

Appropriate Educational Placement for Children with Behavioral Health Needs

Sandie Foote BA, CM II, BHRS, Parent



Children that learn together, learn to live together

**For purposes in this workshop
Homebound is not referring
to students
who have been
suspended or expelled**

What is appropriate?

- Varies from child to child
- Least restrictive environment
 - As close to same environment as peers
- Based on data
 - Child's preference and tolerance
 - Doctor's findings (in writing)
 - Academic and psychological testing
 - Adaptive functioning
 - Communication skills

“Coming up with the correct solution may require additional testing to narrow down, diagnose, and set up a treatment plan. It is hard work, but this is what it takes to change a child, not just pass the child on to someone else so he becomes their problem.”

Pete Wright, Esq.

Home is rarely an appropriate educational placement and is not a free education.



What is Homebound Instruction?

OCAS Field Definitions

422* Homebound. When an acute or chronic health condition makes it impossible for the child to attend regular classes, this program permits temporary instruction for the child outside the school setting.

<http://www.sde.state.ok.us/Finance/FinAcct/pdf/OCASManual10.pdf>

NOTE: The local school district determines HOW these services will be delivered

What is Homebound placement?

Homebound placement is for children in special education. This placement is determined by the IEP team and is to be in the least restrictive environment

The child will receive instruction in core areas, in student's home with modifications in their IEP.

NOTE: The local school district determines **HOW** these services will be delivered

SCHOOL PROGRAMS TO SUPPORT CHILDREN WITH SPECIAL NEEDS

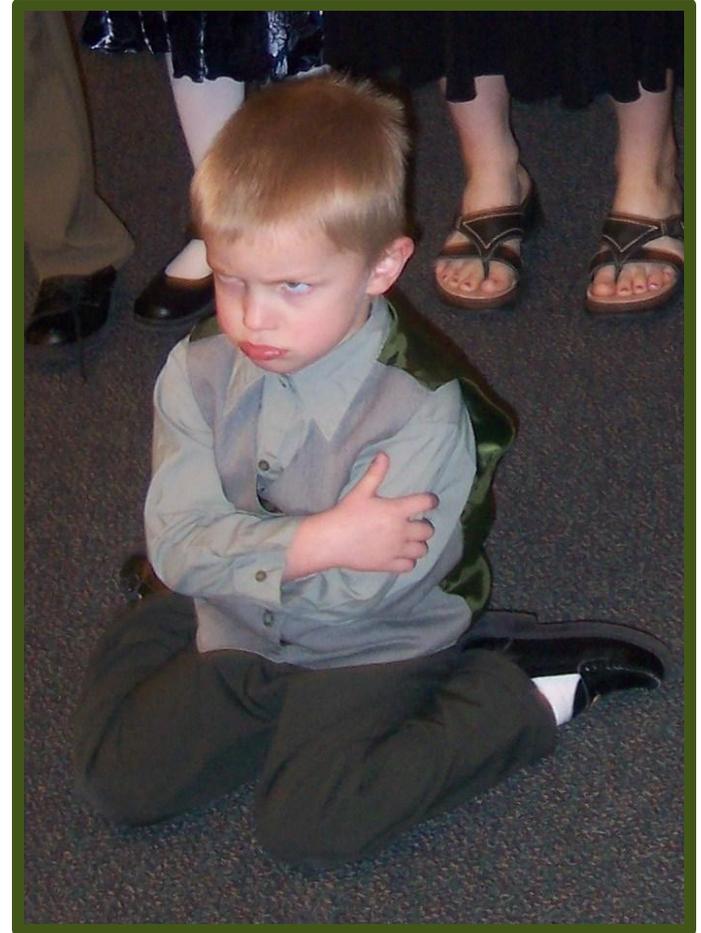


Child Find

- Schools are required to locate, identify and evaluate **all children** with disabilities from **birth through age 21**. The Child Find mandate applies to all children who reside within a State, including children who attend private schools and public schools, highly mobile children, migrant children, homeless children, and children who are wards of the state. (20 U.S.C. 1412(a)(3))
- This includes all children who are suspected of having a disability, including children who receive passing grades and are "**advancing from grade to grade.**" (34 CFR 300.111(c)) The law **does not** require children to be "labeled" or classified by their disability. (20 U.S.C. 1412(a)(3)(B); 34 CFR 300.111(d)).

“If a child is having behavioral difficulties that are severe enough that they are being routinely disciplined at school, a disabling condition should be ruled out under Child Find”

Foote (2006)



What type of difficulties?

- Aggression
- Inability to follow directions
- Self-injury
- “Disobedience”
- At risk behavior (drugs, alcohol, sexual etc.)
- Anxiety (home or school)
- Suicidal (home or school)

Section 504 (ADA)

“Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive **Federal financial assistance** from the U.S. Department of Education (ED).”

Office of Civil Rights (OCR)

Section 504 (ADA)

"No otherwise qualified individual with a disability in the United States . . . shall, **solely by reason of her or his disability, be excluded** from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"

Office of Civil Rights (OCR)

Section 504 (ADA)



**Section 504 is an
access law.**

**Students can not
be denied access
to curriculum,
buildings etc.
because of their
disability.**

Special Education (IEP)

Having a disability does not necessarily make a child eligible for special education.

**Many children have disabilities
And do not need extra educational
assistance or individualized
educational programming.**

Special Education (IEP)

Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having [one of the disabilities listed above] and who, **by reason thereof**, needs special education and related services. *[emphasis added]*

Special Education Categories of Eligibility

The category does not determine the services or the placement of an eligible student.

The IEP team makes this decision based on a variety of data collected.

OSDE disability categories

- **Autism**
- **Deafness-Blindness**
- **Developmental Delay**
- **Emotional Disturbance**
- **Hearing impairment**
- **Intellectual Disability / MR**
- **Multiple Disabilities**
- **Orthopedic Impairments**
- **Other health impairment**
- **Specific learning disability**
- **Speech or language impairment**
- **Traumatic brain injury**
- **Visual impairment, & blindness**



Special Education Least Restrictive Environment

"to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled..."

20 U. S. C. §1412 (5) (B)



Special Education Continuum of Placement

IDEA requires school districts to have

**“a continuum of placements” available,
extending from the
regular education classroom to
residential settings,**

**In order to accommodate the
needs of all children with disabilities.”**

" 34 CFR §300.551 (b) (1).



Under IDEA, lack of adequate personnel or resources does not relieve school districts of their obligations to make FAPE available to each disabled student in the least restrictive educational setting in which his or her IEP can be implemented.

ritten . otice

The parents should receive a OSDE Form 8 Written Notice from the school if their child is found eligible or ineligible for services.

Special Education Parental Rights

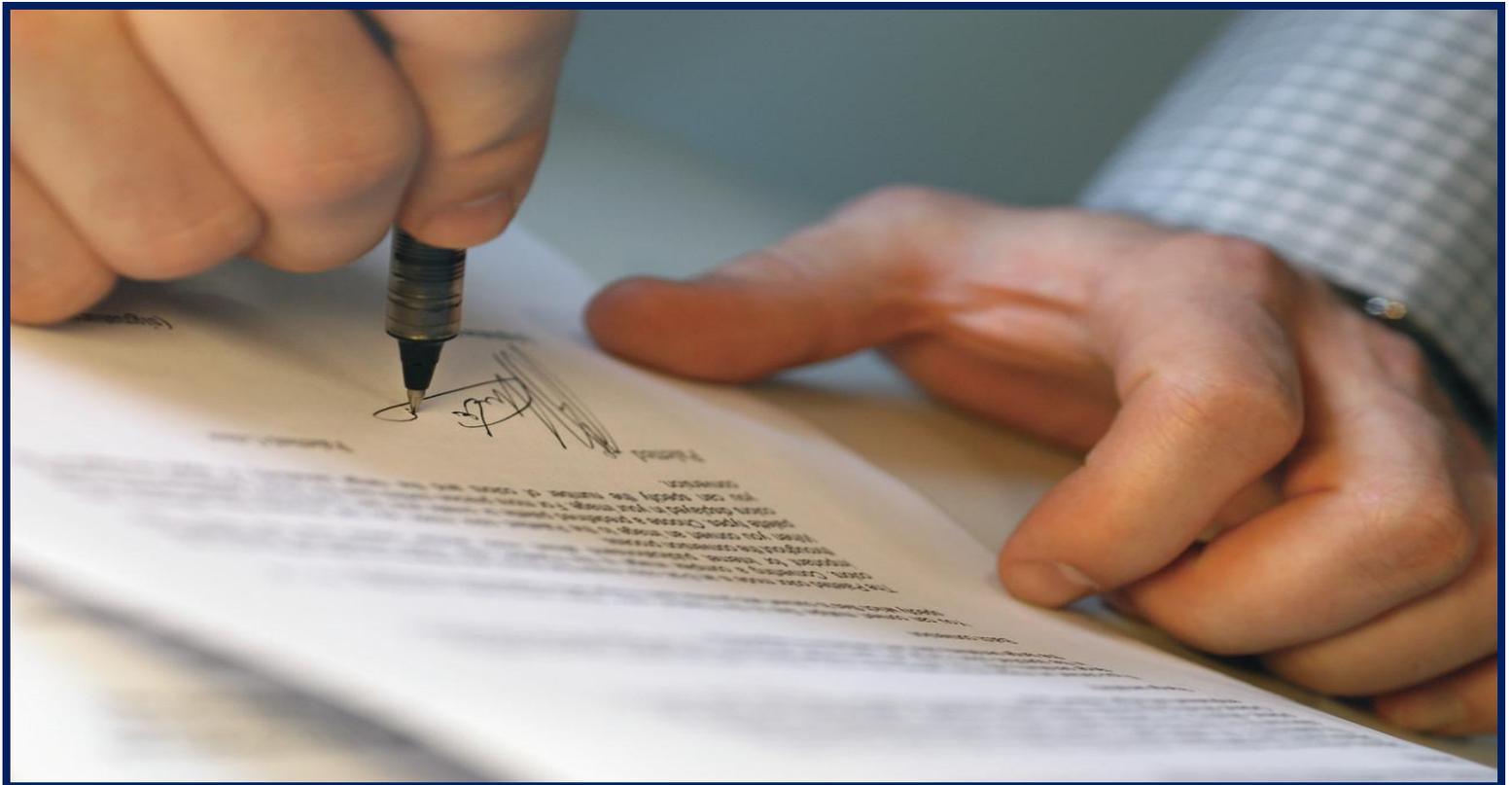
Parents must be given Prior Written Notice of any proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.

ccessi ng er vi ces



**The key is understanding and following
the process**

**Always put your request
in writing**



***If it isn't written it
NEVER
happened!!***



EFFECTIVE LETTER WRITING

- Communicates accurate information
- Provides documentation/paper trail
- Express appreciation/thanks
- Requests information
- Request action
- Describe and event
- Helps us clarify what we want and why

Things to Remember

- After you send your letter you can't change it
- Strangers will read your letter
- People do NOT read angry letters
- People do not read long letters
- People do not like angry letter writers



What to include in your request

- Explain what you would like done. i.e. evaluations to consider special education services
- Explain why you think this is needed
- Offer copies of any testing or other pertinent information
- Include your contact information
- Include a time frame to hear back from school
- cc to key individuals

Getting appropriate services

- Always ask in writing
- Needs to be Data driven
- IEP Team determines the services received
- Parent is part of the IEP Team
- Parent can disagree
- If parent disagrees, follow procedures in Parents Rights



Form 8 Written Notice

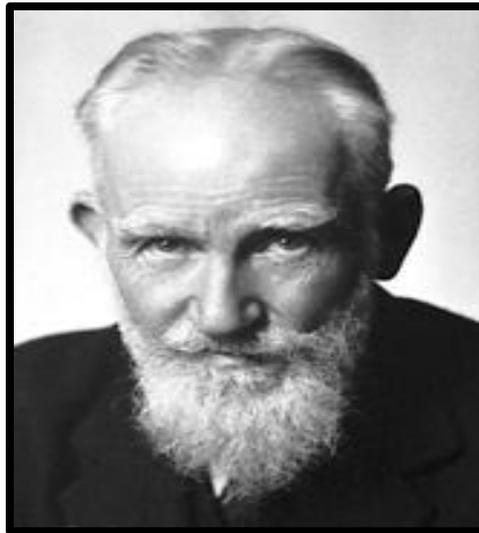
One of a parent's most powerful tools

“Your school district must provide prior written notice to YOU each time it proposes or refuses to initiate or change the identification, evaluation, or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child.”

