

Court Appointed Special Advocates

Educational Advocacy Training Program



CASA

Court Appointed Special Advocates
FOR CHILDREN

NEW JERSEY

VOLUNTEER MANUAL

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DISCLAIMER

This manual was created by CASA of New Jersey with the assistance of all individuals acknowledged herein to provide CASA volunteers with information on educational advocacy for children in out-of-home placement. Information is current as of the printing of this manual. This manual is not intended to replace professional legal consultation or consultation with individuals with expertise in educational advocacy.

TABLE OF CONTENTS

CHAPTER 1 -- TRAINING GOALS AND THE CASA VOLUNTEER'S ROLE IN EDUCATIONAL ADVOCACYTAB 1

OVERVIEW AND NARRATIVE	1-1
INTRODUCTION	1-1
WHY EDUCATIONAL ADVOCACY IS IMPORTANT	1-1
EDUCATIONAL ADVOCACY INITIATIVE GOALS	1-3
VOLUNTEER ROLE REGARDING EDUCATIONAL ADVOCACY	1-4
POINTS OF ADVOCACY	1-6

MANUAL DOCUMENTS

Q&A ON THE LINK BETWEEN EDUCATION & PERMANENCY.....	MD1 - 1
ACRONYMS & ABBREVIATIONS	MD1 - 3
BLANK DYFS/DCP&P FORM 5-16: CHILD'S EDUCATION RECORD	MD1 - 6
SAMPLE SCHOOL DISTRICT HIERARCHY	MD1 - 9
SAMPLE SCHOOL DISTRICT LETTER OF INTRODUCTION/REQUEST FOR MEETING.....	MD1 - 10
SAMPLE LETTER REQUEST FOR SCHOOL RECORDS	MD1 - 11
LIST OF HELPFUL INFORMATION FOUND IN SCHOOL RECORDS	MD1 - 13

CHAPTER 2 -- GETTING THROUGH THE DOOR -- ENSURING EDUCATIONAL ACCESS FOR CHILDREN IN PLACEMENT AND ADDRESSING COMMON ROADBLOCKS TO EDUCATION STABILITY, REGISTRATION, AND ENROLLMENTTAB 2

OVERVIEW AND NARRATIVE	2-1
INTRODUCTION	2-1
MAINTAINING EDUCATION STABILITY	2-1
REGISTRATION, ENROLLMENT AND SCHOOL TRANSFERS FOR CHILDREN IN PLACEMENT.....	2-3
POINTS OF ADVOCACY	2-6

MANUAL DOCUMENTS

DYFS/DCP&P EDUCATION STABILITY LIAISON DIRECTORY	MD2 - 1
DYFS/DCP&P BROCHURE: "SCHOOL STABILITY FOR CHILDREN IN RESOURCE HOME CARE"	MD2 - 3
DYFS/DCP&P EDUCATION STABILITY LAW DECISION TREE	MD2 - 7
SAMPLE RESOURCE FAMILY IDENTIFICATION LETTER	MD2 - 8
NJ DCF SCHOOL REGISTRATION FOR CHILDREN IN OUT-OF-HOME CARE -- INFORMATION FOR CAREGIVERS AND EDUCATORS.....	MD2 - 9

CHAPTER 3 -- EDUCATIONAL ADVOCACY FOR SCHOOL-AGE CHILDREN -- EDUCATIONAL SERVICES SHORT OF SPECIAL EDUCATIONTAB 3

OVERVIEW AND NARRATIVE	3-1
INTRODUCTION	3-1
GENERAL INTERVENTIONS.....	3-1
INTERVENTION AND REFERRAL SERVICES	3-1
ACCOMMODATIONS AND SERVICES UNDER SECTION 504 OF THE ADA.....	3-3
POINTS OF ADVOCACY	3-5

MANUAL DOCUMENTS

SAMPLE INTERVENTION AND REFERRAL SERVICES REFERRAL LETTER	MD3 - 1
FLOW-CHART OF THE I & RS PROCESS	MD3 - 2
COMPARISON OF SECTION 504 AND IDEA CREATED BY DISABILITY RIGHTS NEW JERSEY	MD3 - 3

SAMPLE LIST OF 504 ACCOMMODATIONS	MD3 - 5
SAMPLE 504 PLAN	MD3 - 7

**CHAPTER 4 – THE SPECIAL EDUCATION SYSTEM: EARLY INTERVENTION, PRE-SCHOOL
SPECIAL EDUCATION, SPECIAL EDUCATION K-12 TAB 4**

OVERVIEW AND NARRATIVE	4-1
INTRODUCTION	4-1
IDENTIFYING THE IDEA PARENT	4-1
THE EARLY INTERVENTION SYSTEM -- SERVICES FOR CHILDREN UP TO AGE THREE	4-3
TRANSITIONING FROM EARLY INTERVENTION TO PRESCHOOL SPECIAL EDUCATION -- SERVICES FOR CHILDREN AGES THREE TO FIVE	4-4
THE SPECIAL EDUCATION SYSTEM -- SERVICES FOR SCHOOL AGE CHILDREN UP TO AGE 21	4-5
THE SPECIAL EDUCATION PROCESS	4-5
IEPS, SPECIAL EDUCATION PROGRAMS, AND RELATED SERVICES	4-8
NOTICE, CONSENT, AND PROCEDURAL SAFEGUARDS	4-10
TRANSITION PLANNING FOR STUDENTS IN THE SPECIAL EDUCATION SYSTEM	4-11
POINTS OF ADVOCACY	4-13

MANUAL DOCUMENTS

GLOSSARY OF TERMS, INCLUDING BASIC TERMS, POTENTIAL CLASSIFICATIONS, SPECIAL EDUCATION PROGRAMS AND PLACEMENTS, AND RELATED SERVICES	MD4 - 1
LIST OF EARLY INTERVENTION STATEWIDE RESOURCES	MD4 - 10
EARLY INTERVENTION TIMELINE	MD4 - 11
LIST OF SERVICES AVAILABLE UNDER THE EARLY INTERVENTION SYSTEM	MD4 - 12
BLANK IFSP FORM	MD4 - 12
SPECIAL EDUCATION STEPS	MD4 - 21
SAMPLE REQUEST FOR CHILD STUDY TEAM EVALUATION	MD4 - 22
LIST OF CHILD STUDY TEAM AND IEP TEAM MEMBERS	MD4 - 23
SPECIAL EDUCATION TIMELINE	MD4 - 24
LIST OF POTENTIAL EVALUATIONS	MD4 - 25
SAMPLE REQUEST FOR INDEPENDENT EVALUATION	MD4 - 26
LIST OF IEP COMPONENTS	MD4 - 27
SAMPLE IEP (ANNOTATED)	MD4 - 28
CHART OF THE CONTINUUM OF SPECIAL EDUCATION PROGRAMS & PLACEMENTS	MD4 - 49
FOSTER CARE & EDUCATION Q&A REGARDING MOBILITY ISSUES AND SPECIAL EDUCATION FOR CHILDREN IN OUT-OF-HOME CARE	MD4 - 50
SPECIAL EDUCATION REQUIREMENTS REGARDING NOTICE & PARENTAL CONSENT	MD4 - 52
PROCEDURAL SAFEGUARDS AND SPECIAL EDUCATION APPEALS	MD4 - 53

CHAPTER 5 – STUDENT DISCIPLINE TAB 5

OVERVIEW AND NARRATIVE	5-1
INTRODUCTION	5-1
DISCIPLINE ISSUES FOR ALL STUDENTS	5-1
DISCIPLINE ISSUES FOR STUDENTS IN SPECIAL EDUCATION PROGRAMS	5-3
DISCIPLINE ISSUES FOR CHILDREN NOT YET IDENTIFIED AS SPECIAL EDUCATION STUDENTS	5-6
POINTS OF ADVOCACY	5-6

MANUAL DOCUMENTS

STATUTE REGARDING GOOD CAUSE FOR STUDENT SUSPENSION OR EXPULSION	MD5 - 1
HOME INSTRUCTION AND ALTERNATIVE EDUCATION REQUIREMENTS	MD5 - 2
DEPARTMENT OF EDUCATION, OFFICE OF SPECIAL EDUCATION PROGRAMS DISCIPLINE REQUIREMENTS BROCHURE	MD5 - 3

CHAPTER 6 – PULLING IT ALL TOGETHER -- CASA EDUCATIONAL ADVOCACYTAB 6

OVERVIEW AND NARRATIVE 6-1

- INTRODUCTION 6-1
- INFORMATION GATHERING AND RECORDS REVIEW 6-1
- ENSURING THAT THE CHILD'S EDUCATIONAL NEEDS ARE MET 6-2
- COMMON ISSUES AND HOW CASA CAN HELP 6-5
- PROVIDING THE COURT WITH TIMELY, OBJECTIVE INFORMATION 6-6
- POINTS OF ADVOCACY 6-7

MANUAL DOCUMENTS

- ADVOCATE QUESTIONNAIRE FOR EDUCATIONAL INFORMATION MD6 - 1
- RESOURCE LIST - PROFESSIONAL/LEGAL HELP WITH EDUCATION ISSUES MD6 - 3
- LINKS TO NJ ADMINISTRATION CODE AND OTHER RESOURCES..... MD6 - 5
- SAMPLE COURT REPORTS MD6 - 7

Chapter 1 Training Goals and The CASA Volunteer's Role in Educational Advocacy

Introduction

The primary goal of CASA Educational Advocacy is to ensure that children's educational needs are met while they are in out-of-home placement. These include their regular educational needs, as well as any special education needs they might have.

In seeking to ensure that their assigned child's educational needs are being met, CASA volunteers, with the support of the CASA Case Supervisor (or other designated CASA program staff), will use their investigative and advocacy skills to:

- Gather information regarding the child's educational progress and needs, as well as how those needs are being met.
- Monitor the child's educational progress.
- Help to ensure that any/all of the child's educational needs are being met (including both regular and special education needs, as well as the need for education stability).
- Provide the Court with timely, objective, and unbiased information based upon the information gathered; this will allow the Court to make well-informed decisions on the child's behalf.

Why Educational Advocacy is Important

There are several reasons why it is important for a CASA volunteer to provide Educational Advocacy for children in placement to whom they are assigned.

- There is a renewed focus on the educational needs of children in placement since educational well-being has now been identified as one of the child well-being factors under the Federal Adoption and Safe Families Act.
- Children in out-of home placement are particularly at risk for educational issues because they can easily fall through the cracks of the educational system. As recognized by both Federal and State laws, changes in placement that result in a change of schools tend to increase the risk that the child will miss critical instruction time and fall behind other students because of delays in registration or enrollment. Such school changes also increase the risk that the child will have incomplete or inaccurate educational records, and that schools will fail to identify, accurately assess, or appropriately address the child's individual educational needs and potential learning difficulties.

- Children in placement are subjected more frequently to factors such as trauma, poor role models, and low performing school systems, all of which may inhibit their ability to attain educational success.
- Finally, the State of New Jersey is held to a higher standard in providing for the education of children in out-of-home placement (as opposed to children who are not in out-of-home placement). While all New Jersey children have a Constitutional Right to a thorough and efficient education, children in placement have special rights.
 - Under State Administrative Code Regulations, the Division of Youth and Family Services (DYFS, but now the Division of Child Protection and Permanency or DCP&P) is obligated to make every reasonable effort to assure that every child in out-of-home placement receives an education appropriate to his or her abilities.
 - The Child Placement Bill of Rights states that children in out-of-home placement have the right to receive an education that will maximize the child's potential.

Nationwide statistics and research gathered by the National Working Group on Foster Care and Education clearly indicate that the instability caused by living in foster care has a dramatic effect on a child's education. *See MD1-1 to 1-2 for an informative Q&A on The Link Between Education and Permanency.*

- Federal data indicate that school age children in foster care experience an average of 3.38 placements.
- Of more than 1,000 foster care alumni surveyed in a Casey Family Programs national study, 68% attended 3 or more elementary schools; 33% attended 5 or more elementary schools.
- A University of Chicago study found that, by the 6th grade, students who had changed schools four (4) or more times had lost approximately one year of educational growth.
- More than one-third of the Casey National Foster Care Alumni Study participants reported that they had repeated a grade.
- A Northwest Foster Care Alumni Study found that just 1.8% of foster care alumni completed a bachelor's degree, compared to 24% of the same-age persons in the general population.
- Several studies nationwide show that children and youth in foster care are up to 3.5 times more likely to be in a Special Education program than their non-foster care peers.
- A study by the National Foster Care Review Coalition found that only two-thirds of foster children with Special Education needs were actually receiving Special Education services.

Given the heightened requirements under New Jersey law, and in light of the stark data cited, it is critically important for CASA volunteers to work with DYFS/DCP&P, the Court, and the child's school and educators to ensure that educational issues are addressed early on and consistently during the child's time in placement.

Educational Advocacy Initiative Goals

It is NOT the goal of this training to turn CASA volunteers into experts in education law or the special education system. There are a variety of resources, listed as part of Chapter 6 of this manual, to assist the CASA volunteer and program should it be necessary to access these kinds of experts. Similarly, CASA volunteers are lay advocates and should not evaluate or assess children – there are systems both inside and outside of the schools designed to do just this. Rather, CASA volunteers should advocate to properly identify the child's individual needs and then have those identified needs met.

Accordingly, the goals of this Educational Advocacy Initiative are to:

- Provide CASA volunteers with the tools, knowledge, and ability to take an active role in ensuring that the educational needs of children in placement are met and that all children in care receive an education that will maximize their potential.
- Enable CASA volunteers to identify problem areas and potential issues with regard to their assigned child's education, and to know where to find appropriate professional support when needed.
- Ensure that CASA volunteers are able to provide the Court with information regarding the child's educational progress and needs, as well as recommendations that help to ensure that those needs are being met.

It is the goal of this training to enable CASA programs and volunteers to take an active role in:

- Maintaining educational stability for the child
- Eliminating or overcoming barriers to registration, enrollment/attendance, and information sharing
- Ensuring access to an education that will maximize the child's potential
- Improving educational outcomes by making sure that the child's needs are being met

Each chapter of this manual is designed to provide the CASA volunteer with information about a particular subject area, to highlight important points of advocacy in that subject area, and to provide the volunteer with specific documents that they will encounter or tools that they can use in the process of advocating for the educational needs of their assigned child. The CASA volunteer should understand, however, that documents, regulations, and forms may change over time or from school district to school district. As such, no manual can truly be all-inclusive.

In order to fully understand the manual and its contents, the volunteer can reference the list of commonly used acronyms and abbreviations at *MD1-3 to 1-5, Acronyms and Abbreviations*.

Volunteer Role Regarding Educational Advocacy

While a fair amount of what we cover in this training and the webinars to follow has to do with children who have special needs and are either classified or receive some form of special services, CASA volunteers need to be sure they are advocating for ANY AND ALL educational needs a child may have. An individual CASA volunteer's role can be compared to that of a conscientious caretaker – someone who could not necessarily evaluate or assess the child, but who is diligent in ensuring that educational issues are identified and addressed in a timely and appropriate manner, and in the best interest of the child.

To do this, the CASA will need to:

- Work in close collaboration with both the school and child welfare systems, as well as individuals involved in the child's life
- Have a good understanding of the child's educational progress, what the child needs, and what the child is already receiving – this will entail gathering as much information as possible about the child's education

Volunteer Role – Collaboration and Communication

In order to ensure that a child's educational needs are being met, it is critical to facilitate effective collaboration and communication, and to use both the education and child welfare systems to help meet those needs. Collaboration and communication between the Law Guardian, DYFS/DCP&P, parents, caregivers, CASA, and school personnel are essential. CASA can facilitate this communication and encourage this collaboration.

Specifically, CASA can help DYFS/DCP&P, school staff, parents, and caregivers to identify and understand the child's needs. CASA can also be instrumental in helping coordinate the flow of information and delivery of services, follow up on the provision of services, and make sure that the services provided are meeting the individual child's needs. Finally, CASA can advocate for the child directly with appropriate school staff, whether through phone calls, letters, or in-person meetings.

CASA volunteers and programs should remember that there are two systems which can be called upon to help meet the child's needs – the educational system, and the child welfare system. CASA can help to ensure that both DYFS/DCP&P and the schools are safeguarding the child's best interests and

meeting the child's educational needs. Evaluations, services, placements, and transitional services can be obtained from both systems. Accordingly, CASA volunteers and programs should be accessing and advocating in BOTH of those systems to ensure that the best interests of the child are being served and that the child's educational needs are being met.

Volunteer Role – Gathering Information from the School

CASA should gather information about the child's educational progress and needs, the services being provided, and any additional issues or concerns regarding the child's education and development.

As with other aspects of CASA advocacy, the first stop in the information-gathering phase should be the DYFS/DCP&P case file. The DYFS/DCP&P case file on your assigned child should include a form entitled "Child's Education Record," which contains significant information regarding the child's school life. However, this form is relatively new, so it may be missing from some case files or incomplete in others. This presents yet another opportunity for collaboration as CASA volunteers obtain the information needed to ensure a complete DYFS/DCP&P Education Record. *A copy of a blank DYFS/DCP&P Form 5-16 Education Record is provided at MD1-6 to 1-8.*

After reviewing the DYFS/DCP&P file, CASA volunteers should reach out to the school (through the guidance counselor initially) to review school records and request to speak with the child's teachers, aides, and others with knowledge of the child's educational progress and needs. For classified students (students in a special education program) or students receiving special accommodations, CASA volunteers should also contact the Child Study Team case manager.

Children in placement are likely to have educational or behavioral issues, even if only as a result of the transition from home – the key question is whether these issues are being addressed and the needs met. In addition to speaking with the child, parents, and caregivers, a review of the student's school record and discussion with teachers and school personnel will likely reveal what the child's needs are and how they are being met. *A Sample School District Hierarchy and Sample Letter of Introduction are in the Manual at MD1-9 to 1-10.*

Initial contact with the school should generally be via e-mail with a follow-up telephone call. Upon initial contact, CASA volunteers should request a copy of the schedule or calendar for the school year's progress reports, report cards, conferences, etc... Upon meeting with school personnel, CASA volunteers should discuss obtaining access to other types of information which might be available to parents (i.e., web portals, notices, etc...). Additionally, CASA volunteers should

inquire about all educational and behavioral issues that the child might have, and how the school is addressing them.

CASA volunteers should review the child's school records to ensure these records are complete, paying careful attention to attendance, grades, discipline, health, and any special needs that might be identified. For high-school students, it is critical to know how many credits are required for graduation and whether the student is on target or falling behind in earning these credits. *A Sample Records Request Letter and List of Helpful Information to be Found in School Records are in the Manual at MD1-11 to 1-13.*

School records may also contain helpful information in a variety of areas, including information on past addresses and schools attended, sibling information, the child's home language, the programs and services that the child is in or receiving, the child's educational progress and social development, the child's eligibility for Special Education or Section 504 accommodations¹, academic evaluations, assessment information, and samples of student work.

Officially, however, mandated school records include: a student's identifying information, grades, health records, attendance, standardized assessments, and special education records.

Access to school records is governed by FERPA – the Family Education Rights and Privacy Act – and the NJ Administrative Code. However, a Court Order is sufficient to override FERPA, and the CASA Order of Appointment in particular is sufficient to permit CASA volunteers access to their assigned children's school records.

Points of Advocacy for CASA

- An individual CASA volunteer's role can be compared to that of a conscientious caretaker – someone who could not necessarily evaluate or assess the child, but who is diligent in ensuring that educational issues are identified and addressed in a timely and appropriate manner, and in the best interest of the child.
- To do this, the CASA will need to: (1) Have a good understanding of the child's educational progress, what the child needs, and what services the child is already receiving; (2) Work in close collaboration with both the school and child welfare systems, as well as individuals involved in the child's life; and (3) Review school records as they provide important information
- It is critical to facilitate effective collaboration and communication, and to use both the education and child welfare systems to help meet those needs.

¹ Both 504 and Special Education will be discussed at length in the chapters that follow.

- CASA can help DYFS/DCP&P, school staff, parents, and caregivers to identify and understand the child's educational needs.
- CASA can be instrumental in helping coordinate the flow of information and services, follow up on the provision of services, and make sure that the services provided are meeting the individual child's needs.
- CASA can advocate for the child directly with appropriate school staff, whether through phone calls, letters, or in-person meetings.
- Remember, there are two systems which can be called upon to help meet the child's needs – the educational system, and the child welfare system. CASA can help to ensure that both DYFS/DCP&P and the schools are safeguarding the child's best interests and meeting the child's educational needs.
- Evaluations, services, placements, and transitional services can be obtained from both systems. Accordingly, CASA volunteers and programs should be utilizing BOTH of those systems to ensure that the best interests of the child are being served and that the child's educational needs are being met.
- CASA should gather information about the child's educational progress and needs, the services being provided, and any additional issues or concerns regarding the child's education and development.
- Information-gathering can start with obtaining the DYFS/DCP&P Form 5-16, called the "Child's Education Record." If that form is not in the child's case file or is incomplete, CASA should collaborate to obtain the needed information.
- Information-gathering will also require meetings with teachers and other education staff, as well as a review of the child's school records.
- Remember, your Order of Appointment provides you with access to school records – be sure to include a copy of the Order in any requests to the school.

Manual Documents:

- ABA Q&A on The Link Between Education and Permanency
- Acronyms and Abbreviations
- Blank DYFS/DCP&P Form 5-16: Child's Education Record
- Sample School District Hierarchy
- Sample School District Letter of Introduction/Request for Meeting
- Sample Letter Request for School Records
- List of Helpful Information to be found in school records



Foster Care & Education

Q&A

THE LINK BETWEEN EDUCATION AND PERMANENCY

Q: What is “permanency” for children and youth in foster care?

A: The focus on achieving permanency for children in the child welfare system began in the early 1980s, but was reemphasized with the passage of the Adoption & Safe Families Act (ASFA) in 1997. Under ASFA permanency for a child is achieved by finalizing one of the permanency planning goals approved in the Act: reunification, adoption, permanent legal custodianship, or another planned permanent living arrangement (APPLA). Many organizations working with children in foster care define “permanency” more broadly to include ensuring a lifelong relationship with the child, in a safe and comfortable setting, where a child has a sense of belonging and well-being.

Q: How do positive educational experiences impact a child’s lifelong stability and permanence?

A: Educational outcomes significantly affect long-term life stability for all children, and stability and permanency for any child can promote educational success. Better student performance has been linked to the family’s economic and housing stability and to increased marital and family stability. Conversely, educational failure has long been linked to higher rates of homelessness, unemployment, and incarceration. In fact, among children exiting foster care, poor educational outcomes in particular have been specifically linked to the fact that, within the first 2 to 4 years after emancipation from care, 51% of these young adults are unemployed, 40% are on public assistance, 25% become homeless and 20% are incarcerated.

Q: Is there any research evidence that positive educational experiences increase opportunities for achieving permanency through reunification, adoption, guardianship, or APPLA?

A: Yes. Advocates and practitioners from across the country have provided anecdotal evidence that positive educational experiences leads to increased permanency for children in out-of-home care. Although no widespread or national research exists, limited research supports this anecdotal evidence:

Toledo, Ohio – An ongoing study of children and youth considered the educational performance and permanency outcomes of 243 school-aged children in Lucas County. Preliminary research from that study indicates:

- Children and youth who remain in care longer, and who are less likely to be reunified or adopted, are more likely to struggle to school and more likely to have special education needs.
- An inverse correlation exists between GPA and length of time in care: as a child’s GPA went down, their length of time in care increased. Sadly, a portion of these children reached 16 or 17 yrs old with little to no high school credits.

For more information contact Diana Theiss at theiss.14@buckeyemail.osu.edu.

Minnesota Permanency Demonstration Project – A 5 year study surveyed 111 caregivers and compared the experiences of children who achieved permanency with those who remained in foster care. Preliminary data from this study indicates:

- Children who had achieved permanency were more likely to have attended school regularly and more likely to talk to their caregivers about school work and school-related activities while in foster care.
- They were also less likely to have changed schools during the prior two years and less likely to have been suspended from school.

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DY_NAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_137480



Q: Is there any evidence that negative educational outcomes undermine permanency goals?

prolonged periods they give up on school altogether contributing to greater lifetime instability”

Q: Is there any evidence that a court’s focus on improving educational outcomes increases rates of permanency?

A: Yes. The Midwest Study by Chapin Hall found that school discipline problems lead to longer stays in foster care, more disruptions in living placements, and more involvement with the judicial system. Such disruptions undermine permanence as it is widely acknowledged that children with frequent living placement changes are more likely to have their current placement disrupt and less likely to be reunified, adopted or enter another permanent placement. According to one study, with each living placement change, the odds of finding permanence declines by 25 percent. (See Children and Family Research Center, *Instability in Foster Care* at <http://www.cfr.illinois.edu/pubs/briefpdfs/instability.pdf>). Recently published research by the Children’s Hospital of Pennsylvania also links high rates of living placement changes with poor educational outcomes. *Securing Child Safety, Well Being and Permanency Through Placement Stability in Foster Care* (Children’s Hospital of Philadelphia 2009) available at <http://www.research.chop.edu/programs/policylab/docs/Fall09/EtoACSAW.pdf>

A: Yes. Several judges, -- particularly those in New York and California which have rules mandating that a child’s education needs be addressed in court (See California Rule of Court 5.650(a) *et. seq.* and 5.651 *et. seq.* and New York’s Family Court Act §1089 (2007).) and some judges who have used a Judicial Education Checklist -- have informally reported improved educational outcomes and improved permanency rates. As retired Judge Joan Cooney of Westchester County, New York explained, improving educational outcomes through court intervention is highly effective in not only stemming the tide of involvement in the delinquency system, but also dramatically increasing permanency rates.

Q: How can schools and child welfare agencies work together to improve permanency outcomes?

Q: What are some specific education-related factors that can impact permanency?

A: As explained in a recent policy brief issued by Chapin Hall, changing a child’s educational trajectory can change the child’s life trajectory as well. Improving basic classroom instruction alone is not enough to change the trajectory because the most vulnerable children need additional supports such as mental health services, counseling and remedial help. Moreover, punitive approaches to school misconduct are especially damaging for children who have experienced abuse or neglect and violence. School reformers are already promoting innovative school climate initiatives such as school-based positive behavior support and restorative practices as an alternative to suspensions, expulsions, and referrals to law enforcement. Increased collaboration between child welfare and schools can help teachers learn to identify and respond to signs of trauma and can help social workers, caregivers, and parents support learning and skill development. *Underperforming Schools and the Education of Vulnerable Children*, Chapin Hall, 2009 available at <http://www.chapinhall.org/research/brief/underperforming-schools-and-education-vulnerable-children>.

Q: Is additional research on this topic needed?

A: Local studies and anecdotal evidence collected by the Legal Center for Foster Care and Education suggest that permanency is often undermined by what happens in school. Students who experience school discipline or are truant, lack remedial support, have unmet academic and/or behavioral health needs, are placed in alternative education or part-time school settings, or have unmet special education needs are especially at risk for placement disruption. Here are some examples from excerpts of comments provided to the Legal Center regarding this issue:

- *“When my foster child was expelled from school for over a year, I had no choice but to return him to the foster care system. I couldn’t stay home with him and he couldn’t be left alone every day. When schools fail a child in care, that decision undermines the child’s entire future. Schools don’t seem to understand the devastation.”*
- *“In my experience as a caseworker, when a child has special education needs and those needs are ignored, a child exhibits more disruptive behavior both in school and at home. Sometimes it’s too much and families give up. It’s heartbreaking because the problems could and should be addressed to allow the child to succeed in school.”*
- *“Sometimes schools place children in care in twilight programs or other part-time alternative education programs. When children remain in these settings for*

A: Yes. While limited research and overwhelming anecdotal evidence supports the concept that improving educational outcomes promotes and increases permanency, additional research is necessary. The availability of more detailed education data maintained by child welfare and by courts provides an excellent opportunity to evaluate this important relationship.

