

PARENTS' GUIDE TO THE ALTERNATIVE DISPUTE RESOLUTION CONTINUUM

PREVENTING AND ADDRESSING CONFLICT
IN THE IEP PROCESS
SAN LUIS OBISPO COUNTY SELPA

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THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS

WHAT CAN I DO TO PREPARE FOR MY CHILD'S IEP TEAM MEETING?

- Respond promptly to the IEP notification sent to you! You are invited and encouraged to attend as a member of the team to develop, review, and/or revise your child's IEP.
 - You may reschedule the meeting or ask to attend virtually.
 - If you need to reschedule, notify the school as soon as possible.
 - Have a couple of alternative dates ready when you call.
 - Work with your case manager to address scheduling quickly
- Be clear on the purpose of the IEP meeting (example – initial, annual, triennial, or addendum) as this will help you prepare and enter with confidence.
- Sit down with your child and others involved in his/her education. Brainstorm strengths, needs, and challenge areas.
 - List some of the points you would like to share with the IEP team.
- Write down your questions and concerns. This will help the IEP meeting run smoothly as well as address your concerns.
- Review copies of your child's previous IEPs prior to your meeting.
 - If you cannot find the current IEP, you may make a written request for a copy from the school. (Remember, it may take up to 5 business days to get a copy.)
- If you have specific areas or goals in mind, contact the case manager prior to the team meeting to discuss your ideas so they may be included in the meeting conversation. Think proactively so that the meeting can be as productive as possible.
- If one of the purposes of the meeting is to address a change in program or transition to a new school, you may want to find out more information prior to the IEP.
 - If you would like to visit that program or school, contact your child's special education teacher for help to set up a visitation date and time.
- If you wish to record the IEP team meeting, notify the IEP team at least 24 hours before the meeting. You may indicate this on the IEP meeting notice if returned within the timeline above and/or via fax or email.

WHAT IS MY ROLE DURING THE IEP TEAM MEETING?

- Expect to be introduced to everyone at the meeting. As the team members introduce themselves, if they don't include their title or role within the meeting, ask them in what capacity they serve your child.
- Actively listen
- Share your child's needs, strengths, what motivates him/her
- Give input and feedback
- Ask questions, especially if the team is referring to terms with which you are not familiar
- Take notes
- Work as a partner in the decision-making process

TIPS FOR EFFECTIVE COMMUNICATION DURING THE IEP TEAM MEETING

- Maintain a positive attitude.
- Give and expect treatment with respect.

- Acknowledge that everyone on the team has expertise.
- Keep your child as the focus of the IEP process.
- Involve your child whenever advisable and possible.
- If you have goals or supports in mind, let the team know what they are, in advance if possible.
- Remember that the team is there to help your child succeed.
- Remember, you share a common goal.
- Keep the lines of communication open.
- Be fair and be willing to compromise.

WHAT ABOUT IEP IMPLEMENTATION?

- It is important to continue to work with the IEP team to reach full agreement so the IEP will be implemented.
- If you consent with the IEP as developed and written, it will be fully implemented.
- If you do not agree with all the parts of the IEP, you may sign consent for only those portions of the program with which you agree.
- Those portions you agreed upon will be implemented without delay.
- If you consent with the IEP and later decide you disagree with any part of it, you may request in writing to hold an IEP meeting to discuss this concern.
- Even if you consent with the IEP, at any time you may **revoke consent**, in writing. This action is not retroactive. The student will exit from special education. If, in the future, you seek re- enrollment in special education, the request will be treated as an initial assessment.

WHAT SHOULD I DO AFTER THE IEP?

- Review the results of the meeting with your child, if appropriate.
- Maintain communication with your child's teacher.
- Check that new services or resources were put in place. Ask questions.
- Visit your child's program.
- Periodically check the IEP against school work for consistency.
- Monitor homework and support your child as needed for completion.
- Evaluate progress:
 - Are you receiving periodic reports from school on progress as noted in the IEP?
 - How is your child progressing?
 - How does your child feel he/she is doing?
 - Is your child happy at school?
 - Do you think the program is working?
 - Are there some changes you would like to make? If so, can they be done informally, or do you think they require a more formal agreement or new IEP?
- Keep Accurate Records: As the primary decision maker, observer, and advocate for your child, it is to your benefit to keep accurate, up-to-date records.
 - Background Information
 - Developmental History
 - Medical History and Medical Records

- Family Health History
- Educational History
- Educational, Psychological, and Therapy Reports
- IEPs
- Samples of past and present work
- Records from outside agencies (e.g., Regional Center, etc.)
- Correspondence – Letters and emails you have written and received
- A record of your contacts with school agencies (e.g., personal visits, phone calls)
- School Report Cards and IEP Progress Reports

WORKING WITH THE SCHOOL PROGRAM

A well-developed, successful IEP requires the active participation of everyone on the team – parents, teachers, administrators, related service providers and any other person working with the student who may have an impact on the school program. A strong IEP team will involve each member of the team.

