Save the Children

FAMILY GUIDE TO THE SPECIAL EDUCATION PROCESS

www.savethechildren.org

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INTRODUCTION

Purpose of this Resource

All children learn differently. When children learn differently, this is not a bad thing. It may just mean that they need supports that special education services can provide.

There are many children throughout the United States who could benefit from special education and early intervention services. However, even when family members are trying their best to get their children help, it's hard to know where to start. The complicated process, confusing words, and endless paperwork can leave many families feeling hopeless about their chance to get their child the services they really need.

This resource was created to help families understand the process of special education and what certain services mean for their child's future. In this family guide, you will find explanations and definitions of the special education and early intervention process from start to finish. You will also find your rights and your child's rights explained, tips to make meetings about special education a little easier, and additional resources you can explore to become even more of an expert in special education and disability activism.

YOUR ROLE IN THE PROCESS

QUICK NOTE:

When you see a word in **bolded, blue** letters, that word is included in the **Important Words to Know** section with a definition.

Take a quick scan of this section before reading through the rest of the guide.

It can be overwhelming to start the special education process for your child.

You may ask yourself questions such as “Where do I start? Who do I call? Which service do they need? How do I know the school or **early intervention** program will do what’s right for my child?”. The best way to make this process less stressful is to learn as much as you can about **special education** so you can advocate for both you and your child.

Let’s start here

- **You are an advocate for your child**
  First and foremost, this is about getting your child the services that will help them feel their best and learn their best. This guide will give you tips and tricks for how to speak up for your child and their needs. Remember, you are an expert on your child, and you have a lot of knowledge to help the team.

- **You are an advocate for yourself**
  When you start the process of getting your child **special education** services there will be different meetings to attend, forms to sign, and big decisions to make. Your greatest tool in these situations is knowledge. Ask questions, make it clear to the team if you disagree, and offer up suggestions as much as possible. You have a voice and a seat at the table, and the team should respect that.

- **You are a part of a team**
  Although you may feel alone in this, you are absolutely not. The team of teachers, specialists, **case managers**, and whoever else should all have one common goal; Helping your child get the services they need. The team has a lot of knowledge and ideas related to education so try to arrive with an open mind, all while staying true to the common goal. It’s easier to work with the team than against them. Be an advocate, and also be a learner!

MYTH VS. FACT

SPECIAL EDUCATION AND DISABILITIES

MYTH	FACT
Special Education is a bad thing.	**Special education** can be an amazing resource for your child and their learning. There are many stereotypes surrounding **special education** that society and the media have created that are NOT true. **Special education** gives children the support they need to learn their best. **Special education** only causes harm if your rights or your children's rights are being violated by the school.
Disabilities are a bad thing.	The **Social Model** of disability proves people are disabled by barriers in society. **Disabilities** are a part of the human experience. Many people will become disabled in their lifetime. Help us start to put an end to this myth by talking openly and positively about disabilities with your children, family members, friends, and co-workers! Remind them that the word **"Disability"** is not a bad word. To learn more, click **here** for an opinion piece by Nina Tame, a disability mentor and advocate.
When a child needs special education, it means they are bad at learning.	No child is bad at learning. They may have trouble learning a certain way, like through teacher lectures or videos. Unfortunately, not every general education teacher is able to teach in many different ways so all children can learn their best. **Special education** is there to give support and services to children who learn, communicate, and respond differently than we typically expect in a **general education classroom. Special Education** gives your child tools and opportunitiies to learn the best way they can.
Special education means my child will learn in a separate room.	In some cases, your child may learn in a separate classroom for certain parts of the day, like during reading or math. These are called resource rooms or **self-contained classrooms**. However, your child should never spend all day in a separate classroom. They should also spend as little time in a separate classroom as possible. We know the inclusion of children with and without disabilities in the same classroom is **better for all children's learning**. Spend some time reading about the difference between Inclusion **Classroom, General Education Classroom**, and **Least Restrictive Environment** in the Important Words to Know section.

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MYTH VS. FACT

SPECIAL EDUCATION AND DISABILITIES

MYTH	FACT
Guardians and family members have little to no say in the special education process.	You are just as much of a team member as the special education teacher themself. All the information you have can be valuable and necessary for your team to know before they decide what services your child needs. Sometimes, it may feel intimidating when you walk into a room full of school professionals on their laptops, typing on hidden screens, and using complicated words. You may not want to disagree or ask questions. It is important for you to ask questions when you don't understand and tell the team when you do not agree. In this guide, we will provide tips on feeling more comfortable in a meeting and self-advocating. You may not be an expert in the profession of education, but you are an expert on your child.
Special education is a "label."	**Special education** should not be used as a label. It is a tool in a child's toolkit to help them learn more and grow in their skills. **Special education** is a program, not a way to describe a child. The idea that **special education** is a bad thing comes from something called **Ableism**. This is the idea that those without disabilities are somehow better than those with disabilities and that being disabled is a bad thing. This is untrue. When people are different, they are not worse.
Special education/Early Intervention is expensive, and my child's school (or our family) might not be able to afford it.	All **special education** services are free to families under Section 504 of the Rehabilitation Act of 1973. This requires all school districts to provide Free and Appropriate Public Education (FAPE) to persons with disabilities in public education. **Special Education** for school-age children (3-21 years old) should be completely free to families. As for the school's cost, they are required to provide the services your child needs, no matter how much it costs. **Early intervention** services are mostly free to families. Talk to your **service coordinator** about what is free and what may cost you and your family money. To read more about **Early Intervention** services and who pays for what, click here.
Special education means my child will learn less.	**Special education** means your child will learn in a different way that will make them more successful in the classroom. They are receiving these services because learning the 'typical way' in a **general education classroom** was not helping them grow as a learner. Some children need different kinds of learning and ways to express their ideas. **Special education** gives them those opportunities.

IMPORTANT WORDS TO KNOW

A

Ableism: Ableism is a belief that those without disabilities are somehow better and more capable than those with disabilities. Ableism can include when people believe those with disabilities need to be "cured". Ableism can also include the belief that those with disabilities have a less happy or full life. This is untrue. Those with disabilities can have just as happy lives as those without disabilities.

Accommodation: Accommodation means a change that removes a barrier to learning or completing work. Examples of accommodation in the classroom can include noise-canceling headphones, more time to take a test, highlighting important words in a book, or spellcheck on a computer.

Annual Goals: On many special education documents there will be a section for annual goals for the child. The service provider (special education teacher, speech pathologist, social worker, etc.) will say what they believe the child should be able to do in a year and then track to see if they're able to meet their goal by the next annual meeting. There must be a goal for each area of support your child receives.

Annual Review: This is when the whole team comes together a year from the last IEP/IFSP/or 504 meeting and updates the services, goals, and any other parts of the plan that need to be changed. The team will also talk about the child's past year and how they are learning.

B

Behavior: Every child uses different behaviors to communicate. Although some behaviors may be more overwhelming to adults (throwing, hitting, biting) all behavior is communication, and the child is trying to tell you something by doing something. People at the school may say the child is being 'manipulative' and trying to get what they want through certain behaviors. It is important to remember that this is not true, no child is manipulative, they are just trying to tell you something through their actions. The school should work with the child to find out what they are trying to communicate and how to find a solution as a team.

C

Case Manager: The case manager is the person who helps you set up meetings and gather the team for the child receiving special education services (ages 3-21). They will also be the one in charge of the IEP or 504. They may be called different things in different places (case manager, case file holder, etc.) and sometimes is also the Special Education teacher who wears different hats and has different responsibilities.

Child Find Coordinator: the child find coordinator helps the school district or early intervention program with locating, identifying, and evaluating children who may need special education services in the school district.

Consent: Consent happens when you sign documents saying you agree with the school's plans for your child's education. If you do not consent, the school is legally not allowed to implement that plan. Families have a say in their child's education and how and where they can access it. However, it's important to note that if a guardian does not consent to just one part of the plan, the entire plan will not be implemented. This is an essential step in the special education process.

