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**NTDC Right Time Training
EDUCATION
QUESTIONS AND ANSWERS**

IMPORTANT TO KNOW IN YOUR ROLE AS A PARENT WHO IS FOSTERING: A child's parents often have the final say about whether or not they want their child evaluated for an Individualized Education Program (IEP) or a 504 Plan. As a parent who is fostering, you can seek to override the wishes of a child's parent if you do not agree with that parent's position. You can do this through the help and support of the child's case manager, guardian ad litem (GAL) or educational advocate, if one has been assigned to the child, or the judge involved in the case.

Question 1: What are the signs, based on age, that a child might have special needs related to education and learning?

- **Children under Age 3**

Because abuse, neglect and exposure to trauma affect children's physical and behavioral development—including the way that the brain develops—very young children who are or who have been living with foster families or who have been directly affected by illegal substance abuse (e.g., exposure to drugs in the womb) are eligible for screening and evaluation services. These services are provided under a federal law called the Individuals with Disabilities Act (IDEA). Infants and toddlers younger than three years qualify for IDEA services if they are slow to meet milestones or are not reaching them in one or more areas of development (e.g., playing, learning, speaking, behaving and moving) during the typical time frame for the child's age. In addition, infants and toddlers younger than age three who have a physical or mental condition highly likely to lead to a developmental delay are eligible for IDEA screening and evaluation services. Many early intervention services are available to help children overcome their developmental and learning difficulties. Early screening and intervention are the keys to identifying any challenges as soon as possible so that support services can be put in place to help children achieve their best lives.

- **Preschool and Early Elementary School Years (Ages 3-7)**

During early childhood, signs that children might have special needs include problems controlling their emotions (sometimes called "emotional regulation"). For example, some children with special needs have frequent temper tantrums or meltdowns. Others become aggressive and start hitting, kicking and throwing things. Often young children with poor self-control of their emotions experience difficulty listening to verbal directions, concentrating on one task at a time or playing with children their own age. A child's problems with controlling emotions might stem from neurological delays. These are disturbances in the way the brain functions that can affect emotional development, the ability to learn, self-control and memory.

When compared with other children of the same age, children who might have neurological delays resulting in problems regulating their emotions typically show slower progress either in the development of their expressive language (learning to speak) or receptive language (understanding what people are saying to them). They may have delayed development as well in learning to read and in demonstrating other cognitive (understanding) skills. For example, children with neurological delays might have difficulty pronouncing words and recognizing letters, learning to count and comprehending their teachers' instructions. In addition, they might have problems with gross motor skills (such as crawling, running or jumping), with fine motor skills (such as holding a pencil and writing numbers and letters), or both. Remember that a child's development happens over a range of ages. However, if your child is experiencing significant delays compared with other children in the same age group, testing and interventions can be very helpful.

- **Middle School Years (Ages 8-12)**

Concerns for a child in the middle age group (eight through 12 years old) include changes in behavior such as preferring to play alone, avoiding other children, fighting with classmates, talking back to teachers, disrupting the classroom and deliberately causing problems in order to be sent out of the classroom or suspended from school. During these ages, a child with special needs often feels growing pressure in the classroom. While fellow students seem to breeze through learning math, reading and other subjects, the student with special needs often falls far behind and doesn't know how to begin to catch up. Sometimes children manage to hide some of their challenges while in the classroom. Often by age eight (third grade) their reading, writing and math skills are required to complete classroom work. So, they no longer can rely on other cues from friends, teachers or other adults to compensate for their learning deficits. These children might look for ways to stop feeling frustrated or embarrassed because they don't understand their schoolwork. They may try to avoid schoolwork by losing or refusing even to try to complete their homework, staying home sick or frequently visiting the school nurse, being unable to sit in their assigned classroom seats for a long time or refusing to stand in line. In addition, children with special needs can show a range of other signs such as appearing to be inattentive and unfocused as a way to avoid schoolwork and interactions with teachers and classmates (peers). They might have explosive outbursts that seem to appear without warning but in fact may be behaviors that help these children to avoid being asked to read aloud or to answer questions in class. When a child's sense of being unsafe and insecure is combined with feeling incapable, this often leads the child to want to give up or not to care about learning or school. When a child loses confidence in learning, this loss magnifies or "snowballs" the effect of cognitive and emotional challenges.

