**Webinar Series**

*Special Education Hacks: Making IEPs Work for Students in Foster Care*

2020 National Foster Parent Association Session

Presenters:

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Elizabeth Kramer: Rush, whenever you are ready.

Rush: Ready.

Elizabeth Kramer: OK. Hello and thank you for joining us. Today's webinar is brought to you by Child Welfare Information Gateway, the information dissemination service for the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. My name is Elizabeth Kramer, and I'm the Senior Manager for Knowledge Transfer and Information Management at Child Welfare Information Gateway. This webinar is one of several that we are offering virtually to help ensure that critical information is shared with child welfare and related professionals during the COVID-19 pandemic when we are prevented from gathering in person and challenged to continue to work with children and families in new and innovative ways. Today's presentation was originally scheduled as a breakout session for the National Foster Parent Association National Conference. Just a few notes. We are recording today's webinar and we'll be making this recording available on our website at www.childwelfare.gov.
And now today, I’m very excited to introduce our session, "Special Education Hacks: "Making IEPs Work for Students in Foster Care" with Dr. Kelly Henderson. Dr. Henderson, I’m going to go ahead and turn it over to you.

Dr. Henderson: Great. Thank you so much, Elizabeth, and thanks to the gateway and thanks to NFPA for inviting me to do this. I did, as Elizabeth said, propose this session prior to COVID, so we aren't going to talk in detail in our 45-minute window today too much about the COVID overlay. That is really important to understand, but it is an ever-evolving process and it looks very different state to state and, to be honest, locality to locality. So we are always available at Formed Families Forward to help families navigate that tricky new world. But today, we're really going to focus on-- and there's plenty to focus on without the COVID overlay-- on just helping foster, adoptive and kinship, but we're going to focus today a lot on foster families, support their children who may be receiving or should be receiving special education. So that's our window. I do hope that-- to keep it to 45 minutes. I do have this term, "hacks." We've talked about that. We know computer hacks and we know life hacks, and so we thought we'd talk a little bit about special education hacks, and if you've been around for a while and been involved in special education with your-- with your children now or in the past, you know that there's a lot of vocabulary, there's a lot of process, there's a lot of policy. There's a lot of regulation. There's a lot of paper involved with special education. And so we're trying to find some things that you may know, but may have forgotten or may not be leveraging to your benefit or to the benefit of your children. So that's sort of what we're calling hacks, so there's a little symbol on
some of the slides. That reminds me to talk to you about what those hacks are. You should be able to access these slides as a handout. There are a lot of slides. I’m not going to, again, in our 45-minute goal window go through every one in great detail, so I will just make reference that you have more information in your handouts than we're going to get into in detail.

So first of all, very briefly, who we are. Formed Families Forward is a family led, family run resource center in Northern Virginia. We specifically focus on training and direct-- and providing direct support to foster, adoptive, and kinship families who are raising children with special needs, as well as the professionals that our families touch. So we do this really free of charge to families. So we offer free trainings, consultations. Those are typically fairly intensive, one-on-one, by phone or in person--but right now by phone--consultations to families who may be experiencing some frustration or need some support in moving forward with their situation with their child or children. We do a lot of events, obviously not recently, in person. We have peer support groups and we actually offer virtual peer support groups as of spring. We'll see how that goes--and fall--and those are for youth and young adults, 14- to 22-year-olds, and we also have a separate group for parents and caregivers, open to anybody who feels they could use some peer support. Those are led by clinicians. We do a lot of resource navigation. We have a really good resource directory for our region, all kinds of supports, agencies, organizations. And we've just launched-- since we are talking about the COVID era--we've launched a new respite care program where kinship families are able to get free respite care 10 hours a week to support their personal needs, their
medical needs, their work needs, providing that level of care to the children and their kinship families.

We are--since we are talking about education, we also are the family partner to Virginia Tiered Systems of Support, which is an education change, education reform project. So if you are familiar with PBIS-- Positive Behavior Interventions and Supports-- or MTSS, Multi-tiered Systems if we're outside of Virginia, that is our state project that focuses on that approach. There's our email and website. You are more than welcome to contact us anytime, especially if we're not covering something that is of great relevance for you yourself, personally.

