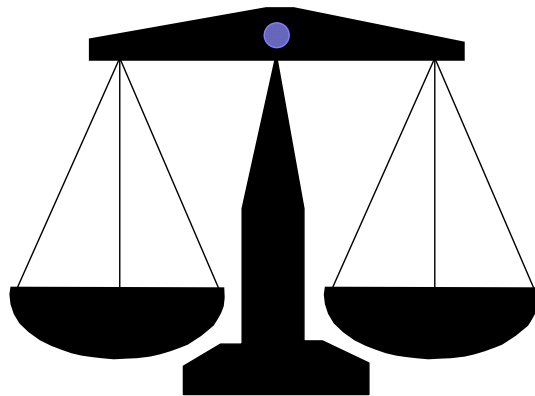


HELPING YOU HELP YOUR CHILD:

A FOCUS ON EDUCATION

Third Edition



**Produced by JustChildren,
A Children's Advocacy Program of the
Legal Aid Justice Center**

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Introduction

"Helping You Help Your Child: A Focus on Education" is designed to give families a general understanding of their children's rights in schools and with education-related issues. This is the second edition of JustChildren's handbook that focuses primarily on education.

Information is power, especially when you're dealing with complex services like education. Your interest in learning more about children's rights will go a long way toward helping them have options and success in the future!

Read through the handbook to get a sense of what rights your children have. Then keep the book in a handy place, perhaps near your telephone book. This way, you can refer to the handbook when something happens that touches on the issues in the book.

A word of caution: this handbook is meant to be a source of information only. It is not legal advice. A lawyer should be consulted for legal advice concerning any particular situation.

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Chapter 1: Ten Ways to Help Your Children

JustChildren works with many children and families who are in crisis - something bad has happened - and need help. During our representation we learn a lot about the family, and a lot about the child. We learn what has helped the child and what has not, what the family members have done well, and where they could have used more assistance.

This section of your handbook gives ten tips for helping your children succeed. If you do not do these things now, you should start right away. If you are confused by these suggestions, call the JustChildren office in your area and ask someone to explain them to you. We understand that following some of these suggestions may be a lot of work. If doing them all at once seems like too much, pick just one and start there. After a few weeks, try another. After some time, try one more. Soon you will be covering the whole list, and giving added protection to the rights of your children. **Even if you do not want to read the rest of the book, please read this section.**

Ten Ways to Help Your Children

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1. Keep a File for Each of Your Children.

- During the time that your children grow up you will be receiving a lot of written information about them. You will get report cards and test results from the school, evaluations from doctors, applications and updates from social service agencies. You should make a file for each of your children where you keep all of this information. Every time you receive something you should put it in this file.
- Then, if you need this information at a later date, or someone else (like a doctor or lawyer) needs the information, you will know just where it is. Often, we ask to see a letter that the parents have received, only to find that it has been lost. Don't let this happen to your children. **Keep those records!**

2. Put Everything in Writing.

To make sure that people do what you ask and to make a record of what you have asked for, it is important to put things in writing and create a “paper trail” for your child. For example:

- **Keep a journal about your child.**
 - In this journal, you can make notes about how your child is behaving and about meetings and conversations you have concerning your child. You should put a date before each entry so you can look back and know what happened and when it happened.
 - Keep your journal near the phone (or keep a phone log) so you can write down who called who, when, why, what you talked about, and what the plans are.
- **Write letters.** (*It is fine to handwrite the letter.*)
 - Whenever you ask a teacher, principal, or any other service provider to do something for your child, or when you are trying to get information about your child, ask in writing.
 - Whenever you have a conversation with someone who works with your child, send them a letter that describes what you think the conversation was about.
 - Here is a sample letter:

The date

Dear Principal,

Thank you for agreeing to send me my child’s school records. I look forward to receiving them soon.

Sincerely,

John Doe

Father of Jane Doe

- **Remember to sign the letter, date it, make a copy of it, and keep the copy in your files.**

3. Tell People That You Care.

- You are your child's best advocate! You know better than anyone his/her strengths and weaknesses. Your participation in any meeting about your child is therefore very important. At the meeting, your child needs you to be able to express what you know in such a way that others will hear what you are saying and do what you want them to do for your child.
- Here are a few things that families we have worked with have found helpful to communicate their child's needs:
 - Be polite, but firm. Don't be shy! If you don't like something, or disagree, say so.
 - Don't be afraid to ask questions and ask for more information.
 - Expect to be treated with respect, and show respect for others. Even if you disagree, it helps to let them say their peace.
 - Put your ideas into "I" words. For example, "I am concerned that my daughter is not getting enough time in the regular classroom." This helps show that you are there to attack problems, not people.
 - Be prepared. For example, when you go to a meeting, bring a list of your concerns and notes about your child's strengths and needs.
 - Be persistent. Reaching an agreement can take a lot of time and a lot of talking.
- Overall, being firm and organized, knowing what you are talking about, and keeping your cool will often get you more than raising your voice or walking away.

4. Show That You Care.

- **Show them the way!** You are your children's first and most important teacher. Every day you set an example for them on how they should live their lives. Even if you question whether your children listen to what you say, they will follow what you do. They learn by watching you!
- **Actions can speak louder than words.** Just like your children, other people look at what you do to see if you care. If other people can tell by your actions that you take your child seriously, they will be more likely to help when you ask. A couple things you can do to show that you care include:
 - **Plan ahead.** There will probably be times in your life when you get a letter concerning your child that has a time deadline. It is important that you do not wait until the last minute before you do something or seek help. **Remember: If you miss a deadline you may hurt your child's chances to succeed.**
 - **Be on time.** People will take you more seriously, and will know that you take your child seriously, if you are on time for all meetings involving your child. If there is no way to avoid being late or missing a meeting, call right away and let the people you will be meeting with know what is happening. Don't be embarrassed if you need to reschedule.

5. Encourage Your Child's Strengths.

- When children are involved in positive activities, they are less likely to get in trouble. If your child is interested in music, sports, art, science, computers, or something else, it is important that you encourage this interest. For example:
 - Be sure that s/he takes classes in school in subjects that interest him/her.
 - Talk to your community's Recreation Department and your child's school about sports leagues or summer camps where s/he can continue pursuing his/her interests when school is not in session.
 - Explore community resources, such as the Boys and Girls Club and other local youth service groups, where your child can further develop his/her interests and skills during after-school hours.
 - Investigate volunteer projects and community service opportunities offered through your church or other organizations.
 - See the Resource Lists in Appendix 2 for phone numbers that might help you get started!
- Positive friendships are another strength, and can help your child stay out of trouble. Get to know your child's friends and, if possible, the families of your child's friends. Talk with them about your children and their children. Plan together to help your children stay on the right track, engage in positive activities, and do well in school.

6. Know What is Happening at School.

Other than family, school is probably the most important thing in your child's life. If your child is going to succeed, s/he needs your support. It is important that you know what is happening with your child at school.

There are several things you can do to keep in touch with what is going on at school:

- Each year, find out who your child's teachers are and ask to meet with each of them, each semester. Keep a list of their names at home. Tell them they should call you if they have any concerns about your child, or if your child does something well.
- Attend Parent-Teacher meetings and Open Houses to show that you are interested and to learn more about how your child's education works. When you meet with teachers, ask any questions that you have about your child's progress, expectations, challenges, etc. Be sure you don't leave meetings with questions still on your mind. Be prepared to communicate your concerns and feedback about what is working well for your child, before you go to a meeting.
- Make sure your child has a book in which s/he writes his/her homework assignments. You can check the book and check the assignments to see if they are getting done.
- When your child gets good grades, tell him/her that you are very proud of him/her and consider giving him/her some reward.
- Attend events at school, not only ones that your child is involved in, but also PTA meetings to learn about the school. Show both the school and your child that you care!
- Make sure your child is going to school and is on time each day. If you do not think s/he is, call the attendance officer to make sure.
- If you are not happy with what a teacher says or does, speak with him/her to see if you can work things out. If necessary, talk to the Principal of the school about it. If you are not happy with what the Principal tells you, talk to the school superintendent or someone on the school board. If at any point, you would like to get ideas or help talking to someone at the school call the JustChildren office in your area.
- Be involved in your child's after-school life. Show that you care that s/he has interesting, positive activities to attend, and extra help when needed.

7. Be Honest About Your Child.

- All families want to say good things about their children. However, if you are trying to get help for your child, such as special education, it is important that you are honest about the problems that your child has. Although it may not feel good to say that your child cannot read or write, or has problems controlling his/her temper, unless you can say these things your child will not get any help.
- *On the other hand*, when someone, like a police officer, may be trying to get your child in trouble, it is important to remember that you do not have to share information about your child unless ordered to do so by a judge.
- **Remember, when YOU seek help for your child, make sure that you give the whole story. When OTHERS seek information that could hurt your child, do not give any more information than necessary.**

8. If Your Child Is Charged With a Crime, Make Sure Your Child Gets a Lawyer.

- Hopefully, it will never happen, but if your child is charged with a crime, s/he has the right to have a lawyer defend him/her. If you cannot afford to hire your own attorney, the court will appoint one to represent your child for free. All children in JustChildren's service area are eligible for a free public defender or court appointed attorney.
- **When the court asks you if you want a lawyer for your child, say, "Yes."**
- You should ask for a lawyer for your child:
 - even if you think your child is innocent
 - even if you are mad at your child for doing something wrong, and
 - even if you do not think that the charge is serious.

9. Ask for Help.

- Raising children is both wonderful and difficult. It is not something that you can do by yourself. There are times when you need to ask for help.
 - This could mean asking a friend to help you read or write a letter, asking a social worker from the Department of Social Services (DSS) to help you fill out an application, or asking a lawyer to help you get your child back in school.
 - If you are ever unsure about what to do with your child, or confused about a situation, it is very important that you get help.
- **There are people in the community who are there to help you with your children. Do not be afraid to call them and ask for help.**
- **Remember, if you have questions and your family is low-income, please call JustChildren for help. The phone number for the JustChildren in your area is on the front cover.**

10. Keep the Faith.

- You are the most important person in your children's lives! They depend on you more than anyone else. Even if they don't or can't say "thank you" for everything you do, they need you! Every letter you write, every document you save, every meeting you go to, every school event you attend, every phone call you make; it ALL matters.
- You are not alone! If you start to feel overwhelmed seek out support by opening up to family, friends, neighbors, clergy, other families or somebody else until you find people who are encouraging and give you strength. Sometimes it's helpful to repeat words of comfort when things get rough, such as "This too shall pass," "Everything will be alright," "All I can do is the best I can," "Give me strength."
- Take care of yourself, so that you can continue to help your child! Try to keep a balance between doing enough and not doing too much. Take time off or take time to talk with other families or supportive people to get help when you are having a hard time.
- No matter how discouraged or frustrated you might feel, **KEEP GOING!** When the going gets tough, ask for help and remind yourself that what you do *does matter* and that you make a difference in your child's life. **Remember, as a parent you have the best understanding of your child's strengths and weaknesses. Your child and those working with your child need you!**

JustChildren

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*for more information on Petersburg services, see Appendix 3

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*for more information on Richmond area services, see Appendix 4

Chapter 2: Enrolling your child in school

- ❖ All children in Virginia have the right to go to school. It is your responsibility as a parent to make sure that your child is enrolled and attending school.
- ❖ In this section we will cover:
 - Who must be enrolled in school?..... 17
 - Do I have to enroll my child in kindergarten? What if I don't think s/he is ready for school yet?..... 18
 - What documents do I need to enroll my child in school?..... 19
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Who Must be Enrolled in School?

- **Children who will be between the ages of 5 and 18 on September 30th of any school year must be enrolled in school.**
- **It is up to parents to make sure their child is enrolled in school. If your child is not enrolled in school, you can be:**
 - **taken to court,**
 - **fined,**
 - **the subject of other legal action, including an action to change custody of your child.**
- **Students may be enrolled in a public, private, denominational, or parochial school, or they may be taught at home by you, a tutor, or a teacher who meets the qualifications prescribed by the Board of Education. See later in this section for more information on home schooling.**
- **If you have questions about when to enroll your child, or what programs are available for your child, it is best to contact one of the schools in your county to ask for more information.**

Do I have to enroll my child in kindergarten? What if I don't think s/he is ready for school yet?

When can children begin kindergarten?

A child must be five years old on or before September 30th of the upcoming school year to enroll in kindergarten.

My child is five, but is not ready for kindergarten yet. Do I have to enroll my child this year?

No. Your child's attendance may be delayed for a year if you notify the local school board that your child is not ready to attend school.

However, a child who will be six on or before September 30th must attend school. The school division will assess whether your child, whose attendance has been delayed, should be placed in kindergarten or first grade.

Do schools offer educational programs for children before kindergarten?

A few local school divisions have preschool programs for children younger than five, including the Virginia Preschool Initiative; Title I preschool; Head Start; and vocational child care (a vocational education program offered by some high schools).

The **Virginia Preschool Initiative** is a program that serves at-risk four-year-olds who are not already served by another program. Different school divisions have different eligibility requirements, but all consider risk factors such as low income, health, educational needs, and developmental considerations. To see if your child is eligible, contact your local school division.

What documents do I need to enroll my child in school?

In general, to enroll your child in a Virginia school, you will need the following documents:

- **An official copy of your child's birth record.**
 - The document must show that your child will be 5 years old or older by September 30th of the school year.
 - If you don't have proof of your child's birth, you can give a sworn statement about the child's age and why you can't provide a copy of the record.
 - If your child wasn't born in a hospital, you may also request a birth certificate from the Office of Vital Records if you received prenatal care at a local health department or used a birthing facility. Call 804-662-6200 to find out how.
- **Proof of your child's residence.**
 - A street address, route number, or post office box are all acceptable.
 - If your child is living in a temporary shelter or a temporary home inside the school division, you can provide proof of that address.
- **A medical report stating that your child has had a full physical exam within a year of when he or she will enter school.**
 - If you cannot afford to pay for this doctor's visit, the city or county health department *must* give your child a free exam.
- **Documentation indicating that the child has received the required immunizations must be provided.** A child may be admitted to school conditionally with incomplete immunizations if the child provides: 1) proof of having received *at least one dose* of the immunization, and 2) a schedule for completion of the additional doses within 90 days.
- **The child's federal social security number must be provided upon enrollment or within 90 days thereafter. However, your child may not be denied schooling because you cannot produce a social security number. Please see later in this section for information on the enrollment rights of immigrant children.**

What is needed to enroll a foster child in school?

All children and youth have the right to a free public education, including children in foster care. If you are the parent or foster parent of a child in foster care, you should know that foster children have special enrollment rights.

- **Immediate enrollment:** Social workers must notify the school division that a child has been placed in foster care and intends to enroll within 72 hours (3 days) of placing the child in foster care. Even if the placing social services agency is unable to produce any of the paperwork required by the law for enrollment, such as a birth certificate, preschool physical examination record, or proof of immunization, the student **shall be immediately enrolled**.
- **Records transfer:** If the paperwork required for enrollment was not available when the student was enrolled, then the placing social service agency is required to obtain that paperwork and give it to the school **within 30 days**.

If you are enrolling a foster child, you may be required to provide a written statement that states, to the best of your knowledge:

- The student's age;
- Whether the student has been expelled from a public or private school because of an offense relating to weapons, alcohol or drugs, or willful injury to another person; and whether the student has been adjudicated delinquent or found guilty of certain serious offenses, including homicide, drug offenses, weapons offenses, burglary, or street gang activity; and
- That the student is in good health and free from communicable disease

Please note: Foster children may be permitted to stay in their home schools, even if they are placed in foster homes in another school division. Please see the section on **School Rights for Foster Children** for more information.

What is needed to enroll a homeless child in school?

All children and youth have the right to a free public education. The **McKinney-Vento Act** protects the rights of children and youth who lack a fixed, regular, and adequate nighttime residence. This includes children who are:

- homeless, including those living in emergency or transitional shelters, motels, hotels, domestic violence shelters, camping grounds, inadequate trailer parks, cars, public spaces, abandoned buildings, bus/train stations, or other public spaces *not intended as regular housing*, due to lack of other adequate housing.
- awaiting foster care placement.
- staying with friends or family due to homelessness.

This protection also applies to children of migrant workers (including those who are here illegally) who are living in any of the situations described above.

There is no time limit. Protection is available as long as the child is in a living situation described above.

If you want your child to attend a nearby school, you can get your child in school quickly. The school district must enroll your child immediately, whether or not you can furnish the necessary paperwork.

- Access must be provided to both **elementary and secondary programs.**

What is needed to enroll a homeless child in school? (continued)

- If you are homeless or in transition, you are not required to provide the records that are normally required for enrollment at a local school (such as proof of residency, school records, birth certificates, immunization or other medical records, or proof of guardianship).
- The enrolling school must obtain your child's records from his/her previous school.
- The school's McKinney-Vento contact person must assist in obtaining immunizations and/or medical records that are needed by the school. During the time that these records and/or immunizations are being obtained, the school must allow your child to attend school.

For more information visit <http://www.wm.edu/hope/homeless.php>

What is needed to enroll an immigrant child in school?

- **Even if your child is living in the U.S. illegally, s/he still has the right to go to school.**
- Even if your child does not have a social security number, s/he still has a right to go to school. No child may be excluded from school for failure to provide a social security number.
- If your child is not eligible to obtain a social security number, the school may waive that requirement and give your child a substitute identification number.
- If you cannot provide a certified copy of your child's birth certificate, you may be able to submit a sworn statement setting forth the child's age and explaining the inability to present a certified copy of the birth record. You may also be able to get a birth certificate from the Department of Health if you have a "proof of birth" notification from a birthing facility and can obtain a letter from your pre-natal care provider certifying the dates you were provided pre-natal care and the name of the mother. Call the Virginia Department of Health at 804-662-6200 if you have questions about getting a birth certificate for your child.

The Bottom Line:

The Supreme Court has said that schools cannot deny enrollment to undocumented children.

**How do I know which school to enroll my child in?
Can I enroll my child in a school outside our division?**

You must enroll your child in the school division in which you reside. Maps of the school districts can be found on the web site for the Virginia Department of Education at <http://www.pen.k12.va.us/>.

You can also call or visit a school in your neighborhood and ask which school your child should be attending.

Can I enroll my child in a different school than the one to which they have been assigned?

- **Generally, students need to attend the school to which they have been assigned based on their residence.**
- Sometimes students may switch schools if the one they have been attending does not meet federal requirements. The No Child Left Behind Act of 2001 requires school divisions to identify certain schools in the division for Title I School Improvement. If an elementary or secondary school served under Title I does not make adequate yearly progress (AYP) in the same subject area for two consecutive years, the school is said to be in "Year 1 Title I School Improvement Status." The division must offer parents of students in that school the option of public school choice. Schools are required to send you information about public school choice if they have been identified for improvement. If you have questions about your child's eligibility, call his or her school or the Virginia Department of Education.

What if I am caring for a child whose parents live outside of Virginia?

When an adult residing living in Virginia is caring for a school-age child whose parents live outside of Virginia, and that child has lived with the adult for 60 days or more, the adult **must** enroll the child in a Virginia school. Adults caring for children who have parents outside of Virginia must either pay tuition charges for the child's school attendance or must find some way of having others pay tuition for the child's school attendance, pursuant to § 22.1-5(B) of the *Code of Virginia*. (§ 22.1-255 of the *Code of Virginia*.)

What is the process for enrolling my child in school after s/he has been released from a juvenile detention center or other DJJ facility?

Students of school-age who have been committed to the Department of Juvenile Justice (DJJ), or confined to a detention home for more than 30 days have a right to re-enroll and begin attending classes **within two school days** of their release from confinement.

EXCEPTION: Students who were suspended or expelled prior to their release may not be eligible for re-enrollment until after their period of suspension or expulsion has ended. If there is still time remaining on the suspension or expulsion after your child's release, you or your child should write a letter to the school board asking for readmission. You can petition for readmission at any time. The re-enrollment coordinator may be able to help you figure out how to apply. Make sure you include information in your letter about how well your child did in school while in custody and bring witnesses with you to the hearing who can testify about your child's progress.

- **Will anyone help my child re-enroll?** Yes. The law requires staff at the detention or commitment facility and staff at the school your child plans to attend to work together. These staff persons must make sure the school knows your child is coming, has all of his/her records, and has a plan in place so that your child may start school no more than two school days after his/her release.
- **How does re-enrollment planning work?** First, staff at the correctional facility must form a transition team to develop a **preliminary re-enrollment plan**. Your child's probation officer will be on this team, along with people from the school your child attended while in custody. The preliminary re-enrollment plan should give the school information about your child's academic progress while in custody and to make recommendations about future placement and support services.

