

HELPING FAMILIES NAVIGATE THE EDUCATION SYSTEM:

**A Guide for Family Success Centers
& other Child & Family-Serving Agencies**



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Empowered Parents: Educated, Engaged, Effective!

Introduction

This guide will help you to work with parents so that they learn the knowledge and skills they need to effectively partner with educators and advocate for their child in the education system. It does not go into detail about parental rights in each part of the system like special education, Section 504, bilingual education, No Child Left Behind, etc. At the end of the guide we provide information on how to find out more about parent rights in each of those parts of the system and groups that provide free workshops on these topics. In this guide, we are going to talk about the general knowledge and skills and advocacy strategies that can work for parents regardless of the issue that they are dealing with for their child.



Types of Education Issues Families Face

General Education	Special Education/Section 504
Bilingual Education/Language Access	Evaluation
Bullying/Harassment	Eligibility for Special Services
Discipline/Behavior	Individualized Education Program
Failing/Retention in Grade	Placement/Inclusion
Homelessness	Positive Behavior Supports/Discipline
Immigrant Status	Procedural Safeguards
Intervention & Referral Services	Progress/Lack of Progress
Performance on State tests/NCLB	Section 504
Residency	See all General Education issues

These are some of the major types of education issues that parents might be facing. Later on in the guide we talk about some of the differences between how parents can resolve issues in general education vs. special education. Parents of a child with disabilities have some additional rights and they can use some different processes to get their concerns addressed.

In navigating the education system, parents need both *knowledge* and *skills*. (Note: When this guide talks about “parents,” it is referring to biological, adoptive, foster, kinship, and others in “parental relationship” to the child. It is also important to note that the U.S. Supreme Court in Plyler v. Doe clarified the right of *all* children in the U.S., whether or not they are citizens, and even if they are undocumented immigrants, to receive a public education. Public schools may not deny *any* education rights to immigrant children or their families and may not inquire about immigrant or documentation status for children or their families to participate in or receive the benefits of a “thorough and efficient” education).

Navigating the Education System: What Parents Need to *Know*

In navigating the education system, parents need to know their child's strengths and needs; their priorities for their learning; what their child should be learning according to the curriculum and state core curriculum content standards; and their rights and the rights of their child, as well as how the systems work and how and where to raise issues and go up the chain of command.

Knowledge About Their Child

Parents know a lot about their children - how they learn best, what makes them happy and what makes them sad or angry, what they struggle with at home in homework, how many friends they have, whether they are experiencing bullying or harassment at school. Parents should also know through report cards, contact with their child's teacher, and review of tests and grades, the kind of progress their child is making - or is not making. Because of parent involvement requirements in special education, bilingual education, No Child Left Behind, and discipline, they should also know the services their child is receiving and how they are working. If their child has been evaluated by the child study team for special education or by the Intervention and Referral Services team because they are struggling academically, behaviorally, or physically, parents should also have information from the team setting out their strengths and areas of weakness and need.

All of this information is important for parents to know and fully understand. If there is something they don't understand, it is important for them to speak to their child's teacher, special education case manager, Intervention and Referral Services team coordinator, or other specialist, and ask for that information to be explained to them.

The Law, Policies and Practices

Parents and their children have rights in education. In New Jersey, every child has the constitutional right to a "thorough and efficient education." Parents and children have rights under No Child Left Behind (NCLB), the Individuals with Disabilities Education Act (IDEA) and state special education code, bilingual education code, Programs to Support Student Development code (that includes the Intervention and Referral Services team requirements), discipline provisions in state education code and constitutional protections of due process and equal protection, etc. In order for parents to partner effectively with professionals and advocate effectively for their child, they must know the relevant laws and regulations including their child's rights in that situation, their rights and parental procedural safeguards, how the meeting or other decision making process works, and what happens if the meeting or decision making process is unsuccessful.

Parent Rights in the Process

Many federal and state education laws and regulations give parents special rights in the decision making process. This guide does not detail each of these laws and parent and child rights in the process but does share information on how parents can learn more about each of these areas. Some of the questions parents should answer are: What school actions require their consent? For example, the school cannot conduct a special education evaluation or put a child in special education without signed parental consent. What school actions don't require parental consent? For example, once a child is in special education, the school must involve parents in meetings about changing their child's education plan but they do not need parental consent to make those changes once they meet with parents about it, even if parents don't agree with the changes.

What is the timeframe for making decisions? Parents don't want that timeline to go by without taking the action needed. How do parents challenge a decision if they don't agree with it? In special education, parents can file a request for complaint investigation, mediation, or due process. These options are not available in complaints about the bilingual education program. What happens if parents don't do anything? How do parents show that they disagree? Do they have to put it in writing? (It is ALWAYS recommended that parents put their concerns and recommendations in writing. The unofficial rule of thumb is: If they don't put it in writing, they didn't say it. They have no record of asking for it or opposing it).



Legal and Advocacy Resources

It's also important for parents to know about the resources that are available to help them prepare for meetings or decision-making, go with them to the meeting if they need that help, and even represent them in legal proceedings, for example, around their child's suspension or a residency issue, if they are not able to resolve the issue at the school or district level.

Resources for parents include the Statewide Parent Advocacy Network (SPAN), which has a toll free number, 800-654-SPAN, with trained Technical Assistance Specialists who can help answer parents' questions and think through the most effective way to deal with an education issue. SPAN's website, www.spannj.org, also has lots of great information and resources including numerous parent guides and fact sheets on education advocacy. SPAN also does county based workshops on Basic Rights in Special Education, pre-referral interventions, the education rights of immigrant and limited English proficient parents and children, and other relevant topics. If the child has a behavioral or mental health need, every county has a Family Support Organization that can provide parents with emotional support and information (www.njalliance-fso.org). If the child has other disabilities, there are statewide (and sometimes county) organizations such as the Arc (cognitive disabilities) (www.arcnj.org), CHADD (attention deficit disorder) (www.chadd.org), Cerebral Palsy of New Jersey (www.cpoofnj.org), COSAC (autism spectrum) (www.njcosac.org), the Epilepsy Foundation of New Jersey (www.efnj.com), the Learning Disabilities Association of New Jersey (www.lidaamerica.org), the Spina Bifida Association of the Tri State Region (www.sbatsr.org), and others, that can provide assistance.

