

Background:

The Individuals with Disabilities Education Act (IDEA) gives you a few ways to resolve disputes with a school. Some ways involved a third party, in addition to you and the school. Mediation, for example, is when a neutral third party, called a mediator, helps you and the school reach a mutual agreement.

When a third party is present, you (or your lawyer, if you have one) sometimes make an opening statement. An opening statement is a brief overview of your dispute with the school and why you should win. In mediation, you may make an opening statement to the mediator. In a due process hearing under IDEA, there will be a hearing officer who acts as a judge. You or your lawyer will have to make an opening statement to the officer. The same is true for an impartial hearing under Section 504 of the Rehabilitation Act. You can also use this kind of opening statement in a negotiation with the school.

Script for what to say:

[INTRODUCTION]

Good morning, everyone. My name is [your name]. My child, [child's name], is in the [] grade at [name of school]. He is [] years old. Thank you for taking time to attend this [mediation or hearing].

[DESCRIBE YOUR CHILD'S ISSUES]

My child struggles with [describe your child's area of difficulty]. He has [describe the issue, for example dyslexia or ADHD], which limits his ability to make progress in school. Currently, my child is in [describe his educational program, along with his placement and services.] [Include anything else about your child's challenges and education. You may even want to talk about the stress on you and your family.]

[DESCRIBE THE PROBLEM]

I'm here today because [describe the dispute, for example the school will not provide a reading program to my child even though he's several grade levels behind]. [Include a history of the dispute. It's important that you talk about how you have tried to work with the school.]

[DESCRIBE YOUR PROPOSED SOLUTION]

I would like the hearing officer to [describe what you want done, for example to order the school to provide a phonics-based reading program to your child].

[GIVE REASONS AND EVIDENCE]

I know my child is behind in [name the subject area(s)] because his test scores show [describe the objective information that shows your child is behind]. I have several letters here from his teachers about his struggles. I also have a letter from the school that talks about [the proposed solution]. I'm prepared to have an evaluation of my child to show that he needs this program to benefit from school.

[SUMMARIZE]

Just to summarize. My child has [issue] and is struggling. He needs a specialized reading program to catch up, but the school says it won't provide the program. I'm asking that the school reconsider or this hearing order the school to provide the program. Thank you.