

Common District Statements to Parents/Guardians and Possible Parent/Guardian Responses to Common District Statements

1. The District says: “We do not have enough money to fund or enough [qualified] staff to offer that service, assistive technology device, or accommodation.” OR “We don’t have enough money to fund that staff.”

Explanation: It may be true that the District has a tight budget, however, the District is still required to provide your student with a free appropriate, public education (FAPE). If your student requires a particular service, assistive technology device, or other accommodation in order to access their education, then the District must provide that as part of your child’s FAPE. Cost is not a valid reason to deny FAPE.

Your Possible Responses to the District:

1. You could say: “My student requires this [service, assistive technology device, or other accommodation] in order to access their education. I understand that budgets may be tight, but state and federal law require that school districts provide educational services based on the educational needs of the student, not based on cost.”
2. You could say: “The services that we write into the IEP should be based on what my student needs in order to access and make progress in their education, not on how much they cost.”
3. You could also say: “As a parent, I need to advocate for the educational needs of my child. It is the responsibility of the school district to figure out the funding to meet those needs.”

2. The District says: “The general education teacher/special education teacher/assessment provider/relevant administrator could not be here today” OR “I do not have the authority to make that decision.”

Explanation: Federal and state law require that the IEP team consist of:

- One or both of the child’s parents, a representative selected by the parents, or both.
- At least one general education teacher if the child is, or may be, in a general education environment.
- At least one special education teacher or service provider.
- A school district representative who is: qualified to provide or supervise the provision of specialized instruction; knowledgeable about the general curriculum; and knowledgeable about the resources of the district.
- The individual who conducted the assessments of the student, or someone who is knowledgeable about the procedure used and the results and is qualified to interpret the instructional implications of the results.
- Other people with specific expertise or knowledge of the student, at the parent’s/guardian’s or district’s request.
- The student, when appropriate.

All members of the IEP team are required to attend the IEP meeting. The ability of the IEP team to develop an appropriate IEP may be severely compromised if IEP team members critical to the development of the IEP are absent. Federal and state law allow a parent and district to agree in writing that an IEP team member does not need to attend. If the IEP team member’s area of curriculum or related services is being modified, the member must submit written input into the development of the IEP before the IEP meeting. You do not have to agree to the absence.

Your Possible Responses to the District:

1. If you know about the absence ahead of time, you could contact your district special education administrator in writing (by email and follow up with a phone call) to let them know that you are concerned. You can say: “I am concerned that the ability of the IEP team to develop an appropriate IEP for my student will be severely compromised if [IEP team member] is not present.”
2. You may choose to go ahead and have the IEP meeting with those that are able to attend. Do not agree to any part of the IEP that requires input from the missing IEP team member. Later, you can reconvene the meeting when all IEP team members can be in attendance to finish developing the IEP.
3. Refuse to continue the IEP meeting if you feel that appropriate development of the IEP could not be done without the IEP team member who is absent. Work with the IEP team to reschedule the IEP meeting for a time when all required team members can attend.

3. The District says: “We went ahead and created a ‘draft’ IEP for you to sign” OR “You must sign the IEP before you leave this meeting.”

Explanation: It is important to remember that, as a parent/guardian, you are an equal member of the IEP team. Nothing should be decided without your input, and the IEP team is required to have a full discussion with you about your student’s needs. If the district shows up to the meeting with a “draft” IEP, you do not have to sign it. You may use the “draft” as a starting point for the discussion at the IEP meeting, but nothing should be decided without your input.

You do not have to sign the IEP at the IEP meeting. You may want to take a copy of the proposed IEP home with you to read over more closely and to discuss with your spouse, partner, or attorney. None of the proposed changes can be implemented until you consent to the IEP. Your student will remain eligible for special education services and stay in their current placement while you decide whether to consent, consent in part, or disagree completely. However, if you do not consent or file for due process in a reasonable period of time, then the district may file for due process. Talk to the other IEP team members about the time you will need to review the proposed IEP.

Your Possible Responses to the District:

1. If you know that the district is planning to create a draft IEP ahead of time, you may request (in writing) that the district send you a copy of their draft ten days before the IEP meeting so that you have time to review the draft document and can come prepared to discuss the district’s recommendations in the draft. You could say, “I understand the district is creating a draft IEP in preparation for our meeting. Please send me a copy by [date-ten days in advance] so that I can prepare to discuss the district’s recommendations.”
2. If you arrive at the IEP meeting and the district presents you with a draft, you could say, “Because I was not able to review this draft ahead of time, and because my input as a member of the IEP team is required, let’s walk through each of the recommendations in the draft as a team. Then, we can incorporate the parts of the draft IEP that we all agree are needed for my student into the version of the IEP that we write today.”
3. You could also say: “I am glad that we were able to have a collaborative discussion today about the educational needs of my child. Before I sign the IEP that we drafted today, I would like to be provided with a copy that I can take home and review.”

