



# Special Education Decision Making Role of the Foster Youth

## What do I need to know about special education?

Students with disabilities that make it hard for them to learn are eligible for help—called special education. Being eligible for special education doesn't automatically mean you will be educated in a special class or school. It doesn't mean you will learn different things than your classmates. Most students with disabilities should be taught what all students are learning, in regular classrooms, with supports. In addition to special education, supports can include help from a therapist, extra time on tests, books on tape, seating near the teacher, a note taker, or a classroom aid. Only if you can't learn in regular programs with supports should you be pulled out of regular programs for some or all courses.

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## How do I become eligible for special education?

Not every student who has learning difficulties needs special education. Most school districts have programs to help students with behavior or learning problems as part of the regular school experience. The first step in deciding whether you are eligible for special education is a full evaluation by the school district. If you are having trouble in your classes and think you may have a disability, ask your teacher, foster parent, lawyer, CASA, or caseworker how you can get an evaluation. If after your evaluation, the school district decides you are eligible, it will schedule a meeting to develop an education plan called an Individualized Education Program (IEP).

## There are a lot of special education terms. Which ones do I need to know?

An **Individualized Education Program (IEP)** is a written plan that explains what special education and other services, and how much of each type of service, the student should get. It also explains the student's current academic levels, goals for that school year, and how the student's progress will be measured. School districts are legally required to give the student the services in the IEP. IEPs are reviewed at least once each year.

An **IEP Team** is the group that writes the IEP and participates in the review that takes place each year or more often. The parent is part of the team, and the parent can decide whether the student should participate in

## About this Series

This is one of six fact sheets geared to different audiences:

- children's attorneys
- judges
- caseworkers
- foster parents
- youth in foster care
- educators

View all fact sheets at:

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

the meeting. If the IEP meeting is writing or reviewing the student's transition plan, the student must be invited.

One IEP Team decision is whether the student needs an **accommodation** to participate in statewide achievement tests. Some examples of accommodations are a test in Braille for a student who is blind, or letting a student whose physical disability prevents her from writing to speak her answers to questions.

### Can I decide myself whether I want special education and what kind of help I need?

If your parent agrees, you can attend your IEP meeting and help the IEP Team decide what you need and is best for you. If you cannot attend the IEP meeting, talk to the person responsible for making educational decisions for you. Your parent or your foster parent likely has the right to make education and special education decisions for you. If you don't have a parent or a foster parent who can do this job, your school district, and in some cases the judge, should appoint someone to help. If you need someone appointed to help make decisions about special education, tell your attorney, caseworker, the school, or the judge. Some states allow students to make their own special education decisions when they legally become adults, usually at age 18.

### If I can't make these decisions, can I help pick the person who will?

If you don't have a parent to make education and special education decisions for you, sometimes your foster parent can make these decisions. Other times the school district or the judge will decide who will make these decisions. You can influence this decision. The school or judge will want to pick someone who knows you (for example, a family friend, a relative, someone from your church) – so suggest someone to your attorney, your caseworker, the school, or the judge. The school or court may not pick any one who works for the child welfare agency (such as your caseworker) or your school.

### How can I advocate for myself and make others aware of what I think?

Whenever possible, go to your IEP Team meetings and talk about what you need and want. It is important for you to get everything you need to succeed in school. You know better than anyone else what problems you are having and what works for you.

Whether or not you go to your IEP Team meetings, speak directly with whoever is making the decisions. Whether it is your parent, foster parent, attorney, or someone picked by the school or a judge to make decisions, make sure that person knows what you need.

- Are you having trouble in reading or math, and if so, what kind of trouble?
- Are you in the right class?
- Are you getting the help you need?
- What do you need to prepare for graduation and for school or a job after graduation?
- Are you getting a chance to participate in extra or after school activities?
- Do you want career education, and do you need help to succeed in those programs?
- Discuss these and any other issues that could make you more successful and happier in school.

### Do I have a role to play in deciding what help I need to succeed after I leave school?

Yes. The IEP Team must decide your goals for when school ends and what “transition” services you need to meet these goals. These decisions must be made no later than the first IEP to be in effect when you turn 16, or younger if the IEP Team thinks that earlier is better. Examples of transitional services are:

- community placement
- job coach
- academic or vocational courses
- guidance services
- self-advocacy skills
- help registering for the Scholastic Aptitude Test or asking for accommodations in taking the SAT
- tour of college facilities

The transition part of the IEP must be updated every year. Your school must invite you to any IEP meeting at which your future goals and transition services will be discussed. If you don't go to the meeting, the school must still consider your wishes and interests. Some states start this process earlier, usually at age 14. Try to participate in these meetings. Make sure your parent or any other person making decisions for you knows your plans and ambitions, and what you need to prepare for the future. If you have an independent living plan, share it with the IEP team so your education and career education program can support your future plans. In fact, an independent living caseworker would be a great member of the IEP Team.

### Learn More

For more special education resources, visit:  
[www.abanet.org/child/education/publications](http://www.abanet.org/child/education/publications)