

# Special Education for Formed Families: Making It Work!

Winter 2022 Webinar Series

**Accessing Special Education: Evaluation & Eligibility Basics**

March 8, 2022



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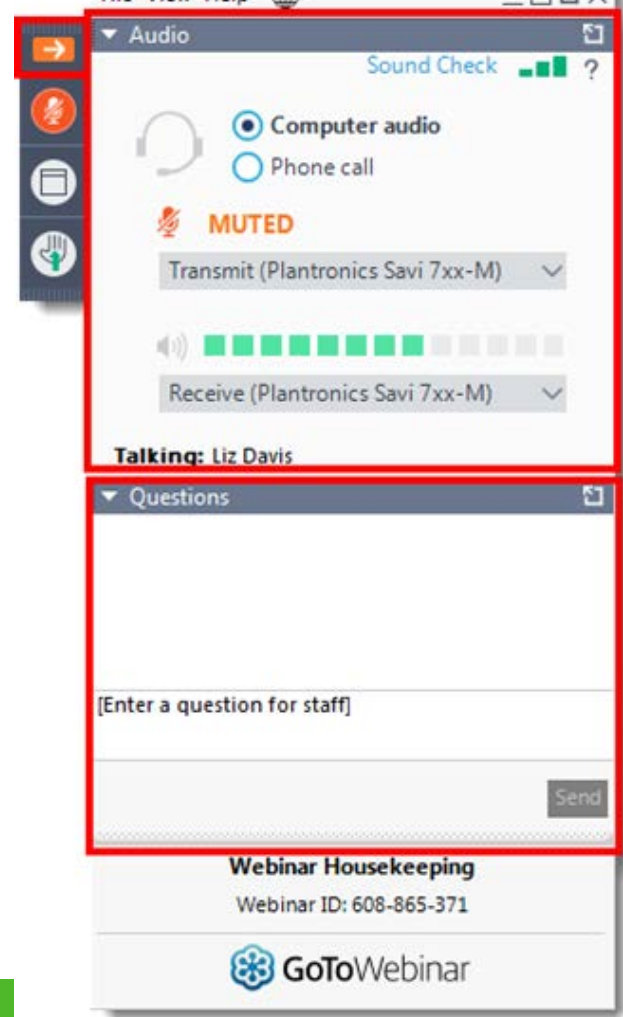
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[www.FormedFamiliesForward.org](http://www.FormedFamiliesForward.org)

FORMED FAMILIES **FORWARD**

# Housekeeping

- Use **Questions** pod to pose questions and comment; others will not see your questions/comments.
- Download handouts from HANDOUTS pod.
- All recordings, slides and handouts will be on FFF website under RESOURCES: WEBINARS by Thursday.
- Email [info@formedfamiliesforward.org](mailto:info@formedfamiliesforward.org) if you need certificate of attendance



## Formed Families Forward - who we are...

- A family-led resource center in Northern Virginia supporting foster, adoptive and kinship families who are raising children, youth & young adults with special needs, and professionals who work with our families.
- We offer free training, consultations to families, events, resources, and systems navigation. Also - peer support groups; Resource Directory; Learning Your Way self-paced classes; videos and other resources.
- Family partner to Virginia Tiered Systems of Supports (VTSS; a VDOE project)

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# Accessing Special Education Series

February 22- The Special Education Evaluation Process

March 1- Reevaluations: Tips for Continuing Special Education Eligibility

March 8- Special Education for Formed Families: Making It Work!

March 15- Connecting to Special Education Services for Military Families Formed Through Adoption, Kinship Care and Foster Care



**ACCESSING  
SPECIAL  
EDUCATION:  
EVALUATION &  
ELIGIBILITY  
BASICS**

**WEBINAR SERIES**

# Spring Forward Foster, Adoptive and Kinship Family Fun Day- April 30, 2022



<https://ffspringforward2022.eventbrite.com>

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# POLL 1

What's your role(s):

- Adoptive parent
- Kinship caregiver
- Foster or resource parent
- Professional
- Birth parent

Chat in any additional roles



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# Formal Options for Support

- Access/equal opportunity
  - Section 504 of Rehabilitation Act
  - Americans with Disabilities Act (ADA)
- Specialized Instruction
  - Individuals with Disabilities Education Act (IDEA) and its many parts
- Services and Supports through other systems



