FIORE EDUCATION LAW

ATTORNEY-PREPARED.
PARENT-LED.

SAMPLE WORK PRODUCT

Advocacy Game Plan

IN THE MATTER OF

Nora Bell's reading program

Riverbend Central School District

PREPARED FOR	Dana Bell
STUDENT	Nora Bell — born June 14, 2017; age 9, finishing third grade
SCHOOL / DISTRICT	Meadow Lane Elementary · Riverbend Central School District
PREPARED BY	Joseph Fiore, Esq.
DATE	June 16, 2026 · Records through June 12
RECORDS REVIEWED	About 180 pages: Nora's February 2024 evaluation and January 26, 2026 reevaluation by Dr. Okafor and Ms. Patel; her March 2024, 2025, and 2026 IEPs; eight quarterly progress reports; district reading checks and benchmark data; resource-room service logs and attendance; the March 19 written notice; correspondence from November 2025 through June 2026, including the May 18 referral and receipt acknowledgment; Ms. Greer's June 8 tutoring report; the district school calendar; and your notes.

Fictional sample. The student, family, school, district, records, and case events are invented. The legal authorities are real.

THE PLAN IN BRIEF

Use the June 24 CSE meeting to secure three written commitments: the recommended daily reading instruction, goals you can measure, and a remedy for the twelve missed sessions. Bring the Advocacy Map and the four-document packet described in Section V.

Keep the summer-services decision on the same agenda. Summer instruction protects Nora's existing skills; make-up instruction addresses what she missed. One does not replace the other.

The district's own records support your requests. Your job at the meeting is to turn those records into a specific program, a start date, and a way to check the result.

I prepared this Plan from the records listed above. I have not contacted the district, sent anything on your behalf, or started a legal proceeding.

Where things stand

On May 18, following the Strategy Brief, you referred Nora to the Committee on Special Education—the CSE—for review. You requested a June meeting, the recommended reading instruction beginning before September, stronger goals, classroom supports, and summer services. The district acknowledged receipt that day. On June 3, it scheduled the meeting for June 24.

The Director of Pupil Personnel Services responded on June 3 that the team "sees steady progress" and "does not anticipate changes before the fall." That directly conflicts with your request for an earlier start and leaves the summer question unanswered.

Your referral requires the district to arrange the appropriate program and services by **August 17**, using the school calendar reviewed for this Plan.[6] That is the outer implementation deadline, not a reason to postpone the June decision or summer services.

The expanded record adds what the Brief could not establish: an unanswered March request, twelve undelivered sessions, progress reports without supporting data, and evidence of Nora's response to explicit instruction with her tutor. Those facts give you both a stronger proposal and a clear next step if the district refuses.

SECTION I

The plan

Cooperative, specific, and in writing. Ask for the instruction the district's evaluators identified. Use its reading checks to judge progress. Put the missing sessions on the agenda before the meeting. Confirm every agreement in the revised IEP or a separate written remedy.

The first move is the June 24 meeting. I would not commission another reading evaluation now: the district's existing report already supports the instruction you want. Use that evidence before spending time and money collecting more of it.

Formal complaints remain available. Section VII explains which route fits which problem. Preparing for those routes means keeping the records and asking clear questions now—not threatening a hearing across the table.

SECTION II

How we got here

DATE	WHAT HAPPENED
February–March 2024	The initial evaluation identifies a reading disability. The first IEP provides resource room five periods a week, in a group of up to five, with a general goal to "improve reading skills."
March 2025	The second IEP repeats the services and goal, marked "not yet met." Progress reports say "progressing gradually" without reporting scores.
January 14–March 27, 2026	Twelve of 47 scheduled reading sessions are cancelled for "staff unavailable." Attendance shows Nora was present on all twelve days. No make-ups are recorded.
January 26	The reevaluation identifies declining age-normed reading performance and calls for 40 minutes of daily systematic reading instruction, in a group of two or three, from a trained teacher.
March 12–19	The third IEP keeps the program and goal. You request the recommended instruction. The March 19 notice does not describe or answer that request.
March 30–June 5	Nora receives individual tutoring twice a week. On Ms. Greer's checks, she moves from 7 of 20 words on April 6 to 14 of 20 on June 5.
May 12–18	You receive the Strategy Brief and submit the written referral for review. The district acknowledges receipt on May 18.
June 1–3	The district's latest check is 10 of 20. It schedules June 24 but says it does not anticipate changes before fall.

