



Advocating for
disability civil rights
since 1979

DISABILITY RIGHTS EDUCATION & DEFENSE FUND

SOME QUICK ADVOCACY TIPS FOR AN IEP MEETING

PREPARE AND BRING COPIES OF YOUR AGENDA.

Before leaving make sure your checklist has been discussed and questions answered.

PREPARE AND BRING COPIES OF YOUR QUESTIONS/CONCERNS.

Before leaving make sure your checklist has been discussed and questions answered.

ADVOCATE FOR THE TEACHER AND GET TO THE RIGHT PEOPLE.

Assume teacher wants to help your child. Teacher may be an ally.

Is s/he saying she can't or she won't?

Assume s/he is not getting the support she needs.

Ask what s/he needs and who to ask for it.

Advocate for the teacher.

Why pressure the teacher if s/he has no authority to change what you want changed?

Principals sometimes work things out at a building level.

If not, go to district level.

(Sometimes this level is more knowledgeable about what the law requires.)

Sometimes the chain of command works best "in reverse."

Offer assistance of treating professionals.

BRING "SPECIAL EDUCATION RIGHTS & RESPONSIBILITIES" (SERR) BOOK

<http://www.disabilityrightscalifornia.org/PUBS/504001SpecEdIndex.htm>

For a hard copy call Disability Rights California (DRC) at 510-267-1200

BRING PEOPLE WITH YOU WHO:

can help you feel confident.

takes concise notes.

can help you clearly explain your child's needs. (experts)

DON'T FEEL THE NEED TO RUSH.

Take a break if you need it to gain composure, refresh.

Reschedule a continued IEP if the child's plan is incomplete, or the team has not addressed your issues or concerns, or if the team could not answer pertinent questions.

(The team needs a qualified decision-maker [administrator] and someone who knows.)

DO NOT CONSENT TO THE IEP ON THE DAY OF THE MEETING.

You can sign that you participated.

Take a copy of the IEP home to review/reflect.

Tell the team when you expect to be able to make your decision.

DO NOT CONSENT TO PLACEMENT SIGHT UNSEEN.

Ask for the team to facilitate observations ASAP.

Ask for a continued IEP once observations are complete.

5 ELEMENTS OF SUCCESSFUL ADVOCACY

Adapted: Wright's Law
www.wrightslaw.com

1. ATTITUDE AND EMOTIONS

Don't yell. Drop voice down when most angry.
If the other party seems to be in good faith, take a softer approach.
Focus on how to get your partner(s) to do what you think they need to do.
Never threaten anything you are not fully prepared to carry out successfully.
Imagine yourself as the advocate for someone else's child.

2. FLEXIBILITY

Keep an Open Mind.
Can help negotiation effectiveness.
Can prevent you from dismissing a good idea.
Locking down invites resistance.
Dialogue invites creativity.
"Model" what partnership looks like.
You can set a time limit on trying new ideas, then review.
Ask the student what they think may work for them.

3. DETERMINATION

Flexibility in HOW a problem gets solved is not the same as WHETHER it gets solved.
But, not everything is worth going to war on.
Ask: is this my issue or my child's?
What if you hear: "We'd love to but we don't have that service."
Response: "WE agree then that the service is needed.
Tell me how we are going to go about getting it."

4. CREATING A PAPER TRAIL

Even if you remember what people said, you need to be able to PROVE it.
Maintain Records, letters, correspondence, and notes written at the time events occurred that show what transpired.
Get organized. Create a workable filing solution.
Best Practice: You may never need it, but paper provides evidence if needed.
Communication Notebook: copy the pages that go back and forth.
Document (IN WRITING): important things that happened, requests to the district, your responses and district responses phone calls and replies.
Send a positive, reasonable, factual written note summarizing and that creates a record of what transpired:
Demonstrate: 1) appreciation 2) reason for call 3) disability-related 4) history of problem

5. KNOWLEDGE

Help educators understand your child's disability.
Keep it SHORT. Keep it SIMPLE. A 1-PAGE BRIEF.
Think "KISS" "Keep it Simple Stupid"
Outline: Symptoms + Strategies that work.
Include your expert to help you with this.
ASK: what will we do to support the team's understanding so that Johnny's needs are met?
Learn about rights and responsibilities in law: Study. Workshops. Good books. PTI center.

