

Steps towards Making a Strategic Plan for Your Next IEP

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I. Priority Setting

- IEPs are not about defining the entire day or program but about setting critical priority goals.
- Be prepared to define needs in ways that relate naturally to the educational setting and are in order of importance. However, remember that the “E” in the IEP is about academics AND social, emotional and functional outcomes in the world.
- Always keep an eye on the ultimate outcome, which is that we want to see our students function in society to the maximum extent possible.

2. Preparation for the meeting

- Prepare a parent input statement. (see specialedlaw.blogs.com for examples).
- Review and be aware of the order of IEP meetings: discussion of present levels, a discussion of needs and strengths, goals, accommodations and modifications, service minutes, placement, AT, BIPs, transition planning and finally ESY. Have information ready to question and probe and comment on all sections of the IEP, and not get overly focused on the “prime” issue such as placement. Placement is driven by goals that are driven by needs.
- Come to the meeting, when appropriate, with outside evaluations, data and reports to give a more authoritative presentation of your position
- Get all school data: educational psychological reports, CBMs, DIBELS, High Stakes Testing, other reports, behavioral data and understand what it means. A prime question both before and during a meeting is for the data that supports their conclusions. Always seek this data, and follow-up with post-meeting letters until you get this information.
- Pay attention to the details like evaluation criteria, evaluation procedures, and how this goal relates to normative learner standards in the curriculum. These details are frequently overlooked and are prime areas for advocacy.
- Make sure that enough time is allotted for the meeting and use time wisely—e.g. tell charming anecdotes about your child or client in the input statement.

- Always stay focused and do not let them get you off track with irrelevant talk.
- Never ever go alone!

3. Meeting

- If you are feeling confident sit among them, not on “your side of the table.
- Make sure you have a full sized seat and actual place at the table. Your seat at the table is a right not a privilege.
- Have questions written out, but be prepared to ask spur of the moment questions. Always be prepared to ask for data and probe the legal or policy underpinning for positions that are taken that do not “feel” right or sound right.
- Inquire about methodology especially in the area of reading and writing, and as to the specialized nature of the instruction and the research basis for the instruction. Ask for the research or websites for more information.
- Prepare to defend behavioral issues with reference to deficiencies in the IEP; lack of goals, training or behavioral planning not a “bad student” can be prime reasons for behavioral difficulties.
- Focus on those areas that are obviously data driven and make sure they in fact have data to support that method: e.g. PECS, ABA, Wilson, O-G etc. If they are doing it they should have data.
- Be prepared to ask about staff training to deliver specific methods, and for support that states that training is sufficient: e.g. if they are trained in the methods of Crisis Prevention Institute (CPI) ask them questions about when and how much training and by whom was it given, since it needs to be renewed annually. A 2 day primer in Wilson does not qualify a person to do Wilson.
- Be prepared to know the rules for time-out and restraint in your state as this has become a hot area, and more frequently done and often done wrong, in violation of State law and regulations.
- If time runs out schedule another meeting so that you will have ample time to discuss critical back of the IEP issues like AT, behavioral planning and transition.
- Review the IEP narrative and write follow-up letters with missing information and objections. Too many cases are lost because there is insufficient documentation post-meeting that indicates objections. Silence can be construed to be agreement and used against you down the road. This letter can be one of your most potent advocacy weapons

especially as it does not require on the spot discourse, which often can be difficult.

4. Post Meeting

- Make sure all items promised are delivered.
- Analyze data and share with other providers so the information means something.
- Request clarifications and express objections when the meeting is done, to the extent necessary.
- Know the period for filing due process in your state and how long do you have to invoke stay put.

