

Education Advocacy Skills for Everyone

Presented by:
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Thank you

Queens Council on
Developmental Disabilities

Lourdes Diaz, Spanish
Interpretation

Kinwei Foo, Mandarin
Interpretation

Housekeeping

We'll have time for questions during & after the presentation. Please use the Q&A in Zoom to submit your questions and comments.

Interpretation is available in Spanish and Mandarin. To access the appropriate channel please use the buttons at the bottom of your screen.

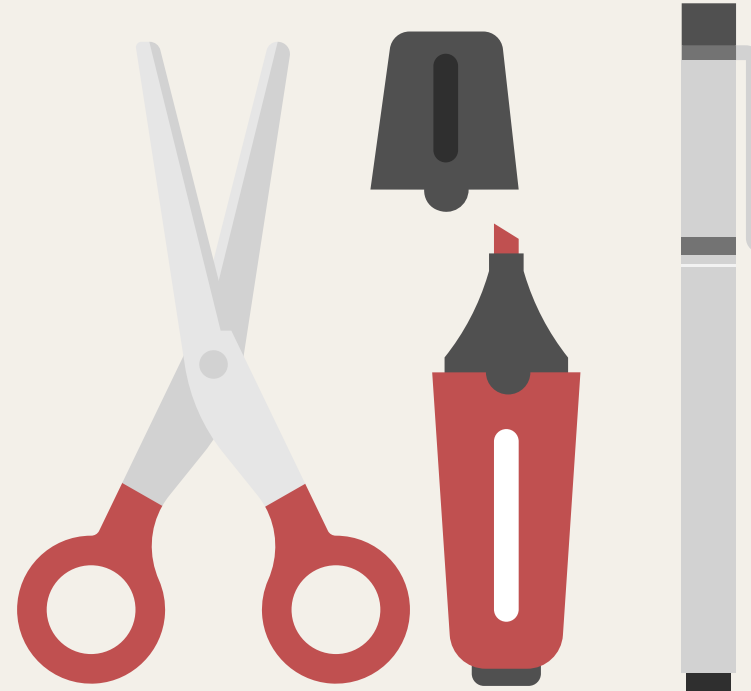
We are recording this presentation for future viewing.

If one of us speaks too quickly, send a gentle reminder in the chat asking us to slow down. Let us know what you need and we'll do our best to accommodate.



Agenda

- Hello! Who I am: Kate
- Parental Rights & Procedural Safeguards
- Essential Advocacy Skills - Self Care; Conflict Mediation; Writing Effective Letters
- A Bit More on Transition Services & Supports
- *Basic Advocacy Beyond the School District:
Working with Legislators to Improve
Educational Services and Supports
(To be continued next time!)*
- Q&A



Procedural Safeguards

Procedural Safeguards

- don't tell you what should be in an IEP; they establish basic rules of how parents and schools interact when developing and implementing an IEP.
- are designed to protect the rights of parents and their child with a disability.
- give families and school systems several ways to resolve conflicts and disagreements.
- are important for professionals who work with SWDs to know and understand.



Procedural Safeguards: Student & Parent Participation



Students	Parents
<ul style="list-style-type: none">• Must be invited to all meetings that discuss transition.• All rights given to parents transfer to students when they turn 18, in NYS.	<ul style="list-style-type: none">• Must be invited to all meetings about their child's special education services.• Must continue to receive notices required by the IDEA even after their rights transfer to their child.

Advocacy Tips: Transition Services



Students should be invited to participate in their IEP meetings as soon as it is appropriate for them to do so, and they **must be invited if transition services will be discussed**. A Level 1 vocational assessment must occur beginning when a student is 12.



The Transition Plan should be in effect when the student turns 15—so the planning must occur in advance. Ensure your child's vocational Level 1 assessment is updated each year and determine if a Level 2 or 3 is necessary, depending on your child's individual needs.



Prior to an IEP meeting where transition services will be discussed, **schedule a meeting with your child's Transition Coordinator, Transition Team Leader or a representative of your Borough-Based TCAC** to identify and draft services, supports, and measurable post-secondary goals to add to your child's IEP. Review progress toward goals carefully each year.

