

**The Hitching Post Educational Center**

**Advocating  
for  
Your Child**

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**You are your child's best advocate!**

# What does an Advocate do?

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- Gather Information
- Learn the Rules of the Game
- Prepare!
- Document, Document, Document
- Ask Questions
- Identify Problems
- Seek Win-Win Solutions

# Types of Advocates

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- Lay Advocates
- Educational Advocates
- School Personnel
- Parents

# Lay Advocate

- Someone with specialized knowledge and expertise to help parents resolve conflict.
  - Knowledgeable about legal rights and responsibilities.
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- ✓ Attend Meetings
  - ✓ Negotiate for Services
  - ✓ Write Letters
  - ✓ Represent parents at Due Process Hearings

# Educational Advocate

- Someone who evaluates children with disabilities and makes recommendations about services.
  - Focus is on services and programming. They don't necessarily know the law and legal rights.
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- ✓ Attend Meetings
  - ✓ Negotiate for Services

# School Personnel Advocate

- Most Teachers consider themselves as advocates.
  - Because they are employed by the school district, their ability to advocate is limited without risking their employment.
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- ✓ Attend Meetings
  - ✓ Limited Negotiation

# Parent Advocate

- Natural advocates.
  - Know your child the best
  - You have the right to advocate for your child
  - Possible learning curve. Do your research and learn all you can about the law.
- 
- ✓ Attend Meetings
  - ✓ Negotiate
  - ✓ Write Letters
  - ✓ Represent yourself at Due Process Hearings

# Project Manager

- Learn about the culture of the school.
  - Who is the Gatekeeper?
- Learn about the laws and regulations for Special Education
  - Federal Laws
  - Federal Codes
  - Virginia Codes
- Gather your team. Who has the skills and knowledge to help you?



# One Size Fits All (OSFA)

- Many schools have a standard “one size fits all” program.
  - Limited Budget
  - Limited Staffing
  - Convenient for staff and personnel
- Typically decisions are made based on the disability category or label.
- Schools are required to provide each child with special needs an individualized program tailored to meet that child’s unique needs.





# WRONG!

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Your child is not eligible for services because he is passing.

We can only provide goals that relate to the curriculum.

Your child doesn't need a 504 plan because his teacher already does all of that stuff.

We can't provide 1:1 Speech Therapy because it violates the inclusion law.

# Your Obstacles



Emotions

Lack of Information

Intimidation and Anxiety

Over-Protectiveness

# Conflicts with School

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## Eligibility

The school did not find the child eligible for service. ( Perhaps due to using the Discrepancy Formula) The law has changed!

The school doesn't include all disabilities in the Eligibility Report.

## IEP

OSFA programs

Failure to implement

## Discipline

A child has behaviors caused by the disability. The school has a "zero tolerance" policy and suspends or expels the child.



# Resolving Conflicts

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- IEP Meetings
- Complaint to the state education agency
- Mediation
- Due process hearing
- Appeal to court

# Conflict Award Winners

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- Pleasant and Professional!
- Treats everyone with respect.
- Listens, Listens then talks.
- Asks Questions.
- Tells a story.
- Reduces tension by bringing snacks.
- Maintains a good relationship with the school.



# Conflict Demerits

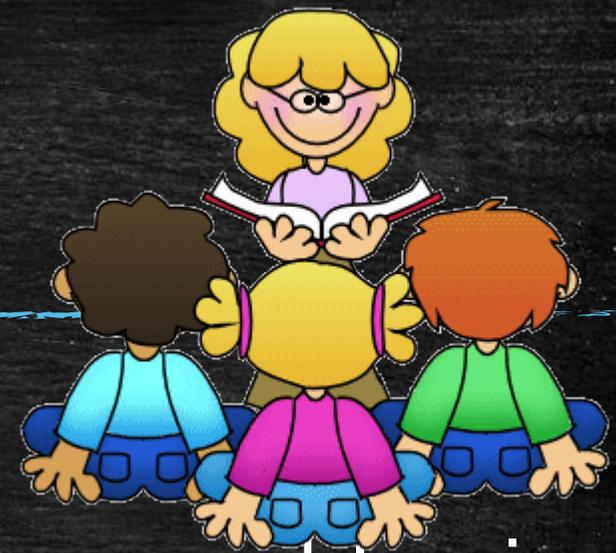
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- Sarcasm
- Blame
- Fault Finding and Criticizing
- Bullying and Yelling



# Story Time

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Tell your child's story in a non-threatening, non-blaming manner.