Basic Principles of Effective Advocacy

1. You must have a vision for your child's future around which your advocacy is organized. For instance, the district may view your child as strictly a non-verbal communicator, when in fact it is your view based on empirical evidence that given the right placement and services your child may show abilities that the district may not readily acknowledge. It is remarkable how early and how easily children get categorized as one type of child or another. You as a parent must put forth your vision of your child and fight to realize your child's potential.
2. Vigilance is absolutely crucial. Regular communication with the teacher and related services personnel and keeping tabs on implementation of the IEP is essential.
3. Records are central to the whole process. You need to view the special education process as one that is highly legalistic. Keeping your IEPs, evaluations, and all other documents can be the differences between advocacy and failure. Sometimes the small note, card, or newsletter that does not seem relevant at the time can become highly relevant later. Keep it!
4. Policies and procedures must be known. Schools are government agencies. They have a policy and procedure for everything. Ask for it and insist that you receive it. You will go into meetings more confident and will be able to keep the district "honest" in meetings and during other contacts. Be certain to receive the behavior policy of the school. Understand the procedures which should be followed, but do not get hypertechnical on matters that have no substantive effect. In addition, ask to see sample report cards and curriculum so you can address areas of need and write goals.
5. Know how to use FOIA (Freedom of Information Act) and the ISSRA (Illinois Student Records Review Act). Use FOIA to seek general information regarding policies, procedures, and other data that the district is otherwise refusing to give you. [Please note a FOIA request will be viewed as a highly contentious and belligerent communication and should only be used when litigation seems imminent.] ISSRA requests are more common and should be initiated at regular intervals (i.e. annually or bi-annually) to check to see what is in your child's file.
6. Supporting the teacher will reap dividends for your child. The teacher can not always ask for resources that you can request to enable him or her to teach your child. The more support the teacher gets the better the educational experience. Never betray a teacher's confidence; you will lose him or her as an ally and may get the teacher fired.
7. Know exactly what evaluations are planned for your child. Review the protocol, the test format, the location, the time of day and all other factors which may be relevant to your child's performance. Meetings must be scheduled to allow you to assimilate the reports and share it with your professionals. Insist on reviewing all test results days before a meeting is scheduled. You can not be expected to read test results, digest highly technical material and be a meaningful participant.

8. Gather and collect data on your child both objective and subjective. You will be a more effective advocate if you walk into an IEP meeting with notes or details on your child's learning style, progress, regression, abilities and needs. The data can come in part from you, but you will need to bring professional reports to support, amplify and define your child's needs. Remember the IEP is a *needs driven process* you must help define those needs or the district will define those needs for you.

9. You are not "just a parent", you are an expert on your child. You have a legal right to sit at the table and to discuss and define your child's IEP. The district is not doing you a favor by giving you a role. The process at an IEP is collaborative and governed by consensus--it is not a majority vote of all those at the table. Nor is the process where either side has a veto over the other side. Do not worry that the district will not like you or will "take it out on your child". Effective advocacy means getting results for your child, not about making friends.

10. Time is the friend of school districts and the enemy of your child. Schools have existed for centuries as an institution, but your child's time to receive an education is short and fleeting. Do not be put off to another day matters that seem relevant and urgent. Always set deadlines in the IEP when things will occur or when you will hear back on a topic of concern, and then follow through. You do not get time back, and compensatory education is a pale substitute for getting it right the first time.

11. Men must attend IEP meetings! It does not matter if the man is a husband, father, brother, friend, or neighbor. The simple reality is that districts speak differently and act differently when a man is present than when a woman is there alone. A related principle is never go to any meeting alone. Schools will bring many people who are on their payroll and sympathetic to their view. Being at a meeting alone is a certain path to being overwhelmed. Bringing another person means you will have a witness if matters end up in due process.

12. Get it in writing. IEPs are binding legal documents, but if it is not in the document you do not get the service discussed. In addition, if you do not agree insist that your dissent is written down, and the district's rationale is written down. If they refuse to write your dissent down or their rationale send a letter by certified mail immediately and ask that the letter be attached to the IEP.

13. Individualized educational planning is at odds with the schools mission. Schools are factory operations in a certain sense trying to deliver a relatively uniform education to all students. An IEP requires the school to tailor its programming to the needs of one student. Even in the best schools there will be an underlying tension between the individualization called for in the special education laws and the mass service model that are schools. Recognizing this tension will give you an insight into the school's perspective, and will make you a more effective advocate as you better understand how the district sees the world.

14. Do not threaten Due Process. Districts have heard this threat so often that it lacks credibility, and it seems like you are crying wolf. Moreover, after the meeting is over you may decide that you do not want to file, but you have already threatened it. Such threats will not serve you well and squander one of your most important resources--your credibility. Related to this point, you must always at all costs remain calm and not show that the process is getting to you. The common perspective of school districts is that parents are unreasonable, unstable and arbitrary. Outbursts will only erode your ability to advocate.

15. Cost or availability of services are not generally relevant considerations in an IEP. The reality is that the less costly a service or product and the more available the less likely there will be a major fight, or the more likely an early settlement will be reached. Cost underlies many decisions, although often times it is not an explicit consideration.