Procedural Safeguards: Student & Parent Participation



SCHOOLS

- Must sent a **written, detailed notice** about meetings early enough so that parents can attend;
- Must **hold meetings at times and in places that are convenient** for both the school and the parent;
- Must **provide parents with an interpreter**;
- Must **document the multiple times and ways that they've invited parents** to a meeting.

Advocacy Tips: Translation & Interpretation

- **Upon request**, parents have the right to interpretation at special education meetings, and translation of IEPs, assessments and notices.
- You can request language access services by speaking with a member of your child's IEP team. You can also request a translation of your child's IEP by visiting schools.nyc.gov/IEPHello or by calling 718-935-2013.
- Professionals can also request a translation on behalf of the family/student. Remember: All requests should be in writing.



Procedural Safeguards: Access to Records



Parents and students who are 18 have the right to:

Review any document the school has about the student

Give others permission to review documents about the student

Have documents and evaluations they don't understand explained

Make corrections to documents that aren't accurate

Advocacy Tips: Review Evaluations & Progress Reports for Accuracy

- Carefully review evaluations and progress reports prior to your child's IEP meeting. You have a right to receive the evaluations in advance of the meeting.
- You can postpone the meeting if you have not received an evaluation with enough time to understand what it says. When you write to request postponement offer three possible meeting dates and times.
- You have the right to ask for an explanation of all evaluations and the right to correct misinformation in educational reports.
- **Buy a folder and keep all your educational records in ONE PLACE!**



Procedural Safeguards: Parental Consent



**Schools
must
receive
*written and
informed*
consent
from
parents
before:**

Conducting evaluations

Providing special education services for the first time

Accessing a student's insurance benefits

Sharing a student's records with school staff who do not support the student or with anyone outside the school

Advocacy Tips: Parental Consent

- **Signing the attendance sheet at the IEP meeting does not imply consent.** In fact, if your child already has a school-age IEP, after an IEP meeting you do not need to consent again for services to begin.
- If you disagree with the recommended services and supports after an IEP meeting, write a letter stating your concerns and proposed solutions and deliver it via email or certified mail to the District Representative who conducted your child's IEP meeting. **You can consent to some services and not others.**
- It is helpful to receive the FNR first to ensure you are communicating with the right person.



Procedural Safeguards: Prior Written Notice (PWN)



WHAT IS IT?

- Information given to parents
- In writing
- In their preferred or primary language
- *A reasonable amount of time before:*
a school starts, stops, or changes a student's eligibility or special education services

WHAT MUST THE NOTICE INCLUDE?

- A description of the change (or refusal to change)
- And explanation of why the change is (or isn't) needed
- A list of options considered
- The information used to make the decision
- Information about parents' rights
- A list of places where parents can get help understanding the IDEA

Advocacy Tips: Prior Written Notice

- **A PWN contains a lot of useful information.** Read it carefully (even the fine print). It also includes the name and contact information of the person you should contact if you have questions or concerns regarding the recommended program and services.
- The second page contains information on who to contact if you disagree and wish to reconvene the IEP meeting, request a “B” meeting, file for mediation or request an impartial (due process) hearing.
- The Final Notice of Recommendation (FNR) contains information about the assessments used to make the decision. Ensure all relevant information was considered. – **This is a bit wonky, but it’s a real help when determining if an important assessment or evaluation was left out of a decision by the IEP team.**

Procedural Safeguards: Independent Educational Evaluations



- Completed by someone who does not work for the school
- Parents can decide whether to share an IEE with the school **if they pay for it themselves**
- Parents can request an IEE at the district's expense if they disagree with an evaluation completed by the school
- When requested, **schools must give parents information about where to obtain an IEE** or file a due process complaint to show their evaluation is appropriate
- An IEP team **must consider** an IEE, **but they are not obligated to follow its recommendations**
- Schools **must provide Prior Written Notice if they deny a change that parents request based on an IEE**

Advocacy Tips:

Independent Educational Evaluations

- **Not all evaluations should be shared with your child's school or IEP team.** Evaluations used to determine appropriate educational services *may not* be useful for OPWDD eligibility and vice versa.
- The Dept. of Education is required to re-evaluate your child every three years. You can also request an IEE for evaluations the DOE does not provide, including neuropsychological assessments.
- **Some local hospitals and research institutions offer free or low-cost educational evaluations** by post-doctoral students with specialized training in working with students with disabilities, e.g. NYU Child Study Center, Albert Einstein, and Promise Project at Columbia University



Procedural Safeguards: Disciplinary Protections



In general, students with IEPs facing disciplinary measures have the same rights as students without disabilities, including:

- Parent notice of removal from classroom or school;
- Opportunity to speak with a school administrator;
- Opportunity for a disciplinary hearing for removals of 10 days or more.

