SPECIAL EDUCATION
KNOW YOUR RIGHTS!

MISSISSIPPI
CENTER
FOR JUSTICE

About Us

The Mississippi Center for Justice is a nonprofit, public interest law firm dedicated to advocating on behalf of Mississippi's most vulnerable citizens, including low-income individuals and communities of color.

Our mission is to **advance racial, social, and economic justice** and we work to achieve this by providing systemic solutions to inequities across education, economic justice, access to safe and affordable housing, health, and heir's property.

Our approach combines legal services with policy advocacy, community education, and media outreach.

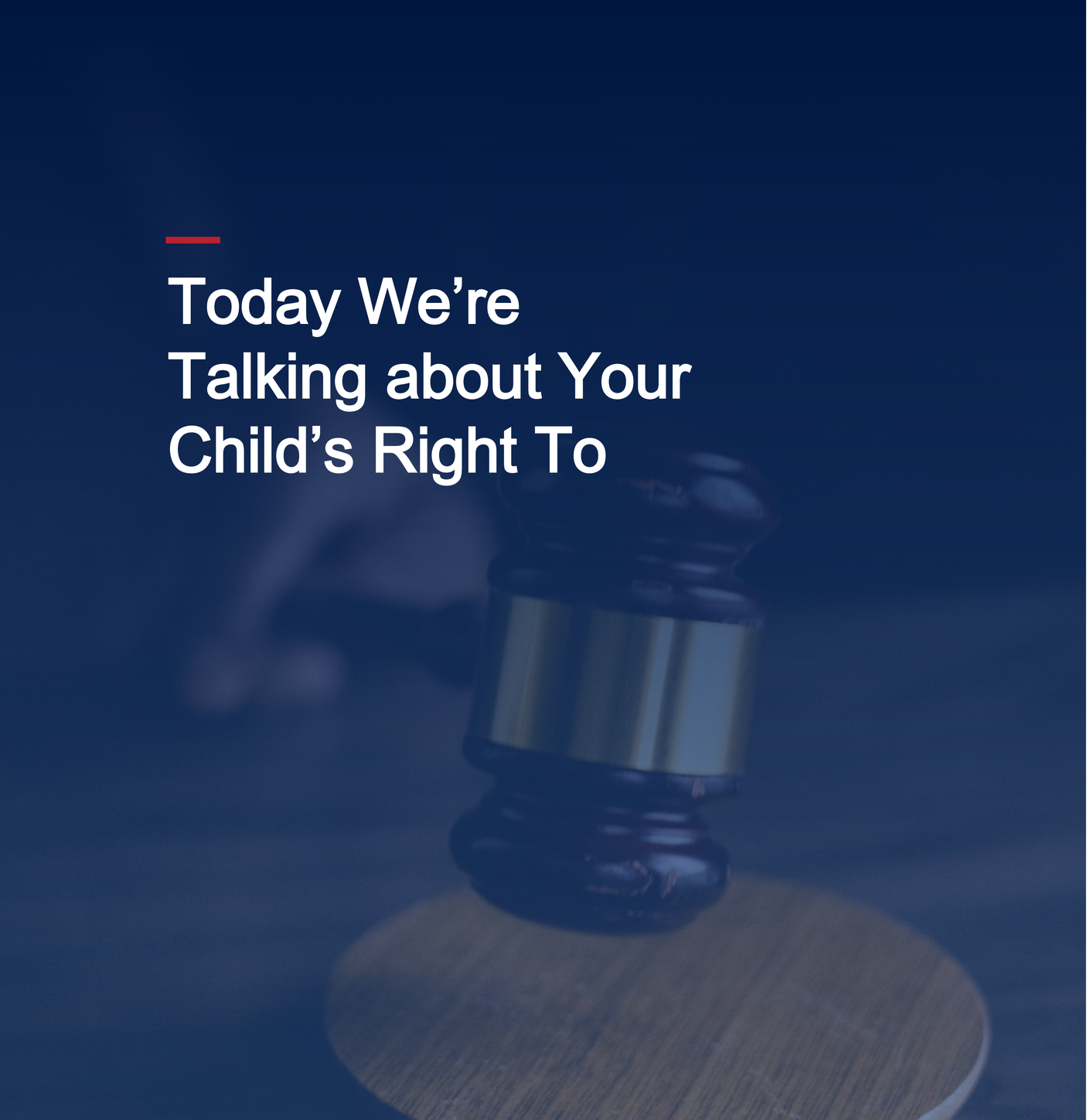
On Your Index Card, Please Write

1. **One** feeling you have when you are in an IEP meeting

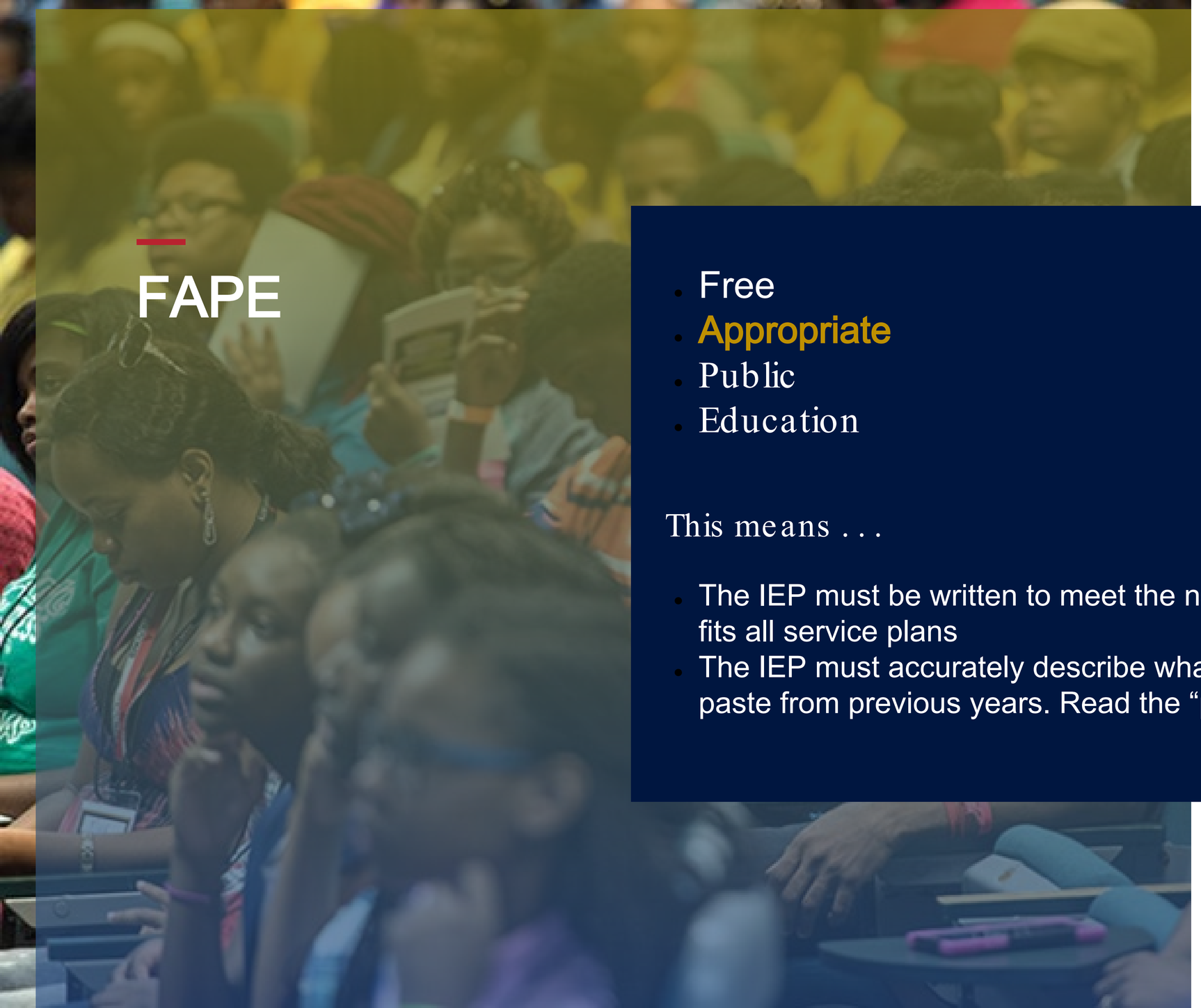
2. **One** question or concern you have about your child's experience in school

