

Becoming a Stronger Advocate for Children in your Care

workshop

December 13, 2012

Kelly Henderson, Ph.D.

Formed Families Forward

Amy Woolard, J.D.

Voices for Virginia's Children



For Virginia's
Children

FORMED
FAMILIES **FORWARD**

Tonight's Agenda

- Dispute Resolution options under IDEA
- Communication between families and school personnel
- Q & A
- Policy Advocacy: Navigating the Legislative Process and Ensuring Your Voice is Heard



A Few Basics of IDEA- Individuals with Disabilities Education Act

Thanks to Parent Educational
Advocacy Training Center,
the state Parent Training center;
some slides from their Special
Education Tour, www.peatc.org

What is Special Education? Individuals with Disabilities Education Act (IDEA)

- Specifically designed instruction
- At no cost to parents
- To meet the unique needs of a child with disabilities



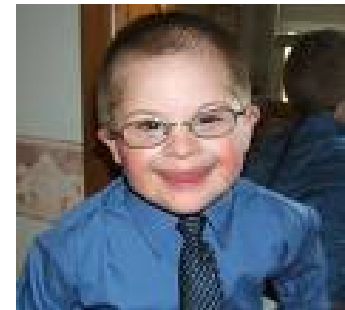
The Legal Foundations for Special Education in Virginia

- The Individuals with Disabilities Education Improvement Act (IDEA) 2004
- The Virginia Special Education Regulations (2009)

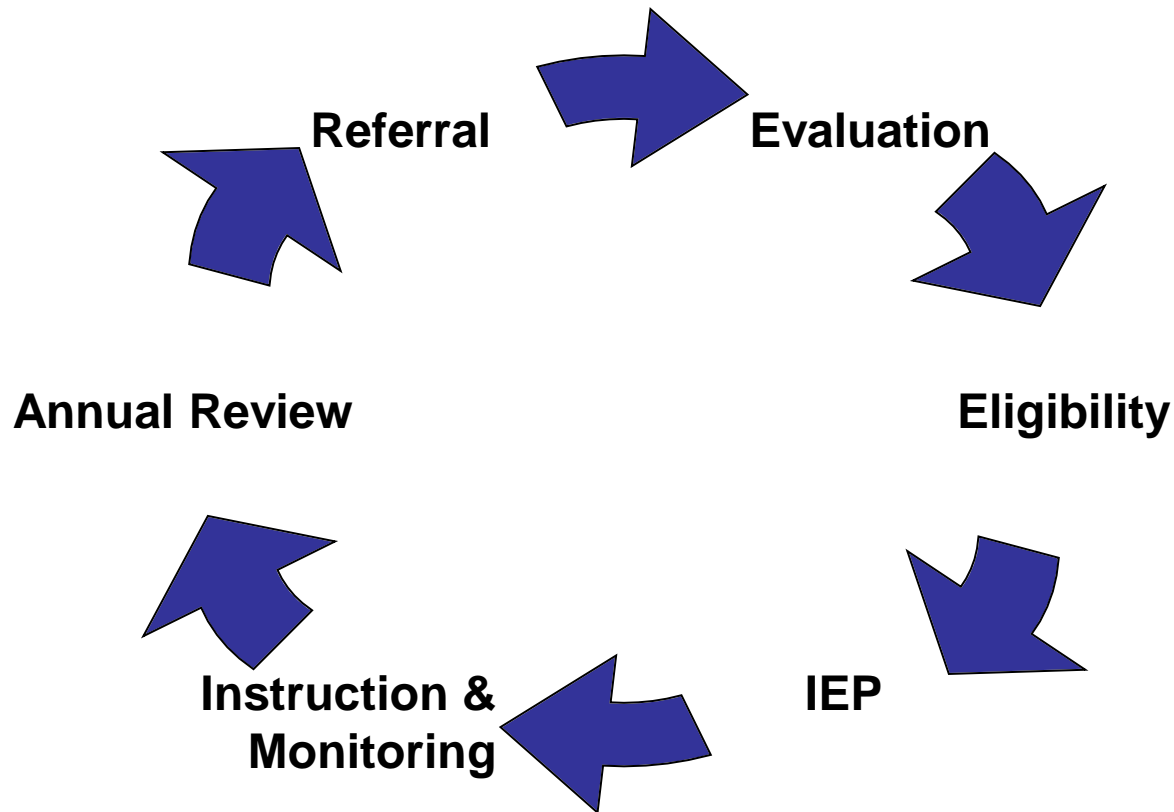


IDEA Guarantee:

- A free, appropriate education for all children (FAPE)
- Placement in the least restrictive environment
- Protection for the rights of children and their parents
- Parent participation in educational planning



The Special Education Cycle



From the beginning, there are steps to getting a program for a child with disabilities.

Protections under the law

- IDEA provides procedural safeguards (legal rights and protections to parent and child). Among these are prior written notice, opportunity to participate, parental consent for many school actions, confidentiality of school records, discipline, use of insurance, and resolving disputes.



