The Federation has Moved!

Families of children with special educational needs understand how important their input and advocacy is to their children’s education. Educators and administrators face many competing demands and difficult decisions. They depend on the perspective of parents and guardians to help them support the special needs of their students. As many readers already know, that is why the Individuals with Disabilities Education Act (IDEA) requires parent/guardian participation in the creation and oversight of an Individualized Education Program (IEP) for each student eligible to receive special education services.

Our new address is The Schrafft Center, 529 Main Street, Suite 1102, Boston, MA 02129. The location is easily accessible by car from I-93 or by public transportation from the Sullivan Square T Station. Visitors to the new location will find more than a few welcome amenities, including a cafeteria, a candy store, an ATM, and lots of free parking. For visitors taking the T, a shuttle bus runs 6 am-9 pm, Monday through Friday, between the Sullivan Square Station and our front door. The office itself has an expanded training room, a layout designed to facilitate collaboration and communication, and a view of the Mystic River. As always, check out www.fcsn.org, or give us a call at (617) 236-7210 for directions. We look forward to seeing you!
Should You Ever Waive Rights? (With a Note on “Procedures Lite”)

By Robert K. Crabtree, Esquire

School districts often ask parents to waive procedural requirements or even their children’s rights to services or accommodations in the interest of expediting a process, beginning services without delay, or resolving disputes where both parties are giving up things in order to avoid litigation. Behind such requests there is often an unspoken wish to rid teachers and administrators of the inconvenience of attending meetings, documenting services, recording progress, etc. Parents may be told that unless they waive whatever step is at issue, they will have to wait days or weeks before another important step can be completed, such as convening a Team meeting.

Weighing the pros and cons of such a request can be quite difficult. You want to be respectful and courteous, but...? All things being equal, your default response should be to refuse to waive any right. However, in the privacy of your home and in discussion with any consultant you should consider any possible benefits, and if it seems that on balance you and your child may be better off with a waiver, then go ahead and grant the waiver. It may be, for example, that there are legitimate reasons why a teacher cannot show up for a Team meeting and looking for that teacher would delay important services. If so, sign the waiver excusing the teacher’s participation, but insist on receiving before the Team meeting the written observations and recommendations that the law requires when a teacher’s participation at a Team meeting is excused. We would also add a condition that the teacher spend time at your request to talk with you about her input before the meeting.

To be enforceable, a waiver must be given voluntarily with knowledge of what it is one is actually giving up. A parent must have notice of the right that is being released and enough information to make a reasonable decision about the requested waiver. If you don’t understand what you would be giving up, or the reasons for the request, ask questions and seek advice from a trustworthy advisor who understands the system – a competent advocate or expert who knows your child.

My colleagues and I are particularly conscious of these considerations as we have recently seen an option proposed to parents in at least two school districts (including in one case to parents whose first language is not English) called “Procedures Lite” (we’ll refer to it as “PL”). The gist of the PL agreement is that parents suspend legally required procedural steps for a year. They even agree, incredibly, to “waive their rights to appeal all issues under all state and federal laws that may arise during the” PL year. Moreover, instead of an IEP the student would have a “one-page Student Learning Plan” listing the elements “necessary to provide a FAPE” for the student. The one saving grace of this mechanism to absolve school districts of accountability in the Team and service-delivery process is that a parent may unilaterally end the PL agreement and revert to their regulatory rights at any time. However, they run the risk that they will be without a remedy for violations that occurred while the PL agreement was in effect.

Our advice? Never sign the PL agreement if it is offered by your district. If you already have signed it, immediately terminate it in writing. If you did sign it, and if you feel that your child’s education was seriously harmed during the period the PL agreement applied, there may be arguments under contract law and/or under state or federal law to nullify the agreement and seek a remedy, including seeking compensatory education for services lost during that period. It would require a hard look at your child’s unique circumstances to assess this possibility.

In sum, there is nothing at all of benefit to parents or students in the self-servicing nullification of the IDEA’s carefully designed protections for students with disabilities known as “Procedures Lite.”

As to occasional specific requests for waivers in general, a parent should weigh the potential costs and possible benefits of such a waiver, act intelligently in response and, when in doubt, say no.

Bob Crabtree is a partner at Kolin, Crabtree, and Strong, LLP, a general practice law firm in Boston, MA. He concentrates with several colleagues in special education and disability law. Contact him at RCrabtree@kcslgal.com.

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The Federation for Children with Special Needs

Our Mission:
To provide information, support, and assistance to parents of children with disabilities, their professional partners, and their communities. We are committed to listening to and learning from families, and encouraging full participation in community life by all people, especially those with disabilities.

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A clothing store ad proclaimed, “An informed consumer is our best customer!” Truer words have never been spoken. Whether we are purchasing a home, car, or an appliance, we must be informed consumers to protect ourselves from unfair or deceptive practices in the marketplace, and to get the best possible deal.

As consumers of special education programs and healthcare, parents of children with special needs must become informed in order to make sound decisions. Parents have many rights in our society, but it is their responsibility to become informed, and thereby empowered to exercise them. As one website exclaims: “Be an informed consumer, decisions about your health care are important.”

Parents’ rights in special education are a premiere aspect of state and federal law. In general, the concept of an informed consumer is fundamental in the laws of many countries. In particular, our special education laws extend decision-making rights to the parents of students who are eligible for special education as a way of protecting them and ensuring each student will have an equal opportunity to progress in his or her education.

