

# CHAPTER 11: Education Advocacy

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PLEASE READ THE MATERIAL PRIOR TO ATTENDING THE SESSION.

### Homework for Session:

Read chapter 11; answer and submit chapter 11 review questions.

### Class Objectives:

- Become familiar with the rights of students under the Individuals with Disabilities Education Act and the 504 Civil Rights Act.
- Become familiar with evaluation and IEP process for special education services.
- Understand the Educational Judicial Bench Card and the role a CASA Volunteer plays in collecting this information.

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## Unit 1: Special Education Services

### Legal Protections for Students with Disabilities

(Taken from Making a Difference in a Child's Life)

#### What is a disability?

A disability is an impairment that interferes with a child's ability to learn.

In general, the term "disabled" is used to describe a child who has mental, physical or emotional impairments that affect his or her ability to learn. To qualify for extra services in school, a student's impairment must also meet the definition of disability under special education laws.

It's important to recognize that having a disability does not mean that a child isn't smart or can't learn. It simply means that he or she needs extra help in certain areas.

#### Why do schools have to provide services for students with disabilities?

There are federal and state laws that protect the educational rights of disabled students.

There are two primary laws that protect students with disabilities. The two laws are commonly referred to as "Section 504" and the "IDEA". In 1973, the U.S. Congress passed Section 504 of the Rehabilitation Act, which made it illegal to discriminate against people with disabilities in programs receiving federal funds, such as public schools. Two years later, Congress passed the Education for all Handicapped Children Act, now called the Individuals with Disabilities Education Act or IDEA. Both laws were enacted to ensure that students with disabilities would be provided with meaningful educational experiences. The IDEA starts out with an important statement:

*Disability is a natural part of the human experience and in no way diminished the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of education.*

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## Special Education Services

### The Individuals with Disabilities Education Act:

What is the Individuals with Disabilities Education Act (IDEA)?

The Individuals with Disabilities Education Act (IDEA), a federal law originally passed in 1975 as PL 94-142 and amended in 1984, 1990, and 1997, mandates that all eligible children receive a free, appropriate public education regardless of the level or severity of their disability. It provides funds to assist states in the education of students with disabilities and requires that states make sure that these students receive an individualized education program based on their unique needs in the least restrictive environment appropriate. IDEA also provides guidelines for determining what related services are necessary and outlines a “due process” procedure to make sure needed services are provided.

### Who is Eligible for Services Under IDEA?

Children ages three through twenty-one who need special education and related services because of a disabling condition are eligible. Eligibility for services is determined through “nondiscriminatory evaluation.” This requires that school districts use testing materials free from racial or cultural discrimination and presented in the child’s native language or means of communicating. Tests must be chosen that assess the child’s actual abilities if sensory, motor, or language impairments are present. Evaluations cannot be based solely on one general test, such as an intelligence test, and the child is to be assessed across all areas related to the disability by a “multidisciplinary team.” An appropriate education may include an out-of-district or private school placement if the school district cannot provide appropriate services in the district. The courts have also ruled, however, that an “appropriate” education is not always the same as the “best” education as long as the education services adequately meet the child’s needs.

### What Is an IEP?

An IEP refers to the Individualized Education Program. This is a written, legal document that describes the specialized educational plan and related services to be provided to the student. It is developed in a team meeting in which all members of the IEP team decide what is an appropriate education for the child who needs services. The team should include the CASA. The main goal of the IEP meeting is to discuss the educational needs of the student and write a program that identifies goals and objectives and related services needed for the year.

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## What is considered a disability under the IDEA and Section 504?

Disability is defined differently under the IDEA and Section 504.

### 1. Disability under IDEA

The IDEA provides services to children who fall within one or more of the following categories of disability and who need special education and related services to make academic progress. The categories are:

- Emotionally disabled
- Other health impaired (may include ADD and ADHD)
- Specific learning disability (difficulty with thinking, reading, writing, spelling or doing math)
- Communication disorder (speech and language impairments)
- Mental retardation
- Hearing impairment/deafness
- Visual impairment/blindness
- Autism
- Traumatic brain injury
- Orthopedically impaired
- Developmentally delayed

### 2. Disability under Section 504

Section 504 provides services and accommodations if a child has a physical or mental impairment that substantially limits a major life activity. “Major life activities” under Section 504 include:

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

Prior to the enactments of these laws, many states allowed school districts to exclude children with disabilities from school. Instead of finding ways to meet the unique needs of such students, school districts simply refused to serve them. When students with disabilities were allowed in school, they were often placed in school programs where their special needs were ignored or misunderstood. The IDEA and Section 504 are laws that address these problems, and they fundamentally changed the way public school treat children and youth with disabilities.

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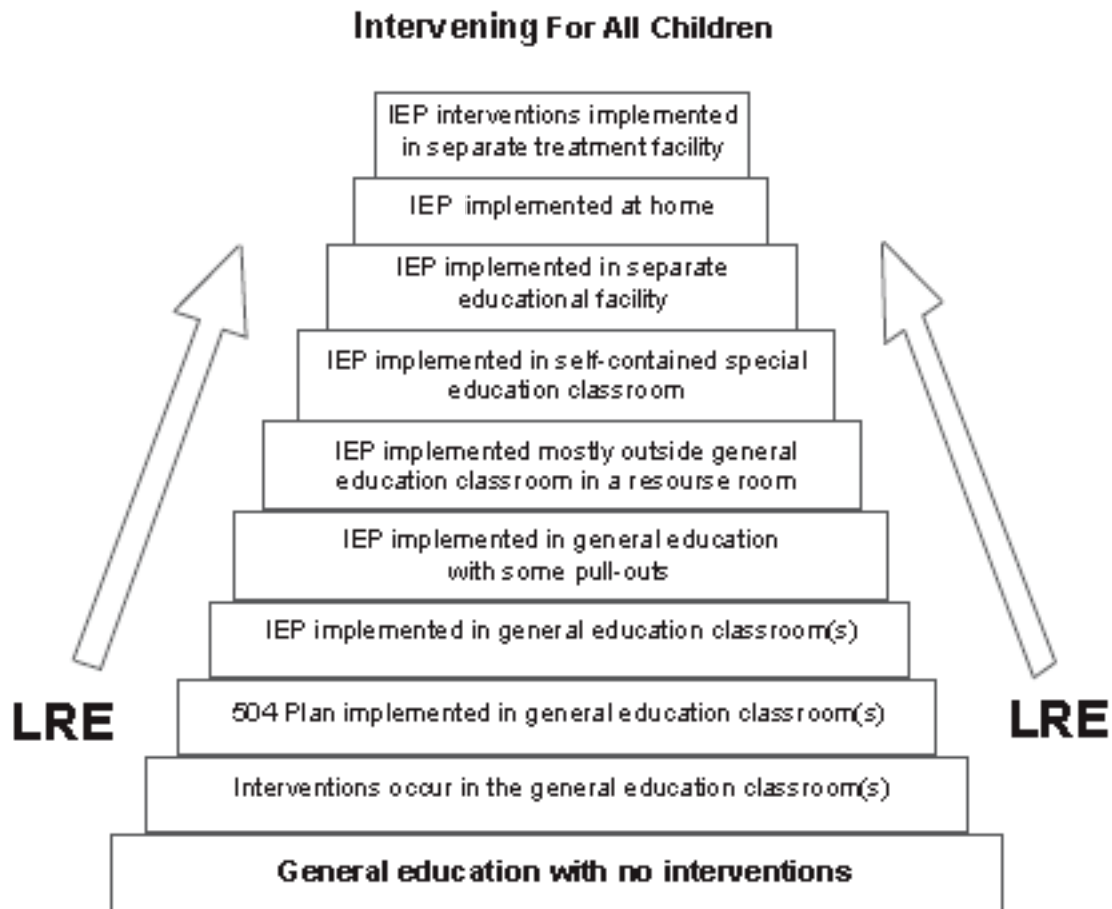
## What is the relationship between the IDEA and Section 504?