# IDEA Legislation Guarantees:



- ★ Free and Appropriate Public Education (FAPE)
- ★ Specially designed instruction to meet the unique needs of a child with disabilities
- ★ Placement in the least restrictive environment
- ★ Parent\* participation in educational planning

“Parent” is an inclusive term



# Who gets Special Education Services?

- ★ Qualify through an evaluation and eligibility process
- ★ Must meet criteria for one of the Federal Disability Categories
- ★ Must demonstrate a need for special education & related services



## POLL 2

If you are parenting or working with a child, describe all that apply:

- Child has been referred for evaluation but has not been found eligible for any 504 plan or IEP.
- Child has a 504 plan.
- Child has an IEP.
- Child had an 504 or IEP but no longer receives services.
- None of these apply to me.

# What is Special Education?

A program of specialized educational services provided to students with disabilities



## Individuals with Disabilities Education Act - IDEA



- ★ Federal legislation
- ★ Implemented through state regulations
- ★ Guarantees special education, a free, appropriate public education for eligible children with disabilities all children (FAPE)

# What is Special Education? Individuals with Disabilities Education Act (IDEA)



- Specially designed instruction
- To meet the unique needs of a child with disabilities
- Placement in the least restrictive environment
- Protection for the rights of children and their parents
- ‘Parent’ participation in educational planning



# Legal status of caregivers

Definition of **parent** in Virginia special ed regulations:

- a. A biological or adoptive parent of a child;
- b. A foster parent, even if the biological or adoptive parent's rights have not been terminated (school has to provide written notice to biological parent that foster parent is acting as parent; school is "entitled" to rely upon actions of foster parent until biological parent attempts to act as parent);
- c. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child;

d. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

e. If none of above can serve, a surrogate parent appointed by school; **or**

f. An emancipated minor.

**NOTE:** A judicial decree or order identifying a specific person(s) to act as “parent” or make educational decisions on behalf of the child, trumps the above order of priorities.