SECTION

III What to ask for

The three commitments

1 The recommended instruction, with a start date.

Request 40 minutes each school day of explicit, systematic decoding and spelling instruction, in a group of no more than three, from a special education teacher trained in that approach. “Explicit and systematic” means teaching letter-sound patterns in a planned sequence, with direct practice and correction. Put those features in the IEP and ask for the earliest start before September.[1]

2 Goals you can measure.

Request distinct decoding and spelling goals based on current starting points. Write comparable checks every two weeks into the goals and specify that you receive the scored results.[1] “Progressing gradually” is not a substitute for showing what Nora can do independently.

3 A remedy for the missed instruction.

Send the count of twelve missed sessions in advance. Request a written make-up proposal and a plan for staff absences so the shortfall does not continue.

My opening proposal is **twelve individual 40-minute sessions**, with a skills check before and after. Eight hours of lost instruction is the starting evidence, not a legal formula or a ceiling on relief. The remedy should address the educational loss.[3] If the CSE cannot authorize it, ask who will decide and by when; keep the IEP review moving.

Carry forward the classroom supports

Ask for audio access to science and social studies texts, a text-to-speech trial, and a chance to prepare before reading aloud. These supports let Nora participate while her decoding develops. They belong alongside the reading instruction, not in place of it. (Reeval pp. 4–5, 8.)

Keep summer services separate from make-up

Nora read 9 of 20 words in June 2025, fell to 8 in October, and did not return to 9 until December. Her reading level fell after each of the last two summers and recovered only in mid-November. (Reeval pp. 5, 7.) The March IEP says "no" to summer services without explaining that history. (IEP p. 8.)

New York's substantial-regression guideline is a recovery period of eight weeks or more. The CSE must decide whether summer services are needed to prevent that loss.[2] Nora does not need to master an entire annual goal before her acquired skills deserve protection.

Ask for a written summer decision at June 24. An offer of make-up sessions does not answer whether Nora also needs an extended-school-year program. Ask the district to identify what each service addresses.

Keep control of any settlement

Take a make-up offer in writing. Review the provider, schedule, location, transportation, progress checks, expiration date, and any release of claims before accepting. You can agree to useful IEP changes without settling the missed-service issue.

The earliest missed sessions described here occurred in January 2026. The State complaint's one-year window is already running, as is the separate due process filing period.[4] Negotiations and a statement that you "reserve your rights" do not pause those limits. This Plan's action dates do not replace an individual filing-deadline review.

SECTION

IV Why the district should agree

ISSUE 1

Nora's independent reading has moved two words in eight months.

THE EVIDENCE

The district used new lists of 20 unfamiliar words testing patterns Nora had been taught. Each check measured reading without help. (Reeval p. 7; June 1 check.)

DATE	WORDS READ CORRECTLY
October 6, 2025	**8** of 20
December 8, 2025	**9** of 20
January 20, 2026	**9** of 20
June 1, 2026	**10** of 20

Ms. Patel observes the same pattern across checks: quick recognition of practiced words, followed by first-letter guessing on unfamiliar ones. Her notes include "brick" read as "bike."

The standardized results reinforce the concern. Since 2024, word reading, decoding, reading comprehension, and spelling scores have each fallen **8–12 points**, while math has held steady. Dr. Okafor identifies a meaningful decline in Nora's standing relative to same-age peers. (Reeval p. 6.)

