



A Guidebook by:

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Introduction

Disorder, disability, special needs, there are so many terms to describe children who don't seem to be like the average child. I don't know what the average child is. I can't think what average looks like. In the eight years I have taught, it seems that average is in the eyes of the beholder. It's directly related to one's personal tolerance and one's personal view of appropriate. I am a little unorthodox in my teaching and parenting styles, in that I always try to find creative approaches to reach children.

Maybe this is why I didn't catch that my son, Andrew, had a disorder. I figured he was like me; he just related to the world a little outside the box. It wasn't until the summer after his kindergarten year that another possibility was suggested.

My mother-in-law, Cynthia Vandrush, who is the principal of a very proactive school that puts children's needs first, and is very knowledgeable about special education, saw how Andrew interacted with Andrew's newly adoptive father (Matthew) and me. She also observed how he interacted with his surroundings. She asked if he had ever been screened for Sensory Integration Dysfunction (SI). Our response was, "Sensory What?" She explained that SI was a neurological disorder that affects how sensory input is processed. "Children with Sensory Integration Dysfunction have atypical responses to sensory experiences, such as tactile, auditory, visual, vestibular (feedback from balance systems), proprioceptive (feedback from muscles and joints) and other sensory input"-Nichole L. Dawson, Ph.D. Atypical responses can be pain from certain textures and tactile input, an inability to discern between background noises and spatial positioning of words on a page, to name a few.

This inability to make sensory-based connections affects Andrew in test-taking, writing, reading, writing, listening to directions, organizing in relation to transitions, the inability to sense when he is touching others too much or being too active, difficulty in crowds, as well he experiences intolerance to/pain with certain touches (can't wear bumpy socks, fuzzy clothes, or touch certain fabrics), smells (Andrew is the smell-o-meter), and tastes (real picky, but man he loves lemon!). We were very reluctant to label Andrew after it was concluded from a screening we had done that he probably had SI. But after reading enough information about SI, we realized that we would not be helping him if we did not at least inform his teacher of the SI problems and give her solutions to help him. We sent a lot of information on "sensory diets" designed to help SI kids adjust to the stresses of school and not get overloaded with sensory input. She did the best she could, but we were untrained and so was she in how to recognize how many arenas SI affected, and how it presented itself.

By the middle of Andrew's first grade year we had our first meeting with the special education staff about Andrew's reading skills. We informed the school once again that Andrew had been diagnosed with SI and that he needed a sensory diet and a school-based Occupational Therapist (OT) to help adjust that diet to help Andrew produce for the school what he produced at home. We were told that SI was a medical issue; therefore the school could not do anything for Andrew in regard to the SI. Most parents would have been at a loss for what to do with this, but we were lucky because we had Matthew's mother to advise us that under "Other Health Impaired" they did have to address the SI issues. Through her connections we were able to contact the director of Chicago Public School's (CPS) OT department. He informed us that CPS did provide OT services and sensory diets for children with Sensory Integration Dysfunction.

Pushing this matter turned into us having to contact the Director of Occupational Therapy for every further step. Starting with insisting on an OT evaluation and then a 504 plan designed to address a sensory diet in the school setting. Then we had to fight to remain at the school, contacting everyone from the Regional Office all the way up to the Chief Executive Officer of Chicago Public Schools, Arne Duncan. We informed these people that our son's school tried to transfer him to another school at the end of his first grade year

during the meeting to design the 504 plan. We were allowed to stay at our “home school”, the school that we had developed some level of knowledge about SI with. From that point the school would not respond to us all summer to train their staff on our son’s disorder per the requirements listed on his 504 plan. Then when second grade started they would not implement any portion of the 504 plan. We had to pull him from school because the school refused to recognize his 504 plan, and reprimanded him (telling him he was a bad boy) for trying to meet his sensory needs without their assistance. Andrew’s second grade year has been totally shot.

Since the moment we pulled Andrew out of school, it is been the most intense battle of our life. We had to get the regional office involved looking for assistance, when that failed we had to file a complaint with the Office of Civil Rights, and then we had to hire lawyers. Most days, I am consumed with educational law and phone calls and letters and efforts to prove laws that have been broken and procedures that aren’t being followed.

Through all this, Matthew and I are schooling Andrew in what he needs to learn in second grade as well what he needs to know about his body. In teaching him to understand his body and how it works we have been attempting to make him know how to recognize and meet his sensory needs comfortably. We have many conversations about how his body works. My favorite is the conversation we had with Andrew one night. Andrew loves super heroes like any kid, so we asked him one day if he thought this is what super heroes go through. In an attempt to raise Andrew’s self-esteem with how his body works, we asked him, “Wouldn’t super heroes be able to smell, hear, feel, and taste things that no one else can?” Now he talks all the time about his super powers.

I am also finishing my master’s degree and writing my capstone paper, but with everything going on I have not been able to work on or think about anything but this. So one night I made a decision. I don’t want other parents to go through what we have. This is my solution. I wanted to give parents all of the information that has helped me. I wanted to find a way to give them some power over this system that doesn’t seem to work. So here is my analysis of this system and the few solutions I could find for you. I have started at the top

with who holds the schools accountable and moved into what you can do to understand the laws and advocate for your child. It is a lot of information, but these systems build upon each other and are all intertwined so it is important to have a slight understanding of them, and how they relate to meeting the needs of your child.

Who Holds Schools Accountable?

The special education system throughout the United States is based on a history of creation and recreation. Over time how schools deal with children with special needs has changed drastically. One thing that has remained a part of education are the checks and balances available to hold institutions accountable to the guidelines and laws set up to protect children from discrimination and mistreatment. In my search for answers to how the special education system works, I asked myself, “What are the current systems of checks and balances of the education system are in place to protect children with disabilities or special needs? How do these systems work to ensure that laws, policies, and regulations related to meeting children/student’s needs are followed and working to protect these children and their parents?”

To answer these questions, I had to do a lot of research. I have found many organizations that are set up to provide a system of checks and balances to the operation of special education. These are the people parents turn to when their special education director, IEP Team, principal, or school district are not following the laws and meeting their child’s special needs. There are four main arenas that I want to concentrate on when exploring the idea of checks and balances in Illinois and particularly in Chicago: Local School Councils, the Office of Civil Rights, due process, and monitoring and enforcement. The first three organizations are in a position of holding Chicago schools accountable to federal, state, and local guidelines. Finally in exploring the process of monitoring and implementation of education laws, I examine how a lack of enforcement effects changes in policies, guidelines and laws.

Local School Councils

Every year I get a pamphlet for the elections of the Local School Council (LSC) at my son's school. I never really gave it much thought. To be honest I thought that the LSC was an organization without much power. Just something to make parents and communities "feel" involved in how a school is doing things. I was wrong. "In Chicago, Local School Councils (LSCs) with a majority of elected parent and community members exercise substantial school-level decision making powers, based on a state law passed in 1988. **They hire their school's principal on a four-year performance contract, set priorities for school improvement, and determine the school's budget.**"(Moore,2002) Basically this organization decides where the money goes, what is valued in the school and concentrated on, develop new school-wide goals, and vote for who runs the school (i.e. hiring the principal). Chicago's LSC powers are unusual in comparison to other communities. This was done purposefully so that the community could have a hand in how their school was operating.

An educational historian, Michael Katz, commented:

"The 1988 Chicago school reform law represents the most radical attempt to restructure an urban school system in the last hundred years. For most of the twentieth century, reforms rearranged the furniture in big city school systems; Chicago's 1988 school reform moved the walls. It redefined the governance of schools, the conditions of teaching and learning, and the relations of schools to their various communities."(Moore,2002)

As in any organization there are functional (working) and nonfunctional (non-working) components. Throughout existing LSC's there are working and non-working councils. A study done by the Consortium on Chicago School Research explored a cross-section of LSCs and how they carried out their key responsibilities. "Among the key negative findings about LSCs that are documented by the research and must be overcome through further change are the following:

- About 10%-15% of LSCs are enmeshed in sustained conflict, are inactive, or have engaged in unethical behavior.

- 25%-33% of LSCs are “performing well but need support.” They are fulfilling their basic legal duties, but are not proactive in providing leadership to their school. Such LSCs are unlikely to contribute significantly to making fundamental improvements in student learning.
- Among the 50%-60% of LSCs that the Consortium characterized as “highly functioning” and proactive, about 15%-20% consistently scored at the very highest levels on the Consortium’s rating scales (i.e., all LSC members strongly agreed that all desirable practices were being carried out for each critical LSC activity – such as school improvement planning). Thus, among the highly functioning LSCs identified by the Consortium study, there is still room for significant improvement in a substantial portion of them, if they are judged by the most rigorous standards.”(Moore,2002)

Within the nonfunctional LSCs there were three common themes. **“Weak leadership from the principal and/or LSC chair, less training, weak knowledge and skills in such areas as running effective meetings and new educational practices.”**(Moore,2002) There was no correlation between failing LSCs and the education level of LSC members, meaning that it does not require a panel of college educated LSC members to have a functional LSC. It does require a proactive principal to ensure LSC members are trained on current education laws and procedures for an LSC to function though, as the principal organizes all education. According to the research done by the Consortium on School Research, “The current process for educating and assisting LSCs violates widely recognized standards for effective adult education. An infrastructure must be put in place independent of the school system’s central office to provide high quality education and assistance to LSCs on a large scale.”(Moore,2002)

While there is very little evidence of corruption in LSCs there is evidence of interference from Central Staff (i.e. directors of the district in the main office). “Central office staff continue to interfere inappropriately in LSC decision making, often pursuing their own political agendas. LSCs and their supporters need to act to stop these abuses and to create an oversight process for LSCs that solves problems and builds LSC capacity.”(Moore,2002) This can be observed in principal selection as well as policymaking. To make some connections for you, if you have a principal or school that is not following the legal requirements for meeting the special needs of children, the Local School Councils in

Chicago can take many steps to change that. They can hire a new principal, change school policies, and call in people to do trainings, etc. to help the problem. In short, LSCs in Chicago hold schools and principals accountable. Parents need to make attempts to get involved with their local school council's because their decisions will directly involve how their child is taught.

Due Process

Due process is usually the first stop when parents and districts have problems. The district of Chicago Public Schools and Illinois use due process as a method in which to provide procedural safeguards to parents. “Procedural safeguards are the checks and balances of the system, not a piece separate from the system.”(NECTAC, 2003) The due process system, though, is a complicated system of legal debates and mediation.

The guidelines for due process hearings require that they should be impartial and equal. In a memorandum to the directors of special education, Gordon M. Riffel, Deputy Superintendent stated, “There is no question that due process is an adversarial system fraught with legal maneuvering that makes it extremely difficult for those, particularly families, not represented by legal counsel. The cost of due process is a concern to parents and school administrators, not only in Illinois but also throughout the country.”(Riffel,2001)

The detailed analysis of due process hearings by Gordon M. Riffel as well as statistics gathered on due process outcomes over several years has presented one main conclusion. The outcomes of due process hearings and the difficulties presented by the lack of accessibility to an equal experience for all parents regardless of financial resources leads me to conclude that the system of due process hearings does not provide appropriate accountability to protect all children. Especially when looking at the expenses of legal counsel and advocacy services, which most families would not be able to gain access to. It is no mystery why many parents give up, withdraw cases, or have cases that result in a dismissal somewhere in the process of trying to acquire appropriate services for their special needs children. In Riffel’s 2001 study of Illinois due process procedures he states that, “It is not uncommon for cases to linger on for 6 to 12 months before being settled, withdrawn or heard. Most cases, (451 out of 515 during FY00) are settled prior to hearing.”(Riffel,2001) In one due process case viewed, the parents had the first hearing concerning their objection to placement decisions in 1997 and no decision was made. The parents continued to voice concerns to the same hearing officer in 1998, 1999, and 2001. Then after years of observing the case and not making a decision on the appropriate placement of the child, the case was dismissed after the child was arrested, claiming it was now out of their jurisdiction.

Office of Civil Rights

The Office of Civil Rights, or OCR is the federal law complaint process. “OCR, a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (ADA), which extends this prohibition against discrimination to the full range of state or local government services (including public schools), programs, or activities regardless of whether they receive any federal funding.” “Section 504 prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education. The ADA prohibits discrimination on the basis of disability by state and local governments. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.”(OCR)

In my examination of the Office of Civil Rights, I have determined that the only way to get a clear view of the assistance OCR provides parents is from their question and answer guide. I only listed areas which deal with the issue of checks and balances for this chapter.

2. How does OCR get involved in disability issues within a school district?

1) OCR receives complaints from parents, students or advocates; 2) OCR provides technical assistance to school districts, parents or advocates; and 3) OCR initiates reviews or specific partnership initiatives with school districts to address disability issues. (OCR)

5. Does OCR examine individual placement or other educational decisions for students with disabilities?

OCR will examine procedures by which school districts identify and evaluate students with disabilities and the procedural safeguards, which those school districts provide students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment, which is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and services. (OCR)

7. Does OCR mediate complaints?

OCR does not engage in formal mediation. However, OCR may offer to facilitate mediation, referred to as "Resolution between the Parties," to resolve a complaint filed under Section 504. This approach brings the parties together so that they may discuss possible resolution of the complaint immediately.

An agreement reached between the parties is not monitored by OCR..(OCR)

8. What are the appeal rights with OCR?

OCR is committed to ensuring that every complaint is appropriately resolved.(OCR)

10. What sanctions can OCR impose on a school district that is out of compliance?

OCR initially attempts to bring the school district into voluntary compliance through negotiation of a corrective action agreement. If OCR is unable to achieve voluntary compliance, OCR will initiate enforcement action. OCR may: (1) initiate administrative proceedings to terminate Department of Education financial assistance to the recipient; or (2) refer the case to the Department of Justice for judicial proceedings.(OCR)

11. Who has ultimate authority to enforce Section 504?

In the educational context, OCR has been given administrative authority to enforce Section 504. Section 504 is a Federal statute that may be enforced through the Department's administrative process or through the Federal court system. In addition, a person may at any time file a private lawsuit against a school district. (OCR)

38. What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans? What are the consequences if the district fails to implement the plans?

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If the teachers fail to implement the plans, such failure can cause the school district to be in noncompliance with Section 504. (OCR)

The goals are clearly stated under these guidelines, what is not stated is the follow-up. There is no documentation on the consequences being enacted for districts that continually fail to follow laws and guidelines for schooling special needs children. With an important goal of OCR being to “foster partnerships between school districts and parents to address the needs of students with disabilities”(OCR) one wonders where the enforcement of Section 504 lies?

Monitoring and Enforcement

The general public does not usually validate laws that are not enforced. Districts that do not make it a clear priority to respect and follow the guidelines of federal, state, and local education laws cannot enact any true change, with respect to compliance, within those districts. A report by Designs for Change stated that, “Compared with other state education agencies, the ISBE (Illinois State Board of Ed.) have been particularly reluctant to aggressively monitor and enforce state and federal education law. And this reluctance has been even more pronounced in relation to the Chicago Public Schools...”(Soltman,2002) It is this reluctance that led to the 1992 Corey H. Class action Lawsuit against Chicago Public Schools and the State of Illinois.

This lawsuit has changed the face of special education statewide and has affected districts across the nation. The lawsuit was assisted by an initial investigation done by Northwestern University attorneys who had given legal representation to over 100 students at “school-level meetings to determine student evaluation and placement, in due process hearings, and in litigation. This experience led the Legal Clinic’s attorneys to conclude that even when skilled advocates were available to assist families of students with disabilities on an individual basis, **the potential for securing appropriate educational experiences was limited, given the deeply ingrained practices of Chicago and other school districts in implementing special education and lack of enforcement by the ISBE.**” (Soltman,2002)

With continual reevaluating and monitoring of the education system since 1992, we would expect to see some major improvements of the Chicago Public Schools and the State of Illinois with regard to special education. In a 2001/2002 OSEP (Office of Special Education Programs) monitoring review, it seems like the findings show still much room for improvement. “OSEP issued its monitoring findings in the December 21, 2002, document entitled ‘OSEP Monitoring Report – Illinois’.

The OSEP report contained the following findings of noncompliance relevant to IDEA Part B:

1. ISBE's monitoring procedures are not effective in identifying and ensuring the correction of all systemic noncompliance with the requirements of Part B.
2. ISBE has not reported to the public regarding the performance of students with disabilities in the alternate assessment.
3. ISBE has not ensured that all children with disabilities are educated in the least restrictive environment.
4. ISBE has not ensured that children with behavioral or emotional disabilities are receiving all of the services that they need as part of a free appropriate education, including psychological and counseling services."(Koch,2003)

"The information contained herein is intended to reinforce the requirements of IDEA, discuss their implications at the local level, and offer technical assistance and training resources that educators and parents may access to enhance their capacity to collaboratively fulfill those requirements."(Koch,2003)

With monitoring and implementation enforcement, we could see a very different face to special education. If the guidelines set into place were followed up with support and enforcement, parents and districts would in fact be able to develop a Free Appropriate Public Education system.

Although this section can leave you with a bad taste in your mouth, drink a glass of water and keep reading. This is just the beginning, because, "guess what?" there is still much you can do to advocate for yourself and your children. There are alternatives for parents out there. In a search to find those alternatives for parents, I sent out a survey to advocacy agencies, lawyers, administrators, principals, and complaint offices requesting them to give me their top 5 tips for parents. From those top surveys, I have used the most common tips to develop the top 10 things parents need to know in order to represent themselves and their special needs children when entering the education system. The following ten sections detail those tips. I started with the laws you need to know so that I could build on that base without you having to be jumping all over the book. I also include small excerpts from the actual law so you don't have to go searching for it; these segments are boxed in so you can easily know that they are laws. As well they state what the legal code (name) of the law is. I hope that this will make the system a little friendlier for the next parent involved.

TIP 1: KNOW YOUR RIGHTS!

Knowing your rights is the first tip for parents when considering alternatives to the current system of checks and balances in education. This section deals with a lot of legal quotes and details, although it's boring and endless (sorry!), it is needed for understanding and so that I can refer back to these legal references in future sections. When exploring what a parent's rights are, I had to ask myself the following question, "What are the relevant laws, policies, and regulations that are in place by federal, state, and local institutions for Chicago Public Schools to follow in regard to services for children/students with disabilities or special needs?" In order to be able to truly understand all the ins and outs of special education, you need to examine the laws that developed this system. There are four main laws that are considered when looking at how children are treated within education.

For the state of Illinois the main laws used to develop policies in which to teach children with special needs are IDEA (Individuals with Disabilities Act), Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA), FAPE (Free Appropriate Public Education), and the 23 Illinois Administrative Code CH. I, S.226. IDEA, Section 504, and FAPE are federal mandates and states that apply for federal funding that accompanies these mandates have to develop laws and policies that are in line with them, such as the 23 Illinois Administrative Code. Understanding these laws and how they are implemented has helped me dramatically in addressing the needs of my son.

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act or IDEA was first drafted in 1975 as the Education for All Handicapped Children Act. This Act, which evolved into IDEA and requires all states that apply for funding under that Act to provide children with a free appropriate public education (FAPE). The guidelines set forth in IDEA are for children between the ages of 3 and 21. IDEA is voluntary for states to participate in by the fact that only states that apply for funding under the Act need to comply with IDEA and FAPE. The purpose of IDEA, as stated in section 300.1, is as follows:

Sec. 300.1 Purposes.

Purposes, Applicability, and Regulations That Apply to This Program The purposes of this part are—

- (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;
- (b) To ensure that the rights of children with disabilities and their parents are protected;
- (c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and

To assess and ensure the effectiveness of efforts to educate children with disabilities. (Authority: 20 U.S.C. 1400 note) (GPO Access,1999)

§300.7 Child with a disability.

(a) General.

(1) As used in this part, the term **child with a disability** means a child evaluated in accordance with §§300.530-300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(2)

(i) Subject to paragraph (a)(2)(ii) of this section. if it is determined. through

an appropriate evaluation under §§300.530-300.536, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a **child with a disability** under this part.

(ii) If, consistent with §300.26(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a **child with a disability** under paragraph (a)(1) of this section.