ACRONYMS

ABA	Applied Behavioral Analysis
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
AE	Age Equivalent
AI	Auditory Impaired
ALJ	Administrative Law Judge
APE	Adaptive Physical Education
AT	Assistive Technology
BD	Behavior Disorder
BIP	Behavior Intervention Plan
BOE	Board of Education
CFR	Code of Federal Regulations
CI	Communication Impaired
CI	Cognitively Impaired (usually paired with Mild, Moderate or Severe)
CM	Case Manager
CST	Child Study Team
DD	Developmentally Disabled
DDD	Division of Developmental Disabilities
DHSS	Department of Health and Senior Services
DOE	Department of Education
DVR	Division of Vocational Rehabilitation
ED	Emotionally Disturbed
EI	Early Intervention
EIP	Early Intervention Program
EIS	Early Intervention Services
ESY	Extended School Year services/programming
FAPE	Free and Appropriate Public Education
FBA	Functional Behavioral Assessment
FERPA	Federal Educational Rights and Privacy Act
504	Section 504 of the Rehabilitation Act of 1973
GE	Grade Equivalent
HI	Home Instruction

Adapted from information provided by:
The Special Education Clinic
Rutgers University School of Law – Newark
123 Washington Street
Newark, New Jersey 07102

IDEIA	Individuals with Disabilities Education Improvement Act of 2004 (also known as the Individuals with Disabilities Education Act or IDEA)
IEP	Individualized Education Program
IEP Team	Individualized Education Program Team
IFSP	Individualized Family Service Plan
IFSP Team	Individualized Family Service Plan Team
IQ	Intelligence Quotient
LD	Learning Disabled
LEA	Local Educational Agency (i.e. local school district)
LRE	Least Restrictive Environment
MD	Multiply Disabled
MDE	Multi-Disciplinary Evaluation
NJASK	New Jersey Assessment of Skills and Knowledge (standardized test)
OAL	Office of Administrative Law
OCR	Office of Civil Rights
OCD	Obsessive Compulsive Disorder
ODD	Oppositional Defiance Disorder
OHI	Other Health Impaired
OSEP	Office of Special Education Programs
OT	Occupational Therapy
PLEP	Present Levels of Educational Performance
PreK-D	Pre-Kindergarten Disabled / Preschool Disabled
PT	Physical Therapy
REIC	Regional Early Intervention Collaborative
RR	Resource Room
SC	Self-Contained classroom
SC	Service Coordinator
SCHS-CMU	Special Child Health Services - Case Management Unit
SEA	State Educational Agency (i.e. State Department of Education)
SES	Supplemental Education Services
SICC	State Interagency Coordinating Council
SLD	Specific Learning Disability
SSI	Supplemental Security Income
SW	Social Work

Adapted from information provided by:
The Special Education Clinic
Rutgers University School of Law – Newark
123 Washington Street
Newark, New Jersey 07102

TBI Traumatic Brain Injury
VI Visually Impaired
VMI Visual Motor Integration
WISC Weschler Intelligence Scale for Children (IQ test)
WJ Woodcock Johnson (educational test)

Adapted from information provided by:
The Special Education Clinic
Rutgers University School of Law – Newark
123 Washington Street
Newark, New Jersey 07102

**STATE OF NEW JERSEY
DEPARTMENT OF CHILDREN AND FAMILIES
DIVISION OF YOUTH AND FAMILY SERVICES**

- HOME
- INITIAL PLACEMENT
- RE-PLACEMENT
- CHILD PLACEMENT REVIEW
- RETURN HOME

CHILD'S EDUCATION RECORD

A. IDENTIFYING INFORMATION

Child's Name (last, first, middle):		Date of Birth:	Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>
DYFS Case ID#:	Local Office:		
Name of Family of Origin (Birth/Adoptive):		Phone:	
Address of Family of Origin:			
Date of Placement:	Address of placement:		
Name of Resource Provider:		Phone:	

B. CURRENT SCHOOL ATTENDING

Name of School:	Address:		
Name of Principal:	School District:		
School Contact:	Phone/Extension:		
School District Contact:			
Date of Enrollment:	Grade Level:		
School Type:			
For this School Year -	Number of Days Present:	Number of Days Absent:	

C. PREVIOUS SCHOOL ATTENDED

Name of School:	School District:	
Address:	Phone:	
School Contact:	Phone/Extension:	
Dates of Enrollment: From: To:	For the Last School Year: Number of Days Present:	Number of Days Absent:

D. EDUCATION STABILITY FOR CHILDREN IN OUT-OF-HOME PLACEMENT

<input type="checkbox"/> N/A In-Home	
Is a Best Interest Determination required for this placement?	
Is child placed in a therapeutic foster home or group home?	
Best Interest factor(s) used to justify school placement decision:	
Did the child remain in the school of origin he/she attended prior to entering Resource Home Placement?	Date of Enrollment:
If this is a change in placement, will the child continue to attend current school?	
Is this Court ordered?	
Is the child unable to attend school on a full time basis due to a documented medical condition?	
If yes, explain why:	

E. ATTENDANCE

Describe the child's attendance history (note if attendance is regular; if not, describe any attendance problems, including lateness or tardiness, both excused and unexcused):

F. SCHOOL PERFORMANCE

Last Grade Completed:		Credit toward High School graduation requirements:
If child not at grade level, explain what is being done to bring child to grade level:		
Does the child have any emotional/behavior problems? Yes <input type="checkbox"/> No <input type="checkbox"/> If "yes," describe problems and indicate how they are being addressed by the school:		
Was the child referred for support services (i.e., Student Assistance (SAC), School Based Programs, School Counselor, etc.) Yes <input type="checkbox"/> No <input type="checkbox"/> If "yes," explain:		
Name of Counselor:		Phone/Extension:

G. SPECIAL EDUCATION INFORMATION

Child classified? Yes <input type="checkbox"/> No <input type="checkbox"/>	Classification:	Start Date:
		End Date:
Date of last Child Study Team (CST) Evaluation:	CST Case Manager:	
Special Placement. If any, describe (e.g., speech therapy, remedial reading):		
Date of Current Individualized Education Program (IEP):	Copy of IEP in Record: <input type="checkbox"/>	
Does the child receive Early Intervention or Preschool Disabled services? Yes <input type="checkbox"/> No <input type="checkbox"/> If "yes," describe:		
Was the Child Study Team informed of birth family's contact information? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Did Child Study Team engage biological parent(s) in child study process? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If biological parent(s) or foster parent(s) is unavailable, has a surrogate parent been identified by the School District for educational decision making? Yes <input type="checkbox"/> No <input type="checkbox"/> If "yes," document contact information:		

H. OTHER EDUCATIONAL INFORMATION

504 Education Plan Yes <input type="checkbox"/> No <input type="checkbox"/>
Enter information regarding child's education not covered by previous areas. Include any comments by teachers, principal, school social worker, and nurse. Explain child's participation in extra curricular activities, special medical needs, 504 service plan and special accommodations provided, etc.:

I. FAMILY RELATIONSHIPS (Family of Origin, Birth or Adoptive)

Has school staff met with the child's family of origin, birth or adoptive? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of last meeting:
Does the family show interest in the child's educational progress? Yes <input type="checkbox"/> No <input type="checkbox"/> Describe:	
Has the family been cooperative with the school? Yes <input type="checkbox"/> No <input type="checkbox"/> Describe:	

J. FAMILY RELATIONSHIPS (Resource Family)

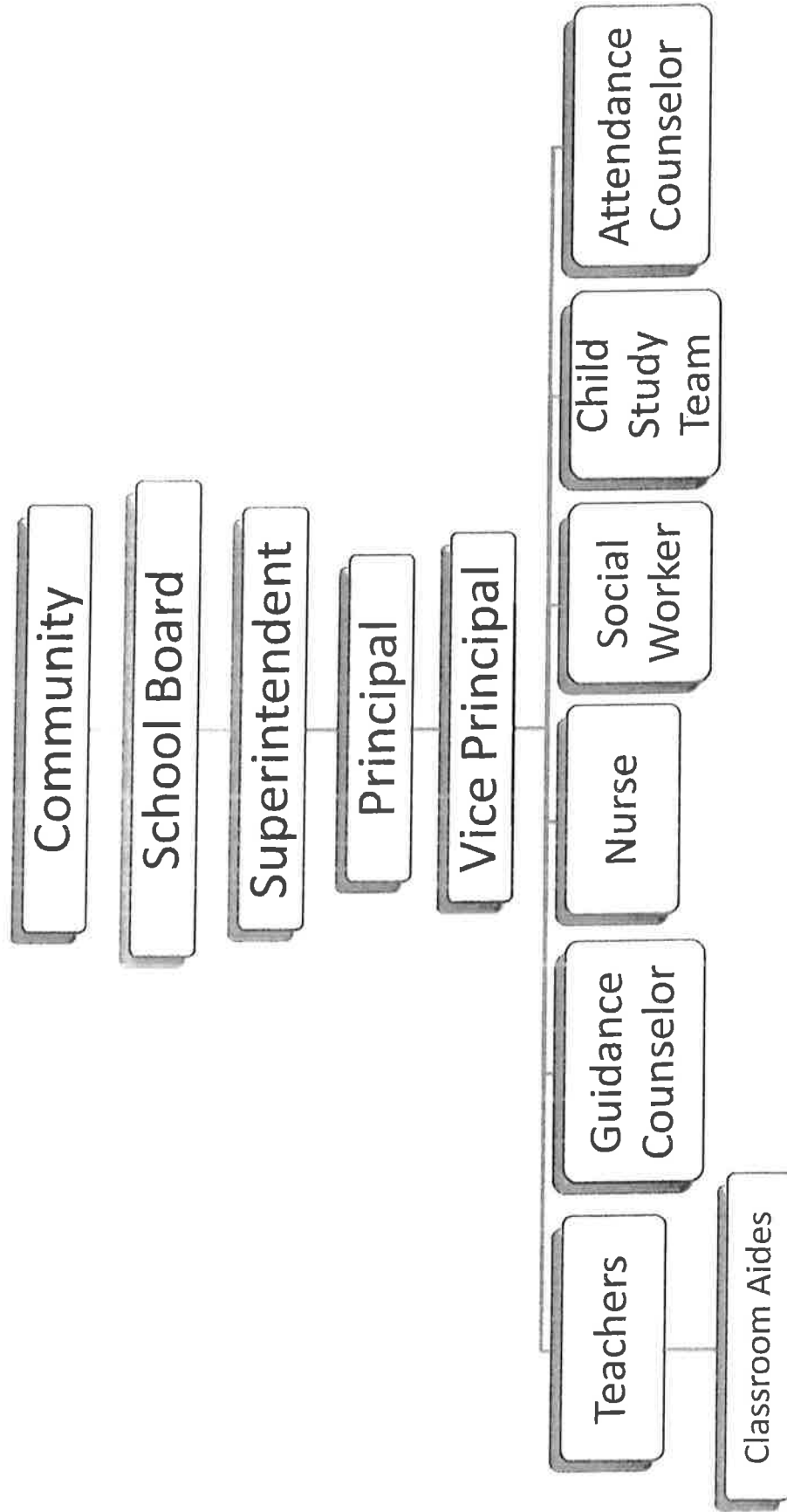
Has school staff met with the child's Resource Family? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of last meeting:
Does the family show interest in the child's educational progress? Yes <input type="checkbox"/> No <input type="checkbox"/> Describe:	
Has the family been cooperative with the school? Yes <input type="checkbox"/> No <input type="checkbox"/> Describe:	

K. SIGNATURES

Worker (Print Name):	Title:
Signature:	Date Completed:
Supervisor (Print Name):	Title:
Signature:	Date Approved:

Place supporting documents, if available, in the Child's Case Record

Sample School Hierarchy



Adapted from information provided by Dr. Kriss Kemp-Graham

Sample Letter of Introduction and Request for Meeting

_____ (date) _____

_____ (Title [and name if you have it] of the person with whom you wish to meet) _____

_____ (School name) _____

_____ (address) _____

_____ (city, state, zip code) _____

Dear ____ (Title [and name if you have it] of the person with whom you wish to meet) _____:

My name is _____ and I am the Court Appointed Special Advocate appointed by the Court for _____ (name of child) _____, who was born on ____ (DOB) _____ and is a student in the _____ grade at the _____ (name of school) _____ School. A copy of my Order of Appointment is attached for your records.

As the Court Appointed Special Advocate for ____ (name of child) _____, I would like to work with you to ensure that s/he will be as successful as possible in school. Additionally, I would like to meet with you to discuss the following concerns and how we can collaborate to address these issues.

* Insert any specific concerns here

I can be reached at _____ (phone number) _____ during _____ (best time of day to call) _____ in order to set up an appointment to come in, or to answer any questions you might have.

When I come in, I would also like to review all school records on file for ____ (name of child) _____.

Thank you for your time, and I look forward to speaking with you soon.

Sincerely,

_____(volunteer signature) _____

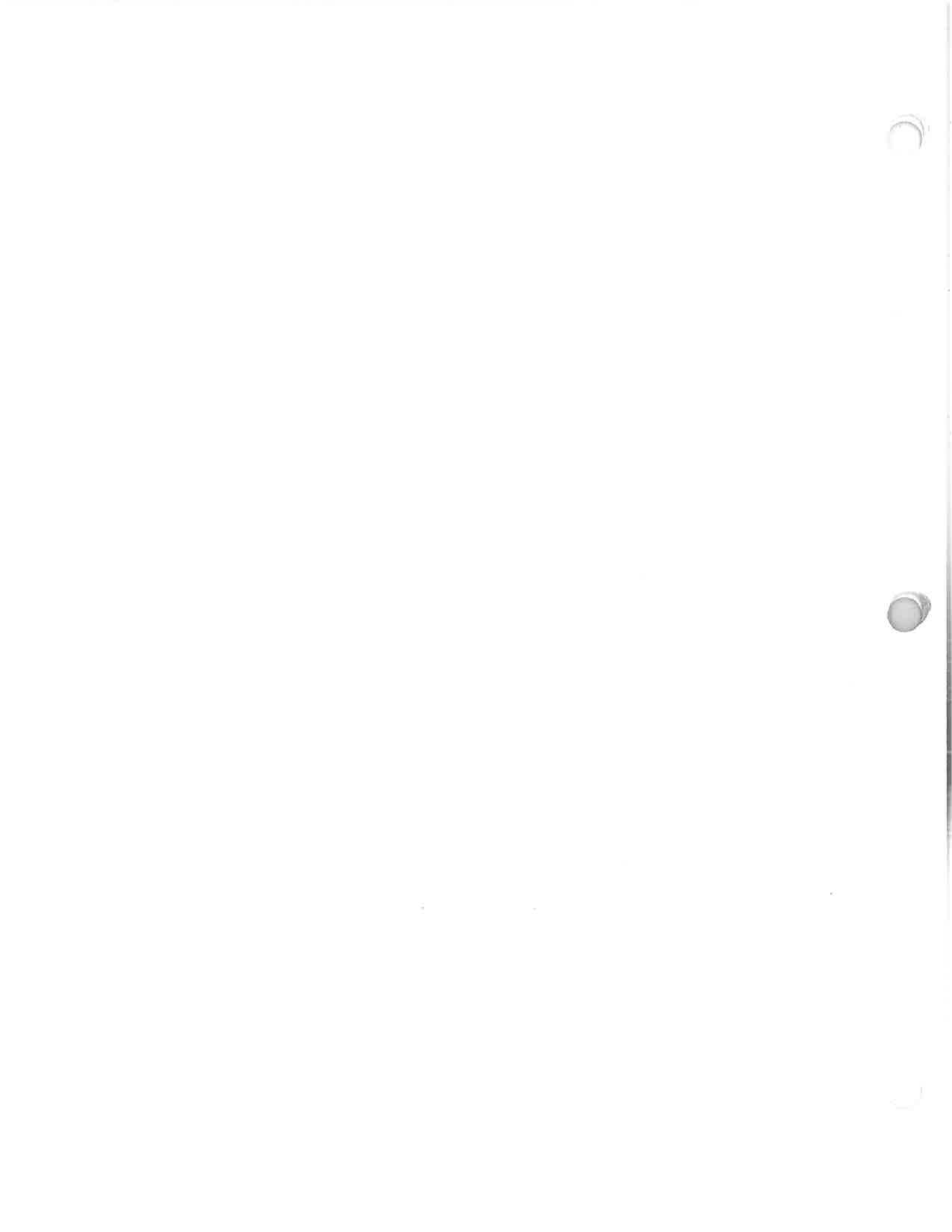
_____(typed volunteer name) _____

CASA Volunteer, CASA of _____ County

cc: (insert name and title of whomever is in the hierarchal position one level higher than the person to whom you are writing)

List of Helpful Information to be Found in School Records

- * Student's identifying information
- * Grades
- * Health Records
- * Schools Attended
- * Past Addresses-mobility
- * Sibling Info
- * Special Programs/Services (i.e., Gifted and Talented)
- * Home Language
- * Attendance
- * Tardy
- * Referral and/or Eligibility for Special Education
- * Intervention and Referral Services Provided
- * Eligibility for 504 Accommodations
- * Education Progress
- * Promotion/Retention
- * Academic Evaluation
- * Social Development
- * Samples of Student Work
- * Assessment Information
 - * Standardized Test Scores
 - * PreSchool Screening
 - * Kindergarten Data and Screening Results
- * NOTE: Special Education records and IEPs would NOT be in the student cumulative file, but would be in the Child Study Team files



Chapter 2 Getting Through the Door -- Ensuring Educational Access for Children in Placement and Addressing Common Roadblocks to Education Stability, Registration, and Enrollment

Introduction

One of the greatest challenges for children in placement can be simply getting through the door of the school building. When a child is initially removed from their home, and when they subsequently change placements, they are at risk of losing educational progress either because they are not registered or enrolled into their new school in a timely manner, or because school records or other important information is not shared in a way that accounts for the child's needs. CASA programs and volunteers can be instrumental in helping avoid or at least minimize these risks. CASA can help to:

- Maintain education stability
- Reduce delays in registration and enrollment
- Minimize attendance gaps
- Provide for the transmission of all student information in a timely manner

Maintaining Education Stability

Recognizing that one of the greatest educational obstacles facing children in placement is ensuring that they do not miss school upon entering placement or changing placements, New Jersey enacted the Education Stability law. The Education Stability law, effective September 9, 2010, governs where a child in placement attends school and how that decision is made. To help implement the new law, DYFS/DCP&P has an Education Stability Liaison in each Local Office and has created informational brochures for parents and caregivers. *The listing of all Education Stability Liaisons and the DYFS/DCP&P brochures are located in this Manual at MD2-1 to 2-6.*

The Education Stability law creates a presumption that, when a child enters placement, or upon a change in placement, it is in that child's best interest to remain in the school he is currently attending. However, if DYFS/DCP&P believes that it is not in the best interest of the child to remain in the current school AND that remaining in the current school would present safety concerns or some other significant detriment to the child, the child may be immediately enrolled in the resource family's school district. In this case, DYFS/DCP&P must provide

notice to the parent(s) and Law Guardian within two days, and the Law Guardian is entitled to make a formal objection and request for court review.

In a situation where the child enters or changes placement but no safety issues exist, DYFS/DCP&P has five days to make a “best interest determination” regarding where the child will attend school. This means that, within five days of placement, DYFS/DCP&P must decide whether the presumption that the child continue to attend the current school is outweighed by “best interest factors” supporting placement in the new resource home’s school district. In making this determination, DYFS/DCP&P must make reasonable efforts to consult with:

- Parent or guardian of the child,
- Law Guardian,
- Representative from current school, and
- Representative from the potential new school district

The “best interest factors” that go into making the determination include:

- Safety considerations
- Proximity of the resource family to the child’s current school
- Age and grade level of the child
- Needs of child, including social adjustment and well-being
- Child’s preference
- Child’s educational performance, continuity of education, and engagement in the school the child currently attends
- Child’s special education programming, if child is classified
- Point of time in the school year
- Permanency goal and likelihood of reunification
- Anticipated duration of current placement
- Such other factors provided by regulation

If the parent or child disagrees with DYFS/DCP&P’s decision, they have the right to challenge that decision in the Family Court. While a more detailed explanation of the decision-making process is outlined in *DYFS/DCP&P Education Stability Decision Tree at MD2 -7* and in the School Stability Webinar, it is critical to understand that the child is supposed to remain in their current/home school while those decisions are being made. *A link to the text of the NJ Education Stability Law can be found in the Links to NJ Administrative Code and Other Resources at MD6-5 to 6-6.*

The other critical piece of information to know is that, at any time during the child’s placement in a resource home, any party to the child’s case can make an application for the Court to review the child’s school placement upon consideration of the best interest factors. The Court can also decide on its own that a “best interest” review of the child’s school placement should be made.

This means that, if the CASA volunteer believes that the best interests of the child dictate re-consideration of the child's school placement, the CASA can seek the Family Court's review of that issue, either through one of the parties or by suggesting that the Court initiate the review.

Furthermore, the decision-making process outlined in this chapter is to be applied upon any change in the child's placement (not just initial placement into out-of-home care).

Finally, issues may arise regarding transportation of the child and who is responsible for paying the cost of that transportation. While these are real concerns as they might cause delay in the child's education, CASA volunteers should remember that DYFS/DCP&P is responsible for transporting the child to his/her school until 5 days after a final decision is made regarding where the child is to attend school. Thereafter, the "district of residence" (the school district where the birth parent or original guardian resides) must arrange and pay for transportation to whichever school the child attends.

Registration, Admission and School Transfers for Children in Out-of-Home Placement

Another critical access issue for school-age children entering or changing placement is registration and admission. It is important to understand that registration must be completed immediately after the placement change, and that the child can begin attending school with just minimal documentation.

School registration and attendance within 72 hours

School-age children who change schools because they either enter or change placement are entitled to immediate registration in their new school, and should be attending school within 72 hours of placement.

The only documentation required for this registration is:

- The Resource Family Identification Letter (also known as the Agency Placement Letter, which should be updated every 6 months)(*a sample of which is attached at MD2-8*) and
- Resource Parent Proof of Residence (e.g., a deed, lease, utility bill, driver's license, or other document that attaches the caregiver to that address)

The only document required for school attendance is the child's immunization record.

While the schools also need a certified copy of the child's birth certificate or other proof of identity, they do not need that immediately – they must receive it within 30 days of the child's first day of school. If the birth certificate or other proof of identity is not available, the Resource Parent Identification Letter can be used.

Also, while it is important for the new school to receive the child's school records in order to ensure appropriate placement and programs, the school cannot turn the child away for lack of either a birth certificate or school records.

The Department of Children and Families and Department of Education have memorialized these limited requirements in *Manual Document MD2-9, entitled "School Registration for Children in Out-of-Home Care – Information for Caregivers and Educators."*

Transfer of the Child's School Records

When a child changes schools, the school records must be transferred promptly to ensure the student's appropriate placement in the new school's educational program. This should include a "transfer card" from the previous school, as well as the entire student record (including any IEPs).¹ Everyone -- the old school, the new school, DYFS/DCP&P, and the Resource Parents/Caregivers – is responsible to ensure that this happens expeditiously. With regard to the schools, the following requirements apply:

- When a child transfers between districts, the school district into which the child is transferring must request the child's school records within 2 weeks of the child enrolling in the district.
- The former school district must forward all records to the new school district within 10 days of receiving the request.
- If the former school district does not receive a request for records, the district must use "every available means" to identify the new district and send records as soon as possible.
- Written consent of the parent is not required as a condition of transfer; but written notice to the parent of the records' transfer is required.

Responsibilities of DYFS/DCP&P and Resource Parents/Caregivers for registration and enrollment

It is DYFS/DCP&P's responsibility to provide each child in placement with "educational support" as defined in the New Jersey Administrative Code. As part

¹ IEP's will be explained in further detail in Chapter 4.

of this, DYFS/DCP&P must ensure that the child is registered and enrolled in school, and that the child's health record is provided to the Resource Parents or Caregiver Agency. It is also DYFS/DCP&P's responsibility to compile the educational records for each school-aged child in placement and provide the Resource Parents or Caregiver Agency with those educational records at the time of placement; DYFS/DCP&P should also be updating those records whenever there is a transfer of placement. DYFS/DCP&P should also be monitoring the child's education to ensure that it is appropriate to meet the child's needs. Finally, DYFS/DCP&P should be communicating with both birth parents and Resource Parents/Caregiver agencies to ensure that everyone is aware of the child's educational progress and taking any necessary steps to ensure that the child's educational needs are met.

While DYFS/DCP&P bears legal responsibility for the child's registration and educational support, it is up to the Resource Parents or Caregiver Agency to actually physically register the child and ensure his or her attendance. The Resource Parents/Caregiver Agencies must also cooperate with DYFS/DCP&P to ensure that the child is receiving an appropriate education, and share all needed information with the school district to develop an appropriate educational program for the child; this will entail monitoring the child's educational progress and keeping DYFS/DCP&P informed. For a preschool child (ages 3-5), the Resource Parents/Caregiver Agency should also be sure that the child is enrolled in an early childhood education program and is in an environment to stimulate proper development.

Finally, DYFS/DCP&P is responsible for informing the child's biological parents of their right to be involved in the child's education (unless that right has been specifically limited by Court Order).

Common Obstacles to Registration, Enrollment/Attendance, and School Transfers

There are several common obstacles to school transfers, registration, and enrollment/attendance for children in placement, including:

- School refusal to register the child without additional documents not required by the law
- School refusal to permit the child to attend without school records, Special Education records, or other items not required by the law
- Previous school failing to send transfer card and student records to the new school
- New school failing to request student records from the child's previous school

- New school placing a classified student on home instruction citing the need to identify an appropriate school setting (instead of basing it on the current child's current IEP)

CASA can play an important role in overcoming obstacles to registration and enrollment simply by:

- understanding and educating others on the legal requirements for registration and attendance,
- making sure that Resource Parents or caregiver agencies have the necessary paperwork, and
- ensuring that everyone understands their role in the registration process.

Similarly, when a child transfers schools, CASA can play a critical role in ensuring that the child does not miss valuable instructional time simply by facilitating the transfer of records as well as the child's registration and enrollment.

Points of Advocacy for CASA

- CASA volunteers should help to ensure that children do not miss any educational time when they enter into or have a change in placement.
- CASA volunteers should make sure the Education Stability Law is being followed and that children remain in their current/home school unless it is truly in their best interests to attend the school where their Resource Parents reside.
- CASA should ensure that the child remains in his/her current school while education stability decisions are being made.
- Remember: at any time during the child's placement, any party can make an application to review the child's school placement upon consideration of the best interest factors (or the Court can decide on its own to make that kind of review). Since CASA's role is to focus on the child's best interest, CASA volunteers are in a great position to bring this kind of issue to the Court's attention and/or urge the parties to make the required application.
- As decisions are being made regarding where a child should attend school, DYFS/DCP&P must transport the child to his/her school until 5 days after a final decision is made regarding where the child is to attend school; thereafter, it is up to the school district where the parent/guardian lives.
- If it is not in the best interests of the child to remain in his or her home school, the CASA volunteer's role will entail ensuring that educational records are provided to the new school and that the children are enrolled as fulltime students in school while in placement.
- Children must be registered for and attending school within 72 hours of any change in placement change. While this is DYFS/DCP&P's legal responsibility, it is also the responsibility of the Resource Parent/Caregiver.

- The only documents required for school registration are the Resource Parent ID Letter (or Agency Placement Letter) and Resource Parent Proof of Residence; the only document required for attendance is the child's immunization record.
- School districts may not delay or deny student attendance due to non-receipt of the student's medical information (other than immunization records) or educational records.
- If the child on your case encounters any delay in being registered and enrolled within 72 hours with the required documentation, you should consult with your Case Supervisor and fax or e-mail the School Superintendent. If there is still resistance, then fax or e-mail the County Superintendent.
- CASA can play an important role in overcoming obstacles to registration and enrollment/attendance simply by: understanding and educating others on the legal requirements for registration and attendance, making sure that Resource Parents or caregiver agencies have the necessary paperwork, and helping everyone understand their respective roles in the registration and enrollment process.
- When a child transfers schools, CASA should make sure that school records are transferred and that the child is registered and enrolled immediately.
- CASA can help to ensure a child receives the appropriate educational program by encouraging resource parents, DYFS/DCP&P, and the school to cooperate with each other and share needed information, and by monitoring the child's educational progress and keeping everyone informed.

Manual Documents:

- DYFS/DCP&P Education Stability Liaison Directory
- DYFS/DCP&P brochure entitled "School Stability for Children in Resource Home Care" (English)
- DYFS/DCP&P brochure entitled "School Stability for Children in Resource Home Care" (Spanish)
- DYFS/DCP&P Education Stability Law Decision Tree
- Sample Resource Family Identification Letter
- NJ DCF School Registration for Children in Out-of-Home Care – Information for Caregivers and Educators



CAMDEN

Tanesha Brown, Area Office Liaison (856) 772-1549 ext. 2039
 Damita Pierce, Area Office Liaison (856) 772-1549 ext. 2089

Camden Central

101 Haddon Avenue, 3rd Floor
 Camden, NJ 08101
 856-614-2700
 800-531-1091
 Annette Johnson
 Donna Cannon-Norman

Camden North LO

101 Haddon Avenue, 3rd Floor
 Camden, NJ 08101
 856-614-2900
 800-982-7412
 Denita Thomas
 Roshenna Harris

Camden/East LO

4 Echelon Plaza, 2nd Floor
 201 Laurel Road
 Voorhees, NJ 08043
 856-772-0152
 888-576-9629
 Diane Macekura
 Elizabeth Deal

Camden South LO

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 856-770-1073
 800-982-7395
 Jessica Houghton
 Dana Jordan

SALEM

Mike Dindak, Area Office Liaison
 (856) 582-3964 ext. 520

Salem LO

199 East Broadway, 2nd Floor
 Salem, NJ 08079
 856-339-6600
 800-531-1263
 Jerry Oglesby

SOMERSET

Mary Thiele, Area Office Liaison
 (908) 730-7782 ext. 2005

Somerset LO

92 East Main Street
 Suite 101
 Somerville, NJ 08876
 908-526-5030
 800-392-2734
 Davren Noble
 Rudy Lopez

SUSSEX

David Johnston, Area Office Liaison (973) 490-1958 ext. 2109

Sussex LO

20 East Clinton Street
 Newton, NJ 07860
 973-383-8400
 800-392-2654
 Victoria Campbell

UNION

Jennifer Rodriguez, Area Office Liaison (908) 754-5649 ext. 7706

Union Central LO

570 South Avenue East
 Cranford, NJ 07016
 908-497-1488
 866-224-1914
 Adejoke Ojo
 Annunciata Chukwu

Union East LO

80 West Grand Street
 Elizabeth, NJ 07202
 908-820-3000
 800-847-1738
 Kristan Bell
 Amy Milliner

Union West LO

Park Madison Building
 200 West 2nd Street, 4th floor
 Plainfield, NJ 07060
 908-754-0952
 800-847-1750
 Alice McGloster
 Katia Olsen

WARREN

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Warren LO

415 East Washington Avenue
 Washington, NJ 07882
 908-689-7000
 800-531-1229
 Jillian Adie; Linda Pike



DEPARTMENT OF CHILDREN AND FAMILIES
 DIVISION OF YOUTH AND FAMILY SERVICES
 www.nj.gov/dcf



Education Stability Liaison Directory

ATLANTIC

Kevin Tomasello, Area Office Liaison (609) 625-4913 ext. 3039

Atlantic East LO

1601 Atlantic Ave.
 Atlantic City, NJ 08401
 609-441-3164
 800-392-2655
 Betty Sherman

Atlantic West LO

5218 Atlantic Avenue, Suite 104
 Mays Landing, NJ 08330
 609-625-3976
 866-816-9199
 Cynthia Stubblefield

BERGEN

Sandra Parente, Area Office Liaison (201) 863-3179 ext. 2041

Bergen Central LO

240 Frisch Court - 2nd Floor
 Paramus, NJ 07652
 201-291-0579
 866-224-1859
 Alfredo Villalobas
 Patrick Yan

Bergen South LO

125 State Street, 1st & 2nd Floors
 Hackensack, NJ 07601
 201-996-8900
 800-531-1096
 Hetal Shah
 Jean Hill

BURLINGTON

Kevin Tomasello, Area Office Liaison (609) 625-4913 ext. 3039

Burlington East LO

100 Lucas Drive
 Lumberton, NJ 08048
 609-265-6900
 866-663-1331
 Claudia Azille

Burlington West LO

200 Campbell Drive
 Suite 100
 Willingboro, NJ 08046
 609-880-9300
 800-847-1753
 Kristine Mines

CAPE MAY

Kevin Tomasello, Area Office Liaison (609) 625-4913 ext. 3039

Cape May LO

Court House Commons
 Building B
 601 Route 9 South
 Cape May Court House, NJ 08210
 609-463-9652
 800-531-1259
 Shannon Staino

CUMBERLAND

Mike Dindak, Area Office Liaison (856) 582-3964 ext. 520

Cumberland East LO

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 856-696-9850
 866-816-1105
 Robin Price

Cumberland West LO

40 East Broad Street, Suite 400
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 856-453-3830
 800-531-1228
 Darcienne Dixon
 Terea Jenkins

ESSEX

Tourae Freeman, Area Office Liaison

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Newark Center City LO

153 Halsey Street, 3rd Floor
Newark, NJ 07101
973-648-4200
800-392-9532
Miriam Colon

Newark South LO

153 Halsey Street, 4th Floor
Newark, NJ 07101
973-648-2400
800-847-1751
Donnette Green

Newark Adoption Office

153 Halsey Street, 3rd Floor
Newark, NJ 07101
973-648-7490
800-392-2843
Aurelia Marzabal

Western Essex Central LO

240 South Harrison Street
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973-677-1480
800-392-9535
Melanie Turner

Western Essex North LO

650 Bloomfield Ave., 3rd floor
Bloomfield, NJ 07003
973-680-3587
800-392-9536
Kelleen Israel

Western Essex South LO

50-58 Burnett Avenue
Maplewood, NJ 07040
973-763-9205
888-670-6407
Denise Hutchinson
Aminah Ford

GLOUCESTER

Mike Dindak, Area Office Liaison

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Gloucester East LO

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Echo Plaza Unit 10
Sewell, NJ 08080-9283
856-582-1238
866-753-8124
Karen M. Davis

Gloucester West LO

215 Crown Point Road
Thorofare, NJ 08086
856-853-5525
800-847-1741
Judith Rivera

HUDSON

Bonita Christmas, Area Office Liaison

(201) 863-3179 ext. 2206

Hudson Central LO

438 Summit Avenue, 4th Floor
Jersey City, NJ 07306
201-795-0423
800-982-7397
Rebeca Velazquez
Marissela Canales

Hudson South LO

690 Broadway, 4th Floor
Bayonne, NJ 07002
201-823-5000
800-982-7396
Jacqueline Wooten Rose
Mattie Jackson

Hudson North LO

Gateway Plaza 4th Floor
1 Harmon Meadow Blvd.
Secaucus, NJ 07094
201-865-4101
800-982-7401
Jay Robalino Diaz
Leonardo Martinez

Hudson West LO

Gateway Plaza 5th Floor
1 Harmon Meadow Blvd.
Secaucus, NJ 07094
201-863-3179
888-670-6406
Elizabeth Estevez
Miriam Caravajal

HUNTERDON

Mary Thiele, Area Office Liaison

(908) 730-7782 ext. 2005

Hunterdon LO

84 Park Avenue, 1st Floor
Flemington, NJ 08822
908-782-8784
800-392-2724
Christine Baxevane

MERCER

Mary Thiele, Area Office Liaison

(908) 730-7782 ext. 2005

Mercer North LO

3131 Princeton Pike
Building 6, Suite 202
Lawrenceville, NJ 08648
609-530-7200
800-392-2735
Andrea Alton
Katie Shoemaker

Mercer South LO

120 S. Stockton St., 2nd Floor
P.O. Box 717
Trenton, NJ 08625
609-292-5100
800-392-2721
Lee Fowler

MIDDLESEX

Sharyn Bonforti, Area Office Liaison

(732) 980-9312 ext. 3813

Middlesex Central LO

301 Blair Road, 3rd Floor
Avenel, NJ 07001
732-388-7959
888-895-2404
Michelle Mason

Middlesex Coastal LO

458 Florida Grove Road
Perth Amboy, NJ 08861
732-293-5060
800-531-1261
Meilyn Cruz-Perez

MIDDLESEX

(continued)

Middlesex West LO

53 Knightsbridge Road
Piscataway, NJ 08854
732-980-9312
800-531-1258
YuQuisha McKinney-Dorvil

MONMOUTH

Karen Asay, Area Office Liaison

(732) 229-2518 ext. 2102

Monmouth Northern LO

116 Chestnut Street, Suite 102
Red Bank, NJ 07757-1231
732-933-1077
800-392-9511
Sheri Reaves
Mary Ann Hance

Monmouth Southern

630 Bangs Avenue
Asbury Park, NJ 07712
732-988-2161
800-392-9512
Maureen Ochse
Helen Wall

MORRIS

David Johnston, Area Office Liaison

(973) 490-1958 ext. 2109

Morris East LO

164 Speedwell Avenue
Morristown, NJ 07960
973-538-2679
800-688-3890
Diane Womer

Morris West LO

855 Route 10 East
Randolph, NJ 07869
973-927-0931
800-392-9518
Christine Rivera

OCEAN

Karen Asay, Area Office Liaison

(732) 229-2518 ext. 2102

Ocean North LO

1215 Route 70 W
Lakewood, NJ 08701
732-901-4198
866-544-9197
Laura Kearney

Ocean South LO

1510 Hooper Avenue
Suite 210
Toms River, NJ 08753
732-255-0700
800-442-6232
Jackie Kappler

PASSAIC

Stephen Radke, Area Office Liaison

(973) 490-1958 ext. 2128

Passaic Central LO

22 Mill Street, 3rd Floor
Paterson, NJ 07501
973-977-4525
800-531-1260
Mariluz Morales
Evelyn Nieves-Lalama

Passaic Northern LO

100 Hamilton Plaza, 11th Floor
Paterson, NJ 07505
973-523-6090
800-847-1743
Diamond Years
Christine F. Macdonald

Understandably, it's a very difficult time for children when they enter foster care.