WHAT THE DISTRICT WILL POINT TO

Nora's classroom reading level rose from F in fall 2024 to K this spring, and she finishes more assignments. The benchmark notes record prompts and help on unfamiliar words. Those gains matter, but they do not answer the question of independent decoding. The district's own end-of-third-grade benchmark is P. (Benchmark records; progress reports.)

YOUR POSITION

Use both facts: Nora is participating and completing more work, while independent reading remains far behind. Her IEP must support progress appropriate for her circumstances, through an "appropriately ambitious" program.[5] The CSE must revise it to address the evaluation and lack of expected progress.[6] Repeating the same program does not answer this record.

ISSUE 2 The IEP leaves out necessary instruction, and the notice never answered your request.

THE EVIDENCE

The evaluators identify daily systematic decoding and spelling instruction as necessary. The IEP provides "reading support and assignment completion" in a larger group, without reserving time for that instruction. The March 19 notice neither describes your request nor explains why the CSE declined it. (Reeval pp. 10–11; IEP p. 6; March 19 notice.)

WHAT THE DISTRICT WILL SAY

"Methodology is the teacher's decision." Teachers have instructional discretion, but that does not justify omitting support the evidence establishes a child needs. In A.M., the court required specific instructional support where the evaluative record established its necessity and the district offered insufficient contrary evidence.[8]

The district may cite the F-to-K levels as evidence for staying the course. Bring it back to the independent checks, the standardized decline, and the evaluators' recommendation. General classroom improvement does not explain how the proposed program will teach Nora to decode unfamiliar words.

YOUR POSITION

Ask for instructional features, not a commercial brand: daily direct teaching, a planned sequence, a small group, a trained teacher, and measurable results. Resource room may use classwork to teach skills, but it is specialized instruction, not a study hall.[8]

Request an answer in the IEP and prior written notice. The notice must explain the refusal, the information relied on, and the alternatives considered.[7] The missing notice is a separate procedural problem; the omitted instruction is the substantive one.

ISSUE 3 More than a quarter of the scheduled reading instruction was not delivered.

THE EVIDENCE

The service logs for January 14 through March 27, compared with attendance, show:

47 sessions	12 sessions	35 sessions	0 days
Scheduled	Cancelled for "staff unavailable"	Delivered	Nora absent on cancelled days

Twelve 40-minute sessions equal **eight hours of missed instruction**—about 26% of the schedule. No make-ups appear in the records. In seven of the eight full instructional weeks, cancellations reduced resource room below New York's three-hour weekly requirement.[10]

The district must deliver the services in the IEP. This repeated shortfall affects the very instruction intended to address Nora's primary need, supporting a claim of a material implementation failure.[9]

WHAT THE TUTORING ADDS

With Ms. Greer, Nora went from 7 to 14 of 20 words in two months of individual, explicit instruction. The school's June check is still only 10 of 20. These are different lists and settings, so do not present the tutor's scores as a direct comparison with the school's scores.

Use them for the point they establish: Nora learned more of the material Ms. Greer taught. The district's evaluators had already recommended this kind of instruction. Now the district needs to provide it consistently and check whether she uses those skills on unfamiliar words.

YOUR POSITION

Staffing explains the cancellations; it does not replace the services. Ask for the missing instruction to be addressed and for a coverage plan. Send the count before June 24 so the district has time to check its records and prepare a proposal.

SECTION

V Step by step

June 18 — Send the requests and the evidence

Email the CSE chairperson and the Director of Pupil Personnel Services. Attach four items:

1. Reevaluation pages 6–7 and 10–11: the standardized results, reading checks, and recommendation.
2. The June 1 district reading check.
3. Your session count, with the relevant service logs and attendance entries.
4. Ms. Greer's June 8 report.

Use this email as your starting point:

SUBJECT: **Nora Bell — requests and records for June 24**

Dear CSE Chairperson and Director,

Thank you for scheduling June 24. I'm attaching the records I would like us to use to review Nora's reading program.

