

THINGS NOT TO SAY AT SPECIAL EDUCATION MEETINGS

By
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1. **“I will have to check with the attorney to see if we should provide that service.”** The educational services specified in the IEP are determined by the IEP team and not by the attorney.
2. **“Our attorney says”** The attorney’s advice is confidential and privileged. No reference should be made to consulting with the attorney or to any advice that is supplied.
3. **“I will have to check with the special education director to see if that service can be added to the IEP.”** The decision as to what the IEP should contain is made by the IEP team and not by a single individual or by someone who is not present at the meeting. If you need to consult with the special education director, take a break or continue the meeting and then reconvene and make a decision without referring to the consultation.
4. **“We don’t have the money to do what you ask.”** “You might want to ask the School Board to fund the position.” Lack of funds cannot be used as a basis to deny an appropriate program. It is permissible, however, to choose the less expensive of two appropriate alternatives. Barnett v. Fairfax County Sch. Bd., 927 F.2d 146 (4th Cir. 1991). Also, the School Board does not make IEP decisions and should not be put in the position of facing irate parents as a result of referrals to it made by the IEP team.
5. **“If she were my child,”** The student is not your child and you should not voice personal opinions. Staff members have no opinions but their professional opinions. Make recommendations based only on what you as a professional believe is required. Remember that the opinions of staff are subject to deference.
6. **“Confidentially speaking....”** There is no such thing as a confidential conversation even if the parents agree to keep it confidential. Anything that is stated can be repeated and will be repeated.
7. **“Off the record....”** or **“I could lose my job for telling you this.”** There is no such thing as an off the record discussion. All discussions with the parents are subject to being repeated by them.
8. **“We don’t provide that service in the school division.”** IEP services are provided based on individual needs and not based on availability.

9. **“I don’t provide that accommodation in my class.”** Any accommodation that is specified in the IEP to be provided in a particular class must be made available by the teacher. Also, do not refer to “my class” in such a way that it is clear there is an established program for all and not an individualized program.
10. **“All children with that disability are placed in this program.”** Placements are made based on individual needs and not by groupings. The disability does not drive the placement; the student’s needs dictate the placement.
11. **“All children in the program are in general education classes for these classes and no others.”** The IEP will determine which students will be mainstreamed and for which classes. Again, this is an individual determination.
12. **“Oh, does your child have a disability? He seems just like the other students in my class.”** The student must receive any services and accommodations specified in the IEP even if the teacher believes they are not required. The staff must be made aware of the IEP provisions and ignorance of the IEP will establish a violation of IDEA.
13. **“We met prior to this IEP meeting and determined....”** The IEP may be drafted in advance of the IEP meeting but no decision about the contents of the IEP can be made prior to the IEP meeting. The parents must be involved in the IEP development.
14. **“This IEP provides the most appropriate (or best) program for your child.”** An IEP must simply be appropriate rather than providing the “best” program in order to satisfy the IDEA standard. If a statement like this is made, a parent can argue that the IEP violates LRE requirements and that they want more regular education classes for an “appropriate” program rather than the “best.”
15. **“We don’t have the expertise to discuss or make the changes you requested.”** The members of the IEP team legally constitute a body which is competent to determine any IEP services. If the members of the team do not wish to address some areas of the IEP, they must have those individuals present at the meeting. Also, the meeting may be continued in order to acquire needed information if time constraints imposed by the regulations can be met.
16. **“I hardly know your child” or “I have only had your child for a couple of weeks and am still getting to know him.”** As soon as this statement is made it conveys the impression that you should not be part of the IEP team because you do not know the child sufficiently to develop the IEP to meet the child’s needs. It is hard to convince parents that the IEP is appropriate if staff have advised them that they are unfamiliar with the child. It is the responsibility of the IEP team to be sufficiently familiar with the student to develop an IEP which addresses the child’s needs.
17. **“I don’t know why I am at the meeting because I have never met your child.”** See response in Paragraph 16.
18. **“Parents, let me present this IEP to you.”** The IEP is never “presented” to the parents. The IEP is developed at the meeting, discussed and finalized with the parents’ input. Avoid using terms such as “presenting” as it suggests the IEP was finalized before the meeting and without parent input.
19. **“I don’t have room in my schedule to see your child five times a week.”** The schedules of individual staff cannot determine the frequency of services. The student

must be provided services based on his or her individual needs and not based on staff availability.

20. **“Thank you for visiting my class/school but I do not believe that this program is right for your child and you should look elsewhere.”** If the parents have been sent to observe a program as a possible placement for their child, they should be met with enthusiasm and with good information and support for the program. The parents understandably cannot be convinced to send their child to a program that is not supported by the very persons who will be delivering the services.
21. **“Do you have any suggestions for me on how to work with your child as I don’t have the necessary training?”** It is the teacher who is expected to be able to deliver instruction to the student and not the parents. Teachers must feel adequately trained to work with all of their students and convey their expertise and confidence to the parents. If the teacher does not feel adequately trained, the teacher should approach the administration for support.
22. **“I have not worked with this type of condition previously but I am sure that I can learn.”** The teacher must exude confidence in his or her ability to work with each child in the class in order for parents to feel comfortable with the ability of the teacher to work with the student and deliver the IEP services. A lack of confidence will translate into a lack of support for the program by the parents.
23. **“I really do not have much information about our proposed IEP program and it is hard for me to describe what goes on in the program or how many students are in the class.”** The parents will never be convinced about the appropriateness of a program or the ability of their child to make progress in the program if the program cannot be described in detail. Consider using detailed printed materials to describe programs and share them with the parents.
24. **“As the teacher, I use the one-to-one aide to collect data and to provide daily communication with the parents.”** Services, data collection and communication are the responsibility of the teacher. In most cases, teachers should be providing the communications directly with parents and should be determining the data to be collected by the aide and verifying the validity of the data that is collected. Do not let it appear that it is only the aide who is providing the services to the student and directing the student’s education.
25. **“I don’t have any documentation to support that the IEP was implemented but I know that I delivered the services and the accommodations.”** Teachers should have documentation of the delivery times, duration and scope of services and notes that reveal which parts of the IEP were implemented on a particular day. If there is no documentation, the school division will have difficulty in defending claims that the IEP was not implemented.
26. **“I don’t have data to show that your child made progress, but my progress reports are based on my subjective assessment of your child during my daily observations.”** There should be some objective information collected, in addition to subjective information such as observations, to support any conclusion that the student made progress and to support the assigned level of progress. Be prepared to share this documentation with the parents upon request and the data must match the assigned level of progress stated in progress reports.

