What every parent needs to know

How to be an Education Advocate

A handbook for parents with children in elementary and secondary public schools in the state of Washington

Office of the Education Ombudsman
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TeamChild®

TeamChild is a non profit agency that was founded in 1995 to work directly with youth who were involved in or at risk of involvement in the juvenile justice system. TeamChild provides civil legal representation and advocacy to help youth secure appropriate educational services, mental health & medical evaluation and treatment, safe and stable living situations, and other community based supports. TeamChild currently has offices in King, Pierce, Snohomish, Spokane and Yakima counties. TeamChild also provides a wide range of community legal education and training statewide for lawyers, advocates, families and youth. For more information about TeamChild, visit www.teamchild.org.

Office of the Education Ombudsman

The Office of the Education Ombudsman (OEO) is an agency within the Governor's Office that provides information regarding elementary and secondary public education, promotes family and community involvement in schools, helps resolve problems between families and educators, and makes recommendations to public officials.

OEO promotes equity in education and the academic success of all students attending elementary and secondary public schools in Washington State.

All of OEO's resources and services are free and available Monday through Friday from 8 am to 5 pm. For consultation over the phone with an Education Ombudsman or to receive resource materials about other education issues, call toll-free **1-866-297-2597**. Interpreter services are available in over 100 languages. For additional information, visit OEO's website at www.waparentslearn.org.

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This publication provides basic information on education law in Washington State. While it provides information about the law, it is not legal advice, and is not in any way intended to be a substitute for legal advice or representation. If you need legal advice, please contact a lawyer who can look at the specifics of a particular situation and apply the law.

Keep in mind that laws change and that the law explained in this publication may have changed since it was written. Consult with an attorney who knows this area of law to make certain that it is still valid.

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How to be an Education Advocate

Family involvement in education means the active participation of families, legal guardians and caring adults in their children's school lives. Family involvement is most effective in partnership with teachers and other school staff.

Studies have shown that family involvement is key to student academic achievement. Education advocacy is an essential part of being actively involved in your child's education.

This publication will give you tools to become an advocate. You can choose what style fits you best. You can decide where you can make the biggest impact in your child's life.
You can be an advocate on major, on-going issues, such as the creation of an educational program for a student with severe disabilities. You can also be an advocate on something that might take just one phone call, like making sure a student in a new district gets the chance to take part in sports.

Whatever you decide, the most important thing is to be an active participant in your child's education to ensure his or her academic achievement. Your advocacy actions not only can benefit your child but may also result in long lasting school improvements and benefits to other students.

3 Keys for Good Advocacy

◈ The keys to being a good advocate are:

1. Developing good relationships with school staff. School-family partnerships are critical for student achievement.

2. Learning how the public school system works and about the education policies and laws that apply to different situations.

3. Communicating ideas in ways that others can easily understand.

There are many ways to be an advocate. You can be an advocate on big or small things—the most important thing is just to be involved in the education of your child.

What is an Advocate?

An advocate sounds like a very official word, but all it means is a supporter, an ally, or someone who stands up for another who maybe can't do it alone.

Most people remember individuals who advocated for them. Maybe it was as simple as a small encouragement in school, a positive review of their work when they were struggling, or words that inspired them to reach beyond what they saw as possible.

Where you can have an impact

If your child is struggling in school, being active in your child's education can be one of the longest-lasting gifts you can give to him or her.

Think of your contact with school as building connections between the healthy adults in your child's life.

Those connections can become a web of support.

Can I be an advocate for my child?

Yes. For most students, their daily advocate is a parent or family member who is actively involved in his/her education. Family involvement in education is very important. National research shows that when families and schools work together as partners, students succeed. This is true for families of all ethnicities, income levels, and education backgrounds, whether in rural or urban schools. But don't forget, other people can be advocates too --like relatives, guardians, family friends and community members. Remember- a little advocacy can go a long way for a student struggling in school.

Do I need special training to be an "educational advocate?"

No. While it helps to know about education law, you can do a lot for your child without legal training.
Even when you don't have all the answers, you can work with the school district by asking questions, providing information, and urging those working with your child to provide the best possible education. If you cannot get what your child needs, seek help from others who have more experience. Consider contacting other parents, local parent groups that work on education issues or the state Office of the Education Ombudsman toll-free at: 1-866-297-2597.

Can I speak up?

Knowing when and how makes the difference.

There is an old saying that "the squeaky wheel gets the grease." It means that if we are silent, our problems (or our children's problems) won't be addressed.
This might be the most important thing to remember about advocacy --how to make sure our children get the education they need. Sometimes all that's needed is a conversation with a teacher. Other times what's needed is a change in a state law or a local school district policy. Either way, in a democracy it's up to us to speak up for our children, and to be the most effective advocates for them we can be. Their future depends on us.

I. Forming Partnerships with Schools

What you should expect from your school

- An atmosphere that is welcoming and encourages you to become a partner in your child's education.
- Respectful, friendly treatment from school staff.
- Timely, thoughtful responses to your concerns.
- Information about how to help students with homework and support learning at home.
- Partnerships with community organizations that help families.
- In diverse schools: information for families translated into languages in addition to English.

What is family involvement in education?

When families are involved, students achieve.

Family involvement means the active participation by families and legal guardians in their children's school lives. Family involvement must be done in partnership with teachers and other school staff. Every parent or family member has different skills, experiences and life circumstances, so we all have different ways to participate, support and enrich education for our children. The most basic kind of family involvement is to make sure that each student attends school every day after getting enough sleep, eating a healthy breakfast and dressing appropriately.

