

Special Education Rights for Students with I/DD



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Disclosures

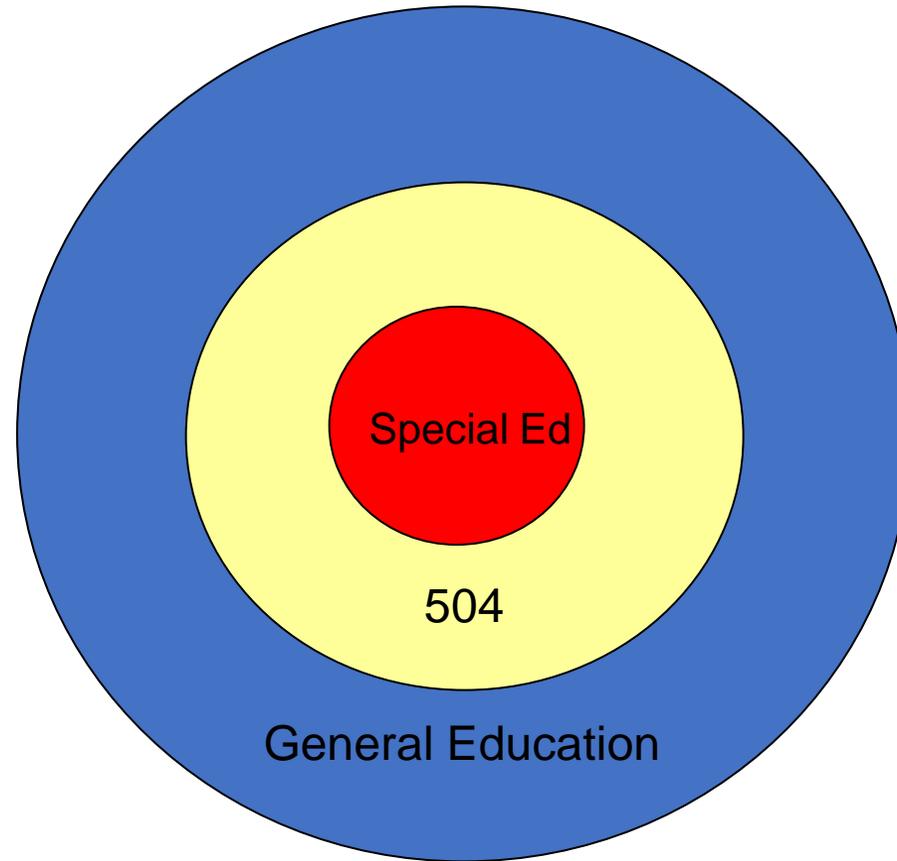
- Lindy MacMillan and Ashley Greenberg have no financial relationships relevant to this presentation to disclose.
- All planners have no relevant financial relationships to disclose.

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Objectives

1. Overview of education laws for students with I/DD
2. Resources to assist families of students with I/DD who are having difficulty accessing education

The Universe of Education Law



Special Education for Students with I/DD

- 134,000 students in Washington State are eligible for special education.
- There are 14 eligibility categories:
 - 12.64% qualify under the category of Developmental Delay (ages 3-8 only)
 - 11.29% qualify under the category of Autism
 - 3.29% qualify under the category of Intellectual Disability
 - 3.7% qualify under Emotion/Behavioral Disability

Individualized Education Programs (IEPs)

What is it?

A written plan/program developed by the school's special education team with input from the parents and specifies the student's academic goals and the method to obtain these goals.

Required for all students with a qualifying disability who require special education

IEPs

What's in it?

1. Present levels of educational performance
2. Goals that the student may reasonably accomplish in the next year
3. A description of how progress towards the annual goals will be measured and how progress will be reported.
4. A statement of related services and supplementary aids that the district provides to the child (PT, OT, Speech, Transportation, ESY)
5. Accommodations/modifications needed.

IEPs

Hallmarks of a bad IEP:

- Recycled IEP goals
- IEP goals that are not measurable. Goals that are only measured by “teacher observation.”
- “Shoehorning” services to fit a predetermined placement

