

ABSTRACT

Title of Thesis:

GENRE AS RHETORICAL SITUATION:
COMPETING RHETORICS IN THE SPECIAL
EDUCATION PROCESS

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This study examines key genres within the Individualized Education Plan (IEP Process) as rhetorical processes that respond to, anticipate, enable, and in some cases, forecast and govern federally mandated parent participation within the IEP process. Specifically, I argue that the Notice of IEP team Meeting, IEP Meeting, and Prior Written Notice (PWN) are genres that technically meet legislative requirements but subvert the intended rhetorical context, challenging parent involvement rather than facilitating federally mandated parent participation.

GENRE AS RHETORICAL SITUATION: COMPETING RHETORICS IN THE
SPECIAL EDUCATION PROCESS

by

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Chapter 1: Introduction

According to the Center for Parent Information and Resources, more than six million students with disabilities receive special education services each year to ensure a Free and Appropriate Public education (FAPE) as mandated by the Individuals with Disabilities Act (IDEA).¹ By examining specific social actions that particular genres promote or prohibit, we will see that IEP genres work to govern and control parent behavior, rather than facilitate equal participation. This study relies on Carolyn Miller's work on genre as social action, Michele Simmons's research, which emphasizes participatory design theory, and Jeffrey Grabill's work on technologies designed for citizen action, as well as other technical communication and composition scholars whose studies are grounded in rhetorical theory. Examining the IEP Process within a framework of genre as social action not only initiates an understanding of genre in a political context, inviting us to consider federal mandates as a site for competing political rhetorics, but also helps us recover the important rhetorical contributions by parent advocates across the country.

My discussion is organized into several segments. First I provide a brief literature review, which outlines specific theories I find particularly useful in thinking about how genres influence and sometimes impose unintended restrictions on the participation rights of parent-advocates. Then, I provide an overview of the Individuals with Disabilities Act

¹ The Center for Parent Information and Resources (CPIR) is funded by the Office of Special Education Programs at the United States Department of Education. See <http://www.parentcenterhub.org/about-us/#funds> to learn more about CPIR objectives, plan of action, and team members.

(IDEA) of 2004.² Since many of the genres working within the IEP process are driven by IDEA mandates, it's important to establish the connection between the federal law and genre design. The next part introduces the Individual Education Plan (IEP) and the genres I see working within the process. I draw on Carolyn Miller's genre theory, which emphasizes rhetorical situation over form and content, to discuss how I define genre for the purposes of this study.³

The subsequent sections provide an analysis of the following three IEP genres as focal point for examining genre as social action— *Notice of IEP Team Meeting*, *the IEP Team Meeting* and *Prior Written Notice*. Some examples are taken from Maryland school districts, while others are taken from Virginia. Where relevant, I note where the example documents have been recovered. In order to hypothesize about particular structural revisions that might improve and protect parent participation rights, we must critically examine the reciprocity between the particularities of the genre and social action. Using the example *Notice of IEP Team Meeting*, parent accounts of IEP Meeting experiences, and *Prior Written Notice* documents, I analyze the complex relationship between how the Local Educational Agencies respond to the IDEA mandates, and how parents are writing back and responding to the Local Educational Agencies. Recognizing how the actions of

² Margaret McLaughlin suggests that, “Since the passage of the 1975 Education for All Handicapped Children’s Act known as PL 94-142 (Public Law 94-142), the original special education law, the number and characteristics of students who have been identified to received special education and related services have increased dramatically” (McLaughlin 14).

³ According to Carolyn Miller, the field of rhetoric has struggled to define genre. Miller proposes that the term **genre** “be limited to a particular type of discourse classifications, a classification based in rhetorical practice and consequently open rather than closed and organized around situated actions (that is pragmatic, rather than syntactic or semantic)” (Miller 27).

multiple stakeholders create instances of instability enables us to frame problems and solutions from multiple angles. Finally, I conclude with a discussion about the ethical implications of my findings and how I see this research contributing to the field of rhetoric and technical communication.

Chapter 2: Research Questions and Methodology

Throughout this study, I explore answers to the following questions: *how is the parents' role and position in the IEP process disrupted by the genres? What do the IEP genres reveal about cultural values and ideologies?* and *What can we learn about the intersection of rhetorical situation and social action by examining the genres at play in the IEP process?*⁴ To probe the first question— *how is the parents' role and position in the IEP process disrupted by the IEP genres*, I rhetorically analyze the IDEA federal mandate as a starting point for considering where the Federal Law positions parents in the IEP process. By pinpointing the intended position, we can evaluate how genres advanced by the Local Educational Agencies (LEA) reinforce or obstruct and disrupt parent participation, thus altering their position within the IEP team. Looking then to specific genres, and their unique characteristics (such as design, implementation, and distribution of materials), and exploring how those characteristics influence parent access, we are better equipped to consider the question: *what do genres reveal about cultural values and ideologies?* By rhetorically analyzing the design features following specific genres: Notice of IEP Team Meeting, IEP Team Meeting, and Prior Written Notice, that help

⁴ Throughout this study I use the following common acronyms: IDEA (Individuals with Disabilities Act), IEP (Individual Education Plan/Process), LEA (Local Education Agency) and PWN (Prior Written Notice).

clarify (or confuse), and implementation procedures that model (or resist) research-based best practices, or distribution policies that prioritize (or block) transparency, we can gain a better understanding of the cultural values and ideologies informing the genres.

This study originates from my personal experience as a parent-advocate and is heavily informed by my two-year campaign to ensure a Free Appropriate Public Education (FAPE) for my own child.⁵ But as a teacher and scholar in the field of rhetoric and composition, I see this research contributing to the conversation of civil advocacy so often central to rhetoric scholarship and technical communication. More importantly, I see this research as a way to examine how, as rhetorical and technical writers, we might contribute to meaningful conversation about remedies and revisions for a process that seems increasingly inaccessible for the ordinary parent citizen. Indeed, I agree with Anne Frances Wysocki and Dennis Lynch, who say, “we see [rhetorical] communication as being about building relationships among people, and because we see thoughtful and careful communication as being central to active and engaged citizenship, we present our approach to communication with a focus on civic advocacy” (Wysocki et al V). To conduct this study, I reviewed public IEP and legislative documents and private redacted IEP documents obtained by family and fellow parent-advocates. I also analyzed online parent discussion boards and surveys to get a sense of discussion topic patterns and

⁵ According to the Federal Register/Vol. 71, No. 156, 300.101, “A free appropriate public education must be available to all children residing in the States between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.” Importantly, the Federal Register also stipulates that “Each state must ensure that FAPE is available to any individual child with a disability who need special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade. See Federal Register/Vol. 71, No. 156, 300.101-300.113 for an in-depth review of FAPE-related mandates.

common areas of parent concerns. This study relies heavily on scholarship grounded in rhetorical theory, as well as materials designed to guide parents and teachers through the IEP Process.

Chapter 3: Literature Review

While this study discusses the work of many technical communication and composition scholars whose work is grounded in rhetorical theory, it is especially informed by the work of Carolyn Miller, Michele Simmons, and Jeffery Grabill. The following section provides an overview of critical concepts used in this study, and a brief explanation as to how I put these works into conversation with my own research.

Carolyn Miller

Carolyn Miller's research on genre is the premiere scholarship informing this study. In her article, "Genre as Social Action," Miller describes, as an introduction to how she approached the development of her theory, two key problems that rhetorical theorists and critics face when studying genre: 1) rhetorical theory has not provided firm guidance on defining genre, and 2) some scholars do not believe rhetoricians should be defining genre (Miller 23). Miller carves out a unique theory of genre, and notes that she agrees with Campbell's and Jamieson's arguments that genres are "stylistic and substantive responses to perceived situational demands" (Miller 25), while resisting scholars like Patton, who believes that "genre criticism invites reductionism" (Miller 23), or Conley, who believes that genre study leads to "useless taxonomies" (Miller 23).⁶ Instead, Miller calls for a much more complex rhetorical theory that isn't interested in simplifying or classifying, as much as it is interested in examining how social action helps shape the genres we rely upon, and how genres impact social actions in

⁶ According to Aviva Freedman and Peter Medway, "traditional definitions of genre focused on textual regularities [...] defined by conventions of form and content" (Freedman et al 1). See, *Locating Genre Studies: Antecedents and Prospects*, for a comprehensive overview of traditional conceptions of genre, and a comparison of North American genre studies versus Australian Sydney School, particularly pages 3-10.

complicated ways; a rhetorical theory to make “rhetorical genre a stable classifying concept, and ensure the concept is rhetorically sound” (Miller 23).⁷ Miller further argues, “genre is pragmatic— fully rhetorical, a point of connection between intention and effect, an aspect of social action” (Miller 23).

Miller’s theory is complex, but the basis of the theory centers on two key components 1) genre as social action, and 2) genre as typified recurring action. For the purpose of this study, I will concentrate on those two concepts. Miller, who pushes back against critics who minimize the importance of genre studies, suggests, “an understanding of genre can help account for the way we encounter, interpret, react to, and create particular texts” (Miller 23).⁸ Using Miller’s genre theory as a rhetorical lens helps us understand the IEP process and how the design, language, distribution process, and other characteristics that we might discover significantly alter how we experience certain genres throughout the process. Since the stakeholders working within the IEP process encounter, interpret, react to, and create particular texts in unique ways that often have competing interests, Miller’s concept gives us an important lens with which to examine the competing rhetorics between school-based IEP teams and parents.

⁷ John Swales provides an interesting interpretation of Miller’s genre theory. Swales says that Miller has “principled reasons for extending the scope of genre analysis to types of discourse usually disregarded by rhetorical scholars, argues that a rhetorically sound definition of genre must be center on the action is it used to accomplish, and gives attention to how genres fit into the wider scale of human affairs” (Swales 44). To read more about how Swales characterizes genres, see *Genre Analysis*, especially pages 45-58.

⁸ Connecting her theory to Aristotle, Miller says: “genre is also fundamentally Aristotelian. In each of three kinds of rhetoric Aristotle described — deliberative, forensic and epideictic— we find situation-based fusion of form and substance” (Miller 25). See, *Genre as Social Action*, for Miller’s in-depth review of Aristotelian genres.

Since Miller argues that genre studies should center on the “action [genres are] used to accomplish rather than the substance of the form” (Miller 24), we can use this model to examine when the substance or content (language and check boxes) included in any given IEP form may work to meet compliance guidelines, while the accomplished actions do not represent the spirit of how the genre is intended to function. For the purpose of this study, then, Miller’s theory can help us examine the discrepancies between the substances of the form and the actions that specific genres are used to accomplish, in addition to how all of these align with the way the genres were intended to function and from whose perspective. Miller pays close attention to intention, insisting, “if genre represents action, it must involve situation and motive because human action is only interpretable against context of situation and through attributing motives” (Miller 24).⁹ As we examine the social action associated with IEP genres, we will consider context and motive as we discuss the functionality of specific documents. “Recurrent rhetorical situations” (Miller 24), another critical concept important to this study, asks us to consider how situations are socially constructed by interpretation. As Miller argues, experiences with relevant similarities become constituted as “types”:

The new is made familiar through the recognition of relevant similarities; those similarities become constituted as a type. If a new typification proves continually

⁹ Miller parts from many established genre theories, and makes a point to discuss these differences. For example, according to Miller, her theory differs from Burke and Bitzer, who “have both used the term rhetorical situation.” Burke used motive and Bitzer used exigence as the focus of situation. While Miller agrees that the important point about “rhetorical situations for a theory of genres is that they recur,” (Miller 28), Miller rejects the materialist tendencies in situational theory (Miller 28). For more information about how Miller’s theory differs from other genre theories, see “*Genre as Social Action*,” pp. 28-38.

useful for mastering states of affairs, it enters the stock of knowledge and its application becomes routine. (Miller 25)

The *typification* of a situation implies users learn to recognize how a specific genre functions, and then learns to rely upon that recognition to guide how the user is to experience and interact with the genre. If parents, who must learn to navigate the technicalities associated with the IEP process, depend upon recurring rhetorical situations as interactive guides, it's important to examine how the expectations associated with specific genres might facilitate or block parent participation. In other words, if parents learn their role within the IEP process based on their knowledge of specific genre conventions, what happens when the genre parts from the typical conventions? Indeed, Miller argues "rhetors learn from precedent what is appropriate and what effects their actions are likely to have on others" (Miller 28), reinforcing the idea that genres are closely linked to social action.

Michele Simmons

Michele Simmons' *Participation and Power*, examines the ways in which ordinary citizens are able to participate in policies that impact their everyday lives. Simmons's research focuses specifically on environmental policy, but is relevant to the IEP process since environmental policy mandating public participation is similar to IEP mandates informed by the IDEA. While Simmons uses both rhetorical and technical communication theory, my study draws especially on Simmons's argument that a rhetoric for civil discourse in democratic processes is needed to ensure ethical public participation (2). Simmons's research is especially concerned with highlighting the need for citizens to have a more powerful position in the decision-making process. Since the IDEA has

deemed parents as “equal members” of the IEP team, Simmons’s work in *Participation and Power* is valuable to my own work as I consider ways that parents are being supported or blocked from accessing their legal participation rights by way of specific genres. Simmons’s work looks at how “citizens are positioned in the decision-making process” (Simmons 2), and similar to my own observations within the IEP process, finds that oftentimes civic participation isn’t engineered to influence policy, but to “placate publics” (Simmons 2).