Under both laws, school districts are required to provide disabled students with a free appropriate public education, referred to as FAPE. This means that districts must provide a range of services to meet the individual needs of students who have trouble succeeding in school because of a disability.

Section 504 provides services for a broader group of students than does the IDEA because it has a more expansive definition of “disability.” Therefore, if a student meets the eligibility requirements for the IDEA, he or she is also eligible for the protections of Section 504. But not all disabled students who are entitled to Section 504 services are eligible for special education under the IDEA.

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## What Is the School's Responsibility in Developing an IEP?

### The local education agency is responsible for:

- ✓ Contacting parents about the need for an IEP;
- ✓ Setting a date, time, and location to meet that is convenient for everyone on the team, including the parent(s) or family member(s);
- ✓ Designating an official from the school district to be involved in and to conduct the meeting and ensure the team decisions are implemented;
- ✓ Inviting all members of the IEP team;
- ✓ Ensuring that the meeting is held, the IEP written, placement decisions made; and
- ✓ Making sure that the IEP is reviewed at least annually and revised if necessary.

## What is the Parent's Role in Developing the IEP?

In IDEA, the term “parent” refers to the child’s biological parent, a guardian, a person acting as the parent of a child (such as the grandparents), or a surrogate parent appointed if the child is in the custody of the HCJFS or the parent is unavailable. A **surrogate parent** is a person appointed to stand in the place of a parent only for the purposes of the IEP.

IDEA ensures that parents are equal partners in the IEP process. School personnel and parents must work toward the common goal of developing an effective education program for the child.

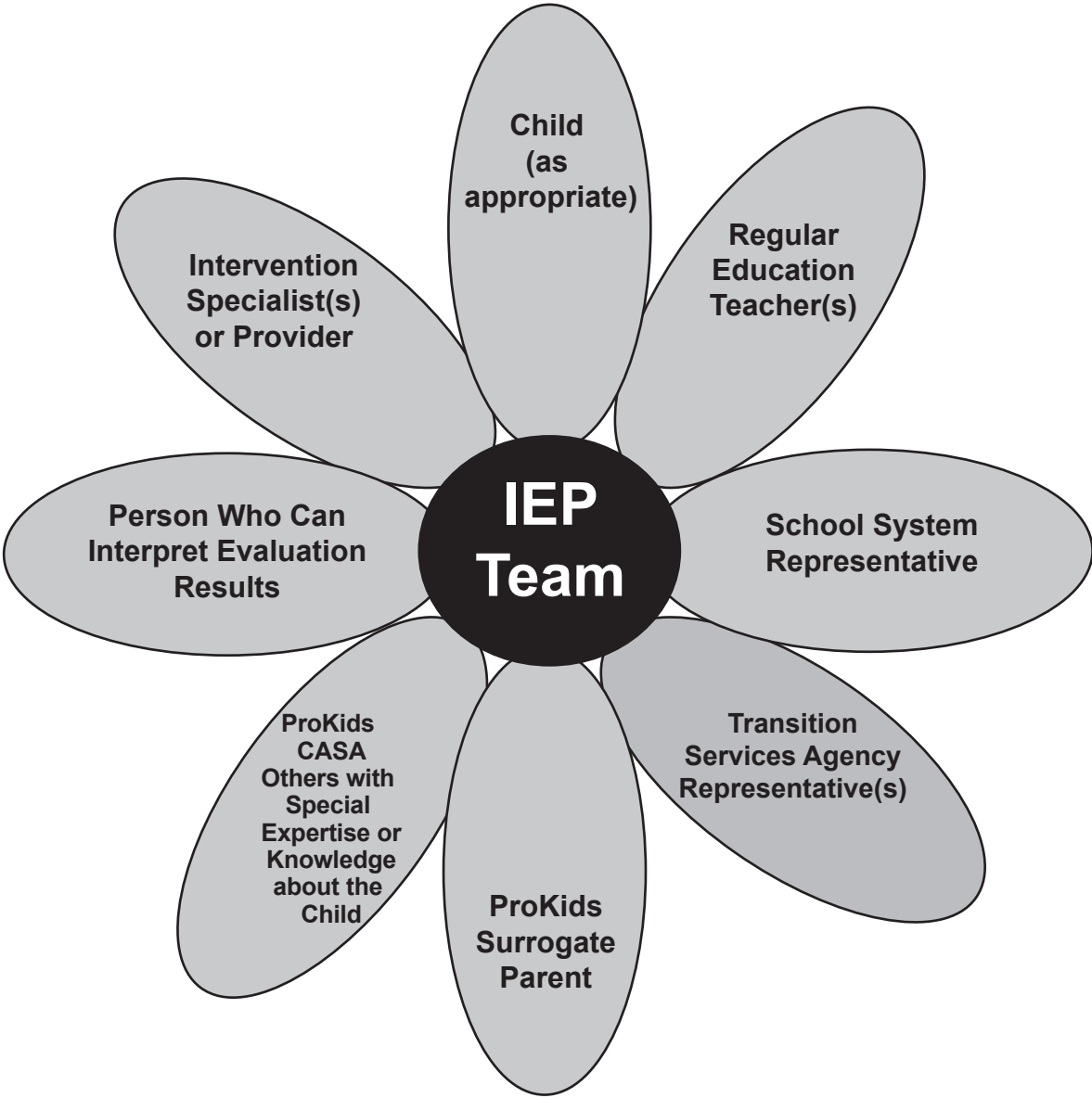
Parents should prepare for the meeting by reviewing their child’s past education records. IDEA ensures that parents are permitted to inspect and review records in a timely manner. Parents should also have in mind goals or objectives based on what they see as needed, and they may want to talk with their child’s teacher before the meeting. The IEP should describe the student’s educational goals and objectives, related services needed, and the school placement decision. If parents are dissatisfied with any aspect of the IEP and are unable to resolve the problem, they may request mediation and, if necessary, pursue due process hearing options guaranteed by the law. Parents may obtain assistance in preparing for and/or attending IEP meetings from local organizations, such as the Beech Acres Education Advocacy Center (513-751-0333) or Special Education Regional Resource Center (SERRC) (513-563-0045).



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## Who Should Be Involved in IEP Meeting?



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## Who Should Be Involved in IEP Meetings?

IDEA requires that every IEP meeting, whether it is the initial meeting or a review, include:

- ✓ A person from the school district, other than the student's teacher, who is qualified in special education or special education supervision;
- ✓ The student's teacher;
- ✓ One or both of the student's parents, family members, or guardians;
- ✓ The student, when appropriate;
- ✓ The parent surrogate (see Resource Section for definition);
- ✓ Someone qualified to interpret the instructional implications of evaluation (this may be one of the school personnel above); and
- ✓ Other people who are involved in the education of the student as identified by the school or the parent.

A meeting may be held without a parent attending if the parent is unable or unwilling to do so. The district must, however, invite the parents and document its attempts to set a time and place where all persons can attend. Parental absence from the meeting is not necessarily construed as reflecting dissatisfaction or disagreement, and IEP decisions, including school placement, will be made by the parent surrogate in their absence.

## What Is Included In an IEP?

IDEA requires that the following items be included in the IEP:

- ✓ A statement of the student's present levels of educational performance;
- ✓ A statement of the yearly goals and the instructional objectives that need to be met to achieve these goals;
- ✓ A statement of the special education and related services which will be provided to the student as well as how much the student will participate in regular educational programs;
- ✓ The dates these services will begin and how long they will last;
- ✓ For each student age sixteen and over, transition services that will be provided; and
- ✓ What the school must do to enable the student to meet the objectives, how this is to be measured, and annually, whether the objectives from the previous year's IEP have been met.

