

**Strategies When You Disagree with the IEP Team:
How to Document Concerns, Record Meetings, and Use Letters and
Emails to Clarify Your Position
by Pete Wright and Pam Wright**

<https://www.wrightslaw.com/info/advo.disagree.team.htm>

*"Our daughter made little progress after years of special education. Her IEPs contain vague subjective goals. How can we get the IEP team to address our concerns and provide her with a free **appropriate** public education that meets her needs? "*



The school is responsible for providing your child with a free appropriate education, defined as an education from which your child receives meaningful educational benefit.

To assess educational benefit, you must use data from objective tests - this is why you will find two chapters about Tests & Measurements and the Bell Curve and a chapter about SMART IEPs in our book, [Wrightslaw: From Emotions to Advocacy](#).

In due process cases, schools try to defend IEPs with vague goals by claiming that the parent "fully participated" in the IEP process and agreed to these vague goals and objectives.

The bottom line is that the school - not the parent - is responsible for providing the child with an appropriate education. When a school doesn't

accept their responsibility in a due process hearing, they try to shift the responsibility onto others. The easiest person to blame is the parent.

If the school offers an IEP with goals that cannot be measured objectively and says you have to "take it or leave it," and if from your perspective as a parent, something is better than nothing, here are some strategies you can use.

Strategies: When You Disagree with the IEP Team

Document Your Disagreement on the IEP

If your child's team presents you with an IEP that is not appropriate for your child, you should say that you don't think the IEP provides your child with enough help or the right kind of help - that your child has not made progress. Be polite but firm.

Tip: Think about how Miss Manners would handle a difficult situation and use her advice to guide you.

Assume the team asks you to sign consent to the IEP. Using your ballpoint pen, on the hard table, write the following statement ON THE IEP "**I consent to the school implementing this IEP because something is better than nothing but I object to the IEP for the reasons I stated during the meeting.**"

Sign your name.

Don't be surprised if someone on the team gets upset and says you aren't allowed to write on your child's IEP - that it is a legal document. This is not true. Parents can write on their child's IEP. (But the person who objects may not know this.)

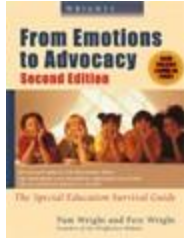
You are a member of your child's IEP team and a participant in the process. The law requires you to make your objections clear. The IEP is the best document to use when you need to make your objections clear.

If someone tries to stop you, continue to write. If someone tries to pull the IEP out of your hands, continue to write while pressing down very hard with your ballpoint pen. If they yank the document away, continue to write as the IEP tears.

Stay calm and cool. Take your copy of the IEP (whatever is left), stand up.

Say, "Thank you, I guess the meeting is over." Extend your hand to shake theirs. Gather your notes and recorder and leave.

Record Meetings



If you anticipate problems with the IEP team, record the meeting. Make sure your recorder is out in the open.

For specific advice about how to record meetings, read [How and Why Record IEP Meetings](#).

The school has a problem. You advised the team that you don't think the program they offered is appropriate for your child. You advised them of this (even if you didn't write on the IEP). You consented to the program but made your reservations clear.

Re-State Your Position in a Letter

When you get home, write a polite thank you letter. Re-state your position - that you consented to the IEP being implemented because "something is better than nothing," that an inadequate program is better than no program. The proof that the program is not appropriate is clear in her inability to make progress in their program. You assume the school will implement this program over your objections.

Transcribe your recording of the IEP meeting.

If you take these steps, the school will want to avoid a due process hearing.

Why?

Your key pieces of evidence are your letter, the recording, the transcript, and the IEP.

In [Wrightslaw training programs](#), we teach participants about the **Rules of Adverse Assumptions**:

- * assume a due process hearing will be necessary to resolve your dispute;
- * assume that all school personnel will testify against you;
- * assume that the school personnel's recollection of the facts will be opposite of yours; and
- * assume you cannot testify.

If you cannot testify, how can you make your case? You will use your tapes, transcripts, letters, and the torn IEP. Good evidence.

This actually happened in one of my cases. When the parent began to write on the IEP, the special ed director yelled that the IEP is a "legal document" - the parent was not **allowed** to write on it, then tore the IEP out of the parent's hands as she was writing her objections on the document.

That case settled quickly.

Pam adds -

These problems (schools offering poor quality services) are similar to the problems people have with managed health care plans. Some HMOs don't want to provide expensive services for serious medical problems. Yet, the HMO staff have not been trained to treat serious medical problems.

Yet some patients succeed in getting expensive "experimental" procedures approved (this is kept quiet by both sides).

You want the school to give your child the help she needs. Sometimes you can persuade the staff to see the problems and solutions. Sometimes they will give you what your child needs because they want to avoid larger, more expensive problems.

This is why tactics and strategies are useful for parents who are trying to get the services their children need.

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