IDEA is a long document; therefore, I am not able to provide you with all the relevant segments of this law. What I can do is give you a few details that directly cover the issues of FAPE under federal and state guidelines. Below I have included sections that will provide you with an understanding of FAPE under IDEA, Least Restrictive Environment (LRE), and Individual Education Program (IEP), which are directly cited from IDEA and are the most common issues discussed within educating children with special needs. Remember that "Special education" under IDEA is not a place or placement.”(Wrightslaw,2002) In other words, qualifying for special education does not mean your child goes to a special classroom, it just means that in order to receive an appropriate education, that is equal to others, they are entitled to accommodations.(see **least restrictive environment**)

Keep in mind that states base their programs on this law and its Federal regulations. If you are familiar with the law and its implications then it will be easier for you to talk the language of educators and staff to argue/address the needs and rights of your child.

To obtain a copy of IDEA contact:

Superintendent of Documents
U.S. Government Printing Office
Attn: New Orders
P.O. Box 371954
Pittsburgh, PA 15250-7954.
Charge orders may be telephoned to:(202) 512-1800.
Visit <http://www.ideapractices.org/law/index.php> (NICHCY,2000)

IDEA Attachment A **§300.340-300.350** deals with IEP Laws. You can find this attachment on the website below.

<http://www.ed.gov/parents/needs/speced/iepguide/index.html?exp=0#Attachment>

Section 504 and ADA (Americans with Disabilities Act)

“The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.”(U.S.,1992) Section 504 is a law that “prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education.”(OCR) Section 504 also requires schools to provide FAPE to children. Some children that do not qualify for an IEP under IDEA will qualify for a 504 plan under Section 504.

In, Section 504, the Americans with Disabilities Act, and Education Reform, Prepared by the PEER Project, it states:

“In implementing education reform initiatives, public schools and school systems must abide by Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) which prohibit discrimination on the basis of disability. Section 504 prohibits recipients of federal funds from discriminating on the basis of disability. Title II of the ADA prohibits discrimination on the basis of disability in state and local government services by state and local governmental entities, whether or not they receive federal funds. This includes public school districts. Virtually all public school systems receive federal funds, and public education is a government service. Both statutes require school districts to provide a free appropriate public education (FAPE) to students with disabilities protected by those laws.”

“To be eligible for protections under Section 504, the child **must have a physical or mental impairment**. This impairment must substantially **limit at least one major life activity**. Major life activities include walking, seeing, hearing, speaking, breathing, learning, reading, writing, performing math calculations, working, caring for oneself, and performing manual tasks. The key is whether the child has an "impairment" that "substantially limits . . . one or more . . . major life activities."(Wrightslaw,2002)

Under Section 504 regulations, a free appropriate public education is defined as “the provision for regular or special education and related aids and services that...are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and...are based upon adherence to specified procedures.”(34 C.F.R.§104.33(b)(1))

This statement from Section 504 has many implications. I want to give you a real school example. Andrew, my son, has sensory integration dysfunction. This is a neurological disorder that affects how Andrew perceives sensory input. (In words that make sense) Andrew has a sheet of paper with a box on the top portion of the paper and lines at the bottom. The directions are for Andrew to write a story then draw a picture on the story; chances are that Andrew is going to be drawing a story and then writing about it (because of how this disorder affects his perception). In a 504 plan it would explain what Andrew needs to meet the demands of his classroom curriculum, as well what the school needs to provide for him as a child with a disability to provide him FAPE.

A 504 plan does not require educators to develop an individual education program (IEP) for your child though, so this can be a more restrictive option for children. 504 plans do not provide protection for children under IDEA and this can hinder a parent's ability to fully advocate for their child. Remember that like an IEP Team, you are a member of the team developing a 504 plan. You can call a meeting of the team if a portion of the 504 plan is not working or something needs addressing. You can make suggestions and write on a 504 plan just like you can make suggestions and write on an IEP.

FAPE (Free Appropriate Public Education)

Free means just that, no cost, to the parent or the child. This in turn means under FAPE guidelines, services, no matter what they are, that are needed for your child to have a successful education need to be provided by your child's school at no expense to you. Although FAPE is defined in and a part of IDEA it is referred to in many other education laws, it is a foundation for educating children. A child does not need to be determined eligible for special services to qualify for FAPE, every public school is required to provide a free appropriate public education to every child. The main thing to remember with FAPE is that free appropriate public education means different things for different children, what is appropriate for one child may not be appropriate for another. This means that if your school tries to say they cannot allow your child to sit on a ball because all the children will want to sit on a ball, you can respond, "Fair is not equal, what makes education an equal and appropriate situation for my child may not be fair for other children." Hold your school to this; it is state and federal law! According to IDEA and the 23 Illinois Admin. Code, FAPE is defined as follows:

"The term '**free appropriate public education**' means special education and related services that--

- A. "have been provided at public expense, under public supervision and direction, and without charge;
- B. "meet the standards of the State educational agency;
- C. "include an appropriate preschool, elementary, or secondary school education in the State involved; and
- D. "are provided in conformity with the individualized education program required under section 614(d)." **[Section 602(8)]** (IDEA,1997)

§300.300 Provision of FAPE.

(a) General.

(1) Subject to paragraphs (b) and (c) of this section and §300.311, each State receiving assistance under this part shall ensure that FAPE is available to all children with disabilities, aged 3 through 21, residing in the State, including children with disabilities who have been suspended or expelled from school.

(2) As a part of its obligation under paragraph (a)(1) of this section, each State must ensure that the requirements of §300.125 (to identify, locate, and evaluate all children with disabilities) are implemented by public agencies throughout the State.

(3)

(i) The services provided to the child under this part address all of the child's identified special education and related services needs described in paragraph (a) of this section.

(ii) The services and placement needed by each child with a disability to receive FAPE must be based on the child's unique needs and not on the child's disability. (IDEA,1997)

§300.309 Extended school year services.

(a) General.

(1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

(2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.

(3) In implementing the requirements of this section, a public agency may not—

(i) Limit extended school year services to particular categories of disability; or

(ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition. As used in this section, the term **extended school year services** means special education and related services that—

(1) Are provided to a child with a disability—

(i) Beyond the normal school year of the public agency;

(ii) In accordance with the child's IEP; and

(iii) At no cost to the parents of the child; and

(2) Meet the standards of the SEA.

(Authority: 20 U.S.C. 1412(a)(1)) (IDEA, 1997)

§300.320 Initial evaluations.

(a) Each public agency shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services under Part B of the Act—

(1) To determine if the child is a "child with a disability" under §300.7; and

(2) To determine the educational needs of the child.

(b) In implementing the requirements of paragraph (a) of this section, the public agency shall ensure that—

(1) The evaluation is conducted in accordance with the procedures described in §§300.530-300.535; and

(2) The results of the evaluation are used by the child's IEP team in meeting the requirements of §§300.340-300.350.

(Authority: 20 U.S.C. 1414(a), (b), and (c)) (IDEA, 1997)

§300.321 Reevaluations.

Each public agency shall ensure that—

(a) A reevaluation of each child with a disability is conducted in accordance with §300.536; and

(b) The results of any reevaluations are addressed by the child's IEP team under §§300.340-300.349 in reviewing and, as appropriate, revising the child's IEP.

(Authority: 20 U.S.C. 1414(a)(2)) (IDEA,1997)

23 Illinois Administrative Code CH. I, S.226.50

Section 226.50 Requirements for a Free Appropriate Public Education (FAPE)

"Each school district shall ensure that a free appropriate public education (FAPE) is available to each child with a disability who is between the ages of 3 and 21, resides in the State and is enrolled in the district, and requires special education and related services to address the adverse affect of the disability on his or her education. The special education and related services must be provided according to the child's individualized education program (IEP) at no cost to the parent and in accordance with this Part. As public schools, charter schools are also bound by these requirements, and children with disabilities who attend public charter schools and their parents retain all rights under this part."

If your child is eligible for special services, they are entitled to a reevaluation every three years, called a triennial evaluation. There have been many due process cases brought forth because of evaluations not being done properly. As well there are many case brought forth for parents denying a school's right to do the triennial reevaluation.

Individual Education Program (IEP)

Individual Education Program's are developed for children that qualify under IDEA. This means that if your child fits into the qualifications set up by IDEA, an IEP could help them have an equally successful and rewarding education as someone without a disability or special need. Some of the well-defined categories for special education are:

Special Education Categories

Autism,
Deaf-Blindness,
Deafness,

Emotional Disturbance (includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance)

Hearing Impairments,

Mental Retardation,

Multiple Disabilities,

Orthopedic Impairment,

Other Health Impairment means having limited strength, vitality or alertness, including a heightened sensitivity to environmental stimuli, that results in limited alertness with respect to the educational environment that--

1. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, or sickle cell anemia; and
2. adversely affects a child's educational performance.

Specific Learning means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. [105 ILCS 5/14-1.03(a)]

Speech or Language Impairment,
Speech-Language Pathology Services,
Traumatic Brain Injury,
Visual Impairment (ISBE)

Here is my main advice for any IEP meetings, or 504 meetings: be prepared and be confident. It will save you a lot of hassle and emotional frustration if you at least understand

the process and guidelines before you start. Because I think this is so important, I am including the IEP guidelines under IDEA. I had to do a lot of searching for these, and once I found them, they changed my whole approach. The guidelines are as follows:

Section 614(d)(1) (A) or look at [§300.340 Definitions related to IEPs.](#)

(d) INDIVIDUALIZED EDUCATION PROGRAMS (IEP).

1. DEFINITIONS. -As used in this title:

- A. INDIVIDUALIZED EDUCATION PROGRAM.** The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—
- i. a statement of the child's present levels of educational performance, including
 - I. how the child's disability affects the child's involvement and progress in the general curriculum; or
 - II. for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
 - ii. a statement of measurable annual goals, including benchmarks or short-term objectives, related to--
 - I. meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and
 - II. meeting each of the child's other educational needs that result from the child's disability
 - iii. a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child--
 - I. to advance appropriately toward attaining the annual goals;
 - II. to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and
 - III. to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;
 - iv. an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause(iii);--
 - (v)(I). a statement of any individual modifications in the administration of state or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and
 - II. if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or

- part of such an assessment), a statement of
- III. why that assessment is not appropriate for the child; and
- IV. how the child will be assessed;
- V. The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications

Section 614(d)(1)(B) or [§300.344 IEP team. Members of the IEP Team](#)

B. INDIVIDUALIZED EDUCATION PROGRAM TEAM. The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of--

- i. the parents of a child with a disability;
- ii. at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- iii. is knowledgeable about the general curriculum; and
- iv. is knowledgeable about the availability of resources of the local educational agency;
- v. at least one special education teacher, or where appropriate, at least one special education provider of such child;
- vi. a representative of the local educational agency who--
 - I. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - II. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
 - III. at the discretion of the parent or the agency, other ,individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
 - IV. whenever appropriate, "the child with a disability" (OSEP,1997)

[§300.344 IEP team.](#)

b) Transition services participants.

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—

- (i) The student's transition services needs under §300.347(b)(1); or
- (ii) The needed transition services for the student under §300.347(b)(2); or
- (iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

Section 614(d)4) or look at [§300.343 IEP meetings.](#)

- A. IN GENERAL-The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team--
- i. reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and
 - ii. revises the IEP as appropriate to address--
 - I. any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;
 - II. the results of any reevaluation conducted under this section;
 - III. information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);
 - IV. the child's anticipated needs; or
 - V. other matters.
- B. REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.-The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child.(OSEP,1997)

[§300.347 Content of IEP.](#)

(a) General. The IEP for each child with a disability must include—

(1) A statement of the child's present levels of educational performance, including -

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to -

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the

same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of -

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards). at least as often as parents are informed of their

nondisabled children's progress, of -

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

(b) **Transition services.** The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) **Transfer of rights.** In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

(d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii)) (IDEA, 1997)

Understanding these laws is key to a successful IEP meeting, especially if there is something you don't agree with. There is one main point that all parents need to remember when approaching IEP's, **"YOU, THE PARENT, ARE A MEMBER OF THE EDUCATION TEAM!"** You are supposed to be helping develop a plan that fits the needs of your child, feel free to participate as a member of that team in every sense of the word. This does not mean a table full of "experts" tells you what is going to happen; that wouldn't be much of a team. By participation in the entire process, there won't be any surprises, as well because you know your child best you will be able to give personalized input. As well,

the school district is required by law to involve you in decisions regarding your child and your child's IEP. Below are the exact federal laws states must follow and develop their own policies to.

§ 300.345 Parent participation.

(a) Public agency responsibility-general. Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including-

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) Information provided to parents.

(1) The notice required under paragraph (a)(1) of this section must-

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in 300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also-

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in 300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must-

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in § 300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) Other methods to ensure parent participation. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including

individual or conference telephone calls.

(d) Conducting an IEP meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as-

- (1) Detailed records of telephone calls made or attempted and the results of those calls;
- (2) Copies of correspondence sent to the parents and any responses received; and
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) Use of interpreters or other action, as appropriate. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) Parent copy of child's IEP. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

(Authority: 20 U.S.C. 1414(d)(1)(B)(i))(U.S. Department of Education,2000)

Least Restrictive Environment (LRE)

School systems have a cemented history of segregating children who are different or who have special needs. This is the basis of civil rights laws pertaining to education. It started with an African-American child who was not allowed to go to school where it was deemed only white students could go and that led to the U.S. Supreme Court decision *Brown vs. Board of Education*.

The main point is that we can no longer just warehouse children with special needs in self-contained classrooms or special schools just because they have been diagnosed with a particular disability or have a particular need. A school cannot deny or remove a child's services under this law just because they do not have the qualified staff or because of the cost of services needed. Every school is required to provide the needed services as decided by a child's IEP or 504 plan. They must provide every child that needs those services free of charge, as required by FAPE. Understanding this law and being able to quote the codes pertaining to particular situations has helped me when talking to the school administration about my son's needs. So that you can benefit from this knowledge, I have included the standards of least restrictive environment as per the guidelines under IDEA.

34CFR300.130 (Title 34)

Sec. 300.130 Least restrictive environment.

(a) General. The State must have on file with the Secretary procedures that ensure that the requirements of Secs. 300.550-300.556 are met, including the provision in Sec. 300.551 requiring a continuum of alternative placements to meet the unique needs of each child with a disability.

(b) Additional requirement. (1) If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting where a child is served, the funding mechanism may not result in placements that violate the requirements of paragraph (a) of this section.

(2) If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Authority: 20 U.S.C. 1412(a)(5))

Section 7. Least Restrictive Environment (23 Ill. Admin. Code §226, IDEA 20 U.S.C. §1400 et seq.)

B) Overview of Placement

- 1) The School District supports the right of children with disabilities to be educated with nondisabled children to the maximum extent appropriate.
- 2) The child's placement shall be based on the child's IEP and shall be as close as possible to the child's home. Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he or she would attend if nondisabled. A placement determination based solely upon the category of a child's disability or on the current configuration of the School District's service delivery system is prohibited. In selecting the least restrictive environment (LRE), consideration shall be given to any potential harmful effect on the child or on the quality of services received.
- 3) Children with disabilities must be allowed to participate to the maximum extent appropriate with nondisabled children in nonacademic and extracurricular activities (including meals, recess periods, clubs sponsored by the district and recreational activities).
- 4) Parental participation shall be encouraged. Written parental consent is required only before initial special education placement. In cases in which written parental consent cannot be obtained, the School District may request a due process hearing to compel services/placement in special education.

C) Participation in Regular Education Programs

- 1) The School District shall take steps to ensure that children with disabilities have equal access to the variety of educational programs and services available to nondisabled children.
- 2) Steps taken by the School District to ensure the availability of regular educational programs and services to children with disabilities may include, but not be limited to:
 - a) Modification of instructional methodologies, staffing, materials and equipment to permit effective participation; and
 - b) Individualization of the instructional program including staffing, curriculum modifications, classroom accommodations, modified grading, assistive technology and instructional materials to permit the effective participation of children with disabilities.
- 3) **The IEP must include a statement describing how the child's disability adversely affects the child's participation in, and progress toward general education curriculum objectives, including:**
 - a) The extent to which the child will participate; if at all, in extracurricular and other nonacademic activities;

- b) The extent to which the child will be educated and participate with nondisabled children;
- c) An explanation of the extent, if any, to which the child will not participate with nondisabled children; and
- d) A statement of any individual modifications in the administration of State or School District-wide assessments necessary in order for the child to participate in the assessments" If the IEP Team determines that the child cannot participate in State or School District-wide. assessments, the IEP Team must explain why and. describe how the child will be alternately assessed. (See Section 6, Individualized Education Programs.)

D) Continuum of Placement Options

- 1) **Regular Education Classroom with Modifications** - The child receives his/her education in a regular education classroom. A regular education classroom is one that is composed of children of whom at least 70 percent are without identified special education eligibility, that utilizes the general curriculum, that is taught by an instructor certified for regular education, and that is not designated as a general remedial classroom. However, in accordance with the child's IEP, the regular education instruction may be modified through:
 - a) Supportive services or specialized instruction;
 - b) Consultation to and with special education personnel;
 - c) Provision of special equipment, materials and accommodations;
 - d) Modification of the instructional program or grades;
 - e) Modification of curriculum content or methodology; or
 - f) Other supplementary services, such as itinerant or resource services, in conjunction with the regular class placement.
- 2) **Regular Classes with Resource Services or Related Services**- The child receives his/her education in a regular classroom with the special education instructor for less than 50% of the school day. Resource classes and services for such children shall be subject to the following limitations:
 - a) Enrollment shall be limited to the number of children who can effectively and appropriately receive assistance, up to a maximum of 20 children.
 - b) The teacher or service provider shall participate in determining the appropriate enrollment.
 - c) A School District may not increase the enrollment in a resource class or service when a noncertified assistant is provided.
- 3) **Instructional Services** - The child receives special education instruction for 50 percent of the school day or more. In accordance with a child's IEP, this may include:

- a) Inclusion in those areas of the standard program deemed appropriate; and
 - b) Provision of related services.
- 4) **Special School** - The child receives all of his/her special education instruction in a separate facility. In accordance with a child's IEP, this may include:
- a) Inclusion in those areas of the standard program deemed appropriate; and
 - b) Provision of related services.
- 5) **Home/Hospital Services** - The child is eligible for services at home or in a hospital because he/she is unable to attend school due to a medical condition that will cause an absence for two or more consecutive weeks of school or, ongoing intermittent absences. Eligibility for home/hospital services shall be determined in accordance with **23 Ill. Admin. Code §226.300(d)**.
- 6) **State-Operated or Nonpublic Programs** - The child's exceptional characteristics are so profound or complex that no special education program services offered by the public schools can adequately or appropriately meet his/her needs.
- E) **Determining Educational Placement**
- 1) In determining any educational placement of a child, the School District shall ensure that:
 - a) **The placement decision is made by a group of persons, including the parent(s)/guardian(s), and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and is made in conformity with the least restrictive environment requirements;**
 - b) The child's placement is determined at least annually, is based on the child's IEP, and is as close as possible to the child's home;
 - c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school he/she would attend if nondisabled;
 - d) In selecting the LRE, consideration is given to any potentially harmful effect on the child or on the quality of services that the child needs; and
 - e) A child with a disability is not removed from education in age appropriate regular classrooms solely because of needed modifications in the general curriculum.
 - 2) **When making a placement determination, the IEP Team shall review the continuum of placement options set forth in Subsection C, Continuum of Placement Options, in descending order and recommend the first placement option wherein the goals, objectives, benchmarks, accommodations, supportive services, aids and related services can be appropriately implemented.**
 - 3) **When making a placement determination on behalf of a child with a disability between the ages of 3-5, the School District must provide a free appropriate**

public education (FAPE) in the least restrictive environment. The **least restrictive environment alternatives may include:**

- a) Providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies (such as Head Start);
 - b) Placing children with disabilities in private school programs for nondisabled preschool children or private preschool programs that integrate children with disabilities and nondisabled children; or
 - c) Locating classes for preschool children with disabilities in regular elementary schools.
- 4) **In the event the School District must remove a special education child from his/her current program because of behavior believed to be dangerous to the child or to others** or due to a weapons or drug violation, the IEP Team or school personnel shall identify an interim alternative educational setting (IABS). This setting will enable the child to continue to progress in the general curriculum and to receive those services and modifications as described in the child's current IEP.
- 5) **Homebound instruction may be recommended by the IEP Team** in accordance with subsection C of this Section and the eligibility requirements under **23 III. Admin. Code § 226.300(d)**.

