

Understanding Dispute Resolution Options



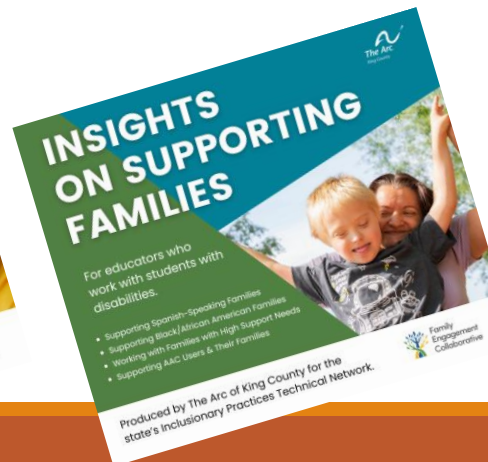
RACHEL NEMHAUSER
THE ARC OF KING COUNTY



This presentation is part of a series of workshops we are doing this spring as part of the [Inclusionary Practices Technical Assistance Network](#).

This is a statewide collaboration between the [Office of the Superintendent of Public Instruction](#), WestEd, and education partners across Washington state.

One of these partners is the [Family Engagement Collaborative](#), and The Arc of King County is part of this collaborative. This spring we are hosting workshops to help educators learn more about disability and ways to support families, and help families learn more about inclusive learning and ways to navigate the special education process.



NAVIGATING SCHOOLS



Accessibility & Belonging

Special Education Basics

Conceptos básicos de educación especial

A series for families using special education services.



Produced by The Arc of King County for the state's Inclusionary Practices Technical Network.



Who we are ...

The Arc of King County promotes and protects the rights of people with intellectual or other developmental disabilities (IDD) so we can all live, learn, work and play in the community.

The Arc is driven by the fundamental belief that everyone deserves to write their own life story. That means:

- Real access to education
- Meaningful employment
- Quality healthcare
- Genuine community connections

At our chapter, we offer information and family support, systems navigation, education & civic engagement support. We also run a supported living program for adults with IDD.

We help (or refer!) on any topic. The most common are special education, housing, and Medicaid long-term supports.

<https://arcofkingcounty.org/>



Need assistance? ask@arcofkingcounty.org

Today's presenter:

Rachel Nemhauser,
Director of Information & Family Support
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Welcome!

We would love to know who is here today!

Please take a minute to tell us your role/s.

Agenda

- Your relationship with your child's team
- Recognizing the Real "Need"
- Working with the IEP Team
- Communicating with the IEP Team
- OSPI Dispute resolution options

Your Relationship with Your Child's IEP Team

Group discussion:

- How would you describe your ideal relationship with your child's IEP team?
- What barriers interfere with your ability to have the type of relationship with the IEP team that you strive for?



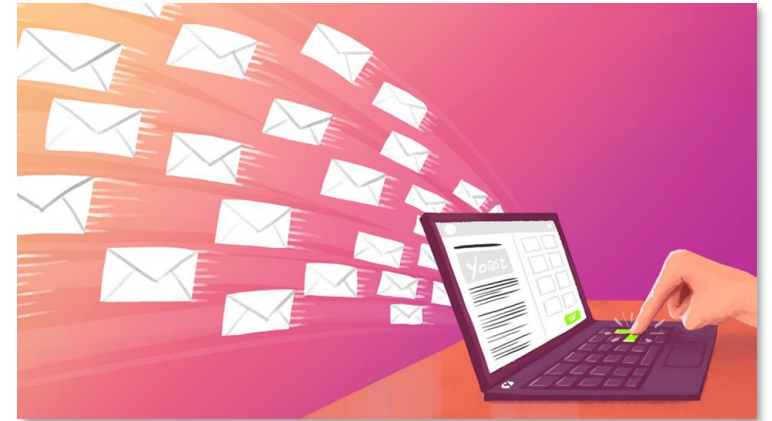
Your Role and Your Rights on the IEP Team

- You are an equal member of the IEP team
- Decisions are made by consensus, not majority
- You are allowed/encouraged to invite others of your choosing to join the IEP team and/or any meetings
- You are allowed to request an IEP team meeting any time you feel it's necessary.
- You are entitled to an interpreter and/or 504 accommodations at all meetings as needed



Communicating with the Team

- All communication should be in writing if possible
- Email ordered list of topics to address with school at least one day before meeting, especially if you called the meeting
- Request a draft of IEP before annual IEP meeting
- Include all or as many IEP team members as you'd like
- Be thoughtful about tone and word choice



Recognizing the Real “Need”

People are not against you; they are merely for themselves.



