

## **You are Your Child's Best Advocate**

By: Marcia W. Weinstein

<http://parentingspecialneeds.org/article&article=93>

One dictionary.com defines advocacy as “the act of pleading for, supporting or recommending.” Another is “the act of pleading or arguing in favor of something such as a cause, idea or policy.” Whichever definition you choose, advocacy is one of the most important things we, as parents of children with special needs, can do for our kids. It's part of our duty, our responsibility as parents, to plead for, support and argue for what's best for our children, especially educationally.

For your first time readers, my 9-year-old son, Evan, has high functioning autism. He was diagnosed prior to Kindergarten, but, was already involved in serious intervention before that. Speech therapy, occupational therapy, discreet trials, ABA...you name it, we did it. Everyone teased me that I should be awarded an honorary degree as a therapist because I was doing so much at home in addition to what he received outside.

I went to my first IEP meeting, filled with apprehension, and got my first taste of what it meant to be an “advocate” for my child. It was decided for me that Evan was going to enter the Autism Cluster program at Discovery Key Elementary in Lake Worth, FL. It wasn't our home school, but, it was still close to home and had an excellent reputation for their “cluster” site. I insisted, with much resistance, that Evan be mainstreamed as soon as possible. As I discussed, argued, and pleaded my case for Evan to be gradually weaned into the mainstream Kindergarten, the staff aggressively tried to get me to do things their way and only their way. I was as kind and loving as possible, but, I pushed hard to get the team to follow my plan and we eventually agreed to a weaning process that would have Evan in regular Kindergarten part time with his typical peers starting only a few weeks after school started. By the end of the year, he spent 5 out of 6 hours of each in general education and was fully mainstreamed by 1<sup>st</sup> grade.

The battles were not over by any stretch. I had to make myself intimately familiar with every aspect of Evan's education. From the speech and language services, to what they were teaching him in class. I established good working relationships with both his ESE and Gen-Ed Kindergarten teachers and strove to understand the challenges they faced with him. When he started to slip, I worked with them to help him stay on grade level. By the end of Kindergarten he had made great strides and I decided I wanted him fully included starting in 1<sup>st</sup> grade. No one objected.

My biggest challenge was to stay intimately involved with the educational team and make sure that the IEP goals written for him weren't “fluff”. I worked with Evan's outside school therapists to write IEP goals that were specific, measurable, time-bound and would take him as far as he could go. The team would come to meetings with their goals already written, and I would ask that they be replaced with the goals I had written, or, at least, modified with what I wanted. The key was to make sure that I was well educated regarding Evan's educational needs and not just asking for everything under the sun because he had Autism. Over the years, my goals have been used more often than not and he's progressed through school very well. There are challenges, but that's just part of every day life with Autism.

There are several key points to remember when advocating for your child in the school system.

1. The professionals in the school system are, for the most part, very interested in making sure your child gets what he/she need. People don't work with ESE kids for financial gain, it's a calling. And most of

these people have genuinely good intentions. Sometimes they get stonewalled by the limitations of the system, and it's just as frustrating for them as it is for you.

2. Most people working with ESE kids have a Master's Degree or better. They are educated professionals who have experience to share. Avail yourself of their knowledge and learn from them.

3. Educate yourself as much as possible on your child's special needs. If it's Autism, learn everything you can about Autism. If it's Down Syndrome, Rett's Syndrome, Asperger's Syndrome, same thing...learn as much as you can. The more you know about your kid's needs, the better you can ask for what he needs.

4. Go beyond your comfort zone and ask for what your child needs. Many school districts don't offer what they are not asked for due to their limited resources. If you think your child needs more OT, then ask the district for an evaluation to determine what they need, or go outside and get it done yourself. Schools have to recognize results from a licensed practitioner.

5. Don't be afraid to ask questions. The more questions you ask, the more you learn. There are no stupid questions and your team will respect you asking rather than guessing about something you don't know.

