

Parents and Guardians Can Make Their Voices Heard Through Effective Legal Representation in Special Education Matters

Authors: Maureen van Stone, JD, MS; Mallory Finn, JD; Genevieve Hornik, BA; and Moyosore Koya, BS

Background

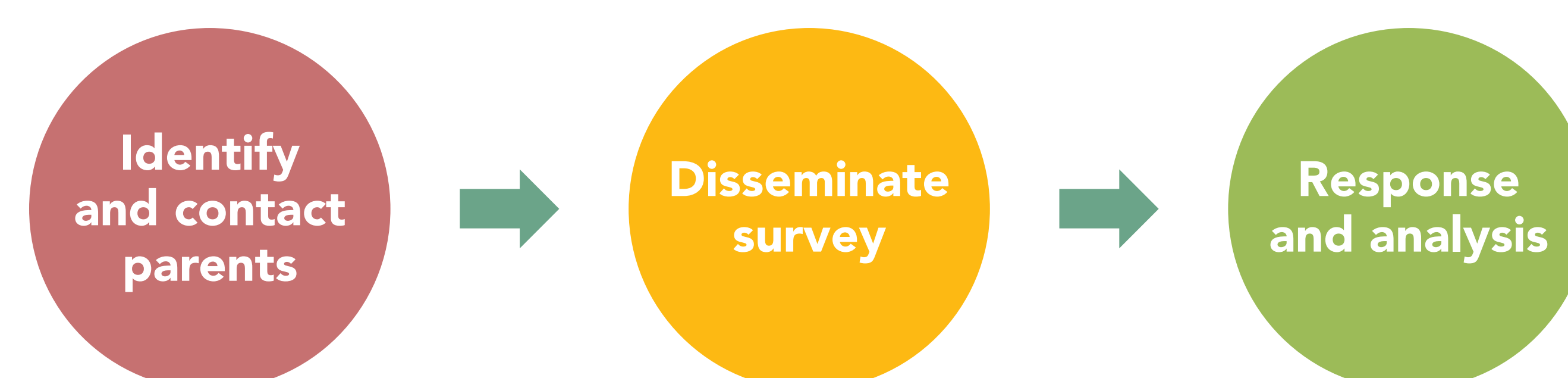
- In Maryland, more than 106,000 children with disabilities qualify for special education and related services under the Individuals with Disabilities Education Act (IDEA).
- Approximately 35 private and public interest attorneys across the state represent children with disabilities and their parents.
- The need for special education attorneys far outweighs the capacity of the Maryland bar, particularly for low- and moderate-income families who may not be able to afford a private attorney.
- Attorneys need to educate parents and guardians about their rights under federal and state laws and regulations, and empower them to be effective advocates on their own behalf after legal matters are resolved.
- Children with disabilities, who qualify for special education and related services, have annual Individualized Education Program (IEP) meetings until they either exit their local school system with a Maryland high school diploma, or reach the age of 21 and exit with a certificate of program completion.

Project HEAL (Health, Education, Advocacy and Law) at Kennedy Krieger Institute

- Project HEAL provides comprehensive advocacy and legal services for children with intellectual and developmental disabilities and their families.
- Since 2005, Project HEAL attorneys have represented more than 590 children with disabilities and their families.
- Ninety-nine percent of the cases have been resolved without the need for mediation or a due process hearing.
- Partners in the process include parents or guardians, Project HEAL attorneys, local school systems, and Kennedy Krieger Institute faculty members, staff members and trainees.
- Student data collected includes outcome and client satisfaction data.
- Project HEAL focuses on ensuring that clinical recommendations are considered for home, school and community settings.

Research

- The authors include two Project HEAL attorneys who practice special education law, and two law trainees who completed internships at Project HEAL.
- The authors surveyed 97 parents or legal guardians of children with disabilities who obtained legal representation in special education matters.
- Parents and guardians were contacted via email to complete an online survey.
- The purpose of the survey was to determine how effective legal representation impacted each parent's and guardian's journey through the special education process.
- The authors gathered online survey data about the role of parents or guardians in the IEP process both before and after obtaining legal representation through Project HEAL.
- Specifically, the authors were interested in knowing and understanding parents' and guardians' perceptions of how their collective voice was heard throughout the IEP process as they advocated for their child to receive meaningful educational benefits, as required by law.