So who I am--I am, first and most important, a mom. Those are my three boys. I made them pose last night, so it's a fresh picture. Our family is formed in part by foster care and adoption, and my kiddos are now 16 to 22. So all of them have special needs of some type, including some with some fairly intensive issues that all--well, I should say two require special education and one required a 504 plan, and we'll talk about what that means in just a moment. There's a website. Again, we are on Facebook. We do a lot of posting, especially now, at least daily on Facebook of other learning opportunities, other support, other resources that might be of help. We're now on Insta and we-- and we also tweet, so please join us in one of those ways. Even if you're not in Northern Virginia, we do share lots of information of interest to lots of folks in the foster-care world.

Very briefly, we're going to do a lot in a very short amount of time. We're going to talk about why special
education's such a big deal for foster-care families. Where does this whole thing-- what is this whole thing grounded in? What are those policy foundations? We won't get into too much of the policy... minutiae, but I do want-- it is really important to understand sort of where these things emanate from and talk about the special education cycle, how it's supposed to work. Pure and open acknowledgement that it doesn't always work that way, but it's important to understand how it's supposed to work so that you can then leverage and advocate for your children. We're going to talk about hacks all the way through and then end with some very quick resources.

Again, not a big surprise, if you've chosen this topic, that there is a really strong foster-care disability connection. Here are just some statistics. It's really hard to get national statistics because the federal government does not require yet any specifics about foster care in terms of their national data sets, but we're getting there with some of our most recent title ones, so we should have better information, at least about special education and foster care. So we know that there is a larger than proportionate representation of children in foster care. In special education, we know that there's a larger prevalence of disability, on disabling conditions in foster care. We often are looking at states today, so some of this data is from state-specific studies. We find that children in foster care tend to be in low-performing schools. They tend to be moved school to school very frequently, that they are classified officially as children with disabilities under the provisions we're going to talk about shortly at a much higher rate. To be honest, twice is probably conservative. We're finding in other areas rates of three to four times the rate of disability. But
again, there are probably kiddos that should be identified with a disability and receiving special education services that are not, largely because they don't have consistent advocacy, they are moving school to school, and it is sometimes hard for schools to get a full set of records and information when children are not there for a decent amount of time. We find that those who are identified tend to be predominantly in categories like emotional disturbance-- we'll talk about that--and their outcomes are not great. We tend to see children in foster care, teens in foster care dropping out at a higher rate and graduating at a very low rate. I want to just make note because we do serve kinship families and we do serve adoptive families, and I know that the audience for NFPA do have mixed bags, so these issues apply to those populations as well. We see a higher prevalence of disability and special needs amongst those populations, so that's just a nod to the reality there.

So what are the formal options for supporting children with special needs through our education system? Well, there's a number of federal mandates, requirements, provisions. The first set really talk about access. Can individuals with disabilities--and these-- both the Rehabilitation Act and the Americans with Disability Act talk about all individuals with disabilities, not just children, and they really focus on access from a civil-rights perspective. Are individuals with disabilities being provided the same access to opportunities? 504 of the Rehabilitation Act talk to services for-- that are publicly funded and then, in 1990-- we just had an anniversary of that law, a big anniversary, 40 years-- 30 years-- excuse me. 30 years of the ADA this month, talk to expanding that to any public accommodation, so those two federal laws really speak to, again, access and equal
opportunity. In education, we do a lot of talking about the Individuals with Disabilities Education Act, or I.D.E.A. Sometimes people call it IDEA, and that specifically talks about services for individuals who have been identified, "individuals" meaning children and young adults, who have been identified as having a disability under that set of provisions, under I.D.E.A. So the coverage is much broader under Rehabilitation Act than it is for I.D.E.A.

And then, of course, and we won't talk about it today, there are lots and lots of formal options for supports of foster children who have special needs in other systems, namely...child welfare and sometimes vocational rehabilitation, so we aren't going to talk about those, but they are important to acknowledge that those are there and should be working for you. One slide on 504 because we're not going to get into the nitty-gritty of this, but some of you may have raised children or are raising children who have a 504 plan, and that is--that's where that term comes from, and it was originally a section of the Rehabilitation Act of '73 that, again, focuses on access and protecting the rights of individuals to access programming. Prohibits discrimination based on disability, and the term--they are in the second bullet-- is really important: physical or mental impairment that substantially limits a major life activity. And that's the criteria-- very broad, again--for 504 and again ADA for expanding services to more public accommodations that allows an individual child to receive accommodations and supports to allow them to have access to those programs. It is much broader, it is not nearly as specific as I.D.E.A., so we're not going to talk a lot about it because I think a lot of our--in the title, experimentation talks about IEPs--Individualized
Education Programs--and that really comes out of the Individuals with Disabilities Education Act, I.D.E.A.