They are away from their home and family and separated from everything that is familiar, including their school and friends. However, under a new law children can remain in their home school if it's in their best interest to do so. Studies show that foster children who remain in their home school do better academically, behaviorally and socially. They also can continue to be involved with their after school activities and keep their classmates and favorite teachers.

Evidence suggests that school stability will have a positive effect on education outcomes including increase in grade-point-average (GPA) and standardized test scores, reduction in failure and grade repetition, and an increase in high school degree attainment.

Quick Facts:

- 80% of children who enter foster care in New Jersey are reunited with their parents
- On average, school age children are reunited with their families within 6-12 months of their initial placement.

School Stability for Children in Resource Home Care

For more information

If you have any questions, please contact the Educational Stability Liaison at your DYFS Local Office.

DCF Local Office



DEPARTMENT OF CHILDREN AND FAMILIES
DIVISION OF YOUTH AND FAMILY SERVICES
www.nj.gov/dcf

Determining "best interest"

When a child enters out-of-home placement the Division of Youth and Family Services (DYFS) caseworker will make a decision if the child should remain in his/her current school. This very important decision is not made alone. The worker will talk to people involved in the case including parents, the child's attorney (law guardian), school staff and the child.

The worker makes this decision based on "best interest" factors such as:

- Safety considerations
- Distance of the current school to the foster family
- Child's age and grade level
- Child's needs and preference
- How the child is doing in their current school and their involvement
- Child's special education needs
- Point of time in the school year
- How long the child may be in the foster home



School placement decision and appeals

The DYFS worker will make a decision within five business days. During this time, the child will continue to attend his/her current school. It's also the responsibility of the worker to arrange for transporting the child to school during this time. Once a final decision is made, DYFS will immediately notify both school districts. The "district of residence" (the district where the parent or guardian resides) must arrange and pay for transportation to whichever school the child attends.

If a decision is made to move the child to the resource parent's school district, the parent and child's law guardian will be notified, in writing, explaining why it is necessary. If a parent or law guardian disagrees, they have five days to ask the court to reconsider the decision. During the appeal process, the child's school will not be changed.

If neither the parent nor law guardian objects to the decision within five days, the decision is considered final.

At any time, if the circumstances surrounding the DYFS case change, a parent, law guardian or child can ask the court to review the child's school placement.

School district of residence responsibilities:

- Identifying a staff person to serve as a contact person for the DYFS educational stability liaison
- Requesting a determination of residency, if necessary
- Collaborating with DYFS in the best interest determination
- Arranging for, and providing the cost of transportation for the child to attend school in another district (five school days after a best interest determination is made)
- Where possible, assisting DYFS to arrange transportation during the initial placement period when the cost is paid by DYFS
- Promptly providing student records in accordance with N.J.A.C. 6A:32
- Contacting the County Office of Education regarding any issues or concerns
- Tuition payments to the district or school providing the child's education

Es comprensible que para los niños sea un período muy difícil cuando ingresan a un hogar de crianza.

Están alejados de su hogar y de su familia y separados de todo lo que les es conocido, incluyendo su escuela y amigos. Sin embargo, bajo una nueva ley los niños pueden permanecer en la escuela correspondiente a su hogar si resulta ser lo más conveniente para ellos. Los estudios han demostrado que los niños de un hogar de crianza que permanecen en su escuela local tienen mejores resultados académicos, de comportamiento y sociales. También pueden continuar participando en sus actividades que tienen lugar después de la escuela y conservar a sus compañeros de salón y maestros favoritos.

Las pruebas han demostrado que la estabilidad escolar tiene un efecto positivo en los resultados educativos incluyendo un aumento en el promedio de calificaciones (GPA) y en los puntajes de las pruebas estandarizadas, una reducción en la desaprobadación del año escolar y su consecuente repetición, y un incremento en la obtención de la graduación de la escuela secundaria.

Datos rápidos:

- El 80% de los niños que ingresan a un hogar de crianza en Nueva Jersey son reunificados con sus padres
- En promedio, los niños en edad escolar son reunificados con sus familias dentro de un período de 6 a 12 meses desde su colocación inicial.

Estabilidad escolar para los niños bajo los cuidados de un Hogar de Recursos

Para obtener más información

Si tiene alguna pregunta, sírvase contactar al Funcionario de Enlace para Estabilidad Educativa en su oficina local de la División de Servicios a Jóvenes y Familias (Division of Youth and Family Services, DYFS).

Oficina Local de DCF



Para determinar lo "más conveniente"

Cuando un niño ingresa a una colocación fuera del hogar el trabajador social de la División de Servicios a Jóvenes y Familias (DYFS) tomará la decisión si el niño debe permanecer en su escuela actual. Esta decisión muy importante no la toma solo. El trabajador social conversará con las personas involucradas en el caso incluyendo a los padres de familia, el abogado del niño (tutor legal), el personal de la escuela y con el mismo niño.

El trabajador social toma esta decisión en base a los factores "más convenientes", tales como:

- Consideraciones de seguridad
- Distancia de la escuela actual a la familia de crianza
- Edad del niño y nivel escolar
- Las necesidades y preferencias del niño
- Rendimiento del niño en su escuela actual y su participación en actividades
- Necesidades de educación especial del niño
- Nivel de avance en el año escolar
- Cuánto tiempo va a permanecer el niño en el hogar de crianza



Decisión de asignación en la escuela y apelaciones

El trabajador social de DYFS tomará una decisión en un plazo de cinco días hábiles. Durante este período el niño continuará asistiendo a su escuela actual. También es responsabilidad del trabajador social disponer lo necesario para el transporte del niño a la escuela durante este período. Una vez que se tome la decisión final, DYFS informará inmediatamente a ambos distritos escolares. El "distrito de residencia" (el distrito donde reside el padre de familia o tutor) debe disponer y pagar por el transporte a la escuela a la que asiste el niño.

Si se toma la decisión de trasladar el niño al distrito escolar de los padres de crianza, se informará por escrito a los padres y al tutor legal del niño, explicando los motivos por los cuales es necesario el traslado. Si uno de los padres de familia o el tutor legal están en desacuerdo, tienen un período de cinco días para pedir a la corte que reconsidere la decisión. Durante el proceso de apelación, no se cambiará al niño de escuela.

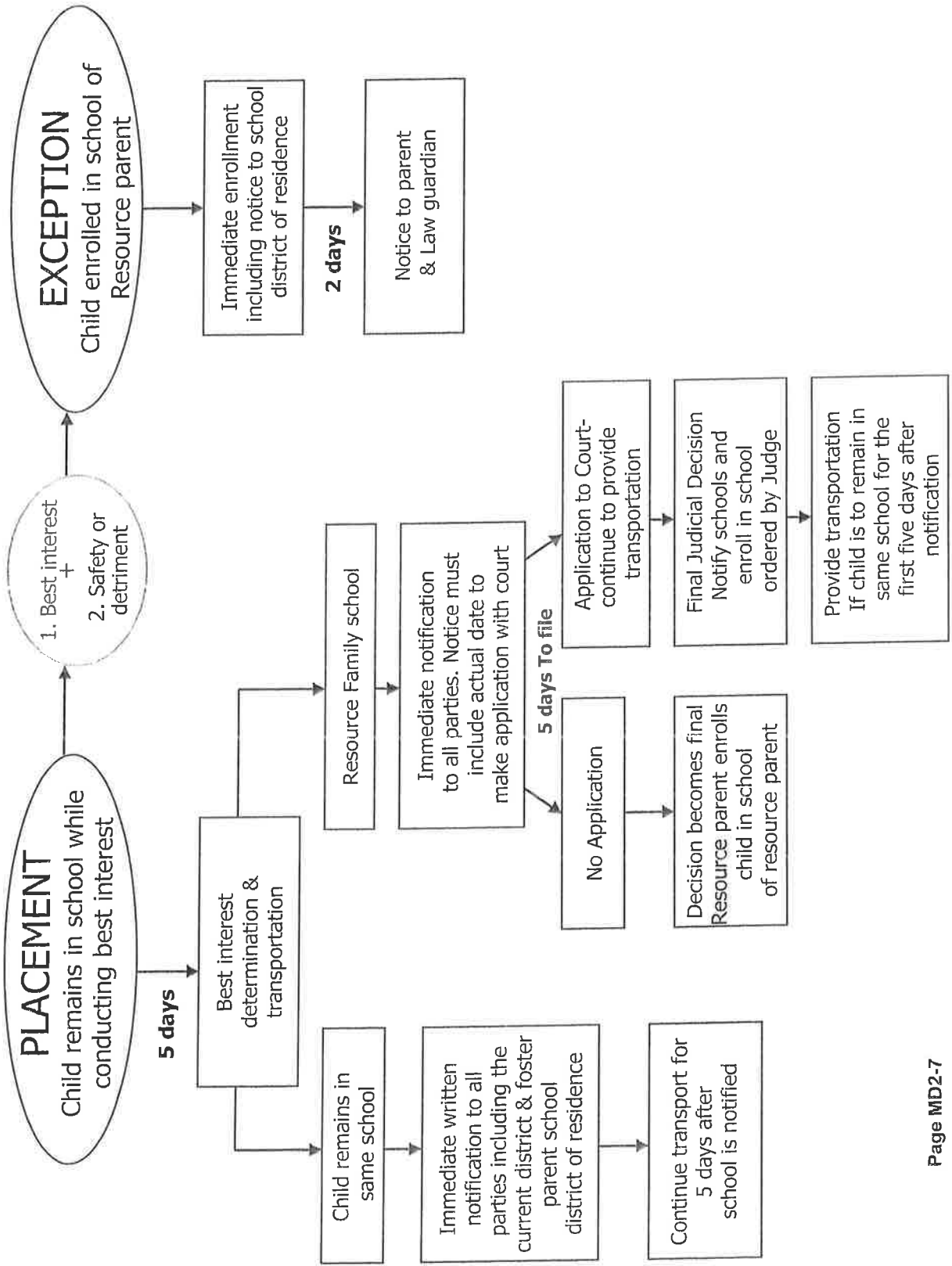
Si ninguno de los padres ni el tutor legal pone objeciones a la decisión en un plazo de cinco días, se considera que la decisión es final.

En cualquier momento, si cambian las circunstancias correspondientes al caso DYFS, uno de los padres de familia, el tutor legal o el niño puede pedir a la corte que revise la colocación del niño en la escuela.

Responsabilidades del distrito escolar de residencia:

- Destacar a un miembro del personal para que se desempeñe como persona de contacto con el funcionario de enlace para estabilidad educativa de DYFS
- Pedir una determinación de residencia, si es necesario
- Colaborar con DYFS respecto a la determinación de qué es lo más conveniente
- Disponer y cubrir el costo del transporte para que el niño asista a una escuela en otro distrito (cinco días escolares luego de que se efectúe una determinación de qué es lo más conveniente)
- Cuando sea posible, colaborar con DYFS en lo relativo al transporte durante el período inicial de colocación cuando el costo es pagado por la DYFS
- Suministrar oportunamente los registros escolares de conformidad con lo establecido en N.J.A.C. 6A:32
- Contactar a la Oficina de Educación del Condado con respecto a cualquier problema o inquietudes
- Los pagos de la matrícula al distrito o escuela que provea la educación del niño

Education Stability Decision Tree (DCF)



RESOURCE FAMILY PARENT IDENTIFICATION LETTER

CONFIDENTIAL For Official Use Only

Child:	Date of Birth:
DYFS CASE ID#:	MEDICAID #:

TO WHOM IT MAY CONCERN:

ON THE ABOVE NAMED CHILD WAS PLACED IN THE DIVISION OF YOUTH

AND FAMILY SERVICES APPROVED RESOURCE FAMILY PARENT HOME OF:

NAME:

ADDRESS:

TELEPHONE NUMBER:

THIS IS TO CERTIFY THAT THIS RESOURCE FAMILY PARENT IS AUTHORIZED TO:

- REGISTER THE ABOVE NAMED CHILD IN SCHOOL.
- WORK IN COOPERATION WITH SCHOOL PERSONNEL IN THEIR PROCESS OF DEVELOPING AN APPROPRIATE EDUCATIONAL PROGRAM FOR THE CHILD.
- PRESENT THIS LETTER AS DOCUMENTATION THAT THE ABOVE-NAMED CHILD IS ENTITLED TO FREE MEALS AT HIS OR HER SCHOOL WITHOUT FURTHER APPLICATION AS PER THE FEDERAL HEALTHY, HUNGER-FREE KIDS ACT OF 2010, P.L. 111-296.
- PROVIDE CONSENT TO ROUTINE MEDICAL/DENTAL/THERAPEUTIC/PHARMACY SERVICES FOR THE CHILD (WITH A VALID MEDICAID CARD), WHEN THE PARENT OR LEGAL GUARDIAN IS NOT AVAILABLE.
- PROVIDE CONSENT TO EMERGENCY MEDICAL CARE ONLY WHEN DYFS CANNOT BE CONTACTED. THE PARENT, LEGAL GUARDIAN OR DYFS PROVIDES CONSENT FOR EMERGENCY MEDICAL CARE. THE RESOURCE PARENT MAY CONSENT TO EMERGENCY CARE ONLY WHEN IMMEDIATE CONSENT IS ESSENTIAL AND DYFS CANNOT BE CONTACTED WITHIN THE TIME AVAILABLE; DYFS MUST BE NOTIFIED AS SOON AS POSSIBLE.
- OBTAIN OTHER SOCIAL SERVICES AS REQUIRED FOR THE CHILD.

NOTICE

ANY INDIVIDUAL WHO HAS QUESTIONS ABOUT THE IDENTITY OF THE BEARER OF THIS LETTER OR THE CHILD WHOM HE/SHE REPRESENTS SHOULD CONTACT THE DYFS LOCAL OFFICE.

Local Phone #:

(After hours 877 NJ ABUSE (877-652-2873)
or 800-792-8610; or TTY-TDD at 800-835-5510)

Local Office Manager/Designee Signature

Subscribed and sworn to before me this
_____ day of _____, 20__

Local Office Manager/Designee Name

(Notary Public of New Jersey)

VALID FOR SIX MONTHS FROM DATE NOTARIZED



School Registration for Children in Out-of-Home Care

INFORMATION FOR CAREGIVERS and EDUCATORS

Children in out-of-home care or placement include those who are in resource families, group homes, teaching family homes, treatment homes and supervised transitional living homes. In meeting the needs of these children, all reasonable steps must be taken to register and ensure school attendance within 72 hours of placement. Every effort should be made for children to continue attending their current school if it is in the child's best interest. A child placed in a resource home who changes schools must be immediately enrolled in their new school (they remain registered in their parent's district) as per state and federal law.

How to ensure a child's placement in school:

- Department of Children and Families (DCF) agency case manager will provide the caregiver with the Resource Family Identification Letter (DYFS 5-49) or other agency letter to enroll the child in school.

Caregivers should contact the local school district to determine how and where to register a child. However, the caregiver, agency case manager and school district representative are bound by the following requirements:

Requirements for Registration:

1. Caregiver must provide proof of residency, which includes a deed, lease, utility bill, driver's license or other document that attaches the caregiver to that address.
2. The Resource Family Identification Letter or other agency letter, provided by agency case manager, confirming that the child is being cared for by the caregiver.

Requirements for Attendance:

1. Evidence of Immunization (available through agency case manager)
2. Birth certificate or other proof of child's identity (available through agency case manager). This is required within 30 days of enrollment. The Resource Family Identification Letter can also be used if other proof is not available.

NOTE: A social security number is not required.



Important Documents to Ensure the Appropriate Placement in a New School's Educational Program:

- Transfer card from previous school (if the child is transferring schools)
- Pupil records including transcript and Individualized Education Program (IEP), if applicable.

NOTE: This information can be requested by the new school or provided by the agency case manager.

To resolve problems in registering a child in out-of-home placement, contact your County Superintendent of Schools.
To identify your County Superintendent, go to www.nj.gov/education.





Chapter 3

Educational Advocacy for School-Age Children – Educational Services Short of Special Education

Introduction

In addition to the kinds of access issues covered in Chapter 2, the CASA volunteer may find that the child appears to have some academic difficulties or learning, behavioral, or health issues that may cause concern. If that is the case, then it is important to understand that there is a broad continuum of educational services and interventions available for children, and that the CASA volunteer can help to access those supports and services on behalf of the child.

The types of services and interventions under the law include:

- General Interventions – inclusive services rendered to the entire class and not targeted to an individual student
- Intervention & Referral Services (N.J.A.C. 6A:16-8.1 to -8.3) -- district-based, special services for students exhibiting academic difficulties
- Accommodations and services under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act – designed to provide accommodations that allow disabled students to fully access educational opportunities
- Special Education Services and programs under Individuals with Disabilities Education Improvement Act (IDEA)

General Interventions

General Interventions are services provided to children in the classroom that are not targeted to any individual child, but are administered to the class as a whole. They include tactics/methods such as teaching to different levels (known as “differential instruction”) or presenting materials in a manner that appeals to different learning styles within the same class.

General Interventions may be used on their own or in conjunction with or in addition to other types of services. However, they cannot be used to supplant or delay a Special Education or Section 504 evaluation.

Intervention and Referral Services

Intervention and Referral Services – also known as “I&RS” -- refers to special services and programs that schools can provide to identify and offer help to a student at risk for learning, behavior, or health difficulties.

The goal of I&RS is to help the student learn more effectively and help the school meet the child's needs without having to classify the student or place the student into a Special Education program. While each school implements the state's I&RS requirements slightly differently, CASA should be sure to engage the I&RS system whenever doing so is in the best interests of the child. While I&RS is generally used for children who are not in a Special Education program, schools may provide I&RS for students who are also receiving Special Education services. However, provision of I&RS cannot delay or supplant Special Education services – both sets of services should be provided simultaneously.

The I&Rs Process

The I&RS process begins with a written request to the I&RS Team. This is the team of people in the school who provide guidance to teachers and parents, and who provide services to the students; they also help to develop I&RS recommendations for students. The I&RS Team is usually different from the Child Study Team, but may be called different things in different schools (e.g., the Pupil Resource Committee, the Special Student Services Team, the Child Study Team, etc.).

The written request – or referral letter -- should clearly articulate that it is a request for intervention. The letter should also clearly indicate what the concerns are, and provide any additional information that may be helpful. *A sample I&RS referral letter is in the manual at MD3-1.*

While anyone can refer a student for I&RS by sending a written request to the I&RS team, CASA should encourage the parents, caregivers, or DYFS/DCP&P to do so. Furthermore, if CASA is making the request, the volunteer must be certain not to violate confidentiality. Hence, CASA should first encourage others (the parent, caregiver, or DYFS/DCP&P caseworker) to make the referral or request.

Once the request is received, the I&RS Coordinator will gather information from school records as well as teachers and other adults who know the student. Written notice will be given to the parent/guardian, and a meeting will be scheduled between parents and the school to discuss the concerns and strategize solutions. At that meeting, a plan will be created, and a Case Manager assigned.

After the plan is approved by parents and teachers, it should be implemented. It is the Case Manager's role to monitor implementation of the plan and progress of the student. A report is submitted to the I&RS Team and the case is reviewed periodically (at least once a year) to determine whether to continue the current plan, implement additional strategies, close the case, or refer it to the Child

Study Team. *A flow-chart summarizing the I&RS process is in the manual at MD3-2.*

CASA can be instrumental in ensuring that an I&RS Plan is in place for any student who is exhibiting academic difficulties or who is having learning, behavior, or health difficulties that affect their school performance.

- CASA can encourage parents, caregivers, and DYFS/DCP&P to make the referral for I&RS (or can make it themselves if others will not)
- CASA can help to ensure that any resulting I&RS Plan addresses the child's individual needs
- CASA can monitor implementation of the I&RS Plan
- CASA can ensure periodic and "as needed" reviews of the I&RS Plan

In order to do this, CASA should be sure to monitor how the child is doing in school and keep in close contact with the Case Manager. Additionally, CASA should ensure that the child or family is not being required to try I&RS before or in lieu of receiving Special Education evaluations.

Accommodations and Services under Section 504 of the Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Amendments Act of 2008 (hereinafter, collectively referred to as "Section 504") provide for special accommodations for students with disabilities.

Specifically, Section 504 prohibits any entity receiving federal funds (including public, private, and charter schools) from discriminating against a person because of a physical or mental impairment which limits (or may limit) one or more major life activities, including learning. It requires school districts to provide a "free appropriate public education" (FAPE) to every student with a qualified disability. Under Section 504, if a student has a substantial limitation or disability in any major life activity, including learning, the school must provide the student with "all reasonable accommodations and services necessary to provide meaningful access to education."

Accordingly, Section 504 is appropriate for children who, because of a disability, require accommodations and services in order for them to access the school and the curriculum. Examples of Section 504 accommodations include allowing a child with ADHD to sit in the front of the classroom, or providing extra testing time or "no spelling penalties" for a child with dyslexia.

It is important to remember, however, that there can be disagreement over what a "substantial" limitation is and what a "reasonable" accommodation or service

would be – this is where CASA advocacy can be extremely helpful in ensuring that a child's needs are met.

Section 504 coverage as compared with Special Education

Section 504 covers a broader range of children than Special Education under the Individuals with Disabilities Education Improvement Act (IDEA). Section 504 applies to any child with a disability in any area of major life activity; it provides for accommodations and services for that child, even if the disability does not impact learning specifically. Furthermore, any disability meets the definition and there are no specific accommodations that either must be or cannot be provided – the accommodations depend on the particular child and his or her disability. As such, Section 504 accommodations and services are appropriate for children who do not need specialized instruction but who, because of a disability, require some kind of accommodation or services in order to access the school and the curriculum.

While a child can receive Section 504 accommodations or services without being eligible for Special Education, all children eligible for Special Education (under the IDEA) are covered by Section 504. Furthermore, no separate Section 504 plan is needed for students who are covered by both. *See MD3-3 to 3-4 for Comparison of Section 504 and IDEA created by Disability Rights New Jersey.*

Accessing Section 504 accommodations and services

Section 504 requires the school to conduct an evaluation and eligibility determination. This is usually done through the Child Study Team. Unlike the requirements under Special Education (see Chapter 4), parental consent is not required for Section 504 evaluations and there are no specific timelines for completion. There simply needs to be an annual determination of eligibility. Furthermore, parents are not required members of/participants in the 504 committee; accordingly, a 504 Plan can be created and changed without parental participation.

Once a child is determined to be eligible, Section 504 requires that they have a Section 504 Plan which outlines all reasonable accommodations and services necessary to provide the child with meaningful access to education. *The Manual contains examples of the kinds of accommodations available under Section 504 at MD3-5 to 3-6.* All accommodations and services that are available under Special Education law (IDEA) are also available under Section 504, except for placement in a Special Education classroom. In fact, implementation of an IEP in accordance with IDEA is one way to meet the requirements of Section 504. Finally, while parental consent is not required for Section 504 evaluations, it is always required

for Section 504 Plan implementation. *A sample 504 Plan is included in your manual at MD3-7 to 3-11.*

CASA volunteers can be instrumental in ensuring a child's access to his or her education under Section 504.

- CASA volunteers can make a referral for an evaluation under Section 504 (although, as with I&RS, it is always preferable to encourage the parent, caregiver, or DYFS/DCP&P caseworker to do so in order to avoid questions regarding confidentiality)
- Once the evaluations are completed, CASA volunteers can ensure that the accommodations provided pursuant to the 504 Plan are appropriate (will help improve the child's access to the school and the curriculum)
- CASA volunteers can make sure the 504 Plan is being implemented and updated as needed

Finally, if there is a problem with the development or implementation of the child's Section 504 Plan, or the process is failing the child, there are dispute resolution and appeal processes that may be engaged on behalf of the child by his/her parents. CASA volunteers who encounter such challenges should consult with their Case Supervisor and refer back to the Webinar on Section 504.

Points of Advocacy for CASA

- If the child is exhibiting academic difficulties, or if you suspect that the child may have learning, behavior, or health issues or needs, then there is a continuum of services that can be requested.
- General Interventions (inclusive, non-targeted activities that are done in the classroom for all children) cannot be used to supplant or even to delay a special education evaluation.
- Intervention and Referral Services (I&RS) can be accessed for any student experiencing learning, behavior, or health difficulties affecting their academics.
- Schools may provide I&RS for students who are also receiving Special Education services, but provision of I&RS cannot delay or supplant Special Education services.
- Anyone can make a referral for I&RS for a student by sending a written request to the I&RS team; however, if CASA is making the request, the volunteer must be certain not to violate confidentiality. As such, the CASA should first encourage others (the parent, caregiver, or DYFS/DCP&P caseworker) to make the request.
- CASA should ensure that an I&RS Plan is in place for any student who is exhibiting academic difficulties or who is having learning, behavior or health difficulties that affect their school performance, and should make sure that the I&RS Plan addresses the child's individual needs.

- CASA should monitor implementation of the I&RS Plan and ensure periodic and “as needed” reviews of the Plan.
- In order to do this, CASA must be aware of how the child is doing in school and keep in close contact with the Case Manager.
- Section 504 requires schools to provide any student with a “substantial limitation” in any major life activity, including learning, with “all reasonable accommodations and services necessary to provide meaningful access to education.” However, because there may be disagreement over what a “substantial” limitation is and what a “reasonable” accommodation or service would be, CASA advocacy can be instrumental in ensuring that a child’s needs are met.
- If you believe the child needs an evaluation under Section 504, you should first encourage the parent, caregiver, or DYFS/DCP&P caseworker to request one; if action is not taken, then the CASA should make the request.
- Once the 504 evaluation is completed, CASA volunteers can ensure that the accommodations provided for in the 504 Plan are ones that will help to improve the child’s access to the school and the curriculum.
- CASA volunteers should make sure that the 504 Plan is being implemented and is updated as needed.
- While a 504 Plan can be created and changed without parental participation, the CASA volunteer should encourage parental participation to the greatest extent.
- If there is a problem with the development or implementation of the child’s Section 504 Plan, or if the process is failing the child, then there are dispute resolution and appeal processes – if you find that the child is in that situation, you should consult with their Case Supervisor and refer back to the Webinar on Section 504.

Manual Documents:

- Sample I&RS Referral Letter
- Flow-chart of the I&RS Process
- Comparison of Section 504 and IDEA created by Disability Rights New Jersey
- Sample List of 504 Accommodations
- Sample 504 Plan

(Sample I&RS Referral Letter)

_____ (date) _____

Intervention and Referral Service Team

_____ (School name) _____

_____ (address) _____

_____ (city, state, zip code) _____

Dear Intervention and Referral Service Team Leader (or call the school to get the name of this person):

My name is _____ and I am the Court Appointed Special Advocate appointed by the Court for _____ (name of child) _____, who was born on _____ (DOB) _____ and is a student in the _____ grade at the _____ (name of school) _____ School. A copy of my Order of Appointment is attached for your records.

As the Court Appointed Special Advocate for _____ (name of child) _____, I have some concerns about his/her education and I am respectfully requesting intervention on his/her behalf pursuant to N.J.A.C. 6A:16-8.1 and -8.2.

Reasons for request for assistance (must be for school-based issues, i.e., academics, behavior, school health):

Specific observed behaviors or other manifestations of the concern (hearsay or subjective comments will not be accepted):

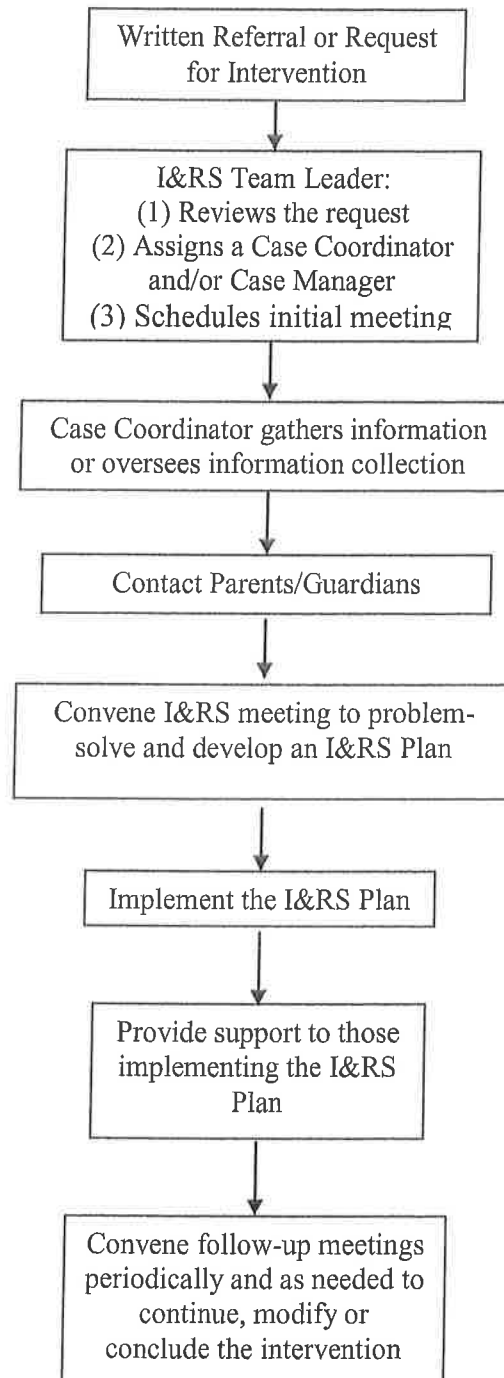
If you have any questions or need additional information, can be reached at _____ (phone number) _____ during _____ (best time of day to call) _____.

Thank you for your time and prompt attention to this matter.

Sincerely,

(Signature)
CASA volunteer, CASA of _____ County

INTERVENTION & REFERRAL SERVICES PROCESS



Adapted from the Department of
Education Resource Manual for
Intervention and Referral Services

Section 504 and IDEA

Section 504

IDEA

1. WHO MUST COMPLY?

- * Recipients of federal dollars

2. WHO IS PROTECTED?

* Individual who has, has had, or is perceived as having, a physical or mental impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working; limits ability to attend, participate in, receive benefit from schooling

* Examples: Cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, heart disease, HIV/AIDS, dyslexia, dysgraphia, rheumatoid arthritis, ADD/ADHS, cystic fibrosis, severe allergies, asthma

3. WHAT IS REQUIRED?

Free appropriate education in the least restrictive environment (FAPE in LRE)

a. Child find/identify eligible students

b. Non-discriminatory assessment and eligibility determination (initial and annual): Parent consent not required

* Team knowledgeable about the child and the disability

* Right to independent evaluation, at own expense, and to provide relevant information that must be considered by the team

c. Development of Plan for Services & Non-discrimination, reasonable accommodations, meaningful program access, and as adequate an education as other children

* Accommodations examples:
Physical barrier removal
Seating placement
Extended time for testing

1. WHO MUST COMPLY?

- * State Education Agencies

* Local Education Agencies (districts & charter schools)

* Contract agencies fulfilling district responsibilities

2. WHO IS PROTECTED?

* Child, 0-21, with a disability that affects their ability to learn and requires special education and/or related services in order to benefit from their education

* Covered disabilities: Mental retardation, hearing impaired, speech/language impaired, visually impaired, serious emotional disturbance, autism, traumatic brain injury, learning disabled, multiply disabled, deaf, blind, deaf-blind, OHI

3. WHAT IS REQUIRED?

Free appropriate education in the least restrictive environment (FAPE in LRE)

a. Child find/identify eligible students

b. Non-discriminatory assessment and eligibility determination (initial, annual, triennial): Need parent consent

* Multi-disciplinary team, including the parent, identifying all areas of suspected disability & impact on all education areas

* Right to independent evaluation at district expense, and to provide relevant information that must be considered by the team

c. Development of Plan for Services

* Individualized Education Program:
Annual goals
Short-term objectives/benchmarks
Method to determine if goals achieved

* Special education & related services:
Administration of medication

Testing modifications
 Adjust class schedule
 Rest periods
 use of aids (tape recorders, calculators, audio-visual equipment, computers, modified textbooks, etc.)

