A Guide to the Education Systems in Arizona

Produced by the Arizona Children’s Association through ANCOR - Adoption Network: A Community of Resources

Grant Administrator: Marcie Velen

Revisions and updates provided by the Arizona Department of Child Safety
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INTRODUCTION

This guide is for families whose children have lost birth parents through abandonment, neglect, abuse, death, or voluntary placement. Children who have lost their birth parents are at higher than average risk for educational and mental health problems.

Losing a birth parent is a primary loss. This means that at each stage of childhood (and adulthood) children will revisit this loss and grieve for this missing part of their lives. Depending on a child's individual circumstances and history, this process can interfere with learning and emotional well-being. When abuse, neglect, abandonment, and pre-natal exposure to alcohol and drugs compound this loss, normal child development may be disrupted. Support from the school and behavioral health systems may be needed to help these children reach their potential.

This guide will help you to understand how the education systems work, how they affect you, and how you can help these systems help your child. It also offers suggestions for coping with the extra layers of confusion, distress, and sometimes hurt that comes from being an adoptive or guardianship family.

Families whose children have very complex issues report that they have to go to great lengths to get appropriate services. Many families report that it can be time consuming and frustrating to get help when problems arise. Agency rules can be difficult to comprehend when a family is under stress. Some families describe their experiences as intimidating, overwhelming, isolating, confusing and shaming.

The behavioral health and educational systems are organized to provide services for large groups of children. The child who has unique or unusual needs presents a challenge to these systems. These systems have to find a way to adapt their services to meet these individual needs. It often takes patience and persistence from families, advocates and behavioral health staff to find the best way to meet the needs of the child.

Knowledge is power! It will be easier to get services for your child if you become an informed and knowledgeable parent. The voice of the educated parent will be heard. You must learn when to ask for intervention from the next level in the system, not to give up after the first setback, and to give workers the benefit of the doubt.
This guide is written to help you learn how to become an informed advocate for your child. It will take some effort to become this advocate, but the rewards will come when your child's needs are met.
UNDERSTANDING THE ROLE OF ADVOCACY

What is advocacy?
Advocacy is the act of speaking or writing on behalf your child’s cause. It is a process of planning, gathering, and preparing information to assure that the system serves your child’s individual needs.

Do I have the right to make decisions for my child?
YES! As the parent, you have the full legal right, as well as the responsibility, to make decisions for your child. You have the right and responsibility to become informed and educated about these systems and the types of decisions you will be asked to make. Your educated decisions will assure that your child receives the best care possible.

Will the fact that my child is adopted or under guardianship make a difference when I look for help?
Yes, it may make a difference. Unfortunately, not every professional understands the unique issues of adoptive and guardianship families. Some professionals may blame you for your child’s behaviors; some may not understand the depth of your commitment to your child. You may feel like you must prove that you are good parents before professionals will listen to your point of view. In this guide, we will offer tips, ideas, and strategies from other parents about how to cope with these situations.

What should I do to become the best advocate for my child?
Becoming a good advocate for your child takes time, knowledge, and experience. Here are some suggestions for beginning this process:

• Create relationships with school personnel. Even if you have no problems, begin developing these relationships now.

• Practice communicating in ways that allow others to hear and understand you. Be aware of your tone of voice and body language. People respond to non-verbal communication too. Check with people to be sure that they have heard your point of view.

• Know the laws that govern the education system.

• Find out the names of the school advocates in your area.

• Become involved in the policy and decision-making process within the system.

Tip - Some families suggest that a key relationship is with the school office manager. They can make sure phone calls get to the right people in a timely manner.

Tip - When you do not understand something, keep asking questions until you do.
• It is important to not vent your anger at the system on the people who do the work. More can be accomplished by forming partnerships with them. Together, you will have a much better chance to make the system work for you.
• See the behavioral health and education sections for finding information on laws.
Learning to become an advocate for your children takes time. Many families describe having to learn new behaviors such as overcoming a resistance to making phone calls. Key for many parents is learning to believe that the parent role is equal to all of the professional roles you may encounter. It is a hope that you will read this guide before you are in critical need of the information.

Sometimes parents with special needs children become angry and frustrated with the system. Displaying this anger to system personnel in inappropriate ways can create negative reactions and the problems can escalate.

**Tip** - *The Center for Disability Law* maintains lists of advocates for the educational systems.

- **Phoenix**
  - 800-927-2260
  - 602-274-6278 (TTY)

- **Tucson**
  - 520-327-9547
  - 877-327-7754 (TTY)

- **Family Involvement Center (FIC)** can provide support, training and services to assist you advocate for you and your child. FIC serves families in Maricopa County. The local number is 602-288-0155.

- **Mentally Ill Kids In Distress (MIKID)** can provide information and someone who can be an advocate for you. MIKID serves all of Arizona with limited services for Maricopa County. The statewide number is 1-800-356-4543.

- Contact community service agencies in your area if your teen is approaching the age of 18. These agencies provide non-licensed behavioral health services such as volunteers, job mentoring, peer support and other services that will help your child prepare for adulthood.

