

# **Advocating for the Educational Needs of Children in Out-of-Home Care**

**A Manual for Caseworkers and Supervisors**

*Colorado Department of Human Services*

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## ***ABOUT THIS MANUAL***

The purpose of this manual is to help caseworkers understand their role in helping children and youth on their caseloads succeed in school. The topics covered apply across the age spectrum from birth to 21 and involve multiple state and federal laws, programs and policies. The caseworker strategies discussed are derived from a number of sources:

- national research on the educational well being of children and youth in the child welfare system;
- interviews conducted with professionals serving this population in a number of counties throughout Colorado;
- model programs and best practices used in Colorado and elsewhere in the country and
- advice provided by the members of our diverse and multi-disciplinary Core Advisory Group.

**The most important influence on this manual, however, were the youth themselves, members of an after care support group in Adams County who shared their experiences with the public school system and what made a difference in helping them succeed.**

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Many thanks also go to our Advisory Committee members who provided us with their thoughtful feedback and encouragement. They are:

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We are grateful to those who we interviewed in person and on the phone as we gathered information for the manual. Gaining the perspective of individuals within the education and child welfare system who deal daily with the challenges of collaboration between the systems was invaluable to us. We are also grateful to the foster parents who met with us and told us of their experiences in supporting children in the education system. Above all, we'd like to thank the youth we spoke to who were so candid in sharing with us their successes and frustrations as they looked back at their experiences in school.

## ***HOW THIS MANUAL IS ORGANIZED***

The first chapter is a must read for all caseworkers. It explains the role of education in the lives of children in the child welfare system, why educational outcomes need to be improved, and what factors have been found to help children and youth in the child welfare system do well in school. The subsequent chapters, addressing a wide array of educational issues that are likely to come up in your practice, are meant to be used as a reference. However, caseworkers new to their role in promoting educational success also may want to read Chapters 2 and 3 in their entirety since they provide general tips on effective collaboration and useful suggestions for ways to enhance the educational well being of all children in the child welfare system, on an ongoing basis.

All topics have been organized by section numbers and cross-referenced so you can easily find the information you need. In addition to a table of contents there is also an index at the back of the book. A “tool kit” for implementing the strategies outlined in the text is in the Appendices (e.g. checklists of questions, forms for contact information) as well as an extensive listing of websites and resources for obtaining additional information. Feel free to copy any items in the Appendices to share with foster parents and/or school personnel or to use as a guide for your own benefit on visits to schools or at meetings with school personnel.

This manual was completed in 2006. In January, 2009, and again in April, 2010, it was updated to reflect new state law in Colorado addressing the educational needs of this population as well as changes brought about by the reauthorization in 2004 of the Individuals with Disabilities Education Act (IDEA) and passage of *Fostering Connections to Success and Increasing Adoptions Act* in 2008.

## ***SOME WORDS OF CAUTION***

This topic is vast and ever changing. Multiple federal and state laws are covered and many of these have undergone change or are in the process of being reformed. To complicate this body of information further, local control of education means that in many cases there is no uniform statewide policy on how laws should be interpreted and latitude is given to school districts to develop their own policies on many of these matters. There have been more efforts in the last few years to develop interagency agreements to help clarify some of the muddier areas caseworkers and school personnel have to deal with to address the educational needs of children in out-of-home care. However, on many issues discussed in this manual, we direct you to consult experts at the Colorado Department of Education, officials in the school district involved and/or your supervisor or county attorney for guidance.

It is also important to remember that under our form of government, when individuals are afforded rights under federal law, those laws take precedence over state laws. States can expand the rights of individuals but cannot restrict rights set out in federal law or regulations. Please note that because so many laws are referenced multiple times in the text, we chose to include a matrix of all of these laws at the federal and state level in the Appendices with the statutory cite for each and you can also find these laws listed in the Index.

## ***A FINAL WORD OF REASSURANCE TO CASEWORKERS***

The scope and detail of this manual can easily overwhelm even the most committed caseworkers. Don't despair! We have tried to be comprehensive in covering all of the strategies that you could follow in serving the children and youth on your caseloads. But remember that while some of these strategies are systemic and involve collaboration between you and a number of other individuals and agencies, others are exquisitely simple and doable. And when youth are asked what made the biggest difference to them in succeeding at school, it is more likely to be the small acts of kindness and caring that they remember: the caseworker who showed up at a track meet when no one else did; the teacher who waited until class was over and asked a middle schooler what his long term goals were; the caseworker who took a child out to lunch when she made the honor roll; the school guidance counselor who thought to bring a Christmas gift to school for a child in foster care because she knew how hard the holidays would be for that child.

As one Colorado youth transitioning from foster care said,

*You can't find love in your budget. You're not going to find it in your itinerary. It's not in any one person's job description to support us. We need support from every single person on our case.<sup>1</sup>*

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<sup>1</sup> Youth speaking about their educational experiences in the DVD, *Speaking Out*, produced by the Colorado Department of Human Services.



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# Chapter 1

## WHY EDUCATION MATTERS

### Learning Objectives:

- *Understand the influence that school has on the lives of children.*
- *Comprehend how school experiences may differ for children in the child welfare system.*
- *Identify ways in which children in the child welfare system are at risk for poor educational outcomes.*
- *Know the key factors that contribute to the educational and long term success of children in the child welfare system.*

### 100.0 The role of education in the lives of children

Whether school experiences are positive or negative—it is undeniable that school plays a large role in the lives of children. Not only are kids in school for many hours of the day, they also spend a significant amount of time outside of the building *planning* for school and school-related activities.

Think back to when you were in school. Do you remember how much it encompassed your young life? You picked out your clothes with your school day activities in mind. You packed your school bag trying to remember all of your books, your lunch money, your gym clothes, any permission slips, and maybe even your flute. In between mouthfuls of cereal, you might have spent your breakfast time studying for your science test or going over the history report you needed to present that day. Walking to school or riding on the bus, you chatted with your schoolmates--you might have gotten help on that fraction problem that was baffling you the night before or you may have made plans with a friend to go to the dance together on Friday night.

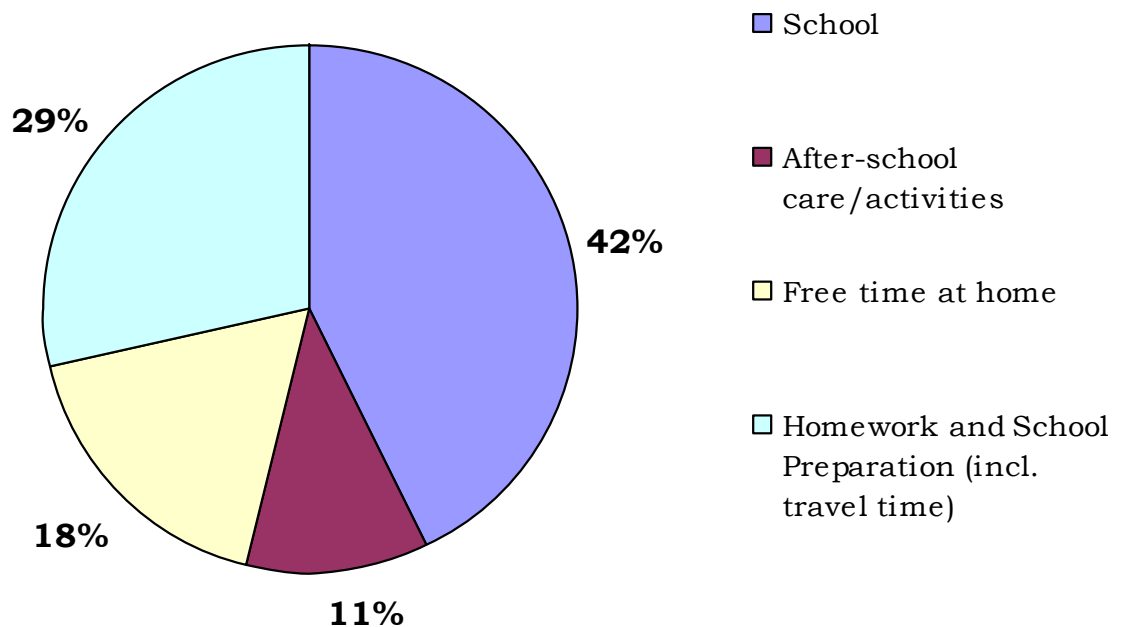
If you were fortunate, you spent your school day with adults who encouraged you to expand your mind and try new things. You struggled with your classmates to figure out tough math problems and supported your friends when social problems came up.

At home, perhaps after some procrastination by you and some urging from your parents, you finally did your homework. At dinner, your parent or sibling may have asked about your school day and, depending on your age, you might even have talked to them about it—or at least what you wanted them to know! In the evening you called your best friend to talk about the day—and the week ahead.

Whether or not these descriptions match your own experiences as a child, school life taught you much about yourself in those formative years. Adults figured

prominently in your memories of those years – you may have received reassurance from your parents and relatives or encouragement from a favorite teacher or coach who took an interest in you. You learned what you were good at, what was challenging and how you related to others. You developed the foundation for more complex analytical and communication skills. You learned a lot about compromise and how to get along with different personalities. And, you also learned *how* you learn best! Much of the foundation of how we conduct ourselves as adults was set during those school years.

**The Influence of School and School-related Activities on the Typical Weekday of a Sixth Grader**



**Note:** Chart is based upon the waking hours of the typical school day of an average 6<sup>th</sup> grader. Remember that due to additional course work and activities, these percentages are likely to be higher for the average high school student.

## **101.0 School experiences of children in the child welfare system**

For many youth transitioning out of the child welfare system, memories of school may not be as positive as the experiences depicted earlier. For a variety of reasons, children in care face special challenges in the school setting and often lack the support and individual attention from caring adults that so many other children enjoy.

Many children in care enter the child welfare system already behind in school. Perhaps their parents didn't enroll them in school, or didn't monitor their attendance or provide encouragement and support for their education at home. They may have had frequent absences because of illness, economic distress, domestic violence or substance abuse problems, or the need to care for their younger siblings. Then they experience the trauma of being removed from their homes and their worries about parents and siblings make it difficult for them to focus on their school work. They immediately become "foster children" a label which, despite the best intentions of caring adults, can carry with it the social baggage of unfair stereotyping, lowered expectations and social isolation. For many children, this initial upheaval is then compounded by frequent changes in placement that mean changes in schools. These circumstances can increase their risk of falling further behind academically and becoming more alienated socially.

Yet the need for a good education is especially critical for these children. Youth in the child welfare system enter adulthood with fewer resources to fall back on than most other children whose families are available to provide support. A good education may be their only ticket to economic stability in adulthood. Because of their unique circumstances, however, most need more help than other children to achieve that success.

This is not to say that all youth in foster care have had negative experiences in school. To the contrary, many youth in care view school as their saving grace. By throwing themselves into their school work, signing up for every extracurricular activity, creating special bonds with certain teachers, school becomes a home away from home at a time when everything else feels like it is falling apart. Researchers have identified the factors that have enabled some children to succeed despite the odds, and administrators and evaluators of model programs operating throughout the country have identified strategies to promote those ingredients of success. Both bodies of research have informed this manual. With the strategies we advance here we hope to give you some tools that can help more foster children find ways to beat the odds and achieve success in school.

## **102.0 Education as a priority in the child welfare system**

Despite the major influence of school on a child's well being, high caseloads, a lack of interagency coordination and an understandable emphasis on safety and permanency has meant that historically, attention to the education of children in the child welfare system has not been a major focus in child welfare practice. As a result, too often, decisions about a child's life have been made by courts, child welfare caseworkers and others without taking into consideration how those decisions might affect the child's education.

This is beginning to change, however. Because of growing concern over the poor educational outcomes of children in the child welfare system, the Adoption and Safe Families Act (ASFA) requires states to address the educational needs of children in the child welfare system as one of the child well being indicators the federal government uses to measure states' performance. And, in recognition of the importance of early intervention, the measures it uses apply to addressing the educational needs of children across the age spectrum from birth to 21. In recent years, a series of state and federal laws have been passed which have underscored the importance of addressing the educational needs of this population of children and youth. These include, at the federal level, the 2004 reauthorization of the *Individuals with Disabilities Education Act* (IDEA) and the *Fostering Connections to Success and Increasing Adoptions Act* of 2008 as well as several recent state laws including 22-32-138 C.R.S. *An Act Concerning the Provision of Educational Services to Children in Out-of-home Placement* and, most recently, HB-09-1078, *Coordination Between County Departments and School Districts and/or Administrative Units to Make Individualized Education Plan Training Available to Foster Parents*. The provisions of all of these recent laws will be discussed throughout this Manual.

## **103.0 Prevalence of disabilities and education problems among children in care**

Children in the child welfare system are at much greater risk for disabilities and poor educational outcomes:

- As reported in *Learning Curves*, a publication of the American Bar Association's (ABA) Center for Children and the Law, a national study found that 20% of children in the child welfare system have a high level of emotional and behavioral problems. Twenty-eight percent of those living with relatives or in foster homes have a physical, learning or mental health condition that limits their activities.<sup>i</sup>
- Another study demonstrates that abuse and neglect is a significant risk factor for grade retention and poor academic performance, with

children who have been victims being 2.5 times more likely to repeat a grade than other students.<sup>ii</sup>

- Children in foster care are more likely than their peers to be placed in special education classes.<sup>iii</sup>
- Nationally, only a little over half (54%) of young adults who had been in foster care had a high school diploma and only 2% obtained a bachelor's degree or higher. Over half (51%) were unemployed and one in four were homeless.<sup>iv</sup>

## 104.0 Factors that contribute to success

Research has identified certain key factors that can make a difference in the educational success of youth in care.<sup>v</sup> The good news is that there are straightforward, practical and relatively simple strategies caseworkers can use, in collaboration with the courts, Guardians ad Litem and biological/foster parents, to promote these ingredients of success for children in care. We list these factors here and use them to guide our discussion of strategies in the remaining chapters of the manual.

- **Stability of Educational Placements.** Each time a child changes placement, it can mean a change in schools. Getting used to new teachers, classmates, curricula, buildings, and expectations can be traumatic for any child. Yet children in the child welfare system are being asked to make this adjustment on top of the impact of trauma, abuse or neglect *and* adjusting to a new foster family. Avoiding changes in schools when children are placed in out-of-home care has been found to make a difference in enabling children to succeed academically and socially.
- **Placement in kinship care.** Kinship care (care by a relative) is less disruptive for children being removed from their biological home. The familiarity of living with relatives reduces the distractions from school that otherwise occur when children are placed with complete strangers. According to school staff, relatives may be in a better position than foster parents to advocate for the child because they know the child's history and may feel more of an investment in the child's well being.
- **Keeping siblings together in the same school.** Keeping siblings together not only encourages family preservation, but also reduces the negative effects of parental separation or loss. Depending on the age of the child, siblings placed in the same foster home are more likely to attend the same school. When siblings cannot be in the same foster home it is still best to try to keep siblings in the same school, if that is appropriate.



- **Regular school attendance.** Gaps in attendance and missed instructional time can occur when children move to a new school and there is a delay in enrolling the child, and when children miss school for appointments with their caseworker, therapeutic sessions or visitations. These gaps in attendance cause children to fall behind in their school work and lead some children and youth to believe that being in class is not a priority. Avoiding these situations helps to stabilize school attendance so less instructional time is missed.
- **Normalcy.** Although they mean no harm, school personnel can sometimes make children in care feel uncomfortable. Kids in care want to be treated the same as the other children in the classroom and if any special help is extended, they would prefer that it be done in private, after class, instead of in front of the other children. Educating teachers about the perspective of children in care helps avoid children feeling singled out.
- **Participation in extracurricular activities.** Sports and other after-school activities give students a chance to connect with other children outside of the classroom. Finding peers with similar interests is an excellent way for children in care to make friends in a new environment; it's an immediate ice-breaker! Participating in extracurricular activities can make children want to go to school. And, many athletic teams require players to maintain a certain grade point average which is an added incentive for children to keep their grades up. When children are encouraged to join, and when barriers to participation are removed, kids in care do better academically and socially.
- **Encouragement for post secondary education.** Many children in care come from homes where education beyond high school is not common. Introducing them to the possibility of higher education encourages them to see education as important to their future whether they are thinking about college, trade or technical schools, apprenticeship programs or any other options available after high school graduation. Providing activities that expose kids to opportunities that might match their interests and aptitudes and informing them about ways to finance these programs encourages high aspirations and keeps kids in school.
- **Mentoring.** Having an adult to look up to who cares about your educational achievements can make a major difference to the educational well being of a child in care. Mentors can provide children with an older friend who can give them advice, check on their academic progress, praise their achievements, participate in activities, or simply be around to listen.

- **Well-informed foster parents.** Recruiting a well-educated pool of potential foster parents is also beneficial to a child's educational success. By well-educated, we do not necessarily mean through formal education. Foster parents need to learn the skills to be good advocates. Recruiting and providing training and resources to individuals who have the ability to get their foster children the services they need is the key.
- **Support for education at home.** Children do best in school when they live in a home in which education is a priority. Many children in the child welfare system are already at an academic disadvantage. Making sure they have the school supplies they need, lots of encouragement and support from their foster parents and a quiet place to get their homework done is that much more important for these children.

All of these factors and the strategies you can use to promote them are discussed in greater detail in the chapters that follow.

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<sup>i</sup> Kortenkamp, K. and Ehrle, J. (2002) *The Well-Being of Children Involved with the Child Welfare System, National Overview*. (Series B. No. B-43) Washington, DC: The Urban Institute, cited in McNaught, K.M. (2004) *Learning Curves: Education Advocacy for Children in Foster Care*, Washington, DC: ABA Center on Children and the Law.

<sup>ii</sup> Eckenrode, J., Laird, M. and Doris, J (1993) "School performance and disciplinary problems among abused and neglected children." *Developmental Psychology* 29(1) cited in McNaught, *Learning Curves*.

<sup>iii</sup> Shin, S. H. (2003) "Building evidence to promote educational competence of youth in foster care." *Child Welfare*, LXXXII(5) 615-632.

<sup>iv</sup> National Foster Care Month, *Facts About Children in Foster Care*, URL <http://www.fostercaremonth.org/Toolkit/StateFactSheets.htm>

<sup>v</sup> MaRtIn, P. Y., and Jackson, S., (2002) "Educational success for children in public care: advice from a group of high achievers." *Child and Family Social Work*, 7, 121-130.; Shin, S. H. (2003). "Building evidence."

## **Chapter 2**

# **ESTABLISHING A FRAMEWORK FOR EFFECTIVE COLLABORATION**

### **Learning Objectives**

- *Understand the challenges and benefits of collaboration.*
- *Know some basic advocacy tips.*
- *Know the basic steps to take in setting up a solid and efficient structure of communication with those involved in the education of a child.*
- *Learn about the laws governing the sharing of confidential information.*

### **200.0 Strengthening ties**

The success of many of the strategies discussed in this manual hinges on effective collaboration between two large public systems, education and child welfare. Both of these systems are guided by a common mission to serve the best interests of the child but each operates under its own laws, funding streams, terminology and budgetary constraints. And, because so much of public education is locally controlled, within your county there can be as many as seventeen different school districts; each interpreting their legal obligations a little differently and using different forms, curricula, high school graduation requirements and even administrative structures. This lack of uniformity within and across these systems increases the potential for misunderstandings and conflict.

Despite these challenges, there are many examples in Colorado, and elsewhere in the nation, of effective collaborative efforts to help children succeed in school ranging from systemic reforms to make policies uniform and clear across systems to the simplest acts of caring by individual caseworkers that inspire children and youth to work hard and stay in school. This manual covers the range of these strategies, beginning in this chapter with establishing good relationships between education and child welfare on behalf of children and youth in care.

### **200.1 Laying the foundation for effective collaboration at the local level**

- **Receptions/social events:** In some communities, receptions or dinners have been held in the fall to provide an opportunity for school staff, caseworkers and foster parents to socialize and get to know each other. These neutral occasions can do a great deal toward making

future communication regarding specific students, go more smoothly. In Yuma County, schools have held banquets to honor foster care parents and inform the community about foster care. This inspires interest by potential foster parents and also elevates the status of foster children and parents by honoring them in the community. In other communities, schools are playing an active role in helping child welfare agencies recruit foster parents by sending recruitment information home with children, including recruitment ads on their school web sites and providing meeting space for child welfare to hold recruitment information sessions.

- **Educational liaisons:** Educational liaisons have been appointed, either by child welfare agencies or by school systems, to establish better relationships with school systems, smooth communication and ensure that children's needs are addressed. For example, in one community in Maine, each school has designated a staff person to watch out for the needs of children in care and to act as the liaison between child welfare and school personnel. Their names are then entered into a database that caseworkers can access so they know who to contact whenever they have a child enrolling in a given school. In Denver County in Colorado, and in other locations elsewhere in the nation, child welfare offices have designated educational liaisons to act as the primary contact for school systems. Typically, these educational liaisons spend part of the week at the schools and part of the week at the child welfare office. They perform some or all of the following functions:

- Arrange for informational sessions for school staff to address academic and social issues faced by children in out of home care in the school setting;
- Act as sources of information for caseworkers navigating the general education/special education system;
- Act as a catalyst for developing cross systems agreements at the local level addressing such issues as who can sign permission slips;
- Serve on the anti-bullying committee of the school;
- Attend IEP meetings when caseworkers are not able to attend;
- Organize college and vocational school tours for youth in care;
- Keep track of the documents required for enrollment in different school districts and insure that children in the child welfare system who are changing schools are enrolled promptly;
- Insure the timely transfer of records when a child changes schools;

- Act as liaison to school staff who track attendance to catch and address potential truancy issues early;
- Support foster parents in helping children with their education;
- Enable children in care attending a given school to meet together for peer support;
- Work with school(s) to help recruit foster parents in the school district;
- Connect children in care with tutoring opportunities and extracurricular activities.

Recent state law 22-32-138 C.R.S. includes a requirement that all school districts designate an employee or contractor to be the Child Welfare Education Liaison who will be responsible for working with the county agencies and CDHS “to facilitate the prompt and appropriate placement, transfer and enrollment in school of students in out-of-home placement within the school district or who are enrolled or are enrolling in institute charter schools.” As a result, under this new state law, every school district will have someone who will act as a liaison and support to caseworkers and foster parents seeking to address the educational needs of these children and youth. Make sure you find out who that person is for the school districts in your county agency’s jurisdiction. Once you have identified that person make sure you give the contact information to the foster parents in that school district who care for the children on your caseload.

## 200.2 Collaboration tips for caseworkers

- **Establish a good working relationship with school personnel at the outset.** Once you know who the child welfare liaison is in the school district, he or she will be an important source of assistance to you as you also get to know the many other individuals who may be involved with the children you are serving including school principals, vice-principals, guidance counselors, administrative staff, special education directors and staff and school social workers. (See this chapter, Section 200.1.) It may be useful to introduce yourself at each school you will be dealing with before any specific issues arise involving individual students. In the beginning of the school year, take the contact sheet in the Appendices with you and visit the schools in your area. You’ll get the information you need to make communication easier later and will also have a chance to introduce yourself as a pleasant, resourceful and organized advocate for the students on your caseload.
- **Ask questions!** Remember that just asking the right questions about a child’s education can make a big difference. You don’t need to have the expertise of an educator to ask these questions! The vast majority

of educators are dedicated people who care deeply about the educational success of students. Unfortunately, they are often overwhelmed by their responsibilities to serve children of widely varying abilities, backgrounds and needs. Despite the best efforts of everyone involved, children can and do get lost in the system. Just by asking questions, in a respectful way, you are conveying to the school system that someone is looking out for that child.

- **Think about how you are coming across to others:** Be as aware of the manner in which you make a point as you are of the words you choose. What tone are you using? If you disagree with someone do you simply explain your position in a neutral way or do you use a tone that could be perceived as superior or condescending? Convey by your tone that while you are firm about the importance of meeting the needs of the child you are also respectful of the role of educators in the process and aware of the constraints and pressures they face. Try slowing down in a conversation. There's nothing wrong with letting a little silence happen during a discussion and that silence will allow you to take a deep breath and deal with any emotions you may be feeling before they interfere with your advocacy.
- **Respect what others are saying and be a good listener:** If you have been unsure what your role is with the school system, you may not think there is much danger that you would end up talking too much at any meeting with school personnel! But once you do become more involved as an advocate this can be a hazard. Especially if the issue is a difficult one, there is a risk that the tension may interfere with your ability to listen respectfully and attentively to what the other side has to say as well as with your ability to ask the key questions that provide you with the information you need to advocate for the student.
- **Make sure the foster parent or biological parent is supported in their role:** Help them feel confident about making known their concerns and observations. Share the communication tips in this section with them. It's always a good idea to prepare with them ahead of time before any meeting with school staff so you can help them deal with any concerns they may have.
- **Follow up!** Being a good advocate involves not only representing to school staff what you think a student needs and working out a solution with them, but also following up to make sure what's decided is fully implemented. This is often where things break down. Everyone's energy and attention is focused on problem solving to address a situation, and once agreement is reached, people can get the false impression that the situation has been resolved. The natural tendency is to move on to the next case. Don't let that happen! Here are some follow-up steps:
  - At the end of a meeting, try to recap so you understand the decision that's been made, who will be responsible for

making sure it happens, what the tasks are that need to be done and by when implementation will occur.

- When you get back to your office, go through your notes and put a tickler in your calendar to remind you to contact the responsible staff person, as well as the foster parent and, depending on his or her age, the child, to make sure implementation occurred.
  - Use your regular check-ins with the child and the foster parent to ask about whether the strategy or service that was implemented is working.
  - Contact the responsible person at the school if there are still concerns.
- **Document! Document! Document!** Keep good educational records, review them regularly, and keep them up to date. Especially for children in special education, there will be a lot of paperwork to organize! Obtain necessary releases and set up clear mechanisms with the school and the foster parent for receiving copies of report cards, IEP minutes, etc. Try to keep a log of all communications you have with school personnel. (See this chapter, Section 201.0 and 202.0 for information on obtaining releases and the laws governing confidentiality.) Caseworkers are required to include in a child's case file the following:
    - School name and address at the time of removal from the home
    - Current school name, address and phone number
    - Grade or classroom designation
    - Annual grades
    - Educational needs, including but not limited to: special education documents and summaries of efforts of the county department to address those needs
    - Educational plans based on individual need, including an IEP (See Chapter 4 on Special Education)
    - Educationally based evaluations
    - Efforts made to assure that a child is complying with compulsory school attendance requirements.

Other requirements for documentation related to school stability will be discussed in Chapter 3.

## **201.0 Paying attention to educational needs as soon as a child enters the system**

The average case in Colorado remains in the child welfare system for about twenty months.<sup>vi</sup> If you take the following steps as soon as a child enters the child

welfare system, you will be establishing a framework for effective collaboration that will allow you to maximize the impact you have during that time on a child's success in school.

## **201.1 Obtain a release for the school records from the biological parents**

You will need to have access to the child's school records and to discuss the child's educational needs with school staff. However, with some exceptions, you will not be able to share information with school personnel unless you have a signed release from the child's biological parent(s). Particularly if a child will have to change schools, it is essential that you have in your files all of the documents needed to enroll the child and to provide the new school with information important to providing the services the child needs. Check with your supervisor about the procedures and forms used in your office. Sometimes, you need to use the school's own forms; sometimes your county office will have forms. In some situations, you may need to use a mutual release form that enables education and child welfare to exchange information relevant to the child's educational needs.

In most cases, parents are willing to sign the consent form if you explain that:

- Having the educational record will enable you to serve the child and the family more effectively.
- When a child is placed in foster care, it is important that the foster parent be able to support that child's education by being aware of the child's educational needs.
- If the child has to change schools, you will need the release in order to obtain the documents requested for enrollment.

If the parents refuse to sign a release, you can go to court and pursue legal remedies to have the records released. (See Section 202.0 for information on the laws governing confidentiality and who can sign when the parent is unavailable.)

## **201.2 Make a preliminary assessment of the child's educational status**

If you are dealing with an emergency, you may not have time to review the educational status of the child before making a placement. But if there is an opportunity to gather this information before placement decisions are made, you can include key educational factors in that decision making. You will also be able to identify any educational needs that need to be addressed immediately. You should speak with the biological parents and the child about the child's educational status and once you have obtained a release from the parents, you should also speak with the child's school. There are checklists in the Appendices



for gathering this information but in general, in this preliminary phase, you will want to focus on the following:

**For school aged children:**

- Is the child in special education?
- If so, request a copy of the IEP. Pay close attention to the cover sheet which will indicate the disability of the child and a separate sheet, typically toward the end of the IEP, that lists all of the services and supports the child is receiving. If the placement you end up making will require that the child attend a different school, you will need to make sure those services will be provided. (See Chapter 4, Section 401.6 for considerations when special education students transfer to a new school.)
- Does the child have an IEP meeting scheduled?
- If so, make sure you are on the list of people being invited.
- If not, ask when the child's next Annual Review is due and again make sure you are on the list to attend.
- Make sure the school also notifies the child's foster parent if the child has been placed in out of home care. (See Chapter 4 for more information about special education.)
- Are there any concerns about the child academically or socially?
- Has the biological parent(s) been involved in the child's education?
- Do the biological parents have any concerns about the child's education and social life at school?
- How does the child feel about school?

**For children younger than school age (See Chapter 6 and the Appendices for more information about this age group.)**

- Does the child have any identified developmental delays or special needs?
- Is the child in early intervention or preschool special education under IDEA?
- If so, contact the Part C-funded entity serving that child and obtain a copy of the IFSP.
- Ask when the next IFSP meeting will be.
- Request that you and the foster parent be put on the list of people being invited.
- If not, does the biological parent(s) have any concerns about the child's development?
- Is the child enrolled in a child care/preschool program such as Early Head Start/Head Start or the Colorado Preschool Program?
- If so, does the child's teacher have any concerns about the child's development?

- How recently has the child been seen by a medical provider for a developmental assessment?
- Were any concerns discovered that would require a referral to Child Find?

### **201.3 Establishing who will play the lead**

Children in the child welfare system have an array of adults who are charged with responsibility for their well being. Perhaps the greatest challenge in advocating for these children in the school system is to figure out how to provide continuity in that advocacy, and how to avoid the confusion of roles among multiple individuals which can lead to children falling through the cracks. School staff are often frustrated by the number of adults involved. They are unsure who to contact for what issue. And there's always the risk that each person involved in the case will think a task has been done, or should be done, by someone else.

Lessons learned from model programs elsewhere in the country stress the importance of making a decision early on about who will take the lead in ensuring that the child's educational needs are being met. You, as the caseworker, can assess what makes sense in a given case, in consultation with the child's biological parents, if they are available.

Here are some considerations:

- What are the child's educational needs? Is he or she in special education? If so, how complex are the child's disabilities? What services does the child need? The degree of complexity will be an important factor in making an assessment of the capacity of individuals to act as the lead person.
- Do you anticipate the child's family will be reunited? Do you think that the child's biological parents have the capacity, with your support, to play that role?
- Is there a relative or someone the biological parent can identify who knows the child well and would be willing to play that role?
- If not, is the foster parent interested in and capable of playing that role, with your support?
- Is the foster parent knowledgeable about the educational system? The special education system, if applicable?
- Does the foster parent have a good relationship with school staff?

Depending on all of these factors, you may arrange for someone else to play the lead or you may need to take on that role yourself. Remember that if the biological parent or foster parent will be the lead person, you can connect them with training opportunities to assist them in taking on that function. A new state law, enacted in 2009, 26-6-106 C.R.S., requires that county agencies and school districts coordinate to make training on the IEP process available to foster parents

upon request. (See Chapter 3, Section 303.4. Also see Appendix Y for information/links to educational training opportunities for foster/biological parents.)

Remember that in cases where you, as the caseworker, are not the lead person, it is still important that you remain in regular contact with that person, attend parent/teacher conferences and/or IEP meetings and participate in the planning and decision-making process regarding the child's educational program and progress. (See Chapter 4, Section 401.3 for information about educational surrogates in special education when parents are unavailable.)

## **202.0 Sharing information**

An essential ingredient of effective collaboration is sharing essential information among all of the players who affect that child's prospects for success in school. The challenge, however, is knowing when and what information can be shared within the constraints of confidentiality. In most cases, once you have had the appropriate releases signed as discussed in this chapter, Section 201.1, you will not encounter difficulties exchanging relevant information regarding a child's educational needs with school personnel. However, there will be times when situations arise that raise issues of interpretation of the various laws governing confidentiality for school districts and child welfare. Each system operates under different laws and rules and even within one system, interpretations of these laws can vary (e.g. from school district to school district or among child welfare agencies in different counties.)

In this section, we will briefly outline the provisions of the key laws governing confidentiality and the allowable exceptions to those rules. However, if you have questions about what you should disclose in a given situation and what releases are required, be sure to ask your supervisor or county attorney for advice.

### **202.1 Laws governing confidentiality of child welfare records**

There will be instances when school staff will ask you for information they feel they need to plan for a child's educational programming. For example, they may ask for information about the circumstances of the child's removal from the home because they see that the child is upset and is acting out at school. Remember that you may be the only person available who knows the history of the child. You will have information about the health and developmental history of the child and knowledge about the family history and the circumstances that led to the child entering the child welfare system. This information, however, may or may not be relevant to the child's educational needs. What you have to decide is whether the circumstances fit one of the exceptions to disclosure under the law discussed in this chapter, Section 202.1(A).

**202.1 (A) Children’s Code:** The law governing confidentiality of child welfare information in Colorado is the Children’s Code. It requires that identifying information about children, families and informants contained in any report of child abuse and neglect be kept confidential. The exception is that information can be disclosed on a “need to know” basis. Deciding whether the situation you are presented with falls under that exception can be difficult and may require seeking the advice of your supervisor or county attorney.

Before deciding whether information should be released here are some questions to ask:

- Is the information protected by confidentiality laws?
- Is the information relevant to meeting the educational needs of the child?
- Is the information so personal that its release might be harmful to the child?
- Who will have access to the information? Can that be limited?
- Are those who have access trained in how to deal with the information, or could they unintentionally cause harm to the student by responding to the information in an inappropriate manner?

Even if you do decide to disclose the information, remember that it is still confidential. This means that the information can only be disclosed for that reason and to that person. It may not be re-released to someone else – it remains confidential.

**202.1(B) Health Insurance Portability & Accountability Act of 1996**

This federal statute governs confidentiality of health records. If you have information from outside health agencies or health providers, the provisions of HIPAA apply. In general, you will need a release from the biological parent to disclose those documents to the school. And, schools are under an obligation to keep such information apart from school records. School nursing personnel make the decision about whether the information is pertinent to the academic achievement of the student and should be shared with the relevant personnel who work with the student and have a legitimate need to know. However, only the minimum details necessary to benefit the student’s education, health or safety should be disclosed. Again, seek the advice of your supervisor if you have questions about the disclosure of health related records.

## **202.2 Laws governing the confidentiality of school records**

Of course, the other situation in which issues of confidentiality arise involves your need to obtain access to the school records of a child. School districts are under statutory restrictions regarding confidentiality of the information in their records. Unless parental rights have been terminated, parents in child welfare cases retain the rights to their children's educational records, and with some exceptions described in this chapter, Section 202.2(A), you will need to obtain their written consent in order to gain access.

**202.2 (A) Family Educational Rights and Privacy Act (FERPA)** This is the main federal law governing the release of educational records. Parental rights under this Act include:

- the right to inspect their child's education records;
- the right to request a hearing challenging what's in those records
- the right not to have the records released to third parties without their written consent.

Educational records are defined as any materials maintained by the educational agency or institution containing personally identifiable information directly related to a student.

You may be faced with the question of who can sign a release of school records for a child when parental rights have been terminated or the biological parents are not available. The federal regulations on FERPA define "parent" as a "natural parent, a guardian, or an individual acting as a parent in the absence of the parent or guardian." Generally, because child welfare agencies have guardianship of children in these circumstances, school districts will allow caseworkers to sign a release for school records under FERPA. Check with the local school district for their policy in this situation. (For matters related to special education and placements for students with disabilities, however, this is not the case. See Chapter 4, Section 401.3 for information on educational surrogate parents.)

When a child reaches the age of eighteen, his or her written consent must be obtained before records not falling under one of the exceptions listed below can be released. Schools must still allow access to these records to the parents of a student who is eighteen and a dependent.

While in most cases you will have obtained the signed release from the biological parents, there are a number of exceptions under FERPA which allow the release of records to third parties without the written consent of the parents. Below are the exceptions most relevant to your practice.

No written consent is required to release records to:

- Other school officials including teachers with a legitimate educational interest in the child.
- Appropriate persons in connection with an emergency when the information is needed to protect the health and safety of the child or other persons;
- Officials of other schools when a student is transferring schools;
- Appropriate persons when the release of the information is needed to comply with a judicial order or subpoena.

The most significant of these exceptions to the requirement for parental consent for your practice will be the exception governing transfer of records from one school to another. The new state law, 22-32-138 C.R.S., permits schools to release records to an employee of the county human/social services agency solely for the purpose of transferring the records to the new school. (See the Agency Letter implementing this law in Appendix Z.) Check with local officials to see if any of these exceptions would apply in your particular situation. Once information is disclosed, it cannot be disclosed again to someone else unless a signed release is obtained or it falls into one of the exceptions above.

**202.2(B) Individuals with Disabilities Education Act (IDEA)** IDEA is the federal law governing special education. In addition to the general requirements for confidentiality included under FERPA, (See this chapter, Section 202.2(A)) IDEA has specific requirements relating to special education records. Each school district must designate a person who is responsible for protecting the confidentiality of special education records. The following individuals have the right to review these records:

- Parents or Educational Surrogates (See Chapter 4, Section 401.3 for more information on educational surrogates.)
- School officials, including teachers, who have a legitimate educational interest
- Officials of other schools in which the student seeks to enroll
- Officials of the Comptroller of the U.S. Secretary of Education;
- State education agency authorities
- Testing organizations (if data is anonymous)
- Accrediting organizations
- A student at age eighteen
- Parents of a dependent student even if the student has reached majority
- Those protecting the health and safety of the student
- Others in an emergency

Before records can be disclosed to anyone other than the individuals listed above, the custodian of the records must have a written release from the parents or educational surrogate. (See Chapter 4, Section 401.3 for more information on educational surrogates.)

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<sup>vi</sup> U.S. Committee on Ways and Means, *2004 Green Book*, Washington, D.C.: U.S. House of Representatives, March, 2004. <http://waysandmeans.house.gov/Documents.asp?section=813>.

## **Chapter 3**

# **STRATEGIES TO PROMOTE EDUCATIONAL SUCCESS**

### **Learning Objectives:**

- *Understand how placement changes affect the education of a child, ways to avoid those changes and how to make changes less disruptive if they do occur.*
- *Know where and how to get information about a child's academic performance.*
- *Describe methods to help a child in foster care perform better academically and become more engaged in his or her school life.*
- *Learn what steps to take if you have a concern about a child's educational progress.*

### **300.0 Introduction**

In Chapter 1, you learned about the educational outcomes of children in the foster care system and what factors have been found to make a difference in helping these children and youth succeed. In Chapter 2 we discussed some of the challenges of collaboration and how they can be overcome, the laws regarding confidentiality and the steps you should take when children first enter the child welfare system to establish a framework for effective advocacy. In this chapter, you will learn strategies to promote the factors that seem to make a difference in helping children do well in school.

### **301.0 School stability and other educational considerations in making placement decisions**

When placing a child in out-of-home care, particularly in an emergency situation, your primary consideration is the safety of the child. Yet placement without regard to the educational implications for the child can mean that the child is doubly impacted by a new home and a new school. New laws at the federal and state level underscore the importance of school stability for children and youth in the child welfare system. Whenever possible, try to avoid changes in schools when placing children in foster care or changing an out-of-home placement.

#### **301.1 Impact of school instability on children**

Why does maintaining school stability matter so much? When children have to change schools, the adjustments can be enormous, particularly on top of the adjustments they have to make to a new out-of-home placement. These are some of the effects:



- **Emotional adjustment** to a new school, new rules, new curricula, new classmates and teachers takes a toll on the child's social-emotional and academic development.
- **Missed instructional time and loss of credits** due to delays in enrollment, lack of uniformity of school calendars, and the fact that child welfare placements can happen at any time, disrupting the child's school year. Children placed in the middle of the school year can lose classroom time and older youth can lose credits if they enroll too late in a semester to receive credit for work already done in another school.
- **Lack of uniformity in curricula:** Because of a lack of standardized curricula and tracking systems, children who move from one school district to another when they are placed in a foster home can be out of sync with the level of knowledge attained by their classmates in the same grade level at the new school.
- **Less investment in the child:** Despite the best of intentions, some teachers and school personnel may have lowered expectations and less investment in children in the foster care system because they are viewed as so transitory.
- **Disruptions in the evaluation process under IDEA:** If a child is experiencing difficulties academically and is referred for evaluation for special education, the process can be disrupted if the child has to change schools before the evaluation is done. Even though the new school is obligated to keep to the required timeframes for the evaluation, this often does not occur.
- **Too many assessments:** Multiple changes in schools can lead to children being over-assessed because schools don't receive the child's records in time. Instead of being able to rely on recent assessments from the old school, the child has to go through the anxiety of being assessed all over again. This is difficult for any child but for a child going through the upheaval of a new home and school at the same time, it can be traumatic. And, the emotional state of the child calls into question whether the results obtained will be a true reflection of the child's abilities.
- **Lack of school records:** If schools don't receive all of the records necessary to prepare for a child's programming until after the child has enrolled and begun school, the services and classroom modifications used successfully in the previous school may not be available to the child at a time when the child needs that extra support the most.
- **Inappropriate educational placement and lengthy transition plans:** Even when a child has done very well at their old school, school personnel may see something in the child's history that leads them to insist on a more restrictive placement or a transition plan that is so gradual that the child risks losing substantial instructional time. Because they don't know the child personally, they are less willing to give him or her the benefit of the doubt. (See Chapter 4, Section

401.5(A) for a discussion of the principle of “least restrictive environment”)

One Colorado youth, remembering her experiences in school, said, “I stopped talking to the other kids. I used to think why bother? They’ll only move me again.” Another youth whose frequent changes in placement caused him to lose substantial instruction time, said, “I was so behind in school that I figured why not just give up?” It’s not surprising that children in foster care have higher high school drop-out rates than do other children.

A recent state law, 22-32-138 C.R.S. underscores the importance of school stability. An agency letter issued by the Colorado Department of Human Services and approved by the Colorado Department of Education, sets out guidelines for implementing the new state law for county child welfare agencies and local school districts. (See Appendix Z.) It requires county departments of human/social services to “attempt to maintain the child/youth or school district whenever possible, in order to limit the disruption of the student’s education, and to assure the student receives comparable educational services.” It also states “To the extent possible, prior to a change in placement, all parties (i.e. the county department of human/social services, court, Guardian ad Litem, and other parties) must consider the child’s existing educational placement; and select a change in placement in the child’s best interest, that enables the child to remain in the existing educational situation or to transfer to a new educational setting that is comparable to the current educational setting.”

This law compels caseworkers, foster parents and school officials, when it is deemed to be in the best interests of the child/youth, to do everything they can to avoid changes in schools that disrupt a child’s education. This would include providing the support necessary to keep a child’s placement stable, attempting to find a new placement within the same school district when a change in placement cannot be avoided and making arrangements for a child/youth to stay in their home school even in situations when the child has to be placed outside of the school district. When a child must be transferred to a new school, the law also requires that to the maximum extent possible all parties consider whether the new educational setting is comparable to the current educational setting when making decisions about placement.

The new federal law, *Fostering Connections to Success and Increasing Adoptions Act of 2008*, also provides support for school stability. It contains provisions that permanency plans for children contain assurances that the choice of placement take into account the current educational setting and proximity to the school, and that the state agency has coordinated with the local school districts to ensure the child is able to remain in the school if that is in the best interests of the child. It also allows Title IVE child welfare funding to be used to pay for reasonable transportation costs for transporting children to their home school.

## 301.2 Steps you can take to avoid changes in schools

Included in the Appendices is a useful checklist you can use as a tool in determining whether a child should remain in their home school or move to a new school when they experience a change in out of home placement. Here are some steps to follow in making this decision and working out the logistical issues involved.

- **Address any safety issues:** Before making a decision about placement, assess whether there is a safety issue if the child attends his or her old school and, if so, whether school staff can put procedures in place to protect the child so he or she can remain in their school.
- **Ask children what they prefer:** If children are old enough, ask them whether they would prefer to stay in their old school. If they would like to remain there but are fearful, talk to them about any arrangements the school may have agreed to make to keep the child safe. Some children may have reasons why they would like to change schools, such as a desire to get away from a gang, that have nothing to do with their family. While it is usually preferable to keep children in their old school, don't assume that children will always feel that way. Ask them!
- **Try to locate a foster home in the same neighborhood:** If the child can be kept safe, then try to find a foster home in the same neighborhood served by the child's home school. Some counties in Colorado have focused recruitment efforts on finding new foster homes in the neighborhoods where most of the children entering the child welfare system resided before they were placed. This avoids changes in school placements, fosters a supportive connection between the biological home and the foster home and in general avoids as much as possible having the child's life disrupted.
- **Try to arrange for the child to stay at their home school:** Even if the child must be placed in a different neighborhood, see if there is a way for the child to continue attending the old school. There are several federal and state laws under which you may be able to keep children in their home schools. These are discussed in Chapter 3, Section 301.3.
- **Finishing out the school year:** Even when a child is placed outside the school district and you are unable to arrange for the child to continue at their home school, many school systems will at least let the child finish out the school year. Check with the school principal to see if that can be arranged. (See this chapter, Section 301.3(B) for rights afforded under the McKinney-Vento Act to allow children placed in emergency placements to finish the school year even after a foster placement is found.)
- **Finding before/after school care:** Sometimes the stumbling block in enabling children to remain in their old school is the need of the foster

parents for before and/or after school care. Foster parents may be willing to drive the child to and from their old school but may need coverage for the after school hours until they can come and pick the child up. If this is a need, find out if the child's old school has an after school program and whether they could accommodate the child. If not, ask if there are any other after school programs in the area which might provide transportation from the school to the program site. If child care is available but the foster parent needs help with the cost, check with your agency regarding sources of funding. (See discussion of child care assistance in Chapter 6, Section 602.0.) If the school has no after school program or the program is filled by the time the child is placed in foster care, the foster parent may not be able to have the child attend that school.

- **Concurrent start times for different schools:** Some foster parents don't have a need for regular before and after school care but rather coverage for a brief fifteen to twenty minutes in situations where children in their care attend multiple schools which start at the same time. The foster parent is willing to provide transportation to allow a child to remain at their home school but needs to be able to drop that child off early in order to get another child to school on time at a different location. Perhaps the school would agree, under those circumstances, to have the child wait in the school office until the other children arrive if that would make the difference in that child being able to stay in the same school.

### **301.3 Legal strategies to keep children in their school**

Even when you have to place a child outside the neighborhood served by their old school, there are state and federal laws you may be able to use to keep the child in their home school, if you feel that is in the best interests of the child.