6. Don't be afraid to speak your mind. If you don't agree with the team, then say so. But make sure you know what you are talking about. If you don't agree with a decision, but don't have a viable alternative, you'll just come off looking unprepared and it will hurt your ability to advocate effectively.

7. Remember that this is your child's future for which you are advocating. Everything you do now will affect his or her future in the education system and in life. Asking for an aide for your child early on so that he or she might not need one in the future is a valid reason. Evan was provided with a paraprofessional in 2<sup>nd</sup> grade and has had one up until very recently. One reason he doesn't have one any more is because the teachers have been able to effectively redirect him when necessary. He has also matured quite a bit and has learned how to redirect his behavior most of the time.

8. Learn the law if you are concerned about Special Needs legal issues. [WrightsLaw.com](http://WrightsLaw.com) is an amazing resource for everything legal and special needs related. They even offer free workshops periodically, and you can purchase all kinds of legal books directly from them. They also publish a newsletter with a slew of information.

9. The last point is to not let yourself get overwhelmed. If you are not comfortable advocating by yourself, then get help. You can turn to any number of agencies, depending on your child's special need, to help you with advocacy materials and information. You can hire a professional advocate or ask one of your children's therapists to help you. Evan's therapists worked with me for years writing goals for the IEP and I couldn't have done it without them then.

Just remember that you are your child's best advocate. You are going to know what's best in most cases and you will work harder than anyone to get them what they need. If you need help, that's fine, but, the more advocacy comes from you, the better it will be.

## THE EFFECTIVE ADVOCATE

By Mark S. Kamleiter, Esq.

Let's examine the role of an advocate from the perspective of what it takes to be an effective advocate. I believe that most people would agree that generally effectiveness must be measured by success in attaining our goals and objectives. In the case of an educational advocate then, effectiveness is measured by our success in obtaining the optimal (dare I use the word) educational services for the disabled child.

It may be just as important to be aware of those things that are not a measure of advocacy effectiveness. It is not how much knowledge we have of the laws, procedures and educational best practices, although we must, certainly must have this knowledge. It is not how stubborn, confident or demanding we are. It is not our sharp wit, repartee or debating skills. It is not our ability to take charge. It is not how much we are loved or appreciated by the parents we serve. The bottom line is always whether or not we are able to obtain the child's needed educational services.

In preparing ourselves for advocacy and then self-monitoring our work, consider the following tips for good advocacy.

A. Be Prepared: You must acquire the requisite knowledge base to allow you to inform both the parents and school personnel. Never stop learning. Don't become a guru, but become a learning sponge, continually absorbing the knowledge you need to attain your objectives. The point is not to impress others with your knowledge, but to have a ready source of information when needed.

B. Maintain a quiet confidence: You will often be stepping into a heated emotional environment. Both sides can appreciate an advocate who brings a quiet confident spirit to the proceedings. You are armed with your knowledge, the mandated procedural protections and the ultimate justice of your cause.

C. Be a Problem-Solver: By the time the advocate is called into a situation, it has already degenerated emotionally, with each side having solidified their positions. What this means to the advocate is that there may well be almost obvious solutions being completely ignored by the parties. If you blindly take up the parent's cause, including their anger, you may well miss ways to resolve the issues. Maintain an attitude that where both sides are seeking the best interest of the child, there must be a reasonable solution to problems.

D. Don't assume responsibility that is not yours: This is a great stress reducer. Very often stress is caused by accepting responsibility for things that you cannot control. You cannot force a school to offer a good educational plan. You cannot make school personnel respect parents and their rights. You can help parents know what their rights are and facilitate their implementing their rights. You can encourage and empower parents. You can maintain a healthy pressure on school personnel to act appropriately.

E. Maintain a grounded reality, with positive optimism: Let your experience provide you with a well grounded sense of reality in dealing with schools. You know what schools will agree to and what they will fight about. You know what is persuasive to school personnel and what they do not respect. You understand human nature and the numerous personal and administrative agenda's people will bring to the table with them.