(OSDE Parental Rights page 1)

“The single biggest problem in communication is the illusion that it has taken place”

George Bernard Shaw



POSITIVE BEHAVIORAL INTERVENTIONS (PBIS)

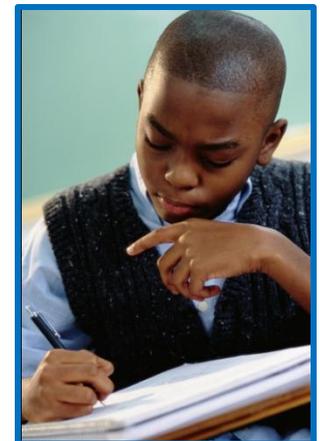


Working together to make things work better

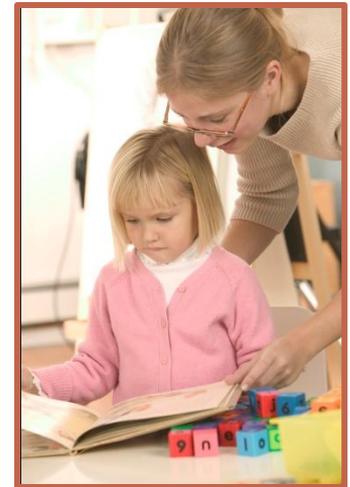
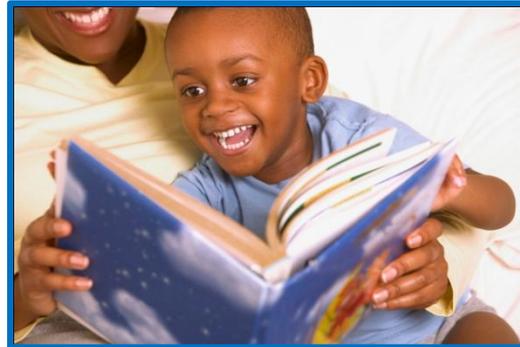
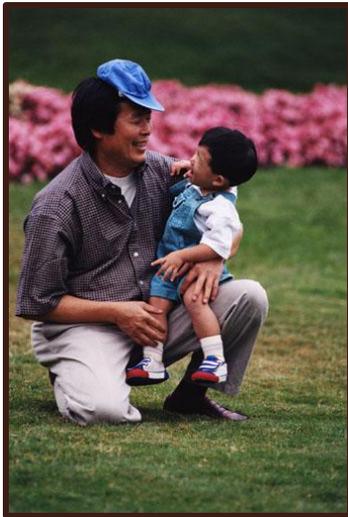
Do you Know that?

Children actually comply with the rules
80% of the time, yet they are
complimented for their appropriate
behavior less than 2% of the time.

Shores, R.E., Gunter, P.L., & Jack, S.L. (1993). Classroom management strategies:
Are they setting events for coercion? Behavioral Disorders, 18, 92-102

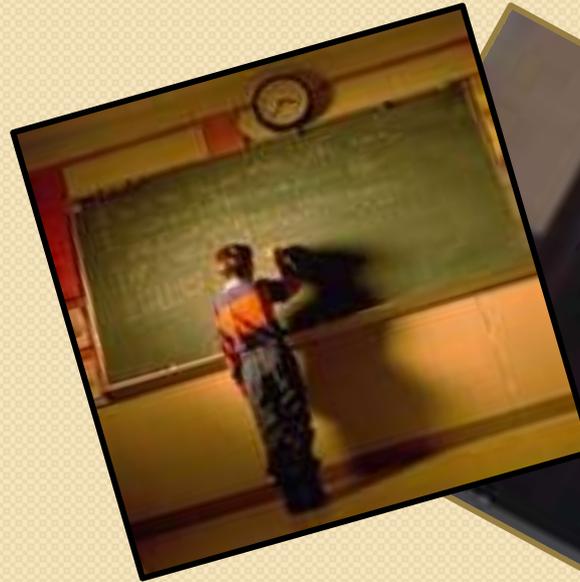


Research indicates that we can improve behavior by 80% just by pointing out what one person is doing correctly.

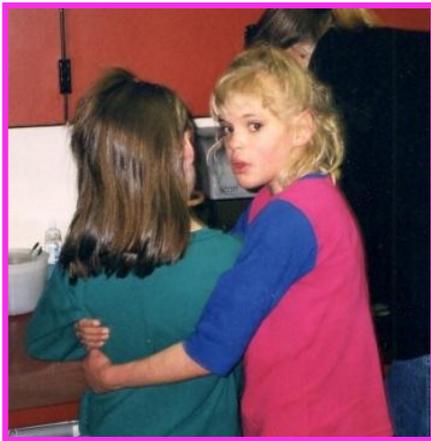


Shores, R.E., Gunter, P.L., & Jack, S.L. (1993). Classroom management strategies:
Are they setting events for coercion? *Behavioral Disorders*, 18, 92-102

Punishment only teaches a child what not to do. It does NOT teach them what they should be doing.



Research demonstrates that students in schools that use school wide positive behavior interventions and supports show reduced problem behaviors improved social skills.



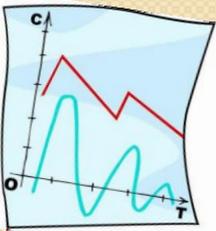
(High Desert Education, 2005), (Anderson & Kincaid, 2005),
and improved academic performance
(Nelson, Martella, & Marchand-Martella, 2002).

Most common assumptions about behavioral problems

- Child is Lazy
- They just don't want to
- The child is disobedient on purpose
- The parents did it

Is there data that supports these assumptions?

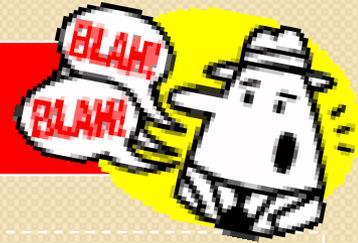




Data is

- **Factual information, especially information organized for analysis or used to reason or make decisions.**
- **Factual information (as measurements or statistics)**
- **information in numerical form**

Data is not



- **A personal opinion**
- **A values statement**
- **A guess**
- **Stating a child is lazy**
- **Stating a child is willfully neglecting work**

What is data?

PBIS Basics

- **School wide** is best, but can be used individually.
- **Rewarding good** behavior so children learn appropriate behavior.
- **Teach** appropriate behaviors in the manner the child learns best.
- **Reducing triggers** in the learning environment .

PBIS Basics

- Uses **consequences** instead of punishment.
- **No Double discipline** (punishment on top of consequence)
- Focuses on **1-2 target behaviors** at a time. Ignore other behaviors.

“Seek first to understand then
be understood.”

Stephen Covey



Functional Behavioral Assessment (FBA)

- Process of information gathering
- Uses tools that are quantitative
- Objective information
- Measures what is happening before, during and after a behavioral issue

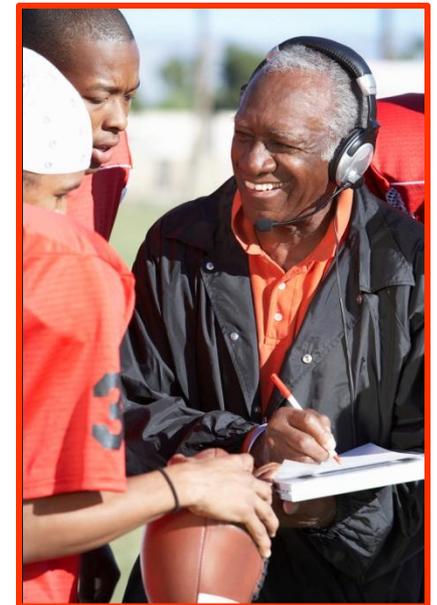
Behavior Intervention Plan(BIP)

- Team uses data from FBA and creates a Behavior Intervention Plan
- Plan how and who will reward good behavior
- How and who will teach appropriate behavior
- Use of effective, developmentally appropriate consequences NOT punishment.

Writing a Behavior Intervention Plan (BIP) without doing a good FBA first, is like taking seizure meds when you really have diabetes.



**When we stop rewarding
expected behavior, expected
behavior goes away.
So every time any adult interacts
with any child, it can be an
instructional moment if we take
advantage of the
opportunity.**



“An Ounce of Prevention is Worth a Pound of Cure”

Ben Franklin



~ Which is why he planned ahead and made sure he was grounded before he experimented with lightning ~

Functional Behavioral Assessment and Positive Interventions: What Parents Need to Know

by Dixie Jordan

Many children have inappropriate behaviors that are part of their disability. These behaviors may make it difficult to learn, cause harm to the child or others, or isolate a child from his or her peers. Some children have behaviors that they can't control, such as tics for a child with Tourette syndrome or self-harming behaviors for some children with developmental disabilities. Some children may be sad or anxious. Others simply have not learned positive ways to have their needs met. In any of these instances, the behaviors interfere with the children's ability to learn the skills they need to be successful.

We can teach appropriate behavior skills to children! To do so, we need to understand problem behaviors, such as where they occur and what purpose they serve for a child. The process of learning about how children develop problem behaviors is called *functional behavioral assessment (FBA)*. If we learn about the behaviors and know when and where they are likely to happen, we can plan positive strategies to teach new behaviors. These strategies are called *positive behavioral interventions*. Teachers and parents will use the information from an FBA to help a child learn new skills. The goal is to teach children how to manage their own behaviors.

This overview will help parents understand functional behavioral assessment and positive interventions. You have a very important role in this assessment, because you have information about your child that no one else has. When you understand the process, you can work effectively with the rest of the team. You will have the tools to make decisions when functional behavioral assessment is proposed for your child. What

you know about your child will be used to help develop effective instruction.

Thinking about behavior

Adults often have two different approaches to dealing with problem behaviors. These different approaches are based on different beliefs. One belief is that the child *is a problem*, and the other is that the child *has a problem*.

The child is a problem

Billy is a 12-year-old sixth-grade student. He refuses to do his schoolwork, and then his teacher does not know what to do. He becomes angry when the teacher reminds him to get to work. He screams, swears, and even throws his work on the floor so the teacher will leave him alone. The teacher may think Billy is lazy, mean, or disrespectful. The teacher may feel angry or threatened. Adults who are angry often use punishment or threats: "Do it or else." We do not always realize that children do not think about their problem behaviors the way we do.

