



Advocating for Your School-Aged Child

By NCLD Editorial Team

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Your child has the right to a free and appropriate public school education. Getting involved in his or her education is among the most important things you can do as your child's advocate. As you'll see below, you have a right to be a part of every decision regarding your child's education, including the process of finding out if your child needs special services. You know your child best, and your input should be considered at every opportunity.

In order to make sure that your child with learning disabilities gets the help he or she needs throughout his or her school career, you should familiarize yourself with your child's rights. These rights are federally mandated by the Individuals with Disabilities Education Act (IDEA).



Your child's rights in determining eligibility for special education and related services

You have the right to request in writing that your child be evaluated to determine if he or she is eligible for special education and related services. This evaluation is more than just a single test. The school must gather information from you, your child's teacher and others who would be helpful. An assessment of your child must then be conducted in all the areas that may be affected by the suspected disability.

If the public school agrees that your child may have a learning disability and may need special help, the school must evaluate your child at no cost to you.

Teachers or other professionals can recommend that your child be evaluated, but the school must get your explicit written consent before any part of the evaluation is started.

If the public school system refuses to give your child an evaluation, they must explain in writing the reasons for refusal, and must also provide information about how you can challenge their decision.

All tests and interviews must be conducted in your child's native language. The evaluation process cannot discriminate against your child because he or she is not a native English speaker, has a disability or is from a different racial or cultural background.

Your child cannot be determined eligible for special education services only because of limited English proficiency or because of lack of instruction in reading or math.

You have the right to be a part of the evaluation team that decides what information is needed to determine whether your child is eligible.

You have the right to a copy of all evaluation reports and paperwork related to your child.

Once you give parental consent to the evaluation, it must occur within a specific timeframe established by the school, which varies, or within 60 days if your state had not designated a timeframe prior to July 1, 2005.

Your child's rights once determined eligible for special education and related services

A meeting to design an Individualized Education Program (IEP) must be held within 30 days of your child being found eligible for

special education services. An IEP should set reasonable learning goals for your child and state the services that the school district will provide.

You and your child have the right to participate in the development of the IEP, along with a team that will include: your child's teachers, a representative from the school administration who is qualified to recommend and supervise special programs and services as well as representatives from other agencies that may be involved in your child's transition services (if your child is age 1 or older). You can also request an advisor to help you better understand your rights and responsibilities as a parent, and request that this person be present.

Your child has a right to the least restrictive environment possible. Unless members of the IEP team can justify removal from the general education classroom, your child should receive instruction and support with classmates that do not have disabilities. Also be sure that special education services or supports are available to help your child participate in extracurricular activities such as clubs and sports.

During an IEP meeting, the IEP team will develop goals for any related services, such as occupational or speech therapy, which could help your child. Be sure the team specifies how often and for how long these services will be provided as well as in what setting the services will be provided. This team will also identify behavioral strategies to support your child's learning in school and at home.

Be sure to discuss what kind of assistive technology devices—such as speech recognition software, electronic organizers or books on tape—could help your child. Assistive technology services include evaluating your child for specific devices, providing the device and training your child to use the device. Also discuss any accommodations such as extra time and/or privacy and whether these are for all tests.

You have the right to challenge the school's decisions concerning your child. If you disagree with a decision that has been made, discuss it with the school and see if an agreement can be reached. If all efforts don't work, IDEA provides other means of protection for parents and children under the law. These other ways of settling your dispute allow parents and school personnel to resolve disagreements. Options include mediation with an impartial third person, a due process hearing or a formal hearing in a court of law.

An IEP meeting must be held once a year and comprehensive re-evaluation must be done every three years unless you and the school agree it is unnecessary. However, you may request an IEP meeting at any time.

Other tips for advocating for your child

Collect as much information as possible.

Be sure to keep copies of all reports and paperwork. Also, keep a log of all the people you speak to, their phone numbers and other pertinent information, as well as the time and date of your call and the details of the conversation. After making a call, you can send a follow-up letter reminding the person of the important points, such as any information they promised to provide you or information you think should be in that person's files. Also learn as much as possible about IDEA and other laws that could help your child.

Talk to your child about school.

Find out what he/she likes and dislikes and what kind of frustrations he/she is experiencing. Understanding what your child is going through is an essential part of being an advocate.

Don't be afraid to ask questions or say no.

It's important to work together with the school to plan your child's education, so make sure you know to what you are agreeing. Don't be afraid to ask for clarification, request further testing, or challenge the school's decision regarding services.

Stay level-headed.

Being involved in a process where lots of people are talking about your child can be very emotional. Remember that the people involved are there to help, even if you disagree with them. You will be most helpful to your child, if you hear everyone out and express yourself calmly and specifically.

Get support from others.

Talking to other parents with children who have similar difficulties may give you ideas and tips you can benefit from. It's also good to team up with other parents to bring your concerns to the school system or agencies.