16. Never stop fighting for your child the stakes are too high!

Strategies at IEP meetings

by Charles P. Fox

_____ Often at IEP meetings school districts present common justifications when confronted with the fact that the child has not progressed. Parents need to be prepared to address these justifications both at IEP meetings and during the school year. The common denominator among the following justifications is that there is a neutral explanation for the lack of progress; the common denominator for parents is that they need to document in writing their responses:

Justification presented by school	Sample strategy to address justification
"Child has not been taking his medications or he needs medication"	Keep school closely informed of medication changes and document the fact that medication does not necessarily address the underlying issue of the child having a learning disability. Schools are not generally qualified to recommend medications. Acknowledge the issue and refocus the meeting on issues such as how are you going to teach my child The unfortunate reality is that while medication certainly has a role it is rarely the primary answer to the educational issues confronting your child..
"Your child is going through puberty"	While that may be true look for evidence that shows the issue has existed for years (well before puberty); or present evidence that puberty is irrelevant to the fact that your child has not progressed.
"He is not doing his homework" or "all of the homework is perfect" [because parent or tutor is doing homework]	Mark all parental involvement on homework in writing and keep copies of all homework. If the issue is homework completion then the district needs to be pressed to evaluate why homework is such an issue [typically it

	is symptomatic of disability-related issues].
“But his report card is perfect and goals are checked off as making progress” [with no other details]	Pay attention to the smaller details of IEPs such as evaluation criteria -- “logging” or “charting” which means that there is written data to support the conclusion. Request all underlying data that supports progress. Keep a sharp eye for discrepancies between tests, quizzes and grades given and grades reported. Be vigilant about good grades when objective or other data [including your own sense] shows that you child is not progressing.
“It is not an issue for us at school so it must be a bad home situation that is causing the problem”	Look more closely and evidence can usually be found that the school is ignoring the real issue in front of them and learning issues are not typically confined to one setting only. Ask for questionnaire/observational evaluation to document the issue and come up with remedies.
“The child is just choosing to not do his work”	Volitional conduct is one of the biggest excuses. How does the district know it is volitional ? The child is choosing to not read, write and be miserable. What is the gain for the child in taking such a tough road. Ask for data and assessments to look further as to what is really happening. This justification is used often and takes a variety of forms and must be examined closely as it can be very corrosive of school personnel’s attitude towards the child.
“We never knew the extent of the problem” or “If you told us sooner we could have addressed it.”	Usually brought up as the parents has presented an outside evaluation that puts a spotlight on the child’s disabilities. If the school’s evaluations

	<p>appear to be deficient then raise your concerns in writing. Object to conclusions that do not comport with reality as you see it. Caution: your objection could be construed to be a request for an independent education evaluation (IEE) at public expense which recently has triggered many districts to file for due process against parents who in turn have lost many of these cases. Make it clear what your intentions are with regard to IEEs. Generally raise objections at or soon after IEP meetings and during the school year. A paper trail is critical!</p>
<p>"The issue is developmental"</p>	<p>How do you know it is developmental. What research suggests a developmental origin of the issue.</p>
<p>"We have the expertise to address that issue in house."</p>	<p>What are your credentials beyond a course or two or some minimal training. Why were these "experts" not brought out earlier. Is the curriculum systematically based to address my child's issues? Is the class small enough, and homogenous enough to address the issues? What methods are you using ? Are they scientifically validated ? What are the outcomes of students coming out the XYZ program ? Question every aspect of this assertion and observe and have your experts observe.</p>
<p>"I am deeply hurt and offended that you do not trust us after all of the hard work we have put into you child" or "We are already doing that _____ (i.e. multisensory) you just do not realize it"</p>	<p>The complaint is not personal to them and if they choose to be offended by your advocacy that is their issue. You have to press for answers and solutions which can hopefully be done cooperatively. If they are already doing</p>

	<p>the _____ intervention then why c we not see progress. Often “multisensory“ is a term that is loosely thrown around but not applied in a wa that applies to your child’s disability. Finally do you have any data/proof th shows my child is getting _____ intervention (if data is applicable.)</p>
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Behavioral Checklist for Schools and Parents

Schools are frequently in a hurry to call things behavioral, manipulative or purposeful when they are confronted with situations that are challenging. In this instance, "behavior" has a negative connotation, unlike the IDEA definition which is value neutral. The following are some suggestions for school personnel and parents to engage in a more positive discussion and to help tease out behaviors from other factors.

Avoid use of all charged language like manipulative and intentional. It is rare that children with special needs have a plan and a design that they are following through on to upset the class. The adjectives do nothing to further the discussion and tend to polarize the parties.

