

CASA Education Advocacy

OBJECTIVES

CASAs will be able to . . .

- Understand the need for educational advocacy
- Use the Basic Education Advocacy Checklist
- Understand the stages of the Special Education Process
- Understand the rights of students with and without disabilities during school disciplinary procedures
- Access resources and sources of information to assist in their education advocacy efforts

Snapshot of Children in Care



- ▶ According to the research from the J.W. Fanning Institute:
 - ▶ 75% of children in foster care operate below grade level
 - ▶ Youth in care lose approximately 4-6 months of academic progress with each move
 - ▶ Only 8% of children in care graduate with a H.S. Diploma

Best Interest Factor

Whenever a best interests determination is required, the court shall consider and evaluate all of the factors affecting the best interest of the child in the context of such child's age and developmental needs. Such factors shall include:

The home, school, and community record and history of such child, as well as any health or educational special needs of such child.



What skills are needed for
Education Advocacy?

Education Advocacy Skills



- Basic knowledge of education law and policies
- Willingness to seek out cooperative solutions to educational issues
- Ability to research the educational history of a child
- Willingness to seek out members of the CASA support team when you have questions



What does Education
Advocacy Look Like?



Two Phases

Phase I-Fact finding and Assessment

Phase II- Child Specific Supports

Phase I- Fact Finding and Assessment

School Board
Policy

Education
Advocacy
Checklist

Determine what
the child needs
academically.



School Board Policy Provides Key Guidance

ENROLLMENT- WHAT DOCUMENTS ARE ACTUALLY REQUIRED FOR ENROLLMENT?

PROMOTION/RETENTION- HOW DOES THE DISTRICT DECIDE WHERE TO PLACE EACH CHILD?

STUDENT RECORDS-HOW AND WHERE ARE THE RECORDS STORED?

DISCIPLINE- WHAT ARE THE PROGRESSIVE STEPS FOR DISCIPLINE?

HOMELESS STUDENT CLASSIFICATION – ARE CHILDREN CLASSIFIED AS HOMELESS UNDER MCKINNEY-VENTO?

TITLE I CONTACT PERSON- WHO IS THE TITLE I REPRESENTATIVE FOR THE DISTRICT?

A closer look at school board policy

ENROLLMENT-

- MOST DISTRICT HAVE AN “ENROLL THE CHILD” POLICY WHICH WILL ALLOW CHILDREN TO BE ENROLLED PROVISIONALLY WHILE THE DISTRICT AWAITS THE PAPERWORK VERIFICATIONS.
- THE MCKINNEY-VENTO ACT ALLOWS FOR IMMEDIATE ENROLLMENT FOR UNACCOMPANIED MINORS AND CHILDREN DEEMED HOMELESS-42 U.S.C. 11431
 - Check the school board policy to see if children awaiting “permanent” placement are considered homeless

A closer look at school board policy

PROMOTION/RETENTION-

- MOST DISTRICT HAVE CLEAR GUIDELINES FOR PROMOTION AND RETENTION
- HIGH SCHOOL TRANSCRIPTS CAN BE READ AND CHECKED BY THE SCHOOL COUNSELORS
 - The high school counselors, particularly 11th and 12th grade counselors, can easily determine what classes a child needs to graduate .

A closer look at school board policy

STUDENT RECORDS- IT IS IMPORTANT TO REVIEW THE PERMANENT EDUCATION RECORDS FOR CHILDREN IN CARE

- LOOK FOR IEPs OR EVALUATIONS FOR SPECIAL EDUCATION
- MAKE SURE THAT THE CHILD IS ACTUALLY IN THE CORRECT GRADE
- REVIEW ANY DISCIPLINARY NOTES
- LOOK FOR ANY COMMENTS REGARDING THE POSSIBILITY THAT THE CHILD IS GIFTED

A closer look at school board policy

STUDENT DISCIPLINE

- READ THE DISCIPLINE POLICY FOR THE SCHOOL AND THE DISTRICT

A closer look at school board policy

TITLE I REPRESENTATIVE

- STUDENTS IN CARE ARE ELIGIBLE FOR TITLE I RESOURCES UNDER PART "A" AS CHILDREN AT RISK OF FAILING AND UNDER PART D AS NEGLECTED OR DELINQUENT
- CHILD SPECIFIC ELIGIBILITY FOLLOWS THE CHILD AND DOES NOT DEPEND ON THE SCHOOL BEING CLASSIFIED AS A TITLE I SCHOOL



