

My Child Has Been Diagnosed, Now What Do I Do?

Navigating the Educational System When Your Child Who Has Special Needs

By Kathy Greco, Esq., October 24, 2019

1. Behavior IS Functional Communication.
 - a. Child behavior is not bad, their behavior is telling us they need something
 - b. "Every time you think of calling a kid 'attention-seeking' this year, consider changing it to 'connection seeking' and see how your perspective changes."
 - c. Can only change behavior if behavior plan is implemented with fidelity
2. Request Educational file, "including documents not contained in the cumm file"
 - a. District has 10 days
 - b. District can charge 10 cents per page, but you can request it digitally
 - c. Review entire file and organize it in a 3 ring binder
3. All communications with anyone at the school IN WRITING.
 - a. Request teacher meeting to get copies of kid's work product
 - b. After review file/homework/classwork/report card: email teacher raising concerns
 - c. ex: "child is not building relationships
 - d. ex: "child does not look at peers ..."
 - e. ex: "if child would only try harder... do their homework ... pay attention... "
4. Right to observe child at school twice per month for 30 minutes
5. CAN Have HOME providers:
 - a. observe child at school
 - i. is behavior plan being implemented with at least 50% fidelity
 - b. Request Data taken on the fidelity (i.e. on person taking the data on your kid)
6. Send written notice to District asking them to do an assessment
 - a. - Send to District Special Ed Director
 - b. if child cannot/will not go to school, District can test at home, district office, as District is legally obligated to child "portal to portal"
7. CHILD FIND
 - a. To age 22! So the district must "find", assess and offer FAPE!
 - b. IF District did not offer find a child with special needs and offer FAPE:
 - i. Can get "compensatory education (i.e. give kid what he should have had)
 - ii. Statute of limitations is 2 years: can only go back 2 years
 - iii.
8. Record all IEP meetings
 - a. Give notice on IEP Notice when sign & return by writing "Will Record IEP Meeting" in middle box
 - b. Or email team notice within 24 hours of IEP meeting
9. Ask for DRAFT of IEP, Email IEP team asking:
 - a. "please email IEP draft 3 days before IEP meeting or reschedule IEP"
 - b. "in order to meaningfully participate in the IEP process"

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10. Email "Parent Concerns" 24 hours before IEP
 - a. District responsible for issues once "on notice"

11. IEP:
 - a. Bring friend/relative/etc., to help with notes & support, so you can participate
 - b. if you feel rushed/don't understand anything, say "stop and explain please, I am trying to exercise my right to participate in the IEP process"
 - c. - CAN ask for CHANGES at IEP meeting, or in an email, as IEP is living/breathing document
 - d. do NOT sign you "agree" with IEP at the meeting, take it home and review
 - e. DO:
 - i. initial attendance....; and
 - ii. Write "Parents give permission to implement proposed IEP" so accommodations start, while you have time to review IEP for understanding/accuracy

12. Intellectual Disability (ID)
 - a. If ID is used to qualify, goals "may" assume child cannot do better
 - b. ex: "child cannot express themselves" so they qualify as ID
 - i. do goals aim to improve communication
 - ii. or assume child cannot communicate

13. GOALS on IEP (District pulls goals out of a goal bank)
 - a. What "grade level" is attached to each goal?
 - i. "water will reach its level"
 - ii. do they aim for him/her to grow (i.e. water level)
 - iii. do they match your child's grade?
 - b. Ask for "Raw Data" on the goals, to see how they determined they were met
 - c. You CAN ask for a NEW Goal at IEP, but know the District gets 4 weeks to evaluate, and discuss at new IEP meeting

14. – IF you do NOT agree with District Assessment
 - a. Ask for an Independent Educational Evaluation (IEE) at District Expense
 - b. They have to respond within a reasonable time (usually 2 weeks, with one of 2 responses:
 - Yes. They will offer you 3p testers, but you can choose others (due your research)
 - No. They then have to file due process

15. Fourth & Sixth Grade = typical ages when FOCUS &/or "executive functioning" issues are noted
 - a. Due to increased demands
 - b. 4th grade – now read to learn, not learning to read(
 - c. 6th grade – more independence, so organization/executive functioning issues show