

**Preliminary Findings:  
Internet Survey of IEP Document Alteration, Falsification and Forgery**

Date responses received and tallied: 02/02/2002

Total usable responses to date: 151

Type of Falsification, Alteration or Forgery	Parents	Advocates	Attorneys	Special Ed Staff & Administrators	Totals
Official IEP attendance documentation created to show meeting took place when no meeting was held	108	27	14	3	151
Official IEP meeting attendance documentation altered to show attendance of persons not there	214	76	30	8	355
Official IEP meeting attendance documentation shows signature(s) of person(s) who attended for only 1-2 minutes	92	85	22	3	208
After IEP meeting, official IEP sheet with parent's signatures affixed to different IEP than that to which parent(s) had agreed upon at IEP meeting	28	17	8	0	53
Official IEP meeting notes falsified to reflect discussions not had or agreements not arrived at during that meeting	4	3	4	3	14
District created 2 or more IEPs for a student which covered same timeframe	12	18	4	0	24
Parent(s) signature forged on official IEP form(s)	16	11	9	1	47
Parent(s) signature forged on official Consent to Evaluate form	12	9	5	1	27

Parent(s) outside evaluator(s) signatures forged by district	2				2
District created official evaluation report(s) although evaluation(s) not actually performed	29	17	14	19	78
Official documentation of provision of related services per IEP created although services provided less often than required by IEP or not provided at all.	157	118	36	31	342
Falsified progress report(s) /documentation created and used by district	62	40	21	1	124

### Observations on Preliminary Findings

Of particular concern, and not reflected in the simple numerical count of responses, are responses of advocates, attorneys and special education staff and administrators. Attorneys and advocates describe practices that involve multiple districts and occasionally, multiple states. Most used the term “routine” to describe the kinds of document falsification, alteration, and forgery dealt with in this survey.

One attorney described routine falsification, alteration and forgery in multiple states and districts around the country, noting that most of this is done after parents request due process hearings.

A forensic document expert who works with a law firm that handles insurance defense cases and also represents parents in special education cases stated that alteration or falsification of special education documentation was found in approximately 50% of all special education cases handled by the firm. He reported more falsification and alteration in special education cases than in the insurance defense cases handled by his firm. This firm has software that is designed to track signatures, dates, and timelines, and to detect document falsification in the paper they receive.

One attorney noted that in a class action against a state on the basis, inter alia, of placing children in segregated special education placements, entire districts were found to have falsified evaluations, i.e., creating evaluation reports when evaluations could not have been done. One evaluator allegedly tested hundreds of kids in one day with the same test instrument. Minority children received the same diagnosis, i.e., mild retardation.

One special education service provider reported that when she attended an IEP meeting when she was not expected, she found that her signature were forged on the meeting attendance sheet and that someone had written her summary and comments on this form before she entered the meeting room.

One advocate wrote, “at a recent meeting a local assistant administrator for special services admitted very publicly that she often signs her name as attending IEPs as the LEA when she has not attended the meeting.”

Another advocate reported that a friend who works in an office that provides mental health services to IDEA children reported “frequent forgeries re services that were not provided.”

A special education teacher reported that she sees falsified document “EVERYWHERE. Usually, it’s a regular education teacher who can’t attend the meeting . . . I’ve seen regular education staff sign IEPs when they don’t attend the meeting. Sometimes this can’t be helped because the administration won’t provide coverage or the meeting is held when the special ed kids are with the regular ed teacher . . . I’ve seen the related service professionals sign that they have provided services when I know they did not provide these services.”

Several persons who responded to this survey stated that they notified their state departments of education or the U.S. Department of Education about incidents of forgery and/or creation of falsified documents that showed people attending IEP meetings who did not attend.

In one case of forgery, the Office for Civil Rights documented the forgery but did not refer the matter to federal or local prosecutors for criminal prosecution. Rather, the remedy was to require the school district to write a letter of apology to the parent whose name was forged! The author believed federal officials had a legal obligation to take action when they uncover felonies, i.e., refer the matter to the U. S. Department of Justice or a U.S. Attorney for prosecution. This does not seem to be the case since OCR does not believe it has any such legal responsibility.

In several cases, individuals, advocates and attorneys reported document alteration, falsification, and / or forgery to state educational agencies in Part B complaints. In some cases, the investigating agency (SEA) simply took the word of the LEA that the documents were not falsified, altered or forged. When the state department of education (SEA) found alteration, falsification or forgery, these cases were treated as technical procedural violations (i.e., signatures of persons who did not attend the meeting on IEP meeting attendance sheets). The remedy was to order the district to hold another meeting with the proper people in attendance. No discipline was levied against any district or individual who committed crime(s) that were substantiated by the state’s investigations.

In one published case, a State Review Officer (second tier appeal) found that a NYC Community School District (CSE) had several mandated attendees sign an IEP meeting attendance sheet after the meeting. During the hearing, these individuals admitted under oath that they had not attended the meeting. After the parent requested a hearing, the school convened an IEP meeting with all mandated participants and made the same recommendation as they did in the prior IEP (which was written by one individual at some unknown time and place). The State Review Officer held that this was harmless error.

## **Conclusion**

When word gets around that the state education department (SEA) will not take disciplinary action when it finds that a local school district has altered or falsified special education documents, special educators and administrators get the point – that they can alter, falsify, and forge with impunity.

**Note:** If you are reading this preliminary report and have information about the occurrence of one or more of the events described by the survey, please be so kind as to reply to the survey if you have not done so already. This will help to insure that the survey reflects the proper proportions in which these acts happen.

You may disseminate this preliminary report without restriction.  
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