
KINSHIP FAMILIES: Did You Know?

- **The child in your care can get special educational services.**

Every child age 2 through 21 years old identified as having a disability has the right to free special education and related services. An [Individualized Education Program \(IEP\)](#) must be developed for each individual child with a disability. The IEP specifies the needs of the child and what education and services are necessary to meet the child's needs. ([8VAC20-81-10](#)) Infants and toddlers with delays or disabilities may be able to get early intervention services through the Infant & Toddler Connection. ([12VAC35-225](#))

- **You should help make important educational decisions about the child you care for.**

Virginia special education regulations clarify that an individual acting in the place of a birth parent (including grandparent, stepparent or other relative) with whom the child lives can act as a "parent" under special education regulations and can make decisions regarding the IEP and other important aspects of the child's education. ([Code of Va. 22.1-213.1](#))



- **You should be informed when decisions are to be made.** Caregivers must be told when each IEP meeting will occur and are to be present if possible at any IEP meeting. ([8VAC20-81-110](#))

- **Your child's school should be helping solve behavior problems.**

Schools, along with parents or kinship caregivers as part of the IEP team, must consider the use of positive interventions, strategies and supports to address behaviors that are causing problems for the child or others. The IEP team should develop goals and services related to the behavioral needs. IEP teams can also call for a functional behavioral assessment and determine if a behavioral intervention plan is needed to address the child's behaviors. ([8VAC20-81-110](#); [8VAC20-81-160](#))

- **School records from previous schools should be sent to a new school.**

If the child you care for is moving from one school division or district to another, his or her school records including IEPs and other special education information, must be sent quickly from the previous school to the new school. Schools do not need permission from you, birth parents, or the caseworker to transfer records. (Code of Va. § [22.1-289](#); [22.1-3.4](#) for those in formal foster care)

LEARN MORE... about your special education rights and responsibilities as a kinship caregiver. Formed Families Forward, a federally-supported family resource center serving foster, adoptive and kinship families in northern Virginia, is here to help. We offer individual consultations, training, peer supports, and resources, free of charge.