Education Advocacy Checklist

Education Advocacy Checklist

Create an Education File

- ▶ CASA Court Order
- ▶ Transcript
- ▶ IEP
 - ▶ Date last updated: _____
- ▶ 504 Plan
 - ▶ Date Last Updated _____
- ▶ Behavior Intervention Plan
- ▶ Report Cards
- ▶ Teacher/Counselor Contact Information
- ▶ Request E.P.A.C. Evaluation
 - ▶ If already completed, request report.
- ▶ Initial Meeting with Child and Foster/Group Home About Education
- ▶ Meet with School Personnel and Stakeholders
- ▶ Review of Education Records at School
- ▶ Check SLDS Records in the Parent Portal



Statewide Longitudinal Data System

The Statewide Longitudinal Data System (SLDS) is designed to help districts, schools, and teachers make informed, data-driven decisions to improve student learning. SLDS is a free application that is accessed via a link in the district's Student Information System (SIS). It provides districts, schools, and teachers with access to historical data, including Assessments, Attendance, Enrollment, Courses, and Grades beginning with the 2006-2007 school year.

To Access the SLDS:

- You need Access to Infinite Campus/ Parent Portal (Request to be added into the portal)
 - There is usually a “Test Data” tab in the parent portal that allows you to see the results of previous tests such as the CRCT or the ITBS.



Phase II

Child Specific Supports

If you or other stakeholders suspect the child needs special education services?

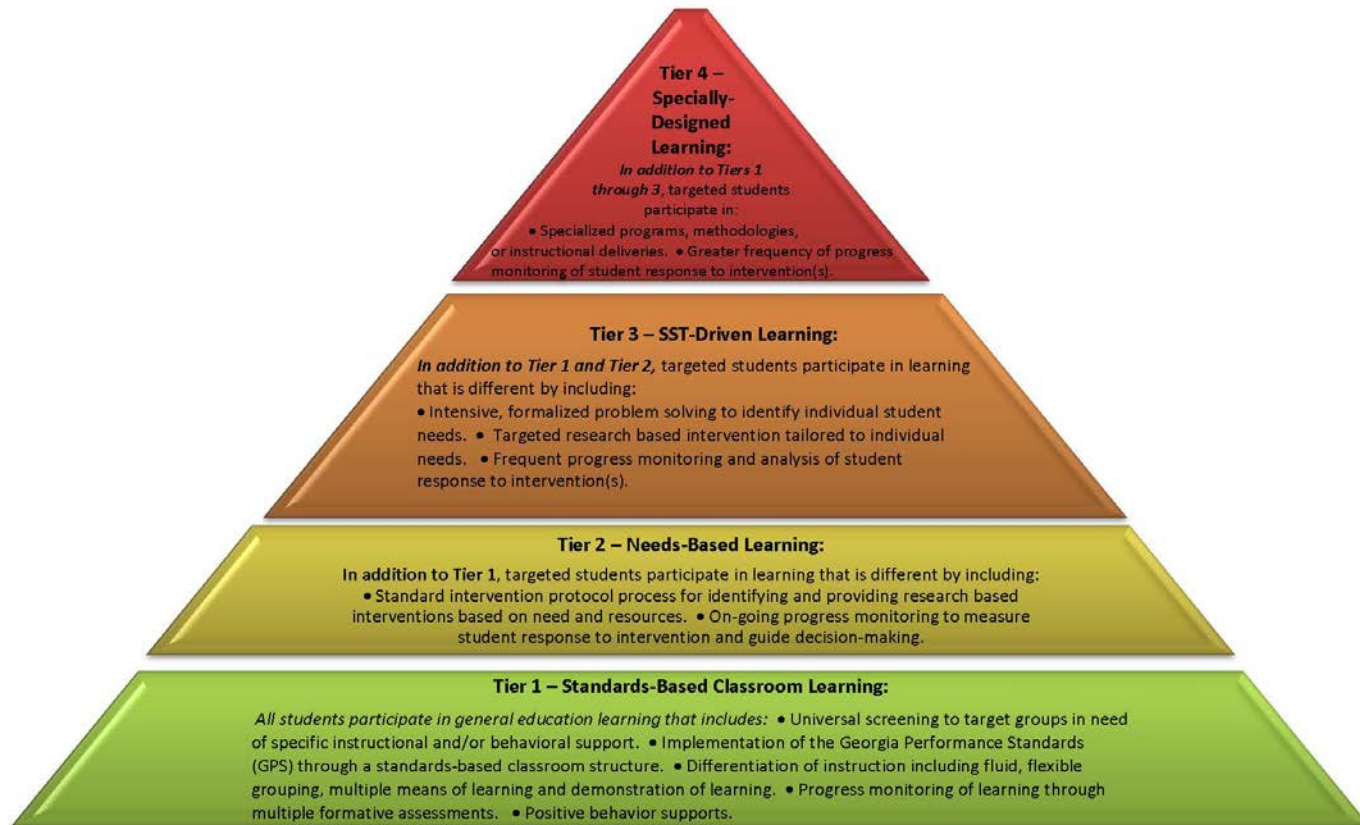
- ▶ Immediately request an evaluation for special education in writing
 - ▶ Send copies of the request to the homeroom teacher, Special Education Coordinator, Student Support Team Chairperson, and Assistant Principal
 - ▶ Request evaluation in all suspected areas of disability
 - ▶ Request to have the child evaluated under IDEA and Section 504
 - ▶ Ask the Student Support Team (SST) Chairperson to schedule a meeting for accommodations during the evaluation process.

