



Family Advocacy Packet

Dear Parents,

All children do better at school with family support. This packet is to help you understand the Individuals with Disabilities Education Act (IDEA), and your role in advocating for your child. This information will help you understand the system, learn ways to support your child, and how to work with schools more effectively.

Topics:

- ♦ **Disability Services Flowchart**
- ♦ **Timeline for Initial Evaluations**
- ♦ **Advocating for Your Child**
- ♦ **Procedural Safeguards**
- ♦ **Initial Evaluation for Special Education**
- ♦ **Special Education Process**
- ♦ **Special Education Problem Solving**
- ♦ **Attending Meetings to Plan Your Child's IEP**
- ♦ **Top 10 Tips: Ideas to Improve Parent-to-Professional Communication from PACER Parent Advocates**
- ♦ **Communication within the Special Education Process**

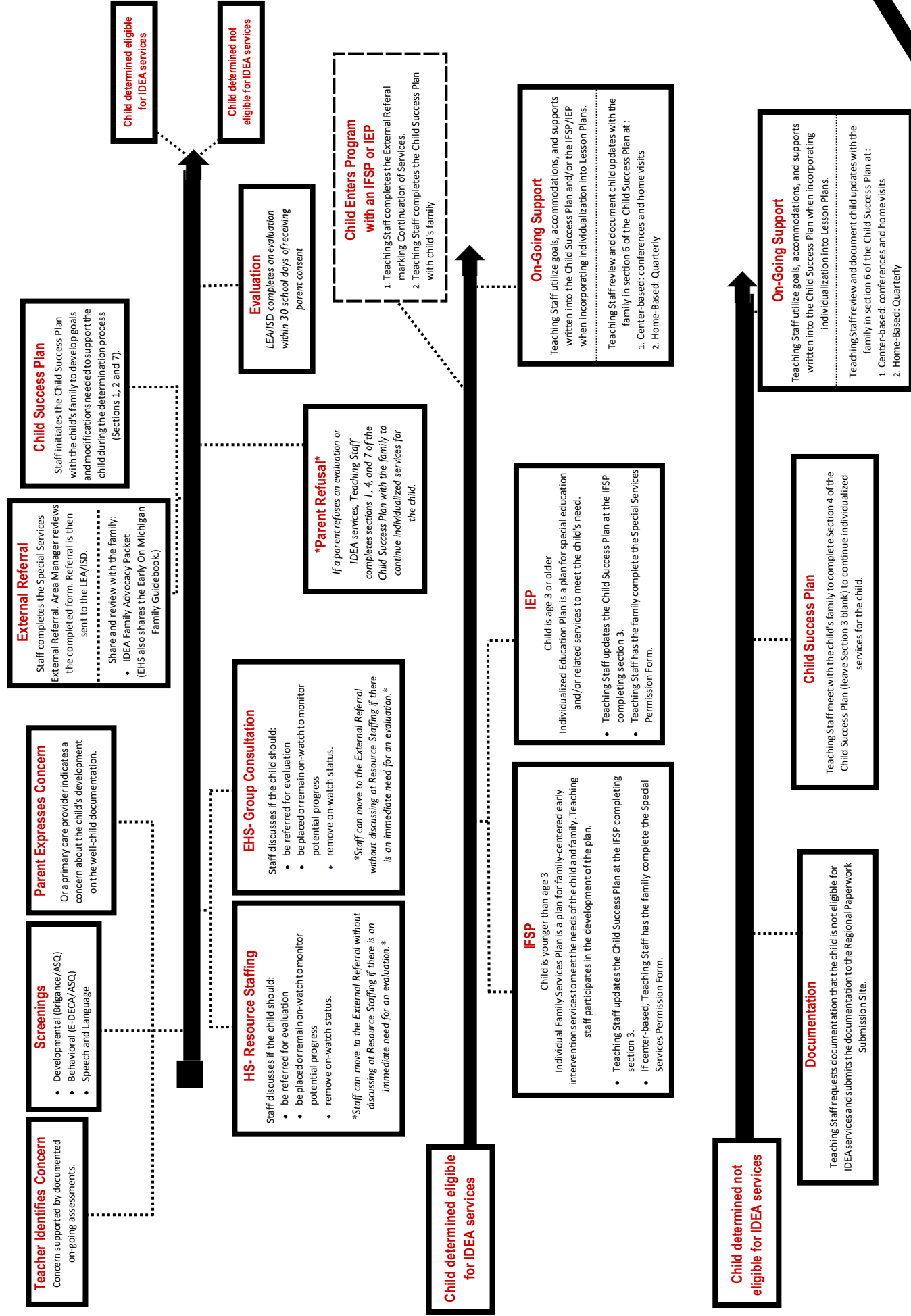
Sincerely,

NEMCSA Early Childhood Services



NEMCSA Early Childhood Services

Disability Services Flowchart





Guidance for Timeline for Initial Evaluations

Information from Michigan Department of Education Office of Special Education

- ◆ Individual Family Service Plan (IFSP): Children birth to 3.
- ◆ Individual Education Plan (IEP): Children ages 3 through 26.

Child Find:

- **Description:** Every school district must have policies and procedures to ensure all children with disabilities are identified, located, and evaluated.
- **Timeline:** Ongoing. Schools will always be identifying students for services.

Request for Initial Evaluation:

- **Description:** Either a parent of a child or a public agency (NEMCSA) may request an initial evaluation when a child is suspected of having a disability. Parental consent is required for an evaluation to occur.
- **Timeline:** A request can happen at any time.

Review of Existing Evaluation Data (REED):

- **Description:** A district may decide to conduct a REED as part of an initial evaluation, although a REED is not required. The REED process may be used to determine what evaluations might be necessary to ensure a comprehensive evaluation in all areas of suspected disabilities.
- **Timeline:** As needed

Notice and Request for Consent to Evaluate:

- **Description:** The district must provide notice addressing whether or not the district will conduct an evaluation. When the district proposes to conduct an evaluation, the district must request parental consent to evaluate the student.