F) Placements Outside the Regular Education Environment

- 1) All services and educational placements must be individually determined based upon the unique abilities and needs of each child. Before a child can be placed outside of the regular educational environment, the full range, of supplementary aids and services that would facilitate the child's placement in a regular environment must be considered. If a determination is made that the child's disability cannot be adequately accommodated in the regular education environment, even with the provision of appropriate supplementary aids and services, the child may then be considered for placement outside the regular education environment.
- 2) In all cases, **placement decisions must be individually determined on the basis of each child's abilities and needs, and not based solely upon the category of the disability, significance of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience.** Rather, each child's IEP forms the basis for each placement decision.
- 3) In recommending a placement outside of the regular education environment, the IEP Team shall first consider placement in both chronologically age-appropriate classroom settings and chronologically age-appropriate schools. The age range of the children in any instructional group shall not exceed four years at the primary and intermediate levels or six years at the secondary level.

G) Placement in Nonpublic Programs

- 1) An IEP Team recommending placement of a child in a nonpublic special education program, including both day and residential programs, shall not make such

recommendations unless no less restrictive setting on the continuum of alternative placements will meet a child's needs.

- 2) In recommending placement of a child in special education day programming, the IEP Team shall consider the transportation distance of such placement. Deference shall be given to appropriate programming that is within a reasonable distance from the child's residence and does not exceed one hour of travel each way.

H) **Reconsideration of Educational Placement**

- 1) The IEP of each child shall be reviewed at least annually to determine whether the goals for the child are being achieved.
- 2) The IEP Team may recommend a more restrictive or less restrictive placement as necessary,

I) **Nonacademic and Extracurricular Services**

- 1) The placement decision shall permit the child to participate, as appropriate, in nonacademic and extracurricular services and activities (e.g., meals, recess, recreational activities, and clubs sponsored by the School District). According to the needs of the child, as articulated in his/her IEP, a School District may provide service(s) to a child in order to allow him/her to access participation in nonacademic or extracurricular activities (e.g., interpreter, transportation, behavioral contracting.)
- 2) A child with a disability may be excluded from participation in nonacademic and extracurricular activities for misconduct provided the exclusion is consistent with the School District' disciplinary code, is applied to children without disabilities and takes into consideration the special needs of the child. 1(File:IA,2001)

Therefore, a provision should be added to **§300.552** to provide that a child not be denied education in age-appropriate regular classrooms solely because the child's education required modification to the general curriculum. Under this provision, for example, a child with significant cognitive disabilities could not be removed from education in age-appropriate regular classrooms merely because of the modifications he or she needs to the general curriculum. This provision should not be read to require the placement of a child with a disability in a particular regular classroom or course if more than one regular age-appropriate classroom or course is available in a particular grade or subject.4(IDEA,1997)

Understand as much as you can about the 23 Illinois Code as you can! If there is something that doesn't seem right, look it up; chances are it's not. Remember there's nothing wrong with checking your facts. Usually, the people you are working with don't know the exact guidelines and laws any better than you do.

You can find the main Illinois Code on the Illinois School Board Site

<http://www.isbe.net/spec-ed/PDF/226rulesindex.pdf>, or contact:

Illinois State Board of Education
100 N. 1st Street
Springfield, IL 62777
866/262-6663 for a copy.

The **23 ILLINOIS ADMINISTRATIVE CODE CH. I, §226** covers everything from evaluation to placement, discipline, due process hearings, etc. Look at the above site to get federal guidelines regarding IEP's. The 23 Illinois Administrative Code **§226.200-226.230** addresses IEP Laws and **§226.530** addresses Parent Participation Laws.

Education laws have been affected by a legal case mentioned in the Introduction, the “Corey H.” Case. The “Corey H.” case addressed issues concerning the segregation of special education students as well as the education and training of teachers connected with those students. This court case has been entrenched in litigation for ten years, and the outcome is an entirely new way of addressing placement of special needs children. Before the case began, children were frequently bussed long distances to be taught only with other children with the exact same special needs or classification as them. "The Chicago public schools have languished in an atmosphere of separate and unequal education for children with emotional, behavioral, and mental disabilities," Judge Gettleman wrote Feb. 19. (Sack,1998) Frequently children would be on buses for hours each day just going to school and would not have any contact with non-special education children. The case was originally won in the Federal District Court in 1998, and has been under appeal and litigation ever since.

“In February 1998, Judge Robert Gettleman entered a finding for the *Corey H.* plaintiffs, after a trial focused on the ISBE’s liability. The Court ruled that students with disabilities in the Chicago Public Schools were being illegally segregated and were not being educated in compliance with the LRE mandate, that teachers in the Chicago Public Schools did not understand the LRE mandate and were not adequately prepared to teach Chicago’s students in the LRE, that the ISBE had failed to identify and correct LRE violations in the Chicago Public Schools over a period of years (ignoring the ISBE’s legal obligation to do so), and that the Illinois system of special education teacher certification based on specific disability classifications was contributing to noncompliance with the LRE mandate.”(Soltman,2002)

Chicago Public Schools settled first and eventually the ISBE began to implement changes to address the Corey H. transition. “The implementation of the agreement with the Chicago Board has been in progress for less than 36 months and implementation of the ISBE agreement has been in progress for 18 months. These agreements will be in force for at least five more years.”(Soltman, 2002) In this agreement, new requirements for the certification of special education teachers have been drafted. These new classifications mirror the new way in which children are assigned special services.

There has been a lot of resistance to these new certification rules since they were drafted. One such objection was made in the form of a case called the Reid L. case. This

district was objecting to the implementation of the new classifications and also requested to intervene in the still pending Corey H. Case.

“If the *Reid L.* parties were allowed to enter now, every one would be forced to return to Square One, with the same old certification rules in place, the same old problems under the IDEA, and no remedy in sight.”

“[T]he district court properly found that the state authorities did not have the power to override an injunctive decree issued by a federal court to remedy a state’s violation of standards established by federal law. **Were it otherwise, we would risk a return to the unlamented period when states asserted the right to interpose their laws against unpopular civil rights decrees [citation omitted], a period that has long been out to rest throughout the country.**” (ISBE,2002)

The citation omitted from the above quote off of ISBE’s website---“*Cooper v. Aaron*, 358 U.S.1 (1958)”-this is a case in which the state of Arkansas did not want to follow the laws of desegregation put forth by the supreme court in *Brown v. Board of Education*. (258 U.S. 1,1958)

In reading these cases, it has given me new insight into special education laws. In the courts mind, to not follow special education guidelines is the same as putting up a sign saying, “Whites Only!” To tear down those signs, we will need to work together to demand a better system, and hold districts accountable when they don’t produce.

There are many tools you can get to help you understand the laws surrounding how your child is taught in the public schools. Some of them can be extremely confusing so you can attend the state training sessions for parents (contact Family Matters at the following website <http://www.fmptc.org/workshops.html> or call 1-866-436-7842 or go to http://www.isbe.net/spec-ed/parent_traininginfo.htm for a listing of other organizations doing trainings or call on of the many advocacy agencies listed in this book) and request a copy of the Illinois School Board of Education (ISBE) parent’s rights handbook (go to http://www.isbe.net/spec-ed/parents_rights.htm to download a copy in English or Spanish or call 217/782-5589 to request a copy) or talk to advocacy agencies. You also can talk to the staff at your school. Remember that there are politics and pressures involved in their positions as well and they may not know every guideline or law, it is O.K. to remind them of something you feel they have missed.

TIP 2: DOCUMENT EVERYTHING

Document everything pertaining to you or your child. This is your only proof if something goes wrong. You may not feel comfortable with this because you have a working relationship with your school, but documentation does not hinder relationships. Just as documentation is your proof or record of everything, it is also a way in which to ensure everyone has the same memory of conversations, meetings, and goals. This cuts down on miscommunications and arguments, which can improve relationships with staff and teachers. Always use the most professional and calm methods to document to your school anything, remember you don't want to stop people from working with you.

Ways To Document

- Put everything you want or need, all communications, in writing to the school and send the letter certified mail, even if you have stated them verbally.(the law only covers things presented in writing)
- Organize yourself; keep a three-ring binder with everything in it you need for a meeting or phone call. Keep everything!
- Keep a few good copies of work throughout the years to show your child's progress.
- Ask for copies of reports in advance of all meetings especially when considering evaluations. This includes reports, IEP goals, and any other papers that will be used at an IEP meeting---they have to give this to you---you can ask for it a week in advance so that there won't be any bombs dropped during the meeting.
- Tape-record all meetings, IDEA allows you to do this if there is no state or local policy that prohibits it. Check with state or local law to be sure, and ask for the exact written policy, in full, from staff if they object. In Illinois, they can object and you have to respect that objection, but you can reschedule a meeting and bring a court recorder or

paralegal to type every word said or a friend to write every word-**this is allowed under Appendix A of IDEA for every state.**

- Keep every written progress report and report cards to show your child's progress.
- Keep all notes of contacts made to you or by you (phone calls, notes, emails, faxes, all letters, invitations to meetings, etc.)
- If you do not agree with an IEP then in the small space above your signature before signing, write something like, "I consent to this IEP being implemented but I object to it for the reasons stated during the meeting."(Wrightslaw,1999-2005) Then sign the IEP. Someone may object, but as a member of your child's educational team you are allowed to write on a legal document pertaining to him or her. (this is documentation of your objections)
- Keep a journal of everything you feel is important. This serves two purposes:
 1. It can become your memory.
 2. It gives you a way to let go of the conversation, instance, or issue by putting it on the paper and walking away from it. (the paper can keep hold of it for you)
- Memorialize every single conversation!!!! Memorialize means to write down a brief letter just restating everything that was discussed. This also creates a paper trail of discussion on such issues. (Make sure you date it) An example of this would be:

January 10, 2004

Dear Teacher,

I want to thank you for meeting with me yesterday. I wanted to make sure that we are on the same page with the issue we discussed. It is my understanding that Andrew is having a difficult time writing journals. When we looked at his journal I realized that his journal was a blank sheet of paper. We then discussed how sensory integration dysfunction affects how Andrew perceives objects on a page. We both agreed that if we put lines on the page it would give Andrew the ability to express all of the wonderful stories he has stored in his head. Thank you so much for listening and I look forward to seeing Andrew's new journal with the lines in place. Let me know if I can be of help in the future.

Thank you,

Betsy E. Borgacz

TIP 3: GET INVOLVED WITH ADVOCATES, LAWYERS, CONSULTANTS ETC.

Gordon M. Riffel, Deputy Superintendent is cited in the introduction, stating, “There is no question that due process is an adversarial system fraught with legal maneuvering that makes it extremely difficult for those, particularly families, not represented by legal counsel. The cost of due process is a concern to parents and school administrators, not only in Illinois but also throughout the country.”(Riffel,2001) With this said, it is assumed that in order for a family to succeed within the due process system, they would need to have a lawyer. If the wording of FAPE can be understood to include all systems of public education, then the due process and procedural safeguards should then fit under FAPE as well.

When dealing with special education policies, laws and problems, parents can become overwhelmed and confused. I am forced to ask, “What systems and organizations are supposed to be available to support parents in these instances?” If FAPE means free and appropriate, then that should make those systems free and useable for all without prejudice. With regard to available support to parents, “Are these accessible to all parents, including those without higher education, with limited financial resources, and/or with language or cultural differences?”

The best way in which to ease the burden of the special education systems is to get a lawyer. Just in case you don’t know much about lawyers, they cost money. Lots of money. Fees can run from \$100-\$200 per hour for lawyers. Sometimes you can save money if your lawyer substitutes hours with a paralegal, which don’t cost as much, but it is still a lot of money. There are a section of the procedural safeguards that addresses attorney’s fees.

Attorneys' fees (Illinois State Law ISBE 34.57 J and Federal Law 34CFR300.513)

"In any action or proceeding brought under Part B of the Individuals with Disabilities Education Act, the court may award reasonable attorneys' fees to the parent or guardian of a student with a disability if he/she is the prevailing party. Fees awarded shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.

Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent if:

1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;
2. The offer is not accepted within 10 days; and
3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.(ISBE,2000)

Notwithstanding the above, an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

The court shall reduce, accordingly, the amount of the attorneys' fees awarded whenever the court finds that:

1. The parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy,
2. The amount of the attorneys' fees other wise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing the parent did not provide the school district the appropriate information in the due process complaint.(ISBE,2000)

"Attorneys' fees shall not be reduced in any action or proceeding if the court finds that the state or local educational agency unreasonably protracted the final resolution of the action or proceeding, or there was a violation of procedural safeguards.(ISBE,2000)

"Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action."(ISBE,2000)

Although there are rules that allow for reimbursement of attorney's fees, these rules balance on a lot of conditions. The main issue that jumps out at me is the whole word "reimbursement". It assumes that parents will have the money to put up front. Most

attorneys will not work without some sort of retainer (money down) because of how unreliable it is for due process hearings to result in a reimbursement of fees. Therefore, it seems reasonable to say that these supportive services are not accessible to everyone. If you are able to work out the financial details or just want to call and get information from an attorney, you can obtain a list of attorneys on <http://illinoispecial.com/> or you can email arpy@deck9.com or view their list as provided below.

Special Education Lawyers

1. Illinois Lawyers Who Practice Learning Disability Law

- Addis, Greenberg, Schultz & Elizer, L.L.C. 707 Skokie Boulevard Suite 540 Northbrook, IL 60062 (847) 412-1863 Fax: (847) 412-1831 <http://www.agselaw.com>, WAddis@agselaw.com
- Jennifer L. Bollero, Esq. 825 W. State St., #103D Geneva, IL 60134 (630) 845-8470 fax (630) 845-8371 jlbesq@juno.com
- Barry D. Bright - P.O. Box 603, Flora, IL 62839 618-662-9585 bright@wworld.com
- Mary Denise Cahill - Cahill & Associates 1155 S. Washington St., #106, Naperville, IL 60540 630-778-6500 cahillassoclaw@aol.com
- Sherri Bianchen - she is associated with the VOICE parents group in Mokena IL (815) 469-4929 or 1-800-469-2844 Fax: (815) 469-6807 voicefamilyties@cs.com
- Matthew D. Cohen - Monahan & Cohen 225 West Washington, #2300, Chicago, IL 60606 312-419-0252 <http://www.monahan-cohen.com> mcdspedlaw@earthlink.com contact Delores Kennedy or Annmarie Robinson
- Jill M. Dressner- **Special Ed Advocacy Center (SEAC)** provides free, competent legal representation to parents and caregivers who might not otherwise receive legal representation. SEAC focuses on the substantive and procedural aspects of special education law. contact (preferred method is via email) via fax (847) 397-7011, via phone (847) 736-8286, via email jmdressner@aol.com, or via mail at Private Mail Box 274, 1935 Plum Grove Road, Palatine, IL 60067-7258
- Equip for Equality - A federally mandated Protection & Advocacy System for Illinois, has three lawyers on staff that concentrate on Special Education matters: Lori Miller (312/341-0022), and Amy Peterson (312/895-7324) and Deb Wynsong (312/895-7325), <http://www.equipforequality.org>, contactus@equipforequality.org
- Charles P. Fox - 20 North Clark St., #1725, Chicago, IL 60602 "When Negotiations Fail: What You Need to Know About Filing a Due Process Hearing" 312-606-0221 cfoxatty@earthlink.net
- John W. Gaffney - Weisz & Michling 2030 North Seminary Ave., Woodstock, IL 60098 815-338-3838 jgaffney@mc.net
- Law Offices of Steven Glink - 3338 Commercial Avenue Northbrook, Illinois 60062 (847) 480-7749 (voice) (847) 480-9501 (facsimile) E-mail: steve@educationrights.com Web: <http://www.educationrights.com>
- IL-TASH - 406 W. Wood Bloomington, IL 61701 (630) 584-0970 Web: <http://www.illinois-tash.org> information & advocacy
- Thomas E. Kennedy, III - Law Offices of Thomas E. Kennedy, III, L.C.. 2745 E. Broadway, #101, Alton, IL 62002 618-474-5326 <http://walden.mo.net/~tkennedy>, tkennedy@mvp.net

- Michael L. Kiser, Ed.D., J.D - Attorney at Law 4713 Seeley Avenue, Downers Grove, IL 60515 (630) 725-0064, Fax (630) 963-0565 mlkiser@attbi.com Attorney representing Illinois special education and other P-12 and college students. Master's in special education and Doctorate in education in addition to law degree.
 - Mary E. Moran Family Law Center of the North Shore - 650 Vernon, 2d Flr., Glencoe, IL 60022 847-835-6212 <http://www.familylawcenter-ns.com>, bridger@interaccess.com
 - Micki Moran - The Child and Family Law Center Ltd. 105 Revere Drive, Suite C Northbrook, IL 60062 attorneys Micki Moran mickimoran@lawforchild.com, Amy Rubin amyr@lawforchild.com, and Joe Scally joes@lawforchild.com, child advocate Bonnie Fell bonnief@lawforchild.com 847-559-0101 fax 847- 559-9897 E-mail: We are a law firm providing legal assistance to families and children with disabilities in a variety of areas, including but not limited to special education advocacy. We represent families and kids exclusively <http://www.lawforchild.com>
 - Michael O'Connor - Michael O'Connor attorney and Sara Mauk Child Advocate 1427 Howard Street, Chicago, IL 60626 semuak@earthlink.net 773/262-2377, 773/262-2199
 - Deborah W. Owens - 120 E. Ogden Ave., Ste. 8, Hinsdale, IL 60521 630-789-5856 DOLaw120E@aol.com
 - Francine Paradise - 3051 Landwehr Road Northbrook, Illinois 60062 847/509-0544
 - Larry Parkham, Esq., Legal Assistance Foundation
 - Brian Rubin & Associates - 1110 W. Lake Cook Road, Suite 165, Buffalo Grove, Illinois 60089-1997 (847) 279-7999 email@BrianRubin.com - <http://www.BrianRubin.com>
 - Sharon Soltman, Esq., Legal Director at Designs for Change, 29 East Madison, Suite 950 Chicago, IL 60602 800/851-8728 or 312/236-7252 Fax: 312/236-7927 <http://designsforchange.org>, Sharon was responsible for the landmark Corey H. case against the Chicago Public School District
 - Charles Stone, 79 W. Monroe, Suite 810 Chicago, IL 60603 (312) 372-9220
 - Law Office of Joni Beth Taylor - Office located on the courthouse square Jackson County, Illinois 1004 Walnut Street Murphysboro, IL 62966 (618) 684-8668 E-mail: jonitaylor@earthlink.net Serving downstate Illinois - Assisting parents of children with disabilities in: Social Security Claims Guardianship cases after the child turns 18
 - Theresa Varnet, J.D., "Legal & Future Care Planning" 33 North Dearborn Street Suite 2220 Chicago, IL 60602 (312) 220-9112 or fax (312) 220-9261
 - Brooke R. Whitted and Lara A. Cleary - Whitted & Cleary LLC 3000 Dundee Rd., #303 Northbrook, IL 60062 847-564-8662 <http://www.WhittedCleary.com>, whittedlaw@aol.com
- 2. Out of State**
- Reedmartin.com - Reed Martin, J.D. Conferences And Publications, P. O. Box 487 Morgantown, WV 26507 [Telephone Strategy Consultations](http://TelephoneStrategyConsultations.com) (304) 598-3406(P) (304) 598-3512(F) speducationlaw@cs.com, connie@westco.net,
 - WrightsLaw Authors - Pete and Pam Wright, P. O. Box 1008 Deltaville, VA 23043
 - Wrightslaw.com (webmaster@wrightslaw.com);
 - Fetaweb.com (webmaster@fetaweb.com);
- 3. Juvenile Delinquency Law**
- Amy Rubin - The Child and Family Law Center Ltd. 105 Revere Drive, Suite C Northbrook, IL 60062 Amy previously worked as a public defender for seven years in Chicago and the Cook County suburban courts. 847-559-0101 fax 847- 559-9897 amyr@lawforchild.com
 - Brooke R. Whitted and Lara A. Cleary - Whitted & Cleary LLC 3000 Dundee Rd., #303 Northbrook, IL 60062 847-564-8662 <http://www.wcb-law.com>, whittedlaw@aol.com
 - Patrick Reardon, Esq. - 312/372-5766
 - Mike Nolan, Esq. - 312/917-6217

4. Other Related Specialties

- Brian Rubin - The Law Offices of Brian Rubin & Associates Suite 165 1110 West Lake Cook Road Buffalo Grove, Illinois 60089-1997 Phone: (847) 279-7999 - toll free Illinois (866) To Rubin Fax: (847) 279-0090 E-mail: Brian@BrianRubin.com Attorney and parent of son with Autism, limits practice to Estate Planning, Guardianships and related matters for his fellow families of children with special needs
- <http://www.SpecialNeedsFuturePlanning.com>
- <http://www.BrianRubin.com>
- <http://www.4SNFP.com>
- Richard Means - Files Freedom of Information Act requests on behalf of media and citizens. 2202 W. Race Ave. #3, Chicago, Ill. 60612-1522 Phone: (312) 738-1500 Fax: (312) 738-4054 Rmeans@richardmeans.com (Illinois Special Ed)

There are other ways in which to make the special education system less confusing and overwhelming. There are multitudes of advocacy organizations designed to assist parents with special education and the laws and guidelines involved with them. Many of these organizations have lawyers that assist them and can assist parents. This is a good alternative to the expenses of a lawyer. You can contact one of the organizations below and they will help you with understanding laws and procedures as well. As part of parent advocacy missions, usually they will advocate for you if you don't have a lawyer. I have included a list of these organizations in Illinois.