My May 18 referral requested changes before September. For this meeting, I am requesting:

- The evaluators' recommended 40 minutes of daily, systematic decoding and spelling instruction, in a group of no more than three, with a trained teacher and the earliest start date before September.
- Measurable decoding and spelling goals, with current starting points and checks every two weeks, with scored results shared with me.
- Audio access to class texts, a text-to-speech trial, and preparation before reading aloud.
- Summer services to address the documented pattern of losing reading skills and taking months to recover them.

I am also requesting a written make-up proposal for the twelve cancelled sessions shown in the attached count and a plan for covering staff absences.

Please invite Ms. Patel or let me know who will explain the instructional implications of her assessment. If the CSE refuses any request, please provide prior written notice with the reasons and supporting information.

Thank you,

Dana Bell

The CSE must include someone who can interpret evaluation results for instruction; it need not be Ms. Patel specifically.[11] Send the evidence and requests, not this Game Plan.

June 18 — Request the missing records

Ask for the data underlying the progress reports, the rest of the year's resource-room logs, any make-up records, and a list of the types and locations of Nora's educational records. Request access before June 24. The district must provide an opportunity to inspect and review records without unnecessary delay and before an IEP meeting.[12]

If the response contains only narrative teacher notes, ask whether scored check sheets exist and request them. Keep the response, including any statement that records do not exist.

June 22 — Check the response

Confirm the meeting and whether the district will bring its response to the missing-session count. If June 24 is cancelled or moved past June 30, use Section VII.

If the district offers an IEP amendment without a meeting, review the exact language. New York requires your written agreement to that process.[13] You can accept useful changes and keep the meeting for unresolved issues. Do not let an amendment silently drop the summer or make-up requests.

June 23 — Prepare your meeting copy

Read Section VI and bring the Advocacy Map with the four-item packet. Mark the reevaluation's recommendation and the service-log entries so you can turn to them quickly. Write your three priorities at the top: instruction, measurable goals, missed-service remedy.

June 24 — Lead the meeting

Open with the Map's first line. Address the reading program and goals, the immediate summer decision, and the missed sessions. Keep future instruction and past losses separate.

For each agreement, repeat the details: what Nora will receive, minutes, group size, provider qualifications, start date, and how progress will be checked. Ask where each term will appear in writing.

If the discussion stalls, return to the relevant record and request an answer. If the district declines, ask for prior written notice. Finish the agenda before deciding your next step.

June 24, that evening — Confirm your understanding

Send a short summary of the agreements and unresolved requests. Invite corrections and ask for the revised IEP and written responses by **June 30**. That is your requested turnaround, not a statutory six-day deadline.

Compare the documents with your notes when they arrive. A spoken promise is not a substitute for a service written into the IEP.[9] If documents are delayed, follow up and ask for the summer decision separately so it does not disappear into the fall paperwork.

At the agreed start date — Check delivery

Confirm the teacher, schedule, group size, and first progress-check date. Begin when the new instruction is supposed to start; do not wait until September if an earlier start was agreed.

Repeat the check when school opens the week of **September 8**. The district must have an IEP in effect at the beginning of the school year.[9] Use Section VII if services are missing or different from what was written.

SECTION

VI What you'll hear, and what to say

Each answer acknowledges what is true and returns to Nora's needs and the records.

IF YOU HEAR…	YOU CAN SAY…
"She's making steady progress."	"She's finishing more work, and I'm glad. The independent reading checks show two more words since October. How does the proposed instruction address that?"
"Let's see how the fall goes."	"The recommendation was made in January. What instruction would change before we collect another term of the same results?"
"We can't put methodology in an IEP."	"I'm asking for the instructional features your evaluators identified, not a brand. Where will those features be written?"

