



# How to Effectively Advocate for Your Child

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Helpful Tips for Parents

Janine Kelly, Advocate

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- I. Know the Legal Framework
- II. Understand the Process
- III. Know Your Child
- IV. Know How to Read the IEP or 504 plan
- V. Get Organized
- VI. Be Prepared
- VII. Communicate, Collaborate, Cooperate
- VIII. Understand How to Resolve Disagreements
- IX. Helpful Tips During COVID
- X. Final Words

# I. Know the Legal Framework: IDEA, Section 504 & Your State Regulations

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- **IDEA- Individuals with Disabilities Education Act-** ensures that all eligible children with disabilities ages 3 through 21 are entitled to a free and **appropriate** education that **meets their needs** in the **least restrictive environment** and prepares them for further education, employment, and independent living. Ensures **specialized instruction** designed to meet the unique needs of the child so they can access the general curriculum & meet the educational standards that apply to all children. Must have a **qualifying disability** that **adversely affects educational performance** such that they **require specialized instruction**. All eligible students are also protected under 504.
- **Section 504 of the Rehabilitation Act-** a civil rights law that prohibits discrimination on the basis of an individual's disability. It ensures all qualified students with disabilities are entitled to a free and appropriate education regardless of the severity of the disability. **Ensures equal access through necessary accommodations**, aides and modifications. Must have a **physical or mental impairment that substantially limits a major life activity** or is **regarded by others as having a disability**.
- State regulations go along with the Federal laws and regulations and may expand but not limit what federal laws and regulations provide.

# A. Get Help

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- Look to your state department of education/special education website for guidebooks, information and training opportunities
- Find your federally funded state *Parent Center Hub for Special Education* <https://www.parentcenterhub.org>. Parent Training & Information (PTI) centers and Community Parent Resource Centers (CPRC) offer training on advocacy and related special education topics
- Look to national, state and local non-profit organizations for parent training & support (e.g. COPAA (Council for Parent Advocates and Attorneys), DRA (Disability Rights Advocates), SMARTKIDS Learning Disabilities, SPED\*NET Wilton)
- Look for a school district based special education PTA or advisory board
- Consult with a special education advocate or attorney

## B. Read and Research: Helpful Links and Books

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- <https://sites.ed.gov/idea/about-idea/#IDEA-Purpose>
- <https://www.understood.org/>
- <https://www.wrightslaw.com>
- <https://www.copaa.org>
- <https://sites.ed.gov/idea/>
- <https://www.parentcenterhub.org>
- <https://dese.mo.gov/sites/default/files/TheParent'sGuidetoSpecialEducationMay2018.pdf>
- <https://www2.ed.gov/about/offices/list/ocr/504faq.html>
- <https://www.advocacyinstitute.org/isrcr/index.shtml>
- <https://www.wrightslaw.com/howey/504.idea.htm> (differences between IEP & 504)
- **From Emotions to Advocacy: The Special Education Survival Guide** by Peter Wright and Pamela Darr Wright
- **Getting to Yes: Negotiating Agreement Without Giving In** by Roger Fisher, William Ury and Bruce Patton
- **Wrightslaw: All About Tests And Assessments, 2d edition**
- **Wrightslaw: All About IEP's**
- **The Parent's Guide to College for Students on the Autism Spectrum** by Jane Thierfeld Brown, EdD, Lorraine E. Wolf, PhD, Lisa King, MsEd and G. Ruth Kukiela Bork, Med
- **From High School to College: Steps to Success for Students with Disabilities** by Elizabeth C. Hamblet

## II. Understand the Process

### IEP

- Determine eligibility- comprehensive testing in all areas of suspected disability/timelines
- Consider 504 plan if ineligible
- Annual review- closing out mastered goals/adding new/evaluating PLOP, progress and program
- Triennial IEP meeting – re-testing to determine continued eligibility
- ESY- discussed at Annual Review or separate IEP meeting
- Transition IEP meeting– by age 16 but usually before; narrow down post high school plans and identify goals, supports and services necessary to transition to higher education or employment- must involve the student
- IEP ends when student graduates from high school or maximum age of 22
- Summary of Performance – must involve student
- \*\*NB: IEP Does not apply to post high school education (college)
- \*\*NB: Parents can call an IEP meeting at any time
- \*\*NB: initial evaluations- there is a timeline.
- \*\*NB: Consult an attorney or advocate if you disagree with an evaluation performed by the district to consider asking for an IEE at district expense OR get an evaluation privately
- \*\*NB: Annual IEP meetings- Goals should be mastered in one year. Goals not mastered cannot be removed.