Students should receive **proactive behavioral supports in the IEP and** accommodations to school discipline policies included in the student's Behavioral Intervention Plan.

Procedural Safeguards: Disciplinary Protections, cont'd



If there is a change in placement or if the student is removed for more than **10 days** (including in-school suspensions) the school must hold a **Manifestation Determination Review Meeting**.

- The MDR is to determine if the student's behavior was a "manifestation" of their disability or a failure to appropriately implement the IEP.
- **If YES** → The student must immediately return to the classroom and failures must be fixed.
- **If NO** → The student may be removed, but IEP services must be provided.

Advocacy Tips:

Disciplinary Protections

- If a school decides to suspend your child, it is a good idea to **contact a professional or nonprofit legal organization that is knowledgeable about MDR and suspension procedures.** The process can move quickly and it's good to have help.
- Legal organizations include: NYLPI, Advocates for Children, Legal Services of NY, NYLAG, Legal Aid, and more.
- You can also contact the Suspension Representation Project, which is staffed by law students and professors from area law schools such as Columbia, Fordham, NYU, CUNY, Cardozo and more: <https://suspensionrepresentation.org/>



Procedural Safeguards: Dispute Resolution



Mediation	State Complaint	Due Process Complaint
<ul style="list-style-type: none">• Neutral facilitator• Voluntary• Confidential• Written agreement that is enforceable in court• State must pay all costs	<ul style="list-style-type: none">• Allege a failure within the last (1) year• Filed with the SEA, copy to the LEA• Written Decision in 60 days• No appeal process and decision is not enforceable in court	<ul style="list-style-type: none">• Allege a failure within the last two years• File with the LEA, copy to the SEA• Right to counsel and present evidence• Resolution session within 30 days• Written decision in 45 days• 90 days to appeal• Stay-put (pendency) during process

Advocacy Tips:

Dispute Resolution

- **Conflict is unavoidable and it can be productive.** (We'll go over this in the next section.) The bottom line is: If you can't solve an issue after communicating up the "chain of command," use the dispute resolution tools available to you.
- **An impartial hearing is a bit like a trial**—you can show evidence and call witnesses. It is highly recommended that you work with a lawyer or pro-bono legal organization when you file for the hearing. The hearing is based on your initial complaint and proposed solution—it can be amended, but it helps to get it right from the start.
- **Mediation is a good place to start,** but it cannot be used to sue for private school tuition.



Advocacy Skills:

Self Care – Break 1



Credit: University of Michigan: <https://uhs.umich.edu/oneminute>

Tension release

- Tense your muscles, one area at a time, and enjoy the relaxation upon release.
- Take a deep breath and hold it as you curl your toes for about 5 seconds, then let your breath go all at once. Don't ease off – let go completely!
- Next clench your calves, thighs, buttocks, arms, shoulders, jaws and finally squeeze your eyelids.
- Feel the tension leave your body – aaah!

Advocacy & Conflict Mediation

Adapted with permission from Ellen McHugh.



Conflict is:

- **Normal**
- **Natural**
- **Necessary**



Conflict can be:



Emotional



Constructive



Destructive

Conflict can...



Bring change



Improve relationships



Define points of agreement



Define previously unseen barriers



Generate new ideas



Create a strategy for success

Constructive Conflict

Identifies the problem



Separates the person from the problem



Allows everyone the chance to speak



Has no hidden agenda

Conflict Mediation Strategies for IEP Meetings

- Focus on the child
- Be respectful
- Create possibilities
- Enlist partners
- It's ok to disagree
- Negotiate!



