



Special Education Advocacy





Training Objectives

YOU WILL:

- **BETTER UNDERSTAND THE NEED FOR SPECIAL EDUCATION ADVOCACY**
- **UNDERSTAND THE STAGES OF THE SPECIAL EDUCATION PROCESS**
- **ACCESS RESOURCES AND SOURCES OF INFORMATION TO ASSIST IN THEIR EDUCATION ADVOCACY EFFORTS**
- **USE THE SPECIAL EDUCATION ADVOCACY QUICK REFERENCE GUIDE**
- **UNDERSTAND THE RIGHTS OF STUDENTS WITH SPECIFIED DISABILITIES DURING SCHOOL DISCIPLINARY PROCEDURES**

Effective Advocacy
is grounded in
research, planning, and preparation.

What Advocates Do.

- Gather Information
- Learn the Rules of the Game
 - Legal rights; entitlement to “appropriate” education, not always “best” education, nor an education that “maximizes the child’s potential”
- Plan and Prepare
- Keep Written Records
- Ask Questions, Listen to Answers (5 W’s + H + E)
- Identify Problems
- Proposed Solutions

Source: Wrightslaw, “From Emotions to Advocacy” 2nd Edition

Key Components of the CASA Volunteer Role

Information Gathering

Carry out an objective examination of the situation including relevant history, environment, relationships and needs of the child.

Facilitation

Identify appropriate resources and services for the child and family. In collaboration with your CASA supervisor, follow the referral procedure to initiate services and coordinate with partners and providers to expedite service delivery.

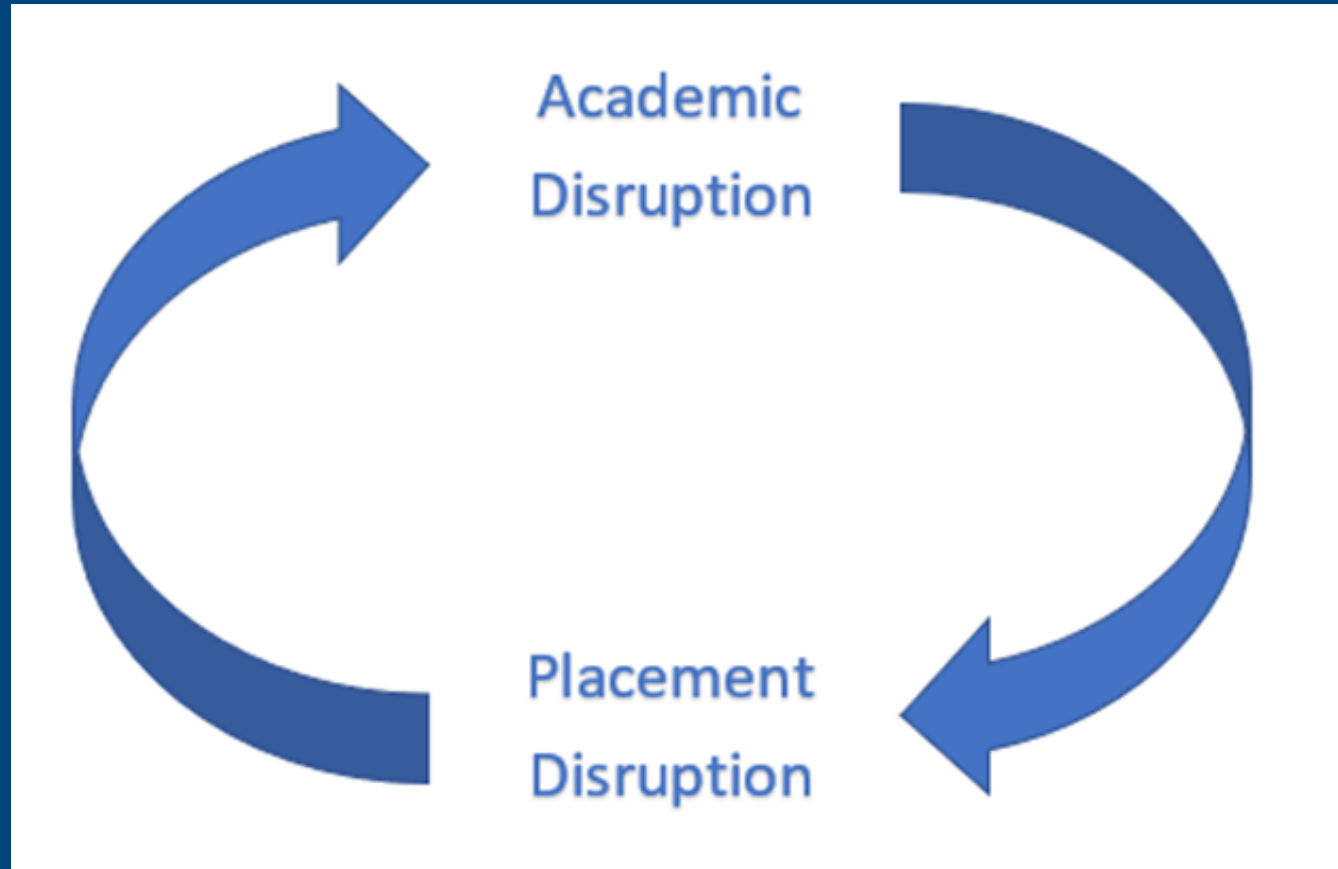
Advocacy

Speak up for the child by making fact-based recommendations regarding the child's best interest.

Monitoring

Track orders of the court and DFCS Case Plans regarding fulfillment of treatment and services for all parties. If parties fail to carry out plans, inform the court in collaboration with DFCS.

Why Education Advocacy?



CASA Education Advocacy Framework

- Advocate for all children in DFCS custody to have access and the ability to receive a free and appropriate public education.
- Work collaboratively with Case Managers, EPAC ESMs and LEAs/Schools to eliminate barriers that might otherwise prohibit a child in DFCS custody from participating in educational experiences in a manner similar to their peers who are not in care.
- Teach age-appropriate, self-advocacy skills and strategies so that children and youth can have an active voice in their own education.
- Provide Courts with necessary education information to make well-informed decisions on placement and services on behalf of children.



Multi-Tiered System of Supports (MTSS)



Multi-Tiered System of Supports (MTSS)

Framework that integrates assessment and intervention within a school-wide, multi-level prevention system to maximize student achievement and reduce behavioral problems.

It promotes systems alignment to increase efficiency and effectiveness of resources.

MTSS takes a proactive approach to identifying students with academic or behavioral needs. Early assessment and intervention for these students can help them catch up with their peers sooner.

The key components of MTSS include: universal screening of all students early in the school year, tiers of interventions that can be amplified in response to levels of need, ongoing data collection and continual assessment, schoolwide approach to expectations and supports, and parent involvement.