3. **One** thing about special education that is confusing or that you would like to learn more about. Examples include:
    - Evaluation process/requesting an independent evaluation
    - Examples of accommodations and services
    - What to expect at an IEP meeting
    - What documents you should be receiving from the school about your child
    - What you can do if you disagree with the school's decisions

Today We're Talking about Your Child's Right To



- FAPE
- Parental participation
- Evaluations
- Progress monitoring
- Prior written notice
- Dispute resolution

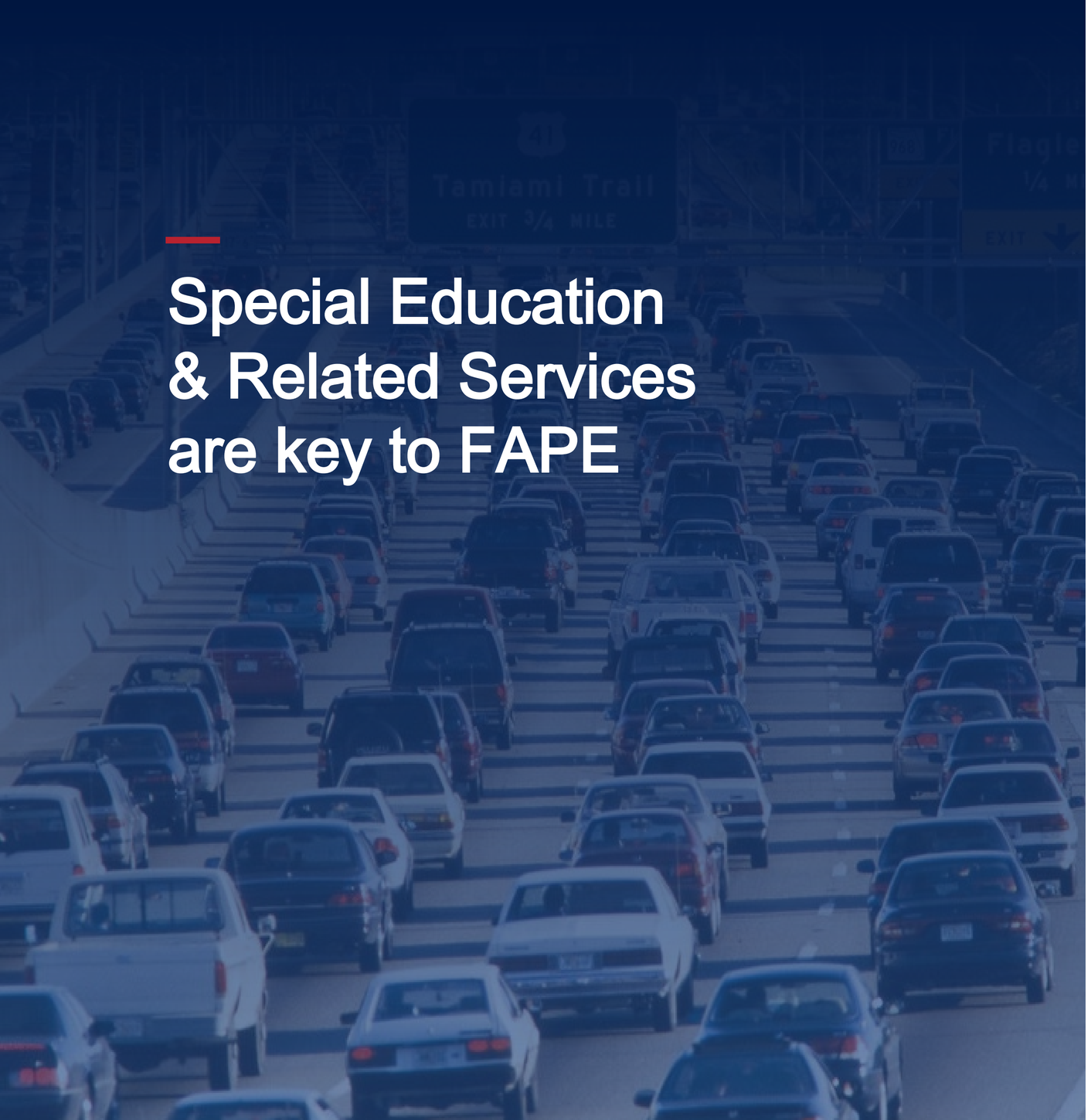


FAPE

- Free
- **Appropriate**
- Public
- Education

This means . . .

- The IEP must be written to meet the needs of your child—no one-size fits all service plans
- The IEP must accurately describe what your child can do—no copy-paste from previous years. Read the “present levels” section carefully!



Special Education & Related Services are key to FAPE

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Examples of special education & related services include:

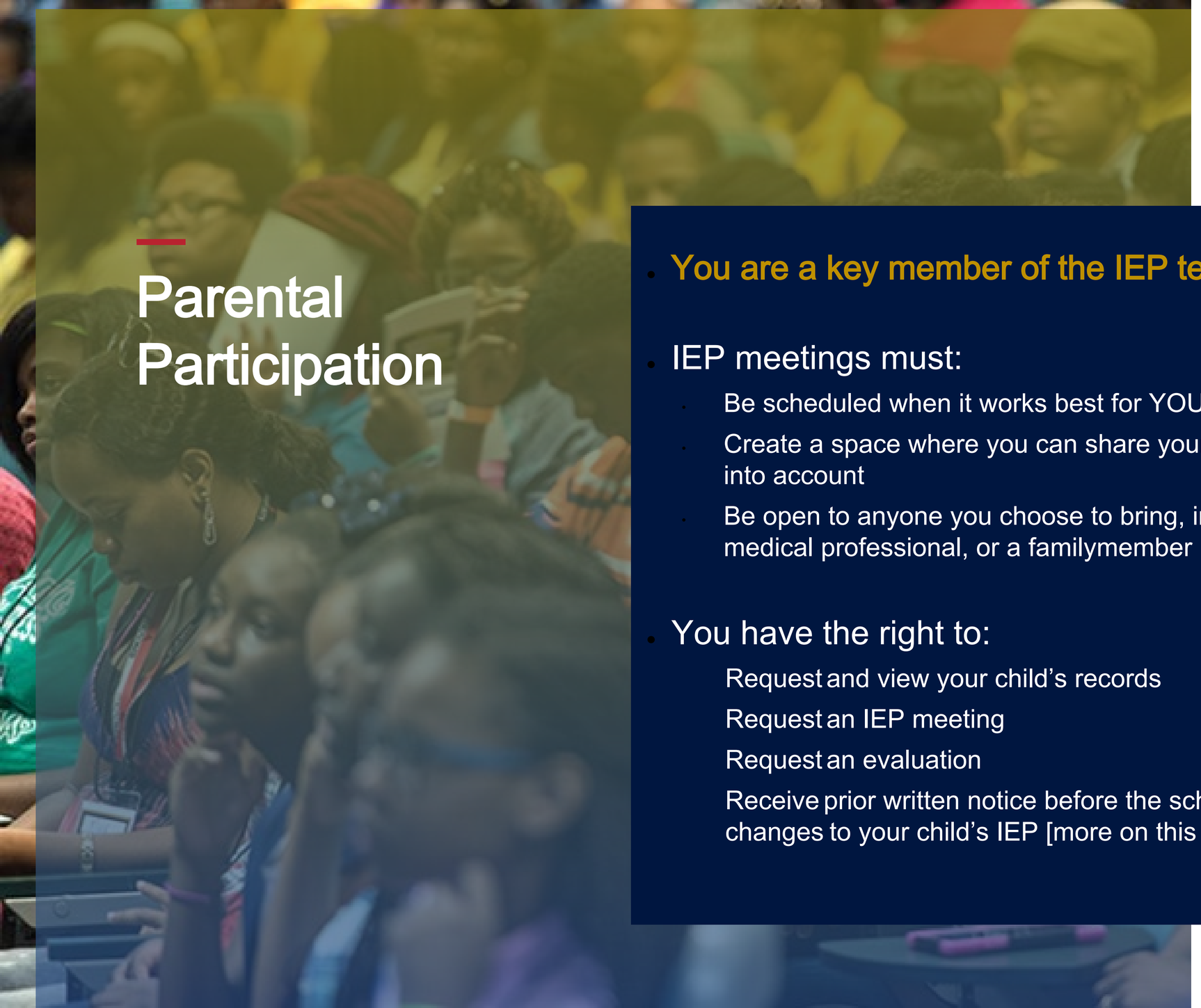
- Counseling
- Occupational therapy
- Physical therapy
- Speech-language pathology services
- Transportation
- Preferential seating
- Behavioral specialist/one-on-one aide
- Shorter assignments
- Extra time
- Instructions broken down into steps

Special Education & Related Services on the IEP

SPECIAL EDUCATION AND RELATED SERVICES					
Special Education					
Service	Area	Location	Start Date	End Date	Duration/Frequency
•	1	2	3	4	5

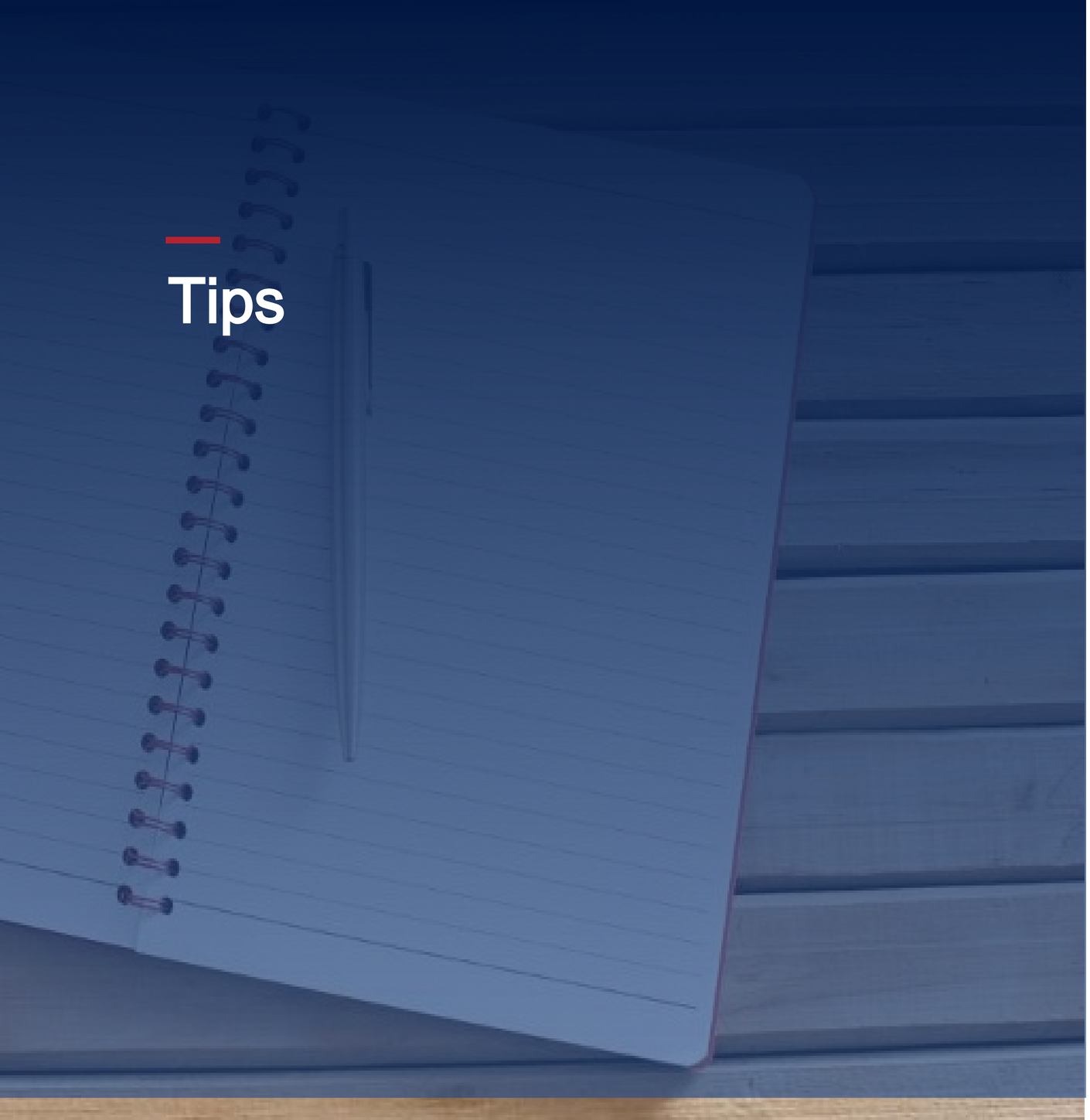
SPED
Scenario 1: Ty

Ms. Danley is worried that her son (Ty) is not making progress in 5th grade math. She has spoken numerous times with Ty's teacher about getting him extra help. The teacher indicated that she is concerned about Ty's progress as well but feels she is doing all that she can do. The teacher suggests that Ms. Danley send Ty to a private tutor in town. Ms. Danley can't afford to pay for the private tutoring. She asks the school what options she has to get Ty the extra assistance he needs.



