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Slide 3



Parents are experts on their children – the special ed law could have been written to not include parents in decisionmaking, but it ensured that parents were central to process, mainly because they are experts and best advocates for THEIR children (not necessarily special ed law or programs)

Slide 4



* Parents should trust their judgment; don’t let school/district staff undermine your judgment and expertise on your child
* Bring someone to meetings with you! To help take notes, to provide an extra set of ears, to help moderate your emotion, etc.
* Bring specifics to the meeting about your child’s struggles/behaviors: look at your conclusions, and work backwards – where/when/why/how do these things happen? “Bad is good” rule – this is the time to not focus on your child’s strengths, but the areas they need help/their struggles
* Bring external evaluations to the meeting – make sure your experts phrase things as what your child NEEDS, not what would be “nice” – the law says services must meet the child’s NEEDS, not just what would be helpful.

Slide 5



* The “No Rules” rule: school may say “it’s not our policy,” but that doesn’t mean it can’t happen. Everything is personalized, the IEP team meeting’s decisions trump everything. If the district says there is a policy, ask to see it in writing (it may not actually exist and may be more unofficial!)
* Come to the IEP meeting with an agenda – do not leave until all your questions are answered! If you need to schedule another meeting, that’s ok! You may even want to start the meeting with your agenda items. If you don’t need to go around the room and hear reports from each staff person, say that and only hear the ones you need to hear. If there is an evaluation report, ask for it in advance and ask them to answer your questions, not just read the report out. (In NJ, districts are required to give parents reports 10 days before IEP meetings.)
* You can record the meeting but must notify district in advance. It may be more useful to have your support person take good notes. Make sure to write down what the district says – much more important to have that recorded/captured than what you say.
* Follow up your meeting with an email, where you clearly and concisely restate what was covered, to make sure you have written confirmation and agreement.

Slide 6



* 504 plans do allow for the same type/level of services as an IEP, but an IEP carries more weight.

Slide 7



* Evaluations:
* District evaluations: You have the right to request that the district evaluate your child in “every area of suspected disability.” Ne evaluation can lead to another. There is not a cookie cutter set of evaluations. The districts evaluations are free to parents. District evaluations HAVE to be done every three years, but can be done more often if there are changes or everyone agrees it is necessary. Parents can waive the re-evaluation at three years, but probably shouldn’t unless you are afraid the results will de-classify your child.
* Private evaluations: Paid for by parent (or sometimes insurance). Gives you a completely unbiased assessment. The district does not have to follow the private evaluation recommendations, but they do have to consider them. They do not have to tell parents why they are not following the recommendations.
* Independent evaluations: Paid for by the district but done by external evaluators. You have a right to request an independent evaluation if the district evaluation is inaccurate or incomplete. The district may have suggested evaluators, but you do not have to use one of those; you can use whomever you choose, as long as they are not significantly out of line costwise.

Slide 8



* Student records: you have the right to see and comment on ALL records pertaining to your child. This includes the investigatory record on bullying situations.

Slide 9



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Slide 10



* The IEP:
* Required once a year, but a parent has the right to call an IEP meeting at any time
* The IEP document is set up in a specific order:

1. Present levels of academic and functional performance – this is the section where the NEEDS are identified, and everything else flows from there.
2. Goals – what do we reasonably expect for progress in a year – they should map to the needs. Goals need to be measurable to be meaningful. The statute says “meaningful” means “significant learning in the area of need in light of aptitude.” If goals are measuring percentages, make sure there is a baseline. This section should focus on the important goals, and not just be a laundry list.
3. Services – these need to be tied to the goals (which are tied to the needs).
4. Placement – where does the child have to be to get these services? Should not be working backwards from the placement to figure out services…

Slide 11



* “Least Restrictive Environment” means having more access to general education students.
* But placement trumps LRE – start with what is appropriate for the child, then look at which appropriate setting allows the most exposure to gen ed students.
* If you are considering Out of District Placement (OODP), google “Olberti Standards” for more information.
* Unilateral placement is where a family moves a child to an OODP without the school’s approval but still wants school to pay for it; if you plan to do this, consult an attorney so that you follow the correct process (including notifying school district 10 days before child is moved) – if you don’t follow the process, you won’t win against the district.

Slide 12



* Right to Judicial Review – parents have a right to take the district to court. This will not be a money-making endeavor – you MIGHT get attorneys fees covered if you win.
* If a district wants to remove a service from your child, and you disagree, if you file for due process within 15 days, then “stay put” kicks in, which means the student must continue to receive the current services while litigation proceeds.
* Mandatory resolution is required – where both sides are supposed to come together without lawyers to try and resolve issues, but this is often skipped because everyone agrees it’s already been tried.
* You can request a mediator to help resolve the situation – the results are legally binding but you can’t recoup legal fees with a mediator.

Slide 13



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