



# Disability Law Center's Self-Advocacy Materials

Updated October 2018

Special Education

This document is designed for people with disabilities.

The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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## Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit our website:

<https://dlc-ma.org>



## What to Do If the School Does Not Follow Your Child's IEP

### You Will Learn About:

- Steps to Take If Your Child's IEP Is Not Followed
- Filing a Complaint

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

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# Steps to Take If Your Child's IEP Is Not Followed

## What Are The First Steps?

Make sure you understand what services the Individualized Education Plan (IEP) requires. Each IEP is different. Before you sign one for your child, ask at least these 3 questions:

- What is the service?
- How many times will my child receive it?
- How long will each service last?

Make certain that the IEP Team Leader clearly explains this to you before you accept an IEP. **After each Team Meeting, try to remember to ask for a copy of the Attendance Sheet.** It will help later on in case you have to write a follow-up letter.

## What Do I Do If My Child Does Not Get The Promised IEP Services?

First, keep track of each missed service. Suppose, for example, that the IEP promises two weekly sessions of physical therapy and your child only gets one session per week. Count the number of missed sessions and write a letter to express concern.

## Where Should I Send A Letter Of Concern?

The best idea is to look on the IEP for the person listed as the **Team Leader** or the **School Contact Person**. Then send a letter to that person, *remembering to date it and keep a copy for yourself*. Explain that your child has not gotten the promised service and ask how the Team plans to correct that.

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## Filing a Complaint

### What Should I Do If I Get No Reply From My Letter Of Concern?

There is no firm rule about how long you should wait, but you should write at least one more letter. Remind the school that you wrote once before and ask the IEP Team to provide the promised services. If no one either answers your second letter, or corrects the problem, you should file a formal complaint.

### How Do I File A Complaint?

The Department of Elementary and Secondary Education (DESE) has a division called **Program Quality Assurance (PQA)**. It handles complaints that a school district has not followed the law. To file a complaint, call PQA at (781) 338-3700. Each school district has a **Problem Resolution Specialist**, also known as a **liaison**. Once you get that person's telephone number, call him/her and ask for an **intake form**. After you complete and return it, PQA will investigate your complaint. If it finds a violation, it will order the school to correct the problem.