

Endrew F. advocacy talking points

Talking point #1

The services in the IEP must help your child meet grade-level standards.

Explanation: Reaching grade level is the expectation for most kids. Kids with significant cognitive disabilities may need alternate academic standards.

Legal authority

“For most children, a FAPE will involve integration in the regular classroom and individualized special education calculated to achieve advancement from grade to grade.”

U.S. Supreme Court *Endrew F.* decision (2017)

“IEP goals must be aligned with grade-level content standards for all children with disabilities.”

U.S. Department of Education (ED)
Grade-Level Standards Guidance
(Nov. 2015)

Areas where your child is below grade level

Why do you think the IEP won't help your child reach grade level?

What you can say

“I know the IEP is supposed to help my child achieve grade-level standards. But my child is behind in _____. What can we do to help my child reach grade level?”

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Talking point #2

The IEP must be “reasonably calculated” to help your child make progress.

Explanation: The school must believe the IEP has a very good chance of success. If your child isn’t making progress, the school must adjust services and supports in the IEP.

Legal authority

“A school must offer an IEP reasonably calculated to enable a child to make progress.... Crafting an appropriate program of education requires a prospective judgment by school officials.”

Andrew F. decision

“If a child is not making expected progress toward his or her annual goals, the IEP Team must revise, as appropriate, the IEP to address the lack of progress.”

ED FAQs About *Andrew F.* (Dec. 2017)

Areas where your child hasn’t made progress

Have the services or program changed?

What you can say

“I know the IEP needs to be ‘reasonably calculated’ so my child makes progress. But my child hasn’t made progress in _____, so I feel it’s time to look at how _____ [strategy and/or service] has worked. What other options should we consider?”

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Talking point #3

The IEP must include behavioral services that your child needs to be able to learn.

Explanation: Kids have the right to an IEP that addresses any behavior that gets in the way of learning.

Legal authority	
<p>“[The student] exhibited multiple behaviors that inhibited his ability to access learning in the classroom.”</p> <p><i>Andrew F. decision</i></p>	<p>“The failure to consider and provide for needed behavioral supports through the IEP process is likely to result in a child not receiving a meaningful educational benefit or FAPE.”</p> <p>ED Behavioral Supports Guidance (Aug. 2016)</p>

Areas where behavior gets in the way of learning	What services or supports might help?
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What can you say

“I know my child has the right to services and supports to help with behavior. But the IEP doesn’t address _____. What can we change in the IEP to help my child make progress in school?”

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Talking point #4

The school must explain why the services in the IEP will help your child make progress.

Explanation: The school needs to have good reasons for its decisions.

Legal authority

“A reviewing court may fairly expect those [school] authorities to be able to offer a cogent and responsive explanation for their decisions.”

Andrew F. decision

“Prior Written Notice [to parents] ... shall include ... an explanation of why the agency proposes or refuses to take the action....”

Individuals with Disabilities Education Act

Decisions the school hasn't fully explained

What do you want to know about the decision?

What you can say

“I know I have the right to prior written notice of school decisions, and an explanation of those decisions. But I haven't gotten an answer about _____. Can you tell me why this decision is appropriate for my child?”

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Talking point #5

As a parent, you help decide what input is needed for the IEP.

Explanation: You have the right to be involved, and to give your opinion on whether the IEP is appropriate for your child.

Legal authority

“This fact-intensive exercise will be informed not only by the expertise of school officials, but also by the input of the child’s parents or guardians.”

Andrew F. decision

“Each public agency must take steps to ensure that ... the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate....”

Individuals with Disabilities Education Act

Parts of the IEP that need more input

What experts do you think should weigh in?

What you can say

“My child’s IEP must have the expertise and input of the entire IEP team, plus any other information that helps. I would like us to review _____. When can we sit down and revisit all the information we have on hand?”

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Talking point #6

The IEP should be “ambitious” about your child’s future and what can be accomplished.

Explanation: If your child is behind, the IEP should aim to help your child catch up – whether in a year or over time.

Legal authority

“[The IEP] must be appropriately ambitious in light of his circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom.”

Andrew F. decision

“In a situation where a child is performing significantly below the level of the grade in which the child is enrolled, an IEP Team should determine annual goals that are ambitious but achievable. ... The goals should be sufficiently ambitious to help close the gap.”

ED Grade-Level Standards Guidance (Nov. 2015)

Areas where IEP goals aren’t ambitious enough

What goals would you like to see?

What you can say

“My child’s goals should be appropriately ambitious, and help my child catch up with other students. Can we look at present level of performance and put services and supports in place, so we can set goals that help my child meet the same standards as peers?”

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Talking point #7

Your child must have the chance to meet “challenging” objectives.

Explanation: IEP goals must be challenging for your child. This applies even if your child is gifted or advanced in some areas.

Legal authority

“The goals may differ, but every child should have the chance to meet challenging objectives.”

Andrew F. decision

“Students who have high cognition, have disabilities and require special education and related services are protected under the IDEA and its implementing regulations.”

ED Twice-Exceptional Guidance (Dec. 2013)

Areas where your child isn't being challenged

What ideas do you have to make IEP goals more challenging?

What you can say

“I know that my child’s IEP must include goals that align to state academic standards. I also know that the instructional strategies should allow my child to meet challenging goals. Given my child’s present level of performance, can you explain how these goals are challenging?”

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Talking point #8

It's not enough for the school to simply go through the motions and check boxes on the IEP.

Explanation: The school must treat your child as an individual with unique needs. It must collaborate with you in a meaningful way.

Legal authority

“The school district protests that these provisions impose only procedural requirements – a checklist of items the IEP must address – not a substantive standard enforceable in court. But the procedures are there for a reason, and their focus provides insight into what it means, for purposes of the FAPE definition, to ‘meet the unique needs’ of a child with a disability.”

Endrew F. decision

Where it seems the school is simply “checking the boxes”

What would you like to discuss and collaborate with the team on?

What you can say

“I’m concerned that the IEP team is just going through the motions, and that this IEP isn’t designed for my child’s unique needs. Can we review the IEP through the lens of my child’s specific needs and make sure we’re doing more than running through a checklist?”