

Breaking Through 87 Roadblocks Schools Throw in Your Way

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(Excerpted and expanded from *A Bigger Boat: Surviving the Treacherous Waters of the IEP Process, A Parent's Workbook*, Chapter 12 - IEP Meeting – Bridging the Difference)

Handling Negative Remarks - Practice Before Your IEP

Introduction

Following are many statements that have actually been made by schools to parents, which were implied by schools to parents, or that someone somewhere might say. Test your Temper-IQ by deciding how you would handle these situations. Which ones lead you to research your legal rights? Which ones need to be nipped in the bud immediately? Which ones you can argue about and should you postpone the argument? Which ones put your child in jeopardy?

If you are unsure of the meaning of any terms, consult the Appendix of *A Bigger Boat: Surviving the Treacherous Waters of the IEP Process, A Parent's Workbook*.

The law

It's easy to give different strategies for dealing with negative remarks or actions a school takes, but if your student's education is endangered, read the IDEA and consult an advocate or an attorney. To see an online copy of the Individuals with Disabilities Education Act (IDEA), see <http://www.uscode.house.gov>.

RRRAAMPPPSS (ramps) definition

Ramps is an acronym for remedies or services for a student with learning disabilities:

Related services
recreation services
remediations
assistive technology
accommodations
modifications
positive behavior plans
placements

supplemental devices & services
strategies.

Comebacks to school remarks

1. **I don't know if you really want to have your child tested since they aren't like those other kids and this will stereotype them.**
Not getting a good education will be the biggest stereotype of all. If there's no testing, there's no eligibility for remedies your child needs. Push forward with the testing and ignore this remark.
2. **Your child does not need an IEP because they are not failing a single course.**
Failure or bad grades is not required to prove eligibility according to the law. Quote the eligibility portion of the IDEA and request the IEP evaluation in writing.
3. **Here is a list of services we offer at this school. You can choose from these for your child.**
That's a great list, but we need to develop an individualized list for my student, and then find where the services ARE available.
4. **It will take us a couple of weeks to get your child's records together and we charge a \$35 Xerox fee for a copy.**
See Family Educational Rights and Privacy Act (FERPA) and state law. Districts can charge a reasonable copy fee and have a reasonable turnaround time. Ask how much they are charging per page and show them a copy of the law if the fee/time is not reasonable.
5. **Our case carrier is going on vacation so we need to delay your initial IEP hearing about a month.**
See IDEA and state law. The law may have provisions for when the school is closed, but the unavailability of a certain staff member does **not** allow a school to delay the IEP timeline.
6. **You and your husband may come to the meeting but we won't have room for anyone else because it's a small room.**
If you have people who are knowledgeable about your student and have a contribution to make, tell the school to find a bigger room. If you feel outnumbered, bring a note taker and an experienced advocate or two. If instead you bring dozens of people, the school may bring dozens. If you bring an army, they'll bring an army, and with so much communication between so many people, the meeting may lose sight of the student and the goal.

7. **You can take notes at the IEP meeting but you can't tape record.**
Check state law. They'll usually let you tape record if you give *adequate prior* notice, but then they may tape also. If a spouse is absent, you may need that, but otherwise, will you really ever listen to the two-hour tape? Do you want to pay an attorney to listen to twenty hours of tape? What's the goal? If the goal is good, document why you need to tape – because you have auditory problems, because you can't listen and take notes together, etc. It will be hard to turn down a request that is based on state law or "disability" based.
8. **We only allow 45 minutes for an IEP because that's all the time we can spare.**
OK, so we are going to have several 45-minute meetings; let's schedule the next few now.
Time limits can't be imposed arbitrarily if they put the IEP in jeopardy. However, they have a legitimate issues if you spend hour after hour and reach no agreement, refuse to sign, etc. If you continue, continue for reasons having to do with completing an individualized IEP. Officers of the court take a very negative view of wasting time and resources "frivolously," so make sure your continuations are for "substance," or important issues. An artificial time limit should not be enforced.
9. **We are going to put your child in a new special reading program we just put together (or an old reading program that we have lots of experience with, regardless of results).**
Where's the supporting research? Where's the documented results? Who will run it? What are their qualifications and training? How many are in the class? Do you test periodically to ensure positive results? Where is it located? Will my child miss another class for this?
10. **Your child reads fine. There are no special services for someone who can't do math and science.**
Unfortunately, this often seems true, but learning disabilities are NOT limited to only impacting or hurting reading ability. Eligible for services means eligible for an appropriate education, which includes math and science, etc. You may need to "develop" services for these non-language arts classes over time – tutoring, lab aide, computer software, etc. etc.
11. **Your child is fidgety. It might be a good idea to get some medication from your doctor.**
Schools and teachers can't recommend/require medication by law. Only medical practitioners can prescribe medication and you decide what to give your child.
12. **We have some behavioral complaints on your child. We feel your child just refuses to do their homework due to bad behavior.**
Keep the eligibility issue separate from behavior, homework, attitude, etc. First, determine eligibility according to the law. Then, unless the

disability is behavior/emotional problems, consider those issues secondary to the disability, and include behavior problem-solving ramps in the plan.