- The IEP is developed by a collaborative team whose members share responsibility for the meeting process and results.
- The process builds and improves relationships among team members.
- Decision-making is reached by true consensus based upon effective communication and reflective listening
- The student's areas of need are the basis of the IEP content and process

IEP DISPUTES AND DISAGREEMENTS

WHAT ARE SOME EFFECTIVE STRATEGIES FOR RESOLVING DIFFERENCES?

During the course of the special education process, you and the school members of the IEP team may disagree about some aspect of your child's education. Listed below are examples of issues that may arise and how to respond.

In most cases, the way to resolve disputes is through clear, respectful communication and ongoing collaboration.

- What if I want to re-examine an issue or I believe that the team is missing something vital?
 - Work with the case manager to clarify any issues or needs. Seek to understand by sharing specifics.
 - If necessary, request a staffing or team meeting rather than a formal IEP team meeting to share concerns and problem solve.
 - If need be, an IEP team meeting can be requested in writing. (District has to schedule within thirty days.)
- What if I want an IEP meeting sooner than the annual IEP review?
 - At any time, you can request in writing that another IEP meeting be held. The district has thirty days in which to schedule the IEP meeting.
 - Sharing in advance what your specific concerns and/or desired outcomes may be can help the school ensure that the right information is gathered and the right people attend the IEP team meeting.
- What if I want my child evaluated prior to the triennial evaluation?
 - If you think that your child's educational program is inappropriate due to outdated information in his/her records, you can request a re-evaluation before the scheduled three-year re-eval. Generally, best practice does not support a re-evaluation in the same areas within 12 months of a previous assessment. It may be appropriate to reassess if additional areas of suspected disability arise which impact educational success.
- What if I just want to talk to someone outside of the IEP meeting?
 - If you have a concern with the school, make an appointment with the person most closely connected with the area of concern. For example, if you are concerned about a situation in a classroom, meet with the teacher and if appropriate, the school principal. The hierarchy to follow when resolving conflicts provides more examples.
- What if I am interested in requesting an Independent Educational Evaluation?
 - The parent/guardian has the right to request an Independent Educational Evaluation (IEE) at public expense when the parent disagrees with the assessment conducted by the LEA. However, the LEA may initiate a due process hearing to show that its evaluation is appropriate. If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense.
 - The LEA is not responsible for providing or reimbursing an IEE when parents merely feel the need for additional information about their child, which is not based on a

disagreement with LEA assessment results or IEP team findings. Further, when the parent disagrees with an assessment previously conducted by the LEA and obtains multiple IEE reports in the same assessment areas, the LEA will not reimburse the cost of more than one IEE in any one area assessed.

- What if I want to file a Uniform Complaint?
 - If you suspect a school is not in compliance with federal or state laws or regulations, and the matter cannot be resolved informally, you can file a complaint in writing with the LEA's superintendent using the LEA's uniform complaint procedures.
 - Families and school districts are encouraged to work to solve differences at the lowest level possible in order to preserve collaboration and foster long term relationships which benefits the student as well as all other parties involved.

- What does it mean to file for Due Process?
 - When a school district denies a child a free, appropriate public education (FAPE) the parent has a right to challenge the district in a due process hearing. These challenges are related to the evaluation, classification, program and placement and/or implementation of services. A Due Process complaint is filed before the California Office of Administrative Hearings (OAH) – Special Education Division. The OAH is an independent state agency that provides resolution services for individuals and government agencies that are in dispute. The OAH provides a neutral forum for fair and independent resolutions. When a parent invokes a due process hearing, an OAH impartial Administrative Law Judge (ALJ) is appointed to hear each party's position and then decide the dispute.

HIERARCHY TO FOLLOW WHEN RESOLVING CONFLICTS

Site Level

Teacher
(Educational and Classroom Issues)

School Psychologist
(Assessment, Behavior &/or Program/Placement Issues)

Site Administrator
(School Safety and Personnel Issues)

District Level

Program Specialist/Coordinator
(Program Concerns)

Special Education Director
(Educational, Program or Placement Issues)

Assistant Superintendent of Educational Services or Student Support
(Site, Personnel or Educational Issues)

LEA Superintendent
(Site, Personnel or Educational Issues)

SELPA Level

SELPA Coordinator
(IEP Team Meeting Facilitation)

Program Specialist
(ADR Team or Parent Coaching)

SELPA Executive Director
(Local Plan Implementation, Systems Issues, Alternative Dispute Resolution Request)

State Level

California Department of Education

Special Education Division (Issues Dealing with Compliance/Implementation of Federal and State Education Code)

Office of Administrative Hearings
(Disputes Over Assessment, Identification, Educational Placement or Offer of FAPE)

ALTERNATIVE DISPUTE RESOLUTION CONTINUUM

Alternative Dispute Resolution, also known as ADR, is a free service offered to parents and school districts in the San Luis Obispo County SELPA that provides parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation. The goals are to reach local resolution of disputes, maintain positive relationships, and ensure an appropriate education for the student.

All components of the ADR process are confidential and mutually agreed upon. Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties.