Your parents need this knowledge that cannot be gained from books. Oliver Wendell Holmes once wrote that the study of law is the prediction of what the courts will do in a certain set of circumstances. How true this is. My clients do not come to me so that I can explain the law to them, what they truly want to know is "what will the courts do." The same is true with our parents. They want to know what they can expect in their conflicts with the schools.

Those being said, temper your reality with optimism. We are doing this work because we really believe that we can make a positive difference in the education of children with disabilities. It is often hard, unfair, and discouraging but we still believe we can make it better than it was.

F. Maintain a firm, determined demeanor, but avoid rigidity and reaction to offense: While we insist upon respect for parent's rights and we struggle for the educational services our children need, we need to wisely pick our fights.

Sometimes we get so focused upon "they can't do that!" and "they have to do this," we lose sight of the reality of our situation. Don't encourage parents to get in a fight over principle, but carefully choose your battleground so that the combat if successful will move you closer to your objectives. Help your parents ignore slights and offenses and remain focused on their objectives.

G. Count the Costs: Put another way, don't write a check that you can't cover. An abstract right is of no value to a parent, unless he has the ability to access that right. While much can be gained for children with disabilities through negotiation, pressure, continued demands and determined stubbornness, there will be issues where the schools are just not going to yield without Due Process or legal action. When that happens, it is vital to remember that it does not matter how right the parent is, or how wrong the school is, if the parent does not have the resources (emotional, physical, financial) to enforce his/her rights. A good advocate will help a parent take the measure of their resources, the ultimate importance of the educational issue and the likelihood of a positive outcome in making a decision to litigate against the school system.

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## **The Role of the Advocate Part II**

This short article reviews some of the ways an advocate can serve parents and children with disabilities. It is worth keeping these roles in mind as one studies and prepares for advocacy. The breath of responsibilities that may fall on an advocate's shoulders must push each of us to continue striving to expand our knowledge and skills.

1. General case evaluator – The advocate needs to develop skill at evaluating a case and helping parents determine their precise issues and concerns. In most instances the parent only knows that something is wrong, that something doesn't work. The advocate needs to be skilled helping the parents organize and prioritize their own objectives.
2. Interpreter of reports, evaluations, school data and information. Most of this information is a mystery to parents and the advocate can help the parent organize the material so that it makes some coherent sense. Where the parent lacks them, the advocate can help the parent obtain all the student's educational records.
3. Source of referrals: In most cases the parents do not have all the information necessary to make educational determinations. The advocate can play a valuable role in providing referrals to expert evaluators and educational consultants.
4. Source of legal and educational rights information: While the advocate does not practice law and does not give legal advice, the advocate can help the parents learn about their child's educational rights. The advocate can serve as a valuable guide to the educational system and procedures and can help the parent's protect their child's educational rights.
5. Educational Planner – The advocate should be able to help the parent understand how to develop effective educational plans, including present levels of performance, goals and objectives, related services, accommodations, placement, etc. In addition to participating at the table in the educational planning process, an advocate is often a strategic planner. With the parents, the advocate plans how to bring the necessary resources and information to bare on the process in order to obtain the educational services the child requires.
6. Communicator – Effective educational planning requires clear communication of the parents concerns and issues. The advocate can help the parent effectively communicate with the school district, either by communicating directly or by helping the parents edit their own communications.
7. Meeting Support/Intervener – The advocate needs to be able to attend school meetings, including IEP meetings with the parents. The advocate can help the parents focus on their objectives, communicate more effectively with the IEP team, and participate more fully in the development of educational plans. The advocate can be an experienced advisor and protector of the child's

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## Advocacy Competencies

The educational advocate has a vital responsibility of working with parents to obtain essential educational services for children with disabilities. The weight of this responsibility should push the advocate to develop her/his advocacy competency to the highest degree. Consider here some of the basic competencies an advocate should develop:

1. Working knowledge of federal law and regulations as well as state law and regulations. As indicated in the prior section, understanding educational law is a complex and time-consuming undertaking. While the advocate is not seeking to be an attorney, her/his knowledge of basic special education law should be as thorough and fundamentally sound. This is a very attainable goal and COPAA exists for the purpose of helping each of us access all that is necessary to develop the fundamental and essential knowledge of special education law. The truly competent advocate is the one, who understands that no one KNOWS the law, because it is a continually evolving and changing body of knowledge.

