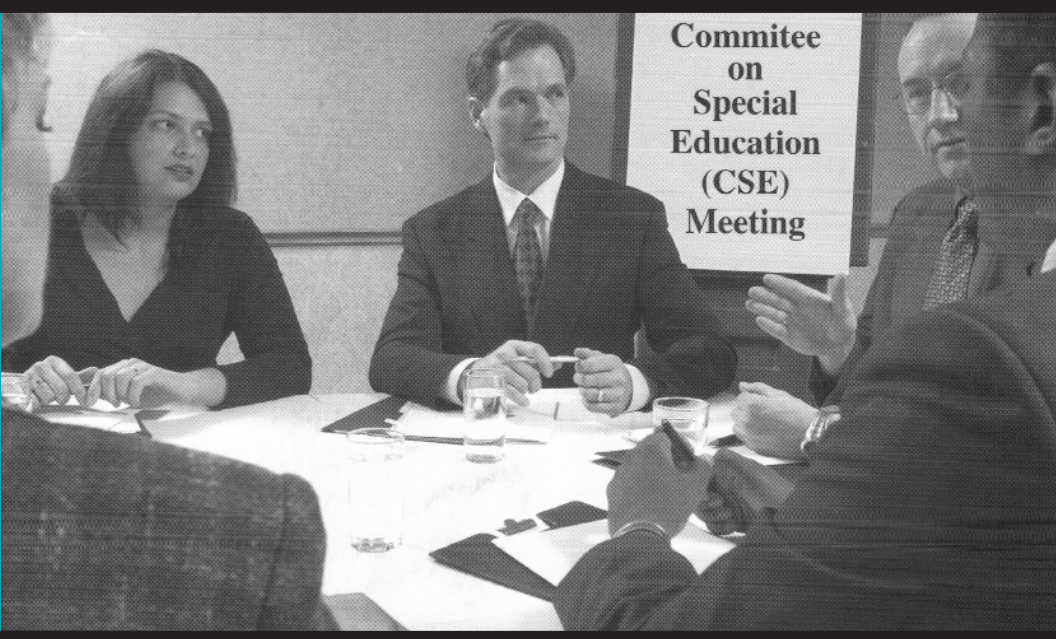


# How to Prepare for a Committee on Special Education (CSE) Meeting: A Primer



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# Attending the Committee of Special Education (CSE) Meeting

## **Be prepared**

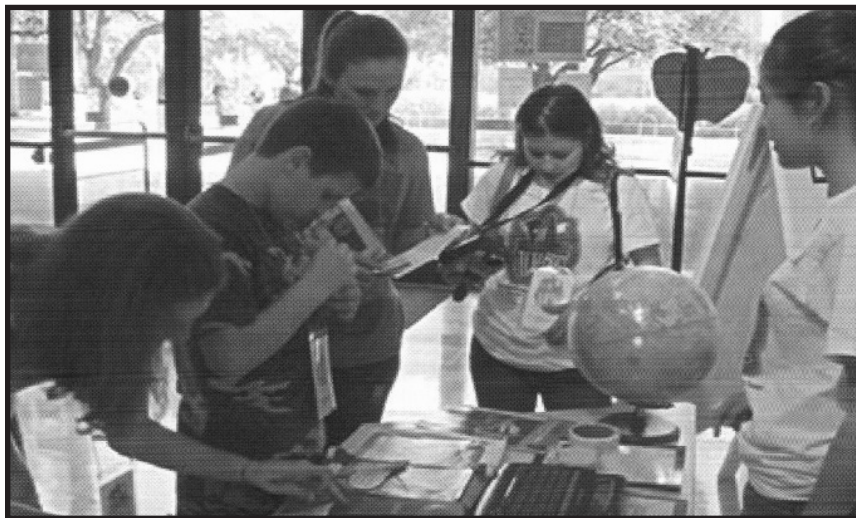
Attending a CSE Meeting can be like walking into the “lion’s den.” Parents are customarily out-manned and out-numbered. However, if you engage in proper planning, your experience at the CSE meeting will be less anxious and more productive.

Prior to attending the CSE meeting, you need to develop your own plan for your child. In order to develop such a plan, you need to ask yourself the following questions:

1. What are my child’s strengths and weaknesses?
2. How does my child’s disabilities affect his/her ability to learn?
3. What short and long term goals should be set for my child?
4. What services are available to assist my child in his ability to learn?
5. How can I obtain these much-needed services for my child?
6. Is my child’s present school environment appropriate to meet his/her special needs?