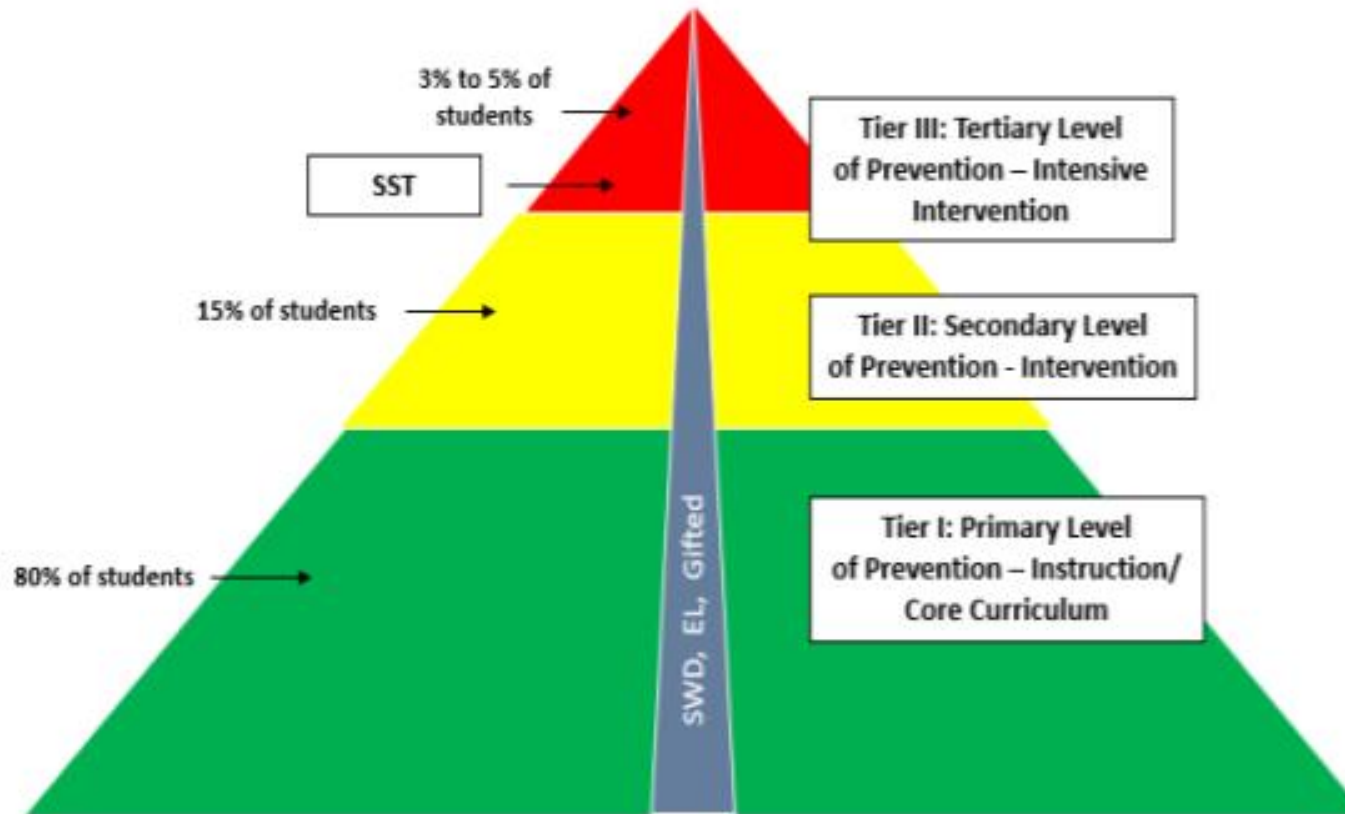
Multi-Tiered System of Supports (MTSS)



System of tiered interventions that is widely considered an umbrella framework that includes “whole child” data, responses, and growth (achievement as well as attendance, behavior, and social emotional), essentially combining the previously separate processes.

- Positive Behavioral Interventions and Supports
- Response to Intervention
- Student Support Team
- Student Mental Health
- Wrap Around Services

School-wide, Multi-level Prevention System



Students receive services at all levels, depending on need.

Child Find

(34 C.F.R. § 300.111; GEORGIA RULE 160-4-7-.03)

Each State must have policies and procedures to ensure that all children with disabilities, birth through age 21, residing in the State and who are in need of special education and related services, or early intervention services are identified, located, and evaluated.

For children, ages 3 through 21, the local education agencies (LEAs) in Georgia are responsible for identifying, locating, and evaluating all children within the jurisdiction of the LEA who are suspected of having disabilities that may result in a need for special education and related services

In Georgia, the Child Find Process for infants and toddlers with disabilities, birth to age 3, is coordinated through the Georgia Department of Public Health Early Intervention Program, Babies Can't Wait.

Educational Surrogate



Educational Surrogate

An educational surrogate parent is a person appointed by a local school system to assume parental rights under the special education regulations in order to protect the student's rights. The SSCM may not serve as an educational surrogate and is not able to sign IEP documents.

When appropriate, the birth parent may serve as the child's educational surrogate. DFCS will ensure that the foster parent or relative caregiver is aware of the benefits of serving as an educational surrogate to the child, and that the ongoing training required to serve as a surrogate parent is appropriate.

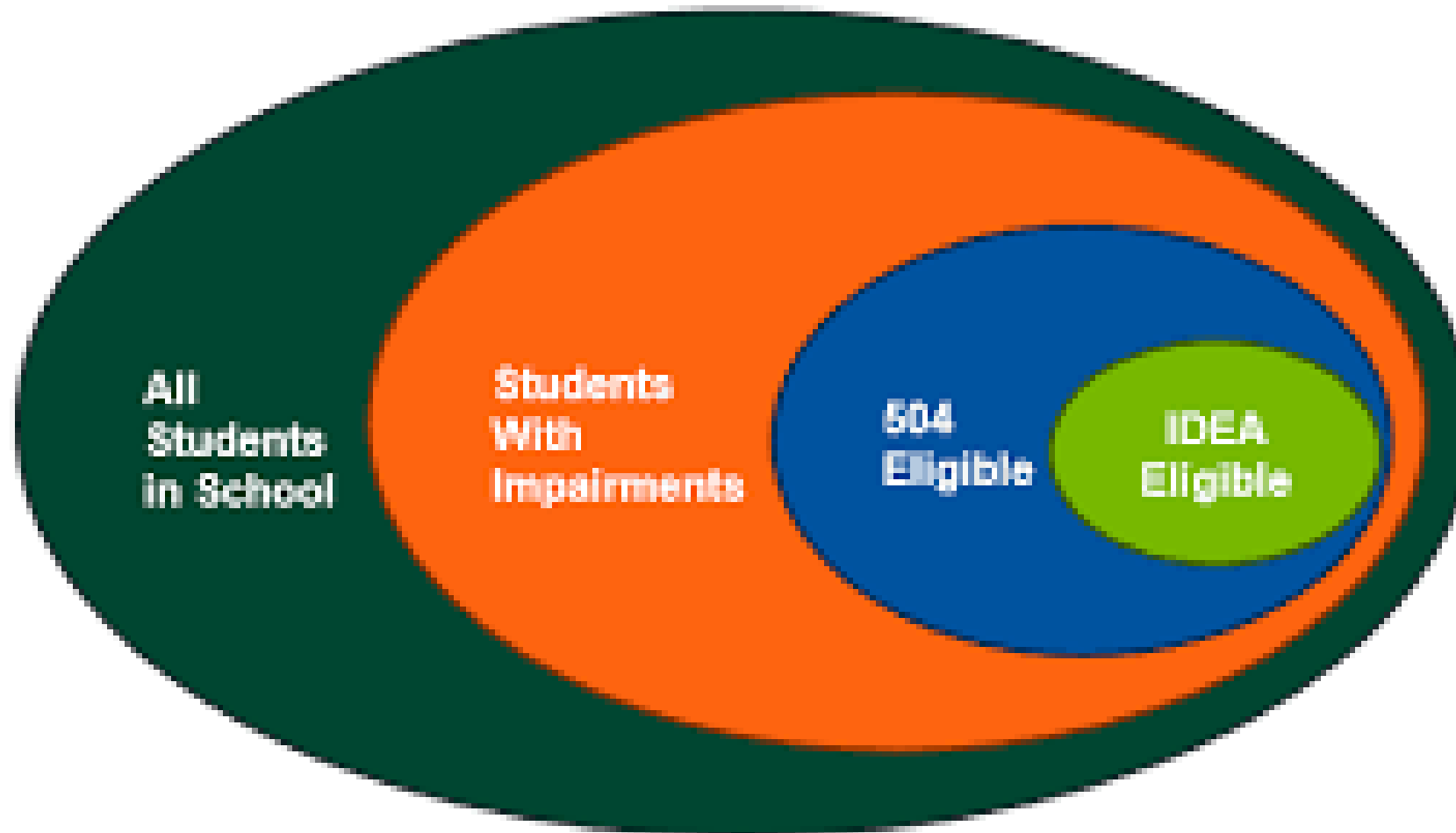
If the foster parent or relative caregiver is unwilling or unable to serve as the surrogate, a CASA volunteer, another foster parent, or a trained volunteer through the local school system may be asked to serve in this role, if the birth parent is not appropriate.