2. Knowledge of the general principles of education and the psychology of learning. A thorough knowledge of educational and learning principles is as vital to an educational advocate as knowledge of the law. The ultimate objective of the advocate is to assure that the student has an appropriate educational program. Good educational programming is a matter of applying educational and learning principles. The law is but a tool for implementing those principles. This means that the blind application of legal rules and procedures cannot result in good education. We have to start with our knowledge of the child's educational needs and use the law to obtain what the child needs.

There are a number of valuable resources for learning about disabilities and education.

- The parents: Parents have lived with their child's disability for a long, long time. In most instances they have made it their business to study and learn all about their child's disability and the child's educational needs. Listen to them and you will learn a lot.
- Reference texts and conferences: There are literally hundreds of books, which fully explain almost any disability that you might encounter. In addition there are frequent conferences on autism, behavior management, ADHD, learning disabilities, etc. There are texts and conferences on how to successfully teach children with every kind of disability.
- Internet: Today the internet is a vast resource library on every known disability. Numerous sites are dedicated to not only teaching about disabilities, but also providing information how to teach children with disabilities.

3. Working knowledge of the educational planning and implementation process specific to your state or region. While there are some general guidelines (procedural safeguards) that all school districts must follow, every district will have their own permissible, specific procedures. It is a good idea to ask the districts you will be dealing with to provide you with a copy of their "Standards and Procedures" document. This document will often spell out in detail the District's current procedures. Try your state education agency. They often publish technical advisory papers and even books to help educational

professionals and parents understand the procedures. Finally, collect copies of the most current forms being used by the Districts. Do not be surprised if these change frequently (that is as much of a frustration for the educational professionals as it is for advocates).

Practice Note: Know the basics. The thing to remember is that regardless of the many different forms and procedures used by various school districts, each of them must conform to certain absolute norms. If you know the basics that must be respected in Notices, IEPs, Evaluation Consent forms, etc., you will be able to competently work even with forms you have never seen before.

Practice Note: Do not be captive to the school district's forms. Frequently the district's forms will not have the space to include the information you feel needs to be included that is where you pull out a sheet of paper to "expand" the IEP. This typically happens where there is insufficient room to write useful "present levels of performance." It is also useful when the district's form only has a "check list" for accommodations. Most students need accommodations spelled out in clear detail.

4. Working knowledge of disabilities, service options, delivery models and where to access further in depth information. It is important for an advocate to understand the child's disabilities. No one starts out knowing and understanding all disabilities. Experienced advocates often run into new disabilities. This is why good advocates are always in learning modes. The parents probably know their children's disabilities better than anyone else. They are usually willing teachers and will often provide you with more books, articles, and internet sites than you could possibly use. Be a seeker of knowledge. Your ability to translate the disability traits and requirements of the child into effective educational strategies will probably be the strongest contribution you can bring to the table.

Let the school district teach you about their services options and delivery models. While legally schools are not supposed to make the child fit their programs, the reality is that schools do not in most circumstances develop new programs for one child. Knowledge of what programs the district has and where they are, can be a major help in securing the program the child you are serving needs.

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## Advocating for Your Child

Peter & Pam Write

<http://parentingspecialneeds.org/article&article=336>

Good special education services are intensive and expensive. Resources are limited. If you have a child with special needs, you may wind up battling the school district for the services your child needs. To prevail, you need information, skills, and tools.

Who can be an advocate?