- **Raising Special Kids** ([raisingspecialkids.org](http://raisingspecialkids.org))
  - Phoenix
    - 602-242-4366
    - 800-237-3007 (toll free)
    - info@raisingspecialkids.org
  - Flagstaff
    - 928-523-4870
    - info@raisingspecialkids.org

- **Pilot Parents of Southern Arizona** ([www.pilotparents.org](http://www.pilotparents.org))
  - 520-324-3150
  - 877-365-7220 (toll free)
  - ppsa@pilotparents.org

- **The Parent Information Network (PIN)**, a service of the Arizona Department of Education, can provide with additional information, resources and templates to assist with advocacy.
  - 877-230-PINS (7467) (toll free)
  - PINS@azed.gov

- **The Arizona Association for Foster and Adoptive Parents (AzAFAP)** provides support and education to foster and adoptive families.
  - 602-488-2374
  - info@azafap.org
What information about my child will I need in order to be an effective advocate, and what do I do with this information?

Here are some suggestions:

• Your child’s birth certificate, immunization records, developmental history, school records, birth parent history, child’s history, and any evaluations from the school, behavioral health system or other sources.

• Adopted children should have a family history or non-identifying information form, which can be helpful.

• If you are the child’s guardian or adoptive parent, you will need the court papers showing your legal relationship with your child. (Adoptive parents may need this if they haven’t received their child’s new birth certificate.)

• Information about your child’s personality, strengths, needs and interventions to which he/she responds positively.

• Documentation about your child’s problem behaviors.

Create a plan for organizing both the information you have and the information you will gather as you navigate the education system. Here are some useful suggestions from parents:

• Keep all of the information you have gathered in a binder with dividers.

• Update the folder as you get new information.

• Buy a notebook to track the names of people you contact, and document all interactions including date, time and what happened.

• Keep updated photographs of your child in the folder.

• Take the folder and notebook to all of your appointments and meetings.

• Keep samples of your child’s artwork, books read, special abilities, and knowledge. If your child knows the name of every dinosaur ever in existence, but is failing in school, that is important information.

• Develop a format to collect specific information about your child’s behavior at home and in the community. Record dates, times, duration and circumstances of the behaviors.

• Keep records of what you have done to change difficult behavior. Include what did and did not work.
How do I record and discuss my child’s behaviors at home, in school or in the community?

No matter what system you are encountering, it is important to be specific in your descriptions of your child’s behaviors.

**Too general:** “My child has tantrums.”

**More specific:** “Four times a week, for the last month, my child has thrown himself down on the floor, banged his head and screamed for an hour. This usually happens in the morning. I've tried ignoring him, hugging him, putting him in time-out and trying to distract him when I see him getting upset. I think that it is taking him longer to get over it.”

Use the same format to record behavior that is reported to you by the school or other caregivers. Get specific written information from school personnel. If you are given information verbally, take notes about what the teacher, the principal or others say. **Ask questions**, such as:

- When did the behavior occur?
- How often does it happen?
- What was happening before the behavior occurred?

Don’t forget to record the name of the person providing the information and the date. Keep this paper in your notebook. It is important to record the names of persons with whom you interact. You may begin to notice that obviously recording names may generate better service and attention.

**Talk to Other Parents**

The most useful advice in this guide is the message to reach out to others, especially other parents. Go to support groups. Many parents find this extremely difficult to do, but it helps so much.

You are not alone! Other parents can go to meetings with you, share your pain, share your joys, tell you what has worked for them, and give you names of professionals who have been helpful.
NAVIGATING THE EDUCATIONAL SYSTEM

What are my child’s basic rights to an education?

Your child has the right to attend public school in the district where he or she lives or to enroll in an appropriate charter school of your choice and to be taught according to the state’s standards. Basic rights also include services that make it possible for your child to be taught if he or she has special needs.

Why is it important to know what the educational system is required to provide for my child?

Knowing what the educational system is required to provide will help you ensure that the system meets your child’s educational needs. In Arizona, the educational system works to meet the needs of all children. As a parent, you want to be aware of how the system is meeting the needs of your individual child. Parents also have choices regarding education so it is important to be informed so that you can make the best choice for your child.

What else do I need to know to support my child’s educational needs?

There is a wealth of information about what rights your child has in the education system, what services are available, and what parents can do to secure these services for their child. This guide will give you a general idea about what you will need to know and where to locate further information. Becoming a good advocate for your child takes time and study. Because there is so much available information, this guide will focus on sharing with you what other parents have learned about working with the schools to meet their child’s needs and how to use an advocacy process, if necessary.

Certain students may qualify for additional services not available to all students. These services will be discussed in greater detail later on in this section.

How can I know that the school is meeting my child’s needs?

As you become the expert on your child’s educational needs and potential, you will learn what kind of progress your child can be expected to make and if he/she is making this progress. One way of learning if your child’s needs are being met is to develop a relationship with his/her school. Become familiar with how the school functions, and how well your child is performing in school.

Tip - The information in this guide is more focused on the public school system, which includes charter schools, but a lot of it will apply to all schools.

Tip - Use the Internet to discover a range of available services. Search these key words: learning disabilities, 504 Plan, education advocacy, Center for Disability Law, Wrights Law, and parent teacher organization (PTO).

Tip - Never assume that the school will know what your child’s needs are or that the school will automatically meet those needs. The school focuses on meeting the needs of many children. Only the parents can be fully focused on meeting the needs of their own child.
How do I create a relationship with my child’s school?
Creating a relationship with your child’s school has two parts.

**Have an attitude of mutual respect.** This attitude assumes that both you and the school treat each other as experts who have the best interest of your child as a primary goal. Each of you has a different point of view: the school as experts about educating children, and you as an expert about your child.

