



Tips for Negotiating the Best IEP

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For many families, negotiating for their child’s special ed services is highly stressful. So much depends on a young student’s getting the tools to prepare for adulthood. By law, every child with disabilities is entitled to a “free and appropriate” public education (FAPE), but coming to agreement on exactly what that entails – as embodied in an Individualized Education Plan (IEP) –can be conflict-ridden.

The IEP team must convene at least annually, at any time of the year. At least one parent, both a special ed and a general education teacher, and an administrator must be present, but the room is often packed with other district staff. It can be an intimidating environment for parents, but remember that no one knows your child better than you do. I always suggest that parents bring a friend along for moral support. Some school districts appoint parent mentors, who can offer advice and even accompany families to IEP meetings.

Come Prepared

Talk to your child’s teachers ahead of time to understand what has and hasn’t been working in the classroom. While the IEP should be tailored to your child’s unique needs, it can also be helpful to speak with other parents to understand what services are available and what their experiences have been with the school district.

Make a list of the issues you want to discuss at the meeting and any requests you have, and give a copy of your list to the IEP team, before the meeting if possible. This will help to ensure that your concerns are discussed, and it establishes a paper trail, which will be helpful if conflicts develop. Walk into the meeting knowing what you want, what questions to ask and what you’d be willing to give up.

Some states permit IEP meetings to be recorded, but I do not recommend it, as I feel it creates an adversarial atmosphere. If you really want to record it, make it clear that you merely want to be sure that you remember important details, and offer to give the district a copy.

Listen for comments by others that will bolster your own position and try, above all, to remain calm if disagreements arise. Ask for a break and stand in the hall for a few minutes if you need to. Be sure to look back at your child’s evaluation results (ETR/MFE) and make sure that the needs identified are addressed in the IEP in the form of goals, related services

or accommodations. The IEP must, by law, establish measurable goals. Insist that they be detailed enough that, if you move to another school district, the child's teachers will know precisely what's needed.

Negotiating Disagreements

Don't feel compelled to make decisions on the spot. You can sign that you participated, but tell the team that you need time to absorb everything that's been discussed and that you'll get back to them as to whether you agree or disagree with implementing the IEP. In some states, parents are permitted to approve/disapprove specific services offered in an initial IEP only, while subsequent plans must be voted up or down in their entirety. If an annual IEP doesn't affect a child's placement, the district may be authorized to implement it without parental approval.

So what are your options if you and the IEP team can't agree? Upon your request, the school district must pay to have an independent evaluation performed by a psychologist or other relevant specialist. You may also request that the Department of Education assign a mediator to attempt to negotiate agreement or a facilitator to guide the IEP meeting.

If that fails, you're entitled to a due process hearing, which is conducted like a trial, with both sides presenting evidence to support their positions. At this point—if not before—you will probably wish to engage a parent advocate or special needs attorney. The burden of proof rests with the party filing the complaint (usually the parents), and the process can be long, costly and emotional. An independent hearing officer decides the outcome.

Most disputes are resolved before this final stage. All parties should be focused on meeting this particular child's needs, and keep in mind that when the dust settles, you'll have to work closely with the district toward that end for the duration of your child's education. It's in everyone's interest to come to an agreement as quickly and amicably as possible. Choose your battles.

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