- **The Teen Years (Ages 13-17)**

Teenagers are dealing with the usual adolescent challenges such as physical changes and brain growth while also learning to handle situations on their own. However, while many teens view their high-school years as a stepping-stone to college and careers, others see high school as a painful experience that they will have to suffer through or to avoid altogether. For many teens, the transition from junior high to high school can be a very difficult time. Going to a new school

with new expectations can trigger “avoidance behaviors,” such as withdrawal, trouble concentrating, refusal to do classwork or homework, cutting classes, fighting with other students or school staff. These behaviors can end with the teenager being sent home or suspended from school. If a teen struggles to graduate from eighth grade, then there is a fear of not being able to keep up with classmates (peers) in high school, especially because high school means dealing with many new distractions. A teen’s school problems can escalate quickly; so, they should be addressed right away and certainly if the student fails one or more classes, is older than other students in the same grade or has transferred schools several times. Even if the move to high school starts out well, extreme changes in behavior should not be ignored. These include extreme mood swings, talking about oneself in a negative way, hanging out with peers who take part in risky activities or behaviors, lying about attending school, cutting classes and falling further and further behind without progress.

Question 2: What is an IEP, and what purpose does it serve?

A child struggling in school may need an Individualized Education Plan (IEP). This is a customized, written educational plan designed to support a child’s special learning abilities. An IEP plan is developed at the school by a team of school professionals (including teachers, school psychologists, case managers and administrators), other professionals, the parents fostering or adopting the child and, if appropriate, the child. The plan is prepared after extensive testing of the child is completed by the school team. Parents who are fostering or adopting have the right to request IEP testing for any child whom they suspect may have special needs; all states require the school to offer that testing upon such requests. The purpose of the IEP is to set reasonable learning goals for the child and to outline the services and supports that the school will provide so that the child can meet these goals while being educated as much as possible with peers who do not receive special education.

An IEP for special education for students is a requirement of the federal law called the Individuals with Disabilities Education Act (IDEA). This law provides that all children are “guaranteed access to a free, appropriate, public education....in the least restrictive environment to every child with a disability.” By “appropriate,” the IDEA law means educational goals that are suitable and right for the child. By “least restrictive environment,” the law means keeping the child as much as possible with peers who do not receive special education. The abbreviation FAPE refers to the “free, appropriate public education” required by law.

The IEP also is used for children who are gifted to ensure that their educational needs are met.

Question 3: How is an IEP developed?

The IEP addresses the child’s overall learning, including areas of strength, areas of weakness or challenges, and current performance level to identify where the child needs help. After the testing results are shared with the school team and with the child’s parents, the IEP lays out a

detailed plan for the school to follow to provide the child with the help needed. Developing an IEP in place requires a team approach because the plan is very specific about how to help the child reach educational goals. The IEP team must include the child's parents and others (e.g., coaches, counselors) who have special expertise or in-depth knowledge about the child. In fact, the parent who is fostering or adopting has a special leadership role in the development of the IEP. This is because the parent has a unique understanding of the child's strengths as well as challenges to learning. The structure of the IEP team allows parents to bring others to the IEP meeting for support, such as service providers, advocates, lawyers, friends and family members who know the child well. It is always a good idea for the parent to bring along another person to the IEP meeting, if possible. The IEP meeting presents an opportunity for team members to put together their knowledge about the unique needs of the child so they can produce an IEP that truly improves teaching and learning for this particular child.

Once the IEP is completed, parents need to review it carefully to be sure that the plan in fact will be effective in ensuring that the child will receive the support needed to learn and to succeed. A parent does not have to sign the IEP right at the meeting; the parent can ask to take a break or to take the IEP home to review. A parent who disagrees with any part of the IEP needs to write a dissenting opinion and to attach it to the IEP. After speaking up and advocating for the child, if the parent still does not think that the IEP will meet the child's needs, there are formal avenues for review.

Question 4: When and how can a parent fostering or adopting a child get an assessment to determine if an IEP is needed?

When a parent who is fostering or adopting a child observes that the child is having academic struggles or showing behaviors that might be due to learning problems, the parent needs to contact the school right away to schedule a meeting to talk about these worrisome observations. To determine whether a child qualifies for special education services, the school will have to complete a full and individual assessment or evaluation of the child. This assessment, which is done by the school at no cost to the child or the parent, will determine if an IEP is needed. Either the school or the parent may start the assessment process. A school professional may ask that the child be evaluated to determine whether the child has a disability. In fact, the Individuals with Disabilities Education Act (IDEA) gives school districts the responsibility to identify and to evaluate students within their boundaries who are suspected of having a disability. This requirement is called "child find."

Parents who are fostering or adopting a child can start the assessment process themselves by sending the school a letter asking that the child be assessed to determine if an IEP is necessary. Rather than using a phone call or email, parents need to make their request in writing (dated and signed) so that the letter can be kept as part of the child's file. Parents need to send their letter of request not only directly to the child's teacher by U.S. postal mail (using certified or registered mail) but also to send copies of it to the school principal, school psychologist and case manager or other school administrators. The letter also can be brought into the school by

hand instead of mailed. Parents need to keep a copy of the request that is date-stamped and signed that it was received by the school. This is important to keep track of the time frames that the school must follow for completing the assessment.

Question 5: What are the timelines for completing an assessment for an IEP?

