

## The Advocacy Ridge

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PRESENTS

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# SPECIAL EDUCATION QUICK START

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**You Just Found Out Your Child Has Rights. Here Is Where to Begin.**

*The first things to do, the first things to ask, and the things you didn't know to ask*

*General educational information only — not legal advice. Universal guide — applicable in all states. State law may provide additional protections. For case-specific support, contact Mountain to Mountain Advocacy, LLC.*

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## Start Here

Welcome to a world you didn't ask to enter. If you're reading this guide, something has happened — a diagnosis, a failed evaluation, a school meeting that left you feeling like everyone knew something you didn't, a child who is struggling and a system that hasn't helped. Whatever brought you here, you are in the right place.

This guide is not the whole library. It is the starting point. It tells you what to do first, what to ask for, and — most importantly — what questions you didn't know to ask. Once you know the basics, every other guide in this library goes deeper on each topic.

The single most important thing to know before you read any further: you are a required member of your child's educational team. Not a guest. Not a consultant. A required member with independent legal rights. Nobody has to give you permission to use them.

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## The Two Laws — Understanding the Framework

Everything in special education runs through two federal laws. You don't need to memorize the regulations. You just need to know which law does what.

### **IDEA — Individuals with Disabilities Education Act**

The main special education law. If your child has an IEP, IDEA governs it. IDEA gives your child the right to a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), with an Individualized Education Program (IEP) designed for their specific needs. IDEA has strong procedural protections including the right to participate in IEP meetings, the right to dispute decisions, and the right to independent evaluations.

## Section 504 — Civil Rights Law

A civil rights law that prohibits discrimination based on disability in any school receiving federal funding (all public schools). Section 504 provides accommodations and protections for students with disabilities. Some students qualify only under Section 504, while students with IEPs are also protected under Section 504. Broader eligibility than IDEA. Fewer procedural protections. If your child has a 504 plan, this is the law.

Most of the time, an IEP under IDEA is more protective than a 504 plan. If your child needs specialized instruction — not just accommodations — they likely need an IEP.

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## The 10 Things Every New Parent Needs to Know

### 1. You do not have to sign anything at the meeting.

When you're handed an IEP, an evaluation, or any document at a meeting, you have the right to take it home and review it before signing. Take it. Review it. Ask questions. Return it signed — or don't sign it — after you've understood it. 'We need your signature today' is not legally accurate for most documents. Don't be pressured.

### 2. You can request an evaluation — you don't have to wait for the school.

Parents can and should request special education evaluations in writing. The school does not control when evaluations happen — you can initiate the process at any time. Put it in writing. That written request starts a legal clock. Schools can not delay or deny an evaluation solely because a student is passing classes, earning good grades, or participating in RTI/MTSS interventions.

### 3. You can request an FBA. The school doesn't own that process.

A Functional Behavioral Assessment is a tool for understanding why a child behaves the way they do. Parents can request one in writing whenever behavioral challenges are affecting learning. The school does not get to decide whether you can ask for it. You ask. They must respond.

### 4. If you disagree with the school's evaluation, you can get your own — paid for by the school.

This is called an Independent Educational Evaluation (IEE). If you disagree with the school's evaluation, you can request an IEE at public expense. The district must either fund the IEE or file due process to defend its evaluation. You do not have to explain why you disagree. Just submit the written request.

### 5. Every significant decision the school makes should come with a written explanation.

It's called Prior Written Notice (PWN). When the school proposes to do something — or refuses to do something you asked — they must provide a written notice explaining what, why, what data they used, and what alternatives they considered. If you have never seen one of these, ask for it. Immediately. For any recent decision.

### 6. Your child's services must be delivered as written in the IEP. Track them.

The IEP is a legal document. The services it lists must actually be provided. Schools sometimes fail to deliver services — providers leave, schedules conflict, sessions are skipped. Start a service delivery log now. Track every service, every week. Missed services can be reclaimed as compensatory education.

### **7. You can request an IEP meeting anytime — not just at the annual review.**

Parents can request an IEP meeting in writing at any time. You don't have to wait for the annual review. If something changes — your child regresses, a new diagnosis arrives, services aren't working — send an email requesting a meeting. The school must schedule one.

### **8. The grades are not the whole story.**

IDEA requires that education meet a child's academic AND functional needs. Functional means: behavioral, social, emotional, communication, adaptive. A child who is passing classes but socially isolated, emotionally exhausted, and anxious every day at school is not fully served by the IEP — regardless of the report card. You can advocate for social-emotional supports.

### **9. You can bring someone with you to every IEP meeting.**

An advocate, a trusted friend, a family member, a note-taker — whoever you need to feel prepared and supported. The school cannot tell you not to bring someone. Let them know in advance as a courtesy, but your right to bring a support person is real.

### **10. Write everything down and send follow-up emails.**

Every meeting gets a follow-up email. Every verbal promise gets confirmed in writing. Every concern gets documented. 'We talked about that' is invisible. 'At our meeting on [date], [staff member] agreed to [action]' is evidence. The paper trail is the power.

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## **Your First Five Written Requests — Make These Now**

If your child is already in the system and you're just starting to advocate, make these five requests in writing this week. They don't require any prior knowledge. They just require an email.