When we punish often, children may see us as un-caring. Some may come to fear or avoid us. Others may become even louder and angrier because of the punishment. Children who do not back down when arguing with adults often receive increasingly harsh punishments. Many adults think children should not be permitted to win disagreements. Children, on the other hand, often say things they do not really mean because they are angry. They may refuse to give up even if they lose privileges or are suspended from school.

When a child is suspended from school for problem behaviors, some people think of it



Technical Assistance ALLIANCE
for Parent Centers
8161 Normandale Blvd.
Minneapolis, MN 55437-1044
952.838.9000
952.838.0190 TTY
952.838.0199 fax
888.248.0822 National Toll-free
alliance@taalliance.org

www.taalliance.org

as “good medicine for bad behavior.” They think the removal teaches the child a lesson and that the child will change the problem behaviors as a result.

But what if that child does not like going to school? He or she may learn that using problem behaviors is a good way to earn a vacation from school. The child may actually want what we think is a punishment.

The child has a problem

Billy, the 12-year-old described earlier, has behaviors that need to change. Let’s assume we have assessment data that give a clearer picture of Billy. We find that he reads at a second-grade level. He was sexually abused at age three by a neighbor. Billy is angry over his parents’ recent divorce and continuing custody battle. He is worried about where he will live.

Clearly Billy’s problem behaviors must change. They are serious and interfere with learning. What we decide to do about the behavior, however, comes from how we feel about it and whether we believe it is willful. That is where functional behavioral assessment comes in. It can help us to identify why Billy is frustrated and angry, so we can help him to learn the skills he needs. A reasonable person would have a hard time believing that punishment alone could help Billy succeed.

Positive Behavioral Interventions

Positive: characterized by or displaying approval, acceptance, or affirmation.

Behavior: what we do.

Intervention: an action that changes a course of events.

(Adapted from Merriam Webster’s Tenth Collegiate Dictionary.)

The 2004 Individuals with Disabilities Education Act (IDEA) states:

The IEP Team shall, in the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

IDEA Section 614 (d)

Positive behavioral interventions are used *before* problem behaviors occur. To develop positive interventions, the team must understand why a child has problem behaviors and what strategies might be helpful. Many dif-

ferent strategies can be used to reduce problem behaviors in school: changing where a child sits in the classroom, adjusting the schoolwork, rewarding the child for positive behaviors. The child’s teacher may speak in a different tone of voice to help the child remain calm. Adults may try to keep calm when the child is angry. The goal is to stop or reduce the problem behaviors so that punishment does not become necessary.

Here is an example: The teacher knows that Mary is more likely to argue with the teacher when she sits next to Mark. If the teacher thinks Mary argues because she wants Mark to notice her, there are several things the teacher can do. She can separate Mary and Mark so that Mary does not try so hard to get his attention. She can also teach Mary more positive ways to gain Mark’s attention and provide positive reinforcement for using the new behaviors.

Behaviors are governed by their consequences

John has a fight (behavior) and is suspended from school (consequence). If John loves school and can control the behavior, the consequence is negative because he has to give up something he wants (school). If John dislikes school, however, he may see that same consequence as positive. He may learn that fighting is a good way to be sent home. The next time John does not want to be in school, what behavior is he likely to use?

Many of us have learned to deal with problem behaviors by doing nothing until they occur. After a child uses the behaviors, we punish. Punishment does not teach new skills, though. Its goal is to stop problem behaviors from continuing. If we do not teach a child what to do instead, the child will probably continue to misbehave. Any time a child uses a behavior that is successful in meeting a need, the behavior is likely to be repeated. The behavior serves a *function* for the child.

Most people agree that we need to have consequences for problem behaviors. We must also focus on teaching the positive behavior skills we would like to see. If we can understand the function of problem behaviors, we can teach a child more positive behaviors that serve the same function, and the problem behaviors are no longer needed.

What is functional behavioral assessment?

Functional behavioral assessment (FBA) is a process for collecting information. The data the team collects are used to help determine why problem behaviors occur. The data will also help identify ways to address the behav-

iors. Functional behavioral assessment data are used to develop a positive behavioral intervention plan. The Individuals with Disabilities Education Act of 2004 specifically requires an FBA whenever a child with a disability has his or her current placement changed for disciplinary reasons. This does not mean that we should not think about FBA at other times, too.

The evaluation requirements of IDEA make it clear that children must be evaluated in all areas related to the suspected disability. This means that if your child has problem behaviors that are not improving, your child may need an evaluation to examine the behaviors more closely. You may request an FBA at any time if your child's problem behaviors are becoming worse, or when the team cannot explain to you why the problem behaviors occur.

There are many reasons a child might misbehave. Some have to do with the nature of the child, such as allergies to dust, foods, or plants. A sinus infection, headache, or toothache can also lead to problem behaviors. Some children have a medical diagnosis, such as bipolar disorder or attention-deficit/hyper-activity disorder that affects behavior. The team's responsibility is to collect data to help it understand why a child has problem behaviors.

The people who complete the functional behavioral assessment use different ways to collect data. School staff may interview you and your child. They observe your child in different settings, such as the lunchroom or classroom, or on the playground. They gather reports from teachers and others. The team reviews your child's records, including any assessments you would like to share.

The results of this process should lead to a *hypothesis* about why problem behaviors occur. A hypothesis is an educated guess, based on the data the team has gathered. Assessment results are used to develop a positive behavior intervention plan.

Behaviors are context-related

Most behaviors are related to their context. This means that behaviors often result from what is happening in the child's world or environment. These are just a few of the factors that may lead to problem behaviors:

- a disagreement between children
- the number of children in a classroom
- the quality of peer relationships
- the size of the classroom

- medicine changes
- the difficulty of schoolwork

Other things, such as who is present and what their expectations are, also affect behaviors. Behaviors may also be a problem when a child is emotionally upset and cannot handle the demands of the environment.

Behaviors serve a function

Problem behaviors usually serve a function, or purpose, for the child. Sometimes we see problem behaviors when a substitute teacher is in the classroom. In this case, we must be careful not to assume that the child doesn't like the teacher or that the child wants to show off for friends. Perhaps the child likes his or her regular teacher and is upset when she is not there. Or the child may be anxious about what to expect with a new teacher. A child who is upset about having a new teacher may use problem behaviors in order to be placed in a less stressful setting. Some children would rather be in a time-out space than in their classroom.

Unfortunately, consequences that improve the behaviors of most students do not work with all. Sending a child to the principal's office, for example, can be ineffective if the consequence does not address the complex function of a child's behavior.

What a child does (the behavior) and *why* a child does it (the function) may be unrelated. Skipping school and getting good grades are two very different behaviors. Yet they may serve the same function for different children—gaining adult attention. Two children may both want to be noticed by their parents; one may study hard to have good grades while the other skips class. They do very different things to get the attention they want. While the function of both behaviors is positive (parent attention), skipping class is not an acceptable way to be noticed.

Behaviors are influenced by events in the environment (antecedents)

What happens in an environment affects behavior. The size of a classroom, the number of students, transitions, or early morning bus incidents are all antecedents that might affect a child's behavior.

It is important to know what leads to both positive and negative behaviors. If teachers and parents understand the conditions that lead to problem behaviors, then changing the conditions may reduce the need for the behaviors.

Positive teaching strategies such as providing structure, routine, and rewards for appropriate behaviors help to increase positive behavior skills.

Steps in conducting a functional behavioral assessment

The Individuals with Disabilities Education Act of 2004 does not define how a functional behavioral assessment is done. The process may vary with the needs of each child. However, several specific steps are always part of this kind of assessment. The process begins with identifying the specific behaviors that must change. If a child has many problem behaviors, it will be important to focus on the most serious one or two behaviors. The problem behaviors are described in a way that helps everyone to understand exactly what the behaviors are. These are typical steps:

1. Identify and agree on the behavior(s) that most need to change.

2. Determine where the behaviors occur and where they do not. Identify what may contribute to the behaviors. The team will ask these kinds of questions:

- What is unique about the environments where behaviors are not a concern?
- What is different in the places where the problem behaviors do occur? Could they be related to how the child and teacher get along? Does the number of other students or the work a child is asked to do cause the problem? Could the time of day or a child's mood affect the behaviors? Was there a bus problem or a disagreement in the hallway?
- Are the behaviors likely to occur in a specific set of circumstances or a specific setting? What events seem to support the problem behaviors?

3. Collect data on the child's performance from as many sources as possible.

4. Develop a hypothesis about why problem behaviors occur (the function of the behaviors). A hypothesis is an educated guess, based on data. It helps predict where and why problem behaviors are most likely to occur, and where and why they are least likely to occur.

5. Identify other behaviors that can be taught that will serve the same function for the child.

6. Test the hypothesis. The team develops and uses positive behavioral interventions that are written into the child's IEP or behavior intervention plan.

7. Evaluate the success of the interventions. Change or fine-tune as needed.

If children have behaviors that place them or others in danger, they may need a crisis intervention plan. Crisis interventions should be developed before they are needed. The team should decide what behaviors are crises and what they (and the child) will do in a crisis. By having a plan that guides actions, teachers can help children through difficult emotional situations.

Behavior intervention plan

An effective behavior intervention plan (often called a behavior support plan or positive intervention plan) is used to teach or reinforce positive behaviors. Typically, a child's team develops the plan. It usually includes:

- skills training to increase appropriate behavior
- changes that will be made in classrooms or other environments to reduce or eliminate problem behaviors
- strategies to replace problem behaviors with appropriate behaviors that serve the same function for the child
- supports for the child to use the appropriate behaviors

A positive behavior intervention plan is not a plan to determine what happens to a student who violates a rule or code of conduct. That would be more appropriately called a discipline plan or a punishment plan.

School discipline policies

The IEP team determines whether the school discipline policies need to be amended for a child, or whether the consequences need to be different from those written into the policy. This decision should be based on evaluation and a review of the records, including the discipline records or any manifestation determination review(s) that have been completed by the school. A child's IEP or behavior intervention plan should focus on teaching skills.

Sometimes school discipline policies are not successful in correcting problem behaviors. That is, the child does not learn what the school staff intended through the use of punishments such as suspension. The child may learn

instead that problem behaviors are useful in meeting a need, such as being noticed by peers. When this is true, it is difficult to defend punishment, by itself, as effective in changing problem behaviors.

One of the most useful questions parents can ask when they have concerns about the discipline recommendations for their child is “Where are the data that support the recommendations?” Special education decisions are based on data. If school staff wants to use a specific discipline procedure, they should check for data that support the use of the procedure. For instance, if your child has been repeatedly suspended from school for a problem behavior, has suspension taught your child the skills he or she needs to learn?

Zero-tolerance policies

Many school districts have zero-tolerance policies that provide immediate negative consequences for specific behaviors. Such policies simply do not provide effective consequences for all children who violate them. If a child with a disability violates a zero-tolerance policy, the consequence may or may not be effective, given that child’s needs. Consequences for problem behaviors must not discriminate against a child based on his or her disability. The IEP team is responsible for determining whether exceptions need to be made to the written school district discipline policy for a student, or whether the student needs a different consequence for misbehaviors than is written into the school discipline policies. Instructional goals may need to be written into the IEP to help remediate the problems a child is having in following school discipline policies.