"We can add thirty minutes, three days a week."	"Is that additional to her current services or replacing some? I welcome useful help now. My request remains the daily instruction the evaluation recommends. Please put the offer and any remaining disagreement in writing."
"The cancellations were a staffing problem."	"I understand the cause. Nora still missed eight hours. What is the make-up proposal, and how will absences be covered?"
"The tutor's numbers aren't comparable."	"They are different measures. Let's use the district's checks to judge school progress and the tutor's report to examine how Nora responds to explicit instruction."
"She hasn't mastered her goal, so summer services don't apply."	"She has acquired reading skills that she loses over the summer. Please address how long it takes her to regain those skills."

SECTION

VII If things don't go as planned

If the meeting is cancelled or moved past June 30

Request the earliest replacement date and a written response to the pending requests. Refer to the **May 18 referral and August 17 implementation deadline**.[6] State separately that summer needs a decision now. A delayed meeting does not restart the clock.

Continue pursuing the missed sessions in writing; that issue does not depend on waiting for another CSE meeting.

If the CSE says no

Get the refusal and its reasons in writing. Then choose the route that fits the issue:

- **A record was misunderstood:** send a short correction with the relevant pages attached.
- **The proposed reading program remains inadequate:** due process is the stronger route when the dispute requires testimony about Nora's needs and the instruction necessary to meet them. An impartial hearing officer decides the dispute. In New York, the district bears the burden of proving its program appropriate.[14]
- **Required services were not delivered:** the logs and attendance support a State complaint seeking corrective action and an individualized remedy.[3] Follow the July steps below.

A State complaint can also address program adequacy; the choice is about how best to prove the issue, not a rule that only hearings can address it.[3] Do not file overlapping complaints without considering how they interact: issues being heard in due process are set aside in the State complaint process while that hearing proceeds.

An independent evaluation addresses disagreement with the district's evaluation. It is not the next move merely because the district refuses to follow recommendations you agree with.[15]

If the agreed instruction does not start or is not delivered

Record each missed or changed session: date, minutes, group size, and reason given. Request a written correction and make-up proposal. If the shortfall continues, use the records to support a State complaint.[3]

If the written IEP itself omits the instruction, address the IEP's adequacy rather than treating that omission solely as a failure to implement it.

If make-up is unresolved on July 10

Send the count again and request a written answer by **July 17**. These are action dates for moving the issue forward, not statutory response deadlines.

If there is still no adequate response, proceed with a State complaint. Use NYSED's form and current filing instructions. Include the IEP service page, logs, attendance, correspondence, your count, and the remedy requested. Mail the signed original to NYSED, send the district a copy at the same time, and keep your own copy. NYSED does not accept emailed or faxed State complaints.[3]

NYSED's decision period is 60 days, subject to the limited extensions in the rules. Keep the separate one-year filing limit in view.[4] Mediation is free and voluntary, but entering negotiations does not itself suspend the filing limits.

When the first progress checks arrive

- **Independent decoding is improving:** continue the instruction and compare results over time. Keep those results for the next summer-services decision.
- **Results are flat:** first check whether the promised instruction was delivered. If it was, request CSE review of the approach, intensity, and group size. Do not wait for the annual meeting.
- **The pattern reveals a gap in the evaluation:** identify the part you disagree with and request an independent evaluation at public expense. You need not explain your disagreement as a condition of requesting one. The district must provide the evaluation or seek a hearing to defend its own.[15]

If anxiety or avoidance increases

Tell the school and Nora's pediatrician what you are seeing. Ask the CSE for supports and assessment of the anxiety alongside the reading instruction. A refusal requires prior written notice.[7]

If the district invokes the rule limiting reevaluations to once a year, ask it to agree to earlier reevaluation because of the new concern. If you disagree with the adequacy of the January evaluation in that area, the independent-evaluation route remains relevant.[15]

SECTION

VIII What to keep, and what to watch

Keep one folder with IEPs, notices, scored checks, progress reports, logs, emails, tutoring reports, and invoices. Preserve the June 3 email as received and your sent requests. Add a brief dated note after each important event.