Resource Organizations

- I) **Illinois Federation of Families for Children's Mental Health** - They do a lot of parent advocacy training throughout the state... training that is applicable to parents of all kinds of special ed children - iffcmh@msn.com 800-871-8400 or 618-993-2059 1616 West Main St, Suite 101, Marion IL 62959 Diane Ledbetter, executive director iffcmh@msn.com, Marge Jesuit, President, KenMar60005@msn.com Tom Galassini, Treasurer tomgalassini@uwsc.net, Beth Berndt Northern Illinois Coordinator 630-365-1584 cell phone 618-315-0153.
- A) **Federally funded centers provide training and technical assistance to parents of children with disabilities.**
 - i) **DESIGNS FOR CHANGE** Donald R. Moore/Bernard Lacour 29 East Madison, Suite 950 Chicago, IL 60602 800/851-8728 or 312/236-7252 Fax: 312/236-7927 <http://designsforchange.org>, dfcl@aol.com btc@designsforchange.org
 - (a) Sharon Soltman, Esq., is Legal Director at Designs for Change, and was responsible for the landmark Corey H. case against the Chicago Public School District

- ii) **FAMILY RESOURCE CENTER ON DISABILITIES** Charlotte DesJardins, Executive Director 20 East Jackson Boulevard Room 300 Chicago, IL 60604 800/952-4199, 312/939-3513 or 312/939-3519, Fax: 312/939-7297 e-mail: frcdptiil@ameritech.net <http://www.ameritech.net/users/frcdptiil/index.html>
<http://www.frcd.org>
 - (a) <http://www.ameritech.net/users/frcdptiil/index.html>
 - (b) <http://www.frcd.org>
- iii) **ARC Community Support Systems** Family Matters Parent Training and Information Center Debbie Einhorn, Director 2502 S. Veterans Drive Effingham, IL 62401 toll free (866) 436-7842 Fax: (217) 347-5119 E-mail: info@fmptic.org Web: <http://www.fmptic.org> This parent center serves all of Illinois outside of the 8 county Chicago area.
- II) **CHOICES for Parents** is a Chicagoland coalition of agencies providing parents, of children who have a hearing loss, with immediate access to information, resources, and support. Contact: CHOICES for Parents, 312.523.6400 (v/tty), PO Box 806045, Chicago, IL 60680-4121, E-mail: choicesforparents@yahoo.com, web: <http://www.choicesforparents.org>
- III) **Equip for Equality** - Manages a federally mandated Protection & Advocacy System for Illinois, which safeguards the rights of children and adults with physical and mental disabilities (including developmental disabilities and mental illnesses). The staff includes Zena Naiditch, President and C.E.O.; Barry C. Taylor, Esq., Legal Advocacy Director; Marsha Koelliker, Esq., Public Policy Director; 11 E. Adams, Suite 1200 Chicago, IL 60603 (312) 341-0022 (800) 537-2632 <http://www.equipforequality.org>, contactus@equipforequality.org
 - i) Their 3 lawyers who concentrate on Special Education matters are Lori Miller, Deb Wynsong (312/895-7325), and Amy Peterson (312/895-7324)
- IV) **Jewish Children's Bureau of Chicago** - Central Office One South Franklin Street Chicago, IL 60606 (312) 444-2090, Skokie Office (847) 569-5100 <http://www.jcbchicago.org>
- V) <http://www.isbe.state.il.us/spec-ed/parent%20advocates.htm> **ISBE List of Resource Centers** - Centers that provide legal or advocacy services to families of children with disabilities, usually free or at low cost. 5(Illinois Special Ed)
- VI) **Parents United for Responsible Education P.U.R.E.** <http://www.pureparents.org> "...(PURE) exists to build support for and enhance the quality of public education in the city of Chicago by informing and advocating for parents..." **Phone:** 312-461-1994 **FAX:** 312-461-1927 407 S. Dearborn #515 Chicago, IL 60605 email: pure@pureparents.org
- VII) **Mothers From Hell 2** <http://www.mothersfromhell2.org> P. O. Box 19 German Valley, IL 61039 Telephone: 815-362-5303 FAX: 303-374-3151 **Email** President Beth - beth@mothersfromhell2.org, Vice Pres Nancy - nancy@mothersfromhell2.org, Secretary JFS - jfs@mothersfromhell2.org, Associate Member Maggie maggie@mothersfromhell2.org
- VIII) **Circle of Inclusion** is for early childhood service providers and families of young children. This web site offers demonstrations of and information about the effective practices of inclusive educational programs for children from birth through age eight. <http://www.circleofinclusion.org> questions@circleofinclusion.org **Gargi Advaiti** Project Coordinator University of Kansas Department of Special Education 521JRPearson, Lawrence, KS 66045 (785)864-0685 **Barbara Thompson** Project Co-Director bthomps@ukans.edu
- IX) **COPAA The Council of Parent Attorneys and Advocates** <http://www.copaa.net> 1321 Pennsylvania Ave, SE | Washington, DC 20003-3027 | Ph: (202) 544-2210 copaa@copaa.net
- X) **National Endowment for Financial Education** <http://www.nefe.org> Contact to receive their guidebook: "Possibilities: A Financial Resource Book For Parents of Children with Disabilities" National Endowment for Financial Education 5299 DTC Boulevard, Suite 1300

- Greenwood Village, CO 80111 NEFE Reception Desk (303) 741-6333 Monday-Friday, 8:30 am to 5:00 pm (Mountain Time) High school cas@nefe.org Collaborative ban@nefe.org
- XI) **Project CHOICES** <http://www.projectchoices.org> Project CHOICES is a “least restrictive environment” initiative funded by the Illinois State Board of Ed. 6S331 Cornwall Road Naperville, IL 60540 Phone: (630) 778-4508 Fax: (630) 778-1791 Email: info@projectchoices.org
- XII) **STAR NET**, Support and Technical Assistance Regional Network for Families and Professionals. **Region 1 and 3** - 1-800-227-7537 ext 286, www.wiu.edu/starnet, serves Northwest and Central Illinois **Region 2** - 847-803-3565, www.thecenterweb.org, serves North and West Cook County, Du Page, Kane, Lake and McHenry Counties **Region 4** - 618-397-8930, www.stclair.k.12.il.us/starnet , serves Southern IL Counties **Region 5** - 773-553-0111, serves Chicago **Region 6** - 708-342-5370, www.swccase.org, serves South Suburban Cook County, Will, Kankakee, Grundy, Kendall, & LaSalle Counties
- XIII) **NICHCY** National Information Center for Children and Youth with Disabilities <http://www.nichcy.org/index.html> We are the center that provides information to the nation on: disabilities in children and youth; programs and services for infants, children, and youth with disabilities; IDEA, the nation's special education law; No Child Left Behind, the nation's general education law; and research-based information on effective practices for children with disabilities. P.O. Box 1492 Washington, DC 20013 (800) 695-0285 · v/tty (202) 884-8441 · fax nichcy@aed.org email
- XIV) **CRSA** Community and Residential Services Authority, 100 North First Street, Ste-100, Springfield, IL 62777, Phone: 877-541-2772, CRSA works with families when their is a dispute involving a child with ED, where the parents and an agency disagree about services.
- XV) **Alliance National Center** <http://www.taalliance.org/wwwlinks.htm> National Technical Assistance Center: PACER Center 8161 Normandale Blvd Minneapolis, MN 55437-1044 (952) 838-9000 – Voice (952) 838-0190 – TTY (952) 838-0199 – Fax 1-888-248-0822 toll free number nationwide E-mail: alliance@taalliance.org Web Site: www.taalliance.org

I have used many of the resources listed above and they have provided me with a lot of information throughout the writing of this book. They aspire to make education laws better and help parents to enforce implementation of those laws. Wrightslaw, <http://www.wrightslaw.com> is a wonderful site! It has many tips as well as legal explanations that make sense. With around 70% of low-income or minority families not having access to the Internet it is unfortunately some information is only available on-line. One thing to remember is that just as these organizations can help you, they could use your help as well. Frequently these are poorly funded organizations often relying on federal funding which can limit their ability to help everyone. As they try to advocate for parents, they could also use help and are often in need of volunteers. They also could point you in the right direction for community actions you can get involved with. They can inform you of new legislation that involves education and what you can do to help, such as contacting your local representatives and senators.

If we truly wanted to provide FAPE, districts would provide a system that represents children fairly without undue financial hardship. The financial hardship required to make due process and OCR complaints and hearings equal, defies the idea of FAPE when equal support systems are not accessible to everyone. In my study of 210 due process cases from 1998-2002 I was able to understand the implications of parent's having legal counsel.

In this study of due process cases it is shown overwhelmingly that parents need to have a lawyer in order to receive the same opportunity for a fair due process hearing as a school district. Although I presented this information in many different formats in Appendix B of this book, all of the data points to the above conclusion, that parents need an advocate or lawyer. In the focused cross-tabulation of parents who have legal counsel vs. parents that do not have legal counsel, it is shown that with legal counsel parents only gain an even chance, but do not receive more cases ruling in their favor when legal counsel is present.

When using a focused cross tabulation to look at due process hearings in which parents don't have legal counsel and districts do have legal counsel, only 8.3% (12) cases were ruled in favor of parents and 42.8% (62) cases were ruled in favor of districts. In the cases in which parents and districts both have legal counsel 23.4% (34) cases ruled in favor of districts and 25.5% (37) cases ruled in favor of parents. When parents had legal counsel, only three more cases were in their favor, or should I say in favor of their children's civil rights.

I say civil rights because that is what all of this boils down to. Are we protecting children with disabilities' civil rights? It is clearly shown that families who cannot afford (or do not know they are need to have) lawyers, do not get a fair and just representation for their child. We have to remember that not following the federal and state laws designed to protect children is against their civil rights and is by definition, discrimination. If the purpose due process hearings is to give parents a way in which to hold districts accountable for not following the law, and those hearings are not impartial and just, then it would seem those hearings would be discriminatory as well. If you look at the data available in Appendix B (Pages 90-99) it is hard to come up with any other conclusion.

TIP 4: CAUTION!!!

(Here Are Some Things To Remember)

The following are some tips suggested by some people surveyed and myself that fit outside of the other categories, but I felt were important enough to not be left out. I put them in this section as a buffer between information. The previous sections are a bit heavy as are some of the following sections, I thought some short suggestions might help to process it all. Some of the suggestions are relevant when viewing other sections.

- If you tell a school you live out of district and they accept your enrollment with that knowledge, that Chicago School becomes your home school. They cannot transfer you back to an old school once they have accepted your enrollment according to Page 4 Paragraph 3 of Chicago Public Schools Policy Manual (even when the school you have enrolled your child in is out of district).
- “Remember the Least Restrictive Environment is the school and classroom your child would attend if (s)he did not have a disability.” (Toney,Barbara, Survey Response)
- “Enter the system early when your child is of preschool age.”(Crandall,Dick, Survey Response)
- “Just say “no” to special services that come in the form of a place. Services are to support the child so they need to be brought to the child.” (Toney,Barbara, Survey Response)
- “Be aware of what you are signing. You do not have to sign anything, but some of the time you are simply signing that you attended the conference. IF you would prefer not to sign because you disagree with the IEP, you have to option not to sign” but keep in mind

that you will be proving more of a point by writing you disagree on the actual IEP and then signing.”(Henning, Ruth, Survey Response)

- “Understand that **you have to have proof of your position**-for example, parents come to me and say “the schools district’s placement (or evaluation) is not appropriate.” My response is “what is your basis for that?” The parent just replies “I just know.” That will not help win a case.” (Glink, Steve E., Survey Response)
- You can call an IEP Meeting or a 504 Meeting if you feel there is something to be addressed. You probably don’t want to do this any more than once a month or so.
- You can request your child’s complete records. The school has 15 school days to deliver these to you and can require a charge for copies. I believe that there is a waiver based on ability to pay, so contact ISBE. This is required by: **(FERPA §99.1-99.22)**, you can find this located on <http://www.ed.gov/policy/gen/reg/ferpa/index.html>, **(23 Illinois Admin. Code, Title 23, Subtitle A, Chapter 1, Subchapter k, Part 375-Student Records)**, which is located at <http://www.isbe.net/board/meetings/may02meeting/part375bd.pdf>, and **(Chicago Public Schools Policy Manual, Parent and Student Rights of Access to and Confidentiality of Student Records, Section 706.3, Board Report 01-0725-P02)**, which is located at <http://policy.cps.k12.il.us/documents/706.3.pdf> (Example Letter Requesting Records)

Parent Request for Pupil Record

Pupil Name:
Birthdate:
Grade:

Please send the complete pupil information to the address listed below by sending the Mandatory Permanent and Temporary Records including, but not limited to, family background information, teacher comments and recommendations, disciplinary information, report cards, test scores, behavior plans, progress reports, 504 plans, MDC reports, Testing(IGAP, IOWA, etc.), as well as any letters, emails, documents and other information relevant to the education of (**child’s name**) such as special education records and psychological, occupational therapy and other evaluation reports.

Please send records to:
Sign and Date

- Don’t be afraid to ask lots of questions. You are not supposed to know everything!

TIP 5: MAKE SURE YOU KNOW WHAT YOU WANT

If you are not sure what you want going into a meeting how can you tell others? You need to sit down and talk to a friend, if you can, and decide what is the most important. Have your rant with the friend so it is all out of your system when you go into the meeting. Then, once you are done cussing the school up and down, figure out what your most important issues and questions are. What are the top five things you cannot do without, that you will not back down on? What are you willing to compromise on? What is such an important need for your child that it has to be addressed in this meeting? Remember the more organized you are, the more likely it is that you will be able to articulate what you need to even when things get heated.

Then once you have narrowed your list of issues to five, list them in order of importance. You don't want to be cut short in a meeting and not have gotten to your most important issues. When talking to staff breathe between issues, make sure that you do not confuse one issue with the next (you want to be sure what people are agreeing to), find positive ways to state things in order to give people an opportunity to speak openly about any issues. You don't want to put someone on the defensive.

This is not a meeting to hash out every time staff ticked you off, remember that this is not about your own feelings, but about what the law requires of schools in regard to children. If you truly feel that the staff is acting inappropriately, you can call the regional office, the school board, or you can file a complaint with due process or the office of civil rights. Keep in mind this will probably not result in administration meeting you at the door with hugs and kisses, but it is a tool to remind staff of the legal ramifications for acts of discrimination and retaliation tactics. If you can find some level in which to discuss your concerns, even if they are that the staff is doing things that could be perceived as retaliation or discrimination against your child, it is better to try to talk calmly and civil.

TIP 6: DO NOT BE INTIMIDATED

(Do Not Back Down From What You Believe Your Child Needs)

It is difficult, when in meetings with professionals and administrators, to stick to your guns. Remember we are talking about what your child needs to succeed in their educational career. Even when you do everything by the book, you still may not be able to convince personnel of your child's needs and of their obligations under the law.

When schools do not follow appropriate guidelines and laws, parents are often at a loss for what to do. You might ask, "What are the procedures that are offered to parents who believe their children are not being adequately served and how do these procedures ensure the protection of those children?" As well you may want to know, "What discipline or penalization is customary when systems do not follow procedures, laws, policies, and regulations?"

When school districts do not follow policies, laws, and regulations there are several procedural safeguards on the federal, state, and local level. On the local level, you can file a complaint with the Illinois State Board of Education. On a state level, you can file for a due process hearing. On a federal level, you can file a complaint with the Office of Civil Rights.

Filing a Complaint with the Illinois State Board of Education (ISBE)

The procedure for filing with ISBE is as follows:

In order to initiate a complaint investigation, you must submit a signed, written letter to this agency with the following information:

- (a) student and parent identifying information; and
- (b) a statement detailing the specific alleged violation(s) and the facts on which the statement is based.
- (c) If able, you may provide supporting documentation such as copies of Individualized Education Programs (IEPs), etc.

Complaints may be sent to the:

Illinois State Board of Education
Special Education Services Division
100 N. 1st Street
Springfield, IL 62777

or may be faxed to (217)782-0372. (Schertz,2003)

Filing for a Due Process Hearing

Filing for Due Process go to <http://www.isbe.net/spec-ed/PDF/f19-86a.pdf> for the **PARENTAL REQUEST FOR AN IMPARTIAL DUE PROCESS HEARING FORM**

Fill out the form and send to:

ILLINOIS STATE BOARD OF EDUCATION

Special Education Compliance Division

100 North First Street

Springfield, Illinois 62777-0001

Required Actions of the Illinois State Board of Education(Parents Guide,2001)

Within five (5) days of receiving the request for a due process hearing, the Illinois State Board of Education will appoint a hearing officer and will provide written notice to you and the school district. Both you and the district will be permitted to request one hearing officer substitution. You must request a substitution, *in writing*, within five (5) days of receiving notice of the hearing officer appointment.

The Illinois State Board of Education will provide you with a written copy of your pre-hearing and hearing rights. If you do not understand these rights, you may ask the hearing officer to verbally explain them to you.

Responsibilities of the Hearing Officer

Within five (5) days of receiving written notice of the appointment, the hearing officer will contact you and the school district to set up a time and place for the pre-hearing conference and hearing. The hearing officer will provide you with written notice of the dates, times, and locations at least ten (10) days before the pre-hearing conference and the due process hearing.

You and/or the school district may request a delay in convening the pre-hearing conference and/or the hearing. This request must be made, *in writing*, to the hearing officer with a copy sent to the other party. The request must state the reasons for the delay. The hearing officer will inform both parties of the decision to grant or deny the request.

Once appointed, the hearing officer shall have no contact with the Illinois State Board of Education concerning the hearing. The hearing officer will not initiate or participate in any communications alone with you or the school district regarding the issues of the hearing.

Preparing for the Hearing

1. Decide about getting help.

Because hearings can be complicated and difficult, you may want to ask someone, an advocate or attorney, to help you get ready for the hearing and/or attend the hearing with you. You do not have to have an advocate or attorney, but oftentimes it is helpful. Here are some places to get help:

- The school can give you a list of places to get free or low-cost legal services; ask for this list.
- Many groups and agencies are listed in the back of this booklet. (A parent's guide-The Educational Rights of Students with Disabilities)

2. Review documentation.

There are several things that you and/or your advocate may want to do before the hearing:

- Review the procedures for due process hearings in *23 Illinois Administrative Code 226. Subpart J: impartial Due Process Hearings* and *the Illinois School Code (105 iLCS 5/14-8.02a and 5/14-8.02b)*.
- Review your child's educational records.
- Determine specifically what the issue(s) of disagreement are between you and the school district.
- Determine what issues you and the school district can agree on through mediation or at the pre-hearing conference.