The Informed Consumer - Smart Buyer website states: “Consumers have not been told effectively enough that they have huge power.” I believe this is true for parents of children with special needs as they navigate the maze of school programs, service delivery, IEPs, and other support services necessary to ensure their child makes effective progress in school. Parents sometimes are not aware of the power and awesome responsibility they have under the law.

Under the Individuals with Disabilities Education Act (IDEA) and its sister state laws, such as Massachusetts General Law Chapter 71B (formerly Chap. 766), parents have the right to accept/reject in whole or in part the proposed school services and/or placement for their children. Sometimes these rights are overlooked by parents who are not well informed.

Recently, we learned of some schools that have proposed that parents of students with special needs sign a waiver of their rights under special education laws, and accept a simpler substitute for the usual process. (See article on Procedures Lite by R. Crabtree on page 2)

While any one of us can enter into consenting legal agreements with other parties, we recommend that parents do so only when they fully understand what they are receiving in return. In other words, as consumers of school and healthcare services for their children, parents need to be informed consumers and not give up either their decision-making rights or responsibilities without careful consideration. The mission of the Federation is to inform, educate, and empower parents to become the best possible advocates for their children. Put another way, the Federation exists to help parents understand their rights and to competently discharge their responsibilities.

A paraphrase of the ‘Smart Buyer’ might sound like this: “Most parents of children with special needs have not been told effectively enough that they have huge power when it comes to their children’s education and healthcare.”

Become knowledgeable. Learn your rights under the law. Make informed decisions. Support your child’s education. An informed, empowered parent is the best possible advocate!

MassCARE Health and Fitness Fair 2011

MassCARE held its second annual statewide Health and Fitness Fair on August 20, 2011 at the Fessenden School campus in Newton. MassCARE serves women and families infected/affected by HIV/AIDS. The event was planned and facilitated by Corin Landrum, the Federation’s MassCARE Coordinator for Women and Families, and by the coordinator for Mass STYLE, the MassCARE consumer group for adolescents. Over 100 people participated in the event including children, teens and adults. They had the opportunity to visit ten booths and gather information on topics such as nutrition, stress management, mental health, breast cancer, WIC, oral health, and emergency preparedness. Recreational events including swimming, Zumba, chair massage and games for children and teens added a festive air to the day. Participants came from all over Massachusetts, including Springfield, Brockton, Lawrence and Lowell. Many of them said that they had a great time in addition to gaining access to valuable information and resources – a successful day all around.

To learn more about the MassCARE program, call Corin at 617-236-7210, ext. 311, or e-mail clandrum@fcsn.org.
We provide the tools for students to succeed

Tools we use:
- iPad and iTouch
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But what about children with special educational needs who are in custody of the state and whose parents are unable to participate in the IEP process or make educational decisions?

In Massachusetts, those children depend on Special Education Surrogate Parents (SESPs) to protect their legal right to a free and appropriate education. SESP s are volunteers from across the state who make educational decisions for individual students. Once appointed, these volunteers have the full legal authority of a parent or legal guardian to attend Team meetings, approve or reject IEPs, and, if necessary, file a complaint or appeal.

This past summer, The Massachusetts Department of Elementary and Secondary Education contracted with the Federation to begin recruiting, training, and supporting SESP s. This is an exciting opportunity for us to work with a remarkable group of volunteers in order to help some of the state’s most vulnerable students.

Students who qualify for SESP s face many challenges. They all must cope with both special educational needs and the lack of a parent or legal guardian to advocate for them. In addition, many move frequently between homes, between schools, and between educational programs. Some have had traumatic experiences including abuse, the death of parents and loved ones, and separation from siblings and friends. For these children, an appropriate education can be a lifeline in a challenging world, helping them develop the tools they need to grow into successful adults. SESP s can help make sure that happens, and we intend to make sure that every volunteer has the support and training they need to accomplish their goals.

Of course, the priceless feeling of helping a child in need is reason enough to volunteer as a SESP, but there are other benefits as well. Families in the special needs community often acquire a mind-boggling amount of knowledge about special education laws and procedures. By becoming a SESP, they can use and build on that hard-earned experience. For professionals, volunteering as a SESP offers a unique experience to gain a parent perspective while working directly to support a child. All volunteers gain access to training and support from experienced special education professionals, and join a caring, supportive community committed to making a difference.

If you are interested in volunteering, we encourage you to email the Recruitment, Training, and Support Center for Special Education Surrogate Parents (RTSC) at rtsc@fcsn.org, call us at (617) 236-7210, or check out our Web site at www.fcsn.org/rtsc to learn more. Also, keep your eye out for articles from the RTSC in future issues of Newsline. These articles will cover a range of topics relevant to SESP s and families of children with special educational needs.

Make a Difference . . . in a Student’s Life.
Become a Special Education Surrogate Parent.

- Are you a parent of a child with special needs?
- Are you an education professional or student looking for a one of a kind experience?
- Do you have experience with the IEP process?
- Can you commit 10-20 hours a year to make a difference in the life of one of our state’s neediest children?