Anyone can advocate for another person. Here is how the dictionary defines the term “advocate“:

ad-vo-cate – Verb, transitive. To speak, plead or argue in favor of. Synonym is support.

1. One that argues for a cause; a supporter or defender; an advocate of civil rights.
2. One that pleads in another’s behalf; an intercessor; advocates for abused children and spouses.
3. A lawyer. (The American Heritage Dictionary of the English Language, Third Edition)

An advocate performs several functions:

- Supports, helps, assists, and aids
- Speaks and pleads on behalf of others
- Defends and argues for people or causes

Different Types of Advocates

Special education advocates work to improve the lives of children with disabilities and their families. You are likely to meet different types of advocates.

Lay Advocates

Lay advocates use specialized knowledge and expertise to help parents resolve problems with schools. When lay advocates attend meetings, write letters, and negotiate for services, they are acting on the child’s behalf. Most lay advocates are knowledgeable about legal rights and responsibilities. In some states, lay advocates represent parents in special education due process hearings.

Educational Advocates

Educational advocates evaluate children with disabilities and make recommendations about services, supports and special education programs. When educational advocates go to eligibility and IEP meetings, they are acting on the child’s behalf. Some educational advocates negotiate for services. Others are less knowledgeable about special education law and how to use tactics and strategies.

School Personnel

Teachers and special education providers often see themselves as advocates. Teachers, administrators, and school staff often provide support to children and their families. But because they are employed by school districts, school personnel are limited in their ability to advocate for children with disabilities without endangering their jobs.

## Parents

Parents are natural advocates for their children.

Who is your child's first teacher? You are. Who is your child's most important role model? You are. Who is responsible for your child's welfare? You are. Who has your child's best interests at heart? You do.

You know your child better than anyone else. The school is involved with your child for a few years. You are involved with your child for life. You should play an active role in planning your child's education.

The law gives you the power to make educational decisions for your child. Do not be afraid to use your power. Use it wisely. A good education is the most important gift you can give to your child.

As the parent of a child with a disability, you have two goals:

1. To ensure that the school provides your child with a "free appropriate public education" that includes "specially designed instruction . . . to meet the [child's] unique needs . . ." (20 U.S.C. §1401)
2. To build a healthy working relationship with the school.

## What Advocates Do

Advocacy is not a mysterious process. Here is a quick overview of advocacy skills.

### Gather Information

Advocates gather facts and information. As they gather information and organize documents, they learn about the child's disability and educational history. Advocates use facts and independent documentation to resolve disagreements and disputes with the school.

### Learn the Rules of the Game

Advocates educate themselves about their local school district. They know how decisions are made and by whom.

Advocates know about legal rights. They know that a child with a disability is entitled to an "appropriate" education, not the "best" education, nor an education that "maximizes the child's potential." They understand that "best" is a four-letter word that cannot be used by parents or advocates.

Advocates know the procedures that parents must follow to protect their rights and the child's rights.

### Plan and Prepare

Advocates know that planning prevents problems. Advocates do not expect school personnel to tell them about rights and responsibilities. Advocates read special education laws, regulations, and cases to get answers to their questions.

Advocates learn how to use test scores to monitor a child's progress in special education. They prepare for meetings, create agendas, write objectives, and use meeting worksheets and follow-up letters to clarify problems and nail down agreements.

## Keep Written Records

Because documents are often the keys to success, advocates keep written records. They know that if a statement is not written down, it was not said. They make requests in writing and write polite follow-up letters to document events, discussions, and meetings.

## Ask Questions, Listen to Answers

Advocates are not afraid to ask questions. When they ask questions, they listen carefully to answers. Advocates know how to use “Who, What, Why, Where, When, How, and Explain Questions” (5 Ws + H + E) to discover the true reasons for positions.

## Identify Problems

Advocates learn to define and describe problems from all angles. They use their knowledge of interests, fears, and positions to develop strategies. Advocates are problem solvers. They do not waste valuable time and energy looking for people to blame.