In addition, using case studies of public participation, Simmons examines what she refers to as “institutional assumptions” and views of public participation held by particular organizations. As we will see later on, institutional assumptions play a critical role in how parents are positioned in the IEP process. Quoting Foucault, Simmons argues that institutions seek to “regulate and constrain knowledge making, production, distribution, and consumption through a system of rules and practices” (Simmons 10), further emphasizing how the values and ideologies of the institutions drive the policies and procedures that work to govern participation activity. Indeed, Simmons further argues that some procedures are designed to reinforce the assumption that “knowledge and power lie with experts” (13). As mentioned in the introduction of this study, one of the key questions I ask throughout my research is *What do the IEP genres reveal about cultural values and ideologies?* Simmons’s research and analysis regarding institutional assumptions provide a useful lens through which to explore this question.

Jeffrey Grabill

Jeffrey Grabill’s, *Writing Community Change: Designing Technologies for Citizen Action*, examines the rhetorical literacy required for people to fully engage in

civic rhetoric. While his research focuses mostly on digital and advanced information technologies, his underlying narrative emphasizes the potential and value of the “non-expert” citizen, specifically “non-expert ways of knowing and expression” (Grabill 16).¹⁰ Since advocating for children with disabilities is a political process involving democratic citizenship, I consider Grabill’s research particularly relevant to my examination of the IEP Process. Similar to the way in which I examine how IEP genres initiate or respond to particular social actions, Grabill argues, “information infrastructures frame what is possible for writing” (Grabill 20).

A key to Grabill’s argument is that information access alone is not sufficient; citizens need to be able to interpret and use the information in a meaningful way. This discussion will be especially relevant when examining particular rhetorical situations within the IEP process, since parents often receive technical materials they are unable to interpret, such as reading comprehension or psychological assessment reports. Grabill also notes that how we define information “and what that means to us depends on contexts and institutions” (Grabill 26), further resisting the notion that access to content equates to comprehension. Similar to the way Miller looks at the pragmatic components of genre, Grabill is interested in “how we should understand information and the pragmatic potential of information communication technologies to enable people to achieve immediate personal and communal goals” (Grabill 27). Pragmatic potential is another method of thinking about social situations and how genres are informed by or prompt particular social action.

¹⁰ Grabill notes that, “when the explicit purpose of a process is only to inform citizens of decisions already made, then much of what [his research] says is irrelevant. Of course, in these situations, rhetoric is irrelevant as well (Grabill 18).

Finally, Grabill is interested in infrastructure as a component of institutional community change, “designed and given meaning and value within specific context (communities, people, tasks)” (Grabill 30), and cites characteristics of infrastructure similar to those we are using to examine genre. For example, quoting Star and Ruhleder, Grabill points to infrastructure as a “learned part of membership” (29), meaning that new users need to learn the process and procedures, but will become familiar with continued exposure. Another characteristic resembling genres are the ways infrastructure both shapes and is shaped by the conventions of the community of practice (Grabill 29). This concept echoes Miller’s notion that social action informs genres. But as we will see later, genres also shape social action such as compliance and resistance.

Grabill is concerned about usability and how expert communication systems transfer to non-experts who need to use them to participate meaningfully in citizen action. While the framing of his research is somewhat different in the way he specifically studies digital technologies, these concepts support my examination of how particular IEP genres encourage or block parent participation in the IEP Process.

Chapter 4: History of the Individuals with Disabilities Act

This section provides a brief overview of the Education for All Handicapped Children Act of 1975, which was later renamed the Individuals with Disabilities Act (IDEA). This historical overview gives us a sense of how the legislation has evolved and how it has shaped the current IEP process.

Prior to 1975, children with disabilities had very little opportunities to access an appropriate education. In fact, many states had laws allowing schools to exclude deaf, blind, mentally retarded and emotionally disturbed students. According to the United States Department of Education, only one in five disabled children had access to an appropriate education. (US Department of Education), and many were institutionalized and academically neglected.

The Education for All Handicapped Children Act (Public Law 94-142) was enacted in 1975 and had four main objectives:

- to assure Free Appropriate Public Education (FAPE) and related services that meet the unique needs of disabled students
- to assure that the rights of children with disabilities and their parents are protected
- to assist states and localities to provide for the education of disabled students
- to assess and assure the effectiveness of efforts to educate disabled students

(U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Thirty-five Years of Progress in Educating Children With Disabilities Through IDEA*)

In 1990, the Education for All Handicapped Children Act was amended, changing the name to IDEA: Individuals with Disabilities Act. The IDEA has been amended several times since 1990. For example, amendments in 1997 expanded the definition of “disability” to include children with developmental delays. The IDEA was reauthorized in 2004 and was then referred to as IDEIA, Individuals with Disabilities Education Improvement Act. The reauthorization in 2004 included requirements to align with No Child Left Behind Act, emphasizing qualifications of special education teachers and research-based instruction. In 2009, President Obama signed the American Recovery and Reinvestment Act, which provided significant funding to support the IDEA. The IDEA has not been amended since it was reauthorized in 2004 (U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Thirty-five Years of Progress in Educating Children With Disabilities Through IDEA*).

Chapter 5: The Individual with Disabilities Act 2004 and the Participation Mandate

This section provides a brief overview of the Individuals with Disabilities Act and the related regulation that mandates parent participation in the IEP process. Here I rhetorically analyze the IDEA federal mandate as a starting point for considering where the Federal Law positions parents in the IEP process. By pinpointing the intended position, we can evaluate how genres advanced by the Local Educational Agencies reinforce or obstruct and disrupt parent participation, thus altering their position within the IEP team.

The Individuals with Disabilities Act (IDEA) of 2004 is a federal law ensuring services to students with documented disabilities throughout the United States.¹¹ Specifically, IDEA governs how public agencies provide early intervention, special education, and related services to eligible infants, toddlers, and youth with disabilities (idea.ed.gov).¹² Public Agencies implement the IDEA through the Individualized Education Program (IEP) — a legal document outlining a student’s unique and individualized learning goals, objectives, supports, and services. In many ways, this document positions students to learn in a specific environment, with specific people,

¹¹ According to the United States Department of Education webpage (idea.ed.gov), the Individuals with Disabilities Act, originally enacted in 1975, has been revised several times over the course of 40 years, the most recent revision occurring in 2004. See *Celebrating 40 Years of IDEA* for the Department of Education’s position on the progress of the Individual with Disabilities Education Act. <http://blog.ed.gov/2015/11/celebrating-40-years-of-idea/>

¹² According to the United States Department of Education, the Individual with Disabilities Education Act governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. The IDEA has two distinct parts designated for particular age groups. See www.idea.ed.gov for an in-depth review of Part B (ages 3-21) and Part C (ages birth-2).

using specific materials, for a specific period of time. IDEA mandates parent participation in the development of the student's Individualized Education Plan, positioning parents in a specific environment, with specific people, using specific materials, for a specific period of time. In the parents' case, the position is in a critical and often controversial role within (and often outside) the IEP team.¹³

According to the Parents for Information and Resource Center, "one of IDEA's foundational principles is the right of parents to participate in educational decision making regarding their child with a disability. The law is very specific about what school systems must do to ensure that parents have the opportunity to participate, if they so choose" (Center for Parent information and Resources Web).

Pursuant to the IDEA mandate, then, parents are to be considered equal members of the IEP team, who have the legal right to advocate for their child and take part in the educational decision-making process without fear of school-based retaliation.¹⁴ In 2016, Secretary of the United States Department of Education, Arne Duncan, reinforced the

¹³ According to Section 300.321 of the IDEA Federal Register, the Individual Education Plan (IEP) Team must include the parents of the child; "not less than one regular education teacher of the child (if the child is, or may be, participating in the regular educational environment); not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child," a representative of the public agency who is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities; an individual who can interpret the instructional implications of evaluation results; at the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child; whenever appropriate, the child with a disability. For a more detailed explanation of IEP team requirements, please see IDEA Federal Register/ Section 300.21 IEP Team. Volume 71, No. 156. Page 46788.

¹⁴ According to the Office of Civil Rights, 46% of complaints filed in 2015 were related to alleged discrimination against students with disabilities. 561 retaliation-related complaints were filed in 2015. See <http://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2015.pdf> Fiscal year 2015 Report to President and Secretary of Education for more data results.

IDEA mandate and made clear the importance of parent participation: “we know that parents are indispensable in supporting their child’s education” (The IDEA 40th Anniversary). Despite the spirit of inclusion and the IDEA’s parent participation mandate, genres within the IEP process work to govern and control parent behavior and position, rather than facilitate equal participation.

Chapter 6: The IEP Process

This section provides a brief overview of the IEP Process for school-aged children and introduces the following typical genres used throughout the process—¹⁵Notice of IEP Team Meeting, *Documents for Review*, *Procedural Safeguard*, *IEP Team Meeting*, *Referral*, *Initial Consent for Evaluation*, *Prior Written Notice*, *Comprehensive Evaluation Report*, and *IEP*. Reviewing the typical IEP process at the beginning, middle, and end gives us a clear sense of the particular stakeholders and their roles in the IEP Process.

A parent who suspects their child may have a disability that is impacting the child's access to education typically initiates the IEP Process. Parents, for example, may notice academic, social, organizational, or emotional problems at home and express these concerns to the child's general education teacher.

Generally, if the student's general educator agrees with the parents' suspicion, the teacher will instruct the parents to request a formal IEP meeting through the special education department in order to get the eligibility process started. Informed parents will know to put all meeting requests in writing, but some parents simply ask verbally for a meeting. If a teacher does not agree with the parents' concerns, but the parents are informed, they know they have a right to request a meeting anyway and that the school-based team has an obligation to meet for a discussion.¹⁶ Assuming the parents' request to

¹⁵ The IDEA mandates that all children at least two years of age be evaluated for a suspected disability. Children who are not yet in school would go through a similar but different process, and would be working toward an Individual Education Family Plan rather than an Individual Education Plan. For the purposes of this study, I am focused on policies and procedures that govern school-aged children.

¹⁶ If a school-based IEP team feels confident in their own classroom data and analysis of a child, they might deny a parents' request to evaluate. In that case, a parent could file due process or obtain outside evaluations that show a suspected disability. The school-based IEP team is required to consider all outside documentation.

evaluate a child suspected of having a disability isn't disputed by the school-based team, the parent would then receive a Notice of IEP Team Meeting from a special education teacher specifying the date and time of the pre-arranged meeting. All IEP team Meetings must consist of one special education teacher (who facilitates the meeting and handles documents), one general education teacher (who can provide input about the child), one administrator (who has authority to make policy decisions), parent/guardian, and any specialists that relate to the specific disability concerns. For example, if the parents are concerned about the child's speech, a speech teacher is required to attend. If the parents are concerned about emotional disabilities, a school psychologist is required to participate. The purpose of the initial meeting is to discuss the parents' specific concerns and determine if the school-based team shares those concerns. If necessary, the participants will then determine which specific areas should be formally evaluated, and receive parental consent for the school-based team to perform the evaluations. A special education teacher or designated school-based facilitator typically leads the meeting. As mandated by the IDEA, the meeting begins after the parents receive a Procedural Safeguard Notice outlining parental rights.¹⁷

If the school-based team agrees that assessments should be conducted, the special educator will provide the parents with *Referral* documents (outlining which areas of concern will be assessed) and a *Consent* form (for parents to sign indicating that the parents give permission for the school to assess in the agreed areas of concern) at the

¹⁷ See, *Parental Rights Maryland Procedural Safeguards Notice*, for an in-depth review of policies and procedures.

table.¹⁸ Parents are asked to sign the consent forms on the spot. The school-based IEP Team then has sixty days from the time consent was given by the parents to complete all assessments and hold another meeting to discuss results and formally determine eligibility.

Sometime shortly after the meeting, the special educator will send the parents a copy of the *Prior Written Notice* document outlining precisely what action the school-based team and parents agreed to take during the meeting, why they have agreed to take the action, and what information they used to substantiate their decision. In Maryland, parents must receive *Prior Written Notice* at least five business days after any meeting.¹⁹

Once the school-based team completes the assessments, the special educator will send the parents another Notice of IEP Team Meeting indicating the date and time of the next pre-scheduled team meeting. The parents must indicate if they will participate in the meeting and send the notice back to the school. Five days prior to that next meeting, the special educator will send the parents a copy of all materials that will be discussed in the

¹⁸ The referral process is particularly challenging for parents because the content of the referral documents determines the precise areas of evaluations. While the parents have the right to participate in the selection of those assessments, they aren't as familiar with the particular assessments and are often concerned that the school-based team may purposefully or inadvertently miss a critical area of a disability by not including the most appropriate assessments. Since the outcome of the assessments determines IEP eligibility, it's crucial that all areas of suspected disability are comprehensively evaluated using the most appropriate assessment tools.

