

# Advocacy Steps and Dispute Resolution

## A Fact Sheet from the Minnesota Disability Law Center

*Notice: Minnesota Disability Law Center Fact Sheets, including this one, are intended as brief informational introductions to Minnesota and federal legal requirements on the topic. This fact sheet does not constitute legal advice and does not create an attorney-client relationship. Each situation is different and the law is subject to change and interpretation.*

### Advocacy Steps and Suggestions

#### 1. How can I become a good advocate for my child?

It is important for you to be familiar with your rights regarding special education and related services that are available to your child. You should also have a basic understanding of the evaluation process that the school will use to determine what services your child will receive. This fact sheet will help you to effectively prepare and organize for meetings with the school. It will also give you some advice on what to do if problems occur.

There are a number of Web sites on the Internet that are valuable sources of information for families of students with disabilities. Some of these sites include:

- [www.thearc.org/](http://www.thearc.org/) The Arc of the US
- <http://www.thearcofminnesota.org/> The Arc of Minnesota
- [www.pacer.org](http://www.pacer.org) PACER Center.
- [www.cleweb.org](http://www.cleweb.org) Center for Law and Education. Contains articles on special education and other education-related topics.
- [www.c-c-d.org/index.htm](http://www.c-c-d.org/index.htm) Consortium for Citizens with Disabilities.
- [www.copaa.net](http://www.copaa.net) Council of Parent Advocates and Attorneys.
- [www.fape.org](http://www.fape.org) Family & Advocates Partnership for Education (FAPE), of the PACER Center.
- <http://idea.ed.gov/explore/view> United States Department of Education
- [http://education.state.mn.us/MDE/Accountability\\_Programs/Compliance\\_and\\_Assistance/index.html](http://education.state.mn.us/MDE/Accountability_Programs/Compliance_and_Assistance/index.html) Minnesota Department of Education's web site related to special education.

## **2. How can I learn about my rights regarding educational services, including special education and related services?**

At the time of evaluations, IEP meetings, and placement decisions, you should be given written notices and/or a copy of parental rights and procedural safeguards. Be sure to read these carefully and ask questions about anything that you do not understand.

Across the state and throughout the year, disability organizations, including the Minnesota Disability Law Center, schedule parent rights training meetings. Try to attend one of these meetings each year as the law and rules change quite often.

Contact a disability organization, such as the Minnesota Disability Law Center, if you have questions or problems regarding special education services.

It is often helpful to talk to and learn from other parents. Check in your community to see if there is an active parent support group or disability organization that has helpful newsletters and information.

## **3. How do I start to advocate for my child?**

When dealing with any agency that is providing services to you and your family, it is important to maintain good records. This means keeping copies of all papers in one place so you can find them quickly. A file folder or three-ring binder is often useful to keep your papers together. Students should be encouraged to keep a set of their own records. These records should include:

- copies of any letters you send or receive;
- copies of evaluations, progress reports, or report cards;
- copies of IEPs, IFSPs, or other service plans;
- any discipline records, including notices and suspensions;
- any other information about your son or daughter; and
- a log of telephone calls.

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

## **4. How do I prepare for a meeting?**

Find out ahead of time what the purpose of the meeting is, and who will be present. At an IEP meeting, the special education teacher, at least one regular education teacher and an administrator should be present at the minimum. This meeting must be scheduled at a time that is mutually agreeable with you and the school. The school must provide enough advance notice of the meeting in order for you to participate.

If the meeting considers an evaluation on your child, at least one member of the evaluation team should be present. You should ask for a copy of the evaluation report before the meeting. Read this evaluation report carefully and write down any questions that you have about the evaluation.

Sit down before the meeting and make some notes about your son's or daughter's strengths and needs. The school should ask what your concerns are regarding your child. Write down any suggestions or ideas that you have about the educational services or program that your child receives. Include ideas about anything that your child is not receiving that you think would be helpful.

If school is in session, it is a good idea to arrange to visit and observe your child in class before the meeting.