**301.3(A) Colorado's School Choice Law:** This state law provides students with the opportunity to apply to attend a school (either within the same school district or in another school district) other than his or her neighborhood school, under an open enrollment policy. You may be able to use this law to arrange for a child to stay in their home school even when the child is placed in a neighborhood served by a different school or school district. Be aware, however, that school districts establish application procedures, priorities in admission and timelines for this process which may or may not fit the circumstances of a given case. Check with the school district involved to find out how their application process works. Even if the child is permitted to stay under this law, transportation may still be a stumbling block. The School Choice law does not require school districts to supply transportation to students exercising this choice. Perhaps the foster parent would be willing to drive the child to their old school but needs help covering the cost. *Fostering*

*Connections* offers a new avenue for covering transportation costs to allow children to stay in their home school. See this chapter, Section 301.3 (B) and (C) for more information.

**301.3 (B) McKinney-Vento Homeless Assistance Act:** This federal law addresses the educational needs of homeless children. Under recent amendments to the McKinney-Vento Act, children meet the definition of homeless if they are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement...” School districts are required to allow children who are homeless to continue at their original school with transportation provided by the school district. Even if a foster home is found for the children during the school year, the Act requires school districts to permit the child to finish the school year in the old school. Under *Fostering Connections* discussed below Title IVE funds can now be used to cover “reasonable costs” of transportation to keep a child in his or her home school. There may be variation across counties in how the phrase “awaiting foster care placement” under McKinney-Vento is applied to specific situations. The law defines homeless children as lacking a “fixed, regular and adequate nighttime residence.” Given the variation in the types of placements available to children in the child welfare system questions to ask about a placement include whether it will be the primary nighttime residence and how long it is expected to last. Each school district is required to designate someone as the coordinator for implementation of the McKinney Vento Act and 22-32-138 C.R.S., the new state law, requires school districts to designate a child welfare liaison. Be sure to discuss the circumstances of the child with both of these individuals to work out an agreement that will help the child stay in their home school if that is in his or her best interests. (See this chapter, Section 302.3 and 303.1 for information about other services provided under this Act.)

**301.3(C) Fostering Connections to Success and Increasing Adoptions Act PL 110-351:** This new federal law, passed by Congress in 2008 and referred to above, compels caseworkers to try to keep children in their original schools when they change placements if it is in the best interest of the child to do so. (In the Appendices you will find a checklist to use as a tool when deciding what school placement would be in the best interests of the child.) Under this law, states are now allowed to use Title IV-E funding to cover the cost of “reasonable travel” to allow the child to attend their home school if their foster placement has to change to one in a different school district. The new law also requires agencies to document the factors that were considered in deciding whether a child should stay in their home school or transition to a new school as well as the steps that were taken to coordinate with the new school regarding transfer of records and enrollment if a change in schools is determined to be in the best

interests of the child. Talk to you supervisor about how these documentation requirements are being implemented in your county.

### **301.4 Other educational considerations in making placements**

**301.4(A) Kinship care** Sometimes, even if it means the child will need to change schools, finding a member of the child's extended biological family to become the child's legal guardian and care for the child, can be preferable to placing the child with complete strangers in a foster home. In addition to the familiarity and stability a relative can provide to a child, school social workers point to several potential educational advantages and this is borne out in the research which has identified kinship care as one of the factors in positive educational outcomes for children in care. In response to this research, Congress passed *Fostering Connections* to provide more support to kinship caregivers as well as to address the educational needs of all children in the child welfare system.

As a general rule, relatives tend to be more involved in the child's education, more invested in the child, more knowledgeable about the child's history, and more willing to act as an advocate for the child within the school setting. They also are more likely to attend school functions and parent/teacher conferences/IEP meetings. Other children tend to have more of a sense of normalcy and acceptance about a child being raised by a relative than about a child cared for in a foster home. Relatives may also be more willing to provide transportation and to supply the "extras" children need to participate in extracurricular activities. In light of these and other advantages, both federal and state law require caseworkers to exercise due diligence to search for a relative to care for the child before placing the child in a non-relative foster home.

**301.4 (B) Keeping siblings together** Another factor to be considered in placement is the importance of keeping siblings together if that is in the best interests of the children involved. Colorado law requires counties to place sibling groups together unless they can demonstrate by a preponderance of the evidence that joint placement of the entire sibling group would not be in the best interests of one or all of the children. If siblings are removed from their home at the same time but cannot be placed in the same foster home, it might still be preferable to try to keep them in their old school, or, if that is not possible, to try to place them together in the same new school, if that is appropriate.

## 302.0 Ensuring smooth transitions

Most of us can remember vividly what it was like to enroll in a new school or to help our own child with that experience. Despite everything done by parents to ease that transition, it remains a potentially traumatic experience for any child. If a change in schools is in the best interests of the child or is unavoidable for other reasons, your focus should shift to how you can make the transition as smooth as possible for the child, both academically and socially. While foster parents and caseworkers can't substitute completely for a child's biological parents, following some of the steps outlined below will do a great deal to soften the impact of a change in schools. Please note the provisions of the new state law, 22-32-138 C.R.S. that address many of these school stability and transition issues and are discussed throughout this section. The agency letter providing guidance on these provisions is included in the Appendices as Appendix Z.

- **Make the necessary notifications to school districts:** It is critical that you notify the school district where the biological parents or legal guardians reside, as well as the school district where the child will attend, of the planned transfer as soon as possible. There are several sources of guidance here. Volume VII of Colorado rules 12 CCR 2509-4 outline the steps you should take to notify school districts when a child transfers. In addition, the new state law, Sec. 22-32-138 C.R.S. requires the county agency to notify in writing both the old and the new school about the transfer of the child. Email is not sufficient to meet this requirement and many counties have forms that caseworkers can fill out and send to schools to provide this written notification. Lastly, for children in special education, the receiving school must notify the Director of Special Education in the school district as soon as possible after receiving notification that the child is transferring to the school. Colorado rules implementing the Exceptional Children's Education Act outline which district is responsible for the child's special education services under what circumstances when a child is placed in an out-of-home setting. (See Chapter 4, Section 401.6 for more information)
- **Saying Goodbye:** Many children and youth in care say that they are not informed about changes in placement and schools until the last minute. Children have no time to adjust and say goodbye to friends. They simply disappear from their schools. Best friends feel hurt and teachers wonder what happened and feel awkward about answering the questions of the child's former classmates. Sometimes the child's belongings aren't even returned. And, of course, an abrupt departure is hardest on the child who leaves. If possible, let the child know ahead of time that they will be changing schools and call school personnel to discuss how to make the child's departure easier. Ask them to provide a chance for the child to say good bye. Even if a child decides not to have any more contact, just being given a goodbye card from

classmates helps the child make the emotional adjustment to a new school. If a child does want to keep in touch with former teachers and classmates, provide him or her with addresses and, if possible, give the child post cards and stamps to use for that purpose.

- **Transferring Records:** Under Sec. 22-32-138 C.R.S. the written notification referenced above triggers the start of a five school day period within which the sending school must transfer the child's school records to the new school. The law allows the county human/social services department with legal custody of a child to request that the school or school district release the child's records to an employee of the department solely for the purpose of transferring the information to the new school. If there are any classroom modifications or accommodations that the child received in their old school that could be implemented right away, let officials at the new school know. The school needs to be aware of any challenges the child has or otherwise his or her behaviors could be handled in ways that would only add to the trauma the child has already suffered from moving to a new home and a new school. Under the new state law, transfer of records cannot be delayed for any reason including unpaid fines or fees the student may have that are outstanding at the sending school or school district
- **Enrolling the Child:** Sec 22-32-138 C.R.S. specifies that the new school must enroll the child within five days of the receipt of the child's school records regardless of whether the student is able to comply with any requirements pertaining to school uniforms or other clothing restrictions or whether the student can comply with other pre-enrollment restrictions or requirements imposed by the school district or school. Clarify with the foster parents whether you will enroll the child or whether you expect the foster parent to do that. Some schools have registration packets. If so, obtain copies to use when enrolling a child.
- **Obtain immunization records needed for enrollment:** Sec 22-32-138 C.R.S. prohibits schools from denying enrollment because of a lack of immunization records but does require that these records be produced within a specific timeframe. When the child lacks these records the receiving school must notify the child's legal guardian that the records must be received within fourteen days. If they are not received within that timeframe then the school can suspend the student until the records are received. Make sure you have the parents provide immunization records or ask them to sign a release so you can obtain this records from the child's medical provider.
- **Permission slips, emergency contacts, etc.:** When a child first enrolls in a school, the school requires that certain forms be filled out with emergency contacts, permission slips for field trips, etc. Determine who the school allows to sign these for children in care and have them filled out and signed as soon as possible. If a doctor's note



is needed to participate in athletics, make sure you contact the child's medical provider or if there isn't one, make sure that you or the foster parent make an appointment with a medical provider for that purpose as soon as possible. Lastly, use the form in the Appendices to let the school know who should be notified regarding parent/teacher conferences, IEP meetings, etc.

- **Planning for the transition:** Encourage staff at the new school to contact the child's teacher at the former school after reviewing the records to learn more about the child's needs. This will also help the new school to place the child without having to delay the child's education further while they conduct formal assessments. When children and youth who are identified as special education students are making the transition from one educational placement to another (e.g. a facility school to a public school) a meeting of the child's IEP Team, preferably with staff from both placements participating in person or on the phone, should take place to plan for the smooth transition of that child to the new placement. (See Chapter 4, Section 401.6 for information on transfers of special education students)
- **Avoid disruptions in the timelines required under IDEA.** Even when children change schools, the legal timelines under the federal Individuals with Disabilities Education Act (IDEA) and Colorado's Exceptional Children's Educational Act (ECEA) for special education do not change. The new school still must complete the evaluation, determine eligibility and develop the Individualized Education Plan (IEP) within 60 calendar days of the receipt of the request for the evaluation at the old school. Make sure this timeframe is met at the new school to avoid unnecessary delays in receiving services should the child be found eligible. (See Chapter 4, Section 401.4 (H) for more information on IEPs.)
- **Arrange for a tour of the school.** If possible, before the child's first day of school, arrange for the child to visit the school and meet his or her teacher. It is preferable for the child to make the visit accompanied by someone the child knows (e.g. the foster parent, a relative, a specialist who has been working with the child)
- **Arrange for a peer to help on the first day:** Ask if it's possible for the school to designate a classmate to be with the new child to show them around and sit with them at lunch time on the first day.
- **Prepare the child for questions:** Especially if a child is enrolling in the middle of the school year, it may be important to help the child and the child's teachers answer questions from other children about why they are coming to the school in a way that preserves confidentiality. Other children will be curious about where the child came from and why they've moved, and the child should be helped with how to answer these questions in a comfortable way.
- **Special issues when older children change schools:** Older students run the risk of losing credits when they change schools. School

districts use different course requirements and credit policies and sometimes school officials fail to review the child's school records carefully enough to accurately determine when the child may have taken comparable courses or participated in community service programs that provided equivalent learning opportunities that meet the new school's criteria. Sec 22-32-138 C.R.S. addresses this issue by requiring the sending school to certify all coursework fully or partially completed and requiring the receiving school to accept certified coursework as if it had been completed at the receiving school. This provision does not, however, require the receiving school to accept any particular coursework as fulfilling a *required* course at the receiving school. For example, the student may have taken a course that the sending school accepted as meeting a requirement for science but if the receiving school does not agree, the student may only get credit for having taken an elective course. Nevertheless, this new provision does provide for an important protection against students losing credit for seat time at the sending school.

Consider showing school officials a copy of the agency letter implementing this new state law if you encounter difficulty with any of these provisions. (See Appendix Z for a copy of the letter.) It is possible that some school personnel may be unfamiliar with these new provisions. The letter will provide support to your efforts to enroll a child, request a transfer of school records and/or address credit issues. You might also contact the child welfare liaison school districts are now required to designate under the new state law to ask for their help.

The new federal law, *Fostering Connections*, referred to earlier, also contains general provisions for the immediate enrollment and transfer of records when it is in the child's best interests to change schools.

### **303.0 Ensuring daily school success**

Because of heavy caseloads, many caseworkers become involved in children's education only when there is a crisis (e.g. a child is truant, a child is being disciplined, the school suggests a different placement for a child) or when a child is transitioning to a new school. Especially in large school systems, however, where staff are often overwhelmed, "no news" about a child does not necessarily mean "good news." It is the quiet children who are most likely to fall through the cracks and need you or the foster parent to monitor their progress. And, it is in this role that you will need to collaborate most closely with the foster parent and the classroom teacher as they are the ones who see the child on a daily basis. In this section we provide some strategies you can use to play this role effectively.

## 303.1 Academics

- **School Records:** Make sure you keep the child's school records up to date. (See Chapter 2, Section 200.2 for a list of documents, at a minimum, that you should be keeping in your case files.) Be sure to ask the foster parent to provide you with a copy of the child's report cards in a timely way so you can keep track of the child's performance.
- **Communication with Teacher:** Check in with the child's classroom teacher and use the questions on the checklist in the Appendices to find out how the child is doing.
- **Ask the child and the foster parent about school:** When you visit with the child be sure to include questions about school as well as home life and make sure you do the same when talking to the foster parent. (See Appendices for a checklist of questions you can ask.)
- **Tutoring:** Talk to the school principal and find out about tutoring programs and other sources of assistance, usually provided with Title I funding. This information should be collected in the beginning of the school year and kept on the contact sheet included in the Appendices. Here are some potential sources for academic support:
  - **Child welfare funds** might be designated in the service plan for this purpose. Talk to your supervisor about this possibility.
  - **Chafee Foster Care Independence Act** For older youth, there may be funding available under this Act designed to help youth in care make the transition from foster care to adulthood. (See Chapter 7 for more information.)
  - **McKinney-Vento Act** If the child meets the definition of homeless under the McKinney-Vento Act, the school district is required to provide tutoring services. If you have a child in that situation, talk to the school district's coordinator for that Act. (See this chapter, Section 301.3 for a fuller discussion of the McKinney-Vento Act.)
  - **No Child Left Behind Act:** Under this Act, schools which fail to meet state standards for at least three out of the last four years must make supplemental educational services (e.g. tutoring and academic support) available. These services must be paid by the school and provided outside of regular school hours. Parents can choose their own providers, but these providers must meet certain state standards. Look on the web site for the Colorado Department of Education (See Appendices) to find out if the child's school is on the list of schools in need of improvement and determine how many years they have been on that list. If the school has been on the list for the

required amount of time, advocate for the child to receive this additional help.

- **Colorado Basic Literacy Act:** In Colorado, children in the early grades who test below grade level in reading are provided with an Individual Literacy Plan (ILP) with the goal of bringing them to grade level by third grade. This plan spells out the goals for the child and the services the child will receive to reach those goals. For children in the early grades, ask if the child has an ILP and make sure it is being implemented and is resulting in progress for the child.
- **Consider another educational setting:** Under Colorado's School Choice law, students can consider other options for their education that may use approaches better suited to their learning styles and interests. (See this chapter, Section 304.3 for more information about these options.)
- **Don't let talent go to waste!** There will also be children and youth on your caseload who, despite the formidable challenges they face, manage to do extremely well in school. Other students may complain that they are bored in their classes. In either case, you may observe that these children seem unusually bright or a foster or biological parent may tell you that they have been impressed with the child's capabilities. Yet here too, because of multiple changes in schools, the talents of these children can get overlooked. Ask the school what their sense is of the child's potential. Tell them what you or the parent/foster parent have observed. Raise the possibility that the child might be considered for the Gifted and Talented Program, if there is one in the school district, and find out how children are referred. The Gifted and Talented Program is not an entitlement program and therefore it is not available in every school district. It is for students who are capable of "high performance, exceptional production, or exceptional learning behavior" in any one or a combination of these areas:
  - general or specific intellectual ability,
  - specific academic aptitude,
  - creative or productive thinking,
  - leadership and human relations abilities,
  - visual arts, performing arts, spatial or musical abilities
  - psychomotor abilities.

If the student is in high school, be sure to talk to the child's guidance counselor to make sure the child is enrolling in honors and/or AP classes so they are sufficiently challenged and have a better chance of being admitted to a good college.

## 303.2 Social-emotional concerns

For too many youth in care, school can become a source of pain and even alienation. Being labeled as a “foster kid” can have a negative impact on the social standing of a child. The sophistication of children today makes it harder for kids in the child welfare system to hide their foster status. One youth in care said “They always found out that I was in foster care. As soon as they did, only the ‘delinquents’ would talk to me.”

Some of the school-age activities other kids take for granted are not easy for children in the child welfare system. School events where a parental presence is expected such as plays, music recitals, Parent/Grandparent Day, and award nights can be embarrassing and sad for these children. The simple act of inviting a child over to play or having a sleepover may not be possible if there are safety or other concerns in the foster home. Children in child welfare can easily end up feeling excluded, stigmatized and lonely.

Sometimes there is a lack of awareness on the part of school staff about what children in the child welfare system encounter from their classmates and the stigma they feel. Both at a county level and one on one, caseworkers can play a key role in educating teachers and other school personnel about what they can do to help these children make friends and avoid being stigmatized. Here are some strategies:

- **Meet with the school social worker:** Offer to meet with the school social worker to talk about the issues faced by these children and brainstorm ways to help the children make friends.
- **Anti-bullying programs:** Find out if the school has an anti-bullying program. Talk to the individual or committee charged with implementing the program to request that the situation of these children be included in some of the discussions about differences used with children to promote tolerance and prevent bullying.
- **Protecting kids during times when they may be especially vulnerable:** You might want to ask the child how they feel about potentially difficult times during the school day when kids are most vulnerable to teasing and bullying. There may be issues of confidentiality involved, but if you can, arrange with the school social worker to have classroom teachers, lunch aides, recess monitors, school bus aides and other staff look out for the child in a subtle way that won't single out the child but would alert you to any bullying incidents. The school social worker wouldn't need to tell those staff that the child is in the child welfare system, just that the child needs a little extra attention.
- **Educate classroom teachers:** Explain to classroom teachers why some assignments such as drawing a family tree or asking the child to

bring in a baby picture may not be appropriate for a child in foster care. Ideally, an alternative assignment for all of the children is preferable so that the child is not singled out by having the assignment modified just for him or her. If you or the foster parent explain how these assignments can affect the child, most teachers are amenable to changing the assignment. Ideally, if you can take pre-emptive action by educating classroom teachers about the needs of children in care in general, awkward situations like these can be avoided altogether. Perhaps you can request that you be put on the agenda of a teacher in-service day to talk about the needs of children in care.

- **Simple acts of caring:** When youth transitioning out of care are asked to look back at what made a difference in their lives, they will often cite a simple act by an adult that made them feel like someone cared about them: a caseworker who showed up at their band concert, a teacher who took them aside in seventh grade and asked them what their long-term goals were. One foster youth, talking about how difficult the holidays are for foster children, remembered her school guidance counselor giving her a Christmas gift. If possible, try to make that extra effort and encourage others to do that as well. These acts may seem like small gestures to you, but to a child they can be a turning point in their motivation to do well in school.
- **Costs associated with social events:** Just like the costs associated with academic and extracurricular activities discussed in this chapter, Section 303.4, there may be costs associated with important social events (e.g. admission fees for attending events at school, a prom dress or tuxedo rental, etc.) that have, in the past, acted as barriers for children and youth in the child welfare system. Make sure the child knows to tell his or her foster parent or you, as the caseworker, when these needs come up. The new state law, Sec 22-32-138 C.R.S., referred to earlier, underscores the importance of participation in extracurricular activities for children and youth in the child welfare system. It requires schools to waive all fees for students in out-of-home placement and prohibits schools from limiting opportunities to participate because of fees. This should help with at least the school-related costs of participation. Find a copy of the agency letter referred to earlier in the Appendices (Appendix Z) to show to school officials and make sure foster parents are also aware of these new requirements.
- **Cultural Sensitivity:** Children placed in a foster home in a school district largely attended by students of a different racial or ethnic background will need extra attention by you and by the school staff to help them fit in. You will need to be especially alert, as will the foster parent, to any prejudice toward a child in those circumstances. (See this chapter, Section 303.3 for more on this topic.)
- **Avoid pulling the child out of class for appointments.** Youth in care talk about the disruptions caused by all the appointments they had while in school. They disrupt learning and if they are scheduled after

school, they can interfere with the child's ability to participate in extracurricular activities and sports. While it is not always possible, try to schedule meetings with the child, visitations with biological parents and sessions with therapists for after school hours, preferably at times when the child is not required to be at a practice or other important activity. When these do have to occur during school hours or when a school activity is scheduled, they can result in:

- **Embarrassment** if the caseworker collects the child from the classroom or the child's name is announced over the loudspeaker and other children ask awkward questions;
- **Missed instructional time** so that the child falls even further behind and teachers have to arrange for the work to be made up;
- **Emotional upsets** following the visit or appointment resulting in embarrassment and difficulty focusing when children return to the classroom;
- **Being denied participation in a sport or extracurricular activity** because scheduled appointments caused the child to miss practices, rehearsals and/or meetings.
- **Unexcused Absences:** Before enactment of the new state law, Sec 22-32-138 C.R.S., when children and youth had to leave school to attend a court hearing or visitation, or to make a therapist appointment, they ran the risk of incurring unexcused absences which jeopardized their credits and ultimately, their graduation. The new law, however, contains a provision requiring the county departments of human/social services to notify the school in writing in advance of a student's appointment so that the child/youth can receive an excused absence.
- **Potential truancy problems** because multiple pull-outs may lead to students learning a message that school isn't that important and they may come to expect to miss class time.

A number of projects to improve educational outcomes of children in care have developed useful approaches for protecting children from becoming stigmatized at school for being pulled out of class. In Broward County, Florida, for example, a data base containing the names of caseworkers along with their photographs has been created to which schools are given access to verify the identity of caseworkers who come to the schools to meet with children. That way, if caseworkers do have to schedule meetings during school hours, they don't have to wear I.D. tags that "advertise" to everyone that the child is involved with child welfare.

- **Mentoring:** Enroll the child in a mentoring program – such programs have been important factors in the educational success of children in the child welfare system. Mentors provide the kind of one on one role modeling and support from an adult that boost academic achievement, enhance social skills and encourage children to set long term goals for themselves. In some communities, programs have been established that match middle school children with high school youth in care to provide mentoring and support. Colorado Mentoring, a program of the Governor's Commission on Community Service, is working towards raising the level of public awareness about mentoring and its benefits. They also maintain a database of available mentors. (See Appendices for their web site and a list of mentoring programs.)
- **Peer support:** Support groups of youth in care are offered for youth making the transition from foster care to independence. Youth in Colorado who participated in one of these support groups said they wished these had been made available in middle school. Peer support was an important part of the Safe and Smart initiative run by the Vera Institute of Justice in New York City to support children in care attending the City's public schools. At first, program administrators were afraid that children would not want to sign up for the initiative because of a discomfort with being singled out. They discovered, however, that children were eager for the chance to meet with other kids in the same situation. Many had kept their foster care status a secret from the other children and were relieved to have a safe setting in which to "come out" and not feel so alone.
- **Deal with safety issues immediately:** If a child does not feel safe at school and has been the victim of bullying, it may be worth considering a change in schools if these issues can't be resolved adequately in the school he or she attends. Under certain circumstances, students have a statutory right to transfer to a safe school. Under the federal No Child Left Behind Act, children and youth now have the right to transfer to a safe school if they have been a victim of school violence *or* the school they attend is considered under the Act to be a "persistently dangerous" school. States determine their own definition of "persistently dangerous" based on safety statistics schools must supply under the Act. If the child has been a victim of violence, he or she can transfer regardless of whether the school has received that designation. If the child simply feels unsafe, or is trying to get away from a gang, then check the Colorado Department of Education website to learn whether the child's school has been designated a "persistently dangerous" school. You may also be able to arrange for a transfer of the child to another school even if the original school is not considered persistently dangerous or the child has not been a victim of violence by applying for a transfer under Colorado's School Choice law discussed in this chapter, Section 301.3(A) and 304.3..



### **303.3 Cultural issues**

When a child is placed in a foster home, the location of that foster home may mean that the child will be living in a neighborhood and attending a school in which the predominant racial and/or ethnic group is different than their own. This can raise challenges above and beyond those experienced by any child in the foster care system. If this is the situation faced by a child on your caseload, it is important to inquire of school staff about the potential for difficulties at school and to ask them to look out for the child. One strategy might be to seek out the ESL (English as a Second Language) teacher in the school. These teachers might have a sense about the climate of the school and could help with cultural issues. The School Social Worker or School Psychologist also may be more attuned to these issues. Encourage the foster parent to also be alert to this potential problem and to talk with these school personnel.

Ask school staff if they have a diversity program in their school that teaches tolerance and what they do if they believe a child is being treated differently because of his or her race or ethnicity. It is also important to speak about cultural differences with the child's classroom teacher. Ask the child enough about the socio-emotional side of their school experiences that the child feels comfortable disclosing any incidents they've experienced resulting from racial or ethnic prejudice.

Lastly, be aware that if a child is placed in a more affluent school district you may need to be more involved in advocating for that child's opportunities to become involved in extra-curricular activities. Schools serving a low income population tend to have more policies in place for waiving fees and expenses for such participation (e.g. field trip expenses, athletic uniforms and equipment, etc.). Schools in more affluent neighborhoods may not be as familiar with this problem and you and/or the child's foster parent may need to advocate for the child. As mentioned earlier, the new protections provided under Sec 22-32-138 C.R.S. will provide you with support. The law prohibits schools from allowing the imposition of fees to act as a barrier to participation by children and youth in out-of-home placements. Schools must waive such fees for these students. Use the agency letter referred to earlier to support your advocacy of the child with the school. (See Appendix Z for a copy of the letter.)

### **303.4 Adequate support for education at home**

Make sure the foster parent is providing adequate support for the child's education at home. While many foster parents do an excellent job of making education a priority in their homes, others are more focused on the behavioral issues of children and may not place as much value on how the child is doing in school. A child will bring home an "A" on a math test and instead of receiving

praise for that, they will be taken to task for leaving their room messy or not doing a household chore. Encourage foster parents to think of education as equally, if not more important, to that child's future success as it is for other children not in the child welfare system and connect them with the resources listed in the Appendices to support their efforts.

Here are some steps foster parents can follow, with your help, to support the child's education. (These are also adapted as a checklist, Appendix W, which you can hand out to foster parents.)

- **Set high expectations:** Encourage the foster parent to have high expectations for the children and attach the same importance to education as they do to the children's behavior at home.
- **Provide a supportive environment:** Make sure the foster parent is providing children with the necessary school supplies and a quiet space, free from distraction, in which to do their school work.
- **Monitor and provide help with homework:** Tell foster parents that they should expect children to do their homework and urge them to check to make sure it is completed and done well. Explain why it is important to make this a priority ahead of doing household chores. Foster parents also need to understand that most children need some kind of support to complete their homework. They should provide that support themselves or find alternative resources such as another adult or tutor to help. (See Appendices for tips on helping children with homework and Chapter 3, Section 306.1 for information on sources of tutoring assistance.)
- **Praise school success:** Emphasize that foster parents should heap praise on children each time they do well in school. Suggest they post papers for which children have received a good grade on the refrigerator or start a tradition that every time a child makes the honor roll or improves their grades, a special dinner or outing will be planned to celebrate.
- **Enable children to participate in extracurricular activities:** These opportunities can come up throughout the school year and are key factors in the educational success of children and youth. This is a particularly important need for middle and high school students. Urge foster parents to go through the papers children bring home from school on a daily basis so opportunities aren't missed. Tell them they can play an important role in encouraging children to participate! Work with the school to ensure clarity about who can sign permission slips and fill out necessary forms. Then make sure that happens in a timely fashion. See if foster parents can provide transportation to events and games and if not, find out if there is another way the child can be transported.
- **Address special school-related costs:** For certain courses or for big research and science fair projects there will be special costs for

scientific calculators, art materials, a display board, etc. There also may be monthly rental fees for an instrument for the school band or uniforms for the soccer team. Sometimes, schools can help with these costs for families that can't afford them but it may be hard for children in the child welfare system to speak up and request that help. School social workers and school psychologists are good sources of information about resources in the community to help defray these costs for children who can't afford them. Foster parents need to let children know they are willing to help them with this. If foster parents need help covering these costs they should contact you right away. Very often these projects are assigned, or extracurricular opportunities are announced, with very little turnaround time. Sometimes kids wait until the last minute to let foster parents know! Not having the money to meet these expenses not only affects children's academic performance and ability to participate in beneficial activities but can also stigmatize and embarrass them at school. As mentioned earlier, the new state law, Sec 22-32-138 C.R.S., may help with at least some of these costs. It requires schools to waive all extracurricular and in-school fees for students in out-of-home placement and prohibits schools from limiting opportunities to participate because of fees. See Appendix Z for a copy of the agency letter implementing these provisions to show to school officials and make sure foster parents are also aware of these new requirements.

- **Attend parent/teacher conferences:** For children who are not in special education these are the only formal times when a child's performance is discussed. A meeting with a child's teacher can be requested whenever there is a concern but attendance at these regularly scheduled meetings is essential. These meetings not only inform the foster parent about the progress of the child but begin a relationship with the teacher that will make the school a less intimidating place for foster parents. (See Appendices for a list of questions foster parents can ask at a parent/teacher conference.)
- **Promote early literacy:** Encourage foster parents caring for very young children to read to the child daily, beginning in infancy, and talk about what the child is seeing and doing to develop the early language skills so necessary for later success in school. Encourage foster parents to enroll the child in a good quality early care and education program to provide an enriched early learning environment for the child. (See Chapter 6 for more information on the educational needs of younger children.)
- **Support educational aspirations:** For older children, explain that foster parents need to support and encourage high aspirations for attending college or other post-secondary schooling. Encourage them to talk to the guidance counselor and to you, as the caseworker, to make sure they are taking the right courses and know about financial supports for further education. (See Chapter 7 for more information

on the special considerations of addressing the educational needs of youth.)

- **Provide copies of report cards:** Request that the foster parent provide you with copies of report cards and urge him or her to inform you about any concerns about the child's experience and performance in school.
- **Advocate for the child in the IEP process:** If the child is in special education or there is a concern over the child's educational progress that might mean there is a need for a referral, help the foster parent understand the special education system and provide tips on how to be a good advocate for the child. A new state law enacted in 2009, 26-6-106 C.R.S., requires that county departments of human/social services and local school districts coordinate to make training about the IEP process available to foster parents upon request.

### 303.5 What to do when you have a concern

You may encounter times when you, the foster parent or the biological parent have a concern about whether a child has a disability that is impeding their learning, but you are unsure if you are correct. What should you do? We have included in the Appendices a number of resources to help you analyze these concerns. These include checklists of questions you can ask school personnel and the child, descriptions of common disabilities in children that can interfere with learning, milestones in typical child development, and links to web sites of agencies providing assistance with special needs. Also see Chapter 4 for more information about eligibility for special education.

**303.5 (A) Red flags that could be causes for concern:** In monitoring the child's progress in school, be alert for any of the following which might mean you need to take action to obtain special help for the child:

- Poor grades
- Delays in academic achievement or developmental milestones
- Lack of interest in school
- Refusal to attend school
- Difficulty with peers at school
- Behavior problems at school

**303.5 (B) Action steps to take when you have a concern – the RtI process:** In the last few years, school districts in Colorado, as well as other states, have been adopting new approaches for addressing the individual educational and behavioral needs of all children through progressively intensive interventions based on a child's response to the assistance given. This approach, called RtI (Response to Intervention), involves multiple tiers of research-based instruction and services, including ones universally provided to all students, targeted interventions

for those who are not able to make progress in general education and more intensive services for students with complex needs.

While different school districts are implementing this approach in different ways (and even different buildings within different school districts depending on the population served and the resources available), behind all of these efforts is the principle of addressing each child's individual educational and behavioral needs and then assessing their progress in response to the instruction and services provided to gauge the intensity of the interventions they might need. Educators, using a team approach, analyze the information gathered through student assessments to develop both preventive measures and interventions to help students. RtI also emphasizes the importance of a partnership with parents.

IDEA 2004 supports the RtI process by including new provisions regarding the basis school districts can use to identify a child as having a specific learning disability that would make him or her eligible for special education. Under these provisions school districts, in determining eligibility for special education, no longer can be required to use the "severe discrepancy" standard which looks at a discrepancy between the child's performance and his or her age and intellectual ability as measured by intelligence tests.

Congress was concerned that this standard might be applied unfairly to children affected by poverty and/or language barriers so that their performance on IQ tests did not reflect their true ability but rather these other barriers. Under IDEA 2004, state education agencies cannot require school districts to use the severe discrepancy standard, school districts would not be prohibited from doing so. The new provisions allow school districts to use a determination based on RtI – in other words, a standard that looks at the impact on the child of providing "scientific, research-based interventions" and if the students' performance doesn't improve in response, then determining that the child has a specific learning disability and providing services under IDEA.

In response to IDEA 2004, the Colorado Department of Education required that all school districts in Colorado have a process to provide RtI in schools by August 15<sup>th</sup>, 2009. Information collected about a student and how he/she responds to services will now function as the "comprehensive evaluation" for a specific learning disability which means that the formal assessments for cognition, adaptive skills, speech language, etc. may no longer be used as part of a school process of evaluation. Included on the checklist schools will use to determine the presence of a specific learning disability is a question that asks the IEP team for data to show that the problems with learning are NOT related to cultural or economic disadvantage. The RtI process holds the potential to provide

interventions earlier without waiting for a child to perform so poorly that he or she meets the qualifications for special education.

Find out how the RtI process is being implemented in the school districts serving the children and youth on your caseload. (See the Appendices for links to web sites for CDE and for special education sites that contain more information about RtI.)

- **Talk over your concerns with a specialist familiar with the child:** The independent judgment of a professional not affiliated with the school system who might already know the child (e.g. a pediatrician, a therapist) might be the first place to start in order to assist you in determining what action you should take. This will help you avoid the under-identification or over-identification for special education eligibility of this population of students that can sometimes happen in the education system.
- **Problem solve with the teacher and other school staff:** You can request an informal meeting with the child's teacher, the school social worker and any other relevant school personnel to talk about the child's needs. In that meeting you may be able to develop approaches that address the problem without identifying the child as having special needs. The risk here is that if you don't follow up promptly to see if these approaches are working, the child will lose that much more time in getting the more specialized services he or she may need. And, even if these approaches do improve the situation, you or the foster parent will need to insure that each time the child attends a new classroom, the teacher is made aware of these modifications. (See the Appendices for a list of classroom modifications and behavioral interventions you might suggest.)
- **Consider a referral to Chapter 5, Section 504 of the Rehabilitation Act:** This federal law prohibits discrimination against individuals with disabilities in all programs receiving federal funding. Many children whose disabilities would not qualify them for special education would still fall under the protections of this Act. You can use this act to advocate for classroom accommodations and other services if you can show the child is eligible for Sec 504 protections. (See Chapter 4 for more information on Sec 504)
- **Consider a referral to special education:** You can also initiate having the child assessed for special education. IDEA provides the right to instruction especially designed to meet the individual needs of children who have disabilities which affect learning. They also have the right to this instruction in the least restrictive setting, meaning that to the extent possible, the child must be educated with his or her non-disabled peers. There are strict timelines and requirements that must be met by school districts

under this law. (See Chapter 4 for a fuller discussion of the special education system.)

### **303.6 Informing the courts**

Keep the court informed about the educational planning and monitoring for the child. More and more Family Court Judges and other court personnel are learning about the importance of addressing educational needs in the family service plans and permanency hearings for children in the child welfare system. Work with the biological parent(s) and other key players in the court proceeding to include measures to help children gain the skills to do well in school and be successful as adults. Directives that can be included in a court order are:

- Referring infants, toddlers and preschoolers to screening and assessments under IDEA
- Requiring referral to an early care and education program such as Early Head Start/Head Start
- Enrolling children in a tutoring or mentoring program
- Requiring support to permit children to participate in extra-curricular activities
- Detailing steps to help youth make the transition from care to independence including encouraging post-secondary education and providing resources for that, enrollment in vocational programs, and holding “benchmark” hearings, with the participation of the youth, to monitor progress.

### **304.0 Educational alternatives**

Colorado places an emphasis on providing an array of educational options to parents. In order to serve the needs of all of the students on your caseload, you should be familiar with these educational choices. You may have cases in which children are attending alternative educational settings, such as on-line schools or charter schools, and then are placed in foster care. You may get a request from a biological parent, a relative providing kinship care or a foster parent to place a child in one of these alternative settings. Or, you may be looking for an alternative for children whose needs and learning style you think would be helped by a different approach. In this section we discuss some of the issues raised by these alternative settings.

#### **304.1 Charter schools**

Charter schools are public schools established through a contract with the local school district but which are allowed to operate semi-autonomously. Charter schools are often established to provide an alternative approach or curricula or to

provide smaller learning environments for children and youth whose learning styles are not a good match for traditional schools. Charter schools must meet certain standards and are subject to the same accreditation process as any public school. They also are prohibited from discriminating against children with disabilities and must comply with all of the requirements for special education under IDEA outlined in Chapter 4.

If you, or the foster parent/biological parent, is considering a charter school as an option for a child you are serving, you can go to the CDE website listed in the Appendices to see a list of charter schools and their missions.

One issue related to charter schools that is important to keep in mind is transportation. While some do have arrangements with the school district to provide transportation services, most rely on car pooling by parents or public transit. Make sure you determine whether this service is provided and if it is not, consult with the foster parent to see if this will present a problem.

## **304.2 Magnet/Focus/Option Schools**

These are schools operated by a school district with a special focus on an interest area or approach. Examples include a math/science school, a music and arts high school or a Montessori school. Check the local school district to see if these options are available. They may be worth considering if you have a student with a particular passion or interest such as music or science that could be nurtured at such a school and used to help him or her succeed in other areas.

## **304.3 Open enrollment**

In this chapter, Section 301.3 (A), we discussed Colorado's School Choice law in relation to strategies you can use to keep children in their home school when they are placed in a foster home in a different neighborhood. But this option can also be used to move a child to a school that might better suit their needs if that seems appropriate in an individual case. This law requires school districts to allow students, if there is room, to enroll in a school for which they are not zoned. Under this law, school districts are not required to provide transportation so this may be a barrier to enrollment that you will need to address.

## **304.4 School program or school within a school**

In some school districts, educational programs are offered either within a school building or at a different site for special purposes or with a different educational focus such as educating pregnant teens, providing an education for at-risk or delinquent teens or providing for an experiential educational program such as Outward Bound. Contact the school district to find out more about whether these options exist.



## **304.5 Online schools**

Online schools offer another alternative to youth in the child welfare system. On-line education in Colorado consists of full-time cyberschools, and part-time, supplemental programs. Cyberschool students attend all of their classes on-line, and the school receives state funding for these students. Supplemental programs work with districts and schools to offer on-line courses to students to supplement the face-to-face instruction offered at their home school. While there are many on-line providers in Colorado, Colorado Online Learning (COL) is the only provider supported through grant funds from the Colorado Department of Education.

On-line education can help students in the child welfare system by:

- Providing courses that their local schools can't offer because of limited resources;
- Accommodating students who may not do well in a traditional classroom either because of learning styles, shyness, hyperactivity or the need to learn at their own pace. For some students with organizational problems, learning on the computer provides a built-in framework that helps them absorb information without becoming overwhelmed;
- Teaching students skills in technology through the instruction and interaction involved in on-line learning;
- Permitting students to make up credits lost because of multiple changes in schools or failing a course;
- Accommodating students who have been expelled.

In several counties in Colorado school systems have initiated on-line courses as an alternative for secondary students. JeffcoNet in the Jefferson County School District primarily serves students who need on-line courses for a limited amount of time to supplement their educations in their physical schools and to make up credits they may be missing. MonteVista, Vilas and Branson school districts operate cyber schools to offer diplomas completely separate from the physical schools and to provide supplementary courses to the traditional program. There are also several on-line charter schools operating in Colorado, including one in Adams 14 and one in Adams 12 School Districts.

Additional information regarding online education in Colorado can be found on the Educational Technology section of the CDE web site listed in the Appendices.

## **304.6 Facility schools**

You may have some cases in which a child or youth has emotional and/or behavioral difficulties severe enough that they need to be placed in residential

treatment facilities. Both special education and general education students can be placed in these facilities. Many of these facilities operate on-ground schools which residents attend instead of the local public school. If you are considering residential treatment options for a child on your caseload, be sure to check whether the school at the facility has been approved by the Colorado Department of Education. CDE provides an annual letter to the facility school indicating that it has been approved. You can ask the school administrator to see that letter or call CDE at the number listed in the Appendices to find out that information. When a student is transferring out of a facility school, be certain to request a complete transcript of all coursework, as well as other activities; i.e. service learning, that might qualify the student for credits. Have the transcript ready for review by the principal of the public school the youth is entering so that credits can be given and the student can be placed in the appropriate classes.

### **304.7 Home schooling**

Colorado has a statute setting out the requirements parents must meet to home school their child. As you will see, these are quite minimal and in setting them, the Legislature made clear that parents should be provided with a good deal of latitude and choice in how they educate their children. It is important that you understand these requirements because you may have a child assigned to you who has been home schooled and part of your assessment of that child's case will be whether the parents are meeting their responsibilities to support their child's education. You may also receive a request from a parent to home school their child. There is a delicate balance that needs to be struck here. As a caseworker you need to honor the parental choice emphasized in state law, but still make a judgment about whether the parent has provided or will provide an adequate education in the home setting. Colorado law requires that:

- The child be home schooled by the parent or another adult relative – there are no other qualifications for that person;
- The child who is home schooled must be provided with no less than 172 days of instruction per year averaging four “contact hours” of instruction each day.
- If a child has been considered “habitually truant” from school at any time during the last six months (See Chapter 5 for a discussion of truancy) he or she cannot be home schooled unless the child's parents submit a description of the curricula they will use to home school the child to the Superintendent of schools.
- Except in the situation outlined above, parents do not need to submit the curricula they plan to use before home schooling their child. Parents need only submit to the Superintendent in writing 14 days ahead of when they will start home schooling their intention to home school the child, and include the child's name, age, place of residence, and number of hours of attendance.

- Teaching must be provided in at least the following areas: reading, writing, speaking, mathematics, history, civics, literature, science and instruction on the Constitution of the United States.
- Parents must keep records for each child which include attendance data, test and evaluation results, and immunization records. If the school district has probable cause to believe that the program is not in compliance with the law, the parent has to supply the records within 14 days of receiving a written request from the Superintendent.
- The law requires that every child who is home schooled undergo testing, at the parents' expense, to assess academic progress when they reach grades three, five, seven, nine and eleven. If students score above the 13<sup>th</sup> percentile on the test, they can continue to be home schooled. If they score below the 13<sup>th</sup> percentile, the parents are required to enroll them in public school.
- Because a child may only be home schooled by a parent or relative, foster parents are prohibited from home schooling their foster children.

## Chapter 4

# SPECIAL EDUCATION

### Learning Objectives

- *Know when it's appropriate to initiate a special education referral.*
- *Understand the basic rights of children with disabilities under special education law.*
- *Know the steps and timelines involved in the referral, evaluation and decision-making processes surrounding meeting the special educational needs of a child.*
- *Be familiar with who should be involved in the special education process.*
- *Understand your role in advocating for the child with special learning needs.*

### 400.0 Introduction

In all likelihood, you will have at least one child on your caseload who is either already identified as having special needs or who you suspect may have a disability that impacts education. Two federal laws govern special education services for children with disabilities. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in any program receiving federal funding, including public schools. Shortly after passage of Section 504, Congress enacted the Education for All Handicapped Children Act which later became the Individuals with Disabilities Education Act (IDEA). IDEA was reauthorized with passage of the Individuals with Disabilities Education Improvement Act of 2004.

Both of these federal laws were enacted to ensure that students with disabilities receive the same rights to a free and appropriate public education (FAPE) as other non-disabled children do. The other central principle is the right of children with disabilities to be educated to the maximum extent appropriate with their non-disabled peers, referred to in IDEA as the “least restrictive environment (LRE).”

**A word of caution:** The laws and regulations for special education are quite complex and subject to interpretation. The goal here is not to make you an expert in special education law, but rather to highlight information that will help you be a more effective educational advocate.

We summarize here the most important aspects of current special education law for your practice, but we also refer you to *The New Handbook for Special Education Rights* by Randy Chapman, Esq., published by the Legal Center for People with Disabilities and Older People in Colorado. (See their web site in the

Appendices.) This handbook is updated on a regular basis to reflect changes in the laws governing the education of children with disabilities. If questions arise about any of the information in this manual regarding special education, you can also call the contacts at the Colorado Department of Education listed in Appendix Y.

Understanding special education law and process can be daunting. In most instances, the public school district has personnel who are quite knowledgeable about special education law and procedures. Typically, these individuals are motivated to make decisions that are appropriate. Establishing a positive relationship with special education staff in the districts you work with most closely can be invaluable.

Remember that first and foremost, you are advocating for the child to have educational services that are appropriate and will help that child develop the academic skills and knowledge that are so important in today's world. In most cases, school personnel will be happy to hear your concerns and will welcome your input. It's also important to recognize that not all children encountering difficulties in school should be referred to special education. You want to avoid labeling a child unnecessarily if there is an intervention short of referring a child that could effectively address the problem. (See Chapter 3, Section 303.5 for more on steps you can take when you have a concern before making a referral to special education and on Response to Intervention, RtI, used in Colorado school districts to address the educational and behavioral needs of all students.)

## **401.0 Individuals with Disabilities Education Act (IDEA)**

Chapter 6, Section 619 of Part B of IDEA governs services to children age three to five and Part C of IDEA covers children birth through two years of age. These two age groups are discussed in Chapter 6. Services to *school aged* children are also under Part B of IDEA and are addressed in this chapter.

The provisions of IDEA are implemented in Colorado under the Colorado Exceptional Children's Educational Act. The State Board of Education adopts rules interpreting that state statute for the local school districts/BOCES <sup>2</sup> which implement the special education program.

In addition, inter-agency agreements coordinate the activities of various public agencies involved with serving students with disabilities.

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<sup>2</sup>Boards of Cooperative Educational Services (BOCES) are organized by a group of smaller school districts to provide educational services needed by children, teachers, or school administrators which can be more efficiently provided across school districts such as staff development or speech and language service.

## 401.1 IDEA eligibility for school aged children

The criteria for qualifying under IDEA vary depending on the age of the child. We provide below the disability categories used for school aged children.

The key to eligibility for school-aged children is that the child's disability must affect his or her learning. Please note that a child who has a diagnosed mental illness, substance abuse issues, or a history of criminal behavior/delinquency, does not automatically qualify for special education services. To be eligible, the child must be unable to receive reasonable educational benefit from regular education because of one or more of the following disabilities:

- Physical disability (PD)
- Vision disability (VD)
- Hearing disability (HD)
- Significant Limited Intellectual Capacity (SLIC)
- Significant Identifiable Emotional Disability (SIED)
- Perceptual or Communicative Disability (typically a specific learning disability, PCD)
- Speech-language Disability (S/L)
- Multiple Disabilities (MD)

Other disabilities that often qualify an individual to receive special education services; i.e., autism, attention deficit disorder, traumatic brain injury, are categorized depending on the local school district. Often they come under *Physical Disability*.

Remember! To be eligible for IDEA, the child must meet the criteria for one of these disabilities *and* demonstrate that he or she is unable to receive reasonable educational benefit from regular education without additional supports. It is a two pronged test – evidence of the disability alone is not sufficient.

See Chapter 3, Section 303.5(B) describing the RtI process for a discussion of changes under IDEA 2004 that affect determinations of eligibility for special education based on a specific learning disability.

## 401.2 IDEA Services

Special education services include:

- **Specially Designed Instruction:** This is instruction especially designed to address the unique needs of the child. For example, a reading program designed to address weaknesses in phonemic awareness. Speech/language services in Colorado are considered to be instructional services.

