

EDUCATIONAL RESOURCE GUIDE

**As a foster parent, you provide a valuable service by helping families through temporary difficult situations and meeting the needs of children in times of crisis and change. We offer this guide as an aid to your role as a foster parent.**

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**ARIZONA DEPARTMENT OF CHILD SAFETY (DCS)**

*A New Beginning for Arizona’s Children*

**Arizona Child Abuse Hotline:**

1-888-SOS-CHILD

(1-888-767-2445)

**DCS Website:**

www.dcs.az.gov

“Children in foster care encounter challenges that most of us can’t even imagine. Many experience abuse, neglect, and threats in their homes from people they love and trust, and are removed from their families. They often move from placement to placement before a permanent arrangement is found, changing schools, losing friends, and facing an uncertain future. “Despite the pain and disruption in their lives, many of these kids are resilient. While some do well in school and overcome the odds stacked against them to build productive lives as young adults, too many don’t make it. In Arizona, we need better ways for all of us—especially those of us entrusted to protect children professionally—to ensure that they have a brighter future!”

 — Arizona career educator[[1]](#footnote-1)

On any given day there are more than 15,000 children in foster care in Arizona. Often children in the foster care system become invisible in the education system. The sad reality is they have experienced abuse/neglect, separation from their families, and often multiple school or home changes; or both. With this trauma in mind, many foster children experience emotional and behavioral issues, developmental, and cognitive barriers, high rates of absenteeism and disciplinary issues. The following statistics show that children in foster care in Arizona have lower educational achievement than their peers not in care. In Arizona:

* 58% of children in foster care attended the same school for the full 2012-2013 school year, compared to 90% for children not in care;[[2]](#footnote-2)
* Nearly 1 in 4 children in foster care are classified with a disability. Among children with disabilities, children in foster care have a higher rate of emotional disturbance (a disability associated with difficulty maintaining relationships, inappropriate behaviors, and depression);[[3]](#footnote-3)
* Children in foster care have the lowest levels of achievement on statewide academic reading and mathematics testing than any other subgroup, including children with low socio-economic status, English language learners, and students with disabilities;[[4]](#footnote-4)
* Children in foster care have one of the lowest rates of graduation among at-risk children subgroups. The 2012-13 graduation rate for children in foster care was 33% percent, compared to 78% percent with their same-age peers not in care.

While these statistics are heartbreaking, as the educator quoted above says, we can – and we must – find better ways for all of us to turn these numbers around and ensure that children in foster care have a bright future. Education is a critical component to positively impact the life path of children who experience foster care. Research suggests that success in school can be a positive counterbalance to abuse, neglect, separation, and instability.[[5]](#footnote-5) Whether children are in foster care for short or long periods of time, their education is important for long-term success. It not only provides children with a roadmap for future success, it can also serve as a positive counterweight to the other challenges children in foster care experience.

**Education Laws**

Knowing what the educational system is required to provide will help foster parents ensure that the system meets the foster child’s educational needs. There is a wealth of information about what rights foster children have in the educational system, what services are available, and what foster parents can do to secure these services for the foster children.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 promotes educational stability for children in foster care. This helps children in foster care, guardianship and adoption to continue their education with as little disruption as possible. It requires states to make sure children placed in foster care can stay in the same school, if possible, or be transferred promptly to a new school, if it is not. The act also provides more federal support for school-related transportation costs.

This act also requires DCS to help older children make a transition to adulthood by requiring during the 90-day period immediately before a child exits from care at 18, 19, 20, or 21, that the child’s DCS Specialist and other representatives as appropriate help the child develop a personal transition plan (Sec. 202). The plan can be as detailed as the child chooses and includes specific options on housing, health insurance, education, local opportunities, continuing support services, work force supports and employment services. For more information about this act, see Q & A, Fostering Connections to Success and Increasing Adoptions Act of 2008-Education Provisions at <https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/qa_fostering_connections_final.authcheckdam.pdf>

**Every Student Succeeds Act**

The Every Student Succeeds Act of 2015 (ESSA) works together with the Fostering Connections to Success and Increasing Adoptions Act to create joint responsibility between schools and child welfare agencies (DCS) for foster children’s educational stability. While Foster Connections to Success and Increasing Adoptions Act focuses mainly on the responsibilities of child welfare agencies to ensure educational stability, ESSA focuses primarily on the responsibilities of school districts. Key provisions include:

* **Right to remain in the same school:** If a child’s foster home placement changes, schools must allow the child to remain in the same school if it is in the child’s best interest. The school, the DCS Specialist, the foster parents, and the primary/biological parents (if appropriate) will determine what is best for the child by considering a number of factors, including, but not limited to:
	+ the safety of the child
	+ the wishes of the primary/biological parent, foster parent and child
	+ the distance and time needed for the child to travel to and from the school he/she is attending at the time of placement
	+ the child’s academic, developmental, and socialization needs
	+ project duration of out-of-home placement
	+ the effect a school change will have on the child’s learning
	+ for high school students, any potential for loss of credits which may occur due to changing schools in the middle of a term or semester

**Note:** Factors are based on DCS Policy [Chapter 3 Section 9.4]

* **Immediate Enrollment in School and Records Transfer:** When a school change is necessary, schools must allow children to enroll in their new school, even if proper documentation is not readily available. Additionally, enrolling schools must immediately contact the previous school to obtain relevant education records.
* **Transportation to School:** School districts and child welfare agencies must work together to develop written procedures for providing cost-effective transportation to allow foster children to remain in the same school.
* **Points of Contact (POC):** Under the law, both child welfare agencies and local education agencies (LEA) need to designate a “point of contact” (POC) to ensure school stability and support the educational success of children in care. Having a point of contact person focused on foster care in every state education agency is vital to effective implementation of the new law. The Department of Child Safety’s points of contact are:
	+ SE Region: Sharon Travis (Rebecca.Travis@AZDCS.GOV)
	+ Pima Region: Rosemary Munoz (Rosemary.Munoz@AZDCS.GOV)
	+ Central Region: Patti Wenzel (Patricia.Wenzel@AZDCS.GOV)
	+ SW Region: Chanetta Curtis (Chanetta.Curtis@AZDCS.GOV)
	+ Northern Region: Dee Goulet (Dawn.Goulet@AZDCS.GOV)  and Caleb Chappelear (Caleb.Chappelear@AZDCS.GOV)

The DCS point of contact should be able to help foster parents identify who their local education agency point of contact is, or they can call the school district directly to find out. Their duties include the following:

* helping ensure streamlined communication and collaboration with the child welfare agency and the child welfare point of contact
* ensuring proper educational placement, school enrollment, and checkout from school
* assisting with the transfer of grades, credits, and records when there is school change

**Uninterrupted Scholars Act**

The Uninterrupted Scholars Act provides child welfare agencies with timely access to educational records to ensure that children in their care are immediately and appropriately enrolled in school and receive the supports and interventions they need for educational success.