**Make your presence known at the school.** Be involved in your child’s education. Attend conferences and meetings, regularly communicate with your child’s teacher, follow up on reported problems and take an interest in your child’s schoolwork and homework.

Be involved in the school. Attend events, join the parent organizations, volunteer in a classroom or the office. Know the administration, secretaries, bus drivers, counselors, custodians, etc.

Speak to your employer about changing hours so that you can be available for some school functions. If being at the school occasionally is not possible, use the phone or computer, or send notes with your child. Offer to help the teacher by doing things at home, e.g. cutting out shapes, making snacks.

The more you let the school know you can be counted on to work with them, the more apt they will be to share and work with you. Being a presence at the school will get you valuable information you may not otherwise have known, such as new teachers or class changes.

**Tip -** Act professionally at all times. Dress appropriately. Be assertive but not aggressive. Watch your tone of voice, especially under stress.

- If you are angry or frustrated with the school system, have someone (relative, friend, or other parent) who will listen to you rant, rave, and vent. Support groups are good for this. You want these feelings to motivate you and not control you when you connect with the school.

- Speak with authority about your child, even if you have to fake a certain amount of confidence, so people within the system will listen.

- If an individual at the school does not treat you with respect, do not give up. Seek someone higher up in the system and discuss your case. Bring someone with you to the next appointment. Be persistent.

- Let the school know what you expect for your child. Keep sharing your expectations. Once is never enough.
My child is doing well in school. Is all of this effort needed?

Parents always need to be aware of what their child is doing in school, and be involved in the educational process. If you are aware and involved, you will be one of the first to know when a problem arises. Because you have already developed relationships with the school, you can began problem solving promptly.

What information about my child’s background should I give my child’s teachers?

There is no right or wrong answer about what or how much you should tell a teacher about your child’s background. Some parents prefer to be totally private about their child’s history. To have this approach be successful for your child, prepare her for school assignments that deal with family history, such as ‘student of the month,’ ‘family trees,’ ‘baby pictures,’ or ‘all about me’ projects. Help your child feel secure and confident about living in a non-traditional family if this is an issue. Some parents, especially those with children who have significant school issues, prefer to meet with the teacher in the beginning of the year to discuss the relationship between their child’s background and school issues.

How do I recognize if my child has a problem at school?

Many parents are the first to recognize that their child is having a problem at school. Common signs are struggling with homework (taking extraordinary amounts of time, not doing the work, showing frustration with the work), complaints about having to go to school, or not wanting to get out of bed.

What kinds of problems do children have in school?

Problems that arise for children will most likely fall into four categories:

- **Academic** – basic skills in reading, writing, math; content knowledge; critical thinking; problem solving.
- **Social** – peer relationships, interactions with adults.
- **Behavioral** – following rules and structure, monitoring one’s own behavior, concentrating on tasks.
- **Organizational** – doing and turning in homework, order in desks, backpacks and binders, bringing home and taking materials to school.

**Tip** - Children under five or six are usually not sensitive about having a non-traditional background. Older children become increasingly aware of being ‘different’ from other kids and may want to keep their histories private.

- If a child has significant problems, sharing history may be very important. Some parts of a child’s history will not need to be shared (i.e. birth parents’ promiscuity, etc.)
- If parents and children openly discuss family diversity, non-traditional families, and acceptances of differences, children will be less sensitive to their differences.

**Tip** - Routinely ask your child about school, ask him to describe his day at school and really listen to the answer. A child will often give you hints or tell you directly when they are having problems at school.

- If your child does not share, watch for hints. Listen to what she is saying, especially when she talks about school.
What if I identify a school problem that I don’t think the school has recognized?

The first person to contact is always your child’s teacher. Set up a conference with the teachers as soon as you recognize the problem.

Be prepared. Come to the meeting prepared to present your concerns about your child and the request to the teacher. Present your information to the teacher with specific, concrete examples. Ask questions that will allow you to know that the teacher has heard and understood you. For example, “Do you think Johnny will get caught up in math if he gets tutoring after school two times a week?” Work with the teacher to create a solution.

What will happen if the school recognizes a problem?

Ideally, the school will call you or send a note home to notify you of their concerns or a situation involving your child. They will ask you to participate in the problem solving, and will notify you of the policy and procedure they have followed or will follow. Since this does not always happen, it is vital that you maintain regular contact with your child’s teacher, and talk with your child about what is happening at school daily. If you hear something unexpected from your child or the teacher, ask questions, be inquisitive. Check out the information with others that may be involved.

What is expected of the parent when assisting children with educational problems?

Parents are expected to be partners with the school. They are expected to be part of the solution to the problem by keeping home and school communication open, responding promptly to concerns and following up on their part of the solution.

What resources are available in the school to assist my child?

Most schools have a variety of resources available beyond the everyday classroom activities. There may be tutoring classes offered before or after school for children who need extra help in basic skills and classes. There are programs for gifted children such as honors programs, college preparation, and advanced placement classes. Talk to the principal, counselor, or other administrative staff to discover the resources available at your child’s school. Each school may offer different resources. Additional services are available for students who meet specific eligibility criteria. These are covered later in this guide.
What happens if I feel the teacher isn’t following through with his/her part of the plan?

If you have worked with the teacher to develop a solution to your child's situation and, for one reason or another, the teacher is not doing his/her part, take your concerns to the principal. Remember, communication skills are important. Speak to the principal in a calm, clear manner and be aware of your body language. Explain the issue, the agreed-upon resolution, and why you believe the plan is not being followed. Provide the principal with concrete examples about what is not being done. Ask questions regarding what will be done and who will do it. Write down the solutions that have been discussed and who is expected to do what. (Don't forget to date this.) Some parents suggest writing a summary of the meeting and sending it to the meeting participants.