- **Timeline:** Conducted within 10 school days from when the district receives the request.



Guidance for Timeline for Initial Evaluations

Information from Michigan Department of Education Office of Special Education

Evaluation:

- **Description:** A Multidisciplinary Evaluation Team (MET) conducts the initial evaluation and makes a recommendation to the IEP Team regarding eligibility.

IFSP/IEP:

- **Description:** Within 30 school days, the IEP Team determines initial eligibility or ineligibility and provides an initial offer of a free appropriate public education (FAPE). When determined eligible, the IFSP/IEP team develops the student's IFSP/IEP.
- **Timeline:** The 30-school day timeline is counted from the date the district receives the parental consent to evaluate to the initial offer of FAPE. Proposed evaluations are completed within the 30-school-day timeline.
 - School day means any day children are in school for instructional purposes. School days do not include snow days, teacher workdays, or other non-instructional days.
 - When the parent and the district agree, the initial evaluation and the IEP timeline may be extended beyond 30 school days. The extension must be agreed to in writing, measured in school days, and agreed to on or before the initial IFSP/IEP due date.

Parental Consent for Provisions of Programs and Services:

- **Description:** Parental consent is required before special education programs and services are provided to students for the firsttime.
- **Timeline:** Within 10 school days, counted from the date the district provides the notice of an initial offer of FAPE.

IFSP/IEP Implementation:

- **Description:** The district implements the student's IFSP/IEP.
- **Timeline:** Within 15 school days, counted from the date of the district's notice of an offer of FAPE.



Advocating for Your Child

Being an advocate means to speak, write, or act on behalf of another person who may not have the knowledge, experience, or skills to advocate for themselves. Parents and legal guardians are the main advocates for their children. While parents may get help from other agencies, educators, private advocates, or professionals, they remain the central support for their children.