There are three major legal organizations in the state that represent families in education issues: Disability Rights New Jersey, formerly New Jersey Protection and Advocacy (www.drnj.org), the Education Law Center (www.edlawcenter.org), and the Community Health Law Project (www.chlp.org). They have limited resources and so they don't represent every family who calls but they can give parents information that can help them. If they are low income, they can reach out to the local Legal Services office (www.lsnj.org). They are now doing more education cases. If parents have the resources, they can also get a list of private attorneys that represent families in special education issues from SPAN.

Parent Rights in Education

Across all of the education issues that parents may be facing, they have a basic set of rights.

- They should expect a quality education for their child.
- They have the right to visit their child's school and classroom, and meet with their child's teacher and administrators, not just when things are going wrong!
- Under the Family Educational Rights and Privacy Act (FERPA), they have the right to look at and get copies of their child's school records. If they disagree with the information they find in the records, they have the right to ask that the incorrect information be changed. If the school won't do that, they can add their own statement to the document that they think is inaccurate or unfair.
- They have the right to get information about the school and district curriculum and teaching methods, the New Jersey Core Curriculum Content Standards, state and district tests, and their child's performance.
- They have the right to participate in decision making meetings about their child, and those meetings should be held in their language so they can be an effective participant.
- They have the right to be informed of school and district policies and procedures, again, in their language so they can truly understand them.
- They have the right to express their opinion about their child or about school and district personnel, policies, and procedures, without fear of retaliation against them or their child.
- They have the right to attend school and district Board of Education meetings to hear what is going on.
- They have the right to appeal any decision made about their child by the school or district.

Navigating the Education System: What Parents Need to be Able to Do (Skills)

In navigating the education system, in addition to knowledge, parents also need *skills*. Some of the skills they need include good listening skills, effective communication skills (how to express themselves orally and in writing), how to keep good records, negotiation skills, and advocacy skills.

Listening Skills

Learning how to really listen to their child, educators and administrators is one of the most important things parents can do to prevent and address conflicts and problems in the education system. A good rule of thumb comes from Stephen Covey in his book, The Seven Habits of Highly Effective People: "Seek first to understand, then to be understood." If the child's teacher doesn't feel like the parent is listening to her, she might spend all her time trying to get the parent to hear her. Someone has to listen first or they are stuck. A person is most able to understand you when they feel understood. Unless I feel you are making a genuine effort to understand me my time may be spent on my next response to you or I may be tuning you out. To understand, you must listen.



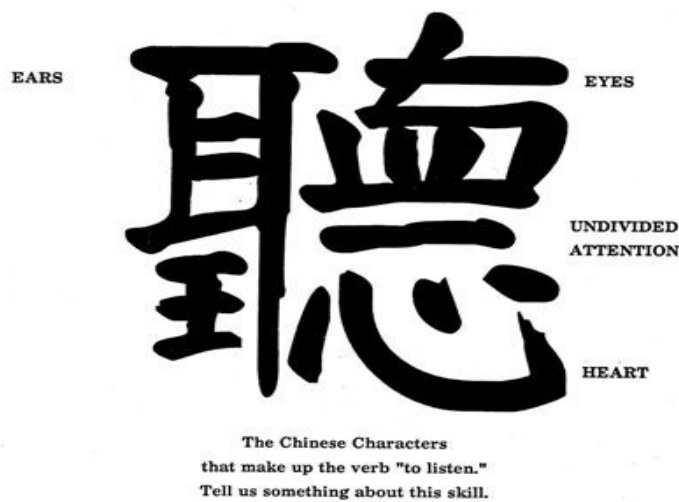
You can help parents become better listeners by talking with them about the characteristics of good listening. Ask them to think of a time when someone really listened to them. What did they do that made the parent feel they were really listening?

Some characteristics of good listening include:

- Eye contact;

- Nodding;
- Responding when asked a question;
- Reflecting back what they heard.

Remember: There are always cultural implications in relationships. For example, in some cultures, it is considered disrespectful to look authority figures directly in the eye or to "talk back" to them. It is important to help immigrant parents and parents from non-Western cultures understand some of the differences between their traditional communication styles and what is typical in the United States.



The Chinese character for "to listen" includes ears, because we use our ears to hear; eyes, because we can see what someone is saying, even if they aren't saying it in words, through their body language; undivided attention, because we know that paying attention is key to listening; and heart, because to truly listen to someone we must listen *with* our heart, *for* the heart of what they are trying to express to us.

Some important thoughts for parents to keep in mind:

- You can't do two things at once if one of them is listening.
- You can't listen if you are trying to figure out what to say.
- You can't listen if you are assuming (that you know what the other person is going to say, that you know their values, that you know where they are coming from, that you know their intentions).



Steps to Success in Working with Schools

If parents expect to have difficulty when meeting with school staff, their mind and body will be primed for battle. How can a parent communicate successfully if she is on the verge of overflowing in anguish and outrage? Discuss with parents how they can keep thoughts of past (or present) problems at school, worst fears, and other negatives from creeping into their mind. Help them focus positively on their goals and the view that the school wants to do their best for their child. Remind them to keep telling themselves that they and their child will succeed.

What's the most important thing that needs to be accomplished for their child? Help parents make a list of the issues, questions, and possible solutions and rank them. Discuss with parents if there are any they can pass on and which one(s) must be addressed. Help parents plan what they are willing to give and take in order to achieve the higher goal. Work with parents to map out what they need to say and practice, if that helps:

"What's most important for Jordan right now is..." "We really need to focus on..."
Referring to these few notes, with key phrases jotted down, can help keep parents and the meeting on track.

If parents don't understand what someone is saying, they need to tell him or her. Remind parents to be direct: *"I just don't understand what you are saying. Can you explain it in a different way or give me some examples?" "Is there something you can show me, in writing, so I can fully understand?"* It's important for parents to keep asking and wait for responses until they do fully understand. Parents must resist any temptation to answer their own questions or put words into someone else's mouth.