Run through a checklist of other factors and rule each of them out before calling something a behavior [the list below is far from exhaustive]:

- * is the child in medical distress (e.g. illness, injury, seizures, car accident etc) ;
- * is there a dental problem ? I have seen many children who act out because of some unresolved and unknown dental issue. For many children going to the dentist can be challenging so they do not go very often or when they do go the exam is far from complete;
- * has there been a home-based crisis (e.g. death of a loved one or a pet, divorce, household move);
- * has the child been allowed sufficient time for a sensory break or sensory input usually of the calming variety;
- * has the child eaten breakfast/lunch/snack or does he need to eat or drink;
- * is the child suffering from some allergic reaction;
- * has the school just sprayed pesticides, herbicides, rodenticides or other toxic substances which tend to fall into the category of neurotoxins that can have a particularly dramatic effect on younger children especially those with an underlying neurologic issue ;
- * is the child responding to a change in personnel or routine;
- * is the child overheated either indoors or on a particularly hot day outside;

* does the child have reliable means of communication and was it available at the time of the incident.

* is the child well rested ?

Of course all of these questions do not lend themselves to immediate on-the-spot answers. These questions also inject a complexity into the decision-making that school personnel often do not welcome. The point, frequently, is to make a snap decision; pigeon-hole the child and his issues and move on. Instead, asking contextual questions is required to make sound decisions and not unfairly marginalize the child. Additional questions in this vein are welcome to make this list more useful in the context of a school day.

Behavioral Checklist for Schools and Parents

Behavioral intervention plans ("BIPs") can be effective at supporting a child's education if properly done. The purpose of a BIP is to address a child's behaviors that are interfering with the child's education in a positive and proactive manner. Too often, however, BIPs are created in way that is not based upon good data, are not positive or proactive, and tend to be punitive in nature. Some brief articles on positive behavioral interventions for various disabilities can be found on the About Special Education website. These articles are a good starting point for designing better BIPs and understanding the process.

The following are my personal observations and thoughts on BIPs. These points are based upon my work with many clients over a period of years and include ways that BIPs can be improved to better support students.

I. BIPs are to teach, not punish

- * The goal of a BIP is to teach behaviors that are functionally equivalent to the problem behavior. The replacement behavior that is taught provides the individual a means of coping or functioning more independently.

- * Too often, either as written or as implemented, BIPs are a means to punish, not teach (e.g., "On the first offense, the child receives x punishment, and on the second offense, s/he receives y punishment).

- * A well designed BIP will be supportive and proactive, not reactive and punitive.

II. Measure of success is improvement over time

- * BIPs like IEPs are expected to have measurable outcomes that show progress over time. By definition, if the child's behaviors are worsening, the BIP is ineffective and needs to be revised and re-evaluated.

- * It is not enough for staff to simply point to the document and claim that everything is being done while the child's behaviors escalates over time.

III. Behavioral interventions need to be carefully chosen

- * Behavioral interventions are the main feature of the BIP. The interventions need to be carefully chosen and skillfully implemented. For instance, if the BIP states "call the parent and take the child home," that may ultimately reinforce the negative behavior. Instead, the plan could be implemented and written to call the parent so that parent and staff can uniformly address the behavior together and reinforce the desired conduct.

- * Keep talking to a minimum. Non-verbal communication is often more effective when a child is experiencing a behavioral episode. Verbal directions should be clear, unambiguous, non-threatening and directive. Too often, the verbal command or directive can lead to escalation. The Crisis Prevention

Institute and other organizations teach courses in "proximics," the use of body language and positioning to defuse behavioral situations.

- * Practice the interventions, especially when the behavior is dangerous and possibly violent. BIPs have less and more restrictive interventions; often, when a crisis erupts, the most restrictive intervention is the first to be used because staff is unprepared. Think of it as behavioral fire drill.

- * Calling the police, although legally permitted, should not be a common practice.

- * Less restrictive placements such as time out become more restrictive if used extensively.

IV. Time Out and Physical Restraint Should be a Last Resort

- * Physical restraint is a last resort and should be used infrequently. Just as most police officers can go through their entire careers without shooting their guns in the line of duty, most staff should not have occasion to use physical restraint. If it is used, it must be with staff that is trained and where it is not medically counter-indicated.

- * Children have been injured and killed during restraint, and often, staff are injured if not properly trained.

- * The purpose of either physical restraint or timeout is not punishment; it is to allow the child to regain self-control. After sufficient time has elapsed, there may be learning opportunities for the child and for staff that should be realized. At the moment of the incident, the child is not generally available for learning a lesson from the episode.

