



## Podcast: How to Approach IEPs Without Losing Your Mind

HOST: Welcome to the latest episode of the CEC Teaching Exceptionally Podcast. Teaching Exceptionally is produced by the Council for Exceptional Children, the Leading Professional Association for special and gifted education teachers. For more information please visit [www.cec.sped.org](http://www.cec.sped.org).

Today we're talking to Julie Weatherly about her advice to new educators on how to best tackle the IEP process. Julie is an attorney and the owner of Resolutions in Special Education Incorporated. For almost 30 years Julie has provided legal representation and consultative services to school districts and other agencies in the area of educating students with disabilities. Julie, thanks so much for being with us today.

Julie: You bet.

HOST: Now I think even the most seasoned teachers cringe, at least a little bit when they hear the letters IEP. What do you see as the most challenging part of the process for new teachers?

Julie: Well, it's just a, a very broad and therefore difficult question to answer so simply, cause there's so many requirements and that's probably the number one reason why many teachers may cringe when they start thinking about the IEP team and the IEP development and implementation process. Not only do IEPs need to be high quality, they also have to be legally compliant, both from a process prospective and a content prospective. So, there is a lot for teachers to um, keep in mind and a lot of load on them in this regard. In fact, I'm going to be spending a day at the CEC Convention talking about all of those process and content legal requirements in the process of developing and implementing IEP. So, I hope that I will see some of those frustrated teachers at that workshop.

I guess from ... You know, looking at the biggest challenge and specific things that I find, that teachers find challenging about the IEP process, at least in my experience, is that generally, you know when teachers are schooled and/or additionally trained to become Special Education teachers, I'm not sure that they get adequate information about, or preparation for all of the significant paperwork burdens that are created by the Federal law generally. And then as if that is not enough, state's will add additional paperwork requirements and even school districts will go above and beyond what Federal and State law require. And many times that is all created because frankly there is a lot of fear about possible lawsuits and I hate it that it is this way but it seems like the law and the fear of the law, or possible lawsuit uh, drives us to creating additional paperwork burdens for teachers.

So, certainly I think that's why the term IEP can be cringe-worthy for teachers. Balancing the paperwork burdens while also trying to provide services to their students and implement the IEPs properly can be just completely overwhelming and so, we see a lot of teachers leaving the field. So, overall I think it's the paperwork burden generated as a result of legal requirements, therefore ... Which I don't think teachers are necessarily always prepared.

HOST: You're a lawyer and we all know what that means, you're really good at reading complicated documents. Uh, and you mentioned a bit about this but let us explore it more. People often forget that the IEP is a legally required document and it's important to take time with them. What are the top legal considerations new teachers need to keep in mind when starting to write IEPs?

Julie: Well, sort of tagging into my last answer, certainly with respect to sitting down and starting to write an IEP and creating a good draft to take to an IEP meeting and present to parents. I've always worked with teachers and advised them to, when they're sitting down, ask themselves, you know "How am I going to measure this child's progress on this IEP and this specific goal?" And that kind of ties into my comments earlier about making sure that we have data available that defends what we're doing with respect to an implementation of the IEP. But I'll say overall, generally good preparation is key. Um, when sitting down to start writing an IEP gathering sufficient data to support what's in that IEP as part of preparation is absolutely vital in my view.

A couple of specific things that I might recommend certainly for teachers is for them to just look at ... And of course each individual child that they're looking at, when thinking about drafting an IEP consider identifying the primary or the top reasons that a particular student with a disability is not successful progressing in the general curriculum. Because after all that's what special education purposes are for, to specially design instruction to enable a child to progress in the general curriculum and meet the school districts educational standard. And so, you know, identifying the priority areas, the top areas that the IEP needs to address for the student is absolutely the starting point and those would then be the areas for the teacher to target for IEP development.

And then secondly I would think certainly for present levels of educational and functional performance, which are called PLAAFPs or PLOPs or whatever the teachers district chooses to call that by acronym and having, you know, in developing those current evaluative data available, that defines the students present level because that's what it's all about. Once you've identified those areas of challenge for the student, then also being able to articulate where that student is on the date of development of the IEP. So that those PLAAFPs or PLOPs, whatever they're referred to, serve as a starting point from which the teacher is going to measure progress throughout the school year. And if that's not clearly defined then how do they measure progress? If they're not able to do that and then we're not able to overall demonstrate that the child has received free appropriate public education, the teacher should be prepared to explain how they're going to, or another teacher who's going to implement the IEP is going to measure that progress using that PLAAFPs as baseline.