* Push-in or pull-out services:
 Note-taking (Class & HW)
 Oral catheterization
 Administration of medication (no waivers) (inhalers, oral, epipen)
 Monitoring of blood levels
 Monitoring of physical status
 Positive behavioral supports
 Consultation
 Service coordination
 Tutors
 Counseling, OT/PT, etc.

Aides
 Assistive technology
 Audiology
 Counseling
 In-class supports
 Medical services (for diagnosis)
 Modified instruction
 Modified texts, etc.
 Parent counseling/training
 Peer supports
 Physical therapy
 Psychological services
 Occupational therapy
 Recreation
 School Health services
 Social work services
 Speech pathology services
 Transition services
 Other services as needed to enable the student to benefit from their education

d. Services in the least restrictive appropriate environment: the class/ school the child would be in if not disabled; nearest school; not be removed from regular class unless the child's needs cannot be met in that class even with the use of supplementary aids and services; opportunities to interact with non-disabled peers

- * Comparable facilities if segregated
- * Meaningful program accessibility

e. Rights to confidentiality of records, and parent access to records (FERPA)

- * Right to access records upon request
- * Right to confidentiality of records without prior written consent
- * Right to confidentiality unless "need to know" by staff
- * Right to request deletion/ revision/attach comments

4. WHAT ARE DUE PROCESS/ ACCOUNTABILITY MECHANISMS?

- * LEA Section 504 Grievance Coordinator-> OAL Hearing OR US DOE OCR Complaint, OR Immediate federal court (Section 1983)
- * Exhaustion of administrative remedies not required

d. Services in the least restrictive appropriate environment: the class/school the child would be in if not disabled; nearest school; not be removed from regular class unless the child's needs can't be met in that class even with the use of supplementary aids and services; opportunities to interact with non-disabled peers

- * Continuum of placements/services (from regular class through restrictive settings)

e. Rights to confidentiality of records, and parent access to records (FERPA)

- * Right to access records upon request
- * Right to confidentiality of records without prior written consent
- * Right to confidentiality unless "need to know" by staff
- * Right to request deletion/ revision/attach comments

4. WHAT ARE DUE PROCESS/ ACCOUNTABILITY MECHANISMS?

- * LEA-->SEA-->US DOE OSEP
OAL Hearing-->Federal or state court
- * Exhaustion of administrative remedies required unless it would be futile

Examples of Section 504 Accommodations

Sample Section 504 Accommodations for Allergies

The student has severe allergic reactions to certain pollens and foods. For purposes of this example the condition substantially limits the major life activity of breathing and may interfere with the student's ability to get to school or to participate once there. Some potential Section 504 Accommodations for this student might include:

- Avoid allergy-causing substances: soap, weeds, pollen, food
- In-service training for certain necessary persons: dietary people, peers, coaches, laundry service people, etc.
- Allow time off for shots/clinic appointments
- Use air purifiers
- Adapt physical education curriculum during high pollen time
- Improve room ventilation
- Develop health care and/or emergency plans
- Address pets/animals in the classroom
- Involve school health consultant in school related health issues
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

Sample Section 504 Accommodations for ADD/ADHD

The student does not meet eligibility requirements under IDEIA as emotionally disturbed, learning disabled or other health impaired. A doctor regards the student as having ADD, and for purposes of this example, the disability limits the major life activity of learning. The student, because of his disability, is unable to participate in the school's programs to the same degree as students without disabilities and therefore is substantially limited by the disability.

- State classroom rules, post in an obvious location and enforce consistently
- Use simple, concise instructions with concrete steps
- Provide preferential seating options (away from distractions, close to the board, close to the teacher)
- Tolerate (understand the need for) excessive movement
- Provide a peer tutor/helper
- Teach compensatory strategies for organization
- Train staff for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Monitor for stress and fatigue; adjust activities
- Adjust assignments to match attention span, etc.
- Vary instructional pace and activities frequently
- Provide supervision during transitions, disruptions, field trips

- Model the use of study guides, organizing tools
- Accommodate testing procedures; lengthy tests might be broken down into several shorter administrations
- Provide counseling and prompt feedback on both successes and areas needing improvement
- Maintain frequent parent communication
- Establish a school/home behavior management program
- Provide training for staff
- Have the student use an organizer; train in organizational skills
- Establish a nonverbal cue between teacher and student for behavior monitoring
- Assign chores/duties around room/school
- Adapt environment to avoid distractions
- Reinforce appropriate behavior
- Have child work alone or in a study carrel during high stress times
- Highlight required or important information/directions
- Provide a checklist for student, parents, and/or teacher to record assignments of completed tasks
- Use a timer to assist student to focus on given task or number of problems in time allotted.
- Have student restate or write directions/instructions
- Allow student to respond in variety of different modes (i.e. may place answers for tests on tape instead of paper)
- Give student opportunity to stand/move while working
- Provide additional supervision to and from school
- Adapt student's work area to help screen out distracting stimuli
- Grade for content integrity, and not just neatness/presentation
- Schedule subjects which require greater concentration early in the day
- Avoid withholding physical activity as a negative reinforcer
- Allow for periodic, frequent physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points
- Provide for socialization opportunities, such as circle of friends

Example 504 Plan

Moderator's note:

Recently, a family member shared with me the 504 plan that she developed for her child, who has dyslexia and Type I diabetes. I thought this to be an excellent model plan because it 1) included concrete information about the child's learning disability and health condition and how the two can interact; 2) specified actions for teachers to take that will impact their attitudes, knowledge and behaviors; 3) included strategies for promoting the child's self-concept and minimizing possibly embarrassing situations; 4) supported the child's autonomy and decision making regarding her health

care needs. She was kind enough to edit the plan to remove all identifying information; and to give permission to share it on this list.

John Reiss, list moderator

504 PLAN DOCUMENT

Requirements of Section 504 for Child's Name

Name of School

Grade of Student

Birth Date: XXX

Today's Date: XXX

Child's Name is a general education student who has Dyslexia and Type 1 Diabetes, which may interfere with normal school activities and requirements.

Section 504 applies to Child's Name because of the following:

Dyslexia, as diagnosed by the Texas Scottish Rites Hospital, is a learning disability characterized by problems in expressive or receptive, oral or written language. Problems may emerge in reading, spelling, writing, speaking, or listening. Dyslexia is not a disease; it has no cure. Dyslexia describes a different kind of mind, often gifted and productive, that learns differently. Dyslexia is not the result of low intelligence. Intelligence is not the problem. An unexpected gap exists between learning aptitude and achievement in school. The problem is not behavioral, psychological, motivational, or social. It is not a problem of vision; people with dyslexia do not "see backward." Dyslexia results from differences in the structure and function of the brain. People with dyslexia are unique, each having individual strengths and weaknesses. Many dyslexics are creative and have unusual talent in areas such as art, athletics, architecture, graphics, electronics, mechanics, drama, music, or engineering. Dyslexics often show special talent in areas that require visual, spatial, and motor integration. Their problems in language processing distinguish them as a group. This means that the dyslexic has problems translating language to thought (as in listening or reading) or thought to language (as in writing or speaking).

Type 1 Diabetes, as diagnosed by a physician, is a physiological disorder that affects the endocrine system. Type 1 Diabetes places the individual at risk for hypoglycemic and hyperglycemic episodes related to metabolic dysfunction. Potential fluctuations in blood glucose impact the individual's major life activities in the area of learning, which is one of the specific major life activities described in Section 504.

Dyslexia combined with Diabetes can work off of each other to make matters worse. Dyslexia causes stress, which causes blood glucose levels to rise. Both high blood sugar levels and low blood sugar levels affect Child's Name's ability to learn and perform in school, as well as seriously endangering his/her health. Blood glucose levels must be maintained in the 80-150 range for optimal learning and testing of academic skills.

Child's Name has two recognized disabilities, Dyslexia and Type 1 Diabetes, that require the accommodations and modifications set out in this plan to ensure that she/he has the same opportunities and conditions for learning and academic testing as classmates, with minimal disruption of his/her regular school schedule and with minimal time away from the classroom. Steps to prevent hypoglycemia and hyperglycemia, and to treat these conditions if they occur must be taken in accordance with this Plan.

DYSLEXIA Accommodations that are necessary for Child's Name:

1. That his/her Reading and English teacher review the video "How Difficult Can This Be? Also known as "F.A.T. City".
2. Provide in advance the book titles necessary for reading so we may have ample time to order them on tape and have additional time to work through the assignment.
3. Only call on his/her in class to read aloud or offer an answer if she/he is raising his/her hand.
4. Permit written assignments be done with dictation software and submitted in a typed format.
5. Give extended time for, or shortened assignments in, reading, spelling, and written expression
6. Avoid penalizing for spelling errors in subjects, except

pre-approved words in language arts

7. Avoid classmate checking in English and Reading so not to embarrass his/her with his/her peers
8. When possible, provide his/her with written notes or worksheets so that she/he does not have the burden of copying from the board thus minimizing the amount of material that she/he needs to copy
9. During the test, be available to read words, sentences, or to paraphrase questions as needed.

DIABETES Accommodations that are necessary for Child's Name:

1. Child's Name shall be permitted to use the bathroom without restriction.
2. Child's Name shall be permitted to have immediate access to water, including keeping a water bottle in his/her possession and being allowed to use the drinking fountain without restriction.
3. Child's Name shall be permitted to have snacks when and wherever she/he needs them.
4. Child's Name shall be permitted to leave class at any time to go to the office for diabetes related issues.
5. Child's Name shall have immediate access to blood glucose testing equipment and insulin, and shall be permitted to carry his/her insulin pump and diabetes supplies with his/her at all times.
6. Blood glucose tests may be done at any location in school, including, but not limited to the classroom, on school grounds, the cafeteria, at field trips or sites of extracurricular activities, or on the school bus.
7. Child's Name will be permitted to participate in all field trips and extracurricular activities (such as sports, clubs and enrichment programs) without restriction and with all of the accommodations and modifications set out in this plan.
8. If Child's Name is affected by high or low blood glucose levels at the time of regular or standardized testing, she/he will be permitted to take the test at another time without penalty. High blood glucose is defined as over 220 and low blood glucose as under 70.

9. If Child's Name needs to take breaks to use the water fountain or bathroom, do a blood glucose test, or to treat hypoglycemia or hyperglycemia during a test or a classroom assignment, she/he will be given extra time to finish the test or assignment without penalty.

10. Child's Name will not be penalized for absences or tardiness required for medical appointments, illness, visits to the office, or time necessary to maintain blood glucose control.

11. Child's Name will be granted a laminated Nurse Pass that she/he can use at any time and place during school activities in order to get the care she/he needs on an immediate basis.

12. At least 3 adult staff members will be trained to administer glucagon

13. Use of his/her Palm Pilot to keep track of his/her diabetes data and maybe schedules and class assignments.

14. Each teacher will receive a packet of information about diabetes, the insulin pump and emergency low treatments along with a juice box and a tube of frosting.

Signatures and Indication of Agreement:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

EMERGENCY CONTACTS

Mother's Contact Info.
Home PH: XXX
Cell: XXX
E-Mail: XXX

Father's Contact Info

Home: XXX

Work: XXX

Cell: XXX

Pager: XXX

Child's Name's Pediatric Endocrinologist:

Work: XXX

Cell: XXX

Pager: XXX



Chapter 4 The Special Educational System: Early Intervention, Pre-School Special Education, Special Education K-12

Introduction

The Individuals with Disabilities Educational Improvement Act (IDEA) is a federal law that mandates that children with qualifying disabilities which adversely affect their educational performance must be eligible for Special Education and other special services. IDEA, Part C includes Early Intervention Services for infants 0 to 3 (and their families); Part B addresses Preschool Special Education for children between the ages of 3 and 5 as well as Special Education for children and youth ages 3 to 21.

The Special Education area is extremely complex and not easily distilled in one training. Should the CASA volunteer have a case involving a child who is or may be entitled to Early Intervention, Preschool Special Education, or Special Education and Related Services, it will be helpful to review the Special Education Webinar, consult with a Case Supervisor, and refer to the *Glossary of Terms at MD4-1 to 4-9*.

Identifying the IDEA “Parent”

Identification of the “parent” under the IDEA is essential for any child who is or may be eligible for Early Intervention or Special Education services as the IDEA parent is the person who has decision-making authority.

- It is the IDEA parent who participates in decisions regarding evaluation and services, and who has the authority to challenge school districts’ decisions. For IDEA’s substantive and procedural protections to work effectively, every child who has or might have a disability must have a parent willing to act and make decisions on their behalf. Under IDEA, only a parent has decision-making authority and only a parent can act on behalf of a student with a disability. Accordingly, CASA volunteers need to make sure that there is an identified IDEA parent to make educational decisions for the child.

A “parent” under IDEA is either:

- A biological/birth parent or an adoptive parent. Unless otherwise supplanted by a Court Order (including an Order to Terminate Parental Rights), the birth or adoptive parent is still the IDEA parent, even when the child is in out-of-home placement, as long as they are “attempting to act” as the child’s educational decision-maker.

- In instances where the birth or adoptive parent is not “attempting to act” as the child’s educational decision-maker, one of the following individuals can be the IDEA parent:
 - A foster parent when willing to serve
 - A legal guardian
 - A person acting in the place of the parent (such as a grandparent or stepparent with whom the child lives or a person legally responsible for the student’s welfare)
- A Surrogate Parent appointed under State Administrative Code, section 6A:14-2.2 (sometimes also referred to as an Education Surrogate).

It is important to note, that an employee of the Department of Children and Families (including DYFS/DCP&P) can NEVER be the “parent” under IDEA.

When a child is in out-of-home placement, the identification of the IDEA parent may become complicated. Under Federal law, whenever a birth or adoptive parent is “attempting to act” on behalf of the child in the school system, the school MUST treat that parent as the decision-maker; only when the birth or adoptive parent is NOT “attempting to act” on behalf of the child can the school defer to the decisions of the foster parent or legal guardian as noted above. However, there are no clear guidelines as to what constitutes “attempting to act” as the child’s educational decision-maker; it is also unclear who makes the determination of whether the biological or adoptive parent was “attempting to act” as the educational decision-maker.

In instances where a “parent” meeting the IDEA definition cannot be identified or located, or where the child is a “ward of the state” with no other IDEA parent, the school district or a Family Court Judge should appoint a Surrogate Parent. Under New Jersey law, a child is deemed a “ward of the state” when the child is in the custody of a child welfare agency (DYFS/DCP&P), AND the child does not have a foster parent who is able and willing to serve as the IDEA parent.

A Surrogate Parent (or Education Surrogate as they are sometimes called) cannot be an employee of the school, the Department of Children and Families, DYFS/DCP&P, or any other agency involved in the child’s care or education (because of potential conflicts of interest). The Surrogate must be 18 or older and must be trained by the school district. Finally, a Judge can appoint a Surrogate based on the request of any party even where parental rights have not been terminated.

The Early Intervention System – Services for Children Up to the Age of Three

The Early Intervention system was designed to enhance the development of infants and toddlers with disabilities, and to improve the capacity of families to meet the special needs of those infants and toddlers. Children between the ages of birth and age 3 who either have developmental delay(s), or are diagnosed with a condition that is highly likely to result in developmental delay(s), are entitled to Early Intervention (hereinafter, "EI") services to help them reach their full potential and to help their families care for them.

The New Jersey Department of Health and Senior Services (DHSS) is the agency responsible for EI services. Those services are coordinated through four Regional Early Intervention Collaboratives (REICs). *Contact information for these REICs is part of the List of EI Statewide Resources at MD4-10.*

Mandatory Referral of Foster Children for Early Intervention Evaluation

There are many steps to securing EI services for a child, and there is a timeline that is mandated by law. *The Early Intervention Timeline is located in your Manual at MD4-11.* The first step is referral.

It is critical for CASA volunteers to understand that the State of New Jersey is obligated to refer ALL children under age 3 for an EI evaluation if they are involved in a substantiated case of abuse or neglect. This means that, whether there are developmental concerns or not, if the child is involved in a substantiated case of abuse or neglect, they must be referred for an EI evaluation.

An important corollary to this is that anyone -- including a CASA volunteer -- can refer a child for an EI evaluation. While the CASA volunteer should first encourage DYFS/DCP&P and the parent and/or caregiver to make the referral, CASA can and should refer the child for an EI evaluation if no one else has. Referrals are made by simply calling the EI referral number at 1-888-653-4463.

Under the law, every child referred for EI is entitled to a free evaluation and multi-disciplinary assessment conducted within 45 days of the date of referral.

However, the consent of the IDEA parent is required for both the evaluation and the implementation of any services.

If the EI evaluation indicates that the child is in need of EI services, an Individualized Family Service Plan (IFSP) should be created and a Service Coordinator assigned. The IFSP is a written contract for the provision of EI

services. It should describe the child's current functioning and needs. It should also list all of the services to be provided to the child and the family, including information on the location, frequency, and duration of those services. All services should be tailored to meet the child and family's unique needs. *A List of Services Available under the Early Intervention System is provided at MD4-12.*

- ↘ The CASA volunteer should ensure that children under age 3 are referred and evaluated, should review the IFSP, reach out to the Service Coordinator, and ensure that the services listed are meeting the child's needs and that they are actually being provided. *A sample IFSP is provided at MD4-13 to 4-20.*

Transitioning from Early Intervention to Preschool Special Education – Services for Children Ages Three to Five

As the child approaches his/her third birthday, the CASA volunteer should ensure that steps are taken to transition the child from EI to preschool.

Assuming the IDEA parent approves, a transition conference should be convened with the school district at least 120 days prior to the child's third birthday to begin the process of determining the child's eligibility for Special Education services (however, the earlier this conference is scheduled, the greater the amount of time for evaluations and planning).

To begin this process, the IDEA parent should send a letter of referral to the school district more than 120 days before the child's third birthday. Within 20 days of receipt of the referral, the school district must hold an Identification (ID) Meeting with the IDEA parent to determine whether evaluation for Special Education and Related Services is warranted. If it is determined that evaluation is warranted, the ID Meeting will transition into an Evaluation Planning Meeting. During the Evaluation Planning Meeting, the Team (including the IDEA parent) will discuss the nature and scope of the evaluation. The school district is obligated to evaluate the child in all areas of suspected disability. Any evaluation plan developed will require the IDEA parent's signature to be implemented.

- ↘ An Eligibility Determination Meeting should be scheduled at least two weeks prior to the child's third birthday to resolve any differences of opinion regarding eligibility or classification prior to the termination of EI services. Eligibility for Preschool Special Education services is generally determined in the same manner as eligibility for Special Education services, with all of the same steps (covered below). For this reason, it is important to begin the process as early as possible.

The primary difference between Preschool and non-Preschool Special Education is that, for Preschool Special Education, a Speech and Language Evaluation is required to be among the evaluations conducted. If the child is found eligible,

s/he will be classified as "Preschool Disabled." If the child is not found eligible for Preschool Special Education, then a transition plan for exit from the EI system must be created.

It is important to remember, however, that even a child who is not receiving EI services may be referred for Preschool Special Education. The process would be the same as that for Special Education, discussed below.

The Special Education System – Services for School Age Children Up to the Age of 21

↳ The IDEA requires all school districts to provide children ages 3 to 21 with a qualifying disability (a disability that adversely affects their educational performance) a free, appropriate public education (FAPE) in the least restrictive environment. To have a qualifying disability, the child must fall within one of 14 eligibility categories listed in the Glossary in this chapter, the disability must adversely affect the child's educational performance, and the child must be in need of Special Education and Related Services.

Children with such qualifying disabilities are entitled to an education that:

- meets state standards,
- is provided at public expense,
- is appropriate to meet their unique educational needs, and
- is provided in the least restrictive environment possible to still meet their needs.

Keep in mind that the entitlement is to an "appropriate" education, not the best possible education – this may be an important distinction depending on the child's circumstances. CASA volunteers should advocate for the child's best interests when it comes to what should be considered the most appropriate educational program.

In general, meeting the FAPE requirement for a child with an identified disability will involve the development and implementation of both an individualized Special Education program, and Related Services. This is a multi-step process.

The Special Education Process

There are many steps involved in getting a child's Special Education needs met. While more details on this process are provided in the Special Education Webinar, the *Special Education Steps at MD4-21* and the information below highlight a number of points.

The process begins either with the school identifying potential Special Education needs through Child Find (an internal system), or with a referral to the Child Study Team. A referral is a written request for an evaluation; it can be made by:

- The child's "parent" as defined by the IDEA,
- School personnel (defined as instructional, administrative, or other professional staff), or
- State agencies concerned with the welfare of students.

↘ Because the CASA program is not a state agency, CASA cannot make a referral. However, if the CASA volunteer believes the child may have a disability that affects his/her education, CASA should urge the IDEA parent and DYFS/DCP&P caseworker to write the referral letter. Remember: a referral MUST be in writing and MUST be dated because receipt of the referral letter begins the clock ticking on the various deadlines for each step of the Special Education process. A *Sample Request for Child Study Team Evaluation is provided at MD4-22.*

Once a referral is made, the Child Study Team (the "CST") initiates a screening process by consulting with the child's teacher, the school nurse, and other school personnel to gather information about the child. *See MD4-23 for a full listing of the various members of the CST.*

Within 20 days of receiving a written referral, the school must convene an Identification Meeting of the CST to determine whether evaluations are warranted and, if so, their nature and scope. Both the child's IDEA parent and his /her classroom teacher must be included in this meeting. If the CST determines that evaluation is warranted, the meeting will transition into an Evaluation Planning Meeting. Note: these may be two separate meetings or just one, depending on the circumstances.

Once the evaluations are agreed upon, the school must have the written consent of the IDEA parent to move forward (or the school district can seek a Court Order through due process for initial evaluation without parental consent). The school will also assign one CST member to act as Case Manager. The evaluations should:

- be designed to identify and assess all of the child's needs in all areas of suspected disability,
- consist of standardized assessments conducted by qualified specialists on the CST, and
- be administered in a language and form most likely to yield accurate information.

Once the IDEA parent provides written consent to evaluate the child, the school has 90 calendar days within which to:

- conduct initial evaluations,
- determine eligibility for Special Education,
- develop an Individualized Education Program (IEP), and
- identify the appropriate Special Education program/placement and needed Related Services.

Remember, timelines are very important in the Special Education process as they may give rise to procedural rights for the IDEA parent. *A Special Education Timeline is provided at MD4-24.*

A more detailed explanation of Special Education evaluations, re-evaluations and independent evaluations is provided in the Special Education Webinar, and a full listing of potential evaluations is in your manual (see *List of Potential Evaluations at MD4-25*). It is important that a Functional Behavioral Assessment (FBA) be included among the evaluations if the child is having ANY behavioral issues. An FBA is needed to develop a Behavior Intervention Plan (BIP) that will address any behavioral and disciplinary issues that arise. School districts will generally only conduct an FBA if the student's behaviors are negatively impacting his/her education or the education of other students in the class. The CASA volunteer should know that even less obvious behaviors (e.g., inattentiveness, chewing on clothing, etc...) should be construed as interfering with the student's ability to access his education. Any FBA or BIP should emphasize positive interventions that teach rather than punish the student. The use of manual restraint (e.g., bear hug, basket hold, prone restraint), mechanical restraint (Rifton chairs), aversive techniques (rubber band snaps, spraying water into the child's face, unpleasant tastes) and/or forced seclusion should not, under any circumstances, be written into a behavior plan or into any other section of the IEP.

If the IDEA parent disagrees with the school's evaluations or feels they are not adequate, they can submit a written request for independent evaluations. The school must provide for independent evaluations at no cost to the family, provided they are requested in writing; alternatively, the school can request a hearing within 20 days. *A sample Letter Request for Independent Evaluation is provided at MD4-26.* The parent does not have to explain the reason for disagreeing with the school's evaluations, and is not obligated to choose from the school district's list of board-approved evaluators.

Once the evaluations are completed, a special IEP meeting – called a Classification or Eligibility Meeting -- is held. This is where the IEP team determines the child's eligibility for Special Education placements/programs and Related Services based on the results of the evaluations. The IDEA parent should receive copies of all reports and any information/documentation relied upon at least 10 days prior to the meeting. The Classification or Eligibility Meeting should include all IEP team members, especially the parents. The IDEA parent must be

provided with written notice and a meaningful opportunity to attend this (and all other) meetings. As noted in the *listing of IEP Team Members at MD4-23*, the IDEA parent or the school may invite guests to the meeting – these might include the CASA, DYFS/DCP&P caseworker, or foster parent.

A student will be eligible for Special Education and Related Services if:

- the student has one or more disabilities that adversely affect the student's educational performance; and
- the student is in need of Special Education and Related Services.

If the child is determined to be eligible for Special Education services, the child will be "classified" and the IEP team will develop the child's IEP. *A List of Potential Classifications is provided as part of the Glossary, at MD4-1.*

Individualized Education Programs (IEPs), Special Education programs, and Related Services

An IEP is a written plan – a contract between the parent (or child over 18) and the school district -- that sets out the child's Special Education program, including the type of placement (General or Special Education) as well as Related Services. It is developed collaboratively at the IEP Team meeting (Classification or Eligibility meeting) based upon the child's classification.

IEP's may look different from district to district, and there are many different components to an IEP. However, ALL IEP's must address the child's unique needs in an individualized, customized way, setting forth the child's Special Education program or placement, and all Related Services to be provided to meet the child's needs (including any Assistive Technology Devices to be provided to the child). All IEPs must list the evaluations that are being relied upon and the dates of those evaluations. The dates are important because evaluations forming the basis of IEPs should be no more than 3 years old. Finally, all IEPs should include measurable annual goals (both academic and functional), with interim benchmarks and short-term objectives. *A List of IEP Components and an Annotated IEP Form are provided at MD4-27 and MD4-28 to 4-48, respectively.*

There is a continuum of Special Education programs or placements for children with IEPs. These range from the most restrictive (e.g., home or hospital instruction) to the least restrictive (regular classroom placement – referred to as inclusion -- with supplemental services being provided). *A chart of the Continuum of Special Education Programs and Placements is provided at MD4-49. A list of Special Education Programs and Placements is provided as part of the Glossary at MD4-1.*

It is important to remember that children are entitled to be educated in the least restrictive environment possible that will still meet their needs; it is inappropriate for a school district to recommend a more restrictive setting without first having a detailed discussion of the reasons the student cannot be effectively educated in a general education setting with supports or specialized instruction. Where the child can be educated in a general education classroom with supports or specialized instruction, an aide may or may not be sufficient; the IEP team should consider whether the child's learning would be enhanced by specialized instruction in the area of need within the general education environment. Children in Special Education programs may also be entitled to an extended school year based on their individual needs as determined at the IEP meeting. This extended school year can take a variety of forms based on the child's needs.

There are also a variety of Related Services children in Special Education are entitled to. It is important to remember that Related Services are ANY services that will help the child benefit from his/her educational program, and there is no limit to the type or number of Related Services that can be provided. The only requirement is that the service is needed to help the student benefit from his/her educational program. CASA should be mindful of the scope and frequency of the services as well as the credentials of the provider. *A list of Related Services is provided as part of the Glossary at MD4-1.*

In making decisions regarding Special Education programs and placements, as well as Related Services, the school district is required to consider any outside evaluation submitted to it, including DYFS/DCP&P evaluations. As such, it is important to decide whether any such outside evaluations should be considered and then to ensure that those evaluations are submitted to the school district (within the boundaries of required confidentiality).

⇒ IEPs must be reviewed at least annually. However, the IDEA parent or the school district may call an IEP meeting at any time if they believe one is needed. An IEP meeting is required in order to make changes to the IEP, unless a written proposal to amend is made and agreed upon in writing. Accordingly, an IEP can be changed, updated, or modified as needed, provided the IDEA parent and school district agree and the changes are in writing as an Amended IEP or an Addendum to the IEP.

By law, re-evaluations must be done every 3 years; they may be done sooner if conditions warrant or if the IDEA parent makes a written request. IDEA parents must consent, in writing, to any re-evaluations. However, they can waive the right to a re-evaluation as long as that is done in writing. Any re-evaluation must be completed within 60 days (as opposed to the 90 days for an initial evaluation).

It is also crucial to remember that a child cannot be de-classified without a re-evaluation or the written consent of the IDEA parent.

Finally, special rules apply when children with IEPs change schools. Children in a Special Education program are entitled to have their IEPs implemented in their new school. The CST in the new school district is required to conduct an immediate review of the child's existing IEP and evaluation information and, without delay, provide a comparable program until the existing IEP is formally adopted or a new IEP is implemented. The new school should convene an IEP meeting within 30 days of the transfer in order to determine whether to adopt the prior IEP or develop and implement a new one. *See Foster Care & Education Q&A regarding Mobility Issues and Special Education for Children in Out-of-Home Care at MD4-50 to 4-51.*

Notice, Consent, and Procedural Safeguards

There are a variety of State Regulations that govern when and how notice is to be provided to the IDEA parent, as well as when the IDEA parent's consent is required. For example, the consent of the IDEA parent is required for both the initial IEP and the implementation of services; the school district cannot seek Due Process to compel classification. While these issues are covered in more detail in the Special Education Webinar, you can view the *Special Education Requirements Regarding Notice and Parental Consent at MD4-52.*

Additionally, there are a variety of procedural safeguards which can be utilized by the IDEA parents in the event that they disagree with the school's decisions. These safeguards – referred to as Special Education Appeals – include Mediation, Due Process, and Complaint Investigation, and are outlined in the Parental Rights in Special Education (PRISE) Manual, created by the New Jersey Department of Education and distributed to all IDEA parents. A link to the full PRISE Manual can be found as part of the *Links to the NJ Administrative Code and Other Resources at MD6-5 to 6-6.*

While the PRISE Manual and the Special Education Webinar will provide more information about appeals and procedural safeguards, some of the basic elements of that process are outlined in the document entitled *Procedural Safeguards and Special Education Appeals at MD4-53 to 4-54.* In the event of a potential dispute, the CASA volunteer should talk to their Case Supervisor immediately about what steps to take, and should consider calling one of the entities that have attorneys available for consultation, as listed in the *Resource List - Professional/Legal Help with Education Issues, at MD6-3 to 6-4.*

Transition Planning for Students in the Special Education System

Transition planning is an important issue for older students. Just as DYFS/DCP&P must begin transition planning for youth 14 and older, so school districts must begin transition planning for students in Special Education programs when they reach the age of 14. Thus, transition planning should be happening for a student in both the school and child welfare systems.

Child Welfare System Transition Planning and Services

When a child in placement reaches age 14, DYFS/DCP&P must begin developing a Transition Plan. The Transition Plan should be youth-focused, developed by the youth, his/her DYFS/DCP&P caseworker, and other interested parties such as family members, caring adult(s), and others interested in the youth's future. Transition planning should be conducted annually and reviewed/reevaluated every 6 months. Ideally, the Transition Plan should be based on life skills assessments as well as the child's strengths and interests, should include life, career, education, and permanency goals, and should also cover health care, acquisition of basic life skills, and resource identification. As part of the Plan, DYFS/DCP&P is obligated to offer transition services, including housing, vocational/educational vouchers, financial support for post-secondary opportunities, Medicaid, therapy, case management services, life skills classes, Chafee wrap around funds, and flex funds.

Appropriate school staff should be invited to provide input into the DYFS/DCP&P Transition Plan, and DYFS/DCP&P should work with the schools to monitor implementation of the Plan.

For students interested in college or vocational/technical school, DYFS/DCP&P workers should assist the youth in understanding eligibility requirements and applying to Foster and Adoptive Family Services for the NJ Foster Care Scholars Program (which may provide up to \$5,000 each academic year for tuition and room and board). Foster and Adoptive Family Services can also provide information on the state tuition fee waiver program for eligible students attending a New Jersey public college full time, and information about scholarships, grants, financial aid, as well as assistance in completing financial aid applications.