Special Education Supports & Services



Relationship Between Section 504 and IDEA





504 Plans

504 Plans

The "504" refers to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, which specifies that no one with a disability can be excluded from participating in federally funded programs or activities, including elementary, secondary or post-secondary schooling.

- Legally guarantees access to FAPE.
- "Disability" in this context refers to a "**physical or mental impairment** which substantially **limits one or more major life activities**." This can include physical impairments; illnesses or injuries; communicable diseases; chronic conditions like asthma, allergies, diabetes, and learning problems.
- No adverse education impact required for eligibility.
- A 504 plan specifies the modifications and accommodations that will be needed for these students to have an opportunity to perform at the same level as their peers.

504 Plans (cont'd)

Individualized, child-specific accommodations

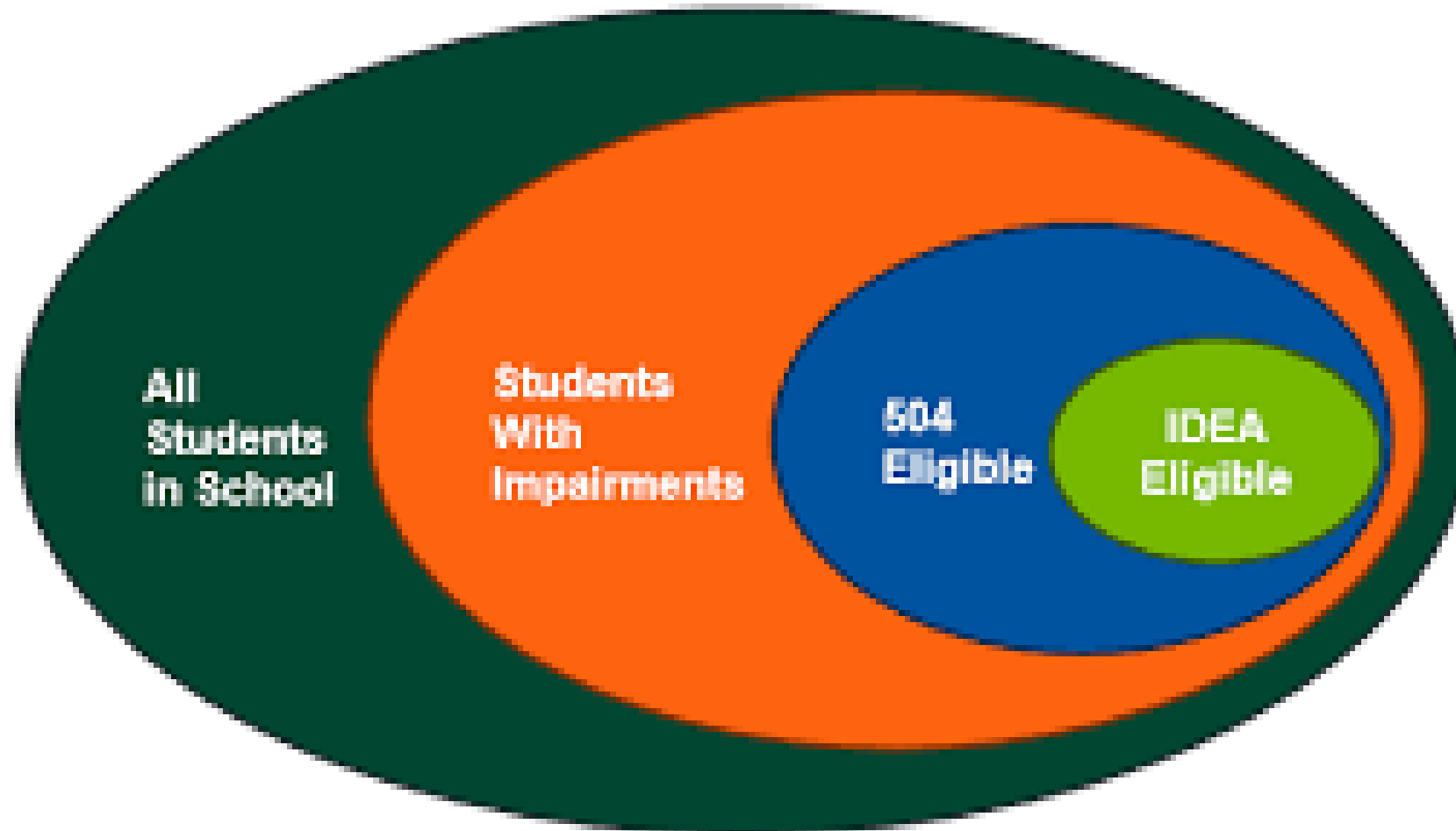
- Testing, physical classroom access, instructional access, and might include such things as wheelchair ramps, blood sugar monitoring, an extra set of textbooks, a peanut-free lunch environment, home instruction, or a tape recorder or keyboard for taking notes. and others.....

Minimal related services (i.e., OT, ST, PT)

Federally mandated

Transfers with the child

Relationship Between Section 504 and IDEA





Individualized Education Plan (IEP)

IEP Eligibility

A child with a disability is not automatically eligible for special education and related services under IDEA.

The key phrase is **“who needs special education and related services.”**

Does the child’s disability **“adversely affect educational performance”**?
Requires an “adverse to educational impact”

To be eligible for a free, appropriate public education under the IDEA, the child must meet both criteria.

Eligibility Categories - IEPs

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment (includes ADHD)
- Specific Learning Disability (includes dyslexia, dyscalculia, dysgraphia, and other learning differences)
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

*and as a result of that disability, he/she needs special education supports to make academic progress.