The correctional facility will notify the school when your child is about to be released, send them the preliminary re-enrollment plan, and make sure they have updated copies of your child's transcripts and other scholastic records. Once the school has been notified that you will be released, they must form a **re-enrollment team**. **YOU are a member of the re-enrollment team.**

Children released from DJJ facilities, continued

- **Who will develop my child's re-enrollment plan?** The re-enrollment team at the school will develop the final re-enrollment plan based on the information and recommendation that the transition team provides to them in the preliminary re-enrollment plan. The members of the re-enrollment team are:
 - Re-enrollment coordinator
 - School guidance counselor
 - Special education director or qualified designee as appropriate
 - School principal or assistant principal
 - Student's parole officer
 - YOU, as the parent

You, as the parent(s) or legal guardian(s) must also be invited, as well as the school social worker and school psychologist. You should participate in your child's re-enrollment planning. If you are not able to attend any scheduled meetings, ask the school to reschedule them! You must be permitted to participate.

The student must also be consulted in the development of the plan. No one will know more about your child's educational goals than your child, and it will be important for him/her to share them.

- **Can my child be placed in an alternative school or program?** Yes, your child may be placed in an alternative program, but you must receive written notice of this placement, and you have an opportunity to request a hearing before the Superintendent to challenge this placement if you do not agree with it.
- **Can my child be suspended or expelled for past conduct after his/her release?** No, after the school receives notice of your child's pending release, s/he may not be suspended or expelled for the offense(s) for which s/he was confined. S/he can, however, be suspended or expelled for any school rule violations after re-enrollment, so s/he should be on his/her best behavior.
- **What happens if my child is released over the summer?** The summer break should not, under any circumstances, delay your child's enrollment and attendance at classes on the first day of the academic year.
- **What if my child is receiving special education services?** If your child is a special education student, the special education director or another member of your child's IEP team must be a member of the re-enrollment team. In addition, your child's IEP must be part of his/her re-enrollment plan. The school must comply with the special education laws in addition to complying with the re-enrollment regulations.

My child has been charged with/convicted of committing a felony. Can the school prevent him/her from enrolling?

Your child may not be suspended or expelled simply for being *charged* with an offense that occurs off school grounds.

- If your child has been charged with certain crimes involving alcohol, weapons, drugs, or certain felonies, schools may require him or her to attend an alternative program.
- If your child has been adjudicated delinquent or convicted (that is, found guilty) of certain felonies, your child may be suspended or expelled – even if the conduct did not occur on school property.

Please note: Information in court petitions filed against juveniles can only be shared if the Superintendent of a school believes that disclosure is necessary to ensure the physical safety of the juvenile or other students or school personnel within the division. In that case, the Superintendent can only share the information with the principal of the school.

Please read the section on Student Discipline in this chapter for more information on suspension, expulsion, and alternative programs.

Can my child enroll in another school during a suspension or expulsion?

- Once your child has been expelled from any public or private school in any school district, any school **can** exclude your child for up to one year.
- If your child has been suspended for more than 30 days, s/he **can** be excluded from attending another school for the term of the suspension if the school finds that your child presents a danger to the other students and staff. The school must provide you and your child written notice that s/he may be subject to exclusion and of the right to appeal to the school board.
- If you move from one school district to another while your child is suspended or expelled, s/he could still be suspended or expelled from the school in the new district. However, you should still try to get your child in school.
- **You should petition for readmission as discussed in the School Discipline chapter of this manual.**
- **You should do whatever you can to help your child get some schooling, or get into another school.**

I want to home school my child. Do I still need to enroll him/her in school?

As of July 1, 2006, Section 22.1-254.1.A of the *Code of Virginia* will allow the parent of any child between the ages of five and fifteen on September 30th of any school year, to choose to home school the child if the parent meets one of the following:

1. The parent holds a high school diploma;
2. The parent meets the qualifications of a teacher as prescribed by the Virginia Board of Education;
3. The parent enrolls the child in a correspondence course approved by the Superintendent of Public Instruction OR
4. The parent provides a program of study or curriculum which, in the judgment of the division Superintendent, includes the Standards of Learning objectives adopted by the Board of Education for language arts [English] and mathematics, or which provides evidence that the parent is able to provide an adequate education for the child.

Each August, parents choosing to home school their children must notify the local school division superintendent of their intention to home school their children. Parents who move into the school division or begin home schooling after the school year has begun must notify the school division of their intent to home school “as soon as practicable and shall thereafter comply with the requirements... within 30 days of such notice.” This means that after providing the school division with a notice of their intent to home school, such parents can begin home schooling, and they will have 30 days to submit the other information required.

Parents who home school their children must comply with the immunization requirements as if the children were enrolled in a public school. There is an exception for religious objections to immunization.

How does my child re-enroll in school after being expelled?

- Your child must apply to get readmitted to the school after the period of expulsion has ended.
- To start the process, write a letter to the Superintendent requesting readmission.
- Your letter should include:
 - information about what your child has done since expulsion, such as counseling, which shows that s/he is not likely to repeat the behavior that resulted in expulsion.
 - the reasons you think your child should be readmitted.
 - your current address and phone number.
- Make sure you keep a copy of the letter for your file.
- If the Superintendent denies the readmission, this decision **can be appealed** to the School Board.

If you need help, contact the JustChildren office in your area.

Chapter 3: School Discipline

- Teachers and school administrators have broad authority to discipline children, but, as the U.S. Supreme Court has written, children do not leave their constitutional rights at the schoolhouse door. This section will explain your children's rights and responsibilities in school.
- In this section we will cover:
 - What are my responsibilities as a parent?..... 33
 - What are my child's responsibilities as a student?..... 34
 - How do I know what behavior is expected of my child?..... 35
 - Can the school search my child's belongings?..... 36
 - What are the consequences if my child misbehaves in school?..... 37
 - What kind of behavior can result in suspension or expulsion?..... 38
 - What are my child's rights if s/he is suspended?..... 39
 - What happens during a suspension for 10 days or less?..... 40
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 - Can my child attend another school during a suspension or expulsion?..... 46
 - School discipline of Special Education and Students with Disabilities..... 47
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 - What are My Child's Rights If a School Resource Officer Wants to talk with him/her?..... 49

What Are My Responsibilities As a Parent?

- Children under 18 must go to school. You have to make sure that they do go to school.
- If your child does not go to school, you can be:
 - taken to court,
 - fined up to \$500, and
 - have other legal action taken against you, including losing custody of your child.
- If you have a problem getting your child to attend school regularly, the school has to help you. For example, the school must tell you if your child misses:
 - any regular school day, and the school has no reason to think that you know about the absence, or
 - after five total days and the school has no reason to think that you know about those absences.
- Although the school must notify you about absences, it is your responsibility to do something about your child's attendance.
- If your child damages school property on purpose, you will have to pay the cost of repairing the damage.
- **Basically, you are responsible for working with the school to make sure your child goes to school, stays there, and doesn't get in trouble.**
- **Your school system will provide you with a copy of their Code of Student Conduct. You should read the code with your child and make sure your child understands what it means.**

What Are My Child's Responsibilities As a Student?

- **Your child must behave on the school bus.**
 - This includes listening to the driver, who can take action to keep a safe environment, such as assigning seats.
- **Your child must wear appropriate clothing to school.**
 - Generally, this means nothing that is too revealing.
 - It may mean no hats or bandannas.
- **Your child may not bring a beeper or a cell phone to school.**
- **Your child must show respect to all school personnel and may not fight.**
- **Your child may not bring drugs, alcohol or tobacco products to school.**
 - School Boards strictly enforce these rules.
 - Prohibited items usually include:
 - non-alcoholic beer,
 - prescription drugs (unless a special arrangement is made),
 - fake drugs such as oregano in a bag, and
 - drug paraphernalia such as pipes, or rolling papers.
- **Your child may not have weapons on school property, or carry weapons on the way to and from school.**
 - A weapon is anything that can be used to threaten or intimidate other people.
 - **Basically, anything that can hurt someone else can be called a weapon and can lead to suspension or expulsion. *If it has a sharp point, don't bring it to school!***
- **Your child may not participate in any gangs or gang-related activity at school.**

The school defines a gang as any group of two or more people whose purpose is to do something illegal or threaten others. Students cannot:

 - use gang signs,
 - wear gang symbols,
 - get people to join a gang,
 - advertise that they are in a gang.
- **NOTE: These days, schools are quick to discipline students. Many public school districts now have zero tolerance policies when it comes to certain types of behavior, including many of those violations listed above. A violation of a zero tolerance policy results in immediate suspension or expulsion. *You don't want this to happen!* If you have any doubts about what your child is wearing or bringing to school, don't let your child wear or bring the questionable item to school.**

How Do I Know What Behavior Is Expected of My Child?

- The school board will send you a copy of the school's Code of Student Conduct.
- You must sign and return a statement confirming that you received the Code of Student Conduct.
- **You should:**
 - **read the Code of Student Conduct with your child, and**
 - **make sure you both understand what it means.**
- **Understanding the rules, and showing an interest in your child's education are good ways of keeping your child from having problems at school.**

Can the School Search My Child's Belongings?

- **Yes. School administrators can conduct searches if they have a reasonable suspicion that the student has a specific item which violates a school rule or a law.**
 - The searches that an administrator makes must be targeted to find the specific item.
- Searches can include your child's locker, desk, backpack, purse, and car.
- A teacher or school administrator can ask your child to hand over anything s/he is carrying if they reasonably suspect that the item violates a school rule or a law.
- The school can use a metal detector to search a student for weapons.
- When a search is made, the administrator must write a report justifying the reasons for the search and reporting what was found.
- **If you believe your child's rights have been violated, contact a lawyer.**

What Are the Consequences If My Child Misbehaves in School?

- Teachers and school administrators can use a variety of methods to discipline your child.
- Depending on where your child goes to school, these methods may include:
 - contacting you
 - requiring you to attend a school conference
 - requesting that you attend classes with your child
 - referring your child for outside help (for example counseling)
 - detention (before or after school)
 - in-school suspension (your child would be separated from the rest of the class, but required to do the class work)
 - suspending your child (your child can return after a certain number of days)
 - expelling your child from school (your child must petition the school board to reenroll in school).
 - referral to the juvenile courts or police (**Note:** Under certain zero tolerance policies, school officials are obligated to report certain student offenses committed on school property to law enforcement authorities. For instance, some school districts require that students who are involved in fights on school grounds also be referred to law enforcement for assault and battery charges.
- Teachers and school administrators may not:
 - verbally abuse your child (no objectionable language, racial slurs, etc.)
 - physically abuse your child (no paddling, spanking, etc.).

What Kind of Behavior Can Result in Suspension or Expulsion?

- The school administrator, usually the principal, can suspend or expel your child for violations of the law or the school's Code of Student Conduct.
 - This is one reason why you should read the Code of Student Conduct with your child.
- Some common reasons students are suspended or expelled include:
 - too many unexcused absences,
 - too many unexcused late arrivals,
 - insulting teachers or other students,
 - threatening teachers or other students,
 - throwing things,
 - fighting,
 - indecent exposure,
 - suspicion of gang involvement,
 - possessing weapons,
 - possessing drugs,
 - spitting,
 - smoking.

What Are My Child's Rights If S/he Is Suspended?

- The school administrator (usually the principal) must:
 - tell your child that s/he will be suspended
 - tell your child the reasons for the suspension
 - give your child a chance to tell his/her side of the story before being suspended.
- If a teacher or school administrator believes your child is a danger to himself/herself or others, your child can be suspended immediately. Any questions can be answered afterward.
- There are two types of suspensions:
 - Short-term suspensions are for 10 days or less
 - Long-term suspensions are for more than 10 days.
- Because your child's rights are different for short-term suspensions and long-term suspensions, they are treated separately in this section of the handbook.

What Happens During a Suspension for 10 Days or Less?

- A suspension for 10 days or less is called a “short-term suspension.”
- A short-term suspension can be ordered by the principal, assistant principal, or other school official acting for the principal.
- The principal must send a letter to you which includes the following:
 - description of the incident
 - when your child can return to school
 - notice of right to appeal
- The principal must also send a letter to the school superintendent, who will review the decision.
- **The superintendent may not review the principal’s decision unless you make a written request for a review. You should request this review right away.**
- Your child can be given homework assignments so that s/he does not fall behind. **You should call the school and ask that this happens.**

What Happens During a Suspension for More Than 10 Days?

- A suspension for more than 10 days is called a “long-term suspension”.
- A long-term suspension can only be ordered by the Superintendent acting on the recommendation of your child’s school principal.
- The Superintendent must send a letter to you and your child about the conditions of the suspension. The letter must contain information about:
 - your child’s right to a **hearing** in front of the Superintendent, and
 - your child’s right to appeal the Superintendent’s decision to the entire School Board.
- **As soon as you receive notice of the suspension, you should appeal the Superintendent’s decision in writing.**
 - You do this by writing a letter to the Superintendent saying that you disagree with the suspension and want a hearing. (Keep a copy of the letter for your file.)
 - If you want help, contact the JustChildren office in your area.
 - Check your Code of Student Conduct to find out the time limits for this appeal.
 - The appeal must be heard by the School Board within **30 days**.
 - The School Board’s decision can be appealed to the Circuit Court within **30 days**. **If you want to do this you should contact the JustChildren office in your area.**
 - You have the right to review your child’s school records. Access to these records must be provided to you within a reasonable time after you make a request for them.

What Happens If My Child Is Expelled?

- Expulsions can initially last for up to one calendar year (365 days).
- Offenses for which a student might be expelled are:
 - bringing a weapon to school,
 - purposely damaging school property,
 - repeated violations of the Code of Student Conduct,
 - having alcohol or drugs on school property,
 - purposely injuring another person.
- You have the same rights to hearings and appeals as described in the section on long-term suspension.
- **As soon as you receive notice of the expulsion you should appeal the decision in writing.**
 - If you want help, contact the JustChildren office in your area.
 - The Superintendent's decision can be appealed to the School Board in writing.
 - Check your Code of Student Conduct to find out the time limits for this appeal.
 - The School Board must grant a hearing within **30 days** of the expulsion.
 - The School Board's decision can be appealed to the Circuit Court within **30 days**. **If you want to do this you should contact the JustChildren office in your area.**
- For information on how your child gets back into school following an expulsion, please keep reading this chapter.

How Should I Prepare for a School Board Hearing?

- You want to give the School Board a sense of your child as a whole person, not just a rule-breaker. To do this, you can:
 - get letters of support from people in the community who know your child;
 - offer an alternative form of punishment, such as having your child perform community service, write papers, or take anger management counseling;
 - bring people to the meeting who can talk about your child in a positive way, such as your minister, your child's coach, and your neighbors.
- The hearing will be private. You can ask to have the hearing recorded.
- The School Board must listen to both sides: the principal's and your child's.
- You can present witnesses to support your child.
- Often the School Board will ask your child questions such as:
 - What happened?
 - What are your goals?
 - How would you do things differently if you could?

You can help your child by practicing the answers to questions like these.
- The School Board may uphold, change, or reject the proposed long-term suspension or expulsion by majority vote.

How Should I Prepare for a School Board Hearing? (Continued)

- The School Board must make a decision within 30 days of the time of your appeal and let you know what they decide in writing.
- **Note:** Anything the student says or writes at any hearing could possibly be used against him or her at a later criminal or juvenile delinquency trial. If the student has been or may be charged with a crime because of the conduct, the child should not make any statements about the incident without consulting an attorney first.

How Does My Child Get Back in School After Being Expelled?

- Your child must apply to get readmitted to the school after the period of expulsion has ended.
- To start the process, write a letter to the Superintendent requesting readmission.
- Your letter should include:
 - information about what your child has done since expulsion, such as counseling, which shows that s/he is not likely to repeat the behavior that resulted in expulsion.
 - the reasons you think your child should be readmitted.
 - your current address and phone number.
- Make sure you keep a copy of the letter for your file.
- If the Superintendent denies the readmission, this decision **can be appealed** to the School Board.
- If you need help, contact the JustChildren office in your area.

Can My Child Attend Another School During a Suspension or Expulsion?

- Once your child has been expelled from any public or private school in any school district, any school can exclude your child for up to one year.
- If your child has been suspended for more than 30 days, s/he **can** be excluded from attending another school for the term of the suspension.
- If you move from one school district to another while your child is suspended or expelled, s/he could still be suspended or expelled from the school in the new district. However, you should still try to get your child in school.
- **You should petition for readmission as discussed on the previous page.**
- **You should do whatever you can to help your child get some schooling, or get into another school.**

School Discipline of Special Education and Students with Disabilities

- Students with disabilities have more legal protections than other students.
- Please see the information on discipline in the Special Education Section (Chapter 4).

What Might Be Causing My Child To Get Into Trouble At School?

Repeated bad behavior in school might be your child's way of letting you know that s/he needs help.

- Some children act out in school because they are unable to do the work and they get in trouble on purpose so that nobody will find out that they are having problems learning. These children probably need extra help and might be able to get it through special education. See Chapter 3 (for more information on how to find out if your child is eligible for special education services.)
- Some children act out in general because they are unable to express what they are feeling inside. For example, they may feel sad or angry and not know how to tell people that they feel this way or know how to find a way to feel better. Sometimes it helps them to have someone to talk to who can teach them about what they're feeling and how to express what they feel inside so they don't get in trouble. Special education services might help these children too.

What are My Child's Rights If a School Resource Officer Wants to Talk with Him?

- There are now police officers in almost all public schools. Although they are called School Resource Officers, they are not school employees. They still work for the police. Your child has the same rights when approached by a School Resource Officer as he does when approached by any other police officer.
- If your child is asked for their name and address by a School Resource Officer, your child must answer those questions. If the School Resource Officer asks other questions, your child should say. “I have the right to talk with a lawyer. I will not talk with you until I talk with a lawyer.”
- Even if the School Resource Officer is with the Principal, your child should say, “I have the right to talk with a lawyer. I will not talk to you until I talk with a lawyer.”
- If the Principal calls you up and asks you to make your child talk, tell them and your child that you want your child to talk with a lawyer before s/he talks with the Principal.

JustChildren

A Children's Advocacy Program of the
Legal Aid Justice Center

Virginia Offices

Charlottesville: (434) 977-0553 and 1-800- 578-8111

(toll free for clients and families only)

1000 Preston Avenue, Suite A

Charlottesville, VA 22903

*for more information on Charlottesville services, see Appendix 2

Petersburg: (804) 862-2205

41 Bollingbrook Street

Petersburg, VA 23803

*for more information on Petersburg services, see Appendix 3

Richmond: (804) 643-1086

123 East Broad Street

Richmond, VA 23219

*for more information on Richmond area services, see Appendix 4

Chapter 4: Special Education

In this Chapter, we will cover:

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What Is the IDEA?

Even if your child has a disability, s/he still has the right to participate in, and contribute to society. A federal law known as the Individuals with Disabilities Education Improvement Act (IDEA) protects the right of children with disabilities to receive a free appropriate public education (called a FAPE). This means that local school systems are responsible for meeting the educational and developmental needs of children with disabilities.

In 2007, Virginia is changing the state Special Education Regulations. Please contact the Virginia Department of Education for new information (see Appendix 5). The purpose of the IDEA is to give schools money to help them pay for special education services that will give your child the opportunity to lead a productive, independent, adult life. In this section, we will discuss how to obtain special education services for your child, and what rights you have if you feel the school is not meeting your child's needs.

Your involvement in the special education process may be the most important factor in helping your child do well. Remember, as a family member you have a unique understanding of your child's strengths and weaknesses. *You are the best advocate for your child!*

What Is Special Education?

- Special education is a system of services and supports designed to meet the specific learning needs of a child with a disability.
- Special education can address many issues beyond the schoolwork taught, such as:
 - physical accommodations (e.g., where the child sits in the classroom),
 - testing/instructional accommodations (e.g., extra time on tests), and
 - behavioral management plans (e.g., supports to prevent bad behavior).
- Special education can include many non-education services such as transportation, counseling, and job training.
- This individually designed set of services is provided at **no cost** to the child's family.

How Do I Know If My Child May Need Special Education Services?