Personal Skills for Conflict Mediation



-
- Be clear and truthful about the issue and what's bothering you.
 - Be clear about what you want to change.
 - Listen to other participants.
 - Make an effort to understand other people's points of view.
 - Take responsibility for your role in the issue & behavior.
 - It's good to be passionate; it's important to stay calm.
 - Be willing to compromise.



Prevent conflict

- **Be positive when you communicate** → *Thank you for taking time to speak with me...*
- **Learn to write effective letters/emails** → *More on this in the next section*
- **Communicate frequently** → *Contact your child's teacher at least monthly*
- **Keep records** → *Put them all in one place*
- **Read your child's IEP** → *Know the "PLoP" and what goals have been reached.*



Write for Effect & Response

Kate Hoy & Ellen McHugh



Communicate with the Right Person

Start with your child's teacher; related service provider, school psychologist, and principal. You can also contact the district Family Support Coordinator or Superintendent.

- **Division of Specialized Instruction and Student Support:**
SpecialEducation@schools.nyc.gov
Special Education Hotline: 718-935-2007 or 311
- **Committees on Special Education** (Address it to the Chairperson of your child's CSE)
<https://www.schools.nyc.gov/learning/special-education/help/committees-on-special-education>
- **District 75:** d75info@schools.nyc.gov or 212-802-1500
- **Related Services:** RelatedServices@schools.nyc.gov

What needs to be in every letter (& email)

- Your Name
- Your Email Address
- Your Phone Number
- Your Child's Name, NYC ID Number*, and Date of Birth
- Your Child's School
- If appropriate, your home address



*This is a nine-digit number on the top of your child's IEP. It begins with "2"

Why we write letters (& emails)

To compliment or say “thanks”

Thank you for taking time to discuss my child’s transition to his new classroom.

To ask or request a service

I am writing to request a reevaluation of my child’s IEP services and supports.

To clarify or confirm

Based on our conversation today, I will expect to receive an update from you each week on my child’s progress via her communication notebook.

To explain or describe

Sunny does not like to sit near the door because the bells are too loud. He becomes scared and may not be able to focus until he calms down.

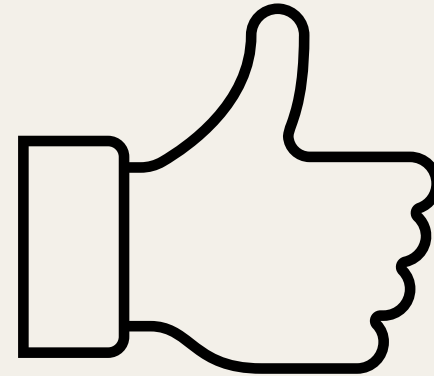
Prewrite to organize your letter

- Who are you writing to?
- Why are you writing?
- What do you want to say?
- What are you asking them to do?
- When do you want to hear back from them?



Four Types of Writing: Thank You

- Tells the reader thanks for their help or offers a compliment for service
- Thank you for your time
- Thank you for your ideas
- Thank you for being there
- Thank you organizing this meeting
- Thank you for going out of your way to help



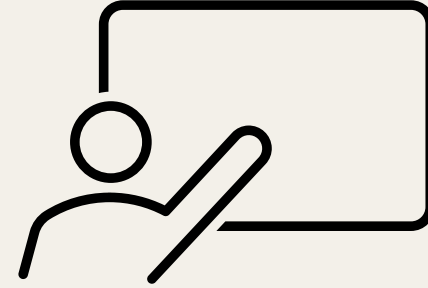
TIP *Be sure to spell people's names correctly!* 😊

Four Types of Writing: Requests

- Tends to be the most formal type of letter
- Addresses the recipient clearly and directly
- States its purpose and makes a 'demand' in a respectful tone
- Asks for meetings or evaluations as necessary or as mandated (i.e. a child with a disability should be tested in all areas of suspected disability)
- Asks for a response and action: *I request Mandarin interpretation at my child's IEP meetings; I request all special education evaluations translated into Russian in one week in advance so that I may participate fully in my child's meeting.*



Four Types of Writing: **Descriptive**



- Introduces your child
- Describes child's strengths and weaknesses, likes and dislikes
- Describes where she/he/they were two years or a year ago and where are now - especially due to a particular service or support
- May describe where you'd like to see your child two or five years from now
- May explain to a legislator or an uninformed audience member an issue, complaint, or problem you want them to know about