TIPS FOR ORGANIZING YOUR CHILD'S FILE

Source: Wright's Law

www.wrightslaw.com

Date all documents: Lightly with pencil in the same place (upper right).

Put in date order.

NEVER write on your original documents.

NEVER highlight original documents.

NEVER release original documents to anyone.

ALWAYS keep originals neat and clean so you can make copies from them.

ALWAYS keep your notebook current.

5 GOLDEN RULES

Source: Wright's Law

1. Listen more than you talk.
2. Ask Questions.
Use 5Ws + H + E techniques to clarify position and perspective of other side.
3. Make requests by storytelling. Reduces resistance.
4. Make situations informal. Meet in different places. Bring food.
5. Always treat others with respect.

4 DEADLY SINS FOR NEGOTIATORS

Source: Wright's Law

1. Blaming & Shaming
2. Criticism & Fault Finding
3. Sarcasm. Scorn. Ridicule.
4. Judging. Patronizing. Bullying.

HELPFUL BOOKS

Special Education Rights & responsibilities" (SERR) http://www.disabilityrightsca.org/PUBS/504001SpecEdIndex.htm	Disability Rights CA & CASE
"From Emotions to Advocacy" http://www.wrightslaw.com	Pete and Pam Wright
"Negotiating the Special Education Maze"	Winifred Anderson, <i>et al</i>
"Getting to Yes: Negotiating Agreement without Giving In"	Roger Fisher
"How to Argue and Win Every Time"	Gerry Spence
"You can Negotiate Anything"	Herb Cohen
"Getting It Done: How to Lead When You're Not in Charge"	Roger Fisher
"Getting Past No: Negotiating Your Way from Confrontation to Cooperation"	William Ury
"Assessment In Special Education: A Practical Approach"	Roger Pierangelo, <i>et al</i>

12 RULES FOR WRITING GREAT LETTERS

Adapted: Wright's Law

www.wrightslaw.com

1. ASK: WHY am I writing? WHAT do I want?
2. First letter are always DRAFTS.
3. Allow "COOLING OFF" and REVISION time.
NEVER send therapeutic letters. "Glad I got that off my chest!"
4. You are NEGOTIATING for services.
Share your information, NOT your wish list or bottom line.
5. NEVER threaten. NEVER tell them what you are going to do.
Maintain "the fear of the unknown."
6. Assume you will NOT be able to resolve your dispute.
This is key to good letter writing. Can serve the child later.
7. Make your problem UNIQUE.
Avoids: "we always handle situations like this, this way."
Schools are bureaucracies.
8. You are not writing a letter to the school. You are writing letters to THE STRANGER.
Sell the stranger on the JUSTICE of your cause.
Describe the cause and what should be done to make things right.
9. Use your BRAIN. DON'T ventilate anger, frustration or emotion.
Resist the urge to take cheap shots.
10. NEVER make judgments.
Don't say: "what a jerk!"
Provide information logically. LET THE STRANGER CONCLUDE: "what a jerk!"
11. Write your letter CHRONOLOGICALLY. Tell a story.
Don't broach the main issue in the first paragraph. Weave in the facts.
Avoid confusion.
12. Write letters that are clear and EASY TO UNDERSTAND.
Create a positive impression.
Be CLEAR. BRIEF. INTERESTING. ACCURATE.
NEVER send therapeutic letters. Think BUSINESS LETTER.

ASSUME: That you must present your case to a stranger and that the stranger believes the school is doing a pretty good job.

"KISS" System: Keep It Simple Stupid.
A few simple issues tied together with a simple theme.
"Our son was in SpEd for 3 years and no one taught him to read."

YOUR DISCOVERY MISSION: 5Ws + H + E TECHNIQUES

Adapted: Wright's Law

www.wrightslaw.com

Make yourself a sheet filled with all the questions you need answered for yourself, and/or ask these types of questions in the IEP, such as:

1. WHO:

Calls the shots?
Will teach my child? Will implement this goal?
Will attend the IEP meeting? Attended the IEP meeting?
Will provide this service?
Needs help understanding my child's disability?
Doesn't understand how to implement the Behavioral Support Plan?
Can help the team carry out this IEP? (AB3632 Mental Health or CCS services; DOR...)

