



Oklahoma Parents Center

Statewide Parent Training and Information

Advocating for Children with Disabilities to Build a Better Future



Mission Statement

The Oklahoma Parents Center is dedicated to the inclusion and equality of children and adults with disabilities. Our mission is to train, inform, educate, and support parents, families, professionals and consumers in building partnerships that meet the needs of children and youth with the full range of disabilities ages' birth through twenty-six.

Dear Parents,

Thank you for contacting the Oklahoma Parents Center. We are sending you a general information packet which will provide you with some basic information about the Oklahoma Parents Center and the services we provide along with some basic facts about the special education process. We hope that our staff has been able to provide you with relevant and helpful information. Our mission is to help parents and professionals build a bridge with the public school so that children with disabilities can reach their maximum potential. Since all of our staff are parents or relatives of a child with disabilities, we understand the range of emotions you may be feeling and have experienced firsthand how difficult it can be. You may have many questions and we are here to help. It is our desire to give you the benefit of our personal experience as well as our knowledge of the law. If you have further questions or needs, please feel free to contact us at 1-877-553-4332 and/or check out our website at www.oklahomaparentscenter.org for additional services and information.

Sincerely,
Oklahoma Parents Center Staff

P.O. Box 512 * Holdenville, Oklahoma 74848

Toll Free: 877-553-4332 * Fax: 405-379-2106 * Phone: 405-379-6015

Email: info@oklahomaparentscenter.org * Website: www.oklahomaparentscenter.org



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What is the Oklahoma Parents Center (OPC) or Parent Training and Information Center (PTI)?

The Oklahoma Parents Center is the statewide parent training and information center serving parents of children with disabilities. Our goal is to educate and support parents, families and professionals in building partnerships that meet the needs of children and youth with the full range of disabilities ages' birth to 26. We are a regionalized model with staff living in the area that they serve.

Who should call the Oklahoma Parents Center?

- * Parents of children with disabilities, or suspected disabilities age birth to 26.
- * Parents of children with emotional or behavioral problems age birth to 26.
- * Professionals in educational, medical, or human service fields.

What services does the Oklahoma Parents Center offer?

- * Information and referral
- * Special Education Help-Line – toll free @ 877-553-IDEA (877-553-4332) or 405-379-6015 - available in both English and Spanish
- * Child Find Hotline – toll free @ 888-9OK-FIND (888-965-3463) or 405-379-3841
- * Training on a variety of topics related to children with disabilities
- * Statewide Conference
- * Regional Parental Involvement Institutes
- * Monthly E-Newsletter
- * Lending Library
- * Fact Sheets on a variety of topics

Where are the Oklahoma Parents Center's services available?

The Oklahoma Parents Center's services are available throughout the state. We currently have five regional trainers geographically dispersed throughout the state, but our main office is located in Holdenville, Oklahoma.

When is Oklahoma Parents Center open?

The Oklahoma Parents Center's main office is generally open from 8 am to 5 pm; however, all of our staff have obligations outside the office. There may be times that you would reach voicemail during our regular office hours. Our staff makes every effort to return your call in a timely manner, usually within 24 hours.

Ways you can help the Oklahoma Parents Center:

1. Make a tax-deductible charitable contribution.
2. Assist OPC in setting up a community training.
3. Coordinate a fund-raising activity in your community.
4. Help spread the word! Tell your friends and family about OPC.

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10 Basic Steps in Special Education

Children can have all sorts of difficulties growing up. Sometimes problems are obvious right from the start; and sometimes they don't appear until a child is in school. Some children have trouble learning to read or write. Others have a hard time remembering new information. Still others may have trouble with their behavior. For some children, growing up can be very hard to do!

When a child is having trouble in school, it's important to find out why. The child may have a disability. By law, schools must provide special help to eligible children with disabilities. This help is called [special education](#) and [related services](#).

There's a lot to know about the process by which children are identified as having a disability and in need of special education and related services. This brief overview is an excellent place to start. Once you have the big picture of the process, it's easier to understand the many details under each step.