Whether the assessment process for an IEP is started by the school or by the parent, the school must obtain the parent's consent before the assessment can be done. The federal IDEA law requires the school to conduct the initial evaluation within 60 days after receiving written parental consent. Some states have established shorter timelines, but no state may extend the 60-day timeline. The "60 days" timeline refers to days school is in session; it does not include weekend days or school holidays. A parent's request for an IEP assessment is not the same as parental consent. Before the assessment can proceed, state regulations dictate that the school must give the parent an assessment plan and a copy of the parent's rights relating to the assessment procedure within 15 days or so (depending on the state) of receiving the request. At the same time, the school also sends the parent a consent form to sign. Typically, parents are allowed 15 days to review and to approve the assessment plan and to return the signed consent form. The 60-day timeline begins once the school receives the signed, parental consent form.

Question 6: What can a parent who is fostering or adopting do if the school is not responding to a request for an IEP assessment?

Sometimes a school might delay or even refuse to evaluate a child for special educational needs. If a school refuses to evaluate a child, the school must tell the parent in writing the reasons for the refusal. The parent then needs to ask for details why the school does not suspect that the child has a disability. When a school delays or refuses to conduct an assessment, it is important for the parent, as the best advocate for the child's school success, to keep open the lines of communication with the school and to keep track of the timelines regarding the initial request and the school's responses. When delays or refusals persist, the parent needs to request a meeting at the school to discuss unresolved issues and to provide additional documentation from the child's therapist, psychiatrist, another medical doctor and so forth about why they suspect that the child might have a disability.

Meeting in person with school personnel is especially important when a child has moved into the parent's home recently and is new to the school. The parent can provide the school with helpful information, such as informing teachers about approaches that will help the child to learn and to settle into the school environment as well as approaches that have been shown not to work. Early communication with the school will help to move the evaluation process forward.

Most parents find it helpful to bring with them to the school meeting someone knowledgeable about the child and the child's needs. School staff need to be made aware that the parent is knowledgeable about the child's legal rights and committed to the child's educational success.

Some child welfare systems provide educational advocates who can help parents with these issues. Parents who are fostering need to work with the case manager to ensure that the child's educational needs are being met. Additionally, every state has a Parent Training and Information Center (PTIC) that provides free information about evaluations and the special education process. Parents can locate their state's PTIC center on the Parent Center locator page of the Center for Parent Information and Resources website (parentcenterhub.org). If IEP issues cannot be resolved with the school, parents have remedies through mediation, due process or filing of a complaint with their state. This why keeping communication clear and in writing is essential.

Question 7: What information is included in an assessment for an IEP?

The assessment includes an evaluation of the child in these six areas:

- physical health, including vision and hearing;
- social and emotional development;
- general intelligence;
- academic performance;
- communication skills, and
- motor abilities.

The evaluation must use a variety of assessment tools and strategies. The assessment process is broad in scope to make it possible to identify all of the child's special needs. The assessment is conducted by a team of professionals, such as psychologists, classroom teachers, social workers, speech therapists, occupational or physical therapists, audiologists, vision specialists and others who can diagnose a child's disabilities. The school will obtain information about the child from staff and professionals who work with or for the school system. However, parents also may submit reports from assessments that they have had performed by professionals not connected to the school system. These supplemental documents could include medical reports, reports from mental health counselors, speech evaluations, etc.

Question 8: How is eligibility for special education determined?

Once the assessment is completed, a group of qualified professionals meet with the parents to review the results of the child's evaluation. Together they decide whether the child has a disability as defined by the Individuals with Disabilities Education Act (IDEA). In order for a child to be qualified for special education services, these two criteria **both** must be met:

- The child must have at least one of the disabilities as defined in the IDEA,

- The impact of the disability must create a need for services.

Below are the categories of special education described in the IDEA:

- Specific Learning Disability
- Speech and Language
- Other Health Impaired
- Mental Retardation
- Emotional Disturbance
- Autism Spectrum Disorder
- Multiple Disabilities
- Developmental Delay
- Hearing Impaired
- Orthopedic Impaired
- Visually Impaired
- Traumatic Brain Injury
- Deafness and Blindness

An example of an impact of a disability is a gap between the child's actual ability and how the child performs in school. Other examples of the impact of a disability include:

- limited progress or deficiency in learning and reasoning (referred to as *cognitive areas*),
- displaying emotional or behavioral problems,
- showing problems with gross motor skills (crawling, running and jumping), and
- showing problems with fine motor skills (such as drawing, writing, and fastening buttons or zippers).

Even if a child has a disability described by IDEA **but** the child's school performance is not impacted or limited by that disability, the child might not qualify for services under IDEA. Therefore, determining if a child is eligible for special education services requires a flexible approach that includes input from parents and professionals.

Question 9: What are the time frames for completing an Individualized Education Plan (IEP)?

