

Special Education Advocacy

Children in foster care tend to be more likely to need special education supports and services and as such, may have specialized plans such as a 504, Individualized Education Program, and/or Behavior Intervention Plan. Frequent school setting changes require timely advocacy for students with special education needs.

Students with Learning Disabilities (IEP Plans)

To qualify for special education and related services under one of the 13 eligibility categories of the IDEA (except for speech and language), the student must have a disability that adversely affects the student's educational performance. Students with an Individualized Education Program (IEP) under IDEA are required to receive individualized modifications and accommodations that enable the student to receive a Free and Appropriate Public Education (FAPE) in the least restrictive environment. Parental involvement is critical at each stage of the process.

If there is no IEP, has the student been evaluated in all areas of suspected disability? Or, if there is an IEP, has the student been re-evaluated after three years?

Has an educational surrogate been requested and/or appointed? (CASA may serve in this role.)

Should an Independent Education Evaluation (IEE) be conducted?

Has the IEP been reviewed or updated in the most recent 12 months or more often if necessary?

Is the student educated in the least restrictive environment?

If the student is in a new school, has the IEP been provided and/or reviewed?

At an IEP meeting, has information specific to the student's needs and/or requests been provided and have necessary supports (i.e. tutoring) been advocated for?

Are there any questions for the student, teacher, or caregiver specific to the provided supports?

Are the provided services resulting in educational progress consistent with the student's abilities?

Has the relevant information been shared with the court?

For general education advocacy tips, see the *Education Advocacy Quick-Reference Topical Guide*.

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Students with Mental and Physical Impairments (504 Plans)

Section 504 of the Rehabilitation Act of 1973 allows students with a physical or mental impairment that substantially limits a major life activity (including learning) to have a plan stipulating accommodations the school will make for a student to participate at the same academic level as his peers.

Is the student in the least restrictive environment?

Has the 504 plan been reviewed in the past 12 months or more often if needed?

If the student is in a new school placement, does the school have a copy and has it been reviewed?

What accommodations are provided? Are all teachers aware and attentive?

How have the accommodations assisted the student?

Has the student/caregiver encountered any barriers to accessing or using accommodations?

Students with Behavior Related Needs (BIP)

A Behavior Intervention Plan (BIP) is a plan designed to prevent unwanted behaviors before they occur and can be created for all students.

For a student identified under IDEA, has a functional behavior assessment been conducted?

What specific triggers have been identified?

Does the plan address these behaviors?

Has the school/teacher/counselor incorporated Positive Behavior Intervention Strategies (PBIS)?

Students with Gifted Needs

Does the student exhibit extraordinary performance that should be tested for gifted services?

Does the student's current class schedule and placement provide advanced and/or gifted opportunities?

Are supports and services made available to the student?