Why not leave education to the school?

It is a partnership.

The idea of family participation in U.S. schools began in the late 1800s. While families and schools working together seemed like a good idea for many reasons, people didn't realize that a side benefit would be strong gains in student learning. However, national research in the last 40 years has demonstrated that the more families participate in the education of their children, the more students succeed.

What is the school's role?

Schools should extend a hand to families.

Some school districts have adopted family involvement policies while others are more informal about interacting with families. Schools that receive federal Title I funds are required by law to have family involvement activities, and some receive special funds to help with those efforts. There is no Washington State law that says schools must involve families, but the most successful schools do.

How do I create a partnership with the school my child attends?

Treat it like any relationship. Remember it's going to take some work to be successful.

In your advocacy, you're likely to find yourself across the table from the same school district personnel more than once. You should try to figure out how to build good relationships as you advocate for what your child needs to succeed.

An involved parent is an informed parent. Make sure that you become familiar with the way your school and school district

functions. Understanding the way school districts are structured, including whom within a district has authority to make decisions, will help you be an effective advocate.

Get involved in your child's education

There are a number of ways to be an active participant in your child's education:

Family involvement matters

National research shows that when parents and schools work together as partners, students succeed.

- ☑ Start the relationship out right: let school officials know you respect them and will work with them.
- ☑ Attend meetings, parent teacher conferences, and school events.
- ☑ Check in with teachers regularly, not just when there's a problem.
- ☑ Know as much as you can about your child's education. Ask for and look over school records and progress notes to better understand how your child is doing and what he or she might need.
- ☑ Follow-up on reported problems.
- ☑ Respond to all school communications promptly.
- ☑ Ask your child regularly how he or she thinks things are going.
- ☑ Look for chances to help your child communicate his or her thoughts and feelings to teachers and others.
- ☑ Let the school know you will follow-up on important issues concerning your child.
- ☑ If a problem arises, always ask for and listen to the school's side of the issue.
- ☑ Make sure the school has information needed to provide the right kind of education for your child. Give the school this kind of information every chance you get.

II. Understanding the Public School System

Education is a basic, constitutional right in Washington. Students cannot be denied an equal educational opportunity because of their race, national origin, disability, pregnancy, or juvenile court involvement. Young people have a right to educational services until they are 21 years old. These services can be provided in a regular high school, an alternative high school, a GED program, or a high school completion program at a local community college.

The Washington State constitution says:

"It is the paramount duty of the state to make ample provision for the education of all children residing within its borders…"

How big is the Washington State Public School system?

Look at the bigger picture.

There are 295 school districts and 2,278 school buildings in the state of Washington. School districts can include just one school or, as in the case of the Seattle School District, as many as 100 schools. There were 1,028,319 students enrolled in public schools in the year 2007.

Over 75% of students are enrolled in Western Washington school districts. Nearly one quarter of Washington's public school students are enrolled in King County.

Where do school districts get their money?

They access state, federal, local and private sources.

Budget percentages in school districts vary. Here is an example:

- 70% from state funds.
- 10% federal funds for special programs such as Title I and bilingual education.
- 16% local property taxes as approved by voters.
- 4% other sources such as grants.

What is a Levy?

Levies are approved by voters.

In addition to state, federal and private sources, school districts raise money for schools by asking local voters to pass school levies. Levies are local property taxes that homeowners in each city approve by vote. These local levies usually make up 15 – 20% of the school district budget.

What does the School Board do?

School Board Directors play a most important role.

School board members (also called Directors) are elected by citizens of their communities. There are five members on a school board except in the state's largest district, Seattle Public Schools, where the board has seven members. School Board positions are unpaid although some Directors are reimbursed for their expenses in some districts.

Together, the Board makes decisions that affect staff and students of their school district such as policies, procedures, and district budget expenditures.

Other important roles include: hiring and evaluating the Superintendent, creating a vision, setting goals for the school district and representing voters of their community.

Call your Board

You can call your Board members and let them know your ideas, concerns, or how particular district policies directly affect your child. School Board members want to hear from voters.
Always send a letter to back-up your phone or in-person conversation with a school board member.

What does the Superintendent do?

He or she runs the school district.

The Superintendent is hired and evaluated by the School Board. He or she manages the daily operations of the school district, hires and supervises principals, develops the annual budget for School Board approval and oversees staff and academic programs.

What does "local control" mean?

Each school district is different.

Citizens in each school district elect school board members. School Boards set policies and make decisions on a broad range of education issues within their own particular district. This is called "local control." This is why policies, procedures and school programs can vary from one school district to another in the state of Washington.

What are School District Policies?

Know and follow district policies.

Each School Board develops and adopts a set of rules to provide standards for staff and students in the district. District Policies (or Board Policies) cover a number of topics including district operations, academic programs, curriculum, enrollment, attendance, discipline, etc. District policies are public documents and can be viewed by anyone. They are typically available at the district's central offices or on the district's website. Most districts have a clerk that works for the School Board and answers questions from the public.

What if my district policies don't work or don't exist? *You can influence change*.

Only the School Board can create new policies or make changes to existing ones. The voices of parents, family members and voters, in general, are very important in the public education system. You can make a big difference in the quality of children's education by speaking out about what is needed in the school district and why. Make sure you take time to read and understand district policies and procedures before personally or publicly approaching Board members or district administrators.