3. Collect evidence.

At the hearing, you will be trying to prove to the hearing officer that you are right and the school will be trying to prove that it is right. You will need evidence or exhibits to show to the hearing officer such as:

- Reports, Letters, Notes
- Records, Samples of your child's work ,Pictures

The evidence/exhibits can come from your own records, from the school, or from someplace outside of the school such as a hospital or day care center. Each exhibit should be labeled (e.g., student exhibit #1, student exhibit #2, etc.). You should make three copies of the exhibits, one for you, one for the school district, and one for the hearing officer. The district must receive the evidence you intend to submit at the hearing at least five (5) days before the hearing. If the exhibits are not received by the other party at least five (5) days before the hearing, you cannot show the exhibits at the hearing.

The school district must also provide you a copy of its evidence/exhibits at least five (5) days before the hearing. You should review this evidence and decide what questions(s) you want to ask at the hearing regarding the evidence.

4. Prepare For witnesses.

Each party may present witnesses and ask questions of the other party's witnesses.

Witnesses can be:

- friends or relatives
- school staff
- an expert
- someone outside the school who has worked with your child

It is important that you interview your witnesses prior to the hearing. Your witnesses should be thoroughly familiar with all the documents that relate to their role in the case. While hearing officers have been trained to control inappropriate and redundant cross-examination, witnesses should be prepared to respond in a direct and positive manner to questions of the opposing party.

Prior to the hearing, you should review the district's list of witnesses and decide what question(s) you want to ask at the hearing.

During the Pre-Hearing Conference

A pre-hearing conference will be held no later than 14 days before the scheduled day of the due process hearing. The hearing officer will provide you with written notice at least ten (10) days before the conference. The purpose of the pre-hearing conference is to determine:

- the issues,
- the order of presentation,
- accommodations needed,
- the relevance and need for the evidence/exhibits and witnesses, and
- facts you and the school district have agreed upon.

You and a school district representative may participate in the pre-hearing conference by teleconference. At this conference, both you and the school district shall tell the hearing officer (I) whether you will have an attorney at the hearing; (2) the issue(s) of the dispute and the specific relief being sought; (3) if there are any additional evaluations for your child; (4) a list of all evidence/exhibits; and (5) the names of all witnesses you intend to call.

You have the right to request a witness be in attendance at the hearing. The request must be made to the hearing officer to issue subpoena(s). Any costs associated with issuing a subpoena must be paid for by the party making the request.

During the Hearing

The hearing officer will

- introduce the parties,
- review the ground rules for conducting the hearing,
- restate any agreements or rulings entered prior to the hearing, and
- restate the issue(s) as determined at the pre-hearing conference.

You and the school district will

- present opening statements (these should be brief and include the desired outcome),
- present witnesses and cross-examine witnesses,
- present evidence/exhibits, and
- present summary statements.

The hearing officer will inform you of the timeline for receiving a written decision, the right to request clarification, and the right to appeal the decision. A written decision should be sent to you within ten (10) days after the hearing. The hearing officer shall retain jurisdiction for the sole purpose of considering a request fOT clarification of the final decision. A request for clarification must be submitted to the hearing officer within five (5) days after receipt of the decision. A copy of the request for clarification must specify the portions of the decision for which clarification is sought and must be mailed to all parties involved in the hearing including the Illinois State Board of Education. The hearing officer will respond to the request for clarification within 10 days. The hearing officer's decision is binding unless appealed by either you or the school district. Unless there was a request to delay the hearing, a decision should be made no later than 45 days after the request for a hearing was received by the district.

Under specific conditions, when there is a need to move a student to an interim alternative educational setting because of alleged misconduct believed to be dangerous to the student or others, a hearing may be conducted in an expedited manner with the decision rendered within 10 days of the date of the request. An expedited hearing may also be requested by the parents if they disagree with the district's manifestation determination (the relationship between the alleged misconduct and the student's disability). The procedures governing expedited hearings can be found in Section 14/8.02b of the Illinois School Code.(ISBE,2001)

Filing a Complaint with the Office of Civil Rights (OCR)

How to File A Discrimination Complaint With The Office For Civil Rights

Office for Civil Rights	400 Maryland Avenue, S.W.
U.S. Department of Education	Washington, D.C. 20202-1100
E-mail: OCR@ed.gov	(202) 205-5413; 1-800-421-3481
Web: http://www.ed.gov/ocr/	FAX: (202) 205-9862; TTY: (877) 521-2172

You can go to the following sites for ways to file your complaint

The introduction and links to complaint form:

<http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>

The complaint form: <http://wdcrobcopl01.ed.gov/CFAPPS/OCR/complaintform.cfm>

Complaint Process

1. Complaint Evaluation

Complaints must be signed. When OCR receives an email or faxed complaint, we will ask you for a signed copy. Also, OCR does not accept anonymous complaints.

Evaluation: We will look carefully at your complaint to determine: 1) if the laws enforced by OCR apply to the institution named in the complaint, and 2) whether you've given us enough information to understand what you believe to be discriminatory and who was involved in the alleged discrimination. We may ask for additional information.

When we understand your complaint, we then decide whether to go ahead. We will not continue when—

- the allegation has already been decided elsewhere. OCR does not proceed with allegations that have already been resolved. OCR may decide not to continue with a complaint if we determine that an appropriate resolution or remedy has already been achieved. In addition, OCR may not investigate a complaint if it anticipates that an agency you filed with will provide you with a resolution process comparable to OCR's.
- the same or a similar allegation is pending elsewhere. Examples include internal grievance actions, administrative or due process hearings, and court actions. OCR generally does not proceed with a complaint until after the separate action is finished. If you are still dissatisfied, you must file with OCR within 60 days after the completion of the separate action. You should include the reasons for your dissatisfaction.
- the alleged discriminatory action took place too long ago. Normally, we cannot proceed with an allegation about events that happened more than 180 days before you file with us. We have very limited authority to extend the filing period. Exceptions can be made only where extraordinary circumstances exist that prevent you from filing the complaint. In these situations, you must file promptly (within 60 days) after the extraordinary circumstance ends. *We cannot grant a waiver because you didn't know about OCR.*
- the complaint is within one of [the other specified circumstances](http://www.ed.gov/about/offices/list/ocr/crm-exceptions.html) (look at <http://www.ed.gov/about/offices/list/ocr/crm-exceptions.html> to see list of circumstances) where OCR has determined it is unable to proceed with complaint allegations.

Notice to the parties. If we cannot proceed, we will send you a letter explaining our reasons. If we determine we can proceed with the complaint, we will send a letter to you and to the educational institution or public entity involved.

Complaint Resolution

Our goal is an appropriate resolution as promptly as possible. Please keep in mind, however, that our office does not act as a representative for either party. The fact that we proceed with a complaint does not mean that we have reached a judgment on the facts.

We use three principal methods to resolve complaints –

Resolution between the parties

- If both the complainant and the institution agree, we can assist with meetings - face-to-face or over the phone - to explore the issues and work out mutually satisfactory solutions. This is an informal process. Our office makes no judgment about whether discrimination occurred, and does not sign, endorse, or monitor any agreement. If there is a later dispute over whether the agreement is being followed, another complaint may be promptly filed with OCR. OCR will not investigate whether the agreement was followed but will seek to resolve the original allegations of discrimination.

An agreement that addresses the allegations

- The institution can offer to take action to resolve the complaint allegation. OCR may accept such agreements in cases where we determine that the corrective actions will fully address the allegations. When we accept an agreement, we will not make findings regarding compliance with the laws. We will, however, monitor the implementation of the commitments in the agreement. If the agreement is not carried out, OCR will take further action on the original complaint allegations. In deciding whether or not to accept an agreement, we will carefully consider information provided by the complainant.

Investigation and findings

- OCR can conduct a fact-finding investigation. We collect data, interview witnesses, evaluate evidence and make findings and conclusions based on the civil rights laws, regulations and OCR's policies. When we find civil rights problems, we seek an agreement from the institution to remedy the problem. OCR monitors the implementation of the remedies. If an agreement cannot be reached, our office will start formal proceedings to terminate Federal funds or refer the case to the U.S. Department of Justice. We send both the complainant and the institution the results of the investigation.(OCR, Complaint)

Procedural Safeguards That Should Be Noted

“In addition to building teams, districts may utilize other regular education intervention methods, including before-school and after-school programs, tutoring programs, and mentoring programs.”⁶(ISBE,2000)

PROCEDURAL SAFEGUARDS

- Public elementary and secondary schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. (ISBE,2000)
- Section 504 requires districts to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing. (ISBE,2000)
- “If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the district in any decision made with respect to the provision of a free, appropriate public education to the student and may be presented as evidence at a due process hearing regarding the student.” (ISBE,2000)
- “Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria, which the district uses when it initiates an evaluation.” (ISBE,2000)

A local district has knowledge that a student is a student with a disability if:

1. The student's parent has expressed concern in writing (unless the parent is illiterate or otherwise unable to comply) to appropriate school personnel that the student is in need of special education and related services;
2. The student's behavior or performance demonstrates the need for such services;
3. The student's parent has requested a case study evaluation of the student; or
4. The student's teacher or other school personnel has expressed concern about the student's behavior or performance to the designated director of special education or other local district personnel.(ISBE,2000)

Behavior Problems

“The review of the relationship between the student's disability and behavior is to be conducted by the IEP Team and other qualified personnel. To determine that the student's behavior was not related to his/her disability, the IEP Team must:

1. First consider all information that may be relevant to the behavior that resulted in the disciplinary action, including:
 - Evaluation and diagnostic results, to include relevant information supplied by the student's parent;
 - Observations of the student;
 - The student's IEP and placement; and
2. Determine that:
 - With regard to the behavior that resulted in the disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided in a manner consistent with the student's IEP and placement; and
 - The student's disability did not impair his/her ability to control, and to understand the impact and consequences of the behavior that resulted in the disciplinary action.” (ISBE,2000)

In an examination of the processes described above, it seems that there are enough procedural policies in line that would make it very difficult for districts to not meet the needs of children. But there are a few problems with what procedures are offered above.

One flaw, that I can see, is that procedural safeguards and handouts given to parents are all in English; you have request a form in another language. It would be very difficult for a parent that speaks only Urdu to request a form that they have no way of knowing exists. As well, you do not get these pieces of information, usually, until you have a child that has already been identified as needing special assistance. This leaves the parents of the child not identified, in the dark, until there is a large enough problem to be contacted by the special education department. This problem exists with this guidebook as well, I am currently attempting to find people to translate it, but it will depend on my own funding as I am self-funding this book. The best thing that parents who understand this can do is to make it clear

to the Illinois State Board of Education that we disapprove of these practices. We need to insist that copies are displayed of these policies clearly before a child is identified for those parents that do not understand the system. We also need to request that copies are displayed in the many languages spoken at that particular school. It would not cost anything for every parent to get a copy of the procedural safeguards in their own language, as the school has this language on file, at the beginning of the year regardless of whether their child is identified under special education or not.

The second issue is in enforcement and compliance of laws and procedures, as in, what discipline is ensured when laws aren't followed.

“In January 2000, NCD released a report on the monitoring and enforcement of IDEA, based on an examination of twenty-five years of monitoring reports from ED. The reports reflected significant noncompliance with the law.”

“Overall, this report found that federal efforts to enforce the law under administrations of both parties have been inconsistent and ineffective. Enforcement is too often the burden of parents, who must invoke complaint procedures and request due process hearings to obtain appropriate services and supports for their children. Despite long-standing noncompliance with IDEA provisions, ED has made limited use of enforcement through its sanction authority.” (Quigley,2002)

As a parent, I don't see the point of filing due process hearing after due process hearing, OCR complaint after OCR complaint, and holding up my end of the bargain in reporting criminal behavior if there is going to be no enforcement. Parents need to start making their voice heard in IEP and 504 meetings, that we demand a better program. That if no one else is going to hold them accountable, we are. We need to stand up for those who cannot. Because for every parent fighting for their kid's rights, there are 20 more who are too tired, too hungry, and too worn down by the system to keep the torch lit. If we all stand up together and start holding up the laws and codes for every special education office, there won't be so many children slipping through the cracks. We will have made our message loud and clear, “We know the rules and we expect you to follow them!”

TIP 7: LEARN ABOUT YOUR CHILD'S DISABILITY!

(Remember you are the expert on your child)

If we are going to hold schools accountable for teaching our children properly, then we also have to hold ourselves accountable to help them. The best way in which to help a school deal with our children properly, is to understand our children's special needs. It also doesn't do you any good to have a school meeting your child's needs if you are and not meeting any of your child's needs at home.

When we found out our son, Andrew, had Sensory Integration Dysfunction it was very difficult. I didn't want to see my sweet boy as a label, a disorder. The fact is, Andrew does have a way of dealing with the world that is different from most. Whether the world needs to bend to him or he needs to adjust to it, we still needed to understand how SI effected Andrew's day. This understanding has brought me so much closer to my son. I am able to understand why he has such a difficult time with bumpy socks and itchy sweaters now, as well as many other daily issues, without getting angry with him.

This understanding also helps me to communicate with school officials about how SI effects his school day. Especially with Sensory Integration Dysfunction, a disorder you cannot see clearly unless you know the signs, it helps to understand it's implications. In our case, we were the only people on Andrew's team who understood how SI effected Andrew's school day. We could articulate how SI affected his ability to show others what he knew.

There are several ways in which you can understand your child's special needs. One is to contact local or national organizations that concentrate on your child's special needs.

Second is to take your child to get an outside evaluation done by someone not in the school system. Third is to find books, pamphlets, etc. available either in the library, bookstore, or local health clinic and read them. Fourth, find a parent's support group to bounce ideas off other parents. The fifth is to get information from your child's school detailing the special needs that apply to your child and ask lots of questions.

TIP 8: USE EXPERTS

(Get Outside Consultants When Possible)

Experts are people with extensive knowledge of your child's special needs. If you ever need to go through due process it is good to have experts that are willing to testify on the behalf of your child and can articulate how your child's special needs affect how they learn. Remember you have to prove that your child's special needs affect one or more life functions (as stated under Section 504).

Expert is a loaded word, it basically means a doctor, occupational therapist, psychologist, physical therapist, neurologist, physician, etc. that has a high knowledge of the special needs being discussed. It helps if the person is not connected with the school in any way. Especially because frequently employees of the school district are told what to look for and are answerable to a large system of politics, job security issues, misinformation, and pressure from their bosses. (Schools are businesses, and as in any business, they want to keep costs down.) It also helps if this person/people understand the rules of allowable accommodations within a classroom setting, and how your child's disorder or special needs are affected in a classroom.

This medical professional can help you understand your child outside of those pressures and politics so that you can help advocate for them. They also can be a voice that is respected as a professional and not just some lunatic parent talking about crazy accommodations and disorders. Have your complete evaluations done before or in conjunction with the schools and bring them to IEP and 504 meetings. Schools have to

consider them. If you request an independent educational evaluation (in writing) the school has to pay for it and provide you with a list of people who can perform this.

“If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the district in any decision made with respect to the provision of a free, appropriate public education to the student and may be presented as evidence at a due process hearing regarding the student.”(ISBE, 2000)

“Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria, which the district uses when it initiates an evaluation.” (ISBE, 2000)

TIP 9: GET INVOLVED IN PARENT'S SUPPORT GROUPS

Get involved in parent support groups. These will help you have a venting place where you can go and just talk. You also can get different perspectives on your situation as well as new ideas for accommodations, methods of communicating to your special education staff, etc. This can be great therapy; no one wants to feel like they are in a bullfight alone. The few groups we have attended have been so therapeutic in the end, mostly because we could talk with a room of people that we don't have to explain our son's disorder to. Here is an extensive list of parent support groups by category.

National, State, and Local Resources for Support & Information

<p>Attention Deficit Disorder/Hyperactivity Disorder</p> <p><i>Local</i></p> <p>ADHD: Hinsdale, 630-856-6531</p> <p>Attention Disorders Association of Parents (ADAPPT): Oak Forest Contact Liz at 708-361-3387</p> <p>Children and Adults with Attention Deficit Disorder (CHADD): Aurora, 630-859-6898</p> <p>CHADD of Glenbard Contact Frasia at 708-932-5311</p> <p>CHADD of LaGrange Contact Robert at 708-352-1368</p> <p>CHADD of St. Charles Contact Mary Ellen at 630-377-2210</p> <p>CHADD of Schaumburg Contact Suzanne at 847-622-4115</p>	<p>North Suburban CHADD Contact Marty at 847-501-5662</p> <p>South Suburban CHADD 708-802-4233 Website: http://www.earthbliss.com/sschadd</p> <p>West Suburban CHADD Contact Dorothy at 630-961-0161</p> <p><i>National</i></p> <p>National Attention Deficit Disorder Association Email: mail@add.org Web site: www.add.org</p> <p>CHADD National Association Web site: www.chadd.org</p>
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<p>Advocacy/ Legal Education for Special Education</p> <p><i>Local</i></p> <p>Advocates Behind Legal Education (ABLE Coalition) A volunteer, self-help organization for parents, professionals and others interested in the education of children with disabilities; meetings are held throughout Chicago and the Metropolitan area. 708-802-0729</p>	<p>Council of Parents' Attorneys and Advocates A non-profit organization on parent advocates and attorneys. 312-419-0252 Email: copaa@edlaw.net Web site: http://www.edlaw.net</p> <p>Family Support Network Serves to unify families of children with disabilities to advocate for legislation, funding, services, and community resources. 309-693-8981 or Email: ccronin@flink.com</p>
<p>Allergies</p> <p><i>Local</i></p> <p>Severe Food Allergy and Anaphylaxis Support Group For parents of children with severe food allergies; meets quarterly in Naperville. Contact Mary at 630-372-7520</p>	<p><i>National</i></p> <p>Food Allergy Network 800-929-4040 Web site: http://foodallergy.org</p>
<p>Apraxia</p> <p><i>Local</i></p> <p>Chicagoland Apraxia Network Contact: 630-435-5845 Websites: http://www.apraxia-kids.org http://groups.yahoo.com/group/windycityapraxia/</p>	
<p>Autism/Asperger/PDD</p> <p><i>Local</i></p> <p>Asperger's Disorder Support Group For families of children with Asperger's Disorder or other forms of high-functioning autism, meets monthly in the Near West suburbs. Contact Debbie at 708-383-1209</p> <p>Autism Society of Illinois Contact 630-691-1270</p> <p>Cure Autism Now (CAN of Illinois) Meets bi-monthly; 630-462-3250 Email: ILLCANGAIL@AOL.COM</p> <p>Far West Suburban Chapter of the Autism Society of America Contact 630-969-1094 Email: fwsillasa@cs.com</p> <p>Fox Valley Autism Support Group Meets monthly; a complimentary newsletter, "Autism News", can be requested by calling 847-742-4582 Email: autismnews@aol.com</p> <p>Illinois Families for Effective Autism Treatment Email: ILFEAT@aol.com</p>	<p>Illinois Autism/PDD Training and Technical Assistance Project Kathy Gould, Project Director Alyson Beytien, Assistant Project Director 1301 W. Cossitt Avenue La Grange, IL 60525 (708) 354-5730 E-mail: kathygould@illinoisautismproject.org E-mail: alysonbeytien@illinoisautismproject.org Web: www.illinoisautismproject.org</p> <p><i>National</i></p> <p>The Asperger Syndrome Education Network A non-profit source of information, support and advocacy for individuals and families affected by Asperger Syndrome, PDD-NOS, and High-functioning Autism. Email: info@aspennj.org Web site: www.aspennj.org</p> <p>Autism Research Institute Information and referral clearinghouse for parents and professionals plus quarterly newsletter. Contact 619-563-6840 Web site: www.autism.com/ari/</p>

<p>Naperville Area PDD/Autism Parent Support Group Contact Bernie at 630-357-8569 North Suburban Chapter of the Autism Society of Illinois Contact Mike at 847-541-9969 Northwest Suburban Chapter of the Autism Society of Illinois Contact Diane at 630-665-6994</p>	<p>Autism Resource Network Offers a bookstore for educators and parents with reference books, ed. toys plus a quarterly newsletter. Contact 612-988-0088 Autism Society of America 7910 Woodmont Avenue, Suite 300 Bethesda, MD 20814 (301) 657-0881; (800) 3-AUTISM Web site: http://www.autism-society.org/ Center for the Study of Autism Web site: http://www.autism.org</p>
<p>SEVERAL ADDITIONAL GROUPS</p> <p>Blind/Visual Impairments Jay Stiteley, Director American Foundation for the Blind-Midwest 401 N. Michigan Avenue, Suite 350 Chicago, IL 60611 (312) 396-4420 E-mail: chicago@afb.net Web: www.afb.org</p> <p>Brain Injury Philicia L. Deckard, Executive Director Brain Injury Association of Illinois 1127 South Mannheim Road, Suite 213 Westchester, IL 60154 (708) 344-4646; (800) 699-6443 (in IL only) E-mail: info@biail.org Web: www.BIAUSA.org/illinois/bia.htm</p> <p>Cerebral Palsy Don Moss, Executive Director United Cerebral Palsy of Illinois 310 E. Adams Springfield, IL 62701 (217) 528-9681 E-mail: DMOSSINC@aol.com</p> <p>Mental Retardation/Developmental Disabilities Tony Paulauski, Executive Director The Arc of Illinois 18207-A Dixie Highway Homewood, IL 60430 (708) 206-1930 E-mail: tony@thearcofil.org Web: www.thearcofil.org</p>	<p>Illinois Branch of the International Dyslexia Association Carolyn Swallow, Ph.D., Executive Director 751 Roosevelt Road, Suite 301 Glen Ellyn, IL 60137 (630) 469-6900 E-mail: ilbranch_ida@ameritech.net Web: www.interdys.org</p> <p>Mental Health Jan Holcomb, Chief Executive Officer Mental Health Association in Illinois 188 W. Randolph Street, Suite 2225 Chicago, IL 60601 (312) 368-9070 E-mail: jholcomb@mhai.org Web: www.mhai.org</p> <p>NAMI Illinois Holly McCaffrey, Acting Executive Director 218 W. Lawrence Springfield, IL 62704 (217) 522-1403; (800) 346-4572 (In IL only) E-mail: namiil@sbcglobal.net Email: hollymac@sbcglobal.net Web: http://il.nami.org</p>
<p>Cultural Diversity Culturally and Linguistically Appropriate Services Web site: http://clas.uiuc.edu/</p>	

Developmental Disabilities/ Special Needs

Local

The Arc of Illinois

A grassroots organization advocating for persons with mental retardation and their families.