Step 1. Child is identified as possibly needing special education and related services.

There are two primary ways in which children are identified as possibly needing special education and related services: the system known as [Child Find](#) (which operates in each state), and by referral of a parent or school personnel.

Child Find. Each state is required by IDEA to identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct what are known as Child Find activities.

When a child is identified by Child Find as possibly having a disability and as needing special education, parents may be asked for permission to evaluate their child. Parents can also call the Child Find office and ask that their child be evaluated.

Referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal, but it's best to put it in [writing](#).

[Parental consent](#) is needed before a child may be evaluated. Under the federal IDEA regulations, evaluation needs to be completed *within 60 days* after the parent gives consent. However, the state guideline in Oklahoma is 45 school days after parent signs for consent.

Step 2. Child is evaluated.

[Evaluation](#) is an essential early step in the special education process for a child. It's intended to answer these questions:

- Does the child have a disability that requires the provision of special education and related services?
- What are the child's specific educational needs?

- What special education services and related services, then, are appropriate for addressing those needs?

By law, the initial evaluation of the child must be "full and individual"—which is to say, focused on that child and that child alone. The evaluation must assess the child in all areas related to the child's suspected disability.

The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child.

If the parents disagree with the evaluation, they have the right to take their child for an [Independent Educational Evaluation \(IEE\)](#). They can ask that the school system pay for this IEE.

Step 3. Eligibility is decided.

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "[child with a disability](#)," as defined by IDEA. If the parents do not agree with the eligibility decision, they may ask for a hearing to challenge the decision.

Step 4. Child is found eligible for services.

If the child is found to be a child with a disability, as defined by IDEA, he or she is [eligible](#) for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an [IEP](#) for the child.

Step 5. IEP meeting is scheduled.

The school system schedules and conducts the [IEP meeting](#). School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Step 6. IEP meeting is held and the IEP is written.

The [IEP team](#) gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are full participating members of the team. If the child's [placement](#) is decided by a different group, the parents must be part of that group as well.

Before the school system may provide special education and related services to the child for the first time, the parents must give written consent. The child begins to receive services as soon as possible after the IEP is written and this consent is given.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. At any time in this process, the parent may call the Oklahoma Parents Center to ask for assistance. If they still disagree, parents can ask for [mediation](#), or the school may offer mediation. Parents may file a [complaint](#) with the state education agency and may request a [due process hearing](#), at which time mediation must be available.

Step 7. After the IEP is written, services are provided.

The school makes sure that [the child's IEP is carried out](#) as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the [accommodations, modifications, and supports](#) that must be provided to the child, in keeping with the IEP.

Step 8. Progress is measured and reported to parents.

The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These [progress reports](#) must be given to parents at least as often as parents are informed of their nondisabled children's progress.

Step 9. IEP is reviewed.

The child's [IEP is reviewed](#) by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to participate in these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP, and agree or disagree with the placement.

[If parents do not agree](#) with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation, or a due process hearing. They may also file a complaint with the state education agency.

Step 10. Child is reevaluated.

At least every three years the child must be [reevaluated](#). Its purpose is to find out if the child continues to be a child with a disability, as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

Need more information? Call the Oklahoma Parents Center at 1-877-553-4332.

Legacy Resources from the National Information
Center for Children and Youth with Disabilities
(NICHCY) are now provided by:
Center for Parent Information and Resources
(CPIR)

35 Halsey St., Fourth Floor
Newark, NJ 07102

Web: www.parentcenterhub.org/nichcy-resources/

ADA and Section 504 in 2009: Broader Eligibility, More Accommodations

By Laura Kaloi, NCLD Public Policy Director, and Kristin Stanberry

Published: March 12, 2009

Did you know that, effective January 2009, eligibility for protection under Section 504 of the Rehabilitation Act became broader? Some students who did not qualify for Section 504 in the past, or who were not eligible for services and supports under the Individuals with Disabilities Education Act (IDEA) may now qualify for Section 504 plans. Students with Section 504 plans may now qualify for additional supports, services, auxiliary aids, and/or accommodations in public schools. For many students with learning disabilities (LD) and/or AD/HD (Attention-Deficit/Hyperactivity Disorder), this is good news! These positive changes are the result of recent amendments to the Americans with Disabilities Act (ADA), a broad civil rights law that also impacts Section 504.