Things You Can Do as an Advocate for Your Child

- 1 Learn as much as possible about special education and your child's rights.
- 2 Keep an organized file of documents. Keep notes and copies of everything (e.g., individualized education programs (IEPs), progress reports, report cards, notes/emails from teachers and school staff). Sort information by date or topic so you can find documents easily. Ask for a summary or notes from the meetings you attend.
- 3 Be prepared for meetings. Take important paperwork such as the IEP. Prioritize what is important to accomplish at the meeting.
- 4 Build strong relationships with your IEP team and school staff. Be polite and stay calm even if it is sometimes challenging. The more you can strengthen these relationships and come to agreement on issues, the more likely your child will benefit.
- 5 Assume the best. Most educators want the best for your child. If you cannot reach agreement, continue to learn and seek assistance.
- 6 Reference the [Michigan Alliance for Families website](#), which provides many free webinars, learning opportunities, and individual parent mentor services, to help you enhance your advocacy skills.

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Strengthening Parent Advocacy

Parents often advocate for their own child. Sometimes parents may need help from someone who specializes in assisting parents with educational questions or concerns. Using helpful resources can aid in learning more about the educational process and building overall knowledge and advocacy skills. If assistance is needed, there are local resources to help.

Michigan Alliance for Families

The Michigan Alliance for Families has parent mentors in your area. Go to the [Michigan Alliance for Families staff directory](#) to find a parent mentor in your region and speak with them about your questions or concerns.

You may be able to have your concern resolved with the information and guidance they provide. If your concerns cannot be solved, they can provide information on options available to you.

Office of Special Education Information Line

If you have a question about special education, contact the the Michigan Department of Education Office of Special Education (OSE) Information Line at 1-888-320-8384 or e-mail at mde-ose@michigan.gov.

Special Education Mediation Services (SEMS)

The [Special Education Mediation Services \(SEMS\)](#) provides free resources promoting collaboration, including mediation services, facilitation of meetings, and training to help parents learn how to work through concerns with schools.

Resources



[Michigan Alliance for Families: Parent Advocacy](#)

- [Center for Parent Information & Resources: Advocating for Your Child](#)



Procedural Safeguards

The *Individuals with Disabilities Education Act* (IDEA) is a federal law for special education. The IDEA includes protections for parents and students. These protections are called the procedural safeguards. Schools must provide a document explaining all of the procedural safeguards to parents.

How do the Procedural Safeguards protect parents?

The school must keep parents informed.

Schools must provide prior written notice to parents before taking many different actions. [Some of these actions also require parent consent.](#)

Parents have options if they disagree with a school decision.

Parents may request mediation, file a state complaint, or request a due process hearing to resolve a disagreement. Parents may also request an independent educational evaluation (IEE) if they do not agree with the results of a school evaluation.

Personal information is kept confidential.

Only people who need your information and child's records have access to it, unless you provide consent to share the information with others. Public reporting on special education never includes personally identifiable information.

Procedural Safeguards Notice

If you have questions regarding the Procedural Safeguards, ask your IEP team for additional information.

Parents must receive the Procedural Safeguards Notice:

- At least once a year.
- Upon a parent written request for evaluation.
- When a parent files his or her first state complaint and first due process complaint in a school year.
- When a student has a change of placement due to a violation of a student code of conduct.
- When requested by a parent.

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Key Information in the Procedural Safeguards Notice

Independent Educational Evaluation (IEE)

If you disagree with the school's evaluation, you can request an evaluation to be done by a non-school professional. The district may have to pay for the evaluation in some cases.

Prior Written Notice and Parental Consent

Schools must give you written notice before many different actions, such as changing your child's identification, conducting evaluations, and changing educational placement. The notice must include the reason the school is taking the action or refusing the action.

Some school actions, such as conducting an evaluation, require your consent. You are also able to withdraw consent by doing so in writing.

Access to Education Records

Only certain individuals have access to your child's educational records. You may review your child's records.

Resolving Disagreements With the School

If you expect to or disagree with a school decision, you may request mediation with the school to try to resolve the dispute. Other options include filing a state complaint (investigated by the Michigan Department of Education with involvement by the intermediate school district) or filing a due process complaint (resolved by an administrative law judge). You may bring civil action if you disagree with the result of a due process hearing.

