

# Resolving Concerns About Your Child's Special Education Services

## Steps to Resolving Concerns

No one knows more about your child than you do. By working together, you and the staff of the school can help your child have a successful school year. If you become concerned about your child's educational programs or special education services, contact your child's teacher immediately and share information about your concerns. Informal meetings and phone conferences help you build a partnership with the teacher and school. You may also ask for a meeting with school administrators or the Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) to discuss your concerns about your child's education.

- ✓ To prepare for the meeting or phone conference, make a list of your questions, concerns, ideas and information about your child. Ask your child if there is anything that he or she would like you to share. You may also have your child attend the meeting.
- ✓ During the meeting, discuss your questions, concerns, ideas and information, take notes and ask to see examples of your child's work, for specific examples of classroom behavior, social interactions and ways to help your child at home. If you do not understand something, ask for an explanation. Try to arrive at a mutually agreed-upon solution to any problems or concerns. Keep detailed notes in a journal or log of who and when you talked to someone and of any timetable and action agreed to, including follow-up meetings and/or conversations.
- ✓ After the meeting, talk with your child about the good things that were discussed, the problems that need to be worked on and the steps that will be taken to help your child. Keep communicating and working with your child's teacher and if necessary, ask for a follow-up meeting or phone conference.

After talking to your child's teacher, the CSE/CPSE and your school administrator, if you have questions or feel your concerns have not been addressed, you may want to contact your VESID Regional Associate from the State Education Department for assistance. Phone numbers are listed on the back page of this brochure. You also have due process rights to mediation and/or an impartial hearing to resolve issues or conflicts. For more information, go to Help for Parents at <http://www.emsc.nysed.gov/specialed>

# What is Special Education Mediation?

If you continue to have difficulty resolving issues regarding your child's special education program you can make use of mediation. **MEDIATION** is a way to resolve a disagreement with the recommendations of the CPSE or CSE regarding your child by working together to reach a mutual agreement. You must request mediation in writing to your local board of education or CSE/CPSE. [There is a form available at your local school district to help you request mediation.](#) Of the 339 mediations conducted in 2002-03, 98 percent resulted in agreement being reached between the parent and school district. At any time during mediation either party may also request an impartial hearing.

## Mediation is:

- ✓ voluntary. You represent you and your child in the discussions.
- ✓ conducted by qualified, impartial mediators trained in special education laws and regulations.
- ✓ arranged by staff at the Community Dispute Resolution Center, not the school.
- ✓ scheduled as quickly as possible.
- ✓ held in a neutral site good for you and the school district.
- ✓ free to you and the school district.
- ✓ a way to develop an agreement in a cooperative and timely manner that must be followed by you and the school district and, when necessary, amends the IEP.
- ✓ confidential. Only the written mediation agreement may be used as evidence at a hearing.

## Mediation helps you:

- ✓ collaboratively work with a mediator to resolve a disagreement with the school district.
- ✓ reach a more complete understanding of each other's concerns.

## Remember:

- ✓ Any agreement reached in mediation amends the IEP and is binding upon the parties. The IEP must be immediately amended to be consistent with the mediation agreement.
- ✓ Any issues not resolved during mediation can be discussed further at a CPSE or CSE meeting or brought to an impartial hearing.
- ✓ Mediation does not in any way effect (deny or delay) your other rights to due process.

## What parents have said about mediation:

- ✓ It made a clear difference toward communication between the parents and the school district.
- ✓ I'm very happy with the result of this meeting. I hope that the decision will be the best for my child.
- ✓ I was informed of certain valuable information that previously was unknown to me.
- ✓ It was very helpful in getting assistance and our voices heard.
- ✓ Mediation was very helpful. I will always be grateful for this service.

- ✓ I have been in advocacy for 10 years and I found this process very successful, pleasant and impartial.

## REMEMBER.....



Parents and school districts may agree on a solution  
**AT ANY TIME**..even after mediation or an impartial hearing has begun

## What is an Impartial Hearing?

An **IMPARTIAL HEARING** is a formal process to resolve a serious dispute between the school district and the family. The dispute may concern a recommendation of the CSE or CPSE regarding the identification, evaluation, placement or provision of a free appropriate public education (FAPE) for your child. Hearings are conducted by Impartial Hearing Officers (IHO) certified by the Commissioner of Education and regularly trained in special education law and regulations. A decision made by an IHO regarding the dispute is binding for all involved.

### **Beginning the Impartial Hearing Process:**

- ✓ You must request an impartial hearing in writing to your local board of education. [There is a form available from your local school district.](#)
- ✓ The Board of Education must begin the rotational process to select an IHO within two days of receipt of your written request for an impartial hearing. The IHO must be available to start the hearing within 14 calendar days in order to accept appointment to serve. An IHO is immediately appointed by the board after the rotational selection process.
- ✓ A hearing or prehearing conference must be scheduled within 14 days of the IHO's

appointment.

- ✓ You and the school district may be represented by individuals with special knowledge or training or an attorney.
- ✓ The school district must inform you of any free or low-cost legal or other services in your area.
- ✓ There is no cost to you for the impartial hearing, however, you may have to pay your own attorney's fees.
- ✓ Hearings are held at a time and location that is reasonably convenient to you.
- ✓ The hearing is closed to the public, unless you request an open hearing. You may have your child attend.
- ✓ At least five business days before the hearing, each party (you and the school district) must disclose to the other party evidence, evaluations and recommendations that will be introduced at the hearing.

### **The Hearing is Conducted:**

- ✓ The IHO presides at the hearing and provides all parties an opportunity to present witnesses and testimony. A tape recorder or a stenographer is used to take word-for-word notes of the hearing.
- ✓ Each party has up to one day to present its case unless the IHO decides more time is needed.
- ✓ A hearing officer must provide written findings of fact and decision within:
  - 45 calendar days of the receipt of a request for a hearing involving a school-age student with a disability.
  - 30 calendar days of the receipt of a request for a hearing involving a preschool student with a disability.
  - 15 business days for an expedited due process hearing for certain disciplinary purposes.
- ✓ An IHO may grant extensions of no more than 30 days to the above timelines for each request made by you or the school district. The IHO must respond to each request in writing and it becomes part of the hearing record..

### **The Hearing Concludes:**

- ✓ The IHO writes a finding of fact and decision based on the evidence.
- ✓ You may receive either a written or electronic record of the hearing, findings of fact and decision.
- ✓ The IHO's decision must be followed by you and the school district unless it is appealed.

## **State Level Appeal of a Hearing Officer's Decision**

You or the school district may file an appeal to the State Review Officer (SRO) to review a decision of an impartial hearing officer. You can find more information on the website of the Office of State Review at <http://www.sro.nysed.gov>



### **How to get more information**

For more information regarding Mediation Services, contact your county Community Dispute Resolution Center. For a complete listing of locations, see [www.nysdra.org/resources/cdrc\\_list.html](http://www.nysdra.org/resources/cdrc_list.html)

For more information or assistance, contact your Regional Associate of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) at:

Western Region: (585) 344-2002 ext 420

Central Region: (315) 428-3287

Hudson Valley Region: (914) 245-0010

Eastern Region: (518) 486-6366

Long Island Region: (631) 884-8530

New York City Region: (718) 722-4544

### **NYS EDUCATION DEPARTMENT WEB SITES**

Education Department:

[www.nysed.gov](http://www.nysed.gov)

VESID - Special Education:

[www.emsc.nysed.gov/specialed/](http://www.emsc.nysed.gov/specialed/)

OFFICE OF STATE REVIEW:

<http://www.sro.nysed.gov/>

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