



Requesting a Change of Placement

Placement means where your child's IEP is carried out. Depending on your child's needs, his or her placement may be in the general education classroom, in a special education classroom, in a special school, in your home, in a hospital or institution, or in another setting. Placement is based on the IEP. Therefore, when you request a change in placement, you are actually requesting an IEP review to discuss your child's needs and where those needs are met.

Why might I ask for a change in my child's placement?

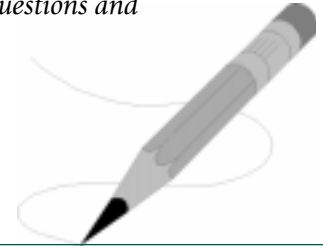
You might want to request a change in your child's placement if you feel that your child's needs are not being met appropriately. For example, you may become concerned about your child's placement after reviewing your child's progress reports; reviewing the results of any state, district-wide, or alternate assessments your child has been given; talking with your child's teacher or other service providers; or talking with your child.

Placement concerns might also include:

- ◆ changes in your child's needs;
- ◆ current class size is too large or too small;
- ◆ current class is too academic or not academic enough;
- ◆ the placement does not meet your child's social or emotional needs;

- ◆ the building is too difficult for your child to get around; or
- ◆ any other reason that this class placement is not working out successfully.

(For more information about placement, please see Question #19 in NICHCY's publication called *Questions and Answers about IDEA*.)



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Principal or Special Education Administrator
Name of School
Street Address
City, State, Zip Code

Dear (Principal's or Administrator's name),

I am writing to request a meeting to discuss a change in placement for my son/daughter, (child's name). He/she is currently in the (___) grade in (teacher's name) class. I feel he/she needs to be in (name of alternative, if you know; otherwise describe the type of placement you feel is more appropriate for your child, such as your neighborhood school, a center-based program, general education class, or special class).

I am most concerned about (keep this paragraph brief and mention your child's unmet needs, not problems with individual people).

I would also like to have (name of teacher(s) and/or any specialists you would like from the current and/or requested placement) attend this meeting.

I can arrange to meet with the rest of the IEP team on (days) between (give a range of time, such as between 8:00 a.m. and 10:00 a.m.). Please let me know what time would be best.

I look forward to hearing from you soon. My daytime telephone number is (give your phone number). Thank you for your time.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator)
your child's teacher(s)
specialists or other staff



Requesting Prior Written Notice H

What is prior written notice, and why would I want it?

There are certain times when the school must put in writing its decisions about your child's education and the reasons for those decisions. This written communication is called *prior written notice*. You have the right to receive prior written notice whenever the school wants to (or refuses to):

- ◆ evaluate your child,
- ◆ change your child's disability identification,
- ◆ change your child's educational placement, or
- ◆ change the way in which your child is provided with FAPE.

The school system is supposed to automatically provide you with prior written notice in any of these events. In practice, though, sometimes the school may tell you its decision over the telephone, in a meeting, or in a one-on-one conversation. If you want the notification in writing, you may ask the school system to provide it. And it is best that you put your request in writing.

For example, you may have asked for an IEE at public expense. The school system may tell you on the phone that it has denied your request. You may ask for prior written notice of this denial. The school must then put its decision in writing and explain the reasons for the decision. This information can be helpful if you pursue the IEE through a due process hearing. You will then have in writing the school system's reasons for denying the IEE.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

At our meeting (or) during our phone conversation on (date), we discussed my child's (evaluation, eligibility, placement, IEP, services, etc.). I requested (_____). . . and was denied (or) I was told the school intends to (_____). . . but I have never received any information about this decision in writing. In accordance with the IDEA regulations, I am requesting prior written notice regarding (be very specific about the issue/decision you want the school to respond to. Bullet or number the items.)

According to the IDEA, at 34 CRF §300.503, prior written notice must include the following:

1. A description of what the school is proposing or refusing to do;
2. An explanation of why the school proposes or refuses this action;
3. A description of any other options the school considered and the reasons why those options were rejected;
4. A description of each evaluation procedure, test, record, or report the school used as a basis for this decision;
5. A description of any other relevant factors that went into this decision;
6. Information on how I can obtain a copy of procedural safeguards available to me under the law and a full explanation of the safeguards, and
7. Information on sources I can contact for help in understanding IDEA's regulations.

