

IEP MEETING ADVOCACY TIPS

FOR PARENTS OF STUDENTS WITH SPECIAL NEEDS

BY LARA CLEARY



IF YOUR CHILD HAS A DISABILITY that adversely affects their educational performance in public school, chances are they have an Individualized Education Plan (“IEP”) pursuant to the federal special education law, the Individuals with Disabilities Education Act (“IDEA”). Every spring the public school districts in Illinois convene annual IEP meetings for students with special needs in order to plan for the next school year. These IEP meetings can often be stressful and overwhelming for many parents who are not familiar with the special education procedures. As special education attorneys, we have attended hundreds of IEP meetings involving all types of special education issues and can offer general advocacy tips to help you navigate the world of special education law at your child’s next IEP meeting.

Learn the Law

One of the cornerstones of IDEA is the procedural protections it offers for parents. Learn your rights prior to attending IEP meetings with district personnel. Know the law, the procedures, and the special education terminology (there are a lot of acronyms). The Illinois

State Board of Education’s website is a good place to start as it contains hundreds of informational memorandums. You can also access both the federal and state special education laws and administrative rules on that site. There are also websites that provide parents with information about special education law, such as Wrightslaw, as well as parent support groups on social media. In my experience, district personnel respond more positively to parents they perceive as informed, interested, and involved.

Be Prepared

Thoroughly prepare for all IEP meetings for your child as early as possible. You should maintain a file (physical or digital) of your child’s special education records to review prior to IEP meetings. If you have not maintained these documents, you have a right to obtain a copy of your child’s school records from the district. In addition,

Illinois law requires every school district to provide parents with a copy of all evaluations and collected data and all IEP components that will be discussed by the IEP team at least three school days in advance of an IEP meeting. Receiving and reviewing these documents for accuracy and comparing your child’s progress data to previous IEPs and evaluations is critical to attending the meeting as an informed parent. You should also feel free to contact the district if you have any questions or need additional information about the documents you received. If you believe that you are not adequately prepared for the meeting, or you wish to have a private provider or attorney accompany assist to advocate for your child, you have the right to ask to have the meeting rescheduled.

Involve Private Providers

The IDEA allows parents to bring private providers



to IEP meetings to share their expertise about the child. These individuals, such as a Neuropsychologist, speech and language pathologist, occupational therapist, or mental health therapist can provide the IEP team with helpful information for the creation of IEP goals, accommodations, and modifications, and when discussing placement options. The IDEA also allows parents to obtain private evaluations and requires school districts to consider the information at an IEP meeting. If you are looking for an evaluator, find one who has experience with school districts and will accompany you to an IEP meeting. Please do not spend your money on a private provider who is unwilling to attend IEP meetings or assist you in advocating for your child.



Assert Yourself

Your child’s IEP team meetings may feel intimidating at times, and the district personnel may have opinions about your child’s educational needs that differ from yours, however, you must remember that you are the expert on your child. The IDEA has acknowledged this and has built “meaningful” parental participation into its procedural protections. Parents should listen to the educational team and consider their recommendations but should not be afraid to disagree. You should always feel empowered to request information such as additional data collection, additional services, or observations of any proposed programs. Finally, if you are nervous and do not have an attorney or private provider to accompany you to the meeting consider bringing your own support person and ask them to take good notes. After the meeting is concluded compare your notes to the IEP document you receive from the school district. You are entitled to submit a written dissent if you have a disagreement with the accuracy of the official IEP notes and ask that it be attached to the IEP.

Lara Cleary and Jennifer Hansen are partners with the law firm of Hansen & Cleary, LLC in Northbrook. Hansen & Cleary is a boutique law practice focusing on the representation of children and families, individuals with disabilities, mental health practitioners, and private schools in the greater Chicagoland area and throughout the State of Illinois. If you need assistance with your child’s special education services, please contact us at 847-715-2801 or through our website, hansencleary.com, with any questions.