



# **SUPPORTING STUDENTS WITH DISABILITIES IN WASHINGTON'S PUBLIC SCHOOLS**

**PRESENTER: ROSE SPIDELL, EDUCATION OMBUDS  
WITH: SHORELINE SPECIAL NEEDS PTSA  
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*We listen. We inform. We help solve problems.*

**Washington State Governor's  
Office of the Education Ombuds  
155 NE 100<sup>th</sup> Street, Suite 210  
Seattle, WA 98125  
1-866-297-2597  
[www.oeo.wa.gov](http://www.oeo.wa.gov)**

# WHAT IS THE OFFICE OF THE EDUCATION OMBUDS?

The Office of the Education Ombuds (OEO) is an agency within the Governor's Office created in 2006 by the Washington State Legislature.



- **Independent:** OEO is a part of the Governor's office, independent of local and state educational agencies
- **Impartial:** OEO works in a neutral, impartial manner to resolve complaints and reach solutions that support student success
- **Confidential:** All individuals seeking assistance from OEO do so in confidence. OEO maintains the confidentiality of all communications and shares information only with prior consent, unless otherwise required by law.

# ROLE OF THE EDUCATION OMBUDS

- Ensure Fairness, Equitable Processes
- Focus on Student Outcomes
- Provide information about public education system
- Help resolve disputes between families and schools
- Make annual recommendations to improve outcomes for all students.

OEO does not have investigative authority or corrective action capacity. Emphasis on mediation.

OEO does NOT act as an attorney or provide legal advice.

Call us toll free! 1-866-297-2597

## Section 504

**Prohibits discrimination** against individuals with disabilities

Disability = **a mental or physical impairment that substantially limits a major life activity**

In schools, that means: school districts must provide a **"free appropriate public education" (FAPE)** to each qualified student with a disability, regardless of the nature or severity of the disability and must give **equal access** to programs and services.

# Individuals with Disabilities Education Act (IDEA)

The purpose of the IDEA is “to ensure that *all* children with disabilities have available to them **a free appropriate public education** ... designed to meet their **unique needs** and **prepare them for further education, employment, and independent living.**”

# Eligibility - 3 Parts

1. Does my child have **a disability as defined by one or more of the categories of disability in the IDEA?**
2. Does my child experience **“adverse educational impact?”**
3. **Because of the disability** and its adverse impact, does my child **need “special education”?**

# Getting Started: Referral/Request for Evaluation

First – a request is made (in writing)

Prompts district to review records and parent input;

Requires districts to respond with written notice **not more than 25 school days** after receiving the request with a decision of **whether or not to evaluate;**

- If yes – then obtain written consent and complete evaluation within 35 school days.
- If no – explain why and inform parents of rights to challenge determination.

# Parent Participation & Consent

Parents must give **informed written consent** before a child may be **evaluated** and before the **initial IEP** is implemented.

**Informed Consent** means the parent:

- Is fully informed in his or her native language or other mode of communication,
- understands and agrees in writing to the evaluation, or initiation of services,
- understands that the granting of consent is voluntary and may be revoked at any time.

# Comprehensive Evaluations

- Cover all areas of concern;
- Done by professionals with the experience and expertise required;
- Use a variety of assessment tools and strategies;
- Use tests and assessment tools that are not discriminatory or administered in a racially or culturally biased way;
- Include information provided by parents;
- Include classroom observations and current information about a child's abilities.

# Periodic Re-Evaluations

- **At least every 3 years** unless the district and parent agree it is unnecessary;
- When a student's needs change and the current evaluation does not provide enough information for the IEP team;
- or if the child's parent or teacher requests it; but
- **Not more than once a year unless the parent and district agree.**

## Independent Educational Evaluation (IEE)

Parents can request an IEE **at public expense** if they disagree with an evaluation done by the district;

- IEEs are done by a professional outside the school system, **chosen by the parent**;
- Districts must either agree and pay for the IEE or request a due process hearing within 15 days to defend their own evaluation.

# What to do with Results from an IEE

With any IEE, whether paid for by the District, or obtained by the family, the district is **not required to adopt the recommendations but is required to consider them.**

IEE Results can:

- Verify, clarify or add new information for IEP teams to consider;
- Contribute recommendations or considerations for a child's program and services, and placement.

# The I E P

- **written document;**
- **developed, reviewed and revised by the IEP team;**
- **reviewed at least once a year;**
- a “working document” – it **can be amended or modified *at any time* by the IEP team** to meet the child’s needs;

A parent’s **written consent** is required before the ***initial*** IEP may be implemented.

## Some parts of the IEP...

Team Considerations

Present Levels

Measurable Annual Goals

Accommodations/Modifications

Services Matrix

LRE - Placement

Transportation

ESY

# Placement

Decisions made by a team that includes Parents

Least Restrictive Environment

Continuum of Alternative Placements

# Addressing Behavior

If student behavior(s) interfere with learning (of herself or others):

- Request a **“Functional Behavior Assessment”** (FBA); and
- Develop a **Positive Behavior Intervention Plan (BIP)**.

# Restraint & Isolation

## NEW Limits:

- Restraint or isolation be used only when reasonably necessary to prevent **imminent harm** to a student or other person;
- restraint or isolation must be **closely monitored** and **discontinued** as soon as the likelihood of serious harm has dissipated;
- restraint and isolation **generally cannot be included as a planned intervention** in a student's IEP.

Schools must document, report and review each time restraint or isolation is used.

# How IEP Teams Work

**IEP Teams should practice SHARED DECISION MAKING and work to BUILD CONSENSUS.**

**If there is not agreement:** it is the District's responsibility to provide the Free Appropriate Public Education to the child, so the district must make a decision and inform the parent in writing of the decision and reasons for it.

## IEP TEAMS...

- Required team members – and requirements for excusing members;
- Scheduling team meetings – for mutually agreeable times;
- Notice – of time, place and participants for meeting; and
- Prior Written Notice – after meetings, documenting requests considered and decisions made.

# Resolving Disagreements

- Clarify areas of agreement and disagreement
- Identify options
- Seek common ground

## What if I don't agree ...?

First, ask for clarification and request **written notice of the district's position:**

School districts must provide **Prior Written Notice** any time they propose or refuse to make a change relating to a child's evaluation, services or placement.

The notice must **state the district's decision and explain the reasons for it.**

## What next...?

- **Ask the IEP team to reconsider** or **postpone a change** until it has more information or further discussion;
- Work out a plan with the IEP team to **take data** so the team can **review in a reasonable period of time** how the plan is impacting the student;
- **Seek help** in resolving the disagreement from an advocate, Ombudsperson or Parent liaison;
- **File a Citizen's Complaint** with OSPI;
- **Request Mediation** with the District;
- **Request a Due Process Hearing**; and/or
- File a **complaint** with the US Department of Education **Office for Civil Rights** (OCR).

# Engaging with Conflict

- Set the stage – ask for time and attention to address the issue;
- Reflect on what is most important, ultimate desired outcome;
- Listen to understand
- Make it safe to engage by assuming good faith
- Make requests for specific actions
- Agree on an action plan

# WHO CAN HELP ME DURING THIS PROCESS?

Governor's Office of the Education Ombuds (OEO)

1-866-297-2597

[www.oeo.wa.gov](http://www.oeo.wa.gov)

OSPI's Special Education Parent Liaison

(360) 725-6075

<http://www.k12.wa.us/SpecialEd/Families/Assistance.aspx>

**Thank you!**