Parental Participation

- **You are a key member of the IEP team**
- IEP meetings must:
  - Be scheduled when it works best for YOU
  - Create a space where you can share your ideas and feel that they are taken into account
  - Be open to anyone you choose to bring, including an advocate/attorney, a medical professional, or a familymember
- You have the right to:
  - Request and view your child's records
  - Request an IEP meeting
  - Request an evaluation
  - Receive prior written notice before the school makes or refuses any changes to your child's IEP [more on this later]



Tips

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- Take notes at IEP meetings or record the meeting on your phone (just make sure you let the school know at least a day in advance that you'll be recording)
- Bring support
- Ask lots of questions—the school needs to present the information in a way that allows you to participate meaningfully
- Always put requests in writing!
- Keep documents that are given to you at meetings in one place
- Prepare for IEP meetings by listing out concerns about your child's behavioral/academic performance as well as any strengths and needs you have identified at home

Parental Participation in the IEP

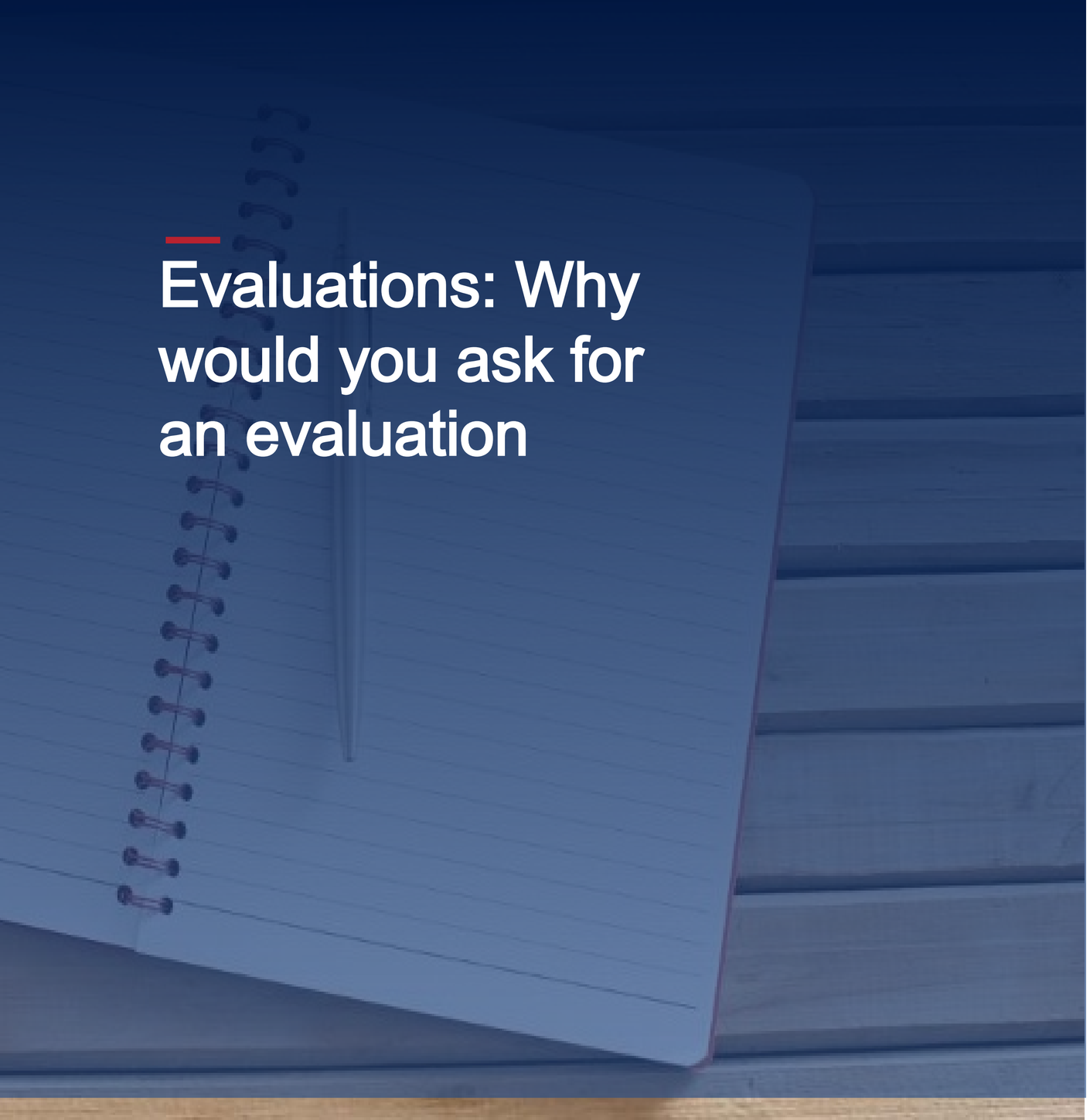
Parent/Student Input
Include any concerns of the parent and, as appropriate, the student for enhancing his or her education.

SPED
Scenario 2: Thomas

This is Thomas' (a student with autism) first year in middle school and so far things have been a disaster. Socially, Thomas is overwhelmed by the larger school setting and academically he is overwhelmed by all the academic subjects he is taking. Even with supports, Thomas has made no progress on his IEP goals and he has failed all his classes except math. Thomas' mother does not feel that his IEP, which was created at the end of the last year in elementary school, is appropriate for the middle school. She contacts Thomas' teacher to see if changes can be made. The teacher advises her that Thomas' IEP is set to be reviewed in 6 months and that they will address any changes that need to be made then.

SPED
Scenario 3: Kayla

It was really difficult for Ms. Smith to find a suitable time for Kayla's parents to come to her IEP meeting. After numerous phone calls and letters, they are able to find a 1/2 hour time period when everyone can meet. Ms. Smith, concerned that they would not have enough time to discuss the IEP, created one ahead of time. During the meeting she quickly explains the documents and then everyone signs. She gets Kayla's parents in and out of the meeting in 25 minutes.