D

Disability: Disabilities can be physical or mental impairments, visible or invisible, that someone may be born with or get some time in their life. Because of barriers in society, having a disability can make doing some things harder or more stressful. People with disabilities can do much more in an accessible society where accommodations and supports exist.

Disabilities can include:

- Vision, hearing, and mobility impairments
- Emotional and mental health conditions
- Specific learning disabilities
- Chronic health conditions
- Invisible disabilities

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IMPORTANT WORDS TO KNOW

Developmental Delay: There are five domains (or skill areas) to focus on when your child is young:

1. **Communication-** the way they respond to and how they communicate with others. Communication does not have to be speaking words. It can also look like hand gestures, pointing to pictures, typing on a device, or certain sounds.
2. **Physical-** another way to describe the child's five senses (taste, touch, sight, smell, hearing), any major movements they make with larger muscles (walking, crawling, leaning forward), any small movements they make with smaller muscles (writing, holding items, tapping their fingers, pressing buttons), and their ability to move from one space to another.
3. **Cognitive-** the child's ability to think and understand information and what's happening around them.
4. **Social-emotional –** the child's ability to interact with others, express themselves, and handle conflict.
5. **Self-help/adaptive-** a way to describe how a child can care for themselves. This includes things like eating, drinking, toileting, bathing, getting dressed, etc.

If your child has a developmental delay that means they may need some support in one or more of these areas. Developmental delays are good to identify early in your child's life because they can begin to receive support. According to Zero to Three "approximately 16-18% of children have disabilities or developmental delays"and are more common than we think!

Domain Meeting: This can sometimes be called a "referral meeting". It's the first meeting you have with the school's special education team. The team will talk about your child's academic performance, communication, social-emotional skills, and more. The team will talk about what information they still need, which may mean they test the child during school. This meeting will end with the people from the team most relevant to your child's education promising to gather more information before the next meeting, "The Eligibility Meeting".

Due Process: If you disagree with how the school is handling your child's special education, you can file a due process complaint. This is a formal procedure and can involve a due process hearing with an impartial hearing officer. To learn more about your due process rights, turn to the section labeled *Your Rights as a Guardian.*

E

Early Intervention: Early intervention refers to the services and supports children ages 0-3 need if they have a developmental delay or disability. This means the child is a little bit behind the typically developing child in skills such as talking or walking. A child could also need early intervention because of a medical condition.

Early Steps to School Success (ESSS) Coordinator: If your child(ren) is enrolled in Save the Children's ESSS program then you have spent a good chunk of time with the ESSS coordinator. They may be coming for home visits, providing books for you to share with your child, hosting parent-child groups, or giving advice about the next steps to help prepare for kindergarten. If your child is enrolled in ESSS programs, early interventionists and ESSS coordinators should be working together in some way to support your child.

Eligibility Meeting: The eligibility meeting is when all the team members who gathered more information share out what they found and whether they think your child needs support, either for an IEP, IFSP, or 504 plan. This meeting can end in one of three ways: first, your child receiving an IFSP or IEP, second, your child receiving a 504 plan, or third, your child will NOT be eligible and not receive any special education support.

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IMPORTANT WORDS TO KNOW

Extended School Year (ESY): Extended School Year is when a child will be attending summer school with special education services. Parents must provide consent for a child to get ESY services.

F

Full and Individual Evaluation (FIE): The team will choose during the domain meeting who will be evaluating your child. This means that everyone might not need to evaluate your child. The team or case manager should ask the guardian what they want included in the evaluation.

G

General Education Classroom: A general education classroom is where children without special education services learn. However, sometimes this may also mean an "inclusion classroom" (see below) where children with and without disabilities learn alongside each other.

H

High Support/Low Support: Some people have used words like "severe", "low functioning", and "high functioning" in the past to talk about people with disabilities. These descriptions can be hurtful because they are saying that some people are better functioning than other people, which is not true. Instead, we use words like high support and low support to describe how the environment can be shaped to help children reach their full potential.

I

Inclusion Classroom: Inclusion classrooms are where children with and without special education services are learning side by side. There are typically a special education teacher and a general education teacher co-teaching. Inclusion classrooms are often the preferred way for children to learn because children with and without disabilities can start to develop friendships and learn from one another. Also, the teachers typically use many ways of teaching that can benefit all children, with and without disabilities.

Individualized Education Plan (IEP): An individualized education plan, or an IEP, is for children needing special education services in the school setting (only for ages 3-21 years old). An IEP is basically an educational roadmap for a child with a disability to keep track of how they'll make growth for one year.

Individualized Family Service Plan (IFSP): An Individualized Family Service Plan, also known as an IFSP, is a written plan for children ages 0-3 who have a developmental delay or disability. The plan includes what kind of early intervention the child will get and how they will get those services. In an IFSP, the family part is very important to the process.

L

Least Restrictive Environment (LRE): When people think about special education, they sometimes think about separate classes or schools. However, public schools are supposed to have children who get special education services learn in the same classroom as other children without services as much as possible. Unless there's a strong reason, children should be in general education classrooms. This principle is called LRE, or least restrictive environment.

M

Modification: A modification is different from an accommodation. A modification changes what the child learns, either the amount or level of work. For example, a modification in the classroom may be to teach a child about basic subtraction and addition (2+4) while the other children subtract and add fractions. The child is still learning the same skill as the other children but their method and showing they understand is slightly different.

N

Natural Environment: An IFSP is focused on including the family in the early intervention services. This is why it's important for the child to receive services in the most natural environment they learn in, which usually means the child's home or a child care center.

Neurodivergent: People who have brain-based disabilities. This includes people with ADHD, intellectual disabilities, mental illness, Down syndrome, dementia, autistic people, and many more. Neurodiverse refers to a group of people with different neurotypes. To find out more about Neurodiversity, click here.

P

Paraprofessional/Aid: A paraprofessional may also be called a teaching assistant. If your child requires a paraprofessional for either a part of the day or the full

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IMPORTANT WORDS TO KNOW

day the team will put this in writing on the IEP under the "Paraprofessional Justification" section. A paraprofessional can help with daily school activities, such as behavior support during recess and lunch, academic support during things like math, reading, science, or social studies, and/or physical support for children who may need help with feeding, toileting, mobility, etc.

Present Levels of Performance: Present levels of performance is basically a summary of your child's current strengths and needs. For example, they may say "Chester is able to read a sentence without an adult from a level A book. He still needs help answering questions about the book."

Procedural Safeguards: Procedural safeguards are your rights and your child's rights listed in a long and complicated document that the case manager or service coordinator will hand to you and ask you to sign at the meeting. They are asking you to sign that you received your rights and understand them. Go to the section **Your Rights as a Guardian** to learn more about what your rights are.

R

Referral: When someone makes a referral to special education or early intervention, they are informing the case manager, service coordinator, child find coordinator, school district, or other school professionals they would like that child evaluated for special education services. Making a referral does not mean the child immediately will get special education services.

S

Self-Contained Classroom: A self-contained classroom, sometimes called a resource room, is when children with special education services are the only ones in the classroom.

Service Coordinator: The service coordinator is the person who helps you set up and schedule services for the child receiving early intervention. They will also be the one in charge of the IFSP and setting up all the meetings and interviews.

Special Education: Special education is instruction that is specially designed to meet the unique needs of a child with a disability. Since each child is unique, it is difficult to give an overall example of special education. It is individualized for each child.

Stimming (or self-stimulation): This means moving the same way over and over again. This can look like rocking back and forth, rubbing soft things on one's face or body, flapping hands, humming, and more. Both autistic and non-autistic children stim. There are many reasons people stim including to balance the senses, express emotions, or make themselves feel better. Stimming can have a calming effect on people.

T

Triennial: This can also be known as a "reevaluation meeting" and takes place every 3 years. This means the team will double-check if the child still needs special education services or if they are ready to exit the program. A reevaluation meeting can also be requested by the parents earlier than every 3 years, if desired.

