



www.morguefile.com

## INCIID Insights

*What you need to know about what you need to know*

Vol. 1, No. 8 April 25, 2015

Let's say the IEP Fairy did not arrive and sprinkle FAPE dust on everything you wanted the school to change or add to the IEP.<sup>1</sup>

The meeting is about to end and you are sitting there steaming about what did not get done. You know the meeting is coming to an end because you aren't the only one in the room who is getting fidgety. Some are even packing up their stuff. You know what's coming next is a lot of yada yada yada and chair shuffling.

You, on the other hand, are not finished.

You paid attention during the meeting.

You had your copy of the IEP or proposed IEP and used it for your checklist during the meeting.

What is clear is you came to the meeting far more prepared to talk about your child's IEP than the school district members.

Anger is welling up from your ankles to the top of your head.

---

<sup>1</sup> My friend Sonja Kerr is the originator of the terms IEP Fairy and FAPE dust.

## INCIID's Pathways to Special Education

*Special Education Pathways* is a twice-monthly series of special education advocacy skills articles written exclusively for parents.

Every parent is their child's first advocate. That is why the first purpose of the articles here is to contribute information about advocacy skills that every parent should know.

*Pathways* articles are intended to help you be your child's best advocate even if you have an attorney or lay advocate. INCIID's hope is you will reclaim parental rights for yourself and other parents

Attorneys and lay advocates come and go. You will be your child's parent for the rest of your life.

*Pathways* is published twice monthly on the 15<sup>th</sup> and 25<sup>th</sup> of each month..

Following each edition, INCIID schedules a call in conference. All of our readers may call in and ask the author of the article questions about the article topic.

You are also invited to participate in INCIID's Forum called Ask the Advocate. You can join HERE <http://inciid.org/forum/>

The twice monthly *Pathways*, the call in question sessions, and the INCIID Ask the Advocate forum are provided by INCIID and the article author at no cost to parents.

**Caution:** No two IDEA or Section 504 cases are exactly alike. The INCIID articles are written to provide parents and lay advocates with a wide understanding about how to be an exceptional special education advocate for your own child. These articles do not include every aspect of the various special education laws. INCIID strongly encourages you to get a legal opinion from an attorney licensed to practice law in your state about your specific facts and issues with the school

Copyright 2015 INCIID.org

inciid

Is there anything you can do besides stomp out to the car, jam the keys into the ignition and drive home with fire in your eyes?

A very good special education attorney whose name is Darrel Till Mason in Virginia taught me this meeting technique at a COPAA conference many years ago. It works.

**The first step is for you to take control.**

Yes, you. The moment you see people fidgeting and gathering their stuff, speak up. The object is to get a good closure.

**The second thing to do is clarify the status of the IEP.**

- a) Just say you want to be sure about what has (or has not) been agreed to during the meeting. This is where the notes you made in your copy of the IEP pays off.
- b) Your notes in the various sections of the IEP will help you close the meeting by unfolding your notes as a complete picture of the status of the IEP.
- c) Go section by section and get confirmation from the school district agreement was reached or agreement was not reached (for each section). If some progress or partial agreement is made in some sections, be sure to say so.
- d) For sections that were not fully agreed to or were partially agreed to, ask whether any additional information will be helpful for reaching an agreement (consensus). If the school does think additional information is a good idea, be sure to lock down who will get the additional information – and – lock down a time or date when that additional information will be available for the Team's consideration.
- e) Inform the school district Team members that you believe another meeting is necessary for further discussion.
- f) For anything that was agreed to during the meeting, ask when the school will implement those changes.
- g) Ask the school district to include your summary in the minutes of the meeting.
- h) Always take your calendar to meetings. Take out your calendar and ask when the next meeting will happen.
- i) If essential Team members did not attend the meeting and therefore the meeting was a complete waste of time you should remind the school district that everyone, including you, are busy. And, before another meeting is scheduled you want assurance that the necessary people will attend the next meeting and adequate time must be allotted for the meeting.
- j) End the meeting with grace: Say thank you.