- **Related services:** These are developmental, corrective and other supportive services the child may require to help him/her benefit from special education instructional services. Examples of such services are:
  - Physical and Occupational Therapy (PT/OT)
  - Transportation
  - Interpreting services
  - School nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized program of the child\*
  - Psychological services
  - Orientation and mobility services
  - Social work services
  - Assistive technology services
  - Parent counseling and training to help them support the goals and objectives in the IEP
  
- **Accommodations and Modifications:** These are modifications in curricula, adaptations of materials, and additional supports and assistance which enable children with disabilities to be educated to the maximum extent possible in the regular classroom. It is also important to address any accommodations/modifications that would have to be in place for special education students to participate in state and district assessments.

### **401.3 Legal authority for decision-making for children in care**

You may have heard conflicting information about who can make decisions regarding a child's special education, such as agreeing to an evaluation of a child, consenting to placement in special education, etc. You, as the caseworker, may have been asked, on occasion, to sign giving consent and felt unsure if that was correct. These situations come up when parental rights for a child have been terminated or when the biological/natural parent is unavailable. What is the law in this situation and what options are there for caseworkers?

There is a fundamental principle under IDEA of supporting parents as members of the IEP Team and providing them with certain rights to ensure that their voice is heard in those deliberations. As explained in this section, when parents aren't able to play that role, IDEA allows the appointment of an educational surrogate parent (ESP) solely for the purpose of exercising that legal authority.

**401.3 (A) Rights of Parents who are incarcerated:** Parents who are incarcerated should not be considered unavailable solely because of their incarceration and an educational surrogate parent in that situation should not be appointed unless parental rights have been terminated. Incarcerated parents must be provided with the same procedural due process rights afforded to other parents under IDEA. In addition, the reauthorization of IDEA in 2004 emphasized the importance of parental participation by stating that the education of children with disabilities can be made more effective by “strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at home and at school.” It includes a provision encouraging schools to allow alternative methods for permitting parental participation such as video conferencing or conference calls. Refer to this provision when requesting that a school take measures to enable a biological parent who can’t be physically present to take part in the meeting.

However, in this case, it is also important that you and the foster parent (if the child is in foster care) be involved in order to make sure that you are in regular contact with the parent(s) regarding their child’s education and that you and the foster parent are advocates at the school when the parent cannot be present.

**401.3(B) When educational surrogate parents (ESPs) are appointed:** Under IDEA, ESPs should be appointed when:

- Parental rights have been terminated; or
- The parents of the child are not known; or
- The agency cannot, after reasonable efforts, locate the parents.

“Parent” as used in IDEA is defined as:

- Natural/biological or adoptive parent of the child;
- Foster parents unless otherwise prohibited by state law;
- A guardian, but not the state if the child is a ward of the state;
- A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare);
- An educational surrogate parent (ESP) appointed by the Colorado Department of Education (CDE) through a school district or by the court.

Throughout the rest of this chapter, the term “parent” will be used as defined above. Please remember that an educational surrogate parent (ESP) is appointed specifically to deal with the special education process when no other “parent” is available.



**401.3(C) Providing legal authority for educational decisions through the courts:** A Guardian ad Litem (GAL) may serve as the ESP, provided that the court has assigned the GAL the responsibility for educational decision-making and such assignment is established in a written order of the court.

If you feel it would be in the best interest of the child for a specific individual to serve as the ESP, you will need to make that request to the court. Remember that the ESP is trained to understand the special education process. Other individuals who have a relationship with/knowledge of the child may still be involved in the IEP process, even if they are not the ESP.

**401.3(D) Appointments of educational surrogates by the school system:** The most common method for appointing an ESP is through the special education office of the school district serving the child. The school district appoints an individual who has been specifically trained in special education processes and then must notify the Colorado Department of Education of the appointment. The school district must make reasonable efforts to appoint an ESP within thirty days of determining that the child needs an ESP. Remember that the person appointed won't know anything about the child and will need your help in learning about the child's needs. You will want to work with the ESP to advocate for the child. You know the most about the individual child, while the ESP will be trained in knowing how the special education system works.

**401.3(E) Can caseworkers be appointed as educational surrogates for children in their caseloads?** No. Caseworkers cannot act as an ESP because no one employed by the county or the school district or any other state agency involved in the education or care of a child can act as the surrogate parent. While your participation in the special education process as an advocate for the child is essential, you are considered an employee of the state and, therefore, could have a potential conflict of interest.

**401.3(F) Can foster parents be considered parents for purposes of making decisions regarding special education?** It depends. County certified foster parents as well as foster parents with private, nonprofit child placement agencies may be able to exercise legal authority over decisions related to special education, making appointment of an ESP unnecessary, under the following circumstances:

- The parent's authority to make educational decisions on the child's behalf has been terminated under state law, and
- The foster parent:

- Has an ongoing, long-term parental relationship with the child,
- Is willing to make educational decisions under the Act, and
- Has no interest that would conflict with the interests of the child.

Even if the foster parent cannot act as the parent for special education purposes, he or she is in daily contact with the child and should be a key player in the process. He or she can take part in planning for the child's IEP and monitoring implementation along with the school staff, the parent or the ESP, as well as you, the caseworker.

## 401.4 The IEP process

If a child on your caseload is struggling in school, has poor grades, or is otherwise experiencing challenges in the regular curriculum, it could be that the child has a disability and might be eligible for special education services. See Chapter 3, Section 303.4 for the steps you can take to address concerns short of referring the child to special education. In this chapter, we describe only the referral process for IDEA and Section 504. (Please note that Section 504 is *not* part of special education.)

**401.4(A) Making a referral/requesting an evaluation:** The first step in determining eligibility for IDEA is to make a formal, written request to the school district where the child attends school. Depending on the school district, this referral could be made at the building where the child attends or to the special education office. When in doubt, ask! Under IDEA 2004, requests for a referral for an evaluation can be made by the child's parent, the school district, the state education agency or another state agency. A caseworker can make a referral because the county human/social services agency is considered an arm of the state. Check with the school district to get a copy of the form they use for such requests.

### 401.4(A)(i) What to include in the request:

- **The request should outline all of the specific problems that have raised concern** so that the school system will have a clear understanding of why you believe special education services would be appropriate in this specific instance. Any statements of concern from outside parties such as the child's doctors, therapists, etc. should also be included.
- **Pre-referral Meeting** Many school districts, after receiving a written request for a special education referral, hold a Pre-Referral Meeting. At this meeting, it's decided whether or not to proceed with the referral. This is often

when a parent/ESP is asked to sign a Parental Permission for Assessment.

- **Section 504** It may be appropriate at the Pre-Referral Meeting to ask that the student be evaluated for Section 504 of the Rehabilitation Act as well as IDEA, since some students who qualify for Section 504 may not qualify for IDEA. (See this chapter, Section 402.0 for a fuller discussion of Section 504.)
- **Include the date and keep a copy for your records.**
- **Ask that you receive the notice of the decision regarding the referral.** The school system must send a written notification of their decision regarding the referral to the parent. Be sure to state in your letter that you would like to receive that notification as well.

**401.4 (A)(ii) Timeline for referrals:** IDEA 2004 requires that the school system respond to the request and, if they agree that an evaluation is needed, complete the evaluation and hold an IEP meeting to determine eligibility within 60 *calendar* days (not school days) of receiving written permission to assess, signed by a parent/ESP. Colorado law requires that school systems must also develop an IEP for students found eligible within 90 *calendar* days of receiving consent for the evaluation. Check back to make sure the request is being processed in a timely manner.

**401.4(B) The IEP Team:** IDEA uses a multi-disciplinary team approach to educational planning for children with disabilities that stresses the importance of parental participation in the process.

Generally, this team must include:

- The child, unless the age of the child or the preference of the parent indicates otherwise;
- The parent(s)/ESP;
- The Special Education Director or a representative of the school system with authority to commit resources;
- The administrator for the school the child attends (usually the principal);
- General education classroom teacher knowledgeable about the general curriculum;
- Special education teacher and specialists providing related services to the student;
- Any other person at the discretion of the parent(s) or the school system with knowledge of and interest in the student.

**401.4(C) Parental Participation:** It is important to help parents become involved in the special education process on behalf of their child. Not only is parental consent required in certain instances, but by providing support to parents, you will be helping them to gain the skills they need to be good advocates for their child in the school system, should the family be reunited.

It is the school system's responsibility to schedule all conferences to discuss referring a child for evaluation, IEP Team meetings and annual reviews at a mutually convenient time and to notify parents early enough to enable their attendance.

If the parent(s) cannot be present (e.g. a parent is incarcerated) alternative ways of including them such as conference calls should be used. IDEA 2004 contains provisions to encourage alternative methods for enabling parents to participate such as video conferencing or conference calls. School systems are required to document in writing their "good faith" efforts to reach parents, arrange a mutually convenient time and place and document in writing those efforts to include parents.

Another important factor in parental participation in the IEP process is the fact that many disabilities have a hereditary component. Some of the children on your caseload who have learning problems may have parents who struggled with the same challenges in school themselves and may not have had good experiences when they themselves were in special education. This may affect their willingness to have their child evaluated and may influence how they feel about the IEP process. In addition, if they have language processing issues, caseworkers may need to take that into account when talking to them about their child.

**401.4(D) Participation of the child:** When a child's transitional needs are to be addressed, it is important that the child's presence and participation in the IEP meeting be encouraged, unless the parents do not believe this is appropriate. Self-advocacy is a critical skill to learn to prepare for adulthood, especially for children in foster care. If possible, request that the specialists working with the child help prepare him or her for participation in these meetings. (See Chapter 7 for a discussion of transitional services for youth with disabilities.)

**401.4(E) Granting informed consent:** It must be documented that parents/ESPs were given a written copy of their rights in the special education process. Informed consent from the parents/ESP must be obtained for the following:

- Any evaluation or re-evaluation of a child for special education eligibility (typically referred to as an *initial* or *triennial* staffing, but could also include an *eligibility review*);
- Consent for initial placement into special education.

**Informed consent means:**

- All information related to the referral and the evaluation is provided in the parents' native language.
- The parents must understand:
  - what they are agreeing to;
  - what records will be released to whom; and
  - that the consent is voluntary and can be revoked at any time.

IDEA 2004 draws a distinction between evaluations conducted for the purpose of determining eligibility for IDEA services, and screenings conducted by a teacher or specialist to determine teaching strategies. The law makes clear that parental consent is only required for the former.

**401.4(F) Evaluations:** IDEA requires that evaluations for special education be multi-disciplinary and eligibility cannot be based on any single evaluation procedure. The evaluation should include relevant functional and developmental information, information provided by the parents, information related to access to and progress in the general curriculum, a review of any existing data about the child, and the results of standardized testing. The reauthorized IDEA of 2004 reinforces the requirement that assessments be individualized and contains specific language that instruments used must not be racially or culturally biased and must be in a language and form most likely to yield accurate information.

**401.4(F)(i) Choosing the assessment instruments:** In the Appendices is a list of some of the common tests given in an evaluation for special education. Remember that you or the parent can request specific tests appropriate to the concerns you have about the child, but the school district ultimately decides which assessments will be used. For example, for a child with great difficulty writing by hand, you could request OT and Assistive Technology evaluations. All tests used to determine eligibility must have been administered within twelve months of the date of the meeting to determine eligibility and develop the child's IEP.

**401.4(F)(ii) Reporting the results:** IDEA requires that parents receive a copy of the evaluation reports. Request that both you and the parents, if possible, receive copies of all reports before the

meeting at which results will be reviewed and eligibility decided, but recognize there is no requirement that reports be provided ahead of time.

Work with school professionals to help them understand that you and the parents can be easily overwhelmed when you don't hear the results until you are sitting at the meeting. By receiving them ahead of time, you can think about what they mean in terms of eligibility and the services the child may need. This also gives you a chance to consult with other professionals involved with the child to help you and the parent make those judgments. However, due to time constraints, this is not always possible.

Make sure those who report the results of assessments use layperson's terms so that you and the parents can understand what is said. It is appropriate to ask for this clarification at any staffing.

**401.4(F)(iii) Disagreement over the results:** When there is disagreement over the results of the evaluation, IDEA allows the parent(s)/ESP to request in writing that an independent educational evaluation be conducted with the school system paying the cost. You, as the caseworker, do not have the authority to do that. The school can either agree to the request or take the case to a due process hearing to determine whether the school's testing was adequate. (See this chapter, Section 401.7 regarding due process hearings.) The school district can ask parents their reasons for objecting to their evaluation, but they cannot require that they provide a reason and cannot unnecessarily delay either providing the independent evaluation at public expense or requesting a due process hearing to defend their evaluation.

**401.4(G) Determining Eligibility:**

Once the results of the evaluations are available, an IEP team meeting is held to discuss the evaluation, share information, make a determination of eligibility and develop the child's IEP, if the child is found eligible. If the parents/ESP disagree with the judgment of the team, they have the right to bring the matter to a due process hearing and/or request mediation. Remember, however, that only parents/ESPs may request a due process hearing. You will not have the authority to do that. (See this chapter, Section 401.7 for more information about due process hearings.)

**401.4(H) Developing the Individualized Education Program (IEP):** If a child is found eligible, then an IEP must be developed by the IEP Team. The IEP is a written plan outlining the child's needs and detailing how those needs will be addressed. The plan must be specific to that child's

*individual* needs and be designed to help the child make meaningful educational progress.

**401.4(H)(i) Role of the caseworker at IEP meetings:** As a member of the IEP team, you play a vital role in helping the other members develop an effective IEP that reflects the individual needs of the child. Often caseworkers will feel wary about addressing educational issues either because they worry they don't have the expertise or they think they will be stepping on the toes of the educators on the team. Because of this reluctance, some caseworkers believe their only role at an IEP meeting is to provide information on how the child is doing at home. In many cases, however, you will be the only one with a history of the child. And, every child in the special education system needs an advocate! (See the Appendices for a list of key questions to ask at an IEP meeting.)

You can also be a source of creativity for coming up with useful strategies to include in the child's IEP to help him or her reach the goals and objectives developed by the team. For example, perhaps you know that the parent is frustrated with a lack of communication about the homework for a school aged child. You can suggest that a notebook go back and forth between the teacher and the foster parent that spells out exactly what the assignment is and notifies the foster parent if the child has not turned in homework. Perhaps there is a reward system that has worked effectively at home that can be used at school to help the child stay on task.

**401.4(H)(ii) Providing support to the parent and foster parent at IEP meetings:** IEP meetings can sometimes be intimidating for parents. If possible, try to meet with them ahead of the IEP meeting to review the child's records together and discuss what concerns you want to raise at the meeting. Inform them of their right to bring someone who has knowledge about the child or the special education process to the meeting to provide additional support if they need it. Make sure you support their efforts to express concerns during the meeting.

**401.4(H)(iii) Key elements of an IEP:** An IEP is made up of the following elements:

- **Current level of performance.** Provides the team with baseline data from which to measure progress.

- **Educational needs:** Statement of the child's educational needs including the strengths of the child and concerns of the parents for enhancing the education of the child.
- **Annual goals, including short-term objectives and benchmarks:** The team must develop annual goals the student can reasonably be expected to achieve during the school year. Short-term objectives are developed to reach each of the goals. For example, a child might have an annual goal of improving written language to a fifth grade level. The short-term objective might be "Given a topic, the student will write a persuasive paragraph of five sentences that follow the rules of standard, written English 70% of the time."
- **The goals and objectives must be measurable** and the means for measuring them must be specified: e.g. standardized assessments, student portfolios, teacher observation.
- **Assigning responsibility:** The IEP must indicate (by title or type of service provider, not with an individual name) who is responsible for providing services and monitoring progress for each goal: e.g. the classroom teacher, speech therapist, etc.
- **Services Needed:** A list of all of the special education and supplementary aids and services, program modifications and staff supports the child needs to meet those goals and objectives. This includes the date the services will begin and the amount and frequency of those services (e.g. two 45 minute sessions per week with a speech therapist starting on January 15.)
- **Documentation of whether the child needs assistive technology devices and services.** The IEP team is required to consider whether the child needs assistive technology. Assistive technology means devices and services which help the student to benefit from instruction and can include items such as a computer or custom keyboard. For example, for a child with reading difficulties, text to speech software can be included as a requirement, as well as training and technical assistance in the use of the devices.
- **A statement of any curricular modifications or accommodations the child needs.** These can include such measures as a child being provided with more time for tests or being allowed to take tests orally. (See Appendices for a list of classroom modifications.)
- **Behavior Issues:** If a student has behavior issues that interfere with his or her learning or that of other students,



the IEP should include goals, objectives and strategies for addressing those issues. As much as possible, the IEP should anticipate behavior problems and include strategies for heading them off before they occur. An example might be providing children who have sensory integration issues a chance to have frequent motor breaks (by sending them on an errand to the main office, or having them help the teacher clean up) in order to help them stay focused and avoid acting out inappropriately. (See Chapter 5 for a fuller discussion of addressing behavior problems and discipline issues for students with disabilities and the Appendices for a list of behavioral interventions.)

- **Extended Year Services:** The IEP should also indicate whether the child qualifies for extended year services. To make this determination, the team must document if the child would regress significantly over the summer break and estimate how much time it would take for the child to regain skills learned the previous year. If eligible, the child would receive services during the summer or over other extended breaks.
- **Placement:** The IEP must specify the placement of the child. This is where the principle of “least restrictive environment” comes into play. The team must decide where the services outlined in the IEP will be provided by applying this principle to the needs of the child. (See this chapter, Section 401.5 for more on this principle)
- **Limited English Proficiency:** When a child in special education has limited English proficiency, the IEP team must consider the language needs of the child as they relate to the child’s special needs.
- **Transition Plan:** Before the child’s 14<sup>th</sup> birthday or when the IEP staffing team feels it’s appropriate, the IEP must contain a statement of the transition service needs of the child under the components of the IEP that focus on the child’s course of study. (See Chapter 7 for more information about transition planning for youth in special education.)

**401.4(H)(iv) Potentially problematic IEP practices:** In most cases, school systems will work hard to ensure that everyone on the IEP Team gets a chance to have input on the development of goals and objectives and the services to be provided to the child. There are times, however, when practices related to development of IEPs do not adhere to the requirements of IDEA. Fortunately,

these practices are not common, but you should still be aware of them. Be alert to the following potential scenarios:

- The school presents an IEP that seems to make no mention of the child's *individual* needs. Instead, it seems to be a "one-size fits all" IEP for all children with a particular disability. Such a plan would be a violation of the requirement that the plan be *individualized* to the child's particular needs.
- An IEP that fails to provide detail on a child's current level of performance. For example, if you don't know the grade level the child is reading at currently, you will not be able to monitor whether the child has made any academic progress a year from now. You need that baseline data.
- An IEP that relies solely on vague, general goals such as "improve reading levels" without a quantifiable measure such as "to a sixth grade level." IEP goals must be measurable or you will have no objective way to determine if the child is making progress.
- A claim by school personnel that a Parent/ESP signature on an IEP is evidence of agreement with everything in the IEP. To the contrary, in Colorado, the Parent/ESP signatures on the IEP indicate attendance, not agreement. If there is disagreement, IDEA affords certain rights to appeal outlined in this chapter, Section 401.4(F)(iii)

**401.4 (I) Annual reviews/triennial evaluations:** IEPs must be reviewed at least once a year to assess progress and determine if the goals, objectives and services in the IEP still reflect the child's needs and to develop a new IEP for the coming year. In addition, all students in special education must have a triennial evaluation (every three years) to determine whether the child is still eligible to receive special education services.

**401.4(J) Requirements for attendance at IEP meetings:** IDEA 2004 provides for greater flexibility in the IEP process regarding attendance at IEP meetings by including the following provisions:

- Members of the IEP team whose area of expertise is not related to the subject being discussed may be excused from an IEP meeting altogether, or excused from the portion of the meeting that is not related to their area. However, this can only be done if the school and the parent(s) agree and the parents' consent must be given in writing. Colorado's Exceptional Children's Educational Act and the rules implementing that Act, however, do not permit the special education director or his or her designee to be excused from an IEP meeting.

- Under IDEA 2004, amendments can be made to the IEP without holding a meeting of the IEP team at all if the parents and the school agree. Or, as stated in the section above, amendments can be made at an IEP meeting without requiring that all members of the IEP Team be present, but again, only if the parent consents in writing. Members of the team can be excused even if the proposed amendment to the IEP involves their area of expertise IF the parent consents AND that member provides ahead of the meeting, in writing, his or her input on the amendment.

This new flexibility is provided to cut down on delays in addressing needed changes in a student's educational program and services and to reduce unnecessary staff time for members of the team whose presence is not necessary to the subject being discussed. Where some school districts have allowed members to be excused from meetings in the past, the new IDEA makes it clear that these actions cannot be taken without the parents' consent. These provisions underscore the need for caseworkers to ensure that there is good communication so that parents are fully informed of the possible implications before they give their consent.

**401.4(k) Raising concerns in between annual reviews:** Check back with the child and the parents and review the child's records to see if the services and accommodations/modifications in the IEP are working. Is the child making reasonable progress and are any behavioral issues being handled effectively? If you do have a concern about the child's progress, implementation of the IEP or any other matter related to the child's special education program, remember that an IEP meeting can be requested in between these annual reviews. You can also call an informal meeting as described in this chapter, Section 401.4(K)

**401.4 (L) Informal meetings:** Not every meeting needs to be an IEP meeting. Sometimes you can request a more informal meeting to discuss a specific issue which may have arisen for a child in special education. This calls for a judgment about the relevant importance of the issue at hand. More informal meetings can be called quickly and sometimes in that more informal meeting, participants feel freer to problem solve. But remember that unlike IEP meetings, there will be no written record and decisions made will not be legally enforceable. You can ask for an informal meeting and, if needed, request an IEP later. You can also use informal meetings to prepare for an IEP meeting, particularly for a child with complex needs, so the team is ready to make decisions at the IEP meeting. In both types of meetings, the participation of the parents, if available, and you, as the caseworker, is critical.

**401.4 (M) Potential IEP implementation issues:** Here are some issues regarding implementation that may come up in monitoring the progress of a child with special needs.

- **Everyone needs to be in the loop:** Particularly in middle school and high school, don't assume all of the child's teachers will be in attendance at the IEP meeting. They usually aren't. You or the parent should ask the school administrator how and when the other teachers/service providers will be informed about the provisions of the IEP, particularly those involving classroom modifications each teacher will need to put into practice. Observe the classroom if you are able to, talk to the child and the parent and check back with the child's teachers to make sure the IEP is being implemented as written. If not, contact the school administrator in writing outlining your concerns.
- **Scheduling Issues:** When it is determined that a child needs services such as speech/language or occupational therapy, you or the parent should check to see that those have been scheduled in accordance with the length and frequency of the sessions indicated in the IEP. If the services are being provided by pulling the child out of the classroom, a common practice, it is important to check and see what regular classroom time the child is missing by going to these sessions. Try to ensure that as little instruction time is lost as possible.
- **Reporting progress:** IDEA requires that the IEP specify how progress toward goals and objectives in the child's IEP will be reported to the parents. While monitoring a child's general report card is always important, it may be even more critical to review IEP progress reports. If there is no improvement on a specific, measurable objective throughout the school year, it may be important for you or the parent to talk to the child's specialist or teacher about why this is so and what may be needed to assist the child. Perhaps the child needs more frequent speech therapy sessions, perhaps assistive technology would make a difference, perhaps behavioral issues are getting in the way of the child's learning and a behavioral assessment is needed.

## **401.5 Educational placements**

A key determination by the IEP team is the educational setting in which the child will be placed to receive his or her special education program.

**401.5 (A) Least Restrictive Environment:** Under IDEA, the concept of educating children in the "least restrictive environment" means an environment in which a child with disabilities is educated with non-disabled peers unless:

- The nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, or
- When provided with supplementary aides and services, the nature or severity of the disability is so disruptive that the education of other children would be significantly impaired.

The educational placement of a child with a disability is one of the most important decisions the team will make. The IEP team must begin with the presumption that the child can be educated with his or her non-disabled peers with the necessary supplemental aids and services to support the child in the general classroom. It then considers each placement along the continuum in order. The continuum of placements from least restrictive to most restrictive is listed below:

- General classes
- General classes with support services and/or modifications
- General classes with resource room instruction
- A combination of general and special education classes
- Self-contained classes
- Special day school
- Home instruction
- Residential placement
- Hospital

Remember that changes in placement must be made at an IEP meeting and must be the decision of the IEP Team. Except in very limited circumstances outlined in Chapter 5, schools cannot change placements for children in special education on their own.

**401.5(B) Potential placement disputes:** The issue of placement along the continuum listed in this chapter, Section 401.5 occurs frequently for children in the child welfare system because they tend to move in and out of school districts and in and out of levels of placement. You are likely to encounter issues involving the principle of “least restrictive environment” in several situations including:

- **A child who is reacting to what is happening at home and being placed in a foster home exhibits behaviors that cause school staff to propose that he or she be taken out of the mainstream classroom** and placed in a self-contained classroom or an alternative therapeutic educational setting. While it’s important to acknowledge the concerns of the school staff, if such an action is taken at the very time that the child is experiencing so much upheaval at home, that could start a downward spiral for the

child. In cases like this, your role when the IEP Team considers the school district's proposal is to explain how children react to out-of-home placements and the trauma of child abuse or neglect. Make sure the team considers appropriate assistance to help the child succeed in the general classroom before changing the educational placement of the child. Perhaps more intensive mental health counseling is needed; maybe there are new classroom accommodations that can be tried; perhaps a social skills group is needed. You can play an important role in ensuring that the team explores these options before deciding about any change in educational placement to a more restrictive setting for a child going through such trauma. (See the Appendices for a list of classroom modifications.)

- **When a child is making the transition to a new school.** For children transferring from a facility school at a Therapeutic Residential Child Care Facility (TRCCF), school personnel may make a recommendation to the IEP Team regarding placement based solely on whatever behaviors initially landed that child in a facility school. Even if the child did extremely well academically and behaviorally in the facility school and received effective therapeutic treatment, the receiving school may not be willing to give the child the benefit of the doubt in a general classroom setting. This can also happen to a child who transfers from another public school where he or she did well in a general classroom, but where there is something in the child's earlier history that causes officials at the new school to be concerned. Your advocacy will be needed to make sure that staff members in the new school speak with the child's previous teachers and other specialists to get a clearer and more up-to-date picture of the child's present level of performance and what, if any, supports were provided that enabled the child to be successful.

Also remember that there may be some children who would do better in a setting entirely separate from the general classroom. The principle of "least restrictive environment" should not be used to deny students with more severe disabilities the more intensive special education program they may need. Students must be permitted to receive an education in a setting most like the general classroom setting, but that setting (with supplementary aids and services) must still allow the student to make reasonable academic progress.

Lastly, it's important to reassess education placements regularly. Children who at an early age receive intensive special education in a program or classroom designed for children with a particular disability may make enough progress to be mainstreamed in a general classroom when they are older. Conversely, some children do fine in a mainstream classroom until

they reach the later grades when the academics or school environment become more demanding. If they are unable to make reasonable educational progress with support in a mainstream setting, their placement may need to be reassessed. If you have any concerns about placement, don't wait until the child's annual review to raise them! Talk with the special education staff and decide if it's appropriate to request an informal or an IEP meeting.

## **401.6 Dealing with changes in placement of child or status of parents for students with disabilities**

As the child's caseworker, *you* are responsible for notifying school districts of changes that would affect the allocation of responsibilities for a child's special education. This is necessary when children transfer to a new school and when the status and/or residence of the child's parents changes.

**401.6(A) Notification when students transfer from another school district:** Issues regarding notification for children transferring to a different school district will arise frequently given the changes in placements of children in the child welfare system. When students are placed in TRCCFs, community placements or foster care, caseworkers need to know who to contact regarding the student's educational needs. The new state law, 22-32-138 C.R.S. referred to earlier, requires that whenever a school receives notice of a transfer of a student and that student is in special education, the school must notify the Director of Special Education of the transfer request as soon as possible. Make sure the necessary notifications are made because issues about how responsibilities and payment are allocated between school districts can occur if the necessary notifications are not made.

In general, for children placed in an TRCCF by the county department, excess costs (referred to as "tuition" in the *ECEA Rules*) for special education students are paid by the District of *Residence* (DOR). The DOR is determined by where the biological parent(s) reside. The DOR also has responsibility for the IEP. If a DOR cannot be determined because parental rights are terminated, parents are homeless, parents are incarcerated, or parents' whereabouts are unknown, the school district where the eligible facility is physically located, the District of *Attendance* (DOA), is responsible. If the county department has custody of a child whose parents live out-of-state or the child is emancipated, the DOA has responsibility.

For children placed in foster care, the physical location of the foster home, regardless of the status/residence of the parent(s), determines the school district of responsibility for both general and special education.

**401.6 (B) Notification of Changes in Parental Status/Residence:** Since parental status/residency can affect the allocation of school district responsibilities, it is critical that you immediately notify both school districts (current and new) of any change in parental status/residence. For example, you may have a child in special education who is attending a facility school. The court terminates the parental rights of the parents. When that happens, responsibility for the special education of the child reverts to the school district where the facility is located (DOA) rather than the school district where the parents reside (DOR). If you fail to notify the newly responsible district, your county child welfare agency may end up being held responsible for the special education costs of the child until the school district where the facility is located is notified of the change.

**ANY TIME YOU ARE AWARE OF A CHANGE IN PARENTAL STATUS AND/OR RESIDENCY, SCHOOL DISTRICTS MUST BE NOTIFIED!!!**

Remember that a school district cannot be responsible for a student until that child is officially enrolled in that district. Be very clear as to who will actually enroll the child in the new district.

Please talk to your supervisor or call the contacts for the Colorado Department of Education listed in the Appendices if questions arise.

**401. 6 (C) How special education services are provided when children transfer to a new school:** As noted earlier, the new state law, Sec. 22-32-138 C.R.S., requires that the receiving school notify the special education director as soon as possible after receiving notification that a student in special education is transferring to the school. You can avoid any disruption in the child's services by making sure that this new requirement is complied with by the school district and that the receiving school receives the child's IEP prior to enrollment, and if that's not possible, at least at the time of enrollment. (See Chapter 3, Section 302.0 for more information on new state requirements for transfer of records of children in out-of-home placements.)

Under IDEA 2004, the receiving school district must provide students who are transferring to their school district a free appropriate public education including services that are comparable to the services described in the IEP developed at the sending school. These comparable services must be developed in consultation with the student's parents and must continue to be provided until the receiving school either adopts the IEP from the sending school or develops its own IEP for the student in conjunction with



the IEP team. These requirements are the same whether the student transfers within the same state or from another state.

## **401.7 Special education procedural safeguards**

IDEA extends a number of procedural safeguards to students addressing issues of confidentiality, due process notice, and the right to a fair hearing. Becoming familiar with these rights is a key part of being an effective advocate. We summarize key components of these provisions here but direct you to a more comprehensive description in *The New Handbook for Special Education Rights*, published by the Legal Center for People with Disabilities and Older People in Colorado, and to a summary of due process rights that can be downloaded from the CDE website listed in the Appendices.

**401.7(A) Due Process Requirements:** In addition to the notices school systems must send to parents/ESPs regarding IEP meetings, due process notices also must be given whenever the school proposes or refuses to agree to a request to initiate or change the identification, evaluation or educational placement of the child. In general, these notices outline the due process rights of parents and children under IDEA and provide an explanation of the action taken or refused by the school district.

**401.7(B) Dispute Resolution:** Whenever possible, try to resolve disputes by discussing the issue with school officials and other members of the IEP team. Many conflicts between child welfare and education are simply the result of a lack of information, confusion over roles or misunderstandings about the constraints each system is under. IDEA 2004 provides a number of opportunities to resolve disputes before the parties go to a due process hearing. Under IDEA 2004, states must have procedures that allow parents and school districts to mediate any issue before a Due Process Complaint is filed. Participation is voluntary and the mediation can't be used to deny or delay a parent's right to a due process hearing. Another important provision under IDEA 2004 is that decisions made through mediation are legally binding which means they are enforceable in state court or in a U.S. District Court. Under the previous IDEA, some parents were reluctant to pursue mediation for fear any decision would not be implemented by the school system and they would have no recourse in court. This provision, by making mediation decisions legally enforceable, is designed to remove that concern and thus encourage the use of mediation.

**401.7(B)(i) Mediation:** If discussing the issue with team members does not produce a resolution to the disagreement, the parent or surrogate can pursue mediation at no cost. This is an option available to parents/ESPs, but it is not required that they go through this step before requesting a due process hearing.

Mediation is a voluntary process for all parties involved in the dispute. A district does not have to agree to mediation. Under IDEA 2004, as stated earlier, decisions made through mediation are legally enforceable.

**401.7(B)(ii) State complaint:** This can be filed by any person (including a caseworker) for alleged procedural issues, such as failure to implement the IEP. The Federal Complaints Officer does not have the authority to overturn an IEP team decision. The complaint is filed with the State Department of Education.

**401.7(B)(iii) Due process hearing:** Due process hearings can be brought when there is disagreement over:

- Determination of eligibility for services under IDEA
- Placement of a child into an educational program
- Failure to obtain written parental consent prior to conducting an initial assessment and/or prior to providing a child with disabilities initial special education services
- The provision of a free and appropriate education (FAPE)

**401.7(B)(iii)(a) Request for a due process hearing:** Only the parent/ESP or the school system may request a due process hearing. The request must be in writing and delivered to the Special Education Director for the school district. Parents need to check with the school principal or Special Education Director for the form used to make that request.

**401.7(B)(iii)(b) Hearing officers:** Within ten calendar days of receiving the request, a hearing officer must be designated. Parents have the right to bring legal counsel and anyone else knowledgeable about the issues in the case to the hearing.

**401.7(B)(iii)(c) Rendering a decision:** A decision in a due process hearing must be issued no later than 45 days after receipt of a written request for a hearing unless the timeline is extended. Copies of the decision must be supplied to parents, the school district and the local board of education.

**401.7(B)(iii)(d) Expedited due process hearings:** The rules allow for an expedited timeframe for hearings when there is:

- a disagreement over a behavior manifestation determination;

- a decision regarding an interim alternative educational placement; or
- an administrative unit (school district or BOCES) says that it is dangerous for the child to be in the current placement. (See Chapter 5 regarding discipline for more discussion of this aspect of special education)

The hearing officer must hold an expedited hearing within 20 school days of the date of the request and must render a decision within 10 days of the hearing.

**401.7(B)(iii)(e) Right to appeal:** Parents/ESPs have the right to appeal the decision of the due process hearing officer by asking for an Impartial Review by an administrative law judge (ALJ). The request must be made in writing within 30 days of receiving the due process hearing decision. They also can bring a civil action in state or federal court after review by the ALJ.

**401.7(C) Child’s status during hearings:** What happens to the child during the hearing proceedings? Do they stay in the same placement they were in when the appeal was filed? What if the dispute is over a service the school district says the child no longer needs and the parents appeal that decision? Does the child continue getting the service while the hearing process is going on? Generally, students must be allowed to “stay put” in their present educational setting with the same services provided at the time of the appeal, unless the parent/ESP agrees otherwise. There are some exceptions to this rule when the student is being disciplined and these are covered in Chapter 5.

## **402.0 Section 504 of the Rehabilitation Act of 1973**

A civil rights law, Section 504 of the Rehabilitation Act of 1973, prohibits discrimination against individuals with disabilities. It states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance. Public schools fall under the provisions of the Act because they receive federal financial assistance.

At first, the Act was seen by school systems as simply requiring that schools be physically accessible to children with disabilities. However, the federal government has defined access more broadly. “The definition of access means more than physical access; a child may require special accommodations such as modified assignments in order to benefit from their education.” Typically, a 504 Plan is for a student who would not qualify under the more rigorous requirements for special education eligibility. A free and appropriate education (FAPE) is provided by the public elementary or secondary school which includes general or special education and related aids and services that:

- are designed to meet the individual educational needs of a person with a disability as adequately as the needs of a non-disabled person are met, and
- are based upon adherence to evaluation, placement and procedural safeguard requirements.

In general, Section 504 does not contain the kind of detailed procedural requirements contained in the statute and regulations governing special education under IDEA and involves no funding.

## **402.1 Eligibility**

Section 504 requires that services and accommodations be provided to a child who has a physical or mental impairment that “substantially limits” a major life activity. It could be temporary in nature. Major life activities as defined under the Act include:

- Learning
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Caring for oneself
- Performing manual tasks

Thus, eligibility is broader than eligibility for IDEA and you should consider Section 504 as a possible avenue for assistance for a child who may not meet the stricter eligibility criteria for IDEA outlined in Section 401.1. Depending on the extent of the condition, some children with special needs such as diabetes, arthritis, asthma, ADHD, HIV, Tourette’s Syndrome, heart conditions, post traumatic stress disorder and epilepsy, if they affect one of the major life activities listed above, would qualify for assistance under Section 504 but might not qualify for IDEA.

## **402.2 Evaluations**

Usually eligibility is based on already existing records and assessments. It is always useful when you refer a child for possible identification for special education to request that they be evaluated for Section 504 eligibility as well. Each school district must designate a Section 504 coordinator. Typically, this person is *not* a special education teacher.

Determination of what services or accommodations are needed under Section 504 must be made by a group of persons knowledgeable about the child, about the meaning of the evaluations and about service options. Typically, this includes the principal, classroom teacher(s) and other educators who work with the child. The parent and child should also be included. The group reviews the nature of the disability and how it affects the child's education.

### **402.3 Services and accommodations**

Generally, services are provided and modifications in academic requirements and expectations are made to enable the child to participate in the general education program. An appropriate education under Section 504 means providing services to meet the individual needs of children with disabilities as adequately as the needs of non-disabled children. These services and modifications might include providing assistive technology devices, modifying assignments, adjusting seating, modifying physical education or recess activities, etc. (See Appendices for a list of classroom modifications and accommodations.) When a child is found eligible and services and modifications are determined, the school must develop a plan describing the placement and services. Responsibility for Section 504 implementation rests with the general education program, not the special education department.

### **402.4 Concern about compliance with Section 504**

There are several steps that can be taken if concerns arise.

- Talk to the parent about your concerns.
- If the parent agrees, ask for a meeting with the school staff to see if you can resolve the issue.
- If not, meet with the school district's Section 504 Coordinator.
- If that doesn't resolve the matter, ask the Section 504 Coordinator how to file a grievance procedure.
- Complaints may be filed with the Office for Civil Rights, U.S. Department of Education, listed in the Appendices.

## **Chapter 5**

### **DISCIPLINE AND TRUANCY ISSUES**

#### **Learning Objectives**

- *Identify ways in which disciplinary action can potentially be avoided.*
- *Understand state laws and educational rights of a child pertaining to suspension, expulsion and truancy.*
- *Know the special education laws and processes surrounding discipline issues for students with disabilities.*

### **500.0 Introduction**

You may have some children and youth on your caseload whose behavior subjects them to disciplinary actions at school. Sometimes the behavior is associated with a specific disability that has qualified the child for special education; sometimes it is a reaction to the abuse or neglect the child has suffered and the trauma of being placed in a foster home or going through a series of changes in foster homes and schools. When the behavior is serious enough to result in a suspension or expulsion, not only is the child affected academically and socially, but the removal from school can jeopardize the stability of the foster home placement and the child's chances of permanency, either through adoption or reunification. Sometimes such serious disciplinary actions can mean the beginning of a downward spiral into delinquent or criminal activity, especially if the child is inadequately supervised during the removal. Suspensions or expulsions can also increase the risk that the child will drop out of school.

State law provides certain due process rights to students who are subject to disciplinary action. School personnel are also responsible for making sure kids are in a safe environment where they can learn. They must balance the needs of the individual student with the need to keep other children safe. In disciplinary matters, emotions can run high. Acknowledging the responsibilities of the school to the other students while remaining an effective advocate for the child will help you work with school personnel on the best resolution of the issues involved.

As the caseworker, you can:

- Monitor the education of the child and take steps to head off behavior problems at school;
- When problems do occur, ask the key questions that get at what may have precipitated the incident;
- Explain to school personnel about the potential effects of abuse, neglect and placement on children's behaviors;

- Within the constraints of confidentiality, provide valuable information about the history of the child;
- Talk about the harm caused to that child's prospects for success educationally if they are subjected to a long term suspension or expulsion on top of the other traumas, multiple changes in schools and other disruptions of their education that they have faced;
- Work closely with the child's parent/foster parent to address the issues at home;
- Connect the child with outside sources of help.

In this chapter you will learn about the rights of children in Colorado when they are subject to disciplinary proceedings, some strategies you can use to help prevent disciplinary problems and the special considerations involved in protecting the rights of children with disabilities when disciplinary actions are imposed.

## **501.0 Steps you can take to prevent disciplinary problems**

Ideally, regular monitoring of the child's progress in school will allow you to take action to address problems *before* they reach the crisis point and warrant disciplinary action. The following steps may help:

- Talk to the child about his or her responsibilities in the school setting. Each school district or school is required to have a written conduct and discipline code which explains the rules of conduct for students. Make sure you or the foster parent reviews these rules with the child. Sometimes, children and youth may not fully understand the seriousness of certain violations. For example, they may get caught up in the desire to impress their schoolmates by bringing in a Swiss army knife or learning a song that may have language that can be interpreted as threatening, but they don't realize that because of "zero tolerance" policies in schools such actions can get them into serious trouble. Explaining this to children and giving them concrete examples will help them understand and avoid these situations.
- Monitor a child's educational progress on an ongoing basis and when problems occur (e.g. attendance issues, poor grades, bullying, school phobia) take action! This is especially important when a child is the subject of a disciplinary action such as having a note placed in his record or serving a detention because these could lead to escalating behaviors. Suggest to the school some strategies that have been used successfully at home to address behavioral issues. See if you and the school staff can come up with a plan for positive reinforcement rather than punitive measures to change the child's behavior. If you find out that the child has been bullied, inform school staff and make sure they address the problem. (See Chapter 3 for strategies to use to monitor a

child's education and address socio-emotional concerns, including safety issues.)

- Within the constraints of confidentiality, don't delay notifying the school if a child has had something particularly upsetting happen to them. Schools will be more flexible and more willing to problem solve if they are aware of what might be upsetting the child.
- Develop good ongoing relationships with school personnel. If there is an environment of trust and good communication then crises are more likely to be prevented and if they do occur, you will be able to problem solve together more effectively. (See Chapter 2 for tips on collaboration with schools)
- If a pattern of misbehavior occurs, consider whether the child may have a disability which is related to the behavior and refer the child for an evaluation for special education. If the child qualifies for special education, he or she will be provided with certain protections if the misbehavior is found to be associated with the disability. It may be that frustration over a learning disability is causing the acting out and addressing that root cause through special education will prevent further behavioral problems. And, under IDEA, the child is likely to receive a broader range of interventions to address the behaviors than would a child in general education. (See Chapter 4, Section 401.4 (A) for how to refer a child for special education. See Chapter 5, Section 506.0 in this chapter for an explanation of the protections regarding disciplinary proceedings for students in special education.)

## **502.0 Disciplinary actions**

Under the Colorado State Constitution, every child and young adult age six to 21 has the right to a free public education. Disciplinary actions that involve the removal of a child from public school can only be taken under certain circumstances defined in Colorado law.

### **502.1 Grounds for disciplinary action**

Schools use a continuum of disciplinary actions of increasing severity from written referrals for minor or first offenses where a notice goes in the student's school record to the most severe, expulsion. Here we refer to the more serious disciplinary actions, suspension and expulsion.

- **Suspensions:** Children are not allowed to attend school or school-related activities for a specific period of time. See below for the kinds of suspensions provided under Colorado law.



- **Expulsion:** The most serious disciplinary action under Colorado law in which the child is removed from school for not more than one year.

State law outlines the specific violations that *permit* schools to suspend or expel students. For certain very serious violations, state law *requires* school districts to expel students.

**Suspensions of not more than five school days:** Principals or their designees can suspend students for *not more than five school days* for:

- Continued willful disobedience or open and persistent defiance of proper authority;
- Willful destruction or defacement of school property;
- Behavior on or off school property which is detrimental to the welfare and safety of other pupils or of school personnel, including behavior creating a threat of physical harm to the child or to other children;
- Repeated interference with a school's ability to provide educational opportunities to other students.

**Suspensions of not more than ten school days:** Principals or their designees can impose suspensions of *not more than ten school days* for serious violations in or around the school property, including but not limited to:

- Carrying, bringing, using or possessing a dangerous weapon;
- The sale of a drug or other controlled substance;
- The commission of an act which if committed by an adult would be robbery or first or second degree assault.

**Expulsion:** For the following serious offenses expulsion is *mandatory* and can only be imposed by the local Board of Education. Some of these offenses are also on the list of violations listed above for which principals can suspend a student for *not more than ten school days*. The authority to suspend is given to principals to permit them to remove the child from the school for those offenses until the action is brought before the Board of Education to determine whether the incident falls under the mandatory expulsion categories listed below.

- **Habitually disruptive:** To be declared “habitually disruptive” a child must have been suspended three times over the course of a school year for “causing a material and substantial disruption in the classroom, on school grounds, on school vehicles, or at school events and activities because of behavior that was initiated, willful and overt on the part of the child.” (The law requires school districts to notify parents or guardians in writing of each suspension that counts toward declaring the student habitually disruptive. They must provide the definition of that term and explain that being declared “habitually disruptive” will mean a mandatory expulsion.)

- **Drugs or controlled substances:** The sale of a drug or controlled substance.
- **Robbery or assault:** The commission of an act which if committed by an adult would be robbery or first or second degree assault.
- **Dangerous weapons:** Carrying, bringing, using or possessing a dangerous weapon defined as follows:
  - firearm loaded or unloaded or a facsimile of a firearm that could reasonably be mistaken for an actual firearm;
  - pellet or “BB” gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;
  - fixed blade knife with a blade longer than 3 inches or a spring loaded knife or pocket knife with a blade longer than 3 ½ inches;
  - any object, device, instrument, material, substance used or intended to be used to inflict death or serious bodily injury.

## 502.2 Extensions of suspensions

Suspensions can be extended for an additional ten school days to give time for the School Board to consider the matter at their next meeting but in no case can a suspension last more than 25 school days.

## 502.3 Rights of students when they are removed from school

When a child is removed from the school through suspension or expulsion, the school district must:

- **Provide parental notice:** Immediately notify the student and parent or guardian about the offense the student is charged with, an explanation of the evidence and the reasons for the disciplinary action being taken.
- **Hold an informal hearing for shorter suspensions:** For students suspended for ten school days or less, provide an opportunity for an informal hearing with the school principal or designee, the parents and the child, before the child is removed from school, at which the child has an opportunity to tell his or her side of the story. If an emergency exists warranting immediate removal, the hearing should take place as soon after the removal as is practicable.
- **Hold a formal hearing opportunity for longer suspensions:** For students suspended for more than ten school days, an opportunity to request a review of the suspension before a hearing officer designated by the Board of Education. This hearing must be requested within five school days of the parents or guardians being notified of the

disciplinary action. Make sure parents and guardians are aware of these short timeframes for an appeal.

