

CLOSING THE IEP DEAL

A Streets-Smart Approach to Negotiating your Child's IEP

Whether you're a parent approaching your first IEP meeting or your 20th, the process of obtaining services and an educational program for your child is fraught with details and possible pitfalls. Books abound that explain legislation and the procedural rules that govern the interaction. However,

parents often become 'street smart' in negotiating their child's program only through experience, resulting in missed opportunities and reduced levels of service.

Our Story

In my days as an assistant buyer for a large retail chain, negotiating high stakes business deals were the order of the day. As motherhood steered me to other ventures and eventually into the realm of special education, it became evident that my past workplace skills had been sound training for negotiating my son's IEP and service program.

Even though I had become an effective negotiator in the business world, dealing with cash-strapped, bureaucracy-laden school districts required some retraining. I needed to 'learn the ropes' of this new environment – and so do quickly, as this



by Mary Romaniec

time the stakes were considerably higher. The 'deal' on the table was my son's well-being and a proper education curriculum for his special needs.

My first order of business was to educate myself on IEP procedures and the rights afforded my child through special education laws. My bedside companion became *The Complete IEP Guide* by Lawrence Siegel, a special education attorney. I began a letter writing campaign that made it clear to school district representatives that I was going to have an opinion in the IEP process. I drove them nuts: nine letters in two weeks, but I was a woman on a mission and that mission was urgent! I had to be the CAPTAIN of my son's IEP team and as such, in charge of how this first meeting was going to be run.

First, I sent a letter objecting to some of the questions included in the evaluations the school had performed, lest they

be misconstrued and used against my son's deficits and assets. Next, I learned all I could about some of the people at the school who would be involved in the IEP process and their personalities. Fellow parents generously advised me who to watch out for and who could be an

asset to our point of view.

Guided by the natural instincts I had used in my business dealings, I then turned my attention to developing clear objectives in my mind as to what services we wanted for our son. I knew that realistically we wouldn't get all we asked for, so my list included the 'must haves' and the 'can let go of' services and goals. My strategy was to have the school come to the "bargaining" table at least halfway to our objectives. In our case we wanted the school to pay for a private preschool and provide a shadow aide because it made sense for our son to emulate typical children in the least restrictive environment. We also wanted a home-based behavior program and significant levels of one-on-one speech and occupational therapy. I had learned from talking to other parents that the school would propose to us – as they did for every student who had

a PDD diagnosis - their Special Day class as his sole source of educational curriculum. Clearly, that was not acceptable.

With well-defined program goals in mind, the letter writing continued. I sent a letter to object to anyone in attendance at the meeting who had not met my son and/or where the person had no specific purpose for being on the IEP team. I had learned early on in the business world that one common negotiation tactic to show dominance was to stack the room with “your guys”, so that your people outnumbered theirs, even if half of them were silent during the meeting. Other parents had mentioned that several specialists from the district were often asked to participate in IEP meetings for kids they had not even met, just to provide an indication of support for the watered down proposal from the school district. Parents are filled with trepidation going into IEP meetings as it is; some school districts capitalize on this situation with this common intimidation tactic. I wasn’t going to let them get away with it.

The letter caught the school district by surprise. They indicated back that the school district administrator was an essential part of the meeting as only she ‘held the check book.’ Negotiation often requires some creativity. I called her that very day and politely asked her to come to our home and meet my son prior to the IEP meeting. The point was for her to understand the magnitude of what we were all about to do, and to see my son ‘in action’, his strengths and challenges. She was surprised at the invitation – no one had ever asked her to do that – yet agreed to come meet Daniel. It baffles me, even today, why other parents do not make this visit a priority since a school administrator usually comes to an IEP meeting with no other motive than to protect the bottom line.

Because we knew ahead of time that the school district proposal was not one we were going to accept, I made an appointment with a good special education attorney to review the school’s proposal and advise me how best to handle our objections. He wisely told me to reject the entire proposal and respond with a letter outlining why it was not going to be accepted. My son’s academic future rested on how aggressive we were initially in securing services. How we handled this first meeting would set the tone for future encounters and future services. That letter also caught the school district by surprise.

How did it go? We ended up in three more IEP meetings through the summer; each one left me more certain of the goals, objectives and services that were “appropriate” for Daniel. In the final mediation meeting the program agreed to was exactly what we asked for in our initial IEP request, even with a few additional hours of in-home service. And, they paid for the private preschool.

Making the Deal

Word traveled fast about my success in securing services for our son and parents started calling me for advice or mentoring. The one point I stressed over and over: **handle the IEP process as a business venture.** Understanding the law is helpful but only one part of the process of obtaining a comprehensive program suitable for your child. I’ve found that parents are often remiss in their preparation and lack an understanding of the school

district’s policies and attitudes towards IEPs. We bring pictures of our kids and ply the attendees with cookies and coffee hoping to strike a cord with their human side. **However, the real focus of any IEP meeting is to negotiate the “deal”, hopefully one in favor of the child.**

Prepare Yourself

It’s imperative that parents know what types of programs, goals and objectives are important or suitable for their child and which are not. Otherwise it’s going to be difficult to come across as an “authority” on your child at an IEP meeting. I am often amazed at how many parents do not know this. Call other parents or parent support groups; ask around about services offered to other students. Knowing the services offered – or not offered – to other students is baseline information for your own negotiations. I often refer parents to outside experts to help them determine what educational services might be best for their child. How many times do we hire outside experts in the business world to help us clarify and achieve sales goals and objectives? The same applies here, too.

Put it in Writing

Letter writing cannot be understated. School districts will generally pay more attention to a letter in front of them - it becomes part of a paperwork trail that might eventually end up in a Due

Process hearing to their disadvantage. Address letters to the school administrator and make sure each one has a tone of directness and clarity in expressing your points, so there is no misunderstanding as to its purpose. Always request a response in writing within a reasonable number of days.

