



Dorene J. Philpot
Attorney at Law

Dear Potential Client:

Please complete the questionnaire, based on the knowledge you have about your child's case. You do not have to fill it out with the precision that you might with a form for the IRS. Just do the best you can with it.

If you do not understand a question, it's OK to note that, and I will know to ask the question a different way.

Please know that my agreeing to look at your situation for possible representation does not yet mean that I am agreeing to take your case. I do not represent you at this time.

After I review this material, I will advise you as to whether I believe you have a viable case or not and whether I am willing to represent you and your child's interests.

If you have a disability and need accommodations or assistance to complete this form, please contact me or have someone contact me on your behalf. Thank you.

Sincerely,

Dorene Philpot

THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL OR ENTITY NAMES AS THE RECIPIENT AND MAY BE ATTORNEY-CLIENT PRIVILEGED OR CONTAIN CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY AND DESTROY ALL PAGES.



Dorene J. Philpot
Attorney at Law

Special Education Case Client Questionnaire

Your name:

Address:

City

State

Zip

Phone numbers:

Home: _____ Work: _____ Cell: _____

Email address: _____

If you are not the custodial parent of the child, or the student is age 18 or over, please identify your relationship to the child: _____ and whether you have a guardianship, power of attorney or other document showing your decision-making power: _____

Mother's Employer (or Maternal Conservator's Employer): _____

Father's Employer (or Paternal Conservator's Employer): _____

If self-employed, please indicate what type of business you are in / name of business:

Has either parent served in the military during the past three years? _____

If yes, from when to when? _____

Is your native language something other than English? _____ If so, do you consider yourself to be able to communicate competently in English with others? _____

Who referred you to my office (so that I may tell them thank you):

Child's name (if you are concerned about more than one child, please use a separate questionnaire for each child, i.e. do not put them both on the same questionnaire)

School district name:

Name of school your child attends

Do you pay property taxes to a different school district than the one your child attends?

Do you have plans to relocate into a different school district any time soon?

Is your child on the free lunch or reduced cost lunch program?

Special education director's name:

Name of Cooperative or Interlocal, if this applies

When did your child first enroll in the current school district?

Child's current grade level: _____ Child's current age _____ Child's birth date _____

If your child is over age 18 or will be soon, have you obtained guardianship or made steps to do so? _____

Has your child ever been retained or held back a grade? _____ If so, what grade was he/she in when the retention occurred? _____

If your child has not been retained or held back a grade, has anyone ever recommended that to you? _____

The APPROXIMATE number of school-related documents (IEPs, emails, evaluations, etc.) that I have on my child's potential case is (choose best guess):

- | | |
|-------------------------------|-------------------------------------|
| _____ Less than 100 pages | _____ Between 1,000 and 2,000 pages |
| _____ Between 101-500 pages | _____ More than 2,000 pages |
| _____ Between 501-1,000 pages | |

Child's weakest academic areas:

Child's strongest academic areas:

What do you think your child's level is in reading? Writing? Math?

Your child's report card grades 2 years ago _____
Your child's report card grades last year

Your child's report card grades this school year

What is the history of your child's performance on his/her state standardized testing requirements (TAKS/STARR in Texas and ILEARN / IREAD in Indiana and M-STEP in Michigan)?

If your child did not meet the standard on the testing, did the district come up with a specific, individualized remediation plan that was placed in your child's IEP? (For example, per Texas Education Code sections 28.0213, 29.081, and 39.025 they are legally required to offer an intensive instruction for students who don't meet end year testing requirements.)

Under NCLB and IDEA, all children in grades 3-8 must take yearly English/language arts and math tests. Either they take the regular tests, modified assessments based on the

Protecting the civil rights of children with disabilities since 2000

275 Bristol Lane, Livingston, TX 77351 -- 1100 W. Saginaw, Ste. 4A-2, Lansing, MI 48915
And 2903 West 75th Street, Indianapolis, IN 46268

regular standards or alt. assessments for severely disabled students. In a few states, parents can exempt their kids from such tests. No school or district can exempt a child from taking one of these if the parent hasn't done so, period. The "exempt a certain percentage of scores toward AYP" just means that not more than 2% of alt. assessment for severely disabled kids scores can be counted as "proficient." It doesn't mean the kids aren't tested. With that in mind, if your child is in grades 3-8, do you know if your child has taken the year English/LA and math assessments?