## When Is It Appropriate for the Student to Participate?

Students need to participate in the IEP process as much as they can (some older children with mental handicaps may not have the intellectual ability to understand this process). Their opinions, preferences, and choices need to be part of the decision-making process. The chance to choose areas of instruction, based on their preferences, will help them develop skills that lead to independence and self-determination. Of course, there are several factors that limit how much students participate, including their age and their ability to make adequate decisions. However, almost all students can participate in some way in their IEP process.

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## *What Is to Be Reviewed at IEP Meetings?*

Each student's progress related to his or her Individualized Education Program must be reviewed yearly to determine current progress and future needs. The review needs to consider the general progress of the student, staff and parental concerns about the student's progress, whether objectives are reached according to the measures described in the IEP, and what changes need to be made to meet the student's needs.

Any significant changes in the student's program after the initial or annual IEP meeting necessitates another IEP meeting. IDEA requires that parents receive written notice whenever the district proposes or refuses to initiate or change anything related to the child's identification, evaluation, program, or placement. Additionally, parents and educators should ensure that goals are functional, chronologically age appropriate, and prepare students for adulthood.

## *What Is Meant By Placement in the Least Restrictive Educational Environment?*

The decision to place a student with a disability in a particular education program must be based on the factors specified during the IEP process. This decision must be reviewed at least annually, and placement may change if the child's education program or needs change.

IDEA requires that students with disabilities be educated with students who do not have disabilities to the greatest extent appropriate. The law states that "unless a child's individualized education program requires some other arrangement, the child is (to be) educated in the school which he or she would attend if not disabled" [Section 121a.522(c)]. It requires that removal of the child from the regular classroom occur only when education in regular classes "with the use of supplementary aids and services cannot be achieved satisfactorily" [Section 121a.550(2)].

*(Additional information can be found on Ohio Education website [www.education.ohio.gov](http://www.education.ohio.gov))*

**The Arc** (the national organization of and for people with mental retardation and related developmental disabilities and their families) and other organizations interpret "least restrictive" as representing instruction in the regular classroom to the greatest extent possible or appropriate. Families need, through the IEP process, to ensure that adequate accommodation and support are provided before alternative placement is considered and that time spent outside of the regular classroom is based upon functional considerations such as community integration and instruction. The Arc is opposed to student's placement in segregated facilities, as they do not provide opportunities for learning from non-disabled role models, although the law and many other parents and professional organizations support a full continuum of placements being available.

*Adapted from materials created by the Exceptional Children's Assistance Center, 1998-99.*

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## Educational Advocacy for Children

The issues explored in this section can impact any child, not just those who have come to the attention of the child protective services system as a result of abuse or neglect. It is not the purpose of this training to make you an expert in child development, but to help you recognize warning signs that might indicate the need for evaluation and treatment by an educational specialist or qualified mental health professional.

Chaos in the lives of the children with whom you will work as a CASA often results in a distraction from educational achievement. Parents or caregivers may not be available to help with homework, attend school conferences, or make requests for evaluation when concerns arise. Children entering foster care often have school issues. Addressing these issues can allow a more positive experience for a child who hasn't known the rewards of success in school.

For CASA volunteers, teachers who see the children every day have a wealth of knowledge about the child's behavior, attitude, likes, and dislikes, and about the best ways to communicate with that child. As you inquire about the child's progress in school, you may discover that your child has special educational needs. Begin your inquiry by a review of the child's school records. You are appointed by the court and have a right to examine any and all school records that contain information about your child. These records should be reviewed so you get an idea of how your child is doing. You also have the right to copy any information contained in the file. Remember that there may be more than one file on the child (*ex: accumulative files (a.k.a. CUMM file), discipline, psychological, class records, and attendance*).

When it is noticed that your child is struggling in school, it may be time to request that an **Evaluation Team Report (ETR)** be performed. This evaluation needs to be requested in writing by the parent, Hamilton County Department of Job and Family Services (HCJFS) Caseworker or other legal custodian. In some areas, there may be an abundance of available resources for special-needs children, and in other areas, you may have to advocate for the creation of needed resources.

It is important to realistically assess the school difficulties of any child and determine what role the educational system, as well as the child's particular school setting, child, or parents may be playing in creating or sustaining problems.

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## DEFINITIONS OF DISABILITY TERMS

### **Autism**

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance. A child who manifests the characteristics of autism after age three could be identified as having autism if the requirements of the first two sentences of this definition are satisfied.

### **Cognitive Disability (mental retardation)**

Significantly below-average general intellectual capability that exists along with deficits in adaptive behavior (in other words, lack of ability to adapt). It is demonstrated during the child's developmental period and negatively affects a child's educational performance.

### **Deaf-blindness**

Hearing and visual impairments occurring together. The combination causes such severe communication and other developmental and educational problems that the child with deaf-blindness cannot be accommodated in special education programs designed only for children with deafness or only with children with blindness.

### **Deafness**

A hearing impairment that is so severe that the child is unable to process language through hearing, with or without amplification, and the child's educational performance is affected.

### **Emotional Disturbance**

A condition showing one or more of the following characteristics over a long period of time and to a degree that it affects a child's educational performance, resulting in:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory relationships with peers and teachers;
- Inappropriate types of behavior or feelings under normal circumstances
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms of fears associated with personal or school problems.

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The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.

## **Hearing Impairment**

Impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but that is not included under the definition of deafness.

## **Multiple Disabilities**

Impairments that occur simultaneously (such as mental retardation-blindness and mental retardation-orthopedic impairment), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

## **Orthopedic Impairment**

A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. clubfoot, absence of some member); impairments caused by disease (e.g. poliomyelitis, bone tuberculosis); and impairments from other causes (e.g. cerebral palsy, amputation, and fractures or burns that cause contractures).

## **Other Health Impairment**

Having limited strength, vitality, or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, ADD or ADHD, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever or sickle cell anemia, and Tourette syndrome; and adversely affects a child's educational performance.

## **Specific Learning Disability**

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor abilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

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## **Speech or Language Impairment**

A communication disorder, such as stuttering, impaired articulation, language impairment or a voice impairment that adversely affects a child's educational performance.

## **Traumatic Brain Injury**

An injury to the brain caused by external physical force or by other medical conditions, including but not limited to stroke, anoxia, infectious disease, aneurysm, brain tumors and neurological insults resulting from the medical or surgical treatments. The injury results in total or partial functional disability or psychological impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries, as well as to other medical conditions that result in acquired brain injuries. The injuries result in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions, information processing, and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

## **Visual Impairment Including Blindness**

Impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. Visual impairment for any child means:

- A visual impairment, not primarily perceptual in nature, resulting in a measures visual acuity of 20/70 or poorer in the better eye with correction; or
- A physical eye condition that adversely affects visual functioning to the extent that special education placement, materials, and/or services are required in an educational setting.



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## IEP SEQUENCE

During the Individualized Education Program (IEP) meeting, the team shall document that special factors have been considered based on assessments/evaluations completed prior to the IEP meeting.

### Step 1. Discuss Vision: Future Planning

The IEP team will discuss and develop a vision for the child in his or her school/home community that will assist in planning the child's future. Everyone has dreams for the future, which guide actions, thoughts, and plans. Family and student preferences and interests are an essential part of the visioning process.

### Step 2. Discuss Present Levels of Performance

The IEP team will review and document relevant data on the child (e.g. progress on current IEP, evaluation team report, family and student input, interventions, assessments, observations, special factors). This information provides a "picture" of the child, including student strengths and needs.

**Note:** Determine if reevaluation is needed. If needed, follow the reevaluation procedures.

### Step 3. Identify Specialized Needs for this IEP

The IEP team will determine the area (s) of the child's specialized needs using the vision and present levels of education performance.

### Step 4. Identify Measurable Goals, Objectives, and Assessment Procedures

The IEP team will develop annual measurable goals and objectives, or benchmarks, with accompanying assessment procedures, which enable the child, to the extent appropriate, to be involved with and progress in the general curriculum and to determine what services are necessary to meet the child's needs.

