

How to Compromise With Your School District Without Compromising Your Child:

By Gary Mayerson, (DRL Books, Inc. 2004)

(Reviewed by: Denise Buckenheimer)

Too often, parents walk out of their first IEP (Individualized Educational Plan) meeting feeling like they've been subjected to the special education version of "shock and awe." That won't happen to those who have read Gary Mayerson's new book, **How to Compromise With Your School District Without Compromising Your Child: A Practical Field Guide for Getting Effective Services for Children With Special Needs.**

Gary Mayerson is the founding partner of the only law practice in the country dedicated to representing individuals with autism spectrum disorders and related disabilities. As such, he is extraordinarily knowledgeable about using the law to gain access to effective educational programs.

Unlike most of the existing books concerned with special education law, this one does not focus on explaining all of the pertinent statutes, regulations and court decisions. It does survey the most important legal rights and responsibilities. But the book's main purpose is the avoidance of costly litigation whenever reasonably possible.

Written in plain language, with the busy and often beleaguered parent in mind, the book is short (140 pages), focused, and full of concrete suggestions and examples.

In his own words, Mayerson seeks to "provide parents with *practical* approaches and strategies that are relatively easy to implement, and to sensitize parents to the various dynamics that motivate school districts administrators to take appropriate action... These very same strategies also can assist parents to be meaningfully prepared for the situation when, after all is said and done, due process litigation proves to be unavoidable."

The book's first chapter, "Why Is There Often So Much Conflict at IEP Meetings?" sets the stage by providing a "behind the scenes" look at the complicated dynamics – political, economic, psychological, and even personal – that may be affecting the school district's behavior.

Mayerson points out that "While the overwhelming majority of school district administrators are caring and compassionate human beings who truly *want* to do the right thing, it usually does not occur to parents that some...administrators might be following entirely different agendas or political mandates, or that they might not even *know* about or have access to the special expertise that is necessary to be ready, willing and able to do the right thing."

One of the principal causes of conflict at IEP meetings concerns the level of specialized training and expertise that exists (or doesn't exist) within the district. "It is only natural that special education personnel want to believe that they have all the training and expertise they need to be able to effectively do their jobs." But, unfortunately, it's all too frequently the case that they don't.

Chapter 2, "Be Aware of the Language of Intimidation," provides more than a dozen examples of the kinds of statements school staff and administrators typically make to persuade parents to accept the district's judgment about what a child needs. Many of these will be familiar to anyone who has attended an IEP meeting where the parents are questioning the district's recommendations or expertise. For example, "I have been in special education for 30 years. Believe me, I know what I am doing," or "We have had many children just like yours who have done well with the same level and type of service you are resisting..."

Chapter 3 explains "Why Getting the Right Evaluations Early on is Critical." In Mayerson's view, "the assessment process probably is the most critical stage since it serves to identify the child's special needs and provides an initial template for treatment and intervention..." In addition to explaining why assessments are so important, Mayerson provides concrete suggestions for how parents can go about obtaining appropriate ones.

Chapter 4 addresses the often-overlooked "legal relevance of your child's potential," emphasizing the importance of making IEP goals and objectives sufficiently challenging.

The next four chapters focus on helping parents to understand the legal importance of the IEP record and their own role in assuring that the record accurately reflects their child's needs. Chapter 5 ("The Importance of Making and Preserving the 'Record'"), Chapter 6 ("Making a Record When Your School District is Being Less Than Forthcoming With Direct Answers") and Chapter 7 ("Do Not Allow Your School District to Create a Record of Unreasonableness or 'Inequitable Circumstances'") provide practical advice on the proactive steps parents can take to build a record supporting their child's need for specific services.

The book's longest chapter, "The IEP Meeting and Development of the IEP," pulls all of these elements together and demonstrates how the diligent preparation outlined in the previous chapters can lead to a satisfactory outcome for all concerned. It includes sample letters and documents that illustrate how one goes about creating a "paper trail."

In the remaining chapters, Mayerson shares his thoughts on some of the other leading hot topics in special education law: "The Thorny Issue of 'Least Restrictive Environment'"; "Making the Case for 'Extended School Year' and 'Extended Day' Services"; "Psychopharmacology"; "School Discipline"; and "The Mediation Process."

This is a book written for parents. Mayerson understands the urgency parents feel about helping their child. He knows how "the search for answers and effective remediation is something that usually permeates a parent's every conscious and subconscious thought" resulting in many a sleepless night.

Despite his focus on what *parents* need to know to be effective advocates for their children, Mayerson is exceedingly respectful toward *all* of the participants in the often stressful, high-stakes process of devising an appropriate educational program for a disabled child. He even characterizes some school administrators as being positively "heroic" in their efforts to do the "right thing."

Without detracting from the seriousness of his topic, Mayerson manages to inject some humor into his book. Each chapter begins with a pithy quotation or aphorism,

like John Stuart Mill's "One person with a belief is equal to a force of 99 who have only interests."

Here's one more aphorism that *could* have appeared in this book, summarizing its essence: "forewarned is forearmed."

(This book costs \$24.95 and can be ordered from Different Roads to Learning at www.difflern.com)