Education System Transition Planning and Services

Schools must begin transition planning for students in Special Education programs when those students turn 14 years of age (or by the fall of eighth grade

for students who may be interested in vocational training, as many vocational programs are four-year programs). This transition planning begins with a transition assessment conducted by the CST.

The CST transition assessment should relate to areas including training, education, employment, and independent living skills; it should also include a functional vocational evaluation. The IDEA parent can request an independent transition/vocational evaluation should they disagree with the school district Transition Plan.

The student should attend any CST meeting where transition planning will be discussed.

Transitional services provided by the school must consist of a coordinated set of activities designed to facilitate the student's movement from school to post-school activities. In addition to basic instruction and related services, typical transitional services include:

- Vocational education,
- Integrated employment (including supported employment),
- Continuing and adult education,
- Independent living skills training,
- Preparation for post-secondary education,
- Daily living skills and other community experiences.

As with all other areas of Special Education, it is critical that the transition services are customized and tailored to meet the individual needs of the student. It is equally important that the school's transition plan contain clearly defined and measurable goals and objectives.

College-Bound Students

For students who wish to continue their education at a post-secondary college or university, CASA volunteers can be of assistance in a variety of ways. In addition to assisting the student in making important decisions regarding choice of institution and choice of program, the CASA volunteer can work with the student to ensure that applications are completed in a timely manner.

CASA volunteers should also be aware of important resources for college-bound students in out-of-home care. Foster and Adoptive Family Services of New Jersey (FAFS) administers several scholarship programs for foster and adoptive youth. Information about these scholarship programs can be obtained by contacting FAFS at 1-800-222-0047. In addition, CASA should encourage students to apply for federal financial aid by completing the Free Application for Federal Student

Aid (FAFSA) form, which is available from their high school guidance office or on-line at www.fafsa.com. Finally, most youth in out-of-home care are eligible for maximum federal and state financial aid. More information can be obtained by contacting the New Jersey Department of Higher Education Financial Aid Hotline at 1-800-792-8670.

Points of Advocacy for CASA

- CASA volunteers should make sure that there is a "parent" as defined by the IDEA to make educational decisions for the child. Ideally, that is the birth parent; but, where the birth parent is either unwilling to act or cannot be identified/located, or where parental rights have been terminated, CASA should encourage the resource parent to act as IDEA parent.
- DCF or DYFS/DCP&P is not legally allowed to act as the IDEA parent.
- If there is no birth, adoptive, resource parent, or other guardian willing and able to act as the IDEA parent, the CASA should bring the situation to the attention of both the school district and the Court to ensure that a Surrogate is identified and appointed to act as the IDEA parent.
- CASA can (and should) refer any child under the age of three for an Early Intervention evaluation if the State has not already done so.
- Every child referred for an EI evaluation is entitled to have a free evaluation and assessment conducted within 45 days of the date of referral.
- If the child is evaluated and determined to be in need of EI services, the CASA volunteer should make sure that an Individualized Family Service Plan (IFSP) is created and a Service Coordinator assigned.
- The CASA should review the IFSP and reach out to the Service Coordinator to ensure that the services listed are meeting the child's needs and that they are actually being provided.
- CASA should ensure that the IDEA parent of any child receiving EI services writes a letter at least 120 days before the child's third birthday requesting that the school district convene a transition conference so that the child can be evaluated for Preschool Special Education services.
- Children with disabilities are entitled to a "free and appropriate public education" in the "least restrictive environment." While an "appropriate" education does not mean the best possible education, the CASA volunteer should advocate for the child's best interests regarding what should be considered the most appropriate educational program.
- If the CASA volunteer believes that the child may benefit from Special Education services, then the CASA should urge the IDEA parent and/or DYFS/DCP&P to write a letter making a referral and requesting evaluation.
- A referral for a Special Education evaluation MUST be in writing and MUST be dated!
- Special Education evaluations should be designed to identify and assess all of the child's needs in all areas of suspected disability; they should be administered in a language and form most likely to yield accurate results.

- CASA should advocate that a Functional Behavioral Assessment (FBA) be done if the child is having ANY behavioral issues so that a Behavior Intervention Plan (BIP) can be in place should behavioral or discipline issues arise. An FBA should be done if the child is engaging in any behavior that interferes with their or another student's ability to access his/her education.
- If the IDEA parent disagrees with the school's evaluations or feels they are not adequate, they can make a written request for independent evaluation. The school must provide and pay for independent evaluations requested in writing by the IDEA parent, or can request a hearing within 20 days.
- The IDEA parent must be provided with written notice and a meaningful opportunity to attend all meetings related to the child's IEP.
- The CASA volunteer should make sure that the IEP is customized and tailored to the needs of the individual child, and is not a generic plan.
- ALL IEPs must address the child's unique needs in an individualized, customized way, setting forth the child's Special Education program or placement, and all Related Services to be provided to meet those needs.
- While IEPs may look different in different districts, all IEPs should include measurable annual goals (both academic and functional), with interim benchmarks and short-term objectives.
- Because school districts are obligated to provide services and accommodations listed in the child's IEP, details are important; the CASA volunteer should ensure that everything the child needs is listed in the IEP.
- With regard to Special Education programs or placements, children are entitled to be educated in the least restrictive environment possible that will still meet their needs. Thus, it is inappropriate for a school district to recommend a more restrictive setting without first considering the reasons the student cannot be effectively educated in a general education setting with supports or specialized instruction.
- If the Special Education placement is in the general education classroom with supports, CASA should be vigilant in ensuring that the supports provide specialized instruction in the area of need; depending on the child's needs, a classroom aide may not be sufficient to provide this instruction.
- CASA should advocate for any and all Related Services that will help the child benefit from his/her educational program; there is no limit to the type or number of Related Services that can be provided – it simply needs to be shown that the service is needed to help the student benefit from his/her educational program.
- CASA should be mindful of the scope and frequency of the provision of Related Services as well as the credentials of the provider.
- School districts are required to consider any outside evaluation submitted, including DYFS/DCP&P evaluations. As such, the CASA volunteer should assess whether any outside evaluations should be considered and ensure that those evaluations are submitted to the school. NOTE: because of confidentiality, CASA should ask DYFS/DCP&P to either share the evaluation or permit CASA to do so.

- The consent of the IDEA parent is required for the initial IEP and the implementation of services; the school district cannot seek Due Process to compel classification of a student.
- IEPs should be reviewed annually, but may be changed, updated, or modified as needed, provided the IDEA parent and school district agree. Any changes must be in writing as an Amended IEP or an Addendum to the IEP.
- Re-evaluations are required every 3 years, but may be done sooner if conditions warrant or if the IDEA parent makes a written request. IDEA parents must consent, in writing, to any re-evaluations.
- The IDEA parent can waive the right to a re-evaluation as long as that is done in writing. However, it is generally not a good idea to waive that right and the CASA volunteer should discourage the parent from doing so.
- A child cannot be de-classified without a re-evaluation or the written consent of the IDEA parent.
- Children in a Special Education program who change schools should have their IEPs implemented in their new school. The CST in the new school district must conduct an immediate review of the child's existing IEP and evaluation information and, without delay, provide a comparable program until either the existing IEP is formally adopted or a new IEP is implemented. The new school should convene an IEP meeting within 30 days of the transfer to determine whether to adopt the prior IEP or develop a new one.
- The IDEA parent is entitled to dispute school district decisions in a number of ways. In the event of a potential dispute, the CASA volunteer should talk to their Case Supervisor immediately about what steps to take, and should consider calling one of the resource entities that have attorneys available for consultation.
- The CASA volunteer should share the link to the PRISE Manual with the child's IDEA parent as well as any caregivers.
- Once a student in the Special Education system reaches the age of 14, the CASA volunteer should ensure that both DYFS/DCP&P and the schools are engaging in transition planning is happening for that student.
- CASA should ensure that the child's Transition Plan is truly individualized and contains clearly defined and measurable goals and objectives.
- The IDEA parent can request an independent transition/vocational evaluation should they disagree with the school district Transition Plan.
- CASA volunteers can assist college-bound students in making important decisions regarding choice of institution and choice of program, can work with the student to ensure that applications are completed in a timely manner, and can help them access resources for college-bound students in out-of-home care.

Manual Documents:

- Glossary, including Basic Terms, Potential Classifications, Special Education Programs and Placements, and Related Services

- List of Early Intervention Statewide Resources with Referral Number and Link to REICs
- Early Intervention Timeline
- List of Services Available Under the Early Intervention System
- Blank IFSP form
- Special Education Steps
- Sample Request for Child Study Team Evaluation
- List of CST & IEP Team members
- Special Education Timeline
- List of Potential Evaluations
- Sample Request for Independent Evaluation
- List of IEP Components
- Sample IEP (annotated)
- Chart of the Continuum of Special Education Programs and Placements
- Foster Care & Education Q&A regarding Mobility Issues and Special Education for Children in Out-of-Home Care
- Special Education Requirements Regarding Notice and Parental Consent
- Procedural Safeguards and Special Education Appeals

Glossary

Basic Special Education Terms Special Education Classifications Special Education Placements Related Services

Basic Special Education Terms

Case Manager -- One member of the CST appointed by the district's director of special education who is responsible for coordinating the education and transition services of a student in special education.

Child Study Team (CST) -- The group of school professionals within each school district that assist in determining a student's eligibility for special education. The CST consists of a School Psychologist, Learning Disabilities Teacher Consultant (LDTC), and Social Worker. For children under the age of 5, a Speech Specialist must also be on the CST. Other specialists may be added as needed.

Early Intervention Services -- Services provided at no cost by the state to meet the developmental needs of infants or toddlers with disabilities (ages 0-3). The State is required to refer all children under age 3 who are victims of substantiated abuse or neglect for an Early Intervention evaluation.

Extended School Year (ESY) -- Special Education and Related Services which are provided beyond the normal school year, pursuant to an IEP, for students with disabilities who might otherwise regress without these services.

Free Appropriate Public Education (FAPE) -- The entitlement guaranteed to a student with disabilities, between ages 3 and 21 by Federal and State Law.

Individualized Education Program (IEP) -- A written plan -- a contract between the parent (or child over 18) and the school district -- that is developed by the IEP Team and that sets out the child's Special Education program. The IEP should include a description of the child's current educational status, educational goals and objectives, the Special Education placement, any and all services that will be provided to help the child reach those goals and objectives, and benchmarks to determine whether those goals and objectives are being achieved.

IEP Team -- The group of people who develop the IEP. By law, the IEP Team includes parents, the child's case manager, at least one regular education and one special education teacher who provide instruction to the student and other school personnel and interested individuals invited by the school or the parents.

Individualized Family Service Plan (IFSP) -- A written contract for the provision of Early Intervention services that describes the child's current functioning and needs, and lists all services to be provided to the child and family in order to meet those unique needs.

Individuals with Disabilities Education Act (IDEA) – This is the federal law that guarantees children with physical and mental disabilities a “free appropriate public education” in the “least restrictive environment.”

Initial Evaluation -- The first time a child is tested to see if he/she is eligible to receive special education and related services.

Learning Disabilities Teacher Consultant (LDTTC) -- A member of the CST who tests and evaluates a child’s achieved knowledge and academic learning, as well as determining the nature of the student’s academic disability. The LDTTC can also be the case manager.

Least Restrictive Environment (LRE) -- Children with disabilities should be educated within the regular education program to the greatest extent possible. Students may be placed in self-contained, special education classrooms only when supports and services are not enough to help the child learn in the regular classroom.

Referral -- A referral is a written request for an evaluation that is given to the school district when a child is suspected of having a disability and might need special education services.

School Psychologist -- A member of the CST who tests and evaluates the child’s aptitude and intellectual functioning. This individual may also provide counseling to individual students or small groups and can be the case manager.

Social Worker -- A member of the CST who, based upon information provided by the parent, reports the social history of the child’s background and can provide counseling and can be the case manager.

Transition Plan -- Once a student turns 14, or earlier if appropriate, the IEP must include a transition plan describing how the school will prepare the student for life after high school, such as college, employment or independent living. The student should be included in this planning. The needed “Transition Services” must be implemented when the student is 16 years old, or younger if it involves going to a vocational high school.

Special Education Classifications (based on NJAC 6A:14-3.5)

A student shall be determined eligible and classified "eligible for special education and related services" when it is determined that the student has one or more of the disabilities defined below; the disability adversely affects the student's educational performance and the student is in need of special education and related services. Classification should be based on all assessments conducted including assessment by child study team members and assessment by other specialists.

1. **"Audiotorily impaired"** corresponds to "auditorily handicapped" as well as the categories of deafness or hearing impairment. An audiological evaluation by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech-language specialist are required. "Audiotorily impaired" means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms characterized by either:

i. "Deafness" -- Auditory impairment so severe that the student is impaired in processing linguistic information through hearing, with or without amplification and the student's educational performance is adversely affected.

or

ii. "Hearing impairment" -- An impairment in hearing, whether permanent or fluctuating which adversely affects the student's educational performance.

2. "Autistic" means a pervasive developmental disability which significantly impacts verbal and nonverbal communication and social interaction, adversely affecting the student's educational performance. Onset is generally evident before age three. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routine, unusual responses to sensory experiences and lack of responsiveness to others. The term does not apply if the student's adverse educational performance is due to emotional disturbance as defined below. A child who manifests the characteristics of autism after age three may be classified as autistic if the criteria in this paragraph are met. An assessment by a certified speech-language specialist and an assessment by a physician trained in neurodevelopmental assessment are required.

3. "Cognitively impaired" corresponds to "mentally retarded" and means a disability characterized by significantly below average general cognitive functioning along with deficits in adaptive behavior; manifested during the developmental period that adversely affects a student's educational performance and is characterized by one of the following:

i. "Mild cognitive impairment" corresponds to "educable" and means a level of cognitive development and adaptive behavior in home, school and community settings that are mildly below age expectations with respect to all of the following:

- (1) The quality and rate of learning;
- (2) The use of symbols for the interpretation of information and the solution of problems; and
- (3) Performance on an individually administered test of intelligence that falls within a range of two to three standard deviations below the mean.

ii. "Moderate cognitive impairment" corresponds to "trainable" and means a level of cognitive development and adaptive behavior that is moderately below age expectations with respect to the following:

- (1) The ability to use symbols in the solution of problems of low complexity;
- (2) The ability to function socially without direct and close supervision in home, school and community settings; and
- (3) Performance on an individually administered test of intelligence that falls three standard deviations or more below the mean.

iii. "Severe cognitive impairment" corresponds to "eligible for day training" and means a level of functioning severely below age expectations whereby in a consistent basis the student is incapable of giving evidence of understanding and responding in a positive manner to simple directions expressed in the child's primary mode of communication and cannot in some manner express basic wants and needs.

4. "Communication impaired" corresponds to "communication handicapped" and means a language disorder in the areas of morphology, syntax, semantics and/or pragmatics/discourse which adversely affects a student's educational performance and is not due primarily to an auditory impairment. The problem can be demonstrated through functional assessment of

language in other than a testing situation. When the area of suspected disability is language, assessment by a certified speech-language specialist and assessment to establish the educational impact are required. The speech-language specialist shall be considered a child study team member.

i. When it is determined that the student meets the eligibility criteria according to the definition in 4 above, but requires instruction by a speech-language specialist only, the student shall be classified as eligible for speech-language services.

ii. When the area of suspected disability is a disorder of articulation, voice or fluency, the student shall be evaluated according to N.J.A.C. 6A:14-3.4(g) and, if eligible, classified as eligible for speech-language services according to N.J.A.C. 6A:14-3.6(a).

5. "Emotionally disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance due to:

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

6. "Multiply disabled" corresponds to "multiply handicapped" and "multiple disabilities," and means the presence of two or more disabling conditions, the combination of which causes such severe educational needs that they cannot be accommodated in a program designed solely to address one of the impairments. The existence of two disabling conditions alone shall not serve as a basis for a classification of multiply disabled. Eligibility for speech-language services as defined in this section shall not be one of the disabling conditions for classification based on the definition of "multiply disabled." Multiply disabled does not include deaf-blindness.

7. "Deaf/blindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

8. "Orthopedically impaired" corresponds to "orthopedically handicapped" and means a disability characterized by a severe orthopedic impairment that adversely affects a student's educational performance. The term includes malformation, malfunction or loss of bones, muscle or tissue. A medical assessment documenting the orthopedic condition is required.

9. "Other health impaired" corresponds to "chronically ill" and means a disability characterized by having limited strength, vitality or alertness, including a heightened alertness with respect to the educational environment, due to chronic or acute health problems, such as attention deficit disorder or attention deficit hyperactivity disorder, a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or any other medical condition, such as Tourette Syndrome, that adversely affects a student's educational performance. A medical assessment documenting the health problem is required.

10. "Preschool child with a disability" refers to a child between the ages of 3 and 5 experiencing developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the areas below, and requires special education and related services. When utilizing a standardized assessment or criterion-referenced measure to determine eligibility, a developmental delay shall mean a 33 percent delay in one developmental area, or a 25 percent delay in two or more developmental areas.

- i. Physical, including gross motor, fine motor and sensory (vision and hearing);
- ii. Cognitive;
- iii. Communication;
- iv. Social and emotional; and
- v. Adaptive.

11. "Social maladjustment" means a consistent inability to conform to the standards for behavior established by the school. Such behavior is seriously disruptive to the education of the student or other students and is not due to emotional disturbance as defined in 5 above.

12. "Specific learning disability" corresponds to "perceptually impaired" and means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

i. A specific learning disability can be determined when a severe discrepancy is found between the student's current achievement and intellectual ability in one or more of the following areas:

- (1) Basic reading skills;
- (2) Reading comprehension;
- (3) Oral expression;
- (4) Listening comprehension;
- (5) Mathematical calculation;
- (6) Mathematical problem solving;
- (7) Written expression; and
- (8) Reading fluency.

ii. A specific learning disability may also be determined by utilizing a response to scientifically based interventions methodology as described in N.J.A.C. 6A:14-3.4(h)6.

iii. The term severe discrepancy does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional disturbance or environmental, cultural or economic disadvantage.

iv. The district shall, if it utilizes the severe discrepancy methodology, adopt procedures that utilize a statistical formula and criteria for determining severe discrepancy. Evaluation shall include assessment of current academic achievement and intellectual ability.

13. "Traumatic brain injury" corresponds to "neurologically impaired" and means an acquired injury to the brain caused by an external physical force or insult to the brain, resulting in total or partial functional disability or psychosocial impairment, or both. The term applies to open or closed head injuries resulting 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.

14. "Visually impaired" corresponds to "visually handicapped" and means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. An assessment by a specialist qualified to determine visual disability is required. Students with visual impairments shall be reported to the Commission for the Blind and Visually Impaired.

Special Education Programs/Placements (based on NJAC 6A:14-4.3)

All students with disabilities should be educated in the least restrictive environment. That being said, when a child is determined to be eligible for Special Education, the IEP Team must determine the most appropriate educational placement/program to meet that child's unique educational needs. State Regulations require that the school district ensure, to the maximum extent appropriate, that a student with a disability is educated with children who are not disabled and that special placements occur only when the nature or severity of the educational disability is such that education in the student's general education class with the use of supplementary aids and services cannot be achieved satisfactorily.

As such, the law provides for a full continuum of alternative educational placements to meet the needs of students with disabilities.

Placement in General Education Class with Supplementary Aids and Services: The child with a classification is placed in a general or regular education classroom with non-disabled students, but is provided with special assistance. This assistance, referred to as "supplementary aids and services" can consist of:

- Curricular or instructional modifications (meaning either changes in the material that is being taught or changes in the way that the material is being taught);
- Specialized instructional strategies;
- Assistive technology devices and services (defined in N.J.A.C. 6A:14-1.3, but including things like hearing aids, talking computers, eyeglasses);
- Teacher aides;
- Related services;
- Integrated therapies;
- Consultation services; and
- In-class resource programs (programs that provide individual or group instruction).

If it is determined that a student with a disability cannot remain in the general education setting with supplementary aids and services for all or a portion of the school day, a full continuum of alternative placements as set forth below shall be available to meet the needs of the student. In considering these options, reference must always be made to the child's unique educational needs.

Alternative Educational Program – In District: Generally, options for placement within the child's school district should be considered first. These include the following alternative programs:

1. Single subject resource programs outside the general education class. Resource programs provide individual or small group instruction by a teacher certified to teach children with disabilities.
2. Multiple subject resource room programs outside the general education class.
3. A special class program in the student's local school district. This "special class program" is sometimes referred to as a "self-contained" classroom and is designed to serve multiple children with similar needs (as identified in their IEPs).

Alternative Educational Program – In District: If the school district is not able to meet the child's unique educational needs within the district, then the following options may be considered:

1. A special education program in another local school district. This is most often utilized where the child's school district simply does not have a Special Education placement or program that meets the child's unique needs. As such, the child will attend school in another school district that does have an appropriate program.
2. A special education program in a vocational and technical school. This is similar to the situation in 3 above, but where the child's IEP indicates s/he would benefit from a vocational or technical school education.
3. A special education program in the following settings (in the event that there are no relatively nearby school districts that offer the type of placement or program that the student requires in order to address his/her unique educational needs as identified in the IEP):
 - a. A county special services school district;
 - b. An educational services commission;
 - c. A jointure commission; and
 - d. A New Jersey approved private school for students with disabilities or an out-of-State school for students with disabilities in the continental United States approved by the department of education in the state where the school is located;
4. A program operated by a department of New Jersey State government;
5. A community rehabilitation program;
6. A program in a hospital, convalescent center or other medical institution;
7. Individual instruction at home (also known as "home instruction"), with the prior written notice to the Department of Education through its county office. Home instruction is the most restrictive choice of placement and requires a certified teacher to see the child for a minimum of 10 hours per week, 3 times a week;
8. An accredited nonpublic school which is not specifically approved for the education of students with disabilities according to N.J.A.C. 6A:14-6.5;
9. Instruction in other appropriate settings according to N.J.A.C. 6A:14-1.1(d); and
10. An early intervention program (which is under contract with the Department of Health and Senior Services) in which the child has been enrolled for the balance of the school year in which the child turns age three.

Related Services (based on NJAC 6A:14-3.9 and 34 CFR 300.34)

Related Services means any developmental, corrective, and other supportive services that are required to assist a child with a disability to benefit from their Special Education program.

The following list of typical Related Services is not intended to be exhaustive; depending on the child's unique educational needs, there may be other Related Services that can be provided either in or outside of school. There is really no limit to what can be considered a Related Service; it simply must be demonstrated that the service is needed to the help student benefit from their educational program. (NJAC 6A:14-3.9(a) and (a)12).

Assistive Technology: this refers to items needed by the child in order to be able to access their Special Education program as set forth in their IEP (could include things like hearing aids, speaking computers, etc...).

Audiology Services: these include services designed to assist the student in addressing audiology issues impacting the child's education. Services may be medical in nature or habilitative (such as language habilitation, auditory training, lip-reading, etc...)

Counseling Services: these are provided by the school district through qualified personnel (including certified school psychologists, social workers or guidance counselors).

Counseling and/or Training Services for Parents: these services are designed to help parents understand the special needs of their child, providing parents with information about child development, and helping parents acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

Medical Services: these services can be provided as a Related Service, but only for purposes of diagnosis and evaluation of the child.

Nursing Services: these services can be provided as a Related Service only to the extent that they are designed to enable a child with a disability to receive a free, appropriate public education as described in the child's IEP (e.g., administering prescribed medication or breathing therapies).

Occupational Therapy: these services may be provided by therapy assistants under the direction of a certified (and where required, licensed) therapist. Prior to the provision of occupational therapy, assessment by a certified (and where required, licensed) occupational therapist is required. Occupational therapy usually focuses on the child's fine motor skills (e.g., those needed to hold a pencil or cut with scissors).

Orientation and Mobility Services: services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation and safe movement within their environments in school, home, and community.

Physical Therapy: these services may be provided by therapy assistants under the direction of a certified (and where required, licensed) therapist. Prior to the provision of physical therapy, assessment by a certified (and where required, licensed) physical therapist is required. Physical therapy focuses primarily on improving a child's gross motor functions.

Psychological Services: includes administering psychological and educational tests and assessments, interpreting those results, and planning and implementing a program of psychological services. Also includes developing positive behavioral intervention strategies.

Recreation: this service should be provided by certified school personnel and includes both therapeutic recreational services as well as recreation programs in the schools and community agencies.

Social Work Services: these services may include group or individual counseling, preparing a social or developmental history on a child with a disability, or working in partnership with the parents or others on those problems in the child's living situation that affect the child's adjustment in school or will assist the student in accessing their education.

Speech and Language Services: these services are generally provided by a speech-language specialist following an assessment. The services are designed specifically to address the child's speech and language issues, and may include what is typically referred to as "speech therapy."

Transportation: these services include providing transportation for the student to and from school, between schools, between school buildings, and to access other Related Services.

Early Intervention – Statewide Resources

Anyone (including CASA) can refer a child for an Early Intervention evaluation by calling the Early Intervention Referral Number:

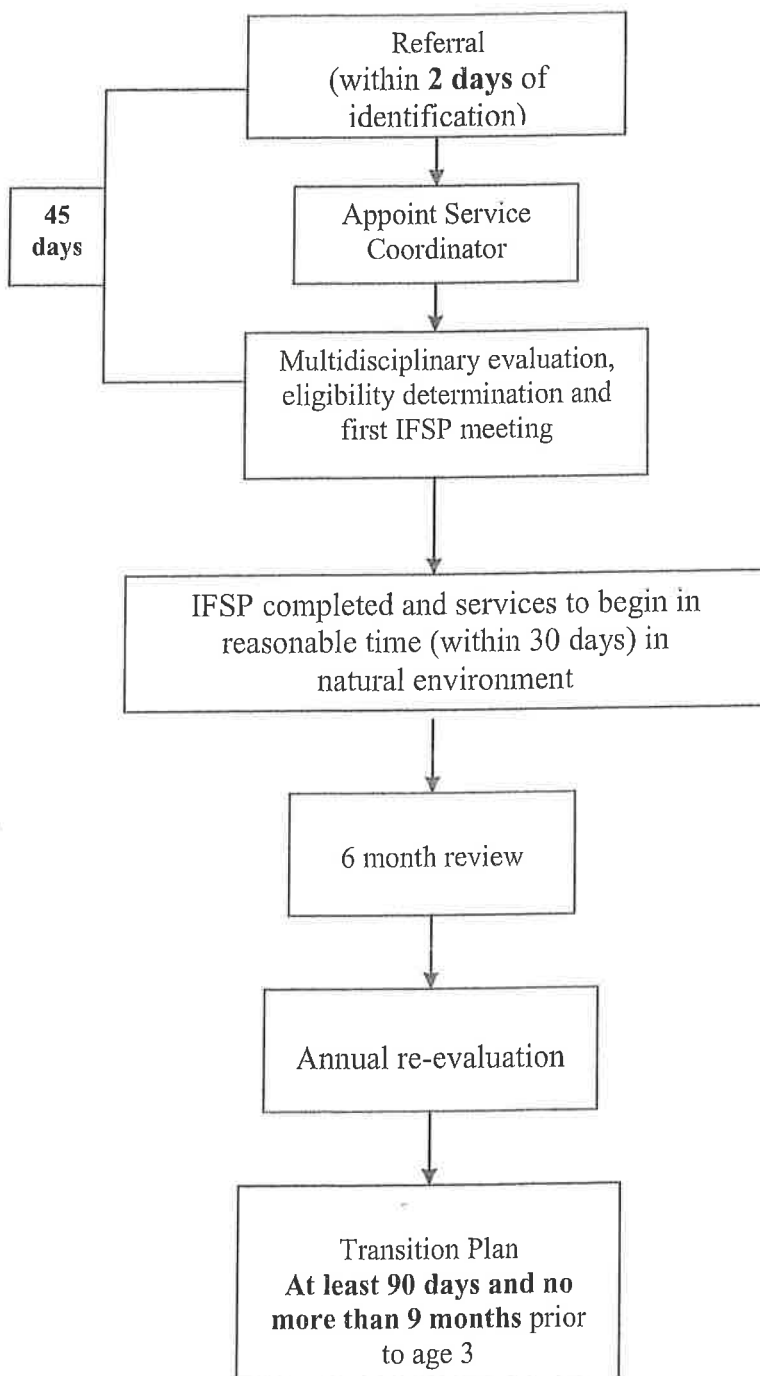
1-888-653-4463

DYFS/DCPP must refer all children under age 3 if they are victims of substantiated abuse or neglect.

Regional Early Intervention Collaboratives (as listed on the Early Intervention Services website at www.njeis.org):

- Southern N.J. REIC (serving Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties)
www.snjreic.org 856-768-6747
- Mid-Jersey CARES for Special Children REIC (serving Hunterdon, Mercer, Middlesex, Monmouth, Ocean and Somerset Counties)
www.cnjmchc.org 732-937-5437
- Family Link REIC (serving Essex, Morris, Sussex, Union and Warren Counties)
www.familylinknj.org 908-964-5303
- Helpful Hands REIC (serving Bergen, Hudson and Passaic Counties)
www.nreic.org 973-256-8484

EARLY INTERVENTION TIMELINE



Created by:
The Special Education Clinic
Rutgers U. School of Law – Newark
123 Washington Street
Newark, N.J. 07102

Services available under the Early Intervention System

Families eligible for Early Intervention are entitled to services that will help increase their capacity to meet the developmental needs of the child, and that will help the child learn.

Services provided for in the Individualized Family Service Plan (IFSP) may include:

- Assistive technology devices and services
- Audiology services
- Developmental Intervention (aka Special Instruction)
- Family training/counseling
- Health services
- Medical services (for diagnostic or evaluation purposes only)
- Nursing services
- Nutrition services
- Occupational Therapy
- Physical therapy
- Psychological services
- Service coordination
- Social work services
- Speech-language Therapy (including sign language and cued language services)
- Transportation and related services
- Vision services

This is not meant to be an exhaustive list of services available, but is taken from those listed in the NJ Administrative Code, Title 8, Chapter 17.

New Jersey Individualized Family Service Plan (IFSP) For the Family of _____

Who was born on _____

Type of IFSP: Interim _____, Initial _____, Annual _____

6 Month/Periodic Review _____,

The mission of the New Jersey Early Intervention System is to provide quality early support and services to enhance the capacity of families to meet the developmental and health related needs of children birth to age three who have delays or disabilities.

This plan was developed by the following people:

Name	Role	Address	Phone
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx

Others who may be helpful to the IFSP team:

Name	Role	Address	Phone
	Primary Care Physician		(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx
			(xxx) xxx-xxxx

Child Information

Abilities, Interests, Motivators, New Skills, Things to Celebrate		Challenges, Worries, Frustrations Things to Work on	
The following areas of development are included above: (age levels are optional)			
____ Social/emotional behavior ____ fine motor/manipulation ____ cognitive ____ gross motor ____ Adaptive/self-help ____ receptive communication ____ expressive communication			
Summary of ____'s general health: (include vision and hearing)			
<u>Health/Medical Issues</u>	<u>Vision</u>	<u>Hearing</u>	
	Observations:	Observations:	
	Testing Done/Results:	Testing Done/Results:	

Routines and Environments

Infants and toddlers are uniquely dependent on their families for survival. Learning occurs best when it occurs in the place, time or way the skill will be used. Therefore, services and supports to families in early intervention should occur in settings most natural and comfortable for the child and family. These services and supports should allow children receiving early intervention to be with children without disabilities. Strategies and interventions should be embedded into the normal routines of the child and family.

The federal government defines natural environments as "...settings that are natural or normal for the child's age peers who have no disabilities." [US Code of Federal Regulations 303.12 (4)(b)(2)] In addition, "Early Intervention services means developmental services that, to the maximum extent appropriate, are provided in natural environments, including the home and community settings in which children without disabilities participate. The provision of services occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily in a natural environment." (Public Law 105-17 -- June 4, 1997 Amendments to the Individual with Disabilities Act)

Routines, Places We Go, Schedules
What are typical routines or activities in which your family participates?
Which routines or activities are most enjoyable for you and your family?
Which routines or activities are the most challenging for you and your family?
What other activities/places would you like to try, but haven't yet?

