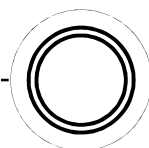


Special Education Alternative Dispute Resolution (ADR)



**ALAMEDA ~ DEVELOPMENTAL
DISABILITIES COUNCIL
DECEMBER 13, 2017**

Family Health Services

Developmental Disabilities Council



Presenters

2

- Malisa Burkhardt,
Program Specialist,
North Region SELPA (Special Education Local Plan
Area)
- Cheryl Theis
Education Advocate,
DREDF (Disability Rights Education & Defense Fund)



North Region SELPA

[Special Education Local Plan Area
Alameda * Albany * Berkeley * Emery * and
Piedmont School Districts]

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Program Specialist,
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Disability Rights Education & Defense Fund

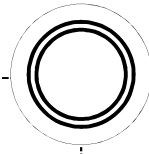
Cheryl A. Theis,
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Outcomes For The Day



- Pathways of Complaints
 - CDE: Compliance Complaints
 - OAH: Mediation & Due Process
 - OCR: Discrimination
- Education and Students with Disabilities (504 & IDEA)
- The Importance of Parent Engagement, Participation and Knowing Your Rights
- The Purpose of Alternative Dispute Resolution (ADR)
- Understanding Conflict & Fundamentals of Communication
- Reaching Agreements to Establish Satisfactions
- Effective Techniques for Successful IEP Teams (Preventions & Interventions)
- Resources When ADR is Not Enough
- Q & A
- Bonus Materials
 - Agenda, Outcomes, & Norms
 - Formal Complaints & Resolution Options

Pathways of Complaints

6

- California Department of Education (CDE): Compliance Complaints
 - Alleged violations of federal or state laws: *when the district has not followed laws or procedures or has not implemented what is already specifically written into a student's IEP*
 - Not more than one year prior to the date of the complaint
 - Must forward a copy of the complaint to the school district
- Office of Administrative Hearings (OAH): Mediation & Due Process
 - *When there is a disagreement about what should go into a student's IEP, or where to implement the IEP*
 - Must be in writing (letter or form)
 - Administrative Law Judge (ALJ) will be assigned to hear case
 - Requires a Resolution Session, unless both parties waive

Pathways of Complaints (cont.)

7

- Office of Civil Rights (OCR): Discrimination Complaint
 - When there is an alleged violation of discrimination against the student due to the disability
 - Filing should be within 6 months of the alleged violation

The Basics: Know Your Rights

8

- Critical to know the laws that protect students with disabilities in school
- No need to be an expert, but general understanding of where issues “fit” within a legal framework is key:
 - Privacy/Records (FERPA Complaint)
 - Compliance (State Department of Ed)
 - Disagreement (Due Process)
 - Discrimination (Office of Civil Rights)

Section 504 of the Rehabilitation Act - 1973

9

- Federal Anti-Discrimination Law
- Protects ALL PEOPLE with a disability that impairs one or more major life activities (such as learning, moving, concentrating)
- Prohibits discrimination in ANY program that receives Federal dollars \$\$\$\$\$
- Provides Accommodations to remove discriminatory barriers – it is about access
- “504 Plan” removes barriers to learning and educational opportunity in public schools

Individuals with Disabilities Education Act (IDEA) - 1975

10

- Federal Education Law
- Eligibility is based on Education Code, not medical diagnosis
 - Student must fit at least 1 of 13 categories of disability, AND
 - ALSO needs specialized support and instruction to benefit from education
- Provides an Individualized Education Program (IEP): special education plan that is “required to benefit”
 - specialized instruction
 - supportive related services
- IEP must be individualized to meet a student’s unique needs

IEP Document or 504 Plan: Legally Binding

11

- Sign in that you are a participant, and know you have the right to take it home to review it before consenting to services...
 - However, the district cannot implement an initial IEP without consent
 - Or make changes to the IEP until those have been consented to, in writing
- Before CONSENTING (Agreeing to sign)
 - Ask for copies of the IEP, 504 plans & other documents
- Know that Parent can
 - Agree to “parts” of an IEP so they can be implemented – and then the process continues until agreements are reached
 - Attach “Parent Exceptions to the IEP ” outlining disagreements
 - Request translation if necessary
 - Request Independent Education Evaluation (IEE) at district expense if there is a disagreement with the assessment (SELPA parameters exist)
 - Record an IEP team meeting, with a 24 hour notice to the district

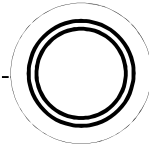
See DREDF sample letter to provide partial consent, outline exceptions/pending decisions

Seeing the Big Picture – Finding Solutions

12

- What is ADR?
 - Purpose
 - Philosophy
 - Trends
- Key Principles
 - Conflict
 - Communication
 - Strategies for reaching agreements

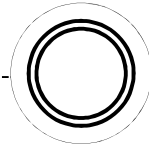
The Purpose Of ADR



The purpose of an
Alternative Dispute Resolution Program (ADR)
is
to build trusting relationships,
to encourage respect and
to value the contributions
of all participants.



A Philosophy Of Solution

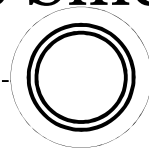


- The goal is to improve communication
- Create a system that is friendly, flexible and transparent
- To encourage compassion, integrity and respect for all participants in finding solutions

Trends in Dispute Resolution under the Individuals with Disabilities Education Act (IDEA)

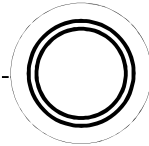
- The IDEA requires states to offer formal processes to resolve conflicts arising between parents and schools.
- Use of the more adversarial processes, particularly Due Process Complaints, grew from the 1990s through 2005.
- Use of these formal processes has declined since and much of that decline results from the use of early, more collaborative approaches to resolve IDEA-related disputes between families and schools.

