Foster Parent Process Step Guide for

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The **special education process** is long and complicated. It can be a very intimidating experience for children and families, but schools are expected to guide families through each step of the process with the ultimate goal being to create happy, self-confident, life-long learners.

Below is a step-by-step guide to the special education process:

1. **The child is identified as possibly needing special education and related services.**

There are two primary ways in which children are identified as possibly needing special education and related services:

1. Child Find (which operates in each state)
2. By referral of a parent or foster parent or school personnel

**Child Find** is a system that requires all school districts to identify, locate, and evaluate all children with disabilities, regardless of the severity of their disabilities. This process may include public awareness efforts and screenings. If a child is diagnosed with a disability, school districts must provide adequate special education assistance.

In Arizona, schools must screen all children for disabilities within 45 calendar days:

* After a child enters a preschool program or kindergarten
* After a child enrolls without appropriate records of screening, evaluation and progress in school, and upon notification of concern by a biological parent or foster parent. Parental consent is not required for a screening.

If a concern is identified through the screening procedures, through a review or records, the school is required to notify the parent within 10 school days and inform them of their plans and procedures to follow-up on the children’s needs.

A school professional may recommend that the child be **evaluated** to see if he or she has a disability. Parents, guardians, and foster parents may also contact the child’s teacher or other school professional to ask that their child be evaluated. This request should be in writing. However, the parent’s consent is needed before the child may be evaluated.

Foster parents are encouraged to talk with the child’s teacher first when they have concerns regarding a child’s educational performance. This talk allows sharing of foster parents concerns and teacher’s opinion on the child’s learning needs. If the foster parent or the child’s teacher believes the child may have a disability, the foster parent or the teacher may request, in writing, that the child be evaluated.

Foster parents should retain copies of all correspondence relating to their foster child and follow up with the child’s teacher or special education coordinator on the status of the request. Once that request is made, the school district is required to provide the parent with a copy of the Procedural Safeguards Notice – a formal document that describes the rights and protections of both the parent and the child.

**Note:** The school does not have to evaluate the foster child just because the biological parent or foster parent asked them to. The school may not think the child has a disability or needs special education. In this situation, the school may refuse to evaluate the child and inform the parent in writing why they refused. If the child’s school decides not to evaluate, the individual with the right to make educational decisions for the child can challenge the decision. They are encouraged to ask the school system for information about its special education policies, as well as parental rights to disagree with decisions made by the school system. These materials should describe the steps they can take to appeal the school system’s decision.

1. **Child is evaluated**.

Under the federal IDEA regulations, evaluation needs to be completed within 60 calendar days after the individual with the right to make education decisions for the child gives consent. The evaluation must assess the child in all areas related to the child’s suspected disability. The evaluation process includes a variety of tests to measure the child’s cognitive ability, academic skills, language skills, and social and emotional status. The evaluation results will be used to decide the child’s eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

**Note:** In many cases, school districts will have “pre-referral intervention processes they will want to use—or are required to use—prior to formal special education evaluation.

If the parent disagrees with the evaluation, they have a right to take the child for an Independent Education Evaluation (IEE). They can also request that the school system pay for this evaluation. The school has to take the result of this independent evaluation into consideration, but does not have to abide by those results. Foster parents who are not defined as “parent” under IDEA may not request a re-evaluation. However, they should express their concerns regarding the child’s education progress to the child’s parents and teachers.

1. **Determining Eligibility.**

Once the evaluation is complete, the school should produce an evaluation report that states the following:

* Whether the child has a disability
* How the disability affects the child’s progress in school
* What services are recommended to address the child’s individual needs
* Whether a child is eligible for special education as defined by IDEA is determined by a Multi-disciplinary Evaluation Team (MET). This team is composed of the child’s parent(s) and qualified professionals selected by the school district. This meeting usually occurs within 60 days from the initial evaluation.

Parents have a right to be notified of meetings and to participate in all meetings with respect to the identification, evaluation, and delivery of services to the child. The school must also provide the child’s parent(s) with a copy of the evaluation report and documentation of its decision regarding eligibility.

**Note**: if the adoptive/biological parent retains education rights, foster parents are still encouraged to be present at the MET meeting unless a judicial order would otherwise prevent them from attending.

1. **Child is found eligible for services.**

If the parents and other members of the MET Team decide the child is eligible for special education, they will develop an Individual Education Program (IEP) for the child. An IEP must be developed within 30 calendar days of the determination that the child needs special education. The IEP must be based on the child’s individual needs, and must respond to the concerns raised by the child’s evaluations. Special education services may not be provided until an IEP has been developed and the parents have provided written consent.

