

**AFRAID
TO ASK,**



**ASHAMED
TO FIGHT**

**BREAKING THE SILENCE ON
SPECIAL EDUCATION**

NANCY PERKINS, LMSW, PLLC

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Acknowledgments

Foreword

Welcome parents and guardians. I am so glad you decided to read my book. Looking back on my life, I have come to realize that the concept of advocacy has been residing in my genes for a lifetime.

About Me

My father was an attorney with the Federal Trade Commission and absolutely loved his job. He worked to prevent unfair practices in American business. He used to tell me that no two days at work were alike. The family dinner conversation always revolved around what had happened at "the commission" that day.

As a child, my mind would wander toward other topics, and I thought this was nothing more than "grown up talk." Fast forward several decades and a master of social work degree, I did not think about becoming a lawyer like my father because I preferred to study social work. I also did not think I could follow in his footsteps and yet, it was what I did, indirectly. He advocated for fair business practices and I advocate for getting our students the educational services they need.

Additionally, I received certification from the ISEA (Institute for Special Education Advocacy) at William and Mary Law School.

My father passed away in 2010, but I am very grateful for his influence.

I hope all of you will benefit from my guidance and support.

Let's get started!



Introduction

Imagine the knot in your stomach as you sit across from your school team. There are just **so-many-of-them** and only one of you. Yes, there are meetings where both parents are present, but for the most part, the mothers are the ones who attend regularly.

No matter how polite the team may be, it often feels like your child's needs are invisible. You are not alone.

This eBook is a guide to overcoming the numerous obstacles so that you can become a skilled and savvy advocate for your child.

For many years, I have been empowering families just like yours. In addition to being a professional special education advocate, I am the mother of a now-adult young man with a diagnosis of autism.



Let's Be Honest

Parents face a myriad of challenges as they try their hardest to help their child and/or children.



The sense of urgency is ALWAYS present, as time marches on regardless of what is happening at school.



Being able to afford the services of a private advocate is out of reach for many families.

The Good News

Once you learn about the concepts I am presenting in this Ebook, the sense of overwhelm and helplessness will be replaced by confidence and empowerment.

Let's get to work!

Chapter 1: Understanding Your Child's Rights

IDEA (Individuals with Disabilities Education Act)

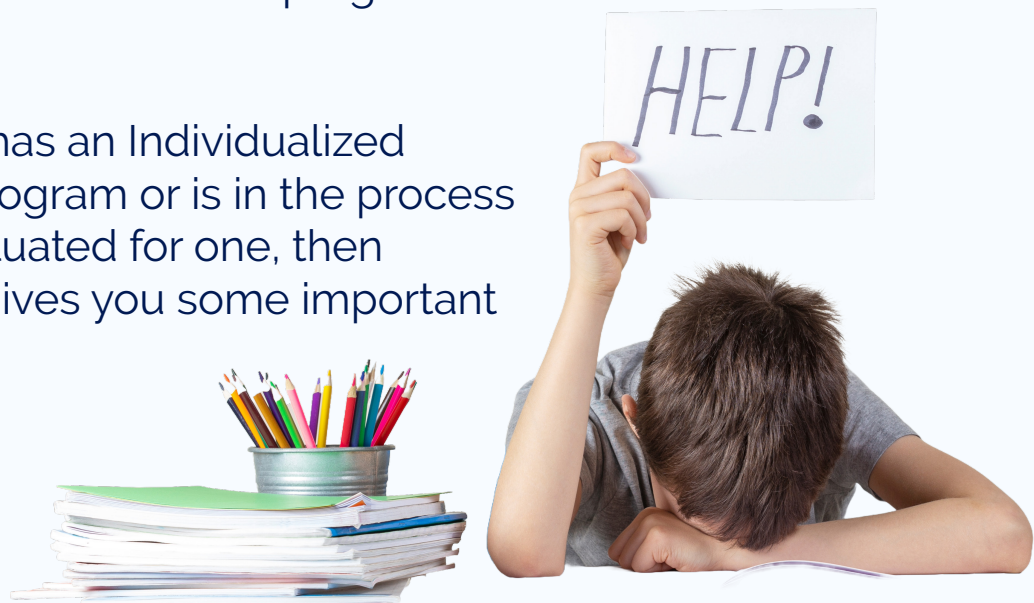
This is a federal special education law that guarantees eligible children with disabilities a free and appropriate public education (FAPE) in the least restrictive environment.