- Here are some things that might suggest that your child has a disability that is affecting his/her ability to learn:
 - If you notice that your child is repeatedly getting in trouble at school;
 - If you notice that your child is getting consistently poor grades;
 - If you notice that your child can't make friends, doesn't get along with any teachers, is sad all the time, or expresses his/her feelings and emotions inappropriately;
 - If you notice that your child is unable to do or understand things as well as his/her friends;
 - If you notice that your child is unable to do or understand things that his/her siblings did and understood at that age.
- There are many talented children who receive special education. Just because your child gets special education services does not mean that s/he is not smart, or will not succeed. It only means that s/he needs help in certain areas. If you think your child has a disability that hurts his or her ability to learn, write to the school to **request an evaluation**. Make sure you sign and date the letter, and keep a copy.
- **You should contact a lawyer or an advocate if you would like assistance or have questions on how to obtain special education services for your child. Local Special Education Advisory Committees and Parent Resource Centers may also be able to offer you support and information (see Resource Section at the end of this handbook). You can also call the JustChildren office in your area.**

What Are The Benefits of Special Education Services?

If your child is eligible for special education services:

- The school must provide your child with his/her own education plan designed to meet his/her individual and unique needs. (See later in this chapter for details.)
 - A child's plan includes services not available to most children, and might include special transportation, counseling, job training and/or physical therapy.
 - A child's plan must include positive strategies for improving your child's behavior, if your child's behavior is a problem (e.g., the school must reward good behavior and prevent bad behavior).
 - A child's plan may include extended school year services (ESY) so that your child can continue to receive educational services over the summer.
- A child's plan is designed for them to have success in school which can improve your child's self-esteem and give them better potential for success.
- The school must keep confidential your child's educational status. In many cases, very few people know that a child is receiving special education services. At the same time, it is often helpful to make sure that all your child's teachers and others working with your child DO know so that they can better meet your child's needs.
- The school must continue to educate your child even if s/he is suspended long-term or expelled from school.

What Are Some of the Concerns Regarding Special Education Services?

There are many benefits to special education (see previous page). However, there are also important questions that families should ask themselves and ask school personnel if they are unsure that their child needs such services. For example:

- Was my child found eligible for unfair or inappropriate reasons?
- Will my child have the same opportunities as other students:
 - To play on sport teams?
 - To take the SOLs?
 - To get a regular diploma?
 - To participate in after-school activities?
 - Other concerns?
- Will my child be separated from students who don't have disabilities?
- Will my child receive special education services forever? How will his/her abilities and independence be increased?
- Will everyone else know that my child is receiving special education services?

These are important questions and worth thinking about before deciding if your child needs special education services. JustChildren would be happy to discuss any questions that you might have. Please do not hesitate to call the office nearest you if you have any questions about receiving special education services.

Who Is Eligible for Special Education Services?

- Children aged 2 through 21 who have been evaluated as having a disability covered under the IDEA are eligible for special education services.
- The term disabled is used to describe children who have physical, emotional or mental conditions that interfere with their ability to learn.
- Some common categories under which children qualify for special education services include:
 - **Autism.** A child with autism has significant problems with communication and social interaction, often repeats behaviors and resists change.
 - **Developmental Delay.** In Virginia, a child aged 2 through 8 may qualify for services under this category if s/he is lagging behind other children in terms of his/her physical milestones, social/emotional development, ability to communicate, or ability to learn.
 - **Emotional Disturbance (ED).** A child may fit this category if s/he is unable to get along with his/her peers or teachers, is unhappy or sad most of the time, or expresses inappropriate and exaggerated emotions.
 - **Mental Retardation.** A child with an IQ less than 70 who also can't do the same things that other children of the same age can do may be eligible for services under this category.
 - **Specific Learning Disability (LD).** A child may have a learning disability or processing disorder if s/he has difficulties with specific tasks like reading, writing, spelling, or doing math (e.g., dyslexia).
 - **A Speech or Language Impairment.** A child with a communication problem (e.g., stuttering or delayed language development) may receive special education services.
 - **An Other Health Impairment (OHI).** A child may qualify for services under this category if s/he has a physical condition such as epilepsy, diabetes, hemophilia, or attention deficit disorder/attention deficit hyperactivity disorder that negatively affects his/her educational performance.

How Does My Child Obtain Special Education Services?

- If you think your child has a disability that hurts his/her ability to learn academic and/or functional skills in school, you should request an evaluation from the school.
- The request should be in writing and should be sent to the school principal. (Remember to keep a copy.)
- The evaluation may also be requested by anyone, including your child's teacher, therapist, counselor or other concerned adult.
- A *Child Study* team will meet to consider a referral for evaluation. You can be a part of this team. The team will decide whether or not to evaluate your child, and if so, in what areas your child ought to be evaluated to find out if your child has any disabilities which qualify him or her for special education. If you want an evaluation, make sure to insist that there is one.
- **Before the school can evaluate your child, the school must send you a written notice and get your permission.**
- **If you do not want your child evaluated, you must tell the school in writing right away. (Keep a copy.)**
- Even if you refuse to give permission for the school to evaluate or you fail to respond, the school division may file a due process complaint and attempt to override your decision.

How Is My Child's Eligibility Determined?

- After you give the school written permission to evaluate your child, the assessment portion of the eligibility process begins.
- The assessment may include evaluations of your child's
 - educational abilities,
 - medical condition,
 - intellectual development,
 - emotional development, and/or
 - social development.
- The assessment is required to include consideration of:
 - local and state assessments,
 - classroom observations,
 - academic achievement, functional skills, and developmental needs.
- Your child should be evaluated in the language with which s/he is most comfortable and familiar.
- Once the evaluations are done, the school holds a meeting to determine if your child is eligible for special education services. It is important for you to be at this meeting and talk about your child's needs.
- The school has 65 business days (M-F, excluding federal and state holidays) to complete the eligibility process from the time a request for evaluation is made. This timeline may be extended if you repeatedly fail to bring your child to the assessment.

What Are My Rights During the Evaluation Process?

You have the right:

- To tell the school what areas you think should be assessed.
- To take a representative with you to the eligibility meeting. This could be a friend, your child's counselor, an advocate, or a lawyer.
- **To receive a written copy of all evaluation reports. The reports must be available no later than 2 business days before the eligibility meeting.** You should ask for a copy in writing and review these reports before going to the meeting.
- To participate in the eligibility meeting. The school must tell you about the meeting date, allow you to attend, and put a written summary of the conclusions in your child's file. The written report is called the Eligibility Summary.
- To refuse to medicate your child. The school may NOT require your child to obtain a prescription medication as a condition of attending school or receiving special education services.

What Should I Do If My Child Is Denied Eligibility?

- **If you disagree with the School's decision, DO NOT sign in favor of the Eligibility Summary.**
- **You can have your child re-evaluated by someone outside the school system and the school has to pay for it, as long as you have your child re-evaluated by one of the providers on the school's list.** This outside evaluation is called an Independent Educational Evaluation, or IEE.
- If you wish to challenge the eligibility findings of the school, you should write a letter to the principal of your child's school or another designated school official stating your disagreement and requesting an IEE. (Remember to keep a copy.)
- The school must provide you with information about where you can get such testing done, **but you must ask for this information.** JustChildren can also help you with this process.
- If you have an IEE done, the school must **consider** these results when deciding your child's eligibility.
- If your child is not found eligible after the IEE is considered or if you are not allowed to get an IEE you can follow the processes for resolving disagreements (see next page).

How Are Disagreements With the School Resolved?

- Disagreements with the school regarding special education issues can be resolved through four alternatives:
 1. Informal discussion with school officials
 2. A mediation conference
 3. Filing a signed, written complaint with the Virginia Department of Education
 4. A due process hearing.

Informal Discussion

- Informal discussion with school officials, such as your child's teachers, principal, and counselors, can often be the most effective way to resolve disagreements. If this does not work, you can use other, more formal methods to solve the problem.

Mediation

- Mediation is a voluntary and flexible way of resolving disputes. It involves a third party who listens to both sides and tries to encourage agreement on a solution. If an agreement is reached, both parties sign a binding contract.
- You may request mediation to resolve any matter.

Complaint to the Virginia Department of Education

- Any person may send a signed, written complaint to the Virginia Department of Education (VDOE) alleging a Violation of the IDEA within the last year, although you may want to talk to a lawyer first.
- The VDOE must investigate the complaint.

How Are Disagreements With the School Resolved? (Continued)

Due Process Hearing:

- A due process hearing is a formal administrative proceeding similar to a trial. An impartial hearing officer decides each issue and provides a written opinion.
- The hearing officer's decision is binding on both you and the school, unless appealed to state or federal court.
- If you wish to request a due process hearing, you must do so within 2 years of the incident you are objecting to. This two-year timeline does not apply, however, if the school misled you or failed to notify you of your rights, including your right to file a due process complaint. (This notification is usually called "Procedural Safeguards.")
- Within 15 days of your request for a due process hearing, the school division must hold a **Resolution Session**. This meeting should include the IEP team members (including you) with specific knowledge of the facts in the complaint and someone from the school with the ability to make decisions. A school division lawyer may NOT be present unless you bring a lawyer of your own.
- You and the school may agree to waive the resolution session and either use mediation or proceed to the due process hearing. If the school division has not resolved your complaint to your complete satisfaction within 30 days of receiving it, the due process hearing may occur.
- **IMPORTANT: Be sure you can identify a specific violation of your child's special education rights before requesting a due process hearing – you may not request a hearing just because you're angry. If a court interprets your request as being for an improper purpose, such as to harass the school or its employees, cause unnecessary delay, or increase the cost of litigation, the court could order you to pay the school's attorney's fees.**
- **You should talk to a lawyer before requesting a due process hearing or filing a complaint. Contact the JustChildren office in your area for help. JustChildren can also share information and answer questions about how you can best advocate for your child and/or how these resolution processes work.**

If My Child Is Eligible For Special Education Services, How Is A Plan Developed?

- Once your child is found eligible for special education services, an Individualized Education Program (“IEP”) will be developed by a team that includes school personnel and you, the parents.
- The IEP is the document that explains the special educational services that your child will receive. Those services should be based on sound education research.
- The IEP is the school’s written commitment of the services they will provide your child. **Any services that you and the school agree upon should be in writing in the IEP.**
- The IEP contains goals and objectives based on your child’s current levels of functioning.
- The IEP specifies:
 - what services your child will receive,
 - where your child will receive services,
 - when the services will begin,
 - how long the services will last,
 - how and when your child’s progress will be measured.
- **The school must invite you to the meeting AND take reasonable steps to ensure that you can attend, including scheduling it at an agreed upon time and place.**
- **Because you know your child best, it is very important for you to attend and take part in shaping the IEP. You do this by preparing for the IEP meeting (see later in this chapter) and by speaking up for your child’s needs at the meeting.**
- You have the right to take a representative with you to the meeting. You should contact the JustChildren office in your area if you would like to talk about who you might want to go with you.

How Should I Prepare for the IEP Meeting?

- Start by obtaining copies of the school records, including the evaluations performed in determining eligibility, a draft of the proposed IEP, and any assessment reports from service providers (speech therapist, physical therapist, occupational therapist, etc.).
- Remember that the purpose of the IEP is to make sure your child gains some benefit from going to school. This educational benefit should be reflected in the IEP's goals.
- Read the reports and make notes of anything you don't understand or with which you disagree.
- Review any previous IEPs and make notes about things that worked, and things that did not work, for your child.
- Think about what your child needs now and may need during the next school year and get input from people who know your child or who know children with similar needs.
- Make a checklist of topics to bring to the meeting along with your questions and concerns from the previous IEP and reports. The additional topics to discuss at the meeting might include:
 - things your child is ready to learn;
 - areas of interest to your child;
 - problems with the current program;
 - special accommodations such as more time to complete assignments and help with recording test answers;
 - services needed but not currently being provided;
 - your child's needs in preparation for future employment;
 - requirements for your child to graduate.

What Services Should Be Included In an IEP?

- **Academic and Functional Skills:**

- The IEP should include your child's present level of academic skills and functional skills, what classes your child will take, whether these will be taught by a special or regular education teacher, and how much time your child will spend in each class and with each special education service provider.

- **Annual Goals/Objectives:**

- The IEP should include clear goals and objectives as well as how your child's progress towards these goals and objectives will be measured over the period of one year.
- You should make sure that the IEP clearly states when reports on your child's progress will be provided (such as every quarter or with regular report cards) to you.
- In addition to academic goals the IEP should include non-academic goals such as social/emotional goals, behavior goals, and speech language goals among others.

- **Accommodations:**

- Depending on your child's disability, s/he may need extra assistance for things like homework and test-taking.
- The school must provide the assistance needed to perform academically.
- The IEP must describe the accommodations that your child is entitled to on the Standards of Learning (SOLs) tests and district-wide assessments, such as extra time, use of a computer, and the chance to take tests in his/her own room.
- In addition, the IEP may include other accommodations to help your child in class or in completing homework, such as a one-to-one aide, curriculum modifications, etc. If you think your child needs extra help, ask for it.

What Services Should Be Included In an IEP? (Continued)

Supplementary Aids and Services:

- IEPs must also include services that will enable your child to be educated with children without disabilities to the maximum extent possible. These services are called **Supplementary Aids and Services**.
- Supplementary aids and services include classroom aides, preferential seating, frequent breaks, extended or additional testing time, and allowing tests to be dictated.
- **Behavioral:**
- If your child has repeated behavioral problems in school the IEP should include a) Specific information in the Present Level of Performance about your child's challenging behavior (including what happens, when it happens, what helps support and prevent problems, etc.) and b) Goals for improving behavior, with measurable, action-oriented plans for how your child will learn better behaviors, and receive support to prevent problems..
- Behavior plans can range from a list of steps the teacher should take when your child is having difficulty controlling his/her behavior, to a list of rewards for your child if his/her behavior improves in certain areas.
- In addition, if you think your child needs counseling you can ask the school to provide it. You can also ask for a Functional Behavior Assessment and Behavior Intervention Plan, so that you and school personnel will have a more detailed understanding of how to help your child improve his/her behavior.

What Services Should Be Included In an IEP? (Continued)

- **Related Services:**

- IEPs must include non-academic services necessary to help your child make progress in school, if your child needs them. These are called **Related Services**.
- These services can include speech language therapy, art therapy, occupational therapy, physical therapy, and counselors.
- By the time your child turns 16 the school must begin preparing him/her for life as an adult, but the school can decide to provide these services earlier than when your child turns 16, so you may suggest it earlier.
- They can help him/her find a job, maintain employment, learn about budgeting, find social services, and work toward living on his/her own. All of these services are called **Transition Services** and should be included in the IEP.
- When transitional services are discussed, your child must be invited to participate in the meeting.

What Happens at the IEP Meeting?

- The school must tell you the date and time of the IEP Meeting. **YOU SHOULD BE THERE! If you can't meet at the scheduled date or time, DON'T BE AFRAID TO ASK THE SCHOOL TO CHANGE THE DATE!**
- If you can not attend the meeting in person, you may request that you be allowed to participate by phone or video conference.
- The people at the IEP meeting must include: your child's special education teacher, a school system representative, and a regular education teacher (if your child spends any time in a regular classroom). One of these people must be familiar with evaluations and how to use the evaluations to develop an educational program. If you and the school agree to it in writing, a member of the IEP team may be excused from a meeting. If the team member's area is being discussed, however, s/he must submit written comments.
- You and the school may ask for other people to be present, such as the therapists who will be working with your child, and the people who evaluated your child.
- **You may bring people to the meeting for support, such as friends, other family members, an advocate, or a lawyer.**
- The participants in the meeting will discuss the planned services and goals for your child. **You should ask questions and speak up about your child's needs. Be polite, but don't be shy! If you don't like something, or disagree, say so!**
- You have the right to audio tape the meeting. You should inform the school in writing if you choose to do this. If you do not tell the school ahead of time, you must provide them a copy of the tape to be included in your child's school records.
- At the end of the meeting, all participants, including the parent, will be asked to sign the IEP.

What Happens If I Disagree With a Portion of the IEP?

- If you disagree with all of your child's IEP, do not sign it. Send a letter to the administrator at the meeting (principal or Special Education Director or Coordinator) to explain your concerns, and ask for the changes to be made and to have another IEP meeting. Keep a copy of the letter for your records.
- If you disagree with some of the IEP (for example, you think more services or different goals are needed) then sign the IEP but put a note where you sign it, saying that you don't agree that the IEP is adequate, and say what services or issues need to be changed.
- Remember that you have the right to consult with other persons, including a lawyer, and to bring them to meetings.

A disagreement with the IEP provisions can be resolved through four alternative methods discussed earlier: more discussion, mediation, a due process hearing, and filing a complaint with the Virginia Department of Education.

- Be sure to make a record of all contacts with school officials by taking notes of conversations and keeping copies of letters. It may be helpful to keep a notebook by the phone where you can write down phone calls, dates, what was said, and notes.
- Contact the JustChildren office in your area for more information.

What Is Placement?

- “Placement” refers to how and where the services, accommodations, etc., listed in the IEP will be delivered to your child.
- The placement decision is made during the IEP meeting, and you should not sign an IEP if you don't agree with the type of classroom or school in which your child is being placed.
- Children with disabilities have the right to be educated in the **least restrictive environment**, which generally means attending the school s/he would attend if not disabled, and being with children who don't have disabilities in academic, non-academic, and extracurricular activities. Schools must provide appropriate services to help your child be successful in regular classes.
- Placement options that schools pay for include:
 - regular classes (with or without support services and accommodations)
 - resource teacher support
 - self-contained classes (for children with IEPs only)
 - special day schools
 - hospital/home services
 - residential schools
- **Currently, you must give written permission for the initial placement in a special education program, and for all changes in your child's placement.**

What Happens If The School Wants to Change My Child's Placement?

- An IEP meeting is usually necessary for the school to change your child's IEP or placement. The school must notify you of the meeting and any proposed change. You should attend the meeting, and you can ask them to schedule it at a time that works for you. If you cannot attend, you must tell the school in writing if you disagree with the proposed change. **If you do not respond to the notice, the school will assume that you agree with the change.**
- The only time when an IEP meeting is not required to change your child's placement is when you and the school division agree to the change after the annual meeting. In that case, the changes **MUST** be in writing, and the date of the annual meeting should not change.
- If you do not agree with the school's proposed change in placement:
 - **Do not sign a revised IEP; and**
 - **Tell the school in writing that you disagree with the change.**
- If you disagree with the change in placement, the school can try to resolve the disagreement through discussion with the parents, mediation, a due process hearing, or by filing a signed written complaint with the Virginia Department of Education. (See earlier in this chapter for a description of mediation and due process hearings.)
- While any placement disagreement related to a disciplinary incident is being resolved, your child will stay in the discipline setting (i.e., remain suspended), but continue to receive services. (Note: the law has changed. Prior to 2005, students were allowed to "stay put" in their current placements during disagreements.)
- While a placement dispute **NOT** related to discipline is being resolved, your child has the right to "stay put" in his/her current placement.
- Call the JustChildren office in your area for more help.

How Will My Child's Progress Be Monitored?

- Your child's IEP must be reviewed at least once a year. You or the school may request a review of the IEP at any time if your child's needs have changed or if the IEP services are not going well.
- The IEP must have some objective criteria to show your child's progress. For example, the IEP might have a goal that your child will read at a 4th grade level by the end of the school year.
- In addition to the school's regularly scheduled report cards and progress reports, the school must provide you reports on your child's progress related to these specific IEP goals. Make sure that the IEP sets up a schedule for when you will receive those progress reports. A schedule for progress reports that matches the report card schedule will help you keep track of your child's progress and needs during the year.
- You can also check on your child's progress through informal methods such as:
 - conferences with teachers and therapists,
 - visits to the classroom,
 - notebooks or journals shared with the teacher, and/or
 - asking the teacher for daily or weekly reports.

Is My Child's Eligibility For Special Education Services Ever Reconsidered?

YES!

- A child's eligibility for special education services will be re-evaluated if you or a teacher requests a re-evaluation, or if the school division determines that your child's educational needs are changing and a reevaluation is necessary. If a specific request is not made, your child will automatically be re-evaluated every three years (called a "triennial").
- Unless you and the school agree otherwise, your child will not be reevaluated more than once a year. If the school division denies your request for a reevaluation because it has already conducted one within the year, it must put that denial in writing.
- Parental consent is required before the school gathers new evaluation information for this re-evaluation. If you refuse to consent, the school can seek to go forward with the new evaluations by pursuing mediation or a due process hearing.
- Parental consent is NOT required for the school to consider:
 - previous evaluations during their re-evaluation, or
 - a teacher or other service provider's classroom observations.