Help parents to paraphrase, or restate, so that they and others are clear about what is being said. To be understood: *"I must not be explaining this clearly, what I'm trying to say is..."* *"Here's a copy of...Let's look at this together. It shows that..."* So that the parent understands: *"It sounds like you're saying..."* *"If I understand you correctly, you're saying... Is that right?"*
"Is that written down anywhere so I can read it?"

Often, the process of clarifying one's own understanding provides an opportunity to clear up a misconception or correct misinformation that could be critical to finding a satisfactory solution for the child. So, don't overlook the value of this technique.

Some specific tips for parents include:

- Be mindful of their emotional pressure gauge as they work with their child's teacher/school and "keep their cool."
- Prioritize and plan. Be clear about their goal - what is it they want to accomplish?
- Actively listen to understand the teacher/school's perspective.
- Clarify their statements if they see a puzzled expression on someone else's face and ask for clarification if they need it.
- Keep the focus on meeting their child's needs.

Parents are often in a good position to present alternative solutions that might not occur to those who work for the school system. (*Along the lines of the old adage, "Sometimes you just can't see the forest for all the trees."*). You can work with the parent(s) to help them prepare to share their ideas. *"Let's do some brainstorming on possibilities and see what we can come up with. How about..?"* And, if they have done some research, information gathering, or obtained any formal recommendations: *"Here's a recommendation from...that has proven successful for other students. We should seriously consider this for Janey."* *"Let's try this for 8 weeks and see how it goes."*

It's also important to make sure that the focus stays on the child and meeting his or her needs. Sometimes, words like the following can help tighten everyone's focus: *"Jordan's dad and I just haven't seen the kind of progress that Jordan needs to make. What other options can we consider for him?"*

Remind parents that, if someone has been particularly helpful, they should acknowledge their efforts. Sometimes, especially when frustrations rise, acknowledging what has gone well, and how hard everyone has worked, sweetens the air a bit and makes it possible for everyone to feel better and push towards the finish line! If, by chance, the parent makes a mistake, or causes offense, help them understand how important it is for them to say they're sorry. Making an apology says that they're only human and helps to humanize what is often a formal process and sends the message that the parent can be forgiving of others' mistakes. "Please" and "thank you" also go a long way in keeping conversations civil, and not surprisingly, helps everyone say "yes."

As parents communicate, they will uncover areas where they and the school are not in agreement. They may agree on the issue that must be addressed, but not be in full agreement on how to address it. This is when it can be especially helpful to restate and discuss options in a problem solving way. This means presenting and fully analyzing proposed solutions on their own merits. It also means asking some direct, yet polite, questions such as: *"I'm still puzzled. Why isn't this an option?"* *"Jordan needs this. Who has some ideas on how we can make it happen?"*

Additionally, words that recognize the desires and the difficulties for schools to meet every child's needs, while refocusing on the parent's child, can lead to a greater willingness to put forth extra effort and think more creatively about ways to say "yes" to the parent and for the child: *"I appreciate the huge responsibility and demands facing our school system. I understand that there's never enough money, nor enough staff to meet all children's needs in the way that we all want. Truly, I do. You are responsible for meeting many children's needs. My number one job is to see to it that my child's needs are met. None of us has an easy job. I know that there's a way for us to work this out, together, so that Janey gets the services she needs. How are we going to do this?"* For example, parents can say, "we can" instead of "you should," and "yes, and..." instead of "yes, but..."

Some specific tips for parents include:

- Focus on the positives.
- Have options in mind and offer them for discussion as needed.
- Present options in a collaborative way.
- Keep in mind that they - and school staff - are only human!
- Ask for the "yes."

Navigating the Education System: Addressing Conflicts

Positions and Interests

At the heart of many conflicts is a focus on the different participants' *positions* as opposed to their *interests*. We are used to stating our positions. We are used to going into meetings with our position - our demand or our offer - and our back up position, what we are willing to settle for or compromise on. We are not used to going into meetings ready to express - or even necessarily be clear about - our underlying interests. This contributes to the likelihood of disputes.

In any type of discussion about important issues, the position that the parent takes, such as, "I want daily Occupational therapy services for my son," reflects what the parents says she wants or what the school is willing to offer. The underlying interest, "need to improve writing skills," is the motivating force behind the position. The position is the solution proposed to resolve a problem - the "what." The interest is the underlying need/desire (beliefs, values, expectations, fears, priorities, hopes, concerns) - the "Why." "Depositioning" ("Why is that solution so important to you?") is a strategy to discover or uncover the underlying interest in a conversation that is caught up in competing positions.



Positions and interests are like the parts of an iceberg. The top of the iceberg represents positions. Interests run deeply under the surface. We could resolve everything that sits on top of the water and still have a relationship shipwreck if we don't address the real interests that lie underneath and that can not easily be seen. For a parent, it is in their best interests and the best interests of their child to get to the underlying interests because they want to get to the heart of the matter and not have to keep revisiting issues over and over again.

Sometimes it's easier to help parents understand the difference between positions and interests when they look at themselves as parents. The parent may tell their child that they must be home by 10 pm. That one position can have lots of different interests behind it, including concerns about their child's safety, wanting to be a good parent, wanting to exercise control, wanting to protect their child against bad influences, wanting to be able to sleep at night, being concerned about what the neighbors might think). If all the parent does is demand that their child be in by 10 and they don't understand their own motivations and interests and share that with their child, it can lead to LOTS of fights with their child! The same is true in communicating with school professionals.

In many negotiations, the problem appears to be a conflict of positions; if the goal is to agree on a position, participants naturally tend to think and talk just about the stated positions, and in the process, they often reach impasse. Parents and schools can't come up with a real solution to a conflict if they only focus on positions. If everyone is looking to the underlying interests related to the problem, it is more possible to develop a solution that everyone feels good about.



Finding the Interests

It's not just parents who have interests in decision making processes about children in school. Teachers have interests, principals have interests, case managers have interests, the superintendent and Board of Education members have interests. Parents will be more effective as an advocate for their child if they can find out those interests - their motivations, what they are trying to accomplish, what they are afraid will happen if a different decision is reached. For example, if the principal seems adamant that the child must be suspended even in the face of the parent sharing information that the child is very sorry for what they did and

was pushed to do it by another child's bullying and harassment, it's important for the parent to know that the principal may have an interest in ensuring that other students see that they take this type of behavior seriously. That will help the parent give additional suggestions that can meet both of their needs.