Family Information

Concerns (needs, issues, and/or challenges we face as a family)	Resources
	<p><u>Family Resources:</u> (Strengths & supports available to our family such as friends, family, other people, information, and skills)</p>
	<p><u>Community Resources:</u> (Supports available to our family through our community such as additional services, other agencies/programs, activities/places we go)</p>
<p style="text-align: center;">Priorities (What is most important to us given our concerns and the resources available to us)</p>	
<p style="text-align: center;"> </p>	

Outcomes

Outcome # _____ (what we hope will happen)		
Activities/Strategies (Things we will do to achieve this outcome)	Places, Times, Routines (When can these happen in our daily life?)	People Involved/ Supporting
We will feel successful when...		
projected review date(s):		

Service Information

Early Intervention Services Agreed to by the IFSP Team				
Service				
Location				
Method				
How often?				
How long?				
When will we begin and end?	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>
Provider Name				
Provider Agency				
Who will pay?				
Changes	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:
Additional Changes	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:

Describe how and why the location of services was determined if the services are not provided in the child's natural environment, and how these services will be generalized to support the child's ability to function in his/her natural environment.

Additional Services and Supports

Additional Services and Supports Obtained by the Family				
Service				
Location				
Method				
How often?				
How long?				
When will we begin and end?	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> - actual end date: <u>mm/dd/yyyy</u>	start date: <u>mm/dd/yyyy</u> projected end date: <u>mm/dd/yyyy</u> actual end date: <u>mm/dd/yyyy</u>
Provider Name				
Provider Agency				
Changes	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:	date: <u>mm/dd/yyyy</u> initials: change:

Special Education – Steps in the Process

There are many different steps in the process for getting a school district to provide an individualized Special Education program and Related Services to a child. Below is a brief summary of those steps as required by the New Jersey Administrative Code. This document can be used in conjunction with the Special Education Timeline created by The Special Education Clinic at Rutgers University School of Law – Newark.

- **Referral** either through Child Find or through a written letter of referral or a written request for evaluation to the Child Study Team (“CST”) at the child’s school (any such request must in writing, dated, and from either the IDEA “parent,” school personnel, or an agency concerned with the welfare of students)
- **Identification and Screening** – this refers to the decision to evaluate. Within 20 days of receiving a referral or request to evaluate, the school must hold an initial meeting to determine whether a formal evaluation is warranted. The meeting should include the parent(s), the child’s classroom teacher, and the CST. Under the Special Education regulations, a student is considered “identified” as potentially a student with a disability once it is determined that an evaluation for eligibility is warranted.
- **Evaluation** – this refers to the formal, multi-disciplinary assessment of the child in any and all areas of suspected disability. The IDEA parent must consent, in writing, to the evaluations, and the evaluations must be administered in a language and form most likely to yield accurate information.
- **Classification or Eligibility Determination** – this refers to the determination of whether the child is eligible for Special Education and Related Services. After evaluations are completed, a Classification or Eligibility Meeting must be held to determine the aforementioned eligibility. The IDEA parent should receive copies of all reports and any information/documentation relied upon at least 10 days prior to the meeting. The meeting should include all IEP team members, especially the parents. Both parents and school district may invite guests who they believe have knowledge or special expertise regarding the student.
- **IEP Development** – If the child is determined to be eligible for Special Education and Related Services, s/he will be “classified” and the IEP team will develop the IEP. This is generally done at the same meeting where eligibility is determined. IEP’s may look different from district to district, and there are many different components to an IEP. However, ALL IEP’s must address the child’s unique needs in an individualized, customized way, setting forth the child’s Special Education program or placement, and all Related Services to be provided to meet the child’s needs.
- **Implementation** – the child’s IEP must be implemented as written unless it is modified
- **Review** – the child’s IEP should be reviewed annually as a matter of course but can be reviewed at any time based on the written request of the IDEA parent.
- **Reevaluation** – a re-evaluation is required to be conducted every three (3) years.

Request for Child Study Team Evaluation

_____ [date] _____

Child Study Team

__ [school name] _____

__ [school address] _____

__ [city, state, zip code] _____

Dear __ [Child Study Team Member] _____:

My name is _____ and I am the _____ [relationship to child] _____ of / for _____ [name of child] _____, who was born on _____ [child date of birth] _____. This student is in the _____ grade at the _____ [name of school] _____ School.

I am concerned about _____ [name of child] _____'s education and I believe that s/he may need special education services. Therefore, I am writing to request that s/he be evaluated by the Child Study Team to determine eligibility for special education services. I understand that you are required to hold a meeting within twenty (20) days to determine whether you will agree to have this student evaluated. Please contact me as soon as possible to let me know the time and date of the evaluation meeting.

If you have any questions or need additional information, I may be reached at ____ [insert phone number] _____. Thank you for your time and prompt attention to this matter.

Sincerely,

(Signature)

cc: Director of Special Services of the _____ Board of Education
(School District)

Adapted from Information Provided by:
The Special Education Clinic
Rutgers U. School of Law - Newark
123 Washington Street
Newark, NJ 07102

Child Study Teams and IEP Teams

The Child Study Team is the school district's professional staff responsible for providing services to children with disabilities. As per NJAC 6A:14-3.1 (b), all Child Study Team members must be employees of a school district, and must have an established time during regular school hours when they are available. Child Study Team members include:

- School psychologist
- Learning Disabilities Teacher Consultant
- School social worker

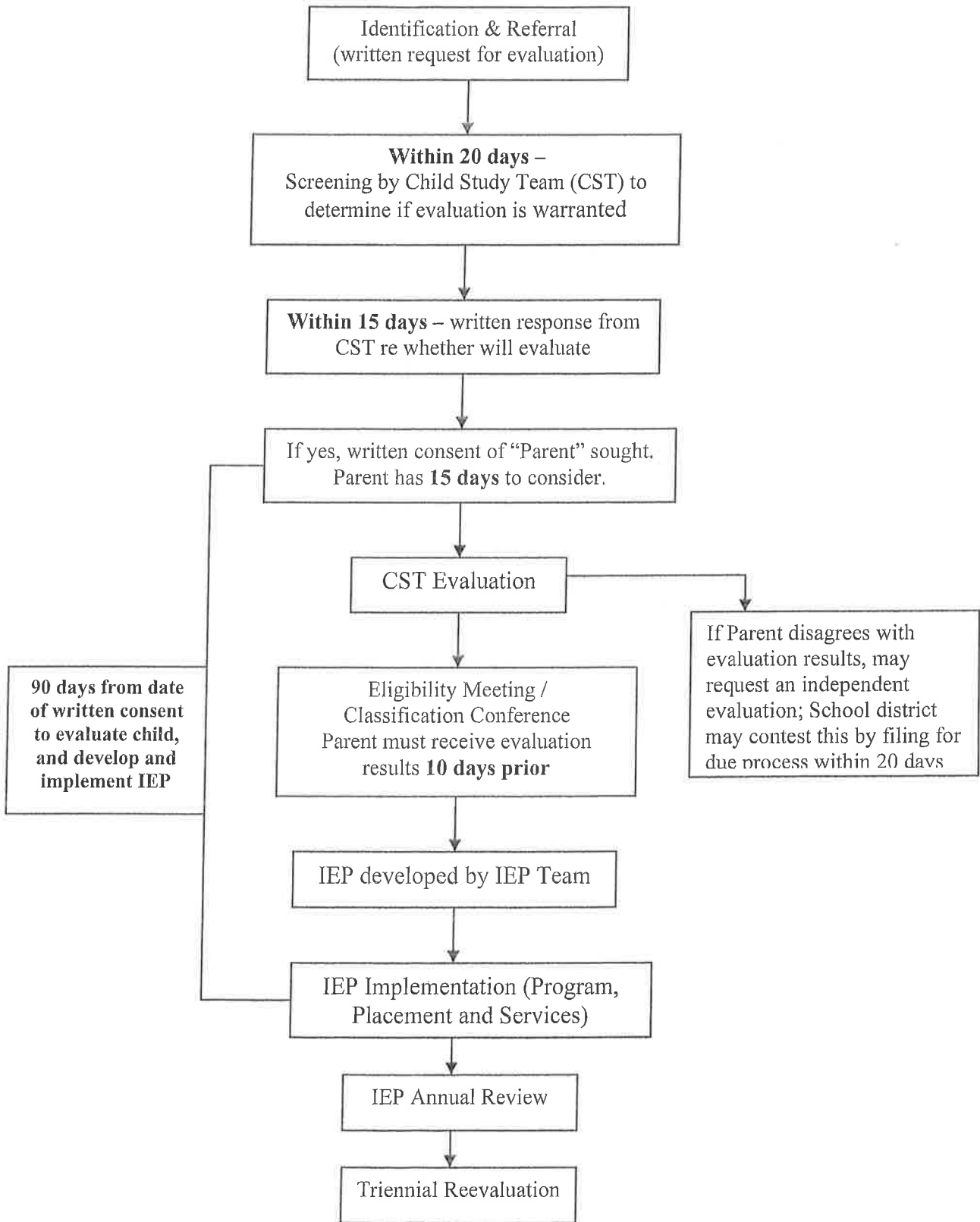
Note: for children with a speech-language disability, the school district's Speech and Language Specialist additionally acts as a member of the child study team.

Once the school agrees to evaluate a child, the IEP team is formed. As per NJAC 6A:14-2.3(k), the IEP team includes members of the CST, along with:

- the child's parent (as defined by the IDEA)
- no less than one of the child's General Education Teachers, if applicable
- no less than one of the child's Special Education Teachers, if applicable
- at least one Child Study Team member who can interpret the instructional implications of the evaluation results
- the Case Manager
- appropriate specialists in the area of disability (e.g., a speech language pathologist, occupational therapist, audiologist, etc. . . .)
- a representative from the responsible school district , who may be a child study team member, special education administrator or principal, and who (1) is qualified to provide or supervise special education; (2) is knowledgeable about the general education curriculum; and (3) is knowledgeable about the availability of the resources of the school district.
- the student, whenever appropriate; and
- at the discretion of the school district or the IDEA parent, any other individuals who have knowledge or special expertise regarding the student (as determined by the person inviting them)

Note: A CASA volunteer is entitled to participate in the IEP team if they are invited as per the final bullet point above.

SPECIAL EDUCATION TIMELINE



Created by:
The Special Education Clinic
Rutgers U. School of Law – Newark
123 Washington Street
Newark, N.J. 07102

Potential Evaluations or Assessments for Special Education

There are many different types of evaluations or assessments that may be done to determine whether a child is eligible for Special Education and Related Services. CASA can and should advocate for any and all evaluations/assessments that the child needs. These evaluations/assessments should be administered in a language and form most likely to yield accurate information.

In general, the most common evaluations/assessments will include:

- Psychological
- Educational/Learning
- Social work assessment
- Speech/language
- Functional Behavioral Assessment (FBA)
- Psychiatric
- Neurological
- Neuropsychiatric
- Occupational Therapy
- Physical Therapy

Less typical evaluations /assessments include:

- Audiological
- Central Auditory Processing
- Vision
- Medical
- Neuro-Developmental
- Assistive Technology
- Vocational

Request for Independent Evaluation

_____ [date] _____

Child Study Team

___[school name]_____

___[school address]_____

___[city, state, zip code]_____

Dear ___[Child Study Team Member]_____:

My name is _____ and I am the _____ [relationship to child] _____ of / for
_____[name of child]_____, who was born on _____ [child date of birth] _____. This
student is in the _____ grade at the _____ [name of school] _____ School.

I am writing to request an independent evaluation for this _____ [name of child] _____. I
believe that s/he needs the following independent evaluations:

[List applicable evaluations, such as: Psychological, Speech/Language, Physical Therapy,
Occupational Therapy, Social, Learning Disabilities, Psychiatric, Reading, Neurological]

Please provide me with a list of independent evaluators as soon as possible.

Please also consider this a request to have the school district agree to have the independent
evaluation conducted at no cost to me.

I understand that the school district has 20 calendar days from receipt of this letter to respond;
however, I hope that it will take less time as I am very concerned about _____ [name of
child] _____. I further understand that, if the school district refuses my request for an
independent evaluation, it must schedule a due process hearing and prove that its evaluation
was appropriate.

If you have any questions or need additional information, I may be reached at _____ [phone
#] _____. Thank you for your time and prompt attention to this matter.

Sincerely,

(Signature)

cc: Director of Special Services of the _____ Board of Education
(School District)

Adapted from Information Provided by:
The Special Education Clinic
Rutgers U. School of Law – Newark
123 Washington Street
Newark, NJ 07102

IEP Components

- Present levels of academic and functional performance
- Strengths and needs
- Results of testing
- Statement of the Special Education program and Related Services and supplementary aids and services to be provided
- Measurable annual goals (academic and functional) with benchmarks and short-term objectives
- Explanation of extent to which the child will or will not participate in general education classes, and extracurricular and non-academic activities
- Statement of any program modification and supportive services, including assistive technology
- Related Services: type, amount, frequency, and group size
- Date services will begin
- Transition plan and services (16 and older)
- Graduation requirements that the student will be expected to meet
- Accommodations for state and district-wide tests or for provision of alternative assessments
- Positive Behavioral Intervention Plan (based on Functional Behavioral Assessment)
- Language needs
- Extended School Year

IEP COMPONENTS

STUDENT INFORMATION

A section may be added at the beginning of the IEP format to include pertinent student information as determined necessary by the school district.

IEP PARTICIPANTS

Please sign in the appropriate space.* A signature in this section of the IEP documents participation in the meeting and does not indicate agreement with the IEP.

Student, if appropriate or required	Date
Parent	Date
General Education Teacher	Date
Special Education Teacher or Provider	Date
Child Study Team Member	Date
Case Manager (May be the CST member above)	Date
School District Representative (May be the CST member or other appropriate school personnel)	Date
Specialist	Date
Other	Date

* If a required member of the IEP team has been excused from participating in the meeting with parental consent, note the excusal in the required team member's space.

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

Consider relevant data. Consider the results of the initial or most recent evaluation and, as appropriate, consider the student's performance on any general Statewide or districtwide assessment [N.J.A.C. 6A:14-3.7(c)3]. List the sources of information including evaluation data, teacher reports, classroom observations, interests and preferences of the student* and parental input used to develop the IEP. State the strengths of the student [N.J.A.C. 6A:14-3.7(c)1]. State the concerns of the parent [N.J.A.C. 6A:14-3.7(c)1].

*For the purpose of transition planning, the interests and preferences of the student are recorded on page 3 of the IEP.

Describe the present levels of academic achievement and functional performance including how the student's disability affects his or her involvement and progress in the general education curriculum. For preschool children, as appropriate, describe how the disability affects the child's participation in appropriate activities [N.J.A.C. 6A:14-3.7(e)1].

For preschool students, review the preschool day to determine what accommodations and modifications may be required to allow the child to participate in the general education classroom and activities. [N.J.A.C. 6A:14-3.7(c)11].

Include other educational needs that result from the student's disability [N.J.A.C. 6A:14-3.7(e)3ii].

In addition, consider each of the following. If in considering the special factors described below, the IEP team determines that the student needs a particular device or service (including an intervention, accommodation or other program modification) to receive a free, appropriate public education, the IEP must include a statement to that effect in the appropriate section. If a factor is not applicable, note as such.

Beginning at age 14 or younger, if appropriate, the need for consultation from Division of Vocational Rehabilitation Services, Department of Labor and other agencies providing services for individuals with disabilities or other agencies providing transition services [N.J.A.C. 6A:14-3.7(c)10] (Complete "Statement of Consultation," page 4).

Whether the student's behavior impedes his or her learning or that of others. If applicable, develop strategies, including positive behavioral interventions and supports to address the student's behavior [N.J.A.C. 6A:14-3.7(c)4] (Complete "Behavioral Interventions," page 7);

Consider the academic, developmental and functional needs of the student [N.J.A.C. 6A:14-3.7(c)2];

Language needs of a student with limited English proficiency [N.J.A.C. 6A:14-3.7(c)5];

Communication needs [N.J.A.C. 6A:14-3.7(c)7];

For a student who is deaf or hard of hearing, opportunities for direct communication with peers and professional personnel [N.J.A.C. 6A:14-3.7(c)8];

The need for assistive technology devices and services [N.J.A.C. 6A:14-3.7(c)9] (When applicable, identify the assistive technology devices and services on page 8); and

Other

For a student who is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille, unless the IEP team determines that such instruction is not appropriate. Such determination shall be based on an evaluation of the student's reading skills, writing skills, current and projected needs for instruction in Braille. Provide a rationale for such determination [N.J.A.C. 6A:14-3.7(c)6].

STATEMENT OF TRANSITION PLANNING

Beginning with the IEP in place for the school year when the student will turn age 14, or younger, if appropriate, develop the long range educational plan for the student's future. Review annually.

Statement of the student's strengths, interests and preferences.

Interests and preferences are based on informed decision-making. In determining the student's interests and preferences, consider and document all relevant data. Then state the student's strengths, interests and preferences as they relate to post-school outcomes.

APPROPRIATE MEASURABLE POSTSECONDARY GOALS

Postsecondary Education: (Including, but not limited to, college, vocational training, and continuing and adult education)

Employment/Career:

Community Participation: (Including, but not limited to, recreation and leisure activities, and participation in community organizations)

Independent Living:

COURSES OF STUDY

Considering the student's strengths, interests, preferences, and desired postsecondary goals, list the specific courses of study for the period of time covered by this IEP. Include both general education and special education courses. When appropriate, identify the courses of study projected for future years.

Grade ___ Courses of Study (List course names):

Grade ___ Projected Courses of Study (List course names):

Grade ___ Projected Courses of Study (List course names):

Grade ___ Projected Courses of Study (List course names):

RELATED STRATEGIES AND/OR ACTIVITIES

In addition to the courses listed above, list related strategies and/or activities that are consistent with the student's strengths, interests, and preferences, and are intended to assist the student in developing or attaining postsecondary goals related to training, education, employment and, if appropriate, independent living.

STATEMENT OF CONSULTATION

- Information/advice is needed from Division of Vocational Rehabilitation Services and/or other agency or agencies.
List the name of any agency from which consultation is needed:

NAME OF SCHOOL STAFF PERSON WHO WILL BE THE LIAISON TO POSTSECONDARY RESOURCES:

STATEMENT OF NEEDED INTERAGENCY LINKAGES AND SCHOOL DISTRICT RESPONSIBILITIES

As appropriate to the anticipated needs of the student, list all agencies to which the student will be referred by the school district liaison to postsecondary resources in the spaces below. List the responsibility of the school district and/or student/parent(s) with respect to contacting each agency listed and providing needed information or documentation to each such agency.

AGENCY:

School district responsibilities:

Student/parent responsibilities:

AGENCY:

School district responsibilities:

Student/parent responsibilities:

AGENCY:

School district responsibilities:

Student/parent responsibilities:

STATEMENT OF TRANSITION SERVICES: COORDINATED ACTIVITIES/STRATEGIES

Beginning with the IEP in place for the school year when the student will turn age 16 or younger, if appropriate, complete the following multi-year plan for promoting movement from school to the student's desired post-school goals. The student's needs, strengths, interests and preferences in each area (instruction, community experiences, etc.) must be considered and responsibilities should be shared among participants (student, parent, school staff, outside agencies, employers, etc.).

Activities/Strategies Related to Measurable Postsecondary Goals	Expected Date of Implementation	Person or Agency Arranging and/or Providing Services . The requirement to establish agency linkages is documented by stating the name of any agency that will be arranging for or providing services to the student.
<p>Instruction – Postsecondary Education/Training Includes any activities or strategies related to applying, registering or enrolling in postsecondary education or training. For example, obtaining information regarding admissions, scholarships, tuition assistance, disability office, early admissions and registering for SATs. Also, state any additional instructional needs that have not been addressed in other sections of the IEP.</p>		
<p>Related Services Consider any related services needs the student may continue to have after exiting school. Indicate activities/strategies that link the student to agencies that can provide the needed post school services. Also, state any additional related services needs which have not been addressed in other sections of the IEP.</p>		
<p>Community Experiences Activities that are provided outside the school building or in community settings. Examples could include community-based work experiences and/or exploration, job site training, banking, shopping, transportation, counseling and recreation activities.</p>		

**STATEMENT OF TRANSITION SERVICES NEEDED TO ATTAIN MEASURABLE POSTSECONDARY GOALS:
COORDINATED ACTIVITIES/STRATEGIES (Continued)**

Activities/Strategies Related to Measurable Postsecondary Goals	Expected Date of Implementation	Person or Agency Arranging and/or Providing Services The requirement to establish agency linkages is documented by stating the name of any agency that will be arranging for or providing services to the student.
<p>Employment Activities the student needs to achieve desired post-school job or career goals. These could be activities related to career awareness, career exploration and career preparation.</p>		
<p>Adult Living Objectives Leading towards adult activities done occasionally, such as registering to vote, filing for insurance or accessing adult services including, but not limited to, Social Security.</p>		
<p>Daily Living Skills Those activities that adults do every day, (e.g., preparing meals, budgeting, maintaining a home, paying bills, caring for clothes, grooming, etc.).</p>		
<p>Functional Vocational Evaluation An assessment process that provides information about job or career interests, aptitudes and skills. Information may be gathered through situational assessment, observations or formal measures and should be practical.</p>		

TRANSFER OF RIGHTS AT AGE OF MAJORITY

OPTION I: At least three years before the student reaches age 18, a statement that the student and the parent(s) have been informed of the rights that will transfer to the student on reaching the age of majority, unless the parent(s) obtain guardianship [N.J.A.C. 6A:14-3.7(e)14]. The district may use the following description to document that the student and parent(s) have been informed of the rights that will transfer. The IEP team may include this statement at age 14 when transition planning begins.

On *(Date)*, *(Name of Student)* will turn age 18 and become an adult student. The following rights will transfer to *(Name of Student)*:

- The school district must receive written permission from *(Name of Student)* before it conducts any assessments as part of an evaluation or reevaluation and before implementing an IEP for the first time.
- The school must send a written notice to *(Name of Student)* whenever it wishes to change or refuses to change the evaluation, eligibility, individualized education program (IEP), placement, or the provision of a free, appropriate public education (FAPE).
- You, the parent(s), may not have access to *(Name of Student)*'s educational records without his/her consent, unless he/she continues to be financially dependent on you.
- The district will continue to provide you, the parent(s), with notice of meetings and any proposed changes to your adult child's program.
- Any time *(Name of Student)* disagrees with his/her special education program, he/she is the only one who can request mediation or a due process hearing to resolve any disputes arising in those areas.

If *(Name of Student)* wishes, he/she may write a letter to the school giving you, the parent(s), the right to continue to act on his/her behalf in these matters.

OPTION II: At least three years before the student reaches age 18, a statement that the student and the parent(s) have been informed of the rights that will transfer to the student on reaching the age of majority unless the parent(s) obtain guardianship [N.J.A.C. 6A:14-3.7(e)14]. The district may inform the student and the parent(s) by letter of the rights that will transfer. If a letter is used, complete the following:

_____ was informed in writing on _____ of the rights that will transfer to him/her at age 18.
(Name of Student) (Date)

_____ was/were informed in writing on _____ of the rights that will transfer at age 18.
(Name of Parent[s]) (Date)

BEHAVIORAL INTERVENTION PLAN

N.J.A.C. 6A:14-3.7(c)4 requires consideration of behavioral needs. If behavior impedes the student's learning or the learning of others, the IEP team must consider, when appropriate, strategies, including positive behavioral interventions and supports to address that behavior. When needed, a behavior intervention plan must be included in the IEP. The following are suggested topics:

< Target behavior:

< Documentation of prior interventions and student response:

< Description of the positive supports/interventions, including the conditions under which the supports/interventions will be implemented:

< Procedures for data collection to evaluate the effectiveness of the interventions:

< Conditions under which the supports/interventions are changed:

< Conditions under which the supports/interventions will be terminated:

< Parental involvement:

ACADEMIC AND/OR FUNCTIONAL AREA:

ANNUAL MEASURABLE ACADEMIC AND/OR FUNCTIONAL GOAL: (Academic goals should be related to the Core Curriculum Content Standards through the general education curriculum unless otherwise required according to the student's educational needs. Preschool academic goals should be related to the Preschool Teaching & Learning Expectations: Standards of Quality.)

BENCHMARKS OR SHORT TERM OBJECTIVES:

Related to meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum and meeting the student's other educational needs [N.J.A.C. 6A:14-3.7(e)3].

CRITERIA

EVALUATION PROCEDURES

State how the student's progress toward the annual goal will be measured [N.J.A.C. 6A:14-3.7(e)15].

MODIFICATIONS AND SUPPLEMENTARY AIDS AND SERVICES IN THE GENERAL EDUCATION CLASSROOM

State the modifications for the student to be involved and progress in the general education curriculum and be educated with nondisabled students. State the supplementary aids and services that will be provided to the student or on behalf of the student [N.J.A.C. 6A:14-3.7(e)4]. Identify any assistive technology devices and services to be provided. Attach additional pages as necessary.

State the modifications to enable the student to participate in the general education curriculum.

State the supplementary aids and services.

MODIFICATIONS AND SUPPLEMENTARY AIDS AND SERVICES IN THE SPECIAL EDUCATION CLASSROOM

If the student will not be participating in the general education classroom, state the modifications and supplementary aids and services to enable the student to be involved and progress in the general education curriculum in the special education classroom. Identify any assistive technology devices and services to be provided. Attach additional pages as necessary.

State the modifications to enable the student to participate in the general education curriculum.

State the supplementary aids and services.

SUPPORTS FOR SCHOOL PERSONNEL

State the supports for school personnel that will be provided for the student [N.J.A.C. 6A:14-3.7(e)4]. Supports may include, but is not limited to, training for school personnel, consultation, and access to research-based materials and resources.

PROGRESS REPORTING

State how the parents will be regularly informed of their student's progress toward the annual goals [N.J.A.C. 6A:14-3.7(e)16].

METHOD

Methods for informing parents of a student with a disability of the progress of their child may include report cards, written progress reports or parent-teacher conferences.

SCHEDULE

Parents of a student with a disability shall be informed of the progress of their child at least as often as parents of a nondisabled student are informed of their child's progress.

**DOCUMENT THE PLACEMENT DECISION ACCORDING TO THE FOLLOWING CATEGORIES
(Check ONLY ONE box):**

*** NOTE:** In accordance with federal data collection requirements, a student in an out-of-district segregated placement for 50% or more of the school day must be reported as being in that setting for the entire day, regardless of whether the student is in a general education setting for the remainder of the school day.

STUDENTS WITH DISABILITIES AGES 6 – 21:

- In the presence of General Education Students for 80% or more of the entire school day
- In the presence of General Education Students between 40% and 80% of the entire school day
- In the presence of General Education Students for less than 40% of the entire school day
- Public Separate School (In buildings with **NO** General Education Students)*
- Private School for the Disabled (Only day educational costs paid by the district)*
- Private Residential School for the Disabled (**BOTH** day and residential costs paid by the district)
- Home Instruction
- Public Residential Facility (For reporting by State Agencies ONLY – Department of Human Services, Department of Children and Families; Department of Corrections; Juvenile Justice Commission)

STUDENTS WITH DISABILITIES AGES 3 -5:

- Children Attending a General Early Child Program or Kindergarten for more than 80% of the school day
- Children Attending a General Early Child Program or Kindergarten between 40% and 80% of the school day
- Children Attending a General Early Child Program or Kindergarten less than 40% of the school day
- Separate Class
- Separate School
- Residential Facility
- Home
- Service Provider Location

TRANSITION PLANNING FOR STUDENTS IN SEPARATE SETTINGS

For students in a separate setting (for all or part of a school day), set forth activities necessary to move the student to a less restrictive placement. A separate setting is defined as a building without general education students.

SPECIAL EDUCATION DETERMINATIONS

Document length of school day, if different from length of regular school day [N.J.A.C. 6A:14-4.1(c)]:

Statement of student's transition from elementary to secondary program [N.J.A.C. 6A:14-3.7(e)10]:

Determine whether the student needs an extended school year (ESY) program. An extended school year program is provided in accordance with the student's IEP when an interruption in educational programming causes the student's performance to revert to a lower level of functioning and recoupment cannot be expected in a reasonable length of time. [N.J.A.C. 6A:14-4.3(c)]. In considering whether a student's performance will revert to a lower level of functioning, data gathered from breaks in the provision of services should be considered.

List relevant factors considered in determining whether the student needs an ESY program:

If the student requires an ESY program, describe the ESY program:

PARTICIPATION IN DISTRICTWIDE AND STATEWIDE ASSESSMENT PROGRAM

Decisions about participation in Statewide and districtwide assessments should be documented in the IEP for the year in which the student is in the tested grade or attains the equivalent age for the tested grade. Decisions about participation in and passing the HSPA should be made at age 14 and must be reviewed annually. The decision regarding whether the student must pass the HSPA is documented on the page, "Graduation Requirements."

Assessment/ Content Areas	Modifications / Accommodations List modifications/accommodations the student will use during Statewide and districtwide assessments [N.J.A.C. 6A:14-3.7(e)7].	If the student will not be participating in a content area or areas of a districtwide or Statewide assessment, explain why that assessment is not appropriate [N.J.A.C. 6A:14-3.7(e)7] and complete the next column.	The student will participate in an alternate assessment in the identified content areas.
Districtwide Assessment [Name the assessment and identify the content areas]			[Name the district alternate assessment and identify the content areas]
Grade 3 State Assessment ___ Language Arts Literacy ___ Mathematics			APA ___ Language Arts Literacy ___ Mathematics
Grade 4 State Assessment ___ Language Arts Literacy ___ Mathematics ___ Science			APA ___ Language Arts Literacy ___ Mathematics ___ Science
Grade 5 State Assessment ___ Language Arts Literacy ___ Mathematics			APA ___ Language Arts Literacy ___ Mathematics
Grade 6 State Assessment ___ Language Arts Literacy ___ Mathematics			APA ___ Language Arts Literacy ___ Mathematics
Grade 7 State Assessment ___ Language Arts Literacy ___ Mathematics			APA ___ Language Arts Literacy ___ Mathematics
Grade 8 State Assessment ___ Language Arts Literacy ___ Mathematics ___ Science			APA ___ Language Arts Literacy ___ Mathematics ___ Science

<input type="checkbox"/> HSPA OR <input type="checkbox"/> SRA <input type="checkbox"/> Language Arts Literacy <input type="checkbox"/> Mathematics <input type="checkbox"/> Science			APA <input type="checkbox"/> Language Arts Literacy <input type="checkbox"/> Mathematics <input type="checkbox"/> Science
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GRADUATION REQUIREMENTS

Beginning at age 14, identify the State and local graduation requirements that the student will be expected to meet. The statement must be reviewed annually. If the student is exempt from meeting any of the graduation requirements that all students are expected to meet or if any of the requirements are modified, provide a rationale below and list any alternate proficiencies the student is expected to achieve.

State the Graduation Requirement	If the student is NOT exempt from the requirement, place a ✓ in this column.	If the student is exempt from meeting the graduation requirement, provide a rationale for the exemption [N.J.A.C. 6A:14-3.7(e)9i].
Attendance:		
Credit Hours:		
HSPA or SRA:		
Other (Local Graduation Requirements):		

Alternate Requirements(s): Provide a description of any alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma [N.J.A.C. 6A:14-3.7(e)9ii].



NOTICE REQUIREMENTS FOR THE IEP AND PLACEMENT

This form describes the information required in each of the components of written notice for an IEP meeting. The written notice includes the IEP as a description of the proposed action and a description of the procedures and factors used in determining the proposed action.

Describe the proposed action [N.J.A.C. 6A:14-2.3(g)1] and explain why the district has taken such action [N.J.A.C. 6A:14-2.3(g)2].

The attached IEP describes the proposed program and placement and was developed:

_____ as a result of an initial evaluation and determination of eligibility.

_____ as a result of an annual review.

_____ as a result of a reevaluation.

_____ in response to a parental request.

_____ to propose a change in placement.

_____ to review the behavioral intervention plan.

_____ other: _____

Describe any options considered and the reasons those options were rejected [N.J.A.C. 6A:14-2.3(g)3] .

This section is completed if the parent (or adult student) has made a request of the school district regarding the IEP (services and/or placement) and the district has rejected the request.

Describe the procedures, tests, records or reports and factors used in determining the proposed action [N.J.A.C. 6A:14-2.3(g)4].

The sources of information used to develop the proposed IEP are listed in the present levels of academic achievement and functional performance.

If applicable, describe any other factors that are relevant to the proposed action [N.J.A.C. 6A:14-2.3(g)5].

PROCEDURAL SAFEGUARDS STATEMENT

As the parent of a student who is, or may be determined, eligible for special education services or as an adult student who is, or may be determined, eligible for special education, you have rights regarding identification, evaluation, classification, development of an IEP, placement and the provision of a free, appropriate public education under the New Jersey Administrative Code for Special Education, N.J.A.C. 6A:14. A description of these rights, which are called procedural safeguards, is contained in the document, *Parental Rights in Special Education (PRISE)*. This document is published by the New Jersey Department of Education.