¹⁹ If the parents disagree with the interpretation of the agreement as outlined by the *Prior Written Notice*, the parents must contact the special educator to see if the issue can be resolved without an additional formal IEP meeting. The accuracy of *Prior Written Notice* is important since it outlines what the school-based team and parents have mutually agreed upon. However, as we will see, the way in which the school-based team elects to design the *Prior Written Notice* influences how the document functions. The functionality of the document also depends upon the school-based team's interpretation of the meeting outcome.

next scheduled meeting, including data sheets and reports from other specialists who conducted evaluations. Many parents get a sense of how the school-based team plans to categorize the child based on the documents they receive and the summaries included in the reports. Since parents typically do not have contact with any members of the school-based IEP Team in between meetings, the time between receiving assessment results and the IEP meeting itself can be especially stressful for parents as they anticipate whether or not their child will be eligible to receive special education services and supports.

At the next scheduled meeting, parents will hear from the members of the team who conducted the agreed-upon evaluations or members who are qualified to interpret the results of the evaluations. Usually the same members who attended the initial meeting will attend the eligibility meeting. The meeting is typically led by the special educator, who will then indicate if the school-based team finds the child eligible for an IEP and will explain the rationale for their decision. If the school-based team finds the child eligible for an IEP, the team must schedule another meeting to be held within thirty days to develop the IEP.²⁰ If the school-based team determines the child is not eligible and the parent disagrees, the parents must access their procedural safeguard options to formally dispute the findings.²¹ At the end of the meeting, parents are provided a *Comprehensive Evaluation Report*, which outlines the evaluations, results, summaries, and recommendations.

Within five business days of that meeting, the special educator will send a copy of the *Prior Written Notice* outlining what actions the school-based team and parents agreed

²⁰ Developing the IEP means the team will determine a child's present levels in all areas of concern, placement, special education services, supports, and IEP goals and objectives.

²¹ Parent Safeguards include filing a state complaint, mediation, or Due Process.

to take during the last meeting. Within thirty days, the special educator will send another Notice of IEP Team Meeting. When received, the parents will indicate their plans to participate and send the meeting notice back to the school.²² Five days prior to the scheduled meeting, the parents *should* receive any and all documents that will be discussed during the IEP meeting. The follow-up meeting to develop the IEP will consist of all members of the initial team that are related to any of the child's educational concerns (speech therapist, occupational therapist, psychologist, etc.) The special educator will lead the meeting as the school-based IEP Team and parents develop the IEP based on the IDEA mandates. Five days following the meeting, the parents will receive *Prior Written Notice* outlining actions the school-based team and parents agreed to take during the last meeting. Parents who have disputes regarding the development of the IEP must access the procedural safeguard options. For example, if a parent believes the child needs assistive technology based on the formal evaluations, but the school refuses to provide the support, the parent can dispute the decision formally.

Throughout the school year, parents may request follow-up meetings at any time and the school-based team is required to schedule a formal meeting within thirty days of a parents' request.²³ The previous process as outlined (meeting notice and prior written notice) applies to all meetings. The IEP Team is required to meet at least once per year to review the IEP, and every three years to re-evaluate eligibility. Re-evaluation follows similar process to the initial eligibility procedure. Assessments are not required for a re-

²² Maryland laws stipulate that parents must receive a meeting notice at least ten days prior to the scheduled IEP Team Meeting.

²³ Parents receive quarterly progress reports outlining how the student is progressing toward the IEP goals and objectives.

evaluation meeting unless a team plans to discharge a student from the IEP. In that case, the team would need to complete the *Referral, Consent, and Comprehensive Evaluation Report* similar to the initial eligibility process.²⁴

The IEP Process and Genres

The development, implementation, and evaluation of a student's Individual Education Plan (IEP) thus advances through methodical stages, each with specific sub-stages that are organized and implemented by, what I would like to argue, are genres that feed into an overarching IEP process. As mentioned earlier, the first stage consists of the formal evaluation of a child who is suspected to have a disability. This particular stage triggers a series of events that take place within specific genres, such as parent consent meetings and forms, evaluations and reports, and eligibility meetings. What makes these IEP stages and events qualify as genres?

In her discussion of genre, Carolyn Miller explains that classifications of discourse “should have some basis in the conventions of rhetorical practice, including the ways actual rhetors and audiences have of comprehending the discourse they use” (Miller 24). But to comprehend a discourse, we must become familiar with its type. According to Miller, we comprehend discourse through typification, a process created by recurrence, analogies and similarities:

²⁴ For the purposes of this study, I am focusing on the primary processes that generally apply to students in grade 1-5. Other genres and processes exist for older students who are entering transition stages. Other important actions that parents can and should take throughout the IEP process include Request for Records Review.

What recurs is not a material situation (a real, objective, factual event) but our construal of a type. The typified situation, including typification of participants, underlies typification in rhetoric. Successful communication would require that the participants share common types: this is possible in so far as types are socially created (or biologically innate). (Miller 29)

As we will see, school-based IEP Teams demonstrate their recognitions of types when they design forms that promote or prohibit a particular social action. And parents demonstrate their recognition of types when they comply or resist a particular social action. In addition, since parents are often non-experts in the field of special education and law, their understanding of how certain IEP processes function are often attributed to their exposure to stages of the IEP process in the form of IEP consent documents, meetings, and evaluation reports—specific genres—and how they construe or relate these genres to familiar typified situations.²⁵ Based on how the parents *comprehend* the function of the meeting, or consent form, for example, parents grow to expect the IEP process to function in a certain way over time. And since both the IEP and the governing Individuals with Disabilities Act set out to shape the *actions* of a student’s educational program, it makes sense to identify the process as “open and organized around situated actions” (Miller 27), another important attribute in identifying discourse as a genre, according to Miller. Furthermore, Miller’s explanation of genre helps us consider “the

²⁵ According to education scholar, Wade Fish, “Parents are at a disadvantage, parents who feel ill equipped in making educational decisions regarding their children allow educators to convince them easily that decision making should be left to the educators” (Fish 9).

rhetoric in which [parents] are immersed and the situation in which [parents] find [them]selves” (Miller 27) as they navigate the IEP process.

Further complicating matters, the overarching IEP process, genre design, and execution are informed by the Local Education Agency’s (LEA) *interpretation* of the Individual with Disabilities Act. Initial Evaluation forms and reports, Parent Consent forms, Prior Written Notice documents, and IEP Team meetings, for example, represent specific genres that structure the way information is shared, events are ordered, and roles are recognized (Devitt 24) in accordance with IDEA mandates. In that case, the LEA turns mandates into communication tools by pinpointing a typified response that will facilitate the functionality of that mandate. For example, the IDEA requires that parents receive particular information about an IEP Meeting in advance. We can tell how LEAs have interpreted this mandate, what they value, and how they wish to be positioned on the IEP team based on how they implement the mandate. Notices rather than invitations, as we will see later, encourage compliance rather than collaboration. In other words, genres are informed by our repeated exposure to typified responses. Invitations typically elicit a different response than a Notification, and we know this based on our exposure and familiarity with these genres.

Because the IEP genres are informed by the Local Educational Agency’s *interpretation* of the Individuals with Disabilities Education Act, the process, and genres, can and do vary significantly. As an example, my recent analysis of Prior Written Notice documents reveals that some states frame the document in a way that encourages parent-participation rights, while other local agencies frame the document in a manner that obstructs parent-participation rights, presumably in the interest of the educational

organization. The genre differences from state-to-state significantly alter the rhetorical situation and contribute to the instability of the parents' position within the IEP team and overall process.²⁶

Chapter 7: Notice of Individualized Education Program (IEP) Team Meeting

This section provides a brief overview of the Notice of IEP Team Meeting and its function according to the IDEA. To begin, an explanation of the meeting notice from a rhetorical perspective: who is involved, the purpose of the document, and its conventions. I then provide a review of parent participation rights as outlined by the IDEA. This legislative review helps us understand the important connections between meaningful parent participation and the Notice of IEP Team Meeting. I contribute to current genre discourse by rhetorically analyzing specific components of the meeting notice, and how those components interfere with parent participation.

A Notice of Individualized Education Program Team Meeting is the very first genre a parent would encounter in the IEP process. The genre should be a straightforward

²⁶ Prior Written Notice is an important procedural safeguard to ensure that parents are fully informed, thus improving their ability to make informed decisions about the child's IEP. According to the IDEA Federal Register, Section 300.503, Prior Written Notice must contain the following information and be given to the parents of a child with a disability within a reasonable amount of time: a description of the action proposed or refused by the agency; an explanation of why the agency proposed or refuses to take the action; a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; a statement that the parents have protection under the procedural safeguards; sources for the parents to contact to obtain assistance in understanding the provisions; a description of other options that the IEP team considered and the reasons why those options were rejected; and a description of other factors that are relevant to the agency's proposal or refusal. See Federal Register / Volume 71, No. 156, Section 300.503 for detailed information about the requirement of Prior Notice by the public agency. My analysis of various Prior Written Notices included Prior Written Notice documents from Maryland, Pennsylvania, and Virginia.

procedure designed to provide parents with the necessary information needed in order to collaborate and participate fully in the *scheduling* of child's IEP meeting. However, as the title of the document suggests, the *Notice of Team Meeting*, like many other IEP-related genres, has become an opportunity to challenge a parents' position in the IEP process by governing and controlling the parents' participation. In his essay, "*Systems of Genres and the enactment of Social Intentions*," Charles Bazerman reminds us that "genres rely on us being able to recognize them and to some degree understand the meanings they instantiate within the systems of which they are a part" (Bazerman 81), and suggests that the ability to access and successfully interact with a specific genre requires the user to understand the genre's main goal and objective. This is important when we think about accessibility for parents to meaningfully participate in the IEP decision-making process because it suggests that parents may engage in the IEP process based on misguided interpretations of genre meaning. In fact, Coe, Lingard, and Teslenko point out, that genres may be "'dysfunctionally functional,' working to advantage a dominant faction" (Coe et al 4). With that in mind, this section examines the Notice of Team Meeting as a site of competing rhetorics where the parents' understanding and recognition of how a genre should function is challenged by a genre that seeks to promote the LEA's position of power instead.

To understand how various genres function within the IEP process, it makes sense to evaluate common stages that typically take place at the beginning, middle, and end of an IEP process. Since the genres I am choosing to examine in this study involve standard required documentation for all students going through the IEP process, we can safely assume that all parent advocates would be exposed to these particular genres at some

point, and probably many times, throughout any given school year. Looking at the procedures in a linear fashion gives us a better understanding of how certain genres, when developed by Local Educational Agencies, represent an underlying pattern of competing rhetorics between parents and school systems that work to control and govern, rather than collaborate with parents. In addition, we can later consider how parents respond to the competing rhetorics by writing back through alternative genres.

Unlike other genres that might only be initiated in particular circumstances based on where a student falls in the IEP process, the *Notice of IEP Team Meeting* is a formal document required by the IDEA, which initiates the most important component of the IEP—the IEP team meeting.²⁷ I refer to the meeting as the most important component of the IEP process because the IEP team meeting (in theory) represents collaborative action that brings together team concerns, data, proposals, goals, objectives, and determinations. It's not the only place we identify action, but it is the major site from which all other IEP-related social action leads to and from.

The Notice of IEP Team Meeting is an important genre to examine in this study since it precedes any other procedural step in the IEP process and enables us to consider how, even in the earliest stage of the IEP process, IEP genres have a tendency to challenge the parents' legal right to be considered equal members of the IEP team in several important ways. Like most other genres associated with the IEP process, the

²⁷ Charles Bazerman provides a useful discussion and analysis of patents, and how “the law suggests the content, organization and even some of the phrasing of the patent” (Bazerman 81). Similarly, the IDEA suggests some content and some phrasing when it comes to the IEP process and related documents. IDEA provides optional sample documents for LEA use. See *Systems of Genres and the Enactment of Social Intentions* for more information. pp. 79-101.

Notice of IEP Team Meeting has the outward appearance of ensuring the full participation of parents as outlined by the Individual with Disabilities Act (IDEA). However, a closer analysis of the meeting notice genre, particularly when examined through the lens of Miller's social action theory, reveals a discreet but disturbing rhetoric that challenges the parent legal right to participate as fully informed equal members of the team. As this analysis will show, genres that have the outward appearance of meeting federally mandated compliance, or as Fish (who quotes Garriot et al, and Simpson) refers to as "meeting minimal legislative compliance" (Fish 8), do not always ensure that the procedures align with the spirit of the IDEA, or that parent and school systems have shared the same goals and objectives. As a result, parent participation is often challenged from the outset, minimizing their position even before setting foot inside an IEP meeting room.

I begin the analysis with a thorough examination of the federal law outlining parent participation.²⁸ In theory, the genres we encounter throughout an IEP process should reflect the spirit of the IDEA regulations and further advance their overall objective. When analyzing any IEP genre, we must consider how the function of the genre aligns with or breaks from IDEA intention. According to the IDEA subpart D, the public agency must take steps to ensure that one or both of the parents of a child with a

²⁸ Curiously, the *Parental Rights Maryland Procedural Safeguards Notice*, a handbook published by Maryland State Department of Education, does not include any information about federal regulations or parental rights related to parent participation requirements or meeting notification mandates. See *Parental Rights Maryland Procedural Safeguards Notice July 2013*, for a complete list of parental rights covered in the manual. (Check on updated version.)

disability are present at each IEP team meeting or are afforded the opportunity to participate, including

- 1) Notifying parents of the meeting early enough to ensure that they will have opportunity to attend; and
- 2) Scheduling the meeting at a mutually agreed on time and place.

