



## Tip Sheets

### Addressing Educational Concerns: IDEA

#### Review Parental Rights

Parents must receive a copy of their procedural safeguards and rights at many points in the special education process. This information contains helpful data about what rights parents have and how to enforce them. A review of these rights may assist families in taking the next steps.

If parents do not have a copy, they may request one from the school building principal, a special education teacher, an IEP team case manager, a member of the IEP team, or the district's special education director.

#### Find an Advocate

Friends, other parents, or an advocate (from a parent organization or legal rights group) can be an important resource for parents. They can attend IEP meetings with parents and be a source of support. A staff member (teacher, social worker, etc) at school that takes a special interest in a child can be a key person in advocating for that child. Resources for finding advocates are provided below. Sometimes, however, IEP team members can play an important role in helping parents advocate for their children. Staff members, who parents trust, are often strong and effective advocates.

#### Request a Meeting or Phone Call

Sometimes problems can be discussed and worked out through a one-on-one meeting or phone call with someone at the school. A teacher, social worker, principal or other member of your student's Individual Education Plan (IEP), Individual Family Service Plan (IFSP) or Individual Interagency Intervention Plan (IIIP) team may be able to help. Have a plan to discuss what the problem is, why it may have happened, and what should happen to address the problem.

If a formal change is needed to your student's educational plan, an IEP/IFSP/IIIP team meeting is generally needed.

An informal contact or meeting may be requested in writing or orally (although it is generally advisable to have requests in writing) by giving the request to the IEP team case manager, a member of the IEP team, or the district's special education director.

#### Request an IEP Team Meeting

The IEP/IFSP/IIIP team is the formal group that can make changes to a student's educational plan. This team is responsible for working on behalf of the student and many problems can be worked out during a meeting. An IEP team meeting may be requested in writing or orally (although it is generally advisable to have requests in writing) by giving the request to the IEP team case manager, a member of the IEP team, or the district's special education director. There are no specific requirements about when the district must hold a meeting, but it should respond within a reasonable time. It is also a good idea to state/include the purpose of the meeting.

#### Conciliation Conference

Federal and state laws discuss the conciliation conference as a way to work out problems between parents and the school. It is a voluntary meeting with district representatives outside of IEP team meeting process and may involve one or two school staff and parents. If IEP meetings get difficult or there are communication or





personality conflicts, the conciliation conference is one way to get a fresh start on the problem.

If parents want to conciliate they must ask the district for a

conciliation conference and it must be held within 10 calendar days. To do this, it is generally wise to put the request in writing and give the request to the IEP team case manager, a member of the IEP team, or the district's special education director. Following a conciliation conference, the district must prepare a memorandum, within five business days, that discusses their final proposed offer of services. That memorandum can be used in any subsequent proceeding.

### **Mediation**

Another legal option is mediation. Mediation uses a neutral third party person (that is, someone not connected to the school or the parents) to help the parents and school come to agreement. The mediator makes no decisions, but is focused on assisting both parents and schools develop a mutually agreeable solution. It is a voluntary mechanism used to overcome communication and other issues that arise during the IEP team process.

To arrange a mediation, parties must either agree to a mediator of their choosing or contact their state mediation service.

### **Facilitated IEP Meetings**

A facilitated IEP meeting is an IEP meeting that includes an impartial facilitator who promotes effective communication and assists an IEP team with the required members in developing an acceptable IEP. The facilitator keeps the team focused on the proper development of the IEP while addressing conflicts that arise.

### **Complaint System**

This is a more formal process where the Department of Education investigates legal allegations, determines violations, and, if there

are any violations, orders necessary corrective action. The process should be completed within 60 days.

Complaints must be written, signed, and delivered by mail or in person to the Due Process Supervisor (this may vary state to state) at their Department of Education.

### **Due Process Hearing**

A due process hearing is the most formal process that usually involves attorneys on both sides and where a neutral third party conducts a hearing and issues a final, binding order on both sides.

A due process hearing request may be made in writing or orally (although it is generally advisable to have requests in writing) by making the request to the IEP team case manager, a member of the IEP team, or the district's special education director.

### **Court Actions**

If either the school or the parent disagrees with a complaint or due process hearing decision, they may seek to have the decision reviewed by state or federal courts. A court action is generally available only after complaint or hearing process is used and attorneys are typically involved.

Although attorneys are not necessary to file a court action, both districts and parents use attorneys in appeals to a court. If attorneys are not used, both federal and state court personnel can assist in filing the necessary documents.

**For more information on IEPs, IFSPs, IIIPs, and the IDEA, visit [www.inclusivechildcare.org](http://www.inclusivechildcare.org).**

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