So what are the fundamental concepts of I.D.E.A.? And this was passed in 1975, so a couple of years after the Rehabilitation Act, a major piece of federal legislation. It really undergirds everything we do in special education, and it is a trickle-down. The fed set some fairly specific statute and even more specific regulations about idea and what children with disabilities should be receiving and how they're supposed to be receiving it and who gets to determine who and what they get. So that happens at the federal level, but then every state has to take that set of statute and regulations and make it their own and implement it, make it implementable and then implement it at the state level. And so every state has a set of regulations, special education regulations that they are designed to implement the I.D.E.A., and that's probably the number-one hack for you today, is to make sure, if you have not seen and don't have a copy in your back pocket or linked on your phone or computer, it is really important to be very familiar with the regulations in your state, the special education regulations or the regulations implementing I.D.E.A.

So what is special education? It is very, very well-defined. It is specially designed instruction. So this distinguishes and this is the--first of all, it's really important because it distinguishes a bit from 504 services, which really focus on access. In the case of I.D.E.A., in the case of a child who has an IEP, we're talking about the need for specially designed instruction, something different, not just more time to get an assignment done, but the way that that assignment is instructed, the way that it's supported is fundamentally
different. It’s specially designed for that individual child, and you see the word "individual" and the name of Individuals with Disabilities Education Act, and that is key, so this is something different. It is not an accommodation to what everybody else is getting. It is fundamentally distinct and specially designed, so that is a really important concept. Another concept that’s really important is it's provided at no cost, that free, appropriate public education is part of what is required and guaranteed under I.D.E.A., and the idea is that it's meeting the unique needs of the child with the disability, and again, that gets back to that term, "individual with disabilities." The guarantee is that a free, appropriate public education is available for all. I forgot the "p" there, so it should be a free, appropriate public education--FAPE-- and you will hear people talk about FAPE in the world of special education a good deal, and that, again, that's just that guarantee that those services and supports, specially designed instruction are available to the individual. Another guarantee is that those services will be provided in the least restrictive environment, so that child should be receiving those services in the--as close as possible to the neighborhood school, in the neighborhood school with general education students to the extent possible. So that's the presumption, that it's going to be the least restrictive environment and that the team has to justify any removal from that to more restrictive or segregated settings. So we'll sometimes hear that called LRE. We love acronyms in special education, so LRE is the term that's sometimes used to describe that least restrictive environment. There's protection of rights for children and their parents, and parent participation in educational planning is guaranteed. This is really key for this conversation as I talk to foster parents and resource
parents and those who work with them. It is very, very important to understand you have a right. You have a right to be participating in the planning for your child.

Very briefly, and again, you'll have handouts because I--and I, like, laid out--I just cut and paste straight from the federal regulations' definition of "parent." this is really important in foster care because there's a lot of misunderstanding about it and there's, to be honest, a lot of purposeful misapplication of it. A "parent," in the I.D.E.A. regulation and law, is very well-defined, and it could be a foster parent and should be a foster parent in many cases, so here is the definition of "parent." It is very, very clear, and it should be very much echoed in your state regulations. So first, it's a biological or adoptive parent, then it is a foster parent that can act as parent, then it's a guardian and then there's somebody else acting as a place of a biological parent or adoptive parent. Continuing on, it could be a surrogate parent, but generally a surrogate parent should not be identified--a surrogate should not be identified or named if--I'm going back a slide-- the foster parent is available to do that, and so it's really important that foster parents are engaged. They're the ones who are living with the child, caring for the child, and probably know, at that moment, the child best, certainly is dealing with the school on a regular basis. So that foster parent can serve and should serve as parent. Knowing that, if the biological parents--if determination of parental rights has not happened, and a biological or adoptive parent is still in the picture, they do retain those rights. A foster parent can attend the meeting, but the birth parent tends to be still holding those rights, again, unless TPR has been done. So if they're in the picture and they're available, even if they're not available in
person to participate in meetings, they should be doing so. Again, a foster parent can support that. If they're not available or if TPR has been done, then a foster parent should be that "parent" under the law, in other words, being the educational decision maker. It should not be a case worker, and that's actually specified that it is--should not be--it should not be an agency worker who is providing that role in the case of educational planning under I.D.E.A. I do want to note that the very last section is the reference to the fact that a judge, a court can make exceptions to this list of potential parenting roles. So a judge can certainly trump this list, and if he or she designates someone else to serve as parent, then that stands.