In reference to the content of the meeting notice, IDEA subpart b outlines specific information to be provided to parents:

- (1) The notice must—
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance (Federal Register Volume 71.No156/ Monday, August 14, 2006/Rules and Regulations)

One final important regulation has to do with the Local Education Agency (LEA) conducting an IEP team meeting without a parent in attendance. According to IDEA 300.322 (d):

A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend.²⁹ In this case, the public

²⁹ Case law has been established in respect to IEP Team meeting scheduling conflicts, which lead educational institutions to hold meetings without parents. *Doug C. v. Hawaii* is a well-known case frequently discussed within the parent advocate community, and is frequently cited by parents when filing formal state complaints with Maryland Department of Education, Office of Civil Rights, or managing other participation/attendance issues that occur when school-based teams hold meetings without parent participation. According to leading special education advocate and attorney, Pete Wright, the U.S. Court of Appeals for the Ninth Circuit issued an important decision about parental participation at IEP meetings: “As a part of that ruling, the Court answered several issues and clarified the approach that must be used to determine the proper response when procedural rules appear to conflict with each other” (Wright). Pete Wright outlines an answer to one of the most important questions for parents going through the IEP scheduling process: “Priority is given to the parent. The attendance of

agency must keep a record of its attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the result of those calls
2. Copies of correspondence sent to the parents and any responses received
3. Detailed records of visits made to the parents' home or place of employment and the results of those visits. (Federal Register Volume 71.No156/ Monday, August 14, 2006/Rules and Regulations)

With those regulations in mind, I turn now to the *Notice of Individualized Education Program (IEP) Team Meeting*, example 1. and the premiere characteristics of the genre in order to get a sense of how the Meeting Notice is arranged, prepared, logged, and distributed. In doing so, we can identify the specific characteristics of the notice that respond to the IDEA regulations.

At first glance, the Notice of Individualized Education Program (IEP) Team Meeting seems straightforward, well organized, easy to read, and informative.³⁰ The title, centered at the top of the document reads, “Notice of Individualized Education Program (IEP) Team Meeting” in large bold font, making the purpose and intended audience transparent. The small section of student information directly under the title identifies the

[the]. . . parent must take priority over other members' attendance . . . an agency cannot exclude a parent from an IEP meeting in order to prioritize its representatives' schedules.” (Page 13)” (Wright). For more specific details about the case, see <http://www.wrightslaw.com/law/art/dougc.hawaii.pwanalysis.htm#sthash.mHTnSPJe.dpu> f. To read Doug v Hawaii published court findings, see:

<http://www.wrightslaw.com/law/caselaw/2013/9th.doug.c.v.hawaii.pdf>

³⁰ This study is limited to Notice of IEP Team Meeting from various counties in Maryland.

name, age, birthday, gender, grade, and native language of the student. This information assures the parents that they have received the correct notice for the correct child— an important feature since documents are occasionally sent home to the wrong family. The next line, *Date of Notice*, is particularly important because it responds to the IDEA regulation requiring schools to notify parents of the meeting “early enough to ensure that they will have opportunity to attend” (IDEA subpart b 300.322). While the IDEA doesn’t dictate how many days in advance are considered “early enough,” Maryland State Department of Education has its own regulation, which stipulates a parent must receive a meeting notice at least ten days prior to the scheduled meeting. In this case, the date of Notice example is 3/8/2015. I will discuss the significance of the ten day notice later on in the section. For now, it’s important to note the scope of information a parent must process when a meeting notice is received by cataloguing the standard components. Readers will then notice a short standard explanatory paragraph following the *Date of Notice*.³¹

The uniform explanation states:

Dear Mr. & Mrs. X,

We would like to meet with you to discuss our child’s educational program. As the parent/guardian you have the right to attend and serve as an equal participant in the decision-making process. You also have the right to bring your child and invite other individuals to this meeting who have knowledge or special expertise regarding your student. Documents associated with the purpose of the meeting

³¹ IDEA mandates that the meeting notice include information about parent right to participate and parent right to bring participants.

(i.e. preliminary evaluation assessment report, draft individualized education program, etc.) to be discussed are attached or will be made available five (5) business days prior to the scheduled IEP meeting.

The very next line indicates the date, time, location, and room of the meeting, all of which have been pre-determined without parent knowledge or input.

The *purpose of the meeting* is the very next item, typed underneath the date, time, location, and room of the meeting. In the case of this example, the following warning summarizes the purpose of the meeting:

As you are aware, this is the third attempt to convene this meeting. The meeting will proceed as scheduled. If you are unable to attend in person or participate via telephone, we will be glad to convene a parent conference to review the documentation and team decisions. You may also request to review these documents at a formal IEP team meeting.³²

A second page is attached to the notice indicating a section for *Parent Response*. The section emphasizes parent participation and urgency: “Your participation in this meeting is very important. Please check one of the statements below. Return the entire form to the school as soon as possible.” The following options are available for the parent to select by checking the empty box adjacent to the preferred statement:

- I will attend the meeting scheduled above
- I will NOT be able to attend the meeting schedule above. Please schedule another meeting. The following dates/times are possibilities for me.

³² The rest of the document lists the name and position of all individuals who have been invited to the meeting, and a required paragraph outlining the procedural safeguards rights afforded to parents through IDEA and Maryland Regulations (COMAR).

- I am unable to attend the meeting, however, I am available by telephone. Please call me at the stated meeting time at () _____
- I am unable to attend the meeting, but understand that my child's education program will be discussed and that a written summary of the meeting, assessment reports, when applicable, will be sent within 5 days of the of meeting.

The document concludes with a place for parent signature, date, and a waiver of the ten day notification if applicable.³³ In addition, the notice has a date stamp on the very bottom edge and the pages are numbered. In this case, the date indicates the notice was printed on 3/9/2015.

The identification of these document characteristics lay the groundwork for a more important discussion that looks closely at how the document should be functioning in accordance to the spirit of the IDEA, versus how the document might be adapted to function within an alternative social context of the IEP process. As a reminder, I am interested in looking at how genres move the reader to action, and how that action empowers or minimizes the role of the parent advocate, or as Miller suggests, how the “form shapes the response of the reader and listener to substance by providing instruction, so to speak, about how to perceive and interpret, this guidance disposes the audience to anticipate, to be gratified, to respond in a certain way” (Miller 159).

However, there are multiple readers and listeners in the IEP process who have competing interests. For the purposes of this study, I take the position that federal IDEA

³³ Maryland state law dictates that parents are entitled to notification ten days prior to an IEP team meeting. However, in some cases, parents may wish to waive their right to receive the notice ten days in advance.

mandates are designed to protect families and students with disabilities, but also support and encourage a collaborative relationship between parents and IEP team. Indeed, the IDEA recognizes all members of the IEP as an equal unit.

The collaborative relationship endorsed by the IDEA is important as we think about how IEP genres function within the team. In her discussion on genres and social function, Amy Devitt suggests, “genres function within groups to fulfill their communicative goals, for understanding the functions of genres, for groups remains critical to an understanding to the social nature of genres” (Devitt 50), thus like all tools we use to communicate, genres are not disembodied modes of delivery, but deeply connected to how we comprehend and share information. Devitt emphasizes that the group uses the genre to fulfill “their communicative goal” (50). In that sense, because parents expect the IDEA mandates to protect the disabled student and to ensure that the student and appropriate family members are considered equal decision-makers by the school-based team, parents expect *genres* they encounter throughout the IEP process to facilitate the protection afforded by the IDEA. In other words, through IEP genres, parents become oriented to the rhetorical situation, but expect the rhetorical situation to support the spirit of the IDEA.

Research suggests, however, that genres are adaptable and fluid based on specific rhetorical situations, allowing for genres to function in unintended or unexpected ways for some users. According to Devitt, “as rhetorical acts, genres cannot be transparent and purely efficient uses of language or they would not be able to adapt to the peculiarities of each communicative event” (Devitt 51). This fluidity and adaptability can be a desirable feature in cases where stakeholders are working toward mutual goals and objectives. But

what if an IEP genre can covertly serves to accomplish an alternative task that ultimately competes with the parents' expectation of protection? We can tell from our analysis of IEP genres that adaptations do indeed occur within the school-based IEP team that part from the spirit of the IDEA so much that we can't ignore how those adaptations interfere with the parents' right to equal participation. When examined with a rhetorical lens, how does the Notice of IEP Team Meeting function and what does the genre communicate to parents?

In this discussion, I argue that the Notice of IEP Team Meeting essentially ignores an IDEA mandate requiring the school-based IEP team to find a mutually agreeable meeting date and time by omitting this mandate as a formal step. Instead, the Notice of IEP Team Meeting simply puts the family on Notice as to when and where the meeting will take place.³⁴ Bazerman might well describe this particular IEP genre as a falling into the category of classic speech acts: “documents having a recognized stable illocutionary force within the legal system as directives (requesting or applying in an attempt to direct another’s behavior) and declarations (announcing or declaring a thing is so, makes it so)...” (Bazerman 85). Similarly, the school-based IEP team takes action that seems to declare a thing is so, in this case, declaring a meeting date and time. What does this mean, then, for parent-advocates who identify their role and position in the IEP process based on cues they get from genres like the Notice of IEP Team meeting? As Miller puts it, we “should recognize a [genre] by our determination of the typified rhetorical situation

³⁴ An online search of Sample IEP Meeting Notices indicates that alternative meeting invitation formats exist. See this sample alternatively labeled “Invitation to Participate”(http://pattan.netwebsite.s3.amazonaws.com/files/materials/forms/Invitation-ANN070108.pdf) This phrasing may significantly alter the context of the genre.

(Miller 31). In this case, then, parents would likely recognize the lack of collaboration written in a Notice of Meeting IEP Meeting, leading them to question the equality of their membership.

To better understand how the Meeting Notice might potentially shape the response of the reader by providing instructions on how to interpret the information (Miller 38), a close analysis of the Meeting Notice is necessary. Specifically, I want to draw attention to the following document headings or sections: document title, date of document, introductory clause, date of notice versus printed date, purpose of the meeting, procedural safeguard clause, and parent response.

Team Meeting Document Title

The title of the document, *Notice of Individualized Education (IEP) Team Meeting*, is centered in large bold ink at the top of the first page. The document does not immediately indicate an invitation to participate, but rather a notice of a specific event. In other words, the document doesn't invite parents to participate in a collaborate exchange with the intent to identify a "mutually agreeable time" (Federal Registry 300.322). Instead, the reader is put on "notice" that the meeting date, time, location, room, and team members have already been determined. In my experience, the most immediate reaction by parents is to abruptly scan the document to identify the chosen date and time, which is then quickly compared to the family calendar to assess how much of the schedule needs

rearranging in order for the parent to attend this pre-arranged meeting that should have taken into account a mutually agreeable time and location.

A recent review of a popular online parent advocate forum indicates that most parents struggle with school-based teams when it comes to participating in meetings that are held during mutually agreeable times and locations. As a parent who expects to be considered an equal member of the team, and who has the right to attend a meeting scheduled at a mutually agreeable time, it often feels somewhat disorienting to receive a Meeting Notice with a pre-determined date, time, and location. We might consider, then, how the title of the notice, along with the predetermined date, time, and location reads as a hierarchical space that excludes the parents before the meeting ever takes place. The title of the document does not treat the parent as an equal member of the team, as much as it reinforces the notion that the parent is an outsider subject to terms and conditions set by the school-based team. In simpler terms, the social action taking place is one that excludes the parents in the meeting arrangement, marginalizing the parents' right to collaborate with the team to find a mutually agreeable date and time and dictated by the IDEA. I would also suggest that a parents' inclination to interpret the meeting notice as a rhetorical statement rather than an invitation to find a mutually agreeable date/time can be traced back to our culture's typified response to recurring events that model authoritative documents.

Introductory Clause

This authoritative posture carries through to the introductory clause identifying the parents' "right" to do this, and the parents' "right" to do that, which reads as authoritative rather than collaborative:

Dear Mr. & Mrs. X,

We would like to meet with you to discuss your child's educational program. As the parent/guardian you have the right to attend and serve as an equal participant in the decision-making process. You also have the right to bring your child and invite other individuals to this meeting who have knowledge or special expertise regarding your student. Documents associated with the purpose of the meeting (i.e. preliminary evaluation assessment report, draft individualized education program, etc.) to be discussed are attached or will be made available five (5) business days prior to the scheduled IEP meeting.