## Propose Solutions

Advocates know that parents negotiate with schools for special education services. As negotiators, advocates discuss issues and make offers or proposals. They seek “win-win” solutions that will satisfy the interests of parents and schools.

## Your Assignment

### Plan for the Future

What are your long-term goals for your child? What do you envision for your child in the future? If you are like most parents, you are focused on the present. You haven't given much thought to the future.

Do you expect your child to be an independent, self-sufficient member of the community? Although some children with disabilities will require assistance as adults, most will grow up to be adults who hold jobs, get married, and live independently.

If you have a vision about what you want for your child in the future, you are more likely to achieve your goals.

If you believe others will make long-term plans for your child and provide your child with the necessary skills to be an independent, self-sufficient member of society, you are likely to be disappointed.

### Answer Questions

What do you want for your child? What are your goals for your child's future? Do you have a master plan for your child's education?

If you want your child to grow up to be an independent adult, what does your child need to learn before he or she leaves the public school system?

What do you want?

## **Advocating for Paraprofessional Support**

By Mark S. Kamleiter, Esquire

Posted: Sun 12/5/2010

Obtaining paraprofessional support for children with disabilities is one of the most difficult and trying issues advocates have to deal with. The costs of such services, as well as possibly genuine concern about the child's independence may cause schools to have a natural resistance to approving additional paraprofessional help for children. Some districts require that paraprofessional services be approved by some district committee or administrator outside of the IEP process (see last paragraph).

This article has been drafted to help parents understand the appropriate role of an educational paraprofessional and to better comprehend the process of obtaining paraprofessional support where it is needed.

It is educational support you want – not a paraprofessional: In the past, during easier financial times for school districts, it was not too difficult to request and obtain one-on-one paraprofessional support for a student who needs it. Schools routinely wrote one-on-one services onto to IEPs. Then as money became much tighter many districts began to refuse to place paraprofessional support on the IEP. Even where they agree in general terms to put a paraprofessional in the classroom, districts tend to refer to "support to the teacher" rather than to the student. This has caused parents to panic, fearing that their children would not receive their necessary support.

In order to receive direct paraprofessional support today, parents and advocates must approach the issue from a more indirect, but fundamentally educational perspective. The law requires schools to provide appropriate "supplementary aids and services," which are necessary for the child to be successful in the "least restrictive environment." 20 U.S.C. §1412 A (5); 34 C.F.R. § 300.550 to § 300.556. This means that today the focus of the parent's request needs to be more on the actual precise educational "supplementary aids and services" or supports that the child requires for successful education, rather than upon the individual who will provide the supports. Unless the parent or advocate clearly establishes within the IEP the exact nature and extent of the educational supports needed by the child, it is unlikely that they will be successful in obtaining the paraprofessional support sought.

Below I have listed some of the possible educational "supplementary aids and services" that a child might require. You may think of other supports your child needs. Some of those listed here may not be appropriate for your child, but they are representative of the needs of many children requiring paraprofessional support. When I write to the school district or sit in an IEP meeting, I focus entirely on the child's specific support needs. This is usually an effective way of signaling that additional educational resources (paraprofessional) must be provided to the child. Notice the emphasis in the following list upon identifying the frequency, proximity, duration that the support is needed. (Before trying to use this list, it is important to review each of the suggestions for appropriateness for the specific student).

Educational Supports: Educationally, the student will require close proximity support and attention. Some of his/her educational support needs include, but are not limited to:

a. Frequent, positive reinforcement throughout all activities. This reinforcement needs to be implemented on a very frequent reinforcement schedule (every \_\_\_ minutes/secs.) for successful transitions, initiation of tasks, attention and focus on tasks, and completion of tasks. This will need to be coordinated with his behavior intervention plan (if appropriate). (I would insist upon having an actually reinforcement schedule and requiring data collection).