### Step 5. Identify Needed Services

The IEP decides what special education and related services, as well as the amount of services that will be necessary to implement the goal (s). This statements also includes the supplementary aids and services to be provided to the child, or on behalf of the child. Accommodations/modifications/assistive devices and statement of program modifications or supports for school personnel needed for the child to progress within the general curriculum and to participate in extracurricular and other nonacademic activities must also be included.

### Step 6. Determine Least Restrictive Environment (LRE)

Each child's placement is presumed first to be the general education environment. If the team determines that a different setting is needed for any service delivery for each instance, the IEP team will provide an explanation of the extent, if any, to which the child is not participating with non-disabled children.

*(Additional information can be found on Ohio Education website [www.education.Ohio.gov](http://www.education.Ohio.gov))*



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## IDEA and SECTION 504 A Comparison

Component	IDEA	Section 504
<b>General Purpose</b>	Is a Federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate services for disabled children.	Is a broad civil rights law which protects the rights of individuals with handicaps in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
<b>Who is Protected?</b>	Identifies all school-aged children who fall within one or more specific categories of qualifying condition.	Identifies all school-aged children as handicapped who meet the definition of qualified Handicapped person: i.e., (1) has or (2) has had a physical or mental impairment which substantially limits a major life activity, or (3) is regarded as handicapped by others. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks. The handicapping condition need only substantially limit one major life activity in order for the student to be eligible.
<b>Responsibility to Provide a Free and Appropriate Public Education (FAPE)</b>	<p>Both laws require the provision of a free, appropriate public education to eligible students covered under them including individually designed instruction. The Individual Education Program (IEP) or IDEA will suffice for Section 504 written plan.</p> <p>Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.</p>	Does not require a written IEP document, but does require a plan. It is recommended that the district document that a group or persons knowledgeable about the student convened and specified the agreed upon services.

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## IDEA and SECTION 504 A Comparison

Component	IDEA	Section 504
<b>Evaluations</b>	<p>A full comprehensive evaluation is required assessing all areas related to the suspected disability. The child is evaluated by a multi-disciplinary team or group.</p> <p>Requires informed consent before an initial evaluation is conducted.</p> <p>Requires reevaluations to be conducted at least every 3 years.</p> <p>A reevaluation is not required before a significant change in placement. However, a review of current evaluation data, including progress monitoring, is strongly recommended.</p> <p>Provides for independent educational evaluation at district expense if parent disagrees with evaluation. Obtained by school and hearing officer concurs.</p>	<p>Evaluation draws on information from a variety of sources in the area of concern: decisions made by a group knowledgeable about the student, evaluation data, and placement options.</p> <p>Does not require consent, only notice. However, good professional practice indicates informed consent.</p> <p>Requires periodic reevaluations. IDEA schedule for reevaluations will suffice.</p> <p>Reevaluation is required before a significant change in placement.</p> <p>No provision for independent evaluations at district expense. District should consider any such evaluations presented.</p>
<b>Placement Procedures</b>	<p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ol style="list-style-type: none"> <li>a. Draw upon information from a variety of sources;</li> <li>b. Assure that all information is documented and considered;</li> <li>c. Ensure that the eligibility decision is made by a group of persons who are knowledgeable about the child, by the evaluation data, and the placement options;</li> <li>d. Ensure that the student is educated with his/her non-handicapped peers to the maximum extent appropriate.</li> </ol>	

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## IEP versus 504

Author: Darcy Andries

Published: September 27, 2006

A brief rundown of the difference between an IEP and a 504 plan in regards to students with attention deficit hyperactivity disorder, also known as ADHD.

**What is IDEA?** IDEA stands for Individuals with Disabilities Education Act. Basically, it is the federal law that defines and mandates the rights of students with disabilities. It defines thirteen different categories of disabilities. ADHD is considered a disability under “other health impaired.” It also provides funding to schools in order to ensure a “free and public education” for students with disabilities.

**What is 504?** 504 is shorthand for the Section 504 of the Rehabilitation Act. It is a civil rights statute that protects people with disabilities from discrimination. Anyone with a “physical or mental impairment which substantially limits a major life activity,” “has a record of such impairment,” or is “perceived as having such impairment” can qualify as disabled under Section 504. Students who fall under 504s do not qualify for special education and do not receive special education services (such as physical or speech therapy or classes taught by a special education teacher) but can receive modifications under this statute.

**What’s the difference?** It’s a matter of degrees. Students who have been diagnosed with ADHD are evaluated by the school system and a determination is made at how severely ADHD affects the student’s ability to function in school. If they were severely impaired, or if they have a co-existing condition, they will qualify under IDEA and be in “special education.” If they are moderately affected, they will receive modifications under Section 504. If they are only minimally affected, they might not qualify for either.

**Which is better?** This is tricky. IDEA has a lot more protections and specific guidelines that the school system is required to follow. However, often times a child’s needs can be adequately covered by writing up a 504 plan. I would suggest deciding on what you want and then discussing with the school system on how these things can best be met. Do not get so tied down to the concept that you have to have an IEP; it’s not always necessary.

“My school says my child ‘tested too high’ to be covered under IDEA.” I run into this question a lot and the reason behind it differs from system to system. What this refers to is a comparison between IQ testing and performance testing. These are done to “test” for a learning disability. Because a high number of students with ADHD have a learning

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disability, they are often tested for it. If they are able to do grade-level work (which is what the tests showed) and have no other disability, then your child will only require modifications and these can usually be done under Section 504.

“But my child is only getting C’s and I know with modifications, she could get A’s,” or “My child is struggling in one class, and I know that if he was given more assistance he could do better.” Every parent wants their child to do the best. However, the law only allows us to require them to be average, no better than the average, and the average child struggles in at least one class. These situations do not indicate a need for special services under IDEA, or even under Section 504. Furthermore, both those statements are true for any child and, unfortunately, there are not enough resources to do this for every child. Only for students for whom the school system can prove have a disability and that this disability significantly impairs their function. Both these conditions must be true.

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## ACRONYMS

**IDEA** -- Individual with Disabilities Education Act  
**LEA** -- Local Education Agency  
**SEA** -- State Education Agency  
**FAPE** -- Free Appropriate Public Education  
**ETR** -- Evaluation Team Report (formally MFE= multifactor Evaluation)  
**IEP** -- Individual Education Program  
**LRE** -- Least Restrictive Environment  
**BIP** -- Behavior Intervention Plan  
**FBA** -- Functional Behavior Assessment  
**DHS** -- Department of Human Services  
**SLP** -- Speech Language Pathologist  
**PT** -- Physical Therapist  
**OT** -- Occupational Therapist  
**MR** -- Mental Retardation  
**SLD** -- Specific Learning Disability  
**ED or SED** -- Serious Emotional Disturbance  
**VI** -- Visual Impairment  
**HI** -- Hearing Impairment  
**TBI** -- Traumatic Brain Injury  
**OHI** -- Other Health Impairment  
**MD** -- Multiple Disabilities  
**OI** -- Orthopedic Impairment  
**SERRC** -- Special Education Regional Resource Center  
**CAC** -- Child Advocacy Center  
**HCESC** -- Hamilton County Education Service Center  
**DD** -- Developmental Disabilities  
**ODDD** -- Ohio Department of Developmental Disabilities

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## Unit 2: Attention Deficit/Hyperactivity Disorder (ADHD)

Many children have specific learning disabilities/challenges. For some children these may be paired with other disorders such as attention-deficit/ hyperactivity disorder (AD/HD --- previously called attention-deficit disorder (ADD) and attention-deficit hyperactivity disorder (ADHD). These disorders may also be present in children without learning disabilities. A detailed description of AD/HD is included here because it is frequently diagnosed due to poor school behavior. The main characteristics of children with AD/HD include hyperactivity, a short attention span, distractibility, an impulsive nature, and constant motion. This disorder is more common in boys than girls, and the symptoms are typically present before the age of seven. Several diagnostic criteria must be met before a child can be diagnosed with AD/HD, including that his or her behaviors must occur in more than one setting and over a period of time.