Very briefly, special education cycle. This is--this comes from our friends at PEATC, which is our state Parent Training Information Center in Virginia, and here is the cycle, so sort of starting over on the upper left, referral, that some request is made, somebody suspects there's a disability. That can come from a foster parent. It can come from school personnel. It can come from outside agency people, and that referral is initiated, and the school then has a responsibility to follow up in some way. They typically do a screening first and then they move to evaluation, and we're going to talk a little bit about evaluation. It's that formal process of collecting information about the child's needs, and they do that through all kinds of ways of doing that. And again, the regulations are pretty clear about the nature of the assessments that they use. They cannot be biased, they need to be done in the native language of the child. There has to be a diversity of approaches. It's not just one person collecting one assessment. Observations should be done. Information from the parent or the
family member should be part of that evaluation. That evaluation is conducted at no cost to the family.

And last bullet--notice. The parents are members of the team who review that evaluation and assist in deciding whether that information-- if more information is needed and then deciding on eligibility, which we'll talk about in a moment.

Here is our first official hack. This, again, is something that's been in the regulations and law for a long, long time, but is not often advertised or shared liberally with family members, and so it's really important to know that families have a right to request an independent educational evaluation, often called IEE; again in our acronym-friendly world. So if, at any time while that evaluation is being done and the results are then shared, if a parent disagrees with the results of the tests given during that child's evaluation process, they have a right to request of the school system an Independent Educational Evaluation that is done by someone who is not a school employee, so an outside, independent evaluation. Parents generally get that free of charge. They request that of the school, and largely, if it's a reasonable request, the schools will do that without much hesitation. They may have a list of contractors, private contractors that they have financial agreements with that you can pick from that serve as independent, but you do not necessarily need to pick from that. And if you have a child that has some sort of exceptionally specialized need, such as history of significant trauma, and you need to select a provider that is more in line and more skilled and has-- you have a reason for selecting a particular evaluator, you can make that case as well. So the IEE is given to the parent, to the family. It
is not given to the school, and so the family decides if the results of that IEE are to be shared with the school.

So get through that evaluation phase, and we move to the eligibility phase, and this is really, really key in the whole process because all of these protections and all of the services, all that specialized instruction doesn't happen unless a child is determined to be eligible for I.D.E.A. Again, remember, the specific eligibility criteria, the definition of who is eligible is much tighter in I.D.E.A. than it is for 504 or ADA. We have to make the case that this is an individual child or young adult with a disability that requires specialized services, so eligibility is really important, and here is the rub: eligibility is a categorically driven system. It's not the best practice, but it is the way it is, and it's the way it's been for decades, and right now these are the categories under federal law, federal regulation, and you can find these in your federal regulations. You can find these definitions in your state regulations, and they need to lay out at the state level, consistent with the federal regulations, how each of these categories is defined and decided. To become eligible, to get a child that IEP, a child must be found eligible under one of these categories. It's just the way it is. It's not a deal, again, but it is the way it is, so it is important to understand these categories and to know what those categories look like as you as the parent go into that eligibility meeting to review the evaluation and decide whether this child is a child with a disability.

The same applies for re-evaluations, so if the child has an IEP and they send you some paperwork and say, "Oh, it's time for a re-evaluation. We're going "to have this meeting to re-evaluate the child and determine if he or she is still a child with a disability," these categories still
apply, so they're probably identified with one of these categories already if they have an IEP, and you need to decide as part of the team whether that continues to be an applicable situation. There are some categories we know are not going to change, right? If you have a traumatic brain injury, you likely are going to continue to have a traumatic brain injury, but there are other categories that may dissipate or lessen in need, such as developmental delay, possibly speech and language are some of those and, in some cases, we've seen specific learning disabilities sort of discontinue, depending on the individual need of the child and the development that, you know, as they grow and gain skills, whether that continues to be a need. So these are the categories, really important to know that. So the task here in eligibility is to, in my guidance and wisdom--heh heh heh!-- is that you should really understand the categories, but recognize that those categories are simply a way to make it through the door. And so sometimes families get really wrapped up in the language and get really concerned about the terminology, and I think it's really important--probably the biggest hack to take away is that the categories do not decide or determine the goals, services, or the placement. It is just a way to get into that system, to identify that that child is indeed a child who needs specialized instruction and then, based on their present level of performance, based on all that data, based on your input, then you decide what those goals should be. A category should not decide goals. You shouldn't have to have goals for learning disabilities. You should not have goals for autism. You should not have goals for emotional disturbance. The goals are completely driven by the individual child's needs.
So my hack there is that it's really important that you understand the categories, know what's in the specialized regulations, and not worry excessively about the terminology so much as long as you're finding some way for that individual to get identified as needing special education, if indeed they do, so that you can then have those meaningful conversations about where the needs of the child are and what goals we want to set and how those goals are going to be met through programming.

