

**- HANDBOOK -**

**WHEN YOU DON'T AGREE WITH YOUR  
CHILD'S INDIVIDUALIZED EDUCATION  
PROGRAM (IEP)**

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***OFFERED BY:***

**NEVADA DISABILITY ADVOCACY AND LAW CENTER**  
**THE PROTECTION AND ADVOCACY SYSTEM FOR NEVADA**



**NEVADA DISABILITY  
ADVOCACY & LAW CENTER**

# Nevada Disability Advocacy & Law Center

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1875 Plumas Street, Suite 1

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**Nevada Disability Advocacy & Law Center (NDALC)** is a private, statewide non-profit organization that serves as Nevada's federally-mandated protection and advocacy system for human, legal, and service rights for individuals with disabilities. NDALC was designated as Nevada's protection and advocacy system by the Governor in March, 1995.

Services provided by NDALC include, but are not limited to: information and referral services, education, training, negotiation, mediation, investigation of reported or suspected abuse/neglect, legal counsel, technical assistance, and public policy work.

NDALC has offices in Las Vegas, Reno, and Elko with services provided statewide. All services are offered at no cost to eligible individuals in accordance with NDALC's available resources and service priorities.



## Mission Statement

*Protect and advocate for human and legal rights, interests, and welfare of Nevadans with disabilities.*

*Promote, support, and assist Nevadans with disabilities in understanding and controlling those systems and processes which directly affect their lives.*

*Foster the development, availability, and accessibility of services which increase the opportunities available to Nevadans with disabilities to live their lives as fully, independently, and productively as possible.*

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This publication is intended for basic information only. It is not legal advice. While attempts were made to ensure its accuracy, readers should direct questions concerning their specific situations to Nevada Disability Advocacy & Law Center (NDALC), legal aid agencies, or a private attorney.



The IEP process can be complicated and very emotional. It is often a situation where parents and school teams do not agree at the IEP meeting. As such, this presentation will outline simple strategies and remedies for when this might occur.

### When you don't agree with your child's IEP

- Why don't you agree with the IEP?  
Make a list of what's wrong and what you're unhappy about
- Once you've drafted your list of concerns:
  - Speak with an advocate or another knowledgeable person for feedback
  - Make a strategy list:
    - address each issue with specifics as well as your desired resolution
- If you have not attend an IEP meeting with an advocate or an attorney to help problem solve any disputes, consider doing so.
  - Ensure the appropriate parties are present at the meeting
  - Request a special education coordinator, or special education director attend the meeting to help problem solve/strategize
    - A special education coordinator/administrator is not the school facilitator, and is usually someone who works outside of the school building
    - If you do not know who your special education coordinator is, contact the school district's main telephone number and ask what "area" your child's school is assigned to, and then request the name of the special education coordinator for that area
  - At the time of the meeting: ensure your concerns are detailed on the parent's concern section of the IEP



**If you are unsuccessful at the IEP meeting, the following options are available to you:**

### **Public Concern Form**

- Found on [ccsd.net](http://ccsd.net), or at your child's school
- Starts the paper trail
- Not required if you have specific IEP issues, but it can be beneficial
  - Appropriate for problems such as - school nurse policy, or the bus arrives late and your child is marked tardy.
- Follow all instructions on the form
- Submit to the school principal
- Save a copy for your own records
  
- **Nevada Department of Education (NDE) – State Complaint**
  - This avenue is appropriate when you have a disagreement about the accommodations or implementation of your child's IEP, or if the school is not implementing the IEP as written
    - Your child's IEP designates 30/min/weekly for OT and she has not received OT
  - This complaint process is not to be used for: eligibility disputes, placement disputes, or grade changes
  - See handout from Nevada Department of Education
  - Follow all directions on the template letter available at:  
[http://www.doe.nv.gov/Special Education/Dispute Resolution/](http://www.doe.nv.gov/Special_Education/Dispute_Resolution/)  
English & Spanish templates are posted
  - Prior to submitting: seek guidance from the Nevada Disability Advocacy and Law Center (NDALC), Nevada PEP, a private advocate, or another advocacy agency for recommendations
  - Specific timelines must be adhered to



- **Due Process (DP) Hearing**

- Due process is a legal process between the parent/guardian and the school district; either party can bring a claim
- An impartial hearing officer is the decision maker
- Both sides may bring witnesses and evidence to support their case
- See the Nevada Department of Education website for specific forms that can be used when filing for Due Process at:  
[http://www.doe.nv.gov/Special Education/Dispute Resolution/](http://www.doe.nv.gov/Special_Education/Dispute_Resolution/)
- It is strongly recommended that you speak with an advocate or an attorney prior to filing DP
- Due process can be very lengthy and adversarial
- Specific timelines must be adhered to

- **Office for Civil Rights complaint at:** <http://www.ed.gov/about/offices/list/ocr>

- Applies to public and private schools that receive federal funds, federal grants, or federal contracts
- Discrimination on the basis of disability, race, color, national origin, and sex are prohibited
  - Examples include: special education transportation, prohibiting students with a disability from attending off-campus field trips, etc.
- Specific timelines must be adhered to

- **Mediation**

- Voluntary process bringing parties together with a mediator to resolve issues
- Alternative to a more formal process
- Outcome is a written, legally enforceable agreement
- Contact Nevada Department of Education (702.486.6458) directly for more information



## RESOURCES

**Clark County School District**

**702-799-5000**

[www.ccsd.net](http://www.ccsd.net)

**Nevada Department of Education**

**702-486-6458**

[http://www.doe.nv.gov/Special\\_Education/Dispute\\_Resolution/](http://www.doe.nv.gov/Special_Education/Dispute_Resolution/)

**Nevada Disability Advocacy & Law Center**

**702-257-8150**

[www.ndalc.org](http://www.ndalc.org)

**Legal Aid Center of Southern Nevada**

**702-386-1070**

<http://www.lacsn.org/practice-areas/childrens-attorneys-project/special-education-program>

**Nevada PEP**

**702-388-8899**

[www.nvpep.org](http://www.nvpep.org)

**Families for Effective Autism Treatment (FEAT)** **702-368-3328**

[www.featsonv.org](http://www.featsonv.org)

**Lawyer Referral & Information Service – State Bar of Nevada** **702-382-0504**

### **Helpful articles & fact sheets:**

<http://www.parentcenterhub.org/repository/idea-dispute-resolution-parent-guides/>

[http://www.ldonline.org/article/GAO\\_Special\\_Education\\_Disputes?theme=print](http://www.ldonline.org/article/GAO_Special_Education_Disputes?theme=print)