III. Communication: The Heart of Good Advocacy

A key to good advocacy is being aware of how other people respond to you. What does the other person see and feel? To communicate effectively, you need to figure out the best way to get your points across, and that means being aware of things that can interfere with your message.

Practice using different tones of voice to communicate ideas

Try saying this sentence out loud to yourself, and make the word that is **highlighted** the strongest word. As you listen to yourself, think of how the meaning changes when you emphasize different words:

Why was she suspended?

Why **was** she suspended?

Why was **she** suspended?

Why was she **suspended**?

While the basic meaning of the sentence stays the same, emphasis on a particular word will convey a perspective and will often imply something that isn't said by the words alone.

What's the best way to let the school know what I need for my child?

Think about ***HOW*** you are communicating as much as ***WHAT*** you are communicating.

The "How" of communication

Studies have shown that people pay more attention to body language and tone of voice than to the actual words spoken.

Most people don't think much about the tone of their voice and the way they move their bodies.

A. Your tone of voice

Listen to your own voice and think about how you use it. Do you talk louder when you are trying to make a point or think someone disagrees with you? When you find yourself in that situation, slow down and take a breath. See if you can make yourself speak more softly for a few minutes.

Do you sometimes use a sarcastic tone when you don't agree with the listener's position? Take a second to ask yourself if the way you are talking with the other person will help or hurt your efforts to accomplish things for your child. If you are going into a situation where you know you will be discussing a difficult topic, practice the way you would like to say things ahead of time. Pick a sentence and practice saying it out loud with different tones. Soften your voice, change the pace, and try emphasizing different words. Listen to what you think would be the most effective way to get your point across.

B. Your body language

Checking for understanding

Math teacher:
"I think James can succeed. All children can learn. I feel he just isn't paying attention in class."

Parent:
"I'm so glad to know you feel he can succeed. I just want to make it clear that I think he needs extra help to do it. Do you know what I mean by extra help?"

It's amazing what the body can say without words. The problem is that body language doesn't always say the same thing to everyone.

When someone puts her hands on her hips during a conversation, one person might understand that to mean she is angry, while another might read the action to mean she is committed to working on the topic being discussed, and a third person might see hands placed on the hips as a sign that she is tired!

The same is true for actions such as crossing one's arms, slouching in a chair, standing very close to another person, or backing away.

Think about your own mannerisms or habits. Do you ever roll your eyes when someone says something you don't agree with? Do you sigh or laugh when you feel frustrated? How about clenching your fists when angry? These are very common mannerisms, but they can offend others and shut down the lines of communication.

If you are concerned that body language may be getting in the way of your advocacy goals, try some simple tricks to neutralize things. Hold a notebook in your hands, put your hands in your pocket or up on the table. If you feel like you'll soon be rolling your eyes at a speaker's comments, look down at some papers and read them for a minute.

If you are talking with a teacher, and she feels you don't respect her, she may focus on that rather than the goal you want to accomplish. She may not want to go out of her way to help you because of the way she imagines you feel about her. Teachers shouldn't react this way, but their work is stressful, and people often behave poorly under stress.

In making your points, there may be times when you do not feel much respect for the listener, or when you are so frustrated you feel like you can't see straight. The key is not to let these feelings get in the way of accomplishing your goals for your child.

An example of using the four steps to get your ideas across

This is how a parent uses the four steps in talking to a math teacher about his son James:

Step 1: SIMPLIFY
"I feel James needs extra help in his math class."

Step 2: USE EXAMPLES
"James has not been doing well in math for some time. He failed five tests, and got only Ds on the tests that he did pass. When I try to help him with homework, I feel like he is missing the basics."

Step 3: REPEAT

"James needs help in order to do well in math."

Step 4: QUESTION

"Do you think extra help in math class would give James a better chance at doing well?"

The "What" of communication

A. Choose your words carefully

Choose words that open up communication rather than words that turn up the heat. State your message accurately. Don't exaggerate it. Be honest.

How can you get across ideas when you are worried the person across the table doesn't get it? Here are four steps that can help.

B. Get your ideas across

If you have an important point to make, you can do four things to increase the chances of your listener understanding what you say:

Step 1 SIMPLIFY: *Explain what you need clearly.*

Step 2 GIVE EXAMPLES: *Give examples that support what you are saying.*

Step 3 REPEAT YOUR POINT: *State your point again.*

Step 4 ASK QUESTIONS: *Ask your listener a question to make sure he or she understands the point you are trying to make.*

Understanding comes before agreement. Make sure that there is understanding before moving to resolve conflicts or differences. The way someone responds to you can tell you two different things:

Does the listener ***understand*** your point?

Does the listener ***agree*** with your point?

Once you have clarified that the other person understands your point, move on to working out the areas where you disagree.

Questions, questions, questions

Ask questions and listen

Any time you are dealing with school personnel don't do all the talking.

Ask questions. And, listen to the answers.

Then, ask more questions to clarify the answers.

Any time that you are dealing with school personnel, don't do all of the talking. Ask questions. And, listen to the answers. Then, ask more questions to clarify the answers.

Asking questions will help you:

- Get all of the facts
- Understand and be able to respond to the district's perspective
- Communicate to the district that you're an interested party and want to work together on issues.

Can't think of questions to get the conversation going? An old reporter's trick is to go through the five "W's:"

Who? What? When? Where? and Why?
Pick any topic and think of five questions, starting each one with one of the W's. You'll be surprised to see how much important information you can get.

An example of using the 5 W's to ask questions

Here is how a parent asks questions when she runs into a problem getting records for her daughter, Sherita:

Who is responsible for sending Sherita's records?
What records will you send me?
When do you expect to have the records?
Where will you be looking for the records?
Why can't the records be sent to me sooner?

