Resolving Disagreements in Special Education
What Brings Me Here?

“by families for families”
FACT is your resource!

We are able to support you with:

- Understanding special education
- Trainings, workshops, and in-services
- Family activities and get-togethers
- Person-centered planning tools
- Information and resources
- A support line to answer your questions
It is critical to understand the IEP process to be an effective advocate and resolve disagreements.

Special Education: What You Need to Know → Resolving Disagreements in Special Education
You will be able to answer these questions...

• What’s my role on the IEP Team?
• How can I be the best advocate for my child?
• How can I resolve disagreements?
Individuals with Disabilities Education Act

Federal Law ensuring children with disabilities have available to them a Free Appropriate Public Education [FAPE] that emphasizes special education and related services designed to meet their UNIQUE NEEDS and prepare them for:

- **Education**
- **Employment**
- **Independent Living**
Special Education

Specially designed instruction for students with disabilities
Individualized Education Program (IEP)

Oregon Department of Education
120 Capitol Street NE
Salem, OR 97310-0201

Office of Learning/Student Services

Oregon Standard INDIVIDUALIZED EDUCATION PROGRAM

DEMOGRAPHICS

<table>
<thead>
<tr>
<th>Student</th>
<th>Resident District</th>
<th>IEP Meeting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender:  M  F</td>
<td>Attending District</td>
<td>Annual IEP Review Date</td>
</tr>
<tr>
<td>Grade:</td>
<td>Attending School</td>
<td>Amendment Date</td>
</tr>
<tr>
<td>Date of Birth (mm/dd/yy)</td>
<td>Case Manager</td>
<td>Most Recent (re)Evaluation Date</td>
</tr>
<tr>
<td>Secure Student Identifier (SSID)</td>
<td>Secondary Disability Code &amp; Category - OPTIONAL</td>
<td>Re-Evaluation Due Date</td>
</tr>
<tr>
<td>Primary Disability Code &amp; Category</td>
<td></td>
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</tr>
</tbody>
</table>

Legal document
Describes strengths, needs, and services
Developed by a team
# The IEP Team

Your role on the team is critical!

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents</td>
<td>Regular Education Teacher</td>
</tr>
<tr>
<td></td>
<td>Special Education Teacher</td>
</tr>
<tr>
<td>District Representative</td>
<td>Someone to Interpret Evaluations</td>
</tr>
<tr>
<td></td>
<td>Related Services</td>
</tr>
<tr>
<td>Student</td>
<td>Transition Services</td>
</tr>
<tr>
<td></td>
<td>Others with knowledge of the student</td>
</tr>
</tbody>
</table>
IEP Team Dynamics

- Perspectives
- Personalities
- Shared Decision-Making
- Expertise
- Consensus-Driven

*An Offer of FAPE*
Effective Advocacy
Share Your Perspective

Present Levels of Academic Achievement & Functional Performance

- Student’s strengths & interests
- Parent input
- Observations & assessments
- Progress toward goals
STRENGTHS CAPACITIES GIFTS
· Smart—he’s a learner
· Great sense of humor
· Loves to read since he was little
· Empathetic
· Loves to be a helper; he likes to contribute, and learns by doing
· Very determined
· Strong visual learner
· Problem solver
· Independent!
· Loves athletics
· Rides a two-wheel bike
· Multi-sense learner
· Adores his best friend Mike

WHAT WORKS FOR KENTON
· Sports! Playing, watching
· Using technology to communicate more clearly
· Clear, distinct choices
· Having time to get his body moving and playing to get excess energy out
· Loves to eat!
· Telling him what TO do, not just what NOT to
· Being made to feel like he’s contributing to the way a group works

WHAT DOES NOT WORK
· Loud voice
· Being bored
· No sensory breaks
· Rushing him
· Repeating directions the same way
· Hovering
· Too many visuals
· Expecting him to be passive

http://factoregon.org/person-centered-plan-samples/
IEP Team,

We look forward to working with the team to create a rigorous education program for Sam to reach the following milestones to: receive a diploma, attend a post-secondary college program, live independently at age 22, be employed and access his community.

Strengths:
• Smart: he has a great memory and loves to learn.
• Engages with peers and has excellent computer skills.
• Enjoys books, reading, sports and music.
• Able to work independently when given a visual schedule and transitional warnings.

Concerns:
• Not utilizing assistive technology to support Sam’s progress.
• Not an adequate home/school communication system.
• Not utilizing Sam’s behavior supports causing unnecessary outbursts and consequences.

Remedies:
• Consultation with assistive technology specialist will provide information on how to use Sam’s laptop successfully while in class.
• Duplicate the home/school communication log we used last year.
• Ensuring all staff is trained on Sam’s behavior support plan, including his need for transitional warnings, he will demonstrate appropriate behavior.

We look forward to working as a team toward a successful year for Sam and collaborating for great progress on his educational goals.