So hacks here--understand those categories. Ask for definitions. Some schools actually have forms for each of those disability categories, and the team has to literally go through and check them off criteria by criteria, but also especially if this is your first evaluation, if this is an initial evaluation, request an interpretive conference or other consultation or information that helps you understand what that team is going to be looking at before you're sitting at the table. I know a lot of families that get in a very uncomfortable situation. They are literally handed the evaluation at that meeting and expected to make a decision based on that to have meaningful collaboration and conversation at that time, and they're not prepared to do that. Nobody would be prepared to do that if you're being handed, usually, a stack of, like, 50 sheets of paper with a bunch of evaluation information, assessment information. So it is not required. The federal law does not require an interpretive conference be offered prior to, but it is certainly your opportunity to ask for one. It saves them time in the long run because you're not sitting there trying to make sense of it as they talk, and often, the school psychologist or another special education consultant will be the person to share and review the information so you understand the percentile scores,
you understand the subtests, you understand what all of these things mean before you enter that conversation.

At the eligibility meeting, the goal is to determine whether that child is a child with a disability, and they meet one or more of those categories. And notice that the decision is made by a team of qualified professionals and the parent of the child, and again, foster parents may be serving in that role. So the word "consensus" is not actually found in the regulations in the federal level, but it is certainly the intent and, in fact, there's policy letters from the feds that clarify that you can't do a majority vote, that that is not the intent. So the intent is that you are working collaboratively. However, if that consensus doesn't happen and you have concerns, and you believe that your child should be eligible under a certain category or you believe they should not be eligible and the team goes a different direction, then you need to make clear that you are dissenting from that, that you are asking for a written documentation regarding your concerns, and they will likely put that in what's called a prior written notice, and we'll talk a little bit about that later. So just know that's the goal.

In Virginia, the state I know best, there actually is language in the regulations that uses the term "consensus" and so there may be similar intent or specifics in your state, so good to know that and a good thing to just remind the group that that is the expectation, that we are to work towards consensus.

So once you're past eligibility, we're moving quickly, then the IEP, and probably this is the biggest-- I just said the other one's biggest hack, but this is also a big hack in that the IEP, once you're through that door of
eligibility—again, regardless of the category—and that child is determined to need special education services and related supports, then the art and the science of getting the services to the child is the IEP, the Individualized Education Program, and note the word "Program" because it really is a program of services. It's not a plan. Some people often use the term "plan," but it actually is program, and I believe that's purposeful and it is, I think, an indicator of the comprehensiveness of what an IEP should be.

So the school system should provide prior written notice. Again, we'll talk a lot. You'll see references to prior written notice, but it's—and we'll talk a little bit about that is, but the idea is that the family is made aware of anything. There's no surprises of what's coming up. If you get a prior written notice or a meeting invitation, and that time doesn't work for you, you'd let them know right away— I suggest in writing, even if it's just an email— that that time doesn't work, and you're requesting another time and date so that you can be part of this important meeting.

You are able to record the meeting. States vary a little bit on this, so you want to check your state regulation. Sometimes you can actually video-record it or, since we're now doing a lot of Zooming, you can ask for that recording to be made, but you do need to let them know that you plan to do that.

If you plan to bring an attorney, you definitely need to let them know that. Hopefully that won't be necessary, but it is your right to do that. You do need to let them know because they will likely have an attorney as well.
So...another important hack is to ask, again in writing, that the school share any information that they have to prepare for the meeting, so if they have drafted goals, it would be good to have those. Again, not required. They are under no obligation to provide those draft goals, but it does speed up the meeting. It does give you the opportunity to be as informed as possible. So spend time reviewing those, any pre-work that can be given to you prior to the meeting.

So there's lots of, again, specificity in the federal regulations about what happens at the IEP and who's at the IEP. Translators are expected. If you request them, that could be both language, non-English languages, as well as ASL if you, your child has a hearing impairment. Others can attend the meeting at the invitation of the parent or the district as long as they have some knowledge of the student and the parent, or the school, whoever's doing the inviting, has the right to decide whether that is an appropriate person. So you can bring your neighbor because they are good emotional support to you, they know your child, and school system can't say, "Oh, that's the--yeah, we can't have the neighbor here." You get to decide who it is that's appropriate if you are inviting them.