A copy of PRISE is provided to you upon referral for an initial evaluation, when a disciplinary action that constitutes a change in placement is imposed by your school district, and the first time a due process hearing or complaint investigation is requested. In addition, a copy will be provided to you at your request.

To obtain a copy of PRISE, please contact:

School District Office or Personnel

Phone Number

For help in understanding your rights, you may contact any of the following:

School District Representative

Phone Number

Statewide Parent Advocacy Network (SPAN) at (800) 654 - 7726.

Protection and Advocacy, Inc., at (800) 922 - 7233.

County Supervisor of Child Study

Phone Number

CONSENT FOR INITIAL IEP IMPLEMENTATION:

Your signature is required to give consent before the proposed IEP services can start.

I/we have received a copy of the proposed IEP and give consent for the IEP services to start.

Signature

Date

IEP REVIEW: This form is to be used for all IEPs that are developed after consent for the initial IEP has been provided. Your signature is NOT required for implementation of this IEP after 15 days have expired from the date written notice was provided.

You have the right to consider the proposed IEP for up to 15 calendar days. To have the IEP services start before the 15 days expire, you must sign below. If you take no action, the IEP will be implemented after the 15th day from the date notice is provided.

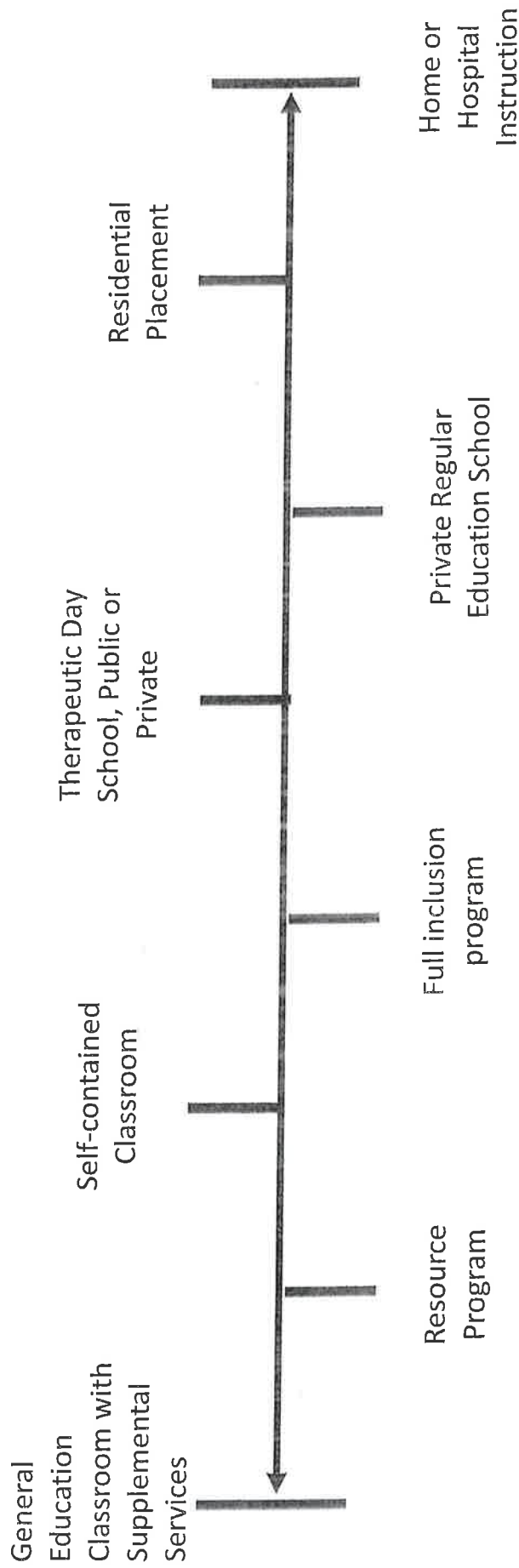
If you disagree with the IEP and you do not request mediation or a due process hearing from the New Jersey Department of Education, Office of Special Education Programs, the IEP will be implemented without your signature after the 15 days have expired.

I/we have received a copy of the proposed IEP and agree to have the IEP services start before the 15 calendar days have expired.

Signature

Date

Continuum of Special Education Programs/Placements



Adapted from Information Provided by:
The Child Advocacy Clinic
Rutgers U. School of Law – Newark
123 Washington Street
Newark, NJ 07102

MOBILITY ISSUES AND SPECIAL EDUCATION FOR CHILDREN IN OUT-OF-HOME CARE

Q: Does special education law address the issue of children who move schools?

A: When the Individuals with Disabilities Act (IDEA) was substantially amended in 2004, Congress took special care to clarify the rights of children who move school districts. Since children and youth in care have an average of one to two home placement changes per year, often resulting in an equal number of school moves, these rules can help ensure that their educational transitions are smooth.

Q: What happens if a child enrolls in a new school district after a special education evaluation has begun, but before the old school district has completed the special education evaluation?

A: A school district must complete a child's special education evaluation within 60 calendar days of its receipt of the IDEA parent's written consent (unless state law has a different deadline). See 34 C.F.R. §300.30. If a child changes school districts before her initial evaluation has been completed, the new school district must still complete the evaluation within the same 60 calendar day timeframe (or the state deadline) unless the new district is making sufficient progress to ensure prompt completion and the district and the IDEA parent agree to a specific alternate time for completion. 34 C.F.R. §300.301(c)(1), (d)(2) and (e); §300.304(c)(5). In addition, the sending and receiving school entities must make sure that the assessments of children who change

school districts during the school year are coordinated as quickly as possible to ensure prompt completion of full evaluations.

Q: OK, that helps for children who are being evaluated for the first time. What happens if the school district has decided that the child is eligible for special education services and developed her Individualized Education Program (IEP) – and then the child changes school districts?

A: There is help in that situation too. If a child with an IEP moves from one school district to another (either in or out of state) within the same school year, the new district must provide a "free appropriate public education" (FAPE), including "services comparable to those described in the previously held IEP," until the new district formally adopts the old IEP or negotiates a new IEP with the parent. If the child is transferring from another state, the school district may decide to conduct a new evaluation before developing an IEP; during that time the child should continue to receive "comparable services." 34 C.F.R. §300.323(d).

Q: When is a child eligible under IDEA entitled to transportation to her new or old school?

A: Check your state and school district transportation rules and policies for all students. Transportation to, from, and around the school is a



“related service” that must be provided to an IDEA eligible student, if she needs transportation to benefit from her special education program. Transportation must meet the child's specific needs. So if the child has a physical disability and needs a lift bus, that should be provided. If the child only needs a token or a regular school bus, that would be sufficient.

Federal disability rules do not require the new school district to transport a child to the old school district unless that is the agreed upon special education placement. However if the student is eligible under the McKinney-Vento Act and it is determined under that law that it is in the best interest of the student to remain in her original school, she is entitled to necessary transportation to that school and other protections.

Q: How do you ensure that the old school sends the education records to the new school as quickly as possible?

A: The new school district must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents, from the previous school district; the old district must take reasonable steps to respond to the request promptly. 34 C.F.R. §300.323(g). Check your state law to see if there are any deadlines for records transfers or enrollment.

Q: Do school districts and the state have any obligation to find children who need special education?

A: Yes. One of the states' and local education agencies' most fundamental duties is “child find” – that is, to identify, locate, and evaluate eligible children and to ensure that they receive needed special education and related services.

Q: Is there any specific “child find” obligation for children in out-of-home care?

A: The IDEA explicitly includes IDEA “wards of the State” (children in the custody of a child welfare agency who do not have a foster parent who can serve as an IDEA parent) and “highly mobile children” as children to whom the state and local agencies have a child find duty. 34 C.F.R. §300.111. Children in care who are in

residential settings, especially those who do not have active IDEA parents, are often overlooked by school districts. Good advocacy is needed to make sure this does not happen. Also, see the Legal Center for Foster Care and Education's Q&A on state level surrogate parent programs which addresses how those programs can help IDEA eligible children who need surrogate parents.

Q: What can child welfare advocates do to help children eligible for special education services who move schools?

A: Numerous studies show that between 23% and 47% of children and youth in out-of-home care in the U.S. receive special education services at some point in their schooling. Even so, many children who need this help are never identified, while others who need remedial help but do not have disabilities are wrongly identified as needing special education. Both these issues get compounded when children in care are moving frequently. To address these issues advocates can use the following tips:

- Make sure the child has a legally authorized special education decisionmaker and that this individual pays attention to timelines for evaluations and IEP implementation.
- Whenever possible, make sure that the decisionmaker sticks with the child through any school transitions.
- Advocate for the child to remain in the same school even if her living arrangement changes whenever it is in her best interest. Check whether this is possible or mandated under your state law or mandated by McKinney-Vento for “children awaiting foster care placement.”
- Help expedite enrollment when a school change is necessary. Know what documents are required (and what documents are not required) for enrollment and what the rules and deadlines are in your state or school district.
- Make sure necessary enrollment documents are part of each child's child welfare records. Let the new school district know the child is coming and try to meet with school officials before the child moves. Consult with the child and the prospective caretaker. Plan ahead!

Requirements Regarding Notice and Parental Consent

For any action or decision that requires notice to the IDEA parents, the school district must provide notice in writing. That written notice should include a:

- (1) Description of the action proposed or denied;
- (2) Explanation of why action is being taken;
- (3) Description of other options that the district considered and the reasons why they were rejected;
- (4) Description of procedures, tests, records, reports, and other factors used by district in its determination;
- (5) Description of any other relevant factors; and
- (6) Statement that the "parent" has protections under procedural safeguards section of N.J.A.C. 6A:14 .

Finally, all notices and meetings are required to be conducted in the language used for communication by the parent and student, unless it is clearly not feasible to do so.

Written parental consent (from the IDEA parent) is required in a number of key areas, including:

- (1) prior to assessments as part of an initial evaluation;
- (2) prior to implementation of an initial IEP;
- (3) prior to assessment as part of a re-evaluation;
- (4) prior to the release of student records (unless by Court Order);
- (5) when an IEP team member is excused from meeting participation;
- (6) when an IEP is amended without a meeting; and
- (7) when a parent and school district agree to waive re-evaluation.

Consent can be revoked at any time.

However, if a parent wants to revoke consent for Special Education, it must be revoked in writing, and the school district cannot seek Due Process.

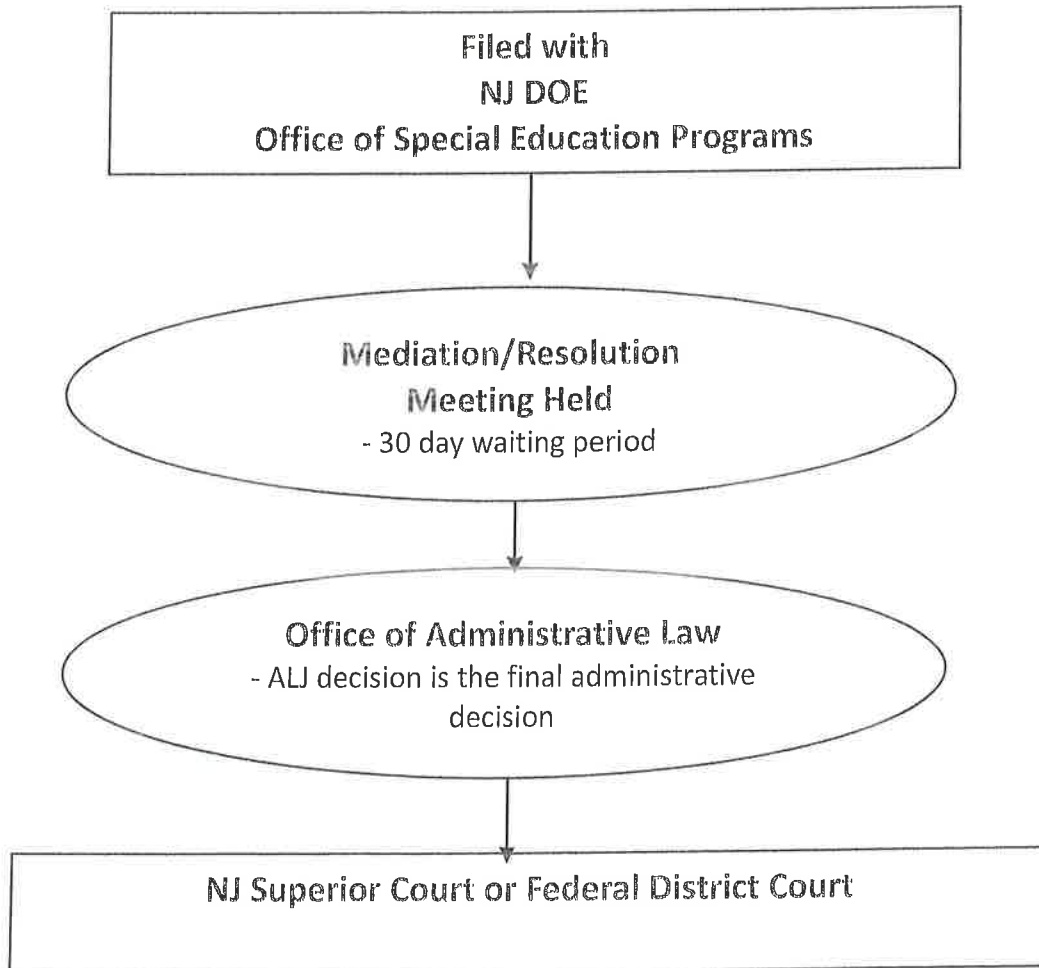
Adapted from information provided by:
Rachel R. Elkin, Esq.,

Supervising Attorney, Education Representation Project
Legal Services of New Jersey

Special Education Appeals

In most cases, the onus is on the parent to file an appeal if they do not agree with something the district has done, wants to do, or refuses to do. Regardless of who files, if a situation arises that would give rise to a grievance or appeal, the CASA volunteer should speak with their Case Supervisor immediately and be sure to review the Special Education Webinar and manual resources.

It is important to remember that the child has the right to "Stay Put" – this means the child can stay in his or her current education placement and receive all current services during the resolution of any Due Process or Mediation. However, to invoke this right, the Due Process or Mediation must be filed within 15 days of receipt of the school district's notice proposing the change that is being objected to.



Mediation: refers to a voluntary, confidential dispute resolution process involving a neutral mediator

- Parents can select to mediate dispute or seek mediation in combination with a request for a due process hearing.

- Mediation requests are to be made in writing with a copy sent to other party and request submitted to the NJ Department of Education Office of Special Education Programs (OSEP).
- Mediation request forms can be found at <http://www.state.nj.us/education/specialed/form/>
- Parents and/or school district may have attorney present.
- If agreement reached it is reduced to binding written agreement.

Due Process: refers to a formal administrative hearing before an Administrative Law Judge.

- Due Process requests must be in writing and follow the format found at: <http://www.state.nj.us/education/specialed/form/>
- Once the request is made, a Resolution Meeting between the IDEA parent and relevant IEP team members must be held within 15 days; following this, there is a 30 day waiting period.
- Both parties must be represented; otherwise, if parent does not have an attorney, then the school district cannot.
- School districts can also file for due process:
 - Evaluate child
 - Release records
 - Deny request for independent evaluations.
- School district cannot file for due process to compel a parent to classify a child.
- A party can appeal from a Due Process decision to the NJ Superior Court or the Federal District Court, but must do so within 90 days from issuance of the Due Process decision.

Complaint Investigations: refers to requests for OSEP to investigate allegations of violations of the special education laws.

- Anyone can make a request; forms are located at: <http://www.state.nj.us/education/specialed/complaint/>
- If deemed necessary, OSEP will complete an investigation within 60 days from receipt of complaint and issue a report setting forth a final decision and, when warranted, required corrective actions.

Adapted from information provided by:

Rachel R. Elkin, Esq.,

Supervising Attorney, Education Representation Project

Legal Services of New Jersey

Chapter 5 Student Discipline

Introduction

Student Discipline is an important issue for children in placement since the abuse or neglect they were subjected to, and the experience of out-of-home placement, can lead to behavioral challenges. Inappropriate discipline can lead to a student being removed from class on a regular basis, which can result in the student falling behind, developing low self-esteem, and being denied a free and appropriate education.

It is important to understand that there are significant differences between disciplining a student in a Regular Education program and disciplining a student in a Special Education program.

CASA volunteers should review the Student Discipline Webinar and speak with their Case Supervisor whenever a discipline issue arises for their assigned child.

Discipline Issues for All Students

Every school must adhere to a Code of Student Conduct which establishes standards, policies, and procedures for positive student development and student behavioral expectations. CASA volunteers should request review of the student's disciplinary file, and a copy of the school's Discipline Policies and Code of Student Conduct as a matter of course. The CASA volunteer should become familiar with the school's Discipline Policies and Code of Student Conduct if there is any discipline issue.

A school's Code of Student Conduct should include:

- an explanation of student responsibilities that includes expectations for academic achievement, behavior, and attendance;
- a description of behaviors that will result in suspension or expulsion;
- an explanation of the student's right to advance notice of what those behaviors are that can result in suspension or expulsion as well as an outline of the student's due process rights;
- a description of comprehensive behavioral supports that promote positive student development; and
- a continuum of responses designed to remediate behavior, or, when necessary, impose sanctions that take into account:
 - the severity of the offense,
 - the developmental age of the student, and
 - the student's history of inappropriate behavior.

New Jersey law outlines the types of acts that will give rise to a suspension or expulsion. See MD5-1 for this listing as outlined in NJSA 18A:37-2.

If school discipline is an issue for their assigned child, the CASA volunteer should keep track of any and all school suspensions. This is because different rules apply to short- and long-term suspensions.

A short-term suspension is the removal of a student from his/her educational program for up to 10 school days. For these suspensions:

- The student should receive oral or written notice of the basis for the suspension, and an explanation of the evidence against the student.
- An informal pre-suspension meeting or hearing with an impartial administrator should take place to provide the student with an opportunity to explain his/her side of the story.
- The student's parents should receive oral or written notification before the end of the school day; that notice should include the charges and the evidence as well as a description of the student's due process rights, and the terms and conditions of the suspension.
- Within 5 days of the suspension, the student is entitled to academic instruction -- either in school or out -- that addresses the core curriculum requirements. *A list of Home Instruction and Alternative Education Requirements is located at MD5-2.*

A long-term suspension is the removal of a student from his/her educational program for more than 10 school days. The same notice and informal hearing requirements apply to long- as well as short-term suspension; however, for a long-term suspension:

- The school must give parents immediate notification of the student's removal from school, and then written notification of the specific charge, a list of witnesses and their statements, and an opportunity to present evidence and cross-examine these witnesses at a formal hearing before the Board of Education.
- This hearing must take place within 30 days, and the student has a right to counsel at this hearing.
- The Board of Education must issue a written decision within 5 days. If they decide the student did not commit the offense, the student can return to school immediately. If they decide the student did commit the offense and should be suspended for more than 10 consecutive days, they must notify the parent of the: decision, educational services to be provided, terms and conditions of the suspension, and right to appeal the decision to the Commissioner of Education.

- Education services must be provided to the student within 5 days (these may be in-school or out-of-school depending on the situation) and must be comparable to those in public schools for students in similar grades. The student is entitled to home instruction that meets the legal requirements of frequency and duration, or they may be placed in an alternative education program.
- The school must give the parents notice that further engagement in conduct warranting expulsion will be considered a waiver of the student's right to a free public education.

Finally, the most extreme form of student discipline is expulsion – this is the permanent removal of a student from school and a discontinuation of all educational services for the student. This is a drastic measure and may only be implemented after long-term suspension has been imposed and all due process rights have been exercised. Following a school district's decision to expel a student, an appeal may be made to the Commissioner of Education. The school district must provide an appropriate educational program or educational services until a final determination is made on the decision to expel the student.

Discipline Issues for Students in Special Education Programs

For students with disabilities – students receiving Special Education services – it is also important to know the number of school days that the student has been suspended or removed from their educational program. That is because, as with general education students, different rules will apply depending on the number of days of the removal.

A school may order removal of a student with a disability from his/her Special Education program to an interim alternative education setting, or may suspend the student for up to 10 school days per school year; those removals or suspensions are subject to the same educational procedures as are applied to nondisabled students. This is referred to as the "same treatment" rule and simply requires that the disabled student be subject to the same discipline policies as non-disabled students. For each child, the school may consider any unique services in determining whether or not to impose a disciplinary sanction for a violation of the school code of conduct.

Furthermore, the duration of the suspension or disciplinary removal will dictate whether the removal constitutes a "change in Special Education placement."

If a student receiving Special Education services is suspended or removed from their educational program for more than 10 consecutive school days, this legally constitutes an automatic "change in Special Education placement." Also, if a

student is subjected to a series of short-term removals, the school may find that these removals constitute a pattern (either because they cumulate to more than 10 school days in a school year, or because of factors such as the length of each removal, total amount of time the student is removed, or proximity of removals to one another) that creates a “change in Special Education placement.”

Regardless of whether there is a “change in Special Education placement” or not, the school district must still provide educational services to the extent necessary to enable the student to progress in their education and achieve their IEP goals.

Whenever the school’s disciplinary action constitutes a “change in Special Education placement,” the school district must convene a “Manifestation Determination” meeting within 10 school days of the suspension. This is a meeting of the school district, parent, and relevant IEP team members, at which it will determine whether the behavior leading to the discipline was a manifestation of the student’s disability.

A Manifestation Determination is made by the school district, parent, and relevant members of the IEP team, including the student. As noted previously, the goal of the Manifestation Determination is to determine whether the behavior leading to the disciplinary action was a manifestation of the student’s disability. The process for making a Manifestation Determination is outlined by the Department of Education’s Office of Special Education Programs in their *Discipline Requirements brochure provided at MD5-3 to 5-4*. In making such a determination, the school district should consider all relevant information in the student’s file, including their IEP, any teacher observations, and any relevant information provided by the parent. Considering this information, the Manifestation Determination will be made by asking:

- Was the conduct caused by or did it have a direct and substantial relationship to the student’s disability? Or
- Was the conduct a direct result of the school district’s failure to implement the student’s IEP?

If the answer to both of these questions is “no”, then the “same treatment” rule applies and the school district may discipline the student in the same manner as non-disabled or General Education students. However, regardless of the discipline, the school district must continue Special Education services and provide an education that allows the child to progress as per their IEP. The school district may also decide to review the student’s Behavior Intervention Plan (BIP) if one has been done previously, or conduct a Functional Behavioral Assessment (if not done previously).

If the answer to either of the above questions is “yes”, then the conduct of the student should be considered to be a manifestation of the student’s disability. If the school district determines that the student’s conduct was, indeed, a manifestation of the student’s disability, then the school must review the student’s BIP if one has been done previously, or conduct a Functional Behavioral Assessment (FBA) if one has not been done previously, and make sure that it has implemented the student’s BIP. If the student already has a BIP in place, both it and the FBA on which it was based should be reviewed (and potentially revised). This is why it is absolutely critical for CASA volunteers to ensure that, for children whose disabilities might affect behavior, an FBA is conducted and a BIP put in place in connection with the IEP. Finally, if the school district determines that the student’s conduct was a manifestation of his/her disability, it cannot suspend the student and must return the student to the placement from which s/he was removed, unless the IDEA parent and school district agree to a change of Special Education placement as part of a new or modified BIP.

CASA volunteers can be instrumental in the process of developing a child’s BIP because of their unique knowledge of the child; they can also advocate that the student be exempt from the school district’s discipline policies and procedures, or can advocate to modify those policies and procedures for the child (e.g., the BIP could stipulate that the student’s Case Manager and Parent be contacted before any disciplinary action is taken to determine whether a therapeutic intervention would be more appropriate given the student’s disability).

Finally, CASA volunteers can provide important input into the process should it become necessary to make a Manifestation Determination. For example, the CASA volunteer might have information indicating that the child was not fully or appropriately evaluated, or that components of the disability were not identified, or that the child’s behavioral problems arose because his/her learning needs were not being met in the classroom over a period of time. All of this is critical information for a Manifestation Determination.

Regardless of the results of the Manifestation Determination, though, a school district can remove a student for 45 calendar days to an Interim Alternative Educational Setting (IAES) if the student possesses a weapon, possesses, uses or sells a controlled dangerous substance, or inflicts serious bodily injury upon another while on school grounds, on a school bus, or at a school function. For most school districts, home instruction is the most common IAES. However, the CASA volunteer should explore other placement options when a student is facing placement in an IAES.

It is also important to note that preschool children with disabilities – children in Preschool Special Education – cannot be suspended, long-term or short-term, and cannot be expelled from school.

Discipline Issues for Children Not Yet Identified as Special Education Students

It is possible to assert Special Education protections for a student not yet identified as eligible for Special Education services if it can be shown that the school district had a basis of knowledge that the child had a disability prior to the behavioral issues arising. A basis of knowledge can be established if:

- Parent expressed concern in writing that the child needed Special Education services;
- Parent requested an evaluation; or
- Teacher expressed concerns about the student's behavior to the Director of Special Education or to supervisory personnel.

It is also important for the CASA volunteer to have reviewed the student's disciplinary file. Based on the student's history, it may be appropriate for the CASA volunteer to make a CST referral and request that a 504 Meeting be held to consider developing a 504 Accommodation Plan pending the results of a full CST evaluation for Special Education. This can afford the student additional protections.

Note, however, that no special protections can be asserted if the parent disallowed evaluation or refused services, or if the child was evaluated and determined not to have a qualifying disability.

Points of Advocacy for CASA

- The CASA volunteer should review the child's student disciplinary file as well as the school's Code of Student Conduct and discipline policies whenever the child's behavior might subject them to school discipline.
- If student discipline is an issue, the CASA volunteer should discuss the situation with their CASA Case Supervisor,
- The CASA volunteer should keep track of the number of days that the student is suspended or removed from their educational program each school year because different rules apply depending on that number.
- If a student is going to be suspended, the CASA should ensure that all proper notifications are made and all hearing requirements are met.

- For students in a Special Education program, the CASA should urge the school to consider the student's "unique circumstances" in determining disciplinary action.
- For disabled students suspended or removed from their educational programs, the CASA volunteer should ensure that the school district conducts a proper assessment of whether the removal constitutes a change in placement (and should encourage a finding of change in placement so as to require a Manifestation Determination).
- Whenever a disabled student's removal constitutes a change in placement, the CASA volunteer should ensure a Manifestation Determination is made.
- CASA volunteers should provide input into the Manifestation Determination, particularly where they have information that might indicate that the child was not fully or appropriately evaluated, that components of the disability were not identified, that the Special Education program was not appropriate to meet the child's needs, or that the child's learning needs were not being met in the classroom over a period of time.
- If the behavior leading to the disciplinary action is found to be a manifestation of the student's disability or the result of the school's failure to properly implement the IEP, the CASA volunteer should ensure that the student is not suspended or removed from their educational program (unless the IDEA parent and the school agree to the change in connection with modification of the child's Behavior Intervention Plan (BIP)).
- Regardless of the result of the Manifestation Determination, the CASA volunteer should encourage the school district to review the student's BIP if one has been done previously, or conduct a Functional Behavioral Assessment (FBA) if one has not been done previously.
- If the student is not yet identified as eligible for Special Education services, the CASA volunteer should seek to extend the Special Education protections to the greatest extent possible.
- Because of issues related to out-of-home placement or their abuse or neglect, children in care who are also in Special Education should have a full FBA; if the student's behavior is interfering with his/her learning, or the learning of others, a BIP should be developed and implemented.
- The CASA volunteer should ensure that a BIP is in place wherever a student appears to struggle with behavior issues. The plan should have a positive focus and teach appropriate behavior rather than punishing the student for behaviors resulting from his/her disabilities.
- The CASA volunteer should ensure that the BIP is tailored to the individual child's needs.

Manual Documents:

- Statute regarding what constitutes good cause for student suspension or expulsion NJSA 18A:37-2
- Home Instruction and Alternative Education Requirements
- Department of Education, Office of Special Education Programs Discipline Requirements brochure



18A:37-2 Causes for suspension, expulsion of pupils

18A:37-2. Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

- a. Continued and willful disobedience;
- b. Open defiance of the authority of any teacher or person, having authority over him;
- c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;
- d. Physical assault upon another pupil;
- e. Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;
- f. Willfully causing, or attempting to cause, substantial damage to school property;
- g. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
- h. Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district;
- i. Incitement which is intended to and does result in truancy by other pupils;
- j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
- k. Harassment, intimidation, or bullying.

List of Home Instruction and Alternative Education Requirements

Home Instruction Requirements

- Services to be provided within 5 days
- Individualized Program Plan (IPP) developed if the child will be out of school for 30 calendar days
- Maintain records of progress and services
- Teacher grade level and certification
- Must meet Core Curriculum and local graduation mandates
- A minimum of 10 hours/week of one-to-one instruction over at least 3 days
- If Home Instruction in group, 20 hours/week, no more than 3 days, with 10:1 student-teacher ratio

Alternative Education Requirements

- 12:1 student-teacher ratio (High school)
- 10:1 student-teacher ratio (Middle school)
- IPP must be developed by multidisciplinary team that includes parents and is knowledgeable about student's educational, behavioral, emotional, social, and health needs
- Must identify instructional and support service needs
- Must be developed and implemented within 30 days
- Include case management services
- Include comprehensive support services
- Instructors must be certified
- Academic Instruction must meet Core Curriculum and graduation requirements
- Minimum of 2 marking periods
- Services to facilitate return to general or special education
- Must comply with IEP if the child is classified

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Glossary of Terms

Basis of Knowledge—>protections for students not yet eligible for special education. An LEA is deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred: 1) the parent expressed concern in writing to administrator or teacher, 2) the parent has requested an evaluation, or 3) a teacher or other school personnel expressed specific concerns regarding patterns of behavior to administrator.

BIP—> **Behavior Intervention Plan:** A plan designed to teach the student a more acceptable behavior in place of inappropriate or problem behavior. The plan will include positive behavioral interventions, strategies and supports.

Change in Placement—> A removal from the student's program for disciplinary reasons that triggers procedural safeguards.

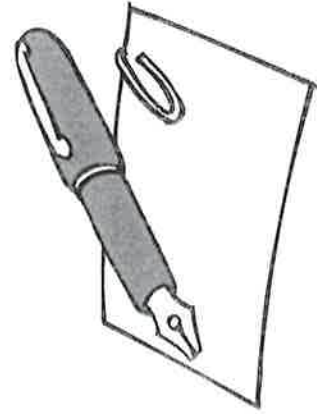
FBA—> **Functional Behavioral Assessment:** A problem-solving process that relies on a variety of techniques & strategies to identify the purposes of specific problem behavior & helps IEP teams to select interventions to address problem behavior.

IAES—> **Interim Alternative Educational Setting:** Must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the IEP and to address behavior (for why the child is being removed) that are designed to prevent the behavior from recurring.

MD—> **Manifestation Determination:** Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, relevant IEP team members and the parent shall review all relevant information in the student's file, including the IEP, any teacher observations and any relevant information provided by the parents to determine if conduct was 1) caused by, or was in direct and substantial relationship to, the child's disability, or 2) a direct result of the LEA's failure to implement the IEP.



Discipline Requirements



Office of Special Education Programs

NJDOE
Revised March 2008

Removal for More than TEN (10) Consecutive Days

- ⇒ First 10 days, student subject to same discipline policy as non-disabled students
- ⇒ More than 10 consecutive days constitutes an AUTOMATIC change in placement

Convene a meeting of the L.E.A. relevant IEP team members and the parent

- Conduct MD meeting— Is the behavior a manifestation of the disability?



- Cannot suspend Must continue services
- Review BIP and/or As appropriate, review
- conduct FBA BIP and/or conduct FBA
- May change program
- at IEP meeting

- ⇒ Administrator must notify Case Manager in writing of suspension, reason, and number of days

- ⇒ For all suspensions that are 5 or more consecutive days, "academic instruction shall be provided within five days of the suspension." N.J.A.C. 6A:16-7.2(a)5

- ⇒ Preschool students shall not be suspended or expelled. N.J.A.C. 6A:14-2.8(a)1

- ⇒ On the date a decision is made to initiate a removal of a student that constitutes a change in placement of a student with a disability because of a violation of a code of student conduct, the procedural safeguards statement (PRISE) must be provided to the parent.

