



## Tips and Resources for Families



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Adapted from [How to be a Good Advocate for Your Child in Special Education Services](#) by Education for Justice: A project of the Minnesota Legal Services Coalition



## **I want to be a good advocate for my child. How do I start?**

Know your rights!

Learn about special education and related services that are available to your child.

Get a basic understanding of the evaluation processes used to decide what services your child will get.

## **How can I learn about my rights and special education services?**

When IFSP, school evaluations, IEP meetings, and placement decisions happen, you should be given written notices and/or a copy of parental rights and procedural safeguards. Read these carefully and ask questions about anything that you do not understand.

Go to a training session on parent (and student) special education rights. Disability advocacy organizations, like [PACER](#) often have these sessions. [The Arc of Indiana](#) Contact a disability organization, like IN\*Source [<https://insource.org/>], PACER and The Arc, if you have questions about or problems with special education services.

It can help 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.



## How do I stay organized?

Keep good records of all dealings with service agencies.

Keep copies of all papers in one place, so you can find them quickly. A file folder or three-ring binder is a good way to keep your papers together.

You can also ask schools to send you IEP notices and documents by e-mail if preferred. Then you can keep it all stored on your computer or other device.

### **These records should include:**

- copies of letters or emails you send or get
- copies of evaluations, progress reports, or report cards
- copies of IEPs, IFSPs, or other service plans
- any discipline records, including notices and suspensions
- parent-school communication notebooks or emails
- any other information about your child
- a log of telephone calls

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



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## How do I get ready for meetings?

Find out ahead of time what the meeting is about, and who will be there.

The meeting must be scheduled at a time that works for both you and the early intervention staff or school. They must give you enough advance notice of the meeting for you to participate.



You can let the service coordinator or school know what you want to talk about. It's important for you to make sure there is time to talk about your concerns and ask your questions.

If the meeting is about an evaluation on your child, at least one member of the evaluation team should be there. Ask for a copy of the evaluation report before the meeting. Read it carefully and write down any questions that you have about the evaluation.

Take time before meetings to make some notes about you're your child's strengths and needs. The service coordinator or school should ask what your concerns are about your child. Write down any suggestions or ideas that you have about the educational services or program that your child is getting. Include ideas about anything that your child is not getting that you think would be helpful.

Be ready to ask for changes that you want.

Bring a copy of your file. Make sure you have a copy of your child's most recent evaluation and the current IEP or IFSP plan. Be very familiar with the information that is in your child's IEP/IFSP.

You have the right to bring someone along to the meeting. If you choose to do so, talk with that person beforehand to help you identify the main issues you want to talk about at the meeting. Ask that person to help take notes at the meeting.



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## What do I do at the meeting?

Come prepared. Bring copies of important documents, your notes, and pen and paper.

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

If applicable, ask for any records or data about your child's behavior.

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.

Ask the service coordinator or school to respond to the changes you ask for in writing – ask them for a “prior written notice” when you ask them to do something different with the IFSP/IEP.

If you are asked to sign something at the meeting, take your time and read it carefully before you sign. **You do not have to sign anything at the meeting.** You have 14 days to respond in writing to a school's written proposal. Tell the team you want to take it home and read it before you sign it.

Never sign a blank form or a partly done IEP. It is always best to take an IEP home and read it carefully before you sign it. **But** make sure you respond in writing before the 14 days are up! If you do not let the school know that you don't agree before the deadline, the IEP goes in to effect without your signature. You can ask for another meeting to try to work out your issues.



## What do I do after the meeting?

Reread all the papers you got at the meeting. Read the IFSP/IEP carefully, making sure that it describes your child's needs and program in enough detail for you to know:

- the goals
- the adaptations (for all classes)
- the schedule of regular classes
- the amount of special education and related services your child will receive.

If it is not clear, do not sign it. Let the service coordinator or school know in writing within 14 days that you do not agree with the IFSP/IEP.

**If you do not let the school know that you do not agree with the IEP in these 14 calendar days, it goes into effect without your signature.**

You can ask for another meeting to resolve your issues.

If that does not work, get help! Contact an advocacy group.



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## How can I have good working relationships with early intervention and school teams?

Stay connected with providers and 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.

Try to keep things professional and open.

Review the IFSP/IEP on a regular basis to make sure it is being followed and is still suitable for what your child needs.

Get progress reports in writing, by phone, or at a meeting. These reports should tell you if your child is making any progress towards meeting the goals specified in the IFSP/IEP.

You can ask for more updates by email or in a daily notebook.



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## What can I do if the service coordinator or school staff and I can't agree on certain parts of the plan?

Parents or guardians have a right to disagree with all or part of the plan early intervention or a school is proposing. Let them know in writing that you do not agree with something in the IFSP/IEP. Be specific.

You have a right to ask for another IEP meeting, mediation, conciliation or a due process hearing. It is usually best to start with asking for another IEP meeting. You are strongly urged to contact a lawyer before you ask for a due process hearing.

**Stage 1:** Many disputes or problems can be fixed with a phone call to the case manager. If the issue is still not fixed, ask for an IEP team meeting. It is important to keep a record of who you talk to, what you talk about or ask for, and what they say to you.

**Stage 2:** The second stage is more formal. Disputes can be addressed at a conciliation conference, mediation or a facilitated IEP team meeting. These are all voluntary and both parties must agree to them. Districts must offer these options to parents, but you can refuse any or all of them and go to an administrative complaint or due process hearing.

**Stage 3:** The third stage is very formal. You go through an administrative complaint or an administrative due process hearing. These are not state or federal court actions but are administrative proceedings that are serious. There are legal requirements that say a parent must go through these options before going to a state or federal court.





## Dispute Resolution Options (Continued)

**Complaints** typically take a shorter amount of time, and lawyers are not usually involved. Complaints can address problems that happened up to 1 year ago.

**Hearings** take longer and lawyers are almost always involved. Hearings can address problems that happened up to 2 years ago as long as the student is still in the same school district. If a student moves to a new school district, charter school or private school, you may lose the right to get a hearing.

Both result in final, binding decisions and can be appealed in court. 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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