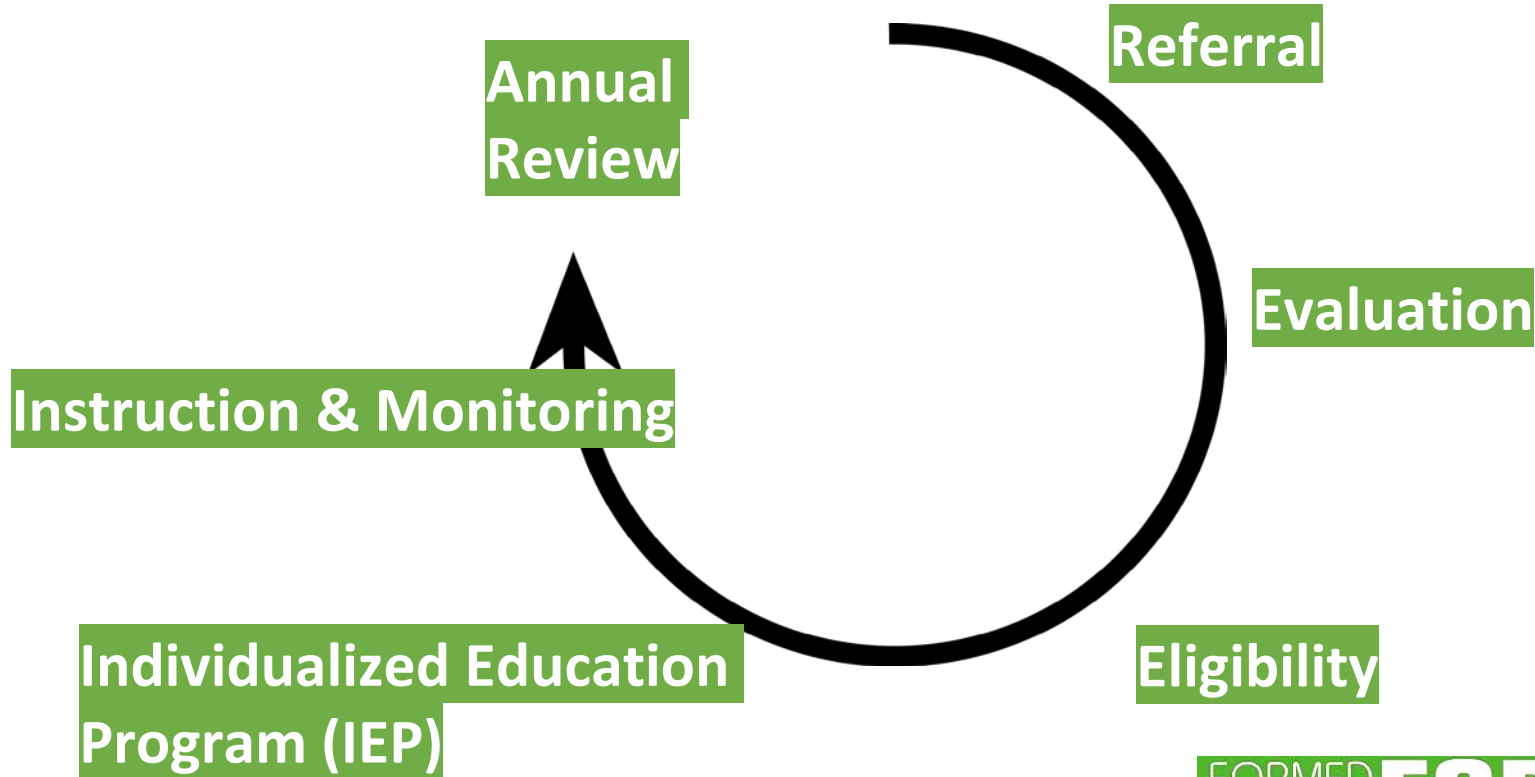


(§ 20-124.6 and § 22.1-213.1 of the Code of Virginia; 34 CFR 99.4 and 34; CFR 300.30)

# Other references to foster parents

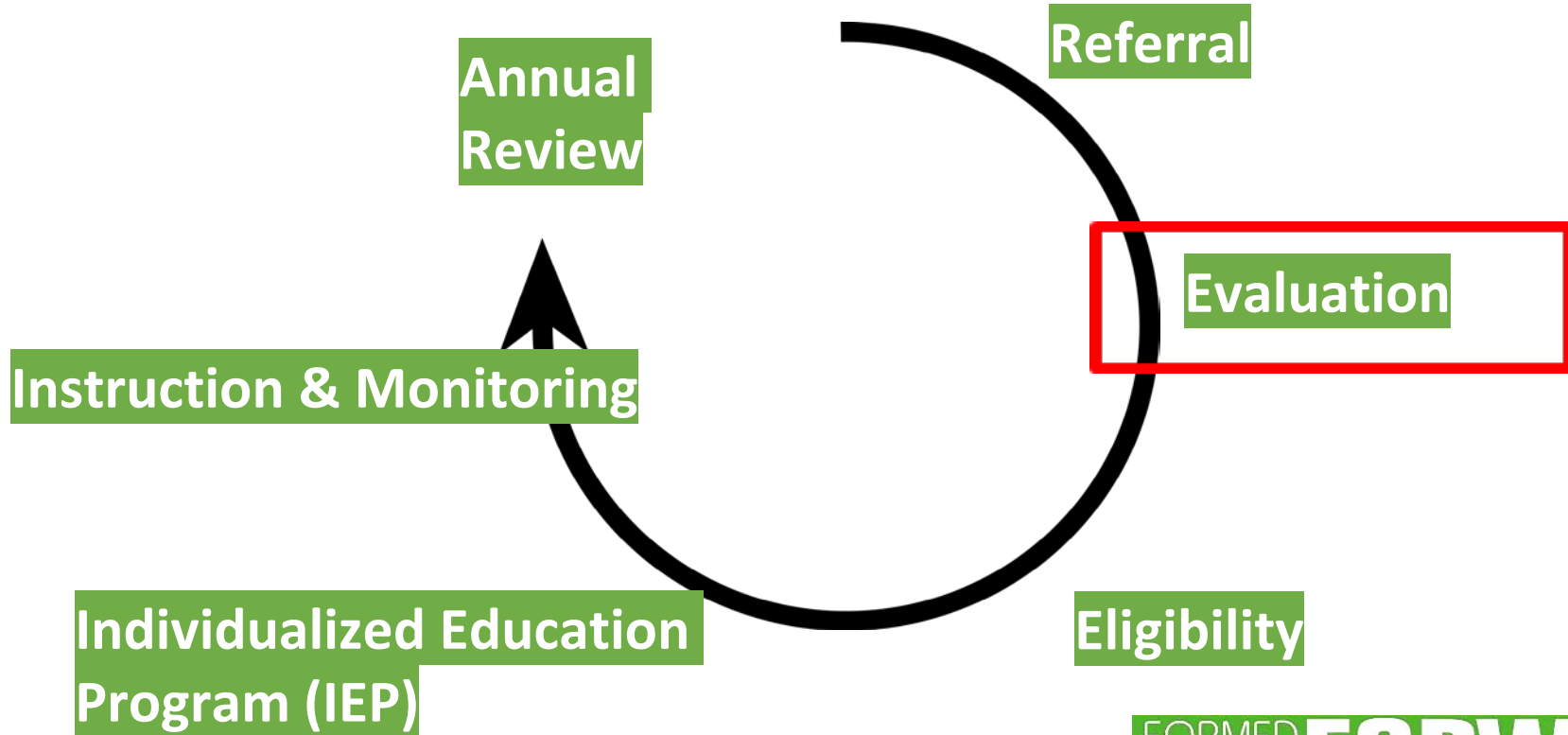
- Schools **do not need consent for initial evaluation** for eligibility for wards of the state who are not residing with their parent, **if** school has made reasonable efforts but cannot discover the parent is; the rights of the parents have been terminated in accordance with State law; OR rights of parents to make educational decisions have been altered by a judge and consent for initial evaluation has been given to someone appointed by a judge. 34 CFR 300.300(a)(2)
- Schools **must send written notice** to biological parents of a child who is living with a foster parent and whose parental rights have not been terminated, of IEP or eligibility meetings.