While some administrators may not want to make exceptions to schoolwide discipline policies established for all students, exceptions are sometimes necessary. Some students who are unable to conform their behavior to the school expectations may need to have individualized consequences that will be more effective in supporting positive behaviors.

In the U.S. legal system, the consequences for breaking a law are generally based on an evaluation of the events around the violation. Yet schools often have one discipline standard for all students regardless of individual needs. They may use the same consequences for all students. Parents must carefully examine school policies to help determine whether modifications need to be made to meet the needs of their child.

Examples of behavioral intervention strategies

Schools use the following common strategies to help reduce problem behaviors and teach children positive behavioral skills.

Stop, Relax, and Think teaches children how to think about the problem they are having and find a solution. Children learn the steps:

1. Define the problem.
2. Decide who “owns” the problem.
3. Think of as many solutions as possible to solve the problem.
4. Select a solution to try.
5. Use the solution.
6. Evaluate its success.

After children understand the steps, role-play and practice can help the process become habit. Helping children to recognize their own response to stress (clenched hands, voice tone, etc.) may become part of the instruction needed to use this strategy effectively.

Planned ignoring is useful in stopping behaviors that are annoying. For example, it is useful for students who yell or interrupt the class to attract the teacher’s attention or that of students who are not prepared for class. Planned ignoring acknowledges that children’s problem behaviors serve a function. If the purpose of a problem behavior is to gain adult attention, then not providing attention means that the behavior does not work. The behavior lessens over time and eventually disappears. Ignoring non-serious behavior is especially useful for parents when their child is having a tantrum for attention. Many adults find it difficult to ignore behaviors, however, especially if the behaviors interrupt what the adult is doing. Also, attention-seeking behaviors often get worse before they eventually go away.

Planned ignoring is not suitable for behaviors that are extremely disruptive. It also may not work if other children laugh at the problem behaviors the adult is trying to ignore. Some behaviors, including those that are unsafe or that include peer issues such as arguing, can grow quickly into more serious behaviors. It may not be possible to ignore these kinds of behaviors. Planned ignoring should never be used for unsafe behaviors. As children grow older and want attention more from their friends than from adults, planned ignoring is less useful.

Preventive cueing (also called signal interference) lets a child know when he or she is doing something that is not acceptable. Teachers or parents can frown, shake their head, make eye contact, point to a seat for a wandering child, or snap their fingers, to let the child know he or she needs to pay attention or to stop the problem behaviors. When using preventive cueing it is important not to smile or look pleased with a child. Preventive cueing may be used in steps, depending on the behaviors and how often they occur or how serious they are. For instance, a hand motion may work the first time or two, but it may need to be combined with eye contact or a shake of the head for the next offense.

Proximity control means that a teacher or adult moves closer to the child in a gentle way. If the teacher does not get the child's attention by using cues, then he or she may move closer to the student or give the lesson while standing near the child's desk.

Touch control, meaning touch that is not resisted, is a nonverbal guided intervention. It is used to direct a student toward positive behavior. For example, a teacher may gently place a hand on a child's shoulder to steer the child back to his or her desk. Touch control should never be used with children who react angrily or when school policy does not permit its use. If a child's records show that he or she has a history of violence, has been abused or maltreated, is anxious, or has a mental illness or psychosis, touch control should not be used, unless specifically agreed to by a physician or psychologist.

Humor directed either at the teacher or the situation—never at the child—can defuse tensions as well as redirect children. Humor must never be used to demean a child or be used in a manner that might encourage others in the class to ridicule the child.

Nonverbal warnings give a child the opportunity to regain control without being singled out for a verbal reprimand. For example, a teacher might place a colored warning cue card or a note on a desk as he or she moves through the room, or hold up the number of fingers that corresponds to the rule being challenged.

Discipline privately. Many children see it as a challenge when teachers attempt to discipline them in front of their peers. Children rarely lose these challenges, even when adults use negative consequences. Young people can gain stature from peers by publicly refusing to obey a teacher. A child is more likely to accept discipline if his or her peers are not watching the process.

Positive phrasing lets children know the positive results for using appropriate behaviors. As simple as it sounds, this can be difficult. Teachers and parents are used to focusing on misbehavior. Warning children about a negative response to problem behaviors often seems easier than describing the positive impact of positive behaviors. Compare the difference between positive phrasing and negative phrasing:

Positive phrasing: "If you finish your reading by recess, we can all go outside together and play a game."

Negative phrasing: "If you do not finish your reading by recess, you will have to stay inside until it's done."

Positive phrasing helps children learn that positive behaviors lead to positive outcomes. This, in turn, can help them gain control of their behaviors.

I-messages, described by Thomas Gordon in his 1974 book *Teacher Effectiveness Training*, helps children learn about how their problem behaviors affect others. It also demonstrates the importance of taking responsibility for one's own behavior. For example, parents or teachers will use language like "I'm upset when . . ." not "You are bad when . . ."

When a child has a good relationship with parents and teachers, I-messages can help him or her to understand how the problem behaviors affect adults. If the child dislikes the teacher, though, using I-statements can be a problem. It may even help the child to more effectively annoy the teacher.

Behavior shaping acknowledges that not all children can do everything at 100 percent. If a child does not turn in papers daily, expecting that papers will be turned in 100 percent of the time is not realistic. By rewarding small gains and reinforcing the gains as they occur, children learn how to stick with a task and to improve the skill.

Clear routines and expectations let children know what comes next in their school day, reducing anxiety or fear. Teachers who post and review the rules daily establish expectations for behavior during the day.

Bibliography

This handout was based on research-validated best practices in the fields of psychology and education. Publications utilized in the development of this information sheet include:

Bullock, L.M., & Gable, R.A. (Eds.) (1997). *Making Collaboration Work for Children, Youth, Families, Schools, and Communities*. Reston, VA: Council for Children with Behavioral Disorders & Chesapeake Institute.

Center for Effective Collaboration and Practice (1998). *An IEP Team's Introduction to Functional Behavior Assessment and Behavior Intervention Plans*. Washington, DC: American Institutes for Research.

Fisher, Jr., W.P. (2004). *Thinking about Validity: The Case of Functional Assessment*. *Rasch Measurement Transactions*, 18(1), 964-966.

Gable, R. A., et al. (1997). *Individual and Systemic Approaches to Collaboration and Consultation*. Reston, VA: Council for Children with Behavioral Disorders.

Kerr, M.M., & Nelson, C.M. (1998). *Strategies for Managing Behavior Problems in the Classroom* (3rd edition). New York: MacMillan.

Lewis, T. J. (1997). *Teaching Students with Behavioral Difficulties*. Reston, VA: Council for Exceptional Children.

Reed, H., Thomas, E., Sprague, J. R., & Horner, R. H. (1997). *Student Guided Functional Assessment Interview: An Analysis of Student and Teacher Agreement*. *Journal of Behavioral Education*, 7, 33-49.

Sugai, G. M., Bullis, M., & Cumblad, C. (1997). *Skill Development and Support of Educational Personnel*. *Journal of Emotional and Behavioral Disorders*, 5, 55-64.

Additional contact information

For additional information on positive behavioral interventions and functional behavioral assessment as well as related topics, contact the following:

ALLIANCE National Center

8161 Normandale Boulevard
Minneapolis, MN 55437-1044
952-838-9000, Voice
952-838-0199, Fax
952-838-0190, TTY
888-248-0822, Toll-free National
alliance@taalliance.org
www.taalliance.org

Center on Positive Behavioral Interventions and Supports

1235 University of Oregon
1761 Alder Street
Eugene, OR 97403
Voice (541) 346-2505
E-mail: pbis@oregon.uoregon.edu
www.pbis.org

American Institute for Research

1000 Thomas Jefferson Street, NW
Washington, DC 20007
202-403-5000
E-mail: inquiry@air.org
www.air.org

.....

.....

Prior Written Notice

Prior Written Notice is one of the important rights in special education for parents. These rights are in a federal law called the Individuals with Disabilities Education Act (IDEA). When a child receives special education services, this law says that schools must notify parents in writing before taking a specific action or before refusing to take an action that parents have requested. For more information, also read the ALLIANCE handout called Informed Parent Consent.

When does the school need to give prior written notice to parents?

The school must tell parents in writing whenever the school proposes or refuses to change the child's

- identification;
- evaluation;
- educational placement or program; or
- free appropriate public education (FAPE)

If you have asked the school district to do something, such as evaluate your child or change your child's special education services, the district may either agree to your request or refuse it. If the school refuses, the school district must tell you in writing how they reached their decision. They will also tell you what you can do if you disagree with their decision.

What is in the written notice?

The notice the school sends to parents must include:

- what the school wants to do or refuses to do;
- why the school wants to do something, or refuses to do it (for instance, place a child in more regular education classes);
- other options school staff considered and why those options were rejected;
- each test or record the school used in making its decision;
- any other information the school

considered in making this decision;

- how parents can get a written copy of their legal rights, if they are not given to them. These rights are called procedural safeguards.
- who to contact for help in understanding your rights.

What else do I need to know?

1. The notice you are given must also:

- be written in language that the general public can understand; and
- be written in your native language or communicated in other ways that parents understand, unless it is not feasible to do so.

2. If a parent does not have a written language the school must:

- translate the information orally or provide it in the way the parent communicates;
- be sure that the parent understands the notice; and
- write down that it has done these two things.

Some Real Life Examples

The following examples show three different parents receiving appropriate prior written notice concerning their children.

Mr. and Mrs. Jones receive a notice from their son's school. The school wants to change Sam's Individualized Education Program (IEP). Sam spends most of his day in a special education classroom. School staff believe that Sam can go back to a regular education classroom with help from a special education teacher. The change means that Sam would go from being in a special education classroom four hours a day to being in the general education classroom six hours a day, with three hours of special education help in this new classroom.

The notice states that Sam's class work shows that he is getting close to doing work at his grade level.



Technical Assistance ALLIANCE
 for Parent Centers
 8161 Normandale Blvd.
 Minneapolis, MN 55437-1044
 952.838.9000
 952.838.0190 TTY
 952.838.0199 fax
 888.248.0822 National Toll-free
 alliance@taalliance.org

The help Sam has received this year and his hard work make it possible for him to go back to the regular education classroom with help. Recent testing shows how well Sam is doing. For these reasons, the school feels this change is right for Sam.

Enclosed with the notice is another paper. It tells Sam's parents about their legal rights and whom they can contact for help in understanding their rights.

After an IEP meeting to talk about physical therapy services, Ms. Romero sends a letter to her son's school saying that her son, Carlos, needs more physical therapy services. She wants the school to increase therapy from two times a week to four times a week.

The school sends a notice to her that says they do not agree. School staff explain that they looked at therapy records and talked to the therapist who works with Carlos. These therapy reports show that Carlos is making good progress and will meet his therapy goals for the year. This is why they do not agree to increasing the services. Ms. Romero also receives information about her legal rights and what she can do if she disagrees with the school.

Mr. Tran receives a notice from his daughter's school. It is written in Vietnamese, his native language. The notice states that school staff believe that April may have a learning disability. They want to test her to see if this is so.

The notice also says that her teacher has been giving April extra help. A special education teacher, who works in the class with other students, has looked at April's work, too. The two teachers say they need to know more about why April is having difficulty in school.

By looking at April's class work and grades, the teachers know she is having trouble with reading, writing and talking. They want to test her in these areas. They also want to do psychological testing to get an idea of how much April can learn.

