#### **Sample Questions for PTI/CPRC Staff When a Parent/Guardian Calls About an Arrest**

From: Disability Rights Education & Defense Fund ([***dredf.org***](https://dredf.org/))

**1. Calls from parents when their child has recently been arrested are difficult because we are often dealing with an overwhelmed, emotional, outraged, or despondent parent (or a combination of these). Here are some questions to help you navigate this situation and be as helpful as possible.**

First, be sure that the person who is calling has education rights—if it is a relative caregiver or foster parent, this may or may not be the case. Do a quick exploration of whether the person on the phone is the educational decision-maker. If they are not, encourage them to call back together with the person who holds educational rights or have that person call separately.

**2. Does the student currently have an IEP or 504 plan or is any assessment in process to Determine whether they might be eligible.**

* If the answer to that question is no, ask whether the caller thinks evaluation is needed. Offer sample letters and other resources in that case.
* If the answer is yes, ask when the IEP or 504 was last revised, category of disability, and our usual questions about whether there is a behavior intervention plan or mental health support around outbursts aggression or any of the behaviors might have led to the arrest. Also ask whether they have supplied a copy of the Plan to the police department.

**3. Did the incident that triggered the arrest occur at school or on the way to or from school or is it related to school problems in some way?**

* If yes, have you received an incident report from the school?
* If no, have you received any paperwork about the incident?  Have you received a call from anyone?  If yes, who? Do you have their name and contact information?

**4. Was your child interrogated at school by an administrator, school resource officer or police officer?**

* If yes, ask whether your child requested that you be there.

***Special Note****: It is a very important proactive step for parents to actively teach their child that that they can say that they want their parent to be present if a police officer or school employee asked them questions about something that they might have done wrong or that they're being accused of it school.*

* Are you concerned that the incident is related to unmet or unaddressed disability related needs at school (IEP not being followed, inadequate services, etc.)?
* Has anyone from the school called you or provided you with a notice of suspension?
* Has your child been suspended other times this year?  How many days?
* Have there been situations where you were asked to pick up your child early because of behavior problems, or has a child been sent out of the classroom because of behaviors so that they were not receiving an education because of discipline?
* Has a manifestation determination meeting been scheduled?  (You may need to explain what this is and what the process is in your state at this juncture).
* Do you need a referral to an attorney?

**5. Is your child currently in jail but not charged or have they already been charged?**

* If yes, connecting the family with an attorney ASAP is critical. You can also let them know that if they cannot find an attorney or afford one a public defender will be appointed for their child.

**6. If your child is over age 18 do you understand that you have a limited access to information unless an attorney is involved and your child has agreed to share this info with you?**

**7. Do you have disability related concerns about special needs of your child in a jail setting that you think the court and the police department need to know about?**

*For example, if the youth has diabetes or asthma and needs access to emergency medications, or communications needs such as an ASL interpreter, encourage the parents to put these concerns in writing and deliver them to the police department or jail as soon as possible.*

**8. Have you considered calling an IEP meeting which must be held within 30 calendar days (except school holidays of more than 5 days don't count) to work with the IEP team in identifying areas where your child needs more support?**

**9. In situations where it looks like your child may be held in detention for more than a few days, do you understand that your school district may no longer be the primary point of contact and it may be the county office of education instead?**

**10. Do you need our help to know the policies and procedures to follow in those cases if you want IEP follow up?**

**11. Do you know who to contact at Juvenile Hall for special-education support?**

**12. Do you need us to help you identify that contact?**

**13. Are there professionals on your child's team outside of school such as therapist clinicians and other service providers who may be able to provide important information to the court?**

* If so contact them now and ask them to get involved by writing a letter or agreeing to be available to talk to your child's attorney or public defender.

**14. Do you have any assessments or evaluations done by medical or developmental specialists that may help the court understand your child's needs better?**

* If so consider putting a packet of information together and providing it to your child's attorney or public defender.