1. **An IEP meeting is scheduled.**

The school system schedules and conducts the IEP meeting. The school staff must:

* Schedule the meeting at a mutually agreed upon time and place
* Notify parents of the meeting early enough to ensure that they will have the opportunity to attend
* Inform the parents that they may invite people to the meeting who have knowledge or special expertise about the child

1. **IEP is written.**

Many people come together to develop a child’s IEP. This group is called the IEP team and includes many of the same individuals who were involved in the child’s MET meeting. The team members could include: the child’s parents; at least one regular education teacher of the child; at least one of the child’s special education teachers or special education providers; the child, when appropriate; other individuals (invited by the parents or the school) who have knowledge or special expertise about the child. For example, a foster parent, a relative who is close to the child, a child care provider, or related services personnel.

During the IEP meeting, the members of the IEP team share their thoughts and suggestions. If this is the first IEP meeting after the child’s evaluation, the team may discuss the evaluation results, so the child’s strengths and needs are clear.

IEP meeting at a glance: School staff reviews area of eligibility/services; presents the level of academic performance, goals, accommodations/modifications, assessment needs, and transition (starting at age 16, however, some school districts may start the transition planning during the child’s first year in high school).

**Note:** An IEP is not a parent-teacher conference. The IEP meeting only addresses the IEP components.

Before the school system may provide the initial special education and related services for the child, the parents must give consent in writing to place the child in special education. The IEP team determines the date the child will start receiving services. The school may ask the participants to sign the IEP to show their participation. Signatures are not required on an IEP, nor do they signify agreement with the plan.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, the parent may request mediation, or the school may offer mediation. The parent may file a complaint with the state agency and/or may request a due process hearing, at which time a resolution session must be made available.

**Note:** Frequently, school districts will propose to combine both the MET meeting and the initial IEP meeting. In fact, IDEA 2004 encourages having these meetings at the same time. Combining meetings can save time for parents and school staff and also allow the child to begin receiving services more quickly. However, a parent can inform the school that they prefer separate meetings to discuss their child’s eligibility and to develop their child’s IEP.

1. **Services are provided**.

The services identified in the child’s initial IEP should be made available as soon as possible after the IEP team develops an IEP; the IEP team decides the date the services will begin. Parents are given a copy of the IEP. The child’s teachers and service providers also have access to the IEP and are aware of their specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

1. **Progress is measured and reported to parents.**

The child’s progress toward the annual goals is measured, as stated in the IEP. Parents are regularly informed of their child’s progress (i.e. report cards or progress cards) and whether the progress is on track for their child to achieve his/her goals by the end of the year.

1. **The IEP is reviewed.**

The child’s IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. When it’s required, the IEP is revised. The parent, and team members, must be invited to attend these meetings.

Parents can make suggestions for changes, may agree or disagree with the IEP goals, and or agree or disagree with the child’s placement. If the parents do not agree with the IEP and placement, they may discuss their concerns with members of the IEP team and try to work out an agreement. There are several options, including additional testing; an independent evaluation; or mediation. Parents may also file a complaint with the Arizona Department of Education.

1. **Reevaluation.**

At least every three (3) years, the school district will reevaluate the child. This evaluation is called a triennial reevaluation. The school district must have written consent prior to conducting the evaluation. The results of the reevaluation will be used to determine the child’s individual needs and progress, whether the child still requires special education services, and what should be changed to address the child’s needs. A child can be reevaluated more frequently if the school district and parents agree, but not more than one time per year for each type of evaluation.

1. **Transition.**

A transition plan is developed and included in the child’s IEP**.** By the time a child turns 16-years-old, the IEP must have an appropriate transition plan in place for when the child will graduate from high school or exceed the age requirements for special education. The parent and the child are invited to participate in the IEP team meetings to create this transition plan, and together, can make suggestions for appropriate postsecondary goals and transition services. The team is expected to document at least one transition service/activity for the child.

In Arizona, when a child with a disability reaches age 18, all rights previously accorded to the child’s parents under the IDEA and state law transfer to the child, unless the child has been declared legally incompetent [A.R.S. § 15-773(A)].

1. **Training**

Foster parents who are interested in attending voluntary training in their role as the special parent, should contact the Arizona Department of Education’s (ADE) Exceptional Services, Parent Information Network (PIN) at (602) 542-3852.