Judge the result against three questions:

1. **Is the instruction written clearly enough to check?**
2. **Is Nora receiving it as written?**
3. **Is her independent reading improving?**

We will rehearse the meeting responses and Advocacy Map in our **50-minute working session before June 24**. This Plan and that session complete the service. You lead the communications and follow-up; I am not contacting the district, attending meetings, monitoring deadlines, or filing anything under this engagement.

You have the records, the requests, and the next move for each likely response.

SECTION IX

The Advocacy Map

Nora Bell · June 24 CSE meeting

Fictional sample · Meeting reference

OPEN WITH

> Nora enjoys her class, and I appreciate Ms. Alvarez's work with her. I want to build on that. The records show a gap between completing work with help and reading independently. Today I'm asking us to put the recommended instruction, measurable goals, and a missed-service remedy in writing.

THREE COMMITMENTS

ASK FOR	POINT TO
Daily instruction: 40 minutes of systematic decoding and spelling; group of no more than three; trained teacher; earliest start before September.	Reevaluation pp. 10–11; IEP p. 6.
Measurable goals: current baselines, separate decoding and spelling targets, comparable checks every two weeks, results shared with me.	Reevaluation p. 7; June 1 check; IEP p. 5.
Missed-service remedy: written proposal for twelve cancelled sessions and coverage for future absences.	Logs and attendance: 12 × 40 minutes = 8 hours.

Also resolve: classroom reading supports and summer services. Summer instruction prevents future loss; make-up addresses past loss. Do not exchange one for the other.

KEEP THESE FACTS IN FRONT OF YOU

- District independent checks: **8, 9, 9, 10 of 20** since October.
- The district's evaluators identify the daily instruction as necessary.
- **Twelve cancellations**, all on days Nora was present; no recorded make-ups.

IF YOU HEAR…

DISTRICT RESPONSE	YOUR REPLY
"Steady progress."	"How does the plan address the independent checks?"
"Wait until fall."	"What instruction changes before then?"
"Teacher discretion."	"The instructional features, not a brand."
"Staffing problem."	"What is the remedy and the coverage plan?"
"Different tutor tests."	"Use school checks for school progress."

BEFORE YOU LEAVE

Confirm **instruction · minutes · group size · teacher qualifications · start date · progress checks**. Ask where each agreement will be written. Take any settlement or release away to review before signing.

If a request is refused: **"Please provide prior written notice with the reasons and the information relied on."**

Close with: **"I'll send a summary of my understanding today. Please correct anything I've missed."**

DATES TO KEEP

June 24: meeting and same-day summary.
June 30: requested revised IEP and written responses.
July 10 / 17: make-up follow-up and requested answer.
August 17: referral-based implementation deadline.
Agreed start / September 8: check actual service delivery.

Requested response dates and the implementation deadline are distinct from complaint-filing limits. See Sections III and VII.

Notes & Authorities

These notes identify the legal authorities used in this fictional Plan, as of June 16, 2026. Record references point to the fictional materials listed on the cover.

1 **34 C.F.R. § 300.320(a)(1)–(4), (7); 8 NYCRR § 200.4(d)(2)(i), (iii)(a)–(c), (v)(b)(7), (9).**

An IEP must identify present levels, measurable goals, progress measurement and reporting, and services with start dates, frequency, location, and duration. The two-week check is this Plan's recommendation for Nora, not a universal legal interval. Federal regulation.

2 **34 C.F.R. § 300.106; 8 NYCRR §§ 200.1(aaa), (eee), 200.6(k)(1)(v); NYSED, Extended School Year Programs and Services: Questions and Answers.**

Summer eligibility is individualized. New York uses a recovery period of eight weeks or more as a substantial-regression guideline. The guidance considers recovery of attained skills, not solely completion of entire annual goals. Services may be required to prevent predicted regression; a child need not first suffer it. NYSED guidance.

