

Foster Parent

Educational Advocacy

Training

## **Abstract**

**This training will focus on encouraging, preparing, supporting, and empowering foster parents in becoming “educational advocates” for the foster youth in their care. Additionally, emphasis will be placed on the necessary leadership skills that are essential to effectively advocate for the education rights of the foster youth with special needs according to federal, state, and local mandates and laws.**

**Participants will prepare for “educational advocacy” by understanding what “advocacy” means, why it is so important to the foster youth, and how a foster parent can become the “education decision maker or advocate”. They will also gain information that will help them become familiar with the foster youth’s rights, gain knowledge about the laws/legislation, Individuals with Disabilities Act (IDEA) and 504 Rehabilitation Act that surrounds this issue, gain insights about taking part in the Individual Education Plan (IEP), learn the special education terms that are commonly used in connection with an Individual Education Plan and attain the resources and tools to enhance their ability to become effective advocates.**

## **Objectives**

- ❖ To define the term “educational advocate”**
- ❖ To learn basic advocacy skills**
- ❖ Build the capacity of foster parents to recognize a child’s disability, how it affects the child, and appropriate educational approaches**
- ❖ To identify effective leadership skills for advocacy purposes**
- ❖ To provide resources & tools for foster parents to support success in their role as the “educational advocate”**
- ❖ Identify laws enacted by congress to protect the educational rights of children**
- ❖ To provide participants with a better understanding of an IEP and the importance of their role as a team member**
- ❖ To provide knowledge on how to measure educational progress and how to write annual goals and objectives for the IEP**

**The National Foster Parent Association, with funding from Casey Family Programs, has supported the development of a training curriculum on educational advocacy for foster youth. It is entitled, “Foster Parent Educational Advocacy Training” (F.E.A.T.) and was developed by Jan Kjelland (a foster parent and former teacher). It is the National Foster Parent Association’s hope that foster youth with disabilities and/or education concerns and needs will be better served and that they will be equipped with the best educational opportunities possible. This is imperative if the hopes and dreams of achieving success in their present school setting and beyond into self-sufficiency is to be realized. It is further noted that foster/adoptive parents cannot accomplish this mission as single entities but rather as foster/adoptive parent associations presenting a united front to effect change one child, one school, one state at a time until such a time as “change” spreads nationwide to promote a high rate of achievement for all children. The time has come for foster/adoptive parents to focus on becoming an informed voice for the foster/adopted youth in the school setting, which requires knowledge and understanding of the laws, knowing where to gain advocacy support, and accessing the resources that are vital to this mission. It is the intent of NFPA to provide technical assistance in this important endeavor.**

**Alone we can do so little, together we can do so much.**

**~ Helen Keller ~**

# **Foster Parent Educational Advocacy Training**

## **Outline**

- I. Introduction**
- II. Definition of advocacy**
- III. Types Of Advocates and Their Roles**
- IV. Effective Educational Advocacy Skills**
- V. The Need for “Educational Advocacy” – The Foster Parent’s Role**
  - ❖ **Why are Foster/Adopt Parents Needed as Advocates?**
  - ❖ **What Steps do Foster/Adopt Parents Need to Take?**
  - ❖ **Who Determines if a Foster Parent Can Act as the Parent in the “Education Decision Maker” Role or if a Surrogate Parent is needed?**
  - ❖ **Who can be appointed as a Surrogate for a Child in Foster Care?**
  - ❖ **What Resources are Available to Support my Role When it is Determined?**
  - ❖ **So I am an “educational advocate” for my Foster/Adopt Child, What Now?**
  - ❖ **Partnering With The Agency**
  - ❖ **Handouts # 1, 2, & 3**
- VI. The “Eligibility Meeting”**
  - ❖ **When should it occur?**
  - ❖ **What needs to happen at this meeting?**
  - ❖ **How do you address the issue of a child that has not been identified or has been inappropriately identified? What steps do you take?**
  - ❖ **What are some strategies for record collection, storing, documentation, and forms for use in this process?**
- VII. The Individual Education Plan (I.E.P.) Team**
  - ❖ **What is it?**

- ❖ Who will be expected to attend? Should “outsiders” be invited such as therapists or agency caseworkers?
- ❖ When does the IEP get prepared?
- ❖ Who has input into the plan?
- ❖ How is it developed? What are the key elements?
- ❖ What about testing? Is it accurate? What does it mean?

#### **VIII. Preparing for an IEP Meeting - the Meeting Itself**

- ❖ Background information
- ❖ Tools (IEP Parent Request sheets, follow up letter sample copy, and thank-you letter sample copy)
- ❖ Story – “The Farmer” (Handout - # 7)
- ❖ Role-playing – The IEP meeting/sample copies of an IEP
- ❖ Actual cases (for modeling purposes)
- ❖ Discussion

#### **IX. The I.E.P. Meeting is Over, What Next?**

- ❖ Model various strategies in monitoring the student’s progress.
- ❖ Discuss ways to check for the appropriate implementation of the I.E.P.
- ❖ Tell about ways to document what is taking place and what is not – keep the communication positive but be assertive and be sure that it is effective.

#### **X. What Does a Foster/Adopt Parent do when they are not in Agreement With Their Child’s I.E.P. Team Decision?**

- ❖ Who do you contact?
- ❖ What do you do?
- ❖ Where do you seek help? What educational advocacy organizations are available?
- ❖ Discussion - to sign or not to sign?
- ❖ What is a due process hearing?
- ❖ What is mediation?

#### **XI. Conclusion**

- ❖ Evaluation

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**MATERIALS/NOTES****OUTLINE/INSTRUCTOR ACTIVITY**

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**Transparency # 1 – Opening motivational thoughts****I. Introduction - Activity****Activity # 1 - Get it out into the Open**

Time: 15 minutes

Materials:

- . Index cards
- . Flip chart paper/markers
- . Tape

Trainer:

- . Explain the purpose of the activity. Tell the participants what will be done and what will happen after the activity.
- . Participants will list 3 – 5 questions/concerns (on a colored index card) that they may have regarding their role as the educational advocate for their foster child. (Allow about 5 minutes)
- . They will move into small groups and share with each other and then list the groups “Top 5” questions/concerns on a flip chart paper. (Allow about 10 minutes)
- . Post the flip chart papers – “Questions and/or concerns” near the heading “Why Advocate?” (Trainer: Post a heading card or banner ahead of time.)
- . Note: Show Transparency # 2, “Here’s the Scoop”, (found at the back of your trainer’s guide) to conclude this activity. Explain that it is normal to have questions and concerns and that throughout the workshop information will be presented to answer the concerns and questions that were raised. (Trainer: Move on at this point or you may get bogged down with unnecessary discussion.)

**Transparency # 2 – “Here’s The Scoop”**

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## REFERENCE NOTES

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### I. Introduction

There are more than 500,000 children in foster care and that number is growing. Children and youth who are, or have been in out-of-home care face extra challenges: more than 60% of children or youth in care drop out of school before graduation, a rate that is twice as high as the dropout rate for all students (Calvin et al, 2000). Children and youth who are, or have been in out of home care are two or three times more likely than other students to have disabilities that affect their ability to learn. (Calvin et al, 2000) In fact, there is research to show that approximately 30 – 40 % of children and youth in foster care are receiving special education services. (Information obtained from “Wingerden, Claire. Education Issue Brief: Improving Special Education for Children with Disabilities in Foster Care, Seattle, Washington: Casey Family Programs, June 2002.)

The above mentioned issues and statistics have brought to light the educational deficits that plague children in foster care. Others include (but are not limited to) higher rates of grade retention, lower scores on standardized tests, higher absenteeism, tardiness, and truancy. Thus, in recent years, the education or the lack of education for foster children has become the topic of conversation. In fact, various child welfare research and advocacy organizations and some state policymakers have placed this important need as a key issue on their agendas. Furthermore, there is a federal initiative taking place that is assessing each state’s performance in meeting the educational needs of children in the child welfare system. It is part of the federal Child and Family Service Reviews.

Nationwide, research suggests that there are commonalities found for the reasons that children and youth in foster care fare poorly in the educational settings. First, many of the children have suffered trauma (abuse, neglect and abandonment, exposure to violence, separation from their birth families, etc.) before and after they were placed into care, and many have special medical, emotional, and social needs as well. Second, they experience gaps in their education because of school transfers (often leading

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to delays in gaining entrance) and their school records not following them in a timely fashion. Third, children in foster care often have behavioral and discipline problems as a result of trauma they have experienced, etc. and the adults in their lives that need to have understanding just haven't been trained to do so often times. Another important factor is that foster children are more likely to be in special education due to lack of experiences, poor attendance (due to parental neglect and/or deprivation), and those that may have been identified inappropriately. Additionally, there is lack of communication between the biological/foster parents, child welfare professionals (case managers), and the principals, guidance counselors and teachers in the school system thus, the lines of responsibility and accountability are unclear and the result is that no single person or agency is held accountable for results. Finally, many foster children who are in need of important educational services are not receiving them because they have not been identified, school districts lack the funding to provide services, or well-intended adults do not know how to advocate for the child's educational rights.

Congress has enacted several laws to protect the educational rights of children with disabilities and assure that they receive a free and appropriate public education. The Individuals with Disabilities Education Act IDEA and Section 504 of the Rehabilitation Act of 1973 are the two principal federal laws that educational advocates will need to know in order to effectively advocate for foster children. Foster parents, surrogate parents, and educational advocates (education decision makers) need to take responsibility for gaining the necessary information and training to better understand the federal mandates and laws as well as their respective state and local mandates. Additionally, as an advocate in the child welfare system, you need to know how the special education system works and understand the benefits and services that can be accessed for children in foster care. Note: If understood, the IDEA can be used to help "educational advocates" with the important task of making sure that the much needed educational services

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for foster/adopted children with disabilities are provided.

This workshop is not intended to give specific legal advice on individual cases, but rather to provide participants with general information about the rights of children with disabilities, those that have not been identified, and those that have been identified inappropriately. It is important that participants understand that this workshop is for a national audience, and that each state has additional laws and regulations that affect the educational rights of children with disabilities. Foster parents need to seek assistance in their respective communities from other foster parents (support groups), advocacy organizations, child welfare agencies, disability groups, parent training information centers, the National Foster Parent Association (NFPA), and other educational professionals. If ever there were a time for educational advocacy, it is now.

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## MATERIALS/NOTES

## OUTLINE/INSTRUCTOR ACTIVITY

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Transparency #3 - Advocacy BY

II. Definition of advocacy  
Activity # 2 – Advocacy Definition (Creatively)  
Time: 20 minutes  
Materials:

- . Flipchart paper
- . Markers

Transparency # 4 – Dictionary definition - NFPA's adapted definition of "Educational Advocacy"

Directions: (Small Group Work) Trainer: Show the participants Transparency # 3 (an example of how "advocacy" can be defined) before they break into groups.

III. Transparency # 5 – Types of Advocates and Their Role in the Education Setting.  
Handout # 1: Types of Advocates and Their Role in the Education Setting

- . Participants will move into small groups of at least 5
- . A volunteer will pick up flip chart paper and a marker
- . The group will choose a recorder and a time keeper
- . Brainstorm a creative sentence or line for each letter of "Advocacy" – the outcome will showcase what "advocacy" means to the participants in the educational arena. (Keep in mind that the focus is on "education".)
- . Record the word "Advocacy" in a vertical line/ provide input
- . The group will choose a speaker to share with the whole group

Sharing with the group:

- . Trainer may select certain groups to share or ask for volunteers
- . Post the flip chart definitions in a designated spot in the room
- . Display a couple of definitions (on a transparency) according to the dictionary

Discussion: Allow about 5 – 10 minutes to present the informational portion of this session. (Trainer: Let your participants know that there are different types of advocates. This will lead them to focus on "educational advocacy" for purposes of this training.)

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III. Different Types of Advocates and the Role of Each of Them - Trainer: This may be used as background information or it can be used as a means to provide discussion with the whole group. You may want to consider using Transparency # 5 (Types of Advocates and Their Role in the Education Setting) that is provided at the back of the trainer's guide for this portion of the workshop. It may be helpful to show the different roles that advocates can play in the life of a foster child.)

Special Education Advocates – Their role is to work to improve the lives of children with disabilities and their families.

Educational Advocates - Their role is to evaluate children with disabilities and then make recommendations about services, supports, and special education programs. Each time an educational advocate attends eligibility and/or IEP meetings, they are acting on the child's behalf. They may negotiate for that child's services. Others may be less knowledgeable about special education laws and the best tactics/strategies to use. However, it is their job to learn about them or find someone who can help in this area.

School Personnel - Teachers and special education providers often see themselves as advocates. Teachers, administrators, and school staff often provide support to children and their families. Because they are employed by school districts, however, school personnel are limited in their ability to advocate for children with disabilities without endangering their jobs.

Parents/Foster Parents/Surrogate Parents - They are natural advocates for their children. (Think about it - Who was the child's first teacher? You were and/or are. Who is

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## MATERIALS/NOTES

Transparency # 6 – Effective Educational Advocates

Activity #3 - Rules of the Game (Round Table discussions)

Time: 40 minutes

Materials:

- Game board covers with the “rule title”
- Table tents with the meaning to a rule or a sheet of paper with the meaning to a rule typed on it
- Blank sheet of paper and a pen/pencil (for questions about the rules that may be addressed at a later time)

## OUTLINE/INSTRUCTOR ACTIVITY

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### IV. Effective Educational Advocacy Skills

#### A. Rules and Their Meanings

##### 1. School bureaucracy rules

This refers to those rules that come with bureaucracies. They are created to fulfill missions. An advocate needs to be aware that the mission of the public school is to provide a standardized education to all children. They offer a standardized curriculum that children are expected to learn. Think about it – will this type of curriculum be in the best interest of the child with disabilities?

##### 2. Special education rules

As an advocate for a child, you will learn that there are special education rules as well. You will learn about gatekeepers (those people that grant permission for evaluations, special services, etc. such as the principal of the school, the special education director, etc.) and one-size-fits-all (OSFA) programs. You need to understand how the special education system operates and how decisions are made to be a more effective advocate for a child.

##### 3. “Gatekeeper” rules

Gatekeepers limit the number of children who have access to special education services and limit the services children can receive. If you have health insurance through an HMO or managed care firm, you know about gatekeepers.

They may tell you that your child is not entitled to:

- An evaluation
- Any change in the IEP
- More services
- Different services

It is their job to say “No!” It is your job as an advocate to persuade them that the child in care has a situation that is different and requires a

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the child's most important role model? You are. Who is responsible for the child's welfare? You are. Who has the child's best interests at heart? You do.

Lay Advocates – They are those people that have specialized knowledge and expertise to help parents/foster parents resolve problems with schools. (Examples: lawyers, special community advocates, guardian ad litem, etc.) When lay advocates attend meetings, write letters, and negotiate for services, they are acting on the child's behalf. Most are knowledgeable about legal rights and responsibilities. In some states, lay advocates represent parents in special education due process hearings.

Remember, you know the child better than anyone else. The school is involved with the child for a few hours a day. You are involved with the child on a 24/7 basis and often times for a year, several years, or a life time. You should play an active role in planning the child's education.