504 Plan (504): A 504 plan is a formal plan the school will develop that gives children with disabilities the support they need through accommodations. This could include keeping an epi-pen in the classroom, giving a child a little longer to take a test, or allowing for extra breaks during the day. 504 plans are different from IEP's because no special education teacher is required to work directly with the student.

TYPICAL ATTENDEES AND WHY THEY'RE HERE

KEY PLAYERS

Required by law

Family/Guardian: You are there to give input, hear about your child's strengths and needs in the classroom, and ultimately work with the team to decide what is best for your child in terms of special education services. You have knowledge about your child the team should listen to and consider!

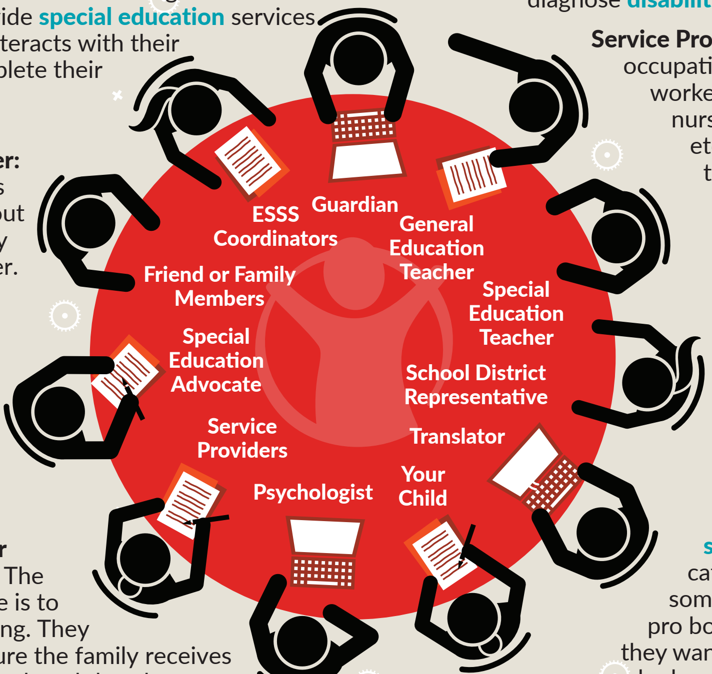
General Education Teacher: This teacher sees your child daily and knows some of their strengths and needs. They do not directly provide special education services but see how your child interacts with their peers and how they complete their schoolwork.

Special Education Teacher: This teacher probably has the most information about your child's skills than any other school staff member. The special education teacher can speak about the child's annual goals, which accommodations are most helpful to them, and how they are doing in the classroom.

School District Representative (Case Manager or Service Coordinator): The case manager's main role is to set up and run the meeting. They are also there to make sure the family receives all the necessary paperwork and that they are given the chance to sign any consent forms. The case manager is also responsible for giving the guardians their rights in paper form. The case manager is NOT a parent advocate, but they can and should answer any questions you may have about the special education process.

Translator: If the family's primary language is different than English the school is required to provide an interpreter for any meetings. The school should ask the family what their primary language is before the meeting. The family does NOT need to find their own translator.

Your Child (at age 16 and up): When children turn 16, they attend and sometimes even lead their own meetings! It's important children have a say in their own education and keep up to date with teacher feedback. Your child can talk about what they like and don't like about their current school day and what helps them learn best.



Possible Other Members

Psychologist: A psychologist may be there for some meetings. They may ask you questions about your child during a domain meeting, explain testing results during an eligibility or IEP meeting, or share their thoughts about your child's progress during a triennial meeting. They look at your child's cognitive and emotional functioning, which means they will ask your child a lot of questions about math, reading, friendships, etc. Only some can diagnose disabilities such as ADHD.

Service Providers: This could include occupational therapists, social workers, speech pathologists, nurses, bilingual coordinators, etc. Service providers come to the meeting when they work directly with the child and want to share information.

Additional Members You Can Invite

Special Education Advocate: You may choose to hire an outside special education advocate who does not work for the school. You will need to pay for most special education advocates, however, there are some organizations who offer pro bono, or free, work because they want to help you. Advocates may look over drafted documents, come to meetings with you, give you suggestions when making decisions, etc. Before hiring a special education advocate make sure you read reviews about the advocate themselves and the organization they represent and ask for all cost information upfront.

Friend or Family Members: Sometimes having a friend, family member, or someone you trust with you can make a meeting less stressful and intimidating. You have the right to bring a trusted friend or family member to any meetings the school may hold. Be sure to inform the school who you are bringing before the meeting so they can add their name to the paperwork.

ESSS Coordinators: If you are currently enrolled in Early Steps to School Success and wish to invite your coordinator, they can add a lot of information and help to the meeting.

INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)

AGES 0-3

WORDS TO KEEP IN MIND:

Annual Goals, Annual Review, Behavior, Consent, Disability, Developmental Delay, Due Process, Early Intervention, ESSS Coordinator, Eligibility Meeting, High Support/Low Support, IFSP, Natural environment, Present Levels of Performance, Procedural Safeguards, Referral, Service Coordinator, Special Education, Stimming

WHAT IS AN IFSP?

The following information was taken and rephrased from the website Understood. Click here to see a sample IFSP.

Child and Family Information: There will be basic information about your child such as their birthday, address, and name. There will also be guardian information, including contact information and relationship to the child.

Service Coordinator Information: The IFSP will include all the information about your service coordinator such as their name, contact information, and employer. This information will be important whenever you need to call or email your service coordinator with questions, concerns or updates.

Present Levels of Development: This section was explained a little in the Important Words to Know section of this guide. This will include your child's strengths and needs, or things they need more support to do. This section should be accurate and not include any hurtful or mean language about your child.

Family Resources, Concerns, and Priorities: This is a section where you can add in any concerns you have about the process, services, or your child's development. The section for family strengths and resources should only include positive information and avoid being hurtful to the family.

Measurable Results or Outcomes: This is another way to say your child's annual goals. The IFSP should include what the goal is, what kind of activities and services the child will receive to meet the goals, how the goals will be tracked, how often the child will receive services for the goal, who will be providing the services, and where the child will receive services.

Natural Environments/Settings: IFSP services should only happen in an environment most natural to the child. This means that children should be where they are most comfortable and most likely to be themselves without feeling stressed or overwhelmed. This could happen at home, at a daycare, at their grandparents' house, etc. Tell the team where the child is most comfortable. Again, you are the expert there!

Other Services: This may include services not paid for by Early Intervention. If you are not comfortable paying for these services let your service coordinator know so they can figure out a solution.

Consent: In many states, you will have 14 calendar days to either check you give permission or that you do not give permission to start services. Services will begin the day you sign that you give permission. If you do not give permission the service coordinator will schedule a follow-up meeting with the team where you can talk about why you didn't sign consent and the team may change the IFSP.