Trends in the use of IDEA Required Dispute Resolution Approaches Since 2004-05



- Written Complaints has declined by 19%, Due Process Complaints by 10%, and Due Process Hearings Held by 63%. These more adversarial practices often involve significant costs for parents and schools, as well as personal, emotional, and relationship damage.
- Mediations Held is down by 19%, primarily from less use of due process-related mediations.
- Resolution Meetings Held has changed little since 2006-07. Resolution Meetings are likely being used in lieu of mediation to address some Due Process Complaint issues. Agreement rates from Resolution Meetings are relatively low (19% to 24%).

Support for More Collaborative Dispute Resolution Approaches



- More than 20 states now support IEP facilitation activities in local districts; this is up from 8 states in 2005.
- At least half of the States now offer early, collaborative alternate dispute resolution activities (e.g., parent hotlines, IEP facilitation, ombudspersons, stakeholder training, advisory opinion).
- Some states support the use of facilitators in Resolution Meetings, resulting in much higher written settlement agreement rates from these meetings (41% to 70%).
- State use of more collaborative approaches is linked to less use of the formal processes, leading to considerable fiscal savings, increased system efficiencies, and improved relationships.

Center for Appropriate Dispute Resolution in Special Education (CADRE)

Helpful Comparison Chart of Resolution Options:

https://www.nd.gov/dpi/uploads/86/CADREDisputeResolution_Options_Comparison_Chart.pdf

And

IDEA Dispute Resolution Parent Guides in English and Spanish:

<http://www.cadeworks.org/resources/cadre-materials/idea-dispute-resolution-parent-guides>

A time for reflection....

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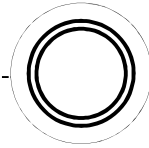


What Goes Wrong at Your IEP Meetings?

20



Think about our current practices



- Think about how and why we do things the way we do
- Look at the way we develop and implement IEPs
- In thinking about these things & making some changes, we'll have more successful IEP meetings and develop more meaningful educational plans

Be Proactive

22

- Be prepared and organized, come on time, be responsive
- Remain child focused – bring a picture of your child to help others do the same!
- Bring copies of reports, IEP documents, progress reports, etc.
- Keep and share work samples (data collection); request some, if necessary
- Make time to meet with key people – parent/teacher conferences are important to building positive working relationships
- Invite key stakeholders, including outside service providers and agency representatives – it is ONE team, the student's!
- Always document and record notes at the meetings (especially agreements, areas of disagreement and questions)

Continuing to be Proactive...

23

- Avoid power struggles: communicate concerns, ask questions, request reasonable proposals
- Know who the “administrative designee” is who can commit resources
- Make requests in writing and avoid surprises
- Go up chain of command when necessary but include other parties (case manager, teacher(s), services providers, site administration, special education administration, etc.) to ensure everyone is on the same page
- Communicate in verifiable ways (recap conversations in writing: date, time, who/title, contact info, key topics, agreements, expectations, etc.) and ask that the district responds in writing as well – Document, Document, Document!!!

Remember: It's a Process & It's Not Personal

24

Consider where the conflict is arising from:

- Professional disagreement—what's the evidence/research/data as to why? Do we need more data?
- Misunderstanding/miscommunication – is everyone informed & on the same page?
- Budget Considerations (time of year can matter)
- Training issues—is staff trained/qualified to deliver what is requested?
- District/SELPA policies or procedures—ask for these in writing
- Staffing/hiring problems (huge teacher shortage in CA)
- Assessment/Evaluation disagreements/ issues—is more data needed?

Conflict is inherent and creates an opportunity to understand each other's interests.

Assume Positive Intent.....

25

EVERY PARENT WANTS
TO BE AN IDEAL PARENT
FOR THEIR CHILD.

Every educator wants to be an ideal
teacher and advocate for their students.

Be Solution Oriented – What's our next Agreement?

26

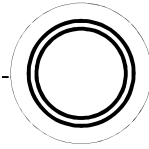
- Preserve relationships—remember, these are the people you will be working with throughout your child's educational career
- Advocate **FOR** and not just **AGAINST** things – what is your “interest”
- Ask for proposals to resolve an issue and work to understand each member's position
- District/School should not “predetermine” —neither should parent
- Propose a trial period when in a dispute over “appropriate” (i.e., intensity of service), by agreeing on a short-term date to meet and reconsider (3-4 or 6 mos)
- Visit proposed placements before saying NO—bring questions, get answers in writing (see sample letter for list of placement questions)
- Ask for Prior Written Notice (PWN) if district proposes or refuses to do something that involves the identification, assessments, services/placement or FAPE
- Work with staff to set a reasonable timeline for district to respond
- Pick your battles—is this a deal breaker? Can it wait for data?

Preliminary Steps When Issues Arise

27

- Review the child's records to determine where the issue is: assessment, present levels of performance, goals, progress, services, implementation, etc.
- Consider requesting records if you don't already have them (FERPA)
- Request a meeting to discuss issues (30-day timeline)
- Document your issues/concerns in writing; what are your proposals to remedy the situation, are they realistic?
- Request a PWN to understand the district's perspective and reasons for proposals or refusal

Embrace Conflict

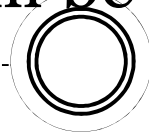


Conflict =

The Consequence Of Difference



Conflict: Federal Law Requires that IEP Meetings will be Non-Adversarial



- People in conflict usually think they know the cause, but their assessment is almost always wrong
- The need to be right is a primary contributor to any conflict
- Communication skills can contribute to conflict or help to resolve it