Team member can be excused, a specific team member like a general education teacher can be excused from part or all of the meeting if the parent consents, so they're not sitting around the table necessarily the entire time. It is completely up to you whether you consent to that or not.

Teams now can meet--well, they've always been able to meet, but we know in COVID that many teams are
meeting by alternative means, and that is allowed. So in preparing for the meeting, it's really important to talk to your kid. Understand what they are really seeking to get where their concerns are, where their hopes-- where they feel they are really strong, and where they need more help. And hopefully they're attending the meeting, especially if they're a little bit older, or at least part of the meeting. So we've seen young children attend. Maybe they've drawn a picture about something they really like at school and they're able to talk about that for five to ten minutes and then are excused, but that's really important. That individual voice of the child is really, really key and even more important, obviously, as we get into transition planning for our high school students.

Really think ahead of time what you want to get out of that meeting. Often, I suggest you write that down. Have it on the little cheat sheet because you get into the nitty-gritty of the meeting, and it's sometimes easy to get lost on that. So, you know, keep your focus and keep your eyes on the prize.

You can prepare your present level of performance statement. We'll talk a little bit about that. You can do that in advance so you're ready to bring that and talk about what you see and what your concerns are and what you see as the strengths of the child and what your goals are for the child.

Again, if you have done independent reports or, in the case of foster child, you have previous records or somebody has previous records that they can bring, it's really important to sort of have those organized and ready for both the evaluation meeting and IEPs. Make
sure, if you're inviting someone, that they are able to attend.

If you believe that the child's placement is going to change, or it's an initial placement-- in other words, they are entering into a new school system--it is important, if at all possible, for you to take a look at those possible placements before you're sitting in a meeting trying to make decisions about that, and usually the school system will facilitate that. Obviously, right now, it's not an ideal time to be doing that, since it's hard to know where physically children will even be but under normal circumstances, you can absolutely request to go take a look at other possible placements. If it's a specialized class placement or a different school, then you are, absolutely, wise to go ahead and ask to see those prior to the meeting. You want to make a list of any questions or concerns-- again, have it in front of you so you don't forget those-- and make sure you understand your rights.

I’m going to skip on because we are short on time. This is what's in the IEP. Really important that you know, and know to expect that these things are going to be covered. IEP meetings can be lengthy. Again, having that advanced information in terms of draft goals, other documentation, is going to be really important.

You preparing your own statement is going to be helpful in speeding the meeting along, but this is what is to be covered at the IEP, on the IEP itself, is the present level of performance and that's not just academic, but also functional performance, life skills, social skills, whatever vocational skills. There's going to be a set time to set goals. Typically those are annual goals. They don't have
to be annual; they can be shorter, but they tend to be annual goals. How are those goals going to be measured? What assessments are the child— is the child going to participate in? That's like the statewide assessment, whatever that is in your state, as well as any division or district-wide assessments.

The statement of special education. So what's different? Remember that term we talked about—Specially Designed Instruction, what's special about what this child needs, what is different, in addition to any modifications and related services, such as O.T.— occupational therapy— physical therapy, speech language therapy, social work services. All kinds of things can be indicated and specified on the IEP. The LRE question. How much is that child going to participate with non-disabled children? And then, finally, as we talk about our older kids, what kind of transition services are going to be helpful?

I’m going to skip through these next couple slides just because they just review a lot of the specifics about the IEP, but it is really important to think of it as an elevator is the analogy that we talk about, so we talk about sort of where we are now. The present level of performance is the ground floor, and we talk about riding an elevator all the way up to the top floor of where we want that child or expect that child's performance to be. And everything in between is the content of that IEP. What are the services? What are the supports? What are the goals that are going to be necessary to make it to that top floor?

In the IEP team, it actually says in the regulations that the team has to consider the strengths of the child, and
it's really important to always keep in mind that every child has strengths and that that's where we want to start from and build from there. Any concerns of the family should be documented and should be discussed--the results of the most recent evaluation--and the needs of the child, and that's, again, across domains; academic, as well developmental, functional, vocational, whatever those social needs may be.