In addition to providing access to school information for DCS Specialist, the Uninterrupted Scholars Act allows DCS Specialist to share that information to “an individual or entity engaged in addressing the student’s education needs.” This can include foster parents who are actively engaged in meeting the educational needs of a child placed in their home.

**Arizona’s Legal Requirements of Foster Parents**

The Arizona rule that covers Education and Development is Arizona Administrative Code Title 21, Chapter 6, R21-6-317.

Under Arizona law, all foster parents are required to:

* Communicate developmental and educational progress and challenges to the DCS Child Specialist and Child Placing Agency, including any noted developmental delays.
* Send school-age foster children to public school unless alternative educational arrangements, such as private or home schooling, are approved in the foster child’s case plan, by the DCS Child Specialist’s supervisor, or the Child Placing Agency supervisor.
* Work with the DCS Specialist or Child Placing Agency to determine educational needs beyond those provided in the school setting and make reasonable efforts to obtain educational services that are available from the school, district, or other providers for educational services.
* Encourage the foster child’s academic progress by making reasonable efforts to ensure the completion of homework and participating in parent-teacher conferences, the Individual Education Program (IEP), and Individualized Family Service Plan (IFSP) Meetings, as appropriate.
* Make reasonable effort to ensure school attendance, schedule appointments, visitations, and other activities during hours that do not interfere with school.

**Educational Programs for Young Children and Children with Disabilities**

**Preschool-Age and Younger Children**

Adverse experience, such as abuse and neglect, can interfere with normal brain development. Studies estimate that up to 50% of foster children under the age of 5 have developmental issues. If left untreated, these developmental delays can become learning disabilities, disruptive behaviors, attention deficits, depression/anxiety disorders, or attachment disorders. Early intervention and education can remediate developmental delays and help prepare children to enter kindergarten ready to learn.

It is important that foster children have every opportunity to learn and are as ready for school as possible. Several different early childhood and education programs are available to foster children in Arizona:

* **Child Care:** DCS may provide DES child care services as a support service for foster parents through the DES Child Care Administration (CCA). Child care may be provided for up to a maximum of 23 days per month per child. DCS determines the amount of days based on certain criteria. Foster children 12 years and younger are eligible for child care services.

Foster parents should also consult with the Child Care Resources and Referral (CCR&R), 800-308-9000 or visit their website at <http://www.arizonachildcare.org/> to identify a child care provider. This service is provided at no cost to foster parents. Foster parents may be charged a registration fee and or incur a daily charge if the child care provider charges more than the amount the CCA is contracted to pay. Foster parents should check to see if they are going to incur these charges.

In the event that foster parents have to change providers or select an additional provider, they must inform their DCS Specialist before doing so.

* **Head Start and Early Head Start:** Early Head Start and Head Start are federally-funded programs that promote school readiness by enhancing children’s physical, social, emotional, and mental development. Children from birth to 3 are eligible for Early Head Start. Children who are 3 to 5 years old are eligible for Head Start services. Children in foster care are automatically eligible and have a priority for admission in both programs. To apply for Head Start and Early Head Start, foster parents should contact the Head Start or Early Head Start program serving their community. To locate a Head Start program in their area, they are encouraged to call the Head Start Knowledge and Information Management Services toll free at 866-763-6481, or visit their website <https://eclkc.ohs.acf.hhs.gov/hslc> or [www.azheadstart.org](http://www.azheadstart.org).
* **Arizona Early Intervention Program (AzEIP):** The Arizona Early Intervention Program (AzEIP) is Arizona’s statewide system of supports and services for families of children, birth to age 3, with disabilities or developmental delays. AzEIP works in partnership with other state agencies to provide services to eligible children and their families [(i.e. DES/Division of Developmental Disabilities (DDD]. It is governed by the Individuals with Disabilities Education Act (IDEA)-Part C, a federal law, which establishes early intervention programs for children birth to 36 months. Services may include occupational, physical or speech therapy, psychological services, audiology, vision services, or home visits, depending on the needs of the child and family.

There are two ways a child may be determined eligible for AzEIP:

1. If the child has a significant developmental delay, meaning, a child who has reached only 50% of the developmental milestones expected at his/her chronological age, as measured using a norm-referenced standardized evaluation instrument.
2. A child with an established condition that has a high probability of resulting in a developmental delay. AzEIP established conditions may include, but are not limited to, cerebral palsy; failure to thrive/pediatric under nutrition; chromosomal abnormalities (e.g., Down syndrome); significant auditory or visual impairment; disorders reflection reflecting disturbance of the nervous system (autism, spectrum disorders, seizure disorders, born addicted narcotics or alcohol).

All foster children under the age of 3 should be given a developmental screening and behavioral health assessment when they first enter care. If the assessment identifies developmental delays, the child will be referred to AzEIP. Foster parents are also encouraged to self-refer if they have a concern about a child’s development. Referrals can be made on-line at <https://extranet.azdes.gov/azeip/AzeipREF/Forms/Categories.aspx> or by calling 602-532-9960 or 888-439-5609 (outside Maricopa County). For more information about the referral process, email AZFIND@azed.gov or call 928-679-8106.