Evaluations: Why would you ask for an evaluation

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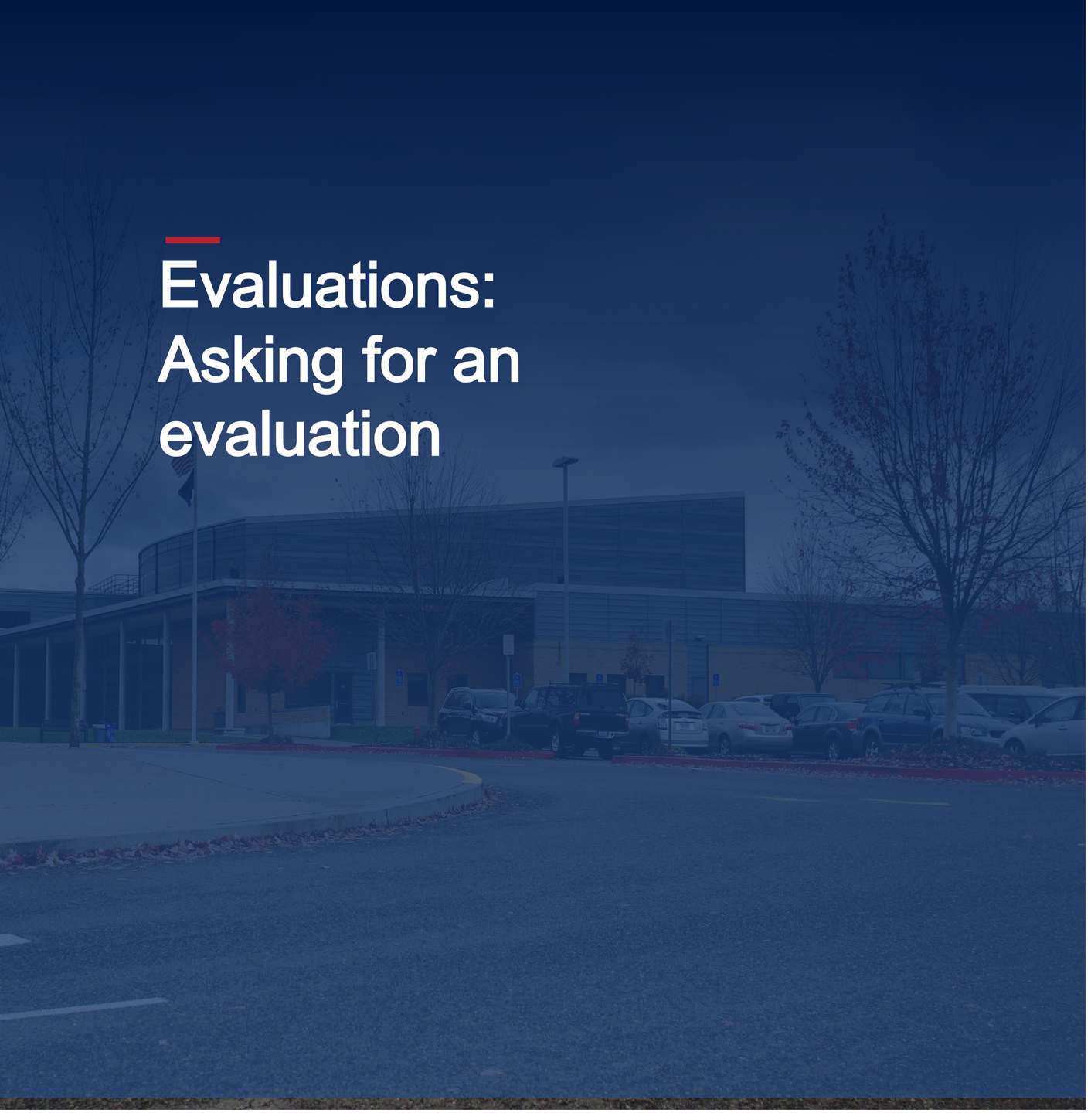
- Your child has failed more than one grade
- Your child is two or more grades behind in core subjects like math or ELA
- Your child has a medical diagnosis, like ADHD or autism
- Your child has an injury or has suffered trauma
- Your child is struggling in school academically or behaviorally and you don’t know why
- Your child’s current eligibility category does not seem fully accurate



Evaluations: Asking for an evaluation

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- You have the right to ask for the school to evaluate your child
- **Make this request IN WRITING.**
- You should hear back from the school within 14 school days

SPED
Scenario 4: Amara

Amara has been evaluated for a possible reading disability and speech difficulties (she stutters). During the eligibility determination meeting, the team thinks that Amara should qualify for special education services for a learning disability in reading and for speech and language services. The principal states that the school district has been having difficulty hiring a speech pathologist. He also tells the parents that he too had a stuttering problem when he was Amara's age and that it went away on its own. The team decides to qualify Amara for services in reading only. They also provide the parents with the name and information of a speech pathologist in town who has her own practice in the unlikely event Amara needs help with her stuttering.

SPED
Scenario 5: Michael

Mr. Jones, a 3rd grade teacher, is concerned about Michael's progress in reading. During his lunch break, Mr. Jones discusses his concerns with the school psychologist, Ms. Kerns. Based on Mr. Jones' description, Ms. Kerns believes that Michael probably has a learning disability. Ms. Kerns has an opening in her schedule for the next day so she suggest to Mr. Jones that she can come tomorrow to test Michael to see if he qualifies for special education.

Progress Monitoring

Your child's IEP includes goals
The school should be tracking your child's progress on each goal
The school should be letting you know how your child is progressing toward **mastering** these goals.

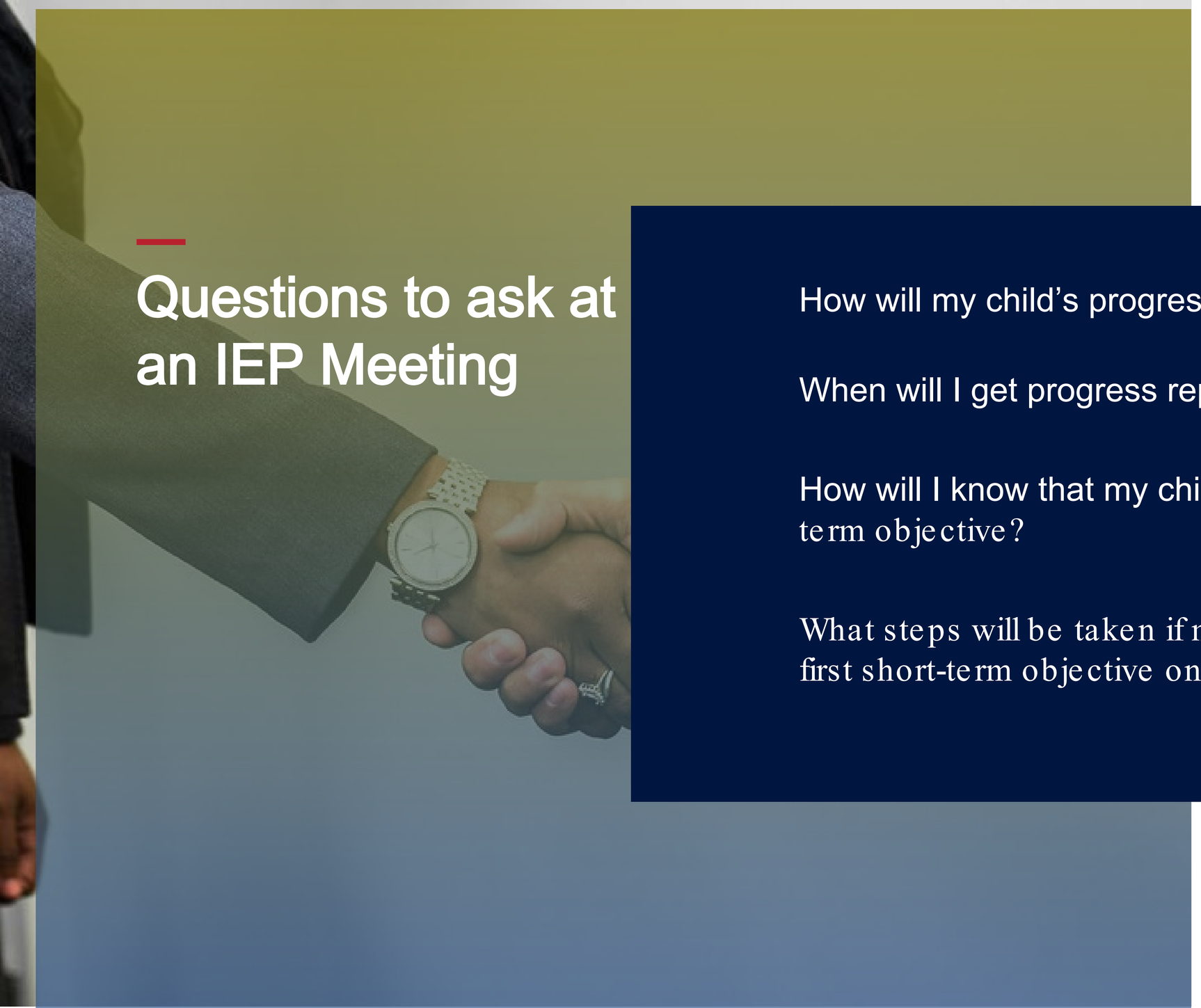
MEASURABLE ANNUAL GOAL			
Goal #	Measurable Annual Goal	TA*	MoM
1	2		3
Obj. #	Short-Term Instructional Objectives/Benchmarks (STIO/Bs)		
1			
2	4		
3			
4			
5			

COMPLIANCE WITH GRANT REQUIREMENTS THE TEAM

Director of Policy and Advocacy
Leads advocacy efforts to influence policies affecting healthcare access

Director of Health Law
Ensures adherence to best practice and quality standards in service delivery

MLP Attorney
Works collaboratively with Ryan White Part B providers to promote healthier outcomes



Questions to ask at an IEP Meeting

How will my child's progress be measured?