What school districts have you lived in for the past two years?

Name of district: _____
Time period in district: _____

Name of district: _____
Time period in district: _____

Name of district: _____
Time period in district: _____

When did the school develop your child's first 504 plan (under Section 504)?

When did the school develop your child's first IEP (under the IDEA)?

Has the school developed an IEP on at least an annual basis?

What are your child's disabilities, according to the school?

What are your child's disabilities, according to you?

Approximately when was the most recent vision testing done for your child?

Approximately when was the most recent hearing testing done for your child?

Has the school district sought payment from Medicaid for your child? _____

Have you signed a form allowing the school district to access your child's Medicaid benefits? _____

What were the services the district sought Medicaid payment for? _____

Were the services that the district sought actually delivered to your child? _____

What is the date of the most recent psychoeducational/full and individualized evaluation (FIE) by the school? _____

Did you request an Independent Educational Evaluation (IEE) based on disagreement with the evaluation noted in the question above? _____ What was the school's reaction to the IEE request? _____

What is the date of your last agreed-upon IEP or 504 plan (the last one you signed agreement with)?

Does your child require a nurse accompany him/her during the school day due to medical issues? _____ If yes, does the district pay for the cost of that nurse? _____ If not, what is the source of funding for the nurse? _____

Did the district ever invite any of your child's outside / third-party services providers to IEP team meetings? _____

Did the district ever ask you to sign consents so that district staff could make contact with them? _____ Did you sign the consents presented? _____

Has there ever been a Community Resource Coordination Group (CRCG) meeting held on behalf of your child (to receive outside services or placements, such as a residential placement)? If so, when was it and did a representative from the district attend? _____

If you have removed your child and placed him/her in a private school, did you give the school at least 10 days' written notice of your intent to put the child in a private placement and that you would be seeking reimbursement for same? _____
Or did you tell them of your plan to privately place/seek reimbursement in an IEP team meeting or case conference meeting in which the request is noted in the deliberations/discussion page or which was tape recorded? _____

Who at the school has the most familiarity with your child's progress or lack thereof?

Please list the names of any outside psychologists who have conducted evaluations and the approximate date of the evaluation:

Have you ever filed a complaint with the state department of education (Texas Education Agency or Indiana Department of Education or Michigan Department of Education) or ever had a previous due process request? If so, give dates.

Have you signed a settlement agreement with your district within the past three years? _____ If so, what is the date of that agreement? _____

Are you currently working with an advocate or attorney? If so, who? (DO NOT LEAVE BLANK IF YOU ARE CURRENTLY WORKING WITH AN ADVOCATE OR ATTORNEY)

Have you previously worked with an advocate or attorney? If so, who? (DO NOT LEAVE BLANK IF YOU WERE PREVIOUSLY WORKING WITH AN ADVOCATE OR ATTORNEY)

Has an attorney for the school district been involved in your case yet? What is his/her name? _____

Approximately when was your most recent contact with the attorney/advocate named above? _____

Sometimes schools will engage in retaliatory acts against families for their advocacy efforts. To that end:

Has the school district ever threatened to report you to Child Protective Services? _____

Has the school district ever sought criminal charges against you or your child? _____

Has the school ever had the police arrest or interrogate your child? _____ If so, was your child given any kind of “Miranda” warnings (i.e. you have the right to remain silent, what you say can be used against you, etc.?) _____ Did the district interrogate your child outside of your presence about the commission of any crime? _____

Has your child been bullied or harassed by other students? _____ Staff? _____ Attach additional pages to explain.