The law gives you the power (check with your community, state, and federal guidelines in this area) to make educational decisions for the child. Do not be afraid to use your power. Use it wisely. A good education is the most important gift you can give to the child in care.

### IV. Activity #3

This may be a good time to empower the participants to become educational advocates. First, let them know that becoming an educational advocate is like a game of Monopoly, etc. Note: Let the participants know that they cannot win at any game if they don't know the rules. Educational advocacy is a lot like that as well. There is a lack of direction if they don't know "the rules" or what to do to be effective in their role. Thus, the activity that they will participate in will help them gain necessary information and to familiarize them with "the rules" of advocating for a child in care.

1. Find several types of games at garage sales and take the covers off,
2. Next, laminate them.
3. Then, type up each of the rules & what they mean.
4. Place them on a table for each small group.
5. Have the participants move into small groups by going to the table that has their favorite game on it, etc.
6. They will start at that table, read the set of rules and discuss them with their group.
7. They will go to the next table and do the same thing. This will continue until they have visited each table and end up back at the table where they started.

(Note: There will be a time manager that will call time every 5 – 8 minutes for this activity.)

Trainer: Allow for whole group discussion after this activity to process what they have discussed in small groups. Then, move right into the educational advocacy skills.

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**MATERIALS/NOTES****OUTLINE/INSTRUCTOR ACTIVITY**

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different approach.

4. “We can’t make exceptions” rules

It is important to know that school districts have a chain of command. Your child’s school team may not have the authority to grant your request. There is an elaborate system of rules that govern how decisions are made and by whom. Be prepared to hear the “We can’t make exceptions” rule when you try to develop an appropriate plan for the child in care. It is extremely important that prior preparations and planning have taken place so that argument can be overruled.

5. “One-size-fits all” program rules

Often times the school district has a standardized “One-size-fits all” (OSFA) special education program. In that program, decisions about the child’s program and placement are based on the child’s disability category or label, not on the unique needs of the child in care.

If a child is ADHD, the child’s program and placement may be the school’s standardized OSFA program for all children in the regular classroom. What would be wrong with that approach?

Remember, the school district is required to provide each child with an individualized special education program tailored to a child’s unique needs. Standardized OSFA programs are not tailored to any child’s unique needs. They are designed for the convenience of the adults in the system often times.

6. Individualized program rules

This type of a program is labor-intensive and more difficult to administer. Thus, you need to expect to run into some resistance if you try to develop this type of program for a child in care. You are negotiating with a system that uses categories

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and labels to make decisions. You can prevail but again, you will need to plan and prepare.

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Alternate Activity #3

Transparency #6 - Why is Educational  
Advocacy Needed?

Transparency #7 - Foster Parents Are  
Needed as Educational Advocates

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### Alternate Activity #3

20 minutes or so

The next step is to give the workshop participants information on “WHY” educational advocacy is necessary, who determines the “educational advocate” for a foster child, and the necessary steps to take in becoming an “educational advocate.”

The trainer should lead a discussion: You may use this information provided to do so.

### Key Discussion Points:

1. There is a need for educational advocacy.

Why? The primary reason is education outcomes. Good education services are intensive and expensive. Budget constraints are a huge concern and you may end up fighting with the child’s school district for the services the foster child needs. Thus, you need information, skills, and tools!

2. Who determines who is the foster child’s “educational advocate?”

Each state decides this according to the IDEA statute. Anyone can advocate for another person. In order for a foster parent to become a legal educational advocate/decision maker, however, it is best to check the legal requirements and make it legal within the framework of the courts.

3. What steps do foster parents need to take to become an “educational advocate?”

4. What resources are available to support the foster parent’s role as an effective “educational advocate?”

There are several laws that protect the child’s rights and many national, state, and community organizations that are available to help you. NFPA has also developed a handbook for use.

5. What does it take to be an effective advocate?

There are six key ingredients.

6. So I am an “educational advocate” for my foster/adopt child, what now?

You become the foster child’s voice.

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## MATERIALS/NOTES

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### Activity # 4

Time: 10 minutes

Materials:

- Flip chart paper (transparency or PowerPoint slide)
- Markers

Trainer: Prepare ahead of time:

- Flipchart with skills
- Posters (12 x 18) or a flip chart sheet with the following sayings:
  - The squeaky wheel gets the grease.
  - With information comes power.
  - Believe in your ability to affect change.
  - Trust your instincts, intuition, and insight.
  - Know the child and believe in him/her.

Transparency #7

Handout # 2

### IV. Effective Educational Advocacy Skills

You may want to write the following advocacy skills on a flip chart ahead of time so you can briefly go over the desired skills that are needed in the role as an educational advocate. OR You may wish to ask the participants what they believe they will need in terms of skills for their role. Then, have a volunteer list them on the flip chart as they are being called out by the participants. Next, as a trainer you could conclude this section by showing the flip chart that you have prepared (or a prepared transparency or a PowerPoint presentation with the following bullets).

#### Handout # 2

##### B. Educational Advocates Need to:

1. Learn the rules – (Study the laws)
    - Educate themselves about their local school district.
    - Create relationships with school staff.
    - Know how decisions are made and by whom.
    - Know about the child's and your own legal rights.
    - Know that a child with a disability is entitled to an "appropriate" education.
    - Know that a child with a disability is not necessarily entitled to the "best" education or one that "maximizes" his or her potential.
    - Know the procedures you must follow to protect the child's rights.
  2. Plan and prepare
    - Find out about rights and responsibilities.
    - Read special education laws, regulations, and cases.
    - Be self-confident and committed to the child's best interests.
    - Learn how to use test scores to monitor a child's progress.
    - Prepare for meetings, create agendas, write objectives, and use meeting worksheets and follow-up letters to clarify problems and get to
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**OUTLINE/INSTRUCTOR ACTIVITY****MATERIALS/NOTES**

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the agreement phase.

3. Keep written records

- Make requests in writing.
- Write polite follow-up letters to document events, discussions, and meetings.

4. Ask questions and listen carefully to the answers

- Use “Who, What, Why, Where, When, How” questions when you are trying to find out reasons for the school’s decision(s) about giving services or other problems

5. Identify problems

- Be sure to define and describe problems adequately.
- Use your knowledge base, feelings, & past experiences to help you develop and hone strategies.
- Use basic computer skills and/or Internet skills to help you gain the information that you may need

6. Propose solutions

- Negotiate with the school for special education services.
- Always discuss issues and make offers or proposals to come up with “win-win” solutions that may be satisfactory to the child and the school. (Use meeting time effectively and then follow up.)

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**MATERIALS/NOTES****OUTLINE/INSTRUCTOR ACTIVITY**

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**Activity # 5**

Time: 30 minutes

Materials:

- Transparencies
- Flip chart (programmed with questions ahead of time)

Transparency # 8 (Why is Educational Advocacy Needed?)  
Transparency # 9 (Foster Parents are Needed as Educational Advocates).

Trainer: Distribute handouts 1 - 4 after viewing the transparencies and allowing time for discussion.

**V. The Need for Educational Advocacy**

Trainer: The next step is to give the workshop participants information on “WHY” educational advocacy is necessary, who determines the “educational advocate” for a child in care, and the necessary steps to take in becoming an “educational advocate”.

The trainer will lead a discussion: You may use the information provided in the following pages to do so.

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### V. The Need for Educational Advocacy

- A. There is a need for educational advocacy.  
Why? The primary reason is educational outcomes. Good educational services are intensive and expensive. Budget constraints are a huge concern and there may be a struggle with the school district for the services. Thus, you need information, skills, and tools!
- B. Foster parents are needed as advocates. Why? To make sure that the child in care receives a free and appropriate education.
- C. Who determines who is the foster child's "educational advocate"? Each state decides this according to the IDEA statute. Anyone can advocate for another person. In order for a foster parent to become a legal educational advocate/ decision maker, however, it is best to check the legal requirements and make it legal within the framework of the courts.
- D. What steps do foster parents need to take to become an "educational advocate"? You will need to obtain, review, and follow the federal IDEA statute.
- E. What resources are available to support the foster parent's role as an effective "educational advocate"? There are several laws that were enacted to protect the child's rights and many national, state, and community organizations are available to help you. NFPA has also developed a handbook on this topic.
- F. What does it take to be an effective advocate? There are six key ingredients: learn the rules, plan and prepare, keep written records, ask questions and listen carefully, identify problems and list solutions.
- G. So I am an "educational advocate" for my foster/adopt child, what now? You become the foster child's voice. You need to know the laws to do so. (Trainer: Post the website at this point. It is <http://www.ideapractices.org/law/index.php>)

### V. The Need for Educational Advocacy

Discussion information is provided (below) about the IDEA federal mandate pertaining to Steps in Becoming the Foster Child's "Educational Advocate". Trainer: The following information will help you explain the reasoning/philosophy behind IDEA and what IDEA requires.

- First, does "act as the parent" mean that foster parents must be appointed as surrogates (An educational surrogate fills the role of a parent for the child in care with a disability whenever decisions are being made about the child's educational placement and program.), or is an official surrogate appointment unnecessary when a foster parent meets the outlined criterion? (below) States vary on this issue. In some states, foster parents are appointed as surrogates and other states have foster parents act as the parent (bullet # 3) without a formal appointment. (Handout - "Appointment of

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Transparency # 10 – “Steps in  
Becoming the Foster Child’s  
Advocate”

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argument about this point and it presents some strong emotional issues with foster parents. It is noted that foster parents may have some emotional and monetary interest in keeping a child in their care. For instance, what if foster parents, acting as surrogate parents or the educational advocates, were put in the position of advocating for a child were to be placed in a residential setting, which would mean removing the child from their home? Would they then make the best decisions for the child? Or, would a foster parent, who is perhaps burned out, agree to a residential placement for a child even though the child could be maintained in the community (which would also be the least restrictive environment according to the federal mandates) with appropriate services in place? Even though most foster parents do have the best interests of the child at heart, it could appear as though there were potential for conflict.

Trainer: The discussion above is for your background information. It is important that you understand some of the questions and issues that may arise when you are training on this sensitive but valuable information surrounding IDEA. This explanation will help you to be better prepared to answer participant's questions.

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**MATERIALS/NOTES****OUTLINE/INSTRUCTOR ACTIVITY**

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**V. The Need for Educational Advocacy**

Transparency #11 - How Do You Determine if a Foster Parent Can Act as the Parent or if a Surrogate Parent is Needed?

Transparency #12 - Who Can be Appointed as a Surrogate for a Child in Foster Care? Trainer: This can be used as background information or you may choose to use it as a transparency in some settings.

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### V. The Need for Educational Advocacy

Trainer: You will need to know the following background information to facilitate discussion and address any questions and/or concerns that may arise on this issue.

It is common knowledge that many rights under IDEA can be asserted only by the parents of the child with disabilities. Thus, this issue needs to be addressed and clarity on who can act as the parent needs to happen at the beginning of the process. (Note: Usually any advocate can request a referral for evaluation of special education needs of the child in foster care, but only the parent or surrogate can consent to the evaluation or reevaluation of the child and to the services put in place for the child.)

It is a given that adoptive parents have the above mentioned rights under IDEA, as do relatives and even non-relatives who have assumed guardianship of children in their care. However, foster children are in a unique situation, because a state or county child welfare department has assumed guardianship of them pursuant to a court order. At that point, IDEA creates a special “educational surrogate parent” for the child in care and other children whose parent are not available. The state education agency usually appoints the “educational surrogate parent”, who have all the authority of a “parent” under IDEA (This may vary from state to state – check the handout (#3) entitled, “Appointment of Surrogate Parents” for your state mandate.). There are certain requirements that an appointed surrogate parent must meet in his/her role. (See the handbook for these requirements.)

In some states foster parents are considered the “educational surrogate parent”. Other states make different arrangements (in cases where there is a conflict of interest) so it is important that you check with your State Department of Education for clarification concerning policies and practices for appointing surrogate parents. It is also wise to get a court order to memorialize it as a legal arrangement. In all cases, the state education agency/ department is responsible for providing training for surrogate parents so that they can effectively carry out their role.

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## MATERIALS/NOTES

### Activity # 6 – “Pieces of the “Educational Advocacy” Puzzle)

#### Materials:

- 12 x 18 poster board or flip chart paper & a 9 x 12 puzzle template for each group
- Markers/masking tape
- Transparency (with a puzzle format)/blanks filled in

Time: 30 minutes

## OUTLINE/INSTRUCTOR ACTIVITY

Trainer: You will need to make a model of a large puzzle on a sheet of flip chart paper ahead of time and then use the following examples to fill into the puzzle pieces. (Optional: Make a laminated poster board puzzle ahead of time.)

Put the workshop participants into small groups. Ask for a volunteer to collect a sheet of flip chart paper and a marker. One person will make a large puzzle on the flip chart paper. The other participants will brainstorm. (Optional: Give each group a 9 x 12 sheet of paper with a blank puzzle on it. Instruct them to think about all of the responsibilities that they may have in the role of the “educational advocate” for a child. List them inside the blank puzzle. Be prepared to share with the whole group.) They need to choose a time manager. Allow about 15 minutes for this activity.

This activity will allow the participants to think about the many responsibilities that they will have in the role of an “educational advocate”. It will give you as a trainer the opportunity to allow for further discussion and clarification if any were missed.

In each part of the puzzle you will label the following categories: (Trainer’s examples for the large puzzle.)

1. Key decision maker for IDEA related issues
  2. Request evaluations/reevaluations if needed.
  3. Learn about IDEA & the Rehabilitation Act of 1973 (Section 504).
  4. Know the disabilities categories under IDEA.
  5. Look for apparent/less obvious disabilities.
  6. Obtain available family medical history.
  7. Look for signs that the child is mislabeled.
  8. Keep records – make new records.
  9. Organize everything into a three ring binder.
  10. Seek support from advocacy allies.
  11. Get information and training for the child’s specific issue(s).
  12. Know what a disability is or is not.
  13. Write letters to the school.
  14. Watch for signs of school difficulties. (Provide examples.) Get professional opinions about the causes.
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## REFERENCE NOTES

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Trainer: This is an information session and may be developed into a transparency and/or a PowerPoint presentation using bullets. It is important that the educational advocate gains an understanding of what a disability is, what IDEA is, what Section 504 means for a child, what the disability categories under IDEA are, and what a disability under Section 504 provides for a child. (Optional: This may be given as a handout or an insert in the handbook.)

What is a disability?

A disability is an impairment that interferes with a child's ability to learn. A child may be described as disabled or challenged when he/she has a mental, physical, or emotional impairment that affects his or her ability to learn. In that case, a child's impairment must also meet the definition of a disability under special education laws to qualify for special education services in the school district that he or she may attend. (Note: Just because a child has a disability, it does not mean that the child is not smart or that he or she cannot learn. It just means that he or she may need to learn in a different way or through the means of supportive services.)

What is IDEA?

It is the primary law that protects students with disabilities. It is the Individuals with Disabilities Act, or most often referred to as "IDEA". It is a law that was enacted by Congress to ensure that a child with disabilities would be provided with meaningful (most often – adequate) educational experiences.

What does Section 504 mean for a child?