V. Data is critical to evaluating the effectiveness of the BIP

- * How and when and what data we collect is an essential part of a BIP, but it is frequently not done. BIPs are not supposed to be written and pulled out only in a crisis. They are not like fire extinguishers under glass. A well designed BIP should be a seamless teaching tool that is part of the child's day. It could be as simple as red light, green light system, or a token economy with data being collected daily or hourly and reinforcers changing frequently.

- * Data needs to focus on the behavior, the intervention, and in particular, the reinforcer used to support the desired behaviors. Too often, food or verbal praise is used. Food is inherently limited as the child becomes satiated. Praise can lead to dependence. The reality is that the process is dynamic, and that which worked yesterday may not work today.

VI. Interventions should not involve humiliation or harm

- * Behavioral interventions often are very challenging for the child and for the staff. The child is often in a fight, flight or fright state of mind. Unfortunately, staff who is untrained, ill-equipped and not rehearsed can mirror back a fight, flight or fright reaction. At this point, there is risk that interventions can

degenerate into humiliation or even harm. There have been a number of well publicized incidents where staff had conducted themselves in ways that are not professional.

VII. Catch the behavior before full escalation occurs

* Among the critical data from the FBA is the antecedent. One of the prime purposes of the BIP is to manipulate the antecedent to allow for a better behavioral outcome. In addition, the antecedent allows the intervention to be applied well before the behavior is in full blown escalation. Catching the behavior early greatly increases the chances of improving the outcome.

Transition is a Dynamic Process

- Orientation is on meaningful life outcomes
- Life skills, transportation, job preparation and other life skills are the focus
- Brand new emphasis of the law
- Many schools have little competence in the area of transition planning
- Insist on good quality assessments over time
- Insist on real measurable post-secondary goals
- Transition plan is a road map laying out a step-by-step process towards life goals
- Invite non-school personnel to meets, e.g. Para transit supervisor, employers, librarians, etc.
- Establish linkages with people, places, and services to have a seamless transition process to post-high school life
- Graduation ends IDEA eligibility, which can now extend to age 22
- You can participate in graduation ceremonies but not graduate
- Check out NASET.ORG for transition resources

Essentials for Working with Parents

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Handout to school personnel

1. Encourage and maintain an open bilateral conversation where both sides can be truly heard and acknowledged to have valid perspectives to share. Briefly, when I (parent) talk you (school district) listen and when you (school district) talk I (parent) listen. Brainstorming is a great antidote to exclusive conversations that do not value all points of view.

2. Avoid phrases like: "the team has determined" when the parents were not part of any such determination; "in all my years we just don't do things that way" it is demeaning to parents and shuts down any further exchange; "if you do not like it file due process" is obviously provocative.

3. Militant and hostile parents are made not born. Most parents want nothing more than to have peaceful and collaborative relations with schools but somewhere along the way the relationship soured. In my experience the most powerful forces that make parents militant is the *feeling* that the school is shutting them out of the process, the school is being less than candid, and the schools being punitive when faced with a behavioral crisis.

4. Be aware of the fact that often the most serious and common behavioral issues involving a child with disabilities is because the child is in a mode where the only options open to him or her is fight, flight or fright. The irony is that too often the incident escalates because staff responds with a mirror image response of fight, flight or fright. Good solid training of staff in crisis intervention and detailed planning (i.e., "fire drill" for behaviors) will more likely result in staff responding more objectively and rationally which tends to de-escalate a behavioral crisis.

5. Refusing or not offering to share evaluative reports well before meetings are a common complaint of parents. Most parents need a thorough explanation of the nature of the tests, how, when, and where tests are to be given whether for an initial evaluation or triennial review or otherwise. Expecting parents at meetings to understand, digest and finally endorse the validity of testing when the results may be difficult to hear and certainly to understand especially when they have been not part of the process.

6. Parental training is a related service that is too often overlooked. Parents who understand their child's disability and feel that staff also has a thorough understanding are more likely to be collaborative.

7. Staff training should not be a subject that requires FOIA letters and attorneys to probe. If your staff is top flight then be open about it and if some staff need more training then be open about ongoing training.

8. Mistakes are made on both sides of the table. Taking ownership of the mistake and correcting that mistake is vital.

9. Assistive technology ("AT") is an area that many schools are still not very aware of. AT is not just for children with communication issues. It extends to hardware and software that can help with learning, communicating, organizing and accessing the curriculum.

10. Never refuse mediation; it fuels due process and the hostility of the parties. At mediation do not take comments personally. It is often a forum for parents to "vent" and hopefully forge a more positive relationship in the future. You do not have to agree but you should listen (see R #1 above).