

PARENTS AS PARTNERS IN THE IEP PROCESS

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SOME BASICS ABOUT IEP TEAM MEETINGS

- It's the school's meeting. The law makes the school responsible for initiating and conducting the meeting.
- There are only two parties at the table.
- The standard to achieve is: “meaningful parent participation.”
- You deal with the entire spectrum of humanity out there.



IT'S THE SCHOOL'S MEETING: THE LEA REPRESENTATIVE



- The LEA representative should provide leadership at the meeting.
- That involves serving as the host. Greeting people. Setting the tone. Being present.
- Control the process. Not the outcome—just the process.
- Have an agenda. Follow it. Propose and seek agreement on ground rules.

HOW TO SET THE TONE?

- Think about the physical space and the seating arrangement.
- Be unrushed.
- Don't have a big stack of stuff in front of you—clear the desk and don't be working on something else while the meeting is going on.

CONTROLLING THE PROCESS

- Maybe go vertical?
- What kind of visual aids are you using?
- Demonstrate mastery of the basics of the meeting by understanding and following the agenda.
- Agenda: Evaluation. Eligibility. IEP. Placement. Site Selection.



IEP: SEVEN COMPONENTS

- IEP consists of seven components
 1. PRESENT LEVELS
 2. ANNUAL GOALS—MEASURABLE
 3. MEASURING STICK
 4. SERVICES (INSTRUCTIONAL, RELATED, SUPPLEMENTARY AIDS AND SERVICES)
 5. EXPLANATION OF ANY EXCLUSION FROM MAINSTREAM
 6. ACCOMMODATIONS ON ACCOUNTABILITY TESTS
 7. DATES OF SERVICES

LET'S THINK ABOUT *ENDREW F.*

- In *Endrew F.* SCOTUS tells us that the IEP for any student should be “appropriately ambitious” with “challenging objectives.”
- So when your Team establishes the “measurable annual goal” go around the room and ask each member of the team: **DO YOU BELIEVE THESE OBJECTIVES ARE CHALLENGING FOR THIS STUDENT? ARE WE BEING APPROPRIATELY AMBITIOUS?**

AFTER CONSENSUS ON THE GOALS

- After the Team has come to consensus on the appropriately ambitious goals, the next question is: what services will this student require in order to have a good chance to achieve these goals?
- Also: How will we measure success? If student is mainstreamed, and expected to achieve at grade level, the system itself provides your measuring stick.



KEEP IT SIMPLE

- The IEP development process is just a formalized, regulated, goal-setting process.
- Think about goals you have set for yourself.
- Weight loss. Debt reduction. Savings.
- In each case, you start with **PRESENT LEVEL; SETTING YOUR GOAL; DEFINING YOUR MEASURING STICK; COMMITTING TO SPECIFIC ACTIONS TO ACHIEVE THE GOAL.**

GROUND RULES

- Propose the ground rule. Verify that everyone understands what is proposed. Then see if you have agreement.
- Possible ground rules: how long will we meet? No cell phones? All present for full meeting? Courtesy—civility.



OTHER MEMBERS OF THE TEAM

- It's usually a special education staff member who serves as the compliance/documentation person. Keep a record of the meeting; make sure the forms are filled out properly.
- This is extremely important, but should not be the primary focus of the meeting.
- Parents often complain that the school's main interest seemed to be in getting the forms filled out properly.

PANIC MOMENTS



- When you are surprised by something, and don't know what to say, try this:
 - We will have the IEP TEAM review the EVALUATION DATA and determine if your child NEEDS _____ in order to receive FAPE.
- Four critical components: IEP TEAM, EVALUATION, NEED, FAPE.

TWO PARTIES AT THE TABLE

- Regardless of how many people are present, there are only two parties: the school and the parent/adult student.
- Each party is ultimately expected to speak with a united voice.



GETTING THE SCHOOL PEOPLE ON THE SAME PAGE

- The LEA rep is the one who will ultimately speak for the district. To do so properly requires skilled leadership.
- You cannot speak for the district until you listen to and understand what the direct service staff members have to say.
- Follow the guidance of St. Francis: seek first to understand, rather than to be understood.

TIE VOTE?

- If there are only two parties, you might have a “tie vote.”
- If that happens, the school is to move forward with its proposed plan, providing Prior Written Notice to the parent. Parent has the opportunity, but also the burden of challenging the decision.
- Exception: initial eligibility.



MEANINGFUL PARTICIPATION

- Invitation to the meeting.
- Mutually agreeable time and place.
- Notice of who is coming.
- Efforts to accommodate.
- Remember: if you get into a legal dispute with a parent, the hearing officer/ judge will be silently assessing the level of reasonableness displayed by both sides.

THE FULL SPECTRUM

- Your parents probably run the gamut from MSP to LSP—Most Sophisticated to Least.
- How does your preparation for the meeting differ based on this factor?



THE CLEAVER SCALE



REMEMBER THE MISSION

- IDEA puts the force of law being a moral commitment—to educate properly every single child, zero exceptions.
- The quality of a child's education should not be a function of the attentiveness, assertiveness or sophistication level of the parents.



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The information in this handout was prepared by Walsh Gallegos Treviño Russo & Kyle P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.