Has your child been injured at school by either other students or staff? _____ If so, were the police and/or CPS called? _____. Attach pages to explain what happened.

After you notified the district that your child was being bullied or harassed, did the district put a safety plan into place for your child? _____

How many times have you or someone on your behalf visited your child’s classroom during the last six months?

What has been the size of the class or classes your child was in last year and this year? (Keep in mind that TEC mandates that academic classes in grades KG through 4 can be no larger than 22 students. Classes in grades five through 12 can be no larger than 25 students. Anything larger requires a waiver from the state. In 2006, state education commissioner said class size limits do not apply to PE or fine arts classes.)

Is there a history of mental illness or learning difficulties/learning disabilities in the family? If so, indicate who and problem and also whether school was informed of this family history:

| Who (mother/father/sibling/grandparent) | What was problem? | School told? |
|---|-------------------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

How many emails did you typically send to school district staff in a typical week?

Often if the two parents are not on the same page in terms of the course of the case or the terms of a settlement, it can cause problems later in the case, so I need to know the following information:

Are you and the other parent of the child:

_____ Married _____ Separated _____ Divorced

If you are not married, who has legal and/or physical custody? _____

If you are separated or divorced, is there a court order indicating how decisionmaking power is to be delegated? If so, who has such decision-making power? _____
Please provide me with a copy of this court order.

Do you believe the other parent will be agreeable to signing a settlement agreement in this matter? _____

Do you believe that the other parent will sign a document for me, saying that if there is a disagreement later about the course of action in this case or the terms of a settlement agreement that they will agree to your being the decisionmaker? _____

What has your child's classroom atmosphere been like in the past? How many children? What areas of disability did the children have? How many teachers and aides were in the room? Were any aides specifically for your child, specifically for someone else's child or to help with all the kids in the classroom?

If you could wave a magic wand and whatever you wanted for your child's schooling would come true, without regard to money, time or the school district's opinion, what would you want for your child?

There is a very helpful list of suggested interventions for students, categorized by area of disability or problem at this website:

School Psychology Handbook:
Practical Recommendations and Interventions

<http://www.education.udel.edu/masters/school-psychology/interventions/>

If you see anything there that you have not already listed elsewhere in this questionnaire and that you think would be appropriate for your child, please list that here:

What specific requests have you made to the school, either in writing or verbally during an IEP meeting that the school has either said no to or which it has ignored? (The school is required to give you Prior Written Notice (PWN) when you make these requests but rarely do they do this.)

| Requested item? | When request made? | Written or Verbal? | Any written response? |
|-----------------|--------------------|--------------------|-----------------------|
|-----------------|--------------------|--------------------|-----------------------|

| | | | |
|--------------------------|-----------------------------|-----------------------------|--------------------------------|
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |
| Requested item? _____ | When request made? _____ | Written or Verbal? _____ | Any written response? _____ |

Did the school’s evaluator or your own evaluator make recommendations for services that the school would NOT agree to give to your child?

Which recommendations were not incorporated into your child’s IEPs that you felt he/she needed?

IDENTIFICATION AND EVALUATION

Was the school slow to acknowledge your child’s special needs? If so, when did you first point out the problems to the school and ask for an evaluation, either verbally or in writing? And when did that evaluation occur?

Has the school reevaluated your child every three years, at least?

Did you pay for any evaluations of your child? Or did the school pay for private evaluations?

Did the school make available to you a copy of its evaluation report no later than five days prior to the date of the scheduled 504 meeting or IEP team meeting?

Did you ever request an independent educational evaluation? What was the school’s response? When did you receive the school’s response?

OTHER SERVICES

Did the school ever offer Extended School Year (ESY) services to your child? If so, do you believe that those services were adequate? Did you see regression in your child during the summers, whether ESY was offered or not? For example, the National Research Council says in “Educating Children with Autism” that they need at minimum 25 hours per week year around.

Did your child receive occupational therapy, speech therapy, physical therapy? Do you have any outside evaluations saying your child needed more than the school offered?

