

# Advocating for People With FASD

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She/Her

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# Who Are We?

Who are the P&As?

*“P&As and CAPs work to improve the lives of people with disabilities by guarding against abuse; advocating for basic rights; and ensuring access and accountability in health care, education, employment, housing, transportation, voting, and within the juvenile and criminal justice systems “*

Find Your P&A:

<https://www.ndrn.org/about/ndrn-member-agencies/>

**Why are our slides SO boring?**

# When To Contact Us

- P&As: 57 Offices
  - Attorney Support
  - Education
  - Part C/Early Intervention
  - Vocational Rehabilitation/CAP/Employment
  - Community Based Services/Preventing Institutionalization
  - Benefits

# Addressing Individual Differences

- If you have seen/known one person with FASD... Well, you have seen/known precisely one person with FASD
- Across the board policies with no exceptions are legally suspect...
- A diagnosis is the key to opening many doors; evaluations with recommendations are even better. Neuropsych?

# Legal Protections

- There are a number of applicable legal protections which are often needed:
  - IDEA (especially Transition Services, Discipline)
  - Section 504
  - ADA
  - Vocational Rehabilitation
  - McKinney Act (for youth who are homeless/transient)
  - Child Welfare Protections (Right to Permanency Planning)

# Education Rights

- Eligibility for Educational Services: IEPs and Placement (IDEA/Section 504)
- Discipline
- Least Restrictive Environment
  - Note: State laws/constitutions that may be more protective than the federal law

*Regulations Link:* <https://sites.ed.gov/idea/statuteregulations/#regulations>

*Discipline Regulations:* <https://sites.ed.gov/idea/regs/b/e> (scroll down)

# Discipline Deserves Its Own Slide

- Removals Over 10 Days:
  - Manifestation Determination Review ( MDR )
  - Review/Revision of FBA and BIP (What FBA and BIP?)
  - Stay Put
  - Stay Put Exceptions
  - Services While Out

# Informal Removal/Changes of Placement

## False Dichotomy

- “Sent Homes”
- Homebound/Tutoring
- Virtual
- Shortened Day
- Risk/Threat Assessment (“Out Until”)
- Insert Other Sneaky Technique Here...



# School Discipline Hearings: FASD Factors

- Medication Failure
- Communication Skills
- Demonstrations of “Remorse”
- Demonstrations of “Respect”
- Confessions and Juvenile Justice Implications
- Impulse Control ( “candy closet”)

# Substituted Decision Making

- Overuse/Overly Broad Use of Guardianship/Conservatorship
  - Limit Absolutely As Possible
  - Use Natural Supports
- Representing When There Is A Lack of Parental Involvement
  - G.A.L./Emancipation/ “Next Friend”
  - Surrogate Parent (IDEA)

# Child Welfare

- State Overuse of Institutional Care
  - Outcomes...
  - Lack of Treatment and Oversight
- Community Based Alternatives
  - Medicaid Funded Therapy In the Community
  - Case Oversight
  - Therapeutic Foster Care
  - Support for Foster Care/ Kinship Care

# P&As: Contact Us

- P&As: 57 Offices
  - Attorney Support
  - Education
  - Part C/Early Intervention
  - Vocational Rehabilitation/CAP/Employment Accessing community based services/avoiding institutionalization
  - Benefits Access
- Connecting with the Protection and Advocacy Organization in Your State: <https://www.ndrn.org/about/ndrn-member-agencies/>