Never accept NO from someone who is not authorized to say YES. If a decision must be made by someone else, insist that that someone be present at the next meeting.

After you get home and get comfortable, write a letter (not an email message) to the school district and ask for a Written Notice if the school did not agree with some or all of what you wanted to get changed. The school must give you a written notice that explains what the school proposed and you did not agree with, or what the school refused to agree to that you proposed for the IEP.

**The notice must include:**

1. A description of the action proposed or refused
2. An explanation about why the action was proposed or refused.
3. A descriptions of any options the school district considered AD an explanation about why those options were rejected.
4. A description of each procedure, test, education record, or report used as the basis for the proposal or refusal of the action.
5. A description of other factors relevant to the proposal or refusal of the action
6. A reference to the procedural safeguards
7. Sources for where you can obtain assistance in understanding the provisions in the written notice

The IDEA tells us that the school district is required to send a written notice. However, think back and try to remember whether the district has ever sent you a written notice after a meeting in which not everything was agreed to or implemented.

**Heads Up:**

Do not accept a pre-printed Written Notice form that does not detail every aspect of what is required in a written notice.

**Request for written notice checklist:**

- 1) Make your request for Written Notice in writing.
- 2) Date your request for Written Notice.
- 3) State the date of the IEP meeting in which requested action(s) requested were denied or that the school proposed the action(s) that you did not agree with.
- 4) Clearly describe what action(s) were denied or proposed.
- 5) Clearly state when you expect to receive the notice from the school.
- 6) Keep a copy of your request for Written Notice for your records.

A sample request letter for written notice is at the end of this article.

Practice all of these suggestions for ending a meeting with a trusted friend. Do it several times before the Team meeting. This will give you confidence and strength.

For your practice sessions, do it in a way that avoids mocking the school district Team members. Yes, it might be fun to mock them but my guarantee is that if you practice these techniques without mocking and making fun of the school's Team members you will be more confident and prepared than you ever thought possible.

**Sample letter**

Your name

Your mailing Address

Your telephone number and (optional) your email address

Date

Name of the school district

School Contact's Name and title

School's mailing address

Reference: Nimrod E: DOB 3-29-2012, Student No: 3012506

Dear Ms. Speduleader, LEA:

During the last Team meeting held on April 15<sup>th</sup>, 2015, I asked the school Team members to provide three things for Nimrod in his IEP:

- Extra time to complete his written assignments.
- A paraprofessional in his history classes, and
- I proposed that the district decrease the time Nimrod spends in the resource room.

The school district Team members refused each of my requests.

Please send a full written notice required by the IDEA to me to my home address.

I expect the notice to include an explanation about why the school refused each of these actions;

- A description of any other options the Team considered;
- The reasons why those options were rejected;
- A description of each evaluation procedure, test, record, or report the school used as a basis for its action; and
- A description of any other factors that had a bearing on the school's action.

I understand that this notice should be sent to me by the school district within a reasonable time. I will appreciate receiving the notice within five business days of the date of this letter.

Thank you.

Respectfully,

Nimrod's mother

-end of letter-

The next article is about complaining and, what in the world is an IEP, anyway?

To whet your interest, the next article begins with –

“In the the legal sense, complaining and talking about complaining has been going on for centuries. During the 6<sup>th</sup> Egyptian dynasty (2300-2100 B.C.), for example, Ptahotep issued an important instruction. It is paraphrased it here“

The Instruction of Ptahhotep (pronounced Pta-hotep)

*If you are one who leads,*

*Listen calmly to the speech of one who pleads;*

*Don't stop the pleader from purging their body*

*Of that which they planned to tell.*

*One in distress wants to pour out their heart*

*More than that their case be won.*

*About one who stops the pleas*

*One says: “Why does one reject it?”*

*Not all one pleads for can be granted,*

*But a good hearing soothes the heart.*

**We want someone to listen.**

*-Brice*

You are invited to post a question for Brice about this article or any other special education question on the INCIID Ask The Advocate Forum by going to

<http://www.inciid.org/forum/forumdisplay.php?51-Ask-the-Educational-Advocate>