

Mistakes People Make - School Districts

by Robert K. Crabtree, Esq.

Anything a school system does that undermines parents' trust creates a climate that is costly in dollars, time, peace of mind, and the quality and success of services given to the child.

Here are the most significant school system mistakes, according to persons at every level of the system:

1. Refusing to let parents or parents' experts see programs, either within or outside of the school system. When school systems tightly restrict the parents' access to their own programs, the parents wonder what they are hiding and assume the worst; when they refuse to clear the way for parents to see an outside program, the parents will assume that the grass is greener over there;
2. Failing or refusing to communicate and actively coordinate with outside experts working with the child, such as the child's therapist or a tutor;
3. Ignoring reports from independent evaluators; failing to speak to those evaluators to clarify ambiguous information or recommendations; failing to add the evaluator's recommendations to the IEP when reasonable;
4. Failing to respond to parents in writing or at a meeting when a problem arises;
5. Taking a patronizing and/or antagonistic and/or insulting attitude toward parents; personalizing issues between school and parents; attempting to blame parents for their children's educational failures rather than looking for solutions (school system professionals need to treat parents with respect even if those parents are insulting and belligerent themselves);
6. Sweating the small stuff (e.g., spending twenty minutes at a team meeting arguing about whether the meeting can be tape-recorded);
7. Failing to observe procedural timelines and notice requirements (e.g., scheduling timely meetings, getting evaluations to the parents before the team meeting, notifying the parents who will attend the meeting, providing clear written explanations of parent rights);
8. Writing careless and sloppy IEPs. Parents, evaluators, and hearing officers all look first at the extent to which the written IEP reflects a thorough and logically coherent view of the child, the goals and objectives for that child's program, and a clear and understandable description of what will be provided, how, by whom, and when; and how the child's program will be evaluated;
9. Failing to implement an IEP and, worse, trying to cover up that failure;
10. Failing to modify an IEP that is not working and waiting, instead, for the program - and the child - to collapse;
11. Failing to provide additional or different services as a way to avoid having to make more restrictive (and expensive) outside placements;
12. Failing to call in expert consultants from outside the school system with good reputations among both school and parent communities who can help develop or monitor a program for a child with unusual needs;
13. Losing contact with families who have placed their child unilaterally. Some school systems forget or ignore their continuing responsibility to evaluate, review, and propose IEPs for children when they are attending outside placements at their parents' expense;
14. Botching the required procedures around suspension or expulsion of students with identified or suspected special education needs (e.g., failing to convene the team, failing to make a manifestation

determination, failing to re-examine the IEP to see if services are appropriate and have actually been provided, failure to provide FAPE to suspended or expelled students with special education needs;

15. Failing to ensure that non-special education administrators - particularly building principals - are fully informed about and are following the required special education policies and procedures.

Mistakes People Make - Parents **by Robert K. Crabtree, Esq.**

Because the stakes are so high, it is difficult for parents of children with special educational needs to advocate calmly and objectively for the educational and related services their children need.

Here are some common mistakes that undermine parents' ability to obtain appropriate services:

1. Viewing the special education process as the moral equivalent of war, fighting that war with a "scorched earth" approach, and letting personal animosity toward administrators and/or teachers distort one's judgment about what is best for the child and what is realistic to accept;

2. The opposite mistake: trusting administrators and teachers too uncritically; assuming that if they are "nice" they are also competent and interested in serving the child's best interest; not questioning slow, or nonexistent progress as long as the child, parent and teacher have a cordial relationship;

3. Taking an "all or nothing" approach: waiting too long before getting good independent advice, then insisting on instant delivery of needed services rather than steady progress toward the right program;

4. Failing to understand that the special education process sometimes requires that the parent educate the child's special education team about the child's disabilities and needs (the school system may not be willfully refusing to meet the child's needs; they may simply not understand those needs);

5. Not trying a program or added services, even on a temporary basis, when they are offered by the school system -- holding out for an alternative program only to have a hearing officer decide the untried program might have worked;

6. Attempting to "micro-manage" the details of a child's life in school; even if parents don't feel things are going well, their efforts to control the child's day usually backfire when the hearing officer concludes that the parents were over-protective and didn't let the school professionals do their job;

7. Focusing on minor, nonprejudicial procedural missteps by the school (e.g., the parent who already knows her rights who says, "Aha! Gotcha! School district forgot to give me the rights brochure!") instead of focusing on the substantial issues in the case;

8. Not consenting to school evaluations;

9. Choosing the wrong independent evaluators: e.g., "hired guns" who only say what the parents want them to say, and have a reputation for doing so; those who will not follow through by observing programs, attending team meetings, etc.; those who do not have training or experience to evaluate a child like yours;

10. Not providing copies of independent evaluations to the school, or not providing them in a timely way;

11. Not responding in a timely way to proposed IEPs;

12. Not documenting issues with the school; not sending letters to confirm agreements with the school or to record important conversations with school personnel.

13. Seeing the school system as a monolith ("All those teachers are incompetent [or wonderful!]"); failing

to look carefully at alternatives within the system for this year and at next year's teacher possibilities.