

BECOMING AN EFFECTIVE EDUCATION ADVOCATE FOR YOUTH IN FOSTER CARE

QUICK TIPS

- To the extent feasible or appropriate, work with the parent, the Education Surrogate Parent/education decision maker, the child welfare agency social worker, and other agencies to determine what services may be necessary for the child.
- Rope in the experts! Try to seek advice, documentation, or participation from the child's therapist, psychologist, social work support, and psychiatrist as appropriate.
- Ensure your client has an active educational decision maker or consider requesting that the court appoint such a person.
- Remember: Kids do not typically hate school for no reason! If they connect with the teachers, other students, or the materials, they are more likely to succeed. Oftentimes, children experiencing trauma do not succeed in school due to living instability, family upheaval, and the after-effects of traumatic experiences of abuse and neglect.
- As the attorney for a youth in foster care, your duty is to consider the client's interests and wishes. As such, it is imperative to find out what the child wants to the extent appropriate based on the child's age and functional abilities. Some teenagers do not want a 1:1 aide for example. Some older youth may want to attend an alternative school to obtain credits to graduate. Finding out what the youth wants will be helpful in determining how to advocate for educational supports and services and supporting students to remain engaged.
- Participate in school meetings when possible. The act of being present promotes accountability to serve the needs and best interests of the child, particularly in the school discipline context. In addition, the attorney may have special knowledge that will help the school team develop supports for the student in a special education context. This information will also be helpful for the attorney to relay in dependency/neglect child welfare proceedings.
- In special education matters, nothing is permanent—all arrangements and services can be altered or enhanced to accommodate the student at least yearly and even more frequently. An IEP meeting may be requested at any time. Clarifying a special education designation or requesting a functional behavioral assessment is a door opener to appropriate supports or services necessary to confer a meaningful educational benefit.
- If attending a special education meeting, consider the following questions:
 - How recent are the evaluations?
 - Do the recommendations in the evaluation correspond to current IEP services and supports?
 - Are there areas of need missing on the IEP, particularly transition plans?
 - Are behavior issues being addressed? Does the youth have an updated FBA and effective behavior intervention plan? If not, is one warranted?
- Above all, trust your instincts. Even if you do not know the specific education requirements, raise questions about a child's educational placement and services. If something does not sound right it probably is not appropriate.