

# Special Education for Formed Families: Making It Work!

Fall 2023 Webinar Series



*Helping Foster, Adoptive and Kinship Families  
Navigate Special Education series*

October 4, 2023



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

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Executive Director



# Housekeeping

- Use Chat or Raise Hand
- All recordings, slides and handouts will be on FFF website under RESOURCES and WEBINARS by Friday.
- Email [Stacia.Stribling@FormedFamiliesForward.org](mailto:Stacia.Stribling@FormedFamiliesForward.org) if you need certificate of attendance (only for those attending live).
- Time for Discussion at end.
- PLEASE complete session evaluation.

# 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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# Fall Webinars:

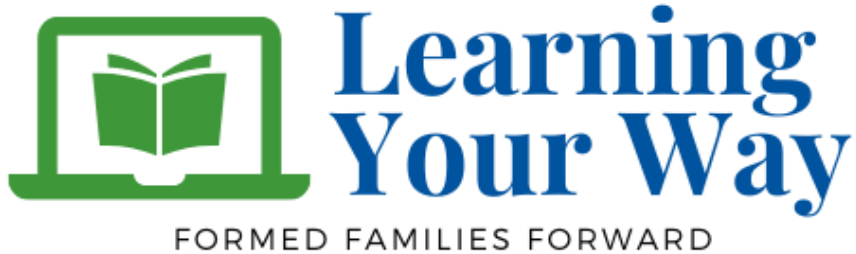
September 27- **From Referral to Special Education Eligibility: What It Takes to Get Through the Door**



October 4 - **Special Education for Formed Families: Making It Work**

October 11 - **Communication, Collaboration, & What to Do When You Just Can't Agree**

November 15 - **Sexualized Behaviors in Children & Teens: When Should Caregivers Be Concerned**



**Register at**  
**[www.FormedFamiliesForward.org](http://www.FormedFamiliesForward.org)**

- Free, on-line, on-demand learning
- Self-paced & interactive
- Certificates of Completion
- 6 Courses Available:
  - Special Education 101
  - Constructive Communication & Collaboration
  - Special Education Dispute Resolution
  - Trauma 101
  - Kinship Care
  - Other Health Impairment

# 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



# Section 504



- Section 504 of the Rehabilitation Act of 1973 protects rights if individuals with disabilities in programs and activities that receive Federal financial assistance, including public schools.
- Prohibits discrimination of those with disabilities- physical or mental impairment that substantially limits a major life activity, including learning, communicating, concentrating, reading, etc.
- Eligible students may have a 504 plan that lays out accommodations and supports



# Section 504- eligibility

For purposes of §504, a “*qualified individual with a disability*” is one who:

- Has a physical or mental impairment which *substantially limits* one or more major life activities;
- Has a record of such impairment, or;
- Is regarded as having such an impairment.



# Major Life Activities include

- Performing manual tasks
- Caring for oneself
- Seeing, hearing, etc.
- Walking, standing, etc.
- Speaking
- Learning
- Concentrating
- Reading
- Thinking
- Communicating
- Working

**MLAs includes  
certain acts AND  
bodily functions**

# In Schools- MLA doesn't have to be **LEARNING**

- A student may have a disability and be eligible for 504 services even if disability does NOT limit major life activity of learning.
- School staff must consider how an impairment affects ANY major life activity and if necessary, assess what is needed to ensure students have an equal opportunity to participate in the school's programs. SO...
- A student may have a disability and be eligible for section 504 services, including modifications, even **if the student earns good grades.**

# Eligibility Considerations under 504

- Not just Learning- all major life activities MAY impact school performance.
- Every type of ADHD affects the functioning of the parts of the brain related to thinking, concentrating, and planning.
- A determination that a student has any type of ADHD, therefore, is a determination that a student has an impairment for purposes of meeting one of the prongs of Section 504's definition of disability.



# Mitigating Measures

- When determining if a person has a disability, the school cannot consider ameliorative effects of mitigating measures when determining how the impairment impacts the major life activities.
- Mitigating measures including assistive devices (but NOT ordinary eye glasses), **learned behaviors, medications, and adaptive neurological modifications** that an individual may use to eliminate or reduce the effects of an impairment.



