

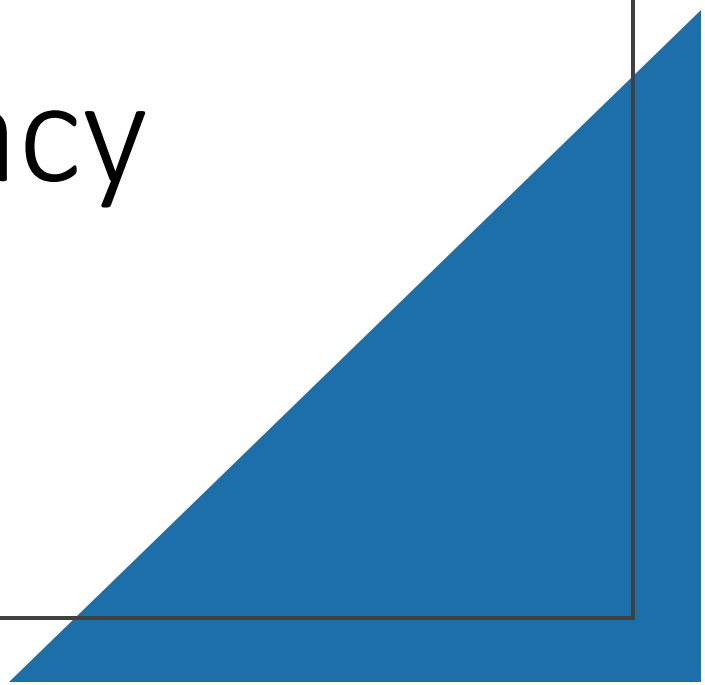


**EAST BAY  
COMMUNITY**  
LAW CENTER

# Special Education Advocacy Training

EDUCATION DEFENSE AND JUSTICE FOR YOUTH PROGRAM

June 22, 2023





# Special Education Definitions and Process



# Individualized Education Program (IEP)

- Contract between district and Education Rights Holder (ERH) defining legal obligations of District to student eligible for special ed.
- Sets goals for student based on student's needs in school
- Lists services, placement and accommodations based on those goals

# 504 Plan

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Plan to ensure that a student with a disability has equal access to learning in a general education classroom



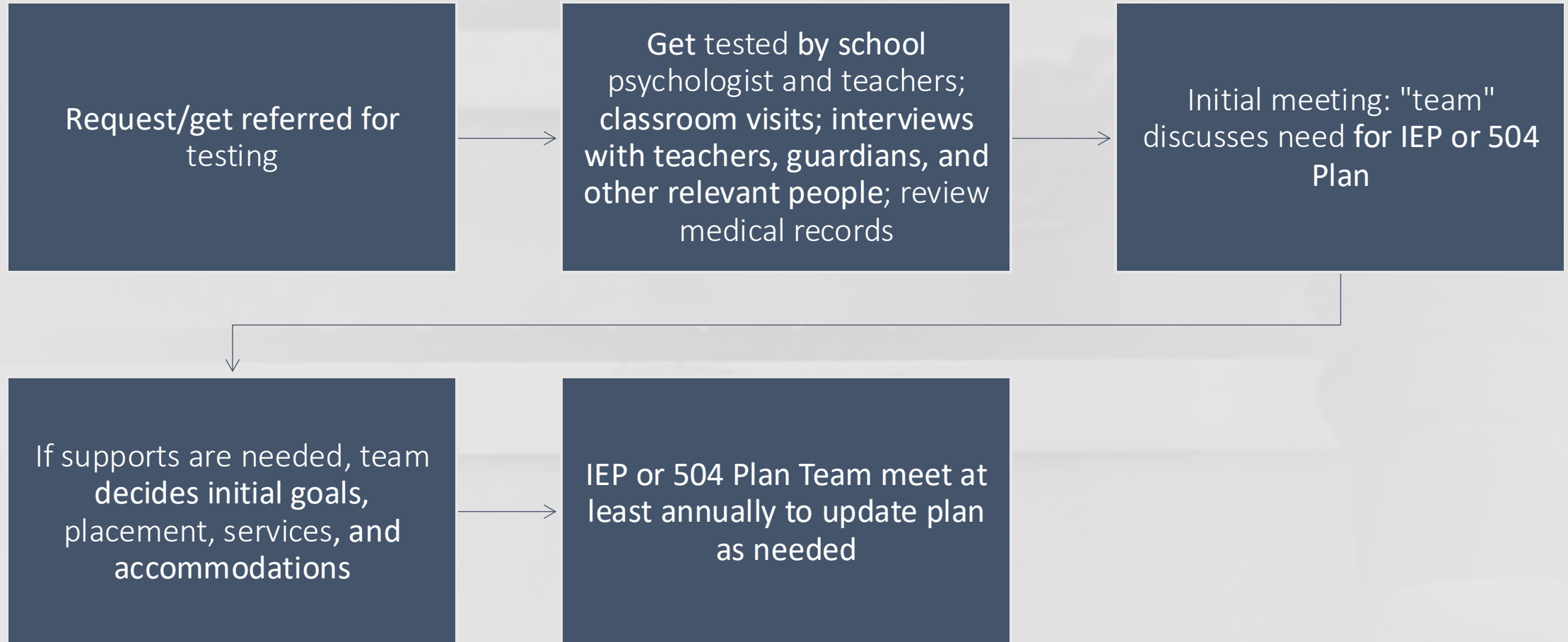


# Eligibility for an IEP/504 Plan

- Eligibility:
  - ChildFind
  - By request
- Examples of reasons for eligibility:
  - Physical disability (ex. deafness)
  - Learning disability (ex. processing disorder)
  - Mental health disability



# IEP/504 Plan Process Basics



# Discipline of Students with IEPs or 504 Plans

- **Students with disabilities have a right to an additional meeting before an expulsion or long-term suspension**
  - Called a Manifestation Determination Review ("MDR")
  - **Applies when:** expulsion, suspensions of 10+ days\*
  - **Applies how:** an IEP team meeting must happen within 10 school days of the decision or referral to expel/suspend. If team decides behavior was related to disability or result of IEP failure, student must be back in school
  - **What to do:** Student can advocate with their parent during the meeting. EBCLC can help.



# Special Education Advocacy: Individual Student Rights and Self-Advocacy



# Self-Advocacy for Student Who Wants Special Education Support



Ask parent/guardian to request an IEP/504 Plan Assessment from School Principal/Administrator via email



Include request for translations of materials/interpretation at any meetings going forward



If IEP is denied – Ask for help from outside resources like EBCLC to get new assessment/negotiate

## Self-Advocacy for Receiving Desired Services/Accommodations



- Prepare for IEP/504 Plan meetings by:
  - Deciding what services/ accommodations would be useful
  - Practicing advocating for them with trusted person(s)
  - Talking to parent/guardian to make sure they will advocate for the same services/accommodations

# What is an IEP Service?

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- Key Elements:
  - Time requirements
  - Placement Requirements
  - Services include academic and social-emotional support



# Rights and Self-Advocacy for Implementation of an IEP/504 Plan

- Remind teachers or school administrators of what is in the IEP/504 Plan when they fail to provide a service/ accommodation
- Write down or otherwise document when school fails to follow IEP/504 Plan so you can give specific examples
- Ask parent/guardian to request a meeting with IEP/504 Plan Team
- Demand the school help you make up any lost learning due to the lack of services