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INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)

ROADMAP TO GETTING YOUR CHILD AN IFSP

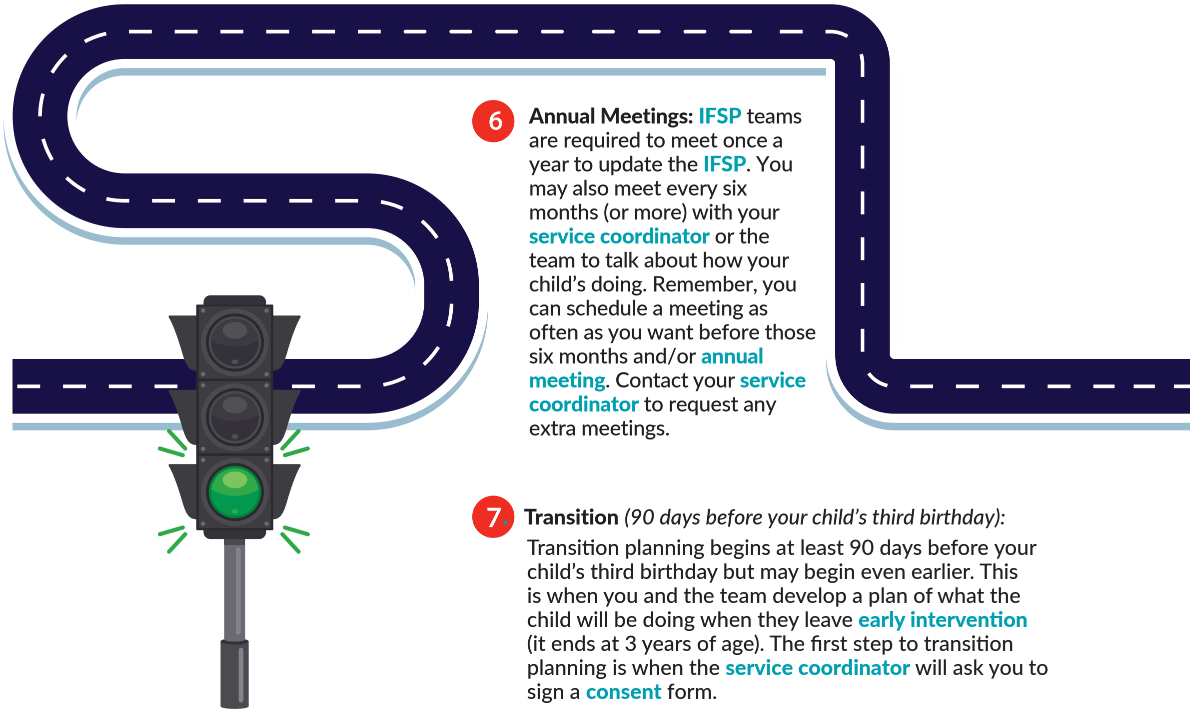
1. **Referral:** If you or someone close to you and your child notices they may need some help in one of the five domains (communication, physical, cognitive, social-emotional, self-help/adaptive) you can talk to your child's pediatrician to get a referral OR contact your state's early intervention center.

2. **Intake Process:** When early intervention recieves the referral they will connect you to a service coordinator. They may call, email or come in person to explain early intervention. They will ask you questions about you, your family, and your child to help find out the best way to support your child. Remember, the service coordinator is there to help.

3. **Early Intervention Evaluation:** Before your child can get an IFSP, you'll need to give consent for an evaluation. This means you will sign paperwork and the service coordinator will work with you to schedule a meeting with the evaluation team. The team evaluating your child will probably be about two (maybe more) professionals who are used to working with infants and toddlers. They may spend some time asking your child questions, playing games with them, asking you some questions about your child's medical history, and observing you playing with your child. This is all to find out if your child needs an IFSP to help them. If your child is enrolled in an ESSS program, ask your ESSS coordinator to join for the evaluation.

4. **Eligibility:** The team may decide to have an eligibility meeting* on the same day as the evaluation or on a different day that works for all your schedules. They will share their thoughts about your child's skills and needs. Don't be scared to ask questions and say if you disagree with them. Remember, you know your child best! Look over the Meeting Tips and Guardian Rights sections of this guide before you meet with the team. The team will tell you if the child is eligible for early intervention services. If they are that means you and the team will make an IFSP together. If they are not, that means they will not be getting any services. If you do not agree with the team's decision, ask them for information about Due Process.

**Do not worry about scheduling meetings. The service coorinator will contact you and schedule all meetings. They should only pick dates and times that are convenient for you.*



5. **IFSP Development:** You and the team will meet at a time and date in the future that works for all schedules. You will work with the team to make a plan that includes what services your child will receive, when, how, where, and the goals they are trying to meet. Click here for 6 Tips for Creating your Child's IFSP! If you want to learn more about what's in an IFSP go to the next part of this section, What's in an IFSP?This is your time to voice any concerns and have them written in the legal document.

   Make sure you agree with EVERYTHING in the IFSP before signing consent. You can tell the team you need some time to read over the documents and will sign later. You have 14 calendar days to either sign you agree or disagree. If you disagree mark "disagree" and ask for another meeting to talk about why and how the team can fix the IFSP. Just remember, services will not start until you give consent. If your child is enrolled in an ESSS program, ask your ESSS coordinator to join the meeting with you. They can speak about your child's skills.

6. **Annual Meetings:** IFSP teams are required to meet once a year to update the IFSP. You may also meet every six months (or more) with your service coordinator or the team to talk about how your child's doing. Remember, you can schedule a meeting as often as you want before those six months and/or annual meeting. Contact your service coordinator to request any extra meetings.

7. **Transition** *(90 days before your child's third birthday):* Transition planning begins at least 90 days before your child's third birthday but may begin even earlier. This is when you and the team develop a plan of what the child will be doing when they leave early intervention (it ends at 3 years of age). The first step to transition planning is when the service coordinator will ask you to sign a consent form.

   If you sign consent the child's information will be given to the local school district as a referral. Once the school district receives your referral, they may do a new evaluation or they may use the IFSP to decide if your child is eligible for services in a preschool or community program like Head Start.

   If you refuse to consent the child will stop receiving any services by age 3.

If your child is eligible, they will continue services through an Individualized Education Plan, or an IEP at the school. See Individual Education Plan in the next section to learn more.

If your child is not eligible, the service coordinator will give you information about any community programs and local services you can explore. This also means your child will NOT be receiving an IEP.

INDIVIDUALIZED EDUCATION PLAN (IEP)

AGES 3-21

WORDS TO KEEP IN MIND:

Accommodations, Annual Goals, Annual Review, Case Manager, Child Find Coordinator, Consent, Disability, Domain Meeting, Due Process, Eligibility Meeting, ESY, FIE, General Education Classroom, High Support/Low Support, Inclusion Classroom, IEP, LRE, Modification, Paraprofessional, Present Levels of Performance, Procedural Safeguards, Referral, Self-contained classroom, Special Education, Triennial, 504 plan

WHAT IS AN IEP?

IEP's can be long and confusing documents which can frustrate the reader if they don't understand what they're looking at. Below is a quick guide to what's in an IEP and what they mean for your child.

Present Levels of Development: This section was explained a little in the Important Words to Know section of this guide. This will include your child's strengths and needs, or things they need more support to do. This section should be accurate and not include any hurtful or mean language about your child.

Annual Goals and Service Delivery: These are either academic or functional (independent functioning, social-emotional, etc.) skills your child can complete in a school year. This will also include how the team will track your child's progress and when they'll get support to reach this goal during the school day. You should be told about your child's progress on their goals at least a couple of times a year- usually when report cards are given out as an additional document.

Accommodations and Modifications: **Accommodations** and **Modifications** are different strategies the teachers can use during the day to remove any barriers that are hurting your child's education. This will also include ways they will change the classroom, the work your child receives, and the way they take tests.

Least Restrictive Environment (LRE): ***This section is extremely important, and you should pay special attention to it when reading the draft of the IEP before the meeting and during the meeting***. It will usually look like a table with rows listing each program area (reading, math, writing, science, speech, etc.) with a number in the box under either **General Education Classroom** or **Self-Contained Classroom** (or separate classroom). The number in the boxes is the number of minutes per week your child will be working directly in a classroom with a special education teacher.

Your child should be in the **general education classroom** setting as much as possible during the day. There is a lot of research that says children with disabilities learn better and feel better when they are included with children with and without disabilities together. Tell the **IEP** team you want your child in an **inclusion classroom** during the day. Sometimes the school will say no, or it is not possible. If your child should be in an **inclusion classroom** it is important to tell the school that you do not agree with their decision.

Paraprofessional Justification: A **paraprofessional** is most commonly known as a teacher assistant. If your child requires a **paraprofessional** for either a part of the day or the full day the team will put this in writing on the **IEP** under the "Paraprofessional Justification" section.

