

Legal Services of Greater Miami, Inc. Special Education Advocacy Project



“Not every child has an equal talent or an equal ability or equal motivation, but they should have the equal right to develop their talent and their ability and their motivation, to make something of themselves.”

- John F. Kennedy during his Civil Rights Address on June 11, 1963

WHAT

The Special Education Advocacy Project provides free legal assistance to students and parents who qualify for Exceptional Student Education (ESE) services. The Project’s aim is to ensure that every student receives the necessary support and school environment to achieve and learn to their greatest potential.

WHY

In Miami-Dade County Public Schools alone, there are just under 38,000 students receiving ESE services, not including students receiving ESE services in charter or private schools. Many of these students cannot afford to hire an attorney when the school fails to evaluate them for a learning disability, develop an appropriate Individualized Education Plan (IEP), or properly enact an existing IEP.

HOW

The Special Education Advocacy Project helps students with exceptional needs by:

- Working with parents to get evaluations students to determine ESE eligibility
- Appealing denials of ESE services
- Ensuring that IEPs are followed
- Modifying IEPs when needed
- Ensuring that schools fulfill their statutory duties to ESE eligible students

WHO

Legal Services of Greater Miami, Inc. provides free civil legal services to the neediest individuals within our community. Our clients are primarily women, children, seniors, and the working poor. In many cases, we are the safety net preventing these individuals from becoming homeless or dependent on welfare. On a daily basis, our team of attorneys, who are organized into legal specialty units and projects, provides high quality representation to clients with problems relating to housing, health care, education, disability benefits, family issues, and employment.

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Special Education Advocacy Project

Success Stories

- MF suffers from severe allergies, chronic atopic dermatitis, severe asthma, Attention Deficit Hyperactivity Disorder and Oppositional Defiant Disorder. When his mother came to LSGMI for assistance in obtaining Supplemental Security Income disability benefits for him, the Project identified MF as also needing special education services. LSGMI assisted the mother in requesting an evaluation, and provided additional documentation (including medical records) to the school in support of her request. MF, who has difficulty concentrating and is prone to outburst, is now in a small class setting where he will receive more focused attention. LSGMI was also successful in obtaining SSI benefits for him, including \$22,840 in retroactive benefits.
- AF, who is in his early teens, was placed in the foster care system at a very young age after experiencing violence in his home. He has severe emotional and behavioral problems, as well as learning disabilities. AF's caseworker came to LSGMI for help when the school threatened to put AF in a large restraining harness while on the school bus to prevent him from moving. Shortly thereafter, AF was suspended. A Project attorney attended a manifestation determination meeting and successfully challenged the suspension. The attorney was then successful in acquiring a one-on-one paraprofessional for AF and a private bus, based on his numerous behavioral problems.
- DI was referred to the Project by the Guardian Ad Litem program. Although 12 years old, DI had never been enrolled in a school before. He was allegedly homeschooled, along with his eleven siblings, by a father who was removed from the home shortly before the referral. Placed in the sixth grade based on his age, DI rarely stayed in class, was unable to keep up with the work, and did not speak. The Project requested that DI be evaluated as soon as possible, citing the severity of his background and current issues. DI was diagnosed with selective mutism and identified as eligible for ESE classes, and is now in a small group class. To ensure that DI attends and remains at school, the Project obtained a one-on-one paraprofessional who meets DI's mother at her car, escorts DI inside, and remains with him throughout the day. DI is now attending school regularly.