

## Ask the Advocate... by Desiree Vandelac

It's that time of the year once again when we send our children back to school. This month's column is all about "Back to School" advocacy tips to help you and your child get the year off to a good start.

First, I need to state that as an advocate I obtain my knowledge and skills through a myriad of sources. Whenever possible I try to credit the original author of any idea or strategy that I pass along. The following tip is a recommendation that was posted on a COPAA (Council of Parent, Attorneys, and Advocates) discussion list. Rosemary Palmer, an attorney in Florida, is the author of the sample letter and it is reprinted with her gracious permission. COPAA is a nonprofit organization of attorneys, advocates and parents, whose primary mission is to secure high quality educational services for children with disabilities. You may learn more about COPAA by visiting their website [www.COPAA.org](http://www.COPAA.org)

### **Tip #1: Do not sign the school's code of conduct agreement.**

At the beginning of the school year we, as parents, are often provided a student handbook or code of conduct book and asked to sign a form that states we have received this book and that our child will follow the code of conduct or be subject to the prescribed consequences outlined in the book. Often our children are asked to sign this form as well. Unfortunately, several school districts are now using these forms to hold disabled students accountable for behavior that is a direct result of their disability. Rather than signing the form enclosed with the handbook I recommend you write on the form "Please see attached letter" then attach a letter that includes the following statement:

"I received the handbook and your request that I acknowledge that my child has the skills to comply with the handbook or be held accountable for it. Although I hope the day will come when my child's disabilities no longer interfere with his/her compliance, at the present time this is not an accurate description of him/her. So I cannot agree to hold (child's name) accountable for the code of conduct. I hereby request that the school district inform me which of the required skills they have affirmatively determined that my child can generalize in all settings, all documentation of that evaluation, and what services the district is providing to move (child's name) to that goal." ©Rosemary N. Palmer, [floridalawlady@mstar2.net](mailto:floridalawlady@mstar2.net). Used by permission. Not intended to provide legal advice.

Remember to write this as a formal letter, including all the pertinent information. Personalize the above statement with the specific title of the handbook, your child's name and appropriate gender specific pronouns. Keep a copy of the form and letter for your records.

### **Tip #2: Keep current with your record keeping and documentation.**

Remember to use your communication log and document any concern in writing to your child's IEP team. The more proactive you are in your advocacy the greater your chances are of nipping a small problem in the bud before it becomes an overwhelming issue.

### **Tip #3: Talk to your child's teacher(s) and keep the lines of communication open.**

It's important to remember that your child's teachers are not as familiar with your child as you are. Often with a new school year

comes a new teacher who will not know all of your child's idiosyncracies. Help your child's teacher to understand your child's strengths and weaknesses and how (s)he can support your child and help them be successful throughout the school year.

### **Tip #4: Do not let issues fester unresolved for several months before taking action.**

Unfortunately, It is very common for the school district to say they are going to conduct some type of evaluation or another and that evaluation just never happens or doesn't happen until the end of the school year (even though the IEP team recommended the evaluation at the end of the previous school year). If your child's IEP team recommends an evaluation after the IEP meeting be sure to document that recommendation in your post meeting thank-you letter to the IEP team. If you have not heard anything about the evaluation within the next month follow-up with another letter to the IEP team regarding the status of the evaluation. Ask for a timeline of when the evaluation will be completed and insure that the evaluation will be conducted in a timely manner.



Last year I had a client who expressed concern about her child's regression within his current placement very early in the school year. The IEP team assured her that they would do an evaluation including a Functional Behavior Analysis to determine if her child was regressing and how the program could be modified to meet the child's needs. Unfortunately, the school district never completed the promised evaluations other than a very informal document review more than 5 months after the parent's request. By the time

the parents brought me in to help it was nearly the end of the school year and this child had suffered through an entire year in an inappropriate placement and suffered a great deal of regression because of it. While it is time consuming and often difficult you absolutely must be proactive and stay on top of every issue you raise with the IEP team.

### **Tip #5: Review past "Ask the Advocate" Articles, especially "The ABC's of IEP" series.**

There is no way to guarantee a successful school year, however, you can increase the chance of your child having a successful year by being a good advocate for your child from the very beginning. Remember, above all else the most important tip is to understand when you need the professional help of an advocate or attorney and retain someone to help you early in the process.

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**Law Offices of Louise Bouzari, LLC**  
 7887 E. Bellevue Ave, Suite 1100  
 Englewood, CO 80111  
 (303) 228-1616

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[advocate.autismboulder@gmail.com](mailto:advocate.autismboulder@gmail.com)