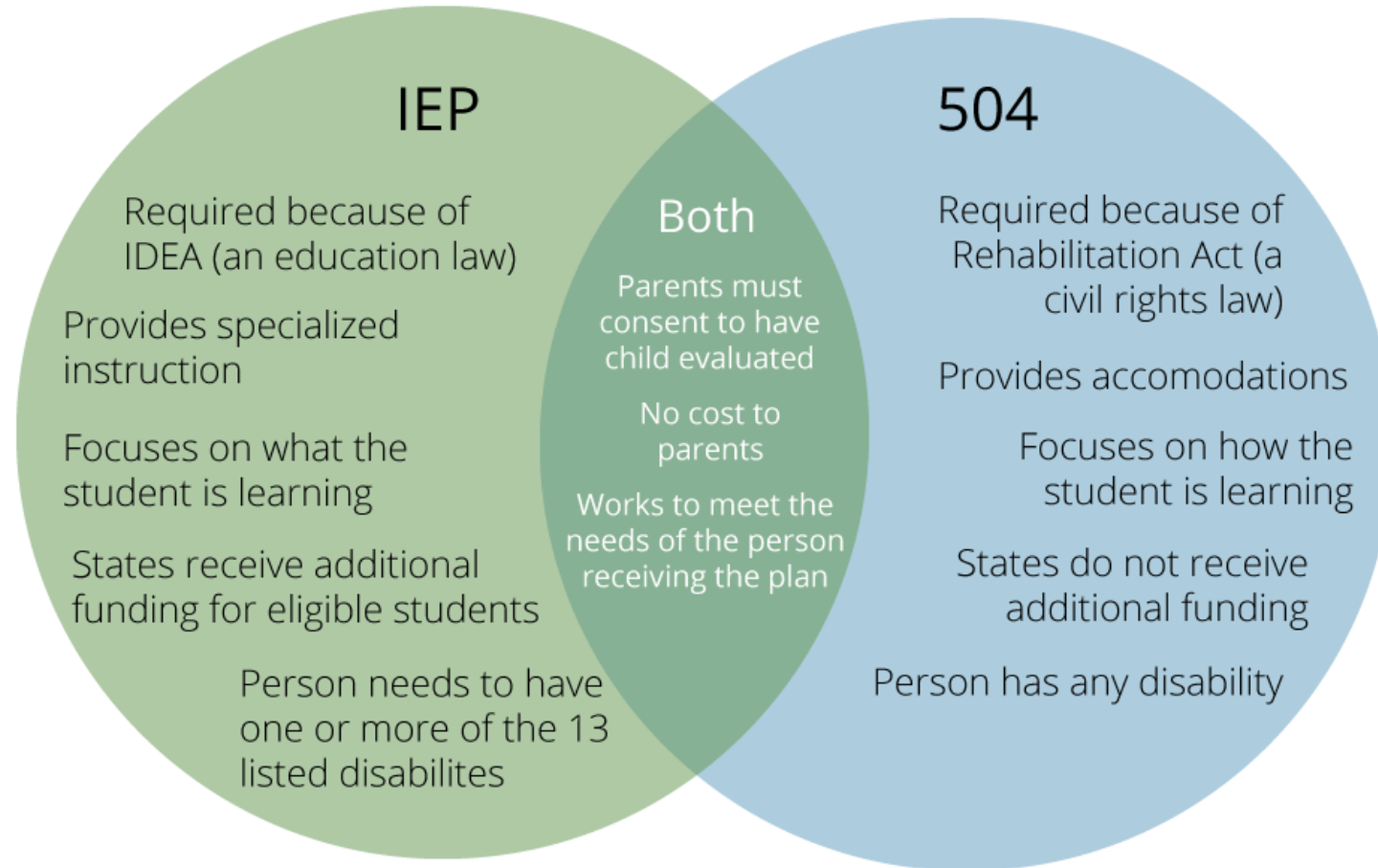
Individualized Education Program (IEP)

An IEP is a written plan designed to meet the unique educational needs of a child who may have a disability, as defined by federal regulations.

- Developed, reviewed, and revised at a **meeting of a team** that includes school officials and parents.
- Must be **tailored to the individual student's** needs as identified by the IEP evaluation process
- Should describe how the student **learns**, how the student best **demonstrates that learning**, and how teachers and service providers will **help the student learn more effectively**.
- **Consideration** should be given to the student's ability to access general curriculum, how the disability affects the student's learning, developing goals and objectives that correspond to the needs of the student, and ultimately choosing a placement in the least restrictive environment possible for the student.
- **Must be reviewed on an annual basis** and updated over the student's primary educational years (i.e., up to the point of high school graduation, or prior to the 22nd birthday) for as long as the child is eligible.

The requirements for development and implementation of an IEP are found at 34 CFR §§300.320 through 300.324.

IEP vs. 504 Plan





Exclusionary Factors

Exclusionary Factors

There are many exclusionary factors that must be considered for each disability.

A factor may be exclusionary for one disability, and not exclusionary for another disability.

An explanation grounded in the available data must be included as documentation.

Important to realize that classifying a child as a student with a disability is a decision that impacts a student for life. Any decisions made by a committee must be certain that all available supports have been provided to the student prior to determining disability.

If the exclusionary factor is determined to be a significant cause of the characteristics of the disability, then the student **SHOULD NOT** be found to be eligible for that disability.

Exclusionary Factor Examples

Lack of appropriate instruction in reading, math and written expression

Limited English Proficiency: It is very important to include an English Speakers of Other Languages (ESOL) staff member who is familiar with the student suspected of having a disability on the team. Even if the student is an English language learner, the team must feel that their needs are creating characteristics that resemble a given disability.

Atypical educational history: The team must discuss if the student has high levels of mobility and/or absenteeism which may have influenced the educational progress of the student.

Visual, hearing or motor disability: The team will need to analyze information in order to rule these out as source of difficulty when determining specific disabilities. Even if the student has visual, hearing or motor disability, the members must feel the visual, hearing or motor disability is creating characteristics that resemble a given disability.

Cultural Factors: A student's culture should not be a determinant factor of a disability. If the team feels the cultural factors are creating characteristics that resemble a given disability, pertinent cultural information is necessary through interviewing key family members.

Environmental or economic disadvantage: A student's environment or economic disadvantage should not be a determinant factor for determination of a disability. The team needs to thoroughly examine family stressors that may be impacting educational progress to include homelessness, unemployment, extended illness or death in the family, divorce, lack of books in the home or expectations of the family for the student.

Environmental, Cultural, or Economic Disadvantage

Consider the disproportionate identification, placement, and discipline rates of students of color in special education. “Disproportionality is and must remain a top concern for parents, educators, school professionals, policymakers, and advocates. It is imperative that the evaluation process is free from bias and discrimination” (Whitaker & Ortiz, 2019).

Additional examples of “Environmental or Economically Disadvantaged:”

- ❖ Children and families with limited access to resources and experiences.
- ❖ Parent(s) work multiple jobs and spend limited time with children.
- ❖ Students may have greater responsibilities at home.
- ❖ Exposure to greater number of risk factors (e.g., violence, more punitive parenting style, and pollution).
- ❖ Limited access to healthcare and nutrition. (Williams & Collins, 2004)

5 Golden Rules for Negotiation

1. Listen more than you talk.
2. Ask 5 W's + H + E questions to clarify the perspective and position of the other side.
(Who, What, Why, Where, When, How, and to Explain)
3. Storytelling reduces resistance. Make requests by telling the child's story.
4. Make situations informal. Meet in different places. If things are tense, bring food that smells good.
5. Treat other people with respect.

Source: Wrightslaw "From Emotions to Advocacy" 2nd Edition

IEP Development



IEP Development Considerations

IDEA provides guidance on IEP development to include that the IEP team **shall** consider:

- The child's strengths
- The parent/caregiver's concerns for enhancing their child's education
- The results of the initial evaluation or most recent evaluation of the child
- The academic, development, and functional needs of the child.

20 USC § 1414(d)(3)(A)

Anatomy of an IEP

An Individualized Education Program (IEP) is a blueprint for a child's special education experience at school. The plan describes what services and supports the child gets. IEPs tend to have many common elements. Below are some of the important parts of an IEP.



Individualized Education Program

Student information

Student Name: Karen Lee	Date of IEP: 9/5/2019
Date of Birth: 5/22/2011	Grade: Rising 3rd

IEP team

IEP Case Manager: John Santos
General Education Teacher: Janie Doe
District Representative: Pedro Ramirez
Parent: Frank Lee
Special Education Resource Teacher: Ellen Wong

Student information

The first page lists the child's name, age, date of birth, grade, and other details. It also includes a rundown of the IEP team.

Anatomy of an IEP

Page 2 of 5

Present level of educational performance

Academic performance

Karen is a kind, helpful third grader who is always willing to work hard, even on tasks that are difficult for her. She has a strong love of learning and will seek out books relevant to her interests of the outdoors and animals. She is also quite articulate in classroom discussion.

