

# 17 Special Education Advocacy Tips

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This document will provide you with tips before, during, and after an IEP<sup>i</sup> meeting to help you advocate for your child.

## **BEFORE THE IEP MEETING**

### **1. Organize Your Child's IEP Records**

Before your child's IEP meeting, organize your child's IEP records. Choose an organizing way that works for you. This will help you prepare for the meeting. Make sure that you have an up-to-date record of all communications about your child, like emails with school staff about your child; all assessment requests, assessment plans, and assessment reports; copies of your child's IEP and any Prior Written Notice<sup>ii</sup> that you may have received; a copy of your procedural safeguards; report cards and progress reports; sample work; and if applicable, a behavior intervention plan and any behavior incident reports.

### **2. Request Assessments**

A school district must assess a student in all areas of suspected disability. You may also request your child's school district to assess your child in any area of suspected disability. You may also request your child's school district to assess your child for any services they may need, like speech therapy. You should make all assessment requests in writing to the school district.

Once you make your request, the school district should provide you with an assessment plan within 15 days. Once you sign and return this plan back to the school district, the school district has 60 days to finish assessments and to hold an IEP meeting.

If you do not agree with the school district's assessment, you can ask the school district to pay for an independent educational evaluation or IEE. The school district must either pay for the independent evaluation or file for a due process hearing (the school district will have to show that its assessment was appropriate).

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#### **4. Ask for All Assessment Reports One Week Before the IEP Meeting**

School districts are required by federal and state law to provide copies of assessment reports before an IEP meeting. But, there are no timelines that tell school districts how many days before the IEP meeting they must give you copies of assessment reports. Ask the school district early on to give you copies of the assessment reports a week before the IEP meeting. This is very important so that you can read the reports, write down questions you may have about the reports, and plan for the IEP meeting.

#### **5. Plan for the IEP meeting with a Friend or Advocate**

Planning for the IEP meeting with a friend or advocate can help you be better prepared at the IEP meeting.

Parent groups, like Family Resource Centers and Parent Training and Information Centers, may have advocates who can help you plan for an IEP meeting or go with you to an IEP meeting. Or, you can buddy up with another family and help each other out. If your child is a Regional Center client, your child's Regional Center Service Coordinator should help you with planning for the IEP meeting.

With a friend or advocate,

- read all assessments reports,
- identify your aims for the IEP meeting,
- review your child's current IEP goals and all progress reports related to those IEP goals,
- identify any areas of need that your child has, including special difficulties that your child has and that you want to bring to the school district's attention, and
- identify what your child has achieved since the last IEP meeting and what you hope they will learn.

Discuss any IEP goals that you may want to suggest to the IEP team with your friend or advocate.

Also, talk about the option of full inclusion or increased integration. The law says that to the maximum extent appropriate, as decided by the IEP team, children with disabilities must be educated in their neighborhood schools and attend regular classes (with supplemental aids and services, as needed). If you are seeking full inclusion or increased integration, such as participation in field trips or extracurricular activities like clubs and sports, identify how your child interacts with children without disabilities outside of school and what makes it successful for your child.

## **6. Make a List of the Points You Want to Discuss at the IEP Meeting**

No matter how well you have prepared for the IEP meeting, you may get nervous or distracted during the meeting. Preparing a written list of points you want to discuss and questions you have will help you not forget during the IEP meeting. During the IEP meeting, you can check off the discussion points and jot down the answers to your questions.

## **7. Submit a Written Notice to Record the IEP Meeting**

If you want a recording of the IEP meeting, you can use a tape recorder or an audio recording app on your phone to record the IEP meeting. But, you can only record the meeting if you give the school district 24 hours written notice that you want to record the meeting. If you record the IEP meeting, the District can also record.

## **DURING THE IEP MEETING**

### **8. Bring a Friend, Advocate, and/or a Person Who Knows Your Child**

You can invite anyone you want to attend your child's IEP meeting. It is always a good idea to have someone with you. Consider bringing someone, such as a day-care provider, grandparent, tutor, or any other person who knows your child and his/her/their learning style. If you are planning to bring an advocate, including a Regional Center Service Coordinator, you may need to schedule the date in advance with them.

### **9. Don't Be Afraid to Ask Questions and Make Sure you Understand Any "Jargon"**

IEP meetings can be overwhelming and confusing at times, even if you have attended IEP meetings in the past. Asking questions is an important way for you to be informed and prepared so that you can advocate for your child.

School districts are required to explain all findings and recommendations in easy to understand language. School district staff use the same terms every day and may forget that others do not know what they mean. If you don't understand something that has been said at the IEP meeting, don't be afraid to ask questions and ask for more information.

#### **10. Discuss Present Levels of Your Child's Performance**

The IEP team will discuss your child's present performance in different areas. This will include reviewing all reports and assessments. Your child's teacher(s) and service provider(s) will discuss their observations of your child's performance. Make sure that you discuss your observations of your child's performance, including strengths of your child and/or any concerns you have about your child.

