, Leo has been hospitalized for depression and mental health issues.

The Center for Children's Advocacy was appointed by the court to represent Leo when DCF received a report of neglect from Leo's school. Recently, Leo was hospitalized again for suicidal thoughts. He was about to be discharged and sent back to his home without adequate community support services in place for him or for his family.

Connecticut has a long waiting list for outpatient mental health services for children whose families speak languages other than English. How would Leo's depression progress? Who would work with him and talk with him and care for him? How would he get to school and who would look out for him when he got there? Who could communicate with Leo's mother - whose primary language is Spanish - to help her understand Leo's needs?

CCA intervened immediately, placing an emergency call to administrators of one of Connecticut's outpatient mental health services. The Center is fortunate to have relationships with the agencies that provide services for Connecticut's most vulnerable and needy children, and we were able to secure ICAPS (community-based therapy and intervention) with a Spanish-speaking worker immediately upon Leo's discharge.

Leo's family lives near his school, but with two younger children to care for his mother can't walk with him each day. He is too young and too vulnerable to walk alone. CCA called the Department of Children and Families to help Leo's mother secure a bus pass for him. When they turned us down, we got a court order to secure the pass.

We worked with the school to have Leo tested, and represented him at a PPT to address his educational needs.

Leo's life is still hard - but he is doing better. We're in touch with the family often, keeping up with Leo's progress and making sure his mother gets him to appointments. Leo is feeling a little better about school, receiving academic support services and talking with teachers and school aides when he feels alone and overwhelmed.

The issues that Leo faces are not unique.

There is a shortage of outpatient mental health clinicians who speak languages other than English. Children from families who speak other languages wait even longer for therapeutic support services. The Center is advocating with the Department of Children and Families to resolve this.

CCA's Executive Director was appointed to the DCF Commissioner's transition team, and is emphasizing the need for attention to issues that are critical to the well-being of Connecticut's poorest and most vulnerable children. This is a telling example of the Center's advocacy on behalf of an individual child; this example informs our systemic advocacy on behalf of hundreds of children throughout the state.

CCA Introduces Important 2011 Legislation to Protect Connecticut's Children

Child Welfare

SB 981: Prevent Institutional Placements of Young Children

Connecticut continues to place abused and neglected children under the age of six in group care facilities, despite widespread agreement that these placements are developmentally harmful to young children. This legislation would prevent placement of children under age six in group care facilities.

HB 6336: Increase Kinship Care for Abused and Neglected Children

Placing an abused or neglected child with relatives can greatly ease the trauma a child suffers when removed from home. Connecticut's kinship care rate lags far below the national average. Legislation would require examination of barriers.

HB 6340: Eliminate Placement of Children in Out-of-State Facilities

Each year, Connecticut places hundreds of abused and neglected children in out-of-state institutions. Isolated from family and friends, these children are segregated from the support of their communities - and cost the state millions of dollars each year.

Homeless Youth

HB 1045: Allow Homeless Youth and Emancipated Minors to Access their Birth Certificates

Connecticut law does not allow a minor to get a copy of his/her birth certificate without a parent/guardian or attorney. Homeless or emancipated youth need access to their birth certificates to seek employment or necessary benefits.

HB 1044: Require Law Enforcement to Report Youth Arrested for Prostitution to DCF

Within 48 hours of leaving home, one in three youth are lured into prostitution (domestic minor sex trafficking). Law enforcement is the most likely entity to come into contact with these victims and DCF is best suited to provide help.

Sheff

HB 6385: Implementation of Budget Recommendations Concerning Education

Require districts in the Sheff region to accept Open Choice students; provide incentive money to districts who accept these students; authorize the Commissioner of the State Department of Education to mandate participation by suburban districts.

Health

HB 5959: Prevent Utility Termination for Households with a Child Under 24 Months Old

Research shows that very young children are at medical risk if they live in homes without heat. They have higher rates of hospitalization, more respiratory infections, and increased rates of burns from boiled water used for bathing.

Juvenile Justice

HB 6325 and SB 846: Improve Educational Transition for Youth Returning from Juvenile Justice Placements

Youth released from the juvenile or criminal justice system face numerous barriers to successful return to school and community. This legislation addresses the refusal of school districts to promptly enroll students upon their return, and credits students for instruction completed while in juvenile justice placements.

HB 5108: Reducing Racial Discrimination in the Juvenile Justice System

Black and Latino youth charged with serious juvenile offenses are almost twice as likely as white youth to be sent to detention, making them less likely to complete high school, more likely to be unemployed, and more likely for future juvenile or criminal justice involvement..