IV. Resolving Conflict with Schools

In an ideal world, schools and families would work together in harmony to provide the best education for each student. While this is true in many cases, the reality is that even good school-family partnerships can turn sour when conflict happens. However, disagreements can be temporary and you can preserve good relationships with school staff by remaining calm and following the steps below.

Speak up!

If you disagree with something, bring up the issue immediately.

Don't wait until later.

The other person might not be aware of how you feel.

When I have a disagreement with the school, how can I resolve the conflict?

Always start by speaking with the school staff member you are in conflict with. Resist the urge to go directly to that person's superiors first as they will most likely recommend that you go back to address the issue with the person in question.

Five steps to getting around disagreement

a. CLARIFY: *Ask questions.*

b. GET THEIR PERSPECTIVE: *Understand the other's perspective.*

c. FIND COMMON GROUND: *Look for points where you do agree.*

d. ADD INFORMATION: *Give more information that might help the other person change his or her mind.*

e. STATE YOUR POSITION CLEARLY: *Make sure to explain what you want clearly.*

An example of using the 5 steps to get around disagreement

Step 1: CLARIFY

Math teacher: "I know you think he needs extra help. I think he needs to just buckle down and pay attention in class."

Parent: "So you don't think he needs extra help?"

Math teacher: "No, I think I can teach all of the students in my class."

Step 2: GET THEIR PERSPECTIVE

Parent: "Do you feel like I am saying you're not a good teacher?"

Math teacher: "I guess I do feel that way. I haven't had a problem teaching students before James."

Step 3: FIND COMMON GROUND

Parent: "We agree that James isn't doing well in math, right?"

Math teacher: "That's for sure. I know he is a bright kid so that's how I know he's just not applying himself."

Step 4: ADD INFORMATION

Parent: "That's interesting that you have noticed him not paying attention. Last year, a teacher suggested James might have problems paying attention, and I find that he doesn't stick with things very long at home."

Step 5: STATE YOUR POSITION CLEARLY

Parent: "What I see is James having problems in math and I want to figure out the reason why. I want to make sure he gets the help he needs.

How do I know when it's right to compromise?

Know your goals.

Think ahead to what you would be willing to give up and what your bottom line is.

When a place for compromise arises, take the time to think it through. What are you really giving up? Are you sacrificing the heart of what is important to get something less important? Or are you holding out for something that really isn't essential to your goal?

How do I identify and clarify my goals?

Go through a process of breaking down your goals and deciding which are most important.

Start with the broadest, most general goal that you want to reach.
Then list as many specific parts to that goal as possible. Then examine each specific goal and break those down into smaller parts. For each part, ask, "What is the most important thing here? Are there issues on which the school agrees with me"?

An example of identifying and clarifying goals

Imagine this situation: Ellen has been expelled because she threatened another student. Ellen's mother suspects that she has a disability that hasn't been addressed and that probably led to her current problem. Her mother starts listing goals and ranking them as follows:

BIG GOAL: Get Ellen back into school with appropriate services.

Rank	Variations on the big goal
#1	Ellen goes back to school
	---- same school
#4	---- before the end of the school year
#3	---- with services that she needs
	---- with a different teacher
#2	Ellen has an evaluation to find out what she needs.
	The expulsion is removed from her record.
	The expulsion is changed to a lesser punishment.

By going through this process, Ellen's mother can talk to the school about her goals for Ellen. The school might not agree to everything. Because Ellen's mom has figured out the most important things for Ellen, she is in a better position to decide whether to keep pushing.

Is there really more than one way to handle every situation?

Yes, always.

More than one way

There is always, always more than one way to resolve a problem. Think through your options. Force yourself to list at least three *different* ways to achieve to your goal.

Looking at James's situation from earlier in this publication, let's assume that the parent and math teacher have talked for a while and can't come to an agreement about what to do about James's problems in math class. The parent has options:

- The parent could decide to wait, get more input, and seek alliances with other teachers.

  Parent: "I think it might be good for us to talk with other teachers and see if they are noticing the same things you are. They might have ideas about how to handle it. They might have noticed a pattern of problems. We could work together to solve them. I'm going to contact other teachers and people who work with James."

- Or, the parent could decide to give up his perspective on the problem and defer to the teacher's, hoping she will have ideas on how to proceed.

  Parent: "Do you have any ideas about what might help James concentrate and work harder in class? I would like to help you put those ideas to work."

- Or, the parent could decide it's time to move quickly on a number of options including:

  - Moving James to another classroom
  - Finding help outside of the school
  - Asking for a special education evaluation
  - Talking with the principal about the problem and asking the district to provide help
  - Paying for a tutor
  - Changing schools.

  Parent: "Well, you and I have different perspectives on this. I know this problem involves more than James's need to apply himself. I have worked with James on his homework and have seen him trying hard. I am going to pursue other options and try to get extra help."

Not every option is the right one for a student. To decide what is right for a student means knowing the priority of one's goals in any situation. The fact is, there will be some situations where there is no middle ground because your goals and those of the school district conflict.

What about when I feel that school personnel are being disrespectful to me or my child?

Let them know, fast.

Let the other person know what you sense and how you feel. Bring up the issue immediately. Don't wait until later. The other person might not be aware of how you feel. Give him or her an idea of ways to improve communication.