Based on the assessment completed by the school, if the child is found to have a disability as defined by IDEA that impacts performance, the child is eligible for special education and related services. Within 30 calendar days after the child is determined eligible, the IEP team must meet to write an IEP for the child. This meeting must include the parents and anyone the parents decide to have attend as well.

Question 10: Which items, services or areas are included in the Individualized Education Plan?

Because the IEP lays out the plan for the school to provide the child with a “free, appropriate public education” (FAPE), this plan takes into account the child’s strengths, the issues raised by the parents fostering or adopting the child, the results of the child’s assessment and the areas of the child’s needs. The IDEA lays out specific information that must be included in the IEP. Sometimes a school administrator will tell a parent that the school cannot provide the services that the child needs, due to expense or unavailability. It is important to remember that under IDEA, special education services depend on the needs of the student, not on money. Lack of funding does not change the student’s rights. The IDEA requires that schools provide special education services to meet the “unique” needs of the student. Having budget problems does not change the school’s legal obligations to the child.

These are the components of the IEP:

- **Current Performance**

The IEP must include statements about the child’s current abilities and level of functioning, such as how the child is doing in school and how the disability is affecting the child’s schoolwork and progress at school. This information comes from the evaluation results, which are derived from the child’s classroom tests and assignments, individual tests to determine eligibility and observations of the child’s functioning made by school staff and the parents.

- **Goals and Objectives**

The IEP includes detailed descriptions of annual educational goals for the child, how the child will achieve these goals and how the school will measure the child’s progress toward meeting these goals. The Goals and Objectives section of the IEP is important because it is developed by the IEP team (including the parents) and includes the goals that the team (including the parents and their advocates) has determined are appropriate for this child. This section of the IEP plan also provides the information that the school needs to develop the strategies, services and supports that the school will use to meet the child’s needs so that the child can achieve these goals.

- **Measuring Progress**

The IEP must state how the child’s progress will be measured and how parents will be informed of the child’s progress.

- **Description of Special Education and Related Services (including Supplementary Services)**

The IEP includes a description of the special education and related services that will be provided for the child, including supplementary services and changes to the program or supports from school personnel. These support services are the accommodations and modifications designed to help the child meet educational goals. The IEP includes a schedule of these services. The schedule needs to state clearly when each service will begin, how often each service will be provided and for how long, and the location where the services will be provided. Examples of accommodations include strategies such as assigning a preferred seat in the classroom, providing the child with copies of class notes, allowing

the child to take oral instead of written quizzes and providing the child with an alternative testing place. Modifications include changes in the content of the course material or assignments and different standards for testing. In addition, the IEP includes strategies for addressing behavior problems that prevent learning.

- **Participation with Nondisabled Children**

The IEP must describe how much of the school day the child will be educated with or will participate in activities with nondisabled children. This section addresses the IDEA requirement to provide education in the “least restrictive environment.” Here the IEP team determines the percentage of the school day that the child will spend in a specialized program.

- **Participation in State- and District-wide Testing**

The IEP also details how a child will participate in state- and district-wide tests, such as which modifications, if any, should be provided for the child when statewide or district-wide tests are given. In fact, parents are legally allowed to exempt their children from these tests if they choose, without any impact on the IEP services being provided. However, the school cannot exclude children from statewide and district-wide assessments on the basis of disability; that would violate federal law. It is important for students to participate in assessments; not doing so may limit their opportunities for promotion, graduation and postsecondary education. State- and district-wide tests improve accountability and lead to better teaching and learning by showing the school district areas where instruction needs to be improved. Thus, the IEP team needs to consider carefully how the student will participate in these assessments to ensure that appropriate modifications and accommodations are provided.

- **Transition Services**

Beginning when a student reaches age 14, the IEP must include a transition plan covering the school courses and activities needed for the student to reach life goals after high school. These goals may be more general for a student in middle school and become more specific as the student progresses through high school. Each annual IEP, starting when the student is age 14, must include a statement of the transition services the child needs to progress toward life goals. The IEP must include consideration of college, vocational school, careers and daily life skills. Beginning when the student is age 16, the IEP also must include a description of the transition services needed to help the student prepare for leaving school. The transition plan is the key to making school relevant to the student’s future as an adult.

- **Age of Majority**

The term “*age of majority*” refers to the age when a young person is considered legally an adult. This age varies from state to state but is usually between 18 and 21 years. Beginning at least one year before the student reaches the age of majority under state law, the IEP must include a statement that the young person has been informed about any rights that will be transferred to that person upon reaching the age of majority.

Question 11: How often is an IEP reviewed?

The IEP is reviewed at least once a year to track whether goals for the child are being achieved, to give attention to challenges and to share new information to help the child make further progress.

After the initial evaluation, the school must conduct re-evaluation testing at least every three years after the child is placed in special education. Re-evaluations may occur more frequently if conditions change or if the child's parent or teacher requests one. Signed parental consent is required before a re-evaluation can be conducted.