You'll be especially interested in these developments if:

- ♦ Your child was evaluated under IDEA but was found ineligible.
- ♦ Your child was previously evaluated for Section 504 but was found ineligible.
- ♦ Your child is currently receiving informal accommodations in school.
- ♦ Your child has a Section 504 plan in place. (If your child has an IEP, he is automatically considered to have a 504 plan.)
- ♦ Your child needs accommodations on the SAT or ACT.
- ♦ Your teenager is getting ready to go college.

What's the connection between Section 504 and the ADA?

What does the ADA Amendments Act of 2008 (ADAAA) have to do with Section 504? Both are civil rights laws that protect individuals with disabilities from discrimination. Section 504 was enacted in 1973 and applies to all programs and activities that receive federal financial assistance. This includes public schools, colleges, and universities as well as certain employers, state and local government programs, and places of public accommodation (such as a public library). So the "common denominator" between Section 504 and ADAAA related to school-age students is protecting students with disabilities from being discriminated against in our public schools.

The ADAAA includes a "conforming amendment" to Section 504 of the Rehabilitation Act; meaning that the newly expanded coverage under ADAAA also applies to Section 504. Matt Cohen, an attorney who works on behalf of children with disabilities in disputes with public schools, explains, "Because ADA and 504 are interpreted in parallel, the ADAAA will be applied to the public schools in their interpretation of both the ADAAA and Section 504."

How Things Have Changed with ADAAA?

Because of the ADAAA, more students may now qualify as persons with disabilities entitled to protection from discrimination based on their disabilities. They also may now be eligible to receive special education or general education with related services and reasonable accommodations, including auxiliary aids and services in school, under Section 504.

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The ADA Amendments Act of 2008 includes several significant changes, which also apply to Section 504.

The definition of "major life activities" was expanded to include learning, reading, concentrating, and thinking. Also, the definition of "major bodily functions" has been expanded to include neurological and brain functions. This change makes it much easier for individuals with LD and/or AD/HD to qualify for protections under ADAAA.

- ♦ ADAAA requires that the limitation on a "major" life activity be broadly, rather than narrowly, interpreted.
- ♦ Conditions that are episodic or in remission are covered when they are active. For example, a student with AD/HD may be affected by his symptoms differently and at different times and under different conditions. ADAAA does not disqualify him from protection on that basis alone.
- ♦ Under ADAAA a person cannot be denied protection simply because he uses a mitigating measure, such as taking medication for AD/HD, or being allowed extra time when taking tests to accommodate for an LD. (The only exception to this is corrective lenses that fully correct a vision problem.)
- ♦ Limitation in one major life activity need not impact other major life activities in order to trigger ADAAA protection. Some students with disabilities struggle in just one academic area, such as reading or writing, but excel in other skills or subjects, and shine in extracurricular activities. Such students might now qualify for ADAAA protection, whereas before 2009 they would have been found ineligible because they struggled in only one major life activity.

What does this mean for your child?

Now that you have a sense of how the ADAAA affects the interpretation of Section 504, you're probably eager to know how these changes might help your child. While every situation — and every child — is unique, we'll provide answers and action steps for some of the most common questions here.

Question: My child receives informal accommodations that his teacher or other school personnel (e.g., counselor, nurse) provides. Should I request these accommodations be formalized through a 504 plan?

Answer: Yes. By documenting that your child has a disability which substantially limits a major life activity (e.g., learning or concentrating), you are ensuring the legal protections provided by federal law. You're also providing documentation that will be important in the case of transition to a new school/setting, a new teacher, or some other life event.

Question: My child was previously found ineligible for services under IDEA, but a 504 plan was not discussed at that time. Since ADAAA has broadened eligibility requirements, should we reapply?