13. **Your child talks too much in class and this leads to the poor grades.**

14. **We need to focus on the bad behavior first before we can do any academic interventions.**

15. **We give your child explicit directions and due dates and put them in writing but your child still refuses to get the work in on time.**

16. **We caught your child cheating in class. Services aren't going to help someone who cheats.**

Return the focus to the deficits (weaknesses) and needs (ramps). Cheating, fighting, talking, "forgetting homework," etc.; assume that is the results of frustration with an inappropriate education unless proven otherwise.

17. **Accommodations won't make a difference if they won't try.**

Same as above. Get services in place, and then deal with lost motivation, poor self-esteem, etc. through successes. "Try", "try hard" are wishy washy descriptions. Stick to real, measurable actions and results.

18. **This needn't be an issue if your child would just do their homework. Even though they fail the tests, they could pass the class if they did all the worksheets and homework.**

How depressing!! But not uncommon to hear today. Always add to IEPs "Parent would like the grade to reflect subject matter knowledge" just to make the point. State that you will work on homework issues, but the student should be able to pass tests in order to show that they have received an appropriate education!

19. **Your child's grades have improved so they may not need all these services anymore.**

Never say never. Many learning disabilities are for life. Don't cut off ramps-just put them on hold. Maybe drop down to a reduced level of services such as monitoring with parent notification. Transitions can cause kids to crash and burn and they may need the ramps again.

20. **We don't offer summer school at this school.**

If an extended school year is a needed service, I assume you'll supply transportation to where it is offered.

21. **Summer is almost here so why don't you hold off that request till the fall.**

Unfortunately, the learning disability will not take the summer off. We need to get some services in place immediately, so the summer won't be

lost.

22. **We don't offer X at this school.**

If it's offered anywhere in the USA, my child will be ready for transportation to the service.

23. **This district can't afford private school placements.**

24. **This district can't afford Y.**

25. **We don't have any more aides right now because of the hiring freeze.**

When you ask what time it is, you don't need to know how the clock is made. The district's management of its funds is not of interest to me. How you will get these documented, necessary services for my child right now is of interest.

26. **All eighth graders must take 2 electives from the approved list. We can accommodate the elective, but there are no alternatives.**

If there are no appropriate electives, I think we need to find one for this period. Maybe schedule offsite services then, health office aide, teacher's aide, study skills class, or anything that would fit in with the IEP. Forcing my child to take metal shop is not an option. I have seen "excuse to home" for other valid activities or outside tutoring made available as an elective.

27. **There is an Xx Learning Center in town you may want to look into.**

Are you offering an IEP service you'll pay for?

28. **You don't need a transition plan until your child turns 16. The IEP will take care of everything till then. (See Chapter 14)**

Although the law says 16, my child needs a transition plan right now for transitioning to ____ as part of the IEP and as part of an appropriate education. If you don't feel capable of creating the plan, I'll create it and submit it as an attachment and monitor progress.

29. **You can get testing done but with your child's good grades, there won't likely be enough difference between achievement and aptitude to qualify for services.**

Good grades do not give evidence of a lack of a learning disability. Let's test due to my concerns and see if any areas that should be tested such as __ (fill in) _____ indicate a learning disability.

30. **We try to do preferential seating but too many kids need that, so we just put them somewhere in the front half.**

(A variation of lack of money.) My child's individualized plan calls for this. I need to see it executed in all classes. If the issue were not important, it would not have been listed as an accommodation in the IEP.