Be sure to bring a copy of your file, particularly a copy of your child's most recent evaluation and the current IEP or IFSP plan. Be very familiar with the information contained in your child's IEP/IFSP.

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

### **5. Should my child attend team meetings?**

At or before age 14, your child will be invited to the IEP meeting. For a child under the age of 18 or under guardianship, it is the parents' decision whether the child attends the meeting. Sometimes it is a good idea to have the child be a part of the meeting. It is important to help your child prepare for the meeting by asking him or her if there are any problems in school at the moment. You should also ask the child what he/she really enjoys about school. If your child is 14 or older, you might also consider asking him/her if they have given any thought to what they would like to do after high school. Be prepared to have more than one discussion with your child about these matters before the actual IEP meeting.

Students who are 18 are legal adults and have the same rights as parents of minor children, unless the student is under a legal guardianship. The Minnesota Disability Law Center encourages parents, foster parents, and surrogate parents to teach their sons and daughters about their rights and how to prepare for IEP meetings before they reach the age of 18.

### **6. What do I do during the meeting?**

Come to the meeting prepared. Bring copies of relevant documents, your notes, and pencil and paper.

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

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

If you are asked to sign something at the meeting, take your time and read it carefully before you sign anything. You have no obligation to sign anything at the meeting. You can tell the team that you want to take it home and read it before you sign it. Never sign a blank form or a partially completed IEP. Always take the IEP home and read it carefully before you sign it.

### **7. What do I do after the meeting?**

Reread all of the papers you received at the meeting. Read the IEP carefully, making sure that it describes your son's or daughter's needs and program in enough detail for you to know what the goals are for the year, what all the adaptations are for all classes, the schedule of regular classes and the amount of special education and related services your son or daughter is to receive. If it is not clear, do not sign it. Be sure to let the school know in writing within 10 days that you do not agree with the IEP. **If you do not notify the school of your disagreement, the IEP goes into effect without your signature.** You can request another meeting to resolve your issues.

If that does not work, get help! Contact your local Arc, parent group, or advocacy group.

### **8. What can I do to have a good working relationship with the school team?**

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

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

Review the IEP on a regular basis to be sure it is being followed and remains appropriate to the needs of your son or daughter.

You should receive progress reports either in writing, by phone, or at a meeting. These reports should tell you whether your child is making any progress towards meeting the goals specified in the IEP.

### **9. What can I do if the staff and I cannot agree on certain parts of the program?**

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

You have a right to request another IEP meeting, mediation, conciliation or a due process hearing. It is usually best to start with requesting another IEP meeting. You are strongly urged to contact an attorney before you request a due process hearing.