If the child qualifies for services, a meeting to develop the Individual Family Service Plan (IFSP) will be held within 45 days after the child was first referred to AzEIP. The people at the first IFSP meeting may include the primary/biological parent, the DCS Specialist, foster parent, designated AzEIP service coordinator, or a person(s) who will provide services, if appropriate. The IFSP is developed by the “IFSP team.” Together the team will develop, plan and identify services needed to enhance the child’s development. The plan changes as the needs of the child change, and it is reviewed at least every six months and rewritten yearly. If the foster child is not eligible for AzEIP, a foster parent may contact Raising Special Kids at 602-242-4366 for additional resources.

**Note:** The foster child’s IFSP team must address the transition to early childhood special education. Under the federal special education legislation (Individuals with Disabilities Education Act (IDEA) 2004), transition planning may begin as soon as nine months before the third birthday.

When children turn 3, schools begin using an Individual Education Program (IEP) process and plan (refer to page 12 for additional IEP information).

**Early Childhood Special Education (ECSE)**

Early Childhood Special Education (ECSE) and related services is available, at no cost to foster parents, for eligible children ages 3 through 5 who have been identified with a disability. IDEA 2004 guarantees educational rights to these children and makes it illegal for public school districts to refuse to educate a child, ages 3 through 5, based on their disability.

**Note:** Charter schools are not required to provide early childhood special education services. For more information on early ECSE services, foster parents should speak with the foster child’s school point of contact person.

**Ideas for Encouraging a Young Child’s Interest in Learning**

Foster parents are encouraged to:

* read to the foster child for at least 20 minutes every day.
* get a library card for the foster child. Try to take the foster child to the library once a week to support his or her natural curiosity to read and explore.
* limit television. Instead, help the foster child use his or her imagination by playing with puppets, completing a puzzle, painting, playing with modeling clay, or engaging in other activities they like.
* enroll the foster child in a local preschool or Head Start program. Children who participate in Head Start programs receive innumerable benefits. Early Head Start children show significantly better social-emotional, language, and cognitive development than children who do not attend Early Head Start. Foster children who attend Early Head Start and transition to Head Start are more ready for kindergarten than children who do not attend Head Start. Additionally, research shows that Head Start children have a higher likelihood of graduating high school, attending college, and receiving a post-secondary degree, license, or certification than children who do not attend.

**Helping Foster Children Succeed in School**

Foster parents can play an important role in the foster child’s education. Foster parents should never assume that the school will know what the foster child’s needs are or that the school will automatically meet those needs. The school focuses on meeting the needs of many children. Only foster parents can be fully focused on meeting the needs of the foster child. Therefore, it’s very important for foster parents to advocate for the foster child. Foster parents can advocate for education in many ways:

* **Support Child’s Educational Needs**. All foster children should receive a family- centered case plan that describes their needs and ensures that their medical, educational, and psychological needs are addressed. The case plan includes the name and address of the foster child’s school, the foster child’s educational status, including the child’s grade level, academic performance, special education services if applicable, attendance and other relevant information. The DCS Specialist should conduct a case plan staffing and reassess the case plan at least every six months and at specific key decision points in the life of the case (significant change in case circumstances). Foster parents are allowed, and should, request a copy of the case plan for their personal records, as there may be specific tasks on the case plan assigned to them.

It’s important for foster parents to be actively involved in the foster child’s education. Foster parents should attend conferences and meetings, regularly communicate with the foster child’s teacher(s), follow-up on reported problems, and take an interest in the foster child’s schoolwork and homework. The bottom line is, they should always be aware of what the foster child is doing in school, and be involved in the educational process. Additionally, foster parents should also discuss the foster child’s educational progress with the child’s primary/biological parents and encourage them to attend school meetings and events, if appropriate.

* **Immediate School Enrollment.** Foster parents should not wait to enroll the foster child in school. The DCS Specialist should ensure that the child is enrolled in school as soon as possible. Children are expected to be enrolled in school within five days of the date of placement. For enrollment, foster parents will need the Notice to Providers (Out-of-Home, Educational, and Medical) form.

Gaps in school attendance—even short gaps—can be detrimental. While foster parents may have an impulse to allow the foster child who is new to their home “time to adjust” before enrolling them in school, foster children—like all children—do best when they are provided with structure, a routine, and clear expectations. Minimizing absences and maximizing attendance increases the child’s engagement in school and communicates to the child that school is important.

Remember, schools are required to enroll foster children, even if the foster child’s records (including birth certificate and immunization records) or clothing normally required for school enrollment are not available. If foster parents encounter any issues, they should contact the school district’s POC. They can also contact the child’s DCS Specialist for assistance.

* **School Stability**. One of the hardest situations children in care face is changing schools frequently. There are many benefits to keeping a child in the same school even if his or her residence changes. Remember, the child does not need to automatically transfer to a new school just because of a move to a new neighborhood. Each school district has a POC, who may be able to help in these situations.

When a school change is inevitable, foster parents and the DCS Specialist need to work together to make the change as easy as possible for the foster child. Be sure the foster child has an opportunity to say goodbye to their friends and teachers. If possible, foster parents should move during the school break or times when the transition will be easiest (end of the school year or beginning of a grading period).