2. WHAT:

Do they want?
Are they afraid of if they give what I have requested for my child?
Objective tests will be used to measure my child's progress on his/her goals?
IEP goals focus on improving my child's weak social skills?
Are your thoughts about why this is occurring?
Are your thoughts about trying this new strategy?
Evaluations will be conducted? What does each measure?
Did my child do before the staff restrained him?
Support alternatives rather than removal from the general ed classroom were rejected and why?

3. WHEN:

Will my child be taught decoding skills?
Will the IEP team revise my child's IEP?
Will the IEP team develop a plan of positive behavior support?
Can we observe placement options?
Will we receive the completed evaluation reports?

4. WHERE:

Will my child be taught?
Will we meet so that my child's general education teachers can fully participate?

5. WHY:

Did the school refuse remediation?
Does the school want to change my child's special education program?
Did the school suspend my child?
Weren't the subtest scores included in the eligibility decision?

6. HOW:

Will you arrange for my child's treating physician to be able to participate?
Soon will I expect to receive Prior Written Notice?
Do they see my child's challenges?

7. EXPLAIN

How this goal will be measured?
Why an aide is the person designated to teach my child these core concepts?

SAMPLE PARENT/DISTRICT "WHAT IFs"

WHAT IF a district lawyer shows at an IEP meeting and you were not given notice?

You have the option to state that they were required to provide you with written notice as to attendees, you object to the lawyer being present as the lawyer does not have your child's best interests at heart but is there to represent the district. Request that either the lawyer leave immediately or they adjourn the meeting so that you can obtain legal representation. If they say that if you leave, they will go ahead and hold the meeting without you, you will state that you do not waive your right to participate, that this meeting is null and void under IDEA as you understand it, and that you will be filing a formal complaint with the State Education Dept. over their having a lawyer present without notifying you in advance and without your consent.

WHAT IF I asked for all evaluations 5 days before the IEP and I didn't get them?

OPTION: reschedule IEP meeting if reports cannot be furnished beforehand:

EXAMPLE: If you are told that they will go ahead and have the meeting without you, send them a letter immediately -- certified, receipt requested -- informing them that you do not waive your right to participate in the IEP and that you need the district to provide you with the reports prior to the meeting so that you can participate in it meaningfully, as you requested on X date.

EXAMPLE: If they can get you the reports but you can't make the time and date on the invitation, immediately call (and then follow-up with a written letter) and say that you do not waive your rights to participate in the IEP meeting and that you want a meeting that is at a mutually convenient day and time. Offer them a choice of days and times, but try to work with them on the scheduling.

WHAT IF it is hard to concentrate in an IEP or I am nervous of what might be said in a meeting and then forgotten?

You can tape an IEP meeting if you give 24 hours written notice.

WHAT IF I need someone with me who knows the law better than I do?

You can bring an attorney if you give 24 hours written notice.

Advance notice is not required if you bring a non-attorney advocate. Considerate, though.

WHAT if the teacher, that I thought was on my side, goes silent in the IEP?

Ask open-ended questions to bring them back in:

EXAMPLE: "You and I have often discussed how Jane can rarely get through her reading work without getting frustrated. Perhaps you could tell the team about that."

WHAT IF I hate painting my child in a negative light?

As miserable as it may feel to focus on the negative, you need to point out all the challenges to making educational progress, and keep linking them to your child's diagnoses or conditions.

WHAT IF we are stuck on Disagreements?

OPTION: "Look, there are some things WE clearly agree on and some that are still unresolved. Can WE all agree to go forward with the stuff we agree on and reconvene to continue discussing [the other stuff]?"

WHAT IF everyone is trying to leave the meeting and there is still a dispute or no agreement over services?

- Make sure you have them read you the minutes of the meeting.
- Check your own written notes about agreements and disputes with them by reading your notes aloud and asking if they are correct. Get memorialized in the IEP notes.
- State that you will expect to receive Prior Written Notice of their recommendations and/or refusals AND get your request for PWN documented in the IEP.
- Get copies of everything to bring home and review.
- Don't give consent until thorough review, and until you are satisfied.