This law that was passed by Congress and is referred to as the Rehabilitation Act of 1973 made it illegal to discriminate against people with disabilities in programs receiving federal funds, such as public schools. Section 504 covers more students than does IDEA. Why? It has a broader definition of what a "disability" is. Thus, all students eligible for IDEA are also eligible for protection under Section 504, but not all disabled students who are entitled to Section 504 are eligible for special education

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**MATERIALS/NOTES****OUTLINE/INSTRUCTOR ACTIVITY**

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15. Keep a phone log of all calls to the school.
  16. Attend school conferences & IEP meetings and do follow up.
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## REFERENCE NOTES

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under IDEA.

What are the disability categories under IDEA?

IDEA defines eligibility for a child who falls within one or more of the following categories of disability. The child also must need special education and related services to make academic progress. The categories are as follows:

- Emotional disturbance
- Other Health Impaired (includes Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD) Note: These labels have been changed and will need to be updated.
- Specific learning disability (to include difficulty with thinking, reading, writing, spelling, or math)
- Communication disorder (speech and language impairments)
- Mental retardation
- Hearing Impairment/deafness
- Visual impairment/blindness
- Autism
- Traumatic brain injury
- Orthopedically impaired
- Developmentally delayed

What does Section 504 provide for a child with a disability?

It provides services and accommodations for a child that has a physical or mental impairment that substantially limits a major life activity. These would include:

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

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## REFERENCE NOTES

### **Partnering With the Agency**

Agencies are in a position to support the foster parent in fulfilling their role as the advocate in school-related issues. They can help address the ways in which foster parents can best fill the role of support and educational advocate. The following list addresses the many ways that an agency can do so.

- Give foster parents information about local, state, and national organizations that deal with specific developmental disabilities.
- Provide the training that deals with the specific issues of the child that they have in care.
- Make foster parents aware of eligibility requirements.
- Show them how to navigate the educational system to secure timely assessments and support from the perspective schools.
- Empower foster parents by helping them understand that some of the problems they encounter are both common and unavoidable.
- Provide peer support by allowing for the sharing of experience.
- Provide support in providing educators with information about children in care and the issues they are faced with.
- Provide a resource directory of agencies and services that may be helpful.
- Establish a toll-free telephone number through which parents can access information about services and supports.
- Show them that the agency is committed to keeping the child in the same school whenever possible to avoid the pitfalls of changing schools.
- Show foster parents that the agency is willing and does work together with the schools to address the needs of children in care. (This is especially crucial when the foster/surrogate parent has limited experience in working within the educational system.)
- As an agency invite the school to prepare a calendar for the foster parent that will show dates for registration, meetings (in advance), school holidays, and contact information.
- The agency needs to work with the school to prepare transfer protocols so it doesn't fall on the foster parents shoulders. (Share this information with the foster parents so they know what can reasonably be expected of the school and the child's teacher.)
- Establish checklists of information and papers that can be sent to a new school.
- Develop a checklist for foster parents. List the steps needed to ensure that the child's records are transferred in a timely manner.
- Assign a staff member to act as a liaison with the school district in the foster parent's area. (Or ask if a knowledgeable foster parent feels comfortable taking on that role.)
- Develop a relationship with the school administration and request that they keep the agency informed about changes in policies or written material. Pass that information on to the foster parent.

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## REFERENCE NOTES

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- Get on the school district's mailing list for notices about informational meetings and training sessions. Then, support the foster parent in attending the meetings/training sessions (whenever possible).
- Prepare a list of "frequently asked questions" (together with the foster parents) and the answers. Make sure to send it to the school to help them understand some of the issues faced by foster parents.
- Provide foster parents with a resource list for more information. It should have contact information (e.g., name, address, phone, fax, e-mail) for persons who can answer questions.
- Distribute the information in multiple forms such as, leaflets, laminated cards, checklists for posting on the refrigerator, and a website.
- Review educational services and the IEPs (of the child in care) on a regular basis with the foster parent. It is the agencies responsibility for ensuring that educational services are appropriate and adequate.
- Provide information and practice in assertiveness techniques (to help foster parents overcome their apprehension about dealing with schools).
- Encourage positive interactions with school staff by facilitating joint trainings and asking schools to make brief presentations on subjects of interest to foster parents.
- Encourage foster parents to attend school functions such as orientations, parent-teacher conferences and "back to school night."

### **Other Ways That Agencies Can Support Children in Out of Home Placements Entering a New School**

One of the latest initiatives that is taking place in Vermont is a wonderful collaborative effort to assist children in care when they enter a new school after being placed in an out of home placement. John Bates, the Foster Care Program Manager sent out the notice to all staff on January 23, 2003. It stated that the Department of Education has agreed to have school personnel available to conference with division staff and foster parents upon enrolling or shortly thereafter enrolling a child in care in school. Prior to the meeting, the agency staff will have the Interagency Consent to Release Information form signed so that information can be freely shared between the agency and the school personnel. The agency staff can share information at this time that will help the school in developing the child's educational plan. It will ease the stress on the child that naturally occurs when he or she is placed in a new school environment. This is definitely a win-win situation for the child in care.

The new initiative further stated that effective immediately when enrolling a child into a new school, the following will take place:

- The agency staff will telephone the school counselor to inform them that they will be enrolling a child in care in their school and request a conference upon arrival.
- The agency staff will then contact the foster parent to request their participation in this meeting (ample prior notice).

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- They will contact the educational surrogate and inform them of the meeting as well (if there is one that differs from the foster parent).
- The agency staff will be prepared to share medical or other special needs of the child in care.
- Staff should request a mentor for the child in care during this meeting.

The counselor will include the child's teacher and any other appropriate school staff for the meeting. The goal of this process is about "Thinking of the Child First".

Each state provides a Parent Guide to Special Education that is very informational and useful for the educational advocate. One state in particular, Vermont has developed a document which has 8 parts. It meets the Department of Education's Parental Rights in Special Education federal notice requirement. In addition, each part is designed to be used individually as supplemental information when needed. You may want to access copies of the document for modeling purposes on line at: <http://www.state.vt.us/educ> and [www.vtpic.com](http://www.vtpic.com) and by calling 828-5114. This is just one example of a source that can be useful for the foster parent/surrogate parent/educational advocate.

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Transparency # 13

### **Activity # 7 – Walk-about**

**Time:** 30 minutes

**Materials:**

- “Months of the Year” posters/cards
- 9 x 12 cards (with the questions on them)
- Sheets of paper with the answers
- Tape (to tape up the cards, questions, and answer sheets)

### VI. The Eligibility Meeting

Trainer: The website for IDEA (a major federal law governing the special education process) has been posted previously but you will need to refer to it again at this point. You may also want to remind the participants that you will be referring to a portion or portions of the law in regards to “eligibility”, etc. throughout the rest of the workshop.

This activity is set up to determine what background and/or understanding the participants have about the “eligibility” meeting. It will provide information for the participant as well and help them to gain a clearer understanding of the “eligibility” meeting and their role as an educational advocate.

You will need to:

1. Ask the participants to find the card with their birth month on it.
2. Direct them to discuss the question (found next to the birth month card) with the small group.
3. Walk around to support the discussions that will be taking place and provide input as needed.
4. Encourage the groups to jot down any questions that they may have in regards to the particular question that they are discussing. Invite them to bring them to the large group for discussion.
5. Ask for a volunteer to read the question and give the answer that the group came up with.
6. As a trainer, you may give additional input according to IDEA or ask other participants if they have other input on the topic from their experiences (encourage them to keep it brief and factual).

#### Questions for Activity # 7

Question # 1: Who decides whether a child is eligible for special education services?

Answer: The school district must make a decision about

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Trainer: This section is meant to be used for informational purposes. (You may want to make a transparency from these questions or a PowerPoint slide.)

When should the eligibility meeting occur?

IDEA states that the school system has a “reasonable period of time” after the evaluation request to complete the evaluations (A parent is entitled to a copy of any evaluation conducted by the school.) and meet as a team with the parent to determine whether the child is eligible for special education services. Some states specify a time limit for this process. (Again, check your state laws in regards to the time limit.) In the state of Maryland, for example, it is 90 days.

Who should be included in the meeting?

The parents or the surrogate parent (This may be the foster parent who may be the acting educational advocate.), and any current classroom-based parents, surrogate parents, and a team of qualified professionals must be included in the meeting. Often times the team consists of the Individualized Education Program (IEP) team members. (You may want to look to your state law to determine if you have more specific requirements.)

What needs to happen at this meeting?

Parents must be provided with a copy of the written policies (known as the procedural safeguards) related to the parents’ rights under IDEA. The team should review the existing evaluations, including any information provided by the assessments and teacher observations.

Then, the team must determine (based on the information):

- Whether the child has a disability as defined under IDEA;
- The present levels of performance and educational needs of the child;
- Whether the child needs special education and related services.

The role of the advocate for the child is to ensure that the IDEA dictated procedures are being followed. Checklist to follow:

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whether or not a child is eligible, or not eligible for services under IDEA.

Question # 2: What does a school district need to prepare if they take responsibility to have the evaluation process done for a child in care?

Answer: If the school district completes an evaluation process for a child, it must prepare a written evaluation report that states the following:

- Whether the student has a disability
- How the disability affects the student's progress in school
- What services are recommended to address the student's individual needs.

Question # 3: What signs does the educational advocate need to look for that may indicate that a child needs special education services? Why?

Answer: Some foster children simply may have apparent disabilities (ex. Orthopedic impairments or blindness) while others may have disabilities that are not easy to identify. For the less obvious ones, such as learning impairments, speech and language issues, and memory problems, the advocate will need to look for subtle signs of problems. It is also important to obtain family medical history and watch for signs that the child is having school difficulties, such as:

- Poor grades
- Delays in academic achievements or developmental milestones
- Lack of interest in school
- Refusing to attend school
- Tardiness on a regular basis
- Behavior problems at school and at home.

The educational advocate will need to get professional opinions about the causes if any of the above signs are observed. In so doing, it may help a child to qualify for special education services when appropriately identified.

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- Are all of the individuals present at the meeting?
- Have procedural safeguards been provided?
- Are evaluations appropriate and being reviewed?
- Is the eligibility decision truly a team decision?

Note: The educational advocate should have a copy of the IDEA definitions (and a list from his/her state code or regulation if they differ) and ensure that the team is using the criteria outlined in the definition of each disability.

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Question # 4: What if a child has not been identified for services but the advocate suspects that he/she may need special education services?

Answer: He/she can pursue two options. First, an independent investigation can be conducted. (This may prevent over- and under identifying children in foster care as needing special education services, which has been a problem.) Find out if someone outside the school system has already conducted a thorough evaluation. Then, if none has been done, consider seeking a thorough evaluation, or additional evaluations, of the child by a clinician familiar with educational disabilities. You may want educational testing as well as a physical health evaluation or a neurological evaluation by a medical doctor, or a psychological or psycho-social evaluation by a clinical psychologist, or some combination of these and other evaluations (Ex. In-school observation of the child in the classroom setting). The child welfare agency would need to pay for these evaluations, either voluntarily (be sure to request permission ahead of time in this case) or perhaps through an order from the child welfare judge instructing the child welfare agency to arrange and pay for such evaluations. Then, review the evaluation reports, and all information gathered from other professionals involved with the child, to determine whether enough

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documentation establishes the need to move forward with a request for special education services. (Again, be sure to review the legal definitions for the various disabilities under IDEA.) Remember, that the school still has the right to review your evaluation and conduct their own independent evaluations. Second, make a formal, written request to the school for a full evaluation of the child. This option puts the responsibility for obtaining evaluations of the child solely on the school system. (This option is like getting on the special education train without knowing where it is going to stop.) Also, with this option, your first action needs to be a written request to the school to evaluate the child. (You will need to consult with your state law on this, but most states permit any advocate to make this request.) Be sure that this request is in writing to clearly document the action and you may want to consider using certified mail to have an official receipt of it. (Be sure to keep copies of this request for documentation if it is needed later to challenge the school system for failure to complete the evaluation process promptly.)

Handout #8 - Educational Advocate  
IEP Checklist

Question # 5: What is my role if I suspect that a child is identified with the wrong disability?

Answer: As an advocate you may discover that the child in care already has an IEP, but upon reviewing the information in the IEP document it is clear, or you suspect, that the child's disability has been misidentified. The child may have other needs that are not addressed in the IEP as well. You can request that additional services be added by the IEP team without additional evaluations. You may still want to make a written request to the school system for a meeting either to review the IEP or to reevaluate the child's disability. This is also true for a child who may have multiple disabilities, but only been identified with one.

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VII. The Individual Education Plan (IEP) Team

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### VII. The Individual Education Plan (IEP)

#### Team

##### A. Background

Research has found that most special education programs do not provide adequate educational benefits to many of the children that they are designed to serve. The following statistics are proof of the reality:

- 74% of children who are unsuccessful readers in the third grade are still unsuccessful readers in the ninth grade. (Journal of Child Neurology, January, 1995)
- Only 52% of students identified with learning disabilities will actually graduate with a high school diploma. Learning disabled students drop out of high school at more than twice the rate of their non-disabled peers. (Congressional Quarterly Researcher, December, 1993)
- Up to 60 % of adolescents who receive treatment for substance abuse disorders have learning disabilities. (Hazelden Foundation, Minnesota, 1992)
- 62% of learning disabled students were unemployed one year after graduation. (National Longitudinal Transition Study, 1991)
- Almost half (43% of the 543 children in a survey conducted by Beech Acres, (2000) Cincinnati) were not performing at grade level.
- 38 % of foster children were receiving special education services. (Beech Acres, Cincinnati, 2000)
- 80% of the children in the survey had lived in a different school district before coming to their current foster home. (Beech Acres, Cincinnati, 2000)
- 40% of the foster parents were unaware of the availability of parent surrogates. (Beech Acres, Cincinnati, 2000)
- 63% of the children in care were receiving some kind of mental health service. (Beech Acres, Cincinnati, 2000 data)

This is the “proof in the pudding” that a meaningful

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education could help to turn these statistics around. It will take effective educational advocates to help make it happen. They will need to be prepared not only to face IEP teams but they will need to overcome past personal experiences that they may have had as a student themselves, unresolved issues, doubts, and fears as well to do so.

It is important to remember that federal law requires that the IEP team makes the decisions for a child with disabilities. The “teams” or committees usually include five or six –or more- school district representatives-and one parent (surrogate parent(s)). The meetings are held at the school, which is unfamiliar ground for most parents. Thus, it is not surprising that most parents feel intimidated when they walk into the IEP meeting. They may respond with anger and defensiveness or others may be passive due to the pressure that they feel. These and other roadblocks will render the educational advocate ineffective in their role to advocate for a child in the IEP team planning setting.

The parent of a child with disabilities may face several roadblocks. They are factors that can be overcome if they are addressed and prepared for in advance. One way to deal with the roadblocks is to be involved in support groups with other parents, surrogate parents, foster/adopt parents, and educational advocates. Another way is to be informed and knowledgeable about the IEP process. Review the following roadblocks and then prepare for them in the event that they become an issue.

They are as follows:

- The intimidation factor and transference – A parent may feel intimidated attending an IEP meeting and the natural human instinct is then to respond with anger and defensiveness. If a parent had difficulties in school, old negative memories and emotional reactions may impact his/her present feelings about schools, teachers, school meetings, etc. The transference of these emotions can be positive or negative in the present setting. Be alert for these feelings and remember that the goal is to

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advocate for a child in care in the present setting. (Give examples for the participants to help them relate to this possible situation.)