# 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?

- 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

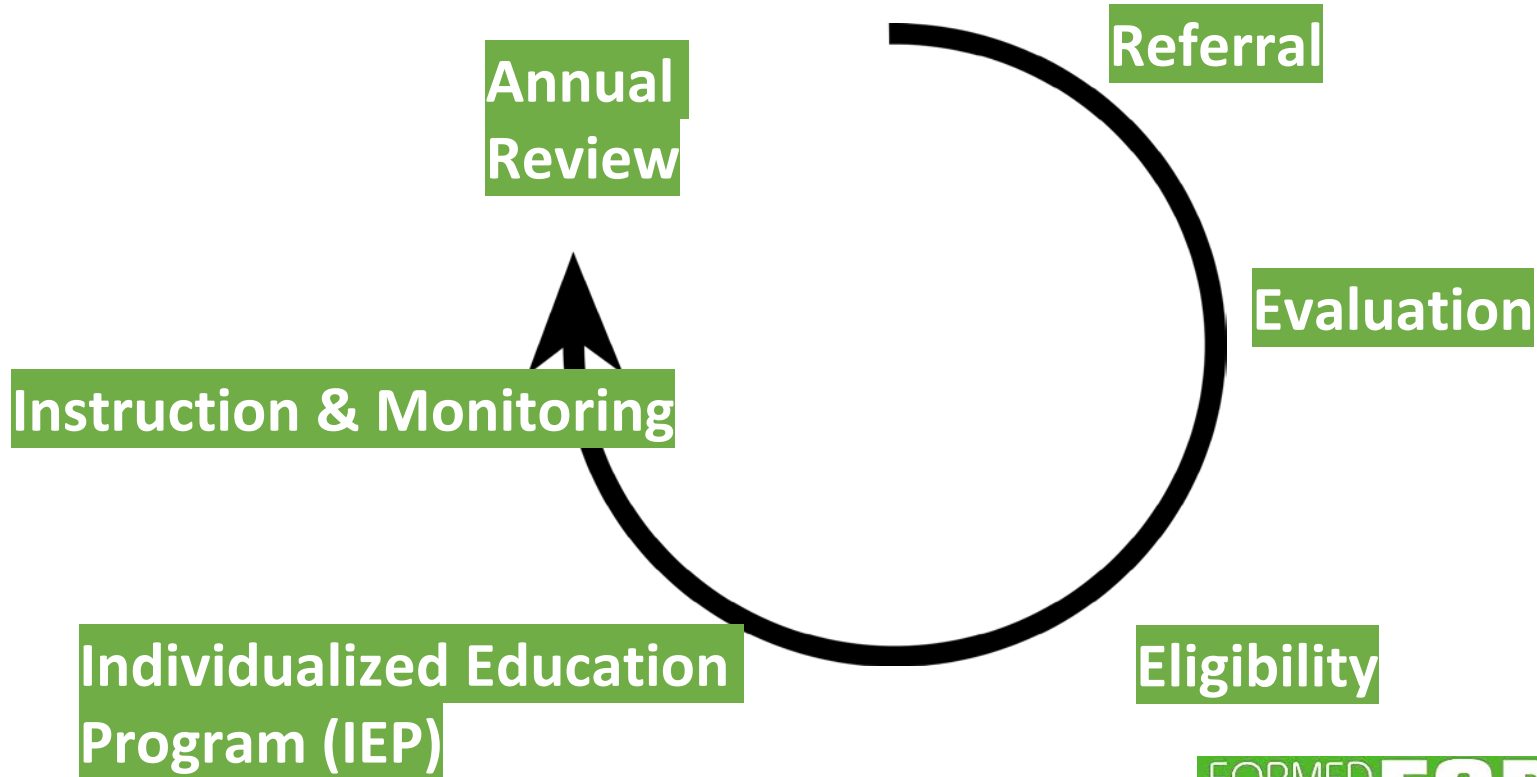


(§ 20-124.6 and § 22.1-213.1 of the Code of Virginia; 34 CFR 99.4 and 34; CFR 300.30)