The information in this paragraph does nothing to nurture a collaborative relationship between the school-based team and the parents based on the abrupt nature of the wording. Critics might argue that less experienced parent-advocates might find the information useful in the early stages of the learning process, and I won't disagree with this assertion. Still, I'm bothered by the blunt display of dominance that works to remind parents who has access to critical information. Indeed, power distribution and the unequal access to information play critical roles in the decision-making process. In his chapter on "Learning the Rules of the game," Pete Wright outlines the key characteristics of "Gatekeeper Rules" (Wright 24), reminding us that stakeholders are in the business of controlling who has access to information. So while some may interpret the inclusion of required information on the Meeting Notice useful, it also brings two critical issues to the forefront: 1) parents are disadvantaged when it comes to accessing important information, and 2) relying on the school-based team for important information poses a conflict of

interest.³⁵ As Coe, Lingard, and Teslenko point out, “contemporary analysis of genres as social strategies for responding to types of situations provides a shared point of origin from which contributors reveal the potential of genres to discipline, erase, and elide some voices while serving the dominant potential interests within communities of discourse” (Coe et al 5). LEAs get the upper hand from the beginning of the IEP process when they command and control, rather than collaborate and inquire. While the introductory clause contains content that is mandated by the IDEA, school-based IEP teams govern how the genres are designed, and how to communicate specific information. We see similar issues when we examine the Notice of IEP Team Meeting Dates, where a parents’ request for specific dates/times or a parents’ written response to scheduled dates/times are excluded from subsequent documents.

Date of Meeting versus Printed Date

As I mentioned earlier, the IDEA requires that parents receive advanced meeting notices in a reasonable amount of time as to allow the parent an opportunity to participate. The Maryland State Department of Education requires 10 tens advanced notice. The “date of notice” compared to the printed date is an important aspect for us to analyze as we consider how the genre works to facilitate or disrupt parent participation. In Notice of IEP Team Meeting Sample 1, the print date identified along the edge of the

³⁵ In their article, *Examining the Feasibility of Special Education Advocacy Training*, Burke, Mello, and Goldman explore the barriers many parents face during their efforts to fully participate in the IEP Process. According to Burke, Mello, and Goldman, “For many families, legal and educational jargon creates barriers to advocacy” (Fish 2008). Also, procedural safeguards, intended to educate parents about their rights, are, on average, written at a 16th grade reading level, making them inaccessible to many families (Mandic et al. 2012)” (Burke et al 540). Studies like Burke’s underscore parents’ disproportionate lack of access to meaningful information compared to the LEAs. See *Examining the Feasibility of Special Education Advocacy Training* for a more in-depth look at types of programs designed to educate special needs parents.

documents indicates that the document was printed on March 9, 2015. The “Date of Notice” indicates that the notice was sent home to the parents on March 8, 2015, the scheduled meeting date is March 18, 2015. Just to be clear, according to the document, the *date of notice* takes place before the document was printed. The document goes on to say: “The Meeting will be held on 3/18/2015, 12:30pm.” These dates are important because Maryland State Department of Education mandates that parents receive notification ten days prior to a scheduled meeting.

In this case, then, the meeting notice should have been received by the parent no later than March 8, 2015. The document indicates that the meeting notice was sent home on March 8, 2015, but we know from looking at the print date along the bottom edge of the document that the notice wasn’t actually printed until March 9, 2015. It’s not clear when the parent actually received the notice. This analysis indicates that the LEA is more interested in appearing to be compliant than actually collaborating with the parent to ensure the parent has a reasonable amount of time to participate in the meeting. As a reminder, the parent has not been invited to collaborate with the school-based team to find a mutually agreeable time. Instead, the parent has only been put on notice.

Our analysis so far of the meeting notice title, notice dates, and print date help us begin to identify a pattern of cultural values and attitudes that tend to disregard the rightful power and position of parent advocates. As Coe, Lingard, and Teslenko suggest, this sort of genre analysis can help us pinpoint “tensions that are reinscribed by the attitudes, values, methods, and subject positions that generic structures construct for their users” (Coe et al 5). The Notice of IEP Team Meeting genre suggests that the school-based time values their own time, schedule, voice, and position in the IEP team over the

parents. I would argue that the pattern we see emerge from the various genres examined in this study indicate that genres used by school-based IEP teams work to govern and control the participatory actions of parent advocates and disrupt the purpose of the team meetings.

Meeting Purpose

The “purpose” section of the example meeting notice is a useful place to examine how the genre works to govern and control parent participation. A statement typed below the purpose of the meeting includes the following warning to the parent:

As you are aware, this is the third attempt to conduct this meeting. The meeting will proceed as scheduled. If you are unable to attend in person or participate via telephone, we will be glad to convene a parent conference to review the documentation and team decisions. You may also request to review these documents at a formal IEP Team Meeting.

Note the rhetorical introduction, “as you are aware,” attempting to tell the reader what she knows. The next line: “this is the third attempt to conduct this meeting,” attempts to tell the parents that they did in fact participate in some sort of collaborative action to reach a mutually agreeable date and time. In this case, multiple notices were sent home, none of which provided the 10-day advanced notice, and all of which were for dates that the parents were scheduled to be out of town.³⁶

Section 5 Procedural Safeguard Clause

³⁶ It’s important to note that the parents sent the school based team an email and written note stating they would be out of town and needed the meeting to take place upon their return at the end of March. Since IEP Meetings to discuss *results* of assessments need to take place within 60 days after *completion* of assessment, the school-based prioritized timeline regulations over parent participation regulations.

The following Procedural Safeguards clause is noted at the bottom of the Notice of IEP Team Meeting:

Procedural safeguard/parental rights are afforded to parent in accordance with Individuals with Disabilities Education Act (IDEA) and Code of Maryland Regulations (COMAR). These Safeguards and right are outlined in the Procedural Safeguards/Parents Rights booklet. Information contained in this document will be reviewed at the beginning of the meeting and any questions you have will be addressed. If you have any questions, please contact xxxx at xxxx.

This document provides another example of how school-based IEP teams prioritize compliance requirements over the spirit of the IDEA. Based on experience and observation, school-based IEP teams never review the contents of the Procedural Safeguards Booklet with parents. Instead, the facilitator announces to the participants that the booklet has been provided to the parents, and the parents are given the document. In order for parents to meaningfully participate in the IEP Process, they need to be informed of the basic policy, procedures, and legal rights. However, school-based teams seem to prefer that parents remain less informed because it ensures less resistance.

Parent Response

The Parent Response section is a confusing feature of the document. As a reminder, on page two of the and observation, parents are offered the following responses:

- I will attend the meeting scheduled above
- I will NOT be able to attend the meeting schedule above. Please schedule another meeting. The following dates/times are possibilities for me.
- I am unable to attend the meeting, however, I am available by telephone. Please call me at the stated meeting time at () _____
- I am unable to attend the meeting, but understand that my child's education program will be discussed and that a written summary of the meeting, assessment reports, when applicable, will be sent within 5 days of the of meeting.

The document appears to offer parents options, and even provides parents an opportunity to request another meeting and offer alternative dates. What we know from experience and observation, as well as what we can infer by Parent-Advocate Guide Books, is that school-based teams prioritize their own agenda at the expense of the parents. In the case of the example in this study, the parents indicated through letter and email that the meeting would need to be held after returning from an out-of-town obligation. The school-based team held the meeting without the parents and dismissed the student from the IEP. The genre advances mixed messages, but mostly positions the school-based team as the dominant members. The genre is required to contain particular information in order for the school-based team to meet compliance requirements. This opens the rhetorical situation to a complex power struggle since it simultaneously invites and resists parent participation.

Chapter 8: IEP Team Meeting

Pick up any special education advocacy book and you will find a discussion outlining the perils of the IEP team Meeting.³⁷ What should be — according to the Individuals with Disabilities Act — a collaborating event where school-based team members and parents meet to discuss the best placement and provisions for their student, has become another site where parents compete for equal participation. This section examines the IEP Team Meeting as a genre and rhetorical space that often challenges parent participation rights by positioning parents, literally and figuratively, on the margins of the decision-making process. By analyzing parent perception studies, we will see the how IEP Team Meeting genre works to govern parent actions and contributions in the spirit of cooperation, rather than inviting collaboration. While Zeithlin’s and Curcic’s research looks at the “asymmetrical roles” between parents and teacher (Zeithlin et al 380), I am interested in how specific characteristics associated with the meeting genre perpetuate competing rhetorics.

In my experience, IEP Team Meetings can be extraordinarily intimidating for a variety of reasons that I will attempt to describe.³⁸ To begin, documents that will be discussed at the IEP team meeting are sent home for review five days prior to the IEP

³⁷ According to the IDEA “The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decided what the child’s needs are, what services will be provided to meet those needs, and what the anticipated outcomes will be” (Federal Register 1981, 5462).

³⁸ Margaret McLaughlin, who urges Principals to sympathize with parents, suggests that trust is a major factor in how parents engage in the IEP Process: “Parents of children with disabilities can often feel powerless in the education process of their child. Despite the rights of parents of children with disabilities to be involved in all phases of their child’s education program, the parents often do not feel competent to make critical decision. They must rely on experts and professional to explain to them what their child needs. This requires a great deal of trust, and often the professional are strangers or merely acquaintance to the parent. Yet, trust is the foundation of effective parent collaboration and involvement” (McLaughlin 52).

meeting.³⁹ We can think of this step as an itinerary, outlining the data school-based teams are required to use when making any decisions about a student's IEP. Experienced parents have learned to base IEP team-meeting expectations on cues from those documents. The specific types of documents that parents might expect to receive include assessment results, psychological reports and findings, sample classwork, behavioral charts, progress reports, and observation reports. Providing documents that will be discussed during the IEP team meeting five business days prior to the meeting might seem like helpful and meaningful action. However, like many of the IEP process procedures, this action does not necessarily align with the spirit of the statute. MSDE describes the statute as a step "that ensures parents have an opportunity for "meaningful participation" (MSDE Technical Assistance Bulletin 20), since IDEA mandates equal parent participation.

So if the documents sent home for parents indicate the trajectory of the meeting narrative, parents need to know how to interpret the meaning and context of the materials. In many cases, this means parents are expected to interpret complex technical materials in

³⁹ The IDEA mandate requires the IEP school-based team, upon parent request, to provide any documents related to a student's educational record prior to an IEP meeting. However, most states have their own regulations governing the distribution of documents prior to the IEP meeting. For example, Maryland State Department of Education states that school personnel is required to provide parents with an accessible copy of each assessment, report, data charts, draft IEP, or other document the IEP team or other multidisciplinary team plans to discuss at that meeting at least five business days before the scheduled IEP meeting. It's interesting to note that this mandate was an amendment to Senate Bill 540 Governor O'Malley on May 2, 2012. MSDE states that these amendments "provide parameters that were clearer to both sides with regards to the delivery of the documentation. The law also clarifies requirements for those documents. This state statute exceeds the IDEA requirements on parental participation." See MSDE *Technical Assistance Bulletin 20* (Revised 2012) for background, summary, and implementation information.

order to prepare for a conversation about those materials. For example, a parent may receive a *Communication Assessment Report*. The report shouldn't come as a surprise to parents since prior written consent is required. A standard *Communication Assessment Report* consists of a lengthy chart outlining at least a dozen areas of communication that are assessed (such as vocabulary, syntax, morphology, verbal reasoning, and auditory skills), lists of specific instruments (such as Receptive One-Word Picture Vocab Text, and Clinical Evaluation of Language Fundamentals-4), followed by lists of standard scores, percentile, stanine, and scaled score. Further along in the report are summaries of the assessments administered, summaries of student abilities and difficulties, data analysis, relationship of scores to potential eligibility of criteria, and a summary of findings.

The categories covered in the Communication Assessment Report are overwhelming on their own; interpretation of the technical content within the categories is nearly impossible for the average parent who is not trained in speech and language. To briefly summarize, then, as a gesture of good faith to “ensure that parents have an opportunity for meaningful participation,” parents are provided with every single technical document being discussed at the meeting, and expected to interpret meaning and context, five business days prior to the scheduled IEP Team meeting.

Most parents cannot interpret meaning and context of *Communication Assessment Reports*, or *Psychological Assessment Reports* (sequential scales, learning scales, knowledge scales), or *Academic Assessment Reports* (Woodcock-Johnson III NU Test of Achievement, Quantitative Concepts, Math Reasoning Cluster), or even less technical materials like classwork samples and academic portfolios, without user-friendly

information designed to help orient and interpret.⁴⁰ In fact, when asked if school personnel are required to explain the documents to the parent prior to the meeting if the parents do not understand the document received five business days in advance, the Maryland State Department of Education responds:

The statute neither requires nor prohibits the review of the provided documents by school personnel with parents prior to the scheduled meeting (MSDE Technical Assistance Bulletin 20).

If when “picking up a text, readers not only classify it and expect a certain form, but also make assumptions about the text’s purposes, its subject matter, its writer, and its expected reader” (Devitt 12), what does the IEP meeting genre communicate to parents so far? The issue of receiving technical documents that will dictate the meeting conversation illustrates how parents are at a significant disadvantage before they even step into the meeting room and suggests, in subtle ways, how parents are expected to respond “appropriately to a given situation” (Devitt 16). Parents who don’t know to insist on planning a meeting during a mutually agreeable date and time might, then, be preparing to attend a meeting that seriously conflicts with their schedule, in order to discuss materials they are not equipped to interpret. Rather than facilitate collaboration, IEP genres tend to put parents on *Notice*, whether through the Notice of IEP Team Meeting, or through the notification of assessment results with which they cannot meaningfully engage. And if “genre is action,” (Devitt13), the IEP Team meeting, so far, works to significantly limit parent participation. The action I see minimizing parent participation,

⁴⁰ While the Maryland State Department of Education requires that all documents be accessible and provided in a parents’ native language, there are no regulations requiring school-based IEP Teams to interpret document results prior to IEP Meetings.

of course, is subtle because it's disguised as action ensuring meaningful participation, and on paper meets compliance standards. As we will see, adhering to compliance standards is a competing rhetoric common in the IEP process.