Child's Educational Placement

Generally, your child's placement is determined by the individualized education program (IEP) team (of which you are a member).

A school may choose to move your child into an interim alternative setting for disciplinary or safety reasons. The decision to move the child is a school decision and must follow certain procedures. However, the assigned alternative setting is an IEP team decision.

If your child's placement is the cause of a due process complaint, your child's placement will not change (if at all) until after the proceedings in most cases.

Private Schools

If your school district fails to provide your child with a free appropriate public education, you might be able to enroll your child in a private school at the school district's expense.

If you file a due process complaint, and the hearing officer agrees that the private school placement is appropriate, the district may be required to pay the private school tuition.

Resources

- Center for Parent Information and Resources (CPIR):
 - [Parental Rights Under IDEA](#)
 - [Parent Procedural Safeguards and Notice](#)
- Michigan Department of Education:
 - [Procedural Safeguards Notice](#)
 - [Special Education Mediation Services \(SEMS\)](#)
- Michigan mediation program for dispute resolution


Michigan Alliance for Families
information, support, and education

[Michigan Alliance for Families:
Procedural Safeguards](#)



Initial Evaluation for Special Education

An evaluation is the first step in the [special education process](#). A child must have a full and individual first (or initial) evaluation to determine whether he or she has a disability and may be eligible to receive special education programs and/or services. Initials must follow a certain [timeline](#).

Consent Is Needed for Evaluations

The federal *Individuals with Disabilities Education Act* (IDEA) requires the school makes you, as the parent, aware in writing (called “notice”) when the school wants to do an evaluation for your child. Parents can also request an evaluation, and they must put this request in writing. The school cannot do an evaluation until you agree in writing with a signature (called “informed consent”). Your consent is voluntary and you can withdraw consent at any time. The first time the school does an evaluation for special education is called the initial evaluation. The notice for an initial evaluation must also include information outlining your rights in a document called the [Procedural Safeguards](#).

Why an evaluation is done

A special education evaluation is done to:

1. See if your child has a disability as defined by the IDEA or [Michigan Administrative Rules for Special Education \(MARSE\)](#). (Parents may be concerned about one disability, but districts must consider all suspected disabilities.)
2. Find information which helps define your child’s educational needs.
3. Provide information about appropriate educational programming for your child.

How an evaluation is done

A team of school professionals called a “multidisciplinary evaluation team” (MET) will:

- Assess your child according to your consent.
- Meet to review the information about your child.
- Make a recommendation about whether your child meets (eligibility) requirements for special education programs and/or services.

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Determining Eligibility for Special Education

The *Michigan Administrative Rules for Special Education* (MARSE) defines 13 disability categories. Your child must meet the requirements in one of the disability categories to be eligible for special education services.

During the evaluation, the MET will review test results, observations, and other measures and make a recommendation to the IEP team regarding eligibility.

As a parent, you are to be provided a copy of the evaluation report. You are also part of the IEP team who decides on your child's eligibility for special education.

Learn more from the Michigan Alliance for Families about determining eligibility. For more information, go to [determining eligibility](#) and the [disability categories](#).

Evaluation Results

If your child is found eligible for special education programs and services, an individualized education program (IEP) will be developed. Areas of need found in the evaluation will become the basis for the IEP. As a parent, you will be asked to sign initial consent for the district to provide special education programs and services to your child.

If you do not agree with the results of the evaluation, you can ask for an independent educational evaluation (IEE) at the school district's expense.