Reduce School-Based Arrests

CCA is working with legislators and community partners to reduce school-based arrests. This bill would require public reporting of school-based arrest rates, disaggregated by race and disability status.

HB 6499: Mandate Truancy Filing

Schools often fail to file a Family with Service Needs (FWSN) petition until a student has many more absences than those required to define a student as truant. By mandating that schools file within 30 days, truant students will benefit from more immediate access to services.

For status and more information on pending legislation, go to http://www.kidscounsel.org/legislative_state_SigPending.htm

Attorney Edwin Colon Joins CCA



Edwin Colon recently joined the Center for Children's Advocacy, working with CCA's TeamChild Juvenile Justice Project and Teen Legal Advocacy Clinic.

Attorney Colon advocates in the Hartford public schools on behalf of youth

who are involved in the juvenile justice system and works with CCA's teen legal clients in Fairfield County, helping to resolve legal issues that prevent academic success.

Prior to joining CCA, Edwin was in private practice. He holds a JD from University of Connecticut School of Law, and a MSW from University of Connecticut School of Social Work. He has worked with the Annie E. Casey Foundation and Casey Family Services, providing support for individuals and families involved with the foster care system; and with the Department of Children and Families as an Investigations and Treatment Social Worker on child abuse investigations. Attorney Colon has held faculty positions at the University of Connecticut School of Social Work and at Capital Community College, Hartford.



CCA Attorney Sarah Eagan named to Connecticut Magazine's 40 Under 40

Sarah Eagan, Director of the Center's Child Abuse Project, was named to Connecticut Magazine's 40 Under 40 - the next generation of leaders. Read more at <http://www.kidscounsel.org/news.htm>



Save the Date
Spring for Kids!

**Center for Children's Advocacy
Champion of Children Awards
Reception and Silent Auction**

April 28
Braza, Hartford

Teen Makes Very Generous Donation to Center for Children's Advocacy



Athena and Alex Loukellis visited with Martha Stone to make a very generous contribution to the Center for Children's Advocacy.

Alex recently celebrated his 16th birthday. He invited his friends to celebrate with him, but asked that, rather than gifts, they make a donation to the Center. Alex presented CCA with a donation of \$2000!

Thank you, Alex. You are a hero to the abused and neglected children we represent each day.

The Educational Rights of English Language Learners

(Limited English Proficient - LEP)

Written by: Stacey Violante Cote, Esq, MSW

Director, CCA Teen Legal Advocacy Clinic; Principal Attorney, Immigrants and Refugees New Arrivals Advocacy Project

Access to education for English Language Learners (ELLs) is governed by both state and federal law. The protections provided can be technical and confusing, but they provide a framework for aggressive advocacy to assist ELL students.

Connecticut Law

Connecticut has a statutory scheme that recognizes English as the medium of instruction and also allows school districts to establish a bilingual/bicultural program of study (CGS § 10-17 et seq). Every Board of Education is required to annually report the number of students whose dominant language is other than English and those who are not proficient in English (CGS. § 10-17f). These numbers are used to determine school districts' responsibilities to ELL students under state law. Here's how it works:

- Where a school has 20 or more students who are dominant in any one language other than English, the school district is required to provide native language support (bilingual programming) the following school year (CGS § 10-17f(b)). So, if a school is currently required to provide native language instruction in Karen (West Middle School, Hartford) or Creole-Haitian (Bassick High School, Bridgeport), this determination comes from the previous year's enrollment numbers.
- Bilingual or native language instruction is limited by statute to 30 months (CGS § 10-17f(d)).
- Parents can opt-out of bilingual programming by signing a document at the school (CGS § 10-17f(e)).
- Bilingual programming provides for the continuous increase in the use of English and corresponding decrease in the use of the native language support within each year and annually (CGS § 10-17e(2)).
- If a student does not meet English mastery standard at the end of 30 months, the school district is required to provide language transition support services (LTSS) to the student. These can include English as a second language programs (which use only English as the instructional language), sheltered English programs, English immersion programs, tutoring and homework assistance (CGS § 10-17f(d)).
- Students in bilingual programs must be assessed annually to determine progress made toward meeting English mastery (CGS § 10-17f(c)).
- Connecticut uses the Language Assessment Scales (LAS Links) to determine bilingual students' progress toward English mastery.

Federal Protections

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin, in any of their activities. Title VI, 42 U.S.C. §2000(d) provides:

No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

The term "program or activity" is broadly defined and includes programs and services offered by public schools (42 U.S.C. §2000d-4a). These provisions have been interpreted to require that school districts ensure that persons with limited-English proficiency are not excluded, because of a language barrier, from effective participation in the district's program and services (Lau v. Nichols, 414 U.S. 563 (1974); Castaneda v. Pickard, 648 F.2d 989 (5th Cir. 1981)).