### 504 Plan

- Determine eligibility- no timeline
- Implement a reasonable accommodation plan
- No IEP meetings, annual or triennial reviews
- Can request a meeting at any time
- 504 protections continue through post high school education but students will have to provide documentation to be eligible

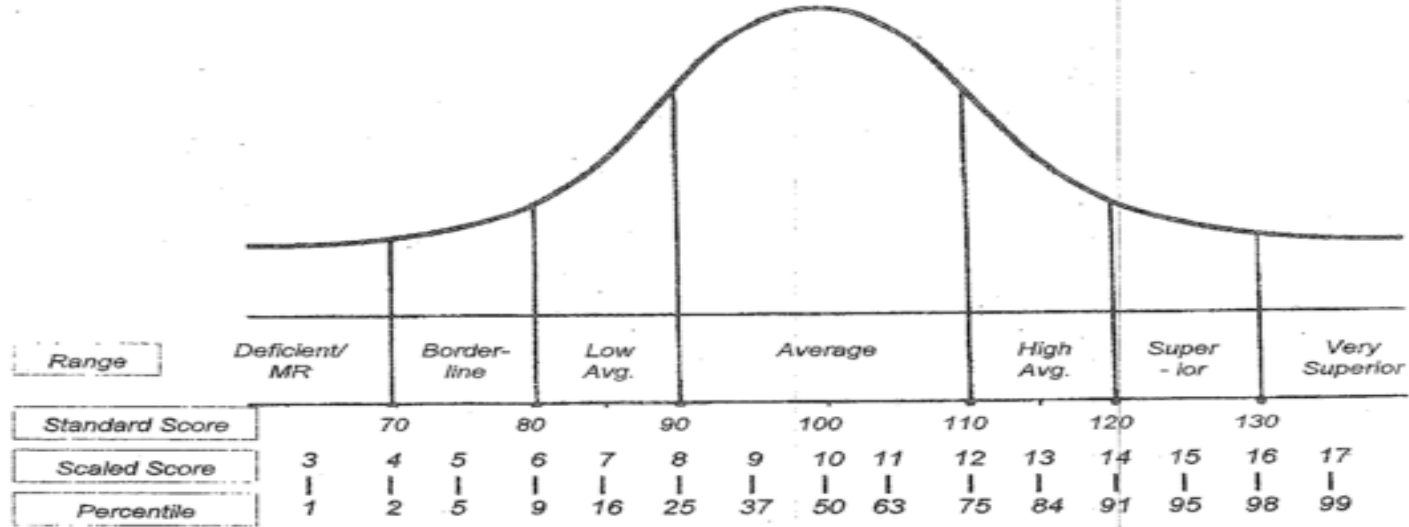
### III. Know your Child

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- What are his/her strengths & weaknesses- academic, behavior/social-emotional, language, fine & gross motor, daily living/independence skills
- What are his/her standardized assessment results- how does s/he compare to other students?
- Obtain and understand comprehensive evaluations- school based or private
- Curriculum (Learning) standards- is your child meeting those standards?
- What should your child be able to do by the end of the school year?
- What are your ( his/her) long term goals?

# Statistical Properties of Standardized Measures

Normal Curve





# IV. Know how to read and understand your child's IEP or 504 Plan

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## The IEP - Pertinent sections:

- Present levels of performance (PLOP) including strengths and needs
- Measurable goals and objectives
- Description of how progress will be measured and reported
- Statement of academic and related services
- Explanation of supplementary aids, modifications and accommodations
- Statement of how much time, if any, student will spend away from non-disabled peers in the classroom

## The 504 Plan

- Description of disability
- Statement of accommodations and plan
- **For Questions on Both:**
- Ask a school team member for help
- Reach out to state/local parent center hub
- Your state department of education may send someone to your school district for a seminar on reading IEPs
- Many state websites have a sample IEP with annotations
- <https://www.parentcenterhub.org/iepcontents/>
- Consult your regional Office for Civil Rights for questions related to 504 plans

# V. Get Organized

- Keep a journal
- Track progress data
- Keep a binder with tabs for every year
  - IEP
  - Evaluations/testing results
  - Progress reports/report cards
  - emails/communication
  - Journal
- Maintain a filing cabinet
- Make copies
- Do a FERPA request- get a complete copy of your child's school records
- <https://www.understood.org/en/school-learning/special-services/ieps/how-to-organize-your-childs-iep-binder>

With  
organization  
comes  
empowerment

-Lynda Peterson



# VI. Be Prepared

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## A. Before the Meeting:

- Write parent statement of concerns
- Consider having student write a statement or participate in the meeting
- List strengths, weaknesses, preferences and learning styles
- Try to meet with team members informally before the the meeting to go over data, assessment and testing results
- Request that all testing/assessment results/data/proposed goals be provided 3 days prior to meeting

## **B. During the Meeting:**

- Take notes
- Record and let team know you are recording
- Make sure all necessary team members are present
- Be a good listener
- Bring parent statement of concerns ask for it to be included in IEP
- Share observations and current levels of performance in academics, communication, behavior-social emotional skills, problem solving, daily living/independence/ fine gross motor skills
- Share your observations on how your child learns and their progress
- State what is working and not working for your child and your expectations for their progress
- Don't be afraid to ask questions- who, what, where, when, how & why
- Ask how progress will be measured- it should be measured objectively, not by subjective observation
- Request a list of frequently used modifications and accommodations and understand which may apply to your child
- Bring a spouse, partner or friend