If you answered yes to any of these questions, you might like to volunteer as a Special Education Surrogate Parent (SESP). SESP s make educational decisions for children in state custody whose parents cannot. They attend Team meetings, sign IEPs, and monitor the child’s progress with the full legal authority of a parent to make special education decisions. To learn more, contact the Recruitment, Training, and Support Center for Special Education Surrogate Parents by calling (617) 236-7210, emailing rtsc@fcsn.org, or check out our website at www.fcsn.org/rtsc.
¿Vale la pena renunciar alguna vez a nuestros derechos, especialmente el acuerdo de “simplificación de procedimientos” conocido como “Procedures Lite”?

Por Robert K. Crabtree, Esquire

Los distritos escolares muchas veces les piden a los padres que renuncien a requisitos procesales o incluso a los derechos de sus hijos a recibir servicios o adaptaciones, alegando que acelerará el proceso, adelantará el inicio de servicios o que resolverá un conflicto en el que ambas partes cedan algo para evitar un litigio. El motivo oculto de estos pedidos suele ser librar a los maestros y administradores de la “inconveniencia” de asistir a reuniones, documentar servicios, registrar el progreso, etc. A los padres tal vez se les diga que sí no renuncian al paso en cuestión, deberán esperar días o semanas para completar el próximo paso importante, por ejemplo, convocar una reunión del equipo.

Evaluamos los beneficios y las desventajas de esta decisión puede ser bastante difícil. Uno trata de ser respetuoso y cortés, pero entonces, ¿qué hacer? Si no hay otros factores de por medio, lo mejor, por lo general, es negarse a renunciar a cualquier derecho. No obstante, en la intimididad de su hogar y al hablar con asesores, usted debe considerar los beneficios posibles, y, si le parece que lo más conveniente para usted y su niño es renunciar al derecho, entonces hágalo. Por ejemplo, tal vez el maestro tenga razones legítimas para no asistir a una reunión de equipo. Y es posible que si esperan que el maestro pueda asistir, la provisión de servicios importantes se retarde. De ser así, firme la exención al derecho con el motivo oculto de estos pedidos suele ser librar a los maestros y administradores de la “inconveniencia” de asistir a reuniones, documentar servicios, registrar el progreso, etc. A los padres tal vez se les diga que si no renuncian al paso en cuestión, deberán esperar días o semanas para completar el próximo paso importante, por ejemplo, convocar una reunión del equipo.

Para que pueda hacerse valer, la renuncia debe otorgarse voluntariamente y con conocimiento de lo que uno realmente cede. Los padres deben recibir un aviso acerca del derecho al que están pensando en renunciar, y suficiente información para tomar una decisión razonable. Si no comprende esto, o por qué le piden que renuncie a un derecho, pregunte y consulte a un asesor confiable que entienda cómo funciona el sistema —un defensor competente o un experto que conozca a su niño.

Toda vez que le pidan que renuncie a algo, piense detenidamente en lo que realmente cederá, en los beneficios posibles, y, si vale la pena, es decir, si a su hija o hijo le conviene.

Mis colegas y yo entendemos bien estas consideraciones porque recientemente supimos que a los padres de al menos dos distritos escolares (en un caso su lengua materna no era el inglés) se les propuso una simplificación de procedimientos conocida en inglés como “Procedures Lite” (de aquí en más, “PL”). La esencia de este acuerdo es que los padres suspendan por un año los pasos procesales. Aceptan incluso —incrediblemente— “renunciar a sus derechos de apelar cualquier decisión durante el año de vigor del acuerdo, basándose en cualquiera de las leyes estatales y federales”. Más aún, en lugar de un Plan educativo individualizado (IEP), el estudiante tendría un “Plan de aprendizaje de una página” que enumera los elementos necesarios para ofrecerle una educación pública gratuita y apropiada (Free and Appropriate Public Education, FAPE). Lo único rescatable de este acuerdos de PL estuvo en vigor.

¿Cuál es nuestro consejo? Si su distrito le ofrece un acuerdo de PL, no lo firme. Si ya lo ha firmado, revívelo por escrito inmediatamente. Y si lo ha firmado y cree que la educación de su niño resultó perjudicada gravemente mientras el acuerdo de PL estuvo en vigor, tal vez se pueda argumentar, conforme al derecho contractual o a las leyes estatales o federales”, a favor de que el acuerdo se anule, y buscar un resarcimiento, por ejemplo, pedir educación compensatoria por los servicios perdidos durante el citado periodo. Para evaluar esta posibilidad habría que hacer un análisis detallado de las circunstancias específicas de su niño.

En resumen, la anulación egoísta de las protecciones cuidadosamente redactadas en la Ley de Educación para Personas con Discapacidades (Individuals with Disabilities Education Act, IDEA), por medio del acuerdo de simplificación de procedimientos conocido en inglés como “Procedures Lite”, no ofrece absolutamente ningún beneficio a los padres ni a los estudiantes.

Y en general, en lo que respecta a las solicitudes ocasionales de renuncias de derechos específicos, los padres deben sopesar los posibles costos y beneficios, responder inteligentemente y, en caso de duda, decir no.

Bob Crabtree es socio en la firma Kotin, Crabtree, and Strong, LLP, un bufete de abogados de Boston. Se especializa, con varios colegas, en las leyes de educación especial y de discapacidad. Comuníquese con él a su correo electronico bcrabtree@kcsllegal.com.
Change is in the Air: New Educator Evaluation Standards

By Leslie M. Leslie, MassPAC Coordinator

Leaves have fallen, there is a chill in the air, and once again a change of seasons is upon us in New England. Change is also coming to our school districts. Massachusetts recently adopted new standards for educator evaluations and is poised to adopt a new framework to meet a vision of student success and professional excellence.