However, while Karen is presently meeting grade-level expectations in math, she continues to show significant difficulty in the area of reading fluency and comprehension compared to her classroom peers. Karen is able to decode single letters, vowel combinations, and digraphs (like "ch" or "sh") in short, consonant-vowel-consonant (CVC) words, where she is 80% accurate, on average. She has difficulty applying these skills when reading multi-syllable words, where she is 35% accurate, on average, or when reading words in actual passages of text. Recent measures show that Karen is able to read third-grade passages at a rate of 40 words per minute, with 85% accuracy and less than 65% text comprehension.

Students in third grade are expected to read 100-140 words per minute, and answer comprehension questions with 90-100% accuracy. Karen is able to read late first-grade passages at 90 words per minute, with 95% accuracy, and comprehension at 90% accuracy on average. This is Karen's independent reading level. Karen's reading difficulties affect her participation in the general education curriculum by making it impossible for her to read grade-level text independently and learn grade-level content effectively.

Present level of educational performance (PLOP, PLAAFP, or PLP)

This describes the child's current abilities, skills, challenges, and strengths. It may also discuss social skills and behavior.

Annual goals

Goal 1

Karen will increase her reading fluency from 90 words per minute in late first-grade passages to 90 words per minute in late second-grade passages.

Objectives:

1. Given phonological awareness instruction, Karen will read unfamiliar 2- and 3-syllable words with at least 85% accuracy over two consecutive trials as measured on reading post-tests administered by the special education resource teacher.
2. Given instruction in a sight-word reading program, Karen will read 180 high-frequency words with 85% accuracy over two consecutive trials as measured by the special education resource teacher.

Goal 2

Karen will increase her reading comprehension from 90% accuracy at the late first-grade level to 90% accuracy at the late second-grade level.

Objectives:

1. Given pre-teaching of new vocabulary, picture supports, and up to three adult prompts, Karen will correctly answer comprehension questions about events in a late second-grade text with 90% accuracy over two consecutive trials as measured by the special education resource teacher.
2. Given pre-teaching of new vocabulary and up to three adult prompts, Karen will correctly answer comprehension questions about short, late second-grade passages.

Annual goals

These should consist of academic and functional skills that the child can reasonably accomplish during the school year. Each is broken down into shorter-term objectives.

Progress reporting

Progress toward annual goals will be measured through classwork, observation, tests and quizzes, and written reports. Karen's parents will receive a quarterly written report on her progress.

Progress reporting

The IEP states how the IEP team will keep track of the child's progress toward annual goals.

SMART IEPs

- **Specific:** specific goals, objectives, and target areas for academic achievement; clear descriptions of knowledge and skills that will be taught and how progress will be measured.
- **Measurable:** measurable goals that can be counted or observed; with measures, every on the team knows when the child reaches the goals; 3 components that must be in measurable terms: 1) direction of behavior (increase, decrease, maintain, etc.), 2) area of need (reading, writing, social skills, transition, etc.), 3) level of attainment (age level, without assistance, etc.)
- **Use Action Words:** “the child will be able to.....by.....”
- **Realistic and relevant:** based on the child’s unique needs that result from the disability; not based on the school district’s curricula, state or district tests, or other external standards
- **Time limited:** enables you to monitor progress at regular intervals; should include set intervals of “after 9 weeks,.....”, “after 18 weeks.....”, etc.

Anatomy of an IEP

Page 4 of 5

Services

Service: Reading Instruction	Frequency: Once daily for 60 minutes per session
Location: ABC Elementary School	Instructional Setting: Special Education Small Group
Duration: 9/15/2019 - 6/1/2020	

Services

Here, the IEP details:

1. What special education services the child will get and for how long
2. Any services outside the school year (like summer services)
3. Any "transition planning" to get the child ready for life after high school

Supplementary aids and services

The student will be provided with the following accommodations/modifications:

Accommodation/Modification: Textbooks on CD/tape	
Frequency: Daily	Location: ABC Elementary School and at home
Instructional Setting: All classes and at home	
Duration: 9/15/2019 - 6/1/2020	

Supplementary aids and services

The IEP specifies what accommodations the child will get in school — like a seat at the front of the class. It also details any modifications. These are changes to what's expected of the child — like less homework. This section will also include information about any assistive technology the child needs.

Anatomy of an IEP

Page 5 of 5

Participation

Although Karen has been responsive to adaptations and modifications in her regular education classroom, she continues to progress slowly on her IEP reading goals. Small group pull-out instruction for an hour a day allows for intensive, individualized instruction in Karen's identified area of need, while allowing her to spend most of the day in her general education classroom.

Participation

This section explains how and to what extent the child will be included in general education classes and other activities, including state tests.

Parent/Guardian Consent

Indicate your response by checking the appropriate space and sign below.

☒ I give permission to implement this IEP.

☐ I do not give permission to implement this IEP.

Signature _____

Consent

Many IEPs have a signature line where a parent or guardian officially agrees to the plan. Keep in mind that an IEP isn't all-or-nothing. Families can attach an addendum, agreeing to only parts of the IEP.

Functional Behavioral Assessment (FBA)



Functional Behavioral Assessment (FBA)

A process that helps the school district to develop an informed hypotheses about behavior based on relationships between environmental conditions that predict and maintain the behavior.

Required when the school district, parent/caregiver/surrogate, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability.

* A Functional Behavioral Assessment (FBA) and/or Behavior Intervention Plan (BIP) must be administered within the past year for any student considered for GNETS services in accordance with (3)(c)(2) of this rule.

Components of FBA

The FBA is developed through observations and assessments. This process should include:

- ✓ Interviews completed by staff, caregivers, and the student
- ✓ Observations of student behavior, staff behavior, and the environment
- ✓ Data analysis (rate/duration of the behavior, common triggers and typical consequences)

Upon completion of the observations and assessments, the team analyzes the data to determine the function of the target behavior. The team should analyze **what happens before the behavior, during the behavior, and after the behavior occurs.**

FBA assessments should identify patterns and result in summative information that **should include 1)** time of day and settings where the behavior typically occurs, **2)** when the behavior most often occurs, **3)** frequency/duration/intensity of the behavior, **4)** staff present during the behavior, **5)** antecedents/events or conditions that immediately precede/trigger the behavior, and **6)** consequences that maintain the problem behavior.

Behavioral Intervention Plan (BIP)

Behavioral Intervention Plan (BIP)

BIPs are driven by hypotheses and the individualized, FBA data collected.

BIPs should include:

- Modifications to prevent the behavior
- Teach replacement behaviors
- Expectations for change in the child's behaviors
- Timeline for further review of changes
- Eliminate/minimize behaviors so as not to disrupt learning of child/peers
- Positive! Positive! Positive! approaches

Assistive Technology & Related Services



Assistive Technology & Related Services



Occupational therapy

Physical therapy

Speech Therapy

Vision Therapy

And many more!



IEP Reviews and Revisions

IEP Reviews & Revisions

IEP team must meet at least once per year to review the child's IEP and determine whether the child's goals are being achieved as planned.

The IEP team will revise the IEP to address:

- Any lack of expected progress towards goals
- Results of any re-evaluation
- Information about the child provided to, or by, the parent/caregiver/surrogate
- The child's anticipated needs
- Other matters

ANYONE can make a request for an IEP review AT ANY TIME for possible revisions if current supports are not achieving the outlined academic or behavioral goals, INCLUDING YOU!



Educational Placement Options

Appropriateness of Special Education Setting

CFR Title 34, Subsection B, Chapter 1, Part 104.34 Educational setting.