- Getting “stuck” – Don’t forget to complete the process of mourning for a child with a disability. If you avoid doing so by minimizing or denying the feelings that come with it, you will get “stuck” and then become angry, bitter, feel guilty, or get depressed. It will not accomplish the goal that needs to be met for a child with disabilities.
- Overprotectiveness – If you believe that as a parent/foster parent/adoptive parent/surrogate parent, you are unable to protect the child from the disabling condition, you may try to protect him/her from other difficult or challenging areas in the school setting. This would create chronic dependency and “learned helplessness” in the child and will follow him/her into his/her adult life.

The IEP has been called the “centerpiece” of the special education law (IDEA) and is intended to assure that all children who are eligible for special education services will receive them. Simply put, it is a written plan that will outline and describe the specific special education services that the child will receive. It should be detailed and specific to the child and his or her educational needs. It can include creative strategies for delivering services. It also needs to be implemented in such a manner that will result in the child making meaningful educational progress.

It is the role of the educational advocate to leave behind his or her past fears, experiences, and doubts. He or she will need to look to the special education laws for guidance and support. It is equally important that he or she learn about the law, the regulations and other cases so he or she will be informed and prepared. Then, the educational advocate will be able to attend an IEP meeting with confidence, know how to write an IEP properly, and be able to measure a child’s progress as well.

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**MATERIALS/NOTES**

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Transparency #14 - Addressing the Facts About the IEP Meeting

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### B. Addressing the Facts about the Individual Education Plan (IEP) Team Meeting

#### 1. Who attends the IEP Team Meeting?

- Parents, (surrogate parent)
- Regular education teacher(s)
- Special education teacher
- School system representative who is qualified to provide instruction designed for a child with disabilities, and knows about the general curriculum and the availability of resources (such as a principal, school administrator, etc.)
- An individual who can interpret the evaluation results (such as a school psychologist, a school counselor, etc.)
- Other individuals with knowledge or expertise about the child (at the discretion of the parent or the school system – this may include a child welfare representative)
- The child, if appropriate

Note: If you, as the educational advocate, are the parent or surrogate, then you are part of the IEP team. What about other advocates not appointed to that role? The school then must invite a representative of any other agency that is likely to be responsible for providing or paying for transition services when transition planning is being discussed at an IEP meeting. Again, the IEP team can include caseworkers, therapists, advocates, and foster parents, at the discretion of either the parent (or surrogate parent) or the school district. Further, decisions should be reached through consensus of all participants and the parent (surrogate parent) is an equal participant.

#### 2. What is an Individualized Education Program-IEP?

- It is a written plan that is developed for a child that is found in need of special education services as required by law (IDEA).

3. When is the IEP to be developed? When will the meeting take place? What about implementation of the IEP?

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- It will be scheduled at a mutually acceptable place and time.
- It is to be developed within 30 days from the date that the child is found eligible for services. (This is set by the state education law.)
- Note: In the state of Washington, the maximum amount of time from the beginning of the evaluation to the IEP development is 120 days.
- The law requires that an IEP be implemented as soon as possible after the IEP conference has taken place.

#### 4. What is involved in the IEP development?

- What are the key elements?
- The process of developing your child's IEP involves two main things:
  - the IEP meeting(s), where you, your child (when appropriate), and school staff members together decide on an educational program for the child in care; and
  - the IEP document, which puts the decisions from that meeting in writing.

#### What are the key elements?

- It outlines the child's strengths, weaknesses and needs. It addresses the issue of how the school is obligated to address those needs.
- It must be detailed in nature, child specific, and when implemented, should result in the child making meaningful educational progress.
- When the parent or other education decision maker such as an educational advocate signs the IEP, he or she is agreeing to everything that the IEP states.
- If anything is added at the time of the meeting; it needs an initial next to the new proposal.

#### 5. What is to be included in the IEP?

##### Key Elements

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The IEP for each child must include:

- A statement of the child's present levels of educational performance- (how is the child doing – ex. Academic skill level in math, reading, or other areas of concern);
- A statement of annual goals, including short-term instructional objectives and the child's present level of performance (in objective measurable terms not subjective (teacher observation));
- A statement of how a child's progress will be measured and reported;
- A statement of the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs;
- A description of all "related services" the student will receive such as speech and language therapy, transportation, and counseling;
- A description of all accommodations and modifications to be provided for exams or assignments, a tape recorder for lectures, etc.
- A determination of whether the student needs assistive technology devices and services. Assistive technology means equipment or services that enhance or maintain the capabilities of the student and can include commercially produced items such as a computer or a custom keyboard;
- A decision on eligibility for adaptive physical education (ex. Gym class with appropriate accommodations for the child or youth), and if eligible, how it will be provided;
- The projected dates for initiation of services and the anticipated duration of the services;
- Any modifications the student will have for taking state or district achievement tests;
- The recommended placement for the child;
- Whether the child qualifies for extended school year (ESY) services;
- A description of transition services for

Transparency 7

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students age 14 and older (which is called the individual transition plan (ITP));

- Other placement options considered and why they were rejected.

### 6. Special Issues for the IEP

#### 1. Placement and Least Restrictive Environment (LRE)

The IEP makes a decision about where a child will receive his or her education, which should be based on the child's unique needs. Placement options may include:

- Regular classroom with accommodations and supportive services;
- Regular classroom with some services provided separately;
- Self-contained classroom (all students are receiving special ed)
- Transfer to a specialized school (including a private school)
- Residential placement at a facility-provide 24-hour care/instruction

#### 2. Testing: Is it accurate? What does it mean?

If the child in care receives special education services, then he or she should have been tested with educational achievement tests. It is important that this takes place as a point of reference or a base line for the child. It is equally important that complete copies of the actual test scores and the written narratives (that explains the scores) be obtained and kept in the child's file/three-ring binder. The test scores determine whether or not the child can receive special education services and if he or she is making adequate progress according to IDEA. The tests may become the basis for determining the school districts responsibility to meet the child's needs according to the federal law. Note: It is in the best interest of the child to rely on

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objective or “scientific” test data rather than on subjective “teacher observations”.

There are different tests (most tests are made up of several subtests) done on the child to determine if there is a need for services. Some of the most commonly administered educational achievement tests are as follows:

- Woodcock-Johnson
- Kaufman (KTEA)
- Wechsler Individual Achievement Test (WIAT)
- Wide Range Achievement Tests (WRAT)
- Wechsler Intelligence Scale for Children, Third Edition (WISC-III)

What is the role of the educational advocate in regards to the testing?

1. Make a list of the different tests done on the child in care.
2. Take a highlighter and mark any of the tests or subtests that have been given more than once.
3. Make a list of repeated tests. (You will chart out subtests that are the same or similar-tests of reading decoding skills or reading comprehension skills, math, etc.)
4. Know and understand that subtests or composite scores do not necessarily measure what they seem to measure. Ask for interpretation of the test scores.
5. Chart out progress-using the repeated subtest scores.
6. Decide if the child is benefiting from the special education program from the test results- and whether the IEP is providing an appropriate education.

**VIII. Preparing for the IEP Meeting - The Meeting Itself****A. Background**

It has been established that the child in care is eligible for special education services. A “prior notice” will be sent out in the mail to the parent, surrogate parent, or educational decision maker/advocate. It is referred to as the “Notice of the Meeting”, which is the IEP planning meeting. This is an important notice because it allows for ample time to prepare for the IEP meeting in advance. (Note: The law clearly states that this meeting notice needs to be sent “early enough to ensure that they “parents” will have an opportunity to schedule and attend the meeting at a mutually agreeable time and place.”) Sec. 300.345 Parent Participation in IDEA

In preparation for the meeting, please remember that a parent’s, surrogate parents, or educational decision maker/advocate’s input offers unique insights about the child in care. He or she is the expert on the child because he or she spends 24 hours a day with him/her. The information that they alone can provide is essential to the planning of the IEP and thus, it needs to go into the written record at the IEP meeting. To prepare for the IEP meeting, the following needs to be done:

- Think about the skills that you use in other areas of life such as “negotiating”. (Examples may be negotiating with your employer for a raise, family members about housework, etc.) This particular skill is needed when a child’s interests for special education programs are at stake. Most parents do not realize that this is part of the process but have a great deal of experience in this area.
  - Know the problem of the child and offer proposed solutions in clear simple language. (Note: A parent or educational advocate does not need to use educational jargon to make requests or express concerns.)
  - Do not blame or criticize – it will not help the child in care. Be specific and stick to the facts. (Note: Blaming only causes people to feel defensive, anxious or angry and their ability to solve problems drops.)
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- Always make every effort to protect the parent-school relationship.
  - Seek win-win solutions to problems. (Note: The entire team will work toward the goal of the best possible education success for the child in care this way.)
  - Try to make every effort to understand the school district's position – walk a mile in their shoes. Then, develop solutions that will be beneficial for the child in care. It serves the purpose of both parties getting their needs met and ultimately, a successful solution for the child in care once again.

It is also important to remember that a successful IEP meeting depends on prior preparation, organization, and knowledge about the best way to present information about the child in care. It needs to always be about the child and the services that he or she will need to be successful in the school setting and beyond.

### B. Preparation for the IEP Meeting

- Be organized and prepared.
- Arrive at the meeting early and dress neatly and conservatively.
- Use an IEP notebook (See the handout entitled, "Parent Notebook for Documentation Purposes")
- Fill out a "Meeting Worksheet" and place a copy in the child's IEP notebook. (Wright's book – p. 231 – type it up.)
- Review all information that you have compiled in the IEP notebook. Check: Did you file loose documents? Do you have all recent test data? If the child is on an IEP, review the IEP goals, objectives, and benchmarks that have been established already.
- Go over the contact logs that you have kept and update them if necessary.
- Review the notes that have been kept on the child to date.
- Think about what you would like to see the child accomplish in the coming year. List the child's

Transparency #15 - Preparing for the IEP Meeting

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Handout: "Parent Attachment"

strengths, needs, and interests plus, the concern areas about his or her education. (Refer to the "Parent Attachment" handout.)

- Collect and bring any documentation that describes the child's disability, behaviors, and school progress or lack of progress. (Be sure to bring enough copies of evaluations, schoolwork examples for all of the team members.) Also, if you plan on using visual aids or graphs or PowerPoint slides; prepare them ahead of time and then practice the presentation.
- Plan an agenda and use it to get the job done.

- Prepare for the IEP meeting-Write a "Parent Attachment" on the child and a "Snap shot".

- Identify concerns and list problems.

- Propose solutions to problems.

- Identify issues and problems that need resolution.

- Improve parent-school relationships.

Think about issues that the team needs to address during the upcoming meeting – write several questions and concerns that need to be addressed as well, such as:

- What does the child need?

- What does the school see as the child's needs?

### C. The IEP Meeting

Background information: The federal law, Individuals with Disabilities Education Act, or IDEA, states that all children are entitled to "free appropriate public education." This means that schools must provide eligible children who have a disability with specially designed instructions to meet their unique needs, at no cost to the child's parents (foster parents).

Appendix A to the IDEA states that "The IEP

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meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal partners, to make joint, informed decisions regarding:

- The child's needs and appropriate goals;
- The extent to which the child will be involved in the general curriculum and participate in the regular education environment and state and district-wide assessments; and
- The services needed to support that involvement and participation, and to achieve agreed-upon goals.

Parents are considered equal partners with school personnel. (Note: There is emphasis added in making these decisions, and the IEP team must consider the parents concerns and the information that they provide regarding their child...")

The educational advocate (parent or foster parent) has prepared for the IEP meeting in advance. It will help to alleviate the feelings that they may have about their personal experiences in regards to school meetings. (It could become an issue if their memories of school were painful or unpleasant.) It will also help him or her feel more confident and prepared when they enter the school and meet the other members of the IEP planning team.

The educational advocate's reaction to school meetings is also influenced by his or her interpersonal style and they need to be in tune to that issue. If he or she is a conflict-avoider, it may mean, "peace at any price". He or she may try to keep his or her concerns about the child's education to his or her self until conflict cannot be avoided any longer. Also, if the advocate's style is to please, that desire may cause him or her to agree to anything the school proposes. If the advocate is a controller, he or she may feel out of control at school meetings.

There are a number of strategies that can be helpful to the educational advocate to make the

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meeting more successful.

- Begin by entering the meeting room and make a pleasant comment to break the ice.
- Shake hands.
- Make eye contact with each team member.
- Be careful to pay attention to non-verbal behavior.
- Watch for body language.
- Check to see who the most powerful person in the room is and then try to sit next to him or her. (It will make it more difficult for that person to minimize the advocate and his or her concerns.)
- Remember to keep the focus on the child.

Transparency #16- Meeting Strategies

**D. Meeting Strategies**

- Share information about the child.
  - Listen carefully to what others are saying about the child in care – respond appropriately by asking questions and offering suggestions.
  - Ask for clarification on points that they do not understand.
  - Do not go to the meeting alone. (If there are two parents, etc. they present a strong, united front.)
    - School personnel tend to view mothers as more emotional and less objective about the child.
    - Discuss what you want to accomplish before the meeting.
    - Discuss the child's needs before the meeting as well.
    - Do not air personal problems during the IEP meeting.
  - Tape recording of the IEP meeting. It is allowed if-
    - The school is notified ahead of time;
    - The school allows it (Check with the state guidelines and just know that the federal statutes do not authorize or prohibit it.).
  - The IEP meeting itself-
    - Keep in mind that if you are handed a completed IEP to sign, do not panic and do not get mad. It is
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## REFERENCE NOTES

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Trainer:

It is important that the participants fully understand the IEP process. This session provides additional practice and experience in the IEP process. They will learn what to include. Information about actual cases are provided for you. Each case was selected to illustrate specific points about an IEP. You may choose one or more of the case studies provided to illustrate specific issues. They will provide a clearer understanding about the law and the IEP itself.

- Read and review a case study with the entire group of participants.
- Review the following “Meeting Strategies” transparency (or PowerPoint slide(s)) with the group as well.
- Allow for discussion.
- Move the participants into small groups.
  - Place a deck of playing cards on each table ahead of time. (depending on the size of the group you may need to limit the number of cards in each deck)
  - Direct each participant to select a card from the deck. The highest card will pick a IEP case plan for his or her group
  - Remind them to keep their cards.

Take a few minutes to review the case studies with the whole group of participants. They are provided as a handout at the back of the training curriculum. Then, review the following “Meeting Strategies” transparency (or PowerPoint slide(s)) with the group as well. This is for informational purposes before the activity entitled, “Play Your Cards”.

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the right of the parent, surrogate parent, and/or educational advocate to participate in the development of the child's IEP.