The teacher or other school personnel and I have worked together and the problem hasn't changed or is getting worse. What’s next?

The school will usually have a process to follow if a student is still struggling after the parent and teacher have tried various solutions. Ask the school to explain the process to you. It may include having another teacher or a counselor work with your child. The school may recommend other resources such as those mentioned earlier. Many schools are using a response to intervention model to assist students struggling in reading and math. With this model, planned systematic interventions are implemented, with ongoing monitoring of progress to help discover the best ways to meet your child’s needs.

In some cases, your child's needs may be taken to a school based support team, sometimes called a student assistance team or a teacher assistance team. This team consists of regular education teachers and other school staff. Together, they examine your child’s needs and recommend further interventions. They may also recommend an evaluation for special education or a 504 Plan. (504 plans are described later in this guide.)

At any time during the problem solving process, you may request in writing that the school conduct an evaluation to determine your child’s eligibility for special education. Your request does not automatically obligate the school to conduct the evaluation, but if they refuse to do so they must notify you in writing of their decision. You can challenge a decision to not evaluate your child for special education by requesting mediation from the Arizona Department of Education Exceptional Student Services (ADE/ESS), or by filing a due process with the ADE/ESS Dispute Resolution unit. Further information can be found at www.azed.gov/special-education/dispute. The Arizona Center for Disability Law may also help. Their webpage is found at www.acdl.com.
**What is special education?**

Special education is instruction specifically designed to meet the needs of children with disabilities that affect their learning. It is specialized instruction in a school environment that is as close to a regular classroom as possible.

Special education is available to eligible children and youth ages 3 through 21 with a disability under the Individuals with Disabilities Education Act and Amendments of 2004 (IDEA). The federal legislation requires all children with a disability receive a **free and appropriate public education** (FAPE). Students receive special education services that are described in an Individualized Education Program (IEP).

**What is an IEP?**

The IEP describes in detail the specialized instruction and other services a student with a disability will receive in order to provide a meaningful education while meeting that student’s unique needs. It also includes a description of the modifications and accommodations that are necessary in the regular classroom and those which can be used in state and district achievement testing situations.

**What qualifies a child for special education?**

To be eligible for special education services, first a child must be determined to have a disability as defined by law, and then must be found to require special instruction as a result of that disability. If a child has a disability but that disability has no educational impact, the child is not eligible for special education services.

Arizona statutes identify and define these twelve disability categories: autism, developmental delay, emotional disability, hearing impairment, other health impairments, specific learning disability, intellectual disability, orthopedic impairment, speech/language impairment, traumatic brain injury, visual impairment, and preschool severe delay. There are two other categories, multiple disabilities and multiple disabilities with severe sensory impairment, that are used when a child has two or more specific disabilities as defined. Some of the categories have subcategories and some only apply to specific age groups.

**What is a specific learning disability?**

Arizona Revised Statute (A.R.S.) §15-761 refers to IDEA 2004, which defines a specific learning disability as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, to think speak, read, write, spell or do mathematical calculations... The term does not include learning

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**Tip - Some emotional or behavioral disabilities are not as easily identified as are visible disabilities (e.g. wheelchair bound), but all disabilities are equal under the law. Children with other disabilities may also have behavioral health needs which should be addressed in the IEP, even if the student is not identified as having an emotional disability.**

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**Tip - Two good resources to understand learning disabilities are the book, Faking it – A Look into the Mind of a Creative Learner by Christopher Lee and Rosemary Jackson, and the video, How Difficult Can This Be? by The F.A.T. City Workshop. This video helps you experience what it’s like to have a disability.**
problems that are primarily the result of visual, hearing, motor or emotional disabilities, or mental retardation or of environmental, cultural or economic disadvantage.”

**Why do I need to be aware of specific learning disabilities?**
The specific learning disability is often referred to as the invisible disability. As you begin to deeply understand your child’s educational needs, you will be able to distinguish between a learning disability that will not change over a lifetime and learning problems that will respond to structure and treatment. These types of difficulties can look the same on the outside but their cause may be very different. Grief, loss, developmental delays, abuse, trauma and neglect can produce challenges that are similar to specific learning disabilities. You might continue pursuing appropriate testing until you are satisfied that you know the cause of your child’s difficulties, or accept that sometimes you may not know but are willing to go along with a plan to help with the problem.

**How does the special education process begin?**
The special education process begins with a referral for evaluation. The school or parent can initiate the referral. If you are requesting the evaluation, it must be in writing to the school. Be sure to include the date and describe the problems your child is having. Send the letter to someone who you think will act quickly, such as the principal, school psychologist, special education coordinator, or special education director.

The school will determine whether they suspect your child has a disability and needs to be evaluated. If they agree an evaluation is appropriate, they must conduct an evaluation and determine eligibility within 60 days of receiving parental consent, even over summer break. The evaluation and eligibility determination is conducted by a multidisciplinary evaluation team, which must include the parent.

**What is the special education process?**
The Ten Steps of the Basic Special Education Process Under IDEA is adapted from the Office of Special Education and Rehabilitation Services (OSERS) publication, A Guide to the Individualized Education Program, July 2000. (www.ed.gov/about/offices/list/osers).