Four Types of Writing: To Clarify or Confirm

- Establishes a “paper trail”
- Confirms a conversation held in-person or in-writing
- Defines points of agreement or understanding
- Sets a mutual expectation that can be referenced later as needed



In general...when writing to advocate:

- **Keep it short.** No more than three or four paragraphs. The shorter the better.
- **Be polite**, but direct.
- **May be bulleted** to prevent wandering and to keep the reader focused.
- **Be sure to include your contact information**, your child's information, and when you expect to hear back from the reader.
- **Have a clear subject line with your child's initials and ID number** and a brief topic: i.e. busing

TIP: Write letters and emails! It establishes a PAPER TRAIL. 😊



Advocacy Skills:

Self Care – Break 2



Ideal relaxation

- Picture a place (real or imagined) where you can be totally relaxed.
- With your eyes closed, take a moment to visualize an ideal place to relax. Make it any place attractive to you.
- Using all senses, feel yourself in comfortable clothes, hear pleasant sounds, see beautiful colors.
- Visit this spot whenever you need to relax. Take a mini-vacation!

Special Education Recovery Services

The Department of Education has created a new suite of interventions and services to meet the needs of the students with Individualized Education Plans (IEPs).

Beginning this fall, every DOE school will offer supplementary instruction (either before or after school) to deliver Special Education Recovery Services.

This instruction is in addition to the services listed on a student's IEP, and cannot be delivered during the school day. This instruction will be designed to address individual needs.

Students are identified to receive services according to their "tier."

Transition Planning: A Brief Overview



When Should Transition Planning Begin?

“When a student with a disability turns 15 (and earlier if appropriate), the IEP team must create a program for them (updated annually) that includes...” (Part 200.4)

“For a student age 14 or older (and at a younger age, if determined appropriate), the IEP must include measurable postsecondary goals based on age-appropriate transition assessments and the student’s preferences and interests as they relate to transition from school to post-school activities.” (SOPM, Page 57)

From the SOPM, pg 57, footnote 65:

“It may be appropriate to consider measurable postsecondary goals before age 14 if the student identifies a very clear postsecondary goal...In addition, if the student will need more time to acquire transition skills, the IEP team should consider including transition activities on the IEP sooner.”



Annual Goals & Transition Planning

All IEPs must include Measurable Annual Goals on the IEP
(academic AND functional)

When transition planning has been initiated, IEPs must include Measurable Postsecondary Goals in the specific domains of:

- Education/Training
 - Employment
 - Independent Living Skills
- **Goals are developed based on transition assessments.**



Assessments & Postsecondary Goals

“Postsecondary goals identify the student’s long-term goals for living, working and learning as an adult. **The projected postsecondary goals in the student’s IEP establish a direction for the school, student, student’s family and any participating agencies to work toward in recommending transition activities for the student.**”

“Student and parent involvement in creating these goals is paramount. A student’s measurable postsecondary goals should be based on information obtained using a variety of formal and/or informal methods that may vary from student to student, including but not limited to: vocational assessments completed by the student, parent and teacher; assessment of postsecondary education skills; interviews with the student and/or parent; **strength-based assessments**; and teacher observations.” *SOPM, pg 58*

Coordinated Set of Transition Activities

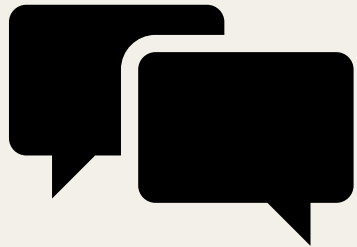
Please review this section of your child's IEP!! It should be VERY specific and list each person or organization responsible for coordinating and providing services.