- **Use statements of admission only if signed in presence of the parents/guardian/physical custodian:** A new provision in Colorado law states that no statement of admission by a student can be used in an expulsion hearing without the signature of the student obtained in the presence of his or her parent, guardian or legal or physical custodian unless after making a reasonable attempt to reach the parent, guardian or legal or physical custodian (by calling all phone numbers provided) school staff are unable to contact them. Check with the school district to determine if this definition includes the foster parent.
- **Provide for make-up of school work:** Provide an opportunity for the student to make up school work during the suspension
- **Hold meeting before readmission:** Not readmit the student to school until a meeting between the school personnel and the parents/guardian to discuss a remedial discipline plan for the student has taken place unless the parent or guardian repeatedly fails to appear.

## **502.4 Definition of “parent” in general education disciplinary matters**

As you learned in Chapter 4, Section 401.3 (C), there are very specific rules which apply to who has legal authority to make decisions related to special education, including disciplinary matters, for children with disabilities when a biological parent is unavailable. However, in the state laws dealing with general education students and disciplinary actions, the definition of “parent” is “the mother or father of a child or any other person having custody of the child.” School districts vary in their interpretation of this definition and whether it includes foster parents. Check with the school district for their policy on this question when you have a general education student involved in a disciplinary matter whose biological parents are not available.

## **502.5 Admission of an expelled student to another school**

Sometimes a student who has been expelled from school may, as a result of a change in out-of-home placement, move to a new school district. This can create a difficult situation for caseworkers because it may be very difficult to persuade the new school district to admit the student. There are rules governing admission to school under those circumstances. Under state law, the receiving school district can deny admission if the child has been expelled from any school in the previous twelve months or if the child’s behavior in another school district during the preceding twelve months is detrimental to the welfare or safety of other students or school personnel. You can support a child’s petition to be admitted by collecting supporting letters from any specialists working with the child who can

state that whatever interventions were used to address the behavior have been successful.

### **503.0 Implications for school attendance when students are arrested**

When a child over age twelve and under age eighteen is charged with an offense which would constitute unlawful sexual behavior or a crime of violence if it was committed by an adult, juvenile justice agencies are now required to notify the school that child attends. The school district then must determine if the nature of the charges are such that educating the child in the school would be detrimental to the safety, welfare and morals of the other students and school staff and would disrupt the learning environment.

If they determine this would be the case, they can suspend or expel the student immediately before the case against the student is adjudicated in court. If not, they can wait for the juvenile proceedings to be concluded before deciding about suspension or expulsion and in the meantime provide the student with an alternative educational program such as home-based instruction or an on-line school.

### **504.0 Educational alternatives for expelled students**

State law requires that school districts provide parents of an expelled student with information about educational alternatives for the student. These educational alternatives include:

- Home-based educational program. This is not the same as home schooling described in Chapter 3, Section 304.7. This is temporary instruction provided at home by someone from the school district.
- Educational services deemed appropriate by the school district to enable the student to return to the school in which he or she was enrolled before being expelled, to successfully complete the GED or to enroll in a non-parochial, nonpublic school or an alternative school. These educational services are tutoring services, alternative educational programs, vocational programs or on-line programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies.

## **505.0 Truancy**

You are likely to have on your caseload children and youth for whom school attendance is an issue. This can arise in some of the biological families you are serving when neglect and a chaotic home life mean that children have frequent unexcused absences. Truancy is also a way in which some older children act out in response to circumstances at home, removal from home and placement in foster care and/or learning difficulties or social problems in the school setting. Along a continuum, truancy can be a warning sign of escalating behavioral problems. And frequent absences can exacerbate the lags in academic standing that children in the child welfare system often experience.

School districts are instituting programs to identify and address attendance problems before they become so serious that they warrant intervention by the courts. Adolescent units of child welfare agencies work closely with school authorities to identify students at risk for truancy problems at an early stage. Interagency meetings are held to plan for providing assistance to children and families in the child welfare system who are at risk of truancy problems. This assistance can include tutoring, counseling, family support and special educational programs in the public schools to help kids stay in school. Addressing attendance issues at an early stage keeps children in the child welfare system from falling further behind and makes it less likely that these children will drop out of high school.

If you find that school attendance is an issue in one of your cases, be sure to include services to address that issue in the Family Service Plan you develop. And, be sure you ask the school to include you and the foster parent in any notifications about attendance issues.

## **505.1 Compulsory attendance laws**

State law requires children from their seventh birthday up to age seventeen to attend public school. Attendance is also compulsory for six year olds who are enrolled in first grade or a higher grade unless the parent or guardian chooses to withdraw the child. There are a number of exceptions to the compulsory attendance laws, including children who are home-schooled, enrolled in an authorized on-line program, children who are temporarily ill or injured, attend a private school or have graduated from twelfth grade. Under the new federal law, *Fostering Connections*, the county must include in the Family Service Plan documentation of efforts to assure that a child or youth is meeting state compulsory attendance requirements.

## **505.2 Habitually truant students**

A student subject to compulsory attendance requirements is considered “habitually truant” if he or she has four or more unexcused absences from public school in any one month or ten unexcused absences during any school year. The school district must develop policies and procedures for children who are habitually truant.

Each school district is required to designate an employee or appoint a probation officer of any court of record in the county to act as the attendance officer who works with parents and guardians on truancy issues and investigates causes of nonattendance.

## **505.3 When the courts become involved**

The attorney for the school district, the attendance officer or the local Board of Education can initiate court proceedings in Juvenile Court against habitually truant children and youth and their parents to compel student attendance. The parents must receive notification of this action and must be told that if the child complies with the attendance requirements before the proceedings are filed, then the proceedings will not be brought.

Once a proceeding is filed, the court may take the following actions:

- Issue an order against the child and/or the parents compelling the child to attend school or compelling the parents to take reasonable actions to compel attendance.
- Include in the order that the child and the parent follow a specific treatment plan that addresses the reasons for the nonattendance.
- If the child does not comply with the court order, order an investigation and an order that the child show cause why he or she should not be held in contempt of court.
- If the child is found in contempt of court, the court may impose sanctions such as a treatment plan involving community service, supervised activities, etc.
- If the parent refuses or neglects to obey a court order, the court may find the parents to be in contempt of court.

## **506.0 Disciplinary issues for children in special education**

Children in special education who are subjected to disciplinary actions have all of the same rights as children who are not in special education and are also afforded certain additional rights under IDEA. Much of the information here is adapted and summarized from a comprehensive discussion of disciplinary issues for children with disabilities in *The New Handbook for Special Education Rights* by

Randy Chapman, Esq. and published by the Legal Center for People with Disabilities and Older People in Colorado. (See Appendices for their web site)

Note that with a few exceptions, these same protections are afforded to children eligible for Section 504 who are not eligible for IDEA. Check with the school district's Sec 504 coordinator if you have a child on Section 504 who is subject to a disciplinary action. (See Chapter 4, Section 402.0 for information about Section 504)

## **506.1 Steps to take when a child in special education is suspended or expelled**

If you get a call from the foster parent or the school principal that a special education student on your caseload has been suspended, ask the questions listed below of school officials. The answers will determine how the protections under IDEA apply in a given case.:

- What is the suspension for?
- How long is it for?
- What were the circumstances surrounding the incident?
- Has the child ever been suspended for similar behavior before? If so, when?
- Where will the child be during the suspension?
- Does it constitute a change in placement? (See Chapter 4, Section 407.1 for an explanation of what is meant by a change in placement. The answer to this question will determine whether an IEP meeting must be scheduled, a behavior manifestation determination made and whether special education services must be provided during the period of suspension.)

Also, make sure you talk to the child right away to get his or her version of the incident.

In communicating with the school about the circumstances surrounding the incident in question and in conveying relevant information about the child to the school you may be assisted by new language included in IDEA 2004 which provides for greater flexibility in the determination of whether to remove a child with disabilities from school for misconduct. The new language affirmatively states that school personnel may consider any unique circumstances on a case-by-case basis. By permitting a more rational, individualized approach, this is meant to offset the zero-tolerance policies that have been used in recent years to punish children for certain offenses regardless of the circumstances.

## **506.2 Changes in placement**

If the disciplinary action constitutes a change in placement as defined in this section, that fact triggers certain protections and rights for the student with a disability. A child's removal is considered a change in placement if he or she is:

- removed for more than ten consecutive school days or
- has had a series of shorter suspensions that add up to more than ten school days in a school year, taking into account such factors as length of each suspension and proximity to each other. This is referred to as a "pattern" of removals. It's important that you as the caseworker and/or the foster parent keep track of the number of school days a student has been removed from school over the course of the school year in order to determine if there has been such a "pattern."

## **506.3 Right to services**

If the disciplinary action meets either of these criteria, the child must receive all of their educational services mandated under their IEP in the alternative setting starting on the eleventh day of removal from their current educational placement. Their current educational placement is the placement they were in before the alleged offense took place. If you have a child in this situation, make sure that the interim alternative educational setting the school has chosen will be able to provide all of those services to the child. If not, ask the team to consider additional services or a different setting. If the team refuses, parents can use their options under due process to resolve the dispute. (See Chapter 4, Section 401.7 for more on due process procedures under IDEA.)

Remember that because the right to services is only triggered in instances which meet the definition of a change in placement (a removal of more than ten school days or a pattern of removals that add up to more than ten school days), a child with a disability may be suspended *without* services for less than ten school days.

## **506.4 Due process**

School districts must give written notice of their decision to remove a child with a disability and provide an explanation of the procedural rights available on the day of the decision to remove. You, as the caseworker, the biological parent, the educational surrogate if there is one, and the foster parent should ask to be notified in the event a disciplinary action arises. Remember that these provisions are part of IDEA and therefore the requirements for educational surrogates apply to disciplinary matters as well as any other decisions regarding the special



education of children with disabilities in the child welfare system. (See Chapter 4, Section 401.3 for more information on educational surrogates.)

## **506.5 Removals for up to 45 school days: weapons, drugs, dangerous behavior**

For certain “zero tolerance” misbehaviors, IDEA allows school personnel on their own to immediately place a child with a disability in an interim alternative educational setting for up to 45 school days. These offenses are:

- Bringing a weapon to school or to a school function
- Possessing, using, selling or soliciting the sale of a controlled substance while at school or at a school function.

In addition, school officials can *request a due process hearing* to place a child with a disability in an interim alternative educational setting for up to 45 school days for:

- Misconduct unrelated to weapons or drugs but where school officials fear that returning the student to his or her current program would be dangerous.

School officials may not take this action independently.

Remember, such a removal constitutes a change in placement and therefore requires that a functional behavioral assessment and manifestation determination be made, and also that the child receive IEP services in the interim alternative educational placement during the removal. (See this chapter, Section 507.6 for more about this process.)

## **506.6 Functional behavioral assessment and behavior intervention plan**

When a child with a disability faces an expulsion or suspension lasting more than ten school days, the school district must hold an IEP meeting within ten business days of the child being removed to evaluate the behavior and develop a plan for addressing the problem. This is called a functional behavior assessment and a behavior intervention plan.

You and the foster parent can play a key role at this meeting. Within the confines of confidentiality, you should provide information about the child’s history or events in the child’s life that might have triggered the behaviors. Perhaps the incident happened right around the time that the child was removed from their

home, or when the child had a particularly upsetting visitation with their biological parent.

Based on all of the information gathered, a behavior intervention plan is developed. This plan should manage the student's behavior and reduce or prevent the circumstances that precipitated it. It should:

- provide ways to reduce the stress (examples might include providing the student with a quiet place to go when he or she becomes overwhelmed, providing a less crowded place to eat lunch, etc.)
- include ways that teachers and school staff can recognize signs that a problem is developing and address it as well as ways to teach children to recognize when they are getting upset and control their behavior. (Examples might include learning how to ask the teacher for help, using rating sheets to self-assess how they are doing throughout the day, etc.)
- focus not just on bad behaviors but on ways to positively reinforce good behaviors.

The functional behavior assessment and plan must be developed as soon as possible but in any case within ten business days of removing the child from his or her educational placement. If the student already has a behavior plan, the IEP team must review it, assess how it is working and make any changes necessary to address the behavioral problem.

## **506.7 Manifestation determination**

The other major task of the IEP team when a child faces an expulsion or suspension for more than ten school days, is the manifestation determination. This is a determination about whether the child's behavior was related to the child's disability. If the team finds that the behavior is related to the child's disability, the child cannot be punished for the behavior. Under IDEA 2004, the IEP team uses evaluation and diagnostic results, observations of the student and the student's IEP and placement to answer the following questions:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; OR
2. If the conduct in question was the direct result of the local agency's failure to implement the IEP.

If the team determines that either 1.) or 2.) applies, then the misconduct is determined to be a manifestation of the student's disability.

IDEA 2004 eliminated the requirement that the entire IEP team be present when this manifestation determination is made. The new provision only requires that “relevant” team members be present. Unlike the provisions cited in Chapter 4, Section 401.4(J) regarding excusing members of the IEP team only with written consent of the parents, in this case, schools can determine who is relevant to the manifestation determination and excuse other members without obtaining the parents’ consent. While this was done to provide more flexibility and allow school personnel to schedule these meetings more quickly, it may create problems for caseworkers and foster/biological parents if the school system only includes on the team those members whose minds may already be made up about whether the misconduct was a manifestation of the disability. This is another change that will require good communication between the parties involved so that foster parents and caseworkers are assured that key members of the team are invited to and attend the meeting. Remember that although IDEA 2004 allows manifestation determinations to be made without all team members present, the development of a behavioral intervention plan must be made by the entire team.

It’s important to remember that if the team determines that the behavior *is* related to the child’s disability, the disciplinary action cannot be imposed but the team can decide to change the IEP or the student’s placement because they believe the child needs different services or a different educational setting.

### **506.8 When the behavior is not found to be related to child’s disability**

Even if the IEP team determines that the child’s behavior is *not* a manifestation of his or her disability and the disciplinary action is imposed, remember that *any* student in special education who is removed from school for more than ten school days must, beginning on the eleventh day of removal, be provided with an alternative educational setting in which he or she can receive all of the educational services required by his or her IEP. This includes children who may not have been removed for ten consecutive school days but who have had a pattern of removals as described in Chapter 5, Section 506.2. The IEP team makes the decision about what alternative educational setting would meet the requirements of the child’s IEP. For example, if the child has goals and objectives related to developing social skills, a tutoring program at home would not provide that opportunity.

### **506.9 Students with disabilities who have not been found eligible for special education**

This provision of IDEA is meant to extend protections to children with disabilities under certain circumstances even if they have not yet been found eligible for special education. This is a very important provision to consider if there are students subjected to disciplinary proceedings who you suspect may have a

disability. Protections for them in such proceedings are only triggered if the school district knew that this student should have been evaluated or should have been receiving special education services. In other words, did the district have knowledge that the student had a disability before the behavior that triggered the disciplinary action took place?

IDEA 2004 changed the basis for establishing that the district did have prior knowledge. The new criteria are:

- 1.) The student's parent has expressed concern in writing to supervisory or administrative personnel or a teacher that the student needs special education and related services;
- 2.) The parent has asked for an evaluation to determine if the student has a disability; OR
- 3.) The student's teacher or other school district personnel have expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or the school district supervisory personnel.

If the school district did not have prior knowledge that the child had a disability (none of these circumstances existed) then the child may be disciplined the same way as a child without a disability.

You, as the caseworker, the biological parent and the foster parent can have an impact here. If you are concerned about a child's behavior *and* if you suspect that the child has a disability, you should make sure those concerns are raised in writing with the appropriate school personnel and that an evaluation for special education is requested. Ideally, you want to do this before any serious problems arise. But remember that a request for an evaluation can also be made while a child is being disciplined. If this is done, the school district must complete the evaluation in an expedited manner. Until the evaluation is done, the suspension or expulsion of the student will continue.

## **506.10 Appeals of decisions**

Parents or educational surrogates who disagree with the decisions of the IEP team or school authorities in a disciplinary matter involving a child with a disability have a right to a due process hearing, just as they would with any other issue involving their child and his or her rights under IDEA. They have the right to appeal not only the disciplinary action itself, but also any disagreements they might have about the appropriateness of the interim alternative educational setting, whether the child is receiving the services required under the IEP, the behavior plan, or any other decision or implementation issue related to the

disciplinary action. (See Chapter 4, Section 401.7 for an explanation of due process under IDEA.)

## **506.11 Placement during appeals**

As explained in Chapter 4, Section 401.7, in matters unrelated to disciplinary issues, IDEA permits children to “stay put” in their current educational setting pending the outcome of an appeal of a placement issue. But that is not true in situations where students have been removed from their current educational setting for up to 45 school days for the serious offenses listed in Chapter 5, Section 506.5. In these cases, students will stay in the alternative educational setting while the parents appeal the removal until either the hearing decision is rendered or the 45 school day removal period has expired, whichever comes first.

In some cases, placement issues during an appeals process in disciplinary cases can become quite complicated. And yet issues over the appropriateness of placements in disciplinary cases are not uncommon. For example, the school district could propose a change in the child’s general educational setting from the placement he or she was in before the incident. If the parents or educational surrogate disagree with that proposed change in placement, they can appeal. Pending that appeal, the student must be allowed to return to his original placement after the removal period ends unless the school believes that this would be too dangerous. In that case, the district must request an expedited hearing to decide what the interim placement should be.

The hearing officer then must determine whether returning the child to the original placement during the appeal is *substantially* likely to result in injury to the student or others. If the hearing officer agrees with the school district, the student will have to stay in the interim setting or another appropriate placement pending the appeal and will not be allowed to return to his original placement. However, that interim placement cannot last longer than 45 school days. If the appeal of the parents challenging the proposed final placement has not been decided by the end of the 45 day period, another expedited hearing has to be held to determine all over again whether it would be too dangerous for the child to return to the original placement pending the outcome of the parent’s appeal.

## **506.12 Insuring that everyone has the right information**

As you have seen in this chapter, the provisions of IDEA which relate to disciplinary matters are complex. Administrators in general education are sometimes not fully familiar with them. Be sure to remind school administrators that the child is in special education and has the protections that are afforded under IDEA. If in discussing with school administrators a disciplinary matter involving a child in special education you are told something that doesn’t seem correct, you can call the Director of Special Education for the school district who will be more familiar with these provisions.

Disciplinary matters can be very emotional. It is important that you and the foster parent avoid anger and stay calm so you can collect the information you need to rationally discuss the situation with school officials, insure that the child's rights are protected and find a resolution that meets everyone's needs. It makes a big difference when school officials know that there is an adult outside of the school system who cares about the child, is a good advocate and wants to work cooperatively to address behavioral problems and ensure that the rights afforded to individual students by federal and state law, as well as the safety of the student body as a whole, are protected.

## **Chapter 6**

# **SPECIAL CONSIDERATIONS FOR VERY YOUNG CHILDREN**

### **Learning Objectives**

- *Know what school-readiness is and its importance for young children in the child welfare system.*
- *Understand ways to obtain funding and resources to enroll a child in an early care and education program.*
- *Understand developmental milestones and what to do if you suspect a child has a developmental delay.*
- *Know the steps and timelines involved in the referral, evaluation and decision making processes surrounding meeting the needs of children with developmental delays.*
- *Be familiar with the people who should be involved in a young child's education.*

### **600.0 Introduction**

In the past, child welfare agencies have focused largely on the educational needs of school aged children. Much less attention has been paid to the educational needs of children younger than age five and the degree to which they are being connected with the early intervention/preschool special education services and early care and education programs they need to improve their chances of success in school.<sup>vii</sup> We know from the research that children can overcome early disadvantage and develop the skills necessary for success in school if at a very early age they are given enriched early learning opportunities through programs such as Early Head Start/Head Start and specialized, targeted interventions for developmental problems.

As a caseworker, you can connect the young children on your caseload with these services. You can also establish important partnerships with these service providers by relying on their expertise and judgment. These professionals are in daily contact with the child and have the knowledge to effectively identify and address the child's developmental needs. In formal and informal ways, both early intervention/preschool special education service providers and Early Childhood Education (ECE) caregivers can offer assessments of the child's developmental progress and alert you to any problems that might warrant attention. They are also in frequent contact with the child's foster or biological parent if the child is remaining in the home under a family preservation plan and can offer support to them as well as useful insights to you about the child's home situation.

In this chapter you will learn what is meant by school readiness, the options available for enrolling children in early care and education programs and how early intervention/preschool special education services under IDEA are provided to young children with developmental delays/disabilities.

## **601.0 What does school readiness encompass?**

What is meant by “school readiness?” While many think being ready for school means knowing letters, shapes and numbers, experts in early childhood development identify a far broader range of indicators linked to later success in school. Kindergarten teachers in surveys across the country report that socio-emotional skills such as the ability to share, take part in group activities and talk about feelings are even more important to doing well in school than cognitive skills. Research has identified the following broad skill areas associated with success in school:

- physical well-being and development;
- social and emotional development;
- approach toward learning;
- language development and cognition; and
- general knowledge.<sup>viii</sup>

## **602.0 Enrolling young children in early care and education programs**

Too often caseworkers serving families of very young children in the child welfare system consider enrollment in an ECE program to address the needs of the parents, or, for those children placed in foster care, the needs of the foster parent. If the parent or foster parent work, or if they are in need of respite care to take a break from the stresses in their lives or to attend to a family need or crisis, then enrollment is sought for the child. However, these ECE programs, provided they are of good quality, have an intrinsic value for the child as well. Children in ECE settings who receive enriched learning opportunities, particularly if they are disadvantaged, make significant gains in the skills needed to succeed in school. For children in the child welfare system, ECE settings also can be a source of security and nurturance at a time when they are experiencing so much upheaval at home. For infants and toddlers, there are also a number of home-based programs that emphasize family support and parent education as well as case management to enrich the early learning environments of children.

### **602.1 The elements of good quality care**

In order for children to make significant gains from attending an early care and education program, that program needs to be of good quality. Unfortunately, not all ECE programs provide the elements of good quality care that seem to make a



difference for children. Since you will be involved in deciding about enrollment in an ECE program the following list may be helpful:

- a safe facility, equipped with appropriate toys and materials;
- well-trained, well-educated and well-paid teachers and staff;
- small class size and low staff-child ratios;
- positive relationships between teachers and children that include communication throughout the day, both listening and responding and encouragement for reasoning and problem solving;
- emphasis on social and learning skills;
- exposure to an array of activities and experiences, including art, music, science, math and different kinds of play, and involvement of parents and caretakers.

The child care resource and referral agency in your area will have materials available on how to choose a quality program. (See Chapter 6, Section 602.3 for more information about these agencies and see the Appendices for their web site.)

## **602.2 Options for gaining access to early care and education programs**

While funding is limited there are a number of potential sources of support for enrolling children in ECE programs. As an advocate for the child, you can urge that enrollment be a priority given the child's early history and the risks to his or her healthy development. Some of these programs, like the Colorado Preschool Program, already make children from the child welfare system a priority at enrollment time. Just ask! Even if a program does have that policy, however, if a child comes into the child welfare system after that enrollment period, he or she may have to be placed on a waiting list because there is not enough funding to serve all eligible children. The connections between some of the programs and funding streams listed below can be confusing – some contract with each other to serve different populations of children in one program. (See the Appendices for web site addresses for each of these programs.)

It's also important to remember that for children entering the child welfare system who are already in a Head Start or ECE program, that program may be the only source of continuity and stability for the child in an otherwise traumatic time. In these cases, do everything you can to allow that child to continue in the program. The stability offered is just as important, if not more important, to that young child as school stability is to the school-aged child.

Here are some possible sources of funding and support for enrolling children in ECE programs:

- **Child Care Development Fund:** The CCDF is the primary source of federal funding to assist working parents in paying for child care for

their children. Assistance is provided in the form of child care subsidies based on family income. In Colorado, the program of subsidies is called the Colorado Child Care Assistance Program (CCCAP.) To be eligible, parents must be employed and have an income low enough to meet the guidelines.

- **Child welfare funds:** Some county child welfare agencies have Child Welfare (formerly known as) “Special Circumstance” child care subsidies that they use to pay for a child to be enrolled in an ECE program. However, these funds are quite limited. There are a number of circumstances under which these subsidies are typically granted. For example, they might be used to enable a mother in a family preservation program to attend counseling sessions or to stabilize a foster care placement where a foster parent cannot care for the child unless she is freed up during certain hours or days of the week to take her other foster children to therapeutic appointments. Because this funding is so limited it may be harder to use it for the ongoing enrollment of a child in an ECE program for the primary purpose of enhancing the child’s development. Check with your supervisor about whether these funds are available in your county and how they are used.
- **Colorado Preschool Program:** This publicly funded program is operated in 154 school districts in the state and about half of those use the funding for the program to contract with Head Start or other local preschool programs. Most of these programs are part-day unless other funding is used to cover additional hours. The purpose of the program is to address the needs of at risk four year olds in local communities across the state. During the enrollment period, children in the child welfare system are given priority for the limited number of slots available.
- **Even Start Family Literacy:** Even Start programs are funded through the No Child Left Behind Act and are intended to boost pre-literacy and literacy skills of children age 0 to 7. Typically, programs provide services in a school setting where parents come to learn literacy activities they can enjoy with their children and access education for adult literacy. During the parent instruction sessions children are enrolled in an ECE setting. Many programs make home visits as well. There are currently ten Even Start programs in Colorado. These programs are coordinated with the Colorado Basic Literacy Act of 1996 which requires that Individual Literacy Plans (ILPs) be developed for all children in kindergarten through 3<sup>rd</sup> grade who are not reading at grade level. (See Chapter 3, Section 303.1 for more about this program.)
- **Early Head Start/Head Start Programs:** Early Head Start and Head Start are comprehensive, federally funded child development programs that serve children from birth to age five, pregnant women, and their families. Early Head Start provides individualized child development

(infants and toddlers up to age three from low-income families) and parent education services through a mix of home visits, experiences at an Early Head Start center, and experiences in other settings such as family or center-based child care. Head Start programs are comprehensive preschool programs for low income children age three to five and include enriched learning activities, developmental and health assessments and family support services. These programs are funded and operated through regional federal Head Start offices. Children in foster care are automatically eligible for Head Start but they may not be a priority in enrollment. However, a provision in the Head Start regulations which requires that at least 10% of the slots be set aside for children with special needs may be helpful to you if you have a young child on your caseload with special needs.

### **602.3 Child Care Resource and Referral**

Perhaps the easiest way to access ECE programs is to call the child care resource and referral agency in your area. Their purpose is to help families locate ECE programs that can meet their needs. They also have useful information about how to choose a quality program that meets the needs of a child. These local agencies are organized under an umbrella organization called Qualistar Early Learning, formerly the Colorado Office of Resource and Referral (CORRA). (See the Appendices for the address of their website.)

### **603.0 What to do if you suspect a child has a developmental delay**

Given how child development evolves over time and the critical importance of early intervention in overcoming the harmful effects of early abuse or neglect on children, assessing a child's development not just when he or she enters the child welfare system, but on an ongoing basis, is critically important. As the caseworker, it is important that you check frequently with the foster parent and the child's medical provider, even if a previous screening of a child revealed no concerns, to make sure that he or she is continuing to make normal developmental progress.

This ongoing assessment involves reviewing the developmental milestones listed in Appendices M and N with the biological and/or foster parent, making your own observations of the child and ensuring that the child receives the regular well-child visits under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) that involve developmental assessments by a medical professional. If the child is enrolled in an Early Head Start Program or child care program, the staff or child care provider will also be an important source of information about the child's development.

The Individuals with Disabilities Education Act (IDEA) provides services to children with developmental delays/disabilities from birth to age 21. In Chapter 4 we discussed the services provided under IDEA to school age children. In this chapter we will discuss services under Part C of IDEA for children birth to three and under Section 619 of Part B of IDEA for preschoolers.

Two federal laws and a recent state law in Colorado address the need for developmental assessments for young children involved in the child welfare system and these are discussed below.

## **603.1 IDEA Part C, Children Birth to Three**

Part C of IDEA governs services to children birth to three and its purpose is to intervene as early as possible to address developmental delays that could undermine the development of the skills necessary for success in school.

### **603.1(A) Administrative Structure:**

- **State Level:** The Colorado Department of Human Services, Division of Developmental Disabilities, is the lead agency for implementing Part C, which is called Early Intervention Colorado (formerly Part C was called Early Childhood Connections and was under the Colorado Department of Education – some local Part-C funded entities are still called by that name.)
- **County Level:** At the county level, the Community Centered Boards throughout the state have been given the responsibility for accepting referrals, ensuring that evaluations are done by the appropriate Child Find offices within the school districts, determining eligibility and providing case management services.

**603.1(B) Eligibility:** In determining eligibility for this age group the focus is on evidence of developmental delays or a likelihood of developmental delay that will qualify them for early intervention. Again, the emphasis is on addressing developmental problems as early as possible in order to enhance children's chances for success in school. The specific criteria used by Colorado for determining eligibility for Part C can be found in the Appendices but the broad categories are as follows:

- **Significant Developmental Delay:** Children who are exhibiting significant developmental delays in cognition, communication, physical, motor, vision, hearing, psychosocial, and self-help skills, or
- **Conditions Known to Lead to Developmental Delays:** Children who have an identifiable condition known to have a high

probability of resulting in significant developmental delays, but who may not be exhibiting delays in development at the time of diagnosis. These conditions are:

- **Chromosomal syndromes or conditions associated with mental retardation** such as Fragile X Syndrome, Down Syndrome
- **Congenital syndromes and conditions associated with delays in development**
- **Sensory impairments** (hearing and vision impairments)
- **Metabolic disorders**
- **Prenatal and perinatal infections and significant medical conditions**
- **Low birth-weight infants**
- **Post-natal acquired problems known to result in significant developmental delays**

All children eligible for Part C must be evaluated before they turn three to determine eligibility for Preschool Special Education under Part B (See this chapter, Section 603.2 for information on preschool special education). The law requires that a transition planning conference be held for all children at least 90 days before their third birthday. By the time the child turns three, an IEP for Preschool Special Education for those found eligible should be in place.

**603.1(C) Services:** The following assistance is provided to families and children under Part C of IDEA:

- Screening
- Multi-disciplinary evaluation
- Development or review of an Individualized Family Service Plan
- Service coordination to access supports and services. Families are provided with a service coordinator to help families navigate the service system, secure funding and provide support.

Direct services coordinated under IDEA but funded through other sources include:

- Family training, education and support
- Assistive technology (See discussion under IEP components)
- Health services
- Nutrition
- Respite care to achieve IFSP outcome
- Psychological services
- Social work services
- Transportation (to specialist appointments)

- Vision services
- Speech/language and audiology services
- Developmental intervention
- Physical and Occupational Therapy

**603.1(D) Surrogate Parent under Part C of IDEA:**

The same rules apply here regarding surrogate parents as are used for appointing educational surrogate parents for preschool and school aged children (See Chapter 4, Section 401.3) However, surrogate parents under Part C are appointed by the local Part C agency.

**603.1(E) Referrals to Part C of IDEA:**

In 2003, Congress enacted provisions designed to insure that all children ages 0 to 3 who are involved in the child welfare system receive developmental assessments. The Child Abuse Prevention and Treatment Act (CAPTA) was amended to require that states which receive funding under the Act establish procedures and processes for referring all children under age three who are in cases of substantiated child abuse and neglect to Part C for assessment. Mirroring the CAPTA requirement, IDEA 2004 requires states participating in Part C to refer for early intervention services any child under the age of 3 who is involved in a substantiated case of child abuse or neglect; or is identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

In 2008, Colorado enacted a law, 26-5-108 C.R.S. to expand that requirement to all children ages 0 to 5. (See the agency letter in the Appendix BB which provides guidance on the implementation of this new state law.) It gives counties a choice: 1.) automatically referring children to a source for developmental screenings (children 0 to 3 are to be referred to the Community Centered Boards through Colorado's Part C program, Early Intervention Colorado and children 3 to 5 are to be referred either to Child Find or to the EPSDT Program through a Medicaid provider or 2.) have county agency staff, who have been trained, administer a standardized developmental screening tool. As a result, procedures for implementing these requirements may differ from county to county so be sure to ask your Supervisor about the process used in your area.

While this new law is a major benefit for children at-risk for developmental problems, it is still important to be vigilant about assessing children's development on an ongoing basis because even if a child is assessed, developmental delays may become evident at a point in time after receiving that initial screening. If at any time you suspect that an infant or toddler in your caseload is in need of early intervention services

to address a developmental delay, consult with the biological parent(s) and/or foster parent(s) about whether or not to request a referral to Part C of IDEA. Anyone can request a referral including the foster parent, you as the caseworker, the child's physician or a child care provider. If you do decide to refer the child, submit a written request to the "single point of contact" in your area (See list in Appendices) for a developmental screening under Part C of IDEA. (See below for where to refer a child ages 3 to 5.) The screening will either determine that there are no concerns, the child should be re-screened or there is sufficient concern that the child should receive a full multi-disciplinary evaluation.

In your request be sure to describe the concerns you have over the child's development and attach/include any assessments done to date. You may also want to attach reports from the child's medical provider and any other specialists the child has seen.

Check back with the screening resource to make sure your request is being processed in a timely way. (See Chapter 4 for more information about timelines for processing referrals, written decisions, and avenues for resolving disputes under IDEA.)

**603.1(F) The Individualized Family Service Plan (IFSP) Team:**

For children birth to three a multi-disciplinary team determines eligibility, develops the Individualized Family Service Plan (IFSP) and conducts reviews under Part C of IDEA. Typically the IFSP team includes:

- Parents and other family members
- Physicians
- Evaluators
- Child care providers
- Early Head Start or child care program staff
- Family advocates
- Part C service coordinator
- Interventionists
- Other relevant people knowledgeable about the child at the discretion of the parents

The most significant difference between an IFSP for infants and toddlers and an IEP for preschool and school-aged children revolves around the involvement of the family and the attention paid to the family's needs as well as the child's. It includes an emphasis on helping the parent(s) with the skills needed to help their child progress. The family's concerns, priorities, and resources guide the IFSP process. The key elements of an IFSP are as follows:

- **Present Level of functioning:** the child's present level of physical, cognitive, communicative, social or emotional, and adaptive development.
- **Family Perspective:** the family's resources, priorities, and concerns relating to enhancing the development of the child with a disability;
- **Outcomes:** the major outcomes to be achieved for the child and the family; the criteria, procedures, and timelines used to determine progress;
- **Services Required:** specific early intervention services, based on peer-reviewed research, necessary to meet the unique needs of the child and the family, including the frequency, intensity, and the method of delivery;
- **Natural Environments:** the natural environments in which services will be provided and a justification if any of the services will not be provided in a natural environment (See Chapter 6, Section 603.1 (G) for more information about this requirement.);
- **Initiation and Duration of Services:** the projected dates for initiation of services and their anticipated duration;
- **Service Providers:** the service provider who will be responsible for implementing the plan and coordinating with other agencies and persons;
- **Outcomes:** A statement of the measurable results or outcomes ... including preliteracy and language skills, as developmentally appropriate for the child; and
- **Transition Services:** steps to support the child's transition to preschool or other appropriate services when they turn three.

#### **603.1(G) Natural Environments:**

Under Part C, IDEA services must be provided in the child's "natural environment" (e.g. the home, the community, play groups, child care programs) in order to integrate services into the every-day routines of the child and reach the child in settings where children without disabilities participate. This is required unless it is determined that functional goals (milestones in basic skills set for the child) cannot be achieved satisfactorily in a natural environment. The settings in which services are delivered must be specified in the IFSP along with a justification for any settings that are not a part of the child's "natural environment."

#### **603.1(H) Ongoing Monitoring of the IFSP:**

Like the IEP, IFSPs are good for one year. However, while IDEA only requires an annual review for preschoolers and school aged children, IFSPs must be reviewed every six months to determine if any changes are needed in the service plan. This more frequent review reflects the rapid rate of development of infants and toddlers and the critical importance of making needed changes in goals and services in a timely fashion. If there is a concern about the child's progress or implementation of the IFSP, an



IFSP Team meeting can be requested at any time in between these regularly scheduled reviews.

Each family whose child is found eligible for Part C is given a care coordinator who arranges for services and funding and makes sure the IFSP is implemented. Since this person is responsible for arranging services to fit into the daily routines of families, it's important that there be good coordination between this person and you, as the caseworker, as you make placement decisions, create a family service plan and monitor the well being of the child.

## **603.2 Preschool special education for children ages 3 through 5**

Section 619 of Part B of IDEA governs services to children with disabilities ages three to five. While the Colorado Department of Education provides oversight, the program is operated through the local school districts just like special education for school aged children. Generally, the process for identifying and serving eligible children is similar to that for school aged children under Part B described in Chapter 4, Special Education. Therefore we include information here only where it differs from the special education services for school aged children.

### **603.2(A) Referral Process and Eligibility:**

As mentioned earlier, a new state law, 26-5-108 C.R.S., provides that all children ages 0 to 5 who are involved in substantiated cases of child abuse or neglect must receive a developmental screening within 60 days of the charges being substantiated. Counties are given a choice of having trained staff administer the standardized developmental screening or referring the child to an "appropriate state or local agency" which in the case of children ages 3 to 5, is either a Child Find office or the EPSDT program through a Medicaid provider. Thus, procedures for complying with this mandate vary by county so talk to your supervisor about what policies are followed by your agency. Also, please see the discussion about parental consent regarding these referrals in this chapter, Section 603.1 (E.) as it applies to children 3 to 5 as well.

Eligibility for preschoolers is focused more on how the child's disability affects his/her ability to receive a reasonable educational benefit from general education and therefore reflects the two pronged test outlined in Chapter 4. However, eligibility for preschoolers is still somewhat broader than it is for school aged children. Preschoolers must be unable to receive reasonable educational benefit from general education because of one or more of the following conditions.

- Long-term physical impairment or illness

- Significant limited intellectual capacity
- Significant identifiable emotional disorder
- Identifiable perceptual or communicative disorders
- Speech disorders
- Developmental delay

Since early development is a fluid process, preschoolers who would otherwise qualify for one or more of these categories of disability but for whom the category cannot be appropriately determined because of their young age can still be found eligible. A child in this situation can qualify if multiple sources of information are used to determine eligibility and the child meets specific criteria for a developmental delay as outlined in Colorado's rules governing the program.

**603.2(B) How and where services are provided:**

The principle of least restrictive environment discussed in Chapter 3, applies for preschoolers as well. However, because these children are not yet in elementary school providing these services must be provided to the maximum extent possible in the least restrictive environment which for these children means in a child's preschool, Head Start or child care program and/or at home.

Therefore, for preschoolers, services can be provided along the following continuum from least to most restrictive:

- special education itinerant teacher or specialist
- provided by the school system in settings such as a play group, home or child care program;
- classroom in an integrated preschool program with non-disabled peers; or
- classroom in a special preschool program exclusively for children with disabilities.

## **604.0 Supporting early learning opportunities at home**

It is also important to work with the biological/foster parent to support the education of very young children at home. Many of the programs discussed in this chapter have a component that involves supporting early learning at home. Encourage parents/foster parents to engage children in language-based activities. Research shows that early language development lays the foundation for learning to read in school. These activities include reading to children every day, and incorporating into their everyday routine lots of opportunities to describe what the child is experiencing. Simple family outings such as picking items out in a grocery store are learning experiences for very young children. In the Appendices you will find links to sources of information and resources to help parents and

foster parents understand these early learning opportunities and why they are so important.

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<sup>vii</sup> In this chapter the term “early intervention/preschool special education” refers to services provided through Part C early intervention and Section 619 of Part B preschool special education services under the Individuals with Disabilities Education Act (IDEA) and the term “early care and education programs” refers to programs providing early learning settings to infants, toddlers and preschoolers such as Early Head Start/Head Start, the Colorado Preschool Program, regular child care programs, nursery schools, family child care homes, etc.

<sup>viii</sup> Love, J. M. (2001). *Instrumentation for State Readiness Assessment: Issues in Measuring Children's Early Development and Learning*. Princeton, NJ: Mathematica Policy Research; National Education Goals Panel. (1997). *Special early childhood report*. Washington, DC: U.S. Government Printing Office; Carnegie Task Force on Meeting the Needs of Young Children. (1994). *Starting points: Meeting the needs of our youngest children*. New York, NY: Carnegie Corporation of New York.

## **Chapter 7**

### **PLANNING FOR THE FUTURE**

#### **Learning Objectives**

- *Describe the supports youth in the child welfare system need in planning for their future.*
- *Understand the significance of transition planning.*
- *Know the various laws and programs applicable to youth transitioning out of the foster care system.*
- *Understand the additional transition services available for youth with disabilities.*

#### **700.0 Introduction**

From early childhood, most parents talk to children about “what they want to be when they grow up.” Children are provided with opportunities to see adults in their work roles; children overhear discussions about work. They are encouraged to see the connections between education and employment. Parents notice children’s strengths and interests and in casual conversation may say, for example, “You certainly know a lot about hurricanes. Maybe you’ll be a meteorologist when you grow up!” All of these experiences help children stay motivated in school and give them confidence in their own abilities.

The youth you serve may have lacked these opportunities to envision a positive future and as a result, may need additional help to prepare for adulthood. They need the opportunity to develop goals for themselves and be encouraged by the adults around them to pursue those goals.

They also may not have had the same opportunities as other youth to gain independent living skills such as managing money, taking care of their health, learning how to cook and doing household chores to help them transition to adulthood. And, they are less likely to have the family and financial resources that can support them as they make that transition. While many children in intact families can fall back on these resources throughout their lives, many youth in the child welfare system lack this ongoing support.

Those youth at risk of aging out of the foster care system without a permanent solution such as adoption, guardianship or reunification with their biological families are particularly vulnerable. Colorado places an emphasis on early planning for transition for these youth to provide as much time and intensity as they need to gain the skills necessary for independence.

You, as the caseworker, in partnership with the foster parent, the child's biological family and/or other adults in the child's life, can help youth plan for their futures and connect them with the services they need to successfully transition to adulthood.

This chapter does not address all of the issues related to the education of youth in the child welfare system. Other chapters address issues which are relevant to this age group *and* younger children such as discipline and truancy, academic and socio-emotional well being in the school setting and the special education process. This chapter focuses only on the educational aspects of transition planning for older youth aging out of the child welfare system.

## **701.0 Strategies to help youth in care prepare for the future**

- **Assist in the coordination of services:** With declining resources and incredible demands on all service providers, creating a partnership between the school, the family, when appropriate, and participating agencies is critical. Early planning, intentional linkages between agencies, and coordination of services are essential to the successful transition of students with disabilities to the adult world. Caseworkers can play a pivotal role in ensuring coordination by participating in planning meetings and sharing information about services that are available or are already being provided.
- **Guidance and encouragement from an adult:** Youth in the child welfare system need to be able to depend on an adult who knows them well and can help them think through their options after high school, set long term goals, focus on their strengths, provide ongoing monitoring and encouragement and connect them with services that can provide the support they need. Your job as the caseworker is to make sure that someone in that youth's life is playing that role whether it be a mentor from a mentoring program, the Guardian ad Litem, an adult relative or the foster parent. This process should begin early so that youth have goals to help motivate them to stay in school. (See Chapter 3, Section 303.2 for more information on mentoring.)
- **Help youth stay in school:** For a variety of reasons, many youth in the child welfare system enter high school lagging behind their peers for a variety of reasons. Youth can fall behind in the credits they need for graduation and become so discouraged that they end up dropping out of high school. Interruptions in their education may result in academic skills that are below that of their same-age peers. It's important that you, as the caseworker, monitor the youth's progress in school, communicate with his or her teachers, the biological parent, the foster parent and group home staff on a regular basis and perhaps more importantly, find out from the youth how they are feeling about their education using the checklists in the Appendices. Then connect them

with the resources they need! (See 702.2 of this chapter and Chapter 3, Section 303.1 for more information on sources for academic support.)

- **Provide opportunities to learn life skills:** Using the information in this chapter, you can connect youth with programs to teach them important life skills such as choosing a health care provider, dealing with insurance coverage, obtaining housing assistance, managing money and learning basic household management. Youth in the child welfare system who lack support from their families will need these skills of independence when they become adults even more than other youth. (See this chapter, Section 702.2 (B) for information about the Independent Living Program.)
- **Encourage the development of self-advocacy skills:** Some youth transitioning out of the foster care system remember how hard it was for them to deal with meetings where there were no parents to speak for them. They were expected to express feelings and concerns before they felt mature enough to do that. Try to involve students in decision-making from an early age. Make sure they have a chance to prepare with a supportive adult before meeting with guidance counselors, college admissions officers or potential employers. Self-advocacy is an important skill for every child to learn but it is even more important for those who lack family members to intervene on their behalf.
- **Support participation in extracurricular activities and athletics:** This may be particularly critical for older youth in the child welfare system because it not only relieves the social isolation many of these youth experience but also provides an opportunity to have a closer relationship with adult role models and to be exposed to potential career paths that fit their abilities and interests. Participation in extracurricular activities also increases their chances of being admitted to college and receiving scholarships. (See Chapter 3, Sections 302.3, 303.2 and 303.3 for more information on the role of caseworkers in facilitating participation in these activities and on new state legislation that addresses barriers to participation.)
- **Encouragement to seek post secondary education and training:** For youth coming from families living in poverty, there may have been little encouragement to think about education after high school and no role models to inspire them to set such a goal. Youth in the child welfare system need ongoing encouragement, high expectations that can inspire them to achieve and ongoing opportunities to talk to college and vocational students, visit college and vocational school campuses, and obtain information and assistance in the college application process and in applying for financial aid.

- **Good communication with the school guidance counselor:** As the caseworker, it's important to check in with guidance counselors to find out if a youth is receiving appropriate support and to make suggestions for resources or guidance that may stem from your own discussions with the youth and with the biological and/or foster parents. That way, the guidance counselor knows the student has an adult who cares about and knows him or her well. Make sure that the guidance counselor begins helping youth identify their long term goals early enough that the student takes the required courses for admission while in high school and takes the ACTs/SATs in time to apply for post secondary programs. Be aware that all eleventh graders in Colorado participate in the ACT, at no cost to them. This is an excellent opportunity for students to see how their academic skills compare to others. Talk to your high school juniors about their ACT testing and use those scores as an additional source of information to guide planning. It's also important to inform the guidance counselor about the sources of financial support described in this chapter specifically available to youth in the child welfare system to help them attend a post secondary college or vocational program or attain skills needed to succeed in the community after graduation.
  
- **Support while in post secondary education:** For too many youth in the child welfare system, success is measured solely by whether they graduated from high school and enrolled in a college or vocational program. Some students enter these programs feeling like they have triumphed only to find that they lack the academic and independent study skills and adult support they need to succeed in a more demanding educational setting. At the very time when youth need support the most, they often end up feeling very alone. Caseworkers can play a critical role here. Before a youth even starts in such a program make sure he or she knows where to go for help. There are programs on campuses which provide tutoring and other supports to students to help them succeed. If the student has a disability, there are accommodations that can be requested. Having a mentor to provide ongoing encouragement and support to these youth who are on their own for the first time in their lives may be especially critical as are efforts to help youth make connections with their biological family members as a source of support in adulthood. (See this chapter, Section 703.7 for information on supports for students with disabilities in post secondary education setting and the Appendices for the web site of Orphan Foundation of America, a resource for information about supports on campuses in Colorado.)
  
- **Employment opportunities:** Post secondary education and training should be seen only as part of a continuum of options for youth in the child welfare system. Post secondary education and training may not

be an option for every student or may not be what they will end up doing right out of high school. For many students, employment experience and vocational training while still in high school may be of more interest and will help them succeed in the job market after graduation.

## **702.0 Laws you can use to provide support to youth**

There are a number of federal and state laws that extend rights and/or provide funding for services to support the successful transition of youth from the child welfare system to adulthood.