31. **We can't tell the teacher anything about how to teach-that's not what an IEP is for.**
32. **This teacher has a lot of students and cannot allow accommodations that take any of his time.**
33. **We can't interfere in any way with a teacher's grading methods.**
Modifications and accommodations apply to all my child's teachers and classes unless noted in the IEP. My child has a right to an individualized plan. (Make sure the IEP notes if there is an unacceptable teaching style for your student, in case you need to switch classes). Make sure all teachers receive an IEP summary sheet (Appendix 10B of *A Bigger Boat: Surviving the Treacherous Waters of the IEP Process, a Parent's Workbook*). These teachers need to attend the next IEP meeting.
34. **You need to sign the IEP now and then you can ask to change it later.**
35. **You need to sign all the IEP, not just parts you like.**
You can sign just the parts you like, you can note your concerns about parts of the IEP, you can review and sign other parts later, and you can send a letter taking back your approval. In IDEA, you accept or reject special education. If the school feels they are hampered by a "partial" plan and can't educate the child appropriately because of that, they may take legal action. Make sure what you agree with is a plan that can move forward, and what you are holding off on will not interfere with moving forward with your student's education at all, unless you are ready to move forward with legal action. You might want to talk to an advocate about a "split" plan.
36. **We can put your child on a Section 504 plan right away and not bother with the long wait to get an IEP in place.**
I'll bother with the wait. IDEA will give me some additional rights over 504 that I may want for my child. If they are ineligible for IEP, we'll look at Section 504.
37. **Your child turns 19 next month and then receives no more IEP services.**
Talk to the Parent Center in your state and also see the state law. Most states keep up IEP services until a child "finishes" school or reaches 21 or 22 or some other age. But what is "finished school"? What if they get a certificate that is not a diploma? What about dropouts? In most cases turning 19 just means IEP rights transfer over to them, not that IEP rights disappear.
38. **Your child needs to finish all their high school credits by next year because they turn 19.**
39. **When your child turns 19 next month, we don't have to keep them in school anymore.**
Talk to the Parent Center and see the state law. If they don't have enough credits to graduate maybe they can be "fifth year seniors." If a

school wants a child “out,” there is probably a removal process they need to follow. IEP rights still exist in continuation schools and in detention centers! What does your student’s transition plan say about services your student should have received? Think about an advocate or attorney if you are concerned about your student’s rights and concerned for your student’s future.

40. **We don’t worry about their reading scores till third grade because some children are late bloomers.**

Even the federal government agrees that earlier is better. Let’s see if my child qualifies for an IEP now, not when they are several years behind.

41. **History class is all lectures, so your child will need to tape the classes.**

That’s one option (they are supplying the recorder, right?) Another is to get a note buddy who gives your child a copy of notes. If your child can’t follow a long lecture, they will have trouble with a long tape recording. What is the actual disability that this is helping?

42. **You need to get your child a laptop because the teachers can’t read his handwriting.**

When will the IEP team select the laptop to buy my student? You should not have to spend money on needed services.

43. **You had an IEP meeting 6 months ago, so you have to wait six more months for the next meeting.**

The law does not prohibit mid-term or in between meetings. Repeat the request and the reasons for it, and quote the IDEA if needed.

44. **We attached your independent evaluations to your child’s record but our services are given based on our evaluations.**

Yes, but you are required to consider this evaluation according to the law, and I don’t think you have. So let’s go over it point by point.

45. **We have placed your child in occupational therapy on Friday morning.**

During what class time? With whom? What are their qualifications? Where? For how long each Friday? What about the missed classes?

46. **The math teacher forgot to let your child use a calculator on tests.**

Then let’s call the math teacher in to a meeting to review the IEP and the law.

47. **Accommodations are for classroom only, not for standardized tests.**

Then let’s specify in the IEP what accommodations are needed for each type of standardized tests. State law often notes what accommodations are allowed on tests such as exit exams. SAT type tests allow certain

accommodations. All these need to be written in the IEP.

48. **We don't like to pressure these kids so we have a slower curriculum for them.**

Nothing puts pressure on like failure! We need to apply average pressure with a curriculum designed for measurable progress using documented accommodations before weakening the curriculum.

49. **Your child will be getting special services so they won't be taking art, music, or PE with the other children.**

Then when will they be exposed to these courses? Some choices might need to be made, but most students need some access to non-core course that give them self-confidence and allow them to use their strengths, which were documented in the IEP (your parent attachment).

50. **We feel that the planners we give out give children all of the organizational help they need.**

For some students keeping the planner is more of a hardship. For example, students with slow processing speed, dysgraphia, or motor problems.

51. **Study skills classes would make these children feel self-conscious.**

52. **Study skills can't really be taught – you just need to provide her with a quiet environment at home.**

Many student's with learning disabilities struggle with organization and study skills. A planner or homework sheet is a tool, not training in study skills. Study skills are often taught in colleges, and **can** be taught. Ask for study skills training as a remediation or accommodation. You may need to identify this weakness through parent and teacher observations and comparisons to "average" students along with comparing weaknesses to study skills curriculum.