The regulations, which apply to both administrators and teachers throughout the state, are designed to:

• Promote growth and development amongst leaders and teachers,
• Place student learning at the center, using multiple measures of student learning, growth, and achievement,
• Recognize excellence in teaching and leading,
• Set a high bar for professional teaching status, and
• Shorten timelines for improvement.

By January, the Department of Elementary and Secondary Education (DESE) hopes to release key components of a “model system” for implementing the regulations. The model will include revised job-specific rubrics, draft contract language, protocols for administrator evaluation, and forms, templates, and tools for implementing the protocols. A model system is being tested in “early adopter” districts, including Ashland, Attleboro, Everett, Franklin, Greater Lawrence Regional Vocational Technical School, Mashpee, Reading, Revere, Wachusett, Wareham, and Whitman-Hansen.

One of the four key standards for all educators is Family and Community Partnerships/Engagement. Effective practice in this area should include assisting families with parenting skills to support students, conducting effective communications between home and school, creating an environment that welcomes volunteers to support schools, involving families in curriculum-related activities, building community partnerships, and including families as participants in school decisions.

All parents should follow this process and become informed as to the guidelines adopted by their school district to comply with the standards and indicators contained in the new regulations. The DESE is also looking for your feedback. In a recent update on Educator Evaluations, they wrote:

We are excited about the possibilities the new regulations offer for strengthening the profession and improving student learning, and look forward to working with you in the years ahead to ensure their effective implementation. For the Department to be effective, we need to learn with and from you. Please do not hesitate to offer suggestions, raise questions, or sign up to receive updates on ESE’s implementation efforts, by emailing EducatorEvaluation@doe.mass.edu.

Working collaboratively, parents and school districts can develop a shared vision of student success and professional excellence to meet today’s challenges.


To learn more about MassPAC, call Leslie at 617-399-8307, e-mail leslie@fcsn.org, or visit www.fcsn.org

Their Quality of Life is at the Center of Our Family Supports

When you have a loved one with a disability, the Family Support Centers of Seven Hills Family Services make a measurable difference in the quality of life for your entire family by providing the support they need to live full and rewarding lives, including:

• Family Support Specialists  
• Information & Referral  
• Trainings in English & Spanish  
• Comprehensive Education  
• Training Library  
• Respite Care

For more information, please contact Robin Foley at 508.796.1850 or rfoley@sevenhills.org.
Development Corner: Support Our Work, Where You Work!

Does your company have a Charitable Giving Program? Many companies do, providing philanthropic support to nonprofit organizations like the Federation through corporate foundations, event sponsorship, corporate matching gifts, and individual employee deductions. Corporate philanthropy is often driven by employee interest, so you may be able to help the Federation by making your company aware of the work we do. Find out about your company’s philanthropic interests in the following ways:

• Check your company website to see if they have a charitable foundation or if they sponsor fundraising events, and put us in touch with a foundation or community relations staff member;

• Ask your Human Resources department if your company has a matching gifts program and if they will match your gift to the Federation;

• At this time of year, many companies begin their employee charitable deduction programs. Ask if your company would be willing to include the Federation as a recipient through an existing employee deduction program.

If you are a federal or state employee, or if you work for the City of Boston, you can donate to the Federation in the following ways:

• **Combined Federal Campaign (CFC)** – the Federation became an accepted charity for the Combined Federal Campaign this year! Our charity code is 20226.

• **Commonwealth of Massachusetts Employee Charitable Campaign (COMECC)** - Massachusetts state employees can donate to the Federation through this program. Our designation number is 111233.

• **City of Boston Employee Campaign (COBEC)** - City of Boston employees can give to the Federation through this program. The Federation’s designation number is 2594.

**United Way:** Although the Federation does not have a specific designation number for the United Way, you can write us in on their printed forms or online. All you need is the Federation’s Tax ID number (04-2557572) and address (The Schrafft Center, 529 Main Street, Suite 1102, Boston, MA 02129). If you need assistance, you can contact the United Way directly via their donor assistance line at 617-624-8000.

The Federation relies on government grants and contracts, and individual, foundation and corporate donations to support its work. Corporate and workplace giving is an important part of the Federation’s overall fundraising strategy, and you can help! As subscribers to Newsline, you are very familiar with the quality of and the need for our programming. We would be happy to help by coming to your offices to speak about the Federation. Be an advocate for us in your workplace today!

Feel free to contact our Development Office at 617-236-7210 with any questions, or if you need more information. And many thanks for your assistance!

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**Save the Date: Visions of Community 2012**

**March 10, 2012 • World Trade Center, Boston**

The Federation will host its annual Visions of Community Conference on Saturday, March 10, 2012, at the World Trade Center in Boston. Highlights for the 2012 conference include a keynote address by Dan Habib, director, producer and cinematographer of the Emmy-nominated documentary, Including Samuel.

The conference will feature over 30 workshops in multiple languages, on a range of topics including the IEP process, advocacy, transition, & recreation, and showcasing more than 75 exhibitors. This is also a great time to network with other families and pick up free resources from our many exhibitors.