OT can address feeding skills (including oral motor skills), trying new foods and using utensils; self-care skills (including dressing, grooming, potty training, sleep); play skills (including sharing, taking turns, creativity); gross motor skills (including coordination, balance and strength); fine motor skills (including typing, handwriting, scissors); visual motor skills (including ball skills, perception, drawing); emotional regulation skills (including calming strategies, problem solving and maintaining attention); sensory processing skills (including adapting to different environments, touch, sound); social skills (including perspective taking, friendships); life skills (including cooking, cleaning, work related skills, community mobility).

--Please indicate whether you think your child needed OT services to address any of these skills indicated above and if so which ones _____.

DISCIPLINE

Was your child ever suspended or expelled? Did the school continue to provide education and services to your child during that period of suspension or expulsion?

Has your child been disciplined for behaviors that are tied to his/her disabilities? If so, describe the discipline administered and the alleged reason for it. Continue on back if necessary.

If your child has had behavioral problems, was a Functional Behavior Assessment (FBA) done? If so, was a Behavior Intervention Plan (BIP) implemented?

If your child has been suspended, did the school provide, subsequent to the suspension of your child, a written statement to you regarding the student's misconduct and action taken?

If your child was suspended or expelled, did the school conduct a manifestation determination hearing within 10 instructional days of deciding to change the student's placement for disciplinary reasons? Did the school inform you of the decision and inform the parent of his/her rights? In conducting the review, did the school consider mitigating factors in each decision concerning suspension, DAEP placement, expulsion or JJAEP placement?.

PROCEDURAL VIOLATIONS

At the IEP team meetings or or 504 meetings, have the following people been in attendance: one or more of the student's current teachers or, for a new student, a teacher licensed in the area of the suspected disability; and at least one member of the multidisciplinary evaluation team or some other person knowledgeable about the evaluation procedures used and familiar with the evaluation results if the student was evaluated for the first time?

When the school set the date and time of the meeting, were you consulted about the setting of that date and time or were you told to show up or else?

Did your school provide you with a copy of the notice of procedural safeguards at the time of notification of the IEP team meetings or 504 meeting? At the time you were presented with the initial request for evaluation of your child? At the time the school proposed any change of placement of your child?

Have you ever requested a IEP team meeting or a 504 conference and had your request ignored? When?

How long after an IEP team meeting, were you presented with an IEP or 504 plan?

Did you ever ask for a copy of the school's file pertaining to your child? If so, did you receive the file? Was it complete? How long did it take?

Did the school share all academic and disciplinary records with you as they were produced? Or did you find some new records that you had never seen before at the time you received a copy of the school's file pertaining to your child?

Did the school change the placement of your child (new school, new environment, more or less special education time than before) without convening the IEP team or 504 committee for a meeting?

FAILURE TO FOLLOW IEP/504 Plan OR DEVISE PROPER IEP/504 Plan

If your child was to be provided accommodations for testing, which were listed in his IEP or 504 plan, were those accommodations given to your child?

Did the school follow all provisions of the child's IEP or 504 plan? If not, what provisions did the school not follow?

Were the goals and objectives written in any IEPs objective and measureable? Did they address **all** your child's needs such as academics, social skills, attention deficits, organizational problems?

Were all your child's teachers, even substitute teachers, familiar with your child's IEP or 504 plan?

DENIAL OF FAPE

Was your child's school day shorter than other kids' school day?

Were the recommendations of your health care professionals or experts ignored when presented to the IEP team?

Was your child allowed to participate in extracurricular activities that were offered to their non-disabled peers?

If you have provided transportation to school for your child, has the school offered to reimburse you for the costs and mileage?

Do you believe the school failed to provide needed education and services to your child because of staffing problems or budgetary issues, rather than your child's needs? Give examples, if possible.

Do you believe that your child should have been provided assistive technology (computers, electronic devices) but was not? If so, what kind of assistive technology did your child need and why?

Was your child educated in the Least Restrictive Environment (LRE), meaning was the classroom, resource room, etc., the best learning environment for your child, based on your child's needs?