Most parents agree that IEP team meetings are perceived as battlegrounds and generate a significant amount of anticipatory anxiety. Zeitlin and Curcic interviewed one young mother and college professor who says, "I know parents who drink the night before their IEP meetings. 'Oh, IEP meeting tomorrow? Rum tonight! It's bad news'" (Zeitlin et al 379). Another parent admitted, "Once the IEP day comes I know that the rest of my day will be ruined. I usually go home and eat— some people drink" (Zeitlin et al 379). These confessions sadly underscore the physical and emotional angst many parents experience as they anticipate the IEP Team meeting experience.

On the day of the IEP team meeting, most parents arrive at the school without knowing how long they can expect the meeting to last since the meeting Notice only includes a start time. This can be especially unsettling for a parent who has had previous negative experiences, and is simply trying to get through the meeting. Parents might still experience significant anxiety even when a time frame is specified, like one special needs parent who admits, "I just sat at these meetings until my dreaded hour was up. There were times when I felt like I was being beat up at these meetings" (Zeitlin et al 378). Not knowing what to expect before one enters a meeting room creates a sense of vulnerability and powerlessness. This vulnerability is perpetuated by the characteristics of the IEP team-meeting genre. For example, upon arrival, a parent is asked to present formal identification to the secretary and then asked to place a paper sticker nametag on their person in order to validate both their identity and permission to be there. Typically

parents are then instructed to wait in the school lobby until someone from the school-based team comes to escort the parent to the meeting room. I have rarely attended an IEP Team Meeting that began at the scheduled time. This means, then, parents may experience further anticipatory anxiety as they wait to be retrieved and led to the meeting room.

When parents enter the IEP meeting room, they are confronted with an already seated and rhetorically arranged group of school-based IEP team members. One parent, who complained about the power dynamics within the meeting room, describes her experience like this: “ten to twelve professionals sitting on the opposite side of the table who would go on to tell us a host of negative things about our young son” (Zeitlin et al 379). Since the IDEA mandates who participates in IEP Team Meetings, parents can expect to be positioned in front of the following minimum number of required participants:

- (i) not less than 1 regular education teacher of such child
- (ii) not less than 1 special education teacher
- (iii) administrator
- (iv) an individual who can interpret the instructional implication of evaluation results
- (v) at the discretion of the agency or parent, other individuals who have knowledge or special expertise regarding the child (Federal Registry 300.321 e2).

As parents are confronted with a wall of bodies that constitute the school-based team members, or as one parent describes “a system that pits them on opposite sides of

the table” (Zeitlin et al 378), we are forced to ask: what impact does the literal positioning of bodies have on figurative positioning within the IEP Team meeting? We know from parent perception surveys and interviews that parents feel a “loss in personhood” (Zeitlin et al 377) in the IEP Team meeting. In a disturbing account of her experience, one parent reported “feeling like a little gazelle that was being shot at one-by-one by each of the twelve staff members at the meeting” (Zeitlin et al 378). Her account speaks to the power of spatial rhetorics, and how taking up too much, or too little, space influences the stakeholders’ perception of the distribution of power. Esquivel and Bonners report that, “smaller team meetings enhanced [parent] experiences” (Esquivel et al 241). Critics might point out that the total number of school-based team members in attendance is largely driven by the IDEA mandate; creative plans to remediate the uneven distribution of power could be explored if the school-based team recognized the parents’ role in the IEP process, and were committed to restructuring the situation in a way that valued parents as equal members of the team.

If we think about the communication exchanges taking place between the school-based IEP team members and parents as taking place between *readers* and *writers*, where the parents are the readers and the school-based team members are the writers, there are multiple perceptions occurring within the IEP Team Meetings. According to Devitt, when readers recognize a specific genre (in this case a meeting), they “recognize simultaneously the writer’s and reader’s role” (Devitt 21). Parents, especially inexperienced parents, take the cue from the particularities of the meeting genre. So, given what we know about how the IEP Team Meeting is set up, and given what we know about how parents are identified and positioned in the waiting room, and given

what we know about what parents face when they are led through the doors of an IEP meeting room, it's easy to see how parents might "read" their role as inferior, or the what Zeitlin refers to as "asymmetrical relationships" (Zeitlin 377). Devitt, who heavily quotes Miller, emphasizes how the act of constructing the genre is also the act of constructing the situation (Devitt 21), and helps us consider how the construction of the IEP Team Meeting constructs the situation. To review, the IEP Team Meeting "serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide what the child's needs are, what services will be provided to meet those needs, and what the anticipated outcomes will be" (Zeitlin et al 374). My research and analysis suggest that the situation has been constructed to minimize the parents' role in the IEP process. Looked at another way, school-based teams who have anxieties about sharing power and position with non-expert parents, or school-based teams who prioritize compliance standards over individualized education programs may construct genres in ways that support a particular outcome by constructing a rhetorical situation that governs and controls parent participation.⁴¹

First, the school-based team collaborates to come up with a meeting date and time that accommodates their teaching schedules. The parent is not part of a collaborate discussion that works to seek a mutually agreeable time. Instead, the parent is then put on Notice as to when the IEP Team meeting will take place. The parents' right to participate in the identification of a mutually agreeable time has been disregarded. The school-based

⁴¹ Margaret McLaughlin argues, "principals have always been central to high quality education programs in schools, but never more so than in today's climate of high standards and high stakes accountability" (1). See, *What Every Principal Needs to Know About Special Education*, pp1-4, for further discussion on administrative accountability.

team, who has had sole possession of the evaluation reports since the date of assessment completion, can distribute materials and collaborate within the school-based team to discuss outcomes and strategies moving forward. School-based teams have access to education, administrative, and legal experts should they have any questions about the assessment results. Parents are then provided a copy of all assessment, reports, or other documents the IEP team or multidisciplinary team plans to discuss five business days prior to the scheduled IEP Team meeting. Parents are not provided any guidance or to help to interpret meaning or context of materials, but are now considered fully prepared for meaningful participation in the IEP Team meeting, where parents are to be treated as equal members of the decision-making process. These actions, facilitated by IEP genres, reinforce the notion that meeting compliance requirements takes precedence over the importance of the parents' legal right to engage in meaningful participation as equal members of the team.

Chapter 9: Prior Written Notice

Background: Prior Written Notice and Document Function

This section provides a brief overview of the Prior Written Notice (PWN) documentation process and its function according to the United States Department of Education.⁴² To begin, I provide an outline of the federal mandates and pertinent supplementary material that describe the purpose and intent of Prior Written Notice,

⁴² For a simplified explanation of Prior Written Notice, see Parents' Place <http://www.ppmmd.org/wp-content/uploads/2014/03/IEP-Prior-Written-Notice.pdf>

identifying the critical values and assumptions reflected in the federal mandates, and explain a rationale for identifying the Prior Written Notice as a genre. I then connect Miller's theory of social action to the function of the PWN, and suggest ways for us to consider the document from a political and democratic position. I contribute to the conversation about genre with a diagnostic analysis and comparison of sample Prior Written Notice documents, advancing a larger assertion that competing rhetorics may complicate the Prior Written Notice documentation process in ways that interfere with the intended social action.

Prior Written Notice documentation process functions as a procedural safeguard to ensure that parents have access to meaningful participation in the IEP (Individualized Education Plan) decision-making process.⁴³ The Individuals with Disabilities Education Improvement Act (IDEA 2004) provides regulatory provisions outlining the requirements of Prior Written Notice.⁴⁴ It is important to identify the goals and objectives of Prior Written Notice for the purposes of evaluating how the process functions within the Local Education Agency (LEA). According to the United States Department of Education, the *purpose* for providing prior written notice is:

⁴³ Under 34 CFR §300.503(a), the school district must give you a written notice (information received in writing), whenever the school district: (1) Proposes to begin or change the identification, evaluation, or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child; or (2) Refuses to begin or change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child. See U.S. Department of Education for more details. <http://www2.ed.gov/policy/speced/guid/idea/idea2004.html>

⁴⁴ See <http://idea.ed.gov/> Part B for regulations and guidelines. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.

to ensure that a parent understands the special education and related services which an LEA (Local Educational Agency) has proposed or refused to provide to as student. If a parent does not understand the service being proposed, it follows that the parent could not have agreed to the proposed services (U.S. Department of Education Office Special Education Programs).⁴⁵

From this statement, it is clear sense what the U.S. Department of Education values and assumes the parent is coming from a position of nonexpert, the parent requires specific support and guidance to fully understand the IEP process, and parental consent is required. It further assumes that parents might not receive this required information otherwise, and that parental consent is useless if couched in misunderstanding. The IEP power dynamics play a critical role in the IEP process, and as Michele Simmons argues, it's necessary to critically examine "the role institutions play in regulating public participation," and how citizens are "positioned in the decision-making process" (Simmons 26). Importantly, the U.S. Department of Education clearly intend for the IEP process to include parent participation and overall consensus between education agency and parent, and we can infer, based on the wording of the mandate, that the Federal Mandate responds to the likelihood that parents have been left out of the process or have not been able to participate for one reason or the other. In simpler terms, the U.S. Department of Education states that a *compliant* Prior Written Notice must contain the follow seven items:

Prior Written Notice Under Part B of the IDEA

1. Description of the action that the school district proposes or refuses to take

⁴⁵ See Letter to Boswell, 49 IDELR 196, (OSEP 2007) U.S. Department of Education.

2. Explanation of why the school district is proposing or refusing to take that action
3. Description of each evaluation procedure, assessment, record, or report the school district used in deciding to propose or refuse the action
4. Description of any other choices that the Individualized Education Program (IEP) Team considered and the reasons why those choices were rejected
5. Description of other reasons why the school district proposed or refused the action
6. a statement that the parent(s) of a child with a disability have protection under the procedural safeguards of the Virginia Regulations and if the notice is not an initial referral for evaluation, the means by which the copy of a description of the procedural safeguard can be obtained
7. sources for the parent to contact in order to obtain assistance in understanding the provision of the notice requirements. (United States Department of Education Web)

The seven mandated items center on intended *actions* of the educational agency and actions available for parents. Similar to the U.S. Department of Education’s PWN statement of *purpose*, the mandated items reflect a sense that “all affected by the decision [have] the ability to actively participate in the decision-making process” (Simmons 3). Since Maryland does not publish a similar handbook, I rely on the “Guidance on Prior Written Notice in the Special Education Process” handbook provided by Virginia

Department of Education Office of Dispute Resolution and Administrative Services, to contextualize how the Prior Written Notice process is *intended* to function.⁴⁶

According to the Virginia Department of Education, the purpose of providing prior written notice to a parent is to:

- Provide comprehensive documentation of the proposed and refused actions made;
- Make sure the LEA and the parents are “on the same page” about a child’s educational program;
- Provide the parents with an opportunity to voice any concerns or suggestions;
- Provide sufficient information to ensure that the parent understand the rationale behind an LEA’s decision making regarding a particular proposed or refused action
- Ensure that informed parental consent is obtained, as necessary;
- Assist the parent in determining the basis for any disagreement(s) with the proposed and/or refused actions addressed in the prior written notice and whether to seek a resolution of any dispute through local dispute procedures, a state complaint, mediation, or a due process hearing.”⁴⁷ (Virginia Department of Education Office of Dispute Resolution)

⁴⁶ Maryland State Department of Education does not issue a “Guidance on Prior Written Notice.” See Parental Rights Maryland Procedural Safeguards Notice. http://www.marylandpublicschools.org/msde/divisions/earlyinterv/docs/MarylandProceduralSafeguardsNotice_July2013.pdf

⁴⁷ See Virginia Department of Education Office of Dispute Resolution and Administrative Services for more information: http://www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/guidance_prior_written_notice_special_educ_process.pdf

We might even consider that Prior Written Notice helps parents identify their role in the process by providing specific expectations as outlined by the PWN prompts. According to Bazerman, “we develop and form identities through participation systems of genre within ordered activity systems” (Bazerman 17). If we consider Prior Written Notice a genre ordered through activity systems, it’s possible to imagine that when framed as the IDEA intended, the PWN process could help nonexpert parents think and participate in “actively productive ways” (Bazerman 14).⁴⁸ Coe, Lingard, and Teslenko suggest, in fact, that genres “allow individuals who understand the genre to predict, anticipate, respond to, and negotiate the moves of the other participants” (Coe et al 6). The catch here is the part about “understanding the genre.” Parents may perceive understanding based on other information or previous experience, only to become disoriented when the genre does not meet the usual expectations, such as when a document like Prior Written Notice is not used as intended.

I will return to the action oriented components of Prior Written Notice requirements later in the essay, but, based on the seven required components, Prior Written Notice is intended to promote parent participation in the decision-making process. For example, as number six in the list of notice requirements indicates, the LEA is required to inform parents that they have “protection under the procedural safeguards.”