To find the underlying interest, it is important to discover:

- What need is the person taking this position attempting to satisfy?
- What is motivating the person?
- What is the person trying to accomplish?
- What is the person afraid will happen if a demand is not fulfilled?



Here are some sample questions to ask to help identify the silent movers behind the positions. Parents can use these questions in trying to put themselves in the other person's shoes and thinking what their interests might be for their stated position. Parents can ask the person directly why they are taking a particular position. When parents actually use these WHY questions in an IEP meeting or a mediation session, they will often be amazed that they might find rich information about the other person's interests.

If parents are trying to change someone's mind, they really have to figure out where their minds are now. Most of the time, there are many interests, not just one. The most powerful interests are the basic human needs - security, economic well-being, sense of belonging, recognition, and control over one's life. When you take care of basic needs, you increase the chance of reaching agreement. Also, when you focus on interests, you often find that parties who disagree on positions have very strong shared or common interests. Realizing that the parent and school personnel share those interests - positive outcomes for a child - can help reframe the conversation and create agreement.

Specific questions to ask in trying to find the underlying interests include:

- "Why is that solution so important for you?"
- Why are you suggesting...?
- "What if that did/didn't happen?"
- "How will you be affected by...?"
- **"Imagine that you got _____; what would be taken care of?"**

Interest-Based Negotiation

People listen better when they feel that the others have listened to their interests. Here are some tips for parents for interest-based negotiating.

- Communicate and explain your interests.

The other side may not know what the parent's interests are - and the parent may not know the school personnel's interests, or they may not even be listening to each other. If the parent wants the other side to take their interests into account, the parent must explain to them what those interests are

- Make your interests come alive. It is the parent's job to have the other side understand exactly how important and legitimate their interests are.
- Be Specific.

Part of the task of impressing the other with your interests lies in establishing the legitimacy of those interests. The parent wants them to feel not that they are attacking them personally, but rather that the problem is very serious - and if they were in the parent's shoes, they might feel the same way.

Here are two examples: "Each year, the information written by the teacher on the board gets more complex. He can't keep up with the note-taking now. Without help, my son's handwritings skills will fall further and further behind." " I received 1 note and no phone calls from the teacher since September. Then my daughter came home with three D's on her report card. How would you feel if that were your daughter and if you had known that she was struggling, you maybe could have helped her more at home?"

- Acknowledge the other party's interests.

We are usually so concerned with our own interests that we don't pay enough attention to the interests of others. People listen better if they feel that you have understood them. They tend to think that those who understand them are intelligent and sympathetic people whose own opinions may be worth listening to. So, if parents want the school to appreciate their interests, they need to begin by demonstrating that they appreciate the interests of school personnel. The same is true for the school acknowledging the parents' interests.

Here's an example from the school's perspective: "As I understand it, your interests as a parent are to be able to support your daughter related to things happening at school, to make sure that she doesn't get behind in her schoolwork, etc. Have I understood you correctly? Do you have any other interests?"

- Share your interests and reasoning first and proposals later

Put the problem before the solution. If you say: "You really should provide 5 days per week of occupational therapy services, because..." by the time you come to the "because," he/she may already be preparing arguments against it, and may not be hearing your interests. The parent should start by describing the specific concerns with their child's falling behind in written language - in not keeping up with the classroom's demands - and asking how can the school district help?

An example from the parent's perspective: Tell the principal first about how much you worry and lose sleep over your daughter's challenges, how important her successful school experience and learning is to you, how much you were able to support her when you knew what her assignments were, and how she was getting A's & B's. Then, when the principal is listening carefully, when you explain that your proposed solution - an email 3x/week and list of homework assignments & any outstanding assignments - they will understand why.

Interest-based negotiation is more effective than demand-based negotiation because it separates the people from the problem and is soft on people while hard on the problem. When parents put into practice the process of working out an agreement in an interest-based way, they are changing negotiation behavior (not trying to change the other person). Interest-based negotiation recognizes that it is important to deal with people as human beings, with emotions, deeply held values,

different backgrounds, the need to "save face," etc. Interest-based negotiation shifts the dynamic from the parent's vs. the school's position to the parent and school together vs. the problem. It helps parents and schools find a way together to explore each others' interests, to be able to find and create options to meet the interests of each other to resolve the underlying issues.

Understanding Conflict Handling Modes

It can also be useful to help parents identify their "natural" conflict handling mode. How do they typically respond to conflict? (Of course, a parent's conflict handling mode may be different in personal vs. work situations, in family vs. professional relationships, etc.) For example, if parents typically avoid conflict, they will have to work hard to move beyond that avoidance if avoidance means their child will not get what they need or will be out of school for the rest of the year due to expulsion. The five conflict handling modes are:

Avoidance: Avoidance reflects a low concern for both personal and relationship goals. This often occurs because we feel we don't have tools to deal with conflict or have fears based on past negative experiences with conflict such as abuse.