The notice ends by stating that the school needs written consent from Mr. Tran before they can test April. Enclosed with the notice is another paper, also in Vietnamese, that tells Mr. Tran his legal rights and whom he can contact for help in understanding his rights.

For More Information

If you want to know the exact language in the part of the IDEA that talks about Prior Written Notice, it can be found in: Section 300.503 of IDEA.

For a copy of the IDEA regulations go to: www.taalliance.org.

If you do not have access to the Internet, call the ALLIANCE National Center, at (888) 248-0822.

A Parent's Guide

Communicating With Your Child's School Through Letter Writing

A publication of the National Information Center for Children and Youth with Disabilities

N
I
C
H
C
Y

Throughout your child's school years, there is always a need to communicate with the school's teachers, administrators, and others concerned with your child's education. There are also times when the school needs to communicate with you. This is particularly true when your child has a disability and is receiving special education services. Some of this communication is informal, such as phone calls, comments in your child's notebook, a chat when picking your child up from school or at a school function. Other forms of communication are more formal and need to be written down.

Letters provide both you and the school with a record of ideas, concerns, and suggestions. Putting your thoughts on paper gives you the opportunity to take as long as you need to:

- ◆ state your concerns,
- ◆ think over what you've written,
- ◆ make changes, and
- ◆ have someone else read over the letter and make suggestions.

Letters also give people the opportunity to go over what's been suggested or discussed. A lot of

confusion and misunderstanding can be avoided by writing down thoughts and ideas.



However, writing letters is a skill. Each letter you write will differ according to the situation, the person to whom you are writing, and the issues you are discussing. This *Parent's Guide* will help you in writing

to the professionals involved in your child's special education.

Note: The term "parent" is used throughout this *Parent's Guide* to include natural or adoptive parents, foster parents, surrogate parents, legal guardians, or any primary caregiver who is acting in the role of a parent.

Contents

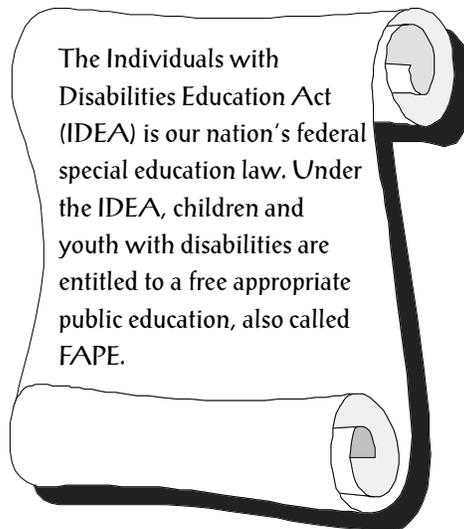
Background Information	2
The Basic Special Education Process under IDEA.	3
Letter Writing in General	6
Sample Letters.	8
Conclusion	23

Background Information

The Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is our nation's federal special education law. Under the IDEA, children and youth with disabilities are entitled to a free appropriate public education, also called FAPE. Using the IDEA as a guideline, each state develops rules on how special education services will be provided to children with disabilities. Each local public school district in every state develops its own policies based on the federal and state regulations. Some states give parents more rights and protections than are in the federal law, so it's important for you to know about your state's special education regulations. Information on how you can get copies of federal, state, and local special education regulations is provided at the end of this *Parent's Guide*.

Under the IDEA, each child receiving special education services must have an Individualized Education Program (IEP). The IEP is a written document that the school and parents develop together. Among other things, the IEP describes the child's needs and lists the services that he or she will receive. A flow chart on the next pages shows how the special education process works, beginning with "I think my child may have a problem" and ending with the services that are provided to your child. If your child is receiving special education services, there will be times you will need to write to your child's school. This *Parent's Guide* provides examples of letters you may want to write—see the list on the right.



The Individuals with Disabilities Education Act (IDEA) is our nation's federal special education law. Under the IDEA, children and youth with disabilities are entitled to a free appropriate public education, also called FAPE.

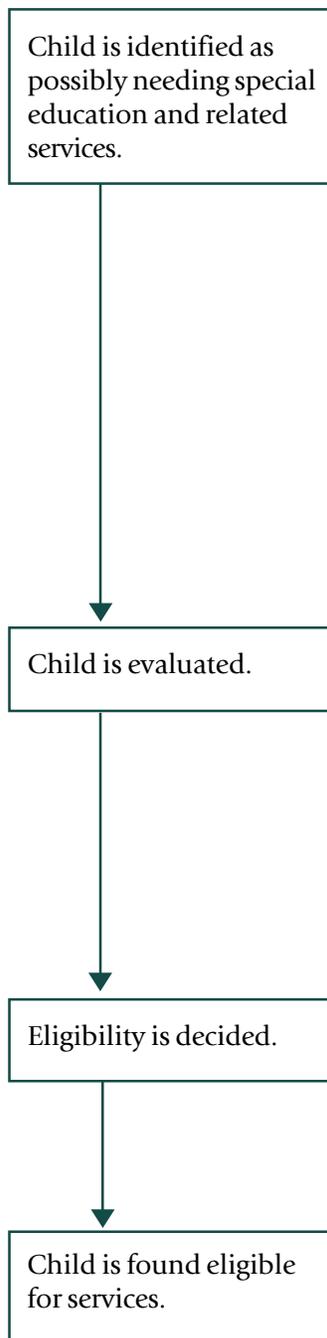
You'll find sample letters in this guide for when you want to:

1. Discuss a problem
2. Request an evaluation for special education services
3. Request an independent evaluation
4. Request a copy of your child's records
5. Request a meeting to review your child's Individualized Education Program (IEP)
6. Request that your child's placement be changed
7. Request that the school give you notice of its intended actions or refusal to take an action (called "prior written notice")
8. Request mediation when you and the school don't agree
9. Let the school know that you intend to place your child in a private school at public expense
10. Request a due process hearing when you and the school don't agree
11. File a complaint with the State
12. Write a follow-up letter
13. Give positive feedback

The Letters in This Guide

The Basic Special Education Process Under IDEA*

Here's a brief look at how a student is identified as having a disability and needing special education and related services.



1

"Child Find." The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct "Child Find" activities. A child may be identified by "Child Find," and parents may be asked if the "Child Find" system can evaluate their child. Parents can also call the "Child Find" system and ask that their child be evaluated. Or—

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a reasonable time after the parent gives consent.

2

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

3

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

4

If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

*This flow chart is drawn from *A Guide to the Individualized Education Program* by the Office of Special Education and Rehabilitative Services (2000), available on-line at: www.ed.gov/offices/OSERS/OSEP/Products/comppubs.html. The document was reviewed by the U.S. Office of Special Education Programs for consistency with the Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17, and the final implementing regulations published March 12, 1999.

Basic Special Education Process under IDEA (cont.)

Once the student has been found eligible for services, the IEP must be written. The two steps below *summarize* what is involved in writing the IEP.

IEP meeting is scheduled.

5

The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

IEP meeting is held and the IEP is written.

6

The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

Basic Special Education Process under IDEA (cont.)

Here is a brief summary of what happens *after* the IEP is written.

Services are provided.



The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Progress is measured and reported to parents.



The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

IEP is reviewed.



The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Child is reevaluated.



At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

Letter Writing in General



As was said in Part A, each state and school district has its own guidelines for special education. These guidelines tell you about the different steps, rights, and responsibilities in the special education process. Call the main office at your child's school and ask for a copy of your district's written guidelines. Also:

- ◆ Put all your requests in writing, even if it's not required by your school district. A letter avoids confusion and provides everyone with a record of your request.
- ◆ Always, always, always keep a copy of each letter you send. It's useful to have a folder just to store copies of the letters you write.

How long will it take to get an answer to my letter?

Some special education guidelines give the amount of time a school has to respond to a parent's request, some don't. The IDEA says that schools must respond in a "timely manner" or within a "reasonable" period of time. Some states and districts actually define this period by a certain number of days. To find out what is true in your area, check your state and local regulations.

If you have not heard from the school within ten working days of sending your letter, phone the office to make sure the school received your letter. Ask when you can expect an answer. If you have asked for a meeting or other services that require coordinating with several other people, it may take some time to do this. However, it is reasonable for the school to let you know that your request is being worked on.

If you need a letter answered in less than ten working days (for instance, if you are moving or have other urgent reasons), let the school know that you have sent—or are delivering—a letter and need a

response as soon as possible (or by a specific date). That way, the staff can try to get you a quick response.

To whom do I send my letter?

Many letters will go to your child's teacher. You will send others to the school principal. In some instances, the letter may need to go to the local Director of Special Education or other administrator. Call the person's office to make sure of the spelling of his or her name and the correct mailing address.

Some school districts handle special education requests at the local school level. Other districts assign this job to different administrative people who don't work right in your child's school building. If you are not sure to whom to send your letter, or cannot get good information on who to write, you can always send your letter to the principal. If the principal is not the one directly responsible for answering your request, he or she still is responsible for giving your request to the right person.

Also, send a copy of your letter to your child's teacher, so that he or she will be aware of what is going on and know of your concerns.

In general, what do I say in my letter?

When writing any business letter, it is important to keep it short and to the point. First, start by asking yourself the following questions and state the answers in your letter:

- ◆ Why am I writing?
- ◆ What are my specific concerns?
- ◆ What are my questions?
- ◆ What would I like the person to do about this situation?
- ◆ What sort of response do I want: a letter, a meeting, a phone call, or something else?

A letter avoids confusion and provides everyone with a record of your request.

Each letter you write should include the following basic information:

- ◆ Put the date on your letter.
- ◆ Give your child's full name and the name of your child's main teacher or current class placement.
- ◆ Say what you want, rather than what you don't want. Keep it simple.
- ◆ Give your address and a daytime phone number where you can be reached.
- ◆ Always end your letter with a "thank you."

What are some other tips to keep in mind?

You want to make a good impression so that the person reading your letter will understand your request and say "yes." Remember, this person may not know you, your child, or your child's situation. Keep the tone of your letter pleasant and businesslike. Give the facts without letting anger, frustration, blame, or other negative emotions creep in. Some letter-writing tips include:

- ◆ After you write your first draft, put the letter aside for a day or two. Then look at it again and revise it with fresh eyes.
- ◆ Read your letter as though you are the person receiving it. Is your request clear? Have you included the important facts? Does your letter ramble on and on? Is it likely to offend, or is the tone businesslike?
- ◆ Have someone else read your letter for you. Is your reason for writing clear? Can the reader tell what you are asking for? Would the reader say "yes" if he or she received this letter? Can your letter be improved?
- ◆ Use spell check and grammar check on the computer. Or, if you don't have one, ask someone reliable to edit your letter before you send it.
- ◆ Keep a copy for your records.

Who can help me with this?

There are many people who can help you with letter writing and other tasks related to your child's special needs. There are disability and parent organizations in every state that can help.

- ◆ Local chapters of state, regional, and national disability advocacy organizations can work with you. Most disability organizations are concerned with issues related to a specific disability as well as broader issues of raising a child with a disability. Their membership often includes both parents and professionals.
- ◆ Each state has a federally-funded Parent Training and Information Center (PTI). The PTI staff can help explain the laws, policies, and procedures for special education in your state. They can also help with problem-solving ideas.
- ◆ Community Parent Resource Centers (CPRCs) also serve families of children and young adults with disabilities. They provide information and training to help families obtain an appropriate education and services for their children with disabilities. They help families connect with community resources.
- ◆ State agencies, like the Developmental Disability (DD) Council, Protection and Advocacy Agency (P&A), or state Department of Education can also help explain procedures and make suggestions.
- ◆ Many states now fund parent resource centers in local school districts. Ask your Director of Special Education if there's a local parent resource center in your area.