**Community Partnership Awards Nominations Needed:**

Each year, the Federation awards Community Partnership Awards to individuals in Massachusetts who have demonstrated outstanding efforts at creating a ‘vision of community’ where everyone, regardless of ability, feels welcome, and has opportunities to participate. Award categories include Community Outreach, Inclusive Recreation, Educators (Inclusive and Special Education classrooms), Parent Advocacy, and Self-Advocacy. Think about the people you know who have made a difference in the lives of individuals with disabilities, and nominate that person for a Community Partnership Award. The Federation will present the 2011 Community Partnership Awards at the Visions of Community Conference on March 10, 2012.

Submit your nominations on-line, through e-mail, or snail mail. Find everything you need to nominate that extraordinary individual at www.fcsn.org. The nomination deadline is January 20, 2012.
Dear Friends,

On behalf of the Federation, we want to thank all of you who have donated to the Federation over the past year. Because of your generous donations:

• Our trained Parent Consultants were able to provide support to over 300 families each week (16,000 phone calls per year!), talking them through the nuances of their child’s Individualized Education Program or the complexities of healthcare financing, or assisting them in finding critical community resources;

• Federation staff provided 600 trainings and workshops to over 9,000 parents and professionals throughout Massachusetts, reaching out specifically to parents who face cultural, linguistic or economic challenges;

• NewsLine, our quarterly newsletter, was distributed (either online or by mail) to more than 32,000 families and professionals;

• The Federation’s Visions of Community Conference provided a full day of learning and networking for over 850 families and professionals.

The vast majority of the supports and services offered above are provided at either low, or no cost to families. With over 40,000 families served annually, the Federation provides an amazingly cost effective and valuable service that we know improves outcomes for children.

In order to continue to provide this level of service in the coming year, we need to meet our Annual Appeal fundraising goal of $60,000.

This goal represents just a 10% increase over last year’s Annual Appeal donations.

Your support of the Federation is extraordinarily meaningful to us. As committed Newsline readers, you know and understand the importance of our work. Your financial support will ensure that we continue to offer our services (including Newsline!) at the same level, and that we are able to build our capacity to meet the economic challenges ahead.

You can help us reach our fundraising goal of $60,000!

If you donated to our Annual Appeal last year, please consider increasing last year’s donation by just 10%.

If you haven’t donated in a while, we would love to welcome you back!

We are very proud of the work that we do and are committed to serve every parent, family member or professional who works on behalf of children with disabilities.

Can you donate today and help us reach our goal of $60,000?

With many thanks for your support,

Richard J. Robison
Executive Director

James F. Whalen
President, Board of Directors

PS: Donate securely online at www.fcsn.org or send your check today. If your employer has a matching gift program, your donation may qualify thereby doubling your donation!
Você Nunca Deveria Dispensar Seus Direitos?
(Com uma Nota sobre “Procedures Lite”*)

Por Robert K. Crabtree, Esquire (Mestre de Direito)

Os distritos escolares perguntam frequentemente aos pais para dispensarem exigências de procedimentos ou até mesmo dos direitos de suas crianças a serviços e acomodações, no interesse de agilizar um processo, começando serviços sem atrasos, ou resolvendo disputas onde ambas as partes estão dispensando coisas no intuito de evitar litígios. Atrás de tais pedidos, existe com frequência, um desejo não dito de livrar professores e administradores da inconveniência de comparecer a encontros, documentar serviços, registrar progresso, etc. Poderá ser dito aos pais que, a menos que eles dispensem de qualquer passo que estiver sendo tratado, eles terão que esperar dias ou semanas antes que um outro passo importante possa ser completado, como por exemplo, fixar uma data para um encontro de Equipe.

Pesaros os prós e os contra de tal pedido pode ser bastante difícil. Você quer ser respeitoso e cortês, mas...?

Todas as coisas sendo iguais, sua resposta padrão deveria ser recusar-se a dispensa de qualquer direito. Entretanto, na privacidade da sua casa e em discussão com qualquer consultor, você deveria considerar quaisquer possíveis benefícios e se parece que conciliando você e a sua criança poderão estar melhor com uma dispensa, então vá em frente e dé a dispensa. Poderá ser, por exemplo, que existam razões legítimas pela qual o professor não possa comparecer para um encontro de Equipe e esperar pelo professor pode atrasar serviços importantes. Se assim for, assine a dispensa para a liberação do professor, mas insista em receber antes do encontro da Equipe, as observações e recomendações escritas exigidas pela lei quando a participação de um professor em um encontro de Equipe for liberada. Nós também deveríamos acrescentar a condição de que o professor passe tempo, a pedido seu, para conversar com você antes do encontro, sobre o material que ele tem computado.

Para ser aplicável, uma dispensa deve ser dada voluntariamente com o conhecimento do que a pessoa está atualmente abrindo mão. Os pais deverão ser notificados do direito que estão deixando de receber e de informação suficiente para tomar uma decisão razoável sobre a dispensa pedida. Se você não entende do que é que você está desistindo, ou as razões para o pedido, faça perguntas e busque o aconselhamento de um conselheiro no qual tenha plena confiança e que entenda o sistema – um defensor competente ou um especialista que conheça a sua criança.

Pense cuidadosamente, a qualquer momento que for pedido a você – do que você estará realmente abrindo mão; o que você ganhará; e se vale a pena – ex: a sua resposta favorecerá os interesses da sua criança?

Os meus colegas e eu estamos particularmente conscientes destas considerações, pelo fato de termos visto recentemente uma opção proposta aos pais, em pelo menos dois distritos escolares (inclusive em um caso para pais cujo inglês não é a primeira língua), chamado “Procedures Lite” (nos referiremos a isto como “PL”).