Resources



[Michigan Alliance for Families: Eligibility](#)

[Michigan Alliance for Families: Evaluation](#)

- [Center for Parent Information & Resources: Evaluating Children for Disability](#)
- [Michigan Administrative Rules for Special Education \(MARSE\)](#)
- [Michigan Department of Education: Guidance for Timeline for Initial Evaluations](#)



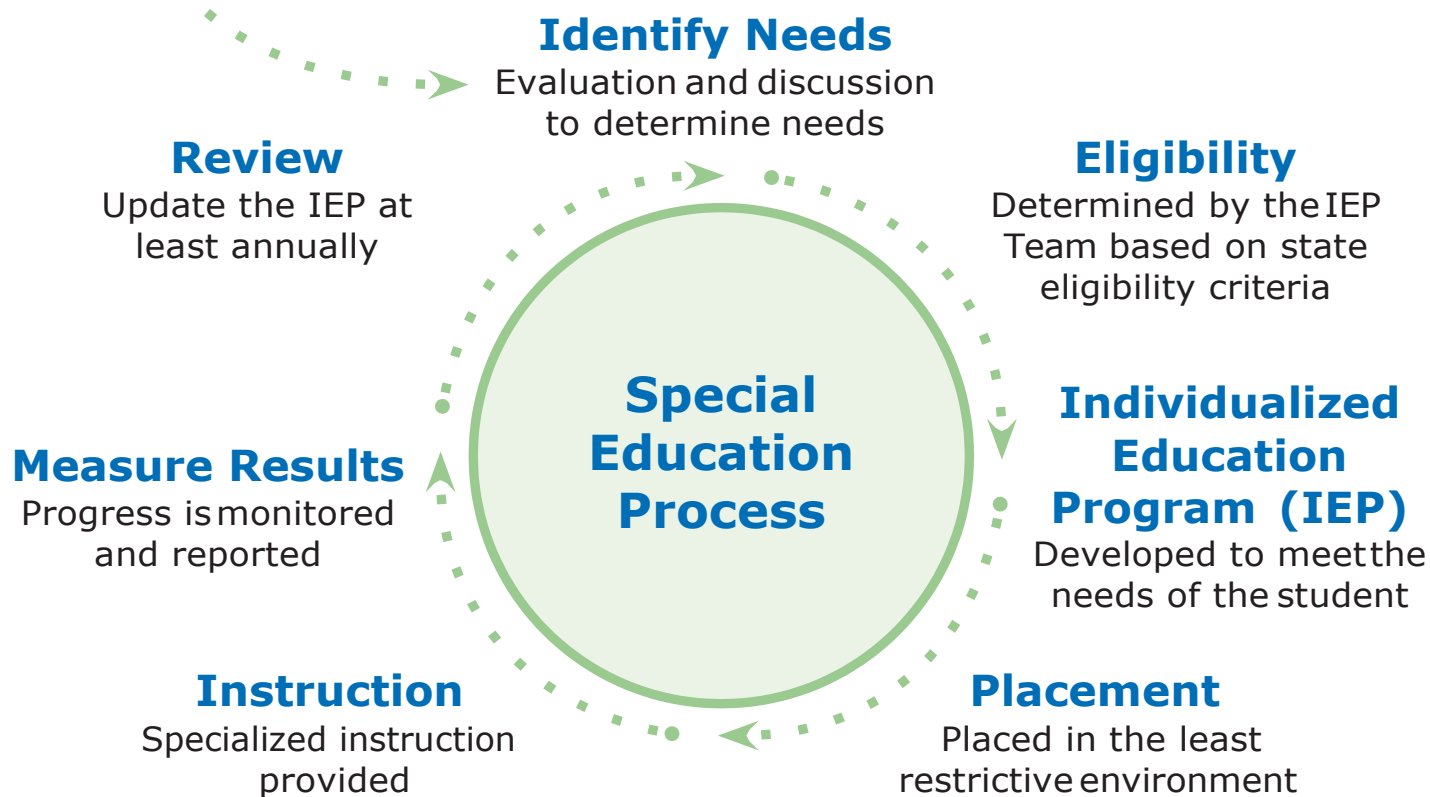
Special Education Process

Special education is provided to eligible children in Michigan from birth to age 26. A school team helps identify the needs of children and determines the types of supports they need to make progress in their education.

The process begins with a request for evaluation.

You or someone at the school who is concerned can ask the school to evaluate your child for special education. The school can only do an evaluation or provide services when you give consent as the parent.

[Learn more about evaluations from the Michigan Alliance for Families.](#)



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The Special Education Process Explained

Read the [10 Basic Steps in Special Education](#) from the Center for Parent Information and Resources (CPIR).