### **702.1 Right to a public education**

Under Colorado's Constitution, young people have a right to a free public education until age 21, or until they have completed high school, whichever comes first. This education can be provided in a regular high school, a GED program or a high school completion program at a local community college. Similarly, students in special education have the right to a free and appropriate public education (FAPE) under IDEA and can continue to receive the special education and related services described in their IEP until age 21 or graduation with a regular diploma, whichever comes first.

### **702.2 Chafee Foster Care Independence Act**

The Chafee Foster Care Independence Act is a federal law designed to address the needs of youth transitioning out of the child welfare system. Services provided with Chafee funds are voluntary and extend to youth up to age 21. Some of the services offered are:

- tutoring
- peer support
- career counseling
- housing assistance
- independent life skills training
- tuition vouchers for post secondary education.

These services are coordinated through the county child welfare agency. In some counties, Chafee workers are assigned to youth referred to the program to coordinate services for those youth. In other counties caseworkers handle both functions.

If a youth is in a Therapeutic Residential Child Care Facility (TRCCF) and has demonstrated enough improvement in his or her emotional/behavioral condition to permit focusing on independent living skills, then the TRCCF is responsible for



providing these services to the youth. If you have a youth in an TRCCF, it's important to monitor what services are being provided through Chafee funds and whether these are meeting the needs of the youth.

**702.2 (A) Eligibility for Chafee services:** The following youth are eligible for assistance under the Act:

- Youth in out-of-home care, under the age of 16, who have a permanency goal, other planned permanent living arrangement/emancipation.
- Youth in out-of-home care, age 16 – 21, with a permanency goal, other planned permanent living arrangement/emancipation
- Youth age 16 – 21 who have been dually adjudicated with both delinquent and abuse/neglect determinations and are currently or have been at some point, in the care and custody of a County Department of Human Services.
- Young adults ages 18 – 21 who were in out-of-home care on their 18<sup>th</sup> birthday.
- Youth ages 16 -21 who leave foster care at age 16 or older through the Relative Guardian Assistance Program or adoption. Ask your supervisor for more information about this new eligibility group established under *Fostering Connections*.

Since many of these individuals will still be in school, it is critically important to coordinate Chafee services with services provided by the school and/or other agencies. Effective coordination will avoid duplication of efforts and gaps in services while allowing service providers to best use limited resources available within each system.

Two important aspects of the Foster Care Independence Program which address the *educational* needs of older youth are:

**702.2 (B) Independent Living Program:** The Independent Living Program provides youth with the opportunity to learn critical life skills needed to succeed as adults. Independent living skills include:

- Self care and hygiene
- Budgeting and money management
- Housing
- Health and dental care
- Personal safety and emergency skills
- Nutrition and food preparation
- Consumer shopping skills
- Family planning and prevention of sexually transmitted diseases
- Employment
- Educational and vocational planning

- Problem solving and decision making
- Use of community resources
- Parenting skills training and other financial supports and services for adolescent parents
- Knowledge of legal rights

Youth are assessed for these services beginning at age 16, or younger if appropriate, and an Independent Living Plan (ILP) is developed.

**702.2(C) Emancipation Transition Plan (ETP)** These ETPs are now required under *Fostering Connections* 90 days before a youth in the child welfare system reaches emancipation. It is “youth-driven” and is intended to keep the youth from becoming homeless. The youth, the caseworker, and other service providers jointly develop the plan which, in addition to addressing the need for financial assistance, housing, health insurance and other needs, also must address educational and employment needs. Talk to your supervisor about the process being used in your county to develop these plans.

**702.2(D) Education and Training Vouchers (ETV)** Under the Foster Care Independence Act, funding is available for education and training vouchers to youth in the child welfare system to enable them to attend post secondary education and training programs. These vouchers can help cover such expenses as tuition, books and school supplies, and can even be used for child care for youth with young children to permit them to attend classes. Up to \$5,000 is provided per year for four years for full time students making progress toward a degree.

The program is administered in Colorado by the Orphan Foundation of America (OFA), a private non-profit agency under contract with the State of Colorado. OFA not only handles the applications for this program but also provides support to participants. In addition they operate a private scholarship program for foster youth. OFA’s web site, listed in Appendix Y, contains useful links to other resources for youth in child welfare.

Caseworkers can refer youth to the ETV program or youth can contact OFA on their own. Applications can be filled out and essays submitted on-line through the OFA web site.

Caseworkers are encouraged to remain involved in the education of youth, especially after they enter a post secondary program! Part of the planning should include making sure that an adult checks in regularly with the student to assess how well they are doing academically and socially, to connect them with supports on campus and provide encouragement when the student feels overwhelmed. OFA staff have a wealth of knowledge about other resources available to these students both in terms of financial

assistance and support for academics on the campuses of community colleges and vocational schools. Call them if you need help!

**702.2 (D)(i) Eligibility for ETVs** Those eligible for an ETV:

- Are currently in foster care and are at least 16 years old, a citizen or qualified citizen and do not have assets of more than \$10,000.
- Are 17, 18, 19 or 20 years old, have obtained a GED or high school diploma and be entering into or enrolled in vocational or college level training.
- Are a youth that is enrolled in a post secondary education or training program (college, university, technical certificate or other accredited program at a college, university) or vocational school on or before their 20<sup>th</sup> birthday. These individuals are eligible to receive vouchers until age 23 , as long as they are showing progress towards a degree or certificate.
- Must be enrolled a minimum of 9 credit hours for freshman in the first semester with a gradual increase to 18 maximum credits per semester and minimum of 3 credit hours if enrolled for a summer session.
- Must maintain at least a 2.0 GPA to remain eligible for the program.

Students can be given additional time to complete their education! In recognition of the fact that many youth in the child welfare system may need extra time to graduate from high school and then complete their college or vocational education and training, the ETV program allows vouchers to continue until a youth turns 23 as long as they:

- enroll in a post secondary program and receive funding before their 20<sup>th</sup> birthday;
- show that they are continuing to make progress toward their degree;
- still meet the eligibility requirements for the number of credits taken and
- maintain at least a 2.0 GPA as outlined above.

Vouchers are still limited to a maximum of \$5,000 per year for four years for full-time students.

An important word of advice from OFA is to keep in mind that the availability of ETVs should not be used simply to extend eligibility for assistance for all youth but rather to provide more time to those

youth who are truly motivated to pursue a college or vocational degree to complete their education.

## **703.0 Transition planning for youth with disabilities**

For those youth on your caseload who are receiving special education services, additional transition support may be available through the schools and by linking with adult services agencies. Federal law provides for transition services to youth with disabilities through the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act Amendments of 1998. In addition, there are other agencies and organizations that may provide services to support youth as they transition from school to adult life. Many of the provisions under these statutes overlap and delineating the roles and responsibilities of each agency charged with implementing the statutes can sometimes be difficult. For caseworkers acting as advocates for youth in the child welfare system the most critical role is to ensure that service providers from participating agencies are working together so that planning and implementation is coordinated and roles and responsibilities are clearly defined.

The Colorado Department of Education has published a variety of resources that may be useful in understanding transition planning and the services that may be available. The *Transition Toolkit, Chart a Course for the Future*, provides basic information about transition planning for students in special education including IEP development, vocational assessment and interagency coordination. A series of cooperative services handbooks cover Vocational Rehabilitation, Developmental Disabilities and Mental Health services. CDE also makes available on their web site a comprehensive *Family-Directed Transition Planning Guide*, adapted for parents in Colorado, containing extensive information about the transition process under IDEA. We provide here a summary of this information for caseworkers to use in serving youth with disabilities on their caseloads.

### **703.1 Transition planning under IDEA**

IDEA requires that transition planning be a formalized part of the student's Individualized Education Plan (IEP) beginning at age 14, or younger if appropriate. Colorado's Exceptional Children's Act and the rules implementing it require this process to begin with the first IEP developed when the child is age fifteen but no later than 9<sup>th</sup> Grade or earlier if deemed appropriate by the IEP team.

The plan begins with the identification of the students desired Post-school Outcomes. When the student is ready to exit the school system, what is the next appropriate environment or setting the students wants to be ready to access? The

areas the IEP Team considers in determining the student's needs, taking into account the student's preferences and interests, are:

- Career/employment: Will the student become part of the workforce after graduation from high school?
- Post Secondary Training and Education: Is the student interested in pursuing further education? Is a college setting, a vocational school or on-the-job training most appropriate based on student needs? This includes all lifelong learning activities such as adult education, skill improvement workshops, training for hobbies as well as two and four year colleges, armed forces and technical schools.
- Community /Residential Living: How will the student be interacting with the community (outside of work and further education) and where would they like to live, independently or with support?

The team then develops a course of study and coordinated set of activities that will encourage the student to complete school and move toward his or her identified post-school outcomes. To achieve these goals, services and supports are considered in the following areas:

- Instruction
- Community experiences
- Related services
- The development of employment and other post-school adult-living objectives; and
- If appropriate, acquisition of daily living skills and functional vocational evaluation.

Typically, at age fourteen the focus of the transition planning is on the student's course of study and how it will support the student's long term goals: If a long term goal is college or some other post secondary educational program, is the student's course of study going to meet the requirements for admission into a post secondary program? If the long term goal is employment after high school, will the student's coursework support that goal? Then at age sixteen, or younger if appropriate, the full array of transition services are considered.

IDEA 2004 contains an additional requirement that school districts develop a summary of performance for students who are no longer eligible for special education. It must include their academic achievement, functional performance and recommendations for assisting students with their postsecondary goals. As a part of a well-planned transition for students, this document will be very useful in a number of respects, including establishing eligibility for accommodations under Sec 504 and the Americans with Disabilities Act (ADA) at colleges and post secondary institutions. (See this chapter, Section 703.7 for more information about accommodations at places of employment and post secondary institutions.)

## **703.2 Student involvement in the transition planning process**

The student is a key participant in this planning process. If the plan does not reflect the student's interests, aspirations and preferences, it is not likely to result in a successful transition to adulthood. For example, the IEP team may decide that providing a few additional years of high school before graduation would provide a student with more time to gain vocational training and employment experience. However, if this decision is not something the student is involved in, the student may not understand what is being proposed and think that the additional years will be spent attending more classes. This may discourage him and undermine his motivation for staying in school.

Schools are required to invite the student to attend all transition planning meetings. If the student does not attend, the school must take other steps to make sure the student's preferences and interests are considered. You, as the caseworker and/or the foster parent can play an important role in making sure that the student is prepared for participation and that his or her input is considered by the team. In the Appendices we have provided some useful tools that you, or whoever works with the student, can use to ask the student key questions to identify their interests and involve them in the planning process.

## **703.3 Other agencies who may be involved in transition planning**

When transition planning begins, the IEP Team is likely to broaden to include new participants. This is because not all of the services provided under the transition plan will be provided by the school district. It is the school system's job, however, to identify needs and determine what services may be required from another agency as the student leaves the school system. Schools are required to identify appropriate agencies and facilitate any linkages that are needed for the student to make a successful transition.

When a student reaches the transition phase, things can get a little overwhelming and confusing. As new agencies are brought into the process, each may have their own case manager, set of procedures and eligibility criteria. It's important to think of transition planning as a process that unfolds over time. As the student is provided opportunities to learn about career options and has more experiences out in the community, details are added to the transition plan and the long term goals become clearer. Don't worry if what the student will need at age sixteen isn't clear at age fourteen when transitional needs and interests are first included in the IEP. Similarly, not all agencies who will eventually be involved with the youth will become involved in the beginning.

There are many agencies in Colorado that serve youth and adults with disabilities. Some offer vocational and residential services; others provide personal support or financial assistance. The agencies that should be involved will vary from student to student depending on individual needs. A good starting place is to begin with the major state agencies. These agencies have services available throughout the state and the counselors will know of other resources available in your local area.

**703.3 (A) Division of Vocational Rehabilitation:** The Division of Vocational Rehabilitation (DVR) provides services to persons with disabilities to help them reach employment goals. They can be a major player in transitional services for some of the youth on your caseload.

Although education and DVR have some responsibilities that are clearly defined, many of the services overlap. As part of the transition planning, it is important to discuss the needs of an individual student and decide which agency will provide specific services. Caseworkers should be active participants in meetings to plan and coordinate services.

Typically, the school district is responsible for:

- Planning and IEP development based on the student's post-school goals
- Academic preparation for post-secondary education and training
- Vocational and career evaluation
- Job shadows and job try-outs
- Work experience
- Vocational education classes

The Division of Vocational Rehabilitation is responsible for:

- Consultation and technical assistance as early as possible in the transition process to assist education providers in planning for the transition of a youth from school to post-school activities including vocational rehabilitation
- Joint planning to facilitate the development and completion of the IEP
- Determination of eligibility for DVR services
- Identification of a suitable employment outcome
- Development and approval of an Individualized Plan for Employment (IPE) before the student leaves school
- Provision of vocational rehabilitation services as appropriate to the individual needs of the student.

When appropriate, the DVR counselor may participate in the IEP transition planning meetings to consult and provide technical assistance to

the school district. DVR usually gets involved when the emphasis for a youth begins to shift from an academic focus to an employment focus and the youth becomes available for vocational programming.

When that time comes, a youth who becomes a client of DVR must have an Individual Plan for Employment (IPE) developed and approved. Whenever possible, this should happen before the youth leaves the school system. Efforts should be made to coordinate the Individual Plan for Employment with the IEP and any other service plans that are developed for the youth.

**703.3 (A)(i) Eligibility for DVR services:** A student does not need to be a special education student to be eligible for DVR services. A student is eligible if he or she has a physical or mental impairment and:

- The impairment constitutes, or results in, at least one substantial impediment to employment which is consistent with his or her abilities and capabilities, and
- The individual can benefit in terms of employment outcome from the provision of vocational rehabilitation services, and
- The individual needs substantial vocational rehabilitation services to prepare for, secure, retain or regain employment which is consistent with strengths, resources, priorities, concerns, abilities, capabilities and interests.
- He or she is currently receiving and/or is entitled to SSI and/or SSDI benefits for disability or blindness; and he or she intends to become employed.

**703.3 (A)(ii) DVR application process:** Referrals to DVR can be made by anyone. Usually they come from the schools, a family member or a community agency. Go to the web site for DVR listed in the Appendices for contact information of the office nearest you and to obtain a referral packet.

Unlike IDEA, vocational rehabilitation is *not* an entitlement. If funding is outpaced by demand, a youth will be placed in one of three categories of priority:

- Individuals with the most significant disabilities
- Individuals with significant disabilities
- All other individuals

If the agency is unable to serve all eligible persons, it will serve individuals based on this order of priority. DVR clients have the



right to appeal any decision made regarding eligibility and can contact the Client Assistance Program (CAP) for assistance with that appeal. (See the Appendices for their contact information.)

Lastly, it is important to know that DVR services are time limited. They are not meant to be a source of permanent, lifetime support for persons with disabilities. The case will be closed when it is agreed by the individual and those working with him or her that the case has been “rehabilitated” (meaning employed or “status 26” in DVR terminology.)

### **703.3 (B) Division for Developmental Disabilities (DDD) and the Community Centered Board System (CCB)**

This agency is responsible for services for people who have a developmental disability, typically with an IQ score of 70 or below and adaptive behavior needs. The Division for Development Disabilities contracts with private not-for-profit agencies in local communities who are designated as community centered boards, CCBs. Each of the CCBs throughout Colorado has a designated geographical service area and offers a range of services including employment, residential, and community participation. Waiting lists for services can be very long. It is important to make sure that a child’s name is added to the wait list for adult services at the age of fourteen even if they are unsure about the types of services the student may need as an adult.

The Colorado Department of Education, Colorado Division for Developmental Disabilities, and Colorado Division of Vocational Rehabilitation have published a guide called *Cooperative Planning Handbook for Youth with Developmental Disabilities* describing services to youth with developmental disabilities transitioning to adult services. The manual can be downloaded from the CDE web site listed in the Appendices.

As part of the transition planning, it is important to discuss the needs of an individual student and decide which agency will provide specific services. Caseworkers should be active participants in meetings to plan and coordinate services.

Services for eligible clients may include supported and sheltered employment and competitive employment support for those who need minimal assistance. They also can provide case management services, therapeutic recreation, including day activities, clubs and programs, respite care and residential services (group homes and supervised apartments), behavioral services, assistive technology and transportation. See the Appendices for a web site with a listing of these boards.

**703.3(C) Division of Mental Health and Community Mental Health Centers:** This agency serves persons with mental health needs through mental health centers and clinics throughout the state. An array of services is available to persons with a major psychiatric diagnosis, chronic mental illness, or psychiatric emergency and their families. Mental health services are provided to persons with mental illness who are Medicaid eligible or who are without or have limited health insurance. Services may include residential or day programming, supported employment or support for competitive employment. For services nearest to you, go to the web site listed in the Appendices.

The Colorado Department of Education has published *A Guide to School Mental Health Services* describing services provided to youth within the schools as well as coordination with community based mental health services and preparing for transition. The manual can be downloaded from the CDE web site listed in the Appendices.

### **703.4 Others who may be involved in transition process**

In addition to those already mentioned above, there may be other agencies and individuals you will want to bring into the transition planning process either because you believe they have useful insights into the abilities and interests of the student or they have a service available which might fit into the plan. These can include recreational/social programs, a church official, the child's tutor or mentor or representatives from a post secondary college or vocational program.

### **703.5 Developing the Transition Plan**

The IEP team uses information about the student's aspirations, current level of performance, strengths and abilities to develop a transition plan of coordinated activities to meet the student's long term goals. Each student is an individual and plans vary accordingly. See the CDE *Cooperative Services Guide* referenced in Section 703.3(B) for examples of transition plans. Each step listed in the transition plan should indicate the agency or individuals responsible for implementation and the date by which that step will be taken.

### **703.6 Sources of advice in transition planning**

There are a number of agencies in Colorado that can provide support to students and to those advocating for them in the transition planning process. These are listed in the Appendices.

## **703.7 Supports in places of employment and post secondary education programs**

Be aware that federal law extends certain protections to individuals with disabilities which can be a means of providing youth on your caseloads the support they need after high school. The supports and services mandated under IDEA do not continue beyond high school graduation or reaching age 21. Subpart E of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), provides protections for adults with disabilities.

Section 504 places post secondary education and training programs under the same obligations as school districts operating elementary and secondary schools. (See Chapter 4, Section 402.0 for more info on Section 504) The thrust of the law is to provide individuals with disabilities who are otherwise qualified, access to the same educational opportunities as non-disabled individuals and it requires that reasonable accommodations be provided to students such as extending the time allowed to complete a degree, taped texts, allowing more time for tests or providing interpreters.

The Americans with Disabilities Act (ADA) requires all public entities, including post secondary education programs receiving federal funds, to make reasonable accommodations to allow equal access to services. This applies to physical access as well as programmatic access.

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***Please Note: Some of the materials reprinted here are intended for parents and were written from that point of view. However, they are just as useful for your educational advocacy as a caseworker. You are encouraged to copy items from this Appendix to share with school personnel, foster parents or to use on visits to schools or at meetings with school personnel.***

## ***Factors that Make a Difference in School Success for Children and Youth in the Child Welfare System***

*“You can’t find love in your budget. You won’t find it in your itinerary.  
It’s not in any one person’s job description to support us.  
We should get support from every single person involved in our care.”*

Quote from a Colorado youth appearing in “Speaking Out:  
Youth and Young Adult Perspectives”, Colorado  
Department of Human Services, 2005.

<b><i>Factors from the Research</i></b>	<b><i>Quotes from Youth in “Speaking Out”</i></b>
<p><b>Undisrupted education.</b> Each time a child changes placement, it can mean a change in schools. Avoiding changes in schools when children are placed in out-of-home care has been found to make a difference in enabling children to succeed academically and socially.</p>	<p><i>“They just took me by surprise. They just came on Friday and said, ‘You’re moving.’ And I was gone. I didn’t get to say goodbye to my friends – I was just gone that day.”</i></p> <p><i>“I didn’t get to graduate because in my junior year I had to make an emergency evacuation of my foster home and the only bed they could find was in a group home. The policy of the group home was that no one could go to school outside of the area. I ended up being there [in the group home] so long that I lost all my credits and didn’t get to graduate. Even though I was a high performing student - I did my part - on their half they didn’t help me in a way that I could continue my education.”</i></p> <p><i>“My caseworker did the best she could to keep me in the same school. I had four different placements but didn’t have to change schools.”</i></p>
<p><b>Placement in kinship care.</b> Kinship care is less disruptive for children being removed from their biological home. The familiarity of living with relatives reduces the distractions from school that otherwise occur when children are placed with complete strangers. According to school staff, relatives also tend to be better</p>	

<p>educational advocates for children in care than do foster parents because they know the child's history and may feel more of an investment in the child's well being.</p>	
<p><b>Keeping siblings together in the same school.</b> Keeping siblings together not only encourages family preservation, but also reduces the negative effects of parental separation or loss. Depending on the age of the child, siblings placed in the same foster home are more likely to attend the same school. When children cannot be in the same foster home it is still best to try to keep siblings in the same school, if that is appropriate.</p>	
<p><b>Normalcy.</b> Kids in care want to be treated the same as the other children in the classroom and if any special help is extended, they would prefer that it be done in private, after class, instead of in front of the other children. Educating teachers about the perspective of children in care helps avoid children feeling singled out.</p>	<p><i>“As far as teachers knowing how to deal with foster kids, other than the fact that their home situation is different, it would be awful to be set aside from everyone else just because you’re a foster kid. All you want is to be like other kids and be normal.”</i></p> <p><i>“They’d find out I was in foster care and the kids would crack jokes like ‘That’s why your Mom doesn’t love you.’”</i></p> <p><i>“I just wanted to be a normal kid and do normal things like other kids are doing and when you have activities and parents don’t show up that sets you aside and people realize you’re different.”</i></p> <p><i>“It’s embarrassing if they decide a placement isn’t right don’t come to the school and take the child out of class in front of all their friends even if they’re never going to see them again.”</i></p> <p><i>“I would have an assignment in school - ‘Let’s make a family tree’ – and you’re like, O.K., how do I do that? You can do your foster Mom’s family but it really isn’t the same.”</i></p>

	<p><i>“Often they wouldn’t even know what foster care was. They’d find out and say ‘Oh, what did you do?’ I didn’t do anything. They think it’s punishment for doing something wrong.”</i></p> <p><i>“When teachers take the time to come up to you after class and talk to you and say ‘I understand what’s going on. If you ever need to talk, you can come to me.’ That is a lot of help.”</i></p>
<p><b>Participation in extracurricular activities.</b> Sports and other after-school activities give students a chance to connect with other children outside of the classroom. Finding peers with similar interests is an excellent way for children in care to make friends in a new environment; it’s an immediate ice-breaker!</p> <p>Participating in extracurricular activities can make children want to go to school. And, many athletic teams require players to maintain a certain grade point average which is an added incentive for children to keep their grades up. When children are encouraged to join, and when barriers to participation are removed, kids in care do better academically and socially.</p>	<p><i>“My caseworker had to consistently call my biological father for my basketball gear because there was no money to pay for it. Finally, a few days after practice started, he gave my caseworker the gear and she drove out to the school and gave it to me.”</i></p> <p><i>“I was fortunate to have a Chafee worker who took the time after hours to take me to second hand stores to look at some prom dresses so I was able to go to the senior prom. I didn’t have the funds but she found them.”</i></p> <p><i>“A lot of extracurricular activities involve travel to meets and games and you have to figure out how to get there and you need permission slips signed by your caseworker and it’s often hard to track down your caseworker. Foster kids have so many restrictions on where they can be and what time and the foster parent can’t always take you.”</i></p>
<p><b>Encouragement for post secondary education.</b> Many children in care come from homes where education beyond high school is not common. Introducing them to the possibility of higher education encourages them to see education as important to their future whether they are thinking about college, trade or technical schools, apprenticeship programs or any</p>	<p><i>“When you’re worried every day about where you’re going to be tomorrow and how you’re going to get to school or who’s going to help you with your homework you forget about the things that other kids worry about and your goals become just surviving. I had a seventh grade teacher that sat down with me one day after school when the other kids had left and asked me,</i></p>

<p>other options available after high school graduation. Providing activities that expose kids to opportunities that might match their interests and aptitudes and informing them about ways to finance these programs encourages high aspirations and keeps kids in school.</p>	<p><i>‘What are your goals? What are your plans for the future?’ She forced me to think about things in a way I had never thought before and that’s helped me realize, ‘Wow! This person actually cares about who I am, who I’ll become!’”</i></p> <p><i>“My guidance counselor kept telling me I could do it. She gave me aptitude tests and that really helped me have some direction about my future...”</i></p>
<p><b>Mentoring.</b> Whether it’s a person from a mentoring program or just someone involved in that child’s life, an adult who plays a mentoring role can provide children with an older friend who can give them advice, check on their academic progress, praise their achievements, participate in activities, or simply be around to listen.</p>	<p><i>“When things happen at school or I got an award, my foster parents wouldn’t show up. They would drop me off and then they just wouldn’t stay. That hurt a lot but I could always count on my social workers to be there because it was something they realized I worked really hard to do.”</i></p> <p><i>“It’s not that you want attention. It’s that you want to be recognized for your efforts. It’s so hard to do it and keep motivated if no one is there to say, ‘Good job!’”</i></p> <p><i>“When do kids need a family the most? It was almost Christmas break and my guidance counselor called me in and she actually had gotten me a present. I cried all day long. Somebody who only knows me in the school atmosphere actually got me a Christmas present! The holidays are so hard for kids in foster care.”</i></p> <p><i>“One thing that helps foster kids is when foster parents or caseworkers or anyone close to them has faith in them – that helps them push forward and move on.”</i></p> <p><i>“When you have someone show up and you have someone out there in the audience, you can attach to them and say ‘They’re here for me.’”</i></p>

	<p><i>"I had a new caseworker who participated. I'm sure the other kids thought she was my Mom because she was there for everything. I noticed there was a change not only in how I felt about myself but in my behavior. I wasn't acting out as much in school because I was getting the attention that everybody wants, everybody needs."</i></p> <p><i>"I was lucky to have a caseworker who when I got a report card would be the first person to ask to see it. If I got good grades she'd take me out to do fun stuff and that's the motivation I needed to do good in school."</i></p>
<p><b>Well-informed foster parents.</b> Recruiting a well-informed pool of potential foster parents is also beneficial to a child's educational success. By well-informed, we do not necessarily mean through formal education. Foster parents need to learn the skills to be good advocates. Recruiting and providing training and resources to individuals who have the ability to get their foster children the services they need is the key.</p>	
<p><b>Support for education at home.</b> Many children in the child welfare system are already at an academic disadvantage. Making sure they have school supplies, lots of encouragement and support from their foster parents and a quiet place to get their homework done is that much more important for these children.</p>	<p><i>"It's difficult when they don't treat you as part of the family. It affects everything. If you need help with homework, you don't feel comfortable asking them."</i></p> <p><i>"I had a parent/teacher conference in high school. I got a 3.8 GPA and I was really excited and I thought my foster parent was going to come. She showed up for about five minutes and then she said she had to go attend the other meetings for her own kids. She stayed there the whole night and I just listened to her talk about her kids, It's really upsetting and you feel like an outsider. It hurts, it really does."</i></p>

	<p><i>“My foster parent made me play the clarinet which I hated but it really helped me. She also paid out of her own money for dance lessons for me. That was good physical activity and I got to meet people.”</i></p>
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**Key Laws Referenced in the Manual** *(Please See Index for sections of the manual where these laws are discussed.)*

TITLE	CITATION	FEDERAL/STATE	RELEVANCE
<b>Laws Related to Child Welfare</b>			
Adoption and Safe Families Act (ASFA)	42USC§ 675	Federal	Governs child welfare practice, including requirements for addressing educational needs as one of the child well being indicators.
Chafee Foster Care Independence Act	42USC§677	Federal	Provides for transition planning, educational and other services to youth in care transitioning to adulthood.
Colorado Children's Code	CO.ST.§19-1-01	State	State law implementing ASFA in Colorado. Includes provisions protecting confidentiality of records.
<b>Laws Related to Education</b>			
Individuals with Disabilities Education Act (IDEA)	20USC§1400	Federal	Governs provision of special education services to children with disabilities ages 0 to 21.
Section 504 of the Rehabilitation Act of 1973	29USC§794	Federal	Civil rights law prohibiting discrimination on the basis of disability. Relevant to services/modifications/inclusion of students with disabilities in educational settings.
<b>Laws Related to Education</b>			
Family Educational Rights and Privacy Act (FERPA)	20 U.S.C. 1232g	Federal	Provides parents with access to, and protects confidentiality of, school records.
No Child Left Behind Act	20 USC§ 6301	Federal	Contains accountability measures for schools to meet standards developed by states and provides for certain rights and services to children attending poorly performing schools under the Act.
Fostering Connections to Success and Increasing Adoptions Act	PL 110-351	Federal	Promotes and supports kinship care and provides measures to promote educational stability of children and youth in out-of-home care.

<b>TITLE</b>	<b>CITATION</b>	<b>FEDERAL/STATE</b>	<b>RELEVANCE</b>
HB 08-1019 Educational Services for Children in Out- of-Home Placements	22-32-138 C.R.S	State	Contains provisions for school stability, transfer of records, timely enrollment, notification of student transfers, participation in extracurricular activities.
Exceptional Children's Educational Act (ECEA)	22-20-101 C.R.S.	State	Governs implementation of IDEA in Colorado and provision of services to children with disabilities.
Colorado Charter School Act	22-30.5-101 C.R.S	State	Governs creation and operation of charter schools in Colorado.
Colorado School Choice Law	22-36-101 C.R.S	State	Provides opportunities for students to apply to attend schools other than their neighborhood school.
Colorado School Attendance Law	22-33-101 C.R.S.	State	Contains requirements for compulsory school attendance, disciplinary procedures, home schooling and on-line schools.
HB09-1078 Making IEP Training Available to Foster Parents	26-6-106 C.R.S.	State	Requires that county departments of human/social services coordinate with school districts to provide training on the IEP process to foster parents.
HB08-1167 Developmental Screening Referrals	26-5-108 C.R.S	State	Expands federal requirement to refer children 0-3 for developmental screenings to children 0-5 who are involved in substantiated cases of abuse or neglect.

## **Checklist of Steps to Take to Address Educational Needs as Soon as a Child Enters the Child Welfare System**

If you take the following steps as soon as a child enters the child welfare system, you will be establishing a framework for effective collaboration that will allow you to maximize the impact you have during that time on a child's success in school.

- ❑ **Obtain a release for the school records from the biological parents:**  
You will need to have access to the child's school records and to discuss the child's educational needs with school staff. However, with some exceptions, you will not be able to share information with school personnel unless you have a signed release from the child's biological parent(s). Particularly if a child will have to change schools, it is essential that you have in your files all of the documents needed to enroll the child and to provide the new school with information important to providing the services the child needs. Check with your supervisor about the procedures and forms used in your office. Sometimes, you need to use the school's own forms; sometimes your county office will have forms. In some situations, you may need to use a mutual release form that enables education and child welfare to exchange information relevant to the child's educational needs.

In most cases, parents are willing to sign the consent form if you explain that:

- having the educational record will enable you to serve the child and the family more effectively.
- when a child is placed in foster care, it is important that the foster parent be able to support that child's education by being aware of the child's educational needs.
- if the child has to change schools, you will need the release in order to obtain the documents needed to enroll the child.

If the parents refuse to sign a release, you can go to court and pursue legal remedies to have the records released. (See Section 202.0 for information on the laws governing confidentiality and who can sign when the parent is unavailable.)

- ❑ **Make a preliminary assessment of the child's educational status:** If you are dealing with an emergency, you may not have time to review the educational status of the child before making a placement. But if there is an opportunity to gather this information before placement decisions are made, you can include key educational factors in that decision making. You will also be able to identify any educational needs that need to be

addressed immediately. You should speak with the biological parents and the child about the child's educational status and once you have obtained a release from the parents, you should also speak with the child's school. There are checklists in the Appendices of the manual for gathering this information but in general, in this preliminary phase, you will want to focus on the following:

**For school aged children:**

- ☐ Is the child in special education?
- ☐ If so, request a copy of the IEP. Pay close attention to the cover sheet which will indicate the disability of the child and a separate sheet, typically toward the end of the IEP, that lists all of the services and supports the child is receiving. If the placement you end up making will require that the child attend a different school, you will need to make sure those services will be provided. (See Chapter 4, Section 401.6 for considerations when special education students transfer to a new school.)
- ☐ Does the child have an IEP meeting scheduled?
- ☐ If so, make sure you are on the list of people being invited.
- ☐ If not, ask when the child's next Annual Review is due and again make sure you are on the list to attend.
- ☐ Make sure the school also notifies the child's foster parent if the child has been placed in out of home care. (See Chapter 4 for more information about special education.)
- ☐ Are there any concerns about the child academically or socially?
- ☐ Has the biological parent(s) been involved in the child's education?
- ☐ Do the biological parents have any concerns about the child's education and social life at school?
- ☐ How does the child feel about school?

**For children younger than school age:**

- ☐ Does the child have any identified developmental delays or special needs?
- ☐ Is the child in early intervention or preschool special education under IDEA?
- ☐ If so, contact the Early Connections office serving that child and obtain a copy of the IFSP.
- ☐ Ask when the next IFSP meeting will be.
- ☐ Request that you and the foster parent be put on the list of people being invited.
- ☐ If not, does the biological parent(s) have any concerns about the child's development?

- ❑ Is the child enrolled in a child care/preschool program such as Early Head Start/Head Start or the Colorado Preschool Program?
  - ❑ If so, does the child's teacher have any concerns about the child's development?
  - ❑ How recently has the child been seen by a medical provider for a developmental assessment?
  - ❑ Were any concerns discovered that would require a referral to Child Find?
- ❑ **Establish Who Will Play the Lead:** Children in the child welfare system have an array of adults who are charged with responsibility for their well being. Perhaps the greatest challenge in advocating for these children in the school system is to figure out how to provide continuity in that advocacy, and how to avoid the confusion of roles among multiple individuals which can lead to children falling through the cracks. School staff members are often frustrated by the number of adults involved. They are unsure who to contact for what issue. And there's always the risk that each person involved in the case will think a task has been done, or should be done, by someone else.

Lessons learned from model programs elsewhere in the country stress the importance of making a decision early on about who will take the lead in ensuring that the child's educational needs are being met. You, as the caseworker, can assess what makes sense in a given case, in consultation with the child's biological parents, if they are available

Here are some considerations:

- ❑ What are the child's educational needs? Is he or she in special education? If so, how complex are the child's disabilities? What services does the child need? The degree of complexity will be an important factor in making an assessment of the capacity of individuals to act as the lead person.
- ❑ Do you anticipate the child's family will be reunited? Do you think that the child's biological parents have the capacity, with your support, to play that role?
- ❑ Is there a relative or someone the biological parent can identify who knows the child well and would be willing to play that role?
- ❑ If not, is the foster parent interested in and capable of playing that role, with your support?
- ❑ Is the foster parent knowledgeable about the educational system? The special education system, if applicable?

- ❑ Does the foster parent have a good relationship with school staff?

Depending on all of these factors, you may arrange for someone else to play the lead or you may need to take on that role yourself. Remember that if the biological parent or foster parent will be the lead person, you can connect them with training opportunities to assist them in taking on that function. (See Appendices in the manual for links to educational training opportunities for parents.)

Remember that in cases where you, as the caseworker, are not the lead person, it is still important that you remain in regular contact with that person, attend parent/teacher conferences and/or IEP meetings and participate in the planning and decision-making process regarding the child's educational program and progress. (See Chapter 4 of the manual, Section 401.3 for information about educational surrogates in special education when parents are unavailable.)

**When to Use the Checklist:** This checklist should be completed at least twice each year, at the end of the fall and spring school terms. It should also be completed each time a change in placement is made.

**How to Use the Checklist:** A caseworker or case planner should complete the form. A supervisor or Family Court Judge should check each item if the answer is satisfactory, or place an X by any item that suggests that the child's educational needs are not being met.

**Who is the Person Responsible for School Contact:** It may be the foster parent, the birth parent, or any other responsible adult able to review the child's school work, attend parent-teacher conferences, and help the child and teachers when problems arise. This person should be designated at the time of any placement or change in placement.

## ***ACS/Family Court Checklist on Educational Status of Children in Foster Care***

/ X

	In what school and grade is the child enrolled (not including summer school)?	School: Grade:
	In what month and year did the child enter this school?	Date:
	What enrichment, gifted, tutoring, after-school, summer school, bilingual, or special education services is the child receiving?	List services:
	What is the date of the latest report card in the child's case record?	Date:
	Based on the latest report card, how many times was the child marked late or absent in the last marking period?	Number of days late:
	In how many classes is the child doing work at grade B (80; 3-4) or better?*	Number of classes:
	In how many classes is the child doing work at grade D (65; 1-2) or lower?*	Number of classes:
	What was the date of the last parent-teacher conference, and who attended for the child?	Date: Name:

\* Grading systems vary. The most common are letter grades, numerical grades from 1-100, and standards assessments from 1 to 4 (1 means "far below standards"; 4 means "exceeds the standards.")

**Person Chiefly Responsible for Child's Schooling:** \_\_\_\_\_

Relationship to Child: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

**Person Completing Right-hand Column:** \_\_\_\_\_

Position/Agency: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Appendix E

***Caseworkers can copy this form on agency letterhead and  
give it to the adult who is registering a foster child for school.***

Child: \_\_\_\_\_ DOB: \_\_\_\_\_  
Student ID: \_\_\_\_\_ CIN (Medicaid #) \_\_\_\_\_  
Address: \_\_\_\_\_  
Previous School: \_\_\_\_\_ Current Grade: \_\_\_\_\_  
Check one: General Ed \_\_\_\_\_ Special Ed \_\_\_\_\_ Gifted Program \_\_\_\_\_  
Foster Care Agency \_\_\_\_\_  
Caseworker/Contact: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Parent(s): \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Foster Parent(s): \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Date of Placement with Foster Parent: \_\_\_\_\_  
Interaction with Parent (circle one):      Permitted      Limited      Prohibited  
Date of Court Order (if applicable): \_\_\_\_\_  
Other Relevant Information:



**Child's Name:****Name of School:**

School Address:

**Phone Number:**

Fax Number:

**Principal:**

Phone Number:

**Email Address:****School Social Worker:**

Phone Number:

**Email Address:****Classroom/Homeroom Teacher:**

Phone Number:

**Email Address:****School Psychologist:**

Address:

**Phone Number:**

Fax Number:

**Email Address:****School Nurse:**

Phone Number:

**Email Address:****Special Education Teacher:**

Phone Number:

**Email Address:****Therapist Contact Information****Speech Therapist:**

Address:

**Phone Number:**

Fax Number:

**Email Address:****Occupational Therapist:**

Address:

**Phone Number:**

Fax Number:

**Email Address:****Physical Therapist:**

Address:

**Phone Number:**

Fax Number:

**Email Address:****Administration Contact Information****Special Education Director:**

Address:

**Phone Number:**

Fax Number:

**Email Address:****Section 504 Coordinator:**

Address:

**Phone Number:**

Fax Number:

**Email Address:****Superintendent of Schools:**

Address:

**Phone Number:**

Fax Number:

**Email Address:***Please note: This form should be updated at the start of each school year.*

<input type="checkbox"/> <b>Child Welfare Liason:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>McKinney-Vento Act Coordinator:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>After-school Tutoring/Enrichment:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>Before/After-school Child Care Program:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>Group Counseling:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>Individual Counseling:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>Gifted and Talented Program:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/> <b>Mentoring Program:</b>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/>	Notes:
<b>Contact Information:</b>	
<input type="checkbox"/>	Notes:
<b>Contact Information:</b>	

*Please note: This form should be updated at the start of each school year.*

## Items Needed for School Enrollment

*Below are some items commonly requested by school districts at time of enrollment of a child in a new school. However, it is best to check with the school first because each school district's requirements can be different.*

- ☐ Up-to-date certificate of immunization
- ☐ Birth certificate (passport or baptismal certificate may also be acceptable)
- ☐ Social Security card
- ☐ Educational records from the previous school (new school should request this from the old school)
- ☐ Previous IEPs and special education records (new school should request these from the old school.)
- ☐ Written agreement or court order indicating who has custody or the educational responsibility for the child.
- ☐ Proof of residence

Additional Items:

- ☐
- ☐
- ☐
- ☐

*Please note: This form should be updated at the start of each school year.*

<sup>1</sup> Please see section 302.0 of the Manual for provisions in state law to prevent delays in enrollment because of a lack of documentation.

## **Questions a Caseworker Might ask when Interviewing a Child about School**

*(Depending on age of child some questions would not be relevant.)*

### **The Classroom:**

- How are you feeling about school right now? Is your teacher helpful to you? Is there help you'd like to have from your teacher that you're not getting?
- Have you had to miss school because of your visitation appointments or because of needing to meet with other people in your life right now? How are you feeling about that happening? Have you been able to catch up on the work? Does your teacher help you catch up? How? Are there other times when you would rather have these appointments? When would that be?
- Are the things they are teaching you in this school the same as what they were teaching you at your last school? Are there things you don't understand or need extra help with?
- When you are taking tests how do you feel? Are there things that could be done to help you feel less anxious?

### **Social Issues:**

- Tell me about the kids in your school. Do you have any special friends? What kinds of things do you do with the other kids you're friendly with?
- Are there any kids you're not comfortable with or who have created any problems for you? Can you tell me about that?
- If you have problems with the other kids is there an adult you can go to for help? Who would that person be? Have they been helpful? How have they helped?
- Are you able to invite friends over to your foster home after school?
- Do you get invited over to other kids' homes after school or on weekends?
- Have you been able to go on field trips with your class?
- Are there activities after school that you are involved in? What are they? If not, are there activities you'd like to do that you can't? Can you tell me why you can't?

### **Support for Education in the Biological or Foster Home:**

- Do your foster/biological parents go to school events?
- How's homework going? Are there rules in your foster/biological home about doing homework? What are they?

## **Questions a Caseworker Might Ask Classroom Teachers/School Staff**

### **Academic Progress:**

- What do you see as the child's strengths and areas in need of improvement?
- In your opinion is the child performing up to his or her potential? Are there any areas in which s/he is below grade level? What areas are those?
- Is the child receiving any special help to address these issues? What help? To what degree is that help producing results?
- Are there any supports or services the child is not receiving that you think would help?
- When the child started at this school, what was the transition like? What issues arose if any?
- Did the child find that the curriculum you were following was different from what he or she had been doing? Did that cause problems?
- Are there any classroom modifications that you have found helpful for the child?
- For children in special education: Does the foster parent play a role in the special education process? Does s/he attend IEP meetings? How well do you think the foster parent advocates for the child? Do you think the foster parent understands enough about the special education process to be able to be an advocate? Do you think the foster parent knows enough about the child to be an effective advocate?
- Does the foster parent attend parent/teacher conferences? Do you think s/he knows enough about the child that he or she can be helpful to you?
- In between conferences, does the foster parent communicate with you? Is s/he responsive if you express a concern? Does the foster parent ever come to you with questions about the child's homework or other concerns?
- Is the child getting homework done? Does the quality of his/her homework seem to match his/her abilities? Does it seem as though the child has the supplies s/he needs for school/projects?
- Does it seem as though the child can get help with homework from the foster parents?
- If there is a problem or question, does the foster parent contact you?

### **Social/Emotional Issues:**

- How has the child adjusted to school socially? Any special friendships?
- Does the foster parent attend school events?
- Do you have any concerns about the child's relationship with his or her foster parents?
- How do the other children act towards him/her?
- Are they aware that s/he is in foster care?
- Has the child ever been bullied or teased by the other children?
- How would you describe the child in terms of his/her confidence and self esteem?
- Does the child participate in any extracurricular activities? If not, why not?
- When the child is bothered by something, who does s/he go to at school for help?

- Does the child have behavioral problems? If so, have you come up with any strategies that have worked to address them? What do you think may be behind the problems?
- When you have taken field trips have there been any problems with getting permission slips signed or the child having what s/he needs to go on the trips?
- Has attendance or truancy ever been a problem with the child? If so, is that still going on? If not, how was it resolved?

### **Issues of Credit and Planning for the Future:**

- Does it look like s/he will be able to graduate on time? If not, why not?
- Were there courses s/he took at an old school that s/he didn't get credit for? If not, why not?
- Do you know whether the child has been able to make plans for his/her future? If so, what are the plans? Do you think they fit with his/her interests and abilities? How is the child's relationship with his/her guidance counselor? Do you know the extent to which his/her foster parents were involved in that planning?
- If the child is in special education, does s/he have a transition plan? Was the foster parent and child involved in developing that plan? Does the child attend IEP meetings regarding the transition planning? Do you think the plan reflects his/her interests and abilities?

### **Other Issues:**

- Do you have any other concerns about the child that haven't come up in our conversation?
- If there was one thing you would like to see him/her have to help him or her succeed in school what would it be?

## **Checklist of Education-related Steps to Take When a Child Must Change Schools**

- ☐ **Make the necessary notifications to school districts:** It is critical that you notify the school district where the biological parents or legal guardians reside, as well as the school district where the child will attend, of the planned transfer as soon as possible. There are several sources of guidance here. Volume VII of Colorado rules 12 CCR 2509-4 outline the steps you should take to notify school districts when a child transfers. In addition, the new state law, Sec. 22-32-138 C.R.S. passed in 2008, requires the county agency to notify in writing both the old and the new school about the transfer of the child. Email is not sufficient to meet this requirement and many counties have forms that caseworkers can fill out and send to schools to provide this written notification. Lastly, for children in special education, the receiving school must notify the Director of Special Education in the school district as soon as possible after receiving notification that the child is transferring to the school. Colorado rules implementing the Exceptional Children's Education Act outline which district is responsible for the child's special education services under what circumstances when a child is placed in an out-of-home setting. (See Chapter 4, Section 401.6 for more information)
- ☐ **Saying Goodbye:** Many children and youth in care say that they are not informed about changes in placement and schools until the last minute. Children have no time to adjust and say goodbye to friends. They simply disappear from their schools. Best friends feel hurt and teachers wonder what happened and feel awkward about answering the questions of the child's former classmates. Sometimes the child's belongings aren't even returned. And, of course, an abrupt departure is hardest on the child who leaves. If possible, let the child know ahead of time that they will be changing schools and call school personnel to discuss how to make the child's departure easier. Ask them to provide a chance for the child to say good bye. Even if a child decides not to have any more contact, just being given a goodbye card from classmates helps the child make the emotional adjustment to a new school. If a child does want to keep in touch with former teachers and classmates, provide him or her with addresses and, if possible, give the child post cards and stamps to use for that purpose.
- ☐ **Transferring Records:** Under Sec. 22-32-138 C.R.S. the written notification referenced above triggers the start of a five school day period within which the sending school must transfer the child's school records to the new school. The law allows the county human/social services department with legal custody of a child to request that the school or school district release the child's records to an employee of the department solely for the purpose of transferring the information to the new school. If there are any classroom modifications or accommodations that the child received in their old school that could be implemented right away, let officials at the new school know. The school needs to be aware of any challenges the child has or otherwise his or her behaviors could be handled in ways that would only add to the trauma the child has already suffered from moving to

a new home and a new school. Under the new state law, transfer of records cannot be delayed for any reason including unpaid fines or fees the student may have that are outstanding at the sending school or school district.