* **Appropriate School Placement.** If necessary, it is important for foster parents to make sure the foster child’s new school placement is appropriate. For a child who receives special education services, the child should be placed in the type of classroom listed on his/her individual education program (IEP) and receive all the services and accommodations/modifications listed as well. Foster children who transfer high schools may be required to complete different and/or additional local graduation requirements in their new school district. Sometimes, they cannot complete these requirements within four years of high school. It is recommended that foster parents talk to the school counselor right away about credit recovery programs.
* **Transportation.** If it is determined that it is in the best interest of the child to remain in their school of origin, the foster parents, the DCS Specialist, and the school POC will need to discuss a plan for getting the child to school. This can be challenging, especially when the school is some distance away, not on a usual bus route, or when the foster parents are not able to provide the transportation. The transportation plan is the joint responsibility of the foster child’s school POC, the DCS Specialist, and the foster parents. It does not fall on one person’s shoulders, it involves all required parties. Transportation issues are almost always surmountable, but it will take earnest effort on everybody’s part (e.g., relying on a relative for help).
* **Collaboration**. Before a foster child walks through the door of a new school, he/she has already experienced traumatic events apart from the original abuse or neglect. These include removal from the home, separation from siblings, having to tell their story to complete strangers, meeting caseworkers and their new foster parents. To help the foster child feel safe and secure, it is important for foster parents to regularly communicate and collaborate with the child’s DCS Specialist, teacher, and other key players. Additionally, foster parents should hold all parties (DCS Specialist, teacher, special education teacher, etc.) accountable for holding regular meetings to discuss the foster child’s educational progress and needed services (e.g., ensure the DCS Specialist has copies of all school documents, such as grades, transcripts, and IEPs). This will help increase the likelihood that the foster child will receive services tailored to their academic needs. Foster parents are also encouraged to attend professional trainings offered by the school and school functions that the children are involved in. Identify a school confidant (e.g., counselor, teacher, principal, etc.) who the foster child can talk to about problems or concerns.
* **Educational records**. DCS Policy requires that the DCS Specialist maintain contact with the foster parents to obtain school information. They are responsible for monitoring the child’s educational status by requesting updates from the foster parents and the child (if verbal) during monthly contacts and at the time of case plan staffings. They may request that foster parents provide them with a copy of the child’s awards earned, the child’s report card, and any other significant records (i.e. discipline records).

Foster parents are encouraged to keep the child’s educational paperwork organized. The following are tips for organizing child records and notes:

* Keep a separate education file for each child in the home. Organize them in different categories: letters and correspondence, special education, grades and attendance, discipline notices, etc.
* Keep copies of all letters, notes or written communication with the school. Store the paperwork in a safe place to ensure the child’s confidentiality.
* Keep a log of all issues on a separate piece of paper in the child’s file.

**Foster Children with Disabilities**

The Individual with Disabilities Education Act (IDEA) is a law ensuring service to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and older children with disabilities. Eligible children with disabilities up to age 3 receive services through Arizona Early Intervention Program (AzEIP). These early intervention services and supports are usually provided in a foster parent or primary/biological parent’s home. Preschool age children may receive services in a school program or in typical early childhood settings. School-age children may receive special education services in public or non-public schools.

School-age children determined eligible for special education services must meet all three of the following criteria:

* The child has a qualifying disability as defined by IDEA regulations (disabilities include autism, blindness, emotional disturbance, hearing impairment, cognitive impairment, etc.).
* The child’s disability adversely affects educational performance.
* The child must need specially designed instruction (SDI) in order to access and make progress in general education curriculum. [34 C.F.R. § 300.8(a)].

IDEA guarantees educational rights to all children with disabilities and makes it illegal for school districts to refuse to educate a child based on a child’s disability. It also entitles children with special needs to “free and appropriate public education (FAPE) in the least restrictive environment (LRE).” This means that the child’s school district must provide the child with a public education that is as close as possible to the education received by children without disabilities.

Keep in mind, however, poor academic performance doesn’t necessarily indicate special education services are needed. Frequent changes in schools and classrooms, a common experience for children in foster care, is correlated with poor educational outcomes.

**Individual Education Program**

Each child who receives special education services must have an Individualized Education Program (or Plan). The IEP sets annual educational goals for the child and details the supports and services the child will receive to meet those goals. It also includes a description of the modifications and accommodations that are necessary (includes how often they will be provided and how long they will last) and those which can be used in state and district achievement testing situations. The IEP also details the setting in which the child will be educated, which can range from a general education classroom, to a self-contained special education classroom, to a special school for children with disabilities.

The IEP is developed by an IEP team that may consist of the child’s teachers, the school psychologist who assessed the child, a school administrator, primary/biological parents and foster parents, DCS Specialists, the behavioral health therapist, and other service providers working with the child.

The IEP should be reviewed annually and the child’s eligibility for special education must be re-assessed every three years. However, IEP’s can be changed at any time on an as-needed basis. If a foster parent thinks that their foster child needs more, fewer, or different services, they should contact their foster child’s teacher and DCS Specialist or Licensing Agency Specialist.

**“Parent” as defined by IDEA**

Under the federal IDEA regulations, “parent” means — (1) a primary/biological or adoptive parent of a child; (2) a foster parent; (3) a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); (4) an individual acting in the place of a primary/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; or (5) a surrogate parent. If more than one party meets the definition of a parent, the primary/biological or adoptive parent must be presumed to be the parent for IDEA purposes unless the primary/biological or adoptive parent does not have legal authority to make educational decisions for the child. Additionally, if a court order identifies a specific person or persons as having authority to make educational decisions on behalf of the child, that person must be presumed to be the parent. [34 C.F.R. § 300.30]”

The law says whenever a primary/biological or adoptive parent is “attempting to act” on behalf of the child in the special education system, the school must treat that parent as the decision maker. This means if the school proposes an IEP for the child and the primary/biological or adoptive parent disapproves of the plan, the school cannot bypass the parent by obtaining a foster parent or other relative’s approval.

Once a foster child enrolls in school, the DCS Specialist must work cooperatively with the child’s school to ensure a parent, as defined by IDEA, participates in all decision-making regarding special education evaluation and/or special education services.

**Special Education Process[[6]](#footnote-6)**

**Foster Child with a Prior IEP**

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

**Step 1. Child is identified as possibly needing special education and related services.**

* **Child Find**. Child Find requires all school districts to identify, locate and evaluate all children with disabilities who need special education and related services.
* **Referral or request for evaluation**. A school professional or a parent may ask that a child be evaluated to see if he/she has a disability.

**Step 2. Child is evaluated.** The evaluation must assess the child in all areas related to the child’s suspected disability. 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.

**Step 3. Eligibility is decided.** A group of qualified professionals and the parents look at the child’s evaluation results. Together, they decide if the child is a “child with a disability” as defined by IDEA.

**Step 4.** **Child is found eligible for services.** If the child is found to be a “child with a disability” as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

**Step 5. IEP meeting is scheduled.** The school system schedules and conducts the IEP meeting. School staff must:

* schedule the meeting at a mutually agreed upon time and place.
* notify parents early enough to ensure they have the opportunity to attend.
* relay the purpose, time, and location of the meeting to the parents.
* inform the parents that they may invite people who have knowledge or special expertise about the child to attend the meeting.