3 **34 C.F.R. §§ 300.151(b)(1), 300.152, 300.153, 300.506(b)(1), (4); 8 NYCRR § 200.5(h), (l); P. v. Newington Board of Education**, 546 F.3d 111, 123 (2d Cir. 2008); **Doe v. East Lyme Board of Education**, 790 F.3d 440, 456–57 (2d Cir. 2015); **Reid v. District of Columbia**, 401 F.3d 516, 523–24 (D.C. Cir. 2005).

Compensatory education is an individualized remedy, not an automatic hour-for-hour calculation. State complaints can address service-delivery failures and program adequacy. NYSED must address a substantiated failure to provide appropriate services through corrective action appropriate to the child's needs. The decision period is 60 days with specified exceptions. Overlapping issues in a due process hearing are set aside while that hearing proceeds. NYSED requires an original signed complaint and simultaneous delivery of a copy to the district. Federal complaint rule · NYSED filing instructions and form.

4 **20 U.S.C. § 1415(f)(3)(C)–(D); 34 C.F.R. §§ 300.153(c), 300.511(e)–(f); N.Y. Educ. Law § 4404(1)(a); 8 NYCRR § 200.5(j)(1)(i), (l)(1)(iii)(a).**

A State complaint must allege a violation within one year before receipt. Due process generally has a two-year knowledge-based filing period, with exceptions for specified misrepresentations and withheld required information that prevented filing. Negotiating does not itself extend those periods. Due process rule · State complaint rule.

5 **Endrew F. v. Douglas County School District RE-1**, 580 U.S. 386, 399, 402, 404 (2017).

An IEP must be reasonably calculated to enable progress appropriate in light of the child's circumstances. The program must be "appropriately ambitious," and school authorities should be able to offer "a cogent and responsive explanation" for their decisions. Supreme Court opinion.

6 **34 C.F.R. § 300.324(a)(1)(iii), (b)(1)(ii)(A)–(B); 8 NYCRR §§ 200.1(n)(1), 200.4(b)(4), (d)(2), (e)(1), (e)(4), (f)(2)(i)–(ii); N.Y. General Construction Law § 24.**

The CSE must consider reevaluation results and revise the IEP to address needs and lack of expected progress. For this public-school referral, the district must arrange appropriate services within 60 school days. Counting from May 19 on the district calendar reviewed for this Plan, the sixtieth school day is August 17. New York regulation · School-day definition · Legal holidays.

7 **34 C.F.R. §§ 300.503(a)(2), (b)(1)–(3), (6), 300.513(a)(2); 8 NYCRR § 200.5(a)(1), (a)(3)(i)–(iv), (j)(4)(ii).**

Prior written notice must explain a refusal, its basis, and considered alternatives. A procedural violation establishes a denial of appropriate education when it impedes the child's right, significantly impedes parental participation, or causes a deprivation of educational benefit. Notice rule · Procedural-harm standard.

8 **34 C.F.R. §§ 300.39(a)(1), (b)(3), 300.320(a)(4); 8 NYCRR §§ 200.1(vv), (ww), 200.4(d)(2)(v)(b); A.M. v. New York City Department of Education**, 845 F.3d 523, 542–45 (2d Cir. 2017); **R.E. v. New York City Department of Education**, 694 F.3d 167, 194 (2d Cir. 2012); NYSED, *Continuum of Special Education Services*, Q&A 29.

Special education adapts instruction to individual needs. In A.M., the evaluative evidence established a clear consensus that the child needed one-to-one ABA support, and the district offered insufficient contrary evidence. The IEP therefore had to specify that support rather than leave it to teacher discretion. Resource room is specialized supplementary instruction, not a study hall. A.M. opinion · Specially designed instruction.