Tell the other person:

- What you feel, *"I feel _____."*
- What happens that makes you feel that way, *"When _____, I feel _____."*
- What you would like to happen differently, "Please _____."

Remember, be respectful, and watch your tone of voice and body language. Talk to others in the same way you want to be talked to.

An example of clearing the air when you feel disrespected

Here's what a parent says when he doesn't get a response to his phone calls:

Parent: "I have made three calls to your office during the last week and have not gotten a return call. I'm feeling like you don't think this is very important. Please return my call so we can discuss this situation."

Or, listen to how a parent deals with someone she believes is not listening to her:

Parent: "Could we stop a minute? You keep interrupting me and it makes me feel like you don't care about what I have to say. I would really like you to please listen to me before responding."

School District Hierarchy

School Board
Elected by voters to set goals, conduct strategic planning, hire and oversee the Superintendent, adopt the school district budget and create district policy. They report to the voters and their community.

↑

Superintendent
Is hired by the school board to manage the school district. Oversees staff, finances, and academic programs. He or she reports to the School Board.

↑

Principal
Reports to the Superintendent or the Education Director. Manages school staff, student body, school budget, and daily school operations. Works with students and their families.

↑

Teachers and school staff
Work directly with students and their families. They report to the principal.

What do I do when I have hit a dead end?

Always start by trying to resolve the conflict at the lowest level. If you are not getting any results, don't give up.

1. Go up

- ⇧ If you're stuck and can't work things out with a teacher, go to the Principal.
- ⇧ If you're working on a discipline issue with the Vice Principal and can't get anywhere, go to the Principal even if the V.P. tells you that discipline in this school is his/her responsibility only, and the Principal doesn't deal with those issues.
- ⇧ If you've reached the end of the road with the Principal, go to the district Superintendent.
- ⇧ And, if you get nowhere with the Superintendent, go to the school board.
- ⇧ If the problem involves special education or a matter of discrimination, consider contacting state and federal agencies that deal with these issues.

Try not to blame a teacher or other individuals. Stay focused on what your child needs. Try starting out with *"I have a concern for my child. I have talked with [teacher, principal, etc.], and this is what happened..."*

By going up the chain of command, you get other people involved who may have fresh ideas. They may also have a "bigger picture" perspective that helps resolve the issues.

2. Go in

Examine your goals, review what you and your child want, and re-evaluate your tactics. Decide whether you should completely change course, and re-approach the district with a new offer. Make sure you haven't become stuck on points that don't matter.

3. Go out

Seek other parents, families or community advocates who have tackled a similar problem. Ask how they did it and see if they have any advice for you. If you can't find someone who has encountered this kind of problem before, go to people whose opinions you trust. Even if they are not experts, a fresh perspective can help.

Check with your local legal services or bar association and see if you can get free or low-cost legal advice or representation. If you can afford it, hire a lawyer.

4. Go over, go under, go around

There is always, always more than one way to resolve a problem. Think through your options. Force yourself to list at least three *different* ways to achieve to your goal. You can find ways to get to your goal without giving up the important parts of what your child needs. The key is not getting stuck on just one path to the goal.

V. Preparing Yourself for Meetings

Advocacy for a student is informal and involves attending meetings at the school. It is always a good idea to be prepared for meetings and particularly in the event of a formal hearing such as for truancy and special education situations.

Silence can be golden

A lot of us have plenty to learn from cultures in which the norm is to think before talking.

You will find that a few moments of silence can yield nuggets of insight. Remind yourself that it is fine, and even good, to pause a moment before answering a question.

Take a second and a deep breath before responding.

How can I be prepared and make the most of meetings?

1. **Make sure you have what you need before you go.**

   Ask for any relevant documents and/or records before the meeting so you have a chance to read them. Take the time to write down any questions you have. Find out who will be at the meeting, and what their roles are. Ask for certain people to be there if you think they will help get things done. For example, has the counselor been especially helpful to your child? Or does your child's teacher from last year have good insights into what your child needs? Ask a friend or support person to attend the meeting with you.

2. **Write down your questions and the points you want to make.**

   Take a little time before the meeting to write down the questions you would like answered. Outline the points you'd like to make. Refer to your notes while in a meeting. Even great speakers use notes to keep them on track.

3. **Take notes during meetings and other conversations.**

   Don't be shy about taking notes during meetings or while you're on the phone or having conversations with school personnel or others. Your notes will later remind you of what happened and when. It's okay to let the conversation slow down while you catch up on your notes. When a conversation is over and you're alone, read over your notes and see if you missed anything. Check to see if you can read your own writing. Fill in your notes if you have missed things. Keep the notes in your child's education file.

   If you don't get a chance to take notes during the conversation or meeting, be sure to write things down right after the meeting when the discussion is still fresh in your mind.

4. **Make sure you get a chance to be heard.**

   You may have one perspective about the purpose of a meeting, and school district personnel may have another. Listen and learn what the school's issues are. But don't forget to say what <u>you</u> think is important.

An example of making sure you are being heard

A student recently moved into a district. His parent called a meeting with the school to talk about enrollment and transition into the new district. But the school employee starts out on a different topic entirely. Read how the parent handles it:

School employee: "As you know, we have concerns about Calvin's behavior. We've set times for evaluation and have scheduled an appointment for him to see a psychologist. We need to get a consent form signed and make sure Calvin is able to make these appointments. Let's talk about scheduling an IEP meeting next time we get together."

Parent: "I'm glad you have identified that Calvin needs an evaluation and are moving forward on that. My concern is that the school hasn't let him start classes since we moved into your district three weeks ago. He needs to start school right away. Getting him into school is the most important thing, and I would like to resolve that issue today."