**Step 1 – The child is identified as possibly needing special education and related services.**

**Child Find**
Each state must identify, locate, and evaluate all children with disabilities in the state that need special education and related
services. That responsibility is passed on to the local public education agencies (PEAs) in most situations. The PEAs conduct Child Find activities, which include public awareness efforts and screenings. The parents of a child identified by Child Find may be asked if the Child Find system can evaluate their child. Parents can also call the Child Find system in their district and ask that their child be evaluated.

**Referral or request for evaluation**

A school professional may recommend that a child be evaluated to see if or she has a disability. Parents may also contact the child’s teacher or other school professional to ask that their child be evaluated. This request must be in writing. The parents’ consent is needed before the child may be evaluated. Once consent for evaluation is given, the school must complete the evaluation and meet to determine eligibility within 60 calendar days.

**Step 2 – The child is evaluated.** The evaluation must assess the child in all areas related to the suspected disability. The evaluation results will be used to decide the child’s eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

If the parents disagree with the evaluation, they have the right to take their child for an independent educational evaluation. They can ask the school district to pay for this service. The school has to take the result of this independent evaluation into consideration, but does not have to abide by those results.

**Step 3 – Eligibility is decided.** A multidisciplinary evaluation team made up of qualified professionals and the parents look at the child’s evaluation results. They decide if the child is a “child with a disability” and is in need for specialized instruction, as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

**Step 4 – The child is found eligible for services.** If the child is found to be both a child with a disability and in need of specialized instruction as defined by IDEA, he/she is eligible for special education and related services as needed. Within 30 calendar days after a child is determined eligible, an IEP team must meet to write a plan for the child.

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

- Schedule the meeting at a time and place agreeable to parents and the school;
• Provide parents with notice at least 10 days before the date of the meeting (unless parent agrees to make it sooner) to make sure they have an opportunity to attend;

• Notify the participants, including the parents, in written format, about the purpose, time, and location of the meeting, who will be attending and what role they will play; and

• Inform the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

**Step 6 – The IEP meeting is held and the IEP is written.** The IEP team gathers to write the child’s IEP. The parents and the student (when appropriate) are part of the team.

Before the school may provide special education and related services to the child, the parents must give consent in writing to place the student in special education. The child will begin receiving services on the date determined by the IEP team. The school may ask all participants to sign the IEP to show their participation. Signatures are not required on an IEP, nor do they signify agreement with the plan.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and/or may request a due process hearing, at which time a resolution session must be made available.

**Step 7 – Services are provided.** The school makes sure that the child’s IEP is being carried out as it was written. Parents are given a copy of the plan. Each of the child’s teachers and service providers should have access to the IEP and know his or her specific responsibilities for carrying out the plan. This includes the accommodations, modifications, and supports that must be provided to the child.

**Step 8 – Progress is measured and reported to parents.** The child’s progress toward the annual goals is measured, as stated in the IEP. The parents are regularly informed of their child’s progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents of a child with an IEP at least as often as any parent is informed of their child’s progress, e.g. report cards.

**Step 9 – IEP is reviewed.** The IEP team reviews the child’s IEP at least once a year, or more often if the parents or school ask for a
review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes and can agree or disagree with any part of the IEP.

If parents do not agree with the IEP, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including requesting additional testing, an independent evaluation, mediation, or a due process hearing. They may also file a complaint with the state education agency.

**Step 10 – Child is re-evaluated.** At least every three years, the team must consider if the child needs to be re-evaluated. This evaluation is called a triennial reevaluation. Its purpose is to determine if the child continues to be a child with a disability and in need of specialized instruction as defined by IDEA. It also helps determine what the child's current educational needs are. The child may be reevaluated more often if conditions warrant, or if the child's parent or teacher asks for a new evaluation and the school agrees. Once the reevaluation is complete, a review of the IEP should be scheduled to address and incorporate any new information that was obtained.

**How can I be prepared for my child's IEP meeting?**

To best prepare, gather your data and define what you think your child needs. Think about what services, goals, and support your child needs to be successful in school. (Decisions are based on the child's needs, not what parents or the school wants). Have data from the school and home to support your requests. Present that data at the meeting. You want to be sure everyone has the same information.

Be assertive about your desires. Compromise where you can, but if the meeting is not proceeding in a way that is acceptable to you ask to have the meeting stopped and continued on another day.

**How do I get what my child needs throughout the special education process?**

Document the needs of your child. Have specific examples of what your child can and cannot do. Ask the teachers to chart behaviors, collect work samples, get outside observations, and gather as much information as possible.

Don't be afraid to go up the chain of command. Start at the school level. If you are not getting satisfactory results, contact the administration of the school or PEA. If the PEA is not responding, you may do any or all of the following:
• **Request mediation.** Mediation is provided by the Dispute Resolution unit of the Arizona Department of Education, Exceptional Student Services (ADE/ESS). It is a voluntary and informal problem solving process used to resolve disputes related to special education.

• **Request a due process hearing.** Due process is a legal right provided to parents who disagree with a special education issue such as identification, evaluation, placement, and the provision of a free and appropriate public education. It is a formal legal process conducted by a Hearing Officer involving witnesses, and decisions may be appealed to a state or federal court.

• **File a complaint** with the ADE/ESS Dispute Resolution unit. It will be investigated within 60 days of acknowledgement of the complaint and a letter of findings and any corrective action will be issued.