And then there's a list of special factors that are to be considered. We'll talk about that in a moment, that list of special factors just for your reference, but want to draw a little attention because this is another big hack, and that's the present level of performance. Depending on your state, you might see it called P.A.A.F.P., and that's-- I'm not really sure how that's said "pull off," but we call it PLOP in Virginia, but it's the same idea as this, the statement of where that child is performing right now. And so it's a really good opportunity for family members to share exactly their input, where they see the child performing, what their concerns are, and that's an opportunity in the IEP to actually have family input documented, and I really do encourage you to--even if the school says, "This is the family's input, we don't necessarily agree," that's fine. At least you've documented because it's important that-- this is a very important document that the IEP, the education program, has--reflects the family's concerns and input. And as foster parent, you may have some concerns about social emotional needs, trauma, other issues, past performance, past ways of instruction that did or did not work, and that's really important to put into the IEP. So the PLOP is a really important opportunity for you.
Another important thing in the IEP is those goals, and setting high, high expectations is really important. Again, we tend to think about that timeframe of a year, but thinking within that timeframe what goals can this child meet, and what are ambitious goals, but realistic, and those goals should be specific. They should have the condition under which those goals should be met. They should talk specifically in observable behavior that that child is able to do or know and show their knowledge; the criteria—how good are they going to be at that skill to meet that goal—and what's the timeframe? Do we have a whole year? Are we working on the first quarter? What window of opportunity do we have? I've seen lots of bad goals. I've seen lots of good goals. So it's really important as a parent that you are taking a look at those goals, again, hopefully in draft before and saying, "I don't--there's nothing here I can measure." A goal that starts with "Bobby will learn how to do long division" is not an appropriate goal. It does not get to the specifics, as it is not observable. We can't observe learning. We can observe completion of particular tasks, but we cannot observe something like "learn," so it is really important that that behavior is an observable behavior.

Special factors. I said I would mention these. This top one is probably the one that many of our foster families might be most familiar with, and that's in the case of a child whose behavior impedes his learning, her learning, or that of others. The team must consider and document the use of positive behavioral interventions, strategies, and supports. And so, if this is a child who’s struggled with behavior, either overactive and difficult behavior or hypo-aroused behavior, where they're just not engaging, it is important to make sure that this is discussed and reflected in the goals and the statement of special
education. Limited English proficiency. There has to be a consideration of the language needs and how those relate to the IEP.

If the child is deaf or hard of hearing, there are some special factors similar to--in the case of other sensory impairments, blind and visual impairments, must consider the communication needs of the child. And possibly, although not required by the federal law, in some cases, in addition to the big goal, the annual goal, then shorter-term benchmarks or short-term objectives can be set. And if the child requires assistive technology devices or services--that could be something like access to a tablet or some type of tech device; it could also be low-tech assistive devices, where maybe they need picture symbols instead of having verbal statements or words to explain what they need to do.

Related services-- I’m going very quickly. Related service is another important piece of the IEP, and that's a statement of those additional services, those supportive services that can support the implementation of the goals in the IEP. There's a long list here; often, many of these are not discussed, so it is an opportunity for families to say, "Hey, let's talk about this social work services thing. I think that Bobby could really benefit from seeing a social worker periodically. Let's talk about that and how that relates to this goal that he has on social emotional development," but often, again, not advertised but something that is important for families to know exists and open that conversation.

Modifications and accommodations are also--should be listed on there, just like we talked about in 504, which tends to be more accommodation-based planning. Some
children with disabilities who have IEPs can also benefit from accommodations and program modifications, and so it's important to make sure those are specified. So the child may need extended time on tests, and so that needs to be clarified in the IEP as well.

OK, I’m going to move on quickly. [Chime] Oops, that's my timer, so I’m going to wrap up pretty quickly here. So if they are taking assessments, they definitely need to have a statement of what accommodations they need for that assessment, as well as for what's happening in the classroom.

Transition services is really important for our kiddos that are a little bit older because we know that the right to a free, appropriate public education does end at some point. If they graduate and receive a diploma, that right ends. If they are a child who maybe have more needs and will be connected to the school system for longer, up typically through age 22-- depending on your state, it varies a little bit-- but around the age 22, they should be receiving services, and goals should be developed, and so by the year that the child turns 16. So if the child's 15, about to be 16-- so in that next year, they will be turning 16-- the IEP must have post-secondary goals in the IEP as well as a Statement of Transition Services. In many states, that is earlier. In Virginia, for example, it's 14. So it's important, again, to know your state regulations and have those conversations.