53. **We try not to do anything that will make the children feel different.**

54. **We don't like to pull the children out for those services – it makes them feel different.**

These kids already know they are different. They want services that will help them. Services should be as non-disruptive to the students as possible, but must be offered. If the pullout is to a class important to the child, find a way to make sure the student can have that positive experience such as art, music, PE, etc.

55. **The continuation school is better equipped to deal with a child like yours.**

56. **We have to suspend your child for breaking the school rules. We're transferring them to the continuation school. The classes are smaller so there is no need for accommodations.**

Was a behavior plan in place and executed? The IEP and ramps follow

the student to other placements. For threatened transfers, if you feel they are wrong for your student, consult Section 1415 of the IDEA. Monitor progress and if it does not improve, you can supply this as evidence of an improper placement.

57. If you child doesn't want to come to the IEP meeting then don't pressure them.

Pressure them gently. Build up gradually over time. Allow them to leave when stressed, but ignore this advice unless attending would cause harm to the student. Who will advocate for them when they are 30? If they will, then they need to take over the IEP meetings in their teens.

58. With dyslexia, a foreign language is probably out of the question so we suggest the non-college track.

59. The language arts class appropriate for a child with dyslexia is not in the college track.

Did you just use the word "track" when talking about students with learning disabilities?? We should never track any children because of disabilities. The legal system does not look positively on this; it violates the spirit of the law. The fallback is often that "they can go to community college." But this class may not even prepare them for community college.

If classes are divided in a way that tracks, ask for the college track if appropriate and add in all ramps needed for your child to pass the class; private tutoring, aide, note taking buddy, whatever it takes.

For the foreign language requirement for college ask if they offer sign language, accepted by most colleges and very appropriate for a non-visual or kinesthetic child. She'll need transportation to get to the community college or wherever it is offered. If denied, I might think you are discriminating and forcing disabled students out of the college track.

60. Lab work is very precise and we are safety conscious so we can't have any children with accommodations in lab science.

Thanks for your concern for my child's safety. Lab science is required for college and we have listed appropriate accommodations in the IEP. I don't see that any of them make the lab unsafe so let's move forward. If denied, I might think you are forcing disabled students out of the college track.

61. We don't offer an extended year, just some remedial summer school classes.

If an extended school year is needed according to the IEP / experts, then the school must find a placement.

62. It would help if you use Hooked on Phonics® at home while we try to teach your child to read.

When will you be getting this product to us? (See #42). Will this replace

some homework? It should **not** replace services.

63. **We have a terrific small group program for your child. Sign the IEP and we'll get started. (Turned out to be a very low performing class for seriously disturbed students).**

What? Where? Who is the teacher? What are her qualifications? What is the curriculum? Will this meet the goals? What are the learning difficulties of the others in the class? When will we review the results? Is this the least restrictive environment?

64. **We had to reprimand the resource class students because so many of them are getting F's on the report card; we felt they needed a wake up call.**

Students with IEPs (or other students) should NEVER be reprimanded in a public setting. Write that in the IEP. There are state laws (and federal laws) covering the treatment of students. Look for laws talking about ridicule, humiliation, upbraiding, etc. of students.

65. **Your son wants to write a report on being a doctor. Since that is totally out of the question, we told him to write about being an orderly instead.**

He wants to be a doctor and denying him that topic is obvious discrimination. **He** can change his mind later if he wants.

66. **The teachers are all at a meeting preparing for the achievement tests so we couldn't get any teachers to the IEP today- we'll try next time.**

We need to reschedule when all the critical people are available.

67. **We need to stay on task and follow the IEP we have filled out or we'll never finish on time.**

We need to get all necessary input first. After that we can create an appropriate IEP.

68. **Your child refuses to use the spell checker so we are removing that as an accommodation.**

You need to counsel my child on the importance of the spell checker and the reasons for using it. You need to make sure my child is not embarrassed by having to use it in class; it needs to be unobtrusive, but used.

69. **Assistive technology is for the severely handicapped.**

Assistive technology is for everyone around the world today. Technology to assist with reading, writing, spelling, math, organization, physical handicaps, etc. exists at all levels. This is simply an untrue statement. It may be a cost avoidance remark. Don't let this statement go unchallenged. Ask: Are you saying that there is not a single device or

piece of software appropriate for my child?

70. **Our special day class gets out at noon.**

Great. Then what happens from 12-3?