Protections, continued

- A copy of Procedural Safeguards notice must be provided to all families at initial referral or parent request for evaluation, if complaint is filed, discipline procedures, at least annually (usually at the IEP review) and upon request by parent.

VIRGINIA DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES

Your Family's Special Education Rights

VIRGINIA PROCEDURAL SAFEGUARDS NOTICE

- Hard copy should be provided to you at initial eligibility and at least annually at the IEP review.
- http://www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/english_procedural_safeguards.pdf

Dispute Resolution

- Internal options
 - Classroom teachers, school level team, chair, AP, school system level
- External options
 - Out of school options- IEP meeting facilitation, non-due process mediation (not filing due process). May be more process-focused.
- Legal options
 - Will cover these shortly...

Know where, who, when

- At what stage of the process are you?
- Who are you meeting with?
- Who makes decisions about issues that will resolve the problem- eligibility, services, placement, resources?
- When is action required?



Roles vary place to place

- **Alexandria City** - 2 Procedural Specialists, assigned by school, and a Procedural Coordinator. Administrative oversight is Office of Special Education Services, within Curriculum and Instruction
- **Arlington** – Special Ed coordinators, and a Compliance Coordinator. Administrative oversight is Office of Special Education, within Department of Student Services

Roles, continued

- **Fairfax County-** Procedural support liaison for each cluster. Administrative oversight is Office of Special Education Procedural Support within Department of Special Services
- **Loudoun County-** Special Ed. Supervisors (elementary/ secondary), & a Monitoring and Compliance Specialist. Administrative oversight is Office of Special Education within Department of Pupil Services

Roles, continued

- **Prince William County-** Administrative coordinators by disability category and a Supervisor of Compliance. Administrative oversight is Office of Special Education.

Dispute Resolution

Options in IDEA:

Mediation- voluntary, State-directed and funded, involves impartial mediator, results in legally binding agreement signed by parent and agency, confidential.

Dispute Resolution, continued

Options in IDEA:

Resolution meeting- within 15 days of receiving notice of the parent's due process complaint, school district must convene meeting to discuss complaint and provide district opportunity to resolve dispute; can be waived.

Other “options”

- Arlington PS- Uses internal Special Education Review Committee.
- Fairfax County PS- Uses internal administrative reviews.

Dispute Resolution, continued

Options in IDEA:

“State” Complaint- filed by parent or agency, related to identification/eligibility, evaluation, placement or provision of FAPE, involves timelines for notifying other party, opportunity for response by other party. Usually focused on procedural issues.

Dispute Resolution, continued

Options in IDEA:

Impartial due process hearing- heard by impartial, knowledgeable hearing officer, hearing rights specified, final decisions but can bring civil action. Initiated through a request.

(34 CFR 300.500-517)

Communication



Communication between caregivers at home and at school

Consider how to inform school:



- ❖ Letter, meetings, documentation
 - How much to share; what is the need to know?
 - Who shares?
- ❖ Practice your 1-minute elevator speech-
what is essential for staff to know about
YOUR child.

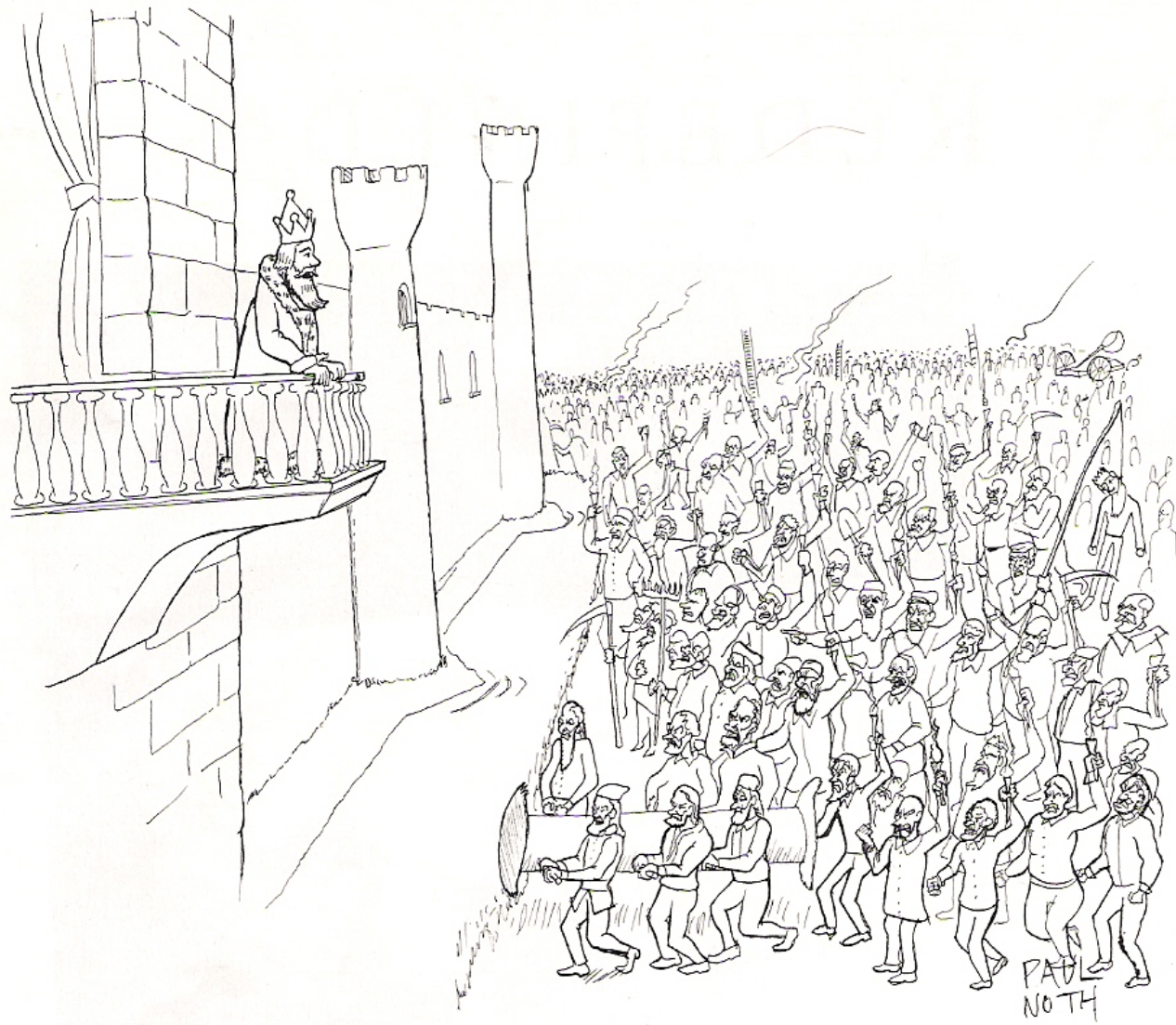
Does your child have a speech too?