Conflict Has A Purpose

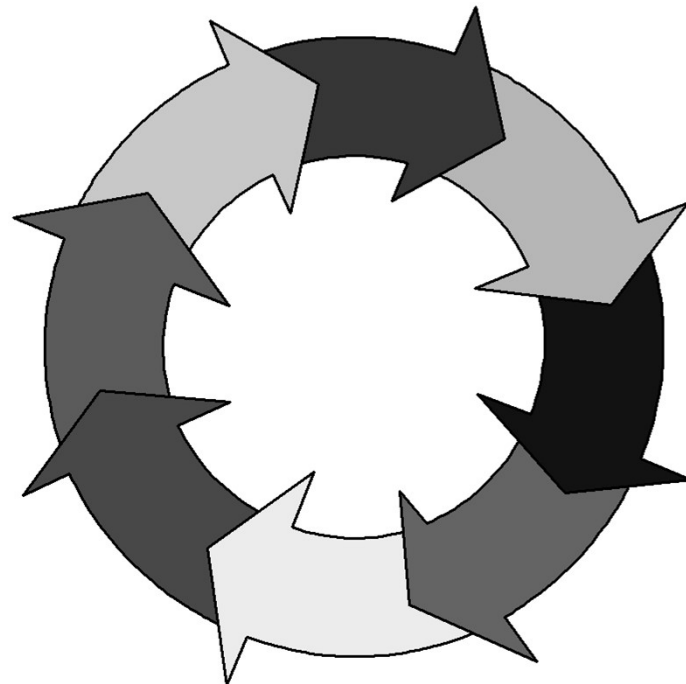
30

- Opportunity to clarify priorities
- Bring light to previously hidden issues
- Help to build trust
- Allows safe release of emotions
- Allows positive interactions with others

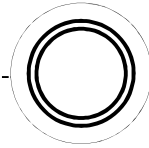
Breaking The Negative Conflict Cycle

31

- Awareness
- Willingness to make changes
- Skills
- Support



STRESS



***That Confusion Created
When the Mind
Overrides the Body***

Questions to ponder....

33

- What are my goals for the relationship, and how do my goals for this particular conflict affect them?
- Are my expectations positive yet realistic?
- Is this conflict over one rather isolated event that shows little consistency with the rest of the relationship, or is it but the latest in a series of conflicts revealing problems within the relationship as a whole?

Questions to ponder....(cont.)

34

- What have I done to contribute to the cause and perpetuation of the conflict?
- What are my “buttons” and how might I recognize them and deal with them effectively?
- In what ways do I need the other party?

Fundamentals Of Communication

35

**ALLOWING A TWO-WAY FLOW
OF COMMUNICATION**

**SEEKING FIRST TO
UNDERSTAND**

TUNING INTO BODY LANGUAGE

**LISTENING TO WORDS AND
FEELINGS**

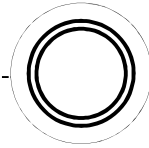
**STAYING THE SAME “SIZE” AS
THE OTHER PERSON**

Elements Of A Collaborative Attitude



- Maintain positive, collaborative or win/win attitude
- Focus on underlying interests
- Remember there is no one right way
- Work toward building consensus
- Listen as an ally

Keys To Negotiating ...



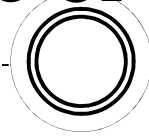
- Get to know the other party
- Be prepared to share your goals or desired outcomes and to learn about theirs
- Raise specific issues – Study all issues – Agree to issues before starting problem solving
- Express areas of agreement or conflict

Key Concepts in Negotiating Conflict

38

- Maintaining a sense of team, the student's
- Focus on interests, not positions
- Engage in data driven conversations and decision-making
- Promote transparency, understanding & check assumptions
- Level the playing field; treat each other as equal participants
- Learn how to disagree respectfully
- Build a reservoir of trust and good faith
- Follow-through and communicate promptly when outcomes are different than expected

Negotiating: Positions & Interests



- Agree to identify issues: define the task
 - Attack the problem, not the person
- Have the data available; facts & information (as stories and perspectives are shared)
- Understand Positions: fixed perspective - “Yes” & “No”
- Focus on interests: the underlying motivations and values - “Why”
- Generate options to evaluate that address the interests
- Know your alternatives (if you can’t reach agreement)
- Look for agreements; write them down and build upon them
- Develop an action plan & implement the plan

Reaching Agreements to Establish Satisfaction

40

**SATISFACTION IN
DISPUTES ARE:
PROCEDURAL
SUBSTANTIVE
RELATIONAL**



The Three Satisfaction

41

- Procedural: How we are going to talk about what we talk about. Setting up any meeting! It matters!
 - Setting the tone: early contact, positive contact
 - Defining agenda items and intended outcomes
 - Gathering information
 - Preplanning
 - No surprises
 - Respectful tone

The Three Satisfaction

42

- Substantive: The quality of the solution or outcome of the meeting
 - Building consensus (true consensus!)
 - Defining solutions and proposals: are they SMART? (Specific, Measurable, Attainable, Realistic, Timely).
 - Mutually acceptable agreements

The Three Satisfaction

43

- Relational: When the parties feel better
 - Breaking bread, or even water!
 - Active listening
 - Defining interests
 - Hearing the story
 - When parties get what they can live with, and are able to implement an agreed upon plan – even for a period of time then come back to review data and outcomes.