#### **11. Develop Annual IEP Goals and Make Sure To Set Appropriate Progress Monitoring of the IEP Goals**

The IEP team will review your child's progress on past annual goals and then develop new annual goals. If your child did not meet an annual goal, the IEP team should review this goal. The IEP team should make changes to this goal so that it is appropriate for your child and/or provide additional services and supports in order to help your child make progress on this goal. The IEP team should develop goals that are ambitious and challenging in light of your child's circumstances.

Once the IEP team develops new annual goals for your child, the IEP team must let you know how often it will provide you with reports on your child's progress with his/her/their goals. If your child will be assessed using alternate achievement standards rather than the school district's general education standards (such as the California Assessment of Student Performance and Progress or CAASPP), the IEP must break down the annual goal into short-term objectives which are reviewed at specific points during the year to make sure the child is progressing on annual goals. Make sure that the short-term objectives are clear and have dates assigned to them for review of progress. If your child will be assessed using general

education standard testing, his/her/their IEP will not include short-term objectives.

## **12. Identify Full Inclusion or Integration Opportunities and the Supports Needed for Success**

School districts must provide additional aids and services to support the needs of students with disabilities in integrated settings. This can include a trained aide, use of a tape recorder, or a behavioral intervention plan to address behaviors.

## **13. Describe the Placement for Your Child and Identify Specific Related Services and Supports**

Once the IEP team has developed annual goals for your child, the IEP team should talk about services, supports, and placement that will support your child's progress on annual goals. All related services, such as speech therapy, should be identified including how many minutes and how often (per day, per week, per month, per year) your child will receive the service.

In your child's IEP, placement should be clearly identified. For example, "Natasha will be fully included in second grade with a full-time aide and an inclusion specialist will support Natasha for five hours per week." You do not have the right to make the school district to provide services from a specific person in a specific classroom, but specific placement options should be discussed with the IEP team.

## **14. Sign the IEP Only if You Are Satisfied**

You do not need to sign the IEP at the meeting – you can take it home to think about it and discuss with others. You can consent to part of the IEP so that those services you agree with can begin. If you sign the IEP and soon afterward change your mind, you can try to withdraw your consent by writing to the special education administrator. Withdrawing your consent, however, will not undo the education and services that occurred after you gave consent but before you withdrew consent. If you and the school district do not agree on a proposed IEP, the last IEP that you agreed with remains in effect while your dispute is resolved at a future meeting, mediation, or due process hearing.

## **AFTER THE IEP MEETING**

### **15. If Possible, Be Involved in Your Child's Classroom/School**

Parents have different amounts of time and money. You can contact your child's teacher or school to ask how you can help in your child's classroom or school. You can volunteer in the classroom during the school day, volunteer with a school activity, or if you work during the day, you may be able to prepare materials in the evening in your home. Being active in your child's classroom/school can help you become more familiar with the school and its staff, including your child's teacher, and help make your child feel special.

### **16. Support Your Child in Developing Friendships with Classmates**

Help your child to develop friendships with classmates by coordinating play-dates outside of school. Having friendships with classmates will help your child to be a part of his/her/their community.

### **17. Monitor Your Child's Progress**

You may want to set up a regular communication system with your child's teacher, such as a notebook that goes back and forth to school. A notebook can help you track whether your child is receiving services and supports. You may also want to set up a communication system with your child's related service providers, such as a speech therapist, to check in on your child's progress.

You should write down projected target dates for your child to learn particular skills, such as the dates of the short-term objectives in your child's IEP goals.

### **18. Options if Things Don't Work Out**

If you believe that the school district has not followed special education laws or procedures and/or has failed to provide services required in a

signed IEP, you can file a compliance complaint with the California Department of Education (“CDE”). The complaint is investigated by the school district or the CDE and a written determination of whether the district was/is “out of compliance” is made. See Special Education Rights and Responsibilities, Chapter 6 for details.

If you and the school district do not agree about your child’s eligibility, placement, program needs, integration or related services, either of you may request a due process hearing. If you decide to file a request for due process hearing, you must file your request within two years from the date that you knew (or had reason to know) of the facts of your complaint. At the hearing, both parties present evidence to an independent hearing officer hired by the State of California. The hearing officer will decide on the facts and the law and issue a written decision. See Special Education Rights and Responsibilities, Chapter 6 for details.

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<sup>i</sup> Individualized Education Program. Developed at a meeting with at least the parent(s), the child's teacher and a school district administrator.

<sup>ii</sup> The district is required to give you a Prior Written Notice “a reasonable time before” it refuses to initiate or change the identification, evaluation, placement or the provision of a free, appropriate public education (“FAPE”). The term “reasonable time” is not defined in the statute. The notice must contain the service or placement refused by the district, an explanation for the refusal, a description of each evaluation procedure, assessment, record, or report used by the school district to make their decision. The notice must also inform you of your right to challenge that decision. 34 C.F.R. Sec. 300.503; Cal. Ed. Code Sec. 56500.4.