



Issue 1

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SCHOOLS NOT COMMUNICATING WITH PARENTS ABOUT SPECIAL EDUCATION LEGAL RIGHTS

Parents' Rights Notices that are not easily readable do not comply with the law, and they do not meet its intent to provide clear information to parents.

If parents and schools are to be partners in the education of children with disabilities, clear communication is essential. The Individuals with Disabilities Education Act (IDEA) – the federal law mandating special education for all eligible students with disabilities – gives parents the rights to

- be informed of schools' proposed actions with regard to their children,
- be full partners in decision-making teams, and
- take legal action if they oppose the school's proposals for their child.

Under IDEA, schools are required to advise parents of their rights in a way that is easy to understand. Parents not only have the right and duty to participate in special education decisions, they can and should provide information about their child that no one else can provide. The decision to provide special services and the choice of services provided can be crucial to a child's future.

Upon the recent release of IDEA 2004 final federal regulations, Education Secretary Margaret Spellings promised that the new regulations "strengthen parents' involvement in their children's education." Yet a recent study finds that states currently are not doing a good job at articulating the rights and responsibilities essential to strong parent involvement.

Study Finds Most States Fail to Communicate Parent Rights

Although IDEA requires schools to tell parents about their rights under the law – referred to as "procedural safeguards notice" – in "understandable language," most are falling short of this requirement, says a study reported in the research journal *Exceptional Children*. The study, conducted at Pennsylvania State University by Julie Fitzgerald and Marley Watkins, examined Procedural Safeguards Notices (also called Parents' Rights Notices) from 49 states and the District of Columbia. (Ohio was already rewriting its Parents' Rights Notice, so it was not included in the study.)

“One of our goals was to help specify some of the characteristics of understandable writing that states can use in rewriting their Parents’ Rights Notices,” says Julie Fitzgerald, one of the study’s authors. After looking over the federal IDEA regulations, the researchers wanted to help define the requirement to provide understandable information by giving more specific advice on how to meet that requirement.

Three of the types of information included in Parents Rights Notices were studied - Prior Written Notice, Educational Records, and Mediation.

- ***Prior Written Notice*** tells parents that they have a right to be notified if their school district proposes or refuses to initiate or change the identification, evaluation or educational placement of their child or the provision of a free, appropriate, public education – referred to as *FAPE* - to their child.
- ***Educational Records*** sections explain that parents have a right to see all of their child’s educational records. Parents have the right to have a copy of their child’s educational records and to have the records explained to them by the school staff. If they disagree with the records, they may ask for changes to them.
- ***Mediation*** sections tell parents about a process that is available to them free of charge if they do not agree with decisions made by the school. Mediation is one of several courses of action that parents can take to legally enforce their rights.

Ten Features Make Procedural Safeguards Notices Understandable

The states’ notices were examined for features that would make them understandable to parents, as listed below:

1. ***Measured readability no higher than the 7th or 8th grade level.*** (Measures used in this study were the New Dale-Chall Readability Formula and the Flesch Formula.)
2. ***Short length.*** (Most states’ notices were 18 pages or fewer.)
3. ***Limited use of acronyms*** (e.g., using IDEA to stand for The Individuals with Disabilities Education Act).
4. ***Index or Table of Contents.***
5. ***Glossary of terms and acronyms.***
6. ***Use of samples and examples.***
7. ***Print size of at least 12 points*** (e.g., this print is 8 point, this print is 12 point).
8. ***Use of text headings or a question and answer format.*** This helps to organize the information and separate topics.
9. ***Use of tables and figures.*** Tables and figures are a concise way to show a lot of data or to depict trends.
10. ***Use of pictures and illustrations.*** Pictures and illustrations show information in another way and help to break up the text and make it more interesting.

Study Results were Dismal

The results of the study were dismal. The study not only found that states’ notices were not easily understandable; they were less understandable than notices of 20 years ago.

The readability level of most states’ notices was much higher than the recommended 7th to 8th grade level. Readability scores ranged from upper elementary school to a college graduate level, and more

than one-half were at a college reading level. Reducing the reading level of a document is not an easy proposition, especially where legal or technical terms must be used. But even those states that kept the readability score to a 7th or 8th grade level, such as Connecticut and Wisconsin, used acronyms and a small print size, and did not use other features to organize the text or make it more interesting.

While guidelines for reading levels are well known, the use of other features depends on the judgment of the writer. The notice should be short enough to be read in a reasonable time, and yet adding features to make it more inviting and clear can take more space. For example, if a writer can clearly give all of the necessary information in five pages using a question and answer format, is a Table of Contents really needed? Common sense would tell us, though, that a notice of 10 pages or more should have a Table of Contents. While other tables, pictures, and illustrations can make the content clear, they also take up space and must be carefully chosen to add to the clarity of the message.

In addition, many of the other features that make a document more interesting and understandable also take more space: larger type, examples, samples, and a glossary all contribute to length, which must be limited if the document is to be short enough for parents to want to read it.