5. **Silence is okay, take a deep breath.**

   A moment of silence during the conversation can give you time to collect your thoughts. Let the empty air just hang there for a minute, and it will give you a chance to make a bigger impact because what you ultimately say will likely be clearer.

   What's the worst thing that can happen? The other person might jump in and say something. Often, he or she will clarify a position or even concede a point because you haven't immediately reacted. Or, sometimes, after not getting an immediate response, a person could say, "Do you understand what I said?" Your response can be as simple as, "Yes, I am just taking a minute to think about it before I respond."

6. **Set concrete goals, and assign tasks during meetings.**

   A problem will get resolved only if people agree to start acting on it. Figure out as a group what tasks need to be done, who should do the tasks, and a time by which the tasks will be done.

7. **Take a break.**

   Don't sign papers or agree to a resolution of the issue unless you feel it's the right thing. Ask to take a break. Tell the people at the meeting that you would like to think things over for a few minutes, overnight, or for a week. If you are thinking about waiting for more than a day, consider what your child loses by delaying things, and balance those concerns against how helpful it might be to have the time to think things through or talk with someone else.

8. **Re-cap at the end of a meeting.**

   Clarify what you have discussed using the notes you have taken. Make sure everyone is aware of what they are supposed to do next. If it makes sense, set a time to meet again before the meeting ends.

9. **Make a follow-up call to ensure things are getting done.**

   If someone has promised to get something done by a certain date, call him or her and ask if it's been done. There may be a good reason for not accomplishing a task. But by following up, you make sure your priority has not been lost. Be sure to follow through on tasks you said you would take care of yourself.

VI. Keeping Records

School records include academic, attendance, discipline, special education, testing, or other information pertaining to a specific student. Federal law defines records to include anything that is recorded in any way, including, but not limited to, handwriting, print, tape, film, microfilm, and microfiche.

Know Your Legal Rights

The Family Educational Rights and Privacy Act (FERPA), a federal law, guarantees:

Parents and guardians can view their student's educational records. Once students turn 18, they have access to their records.

If you feel your student's records are inaccurate, you can request that the school correct the problem. If the school refuses, you have the right to a hearing. Even if you lose at the hearing, you can have your own interpretation of the inaccuracies permanently added to the student's records.

In most cases, the school must get your permission to show your student's records to others.

The Washington Public Records Act allows citizens to request and review most documents produced by schools and school districts—including policies and procedures, budgets, school business correspondence and teachers' lesson plans.

How can I organize student records and keep notes to help me be an effective education advocate?

1. Keep everything you get.

Don't toss those papers! If you feel like you're being buried in paper, you'll feel better if you put it all in one place. Start by using a big envelope or box labeled "School Papers" and then go on to #2 below.

2. Get organized with a separate education file.

Keep a separate education file for each of your children. If you have a lot of papers, organize them in different categories: letters and correspondence, special education, grades and attendance, discipline notices, etc.

3. Copy <u>everything</u> you send.

Keep copies of all letters, notes or other written communication with the school.

4. Put things in writing.

Even if you've asked for something during an in-person or telephone conversation, follow it up with a note. It doesn't have to be typed and it doesn't have to be perfect. It is a good reminder to the other person, and you'll be happy that you have the note if there's some kind of problem down the road. (See the sample of a letter confirming a conversation at the end of this publication.)

Even more important is the fact that some things *require that a request be made in writing* if special legal protections are to fall into place. For example, a request for school records doesn't have to be in writing, but if the district is slow in getting the records to you or ultimately refuses to give them to you, the timelines that apply are triggered only by a written request.

5. Keep a log.

When you are working on a particular issue with a school district, keep a special pad of paper in your child's file that lists what's happening. A sample blank log sheet is included at the end of this publication.

VII. Organizing an Education Notebook

If you organize your child's school records into an "education notebook," you can spend your time thinking about more important things than where a particular piece of paper might be. Create the notebook as soon as possible. It will help to have everything in one place as you prepare for meetings with school officials or a hearing. The more you are comfortable using it, the easier it will be for you to be prepared.

Start by dividing the records into piles
Take all of the records and group together similar items in different piles. Divide them into logical groups.

Example:

- 🗁 Attendance records
- 🗁 Discipline records
- 🗁 Medical records
- 🗁 Notes from teachers
- 🗁 IEP

This isn't a complete list, just some suggestions. You need to look carefully at what kinds of records you have, and what groupings will make the most sense.

You can divide some into smaller subgroups.

- 🗁 Discipline records
  - 🗁 Notes from teachers
  - 🗁 Reports to the principal
  - 🗁 Suspension notices
  - 🗁 Statement of victim of assault
  - 🗁 Police report

Use a three-ring binder
A notebook is better than a file because all of the papers are held in place. It just means you'll avoid the disaster of papers flying everywhere if you drop your stuff. A binder also allows you to move papers easily from one section to another.

Make dividers for each section of the notebook
Make dividers to put between sections. You can use something simple like different colored pieces of paper, but dividers with tabs sticking out are easiest to use. Label each section so you can quickly see what is in it.
If involved in a hearing, your notebook should contain:

- Notes of conversations and meetings you've had on this issue.
- A summary of the case.
- An outline/summary of the facts.
- An outline/summary of laws or policies.
- List of records you want the hearing examiner or judge to review.