Question 12: What are the differences in IEP services when a child attends a private school or a charter school?

The federal IDEA law does not give private school students the same legal rights to special education services as public school students. However, public schools are given a small amount of money each year to pay for Instructional Education Plans (ISP) for students receiving special education while attending private schools. The amount of ISP funding varies from year to year. This arrangement means that if a student attending a private school is referred by that school or if a parent requests an assessment for the child, the public school must evaluate the student, determine eligibility for special education and develop an ISP for the child with input from the student's parents and teachers. Once the ISP is developed, the public school's administration decides which services the public school will provide for the student at a private school. Because the funding for special education services for students in private schools is very limited, large school districts often do not even have the funds or capacity to honor all requests for testing, let alone to provide services under an ISP plan.

Charter schools are considered public schools and must comply with the requirements of the federal IDEA law.

Question 13: What are some tips for preparing for an IEP meeting?

Some of the best preparation for an IEP meeting involves taking the steps that a parent normally would take to help the child succeed in school. For example, great ways for a parent fostering or adopting a child to become knowledgeable about the child's unique school needs include:

- becoming acquainted with the child's teachers and principal;
- attending the child's school conferences;
- paying attention to grades, schoolwork and discipline issues at home, including recognizing what engages the child and what does not;
- setting up a regular homework time, and

- being involved with the child's learning.

In addition, you can forge a good working relationship with your child's school by letting school personnel know of your commitment to the child's educational growth and your desire to be informed about any issues or challenges concerning the child that arise at school. Building a positive relationship with a person on the IEP team is important so that at least one team member will listen to your point of view and will be supportive.

While planning for the IEP meeting, put your questions and issues down on paper so that you will be sure to mention them during the meeting. Think about the purpose of the IEP meeting and all the persons likely to participate so that you will not be surprised at the number who attend. Invite persons who know your child well to attend as your supporters. (They could include an educational advocate, your child's therapist and case manager and a parent mentor who has experience fostering a child.) Plan to bring along someone who will take notes for you so you can concentrate 100 percent on what is being said. Before the meeting, review your child's reports, evaluations, records of school meetings and the document that describes parents' rights and responsibilities in the IEP process (which the school should provide for you). Bring copies of all these reports to the meeting so you can refer to them. If your child is old enough to understand, discuss the meeting in advance with your child; ask for the child's own suggestions about what would help the child to learn and to engage positively in school. Most important, be prepared to talk during the IEP meeting about your child's strengths, talents and interests as well as needs so that the professionals attending will stay focused on positive ways of helping your child to learn.

Question 14: Which rights and options do parents who are fostering or adopting a child have when the school is not a willing or cooperative partner?

There are times when a parent disagrees with school personnel about how a child should be educated. Under IDEA, the parent has a right to challenge the school's decisions about the child's eligibility, evaluation, placement and the services that the school provides for the child.

A parent who disagrees with the school has the following options:

- **Make a provisional agreement:** Talk with school officials to develop an agreement. This might be temporary, such as an agreement to try out a plan and to observe how the student performs. This agreement would include provisions for the temporary plan to be reviewed at a later date. At that point, when you meet again with school officials, an educational advocate should come with you to assist in developing a plan that both you and the school can support.
- **Try mediation:** During mediation, you and the school meet with a neutral party to develop an agreement. Mediation is a good option for trying to resolve disagreements and disputes without having to resort to legal proceedings known as due process. The mediator's job is to

help the parent and the school come up with a decision that they can support mutually. However, the mediator does not have the authority to impose a decision on either the school or the parent.

- **Enter due process:** During a due process hearing, you and school personnel appear before an impartial hearing officer and present your respective points of view. The hearing officer decides how to resolve the problem. The hearing officer's decision is legally binding.
- **Complain to the state education agency:** To file a complaint, write to the state education agency. In your complaint, identify which part of the IDEA law you think is being violated. Typically, the agency must resolve the complaint within 60 calendar days, although some states have shorter time frames.

Question 15: Where can I get an example of an IEP form?

The IEP is the basis of a child's special education. It is a written plan developed and implemented by many persons, including parents and professionals working together to design the best plan to provide an appropriate education for the child. IEP forms vary from school to school, but the federal IDEA law requires that certain types of information must be included. You will find an example of an IEP in the resource section for this theme.

Question 16: What is a 504 Plan, and what purpose does it serve?

The 504 Plan is a plan developed to prevent discrimination based on disability and to protect the rights of children with disabilities while they are in school. A federal civil rights law—Section 504 of the Rehabilitation Act of 1973—requires that all school systems, institutions and organizations that receive federal funds from the U.S. Department of Education must provide accommodations and supports that will help children with disabilities to participate fully in education and in all school-related activities. Sometimes 504 Plans are used when a child's disability does not qualify under IDEA but still significantly impacts the child's ability to succeed in school.

