

Predetermination vs. Planning



Predetermination: when a district makes a decision regarding a student's programming outside of the Individual Education Plan (IEP) process.

Why is Parental Participation So Important to a Free Appropriate Public Education (FAPE)?

“The core of the statute, however, is the cooperative process that it establishes between parents and schools... (“Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process... as it did upon the measurement of the resulting IEP against a substantive standard”).” *Schaffer v. Weast*, 546 U.S. 49, 53 (2005).

The parents must be given an opportunity to participate in meetings with respect to... identification, evaluation, and educational placement of the child... and the provision of FAPE to the child.

A meeting does not include informal or unscheduled conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Parents must be afforded the opportunity to hold a meeting to discuss a request or concern if they desire.

Tips



- Consider all requests of the parents.
- Set up a meeting if needed to consider the parent request.
- Give parents time and opportunities to ask questions.
- If you present a “draft” IEP, make a point of making at least one change on each page of the IEP and leave some sections (i.e. minutes of service or dates) blank before the meeting.
- Be prepared with two or three acceptable decisions prior to the meeting.
- The administrative designee must be provided with the authority to make decisions.
- Be sure to notify administration well in advance if something unusual or costly will be proposed at the meeting.
- If something is brought up at the meeting that was not predicted, it is alright to state that you need to hold another meeting (this should be a rare occurrence).
- Do not feel you have to make a decision at the meeting. The meeting should be the opportunity to discuss all information and options. It is alright to conclude a discussion with “You have given us good information to think about. We will discuss all of the alternatives and develop a proposed IEP for you to consider.”
- Be cautious when contemplating system-wide changes to special education programs. A “one-size fits all” approach should be avoided.
- It is alright to have a meeting before an IEP meeting, but you should not make decisions at the pre-meeting.

Statements to Avoid when Speaking with Parents of Special Needs Students

1. This is what we do for every student with in special education/with this disability/in this program.
2. We don't do that in our district.
3. The superintendent won't allow us to do that.
4. We can't afford that piece of equipment.
5. We don't provide one-on-one paraprofessionals with students.
6. We cannot hire a nurse for just one child.
7. We've spent too much time on this issue, let's move on.
8. We don't think that is appropriate, but if you want, we'll put it in the IEP.
9. The School Board will have to make the final decision.
10. We met earlier and decided that...
11. There isn't a special education teacher teaching math during second period.
12. We only use the LIPS program in our district.
13. The Director of Special Education says this student cannot be in this program.
14. If Johnny gets one more office referral, he will not be returning to our school.