Answer: Yes, you should request a 504 evaluation if you believe your child could benefit from a 504 plan. Because of the similarities between the IDEA and Section 504 "child find" requirement to provide a free, appropriate public education, schools should begin to pay particular attention to students found ineligible for services under IDEA and be willing to discuss whether accommodations under a 504 plan are appropriate for the child.

Question: My child was previously found ineligible for a 504 plan. Should we reapply?

Answer: Yes, especially if you believe the denial was directly related to the old interpretation of the law, such as finding that there was no substantial limitation of a major life activity, or denial due to use of a mitigating measure such as medication.

Question: My child already has a Section 504 plan. Should I ask if he is allowed additional (or different) accommodations under ADAAA?

Answer: Yes, if you believe that your child will benefit from additional or different reasonable accommodations, auxiliary aids, supports, or services. Once your child has a 504 plan, the school should be willing to have regular discussions about the effectiveness of the plan and whether adjustments need to be made to support your child's success.

Question: My child has been eligible for services under IDEA and now the school proposes to end that eligibility. Should there be a discussion about a 504 plan?

Answer: Yes. Every year, about 66,000 students in special education (3%) are declassified, which means their eligibility for services and supports under IDEA is terminated. It's very likely that many of these children need accommodations for both classroom instruction and testing in order to succeed in general education. In those cases, a Section 504 plan might provide such accommodations.

Question: My teenager has a 504 plan and will soon be taking Advanced Placement tests and/or college entrance exams. What accommodations might he be allowed to use during those exams?

Answer: This is where the ADAAA and Section 504 intersect. National testing services are required under the ADAAA to provide reasonable accommodations, and most have information on their websites about how to document a disability and request accommodations. However, all documentation must be prepared well in advance. You and your teen will want to talk to his high school counselor about the required paperwork and the timeline for submission to The College Board, The ACT or Education Testing Service.

Question: My teenager has a 504 plan and is applying to college. What are the most important steps in assuring she gets what she needs in the college setting?

The most important thing to teach your teenager is to advocate for herself — to communicate what her disability is and what accommodations she needs to succeed. Because each college establishes its own procedures based on its interpretation of the ADAAA and Section 504, it's important to check with the college about its policies.

Federal Funding and Regulations

While public schools receive federal financial assistance under IDEA, they don't receive any such financial assistance to provide Section 504 plans. Schools may therefore view providing a Section 504 plan as a financial burden. Because there's no requirement to collect data on how many students actually have 504 plans (Zirkel and Holler report in

2008 that 1.2% of students on average nationally have 504 plans), some schools and districts don't track how many students benefit from Section 504 or the cost associated with serving those students.

The new law intends to expand eligibility and coverage; however, while new regulations are forthcoming from the Equal Employment Opportunity Commission on the ADAAA, Congress has urged the U.S. Department of Education, Office for Civil Rights (OCR) to maintain the current regulations and guidance related to Section 504. This means that parents will need to advocate for their children's rights and schools are obligated to ensure their current policies and practices are in full compliance with the new law.

While the ADAAA represents a victory for students with disabilities, you'll want to be vigilant to ensure your child is treated fairly and appropriately. Through the ADAAA, Congress has intentionally expanded the ADA which, in turn, broadens the interpretation of who should have access to 504 plans. Students with LD and AD/HD should directly benefit from the new law because the use of mitigating measures can no longer be the basis for denying 504 plans to students. If your child already has a 504 plan, you should work with your school's 504 team, guidance counselor, and/or other school personnel to make any appropriate changes.