27. **“Don’t send your student to school today as the regular teacher (or the aide) will be absent.”** It is not permissible to tell the parents to keep their child at home because of a lack of personnel. Anticipate and train substitute personnel to be available in the event a provider is absent. Be prepared to have a request to keep the student at home treated as one of ten days of removal from school.
28. **“It is not possible for me to work with your child in that location or that class unless the supervisor approves it.”** The IEP team determines the setting in which services will be delivered, not a supervisor.
29. **“All of the children with disabilities are released from my class early for their own safety.”** It is never appropriate to treat all students identically as there is no individualization. Release students from class early only if the individual student’s IEP team determines it is appropriate for that student.
30. **“You want us to provide what? I have never heard of it.”** If you are not familiar with the technique or services being requested by parents, investigate the request so that an informed response can be made. Be sure to ask the parents for any information that they may have which supports the request and ask them which needs the service is designed to address for the student.
31. **“We cannot make a decision about a private school placement unless someone from central office is present.”** This statement improperly suggests to parents that only central office staff can approve a private placement. Placement decisions are made by the IEP team and not by central office staff.
32. **“I have never visited the private program but I still know that it is not necessary for FAPE.”** If parents ask the school division to consider a placement in a private school in advance of the IEP meeting, the school division should make the effort to visit the requested placement and to gather information about it. An informed denial is much more convincing.
33. **“This school division prides itself on never placing a student in a private program.”** It is good to be fiscally prudent, but remember that a school division must offer a continuum of placements, including a private placement, when necessary for FAPE. Make clear that a private placement is available when necessary for the student to receive FAPE.
34. **“If you want the school division to consider your child for that disability or that service, you should bring us evaluations (or data) to support that request.”** It is not the parents’ responsibility to have the student evaluated and to supply necessary evaluations to the school division. It is the responsibility of the school division to determine what information is needed and to gather that information. Conducting assessments provides a basis for credible and knowledgeable decision-making.
35. **“If you believe that your child has ADD/ADHD, then you need to obtain a medical diagnosis and bring it to the school before we can identify the student.”** The IDEA does not require a medical diagnosis of ADD/ADHD. Also, any needed evaluative instruments must be provided by the school division. If the school division requires a medical diagnosis, then the school division must obtain it.
36. **“None of our students require ESY services.”** Obviously, this type of statement is improper because of its refusal to acknowledge individualized decision-making. Some

students may require ESY services and the services must be provided when necessary for FAPE.

37. **“None of our ESY services extend beyond four weeks.”** ESY services cannot be limited to the availability of the summer session set up by the school division. The services, including amount and type, must be individually determined.

SPECIAL COMPUTER AGE SECTION

38. **“I have not had the training and do not know how to work the computer program we use for IEP development.”** IEP meetings take twice as long as necessary to complete if there is not sufficient knowledge of the IEP computer program. Do not frustrate parents through a demonstration of technological ignorance. IEP development is frustrating enough without this added problem.
39. **“We cannot put that goal, objective, service or accommodation in the IEP because it is not allowed by our IEP program.”** Whatever needs the student has that have been determined by the IEP team, must be addressed in the IEP. A lack of computer program compatibility cannot justify an inadequate IEP.
40. **“Your request is not an option in one of our drop down boxes in our IEP program.”** The IEP must reflect the student’s needs and not the limitations of the IEP program.
41. **“We have run out of allowable space and must edit this provision.”** The constraints of the computer program cannot dictate the contents of the IEP.
42. **“Our system is down today and we cannot make changes to the IEP.”** Do not put all IEP members through the inconvenience of a second IEP meeting. Learn to make paper revisions to the IEP which are then entered into the IEP program verbatim later.
43. **“Dear Special Education Director: I do not believe that this student is making progress and am writing this e-mail to document my concerns. Sincerely, Puzzled Teacher.”** The remedy for concern over a student’s progress is to consult with the administration about additional support and strategies for IEP implementation and to hold an IEP meeting to address the failure to make progress. Do not document in writing the failure to provide FAPE.
44. **“Dear Special Education Director: I have just learned that the student’s IEP has not been implemented for the past six months. What do I do? Frustrated Teacher.”** This type of statement is not a good one to put in writing. It is a good statement to address orally with the administration and to discuss strategies for the provision of compensatory education services.
45. **“Text from teacher to parent: OMG. B did zip 2day. Needs meds B4 school. LOL.”** Texting with parents is a problem. Texting language appears unprofessional, and school staff are too informal when they use texts to parents. Record maintenance is also a problem with texting.