Start at the beginning and walk through the events. Write as if a stranger were to read it. Draw the stranger in.

Avoid writing an angry letter.

# Letter to a Stranger #1 (Pete Wright)

- Dear Dr. Smith:
- First, let me thank you for allowing me to participate in the development of my daughter's IEP. I appreciate your willingness to meet with me so that I could share my concerns about her and what she needs in her education.
- At the IEP meeting last week, your staff was very kind in answering my questions. Their kindness was especially appreciated since I had not met most of the people at the IEP meeting before. I was very sorry that neither of my daughter's teachers could make the meeting. I understood that one teacher was on a field trip and the other teacher had a doctor's appointment.
- I had concerns that we did not have enough time to develop an IEP for Carrie. Although 25 minutes was allotted for the IEP meeting, we started more than 10 minutes late. I understand that several earlier IEP meetings ran late. I know that things get very rushed at the end of the year, which makes scheduling these meetings especially difficult.
- I was also concerned that we did not have time to discuss the recent testing done on Carrie. You may recall that I had additional testing completed on her two months ago. After I received the test results, I provided you with a copy of the new testing. At that time, I shared concerns with you that Carrie had not made any progress during the two years she's been receiving special education services.
- Unfortunately, the results of this testing were not included in the new IEP. The psychologist thought the new test results may have been mislaid. Perhaps this is why the school team gave me an IEP to sign that placed Carrie back into the same program. You will recall that I expressed serious concerns about her IEP and its lack of objective measures and evaluation procedures.
- I'm sure you can understand why I did not sign the IEP presented to me at this meeting. Given the rushed atmosphere and general confusion at that time, I thought it would be better to schedule another IEP meeting later, so that we can discuss these issues in depth. I thought the IEP team needed to have a chance to review the new testing before trying to write an IEP. I'm including another copy of the evaluation with this letter.
- Please check with your staff and send me some times so that we can get together for a productive meeting. If you have any questions, please call or write.
- Sincerely,
- Jim Manners

# Letter to a Stranger #2

## Pete Wright

- Dear Dr. Smith:
- First, let me thank you for allowing me to participate in the development of my daughter's IEP. I appreciate your willingness to meet with me so that I could share my concerns about her and what she needs in her education.
- At the IEP meeting last week, your staff was very kind in answering my questions. Their kindness was especially appreciated since I had not met most of the people at the IEP meeting before. I was very sorry that neither of my daughter's teachers could make the meeting. I understood that one teacher was on a field trip and the other teacher had a doctor's appointment.
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# Manifestation Determination Hearing

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This is a big deal.

If your child has an IEP and is suspended for 10 days (total in the school year or consecutively), you will need to attend a Manifestation Determination Hearing.

The IEP team will look at the behavior that caused the suspension and will decide if

1. The behavior was caused by the child's disability or
2. The IEP was not implemented correctly.

# Manifestation Determination Hearing

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If the team determines that **Yes**, it was a manifestation of the disability or the IEP was not implemented correctly, then the suspension stops and the child is returned to his/or placement. The school must do a Functional Behavioral Analysis (FBA) and develop a Behavior Intervention Plan (BIP).

If the team determines that **No**, it was not caused by the disability and the IEP was implemented correctly, then he/she can be disciplined like any other child. (Expulsion, Change of Placement etc...)

**Prepare for this meeting!**

# Resources

The Hitching Post  
Educational Center

## Parent Advocacy Training

Wednesday Nights: 7:00-8:30

(May 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>)

Cost: \$15.00 per session

- <http://www.doe.virginia.gov>
- <http://wrightslaw.com/>
- [www.copaa.org](http://www.copaa.org)

MIGHTY

Secrets of  
Being a Special  
Needs Parent

