

KNOW YOUR CHILD'S RIGHTS

THE IEP POCKETBOOK



THE LAW OFFICE OF
MATTHEW STOREY, APC
— SPECIAL EDUCATION ATTORNEYS —



**WE ARE SPECIAL
EDUCATION ATTORNEYS
ADVOCATING FOR
EDUCATIONAL EQUITY**

FOR ALL



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**THIS IEP POCKETBOOK
WAS CREATED TO OFFER
THE INFORMATION YOU
NEED SO YOU ALWAYS
KNOW YOUR CHILD'S
RIGHTS AND ADVOCATE
FOR THEM EFFECTIVELY.**



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PROCEDURAL

SAFEGUARDS

Procedural safeguards are designed to protect the rights of parents and their children, and give families several mechanisms by which to resolve their disputes.



PARTICIPATION

Parents have the right to participate in the development of their child's IEP and to be informed of all program options and alternatives, both public and nonpublic.



HOLD AN IEP

Parents can request an IEP at any time. The District must hold the IEP in 30 days. This is tolled for periods longer than 5 days, such as summer or winter break.

AUDIO RECORD IEP

In California, parents have the right to audio record their IEP meeting. They must give 24 hours written notice to the district prior to doing so.

EDUCATIONAL RECORDS

Parents have a right to inspect, review, and obtain copies of their child's educational records.

In California, when the parent requests the records in writing, they should receive them in 5 days.





RECEIVE A PRIOR WRITTEN NOTICE ("PWN")

Parents have the right to receive prior written notice, in their native language, when the school district initiates or refuses their request to initiate a change in their child's identification, assessment, or educational placement in special education.

CONSENT

Parents must provide informed, written consent before their child is assessed or provided with any special education services, as well as any change in special education services may occur. Parents also may refuse to consent to an assessment or the placement of their child in special education.

INDEPENDENT EDUCATIONAL EVALUATIONS (“IEE”)

If parents disagree with the results of the assessment conducted by the school district, they have the right to ask for and obtain an independent educational evaluation (IEE) at public expense. The parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees.

When a parent requests an IEE at public expense, the school district must, without unnecessary delay, either provide the IEE at public expense, or request a due process hearing if the district believes their assessment was appropriate and disagrees that an IEE is necessary.



EVALUATE

NATIVE LANGUAGE

You have the right to have information in the language you understand. The district must ensure that parents understand proceedings of the IEP team meeting including arranging for an interpreter for parents with deafness or those whose native language is other than English.



STAY PUT

If parents disagree with the district regarding their child's special education placement or a proposed change in placement, the law requires the student to "stay put" in the current program until the dispute is resolved.

STAY

DUE PROCESS

Parents have the right to present a complaint relating to the provision of a FAPE for their child; to have an attorney, an advocate, and the student, if appropriate, present at the due process hearing.



SPECIAL EDUCATION 101

IDEA - The Individuals with Disabilities Education Act

A law that makes available a free appropriate public education (FAPE) to eligible children with disabilities throughout the nation and ensures special education and related services to those children.



REASONS TO REQUEST A STUDENT BE ASSESSED FOR SPECIAL EDUCATION



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1

LACK OF PROGRESS

Is your child not meeting grade level standards or receiving 1's or F's on their report card?

SCHOOL AVOIDANCE

2

Does your child have a hard time getting to school?

Do they have a hard time turning in homework?

Do they express fear or nervousness about school?

LEARNING CHALLENGES

3

Does your child understand what they are reading?

Are they struggling to keep up in school?

HAS THERE BEEN A CHANGE IN:

4

Diagnosis or disability?

Behavior at school or home?



SOCIAL CHALLENGES

5

Does your child have friends or struggle making friends?

Do they complain about school due to peer interactions?

Do they avoid school due to peer interactions?

