



ADVOCATING STRATEGIES AND COMMUNICATION

To be an effective advocate for our children with disabilities, we need to know the laws that were written to help them, as well as provide the necessary protection.

By being familiar with the laws and understanding how they can support children with disabilities, we can better advocate for more services and supports in our schools and communities.

The three laws are:

- IDEA, The Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446);
- Section 504 of the Rehabilitation Act of 1973, as amended; and
- The Americans with Disabilities Act (ADA) of 1990 (Public Law 101-336), and ADA Amendments Act of 2008 (Public Law 110-325).

What parents want for their children and what they advocate for is FAPE (Free Appropriate Public Education). FAPE means special education and related services that:

- (a) Are provided at public expense, under public supervision and direction, and without charge;

- (b) Meet the standards of the State Education Agency (SEA). In Ohio, this is ODE, the Ohio Department of Education;

- (c) Include an appropriate preschool, elementary school, or secondary school education in the state involved; and

- (d) Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of 300.320* through 300.324*.

**Federal Register Vol. 71, No.156 Monday, August 14, 2006 rules and regulations*

FAPE is defined as, "...the provision of regular or special education and related aids and services that are designed to meet **individual** needs of handicapped persons as adequately as the needs of non-handicapped persons are met and are based on adherence to procedures that satisfy the requirements of the section."





Under the IDEA, FAPE is defined* as an educational program that is **individualized** to a specific child, that meets that child's **unique needs**, provides access to the general curriculum, meets the grade-level standards established by the state, and from which the child receives educational benefit.

The United States Department of Education issues regulations that define and govern the provision of FAPE.

**WIKIPEDIA the Free Encyclopedia*

As parents, we want to make sure our children receive the best educational opportunities that are appropriate for their needs, which will help them be better prepared for life as an adult. FAPE is a Free Appropriate Public Education. Whatever your child may need to attend school and make progress in the general education curriculum can be a service or support.



Now that we have been introduced to the laws, the question is how to put our knowledge to use.

Below are some tips.

Preparing for a School Meeting

- Learn about your child's disability. What are the characteristics and how do they affect your child?
- Gather all of the important documents pertaining to your child. These may include school, physician and therapist reports, and medication information. Keep all documentation in a notebook or file. You may need these at school meetings and doctor visits. Keep copies of everything. If you want the school to have a copy of any information you have, they may copy your original.
- How does the disability affect the child at school? What goals, accommodations or modifications will they need to learn the skills they may be lacking?
- We need to learn the language of Special Education. What is an IEP (Individualized Education Program), ETR (Evaluation Team Report), LRE (Least Restrictive Environment), PWN (Prior Written Notice), or ISP (Individual Service Plan)? For effective communication everyone needs to understand the acronyms, terms and words that are commonly used.



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- Prior to the IEP meeting, preferably a week before, request a draft of the proposed IEP, ETR, or whatever document(s) you will be discussing.
- All of your requests should always be in writing. You are documenting important information that may be useful if you ever need to request mediation and/or due process. When a request is in writing it is proof of your request and serves as a record of an issue that was addressed. If it is not in writing, there is no proof.
- Make a parent agenda. What are your concerns? List possible solutions for your concerns. What areas do you want a goal written for? Some may include social skills, organizational skills, Occupational Therapy (OT), Physical Therapy (PT), and speech and language goals. Know what you want. Don't go into a meeting demanding something. Make your request in writing, have data to show the need, and have ideas to start the discussion on how the school can help.
- Prioritize: What are the most important items on your parent agenda? What items can you give a little on and on what is the most important thing to stand firm?
- Gather your data to show the needs of the child. If you need more information you can request it. The data might be work samples, report cards, progress monitoring reports, private evaluations, private therapy

reports, or the ETR. Anything that will show that what you are requesting is needed.

- Take your agenda with you to help stay on track throughout the meeting. You may want to give a copy to everyone attending the meeting. This is a good source of providing a written record of your requests/ideas and the meeting.
- Stay on track, discuss current issues. The purpose of the meeting will be to ensure FAPE for your child moving forward rather than focusing on past mistakes/errors.
- Always take someone with you for support. They can also take notes while you go over your agenda.
- A parent can request an IEP meeting at any time (in writing). As for any meeting, you will want to list specific dates and times that you are available to attend.
- Also request (in writing) the teachers or staff that you want to attend the meeting. Make sure that the necessary people are at your meeting.





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- Leave your emotions at the door. Remember you are there to ensure your child receives FAPE. No one else is going to advocate for your child the way you can. You are the parent and you know your child best. Stay calm, so that you can discuss ideas pertaining to your child. Good communication can lead to better outcomes.



At the meeting

- Request someone from the school takes notes. If the notes are not correct or important information is left out you can send them written corrections.
- There is no time limit on meetings. If you do not get through the IEP or any document or discussion in the given time frame then you can ask to schedule another meeting.
- You do not have to rush. Discuss what is important to you for your child. Take your time, and ask for clarifications, make sure you understand.
- You do not have to sign anything at a meeting. Ask for a copy of the document and take it home to make sure you understand what it says.

If there is something that needs changed, added to, or removed you can make that request (in writing) before you sign.

- Document any changes and timelines.

Prior Written Notice

As we have discussed, put everything in writing. The district must also put their answers in writing. It is called a Prior Written Notice. The district has to provide an answer to your request and what they plan to do. It is up to you to accept or refuse what the district is proposing. The district will need to provide data to support their decisions. Just as you have data to show the need for a support or service, they must have data to show that your child does not need it in order to deny it. You should receive a Prior Written Notice (PRN) 30 days after your meeting with the school.

Other helpful strategies

- Sample letters can be found at <https://www.ocecd.org>. Click on the link at the bottom of the home page "OCECD Publications" to download letters, our "Building Communication Through Letter Writing" book and other information for free.
- Build relationships with your school personnel, help them to understand your child. Share research, and best practices with school personnel.



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- If you have a verbal conversation with someone, send them a thank you note reiterating what was discussed and time frames.
- When you are responding to any school district personnel make sure you do not respond in anger. Be careful. Take the time to cool down and get all of your facts correct. Your communication could be used against you.
- If need be, you can send a letter by certified mail, so that you get a dated receipt of when they received it.
- Stay away from yes and no questions. They shut down discussions.
- Sometimes parents like to record meetings. Place the recorder on the table and tell the people attending that you are recording. If they want a copy you have to provide it. If the district is recording they have to inform you, and if you want a copy they have to provide it.
- Most of our communication is nonverbal. Be careful of your tone of voice and body language. Be watchful of the school personnel's tone of voice and body language, as it will give clues as to what they are thinking and their stance on a certain topic of conversation.

Always keep the conversation focused on your child and your child's specific needs. It does not matter if they don't have enough time in the day, the classes or caseloads are too large, or there isn't enough space. You may hear, "that's not how we do things around here" or be told that the levy didn't pass and they don't have enough funds. Those are statements that we, as parents, cannot accept. IDEA says that the IEP must be written to address the child's unique needs in order to provide FAPE. There are procedural safeguards in place to follow if your child is not receiving FAPE. An IEP is written to address ***your child's unique needs***. The IEP will state their specific academic, developmental and functional goals.





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To remove your name from our mailing list, or if you have questions, please contact leeannnd@ocecd.org or call 1-844-382-5452.

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