By pondering these questions prior to attending the CSE meeting, you will be able to come to the meeting prepared to represent the interests of your child and, hopefully, obtain the services that are appropriate to meet your child’s specific needs.

Proper planning will also help you to stay focused and to anticipate the types of roadblocks which may be placed in your way by the CSE team members.



## **Keep a journal of events/evaluations**

You have observed your child during his/her prior school years. You know what difficulties your child has been having in school. You know what disabilities your child has. You have observed your child's present school placement and have made some determination as to whether such placement is appropriate.

For the weeks, and possibly months, that precede the CSE meeting, it is important for parents to maintain a daily journal. In this journal, parents should make daily or weekly entries, which detail what difficulties your child has had with the current school placement. Is my child able to read? Can my child write? Does my child have difficulties in math? Is my child falling behind in class? Is my child failing?

All of these observations should be written down before you attend the CSE meeting so that when you attend the meeting, you come armed with enough ammunition so that are able to counter the school's statements that your child is doing fine, can read, can write and has passing grades.

## **Gather school reports and confer with your child's teachers**

Next to you, the person with the most knowledge of your child's ability to learn, or the difficulties he is having in learning, is your child's teacher. Prior to the CSE meeting, it is essential to meet with your child's teachers in order to assess what your child's difficulties are and how the school has attempted to address these difficulties.

In addition, you should make sure that you have copies of all of your child's report cards. These report cards are valuable evidence needed to demonstrate how your child is doing in school. However, they are not the only tools that you have at your disposal.

## **Obtain Evaluations**

In addition to keeping a journal, it is essential that you have your child properly evaluated for any or all of his disabilities. If your child is unable to read and write, it is essential that he be evaluated in order to determine if he has any neurological deficits that are impacting his ability to learn. If your child is unable to speak clearly, it is essential to have him evaluated by a speech and language therapist.

If no evaluations have been conducted by the school district that oversees your child's education, then you must request that they be conducted *at the school district's expense* and you must have these evaluations completed before the CSE meeting convenes.

If the school district fails or refuses to conduct evaluations, after a request by you has been made, then you should have the evaluations conducted privately and request that the school district pay for them. If they fail or refuse to pay for them, then an impartial hearing can be commenced seeking repayment of the fees you incurred in obtaining such evaluations.

# What to Expect at the CSE Meeting

## Members

The CSE meeting is comprised of the following individuals:

1. Parents of a child with a disability;
2. Not less than one regular/general education teacher of such child;
3. Not less than one special education teacher of such child;
4. A representative from the school who is
  - qualified to provide or supervise specially designed instruction to meet the child's unique needs;
  - knowledgeable about the general education curriculum
  - knowledgeable about the availability of resources of the local school
5. An individual who can interpret the evaluations  
(that person can be 2, 3, or 4 above)
6. Any other individual who has knowledge or special expertise regarding the child, including related services personnel as appropriate, at the discretion of parent or school.