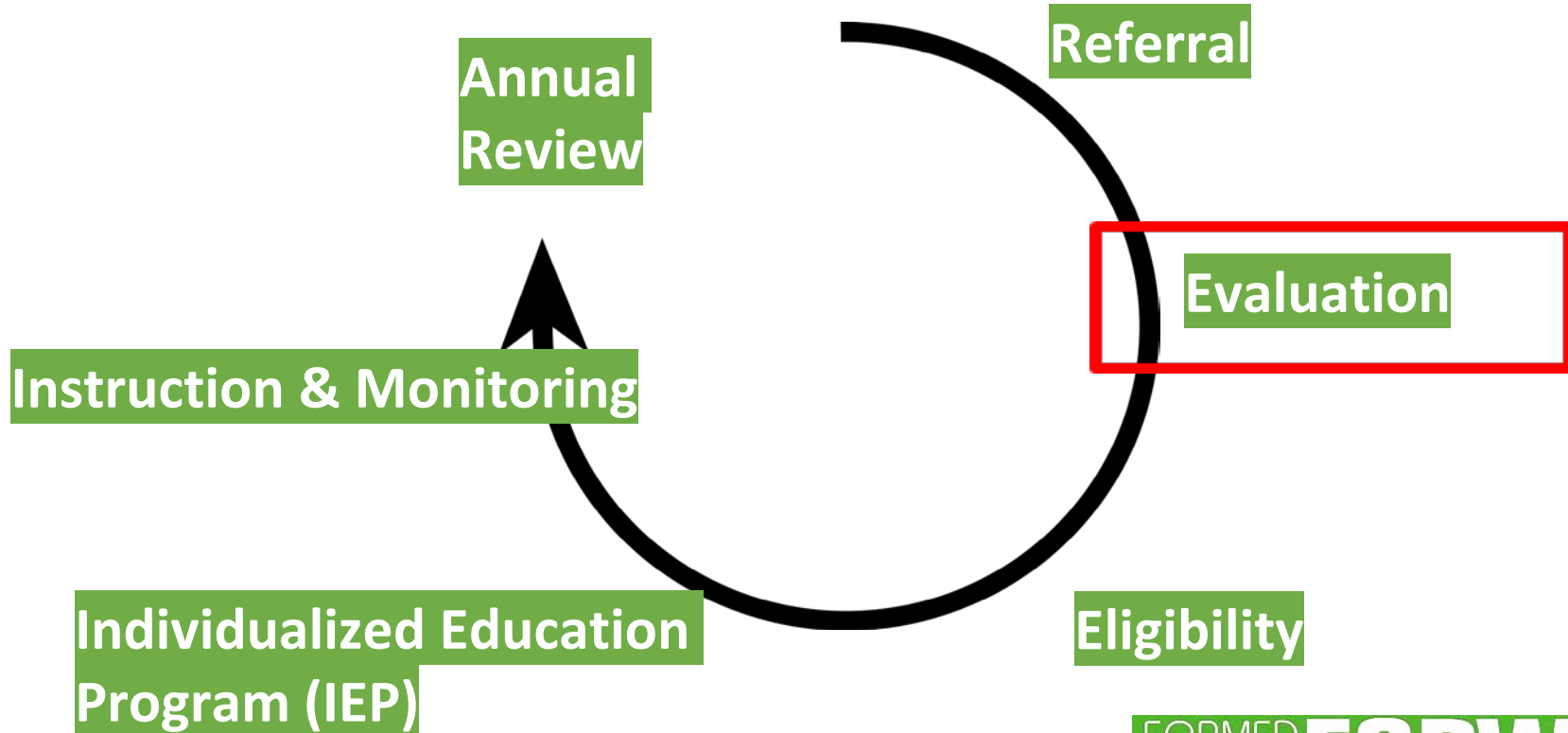
# Other references to foster parents

- 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 evaluations

**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)

# Critical Crossroads English & Spanish Resources

## Short videos on:

- The Impact of Trauma on Children with Disabilities
- Trauma-Informed Care for Children with Disabilities