What Are the Rights of a Child With a Disability When a Discipline Problem Occurs at School?

- A child with a disability *does not* receive special consideration when a school gives a *short-term suspension* (10 school days or fewer).
- A child with a disability *does* receive special consideration when a school gives a *long-term suspension* (more than 10 days), or expulsion.
- A series of short-term suspensions adding up to more than 10 days may be considered a long-term suspension.
- In most cases, your child may not be suspended for more than 10 school days for conduct that is caused by his/her disability. The IEP team must meet to make what is called a “manifestation determination.” (Read more about the manifestation determination review hearing on the next page.)
- If the offense involves weapons, drugs, or serious injury to another person, the school may place your child in an Interim Alternative Educational Setting (IAES) for up to 45 school days, whether or not there is a manifestation determination. The IAES may be a different class in the same school building, or in a different school. In the IAES, your child has the right to receive the services described in the IEP.
- Even if the school determines that your child’s misbehavior is not related to his/her disability, **the school must still provide your child a Free Appropriate Public Education (FAPE). This means that your child must continue to receive services that will allow him/her to progress toward the goals in the IEP and participate in the general curriculum.**

What is a Manifestation Determination?

- If your child’s misconduct is a manifestation of his or her disability, the school cannot discipline your child for that misconduct. In other words, the school may NOT give your child a long-term suspension or expulsion. This decision is called a “manifestation determination.”
- Federal law requires that schools must find that your child’s misconduct is a manifestation of your child’s disability if:
 - The behavior was directly and substantially related to your child’s disability;
 - The behavior was caused by your child’s disability; OR
 - The behavior was the result of the school’s failure to implement your child’s IEP.
- The school, the parent, and relevant members of the IEP team (as decided by both the parent and the school) will meet to make the manifestation determination within 10 days after deciding to discipline the child. **You have the right to participate in the meeting, and you should be there. Bring an advocate or a lawyer with you.**
- If you do not agree with the committee’s findings, **DO NOT SIGN THE MANIFESTATION DETERMINATION!** The decision can be appealed through an expedited due process hearing. Contact JustChildren for help.
- If the committee does find that the misconduct is a manifestation of your child’s disability, the child is returned to his/her previous placement.
- Whether or not the committee finds that there is a manifestation, the IEP team should address the behavior by conducting a Functional Behavioral Assessment and creating or modifying your child’s Behavioral Intervention Plan.
- School administrators should consider any unique circumstances and evaluate your child’s misconduct on a case-by-case basis. This means that school administrators can choose not to apply zero tolerance policies to a child with a disability even when the misconduct is determined not to be a manifestation of your child’s disability.

What Happens to My Child If I Disagree With the School's Decision to Suspend or Expel?

- **If you disagree with the school's decision to suspend or expel your child, you can challenge the decision by requesting a Due Process hearing.**
- You are entitled to an expedited decision when you request a due process hearing to challenge the school's disciplinary decision. The due process hearing must occur within 20 school days of the request for it. The hearing officer then must announce a decision within 10 school days following the hearing.
- If you request a due process hearing, your child will be placed in the discipline setting (i.e., remain suspended), but continue to receive services. (Note: the law has changed. Prior to 2005, students were allowed to "stay put" in their current placements during disagreements.)
- **If you need more information about disciplinary appeals, call the JustChildren office in your area.**

How Are Special Education Services Terminated?

- Specific services may be discontinued as a result of the annual IEP meeting. Such action is usually taken in response to changes in your child's needs, as viewed by the IEP committee. You are a part of this committee and **your consent is required.**
- Special education services may be completely terminated by an IEP committee if they decide that your child no longer meets the eligibility criteria.
 - **Your child must be evaluated before the Committee can make the decision to terminate services** unless your child is graduating with a standard or advanced studies high school diploma or turning 22.
 - Remember, YOU are a member of the IEP committee and your consent is necessary before your child's special education services are terminated.
 - If you do not consent to the termination of services, the school can try to resolve the disagreement with discussion, mediation, or a due process hearing.
 - **Your child must stay in his or her current placement while eligibility is being determined.**
- If you need help related to the termination of special education services, contact the JustChildren office in your area.
- If your child's services are being terminated because he or she graduated with a standard diploma or turned 22, the school division must provide a written report on the student's academic achievement, functional performance, and recommendations on how to help the student meet postsecondary goals.

What Happens When My Child Turns 18?

- Your child can continue receiving special education services through age 21, inclusive, unless s/he graduates with a standard or advanced studies diploma. This is true even if your child is in a juvenile or adult correctional facility.
- When your child turns 18, all your rights under the IDEA transfer to your child. For example, the school will need your child to consent to placement and evaluations. Your child also gains the right to call IEP meetings and to challenge the school's decisions through mediation, due process, or filing a written complaint with the Virginia Department of Education.
- At least one year before your child turns 18, the school must inform you and your child about this upcoming change and include a statement to this effect in your child's IEP.
- After your child turns 18, the school must provide notice of meetings and proposed changes to both you and your child.
- The school may continue to invite you to meetings. If they do not, your child may still ask you to come.
- Your child will acquire your rights under the IDEA when s/he turns 18 unless your child is found to be incompetent or unable to provide informed consent. If you have concerns regarding your child's competence, you should contact a lawyer for assistance.

Timelines in the Special Education Process

Action	Person Responsible	Days	From
Child Study Meeting	Child Study	10	Referral from Principal
Referral of child to Special Education	Child Study Team	5	Determination that Child is suspected of having a disability
Request for review of evaluation referral	Special Education	5	Receipt of referral for evaluation from person other than child study
Decision whether to	Child Study	10	Request for review of evaluation
Eligibility Determination	IEP Committee	65	Referral for evaluation received by Special Education Administrator
Individualized Education Program (IEP) developed	IEP Committee	30*	Determination of eligibility (and at least once a year thereafter)
Appoint Hearing Officer	Department of Education	5 or 3	Receipt of request for regular v. expedited Due Process Hearing
Schedule Due Process Hearing	Hearing Officer	5 or 2	Date of appointment for regular v. expedited Due Process Hearing
Reach a Decision in a Due Process Hearing	Hearing Officer	45* 30**	Receipt of request or end of 30-day resolution period
Appeal Hearing Officer's decision to Circuit or District Court	School District or Parent	?	(Uncertain: may range from 90 days to 2 years) Check with Virginia Dent. of Education.

* Calendar days, which include weekends and holidays. All other days are business days, which do not include weekends or holidays.

** When a disagreement arises over a disciplinary decision, the dispute resolution process must be expedited. The due process hearing must occur within 20 school days of the request for it. The hearing officer then must announce a decision within 10 school days following the hearing.

What Is Section 504?

- The previous pages in this chapter have provided information on the Individuals with Disabilities Education Act (IDEA). The IDEA is remedial – It provides money to states to help them educate children with certain kinds of disabilities. Section 504 of the Rehabilitation Act of 1973 is another federal law that protects children with disabilities, but in a different way.
- Section 504 prevents schools from discriminating against children with disabilities. It is intended to “level the playing field,” often by removing barriers that keep children with disabilities from doing things that other children can do.
- To prevent discrimination, Section 504 requires schools to provide reasonable supports that enable a student with a disability to participate and achieve comparably to students without disabilities.
- For example:
 - Under Section 504, a school cannot prevent a child who uses a wheelchair from getting into the building when other children are able to enter the building by walking up steps. Section 504 would require the school to “reasonably accommodate” this child’s disability, by for example, providing him/her a ramp or elevator.
 - Under Section 504, a school cannot deny a child the chance to pass a test because the child has dyslexia. Section 504 would require the school to “reasonably accommodate” this child’s disability, by for example, having a teacher read him/her the test questions or providing the student extra time to complete the test.
- Section 504 always involves a comparison of your child to other children who don’t have disabilities in the school, to ensure s/he has a fair chance.

Why Is Section 504 Important?

- **Section 504 protects more children than the IDEA!!!** If your child has been found ineligible under the IDEA, s/he may still be entitled to services under Section 504.
 - For example, some children with asthma may not qualify for special education under IDEA but may be able to obtain “accommodations” under Section 504 so that they can learn as well as other students.
 - These “accommodations” may include sitting by the teacher and away from distractions near the door and windows, keeping a notebook of assignments, or taking tests in a separate room.
- Some other examples of students who may not be eligible under the IDEA but may be protected under Section 504 include:
 - students with communicable diseases (e.g., hepatitis or HIV);
 - students with disabilities that are temporary (e.g., broken leg);
 - students with allergies, or diabetes;
 - students who are addicted to drugs (including alcohol) but are not currently using.
- Schools do not receive any extra money for following Section 504’s rules like they do with the IDEA. Because of this, schools may resist providing needed services under Section 504 when a student does not also qualify for special education under the IDEA. **If you think this is happening to your child, you should contact a lawyer for assistance. You can call the JustChildren office in your area for help.**

Who Is Eligible For Section 504 Services?

“Persons with disabilities” are eligible for Section 504 Services. In the school context, Section 504 covers:

- A child who has a physical or mental impairment which substantially limits his or her ability to learn.
 - The possible physical and mental impairments include all those covered under the IDEA plus other ones such as diabetes, allergies, asthma, HIV, AIDS, hepatitis and other communicable diseases.
 - In addition, a child with ADHD who is not eligible under IDEA may be covered by Section 504. Many children with ADD or ADHD, however, are eligible for special education.
 - Section 504 would also cover a child who has a temporary disability (like a broken leg) and a child who is addicted to drugs or alcohol (provided s/he is not currently using).
- A child who has a history of a physical or mental problem that significantly limits his/her ability to learn. For example, a child who previously received special education services for a learning disability under IDEA would have a history of this disability.
- A child who has been misclassified as having a physical or mental problem that significantly limits his/her ability to learn. An example of misclassification would be if a child who could not speak English well was mistakenly found to have a mental disability.
- A child who is treated as if s/he had a physical or mental problem that significantly limits his/her ability to learn. For example, a student with a limp may be treated as if this problem had a substantial impact on his/her ability to walk even though it does not. Or, a student with epilepsy may be prevented from trying out for sports only because of the attitude of others towards the disease. Or, a student who tests positive for HIV but has no physical effects from the disease might be treated by others as if s/he had a major life impairment.

What Does Section 504 Require Schools to Do?

- Section 504 requires schools to educate children with disabilities to the greatest extent possible with children without disabilities. This requirement is comparable to the Least Restrictive Environment requirement under the IDEA (see page 121).
- Section 504 requires schools to provide children with disabilities with a “Free Appropriate Public Education” (FAPE). Section 504 defines this standard differently than the IDEA. Section 504 requires schools to provide children with disabilities aids, benefits, and services that are **as effective as** those provided to children without disabilities.
 - An Individual Education Plan (IEP) is not required.
 - A child does NOT have to need special education in order to be eligible for Section 504’s protections.
- Section 504 requires schools to provide equal opportunity for all services that children who don’t have disabilities receive, including counseling, sports, transportation, health services, special interest groups/clubs, referrals to other agencies, and employment.
- Section 504 requires schools to evaluate children for eligibility. IDEA’s evaluation procedures satisfy Section 504’s requirements.
- Section 504 requires schools to provide procedural protections for parents and children with disabilities. IDEA’s procedural protections satisfy Section 504’s requirements.

JustChildren

A Children's Advocacy Program of the
Legal Aid Justice Center

Virginia Offices

Charlottesville: (434) 977-0553 and 1-800- 578-8111
(toll free for clients and families only)

1000 Preston Avenue, Suite A

Charlottesville, VA 22903

*for more information on Charlottesville services, see Appendix 2

Petersburg: (804) 862-2205

41 Bollingbrook Street

Petersburg, VA 23803

*for more information on Petersburg services, see Appendix 3

Richmond: (804) 643-1086

123 East Broad Street

Richmond, VA 23219

*for more information on Richmond area services, see Appendix 4

Chapter 5: The Virginia Standards of Learning (SOLs)

It is very important that you read this section carefully and that you call the JustChildren office in your area if you have any questions. **The SOL tests, which your child will take throughout grade school and high school, have serious consequences for his/her education and economic future.**

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SOL Vocabulary

“SOL” – The **Standards of Learning (SOL)** are the minimum grade level and subject matter educational objectives that students are expected to meet in Virginia public schools. In other words, they are the educational goals set by the state that tell teachers what to teach and tell students what they should learn.

“SOL tests” – The **Standards of Learning tests** are standards-based tests that measure whether students have met the educational goals set by the state.

“End-of-course” SOL tests are given in high school after the student has passed the course associated with the exam.

“Standard Unit of Credit” – A student may earn a **standard unit of credit** toward his/her high school diploma when s/he meets attendance requirements for the class and successfully completes all of the coursework required by the class.

“Verified Unit of Credit” – A student may earn a **verified unit of credit** toward his/her high school diploma when s/he earns a **standard unit of credit** AND achieves a passing score on the **end-of-course SOL test** (or substitute test approved by the Virginia Board of Education).

“Benchmark Test” – **Benchmark tests** are tests given to help schools measure each student’s progress during the year. They are not SOL tests and do not count toward earning verified units of credit.

What Are the SOLs?

- SOL stands for “Standards of Learning.” The SOLs are education standards, created by the state of Virginia, which define what students should learn and what teachers should teach in Math, Science, English, History, Social Science, and Computer Technology.
- SOL tests are given in elementary and middle school, and end-of-course SOL tests are given in certain courses throughout high school.
- **In high school, SOL tests results determine whether a student will receive a high school diploma upon graduation.**
- **In earlier years, the tests help schools to decide whether to promote a student to the next grade, place a student in a remediation program, and make course selections.**
- The SOLs also include a system for assessing the performance of schools, based on their students' scores on the SOL tests.

How Do the SOLs Affect My Child's Ability to Earn a High School Diploma?

- If your child fails to pass the required high school SOL tests by his/her graduation date, your child will not receive a high school diploma (except for some students who receive special education services). **Without a diploma, your child will not be able to apply to most 4-year colleges and will be limited in the jobs available to him/her.**
- Your child must pass 6 high school SOL tests (in specific areas) and receive 22 credits for high school coursework to receive a **Standard Diploma**.
- Your child will be eligible for an **Advanced Studies Diploma** if s/he passes 9 high school SOL tests and receives 24 credits for high school coursework.
- For students with disabilities who have IEPs, there are two other diploma options:
 - Modified Standard Diploma: requires passage of 8th grade Math and English SOL tests, with an adjusted (lower) pass rate, and
 - Special Diploma: requires that the student meets the goals in the Individualized Education Program (IEP).
- If your child fails to pass the SOL tests required for a high school diploma, s/he may still receive a **Certificate of Program Completion**. This certificate will not enable your child to apply to most colleges. Some community colleges will allow your child to take classes, but s/he will not be eligible to receive a degree unless s/he can pass an entrance exam. In addition, graduation with a certificate will limit your child's job opportunities.

What Does Your Child Have To Do To Earn . . .

	Meet Attendance Requirements Through Graduation Day	Standard Units of Credit Required	Verified Units of Credit Required	Other Requirements
A Standard Diploma?	✓	22	6	None
An Advanced Studies Diploma?	✓	24	9	None
A Modified Standard Diploma?	✓	20	0	ONLY AVAILABLE TO SPECIAL EDUCATION STUDENTS Must meet literacy and numeracy requirements. This can be done by passing the 8 th grade English and Math SOL tests
A Special Diploma?	✓	0	0	ONLY AVAILABLE TO SPECIAL EDUCATION STUDENTS Must meet the requirements of Individualized Education Plan (IEP)
A Certificate of Program Completion?	✓	0	0	None

**KEEP TRACK OF YOUR CREDITS ...
toward a STANDARD DIPLOMA!!**

School Subject	Standard Units of Credit Required (= coursed passed)		Verified Credits Required (= SOL tests passed)	
	GOAL	EARNED (✓)	GOAL	EARNED (✓)
English	4		2	
Mathematics	3		1	
Laboratory Science	3		1	
History and Social Sciences	3		1	
Health and P.E.	2			
Fine Arts/Career & Technical Education	1			
Electives	6			
Student Selected Tests			1	
Total	22		6	

**KEEP TRACK OF YOUR CREDITS ...
toward an ADVANCED STUDIES
DIPLOMA!!**

School Subject	Standard Units of Credit Required (= coursed passed)		Verified Credits Required (= SOL tests passed)	
	GOAL	EARNED (✓)	GOAL	EARNED (✓)
English	4		2	
Mathematics	4		2	
Laboratory Science	4		2	
History and Social Sciences	4		2	
Foreign Language	3			
Health and P.E.	2			
Fine/Career & Technical Education	1			
Electives	2			
Student Selected Test			1	
Total	24		9	

**KEEP TRACK OF YOUR CREDITS ...
toward a MODIFIED STANDARD
DIPLOMA!!**

Discipline Area	Standard Units of Credit required		8 TH Grade SOL Tests Passed	
	GOAL	EARNED (✓)	GOAL	EARNED (✓)
English	4		1	
Mathematics	3		1	
Laboratory Science	2			
History and Social Sciences	2			
Health and P.E.	2			
Fine Arts /Career & Technical Education	1			
Electives	6			
Total	20		2	

5 Questions You Should Consider When Choosing a Diploma

5 Questions	Standard Diploma	Advanced Diploma	Modified Standard Diploma	Special Diploma	Certificate of Program Completion	G.E.D.
1. On a job application, can I answer "YES" to the question: "Do you have a high school diploma?"	✓	✓	✓	✓	<u>NO</u>	<u>Must indicate G.E.D.</u>
2. Does my high school transcript show that I am ready for a job or higher education?	✓	✓	Probably Not	Probably Not	Probably Not	?
3. Can I be accepted into the military? (For more specific information, please turn the page.)	✓	✓	Possibly	Probably Not	<u>NO</u>	<u>May not be eligible for all branches. See chart below.</u>
4. Can I be accepted into a four-year college?	✓	✓	Probably Not	<u>NO</u>	<u>NO</u>	<u>NO</u>

5. Can I be accepted into a community college?

You do not need a high school diploma or a GED to take classes at a community college. All applicants who would like to earn an associate's degree, however, must pass placement tests in both English and Math (or score sufficiently high on the SATs).

The advantage to earning a Standard Diploma is that you will have taken and passed the courses you need to prepare you for the placement test. IMPORTANT: Students who have received only a Certificate of Program Completion will not be eligible for financial aid.

Can Your Child Be Accepted Into the Military?

IT DEPENDS . . .

BRANCH	Standard Diploma	Advanced Diploma	Modified Standard Diploma	Special Diploma	Certificate of Program Completion
ARMY	✓	✓	✓	✓	<u>NO</u>
MARINE CORPS	✓	✓	Individualized Determination*	Individualized Determination*	<u>NO</u>
NAVY	✓	✓	✓	<u>NO</u>	<u>NO</u>
AIR FORCE	✓	✓	<u>NO</u>	<u>NO</u>	<u>NO</u>

*Determination will be made on a case-by-case basis. Applicant must apply within one year of graduation, and high school transcript must show that applicant has completed a course of study that includes such core skills as reading, writing, math, science, and history, etc.

What Happens if My Child Fails an SOL Test?

- If your child fails an SOL test, the school will consider that failure in deciding whether s/he should be promoted to the next grade.
- Your child's school cannot retain your child in a grade simply because your child failed an SOL test.
- While in high school, your child has the right to retake failed SOL tests as often as the testing schedule permits. Your child may be eligible for an “expedited retest.” That means that your child does not have to wait until the tests are next offered by his or her school. Your child is eligible for an expedited retest IF s/he:
 - Needs the test for verified credits
 - Passed the course associated with the test
 - Failed the test with a scaled score between 375-399 (or failed the test by a wider margin and there are extenuating circumstances)
- Schools **must** offer remediation (meaning extra help such as summer school) to any student who fails any SOL tests. Remediation is available for students who get special education services as well as students who don't get other help.

What Happens if My Child Fails an SOL Test? (Continued)

High School Remediation options (I.e., extra help):

- In-school remediation
- After-school remediation
- Summer School
- Project Graduation Online Tutorial:
 - Currently, only Reading, Algebra 1 and Geometry are offered
 - Ask your child's teacher if you think your child should register for the tutorial

Practice Tests:

- Ask your child's teacher for practice tests, OR
- Download released test items from <http://www.pen.k12.va.us/VDOE/assessments/releasedtests.html>
- Students **must** attend summer school or another kind of remediation if they don't pass **any** SOL tests in grades 3 - 8. Any student who passes at least 1 SOL test – but not all of them – **may** be required to attend a remediation. Schools can provide this extra help during the school year or through summer school.
- If your child's school requires him/her to attend a remediation program, transportation to that program must be provided at no cost to you.