O ponto principal do acordo PL é de que os pais suspendam os passos processuais legalmente exigidos por um ano. Eles inclusive concordam, increditavelmente, em “dispensar seus direitos de apelar todos os assuntos sob as leis federais e estaduais que possam surgir durante” o ano PL. Além disso, em vez de um IEP, o estudante teria um “Plano de Aprendizado do Estudante de uma página”, enumerando os elementos “necessários para o fornecimento para o estudante, de um projeto FAPE” - Parceria de Famílias e Defensores para a Educação, Families and Advocates Partnership for Education. A única graça de salvação deste mecanismo para absolver os distritos escolares de sua responsabilidade na Equipe e no processo de prestação de serviço é a de que um dos pais poderá unilateralmente terminar o acordo PL e retornar aos seus direitos legais a qualquer momento. Entretanto, os pais correm o risco de ficarem sem um recurso para as violações que ocorrerem enquanto o acordo PL estava em vigor.

Nosso conselho? Nunca assinar o acordo PL se for oferecido pelo seu distrito. Se você já assinou o acordo, cancele-o por escrito.

Caso tenha assinado o acordo, e se você acha que a educação de sua criança foi prejudicada seriamente durante o período que o acordo foi requerido, poderão haver argumentos sob os direitos de contrato, e/ou sob lei federal e estadual para anular o acordo e buscar um recurso, inclusive buscando educação compensatória para os serviços perdidos durante aquele período. Isto requereria uma reflexão séria nas circunstâncias únicas de sua criança para assessar esta possibilidade.

Em suma, não existe realmente nada de benéfico para os pais ou estudantes na anulação em proveito próprio das proteções cuidadosamente desenhadas para os estudantes deficientes da IDEA - Individuals with Disabilities Education Act, e conhecidas como “Procedures Lite”.

Em relação a pedidos ocasionais específicos para dispensas em geral, um pai deveria pesar os custos em potencial e os possíveis benefícios para tal dispensa, atue inteligentemente em sua resposta e, em caso de dúvida diga não.

Bob Crabtree é um parceiro da firma Kotin, Crabtree, and Strong, LLP, um escritório de prática de advocacia geral em Bostom, MA. Ele focaliza a sua atenção juntamente com vários colegas na lei de deficiência e educação especial. Entre em contato com ele pelo bcrabtree@kcslegal.com.

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*IDEA - Individuals with Disabilities Education Act, e conhecidas como “Procedures Lite”.
Did you ever have that feeling that your cork was going to pop? That if you didn’t tell someone that something really makes you mad, you’d simply explode? Consider your methods and state of mind as you address an upsetting situation.

Parents and guardians who support children and youth with special needs have a great deal of responsibility, including advocating for the health, safety, and happiness of the child.

It’s easy to feel overwhelmed by that sense of responsibility, particularly when you have the feeling that someone is letting down your child. It’s a natural instinct to want to fight for whatever your child needs, but be mindful of the manner in which you bring attention to your situation.

Whether you are facing family, medical, educational, social, or recreational issues, the process is the same. The most effective route to addressing an unmet need is to take a deep breath, find someone who truly understands your situation (like another parent who may have faced similar challenges), and talk through the issues that are upsetting to you. Get the emotion out of the situation early in your conversation, so that you can focus on facts, observations, professional recommendations, and desired outcomes. Compile that information, organize your data, and prepare your case. Clearly and succinctly lay out the problem, the repercussions, and possible solutions. Most importantly, start with an expressed attitude that you expect to work together to resolve the issue. Parent-professional collaboration is the key to success, for you are the expert when it comes to your child’s abilities and needs.

Family TIES of Massachusetts is a parent-led program that offers information and referral services through its six Regional Parent Coordinators. We are parents too, and can draw on our own experiences as we listen to and support your needs. To find community-based programs and resources, feel free to make initial contact through our toll-free line, 800-905-TIES (8437), or visit our website, www.massfamilyties.org.

Our Parent-to-Parent Coordinator can help you find a trained volunteer parent whose own experiences have given them the understanding and insight to help you sort through the challenges that you face in advocating for your child’s needs. For more information about our Parent-to-Parent Program, please contact Gloria Klaesges, our Parent-to-Parent Coordinator, at 413-586-7525 or gklaesges@fcsn.org.

Your State of Mind Matters

By Mary Castro Summers, Program Director, Family TIES of Massachusetts
Employer Sponsored Health Insurance and Mandated Health Services

By Beth Dworetzky, Project Director, Massachusetts Family-to-Family Health Information Center

The Massachusetts Family-to-Family Health Information Center helps families raising children and youth with special health care needs navigate systems of health care services and supports. Many families call with questions about why some health services are not covered by their employer-sponsored health insurance (ESI).

We will use ARICA (An Act Relative to Insurance Coverage for Autism) – the Massachusetts law that mandates Massachusetts health plans to pay for the diagnosis and treatment of Autism Spectrum Disorders (ASDs) – to illustrate the differences between ESI plans, and why some plans pay for certain health services and others do not.

Some ESI plans are fully-funded; others are self-funded (also called self-insured).

- **Fully-funded Health Plans:** Every time you or a family member on your health plan uses a health service, you give the provider of service (like a doctor, hospital, or medical laboratory) your health plan information and you pay any copayment. The provider of service bills your insurance company and the insurer reimburses the provider.