Contact Anthony at 708-206-1930

Benedictine University Parents Support Group

Open to any parent whose child has a special need; the group meets every other month at Benedictine University in Lisle.

Contact Nicky at 630-850-7894

Center for Speech and Language Disorders

Monthly parent information and support meetings in Elmhurst for parents of children with language learning disorders, autism, hyperlexia or social language difficulties.

Contact 630-530-8551

District 181 Special Education Parent Network

Open to any parent in District 181 whose child has, or is expected to have, an Individual Education Plan.

Contact Barb at 630-986-8615.

Elgin Area Parent Support Groups

Sponsored by Jayne Shover Easter Seal Rehabilitation Center, Inc in Elgin

Contact 847-742-3264 for information on the following groups:

Parent Group: Open to all parents of children with special needs.

Down Syndrome Group: Parents of children with Down syndrome meet quarterly.

PDD/Autism Group: Parents of children with PDD/Autism meet every other month.

Hispanic Group: Parents who are Spanish speaking and have children with special needs meet quarterly.

Fathers Group: Fathers of children with special needs meet quarterly.

Special Interest Groups: Groups meet as the needs arise for information and networking on a specific topic.

Lake County Early Intervention Parent Support Groups

For parents in Lake County with infants and toddlers receiving early intervention services.

Contact Ellie at 847-548-8470 ext. 319

National

Association for Birth Defect Children

Web site: <http://www.birthdefects.org/>

Developmental Delay Resources

Web site: www.devdelay.org

Exceptional Parent

Publishes "Exceptional Parent Magazine" monthly.

For general and subscription information, contact 877-372-7368

Web site: <http://www.eparent.com>

Financial Planning

For families with children with special needs or health conditions.

Web site: www.specialneedsplanning.com

The National Information Center for Children and Youth with Disabilities (NICHCY)

800-695-0285

Web site: www.nichcy.org

National Organization for Rare Diseases

Web site: www.rarediseases.org

The Sibling Support Project

Web site: <http://www.chmc.org/departmt/sibsupp>

Yellow Pages for Kids

A website for searching out information and resources for parents and professionals. It features government offices, parent support groups, service providers, and resources for Illinois.

Web site: <http://www.yellowpagesforkids.com>.

Down Syndrome

National

Down Syndrome Home Pages

Web site: <http://www.nas.com/downsyn>

National Association for Down Syndrome (NADS)

630-325-9112

National Down Syndrome Congress

800-232-6372

Web site: www.members.carol.net/ndsc/

National Down Syndrome Society

800-221-4602

Web site: www.ndss.org

Parents of Children with Down Syndrome Association

Contact 703-532-3214

<p>Epilepsy</p> <p><i>Local</i></p> <p>Epilepsy Parent and Family Network Monthly parent support meetings: <u>Arlington Heights</u>: Contact Ann at 847-956-1766 <u>Carol Stream</u>: Contact Debbie at 630-653-5039 <u>Far Northwest Suburbs</u>: Contact Nancy at 847-669-8033 <u>Schaumburg</u>: Contact Scott at 847-843-0822 <u>Naperville</u>: Contact Kay at 708-355-0579</p> <p>Parents of Children with Epilepsy Support Group Contact Ann at 847-956-1766</p>	<p>Epilepsy Phillip Gattone, President/CEO Epilepsy Foundation of Greater Chicago 20 E. Jackson Boulevard, Suite 1300 Chicago, IL 60604 (312) 939-8622; (800) 273-6027 (312) 939-1117 (TTY) E-mail: info@epilepsychicago.org Web: www.epilepsychicago.org</p> <p>Epilepsy Resource Center (serving central Illinois) 1315 W. Lawrence Avenue Springfield, IL 62704 (217) 726-1839 (V/TTY); (800) 800-6401 E-mail: epilepsy@spfldsparc.org</p>
<p>General Parenting</p> <p><i>Local</i></p> <p>The Early Years Program Turning Point Behavioral Health Care Center in Skokie offers a variety of parenting seminars and drop-in groups. Contact Norma at 847-933-0051.</p> <p>Family Circle In Libertyville sponsors a variety of parenting and family activities, discussion groups and speakers programs; offerings include a supportive group for brothers and sisters of special needs children. Contact Toni at 847-367-5991 ext. 25.</p>	<p><i>National</i></p> <p>Family Village Project Web site: http://www.familyvillage.wisc.edu/</p> <p>National Center for Early Development and Learning Focuses on enhancing the cognitive, social and emotional development of children birth – eight years. Web site: www.fpg.unc.edu/~ncedl</p> <p>National Parent Consortium Web site: www.natlparentconsortium.org</p> <p>Parent and Child Education Society (PACES) Focuses on education and support for the entire family with an emphasis on child development and effective parenting, 630-916-3190. Email: paces@megsinet.net Web site: http://www.megsinet.com/paces</p>
<p>Hearing Impairment</p> <p><i>National</i></p> <p>National Information Center on Deafness Web site: www.gallaudet.edu/~nicd</p> <p>National Institute on Deafness and other Communication Disorders Information Clearinghouse Web site: www.nih.gov/nidcd</p>	
<p>Parent Information and Training Centers of Illinois</p> <p><i>Local</i></p> <p>Designs for Change 312-236-7252 Email: info@designsforchange.org Web site: www.designsforchange.org</p>	<p>Family Resource Center on Disabilities 800-952-4199 (IL only); 312-939-3519 Email: frcdptiil@ameritech.net Web site: www.frcd.org</p>

<p>Learning Disabilities</p> <p><i>Local</i> Learning Disabilities Association of Illinois 708-430-7LDA</p> <p><i>National</i> Learning Disabilities websites: www.iser.com www.ldresources.com or www.ldonline.org</p>	<p>Learning Disabilities Beverly Johns, President Learning Disabilities Association of Illinois 10101 S. Roberts Road, Suite 205 Palos Hills, IL 60465 (708) 430-7532 E-mail: LDAofIL@ameritech.net Web: www.lidaamerica.org</p>
<p>Parent to Parent Information and Support</p> <p><i>National</i> MUMS National Parent to Parent Email: mums@netnet.net Web site: http://www.netnet.net/mums National Center for Fathering Resources and connections for men including the magazine, <i>Today's Father</i>. Web site: http://www.fathers.com National Father's Network Provides support and resources for fathers and families of children with chronic illness of developmental disabilities. Web site: http://www.fathersnetwork.org</p>	<p>National Parent Network on Disabilities Web site: http://www.npnd.org/ National Parent Information Network Web site: http://npin.org National Parent Information Network-Illinois Web site: http://npinil.crc.uiuc.edu National Parent to Parent Support and Information System Web site: http://nppsis.org Our Kids Web site: http://www.our-kids.org Parents Helping Parents Web site: www.php.com</p>
<p>Prader Willi Syndrome</p> <p><i>Local</i> Illinois Chapter for Prader Willi Syndrome Contact 630-508-7355 www.pwsausa.org</p>	
<p>Rett Syndrome</p> <p><i>Local</i> Rett Syndrome Association of Illinois Contact Diane at 847-524-7540 Email: diross62@aol.com</p>	<p><i>National</i> International Rett Syndrome Association (See also contact for Illinois) Web site: http://www.rettsyndrome.org</p>
<p>Sensory Integration</p> <p><i>Local</i> Sensory Integration Support Group for Parents Meets monthly in Palatine Contact Barb at 847-776-7541 You can get sensory equipment from: www.geocities.com/~kasmom/sid/equipment.html</p>	<p>Sensory Integration Education & Research Foundation http://www.sierf.org/ PO BOX 30 Camp Hill, PA 17001-0030 Phone: 717-731-8672 Fax: 800-385-9459 Email: info@sierf.org</p>

<p><i>National</i> Henry Occupational Therapy Services, Inc.*** PO Box 145 Youngtown, AZ 85363-0145 USA E-Mail: rick@henryot.com http://www.ateachabout.com Has a great video for teachers and kids!! Phone: 888.371.1204 <i>toll free</i> Local and International: 623.933.3821 Fax: 623.933.3821 Sensory Websites: http://www.comeunity.com/disability/sensory_integrat ion/index.html http://www.tsbvi.edu/Outreach/seehear/fall97/sensory.htm http://www.temple.edu/OT/Neuro_Behavioral_Center_2.htm http://www.out-of-sync-child.com/ Site That Has A Database of Trained Occupational Therapists http://www.sensoryint.com/</p>	<p>Sensory Resources 2200 E. Patrick Lane, Suite 3A Las Vegas NV 89119 Toll Free: 888.357.5867 Phone: 702.433.0404 Fax: 702.891.8899 http://www.sensoryresources.com/ How Does Your Engine Run? Barrett Family Wellness Center 76 Otis St. #7 # 7 Westborough, MA 01581 P: 508-898-2688 email: info@barrettfamilywellness.com http://www.barrettfamilywellness.com/index.htm</p>
<p>Tourette Syndrome</p> <p><i>National</i> Tourette Syndrome Association Web site: http://tsa-usa.org</p>	
<p>Visual Impairment</p> <p><i>National</i> Adjustment to Blindness and Visual Impairment Web site: http://falcon.creighton.edu/vip</p>	

The above list is provided by National Dissemination Center for Children with Disabilities (NICHCY), my own sources, Reed Martin www.reedmartin.com, and <http://www.thecenterweb.org>

TIP 10: GET INVOLVED IN YOUR CHILD'S SCHOOL, SHOW YOU WANT TO HELP!

**(Have conversations with staff and teachers when
there's not a problem)**

Just as you don't like your boss to come and talk to you only when you have done something wrong, neither do the staff and teachers of the school your child attends. Volunteer at your child's school once a month or once every two months, that way you are there to help and participate with staff in your child's day. It is important to develop some sort of a relationship with these people so that when there is a problem you have a positive relationship to start from.

Go to Local School Council and School Board Meetings. Show up for teacher meetings and conferences, and if you can't because we all know that not everyone works a 9:00 to 5:00 job, then follow up with a letter and available times you can meet, or can talk on the phone. If you don't show an interest in your child, it would be difficult to expect anyone else to. Talk to people with respect and compassion. Remember that your teachers, special education team, and the staff that work at your school all are people with their own stack of issues and life problems to deal with. Allow them to have bad days. They also have a lot of politics that dictate how they are able to do their jobs and these politics; threats of job security, and miseducation on policies often dictate behavior that makes special education services so difficult.

Conclusion

Some people think that knowledge is power; I am one of those people. I know that all of these issues discussed can be confusing. I also know that it is not easy to advocate for your child, but in the long run we are all better off if we do. The most resounding phrase I have heard over the past two years is that, “most parents give up by this point”. This is very true, and a lot of parents are forced to back down. But the main thing to remember is that the laws needed to win this battle for respecting children’s civil rights already exist. They are already clearly worded and adopted by state and local laws and policies. What we have to do is to show the many districts, offices, and policy-makers who do not want parents to fight this system that we know these laws and policies. Because the most effective tool school districts use when violating the civil rights of children start from the words, “We can’t do that here.”

I hope I have shed some light on this system of education and provided you with some important resources. Remember that if you can reference IDEA (Individuals with Disabilities Act), Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA), FAPE (Free Appropriate Public Education), and the 23 Illinois Administrative Code CH. I, S.226, you will be able to understand the language that your special education administrators use during meetings and in relation to your child’s needs. Remember also that in the city of Chicago Local School Councils can help you in fixing schools that don’t work because they can design a plan for improvement and hold principals accountable for policies and laws not followed. As your IEP/Special Education Team develop the Individualized Education Program or 504 Plan, you need to hold them accountable to the laws stated above and can do that through procedures stated in this paper as well as procedures listed in your procedural safeguards. If there is any portion of these processes you do not understand, call an advocacy agency or your Regional Office, School Board, or Main Office. Last but not least, if something doesn’t seem right, it probably isn’t don’t be afraid to do your research and don’t be afraid of requesting the exact policy in writing.

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<http://www.isbe.net/spec-ed/compliance%20monitoring.htm> ISBE "Compliance Monitoring Reviews: Special Education"

<http://www.isbe.net/spec-ed/PDF/f19-86a.pdf> Illinois State Board of Education "PARENTAL REQUEST FOR AN IMPARTIAL DUE PROCESS HEARING FORM"

<http://www.isbe.state.il.us/spec-ed/categories.html> ISBE "Special Education Categories"

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Sources for the 210 Illinois State Board of Education Due Process Hearings used for this paper are listed below A Statistical Analysis of these cases is represented on Pages 88-99. (Legal Counsel for Parents can sometimes be in the form of an advocate, but mostly means lawyer)

Due Process Decisions Issued between July 15, 1998-December 1, 1998

Due Process Hearing Decisions July 1, 2000 through October 31, 2000

Due Process Hearing Decision Summaries November 1, 2000-February 28, 2001

Due Process Hearing Decision Summaries March 1, 2001 through June 30, 2001

Impartial Due Process Decisions Issued Between July 1, 2001 and November 30, 2001

Due Process Hearing Decision Summaries December 1, 2001 through February 28, 2002

Illinois State Board of Education Due Process Summaries Issued Between March 1, 2002-June 30, 2002

Illinois State Board of Education Due Process Summaries Issued Between July 1, 2002 and October 1, 2002

Survey Respondents

The survey was sent out to several advocacy agencies that I could find on the Internet. Some agencies and individuals forwarded the survey onto their list serves (such as the FLEX consortium forwarded from an individual and several lists for sped students forwarded from Education NEWS) as well as responding for themselves. Below is a list of those that responded to the surveys.

Indian Creek Middle School, Special Education Team, This school included a note indicating that they worked together as a team to complete this survey.

Cluff, Judy, Special Education District of Lake County, Laremont School Early Childhood Center

Kunz, Debra, Statewide Parent Consultant, Project Choices, ISBE, "Project CHOICES is a "least restrictive environment" initiative funded by the Illinois State Board of Education."

Krug, Damon, Indiana psychologist, contacted through the FLEX Consortium

Cohen, Matthew, Attorney At Law, Monahan and Cohen, Attorneys At Law, "Top 15 Tips for Writing IEP's and Section 504 Plans"

Friedman, Dayle, LSCW, ACSW, Coordinator/Social Work Department, Special Education District of Lake County

Rolinitis, Mike, Aroma Park School, Kankakee District 111, Aroma Park, IL

Beherns, Sandy, Educational Diagnostician

Hawkey, Jennie, Peoria County Regional Office Of Education

LeBlanc, Debbie, Principal, Burr Ridge Middle School

Trumann, Wayne, South Callaway R-II, Mokane, MO

Ellis, Dr. Sandy, Region 10 UniServ Director, Illinois Education Association-National Education Association, "We help build strong local associations that negotiate for their members, lobby to effect excellence and equity in public education, work to elect legislative candidates who are pro-education, provide professional development resources and ensure due process for educational employees."

Kilpatrick, Jimmy, Senior Fellow, Alexis de Tocqueville Institution, Editor & Chief, EducationNews.org

Urzedowski, Kathy, Emmons Elementary, Antioch, IL

Galbreath, Michael, Director, Livingston County Special Services Unit

Tabar, Matt, Superintendent, Emmons Elementary, Antioch, IL

Kleckner, Deb, Forreston Middle School, Forreston, IL , She also wrote, "I am a parent of a special needs student as well as a special educator."

Werner, Mary, K-8 Principal

McCameron, Cheryl, Emmons Elementary, Antioch, IL

Vandrush, Cyndy, Principal, Emmons Elementary, Antioch, IL, She also wrote, "I forwarded your survey to the IPA, the SEDOL listserve, FLEX consortium, and all Emmons staff."

Bain, Amanda, Family Matters, "Family Matters, a project of ARC Community Support Systems, was funded as a Family Support Program, in 1989, by the Illinois Department of Human Services in order to assist families to keep their children with developmental disabilities living at home by providing, locating, or creating the needed supports."

Mauk, Sara, Advocate and future lawyer, (1998) PURE TIP SHEET: Special Education, Parents United for Responsible Education "Parents United for Responsible Education (PURE) exists to build support for and enhance the quality of public education in the city of Chicago by informing parents about educational issues, bringing the views of parents into the decision-making process, and acting as an advocate for parents in their relationships with the school administration."

Shea, Dr. Susan, Education Policy Director, Illinois Education Association, "We help build strong local associations that negotiate for their members, lobby to effect excellence and equity in public education, work to elect legislative candidates who are pro-education, provide professional development resources and ensure due process for educational employees."

Woestehoff, Julie, Executive Director, PURE, "Parents United for Responsible Education (PURE) exists to build support for and enhance the quality of public education in the city of Chicago by informing parents about educational issues, bringing the views of parents into the decision-making process, and acting as an advocate for parents in their relationships with the school administration."

Gould, Kathy, Project Director, Illinois Autism/PDD Training and Technical Assistance Project, "The Illinois Autism/PDD Training and Technical Assistance Project is an Illinois State Board of Education initiative which provides training and technical assistance focused on educating students with autism and other pervasive developmental disorders (PDD)."

Cleary, Lara, Attorney At Law, Whitted & Cleary, "WHITTED & CLEARY LLC has extensive experience in special education law, civil and criminal litigation, child advocacy and the representation of public and private mental health and child welfare providers."

Bollero, Jennifer, Attorney At Law, "As an attorney, arbitrator, mediator and loving mother of an autistic daughter, I have a unique perspective on the process by which families prepare their children's Individualized Education Plans (IEPs)." <http://www.harborhouselaw.com/articles/hearts.bollero.htm> Bollero, Jennifer (2001) "Play Hearts, Not Poker"

Toney, Barbara, Public Information Specialist, Project CHOICES, "Project CHOICES is a "least restrictive environment" initiative funded by the Illinois State Board of Education."