The Art & Science of ADR

44

- Prevention strategies
 - FIEP – Basic tools (Agenda, Norms, Desired Outcomes, Action Plan, Parking Lot) – see bonus materials
 - Proactive strategies: going beyond meeting compliance
 - Shared responsibility for success
 - ✦ Group members
 - ✦ Facilitator & Recorder
- Intervention strategies
 - Questioning techniques
 - Strategies under pressure
 - Guiding the group discussion
- Establishing agreements
 - Capture agreements in notes and/or action plan

Components of successful IEP Meetings

45

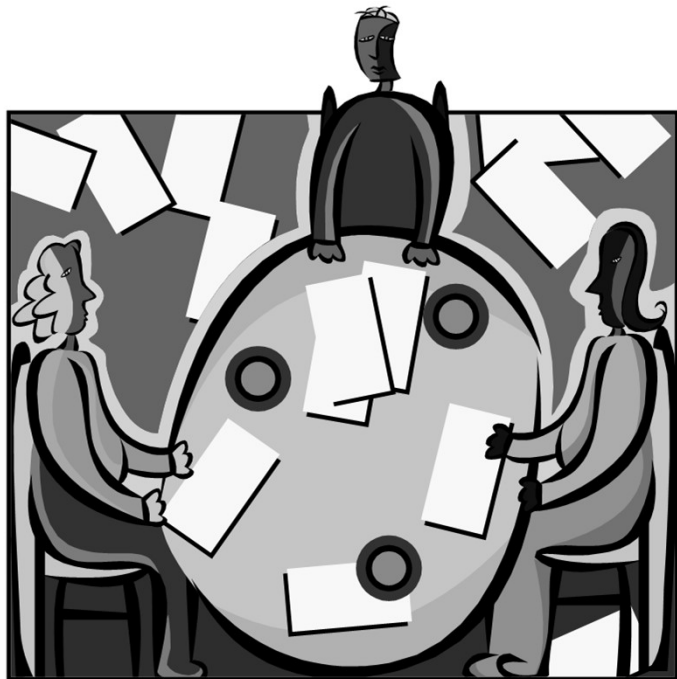
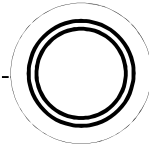
Going beyond compliance of the law!

- ❖ IEP meetings should not be the only parent-teacher conferences you have; stay in communication (home/school)
- ❖ It's a good practice to call or email staff in order to ask any questions you may have or to review the IEP meeting process

Pre-meeting Planning:

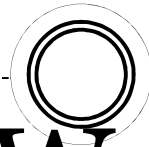
- Request progress reports and draft goals prior to the meeting – so that there is shared collaboration for success; your input is important!
- Create an inviting atmosphere (positively communicate with the case manager and service providers, share desired outcomes ahead of time so they may come prepared)
- Share any new information and/or assessments
- If the staff have conducted assessments, ask for reports to be sent home prior to the meeting. Consider contacting the assessor to answer any questions you may have prior to the meeting.

Effective Techniques for Successful IEP Teams

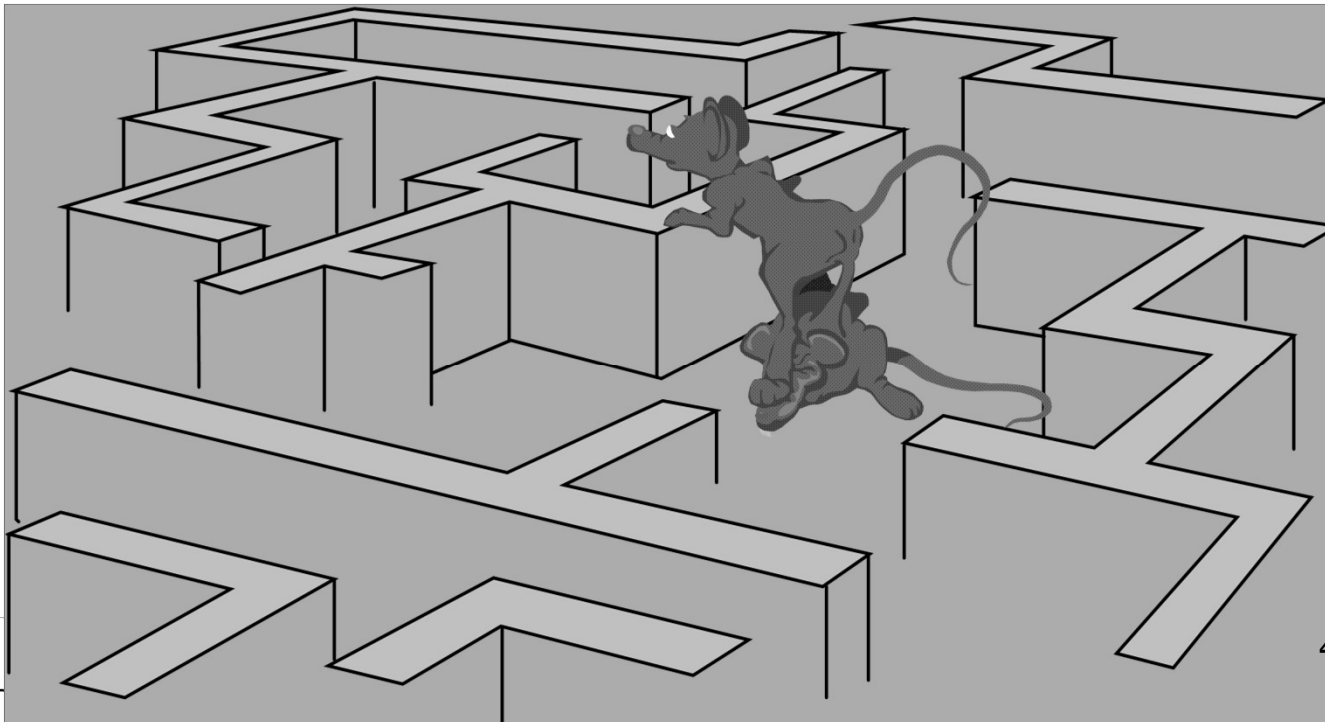


- Work together as part of a team
- Focus on the strengths & interests of the child
- Build positive relationships
- Develop strategies to build consensus
- Be flexible