*(a) Academic setting.....*shall place a handicapped person **in the regular educational environment** operated by the recipient (school district) less it is demonstrated by the recipient **that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.** Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it **shall take into account the proximity of the alternate setting to the person's home.**

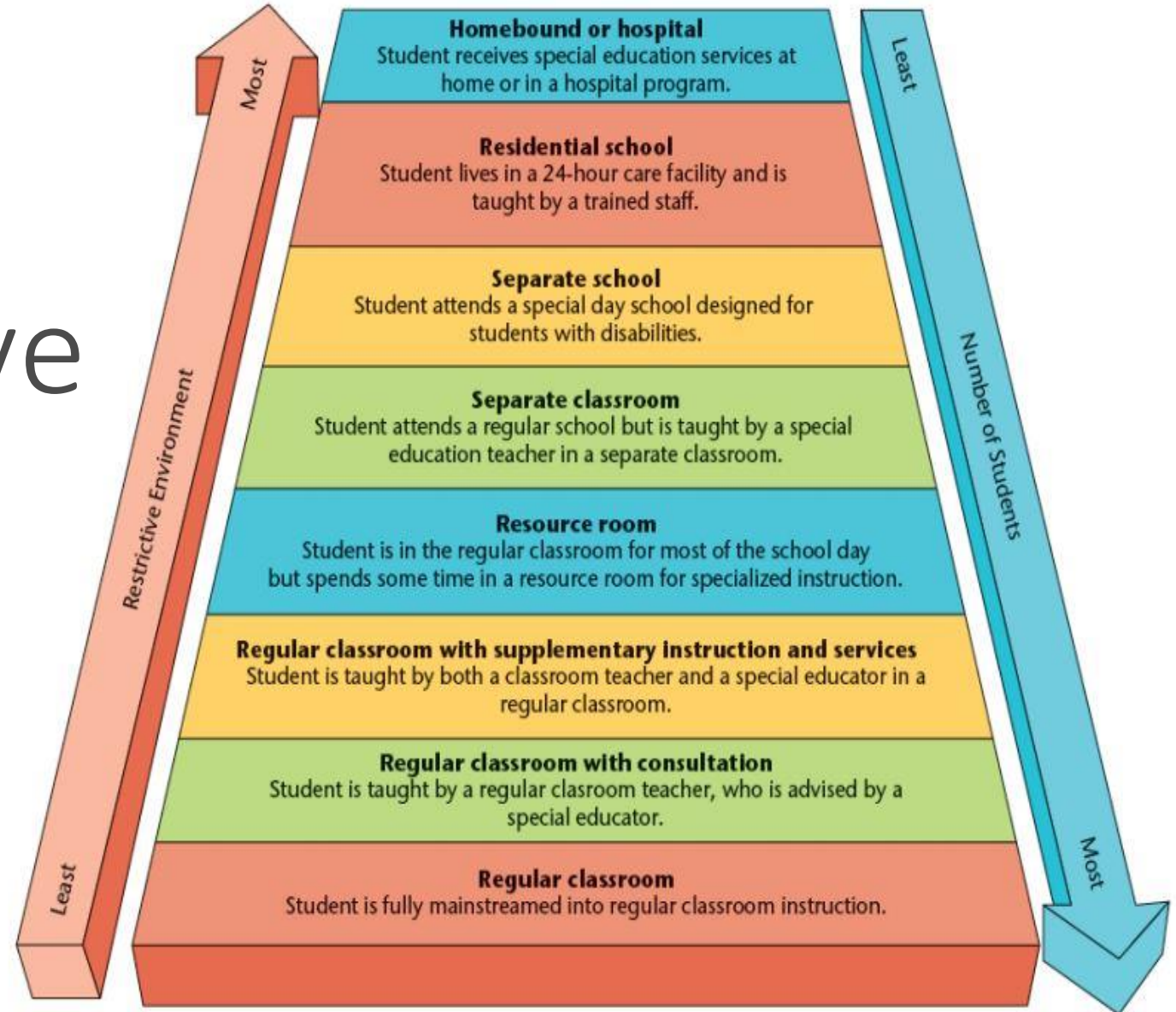
Appropriateness of Special Educational Setting

Least Restrictive Environment (LRE) - - IDEA, Section 1412

(A) In General. **To the maximum extent appropriate**, children with disabilities, including children in public or private institutions or other care facilities, **are educated with children who are not disabled**, or special classes, separate schooling, or other removal of children with disabilities from the regular educational environment **occurs only when the nature or severity** of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Children can receive one-on-one or small group instruction outside of regular classes if this is necessary for them to learn.

Least Restrictive Environment (LRE)



Educational Setting Assessment

1. Does the child have special education or remedial education needs that can be supported in the current/prospective educational setting?
2. Does the child need a gifted educational program, or require advanced placement classes? If so, is the current/prospective educational setting able to meet such needs?
3. What documentation (reports, evaluations, assessments, etc.) is available to determine the appropriateness of the educational setting?
4. What input has been obtained from the parent, caregiver, teacher, or other school representative to assess appropriateness of the educational setting?
5. What is the parent/caregiver's perspective/involvement regarding the child's educational needs?
6. What efforts have been made to coordinate with the school/Department of Education?
7. Has the school made recommendations for meeting the child's needs in the current setting or for transitioning the child to a more appropriate setting?

Nonacademic Setting & Supports



Nonacademic Settings & Supports

34 CFR § 300.117

The State must ensure the following:

(a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

(b) Nonacademic and extracurricular services and activities may include **counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, meals, recess periods, and the services and activities set forth in § 300.10, referrals to agencies that provide assistance to individuals with disabilities, and employment of students**, including both employment by the public agency and assistance in making outside employment available.



Behavioral Concerns & Supports

Manifestation Determination Review (MDR)

A meeting for the IEP team to review all relevant information related to the alleged Code of Conduct violation and the relationship between a child's disability and the behavior subject to the disciplinary action.

The team answers two questions:

1. Was the behavior caused by, or have a direct and substantial relationship to the child's disability?
2. Does the team believe that the behavior was a direct result of the school's failure to implement the child's IEP?

If the answer is “yes” to either (ONLY ONE IS REQUIRED) of the above questions, then the behavior is determined to be a manifestation of the child's disability.

When should a manifestation determination review (MDR) be held?

A manifestation determination meeting **must be held within 10 school days** if a child with disability:

- Has been suspended for 10 days in a row
- Has been suspended for more than 10 total days in the same school year for similar behaviors
- The school district is considering expulsion

If the team determines the behavior is a manifestation of the child's disability:

- The IEP team should reevaluate the child to include a Functional Behavioral Assessment (FBA) if an FBA was not completed as part of the most recent special education evaluation.
- If an FBA was completed as part of the most recent special education evaluation, the IEP team must either develop or review a Behavior Intervention Plan (BIP) and make necessary changes that allow your child to make educational progress.

After the fifth day in a row or the 10th day of suspension in a school year, the school must continue to provide educational services to make progress in both the general education curriculum and on their IEP goals.

The child cannot be expelled. However, the school may provide education in an alternative setting.

In most situations, the child has the right to return to their current placement after the suspension.

If the parent/caregiver/surrogate disagrees with the MDR decision, they can make a request for an expedited due process hearing to appeal.

IDEA Weapon Exception

School systems may place a child in an alternative education setting for up to 45 school days, even if the behavior is a manifestation of the disability, if one of the following exceptions apply:

- Child's possession of a dangerous weapon at school or during a school event
 - A pocketknife of less than 2½ inches in length is not considered a dangerous weapon
- Child's possession, use, or sale of an illicit drug or controlled substance
 - This may include controlled substances that are prescribed to your child
- Child commits a serious bodily injury to others, including serious risk of death, disfigurement, permanent injury to a body part or mental abilities, serious bodily injury does not include scratches and bruises, in most cases.

At the completion of the alternative educational placement, the child can return to their previous educational setting

Disciplinary Tribunal Hearing

Disciplinary Tribunal means the judicial body established to hear and decide certain breaches of the Student Code of Conduct.

If your school intends to suspend your child for more than 10 school days, the law requires that a hearing be held. This hearing may be held in front of a group of school officials or in front of a single hearing officer.