Question 17: How does a 504 Plan differ from an Individualized Education Plan (IEP)?

Section 504 of the 1973 Rehabilitation Act has a broader definition of disability than the Individuals with Disabilities Education Act (IDEA). Therefore, a child who does not qualify for an

Individualized Education Plan (IEP) might be able to receive accommodations and related services under a 504 Plan. A 504 Plan is developed for students with disabilities who do not need specialized instruction but do need other assistance to gain equal access to public education and services (such as accommodation for taking oral instead of written tests or assigned seating in the classroom). The process for developing a 504 Plan is much less complicated than the one for an IEP.

Question 18: Which students qualify for services under a 504 Plan?

A student is considered “qualified” under Section 504 if the student has a physical or mental disability or impairment that substantially impacts or limits one or more major life activities, has a record of such impairment or is regarded as having a disability or impairment. Major life activities include: caring for oneself, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning. The disability must limit a major life activity substantially. This includes a child’s ability to learn in a general education classroom or to participate in other school activities.

Question 19: How can schools help students with a 504 Plan?

Under Section 504, schools are required to provide students who have disabilities with “free, appropriate public education (FAPE).” FAPE can include regular or special education plus related supports and services designed to meet the student’s individual educational needs as adequately as the school meets the needs of students without disabilities.

Here are examples of how schools can help students with disabilities through a 504 Plan:

- Provide a tape recorder or a notetaker to make class notes for a student with impaired vision.
- Provide an adjusted class schedule to allow time for regular counseling or therapy for a student who has emotional issues or a mental illness.
- Allow more time between classes or elevator access for a student whose chronic medical condition impacts mobility.
- Provide preferential seating to accommodate a student’s physical needs or the need to reduce classroom distractions for the student.
- Allow extended time to complete tests and assignments.
- Provide changes to class schedules.
- Provide verbal, visual or technological aids.
- Provide behavior management support.

Sometimes a disability might be temporary such as when a student has a broken leg. Although this disability is not permanent, the school still is required under Section 504 to provide

accommodation enabling the student to have access to the school and its programs while the student's physical activity is limited. For example, a school might provide a helper to carry books between classes for a student using crutches.

Question 20: What is included in a 504 Plan?

A student's 504 Plan describes what the school will do to support the student who has a disability and to ensure that the disability will not be a barrier to the student's access to school programs, including school assemblies and extracurricular activities. The 504 Plan contains a basic description of the kinds of support that the school will provide to address a student's disability.

Question 21: How often is a 504 Plan reviewed?

The 504 Plan should be reviewed each year to make sure that the student is receiving the most effective accommodations to meet the student's specific needs. However, the 504 Plan can be revised at any time during the school year, if needed. Section 504 requires "periodic" re-evaluations. These usually are conducted every three years or before any significant change in the child's placement.

Question 22: What can a parent who is fostering or adopting do if the school is not responding to the parent's request for a 504 Plan? What are the rights and options for parents who are fostering or adopting when the school is not a cooperating partner?

Sometimes parents and schools disagree about how a child should be educated. They might disagree about the services provided in or lacking from a 504 Plan. If the disagreements between the parents and the school cannot be resolved easily, the parents have several options for seeking a solution.

If a school district is reluctant to consider or to make changes to a 504 Plan requested by a parent, the parent needs to gather all records that document the child's disability and to schedule a meeting at the school. It is a good idea for the parent to bring along to this meeting an educational advocate and another professional who can support the student's eligibility and needs for 504 accommodations. If the parent continues to disagree with the school after this meeting, the parent may ask for mediation or for an impartial due process hearing called a "504 hearing." However, not all states require that a 504 Plan hearing process be made available to parents. Ultimately, the parent who still has unresolved issues about a 504 Plan can file a Complaint of Discrimination with the Office for Civil Rights of the U.S. Department of Education.

Some child welfare systems provide educational advocates who can help parents to deal with 504 Plan problems and issues. Parents who are fostering a child need to work with the child's case manager to ensure that the school is meeting the child's educational needs. Additionally, every state has a Parent Training and Information Center (PTIC) that provides free information about evaluations and the special education process. Parents can access the PTIC center for their state on the Parent Center locator page of the Center for Parent Information and Resources website (parentcenterhub.org).

Question 23: What are the differences in services provided through a 504 Plan, depending on the child's age and the type of school (public, private, charter) that the child attends?

Because a 504 Plan is individualized to meet the needs of a particular child, the plan changes as the child grows older to reflect the child's changing needs. There are no specific requirements for certain ages that a 504 Plan must address.

Section 504 applies to public and charter schools because these schools receive federal funds. It also applies to private schools that receive federal funds. However, the 504 requirements for private schools are minimal compared with those for public schools. As a result, even if a private school receives federal funds, it might provide only minor adjustments to accommodate students who have disabilities.