## Checklists on:

- Trauma-Informed Student Evaluations
- Trauma-Informed IEPs

## Infographic on:

- How Trauma-Informed Care Benefits Children and Youth with Disabilities



Find Resources at: Web Address - <http://bit.ly/3Gzg1J1>

QR Code



# What is a Sociocultural Assessment?

- Written report from a qualified school social worker
- Describes family history, structure and dynamics
- Developmental and health history
- Social/adaptive behavior in the home, school, and community

# Sharing Information in a Sociocultural

- Consent is needed for the assessment.
- The information in the assessment is private and will not be shared with other students or parents.
- It provides caregivers with opportunity for the school to understand the child'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

- Individual referral
- Sociocultural assessment
- Standardized forms, examples:
  - Behavior Assessment System for Children – Teacher & Parent
  - Behavior Assessment System for Children (BASC)



# Family/School Collaboration: Family Role

Communicating with school:

- **Ask questions** about **what information** will be shared (with teachers, school counselors, social workers, psychologists etc.) when talking to school personnel so that you can make informed decisions about what to share.
- Develop and share a colorful **one-pager** on what works for your child and 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 school systems (e.g. IEP's, FBA/BIP)
- Copies of private reports, private therapy history, psychiatric hospitalization
- Custody concerns
- Important dates (e.g. anniversary of an event or death)
- Events that may be stressful (e.g. upcoming court date, visiting family)
- Changes in mood, behavior, relationships

# Family/School Collaboration- Contact Info

Emergency contact information:

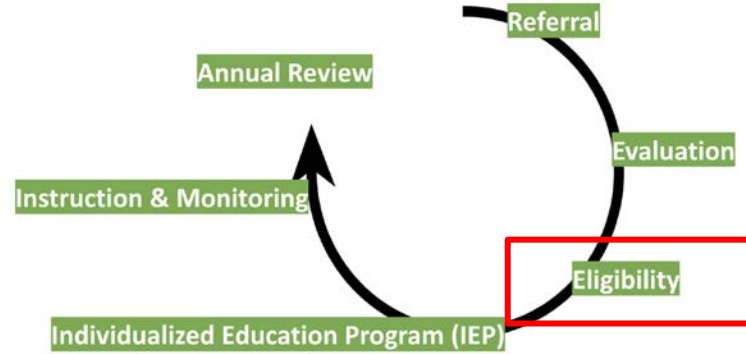
- Be thoughtful about who on your child's emergency care card. Make sure that the person is safe, and well known to your child so that they can be helpful in the event of crisis.
- Provide all available phone numbers for contacts.
- Provide your email address to facilitate ongoing contact.
- Update emergency 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 family disagrees with test(s) given during their child's evaluation, they may request an **independent educational evaluation (IEE)** 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, Socio-Economic Differences

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.