**AD/HD is a treatable disorder.** Through the use of medication, special education programs, counseling, and parent training, children's behavior can be greatly improved and they can become better able to concentrate. This results in better relationships with peers, teachers, and family members.

Excessive, long-term, and pervasive behaviors, including distractibility (poor sustained attention to tasks), impulsivity (impaired impulse control and delay of gratification), or hyperactivity (excessive activity and physical restlessness).

### What Causes Attention-Deficit/Hyperactivity Disorder (AD/HD)?

AD/HD is not caused by poor parenting, family problems, poor teachers or schools, too much TV, food allergies, or excess sugar. AD/HD is very likely caused by biological factors that influence neurotransmitter activity in certain parts of the brain and have a strong genetic basis. Approximately four to six percent of the U.S. population has AD/HD; however, if one person in a family is diagnosed with AD/HD, there is a 25-35% probability that any other family member also has AD/HD.

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## What Are the Signs of AD/HD?

The American Psychiatric Association's Diagnostic and Statistical Manual renamed the disorders formerly known as ADD and ADHD to be AD/HD.

AD/HD includes three subtypes:

1. A predominantly inattentive subtype (formerly ADD). Signs include:
  - . Easily distracted by irrelevant sights and sounds;
  - . Failing to pay attention to details and making careless mistakes;
  - . Rarely following instructions carefully and completely; and
  - . Losing or forgetting things like toys, pencils, books, and tools needed for a task.
2. A predominantly hyperactive-impulsive subtype (formerly ADHD). Signs include:
  - . Feeling restless;
  - . Fidgeting and squirming;
  - . Running, climbing, leaving a seat in situations where sitting or quiet behavior is expected;
  - . Blurting out answers before hearing the entire question; and
  - . Having difficulty waiting in line or for a turn.
3. A combined subtype, which is the most common of the three.

AD/HD refers to all types of attention-deficit disorders, both with and without hyperactivity. To be considered for a diagnosis of AD/HD, these behaviors must appear before age seven and last for at least six months. The level of disturbance must occur more frequently and in a more severely pronounced manner than among other children in the same age group. And above all, these behaviors must create a real handicap in at least two areas of a child's life, such as school, home, or a social setting.

## What Treatments Are Available?

Clinical experience has shown that the most effective treatment for AD/HD is a combination of medication and therapy or counseling to learn coping skills and adaptive behaviors. The most well known treatments of AD/HD are psychostimulants, such as Ritalin and Dexedrine, and some antidepressants that affect the levels of dopamine, noradrenaline, and serotonin in the central nervous system. Taken in normal doses, stimulants can result in decreased appetite, stomachaches, agitation, irritability, and insomnia for some children. The long-term effects of taking these drugs are not yet known.

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Medications can result in an improvement in core symptoms such as impulsive behavior and inattention as well as improved school and social performances. For that reason, treatment for AD/HD is more effective when regular use of drugs is combined with behavior treatment. Reward systems for appropriate behavior or performance, teaching parents child-management skills, and therapy that instructs parents and teachers in improved contingency management skills can help most children. Children who regularly take their medication and practice behavior techniques routinely do better than those who rely on stimulants alone.

## When Should a Person Seek Help?

Since many children exhibit occasional inappropriate or hyperactive behaviors, widespread confusion has arisen about the diagnosis and treatment of AD/HD. Due to those uncertainties, parents and guardians should not attempt to diagnose their children. Children who are responding to stressful family situations, are bored in the classroom, or are passing through certain stages of development may appear inattentive, hyperactive, or impulsive—yet they do not have AD/HD.

To determine whether a child needs to be examined by a physician, psychologist, or other medical specialist, you should consider several critical questions:

- . **Are the child's troublesome behaviors excessive, long-term, and pervasive?**
- . **Do they occur more often than in his or her peers?**
- . **Are his or her behaviors a continuous problem and not just a response to a temporary situation?**
- . **Do his or her behaviors occur in several settings, or only in one specific place, such as the playground or school?**

You should talk to the child's teacher to get a clearer reading on the child's daily behaviors. You should also seek a consultation with a health professional to rule out other possible psychological problems, such as depression or a learning disorder.



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## Unit 3. Behavior Intervention Plan – Discipline

### Discipline

The terms “discipline” and “punishment” are often used interchangeably to refer to practices to improve behavior. Contrary to some views, the two practices are not the same. Understanding the differences is important for a successful classroom and successful parenting. This understanding will help educators and parents to promote more cooperative, responsible, safe and healthy behavior for all students.

**Punishment** is simply a “quick fix.” Punishment often does not solve a problem and, used alone, stops only the immediate behavior. Punishment requires little change in your child’s beliefs or thoughts and usually has no value in your child’s learning.

Punishment will not change behavior long-term because the basic need of the child that is causing the behavior has not been met. Punishment focuses on the child’s action, not on the cause. It usually results in a child feeling anger, disrespect, revenge or defeat.

Discipline, however, is an approach to changing behavior through planning, teaching, and evaluating. Effective discipline provides appropriate, logical consequences for your child’s behavior and results in positive, long-term changes in behavior. True discipline does not focus on isolated behaviors, but is a learning process that provides the child with a variety of skills needed to learn. Discipline addresses the cause of the behavior and helps to create a safe, positive learning environment for all.

Discipline is firm, fair and befitting the behavior. It takes commitment, planning and on-going problem solving.\*

*\* Excerpts from: Strategies for Developing a Comprehensive Classroom Management System*

### What is a suspension from school?

A suspension is a “disciplinary” removal of your child from the current placement (educational setting) for misconduct. A suspension can be for up to 10 school days in a row in the same school year. A removal for a longer period may be called an “expulsion.”

Note that the school district may remove your child for additional periods of up to 10 school days in a row in that same school year for separate incidents of misconduct, as long as those do not move the child out of the educational setting. “Change of Placement” is further discussed in the paragraphs below and is defined in the “Definitions” section of this publication.

During a suspension, the school district does not make a free appropriate public education available to your child or carry out your child’s individualized education program.

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**There are different types of suspensions, including:**

- A formal suspension;
- An emergency removal;
- A removal of your child from school before the end of the regular school day ;
- A bus suspension, if transportation is a related service on the individualized education program and there is no other transportation provided. (NOTE: If your child attends school during a bus suspension, those days do not count as days of suspension from school);
- An in-school suspension when special education services are not provided. If your child's individualized education program is being carried out, the in-school suspension does not count toward 10 days of suspension; or
- An in-school where your child is moved to another location in the school (such as the office) where your child's individualized education program is not carried out for long periods of time or for repeated periods of time.

**What happens if my child with a disability is suspended for 10 school days or less in the same school year?**

The board of education policies that have been established for any student who is suspended from school also apply to your child.

**The district is not required to:**

- Create a behavior assessment plan (to find out more about your child's behavior) to or develop interventions (forms of assistance to improve the behavior);
- Make a manifestation determination (determine whether your child's behavior was caused by his or her disability); or
- Other services.

**However, the IEP team during the 10 day period could determine:**

- If your child's individualized education program is appropriate;
- If your child's individualized education program is being followed;
- Whether an assessment plan is needed to look at the possible reason for your child's behavior; and
- The need for assistance, strategies and supports to help your child develop positive behavior.

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## **When would my child’s removal from school for disciplinary reasons be considered a change of placement (educational location)?**

A removal from school for disciplinary reasons is considered a change of placement when:

- The removal is for more than 10 consecutive school days in the same school year; or
- Your child has been subjected to a series of removals that suggest a pattern:
  1. Because the series of removals add up to more than 10 school days in a school year;
  2. Because your child’s behavior is very similar to your child’s behavior in previous situations that brought about the series of removals; or
  3. Because of additional factors such as the length of each removal, the total amount of time your child has been removed, and the nearness of the removals to one another.