Sample Letters



Writing to Discuss a Problem

When might I want to write to my child's school?

Sometimes your child may have a particular problem at school. You may have talked to your child's teacher about this concern. The two of you may have written notes back and forth or talked on the phone. If it seems like nothing is happening to resolve your concern, then you may want to write a formal

letter. Perhaps the informal communication hasn't been as clear as you think. Maybe you feel that the seriousness of your concern isn't fully understood. By writing a letter, the school will learn that you consider the matter to be an important one that needs to be addressed.

You can write about any concern—an IEP issue, a general education issue, school-yard bullying, or the need to help your child's social skills or improve behavior. There are no rules as to the type of problem you can write about. Any school problem is worth writing about if it is having a negative impact on your child and you need the school's assistance to resolve it.

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Principal
Name of School
Street Address
City, State, Zip Code

Dear (Principal's name),

In this paragraph say who you are and give your child's full name and current class placement. Say something positive about your child's situation here, before you state your reason for writing.

BRIEFLY, explain why you are writing. Give *relevant* history and facts that support your concerns. (For example, your 3rd grader is struggling in school and you want to ask for help. You might say that your child's school work has been getting worse throughout the year. That fact is relevant. Talking about something from your child's infancy probably isn't.)

In this paragraph state what you would like to have happen or what you would like to see changed. You may BRIEFLY say what you would *not* like, or what has been tried and not worked. However, spend most of this paragraph saying what you want.

Say what type of response you would prefer. For instance, do you need to meet with someone, do you want a return letter, or a phone call?

Finally, give your daytime telephone number and state that you look forward to hearing from the person soon or give a date ("Please respond by the 15th"). End the letter with "Thank you for your attention to this matter."

Sincerely,

Your name

cc: your child's teacher
other staff



Note:

The "cc:" at the bottom of the letter means you are sending a copy of your letter to the people listed after the cc. If you write to the Director of Special Education about a problem at your child's school, you should copy the principal. If you write to the principal about a problem, you should copy your child's teacher or other staff involved with your child. This follows the "chain of command." It also lets people involved know your concerns and that you are taking steps to resolve these concerns.



Requesting an Initial Evaluation for Special Education Services

When would I request an evaluation for special education services?

If your child has been consistently struggling in school, his or her problems may be due to a disability. If the school thinks your child may have a disability, they will contact you to request your written permission to evaluate your child. Under the IDEA, you also have the right to ask the school to evaluate your child. The purpose of the evaluation is to see if he or she has a disability and needs special education services. This evaluation is free of charge. (For more information on evaluation, see NICHCY's publication, *Your Child's Evaluation*).

Note: If your child has been identified as having a disability by professionals outside the school system, add the sentence below to the end of the first paragraph.

"(Child's name) has been identified as having (name of disability) by (name of professional). Enclosed is a copy of the report(s) I have received that explains (child's name) condition."

If your child has been identified by your doctor or other professionals as having a disability, you will want to include this information in your letter to the school. You should also provide copies of any reports you have received that explain your child's condition.

If you decide to write the school and ask that your child be evaluated, here's an example of what you may want to say.

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Principal or Special Education Administrator
Name of School
Street Address
City, State, Zip Code

Dear (Principal's or Administrator's name),

I am writing to request that my son/daughter, (child's name), be evaluated for special education services. I am worried that (child's name) is not doing well in school and believe he/she may need special services in order to learn. (Child's name) is in the (_) grade at (name of school). (Teacher's name) is his/her teacher.

Specifically, I am worried, because (child's name) does/does not (give a few direct examples of your child's problems at school).

We have tried the following to help (child's name): (If you or the school have done anything extra to help your child, briefly state it here).

I understand that I have to give written permission in order for (child's name) to be evaluated. Before the evaluation begins, I have some questions about the process that I need to have answered (list any questions you may have). I would be happy to talk with you about (child's name). You can send me information or call me during the day at (daytime telephone number). Thank you for your prompt attention to my request.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator)
your child's teacher(s)



Requesting an Independent Educational Evaluation (IEE) at Public Expense

The IDEA gives you the right to have your child evaluated independently. This means you have the right to have your child evaluated by someone other than the staff who work for the school system. The purpose of the evaluation is to see if your child has a disability and, if so, what his or her special needs are. In some cases, you may pay for an Independent Educational Evaluation (IEE). In other cases, the school system may pay for it. If the school system pays for the IEE or sees that the IEE is done at no cost to you, this is known as an *IEE at public expense*. (For more information about an IEE, please see Question #11 in NICHCY’s publication called *Questions and Answers about IDEA*.)

Why would I want to request an Independent Educational Evaluation (IEE) at Public Expense?

Sometimes a family may feel that the results of the school’s evaluation do not accurately describe their child. They may want additional academic tests or medical exams. Or they may

be interested in evaluations in skill areas the school staff did not test. Parents can choose to have their child tested outside the school system, for these or other reasons.

However, if you want *the school to pay* for the IEE, you will need to make your request **BEFORE** any independent testing is done. Some reasons you may want to request an independent evaluation include:

- ◆ You believe the original evaluation was incorrect or incomplete and additional tests are needed.
- ◆ The original evaluation was not done in your child’s native language.
- ◆ The evaluation was not done with the needed accommodations (for example, in Braille or administered by someone who knows sign language).

The school system may agree to your request and pay for the IEE. On the other hand, the school system may deny your request and ask for a hearing to show that its own evaluation was appropriate. You will have the chance at this hearing to state your reasons why the school system should be required to pay for the IEE. An impartial third person (called a hearing officer) listens to and reviews the evidence. This individual then decides if the school system must pay for an independent evaluation. If the hearing officer decides in favor of the school system, you may still obtain an independent evaluation, but you must pay for it. The results of the IEE must be considered by the school in any decision made regarding your child’s free appropriate public education.

<p>Today’s Date (include month, day, and year)</p> <p>Name of Person to Whom You Are Writing Title Street Address City, State, Zip Code</p> <p>Dear (name),</p> <p>My son/daughter, (child’s name), is in the (_) grade at (name of school), in (teacher’s name) class. He/She was evaluated for special education services in (month/year). I am writing to request an Independent Educational Evaluation at public expense, for the following reasons: (BRIEFLY list your reason(s). Be very specific. For example,)</p> <p>“I disagree with the evaluation results because . . .”</p> <p>“The evaluation should have included . . .”</p> <p>“Evaluation should have been done in the area of . . .”</p> <p>I would like this Independent Educational Evaluation to be done as quickly as possible so that we can fully address (child’s name) needs. Please respond as soon as possible and send me copies of the school’s guidelines for this. My daytime telephone number is (give your phone number). Thank you.</p> <p>Sincerely, Your name</p> <p>cc: your child’s principal your child’s teacher</p>	<p>Your Name Street Address City, State, Zip Code Daytime telephone number</p>
--	--

4 Requesting Your Child's Records

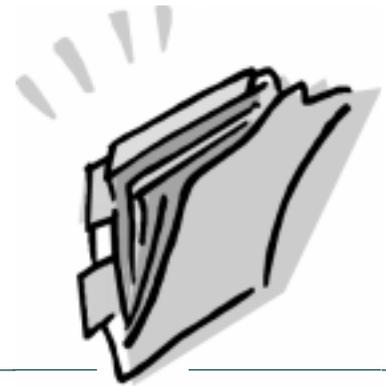
The IDEA gives you the right to look at all of your child's education records. This includes records about his or her identification, evaluation, educational placement, and special education program. You also have the right to ask the school to explain and interpret the records for you. You may ask the school to give you a copy of your child's records. They may charge you a reasonable fee for making a copy. (For more information about school records and your rights as a parent, see Question #22 in NICHCY's publication called *Questions and Answers about IDEA*.)

What might be some reasons to request copies of my child's school records?

School records contain valuable information about your child's strengths and areas of need. These records can provide a formal way of communicating between the professionals at your child's school, you, and other professionals who may work with your child. Here are some reasons you might have for requesting a copy of your child's records:

- ◆ Reviewing records lets you be sure that the records are correct and contain all necessary information.
- ◆ When your family is moving to a new school district, records may need to be sent.
- ◆ When you're taking your child for an independent evaluation, copies of past records may be useful.

- ◆ The records may help the staff at other programs your child attends (like camp, tutors, or in-hospital schools) design their activities.
- ◆ Postsecondary programs may need to see copies of your child's records.
- ◆ It's a good idea to have a copy for your home files, especially if your child is finishing school.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to schedule a time to come and review all of my child's records. My son/daughter, (child's name), is in the (___) grade at (name of school), in (teacher's name) class. I will also need copies of some or all of these records.

Please let me know where and when I can come in to see the records. I need these records by (date). You can reach me during the day at (give your phone number).

I look forward to hearing from you soon. Thank you for your assistance.

Sincerely,

Your name

5 Requesting a Meeting to Review the Individualized Education Program (IEP)

If your child is receiving special education services, he or she must have a written plan known as an Individualized Education Program (IEP). The IEP lists, among other things, annual goals and objectives for your child and the special education services that he or she will receive. You are a member of the team that writes your child's IEP. As an IEP team member, you can ask that your child's IEP be reviewed and revised, if needed. This part of the *Parent's Guide* looks at writing a letter to request that your child's IEP be reviewed.



Why might I ask for a review of my child's IEP?

Some reasons for requesting an IEP review include:

- ◆ Your child has met one, or several, of the goals written in the IEP.
- ◆ Your child does not seem to be making enough progress toward one, or several, of the goals written in IEP.
- ◆ You feel your child needs more services or other services in order to make progress.
- ◆ You feel that your child no longer needs a service he or she is currently receiving.
- ◆ Your child has experienced a major change, such as illness, injury, or surgery.

(For more information about review of the IEP, please see Question #20 in NICHCY's publication called *Questions and Answers about IDEA*. NICHCY also offers *A Parent's Guide: Developing Your Child's IEP*, which you might find helpful when dealing with IEP issues.)

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Your Child's Special Education Teacher
Name of School
Street Address
City, State, Zip Code

Dear (Teacher's name),

I am writing to request an IEP review meeting. I would like to discuss making some possible changes in (child's name)'s IEP. I am concerned about (state your reasons, but don't go into detail about the specific changes you want to make—save those for the meeting).

I would also like to have (names of specialists or other staff) attend. I think his/her/their ideas about the changes we may need to make will be valuable.

I can arrange to meet with you and the other members of the IEP team on (days) between (give a range of time, such as between 2:00 and 4:00). Please let me know what time would be best for you.

I look forward to hearing from you soon. My daytime telephone number is (give your phone number). Thank you for your help.

Sincerely,

Your name

cc: specialists or other staff



Requesting a Change of Placement

Placement means where your child's IEP is carried out. Depending on your child's needs, his or her placement may be in the general education classroom, in a special education classroom, in a special school, in your home, in a hospital or institution, or in another setting. Placement is based on the IEP. Therefore, when you request a change in placement, you are actually requesting an IEP review to discuss your child's needs and where those needs are met.

