



# Advocating for Your Child: Before, During, and After the IEP Meeting

# Effective Advocacy

- Accept and become comfortable with the concept of conflict
- Pick a strategy for dealing with conflict
  - Rush in fighting
  - Withdrawal
  - Seek help
  - Negotiation with a plan
- Implement the strategy
  - Negotiation process before, during, and after meetings

# Negotiation Process

- Utilizes assistance from others
- Balances persuasion and compromise
- Remains flexible and fluid
- Requires conscious decisions

# Negotiation Phases

- Pre-meeting phase
- During the meeting
- Post-meeting follow up

# Pre-meeting Negotiation Phase

- Control emotions
- Understand the “big picture”
- Organize
- Prepare the details
- Decide what happens next

# Control Emotions

Intimidation—loss of your voice

Fear—ineffective use of your voice

Controlled with preparation

# Understanding the “Big Picture”

- Know the law
- Understand your schools culture and what services are available
- Understand your child’s disability
- Understand how this impacts educational needs
- Learn about resources outside of the school

# Organization

- Buy 2 three ring folders
- List all professionals that have worked with your child
- Request child's records from the school
- Date lower right-hand corner IN PENCIL
- Organize from oldest document to newest
  - Do NOT use categories
  - Be careful in punching holes
- Read entire file
- Create "master document list"

# Sample Master Document List

date	author	type	significance
8/10/02	Dr. X	Psych. eval	Private eval IQ=125
11/4/02	ABC Elementary	IEP	Mainstream half-time
11/6/02	ABC Hospital	OT report	Sensory integration disorder
3/8/03	Elementary	suspension	"aggressive

# Preparing the Details

- Create a wish list
- Prioritize

# Prepare the Presentation

- Use documented evidence
- Understand tests and measures
- Understand “unique facts”

# Understanding Tests and Measures

- Review which tests/portions were administered
- Was it norm or criterion referenced?
- How are results reported
  - Age-equivalent
  - Grade-equivalent
  - Standard scores/percentile ranks
  - Raw scores

# Tests and Measures Cont'd.

- Watch out for composite scores
- Understand the results—the bell curve
- Understand “unique facts”
  - Was child tired, hungry, distracted
  - Personality conflicts
  - Accommodations used during testing
  - Was child on meds; Were meds changed?

# School System Testing

- State Wide Testing
  - SOL's
- School District Testing
  - Achievement Tests i.e., IOWA, Developmental Reading Assessment (DRA) PALS

# IEP Order of Priorities

- Present level of Performance (PLOP)
- Goals and Objectives
  - Benchmarks no longer required
- Related/Supplemental services
  - Cochlear Implants excluded
  - Statement of related services based upon peer-reviewed research
  - Program modifications or supports for school personnel
  - Explanation of the extent, the child will not participate with non-disabled children in the regular class
  - Frequency, Location, Duration of Services
  - Transition Services beginning at age 16
    - Measurable postsecondary goals based upon age appropriate transition assessments
- Placement

# Schools Use Test Data to Determine

- Make sure data is current
- If your child qualifies for special education
- What academic skills need to be remediated
- How serious is the child's problem
- Identify your child's strengths and weaknesses
- Is your child making progress

# Present Level Requirements

- The academic and functional needs
  - Functional piece/related developmental needs
  - Specific testing information
  - Child's involvement and progress in general education curriculum
- What services are currently in place
- What has and has not worked in the past

# Examples of Areas of Need

- Occupational therapy
- Speech
- Physical therapy
- Adaptive PE
- Behavioral needs
- Social needs
- Adaptive life skills
- Academic
- Medical/medications

# Subgroups Within the Categories

- Occupational Therapy
  - Fine motor
  - Sensory
  - Visual perception
  - Some adaptive life skills

# Subgroups, Continued

- Speech
  - Articulation
  - Voice modulation
  - Expressive/receptive language skills
  - Pragmatics

# Subgroups

- Behavioral
  - Noncompliance--- aggression
  - Frequency, intensity, antecedents, and effective/non-effective strategies
  - Functional behavior plan

# Subgroups

- Social skills
  - Conversation
  - How to play a game
  - Emotional regulation with frustration
  - Turn taking
  - Initiating/maintaining conversation
  - Making/maintaining friendships

# Academic

- Reading, Writing, Math, etc.
  - Ability to finish homework
  - Stay on task
  - Follow directions
  - Specific learning disabilities
  - Decoding, comprehension, paragraph organization

# Goals and Objectives

- Unless alternative assessments are used or you can show a "need" benchmarks are not required
- Specific and measurable
  - Avoid vague terminology
  - Add points of measure into the goal
- Address all areas of documented needs

# Related Services

- Related Services: 34 C.F.R. § 300.24
- The term related services means transportation and such developmental, corrective, and other supportive services as *are required to assist a child with a disability to benefit from special education*, and includes speech-language pathology and audiology services, psychological services, **school nurse services**, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. This term also includes school health services, social work services in schools, and parent counseling and training.
- The key phrase is: required to assist a child with a disability to benefit from special education

# Revisions to Related Services

- Related/Supplemental services
  - Cochlear Implants excluded
  - Statement of related services based upon peer-reviewed research
  - Program modifications or supports for school personnel
  - Explanation of the extent, the child will not participate with non-disabled children in the regular class
  - Frequency, Location, Duration of Services
  - Transition Services beginning at age 16
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# Identifying the Need for Related Services

- School Testing – Subtest
  - Psychological Testing
  - Educational Testing
- Teacher and Parent Observations
- Communication Log
- Behavioral Issues
- Eligibility
  - Private Testing/Services

# Services Timeline

- Request for testing – 60 calendar days to complete testing for Eligibility
- Found Eligible
- 30 days to develop IEP
- Identify additional testing – 60 days from date of consent

# Minefields of Related Service

- Not having a properly drafted present level of performance
- Not having proper goals and objectives drafted
  - Specific
  - Measurable
- Misunderstandings about how related services are implemented
- Getting the team to agree to specific descriptions of related service provision.

# How to Revise the Related Services

- Observe during the time related services are to be provided
- Take detailed notes
- Utilize new private testing or request an IEE for additional County testing
- Request an IEP meeting

# Supplementary Aids and Services

- Supplementary Aids and Services:
- The term supplementary aids and services means, aids, services, and other supports that are provided in the regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate. . .
- Cochlear implants NOT excluded

# How to Help the Team Reach Consensus

- Parents should decide how much time and how it should be implemented
- Include how services are currently being provided in the present level
- Show whether this is sufficient to meet the goals and objectives
  - Testing, progress reports, work samples
  - Expert "testimony"
- Mediation/due process

# Final Steps in Pre-meeting Process

- Anticipate how school officials will respond
- Prepare a rebuttal
- Decide your “bottom line” with the concept of mediation/due process
- Decide your position on each issue

# Negotiating in the Meeting

- Change mindset to persuasion
- Be professional and respectful
- Paint a positive picture with words
- Outline your requests with your evidence
- LISTEN!!!!!!
- Document with careful notes and follow up letters

# Know When the Show Is Over

- Agree with the school's original position
- Agree with a "new" combined view
- School agrees with you
- Reconvene to a later time if there is a real reason to do so
- Decide to get need met outside of county
- Request prior written notice/mediation

# Negotiation Post Meeting

- Ensure that service/placement is implemented as agreed
- Determine/measure effectiveness
- Continue your education
- Follow up thank you letters