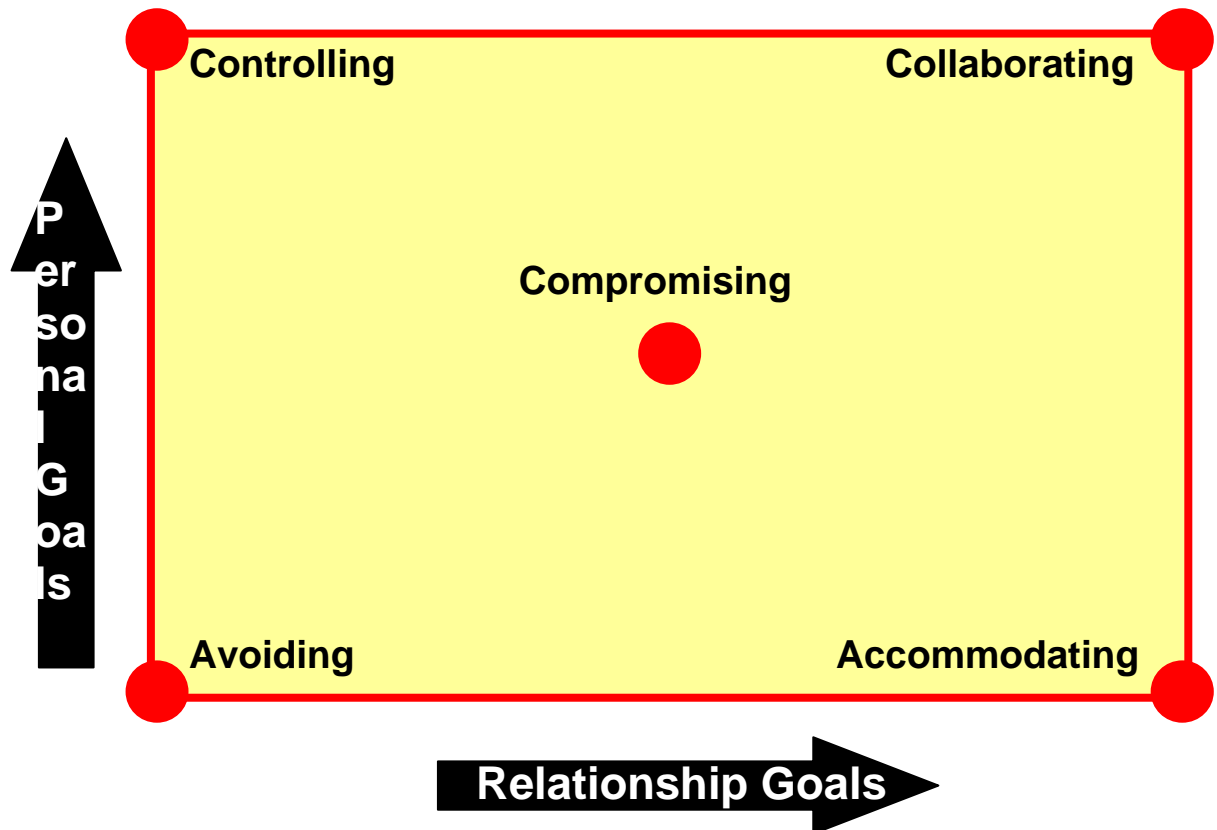
Accommodation: Accommodation is when someone sacrifices their personal goals to accommodate relationship goals. We typically engage in accommodating behavior with our significant others. It's the relationship we care most about.

Control: Controllers demonstrate very high concern for personal goals, and low concern for relationship goals. Control reflects a "power" approach to addressing disputes. You see this in the for profit world where everything is driven by the bottom line. It is also often present in the parent-child relationship, although it often doesn't work well, especially with adolescents!

Compromise: "If you would just give up something, we could get it resolved." Compromise is sometimes seen as a positive way to resolve conflict, but usually compromise solutions don't last very long because no one is really happy!

Collaboration: In collaboration, there is high concern for both personal and relationship goals. This approach to resolving disagreements takes a lot of time, commitment, facilitation and negotiation skills. When an agreement is worked out here, it usually lasts a long time and works very well.

The Five Conflict Handling Modes



Source: Thomas Killmann

There is a time and a place for each of these conflict handling modes. The important things are for the parents to understand where their natural comfort level lies, and to learn how to use other modes when they are more appropriate.

Navigating the Education System: Effective Communication and Advocacy Skills

Parents also need effective communication and advocacy skills to participate effectively in meetings and in decision-making regarding their child(ren).

Parents need to be able to understand what their child's teachers and other professionals are saying, and the professionals need to understand the parent. If the parent's English is not very strong, then they should bring someone with them to any meeting to make sure that they can understand what the professionals are saying and that the professionals understand the parent.

(Note: The law requires that schools bring interpreters to meetings where the parent does not speak English. Parents and Family Success Centers should advocate for this to happen. However, this law is often not followed. Even if the district has an interpreter, it is often not a trained interpreter. So it is helpful if parents can bring someone with them.)



Parents need to be very clear about their goals in any conversation or meeting with school personnel. They need to take time in advance of the conversation, whether it's a phone conversation or an in person meeting, to decide what they want to achieve; prioritize the most important goals; and the reasons behind what they are asking for. It's helpful to have a conversation with a friend, family member or advocate prior to their conversation with school officials so that they can help the parent be as clear and focused as possible.

Parents also need to be able to express themselves without being rude or overly aggressive. Being an effective communicator means that the parent can express their ideas and requests politely even when they have strong feelings. Being rude or overly aggressive simply means that the teacher or administrator won't be able to hear the substance of what the parent saying. It's also important for the parent to try to understand the school personnel's perspective(s) and point(s) of view. If the parent understands why they are taking a certain position, they can more effectively discuss their opposition to that approach - or they might even discover that they agree with them!

Do's and Don'ts: Tips for Parents

- **Do** describe your ideas about what can be done to improve the situation or solve the problem

- **Don't** put the other party on the defensive by reviewing all the things that you perceive have gone wrong.

Parents know their child better than anyone else. Their ideas about what can be done to improve the situation or solve the problem are an important contribution to the discussion. The school can't read the parent's mind; the parent needs to be prepared to share ideas with them, and to give reasons why the parent feels that their solutions will work. By focusing on where to go from here, instead of rehashing all of the things that the parent perceives have gone wrong, the school personnel will be more likely to work with the parent instead of being defensive.

- **Do** take the time to assess pros and cons of any solution carefully.
- **Don't** get too excited and hopeful about a new idea without taking time to carefully consider it.

When the parent is working with the school to address a problem, different possible solutions might come up in the meeting or conversation. It's important that the parent(s) and the rest of the team carefully consider why each possible solution might or might not work, and of the possible solutions, which has the greatest likelihood of being successful. Parents shouldn't just jump at a possible solution because they're tired or can't think anymore! Sometimes a new option seems attractive just because it's new. The parent should ask questions and suggest that the team take time to think about the possible options before making a final decision.

- **Do** focus on the unique needs and strengths of your child & family
- **Don't** forget that the issue is appropriate services for your child

In conversations with school personnel, parents need to remember that they may be having conversations like these with dozens or even hundreds of parents. It's the parent's job to make sure that the teacher, administrator or other school staff is focusing on the unique needs and strengths of this particular child and family and not lumping their child in with other children who may share the same special need or other characteristics. Parents should work to make sure that the conversation is focused on appropriate services for **their** child and meeting their child's needs and builds on their child's strengths.