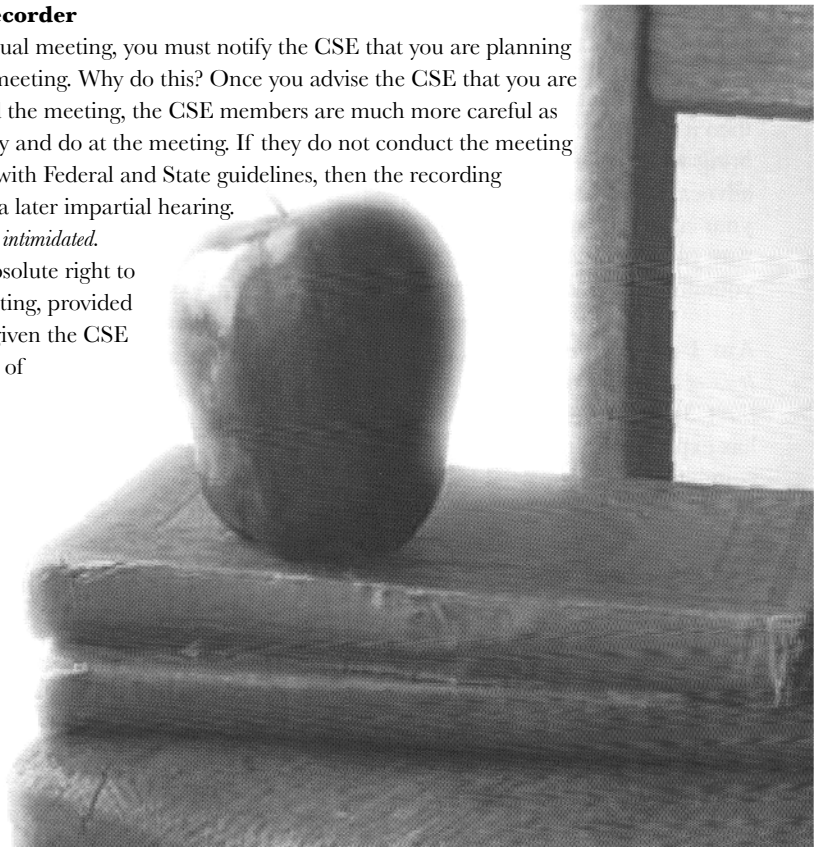
## Procedure at Meeting

### Use a tape recorder

Prior to the actual meeting, you must notify the CSE that you are planning to record the meeting. Why do this? Once you advise the CSE that you are going to record the meeting, the CSE members are much more careful as to what they say and do at the meeting. If they do not conduct the meeting in accordance with Federal and State guidelines, then the recording can be used at a later impartial hearing.

*You should not be intimidated.*

You have an absolute right to record the meeting, provided that you have given the CSE advance notice of your intention.



## **How is the meeting run?**

Usually a school psychologist runs the meeting. This means that this individual oversees what is being discussed and what is going to be placed on the Individualized Education Plan (IEP). This individual will ask you to sign the IEP. By signing the IEP, you are only acknowledging that you are in attendance; you are not acknowledging that you agree with what is in the IEP document! This is very important, as many parents believe that by signing the document they are agreeing to what is contained in the document. This is simply not the case!

## **What can I do at the meeting to make sure the CSE understands my child's needs?**

By preparing for the CSE meeting in advance, you can calmly raise all of the issues which are important to your child's education. There is no need to raise your voice at the CSE meeting. It is much better to have a calm, controlled approach. The old adage that "you get more bees with honey, then you do with vinegar" really holds true at the CSE Meeting.

## **What can I do if I don't agree with the IPC/CSE team's recommendations?**

If you don't agree with the IEP/CSE team's recommendations, make your objections known. Have the IEP/CSE team indicate on the IEP that you do not agree with the specific recommendations they are offering.

Additionally, if you don't agree with the IEP/CSE Team's recommendations, and you can see that the CSE meeting is going to be very adversarial and contentious, then it would be highly advisable to schedule another CSE meeting and retain and bring with you a parent advocate or an attorney. In this way, you can have your advocate represent your interests at the Meeting in order to insure that the needs of your child are properly expressed. However, bringing an advocate or attorney in no way guarantees that the CSE team members will agree with your views as to what your child's special needs are and how best to deal with them.

## **Am I supposed to receive a copy of the IEP at the CSE meeting?**

*It is absolutely essential that you be provided with a copy of the IEP document at the CSE meeting.*

This is important because if you don't agree with what the CSE has expressed in the document, then you can immediately challenge same by commencing an impartial hearing.

If you are unable to obtain a copy of the IEP at the CSE meeting, then, upon returning home you must immediately send a letter (sent by certified mail/return receipt requested) demanding that a copy be provided within 30 days.

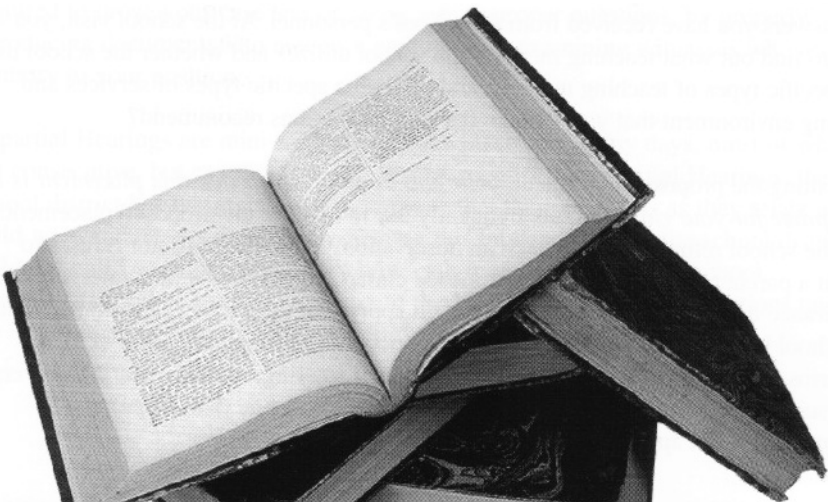
If within the 30 days you have not received the IEP document, then you must send another letter (by certified mail, return receipt requested) demanding that a copy be provided within 30 days.