And then moving into writing annual goals in the IEP, the teacher should ask him or

herself, you know "Where would I like to see this student in that particular skill area when it's time for this student's annual IEP review meeting? Where do I expect or want this child to be at that annual review when we're sitting down reviewing that progress?" Another piece of advice is writing IEPs that reflect that the teacher has individualized for all of his or her students. Um, that's clearly the I in IEP, the I in IDEA stands for individual. Um, the teachers need to be careful that IEP, so their students don't all look alike or provide the same thing for all the kids. You don't want anything to look like a cookie cutter, such that someone might argue we violated the law because it's not individualized for that particular student.

Also, I like to tell teachers to be careful with the part of the IEP that talks about special considerations, such as answering questions about the need for extended school year um, the need for assisted technology, the need for behavioral supports and the IEP requests that the team asking it or whether the child has behaviors that impede the learning of that child or others. And then last, I would like to say with respect to documenting on the IEP the special education and related services that are going to be provided, document that with clarity and discuss that clearly with parents, so that they absolutely understand exactly what is going to be provided to that student and then they from a legal perspective will be considered meaningful participants in the decision-making process. Um, because that is vital to descending in IEP.

HOST: So we've talked about writing IEPs, now for the part of the process that might even be more intimidating, the actual IEP meeting. What advice would you give to a new teacher walking into the first meeting and what in your experiences is the most surprising part of the IEP meeting for a new teacher?

Julie: Well, first of all I would generally say that the answer to this question is going to depend on what kind of meeting it is. Um, I'll have to say, as an Attorney and Consultant to school districts for close to 30 years now, I've never been to a warm fuzzy IEP meeting. So, my perspective is a bit jaded. Usually when I'm there it is because there is some adversarial relationship in the making, or already at that point or the parents have brought a lawyer or a particular advocate to that IEP meeting and certainly those are the ones that I, again because I have experience with, I'm often talking with teachers about. So due to the nature of my job uh, and I'm not a teacher although I wish I did have that background, I don't get to see the meetings that are productive, for lack of a better word or lack of emotion or lacking um, some, some adversarial type feeling for conflict.

So, I would think a new teacher walking into that should be prepared certainly by the school district, so that they are not intimidated and so that they can be there and continue to be the professional, confident teacher that they are. But in those ugly situations, I think teachers are sometimes shocked when they or their colleagues are subject to attack by an irate parent or an irate advocate or attorney, which I find completely unproductive, but I know that it happens. And most teachers don't feel that they signed up for some of that ugliness and so, I think that is a major surprise to many teachers. But I don't think that teacher should allow that to get them off track. They need to stay on track and stay confident with respect to their ability and their suggestions as the experts for what a child needs in terms of special education to be successful.

So, you know, I tell teachers all the time, you know "Please, don't take these kinds of meetings personally, never let that keep you from being prepared. Stay the course as a professional and um, the trained teacher that you are." A couple of specific things to remember with respect to that in terms of working with parents and keeping that parent teacher relationship a very good one; it's important to remember from the parents perspective, that they are not all necessarily versed in the special education lingo. So, I tell teachers all the time to please remember to avoid using acronyms and things that can lead parents to feel anxiety or distrust about the process. Generally, that then results in their need, or what they think to be a need to contact a lawyer or an advocate.

So, doing things to make parents look forward to IEP meetings uh, including things like reaching out to them ahead of time, asking if they have concerns or other information to be considered at the IEP meeting, things they might want in the IEP. Um, again good preparation um, back to that is key. The IEP meeting for parents, you have to keep in mind that I can be intimidating for them too. Um, first of all they're always outnumbered by school staff, as a matter of the legal requirements there's a number of people from the schools prospective that are required to be there and they always tend to outnumber parents. So, they can feel overwhelmed too. The process is like, sometimes I liken it to a closing on a home at a lawyers office. Where, you know, most all of us have closed on home or something such as that and had to visit with a lawyer and they're speaking another language and it's a pretty scary and intimidating process; it's similar to sometimes what parents might feel like at a IEP meeting.

Um, even the invitation to the meeting and, and I work with some teachers who actually changed this up a little bit, but even the invitation, the legal notice to the IEP meeting looks like a subpoena. Um, it's very parent unfriendly. Uh, and teacher unfriendly for that matter, as well. But those kinds of things clearly need to be thought about by teachers going into IEP meetings and making sure that they keep that relationship a good one. Uh, using good active listening and other good communication skills, all of these things will decrease the chance that a teacher walks into a meeting where they feel uncomfortable.

HOST: Okay Julie, I think you've given us a lot of great information. Hopefully it makes the IEP process at least a little less intimidating. Julie Weatherly thanks so much for being with us today.

Julie: You bet, thanks a lot.

HOST: Please visit the CEC website at [www.cec.sped.org](http://www.cec.sped.org) for more information on student memberships and other great resources for students and on managing IEPs. Stay tuned for the next episode of Teaching Exceptionally coming soon.