- **Do** keep an open mind.

- **Don't** become so committed to one idea that you don't recognize a good opportunity when presented.

While parents have knowledge of and commitment to their child, the school professionals also bring knowledge and expertise to the table. So it's important to keep an open mind when they are talking with their child's teacher or school administrator. Parents want school personnel to listen to their perspective and their ideas, and they are more likely to do so if the parents are open to the school's perspectives and ideas. They may also have some good ideas, and if parents are so committed to their solution that they can't hear anything else, they may miss an opportunity for an even better solution.

- **Do** focus on the present and the future.
- **Don't** get trapped by past negative experiences.

Many times the disagreement between the parent(s) and the school has gone on for a long time and the parent has lots of longstanding resentment and anger about all the things the school did or didn't do. It's really important for effective advocacy that parents don't allow themselves to get trapped by these past experiences. Focus on the present and the future. Blame is not very productive!

Establishing a Collaborative Team

Checklist for Families

- Do I believe that I am an equal partner with professionals and do my share of problem-solving and planning to help my child?
- Do I clearly express my own needs and the needs of my family to professionals in an assertive - but not bullying - manner?
- Do I treat professionals as individuals and avoid letting past negative experiences get in the way of a good working relationship?
- Do I communicate quickly with professionals when significant changes and events occur?
- Do I maintain realistic expectations for myself, professionals, and my child?
- Do I talk to my child and engage them as much as possible in their own education? Do I work to build their capacity to advocate for themselves and others?

Building Blocks for Successful Meetings

Most education laws require that the school provide parents with an opportunity to participate in a decision making meeting about an issue that impacts their child. It is vital that parents prepare for those meetings. Remember the 5 "Ps": *Proper Preparation Prevents Poor Performance*.

In Advance of the Meeting

- Map out what the meeting should focus on.
 - WHAT is the parent concerned about & WHY?
 - HOW should each issue be addressed?
 - To WHOM should each issue be addressed?
 - WHAT will the district/school personnel say?
 - HOW can the parent respond?

Any meeting that is important enough to attend is important enough to plan for. So as the parent is planning for the meeting, they should consider what they are concerned about and why; how they will address each issue of concern or each request; to whom each issue or request should be addressed; what the district or school might say; and how the parent can respond.

- Prioritize the most important issue or issues. A 5 hour meeting is unlikely to happen and even if it happens it's unlikely to be effective. Figure out what issues need to be addressed first and focus on those.
- Role play for the meeting.

Role playing in advance of the meeting can give the parent strength and courage for the meeting, and will make them better prepared for active discussion.

- Identify possible areas of agreements as well as divisive issues; narrow areas of disagreement as much as possible.
- Share information re: laws, interpretation of laws, new research developments that support their position, etc. *in advance of the meeting*

If the parent has research or other information that they think is really important, they should share it in advance of the meeting with the meeting participants. Just as parents don't like to show up at a meeting and be presented with a sheaf of papers that they haven't had the chance to read or review or think about it, professionals don't like to show up at a meeting and be presented with lots of new material. If parents share it in advance, then the professionals have the chance to look at it and incorporate it into their own thinking and they are more likely to be willing to use it during the decision making process.

- Dress appropriately.

Because the parent wants to be taken seriously by the professionals at the meeting, it is important that they dress and act appropriately. This sends the message that they take the issue seriously and that they respect the process.

- Bring *someone* to the meeting.

Bringing someone with them to the meeting is important, especially if the issue is emotional for the parent or if the parent feels intimidated by the professionals. That person can be an effective second set of ears and a note-taker.

- Bring the child to the meeting, if appropriate.

It is often appropriate to bring the child to the meeting for at least part of the meeting. If the child will attend, the parent should prepare their child for the meeting. If the child has an IEP, the parent should put in their child's IEP services to prepare her/him for active participation in their IEP meeting

- Take letters, videotapes, photos, etc. that personalize your child and highlight areas of strength and needs.

This will help all the people at the meeting to be thinking about the child as a human being, not as a case.

- The parent brings their own agenda to make sure that the issues they think are important are going to be discussed. Having a pre-meeting conversation with the child's teacher, case manager, principal or other professional will help make sure that the agenda incorporates what the parent thinks is important.

At the Meeting

- Use "I" Language.

Instead of the parent saying, "*You never do this,*" if the parent says, "*I need to hear about how my child is doing more frequently so I can help you work on his behavior or academic work,*" it is more likely that they will be able to hear.

- Prepare for active listening - really listening to what the professionals are saying - will help the parent hear their perspectives.

If the meeting discussion goes off track, the parent should try to refocus the discussion. And keep requesting revisits of essential issues when necessary.

- Do not jump from SPECIFICS to GENERALIZATIONS.

When the parent is at the meeting, it's important that they don't jump from specifics to generalizations. ("The teacher yelled at my child and my child ended up crying and running from the classroom," not "You always scream at my kid!")

- Model the desired behavior.

Parents should try to model the behavior they would like to see from the professionals at the meeting. They should try not to personalize their disagreements: their interest is in changing the behavior, not attacking the person. Parents shouldn't be passive victims, but they should also avoid being bullying victimizers. They will benefit if they recognize and appeal to the humanity of all the participants. They should expect and give active listening to all participants.

- If all of the participants agree to something, put it in writing and make sure that there are time lines for completion of those action items and a responsible party.
- TRY to begin and end the meeting positively, even if there are many unresolved issues or remaining conflicts.
- Set a date for a follow-up meeting before the participants disperse, if necessary.

It is often the case that the agenda that is set for the meeting is too ambitious and so the discussion may not cover everything the participants wanted to discuss. So help the parents figure out how to ensure that the discussion focuses on the most important issues and that a date for a follow up meeting is set. It's important to try to set the follow up meeting before the first meeting ends because everyone is at the table with their calendars, and that way the follow up meeting is not forgotten.

When the Parent Disagrees

Conflict Resolution Tips

- Maintain respect.
- Find out the policy & procedures to resolve disagreements.
- Use discretion about when and where disagreements - or the people you disagree with - are discussed.
- Talk directly with those involved about the problem.
- Check the facts before drawing conclusions or allocating blame.
- Avoid criticizing professionals in front of children. It may cause confusion and conflict and it may foster arrogance, defiance and rudeness toward adults
- Choose an appropriate time and place to discuss the disagreement. The beginning or end of the school day is probably NOT the best time for a discussion involving strong feelings.
- If an extended discussion is needed, schedule a follow-up meeting!