**Step 6. IEP meeting is held/IEP is written.** The IEP team meets with the parents to discuss the child’s needs and write the IEP. As soon as the IEP is written and consent is given by the parents, the child can begin to receive special education and related services.

**Step 7. Services are provided.** The school ensures the child’s IEP is carried out as it was written.

**Step 8. Progress is measured and reported to parents.** The child’s progress toward the annual goals is measured, as stated in the IEP (i.e., through the use of quarterly or other periodic reports).

**Step 9. 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. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

**Step 10. Child is revaluated.** At least every three years the child must be reevaluated. The purpose of the reevaluation is to find out if the child continues to be a “child with a disability” as defined by IDEA, and what the child’s educational needs are. Parents must give their consent for the child’s reevaluation. A child may be reevaluated more often if conditions warrant or if the child’s parents or teacher asks for a new evaluation.

**Step 11. 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; together they 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 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)].

**Training**

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

Refer to **Handouts #5.11** and **#5.12** for more information on the special education process**.**

**Foster Child with a Prior IEP**

Most children in foster care will already have an IEP in place. Whenever a foster child changes school districts, the new school must request the child’s school records, including the IEP and other special education records, from the old school. The school should offer services that are comparable to the services in the IEP developed by the old school district until they adopt the old IEP or develop a new IEP in accordance with IDEA procedures.

It is very important for foster parents to communicate with the child’s school and their teachers. If foster parents have a copy of the child’s IEP, they should provide the child’s new school with a copy-and ensure that the child’s teacher receives one. Foster parents should also do everything possible to keep the teachers informed and up-to-date on any changes in day-to-day activities and lifestyles that may affect the foster child’s learning (changes in medications, specialized medical equipment, etc.). As they build partnerships with the child’s teachers, they should be sure to include the foster child in the dialogue whenever appropriate.

**Section 504 of the Rehabilitation Act of 1973 – An Overview**

Section 504 of the Rehabilitation Act of 1973 was the first disability civil rights law to be enacted in the United States. It prohibits discrimination against people with disabilities in any programs and activities receiving federal financial assistance.

A “504 plan” or “504 accommodation plan” legally ensures children with disabilities have meaningful opportunities to participate in all aspects of school on an equal basis as children without disabilities.

Children can qualify for 504 plans if they have physical or mental impairments that affect or limit any of their abilities to:

* walk, breathe, eat, or sleep.
* communicate, see, hear, or speak.
* read, concentrate, think, or learn.
* stand, bend, lift, or work.

If a child is considered disabled under Section 504, the child’s school district must create a Section 504 plan for the child. As with IEPs, a 504 plan is provided at no cost to parents. The child may receive accommodations and modifications to facilitate their equal access to education. Depending on the child’s individual needs, a school district may be required to provide the following: accommodations in academic (e.g. extended time on tests, reduced homework or classroom, use of a computer for assignments), non-academic and extracurricular activities, adaptive equipment or assistive technology devices, an aide, assistance with health related needs, or other related services and accommodations. The 504 plan includes a summary of evaluation data, documentation of eligibility determination, and description of accommodations and placements.

**Note:** Section 504 has a broader definition of a disability than IDEA. Children who have disabilities that do not meet the specific definitions under IDEA may still be entitled to a 504 plan if they have a disability that substantially limits a major life activity. Major life activities include: learning, walking, seeing and hearing.

Refer to **Handout #5.13** for more information on the differences between IEPs and 504 Plans.

**Discipline**

Studies show that children in foster care experience school suspensions and expulsions at higher rates than their peers not in foster care. Thus, suspension and expulsion of children is always a concern for foster parents and schools. It is important for foster parents to be familiar with the school’s discipline handbook and policies. It is also important to note that effective communication between the child, teacher, primary/biological parent, foster parent, and/or administrator can result in the prevention of many discipline problems. Effective communication includes the following:

* Student/Teacher conference (e.g. behavioral contracts)
* Staffing between teacher, parent/foster parent, and any other specialized professional individuals who may give input to behavioral problems of any child

It’s critical that foster parents understand the differences between certain terms of discipline. Under Arizona Revised Statutes §15-840 “suspension” means the temporary withdrawal of the privilege of attending school for a specified period of time. Short-term suspension is defined as any suspension of ten (10) consecutive school days or less. Long- term suspension is defined as any suspension that lasts more than ten (10) consecutive school days.

Expulsion is defined as permanent removal from school and Governing Board action is required. Appeal for reinstatement is available and must be approved by, and is at the discretion of, the Governing Board. By law for expulsions, and by policy in most school districts for long term suspensions, the parents or legal guardian of the child must receive five working days’ notice before the hearing can take place [A.R.S.§15-843]. Further, how the disciplinary hearing is conducted changes as punishment becomes more severe. For example, short-term suspension hearings are generally more informal and can be conducted by a campus administrator, whereas long-term suspensions and expulsions will generally involve a hearing officer or governing board of the school district.

**Three important pieces of information to know about discipline:**

* Every children has a right to education, even if they misbehave at school.
* Children have a right to challenge school decisions if they believe the punishment for misbehavior is not fair or if there is a disagreement about what happened.
* Children have a right to due process. Due process is a 14th amendment Constitutional right. Such rights include notice and a fair opportunity to be heard.

**Note:** Special education children have more protections when facing discipline at school.

If the foster child is exhibiting bad behaviors in school or is suspended or expulsed, foster parents should notify the child’s DCS Specialist. Foster parents should also ask the child’s behavior health provider/CFT team for advice.

**IEP and Behavioral Issues**

Good classroom management and structured classroom discipline stop most disruptive behavior, but some children will continue to disrupt. These children need more help so they can stay in class and succeed.