Question 24: Where can I get an example of a 504 Plan?

The federal law does not provide a standard outline for a 504 Plan. In fact, a 504 Plan does not even have to be in writing. However, most schools use a written 504 Plan and involve parents in developing or approving the plan. An example of a 504 Plan can be found in the resource section for this theme.

Question 25: What is the role in a child's education of parents who are fostering?

Parents fostering a child have a key leadership role in supporting their child's development and educational growth. They care for the child in a stable, nurturing home; and their parenting responsibilities extend to helping the child adjust well to school. Because children spend a big part of their day at school, parents who are fostering a child need to get to know the child's teachers and other school personnel who interact with the child. This is so the parents can know how the child is progressing in school. A parent's role includes sharing personal contact information with the child's teachers and scheduling regular communication to stay aware of the child's routine performance, not only when a problem arises.

Parents who are fostering are the school's primary contacts in case of emergency. They register the child at school, obtain report cards and other school reports, attend meetings and keep written records of letters, meetings, school reports and other school documentation about their child (ideally in a binder). They encourage their child to participate in extracurricular activities such as sports and clubs. They help the child to obtain a tutor, if needed.

Parents who are fostering are their child's most intimate and knowledgeable advocates, even if the child has not been living with their family for long. Children in foster care need adults to pay close attention to them and their needs so that transitions and disruptions in these children's family lives and school lives will have fewer harmful effects on their long-term well-being and learning.

Most important, because many children in foster care need help to succeed in school, parents who are fostering need to know whom to ask about the laws regarding special education. They need to find out which services and supports are available to meet their child's unique needs. Parents who are fostering need to attend Individualized Education Plan (IEP) meetings and to press their child's school to provide the services and supports that will help their child to succeed.

A Note about the Definition of "Parent" in Special Education

Under IDEA, every child who has or is thought to have a disability must have a "parent" to act on the child's behalf. For children in the child welfare system, this law has several definitions of persons who can fill the "parent" role. Under the IDEA law, parents who are fostering have the power to make decisions about special education for a child in their care. However, sometimes a parent whose parental rights have not been terminated also can qualify as the child's special education decision maker. In such a circumstance, parents who are fostering need to consult with the child's social worker regarding how to manage and to support the child's educational progress.

Often whether a parent who is fostering can serve in the parental role for making educational decisions and signing consent forms for assessments depends on the state where this parent lives. It also often depends on whether the parent who is fostering has been designated as the surrogate parent for education-related decisions. If the parent who is fostering already is considered the IDEA parent, then that parent may sign the consent for an evaluation to determine if the child needs an IEP. However, if a parent whose parental rights have not been terminated continues to have educational decision-making authority, then that parent should be asked first to sign the document giving consent.

There is an exception in the IDEA law related to consent for an initial evaluation only when a child is a ward of the state. In certain circumstances, a judge can appoint someone to request the initial evaluation. In rare cases, the child welfare agency can be appointed to make this request. (For all other purposes, however, the child welfare agency can never be the

educational decision maker). A parent who is fostering can be appointed to request the initial evaluation.

Question 26: How should children be included in planning for their education?

Generally, the more interested children are in learning, the better. Children should have input about what they think they need at school and what works best for them. Asking for children's input can make them feel that the school exists to support them. This underscores the truth that it is the job of adults to teach children in the way that works best for the children, not the job of children to try to learn in environments or in ways that don't work for their brains. As children grow older, involving them in making their own educational plans helps them to develop a better understanding of what they need to make their school success a reality. Involving children in making decisions about their own educational program will help to prevent them from losing interest in learning or thinking that they are incapable of learning. Those negative attitudes will lead to problems later, such as dropping out or being expelled from school.

If appropriate, children receiving special education services should be involved in IEP or 504 meetings. Their involvement is especially important during the development of transition plans, usually when the student is age 14 (sometimes sooner) but no later than age 16. In fact, the school is required to invite students in this age group to their own transition meetings and to consider their wishes. Transition plans are designed to be results oriented and young person oriented. A transition plan covers how to improve a particular student's academic functioning and to help the student move from secondary school (high school) to postsecondary school activities such as college, vocational education, continuing and adult education, employment, living skills, adult services and independent living. Because the transition plan is based on each student's individual needs, strengths, preferences and interests, it is critical that older children be included in educational planning because this planning is for their own future.

Federal law provides that students make their own educational decisions when they reach the age of majority, which is between ages 18 and 21, depending on the state where a student lives.

Question 27: Can children placed in foster care remain in their previous school and receive transportation assistance?