This obligation includes the duty to provide an effective alternative language program to students not yet able to participate effectively in the regular instructional program (Castaneda; OCR Memorandum of December 3, 1985). A school district must also ensure that information provided to LEP students is supplied in a language and mode of communication that they understand (Ibid). In a September 1991 memorandum, the then-Assistant Secretary for Civil Rights stated that schools have an obligation to comply with "the regulation implementing Title VI of the Civil Rights Act of 1964 to provide any alternative language programs necessary to ensure that national origin minority students with limited-English proficiency (LEP students) have meaningful access to the schools' programs."

What does this mean for your ELL or LEP clients?

Students in Connecticut whose parents don't opt out of bilingual programming, and who are in a state mandated bilingual school in their dominant language, are entitled to 30 months of native language support. It is important to find out what the native language support is for the student and where s/he is in his/her 30 months. Additionally, it is important to get the student's LAS scores on an annual basis in order to determine progress in meeting the English mastery standard and to determine what the appropriate supports might be.

ELL students who are not in a mandated bilingual school are entitled to support in order to have meaningful access to the curriculum,

but not necessarily native language support. This can take various forms, including ESL classes, curriculum modifications, tutoring, and summer programming. A good resource for more information about supports for ELL students is the Center for Applied Linguistics (www.cal.org).

Connecticut Resources

For a list of the schools required to provide bilingual programming, go to http://www.kidscounsel.org/legalresources_teenrights.htm.

In Connecticut, the Department of Education's ELL/Bilingual Consultant is Marie Salazar Glowski. Her contact information, as well as information about educating ELLs, can be found at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2618&q=320822>.

Federal Resources

The U.S. Department of Education's Office for Civil Rights (OCR) ensures equal access to education through enforcement of federal civil rights laws on behalf of ELL students. Information about OCR, its compliance reviews of school districts, and Know Your Rights materials can be found at <http://www2.ed.gov/about/offices/list/ocr/index.html>.

Bridgeport Truancy Court Prevention Project

Written by: Kathryn Meyer, Esq.

Equal Justice Works Fellow, CCA Educational Success Project

Thanks to a partnership between Child and Family Guidance Center (formerly Greater Bridgeport Child Guidance Center), Bridgeport Public Schools, the Judicial Department, and the Center for Children's Advocacy (CCA), CCA has started a new truancy court prevention project (TCPP) at Jettie S. Tisdale School in Bridgeport, CT. The project is modeled after the Hartford TCPP, which is a joint effort between CREC, the Village for Children and Families, Hartford Public Schools, the Judicial Department, and CCA.

The TCPP intervenes with students who are at risk of being faced with a Families with Service Needs (FWSN) petition in Juvenile Court, based on their truant behavior. In Bridgeport, Child and Family Guidance provides a volunteer case manager, Javier Soegaard, who monitors the students' attendance and academic achievement, while also connecting students to pro-social extracurricular and community activities. CCA provides legal advocacy to help students become more successful at school and at home: for example, a student may be truant because of bullying at school, special education issues, or problems with a guardian at home. Judge Carol Wolven, from Bridgeport Juvenile Court, conducts bimonthly "court sessions" at the school to monitor students' progress on various goals. These sessions provide a measure of formality to the process (though they are not legally binding), and at the same time, allow the judge to interact with students who are in need of her mentoring and guidance, hopefully preventing the need for them to appear before her on the bench.

During the past four months, each student in the Bridgeport TCPP has been set up with an afterschool program that is best suited to his or her interests and connected with appropriate tutoring programs. We have advocated for special education and school discipline rights within the school setting, and conduct bimonthly court sessions with Judge Wolven. The students are enthusiastic about their participation, and have developed productive relationships with their case manager and with each other.

TCPP staff plan to take the students to tour a local college campus in the spring to help them set their goals on higher learning. The students are motivated by incentive trips, and are eager to progress sufficiently enough to be included.

The administration at Jettie S. Tisdale has been extremely cooperative, providing room space for the program, facilitating selection of students, and offering options for activities for students after the school day at Tisdale. Case Manager Javier Soegaard, who has been very successful in his efforts with the kids, was recently awarded the the City of Bridgeport JFK Legacy Award for his dedicated volunteer work with the TCPP.

We look forward to enrolling more students as these students progress to the "aftercare" program, which involves a lower level of monitoring after students' main goals have been achieved.