6

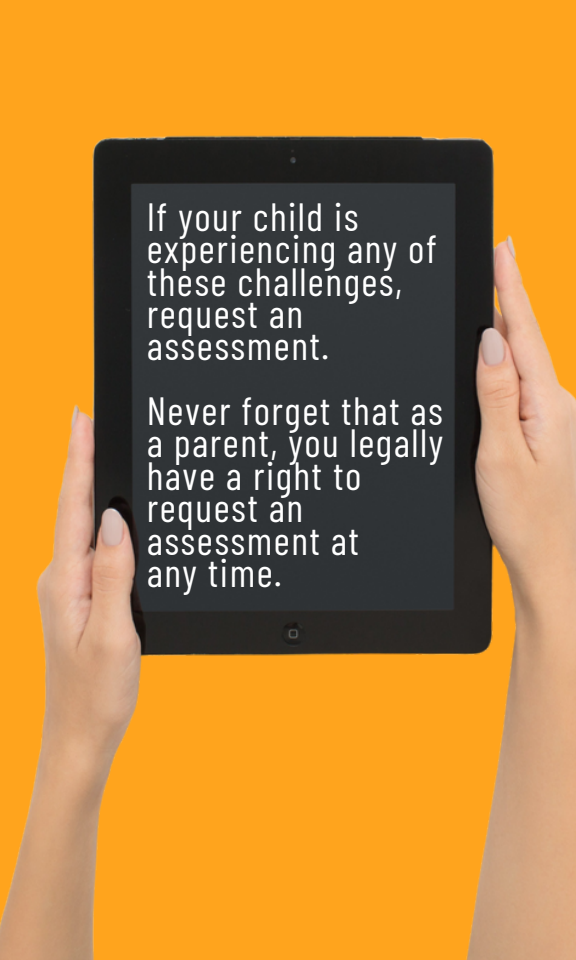
PHYSICAL CHALLENGES

Does your child complain about writing?

Do they get penalized for poor penmanship?

Do they complain about noise levels? Or have trouble in PE?



A person's hands are holding a black tablet against a solid orange background. The tablet screen is dark grey and contains two paragraphs of white text. The text discusses the importance of requesting an assessment if a child is facing challenges and states that parents have a legal right to do so at any time.

If your child is experiencing any of these challenges, request an assessment.

Never forget that as a parent, you legally have a right to request an assessment at any time.

IDEA ELIGIBILITY

In order for a child to be covered by The IDEA, they must be adversely affected by one of 13 categories.



THE IDEA DISABILITY CATEGORIES



1. Specific learning disability (SLD)
2. Other health impairment
3. Autism spectrum disorder (ASD)
4. Emotional disturbance
5. Speech or language impairment
6. Visual impairment, including blindness
7. Deafness
8. Hearing impairment
9. Deaf-blindness
10. Orthopedic impairment
11. Intellectual disability
12. Traumatic brain injury
13. Multiple disabilities

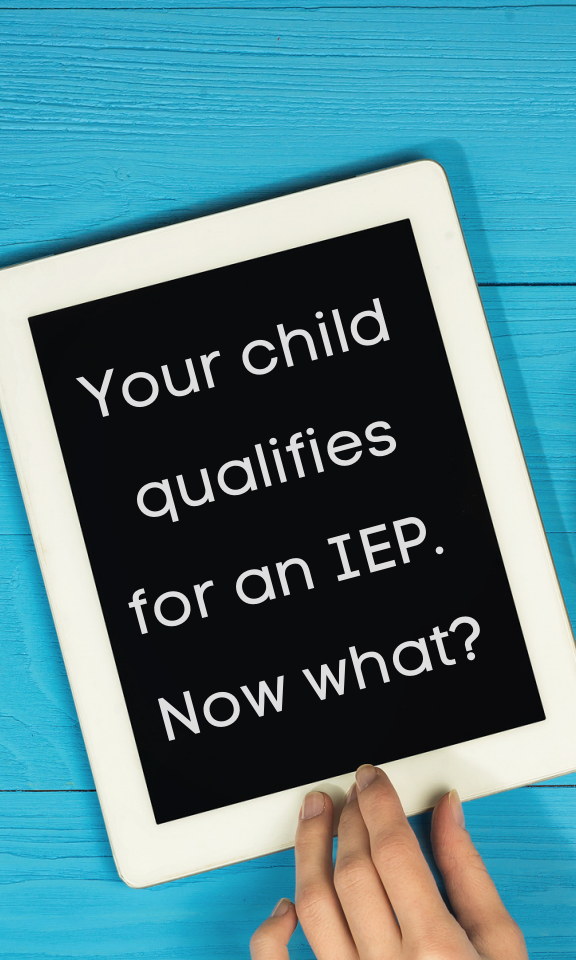


SO HOW DO YOU KNOW IF YOUR CHILD QUALIFIES?