**Are there other services for children with special needs besides an IEP?**

Yes, there is the 504 Plan. The name refers to Section 504 of the Rehabilitation Act of 1973. This law prohibits federally funded programs or activities from discriminating against persons with disabilities. It requires agencies like schools to make *reasonable accommodations* that enable the student to have equal access to the general curriculum. A broader group of students is given services under a 504 Plan than under IDEA.

**What qualifies a child for a 504 Plan?**

A child would qualify for services under Section 504 if the child “has physical or mental impairments which substantially limit one or more major life activities.” For example, if a child has difficulty caring for himself, learning, walking, seeing, speaking, hearing, breathing, or doing school work due to a disability, but does NOT require specialized instruction, he or she would be eligible for a 504 Plan.

**Can I have both an IEP and a 504 Plan?**

No. What qualifies your child for an IEP is different than the eligibility criteria for a 504 Plan accommodation. There are more rights for your child and more responsibilities for the school under IDEA. Under the education act, a diagnosis of ADD or ADHD and a resulting need for services may qualify your child for special education services (only an evaluation team can definitely determine eligibility).

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**Tip** - Before your next IEP meeting, find community education consultants to review your IEP. Look in the phone book, ask other parents from school, or ask the school if they know of good consultants. Once a year, the Center for Disability Law in Tucson or Phoenix will do a free evaluation of your child’s IEP.

**Tip** - When advocating for your child you are not running a popularity contest. Humor always helps but know your goals and rights too. Demand with a smile. Don’t ask. State your desires, and then give the school a deadline. For example: School starts in three days and your child with a disability needs curb-to-curb transportation as stated in the IEP. The school says they need ten days to implement a plan for your child. You say that the school has several choices in getting transportation by the first day of school to be in federal compliance — the bus, a taxi, or a school employee with proper ID to pick up and drop off your child.
Examples of disabilities that may qualify a child for a Section 504 Plan include arthritis, asthma, ADD/ADHD, other behavioral health diagnoses, cystic fibrosis, diabetes, and epilepsy.

**What accommodation could my child get with a 504 Plan?**

Section 504 accommodations are adjustments made in the regular classroom. Examples include change in seating, assignment accommodations, increases in testing time, testing at an alternative site, daily or weekly assignment sheets, use of a computer for writing tasks, etc. Accommodations only provide access; they do not change the content of the curriculum.

**What is the process for getting a 504 Plan?**

The process for getting a 504 Plan is similar to the special education process. As under IDEA, students are identified and evaluated (which could be a written diagnosis from a doctor). Unlike IDEA, there is no timeline for completion of this evaluation, and consent by the parent is not needed before initial service. The evaluation data is analyzed to determine if the child has a mental or physical impairment that substantially impairs a major life activity, and as a result is in need of special accommodations. A plan for meeting the student’s needs is created. A written plan in recommended, but it is not required. The plan is implemented in the school, and an annual review is recommended. Section 504 also recommends that the student be reevaluated periodically.

**What if the district refuses to develop a 504 Plan or I am not in agreement with what they are proposing?**

As under the special education laws, you have the right to an impartial hearing (due process). Under Section 504, the school district is also required to have a grievance procedure in process. Ask for a copy of your district’s Section 504 procedures to determine your next steps. The Arizona Department of Education does not have oversight with regard to Section 504. If you wish to make a complaint, it should be sent to the Office of Civil Rights.

**When should I consider a school change?**

You may wish to consider changing schools for your child when you are unhappy with the performance of your child’s school and your child is not progressing academically to his or her ability level. Public schools have a legal obligation to meet the educational needs of each child enrolled. Before pursuing a change of school, ask yourself these questions:

- Have I identified my child’s strengths, weaknesses, and what is needed from the school?
• Have I specifically asked the school for the services my child needs?

• Have I pursued all of the services available at the current school that could assist my child such as, mentoring, tutoring, Title I classes, gifted programs, a 504 Plan, or special education?

• Have I gone up the PEA’s chain of command to have my concerns heard?

• Have I communicated with the Department of Education regarding my concerns?

• Will another educational setting offer what my child needs?

What should I do when I want to move my child to another school?

The first step to moving your child to another school is identifying what needs your child has that the current school is not meeting. Then identify the resources, structure, personnel, etc. necessary to meet those needs.

Next, visit the prospective schools. Never send your child to a school without spending some time there yourself. Ask the school about the services you are looking for and some basic questions such as:

• What is the school’s philosophy/mission and how is it achieved? (Does it match your ideas?)

• What are the teacher qualifications and credentials?

• Is the school accredited?

• Do they have a proven history of quality education? How do their standardized test scores compare locally and nationally?

• What is the curriculum?

• What supports are available?

• What classes are offered?

• What is the discipline policy?

• What is expected of parents?

When looking at new schools, always have in mind what you want from the school. With the tremendous number of charter schools available in Arizona and the differences in traditional public schools, you need to be an informed consumer! Charter schools are public schools and are required to follow IDEA. A charter school cannot refuse to enroll your child on the basis of a disability or tell you that

Tip - When you change schools, be certain you have the following documents: birth certificate, immunization records, IEP or 504 Plan, and any evaluations and testing reports. Schools can be slow in transferring documents. You do not want your child to wait to begin receiving services in the new PEA.

• PEAs are required to provide services, in consultation with the parents, comparable to those described in the existing IEP, until the new PEA either adopts the existing plan or establishes a team to develop a new IEP.
they do not have the needed services; they will need to provide them. However, small schools may provide services by placing students in other programs, so you may not be accomplishing what you expected by moving your child.

