Who are Our Youth?

- Under age 18
- Ages 18 - 21
Advocacy Makes a Difference

Isabel
- Age 20
- Special education student
- Arrested in school at age 16
Advocacy Makes a Difference

- Secured appropriate educational placement
- Allowed credit recovery and on-time graduation with peers
- Allowed job training, living skills and employment

Isabel is starting work and preparing to live on her own
What Difference Does Age Make?

Under 18

• Parent/guardian is normally educational decision maker (includes youth under protective supervision)
• If youth is committed, DCF is educational decision maker (or surrogate if youth has disability)

18 and over

• Youth is decision maker (unless youth wants parent or surrogate to remain)
• Youth may experience restrictions on access to education depending on credits earned
DCF Youth
Educational Stability is Critical

• Youth in out-of-home care may remain in school of origin
• Decision is made by DCF
• Presumption that child will remain in school of origin
• Decision governed by BIOC
• Objection to change of school placement must be within 3 business days after receipt of notice
• DCF administrative hearing must be within 3 business days after objection

CGSA 17a-16a
Educational Stability

Where will Jamie go to school?

- Grade 11 in Hartford
- On track to graduate next year
- Removed from home
- Placed in foster home in North Haven
Regular Education

• Constitutional right to education that meets minimum qualitative standard

• Right to prompt referral for evaluation if history of truancy, disciplinary problems, lack of academic success 34 CFR 300.111; CRSA 10-76d-7

• Some regular education students with disability may be entitled to accommodations under Sec. 504 of the Rehabilitation Act
Special Ed Entitlements
Federal and State Law Grant Extensive Rights

- IDEA  20 USC 1400 et seq, implementing regs at 34 CFR 300 et seq
- FAPE up to age 21
- Right to IEP (Individualized Education Program)
- Transition planning for life after high school, age 16+
- State law and regulations reaffirm rights
  CGSA 10-76d, CRSA 10-76 et seq
- DCF committed youth have right to surrogate
- May defer diploma but still graduate with peers
Does your Client have a Disability?

Youth subjected to abuse or neglect are often:

- Behind grade level
- Held back
- Have history of disciplinary referrals
- Drop out of school
- Become unemployed adults

These youth:

- Need support, consistency and security from school
- Meet criteria for Special Ed or 504 accommodations
Child Find

- IDEA
  Schools must locate, identify and evaluate all children with disabilities from birth through age 21.

- Mandate applies to ALL children, including those attending private schools and public schools, highly mobile children, migrant children, homeless children, and wards of state.

34 CFR 300.111
CRSA 10-76d-7
Educational Surrogate
Appointed by Commissioner of Education

Appointed in place of parent to advocate for educational needs and participate in educational decision making for

- DCF committed youth already in Special Ed
- Youth in DCF care suspected of needing Special Ed

Surrogate can continue with youth until age 21 if client consents

CGSA 10-94g and 34 CFR 300.519
Who Gets a Surrogate?

Serena
- Age 16
- IEP (learning disability)
- Committed to DCF

Terrell
- Age 18, senior in high school
- In DCF voluntary care
- Has never been in Special Ed
- Long history of mental health issues that interfere with school
Advocating for Youth with Disabilities

- Multiple barriers to successful transition to life on their own
- Transition planning is key entitlement for students with IEPs
- Facilitates movement from school to post-school

34 CFR 300.321(b)
Transition Services are Entitlement

- Include post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation. 34 CFR 300.43

- IEP must include transition planning by the time student turns 16. Student must be included in planning process. 34 CFR 300.320 (b)
Transition Planning

Must ensure IEP:

• is detailed and individualized, based on goals/interests
• is informed by formal/informal transition assessments
• has measurable goals and objectives that address
  • transition from high school to college
  • transition to post secondary training
  • transition to independent living
  • development of community connections
  • connection to adult service agencies
DCF Transition Plans

- Due 90 days prior to 18th birthday
  You should start your advocacy earlier!
- Plan must address:
  - Housing
  - Budgeting
  - Income source
  - Life long adult connections
  - Important documents

DCF Policy 42-10-3
Diploma vs Graduation

Special Ed students who are not ready to graduate and still need work on transition skills have right to:

• Defer acceptance of diploma
• Participate in graduation and related activities with peers

Would this benefit your client?
Diploma = Exiting Special Ed

When your client accepts a diploma, s/he exits Special Ed

• Graduation requirements (credits, mandated assessment standard) **do not equal readiness** to exit Special Ed

• Youth may still need life skills, community connections, job readiness skills, college preparation, etc

• Fulfillment of transition goals and objectives is crucial gauge of readiness to exit special education
Transitioning to College
IDEA NO . . 504 YES

504 Accommodations

• Burden on student to seek accommodations with school’s disability coordinator
• Student must show affirmative, current documentation of disability
• Typical accommodations include
  – Extra time for tests, assignments
  – Alternate testing sites
  – Access to assistive technology

kidscounsel.org
School Access for Older Students

• Credits earned by age 19 impact placement

• Students without sufficient credits to graduate by age 21 may be placed in alternative school or recommended for adult education

Youth have right to receive credits from all placements they have attended

CGSA 10-220(a), 20-220h, 10-221a
Post-Secondary Expenses

DCF Policy

- DCF youth eligible for financial assistance to age 23

- College, technical school or state-accredited job training

- Part-time attendance may qualify under certain circumstances with approval of Commissioner

DCF Policy 42-20-20
How to Qualify for PSE

• PSE education plan approved by DCF PSE consultant
• Voluntarily agree to receive services from DCF
• Demonstrate ability and desire to attend PSE
• Complete FAFSA
• Apply for grants and scholarships to offset cost

DCF Policy 42-20-20
Issue Spotting

Tina

- Age 18
- Special Education student
- IEP
- In voluntary DCF care
- Enough credits to graduate but not prepared for college
Issue Spotting

Jose

- Age 17
- Committed to DCF
- APPLA permanency goal
- Moved often, went to several schools
- Not sure what to do after high school or how to plan
- Needs accommodations for post-secondary education

kidscounsel.org
Maria

- Turns 18 next month
- Recently committed to DCF
- Wants to stay with DCF on voluntary basis
- Not enrolled in school due to recent move and says she wants to drop out
Questions?

Marisa Halm, JD
Director, Team Child Juvenile Justice Project
mhalm@kidscounsel.org

Zoe Stout, JD
Senior Staff Attorney, Child Abuse Project
zstout@kidscounsel.org

860-570-5327
Center for Children’s Advocacy
kids counsel.org