



Center for  
Children's  
Advocacy

# Educational Advocacy for Youth Ages 16-21

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# 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 18<sup>th</sup> 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



# 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



# Issue Spotting

## 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?

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