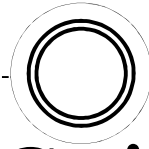
The Questions



1. Where Are We?
2. Where Do We Want To Go?
3. How Do We Get There?



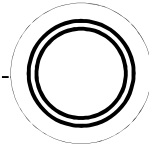
Reacting or Responding



Simple Guidelines:

1. When feeling triggered, ask a question
2. Be curious, not defensive
3. Validate other's feelings
4. Keep working to understand underlying interests
5. Keep the focus on the student, not the adults in the room

Reconciling Differences



1. Restate each party's position checking accuracy of your perceptions
2. Identify each party's underlying interests
3. Ask for or propose options without asking for any commitment to the proposals
4. Build small agreements one idea at a time

Managing Conflict Communication

50

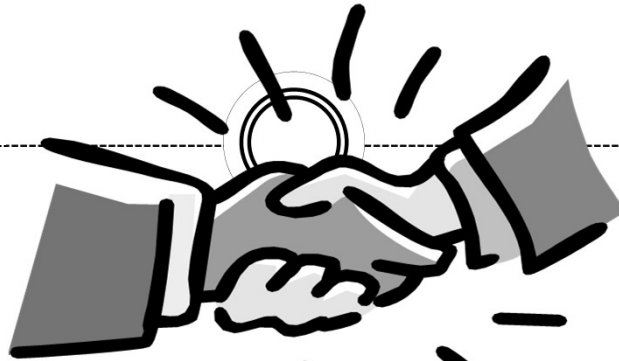
- Talk directly to the individual
- Acknowledge that there is a conflict
- Use “I” statements and encourage others to use “I” statements too
- Repeat what you are being told – Confirm what you hear
- State what each party wants as an outcome
- Agree to work toward a resolution and follow up on problem solving

Questioning Techniques

51

- **Silence**
 - Wait 5 seconds
 - Increases length, number, and variety of answers
- **Probing**
 - Responding with a question
 - Seeks support for the answer
- **Accepting**
 - Communicating the worth of the answer
- **Clarifying**
 - Paraphrasing
 - Bridging
- **Elaborating**
 - Generating hypothesis
 - List possibilities

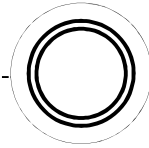
Agreement



- Ask For Proposals
- Check For Understanding
- Check For Agreement



Agreements Must Be ...



Specific

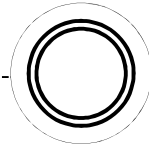
Measurable

Attainable

Realistic

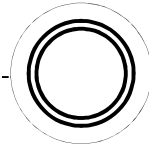
Time-accountable

Points to Consider for Consensus



- Different Perspectives Aids Exploration of the Issues
- Captures the Collective Wisdom of the Team
- Should Result in Better Relationships
- All Team Members Should Be Asked If They Can Support and Implement the Decision

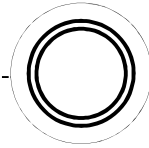
Action Planning



Action Plans transform Agreements into next steps. They help ensure that decisions are implemented and provide a record of what will be done, by whom, and by when.

- Identify what is expected
- Assign responsibility to an individual
- Specify startup dates
- Includes progress check

Closing The Meeting



- Summarize key agreements
- Ensure necessary documentation is complete
- Review any Action Plans including next steps for any unresolved issues
- Review the meeting process for what worked and what can be improved in the future
- Thank participants for collaboration and input

Is the Team at IMPASSE?

57

- Someone says “We can’t make that decision” or “I will have to check with director
- Administrator says ”Let me get back to you” and does not within 5 business days
- District stops communicating with you or is not addressing your concerns
- There have been multiple meetings over the year without any resolutions or movement
- Child is regressing or behavior is escalating and the strategies in place are not working or being revised to address the concern

ASK for an IEP meeting, a PWN, and/or move toward ADR

Time to Request Dispute Resolution???

58

You've reached your "line in the sand"—central issue, critical to your child, not being addressed. Disagreement over:

- Eligibility
- IEP development/goals/evidence based services/accommodations
- Placement/LRE—"that's our model/offer, sorry"
- Safety risks/active HARM to child, regression
- District claims progress they can't prove/you don't see, no evidence.
- Time urgency

Document the disagreement in writing—IEP notes, or request PWN.

Ask for a neutral facilitator to conduct the IEP team meeting. Remember:
Neutrality is a behavior (not a person or role)

Remember Formal Complaints & Resolution Options Exist to Support You

59

- CDE

- When there is an alleged violation of federal or state law: *when the district has not followed laws or procedures or has not implemented what is already specifically written into a student's IEP*

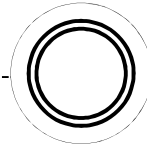
- OAH

- *When there is a disagreement about what should go into a student's IEP, or where to implement the IEP*