- Keep the team's focus on the "big picture" which is the child's needs.
  - A draft IEP does not mean that it must be accepted and signed at that meeting. Speak up if you do not agree.
  - View the draft IEP as a "draft" and as information about what the school wants to provide.
  - Think of it as the school's first offer.
  - Thank the school for drafting their ideas as a starting point for discussion.
  - Then, pass out copies of the "Parent Agenda", "Parent Attachment" and the "Snap shot" of the child for viewing by all present at the IEP meeting. (Remember to bring enough copies.)
  - If there is agreement about the draft copy, it can be signed. However, it is permitted that signing be delayed for a reasonable period of time. Exercise that right and take the document/draft home to review outside of the (sometimes) pressure-filled room, or to consult with other professionals involved with the child in care.
  - If the parent or surrogate does not agree with the IEP, he or she should not sign it. It can be negotiated with the school officials. He or she has the right to ask for mediation and to request a due process hearing.
  - Note: If this is the first IEP for the child in care, services cannot begin until there is a signed IEP. If this is a revised IEP, the school must provide services according to the old IEP until a new one is agreed to and signed.
  - Make sure that copies of notes and all documents from the meeting are in the IEP folder before leaving the school premises. Follow up (in writing) to be sure that services promised are being met.
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### Trainer:

Remind the participants that a child in care has to deal with the hand that he or she has been dealt. It becomes the role of the educational advocate to make sure that all of the cards are played out effectively. It will then become a win-win situation for the child in terms of accessing the services that he or she may need.

The goal of this activity will be to provide a role-playing experience of an IEP team meeting. This meeting will be replicated using actual roles and case studies of children in care. It will become the teams sole purpose to read the case study, make decisions about services, decide upon the annual goals and short term goals, and provide for input and discussion in regards to the services that will be provided to the child in the study.

1. Each group has had an opportunity to choose a card from the deck. The highest card drawn in each group will select a child's case study (in the shape of a card/with a playing card face in the corner of it as a reminder that the child's education is like a deck of cards – there are many different hands/plays that can be made).
2. He or she will then choose a facilitator to keep the focus of the team meeting on positive outcomes for the child in care. (The facilitator usually "wears the hat" of an administrator such as a principal or the special education director.
3. Each small group participant will then be directed to check the index card (which is taped on the

### Activity # 8 – "Play Your Cards"

Time: 30 minutes

#### Materials:

- Transparency with the directions for this activity
- Flip chart paper
- Markers
- Deck of cards
- Index cards (with labels on them such as foster parent(s), special education director, learning disabilities teacher, therapist, the child, etc.) These will be labeled and taped in place ahead of time by the trainer.
- Copies of the actual IEP of different children

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back of his or her chair) for the role that he or she will play in this team meeting.

4. Each group will choose a recorder, a time manager, a reporter, and a member of the team to pick up a piece of flip chart paper and a marker.
5. All team members will sign their name at the top of the chart paper to indicate their presence at this meeting as well as their role. (Be specific – ex. Foster parent, surrogate parent, teacher, etc.)  
Note: If you have the parent role you will receive a three-ring binder with a parent agenda, information, testing, evaluations, any previous IEP meetings and their outcomes, etc.
6. Copies of the child's case study will be distributed to each member to review.
7. Simulate an IEP team meeting using strategies and information previously provided.
8. Allow for sharing and discussion with the whole group after this session.
9. Note: A three-ring binder goes to the person with the smallest card number!

### Directions:

1. First, choose a time manager, a recorder, a reporter, and someone that will pick up a piece of flip chart paper and a marker.
  2. Next, check the index card on the back of your chair. It will tell you the role that you will play in this IEP team meeting.
  3. Read the copy of the child's case study/IEP that has been distributed to you.
  4. Simulate an IEP meeting as if you were doing the required annual review to review achievement of past goals and establish goals and services for the coming year. (Remember to include all of the components that have been discussed previously in this workshop.)
    - Check the child's IEP for short term objectives.
    - Identify and describe the child's problems.
    - Is the child being identified with the wrong
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disability?

- Is the child being misidentified?
- If the child in the case study has more than one disability, are they being addressed? Are services in place and being followed through on?
- Develop an appropriate plan for the child.
- If the child is receiving services, is he or she showing progress? Can that progress be shown in terms of actual testing (ex. reading and math scores that indicate 6 months or 1 year of progress, etc.)?
- Look for the strengths as well as the weaknesses that the child may have and address them.
- Do you see any “red flags” that may need to be addressed at this time?

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Transparency #19

IX. The IEP Meeting is Over, What is Next?

X. What Does the Educational Advocate do When He/She is not in Agreement With Their Child's IEP Team Decision?

A. Who do you contact? When?

- There are advocates in your state that you can contact.
- Get in touch with someone from the Protection and Advocacy Agency.
- Remember that you have the support of your local support groups as well. It is important to remember that another foster parent/adoptive parent and/or a surrogate parent may have been in your situation.
- You can contact a parent training center.
- You may want to contact your child welfare agency.
- You can call NFPA and they will help connect you with an advocate agency in your state.
- Call a national advocacy resource center (listed under resources in the handbook).
- Call for advice as soon as there is a sign of lack of mutual progress towards the goal of appropriate services for the child in care.

B. What do you do?

- Do not sign the IEP.
- Reconvene the meeting in a few days to see if resolution can be reached.
- File for a due process hearing. (It is your right.)
- Ask for mediation. (This should be seen as a last resort.)
- File an IDEA complaint with your state department of education. (They are less time intensive and stressful and can often resolve issues in a less adversarial manner.)

C. What educational advocacy organizations can I seek help from?

- Office of Special Education – Washington, DC
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Phone: (202) 205-5507

- Office of Civil Rights (by regions) TDD: (312) 353-2540
- NICHCY State Resources – Toll free # (800) 695-0285 Web site: <http://www.nichcy@aed.org> (You will find disability-related resources in each state and this site also creates State Resource Sheets. The handy resource sheet will help you locate organizations and agencies within your particular state that address disability related issues, including:
  - o Governors and U. S. Senators
  - o State agencies serving children and youth with disabilities
  - o State chapters of disability organizations and parent groups
  - o Parent training and information projects

**D. What is mediation?**

In simple terms, whenever a due process hearing is requested, mediation must be provided (this is at a minimum). It is a free, voluntary process that will be used only if the parent and the school agree to take part. States will permit mediation often times, without a due process hearing scheduled. It is implemented to allow parties to disputes involving any matter (described in the federal law IDEA) to resolve such disputes through a mediation process.

- Mediation is voluntary.
- It cannot be used to deny or delay a parent's right to a hearing.
- It must be conducted by a qualified and impartial mediator.
- The school bears the cost of the mediation.
- All information that is shared in mediation is confidential and cannot be used in a later due process hearing.
- The intent is to come to an agreement in regards to the child's IEP and the services required.
- The terms of the agreement must be documented in writing.

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**E. What is a due process hearing?**

It is a trial-like administrative proceeding. There is evidence and witnesses that are presented and cross-examined. There is a hearing officer that presides over the hearing and issues a written ruling in the case. The parent has the right to request a due process hearing within two years of the date the problem occurred or two years from the date that the parent discovered the problem. The parent has many rights in the due process hearing issue and should contact the Department of Special Education in their perspective state.

**F. What is a successful outcome of a due process hearing?**

It would be obtaining appropriate services or placement for a child in care. It can also involve receiving compensatory services (those services that make up for the school's error or failures). It may provide money to recoup costs and attorney expenses.

**G. What are a few of the "pitfalls" to watch out for?**

- They can be complicated so you will need to proceed with caution.
  - Parents and surrogate parents should not be unrepresented because they can involve long and intense conflicts.
  - School systems are represented by attorneys with expertise in this area of law.
  - An attorney should seek and ask for an experienced education attorney (if they decide to represent a child in a due process hearing) for assistance, to co-counsel, or even handle the case.
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### Conclusion

Children in the child welfare system need strong advocates to help link them to special education services and ensure that those services are meeting their needs. If the children in care are supported by caring, informed, and effective educational advocates, they will have the opportunity to make a successful transition into society with the education that they deserve. If not, we will all continue to read about them in the headlines of the local newspapers. Everything they are and will be is influenced by the adults in their world.

It is critical that the advocate understands IDEA and what services are available to children in the foster care system. In doing so, they will be able to navigate the special education process in an efficient and effective manner. Child welfare systems are struggling to support the needs of children in care and provide appropriate services for them. Wouldn't it make sense then to access the available services under IDEA? In not doing so, it would be wasting an important source of education assistance for these children.

The educational advocate can be the link that will help a child figure out the steps that are necessary to reach his or her full potential and lead a life that "shows results". Parent/surrogate parent/educational advocate are you willing to continue to help build a strong foundation for effective learning for the child in care? If so, take a personal interest in a child and become the link!!

# Handouts

## Handouts

- 1. Types of Advocates and Their Roles in the Education Setting**
- 2. What Educational Advocates Need to Do**
- 3. Basic Tips for Effective Advocacy**
- 4. How to be a Good Advocate for Your Child: Tips for Families**
- 5. Appointment of Surrogate Parents**
- 6. Blank Puzzle for Activity # 6**
- 7. Key Elements of the IEP (Parent Agenda, Parent Attachment, Parent Notebook, Getting Ready for the IEP Meeting sheet)**
- 8. Educational Advocate IEP Checklist**
- 9. Meeting Strategies**
- 10. The Farmer's Story**
- 11. Case Studies of a Foster Youth's IEP**
- 12. Definitions of Disability Terms**
- 13. Resource Guide**
- 14. IDEA/ 504 Flow Chart**

# Types of Advocates and Their Role in the Education Setting

Special Education Advocates - Their role is to work to improve the lives of children with disabilities and their families.

Educational Advocates - Their role is to evaluate children with disabilities and then make recommendations about services, supports, and special education programs. Each time an educational advocate attends eligibility and/or IEP meetings, they are acting on the child's behalf. They may negotiate for that child's services. Others may be less knowledgeable about special education laws and the best tactics/strategies to use. However, it is their job to learn about them or find someone who can help in this area.

School Personnel - Teachers and special education providers often see themselves as advocates and often provide support to children and their families. Because they are employed by school districts, however, school personnel are limited in their ability to advocate for children with disabilities without endangering their jobs.

Parent/Foster Parents/Surrogate Parents - They are natural advocates for their children. (Think about it - Who was the child's first teacher? You were and/or are. Who is the child's most important role model? You are. Who is responsible for the child's welfare? You are. Who has the child's best interests at heart? You do.)

Lay Advocates - They are people who have specialized knowledge and expertise to help parents/foster parents resolve problems with schools. (Examples: lawyers, special community advocates, guardian ad litem, etc.) When lay advocates attend meetings, write letters, and negotiate for services, they are acting on the child's behalf. Most are knowledgeable about legal rights and responsibilities. In some states, lay advocates represent parents in special education due process hearings.

Remember, you know the child better than anyone else. The school is involved with the child for a few hours a day. You are involved with the child on a 24/7 basis and often times for a year, several years, or a lifetime. You should play an active role in planning the child's education.

The law enables you to make educational decisions for the child. Become familiar with local, state and federal guidelines, procedures and regulations. A good education is the most important gift you can give to the child in care.

## Educational Advocates Need To:

1. Learn the rules - Study the laws
  - Know the local school district.
  - Develop relationships with school district.
  - Know how decisions are made and by whom.
  - Know about the child's legal rights.
  - Know that a child with a disability is entitled to an "appropriate" education.
  - Know that a child with a disability is not necessarily entitled to the "best" education or one that "maximizes" his or her potential.
  - Know the procedures you must follow to protect the child's rights.
2. Plan and prepare.
  - Find out about rights and responsibilities.
  - Read special education laws, regulations, and cases.
  - Be self-confident and committed to the child's best interests.
  - Learn how to use test scores to monitor a child's progress.
  - Prepare for meetings, create agendas, write objectives, and use meeting worksheets and follow-up letters to clarify problems and get to the agreement phase.
3. Keep written records.
  - Make requests in writing.
  - Write polite follow-up letters to document events, discussions, and meetings.
4. Ask questions and listen carefully to the answers.
  - Use "Who, What, Why, Where, When, How" questions when you are trying to find out reasons for the school's decision(s) about giving services or other problems.
5. Identify problems.
  - Be sure to define and describe problems adequately.
  - Use your knowledge base, feelings, and past experiences to help you develop and hone strategies.
  - Use basic computer skills and/or Internet skills to help you gain the information that you may need.
6. Propose solutions.
  - Negotiate with the school for special education services.
  - Always discuss issues and make offers or proposals to come up with "win-win" solutions that may be satisfactory to the child and the school.

# Basic Tips for Effective Advocacy

There is no single way to be a good advocate, but for an educational advocate, the following are keys to helping a student succeed.

## 1. *Create relationships with school staff and others who can help.*

In an ideal world, schools, families and communities are working together to provide the best for each student. This is not always the reality, however, and relationships can go sour when different issues arise. Try to maintain a positive, helpful approach in dealing with all school staff, from teachers and aides to supervisors and managers, including principals and superintendents.

It is important to attend parent teacher conferences and other meetings regarding the child, as well as school events. Check in with teachers regularly, not just when there's a problem. When problems arise, follow up, and respond to all school communications promptly. Ask the child or young person how things are going, and suggest ways to help the child to communicate effectively with teachers and staff.

When problems do arise, always ask for and listen carefully to the school's side of the issue.

## 2. *Be persistent, yet flexible.*

An advocate should rarely accept "no" for an answer. Moreover, the educational advocacy role should continue as long as the child remains in your home. Yet the advocate must also recognize that in some circumstances a change in the goal for a child may be necessary. Knowing when to compromise, and when to shift goals for a child is a challenging task. Finding other foster parents or others with advocacy experience to provide advice and counsel can be very helpful in making these decisions. Case worker or social worker involved with a child or youth can also be an important ally.

## 3. *Be prepared.*

The parent or educational surrogate has the right to inspect and review a complete copy of the educational records of a child. It is important to review the entire record carefully. If there are parts of the records that are unclear, ask school staff for an explanation. For many children or youth in care, the school records may be incomplete or inaccurate, because the child has moved several times. The school should make an effort to locate records and have them transferred from other schools. Inaccurate parts of a school record should be corrected (social worker should work on this as well).

## 4. *Keeping records - and making a record.*

Keep homework, tests, and other school work that a child brings home. Organize everything into files or even a three ring binder, with material under each topic in chronological order. It is also very useful to keep an ongoing log of all contacts with school

staff, reports received from a child, and other developments concerning a child's educational experience

Put all requests in writing, and confirm telephone requests or oral requests made at a meeting with a letter. Always keep a copy of letters you send to the school. One useful strategy is to hand deliver a letter to the school, and ask school personnel to sign and date your copy, acknowledging receipt.

5. *Keep looking for allies.*

Some of the best allies can be sympathetic school staff, whether a teacher or an administrator. Other important allies can be foster parents who have gone through similar experiences, who may offer practical advice and moral support. Other allies may be found in the child welfare community. The child welfare agency that placed the child in your home may offer specialized technical help in dealing with educational agencies: a guardian-ad-litem or attorney appointed for juvenile or family court matters; disability organizations offer a wealth of technical information; parent training and information centers; protection and advocacy centers, and legal services programs that may offer additional assistance.

Source: Casey Family Programs,  
"A Guide to Special Education Advocacy for Resource Families"

# How to Be A Good Advocate For Your Child: Tips For Parents

## **Be Informed:**

- Know the facts of the child's situation, including his or her strengths and weaknesses and the views of those who work first-hand with the child in the school. If the child has a disability, know about it, and how it affects the child in school.
- Know your rights and legal procedures. Make sure that you have all the details.
- Know the school. Get to know the teachers, therapists, and other personnel. Build positive relationships and contribute to the school environment. Know who the decision-makers are, and what motivates them. Stay informed about what is happening in your school and district.