VIII. Hearings

There may be situations where you can't resolve an issue for your child at an informal meeting. In some situations, like when there is a disagreement over special education services for your child or you disagree with disciplinary action that a school is imposing, you may request a hearing or be asked to attend a hearing and find yourself at a place where you need to advocate for your child in front of a hearing officer or administrative law judge.

Hearings

If you and the school disagree over Special Education services about a disciplinary action imposed on your child, you may request a hearing.

A hearing is a lot like a meeting, just more formal.

A hearing is a lot like a meeting just more formal. There are two kinds of hearings available to parents:

a. **Administrative Hearings** – are formal processes for parents and school districts to resolve disagreements about Special Education services. These hearings are conducted by the Office of Administrative Hearings and are called "Due Process Hearings."

b. **School Discipline Hearings** – A discipline hearing is an opportunity for your child to challenge the claims that he or she did something wrong and for you to advocate for him or her. Even if your child admits to the wrongdoing, the hearing can be used to make sure that the punishment is fair. Discipline hearings are conducted by the School District.

There are slightly different rules that apply to each kind of hearing. This section includes information designed to help you prepare generally for a hearing. If you want more information on how to prepare for a special education or school discipline hearing, you can read the Office of the Education Ombudsman's publications titled *Protecting the Educational Rights of Students with Disabilities in Public Schools* and *Discipline in Public Schools.*

How do I prepare for a hearing?

1. Define the situation.

In no more than two sentences, answer the question "*What is this all about?*" Try starting a sentence with "This is a case about…" or "This situation is about…"

Example:

"This is a case about a punishment that is too harsh for what the student did."

It will be hard to make your case that simple, but try it. It will help you focus your thoughts. You can use your summary at the start and finish of the hearing to sum up your position. Do this in your opening and closing statements.

Next, summarize what you want and list your goals in order of importance. This can help guide you in questioning witnesses and arguing your points. Follow the suggestions for preparing yourself for meetings in this publication.

2. Stick to the facts.
Write what happened in order. Go back through what you have written and highlight the key points. If there are records that confirm facts, then reference them in your notes and mark them with paperclips, post-it notes or tabs so you can easily find them when you need them.

What will happen at the hearing?

- Exchange of exhibits and witness lists
- Preliminary issues
- Opening statements
- Presentation of evidence: Witnesses
- Documents
- Legal arguments
- Closing arguments
- Decision

3. Find out what the hearing schedule will be.
Hearings follow a general pattern or schedule. Find out what this pattern is for the type of hearing you are attending. Be aware that education hearings tend to be informal, and the usual pattern may not be followed, especially in school discipline hearings.

4. Get all relevant records and organize them.
Getting records is always important. But for a hearing it is essential. Sometimes records and other information that will be used in a hearing are called "discovery." Make sure you have all of the discovery, and read it carefully before going to a hearing. (Look at the end of this publication for a sample records request form letter.)

Experienced trial attorneys use "trial notebooks" when they have trials in front of judges or juries. Notebooks are a good tool to organize a lot of information. You don't want to be shuffling through a stack of papers thinking "I know I saw a piece of paper that showed Anita was in school that day. Now where is it in this pile of 300 pieces of paper?"

5. Get a list of witnesses from the district.
Find out who will be testifying at the hearing. Ask the school district for a list of all of the witnesses it will be bringing to the hearing. Write out questions you have for witnesses.

6. Know the law.
Research federal (national) laws, state laws, local (such as county or city codes), and school district policies.
Find the law or policies that apply to the facts of your case. Outline what is important to your case by writing down key points. List the law you are relying on so you have it in one place.

7. Write it down.
List key points you want to make during the hearing. List witnesses or records you need to make those points. List records you want to have the judge or hearing examiner consider.

What will happen at the hearing?

Take your time in the hearing

It is really hard not to feel pressure to move quickly in a hearing.

It feels like everyone is waiting, and sometimes an opposing party will play up that sentiment to get things moving.

You should keep in mind that the most important thing is that your child gets the best possible outcome.

Take your time in reviewing your notes.

Ask for a few minutes break if you need to collect your thoughts. Talk with your witnesses or review your notes.

Exchange of exhibits (documents) and witness lists

In special education hearings, both sides should give each other copies of any records or other things that they plan to use in the hearing. Both sides should also give a list of witnesses they intend to have at the hearing no later than five business days before the hearing. In discipline hearings, it is better if the information is exchanged before the hearing, but it often does not occur until the day of the hearing.

Preliminary issues

The judge/hearing officer will usually begin the hearing by asking whether there are any things that need to be taken care of before the hearing starts. An example would be one party asking that people who are going to be witnesses in the hearing stay outside the room during the hearing. (The reason for this request is that witnesses may be influenced or change their testimony if they listen to other witnesses during the hearing.) Another example would be letting the judge or hearing officer know of problems you have had in getting records from the other side. Try to avoid this situation by asking for the records as early as possible in writing.

This is the time for the judge or hearing officer to make decisions about how the hearing will proceed. You should feel free to ask him or her what to expect. One good question to ask is which side will be first to present their case. Order of presentation depends on which side has “the burden” to prove the case. In special education cases, it is often the school district. In discipline cases, the district usually goes first, too.

Opening statements

Normally each side is given an opportunity to give a short statement that helps the judge or hearing officer understand what the issues are in the case.

Witnesses

Next, one side presents its witnesses. Witnesses are usually sworn in by the hearing officer, meaning that they promise to tell the truth when testifying.

The party who called the witness gets to start asking questions. This is called a “direct examination.” When they are finished, the other side gets a chance to follow-up with questions. This is called a “cross examination.”