Identify Needs

After a request for evaluation, the school conducts an evaluation or provides notice that it will not conduct an evaluation and explains the reasons why. The multidisciplinary evaluation team (MET) reviews the results and other available information and helps explain the needs your child has based on the evaluation.

Determine Eligibility

A school support team called the [individualized education program](#) team (IEP Team) determines whether your child is eligible for special education services based on your child's needs and eligibility criteria. Your input is considered, as you are a member of the IEP Team.

Develop the Individualized Education Program (IEP)

The IEP is a document developed by you and the IEP Team. The IEP document states the goals set for your child and states the services the school district will provide. Learn more about IEPs from the [Michigan Alliance for Families](#) and the [U.S. Department of Education](#).

Placement in an Educational Setting

Your child is placed in the [least restrictive environment](#) (LRE). This means your child will participate in a general education setting with peers without disabilities as much as possible.

Provide Specialized Instruction

Your child will receive instruction to best help him or her make progress toward educational goals, based on the identified needs.

Measure Results

The school keeps track of how your child is doing in meeting his or her educational goals. Results are reviewed at your child's annual IEP along with regular reports of progress on goals and objectives.

Review the IEP and Make Changes as Needed

The IEP team, including you, meets at least once per year to review the IEP. Your child's progress and needs are examined as your child continues to grow, and the team makes appropriate updates to the IEP. Parents can also request an IEP at any time. It is best to put this request in writing.

Resources



[Michigan Alliance for Families:
Individualized Education Program](#)

[Michigan Alliance for Families: Evaluation](#)

- [Center for Parent Information and Resources \(CPIR\): 10 Basic Steps in Special Education](#)
- [Michigan Department of Education: Special Education Laws and Regulations](#)
- [Michigan Department of Education: Guidance for Timeline for Initial Evaluations](#)
- [U.S. Department of Education: A Guide to the Individualized Education Program](#)



Special Education Problem Solving

When you have a special education concern, question, or issue there are several options for addressing the problem. Concerns can often be taken care of informally at a classroom or school level. Avoiding more formal processes can save time and keep you involved in making decisions. Here are some options for solving special education problems:

- 1 Educate yourself on the issue.** Go to [Family Matters](#) on the Michigan Department of Education (MDE) Office of Special Education (OSE) website and look for explanations of various special education topics. Contact the OSE Information Desk at 888-320-8384 or mde-ose@michigan.gov to ask questions. Find other resources to help you understand your options.
- 2 Talk to your school or district.** People at your school or district can help address your issue. Think about approaching the following people for help:
 - General education and special education teachers
 - Individualized education program (IEP) team members
 - School principal
 - District's special education director
 - District's superintendent
 - Intermediate school district (ISD) special education director
- 3 Contact the [Michigan Alliance for Families](#).** Connect with a parent mentor in your area for assistance and to find special education information.
- 4 Request IEP facilitation or mediation from [Special Education Mediation Services \(SEMS\)](#).** The *Individuals with Disabilities Education Act* (IDEA) requires states to make mediation available at no cost for special education issues.
- 5 Pursue a formal resolution option.** The IDEA requires that states provide two separate complaint options to resolve special education disputes:
 - State Complaints
 - Due Process Complaints

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Resolution Options in the IDEA

IEP Facilitation

IEP facilitation is an early dispute resolution option which promotes effective communication during meetings involving complex or potentially challenging special education issues. This option is cost free and provided by a trained and neutral facilitator. Participants can contact Special Education Mediation Services (SEMS) to schedule a facilitated IEP meeting by phone at 833-543-7178 or email at info@MiKids1st.org.

Mediation

Mediation is a collaborative process offered through [Special Education Mediation Services \(SEMS\)](#) to resolve special education concerns.

- It is free to families.
- It promotes positive communication and helps families become more informed on the education process.
- It is independent and neutral; the mediators are not employed by school districts or the Michigan Department of Education.

