

Attorney Shares Advice with Parents on Advocating for the Special Needs Child

Sheryl R. Frishman, an attorney with White Plains law firm Littman Krooks LLP, is a special education advocate for children from birth to age 22.

As the mother of a child with Autism, she had some advice for parents of special education children on a topic with which she has first-hand experience: knowing your rights under the law so you can be the best advocate for your special needs child. She spoke recently at a meeting hosted by the Southern Westchester BOCES SEPTA.

Get Off to a Good Start with Your District

Ms. Frishman, whose son is now in third grade, learned that the first step to getting your child the services he or she needs when they enter school is to establish a cooperative relationship with the school district.

Parents may jump the gun, prematurely demanding that the district provide specific services before knowing what services are needed and how they can best be delivered.

Parents and the district have a mutual goal: to appropriately educate special needs children, and both parties need to understand their legal rights and obligations, Ms. Frishman said. "I try to tell parents to give the district a shot. You may have a relationship with your school district for up to 21 years. You don't want to start in an adversarial fashion or it will be a more difficult road."

She also advised parents to communicate regularly with the district and to not wait until the annual meeting to express any frustration. "And if things are going well," she said, "throw them an e-mail to let them know."

Get Familiar with Special Ed Law

Parents need to familiarize themselves with special education law, starting with the Individuals with Disabilities Education Act. IDEA guarantees that "all children with disabilities have available to them a free, appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living."

"This is the law of the land," Ms. Frishman said, "and it's still evolving. There's a big push about getting children ready for post-school living and education transition."

New York State Education Law Part 200 takes into account IDEA and offers more state-specific rules and regulations, she pointed out. "There's not a parent with a child with a disability who shouldn't read part 200. This is about being a good advocate for yourself."

Ms. Frishman also pointed to Section 504 of the Rehabilitation Act of 1973, which entitles children with disabilities to physical accessibility to school. "This is an access statute," she explained. "Access to school means physical access to the gym, the lunchroom, recess, and after school programs."

Tips for an IEP Discussion

Special education law also entitles special needs children to an Individual Education Plan (IEP), with documented goals set to a modified curriculum.

Parents, she advised, should carefully review the IEP and monitor their child's progress against the goals in the IEP. If their child is surpassing a goal or, conversely, not showing progress, parents can meet with the district and teachers to suggest new goals or tweak established ones that better suit their child's needs. Understanding how your child learns and what tasks can be meaningful to him or her is extremely important, she said.

"Question goals if you don't see any improvement, and suggest new ones," Ms. Frishman said. "Maintain good communication with teachers, get involved with evaluations and provide input. Talk about what



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you see at home with your child's teacher. Giving feedback in a collaborative way is helpful."

Ms. Frishman provided a list of things to do before an IEP discussion:

- Create a long-range vision statement for your child, keeping in mind educational outcomes necessary for the vision to become a reality.
- Create a list of your child's strengths, interests and needs using evaluations and progress reports for guidance.
- Develop your own suggestions for the IEP.
- Get a copy of draft goals to review prior to the meeting if possible.
- Fill out the sample IEP form found on the VESID website.
- Prepare yourself mentally, organize your thoughts and create an agenda for the meeting.

Your Role as an Advocate

Parents have to play several important roles in an IEP meeting: that of a good listener and questioner, an active team member, a creative thinker and their child's advocate. "If you can't be all of these things, bring someone --- your spouse, your mother, your best friend --- to help you," Ms. Frishman said.

Take good notes during the meeting, but don't tape record it, she advised, because the school district also will record the meeting and emotional outbursts can come back to haunt parents in court. "No one will go out on a limb for your child when the recorder goes on."

After the meeting, thank everyone for their time and effort, ask to see a draft of the IEP before it's finalized, and write a letter confirming what occurred during the meeting, she said.

Ms. Frishman also discussed the transition process to post-secondary services, which are provided by a variety of agencies once a child reaches age 21. Parents should start working on a realistic plan for the future when their child turns 12, consulting with their school district and other sources. For the majority of students, the IEP calls for the documentation of a transition plan starting at age 15.

Resources

Need a consultation? Contact Sheryl Frishman, Esq., at 914-898-2106 or send an email to: sfrishman@littmankrooks.com

To review New York State's special education policy, visit: <http://www.p12.nysed.gov/specialed/>