Did your child experience an unusual number of absences from school due to the child's disability or disabilities in the past two years? If so, did the school offer any services to accommodate the child's absences? _____

If we go to a due process hearing, do you want the hearing to be open (as in open to the public so that other school officials and your family and friends can attend) or do you want it to be closed (as in closed to anyone who's not a party and who is not testifying as a witness)?

Homebound Instruction

Was your child receiving homebound instruction? If so, did the IEP team meet every 60 instructional days during that time period?

In-home Training

Has the school done an evaluation as to the potential need for in-home training?
_____ Do you believe it should have been done? _____

Web accessibility

Has anyone in your family been unable to access the school's or any teacher's website materials due to the school's failure to maintain or update the website properly? If so, how were you affected and when did these problems occur?

For older students, did the school provide written notice at the IEP team meeting or 504 meeting no later than the student's 17th birthday, that the rights currently afforded the parent will transfer to the student at the age of 18 unless a guardianship of the student has been obtained?

If your child is age 16 or older, was he invited to the IEP team meeting or 504 meeting?

If your child is age 14 or older, was a transition plan included in his/her IEP that is a coordinated set of activities designed within a results-oriented process that is focused on improving the student's academic and functional achievement to facilitate the student's movement from school to post-school activities?

If your child is age 14 or older, did the school include sex ed goals and objectives in your child's IEP or as part of a health course? _____

PROPOSED REMEDIES

One of the things that the new IDEIA requires is that we suggest, in our letter requesting a due process hearing, a list of proposed remedies. In other words, what would you want to have happen in order to settle this matter short of hearing. Below are some ideas that have been used in past settlements. Please review them and indicate the ones that you would like to see implemented in YOUR particular case. At the end is a section for you to fill in some others that you might want to include. There is no right or wrong answer here. Use your imagination.

This will also help us in terms of settlement talks because it automatically puts the ball in the school's court in terms of responding to our proposed remedies, which they will have at the very beginning of our case.

Check off ones you think would be appropriate for your child.

_____ The School will conduct a half-day training session for teachers and staff members who work with the student for the fall and spring semesters of this school year, once each semester, for teachers and staff regarding the issues raised in the case. A copy of the attendance sheets and any fliers or written materials produced for these trainings will be provided to the parents within 10 days of the trainings.

_____ The school will provide a tutor for the student after school in the following areas: _____

_____ The school will provide extended school year services (summer services) for the student that consist of the following: _____

_____ The school will pay for private counseling for the next two school years and summers.

_____ The school will provide to the student a Palm pilot or other PDA device to help him with organizational skills the next two school years.

_____ The school will reimburse the parents for privately secured services that include: _____

**** Important *** I will need copies of receipts or service provider receipts for any out-of-pocket expenses that you want to have reimbursed by the school. We MUST give a copy of these to the school if we expect reimbursement. Please gather those now and get them to me w/any other records you are sending. I would need them for both settlement purposes and/or for hearing. If I do not give copies to the school, we likely will not be able to get reimbursement for you on those items.

_____ Reimbursement for mileage. For this, I will need a summary (spreadsheet is good, if you know how to do that, or a list is fine also). I need dates, miles traveled and purpose of trip.

_____ The school shall contract with a private services provider on devising a social skills training program for the student and agrees to pay the costs of this work and also agrees to implement the recommendations of the private services provider in regard to the program.

OR

_____ The school will devise and implement a formal social-skills training program for the student. This could include Social Stories (Carol Gray materials are available through Future Horizons publishing).

_____ The school will also contract with a private services provider to perform a functional behavioral assessment and devise a behavioral intervention plan that the school agrees to implement.

_____ The school will pay for private therapies, including occupational therapy, speech therapy, physical therapy. Please indicate which of these is appropriate and how much time per week you believe is appropriate: _____

_____ The school will provide a trained one on one aide for the student for these classes/times:

_____ The school will provide assistive technology to the student in the following forms (examples are computer, calculator, Palm Pilot, Alpha Smart): _____

_____ The school will provide to the student an assignment notebook that will travel between home and school and will include entries from the school about assignments that are due, upcoming tests, significant problems that occurred during the school day and any other information that the school and/or parents believe to be relevant to convey to the other.