## **What do I do if the CSE proposes a different school for the placement of my child?**

The IDEA of 2004, Section 1414(e) requires that the school "...ensure that the parents of each child with a disability are members of any group that makes decision on the educational placement of their child." If the CSE gives you the name and address of the school and states that this is their proposed placement for your child, then it is very important that you visit the school in order to evaluate the type of school and curriculum that is being offered. Your goal is to attempt to demonstrate that this school is not appropriate for your child. To do this, we suggest that you take the following steps:

- Find out about the school by getting the school's Report Card from [www.nycenet.edu](http://www.nycenet.edu) and also using the website [www.insideschools.org](http://www.insideschools.org). These websites will give you information about the reading and math scores, how special education students are performing in that school, graduation rates, and police incidents.
- Using the NYS Department of Education website: <http://www.enisc.nysed.gov/deputy/nclbinclbhome.htm>, you can find out if the school has been designated as a low-performing school under the federal law called "No Child Left Behind." You have a right not to be forced to send your child to a designated low performing school.
- Request a class profile from the recommended school placement. You are entitled to know if your child will be in a class with other students who have similar academic, social, emotional and psychological needs as your child. One way to accomplish this is to request a class profile.

The class profile does not identify students by name; however, it provides information on each student in the proposed class concerning their reading and math skills, management needs, social skills and cognitive functional levels. The regulations say that your child should not be in a class where students are either three years older or younger than your child, and where students are academically functioning more than three years above or below your child.



According to New York State Law, (specifically, 8 NYCRR 200.6 (f)(2)), there is a requirement that the composition of a special education class shall be based upon the individual needs of the pupils. That is to say, is your child going to be placed in a classroom with students who have the same special needs as your child or is he being placed in a class with children with very different types of special needs that will in some way detract from your child's ability to learn. In analyzing this issue, there are four factors to be considered. The pupils':

- levels of academic achievement and learning characteristics;
- levels of social development;
- levels of physical development, and
- management needs.

So, what does this mean for your child? If your child has a speech and language impairment and the CSE seeks to place him in a classroom of 12 children, 11 of whom have been classified as emotionally disturbed (ED), then there is a great likelihood that your child's ability to learn will be diminished. So, you need to ask for a class profile. You need to ask the following questions:

- How many students in the class?
- How many students have the same classification as your child?
- How many students have different classifications from your child and what classifications do those children have?
- What teaching methodology is going to be used by the teacher. For many children with speech and language impairment, a multi-sensory approach is the preferred teaching method. Is that the same methodology that the teacher is going to use for the other students who have been classified as ED or LD (learning disabled)?

In addition, it is essential that parents make a personal visit to the recommended school and speak with the proposed classroom teacher, the principal or assistant principal, and the supervisor of special education, if the school has such a person. Make sure you take your child's IEP and any evaluations that you have and make sure you take notes on the answers you have received from the school's personnel. At the school visit, you need to find out what teaching methods the school utilizes and whether the school uses the specific types of teaching methods and offers the specific types of services and learning environment that your child's IEP and evaluations recommend?

By visiting the proposed placement, *your goal is to establish that this placement is not appropriate for your child.* Parents frequently ask to observe the proposed placement. Can the school refuse to permit such observation? If an administrator refuses to permit a parent to observe a child's proposed classroom placement, it creates an appearance that the program is clearly not an appropriate place for the child and that the school is trying to keep important information from the parents. Both of these scenarios work to a parent's benefit at an Impartial Hearing as many hearing officers view such a refusal to allow an observation as grounds to find that the proposed placement was not appropriate.

### **What do I do if CSE wants my child to attend a different school, but fails to advise me of that proposed school at the CSE meeting?**

If the CSE does not give you the name and address of the school at the CSE meeting, then you must send them a letter (by certified mail, return receipt requested) requesting the name and address of the school they are proposing. While waiting for the CSE to respond to your letter, it is crucial that you review the New York State Education Department approved school website and locate schools in your area that may be appropriate for your child. Once you have located these schools (and there may be many that “might” be appropriate), you then must go through the analysis above (visit the school, ask for class profile, etc.) all to demonstrate that these schools are not appropriate for your child.