Consent: In most states, you will have 14 calendar days to either check you give permission or that you do not give permission to start services. Services will begin the day you sign that you give permission. If you do not give permission the **case manager** will schedule a follow-up meeting with the team where you can talk about why you didn't sign **consent** and the team may change the **IEP**.

If your child is 14 years of age or more...

Transition Plan: This is created by the **IEP** team, including your child, to outline steps to plan out their future for their teenage years. This includes their interests, what classes they enjoy, skills they'd like to learn, and thoughts about college, further schooling, or joining the workforce. Transition planning can start as early as 14 years old but is required at 16 years old in most states.

(Continued on Page 15)

INDIVIDUALIZED EDUCATION PLAN (IEP)

ROADMAP TO GETTING YOUR CHILD AN IEP

1 **Referral:** ***If your child is 3-5 years of age...***

You or someone your child works directly with (like a Headstart or preschool teacher) may notice your child needs some help and could benefit from **special education** services. If you are making the **referral**, you will contact your school district and say, “I would like to request an evaluation in writing for my child. May I please speak to the “**Child Find coordinator**”. When you or someone else makes that request it is called a **referral**. The **Child Find coordinator** is in charge of telling you what school you should make your **referral** to and answering any questions you have about the process.

If your child is 5-21 years of age...You, your child’s teacher, or someone else from the school may notice your child needs some help with school and in the classroom. If you are the one asking for help, you can call the school directly and say, “I would like to make a **referral** for (child’s name) for potential special **education services**”. The **case manager** will schedule a meeting at the school that works for your schedule.

2 **Domain Meeting:** The **domain meeting***, sometimes called an initial/referral, is when you have a chance to talk to the whole **special education** team. This may include services providers like speech pathologists and occupational therapists, teachers, both special education and general education, **case managers**, psychologists, the school nurse, and anyone else who seems relevant. If you are interested in learning more about who will be at each meeting, go to the Key Players section of this guide. If anyone requires a language translator, tell the school before the meeting and they should have one ready. This is your chance to tell the team what you think your child needs to succeed in school. Tell them what works at home, what doesn’t work, and any important information. The team will probably ask you and the teachers a lot of questions. If you are confused by the question or need them to explain something more, ask! **Special Education** can be confusing and it’s important to ask questions when you don’t know the right answer. By the end of this meeting, the team will decide between two choices.

Option A: They will “decline to do an evaluation”. This means based on everything the team said during the meeting they don’t believe your child needs **special education** services at this time. If you do not agree with them, go to the Guardian Rights section of this guide to find information about **Due Process.**

Option B: They will “proceed to do a **Full and Individual Education (FIE)**”. This means some, or all, of the people at the meeting will meet with your child at school and ask them questions, play games with them, and see if they will need their services.

Do not worry about scheduling meetings. The* ***case manager* *will contact you and schedule all meetings. They should only pick dates and times that are convenient for you.*

3 **Full and Individual Evaluation:** The team will choose during the **domain meeting** who will be evaluating your child. They will evaluate the child at the school where the **referral** was made. The team members will probably meet for 30-60 minutes each with your child during the school day, ask them questions, observe them, and play games with them. They will take all their notes and information from the evaluation and decide if your child needs their services.

4 **Eligibility:** The team will meet either in person or virtually for an **eligibility meeting**. They will share their thoughts about your child’s skills and needs. Don’t be scared to ask questions and say if you disagree. Remember, you know your child best! Look over the Meeting Tips and Guardian Rights sections of this guide before you meet with the team. If the child is eligible the team will start creating an **Individualized Education Plan (IEP)**. If they are not eligible they will not be getting any services. If you do not agree, ask them for information about **Due Process**. Children are only considered eligible if they have a disability in one of the **13 categories in federal law** AND if their **disability** affects their education.

5 **IEP Meeting:** You and the team will meet at a time and date in the future that works for all schedules. You can invite anyone you would like to the meeting as either an advocate or just a friend/support. The team will have created an **IEP** draft before the meeting that they should have sent to you before the meeting to look over. You will work with the team to make a plan that includes what services your child will receive, when, how, where, and the goals they are trying to meet. If you want to learn more about what’s in an **IEP** go to the next part of this section, What’s in an IEP?.*

This is your time to voice any concerns and have them written in the legal document. Make sure you agree with EVERYTHING in the **IEP** before signing **consent**. You can tell the team you need some time to read over the documents and will sign later. In most states, you have 14 calendar days to either sign you agree or disagree. If you disagree mark “disagree” and ask for another meeting to talk about why and how the team can fix the **IEP** so you do agree. Just remember, services will not start until you give **consent**. To read some quick tips for caregivers at an IEP meeting, **click here**.

6 **Attend Annual Review Meetings:** **IEP** teams are required to meet once a year to update the **IEP**. Your child and their likes, dislikes, strengths, etc. will definitely change somewhat in a year so make sure the team is updating the **IEP** as needed. Remember, you can schedule a meeting as much as you want before the **annual meeting**. Contact your **case manager** to request any extra meetings. If your child moves from one school to another, the school will transfer their documents to the other school so services can continue.

*One of the most important sections of an IEP is the **Least Restrictive Environment (LRE)** section. Make sure to review this part of What’s in an IEP? Before attending the **IEP** meeting.

504 PLAN

AGES 3-21

WORDS TO KEEP IN MIND:

Accommodations, Annual Goals, Annual Review, Case Manager, Child Find Coordinator, Consent, Disability, Domain Meeting, Due Process, Eligibility Meeting, ESY, FIE, General Education Classroom, High Support/Low Support, Inclusion Classroom, IEP, LRE, Modification, Paraprofessional, Present Levels of Performance, Procedural Safeguards, Referral, Self-contained classroom, Special Education, Triennial, 504 plan

DIFFERENCE BETWEEN A 504 AND AN IEP

For a child who is having trouble in school, a **504 plan** can offer a lot of support. The plan can put in place changes to how your child is taught, like frequent breaks or audiobooks. **504 plans** are great for children who don't need **special education** but who do need support to learn. Many children will get a **504 plan** if they were found NOT eligible for an **IEP**. If you are not sure whether your child needs an **IEP** or a **504 plan**, it is best to request a referral for an **IEP**.

WHAT'S IN A 504?

504 plans can be confusing documents that can be frustrating if you don't understand what you're looking at. Below is a quick guide to what's in a **504 plan** and what they mean for your child. The following information was taken and rephrased from the website **Understood**. Click **here** to see a sample **504 plan.**

School Information: School information can include the school's name, when the document was created, and the child's name. It may also include your child's **disability** if they have been diagnosed with one in the past. The **504 plan** will also include the team members who attended the meeting.

Teacher Support: Since a **504 plan** is usually followed in the **general education classroom**, the general education teacher may need some help to follow it. This section includes anyone who may meet with the teacher and give them some support, such as a special education teacher or school nurse.

Accommodations and/or services: This section will probably be the longest in the **504 plan**. It includes what kinds of **accommodations** your child will get in the classroom. This could be extra time on some assignments or a seat in a quieter area. This will also list the person who is in charge of providing the **accommodations**. This is usually the general education teacher(s). Finally, this section will include when the child receives those **accommodations**. Is it every day? Every two weeks? Whenever they need it?

Notes: The document will have a section where any notes from team members can be added. This may include any of your own concerns, as well.