Are emotional issues valid reasons for my child to get extra help in school?

Definitely! Children with emotional issues often qualify for special education services under the category of Emotional Disability. To qualify, a child must exhibit one of the following characteristics over a long period of time and to the degree that it adversely affects school performance:

1. Inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Children with emotional issues may receive services such as counseling, small teacher-to-student ratio classes, structured and predictable classroom environments, and direct instruction in social problem solving.

To provide the most effective programming for a child with emotional issues, it is vital to coordinate services and communication between the home, school, and therapeutic community.

How do I coordinate between the behavioral health and education systems?

Coordinating between the behavior health and education systems uses the techniques you have been learning to advocate for your child. Essentially, you will have to do most of the coordination. This means getting written documentation of psychological evaluations, education plans, diagnoses, and other relevant materials. It means distributing copies for each system’s records.

Ask your education team to thoroughly explain their findings about your child so that you can accurately report them to your child’s behavioral health provider. Ask your therapist or dedicated case manager to do the same thing for the education system.
Sometimes each system speaks a different language and you will be the translator. While this sounds like a daunting task, if you stay focused on the concrete behaviors and needs of your child, you can steer professionals back to your child's reality.

**My child’s issues at home are so severe that I am not able to be a partner to the school at this time. What do I do?**

New placements and living situations can be especially difficult for parents and children. Some children may need to be stabilized in the home before there is enough time and energy to give to school. If you are in this situation, talk to your child’s teacher and perhaps the principal. Let them know that school is not your first priority at this time. You want your child to succeed, but until he is safe and stable at home you will not be able to work with your child on school issues.

**Is it true that if my child is in special education, he cannot be suspended or expelled?**

No, any child can be suspended or expelled, but students who are in special education have additional rights. Like non-disabled students, students in special education may be suspended for 10 consecutive days, or no more than 10 school days in a school year if the those 10 non-consecutive days result in a change of placement. A change of placement includes suspension or expulsion. Unlike general education students, when a special education student is subject to a change of placement, including removal, for greater than 10 days, due to a violation of the code of conduct, the school must conduct a manifestation determination.

**What is a manifestation determination and why should I know this term?**

A manifestation determination is a meeting that follows a disciplinary action of a school that results in a change of placement for greater than 10 days for a child in special education. The IEP team must meet to determine if the misconduct resulted from the student’s disability. If the team determines the student’s behavior was a result or manifestation of the disability, the team must:

- conduct a functional behavior assessment (unless one was already completed prior to the incident) and develop a behavioral intervention plan; or

- review any previously developed behavioral intervention plan, and modify it, as necessary, to address the behavior;

- return the student to the current placement unless the team agrees to a change of placement as part of the modification of the behavior intervention plan.

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**Tip** - Education personnel can and should be invited to the child and family team (CFT) meetings.

**Tip** - Many children can catch up to their educational ability levels when they have resolved some mental health issues.

**Tip** - Some parents find that the struggle with homework takes all of the child’s and family’s time in the evening, leaving no time to have or develop a positive and healing relationship. These parents negotiate with the teacher to reduce homework assigned outside of school.
If it is determined that the behavior was not a result of the disability, disciplinary procedures used with children without disabilities can be used. If the student was in possession of a weapon or drugs, or inflicted serious bodily injury on another, the student may be placed in an interim alternative educational setting for not more than 45 school days, even if the behavior was determined to be a manifestation of the disability.

If your child is suspended for more than 10 days or expelled, the school must continue to provide educational services that will enable your child to appropriately progress in the curriculum and advance toward the IEP goals. What those services are and the manner in which they will be provided is determined by the IEP team.

Tip - Refer to the procedural safeguards information given at the IEP meeting. They spell out exactly what disciplinary procedures must be followed for children in special education.

- There are more serious consequences allowed for weapons or drug violations.
Resources

- The *Procedural Safeguards Notice*, given to parents at all IEP meetings, is available on the Arizona Department of Education Exceptional Student Services website, www.azed.gov/special-education/resources/forms.


- Parent Information Network Specialists (PINS), are Department of Education specialists who provide phone consultation, training, resources, referrals, and information and support to parents of special education students. PINS also assist educators and service providers to meet the needs of parents and help them to work with parents as equal partners.

  ADE/ESS
  Parent Information Network (PIN)
  1535 W. Jefferson St., Bin 24
  Phoenix, AZ 85007
  877-230-PINS (7467) (toll free)
  PINS@azed.gov
  www.azed.gov/special-education/pins

- Arizona Center for Disability Law
  5025 E. Washington St., Suite 202
  Phoenix, AZ 85034
  602-274-6287 (voice or TTY)
  800-927-2260 (toll free)
  100 N. Stone Ave., Suite 305
  Tucson, AZ 85701
  520-327 9547 (voice)
  800-922-1447 (toll free voice)
  877-327-7754 (toll free TTY)
  520-884-0992 (fax)
  center@azdisabilitylaw.org
  www.acdl.com
TRANSITIONS TO ADOPTION AND TO ADULTHOOD

What happens to education services when I transition from foster care to adoption?

After the adoption is final, unless you are changing schools, your child will receive the same educational services provided by the school as when he was in foster care. If you are changing schools, your child should receive the same services in the new school. If the new school does not offer the services your child has been receiving, speak to the principal or school counselor about alternatives. Be aware this may include changing to another school.

