

# Working Positively with Your Child's IEP Team and the ADR Continuum

West Contra Costa Unified School District

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# Overview of Workshop

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- Special Education – Review the Basics
  - Assessment, Eligibility, Team Meetings, Team Members, Needs, Goals, Placement and Services in the LRE
  - Procedural Safeguards ensure Parent Participation in all of the steps
- Sources of Conflict in Special Education
- Conflict Prevention Strategies
  - Meeting Norms
  - IEP Agenda
  - Best Practices
- Dispute Resolution Continuum
  - Start at the Source – Case Manager, School Principal, Coordinator, Director
  - Resource Parents
  - Facilitated IEP team meetings
  - Local Mediation
  - Mediation Prior to Due Process Hearing
  - Due Process Hearing
- Questions and Feedback

# Special Education Eligibility

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Two-pronged test

- Qualifying disability

And.....

- Student requires specialized instruction in order to benefit from his/her education

# Qualifying Disability

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1. Autism
2. Deaf-blindness
3. Deafness
4. Emotional disturbance
5. Hard of hearing
6. Intellectual disabilities
7. Multiple disabilities
8. Orthopedic impairment
9. Other health impairment
10. Specific learning disability
11. Speech or language impairment
12. Traumatic brain injury
13. Visual impairment

# IEP Team Members

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Parents

General Education Teacher

Special Education Teacher

School District Representative

Person who can interpret assessment information

Person with knowledge or special expertise regarding Student

Student, when appropriate

# Assessment of Student

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District must develop an Assessment Plan (AP)

If Parent signs consent to assess and returns it to the District, the assessment must be completed in 60 days

District must assess in all areas of suspected disability

Parents may request a copy of an assessment report prior to the IEP team meeting, but it is not required that it be provided before the meeting

# Procedural Safeguards

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## Parents Have Rights

- Notice of Meetings
- Participation
- Consent\*/Revocation of Consent, for Services and Assessments
- Assessments/Evaluations at Public Expense
- Inspect Records

## Students Have Rights

- Free Appropriate Public Education
- Non discrimination
- Assessment
- “Stay-put”
- Manifestation Determination

\*Parents can give partial consent to an IEP when they sign the signature page

# Sources of Conflict

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Why might there be conflict in special education?

What might be some sources of conflict in special education?



# Sources of Conflict

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FAPE – best vs. appropriate

Law – complicated and confusing

FAPE in the LRE at the IEP with the SLP – the world of acronyms

IEP team meeting focuses on deficits, triggers grief

Resource limitations – staffing limitations

# Dispute Prevention Strategies

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- Best Practices for Preventing Conflict
  - IEP Meeting Norms
  - IEP Agendas
  - Information Shared Prior to IEP team meetings
  - Active Listening during the meeting
  - Questions Answered
  - Seek the Interests that are driving positions – why would s/he want that?

# Prevention Strategy

## SAMPLE IEP Meeting Norms

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Student-centered discussion

One person speaks at a time

Ask and welcome questions

Follow the agenda

Pay attention – do not “multi-task”

Honor time limits and stay on task – what is the ending time for this meeting?

# Prevention Strategy IEP Agenda as a Roadmap

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Introductions – purpose of the meeting

Student present levels and assessment information to identify needs

Goals – what do we want the student to be able to do a year from now?

Placement and Services in the Least Restrictive Environment

- Where will the student be educated, what supports, accommodations and modifications will be needed to help the student meet the goals
- Extended School Year?
- Transportation?

Ending and Next Steps

# Prevention Strategy - Sharing Information Prior to the Meeting

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- Timing of the meeting, when will it start and end?
- Assessment Reports
- Progress on Current Goals
- Draft New Goals
- Considerations of Changes to Services and/or Placement

# Dispute Resolution Options

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Alternative Dispute Resolution (ADR)

# Continuum of Dispute Resolution Options

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## Start at the Source

- Teacher, Case Manager, Site Principal, Program Coordinator, Director

## Resource Parents

- Available to Help Parents Navigate the IEP Process

## Facilitated IEP Meetings

- Neutral Facilitator Helps the Team Follow the Process

## Local Mediation

- Mediator Acts as a Neutral to Problem-Solve

## Mediation Prior to Due Process Hearing

- Mediation is Available Before Going to a Hearing

## Due Process Hearing

- Judge Decides

# Reminder of District's responsibility

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Ideally, the entire team comes together and agrees on what is needed—  
consensus

However, if the team cannot reach consensus, the District has an obligation to  
make an offer of a Free Appropriate Public Education (FAPE) to student.



# Compliance and Due Process

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## Compliance – California Department of Education

- Similar to an audit – did they do what they are supposed to do, or have agreed to do?

## Due Process Hearing – California Office of Administrative Hearings

- Similar to a trial – IEP team cannot agree, a judge decides

## However, nearly all issues can be resolved at the local level

- Resource Parents
- Facilitated IEPs
- Local Mediation
- Mediation Only – without filing for Due Process

# Open Discussion

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Comments?

Questions?

More Discussion?

# Conclusion

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Conflict is Inevitable in Special Education

Students are Best Served when the IEP Team, including the Parents, work together to resolve any conflicts that arise

Options are available to resolve disputes

# Closing Feedback

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I like...

I wonder...

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THANK YOU!

