

## MYTH 8

If you know your rights, you can get the school to do the right thing.

**Reality:** Parents cannot always get schools to meet the needs of their child.

**What you can do:** You may need help advocating with the school. Seek out resources about your child's disabilities and your rights. Some resources that can help are: [pegasuslaw.org](http://pegasuslaw.org), [parentsreachingout.org](http://parentsreachingout.org), [epicsnm.org](http://epicsnm.org), [drnm.org](http://drnm.org), [nativedisabilitylaw.org](http://nativedisabilitylaw.org), [braininjurynm.org](http://braininjurynm.org), [idea.ed.gov](http://idea.ed.gov), [copaa.org](http://copaa.org), [wrightslaw.com](http://wrightslaw.com)

## MYTH 9

IEPS are just paperwork so schools can stay in compliance.

**Reality:** IEPs are powerful tools that protect and ensure the legal rights of students with disabilities and their families. You can ask for an IEP at any time to discuss your child's evaluation, placement, and program.

**What you can do:** Take your time in IEP meetings, ask questions, and be sure your child has the right programs and services written into their documents.

## MYTH 10

Schools will listen to parents when they meet with them and will tell parents their rights.

**Reality:** You cannot rely on schools to explain your rights or what your child needs. There are many reasons school staff may not listen to parents:

1. Staff are busy and often hurry through meetings.
2. Some staff do not understand student and parent rights.
3. Staff may not know how to help the student. They may blame the parent for the difficulties.

**What you can do:** Learn about your rights. When you meet with the school, it's a good idea to:

1. Listen and take notes.
2. Take an ally with you.
3. Ask questions if you don't understand.
4. Ask for what you want to see in your child's program.



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# EDUCATION LAW

## MYTH 1

If children are having a hard time in school, they just need to work harder.

**Reality:** Children are doing the best they can. When children are having trouble, it may be because they need to learn new skills. There are many skills students need to do well in school

**What you can do:** Talk to teachers, administrators, and your child about the skills that are hard for your child in school.

## MYTH 2

Children should know how to behave.

**Reality:** All children need to develop skills to succeed in school. Self-regulation and social skills are as important for children to learn as math and language skills.

**What you can do:** Do not blame your child. Instead, help figure out what your child needs to succeed.

## MYTH 3

Schools know when a child needs help.

**Reality:** Schools do not always recognize when or why children struggle in school. When a child is not doing well in school, it is important to find out why.



**What you can do:** Understand the red flags that schools might misinterpret, such as behavioral problems, refusal to attend school, exclusion, or physical restraint or seclusion. If your child is experiencing behavioral problems, ask the school to conduct a functional assessment and draft a plan.

## MYTH 4

Special education is only for children with obvious disabilities.

**Reality:** Some children have invisible disabilities that are not obvious. Trouble reading, paying attention, or managing their behavior may be signs of disability.

**What you can do:** Do not blame your child. Instead, reach out to the school to raise questions about what your child needs to succeed, including whether they require a comprehensive psychoeducational evaluation.

## MYTH 5

You have to wait for the school to decide if your child needs special education.

**Reality:** You have the right to start the process to see if your child needs a special education.

**What you can do:** Request an evaluation:

1. Be sure the request is in writing
2. Explain why you think it's necessary
3. Sign consent forms
4. Keep copies of all documents
5. Follow up

## MYTH 6

Schools will do the right evaluations to find out what your child needs

**Reality:** Schools will usually only do typical evaluations when the student's needs are obvious.

Common evaluations:

1. Psycho-educational
2. Psychological
3. Speech and language
4. Occupational therapy
5. Physical therapy

Other evaluations upon request:

1. Neuropsychological
2. Vocational
3. Assistive technology
4. Functional behavior assessment
5. Transition assessment

**What you can do:** Work with the school to figure out what evaluation your child needs.

## MYTH 7

Schools know how to best interpret evaluations and plan a program to evaluate your child

**Reality:** School staff may not understand how a child's disability impacts the child in school. Schools usually offer the programs that they already have in place. Schools may resist doing something differently for your child because it is expensive, or for other reasons.

**What you can do:** Learn about your child's disability. Observe the classes that are right for your child. If you don't agree, tell the school and ask for other choices.