I look forward to receiving a detailed response to my request as soon as possible. Thank you for your assistance.

Sincerely,

Your name

cc: the principal, supervisor, or special education administrator
other members of the meeting



Requesting Mediation H

When would I make a request for mediation?

Anytime you have a serious disagreement with the school and you feel it isn't getting resolved, you may request mediation. In mediation, you and school personnel sit down with an impartial third person (called a mediator), talk openly about the areas where you disagree, and try to reach an agreement. Mediation is voluntary, though, and *both parties must agree to meet with a mediator*. There are benefits to mediation, both for you and for the school. One of the chief benefits is that mediation allows you and the school to state your concerns and work together to reach a solution that focuses on the needs of the student and is acceptable to both of you.

(For more information on mediation, see Question #25 in NICHCY's publication called *Questions and Answers about IDEA*. A booklet on mediation is also available from CADRE, the Consortium for Appropriate Dispute Resolution in Special Education. You can contact CADRE at (541) 686-5060 for the booklet, or download it from their Web site at: www.directionservice.org/cadre. You may also want to get information on mediation from your PTI or P&A.)



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

My son/daughter, (child's name), currently attends (name of school) and is in the (___) grade in (teacher's name) class. I am writing to inform you that the school and I are in disagreement concerning (BRIEFLY state what the disagreement is about). We have been unsuccessful in resolving this dispute, and I am requesting mediation so that we may resolve our differences.

I would like the mediation to be done as soon as possible. Please let me know when this can be arranged and send me a copy of the school's guidelines on mediation. My daytime telephone number is (give your phone number). Thank you for your assistance in this matter.

Sincerely yours,

Your name

cc: your child's principal
your child's teacher



Informing the School that You Intend to Enroll Your Child in a Private School at Public Expense

What do I do if I think my child's placement should be in a private school?

In a very few cases, the most appropriate placement for a child is in a private school. When this placement decision is made by the public school IEP team or placement group, the public school pays the cost of the private school. Sometimes a parent may feel that a recommended public school placement is not appropriate for his or her child. The parent may reject that placement and decide to enroll his or her child in a private school. If you find yourself facing this decision and you want the public school to reimburse you for the cost of the private school, there are several things you need to know.



1. A court or a hearing officer may require the school district to reimburse you if the court or hearing officer decides that:

(a) the public school did not make FAPE available prior to your child's enrollment in the private school, and

(b) the private placement is appropriate.

2. Your request for reimbursement may be reduced or denied if before enrolling your child in the private school:

(a) at the most recent IEP meeting, you did not inform the school that you reject the proposed placement and intend to enroll your child in a private school at public expense, and

(b) at least 10 business days prior to removing your child from the public school, you did not give the school written notice. (For more information please see Question #28 in NICHCY's publication called *Questions and Answers about IDEA.*)

To the left is an example of a letter you might send if you decide to enroll your child in a private school and want the public school to pay for it.

Once you have sent this letter to the school, you will also need to make a request for a due process hearing so that a hearing officer can decide whether or not the public school must reimburse you for the costs of the private school. See the section on due process on the next page (page 17).

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Principal or Administrator
Name of School
Street Address
City, State, Zip Code

Dear (Principal's or Administrator's name),

My son/daughter, (child's name), is a special education student in the (_) grade in (name of teacher)'s class at (name of school). Recently, I attended a meeting to determine (child's name)'s school placement. I am writing to inform you that I reject the proposed placement for (child's name), and intend to enroll him/her in a private school at public expense. At the most recent IEP meeting, held on (date), I informed the other team members of my decision.

The reasons for my decision are as follows: (Keep this section brief, list specifics for why you believe the public school placement is not appropriate for your child).

(Child's name) will be attending (name of private school), effective (date).