Possible Needs of School:

- Fiduciary (\$\$\$)
- Liability
- Pride
- Lack of knowledge or skill
- What else?

Possible Needs of Family:

- Safety
- Educational Growth
- Social
- School vs Home
- What else?

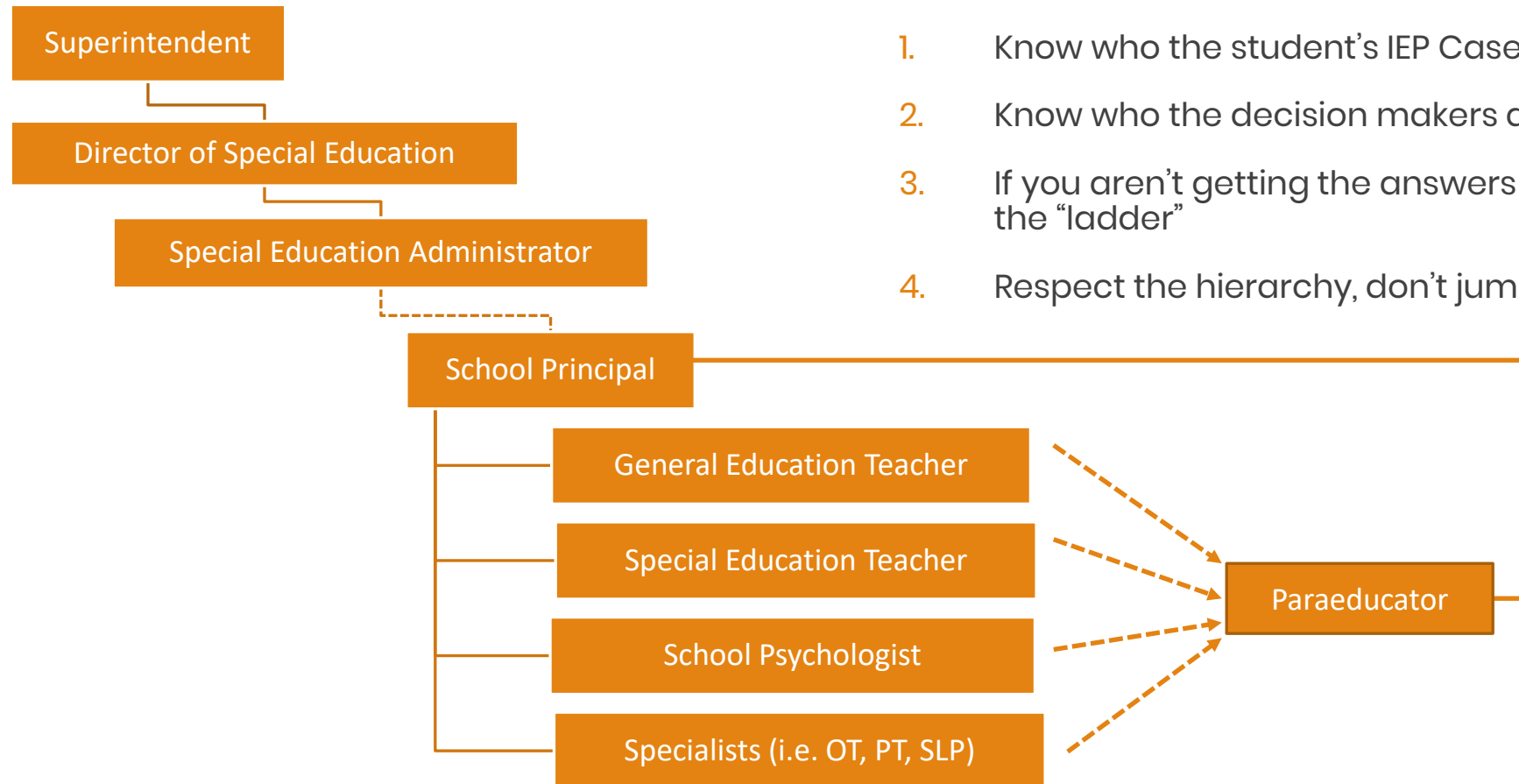




Dispute Resolution

WHEN WORKING WITH THE IEP TEAM ISN'T ENOUGH

Follow the Hierarchy



1. Know who the student's IEP Case Manager is.
2. Know who the decision makers are
3. If you aren't getting the answers you need, work up the "ladder"
4. Respect the hierarchy, don't jump ahead.

Dispute Resolution Options



- Facilitation
- Mediation
- Community Complaint
- Due Process Hearing
- Office of Civil Rights (OCR) Complaint
- Your local school board

Facilitated IEP Meeting

- Facilitation is a *voluntary process* for parents and districts to meet to discuss their concerns with the help of a trained, neutral facilitator.
- Focuses on improving communication (clarifying the issues in dispute, resolve conflicts and develop terms of an informal agreement).
- Can improve overall relationship between IEP team members.
- To request facilitation contact [Sound Options Group](#) at 800-692-2540
- Any personal experiences to share?



For more information:
<https://www.k12.wa.us/student-success/special-education/dispute-resolution/request-facilitation>

Mediation

- Mediation is a *voluntary* process for parents and districts to meet to discuss their concerns with the help of a trained, neutral mediator (Sound Options).
- There is no cost to parents and families.
- Used to resolve significant disagreements on a particular issue that the parties are otherwise unable to resolve.
- To request mediation, contact [Sound Options Group](https://www.k12.wa.us/student-success/special-education/dispute-resolution/request-mediation) at 800-692-2540
- Any personal experiences to share?



For more information:
<https://www.k12.wa.us/student-success/special-education/dispute-resolution/request-mediation>

Community Complaint

- A Community Complaint is a written statement alleging that a federal or state special education rule or law has been violated.
- Anyone can file a complaint.
- The complaint is filed with both your district and OSPI.
