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EDUCATION

Success Academy school chain comes under fire as parents fight 'zero tolerance' disciplinary policy



The charter school chain Success Academy is being criticized for its high suspension rate, as parents complain that special-needs kids are pushed out and students are being denied due process.

NEW YORK DAILY NEWS

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BRYAN PACE FOR NEW YORK DAILY NEWS

Patrice Joseph withdrew her son Keith (r.) and daughter from Harlem Success Academy 4 after repeatedly butting heads with school.

Success Academy, the charter school chain that boasts sky-high student scores on annual state tests, has for years used a "zero tolerance" disciplinary policy to suspend, push out, discharge or demote the very pupils who might lower those scores — children with special needs or behavior problems.

State records and interviews with two dozen parents of Success elementary school pupils indicate the fast-growing network has failed at times to adhere to federal and state laws in disciplining special-education students.

At Harlem Success 1, the oldest school in the network, 22% of pupils got suspended at least once during the 2010-11 school year, state records show. That's far above the 3% average for regular elementary schools in its school district.

Four other Success schools — the only others in the network to report figures for 2010-11 — had an average 14% suspension rate.

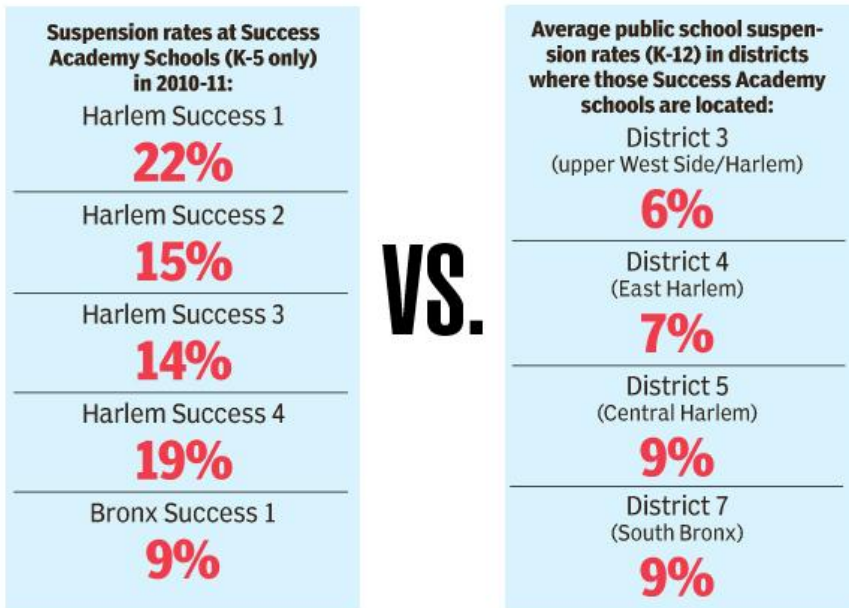
Success Academy chief Eva Moskowitz recently defended her network's "higher than average" suspension rates compared with public schools as a way to promote "order and civility in the classroom." And this week, the Eli Broad Foundation announced a \$5 million grant to Moskowitz to help expand her network from 20 to more than 100 schools.

Those schools outperform city schools on state tests: This year, 82% of the network's students met standards in math and 58% met standards in English, compared with just less than 30% who were proficient in math and 26% in English citywide.

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But The News found a disturbing number of suspension cases where the network's administrators removed special-education pupils from normal classrooms for weeks and even months, while at the same time pressuring their parents to transfer them to regular public schools.

CLAMPDOWN BY CHARTERS



The State Department of Education released these figures.

Take, for example, Idiatou Diallo of Tremont, the Bronx, and her three children.

Her boy, Alhassana, and two girls, Houssainatou and Hassanatou, triplets who are now 8, were born

premature, suffer from chronic illness and need speech and physical therapy. All three were admitted to Bronx Success 1 last August for first grade — having commuted to Bedford-Stuyvesant Success 1 for all of kindergarten after Success officials told their mother there were no available seats in their home borough.

“Right away, the school started calling me, telling me my children were having a tough time and misbehaving,” Diallo said. “They threatened they’d kick them out of school if I didn’t transfer them.”

Alhassana and Houssainatou were repeatedly slapped with suspensions for violating school rules, despite having detailed individual education plans that instructed teachers on managing their anger outbursts.

On Nov. 27, Alhassana got a two-day suspension for “purposely walking with his eyes closed and hurting another scholar.”

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In March, he got a 15-day suspension for “stomping on a teacher’s hand” and “throwing the teacher’s cell phone to the ground.”

His sister Houssainatou was only permitted to attend school for half a day for more than two months because of her behavior problems, her mother said.



SAM COSTANZA FOR NEW YORK DAILY NEWS

Success Academy schools boast high student scores on annual state tests.

"That was an illegal act of exclusion without any due process," said Nelson Mar, an attorney from Bronx Legal Services, who filed formal complaints to the school on behalf of the children.

Federal law requires schools that suspend a special-education pupil for more than 10 days to seek an impartial hearing on whether the child's behavior is related to his disability.

Success officials deny improper treatment of any pupils.

"We have no such policies and have no practice of 'counseling out,'" network spokeswoman Jenny Sedlis said last month.

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After Mar secured an impartial hearing this spring with the Department of Education, individual paraprofessionals were assigned to both Alhassana and Houssainatou during the school day. Their

suspensions dropped dramatically and their academic performance has improved.

But Patrice Joseph, another parent of a special-education child, was not so successful. She withdrew her son Keith and daughter Naomi last week from Harlem Success 4.

"I'm tired of all the fighting," Joseph said this week.



MARIELA LOMBARD FOR NEW YORK DAILY NEWS

Success Academy chief Eva Moskowitz defended the chain's 'higher than average' suspension rates as a way to promote 'order and civility in the classroom.'

Keith, 10, who suffers from attention deficit disorder, started first grade at Success 4 in August 2008.

"They were constantly calling me because he wasn't sitting up straight or because he was throwing a tantrum, and they wanted me to transfer him out," Joseph said.

In mid-2010, Joseph challenged the school's failure to provide her son needed services. She won a settlement that required that a paraprofessional be regularly assigned to him. That November, both Keith and Naomi, a kindergartner, were suddenly discharged from the school.

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"They never even gave me written notice they were no longer enrolled," Joseph said.

She got lawyer Mar involved, and the school quickly reinstated the children. That spring, Joseph was told Keith would have to repeat the second grade. Then, this past May, as he was finishing fourth grade, she was told he would have to repeat that grade, too.

"My son doesn't want to go there anymore," Joseph said.

Similar harrowing accounts have come from parents at a half dozen different Success schools, including claims that suspended children are not provided state-required alternative instruction.

"We abide by all federal and state law requirements that pertain to alternative instruction," Sedlis said.

But in a review issued this spring on the progress of Harlem Success 2, 3 and 4, prior to granting those schools a five-year renewal of their charters, the State University of New York's Charter Institute noted failings in student suspension policies.

"It was unclear that live instruction was consistently provided in accordance with New York's compulsory education law," the review said.

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