# 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:

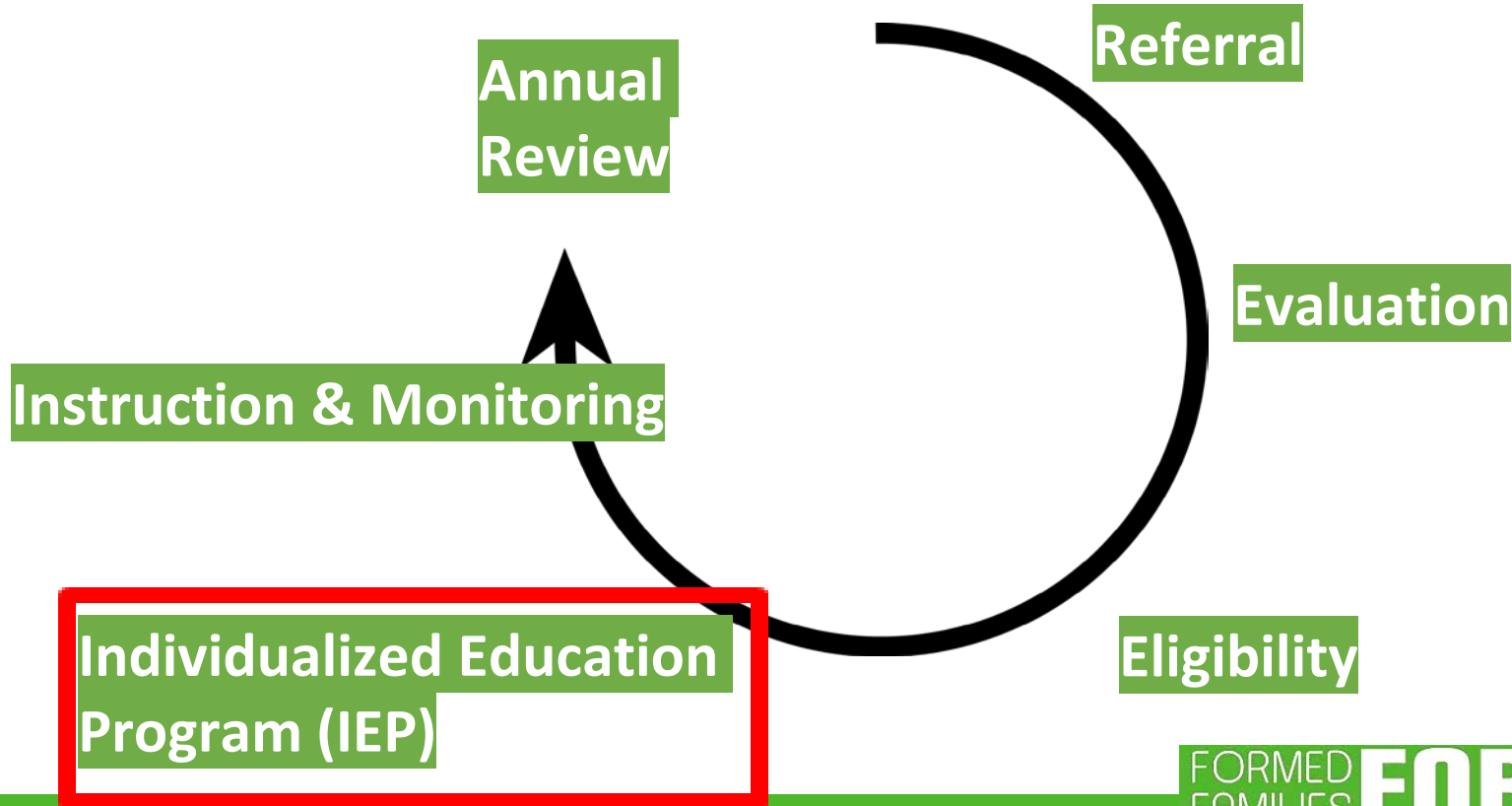
- Behaviors appropriate in one environment may be considered inappropriate in another
- Function of the behavior within the context of the student's experiences
- Need for specialized instruction and data from instruction and interventions to address social emotional skills and behavior
- Functional 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!



# What is on the IEP?



- **Present levels** of academic achievement and functional performance
- Measurable annual **goals**
- Plans for measuring progress
- Participation in **state and division-wide assessments**
- **Special education, modifications and related services** to be provided including dates and locations
- **Participation** with children without disabilities
- Secondary **transition services** including rights at age of majority

# IEP: Big Questions

## Big questions the IEP team **MUST** answer:

- Where are we now? Present Levels of Performance (**PLOP**)
- Where are we going? **GOALS/OBJECTIVES**
- How are we going to get there? **SERVICES & INSTRUCTION**
- How do we know when we have succeeded?  
**MEASUREMENT: What objective DATA will tell us?**
- How and when progress will be reported to the parents?  
**ACCOUNTABILITY. STAYING ON TRACK (“progress monitoring”)**

# IEP: Present Levels Of Performance

## Academic achievement AND Functional performance

- How disability affects student involvement and progress in the general curriculum.
- For Pre-K age children, how disability affects participation in appropriate activities.
- Educational performance is a BROAD term specifically selected by Congress.