- **Self-funded Health Plans:** Self-funded plans work differently. Instead of purchasing coverage from a health insurance company, self-funded plans pay for their employees and covered family member's health services directly. Many self-funded plans use a third party administrator to manage the paperwork – you may see this company’s name on your insurance card, making it less-than-obvious that you are in a self-funded plan.

To find out if your ESI is fully-funded or self-funded, ask your health plan administrator, human resources department, or your boss.

ESI and Mandated Health Services

The federal government mandates that all ESI plans cover certain health services. These include coverage for medical expenses related to pregnancy, hospital stays for childbirth, and mental health parity.

States have the authority to regulate insurance within their borders and so may also require additional health services that state-based ESI plans must cover. These laws are called state mandates or state mandated benefits. The number and type of mandated services vary by state. Out-of-state plans are subject to the mandated benefit requirements of the state in which they are issued. So, for example, if you work for a Massachusetts-based employer that is fully-funded but your health plan is issued by a Connecticut-based insurer, Connecticut’s mandated benefits will apply, not Massachusetts’.

It’s important to note that while all ESI plans must provide federally mandated health services, self-funded ESI plans are exempt from all state mandates. The good news is some self-funded employers will cover state mandated services. Try making your case for coverage by:

- Sharing information about self-funded employers who have chosen to pay for state mandated services. There is a list of self-funded employers who pay for Autism-related services http://bit.ly/self-funded-autism.

- Reading your plan’s definition of medical necessity. Use the definition to frame your request for a covered service. Explain how the service will improve your child’s functional abilities and overall health.

- Stating that an ounce of prevention now will be worth a pound of cure later. For example, if your child receives speech therapy now, he or she will be less likely to need expensive augmentative communication devices later.

Have questions about ESI or MassHealth? The Massachusetts Family-to-Family Health Information Center provides free, confidential assistance to families. Speak with Beth or Bonnie at 1-800-331-0688, ext. 301 or visit www.massfamilyvoices.org.
Assistive Technology Corner...

Assistive Technology for Fun, Part 1: Winter Sports & Recreation

By Randi Sargent

Last month I attended the recent Assistive Technology (AT) Expo in Boston and was impressed by the many exhibitors there offering AT products, not only for learning, home, and work, but also for recreation. We’re lucky to have so many organizations providing recreation programs to help our kids with disabilities – and our families – get out together to enjoy sports and outdoor activities.

Sometimes getting out for a winter activity with your child with a physical, sensory or intellectual disability can be a challenge. Fortunately, we have many not-for-profit organizations in our state whose mission is to help families have fun together being active. Many fundraise throughout the year so they can offer free or very affordable activities to families. They also use these funds to make or purchase adapted equipment and train their staff to ensure all participants can have a fun and safe experience. It’s amazing to see how technology is used to adapt sleds, skates, bikes, wheelchairs, and more.

Getting Active Outdoors This Winter Thanks to AT
Whether you’re interested in trying downhill skiing, kick-sledding, adaptive ice skating, or snowshoeing, the organizations listed below provide all the expertise, adapted sleds, chairs, helmets, and other equipment required. The trained staff fit the equipment to your child with positioning aids and straps to help him or her have fun safely. Some even have 1:1 volunteers that will go out with your child so you don’t have to.

Many of the ski areas in New England offer free or low-cost adapted downhill ski programs where children use child-sized specialized equipment and ski with trained volunteers. They are experienced with kids with physical and vision disabilities, and cognitive and behavioral challenges. The volunteers couldn’t be more friendly and enthusiastic about their sport. Some of the larger programs are New England Handicapped Sports Association at Mt. Sunapee, New England Disabled Sports at Loon Mountain, and Maine Handicapped Skiing. Now, even if you don’t ski, your kids can!

Many of the organizations also offer other adapted outdoor activities such as snowshoeing and snowboarding. We tried kick-sledding last year and my son (and husband) really enjoyed it. Do sign up in advance though because many of these programs will fill up.

Adapted & Inclusive Indoor Winter Activities
Can’t stand the cold? There are plenty of places where your child can participate in indoor adapted and inclusive team sports and recreation this winter. There are programs offering adapted floor hockey, power wheelchair soccer, inclusive basketball (check out the Unified Sports programs), cheerleading, swimming, adaptive skating, yoga, fencing and more. Special Olympics of Massachusetts hosts winter competitions for skiing, basketball, bowling, and floor hockey. Check your local health club or YMCA about their adapted programs. Some Park and Rec departments (notably Sudbury and Newton) offer a good selection of adapted and inclusive recreation and team sports that are open to all communities. The Mass Hospital School’s Recreation facility and pool is open to special needs families to enjoy after school hours and on weekends. Often there is a low fee or no fee for your child to participate.

Therapeutic horseback riding is one activity that many children with special needs enjoy. Some programs have indoor arenas so kids can ride year round. Riders use adapted saddles, communications aids, games and more to help kids build strength and social skills. Look for programs that are PATH Intl. certified and have trained instructions and volunteers. Riding is an expensive sport but scholarship may be available for families who qualify. Search the PATH Intl. website (link below) to find a program convenient to you. Unfortunately, some have long waiting lists.