Most states did not use the identified features to make their notices more easily understandable. The chart below shows a rating of the ten features for each state.

Ratings of Readability of Parents' Rights Notices for Each State Studied

| STATE | Reading Level | Length | Print size | Table of Contents | Glossary | Q and A format | Tables, Figures | Pictures | Samples, Examples | Acronyms |
|-------------|---------------|--------|------------|-------------------|----------|----------------|-----------------|----------|-------------------|----------|
| Alabama | E | C | D | E | E | E | D | E | E | C |
| Alaska | E | E | D | C | E | E | E | E | C | D |
| Arizona | E | D | D | E | E | C | E | E | E | D |
| Arkansas | E | D | D | E | E | E | E | E | E | C |
| California | D | C | D | E | E | C | D | E | E | E |
| Colorado | E | C | E | E | E | E | E | E | E | C |
| Connecticut | C | E | E | E | E | E | E | E | E | E |
| Delaware | D | D | D | E | E | C | E | E | D | C |
| DC | D | D | D | E | E | C | E | C | E | E |
| Florida | E | C | D | E | E | E | E | E | E | D |
| Georgia | E | C | D | E | E | E | E | E | E | C |
| Hawaii | E | D | E | E | E | E | E | C | E | C |
| Idaho | D | D | E | C | E | E | E | E | E | E |
| Illinois | E | C | D | E | E | E | E | E | E | C |
| Indiana | E | D | E | E | C | C | C | E | E | E |
| Iowa | E | E | C | C | E | C | E | E | C | E |
| Kansas | D | D | E | E | E | C | C | E | E | E |
| Kentucky | D | E | C | C | C | E | E | E | E | E |
| Louisiana | E | E | C | E | C | E | E | D | D | E |
| Maine | E | D | E | E | C | E | E | E | E | C |
| Maryland | E | E | E | C | C | E | E | E | E | E |

| STATE | Reading Level | Length | Print size | Table of Contents | Glossary | Q and A format | Tables, Figures | Pictures | Samples, Examples | Acronyms |
|----------------|---------------|--------|------------|-------------------|----------|----------------|-----------------|----------|-------------------|----------|
| Massachusetts | E | C | E | E | E | E | E | C | E | E |
| Michigan | E | D | D | C | E | E | E | D | E | D |
| Minnesota | D | C | E | E | E | E | E | E | E | C |
| Mississippi | E | D | D | E | E | E | E | E | E | E |
| Missouri | E | D | D | C | E | E | E | D | E | D |
| Montana | E | D | D | C | E | E | E | E | E | C |
| Nebraska | E | C | D | E | E | E | E | E | E | C |
| Nevada | E | D | D | E | E | C | E | E | E | C |
| New Hampshire | E | E | D | C | E | E | E | E | E | C |
| New Jersey | D | E | E | C | C | C | C | D | C | D |
| New Mexico | D | D | D | E | E | C | E | C | E | E |
| New York | D | C | D | E | E | E | E | E | E | E |
| North Carolina | E | E | D | C | E | E | E | D | E | C |
| North Dakota | D | D | D | C | E | E | E | D | E | D |
| Oklahoma | E | C | E | E | E | E | E | E | E | C |
| Oregon | D | E | D | C | E | E | E | C | E | C |
| Pennsylvania | E | D | D | C | C | E | E | E | E | C |
| Rhode Island | E | C | D | E | E | E | E | E | E | D |
| South Carolina | E | D | E | E | E | E | E | E | E | E |
| South Dakota | E | D | D | E | C | E | E | E | E | E |
| Tennessee | D | E | D | E | C | C | D | D | C | D |
| Texas | D | D | D | C | C | C | D | E | E | E |
| Utah | E | D | E | E | C | E | E | E | E | E |
| Vermont | D | E | D | E | E | C | E | C | E | C |
| Virginia | D | E | D | C | E | E | E | E | E | E |
| Washington | E | E | D | C | E | E | E | E | E | E |
| West Virginia | E | D | D | E | C | E | E | E | E | E |
| Wisconsin | C | C | E | E | C | E | E | E | E | E |
| Wyoming | E | C | E | E | E | E | D | E | E | D |

SCORING KEY

Reading Level- Flesch Grade Level, **C**=Satisfactory (7th-8th Grade), **D**=High School **E**=College level

Length- **C**=10 pages or fewer, **D**=11-20 pages, **E**=More than 20 pages

Print size- **C**=12 point or larger, **D**=10 or 11 point, **E**=below 10 point

Table of Contents- **C**=Yes, **E**=No

Glossary- **C**=Yes, **E**=No

Question-and-Answer format-**C**=Yes, **E**=No

Tables and Figures-**C**=More than 1, **D**=1, **E**=None

Pictures and Illustrations- **C**=More than 1, **D**=1, **E**=None

Samples and Examples- **C**=More than 1, **D**=1, **E**=None

Acronyms- **C**=5 or fewer , **D**=6-10 , **E**=More than 10

Note: This chart was adapted from *Parents' Rights in Special Education: The Readability of Procedural Safeguards*, by Julie L. Fitzgerald and Marley W. Watkins, 2006, *Exceptional Children*, 72, pp.497-510. Copyright 2006, The Council for Exceptional Children. Adapted with permission. Scoring categories were developed for this article.