# Special Education Cycle





# Special Education Cycle



# Areas of Suspected Disability

- Health, vision, hearing\*, social emotional status, general intelligence, academic performance, communicative status, motor abilities, adaptive behaviors.
  - May include: educational, medical , sociocultural, psychological, or developmental assessments.
- \* Hearing must be screened of each child suspected of disability during initial determination of eligibility.

# Collect Evaluation Data

Assessments and other evaluation materials must:

- use a **variety** of assessment tools and strategies including information provided by the family;
- in the child's **native language** and “in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, & functionally, **unless it is clearly not feasible to do so**; “
- **not be discriminatory** on a racial or cultural basis;
- Used for **valid and reliable** purposes; and
- Administered by **trained and knowledgeable** personnel

# Other Assessment Considerations

- If an assessment is **not conducted under standard conditions**, a description of the extent to which it varied from standard conditions) shall be included in report.
- Any **nonstandardized assessment** administered by **qualified personnel** may be used to assist in determining whether the child is a child with a disability and the contents of the child's IEP.
- For a child with **impaired sensory, motor, or communication skills**, the assessment is selected and administered to give results accurately reflect the child's aptitude or achievement level rather than reflecting the child's impaired sensory, motor, or communication skills.

# MORE Other Assessment Considerations

- Sufficiently **comprehensive to identify all of the child's special education and related services needs**, whether or not commonly linked to the disability category in which the child has been classified.
- **No single measure** is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for a child.
- If the evaluation requires assessments in more than one area relating to the suspected disability, **a group of persons**, including at least one teacher or other specialist with knowledge in the area of the suspected disability, shall complete the assessments.

# Trauma-informed assessments and evals

- **Trauma-focused** assessments- Target processes to determine presence of traumatic events, experiences, effects
  - For example, trauma screening
- **Trauma-informed** assessments- applying a trauma lens to all existing assessment processes, including those solely focused on academics
  - For example, trauma informed functional behavioral assessments (FBAs)
- **Trauma-informed Family Engagement and Report Writing**

(Rossen and Bateman, 2020)

# Sharing Information in a Sociocultural Assessment

- Consent is needed for the assessment.
- The information in the assessment is private and will not be shared with other students or parents.
- Gives school insight from the family about the student's struggles and strengths at home or in the community.
- In conjunction with other assessments, it may provide evidence of the need for special education services.