- ❑ **Enrolling the Child:** Sec 22-32-138 C.R.S. specifies that the new school must enroll the child within five days of the receipt of the child's school records regardless of whether the student is able to comply with any requirements pertaining to school uniforms or other clothing restrictions or whether the student can comply with other pre-enrollment restrictions or requirements imposed by the school district or school. Clarify with the foster parents whether you will enroll the child or whether you expect the foster parent to do that. Some schools have registration packets. If so, obtain copies to use when enrolling a child.
- ❑ **Obtain immunization records needed for enrollment:** Sec 22-32-138 C.R.S. prohibits schools from denying enrollment because of a lack of immunization records but does require that these records be produced within a specific timeframe. When the child lacks these records the receiving school must notify the child's legal guardian that the records must be received within fourteen days. If they are not received within that timeframe then the school can suspend the student until the records are received. Make sure you have the parents provide immunization records or ask them to sign a release so you can obtain this records from the child's medical provider.
- ❑ **Permission slips, emergency contacts, etc.:** When a child first enrolls in a school, the school requires that certain forms be filled out with emergency contacts, permission slips for field trips, etc. Determine who the school allows to sign these for children in care and have them filled out and signed as soon as possible. If a doctor's note is needed to participate in athletics, make sure you contact the child's medical provider or if there isn't one, make sure that you or the foster parent make an appointment with a medical provider for that purpose as soon as possible. Lastly, use the form in the Appendices to let the school know who should be notified regarding parent/teacher conferences, IEP meetings, etc.
- ❑ **Planning for the transition:** Encourage staff at the new school to contact the child's teacher at the former school after reviewing the records to learn more about the child's needs. This will also help the new school to place the child without having to delay the child's education further while they conduct formal assessments. When children and youth who are identified as special education students are making the transition from one educational placement to another (e.g. a facility school to a public school) a meeting of the child's IEP Team, preferably with staff from both placements participating in person or on the phone, should take place to plan for the smooth transition of that child to the new placement. (See Chapter 4, Section 401.6 for information on transfers of special education students)
- ❑ **Avoid disruptions in the timelines required under IDEA.** Even when children change schools, the legal timelines under the federal Individuals with Disabilities Education Act (IDEA) and Colorado's Exceptional Children's Educational Act (ECEA) for special



education do not change. The new school still must complete the evaluation, determine eligibility and develop the Individualized Education Plan (IEP) within 45 school days of the receipt of the request for the evaluation at the old school. Make sure this timeframe is met at the new school to avoid unnecessary delays in receiving services should the child be found eligible. (See Chapter 4, Section 401.4 (H) for more information on IEPs.)

- ❑ **Arrange for a tour of the school.** If possible, before the child's first day of school, arrange for the child to visit the school and meet his or her teacher. It is preferable for the child to make the visit accompanied by someone the child knows (e.g. the foster parent, a relative, a specialist who has been working with the child)
- ❑ **Arrange for a peer to help on the first day:** Ask if it's possible for the school to designate a classmate to be with the new child to show them around and sit with them at lunch time on the first day.
- ❑ **Prepare the child for questions:** Especially if a child is enrolling in the middle of the school year, it may be important to help the child and the child's teachers answer questions from other children about why they are coming to the school in a way that preserves confidentiality. Other children will be curious about where the child came from and why they've moved, and the child should be helped with how to answer these questions in a comfortable way.
- ❑ **Special issues when older children change schools:** Older students run the risk of losing credits when they change schools. School districts use different course requirements and credit policies and sometimes school officials fail to review the child's school records carefully enough to accurately determine when the child may have taken comparable courses or participated in community service programs that provided equivalent learning opportunities that meet the new school's criteria. Sec 22-32-138 C.R.S. addresses this issue by requiring the sending school to certify all coursework fully or partially completed and requiring the receiving school to accept certified coursework as if it had been completed at the receiving school. This provision does not, however, require the receiving school to accept any particular coursework as fulfilling a *required* course at the receiving school. For example, the student may have taken a course that the sending school accepted as meeting a requirement for science but if the receiving school does not agree, the student may only get credit for having taken an elective course. Nevertheless, this new provision does provide for an important protection against students losing credit for seat time at the sending school.

## **Guidelines for Identifying School District of Responsibility**

### **Facility**

Day Treatment Only  
Foster Homes  
Group Homes  
Group Centers  
RCCF/RTC

### **District of Responsibility**

Where parents reside  
Where child resides  
Where parents reside  
Where parents reside  
Where parents reside

In cases where the location of parents is unknown or parental rights have been terminated, the district of responsibility is where the child resides.

EL PASO



COUNTY

COMMISSIONERS  
JIM BLINSBERG (CHAIRMAN)  
SALLY CLARK (VICE CHAIR)

AMY LATHER  
WAYNE WILLIAM  
DENNIS HISE

## DEPARTMENT OF HUMAN SERVICES

RICHARD BENGTTSSON  
ACTING DIRECTOR

ELAINE JOHNSON  
ACTING DEPUTY DIRECTOR

Date: \_\_\_\_\_ X Notice of Placement \_\_\_\_\_ 428 Staffing Agreement

To: Director of Special Education, School District No. \_\_\_\_\_ (District of residence)

To: Director of Special Education, School District No. \_\_\_\_\_ (District of jurisdiction)

From: DHS/CPA caseworker: \_\_\_\_\_ Telephone: \_\_\_\_\_

Student Name: \_\_\_\_\_ D.O.B: \_\_\_\_\_

Student address: \_\_\_\_\_

Parents Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Parent's address: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Spec. Ed. \_\_\_\_\_ yes \_\_\_\_\_ no

Disability \_\_\_\_\_ Student legal status: \_\_\_\_\_

This notice is to inform you that the above named student:

Was placed at (facility) \_\_\_\_\_

In \_\_\_\_\_ acute \_\_\_\_\_ day treatment \_\_\_\_\_ residential on \_\_\_\_\_

Will be placed at (facility) \_\_\_\_\_

In \_\_\_\_\_ day treatment \_\_\_\_\_ residential on \_\_\_\_\_

Fill out (1-4) following a 428 staffing:

1. Has the student been previously evaluated for an educational disability and determined to have an educational disability in accordance with CDE definitions? \_\_\_\_\_ Disability \_\_\_\_\_

2. Are excess costs involved? \_\_\_\_\_ Indirect costs \_\_\_\_\_

Has the placement been approved by DHS? \_\_\_\_\_ The school district? \_\_\_\_\_ The Court? \_\_\_\_\_

What was the decision reached at the staffing? \_\_\_\_\_

DHS agrees to pay therapeutic costs

School district of Jurisdiction agrees to: \_\_\_\_\_

DHS/CPA caseworker: \_\_\_\_\_ Date \_\_\_\_\_

School Representative \_\_\_\_\_ Date \_\_\_\_\_

Copies: White DHS original & to fax to facility Yellow School District of Jurisdiction Pink Extra if needed for other School District  
EPC-SVS-P-66 (Rev. 5/4/99)

# Stages of Child Development

## Basic Concepts

Knowing the typical developmental milestones and tasks of children and adolescents is foundation for child welfare practice. When development significantly varies from the norm, there is cause for concern. A child or adolescent may have a developmental delay which has either not been detected or is not being treated. While most developmental delays are congenital or due to accidents, some are the result of abuse or neglect. Sometimes developmental delays put children and adolescents at risk to abuse or neglect. Some typical age stage behaviors put children at risk to abuse or neglect.

Age stage development also affects the child's ability to cope with separation and placement. Attachment, cognitive ability to understand events and to express feelings, differ by age. Developmental stage thus has a major impact on communicating with children and adolescents.

In order to make use of the developmental chart that follows, it is useful to have an understanding of the concepts of human development.

- **Progression over time.** Humans and the systems they create, including families, tend to change over time in predictable ways. This change is referred to as “development” because it is progressive.
  - **Uneven change over the various domains of development.** Development in individuals occurs simultaneously but not always at an equal rate across all domains. The developmental charts below label these domains as follows:
    - **Physical** (including gross motor skills involving the torso and limbs, fine motor involving hand and hand-eye coordination).
    - **Self-help** (in the first two years).
    - **Cognitive and Language.**
    - **Psychosocial.**
  - **Developmental stages are linked to chronological age.** Development unfolds in a series of stages. Each stage is tied closely to chronological age. The younger the child, the more frequent the changes. For example, major motoric developmental changes occur every few months during infancy and only gradually in latency age.
  - **Developmental tasks, experiences, and milestones.** Each developmental stage is characterized by developmental tasks, experiences, and milestones in some or all of the domains. Many of the experiences and milestones can be observed directly, for example, the eight-month-old learns to sit and the five-year-old prints her name. Others, such as the psychosocial tasks are indirectly observable. For example, a one-year-old who is able to accurately and consistently call his caretaker's attention to his needs (e.g., for nurturance or food) and who gets these needs met is a child who is attached and able to trust. The 13-year-old who is preoccupied with his reflection in the mirror, irritable, and sensitive to criticism is deep in the developmental throes of self-discovery and identity formation.
  - **Basis of progress from one stage to the next.** Successful progression from one stage to the next depends on the completion of tasks, experiences, and milestones of the earlier phases. Interference at one stage creates difficulty in the next. The infant who doesn't learn trust because of inconsistent
-

parenting will have inordinate difficulty achieving a balance between attachment and autonomy in the second year and beyond. This in turn impedes his/her ability to share with peers in the next stage.

- **Successful progression depends in part on relationships.** Most developmental progress is, to some extent, reliant on the quality of the child's relationships to others, especially primary caretakers. Abuse, neglect or other types of poor parenting can profoundly undermine progress in not only the personal/social domains of development but also in language development and later school performance. Neglect, physical or emotional abuse, or parenting-based feeding disorders can even inhibit the physical development of the child resulting in, for example, failure to thrive.
- **Individual and environmental factors.** While developmental stage is a powerful factor in determining a child or adolescent's level of functioning, it is always mitigated by the child's physical and mental predispositions and attributes and the conditions of his environment such as the economic status and culture of his/her family.

## The Developmental Chart

In the developmental chart, each entry represents baseline averages that most children reach at specified ages. It is important to distinguish behaviors that represent typical development from those which suggest the need for specialized assessment, intervention, and planning. Many of the behaviors listed can be observed in the home or reported by parents, teachers, or neighbors, and do not require a specialized assessment. If you are concerned about delays in any of these areas, you should refer the child for a formal developmental assessment.

### Infancy (0 - 12 Months)

#### Zero to Six Months

##### ***Primary Tasks:***

During the first year, the infant's development is so dramatic that parents often feel the baby "changes overnight." Physical development (which is an expression of underlying cognitive development) proceeds from head control to mobility. The primary psychosocial task for the baby is to build a sense of safety, security, and trust in other human beings—the parents and other caretakers. If this task is not accomplished, it will impact on related emotional development.

## Physical Development

### 0-4 Weeks

- ◇ Proceeds from head to foot and central part to extremities
- ◇ Sucks reflexively
- ◇ Visually tracks to midline
- ◇ Lifts head when held upright

### 3-4 Months

- ◇ Prone - Lifts head momentarily - rolls from stomach to back
- ◇ Pulls to sit without head lag
- ◇ Grasps rattle

### 5-6 Months

- ◇ Reaches for objects
- ◇ Inspects objects with hands, eyes, and mouth

## Cognitive/Language Development

### 0-4 Weeks

- ◇ Smiles selectively at mother's voice
- ◇ Startle reflex to sudden noise

### 3-6 Months

- ◇ Babbles and coos, squeals and gurgles (by 3 months)
- ◇ Anticipates food with vocalization
- ◇ Laughs

## Psychosocial Development

### 0-8 Weeks

- ◇ Gazes at faces (birth)
- ◇ Smiles responsively
- ◇ Uses vocalization to interact socially

### 3-4 Months

- ◇ Distinguishes primary caretakers from others and will react if removed from home
  - ◇ Smiles readily at most people
  - ◇ Plays alone with contentment
-

## Six to Twelve Months

Physical Development	Cognitive/Language Development	Psychosocial Development
<b>Gross Motor 6-9 Months</b> <ul style="list-style-type: none"> <li>◇ Creeps</li> <li>◇ Sits without support</li> <li>◇ Pulls to stand to cruise furniture</li> </ul>	<b>6-9 Months</b> <ul style="list-style-type: none"> <li>◇ Smiles and vocalizes to own mirror image (R,E)*</li> <li>◇ Says “ma-ma,” “da-da” (non-specific) (R,E)</li> <li>◇ Shakes head “no-no” (R,E)</li> <li>◇ Imitates playful sounds (R,E)</li> <li>◇ Responds to name with head turn, eye contact, and smile</li> </ul>	<b>6-9 Months</b> <ul style="list-style-type: none"> <li>◇ Discriminates strangers, i.e., frowns, stares, cries</li> <li>◇ First strangers/ separation anxiety begins</li> <li>◇ Actively seeks adult attention; wants to be picked up and held</li> <li>◇ Plays peek-a-boo</li> <li>◇ Rarely lies down except to sleep</li> <li>◇ Pats own mirror image</li> <li>◇ Chews and bites on toys</li> <li>◇ Beginning responsiveness to own name</li> </ul>
<b>Fine Motor 6-9 Months</b> <ul style="list-style-type: none"> <li>◇ Transfers objects hand to hand</li> <li>◇ Bangs with spoon</li> <li>◇ Finger feeds part of meal</li> <li>◇ Shakes bell</li> </ul>		
<b>Gross Motor 9-12 Months</b> <ul style="list-style-type: none"> <li>◇ Crawls on all fours</li> <li>◇ Attains sitting position unaided</li> <li>◇ Stands momentarily</li> <li>◇ First steps</li> </ul>	<b>9-12 Months</b> <ul style="list-style-type: none"> <li>◇ Recognizes voices of favorite people (R)</li> <li>◇ Responds to verbal request such as wave bye-bye (R,E)</li> <li>◇ Calls parent mama or dada (E)</li> <li>◇ Repeats performances that are laughed at (R,E)</li> <li>◇ Plays peek-a-boo (R,E)</li> </ul>	<b>9-12 Months</b> <ul style="list-style-type: none"> <li>◇ Social with family, shy with strangers</li> <li>◇ Beginning sense of humor</li> <li>◇ Becoming aware of emotions of others</li> </ul>
<b>Fine Motor 9-12 Months</b> <ul style="list-style-type: none"> <li>◇ Holds, bites, and chews a cracker</li> <li>◇ Grasps string with thumb and forefinger</li> <li>◇ Beats two spoons together</li> <li>◇ Begins to use index finger to point and poke.</li> </ul>		

\* R=Receptive  
E=Expressive

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## Toddler Years (1 - 3)

### **Primary Task:**

Separate emotionally from parents or primary caretakers. Self-confidence and self-esteem develops as toddlers make move towards greater autonomy—secure in their attachment to important adults. Key milestones include locomotion, toilet training, and verbal communication.

### One Year (12 - 18 Months)

<b>Physical Development</b> <b>Gross Motor</b> <b>12-18 Months</b>	<b>Cognitive/Language</b> <b>Development</b> <b>12-15 Months</b>	<b>Psychosocial Development</b> <b>12-15 Months</b>
<ul style="list-style-type: none"><li>◇ Walks alone</li><li>◇ Stoops and stands up again</li><li>◇ Climbs up on furniture</li><li>◇ Walks up stairs with help</li></ul>	<ul style="list-style-type: none"><li>◇ Jabbers expressively (E)*</li><li>◇ Communicates by gesture (E)</li><li>◇ Vocalizes more than cries for attention (E)</li><li>◇ Understands word NO (R)</li><li>◇ Shakes head to indicate NO (E)</li><li>◇ Says 2-3 “words” other than “ma-ma” or “da-da” (E)</li><li>◇ Looks in appropriate place when asked, i.e., “Where is book?” (R)</li></ul>	<ul style="list-style-type: none"><li>◇ Strong dependence on primary caretaker with increasing difficulty separating</li><li>◇ Difficulty quieting and relaxing into sleep</li><li>◇ Wants to have caretaker nearby all the time</li><li>◇ Gives toy to adult on request</li><li>◇ Shows sense of me and mine</li></ul>
<b>Fine Motor</b> <b>12-18 Months</b>		
<ul style="list-style-type: none"><li>◇ Builds tower of 2 cubes</li><li>◇ Scribbles spontaneously or by imitation</li><li>◇ Holds cup</li><li>◇ Puts raisin or pellet in bottle</li><li>◇ Turns book pages, 2-3 at a time</li><li>◇ Holds spoon</li></ul>		
<b>Self-Help</b> <b>12-15 Months</b>		
<ul style="list-style-type: none"><li>◇ Feeds self with fingers</li><li>◇ Removes hat, shoes, and socks</li><li>◇ Inhibits drooling</li></ul>		
<b>15-18 Months</b>	<b>15-18 Months</b>	<b>15-18 Months</b>
<ul style="list-style-type: none"><li>◇ Chews most foods well</li><li>◇ Opens closed doors</li><li>◇ Holds cup and drinks with some spilling</li><li>◇ Imitates housework</li><li>◇ Will bring familiar object upon request</li></ul>	<ul style="list-style-type: none"><li>◇ Vocalizes NO (E)</li><li>◇ Vocabulary of 10-15 “words” (E)</li><li>◇ Fluent use of jargon (E)</li><li>◇ Points and vocalizes to indicate wants (E)</li></ul>	<ul style="list-style-type: none"><li>◇ Begins to distinguish you and me</li><li>◇ Imitates adult activities</li><li>◇ Interested in strangers, but wary</li><li>◇ Sharp discipline not helpful</li><li>◇ Verbal persuasion and scolding not useful</li><li>◇ Autonomy expressed as defiance</li><li>◇ Plays alone or beside other children—solitary or parallel play</li><li>◇ Strong claiming of mine</li><li>◇ Follows simple requests</li></ul>

\* R=Receptive  
E=Expressive

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## One Year (18 - 24 Months)

### Physical Development

#### Gross Motor

##### 18-24 Months

- ◇ Runs stiffly
- ◇ Pushes and pulls large objects
- ◇ Carries large teddy bear while walking
- ◇ Comes down stairs on bottom or abdomen
- ◇ Seats self in small chair

#### Fine Motor

##### 18-24 Months

- ◇ Builds tower of 4-6 cubes
- ◇ Tries to fold paper imitatively
- ◇ Can wiggle thumb
- ◇ Places rings on spindle toy
- ◇ Turns pages singly
- ◇ Turns knobs (television)

#### Self-Help

##### 18-24 Months

- ◇ Helps dress and undress self
- ◇ May indicate wet or soiled diapers
- ◇ Pulls person to show
- ◇ Asks for food and drink by vocalizing and gesturing
- ◇ Uses spoon with little spilling
- ◇ Replaces some objects where they belong

### Cognitive/Language Development

##### 18-24 Months

- ◇ Points to pictures in books (R)\*
- ◇ Points to one body part on request (E)
- ◇ Vocabulary of 20 words—mostly nouns (E)
- ◇ Understands yours vs. mine (E)
- ◇ Uses words me and mine (E)
- ◇ Enjoys simple stories (R)
- ◇ Speaks in 2 word sentences, i.e., “juice gone”

### Psychosocial Development

##### 18-24 Months

- ◇ Moves about house without constant supervision
- ◇ Parallel play predominates
- ◇ Temper tantrums are common in situations of frustration
- ◇ Conscious of family as a group
- ◇ Enjoys role playing
- ◇ Mimics real life situations during play
- ◇ Claims and defends ownership of own things
- ◇ Begins to call self by name
- ◇ Discriminates between edible and nonedible substances

\* R=Receptive  
E=Expressive

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## Two Years (24 - 30 Months)

### Physical Development

#### Gross Motor

##### 24-30 Months

- ◇ Jumps in place
- ◇ Can walk on tiptoe (imitation)
- ◇ Walks up and down steps, both feet on each step
- ◇ Can walk backwards
- ◇ Runs headlong

#### Fine Motor

##### 24-30 Months

- ◇ Holds pencil with thumb and forefingers
- ◇ Can zip and unzip
- ◇ Builds tower of 6-8 cubes

#### Self-Help

##### 24-30 Months

- ◇ Learning to use buttons, zippers, and buckles
- ◇ Pulls on socks
- ◇ Pulls on pants or shorts
- ◇ Drinks from cup without spilling
- ◇ Helps put things away
- ◇ Toilet training in progress

### Cognitive/Language Development

##### 24-30 Months

- ◇ Often calls self by first name
- ◇ Speaks 50 or more words; has vocabulary of 300 words
- ◇ Uses phrases and 3-4 word sentences
- ◇ Understands and asks for “another”
- ◇ Points to 4 body parts

### Psychosocial Development

##### 24-30 Months

- ◇ Initiates own play activities
- ◇ Want routines “just so”
- ◇ Does not like change in routine
- ◇ Cannot wait or delay gratification
- ◇ Does not share
- ◇ Identity in terms of sex and place in the family is well established
- ◇ Observes other children at play and joins in for a few minutes

## Two Years (30 - 36 Months)

### Physical Development

#### Gross Motor

##### 30-36 Months

- ◇ Builds tower of 6-8 cubes
- ◇ Holds pencil with thumb and forefingers
- ◇ Can zip and unzip
- ◇ Completes 3-piece formboard
- ◇ Turns book pages singly

#### Fine Motor

##### 30-36 Months

- ◇ Completes 3 piece formboard
- ◇ Turns book pages singly
- ◇ Builds tower of 6-8 cubes
- ◇ Holds pencil with thumb and forefingers
- ◇ Can zip and unzip

#### Self-Help

##### 30-36 Months

- ◇ Toilet training in progress
- ◇ Can dress with supervision
- ◇ Eats with fork and spoon
- ◇ Pours from one container to another
- ◇ Gets drink unassisted
- ◇ Avoids simple hazards

### Cognitive/Language Development

##### 30-36 Months

- ◇ Verbalizes toilet needs
- ◇ Uses plural
- ◇ Increasing use of verbs
- ◇ Beginning use of adjectives and prepositions
- ◇ Vocabulary of 900-1000 words by 36 months
- ◇ Uses verbal commands
- ◇ Gives full name when asked
- ◇ Asks, "What's that?"

### Psychosocial Development

##### 30-36 Months

- ◇ Begins associative play activities
- ◇ Names or points to self in photos
- ◇ Joins in nursery rhymes and songs
- ◇ Likes praise
- ◇ Dawdles
- ◇ Auditory fears are prominent (noises)
- ◇ Shows sympathy, pity, modesty, and shame

## Preschool Years (3 - 5)

### **Primary Task:**

Attains proficiency in simple self-care within the home and beginning to form important relationships with peers and adults in nursery school or day-care setting. This is a period of continuing growth in individuation and independence. Identification and attachment to the family is strong. Children this age are egocentric, prone to magical thinking, and involved in Oedipal issues. Loss of or separation from parents during this phase of development may have a long-term impact on personal identity or the persistence of magical thinking.

### Three Years

Physical Development	Cognitive/Language Development	Psychosocial Development
<b>Gross Motor</b>	<b>Receptive Language</b>	
◇ Gallops	◇ Follows two unrelated commands	◇ Outstanding characteristic is readiness to conform to spoken word
◇ Balances on one foot (1-5 seconds)	◇ Has concept of two or three	◇ Begins to take turns
◇ Catches large ball, arms flexed	◇ Identifies same/ different with pictures	◇ Plays simple group games
◇ Hops on one foot (3 times)	◇ Responds to verbal limits and directions	◇ Toilets self during the day
◇ Turns somersaults	◇ Identifies 2 or 3 colors	◇ Apt to be fearful, i.e., visual fears, heights, loss of parents, nightmares
◇ At 3-1/2, period of incoordination—stumbling, falling	◇ Listens attentively to short story	◇ Uses language to resist
	◇ Chooses objects that are hard/soft, heavy/light, big/little	◇ Adults can bargain with child
<b>Fine Motor</b>	<b>Expressive Language</b>	
◇ Copies circle	◇ Converses in sentences	◇ Tries to please
◇ Imitates cross	◇ Speech is completely intelligible	◇ May masturbate openly
◇ Builds with legos, bristleblocks, etc.	◇ Answers simple yes/no questions	◇ May have imaginary playmates
◇ Builds tower of 10 cubes	◇ Rote counts to 5	◇ Associative group play predominates
◇ Spontaneously draws	◇ Repeats nursery rhymes	◇ Shares upon request
◇ Handedness may shift	◇ Counts 2-3 items	
◇ Imitates snipping with scissors	◇ Has 50-75% articulation of consonants	
	◇ Vocabulary of 1,500 words (by age 4)	
	◇ Tells age holding up fingers	

## **Pre-School Years (3 - 5)**

### **Three Years (Continued)**

#### **Cognitive**

- ◇ Uses words for ordering perceptions and experiences
  - ◇ Shows understanding of past versus present
  - ◇ Great curiosity; asks endless questions
  - ◇ Matches colors (2 or 3)
  - ◇ Completes 6-piece puzzle
  - ◇ Can give sensible answer to "Why do we have stoves," etc.
  - ◇ Tells a simple story
-

## Four Years

Physical Development	Cognitive/Language Development	Psychosocial Development
<b>Gross Motor</b>		
◇ Runs smoothly, varying speeds	◇ Understands opposite analogies	◇ Dogmatic and dramatic
◇ Hops on one foot (4-9 times)	◇ Follows 3-stage commands	◇ Urge to conform/ please is diminished
◇ Balances on one foot (8-10 seconds)	◇ Listens eagerly to stories	◇ Control issues prominent for many
◇ Bounces ball with beginning control	◇ Follows directions with prepositions—on, under, in front of, behind	◇ May be physically aggressive
◇ Throws ball overhand		◇ Self-sufficient in own home
◇ Walks up and down stairs with alternating feet using rail	<b>Expressive Language</b>	◇ Nightmares prominent
	◇ Uses all parts of speech correctly	◇ May argue, boast, and make alibis
	◇ Vocabulary of 2,000 plus words	◇ Calls attention to own performance
<b>Fine Motor</b>	◇ Uses color names	◇ Tendency to boss and criticize others
◇ Copies cross and square	◇ Defines words in terms of use (car, pencil)	◇ Tendency to boss and criticize others
◇ Attempts to cut on straight line	◇ Asks many why, what, and how questions	◇ Rarely sleeps at nap time
◇ Hand dominance established	◇ 100% production and use of consonants	◇ Separates from mother easily
◇ “Writes” on page at random	◇ Corrects own errors in pronunciation of new words	◇ Often has “special” friend
◇ May try to print own name	◇ Loves new words	◇ Prefers peers to adults
◇ Draws person—arms and legs directly from head	◇ Enjoys humor and self laughing	◇ Washes face, brushes teeth, and dresses self
	◇ Loves silly songs, names, etc.	◇ Uses bathroom unassisted
	◇ Increasing use of imagination	
	◇ Enjoys dress-up play	
	◇ Interest in time concepts—yesterday, hour, minute, etc.	
	◇ Identifies several capabilities	
	◇ Rote counts to 10	
	◇ Counts 4 items	
	◇ Categorizes animals, food, toys	
	◇ Matches geometric forms	
	◇ Identifies missing part	

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## Five Years

### Physical Development

#### Gross Motor

- ◇ Balances on one foot
- ◇ Skips smoothly
- ◇ Uses roller skates
- ◇ Rides bicycle with training wheels
- ◇ Balances on tip toes

#### Fine Motor

- ◇ Handedness firmly established
- ◇ Colors within lines
- ◇ Can cut on line
- ◇ Copies circle, square, and triangle
- ◇ Not adept at pasting or gluing
- ◇ Draws within small areas
- ◇ Ties knot in string after demonstration

### Cognitive/Language Development

#### Receptive Language

- ◇ Listens briefly to what others say
- ◇ Understands 6,000 words
- ◇ Categories words
- ◇ Guesses object by attribute and/or use of clues, i.e., what bounces
- ◇ Points to first and last in a line up

#### Expressive Language

- ◇ Vocabulary of 2,500 plus words
- ◇ Repeats days of the week by rote
- ◇ Defines words and asks for word meanings
- ◇ Acts out stories
- ◇ Give rhyming word after example

#### Cognitive

- ◇ Ready to enter kindergarten
- ◇ Appreciates past, present, and future
- ◇ Can count 6 objects when asked, "How many?"
- ◇ Begins to enjoy humorous stories and slap-stick humor
- ◇ States address, age, name, and ages of siblings
- ◇ Acts out stories
- ◇ Learns left from right
- ◇ Matches 10-12 colors
- ◇ Predicts what will happen next

### Psychosocial Development

- ◇ Enjoys small group cooperative play—often noisy
  - ◇ In 20-minute group activity, listens, participates
  - ◇ Knows when certain events occur
  - ◇ Accepts adult help and supervision
  - ◇ Serious, business-like and self-assured
  - ◇ Wants to help and please adults
  - ◇ Enjoys competitive exercise games
  - ◇ Fears of parental loss, thunder, and scary animals
  - ◇ More conscious of body, wants
  - ◇ Respects peers and their property
-

## Five Years - (Continued)

### School Milestones

- ◇ Prints first name and simple words
  - ◇ Writing is mostly capitals—immature appearance
  - ◇ Frequently copies left to right
  - ◇ Reversals are common (b/d)
  - ◇ Reads letters in sequence
  - ◇ Recognizes first name
  - ◇ Recognizes several or all numerals on clock, phone, calendar
  - ◇ Counts and points to 13 objects
  - ◇ Writes 1-10 poorly—many reversals
  - ◇ Adds and subtracts using 5 fingers
  - ◇ Is capable of self criticism
-



## Elementary School Years (6 - 10)

### *Primary Task*

Successful mastery of the world outside their own family unit. Children this age are involved in academic learning, social interactions with same-sex peers, and developing motor skills. As they move into the latency years, there is a strong need for children to learn more about their early history and incorporate this knowledge in their growing sense of self-identity.

### Six Years

#### Physical Development

- Gross Motor**
- ◇ Constant motion—very active
- ◇ Movement is smooth and coordinated
- ◇ Stands on one foot, eyes closed
- ◇ Balance and rhythm are good
- ◇ Bounces ball with good control
- ◇ Hops through hopscotch course

- Fine Motor**
- ◇ Ties own shoes
- ◇ Makes simple, recognizable drawings

#### Cognitive/Language Development

- Receptive Language**
- ◇ Uses picture dictionary
- ◇ Knows category labels
- ◇ Defines and explains words

- Expressive Language**
- ◇ Identifies likeness and differences between objects
- ◇ Identifies consonant sounds heard at beginning of words
- ◇ Gives category labels
- ◇ Likes to use big words
- ◇ Language becoming increasingly symbolic

#### Cognitive Development

- ◇ Names all colors
- ◇ Can tell what number comes after 8
- ◇ Understands quantity up to 10
- ◇ Can tell similarities and differences among pictures

#### Psychosocial Development

- ◇ Poor ability to modulate feelings
  - ◇ Enjoys performing for others
  - ◇ Difficulty making decisions
  - ◇ Dawdles in daily routines, but will work beside adult to complete tasks
  - ◇ Jealous of others; highly competitive
  - ◇ Plays simple table games
  - ◇ Often insists on having own way
  - ◇ Easily excited and silly
  - ◇ Persistent with chosen activities
  - ◇ Goes to bed unassisted, but enjoys good night chat.
  - ◇ Frequently frustrated—may tantrum
  - ◇ May return to thumb sucking, baby talk, etc.
  - ◇ Praise of positive behaviors more effective than focus on negative behavior
  - ◇ Often takes small things from others and claims them as found
  - ◇ Begins to distinguish right and left on self
-

## **Elementary School Years (6 - 10)**

### **Six Years (Continued)**

#### **School Milestones**

- ◇ Begins to recognize words
  - ◇ Matches words
  - ◇ Identifies words by length or beginning sound/letter
  - ◇ Rereads books many times
  - ◇ Prints first and last name
  - ◇ Invents spelling
  - ◇ Reverses digits when writing teens (13/31)
  - ◇ Rote count to 30 or more
  - ◇ Adds amounts to 6
  - ◇ Subtracts amounts within 5
  - ◇ Use simple measurement
  - ◇ Names coin, states, cents value of a penny, dime, and nickel
  - ◇ Writing is slow and effortful with mixed capital and lower case letter
-

## Seven Years

### Physical Development

#### Gross Motor

- ◇ Activity level variable — calmer than 6 years
- ◇ Rides bicycle
- ◇ Runs smoothly on balls of feet

#### Fine Motor

- ◇ Small muscles are well developed
- ◇ Eye-hand coordination is well developed
- ◇ Draws triangle in good proportion
- ◇ Copies vertical and horizontal diamonds

### Cognitive/Language Development

- ◇ Speaks fluently
- ◇ Uses slang and cliché's
- ◇ Understands cause-effect relationships
- ◇ Recites days of week and months of year
- ◇ Can talk about own feelings in retrospect
- ◇ Often seems not to hear when absorbed in own activity
- ◇ Capable of concrete problem solving
- ◇ Can organize and classify information
- ◇ Learns best in concrete terms
- ◇ Interested in issues of luck and fairness
- ◇ Internal sense of time emerging

#### School Milestones

- ◇ Reading vocabulary increases
- ◇ Writing speed increases
- ◇ Reversal errors begin to be self-monitored (b/d)
- ◇ Learns to solve addition and subtraction combinations
- ◇ Learns to tell time

### Psychosocial Development

- ◇ Independent in completion of routines
  - ◇ Learning to screen out distractions and focus on one task at a time
  - ◇ When angry becomes quite and sullen
  - ◇ Better control of voice and temper
  - ◇ Sets high expectations for self; frequently disappointed by own performance
  - ◇ Anxious to please others; sensitive to praise and blame
  - ◇ Has not learned to lose games, will cheat or end game abruptly
  - ◇ Little sense of humor—often thinks others are laughing at him
  - ◇ Considerate of others
  - ◇ Concerned about right and wrong
-

## Eight Years

### Physical Development

#### Gross Motor

- ◇ Movement is rhythmical and somewhat graceful
- ◇ Frequent accidents due to misjudging abilities (e.g., broken arm)
- ◇ Holds pencil, tooth brush, and tools less tensely
- ◇ Enjoys exercise of both large and small muscles

### Cognitive/Language Development

- ◇ Ease in expression and communication
- ◇ Verbally is often out of bounds, i.e., boasting, exaggerating, sharing private information
- ◇ Likes to use big words

#### Reading

- ◇ Variable enjoyment of reading stories
- ◇ Likes humor in stories
- ◇ Reads new words through context and phonics
- ◇ Able to stop and talk about what he reads
- ◇ Omits words and reads out of order
- ◇ Prefers silent reading

#### Arithmetic

- ◇ Knows addition and subtraction combinations—some by heart
- ◇ Learning to carry in addition
- ◇ Learning to borrow in subtraction
- ◇ Knows a few multiplication facts
- ◇ Knows  $1/2$  and  $1/4$
- ◇ Interested in money

#### Written Language

- ◇ Can write sentences
- ◇ Begins cursive writing
- ◇ Few reversal errors
- ◇ Uses capital and lower case letter forms
- ◇ Tries to write neatly

### Psychosocial Development

- ◇ May be selfish and demanding of attention
  - ◇ May be cheerful
  - ◇ Very curious about activity of others
  - ◇ Learning to lose at games
  - ◇ Sensitive to criticism, especially in front of others
  - ◇ Strong interest in own past (e.g., stories, baby books, life books)
  - ◇ Begins to have sense of humor (e.g., original riddles and jokes)
  - ◇ May be snippy and impatient in talk with family members
-

## Nine Years

### Physical Development

#### Gross Motor

- ◇ Becomes interested in competitive sports—social aspects of the games
- ◇ Apt to overdo physical activities
- ◇ Sitting posture often awkward; slouches, head close to work, etc.
- ◇ Works purposefully to improve physical skills
- ◇ May have somatic complaints—stomachache, dizziness, leg pains, etc.

### Cognitive/Language Development

- ◇ Important year for gaining proficiency in reading, writing
- ◇ Works hard and plays hard
- ◇ Frequently discusses reproduction with friends
- ◇ Associates scary daytime events with frightening dreams
- ◇ Enjoys school; wants to operate at optimal level, and may relate fears and failure more strongly to subject than to teacher
- ◇ Can describe preferred methods of learning
- ◇ Likes to read for facts and information; mysteries and biographies
- ◇ Enjoys keeping a diary and making lists
- ◇ Prefers to read silently
- ◇ Usually prefers written to mental computation
- ◇ Worries about doing well in school

### Psychosocial Development

- ◇ Appears emotionally more stable
  - ◇ Experiences quick, short-lived emotional extremes
  - ◇ Mostly cooperative, responsible, and dependable
  - ◇ Capable of concentrating for several hours
  - ◇ Likes to plan ahead
  - ◇ Peer pressure gains importance
  - ◇ Begins to subordinate own interests to group purpose
  - ◇ May take up collecting hobbies
  - ◇ Learns to lose at games
  - ◇ Beginning to be neater about own room
  - ◇ Chooses member of own sex for special friend
  - ◇ Overt criticism of opposite sex
  - ◇ Makes decisions easily
  - ◇ Relatively easy to discipline
-

## Ten Years

### Physical Development

- ◇ Girls and boys tend to be even in size and sexual maturity at tenth birthday
- ◇ Girls bodies undergo slight softening and rounding at ten and a half
- ◇ Somatic complaints decrease
- ◇ Increased fidgeting more common for girls than boys
- ◇ Little awareness of fatigue
- ◇ Bathing is strongly refused
- ◇ Loves outdoor exercise play (e.g., baseball, skating, jump rope, running)

### Cognitive Development

- ◇ Can participate in discussion of social and world problems
- ◇ Interest in reading varies greatly from child to child
- ◇ Humor is broad, labored, and usually not funny to adults
- ◇ Repeats “dirty” jokes to parent, but often does not understand
- ◇ Interested in own future parenthood and how they will treat own child
- ◇ Rarely interested in keeping a diary
- ◇ Wishes are mostly for material possessions, health and happiness for self and others, and personal improvement
- ◇ Enjoys memorizing
- ◇ Prefers oral to written work in school
- ◇ Interest span is short—needs frequent shift of activity in school
- ◇ Interest in movies and television diminishes

### Psychosocial Development

- ◇ Seems relaxed and casual; describes self as “real happy”
  - ◇ Boys show friendship with physical expression, i.e., punch, shove, wrestle
  - ◇ Girls show friendship with note writing, gossip, and hand-holding
  - ◇ Enjoys sharing secrets and discussing mysteries with friends
  - ◇ Believes friends over parents
  - ◇ Does not respond well when praised or reprimanded in front of friends
  - ◇ Anger not frequent and is soon resolved
  - ◇ Yells and calls names
  - ◇ Little crying except with hurt feelings
  - ◇ Relationship with mother tends to be sincere, trusting, and physically affectionate
  - ◇ Relationship with father very positive, adoring, admiring
-

## Adolescence

### **Primary Tasks:**

The tasks of adolescence are similar for both boys and girls although boys tend to lag behind girls by one to two years, especially in physical maturation. Asymmetrical development (e.g., cognitive development before physical growth) is common. The primary tasks are:

- Exploring personal identity and roles.
- Lessening dependence on family and renewed emphasis on separation and individuation.
- Exploring relationships with peers.
- Exploring sexuality.
- Exploring ways to feel competent, important, and accomplished.

Normal development often involves swings in mood and reliability, vacillation between dependence and independence, self-absorption, impulsivity, and control conflicts with adults.

Early Adolescence (Onset Age Varies from 11 - 13; Ends at Age 13 - 15)

<b>Physical Development</b>	<b>Cognitive Development</b>	<b>Psychosocial Development</b>
<b>Girls</b>		
◇ Pubic hair pigmented, curled	◇ Beginning to move from concrete toward abstract thinking (reasoning based on hypotheses or propositions rather than only on concrete objects or events)	◇ Anxious about peer acceptance
◇ Auxiliary hair begins after pubic hair	◇ Increased interest in ideas, values, social issues; often narrow understanding and dogmatic	◇ Concern with self-identity
◇ Height growth spurt	◇ Intense interest in music, clothes, hair, personal appearance—especially common for girls	◇ Still dependent on family but increased testing of limits
◇ Breast development continues	◇ Although conflict with family increases, most express attitudes that place strong value on family and involved parents	◇ Conflicts with peers and family are a means to establish independence
◇ Labia enlarged		◇ Egocentric
◇ Increase in subcutaneous fat		◇ Abrupt mood and behavior swings
◇ Menarche (menstruation begins)		◇ Girls highly concerned with body image and physical changes
<b>Boys</b>		◇ Increased interest in peers and peer culture
◇ Prepubescent physical development		◇ Changing friends is common
◇ Beginning growth of testes, scrotum, and penis		◇ Same sex relationships still most common, although concern, anxiety and experimentation with opposite sex—especially for girls
◇ Downy pubic hair		◇ Strong needs for achievement and recognition of accomplishment, although may be masked by feigned indifference.
◇ Consistent height growth		

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## Adolescence

Mid Adolescence (Onset Age Varies From 13 - 15; Ends at Age 16 - 17)

Physical Development	Cognitive Development	Psychosocial Development
<b>Girls</b>		
◇ Pubic hair fully developed	◇ When intelligence is normal, abstract thought is fully developed (usually by age 15) and can be applied in more situations	◇ Increased independence from family; less overt testing
◇ Auxiliary hair in moderate quantity		◇ Girls are somewhat more comfortable with body image and changes
◇ Continued breast growth	◇ Anxiety, major distractions interfere with abstract thinking	◇ Boys highly concerned with body image and changes as puberty begins
◇ Menstruation well established	◇ Continued interest in ideas, ideals, values, social issues	◇ Relationships with opposite sex increase; same sex relationship continues to dominate
◇ Decelerating height growth		◇ Reliance on and anxiety about peer relationships continues
◇ Ovulation (fertility)		◇ May experiment with drugs
◇ Moderate muscle growth and increase in motor skills		◇ Concerned with achievement, experiences, feelings of accomplishment, receiving recognition
<b>Boys</b>		◇ Continued interest in appearance, music, and other elements of peer culture
◇ Pubic hair pigmented, curled		
◇ Auxiliary hair begins after pubic hair		
◇ Penis, testes, and scrotum continue to grow		
◇ Height growth spurt		
◇ Seminal emissions but sterile		
◇ Voice lowers as larynx enlarges		
◇ Mustache hair		



## Adolescence

Late Adolescence (Onset Age Varies from 15 - 16; Ends at Age 17 - 18)

Physical Development	Cognitive Development	Psychosocial Development
<b>Girls</b>		
◇ Full development of breasts and auxiliary hair	◇ When intelligence is normal, abstract thinking is well established. Applications to own current and future situations and to broader issues (e.g., social concerns, academic studies)	◇ As a major emancipation step becomes imminent (e.g., graduation, moving out of the house, going to college, partial or total self-support), there may be marked increase in anxiety and avoidance behaviors
◇ Decelerated height growth (ceases at $16 \pm 13$ months)		
<b>Boys</b>		
◇ Facial and body hair		◇ Increasingly concerned and interested in movement towards independence; generally not prepared emotionally or logistically for complete emancipation
◇ Pubic and auxiliary hair denser		◇ Can maintain more stable relationships with peers and adults
◇ Voice deepens		◇ Body image reasonably well established especially among girls
◇ Testes, penis, and scrotum continue to grow		◇ More realistic and stable view of self and others, nature of problems, and better at problem solving
◇ Emissions of motile spermatozoa (fertility)		◇ Continued need for achievement and recognition for accomplishment
◇ Graduated deceleration of height growth (ceases by $17\text{-}3/4$ years $\pm 10$ months)		
◇ Muscle growth and increase in motor skills		

## Adolescence

Post Adolescence (Onset Age Varies for 17 - 18; Ends at Age 20 - 21)

### Physical Development

#### Girls

- ◇ Uterus develops fully by age 18-21
- ◇ Other physical maturation complete

#### Boys

- ◇ Full development of primary and secondary sex characteristics; muscle and hair development may continue

### Cognitive Development

- ◇ Ability for abstract thinking and for practical problem-solving skills is increasingly tested by the demands associated with emancipation and/or higher education

### Psychosocial Development

- ◇ partial or full emancipation is accomplished, although commonly with difficulty
- ◇ Concerns about autonomy lessen and concerns about resources (money, car) increase
- ◇ Relationships with family tend to be somewhat less conflictual; existing conflict tends to revolve around emancipation issues
- ◇ Attention still on peers and self-identity

## Developmental Checklist for Young Children

*This resource on child development can be given to the child's caregivers and caseworkers to improve understanding of healthy development and to look for signs of problems.*

This checklist is designed for you to record the child's growth and development. There is space to fill in the age when the child begins each activity.

When you fill in the checklist, remember that each child develops at his or her own pace. The age listed on the checklist is the time a number of children are consistently doing the activity.

If the child is not doing one activity at the age listed, there is probably no need to be concerned. However, if the child is late in doing several activities, you should discuss it with the child's doctor.

If the child was born prematurely, ask the doctor about the child's corrected developmental age.

Usual Activities During...