Conflict Resolution Process

- Talk it over.
- Compromise.
- Rethink it.
- Persuade/support your opinion.
- Ask someone to help mediate (informal).
- Identify areas of agreement.
- Go up the chain of command.

Going up the chain of command is somewhat different depending on whether you are talking about general or special education - but it always starts with the people who have the direct responsibility for educating the child, the teacher.

Going Up the Chain of Command

The Special Education Chain of Command

To resolve problems in the special education process, the starting point is the child's teacher. If the parent is unsatisfied with the results of that conversation, or they cannot get the teacher to talk with them, the next step is the case manager on the Child Study Team. (In New Jersey, every child with an IEP has a case manager who has the primary responsibility for ensuring that the IEP is implemented and for monitoring the child's progress). If that discussion is unsatisfactory, the next step is a conversation or meeting with the Director of Special Services/Pupil Services and then the Superintendent.

If there is a clear violation of the law, and the district won't correct it, the parent can contact the County Supervisor of Child Study in the County Superintendent's Office. The County Supervisor of Child Study is located in the county education office but works for the New Jersey Department of Education. One of their jobs is to help districts understand what the law requires and to encourage them to comply with the law. If the parent is still unhappy with the results, the parent can then request formal complaint resolution mechanisms.

If it's an urgent issue, the parent can request emergent relief from the New Jersey Department of Education office of Special Education Programs by filing a notarized affidavit of the issues, why it's an emergency (to avoid disruption of the child's educational program or to address harm to the physical or mental well-being of the child).

If it's not an emergency, the parent can file a request for mediation, a due process hearing, or a complaint investigation. If the due process hearing or complaint investigation resolution is unsatisfactory, the parent may file a complaint in state or federal court.

Request for Complaint Investigation

To file a request for complaint investigation, the parent or advocate specifies that they are: filing a request for complaint investigation; alleging a violation of state or federal law or code; filing on their child's behalf and/or on behalf of all children similarly situated; and they want to be interviewed as part of the investigation.

They should request specific corrective action, and note that they expect the investigation to be completed within the mandated 60 days. They sign and date the complaint and make a copy for their records, and then send the request to Roberta Wohle, the Director of the New Jersey Office of Special Education Programs, with a copy to the school district.

The General Education Chain of Command

To resolve problems in the general education process, the parent should start by discussing the issue with their child's teacher. If that is not successful, they should reach out to the Principal/Assistant principal, and then to the Assistant Superintendent or other central office staff responsible for that area (discipline, Title I/NCLB, bilingual education, etc.) The next step is the Superintendent of the district, followed by an appeal to the District Board of Education.

If all levels in the district refuse or fail to satisfactorily resolve the issue, the parent should contact the County Superintendent. The next step is filing a petition to the Commissioner of Education, Lucille Davey, who may refer it to the Office of Administrative Law for a hearing. If the Commissioner does not adequately resolve the issue, the parent may appeal to the State Board of Education and then file with state or federal court.

Petition to the Commissioner

To file a petition with the Commissioner, the parent prepares a petition and serves the petition on each party, with any supporting papers. A petition includes:

- Name & address of each petitioner
- Name & address of each respondent
- Statement of specific allegations, essential facts, and law if known
- Relief sought
- Notarized statement of verification

Then the parent files proof of service, phone and fax of petitioner and each respondent, and the original & two copies of the petition and supporting materials, if any. Proof of service consists of an acknowledgement of service by the respondent/district's attorney; an affidavit of the person who hand-delivered the petition to the respondent/district; a certificate of service; or a copy of the

petitioner/parent's receipt for certified mail or delivery by messenger. The parent must file within 90 days of the event giving rise to their complaint.

The respondent/district answers within 20 days with specific denials, affirmative defenses, or motion to dismiss. The original and 2 copies of their answer and supporting papers are filed with the Education Commissioner, along with proof of service to the parent.

Once she has received the complaint and answer, the Commissioner may:

- Render a summary decision if there is no response/answer, or grant an extension of time to submit a response/answer;
- Provide interim relief or a stay, if the request is accompanied by a letter or memo alleging:
 - Irreparable harm
 - Legal right is settled
 - Strong likelihood of prevailing on merits
 - Equitable concerns.

Once the Commissioner has considered the complaint and answer/response, she may:

- Dismiss the petition
- Retain the matter for hearing
- Designate an Assistant Commissioner to hear the case
- Transmit to the Office of Administrative law (OAL) for a hearing, which must follow the OAL rules

If the petitioner has filed a request for emergent relief, the Commissioner may:

- Act on the application before an answer is filed;
- Act on the application when the answer is filed; or
- Transmit the application to OAL for immediate hearing.

At the conclusion of the case, the Commissioner issues a written decision setting forth the findings of fact, conclusions of law, and an appropriate order to resolve the conflict. If either party is unhappy with the Commissioner's decision, they may:

- Move for a stay pending determination on appeal to State Board of Education within 30 days;
- Appeal to the State Board;
- Move for reconsideration or clarification by the Commissioner within 30 days from her decision.

What Happens When The Dispute Is Over?

When formal dispute resolution processes have ended, win or lose, the parent still has to work with the school for the good of their child. They need to try (very hard!) not to be bitter or nasty, to be generous and welcoming, and to be ready to start over in the relationship for the good of their child.

What Can Family Success Centers Do to Help?