### **What do I do if the CSE and I can’t agree about what is best for my child?**

If all else fails, then you need to file a complaint and request an Impartial Hearing. An Impartial Hearing (also called a “Due Process Hearing”) is a procedure whereby you, as a parent, can challenge the decisions made by the CSE.

Once you file for an Impartial Hearing, the school district, pursuant to statute, has 30 days within which to schedule a resolution meeting in order to attempt to resolve the issues your complaint raises. If they fail to resolve the issues raised in the complaint, the Due Process/Impartial Hearing will be scheduled.

### **Do I need a parent advocate or attorney to represent me at an Impartial Hearing?**

The old adage that if one represents himself, he has a fool for a client, clearly holds true for the Impartial Hearing. At the Impartial Hearing, testimony is taken by a Hearing Officer appointed by the school district. Testimony is taken in the form of actual witnesses (who testify either in person or by phone) and by documented evidence (evaluations, report cards, etc).

In Impartial Hearings, the rules of evidence govern the proceeding. That is, you are required to prove your case and do so by asking proper questions, by properly introducing documents into evidence and by cross-examining witnesses who testify contrary to your position.

Impartial Hearings are mini-trials which take place over many days, most of which are not consecutive, but can drag on over several months. In Impartial Hearings, the school district has the initial burden to prove that their decisions as they relate to your child were and are appropriate. In meeting this burden of proof, the school district will call your child’s teacher, the school principal, reading teachers, and school psychologists, all in an effort to prove to the Hearing Officer that the actions taken by the school district were proper and appropriate for your child.



In prosecuting the claim on behalf of your child, you need not only cross-examine these school district witnesses, but also call witnesses on behalf of your child in order to demonstrate that the actions taken by the school district are not only inappropriate, but are detrimental for your child. That is, that the system presently set up for your child seriously impairs you child's ability to learn.

### **What if I am unsuccessful at the Impartial Hearing?**

As in all "trials," after all of the evidence has been submitted, a verdict/decision is rendered by the Hearing Officer. This decision is written and, if you don't agree with it, you can file an appeal. However, unless you have established a clear and proper record of the proceeding (i.e. have entered into evidence all of the documents necessary to either disprove the school district's case and prove your case), you will be unlikely to succeed at the Review level.

### **Stay Put/Pendency**

An important factor of which many parents are unaware is the "Stay Put/Pendency" issue. That is, let's say that your child's IEP for a given school year states that your child will attend a specifically enumerated school. Now, at the CSE meeting the school district attempts to place your child at a different school to which you object. Once you file for an Impartial Hearing, until it has been concluded, your child, by law, remains at the school listed on his most recent IEP. This is crucial in that your child's educational placement will not be disrupted unless the Hearing Officer rules in favor of the school district. Further, during this period, the school district must continue to pay tuition for your child.

### **Conclusion**

As a parent of a child with special needs, you are faced with the daunting task of advocating on behalf of your child within a system that is stacked against you.

Many CSE meetings are conducted in a manner in order to truly implement a program that is in your child's best interests. It is in those situations where the CSE's ideas run contrary to what you believe are in the your child's best interest, where you must be vigilant and thoroughly prepared to meet this challenge.

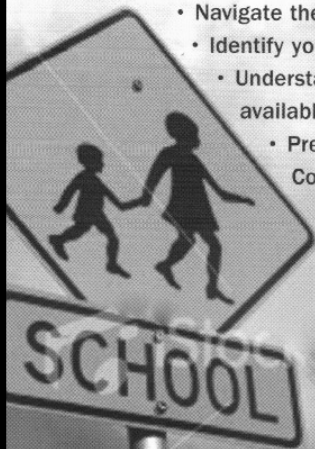
I hope that this "primer" has in some ways demystified what you can expect to occur at the CSE meeting as well as providing you with a step-by-step approach as to what you can expect to occur when dealing with the CSE.

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This pamphlet has been prepared by Brian S. Goldman, ESQ., a partner in the law firm of Goldman & Maurer, LLP. Brian S Goldman has been litigating cases before the New York State and Federal Courts for over 20 years and has devoted a substantial amount of his law practice to representing children with special needs.

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