Schools Should Make Sure that Parents Understand

The study's authors pointed out that even when the documents are clear and easily readable, it is important for educators to take the traits of the readers into account to help ensure that they really do understand the information. This might mean taking extra time to explain the information and answer any questions that parents may have. If parents have low reading skills, for example, school personnel may need to read the document aloud. Finally, school personnel should assess the parents' understanding and knowledge of their rights to ensure that the parents' consent is truly "informed consent."

School staff may also want to think about other means of giving the information to parents. For example, they may develop a video or CD for parents to watch. IDEA 2004 lets state and local educational agencies provide Parents' Rights Notices by e-mail. As well as giving parents print or e-mail notices, schools may also post the notices on their web sites. This would allow them to offer links to more detailed explanations and related information. In writing their notices, the schools need to recognize the wide variety among people with whom they are trying to communicate.

Fitzgerald notes, "Schools need to make it a more personalized process, to take into account parents' backgrounds, educational levels, and even their motivation to read these documents—school staff need to decide how to provide this information in a way that is understood by the individuals involved."

States Will Be Rewriting Their Notices

IDEA 2004 calls for some new content in Procedural Safeguards Notices. The study's publication is timely, as states will need to rewrite their Parents Rights Notices to conform to the new IDEA 2004 regulations. These regulations can be used as a roadmap for parent participation in the educational decision-making process. The readability of the notices is especially important, since IDEA requires that Parents' Rights statements be written in "an easily understandable manner" and "written in language understandable to the general public." Parents' Rights Notices that are not easily readable do not comply with the law, and they do not meet its intent to provide clear information to parents.

Fitzgerald points out, "It is up to the schools to reach out to parents—to provide understandable documents, to invite them to meet and ask questions, even to hold workshops or training sessions to inform parents. It is the schools' responsibility to provide parents with the information they need."

The US Department of Education has just released a model Procedural Safeguards Notice. Written at a 12th grade readability level, it spans 47 pages and incorporates few of the features identified in the study as helpful in making information easy to understand. This and other model forms are available at <http://idea.ed.gov/static/modelForms>.

Advice to Advocates & Parents

Your Rights Notice may have been written by your local school district or by your state educational agency. If you do not believe it is easily understandable by ALL THE PARENTS in your school district, let the district or state administrator know. It will also be helpful if you point out specific features of the notice that can be improved—for example,

- if the type is too small,
- if there are too many large words or long sentences,
- if there is too much technical jargon,
- if technical terms or acronyms are not defined and included in a glossary,
- if it contains too many acronyms to easily remember,
- if it is not well organized,
- if it does not use headings or questions-and-answers to separate topics,
- if it does not provide samples or examples, pictures or illustrations,
- if it does not include a Table of Contents or index, or if it is just too long.

Fitzgerald advises, “Parents should take a look at the document, and if they have any problems understanding it, ask to meet with a member of the school’s special education staff, psychologist or administrator to go over it and answer questions.”

Also, she points out that there are lots of helpful websites that provide information to parents—a search on “parents’ rights in special education” will yield these sites. Some sites provide descriptions of IDEA’s special education processes and define what the terms mean.

Above all, be sure that you understand your rights. If you have any questions, ask school staff until you completely understand the answers. For more information about parents’ rights and Parents Rights Notices, contact your state’s **Parent Training and Information Center** (www.taalliance.org) and see the **Parent Guide to the Individuals with Disabilities Education Act (IDEA 2004)** (www.LD.org/IDEAGuide) available from the National Center for Learning Disabilities.

How to Check Readability Levels

Reading levels and text difficulty levels using the Flesch scale can be automatically measured by using the spell checker in Microsoft Word™. Click “tools” on the main menu, “options” on the drop down menu, the “spelling & grammar” tab, and under “grammar,” check the box marked “readability statistics.” When you finish running the spell checker on your document, Word™ will show the readability statistics. It will show a Flesch Reading Ease score and a Flesch-Kincaid Grade Level score. Reading Ease scores range up to 100. The higher the score, the easier it is to understand the document. Word™ recommends a score of 60-70 for most documents. Like the researchers who studied these Parents Rights Notices, Microsoft recommends a Flesch-Kincaid Grade Level score of 7th to 8th Grade.

This *Advocacy in Action* issue reports on
Parents’ Rights in Special Education: The Readability of Procedural Safeguards,
 by Julie L. Fitzgerald and Marley W. Watkins, 2006, *Exceptional Children*, 72, pp.497-510.
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A not-for-profit organization dedicated to services and projects that work to improve the lives of children, youth and adults with disabilities.

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