⁴⁸ In her chapter, “Literacy as Knowing What to Do Now,” Deborah Brandt provides an interesting discussion about readers whose primary response to a text is; “What do I do now” (Brandt 38). According to Brandt, readers use texts to make sense of what they are doing: literacy must be seen as context-making rather than a context-breaking ability. This is important as we consider how parents interpret or “read” genres with which they will engage. Parents need particular literacy skills in order to orient to context and rhetorical situation. See Brandt, pages 38-44 to read more about Brandt’s theory on The Process of Involvement.

The procedural safeguards provided by IDEA include formal procedures accessible to parents who dispute decisions made by the school-based IEP team: mediation, state complaint, and due process. Logically, the procedural safeguards ensure democracy by providing an equal opportunity for parents to act as advocate for their child by accessing formal democratic procedures.

Prior Written Notice: Genre as Social Action

In this study, I am interested in how, as a formal genre, the Prior Written Notice documentation process achieves more than a series of “simple patterns into which the communicator inserts content” (Henze 358), but instead locates positions of power, subordination, collaboration, and isolation that are marked by specific social actions in a specific social context. Prior Written Notice is a document that responds to the parents and educational institutions’ right to *take specific action* regarding a child’s individualized education program; it declares the intended actions of the Educational Agency, and anticipates potential actions of the parent. In that sense, it’s important that the PWN “be seen not as a text type but as what Carolyn Miller has called a social action; or to put it another way [...] one of the things technical communicators use to fulfill a specific type of purpose within a particular, recognizable, and recurring situation” (Henze 339). Prior Written Notice, I would argue, is provided to parents for the specific recurring purpose of a parents’ right to advocate on behalf of their child’s Free Appropriate Public Education (FAPE) to the extent that a parent understands technical/expert information and is thus able to participate meaningfully in the decision-making process. We can look at the PWN documentation beyond its superficial procedural function to examine the “relationship among problem solving, databases, and organizational writing itself”

(Grabill 5). To that end, PWN works to help an IEP team fulfill their obligation to adhere to the federal mandates that give parents agency to act on their child's behalf.⁴⁹

To point to the unique characteristics of the Prior Written notice documentation process is, as Carolyn Miller asserts, to “not to trivialize the study of genres, it is to take seriously the rhetoric in which we are immersed and the situations in which we find ourselves” (Miller 152). Furthermore, part of taking seriously the rhetoric in which we are immersed means recognizing that the rhetorical situation has been socially constructed over time. According to Miller, Campbell and Jamieson maintain, “the critic who classifies a rhetorical artifact as generally akin to a class of similar artifacts has identified an undercurrent of history rather than comprehended an act isolated in time” (Miller 153). What undercurrent of history, then, might we detect from the Prior Written Notice documentation process, and what is the rhetoric in which parents and educators are immersed?

The U.S. Department of Education's statement of PWN purpose and required minimum components, as well as the Virginia Department of Education's interpretation of PWN, emphasize particular social actions inherent to the PWN documents. For parents, the social actions include evaluating, inquiring, and disputing actions proposed or declined by educational institutions. But the process also suggests in its design a level of transparency, collaboration, equality, and meaningful participation between the parents and LEA. We might, then, consider how the components of the Prior Written Notice

⁴⁹ A duly constituted IEP Team includes: Parent, Special Educator, General Educator, School Administrator, and any Service Provider such as Speech Language or Occupational Therapy. See U.S. Department of Education IDEA 2004 for more information. <http://www2.ed.gov/policy/speced/guid/idea/idea2004.html>

documentation system have immersed as a historical adaptation to the tensions between the positions of power, subordination, collaboration, and isolation that are marked by specific social actions inherent in the IEP process; a “convention of discourse that a society establish[ed] as ways of acting together” (Miller 163).

Prior Written Notice: Agonistic Pluralism

Thinking about the Prior Written Notice documentation system as a social action instead of “text type” (Miller 151) is significant because we are then forced to think about how the document *functions socially* and what actions occur as a result of the document: what social action does the prior written notice inspire? The intent of the Prior Notice is to inspire equal participation between parents and the LEA, as well as “agonistic pluralism—a politics that secures contestation as a permanent and foundational condition of democracy” (Rai 41). The first mandate requirement, for example, states that the LEA is required to provide the parent with a “Description of the action that the school district proposes or refuses to take” (US Department of Education), and implies that a parent thus has an opportunity to evaluate the specific action in order to decide whether or not she agrees with the proposed or declined action. The second notice requirement is designed to give parents an opportunity to evaluate the rationale used by the LEA to determine actions and dispute or question the presented rationale: “an explanation of why the LEA proposed or refuses to take action” (US Department of Education).

This notice requirement provides a mechanism by which the parent can further inquire about how the school actions have been determined. The third notice requirement substantiates the rationale by necessitating an outline of the methodology used by the LEA to determine actions proposed or declined. All three notice requirements position parents in such a way that enable them to act as equal participants in the education

process by evaluating proposed action, rationale, and methodology. As previously mentioned in the analysis of mandated requirement number six, this position of power has valuable “features of democracy” (Rai 41) in that it invites parents to question, dispute, or reject decisions by accessing procedural safeguards. The federal mandated version of Prior Written Notice documentation process echoes agonistic pluralism in its “call for the maintenance of democratic institutions and processes that keep democratic contestations alive” (Rai 41). However, since “form shapes the response of the reader and listener to substance by providing instruction, so to speak, about how to perceive and interpret, [and] this guidance disposes the audience to anticipate, to be gratified, to respond in a certain way” (Miller 159), it’s important to look critically at the potential competing rhetorics inherent in the PWN documentation process. Despite the appearance of parental agency, the PWN documents are designed, composed, and delivered by the LEA whose ultimate decision-making power dominates the IEP process.⁵⁰ In her research on participatory design, Michele Simmons refers to this cycle as a “decide-announce-defend event designed to generate an administrative record that the public was consulted” (Simmons 31).

The implied rhetoric underlying the PWN *form* works to prioritize the education agency’s interest and raises questions about how the form, presentation, and overall purpose of the procedure have competing rhetorics. Might the form dispose parents—

⁵⁰ Some states require parental signature on Prior Written Notice. A public (redacted) Florida Prior Written Notice indicates a place for parent agreement. See public copy of “School Board for Sarasota County Florida Prior Written Notice” here <http://www.12gal.org/IEP-SRQ-Pkt.pdf>. Maryland does not require signature on any documents other than evaluation consent, and does not have a Parental Consent Mandate, despite lobbyist’s attempts for a Parental Consent Bill.

who are not participants in the composition of Prior Written Notice documents, but mere recipients of the educational agency’s decisions, rationale, methodology, and systems of due process—to anticipate or respond in a certain way? Does a competing rhetoric exist that attempts to prohibit or persuade a parent to act in ways contrary to what the PWN documentation process intends? Since parents aren’t co-authors of the PWN documents, parents are essentially “put on notice,” and are expected to advocate from a minimized space of relevance when a school dictates through a Prior Written Notice that a proposed or rejected action *will* be implemented. The onus to question or dispute aspects of the IEP falls to the parent.

Prior Written Notice and Competing Rhetorics

Inquiry and experience confirm that many educational agencies “stretch, modify, or challenge the conventions” of the [PWN] genre (Henze 359) in ways that work to protect their own interests and significantly prohibit the social action it is designed to promote. Surprisingly, many LEAs elect not to use formal PWN documents, or use documents that exclude the required PWN components. A diagnostic comparison of various sample Prior Written Notice Documents reveals surprising variations and makes more visible positions of power, subordination, collaboration, and isolation that are marked by specific social actions in a specific social context. Henze’s “Understanding and Using Genres In Your Workplace Heuristic” (Henze 350) provides a useful tool for critical analysis of sample Prior Written Notice Documents that illustrate competing rhetorics.

Prior Written Notice Sample 1: Pennsylvania Notice of Placement/Prior Written Notice. I have provided a link to the sample for interactive viewing.

: <http://pattan.net->

website.s3.amazonaws.com/images/2014/11/12/NOREP_rev_PTIs_103014.pdf

The Pattan.net sample is a comprehensive document that includes all necessary mandated components in addition to other formal, rhetorical, and stylistic elements that make the document appealing and useful. The type of action this document intends to produce is clearly consensus, and immediately illustrates “key characteristics of rhetorical situation” (Henze 350). The typical expected outcome of a PWN is parent agreement or disagreement to actions proposed. Other results include, parent and school understanding regarding what actions will/will not take place, and what actions will take place if an agreement is not reached.

To begin, the document is clearly labeled “Notice of Education Setting/Prior Written Notice” to establish clear purpose for any reader. The style, clarity, and usability of the document add to its professionalism and ethos. The document addresses the recipient with “Dear _____, This is to notify you of the Local Education Agency’s (LEA’s) action regarding your child’s educational program...” (Prior Written Notice Sample 1). The salutation is polite and mindful of its intended reader—the parent or guardian of the student. The document contains twelve clear categories of *actions* with adjacent *check boxes* available for easy selection. These check boxes help any reader understand precisely what action is being discussed in the document and further establishes clear purpose and intent. The document contains a designated space for detailed description for the following items: action proposed, explanation of why LEA proposed or refused the action, description of other things considered, description of methodology used to determine action, description of other relevant factors, and final

placement. The designated boxes chunk the federal mandated information in user-friendly sections and provide an overall professional aesthetic and “stylistic characteristics of the document that provide important clues to help us understand this genre” (Henze 352).

The stakeholders in this particular social action are clearly outlined with designated places for names and professional title/roles: student, parent, and school district superintendent, etc. This helps readers identify the stakeholders and develop a sense of social activity; there are multiple stakeholders who are working together. This particular document has a few interesting optional features. The first optional feature is the designated space for “date sent.” Providing this date helps establish a clear record of transparency outlining when the school notified the parent of any changes and how soon/after before services began/stopped. This is important because IDEA mandates that PWN be provided within a “reasonable” amount of time. This particular sample requires parental signature for consent and acknowledgement of record. In addition, there are also several other options for the parent to select that include: “I request informal meeting; I approve this recommendation; I do not approve this recommendation and the reason is; I request mediation or due process.” In addition, the document clearly states that if the parent doesn’t approve, the child will remain in current placement if parent requests due process or mediation. Finally, there is a place for the parent to sign, and date the document. The optional features identified in this document suggest to the parent that her input is significantly valued. In this case, the rhetoric aligns with the U.S. Department of Education’s statement of PWN purpose. Making a physical space for parent signature on a paper document situates the parent in a position of inclusion and power. Asking a

parent to include reasons why she does not agree with proposed action helps balance the “institutional power relations” (Simmons 9).

Sample 2: Riverside County Special Education. I have provided the link to the document for interactive viewing.

<https://www.pusd.us/sites/default/files/PWN%20with%20examples%202014.pdf>

The second sample PWN document does not provide the same level of professionalism and usability as the first document. From a purely aesthetic viewpoint, the document is cluttered and difficult to read with small text that is bunched together. A close reading of the heading provides a useful example of the different rhetorical and stylistic variations:

“Individualized Education Program Prior Written Notice Provided to parent prior to district initiation or refusal regarding change of identification, evaluation, educational placement, or provision of free appropriate education. The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area.”

The purpose of the document is framed distinctly different compared to the first example in the way the heading declares: provided to parent prior to district initiation or refusal. (Prior Written Notice Sample 2). This is in sharp contrast to the first sample that uses the word “proposed actions” throughout the entire document. In other words, one document frames the decision as a proposal that requires collaboration and parent participation. The second example frames the Prior Written Notice as a mere informative document notifying the parent of the school’s intended action. The document doesn’t include a space for parental signature or comments, and effectively minimizes the parents’ role by excluding her position on paper. The second sample text is only a quarter the length of

the first sample PWN, and includes the bare minimum of federally mandated requirements. Only one signature from school staff is required. The ethos of the document is compromised on account of the unprofessional presentation and minimal functionality. The document is clearly not intended to provide the parent with meaningful participation and goes against Carolyn Miller’s assertion that genre is “more than a formal entity; it becomes pragmatic, fully rhetorical, a point of connection between intention and effect, an aspect of social action” (Miller 153). Instead, the Prior Written Notice in its current format works to serve the LEA minimum requirements but challenging the intended conventions of the genre by excluding the parents’ position from document. The space provided to record a document date is labeled with the following text: Date Notice of Procedural Safeguard was sent to parent” (PWN Sample 2).

This rhetorical posturing is important for two reasons: first, the absence of parent signature means there is no record of when the parent actually *received* the document—only when the LEA sent it. Recording time is important since the PWN is intended to provide notice in a reasonable amount of time prior to specified *action*. Second, the date label frames the information in a way that anticipates parent dispute. Procedural Safeguards are put in place as a mechanism by which parents can formally dispute unsettled disagreement. Labeling the document as a procedural safeguard from the outset puts parents on the periphery of the decision-making process versus an equally valued member of the IEP team. The competing rhetorics complicate the position of the parent and, in some cases, render the PWN documentation process meaningless for parents.

Inquiry and experience reinforce the possibility that competing rhetorics exist within the Prior Written Notice Documentation process. The ways in which Local

Education Agencies to design and implement the federal mandates influence how parents are positioned with the overall IEP process. Formal, rhetorical, and stylistic elements of the Prior Written Notice document reflect more than content constraints and guidelines, but can be viewed as reflecting the values and assumptions of the governing institutions. Values and assumptions reflected on paper are later experienced by parents as recurring social actions that enable or prohibit their efforts to advocate for their children's disability rights.