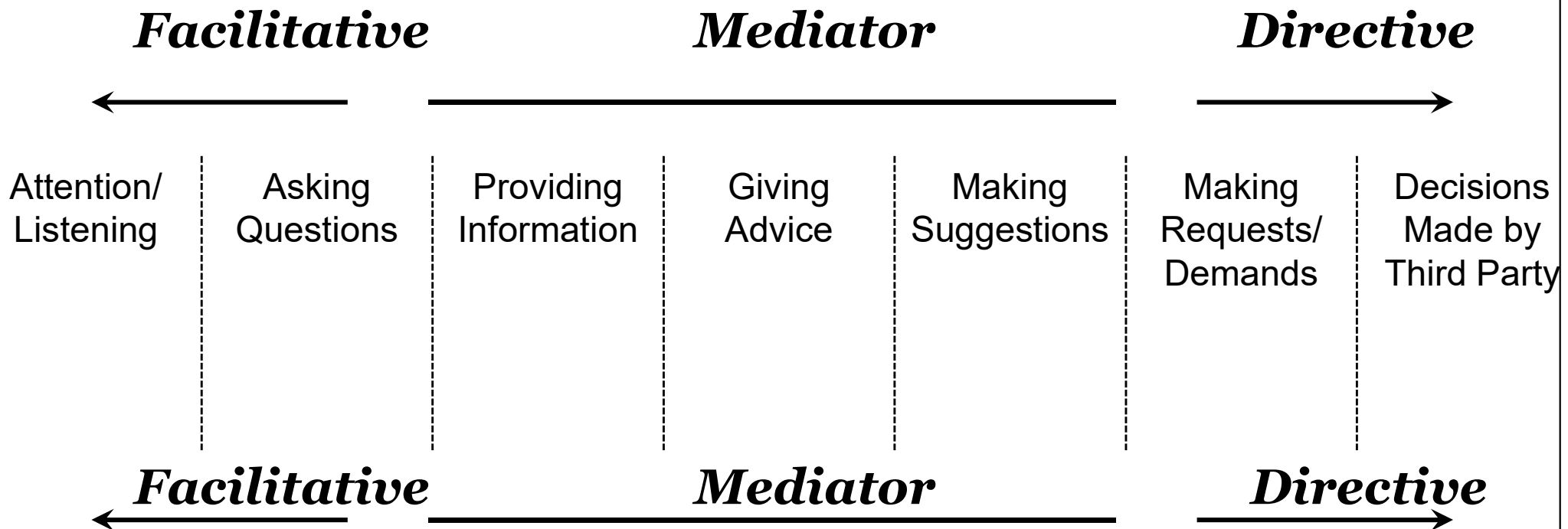
- OCR

- When there is an alleged violation of discrimination against the student due to the disability

Which Process To Choose?

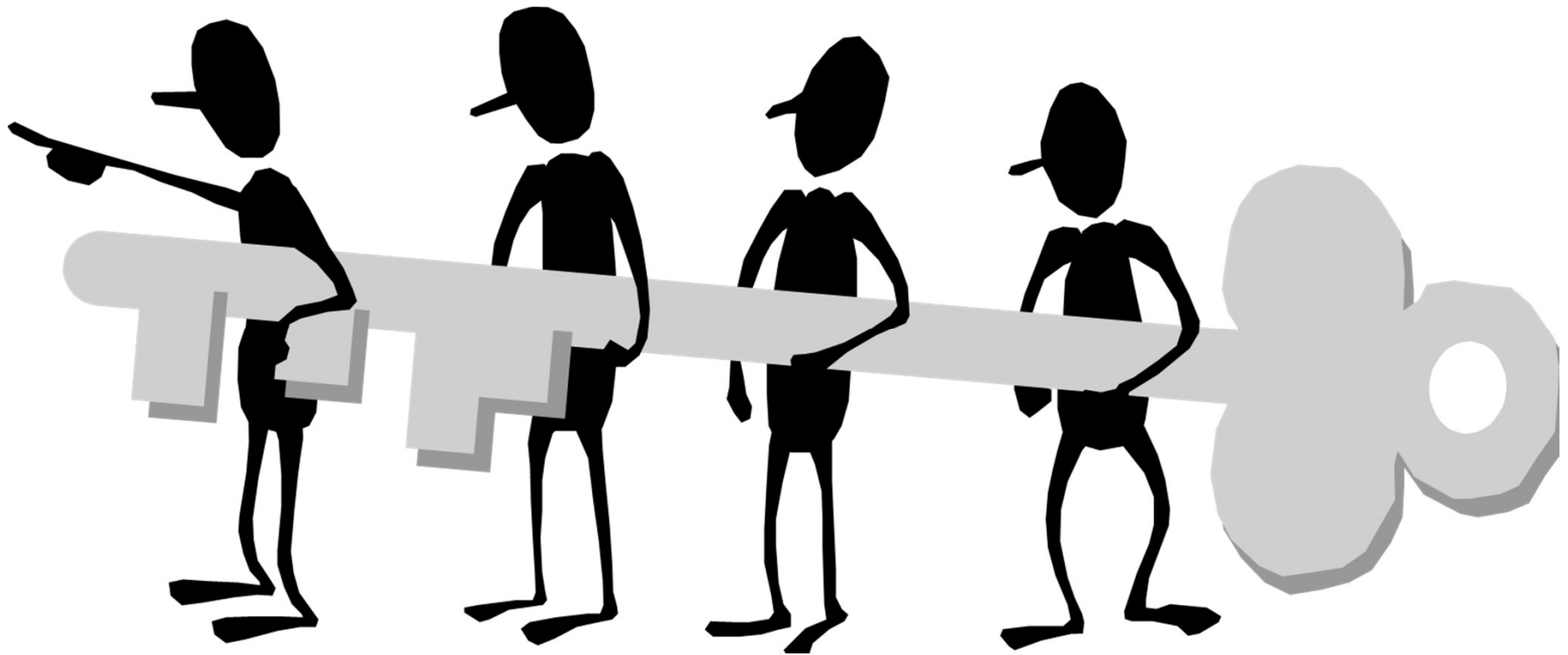


Continuum Of Influence



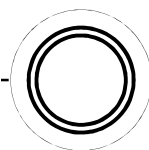
Questions & Answers

61



THANK YOU!