## **Keep Records:**

- Make all your requests in writing.
- Keep copies of everything you receive from or send to the school.
- Send important letters to the school "Return Receipt Requested." If you hand-deliver materials, make note of the date and time, and the person who received it.
- Do not rely on phone calls or casual conversations alone. If something is arranged during a verbal conversation, keep a record of the conversation: date, time, name and position of the person, as well as the decisions that were made.
- Whenever possible, ask for confirmation in writing of what is promised to you.
- Organize your records. A notebook or binder is helpful.

## **Prepare:**

- List suggestions for solutions to the problems you have identified.
- What kind of meeting is being scheduled? If you are not sure, call the district to find out and ask what will be discussed. Identify any legal requirements that relate to your meeting, such as what kind of notice you must receive, what staff must participate and any deadlines that apply.
- Decide what you want to accomplish. Prioritize. Be selective. It may help to bring a checklist, and to agree with the district concerning the agenda or topics to be discussed before you go.
- Bring materials that will help you get your point across: evaluations, report cards, evidence of your child's performance, records, copies of the law or guidebooks.
- Bring others to the meeting, a psychologist or therapist, or a community leader that works with your child.
- List questions that you need answered.
- Make appointments for meetings and call to confirm them the day before.

## **Use Meeting Time Effectively:**

- Be polite and courteous at all meetings. Be on time and respect reasonable time limits.
- Acknowledge when good things have happened, and special efforts have been made.
- Sit across from the decision-makers. Keep eye contact. Take notes, or have a friend take notes while you listen.
- Say what you want in your own words. Be clear, concise.

- Ask questions! Be sure that you get answers.
- Take the time to make good decisions:
  - Repeat what they have said to make sure you understand.
  - Don't feel pressured to discuss something if the school did not prepare you, or to make a decision immediately if you need a day to think about it.
  - Take breaks when needed to cool off, consult, or cry.
- End meetings with a plan of action or the "next steps." Agree on deadlines.
- Request a summary of what was agreed to and who was present.

**Use Resources Creatively:**

- Go up the "chain of command." If you are unsuccessful in resolving matters with the principal, go to the superintendent's office, your special education director, or other personnel at the district level. If that is unsuccessful, go to the school board.
- Look for other programs or resources that might help.
- Talk with other parents and advocates about what works and what does not. Learn from each other's experiences.

**Follow Up:**

- Keep track of deadlines. Communicate with personnel.
- Report on progress as well as problems.
- Be firm about timelines, but patient enough for the school district to accomplish what it needs within those timelines.

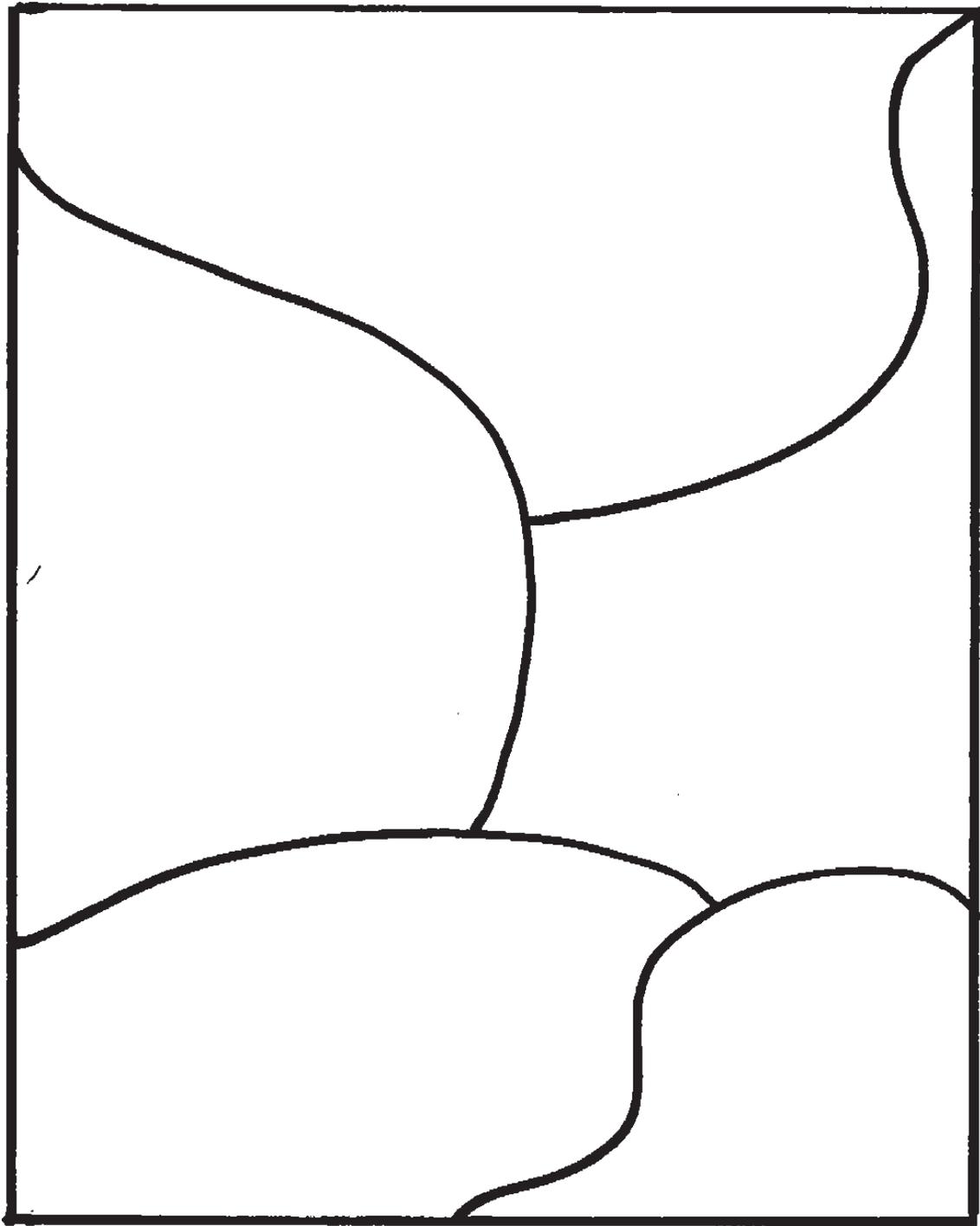
**Remember:**

- YOU are an expert on your child.
- Focus on the problem, not the people. Avoid getting sidetracked by personal conflicts. Maintain the focus on the child.
- Focus on the present and the future, not the past.
- There may be more than one way to get what you want. Work toward mutually agreeable solutions. Be flexible and creative. Problem solve! Problem solve!

Source: Education Law Center (Rev.10/01) - Philadelphia, Pennsylvania

# Appointment of Surrogate Parent

Alabama	Education agency
Alaska	Local school district
Arizona	Court appointment
Arkansas	Education agency
California	Local educational agency
Colorado	
Connecticut	State Department of Education
Delaware	State board of Education
District of Columbia	
Florida	School district
Georgia	Local school system/state-operated program
Hawaii	Department of Education
Idaho	The district or an agency
Illinois	A foster parent is considered a parent for the purposes of s.226.550
Indiana	Local school system; trained foster parent is assigned
Iowa	AEA Director
Kansas	Public education agency
Kentucky	Foster parent is considered "parent"
Louisiana	Local school system
Maine	
Maryland	
Massachusetts	Dept. of Ed/FP FP may be deemed "acting as parent" & need not be appointed
Michigan	
Minnesota	Appointed by the district (local educational agency)
Mississippi	Education agency
Missouri	DESE
Montana	School district nominate for appointment by Montana Youth Court. FP's may act as parent
Nebraska	
Nevada	
New Hampshire	Commissioner of Education
New Jersey	District board of Education
New Mexico	Foster parent has role of parent
New York	
North Carolina	
North Dakota	School district
Ohio	School district
Oklahoma	School district
Oregon	School district
Pennsylvania	Public education agency
Rhode Island	Local education agency
South Carolina	Appointed by school district/FP is considered the parent
South Dakota	FP may act as parent/ appointed by school district
Tennessee	FP may act as parent/appointed by school district after surrogate training
Texas	School district/foster parents can take surrogate parent training to represent the children.
Utah	School district
Vermont	Commissioner of Education
Virginia	Local education agency
Washington	School district
West Virginia	
Wisconsin	The local educational agency (school district)
Wyoming	



## **Getting Ready for the IEP Meeting**

1. Be prepared. Do you have a complete copy of the child's file? This would include previous IEP meeting plans.
2. Make a list of all individuals and agencies that may have information and records about the child in care. It needs to include the names and titles of all professionals who have provided medical or mental health treatment services, including doctors, therapists, and other health care providers. Be sure to include the phone numbers, fax numbers, and addresses. Bring this information list to the meeting with you.
3. Know the purpose of this particular meeting before you get there so you can be prepared for anything that may come up and have a plan of action in mind.
4. Request records for the child in care in advance of this meeting so they can be included in his/her file. This is extremely important. It will make it easier to plan for the needs of the child at the meeting.
5. Know who you will be inviting to go to the meeting with you. Ask them in advance and then remind them the morning of the meeting.
6. Remember to bring a tape recorder if you feel that you may need one.

Parent Attachment  
(Foster parents Input of Suggestions for the IEP meeting)

As a foster parent your input is so valuable at the IEP meeting. You will want to take the “Parent Attachment” paper with you to the meeting but only after you have reviewed all of your child’s evaluations, testing, taken some time to think about the material that you have reviewed, and hopefully, have done some research on what can be of help for your child’s particular disabilities. (Be sure to access the Internet as a means of gaining access to information that fits your child’s disability.)

You will find a sample of the “Snap shot” of your child and a “Parent Attachment” sample below. Feel free to model after these samples for your personal situation. Again, I cannot stress enough how important it is to take these two papers with you to the IEP meeting. It is your opportunity to show a true picture of your child and to have input as a team member.

A “Snap Shot” of Jon

Jon has a great sense of humor and is a hard worker. He is 17 years old, with a borderline average I. Q., loves to be outdoors, enjoys working with horses, has a gift in being able to visit with elderly people, and is real respectful. He has a strong sense of pride in doing a job well. Jon likes to help around the house and especially likes to cook. He has good fine motor skills as well as large motor control. He does struggle with issues of short term memory however and this is a source of difficulty for him. He also has a difficult time with sleep issues and thus, it is tough for him to get up in the morning. Jon also has some issues with his vision especially when trying to see the black board during lectures, etc.

He is quite confident in his oral communication skills but really struggles with written language and this affects his ability to take notes. He also feels like he is “stupid” because of this issue and it affects his self-esteem. Jon struggles with some math concepts and is working on an 8<sup>th</sup> grade level at the present time. He has made an entire year’s progress with the help of a tutor, extra teacher assistance, and modifications made in his curriculum. He is a strong auditory learner.

He is reading at about the 9<sup>th</sup> grade level at this point. He struggles with the comprehension piece and also needs to have help with decoding many of the vocabulary words. He really enjoys listening in class when his teacher reads a

novel out loud. He benefits from class discussion as well and enjoys giving input especially in Social Studies. His dream is to go to college and own a business one day.

This is a list of concerns that we have for our son's education and would like them to be considered as our input into this IEP meeting:

- Jon's memory problem causes him difficulty in all areas of his education. Our request is that he be allowed to take a tape recorder to class to record the teacher's lectures and be supplied with tapes for each text book. In this way, Jon will be able to listen to them at home and have a better chance of retaining the information. We are requesting that Jon gets a copy of all teacher notes until his written language skills are better developed.
- We would also like a counselor available to Jon so he can work on his issues of low self-esteem as well as peer interaction issues. We would like Jon to be allowed to take his tests orally until such a time as he had made adequate progress with his written language. We are requesting that he would be allowed to go to the Resource Room during these testing times. We want him to get additional help with his reading comprehension and language skills by a teacher with training in adult reading problems. We are asking that the school district provide a tutor for Jon as well.
- Jon will need tutoring and extra support from his math teacher. We are requesting that he be allowed to use a calculator for some of the difficult 3, 4, & 5 digit math computations. He will benefit from using developmentally appropriate computer math programs as well and then will progress at his own pace. Because of Jon's age we believe that it would be appropriate for Jon to learn those skills that will benefit him when he transitions into independent living. A few of the short-term objectives would be for Jon to be able to make a budget, learn how to make change so he can shop for groceries and his own clothes, etc.
- Jon's I.Q. is in the borderline average to average range and that means that we want expectations for him but not set so high that he cannot meet any success at all. He can and should make measurable and substantial progress with the proper supports. We are asking that all short-term objectives be tested with measurable tools and that we will receive reports on his progress at least quarterly. As Jon's parents, we will check with his teachers to get these reports.

## **Parent Agenda Sample**

### **Start the meeting on a positive note by sharing your child's strengths (good news).**

Jon has a good sense of humor and is willing to attempt new things with zeal. He can easily put together items that need assembling. He is bright, quiet, sensitive, and respectful of elderly. He enjoys pets and is kind to them. He can handle one-step directions well. He is so patient with young children and is protective of them as well.

### **Share the points that may give cause for concern (Parents and Teachers).**

Jon has a difficult time with organization. He is easily distracted and has a difficult time focusing on tasks. He often times forgets to complete a task and gets side tracked many times. The medications that he takes to help him focus and track makes him sleepy. He is very sensitive to noise around him (sensory) and becomes frustrated easily.

Jon will often times get angry with himself and may take it out on others around him. He completes his assignments, misplaces them, and then lets others think the worst of him rather than share with them that he simply could not find them. Thus, he takes the consequences for his actions and then has to redo the assignment again only to forget to hand it in. At that point, he may end up with a zero even though he has done the work at least two times.

### **Share Jon's views at this point.**

I get so frustrated most of the time. I feel stupid and just don't understand why I am this way. I am embarrassed when I don't have my assignment to turn in when I get to class so I just laugh about it and act "cool" or other times I get angry and try to blame someone else for my actions. I try hard to accept blame and just redo the assignment.

I am in school all day long and then go home only to have an additional two to four more hours of homework. I get so frustrated when I try to get the assignments done but I don't always understand how to do them. I know that the teachers will act mad at me the next day if it isn't done correctly. I don't feel like going to school most of the time because of it.

### **List Jon's Needs at this point.**

1. Please understand that Jon has a medical condition. He has ADD and sensory issues due to abuse.
2. Jon needs to have a tutor, be able to go to a resource room for additional help and a quiet environment (as needed), and will require a reduction in written work and/or homework. (Give further explanation for the request.)
3. Jon will need to have his assignments modified.
4. Stress the positives to Jon and avoid criticism. (Explain how this affects Jon's self-esteem, etc.)
5. Support Jon's efforts in becoming more organized by making suggestions that may be helpful to him in acquiring the necessary organizational skills.

6. Seat Jon in the front of the class to help him with “focus” issues.
7. Notice Jon’s strengths and call attention to them.
8. Continue to try new approaches to solving problems that Jon faces. Use Plan A, B, C, & D if necessary.
9. Let Jon know that you are there to support him and the efforts that he is making.
10. Seek additional professional help if necessary.