Sinnott, Cheri, LCSW, ISRC Director, "The Illinois Service Resource Center is the coordination center for a wide variety of services tailored specifically for children who are deaf or hard of hearing and exhibit behavioral, emotional or mental health challenges."

Glink, Steven, Attorney at Law, "Steven defends the rights of students and parents in all types of school cases including student discipline, special education, zero-tolerance violations, residency and athletic eligibility."

Kaminsky, Mike, Illinois Life Span, "Illinois Life Span is the statewide information and advocacy coordination system for people with developmental disabilities."

Henning, Ruth, Project Coordinator, Project CHOICES, "Project CHOICES is a "least restrictive environment" initiative funded by the Illinois State Board of Education."

Breese, Marcia, Coordinator, Highlighting Education and Resources (H.E.A.R) “**H**ighlighting **E**ducation **A**nd **R**esources (H.E.A.R.) is an Illinois service delivery program which supports students who are deaf or hard of hearing.” Marcia also stated, “FYI as well as being a professional, I am also the parent of two children with special needs, which may have swayed my answers somewhat.”

Owens, Deborah, Attorney at Law

Crandall, Dick, Special Education Consultant/ Advocate, Independent Living Advocate, Father of Rick a 24 yr. Old who is still using the system today

APPENDIX A

Parent's Dictionary of Terms Used in Special Education

“Note: The following definitions have been compiled from a variety of sources. The contents of this dictionary do not necessarily represent definitions endorsed by the U.S. Department of Education.”

1. **Accommodation**- learning to do things differently from other students because of a disability or impairment. An example of “accommodation” is the visually impaired student who reads by listening to a recording of a textbook. **8**(ISBE,2001)
2. **adaptive development** - development of the child in comparison to other children the same age. This might include the child's ability to dress himself, feed himself, toilet training, how he/she plays with other children, how he/she plays alone, understanding dangers in crossing the street, how he/she behaves if mother leaves the room, etc.
3. **advocate** -someone who takes action to help someone else (as in "educational advocate"); also, to take action on someone's behalf
4. **amendment** - a change, revision, or addition made to a law
5. **Annual Goal** - a statement in an IEP of what a student needs to learn and should be able to learn in his/her special education program within a year. **8**(ISBE,2001)
6. **Annual Review** - a review of a student's special education program each year which includes an update of the student's progress, a review of the current IEP, and development of a new IEP for the upcoming year. **8**(ISBE,2001)
7. **appeal** - a written request for a change in a decision; also, to make such a request
8. **appropriate** - able to meet a need; suitable or fitting; in special education, it usually means the most normal situation possible
9. **assessment** - a collecting and bringing together of information about a child's needs, which may include social, psychological, and educational evaluations used to determine services; a process using observation, testing, and test analysis to determine an individual's strengths and weaknesses in order to plan his or her educational services
10. **assessment team** - a team of people from different backgrounds who observe and test a child to determine his or her strengths and weaknesses
11. **at risk** - a term used with children who have, or could have, problems with their development that may affect later learning
12. **Behavioral Intervention** - a method or technique used to influence a student's actions. **8**(ISBE,2001)
13. **Behavioral Intervention Plan** - a written plan developed as part of the IEP to address a serious behavioral problem. It is based on a functional behavioral assessment of the student's behavior, describes the interventions to be used, methods of evaluation, and provisions for coordinating with the home. **8**(ISBE,2001)
14. **Child Find** - a service directed by each state's Department of Education or lead agency for identifying and diagnosing unserved children with disabilities; while Child Find looks for all unserved children, it makes a special effort to identify children from birth to six years old
15. **Claim** - the written or electronically submitted request for payment of benefits for Medicaid-covered services that have been provided to students. **8**(ISBE,2001)
16. **Complaint** - the written action taken to notify the state education agency that special education regulations are not being followed. **8**(ISBE,2001)

17. **cognitive** - a term that describes the process people use for remembering, reasoning, understanding, and using judgement; in special education terms, a cognitive disability refers to difficulty in learning
18. **comprehensive service system** - refers to a list of 14 areas each participating state is to provide under early intervention services. These 14 points range from definition of developmentally delayed, to guidelines for identification, assessment, and provision of early intervention services for the child and family, and include timelines and quality control
19. **Consent** - a voluntary agreement by the parents to let the school take an action which affects their child's education. Consent is shown by the parent signing a form or letter which describes the action the school wants to take. **8**(ISBE,2001)
20. **consent** - a voluntary agreement by the parents to let the school take an action which affects their child's education. Consent is shown by the parent signing a form or letter which describes the action the school wants to take. **8**(ISBE,2001)
21. **counseling** - advice or help given by someone qualified to give such advice or help (often psychological counseling)
22. **developmental** - having to do with the steps or stages in growth and development before the age of 18 years
23. **developmental history** - the developmental progress of a child (ages birth to 18 years) in such skills as sitting, walking, talking, or learning
24. **developmental tests** - standardized tests that measure a child's development as it compares to the development of all other children at that age
25. **disability** - the result of any physical or mental condition that affects or prevents one's ability to develop, achieve, and/or function in an educational setting at a normal rate
26. **due process (procedure)** - action that protects a person's rights; in special education, this applies to action taken to protect the educational rights of students with disabilities
27. **early interventionist** - someone who specializes in early childhood development, usually having a Master's degree or Ph.D. in an area related to the development of infants, toddlers, and preschoolers
28. **early intervention policies** - see policy/policies
29. **early intervention services or programs** - programs or services designed to identify and treat a developmental problem as early as possible, before age 3 (services for 3-5 year olds are referred to as preschool services)
30. **eligible** - able to qualify
31. **Eligibility Conference** - a conference held to determine, review, terminate, or consider changes in a student's eligibility for special education. **8**(ISBE,2001)
32. **Eligibility Conference Summary Report** – a written report containing a summary of the results of the evaluation and the determination of eligibility for special education. **8**(ISBE,2001)
33. **Eligible** - a decision that determines a student meets the requirements for and is in need of special education and related services. The decision is based on the results of the evaluation and the conclusions reached at the eligibility conference. **8**(ISBE,2001)
34. **evaluation** - (as applied to children from birth through two years of age) the procedures used to determine if a child is eligible for early intervention services; (as applied to preschool and school-aged children) the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs
35. **Evaluation** - collecting information about a student and any problems that may affect his/her educational development for the purpose of determining eligibility for special education and related services. The evaluation may include giving individualized tests, observing the student, looking at records, and talking with the student and his/her parents. **8**(ISBE,2001)
36. **free appropriate public education [often referred to as FAPE]** - one of the key requirements of IDEA, which requires that an education program be provided for all school-aged children (regardless of disability) without cost to families; the exact requirements of "appropriate" are not defined, but other references within the law imply the most "normal" setting available

37. **handicap** - see disability
38. **Hearing Officer** - an impartial person in charge of a due process hearing who issues a written decision based upon the evidence and witnesses presented at the hearing. **8**(ISBE,2001)
39. **Independent Educational Evaluation** - an assessment conducted by someone who is not employed by the school district. The person(s) completing the assessment must be fully trained and qualified. **8**(ISBE,2001)
40. **identification** - the process of locating and identifying children needing special services
41. **Individualized Education Program (IEP)** - a written education plan for a school-aged child with disabilities developed by a team of professionals (teachers, therapists, etc.) and the child's parents; it is reviewed and updated yearly and describes how the child is presently doing, what the child's learning needs are, and what services the child will need; (For children ages birth through 2 years, the IFSP is used.)
42. **Individualized Family Service Plan (IFSP)** - a written statement for an infant or toddler (ages birth through 2 years old) developed by a team of people who have worked with the child and the family; the IFSP must describe the child's development levels; family information; major outcomes expected to be achieved for the child and family; the services the child will be receiving; when and where the child will receive these services; and the steps to be taken to support the transition of the child to another program; the IFSP will also list the name of the service coordinator assigned to the child and his/her family
43. **lead agency** - the agency (office) within a state or territory in charge of overseeing and coordinating service systems for children ages birth through 2
44. **Least Restrictive Environment (LRE)** - an educational setting or program that provides a student with disabilities with the chance to work and learn to the best of his or her ability; it also provides the student as much contact as possible with children without disabilities, while meeting all of the child's learning needs and physical requirements
45. **Mediation** - a process in which parents and school personnel try to settle disagreements with the help of a trained mediator provided by the Illinois State Board of Education. **8**(ISBE,2001)
46. **multidisciplinary** - a team approach involving specialists in more than one discipline, such as a team made up of a physical therapist, a speech and language pathologist, a child development specialist, an occupational therapist, or other specialists as needed
47. **occupational therapy** - a therapy or treatment provided by an occupational therapist that helps individual developmental or physical skills that will aid in daily living; it focuses on sensory integration, on coordination of movement, and on fine motor and self-help skills, such as dressing, eating with a fork and spoon, etc.
48. **parent training and information programs** - programs that provide information to parents of children with special needs about acquiring services, working with schools and educators to ensure the most effective educational placement for their child, understanding the methods of testing and evaluating a child with special needs, and making informed decisions about their child's special needs
49. **physical therapy** - treatment of (physical) disabilities given by a trained physical therapist (under doctor's orders) that includes the use of massage, exercise, etc. to help the person improve the use of bones, muscles, joints, and nerves
50. **placement** - the classroom, program, service, and/or therapy that is selected for a student with special needs
51. **policy/policies** - rules and regulations; as related to early intervention and special education programs, the rules that a state or local school system has for providing services for and educating its students with special needs
52. **Present Levels of Performance** - statements in an IEP that specifically describe what a student can or cannot do. **8**(ISBE,2001)

53. **Positive Intervention** - a reinforcer (e.g., praise, positive points, tokens) provided in order to increase the frequency of the response (e.g., praising a student for cooperative turn-taking). **8**(ISBE,2001)
54. **private agency** - a non-public agency which may be receiving public funds to provide services for some children
55. **private therapist** - any professional (therapist, tutor, psychologist, etc.) not connected with the public school system or with a public agency
56. **program(s)** - in special education, a service, placement, and/or therapy designed to help a child with special needs
57. **psychologist** - a specialist in the field of psychology, usually having a Master's degree or Ph.D. in psychology
58. **public agency** - an agency, office, or organization that is supported by public funds and serves the community at large
59. **Public Law (P.L.) 94-142** - a law passed in 1975 requiring that public schools provide a "free appropriate public education" to school-aged children ages 3-21 (exact ages depend on your state's mandate), regardless of disabling condition; also called the Education For All Handicapped Children Act, with recent amendments now called the Individuals with Disabilities Education Act (IDEA)
60. **Public Law (P.L.) 102-119** - passed in 1991, this is an amendment to the Individuals with Disabilities Education Act (IDEA), which requires states and territories to provide a "free appropriate public education" to all children ages 3-21; and provides funds for states and territories to plan a comprehensive service system for infants and toddlers (ages birth through 2 years) with disabilities
61. **Reevaluation** - an assessment that occurs every three years, or more if needed, to determine continued eligibility for special education. **8**(ISBE,2001)
62. **Referral** - the process of requesting that a student be evaluated for special education and related services. Any concerned person may refer a student, including teachers, principals, parents, other agency personnel, or the student. **8**(ISBE,2001)
63. **related services** - transportation and developmental, corrective, and other support services that a child with disabilities requires in order to benefit from education; examples of related services include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, counseling services, interpreters for the hearing impaired, and medical services for diagnostic and evaluation purposes
64. **service coordinator** - someone who acts as a coordinator of an infant's or toddler's services, working in partnership with the family and providers of special programs; service coordinators may be employed by the early intervention agency
65. **services/service delivery** - the services (therapies, instruction, treatment) given to a child with special needs
66. **Short-Term Instructional Objectives/Benchmarks** - statements in an IEP that describe small steps a student must learn or master before he can reach the "annual goals" set for him/her. **8**(ISBE,2001)
67. **special education** - see special education programs and services
68. **special education coordinator** - the person in charge of special education programs at the school, district, or state level
69. **special education programs/services** - programs, services, or specially designed instruction (offered at no cost to families) for children over 3 years old with special needs who are found eligible for such services; these include special learning methods or materials in the regular classroom, and special classes and programs if the learning or physical problems indicate this type of program

70. **special needs** - (as in "special needs" child) - a term to describe a child who has disabilities or who is at risk of developing disabilities and who, therefore, requires special services or treatment in order to progress
71. **speech/language pathology** - a planned program to improve and/or correct communication problems
72. **Student Permanent Record** - file that includes the following information: parent name(s) and address(es), student name, address, birthdate, birth place, gender, transcripts, grades, class rank, graduation date, grade level achieved, scores on college entrance exams, attendance reports, accident reports, health records, release of information forms, honors/awards received, and participation in school-sponsored activities and events. **8**(ISBE,2001)
73. **Student Temporary Record** - file that includes, but is not limited to, family background information, intelligence test scores, aptitude test scores, special education evaluations, achievement level test results, participation in extracurricular activities, disciplinary information, eligibility conference summary reports, IEPs, reports or information from non-educational persons or agencies, and other information of relevance to the education of the student. **8**(ISBE,2001)

The above list comes from two sources: The Parent's Guide(2001) and Kidsource.

APPENDIX B

Statistical findings of the 210 ISBE Due Process Hearings used for this paper **(Legal Counsel for Parents can be either a Lawyer or in some cases an advocate)**

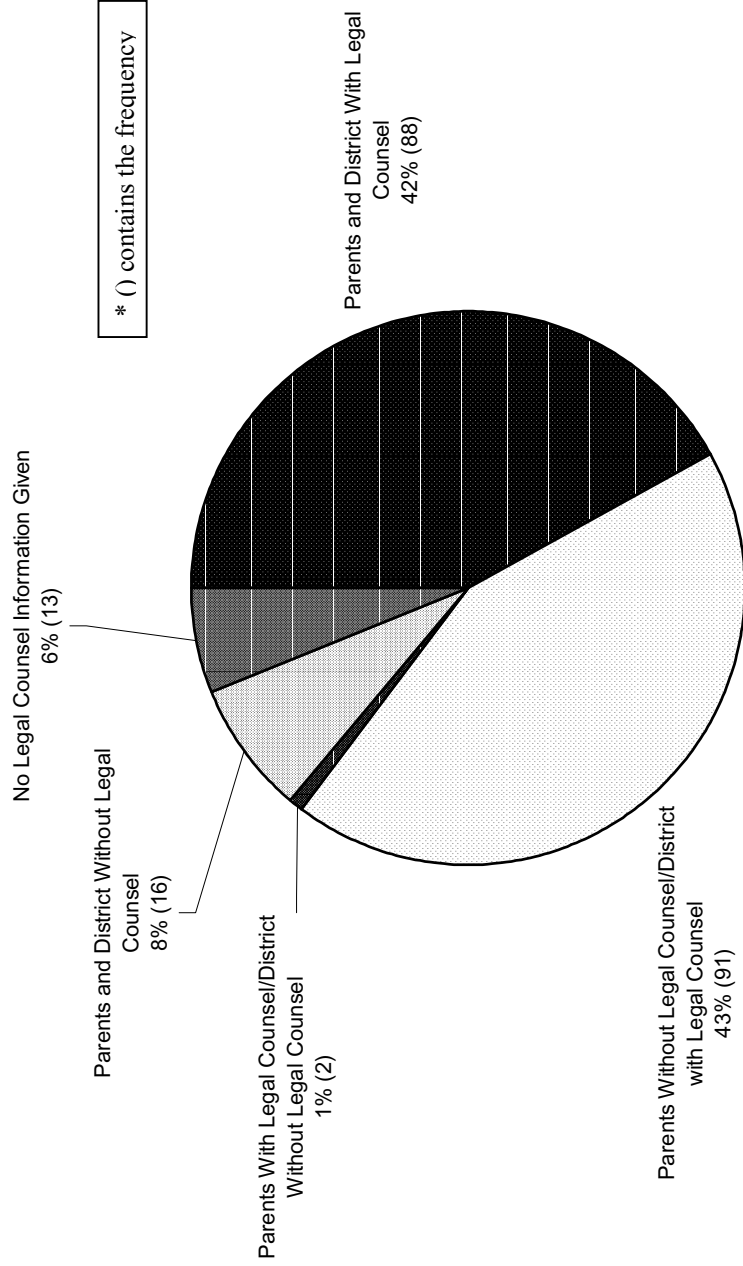
The following pie charts and graphs have many terms on them that could be confusing, so I have decided to define the terms used for these charts and graphs.

- **Legal Counsel-** This means lawyer or law firm.
- **Parent with Legal Counsel-** The parent has either a lawyer or advocate assisting them in the due process hearing.
- **Parent without Legal Counsel-** The parent does not have a lawyer or advocate assisting them, and is representing themselves in the due process hearing.
- **District with Legal Counsel-** The district (i.e. Chicago Public Schools is a district) has a lawyer or law firm assisting them in the due process hearing.
- **District without Legal Counsel-** The district does not have a lawyer assisting them, and is representing themselves in the due process hearing.
- **No Legal Counsel Information Given-** There was no information given on whether there was legal counsel or not for those presented in the due process hearing.
- **In favor of District-** The hearing officer ruled in favor of (the district was correct in their action) the district in this case.
- **In favor of Parent-** The hearing officer ruled in favor of (the parent's position was correct) the parent in the case.
- **Withdraw Complaint-** The parents or district withdrew their request for a due process hearing, either because the issue was resolved, the parent ran out of money to pay their lawyer, or for reasons not mentioned in the due process summary.
- **Both Agree-** This means that both the district and the parents came to some sort of agreement either during the due process hearing, before the hearing, or in mediation for the hearing, and there was a judgment based on that agreement.
- **Case Dismissed-** The hearing officer dismissed the case either on the request of the district, because the hearing officer did not see enough legal reason/evidence to continue with the case, because of lack of response from parents to continue with the case, or because of some other reason.
- **Placement-** The due process hearing was seen because of an issue dealing with the placement of the child.
- **Reimbursement-** The due process hearing was seen because of an issue dealing with reimbursement for services, evaluations, schools, or other not mentioned reimbursement issues.
- **Services-** The due process hearing was seen because of an issue dealing with services either not received, received improperly, or a desire to have services approved to be received in the future. Such as transportation services, extended school year services, transition services, compensatory services, tutoring services, speech and language services, occupational and physical therapy services, psychological services, etc. are reasons some cases are seen.
- **LRE(Least Restrictive Environment)-** The due process hearing was seen because of an issue dealing with the child taught in the least restrictive environment.
- **Discrimination-** The due process hearing was seen because of an issue dealing with the discrimination of a child.
- **Strange Outcome-** This means there was a strange outcome to the due process hearing that I thought needed to be noted.