It was originally passed in 1975 as **The Education for All Handicapped Children ACT** and was renamed IDEA in 1990. Under the auspices of IDEA, schools must evaluate students thought to have disabilities at **no cost** to their families.

Qualifying for IDEA

In order to qualify for IDEA services, a child must have a disability and need special education to make progress in school.

If your child has an Individualized Education Program or is in the process of being evaluated for one, then federal law gives you some important rights.





Understanding Your Child's Rights (cont)

Your Rights

My Advice



The right to participate in IEP (Individualized Education Plan) meetings

As your child's most important advocate, your input is crucial.

The right to an independent educational evaluation (IEE)

You can **(and should)** have your child evaluated by outside professionals, at public expense. The school must then **CONSIDER** the evaluation but they do not have to accept the results.

The right to disagree with a school decision

A school must obtain your written permission/informed consent before evaluating your child or providing special education services. You can agree to all, some or none of the services offered.

The right to either give or deny consent

You can ask to meet with the school to reach an agreement with the help of a third party. This is known as mediation. You can ask for a due process hearing in which a hearing officer makes a decision.

In some cases, you have the right to private education paid for by the public school district

If you choose to transfer your child to a private school, the school district **does not** generally have to reimburse you. However, **if your child is in need of services, which the public school failed to provide**, then **they might** have to pay for tuition. You would need to ask for a due process hearing in such a case.



Understanding Your Child's Rights (cont)

I know...

Yes, this certainly IS a lot of information to absorb! However, I am right here with you. I am both a seasoned Licensed New York State Master Level Social Worker, as well as an experienced special education advocate.

The criteria that I listed on the previous page are based on federal laws and regulations, and we know that there are changes taking place in the American government every day.

President Trump believes that education laws need to be left to the states. However, YOU have the tools to advocate for your child!



Chapter 2: Overcoming the Affordability Barrier



Your Options for Advocacy

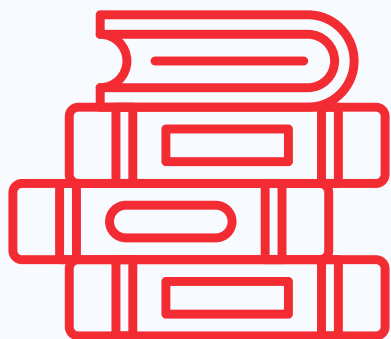
Hiring a private advocate can be quite costly, which is a concern for many families.

Fortunately, there are a variety of low-cost options available: If you are already reading this book, then you have found a low cost option. However, there are a few different choices you can make:

Pete Wright is a Special Education Attorney who has written several books. He also travels around America doing educational boot camps. Check out his free newsletter: www.wrightslaw.com. Incidentally, my fellow advocates and I cut our teeth on his books and his trainings.

Additional Resources

Additionally, there is a superb book on advocacy which should be in the library of every parent whose child needs special education services.



The book is called "**From Emotions to Advocacy**," and was written by Pamela Darr Wright and Peter Wright. Pam is a social worker and the wife of Pete Wright, a prominent special education attorney.

Her book is simultaneously profound and an easy read. My own copy contains many highlighted passages, notes in the margins as well as several sticky notes.

Overcoming the Affordability Barrier (Cont.)

More Resources

Another excellent resource is a website called Understood.org. It provides comprehensive information about a variety of disabilities.

For my local readers who live in either Nassau or Suffolk County, we have an agency called LIAC (Long Island Advocacy Center). (theliac.org). Like many public agencies these days, they are short-staffed and it may take some time for them to return your call. Nonetheless, this agency can be helpful.

If your child already has an IEP or is currently being evaluated by the school, here is the most underutilized resource:

Procedural Safeguards Notice Ages 3-21.

Each state contains one



Have you read your Procedural Safeguards Notice?

If not, please dig it out from the mountain of paperwork you received from the district and review it.

You should be reading your Procedural Safeguards Notice **AT LEAST TWICE A YEAR!** It is a thick document and not a “fun read,” but it is a gold mine.

Overcoming the Affordability Barrier (Cont)

All About your

Procedural Safeguards Notice Ages 3-21.

This document does 4 very important things:

(1) Provides the foundation for ensuring access to a free and appropriate public education

(2) Facilitates communication between parents and schools

(3) Details the due process procedures for filing a complaint

(4) Outlines discipline provisions.



If your copy looks tattered, then congratulations! You are making good use of it.

However, if it looks pristine, then you are missing out on some extremely useful information.

What's that you say?

"What's a Procedural Safeguards Notice? I never heard of that!" Uh oh! Contact your school district **in writing** and tell them you need a copy of the most recent notice.