Bonus Materials



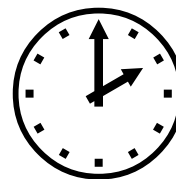
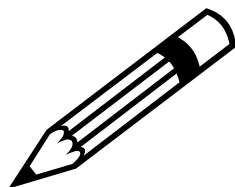
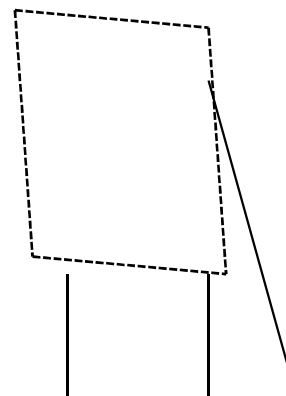
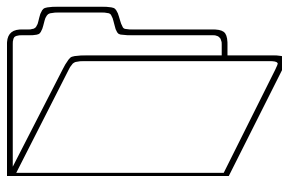
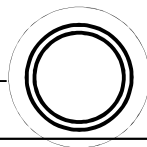
•BASIC FACILITATION TOOLS

- IEP Meeting Agenda
- IEP Meeting Outcomes
- IEP Meeting Norms

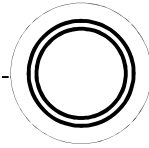
•FORMAL COMPLAINTS & RESOLUTION OPTIONS

•ADDITIONAL RESOURCES

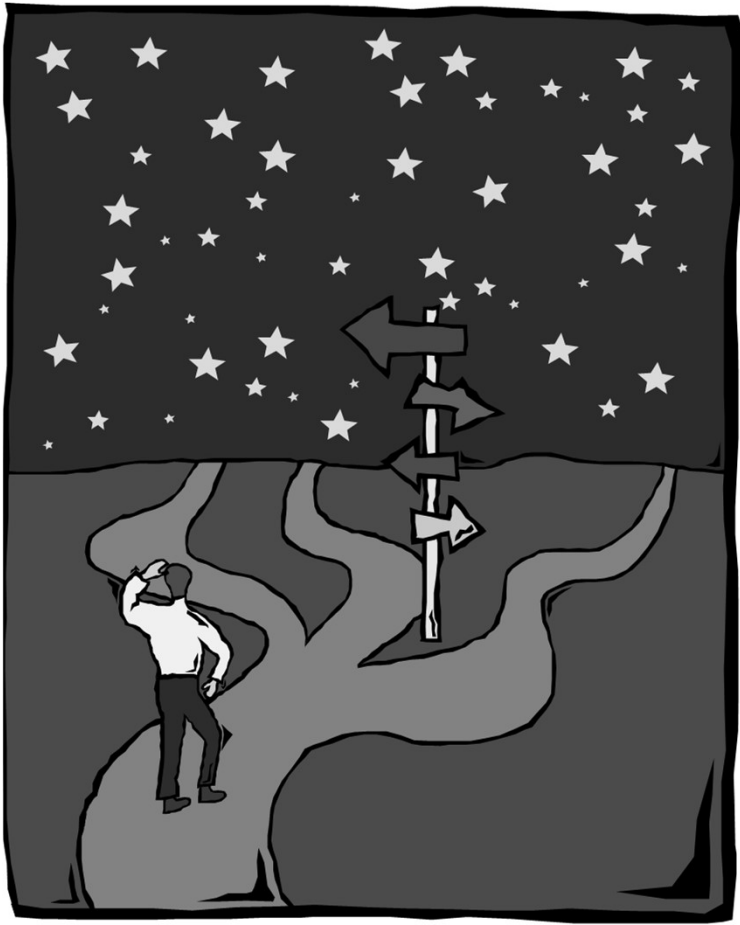
Basic Facilitation Tools



The IEP Meeting Agenda:



A road map to a successful journey



- Welcome/ Introductions
- Review meeting outcomes
- Review IEP meeting norms
- Review/clarify parent rights
- Present levels of performance
 - Parents' input
 - Educators' reports

IEP Meeting Agenda (Cont.)

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- Summary of strengths, weaknesses and needs
- Determine eligibility
- Develop goals
- Determine services & program placement
- Determine need for related services
- Conclusion
 - Confirm agreements
 - Obtain IEP team signatures
 - Develop Action Plan
 - Meeting evaluation

IEP Meeting Outcomes

By the end of this meeting, our goal is to have:

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- A better understanding of the student's needs so that an appropriate educational plan can be developed
- Appropriate and achievable goals that reflect our high expectation for achievement this school year
- Appropriate placement, supports and services to meet the student's needs
- Clear understanding for follow-up and communication in the upcoming school year

IEP Meeting Norms

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Here are the essentials:

- We will start and end the meeting on time
- Stick to the agenda as the road map for the process and hold others to it
- Treat each other with respect both in verbal and physical language
- Let people speak without interruption
- Keep an open mind
- We will participate by sharing our views, asking and welcoming questions
- Keep what's shared confidential
- Be brief with reports
- Turn off cell phones

Formal Complaints & Resolution Options

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- CDE

- When there is an alleged violation of federal or state law: *when the district has not followed laws or procedures or has not implemented what is already specifically written into a student's IEP*

- OAH

- *When there is a disagreement about what should go into a student's IEP, or where to implement the IEP*

- OCR

- When there is an alleged violation of discrimination against the student due to the disability

IDEA

State Compliance Complaint

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Describes & provides evidence that district:

- Failed to carry out an agreed-to IEP.

Example: “The 4/8/16 IEP says my child is supposed to receive speech therapy 3X/week, but District did not provide any speech therapy from 09/11/16-3/26/17. A copy of the IEP is attached.”

- Violated specific provision/requirement of IDEA or State education code
- Violated Procedural Safeguards in IDEA law.
Ex: “Required IEP team did not participate in the 3/26/10 meeting. See attached IEP.”

File within 1 year of alleged non-compliance.