How Can I Help My Child to Pass the SOLs?

- It is important that you be involved in your child's education from kindergarten through high school. Do not wait until your child is at risk of not getting a high school diploma.
- At the beginning of each school year, you should:
 - meet your child's teacher and talk to him/her if you have concerns about your child's performance in school the year before;
 - review the SOL materials that your child's school sends home at the beginning of each year to understand what your child should be learning; and
 - mark testing dates on your calendar so that you can help your child to feel ready for the tests. Remember to look for your child's test results, which should arrive in the mail generally one month after the date your child takes the SOL test.
- During the school year, you should talk to your child's teacher as soon as you have any concerns about how your child is doing in school. Do not wait until your child has failed an SOL test.
- Take the "Keep Score!!" chart provided in this handbook to your child's guidance counselor and ask him or her to fill it out. Ask the guidance counselor if your child is on track to earning a standard diploma.

How Can I Help My Child to Pass the SOLs? (Continued)

- If your child has failed one or more SOL tests, you should immediately talk to his/her teacher about remedial programs to get extra help.
- If your child is in high school and you have questions about the SOL tests or diploma requirements, call your child's school. You can speak with your child's teacher, guidance counselor, or principal.
- If you still have questions, call the Project Graduation hotline at 1-866-835-6039.

If My Child Receives Special Education Services, Will S/he Have to Take the SOLs?

It is important to measure progress and have high goals for *all* students. Most children who receive special education services should participate in their school's regular testing programs, with appropriate accommodations. This testing will help check your child's progress, making it clear where more help is needed, and keeping high expectations for your child's future success!

- However, for some students with IEPs, two different processes have been developed, using “collection of evidence” models. These are called the **Virginia Alternate Assessment Program (VAAP)** and the Virginia Grade Level Assessment (VGLA). Progress is measured by collecting examples of school work, taking pictures or videos, and/or reports from teachers, and scoring progress on IEP goals. Students who need extensive direct instruction and are usually learning “life skills” or a “functional” curriculum would be most often eligible to take the VAAP. Students most likely to take the VGLA would be those who are learning the regular education curriculum for their grade, but who are not able to have their skills successfully shown with multiple choice tests.
- If you do not think your child should take SOL tests, then you can ask for “no testing” to be written on your child's IEP, or ask that your child participate in the VAAP or the VGLA. It is very important to consider whether having the testing information will help keep expectations high for your child, and help you advocate for your child's needs before taking him/her out of the accountability process. Having your child exempted from testing will limit his/her diploma options.
- For more information on special education please see Chapter 4: Special Education.

How Do the SOLs Affect My Child If S/he Receives Special Education Services?

- As a member of your child's IEP team, you will help decide how the SOLs affect your child if s/he receives special education services.
- For example, you and the rest of your child's IEP team will decide:
 - whether your child takes SOL curriculum courses;
 - if your child takes SOL curriculum courses, what supports and accommodations your child will receive to help him or her learn from that curriculum;
 - whether your child will take the SOLs;
 - if your child takes the SOLs, what accommodations, if any, your child will receive when s/he takes the tests. For example, your child might need additional time, to take the test in more than one testing sessions, or to take the exam orally instead of in writing.
- All the team's decisions regarding the SOLs should be included in your child's Individual Education Plan (IEP). Do not sign the IEP if you disagree with what it says. If you have questions, call the JustChildren office in your area.
- The IEP team should review decisions about your child's participation in SOL courses, testing and accommodations every year.
- For more information on special education in general and IEPs in particular, please see Chapter 3: Special Education.

What Diploma Options Are Available to My Child If S/he Receives Special Education Services?

The Advanced Studies Diploma and Standard Diploma are available for all students:

- Your child can earn an **Advanced Studies Diploma** by passing 9 high school SOL tests **and** receiving 24 credits for high school coursework.
- Your child can earn a **Standard Diploma** by passing 6 high school SOL tests **and** receiving 22 credits for completion of high school course work.

Children who receive special education services have two additional diploma options:

- Your child can earn a **Modified Standard Diploma** without passing any high school SOL tests, if s/he receives 20 credits for high school courses and passes the required math and English competency tests. Future education or job opportunities for students graduating with this diploma will depend on their individual abilities. Most four-year colleges will probably not accept this diploma.
- Your child can earn a **Special Diploma** if s/he meets the requirements of his/her IEP but does not pass the courses or SOL tests required for other diplomas. Future education or job opportunities for students graduating with this diploma will depend on their individual abilities. Refer to charts on pages 76-77 for more information regarding these different diploma options.

How Do the SOLs Affect My Child's School?

- The Commonwealth of Virginia will assess the performance of your child's school based on the performance of its students on the SOL tests.
- Your child's school will lose its full accreditation status from the Commonwealth unless a certain percentage of its students pass each SOL test administered at each grade level.
- When a school loses its accreditation, it must undergo a review by the State Department of Education and enter into an agreement with the Board of Education to fix the underlying problems.
- Your child's school must send a copy of the school's Report Card to each family every year. It will explain how the school's students are performing on the SOL tests.

What Are the Policy Issues for Virginia's Standardized Testing?

- Many families have concerns about the effect of the SOLs on the quality of education in Virginia, and are interested in learning about how school system's results show areas that need to be improved. Parents Across Virginia United to Reform SOLs (PAVURSOL) is a community-based group of over 5,000 parents, grandparents and students who want to ensure that Virginia's standards and assessments are effective. If you would like more information, call the JustChildren office in your area and/or contact PAVURSOL at 1-540-586-6149 or their website: <http://www.solreform.org>
- If you would like background about the SOLs, or if you'd like to see the Department of Education's Questions and Answers, see their website at <http://www.pen.k12.va.us/>. If you don't have access to the internet, call the JustChildren office in your area and we will get you this information.

JustChildren

A Children's Advocacy Program of the
Legal Aid Justice Center

Virginia Offices

Charlottesville: (434) 977-0553 and 1-800- 578-8111
(toll free for clients and families only)

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Petersburg: (804) 862-2205

41 Bollingbrook Street

Petersburg, VA 23803

*for more information on Petersburg services, see Appendix 3

Richmond: (804) 643-1086

123 East Broad Street

Richmond, VA 23219

*for more information on Richmond area services, see Appendix 4

Chapter 6: Services for Infants, Toddlers and Pre-Schoolers With Disabilities

- If your infant, toddler, or pre-schooler has a condition which might hurt his/her development, your child may be entitled to educational and therapeutic services.

- In this section, we will cover:
 - What is an early intervention program?..... 108
 - How do I obtain services for my infant or toddler?..... 109
 - What happens when I request services for my infant or toddler?..... 110
 - What happens if I disagree with the eligibility decision or the Individualized Family Service Plan (“IFSP”)?... 111
 - What happens when a child in early intervention reaches age two or three?..... 112

What Is an Early Intervention Program?

- An Early Intervention Program is a set of services designed to help very young children (in Virginia, birth to 2 years old) who have disabilities or delays in their development.
- Early intervention programs include some services that are free, such as:
 - Evaluations to see what your child might need, and
 - Service Coordination (case management)
- And some services that can have a **reasonable** fee charged; (children who get FAMIS Plus (formerly Medicaid) get their services for free):
 - Physical therapy, occupational (fine motor) therapy, speech and language therapy,
 - Family education: what toys might help your baby develop best, activities, etc.
 - Vision and hearing (audiology) services,
 - Assistive technology (walkers, communication boards)
 - Nutrition (feeding, diet) help
 - Psychological services for family member(s) and/or the child
 - Respite services (babysitting to give family members a break)

Fees for services: if the fee makes it hard to get services, it's not a reasonable fee. You can apply for an appeal to cut the amount you will be charged. If your child gets FAMIS Plus (formerly Medicaid), **all** services should be free. If you have problems with early intervention costs, contact Emily Dreyfus, JustChildren Community Education Coordinator and parent active with Family Fee issues at 1-800-578-8111.

How Do I Obtain Early Intervention Services for My Infant or Toddler?

- If you believe that your child has a developmental delay, or has a condition which may result in a developmental delay, contact your local early intervention office which oversees IDEA's Part C Services.
- If you live in the City of Charlottesville, or in Albemarle, Fluvanna, Greene, Louisa or Nelson Counties, the contact is:

Infant and Toddler Connection of the Blue Ridge
P.O. Box 5392
Charlottesville, VA 22903-5392
(434) 924-5357

If you live outside the Charlottesville area, call the Information and Referral Center at 1-800-234-1448 to find out who the early intervention provider is in your area.

- Private therapy providers and local chapters of The Arc also offer services for infants and toddlers who are at-risk of or have a disability. To get the number for your local chapter of The Arc call (804) 649-8481 or 1-800-732-9507.

What Happens When I Request Early Intervention Services for My Infant or Toddler?

- When you request early intervention services, a person will be assigned to work with you and your family to help identify your child's needs and your family's needs. This person is called your service coordinator.
- The coordinator will arrange for a team of professionals to assess your child's eligibility and areas of need. The eligibility process must start within 48 hours of your request for services.
- If your child is eligible for services, this team will work with you to develop an Individualized Family Service Plan (IFSP). The IFSP must be developed within 45 days after your child is found eligible, and your child should begin receiving services included on the IFSP as soon as the IFSP is completed.
- The IFSP is developed at a meeting of the team members and the child's parents. **You should be at the IFSP Meeting.**
- You have the right to take a representative with you to the IFSP meeting. You should contact the JustChildren office in your area if you would like someone to go with you.
- The IFSP is a written document that lists your child's needs and services designed to meet those needs.
- **Your participation is important. Remember, you know your child best. This is your time to speak up for your child's needs. Be polite, but don't be shy!**
- You will be asked to sign the IFSP at the end of the meeting. **If you disagree with the IFSP, DO NOT SIGN IT!**

What Happens If I Disagree With The Eligibility Decision or the IFSP?

- **Do not sign the IFSP if you disagree with its provisions.**
- Remember that you have the right to consult with other persons, including a lawyer, and to bring them to meetings.
- The disagreement with the IFSP provisions can be resolved through four methods:
 - a) discussion with team members and your service coordinator
 - b) a mediation conference
 - c) a due process hearing
 - d) a complaint to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.
- The least formal means of dispute resolution is through discussion with the team members and your service coordinator.
- Be sure to document all contacts by taking notes of conversations and keeping copies of letters.
- Before requesting a due process hearing or filing a complaint, you should discuss your situation with a lawyer. Contact the JustChildren office in your area for help.

What Happens When A Child in Early Intervention Reaches Age Two or Three?

- Before your child approaches age two or three, the IFSP team should discuss appropriate preschool services, including special education services provided in community pre-schools, special education pre-schools, and other options.
- Because preschool special education services are provided through your local school system, a new evaluation process will begin.
- This process will involve an assessment of your child's eligibility for special education services, and development of an Individualized Education Program (IEP). *Please refer to Chapter 4: Special Education for more information.*
- If your child is not eligible for special education services, you may want to look at community pre-schools, Head Start, and programs for pre-schoolers run by your local school division.

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Chapter 7: School Rights For Immigrant Families and Students with Limited English Proficiency

In this chapter, we give information for immigrant students and parents about important school issues, especially about enrollment and language programs such as English as a Second Language (ESL) or English as a Second or Other Language (ESOL).

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- Does my child have to go to school?..... 116
- What do I need to enroll my child in school?..... 117
- What grade will my child be in?. 119
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- How can my child become familiar with a new school?..... 121
- LEP, ESL, NCLB? What do they mean?..... 122
- Does my child have a right to be taught in his or her native language? If not, how will s/he learn?..... 123
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- Will my child's teacher be trained in ESL/ESOL?..... 127
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Does my child have a right to an education?

- All school-age children who live in Virginia have a right to go to school. In Virginia, children ages 5 through 20 are school-age.
- **Immigration status does not matter.** Even if your child is living in the U.S. illegally, s/he still has the right to go to school.
- Even if your child does not have a social security number, s/he still has a right to go to school.
 - The school may ask for your child's social security number, and you have to provide it if you have one, but language minority children who do not have social security numbers cannot be denied access to an education.
 - Language minority children applying to take the SAT, GRE, or other educational tests do not need a social security number either.
- Even if your child has never been in school before, your child still has a right to go to school in Virginia.
- The school can not deny your child the right to participate in any other programs that the school offers to English speakers solely because your child does not speak English. These programs may include career and technical education, gifted education, special education, free and reduced price lunch and breakfast programs, transportation, sports, and any other programs for which your child is eligible.

Does my child have to go to school?

In Virginia, all children over 5 and under 18 must go to school. This is called compulsory education. It is against the law to keep a child subject to compulsory education home from school.

- In some countries, it is ok for a child to be absent from school if the family needs the child to work or take care of younger children. In Virginia, it is generally against the law to keep your child home for these reasons. It is ok for you to keep your child home from school for a good reason (for example, illness or a death in the family)
- If you do keep your child home from school without a good reason the school could take you or your child to court.
 - If your child is taken to court for failure to go to school, the judge will order your child to go to school. Some juvenile courts will put your child in detention if s/he violates a court order to go to school.
 - If you are taken to court because your child does not go to school, you can be:
 - Found guilty of a misdemeanor;
 - Fined; and
 - Have other legal action taken against you -- including losing custody of your child.
 - It's important to make sure your child goes to school!
- Please read more about truancy in *Chapter 3 of this handbook*.

What do I need to enroll my child in school?

- Your child has the right to go to school in the school division in which he or she lives.
- When you go to enroll your child in school, the school is permitted to ask you for certain documents:

1) Proof of birth date. This is to make sure your child is school-age and to help place your child in the right grade. A passport, birth certificate, or INS Form I-94 (for refugees) are all acceptable. If you don't have proof of your child's birth, you can give a sworn statement with your child's age and the reason you can't provide a copy of his or her birth certificate. **Important:** It is best to submit your child's birth certificate, if at all possible, because the principal of your child's school is required to notify the local police if you do not present a birth certificate.

2) Proof of residence. This is to make sure your child lives within the school division. You can provide a copy of your lease agreement, property title, rental receipt, driver's license, car registration, notarized statement from the family with whom your child is living, or any other proof

What do I need to enroll my child in school? (Continued)

of your child's address. If your child is living in a temporary shelter or institution, you can provide proof of that address.

3) School records. These records include transcripts from any school your child has ever attended, whether it is in the United States or elsewhere. If you don't have records or transcripts from your child's previous schools, you should give the school as much information about your child's educational history as possible. Your child will not be prevented from attending if you can't provide school records.

4) Immunization records. This is to make sure your child has been immunized from common communicable diseases. These records can be international health cards or records from refugee camps, private doctors, or health clinics.

5) Physical Examination. You will need to provide a medical report stating that your child has had a full physical exam within a year of when he or she will enter a public school for the first time. If you cannot afford to pay for this doctor's visit, the city or county health department *must* give your child a free exam.

You do NOT need any information related to your or your child's citizenship or immigration status. If a school asks you for this information upon enrollment, please contact JustChildren at 1-800-578-8111.

What grade will my child be in?

- If your child is under 14, he or she will be placed in the a grade according to his or her age:

<u>Age</u>	<u>Grade</u>
5	Kindergarten
6	1st Grade
7	2nd Grade
8	3rd Grade
9	4th Grade
10	5th Grade
11	6th Grade
12	7th Grade
13	8th Grade

- If you child is 14 or older, the school will look at your child's transcripts to see how many credits he or she has earned. If your child has a transcript from his or her country of origin, you may need to provide additional information about your child's coursework, such as the number of hours your child spent in each course.
- If there are no transcripts available, your child may at first be placed in 9th grade. If your child does really well, he or she may quickly be promoted. Please note that your child will have to meet the same graduation standards that apply to other children.

What about the SOLs? What does my child have to do to graduate?

SOL stands for “Standards of Learning.” The SOLs are education standards, created by the state of Virginia, that define what students should learn and what teachers should teach in math, science, English, history, social science, and computer technology. The Board of Education has proposed **SOLs for English Language Proficiency**. This is a good place to look if you want to see what your child should be learning.

- LEP students must take SOLs and meet the same graduation standards as other students. Your child should be given extra time to graduate if necessary. See *Chapter 5* of this handbook for more information about SOLs and diplomas.
- Many school divisions will allow LEP students to stay in school to age 22 in order to give them extra time to earn a diploma. As long as the state provides funding for ESL programs, the school may not charge your child tuition.
- Sometimes LEP students are eligible for certain *accommodations* on SOL tests. Accommodations allow a child to take a test in a different way without changing what the test is measuring. Accommodations for an LEP student might include:
 - reading the test items in English to the student
 - reading the directions in English to the student
 - simplifying oral directions
 - use of a bilingual dictionary
 - allowing the student to dictate answers in English to a scribe

How can my child become familiar with a new school?

- The school should give your child an orientation. The Virginia Department of Education suggests that schools provide:
 - a copy of the student handbook translated into your native language;
 - a buddy who speaks the same language to help your child learn where things are and who is who;
 - a tour of the school building; and
 - information about the school schedule, class routines, school rules, bus routes, using the library, report cards, parent conference opportunities, and more!
- Even if you speak some English, bring a bilingual friend or family member with you who can interpret as needed. It is important that you understand all the school rules and routines to avoid any misunderstandings in the future.
- If you do not have a bilingual friend or family member, ask for an interpreter! The district must make an effort to get important information to you in a language you can understand.

LEP, ESL, NCLB? What do they mean?

- **Bilingual Education** -- A program where your child is taught in two languages -- English and his or her native language. Bilingual instruction is rarely used in Virginia.
- **English as a Second Language (ESL)/English for Speakers of Other Languages (ESOL) program** -- A program designed to teach your child to speak, read, write, and understand English. It is taught in English, not in your child's native language.
- **English Language Learner (ELL)** -- see LEP
- **Limited English Proficient (LEP) student** -- A student whose difficulties speaking, reading, writing, or understanding English may prevent the student from being successful in the classroom, passing the SOLs, or participating fully in society.
- **No Child Left Behind (NCLB)** -- A federal education law. Title III of NCLB requires your child's school to give you opportunities to be involved in your child's schooling, and to make sure your child participates in the SOLs and learns English.
- **Title VI of the Civil Rights Act of 1964** -- A federal law prohibiting discrimination on the basis of race, color, or national origin in programs or activities that receive money from the federal government. This includes all public schools in Virginia. Most of the rights described in this Chapter come from Title VI.

Does my child have a right to be taught in his or her native language? If not, how will s/he learn?

- No, your child does not have a right to be taught in his or her native language.
- Your child DOES have a right to access the school's programs. This means that the school is required to help your child overcome any language barriers that might affect his or her participation in school programs and ability to compete with other students academically.
- If your child does not read, speak, write, and understand English, he or she may be assigned to an **English as a Second Language (ESL)** or English for Speakers of Other Languages (ESOL) program.
- **ESL/ESOL** instruction is designed to give your child intensive instruction in English.
- In most school divisions in Virginia, your child will be pulled out of a regular classroom to receive ESL/ESOL instruction with other students who may vary in age, grade, and native language.
- It is not discrimination for the school to separate LEP children from others for the purposes of giving them intensive English instruction. However, the school must offer your child the opportunity to participate with his or her non-LEP peers in activities where English speaking ability is less important -- such as recess, physical education, art, and music.

How will my child be identified and found eligible for ESL?

- Your child's school is required by law to identify students who need help learning English.
- When you go to the school to register your child, the school should ask you to fill out a **home language survey** (also called a registration questionnaire) to see if a language other than English is spoken in the home.
- If this survey shows that English is not the main language in your home, then your child will be tested on his or her speaking, reading and writing skills. S/he may also be interviewed by a native speaker. In large school divisions, you may be sent to a formal intake center for this purpose.
- If your child has difficulty reading, speaking, writing, or understanding English, he or she is eligible for ESL.
- If the school thinks your child needs ESL, you must be notified within **30 days** after the beginning of the school year, or, if your child enrolls in the middle of the school year, 2 weeks after your child is placed in an ESL program.
- You have the right to remove your child from a language program at any time.

How will I know if my child is making progress in learning English? In other areas?

