

October 2024 Mission Moments: Protecting Student Rights



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Education Law Program: Protecting Student Rights

Patrick* is a 12-year-old middle school student in foster care. He has an extensive trauma history including physical abuse, and is diagnosed with Posttraumatic Stress Disorder and Attention-Deficit/Hyperactivity Disorder. His middle school is aware of his disabilities, and he has an Individualized Education Program (IEP) that provides him with supports and services for his math and behavioral needs. One of his trauma triggers includes being touched.

During the very first week of school, Patrick's teacher called the principal because Patrick had not completed some school work. When the principal entered the classroom, he touched Patrick's arm, and asked him to come into the hallway. Patrick told the principal not to touch him and got up from his seat to walk away. The principal followed Patrick and grabbed him from behind. Patrick tried to get away by crawling under a nearby desk, but the principal pulled him out from under the desk and wrestled him to the ground. Patrick was left with scratch marks on his neck and crying inconsolably. Patrick was suspended out-of-school for ten days, and the principal recommended that he be reassigned to the District's alternative school for the remainder of the school year—a **significant disciplinary punishment**.

Patrick's foster parent turned to Council for Children's Rights (CFCR) for support. She expressed significant concerns with how the school handled the situation, especially since the school knew his trauma history and chose to lay hands on him anyway. The foster parent requested that CFCR's **Education Law Program** help the Child and Family Team prevent Patrick's reassignment to the District's alternative school.

Attorneys from the **Education Law Program** prepared Patrick's Child and Family Team for a Manifestation Determination Review (MDR). MDR meetings are **critical** to ensuring students with disabilities are **not unfairly disciplined for behaviors that are substantially related to or a direct result of their disabilities**. A district is required to conduct an MDR meeting when it is recommending a removal of more than ten cumulative days in one school year. If the conduct causing the removal is found to be a manifestation of the student's disability, the disciplinary removal must cease immediately.

With the Education Law Program's assistance, the Child and Family Team, including Patrick's DSS social worker, Guardian ad Litem volunteer and supervisor, and foster parent, attended the MDR meeting fully prepared to advocate for Patrick and explain how Patrick's behavior was substantially related to his disability. They connected the dots from the principal's physical engagement to Patrick's "flight or fight" trauma response in that moment. The IEP team agreed and determined that the behavior was a manifestation of Patrick's disability. Patrick was allowed to immediately return to school, ending his suspension and preventing his reassignment to the alternative school.

*Names have been changed to protect confidentiality

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Volunteer Spotlight:

Timika Shafeek-Horton

Council for Children's Rights is a cohort of the **Charlotte Triage Pro Bono Partnership** to expand access to legal representation for students with disabilities. Through this partnership, Timika Shafeek-Horton, a VP at Duke Energy and CFCR pro bono attorney, represented a ten-year-old client who was struggling in school due to his disabilities.

The student's charter school violated federal special education law when it failed to initiate special education evaluations for the student despite multiple data sources indicating a suspected disability. To address these violations, Ms. Shafeek-Horton drafted and filed a state complaint with the North Carolina Department of Public Instruction.

In August 2024, the North Carolina Department of Public Instruction found in favor of the student and determined that the school had violated multiple provisions of the federal special education law, failing to provide the student with a free, appropriate public education.

The North Carolina Department of Public Instruction ordered the charter school to provide corrective action to remedy these violations, which included not only individual remedies to ensure the student had access to a free, appropriate public education but also created systemic remedies, such as staff training and policy and procedure revisions.

We are so grateful to Ms. Shafeek-Horton for her diligent work in supporting this student in obtaining the education he deserves!



Volunteer Testimonial

"Duke Energy's legal department has a long standing commitment to pro bono work and the Charlotte Triage Pro Bono Project. I am pleased to have been a part of the excellent work CFCR does for children in our community and I thank CFCR's Dan Brown who served as a mentor and partner as I managed my first case."

Timika Shafeek-Horton

Donate to Council!

Council Changemakers

This month we are excited to spotlight our Director of Advocacy, Shamira Wright!

**SHAMIRA
WRIGHT**

Director of Advocacy



What led you to Council and how long have you been here? CFCR and I have had a long standing relationship. I volunteered with CFCR while I was in grad school at UNC Charlotte in 2018. That volunteer experience led me to becoming a member of the CFCR Young Ambassadors Group before it was discontinued when the pandemic started.

Tell us about your role here: My role at CFCR is simple, effective advocacy while centering lived experience and bringing the community voice into the work that we do. My motto: Children First, Family Always! I get to use my voice and leadership skills to advocate for the needs of the children and family to create better communities. It starts with kids then grows into families. Families turn into communities- Communities create cities, those cities create counties, those counties create states- States create nations, and nations create the world. It all starts with the kiddos.

What inspires you about Council? The hope of change. CFCR brings about a hope that children will always be prioritized and have a safe place to land, build social capital, and become whatever their hearts desire. Holistic Defense is Key!

What do you wish people knew about Council? I have always said that the Council is one of Charlotte's best kept secrets and it shouldn't be. The Council has helped thousands of kids all over the state. No other county in NC does what we do. I want law makers, elected officials, corporate partners, and community members to join us so we can scale this model and prioritize the rights of children in NC!

Where are you from or where did you grow up? I am a proud Southern girl and everything that it entails. I am from High Point, NC, and the descendants of Albert Daniel and Janie Mae who raised chickens, children, grandchildren, and great grandchildren even if they weren't related to them. I am product of a great public education school system and proud Graduate of Winston Salem State University! The Blacker the college, the sweeter the knowledge! I love HBCU's!

Outside of work, how do you like to spend your time? I like to spend my time cooking for people I love, tending to my plants, and being an Aunt to seven nephews and two nieces. The youngest of which is Micah, he's three years old and my best friend in the entire world. He calls me every day to remind me!

Get Involved with Council

Spread the Word: Please help us share our mission with your friends and family by forwarding them this newsletter. We are also looking for community members and philanthropists to help accelerate our fundraising efforts. If you're interested in learning how you can get involved, email advancement@cfcrights.org.

Volunteer: We have [multiple opportunities to volunteer](#), most notably with our Custody Advocacy Program (CAP). You do not need to be a lawyer or have legal experience to volunteer. Email volunteer@cfcrights.org for more information.

Give: You can [donate online](#) or by sending a check to: ATTN: Council for Children's Rights, 601 East 5th Street, Suite 450, Charlotte, NC 28202. Email advancement@cfcrights.org with any questions and to learn more.



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