# Sharing Personal Information During Referral and Assessment for Special Education

- Individual referral
- Sociocultural assessment
- Standardized assessments filled out by teachers, students and parents may not be representative of overall functioning due to disrupted placements, school changes or limited historical knowledge
  - Behavior Assessment System for Children (BASC) – Teacher, Student and Parent
  - Comprehensive Executive Functioning Inventory (CEFI) – Self and Parent



# Culturally Sensitive Assessments

- Culturally responsive interviews with student
- Testers need to build a trusting relationship with the student
- Create safe testing spaces for students

# Family/School Collaboration: Family Role

## Communicating with school:

- Ask questions about what information will be shared (with teachers, school counselors, social workers, psychologists) when talking to school personnel so that you can make informed decisions about what to share.
- Share a colorful one-pager on what works for your child, include your contact information. (FFF has a template!)
- Consider signing releases that allow school-based clinicians to communicate with outside treatment providers to ensure a consistent and coordinated approach.

# Family/School Collaboration- Sharing

You may want to share:

- Interventions that have/ have not worked in the past
- Information from previous schools (IEPs, FBA/BIP)
- Copies of private reports, private therapy history, psychiatric hospitalizations
- Custody concerns
- Important dates (anniversary of an event or death)
- Events that may be stressful (upcoming court date, visiting family)
- Changes in mood, behavior, relationships

# Family/School Collaboration- Contact Info

Emergency contact information:

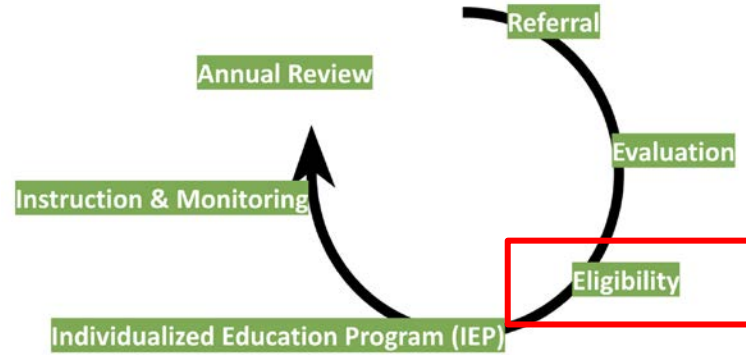
- Be thoughtful about who is listed on your child's emergency care card. Make sure that the person is safe, and well known to your child so that they can be helpful in the event of crisis.
- Provide all available phone numbers for contacts.
- Provide your email address to facilitate ongoing contact.
- Update emergency care cards as soon as possible if there is a change in contact information.
  - Custody changes
  - Change in emergency contacts
  - Moves, change in phone number or email

# Independent Educational Evaluation

- If parents disagree with a test given during their child's evaluation process, they have the right to request an **independent educational evaluation (IEE)** conducted by a qualified person who does not work for the school.
- Parents may request that the school pay for the IEE. However, the school may ask for a due process hearing to show that its initial evaluation is appropriate.
- Even if it is decided that the school does not have to pay for it, parents have the right to an IEE.
- If parents pay for the IEE, they determine whether or not to share the information in the IEE with the school.

# Eligibility

- Child must be identified under one or more categories to receive special education and related services under IDEA
- Definitions of **each category** are available in regulations: 8VAC20-81-80. *Eligibility (J) through (W)*



# Disability Categories Under IDEA

Children with:

- Autism
- Deafness
- Deaf-blindness
- Developmental delay \*
- Emotional disability
- Hearing impairment, including deafness
- Intellectual disability
- Multiple disability
- Orthopedic impairment
- Other health impairment, including ADHD
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness



\* Use of DD for children age 3 through 9 is at discretion of state and local school systems.

# Consider Cultural, Linguistic and Socio-Economic Differences

Source: VDOE Evaluation and Eligibility For Special Education and Related Services Guidance Document

Examples of differences that may impact a student's learning and engagement in school include:

- Cultural expectations of formal schooling or of school in general
- Different cultural norms (e.g., developmental milestone expectations)
- Transiency in education (e.g., at least 2 moves in a year or teacher changes)
- Primary language other than English
- **Exposure to trauma**
- Access to nurturing relationships or interactions



# Section on Trauma in VDOE Guidance

Children may be exposed to experiences that may adversely affect cognitive and emotional development. ... Although there are particular developmental risks associated with early childhood, traumatic experiences, ACEs, and toxic stress can impact any developmental stage as the brain continues to change and through adolescence. Consequences can include impairments in concentration, memory, executive functioning skills, language development, the ability to self-regulate emotions and behaviors, and physical development. Some of these effects can present similarly to other conditions, such as attention deficit hyperactivity disorder (ADHD). Additionally, there are a range of responses to trauma, ACEs, and toxic stress depending on individual factors. Thus, a tiered system of supports may be beneficial in providing preventative strategies and interventions to support students who have experienced trauma, ACEs, or toxic stress.