Yes, a federal law called the Fostering Connections to Success and Increasing Adoptions Act of 2008 requires state child welfare agencies to provide educational stability for children living in foster care. To accomplish this, these agencies work with local school districts to make sure that a child remains in the same school that the child was attending when placed in foster care, unless that would be contrary to the child's best interest. Sometimes it is not in a child's best

interest to stay in the same school; several factors need to be considered carefully in making that decision.

If the child does remain in the same school, several options for transportation assistance are available. A federal law, the McKinney-Vento Homeless Assistance Act of 1987, requires that school transportation be provided for homeless children and some children in out-of-home care, such as those living in transitional shelters. If a child is not in one of these groups, then another federal law, the Every Student Succeeds Act of 2015, authorizes the child welfare agency and the school district to work together in arranging school transportation so that a child in foster care can continue to attend the same school. The school district or the agency, or a combination of both, pay for the child's school transportation. Yet another option is the possibility that a student's IEP will provide for transportation as part of the related services.

Question 28: How and where can I get help advocating for a child's educational needs when I run into problems or challenges?

Some child welfare agencies have educational advocates to help families ensure that their children's educational needs are being met. Parents who are fostering a child need to talk with their case manager about training opportunities and other educational resources that are available for them. Likewise, parents who are adopting a child need to check with the local child welfare agency to find out which training opportunities and other educational resources are available to them.

Each state's Board of Education has a website that lists resource centers that provide legal assistance or advocacy services for families, usually at no cost or at a low cost. Parents who are fostering or adopting a child also can send a request to their school district for information about free or low-cost legal services available locally. In addition, the Center for Parent Information and Resources website (parentcenterhub.org) can connect parents with the Parent Training and Information Centers (PTIC) in their state that can provide parents with advocacy resources.

Often finding groups that include other parents who have IEP or 504 Plans for their children is a great way to get advice, to find support and community and to learn great ideas and suggestions about how to advocate for your child. Several national organizations also help parents to advocate for their children who have special needs or learning-related disabilities.

Question 29: What postsecondary educational help is available for older children in foster or adoptive care?

Some child welfare agencies offer older children currently or formerly in foster care several types of financial assistance for postsecondary education. Some agencies offer special grants, tuition-free scholarships to state universities or tuition waivers at local community colleges. Numerous scholarships are available for older children in foster and adoptive care. Federal student aid usually is available to them as well.

Described below are two other programs that might provide assistance. Parents can check with their child welfare agency about the availability of these programs.

The John H. Chafee Foster Care Independence Program (CFCIP) provides federal funds to states and tribes to prepare older children in foster care to make a successful transition into adulthood. States and tribes can spend their Chafee dollars on many types of services and supports for older children currently or formerly in foster care, including programs aimed at promoting postsecondary education.

The Education and Training Voucher (ETV) Program provides eligible older children who are or were in foster care with up to \$5,000 each year for postsecondary educational expenses such as tuition, fees, books, school supplies and computers. In addition, ETV dollars can be used to pay certain qualified living expenses, such as the student's rent, food, transportation to school, health insurance and childcare for the student's own children. The amount of an ETV award is based on the availability of funds and the cost of attending a postsecondary educational program not covered by other sources of financial aid. Eligible young persons must begin receiving assistance before their 21st birthday. They remain eligible for ETV awards until age 23 if they are making satisfactory progress toward completing their educational program.

Question 30: What is an IFSP and how is it different than an IEP?

Much like an IEP or 504, an Individual Family Service Plan (IFSP) is both a document and a process, which is developed to identify early intervention services for an eligible child and their family. IFSPs are covered by the Individuals with Disabilities Education Act (IDEA) and includes measurable goals and a treatment plan outlining the interventions that will be offered to ensure that the child in your care reaches their full potential. IFSPs are designed to support infant and toddlers up to three years of age who need specialized support and services to address any developmental delays in the areas of communication, cognitive, social-emotional and physical skills. If you have concerns and questions about the developmental milestones a child in your care may not be reaching at the same pace as their peers, make a list of them and speak to your pediatrician to do an initial assessment based on what is seen in typical child development. If appropriate, your pediatrician will be able to refer you for a full early intervention evaluation with your state's early intervention center or go to this government

website to find the closest center in your state
(<https://www.insurekidsnow.gov/coverage/index.html>).

Once it is determined that a child is eligible for early intervention services, an IFSP team will meet together to create the treatment plan. Members of the IFSP team is based on the child's developmental needs and may include: an occupational therapist (OT), speech-language pathologist (SLP), physical therapist (PT), neurologist, and psychiatrist, among other professionals. Once the child reaches 3 years of age, their progress is assessed and it is determined if the child should be transitioned to an IEP for ongoing interventions and support.

Important deadlines to be aware of include: 30 days to develop the IFSP from the date eligibility is determined; review of the IFSP should take place every six months; and prior to the child's third birthday, treatment progress should be assessed and transition planning should be conducted, including the development of an IEP for the child if appropriate.