When will I get progress reports from the school?

How will I know that my child has **mastered** each short term objective?

What steps will be taken if my child has not mastered the first short-term objective on schedule?

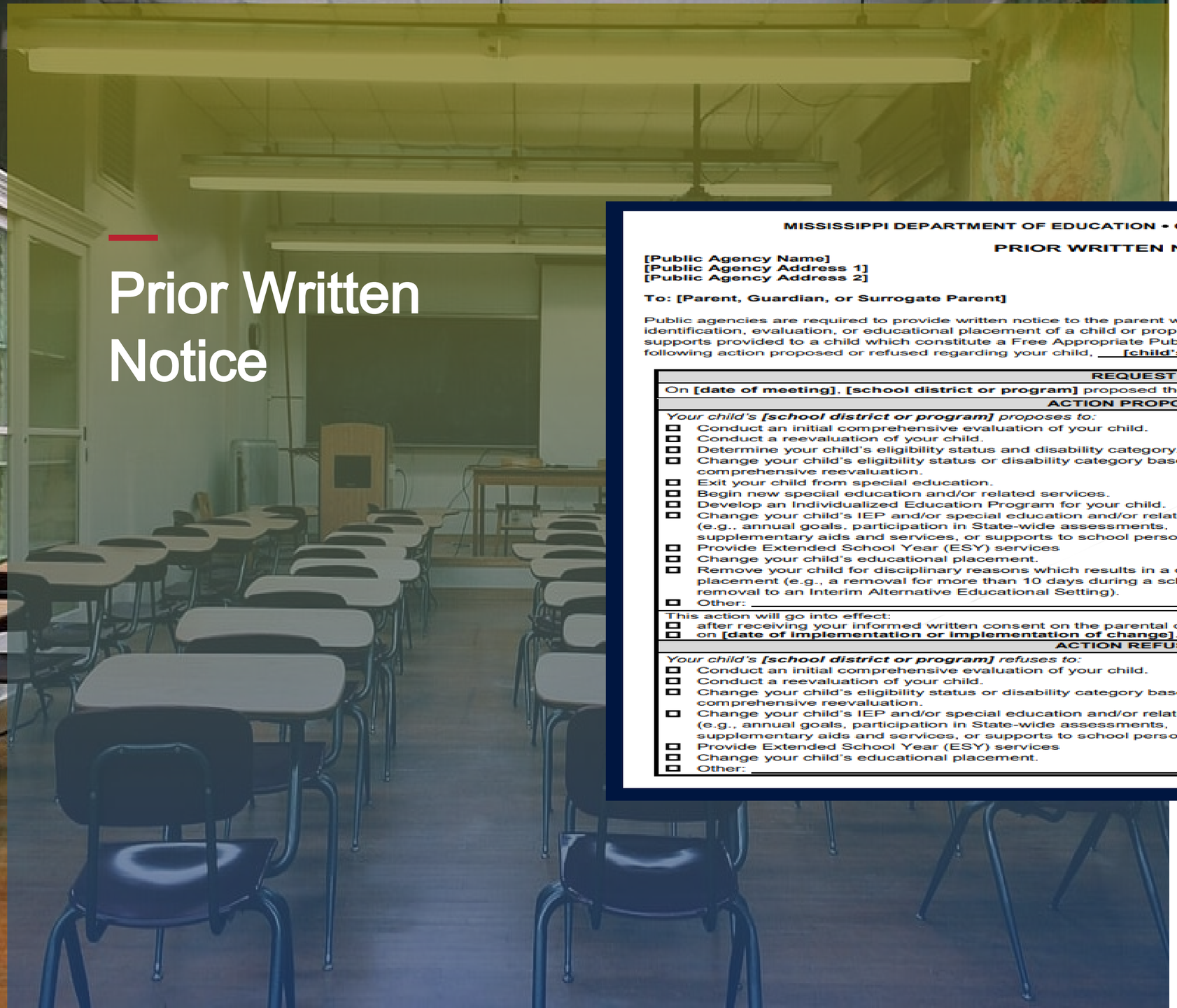
SPED
Scenario 6: Naomi

Mr. and Mrs. Miller are concerned that their daughter (Naomi) is not making progress on her IEP goals and objectives. For the past 3 semesters, Naomi has gotten straight Ds and Fs on her report card. When they received the last report card, they contacted Naomi’s teacher and expressed concern about her grades and ask the teacher how Naomi was doing on her IEP objectives. Naomi's teacher said she had yet to evaluate how Naomi was doing with her IEP goals but that she would provide them with updated information at the next IEP meeting.

SPED
Scenario 7: Zara

You are a 2nd grade teacher and you just got a new student in your class. You review the student's IEP that was written by her previous teacher. The student has the following overall goals: Zara will understand right and wrong. Zara will effectively complete her work. Zara will read well.

Prior Written Notice



MISSISSIPPI DEPARTMENT OF EDUCATION • OFFICE OF SPECIAL EDUCATION

PRIOR WRITTEN NOTICE

[Public Agency Name]
[Public Agency Address 1]
[Public Agency Address 2]

[Name and Role of Contact Person]
[Contact's Phone and Fax Numbers]
[Contact's Email Address]

To: [Parent, Guardian, or Surrogate Parent]

Date: [Date notice sent]

Public agencies are required to provide written notice to the parent when they propose or refuse to initiate or change the identification, evaluation, or educational placement of a child or propose or refuse to initiate or change the services and supports provided to a child which constitute a Free Appropriate Public Education (FAPE). This letter is your notice of the following action proposed or refused regarding your child, **[child's name]**:

REQUEST

On **[date of meeting]**, **[school district or program]** proposed the following action as outlined below:

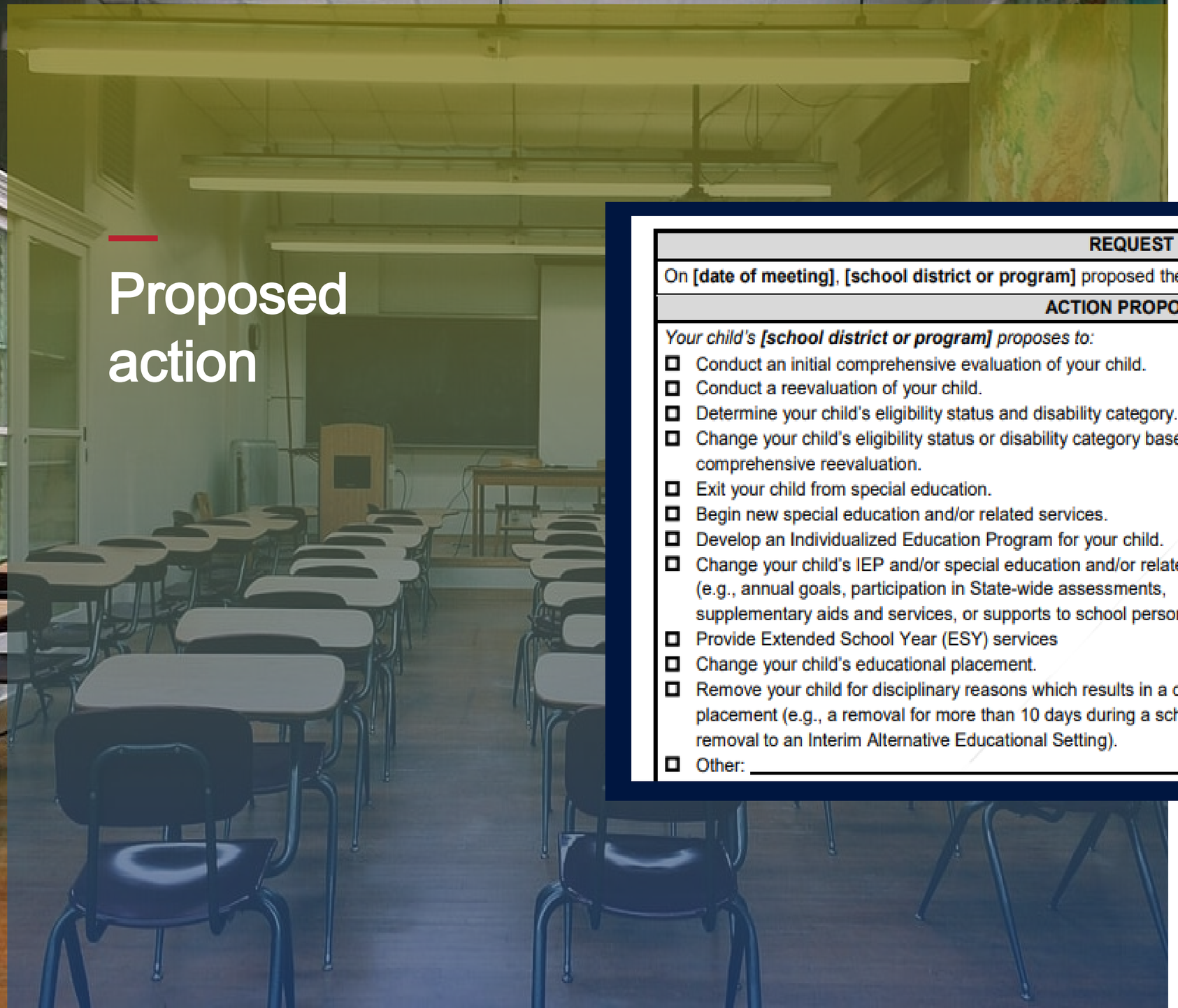
ACTION PROPOSED

*Your child's **[school district or program]** proposes to:*	*Describe the specific action proposed:*
☐ Conduct an initial comprehensive evaluation of your child. ☐ Conduct a reevaluation of your child. ☐ Determine your child's eligibility status and disability category. ☐ Change your child's eligibility status or disability category based on a comprehensive reevaluation. ☐ Exit your child from special education. ☐ Begin new special education and/or related services. ☐ Develop an Individualized Education Program for your child. ☐ Change your child's IEP and/or special education and/or related services (e.g., annual goals, participation in State-wide assessments, supplementary aids and services, or supports to school personnel). ☐ Provide Extended School Year (ESY) services ☐ Change your child's educational placement. ☐ Remove your child for disciplinary reasons which results in a change in placement (e.g., a removal for more than 10 days during a school year or removal to an Interim Alternative Educational Setting). ☐ Other: _____	

This action will go into effect:
☐ after receiving your informed written consent on the parental consent form enclosed. (*for evaluations*)
☐ on **[date of implementation or implementation of change]**.