PLOP is NOT limited to academic performance only.





# Goals Rule the Day

- Importance of Setting HIGH expectations
- **Goals should state: Condition; Behavior; Criteria and Timeframe**



# Related Services

A partial list of developmental, corrective, or supportive services required for the child to benefit from special education, including:

- Occupational therapy
- Physical therapy
- Transportation
- Counseling
- Speech and language therapy
- Audiology services
- Interpreting services
- Early identification
- Diagnostic services
- School health/nurse services



- Social work services
- Crisis Intervention
- Assistive technology
- Non-academic services
- Extra curricular activities
- Orientation/mobility training
- Rehabilitation counseling
- Psychological services
- Parent counseling and training

# Accommodations & Modifications on IEP

- IEP team determines if child needs a particular device or service, including an **intervention, accommodation, or other program modification for FAPE**, should be child's on IEP.
- General ed teacher to assist with determination of **supplementary aids and services, accommodations, program modifications or supports** for school personnel that will be provided for child.



Weekly Schedule Fall 2014 v10

	Monday	Tuesday	Wednesday	Thursday	Friday
8		7:50 Walk Me to Showers 8:40 Leave for UNK		7:50 Walk Me to Showers 8:40 Leave for UNK	
9		8:00-10:45 ENGL 200: Fairy Tales 9:00-10:00		8:00-10:45 ENGL 200: Fairy Tales	
10					
11		11:15-12:15 ENGL 201 Psycho CRG		11:15-12:15 ENGL 201 Psycho CRG	
12		12:00-1:00 ENGL 101 F&C: Theatre Midweek 210		12:00-1:00 ENGL 101 F&C: Theatre	Grocery Shop Pharm/Post
1		2:10-3:10 Walk to Theatre	2:10-3:10 Leave for UNK	1:45-2:45 Leave for UNK	
2	2:40 Core Writing Office Hours WOM 217		2:40 My Office Hours		
3				4:30 Core Writing Office Hours WOM 217	4:30 ENGL 101 Modernism and the Movement Read WOM 218
4	4:30 My Office Hours				
5	10:00-11:00 ENGL 201 Viking Midweek WOM 218		10:00-11:00 ENGL 201 Viking Midweek WOM 218		
6					
7					
8					

Saturday:  
• Lesson plans for 110220  
• Read for 511Damico/Carrel for week  
• House clean

Sunday:  
• Grade  
• My work: articles, research  
• Laundry

FORMED FAMILIES **FORWARD**

# 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

# Should I be concerned with the label?

**Special education labels are a means to meeting the purpose of ensuring educational success.**

- Provides specially designed instruction in line with the student's unique needs
- Reduces barriers to learning (accommodations, supplementary aids & services, adaptive devices)
- Allows child to meet full potential (achieve goals, pursue degrees, attain careers)



# What if I disagree with the decision?

## Options for Dispute Resolution:

- Informal resolution
- Complaint to State VDOE
- Mediation (no cost to family)
- Due Process Hearing



# Family/School Collaboration

Know your student's team:

- Families, 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 professionals who can liaison with the team?
- Positive reinforcement works for kids and adults alike- recognize staff who are doing good for your child; recruit them as advocates!

# Family/School Collaboration

Know your student's current educational environment:

- Courses and class sizes
- Routines and transitions
- Existing academic and social-emotional interventions
  - e.g., IEP goals and services for special education students
- Environments where your student feels psychologically safe and confident and may be experiencing few trauma reactions
- Environments where your student may be experiencing distress or “triggers” for trauma reactions



# School Strategies

- Informal behavior management systems
- “Break” strategies
  - Flash passes
  - Break spaces
- Attendance
  - Supportive interventions for students who miss school due to emotional concerns
- School-based clinicians
  - Know your school psychologist, social worker & counselor
  - Supports may include consultation with families, staff, and private providers re: appropriate interventions and resources
  - May include counseling to address issues that interfere with academic achievement

# 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.**

**Formed Families Forward-**

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