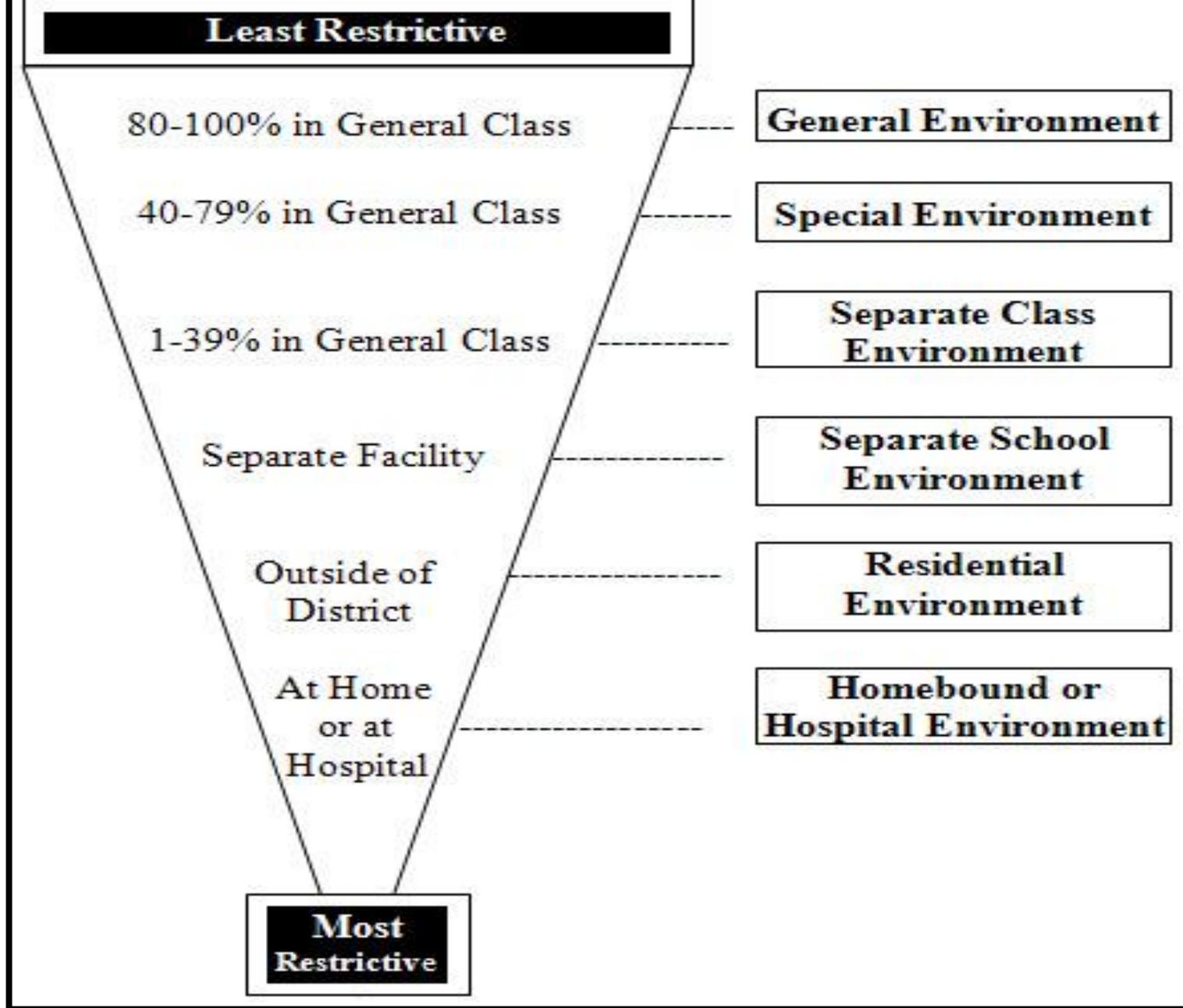
Least Restrictive Environment

Child should be educated in the most integrated setting possible.

Integrated means educated with children without disabilities in the general education setting.

Removal should not occur unless there are no aids or services that could help.

WAC 392-172A-02050



Other Key Points

- Special education is an entitlement.
- Any student who is educable is entitled to FAPE.
- Students can be reimbursed for lost services.
- Students and parents who don't speak English should receive competent interpretation and translation.
- Families can request IEP meetings outside of the year-long cycle.

Options for Dispute Resolution

Due Process:

- Formal adversarial hearing held by administrative law judge
- Good for: cases where there is a disagreement about placement or services between parents and the school district

Citizen Complaint:

- Complaint filed against the District by a third-party
- Good for: issues where violations of education laws or procedure has occurred

Discrimination Complaint:

- Complaint filed with district alleging discrimination on the basis of disability (or race, gender, religion, etc...)
- Ask District about complaint procedures
- Good for: 504 issues

Where to go for help

Office of the Education Ombuds:

Ombuds speak to all parties involved to understand the problem, research applicable laws and policies, facilitate and/or mediate conversations between parents and school officials, and guide all parties towards resolution focusing on what is best for the student.

Request Facilitation: Facilitators are neutral third parties that guide IEP meetings. Voluntary process for parents and districts.

Request Mediation: Mediation is a voluntary process for parents and districts to meet to discuss their concerns with the help of a trained, neutral mediator. There is no cost to the parties.

Resources

Team Child Advocacy Manual: <https://teamchild.org/wp-content/uploads/2019/09/Education-Advocacy-Manual-with-2019-revisions.pdf>

Education in the Wake of COVID: <https://teamchild.org/wp-content/uploads/2020/06/TeamChild-Education-in-the-wake-of-COVID19-Know-Your-Rights-Manual-June-2020.pdf>

Citizen Complaint: <https://www.washingtonlawhelp.org/resource/how-to-file-a-special-education-citizen-complaint?ref=2hZuh>

Northwest Justice Project Special Education Clinic: Call 206-707-7292 and leave voicemail with contact information to be scheduled for clinic.

Questions

THANK YOU!

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