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IEP Meeting Preparation Sheet

- Do you have a current copy of your child's IEP and any current evaluations? Have you read them?
- What is the age and disability of the child?
- What progress have you seen in the last year?
- What are the primary concerns for this upcoming IEP/school year? Prioritize your concerns.
- Present Level of Educational Performance from the parent's perspective:
 - How does the disability impact your child's learning?
 - List out your child's strengths
 - List out your child's learning opportunities
 - What does your child need to learn next?
 - Are evaluations current? Are more needed?
 - Where do you see your child in one year in each goal area?
- List out any specific questions that you would like to discuss at the IEP meeting.
- List out any goals/objectives you would like to include on your child's IEP.
- Other issues to think about:
 - Communication between school/parent
 - Accommodations/Modifications
 - Extended School Year
 - Behavior
 - Social/Communication skills of the child
 - Related Services
 - Placement
 - State/District Assessment participation
 - Extracurricular and non-academic participation
 - Transition
- Ask for a copy of the schools 'draft IEP' prior to the IEP meeting.
- Create your agenda for the IEP meeting. Being prepared for the IEP is how parents can best advocate for their child.
- Call the Oklahoma Parents Center if you need specific questions answered about your child's IEP. Call the OPC's toll free number at 1-877-553-4332.

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Behavior Analysis/Planning Form

Student: _____ **School:** _____

- What is/are the problem behavior(s)? Describe in observable/operational terms.
- What is/are the frequency and/or duration of the problem behavior(s)?
- Describe setting(s) and time(s) when problem behavior(s) occur.
- Under what condition(s) is/are the problem behavior(s) likely to occur?
- Describe the consequences that occur after the problem behavior(s) occur(s).
- What reinforces or conditions have been observed to reduce the problem behavior(s) in the past?
- What is/are the positive behavior(s) that is/are desired as replacement(s) for the problem behavior(s)?
- What are the child's strengths, interests, and skills that may be helpful in developing the positive replacement behavior(s)?
- What are the potential reinforcers for the positive replacement behavior?
- Describe any skills deficits, communication needs, health/medical, or environmental factors that may need to be considered in developing the positive replacement behavior.
- Is there a need for any emergency procedures? If so, describe.
- What behavior interventions, strategies, and plans will be implemented and who will be involved? (Attach documents as necessary)
- What criteria, information, data, or observations might document progress in the identified behaviors?
- When would be recommended timelines or dates to review progress?
- Other information, concerns, or comments:

SIGNATURE(S): _____

DATE: _____

Source: OK State Department of Education - Special Education Services. 11/99



Examples of Modifications

1. Individualized behavioral expectations, rather than adherence to a set of exiting classroom rules.
2. Development of a "system" to redirect a student whose behavior is beginning to escalate.
3. Two sets of textbooks, one for home and one for school.
4. A copy of the teacher's lecture notes to use as a study guide.
5. A plan for leaving the classroom and reporting elsewhere when under great stress.
6. Individualized expectations for meeting school rules, or individualized consequences for failure to follow rules.
7. A computer to stimulate interest and facilitate independent work.
8. Taped textbooks for studying lessons.
9. Smaller classroom, fewer students (regular classes).
10. Oral tests and book reports.
11. Daily grading in book reports, science projects, etc., as opposed to single grade for completion of the project.
12. Aide in the classroom to redirect or help with behavior.
13. Individualized curriculum.
14. Individualized approach to attendance and tardy issues.
15. Individualized grading based on IEP objectives.



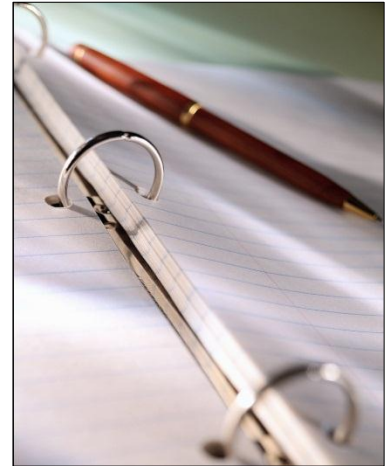
Quick Guide to Home Documentation Files

One of the most important things that you, as a parent, can do as an active informed member of your child's educational team is to keep an **accurate, up to date home documentation file**. You will probably find you will need to use or refer to information contained in it many times over the years you child is in school.

Home files are easy to make, require minimal upkeep and can save you a lot of future stress.