4. The District says: “We don’t need to write that into the IEP, we will just remind the teachers of that accommodation or service.”

Explanation: A statement of all of the special education and related services to be provided to the student must be included in the IEP. If a service or accommodation is not written into the latest version of the IEP, the service or accommodation is not required by law to be implemented. Even if the district’s intentions are good, services that are not written down can be easily forgotten or miscommunicated to the teachers tasked with implementing the IEP. If the district refuses to write in an agreed upon service or accommodation, you may write up a description of the service yourself and request that it be attached to the IEP before you sign it.

Your Possible Responses to the District:

1. You could say: “I’m glad that we can agree as a team that this service/accommodation/goal needs to be included in my student’s IEP. I would like to go ahead and write it into the IEP to ensure that we don’t forget to implement this service.”
2. You could say: “I am concerned that if the service is not written down, the district will not be required to implement it. I am asking you to write it down. If you won’t write the service into the IEP, I will write a description of the service myself after the meeting and insist that it be attached.”
3. You could say: “This IEP is based on my student’s unique needs, and I believe that they need this service. If you are not willing to include this service in the IEP, I will need you to put in writing the reasons why.”

5. The District says: “Your child is not failing/performed at an adequate level on a standardized test, so they do not qualify for special education services” OR “Your expectations for your child are too high; you need to have more realistic expectations for their progress.”

Explanation: Standardized test scores and grades do not determine whether a student may require special education or related services. The IDEA does not require trying and failing other programs before evaluating a child suspected of needing special education and related services. Further, a child’s disability may cause issues in areas outside of academics (such as mobility, expressive language, social skills, or self-help skills), that may affect the student’s ability to access their education. Bring the conversation back to why your child needs what you are asking for.

The IDEA requires not only that your student have access to their education, but that they have meaningful access to their education. This means that the student is being appropriately challenged by the goals set in their IEP and they are able to make meaningful progress towards these goals. Having high, yet attainable, expectations for your student will likely be beneficial to their learning and educational growth.

Your Possible Responses to the District:

1. You could say: “The IDEA provides that my student has a right to an evaluation in all areas of suspected disability. I suspect that my student may have a disability in ___ and ___, which could fall into these eligibility categories, ___ and ___.”
2. You could say: “As we set goals for my student, let’s make sure that the goals are individualized and relate to their potential. We should make sure that the goals are challenging and ‘reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.’”
3. If you disagree with a school district’s assessment results or the method of the assessment, you may ask the district to pay for an independent educational evaluation (IEE). You should make your request in writing to your student’s Program Specialist and send a copy to the district’s Special Education Director. It is important that you state your request as a disagreement with an assessment done by the school district.

6. The District says: “We do not believe that your child will benefit from that service/assistive technology device/accommodation.”

Explanation: For any reason, be it budgetary concerns or lack of teacher training, a district may push back against a specific service, assistive technology device, or accommodation that you would like to write into the IEP. However, the only thing that matters (and what the law supports) is that your student needs the requested service, assistive technology device, or accommodation in order to benefit from their education. If the district insists that your student will not benefit from the service, accommodation or support, ask them to describe the specific reasons why they think so. If it really is that your student may not benefit from the service, accommodation, support, ask them what alternatives they would suggest and have a collaborative discussion about the options for your student. If the reason is something that doesn't have to do with your student (budget, training), then remind the district that these are not sufficient reasons for denying the service under the law.

Your Possible Responses to the District:

1. You could say: “What are your reasons for concluding that my student doesn't need _____? I would like to review the documentation or evaluations that support your decision.”
 1. You could also say: “I appreciate your input; can we talk about alternative services that may help to accomplish this goal?”
 2. You could also say: “I appreciate your input, but that is not a reason that has to do with my student. How about we write this in as a trial to see if it works for my student?”
2. For assistive technology devices, you could say: “Has my student received any training in using the assistive technology device? Have teachers, aides, or other providers received training in how to use this device with my child?”
3. If you disagree with a school district's assessment results or the method of the assessment, you may ask the district to pay for an independent educational evaluation (IEE). You should make your request in writing to your student's Program Specialist and send a copy to the district's Special Education Director. It is important that you state your request as a disagreement with an assessment done by the school district.

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