Should you wish to discuss this matter further, I can be reached at (give your phone number). Thank you for your time.

Sincerely,

Your name

cc: your child's principal (if letter is addressed to an administrator)
your child's teacher(s)

You've read about due process in other places in this *Parent's Guide*. Due process is one approach that parents and schools can use to resolve disagreements. Basically, in a due process hearing, you and the school present evidence before an impartial third person called a hearing officer. The hearing officer then decides how to resolve the problem.

You have the right to request a due process hearing on any matter related to

- ◆ your child's identification as a "child with a disability,"
- ◆ his or her evaluation,
- ◆ his or her educational placement, and
- ◆ the special education and related services that the school provides to your child.

(For more information on due process hearings, see Question #26 in NICHCY's publication called *Questions and Answers about IDEA*. You may also want to talk to your PTI or P&A.)

When should I request a due process hearing?

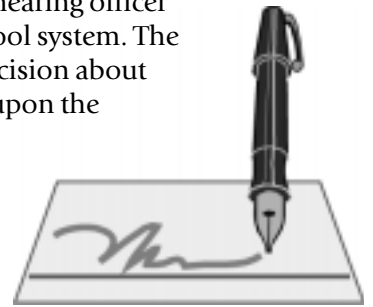
Some reasons why a parent might file for due process include:

- ◆ The school refuses to evaluate your child.
- ◆ You disagree with the eligibility decision.
- ◆ You disagree with the services, goals, or objectives in the IEP.
- ◆ The school refuses to provide a related service, modification, or supplementary aid you think your child needs.
- ◆ You disagree with the placement decision.

Generally speaking, when the family and school disagree, it is important for both sides to first discuss their concerns and try to reach a compromise. Remember, the goal is to provide an appropriate education for your child. There are many options when deciding what an appropriate education is, and some trial and error may be necessary to develop a successful program for your child.

However, if you and the school have fully communicated, understand each other's positions, tried such strategies as IEP meetings and/or mediation, and you still disagree, you may want to request a due process hearing. A due process hearing is a formal proceeding. As was said above, you and the school system share your information and concerns in front of a qualified, impartial hearing officer. The school system will probably be represented by an attorney. While parents are not required to have an attorney, you are strongly encouraged to have one. Your state's PTI center will have information on special education attorneys in your area. The school system must also tell you about any free or low-cost legal (and other relevant) services available in the area if you request a due process hearing or if you simply request this information.

In the due process hearing, the hearing officer will listen to both you and the school system. The hearing officer will then make a decision about how to resolve the conflict, based upon the evidence and the requirements of law.



How do I request a due process hearing?

Send your letter requesting a due process hearing to the person in charge of due process hearings for the school system. This may be the Superintendent of Schools, or the Director of Special Education, or another school official. You (or your attorney) can call the Director of Special Education in your school system to find out the name, title, and address of the person responsible for due process hearings. Send your request to this individual. Your request will then be given to a hearing officer. The hearing officer is responsible for setting the date, time, and place of the hearing. Unless both you and the school system agree differently, the hearing must be held *and* the decision must be made by the hearing officer no later than 45 days after the school system receives your request for the hearing.

Under IDEA, when you ask for a due process hearing, your request must include:

- ◆ the name of your child;
- ◆ the address of your child's residence;
- ◆ the name of your child's school;

- ◆ a description of the problem, including facts relating to the problem; and
- ◆ how you would resolve the problem, to the extent that a solution is known and available to you as parents.

Also, each state is required to have a model form to help parents request a due process hearing. You are not required to use the model form. However, if you want, you should be able to get a copy of this model from your school system or state department of education.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to request a due process hearing on behalf of my child, (child's name), whose address is (give your child's address, even if it is the same as your own). (Child's name) attends (name of school).

I have met with school personnel in an effort to resolve our differences concerning my son's/daughter's (IEP, placement, testing, or . . .) and have been unable to do so. The nature of our disagreement is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts with bullets or numbers.
- An acceptable resolution of the problem would include . . . (To the extent that you know how you want the disagreement to be resolved, state these facts here, again bulleting or numbering the items if possible.)