Family Success Centers (FSCs) can be an invaluable resource for parents regarding advocating for their child. FSCs can:

- Offer telephone or in-person technical assistance to families regarding how to prepare for a meeting. Help the family talk through their goals and/or concerns.
- If they have concerns, why do they feel that their child's program or placement is not appropriate? What kind of "evidence" or facts do they have to support their position? What would they like to see happen differently?
- Help balance the scales by helping parents prepare for their school meeting:
 - Listen to the parent's story
 - Help them identify:
 - Facts
 - Relevant law
 - Proposed solution(s)
 - Help the parent plan & walk through presentation of their thoughts
 - What their child needs & supporting documentation
 - What is actually happening & documentation
 - Proposed solution(s)
- Help the parent identify who they might bring to the session to provide support
 - Friend
 - FSC staff or volunteer
 - Advocate if needed

- Explain to the parent what will happen during the meeting & what happens if it does or doesn't resolve the issues
- Explain conflict resolution options such as mediation, due process, request for complaint investigation
- Train parent volunteers and/or FSC staff to accompany parents to the meeting for support, or to be available on the phone during the meeting for families who need support, and ensure that they understand:
 - The law
 - Meeting procedures and consequences
 - How to provide support to the family without substituting their judgment for the family's judgment
 - How to actively listen (to the family, the district, and other participants)
 - How to help the family explain their position
 - Other options for the family & how to access them
 - How to assist the family to negotiate
 - How to explain to the family what they are "giving away" if they compromise or "settle" for less than they believe they are entitled to.
- Connect families to other resources that can provide them with more intensive information, training, support and education advocacy.

Resources

The Statewide Parent Advocacy Network (SPAN) is New Jersey's federally-funded Parent Training and Information Center (PTI) for parents of children birth to 21 who are struggling academically, physically, emotionally, or with health concerns in school. SPAN's toll-free number is 800-654-SPAN and the website is www.spannj.org. For education issues, SPAN should be the first contact. SPAN has technical assistance specialists fluent in English and Spanish, and uses the Language Line for families speaking other non-English languages. SPAN also can connect families to the Traducelo Ahora web-based Spanish language translation program, which can help Spanish-only speaking parents access English language websites in Spanish and send emails to/receive emails from teachers and other professionals working with their children. (If you would like to access the Traducelo Ahora program, please contact Mercedes Rosa at mercedesrosa@spannj.org).

Below you will find a list of New Jersey websites with relevant information for families and professionals who work with children and families. Please share them!

New Jersey Websites

State Government Websites

New Jersey Department of Children and Families: www.dcf.state.nj.us

Child welfare, child abuse, prevention/family strengthening

Child behavioral health/mental health:

<http://www.state.nj.us/dcf/behavioral/>

New Jersey Department of Education: www.doe.state.nj.us

Education for children in kindergarten through 12th grade

Preschool for 3-5 year olds in Abbott districts, or 3-5 year olds with disabilities

New Jersey Department of Health and Senior Services: www.doh.state.nj.us

Child and adolescent health

Special Child Health Services:

<http://www.state.nj.us/health/fhs/sch/sccase.shtml>

New Jersey Department of Human Services: www.dhs.state.nj.us

Services for children with developmental disabilities

Child Care Websites

Child Care Resource & Referral Agencies:

www.state.nj.us/humanservices/dfd/CCRandRs.html

NJ Inclusive Child Care Project: www.spannj.org/njiccp

Disability Organization Websites

Arc of New Jersey: www.arcnj.org

Brain Injury Association: www.bianj.org

Cerebral Palsy Association of NJ: www.cpodnj.org

CHADD (Attention deficit disorder): www.chadd.org

Commission for the Blind & Visually Impaired:

<http://www.state.nj.us/humanservices/cbvi>

COSAC (autism): www.njcosac.org

Epilepsy Foundation: www.efnj.com

Learning Disabilities Association: ldanj@optonline.net
Mental Health Association: www.mhanj.org
National Alliance on Mental Illness-NJ: www.naminj.org
NJ Alliance of Family Support Organizations (child mental health): www.njalliance-fso.org
NJ Association of the Deaf-Blind: <http://www.njadb.org>
NJ Association of the Deaf: <http://www.nwjad.org>
NJ Parents' Caucus (child mental health): www.newjerseyparentscaucus.org
National Federation of the Blind-NJ: www.nfbnj.org
Spina Bifida Association of the Tri State Region: <http://www.sbatsr.org>

Family Support Websites

Family Support Center of New Jersey: www.fsnj.com
Family Support Planning Councils: <http://www.njddc.org/familysupport.htm>
New Jersey Self-Help Clearinghouse: <http://www.medhelp.org/njgroups>
New Jersey Statewide Parent to Parent:
<http://www.spannj.org/familywrap/parent2parent.htm>

Health Websites

American Academy of Pediatrics New Jersey Chapter: www.aapnj.org
Arc of New Jersey Mainstreaming Medical Care Project: www.arcnj.org
Association for Children of New Jersey: www.acnj.org
Catastrophic Illness in Children Relief Fund:
<http://www.state.nj.us/humanservices/cicrf1.html>
Community Health Law Project: www.chlp.org
Early Intervention (infants and toddlers with disabilities age 0-3): www.state.nj.us
Family Voices/Family to Family Health Information:
<http://www.spannj.org/Family2Family>
Medicaid/Family Care: <http://www.njfamilycare.org>
New Jersey Citizen Action Health Care Coalition: www.njcitizenaction.org
University Affiliated Program/Boggs Center: <http://rwjms.umdnj.edu/boggscenter>

Education Advocacy Websites

Education Law Center: www.edlawcenter.org
NJ Coalition for Inclusive Education: www.njcie.org

NJ Immigration Policy Network: www.njipn.org
NJ Protection & Advocacy: www.njpanda.org
SPAN Parent Training & Information Center: www.spannj.org

Assistive Technology Websites

New Jersey Coalition for Advancement of Rehabilitation Technology:
<http://www.njcart.org>
Assistive Technology Advocacy Center: <http://www.njpanda.org/atacprogram.htm>

Recreation Websites

NJ Special Olympics: <http://www.sonj.org>
Office of Recreation, NJ Department of Community Affairs:
<http://www.nj.gov/dca/dcr/rec/prog/index.shtml>
Very Special Arts-NJ: www.vsanj.org

Transition to Adult Life Websites

Centers for Independent Living: www.njil.org
Division of Developmental Disabilities: <http://www.state.nj.us/humanservices/ddd>
Division of Vocational Rehabilitation Services:
<http://www.dol.state.nj.us/labor/dvrs>
SPAN Transition to Adult Life Project: www.spannj.org/transition

Transportation Websites

Office of Special Services-New Jersey Transit: www.njtransit.com
Office of Special Services-AMTRAK: www.amtrak.com