Why should you request immediate evaluations?

- Children in care tend to have a higher number of school transfers than children not in care
- Waiting for the Student Support Team (SST) to complete multiple cycles of interventions before suggesting IDEA or 504 evaluations can take months
 - Many children in care are forced to restart the Pyramid of Interventions with each new school placement.
 - (See Handout)
- Even when an evaluation under IDEA is requested, it can still take up to 90 days to get an Individual Education Plan in place

Pyramid of Interventions

Response to Intervention The Georgia Student Achievement Pyramid of Interventions



Let's Craft a Letter

- ▶ Thomas is a nine year old boy. He and his two younger sisters, ages 7 and 5, are all placed together in the same foster home. His foster parents report that Thomas is struggling to keep up with his peers in school; his foster mother states that he just doesn't seem to grasp everything that he reads. His 2nd grade teacher reports that he seems to have trouble focusing and he is still writing a lot of his letters in the wrong direction.
- ▶ Write a letter requesting an evaluation for Thomas

Let's Review the Letter

To whom was it addressed?

What are the areas of suspected disability/concern?

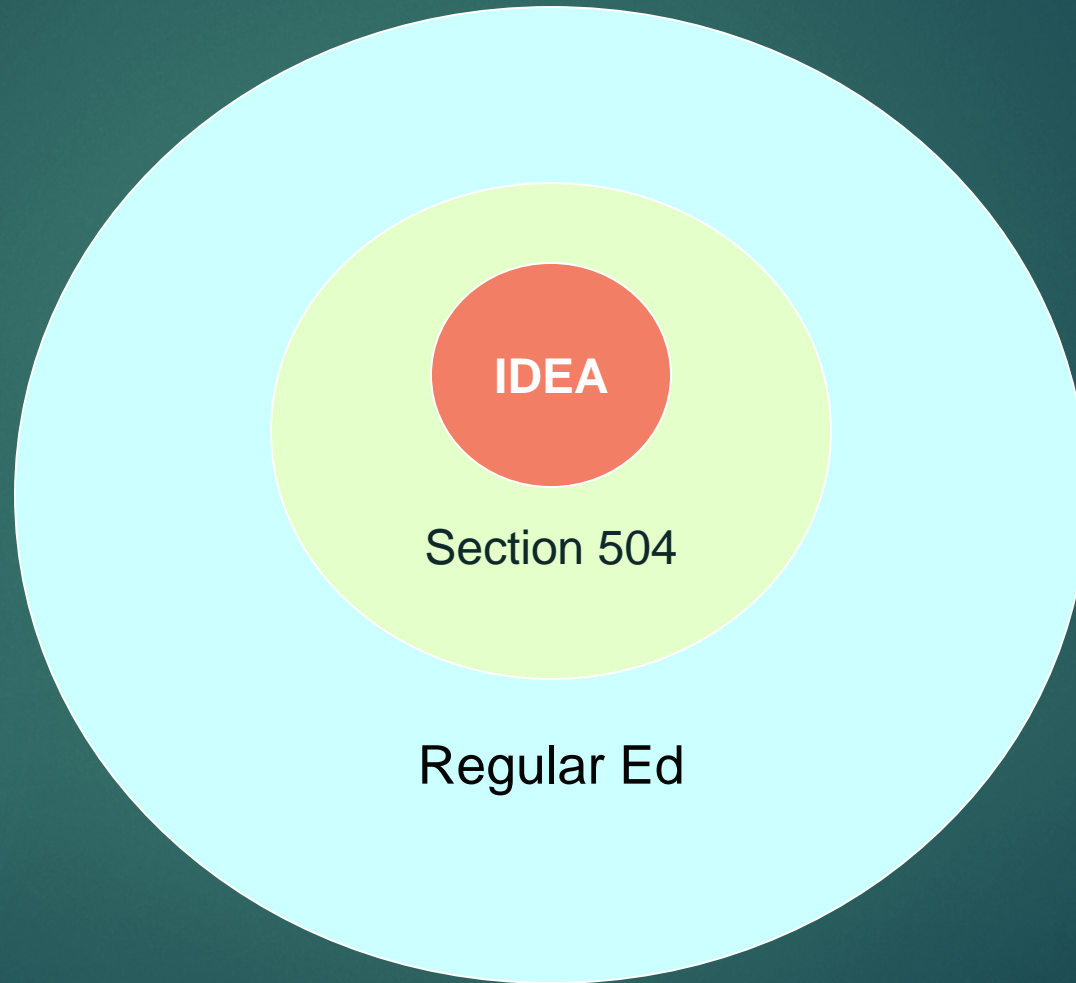
Request evaluations under the IDEA and section 504

Request accommodations from the Student Support Team during the evaluation



Special Education Laws and Protections

Education Law Protections



There are Two Major Laws for Special Education

- ▶ Section 504

- ▶ IDEA




What is a Disability under Section 504 of the Rehabilitation Act of 1973?

A physical or mental impairment
that substantially limits
a major life activity

Key Protections under Section 504

- Accommodations that enable the individual to participate in activities with their peers (see handout)
- Follows the student throughout college