FYI: Teachers & Staff may also file

IDEA

State Compliance Complaint

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- California Dept. of Education (CDE)
Special Education Division
Procedural Safeguards Referral Service (PSRS)
1430 N Street, Suite 2401
Sacramento, CA 95814
800-926-0648 TEL / 916-323-9779 TTY
916-327-3704 FAX
Email: speducation@cde.ca.gov
Web: www.cde.ca.gov/sp/se/fp

IDEA—Special Education Due Process Complaint

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“Trial-like” legal process.

When Parent & School District have BIG disagreements:

- whether student is eligible for special education [or]
- whether the IEP services or placement offered provide a “Free and Appropriate Public Education (FAPE)”
- Administrative Law Judge (ALJ) resolves
- Parents or Districts can file.
Person who files has BURDEN OF PROOF
- Must file within 2 years of alleged complaint
- Critical timelines, deadlines
- Lawyer generally needed

IDEA

Due Process Complaint

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- OAH Forms: www.oah.dgs.ca.gov/Forms/SE+Forms.htm
- OAH Guide to Understanding Special Education
Due Process Hearings” 2009:
www.documents.dgs.ca.gov/oah/SE/SE%20Guide%20to%20understanding%20DPH.pdf

IDEA

Due Process Complaint

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- Office of Administrative Hearings (OAH)
Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
916-263-0880 TEL
916-376-6319 FAX
URL: www.oah.dgs.ca.gov/Special+Education

Note: Resolution Session Option if Due Process Complaint Filed

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- Due Process “Resolution Meeting”
 - New to IDEA 2004
 - Required to create an early opportunity to come to agreements, unless BOTH parties waive.
- Due Process Mediation:
 - Another way/opportunity to resolve issues
 - Strictly voluntary
 - Different rules from “Mediation-Only”
- Download DREDF “Guide for CA Families:
Special Education Due Process and
the Resolution Meeting”:

http://dredf.org/special_education/dueprocess.pdf

Due Process Hearing Decisions

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- Whether child received Free, Appropriate Public Education (FAPE), and/or
- Procedural Violation: Child did not receive FAPE only if procedural errors:
 - 1) impeded child's right to FAPE
 - 2) substantially impeded parents' participation in FAPE decisions for their child
 - 3) caused a deprivation of educational benefit
- Administrative Law Judges (ALJ) conducts DP Hearings and issues decisions
- Either party may appeal a hearing decision

Civil Rights Discrimination Complaint



Complaint describes and provides evidence that:

- Institution that receives Federal funds discriminated against student on the basis of his/her disability.
- Educational opportunity is not commensurate with non-disabled peers (“unlevel playing field”).

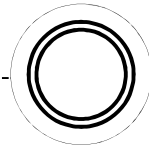
File within 6 months of alleged violation.

Office of Civil Rights Discrimination Complaint

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- Office for Civil Rights (OCR)
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: 415-486-5555
Fax: 415-486-5570
OCR Toll Free Hotline: 1-800-421-3481
Email: ocr.sanfrancisco@ed.gov
OCR Complaint Assessment System: <https://ocrcas.ed.gov/>
- CDE Office of Equal Opportunity (OEO)
916-445-9174 TEL
916-324-9818 FAX
URL: www.cde.ca.gov/re/di/eo

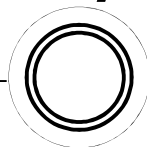
Big Picture/Takeaways



- YOU are your child's first line of defense. Get trained, learn to be an effective advocate—start to finish, that's your job! Build relationships, communicate effectively, document, & record.
- Identify key issues, determine when/where you can compromise and where you need to draw a line in the sand—and ACT! Sometimes, waiting and seeing IS a good decision. Sometimes, it is NOT!
- Call your SELPA or PTI as a starting point

<http://www.parentcenterhub.org/find-your-center/>

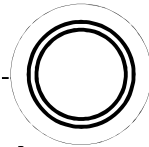
Big Picture/Takeaways



Understand various ways to resolve disagreements, and pros and cons:

- Informal—can save money, time. Can preserve relationships. Compromises can get you CLOSER than holding out for perfection. May not be enough in some instances—know when to say NO.
- Formal—District knows you are serious. Know when to make this decision and be ready to follow through. (Note: Districts may also need to follow through with formal processes!) Educational crises may require that some issues be expedited. With clear data and evidence, can compel district/school to settle quickly. Can be expensive, time consuming, stressful. You might LOSE. Hurts relationships.

Big Picture/Takeaways



Know when to file State Complaints and Discrimination (OCR) complaints. State claims that few parents file, so all must be “well” —Example: Restraint and Seclusion

Understand:

- Purpose of Due Process—know what you are SEEKING
- When to get a Lawyer, and what a lawyer CAN and CANNOT do for you.

Consider: What are your goals? What do you want for your child, and why is this appropriate solution? Are you prepared to mediate/compromise?

DREDF Resource Links

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- DREDF “Guide to CA Families: Special Education Due Process and the Resolution Meeting”
http://dredf.org/special_education/dueprocess.pdf
- DOWNLOAD DREDF Training Materials & Publications!
www.dredf.org/special_education/trainings.shtml
- www.dredf.org/publications/publications.shtml
- www.dredf.org/special_education/special_ed_resources.shtml
- DREDF: www.dredf.org
- CARS+: www.carsplus.org/links.php
- CDE Special Education: www.cde.ca.gov/sp/se
- CDE Home: www.cde.ca.gov
- CDE/PENT (Behavior): www.pent.ca.gov
- Disability Rights CA (DRC): www.disabilityrightscalifornia.org
- PACER: www.pacer.org
- www.taalliance.org
- NICHCY: www.nichcy.org/
- OSEP: www.osepideasthatwork.org
- Wright’s Law: www.wrightslaw.com