**NOTE:** A removal for more than 10 consecutive days in the same school year or series of removals that suggest a pattern and add up to more than 10 school days in the same school year may be called an expulsion.

## **Who determines whether a pattern of disciplinary removals makes up a change of placement (educational setting)?**

School leaders decide on a case-by-case basis whether a pattern of disciplinary removals is a change of placement.

## **What happens if my child’s placement is changed?**

Before changing your child’s placement for a violation of school rules, the school district must provide your child with certain protections. One of these protections is that the school district must make a “manifestation determination”; in other words, determine if your child’s behavior was related to or was a result of your child’s disability.

## **What can I do if I disagree with the change of placement?**

You may request an expedited due process hearing to challenge the decision to change your child’s learning setting. The hearing officer will decide if the school district has shown it followed requirements when it changed your child’s placement. The hearing process is discussed in more detail below in the following paragraphs and in the “Due Process” section of this document. An “expedited” due process hearing takes place sooner than a “regular” due process hearing and is discussed in detail below.

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## **What is a manifestation determination?**

A manifestation determination is a decision that your child's conduct was caused by (in other words, was a manifestation of) your child's disability. This determination is made by the school district, you the parent, and relevant (necessary) members of the IEP team ("relevant members" are determined by you and the school district).

## **When is manifestation determination review conducted? Who conducts the manifestation determination?**

A manifestation determination is conducted within 10 school days of any decision to change the placement (educational setting) of your child with a disability because of a violation of school rules.

The school district, the parent, and the relevant members of the IEP team conduct the manifestation determination. They must review all related information in the child's file including the child's individualized education program, any teacher observations and any related information the parents provide.

This relevant information is used to determine:

1. If your child's behavior in question was caused by, or had a direct and significant relationship to the child's disability;
2. If the child's behavior was the direct result of the school district's failure to put the individualized education program into action.

If you, the school district and necessary members of the IEP team decide that the child's conduct met a condition in either #1 or #2 above, then the conduct is a manifestation of your child's disability.

If the condition described in #2 above was met, the school district must take immediate steps to put the individualized education program into action.

## **What can I do if I disagree with the manifestation determination?**

You may request an expedited due process hearing to challenge the decision. The hearing officer will decide if the school district has shown that your child's conduct was or was not a manifestation of your child's disability, according to the requirements above. The hearing process is discussed in more detail in the following paragraphs and in the "Due Process" section.

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## **What must the IEP team do if the behavior was determined to be a manifestation of my child's disability?**

If the behavior is a manifestation of your child's disability, the IEP team must:

1. Either:
  - Start to conduct a functional behavior assessment (see the "Definitions" section) within 10 days of the manifestation determination and complete the assessment as soon as possible, unless the school district had conducted a functional behavioral assessment before the behavior that brought about the change of placement, and enact a behavioral intervention plan for your child; or
  - If a behavioral intervention plan already has been developed, within 10 days of the manifestation determination, review the plan and its implementation and change it, as necessary, to address the behavior; and
2. Return your child to the placement from which your child was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.

A "behavior intervention plan" is a plan to address a behavior of your child that is not appropriate in school.

## **Are there any exceptions to the requirement that my child will be returned to the placement from which my child was removed if the behavior was a manifestation of my child's disability?**

Yes, the district does not have to return your child to the placement from which your child was removed for certain behavior. Instead, the district may remove your child to an interim alternative educational setting (IAES- meaning a different educational setting) for up to 45 school days, even if your child's conduct was a manifestation of your child's disability, if your child:

- Carries a weapon to or possesses a weapon at school, on school premises or to or at a school function under the jurisdiction of a school district or the Ohio Department of Education;
- Knowingly possesses or uses illegal drugs, or sells or tries to buy or sell a controlled substance while at school, on school premises or at a school function under the authority of a school district or the Ohio Department of Education; or

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- Has done serious bodily injury to another person while at school, on school premises or at a school function under the authority of a school district or the Ohio Department of Education.

*Whose IDEA Is This?  
A Parent's Guide to the Individuals with Disabilities  
Education Improvement Act of 2004.*

## **An Example of Questions that Can Be Asked When Doing a Functional Behavior Assessment**

Who is usually around when the behavior takes place? Who is the behavior directed toward? Who is most successful in managing the behavior when it takes place?

What happens? What behavior is problematic?

When does the behavior take place? During passing period, lunch or other unstructured time? In the morning? At the end of the day? During frustrating lessons? During lectures? During quiet time?

Where does the behavior take place? In the classroom? On the playground? On the bus?

Why does the behavior take place? Is the student frustrated with the work or format of the class? Is the student getting picked on and doesn't know how to react? Does the student's medication wear off? Did the student have someone or somewhere safe to go to get help?

How does the behavior arise? Is it predictable? Are there signs that things are getting out of hand? What are the triggers?

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## What is a Behavior Intervention Plan?

A Behavior intervention plan takes information from the functional behavior assessments and lays out steps to address the behavior.

Behavior intervention plans should do several things and should not be focused just on “bad” behavior. The plan should also include rewards for good behavior and successes that a student has while in school.

***A good plan will incorporate more than one approach. Here are some ideas on how a behavior intervention plan can:***

- **Manage the student’s behavior.** A behavior intervention plan can reduce or prevent the behavior from taking place by controlling a student’s environment and limiting the opportunity for problems to take place. For example, a student’s behavior might be managed better if the student checked in with school staff at critical times of the day, ate lunch separate from others, or had an aide in class or during passing periods.
- **Be a guide for teachers to deal with behaviors.** A behavior intervention plan can be a guide for teachers and school staff to recognize the signs that inappropriate behavior is developing and to prompt or redirect the student before the situation gets out of hand. For example, teachers may know that a student who starts pacing or getting in and out of his seat is becoming frustrated. The teacher can offer the student extra help, a timeout, or a verbal prompt to refocus.
- **Help students learn skills to help themselves.** A behavior intervention plan can work on teaching the student skills to recognize signs that behavior is getting unmanageable and to redirect himself. A student might start to recognize that he gets frustrated when the teacher is giving more than one verbal instruction at a time. Rather than stop paying attention or disrupt the class, the student might ask the teacher to write out the instructions, or ask to have a classroom buddy to help take notes, or request a short break.

## Where you can have an impact:

Act quickly if the child in your care is excluded from school. It may be several days before you receive notice or information about why he or she is not allowed to return.

Bring the special needs of the student to the attention of school district administration. If you think that the school administration is not listening to you, call the district’s Director of Special Education.

Ask for an IEP or 504 meeting.

Ask that educational services be provided during the period of exclusion.

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## Behavior Intervention Plan – Discipline

*(To be developed either prior to or upon student's first offense.)*

Define Behaviors of Concern

Analyze Behavior(s) of Concern

I. Establish Baseline (does/does not)

- a. Where
- b. When
- c. With Whom
- d. Why (function/purpose of the behavior)
- e. Usual Response

II. Identify Strengths (skill strengths, staff, resources, etc.)

III. Identify Needs (skill deficits, staff, resources, etc.)

IV. Prioritize Needs: What does the learner need to learn and in what order?

Develop an Action Plan

Set Goals

Brainstorm Possible Interventions

Select Possible Interventions

Design an Evaluation Strategy

Review and Modify Plan as Necessary

3301-51-05 of the Ohio Administrative Code. The rule is part of the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities.

Consult with your attorney.