- Prohibits discrimination on the basis of an actual or perceived disability



Individuals with Disabilities Education Act (IDEA)

20 U.S.C. 1400

Eligibility Under IDEA

To qualify for special education and related services under one of the 13 eligibility categories of the IDEA of 2004 – except for speech and language – the child must have a disability that adversely affects the child's educational performance, and who, by reason thereof, needs special education and related services. 34 C.F.R. § 300.

What is a Disability under IDEA?

- autism
- deaf-blindness
- deafness
- emotional disturbance
- hearing impairment
- intellectual disability
- multiple disabilities
- orthopedic impairment
- other health impairment
- specific learning disability
- speech or language impairment
- traumatic brain injury
- visual impairment (including blindness)

What is not a Specific Learning Disability (SLD) disability under IDEA?

- ▶ Students whose lack of achievement can be attributed primarily to one of the following factors should not be determined to have an SLD.
 - visual, hearing, or motor disability
 - mental retardation
 - emotional disturbance
 - cultural factors
 - environmental or economic disadvantage
 - limited English proficiency
- ▶ Such students can be served in other disability categories of IDEA or through programs for at-risk or disadvantaged students, such as Title I of the No Child Left Behind Act.

Key Protections under The IDEA

- ▶ Referral for evaluation can be made by anyone
- ▶ Evaluation must be in all suspected areas of disability
- ▶ Right to an independent evaluation at school district expense

Key Protections under the IDEA

- ▶ FAPE – Free Appropriate Public Education
- ▶ IEP - Individualized Education Plan
- ▶ LRE - Least Restrictive Environment(see handout)
- ▶ Parent Involvement - IEP Team

Always ask to have a surrogate parent assigned when a child has an IEP

Why?