### Birth to 3 Months

- ☐ Able to raise head from surface when lying on tummy
- ☐ Makes eye contact with adults
- ☐ Moves arms and legs in energetic manner
- ☐ Smiles and coos
- ☐ Grunts and sighs
- ☐ Likes to be held and rocked

### 3 to 5 Months

- ☐ Eyes follow a slow-moving object
- ☐ Able to hold head erect
- ☐ Grasps objects when placed in his or her hand
- ☐ \_\_\_Laughs out loud
- ☐ Anticipates feeding and recognizes familiar faces
- ☐ Sits briefly with support

### 5 to 7 Months

- ☐ Reaches for, holds and bangs objects
- ☐ Stretches out arm to be picked up
- ☐ Babbles
- ☐ Runs towards sounds
- ☐ Holds cookie or cracker-begins chewing
- ☐ Rolls over

### 7 to 9 Months

- ☐ Can sit steadily for about five minutes

- \_\_\_ Can transfer object from one hand to the other
- \_\_\_ Creeps (pulling body with arms and leg kicks)
- \_\_\_ Responds to name
- \_\_\_ Can stand for short time holding on to support
- \_\_\_ Likes to play peek-a-boo

#### 9 to 12 Months

- \_\_\_ Says "Ma-ma" or "Da-da"
- \_\_\_ Copies sounds
- \_\_\_ Waves "hi" or "bye"
- \_\_\_ Able to pull self up at side of crib or playpen
- \_\_\_ Walks holding on to furniture
- \_\_\_ Takes sips from a cup
- \_\_\_ Crawls on hands and knees
- \_\_\_ Hits two objects together; throws and drops objects

#### 12 to 15 Months

- \_\_\_ Says several words besides "Ma-ma/Da-a"
- \_\_\_ Walks without support by 15 months
- \_\_\_ Finger feeds self
- \_\_\_ Explores toys

#### 15 to 18 Months

- \_\_\_ Uses 10 to 15 words spontaneously
- \_\_\_ Scribbles on paper after shown how
- \_\_\_ Begins using a spoon
- \_\_\_ Drinks from cup held in both hands
- \_\_\_ Cooperates with dressing
- \_\_\_ Walks across a large room

#### 18 to 24 Months

- \_\_\_ Can build a tower with three blocks
- \_\_\_ Likes to climb and take things apart
- \_\_\_ Uses single words frequently
- \_\_\_ Begins two-word phrases
- \_\_\_ Able to run
- \_\_\_ Looks at pictures in a book

#### 2 to 3 Years

- \_\_\_ Walks up/down stairs using alternate feet, while holding on
- \_\_\_ Says at least 100 words
- \_\_\_ Uses three-word phrases
- \_\_\_ Points to objects in a book
- \_\_\_ Knows his or her sex, body parts
- \_\_\_ Jumps lifting both feet off ground

### 3 to 4 Years

- ☐ Opens a door by turning the door knob
- ☐ Builds a tower with nine blocks
- ☐ Follows commands of on, under or behind (e.g., "stand on the rug.")
- ☐ Names pictures in a book or magazine
- ☐ Understands complex sentences
- ☐ Uses action words

### 4 to 5 Years

- ☐ Uses four- to five-word sentences
- ☐ Stands on one foot
- ☐ Throws a ball overhand
- ☐ Enjoys active play: racing, hopping, climbing
- ☐ Points while counting three different objects
- ☐ Names three colors
- ☐ Counts aloud I through 10
- ☐ Can copy a cross

### 5 to 6 Years

- ☐ Can copy a square
- ☐ Asks questions to seek information
- ☐ Tells age correctly
- ☐ Skips with both feet
- ☐ Catches a small ball on a bounce
- ☐ Dresses him/herself completely

## Selected Common Childhood Disabilities and Disorders

<i>Disability/ Disorder</i>	<i>Signature Symptoms</i>	<i>Recommended Intervention and Information Resource Websites</i>
<b>Learning Disabilities</b>	<ul style="list-style-type: none"> <li>difficulty understanding and following instructions.</li> <li>trouble remembering what someone just told him or her.</li> <li>fails to master reading, spelling, writing, and/or math skills, and thus fails schoolwork.</li> <li>difficulty distinguishing right from left; difficulty identifying words or a tendency to reverse letters, words, or numbers; (for example, confusing 25 with 52, "b" with "d," or "on" with "no").</li> <li>lacks coordination in walking, sports, or small activities such as holding a pencil or tying a shoelace.</li> <li>easily loses or misplaces homework, schoolbooks, or other items.</li> <li>cannot understand the concept of time; is confused by "yesterday," "today," "tomorrow."</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry, <a href="http://www.aacap.org/publications/factsfam/ld.htm">http://www.aacap.org/publications/factsfam/ld.htm</a></i></p>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/ld.htm">http://www.aacap.org/publications/factsfam/ld.htm</a></p> <p>Child Development Institute <a href="http://www.childdevelopmentinfo.com/learning/learning_disabilities.shtml">http://www.childdevelopmentinfo.com/learning/learning_disabilities.shtml</a></p> <p>School Psychology Resources Online <a href="http://www.schoolpsychology.net/p_01.html#ld">http://www.schoolpsychology.net/p_01.html#ld</a></p> <p>L.D. Online <a href="http://www.ldonline.com/">http://www.ldonline.com/</a></p> <p>Teachers Online <a href="http://www.teachersfirst.com/learn-dis.htm">http://www.teachersfirst.com/learn-dis.htm</a></p>
<b>Attention Deficit Hyperactivity Disorder (ADHD)</b>	<ul style="list-style-type: none"> <li>trouble paying attention</li> <li>inattention to details and makes careless mistakes</li> <li>easily distracted</li> <li>loses school supplies, forgets to turn in homework</li> <li>trouble finishing class work and homework</li> <li>trouble listening</li> <li>trouble following multiple adult commands</li> <li>blurts out answers</li> <li>impatience</li> <li>fidgets or squirms</li> <li>leaves seat and runs about or climbs excessively</li> <li>seems "on the go"</li> <li>talks too much and has difficulty playing quietly</li> <li>interrupts or intrudes on others</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry, <a href="http://www.aacap.org/publications/factsfam/noattent.htm">http://www.aacap.org/publications/factsfam/noattent.htm</a></i></p>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/noattent.htm">http://www.aacap.org/publications/factsfam/noattent.htm</a></p> <p>Child Development Institute <a href="http://www.childdevelopmentinfo.com/disorders/adhd.shtml">http://www.childdevelopmentinfo.com/disorders/adhd.shtml</a></p> <p>Northern County Psychiatric Associates <a href="http://www.ncpamd.com/adhd_and_school.htm">http://www.ncpamd.com/adhd_and_school.htm</a></p> <p>School Psychology Resources Online <a href="http://www.schoolpsychology.net/p_01.html#attention">http://www.schoolpsychology.net/p_01.html#attention</a></p>
<b>Autism Spectrum Disorders</b>	<ul style="list-style-type: none"> <li>does not babble, point, or make meaningful gestures by 1 year of age</li> </ul>	<p>National Institute of Mental Health <a href="http://www.nimh.nih.gov/p">http://www.nimh.nih.gov/p</a></p>

<i>Disability/ Disorder</i>	<i>Signature Symptoms</i>	<i>Recommended Intervention and Information Resource Websites</i>
<b>Autism Spectrum Disorders (cont'd)</b>	<ul style="list-style-type: none"> <li>• does not speak one word by 16 months</li> <li>• does not combine two words by 2 years</li> <li>• does not respond to name</li> <li>• loses language or social skills</li> <li>• poor eye contact</li> <li>• doesn't seem to know how to play with toys</li> <li>• excessively lines up toys or other objects</li> <li>• attached to one particular toy or object</li> <li>• doesn't smile</li> <li>• at times seems to be hearing impaired</li> </ul> <p><i>Reference: National Institute of Mental Health, <a href="http://www.nimh.nih.gov/publicat/autism.cfm">http://www.nimh.nih.gov/publicat/autism.cfm</a></i></p>	<p><a href="http://publibcat/autism.cfm">publibcat/autism.cfm</a> Center for the Study of Autism <a href="http://www.autism.org/">http://www.autism.org/</a> Autism Society of America <a href="http://www.autism-society.org/site/PageServer">http://www.autism-society.org/site/PageServer</a> Autism Resources for Educators <a href="http://7-12educators.about.com/cs/autism/">http://7-12educators.about.com/cs/autism/</a> School Psychology Resources Online <a href="http://www.schoolpsychology.net/p_01.html#autism">http://www.schoolpsychology.net/p_01.html#autism</a></p>
<b>Bi-polar Disorder or Depression</b>	<p><i>The manic symptoms include:</i></p> <ul style="list-style-type: none"> <li>• severe changes in mood compared to others of the same age and background - either unusually happy or silly, or very irritable, angry, agitated or aggressive</li> <li>• unrealistic highs in self-esteem - for example, a teenager who feels all powerful or like a superhero with special powers</li> <li>• great increase in energy and the ability to go with little or no sleep for days without feeling tired</li> <li>• increase in talking - the adolescent talks too much, too fast, changes topics too quickly, and cannot be interrupted</li> <li>• distractibility - the teen's attention moves constantly from one thing to the next</li> <li>• repeated high risk-taking behavior; such as, abusing alcohol and drugs, reckless driving, or sexual promiscuity</li> </ul> <p><i>The depressive symptoms include:</i></p> <ul style="list-style-type: none"> <li>• irritability, depressed mood, persistent sadness, frequent crying</li> <li>• thoughts of death or suicide</li> <li>• loss of enjoyment in favorite activities</li> <li>• frequent complaints of physical illnesses such as headaches or stomach aches</li> </ul>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/bipolar.htm">http://www.aacap.org/publications/factsfam/bipolar.htm</a> Child and Adolescent Bipolar Foundation <a href="http://www.bpkids.org/">http://www.bpkids.org/</a> Child Development Institute <a href="http://www.childdevelopmentinfo.com/disorders/depression_in_children_and_teens.htm">http://www.childdevelopmentinfo.com/disorders/depression_in_children_and_teens.htm</a> Northern County Psychiatric Associates <a href="http://www.ncpamd.com/ca/depress.htm#Depression%20in%20Children%20and%20Adolescents">http://www.ncpamd.com/ca/depress.htm#Depression%20in%20Children%20and%20Adolescents</a></p>

<i>Disability/ Disorder</i>	<i>Signature Symptoms</i>	<i>Recommended Intervention and Information Resource Websites</i>
<b>Bi-polar Disorder or Depression (cont'd)</b>	<ul style="list-style-type: none"> <li>• low energy level, fatigue, poor concentration, complaints of boredom</li> <li>• major change in eating or sleeping patterns, such as oversleeping or overeating</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry, <a href="http://www.aacap.org/publications/factsfam/bipolar.htm">http://www.aacap.org/publications/factsfam/bipolar.htm</a></i></p>	
<b>Sensory Integration Disorder</b>	<ul style="list-style-type: none"> <li>• overly sensitive to touch, movement, sights, or sounds</li> <li>• under reactive to touch, movement, sights, or sounds</li> <li>• easily distracted</li> <li>• social and/or emotional problems</li> <li>• activity level that is unusually high or unusually low</li> <li>• physical clumsiness or apparent carelessness</li> <li>• impulsive, lacking in self control</li> <li>• difficulty making transitions from one situation to another</li> <li>• inability to unwind or calm self</li> <li>• poor self concept</li> <li>• delays in speech, language, or motor skills</li> <li>• delays in academic achievement</li> </ul> <p><i>Reference: Sensory Integration International: The Ayres Clinic, <a href="https://mmm1106.verio-web.com/sensor/faq.html">https://mmm1106.verio-web.com/sensor/faq.html</a></i></p>	<p>Sensory Integration International: The Ayres Clinic <a href="https://mmm1106.verio-web.com/sensor/faq.html">https://mmm1106.verio-web.com/sensor/faq.html</a></p> <p>Missouri Developmental Disability Resource Center <a href="http://www.moddrc.com/Information-Disabilities/FastFacts/SensoryIntegration.htm">http://www.moddrc.com/Information-Disabilities/FastFacts/SensoryIntegration.htm</a></p> <p>Sensory Integration Help: An Online Resource for Parents &amp; Practitioners <a href="http://www.sensoryintegrationhelp.com/modules.php?op=modload&amp;name=News&amp;file=article&amp;sid=49&amp;mode=thead&amp;order=0&amp;thold=0">http://www.sensoryintegrationhelp.com/modules.php?op=modload&amp;name=News&amp;file=article&amp;sid=49&amp;mode=thead&amp;order=0&amp;thold=0</a></p> <p>Sensory Integration Network <a href="http://www.sinetwork.org/whatisdsi.htm">http://www.sinetwork.org/whatisdsi.htm</a></p>
<b>Oppositional Defiant Disorder (ODD)</b>	<ul style="list-style-type: none"> <li>• frequent temper tantrums</li> <li>• excessive arguing with adults</li> <li>• active defiance and refusal to comply with adult requests and rules</li> <li>• deliberate attempts to annoy or upset people</li> <li>• blaming others for his or her mistakes or misbehavior</li> <li>• often being touchy or easily annoyed by others</li> <li>• frequent anger and resentment</li> <li>• mean and hateful talking when upset</li> <li>• seeking revenge</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry, <a href="http://www.aacap.org/publications/factsfam/72.htm">http://www.aacap.org/publications/factsfam/72.htm</a></i></p>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/72.htm">http://www.aacap.org/publications/factsfam/72.htm</a></p> <p>ConductDisorders.com <a href="http://www.conductdisorders.com/">http://www.conductdisorders.com/</a></p> <p>Diagnosis and Treatment by Dr. Jim Chandler <a href="http://www.klis.com/chandler/pamphlet/oddcdd/oddcddpamphlet.htm">http://www.klis.com/chandler/pamphlet/oddcdd/oddcddpamphlet.htm</a></p>
<b>Separation Anxiety Disorder</b>	<ul style="list-style-type: none"> <li>• feels unsafe staying in a room by themselves</li> <li>• displays clinging behavior</li> <li>• displays excessive worry and fear about parents</li> </ul>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/72.htm">http://www.aacap.org/publications/factsfam/72.htm</a></p>



<i>Disability/ Disorder</i>	<i>Signature Symptoms</i>	<i>Recommended Intervention and Information Resource Websites</i>
<b>Separation Anxiety Disorder (cont'd)</b>	<p>or about harm to themselves</p> <ul style="list-style-type: none"> <li>• shadows the mother or father around the house</li> <li>• difficulty going to sleep</li> <li>• nightmares</li> <li>• exaggerated, unrealistic fears of animals, monster, burglars</li> <li>• fear of being alone in the dark, or</li> <li>• severe tantrums when forced to go to school</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry, <a href="http://www.aacap.org/publications/factsfam/noschool.htm">http://www.aacap.org/publications/factsfam/noschool.htm</a></i></p>	<p><a href="http://www.ncpamd.com/separation_anxiety.htm">cations/factsfam/noschool.htm</a> Northern County Psychiatric Associates <a href="http://www.ncpamd.com/separation_anxiety.htm">http://www.ncpamd.com/separation_anxiety.htm</a> Safe &amp; Sound Learning Center <a href="http://www.saslc.com/separation_anxiety_sather.htm">http://www.saslc.com/separation_anxiety_sather.htm</a></p>
<b>Post-Traumatic Stress Disorder (PTSD)</b>	<ul style="list-style-type: none"> <li>• frequent memories of the event, or in young children, play in which some or all of the trauma is repeated over and over</li> <li>• upsetting and frightening dreams</li> <li>• acting or feeling like the experience is happening again</li> <li>• developing repeated physical or emotional symptoms when the child is reminded of the event</li> <li>• worrying about dying at an early age</li> <li>• losing interest in activities</li> <li>• physical symptoms such as headaches and stomachaches</li> <li>• sudden and extreme emotional reactions</li> <li>• problems falling or staying asleep</li> <li>• irritability or angry outbursts</li> <li>• problems concentrating</li> <li>• acting younger than their age (for example, clingy or whiny behavior, thumb-sucking)</li> <li>• increased alertness to the environment</li> <li>• repeating behavior that reminds them of the trauma</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/ptsd70.htm">http://www.aacap.org/publications/factsfam/ptsd70.htm</a></i></p>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/ptsd70.htm">http://www.aacap.org/publications/factsfam/ptsd70.htm</a> Council for Exceptional Children <a href="http://www.cec.sped.org/spotlight/post_trauma.html">http://www.cec.sped.org/spotlight/post_trauma.html</a> Focus Adolescent Services <a href="http://www.focusas.com/PTSD.html">http://www.focusas.com/PTSD.html</a> Helping Children and Adolescents Cope with Violence and Disasters Resources <a href="http://pediatrics.about.com/cs/mentalhealth/1/bl_ptsd_kids.htm">http://pediatrics.about.com/cs/mentalhealth/1/bl_ptsd_kids.htm</a> University of Illinois Extension Disaster Resources <a href="http://www.ag.uiuc.edu/~disaster/teacher/teacher.html">http://www.ag.uiuc.edu/~disaster/teacher/teacher.html</a></p>
<b>Anxiety and Panic Disorders</b>	<ul style="list-style-type: none"> <li>• intense fearfulness (a sense that something terrible is happening)</li> <li>• racing or pounding heartbeat</li> <li>• dizziness or lightheadedness</li> <li>• shortness of breath or a feeling of being smothered</li> <li>• trembling or shaking</li> </ul>	<p>American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/panic.htm">http://www.aacap.org/publications/factsfam/panic.htm</a> Child Development Institute <a href="http://www.childdevelopmentinfo.com/disorders/anxiety_disorders_in_children.htm">http://www.childdevelopmentinfo.com/disorders/anxiety_disorders_in_children.htm</a></p>

<i>Disability/ Disorder</i>	<i>Signature Symptoms</i>	<i>Recommended Intervention and Information Resource Websites</i>
<b>Anxiety and Panic Disorders (cont'd)</b>	<ul style="list-style-type: none"> <li>• sense of unreality</li> <li>• fear of dying, losing control, or losing your mind</li> </ul> <p><i>Reference: American Academy of Child and Adolescent Psychiatry <a href="http://www.aacap.org/publications/factsfam/panic.htm">http://www.aacap.org/publications/factsfam/panic.htm</a></i></p>	<p>School Psychology Resources Online  <a href="http://www.schoolpsychology.net/p_01.html#anxiety">http://www.schoolpsychology.net/p_01.html#anxiety</a>  Childhood Anxiety Network  <a href="http://childhoodanxietynetwork.org">http://childhoodanxietynetwork.org</a>  Freedom from Fear  <a href="http://www.freedomfromfear.com/">http://www.freedomfromfear.com/</a></p>
<b>Attachment Disorder</b>	<ul style="list-style-type: none"> <li>• intense control battles, very bossy and argumentative; defiance and anger</li> <li>• resists affection on parental terms</li> <li>• lack of eye contact, especially with parents - will look into your eyes when lying</li> <li>• manipulative - superficially charming and engaging</li> <li>• indiscriminately affectionate with strangers</li> <li>• poor peer relationships</li> <li>• steals</li> <li>• lies about the obvious</li> <li>• lack of conscience - shows no remorse</li> <li>• destructive to property, self and/or others</li> <li>• lack of impulse control</li> <li>• hypervigilant/hyperactive</li> <li>• learning lags/delays</li> <li>• speech and language problems</li> <li>• incessant chatter and/or questions</li> <li>• inappropriately demanding and/or clingy</li> <li>• food issues - hordes, gorges, refuses to eat, eats strange things, hides food</li> <li>• fascinated with fire, blood, gore, weapons, evil</li> <li>• very concerned about tiny hurts but brushes off big hurts</li> <li>• parents appear hostile and angry</li> <li>• the child was neglected and/or physically abused in the first three years of life</li> </ul> <p><i>Reference: Attachment Disorder Site <a href="http://www.attachmentdisorder.net/">http://www.attachmentdisorder.net/</a></i></p>	<p>Attachment Disorder Site  <a href="http://www.attachmentdisorder.net/">http://www.attachmentdisorder.net/</a>  Institute for Attachment and Child Development (in Colorado)  <a href="http://www.instituteforattachment.org/">http://www.instituteforattachment.org/</a>  Attachment Disorder Network  <a href="http://www.radzebra.org/">http://www.radzebra.org/</a>  Association for Treatment and Training in the Attachment of Children (ATTACH)  <a href="http://www.attach.org/">http://www.attach.org/</a></p>

Colorado Department of Education (2008). Response to Intervention (RtI) A Practitioner's Guide to Implementation. Retrieved from <http://www.cde.state.co.us/RtIGuide.pdf>

## **CLASSROOM ACCOMMODATIONS CHECKLIST**

If you have a child who does not qualify for special education but has a mental or physical impairment which substantially limits one or more major life activities, including learning, that child may qualify for special help in a regular classroom setting under section 504 of IDEA.

The following is a list of accommodations that may help your child succeed in the classroom. The list can be used as a reference for parents and school personnel. These strategies can also be helpful for children in special education.

### **PHYSICAL ARRANGEMENT OF ROOM:**

- seating student near the teacher
- seating student near a positive role model
- standing near the student when giving directions or presenting lessons
- avoiding distracting stimuli (air conditioner, high traffic area, etc.)
- increasing distance between desks

### **LESSON PRESENTATION:**

- pairing students to check work
- writing key points on the board
- providing peer tutoring
- providing visual aids, large print, films
- providing peer note-taker
- making sure directions are understood
- including a variety of activities during each lesson
- repeating directions to the student after they have been given to the class: then have him/her repeat and explain directions to teacher
- providing written outline
- allowing student to tape record lessons
- having child review key points orally
- teaching through multi-sensory modes, visual, auditory, kinesthetic, olfactory
- using computer-assisted instruction
- accompany oral directions with written directions for child to refer to blackboard or paper
- provide a model to help students, post the model and refer to it often
- provide cross age peer tutoring
- to assist the student in finding the main idea underlying, highlighting, cue cards, etc.
- breaking longer presentations into shorter segments

### **ASSIGNMENTS/WORKSHEETS:**

- giving extra time to complete tasks
- simplifying complex directions
- handing worksheets out one at a time
- reducing the reading level of the assignments
- requiring fewer correct responses to achieve grade (quality vs. quantity)
- allowing student to tape record assignments/homework

- providing a structured routine in written form
- providing study skills training/learning strategies
- giving frequent short quizzes and avoiding long tests
- shortening assignments; breaking work into smaller segments
- allowing typewritten or computer printed assignments prepared by the student or dictated by the student and recorded by someone else if needed.
- using self-monitoring devices
- reducing homework assignments
- not grading handwriting
- student should not be allowed to use cursive or manuscript writing
- reversals and transpositions of letters and numbers should not be marked wrong, reversals or transpositions should be pointed out for corrections
- do not require lengthy outside reading assignments
- teacher monitor students self-paced assignments (daily, weekly, bi-weekly)
- arrangements for homework assignments to reach home with clear, concise directions
- recognize and give credit for student's oral participation in class

#### **TEST TAKING:**

- allowing open book exams
- giving exam orally
- giving take home tests
- using more objective items (fewer essay responses)
- allowing student to give test answers on tape recorder
- giving frequent short quizzes, not long exams
- allowing extra time for exam
- reading test item to student
- avoid placing student under pressure of time or competition

#### **ORGANIZATION:**

- providing peer assistance with organizational skills
- assigning volunteer homework buddy
- allowing student to have an extra set of books at home
- sending daily/weekly progress reports home
- developing a reward system for in-schoolwork and homework completion
- providing student with a homework assignment notebook

#### **BEHAVIORS:**

- use of timers to facilitate task completion
- structure transitional and unstructured times (recess, hallways, lunchroom, locker room, library, assembly, field trips, etc.)
- praising specific behaviors
- using self-monitoring strategies
- giving extra privileges and rewards
- keeping classroom rules simple and clear
- making "prudent use" of negative consequences
- allowing for short breaks between assignments

- cueing student to stay on task (nonverbal signal)
- marking student's correct answers, not his mistakes
- implementing a classroom behavior management system
- allowing student time out of seat to run errands, etc.
- ignoring inappropriate behaviors not drastically outside classroom limits
- allowing legitimate movement
- contracting with the student
- increasing the immediacy of rewards
- implementing time-out procedures

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## Psychological Tests and Assessments: A Quick Reference

by Ronald S. Palomares

Psychological tests and assessments are often used to determine children's education needs. Advocates should have a basic understanding of the following common tests and assessments.

### What is a psychological test?

It is a measurement device or technique used to understand and predict behavior. It is often used to help understand how likely someone will behave in a certain manner. Typical administration methods are:

**Individual test**—A test given to one person at a time.

**Group test**—A test given to more than one person at a time.

### What are types of psychological tests?

**Ability test**—These contain items that can be scored in terms of speed (how fast do you finish it), accuracy (how many do you get done correctly), or both (how fast and correct). An example of the latter combined is a typing test—where both speed and accuracy is most important.

**Achievement test**—These tests measure previous learning. For example, a history test where one is asked to respond with names and dates of historical events.

**Aptitude test**—These tests measure the potential for learning or acquiring a specific skill. For example, a test that measures one's desire to become a writer by evaluating understanding and thoughts about the writing profession to see if they coincide with successful writers.

**Intelligence test**—These tests measure a person's general potential to think abstractly and to solve problems, especially by adapting to changing circumstances.

**Personality test**—These tests measure typical behavior (e.g., traits, temperaments, and dispositions) of a person. They focus on identifying an individual's tendency to show a particular behavior or response to various situations. Two subtypes of personality tests are:

- **Structured Personality Test**—A personality test designed in an objective manner, usually com-

prised of true/false responses, and has expected types of responses.

- **Projective Personality Test**—A personality test that usually has some type of stimulus (for example an inkblot) and the expected responses are ambiguous.

**Standardized Interview**—An interview conducted under well-defined conditions. Usually involves asking specific questions in a defined order.

### What is an assessment?

Assessments are used to evaluate an individual's current and future functioning using a variety of tests.

### What are the various types of assessments?

**Behavioral Assessment**—Focuses on the behaviors, thoughts (cognitions) or physiological responses that define the disordered condition.

**Diagnostic Assessment**—A detailed evaluation of an individual's strengths and weaknesses in a variety of areas.

**Psychological Assessment**—Behaviors are measured against a normal standard and classified into categories, underlying causes of behaviors are determined based on the results from several different tests.

**Progress Evaluation Assessment** — Charts day-to-day or week-to-week progress of the individual in a particular area.

**Screening Assessment**—A brief exam to identify if the individual is eligible for a certain program or has a disorder that requires further evaluation.

### What tests are typically used to assess special education handicapping conditions?

Most psychological assessments will include the following:

- Student interview
- Teacher interview
- Parent/guardian interview (in person or

by telephone)

- Classroom observation
- Record review (school, medical, and other records made available to the psychologist)

In addition to the standard measures listed above, the following handicapping conditions and tests may be included as part of the psychological assessment:

### Severe Learning Disabilities (LD)

- Achievement
- Cognitive/Intelligence (IQ)

### Severe Emotional Disturbance (SED)

- Achievement
- Cognitive/Intelligence (IQ)
- Behavior
- Personality

### Mental Retardation (MR)

- Cognitive/Intelligence (IQ)
- Adaptive Abilities

**Other Health Impaired (OHI)**—specific to suspected Attention-Deficit Hyperactivity Disorder (ADHD)

- Achievement
- Cognitive/Intelligence (IQ)
- Behavior

Note: A psychological evaluation is highly specific for each student, based on their individual needs and the reason they were referred for the evaluation. The decisions made in the selection of assessment instruments used are based upon these factors. The above list is an example of tests that may be used in the various situations.

## Test Review Resource

The **Buros Institute of Mental Measurements** (<http://www.unl.edu/buros/>) has a history of reviewing commercially available psychological, educational, and similar tests. The Institute publishes the *Mental Measurement Yearbook* and *Tests in Print* series, which contains critical reviews of tests by two or more respected researchers. Reviews include general information about the test (publisher, who

can administer the test, technical properties) and information about the test's shortcomings and strengths. Some information is technical, yet each review presents a critical analysis of the test that lay individuals will find useful.

Note: Test reviews can be found in one of the two Institute-published books, available at most higher education libraries. In addition, reviews can be purchased through the Institute's website.

## Test Publishing Companies

The following companies develop and publish assessment instruments that measure aspects of human behavior, attitudes, and personality, as well as related resources (e.g., books, software, etc.). Each company has an expanded description of the tests they sell, including uses and who can administer them.

**American Guidance Service (AGS)**,  
Circle Pines, Minnesota  
<http://www.agsnet.com/>  
Web resource entitled: *Glossary of Common Test Terms*  
<http://www.agsnet.com/glos/>

**Psychological Corporation (PsychCorp)**,  
San Antonio, Texas  
[www.psychcorp.com](http://www.psychcorp.com)  
Home page focuses on psychological assessment tools: <http://marketplace.psychcorp.com/>  
[PsychCorp.com/Cultures/en-US/Psych+Community/](http://PsychCorp.com/Cultures/en-US/Psych+Community/)

**Riverside Publishing**, Itasca, Illinois  
[www.riverpub.com/](http://www.riverpub.com/)  
Web resource entitled: *Glossary of Testing, Measurement and Statistical Terms*: <http://www.riverpub.com/scoring/glossary/default.jsp>

**Western Psychological Services (WPS)**,  
Los Angeles, California  
[www.wpspublish.com](http://www.wpspublish.com)

## Additional Resources

**American Psychological Association**  
[www.apa.org/science/testing.html](http://www.apa.org/science/testing.html)  
This link answers frequently asked questions about testing, and offers resources related to standards for educational and psychological testing.

**ETS Test Collection**  
[www.ets.org/testcoll/index.html](http://www.ets.org/testcoll/index.html)

This collection of over 20,000 tests provides minimal information on each test, but does provide test author and publisher names and, in some instances, an abstract briefly describing the test.

**Professors Dumont/Willis**  
<http://alpha.fdu.edu/psychology/>  
(Fairleigh Dickinson University) have put together a resource page with links to numerous reviews and information about psychological tests and assessment. (The above link is to their Test Reviews and Comments page.)

## Commonly Used Tests and Assessment Batteries

Note: Test publishers appear at the end of test descriptions. Refer to "Test Publishing Companies" for more information.

### Achievement Test examples:

**Kaufman Test of Educational Achievement 2<sup>nd</sup> Edition (K-TEA II)**—An achievement test for individuals between the ages of 4½ and 90 that assesses skills in reading, math, written language, and oral language. (AGS)

**Peabody Individual Achievement Test-Revised/Normative Update (PIAT-R/NU)**—An achievement test for children between age five and 23, assessing six content areas: general knowledge, reading recognition, reading comprehension, mathematics, spelling, and written expression. (AGS)

**Wechsler Individual Achievement Test 2<sup>nd</sup> Edition (WIAT-II)**—Assesses the achievement of students age four to 85. It measures a student's achievement across an extensive range of academic areas. (PsychCorp)

**Wide Range Achievement Test-Third Edition (WRAT-3)**—Measures reading, spelling, and arithmetic skills in individuals between age five and 75. (WideRange.com)

**Woodcock-Johnson III Tests of Achievement (WJ III)**—The Standard Battery of the WJ-III Achievement has 12 subtests that provide a broad set of academic achievement scores for individuals between age two and 90. An additional 10 tests (Extended Battery) provides in-depth diagnostic information on a wider range of academic strengths and weaknesses. (Riverside)

### Behavior Assessment—Behavior Rating Scales examples:

**Attention Deficit Disorders Evaluation Scale (ADDES)**—This school version of the scale, used with children ages four to 20, was designed to provide a measure of Attention Deficit Disorders: inattention, impulsivity and hyperactivity. (Hawthorne)

**Behavior Assessment System for Children (BASC)**—The BASC is a multimethod and multidimensional approach to evaluating the behavior and self-perceptions of children age four to 18. The system includes a self-report scale (completed by the student), a rating scale for parents and a rating scale for teachers. It measures numerous aspects of behavior and personality. (AGS)

**Child Behavior Checklist (CBCL) and Teacher Rating Form (TRF)**—The CBCL and TRF are checklists and questionnaires for children age two to 18. It is completed by the student's parent or teacher regarding behaviors exhibited by the child. (Achenbach)

**Conners' Rating Scales—Revised**  
Brief questionnaires completed by parents and teachers, focusing on attention, impulsivity, and social problems associated with ADHD and intended for ages three to 17. (Multi Health Systems—[www.mhs.com](http://www.mhs.com))

**Vineland Adaptive Behavior Scales (VABS)**—  
*VABS - Classroom Edition*—questionnaire completed by teachers  
*VABS—Survey and Expanded Interview Forms*—questionnaire completed by an evaluator working with a parent or other caretaker.

Both pieces focus on evaluating an individual across the domains of communication, daily living skills, and socialization and, for younger students, motor skills. (AGS)

**Intelligence Test Examples:**  
**Test of Nonverbal Intelligence—3<sup>rd</sup> Edition (TONI-3)**—Designed to be a language-free measure of intellectual ability for individuals age six to 90. (AGS)

**Stanford-Binet Intelligence Scales 5<sup>th</sup> Edition (SB 5)**—Assesses intelligence and cognitive abilities of individuals between age two and 90. (Riverside)



**Wechsler Intelligence Scale for Children-Fourth Edition (WISC-IV)**—Measures intellectual abilities of children between age six and 17. (PsychCorp)

**Wechsler Adult Intelligence Scale-Third Edition (WAIS-III)**—Measure intellectual abilities of adolescents and adults age 16 through 89. (PsychCorp)

**Woodcock Johnson III Tests of Cognitive Abilities (WJ-III)**—Assesses general intellectual abilities of individuals age two to 90. (Riverside)

**Memory and Visual Motor Skills Examples:**

**Bender Visual Motor Gestalt Test 2<sup>nd</sup> Edition (Bender)**—The Bender is often the first test used in an extended psychological assessment because it is a non-threatening warm-up that also assesses visual-motor development (eye-hand coordination) and can screen for neuropsychological impairments. (Riverside)

**Test of Memory and Learning (TOMAL)**—Evaluates general and specific memory functions, including verbal and nonverbal memory, as well as delayed recall, of children and adolescents between age five and 20. (AGS)

**Children's Memory Scale (CMS)**—Evaluates memory functions focused around memory, learning and attention in children and adolescents between age five and 16. (PsychCorp)

**Wechsler Memory Scales 3<sup>rd</sup> Edition (WMS-III)**—The WMS-III is for adolescents and adults (ages 16-89 years) and used to evaluate general memory, and a variety of memory functions including visual memory, auditory memory, and working memory. (PsychCorp)

**Personality Tests  
Projective Examples:**

*Storytelling tests:*

**Children's Apperception Test and the Thematic Apperception Test**—The student is shown a set of pictures and asked to create a story based on the pictures.

*Drawing tests:*

**Draw-A-Person**—The student draws a picture of a person and is asked a series of questions about it.

**House-Tree-Person**—Similar to the Draw-A-Person, the student is asked to draw a picture of a house, a picture of a tree, and

one of a person. The student is then asked questions about the drawings.

**Kinetic Family Drawing**—The student draws a picture of a family and is asked a series of questions about it.

**Incomplete Sentence Blank**—The student is asked to complete a series of incomplete sentences, such as "I like \_\_\_\_."

**Personality Tests  
Structured Examples:**

**Millon Adolescent Personality Inventory (MAPI)**—A self-report test comprised of 150 true/false items used to assess personality characteristics of adolescents between age 13 and 18. (Pearson Assessments—[www.pearsonassessments.com](http://www.pearsonassessments.com))

**Personality Inventory for Children 2<sup>nd</sup> Edition (Pic-2)**—Gathers information from the parent about the student's personality and adjustment. The PIC-2 is comprised of 275 true/false items and is used for children and adolescents between the five and 19. (WPS)

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*Ronald Palomares, PhD, is a psychologist at the American Psychological Association.*

## How Parents Can Participate Effectively In IEP Meetings

### Before The IEP Meeting:

- ATTEND A SPECIAL EDUCATION RIGHTS TRAINING SESSION.
- OBTAIN A COPY OF THE FEDERAL RULES AND REGULATIONS ON P.L. 94-142. and state rules and regulations on special education. You can request a copy from the local school district, the Dept. of Education, Office of Special Education or the Office for Civil Rights. Read pertinent portions, underline the most significant sections and make your own index of important sections for easy reference.
- REVIEW YOUR CHILD'S SCHOOL RECORDS.
- PREPARE A WRITTEN STATEMENT OF YOUR INPUT FOR THE IEP MEETING. Use the language of the rules and regulations. Avoid using phrases like "most appropriate" or "best" educational program. APPROPRIATE is the key word, and will enable you to present your position adequately. Adding other words may deflect from the focus of the meeting -- which is -- "an appropriate educational program for your child."
- **Sample Parent IEP Statement: Parent Input On The Individualized Education Program For Jessie Green**
  - My recommendation is for placement in a class of 4 to 5 students, with a teacher skilled in play therapy behavior management skills.
  - The teacher and the teacher's aide need to be familiar with visual teaching techniques, since my child learns best through visual rather than auditory teaching methods.
  - Summer school services need to be provided due to the nature and severity of my child's disabilities.
  - Long-term goals should focus on developing my child's social skills, basic math and reading skills, and self-help and survival skills.
  - Short-term objectives need to focus on learning how to tell time, how to read street signs, how to do the dishes, how to play a game with others, etc.
  - I am requesting an evaluation for pre-vocational services, and for occupational therapy services.

### At The IEP Meeting:

- INVITE OTHERS TO ATTEND THE IEP MEETING WITH YOU. It is common for parents to feel overwhelmed and alone when confronted with a room full of professionals discussing their child in a clinical manner. Invite other parents, friends, relatives for moral support. You can provide the same support for other parents at their IEP meeting.
- THE IMAGE YOU PORTRAY MAY AFFECT HOW SCHOOL PERSONNEL REACT TOWARDS YOU. You should dress in a professional manner, with clothing that is simple but dignified. Walk into the room with confidence and introduce yourself. Bring

your copies of the rules and regulations and other materials for reference. Remember, the school personnel are paid to work FOR you and your child.

- **THE IEP MEETING SHOULD BEGIN WITH A REPORT OF YOUR CHILD'S PRESENT LEVEL OF FUNCTIONING.** His/her strengths and weaknesses should be discussed. From this, the professionals and the parent(s) together should formulate the annual goals for the coming year, and the short-term instructional objectives for the immediate future (the next two or three months). Do ask questions, especially when you really don't understand what is being said. You have the right to clear explanations in layperson's language.
- **LISTEN WITH AN OPEN MIND,** taking special note of important points raised at the meeting. Use a tape recorder. If someone expresses resistance, explain that it is a good business procedure to tape important meetings, such as this IEP meeting. (However, remember that you must honor any request to stop the taping.)
- **PASS AROUND A SIGN-IN SHEET AT THE BEGINNING OF THE MEETING.** You will then have the names of all those present, and be able to address them by name (from their position on the sign-in sheet).
- **WHEN SPEAKING DURING THE MEETING,** take a deep breath to help project your voice clearly and confidently, and maintain eye contact with all in attendance at all times.
- **REPEAT WHAT YOU ARE ASKING FOR AS OFTEN AS NECESSARY.** Remember that you are not at the IEP meeting to discuss the limitations of the school budget. You are there to determine what your child needs to have an appropriate education.

### **If You Disagree:**

- **IF YOU CANNOT COME TO AN AGREEMENT,** are running out of time, or need time to consider the situation, you have the right to request another meeting. Do not feel pressured to make a decision on the spot.
- **YOU MAY OBTAIN AN INDEPENDENT EVALUATION** and request another meeting based on the new evaluation.
- **REMEMBER THAT FEDERAL AND STATE LAW DO NOT REQUIRE THAT YOU SIGN THE IEP.** If you do not agree, simply sign your name and write after it "attended meeting, but not in approval of the IEP."
  - **IF SCHOOL PERSONNEL REFUSE TO INCLUDE NEEDED SERVICES IN THE IEP,** or follow recommendations from an independent evaluation, you may file for a Due Process Hearing and/or mediation, file a written complaint with the Office of Civil Rights, and/or contact the Dept. of Education, Office of Special Education.

Be Sure To Ask For a Copy of the IEP. **The IEP may be revised at any time if you so request. It must be reviewed at least annually.**

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# **7**

## **Questions to ask at Parent-Teacher Conferences**

1. How is my child doing?
2. What are my child's strengths and weaknesses?
3. What are the academic standards for the grade? Is my child meeting them? If not, what can we do to help?
4. Is my child experiencing any difficulty of which I should be aware? If so, what?
5. Has my child completed all required work to date? What is he or she missing? Can the work be made up?
6. What tools are being used to prepare my child for the standardized tests? How can we build on this at home?
7. Do you think my child will meet the academic standards necessary for promotion in June? What services are available in the school to help my child? What other resources are available? What can I do to help?

## **Tips for Parents When Dealing with School Personnel**

Trust your intuition.

Common sense, not a degree, is required for you to effectively advocate for your child.

1. Review all of your child's school records and request a copy for your files at home. Keep well organized, accurate records at home. Include school records, important medical data, copies of letters written by you to the school and copies of correspondence and/or reports from other professionals.
2. Follow up telephone calls with a short summary letter. Example: "It is my understanding from our telephone conversation of (date) that points 1, 2 and 3 will happen, etc". Keep a copy for files.
3. Take notes at meetings or while talking with school personnel over the phone. Get names, titles, dates, and a brief summary of what was said and by whom.
4. Get your facts straight! Deal with the facts, supportive printed literature, letters from professionals who have dealt with your child.
5. Be thorough in your suggestions, thinking, and evidence. Know exactly what you want and why. It may help to make a list of your concerns, suggestions, evidence, etc. So you can cover all points in an organized manner.
6. Get names, titles, and phone numbers of persons who attend school related meetings such as speech therapists, psychologists, etc . for your files and reference. If minutes from the meeting are going to be sent out, request a copy.
7. Use all your resources thoroughly. Check your "yellow pages" under "Social Services Organizations". Consult with someone from your local parent group. You may find another parent who has gone through a similar situation and can lend valuable advice.
8. Become specific in your requests and responses. Rather than "My child isn't learning" develop statements such as "my child cannot read his/her 5<sup>th</sup> grade reader".
9. Be realistic about your expectations and requests. Demanding is not negotiating.
10. Be prepared for the best and the worst. Come in with alternatives and options.
11. If you have a tendency to lose your temper or feel you can no longer deal rationally with the school personnel, bring someone with you for support and guidance. This person may also speak for you.
12. When deciding on an appropriate program, observe each being considered and document pros and cons.
13. Remember, it is important to be positive and commend professionals when progress is made. Sharing this good news with the supervisor is recommended, too.
14. Attend all meetings and conferences dealing with your child's educational needs. If you have a partner, bring him/her, especially when a major decision is made.

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519-842-3228 (Fax)  
<http://www.oafccd.com>

## **THINGS TEACHERS CAN DO TO SUPPORT GOOD EDUCATIONAL OUTCOMES FOR STUDENTS IN OUT-OF-HOME CARE**

### **Understand the Reasons Why Children are Placed in Out-of-Home Care**

- Sometimes children and youth in care feel that educators believe they are in out-of-home care because they have done something wrong. In fact, children in foster care are there because of circumstances beyond their control, often due to parental abuse or neglect.

### **Connect with Child Welfare Staff**

- Find out which students are living with foster or adoptive families, kinship caregivers or in group living arrangements.
- Seek appropriate support from school administrators. Take the initiative to learn and then share information with administrators and school counselors about out-of-home care in general and the agency associated with your school district.
- Get clarity on what can and cannot be disclosed by child welfare staff. Stay focused on what you need to know to help the child in school and get what information you can within the limits of confidentiality.
- Build your relationships with child welfare staff over time; learn from them about the system that they work in and how it can mesh with the one you work in.

### **Explore the Student's Academic History**

- Contact the student's former teacher and school to find out about academic status, strengths, challenges and history. Help ensure that school records and Individual Education Plans (IEPs) for students enrolled in special education are delivered to the appropriate staff at your school in a timely fashion.
- Be aware that each move a child is forced to make can delay academic progress by months. Understand that many children and youth in foster care have a harder time learning because of their experiences. They may have been in educational settings in which they were not well supported because they were viewed as transient students bound to be moved again.
- Invite the resource parents – foster parents, kinship caregivers, adoptive parents, etc. – to work with you in assessing the student's current level of achievement and setting reasonable goals for the academic year.

## **In the Classroom**

- Be aware that children and youth in care generally tend to perform less well in school than their peers. Thirty to forty percent of youth in foster care are also in special education, so your student may already have an IEP or may need one. The student may have a learning disability due to poor maternal health during pregnancy or prenatal exposure to drugs and alcohol. The enormous emotional burdens of grief, loss and uncertainty about the future can also impair a child's ability to concentrate, learn and acquire new skills.
- Determine the student's academic, social and emotional level and then find ways to help him or her fit into the class by using accommodations and adaptations to support educational success.
- Respect the child's right to privacy. Students and teachers who do not have responsibility for teaching the child do not need to know about his or her foster care status.
- Structure materials and tasks in the classroom to help the student achieve success, even if academics are a problem. Help offset the chaos in the student's life by providing structure and predictability in the classroom.
- Broaden the diversity of families depicted in the books and materials in your classroom to include foster, adoptive and relative caregiving families.
- Keep in mind that a child or youth in out-of-home care or one who has been adopted may not be able to complete certain assignments. For example, constructing a family tree or bringing in a baby picture can be difficult for a child who has been frequently and suddenly moved, or has little contact with his or her birth family. Similarly, getting permission for a special activity such as a field trip can be problematic when the current caregivers do not have legal authority to give permission. It may take more lead time than normal to get approval through the appropriate channels.
- Consider doing a unit on foster care during May. Lists of books about foster care and adoption are available at the following sites: [www.cwla.org/pubs/subj.asp](http://www.cwla.org/pubs/subj.asp); [www.childadvocacy.com/books/index.php](http://www.childadvocacy.com/books/index.php); <http://store.yahoo.com/pactpress/favoritebooks.html>

## **Your Relationship with the Child and Family**

- Like other students, a child or youth in foster care needs to be accommodated, but does not want to be treated differently. Strive to ensure that the student does not feel exposed as a "special case" as he or she does in so many other settings. At the same time, be lenient when circumstances warrant it.
- Remember that many children and youth in foster care find it difficult to trust adults, often for good reason. Recognize you may have to work harder to achieve a trusting relationship over time. Behavior and attitudes intended to be caring can appear just the opposite when they have been experienced in a negative context in the past. Be patient and consistent.



- Some teachers may feel challenged by highly involved resource parents who advocate very strongly for the student. Remember that these children and youth need someone who is on their side, even if that person seems over-involved. Try to work with the energy the parents bring to their child's academic life.
- What children and youth in foster care need most are strong advocates in the schools. Educators, resource parents, agency staff and birth families can all contribute to school success when they understand the challenges and have the opportunity to collaborate in providing support to these students.

### **Preparation for Postsecondary Education, Training and Career Goals**

- Prepare students for postsecondary education experiences while in middle and high school, helping them become aware of the full range of postsecondary program options.
- Train students early in self-determination and self-advocacy, so they can speak up for themselves, direct and redirect their lives, solve problems, reach valued postsecondary education and training goals, and take part in their communities.
- Help students access appropriate academic supports, high school course planning, SAT/ACT and other assessment preparation, as well as guidance and follow-up in selecting and applying to postsecondary education and training programs.
- Link students to existing community educational and career development programs such as TRIO programs and College Bridge Programs.

### **Sources and Further Information**

Conversation with an Educator [Online].

[www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/conversation-with-educator.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/conversation-with-educator.html)

Education and Foster Care on the website of the National Resource Center for Family-Centered Practice and Permanency Planning:

[www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/education-and-foster-care.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/education-and-foster-care.html)

Education and Training Vouchers: These federal Independent Living/Chafee program funds provide youth who were formerly in foster care up to \$5,000 a year toward the cost of attending a postsecondary institution. Eligible expenses include tuition and room and board. For more information see the National Resource Center for Youth Development, [www.nrcys.ou.edu/nrcyd/programs/etv.shtml](http://www.nrcys.ou.edu/nrcyd/programs/etv.shtml), and state-by-state information at [www.nrcys.ou.edu/nrcyd/state\\_pages.shtml](http://www.nrcys.ou.edu/nrcyd/state_pages.shtml).

Garcia, C. (2004). Helping Foster Care Grads Move on to College. *Connect for Kids*. [Online]. [www.connectforkids.org/articles/foster\\_care\\_grads\\_college](http://www.connectforkids.org/articles/foster_care_grads_college)

Kellam, S. (2000). New Schools, New Problems: Foster Children Struggle in U.S. Schools. *Connect for Kids*. [Online].

[www.connectforkids.org/articles/foster\\_children\\_struggle\\_in\\_us\\_schools](http://www.connectforkids.org/articles/foster_children_struggle_in_us_schools)

Mack, K. (2002). Educational Opportunity for Youth in Foster Care. *Children's Voice*. [Online]. [www.cwla.org/articles/cv0205youthcare.htm](http://www.cwla.org/articles/cv0205youthcare.htm)

Orphan Foundation of America administers several scholarships for postsecondary education and training to young people who have been in foster care. Contact: (571) 203-0270. [www.orphan.org](http://www.orphan.org)

**National Foster Care Month** is a partnership of Casey Family Programs; Annie E. Casey Foundation/Casey Family Services; Black Administrators in Child Welfare; Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services; Child Welfare League of America; Connect for Kids; Jim Casey Youth Opportunities Initiative; APHSA/National Association of Public Child Welfare Administrators; National Association of Social Workers; National CASA; National Foster Care Coalition; National Foster Parent Association; and the National Resource Center for Family-Centered Practice and Permanency Planning at the Hunter College School of Social Work, a Service of the Children's Bureau.