71. **Perhaps the x program would be better for your child. It has children in danger of dropping out so we can give the children more attention.**

My child won't be dropping out if the education they receive is appropriate. I'd like a placement in the least restrictive environment where my child will get the necessary ramps and attention to succeed.

72. **We separate out children with behavior issues for the protection of the other children.**

Great. I'd like to have my child get a functional behavioral analysis and get a behavior plan in place over a period of time so my son can be successfully mainstreamed and not need to be segregated.

73. **For PE, we just like these kids to sit out.**

My student needs a physical outlet. We need to develop a modified PE plan or offer recreation therapy.

74. **Art is too frustrating for a child with dysgraphia so we give them a reading hour.**

That must work for some kids, but my child wants to improve at art so let's develop some strategies and accommodations such as emphasizing crafts.

75. **The high school exit exam doesn't offer any accommodations if you want to qualify for a real diploma.**

First, check with the disability rights groups in the state and the state department of education. Are there lawsuits pending or completed? This statement is unlikely to be true in the future. If it is, maybe one of the rights groups can pursue action.

76. **We don't have any record of you requesting a meeting.**

Here is my call note. I called at 11:00 AM on February 1st and talked to Mrs. Smith about holding a meeting.

77. **The substitute teacher will fill in for the classroom teacher this month.**

Let's meet with her, go over the IEP, and have my student meet her also.

78. **Here are the goals. They deal with reading because that is the biggest problem. We'll measure by grades and teacher observations.**

We need goals for Y and Z also. Here are my suggestions. I want to have some standardized testing done as an impartial measure for these

three areas.

79. **Here are the goals. They focus on behavior issues since that is what is interfering with academic performance.**

We need goals for Y and Z also. Here are my suggestions. As behavior improves, I want to make sure my student is making academic progress. I want to have some standardized testing done as an impartial measure for these three areas.

80. **By completing all the IEP paperwork, our meeting is now over.**

I still have three issues on my agenda that need to be discussed. Number one is...

81. **We can't use your attachment because it doesn't fit in with our district paperwork.**

That's why we call it an attachment!. This is the parent's input so let's go over it point by point.

82. **Another placement is an excellent idea. Your child is hurting our NCLB school test scores and thus hurting all the kids in the school.**

This quote from a principal probably violates several non-discrimination laws. Copy it down word for word and later file a complaint. For now, go after the placement that is right for your student and ignore discriminatory remarks.

83. **The speech therapist is going on a maternity leave so we're cutting back services to once a week.**

My child's services are not related to staff time off. We need another speech therapist to maintain the same service level.

84. **Because of D's and F's, your child can't participate in athletics / music/ extra-curricular activities.**

Argh! This is as smart as "punishing" kids by not letting them go to scouts, church groups, or volunteer clubs. If it's athletics, find out if the governing athletic authority (ask the athletic director who this is) has a waiver procedure, then file a waiver. If it's a district policy, document why this activity is an important part of your child's education plan and mention this strength in the IEP. Note any issues around the bad grades that indicate that your student received an inappropriate education from the district. List the remedy you want including continued participation in this activity and request a reply by a certain date. If the suspension continues, request regular meetings to discuss progress towards meeting the standard and being reinstated. Note why the continued suspension harms your child.

85. **We're putting her in that class because it's the least restrictive environment, just like the law says.**

Put the student in the class with the appropriate teacher, curriculum, and accommodations at the highest level possible. You shouldn't choose a level then try to make it fit.

86. **If you disagree with us, we can't help you.**

Will you help me if I agree?? This one is silly. Is this a meeting or a rubber stamp session? Simply state that everyone's opinion should be respected and the parent is an equal partner in the IEP process.

AND

87. **Feel free to send in your own *real life* examples** – use the form at the back of *A Bigger Boat: Surviving the Treacherous Waters of the IEP Process, a Parent's Workbook* or email queries@biggerboat4iep.com

What's Next?

Now you have flexed your meeting muscles and you're ready for your IEP. Expect the unexpected and postpone when you are unsure, but document, document, document. These are just examples. What you say depends on your student's **individual** circumstances and the school's statements and actions. But refocus the meeting back on the IEP and the IDEA (not school finances, school "rules," etc.) and postpone if you need to do more research.

Chapter 12 of *A Bigger Boat* says Silence is Golden. If you are too shocked to know what to say, then stop, write down everything that was said, and continue or postpone the meeting.

If you need more help, buy a copy of *A Bigger Boat: Surviving the Treacherous Waters of the IEP Process, A Parent's Workbook* and go to www.iepgame.com and learn about the IEP Game™.