WHAT IF we agreed, but it's not in writing?

It doesn't count.

The IEP is a LEGALLY BINDING CONTRACT for specialized instruction and services.

WHAT IF it says that we talked about related services that may be needed but then it wasn't specified in writing with frequency, duration, where and who will provide the services?

Then the services will likely not be provided and are not part of the district offer of FAPE.

WHAT IF a DRAFT of the IEP was written before the meeting?

DRAFTS IEP Goals can help you prepare, and can promote discussion.

But they are JUST DRAFTS! You can prepare your own DRAFTS too.

The IEP should NOT be written before the meeting.

Worse yet, the IEP should NOT be developed without you and presented for you to sign!

**WHAT IF the district said things like: "That goal won't fit in our computer system."
"We don't have that; we don't do that"?**

The "I" in IEP means "Individualized" to the child's needs, not the adult's needs.

Do not accept such blanket statements.

Make sure this "basis" is memorialized IN the IEP document.

WHAT IF the district said this service costs too much?

Always discuss your child's needs.

There is no legal basis for cost of services or lack of resources as a basis for denying services in an IEP if the child needs the service to benefit from his/her public education. Memorialize the "basis" for such a denial in the IEP.

WHAT IF the IEP meeting was way too short?

Ask politely that everyone to pull out his or her planners and reschedule the continued IEP meeting.

Do not be pressured to hurry up.

WHAT IF they said I have to sign the IEP at the end of the meeting?

They said my child would get nothing if I didn't.

You do NOT have to sign the IEP at the meeting.

You may take copies home to review.

Ask for a 2nd set of eyeballs, if needed, to review the IEP document.

NEVER go along or consent to an IEP that you haven't thoroughly reviewed and agreed with.

Know that you can sign an IEP "in part" or "with exception" stating your objections to it.

WHAT IF the district said my child doesn't need a formal 504 Plan?

(For a child who does not qualify for services under IDEA)

Smile and say "yes, but we need it in writing so that my child's educational team understands what accommodations will be provided. This will not only protect her civil rights against discrimination, but will also protect your staff."

WHAT IF my district wants me to sign a consent form so that they can speak with my child's doctor or see medical reports?

When you provide consent for the district to speak with treating professionals, you may limit your consent to ONLY what is necessary and for ONLY as long as is necessary.

The district can always ask again for your consent if more info is needed.

WHAT IF I collected all the reports and documents? What do I do with them?

Review all documentation and "tease out" important data that supports your advocacy prior to your efforts.

Can be especially helpful if evidence is directly from the school's evaluations or statements. Get organized so that you are able to locate what you need, in a meeting.

WHAT IF my child needs to take medications and this affects my child's abilities?

Bring a medications list.

Explain side effects or fluctuations in levels of medication that can impact your child's learning and how that can be addressed.

EXAMPLE: scheduling most difficult subjects/tasks when child's medications are at optimal levels, for instance.

WHAT IF we are in crisis?!!!!!!!!!!!!

When crisis hits: First keep your child safe and protect his self-esteem.

Do Nothing.

Don't React.

Slow Down.

Think first.

Analyze.

Locate the high ground.

Find Help.

Plan your strategy to prevail without casualties.

Prepare. Prepare. Prepare for how you can be most effective solving the crisis.

IEP ATTACHMENT: ITEMS DISCUSSED SAMPLE WORKSHEET

IEP MEETING FOR _____

IEP MEETING DATE(S) _____

ITEM	ACCEPTED: WHO	REJECTED: WHO	WHY: REASON/BASIS	START DATE	PERSON(S) RESPONSIBLE
PECS system purchase	consensus		Communication PLOP and goals	9/1	Program Supervisor; SLP
AAC instruction to teach PECS	Mom; SpEd Teacher	SLP; Director	SLP Evaluation recommendation; Too expensive; Lack of personnel	No consensus. By X date district will provide PWN And respond to request for IEE	Director

IEP ATTACHMENT: ITEMS DISCUSSED SAMPLE WORKSHEET

IEP MEETING FOR _____

IEP MEETING DATE(S) _____

ITEM	ACCEPTED: WHO	REJECTED: WHO	WHY: REASON/BASIS	START DATE	PERSON(S) RESPONSIBLE