Please advise me as soon as possible as to the date and time of this hearing so that I can make the necessary arrangements. My daytime telephone number is (give your phone number).

I also request that this hearing be (open/closed) to persons other than those directly involved. (Child's name) will/will not attend the hearing. Thank you for your assistance.

Sincerely,

Your name

cc: your child's principal
your advocate/attorney

Filing a Complaint with the State Education Agency

What's a complaint, and why would I file one?

You've read about two means of resolving conflicts with the school system: mediation and due process. A third means is filing a complaint with the State Education Agency (SEA). Under IDEA, you have the right to file a complaint when you believe that the state or school district has violated a requirement of the IDEA. The SEA must resolve your complaint within 60 calendar days (not business days) from the day they receive it, unless there are exceptional circumstances with respect to the complaint. The complaint process can be effective in resolving conflicts with the school system and is less costly than a due process hearing.

General information about the state complaint procedure is available in NICHCY's publication called *Questions and Answers about IDEA* (see Question #27). Contact your SEA for information about policies in your state. Whenever you file a complaint (or seek mediation or due process), it is a good idea as well to seek advice from the Parent Training and Information Center (PTI) or the Protection and Advocacy Agency (P&A) in your state. These organizations are listed on NICHCY's *State Resource Sheet* for your state and are available by calling NICHCY at 1.800.695.0285 or visiting our Web site: www.nichcy.org.

You can file a complaint with the SEA about any of the matters for which you might otherwise file a request for a due process hearing, as well as for any other reason you feel that the school system has violated the IDEA. However, be aware that, if you write a complaint on an issue that is also part of a current due process hearing, the SEA will

The PTI or P&A in your state can help you identify the specific sections of IDEA to list in your complaint.

not investigate this issue. The due process hearing takes precedence over the complaint process. The SEA will only investigate those issues in your complaint that are not part of your due process hearing.

Some examples of issues you might write a complaint letter about include:

- ◆ Your child is denied the opportunity to attend or participate in school-sponsored events, such as field trips or after school activities.
- ◆ Your child has a shorter school day, because the special education students arrive later or are dismissed from school earlier than the general education students are.
- ◆ You use mediation to resolve a disagreement with the school, but the school fails to implement the signed agreement.
- ◆ The school fails to give you appropriate prior written notice. Or,
- ◆ You have a decision from a hearing officer that the school district is not implementing.

How do I file a complaint with the State Education Agency?

Your state's policies for filing a complaint should be included in its IDEA regulations. Call your local special education office or the SEA if you need more information about the policies. Also ask for the name and address of the person to whom you should write your letter. Your complaint must be signed. It must also contain:



- ◆ a statement that a public agency (for example, your school system) has violated a requirement of Part B of the IDEA or its regulations, and

- ◆ the facts on which you base this statement.

The letter on the next page (page 20) is an example of how you might write this complaint. Note that it is important to state what requirement of the law has been violated. The PTI or P&A in your state can help you identify the specific sections of IDEA to list in your complaint.

Sample Letter 11: Filing a Complaint with the State Education Agency H

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to file a complaint on behalf of my son/daughter, (child's name), regarding his/her education in the (name of school district). The nature of my complaint is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts that support your complaint with bullets or numbers.

For the above reasons, I believe the school district is in violation of certain requirements in the Individuals with Disabilities Education Act, specifically: (list the requirements of IDEA you feel the school system has violated. For example,

"The school system has violated the following requirements of the IDEA:

- to consider whether my child needs assistive technology services or devices, as required by Section 300.346;
- to make available to my child assistive technology services and devices, as required by Section 300.308; and
- to include in my child's IEP a statement of the special education, related services and supplementary aids and services, including assistive technology, that he/she needs as required by Section 300.347.")

Enclosed are copies of relevant documents and correspondence I have sent to and received from the school district concerning this matter. These documents are (List the documents you have enclosed, giving the date sent, by whom, to whom, and the issue discussed.)

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (give your phone number). Thank you.