Source: VDOE Evaluation and Eligibility For Special Education and Related Services Guidance Document

# What's Disability and What's History?

VDOE guidance on **Emotional Disability-**

“...team’s discussion of the student’s cultural background is vital when considering specific eligibility criteria”.

Behaviors may be the result of trauma, communication differences, social maladjustment, **and or** an emotional disability.

# What's Disability and What's History?

In determining if **emotional disability**, teams should consider:

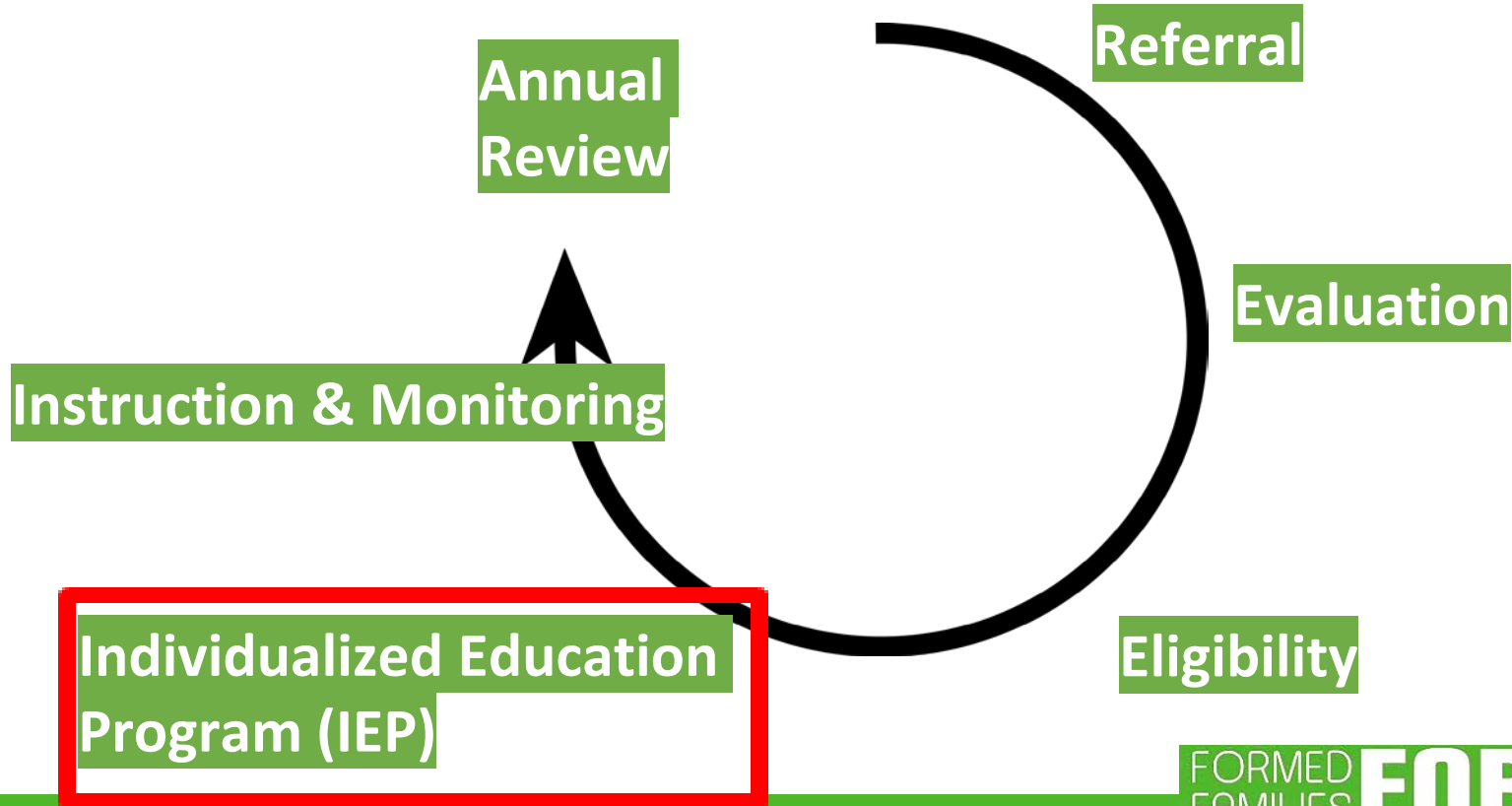
- Behaviors appropriate in one environment may be considered inappropriate in another
- Function of the behavior within the context of the student's experiences
- Need for specialized instruction and data from instruction and interventions to address social emotional skills and behavior
- Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) and other data from explicit behavior instruction

