

SIGNATURES ON IEPs - PUBLIC
Wisdom & Conversations from the P2P Listserv



Trusting that you will find a nugget or two of wisdom that addresses your situation and gives you another resource, a piece of information, or hope to hang onto.

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SIGNATURES ON IEPs

THE FACTS AND JUST THE FACTS

Since IDEA 97, a parent signature (otherwise known as "initial parental consent") has only been needed on the *very first* IEP put into place in order to approve and implement services. IDEA does not require parents to sign annually updated IEPs. However, it is common practice for all IEP team members to sign, primarily for the purpose of verifying their participation (attendance). This is not a new rule.

The school district is obligated to provide the services in an IEP once initial parental consent is obtained. Parents can withdraw their consent for services at any time, as stated in the Procedural Safeguards notice.

Most districts provide an attendance signature sheet. If not, ask for one.

So, an IEP team member's signature on the IEP signifies participation in the creation of that IEP. A parent is a member of the IEP team.

HOWEVER (ENLARGING UPON THE FACTS)

The proposed IEP will likely include several annual goals and the services that will allow your child to achieve those goals. You may agree or disagree to all or some of the proposed services, programs or placements.

If you accept only parts of the proposed IEP, indicate which items you agree to have provided and which items you wish to dispute. This can include elements of the program or the placement the district has proposed for your child. That documentation can be made directly on the IEP, or a note made by the signature to see an attached explanation. Then make sure you provide a written explanation of your disagreement and ask that it be included as an addendum, or addition, to the IEP document.

Documentation of the problem may help the team find some resolution before the complaint is taken to a higher level. A second IEP meeting may be scheduled to try to work out the items in dispute, or you can use the dispute resolution process. If the dispute does go to a due process hearing, the hearing officer could determine that signing the IEP, with no notes on items disputed, implied agreement. To take no action, or to take action too late could possibly be viewed the same as approving the program and placement.

If you refuse to accept the proposed IEP entirely, indicate your disagreement on the IEP form. You might be asked to sign the IEP to indicate your attendance or participation at the IEP meeting. Be sure that your signature clearly indicates only your attendance if you do not consent to the proposed IEP. At this point, you are free to use the dispute resolution process.

Even if you do not agree with an IEP nor sign the attendance sheet, the school may still proceed with the IEP as it is written. That's why you have to put your objections in writing and proceed to some kind of dispute resolution, whether formal or informal.

BEST PRACTICE

It is always a good idea to follow up every IEP meeting with a letter. In that letter, you can say something like, "Thank you for the meeting yesterday (date). I am glad we were able to agree upon these issues:" (then bullet each item agreed upon in the meeting). Then say if necessary, "I am sorry we were unable to agree upon these issues: (bullet each item you were not able to agree upon) then state, "I will need a notice of action refused for each of the items we were not able to agree upon. Thank you for the team effort and I look forward to our next meeting" or whatever you want to say.

BOTTOM LINE

And, finally, even if you approved the IEP, you may, at any time, request a change in your child's program or placement. (You can also request additional evaluations at any time.) The district must then notify you whether it is willing to make the change. If the district will not make the change that you have requested, you have a right to a due process hearing. No matter what you have signed, you *never* lose or "waive" your right to change your mind and pursue that change through the due process procedures.

ADDITIONAL RESOURCES

<http://www.wrightslaw.com/advoc/articles/strategy.disagree.htm>