State Complaints

A state complaint can be filed with the MDE Office of Special Education when a parent feels their child has been denied a free appropriate public education (FAPE). The requirements, timelines, forms, and Frequently Asked Questions related to filing a state complaint can be found in the [Michigan Department of Education \(MDE\) Special Education Dispute Resolution Options](#) document.

Due Process Complaints

Due process complaints are resolved during a formal hearing with an impartial administrative law judge who is not an employee of the MDE Office of Special Education, any school district, or any educational program. You can file a due process complaint about issues related to your child's identification, evaluation, or placement, or the provision of a FAPE to your child. You can also request an expedited due process hearing as an appeal to a decision from a manifestation determination review (MDR) after a school suspension. See [MDE Special Education Dispute Resolution Options](#), Appendix B, for a side-by-side comparison of a state complaint and due process complaint.

Resources

- Center for parent Information and Resources (CPIR):
 - » [IDEA's Regulations on the Resolution Process](#)
 - » [The Resolution Process](#)
- [Michigan Administrative Rules for Special Education \(MARSE\)](#)
- [Michigan Department of Education: Special Education Dispute Resolution Options](#)
- [Special Education Mediation Services \(SEMS\)](#)
- [U.S. Department of Education: Individuals with Disabilities Education Act \(IDEA\)](#)



Attending Meetings to Plan Your Child's Individualized Education Program (IEP)

Before the IEP planning meeting:

- Consider the vision you have for your child for the future as well as for the present year.
- List your child's strengths, needs, and interests and your major concerns about his or her education.
- Consider how your child's disability affects his or her education.
- Think about your child's educational progress. What has been working and what has not?
- Request a written copy of your child's evaluation results or a meeting with school staff to discuss the evaluation before the IEP meeting. This gives you an opportunity to understand the evaluation before the IEP planning for your child.
- Consider the evaluation results. Do they fit with what you know about your child? Is the evaluation complete and accurate? If you disagree with the school's evaluation, you may request, in writing, an independent educational evaluation (IEE) at no cost to you. The school must provide the evaluation or show through a due process hearing that its evaluation is appropriate. The results of an IEE must be considered by the team in planning.
- Consider a variety of ways to involve your child in planning his or her IEP, starting at a young age. Self-advocacy skills are important to develop.
- If needed, plan to bring someone with you to the meeting, such as a spouse, relative, friend, or representative from a local disability organization.

At the IEP planning meeting:

This meeting is very important. You, the school staff, and any other parties attending the meeting will review and discuss information about your child to plan the IEP. It provides an excellent opportunity to ask questions and share important insights about your child, whom you know better than anyone else does. The school needs to know what your child is like at home and in the community, as well as what your child's interests and activities are.

- Make sure others at the meeting never forget that the

meeting is about a real child.

- Share your visions for your child, both short-term and long-term.
- Discuss your child's strengths and needs and your concerns about your child's education.
- Remember that diagnostic tests and assessments do not present the total picture.
- When you believe that the teacher and school personnel are doing a good job, tell them so. Praise, when deserved, is a great thing.
- Be a good listener. Ask questions.
- Make sure you understand. If you don't understand something, ask to have it explained in a way that you can understand.
- Expect that what you know about your child will be used in making decisions.
- Use school data, your child's progress reports, and other information you know about your child to make decisions.
- Take the proposed IEP document home to review or ask that a copy be sent to you. You probably will not want to agree to a proposed IEP at the end of the meeting. You have 14 calendar days from the time you receive the written IEP to agree or disagree with the program in writing and return it to the school.

After the IEP planning meeting:

- Your child's IEP must be reviewed at least once a year to determine whether the annual goals have been achieved and to revise the IEP if necessary.
- You must be informed regularly about your child's progress, at least as often as parents who have children without disabilities are informed about the progress their children are making. You will be informed about whether your child is making progress toward meeting the IEP goals, and whether the progress is enough to reach the goals. If your child is not making adequate progress, an IEP meeting should be held to review the IEP and make needed changes.
- You may request an IEP meeting at any time.