9 **34 C.F.R. §§ 300.17(d), 300.323(a), (c)(2), (d); 8 NYCRR § 200.4(e)(1)(ii), (e)(3), (e)(7); A.P. v. Woodstock Board of Education**, 370 F. App'x 202, 205 (2d Cir. 2010) (summary order); **R.E.**, 694 F.3d at 186–88.

Services must be delivered according to the IEP; a material implementation failure can deny appropriate education. An IEP must be in effect when school begins. Later testimony cannot cure a deficient written offer by adding services not specified in it. Implementation rule.

10 **8 NYCRR §§ 200.1(rr), 200.6(f)(1), (3).**

Resource room is specialized supplementary instruction. Each student must receive at least three hours weekly, with no more than five students per teacher. The seven-week comparison in this sample concerns full instructional weeks, not holiday-shortened weeks. New York regulation.

11 **34 C.F.R. § 300.321(a)(5); 8 NYCRR § 200.3(a)(1)(vi).**

The CSE must include an individual who can interpret the instructional implications of evaluation results. That person may also fill another permitted committee role. Federal regulation.

12 **34 C.F.R. §§ 300.613(a), (b)(2), 300.616; 8 NYCRR § 200.5(d)(6); 20 U.S.C. § 1232g(a)(1)(A).**

Parents must receive access to educational records without unnecessary delay, before an IEP meeting or hearing, and within 45 days of the request. They may request a list of the types and locations of records. Parents are entitled to copies when needed to exercise their right to inspect and review the records. Access rule.

13 **34 C.F.R. § 300.324(a)(4)(i), (a)(6); N.Y. Educ. Law § 4402(1)(b)(3)(b)(ii); 8 NYCRR § 200.4(g)(1)–(2).**

After the annual review, the parent and district may agree to amend the IEP without a meeting. New York requires the parent's written agreement, prior written notice of changes, and a copy of the amendment or revised IEP. New York regulation.

14 **N.Y. Educ. Law § 4404(1)(c); Schaffer v. Weast**, 546 U.S. 49, 62 (2005).

New York places the burdens of production and persuasion on the district, except that a parent seeking tuition reimbursement bears the burden regarding the appropriateness of the private placement. New York statute.

15 **34 C.F.R. §§ 300.303(b)(1), 300.502(a)(3), (b); N.Y. Educ. Law § 4402(1)(b)(3)(d); 8 NYCRR §§ 200.1(z), 200.4(b)(4), 200.5(g)(1).**

A parent who disagrees with a district evaluation may request an independent evaluation at public expense without being required to explain the disagreement. The district must, without unnecessary delay, provide it or file for a hearing to establish its evaluation's appropriateness. One publicly funded independent evaluation is available per district evaluation. Reevaluation ordinarily occurs no more than once a year unless parent and district agree otherwise. Independent-evaluation rule · Reevaluation rule.

FIORE EDUCATION LAW

ABOUT THIS SAMPLE

For your family, I review the relevant records for your agreed concern and prepare an Advocacy Game Plan: the strategy, the evidence behind it, what to ask for, and what to do next. Your Advocacy Map gives you a concise reference to bring to the school meeting.

$795

WRITTEN ADVOCACY GAME PLAN
Add a 50-minute review for $200 ($995 total), now or after delivery.

This sample shows a family that chose the optional review.

Your Game Plan is ready within **five business days of your confirmed start date**.

After your Strategy Brief is delivered, your Advocacy Game Plan for the same child and concern is $595, or $795 with the optional review. Your $200 credit applies before you sign, whether or not you purchased a Brief review. It can be used once and does not expire.

Get started

Prefer to talk first? Book a free 10-minute call.

Sample work product. Nora, her family, school, district, educational records, and case events are fictional. The legal authorities are real. Reading this sample does not create an attorney-client relationship.

Fiore Education Law · Joseph Fiore, Esq.
4 Cody Ln., Office J, Medford, NY 11763
fioreeducationlaw.com