



How to be a Good Advocate for Your Child in Special Education Services

I want to be a good advocate for my child. How do I start?

Know your rights! Learn about special education and related services that are available to your child. Get a basic understanding of the evaluation process that the school uses to decide what services your child can get. There is a list of websites at the end of this fact sheet that are great sources of information for families of students with disabilities.

This fact sheet can help you prepare and organize for meetings with the school. It also gives you some advice on what to do if problems happen.

How can I learn about my rights and special education services?

- When school evaluations, IEP meetings, and placement decisions happen, you should be given written notices and/or a copy of parental rights and procedural safeguards. Read these carefully and ask questions about anything that you do not understand.
- Go to a training session on parent and student special education rights. Disability advocacy organizations like PACER, The Arc, and NAMI- MN often have these sessions.
- Contact a disability organization, like the Minnesota Disability Law Center, PACER, The Arc, and NAMI- MN, if you have questions about or problems with special education services.
- It can help to talk to and learn from other parents. Check in your community to see if there is an active parent support group or disability organization that has helpful newsletters and information.



How do I organize?

When dealing with any agency that you or your family gets services from, keep good records. This means keeping copies of all papers in one place, so you can find them quickly. A file folder or three-ring binder is a good way to keep your papers together. Encourage your student to keep a set of their own records. You can also ask the school to send you the IEP, notices and documents by e-mail. Then you can keep it all stored on your computer or other device.

These records should include:

- copies of letters or emails you send or get
- copies of evaluations, progress reports, or report cards
- copies of IEPs, IFSPs, or other service plans
- any discipline records, including notices and suspensions
- parent-school communication notebooks or emails
- any other information about your son or daughter
- a log of telephone calls

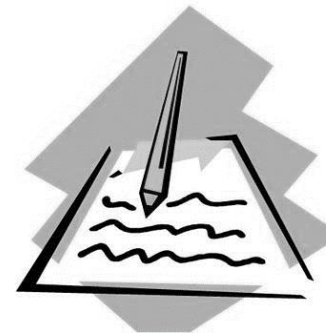
You have a right to review the school records and ask for copies. It is a good idea to plan to review the school records at least once a year.

How do I get ready for meetings?

Find out ahead of time what the meeting is about, and who will be there. At an IEP meeting, the special education teacher, at least one regular education teacher and an administrator should be there. The meeting must be scheduled at a time that works for both you and the school. They have to give you enough advance notice of the meeting in order for you to participate.

You can also ask the school to talk about things at the meeting that you want to talk about. It's important for you to make sure there is time to talk about your concerns and ask your questions.

If the meeting is about an evaluation on your child, at least one member of the evaluation team should be there. Ask for a copy of the evaluation report before the meeting. Read it carefully and write down any questions that you have about the evaluation.



Sit down before the meeting and make some notes about your son's or daughter's strengths and needs. The school should ask what your concerns are about your child. Write down any suggestions or ideas that you have about the educational services or program that your child is getting. Include ideas about anything that your child is not getting that you think would be helpful. Be ready to ask the school to change things that you want to see changed.

Bring a copy of your file. Make sure you have a copy of your child's most recent evaluation and the current IEP or IFSP plan. Be very familiar with the information that is in your child's IEP/IFSP.

You have the right to bring someone along to the meeting. Talk with that person beforehand to help you identify the main issues you want to talk about at the meeting. Ask that person to help take notes at the meeting.

Should my child go to team meetings?

At or before age 14, your child is invited to the IEP meeting. For a child under the age of 18 or under guardianship, it is the parents' decision if the child goes or not.

Sometimes it is a good idea to have the child be a part of the meeting. It is important to help your child get ready by asking if there are any problems in school at the moment. Ask your child what they really enjoy about school and what they want to see change.

If your child is 14 or older, you might also ask if they have thought about what they want to do after high school. Try to have more than one talk with your child about these things before the actual IEP meeting.

Students who are 18 are legal adults and can make their own decisions. They have the same rights as adults unless they are under a legal guardianship.



The Minnesota Disability Law Center encourages parents, foster parents, and surrogate parents to teach their sons and daughters about their rights and how to prepare for IEP meetings before they reach the age of 18.

What do I do at the meeting?

Come prepared. Bring copies of important documents, your notes, and pen and paper.

Share your comments and concerns at the meeting. If it is hard for you to speak up, put your questions or concerns in writing and give them to the teacher at the meeting.

Ask if the school has any records or data about your child's behavior.

Remember that the IEP/IFSP plan must be based on your child's needs. If you disagree with the team, state clearly why you disagree and make suggestions about what needs to be changed.

Ask the school to respond to the changes you ask for in writing – ask them for a “prior written notice” when you ask them to do something different with the IEP.

If you are asked to sign something at the meeting, take your time and read it carefully before you sign. **You do not have to sign anything at the meeting.** You have 14 days to respond in writing to a school's written proposal. Tell the team you want to take it home and read it before you sign it. Never sign a blank form or a partly done IEP. It is always best to take an IEP home and read it carefully before you sign it. **But** make sure you respond in writing before the 14 days are up!

If you do not let the school know that you don't agree before the deadline, the district can go ahead with the proposed IEP without your signature. You can ask for another meeting to try to work out your issues.