### **REQUEST 1 — All Educational Records**

Send to: Special Education Director + Principal

'I am requesting copies of all educational records for my child, [name], pursuant to FERPA and IDEA 34 CFR 300.613. This includes, but is not limited to, all IEPs, evaluations, progress reports, report cards, behavioral records, discipline records, service delivery logs, emails, correspondence, meeting notes, data collected regarding my child, draft documents maintained by the district, and any other records related to my child.'

### **REQUEST 2 — Copy of Procedural Safeguards**

Send to: Special Education Director

'I am requesting a copy of the Procedural Safeguards notice for parents of children with disabilities pursuant to 34 CFR 300.504.'

### REQUEST 3 — IEP Meeting (if you have concerns)

Send to: Special Education Director + Case Manager

'I am requesting an IEP team meeting to discuss [brief description of your concern]. Please contact me to schedule at a mutually agreeable time.'

### REQUEST 4 — Prior Written Notice for Any Recent Decision

Send to: Special Education Director

'I am requesting Prior Written Notice pursuant to 34 CFR 300.503 for the following decision: [describe the action or refusal you want documented]. Please provide this notice in writing within 10 school days.'

### REQUEST 5 — Evaluation Request (if not already evaluated)

Send to: Special Education Director

'I am requesting a comprehensive evaluation for special education eligibility for my child, [name], pursuant to IDEA 20 U.S.C. § 1414. I have concerns in the following areas: [list areas]. I am requesting evaluation in all areas of suspected disability.' This includes academic, behavioral, social-emotional, communication, executive functioning, adaptive, health, motor, and any other areas of suspected disability.

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## The Words That Protect You — A Pocket Glossary

You will hear acronyms constantly. Here are the ones you need to know to advocate effectively from day one.

Acronym	Full Name	What It Means for You
<b>FAPE</b>	Free Appropriate Public Education	What every eligible student is entitled to. Free. Appropriate for their needs. Public school obligation. This is the standard everything is measured against.
<b>IEP</b>	Individualized Education Program	The written plan that governs your child's special education. Legally binding. Developed by the IEP team — which includes you.
<b>PLAAFP</b>	Present Levels of Academic Achievement and Functional Performance	The section of the IEP describing where your child is RIGHT NOW — academically and functionally. Every goal should flow from this.
<b>SDI</b>	Specially Designed Instruction	Instruction adapted in content, method, or delivery to address your child's disability-related needs. This is what makes special education special.

<b>LRE</b>	Least Restrictive Environment	The requirement that students with disabilities be educated alongside non-disabled peers to the maximum extent appropriate.
<b>PWN</b>	Prior Written Notice	The written explanation the school must provide any time they propose or refuse an action. Request it constantly.
<b>IEE</b>	Independent Educational Evaluation	Your right to get an evaluation from an outside professional — at district expense — if you disagree with the school's evaluation.
<b>FBA</b>	Functional Behavioral Assessment	A structured assessment that identifies why a student behaves the way they do. You can request this. The school does not initiate it automatically.
<b>BIP</b>	Behavioral Intervention Plan	The plan built from the FBA that teaches replacement behaviors and specifies how staff should respond. Should be proactive, not just consequence-based.
<b>MDR</b>	Manifestation Determination Review	A required meeting before significant school discipline that asks: was this behavior caused by the disability? If yes, standard discipline procedures don't apply.
<b>ESY</b>	Extended School Year	Services provided beyond the regular school year when the team determines they are needed to prevent significant regression. Not the same as summer school.
<b>FERPA</b>	Family Educational Rights and Privacy Act	The federal law protecting your child's school records. Gives you the right to see all records, challenge inaccuracies, and control disclosure.
<b>OHI</b>	Other Health Impairment	An IDEA eligibility category that may include ADHD and other health conditions when they result in educational impact and a need for specially designed instruction. Educational impact is not limited to academics and may include functional areas such as attention, executive functioning, behavior, social-emotional functioning, organization, regulation, communication, attendance, or adaptive skills. Students who do not have significant academic impact may still qualify under OHI based on functional impact and the need for specially designed instruction.

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## What to Read Next

Now that you have the foundation, here is where to go based on where you are:

- Just starting? → The IEP Process Guide + The Acronym Guide (full version)
- Child is being evaluated? → Eligibility Meeting Guide + IEE Guide
- Have an IEP but it's not working? → SMART Goals Guide + Progress Report Red Flags
- Child is being disciplined? → Discipline and MDR Guide + Soft Suspensions Guide
- School refuses something you asked for? → PWN Deep Dive + Parent Request Playbook
- Having trouble with records? → FERPA Violations Guide
- Something feels wrong but you can't name it? → Predetermination Guide
- Child is socially struggling but academically OK? → Social-Emotional IEP Guide + Evaluation Areas Guide
- Transition age (14+)? → Postsecondary Transition Guide + VR Guide

You are not behind. You are exactly where you are, and every piece of information you gain from here forward changes what is possible for your child. Start with one guide. Ask one question. Send one email. That is how this works.

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### **Need Advocacy Support?**

*The Advocacy Ridge is brought to you by experienced non-attorney special education advocates who work with families across multiple states.*

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