# Parent Notebook for Documentation Purposes

There has been a great deal of discussion about organizing all of the child's daily work, records, evaluations, etc. This page will show you one possible way of organizing all of that information in a manner that will be simple, useful, and effective for you as a parent so you can be efficient, prepared, and show that you are ready to be a positive influence as a team member.

You will need to gather the list of items mentioned below:

- 3-ring binder
- Optional - tab dividers

Directions: Cut out labels and insert them in the tab dividers. This is your "parent notebook" so make sure it is in a manner that fits your needs.

Remember: Documentation is the key to success in supporting the child's educational rights. You need to utilize all of the tools available to you to get input to meetings into the written records. This can be done through the use of this notebook. All of the child's records, your input, concerns, wishes, and your child's dreams will be readily available to you to take to any of the meetings and can then be read aloud. Since you are an equal team member, your concise, well-organized written input will hold equal weight with other information presented and considered.

If you are not able to keep a 3-ring binder, another option would be to use folders or large manila envelopes that you could label with the appropriate content information. Be sure to keep the latest IEP with the last interactions in one of the labeled manila envelopes. Again, it is important that you keep a copy of everything.

You will also want to keep an informal journal. It can be just a simple notebook (which could slip into the 3-ring binder) or notepad. This is handy to have so that you can record all efforts you make to contact personnel, the date, reply, who the contact was with and just a few brief comments to summarize the visit.

## **Educational Advocate IEP Checklist**

- Is there a need for an aide?
- What is the largest number of students in the classroom at any one time?
- Is the academic offering comparable to what non-handicapped students are receiving?
- Is there a resource room available?
- Is there a designated area where the child can go if he or she is feeling like losing control (for behavioral issues)?
- What adaptations or modifications will have to be made to the classroom?
- What and how will related services (e.g. transportation, OT, PT, interpreter, speech therapy, etc.) be provided? scheduled?
- How will teacher/aide absences be handled? Will the substitute be thoroughly qualified?
- Will summer services (defined as extended year services or EYS) be needed?
- How will assessment, grades, and grade cards be handled?
- What is the student's status relative to testing?
- What is the school district's behavioral plan?
- What is the classroom ratio for regular education students versus children with disabilities? What is the teacher ratio in terms of regular education students versus other teachers with regular education students/ those with disabilities?
- Is there in-service training provided district wide for teachers in regards to special issues for children in care?

## Meeting Strategies

Share information about the child. Listen carefully to what others are saying about the child in care – respond appropriately by asking questions and offering suggestions. Ask for clarification on points that they do not understand. Do not go to the meeting alone.

- School personnel tend to view mothers as more emotional and less objective about the child.
- Discuss what you want to accomplish before the meeting.
- Discuss the child's needs before the meeting as well.
- Do not air personal problems during the IEP meeting.

Tape recording of the IEP meeting. It is allowed if –

- The school is notified ahead of time;
- The school allows it (Check with the state guidelines and just know that the federal statutes do not authorize or prohibit it.).

The IEP meeting itself –

- Keep in mind that if you are handed a completed IEP to sign, do not panic and do not get mad. It is the right of the parent, surrogate parent, and/or educational advocate to participate in the development of the child's IEP.
- Keep the team's focus on the child's needs.
- A draft IEP does not mean that it must be accepted and signed at that meeting.
- View the draft IEP as a "draft" and as information about what the school wants to provide.
- Think of it as the school's first offer.
- Thank the school for drafting their ideas as a starting point for discussion.
- Then, pass out copies of the "Parent Agenda", "Parent Attachment" and the "Snap shot" of the child for viewing by all present at the IEP meeting.
- If there is agreement about the draft copy, it can be signed. However, it is permitted that signing be delayed for a reasonable period of time. Exercise that right and take the document/draft home to review outside of the (sometimes) pressure-filled room, or to consult with other professionals involved with the child in care.
- If the parent or surrogate does not agree with the IEP, he or she should not sign it. It can be negotiated with the school officials. He or she has the right to ask for mediation and to request a due process hearing.
- Note: If this is the first IEP for the child in care, services cannot begin until there is a signed IEP. If this is a revised IEP, the school must provide services according to the current IEP until a new one is agreed to and signed.
- Make sure that copies of notes and all documents from the meeting are in the IEP folder before leaving the school premises. Follow up (in writing) to be sure that services promised are being provided.

## The Hunter and Farmer Theory

Not too long ago, the typical traits of a person with ADHD were actually advantageous. People relied often on specific skills needed to bring home meat for the nourishment of the family. These skills are still valued today in hunter gatherer societies around the world. Fleetness of foot, although strong on sprinting and short on marathon running, ability to change course instantly, ability to make snap decisions, creativity in plotting the path of capture, ingenuity in devising traps, the ability to monitor the whole situation with global thinking skills, all contribute to a successful hunt. Successful hunters also have an extraordinary ability to hyper focus on the task at hand if it is extremely important or interesting. This is often a surprising fact for people who do not understand the full range of ADHD-like behaviors.

Imagine the type of individual who would have first explored and then settled this country 300 years ago. It was not only a strength but a necessity to make independent decisions using survival skills in the wilds. Driven by curiosity about an evolving world, a need for physical activity and large muscle activity, and an “every man for himself” mentality, the hunter type flourished. After the industrial revolution, the traditional classroom setting became all important to produce workers for factories with production lines and repetitive work. Suddenly, the need for novelty, individuality, creativity, and spontaneous movement and thought became not only secondary, but actually a handicap which exists today.

Just think for a moment and see if you can answer this question before proceeding. Where in today’s society could someone such as Benjamin Franklin appear and feel perfectly at home. I would argue that it would not be the traditional classroom, still flourishing across our land. The child sits in the seat and faces a teacher who stands at the front of the room and teaches in a lecture style of teaching. With public education aimed straight for the 50th percentile, many children who have ADHD are at one end of the bell curve, struggling to survive in a world too often devoted to repetitive worksheets, sitting still in a seat, listening to a teacher lecture at the front of the room. While the “farmer” type, who is not bothered by repetitive work, lack of novelty or physical movement, often manages just fine and comes out of the system with a decent education, there are many who fall off the assembly line because they learn differently. They are often smart, even gifted, but they must be taught in a different way.

People with ADHD have difficulty processing incoming information. There is often a strong deficit in the areas of auditory processing. These folks often need to learn compensatory techniques to get the information into the brain, store it where it will be accessible, and then be able to retrieve the information and make it useable. This problem leads to serious deficits not only in the classroom, but often in the larger world. These techniques are known, but not generally available to our children who have such deficits. Simple strategies such as visual cues, i.e. the picture above can be a very effective compensatory technique to help get information into the brain where it will be effectively stored for later retrieval.

In spite of the difficulties, many people with ADHD go on to lead productive, full lives. Many hunters have struggles to obtain even a rudimentary education in the traditional setting. Yet who can question the value of their individual contributions to the betterment of mankind? Such people as Thomas Edison, Benjamin Franklin, Ernest Hemingway, Albert Einstein were all failures at traditional schooling.

Other famous hunters are listed at [www.geocities.com/Athens/Oracle.1580/hunters.html](http://www.geocities.com/Athens/Oracle.1580/hunters.html). Mr. Hartmann speculates that perhaps the high incidence of ADHD in our country may be linked to our founding fathers, by nature hunters, discoverers, and adventurers.

In order to be successful, the hunter type must be very selective about the field of work he or she chooses. Many hunters are very successful as airline pilots, policemen, investigators, trial lawyers, advertising executives, entrepreneurs, artists, actors, musicians. There is a strong correlation between ADHD and creativity. Also, because their attention wanders easily, hunters can often see a situation from several different directions, arriving at novel and unique problem solving solutions. It is not unusual for such people to have a number of careers, sometimes simultaneously. After giving a talk on ADHD, one gentleman approached me and thanked me. He said he had always felt guilty about changing jobs, but after owning a successful business for quite a while, he felt tied down and bored. After hearing my reference to Mr. Hartmann's book, he decided on the spot (surprising?) to consult a therapist and work out what he really wanted to do next in the way of work. It is important for hunters not to measure themselves by the standards of a farmer society but by their strengths. It is important to choose a profession that showcases those strengths. At the same time, hunters need to realize they live in a farmer society. There are numerous opportunities for hunters to succeed. It is important to weigh the strengths and weaknesses and where the best fit will be in terms of fulfillment and success.

Hunters are often risk takers. Mr. Hartmann talks about the difference between linear problem solving and random problem solving. A vertical problem solver who finds a door that is stuck is likely to bang harder and harder on it, eventually kicking it in if necessary. The random problem solver is more likely to look for other ways, such as trying other doors or windows. The hunter would fall into the latter category.

This theory of hunters and farmers is no means meant to put down or belittle the farmer temperament. If a hunter is smart, he or she will team up with a farmer. Farmers are superior at organizing, staying on track, performing all the tasks the hunter is weak at performing. They have important strengths necessary for many fields of endeavor. I think of certain wildly successful trial lawyers who have teams of farmers doing the meticulous research and footwork so necessary in such a field. At the same time, farmers need to recognize the tremendous strengths of the hunter, and value them from early childhood for their potential. They must teach them the way they learn, with methods which have been proven successful for children with ADHD. These strategies have proven successful for all children, not just those with disabilities.

# Famous Hunters

The following individuals exhibited all the characteristics of a good hunter. They were global thinkers, sought novelty, were risk takers, and were easily bored by repetitive tasks. They showed incredible energy and flexibility and were not afraid to stand out from the crowd. Their bursts of creativity will live on forever, and you hunters reading this will instantly identify with them.

A number of them also appear to have had learning disabilities. Of the first three listed, Edison's mother, recognizing her son just learned differently, home schooled him; Einstein flunked math in the sixth grade; Mozart was lousy at personal relationships. Yet who dwells on the human frailties when turning on an electric lamp, studying the theory of relativity, or listening to music that will live forever? Hunters can celebrate their unique capacity for independent thinking and creativity, and learn to walk around the weaknesses they might possess. In the end, hopefully you will even chuckle at them and realize they are a part of what makes that person one of a kind, unique and beautiful.

- Thomas Edison
- Sir Francis Drake
- Amadeus Mozart
- Henry Ford
- Benjamin Franklin
- Thomas Jefferson
- Leonardo da Vinci
- Albert Switzer
- Samuel Adams
- Albert Einstein
- Christopher Columbus
- Abraham Lincoln
- Winston Churchill
- Alexander Graham Bell
- Galileo

For obvious reasons we shall stick with those who are no longer with us. It is interesting that none of my resources list women from the past. We could start with

- Carrie Nation
- Queen Isabella of Spain
- Queen Elizabeth I

## Great Characteristics of ADHD

creative  
artistic  
a sprinter  
intuitive  
empathetic  
visionary  
inventive  
sensitive  
original  
loving  
exuberant

## Case Study # 1

### Board of Educ. Of the Hendrick Hudson Central Sch. Dist. V. Rowley 458 U. S. 176 (1982)

In 1982, the United States Supreme Court heard Amy Rowley's case and issued its first special education decision. Amy Rowley was a first grade child who was also deaf. Before she entered first grade, her parents asked that Amy be provided with a sign language interpreter. Although Amy could lip read, the parents asserted that an interpreter would enhance her ability to learn.

The Supreme Court decided that Amy did not need a full-time sign language interpreter at that time. They wrote that Amy was "a remarkably well-adjusted child" who performed "better than the average child in her class and is advancing easily from grade to grade." Although Amy was not performing as well as she would if not for her handicap, the Court concluded that the law did not require public schools to furnish "every special service necessary to maximize each handicapped child's potential."

Important note: Public schools often use the Rowley decision to justify their refusal to provide children with a program that does more than permit "grade to grade" advancement. In many cases such as this one, schools lower expectations for special education children, and may even use "social promotion". Then, they assert that because the child is progressing from grade to grade, this proves that the child does not need more intensive services, including remediation in reading, writing, math, etc.

In Rowley, the Supreme Court wrote that the child's IEP should be "reasonably calculated" to enable the child to receive "educational benefit." Since that decision was issued in 1982, parents and school officials have often disagreed about "educational benefit" –and how much educational benefit is "enough". Courts have found that because children with disabilities have "unique" needs, decisions about "how much is enough" must be made on a case by case basis. As noted in the U.S. District Court's opinion, (483 F. Supp 536 (S.D. NY 1980)) Amy Rowley's standardized test scores were at the 70<sup>th</sup> to 80<sup>th</sup> percentile ranks in comparison to her peer group. The average is at the 50<sup>th</sup> percentile rank. On the testing, she scored two to four grade levels above her peers.

Sometimes, disagreements about educational benefit are called "Cadillac-Chevrolet" disputes. Remember: In Rowley, the Supreme Court ruled that children are entitled to an appropriate education (i.e. a Chevrolet), not the best education money can buy (a Cadillac). In some cases, children in care receive a Chevrolet or in the case in Ohio, one Hearing Officer wrote that the child was entitled to a Chevrolet-and the school district gave him a lemon! (Fayetteville-Perry School District, 20 IDELR 1289 (SEA OH 1994)). (This case and the interpretation were taken from the web site article entitled: Your Child's IEP: Practical and Legal Guidance for Parents by Pamela Darr Wright, & Peter W.D. Wright)

## Case Study #2

### Cedar Rapids Community School District v. Garret F., 526 U.S. 66 (1999)

The Court determined that nursing care for a child needing a ventilator was a related service under IDEA. The Court held that if a medical doctor is not required to provide the service, and the service is necessary for the child to benefit from special education, then the school system

must provide the service. Note: This case clarified what constitutes a “related service” under IDEA according to the U.S. Supreme Court. (This case was cited in the Child Law Practice Publication – Vol. 22 No. 1, March 2003.)

Note: In an earlier case, the U.S. Supreme Court decided Irving Independent School District V. Tatro, 468 U.S. 883 (1984). This case involved a student with spina bifida who required intermittent catheterization throughout the day to remain at school. The Court held that this was a related service under the IDEA and that the school nurse needed to perform the procedure. (This case was cited in the Child Law Practice Publication – Vol. 22 No. 1, March 2003.)

### Case Study #3

#### Hall v. Vance County Bd. Of Education

James A. Hall, IV is suffering from a severe learning disability known as dyslexia, a neurological disorder which manifests itself as a reading disability where the reader can neither decipher nor comprehend the symbols on a written page. There is presently no cure for dyslexia; rather, the reader must learn to cope with the disability and to develop alternate methods of unscrambling the symbols.

James attended public school in Vance County, North Carolina for six years and started there at the kindergarten level. He experienced academic problems from the start. The school district evaluated him and they found that although he had good intellectual ability, his reading skills were very poor. There was a big gap between his ability and his reading skills. The school district offered an IEP that provide James with 30 minutes of small group instruction twice a week.

Think about the discussion of educational benefit in Case Study # 1. Would you agree with the school’s plan for James? Will this provide James with educational benefit from which he could truly learn how to read?