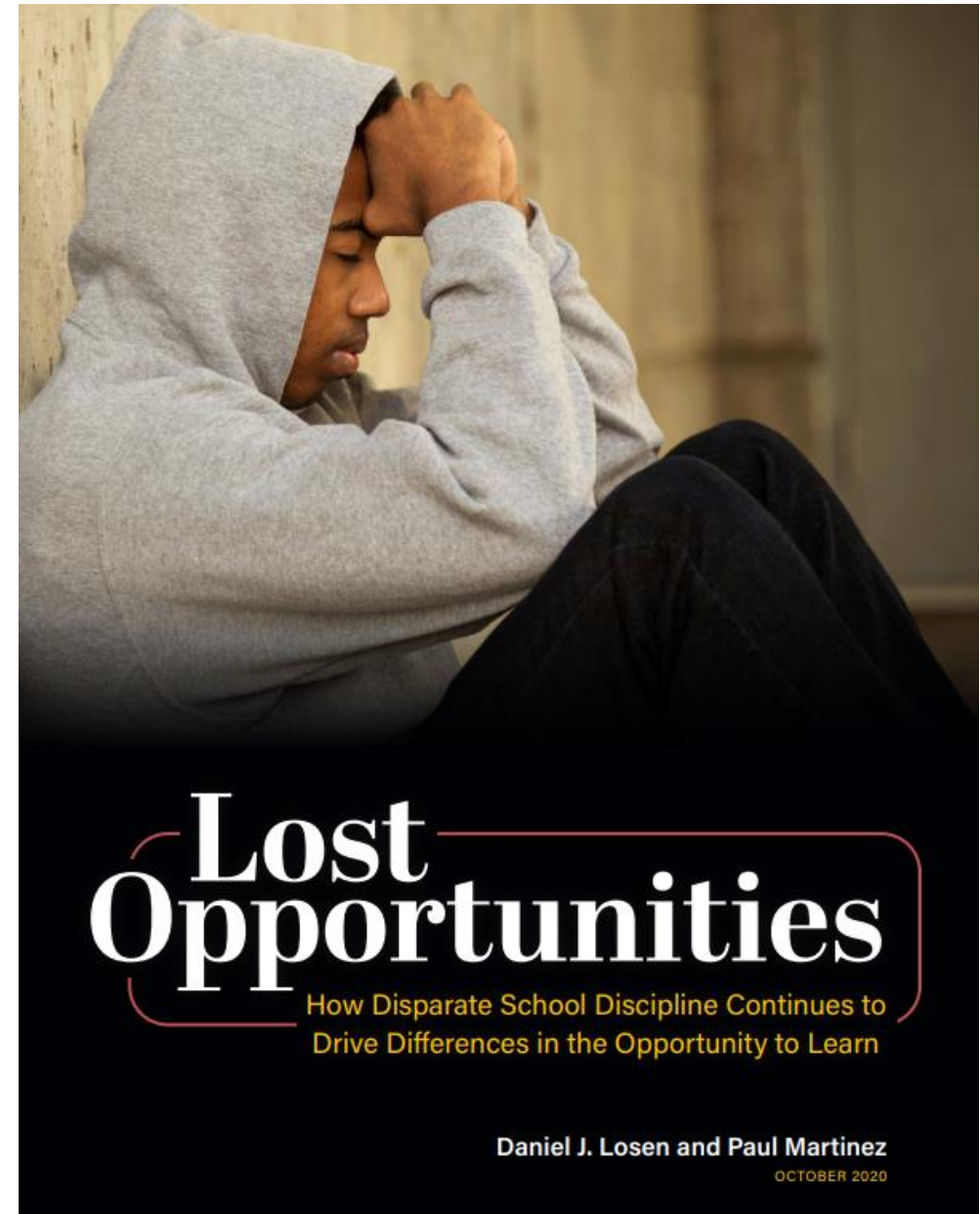
Although not ideal, tribunals may be held together with a Manifestation Determination Hearing.

If your appointed child is facing a tribunal hearing, notify the DFCS Case Manager, DFCS EPAC Education Support Monitor (ESM), and seek for the child to be represented in these proceedings.

Disparate School Discipline

(Daniel J. Losen & Paul Martinez)
October 2020

National study provides a comprehensive analysis of the **instructional days lost due to out-of-school suspensions** for middle and high school students, for every state and district. The study also demonstrates how the **frequent use of suspension contributes to stark inequities** in the opportunity to learn, especially for students of color that are most frequently suspended.





Supportive Laws & Regulations

Supportive Laws & Regulations

- Title IV-E of the Social Security Act Sections 471(a)(30) and 475(5)(D)
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)
- Child and Family Services Improvement and Innovation Act of 2011
- Individuals with Disabilities Education Act of 2004 (IDEA)
- McKinney-Vento Homeless Assistance Act
- Healthy, Hunger Free Kids Act of 2010
- Every Student Succeeds Act of 2015 (P.L. 114-95)
- Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care
- **NEW LEGISLATION!!** HB855 (effective 7/1/2021)

Georgia CASA Resources & More



Education Advocacy & Special Education Advocacy Quick Reference Guides

Education Advocacy

A student's academic potential should not be limited by his/her experience in state custody.

For all students, CASA should:

Review the local school board policy for the rules and policies that govern the school in which the student is enrolled.

Determine whether DFCS has any educational services in place and work with DFCS to support the implementation of such services.

Contact the school in which the student is enrolled and request access to the State Longitudinal Data System (SLDS)/Parent Portal. This online system provides access to current academic information about the student as well as historical test data.

Advocate for participation in extracurricular, sports, and supplemental activities and ensure that the student has the requisite supplies and transportation to participate.

Ensure that a high-school aged student is aware of his post-secondary options and has assistance in completing applications for acceptance, financial aid, and preparation for entrance exams, etc.

Consult with the student regarding whether there are any issues with regards to school performance, relationships, or other education needs or requests.

Provide the court with detailed education-related information and recommendations in the court report.

Request that the student remain in his school of origin whenever it is in the best interest of the student to do so.

Advocate for fewer school placements and identify any logistical barriers to enrollment (timing, distance, transportation, etc.).

If the student must switch schools, help ensure he is immediately enrolled and that his records transferred. Schools, or the Local Education Agencies (LEAs), are required to immediately enroll a student who is in the physical or legal custody of DFCS or DJJ and ensure that a written request for the transfer of the student's school records is made at the time of enrollment.

Verify that class credits transfer, in addition to the transcripts, when school settings must change to avoid any duplication or delays in graduation.

Consider whether the student is in the most appropriate school setting and whether an alternative school setting or online credit recovery programs would be appropriate for a student who has not been successful in a traditional setting or for any students who are missing necessary high school graduation credits.

Recommend that a pre-school aged student is enrolled in an early education program.

Verify the student's attendance and number of absences.

Determine whether the student exhibits any behavioral issues in school and whether that has led to in or out of school suspensions.

Contact the student's teachers and counselors as needed and help troubleshoot situations to avoid any disruption in attendance and to avoid a change in schools.

Review any previous assessments and/or recommendations specific to the student's learning styles, preferences, and/or areas of interest/need.

Consider whether the student is performing at grade level and has satisfactory grades. Ensure the student has needed assistance with homework and receives tutoring services if needed.

Consider whether the student exhibits exemplary performance that should result in enrollment in advanced or gifted classes or has a disability that would require additional support services. See the Education Advocacy for Children with Special Needs Topical Guide for more information.

When the need for student discipline arises:

Review the Student Handbook to ensure that the school abides by its stated progressive discipline plan.

Request documentation whenever a student is excluded or suspended from school.