Top 10 Tips: Ideas to Improve Parent-to-Professional Communication from PACER Parent Advocates

PACER's parent advocates often hear from parents when they encounter certain statements or situations at school meetings that they find uncomfortable or uncertain. These tips are suggestions and techniques from PACER advocates to help parents address some of those concerns, as well as improve communication with school staff.

You may already use some of these approaches while others may be new ideas to consider:

1. If school staff presents a new idea that you may be interested in, you may want to ask, "What will it take to make that happen?"
2. If a school IEP team member expresses something that you think may be an opinion, you may want to ask, "Is that an opinion or do you have data I can see to support it?"
3. If you are uncertain about something in your child's school day, you may want to ask, "What does this look like in Johnnie's day?"
4. If a school IEP team member says, "Your son refuses to ___," you may want to ask, "Is that something he *can't* or *doesn't know how to* do rather than *refuses to* do?"
5. If a school staff member says, "We don't have the money to do that," you may say, "I understand that the school district has financial concerns. However, we are here to talk about what my child needs for a free, appropriate public education." Or you might say, "Please put that in writing for me."
6. If you are trying something new, you may want to ask, "How will we know that it is working?" and "How will data on success be collected?"
7. If you want input from all team members, you may want to ask, "What is your professional opinion?"
8. If an important agreement, decision, or promise is made, ask to have it put into writing.
9. If you are bringing a problem to the IEP team that needs solving, try to clearly present the problem and then brainstorm solutions with the team.
10. If a school staff member says, "We don't know (the answer to a particular question, concern, problem, or issue)" without offering a way to find the answer, you may want to ask, "Who can we invite to the meeting to help find the answer?"

BONUS Tips (We couldn't stop at 10!)

11. Ask a question once and then listen for the answer.
12. Keep the main thing the main thing. Too many details may only distract from your priorities.
13. When action is required, always ask who will be responsible for seeing that it is done.
14. Thank the members of the IEP team or specific teachers whenever possible and appropriate.



Communication within the Special Education Process

Individualized Education Program (IEP) meetings and other school meetings are crucial parts of a child's education program. A parent's responsibility extends beyond giving consent and accepting explanations. Asking questions, bringing up issues to discuss, gathering information, and clarifying points are all part of a parent's role in the special education process.

Effective communication is two-way, generating the understanding and support the professionals and the parents all need to make effective decisions about the child's educational program. Communication involves listening as well as speaking. Listening gives information and data that you can use in developing an appropriate program for your child.

Things to consider when *someone else* is talking:

- ▶ Listen to see if the speaker is expressing an opinion or if data is being shared
- ▶ Show that you are listening, such as make eye contact and lean forward
- ▶ Take notes on what you hear or invite a friend to do this for you
- ▶ Allow the speaker to finish or you might miss important data that can have an impact on your child's program
- ▶ Ask for data that supports what a person is saying
- ▶ Ask questions or restate what you heard if you need clarification

Things to consider when *you* are talking:

- ▶ Keep the focus on your child
- ▶ Be prepared, and if needed, write your questions down ahead of time and bring them with you
- ▶ State your issues and concerns clearly. Communicate in an honest and direct manner.
- ▶ Direct your comments and questions to the person who can address or answer them the best
- ▶ Restate your concerns if you feel you were not heard the first time
- ▶ Be confident in pursuing the appropriate educational program for your child

Communication can also be in written form. It is important to determine what method works the best for you and the school. Will your method of communication be handwritten notes, email, voicemail, or text? The group should also consider the frequency of the communication.

Written communication could include:

- ▶ A home-to-school notebook provided daily with written communication between you and the school. Keep it brief and ask for what your child needs.
- ▶ Meeting notes and follow up notes. Ask if someone is taking notes prior to the start of a meeting and request a copy of them.
- ▶ Phone logs to help keep track of important conversations
- ▶ Formal letters. Be sure to send it to the appropriate person and focus on the main issues or concerns you have.

The key to effective communication is preparation and a willingness to be actively involved in planning your child's education. Working together as a team is important and is supported through effective communication. Work as a team to find solutions. The goal should be to provide an appropriate educational program for your child.