What do I do after the meeting?

Reread all of the papers you got at the meeting. Read the IEP carefully, making sure that it describes your son's or daughter's needs and program in enough detail for you to know:

- what the goals are for the year,
- what all the adaptations are for all classes,
- the schedule of regular classes and
- the amount of special education and related services your son or daughter will get.

If it is not clear, **do not** sign it. Let the school know in writing within 14 days that you do not agree with the IEP. And it is important for you to ask for a "conciliation conference" at the same time. You have to agree with the IEP and ask for a conciliation conference within 14 days to stop the district from going ahead with their proposal.

Again, if you do not let the school know that you do not agree in these 14 calendar days, the IEP goes into effect without your signature. You can ask for another meeting to resolve your issues.

If that does not work, get help! Contact an advocacy group.

How can I have a good working relationship with the school team?

Keep in touch with the teachers by telephone, notes or visits. Ask questions if you do not understand something about your child's education.

Let staff know when they are doing a good job. Talk to them when you feel that things are not going well. Keep communication open, and current.

Try to keep things professional and open.

Review the IEP on a regular basis to make sure it is being followed and is still suitable for what your son or daughter needs.

Get progress reports in writing, by phone, or at a meeting. These reports should tell you if your child is making any progress towards meeting the goals specified in the IEP. You can ask for more updates by email or in a daily notebook.

What can I do if the staff and I can't agree on certain parts of the plan?

Parents have a right to disagree with all or part of the plan the school is proposing. Let them know in writing that you do not agree with something in the IEP. Be specific.

You have a right to ask for another IEP meeting, mediation, conciliation or a due process hearing. It is usually best to start with asking for another IEP meeting. You are strongly urged to contact a lawyer before you ask for a due process hearing.



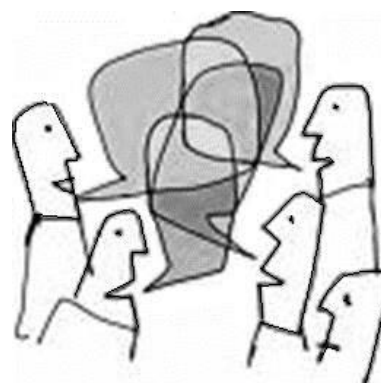
Dispute Resolution Options - Overview

There are many ways to resolve a special education dispute. They range from informal to more formal. Knowing the best things to try and when to try them depends on what you have already tried and what the dispute is about. This is an overview of different options from informal to formal.

Stage 1: Many disputes or problems can be fixed with a phone call to the case manager. If the issue is still not fixed, ask for an IEP team meeting. It is important to keep a record of who you talk to, what you talk about or ask for, and what they say to you.

Note: *if a student is not eligible for special education services, he or she does not have an IEP team. If the disagreement is about whether or not the student needs special education, that can be dealt with in informal meetings, alternative dispute resolutions, through complaints or due process hearings.*

Stage 2: The second stage is more formal. Disputes can be addressed at a conciliation conference, mediation or a facilitated IEP team meeting. These are all voluntary and both parties must agree to them. Districts must offer these options to parents, but you can refuse any or all of them and go to an administrative complaint or due process hearing.



See <http://education.state.mn.us/MDE/fam/sped/conf/> for a description of the differences and purposes of each option, including those addressed below.

Stage 3: The third stage is very formal. You go through an administrative complaint or an administrative due process hearing. These are not state or federal court actions but are administrative proceedings that are serious. There are legal requirements that say a parent has to go through these options before going to a state or federal court.

Complaints typically take a shorter amount of time and lawyers are not usually involved. Complaints can address problems that happened up to 1 year ago.

Hearings take longer and lawyers are almost always involved. Hearings can address problems that happened up to 2 years ago as long as the student is still in the same school district. If a student moves to a new school district, charter school or private school, you may lose the right to get a hearing.

Both result in final, binding decisions and can be appealed in court. Complaints may only be appealed to the state appellate court. Due process hearing decisions can be appealed to the state appellate court or the federal district court.

For more information

These websites are great sources of information for families of students with disabilities:

- www.arcminnesota.org - The Arc of Minnesota
- www.thearc.org - The Arc (National)
- www.proofalliance.org – Proof Alliance. Preventing fetal alcohol spectrum disorders and supporting all impacted. (formerly The Minnesota Organization on Fetal Alcohol Syndrome – MOFAS)
- www.pacer.org - PACER Center
- www.cleweb.org - Center for Law and Education. Contains articles on special education and other education-related topics.
- www.c-c-d.org/ - Consortium for Citizens with Disabilities
- www.copaa.org - Council of Parent Advocates and Attorneys
- <http://idea.ed.gov/> - United States Department of Education
- <http://education.state.mn.us/MDE/fam/sped/> - Minnesota Department of Education's web site related to special education.

How can I contact the Minnesota Disability Law Center?

The Minnesota Disability Law Center provides free legal help to people with disabilities in Minnesota. Contact us at:

Metro: (612) 334-5970
TDD: (612) 332-4668
Toll Free: 1-800-292-4150

Minnesota Disability Law Center
111 North 5th Street, Suite 100
Minneapolis, MN 55403

www.mndlc.org



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2022 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.