Disciplinary Tribunals are required to be held when the principal recommends expulsion or suspension of greater than 10 days. Students have a right to be represented in these proceedings. If a disciplinary tribunal is scheduled, help ensure the student is represented.

Current Supports: GA CASA Internet

TO ACCESS: www.gacasa.org, “Learn More” tab, “Volunteer Resources” dropdown selection, scroll down for Volunteer Resources

Recorded Webinars

General Education Advocacy
Special Education Advocacy

Checklists, Tips and Forms

[Educational Advocacy Checklist](#)

[Judicial Checklist: NCJFCJ Resource](#)

[Educational Stability Checklist](#)

[Georgia CASA Quick Reference Guide: Education Advocacy](#)

[Georgia CASA Quick Reference Guide: Special Education Advocacy](#)

References

[Educational Stability & Transportation Funds](#)

[DFCS Educational Programming, Assessment, and Consultation](#)

[Services \(EPAC\)](#)

[Team Child Manual](#)

[Georgia Department of Education](#)

[National Working Group on Foster Care and Education](#)

[Improving Higher Education Outcomes for Students from Foster Care](#)

[The Legal Center for Foster Care and Education](#)

[GA/RYSSE Education](#)

[EMBARK Georgia](#)

Education-Related Legislation

- **Fostering Connections to Success and Increasing Adoptions Act:**
[Summary](#)
- **Chafee Educational Training and Voucher (ETV) Program:**
[ETV in Georgia](#)
[ETV in Georgia Webinar](#)
- **IDEA:**
[IDEA 2004](#)
- **Every Student Succeeds Act:**
[ESSA Implementation Toolkit](#)
[Georgia’s State Plan for ESSA Implementation](#)
[FAQs about ESSA Transition](#)

Education Advocacy Section

- Basic Education Advocacy Training:
Facilitator and Volunteer Materials
- Parent Portal Information Materials
- Surrogate Parent Training Materials
- Georgia CASA Quick Reference Guides
 - Education Advocacy
 - Special Education Advocacy

Current Supports: GA CASA Intranet

A Closer Look at the IEPs
Accommodations vs. Modification
Acronym Alphabet Soup
Contact Guidance with School Personnel
Education Advocacy Checklist
EPAC – DFCS Educational Stability Field Practice Guide
Education Support Monitor (ESM) Contact List
Interview Guide with School Personnel
Key Federal Statutes Affecting the Education and Civil Rights of Children
Laws Supporting Youth in Education
LRE Continuum
PowerPoint Presentation
Request for 504 Meeting Template
Request for SST Implementation
RTI Pyramid
Sample 504 Plan (ADHD)
Sample 504 Plan (Blank)
Sample IEP
SLDS Parent Portal Summary
Special Education Advocacy Checklist

“Lessons with Leslie” Video Series

Series of 8/10-minute recorded, bite-sized learnings

Topics:

- Student Support Teams/Multi-Tiered System of Supports
- 504/IEP Eligibility
- IEP Meetings: Pre-Meeting, During the Meeting, Post-Meeting
- Understanding Disciplinary Actions
- Tribunals: Pre-Tribunal, During Tribunal, Post-Tribunal
- Navigating School Record Requests
- Successful Graduation Strategies
- School Enrollment & School of Origin
- PBIS Opportunities and Benefits
- LRE/Classroom Placement

Current Supports: CPRS Updated Court Report Template

CASA Report - - Education and Child Care Section

- Education Setting
- Number of Education Setting Changes
- Current Academic/Developmental Progress
- Educational Supports and Services
- Recommendations to Ensure Educational Success

Court Process Reporting System
 Committee on Justice for Children / Administrative Office of the Courts

Plan Search
Reports
CASA Logs
Court Calendars
My CPRS

User: lori.pupp
Logout

Court Plans

Family Preservation

CASA Reports

GAL Reports

Report Information

Records/Research

Child's Wishes

Removal/Safety

Placement

Kin Connections

Visitation

Permanency

Case Plan

Education/Child Care

Health

Culture

Assessment/Analysis

CASA Report V2: Education and Child Care

QRGs
1) Best Interests of the Child (BIC) ▼
BIC Factors

Child's Name	Type of Education Setting	Total Number of Education Settings Attended Since Entering Custody
Mariah Redd	Daycare ▼	Enter the number of educational institution

Current Academic/Developmental Progress

For each child, provide the name of the current child care/educational facility attended and whether a change in schools occurred, the current grade level and whether it's appropriate for the child's age, the child's current academic/developmental performance/progress, a record of attendance, and any behavioral concerns.

(Maximum characters: 4000)
You have 4000 characters left.

Educational Supports and Services

Describe efforts to ensure a Free Appropriate Public Education (FAPE) is provided to the child, whether there is a current IEP or 504 Plan, and an update on the monitoring progress. Include whether the child's current school/classroom setting is appropriate and if any additional supports/services are needed to meet developmental milestones.

(Maximum characters: 4000)
You have 4000 characters left.

Recommendations to Ensure Educational Success

Provide recommendations as to what supports and services are needed. (BIC Factor(s): 5,10,11,14,16) See QRG(s): 26, 27

(Maximum characters: 4000)
You have 4000 characters left.

Save Screen
Cancel
Previous
Next

Supportive Roles

Who does what?

Parent/Caregiver/Surrogate – provides authorization

- Ideally biological or adoptive parent; may be committed foster parent, relative caregiver, legal guardian, or surrogate parent/educational surrogate
- Provides ongoing child-focused information and authorization for additional supports and services to address identified needs.

DFCS – provides information

- Disseminates information to school or parent/caregiver

CASA – provides support

- Non-confidential information sharing about the child
- Acts as facilitator
- Drives the process monitoring, facilitation, and reporting to the court



Education Advocacy Action Plan

Action Plan for Education Advocacy

- Create list of educational providers.
- Request child's educational records.
- Review all prior assessments, evaluations, and data collection
- Request access to current Parent Portal access and historical SLDS data.
- Request a meeting with school counselor and teacher.
- Develop a list of questions to ask of school personnel and providers before connecting.
- Gather information about available extracurricular activities, the child's interest in participating, and assist with facilitating involvement
- Prepare to provide the court with detailed, education-related information and recommendations.

Older Youth Specific Strategies

Ensure that high school students are aware of post-secondary education options and assistance available to make the transition.

Ensure a child's education records are provided to the child, at no cost, at the time the child leaves foster care, if the child is leaving foster care by reason of having attained the age of majority under State law.

Request meeting with school district graduation coach to assess the youth's credit attainment, any need for credit recovery, and assist with facilitating the youth's participation, if needed.

Education Advocacy Action Plan: Questions to Ask



Asking the Right Questions

Ask questions: 5 W's + H + E (Who, What, Why, Where, When, How, and to Explain)

Listen. Do not interrupt. Paraphrase their points. Asking clarifying questions. - “Let me make sure I understand. I think I heard you say.....”

Within partnerships: Express appreciation for their expertise and information. Acknowledge their competence. Defer to them as experts.

Source: Wrightslaw “From Emotions to Advocacy” 2nd Edition

Questions to Ask

- Can you tell me a little bit about the child's class participation?
- How does he/she do in small groups? How does he/she do in the whole group?
- How well does the child work on independent tasks?
- How much prompting does the child need to initiate or complete work?
- Can you tell me how the child does during free time i.e., recess?
- How does the child do during specials? What is his/her favorite "special"?
- What is the child's greatest strength in school?
- What do you see as an obstacle for the child?
- How does the child compare to his/her peers in the class emotionally?
- What supports does the child seem to need to have a meaningful day?
- What concerns do you have for the child?
- We want to make sure that the child has success between home and school.
- What can we set up to make sure that communication and progress monitoring is ongoing and that concerns are documented if/when they arise?



Thank You!