In his decision, Judge Dupree wrote that although James received special education in his public school, his academic problems did not improve-and he developed more problems. (The judge discussed the problems in the case which included a development of “school phobia” characterized by frequent absences, but also not mastering basic competency skills such as identifying which restroom was for “gentlemen” of “ladies”. Then in May, 1980, the end of his fourth grade year, James was again administered a battery of tests. The scores of the test compare with the December, 1978 test showed that in three semesters of work under the IEP James had little or no grade improvement in his primary area of deficiency and had yet to improve over one-half a year total. Note: He was however, promoted from the third grade to the fourth grade and then from the fourth grade to the fifth grade. A new IEP was developed which employed similar procedures followed the past three semesters. James had been subjected to at least three sets of tests over several years all of which indicated that he had a high overall intelligence with good math skills yet was unable to read. With James still unable to read past the second grade level though promoted to the fifth grade with virtually the identical IEP which had been employed over the past three semesters, the parents,

approaching desperation, decided to enroll James in a private school for the 1980-81 school year.

The judge compared the test scores data-after about eighteen months of special education and concluded that: in three semesters of work under the IEP James had little or no grade improvement in his primary area of deficiency and had yet to improve over one-half a year total. The scores provided Judge Dupree with proof that the child made little progress in the public school program despite the fact that he "passed". Passing from grade to grade did not mean that James Hall had learned how to read. Judge Dupree then awarded reimbursement to James' parents for his education at the private school since his skills had increased by more than one grade level while attending for a few months.

## **Definitions of Disability Terms** (according to the Federal Disabilities Law IDEA)

### **34 C.F.R. 300.7 Child with a disability.**

**(1) (i) Autism** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

**(ii)** A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c) (1) (i) of this section are satisfied.

**(2) Deaf-blindness** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

**(3) Deafness** means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

**(4) Emotional disturbance** is defined as follows:

- i. The term 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 child's educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
- ii. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

**(5) Hearing impairment** means impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

**(6) Mental retardation** means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

**(7) Multiple disabilities** means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

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

**(9) Other health impairment** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that

- i. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
- ii. Adversely affects a child's educational performance.

**(10) Specific learning disability** is defined as follows:

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

**(11) Speech or language impairment** means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

**(12) Traumatic brain injury** means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. 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. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

**(13) Visual impairment including blindness** means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

# Resource Guide

## Office of Special Education

Director of Special Education  
Department of Public Instruction

- Go to the website provided to find out your individual state address and phone number
- For instance, North Dakota (ND) would be found at <http://www.dpi.state.nd.us>

## Office of Civil Rights, Region V

U.S. Department of Education  
111 North Canal Street, Suite 1053  
Chicago, IL 60606-7204  
Voice: (312) 886-8434 Fax: (312) 353-4888 TDD: (312) 353-2540  
(Section 504 complaints in Minnesota are investigated by the Office of Civil Rights.)

## PACER Center, Inc.

8161 Normandale Blvd.  
Minneapolis, MN 55437-1044  
Voice: (952) 838-9000 Toll Free: (800) 537-2237  
Website: [www.pacer.org](http://www.pacer.org)  
(You will find fact sheets provided by Parents Helping Parents.)

## NICHY State Resources

P.O. Box 1492  
Washington, D.C. 20013  
Toll Free: (800) 695-0285 Fax: (202) 884-8441  
Website: [www.aed.org](http://www.aed.org)  
(You will find disability-related resources in each state and this site also creates State Resource Sheets. The handy resource sheet will help you locate organizations and agencies within your state that address disability related issues, including:

- Governors and State Senators
- State agencies serving children and youth with disabilities
- State chapters of disability organizations and parent groups
- Parent training and information projects

## National Center for Learning Disabilities

1401 New York Avenue, NW, Suite 900  
Washington, D.C. 20005  
Voice: (202) 879-5773 Fax: (202) 879-5773

## National Association of State Directors of Special Education (NASDSE)

1800 Diagonal Road, Suite 320  
Alexandria, VA 22314  
Voice: (703) 519-7008 TDD: (703) 519-7008

## National Association of Developmental Disabilities Councils

1234 Massachusetts Avenue, NW, Suite 103  
Washington, D.C. 20005  
Voice: (202) 347-1234 E-mail: [naddc@igc.apc.org](mailto:naddc@igc.apc.org)  
Website: [www.naddc.org](http://www.naddc.org)

**National Parent Network on Disabilities (NPND)**

1727 King Street, Suite 305  
Alexandria, VA 22314  
Voice: (703) 684-6763 E-mail: [npnd@cs.com](mailto:npnd@cs.com)

**Government Agencies****Administration on Developmental Disabilities**

U.S. Department of Health and Human Services  
Hubert Humphrey Building, Room 329D  
200 Independence Avenue, SW  
Washington, D.C. 20201  
Voice: (202) 690-6590 TTY: (202) 690-6415

**Clearinghouse on Disability Information**

Office of Special Education and Rehabilitative Services  
U.S. Department of Education  
Switzer Building, Room 3132  
330 C Street, SW  
Washington, D.C. 20202-2524  
Voice: (202) 205-8241

**National Library Service for the Blind and Physically Handicapped**

Library of Congress  
1291 Taylor Street, NW  
Washington, D.C. 20542  
Voice: (202) 707-5100 TTY: (202) 707-0744

**Office of Special Education Programs**

U.S. Department of Education  
MES Building, Room 3086  
600 Independence Avenue, SW  
Washington, D.C. 20202-4611  
Voice: (202) 205-5507

**Eric Clearinghouse on Disabilities and Gifted Education**

Council for Exceptional Children  
1920 Association Drive  
Reston, VA 20191-1589  
Voice: (800) LET-ERIC or (703) 264-9475  
E-mail: [ericec@cec.sped.org](mailto:ericec@cec.sped.org) Website: <http://ericec.org>

**National Parent to Parent Support and Information System**

C/O Kathleen Judd  
P.O. Box 907  
Blue Ridge, VA 30513  
(800) 651-1151  
E-mail: [judd103w@wonder.em.cdc.gov](mailto:judd103w@wonder.em.cdc.gov)

**AllLaw**

Legal information, links and resources about state laws, federal laws and statutes, lawyers and

attorneys.  
[www.alllaw.com](http://www.alllaw.com)

### **Information Lines/Hotlines**

**Americans with Disabilities (ADA) Information Line**  
(800) 514-0301

**U.S. Department of Education Information Resource Center**  
(800) USA-LEARN

**U.S. Department of Justice ADA Information Line**  
(800) 515-0301

**Exceptional Children's Assistance Center (ECAC)**  
(800) 962-6817

### **Internet Sites**

**Our Kids**  
(Parenting resource site)  
[www.our-kids.org](http://www.our-kids.org)

**Parents Place**  
[www.parentsplace.com/index.html](http://www.parentsplace.com/index.html)

**Including Your Child** (NPIN Virtual Library)  
<http://npin.org/library/1998/n00006/index.html>

**Foster Parent Community**  
[www.fosterparents.com](http://www.fosterparents.com)

**Foster Parent Resources**  
[www.fostercare.org/FPHP](http://www.fostercare.org/FPHP)

**Parent Soup**  
<http://parentsoup.com>

**Positive Parenting**  
<http://positiveparenting.com>

**About Website – page on Special Needs**  
[www.specialchildren.about.com](http://www.specialchildren.about.com)

**Center for Children with Special Needs**  
[www.cshcn.org](http://www.cshcn.org)

**Children's Disabilities**  
[www.childrensdisabilities.info](http://www.childrensdisabilities.info)

**Federation for Children with Special Needs**

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

**ICanOnline** (a great website about disability)

[www.icanonline.net](http://www.icanonline.net)

**Our-Kids**

[www.our-kids.org](http://www.our-kids.org)

**Special Child**

[www.specialchild.com](http://www.specialchild.com)

**Special Needs Resources**

[www.fostercare.org/FPHP/fpspecl.htm](http://www.fostercare.org/FPHP/fpspecl.htm)

**Educational Surrogate Program Q & A**

[www.dese.state.mo.us/divspeced/Compliance/edSurrogate/surrogatebrochure.htm](http://www.dese.state.mo.us/divspeced/Compliance/edSurrogate/surrogatebrochure.htm)

**Casey**

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

[www.casey.org/cnc/support\\_retention/nav\\_education.htm](http://www.casey.org/cnc/support_retention/nav_education.htm)

**North American Council on Adoptable Children**

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

**National Foster Parent Association**

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

**PATH**

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

**Foster Care Support Network**

[www.fostercare-support.net](http://www.fostercare-support.net)

**Connect for Kids**

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

**Children's Advocacy Institute**

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

**Pacer Center Inc.**

[www.fape.org/pubs/FAPE-25%20Planning%20Your%20Childs%20IEP.pdf](http://www.fape.org/pubs/FAPE-25%20Planning%20Your%20Childs%20IEP.pdf)

**Oregon Parent Training and Information Center**

[www.open.org/-orpti](http://www.open.org/-orpti)

**Special Education in Plain Language**

[www.cesa7.k12.wi.us/sped/Parents/plglossary.htm](http://www.cesa7.k12.wi.us/sped/Parents/plglossary.htm)

**National Center for Homeless Education (located in Greensboro, N.C.)**

[www.asbj.com/current/coverstaory.html](http://www.asbj.com/current/coverstaory.html)

**ED.gov**

[www.ed.gov/offices/OSERS/IDEA/the\\_law.html](http://www.ed.gov/offices/OSERS/IDEA/the_law.html)

**IDEA '97**

[www.ed.gov/offices/OSERS/IDEA](http://www.ed.gov/offices/OSERS/IDEA)

**IDEA '97 Law & Regulations**

[www.ideapractices.org/law/index.php](http://www.ideapractices.org/law/index.php)

**IDEA '97**

[www.dssc.org/frc/idea.htm](http://www.dssc.org/frc/idea.htm)

**Special Ed Connection Splash Page**

[www.Irp.com/ed](http://www.Irp.com/ed)

**Introduction to Alternate Assessment Portfolio I. Federal Law (IDEA '97) requires Alternate Assessments**

[www.tops.ncsu.edu/tnn/pdf/introaap.phf](http://www.tops.ncsu.edu/tnn/pdf/introaap.phf)

**National Conference of State Legislatures**

[www.ncsl.org/programs/cyf/CPIeducate.htm](http://www.ncsl.org/programs/cyf/CPIeducate.htm)

**FAPE Publications (helping parents and advocates improve educational results for children with disabilities)**

[www.fape.org/pubs/index.htm](http://www.fape.org/pubs/index.htm)

**NLD on the web – Your child's IEP**

[www.nldontheweb.org/wright-3.htm](http://www.nldontheweb.org/wright-3.htm)

**Extended School Year Services Under IDEA (ESY)**

[www.napas.org/I-6/pub%20awareness%20mat%20home.htm](http://www.napas.org/I-6/pub%20awareness%20mat%20home.htm)

**Planning your child's Individualized Education Program**

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

**Child Law Practice (ABA)**

[www.abanet.org/child](http://www.abanet.org/child)

**Children's Advocacy Institute Web**

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

**Educational Surrogate Program Q&A**

[www.dese.state.mo.us/divspeced/Compliance/EdSurrogate/surrogatebrochure.htm](http://www.dese.state.mo.us/divspeced/Compliance/EdSurrogate/surrogatebrochure.htm)

**Schwab Learning (for parents and children with learning disabilities)**

[www.schwablearning.org](http://www.schwablearning.org) (parents)

[www.sparktop.org](http://www.sparktop.org) (children)

**State Education Law Resources**

[www.copaa.net/resources/statespedlaw.html](http://www.copaa.net/resources/statespedlaw.html)

[www.cesa7.k12.wi.us/sped/Parents/plglossary.htm](http://www.cesa7.k12.wi.us/sped/Parents/plglossary.htm)

[www.adhd\\_add.info](http://www.adhd_add.info)

[www.resourceroom.net](http://www.resourceroom.net)

[www.specialedlaw.net](http://www.specialedlaw.net)

<http://www.specialedlaw.net>

<http://www.hottolearn.com> (learning styles)

<http://www.SparkTop.org> (8-12 year olds learning & attention problems)

<http://www.ideallives.com> (articles)

<http://www.post-gazette.com/regionstate/20020228foster4.asp>

<http://www.bridges4kids.org>

<http://www.teacherstoolkit.com/classroom4.htm>

[http://www.connectforkids.org/cnlib/pub/print\\_article.htm?url](http://www.connectforkids.org/cnlib/pub/print_article.htm?url)

[http://www.ideallives.com/resource\\_kits.html](http://www.ideallives.com/resource_kits.html)

<http://www.nichcy.org/reauth/goodman.htm>

<http://www.cesa7.k12.wi.us/sped/parents/plglossary.htm> (glossary of Special Ed)

[http://www.advocate\\_tools@sendfree.com](http://www.advocate_tools@sendfree.com) (free kit)

<http://www.iser.com/CAadvocacy.html>

<http://www.partnersinpolicymaking.com> (Leadership training program)

<http://www.nldontheweb.org/wright-3.htm> (IEP's)

<http://www.adhd-add.info/> (wonderful site)

<http://www.ldonline.org> (learning disabilities)

### **Suggested Books**

**From Emotions to Advocacy** (The Special Education Survival Guide)

By Pam & Pete Wright

**Guidebook for Raising Foster Children**

By Susan McNair Blatt, M.D.

### **Suggested Articles**

#### **Readers Talk Back**

October 2002 (Connect For Kids Website)

#### **Parent Involvement in Schools**

October 2002 (Connect For Kids Site)

#### **More Than A's and B's**

By Julee Newberger (Connect For Kids Site)

**Help for Foster Parents** by Nancy Duncan (Connect For Kids Site)

#### **Education Advocacy in Child Welfare Cases: Key Issues and Roles**

By Kathleen McNaught (Child Law Practice (ABA) website- November 2002)

#### **Education Law Primer for Child Welfare Professional – Part I & II**

By Kathleen McNaught (Child Law Practice (ABA) website- March 2003)

#### **IEP Secrets Revealed**

By Dani and Gene Feirstein ([www.nfpainc.org](http://www.nfpainc.org) – National Advocate, Fall 2003)

#### **Advocating in School for the Children in Your Care**

By Casey Family Program ([www.nfpainc.org](http://www.nfpainc.org) – National Advocate, Fall 2003)

#### **Individualized Education Program: Is It Really Worth the Effort of the Foster Parent to Participate?**

By Carl Christman ([www.nfpainc.org](http://www.nfpainc.org) – National Advocate, Fall 2003)

#### **Training Foster Parents to Help Children with Special Education Need**

By Paulette Meier ([www.nfpainc.org](http://www.nfpainc.org) – National Advocate, Fall 2003)

#### **Foster Parents and IEPs/Advocating for Your Child's Education**

By Jan Kjelland (September 2003, Impact Publications, Inc., Foster Care Support Network)

#### **Are We Ignoring Foster Youth with Disabilities?**

By Dr. Sarah Geenen (Fostering Futures Project, Spring 2003)

#### **School and Foster Children**

By Susan McNair Blatt, M.D. ([www.nfpainc.org](http://www.nfpainc.org) – National Advocate, Fall 2003)

#### **The IEP Notebook**

By Sue Thompson ([www.nldontheweb.org/thompson-3.htm](http://www.nldontheweb.org/thompson-3.htm) - for individual use only)

#### **Your Child's IEP: Practical and Legal Guidance for Parents**

By Pamela and Pete Wright ([www.nldontheweb.org/wright-3.htm](http://www.nldontheweb.org/wright-3.htm))