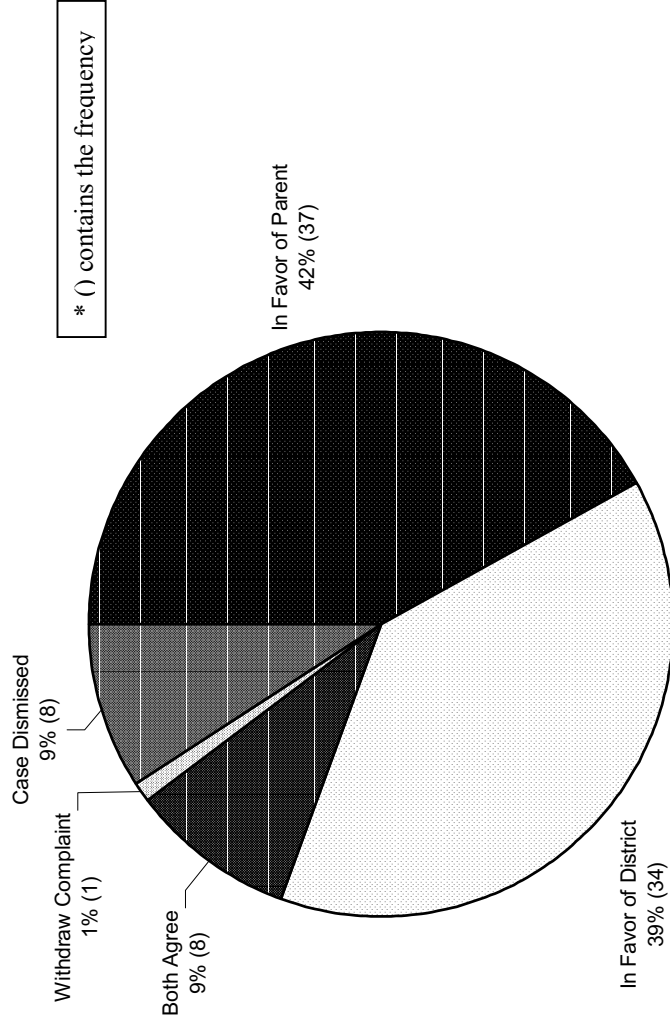
- **FAPE(Free Appropriate Public Education)**- The due process hearing was seen because of an issue dealing with the child receiving FAPE.
- **Evaluation**- The due process hearing was seen because of an issue dealing with either the parent or the district seeking either an initial evaluation, and independent education evaluation at public expense, inclusion of an independent evaluation, triennial evaluation, reevaluation, or proper inclusion of evaluations in the IEP, 504, or determination of special services.
- **Implementation**- The due process hearing was seen because of an issue dealing with the implementation (usually lack of implementation) of services, IEPs, or 504 plans.
- **IEP(Individual Education Program)**- The due process hearing was seen because of an issue dealing with eligibility for an IEP, implementation of the IEP, proper evaluations for an IEP, the way an IEP is written, not following the proper protocols for determining the progress of a child in concern to their IEP and personal goals, and other various concerns with IEPs.
- **Training**- The due process hearing was seen because of issues with the proper training of staff, assistants, teachers, one on one aide for the child, bus aides, and other people related to appropriate services and a FAPE for the child in question.
- **Parent Involvement**- The due process hearing was seen because of an issue in which the parent was not properly included/involved in the decisions and writing of IEPs, placement, and services usually because lack of consideration for parents perspectives, lack of appropriately informing parents of meetings and changes in child's services, lack of including parents in developing the IEP, or other forms of not involving parents in the processes legally necessary as described in § 300.345 Parent participation.

A due process hearing usually falls in several fields under reasons cases were brought forth because there is usually more than one violation or issue being discussed in the case. Most of the fields are decided by the listing in the title of the due process case summary, this title states what field the case is being seen under. Also fields are decided by the summary itself and the fields mentioned in the summary as the issue in which the case was brought forth.

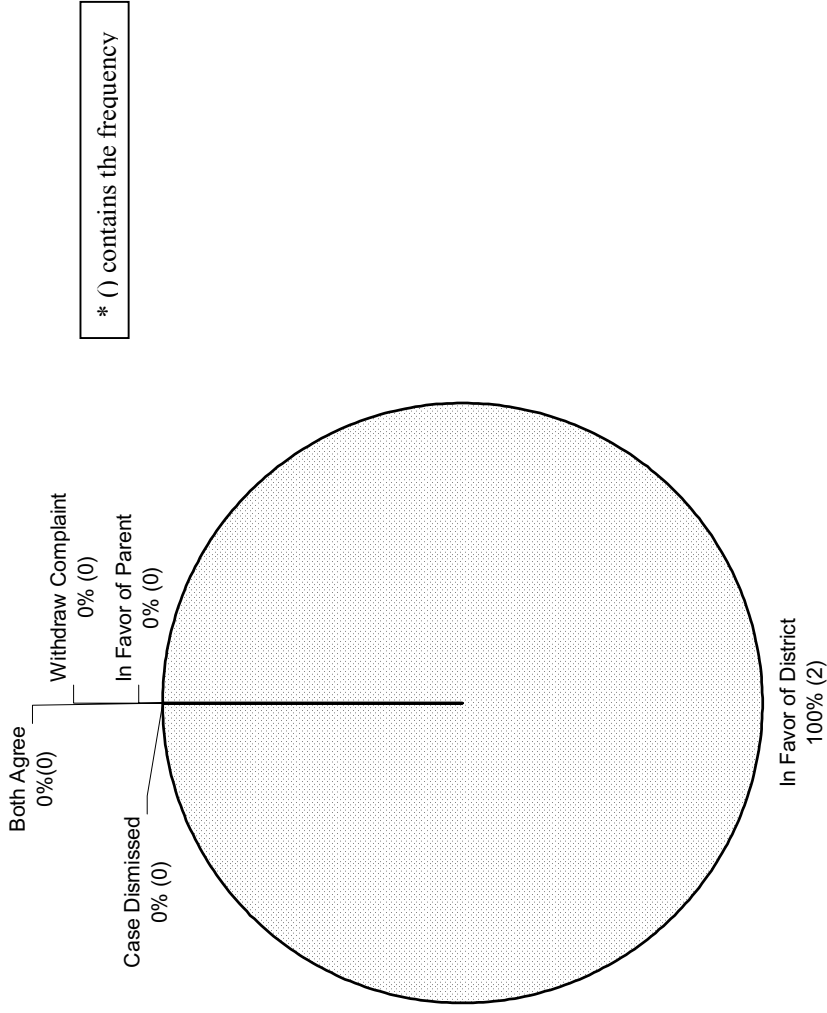
Legal Counsel in Due Process Hearings



Parents and District With Legal Counsel

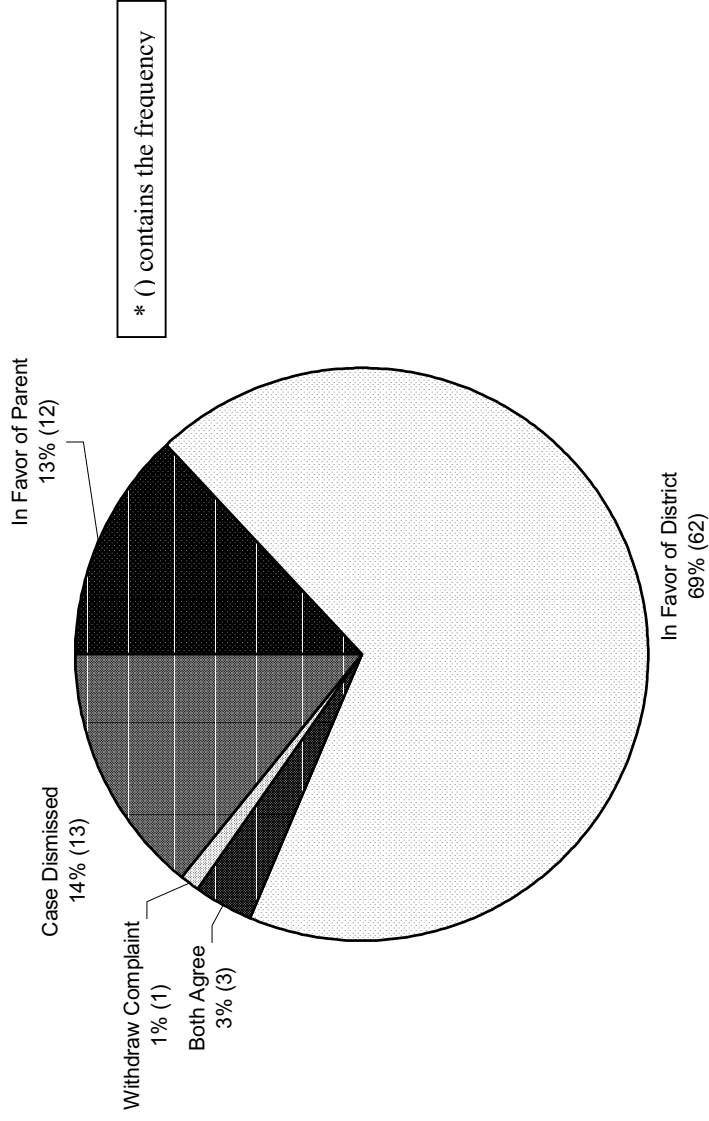


Parents With Legal Counsel/ District Without Legal Counsel

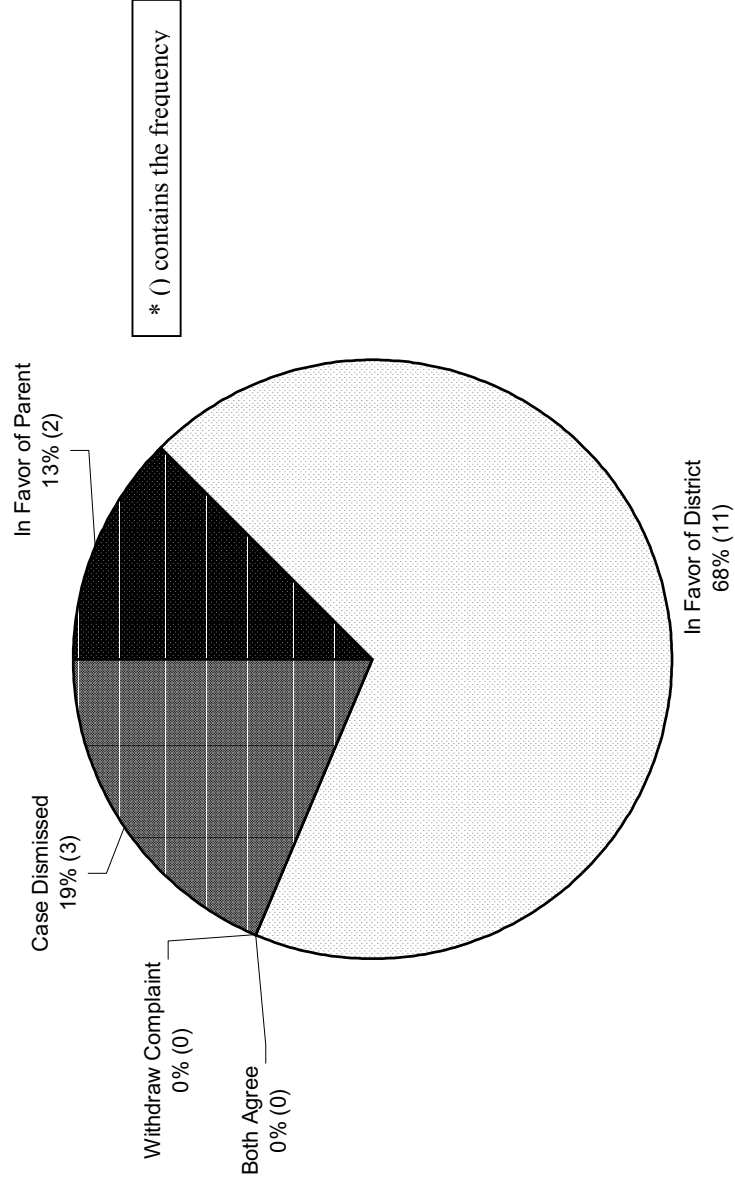


* () contains the frequency

Parents Without Legal Counsel/ District With Legal Counsel

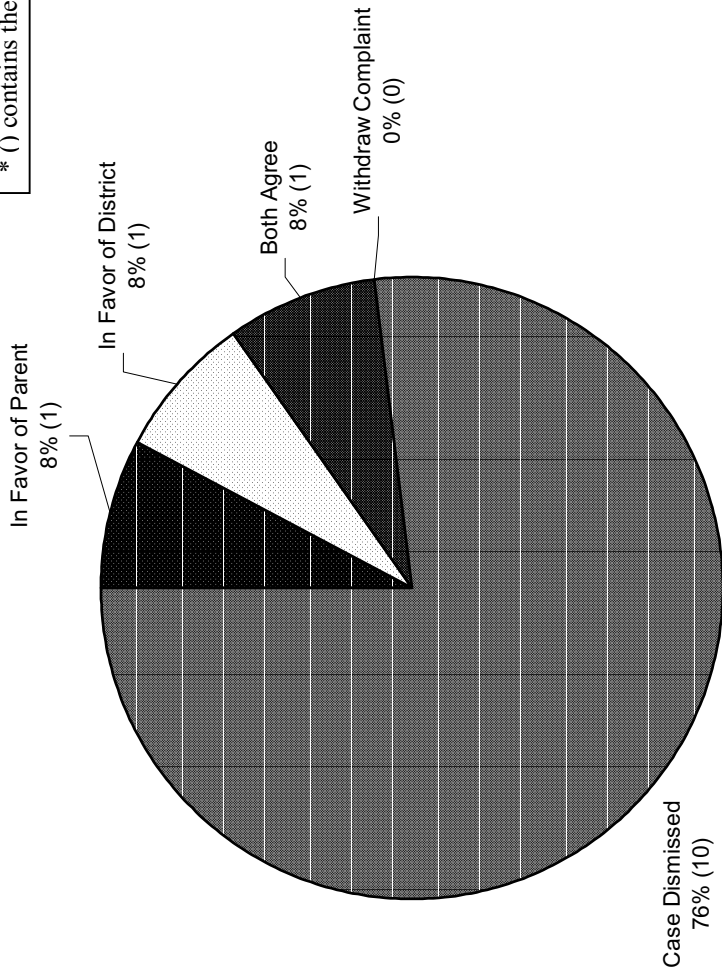


Parents and District Without Legal Counsel

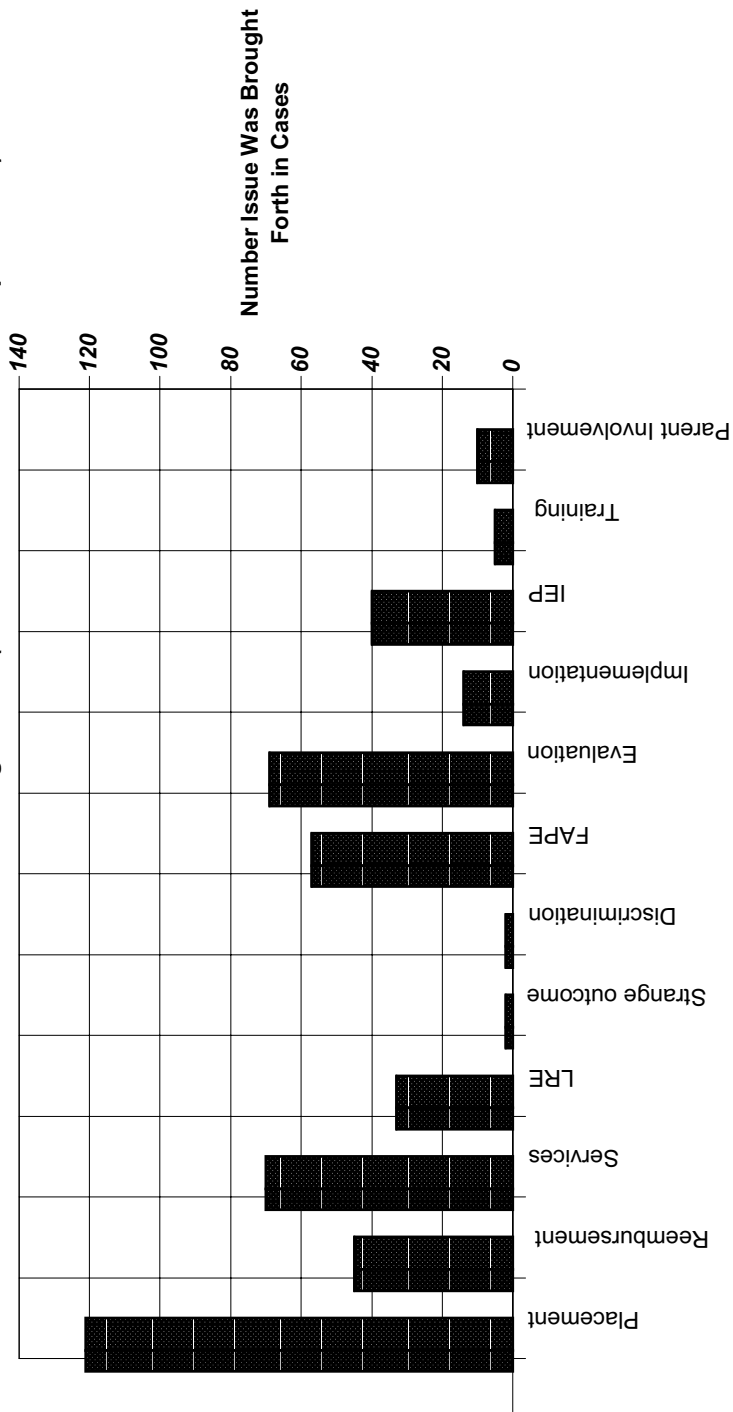


No Legal Counsel Information Given

* () contains the frequency



Reasons Due Process Cases were Brought Forth (Often cases are listed in multiple issues)



Issue Addressed

Issue Addressed	Placement	Reimbursement	Services	LRE	Strange outcome	Discrimination	FAPE	Evaluation	Implementation	IEP	Training	Parent Involvement
Series 1	121	45	70	33	2	2	57	69	14	40	5	10

Crosstabulation of Types of Legal Counsel and Due Process Hearing Outcomes

Outcome

<u>Legal Counsel</u>	In Favor of District	In Favor of Parent	Case Dismissed	Both Agree	Withdrawn Complaint	<u>Total</u>
Parents Without Legal Counsel/District with Legal Counsel	62 (29.5%)*	12 (5.7%)	13 (6.2%)	3 (1.4%)	1 (0.5%)	91 (43.3%)
Parents and District With Legal Counsel	34 (16.2%)	37 (17.6%)	8 (3.8%)	8 (3.8%)	1 (0.5%)	88 (41.9%)
Parents and District Without Legal Counsel	11 (5.2%)	2 (1.0%)	3 (1.4%)	0 (0.0%)	0 (0.0%)	16 (7.6%)
No Legal Counsel Information Given	1 (0.5%)	1 (0.5%)	10 (4.8%)	1 (0.5%)	0 (0.0%)	13 (6.2%)
Parents With Legal Counsel/District Without Legal Counsel	2 (1.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (1.0%)
<u>Total</u>	110 (52.4%)	52 (24.8%)	34 (16.2%)	12 (5.7%)	2 (1.0%)	210 (100.0%)

*(Percent of Total Rounded to Nearest 0.1)

Source: See bibliography page 80.

Crosstabulation done by Matthew P. Vandrush

Focused Crosstabulation of
Types of Legal Counsel
and
Due Process Hearing Outcomes

<u>Legal Counsel</u>	<u>Outcome</u>		<u>Total</u>
	In Favor of District	In Favor of Parent	
Parents Without Legal Counsel/District with Legal Counsel	62 (42.8%)*	12 (8.3%)	74 (51.0%)
Parents and District With Legal Counsel	34 (23.4%)	37 (25.5%)	71 (49%)
<u>Total</u>	96 (66.2%)	49 (33.8%)	145 (100%)

*(Percent of Total Rounded to Nearest 0.1)

Source: See bibliography page 79

Crosstabulation done by Matthew P. Vandrush

APPENDIX C
SURVEY PART 1

January 5, 2004

To Whom It May Concern,

Hello, my name is Betsy Borgacz. I live in Chicago and I am doing my master's thesis on the special education system. By the time I am done with my thesis, I hope to have developed a guidebook for parents of children with disabilities. In my search to answer the questions presented in my thesis, I have resolved that I need to give parents some alternatives. Some alternatives for parents, in my opinion, would be receiving the tools necessary to represent themselves and their special needs children. In order to help parents get a deeper understanding on how to be better advocates for themselves and their children I am looking to develop a database of 10-20 top tips they should know when entering into the education system. I am asking you, as a professional dealing special education, if you could give your top 5 pieces of advice for parents. I will take the top 10-20 common tips and compile them into my guidebook. I appreciate all the help you can provide me. I am sorry about the short notice, but if you could complete the form and email back to me by or as near as possible to January 10, 2004, I would appreciate it.

Thank you for your assistance,

Betsy E. Borgacz

APPENDIX D

SURVEY PART 2

Survey for Betsy E. Borgacz-Advice for Parents

**Please give your top 5 pieces of advice for parents with special needs!
Thank you for your help!**

1.

2.

3.

4.

5.

Additional comments welcome below.