

WRITING A DISSENTING OPINION: A KEY STEP TO TEACHER AND PARENT ENGAGEMENT IN THE PPT PROCESS

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You are a classroom teacher sitting in a PPT meeting concerning one of your students who has been assigned a one-to-one aide all year. You provide your input about how the support of the aide has allowed the student to progress toward his goals and objectives and reduced the frequency of his outbursts. The administrator chairing the PPT quickly responds by expressing concern about the child's dependence on the aide and whether the para-professional support should be eliminated to foster greater independence for the student.

Although the parents initially seemed concerned about the suggested removal of the aide, during the course of the discussion, they appear to be increasingly swayed by the administrator's repeated comments about overdependence. You suspect that the administrator's recommendation is motivated more by cost savings for the district than the best interest of the child. But when you reiterate that the aide should not be eliminated, you are quickly shut down by the administrator who responds that there is agreement on this issue and moves on to the next section of the IEP. You feel frustrated and concerned, but what more can you do?

Disagreement is a natural part of the PPT process. In fact, this is the very reason that the Individuals with Disabilities Education Act (IDEA) mandates that all decisions be made by a diverse team consisting of teachers and pupil personnel staff, administrators, and parents. Rather than allowing one individual to mandate what is best for the child, the team concept enables parents and school professionals to present their varying perspectives and recommendations. Very often, however, a member of the team who disagrees with a proposed change to the IEP expresses that disagreement verbally and, as a result, there is no indication of it in the IEP. Thus, the best way to ensure that the record contains all of the opinions expressed in the PPT meeting, including opposing views, is to file a dissenting opinion.

A dissenting opinion is simply a written report stating a team member's objections to any part of the

proposed IEP. It can be a separate document that is attached to the IEP or can be included in preexisting sections of the IEP such as the meeting summary or even on page 3 under "Actions Refused." If a separate document is used, the member simply can indicate "Dissenting Opinion" at the top of the page and include a short description of the team decision and the reasons for his or her disagreement. In some states, a dissenting opinion form is automatically included as part of the IEP document. This is preferable, as it serves as a constant reminder that any team member has the right to express his or her disagreement in writing.

Moreover, the dissenting opinion is a critical means of ensuring that the parents are provided with a thorough understanding of all of the team members' professional opinions. In fact, in a recent case, a district was found to have violated the law when certain team members did not express their disagreement with a team decision. In *North Santiam School District 29J*, 114 LRP 44630 (Oregon SEA, 2014), a hearing officer held that the district was in violation of the IDEA because it did not explain to the parents that team members may disagree and, as part of that process, write a statement of their disagreement. By failing to do this, the parents were deprived of the right to ask questions and receive team members' opinions and explanations. The district was ordered to develop a process to ensure that team members discuss and document their agreement or disagreement with the team decisions in writing at the meeting.

In short, although dissenting opinions are not a mandated part of Connecticut's IEP forms, nothing in the law precludes any team member from providing a written dissenting opinion in cases where they disagree with a PPT decision. In light of the decision in *North Santiam 29J*, such a document is recommended to ensure that the parents have the benefit of the entire team's opinions and to ensure that the IEP document accurately reflects all that was discussed at the PPT.