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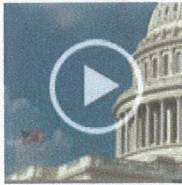


Featured Video: How to Stand Up for Your Child's Rights

Two top LD experts, NCLD's School

Transformation Director Stevan Kukic, Ph.D., and Judy Elliott, Ph.D., offer advice on how parents can stand up for the rights of their child with learning disabilities (LD) and reminds parents that they are their child's number one support. [More >](#)

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Featured Video: What Is the Parent Guide to IDEA?

NCLD Public Policy Director Laura Kaloi

explains our Parent Guide to the Individuals with Disabilities Education Act (IDEA). The guide is an essential tool for parents of children with LD. [More >](#)

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What Is FAPE and What Can It Mean to my Child?

FAPE is the acronym for a Free and

Appropriate Public Education. It is one of the most misunderstood concepts of the Individuals with Disabilities in Education Act (IDEA). And it often causes the greatest conflict between parents and schools. A required component of IDEA, FAPE mandat... [More >](#)

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Knowing Your Child's Rights

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How Parents Can Be Advocates for Their Children

Parents are often the best educational

advocates for their children, especially children with a learning disability. True advocacy is a largely positive process, which should build on your child's strengths and challenges. As your child's best advocate, you are in a unique position t... [More >](#)

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Essential Skills for Becoming Your Child's Advocate

Learning the essential skills to become

your child's advocate and ensure your child receives an appropriate education does not require lots of money or even years of schooling. All it requires is learning five basic skills and consistently implementing them within the school community... [More >](#)

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Advocating for Your Pre-school Child

Being an advocate means knowing how to ensure that your child gets the help he or she needs to be successful. For children who experience learning difficulties, it's never too early to start looking for ways to help them succeed in learning. Even before formal schooling starts, ther... [More >](#)

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How IDEA Can Help You Help Your Child

If a bear cub wanders into your campsite, you know to be extra cautious — because you know somewhere in the underbrush there's a mama bear ready to protect her young. As a parent, your instinct is to protect your child. When it comes to making sure your child is being afforded ev... [More >](#)

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Getting Started At Home

Here are Ten Initial Ways That Parents Can Help Their Children with Learning Disabilities (LD). Learn more about learning disabilities Information on learning disabilities can help you understand that your child does not learn in the same way as other people do. Find out as ... [More >](#)

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Military Families and Students with LD – An Overview

Are you (or your spouse) a member of the U.S. military who is also raising a child with a disability? If so, rest assured you're not alone. According to Congresswoman Susan Davis (D-CA, and Chair of the Military Personnel Subcommittee), there are 100,000 military families with child... [More >](#)

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NCLB and Students who Struggle with Learning

An Online Chat with Candace Cortiella On August 18, 2004, SchwabLearning.org hosted an online chat with Candace Cortiella, a national expert in special education law and an advocate for children with learning disabilities, as well a member of the professional advisory board for the... [More >](#)

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Special Education Laws and Rights for the Military Child

Growing up in a military family has its advantages and adventures, but for kids with learning disabilities (LD) and others who need special education services , the road can be rocky. Whether your child is being evaluated for special education services or is already enrolled, you'l... [More >](#)

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High School Diploma Options and Students with LD

The following is a transcription of the podcast, "High School Diploma Options and Students with LD (audio)." In this podcast from the National Center for Learning Disabilities, Candace Cortiella interviews two experts about high school diploma options and their implicat... [More >](#)

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High School Diploma Options and Students with LD (audio)

In this podcast from the National Center for Learning Disabilities, Candace Cortiella interviews two experts about high school diploma options and their impact on students with learning disabilities (LD). Her guests are Laura Kaloi, public policy director for the NCLD, and Dr. Marth... [More >](#)

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A Parent's Perspective — Twenty Years Later

What have I learned after weaving my way through the special education maze? Knowledge is power — you must be as informed as possible about your child's disability AND your child's strengths. You must know the law and how to use it. You must have good communication skills. You must b... [More >](#)

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Support for Military Families Whose Children Have Special Needs

The following is a transcription of the podcast, "Support for Military Families Whose Children have Special Needs (audio)." In this NCLD podcast, Candace Cortiella speaks with Heather Hebdon, Executive Director of the Specialized Training of Military Parents (STOMP), part... [More >](#)

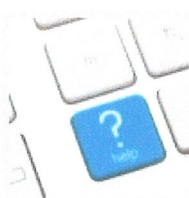
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Making the Most of the Parent Information and Training Network

The following is a transcription of the podcast, "Making the Most of the Parent Information and Training Network (Audio)." Candace Cortiella: On behalf the National Center for Learning Disabilities, I'd like to welcome Connie Hawkins and Jan Serak of the Network of Pa... [More >](#)

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10 Tips for Preparing a State or Due Process Complaint

The Individuals with Disabilities Education Act (IDEA) provides options for resolving disputes between schools and parents. Two of these options are state complaints and due process complaints. Either of these options could be used to address matters involving a school district's d... [More >](#)

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My Child Has LD—Isn't He Automatically Eligible for Services?

Once you learn that your child has a learning disability (LD), you're undoubtedly wondering how to get your child the services he

needs to be successful in school. But services are not automatically given to students when they are identified as having LD. A diagnosis of LD does not ... [More >](#)

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