Survey Questions

Common Problems Identified by Parents and Guardians

1. I didn't understand the IEP process.
2. I didn't want to go to an IEP meeting alone.
3. I didn't understand my due process rights.
4. I didn't agree with the recommended services.
5. My child wasn't making academic, social, emotional and/or behavioral progress.
6. I didn't feel like my voice was being heard.
7. The IEP team removed my child to an alternate curriculum or alternate assessment.
8. My child was illegally removed, suspended or expelled from school.
9. My child was placed in an inappropriate placement.
10. The IEP team provided inadequate transition services for my child.

Project HEAL Impact

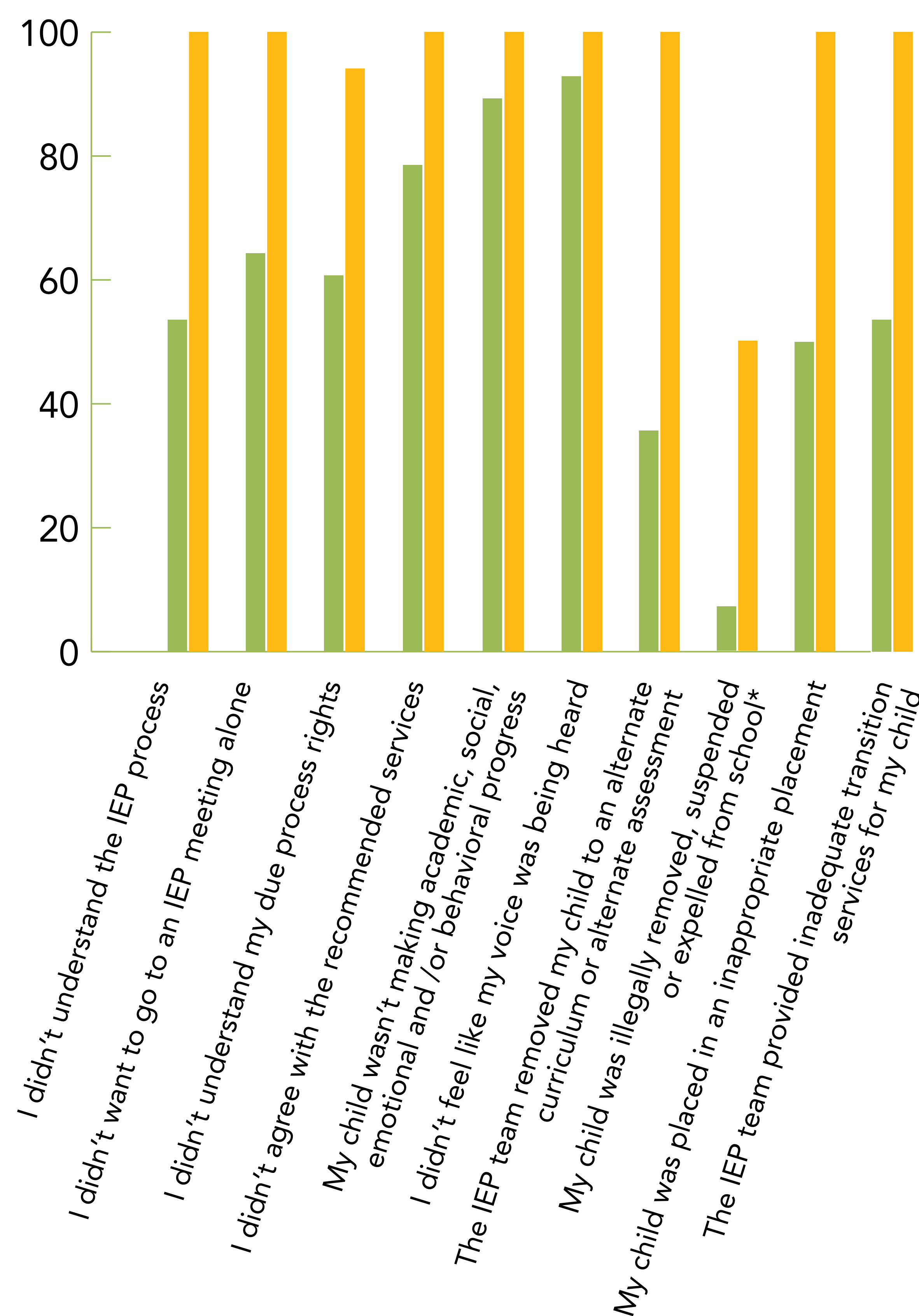
1. Through Project HEAL's representation, I was better able to advocate for my child.