### **C. After the Meeting:**

- Send a thank you letter to the team memorializing the decisions made at the meeting
- Review the new IEP as soon as you receive it; send a letter to your team leader and request correction of mistakes
- Ask for a team meeting to discuss how the IEP will be implemented and how teachers will work on the goals
- Volunteer in the classroom and at school activities
- Build your team/ work to develop relationships with team members
- Hire outside consultants
- [https://portal.ct.gov/-/media/SDE/Special-Education/Before\\_PPT.pdf](https://portal.ct.gov/-/media/SDE/Special-Education/Before_PPT.pdf)



## VII. Communicate, Collaborate, Cooperate

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- Reach out to team members regularly via email
- Request regular team meetings (i.e. quarterly, monthly, etc.) for parent training, consistency and progress monitoring
- if appropriate, include team meetings in the IEP/504 plan
- For younger students, ask for a daily log to travel to and from school to ensure consistency- what are teachers doing in class and in related services and how can I do the same at home?
- Keep a journal on progress in home/community environments and regularly report to team on what is working/not working

# VIII. Understand How to Resolve Disagreements

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## Disagreements about the IEP

- Discuss with team at a PPT
- Meet with director of special education in your district
- Mediation/Due Process
- File a complaint with state department of education
- Consult an Attorney or advocate
- TIP: Put all disagreements and resolutions in writing and in the IEP where appropriate

## Disagreements about 504 plan

- Discuss at 504 meeting
- Meet with special education director
- File a complaint with the Office for Civil Rights
- Consult an attorney or advocate
- TIP: Put all disagreements and resolutions in writing



## IX. Helpful Tips During COVID

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- IEP cannot be changed except by agreement of parent and team (amendment) OR at a PPT based on discussion and appropriate data. This includes during COVID distance learning
- During COVID:
  - The IEP is written as if school is in session in person
  - Schools IEP obligations do not change
  - Schools may create distance learning plans in case school closes; however it is NOT a replacement of the IEP
  - There are no waivers of IDEA- Secretary DeVos & OSEP
  - Child Find, Annual IEP meetings, Triennial evaluations & IEP meetings must continue, though may be some flexibility in timelines
  - All dispute resolution procedures are available during COVID



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- \*\*Check your state guidance on COVID and special education
- Federal guidance-
  - <https://sites.ed.gov/idea/idea-files/q-and-a-providing-services-to-children-with-disabilities-during-the-coronavirus-disease-2019-outbreak/#Q-A-5>
  - <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>
- Take data on goals and progress and share in writing with the team
- If you believe your child is regressing or not making progress, ask for an IEP meeting to discuss and adjust the IEP- discuss the following:
  - Where was my child when schools closed in March
  - Where is my child now?
  - Where should my child have been now without COVID?
  - How can we change the plan so that s/he is supported, and can catch up, learn and progress
  - Document anything requested and granted or refused in the IEP
- Consult an attorney or advocate if necessary

# X. Final Words

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- Know and understand the special education legal framework you are working in for your child. There are many ways to learn the rules and the process.
- You know your child best, and you are an equal team member. Get to know your child's disability, the way s/he learns and what s/he needs to be successful. Help your team know and understand your child.
- Know your child's IEP or 504 plan. Make sure it is being implemented
- Be organized, prepared and collaborative. It's a full time job, so treat it like one.
- Form relationships with your team members. Some of them will be with your child for a while. Many of them may help you advocate. Lean on your team; notify them when the plan is not working; compliment them when the plan is working well.
- Communicate, communicate communicate.
- There will be disagreements along the way. Work through them respectfully and collaboratively with your team and administrators. If all else fails, there is mediation and due process and professionals who can help you work through disagreements.
- Remember you are a parent first and your love for your child is unconditional. Every step is a journey; every moment is a gift; every day is an opportunity. Keep it all in perspective. Celebrate the achievements along the way
- It's a marathon, not a sprint.



# About Janine Kelly

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- Janine Kelly, a special education advocate in Connecticut, has been supporting children with disabilities and their families for over 12 years. She is the founder of Advocate Together, LLC, in Wilton, CT and is a team member at Collaborative Advocacy Associates, Inc., in Westport, CT. She advises students and families on all aspects of the IEP/504 process, including preparing for post high school transition. Informed by her experiences as a former litigation attorney and as a parent of a child with disabilities, Janine uses her knowledge and skills to help parents ensure that their children are receiving an appropriate education and planning for their future.
- Janine has a BA from the College of the Holy Cross; a JD from Vermont Law School, and is admitted to practice law in the state of Connecticut, federal district court, the U.S. Court of Appeals for the 2d Circuit and the U.S. Court of Appeals for the Federal Circuit. She is a member of COPAA, Inc. (Council for Parent Attorneys and Advocates, Inc.); LDA (Learning Disabilities Association of America), and AHEAD (Association on Higher Education and Disability). She lives in Wilton, CT with her husband, two college age sons, one teenage daughter and their westie terrier, Rey.

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