b. Visual prompts and aids. The student requires the creation of and the constant and continual use of visual aids to learning and understanding. These are an essential part of his learning and functioning processes. This includes not only a daily visual schedule, but also visual guides for his various tasks throughout the school day and across all settings. Such guides and aids need to be kept up to date and should be created for each day's tasks and functions.

c. Prompts: The student requires continual and constant prompts and cues. He is very easily distracted and if ever left to his own, he may immediately "zone out" or busy himself with self-stimulation or other non-productive behaviors. Excessive down-time is educationally harmful for this child. (I would require data collection on the use of prompts, indicating what type of prompts (visual, verbal, physical) and the frequency of the prompts).

d. Checking for comprehension: As the student begins each task someone will check for comprehension and provide redirection as needed. This checking should be repeated several times during the course of the task completion.

e. Toileting (only if appropriate): The student requires individual attention to help him developing his personal daily help skills and toileting. This requires use of visual guides, schedules, verbal and physical prompts and reinforcement. I would require data collection on the prompting and success.

f. Communication: Although the student is verbal he/she requires constant and continual facilitation and prompting relative to his communication. This is needed to help him channel his communication toward more productive and socially acceptable ways of expressing himself. He needs active, planned and unplanned facilitation to help him communicate with and interact appropriately with his peers. He needs help with pragmatic language (checking for understanding, explanation of meaning). This needs to be across all settings. Again, data collection is key. We need to know how often he is being facilitated in his communications with peers and some information on the prompting being used.

g. Social/Behavioral: The student requires direct planned and unplanned facilitation in interacting effectively with other students. Again this facilitation needs to take place frequently and continually across all settings. He needs the daily and regular presentation of social stories to help him understand social situations and interactions. These stories will help him understand classroom expectations and to distinguish between appropriate and inappropriate behaviors. We need data collection as to the daily interactions, prompts, etc.

h. Intense Instruction: Despite his intelligence, the student learns best with high intensity, sequential, behaviorally reinforced instruction, through discrete trials, based on the principles of ABA. Nathan needs to receive at least \_\_\_ hours of this intensive instruction each day. Data collection needed.

You will note that I do not presume to dictate who shall provide the services, but instead stress what must be done to support the child, how often (frequency) the supports must be given, and whether the support must be in proximity. These services may be provided by the teacher, a classroom paraprofessional, or a one-on-one paraprofessional. The key is that they be provided every regularly, consistently and at every point of need.

Sometimes IEP teams will say that they can provide these supports, without adding a paraprofessional to the class. The reality is that no teacher, even with the help of a general classroom paraprofessional could adequately accomplish the list supports provided above. Insisting upon data collection and review of the data is a good way to verify the actual provision of services. If there are real questions as to whether these supports are necessary or as to whether the supports are actually being provided, I find it wise to send in

an educational consultant to do classroom observations. Although parents worry that the school will put on "a dog and pony show" for the consultant (which they will), the truth is that it will usually be pretty obvious to a trained observer if the staff are doing things they do not usually do.

**The Question of Independence:** Invariably the educators on the IEP team will argue that they do not want to provide one-on-one support for a student because it is important that the child become independent. This position can be infuriating for parents, who want more than anything for their child to be independent and who resent the school's self-righteous posturing. I have listed below some ways to deal with the "independence" argument.

1. First make a clear statement that you want your child to become independent and to eventually not require the educational supports which are presently essential. This helps position you as the advocate or parent on the side of working toward independence for the child.

2. Present an evaluation (from the recommended private evaluation) of the child's present level of "dependence" upon educational supports. This evaluation may need to be acquired through an independent or private educational evaluation. It needs to be precise relative to the exact supports needed by the child, including information about the frequency, intensity, and the proximity of the supports. Make every attempt to be accurate in this assessment. Remember that the school is correct in their position that to over support a child is to handicap and reduce the independence of the child. The key is to provide just enough support to allow the child to be successful, but not so much as to further handicap the child. This is where I often use the "learning to ride a bike or swim" analogy. Training wheels for a learner bike or a kick board for learning swimming are appropriate supports and when they are no longer needed we fade them away. On the other hand we do not throw children who cannot swim into the deep end of the pool in order to make them independent swimmers.