## How Caseworkers Can Help Foster Parents Support the Educational Needs of Children in Care

- ❑ **Set high expectations:** Encourage the foster parent to have high expectations for the children and attach the same importance to education as they do to the children's behavior at home.
- ❑ **Provide a supportive environment:** Make sure the foster parent is providing children with the necessary school supplies and a quiet space, free from distraction, in which to do their school work.
- ❑ **Monitor and provide help with homework:** Tell foster parents that they should expect children to do their homework and urge them to check to make sure it is completed and done well. Explain why it is important to make this a priority ahead of doing household chores. Foster parents also need to understand that most children need some kind of support to complete their homework. They should provide that support themselves or find alternative resources such as another adult or tutor to help (See Appendices for tips on helping children with homework and Chapter 3, Section 306.1 for information on sources of tutoring assistance.).
- ❑ **Praise school success:** Emphasize that foster parents should heap praise on children each time they do well in school. Suggest they post papers for which children have received a good grade on the refrigerator or start a tradition that every time a child makes the honor roll or improves their grades, a special dinner or outing will be planned to celebrate.
- ❑ **Enable children to participate in extracurricular activities:** These opportunities can come up throughout the school year and are key factors in the educational success of children and youth. This is a particularly important need for middle and high school students. Urge foster parents to go through the papers children bring home from school on a daily basis so opportunities aren't missed. Tell them they can play an important role in encouraging children to participate! Work with the school to ensure clarity about who can sign permission slips and fill out necessary forms. Then make sure that happens in a timely fashion. See if foster parents can provide transportation to events and games and if not, find out if there is another way the child can be transported.
- ❑ **Address special school-related costs:** For certain courses or for big research and science fair projects there will be special costs for scientific calculators, art materials, a display board, etc. There also may be monthly rental fees for an instrument for the school band or uniforms for the soccer team. Sometimes, schools can help with these costs for families that can't afford them but it may be hard for children in the child welfare system to speak up and request that help. School social workers and school psychologists are good sources of information about resources in the community to help defray these costs for children who can't afford them. Foster parents need to let children know they are willing to help them with this. If foster parents need help covering these

costs they should contact you right away. Very often these projects are assigned or extracurricular opportunities are announced with very little turnaround time. Sometimes kids wait until the last minute to let foster parents know! Not having the money to meet these expenses not only affects children's academic performance and ability to participate in beneficial activities but can also stigmatize and embarrass them at school. As mentioned earlier, the new state law, Sec 22-32-138 C.R.S., may help with at least some of these costs. It requires schools to waive all extracurricular and in-school fees for students in out-of-home placement and prohibits schools from limiting opportunities to participate because of fees. See Appendix Z for a copy of the agency letter implementing these provisions to show to school officials and make sure foster parents are also aware of these new requirements.

- ❑ **Attend parent/teacher conferences:** For children who are not in special education these are the only formal times when a child's performance is discussed. A meeting with a child's teacher can be requested whenever there is a concern but attendance at these regularly scheduled meetings is essential. These meetings not only inform the foster parent about the progress of the child but begin a relationship with the teacher that will make the school a less intimidating place for foster parents. (See Appendices for a list of questions foster parents can ask at a parent/teacher conference.)
- ❑ **Promote early literacy:** Encourage foster parents caring for very young children to read to the child daily, beginning in infancy, and talk about what the child is seeing and doing to develop the early language skills so necessary for later success in school. Encourage foster parents to enroll the child in a good quality early care and education program to provide an enriched early learning environment for the child. (See Chapter 6 for more information on the educational needs of younger children.)
- ❑ **Support educational aspirations:** For older children, explain that foster parents need to support and encourage high aspirations for attending college or other post-secondary schooling. Encourage them to talk to the guidance counselor and to you, as the caseworker, to make sure they are taking the right courses and know about financial supports for further education. (See Chapter 7 for more information on special considerations of addressing the educational needs of youth.)
- ❑ **Provide copies of report cards:** Request that the foster parent provide you with copies of report cards and urge him or her to inform you about any concerns about the child's experience and performance in school.
- ❑ **Advocate for the child in the IEP process:** If the child is in special education or there is a concern over the child's educational progress that might mean there is a need for a referral, help the foster parent understand the special education system and provide tips on how to be a good advocate for the child. New state legislation enacted in 2009, 26-6-106 C.R.S. requires that county departments of human/social services and local school districts coordinate to make training about the IEP process available to foster parents upon request.

## **How to Help Your Child With Homework**

Parents play a crucial role in encouraging their children to study and learn. Here are tips on ways you can help your child:

- Teach your child to organize, prioritize, and set goals.
- Provide an environment conducive to study. Eliminate as many distractions as possible.
- Remove barriers and don't accept excuses.
- Make homework time part of the regular family routine.
- Encourage your children to do their own work. Don't let them copy (cheat) and don't do homework for them.
- Show your child how you remember and meet deadlines.
- Teach your children memory tricks.
- Let your children see how you do the homework required by your job.
- Pay attention to whether or not your child is keeping up. Check with teachers if necessary.
- Teach your child to break down big assignments into manageable tasks and take one step at a time.
- Help your child understand his/her learning style.
- To the extent possible, provide your child with the tools for study (paper, pencils, dictionary, computer, etc.)
- Discuss current events as a family.
- Practice listening skills as a family.
- Praise effort as well as results.
- Encourage your child to take risks and try new things.
- Celebrate successes; don't nit-pick or expect perfection.
- Don't threaten or offer bribes.

## **Helpful Websites and Contact Information**

### ***Colorado Education Information:***

#### **Colorado Department of Education:**

State Office Building  
201 East Colfax Avenue  
Denver, Colorado 80203-1799  
Phone: 303-866-6600  
Fax: 303-830-0793  
<http://www.cde.state.co.us>

#### **Directory of Boards of Cooperative Educational Services (BOCES):**

[http://www.cde.state.co.us/edulibdir/directory\\_06.pdf](http://www.cde.state.co.us/edulibdir/directory_06.pdf)

#### **Index of Colorado School Districts:**

[http://www.cde.state.co.us/edulibdir/directory\\_15.pdf](http://www.cde.state.co.us/edulibdir/directory_15.pdf)

#### **Colorado Charter Schools:**

<http://www.cde.state.co.us/cdechart/index.htm>

#### **Home Schooling in Colorado:**

<http://www.cde.state.co.us/choice/homeschool.htm>

#### **Resources on Educating Homeless Children and Youths:**

[http://www.cde.state.co.us/cdeprevention/homeless\\_progres.htm](http://www.cde.state.co.us/cdeprevention/homeless_progres.htm)

#### **Parent/School Partnerships:**

[http://www.cde.state.co.us/cdepreventin/homeless\\_index.htm](http://www.cde.state.co.us/cdepreventin/homeless_index.htm)

#### **Gifted and Talented:**

<http://www.cde.state.co.us/gt/index.htm>

#### **Online Learning:**

<http://www.cde.state.co.us/onlinelearning/index.htm>

#### **Teacher's Guide to Adoption:**

<http://www.familyhelper.net/ad/adteach.html>

**No Child Left Behind:**

<http://www.cde.state.co.us/FedPrograms/nclb/index.asp>

***Early Intervention/ Early Childhood Education:***

**Early Intervention Colorado:**

Colorado Department of Human Services

Division of Developmental Disabilities

For your local office:

<http://www.eicolorado.org/index.cfm?fuseaction=Home.Main>

**Preschool Directory:**

<http://www.cde.state.co.us/cpp/familyinfo.htm>

**Head Start Program Search:**

[http://eclkc.ohs.acf.hhs.gov/hslc/hslc\\_trantee\\_directory](http://eclkc.ohs.acf.hhs.gov/hslc/hslc_trantee_directory)

**Qualistar Early Learning:**

<http://www.qualistar.org>

**Even Start Family Literacy Program:**

<http://www.cde.state.co.us/FedPrograms/NCLB/tib3.htm>

***Special Needs:***

**Developmental Milestones of Children from the Nation Center on Birth Defects and Developmental Disabilities:**

<http://www.cdc.gov/ncbddd/autism/actearly/>

**Colorado Association of Community Centered Boards:**

<http://www.ccbpartners.org/index.html>

**Section 504 Information:**

<http://www.cde.state.co.us/cdesped/504Info.asp>

**Exceptional Student Leadership Unit:**

<http://www.cde.state.co.us/cdesped/index.asp>

**Special Education Law:**

<http://www.cde.state.co.us/spedlaw/index.htm>

**Information about Student Assistance Programs:**

[http://www.cde.state.co.us/cdeprevention/pi\\_sap.htm](http://www.cde.state.co.us/cdeprevention/pi_sap.htm)

**McKinney-Vento Act Information:**

[http://www.cde.state.co.us/cdeprevention/homeless\\_mkvento.htm](http://www.cde.state.co.us/cdeprevention/homeless_mkvento.htm)

**Colorado Department of Human Services, Division of Youth Corrections:**

4255 S. Knox Court

Denver, Colorado 80236

Phone: 303-866-7345

Fax: 303-866-7344

<http://www.cdhs.state.co.us/dyc>

**PEAK Parent Center, Inc.:**

611 N. Weber St. Suite 200

Colorado Springs, CO 80903

Phone: 800-284-0251

E-mail: [info@peakparent.org](mailto:info@peakparent.org)

[www.peakparent.org](http://www.peakparent.org)

**Parent to Parent of Colorado:**

Phone: 877-472-7201 (toll free).

E-mail: [info@p2p-co.org](mailto:info@p2p-co.org)

[www.p2p-co.org](http://www.p2p-co.org)

**The Arc of Arapahoe and Douglas, Inc.:**

8100 E. Arapahoe Road, Suite 208

Centennial, CO 80112

Phone: 303-220-9228

Email: [carol@arc-ad.org](mailto:carol@arc-ad.org)

[www.aracarapahoedouglas.org](http://www.aracarapahoedouglas.org)

**The Arc of Colorado:**

1580 Logan Street, Suite 730

Denver, CO 80203

Phone: 303-864-9334, ext. 11

E-mail: [mrymer@thearcofco.org](mailto:mrymer@thearcofco.org)

<http://www.thearcofco.org/>

**The ARC/Pikes Peak Region:**

12 North Meade Avenue

Colorado Springs, CO 80909

Phone: 719-741-4800

E-mail: [info@thearcpapr.org](mailto:info@thearcpapr.org)

[www.thearcpapr.org](http://www.thearcpapr.org)



**Vocational Education for Students with Disabilities:**

Services for Special Populations  
Community Colleges of Colorado  
1391 N. Speer Boulevard, Suite 600  
Denver, CO 80204-2554  
Phone: 303-620-4000  
<http://www.rightchoice.org>

**University Centers for Excellence in Developmental Disabilities:**

JFK Partners  
University of Colorado Health Sciences Center  
4200 E. 9th Avenue, Suite C-221  
Denver, CO 80262  
Phone: 303-864-5266  
<http://www.jfkpartners.org/UNIVERSITYCENTEREXCELLENCE.asp>

**State Vocational Rehabilitation Agency:**

Division of Vocational Rehabilitation  
Department of Human Services  
1575 Sherman Street, 4<sup>th</sup> floor  
Denver, CO 80203  
Phone: 303-866-4150 or 866-870-4595 (toll free)

**State Mental Health Representative for Children and Youth:**

Division of Behavioral Health  
Department of Human Services  
3824 W. Princeton Circle  
Denver, CO 80236  
Phone: 303-866-7400

**Programs for Infants and Toddlers with Disabilities: Ages Birth through 2:**

Early Childhood Initiatives  
Department of Education  
201 E. Colfax Avenue, Room 305  
Denver, CO 80203  
Phone: 303-866-6600  
[www.cde.state.co.us/early/](http://www.cde.state.co.us/early/)

**National Center on Severe and Sensory Disabilities:**

1862 10<sup>th</sup> Avenue  
University of Northern Colorado  
Greeley, CO 80639  
Phone: 800-395-2693  
Fax: 970-351-1061  
Email: [ncssd@unco.edu](mailto:ncssd@unco.edu)  
[www.unco.edu/ncssd/](http://www.unco.edu/ncssd/)

**Learning Disabilities Association**

[www.ldaamerica.org](http://www.ldaamerica.org)

***Sample Forms from CDE:***

**Special Education Referral:**

<http://www.cde.state.co.us/cdechart/guidebook/sped/referral.htm>

**State Recommended IEP Forms:**

<http://www.cde.state.co.us/cdechart/guidebook/sped/iep.htm>

**Colorado Client Assistance Program:**

<http://www.icdri.org/legal/COCAP.htm>

***Advocates and Legal Aid:***

**Colorado CASA:**

1490 Lafayette Street, Suite 104

Denver, Co 80218

Phone: 303-623-5380 or 8777-735-0311 (toll free)

Fax: 303-623-5382

Email: [coloradocasa@coloradocasa.org](mailto:coloradocasa@coloradocasa.org)

<http://www.coloradocasa.org/>

**Colorado Association of Family and Children's Agencies (CAFCA):**

1120 Lincoln St., Suite 701

Denver, CO 80203

Phone: 720-570-8402

Fax: 720-570-8408

E-mail: [info@cafca.net](mailto:info@cafca.net)

<http://www.cafca.net/>

**The Legal Center for People with Disabilities and Older People:**

455 Sherman Street, Suite 130  
Denver, Colorado 80203-4403  
Phone: 303-722-0300  
TTY: 303-722-3619

or

322 N. 8th Street  
Grand Junction, Colorado 81501-3406  
Phone: 970-241-6371  
Toll Free Phone/TTY: 1-800-531-2105  
Fax: 970-241-5324

Email: [tlcmail@thelegalcenter.org](mailto:tlcmail@thelegalcenter.org)  
<http://www.thelegalcenter.org>

**Colorado Advocates Forum**

[www.coadvocatesforum.org](http://www.coadvocatesforum.org)

**Office of the Child's Representative:**

1650 Pennsylvania Street  
Denver, CO 80203  
Phone: 303-860-1517  
E-Mail: [email@coloradochildrep.org](mailto:email@coloradochildrep.org)  
<http://www.coloradochildrep.org>

**EMPOWER Colorado:**

2200 S. Jasmine Street  
Denver, CO 80222  
1-866-213-4631  
Email: [info@empowercolorado.com](mailto:info@empowercolorado.com)  
[www.empowercolorado.com](http://www.empowercolorado.com)

**WrightsLaw:**

<http://www.wrightslaw.com>

**Parent Community Advocacy Network:**

Jefferson Center for Mental Health  
Phone: 303-425-0300  
[www.jeffersonmentalhealth.org](http://www.jeffersonmentalhealth.org)

**Colorado Parent Teacher Association (PTA):**

7859 West 38th Avenue

Wheat Ridge, CO 80033

Phone: 303-420-7820; (888) 225-8234

E-mail: [office@copta.org](mailto:office@copta.org)

<http://www.copta.org/>

***Tutoring:***

**Top Notch Tutoring**

<http://www.topnotchtutoring.net/>

**Score Educational Centers:**

[www.kaplantutoring.com/?source=legacy-gateway](http://www.kaplantutoring.com/?source=legacy-gateway)

**Sylvan Learning Center:**

<http://tutoring.sylvanlearning.com>

***Training:***

**Colorado County Training Services:**

Metropolitan State College of Denver Family Center

Campus Box 70, PO BOX 173362

Denver, CO 80217-3362

Phone: 303-556-5205 or 888-569-1830

Fax: 303-556-6279

E-mail: [mscd-cocwtraining@mscd.edu](mailto:mscd-cocwtraining@mscd.edu)

<http://www.cdhsacademy.com>

**Social Work Research Center:**

Colorado State University School of Social Work

127 Education Building

Ft. Collins, CO 80523

Phone: 970-491-6612

E-mail: [sowk@cahs.colostate.edu](mailto:sowk@cahs.colostate.edu)

<http://www.ssw.cahs.colostate.edu/contact/default.aspx>

**Project JADE:**

303-278-6634

<http://jeffcoweb.jeffco.k12.co.us>

**Colorado State Foster Parent Association:**

2497 Fenton Street  
Edgewater, CO 80214  
Denver area: 303-463-7989  
National: 800-426-3281  
Fax: 303-463-7990  
<http://www.csfpa.org/>

**Colorado Coalition of Adoptive Families:**

P.O. Box 270398  
Louisville, CO 80027-0398  
Phone: 303-620-5150  
<http://cocaf.org>

***Transition Planning Resources:*****Colorado Department of Human Services, Division of Mental Health:**

3824 W. Princeton Circle  
Denver, CO 80236  
Phone: 303-866-7400  
Fax: 303-866-7428  
<http://www.cdhs.state.co.us/ohr/mhs/>

**Online Career Test, The Career Key:**

<http://www.careerkey.org/cgi-bin/ck.pl?action=choices>

**The Parent's Role:**

<http://www.careerkey.org/english/you/parentsrole.html>

**Transition Planning for Students with Disabilities:**

<http://transitioncoalition.org/assessing/>

**College Planning Tips for Juniors:**

<http://www.mapping-your-future.org/features/juniortips.htm>

**Senior Year College Planning Calendar:**

<http://www.mapping-your-future.org/features/seniorcalendar.htm>

**Foster Care Transition**

<http://transition.fosterclub.com>

**Resources at Annie E. Casey Foundation:**

<http://www.aecf.org/KnowledgeCenter/Education.aspx>

**Colorado School-to-Career:**

<http://www.cde.state.co.us/schooltocareer/>

**Chafee Foster Care Independence Act:**

<http://www.cdhs.state.co.us/cyf/childwelfare/chafee.htm>

***Other Helpful Resources:***

**Orphan Foundation of America:**

<http://www.orphan.org>

**Division of Vocational Rehabilitation:**

<http://www.cdhs.state.co.us/dvr>

**Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Program Information:**

<http://www.cocaf.org/epsdt>

**Social Security Administration:**

<http://www.ssa.gov>

<b>COLORADO DEPARTMENT OF HUMAN SERVICES</b> <b>1575 SHERMAN ST., DENVER, COLORADO 80203-1714</b>  <b>AGENCY LETTER</b>	<b>NUMBER:</b> CW-09-02-I
	<b>CROSS REFERENCE NUMBER:</b>
<b>DIVISION OR OFFICE:</b> CW	<b>DATE:</b> January 5, 2009
<b>PROGRAM AREA:</b> Child Welfare – CW	<b>CHILD WELFARE DIRECTOR:</b> Lloyd D. Malone
<b>TITLE:</b> THE EDUCATION OF CHILDREN AND YOUTH IN OUT-OF-HOME CARE REGARDING: 2008 LEGISLATION, NOTIFICATION TO SCHOOL DISTRICTS, AND REPORTING THE LOCATION OF FOSTER HOMES IN TRAILS <b>TYPE:</b> I - Information	<b>DEPUTY EXECUTIVE DIRECTOR:</b> George Kennedy

Intended Audience:

County directors, child welfare administrators and supervisors, caseworkers, resource workers, and child placement agency (CPA) staff.

Purpose:

- To inform individuals and agencies about education bills passed by the Colorado General Assembly in 2008 that impact children/youth of school age in out-of-home placement.
- To provide information about timely notification that is needed by the county departments of human/social services when a child/youth is in out-of-home placement or changes schools or school districts.
- To provide the procedure for entering the school district of residence for family foster care homes into Trails.

Background:

In 2008, the Colorado General Assembly passed two bills that directly affect children/youth in out-of-home placement.

H.B. 08-1019, Concerning the Educational Services for Children in Out-of-Home Placements, adds Section 22-32-138, C.R.S., which establishes new requirements for schools, school districts, Boards of Cooperative Educational Services (BOCES), and the Charter School Institute. The purpose of the new requirements is to support children/youth in out-of-home placement in achieving educational success. The legislative intent in H.B. 08-1019 states:

The general assembly hereby finds:

- (a) Children who are in out-of-home placements, including but not limited to foster care placements, deserve access to the same opportunities that are enjoyed by other students to:
  - (I) Meet the academic achievement standards to which all students are held;
  - (II) Maintain stable school enrollments;
  - (III) Be placed in the least restrictive educational environments; and
  - (IV) Have access to the same academic resources, services, and extracurricular and enrichment activities.



H.B. 08-1204 establishes a Facility Schools Unit within the Colorado Department of Education (CDE), which will receive guidance from a seven (7) member Facility Schools Board (appointed by the State Board of Education) regarding curriculum, graduation requirements, and student records.

Second, timely notification by the county departments of human/social services to the school district is currently required in Section 7.301.241 (12 CCR 2509-4) for children/youth with special education needs who are placed in out-of-home care. During hearings in the House and Senate Education Committees in 2008, foster care alumni testified about delays in enrollment, especially for youth in foster care. HB08-1019 establishes timelines for the timely transfer of records and enrollment for all children/youth based upon the initiation of notification by the county departments of human/social services to the appropriate school district.

Third, the Colorado Department of Human Services (CDHS) is required to submit an annual report to the U.S. Department of Health and Human Services with the number of children who are placed in family foster care homes during the month of October. The school districts receive Title I-Part A funds that are calculated from the data that are provided. The accuracy of the data is dependent on the school districts where each family foster care home is located as identified in Trails.

Information regarding H.B. 08-1019:

1. School districts and the Charter School Institute<sup>1</sup> must designate an employee or contractor to be the Child Welfare Education Liaison. The Child Welfare Education Liaison is responsible for working with the county departments of human/social services, child placement agencies, and CDHS "to facilitate the prompt and appropriate placement, transfer and enrollment in school of students in out-of-home placement within the school district or who are enrolled or are enrolling in institute charter schools."
2. The sending school or school district must deliver to the student's new/receiving school education information and records within five (5) school days following **notification of a transfer request from the county department of human/social services that has legal custody** of the child.<sup>2</sup>
3. If the student is receiving special education services pursuant to an individualized education program (IEP), then the receiving school or school district must notify the special education director for the school or school district as soon as possible **following the receipt of the transfer request from the county department of human/social services**.
4. Record transfers may not be delayed for any reason, including unpaid fines or fees the student may have that are outstanding at the sending school or school district.

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<sup>1</sup> The Charter School Institute is an agency within the CDE that is empowered to authorize state charter schools across the State. See §22-30.5-503, C.R.S. Institute charter schools are not associated with any school district; instead, they are subject to the general oversight of the Charter School Institute.

<sup>2</sup> For purposes of this agency letter, the term "sending" school or school district means the school or school district in which the student was enrolled prior to the out-of home placement.



5. The **county department of human/social services with legal custody may request** that the sending school or school district release a student's records to a designated employee of the county department of human/social services for the sole purpose of transferring the information to the new school.
6. Generally, the receiving school or school district must enroll the student within five (5) school days following the receipt of the education records; however, there are exceptions to this general rule that involve circumstances such as the student's expulsion from a school district or school.<sup>3</sup>
7. The sending school or school district must certify course work fully or partially completed.
8. The receiving school must accept certified course work as if it had been completed at the receiving school.
9. Students in out-of-home placement must receive an excused absence for court-ordered activities (such as family visitation, therapy, and court appearances, etc.) *with caseworker written verification for each instance*.
10. School fees *must be waived* for students in out-of-home placement, and opportunities for participation in extra curricular and in-school activities may not be limited due to fees.
11. To the extent possible, prior to a change of placement, all parties (i.e., the county department of human/social services, court, guardian ad litem, and other parties) must consider the child's existing educational placement; and, select a change of placement in the child's best interest, that enables the child to remain in the existing educational situation or to transfer to a new educational setting that is comparable to the current educational situation. These efforts shall be documented into Trails.
12. If immunization records are not received prior to enrollment, the school must notify the legal guardian that the records must be received within fourteen (14) days of enrollment or the student will be suspended.

Procedures regarding H.B. 08-1019:

**Timely response and communication with schools, school districts, BOCES, and the Charter School Institute is critical to assist children/youth in out-of-home placement to benefit from the new legislation.**

1. When the placement of a child/youth in out-of-home care or a change in placement results in a change of school district, the county department of human/social services shall *notify the sending school district in writing in order to initiate the five (5) school day timeframe for the transfer of records*. The *notification shall occur immediately* in order to avoid delays in enrollment. Email will not serve as the written notice. In some school districts, telephone notification and written notification, may expedite the process. The county department should also notify the receiving school district in writing in order to initiate communication and a working relationship.
2. The county department of human/social services may request the school to release the student's education records to a designated county employee for the sole purpose of transferring the records to the new school.

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<sup>3</sup> The specific exceptions are enumerated in §22-32-138(4)(b) and §22-33-106 (2) and (3), C.R.S.



3. For *each* instance when a child/youth has court-ordered appointments that occur during the school day, the county department of human/social services shall notify the school in writing so that the student receives an excused absence.
4. The county department of human/social services should attempt to maintain the child/youth or school district whenever possible, in order to limit the disruption of the student's education, and to assure that the student receives comparable educational services.
5. It is recommended that county departments communicate with local school districts to obtain contact information regarding the designated liaison.

**Note:** The Social Security Act was amended by Public Law 110-351, effective 10/07/08, in a manner that may change some of the requirements outlined above. CDHS and CDE are reviewing Public Law 110-351 and will send additional guidance when the analysis is completed.

Information regarding H.B. 08-1019:

H.B. 08-1204 establishes an infrastructure within CDE for the general oversight and monitoring of facility education programs (i.e., schools operated by residential child care facilities, day treatment programs or other facilities licensed by CDHS) and requires no action by county departments of human/social services.

1. The bill creates a Facility Schools Unit within the CDE with the following responsibilities:
  - Recommend curriculum standards and graduation requirements to the Facility Schools Board;
  - Maintain student records;
  - Adopt data reporting protocols and record transfer procedures and
  - Collaborate with CDHS regarding out-of-home placements.
2. Creates a seven (7) member Facility Schools Board with the following responsibilities:
  - To advise the Facility Schools Unit;
  - Adopt curriculum and accountability measures;
  - Establish graduation requirements;
  - Award high school diplomas;
  - Make recommendations to the State Board of Education and CDHS regarding:
    - The process for the placement of children/youth in facility schools,
    - Methods for improving the involvement of school districts in placement decisions,
    - Methods and strategies for improving the quality of educational services and outcomes for students,
    - Provision of special education services and development of the IEP,
    - Methods of reimbursement for excess costs,
    - Oversight and monitoring of approved Facility Schools, and
  - Promulgation of rules related to awarding diplomas and the approval process for facility schools.

#### Reporting School Districts into the Trails Resource area:

CDHS is required to submit an annual report to the U.S. Department of Health and Human Services that documents the number of children ages 5 through 17 who are in family foster care homes during the month of October, by school district. The school districts collectively receive several million dollars in Title I-Part A funds based upon the data that are provided. The funds are used to provide reading and math remediation services to students. Many of these children/youth are in out-of-home care and have gaps in learning and benefit from these programs.

*The accuracy of the data in Trails is vital to assure that the school districts receive the appropriate funding so that students receive the necessary services to positively impact their education.* Frequently there are no school districts identified for nearly two thousand children/youth in family foster care home placements and the Department must conduct ad hoc reports in order to gather the data.

#### Procedure to Enter School Districts into the Trails Resource Area:

The Provider Address is the **physical location** of the building where children reside in family foster care homes. The School District should be entered into the Provider Address window as shown below. A Trails enhancement is scheduled to make this field mandatory.

#### Provider:

The screenshot shows the 'TRAILS - CW' application window. The 'General Information' tab is active, displaying a form for entering provider data. The form includes the following fields and controls:

- Resource Type:** A dropdown menu currently set to 'Service'.
- Governing Body Type:** A dropdown menu.
- Owner County/Region:** A dropdown menu currently set to 'Division of Child Care'.
- Former Provider Ids:** A text input field.
- DYC:** A checkbox.
- Central Administration:** A checkbox.
- Region:** A dropdown menu.
- Judicial District:** A dropdown menu.
- Name:** A text input field with a 'Display Only' checkbox.
- Agency/Facility:** A text input field.
- Prefix:** A dropdown menu with options 'First', 'Middle', 'Last', and 'Suffix'.
- SSN:** A text input field.
- FEIN:** A text input field.
- Receives Education Funds:** A dropdown menu currently set to 'No'.
- Provider can be contacted directly for placement?:** A radio button group with options 'Yes', 'No', and 'N/A'. 'Yes' is selected.
- Provider County:** A radio button group with options 'Yes' and 'No'. 'No' is selected.
- Quest Card:** A checkbox.
- Discontinue:** A checkbox.
- Discontinue Reason:** A dropdown menu.
- Governing Body:** A text input field.
- Start Date:** A text input field currently set to '00/00/0000'.

On the right side of the form, there is a vertical column of buttons: 'Add', 'Change', 'Delete', 'Clear', 'Addresses...' (highlighted with an arrow), 'Show Conflict...', 'Governing Body...', 'State Hold...', 'Cancel', and 'Help'.

The status bar at the bottom of the window displays 'Ready', 'Resource:', 'wm 1003 rs general info', and the date/time '12/5/2008 03:13 PM'.



### Provider Address:

Provider Address -

**Address**

Type	Start Date	Address	City	State
Location	07/31/2000		Aurora	Colorado
Mailing	08/27/1996		Lakewood	Colorado

**Address Detail**

**Address Type:** Location

**Start Date:** 07/31/2000 **School District:** ADAMS-ARAPAHOE 28J

**End Date:** **Location Type:** No Selection

☒ Zoned For Childcare

**Format:**

- ☒ Street
- ☐ P.O. Box
- ☐ Rural Route (RR)
- ☐ Foreign

**P.O. Box:** **RR Nbr:** **Box Nbr:**

**Number:** **PreDir:** **Name:** **Suffix:** **PostDir:**

**Unit Type:** **Unit Nbr:**

**City:** Aurora **State:** Colorado **Zip:** 80012-0000

**County:** Arapahoe **Header:**

**Buttons:** Add, Change, Delete, Clear, Provider Address, Cancel, Help

### Effective Date:

Immediately

### Contact Person:

For questions related to child welfare:

Mary Griffin, Program Administrator for Foster Care and Kinship Care  
303-866-3546 or mary.griffin@state.co.us

For questions related to concerns about implementation of the education requirements for schools/school districts:

Kama Linscome, CDE Facility Schools Unit  
303-866-6979 or linscome\_k@cde.state.co.us

For questions related to Trails:

Kathy Chase, CW Business Analyst Supervisor  
303-866-7381 or kathy.chase@state.co.us

## BEST PRACTICES IN HOMELESS EDUCATION

**School Selection for Students in Out-of-Home Care****Introduction**

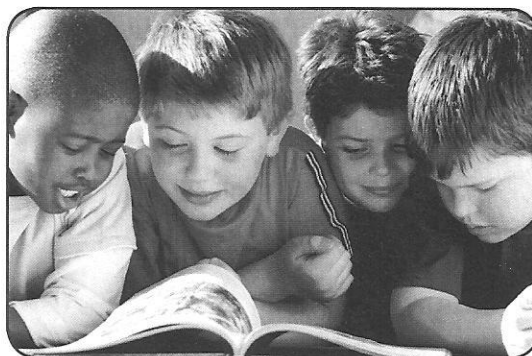
The **Legal Center for Foster Care and Education** and the **National Center for Homeless Education** present this brief to provide a framework for local homeless education liaisons, educators, child welfare caseworkers, and other child welfare advocates for assessing best interest when selecting a school for students in out-of-home care. While the brief focuses on students "awaiting foster care placement" under the McKinney-Vento Act, it provides information relevant to school selection and school stability for all children and youth in out-of-home care.

Two federal laws give children and youth in out-of-home care certain rights to remain stable in one school despite changes in their living placement: The **McKinney-Vento Homeless Assistance Act** and the **Fostering Connections to Success and Increasing Adoptions Act**.

**Legal Background: The McKinney-Vento Act**

The McKinney-Vento Act guarantees eligible children the right to continue attending their school of origin despite changes in their living situation.<sup>1</sup> Children and youth "awaiting foster care placement" are eligible for services under the McKinney-Vento Act. While the McKinney-Vento Act does not define this term further, some states have created policies to provide its districts with more specific guidance on serving this population. Contact your State Coordinator for Homeless Education to see if further state-level policy or guidance can be provided; contact information is available at [http://www.serve.org/nche/states/state\\_resources.php](http://www.serve.org/nche/states/state_resources.php). For the full McKinney-Vento definition of "homeless," see the panel to the right.

<sup>1</sup> McKinney-Vento Homeless Assistance Act, Subtitle VII-B: 42 USC 11432(g)(3)(A)-(B).

**Who is homeless?**

**(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)**

The term "homeless children and youth"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
  1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  2. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
  3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  4. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

A Joint Publication

The Legal Center for Foster Care ■ [www.abanet.org/child/education/](http://www.abanet.org/child/education/)  
 The National Center for Homeless Education ■ [www.serve.org/nche](http://www.serve.org/nche)

## School Selection Under McKinney-Vento

The McKinney-Vento Homeless Assistance Act guarantees children and youth experiencing homelessness the right to attend one of two schools: the school of origin or the local attendance area school.

"The local educational agency [LEA or school district] serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest-

- i. continue the child's or youth's education in the school of origin for the duration of homelessness-
- l. in any case in which a family becomes homeless between academic years or during an academic year; or
- ll. for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- ii. enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend."

[M-V: 722(g)(3)(A)]

## Schools Defined Under McKinney-Vento

**School of Origin:** "The school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled"

[M-V: 722(g)(3)(G)]

**Local Attendance Area School:** "Any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend"

[M-V 722(g)(3)(A)(ii)]

## Best Interest Under McKinney-Vento

"Best Interest—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

- i. to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
- ii. provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such a child or youth to a school other than the school of origin or a school requested by the parent or guardian; ..."

[M-V 722(g)(3)(B)]

## **U.S. Department of Education: Education for Homeless Children and Youth Program Guidance**

### **"G-4. What should a school district consider when determining the extent to which it is feasible to educate a homeless child in his or her school of origin?"**

As stated above, to the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include the age of the child or youth; the distance of a commute and the impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and time remaining in the school year."

*(Education for Homeless Children and Youth Program Non-Regulatory Guidance, July 2004)*

### **Legal Background: The Fostering Connections Act**

In addition to the McKinney-Vento Act, a relatively new child welfare statute supports school stability for children in out-of-home care. This law is the Fostering Connections to Success and Increasing Adoptions Act of 2008, and it applies both to students eligible under the McKinney-Vento Act as "awaiting foster care placement" and those in foster care but not eligible under McKinney-Vento. The Fostering Connections Act requires that child welfare agencies have a plan for ensuring the educational stability of every child in care.<sup>2</sup> When placing a child in out-of-home care, the child welfare agency must take into account the appropriateness of the current educational setting and the distance between the school and the child's living placement. The agency also must coordinate with local educational agencies to ensure that children in care remain in the school in which they were enrolled when they were brought into care, if that is in their best interest. In other words, child welfare agencies must focus on school stability in their planning and placements and must be active participants in best interest determinations for all children in care.

### **How do McKinney-Vento and Fostering Connections Work Together?**

When a child is "awaiting foster care placement" under the McKinney-Vento Act, both that Act and the Fostering Connections Act provide the child with rights. Since the McKinney-Vento Act applies to schools, it establishes the proper framework for best interest decisions for children awaiting foster care placement. Therefore, the LEA and the local homeless education liaison should take the lead in assessing best interest and ensuring immediate enrollment for students awaiting foster care placement. The child welfare agency must participate in the best interest decision by sharing appropriate information, coordinating with the LEA, and assisting the local liaison with the practical aspects of enrollment and transportation, as needed.

<sup>2</sup> *Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351); 42 USC 675(1)(G).*



## School Stability Under Fostering Connections

Children in out-of-home care who do not meet the local or state definition of "awaiting foster care placement" are not eligible for the McKinney-Vento Act's protections. However, the Fostering Connections Act requires child welfare agencies to coordinate with LEAs to ensure that all children in care remain in the school in which they were enrolled when they were brought into care, if that is in their best interest. Therefore, child welfare agencies should work with LEAs to provide school stability for all children in care, consistent with their best interest. Child welfare caseworkers who are determining a child's best interest can use the information below as a guide to assist in making their decisions.

### Making Best Interest Decisions

Children in out-of-home care tend to have many adults involved in their lives, and it may be unclear who has the authority to make general education decisions for them. Usually, birth or adoptive parents are the decision makers, even if a child has been removed from the home. However, a state law, regulation, or court order may restrict parental authority, giving general educational decision-making rights to foster parents, caseworkers, relatives, or other advocates. In these cases, for children in out-of-home care and those awaiting foster care placement, the educational decision maker will assume the rights of the parents under the McKinney-Vento Act, including the right to select the school in the child's best interest and pursue any disputes with the school district. The school must be informed of who has decision-making authority for each student; the responsibility of informing the school typically lies with the student's child welfare caseworker.

In order for parents or other educational decision makers to make informed decisions about selecting the school that is in a child's best interest, they need to have as much practical information as possible. Every LEA has a local homeless education liaison, who must ensure each eligible child receives his or her rights under the McKinney-Vento Act, including the right to attend the school of origin. The local liaison and school or district staff can play an instrumental role in assisting with choosing the school that is in a student's best interest. For children in foster care who are not McKinney-Vento eligible, schools should identify staff to assist with the school selection provisions of the Fostering Connections Act. In these situations state laws and policies will determine the schools' specific role in best interest decisions; however, school staff always should be involved and provide input related to the decisions.

In all of these situations, the local liaison, teachers, and other school or district staff can:

- Reinforce the importance of school stability and educational continuity for children.
- Provide input on the academic, social, and emotional impact that transferring to a new school may have on children.
- If the child has special education needs, provide input on the impact that changing schools may have on the child's progress and services. If a school change is indicated, ensure that evaluations and/or services are not interrupted.
- Help determine which programs at the two schools are comparable and appropriate for the child and make arrangements for the parents or educational decision maker and the



child to visit the school considered for a possible transfer.

- Provide information on the commute to the schools under consideration in terms of the distance, mode of transportation, and travel time, and work with caseworkers to develop transportation plans.
- Work with school staff and data managers to ensure appropriate confidentiality about the student's out-of-home placement.
- Work with caseworkers to develop immediate and long-term educational plans for the student, ensuring that the student's education is not interrupted and considering the anticipated duration of the child's out-of-home placement and permanency plan.

## **Key Questions to Consider When Making a School Selection**

1. How long is the child's current placement expected to last?
2. What is the child's permanency plan?
3. How many schools has the child attended over the past few years? How many schools has the child attended this year? How have the school transfers affected the child emotionally, academically and physically?
4. How strong is the child academically?
5. To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
6. Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
7. Which school does the student prefer?
8. How deep are the child's ties to his or her current school?
9. Would the timing of the school transfer coincide with a logical juncture such as after testing, after an event that is significant to the child, or at the end of the school year?
10. How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?
11. How would the length of the commute to the school of origin impact the child?
12. How anxious is the child about having been removed from the home and/or any upcoming moves?
13. What school do the child's siblings attend?
14. Are there any safety issues to consider?

## **Conclusion**

Decisions regarding school selection should be made on a case-by-case basis, giving attention to the circumstances of each individual student. The following checklist may help local liaisons or other designated education and child welfare agency staff guide a discussion on school-selection options available to the student and the advantages and disadvantages of each option. If a district has large numbers of homeless, foster, and other highly mobile students, it may be beneficial to train several staff members at both the child welfare agency and the school district to assist in this decision-making process.

## **Additional Information**

For additional information on supporting the education of students in out-of-home care, visit the Legal Center for Foster Care and Education at <http://www.abanet.org/child/education/> and the National Center for Homeless Education at [http://www.serve.org/nche/ibt/sc\\_foster.php](http://www.serve.org/nche/ibt/sc_foster.php).

## School Selection: A Checklist for Decision Making

(adapted from the Texas Homeless Education Office)

School of Origin Considerations		Local Attendance Area School Considerations	
<input type="checkbox"/>	<b>Continuity of instruction</b> <i>Student is best served due to circumstances that look to his or her past.</i>	<input type="checkbox"/>	<b>Continuity of instruction</b> <i>Student is best served due to circumstances that look to his or her future.</i>
<input type="checkbox"/>	<b>Age and grade placement of the student</b> <i>Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation. The student has been in this environment for an extended period of time.</i>	<input type="checkbox"/>	<b>Age and grade placement of the student</b> <i>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student's meaningful school experience and participation. The student has attended the school of origin for only a brief time.</i>
<input type="checkbox"/>	<b>Academic strength</b> <i>The child's academic performance is weak, and the child would fall further behind if he/she transferred to another school.</i>	<input type="checkbox"/>	<b>Academic strength</b> <i>The child's academic performance is strong and at grade level, and the child would likely recover academically from a school transfer.</i>
<input type="checkbox"/>	<b>Social and emotional state</b> <i>The child is suffering from the effects of mobility, has developed strong ties to the current school, and does not want to leave.</i>	<input type="checkbox"/>	<b>Social and emotional state</b> <i>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring.</i>
<input type="checkbox"/>	<b>Distance of the commute and its impact on the student's education and/or special needs</b> <i>The advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.</i>	<input type="checkbox"/>	<b>Distance of the commute and its impact on the student's education and/or special needs</b> <i>A shorter commute may help the student's concentration, attitude, or readiness for school. The local attendance area school can meet all of the necessary educational and special needs of the student.</i>
<input type="checkbox"/>	<b>Personal safety of the student</b> <i>The school of origin has advantages for the safety of the student.</i>	<input type="checkbox"/>	<b>Personal safety of the student</b> <i>The local attendance area school has advantages for the safety of the student.</i>
<input type="checkbox"/>	<b>Student's need for special instruction</b> <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i>	<input type="checkbox"/>	<b>Student's need for special instruction</b> <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.</i>
<input type="checkbox"/>	<b>Length of anticipated stay in a temporary shelter or other temporary location</b> <i>The student's current living situation is outside of the school-of-origin attendance zone, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i>	<input type="checkbox"/>	<b>Length of anticipated stay in a temporary shelter or other temporary location</b> <i>The student's current living situation appears stable and unlikely to change suddenly; the student will benefit from developing relationships with school peers who live in his local community.</i>

This brief was developed by:

**National Center for Homeless Education**

800-308-2145 (Toll-free Helpline)

<http://www.serve.org/nche>

**Legal Center for Foster Care and Education**

202-662-1733

<http://www.abanet.org/child/education/>

Fall 2009

*NCHE is supported by the U.S. Department of Education Student Achievement and School Accountability Programs.*



LEGAL CENTER FOR  
**FOSTER CARE & EDUCATION**

Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at [http://www.serve.org/nche/states/state\\_resources.php](http://www.serve.org/nche/states/state_resources.php).

For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).



**Local Contact Information:**



<b>COLORADO DEPARTMENT OF HUMAN SERVICES</b> <b>1575 SHERMAN ST., DENVER, COLORADO 80203-1714</b>  <b>AGENCY LETTER</b>	<b>NUMBER:</b> CW-09-05-I
	<b>CROSS REFERENCE NUMBER:</b>
<b>DIVISION OR OFFICE:</b> Children, Youth and Families	<b>DATE:</b> January 7, 2009
<b>PROGRAM AREA:</b> Child Welfare – CW	<b>DIVISION DIRECTOR:</b> Lloyd D. Malone
<b>TITLE:</b> DEVELOPMENTAL SCREENING REFERRALS  <b>TYPE:</b> P-Procedure	<b>DEPUTY EXECUTIVE DIRECTOR:</b> George Kennedy

**Distribution:**

County department of social/human services directors and child welfare administrators.

**Purpose:**

The purpose of this Agency Letter is to advise county departments of changes to Child Welfare Child Protection Investigation/Assessment Requirements, as described in Rule Manual 7, Section 7.202.52, K, (12 CCR 2509-3) which now mandates that county departments of social/ human services refer all children under the age of five years, for whom an incident of child abuse or neglect has been substantiated, for developmental screening within 60 days of the substantiation.

This Agency Letter provides county departments of human services with the procedures they need to use in order to implement HB 08-1167.

**Background:**

During its 2007-2008 session, the Colorado Legislature created statutory language that requires county departments of social/human services to refer each child under five years of age, who is the subject of a substantiated case of child abuse or neglect, to the appropriate state or local agency for developmental screening within sixty days after the abuse or neglect has been substantiated. The statute requires the State Board to promulgate rules to implement this new section, effective January 1, 2009.

The rule change was initiated in compliance with H.B. 08-1167, now found at 26-5-108, C.R.S. The State Board of Human Services adopted the rule on December 5, 2008, with an effective date of January 1, 2009.

**Procedure:**

Section 7.202.52, K, Investigation/Assessment Requirements, reads, "When a county department substantiates child abuse or neglect regarding any child under the age of five years, that county department shall refer the child to the appropriate state or local agency for development screening within sixty days after abuse or neglect has been substantiated." (See attached copy of rule change.)

1. To comply with federal law, referrals for developmental screening for children birth through two years of age should be made to the local Community Centered Board which may be contacted through Early Intervention Colorado, 1-888-777-4041 or [www.eicolorado.org](http://www.eicolorado.org).

2. Resources for referrals for developmental screening for children three to five years of age include, but are not limited to:
  - a. Child Find, Colorado Department of Education, 303-866-6124
  - b. Early Periodic Screening, Diagnosis and Treatment (through Medicaid providers for children of any age with Medicaid coverage)
3. A county department may elect to perform the screening by its own county department staff if they are trained in the administration of standard developmental screening tests, and if they use a standardized developmental screening tool. A standard developmental screening includes the following areas:
  - Thinking and learning skills (cognitive development)
  - Moving, seeing and hearing (physical development)
  - Understanding and using sounds, gestures, and words (communication development)
  - Responding to and developing relationships with other people (social-emotional development)
  - Taking care of one's self in age appropriate ways when doing things like feeding or dressing (adaptive development)
4. As part of the information that results from the investigation that must be documented according to Section 7.202.52, L, the county department shall document the name of the child, the date the referral was made, and the name of the developmental screening resource to which the referral was made, in the assessment summary in the Assessment Closure window in the automated case management system (Trails).

**Information:**

Early childhood developmental screening allows for early identification of developmental problems in children. It offers the subsequent possibility that there will also be appropriate early intervention and treatment, if needed. Early intervention and treatment of childhood developmental problems are linked with more positive outcomes for children as they age than the outcomes for children for whom developmental problems are not identified in early childhood.

Existing federal law already requires states to refer all children under the age of three with substantiated child abuse or neglect to early intervention services. HB 08-1167 goes further and changes the threshold age for referral for developmental screening in Colorado to less than five years old.

During the rule making process, questions were raised about: county liability if the parent refused to sign release of confidentiality agreement allowing the referral to be made; and if referring children for a developmental screen is a violation of the Health Insurance Portability and Accountability Act (HIPAA).

Consultation with the Assistant Attorney General in the Colorado Attorney General's Office resulted in clarification that there would not be county liability for violation of confidentiality, if a parent does not sign a release of information, because the county has no choice about unconditionally following this new Colorado statute.



The Assistant Attorney General clarified that referring children for developmental screening without a release of information would not violate HIPAA because releasing a child's name, and thereby revealing that child abuse and/or neglect has been substantiated regarding the child, is not sharing medical information about the child.

The new rule does not require county departments to keep the assessment or case open past the date the referral is made.

The need for future changes to the automated case management system (Trails) to streamline the process for counties will be evaluated.

**Effective Date:**

January 1, 2009

**Contact Person:**

Questions may be directed to:

Carol Wahlgren, LCSW  
Program Administrator of  
Ongoing Child Protection  
303-866-3278  
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