- The school must inform you of:
 - the reasons your child has been identified as Limited English Proficient and in need of English as a Second Language;
 - your child's progress in the language program;
 - your child's academic skill levels;
 - when your child might complete the program and enter a general education program;
 - what your child must do to complete the language program; and
 - more general information about the language program and how it will meet your child's needs.
- You must receive this notice 30 days after the beginning of the school year. The notice must be written in an understandable format and in a language you can understand, if feasible.
- If your child has been in the United States for 3 or more years, your child must be tested in English every year, unless the school decides the tests will be inaccurate.

How will I know when my child no longer needs the ESL/ESOL program?

- **Your child should remain in the ESL/ESOL program until s/he no longer needs extra help.** There must be evidence that your child can read, write, speak, and understand English well enough to compete with his or her English-speaking peers.
- There should be no limit on the number of years your child may stay in the ESL program. Your child cannot "age out" unless s/he turns 20 before the start of the school year, or in some school divisions, 22.
- Your school may not rely solely on a single test for removing your child from an ESL/ESOL program. It is important that your school consider your opinion, along with that of your child and your child's teacher.
- Remember, you are allowed to take your child out of his or her language program at any time.
- **BUT, make sure your child can *read, write, speak, and understand* English before removing your child from the program.** Don't just rely on your child's speaking skills. Your child's social speaking skills may be farther advanced than the other English skills s/he will need to be successful in a classroom with native English speakers.

Will my child's teacher be trained in ESL/ESOL?

- Yes, your child's teacher should have an "endorsement" in ESL/ESOL from the Virginia Department of Education. To receive an endorsement in ESL, a teacher must have graduated from an approved teacher preparation program in ESL, majored in ESL in college, or taken 24 semester hours of related coursework.
- To see if your child's teacher has an ESL endorsement, go to <https://p1pe.doe.virginia.gov/tinfo/>.
- If your child's teacher does not have an ESL endorsement, your child's school must require the teacher to be working toward an ESL endorsement and give the teacher special training in the meantime.
- Note: If your child's school has a bilingual aide, the aide must be working under the supervision of a qualified classroom teacher. Your child must be taught by a qualified teacher, not by an aide.

How do I communicate with my child's school if I do not speak English?

- You can call the school, or ask a friend to call, to request an interpreter for parent-teacher conferences. You can also ask for a spoken or written translation of written notices sent home with your child.
- The school is required to provide an interpreter for important school meetings, such as IEP meetings for special education and for disciplinary hearings.
- Try to let the school know you need an interpreter well in advance of the meeting. It may take the school a few days to find and secure an interpreter.

What if my child needs extra help in school?

- Special education serves children with mental, physical or emotional disabilities.
- Parents of students receiving special education services must be notified of their rights under The Individuals with Disabilities Education Act (IDEA) and Virginia regulations. This notice must be in writing and in the native language of the parents, unless it is clearly not possible to do so.
- Special Education meetings (IEP meetings, etc.) must be conducted in the parents' primary language.
- Special education evaluations must be done in the child's native language, unless it is clearly not possible to do so.
- The school is required to give your child the language help he or she needs to receive special education services.
- The school is required by law to notify you of how an ESL program will help your child learn English and meet the goals of your child's IEP.
- Your child should not be placed in a special education program just because they have difficulty speaking English. Likewise, your child should not be denied special education services if s/he has a disability.
- If you have questions about special education services, refer to **Chapter 4** in this handbook.

What can I do if my child gets into trouble at school?

- If your child is getting into serious trouble at school, the school may try to suspend or expel your child. ***You have a right to a hearing with an interpreter.***
- Sometimes schools may mistake cultural differences for signs of disrespect or lack of motivation. If you think your child's behavior is being misinterpreted, try to explain how your culture views such behavior.
- You can learn more about school discipline in ***Chapter 3 of this handbook.***

Do I have a right to be involved in my child's education?

- YES!!!!
- The school must tell you how you can actively participate in your child's education.
- The school must hold regular meetings to tell you how to help your child learn English and succeed academically.
- Schools must inform you of your child's progress learning English and in other academic areas. They must also give you information about the language programs the school division offers and how they will help your child. If there is more than one program offered, you have the right to choose the program that is right for your child.
- Schools must give you this information, if at all possible, in a language that you can understand.
- For tips on how to help your child, see *Chapter 1 of this handbook*.

I have a dispute with my child's school about ESL services. What should I do?

- The school division should have an *ESL Specialist* or liaison. **Talk to this person first.** Your problem may have a simple solution.
- You can also contact the Virginia Department of Education's ESL Office at 804-786-1692.
- If you think the school is discriminating against your child on the basis of your child's language deficiencies or country of origin, you can file a complaint with the **Office of Civil Rights (OCR)**. You can also call just to ask for information or to prevent discrimination. ***To file a complaint with OCR or to ask them for information,*** you can contact the Virginia enforcement office at:

District of Columbia Office
Office for Civil Rights
U.S. Department of Education
1100 Pennsylvania Ave., N.W., Rm. 316
P.O. Box 14620
Washington, D.C. 20044-4620
Telephone: 202-786-0500
FAX: 202-208-7797; TDD: 877-521-2172
Email: OCR.DC@ed.gov

- Or use OCR's online complaint form, available at:
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>
- OCR encourages you to contact them by *email* or *fax* whenever possible.

Where else can I go for help?

- Remember, it is always a good idea to try talking to the school division's ESL specialist or liaison, even if your question is not about school. S/he may be aware of local resources.
- You can also try contacting the following organizations and agencies:

Catholic Diocese of Richmond Refugee and Immigration Services (RIS)

1512 Willow Lawn Drive
1st Floor
Richmond, VA 23230
(804) 355-4559

Hispanic Committee of Virginia

Falls Church/Bailey's Crossroads Office:
5827 Columbia Pike, Suite 200
Falls Church, VA 22041
Tel: 703-671-5666; Fax: 703-671-2325

Arlington Courthouse Metro Office:
2049 North 15th Street, Suite 100
Arlington, VA 22201
Tel: 703-243-3033; Fax: 703-243-2297

Alexandria Office:
Inova Alexandria Professional Center
4660 Kenmore Avenue, Suite 210
Alexandria, VA 22304
Tel: 703-370-3150; Fax: 703-778 8043

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Chapter 8: School Rights for Homeless Children and Youth in Transition

The McKinney-Vento Act: Education for Homeless Children and Youth:

All children and youth have the right to a free public education. The McKinney-Vento Act protects the rights of children and youth who lack a fixed, regular, and adequate nighttime residence, whether the child is awaiting foster care placement, living in a shelter, or in other transition (as described in this chapter).

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- What protection is offered to these children?.....137
- What do I do to get these protections for my child?.....138
- If I have a choice, is it better to keep my child in his original school, or send him to a new school closer to where we are staying?..... 139
- What if I don't have the papers that the school requires to enroll my child?.....140
- What do I do if the school refuses to help me or if I need more information?.....141

What children are protected?

- Children and youth who are homeless, including those living in emergency or transitional shelters, motels, hotels, domestic violence shelters, camping grounds, inadequate trailer parks, cars, public spaces, abandoned buildings, bus/train stations, or other public spaces *not intended as regular housing* due to lack of alternative adequate accommodations.
- Children and youth who are awaiting foster care placement.
- Children and youth who are staying with friends or family due to homelessness.
- This protection also applies to children of migrant workers (including those who are here illegally) who are living in any of the situations described above.
- There is no time limit; protection is available as long as the child is in a living situation described above.

What protection is offered to these children?

- **You can choose for your child to remain in his/her original school if it is in the child's best interest and near to the living situation, or the child can go to a school near where the child is staying.**
- **You can get free transportation to your child's original school,** even if your child lives in a different school district. State plans must ensure that transportation is provided at the parents' (or school liaison's) request, if it is in the student's best interest.
- **If you want the child to attend a nearby school, you can get your child in school more quickly.** The school district must enroll your child immediately, whether or not you can furnish the necessary paperwork.
- Access must be provided to both **elementary and secondary programs.**
- **Your child may also qualify for extra assistance,** such as free meals, special education and related services, services for language minority students (ESL), and/or Title 1 assistance for disadvantaged students.
- The Act also **protects your child from harassment and isolation** by prohibiting segregation of children in transition from mainstream classes, except in very limited circumstances as necessary for **short** periods of time. In no case may any services provided under the Act replace a school's regular academic program.
- A child who moves to a permanent home during a school year has the right to remain at his or her current school for the remainder of the academic year.

What do I do to get these protections for my child?

- Your child's original school or the new school where you want to send him/her should help you with these services.
- Call the school district office and ask for the liaison (contact) for homeless children and youth, the liaison for children in transition, or the McKinney-Vento liaison (whose job it is to make sure that your child has access to all appropriate services). Every school district must have a liaison to assist you.

If I have a choice, is it better to keep my child in his original school, or send him to a new school closer to where we are staying?

- It depends upon your child, your situation and the services and programs offered at the schools.
- Relocations during the school year can disrupt your child's education. Many children require several months to adjust to a new setting.
- But if your child's original school is far away, or the nearby school offers a better program for your child, it may be better to move him/her.

What if I don't have the papers that the school requires to enroll my child?

- If you are homeless or in transition, you are not required to provide the records that are normally required for enrollment at a local school, including proof of residency requirements, records requirements (including school records, birth certificates, and immunization or other medical records), and guardianship requirements.
- The enrolling school must obtain your child's records from his/her previous school.
- The McKinney-Vento contact must assist in obtaining immunizations and/or medical records that are needed by the school. During the time that these records and/or immunizations are being obtained, the school must allow your child to attend school.

What do I do if the school refuses to help me or if I need more information?

- If you encounter resistance from the school, call the JustChildren office in your area.
- For more information about these services, call Project HOPE at (757) 221-4002 or 1-877-455-3412 (toll-free) or visit their website: www.wm.edu/HOPE/
- Visit the National Law Center for Homelessness & Poverty website: www.nlchp.org or call (202) 638-2535 or Fax (202) 628-2737.
- Visit the Parents' page at the Virginia Department of Education website, www.pen.k12.va.us/VDOE/Parents/index.html or call 1-800-292-3820.
- If you don't have access to the Internet, call the JustChildren office in your area for written materials.

JustChildren gratefully acknowledges Project HOPE – Virginia, the National Law Center for homelessness & Poverty and Patricia Julianelle, J.D., [The New McKinney-Vento Act: Promoting Student Achievement Through Educational Stability](#), Children's Legal Rights Journal, Vol. 22, No. 1, Spring 2002, for their assistance.

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Chapter 9: School Rights for Foster Children

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What is Virginia Senate Bill 1006?

Senate Bill 1006 went into effect on July 1, 2005. It recognizes how important educational stability and continuity are to the success of foster children in school. Foster care placements are typically unstable. When a foster child is moved to a placement in a new school division, if it is in the child's best interests, SB 1006 allows the child to remain in his current school even though he no longer lives in that school division. If remaining in the current school is not in the child's best interest or is impossible, SB 1006 requires the new school to immediately enroll the foster child even if the paperwork that is usually required for school enrollment is unavailable.

Senate Bill 1006 applies to any child who is the subject of a foster care placement through an entrustment or commitment to the local social services board or licensed child-placing agency. It does not apply to children subject to entrustment agreements in which legal custody remains with the parents or guardians.

Important Terms From Senate Bill 1006

A child or student placed in foster care: A student who has been placed in foster care through an entrustment or commitment to the local social services board or licensed child-placing agency.

Receiving School Division: The school division in which the student's foster home or placement is physically located. In other words, the school division the child could attend.

Sending School Division: The school division where the student last attended school.

Scholastic Record: Records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to:

- Documents pertinent to the educational growth and development of students as they progress through school
- Student disciplinary records
- Achievement and test data
- Cumulative health records
- Reports of assessments for eligibility for special education services
- Individualized Education Programs.

Current School vs. New School? How to Decide.

The most important decision that must be made is what is in the best interest of the foster child.

- Is remaining at their current school in the child's best interest?
- OR**
- Is going to a new school in the child's best interest?

Note- This decision should be made as soon as possible! School placement should be decided on as a part of any decision concerning the foster child's placement. Any delay in addressing the school placement issue will defeat the intended purpose of SB 1006.

Who decides what is in the best interest of the foster child?

- Sending school division
- Receiving school division
- Social service agency that placed the child

Who else should be involved in determining what is in the best interest of the foster child?

- Foster child
- Foster child's parents or caretakers
- Teachers
- Foster care workers and other involved social services personnel
- Parent who retains educational rights
- School social workers
- School counselors

Current School vs. New School. How to Decide. (Continued)

How is the best interest of the foster child determined?

- By asking these questions:
 - What time of year is it (near the end of the school year, the summer)? Is the child a senior?
 - How long has the child been going to the current school? Did the child create meaningful social and educational relationships there?
 - Are there specific people in the school the child currently attends who have been providing support or assistance to the family or child? Has the child been participating in special programs such as gifted, bilingual, or special education at the school she currently attends? If so, are those types of programs available at the school where the child lives?
 - What does the child want to do? Where does she want to go to school?
 - What does the parent or caregiver think is in the child's best interest?
 - What is the child's school attendance history?
 - Think of things like the dates of the child's school attendance, what schools the child has attended, and the child's living arrangements during those times.
 - Are the school the child currently attends and the school where the child lives in the same or different public school divisions?

Current School vs. New School? How to Decide. (Continued)

- How far is the child's current residence from the school that she currently attends? How long does it take to get from the residence to the school?
- If there is no transportation available back to the school that the child currently attends, can it be arranged? How?
- How long is it likely that the family will remain at the current residence?
- How likely is it that the child will ever reestablish residency in the district of the current school?

After deciding what is in the foster child's best interest, there may be some barriers to getting the child in the school that has been chosen. The most likely barrier to remaining in the current school will often be providing transportation across school division lines. When it has been decided that it is in the child's best interest to remain in his current school, all possible means of transporting the child must be explored. Foster parents should work with their foster child's current school and the school in their division to figure out a transportation arrangement. Examples of things that have worked in similar cases are: bus tickets for city transit systems, walking to the closest school bus stop for the former school division, and carpooling.

What is Needed to Enroll a Foster Child in School?

Within 72 hours (3 days) of placing a child of school age in foster care, the Department of Social Services must notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division of the foster care placement and the status of parental rights in the situation.

Even if the placing social services agency is unable to produce any of the paperwork required by the law for enrollment, such as a birth certificate, preschool physical examination record, or proof of immunization, the student **shall be immediately enrolled**.

The person enrolling the student is required to provide a written statement that, to the best of his or her knowledge, states:

- The student's age
- Whether the student has been expelled from a public or private school because of an offense relating to weapons, alcohol or drugs, or willful injury to another person
- That the student is in good health and free from communicable disease

If the paperwork required for enrollment was not available when the student was enrolled, then the placing social service agency is required to obtain that paperwork and give it to the school or otherwise ensure compliance with the documentation requirements **within 30 days**.

What do the Schools Have to do?

Once the schools find out about a foster care placement of a student across jurisdictional lines, the law requires that the sending school division (the school division where the student last attended school) and the receiving school division (the school division in which the foster home is located) expedite the transfer of the student's educational records.

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Chapter 10: The No Child Left Behind Act

The No Child Left Behind Act of 2001 gives families information and options for children who attend low-performing schools that receive Title 1 funding. Two key parts of this law: School Choice and Supplemental Services are detailed below. For information about other parts of the No Child Left Behind Act, see the resource list.

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- What do I need to know about School Choice and Supplemental Educational Services for children who attend low-performing schools that receive Title 1 funding?..... 154

- How do I know whether my child’s school “needs improvement”?..... 155

- If I want to transfer my child, what do I do?..... 156

- What can I do if I'm not getting information about School Choice or Supplemental Educational Services and my child is eligible?..... 157

- Where do I go to get more information about No Child Left Behind?..... 158

How does the No Child Left Behind Act work in Virginia?

- No Child Left Behind requires schools to make real progress in teaching grade-level material to students.
- In Virginia, school progress is primarily measured by students' scores on Standards of Learning tests.
- The No Child Left Behind Act currently requires public schools to bring all students' achievement in reading, math, and science to the proficient level by 2014.
- The achievement of students from low-income families, students with disabilities, English language learners, and members of racial minority groups is closely monitored.
- No Child Left Behind provides choices to parents whose children attend Title I schools that do not make the required progress in raising student achievement (Adequate Yearly Progress).

What do I need to know about School Choice and Supplemental Educational Services for children who attend low-performing schools that receive Title 1 funding?

- If your child attends a school that receives Title 1 funds, and fails to meet its Adequate Yearly Progress goals for 2 years in a row you have **school choice rights**. Your child may transfer to a higher-performing school **in your district**. If no higher-performing schools are available in your school district, school districts are encouraged to make cooperative agreements with neighboring districts in order to provide transfers to better schools for all eligible students, but out-of-district choice is not usually available.

The school district generally must provide transportation to the “receiving” (new) school until the sending school meets its Adequate Yearly Progress goal for 2 years in a row. Your child may stay at the receiving school until s/he has successfully finished the highest grade in that school.

- When a Title 1 school fails to meet its Adequate Yearly Progress goals for 3 consecutive years, the school district must offer **Supplemental Educational Services** to children from low-income families who stay in that school. Supplemental Educational Services include tutoring and remediation, provided outside of regular school hours. These services include after-school programs and summer school, and must not be run by the school system.
- If you ask, the school must help you select a provider from a state-approved list. The parent however, makes the choice. Providers must have a track record of success.

How do I know whether my child's school "needs improvement"?

- Schools must tell families if their children are eligible for School Choice or Supplemental Educational Services.
- The list of schools and their accreditation ratings is available at <http://www.pen.k12.va.us/src/vasrc-title1.pdf> or www.schoolresult.org.
- If the link above doesn't display the list, visit the Virginia Department of Education website, www.pen.k12.va.us. Click on "**School Report Cards**," then click on "No Child Left Behind," then click on "Title 1 Schools Identified for Improvement Under NCLB".
- If you don't have access to the Internet, call your child's school and ask: "Is this a Title 1 school, and if so, is this school identified as in School Improvement under No Child Left Behind?" Or ask for the school's report card.

If I want to transfer my child, what do I do?

- Choose a school from among those offered by your school district.
- To find out more about the options, talk with other families. Review the information at the websites on the previous page to learn about schools' performance under No Child Left Behind (especially for Title 1 schools) and under Virginia's accreditation standards.
- If all schools in your district are identified as "in School Improvement" then find out if your school district has options to offer from other school districts nearby.
- Put your transfer request *in writing* to your child's current school principal, and keep a copy for your records.

What can I do if I'm not getting information about School Choice or Supplemental Educational Services and my child is eligible?

- Contact the Virginia Department of Education, PO Box 2120, Richmond, VA 23218.
- **What is SRR?**
- If you do not get results, contact the Secretary's Regional Representative for Virginia, Robert Baker, SRR, robert.baker@ed.gov, or Jay Moyer, DSRR, jay.moyer@ed.gov, The Wanamaker Building, 100 Penn Square East-Suite 505, Philadelphia, PA 19107, Telephone: 215-656-6010, Fax: 215-656-6020.
 - If you have questions about this process, call the JustChildren office in your area.

Where do I go to get more information about No Child Left Behind?

- U.S. Department of Education website www.nochildleftbehind.gov.
- U.S. Department of Education Guidance on School Choice
<http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf>
- U.S. Department of Education Guidance on Supplemental Educational Services <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc>
- U. S. Department of Education Supplemental Educational Services Brochure
<http://www.ed.gov/parents/academic/involve/suppservices/services.pdf> or
www.ed.gov/parents/schools/choice/definition.html
- Virginia Department of Education's website
www.pen.k12.va.us/VDOE/nclb.
- Wrightslaw *No Child Left Behind* page
www.wrightslaw.com/info/nclb.index.htm.
- If you don't have access to the Internet, call the JustChildren office in your area for written materials.

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Chapter 11: Knowledge Is Power: A Guide to Researching Your Child's School Online

Where can I find my school's Annual School Report (ASR) Card?

Start:

1. VDOE Home: <http://www.pen.k12.va.us/>
2. Scroll down and click on "Virginia School Report Card"
3. Click on the first link on the left, "Report Cards for Schools, School Divisions, and the State"
4. Select a school, division, or click on the state report card.
5. Click on "View PDF." (The PDF version is much easier to read and to print. The Excel version is harder to read, but it does allow you to work more with the data.)

What information can I find in the ASR?

