



Advocating for
disability civil rights
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SAMPLE PARENT/DISTRICT "WHAT IFs"

WHAT IF a district lawyer shows up 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, that 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 five days before the IEP and I didn't get them?

- You have the option to reschedule the 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 a letter immediately (**certified, return 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 they've left you too little time to review the materials before the scheduled IEP, 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 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 laws 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.

WHAT IF the teacher, who I thought was on my side, goes silent in the IEP?

- Ask open-ended questions to bring the teacher back in:

EXAMPLE: "You and I have often discussed how Jane can rarely get through her reading assignments without getting frustrated. Can you 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 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** agree to go forward with what we agree on and reconvene to continue discussing the matters we haven't agreed on?"

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.
- Read aloud your own written notes about agreements and disputes and ask if they are correct. Have your notes memorialized in the IEP notes.
- State that you expect to receive Prior Written Notice (PWN) of their recommendations and/or refusals **and** have your request for PWN documented in the IEP.
- Get copies of everything to bring home and review.
- Don't give consent until you have reviewed the IEP thoroughly, and until you are satisfied.

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

- It doesn't count.
- The IEP is a **legally binding contract** for specialized instruction and services.

WHAT IF the IEP says that we talked about related services that may be needed but 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?

- Draft IEP goals can help the team prepare, and can promote discussion.
- Draft IEP goals are just that—drafts! You can prepare your own draft goals, too.
- The IEP should **not** be written before the meeting.
- 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 pull out his or her calendar and schedule a time to continue the 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 second set of eyeballs to review the IEP document.
- Never consent to an IEP that you haven't thoroughly reviewed.
- 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 or her 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.