Why might I ask for a change in my child's placement?

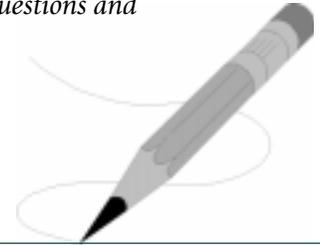
You might want to request a change in your child's placement if you feel that your child's needs are not being met appropriately. For example, you may become concerned about your child's placement after reviewing your child's progress reports; reviewing the results of any state, district-wide, or alternate assessments your child has been given; talking with your child's teacher or other service providers; or talking with your child.

Placement concerns might also include:

- ◆ changes in your child's needs;
- ◆ current class size is too large or too small;
- ◆ current class is too academic or not academic enough;
- ◆ the placement does not meet your child's social or emotional needs;

- ◆ the building is too difficult for your child to get around; or
- ◆ any other reason that this class placement is not working out successfully.

(For more information about placement, please see Question #19 in NICHCY's publication called *Questions and Answers about IDEA.*)



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Principal or Special Education Administrator
Name of School
Street Address
City, State, Zip Code

Dear (Principal's or Administrator's name),

I am writing to request a meeting to discuss a change in placement for my son/daughter, (child's name). He/she is currently in the (___) grade in (teacher's name) class. I feel he/she needs to be in (name of alternative, if you know; otherwise describe the type of placement you feel is more appropriate for your child, such as your neighborhood school, a center-based program, general education class, or special class).

I am most concerned about (keep this paragraph brief and mention your child's unmet needs, not problems with individual people).

I would also like to have (name of teacher(s) and/or any specialists you would like from the current and/or requested placement) attend this meeting.

I can arrange to meet with the rest of the IEP team on (days) between (give a range of time, such as between 8:00 a.m. and 10:00 a.m.). Please let me know what time would be best.

I look forward to hearing from you soon. My daytime telephone number is (give your phone number). Thank you for your time.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator)
your child's teacher(s)
specialists or other staff



Requesting Prior Written Notice

What is prior written notice, and why would I want it?

There are certain times when the school must put in writing its decisions about your child's education and the reasons for those decisions. This written communication is called *prior written notice*. You have the right to receive prior written notice whenever the school wants to (or refuses to):

- ◆ evaluate your child,
- ◆ change your child's disability identification,
- ◆ change your child's educational placement, or
- ◆ change the way in which your child is provided with FAPE.

The school system is supposed to automatically provide you with prior written notice in any of these events. In practice, though, sometimes the school may tell you its decision over the telephone, in a meeting, or in a one-on-one conversation. If you want the notification in writing, you may ask the school system to provide it. And it is best that you put your request in writing.

For example, you may have asked for an IEE at public expense. The school system may tell you on the phone that it has denied your request. You may ask for prior written notice of this denial. The school must then put its decision in writing and explain the reasons for the decision. This information can be helpful if you pursue the IEE through a due process hearing. You will then have in writing the school system's reasons for denying the IEE.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

At our meeting (or) during our phone conversation on (date), we discussed my child's (evaluation, eligibility, placement, IEP, services, etc.). I requested (______). . . and was denied (or) I was told the school intends to (______). . . but I have never received any information about this decision in writing. In accordance with the IDEA regulations, I am requesting prior written notice regarding (be very specific about the issue/decision you want the school to respond to. Bullet or number the items.)

According to the IDEA, at 34 CRF §300.503, prior written notice must include the following:

1. A description of what the school is proposing or refusing to do;
2. An explanation of why the school proposes or refuses this action;
3. A description of any other options the school considered and the reasons why those options were rejected;
4. A description of each evaluation procedure, test, record, or report the school used as a basis for this decision;
5. A description of any other relevant factors that went into this decision;
6. Information on how I can obtain a copy of procedural safeguards available to me under the law and a full explanation of the safeguards, and
7. Information on sources I can contact for help in understanding IDEA's regulations.

I look forward to receiving a detailed response to my request as soon as possible. Thank you for your assistance.

Sincerely,

Your name

cc: the principal, supervisor, or special education administrator
other members of the meeting



Requesting Mediation

When would I make a request for mediation?

Anytime you have a serious disagreement with the school and you feel it isn't getting resolved, you may request mediation. In mediation, you and school personnel sit down with an impartial third person (called a mediator), talk openly about the areas where you disagree, and try to reach an agreement. Mediation is voluntary, though, and *both parties must agree to meet with a mediator*. There are benefits to mediation, both for you and for the school. One of the chief benefits is that mediation allows you and the school to state your concerns and work together to reach a solution that focuses on the needs of the student and is acceptable to both of you.

(For more information on mediation, see Question #25 in NICHCY's publication called *Questions and Answers about IDEA*. A booklet on mediation is also available from CADRE, the Consortium for Appropriate Dispute Resolution in Special Education. You can contact CADRE at (541) 686-5060 for the booklet, or download it from their Web site at: www.directionservice.org/cadre. You may also want to get information on mediation from your PTI or P&A.)



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

My son/daughter, (child's name), currently attends (name of school) and is in the (___) grade in (teacher's name) class. I am writing to inform you that the school and I are in disagreement concerning (BRIEFLY state what the disagreement is about). We have been unsuccessful in resolving this dispute, and I am requesting mediation so that we may resolve our differences.

I would like the mediation to be done as soon as possible. Please let me know when this can be arranged and send me a copy of the school's guidelines on mediation. My daytime telephone number is (give your phone number). Thank you for your assistance in this matter.

Sincerely yours,

Your name

cc: your child's principal
your child's teacher



Informing the School that You Intend to Enroll Your Child in a Private School at Public Expense

What do I do if I think my child's placement should be in a private school?

In a very few cases, the most appropriate placement for a child is in a private school. When this placement decision is made by the public school IEP team or placement group, the public school pays the cost of the private school. Sometimes a parent may feel that a recommended public school placement is not appropriate for his or her child. The parent may reject that placement and decide to enroll his or her child in a private school. If you find yourself facing this decision and you want the public school to reimburse you for the cost of the private school, there are several things you need to know.

1. A court or a hearing officer may require the school district to reimburse you if the court or hearing officer decides that:

(a) the public school did not make FAPE available prior to your child's enrollment in the private school, and

(b) the private placement is appropriate.

2. Your request for reimbursement may be reduced or denied if before enrolling your child in the private school:

(a) at the most recent IEP meeting, you did not inform the school that you reject the proposed placement and intend to enroll your child in a private school at public expense, and

(b) at least 10 business days prior to removing your child from the public school, you did not give the school written notice. (For more information please see Question #28 in NICHCY's publication called *Questions and Answers about IDEA.*)

To the left is an example of a letter you might send if you decide to enroll your child in a private school and want the public school to pay for it.

Once you have sent this letter to the school, you will also need to make a request for a due process hearing so that a hearing officer can decide whether or not the public school must reimburse you for the costs of the private school. See the section on due process on the next page (page 17).



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Principal or Administrator
Name of School
Street Address
City, State, Zip Code

Dear (Principal's or Administrator's name),

My son/daughter, (child's name), is a special education student in the (_) grade in (name of teacher)'s class at (name of school). Recently, I attended a meeting to determine (child's name)'s school placement. I am writing to inform you that I reject the proposed placement for (child's name), and intend to enroll him/her in a private school at public expense. At the most recent IEP meeting, held on (date), I informed the other team members of my decision.

The reasons for my decision are as follows: (Keep this section brief, list specifics for why you believe the public school placement is not appropriate for your child).

(Child's name) will be attending (name of private school), effective (date).

Should you wish to discuss this matter further, I can be reached at (give your phone number). Thank you for your time.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator)
your child's teacher(s)

You've read about due process in other places in this *Parent's Guide*. Due process is one approach that parents and schools can use to resolve disagreements. Basically, in a due process hearing, you and the school present evidence before an impartial third person called a hearing officer. The hearing officer then decides how to resolve the problem.

You have the right to request a due process hearing on any matter related to

- ◆ your child's identification as a "child with a disability,"
- ◆ his or her evaluation,
- ◆ his or her educational placement, and
- ◆ the special education and related services that the school provides to your child.

(For more information on due process hearings, see Question #26 in NICHCY's publication called *Questions and Answers about IDEA*. You may also want to talk to your PTI or P&A.)

When should I request a due process hearing?

Some reasons why a parent might file for due process include:

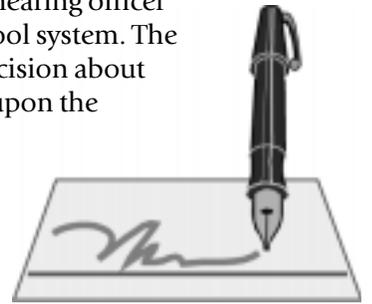
- ◆ The school refuses to evaluate your child.
- ◆ You disagree with the eligibility decision.
- ◆ You disagree with the services, goals, or objectives in the IEP.
- ◆ The school refuses to provide a related service, modification, or supplementary aid you think your child needs.
- ◆ You disagree with the placement decision.

Generally speaking, when the family and school disagree, it is important for both sides to first discuss their concerns and try to reach a compromise. Remember, the goal is to provide an appropriate education for your child. There are many options when deciding what an appropriate education is, and some trial and error may be necessary to develop a successful program for your child.

However, if you and the school have fully communicated, understand each other's positions, tried such strategies as IEP meetings and/or mediation, and you still disagree, you may want to request a due process hearing. A due process hearing is a formal proceeding. As was said above, you and the school system share your information and concerns in front of a qualified, impartial hearing officer. The school system will probably be represented by an attorney. While parents are not required to have an attorney, you are strongly encouraged to have one. Your state's PTI center will have information on special education attorneys in your area. The school system must also tell you about any free or low-cost legal (and other relevant) services available in the area if you request a due process hearing or if you simply request this information.

In the due process hearing, the hearing officer will listen to both you and the school system. The hearing officer will then make a decision about how to resolve the conflict, based upon the evidence and the requirements of law.

How do I request a due process hearing?



Send your letter requesting a due process hearing to the person in charge of due process hearings for the school system. This may be the Superintendent of Schools, or the Director of Special Education, or another school official. You (or your attorney) can call the Director of Special Education in your school system to find out the name, title, and address of the person responsible for due process hearings. Send your request to this individual. Your request will then be given to a hearing officer. The hearing officer is responsible for setting the date, time, and place of the hearing. Unless both you and the school system agree differently, the hearing must be held *and* the decision must be made by the hearing officer no later than 45 days after the school system receives your request for the hearing.

Under IDEA, when you ask for a due process hearing, your request must include:

- ◆ the name of your child;
- ◆ the address of your child's residence;
- ◆ the name of your child's school;

- ◆ a description of the problem, including facts relating to the problem; and
- ◆ how you would resolve the problem, to the extent that a solution is known and available to you as parents.

Also, each state is required to have a model form to help parents request a due process hearing. You are not required to use the model form. However, if you want, you should be able to get a copy of this model from your school system or state department of education.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to request a due process hearing on behalf of my child, (child's name), whose address is (give your child's address, even if it is the same as your own). (Child's name) attends (name of school).

I have met with school personnel in an effort to resolve our differences concerning my son's/daughter's (IEP, placement, testing, or . . .) and have been unable to do so. The nature of our disagreement is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts with bullets or numbers.
- An acceptable resolution of the problem would include . . . (To the extent that you know how you want the disagreement to be resolved, state these facts here, again bulleting or numbering the items if possible.)