The IEP team should discuss six types of transition activities: **instruction; related services; community experiences; development of employment and other post-adult living objectives; acquisition of daily living skills;** and **functional vocational assessments.**

COORDINATED SET OF TRANSITION ACTIVITIES

NEEDED ACTIVITIES TO FACILITATE THE STUDENT'S MOVEMENT FROM SCHOOL TO POST-SCHOOL ACTIVITIES	SERVICE/ACTIVITY	SCHOOL DISTRICT/AGENCY RESPONSIBLE
Instruction		
Related Services		
Community Experiences		
Development of Employment and Other Post-school Adult Living Objectives		
Acquisition of Daily Living Skills (if applicable)		
Functional Vocational Assessment (if applicable)		

Level 1 Vocational Assessments



Required for students over 12 years old

Determine vocational skills, talents, and interests

Includes parent, teacher, and student interviews

Should examine career training, employment, education, and independent living skills

Usually a 1-2 page simple interview format.

Level 2 Vocational Assessment

Note: The DOE does not have to do a Level 2 assessment unless it is requested. Levels 2 and 3 are not mandated by regulation.



Formal assessment using a normed and standardized instrument



A specialized vocational evaluation that tests for skills and abilities



3 - 5 hours (minimum) of hands-on evaluation activities



Requires a trained educational professional



Should occur by the time the student turns 16, but not required

Level 3 Vocational Assessment

Note: The DOE does not have to do a Level 3 assessment unless it is requested. Levels 2 and 3 are not mandated by regulation.

The Level 3 is the *Functional Vocational Assessment* referenced on the bottom of the IEP "Coordinated Set of Transition Activities" page.

Comprehensive career assessment that utilizes work, real or simulated, as the basis for assessment.

Performed by trained individuals with vocational assessment experience over 10 days at the student's work or internship site

Provides opportunity to assess the student's social skills in the work environment

IEP Meetings & Transition

With parental consent, agencies responsible for providing services or who pay for Transition Services or Activities should be invited to participate. e.g. OPWDD, ACCESS-VR, NYSID, AHRC, etc.

Students must be invited to participate.

The DOE must discuss graduation requirements with parents and provide them in writing, and they must explain that a **student's public education is complete once a diploma is earned.**

If a student is alternately assessed (non-diploma bound), the IEP must indicate "why the student cannot participate" and "why the particular alternate assessment selected is appropriate for the student." NYSED Part 200.4

Advocacy Skills:

Self Care – Break 3



4-7-8 breathing

Slow down to soothe mind and body:

- Exhale with sound through your mouth to the count of eight
- Inhale quietly through your nose to the count of four
- Hold your breath to the count of seven
- Repeat for four breath cycles, and ideally twice a day

“Don’t assume a door is closed. Push on it.”

Marian Wright Edelman



Resources

- **NYC DOE Translation & Interpretation Unit:**
For website with information, click [here](#).
Call: (718) 935-2013
Email: hello@schools.nyc.gov
- [NYLPI Tip Sheet on Language Access](#) & [Advocates for Children Press Release on LEP and Language Access](#)
- **One-Minute Self-Care Strategies:** <https://uhs.umich.edu/oneminute>
- **Queens Transition & College Access Center:** QNTCAC@schools.nyc.gov
- **NYC DOE Transition & College Access Centers Eventbrite Workshops & Registration Page:** <https://www.eventbrite.com/o/transition-amp-college-access-centers-17343168270>

Resources

- **NYC DOE Guide to Transition Planning:** <https://www.schools.nyc.gov/docs/default-source/default-document-library/family-guide-to-transition-planning>
- **PACER Center**, *Guide to Effective Communication in the Special Education Process:* <https://www.pacer.org/parent/php/PHP-c82.pdf>
- **NYC DOE, Family Resources Page**
For information on Special Education Recovery Services, Supports for Students Over 21, and more: <https://www.schools.nyc.gov/learning/special-education/family-resources>
- **NYC DOE Standard Operating Procedures Manual (SOPM)**
https://infohub.nyced.org/docs/default-source/default-document-library/specialeducationstandardoperatingproceduresmanualmarch.pdf?sfvrsn=4cdb05a0_2

Thank you!

For questions, comments, or just to say hello:
Katherine.Hoy@ahrcnyc.org

To refer a student for education advocacy
services: **educational.advocacy@ahrcnyc.org**

Or call us!

Advocacy Hotline: 212-780-2799

To learn more about AHRC NYC's preschools,
elementary schools and middle/high school,
please contact: **Ellen.McHugh@ahrcnyc.org**