_____ The school agrees to provide to the parent written progress reports on the student's IEP goals and objectives every four weeks.

_____ The school agrees to provide the following accommodations and modifications to the student: _____

_____ The school staff who work with the student directly shall receive specialized inservice training that continues each semester for the next two years in the following (some options: Lindamood-Bell reading and/or Orton-Gillingham reading methods for students with dyslexia, ABA therapy for students with autism, behavioral interventions for a variety of students):

_____ Any paperwork regarding expulsion/suspension of the student shall be expunged from the student's records and corrected with the Bureau of Motor Vehicles.

_____ The school will add the following areas of eligibility for special education and related services (options here: autism spectrum disorder, communication disorder, deaf-blind, developmental delay, emotional disability, hearing impairment, learning disability, mental disability, multiple disabilities, orthopedic impairment, other health impaired, traumatic brain injury, visual impairment)_____

_____ A change in placement to a private school, therapeutic day treatment, residential treatment, different school within the same school district or cooperative.

_____ A change in the transportation being provided to the student in the following ways: _____

_____ Use of the Fast ForWord program for my child that is often used with children who have auditory processing problems. (The program is a computer-based program that targets the language skills needed to become competent at understanding, using and processing language. It is administered one

hour per day, five days per week for six weeks. It may be administered at home or at a clinic. Language skills are reevaluated to document gains a child has made in the program, and a determination about additional recommendations can be made then.) It requires a speech language pathologist to monitor. Cost is about \$1,000.

_____ Use of Earobics, a computer program that is often used with children who have auditory processing problems. Can also help with phonemic awareness, can improve alphabets and possibly fluency. It can be used at home as well and costs about \$60. It needs to be used at least five days a week for 15-20 minutes a day.

_____ Use of FM system (for child with hearing problem and/or auditory processing issues) in child's classroom.

_____ Use of Dragon NaturallySpeaking computer program which is a speech-recognition software. You can email, surf the net, write and edit documents all by speaking. It's about \$99 in cost. Available at Office Depot, Office Max, Staples, and other places.

_____ Home bound programming with a tutor/teacher to help guide and monitor the student so that he could go at his own pace and eliminate conflicts posted by current academic situation. One option is American School of Correspondence (<http://www.americanschoolofcorr.com>). It is accredited by the North Central Association of Colleges and Schools and recognized by the Illinois State Board of Education as a secondary school. Its cost is relatively low and includes all books and study guides.

_____ The school will assess for the need and provide appropriate in-home training services and/or parent training services.

_____ The school will evaluate the student in an area of suspected disability in which it has not yet evaluated the student, specifically in

_____ The school will assess the student using Assessment of Basic Living and Language Skills Revised (ABLLS-R), an evaluation tool, curriculum guide, and skills tracking system for children with autism and other language delays, to determine the baselines of Student's functional abilities.

Please add any other proposed resolution ideas that are not addressed above:

Are you willing to seriously consider a settlement offer from the school, if it should attempt to resolve the matter short of hearing? _____ Or do you believe that no matter what the school offers you will want to go to hearing? Please elaborate _____

_____ The school will pay the fees associated with work toward completion of the student's high school credits necessary for a diploma via an online high school on a computer at home. With this option, the school will provide a tutor for two hours per school day during the student's use of the computer to help encourage him to complete assignments in a timely manner and to answer questions for the student. In order for the student to do the online courses, the school will provide to the student a laptop computer with at least a 17" monitor, CPU, printer, sound card and video card. Software will include Windows, Internet access and a word processing program.

_____ The school will develop a plan to utilize the school counselor to set up a transition plan for the student. This transition plan will focus on career development, employment preparation, achieving independence and integration into the workplace and community.

_____%%