3. Consider placement issues. It is ironic that sometimes the only way to obtain the supports the child needs is to move the child from self-contained, supported classrooms. Most school districts consider self-contained, supported (having a paraprofessional assigned to the teacher) classrooms to be adequately supported and thus in many cases they absolutely refuse to increase the levels of support in the classroom. Too often, the reality is that such V.E., Autistic, or other specialized classrooms do not provide sufficient individual supports for students. These classrooms often manage the students through the presentation of low expectations, low demands, and allowing excessive "down-time." One can argue very well that, in fact, these classrooms make the students dependent on the educational delivery model and make them ill-equipped to function in general society. Sometimes the only way to obtain the proximity, high-level support some children require is when those children are mainstreamed out of the school's self-contained units.

3. Insist upon appropriate and trained support. Children with disabilities do not need a paraprofessional to continually hover over them, excessively prompting them. They need well trained individuals who have learned appropriate prompting techniques and who are careful to bring their support to the child only at the child's carefully determined point of need. Knowledgeable experts should design the prompting techniques and should continually monitor the delivery of support services. All prompting and educational supports need to be designed to be scientifically and carefully faded over time.

From the above, you can see that just getting some paraprofessional time with your child is not sufficient. A poorly trained paraprofessional could actually harm your child's progress toward independence. This is why the common school practice of "covering" the child with various individuals, who happen to be in the classroom at different times, cannot work. Responsible and professional support of a child with disabilities requires child-specific training in appropriate prompting, data collection, social facilitation, language facilitation and academic coaching. The issue is not so much how many different individuals are

used to support the child, but the level of training, knowledge of the child's support needs, and coordination of the effort.

Getting the support into the IEP: When IEP teams agree to reference to a paraprofessional on an IEP, they will almost always place the reference in the "supports to the teacher" portion of the IEP. Their logic is that the teacher is the person directly responsible for delivering education to the child. The teacher may use the paraprofessional in the educational delivery, but the paraprofessional is for assisting the teacher – not the child.

This are just word games as far as I am concerned. I have no problem with how the school describes the paraprofessional support it is going to provide, as long as the child is guaranteed very clear and specific support on his/her IEP. The fact is that just checking a box or writing in paraprofessional support on an IEP does not guarantee the sophisticated kind of support many children need. For this reason I feel that it is important to insist that somewhere on the IEP the IEP team agrees that the child needs a defined list of supports (similar to the list I have provided above), which list clearly specifies the supports in terms of frequency, intensity and proximity.

When I say this defined list of supports needs to be on the IEP, this can be done in a number of different ways. Most IEP forms do not provide a place for precise and detailed information about the "supplemental aids and services" a child may need in order to succeed in the least restrictive environment. The accommodations checklists generally provided do not present either the detail or the full substance of what is needed. In addition, many schools suffer from "formitis:" a bureaucratic malady, which paralyzes all ability to do anything that is not on "THE FORM."

Actually, the IEP may include by reference an agreed to, detailed, listing of the specific supports that the child will receive, including prompting, social and language facilitation, reinforcement, behavioral supports, etc. Alternatively, this information may be put on an IEP conference form. While I have heard uninformed school administrators claim that if something is not on the IEP Form, it is not on the IEP, this is simply not true. Conference notes or an agreed list of services should be referenced on the IEP form and made part of the IEP. I recently won a due process case where the judge (ALJ) was very upset because the school had failed to implement items which it had agreed to on a conference form.

Finally, it is improper for IEP teams to defer to any other committee or administrator on the question of paraprofessional support. If an IEP team refuses to make the "need" determination, claiming they are required to defer to another committee or administrator, I would ask them to put that policy in writing. If the IEP team persists in refusing to make the determination, then I would ask for an "Informed Notice of Refusal."