### **Dispute Resolution Options - Overview**

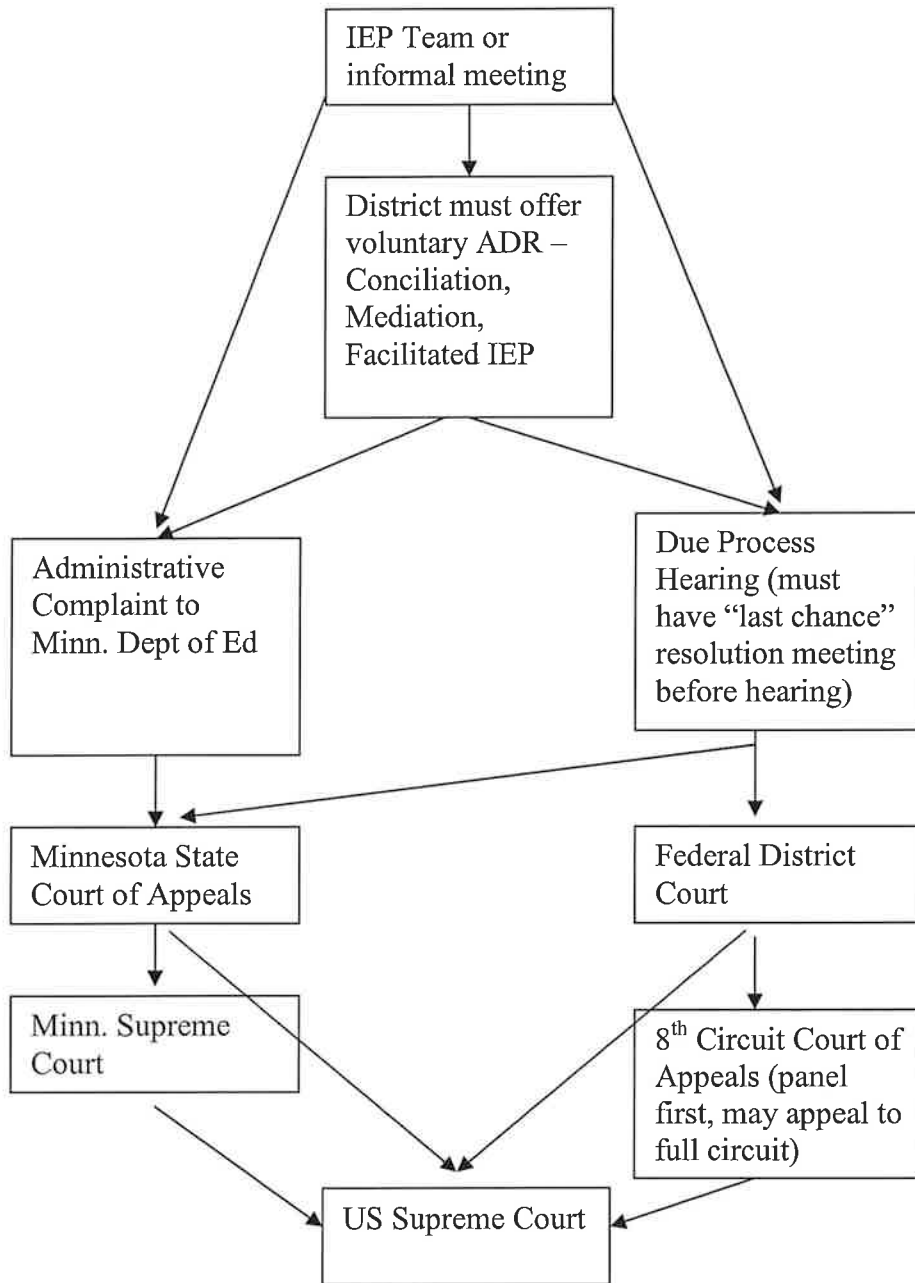
There are many ways to resolve a special education dispute, typically from more informal to more formal. When you pursue the different strategies depends on what has been tried before and the type of dispute. What follows is an overall of different options from informal to formal.

The first stage is typically to address and attempt to resolve disputes and problems at the IEP team level or with information meetings and telephone calls. Many problems can be raised informally with the case manager in a phone call. If they are not resolved, you can request an IEP team meeting. It is important to keep a record of the contacts and requests you make and the school's responses. *Note that if a student is not eligible for special education services, he or she does not have an IEP team and disputes over the non-identification of the student as needing special education needs can be addressed in informal meetings, alternative dispute resolutions or through complaints or due process hearings.*

The second stage is more formal. Disputes can be addressed at a conciliation conference, mediation or facilitated IEP team meeting. Each of these is purely voluntary; both parties must agree to them. Districts must offer a range of these options to parents, but parents may refuse any or all of the options and proceed to an administrative complaint or due process hearing. These are all informal options and are non-binding until the resolution is documented in the IEP.

See <http://education.state.mn.us/mde/static/002143.pdf> for a description of the differences and purposes of each option, including those addressed below.

The third stage is very formal, in either an administrative complaint or in an administrative due process hearing. These are not state or federal court actions, but they are administrative proceedings that carrying a similar legal weight. Complaints typically take a shorter amount of time and attorneys are not usually involved. Hearings take longer and attorneys are involved. Both processes result in final, binding decisions and are subject to appeal. There are legal requirements that require a parent to go through these options before parents can go to a state or federal courts. Complaints may only be appealed to the state appellate court. Due process hearing decisions can be appealed to the state appellate court or the federal district court.



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