Finally

Parent support groups can be very helpful. They don't necessarily need to be professionally led, as long as you feel heard and cared about within the group.

Join my private parent support group via Facebook:

Special Education Guidance for Parents

Chapter 3: Creating a Sense of Urgency

For Starters

In a perfect world, you would express your concerns about your child to their school and school personnel would act swiftly to be of maximum help.

Now, I do not live in a perfect world, and I am certain none of you do either. More often than not, your concerns and requests have been ignored by the district. There are a few reasons for this, but here are two big ones:

1.

The district is watching their purse strings and they do not want to spend the money it will take to educate your child.

2.

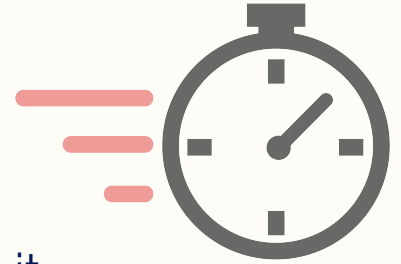
Sexism and misogyny are very much alive in 2025. Many administrators (male and female) believe they can ignore a parent's (aka mother's) request.

Before anyone starts throwing darts at me, I will say that I have not done a study here. This is a theory of mine. However, I will tell you that I was once in a Committee on Special Education Meeting where the Chairperson (a male) insisted on addressing me by first name when he did not address anyone else that way. I politely reminded him of what my surname was.

Creating a Sense of Urgency (Continued)

Advocates Advice

As a parent, I was very aggravated and frustrated when my concerns were swept under the rug.



So, here are some actionable steps for you to take:
Put everything in writing. If it was not written, then it was not said.

Make sure to document everything meticulously:
dates, times of conversations. If you get a phone call, send it to voice mail.

When you listen to the message, follow up with an email reiterating what was said in the voicemail.

If you happen to pick up the phone and have a conversation with special education personnel, you need to follow up that conversation with an email as well.

Always be mindful of the two Ds:

Data and Documentation.



Creating a Sense of Urgency (Continued)

Read through the following real-life example of how to use the two D's!

The Power of Documentation in Special Education



Hallway Encounter

"We're thinking about reducing Janie's speech therapy."
Parent is surprised .



Justification Given

- She's sweet and quiet,
- We're overwhelmed with caseloads.
- She'll be fine.

No mention of data.



Parent Reaction

Mrs. Smith feels irritated, but...
DOES NOT argue in the moment.
Remains calm.



Immediate Action Taken

Mrs. Smith writes an email later that day.
The email includes:
"What data supports this decision?"
Has she been recently evaluated?
Asks for documentation.



Key Message

- Always document informal conversations.
- Request data before agreeing to any changes in services.
- Stay calm and follow up in writing.

Creating a Sense of Urgency (Continued)

If it has been over two years since a speech evaluation was done, then a consent for testing needs to go home to the parent.

So, what happens if Mrs. Gerund is resolute and insists that Janie “doesn't need a speech evaluation.” If that occurs then this statement needs to be put in a prior written notice (PWN) to the parent.



An IEE is an assessment done by a professional who is **NOT** employed by the school district. It is provided at public expense, meaning that the school district pays for it in full.

When a parent requests an IEE there are only two options the school district can take:



- 1. They grant the IEE after the parent has made a written request**

The district then provides the parents with a list of providers. The parents do not have to choose from the list. They may select their own qualified professional, as long as the practitioner meets specific qualifications.

- 2. The district rejects the parent's request and decides to take the parent to due process.**

Chapter 4: From Helplessness to Empowerment



Here's the Thing

Feeling lost and overwhelmed by this process is a completely understandable emotion.

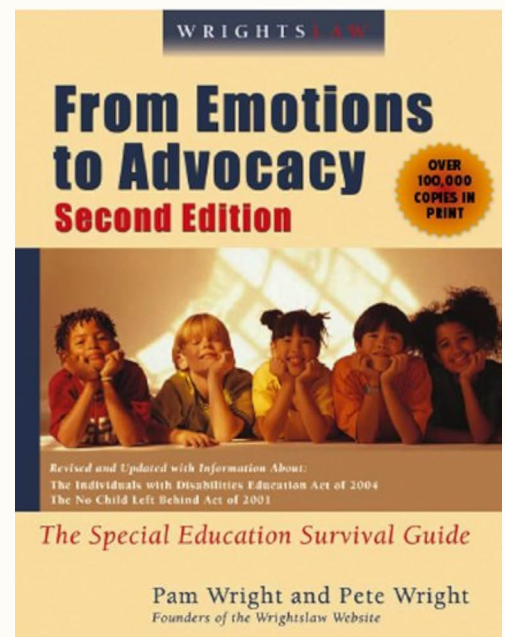
However, you do not (and should not) have to stay in that place.