- Contact information for the principal and division superintendent
- My school's AYP and accreditation rating
- Percentages of students passing SOL tests. Pass rates are published separately for all students, black students, hispanic students, white students, students with disabilities and students identified as disadvantaged
- Graduation and attendance rates (see "other academic indicators")
- Advanced program information (% of students taking AP classes, etc.)
- Diplomas awarded, by type (Standard Diploma, Advanced Diploma, Modified Standard Diploma, and Special Diploma)
- Teacher qualifications

How do I know if my child attends a Title I school? How do I know if my child's Title I school offers supplemental education services (SES) or public school choice?

Start:

1. VDOE Home: <http://www.pen.k12.va.us/>
2. Scroll down and click on "Virginia School Report Card"
3. Click on "AYP Ratings and Improvement Status of Title I Schools"
4. Scroll down and download "All Title I Schools"

5. Search for "Richmond City" by holding down "Ctrl" and "f" at the same time.

What information can I find in the Title I chart?

- A list of Title I schools
- English improvement status and sanction (SES, school choice, corrective action, restructuring)
- Math improvement status and sanction (SES, school choice, corrective action, restructuring)

Where can I find general information about my school division?

Start:

1. VDOE Home: <http://www.pen.k12.va.us/>
2. Click on "Data & Reports" in the blue directory at the top of the page.
3. Click on "Superintendent's Annual Report" located in the left column.
4. Scroll down again and click on "Superintendent's Annual Report" again.
5. Pick a school-year.
6. Click on any table.

What information can I find in the Superintendent's Annual Report?

- Pupil to Teacher Ratios
- Promotion rates
- Graduation rates
- Funding information (see Table 15)

How can I compare my child's school to other schools in Virginia?

Start:

1. SchoolMatters home: <http://www.schoolmatters.com/>
2. Enter your child's school or school division information in the blue space.
3. Click on the link with the name of the school or district you want the information of.
4. View information on student performance, spending levels, community demographics, NCLB information, etc.
5. Click on "Compare" just under the blue bar (file folders icon)

6. Select the school districts you want to compare (only up to 5) by “checking” (clicking in) the box next to the name OR use the left-hand side to narrow your search by choosing a filter (e.g., enrollment and percentage of economically disadvantaged students).
7. Once all the school districts you want to compare are checked, click on “Compare up to 5.”

What information can I find on the SchoolMatters website?

- Performance, spending, and demographic information for any school, district, or state in the country
- Comparisons among schools and school divisions within the same state
- Information about schools and school divisions that are performing better than your child’s school
- And much more!

How do I find my school division’s website?

Start:

1. VDOE Home: <http://www.pen.k12.va.us/>
2. Use the drop-down menu under “Most Requested Information” and select “School Divisions.”
3. Click on your school division.

How do I find out if my school is spending money efficiently?

The state may have performed an efficiency review on your school division. Check here to find out:

<http://www.pen.k12.va.us/VDOE/efficiencyreview.html>

How do I check the qualifications of my child’s teacher?

Start:

1. VDOE Home: <http://www.pen.k12.va.us/>
2. Click on the “For Teachers” tab in the large blue box at the top of the screen.
3. Scroll down and click on “[Teaching and Educator License Query](#)”
4. Type in either the first, last, or both names of the teacher whose qualifications you would like to search and then click ‘search.’
5. Click on the name delivered by the search engine. (some names might return several names, so you may have to choose from a list).

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APPENDIX 1: GLOSSARY

AFDC – Aid for Families with Dependent Children

CMSIP – Children’s Medical Security Insurance Program – Program that provides for coverage of children’s medical expenses if your income and resources fall below a certain level and above FAMIS Plus (formerly Medicaid) levels.

CPMT – The Community Policy and Management Team – A team that is in charge of making the community services process work.

CSA – The Comprehensive Services Act – The CSA is a Virginia law designed to help troubled children and families.

DSS – Department of Social Services – The local government office that oversees most benefits programs.

EPSDT – Early and Periodic Screening, Diagnosis and Treatment – FAMIS Plus (formerly Medicaid) program for regular health check-ups, immunizations, and treatment for children up to age 21 who have disabilities.

FAPE – Free Appropriate Public Education – This means that local school systems are responsible for providing services that give appropriate educational benefits to children with disabilities.

FAPT – Family Assessment and Planning Team – The FAPT is made up of representatives from various social service agencies that work to assess the needs of the children that are referred by gathering and reviewing records and holding a meeting.

IAES – Interim Alternative Educational Setting – A school for students accused of an offense involving drugs or weapons, or if the school determines that your child is a danger for self or others.

IDEA – Individuals with Disabilities Education Act – A federal law that protects the right of children with disabilities to receive a free appropriate public education (called a FAPE).

IEE – Independent Educational Evaluation – A re-evaluation of your child by someone outside the school system, paid for by the school under certain situations.

IEP – Individualized Education Program – A document which explains the special educational services and accommodations that a child with a disability should receive. This is the school’s written commitment of the services they will provide your child.

Appendix 2

Charlottesville Area Resources

School Resources

City of Charlottesville

Central Office (434) 245-2400
Fax Number (434) 245-2603
Special Education: (434) 245-2405
www.ccs.k12.va.us

Greene County

Central Office (804) 985-5254
Fax Number (804) 985-4686
Special Education: (804) 985-5254
www.greencountyschools.com

Albemarle County

Central Office (434) 972-4055
Fax Number (434) 296-5869
Special Education: (434) 296-5885
www.k12albemarle.org

Louisa County

Central Office: (540) 894-5115
Fax Number: (540) 894-0252
Special Education: (540) 894-5115
www.lcps.k12.va.us

Fluvanna County

Central Office: (804) 589-8208
Fax Number: (804) 589-2248
Special Education: (804) 589-8208
www.fluco.org

Nelson County

Central Office: (804) 263-7100
Fax Number: (804) 263-7115
Special Education: (804) 263-7100
www.nelson.k12.va.us

Special Education Resources:

Piedmont Regional Education Program (PREP) services include the Parent Resource Center (information related to needed services, referrals, a library and workshops). Telephone (434) 975-9400

Appendix 2
Charlottesville Area Resources, continued

Juvenile Probation Offices:
Charlottesville/Albemarle: (434) 979-7191
Greene County: (434) 985-5267
Nelson County: (434) 263-7035
Louisa County: (540) 967-2307
Fluvanna County: (434) 591-1990

Appendix 3

Petersburg Area Resources

Legal Aid Offices

Legal Aid Justice Center
41 Bollingbrook Street
Petersburg, VA 23803
(804) 862-2205
(804) 862-2297 FAX
www.justice4all.org

The Legal Aid Justice Center offers civil legal services to low-income families throughout Central Virginia and to low-wage immigrant workers statewide through legal representation, community education and statewide advocacy.

Central Virginia Legal Aid Society
2006 Wakefield Avenue
Petersburg, VA 23085
(804) 862-1100
(804) 862-3411 FAX
(800) 868-1012
www.cvlas.org

Appendix 3
Petersburg Area Resources, continued

Department of Social Services

Charles City Dept. of Social Services	(804) 829-9207
Colonial Heights Dept. of Social Services	(804) 748-1100
Dinwiddie Dept. of Social Services	(804) 469-4524
Hopewell Dept. of Social Services	(804) 541-2330
Petersburg Dept. of Social Services	(804) 861-4720
Prince George Dept. of Social Services	(804) 733-2650
Surry Dept. of Social Services	(757) 294-5240

Health Departments

Charles City Health Department	(804) 829-2490
Colonial Heights Health Department	(804) 520-9380
Dinwiddie Health Department	(804) 469-3771
Hopewell Health Department	(804) 458-1297
Petersburg Health Department	(804) 863-1652
Prince George Health Department	(804) 733-2630
Surry Health Department	(757) 294-3185

Social Security Offices

100 Poplar Drive
Petersburg, VA 23805
(804) 862-6080

Charles City Only:
5360 S. Laburnum Avenue
Richmond, VA 23231
(804) 226-3708

Appendix 3

Petersburg Area Resources, continued

Inspections

Charles City Inspections	(804) 829-9246
Colonial Heights Inspections	(804) 520-9297
Dinwiddie Inspections	(804) 469-4504
Hopewell Inspections	(804) 541-2226
	Code Enforcement
	(804) 541-2227
	Building Inspectors
Petersburg Inspections	(804) 733-2409
Prince George Inspections	(804) 733-2636
Surry Inspections	(757) 294-5224

Early Intervention Services

Infant Intervention 20 W. Bank Street, Suite 3 Petersburg, VA 23803 (804) 862-8049	Crater Child Development 2002 Wakefield Street Petersburg, VA 23803 (804) 862-6186
The Arc of Petersburg	(804) 732-0685

Appendix 3
Petersburg Area Resources, continued

District 19 Mental Health Services

District 19 Community Service Board	(804) 862-8054
Clinical Services	(804) 862-8001
Children, Youth & Family Service	(804) 862-8002
Community Services	(804) 863-1689
Evaluation, Emergency & Intensive Care Services	(804) 862-8003

Juvenile Probation Offices

Colonial Heights	(804) 520-9355
Hopewell	(804) 541-2265
Petersburg	(804) 733-2420
Charles City	(804) 966-9622
Dinwiddie	(804) 469-4539
Prince George	(804) 733-2786
Surry	(804) 733-2786

Appendix 3 Petersburg Area Resources, continued

School Resources

City of Petersburg

Central Office (804) 862-7036
Fax Number (804) 732-0514
Special Education: (804) 861-4563
www.ppsk12.com

City of Colonial Heights

Central Office (804) 524-3400
Fax Number (804) 526-4524
Special Education: (804) 524-3445
www.colonialhts.net

Charles City County

Central Office: (804) 829-9219
Fax Number: (804) 829-6723
Special Education: (804) 829-9219
www.ccps.net

Surry County

Central Office: (757) 294-5229
Fax Number: (757) 294-5263
Special Education: (757) 267-2211
www.surryschools.net

City of Hopewell

Central Office (804) 541-6400
Fax Number (804) 541-6401
Special Education: (804) 541-6400
www.hopewell.k12.va.us

Dinwiddie County

Central Office: (804) 469-4190
Fax Number: (804) 469-4197
Special Education: (804) 4190
www.dinwiddie.k12.va.us

Prince George County

Central Office: (804) 733-2700
Fax Number: (804) 861-1288
Special Education: (804) 733-2700
www.pgs.k12.va.us

Appendix 3
Petersburg Area Resources, continued

Housing Opportunities Made Equal (HOME)

1845 Fort Mahone Street
Petersburg, VA 23804
(804) 861-0294

HOME seeks to ensure equal access to housing for all persons through counseling, education and advocacy.

Appendix 4

Richmond Area Resources

You can apply for TANF or Food Stamps at the Department of Social Services (DSS) in the city or county where you live:

Richmond Dept. of Social Services	(804) 646-7212
Chesterfield County Dept. of Social Services	(804) 748-1100
Goochland County Dept. of Social Services	(804) 556-5880
Hanover County Dept. of Social Services	(804) 752-4100
Henrico County Dept. of Social Services	(804) 501-4001
Powhatan County Dept. of Social Services	(804) 598-5630

To get information on where to apply for WIC call:

Richmond City:	(804) 646-6847
Chesterfield County:	(804) 751-4360
Hanover County:	(804) 365-4316
Henrico County:	(804) 501-4652
Goochland County:	(804) 556-5843
Powhatan County:	(804) 751-4360

You apply for Medicaid and FAMIS at the Department of Social Services in the city or county where you live:

Richmond City Dept. of Social Services	(804) 646-7212
Chesterfield County Dept. of Social Services	(804) 748-1100
Goochland County Dept. of Social Services	(804) 556-5880
Hanover County Dept. of Social Services	(804) 752-4100
Henrico County Dept. of Social Services	(804) 501-4001
Powhatan County Dept. of Social Services	(804) 598-5630

Appendix 4
Richmond Area Resources, continued

Local Richmond Social Security Offices:

5360 S. Laburnum Avenue
Richmond, VA
(804) 226-3708

718 E. Franklin Street
Richmond, VA
(804) 771-8125

8003 Franklin Farms Drive
Richmond, VA
(804) 673-7555

HOUSING INSPECTORS

Richmond	(804) 646-6419
Henrico County	(804) 501-4360
Chesterfield County	(804) 748-1057
Powhatan County	(804) 598-5622
Goochland County	(804) 556-5305
Hanover County	(804) 365-6040

Appendix 4
Richmond Area Resources, continued

Richmond Area Juvenile Detention Center addresses and phone numbers:

Richmond Juvenile
Detention Center
1700 N. 17th Street
Richmond, VA 23219
(804) 646-2937

Henrico County Juvenile
Detention Center
4201 E. Parham Road
Richmond, VA 23227
(804) 501-4946

Chesterfield County Juvenile
Detention Center
9600 Krause Road
Chesterfield, VA 23832
(804) 748-1460

Hanover Juvenile
Corrections Center
P.O. Box 507
7093 Broadneck Road
Hanover, VA 23069
(804) 537-5316

James River Detention Center
P.O. Box 880
Goochland, VA 23063
(804) 556-8123

Appendix 4

Richmond Area Resources, continued

Local Infant and Toddler Connections of the Richmond Area:

Infant and Toddler Connection of Richmond
700 E. Franklin Street, 10th Floor
P.O Box 843020
Richmond, VA 23284-3020
(804) 828-2742
(804) 828-0042 FAX

Infant and Toddler Connection of Chesterfield
6801 Lucy Corr Blvd.
Chesterfield, VA 23832
(804) 768-7205
(804) 768-9283 FAX

Infant and Toddler Connection of Hanover
201 Archie Cannon Drive
Ashland, VA 23005-1399
(804) 365-4649
(804) 365-4595 FAX

Infant and Toddler Connection of Goochland – Powhatan
3910 Old Buckingham Road
Powhatan, VA 23139
(804) 598-2200
(804) 598-3114 FAX

Appendix 4

Richmond Area Resources, continued

Counseling services in Richmond and the surrounding areas:

VCU Behavioral Intervention Program	(804) 502-4532
Family Institute of Virginia, Inc.	(804) 355-6876
Goochland – Powhatan Community Services Board	(804) 556-5400 (G)
	(804) 598-2200 (P)
Memorial Child Guidance Clinic	(804) 644-9560
Pediatric/Adolescent Clinic, Medical College of Virginia Hospital	(804) 828 –5777

SCHOOL CONTACT INFORMATION

City of Richmond

Central Office (804) 780-7710
Fax Number (804) 780-4122
Special Education: (804) 780-7911
www.richmond.k12.va.us

Chesterfield County

Central Office (804) 748-1405
Special Education: (804) 560-2732
<http://chesterfield.k12.va.us>

Goochland County

Central Office: (804) 556-5316
Fax Number: (804) 556-3847
Special Education: (804) 556-5625
www.glnd.k12.va.us

Hanover County

Central Office (804) 365-4500
Fax Number (804) 365-4680
Special Education: (804)
365-4535
<http://hcps2.hanover.k12.va.us>

Henrico County

Central Office: (804) 652-3600
Special Education: (804)
652-3801
www.henrico.k12.va.us

Powhatan

Central Office: (804) 598-5700
Fax Number: (804) 598-5705
Special Education: (804)
598-5700
www.powhatan.k12.va.us

Appendix 4 Richmond Area Resources, continued

Juvenile Probation Offices:

Richmond City:	(804) 646-8820
Chesterfield County:	(804) 748-1372
Goochland County:	(804) 556-5346
Hanover County:	(804) 365-6201
Henrico County:	(804) 501-4692
Powhatan County:	(804) 598-5666

Appendix 5

Special Education Resources for Virginia Families

MOST COMMON INFO. SOURCES:

Legal Advocacy Center: The Legal Advocacy Center provides trainings for lawyers and families. LAC can make referrals to attorneys that they've trained in your area. Call (804) 967-2556 for more information or visit their website at www.virginialac.org

Commonwealth Autism Service <http://www.autismva.org/> 1-800-649-8481. Formerly The Autism Program (TAP) of Virginia, CAS is a statewide program that provides services to families, consumers, agencies/ organizations, and professionals through the following: Information and Referral; Technical Assistance in the form of consultation, as well as training, workshops and in-services (training for school personnel); networking; follow-along; collaboration and leadership. The site includes a list of resources in Virginia related to autism, including schools, support groups, state agencies, etc.: http://www.autismva.org/Virginia_Resource_Listings.htm.

Legal Services: Many offices now have staff specifically working on child advocacy issues, such as special education. Lawyers and paralegals can offer advice, information and sometimes provide representation at IEP meetings or to resolve disputes. Legal Services offices generally serve people who are low-income. JustChildren is a program of the Legal Aid Justice Center, and provides assistance state-wide in areas of policy improvement and capacity-building for community groups and Legal Services offices. Contact the Virginia Poverty Law Center at 1-800-868-8752 to find out the office near you, or call JustChildren at 1-800-578-8111. JustChildren also produces this handbook called "*Helping You Help Your Child, A Focus on Education*" (\$15 suggested donation, free for low-income people). It includes chapters about special education, school discipline, rights of homeless and immigrant youth. A Spanish version will be completed in 2007.

Appendix 5

Special Education Advocacy Resources for Virginia Families, continued

Parent Educational Advocacy Training Center (PEATC) and Parent Resource Centers: PEATC is Virginia's parent training and information center with primary funding from the US Department of Education. They offer easy-to-understand, research-based disability information, education, advocacy, training and support for families of children with disabilities and service providers. They also assist local Parent Resource Centers. Some school districts don't offer Parent Resource Centers, but could if they provided resources. Parent Resource Centers provide information, assistance, referrals and workshops for parents and educators. PEATC also publishes an informative newsletter, "*The PEATC Press*." Call PEATC at 1-800-869-6782 or (703) 923-0010 to subscribe, and to find out about their workshops. PEATC's Richmond office can be reached at 1-800-475-7918 or (804) 819-1999. En Español, llamar al 1-800-869-6782. PEATC can also help find the Parent Resource Center near you.

Special Education Advisory Committees (SEACs): Every local school system must have a Special Education Advisory Committee. Parents and people with disabilities are voting members of SEACs and school personnel serve as consultants. The mission of SEACs includes identifying gaps in the school system's provision of Special Education services, recommending changes in services, and reviewing the school district's Annual Plan for Special Education. In 2004-2006, there will be a new state-wide initiative funded by the Virginia Board for People with Disabilities to provide technical assistance to SEACs; to find out contact information, call 1-804-786-0016 or 1-800-846-4464. See www.vcu.edu/partnership/seac for more information about SEACs. There is also a Virginia State SEAC (SSEAC). Public comment is a regular part of the SSEAC's quarterly meetings, and parents are encouraged to offer comments on what is working well and what needs to improve in their school system's special education services. The State Department of Education website for the State SEAC is <http://www.pen.k12.va.us/VDOE/Instruction/Sped/sseac.html>.

Appendix 5

Special Education Resources for Virginia Families, continued

T-TACs: There are several Training and Technical Assistance Centers (T-TACs) in Virginia. They have extensive libraries available to families and school personnel, as well as staff to provide the school system (not the family) with training, and consultation on inclusion, adapting the curriculum, assistive technology, working with paraprofessionals, etc. T-TAC services are FREE to schools and families, but only school personnel can request consultation visits. T-TACs also offer newsletters and workshops, which are available for families and providers.

If you don't know which Superintendents' Region you are in, call the regional office that is closest to you and ask if you live in their area. Contact:

- a. Central Virginia (Regions 1 and 8): Virginia Commonwealth University, 1-800-426-1595
- b. Eastern Region (Regions 2 and 3): Old Dominion University, 1-888-249-5529 and the College of William and Mary 1-800-323-4489
- c. Valley and Northern Region (Regions 4 and 5): George Mason University (Northern Va.), 1-800-333-7658 and James Madison University (Harrisonburg), 1-888-205-4824
- d. Southwest Region (Regions 6 and 7): Virginia Tech. and Radford University, 1-800-848-2714

Virginia Department of Education is the state agency that oversees Special Education. Tel. (804) 225-2932 or tel. 1-800-422-2083. The Virginia Department of Education (VDOE) is the agency that monitors problems with special education, including complaints from families/providers, Due Process filings, and a mediation program. The VDOE Ombudsman and provides information for families. VDOE publishes several items helpful to families, including: "A Parent's Guide to Special Education" (ask for a copy with IDEA 2004 updates), a manual for Special Education Advisory Committees, and Technical Assistance documents including Extended School Year Services and Discipline (including Behavioral Intervention Plans). The Department of Education's website: <http://www.pen.k12.va.us> has extensive information about special education, transition, etc.