Functional behavioral assessment (FBA) is part of the positive behavioral support (PBS) mandated by IDEA 2004. FBA is a process which describes a child’s disruptive behaviors, looks for reasons behind the behaviors and offers interventions that teach new behaviors to replace the undesired ones. The Behavioral Intervention Plan (BIP) lays out how the IEP team will improve difficult behavior that is inhibiting a child’s academic success. Basically, a BIP is a document that describes just how the IEP team will help the child improve his or her behavior—and it’s included in the child’s IEP (e.g., providing positive behavioral interventions, supports, and other strategies/services to address the behavior).

For more information, visit the Positive Behavioral Supports website at [www.pbis.org](http://www.pbis.org) or call a Parent Information Network Specialist toll-free at 877-230-PINS (7467).

Remember, when it comes to discipline, special education children are entitled to unique protections that are more extensive than the protections that apply to general education children.

**Additional Resources and Help**

For questions about educational matters, foster parents should refer to the child’s teacher/school counselor/administrator first, then the DCS Specialist and License Agency Specialist. He/she may be able to address their concern(s). If not, DCS has two Educational Specialists. Their primary responsibility is to advocate for the child in any school-related matter. That includes making home visits if needed, attending meetings, or helping solve difficult issues.

DCS Educational Specialists: **Dennis Hinz**, Northern Arizona Specialist at (623) 771-7057 DHinz@azdes.gov; **Veronica Mendoza**, Southern Arizona Specialist at (520) 209-4808 VMendoza@azdes.gov .

Additionally, if foster parents have special education questions or concerns, they can visit Exceptional Student Services at <http://www.azed.gov/special-education/request-assistance-in-box/>. This website details how parents and schools can contact them depending on their specific needs.

**FosterEd Arizona**

FosterEd’s mission is to create a reality where all foster children graduate from high school with the widest array of possibilities for their future. A team of FosterEd Education Liaisons is located in DCS offices and schools. They ensure every foster child they serve has:

* **An Effective and Committed Education Champion:**  Foster children, like all children, need strong educational advocates who have the knowledge, skills, and resources necessary to effectively support their education.
* **A Well-Coordinated Education Team:** Foster children are much more likely to succeed in school when the adults in their lives – social workers, teachers, therapists, CASAs, etc. – are working together in a coordinated, collaborative manner.
* **A Student-Centered Education Plan**: Positive engagement and empowerment at school starts with putting the child at the center of his/her education decision-making. Giving children “voice and choice” in shaping every element of their education leads to educational success, particularly for foster children who have experienced the trauma and loss of control associated with involvement in the child welfare system.

FosterEd is currently available in Pima and Maricopa Counties with plans to expand statewide in 2018. For more information visit <http://foster-ed.org/>. This website also offers education-related assistance.

**Summary**

The foster child’s school cannot be expected to address the needs of the foster child without input and advocacy from the foster parents. Foster parents can start by enrolling the foster child in school within five days of the date of placement- even if they don’t have all his/her paperwork. Foster parents should also ensure that DCS, in addition to the school system, is doing all they can to meet the foster child’s educational needs. Foster parents must advocate, advocate, advocate. Foster parents can never be too involved in supporting the foster child’s education.

**FAQs**

**Registration**

* **Where will my foster child attend school?**

Foster children have the option to remain in their home school or district at the time of the initial removal from their home and each subsequent placement. It is suggested you work with the DCS Specialist, the Point of Contact (POC) at the school office, and the primary/biological parent, if appropriate, to determine if it is in the foster child’s best interest to remain in his/her current school or district or to attend the local school where the foster child is placed. Be aware the DCS Child Specialist is responsible for ensuring the safety and wishes of the foster child, the primary/biological parent and the foster parent and other factors before determining what school the foster child should attend. For more information on the determining factors, see Arizona Department of Child Safety: Policy and Procedure Manual Chapter 3: Section 9.4 Education for Children in Out-of-Home Care; Decision Making section at <https://extranet.azdes.gov/dcyfpolicy/>

* **What do I do if the school refuses to allow my foster child to attend school within five days of the child coming to live with me?**

You should contact the DCS Specialist for assistance. If you and the DCS Specialist continue to have difficulty enrolling your foster child in school, the DCS Child Safety Specialist will contact the child’s DCS Education Specialist or the POC at the child’s school for assistance.

* **What information should NEVER be shared with educational personnel?**

It is **NEVER** appropriate to share:

* Abuse/neglect history. DCS will share with the school, as needed, for evaluation purposes or will give you permission to discuss certain specific information
* Name of the person who reported the abuse or neglect, if known
* DCS investigation details

If you are unsure about sharing certain information with school personnel, contact your DCS Specialist or Licensing Agency Specialist before doing so.

**Programs**

* **Our foster child is struggling in school and is behind his/her classmates. What should I do?**

Talk to the foster child’s teacher and DCS Specialist and see what extra help can be given and supports that can be put into place. If this does not appear to be adequate, you may request a meeting at the school and invite the Child and Family Team to collectively decide whether to move forward with making a formal request for testing. As a foster parent, you are allowed to make a formal request, however, if the primary/biological parent is available, it would be best to work together to do this. This is a good opportunity for you to model positive and effective ways for them to advocate for their child’s educational needs. Allow reasonable time for the school to provide additional support services to your foster child. Ask your school if they provide RTI (Response to Intervention) or MTSS (Multi-Tier System of Supports) strategies. If they do, ask to be part of the meetings to discuss strategies. Find out what the timeline is for follow up. If they don’t provide strategies, ask what type of intervention plans are available.

**Fees and Payments**

* **As a foster parent, am I responsible for paying for school lunches for a foster child living in my home?**

All children in DCS custody are automatically eligible for the free breakfast and lunch program. You will be required to fill out an application for free/reduced lunch. Check the box for “foster child”. You are not required to provide financial information regarding your family’s annual income.

* **Who pays for school fees and books?**

Arizona school districts are required to provide free use of required textbooks and instructional materials for all children. Each district has individual policies regarding the waivers of other school fees. Check to see what your district’s policies are. Other fees to keep in mind include field trips, testing fees (SAT, ACT) and sports fees.

* **Do I need to buy school supplies?**

DCS provides an allowance up to $82.50 per school year for books and school supplies. The DCS Specialist initiates the request. Contact your DCS Specialist to request these funds.