- OSPI can investigate allegations that occurred within the past year.
- If a violation is found, OSPI can order student specific and/or district specific remedies.
- Any personal experiences to share?



For more information:

<https://www.k12.wa.us/student-success/special-education/dispute-resolution/file-community-complaint>

Due Process Hearing

- A formal, legal proceeding conducted by an administrative law judge.
- Parents and districts have a right to present and question witnesses, and to submit or challenge documents regarding the issues.
- A written request for a due process hearing is made by a parent or district relating to issues about the identification, evaluation, educational placement, or provision of Free Appropriate Public Education to a student.
- Requests must be made within two years before the date you knew or should have known about the allegation.
- Often best to have legal assistance or professional advocate for due process.
- *Stay Put* allows a student to stay in his or her current placement until the hearing is completed.
- Any personal experiences to share?



For more information:

<https://www.k12.wa.us/student-success/special-education/dispute-resolution/request-due-process-hearing>

Office of Civil Rights (OCR) Complaint

- Educational institutions have a responsibility to protect every student's right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right.
- It is the mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
- Discrimination against persons with disabilities is prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990
- Must be filed within 180 days of the last act of discrimination
- Any personal experiences to share?



For more information:

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Your District's School Board

Contact the school board

- For systemic, districtwide issues
- For nonstudent specific concerns
- For civil rights, equity or inclusion concerns
- Any personal experiences to share?





Questions





Before you go...

Please let us know what you thought of today's presentation.

Your feedback allows us to understand and improve upon our training.

You can take the on-screen poll, or respond via this online form:

<https://www.surveymonkey.com/r/WLCMT3V>