Then the party whose witness it is gets to ask follow-up questions. This is called a “redirect.”

Once one side has presented all of its witnesses and evidence (such as records), then the other side does the same if it has witnesses.

Keep in mind that just because the other side presents a particular witness doesn't mean that witness couldn't help your case. Rarely are witnesses' perspectives clear-cut. Listen carefully. Is the witness being consistent with things he or she has said in the past? Is the witness leaving out things that she or he knows would help your case? Is the witness saying things that need more detail in order to be helpful to your case? These concerns should be a guide for your follow-up questions.

Testimony are statements made under oath (where someone swears to tell the truth), usually in a hearing or some other court proceeding.

A few rules:
Never argue with witnesses. Let the witness finish each sentence. If you don't understand an answer that a witness gives, it probably means no one else in the room did either. Ask a follow-up question if you want more information.

If the witness doesn't answer the question that you ask, the witness either doesn't want to give you the answer or didn't understand the question. Ask it again. If you think the witness just didn't understand the question, rephrase it.

Administrative Law Judge (ALJ) is a judge who handles only administrative hearings. In Washington State, ALJs are appointed by the Governor and work for the Washington State Office of Administrative Hearings. ALJs are the judges in special education due process hearings.

Exhibits
Exhibits are records, documents, and physical items, as opposed to testimony. Witnesses give testimony. If you want the judge or hearing examiner to consider exhibits as a part of his or her decision, you need to make sure they become a part of the hearing record. To do this, you will need to either:

1. Have someone connected to the exhibits (records or documents) testify at the hearing or
2. Get the other side to agree and state to the judge during the hearing that those particular documents can be a part of the hearing record.

Closing arguments
Each side gets a chance to sum up what has been presented in the hearing and to argue the major points of their case. This is the time to bring everything together and convince the judge that your points are valid. The side with the burden gets to go first. Then the other side gets to give his or her closing argument. Finally, the side with the burden gets to finish up with a second argument.

Decision
The judge or hearing examiner can give a decision at the end of the hearing or choose to send the decision to you in writing after the hearing is over.

IX. Action Points – How to Advocate for Your Child

There are many ways to be an effective education advocate. Use your concern and care for your child to make an impact where it will really count—helping your child get the education he or she deserves.

If you feel that you are stuck trying to get help for your child, read this list for ideas about possible steps you can take to move things forward. **Remember, you can be a strong advocate for your child!**

- Ask questions.
- Remember the importance of your tone of voice and body language.
- Choose your words: promote communication, don't turn up the heat.
- Remember the four steps to getting across your ideas:
  - Simplify your message.
  - Give examples.
  - Repeat your point.
  - Ask questions to make sure you're understood.
- Try the five Ws to help form questions: who, what, where, when, and why.
- Remember the five steps to help move past disagreement:
  - Clarify where you both stand
  - Make sure you have the other person's perspective
  - Seek common ground
  - Add information to help the others change their minds
  - Take a break.
- Know your goals before you compromise.
- Seek help from other parents, families, community groups, or lawyers.
- Keep copies of everything you get about your child's education.
- Put things in writing (requests, letters, thoughts, notes of phone calls).
- Keep a log of what is happening.
- Request records.
- Take notes during meetings.
- Follow-up with phone calls. Make sure people are doing what they said they would.
- Going to a hearing? Make a hearing notebook.
- Don't give up. Try another route. There is more than one way to every destination.

X. Sample Letter: Confirming a Phone Conversation with School Staff

December 15, 2007

Ms. Jane Doe
Principal
ABC Elementary School
1234 5th Avenue
Anywhere, WA 00000

Identify the student.

Re: John Smith, date of birth 12/28/95

Dear Ms. Doe:

State purpose of the letter.

Thank you for speaking with me on the phone yesterday. I appreciate you taking the time to schedule a call about my son, John Smith. I am writing to confirm the things we talked about.

Describe what was discussed in the conversation.

As we discussed, I am concerned that John is not receiving the individual help he needs to make progress in math. John's Section 504 plan requires him to have one-on-one math tutoring twice a week. John says he has not seen his tutor, Ms. Anderson, for three weeks.

Describe agreements made.

In our conversation, you agreed to check with Ms. Anderson and John's classroom teacher, Mr. Parks, about whether or not John has been receiving individual help with math. You also agreed to call me by the end of this week to tell me what you found out.

Contact information.

Thank you for your help in this matter. I look forward to speaking with you. You may contact me at (555) 555-5555.

Sincerely,

George Johnson
Parent

Log Sheet

Date	Contact or Action	What Happened/Notes

Sample Letter: School Records Request For Your Child

Date: _____

To: _____
_____
_____
_____

Dear _____:

I am writing to request educational records for
_____ (student's name).

Please send the following to me at the address below:

- ☐ All academic progress reports, including grade reports and standardized test results
- ☐ All attendance reports
- ☐ All disciplinary reports, including referrals and notices of suspension and expulsion
- ☐ All documentation, correspondence, and emails regarding consideration for special services
- ☐ Evaluations, plans (IEP and 504), and all other documentation regarding special education and Section 504 eligibility and services.
- ☐ Other _____
_____
_____

Attached is an authorization to release these records to me.
If you have any questions, please contact me at:

Phone: _____

Address: _____
_____
_____

Sincerely,

_____
(Signature)

Notes

Office of the Education Ombudsman
1110 Capitol Way S., Suite 304, P.O. Box 40004
Olympia, WA 98504