Act in a Business-like Manner

Relationships with school district IEP team members need to be kept cordial, yet with the understanding that these individuals will never be your friends as long as your child receives services from them in the district. It’s a negotiation; keep it at a business level. I have heard from parents who send flowers throughout the year to IEP team members or dump insincere praise on them in hopes these efforts will help their child’s program. Many parents fear backlash on their child if they dare speak up in objection to the school district’s proposal. In all these situations my reply is firm, yet straightforward: **Stop that.** These people are not part of this team to be your friends; they are there to do a job. Twenty years from now they will not be in your life but your child will be. Your job is to advocate for him or her to the best of your ability. Give up the notion of wanting to be well-liked by the school district. Do your job for your child and they might actually respect you. You may wish it was otherwise, but this is the way school districts work. And yes, the squeaky wheel gets the grease, especially if the squeak is intelligently and articulately communicated.

I cannot stress enough how important it is for parents to lose their emotional attachments and insecurities to the IEP process and don their business hats. Parents who are afraid of what someone at the school thinks of them start out the process already diminished in their ability to properly advocate for their child.

Furthermore, cordial relationships can be used to your benefit. 

Top 10 TIPS

for Negotiating an IEP for Your Child

The following tips are written with the assumption you are tape recording your child's IEP meeting.

- 1.** Come to the meeting fully prepared and knowledgeable on what services are needed and appropriate for your child. Have all backup documents, evaluations, etc. on hand to support your assertions on your child's assets and deficits. Bring videotape of your child for additional visual support, if necessary.
- 2.** Leave emotions at the door; put aside all personality differences.
- 3.** As much as possible, keep personal references out of the conversation. If the administrator makes the proposal refer to it as the "district's" offer not "your" offer. It's not what 'you' want, it's what 'this child' needs.
- 4.** Dress and act in a business-like manner.
- 5.** Know your bottom line. Be willing to give and take as long as the your child ends up on the winning end. In other words, . .ask for more than what you really want. This becomes the base from which to negotiate.
- 6.** Be willing to have some "off the record" conversations in between IEP meetings. Do not reveal your hand but listen to what is happening behind the scenes at the district. You may find out about another program in the area or about the politics school personnel must endure. Be discreet with your information and use it to your advantage. You will not want to discuss these private conversations in the forum of an IEP meeting. The school district representatives have jobs and reputations to protect. The more willing you are to remain above board on this subject the more willing they may be to help you in the background.
- 7.** Ask for opinions from the IEP team members, and then LISTEN. When possible, go around the room and ask for feedback on what each person would suggest in a program. Phrase questions to your advantage. An example: "Why do you believe your Special Day class is an appropriate placement for my son?" This tactic opens up the opportunity to have conversations about the opinions of the team. Typically there will be someone on the team who is less certain of the district's proposal and will show their hesitation by their answer. You then can re-phrase the question to your advantage further.
- 8.** Move from negotiation to closing the deal. IEP meetings can be painfully long on discussion and short on closing the deal. School districts often try to have you sign on the dotted line at the first IEP. DO NOT DO THIS. Take the proposal to a special education attorney to weed out any problems with it and arm you with information to help you in the counter-negotiations. Remember, you want to close the deal in your child's favor.
- 9.** Know when to end negotiations with the district and bring in the professionals. This is the time to turn negotiations and communication over to the special education attorney to have him/her continue interfacing with the district on your child's behalf.
- 10.** Maintain a positive relationship with the district throughout the year by acting in a professional manner at all times. Respect their time by calling if your child will be late or will not be attending a therapy session. Be willing to occasionally assist the district in their efforts to help your child (i.e. driving the child to school or therapy, providing some material for their use or even new information).

I often had frank conversations with members of the IEP team at my home or on the telephone. Confidences were sometimes shared but sources were never revealed, especially during the IEP meeting. These conversations helped me better understand the school's bottom line, district politics, the reputations of the people on the team, etc. Sometimes the obvious is not always as it appears; getting behind-the-scenes information is valuable, as long as confidences remain confidential.

Body language, voice tone, eye contact – all are important elements of a good business presentation. The same is true with the IEP meeting and strong advocacy efforts. How you carry yourself and talk to the group tells the school district about you from an intellectual perspective. Don't let your emotions get the best of you! It sends a message to the school district that your points are being driven by emotion, not by logic. As a parent, I know all too well how difficult this is to do. Find some personal strategy that works for you, be it picturing your boss in the room evaluating your performance for a promotion, or pretending you are acting a scene in a movie. Intellectual composure is a must. A clear understanding of the educational goals and objectives you seek for your child will help you remain calm and in control.

Dress as though you are going to a job interview. Your appearance, vocabulary and mannerisms will directly affect how you are perceived. An Armani or Chanel suit is not required, but some spit and polish is definitely in order. How you dress is an indication of how seriously you take the meeting: Dressing casually indicates you are treating the meeting casually. Dressing as though you are attending a board meeting sets higher expectations.

Why Bother?

Last May I attended my son's final IEP meeting with this school district. We had been a team for two years, but now our relationship was coming to an end, for a couple of reasons. First, our family was relocating out of state and the IEP was needed for the new school district. Second, Daniel had made so much progress he no longer qualified for most services. He had achieved skills to age-appropriate level in all areas except speech. It was a thrill to know he was losing services with my blessing; he didn't need them any more. This time I brought the pastries to celebrate our final meeting together. I slobbered sincere praise on every single member of the team, thanked them for all their efforts and reminded them of why we came together in the first place. . .to advance my son's skills enough so he could leave their program for good.

To that end as partners we achieved our objectives. Meeting adjourned.



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