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## BEHAVIOR INTERVENTION PLAN

**NAME OF THE STUDENT:** S. M.

**GRADE:** 7

**DATE:** November 2, 2014

**IN ATTENDANCE:** Mrs. M., Mr. P., S., Matt B., Mr. B., Mr. G., Ms. D., Mr. S., Mrs. S., Mrs. Minbiole, Ms. C.

### **STRENGTHS OF THE STUDENT:**

1. In the classroom, S. is cooperative, does her work, follows directions, is well-behaved.
2. She is cooperative with Mr. S.
3. She is appropriately social in PE class.
4. At home, S. helps with her baby brother and takes out the garbage willingly.

### **AREAS OF CONCERN:**

1. S. has cut PE class twice and often says she needs to see the nurse.
2. She displays a temper to adults when she does not get her way.
3. She does not take direction well.
4. She has many conflicts with peers and can make threatening or insulting remarks to them.
5. She has problems turning in assignments in math class.
6. She does not have her planner with her consistently.

### **TARGET BEHAVIORS:**

1. S. needs to be in all of her class on time and for the duration of the class.
2. S. must carry her planner with her at all times.
3. S. must speak respectfully to adults.

### **DEFINE THE PLAN (INCLUDING CONSEQUENCES FOR NON-COMPLIANCE AND INCENTIVES FOR COMPLIANCE):**

1. S. will be on NO PASS. She will not be allowed to leave a classroom to go anywhere unless it is an emergency. She will only be allowed to leave with an office escort when one is available. It is suggested that each teacher mark in S.'s planner when she has been escorted during a class.

Hopefully this monitoring will eliminate over-use of an escort. S. may move from class to class between bells on her own. Mr. S. will notify the security guards and office staff of this plan.

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2. S. is to receive a demerit each day she is without her planner.
3. S. will receive a lunch detention in Mr. B.'s room when she is disrespectful to a teacher. The teacher will notify Mr. B.
4. INCENTIVE: If S. can go Monday-Thursday without having lunch detention or office referral (for cutting class or for any other infraction), Mr. B. will pick her up from PE Bell 7 on Friday. She will then be allowed to come to his classroom to listen to the radio or have free time on the computer. TEACHERS OR MR. S. MUST NOTIFY MR. B. OR MR. B. ON FRIDAY IF S. IS NOT ELIGIBLE FOR THE INCENTIVE.
5. **We will meet again Monday, November 21 at 3:15 in the conference room** to see if this plan is effective. If so, Ms. M. may choose to take S. shopping for shoes.



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## Unit 4. Educational Judicial Bench Card

(For any answers “no” or for assistance with a deeper inquiry see supporting information inside.)

### DOES THE CHILD HAVE:

1. Current education status: Documented?
2. School stability since last hearing?
3. Educational history documented?
4. School records being accessed as needed?
5. Regular attendance?
6. Good school performance?
7. Meaningful school participation?
8. Needs addressed for Special Education/504 evaluation, identification, and supports, if applicable?
9. Clean disciplinary record?
10. Post high school education plans (beginning at age 14)?
11. A voice in education decisions and planning?
12. Adult(s) involved as an education advocate?
13. Clear recommendations and findings of the Court?

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## DOES THE CHILD HAVE:

- 1. Current education status: Documented?**
  - A. Is current school name and grade level provided”?
  
- 2. School stability since last hearing?**
  - A. Is agency’s best interest decision regarding remaining or enrolling in a new school documented, clear, and appropriate?
  - B. If remaining in current school, has inquiry been made about transportation needs and how they will be addresssed?
  - C. If re-enrollment in new school was necessary, was it immediate? Was it a smooth transition?
  - D. If barriers, was a referral to Legal Aid made to advocate for enrollment?
  
- 3. Educational history documented?**
  - A. For initial preliminary protective hearing only, how many school changes has the child experienced prior to entry into care?
  - B. How many school changes since entry into care?
  - C. Any significant education challenges or achievements in the child’s education history?
  
- 4. School records being accessed as needed?**
  - A. Does JFS have access to education records maintained in the case plan?
  - B. Is court action/order necessary to ensure access to records by any necessary parties or individuals?
  - C. If school transfer occurred, were records timely shared with new school?
  
- 5. Regular attendance?**
  - A. Causes of missed classes/days?
  - B. Any school disruptions due to case plan services or parent/child visitation?
  - C. Patterns in attendance issues?
  - D. Supports needed to re-engage in classes/school?
  - E. Supports needed to make-up missed work/assignments?
  
- 6. Good School Performance?**
  - A. Is student performing at grade level?
  - B. Are course grades reflective of student’s ability?
  - C. For high school students, is student on track for graduation?
  - D. Has student passed all necessary standardized tests?
  - E. If assistance needed, have additional academic support services been identified (i.e. tutoring, special academis cupport, etc.)?

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## 7. Meaningful school participation?

- A. Free and reduced lunch access?
- B. Fees waived
- C. Extra-curricular activities: If nothing identified, require parties to work with youth to explore opportunities.

## 8. Needs addressed for Special Education/504 evaluation, identification, and supports, if applicable?

### A. *If student is in Special Education/504:*

- i. Is the special education evaluation (ETR), 504, or IEP current?
- ii. Who in child's life is participating in the IEP meetings?
- iii. If 14 or older, does the IEP address Transition Services?
- iv. If necessary, has a Legal Aid referral been made?
- v. If needed, has a surrogate parent been appointed by the school? If not, court should consider ordering the appointment of a surrogate parent?

### B. *If student is not in Special Education/504:*

- i. Is their reason to suspect the child may have a disability impacting on their education?
- ii. If so, has a referral been made for the child to be evaluated for Special Education services.
- iii. If not found eligible for Special Education, has the child been evaluated for 504 Plan?

## 9. Clean disciplinary record?

- A. What is the nature and duration of the disciplinary actions since the last hearing?
- B. Was there someone at the disciplinary proceeding representing and supporting the student?
- C. If needed, was a Legal Aid referral made to support the student in the disciplinary proceeding?
- D. Are any additional supports needed to ensure no further disciplinary actions occur?

## 10. Post high school education plans (beginning at age 14)?

- A. What are the student's post high school plans/goals?
- B. How many credits are needed to complete high school?
- C. Has a HEMI mentor been appointed for the student?
- D. Does JFS have a transitional/independent living plan in place for the youth?

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## 11. Youth voice in education decisions and planning?

- A. Has court ensured that youth who want to be present (if developmentally appropriate) have had an opportunity to appear before the court?
- B. Has youth been given ample opportunity to update the court on their current education experiences, any challenges to be addressed, highlights to be recognized, and future education goals?
- C. Does the court have any follow-up questions related to information shared? If youth not present, have parties agreed to provide follow-up information, or relay youth's views to the court?
- D. Has court used developmentally appropriate means to seek youth input?

## 12. Adult(s) involved as an education advocate?

- A. If no one identified, order parties to identify at least one individual who can serve as an educational advocate for the child.
- B. If appropriate, has parent(s) been invited and encouraged to continue involvement in education advocacy for the child?

## 13. Clear recommendations and findings of the court?

- A. Has court appropriately considered the recommendations put forth by the school, JFS, law guardian, or any other education advocate, to support the education needs of the student?
- B. Does the court require any additional information be provided in consideration of these recommendations?
- C. Has the court reviewed all supplemental education information? Is there anything missing that the court needs to make the necessary findings? (i.e. attendance records, report card, IEP or 504 plan)?
- D. Are there any additional recommendations the court should make to address the educational needs of the student?

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## RESOURCE MATERIALS

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Education Worksheet for Preparing a Court Report	11-44
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## To Whom It May Concern:

I am writing to introduce the Court Appointed Special Advocate (CASA volunteer) who has been appointed by Hamilton County Juvenile Court to represent a student(s) attending your school.

Because CASA volunteers are appointed by the court, they have access to all information about the child(ren) they serve. This includes school, therapeutic and medical records. The attached court entry identifies the CASA volunteer and child(ren) and certifies that the named CASA volunteer has the right to inspect and copy any records related to their assigned child(ren).