Need further inspiration to get out with your child this winter? Check out the links below to find adapted winter sports and recreation programs in your area. The Department of Conservation and Recreation (DCR) website offers a wealth of information about its Universal Access program, including lists and links to accessible skiing, skating, trails, camping, biking, and more. Be sure to sign up to receive updates from their great blog, Everyone Outdoors. There are many more programs offering adapted summer recreation, but I’ll save that for Part 2. In the meantime, see you on the slopes!

Learn More About Adapted Winter Sports:

DCR Universal Access Program
www.mass.gov/dcr/universal_access

Everyone Outdoors Blog
http://everyoneoutdoors.blogspot.com

Kartwheels in Motion (metro Boston)
www.kartwheels.org

Maine Handicapped Skiing (Maine ski areas)
www.skimhs.org

Massachusetts Hospital School (after school/weekends, Canton MA)
www.mhsf.us/programs/recreation

New England Disabled Sports/ NH (Loon Mountain)
www.nedisabledsports.org

New England Handicapped Sports Association/ NH (Mt. Sunapee)
www.nehsa.org

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Teaching Teens with ADD, ADHD & Executive Function Deficits, Second Edition

Ms. Dendy discusses ways to help teens reframe their behaviors to accentuate the positive. Rather than labeling a teen “bossy,” explain they have leadership potential, or admire their energy rather than stating they are “hyperactive.” There are resources at the end of each section and appendices that provide examples of useful forms, such as student contracts, outlines for essays, graphic organizers, and transition services.

Two thirds of children with attention and/or executive function deficits have at least one other diagnosis, such as anxiety or a learning disorder. This combination puts them at risk for problems in school, not graduating high school, and not going to college.

As a parent of three children with attention deficit disorders, the author Chris Dendy knows how challenging school can be and how important it is for children to succeed. Using a combination of her personal and professional experience and research, along with the expertise of teachers, mental health professionals, coaches, guidance counselors, transition specialists, and other parents, Ms. Dendy has written an informative guide. Parents, teachers, and others can use this information to help teens with Attention Deficit Disorder (ADD), Attention Deficit Hyperactivity Disorder (ADHD) and executive function deficits succeed at home, at school, and in the community.

This second edition begins with a basic introduction to attention disorders and a discussion about the links between ADD, ADHD, executive function deficits, memory recall, and academic performance. There is additional information about the differences between boys and girls with ADD and ADHD.

Rather than chapters, the book is organized into summary sections so readers can easily find and explore a topic of interest. Topics include the impact of attention disorders on organization and time management skills, federal laws that protect individuals with disabilities, medications – including the child’s perspective about taking meds, and behavioral management in the classroom. There are great examples of ways to modify teaching to better support teens and maximize their attention and learning. Additional teaching tips and advice are clear and easy to implement in the classroom and at home.
Walking (or Shobbling) The Advocacy Walk

By Chelsey Blair Kendig

There are two types of advocacy. First, is the type where you talk the talk. Second is the type where you walk, limp, crutch, or my own specialty, a gait my former roommate and I like to call “shob-ble”, the walk. I could always talk the talk. I went to my IEP meetings. I spoke on panels about the power of mainstream education and the importance of accommodation. I believed in adaptive devices, modifications and bending the rules... for other people.

I went to a university with gorgeous stair-filled buildings, and all of them on the historic registry in Georgia. Meaning: ADA waving accommodation freaks need not apply. Or so it seemed to me the day I met with admissions. But I fell in love with that University, so off I trekked. While my friends went head-to-head with their university disability coordinators, I supported them wholeheartedly—while dragging myself and my books up three flights of stairs every other day because I didn’t want to ask that a class be moved. I never once asked my caring, inspirational professors to meet outside of their third-floor offices. Never thought about demanding the service-elevator key given to broken-legged athletes. I arranged rides to class from my sorority house—a mile down the single road in my small, liberal arts school—rather than ask campus security to help me out. In my defense, I am terrified of golf carts.

I made it through four years on a historical, inaccessible, gorgeous campus, with a one-semester stint in Oxford where there were, incredibly, more stairs. I had friends who would have paved a road with starlight if I needed it, but I’d never asked the administration for anything. During my senior year, I volunteered for the same scholarship selection weekend where three years before I had rambled about my advocacy skills and won the grand prize. As I wandered around the hors d’oeurves being served in the library (poor books!), I saw a young girl being helped out of a wheelchair by her mother.

Drawn by the magnetic field that draws all people with disabilities to each other, I joined their picnic on the floor. As it turned out, the girl’s brother was applying to the school. She was sixteen and just along for the ride. “Has it been hard?” I asked, thinking of the winding paths around our academic quad. Her face lit up. “Not at all! Everyone has been so nice! But...okay, yeah the service elevator is creepy.” I was flabbergasted. And I was proud. Somehow my little school had gone from a “you’re on your own” attitude toward people with disabilities, to the welcoming acceptance they gave everyone else.

Had I been a part of that? Had they seen my success and realized it could be done? Maybe. But maybe the attitude change possibility had been there all along. Maybe if I’d just walked the advocacy walk and asked instead of assuming that because nothing was offered, nothing could be had.

Chelsey Blair Kendig is an MFA/MA candidate in children’s literature at Simmons College in Boston, MA. Her blog, “Sense and Disability,” chronicles her life as a travel-obsessed young woman with a disability and can be found at www.chelseyblair.com.
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Saturday, March 10, 2012

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Friday, May 4, 2012

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