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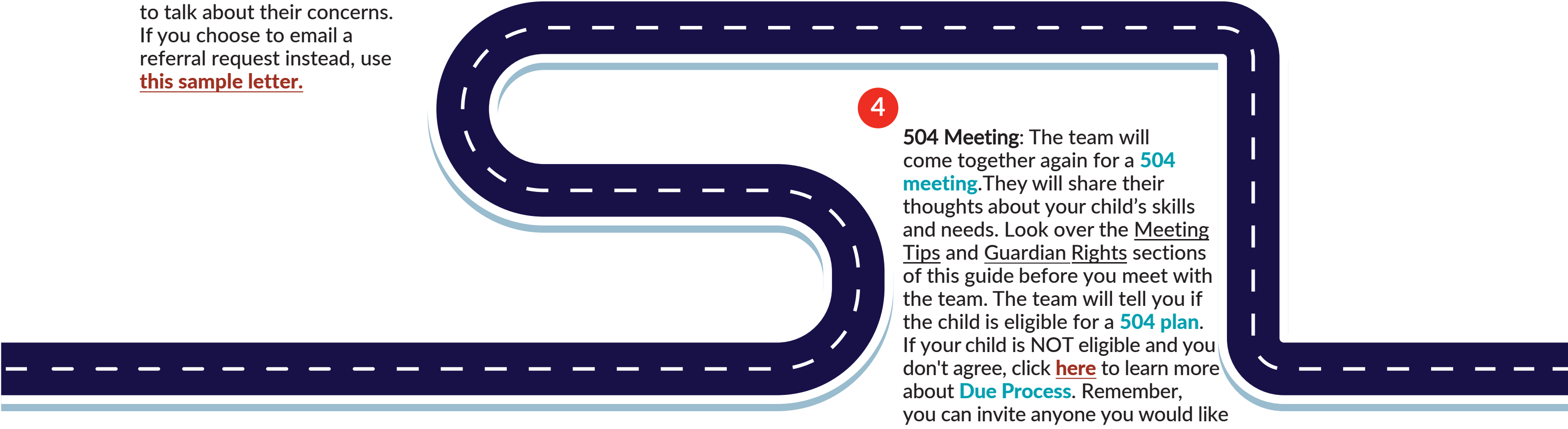
504 PLAN

ROADMAP TO GETTING YOUR CHILD A 504

1 **Referral:** You, your child's teacher, or someone else from the school may notice your child needs some help with school and in the classroom. If you are the one asking for help, you can call the school directly and say, "I would like to make a **referral** for (child's name) for a **504 plan**". If the classroom teacher makes the **referral** the school will contact you and ask to set up a meeting to talk about their concerns. If you choose to email a referral request instead, use **this sample letter.**

2 **Domain Meeting**: There MAY be a **domain meeting** when you have a chance to talk to relevant members of the school team. For example, if you believe your child needs **accommodations** in the classroom, the general education teacher may be there. If your child has ADHD or a medical condition such as asthma, the nurse may be there as well.

This is your chance to tell the team what you think your child needs to succeed in school. Tell them what works at home, what doesn't work, and any important information. If you have a **domain meeting**, the team may ask you and the teachers a lot of questions. If you are confused by the question or need them to explain something more, ask!These meetings can be confusing and it's important to ask questions when you don't know the right answer. Most of the time, if you are interested in a **504 plan** for your child the team will move straight into an evaluation. **504 plans** are less complicated for schools to follow than an **IEP** because they don't need a special education teacher, so usually the steps are a little easier to get a **504 plan.**



3 **Evaluation:** The team will choose during the **domain meeting** who will be evaluating your child. They will evaluate the child at the school where the **referral** was made. The team members will probably meet for 30-60 minutes each with your child during the school day, ask them questions, observe them, and play games with them. They will take all their notes and information from the evaluation and decide if your child needs their services.

4 **504 Meeting**: The team will come together again for a **504 meeting**.They will share their thoughts about your child's skills and needs. Look over the Meeting Tips and Guardian Rights sections of this guide before you meet with the team. The team will tell you if the child is eligible for a **504 plan**. If your child is NOT eligible and you don't agree, click **here** to learn more about **Due Process**. Remember, you can invite anyone you would like to the meeting as either an advocate or just a friend/support. The team will have created a **504 plan** draft before the meeting that they should have sent to you before the meeting to look over. If you want to learn more about what's in a **504 plan** go to the next part of this section, What's in a 504?. Make sure you agree with EVERYTHING in the 504 plan before signing **consent**. You can tell the team you need some time to read over the documents and will sign later. In most states, you have 14 calendar days to either sign you agree or disagree. If you disagree mark "disagree" and ask for another meeting to talk about why and how the team can fix the **504 plan** so you do agree. Just remember, services will not start until you give **consent**.

5 **Attend Annual Review Meetings:** Just as you would with an IEP, you will meet with the team once a year to look over and update your child's **504 plan**. You can schedule a meeting as much as you want before the **annual meeting**. Contact your **case manager** to request any extra meetings. If your child moves from one school to another, the school will transfer their documents to the other school so services can continue.

TIPS FOR GUARDIANS

MEETING TIPS

The following are tips guardians can use when attending any meeting. This includes domain, eligibility, IEP, 504, IFSP and triennial meetings. These are just suggestions. Feel free to do whatever makes you feel comfortable before, during, and after the meetings. **The most important part of attending special education meetings is being present, focused, and asking questions when you don't understand.**

BEFORE THE MEETING	DURING THE MEETING	AFTER THE MEETING
Review your rights: Your rights as a guardian and your child's rights as a student must always be followed by the school. If you need a refresher on your rights or your child's rights, review Your Rights as a Guardian section in this guide.	**Share about your child:** You are the expert on your child. Although teachers know how they are at school, you can provide valuable information about them at home. Talk about if you've seen any changes in behavior or routine at home. This may be a sign that something needs to change at school. *(For example, if the school says your child has no behavior issues but when they come home, they are seeming more aggressive and upset, this may mean they are holding in a lot of stress during the school day and immediately letting it go at home where they feel safe. In this case, you may want to talk about WHY the child doesn't seem to express themselves at school)*	**Review and sign the final documents, if there are any:** Documents do not have to be signed at the meeting. You may choose to sign them there, but it is your right to take them home, review all the information, and then sign. Only sign the documents if you agree with everything included. If you don't agree, call the school and ask them to set up another meeting to discuss your concerns.
Look through any drafts the school sent home: Before most meetings, if the team is hoping to start a new plan or change an existing one, they should send home a draft of all the documents a few days before the meeting. Spend some time reading over the documents, circle or highlight anything you don't understand or don't agree with, write in anything you would like to add, and be prepared for the team to make changes during the meeting.	**Keep an open mind:** You may have an idea going in of how you want the meeting to go and what you want for your child. Just keep in mind, it's important to listen to all the team members' ideas and suggestions. Remember that you can have some time to think ideas over and no decisions must be made during the meeting.	**Share information with your child:** After you have talked to the team, and before signing the document, talk to your child about the possible changes in their school day and how they would feel about them. Explain that these changes aren't permanent. If your child seems upset or against these changes, you may want to consider meeting with the team again and discussing a different approach or a gradual change to the new setting/ supports (*For example, ten minutes with a speech pathologist a week and slowly making your way up to 30 minutes a day or whatever is in their plan)*
Invite any guests/advocate: You have the right to bring anyone to the meeting who may be relevant or act as your support system. Let the case manager know about any guests you're bringing and if they have accessibility requirements or need a translator.	**Ask questions:** There is no such thing as a silly question. Special education language can be confusing, and the process is not easy to understand. Don't be afraid to ask questions and tell the team when you don't understand. Remember the list of questions you prepared. Make sure you take the time to ask them and get full understanding of each answer. All team members should have the same goal of helping your child do well in the classroom! (***Note:*** *if you don't want to ask questions during the meeting, write down your questions as they come up and email to the case manager after the meeting. Wait to sign consent until your questions are answered)*	**Check that the team's following through with their promises:** Anything written in a legal document must be followed by the school. If your child requires a paraprofessonal, speech therapy, or to be in a general education classroom with a special education teacher supporting them the whole day then that is exactly what they should receive. Talk to your child daily about school, how they feel about the changes, and if they are supported during the day. Additionally talk to your child's teachers once in a while about the plan.
Prepare your questions: No question is a bad question, especially when it comes to your child's education and well-being. Come up with a list of questions before the meeting. If you need ideas, ask your child! They may have their own questions about their school day and why it looks the way it does.	**Be polite but firm:** Your child is their own advocate, but you are also their advocate! The school should provide a fair and equal education for your child where they learn as much as possible with their general education peers. Stress the importance of the least restrictive environment and that the school uses accommodations and modifications to help your child learn the way they learn best. It is best for your child to learn alongside their peers with and without disabilities most or all of the day.	**Keep the finalized documents in a safe and easy to find place:** Most documents are emailed and can be stored in a folder on your computer. You will also receive a paper copy after signing. Keep this in a secure and easy to find place. If you lose your copy, ask the school for another. However, be careful with the documents as they usually include sensitive information about your child.