And then, finally, the LRE--the least restrictive environment-- and that's placement. And this is probably, again, a really important thing that's misunderstood, I think, in a lot of school systems and is told to families, to be honest, in a way that is not
necessarily the order of operations. Placement should be the last conversation that an IEP team has, so we identify the present level of performance based on that. We set some goals, again, hopefully driven by some data of where we think that child's going to be, then we talk about all the stuff it's going to take us to get to those goals, all the services, all the supports, the related services, and then we say, "OK, given this, given this, where can this best happen?" and so placement is really a set of services. It's not a specific place. It's not a room. It's what that child is going to need to meet those goals. And so the actual discussion of how much time in a specialized setting, how much time in a general education setting with sometimes called “push in supports,” where a special educator is coming to support them in a general education classroom. That happens at the very end of the IEP meeting, or should happen at the very end of the IEP meeting because that's one of the last conversations, and it all needs to be done within that least restrictive environment conversation.

Prior written notice, I mentioned many times. Just know that any time you make a request to the school and the school says, "Yeah, no, we can't do that," they need to provide prior written notice saying that they have refused to initiate a change or they're proposing to change and they need to let you know that they're proposing it and not make it unilaterally. So prior written notice-- anything that you get that says "Prior written notice" at the top, pay a lot of attention to.

I'm just wrapping up. There's a real value in keeping open communication and strong collaboration with the school. It benefits everybody. We know that when
families are involved with the school, kids' outcomes are better. That is written in stone. So we want to make that as positive for the child and as positive for both parties as possible. So it is important that you keep documentation, that you are, you know, talking with the family-- excuse me--talking with the teachers and the educators not just when things are bad or you're frustrated, but also when things are going well. Just like our kids, our educator partners really like positive reinforcement and affirmations, too, so keep that a positive-- a positive conversation.

And one of the things-- if your child is new to the school, changing schools, or it's a new school year, is to create some--something that helps that teacher get to know your child quickly and, in the case of foster families, really is clear about any specialized needs, family circumstances, triggers that that teacher should know about, and clarify what is public information and what is not. I mean, I think that, in our families, is key, and so we offer, on the Formed Families Forward website, but you can find lots and lots of different forms, sort of "all about me" or "get to know me" or back-to-school form. This is one page, so they don't--the teacher doesn't have to read the 30-page IEP initially to give a sense of this child to your teachers, your education partners. And I want to note in our form the middle block, where it says "You should know"-- family information, medical information--and then "I do or don't want this information shared with other students." And I think that's really important to have that conversation with your child, but also be very upfront about that with the teachers. Say, you know, "When it gets to be Halloween time, a very significant event happened in my child's life, and we tend to see that that month of October is very,
very challenging. And so I want you to know that, you know, this particular incident happened in the month of October, and you may see some very hypersensitive behaviors, hypersensitive reactions then. And I want you to know that, but we're not really interested in having that shared with other students, but we're letting you know that. And so just being very, very open about situations that would be helpful and useful for the teacher to know.

I'm not going to go over these slides. They're in your handouts. If things are not working, well, there are formal options for resolving disputes: mediation, due process complaints, resolution meetings, and the big--the big one, impartial due process hearing, which is actual court proceeding, but those are all options, so just know those.

There's also a state complaint we can talk to you about. You can always contact us or, particularly if you're not in Virginia, you can definitely contact your federally funded Parent Training Information Center or Community Parent Resource Center. That's at the bottom of your slide. There's a link that lets you find those. Their job is to support families and help you do your duty as "parent" under--as educational decision-maker under the law.

Other resources is the federal regulations--really important to get to know those--your state special education regulations, and then the procedural safeguard notice that sort of comes with--it's a statement of your rights that comes with basically every meeting or at least they ask you if you'd like a copy, and you can say, "Oh, I've got four of them in my closet," but
they have to offer that to you. It's not exciting reading, but it is good reading to have, good knowledge to have as you proceed.

So that wraps it up. I think I was close to 45 minutes. Again, at all times, we're here to support and your local or state Parent Training and Information Center is really there to support you in navigating this very complicated but potentially very beneficial system.

Elizabeth Kramer: Great. Thank you so much, Dr. Henderson. You really packed a lot of really good information into just a little bit more than 45 minutes. I really want to thank you for taking time out of your schedule. Clearly, you've got a lot going on between your work and then your three lovely boys, whom I’m sure keep you really busy. So thank you very much for sharing that with us this morning, and I look forward to making this available to a broader audience.

Dr. Kelly Henderson: Great. Thank you for having me.

Elizabeth Kramer: All right. Thank you. Take care. Have a good day.

Dr. Kelly Henderson: You, too.


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