Sincerely,

Your name

cc: school district special education director
your child's principal
your advocate/attorney

What do I do if I don't get a response to my first letter?

When you have written a letter making a request, you should get a response from the school system, either by telephone or in writing, within a reasonable period of time. In some cases, "reasonable" is defined (for example, local policy may say the school must answer you within 15 working days). In other cases, the timelines are not exact. So, be reasonable in your expectations. But if you feel too much time has passed (10 working days or so) without receiving a response to your letter, then call and ask if your letter has been received. If you are sure the school has received your letter (some parents send their letters by certified or registered mail), then ask when you can expect an answer. More than likely, when you call you will talk to a secretary or administrative assistant. Leave a message for the person you wrote to; ask that person to call you back.

If your request still goes unanswered, then you may want to write again. It's useful to enclose a copy of your original request with this letter. Be sure *not* to send your only copy. Remember, you always need to have a copy for your records.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person To Whom You Originally Wrote
Street Address
City, State, Zip Code

Dear (name),

I wrote to you on (date) and also called to make sure you had received my letter. I left a message for you to call me back on (date), but since I have not heard from you, I thought it best to write again.

I am writing to request . . .

Enclosed is a copy of my first letter to you.

I would like to hear from you by (give a date, 3-5 working days). Thank you for your prompt attention to this matter.

Sincerely,

Your name

Enclosure

Once you've begun to write letters, be sure to write when things are going well, too! If a teacher, therapist, or other staff member has made good things happen for your child, let them and their supervisors know. Everyone likes and needs compliments and encouragement from time to time. Positive feedback is what keeps good schools running well. Just as you want to know "how it's going," so does the school staff.

Good communication, team work, and effective schools take a lot of hard work. There's an old saying that goes, "Things can go wrong all by themselves, but you have to work hard to make things go right." This statement applies doubly to maintaining a successful parent-professional working relationship. Be sure your child's teacher(s), principal, and superintendent also hear from you when things are going right.



Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing

Title
Street Address
City, State, Zip Code

Dear (name),

I am writing to let you know how very pleased I am with the education my son/daughter, (child's name), is receiving at (name of school).

(Child's name) has had great success with (briefly say what is going right). In particular, (name the professionals working with your child and how they have made a difference).

I look forward to (child's name) making continued progress. Thank you for all your efforts, and those of your staff.

Sincerely,

Your name

cc: If you write to the school district's Superintendent or Director of Special Education, make sure to copy the people who directly deserve recognition for your child's success—the principal, teachers, and other staff.

Conclusion

Writing letters is an important part of communication. As your son or daughter goes through school, you may have many occasions to write a letter. In advocating for your child's needs, it is important to be able to write in a way that is effective and to the point.

When you communicate your thoughts, ideas, and concerns, you define your child's needs. When you emphasize the positive aspects of your child's education, you

develop a good working relationship with the professionals in your child's life. When you convey "what works" rather than spending time and energy on what doesn't work, you become a stronger advocate for your child.

When you need to state concerns or problems in writing, do so in a factual, non-emotional, and businesslike way; this will ultimately help you get the results you want for your child.



And a final note...

How to Get the IDEA Regulations

The IDEA regulations are in the *Code of Federal Regulations*, or CFR. They were published March 12, 1999 and are referenced as 34 CFR, Part 300.

On the Web, you can download a copy of the federal regulations.

www.ed.gov/offices/OSERS/IDEA/regs.html

www.ideapractices.org

To get a copy by mail:

Contact EDPUBS at: 1.877.433.7827 (voice), 1.877.576.7734 (TTY/TTD), or order on-line at www.ed.gov/pubs/edpubs.html.

Call or write the Government Printing Office at (202) 512-1800, Government Printing Office, Superintendent of Documents, P.O. Box 37195-7954, Pittsburgh, PA 15250.

How to Get a Copy of State or Local Special Education Regulations

- Ask for state special education regulations from your state department of education. Look in the Blue Pages of the phone book for the number.
- Ask for local school district regulations from your local school board office or from the director of special education for your district.

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