* **The school says my foster child needs tutoring but they do not offer a free tutoring program.**

DCS does not provide resources to pay for tutoring. If tutoring is not offered by the school, or if it is offered but your foster child is unable to attend due to scheduling conflicts, you can apply for a grant from Arizona Friends of Foster Children Foundation by going to [http://www.affcf.org/general-awards/award-application](http://www.affcf.org/general-awards/award-application/). Grants are issued in $500 increments and a list of preferred vendors is posted on their website (under Programs/General Awards/Preferred Vendors). Contact the vendor before applying to make sure they are accepting new referrals and will serve children in your area. Ask the teacher/administrator to provide you with a letter stating that your child needs tutoring, what his/her specific needs are and that the school does not provide tutoring. Submit these documents with your application.

**Special Needs**

* **Can a school district refuse to enroll a foster child without a copy of his/her IEP?**

No, the school district must enroll the foster child with or without the IEP. If your foster child requires a self-contained program, however, it is in everyone’s best interest to make sure the school has the IEP to identify what type of program is needed for your foster child.

You can help obtain your foster child’s IEP but this cannot be used as a reason not to have the foster child attend school. Some schools choose to request a copy on their own to ensure they have an “official” copy. Talk to the school to find out.

* **As a foster parent, what role do I play in the IEP process?**

If your foster child has an IEP, you are only allowed to participate in the IEP process and sign the IEP if the primary/biological parent(s) are not participating in the IEP process. If you have any questions about your specific role, contact the POC at the child’s school or your foster child’s DCS Specialist.

* **If my foster child was receiving special education services in a previous school, will he or she continue to receive services in a new school?**

Yes. The new school must use the IEP from the previous school to provide comparable services until an IEP review meeting can be scheduled to see if any changes are necessary due to available services provided at the new school.

* **How do I make a request for special education services? How long will it take?**

A request to your foster child’s school is required in writing by the Educational Right’s Holder (biological/adoptive parent or foster parent if biological/adoptive parent is not legally able to) explaining why you think your foster child may need special education services. If the school district agrees to evaluate your foster child for special education eligibility, the school will ask you to sign consent for a case study evaluation. From the time you request an evaluation in writing, the school must complete the evaluation and determine eligibility for an IEP within 60 calendar days.

If the foster child is an infant or toddler (birth to 36 months), the fastest and most efficient method is to make an online referral to Arizona Early Intervention Program (AzEIP). You or the DCS Specialist can refer a child for assessment.

**Note:** If the RBHA assessment of a child under 3-years-old identifies developmental delays, the RBHA will refer the child to AzEIP.

**MAKING REFERRALS**

**Online:** <https://des.az.gov/sites/default/files/azeip_referral_contact_list.pdf>

In Gila, Maricopa, Pima, Pinal and Santa Cruz counties:

**Phone:** English/602-635-9799 or 1-888-592-0140

 Spanish/602-635-9810

**Email:** AzEIP.Info@raisingspecialkids.org

* **My foster child was diagnosed with a mental illness but the school says he/she isn’t eligible for special education services. Why not?**

Having a medical diagnosis is not a guarantee of special education eligibility. IDEA has specific eligibility categories and the disability must have an impact on the child’s education. Often foster children in this situation are eligible for a Section 504 Plan. Once you provide the school with the medical diagnosis documentation, the school can write a 504 plan and provide accommodations if the medical condition is interfering with your foster child’s ability to learn.

A 504 plan differs from an [IEP](http://kidshealth.org/en/parents/iep.html). A 504 plan allows for accommodations (additional time to complete a test or homework, take tests in a quiet area, reduced homework or classwork, preferential seating, behavior management support, verbal testing, etc.). The plan modifies a student's regular education program in a regular classroom setting and is monitored by classroom teachers.

An IEP provides additional support for a child with a learning disability. A student with an IEP, as part of the Individuals with Disabilities Education Act (IDEA 2004), may receive different educational services in a special or regular educational setting, depending on the student's need. IEP programs are delivered and monitored by additional school support staff.

It's important to note that students with IEPs are entitled to the additional protections and services offered by 504 plans. Students with IEPs might benefit from a 504 plan, for example, if they're moving from a special education setting to a regular classroom.

* **The school says my foster child isn’t eligible for special education but he/she still needs help. What can I do?**

School districts often have resources to help students that may also assist your foster child. Ask the foster child’s teacher or principal what is available. If you don’t think the additional resources are sufficiently meeting your foster child’s needs, contact your DCS Specialist and/or work with the POC at the child’s school.

* **The school isn’t following my child’s IEP. What should I do?**

Contact the child’s DCS Specialist, POC, or DCS Educational Specialist. You may also contact outside resources such as Raising Special Kids and Pilot Parents.

For additional help, visit the Arizona Department of Education website at: <http://www.azed.gov/special-education/request-assistance-in-box/>.

**Youth Services**

* **My foster child is going to graduate from high school and wants to attend college or a vocational school?**

You and your foster child should schedule a time to talk with the school’s advisement counselor. In addition, the DCS Educational Specialist may be able to help you find additional benefits, funding, or programming.

* **What services are provided for youth transitioning into young adulthood?**

The Chaffee Foster Care Independence Act (CFCIP) was passed by Congress in 1999 in response to these concerns. This Act provides states with funds to assist young people as they exit the system.

Under CFCIP, all children in foster care who are 16 or over must be provided “the services needed to assist the child to make the transition from foster care to independent living.” If you have questions, visit the DCS website at <https://dcs.az.gov/services/young-adult/independent-living-program-and-young-adult-program> or contact the Northern DCS Educational Specialist, Dennis Hinz at (623) 771-7057 DHinz@azdes.gov or Southern DCS Education Specialist, Veronica Mendoza at (520) 209-4808 VMendoza@azdes.gov .

* **If my foster child is a senior on track to graduate, will changing schools cause a delay?**

It could. Each school district may add additional requirements to the State’s minimum requirements. If your foster child is a senior and must change schools, immediately contact your DCS Child Safety Specialist or Licensing Agency Specialist.