Home documentation files should contain **copies of the following** information about your child:

1. Birth Certificate
2. Immunization Records
3. Relevant Medical Records
4. School Records
 - a) Academic Achievement Reports (tests, report cards, transcripts, etc.)
 - b) Psychological or Cognitive Evaluations
 - c) PT, OT, Speech/Language Evaluations
 - d) Behavioral and Social Evaluations
 - e) Vocational Evaluations (interest, skill, aptitude)
 - f) Current and Past IEP's
5. Samples of child's work and other accomplishments
6. Communication Logs (see below)
 - a) Notes taken on conversations - in person or phone calls with schools, services providers, teachers, etc.
7. Correspondence
8. Other information as needed from school or other sources



It is helpful to **organize your home file** according to the information in it (i.e., group all IEP's together, reports cards, etc.). This will help you locate needed information quickly and easily. This can be useful in reviewing and planning for your child's program and future.

Home files **do not have to be fancy, just consistent**. Make sure you always put your papers in the same place. A file can be held in a cardboard box or empty drawer. Organize it for easy access.

Communication logs are an important part of home file. Use them often to record date, time, person spoken with and brief description of the subject(s) discussed. Often dealings with schools, teachers, therapists, bus drivers, etc., are informal, though important. It is helpful to keep a tablet or notebook that contains brief notes on important issues. It is easy to confuse dates, people or discussions. This will help prevent communication problems with the people who work with your child.



Why Write a Letter? Or Will a Phone Call Do?

Letter writing is an essential part of communication with and documentation of, your involvement in your child's educational program. Many times, an issue or request is initiated in person or by phone and then later followed up in the form of a letter.

There are a wide variety of reasons that you would want to write a letter to the school but some of the most common reasons are:

1. Discuss an issue or problem
2. Request an initial evaluation for special education services
3. Request an independent evaluation
4. Request a meeting to review the IEP
5. Request a review or change of placement
6. Request copies of records
7. Request a mediation meeting or due process hearing
8. Write a follow-up letter
9. A thank you or positive feedback letter
10. A request for information



Always address your letter to the person, service or department it is in reference to. If you need to request information from a teacher, then send it to him/her. If your letter concerns school policy, send it to the principal. You may request a response (if needed) within a reasonable length of time. Five to ten school days is a good rule of thumb.

If you do not receive a response within the stated time, send another letter to the next person in the chain of command. Attach a copy of your first letter to it. ***Very important letters should be sent return receipt.*** This will give you documentation that your letter was received, along with the date and signature of the person who received it.

All letters should contain the following:

1. Date
2. Child's full name and current placement
3. Name, title and address of the person you are writing
4. Reason that you are writing
5. Specifics concerning the issue you are writing about
6. Questions or concerns you would like to see addressed
7. What you would like to see done
8. Type of response you want (meeting, letter, phone call)
9. An address and daytime phone number where you can be reached
10. cc: list persons to whom copies were sent

Letters do not have to be fancy or typed. The best letters are brief and to the point. Be specific as possible in making requests or expressing concerns. Always keep a copy of your letters in your home documentation file.



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AUTHORIZATION FOR RELEASE OF INFORMATION

I give my permission to: _____
(SCHOOL DISTRICT'S NAME)

and/or their authorized representative to initiate and/or receive contact with the Oklahoma Parents Center (OPC), Parent Training and Information, on my behalf regarding my child _____'s educational program.

Parent/Guardian Signature

Date

Family Information: (PLEASE PRINT)

Parent's Name: _____

Day Phone: _____

Best Time to Contact: _____

Address: _____

City: _____

Zip Code: _____

Child's Name: _____

Date of Birth: _____

Child's Disability/Special Needs: _____

Additional information that might be helpful or questions you might have:

PLEASE FURNISH A COPY TO THE SCHOOL DISTRICT AND TO YOUR HOME FILE.

RETURN THE ORIGINAL TO:

**Oklahoma Parents Center, Inc.
P.O. Box 512
Holdenville, Oklahoma 74848**