Nobody can resolve all of your child's issues in one day or even in one school year! Let's just take this advocacy process one step at a time.

From Emotions to Advocacy

A little earlier, I recommended a book by Pam and Pete Wright called "From Emotions to Advocacy." I strongly advised that this book needs to be on the shelves of every parent of a child with any type of learning and/or developmental disability.

The title is perfect and the book combines sensitivity with pragmatism. The chapters on how to interpret your child's test scores are worth many times more than what you will pay for this book. And no, I do not receive any type of compensation for my praise. If I had a dollar for every time I talked about the Wrights, I would be as wealthy as Oprah Winfrey!



From Helplessness to Empowerment (cont.)

2 Approaches to Letter Writing

In Chapter 24 of *From Emotions to Advocacy*, the Wrights discuss two approaches to letter writing—

Blame Approach

A father wrote an angry letter to his daughter's IEP team, using "failed" six times and calling them incapable and incompetent.

His letter created sympathy for the committee members on the receiving end of his wrath.

Story-Telling Approach

Another father wrote a letter after a chaotic meeting, stuck to the facts, and requested to reschedule another review.

He showed willingness and flexibility to work with the team.

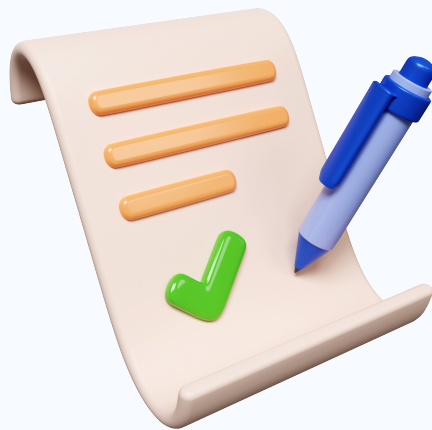
Whenever a parent writes any type of letter/sends an email to the school, they should always assume that a stranger will be reading the correspondence.

Yes, you made a request of your child's teacher but this does not mean the email is private. (The first edition of this book was published in 2002 when it was more common to write letters).

From Helplessness to Empowerment (cont.)

Sticking to the Facts

The Wrights presented a scenario where a man gets off of a bus and finds a sealed envelope on the ground with the two different types of letters I described above. This man is not a professional educator, but his curiosity is piqued and he takes the envelope home and reads both letters. Which letter do you think made him feel more sympathetic?



As you have seen, when you communicate by telling your story while sticking to the facts, you will be much more likely to achieve success in accomplishing the educational goal for your child.

Awhile back, I encouraged a mother to get a neuropsychological evaluation for her child. She sent an email request to the district, using the template I suggested and her daughter saw a very well respected neuropsychologist. The comprehensive report was about 30 pages long. At this child's IEP meeting, the Committee on Special Education added specialized reading instruction to the IEP, as well as an auditory processing evaluation.

As you go through this process, I am 100% committed to helping you and your child get the services he/she needs.

Chapter 5: Building your support network

You Have Options

Although this journey can feel very lonely, you are not alone! Did you get what I just said? You are not alone! When my son was young, I used to believe that I had to do everything and do it by myself. Yes, my child got the services he needed, but I wish I had not put the pressure on myself to always be wearing the superwoman cape.

There are some very good organizations which are able to provide helpful online support. One such national organization is **Parent to Parent**. Another very helpful overall resource is **Understood.org**.

Joining SEPTA/SEPTO

If your school district has a SEPTA chapter, joining SEPTA would be an excellent way to connect with other parents who are in a similar situation to yours. SEPTA or SEPTO (as it is sometimes known) stands for **Special Education Parent Teacher Association/Organization**. Its mission is to promote and support the well being of children with educational/social/behavioral challenges.



As this book comes to an end, let me reiterate my message to everyone:
You are not alone!

I cannot repeat these words often enough. No, I am not saying this journey will suddenly be filled with puppies and rainbows just because you make a new friend, but it will become a little bit easier to bear.

Advocates Advice

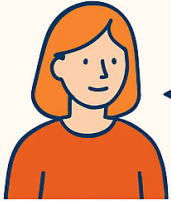


Consider recording your next IEP meeting

See next page for more!

Building your support network (Cont.)

