



Advocating Effectively For Your Child

By Michael I. Inzelbuch, Esq.

Responsible child advocacy is one of the hallmarks of the Individuals with Disabilities Education Improvement Act ("IDEIA"), the Federal legislation that governs much of special education in the United States. However, despite specializing in this detail oriented area of law for some ten years (primarily as an attorney representing the interests of children), until this day I am still amazed by the number of parents who elect not to take an active and constructive role in the process which develops a child's educational program and, more importantly, establishes the foundation for his/her future. It is my fervent hope that this article will persuade those parents who, to date, have not actively participated and will provide parents with some knowledge so they can effectively advocate for their child (see sidebar about parents rights).

When speaking of their child's needs, parents should focus and stress what is "special" and "unique" about their child, the truly "individualized" needs, and not argue or demand only "the best" the "optimum." This may sound like an attempt to minimize the advocacy efforts of parents, but in fact represents what much of the legal decisions in this area of the law dictates. In addition, if a parent requests "the best" for his/her child, although it may be based on the noblest of intentions, I have often seen school districts summarily dismiss such requests based on school official's knowledge of the aforementioned legal standard. I have also seen school districts misuse parental demands as wishful thinking, often wrongly characterizing the parents as being in denial and somehow thinking that more services or the best program will somehow make little David or Rachel better. Avoid this at all costs!!! Stress your child's needs in terms of what is needed for him/her to progress and what is appropriate for him/her to acquire knowledge and benefit at his individualized level and based on his/her unique needs.

It is also important to remember that for the benefit of obtaining the most for your child, one should attempt to be cooperative rather than hostile, demanding or highly emotional (although I know that this is easier said than done). Parents, or actually the child, lose when parents come to meetings (sometimes with alleged advocates who often are advancing other issues other than your child or even attorneys not skilled in this area of the law) when they appear to dictate their personal wishes to school officials, rather than trying to participate in what is intended to be a collaborative process as to the child's individualized educational needs. School districts may take similar dictator-like positions by deciding where a child will attend school or what goals and objectives will be utilized before meeting the child or actively listening to the parents. This tramples upon the requirements of IDEIA, and such self-serving actions should be challenged.

WHAT CAN I DO FOR MY CHILD?

Learn everything you possible can about your child's diagnosis, abilities and needs. Many

books and magazines exist at the library or Jewish book stores which provide readily understandable information. Become familiar with the rules and regulations that apply to your child's program. Request copies of these from your local school district or from your State Department of Education. (They are required to process this information and provide it to you upon your request.)

Seek out other parents and established organizations whose goal is to help parents.

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PARENTS RIGHTS

Recently, the United States Supreme Court affirmed this integral right of parents. Specifically, the Supreme Court, in part, stated that the goal of IDEIA is to ensure that all children with disabilities have available to them a free and appropriate public education ("FAPE"). The Court went to great lengths to remind the school district in question that the parents serve as a member of the Team that develops the IEP, that parental concerns must be considered by the IEP Team, and in certain instances, require the IEP to be revised to address certain information provided by the parents. [Winkleman v. Parna School District, 550 U.S. 2007 decided in May 2007.]

Attend ALL meetings concerning your child despite the slight inconvenience this may cause at all costs such as the annual IEP meeting but also parent conferences, evaluation planning meetings, and meetings where evaluations are discussed.

Keep a copy of all your child's records such as report cards, IEP's, evaluations, progress reports, teacher's notes, work samples and projects. This will allow you to monitor your child's progress, or lack thereof, in a precise data driven format so your concerns and requests can be taken seriously and acted upon. (I can not tell you how many cases where I have prevailed on behalf of a child that was largely due to the parents keeping detailed information/documentation in their possession.)

Ask Questions. Share Information. Do not attend meetings and simply accept what is being told to you about your child. Ask specific questions about your child's progress and your child's needs such as what your child was able to do in September and what he/she can now do in May/June. This will allow you to monitor progress in a meticulous fashion. Also, share information about recent evaluations you may have completed privately or your recent experiences with your child, for example on a summer trip. (After all the whole purpose of special education is for your child to take the skills and information he/she obtained and apply this in the "real world"). This will allow the individuals who are responsible to work

with your child on a daily basis to better understand his/her needs and preferences.

WHAT CAN I DO TO PREPARE BEFORE A MEETING?

Visit your child's program before the meeting so you can meet the staff beforehand and, more importantly, see what your child's schedule and learning environment is. [It is, of course, understood that the choice of time must be mutually convenient to both you and the school district and can not serve to disrupt the program.]

Think of questions or concerns you may have and write them down prior to the meeting. This will allow you to listen to the professionals at the meeting without losing focus as to your concerns for your child and what educational services you are seeking.

Talk to your child. If appropriate, talk with your child about his/her feelings about school such as what he is learning, other children in the class, the specific services he is receiving and what he/she likes most and least. This will allow you to possibly identify areas that need to be reviewed or focused on at the meeting and also may allow you to verify the frequency and duration of services your child is set to receive per his/her IEP/Service Plan (Non Public students in New Jersey receive educational services through a Service Plan as opposed to an IEP). Allow your child to express his/her frustrations, his/her disappointment, his/her preferences.

By visiting your child's program, planning in advance of the meeting and talking to your child, you will better know your child's needs, strengths and weaknesses.

WHAT CAN I DO AT THE MEETING?

Listen. Allow the professions such as his/her teacher(s), therapist(s) and Case Manager to discuss your child's needs and progress.

Bring a friend or knowledgeable advocate to the meeting so he/she can take notes so as to allow you to concentrate on what is being said and so your opinions can be expressed in a calm demeanor.

Tell the team of professionals of which you are one (parents, not coincidentally, are listed as the first member of what comprises the IEP Team) of the concerns you have in specific terms. Do not express these concerns in less than specific or general terms such as "I want David to read" or "Rachel will walk" as everyone involved would like to see this occur and because this provides no specific guidance as to what you are seeking for your child. Better possible ways to express your concerns would be "David will be able to read five (5) word sentences by June" or "Rachel will walk unassisted under certain prescribed situations."

Work collaboratively and closely with the professionals who work with your child. This should be done in a positive, non-threatening and partnership-like manner so as to allow your child to obtain the benefit of the resources available. Get to know these people - communicate with them on the phone, at school events, volunteer in the classroom and/or through a written communication log.

It is my hope that the above information will allow parents to make informed decisions when advocating for our future- the children. ■

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