YOUR RIGHTS AS A GUARDIAN

As a parent or guardian of a child either in **special education** or early intervention, you have certain rights under the law. This means it would be illegall for the school to ignore or not follow your rights. You have these rights under something called Part C OR Part B of the Individuals with Disabilities Education Act (IDEA). If your child is in **early intervention** (0-3 years old) your rights are covered under Part C of IDEA. If your child is in **special education** (3-21 years old) your rights are covered under Part B of IDEA. In a meeting, the team will hand you something called **Procedural Safeguards** which will outline your rights. It will be a long and complicated packet. Instead of reading through that whole packet, we have provided an outline of your rights below.

This includes your rights explained in three different key areas of the IDEA process:

1. Your child is in/or may need **EARLY INTERVENTION** services (Part C)
2. Your child is in/or may need **SCHOOL AGE SPECIAL EDUCATION** services (Part B)
3. You **DON'T AGREE** with the team

1. YOUR CHILD IS IN/OR MAY NEED EARLY INTERVENTION SERVICES

Your rights explained:

1. **The right to be told in advance when and where the meetings will be held so you can attend.**
   - The **service coordinator** will call you to find a time that works for you and the whole team to meet.
   - You will either get a letter or email (something in writing) telling you where and when the meeting will be.

In short... you should be given time to prepare for the meeting and know exactly when and where it will be happening, in writing.

2. **The right to be told in advance when any changes or updates are made to your child's services**
   - This includes:
     - When an evaluation is completed on your child.
     - When an evaluation is requested or refused.
     - Child is either find eligible or NOT eligible.
     - Services are suggested, started, or stopped

In short... you should be called, emailed, or sent a letter when the team wants to change or tell you anything about your child's services. You should also have a say in these changes.

3. **The right to have any documents translated to native language and the right to have an interpreter or translator at any meeting.**
   - If you speak a language other than English, all written notices and documents must be translated to your native language.
   - The service coordinator will bring a translator or interpreter to any meeting you attend.
   - If you do not use written language, information should be given orally.

In short... the **service coordinator** should make sure you are able to participate in all meetings and understand all documents.

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YOUR RIGHTS AS A GUARDIAN

YOUR CHILD IS IN/OR MAY NEED EARLY INTERVENTION SERVICES *(Contnued from Page 19)*

4. **The right to a timely and comprehensive evaluation.**
    - Once your child is referred to **early intervention** and consent is given, your child will receive an evaluation and potentially an **IFSP** in a certain number of days. The number of days can be different from state to state. Timely means the **early intervention** team should follow a set timeline created by the state.
    - The evaluation should include all the areas of concern for your child and the evaluator should test using many different strategies.
    - You have the right to understand and provide **consent** before an evaluation, know what evaluation it will be, and that the evaluation will not happen without your consent.

In short... you should be included in the evaluation process the entire time and it should not take a long time for the team to make a decision.

5. **The right to participate in the development of your child's IFSP.**
    - You have the right to attend all **IFSP** meetings as a team member and give your input.
    - You may choose to invite other family members, friends, or an advocate to all meetings.
    - The meetings will all be held at a time and place that is convenient for you; *For example, If the team chooses to hold the **IFSP** meeting a 30-minute drive away from you and you don't have access to a car, that is a violation of your rights.*
    - **IFSP** services must happen in the most natural environment for the child, meaning a place they spend a lot of their time, and they would use the skills they're working on.

In short... you are just as much a member of the IFSP team as anyone else and should have the right to attend all meetings and give your opinion.

6. The right to confidentiality
    - The **early intervention** program will keep your child's records on a computer as well as a printed copy where only the **IFSP** team will be able to see them.
    - The team will not give your child's records to any agencies, school districts, etc. without your written **consent**. This includes when your child moves to kindergarten and may still need services in school. The school **will not** send over their records to the school unless you sign written **consent**. They will ask you to do so at the transition meeting.

In short... the active members of your child's **early intervention** team are the only ones who should have access to your child's IFSP and any other document, UNLESS you sign written **consent** saying you are okay with someone else seeing the records.

7. **The right to examine and access your child's records.**
    - You will have all your child's records in either a paper or electronic copy (or maybe both).
    - The team should send all records to you within a certain number of days BEFORE any meetings (this depends on the state you live in).
    - The team should explain and walk you through all the records during the meeting. Any questions you have should be answered.
    - The team CANNOT charge you to search for your child's records and send them over again.

In short... you should have access to your child's records and be able to understand what the team is trying to say in these records. It is the team's responsibility to help you understand.

8. **The right to annual reviews of your child's IFSP.**
    - The team should meet at least once a year (in many states they are required to meet twice a year) with you to update your child's **IFSP**.
    - The updates should be consistent with your child's progress and the services they need.
    - The team should review the goals your child had on their **IFSP** the year before and talk about whether they met those goals and what that means for the child's services.

In short... the team, including you, should be meeting once a year to update your child's **IFSP** and the updates should be based on how your child responded to services last year. This means they may need more services or less services.

YOUR RIGHTS AS A GUARDIAN

YOUR CHILD IS IN/OR MAY NEED SPECIAL EDUCATION SERVICES

Your rights explained:

1. **The right to be told in advance when and where the meetings will be held so you can attend.**
    - The case manager will call you to find a time that works for you and the whole team to meet.
    - You will either get a letter or email (something in writing) telling you where and when the meeting will be.

In short... you should be given time to prepare for the meeting and know exactly when and where it will be happening, in writing.

2. **The right to be told in advance when any changes or updates are made to your child's services.**

    This includes:

    - When an evaluation is completed on your child.
    - When an evaluation is requested or refused.
    - Child is either find eligible or NOT eligible.
    - Services are suggested, started, or stopped on the IEP or 504.

In short... you should be called, emailed, or sent a letter when the team wants to change or tell you anything about your child's services. You should also have a say in these changes.

3. **The right to have any documents translated to native language and the right to have an interpreter or translator at any meeting.**
    - If you speak a language other than English, all written notices and documents must be translated into your native language.
    - The case manager will bring a translator or interpreter to any meeting you attend.
    - If you do not use written language, information should be given orally.

In short... the case manager should make sure you are able to participate in all meetings and understand all documents.

4. **The right to a timely and comprehensive evaluation**
    - Once your child is referred to for special education and consent is given, your child will receive an evaluation and potentially an IEP or 504 plan in a certain number of days. The number of days can be different from state to state. Timely means the team should follow a set timeline created by the state.
    - The evaluation should include all the areas of concern for your child and the evaluator should test using many different strategies.
    - You have the right to understand and provide consent before an evaluation, know what evaluation it will be, and that the evaluation will not happen without your consent.

In short... you should be included in the evaluation process the entire time and it should not take a long time for the team to make a decision.

5. **The right to participate in the development of your child's IEP/504.**
    - You have the right to attend all IEP or 504 meetings as a team member and give your input.
    - You may choose to invite other family members, friends, or an advocate to all meetings.
    - The meetings will all be held at a time and place that is convenient for you; Most likely they will occur at the school or over zoom/phone call.

In short... you are just as much a member of the special education team as anyone else and should have the right to attend all meetings and give your opinion.

6. **The right to confidentiality.**
    - The school will keep your child's records on a computer as well as a printed copy where only the special education team will be able to see them.
    - The team will not give your child's records to any agencies, school districts, etc. without your written consent.