Why You Should Record the IEP Meeting



During the meeting, share your child's needs, strengths, and what motivates them. Give input and feedback. Ask questions.



It's important to record the meeting

A lot of information is being thrown at you and it can be hard to absorb all of it during one sitting.



You may want to share this information with a spouse or family member who was unable to be present at the meeting.



If there is any type of dispute with your district and you need to move up the chain of command, you have a transcript of what was said.



Know the Rules for Recording



Check if you are in a one-party or a two-party state

In a one-party state, you may record a meeting without the other party's consent. In a two-party state, you have less flexibility.



Notify the district

This can be a simple email:

From now on, I will be recording all meetings/conferences about my child Jane Smith.



Share what you've learned

Reach out to other families who may feel alone and helpless.

Building your support network (Cont.)

Remember!

An IEE is an assessment done by a professional who is not employed by the school district. It is provided at public expense, meaning that the school district pays for it in full. When a parent requests an IEE there are only two options the school district can take:

1. They grant the IEE after the parent has made a written request. The district then provides the parents with a list of providers. The parents do not have to choose from the list. They may select their own qualified professional, as long as the practitioner meets specific qualifications.

2. The district rejects the parent's request and decides to take the parent to due process.

Again, the request needs to be made **IN WRITING**.

You do not need to reinvent the wheel, as there are some excellent templates just for this purpose.

One such template was created by a special education attorney named John McGrath.



Sample Letters

Mr. & Mrs. Special Ed Parents

123 Any Street
Sea Cliff, NY 11500
(631) 123-4567

March , 2021

Ms. Special Ed Director
Director of Pupil Personnel Services
North Shore Union Free School District
Address
Sea Cliff, NY 11500

Re: Chip Off The Old Block: Special Education ID# 00000000
Request for an Independent Educational Evaluation

Dear Ms. Special Ed Director:

This will serve to notify you of our disagreement with the prior school district evaluation(s) and/or recommended classification, placement or services for my child a student with a disability in this school district based upon those evaluations. Accordingly, we are respectfully requesting an Independent Educational Evaluation (IEE), at school district expense, pursuant to Part 200.5(g) of the Regulations of the Commissioner of Education for the state of New York.

As we are sure you are aware, the regulations require you to grant our request, subject to certain limitations, or to initiate an impartial hearing to prove that the school district evaluations are appropriate. If the school district intends to grant our request please notify us in writing at which time I will provide you with the name of the evaluator I have selected. If the school district denies our request please provide us with the school district's request for an impartial hearing as well as the Board of Education resolution authorizing the request and hearing and the name, address and telephone number of the Impartial Hearing Officer appointed from the State Education Department's rotational list. We will also require his/her letter of appointment.

Should you need to discuss this with me we may be reached at the address and telephone number listed above.

Very truly yours,

Mr. & Mrs. Parents

Cc: file

Sample Letters

Mr. & Mrs. John Doe
Address here
Anytown, New York

Date here

Mrs Special Ed Director
Director, Pupil Personnel Services
Anytown UFSD
123 Acorn Street
Anytown, NY

Re: Request to Evaluate Student to Determine Eligibility for Special Education
John Doe Jr. a Student at the Anytown School, Second Grade

Dear Mrs. Director:

This will serve as my request that our child be evaluated for the purpose of determining whether s/he is eligible for a special education classification, program, placement and services.

This letter constitutes our consent to evaluate our child for the above stated purpose. We reserve the right to accept or reject any recommendation made by the CSE as a result of any evaluations performed by the school district on our child. I also reserve my right to request an Independent Educational Evaluation (IEE) in the event I disagree with the evaluations conducted by the district on our child.

We request that you inform us in writing of your decision regarding this request and if you intend to evaluate our child to let us know what assessments will be used and the purpose of those assessments.

Should you need to reach us on this request you may contact us at the address and/or telephone number listed above.

Sincerely,

Mr. & Mrs. John Doe

Acknowledgments



I am very grateful to my husband Michael and my son Jonathan for being the wonderful individuals they are.

Special shout outs to my rock star advocate colleagues: Danielle Brooks, Maria Licata, Lisa Lightener and Amy Trail. You four inspire me 24/7!

To Pete and Pam Wright who have given me a priceless education in advocacy!

To Taylor Nixon who has helped me become more technologically proficient!

To the educators whose job is much harder than it was when I was a child! I see you and I respect you even though it may not seem that way at times.



And finally, to all of the parents/guardians in the trenches. This eBook is for all of you!



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TO ASK,
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TO FIGHT**