Please advise me as soon as possible as to the date and time of this hearing so that I can make the necessary arrangements. My daytime telephone number is (give your phone number).

I also request that this hearing be (open/closed) to persons other than those directly involved. (Child's name) will/will not attend the hearing. Thank you for your assistance.

Sincerely,

Your name

cc: your child's principal
your advocate/attorney



Filing a Complaint with the State Education Agency

What's a complaint, and why would I file one?

You've read about two means of resolving conflicts with the school system: mediation and due process. A third means is filing a complaint with the State Education Agency (SEA). Under IDEA, you have the right to file a complaint when you believe that the state or school district has violated a requirement of the IDEA. The SEA must resolve your complaint within 60 calendar days (not business days) from the day they receive it, unless there are exceptional circumstances with respect to the complaint. The complaint process can be effective in resolving conflicts with the school system and is less costly than a due process hearing.

General information about the state complaint procedure is available in NICHCY's publication called *Questions and Answers about IDEA* (see Question #27). Contact your SEA for information about policies in your state. Whenever you file a complaint (or seek mediation or due process), it is a good idea as well to seek advice from the Parent Training and Information Center (PTI) or the Protection and Advocacy Agency (P&A) in your state. These organizations are listed on NICHCY's *State Resource Sheet* for your state and are available by calling NICHCY at 1.800.695.0285 or visiting our Web site: www.nichcy.org.

You can file a complaint with the SEA about any of the matters for which you might otherwise file a request for a due process hearing, as well as for any other reason you feel that the school system has violated the IDEA. However, be aware that, if you write a complaint on an issue that is also part of a current due process hearing, the SEA will

The PTI or P&A in your state can help you identify the specific sections of IDEA to list in your complaint.

not investigate this issue. The due process hearing takes precedence over the complaint process. The SEA will only investigate those issues in your complaint that are not part of your due process hearing.

Some examples of issues you might write a complaint letter about include:

- ◆ Your child is denied the opportunity to attend or participate in school-sponsored events, such as field trips or after school activities.
- ◆ Your child has a shorter school day, because the special education students arrive later or are dismissed from school earlier than the general education students are.
- ◆ You use mediation to resolve a disagreement with the school, but the school fails to implement the signed agreement.
- ◆ The school fails to give you appropriate prior written notice. Or,
- ◆ You have a decision from a hearing officer that the school district is not implementing.

How do I file a complaint with the State Education Agency?

Your state's policies for filing a complaint should be included in its IDEA regulations. Call your local special education office or the SEA if you need more information about the policies. Also ask for the name and address of the person to whom you should write your letter. Your complaint must be signed. It must also contain:



- ◆ a statement that a public agency (for example, your school system) has violated a requirement of Part B of the IDEA or its regulations, and

- ◆ the facts on which you base this statement.

The letter on the next page (page 20) is an example of how you might write this complaint. Note that it is important to state what requirement of the law has been violated. The PTI or P&A in your state can help you identify the specific sections of IDEA to list in your complaint.

Sample Letter 11: Filing a Complaint with the State Education Agency

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to file a complaint on behalf of my son/daughter, (child's name), regarding his/her education in the (name of school district). The nature of my complaint is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts that support your complaint with bullets or numbers.

For the above reasons, I believe the school district is in violation of certain requirements in the Individuals with Disabilities Education Act, specifically: (list the requirements of IDEA you feel the school system has violated. For example,

"The school system has violated the following requirements of the IDEA:

- to consider whether my child needs assistive technology services or devices, as required by Section 300.346;
- to make available to my child assistive technology services and devices, as required by Section 300.308; and
- to include in my child's IEP a statement of the special education, related services and supplementary aids and services, including assistive technology, that he/she needs as required by Section 300.347.")

Enclosed are copies of relevant documents and correspondence I have sent to and received from the school district concerning this matter. These documents are (List the documents you have enclosed, giving the date sent, by whom, to whom, and the issue discussed.)

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (give your phone number). Thank you.

Sincerely,

Your name

cc: school district special education director
your child's principal
your advocate/attorney

What do I do if I don't get a response to my first letter?

When you have written a letter making a request, you should get a response from the school system, either by telephone or in writing, within a reasonable period of time. In some cases, "reasonable" is defined (for example, local policy may say the school must answer you within 15 working days). In other cases, the timelines are not exact. So, be reasonable in your expectations. But if you feel too much time has passed (10 working days or so) without receiving a response to your letter, then call and ask if your letter has been received. If you are sure the school has received your letter (some parents send their letters by certified or registered mail), then ask when you can expect an answer. More than likely, when you call you will talk to a secretary or administrative assistant. Leave a message for the person you wrote to; ask that person to call you back.

If your request still goes unanswered, then you may want to write again. It's useful to enclose a copy of your original request with this letter. Be sure *not* to send your only copy. Remember, you always need to have a copy for your records.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person To Whom You Originally Wrote
Street Address
City, State, Zip Code

Dear (name),

I wrote to you on (date) and also called to make sure you had received my letter. I left a message for you to call me back on (date), but since I have not heard from you, I thought it best to write again.

I am writing to request . . .

Enclosed is a copy of my first letter to you.

I would like to hear from you by (give a date, 3-5 working days). Thank you for your prompt attention to this matter.

Sincerely,

Your name

Enclosure

Once you've begun to write letters, be sure to write when things are going well, too! If a teacher, therapist, or other staff member has made good things happen for your child, let them and their supervisors know. Everyone likes and needs compliments and encouragement from time to time. Positive feedback is what keeps good schools running well. Just as you want to know "how it's going," so does the school staff.

Good communication, team work, and effective schools take a lot of hard work. There's an old saying that goes, "Things can go wrong all by themselves, but you have to work hard to make things go right." This statement applies doubly to maintaining a successful parent-professional working relationship. Be sure your child's teacher(s), principal, and superintendent also hear from you when things are going right.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing

Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to let you know how very pleased I am with the education my son/daughter, (child's name), is receiving at (name of school).

(Child's name) has had great success with (briefly say what is going right). In particular, (name the professionals working with your child and how they have made a difference).

I look forward to (child's name) making continued progress. Thank you for all your efforts, and those of your staff.

Sincerely,

Your name

cc: If you write to the school district's Superintendent or Director of Special Education, make sure to copy the people who directly deserve recognition for your child's success—the principal, teachers, and other staff.

Conclusion

Writing letters is an important part of communication. As your son or daughter goes through school, you may have many occasions to write a letter. In advocating for your child's needs, it is important to be able to write in a way that is effective and to the point.

When you communicate your thoughts, ideas, and concerns, you define your child's needs. When you emphasize the positive aspects of your child's education, you

develop a good working relationship with the professionals in your child's life. When you convey "what works" rather than spending time and energy on what doesn't work, you become a stronger advocate for your child.

When you need to state concerns or problems in writing, do so in a factual, non-emotional, and businesslike way; this will ultimately help you get the results you want for your child.



And a final note...

How to Get the IDEA Regulations

The IDEA regulations are in the *Code of Federal Regulations*, or CFR. They were published March 12, 1999 and are referenced as 34 CFR, Part 300.

On the Web, you can download a copy of the federal regulations.

www.ed.gov/offices/OSERS/IDEA/regs.html

www.ideapractices.org

To get a copy by mail:

Contact EDPUBS at: 1.877.433.7827 (voice), 1.877.576.7734 (TTY/TTD), or order on-line at www.ed.gov/pubs/edpubs.html.

Call or write the Government Printing Office at (202) 512-1800, Government Printing Office, Superintendent of Documents, P.O. Box 37195-7954, Pittsburgh, PA 15250.

How to Get a Copy of State or Local Special Education Regulations

- Ask for state special education regulations from your state department of education. Look in the Blue Pages of the phone book for the number.
- Ask for local school district regulations from your local school board office or from the director of special education for your district.

NICHCY *Parent Guides* are published in response to questions from individuals and organizations that contact us. NICHCY also disseminates other materials and can respond to individual requests for information. For further information or assistance, or to receive a NICHCY *Publications Catalog*, contact NICHCY, P.O. Box 1492, Washington, DC 20013. Telephone: 1.800.695.0285 (V/TTY) and 202.884.8200 (V/TTY). You may also e-mail us (nichcy@aed.org) or visit our Web site (www.nichcy.org), where you will find all of our publications.

NICHCY thanks our Project Officer, Dr. Peggy Cvach, at the Office of Special Education Programs, U.S. Department of Education.

Director Suzanne Ripley
Assistant Director Donna Waghorn
Authors/Editors Theresa Rebhorn & Lisa Küpper

This information is copyright free. Readers are encouraged to copy and share it, but please credit the National Information Center for Children and Youth with Disabilities (NICHCY). Please share your ideas and feedback with our staff by writing to the Director of Publications.



**National Information Center
for Children and Youth with Disabilities**

P.O. Box 1492
Washington, DC 20013-1492
800.695.0285 (V/TTY)
202.884.8200 (V/TTY)
E-mail: nichcy@aed.org
Web: www.nichcy.org



Publication of this document is made possible through Cooperative Agreement #H326N980002 between the Academy for Educational Development and the Office of Special Education Programs of the U.S. Department of Education. The contents of this document do not necessarily reflect the views or policies of the Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

The Academy for Educational Development, founded in 1961, is an independent, nonprofit service organization committed to addressing human development needs in the United States and throughout the world. In partnership with its clients, the Academy seeks to meet today's social, economic, and environmental challenges through education and human resource development; to apply state-of-the-art education, training, research, technology, management, behavioral analysis, and social marketing techniques to solve problems; and to improve knowledge and skills throughout the world as the most effective means for stimulating growth, reducing poverty, and promoting democratic and humanitarian ideals.

Resources

- **What Are the School's Obligations to a Child with Severe Emotional & Behavior Problems?**
by Pete Wright, Esq.
<http://www.wrightslaw.com/info/discipl.behav.obligate.htm>
- **Book: "The Explosive Child" by Ross Greene**
Website: <http://www.livesinthebalance.org/>
- **Office of Civil Rights (ADA or 504)**
<http://www2.ed.gov/about/offices/list/ocr/504faq.html>
Phone: 1-800-USA-LEARN (1-800-872-5327)
Spanish speakers available (se habla español)
TTY: 1-800-437-0833
- **Office of Civil Rights Complaint Process**
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>
- **Section 504 & ADA: Civil Rights Law and Protection from Discrimination**
by Pete Wright, Esq.
<http://www.wrightslaw.com/info/sec504.index.htm>
- **Book: From Emotions to Advocacy, 2nd Edition**
by Pam Wright & Pete Wright
- **Paper Trails, Letter Writing & Documentation**
Wright's Law website: <http://www.wrightslaw.com/info/ltrs.index.htm>
- **Sample Letters**
<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>
- **Parent Information and Training Centers handouts**
<http://www.taalliance.org/publications/handouts.asp>
- **Functional Behavioral Assessments and PBIS**
<http://www.taalliance.org/publications/pdfs/all12.pdf>
- **PBIS Laura Riffel**
<http://www.behaviordoctor.org/>
- **PBIS Safe and Civil Schools (Randy Sprick)**
<http://www.safeandcivilschools.com/>
- **OSEP PBIS Technical Center**
<http://www.pbis.org>