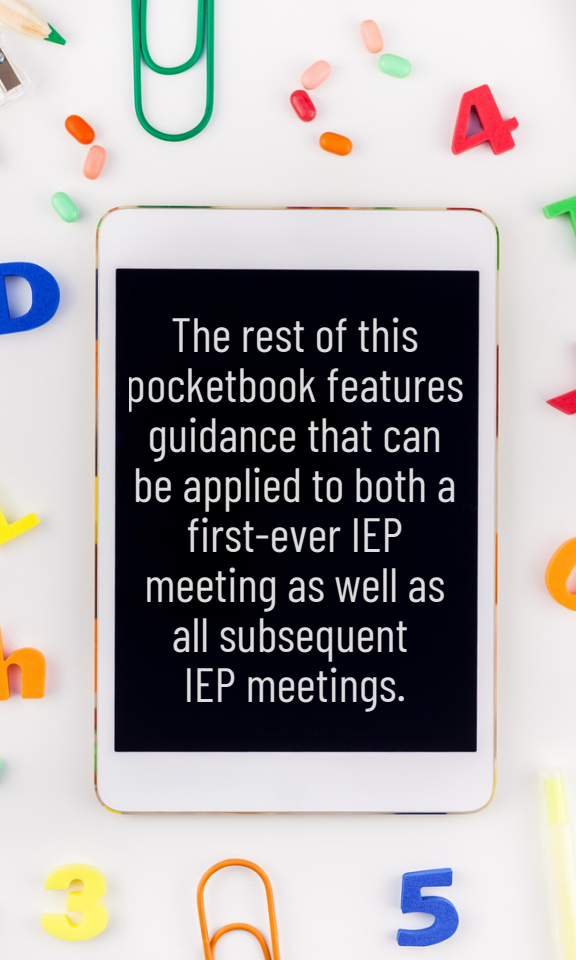
A group of qualified professionals & the child's parent determines whether the child is a child with a disability by drawing upon information from sources, including aptitude & achievement tests, parent input, & teacher recommendations, as well as information about the child's physical condition, social or cultural background, & adaptive behavior. If a determination is made that a child has a disability and needs special education & related services, an IEP must be developed for the child.

**U.S. Department of Education*



A hand is holding a white tablet against a blue wooden background. The tablet screen is black with white text. The text reads: "Your child qualifies for an IEP. Now what?"

Your child
qualifies
for an IEP.
Now what?



The rest of this pocketbook features guidance that can be applied to both a first-ever IEP meeting as well as all subsequent IEP meetings.

REASONS TO REQUEST AN IEP MEETING

While the following reasons are focused on your child, never forget that you can legally request an IEP meeting at any time even if your concerns are focused on having your own issues with or questions about the IEP.



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1

LACK OF PROGRESS

Is your child meeting grade level standards?

Is your child meeting their goals?

CHANGES IN BEHAVIOR

Does your child have a hard time getting to school?

2

Do they express fear or nervousness?

Has your child experienced a change that is affecting their education?

Are you getting feedback from staff that your child is acting differently in school?

CHANGE IN PLACEMENT

3

Has your child moved schools?

Have they moved to a different type of class such as general education to a mild or moderate, or moderate to severe program?

4

**HAS THERE BEEN A
CHANGE IN DIAGNOSIS
OR DISABILITY?**



PREPARING TO
ADVOCATE



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REQUEST

THE RECORDS

ORGANIZE

THE RECORDS

READ

THE RECORDS

***WITHOUT RECORDS YOU CANNOT
EFFECTIVELY PARTICIPATE IN
THE IEP PROCESS***



REQUEST

THE RECORDS

Before the next IEP, request in writing via e-mail, all of your child's educational records from the school.