In short... the active members of your child's special education team are the only ones who should have access to your child's documents such as an IEP or 504 plan, UNLESS you sign written consent saying you are okay with someone else seeing the records.

(Continued on Page 22)

YOUR RIGHTS AS A GUARDIAN

YOUR CHILD IS IN/OR MAY NEED SPECIAL EDUCATION SERVICES *(Continued from Page 21)*

7. **The right to examine and access your child's records.**
   - You will have all your child's records in either a paper or electronic copy (or maybe both).
   - The team should send all records to you within a certain number of days BEFORE any meetings (this depends on the state you live in).
   - The team should explain and walk you through all the records during the meeting. Any questions you have should be answered.
   - The team CANNOT charge you to search for your child's records and send them over again.

In short... you should have access to your child's records and be able to understand what the team is trying to say in these records. It is the team's responsibility to help you understand.

8. **The right to annual reviews of your child's IEP or 504 plan.**
   - The team should meet at least once a year with you to update your child's **IEP** or **504 plan**.
   - The updates should be consistent with your child's progress and the services they need.
   - The team should review the **annual goals** your child had on their **IEP** the year before and talk about whether they met those goals and what that means for the child's services.
   - Every three years, a **triennial meeting** will be held. Typically, this means the psychologist will reevaluate your child to see if they still need certain services, need additional services, or should exit the **special education** program completely.

In short... the team, including you, should be meeting once a year to update your child's **IEP** or **504 plan** and the updates should be based on how your child responded to services last year. This means they may need more services or less services.

YOU DON'T AGREE WITH THE TEAM

Your rights explained:

1. **The right to a hearing.**
   - This may be your first step if you don't agree with something in your child's files.
   - You can call the **case manager/service coordinator** and "request an amendment of your child's records". This would happen if you believed there is something wrong or misleading in your child's **IEP/IFSP** or any other documents.
   - The team will meet and decide if this amendment (change) will be made. If they decide not to make a change, they will tell you and then you have a right to a hearing.
   - You can tell your **case manager/service coordinator** if you would or would not like to hold a hearing. Holding a hearing means that an outside agency will decide if the change should or should not be made and whether the team was wrong.

In short... you have the right to request any reasonable changes to your child's documents and if you think the team is wrong to deny your request you can hold a hearing where an outside team decides.

2. **The right to dispute resolution.**
   - Many disagreements with your **IFSP/IEP** or **504** team can be handled without legal action. There are steps to take before making a **due process** complaint. If you disagree with someone on your team, talk to the **case manager/service coordinator** first. Then, tell the supervisor or principal if the disagreement is still not solved. Be sure to keep records of all your conversations, either in email or keep a notebook or word document with the date and description of your conversations. If both those options don't seem to work, move on to the following list:

(Continued on Page 23)

YOUR RIGHTS AS A GUARDIAN

THREE FORMAL WAYS TO HANDLE A DISAGREEMENT WITH YOUR TEAM IN ORDER FROM SIMPLEST TO MOST COMPLICATED

Option 1: Mediation

Mediation is when you have tried to solve a disagreement with your team, but you don't feel they are listening to you or accepting your opinion. During mediation you would meet with a representative from your program (early intervention or IEP/504) and a neutral person to help you solve the problem.

Mediation is:

- Voluntary, meaning no one MUST do it.
- Run by someone who is trained in mediation and should not be biased.
- Ends in a written agreement.

You have the right to:

- Request mediation at any time at no cost to you.
- Meeting should happen at a time and place that is reasonable and convenient.
- Keep all discussion at meeting confidential.

Option 2: Written Complaint (Also called a Due Process Complaint)

Written complaints are meant for if you believe the school or early intervention program violated any of you/your child's rights under IDEA. These are difficult to write without help from an organization, advocate, or lawyer. Your first step may be to contact a Parent Training Center near you to ask for free advice. Click here for a state-by-state listing of Parent Training Centers.

Written complaints must include:

- Statement that the school/early intervention program has violated IDEA requirements.
- The reason why any rights were violated.
- Contact information for person filing complaint (you or the advocate/person helping you).
- Name and address of child.
- Name of program or school district working with child.
- A possible way to solve the problem.

Click here for a sample of a written complaint, provided by Understood.Org

You have the right to:

- Your child continuing services while the complaint is pending.
- The school district/early intervention program will investigate and issue a written response within a certain number of days (check with your state's requirements).
- If they agree with your complaint the program will find a way to fix the problem.

Option 3: Due Process Hearing

You and the school district or early intervention program will move into due process if you cannot come to an agreement after the written complaint has been filed. Due process will be the furthest level of dispute resolution you can do in special education or early intervention. This may result in a due process hearing which is like a courtroom trial.

Due process is:

- Only for a dispute related to special education. It cannot be used for anything else, for example religious disputes.
- Meant to follow a set timeline that is usually decide by the state.

You have the right to:

- Have a legal representative like a lawyer and/or someone with special knowledge about early intervention or special education.
- Present evidence, cross-examine and compel witnesses.
- Prohibit any evidence that has not been given to the parent at least five days before the hearing.
- Obtain a written or electronic transcript of the hearing.
- Make hearing open to the public.
- Timely hearing following state requirements.

In short... disputes with school districts and early intervention programs can be complicated and frustrating, but they can be solved. If you are moving to a due process complaint it is highly recommended to get outside help, either from a Parent Training Center, a special education advocate, or a lawyer.

CONCLUSION

MAIN TAKEAWAYS

You are a key player in your child's education and their access to **special education** services. Not only are you an advocate for them but you are also an advocate for yourself. Below are some final suggestions based on this guide:

1. **Think about who your child is:** What do they like? What do they hate? What are they great at? What do they want some help with? How do they feel about school? How do they feel about themselves? The better you can explain your child to the team, the more information they have to plan out the next steps.
2. **Stay firm about inclusion:** Regardless of your child's **disability**, they should be included as much as possible with their peers without disabilities. Inclusion is better for all children. This is one of the most important points to advocate for your child and their education.
3. **Talk to your child:** At the end of the day, your child knows what makes them happy and what doesn't. Sometimes the way they are taught can make them feel bad about themselves and their brain. No child should feel like they are not smart and capable of learning. Talk to your child about what they like about school and what they don't. They can be the person that tells you the most about what's working and what isn't.
4. **Continue to learn about disability activism:** If your child has a **disability**, that's okay! Disabilities are a part of who they are and not a bad thing. Continue to hear from disabled voices and learn from their experiences and insight. Click **here** for more information on how to be a disability ally!
5. **Be patient with yourself:** It is impossible to be an expert overnight. There is so much information out there about **special education**, what is right, what is wrong, and how you can help. The truth is each situation is different, just as each child is different. Be patient with your understanding and learning. This process is hard to understand and even harder to do on your own. Ask questions and allow yourself time to take in the answers. You are already on the right path by reading this guide!

ADDITIONAL RESOURCES

Click here to read *"Welcome to the Autistic Community"* Online Book

This resource, created by the Autistic Self Advocacy Network (ASAN, is a short, accessible book about autism, allyship, self-advocacy, and more. There are many helpful definitions and facts about autism.

Click here to read *"Questions Asked by Parents about Special Education Services"*

This resource, created by the Center for Parent Information and Resources, is a website with answers about the special education process and what special education means for your child.

Click here to watch *"I'm not your Inspiration, thank you very much"*

This **video/Ted Talk**, created by Stella Young, dives into how society dehumanizes disabled people by turning them into a noble inspiration for living with a disability. Through humor and candid conversation, Stella challenges the idea that disabilities are bad and that to live with it the person must be inspirational. This is a good resource to start with on your road to disability **allyship**.

Click here to find your local *"Parent Training and Information Center" or "PTI"*
Parent training and information centers, or PTI's, exist in every state. PTI's focuses are working with families of children with disabilities, birth to 26. They offer trainings, parent groups, and specific advice.

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Save the Children
U.S. Programs
899 North Capitol St NE #900
Washington, DC 20002
www.savethechildren.org

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