Have copies of your child’s immunization records, birth certificates, order of adoption, educational and other test results, and any other important documents to take to the new school. Even schools in the same district can be slow in transferring records. You do not want any obstacles in your child’s enrollment.

If your child receives special education services, make certain that you have copies of the IEP or 504 Plan. The new school should provide current IEP services on an interim plan for 60 days until a new IEP can be completed. Study the plan and be prepared to advocate if your child is not receiving what is in the plan.

Be certain that you understand what issues and problems the plan is addressing. When the adoption is finalized you will have the responsibility of monitoring the plan. You will no longer need to be a surrogate parent or have a surrogate parent sign for your child (this only pertains to children who were in group living settings and required a surrogate parent, not a foster home). If you don’t understand or agree with the plan, ask questions until you either understand the intent of the plan or advocate getting the plan changed to one you accept.

Name changes can be difficult. Some schools allow the family to use their last name for the child even though the adoption is not yet final. Other schools may insist on the legal name. Talk to the principal about this, especially if enrolling the child in a new school. It could be many months before a new birth certificate is issued. Have your official order of adoption on hand to verify your child’s changed legal status.

I am concerned about my teenager’s ability to transition to adulthood. How can I help my child?

You should begin thinking about your child’s future as early as 13 years of age. There are emotional, educational, mental health,
Financial, and legal issues to be addressed. Both the school and the RBHA can help you.

**Emotional Issues**
Often the biggest struggle for parents is to be realistic about their child's current and long term potential, and to help their child accept this reality. No matter how bright they are, some children may not always be ready for normal adult responsibilities by age 18, 21 or 25. Some children’s disabilities will remain with them into adulthood. There is a mystery to the healing process for issues of loss, abuse, and trauma, and there is no time limit for healing of these issues. However, diagnosed mental illness, neurological disorders, and developmental disorders usually need to be accommodated in life plans.

**Mental Health Issues**
Discuss with your child’s child and family team, RBHA therapist and/or case manager about how they can help you to prepare your child for transition to the adult mental health system. RBHA providers are expected to begin transition planning and services by age 16, but this planning can begin as early as age 14.

If serious mental health issues are involved, you can request an evaluation of your child for Serious Mental Illness (SMI). If requested, the RBHA is expected to provide that evaluation prior to the child turning age 18. Having this completed is important because services for adults with SMI include supported housing and employment, medication and medication monitoring, case management and personal care.

This transition process is critical. The adult mental health system in Arizona can be quite different from the children’s system. Transition into adulthood can sometimes result in an unsolicited change in providers, services and supports. Services in the adult system will be based on a combination of diagnosis and life functioning.

If your child receives services from an insurance company, discuss their policies with them.

**Tip** - The IEP Team is required to go over with you what happens when your child reaches age of majority (18 years old). Do not wait until your child is 18 to begin this process. At 18 your child is a legal adult, so you may no longer receive IEP plans and notices, etc. If your child is not capable of making these kinds of decisions you may need legal advice on how to address this issue and possibly become your child’s legal guardian.

**Tip** - One of the best ways to find resources in your area is to contact a program that works with teens that have dropped out of school or been placed in special programs. Staff in these programs usually know the ins and outs of working with children both before and after their 18th birthday. Services available to a child before age 18 are different and separate from programs available after they reach legal adulthood.
**Educational Issues**

Beginning as early as age 14, your child’s IEP should have a three-year transition to adulthood plan. The law states it must be a part of the IEP in the plan year that the child is turning 16 years old.

Starting with the 2012-2013 school year, schools must complete an Arizona Education and Career Action Plan (ECAP) for every student in grades 9 through 12 prior to graduation. They must complete this in consultation with the student, parent/guardian and the appropriate school personnel. At a minimum, the ECAP must allow a student to enter, track and update the following information:

- Academic goals (includes coursework necessary to achieve graduation);
- Career goals (includes career plans, options, interests, skills and educational requirements);
- Postsecondary education goals (includes admission requirements, application forms and financial assistance plans);
- Extracurricular activity goals (documents participation in all activities).

**Financial Issues**

Find out about Supplemental Security Income (SSI) eligibility and how to apply.

Explore resources in your community that help young adults with transitions. This issue has become greater in importance at all levels of government with the increase in the number of children in foster care that are aging out of the system.

**Legal Issues**

Some young adults will need to continue on a dependent status if they truly cannot function independently. For example, your child may state that as soon as he turns age 18 he will no longer take his medicine. You might want to consider obtaining a medical power of attorney to address this issue. Consult an attorney.

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**Tip** - Schools have programs for teenagers including school to work programs and special charter schools, but not all parts of the state have the same resources. Explore the resources in your area early in the transition process.

- Contact your Vocational Rehabilitation office during your child’s junior year in high school about programs they have for youth still in high school and for those over 18.
- Parental creativity in securing and sometimes developing services is necessary.
REACHING HOME PORT

Our hope is that you find the information in this guide helpful. Your adoption and/or guardianship parenting journey may be smooth sailing, filled with stormy seas, or some of each. In any case, you are not alone. There are others for you to meet on your journey, and much knowledge to gain and share.

*We wish you bon voyage!*

A Special Thank You

We express our gratitude for the expertise of these writers and contributors, and to the many adoptive and guardianship parents who were willing to share their hard-won experiences.

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“Lost in the System” cartoon, courtesy David Fitzsimmons
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