Strategies for being heard



- Beforehand, think and write out your main points- what do you want for your child as a result of the meeting/conversation?
- Bring another adult with you.
- If you don't understand something, ask.
- Clarify your understanding.
- End conversation/leave meeting only after a plan for future steps is developed and responsible parties identified.
- Keep records of all communications.



"I welcome the discussion."

Communication on IEP team

Let's look at fact sheet from Matrix

- Build agreements
- Use and ask for facts/data/references
- Repeat/reflect to confirm
- Ask and/or name what is going on
- Acknowledge the positive and express appreciation
- Take a break



Collaborative Problem Solving

- Different from positional bargaining- getting our way; one party satisfied and other dissatisfied.
- In CPS, consider “interests”- an interest is an underlying need or concern that a party is trying to have satisfied.
- This goes beyond the position and uncovers needs and concerns.

Collaborative Problem Solving

- Allows us to explore variety of options or possible solutions that have not been previously considered.
- Expanding the pie helps create fair agreements and allows “win – win”.
- Promotes a foundation for future problem solving that is respectful and energizing.

Collaborative Problem Solving

5 steps for **preparing** for CPS

1. Figure out your interests

2. Figure out their interests

3. Think of some options that would meet the interests

4. Consider what a fair standard might be

5. Keep an open mind.

1. Figure out **your** interests

- Ask yourself – What is this going to satisfy? What need will be met if I were to have this? Why do I want this?
- Make list of your interests and prioritize.
- Examples of interests might be- I want my son to be physically safe; I want my granddaughter to be with nondisabled peers to she can develop interpersonal skills.

2. Figure out **their** interests

- Spend time asking yourself what the other party's interests are.
- Ask yourself, “ If I was wanting that, what needs would be trying to satisfy? What do they really want to gain or avoid?”
- Examples of possible interests by the school- We want to spend as little money as possible while providing a quality program; We want to the child to learn appropriate social skills.

3. Consider some options

- Consider creative ways to meeting as many of your and their interests as possible.
- Create options to meet your shared needs.
- Consider expanding the pie and meeting additional needs.

4. Identify what is a **fair standard**.

- Try to come to agreement through finding ways to try to meet as many interests as possible.
- Decide on a fair, objective standard against which the solutions can be measured.

5. Keep an **open** mind.

- Once you have done the first 4 steps, you are prepared for a CPS meeting.
- Essential that you bring your open mind.
- Allow yourself to be flexible as new information about the interests of the other party. Revise your thinking as necessary.

6 **steps** to Collaborative Problem Solving

1. Share perspectives
2. Define the issues
3. Identify the interests
4. Generate options
5. Develop a fair standards for deciding about best options
6. Evaluate options and reach agreement

Special Education Resources

- *Parent's Guide to Special Education*, revised 2010, Virginia Department of Education, Division of Special Education and Student Services, http://www.doe.virginia.gov/special_ed/parents/parents_guide.pdf
- PEATC, peatc.org, 1-800-869-6782
- Federally-funded centers that have expertise on special ed topics: <http://www.tadnet.org/>



**You may think
I am a shadow;
But inside
I am a sun.**

- Damia Gates, written at Grade 4, Allendale ES, California