The Smiths
Resolving Disagreements
You Can Call a Meeting

Your first step should be an IEP meeting to discuss the issues.
Tips for Difficult IEP Meetings

- Focus on results
- Ask questions
- Take breaks
- Clear and concise
- Document
- Bring support
- Listen for understanding
- Summarize & rephrase
- Follow Up

©FACT Oregon
You Can Make Specific Requests

In writing

Specific

Timelines

(Date)

(Insert name of Special Education Director)
(Insert name of county) County
(Insert address)

(Insert your name)
(Insert your address)

RE: Request for a functional behavioral assessment

Dear Mr. or Ms. (Insert special education director’s last name),

I am the parent of (Insert child’s full name), who is in the (Insert child’s grade) grade, at (Insert name of child’s school). I am writing to request the school to conduct a functional behavioral assessment on my child. Please consider this letter as written consent for the functional assessment evaluation.

It is my understanding the first step in this process is to have a team meeting, which includes me. The meeting is to identify target behaviors, the purpose of the behaviors so that IEP goals and objectives can be identified, and interventions and modifications can be developed and implemented through a Positive Behavioral Support Plan using proactive strategies.

Please contact me within the next eight (8) days to arrange a team meeting date, or provide prior written notice within five (5) days if the school district is refusing my request.

Respectfully,

(Sign your name)

(Type your name)

cc: Mr./Ms. (Insert principal’s last name), Principal

http://vvadvoicates.org/
The district must provide certain information to you in writing whenever it proposes or refuses actions that will affect special education services.
When you disagree with results of a school evaluation, such as:

- Eligibility evaluations*
- Functional Behavior Assessments
- Assistive technology evaluations
- Other special education assessments

- Free of charge
- Non-district employee
- Same assessment
- District provides list
You Can Request Mediation

- When you feel meetings will no longer be productive
- When you feel like you are not being heard
- When communication and/or trust have broken down
Who Are the Mediators?

- Not an employee of the school district or the Oregon Department of Education
- No personal or professional conflict of interest
- Trained in mediation techniques and conflict resolution
What Happens in Mediation?

✓ Voluntary
✓ One or more meetings related to areas of disagreement
✓ Expectation of compromise
✓ School district attorneys may be present
✓ Parents can bring support or their own attorney
✓ Confidential, binding agreement
You Can File a State Complaint

- Written Process
- Anyone can file
- Alleged Violation of IDEA
- Specific Information
- State Investigation
- Final Order with Findings and Corrective Action (if substantiated)

Request for Complaint Investigation

Parents, and other individuals and organizations may file a complaint if they believe a school district or other educational agency has violated the Individuals with Disabilities Education Act (IDEA). See OAR 581-015-2030 for complaint procedures.

1. Person filing the complaint.
   Name(s) ____________________________________________
   Relationship to child ________________________________________
   Address ________________________________________________________
   City/State/Zip_________________________________________
   Telephone_________________________Fax_________________________
   Email address ________________________________________________

2. The Local School District/ ESD or EI/ECSE Program against whom the complaint is made.
   Name ____________________________________________________________
   Address ____________________________________________________________
   City/State/Zip ______________________________________________________
   Telephone _________________________________________________________

3. The child involved.
   Name of Child ___________________________________ Date of Birth ________ Grade ______
   Home Address (if different from above) _______________________________________________________
   City/State/Zip ______________________________________________________
   Disability (optional) _________________________________________________
   School or Program Child Attends ____________________________________________

4. Number and list each allegation separately. Describe the IDEA violation and the specific facts that relate to that violation. The complaint must describe a concern(s) that happened within the last 12 months prior to the date that the complaint is received. Include dates, names and locations. (Attach additional pages if needed.)

______________________________________________________________
State Complaint Timeline – 60 Days

- File the ODE complaint
- ODE sends out a Request for Response
- District responds
- You have a chance to add more information
- Investigator comes and meets with you and the district
- ODE issues a Final Order
You Can Request a Due Process Hearing

• Formal legal process
• Parent or district initiates
• Any dispute relating to evaluations, FAPE, placement
• “Stay Put” rule
• Final Order
• Appeals…all the way to the Supreme Court!
<table>
<thead>
<tr>
<th></th>
<th>Mediation</th>
<th>State Complaint</th>
<th>Due Process Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who can initiate?</td>
<td>Parent or school district—voluntary</td>
<td>Any individual or organization</td>
<td>Parent or School District</td>
</tr>
<tr>
<td>Time Limit</td>
<td>None specified</td>
<td>1 year from the date of the alleged violation</td>
<td>Two years from the date of the alleged violation</td>
</tr>
<tr>
<td>What is included</td>
<td>Any matter related to special education</td>
<td>Violations of IDEA</td>
<td>Any matter relating to the identification, evaluation, education placement, or free appropriate public education</td>
</tr>
<tr>
<td>Resolution Timeline</td>
<td>None specified</td>
<td>60 days from receipt of complaint.</td>
<td>45 days from the end of the resolution period.</td>
</tr>
<tr>
<td>Who resolves the issues?</td>
<td>Parent and school district with help of a mediator.</td>
<td>ODE Investigator</td>
<td>Administrative Law Judge [ALJ]</td>
</tr>
</tbody>
</table>
When You Feel Stuck...
Questions & Answers

For questions, please call us at (503) 786-6082 or 1 (888) 988-3228
or by email support@factoregon.org
Check out our Website: www.factoregon.org