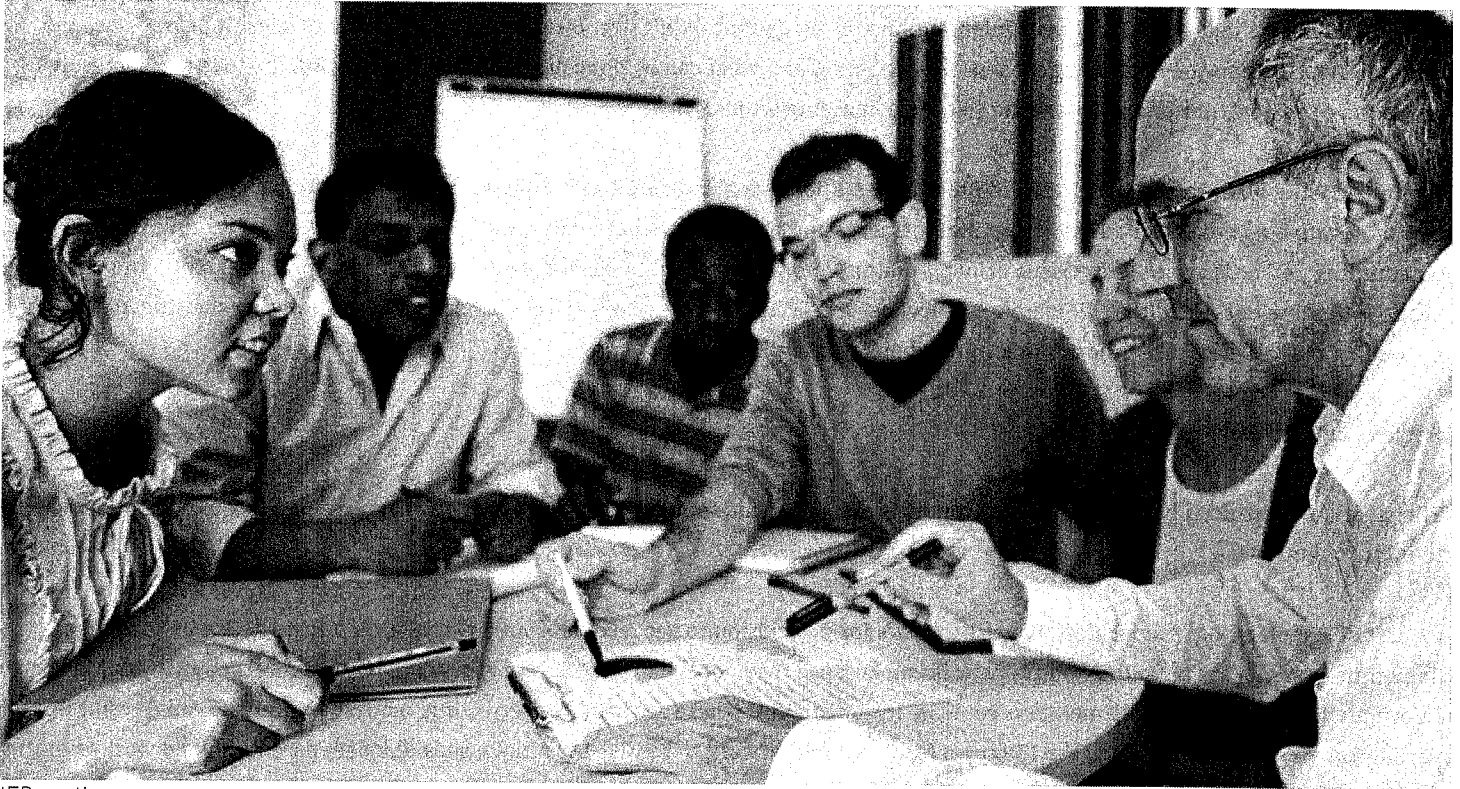


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Dispute resolution in special education cases: Say what you need to say, with some ground rules

by Virginia Fogg (<https://www.ednc.org/author/virginia-fogg/>) | April 3, 2017



IEP meeting

At Disability Rights NC, we attend many IEP (Individualized Education Program) meetings where the parents of a child with a disability are in a dispute with the school. While the substance of the disputes vary, there are certain problems we see time and again—specifically, poor communication and the blame game. If IEP team members can avoid these tendencies, unresolved issues and the need for formal complaints could decrease significantly.

Communication Gaps

Healthy communication means school staff and parents talk directly to each other when the student has an issue or the parent or school has a concern. That communication needs to be timely and factually accurate, and it must focus on resolving the problem. Often, parents and schools wait weeks or months to bring up a concern, at which point the problem is entrenched, emotions are high, and blame is rampant.

If a student suddenly doesn't want to go to school for several days in a row, for example, the parent needs to tell the teacher, and the teacher and administrators need to take the student's refusal seriously. Everyone must be honest about any changes in the student's day that could be the cause of the new behavior, whether it is a new video game at home or a change in routine, staff, or activities at school. This paves the way for the necessary changes to be made at school, home, or both.



When the communication is in writing, it needs to tell the whole story, too. Disciplinary write-ups and witness statements by school staff need to be accurate and include what happened before and during the incident that could have contributed to or triggered the behavior. Parents, too, need to be honest about whether the behavior is occurring in other settings and what their child told them about the incident. If the write-up and discussion don't tell the whole and accurate story, no one, including the student, can work on preventing recurrence.

The Blame Game

Another big stumbling block is focusing on blame. It is tempting to rehash the past at an IEP meeting, repeatedly describing the student's defiance in class or the staff's intervention that the parent didn't like. But revisiting these events doesn't help, unless the discussion focuses on the underlying reasons for the action and what can be done differently going forward. Creative problem-solving needs to be the goal, not proving someone else did something wrong.

Part of avoiding blame and moving toward prompt resolution is making sure teachers can tell administrators about problems without fear of negative repercussions. This is essential to addressing minor issues before they become serious ones, and it needs to occur whether the parent is aware of the issue or not. Administrators then should take action quickly to resolve problems. If that means changes that are outside of the IEP team's purview need to occur, such as rearranging staff schedules or lowering the student-to-staff ratio for some activities, then the administrator should make that happen.

Barriers and Stalemates

The creation of artificial barriers is another common problem. This sometimes occurs when one party refuses to allow the other access to information.

As part of IEP planning, school staff may ask parents for permission to get records from the student's private doctor or therapist. Sometimes parents are unwilling to give permission because they don't know what is in the record or are concerned that private information about other family members could be included. While these are valid concerns, this request and refusal could result in a permanent stalemate, preventing the IEP team from moving forward to resolve essential issues. Instead, parents should work with the doctor or therapist to provide the school with information relevant to the IEP, while excluding information about family members and discussions between the student and therapist, for example, that are explicitly confidential.

At the same time, school staff should be honest with themselves and parents about whether having those records actually will make a difference in the supports and services for the student. Outside providers can offer helpful recommendations for resolving student's needs. However, there are instances when school staff use requests for outside information as a way to delay or avoid implementing a service the student clearly needs.

Resolving IEP team issues requires direct and honest communication with the goal of removing obstacles to the student's progress. If parents and school staff can do this, putting blame aside, everyone involved, and most importantly the student, will benefit.

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