**Discipline**

* **My foster child keeps getting sent home from school for misbehaving. What should I do?**

All students are entitled to a full day of instruction. The only reason a child should be sent home for behavior problems is if they were issued a suspension. Any time a child is sent home for ANY part of an instructional day, for anything other than illness or an emergency, it is considered a suspension. Rather than sending your child home, the school should be evaluating whether the child needs behavioral support to be successful in school. If your foster child already has an IEP, a behavior plan should be developed. If your foster child doesn’t have an IEP and you think they have a learning disability, you may want to request an evaluation for special education.

* **The school wants my foster child to attend an alternative school for misbehaving. Can** **they do that?**

Only in certain situations. Any child can be administratively transferred for up to 45 days to an alternative school for:

* Bringing guns or weapons to school or a school function
* Possession or use of drugs or alcohol at school or a school function
* Physical aggression leading to severe bodily harm at school or a school function

A child who is suspended long-term by the school board may be offered attendance at an alternative school for the duration of the suspension.

* **The school says my foster child can’t attend school until a doctor prescribes medication for his/her ADHD. Can they do that?**

No, they cannot require medication for school attendance. Find out why the school is asking for your foster child to be medicated. Discuss the school’s concerns with your DCS Specialist and physician.

* **How often can my foster child be suspended?**

There are different rules for children in regular education and special education:A regular education child may be suspended as often as a school determines it is appropriate, as long as any one term of suspension does not exceed 10 school days. In order for a school to keep a child out longer than 10 school days, the school board will need to consider long-term suspension. A special education child may only be suspended for 10 cumulative school days in a school year. Once a child is suspended for 10 school days, a manifestation hearing must be held to review the IEP and to develop, or modify an existing behavior intervention plan.

* **What do I do if my foster child is expelled from school?**

As soon as you are notified of a pending expulsion, contact your child’s DCS Specialist. If your child has an IEP, a manifestation hearing is required and an alternative education program will need to be provided by the school. The school cannot require you to withdraw your foster child. The school is required to find another program to meet your foster child’s needs. For more information visit: <http://www.wrightslaw.com/info/discipl.mdr.strategy.htm>

* **My foster child is 17 and doesn’t want to go to high school. Can he enroll in a GED class?**

Contact your DCS Specialist to discuss the best option for your child. Minors enrolling in GED classes will need the withdrawal paperwork from the previous high school along with a notarized letter from the DCS Specialist.

**College**

* **As a foster parent, do I have to provide my tax information when my foster child applies for financial aid?**

No. If your foster child answered the question on Free Application for Federal Student Aid (FAFSA) regarding dependency status correctly, you should not be asked to provide your tax information. If the school requests this information, the foster child will need to correct this question on the FAFSA filing. Your foster child should answer ‘yes’ to the question, “At any time since you turned age 13, were you in foster care or were you a dependent or ward of the court?” He/she should apply for financial aid in October of his/her senior year. Your DCS Specialist will need to provide documentation verifying your foster child is under the guardianship of DCS. For questions about financial aid, visit [studentaid.edu.gov](file:///%5C%5Cdesvfiler12%5Cdcs%24%5Cbusiness%20Operations%5COffice%20Of%20Licensing%5CVeronica%20Cobbs%5Cstudentaid.edu.gov). Prior to beginning FAFSA, your foster child will need a social security number.

* **What is an Education and Training Voucher?**

An Education and Training Voucher (ETV) can provide up to $5,000 per fiscal year for expenses not covered by other financial aid grants. It can be used for tuition, fees, books, supplies, uniforms, equipment, or transportation as long as your foster child is enrolled, attending, and making satisfactory academic progress in an accredited academic or vocational program. Other education-related costs may be considered such as tutoring, health insurance, and housing on a case by case basis. The foster child must use the ETV prior to age 21 and will remain eligible until age 23 if satisfactory academic progress is being made in the program of study. An application must be submitted each academic year.

* **What can I do as a foster parent to help prepare my foster child for college or vocational training?**

The most important thing you can do is to talk to your foster child about what they want to be, or what they want to study and help them believe they can achieve their dreams and goals if they work for them. Knowing what field they want to pursue a career in can help them narrow their choices for a college. During their senior year, help your foster child access the career exploration programs available through the high school guidance counselor. If the guidance counselor cannot offer enough assistance, go to your local community college and ask to work with the Career Counseling Center.

As soon after October 1 as possible, assist your foster child in completing and filing the Free Application for Federal Student Aid (FAFSA). This will need to be filed each year so the federal government can determine the amount of financial aid needed and send the information to the schools your foster child has listed on the FAFSA form. Once your foster child has successfully completed the FAFSA, a Student Aid Report (SAR) will be sent to the foster child showing what the Expected Family Contribution (EFC) will be – this will help determine what school may be the one best-suited financially for your foster child. The next step is for your foster child to complete the financial aid paperwork at the school he/she enrolls in. If your foster child needs further assistance in completing the FAFSA, contact their high school guidance counselor or DCS Education Specialist.

For more information and resources, you are encouraged to visit the following websites:

* <https://www.casey.org/media/achieving-higher-ed-goals.pdf>
* <http://www.fc2success.org/>

In addition, College Depot offers free, comprehensive college planning services at the Burton Burr Central Library in downtown Phoenix. Their team of college planning advisors and assistants can meet with you in person. One-on-one appointments are the most popular services at College Deport and often book up a few weeks in advance. College Depot also offers workshops on college admission, financial aid and scholarships. To schedule an appointment email college.depot@phoenix.gov or call (602) 261-8847.

1. Barrat, V. X., Berliner, B., & Felida, N. J. (2015). Arizona’s Invisible Achievement Gap: Education Outcomes of Students in Foster Care in the State’s Public Schools. San Francisco: WestEd. [↑](#footnote-ref-1)
2. Id. [↑](#footnote-ref-2)
3. Id. [↑](#footnote-ref-3)
4. Id. [↑](#footnote-ref-4)
5. The National Working Group on Foster Care and Education 2008 [↑](#footnote-ref-5)
6. <http://www.nichcy.org/schoolage/steps/> [↑](#footnote-ref-6)