# POLL 3

Under which categories has child in your care been identified?

- Developmental Delay (DD)
- Learning Disabilities (LD)
- Autism or Intellectual Disabilities
- Other Health Impairments (OHI)
- Emotional Disability (ED)

# Special Education Cycle



# IEP: Think of it this way!

Special Education is a **SERVICE** brought to the student through the **IEP** in order to **CLOSE THE GAP** between the student's **Present Level of Performance (PLOP)** and the student's **Expected Level of Performance**.

Visualize an Elevator!



# Power and Collaboration in IEP meetings

- Families who experience a traumatic event often feel a loss of choice and control. “The trauma-informed healing environment **maximizes opportunities for choice and control** and happens best in the **context of relationships built on mutual trust, respect and empowerment.**” (NCTSN)
- While it is important that all families feel a sense of mutual trust and empowerment at the IEP meeting, it becomes **even more important when a family has experienced trauma.** A trauma-sensitive approach to conducting IEP meetings requires us to employ practices that empower and imply an intention to build a partnership with the family.

Source: Lisa Carey & Ketia Stokes (2018), Kennedy Krieger Institute

# Suggested Practices for the IEP Team

- Preview the IEP documents and agenda.
- Clearly and calmly set the intention for the meeting as well as the agenda.
- Anticipate and carefully address any potentially triggering information that needs to be shared.
- Be careful with your tone and body language.
- Empower the family with frequent opportunities to actively engage in the IEP meeting. Honor the family voice and give choices throughout the meeting.

Source: Lisa Carey & Ketia Stokes (2018), Kennedy Krieger Institute



## Words from the Regs:

- The IEP team shall consider all factors identified under a free appropriate public education..., as appropriate, and **work toward consensus**. If the IEP team cannot reach consensus, the school shall provide the parent(s) with **prior written notice** of the school's proposals or refusals, or both, regarding the child's educational placement or provision of a free appropriate public education

8VAC20-81-110 (F) 6

# Final Tips to Build Strong Partnership

Know your student's team:

- Family members, teachers, case manager, administrators, school-based mental health clinicians (counselor, psychologist, social worker)
- Would it be beneficial to work most closely with one or two professional allies who can liaison with the team?
- Reinforcement works for kids and adults alike- recognize staff who are doing good for your child; recruit them as advocates!

# More Tips

Know your student's current educational environment:

- Courses and class sizes
- Routines and transitions
- Existing academic, behavioral and social-emotional interventions
- Environments and relationships where your student feels psychologically safe and confident and may be experiencing few trauma reactions
- Environments and relationships where your student may be experiencing distress or “triggers” for trauma reactions

# Resources

- Come to love your state special education regulations & procedural safeguards notice!  
[http://www.doe.virginia.gov/special\\_ed/regulations/state/reg\\_sped\\_disability\\_va.pdf](http://www.doe.virginia.gov/special_ed/regulations/state/reg_sped_disability_va.pdf)
- Parent Resource Centers in many divisions
- Virginia Family Special Education Connection  
<http://vafamilysped.org/>
- [PEATC.org](http://PEATC.org), statewide parent training & info center
- Center for Family Involvement at VCU and family navigators  
<http://www.centerforfamilyinvolvement.vcu.edu/>

# Formed Families Forward – Stay in Touch!

**PLEASE COMPLETE EVALUATION.**

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