While some local education agencies work to frame the PWN documentation process in ways that “bring together a writer's and reader's shared understanding of communication purposes and social relations” (Henze 358), sample PWN documents reveal in many cases that the explicit purpose of a process is only to “inform citizens of decisions already made” (Grabill 18). The competing rhetorics between the U.S. Department of Education and Local Education Agency's purpose of the Prior Written Notice have a significant impact on the parents' power and participation in the IEP process.

Chapter 10: How Do Parents Write Back?

Turning my attention back to Miller, who argues that genre studies should center on the “action [genres are] used to accomplish rather than the substance of the form” (Miller 24), I think it's important to recognize how parents are beginning to work within genres outside the IEP process in response to rhetorical situations occurring within the IEP process.⁵¹ In response to the kinds of frustrations I have outlined in my earlier

⁵¹ Parents also write back by writing notes, requests, keeping files, and documenting important events. In their book, *From Emotions to Advocacy*, Pete and Pam Wright

discussion, parents are seeking ways to mediate a rhetorical situation that is not accounted for in the IDEA. In other words, when procedural safeguards fail to protect parent and students' rights, parents respond to the demand for alternative means of assistance by accessing digital spaces where they can meet virtually, and in private, to share experiences, knowledge, and strategies.

My research indicates that many parents respond to the competing rhetorics in the IEP process by writing back to particular genres, but are doing so first within outside genres such as online parent advocacy forums, parent advocacy books, and parent support groups. These genres provide literacy and language advice as alternative methods of responding to school-based IEP Team members, and work to change the trajectory of rhetorical situations.⁵² These genres provide “stylistic and substantive responses to perceived situational demands” (Miller) that we can identify and examine.

For example, in his chapter, “How To Write a Good Evidence Letter,” Wright provides parents a sample letter to “decline a request” (Wright 240). The sample letter acknowledges that an IEP meeting had been scheduled, but states there is a scheduling conflict that cannot be resolved on such short notice. The sample letter includes three dates of availability. In a private online forum designed to provide parent-to-parent IEP assistance and special needs parenting advice, one parent recently posted this question about Notice of IEP Team Meetings: “Is 24 hours notice acceptable for a IEP meeting? They had 40 days to follow-up and just today realized must be done by tomorrow to be in

outline critical ways parents write back to school-based teams. For example, charting progress and data, phone logs, problem reports, evidence letters, letter to the stranger, records review requests.

⁵² The literacy and language skills required to participant in the IEP process represent a significant portion of the social action that takes place within the IEP genres.

compliance. I have other commitments already set prior and will lose money if I accept. What are my options?” (Private Online IEP Assistance Forum November 18). Similarly, another parent writes: “What can I do about this situation? I’ve let his special ed teacher who sets these up what times do not work for me since I have to take his brother to school. She continues to set up on Monday and Tuesday the TWO days that won’t work and then on times I can’t be there due to having to take my other son to school or pick him up” (Private Online IEP Assistance Forum November 18). In both cases, these parents received over ten responses from other parents who gave step-by-step instructions on how to take specific actions to address the Notice of IEP Team Meeting. One parent writes: “Respond via email, indicating that you are not available on those dates and times, but that you would be available on the following days/times only. They have an obligation to include you both as parents if you wish to be included. If they give you a hard time over it, then respond again, indicating something along the lines of “as parents and members of the IEP team, we wish to participate in this meeting. Please propose a day/time within the following parameters” (Private Online IEP Assistance Forum November 18). This advice shows how the parent is anticipating a potential action from the school and is helping the other parent prepare for that action.

Other parents go on to share IDEA parent participation statutes and suggest ways for the parent to solve the problem. Many parents share specific codes for the original poster to reference, such as [300.322 (a)(1)(2)] (Private Online IEP Assistance Forum November 18). There are countless posts by other parents seeking advice on how to write back to Notice of IEP Team Meetings that essentially exclude the parent from the process of finding a mutually agreeable time. By sharing knowledge and experience through

other written genres such as digital forums, parents support groups, and advocacy books, parents empower one another to change the rhetorical situation in which the school governs and controls the parent participation.⁵³

Conclusion

The Individual with Disabilities Act (IDEA) is rhetorical in how it dictates specific social action and context between parents and school-based IEP team Members. Specifically, the IDEA outlines ways in which the school-based teams are required to make physical space, time, and thoughtful consideration for parent and student voices. The IDEA also acknowledges that in order for parents to engage in meaningful participation, a parent must have access to the same documents as the school-based IEP team. From a rhetorical perspective, the IDEA is designed to empower parent-advocates by mandating equal participation in the decision-making process, requiring meetings to be held at mutually agreeable dates and times, and protecting parent and student rights by providing procedural safeguards.⁵⁴ Outlining specific steps to ensure parents are equal

⁵³ We can tell the extent of challenges parent-advocates face by reviewing common topics found in parent advocacy books. For example, Pete and Pam Wright's book, *From Emotions to Advocacy*, includes the following topics: Tactics and Strategies, Creating Paper Trails, and How to Write a Good Evidence Letter. See *From Emotions to Advocacy* for a complete list of common challenges faced by parent-advocates.

⁵⁴ According to McLaughlin, "The procedural safeguards are grounded in the 5th and 14th Amendments of the U.S. Constitution, which guarantee that no person shall be deprived of life, liberty, or property without due process of the law" (McLaughlin 19). In addition, McLaughlin outlines several other legislative components that impact students with disabilities: "Two major civil rights laws are Section 504 of the 1973 Vocational Rehabilitation Act and the 1990 American with Disabilities Act (ADA). Section 504 prohibits discrimination of persons with disabilities in all federally supported programs. It is broader than IDEA both in terms of which students are covered under the Law. The ADA is a comprehensive civil rights law that protects persons with disabilities in employment, public services and public accommodations, transportation, and telecommunication" (McLaughlin 26).

participants, the IDEA makes clear that parents do not belong on the periphery of the IEP process, instead, positioning parents at the center of the rhetorical situation.

For many parents, the IEP process is an avenue that allows them to look beyond academic concerns, providing opportunities to challenge oppressive stereotypical labels that often follow children through school and beyond. Because many able-bodied professionals approach teaching from an able-bodied perspective, it's not uncommon for school-based IEP teams to simply exempt a disabled child without penalty rather than find creative ways to improve access for a child with different learning needs.⁵⁵ Parents, then, are essential to the decision-making process because they have learned to engage with their child from multiple points of view and have invaluable insight as to how their child learns best and accesses the world around them. Whether or not they intend to do so, parents who fight for FAPE and equal access for their disabled child fight for a shift in how our culture prioritizes and values children with disabilities. While the advances made through the evolution of the IDEA are commendable, we can't ignore the competing rhetorics that exist between the parents of disabled children and the school-based IEP team.

⁵⁵ It's important to note that educators and administrators are challenged to keep up with evolving policies and procedures that govern special education services. For example, McLaughlin states that, "The traditional model of special education viewed students with disabilities in relative isolation from general education. The new model of special education is one in which special education is defined as a set of services and supports existing in a school and designed to help each student make progress in the general education curriculum" (McLaughlin 30).

Advocating for a child with disabilities is an inherently political social act that is complicated by competing rhetorics from multiple school-based stakeholders. Left open to broad interpretation of how to initiate and practice federal mandates, the IDEA remains critically limited. As we have seen, school-based IEP teams have authority over how IEP genres are designed, used, distributed, and ultimately valued. Over the course of this study I have shown how particular IEP genres respond to the legal mandate for parent participation, anticipate parent participation, enable parent participation, and often forecast and govern parent participation. Parent participation embodies critical social and political actions that are encouraged or blocked through IEP genres.

As discussed earlier, Local Education Agencies (LEA) *respond* to the federal mandate for parent participation by ensuring that documents used within particular genres appear to meet the technical definition of compliance while subverting the purpose in a way that ultimately governs and controls parent actions.⁵⁶ To put it another way, should the document be subject to Civil Rights or State Complaint investigation, the minimum technical content is visible, but doesn't necessarily honor the spirit of the IDEA. In this study, for instance, I looked specifically at the Notice of IEP Team Meeting as an example of how a LEA meets the regulation of the IDEA mandating school-based IEP team members notify parents' of specific information related to a scheduled IEP team meeting.

⁵⁶ McLaughlin warns that, "Principals must understand the core special education legal foundation and entitlements. They should understand the intent or rationale of specific procedures. Simply following rules without understanding leads to cookie-cutter programs and pro forma compliance, not high quality special education" (McLaughlin 4).

The Notice of IEP Team Meeting reviewed in this study technically complies with the IDEA requirements but marginalizes the parents' position in the IEP process by putting the parent on Notice as to when the meeting will take place. While the document provides a place for the parent to respond to the notice, the resulting messages are mixed. On the one hand, a parent is being put on Notice and informed that the meeting *will* take place. On the other, parents are invited to indicate that they would like to attend but need a different date. Providing spaces on the document that appear to provide opportunities for collaboration that are later ignored implies that school-based teams tend to prioritize technical compliance requirements. What the Notice of IEP Meeting doesn't show, and what the IDEA doesn't formally ask the school-based IEP Team to prove, is the IEP team's attempt to find a mutually agreeable date and time. The Notice of IEP Team Meeting works to imply collaboration, but doesn't require proof of this essential step. In this way, we see how the genre is used out of rhetorical context.

This study also examines the IEP Meeting as site of social action, highlighting the competing rhetorics between the school-based team and parents. From the beginning of the meeting, parents are put in a vulnerable position on the margins of the IEP process, which emphasizes the unequal distribution of power. Not only do parents have less access to meaningful information, but they are disproportionately outnumbered at the IEP team meeting table. Furthermore, the burden of dispute falls on the parents of the disabled child. If the school-based IEP team and parents disagree at any time, the parents are required to access their procedural safeguards. The disproportionate power dynamics reinforce the school-based team's dominance rather than encourage equal participation and collaboration.

While my research did not look extensively into the possible reasons that account for the discord between parents and school-based IEP teams, it's an area of study worth exploring in the future.⁵⁷ My research and observation, however, indicate a few themes that may account for opposing rhetorics within the IEP Process—LEA funding and resources, over-bearing LEA administration, and LEA biases towards parents as non-experts. Others argue that schools are not in the business of truly acknowledging disabled children as equal to their non-disabled peers. For example, according to Pete Wright, “the mission of public schools is to provide a standardized education to all children. Schools are modeled after factories. The principal runs the school building, teachers provide the labor, and the children are the raw material. Parents are outsiders. Power flows from the top” (Wright 24). These competing interests are challenges that parents and school-based IEP teams continue to face.

Tracing the IEP genres from a historical and feminist perspective would also add significant value to this study. As we consider how to revise and reshape communication tools that promote civil advocacy, it would be helpful to examine how the IEP genres have evolved over the course of the legislative amendments, particularly the participants who influence change. Experience and observation suggest that many more women than to men are involved in the IEP process and parent-advocacy forums; a study framed by

⁵⁷ An interesting study by Amy Childre and Cynthia Chambers looks at revising the IEP system to put students in the center of the planning rather than planning in a way that “relegates families to passive roles” (Childre and Chambers 217). See “Family Perceptions of Student Centered Planning and IEP Meetings,” to read more about their research.

feminist theory may provide valuable insight to how IEP genres are influenced by social action and how social action influences IEP genres.⁵⁸

Highlighting the critical influence that genres have in the IEP Process, my study argues that genres influence the parent participation rights and related social action in several key ways:

1) School-based teams design genres based on their knowledge of typified rhetorical action and how they anticipate a genre might control or govern parent response and action.

2) Parents respond to genres based on their knowledge of typified rhetorical action and how familiar they are with the rhetorical situation. Parents may comply or resist depending on their knowledge and experience.

3) Many parents learn to write back to IEP genres by engaging in rhetorical activities outside the IEP process that help them navigate the IEP Process and essentially challenge the school-based IEP team's attempts to govern and control.

While asserting their federally protected rights, parents across the United States work to protect the civil rights of their children by acting within particular genres and discourse communities that are often inaccessible or confrontational. School-based IEP teams who interfere with a parents' legal right to equally participate in their child's special education plan underscore a systematic anxiety about the distribution of power and status within the IEP team. To encourage and protect the advocacy rights of parents

⁵⁸ Pete Wright argues, "Fathers should take an active role in decisions and planning. Mothers who attend meetings alone do not operate from a position of strength. School personnel tend to view mothers as more emotional and less objective about their children" (Wright and Wright 272).

and students, we need to consider the ethical implications of document design and implementation within the IEP Process. This study has critically examined how IEP processes and IDEA mandates operationalized by school districts marginalize parent participation and highlight the importance for continued investigation and legislative reform that protects the intention of the Individuals with Disabilities Education Act. As rhetoric and technical communication scholars who are charged with rhetorically analyzing design and distribution features of such powerful communication tools, we have a unique opportunity to contribute to legislative reform by interrogating communication tools and genres through a social action lens. In doing so, I hope we might change disability narratives that insist upon positioning our children and their advocates on the periphery and equal access and citizenship.

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