## About ProKids:

ProKids recruits, trains and supports CASA volunteers to speak out for children who have been removed from their homes because of abuse or neglect. Most of these children live in foster homes. CASA volunteers investigate, monitor and challenge the child protection system to do all it should for these children. CASA volunteers speak up -- in court and out -- for the best interests of the child. Most importantly, CASA volunteers work tirelessly to find a safe, permanent and nurturing home for every child.

Thank you for doing your part in helping these vulnerable children find a safe, nurturing school environment where they can reach their academic potential.

Sincerely,

Tracy Cook  
ProKids Executive Director  
[www.prokids.org](http://www.prokids.org)



## School Report

Date \_\_\_\_\_

Name of Student \_\_\_\_\_

School Name \_\_\_\_\_

Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_

A description of the student in reference to the following areas would be very helpful to the ProKids CASA volunteer (Court Appointed Special Advocate) regarding the child's needs. Please complete and return in the enclosed self-addressed envelope to **ProKids**, 2605 Burnet Avenue, Cincinnati, OH 45219.

### Appearance/Socialization Skills:

### Attendance:

### Behavior:

**Grades:** *(you may attach a copy of report card)*

### Needs to Work On:

### Has Improved On:

### Comments:

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Teacher's (Respondent) Signature: \_\_\_\_\_  
ProKids CASA Volunteer (Court Appointed Special Advocate): \_\_\_\_\_  
(513 281-2000 or \_\_\_\_\_)

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## SCHOOL INFORMATION FOR CASA Volunteers

*(Be sure to take a copy of your Court Entry to the school)*

Child's Name \_\_\_\_\_ DOB \_\_\_\_\_

School \_\_\_\_\_ Student ID# \_\_\_\_\_

School Address \_\_\_\_\_

Child's Grade \_\_\_\_\_ School Day Begins \_\_\_\_\_ a.m. School Day Ends \_\_\_\_\_ p.m.

School District's Web Site: [www](http://www). \_\_\_\_\_

Some of the following information is on a district's web site. Teachers may have a web page with homework, etc.

Grades on line? \_\_\_\_\_ yes \_\_\_\_\_ no If yes, what is procedure: \_\_\_\_\_

Is child in Special Education? \_\_\_\_\_ yes (see page 2) \_\_\_\_\_ no

### Helpful contact information (include phone numbers, best times to call, email)

Principal \_\_\_\_\_

Assistant Principal \_\_\_\_\_

Grade Level Administrator \_\_\_\_\_

Secretary \_\_\_\_\_

Teacher(s) \_\_\_\_\_

Attendance Clerk or Visiting Teacher \_\_\_\_\_

Check child's attendance record frequently

Counselor \_\_\_\_\_

Find out when mid-term reports & report cards come out and ask for copy to be sent to you.

Records Clerk \_\_\_\_\_

This person has the child's records. You may have to help get records transferred each time a child moves to a new school.

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## GET COPIES OF THE FOLLOWING:

- Get copies of all school records - be sure it includes previous grades cards
- If all school records are not included, contact previous school(s) for additional documentation
- Copy of the school year calendar
- Dates of open house, parent/teacher conferences, etc.
- Copy of school district's current discipline code
- Child's complete daily schedule (class times, subjects, teachers)
- Powerschool information

## IF CHILD IS GETTING SPECIAL EDUCATION SERVICES

Get copy of 504 Plan (if applicable)

OR

Get copy of the IEP and most recent ETR (Evaluation Team Report)

ETR completed every 3 years, IEP completed every year

OR

Get a copy of the Behavior Modification Plan or the like (if applicable)

Check to be sure the child is receiving appropriate services as defined in these documents.  
Do all teachers have copies in their classrooms?

## IF YOU SUSPECT A DISABILITY

If the child is having severe academic and/or behavior problems, ask the teacher(s) if an ETR (Evaluation Team Report) or a behavior modification plan is in order. This is the first step in evaluating a child for special services.

Note that many districts have a Procedures Manual. Talk with the school psychologist or appropriate individual to obtain a copy. If a Procedures Manual is unavailable contact your CASA Manager for available resources.

## GATHER THE FOLLOWING INFORMATION

- . Find out if the child has passed the required state and district tests
- . If not, does the child need academic intervention or tutoring?
- . What extracurricular activities are offered in school (e.g., counseling, mentoring, tutoring, etc.)
- . How many credits does your high school child have? \_\_\_\_\_
- . How many do they need to graduate? \_\_\_\_\_
- . Number of days absent? \_\_\_\_\_
- . Number of times tardy? \_\_\_\_\_

# CHAPTER 11: Education Advocacy

## EDUCATION WORKSHEET for PREPARING A COURT REPORT

Date \_\_\_\_\_ CASA Volunteer \_\_\_\_\_  
Child's Name \_\_\_\_\_ Child's Age \_\_\_\_\_

### 1. Enrollment: (Check appropriate box and fill in information.)

- Preschool (name) \_\_\_\_\_ Is this a Headstart Program? \_\_\_\_\_
- Grade \_\_\_\_\_ School Attending \_\_\_\_\_ District \_\_\_\_\_
- Specialized School/Grade (e.g. charter, home schooling, P.H.) \_\_\_\_\_
- Residential Placement/Grade \_\_\_\_\_
- On track to graduate with diploma \_\_\_\_\_ Working on GED \_\_\_\_\_
- High School credits earned \_\_\_\_\_
- High School credits needed to graduate \_\_\_\_\_

### 2. Attendance:

- Good/not an issue.
- Poor. Number of days missed this year \_\_\_\_\_ Reason \_\_\_\_\_
- Has child been suspended from school this year? \_\_\_\_\_ Expelled? \_\_\_\_\_
- Has he/she changed schools this year? \_\_\_\_\_ If so, how many times? \_\_\_\_\_
- Number of school days missed due to changing schools \_\_\_\_\_

### 3. School Performance:

- Good/passing     Doing poorly in school; at risk for failing
- Reading Level \_\_\_\_\_ Math Level \_\_\_\_\_ Based on \_\_\_\_\_
- Is the child receiving Special Education services? \_\_\_ If yes, is the IEP current? \_\_\_
- Are appropriate services being delivered? \_\_\_\_\_
- What is child's handicap? \_\_\_\_\_

### 4. Is the child receiving other services (e.g. 504 accommodations, tutoring, etc.)? If so, list.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 5. If 16 or older, describe what is in the Transition/Independent Living Plan. (This may also be in the IEP if the student receives Special Education services.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# CHAPTER 11: Education Advocacy

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## Surrogate Parents for Children with Disabilities

An individual who serves as a surrogate parent for a child with a disability is appointed to act in place of a parent to make educational decisions for the child. A surrogate parent is appointed if no parent can be identified, the parent cannot be located, the child is a ward of the state or the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. The appointment is made by a court or the superintendent of the school district of residence in accordance with the Individuals with Disabilities Education Improvement Act (IDEA) and the Operating Standards for Ohio's Educational Agencies Serving Children with Disabilities.

Surrogate parents represent the child in all matters relating to his or her identification, evaluation, and educational placement and in the provision of a free appropriate public education (FAPE).

The superintendent of the child's district of residence may appoint a surrogate of all four conditions below apply. These appointed surrogates must

- » Not be an employee of the Ohio Department of Education (ODE), the school district, or any other agency that is involved in the education or care of the child;
- » Have no personal or professional interest that conflicts with the interest of the child the surrogate parent represents;
- » Have knowledge and skills that ensure adequate representation of the child; and
- » Have successfully completed training prescribed by ODE prior to acting on behalf of the child.

Please note that the requirements for a court to appoint a surrogate differ from the requirements that must be followed by a superintendent.

At ProKids, a parent surrogate is assigned to each CASA Manager. Ask your CASA Manager for their contact information so they can assist you at your Individual Education Plan (IEP) meetings.