Removal for More than TEN (10) Cumulative Days

- ⇒ First 10 days, student subject to same discipline policy as non-disabled students

A change in placement occurs if the student is subjected to a series of removals that constitute a pattern because they accumulate to more than 10 school days in a year, because the behavior is substantially similar to behavior in previous incidents and consideration of the following factors:

- Length of each removal
- Total amount of time student is removed
- Proximity of the removals to one another

*Is there a change in placement?



- Hold meeting with May suspend, must
- relevant members of provide services
- the IEP team

Conduct MD meeting—

Is the behavior a manifestation of the disability?



- Cannot suspend May suspend
- Review BIP and/or Must continue services
- conduct FBA As appropriate, review
- May change program BIP and/or conduct FBA
- at IEP meeting

SUBSEQUENT REMOVALS

Determine change in placement using criteria listed above— Is there a change in placement?



- Go back to above
- Go back to above

Removal to a 45-Day Interim Alternative Education Setting (IAES)

School Personnel—

May remove student to an IAES for 45 calendar days for:

- Drugs
- Weapons as defined by 18 U.S.C. §930(g)(2)
- Serious bodily injury to another as defined by 18 U.S.C. §1365(h)(3)

Administrative Law Judge (ALJ)—

May remove student for 45 calendar days when action of student is likely to result in injury to self and/or others

For both circumstances, must conduct a

Manifestation Determination (MD)—

- ⇒ If behavior IS a manifestation, must review BIP and/or conduct FBA
- ⇒ If behavior IS NOT a manifestation, as appropriate (case by case basis), review BIP and/or conduct FBA

Informal Hearing—[N.J.A.C. 6A:16-7.2(a)2 and 7.3(a)2] Provides an opportunity for a student to present his/her version of events to the school administrator before the student may be suspended.

Formal Hearing—[N.J.A.C. 6A:16-7.3(a)10] Determines the facts and is conducted by the district board of education within 30 days of the decision to remove a student for more than 10 consecutive school days. Results of this hearing may be appealed to the Commissioner of Education.

Chapter 6 Pulling it All Together – CASA Educational Advocacy

Introduction

The goal of CASA Education Advocacy is to ensure that all of the child's educational needs are identified and addressed while they are in out-of-home placement. With the support of the CASA Case Supervisor (or other designated CASA staff), CASA volunteers should use their investigative and advocacy skills to:

- Gather information regarding the child's educational progress and needs, as well as how those needs are currently being met.
- Monitor the child's educational progress.
- Help to ensure that any/all of the child's educational needs are being met (including both regular and special education needs, as well as the need for education stability).
- Provide the Court with timely, objective, and unbiased information based upon the information gathered; this will allow the Court to make well-informed decisions on the child's behalf.

Information Gathering and Records Review

Chapter 1 of this manual provided an overview of the CASA volunteer's role in collaboration, communication, and information gathering. It is critical that the CASA volunteer gather and review all available information regarding the child's educational needs and progress to make sure that their needs are being met.

In consultation with the Case Supervisor, the CASA volunteer should take these initial steps to gather information:

1. Review the child's DYFS/DCP&P file for education information
2. If assigned to a child age 0 to 3:
 - a. If the child is receiving Early Intervention Services, obtain and review the IFSP (so that you can be sure it addresses all of the child's needs, is being implemented, and is benefitting the child)
 - b. If the child is not receiving Early Intervention Services, obtain information regarding whether a referral for evaluation was made, whether an evaluation was conducted, and what the results of that evaluation were.
3. If assigned to a school-age child:
 - a. Reach out to the school (through the guidance counselor initially) to speak with child's teachers, aides, and others with knowledge of child's educational progress and needs
 - b. Request and review the child's school records, paying careful attention to attendance, academic progress (report cards, grades, and progress

- reports), discipline records, health records, credits earned, and any special needs
- c. Make sure the records are current (they should be updated every 6 months)
- 4. If assigned to a child receiving Special Education services or services short of Special Education (504 Plan, I&RS):
 - a. Educate yourself about the child's disability and any classification.
 - b. Obtain a copy of the applicable plan -- 504 Plan, I&RS Plan, IEP -- in addition to all educational records
 - c. Consult with school personnel (teacher, school social worker, school psychologist, etc.) to find out if the child is receiving the services mandated in her/his plan
 - d. Consult with caregiver to confirm that the child is receiving the services mandated in his/her plan

In scheduling the information gathering visits, it is a good idea for the CASA volunteer to begin with an introductory telephone call, explaining the CASA role and the purpose of the proposed visit; this will promote good will and demonstrate respect for the other person's role going into the visit. It also allows for necessary preparations to be made (i.e., obtain clearance, pull files, and set aside time for the visit). A copy of the CASA volunteer's Order of Appointment should be forwarded prior to the visit to ensure cooperation and to overcome any privacy issues raised pursuant to FERPA (Family Education Rights and Privacy Act).

As part of gathering information, the CASA volunteer should complete the *Advocate Questionnaire for Education Information at MD6-1 to 6-2*, which contains questions regarding the basic information needed to initiate any education advocacy.

By taking these initial steps and reviewing the information gathered with a Case Supervisor (or other designated staff), the CASA volunteer should gain a better understanding of the child's educational progress and needs, and the type of instruction and services the child is receiving.

Ensuring that the Child's Educational Needs are Met

Chapters 2 through 5 of this manual provide information and "Points of Advocacy" that can be utilized to help ensure that the child's educational needs are being met and that the child is in the correct educational program. Depending on the issues presented in the case, the CASA can also review relevant Webinars either on-line or through their CASA program.

For the child's educational needs to be met, that child must be in school. Accordingly, one of the most significant roles a CASA volunteer can play is ensuring that the child is accessing his or her education.

- Make sure the child is attending school regularly (this will involve ensuring that the child is registered and addressing any truancy issues)
- If the child changes placement, make sure that the Education Stability Law is being followed and that the best interest factors have been correctly applied. Also, when the placement is being determined, be sure that consideration has been given to the proximity of the child's current school.
- If the child changes schools, make sure the child is registered immediately and begins attending the new school right away (at least within 72 hours). Also, be sure that the school records have been transferred to the new school and that all of the child's credits have transferred as well.

The CASA volunteer should track and report on the child's education progress throughout the case. To do this, the CASA volunteer will need to be in touch with appropriate school personnel and request copies of school records periodically throughout the school year. The CASA volunteer should also obtain a copy of the school calendar or schedule for progress reports, report cards, conferences, etc. This way, the volunteer will know when to touch base with the parents and caregivers to find out how the child is progressing. In general, the CASA volunteer should be considering the following:

If assigned to a child age 0 to 3:

- Ensure that the child was referred for an Early Intervention evaluation for Early Intervention Services
- If so, was an IFSP created?
 - Does the IFSP address all of the child's needs?
 - Is the IFSP being implemented as written?
 - Does the IFSP, as written, benefit the child?

If assigned to a school-age child:

- Is the child registered, enrolled, and attending school?
- How is the child's school performance?
- Is s/he making progress?
- Are there any concerns (on your part or anyone else's) about the child's ability to learn?
- Does the child seem to be in the appropriate educational program?

- Is the child engaged in school?
 - If not, are there things that can be provided that would promote engagement (e.g., clubs, extra-curricular activities, sports)?
- Are there any behavioral or discipline issues?
- Does the child need additional supports or services in order to receive an education that will maximize his or her potential? These might include transition planning, therapeutic supports, or tutoring.
- Is there a need to request an evaluation either for Special Education or for some intervention short of Special Education (I & RS or 504)?
 - Is the child disabled?
 - Is the child having academic difficulties?
- Has any such request been made in the past?
- If the child was previously found ineligible for Special Education services, is the child eligible for Section 504 or I&RS Services?

If the CASA volunteer suspects that the child has academic challenges or a disability, then the CASA volunteer should encourage the parents and DYFS/DCP&P to submit a written request for a CST evaluation.

If the child is receiving Special Education services or services short of Special Education (504 Plan, I&RS), there are some additional steps the volunteer should take to ensure that the child's needs are being met:

- Make sure there is an identified, active educational decision-maker (an IDEA parent). If the birth/adoptive parent cannot be located, is unidentified, or is not willing to act as the IDEA parent, then maybe the resource parent can. If not, then ensure that the school district and/or court identify a surrogate or an alternative IDEA parent.
- Review the relevant Plan (504 Plan, I&RS Plan and/or IEP) to be sure that it addresses all of the child's needs in a customized way, and that any and all classifications, accommodations, placements, and services are appropriate.
- The CASA volunteer should educate his/herself – work with the Case Supervisor to learn about the child's disability and review the PRISE manual. Listen to the relevant Webinar. There are helpful links to the NJ State Regulations, the PRISE manual, and other resources in the document entitled *Links to NJ Administrative Code and Other Resources, provided at MD6-5 to 6-6*.
- Consider whether additional or independent evaluations should be requested.
- Monitor compliance with the relevant Plan and ensure that all services and accommodations are being provided as per that Plan, and that the

child is in the least restrictive environment that meets his/her educational needs.

- Attend Child Study Team and/or IEP meetings or ask that the Case Supervisor do so.
- If the CASA volunteer believes that the services or accommodations are not sufficient or that the relevant Plan is inappropriate or is not being correctly implemented, they should consult with the Case Supervisor and request a meeting in writing.
- Never accept “we can’t/don’t provide that” as an answer!

Common Issues and How CASA Can Help

There are many common education-related issues that can arise for children in placement. The volunteer can be helpful in addressing these issues by:

- Ensuring that each child in placement under the age of 3 is evaluated for Early Intervention services
- Advocating for school stability and ensuring timely registration and enrollment (this will help to ensure there are fewer gaps in attendance)
- Making sure the resource parent has all documentation needed to register/enroll the child in school
- Checking for completeness of student records and helping ensure timely transfer of school records in the event of a change in school (as well as the transfer of any earned credits)
- Ensuring that the DYFS/DCP&P caseworker, parent, and resource parent have a general understanding of the child’s educational status/needs
- Facilitating information-sharing and communication regarding a child’s educational needs (within the bounds of confidentiality)
- Working to ensure that those needs are being met in both the regular education program and in any Special Education programs needed, and that the child is engaged in school and is learning
- Monitoring the child’s progress and advocating for any additional supports and/or services needed to improve that progress (whether through the school or through DYFS/DCP&P)
- Monitoring any student discipline concerns and ensuring that a Behavior Intervention Plan is in place if needed
- Ensuring that both the educational and child welfare systems are working to help youth as they transition out of those systems

For children in Special Education programs or who are receiving accommodations under Section 504, there are additional issues which arise and which the CASA volunteer needs to be aware of. These may include:

- The identification of an IDEA parent (Special Education only)
- Whether the school district has adequately evaluated the child for Special Education services or for a 504 Plan
- Potential inappropriate or incorrect classification of the child
- Provision of inappropriate services or accommodations
- Inappropriate Special Education placement (e.g., not the least restrictive environment, not designed to meet the child's needs, unnecessary home instruction)
- Failure to properly implement the child's IEP or 504 Plan
- Lack of response to requests made by CASA or the IDEA parent
- Failure to provide notice (for meetings, re-evaluations, etc.) or procedural safeguards as required by law
- Ensuring that behavioral issues are addressed appropriately given the child's disability and/or classification

The CASA volunteer should be sure to consult with their Case Supervisor and the relevant Webinar whenever there is a question regarding the child's educational needs. The CASA volunteer and Case Supervisor should be prepared to utilize both the educational system and the child welfare system to ensure that the child's needs are being met.

There are also additional resources that the CASA volunteer, in conjunction with their Case Supervisor, can turn to for assistance with educational advocacy. These resources are listed in the *Resource List - Professional/Legal Help with Education Issues at MD6-3 to 6-4*.

Providing the Court with Timely, Objective Information

Through their CASA Court Report, the CASA volunteer should provide the Court with timely, objective, and unbiased information about the child's educational needs and progress.

CASA can ensure that education is a priority at each and every hearing by reporting on the child's educational progress, identifying any educational issues or outstanding education needs, and making fact-based recommendations in each Court Report. If necessary, the CASA volunteer might make recommendations for the provision of needed services or evaluations. However, such recommendations should only be made following unsuccessful advocacy to DYFS/DCP&P and the school system for those evaluations and services. In the event that the CASA volunteer is unable to obtain information, that fact, along with information about the efforts made to date, should also be included in the Court Report. Some *Sample CASA Court Reports* are provided merely as examples at *MD6-7 to 6-12*.

Points of Advocacy for CASA

- CASA volunteers are the front line information gatherers. The volunteer should be sure to gather all available information and documentation regarding the child's educational progress and needs.
- Once the CASA volunteer has gained a good understanding of the child's educational needs, and the services they are receiving, the volunteer should monitor the child's education progress. Speaking with school personnel is critical.
- CASA volunteers should ensure that children are able to fully access their education. This means making sure that they are attending school, are engaged, and are in the right educational program.
- CASA volunteers have a unique relationship with the Court such that, if advocacy efforts with the school system and DYFS/DCP&P do not succeed in getting a child's educational needs met, the CASA volunteer can make a fact-based recommendation in their Court Report in order to get the child's educational needs met.
- In the event that a child is experiencing academic difficulties or if the CASA volunteer suspects a learning issue or disability, they should encourage a referral for evaluation and monitor the process for determining eligibility for Special Education, Section 504, and/or I&RS Services.
- If a child is classified or is supposed to receive services short of Special Education, the CASA volunteer can be instrumental in ensuring that the services and accommodations are appropriate and are being implemented correctly.

Manual Documents:

- Advocate Questionnaire for Educational Information
- Resource List - Professional/Legal Help with Education Issues
- Links to NJ Administrative Code and Other Resources
- Sample Court Reports



Advocate Questionnaire for Educational Information

Child Name:	Child DOB:
Name of Current School, Preschool, or Daycare:	Address:
	Phone #:
School Personnel Contacts -- Name, Phone Number, and E-Mail Address:	
School Principal:	
Guidance Counselor:	
School social worker:	
General Education Teacher:	
Special Education Teacher:	
Child Study Team Leader or Case Manager:	
Other relevant school personnel (nurse, teacher's aide, other teachers, school psychologist, etc.):	
Previous Schools Attended (name & address):	Dates Previous Schools were Attended:
If child is under 3 years of age, provide the date of Early Intervention Evaluation:	What were the findings of the Early Intervention Evaluation:
Does the child have an IFSP? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list all services to be provided under the IFSP:	Do you have any concerns regarding the delivery of any of the services listed in the IFSP being delivered (explain any such concerns)?
Have you reviewed the child's school records? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, list any and all concerns you may have with regard to the child's attendance, school performance, school discipline, and educational needs:

<p>Does the child have an IFSP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, list all services to be provided under the IFSP:</p>	<p>Does the child have a 504 Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, list all accommodations to be provided under the 504 Plan:</p>
<p>Does the child have an I & RS Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, list all services and/or accommodations to be provided under the I & RS Plan:</p>	<p>Does the child have a Special Education classification? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what is the child's classification?</p> <p>Who is the child's IDEA parent/educational decision-maker (provide name, relationship to child, and contact information)?</p>
<p>Does the child have an IEP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what is the date of the latest IEP?</p>	<p>If yes, what is the child's Special Education Placement/Program pursuant to the IEP?</p> <p>If yes, list all Related Services to be provided under the IEP?</p>

Resource List - Professional/Legal Help with Education Issues

Advocates for Children of New Jersey

35 Halsey Street
Newark, NJ 07102
PH: 973-643-3876

FAX: 973-643-9153

www.kidlaw.org

ACNJ handles case advocacy calls related to special education, residency and discipline; will attend school meetings and will attend mediation with parent or caretaker. Spanish-speaking attorney on staff.

Education Law Center (ELC)

60 Park Place, Suite 300
Newark, New Jersey 07102
PH: 973-624-1815

www.edlawcenter.org

ELC's Student Rights Project provides free legal representation cases involving special education, school discipline, and residency. **The Right to Special Education in New Jersey: A Guide for Advocates**; and **Student Discipline Rights and Procedures: A Guide for Advocates** are helpful publications on ELC's website.

Legal Services of New Jersey (LSNJ)

Statewide Legal Hotline
1-888-LSNJ-LAW (1-888-576-5529)

www.lsnj.org

Callers must meet income eligibility requirements to obtain assistance. LSNJ has staff attorneys at some of the local legal services offices who handle education related matters. There are interpreters on staff to handle multiple languages.

Disability Rights New Jersey

210 South Broad Street, 3rd Floor
Trenton, New Jersey 08608
PH: 609-292-9742 or 1-800-922-7233 in NJ Only

FAX: 609-777-0187

www.drnj.org; Email address: advocate@drnj.org

This is New Jersey's designated protection and advocacy system for people with disabilities. Disability Rights New Jersey provides legal representation and publications.

Statewide Parent Advocacy Network (SPAN)

35 Halsey Street, 4th Floor
Newark, NJ 07102
PH: 973-642-8100 or 1-800-654-SPAN

FAX: 973-642-8080

www.spannj.org

SPAN provides support, information, training and advocacy regarding the healthy development and educational rights of children to families, professionals and advocates.

Rutgers University School of Law, Special Education Clinic

Rutgers School of Law – Newark

123 Washington Street

Newark, NJ 07102

PH: 973-353-5576

<http://specialeducation.rutgers.edu/>

Law students supervised by attorneys provide information, assistance and legal representation in early intervention and special education matters.

Volunteer Lawyers for Justice

PO Box 32040

Newark, NJ 07102

PH: 973-645-1955

www.volunteerlawyersnj.org

Provide representation to indigent parents and caretakers using a pool of trained volunteer attorneys. Attorneys are available throughout New Jersey.

Links to NJ Administrative Code and Other Resources

Title 6A of the NJ Administrative Code – <http://www.nj.gov/education/code/current/>

This is the full Code containing all regulations for the Department of Education. Note, however, that most of what CASA will be concerned with will be located in Chapter 16 and Chapter 14.

- NJ Administrative Code, Chapter 16: Programs to Support Student Development --
<http://www.nj.gov/education/code/current/title6a/chap16.pdf>
- NJ Administrative Code, Chapter 14: Special Education --
<http://www.nj.gov/education/code/current/title6a/chap14.pdf>

For information on the IDEA as well as related regulations and other information put out by the US Department of education:

- <http://idea.ed.gov/explore/home>

ACNJ Basic Guide to Special Education (this is required reading for the Special Education Webinar)

- <http://www.kidlaw.org/admin.asp?uri=2081&action=15&di=359&ext=pdf&view=yes>

ABA Legal Center for Foster Care and Education – provides publications and other important information on education issues which arise for children in out-of-home care

- <http://www.abanet.org/child/education/home.html>

NJ Department of Education, Office of Special Education Programs

- <http://www.state.nj.us/education/specialed/>

PO Box 500, 100 Riverview Plaza
Trenton, NJ 08625-0500
Telephone: (609) 292-0147
Fax: (609) 984-8422

US Department of Education, Office of Special Education Programs

- <http://www2.ed.gov/about/offices/list/osers/osep/index.html>

Link for Education Stability Law

- <http://casaofnj.org/resources/site1/NJAffiliates/Education%20Advocacy/School%20Stability%20Law%20-%20Pamphlet%20Law.pdf>

NJ Early Intervention System

- Statewide Referral Number: 1-888-653-4463
- www.njeis.org (609-777-7734) – web-site includes a Resource Director, contact information for Regional Early Intervention Collaboratives, a Family Rights booklet, and other important information and publications specific to NJ's Early Intervention System

Link for I&RS Resource Manual, October 2002:

- http://ettc.net/intervention/I&RS_Manual_Search/I&RS%20manual.pdf

Link for PRISE (Parental Rights in Special Education) Manual, outlining procedural safeguards for parents with children in Special Education program.

- Link for English PDF:: <http://www.nj.gov/education/specialed/form/prise/prise.pdf>
- This link provides access to this manual in English, Spanish, Arabic, Korean, and Portuguese: <http://www.state.nj.us/education/specialed/form/>

Publications regarding Special Education:

- ACNJ: A Basic Guide to Special Education:
<http://www.kidlaw.org/admin.asp?uri=2081&action=15&di=359&ext=pdf&view=yes>
- Education Law Center : The Right to Special Education in NJ: A Guide for Advocates (2004):
http://www.edlawcenter.org/ELCPublic/Publications/PDF/Rights_SpecialEducation_Guide.pdf
- Disability Rights NJ: New Jersey Special Education Advocacy Guide (2010):
<http://www.drnj.org/pdf/SPED%20Guide%20for%20web.pdf>

For students interested in attending post-secondary schools:

- Students can apply for federal financial aid by completing the Free Application for Federal Student Aid (FAFSA) form, which is available from their high school guidance office or on-line at: www.fafsa.ed.gov/
- Additional information on federal and state financial aid can be obtained by contacting the New Jersey Department of Higher Education Financial Aid Hotline at 1-800-792-8670.
- Foster and Adoptive Family Services of New Jersey (FAFS): Foster and Adoptive Family Services of New Jersey (FAFS) administers several scholarship programs for foster and adoptive youth.
 - 1-800-222-0047
 - www.fafsonline.org/
 - NJ Foster Care Scholars Program: <http://www.fafsonline.org/njfc-scholars-program.html>
 - Links to other private scholarships for foster children can be found on the FAFS web-site at: <http://www.fafsonline.org/scholarship.html>
 - NJ STARS: www.njstars.net/

CASA of _____ County, Inc.

CASA Report to the Court

REPORT DATE:

CASE No:

CHILD(REN)'s NAMES:

DATES OF BIRTH:

CASA VOLUNTEER:

CASE SUPERVISOR:

HEARING/REVIEW DATE:

CONTACTS:

	<u>Telephone</u>		<u>In-Person</u>		<u>Written</u>
_____, CASA Case Supervisor	x		x		x
Elementary school principal		x		x	
Classroom Teachers				x	
School counselor		x		x	x
Resource mother		x		x	x
_____, children				x	
_____, DYFS worker		x			

BACKGROUND:

_____, _____ and _____ are in DYFS custody for the second time. They were originally placed in DYFS custody on _____. DYFS records indicate that the boys were originally removed from their mother's custody after it was reported that they were playing alone in a motel parking lot while their mother, _____, was passed out in a motel room. DYFS records also indicate that Ms. _____, who is bipolar, was not taking her medication. The boys' father did not appear to be actively involved in their lives at the time they were removed from their mother. I previously served as their CASA from _____ until the children returned to their mother in the winter of _____.

The children returned to DYFS custody again in _____, as, according to DYFS records, their mother "was heavily intoxicated and was not providing the appropriate care for her children." The current goal for the children is reunification, although the potential adoption of the children is also being discussed.

The children currently reside with the same resource family as they did during their previous time in DYFS custody. The boys attend the after-school care program at their school every day.

I was once again appointed as the boys' CASA Advocate on _____.

CURRENT STATUS:

Information from the ----- hearing:

At the most recent hearing on _____, DYFS presented information about their plan for reunification. As of the hearing date, Ms. _____ still did not have her own housing. She stated that she would like to return to the western US and try to settle in _____ state. DYFS proposed to allow her to do this without necessarily jeopardizing her parental status (although Judge _____ stated that such a decision to move out of state might impact permanency planning, as it might take Ms. _____ longer to complete services if she decided to move). Judge _____ said she would allow Ms. _____ to contact the children long-distance. Judge _____ also checked Ms. _____'s attendance at AA meetings. Ms. _____ has a "home group" and a sponsor. As of the hearing date, Ms. _____ had not attended counseling. She received her bus pass from DYFS in _____. In response to CASA's recommendation, Judge _____ ordered Ms. _____ not to bring the children sweets due to their dental issues. The children, especially _____, continue to have dental treatments to address their troublesome dental issues.

Educational Status:

In preparation for the hearing on _____, I arranged to observe the children at their elementary school on Monday. I observed from the back of each classroom and avoided interactions with the children. _____ and _____ are repeating their grades, but _____ was promoted to the _____ grade this year. The children receive counseling services at school.

During my observation of _____'s class, _____ participated in a math lesson about measuring in the grade he is repeating. He followed instructions, interacted with his peers and the adults appropriately, participated in groups, and volunteered correct answers to questions. I learned from his teacher that he is still exhibiting rotations and reversal of numbers and letters in his class and at home, e.g 119 and 911.

During my observation of _____'s class, _____ participated in a math lesson about number pairs and number lines in his _____- grade class. Per _____'s resource mother, _____ is taking his ADHD medication twice per day, one which helps at school, and the other which helps him to sleep. He has an IEP due to his ADHD diagnosis. Although _____ has attention difficulties, I observed that he followed instructions and stayed on task. A special education co-teacher stayed near to help him when he needed it.

Per his teacher, _____ has some difficulty in math class, and I learned from the special education co-teacher that _____ has trouble with terminology, but not with math comprehension and math operations. Per his teacher, _____ does not receive speech-language services. During my observation, he did earn a star for his work.

During my observation of _____'s _____-grade class, the class worked together on Thanksgiving customs as an extension of a book the class had studied. I observed that _____ followed instructions, participated in the large group discussion, and worked cooperatively with a partner. Per _____'s teacher and resource mother, _____ continues to do well in school. _____'s teacher, who also knew _____ the previous year, spoke to me briefly and stated that _____ no longer makes "weird drawings." Whenever he seems preoccupied, he can be easily "brought back."

After my observations of each classroom, I met with the school counselor, who presented copies of progress reports with notes for each boy. Two separate teachers compared the condition and the progress of the children between this year (_____ school year) and last year (_____ school year; the boys were living with their mother until _____). For example, _____'s teacher noted that last year _____ often fell asleep in class and was "withdrawn, whereas this year he is outgoing and well-rested." The counselor noted extreme improvement in the children's appearance, behavior, and progress this year. For example, she mentioned that last year, the school had given one of the boys a winter jacket from the fund for children who need them, due to concerns that they were not clothed appropriately for the winter weather.

Resource Family Home visit on -----

I arrived at the house at 5:40 pm, just as the children came home with a friend of the family. The children's resource mother came home. They all settled themselves in the living room and greeted me, all trying to talk at once. They had decorated the family tree and _____ stated that he is appearing in the school holiday play. As they all watched a film on the TV, "The Patriot," _____ colored with art supplies, _____ played with a hand-held game device, and _____ asked many questions about the movie.

The children's resource mother talked about the children. She said that school conferences went well, and that the children are excited about the holiday season and the upcoming school play. _____ still has extreme dental problems, but all three boys are receiving dental treatments for their problems.

I learned that the resource mother's mother passed away in _____. The children knew her and are aware of her passing. The resource mother thinks that _____ understands about "_____'s" death, but that the younger two may not.

The resource mother stated that she has heard from the children that sometimes during their visits to see their mother at DYFS, she has taken them outside the building to _____ (not when DYFS worker Mr. _____ is there), without any supervision. It is CASA's understanding that Ms. _____'s visits with the children are supposed to be supervised at all times.

DYFS information received on -----:

During my phone conversation with DYFS worker _____ on _____, I learned that Ms. _____ is not employed and does not have appropriate housing. To the best of Mr. _____'s knowledge, Ms. _____ is drug-free, but she has not attended her mandatory Domestic Violence class. She continues to visit the children during scheduled times.

RECOMMENDATIONS:

1. The children's dental care treatments should continue to address their extensive dental needs.
2. Parental visits with the children should be supervised at all times. The rules for parent visitations should be clarified and reinforced for both the DYFS staff supervising parental visits and for Ms. _____.
3. The children should continue to reside with their current resource family, as all three boys are thriving in this warm and stable environment.
4. _____ should be referred for a special education evaluation for possible learning disabilities, especially given his tendency to rotate and reverse numbers and letters.

CASA REPORT TO THE COURT

CASE NAME: JM (DOB 02/19/1999) **CASE NO:** FC-12-145-11
FM (DOB 02/29/2000) FC-14-149-11
LM (DOB 10/01/2001) FC-14-146-11

COURT DATE: 04/12/2012

REPORT DATE: 04/09/2012

CASA VOLUNTEER: GA

DATE OF APPOINTMENT: 08/16/2011

BACKGROUND SUMMARY:

The G/M family has been known to the Division since May 2010 when a referral was reported alleging that Mrs. G neglected and physically abused her children. The Division investigated and found the allegations to be unfounded and closed the case. On June 1, 2011 the Division received a report from St. Clare's Hospital expressing concern for the children of MG. On May 25, 2011 Ms. G stabbed herself in her home. Mrs. G was depressed and abused alcohol at the time of her admission. While Ms. G was in the hospital the children were being taken care of by Ms. G's sister but as she was not able to continue caring for them they were removed on June 3, 2011 and placed in the care of the Division. The children were initially placed at a preliminary foster home and later moved to the new foster home on 7/29/11. On September 22, 2011 Ms. G stipulated to paragraph 7f of the complaint and admitted that she had an un-remediated alcohol abuse problem which placed her children at substantial risk of harm.

CONTACTS:	Telephone	In-Person	Written
JM	-	2	-
FM	-	2	-
LM	-	2	-
Foster Mother	7	2	-
Foster Father	1	-	-
JR, DYFS Caseworker	-	2	-
JK, Middle School Guidance Counselor	-	3	2
MG, Birth Mother	1	-	-

CURRENT STATUS:

PLACEMENT & ADJUSTMENT:

The children remain in foster care with overnight weekend visitations with their birth mother. Foster mother reports that the children initially had some difficulty adjusting back to the foster home after beginning their weekend visits with their birth mother but in time the transitions between the two homes have been going well. The children look forward to their overnight visits with their mother. Foster parents have been away on vacation from March 30, 2012 to April 9, 2012 and the children stayed with their biological mother, MG, for the whole ten days. The children did well over this long visit.

COUNSELING:

L is receiving counseling and doing well.

J has started to receive counseling but he seems to be in need of further psychiatric testing. I have spoken to both the foster mother and birth mother and they both agree that J needs to be tested just like F was. They believe that he needs help with his behavior at school and at home.

J had psychiatric testing and he was prescribed Guanfacine 1mg per day. J takes his medication at 9pm every night under the supervision of the foster or birth mother. Both foster mother and birth mother have reported that J's behavior has improved and that he is not only happier but also doing better in school and getting along better with his brother and sister. J has also told this CASA that he is happier and feels better since he has started on the medicine.

EDUCATIONAL:

L is doing well in school, she applies herself and receives good grades.

F is still having problems at school. In February F signed a "Contract for Success" in which his educational responsibilities at home and school were spelled out. His guidance counselor, JK, has enrolled him in "Sunset Academy" (4 times per week after school from 3:05pm to 5:05pm) and homework club to help him with his assignments and homework. JF's poor behavior has placed him on the Middle School Restricted List that restricts him from attending any social event sanctioned by the school. F has told me that he is working on getting off the list so that he can attend end of year field trips.

J shows improvement in his schoolwork since he was placed on medication. J's attitude has improved and he has a positive outlook. J is receiving extra help in reading as his reading level is three grade levels below what it should be. He is on the Middle School Restricted List for past behaviors but he says he has almost earned enough points to get him off the list.

Mt. Olive has provided excellent remedial services to these children and it is in the best interest of the children to have them finish off their school year in Mt. Olive. After the summer break they can return to the Parsippany School system.

MEDICAL:

Foster mother has taken the children to their doctor and dental visits. Birth mother took F to a dentist visit this past week. Foster mother states that the dentist has told her that J needs braces.

VISITATION:

The children have overnight weekend visitation from early Saturday morning until late Sunday night with their mother. The children have also had an extended 10-day visitation with their mother during spring break. During this period the children had school one day and the birth mother had to hire a taxi to get the children to and from

school, as she does not drive. The children enjoy going home and look forward to their time with their mother and friends.

PARENTAL COMPLIANCE AND PROGRESS:

Ms. G states that she complies with all court ordered services. She goes to AA meetings once per week and meets with her psychiatrist on a monthly basis at St. Clare's Hospital.

Ms. G continues to work evenings and will switch to the day shift once the children are returned to her. A neighbor will watch the children for one hour after they get home from school until she gets home from work.

RECOMMENDATIONS:

- That the children's physical custody be returned to their birth mother, MG
- That the children remain under the care and supervision of the Division for a few more months.
- That the children continue with their counseling.
- That F undergo psychiatric testing.
- That the children be allowed to finish the school year in Mt. Olive with the Division providing transportation from Parsippany to Mt. Olive since the birth mother does not have transportation.
- That the children continue with their medical and dental visits.
- That the Division explore the availability of an orthodontist to have F's teeth evaluated
- That the birth mother continues with all court ordered services.

Respectfully submitted,

GA, Court Appointed Special Advocate

**PF, CASA Case Supervisor
(973) 998-7590 Ext.12**