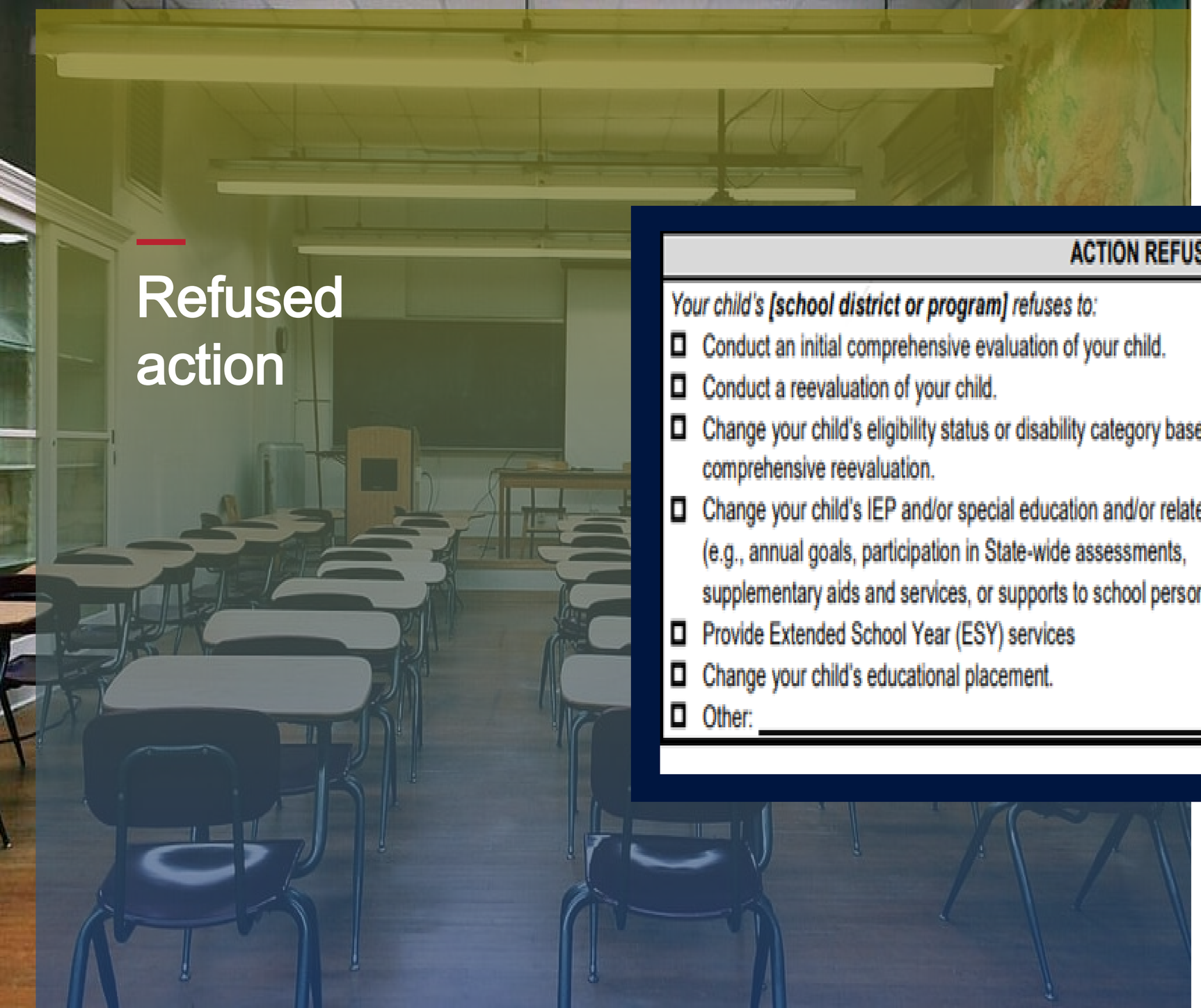
ACTION REFUSED

*Your child's **[school district or program]** refuses to:*	*Describe the specific action refused:*
☐ Conduct an initial comprehensive evaluation of your child. ☐ Conduct a reevaluation of your child. ☐ Change your child's eligibility status or disability category based on a comprehensive reevaluation. ☐ Change your child's IEP and/or special education and/or related services (e.g., annual goals, participation in State-wide assessments, supplementary aids and services, or supports to school personnel). ☐ Provide Extended School Year (ESY) services ☐ Change your child's educational placement. ☐ Other: _____	



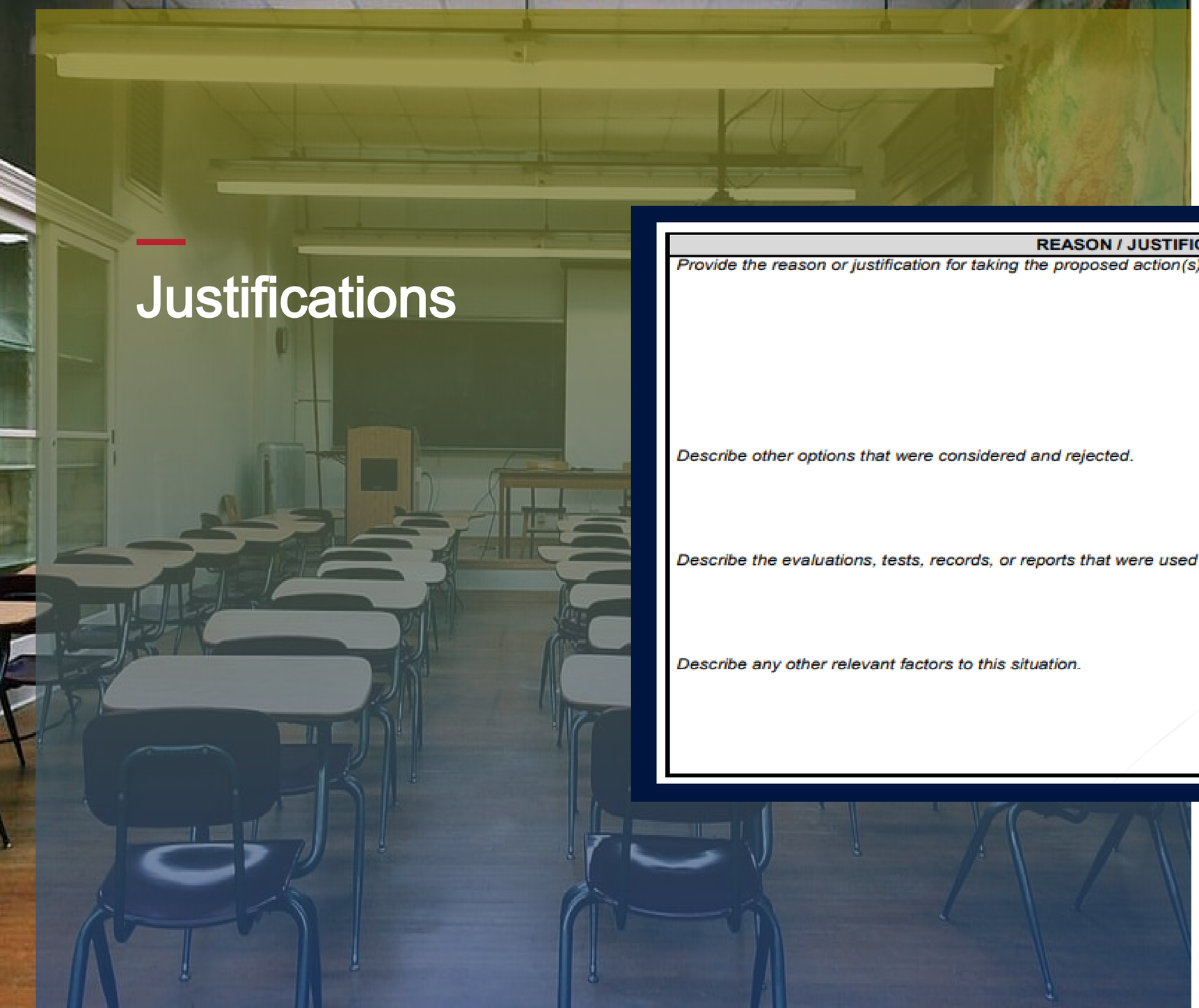
Proposed action

REQUEST	
On **[date of meeting]**, **[school district or program]** proposed the following action as outlined below:	
ACTION PROPOSED	
*Your child's **[school district or program]** proposes to:* ☐ Conduct an initial comprehensive evaluation of your child. ☐ Conduct a reevaluation of your child. ☐ Determine your child's eligibility status and disability category. ☐ Change your child's eligibility status or disability category based on a comprehensive reevaluation. ☐ Exit your child from special education. ☐ Begin new special education and/or related services. ☐ Develop an Individualized Education Program for your child. ☐ Change your child's IEP and/or special education and/or related services (e.g., annual goals, participation in State-wide assessments, supplementary aids and services, or supports to school personnel). ☐ Provide Extended School Year (ESY) services ☐ Change your child's educational placement. ☐ Remove your child for disciplinary reasons which results in a change in placement (e.g., a removal for more than 10 days during a school year or removal to an Interim Alternative Educational Setting). ☐ Other: _____	*Describe the specific action proposed:*



Refused action

ACTION REFUSED	
Your child's ***[school district or program]*** *refuses to:* ☐ Conduct an initial comprehensive evaluation of your child. ☐ Conduct a reevaluation of your child. ☐ Change your child's eligibility status or disability category based on a comprehensive reevaluation. ☐ Change your child's IEP and/or special education and/or related services (e.g., annual goals, participation in State-wide assessments, supplementary aids and services, or supports to school personnel). ☐ Provide Extended School Year (ESY) services ☐ Change your child's educational placement. ☐ Other: _____	*Describe the specific action refused:*



Justifications

REASON / JUSTIFICATION
Provide the reason or justification for taking the proposed action(s) or for refusing to take an action(s) requested.
Describe other options that were considered and rejected.
Describe the evaluations, tests, records, or reports that were used as the basis for the action(s) proposed or refused.
Describe any other relevant factors to this situation.

Dispute Resolution

What can you do if you and the school can’t reach an agreement?

1. Request a facilitated IEP meeting
2. File a state complaint
3. Request mediation
4. File a due process complaint

**Call us!601-709-2141

Ask the Expert: Attorney Smith and Ms. Petty

Please fill out our parent survey!

Or: https://bit.ly/mcjparentsurvey