Appendix 5

Special Education Resources for Virginia Families, continued

Wrightslaw: Pete and Pam Wright publish a free online newsletter, *The Special Ed Advocate*, which is about special education legal and advocacy issues, cases, tactics and strategy, and Internet resources. Subscribers receive announcements and alerts about new cases, events, and special offers on books. To subscribe, go to <http://www.wrightslaw.com/subscribe.htm>. For back issues of the newsletter, go to http://www.wrightslaw.com/main_newsletter_archives.htm. To contact Wrightslaw by mail: Pete and Pam Wright, Wrightslaw & The Special Ed Advocate, P. O. Box 1008, Deltaville, VA 23043. Pete provides legal representation and Wrightslaw also publishes books including topics such as special education, advocacy skills, and No Child Left Behind.

OTHER SOURCES OF INFO./SUPPORT:

List-serv: There are at least several list-servs for advocates and parents of children with IEPs. To subscribe to the River-VA list-serv, send an e-mail to River-Va-subscribe@yahoogroups.com. Listserv participants and observers include experienced parent advocates who are knowledgeable about details of Special Education law and parent advocacy strategies. Participants suggest that you *not* give detailed information about your school district, child's name, etc., because list-servs may be monitored by Virginia Department of Education employees.

Arc of Virginia: A state-wide advocacy organization for parents of children with disabilities or developmental delays, with local chapters in many communities. The Arc of Virginia also oversees specific programs, including the early intervention family network, and Parent-to-Parent. Call (804) 649-8481 for more information.

Care Connection for Children is a statewide network of centers of excellence for children with special health care needs (CSHCN). Services include medical services, care coordination, medical insurance benefits evaluation and coordination, management of the CSHCN Pool of Funds,

Appendix 5

Special Education Resources for Virginia Families, continued

information and referral, family-to-family support; and training and consultation with community providers on CSHCN issues. To locate the Care Connection for Children office near you, go to <http://www.vahealth.org/specialchildren/cssclinics.htm>.

Centers for Independent Living: There are 16 Centers for Independent Living in Virginia, and some of them provide education advocacy. Endependence Center in Norfolk advocates with families and students to prepare for resource and other school meetings. Staff members are available to assist with IEP meetings, help prepare correspondence, assist with writing complaints and conduct research. That Center also focuses on advocacy efforts geared to make improvements to the education system. The Medicaid Waiver system is another focus of the Endependence Center. To reach your local Center for Independent Living, check your phone book or call the Endependence Center at 757-461-8007 or 757-461-7527 TDD.

Coalition for Students with Disabilities: An advocacy organization that meets occasionally to share information and work to improve Special Education. For more information contact Maureen Hollowell at the Endependence Center, 6320 North Center Drive Suite 100, Norfolk, VA 23503-4009, or Maureenhol@aol.com. The Endependence Center and several other disability issue groups organize an annual conference, **A Call to Action**, which includes workshops about issues and how to work to improve special education.

Parent-to-Parent: There are 2 Parent-to-Parent programs in Virginia which provide parent sup-port by matching “veteran” parents with families who would like support and information. Call The Arc of Virginia at (804) 649-8481 to get information about their program, or contact Parent to Parent of Virginia (PTPofVA), which also coordinates a Family Support and Self-Determination Network, and is a service facilitator for the Medicaid Waiver. Contact (804) 222-1945.

Virginia Assistive Technology System (VATS): helps increase access to and awareness of assistive technology. Call 1-800-435-8490 for information about the office near you.

Appendix 5

Special Education Resources for Virginia Families, continued

The Virginia Federation of Families (VA FOF, formerly Parents and Children Coping Together or PACCT) is a statewide organization for families of children and adolescents with mental, emotional and behavioral disorders. VA FOF is organized and operated by parents and family members. VA FOF is the state organization of [The Federation of Families for Children's Mental Health](#), and a program of <http://www.medhomeplus.org/>. Virginia Federation of Families can be reached at 804-559-6833 or toll-free within VA at 800-477-0946, <http://www.pacct.net/>

VA INFO Center (The Virginia Integrated Network of Family Organizations) is a collaboration of five organizations led by parents of children with special needs. VA INFO Center provides information, Parent-to-Parent support and referrals for services and more information. They can be reached at 877-264-8366 or through <http://www.medhomeplus.org/> website: <http://www.medhomeplus.org/VAINFO.html>.

Virginia Office for Protection and Advocacy (VOPA): VOPA is a state agency that helps people with disabilities obtain services and treatment, and helps with disability-related problems like abuse, neglect, and discrimination. VOPA was formerly the Department for Rights of Virginians with Disabilities (DRVD). Telephone numbers are 1-800-552-3962, (804) 225-2042 (Richmond area), (540) 332-7130 (Staunton), (757) 552-1148 (Virginia Beach).

Please send additions or corrections to Emily Dreyfus, parent of a child with a disability and Community Education Coordinator for JustChildren, a program of the Legal Aid Justice Center (tel. 1-800-578-8111).
3/07

Appendix 6

Special Education Accommodations

- This is a list of accommodations by the Aurora, Colorado Public Schools (Poulson & Fognani-Smaus). Many other accommodations are effective, as well. Contact The Council for Exceptional Children to obtain more information about effective accommodations for particular disabilities.
 - Assessment
 - Read assessment orally to student
 - Adapt format of assessments
 - Open book assessments
 - Oral or taped responses
 - Reduce reading level on assessments
 - Reduce number of items
 - Instructional Strategies
 - Multisensory approaches
 - Whole word approach to teaching reading
 - Linguistic approach to teaching reading
 - Rebus instructions and/or reading
 - Language experience approach
 - Concrete materials and manipulatives
 - Hands-on experience
 - Repeat/rephrase directions
 - Braille
 - Recorded books
 - Self-checking materials
 - Programmed materials
 - High interest/low vocabulary reading
 - Study/Work Aids
 - Student to tape lecture
 - Student to type assignments
 - Access to taped library books and novels
 - Highlighted copies of study guides
 - Highlighted copies of textbooks
 - Vocabulary files for courses
 - Visual cues in textbooks/worksheets
 - Visual cues with lecture
 - Adjust length of assignments
 - Additional time for assignments
 - Adapted worksheets
 - Study guides
 - Progress charts
 - Colored acetate for contrast
 - Abacus
 - Slant board
 - Classroom Organization and Management
 - Predictable structure and routine
 - Preferential seating
 - Contingency/behavior contract
 - Level system
 - Time-out space or room
 - Prepare for transitions
 - Positive reinforcement
 - Frequent feedback
 - Consistent expectations and consequences
 - Immediate feedback
 - Access to Technology
 - Large print display
 - Calculator
 - Typewriter
 - Tape recorder
 - Braille
 - Scanner or reader
 - Computer with word processor
 - CCTV
 - Communication device
 - Word prediction software
 - Auditory trainer
 - Overhead projector

Appendix 7: Other Virginia Resources

Alliance for Virginia's Students

c/o Legal Aid Justice Center, 1000 Preston Avenue, Suite A
Charlottesville, VA 22903

(434)977-0553

<http://www.vastudents.org>

The Alliance for Virginia's Students is a coalition of organizations interested in connecting the public to school improvement efforts. The Alliance maintains a website and list-serv to inform members of upcoming legislative and policy initiatives.

Virginia Organizing Project (VOP)

703 Concord Avenue, Charlottesville, VA 22903-5208

(434) 984-4655

<http://www.virginia-organizing.org>

The Virginia Organizing Project (VOP) is a statewide grassroots organization dedicated to challenging injustice by empowering people in local communities to address issues that affect the quality of their lives. VOP has organizers based in several communities in Virginia. For information about organizing and/or to find out about the locations of VOP's organizing staff, see.

Voices for Virginia's Children

701 East Franklin Street, Suite 807, Richmond, Virginia 23219 • 804-649-0184

<http://www.vakids.org>

The mission of Voices for Virginia's Children is to build a powerful voice for children and to inspire the people of Virginia to act on their behalf. Voices focuses on child care, preschool, and other issues important to children and families. They publish Kids Count, which assesses major factors that determine children's well-being in Virginia.

Appendix 8

Juvenile Justice-related Resources for Virginia Families

VIRGINIA RESOURCES:

Campaign for Youth Justice: The Campaign for Youth Justice is a national campaign dedicated to ending the practice of trying, sentencing and incarcerating children under the age of 18 in the adult criminal justice system by empowering those moved to act for youth justice. The Campaign partners with state organizations in Virginia, Connecticut, North Carolina, Wisconsin, and Washington DC to work to reform the laws and practices in those areas. The Campaign's website features an Advocacy Resource Center, statistics and laws, research, news, and a place for youth, parents and others to tell their own stories. For more information, visit the Campaign's website, which is www.campaignforyouthjustice.org. Other contact information: Campaign for Youth Justice, 1012 14th Street, NW, Suite 610, Washington, DC 20005, (202)558-.3580, (202).386.9807 (Fax).

Centers for Independent Living: There are 16 Centers for Independent Living in Virginia, and some of them provide advocacy for previously incarcerated youth with disabilities. Endependence Center in Norfolk provides counseling and community advocacy and is currently able to do intakes with eligible youth. The Medicaid Waiver system is another focus of the Endependence Center. To reach your local Center for Independent Living, check your phone book or call the Endependence Center at 757-461-8007 or 757-461-7527 TDD.

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Juvenile Justice-related Resources for Virginia Families, continued

Center for Children’s Law and Policy: On April 1, 2006, the Washington, DC office of the Youth Law Center closed and the Center for Children's Law and Policy (CCLP) opened in the same location with the same staff. CCLP is a new public interest law and policy organization focused on reform of juvenile justice and other systems that affect troubled and at-risk children, and protection of the rights of children in such systems, through a range of activities including research, writing, public education, media advocacy, training, technical assistance, administrative and legislative advocacy, and litigation. CCLP capitalizes on its location in Washington, DC, by working in DC, Maryland, and Virginia, as well as in other states and on national efforts such as the MacArthur Foundation's Models for Change and the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative. For more information, contact Valerie McDowell, Operations Manager. E-mail: vmcdowell@cclp.org. Phone: 202/637-0377 ext 101. Visit the website: <http://www.cclp.org/index.html>.

Legal Services: A few legal aid offices now have staff specifically working on child advocacy issues, such as juvenile justice. Lawyers and paralegals can offer advice, information and sometimes provide representation for school discipline or reentry issues. Legal Services offices generally serve people who are low-income. Going to the website of VaLegalAid.org will help you to find your nearest Legal Services office. In the area of juvenile justice, JustChildren advocates for the end to adult trial and imprisonment of juveniles, for successful reentry policies and services, for quality conditions of confinement until the start of a community-based continuum of care for court-involved children, and for other sound juvenile justice policies, practices, and funding. Depending on availability, a JustChildren attorney may be able to help your incarcerated youth in Richmond to successfully reenter their community and understand the effects of a juvenile or criminal record. Contact JustChildren at 1-800-578-8111.

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Juvenile Justice-related Resources for Virginia Families, continued

Parent Educational Advocacy Training Center (PEATC) and Parent Resource Centers: In 2001, PEATC held a Virginia Juvenile Justice Summit on Children and Youth with Disabilities. The Executive Summary of that Summit is available at <http://www.peatc.org/Fact%20Sheets/JJexecsum.PDF>. For more details about PEATC's services, see the Special Education Resources appendix.

Virginia Coalition for Juvenile Justice: The Coalition is a group of child advocates, parents, service providers, agency staff, and individuals working to improve juvenile justice in Virginia. The Coalition does not have paid staff but includes experts and leaders in the field. The Coalition has achieved important victories since it began. Its efforts focus on sound juvenile justice policy and public funding, and adequate service provision and supports for court-involved children. Anyone with an interest in the Coalition's mission is encouraged to participate. There are no membership dues. For more information and a membership form, contact Melissa Goemann at mgoemann@richmond.edu or call Melissa at (804) 287-6468. The mailing address is: VA Coalition for Juvenile Justice c/o Mid-Atlantic Juvenile Defender Center, University of Richmond School of Law, Richmond, VA 23173.

Virginia C.U.R.E. (Citizens United for the Rehabilitation of Errants): Virginia C.U.R.E. is a membership organization whose focus is on the Virginia criminal justice and prison systems and the people whose lives are impacted by these systems. Many C.U.R.E. events also focus on juvenile justice. Virginia C.U.R.E. is a Chapter of International C.U.R.E. For the sake of public safety and restoring the lives of offenders, their families, and crime victims, every effort is made to advocate for positive policies and to monitor actions of state and national governments, the news media, official reports and publications. There are meetings, an Annual Conference, Advocacy Day at the General Assembly, web site (www.vacure.org), a Yahoo Group (VirginiaPrisoners@yahoo.com), an email distribution list, (virginiacure@cox.net), a newsletter when time and volunteers allow, and an Annual Family Day Picnic. Contact information is: P.O. Box 19307 Alexandria, VA 22320-0307 Phone and fax: 703-765-6549 e-mail: virginiacure@cox.net.

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Juvenile Justice-related Resources for Virginia Families, continued

Virginia Department of Correctional Education (DCE): The Department of Correctional Education (DCE), a separate executive branch agency, is an independent school district with its own school board that operates in cooperation with the Department of Corrections and the Department of Juvenile Justice. DCE Juvenile Schools are accredited by the Virginia Department of Education. DCE provides educational services in adult and youth correctional facilities throughout Virginia. All academic and career and technical education teachers meet state certification and endorsement standards. To visit the DCE website, go to <http://dce.virginia.gov/>. Other contact information: Department of Correctional Education, James Monroe Building, 7th Floor, 101 North 14th Street, Richmond, Virginia 23219-3678. (804) 225-3310.

Virginia Department of Juvenile Justice (DJJ): DJJ is the state agency in charge of juvenile justice administration. DJJ operates 32 Court Service Units (CSUs) and partially funds 3 locally operated CSUs. CSUs provide intake, predisposition investigation, probation supervision, and aftercare services. DJJ administers the state's juvenile corrections continuum, which includes eight juvenile correctional centers and other facilities for the custody and rehabilitation of delinquent minors. DJJ also supports a diagnostic center and halfway houses. The Governor appoints a seven-member Board to four-year terms to oversee the Department of Juvenile Justice. The Board sets policy, reviews agency budget matters, ensures the development of long-range juvenile services, monitors agency activities, adopts standards for the operation of programs, and certifies compliance with those standards. The Central Office in Richmond and three regional offices in Roanoke, Fairfax, and Suffolk coordinate the functions and funding for the Court Service Units, community programs, community facilities, state facilities, volunteers, and private providers. To visit the DJJ website, go to <http://www.djj.state.va.us/>. Other contact information: Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, VA 23219, Phone: 804.371.0700.

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Juvenile Justice-related Resources for Virginia Families, continued

Virginia Indigent Defense Commission (VAIDC): The 2004 General Assembly created an independent commission to oversee indigent defense (defense of low-income individuals) in Virginia: the Virginia Indigent Defense Commission. The VAIDC is responsible for providing oversight and support for all attorneys who furnish indigent criminal defense service in the Commonwealth, both public defenders and members of the private bar. The VAIDC provides information on indigent defense to the public and reaches out to the courts and Commonwealth's Attorneys as partners in justice. Most recently, the VAIDC successfully advocated to increase the cap on fees for indigent defense lawyers and protected clients from the severe consequences of appellate default. For a directory of public defender offices, go to <http://www.indigentdefense.virginia.gov/publicdefenderoffices.htm>. Contact information for VAIDC: 1604 Santa Rosa Road, Suite 109. Richmond, Virginia 23229. Voice: 804-662-7249. Fax: 804-662-7359.

Virginia Juvenile Justice Association (VJJA): Founded in 1966, the Virginia Juvenile Justice Association is an organization comprised of professionals from court services, DJJ Administration, indigent defense, the judiciary, secure detention, juvenile correctional facilities, halfway houses, group homes, private providers and others with an interest in youth and family services. The organization is administered by an elected board of directors and is committed to child advocacy and advancing the professional interests and competencies of its members. VJJA does legislative advocacy and puts on training institutes, conferences, and other events throughout the year. For membership information, contact Samantha Higgins, 25th District Court Service Unit, 150 South Main Street, Lexington, VA 24450. Phone: 540-463-5401. E-mail: membership@vjja.org.

Appendix 8

Juvenile Justice-related Resources for Virginia Families, continued

Voices for Virginia's Children (Voices): Voices grew out of the Action Alliance for Virginia's Children and Youth , which was established in 1994. Voices builds and educates a network of groups and individuals who understand the challenges facing Virginia's children, and it is a member of the VA Coalition for Juvenile Justice. In addition to its child advocacy issue priorities, Voices has developed expertise in two functions: strategic communication and data and research analysis and dissemination. In 2006, with support from Freddie Mac, Voices opened an office in Northern Virginia. Voices can be credited with marked improvements in services and funding for Virginia's children, most notably in early care and education, children's health, mental health, and foster care.

NATIONAL RESOURCES:

National Center for Juvenile Justice: The National Center for Juvenile Justice (the Center) is a private, non-profit organization. Since its inception in 1973, the Center has been a resource for independent and original research on topics related directly and indirectly to the field of juvenile justice. Although the Center is the research division of the National Council of Juvenile and Family Court Judges, it has its own budget and is responsible for generating its own operating funds. With substantial support from public and private sources over the years, the Center has developed resources and capacities which render it unique in the world of juvenile justice research. The Center consists of three departments: Systems Research, Applied Research, and Legal Research. The Center offers State Profiles online, which describe in detail the juvenile justice system organization and policies of all 50 states. To access the State Profiles, a Statistical Briefing Book with juvenile justice statistics, or the Lingle Alternative Programs Directory, go to <http://www.ncjj.org/>. For the Center's website, go to <http://ncjj.servehttp.com/NCJJWebsite/main.htm>.

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Juvenile Justice-related Resources for Virginia Families, continued

Other contact information: NCJJ, 3700 South Water St., Suite 200, Pittsburgh, PA 15302. (412) 227-6950, Fax (412) 227-6955.

National Juvenile Justice Network: The National Juvenile Justice Network enhances the capacity of state-based, juvenile justice coalitions to advocate for fair, equitable and developmentally appropriate adjudication and treatment for all children, youth and families involved in the juvenile justice system. NJJN helps its members advance juvenile justice reform by establishing a vibrant learning community. An active listserv, annual summit, and regional meetings provide vehicles for members to share strategies, research, testimony and information about the latest developments in their states. NJJN connects its members to substantive leaders in the field – researchers, policy experts, reform-oriented administrators – so that members are apprised of and can inform their work with the latest knowledge and best practices in the field. Finally, NJJN brings in national experts in media, organizing and advocacy to help states improve their legislative, programmatic, and administrative reform efforts. For more information, please contact: Sarah Bryer, Director, National Juvenile Justice Network at the Coalition for Juvenile Justice. Phone: (202) 467-0864 x105 Fax: (202) 887-0738 Email: info@njjn.org. Address: 1710 Rhode Island Avenue, NW, 10th Floor, Washington, DC 20036.

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Juvenile Justice-related Resources for Virginia Families, continued

Office of Juvenile Justice and Delinquency Prevention (OJJDP):

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is a federal government agency. OJJDP provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families. OJJDP established the **Juvenile Justice Clearinghouse (JJC)** to provide individuals and organizations with easy access to a comprehensive collection of information and resources on juvenile justice topics. Through print and other media, JJC offers the latest research findings, descriptions of promising programs, publications on youth-related issues, practical guides and manuals, announcements of funding opportunities, and other useful resources—all prepared by the nation's foremost experts in juvenile justice and related issues. JJC's team can answer questions over the phone or via e-mail; provide statistics and technical assistance; perform customized literature searches; compile information packages; refer individuals to the appropriate grantee, contractor, or agency; and mail publications or videotapes. JJC is a component of the National Criminal Justice Reference Service. For more information, contact the Office of Juvenile Justice and Delinquency Prevention at 810 Seventh Street NW. Washington, DC 20531. Phone: 202-307-5911. Visit the website at <http://ojjdp.ncjrs.org/index.html>. Interested individuals or organizations can also contact the Juvenile Justice Clearinghouse at the National Criminal Justice Reference Service. P.O. Box 6000, Rockville, MD 20849-6000. Phone: 800-851-3420.

Notes