Optional

1. Details of their experience(s)
2. Identifying information

Findings

- Percentage of parents reporting experiencing the problem before representation (n=28 respondents)
- Percentage of parents reporting that Project HEAL helped them with their identified problem



*The child was illegally removed from school prior to Project HEAL's representation. The parent completed the survey before the Project HEAL attorney had an opportunity to address this legal issue.

Impact

Through Project HEAL's representation, I was better able to advocate for my child: 100 percent of survey respondents responded "yes."

Recommendations

- As the educational landscape evolves through national, state and local changes to law, regulations, policies and procedures, it is increasingly important for parents and guardians to feel empowered to effectively use their collective voice to advocate for their child with a disability, challenge the school system when necessary, and feel like a meaningful participant in the process.
- The results of the survey help us better understand how working with an attorney can help a family achieve meaningful outcomes for their child, while also helping parents or guardians become more effective advocates for their child through the representation process.

Study Limitation

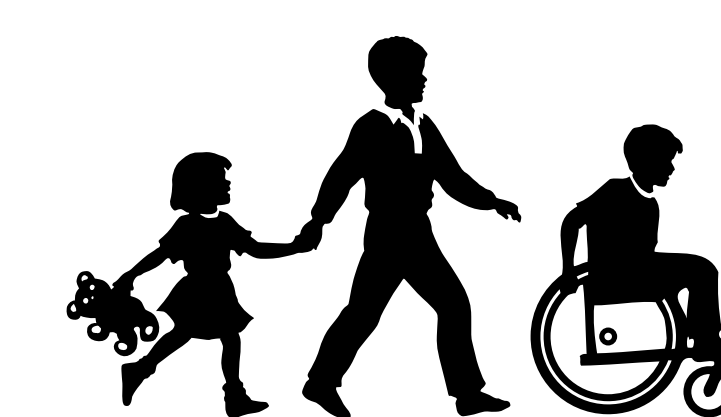
Data were only collected via an online survey.

Parent Responses:

"I struggled for six years to advocate for my daughter's rights until it got to a point where the school system beat me completely down. Feeling defeated and desperate, I was looking for any kind of help, and that's when Project HEAL was recommended to me for help. From the first phone call to Maureen van Stone, it was uphill from there for us. Maureen and her staff saved my daughter and her educational future, and me, too. I can't thank them enough for all they did for us! I'm happy to say that my daughter is now a senior and will be graduating this year. The last three school years have been the best she has had since kindergarten, and we owe that success to Project HEAL, Maureen and her team!"

"Project HEAL, Mallory in particular, is a Godsend. She accomplished things for my son that I was not able to on my own and didn't believe anyone would be able to. It wasn't until I had her by my side at the first IEP meeting she attended that I felt my voice and opinions were being heard—that I felt like I was getting the full truth about the law. It was obvious that she was 100 percent on our side. I wouldn't have been able to get the help we needed if not for the sliding scale fees. Thank you!!!"

We would like to express our gratitude to MCDD Director Dr. Christopher L. Smith and to all Project HEAL parents and guardians who completed our online survey.



Maryland Center for Developmental Disabilities
at Kennedy Krieger Institute

Building Partnerships. Changing Lives.

For more information, visit our website at [MCDD.KennedyKrieger.org](https://www.MCDD.KennedyKrieger.org).