



## Special education series

### Know your Rights:

## Tips for advocating with school districts about your child's special education



### Your child has a right to a free, appropriate public education

As the parent of a child receiving special education and related services, you are engaged in a long-term and complicated relationship with your local school district. With hard work, this relationship will proceed relatively smoothly and will result in your child's receiving an appropriate education. Inevitably, there will be times when there is disagreement and conflict between you and the team regarding your child's education. You need to know how to manage these times to successfully advocate for what your child needs, preferably while still maintaining a good working relationship with the school district.

### Knowledge is power

Know what your legal rights are concerning special education. You can learn about these rights in many ways. The school district is required to give you a copy of your rights: read them carefully. You can find special education laws and rules online. Call Disability Rights Center - NH or the Parent Information Center (800-232-0986) for further information. Don't be afraid to assert your rights. If the school district says it's not responsible for something, don't assume this is true unless you have checked it out yourself. Network with other parents in your school district and share information: you may have issues in common.

***You know your child better than anyone else. Your active involvement and participation is extremely important to your child's education!***

### Be involved

Make sure you keep on top of what is happening in school. Keep updated on homework assignments and progress; talk often with the teacher and other members of your child's team; if possible, volunteer your time in the school; review your child's school files; talk to your child about how things are going. Ask for classroom schedules, goals, and objectives.



## Team meetings

The team meeting is a critical part of the special education process. The team makes the decisions about your child's education, related services, and placements. You are a member of the team. If there are problems with your child's education, your first step is usually to call for a team meeting to review the IEP and/or placement and make changes needed to ensure your child receives an appropriate education.

***Be prepared to bargain some. Have areas where you will be flexible.***

Prepare for the meeting. Get your child's evaluations and other educational records from the school: it is required to provide them to you 5 days in advance of the meeting if you so request. Write down the points you want to cover in the meeting.

Make sure the right people are at the meeting - the ones who really know your child. The school district is required to have the teacher (s), you, the student if he/she is 18, and a qualified school district representative there, and can have others as appropriate. Under the IDEA 2004 changes, team members can be excused from meetings if his or her area will not be discussed or modified or if the team member submits written input, and **if the school and parent agree to excuse them**. Teams don't always include classroom aides. If he/she is someone you think should participate, ask that the aide be included.

Decisions about IEPs and placement are

required to be made through a team process, with everyone participating. Set a good example by listening to what team members are saying, even if you don't agree. Keep in mind that different members of the team may have very different opinions, and you need to know what these opinions are. Encourage quieter people to speak up, especially if you think they have important information.

State your requests clearly and positively. Give information to help the team understand what your child needs (e.g. evaluations, reports, information regarding your child's disabilities). If you have expert recommendations you want implemented, bring the expert to the meeting, or have the expert write a clear report or letter stating recommendations.

Don't lose your temper in a meeting. Remain calm, cool, collected, and pleasant. Be polite, but firm. If you don't understand something, ask for clarification. If you find the meetings intimidating, bring

help: your spouse, a friend, a

trusted professional, an advocate, etc. By law, you can bring anyone you wish.

Do tape record the meeting if you will have trouble remembering what happened otherwise. Keep in mind this bothers some people who may see it as adversarial, so only do it if you think it's worth having them be a little bothered. If you do tape the meeting, do it openly: otherwise it's illegal.

Try not to get bogged down with details of IEP



***Sort out what is important from what is not, and concentrate on the important things.***

wording. This can waste a lot of time in meetings and get the team off track from what they really should be talking about. On the other hand, do make sure the IEP adequately addresses what your child needs to learn. Make sure the goals are really things your child needs to learn, and not things your child

already knows or doesn't need to know, and are more than just activities your child will engage in. Make sure the goals are measurable so you and the team can measure your child's progress.

## All that paperwork!

***You have the right to written decisions on your requests of the team.***

Yes, there's a lot of it. While it may seem overwhelming to you, it is critical in the decision making process. At team meetings, make sure important things are recorded in the meeting notes right then and there. This is an important record of the discussion and decisions. You can ask, for instance, that the minutes be read back to the group, and then ask that certain items be added or changed.

After a meeting, the school will give you a written notice of any proposed changes. You have 14 days to sign the notice and agree or disagree with the changes. If you need more time, you and the school district can agree to an extension. If you refuse to agree to the changes, the school may request a due process hearing. If you do not respond, the school district, after making reasonable efforts to contact you, may go ahead and implement the changes.

## Maintain a good relationship with your child's school district

Try to maintain positive relationships, especially with staff who work directly with your child. Good will is invaluable and the loss of it can really hurt your child's school experience. Unless you move, you will probably be dealing with this school district for a long time: in the long run, it will be much less stressful for you and your child if things stay on a positive note.

Be clear about what you want to happen differently with your child's IEP and placement. It's not enough to know that the school is doing a poor job. You must know what you want changed. If you aren't sure, consult people who can advise you. Get independent evaluations if necessary (the school district might be required to pay for this). Talk to the pediatrician, psychologist, social worker, area agency, mental health center, or other involved agencies. Talk informally with school personnel who might be willing to tell you their opinions on or off the record (teachers, guidance counselors, therapists, etc.). You can even ask the team to hire a consultant if it is floundering along with you.

***The child is usually the biggest loser if the parents and educators cannot work together effectively.***

- from "The Blame Game! Are School Problems the Kids' Fault?", by Pamela Darr Wright



**Disability Rights Center - NH**  
64 North Main Street  
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Concord, NH 03301  
(603) 228-0432 or  
(800)834-1721 (voice or TTY)  
Fax: (603) 225-2077  
advocacy@drcnh.org  
www.drcnh.org

This brochure is not meant to be legal advice. For specific legal advice, you should talk to a lawyer.

## Keep good records

Three good reasons for writing a letter:

1. It is harder to ignore, overlook or misunderstand than a verbal communication.
2. It is more likely that the person will respond to a letter than a conversation.
3. It creates a record of your request, which is helpful if things proceed beyond informal negotiations.

Keep copies of everything, and keep a dated journal on all meetings, conversations and phone calls.

## Take action

Don't let problems accumulate without being addressed. When you see a problem developing, take action right away. Unless the situation is very serious (a lengthy suspension, use of force on your child, etc.) start with mildest interventions and work up (Just like with behavior change programs). Follow up your requests. For example, you could:

1. Speak to the teacher informally. If this doesn't solve the problem,
2. Write a friendly note to the teacher reminding him/her of your request or agreement (keep a copy).
3. Write a letter to the special education director, referencing your previous letter. Ask for a response. Keep copies of all correspondence.
4. Convene a team meeting to discuss the problem.
5. File a complaint with the NH Dept. of Education.
6. If the situation improves, then again deteriorates, go through the process again. Reference the last time the problem occurred.
7. Contact Disability Rights Center - NH or other advocacy group or attorney knowledgeable about special education.
8. Request mediation or a neutral conference.
9. Request a due process hearing.



[www.drcnh.org](http://www.drcnh.org)

**other websites of interest:**

**Parent Information Center**

<http://www.parentinformationcenter.org>

**New Hampshire Department of Education**

<http://www.education.nh.gov/>

**Wrightslaw: Special Education Law and Advocacy**

<http://www.wrightslaw.com/>