A request doesn't exist unless it is in writing!

In California, you should receive the records in five days.

ORGANIZE

THE RECORDS

Don't keep your records all over the place, organize them!

We recommend organizing all the records in chronological order neatly in a binder.

This enables you to quickly reference documents and better understand your child's progress.



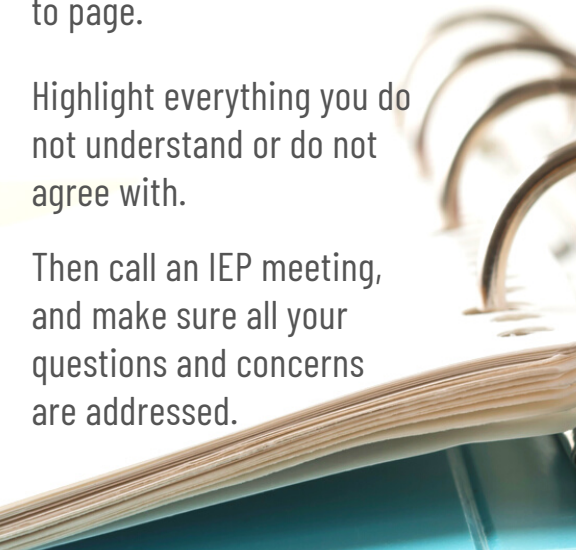
READ THE RECORDS

To effectively advocate, you have to know what's in the records.

Take the last IEP and read it page to page.

Highlight everything you do not understand or do not agree with.

Then call an IEP meeting, and make sure all your questions and concerns are addressed.



CALLING AN

IEP MEETING



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You can call an IEP anytime, and the district should hold one within 30 days.

Do this in writing, so you have an exact date of the request.

The IEP is there, in part, to make sure you understand what is going on, answer all your questions, and track progress.

When you do not understand something, have concerns, or want to make changes, call an IEP meeting.



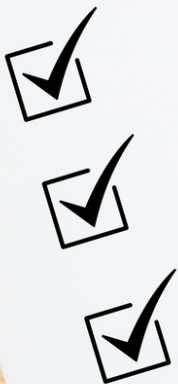
SCHEDULING THE
IEP MEETING

Many parents feel they can only show up at the times and dates the district has given them.

You have the right to have an IEP meeting at a time and day that works for you.

Send the district 3 or 4 days and times that work for you.





PREPARING FOR THE

IEP MEETING



Ask for documents such as assessments or a draft IEP prior to the meeting.

Create a list of all questions and concerns you want addressed in the meeting.

AUDIO RECORD

THE IEP MEETING

Audio recording allows you to quickly reference things that were said in the meeting.

You must provide a 24-hour notice in writing that you intend to record the IEP.

If you use your phone to record, put it on "airplane mode."



ADVICE FOR YOUR IEP MEETING

ASK SOMEONE TO ATTEND THE IEP MEETING WITH YOU

Going to an IEP alone can be overwhelming. It is good practice to bring someone for support. This can be a family member, friend or advocate.

Unless it is an attorney, you are not required to notify the district who you intend to bring.

Support




SIGNING


THE IEP




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You do not need to sign the same day of the meeting. Take the IEP home and review everything.



You can sign the IEP in parts. For example, you may agree with speech services and not OT services.



Only sign the IEP when you understand and agree with the document.

FINAL COMMENTS



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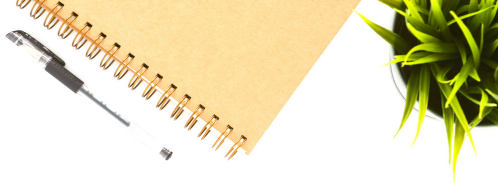
Keep everything in writing.

It doesn't exist if it's not in writing.

Questions, concerns, or requests, should always be put in writing.

Create an email for school use only and be sure to keep all correspondence within that email.





As a parent, you are your child's best chance at having a positive IEP experience.

If you communicate clearly and save all correspondence, you can always go back and show you did your due diligence.

Never forget that we are here for you, whether it's to help you become a better advocate for your child or to stand by you as you face a school district.



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