- ▶ DFCS workers are not allowed to sign IEPs because of the conflict of interest
- ▶ Surrogate parents are trained volunteers that help advocate for the best interest of the child
- ▶ A surrogate parent can ensure that the IEP is appropriate for the child even when a CASA can't be present

Individuals with Disabilities in Education Act (IDEA)

▶ Timelines:

- ▶ 25 school days to consider referral
- ▶ 60 calendar days to complete evaluation
- ▶ 30 calendar days to develop an IEP
- ▶ 15 days for response to request for independent evaluation

Stages of IEP Process

- Referral- Can be made by anyone with knowledge about the child
- Evaluation-A child should be evaluated in all areas of suspected disability
- Eligibility- After the evaluations are complete, a meeting will be held to discuss the areas of eligibility. Usually, the first IEP will be created at the same time
- Plan Creation- An Individual Education Plan under section 504 and/or IDEA will be created
- IEP Implementation- A copy of the IEP should be given to all of the child's teachers and the modifications and/accommodations should be made according to the IEP.



Keep Track of the Timelines

Special Education Advocacy Tips

- Ask for IEP Review meetings when youth transfer schools.
- Ask the IEP team members to explain anything that is unclear on the IEP.
- Schools are required to honor IEPs from other schools. If the school disagrees with the plan, they can ask to reevaluate the child.



Student Discipline

Three Important Things about School Discipline

- Students have a right to education, even if they misbehave in school.
- Students often have the right to challenge punishment and tell their side of the story.
- Students have a right to basic due process before being completely excluded from school.



Check School Board Policy

Forms of Corrective Action

Discipline:

- ▶ All forms of corrective action or punishment other than suspension and expulsion—including exclusion

Short term suspension:

- ▶ 10 days or less

Long-term suspension:


- ▶ a fixed period of exclusion for > 10 days

Expulsion

- ▶ exclusion for an indefinite period of time

Emergency Expulsion:

- ▶ Immediate removal from school property



Encourage foster parents,
group home staff persons
and caseworkers to ask for
documentation of
suspensions or exclusions.

Disciplining Students with Disabilities

- ▶ Students cannot be punished for behavior that is the result of their disability.
- ▶ Students with disabilities have the right to receive education even if they are expelled from school.
- ▶ The school administrator who is in charge of discipline may not know about the special needs of a particular student or the important steps that must be taken before imposing discipline.

Discipline Considerations for Students with Disabilities

- Ask if the behavior is a manifestation of the child's disability.
 - If a manifestation meeting determines that it is, ask for a Functional Behavior Assessment and a Behavior Intervention Plan.

Functional Behavioral Assessments (FBA) and Behavior Intervention Plans (BIP)

FBA- The team tries to see what events “triggered” the unwanted behavior

BIP- The plan attempts to redirect the student BEFORE an unwanted behavior occurs based on the known triggers.

Example:

1. A 1st grade student has an unwanted behavior of running out of the classroom.
2. The FBA determines that the behavior occurs when it is time for math.
3. A BIP is then put in place to address the anxiety the child faces when it is time for math. Instead of just stating “it’s time for math”, the teacher warns the transition is coming and then allows the student to help distribute the manipulatives.



Tribunal Hearings

- If a child is scheduled to have a tribunal hearing, make sure the child's attorney is notified immediately.
- Ask the caseworker to submit a referral to request for a pro bono (volunteer) attorney as soon as possible.
 - GA Appleseed currently has a Student Tribunal Project in progress. This program attempts to have volunteer attorneys represent children in care during the tribunal hearings.



CASE STUDIES



Court Report

- Provide information about the child's academic progress in the court report
- Share academic achievements while testifying or talking about the case in open court
- Discuss any needed resources and concerns in the report



Potential Issues and Strategies

Resources

- Local School Board Policy
- GA Department of Education- www.gadoe.org
- GA Appleseed- www.gaappleseed.org
- GA CASA- www.gacasa.org
- Georgia Vocational Rehabilitation Agency-
<https://gvra.georgia.gov/about-us>
- Job Corp-<http://www.jobcorps.gov/home.aspx>
- EPAC- <http://epac.dhs.ga.gov/>
- Local CASA Program!!