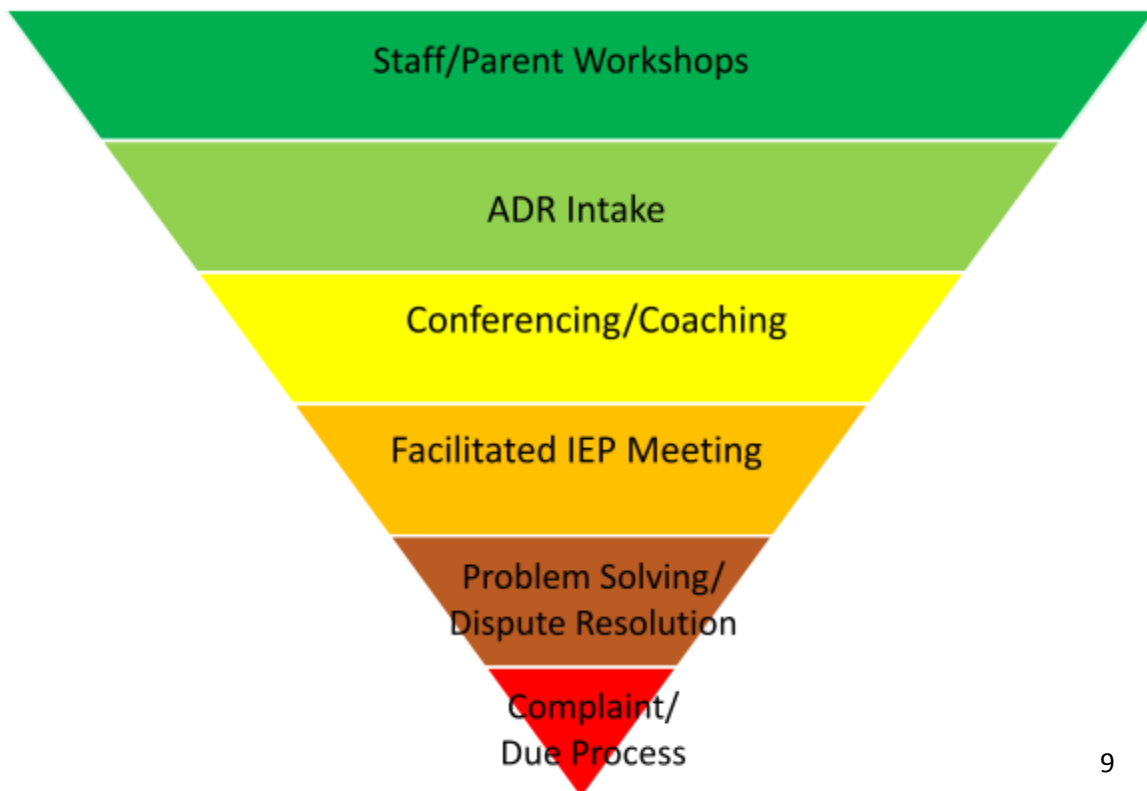
FOUNDATIONAL SAN LUIS COUNTY SELPA ADR PRINCIPLES

Parent/Educator engagement is a critical component to managing conflict through the IEP process. The process of building a foundation for strong relationships between stakeholders involves intentional and proactive planning. Educating parents and educators in the areas of Conflict Resolution, Problem-Solving, Collaborative IEP Processes, and IEP Compliance is the cornerstone to engagement and collaboration.

WHAT IS ADR?

ADR is an informal method of settling disagreements that may arise during an IEP meeting. It is designed to meet the interests of the parties involved that results in a crafted, mutually agreeable outcome rather than living with a decision made by an outside third party such as a hearing officer or judge. The process can be initiated by a school district or a parent by contacting the SELPA Intake Coordinator (Program Specialist) assigned to the school district.

THE SELPA ADR CONTINUUM OF SUPPORTS



LOCAL ADR COMPONENTS

Staff/Parent Workshops

A variety of opportunities are available, including team and relationship building.

ADR Intake

The SELPA staff will listen to your concerns, help you identify your interests and identify a process to help.

Conferencing

When requested, the SELPA staff will conference with parents or district staff to intervene early, offer suggestions, and resolve concerns.

Coaching Staff members are available to meet with teams or parents to coach on helpful resolution strategies, effective communication techniques and options for resolving conflicts.

Facilitated IEP Meetings (FIEP)

This is a formal IEP meeting facilitated by a neutral facilitator. The process is designed to help the IEP team to build relationships, focus on the IEP content and the student, and work toward a positive IEP team outcome.

Problem Solving/Dispute Resolution Session

A problem-solving method that brings disputing parties together to reach a mutually satisfying agreement with the guidance of a trained facilitator. The session allows both parties to listen and express their points of view. If agreement is reached, the specifics are put in writing and signed by all parties to signify the commitment of both parties to uphold the agreement. If agreement is not reached, either party can file for a Due Process hearing.

SAN LUIS OBISPO COUNTY SELPA LOCAL EDUCATIONAL AGENCY MEMBERS

SELPA MEMBER DISTRICTS

Almond Acres Charter Academy
(805) 467-2095

Atascadero Unified School District
(805) 462-4230

Bellevue-Santa Fe Charter
(805) 595-7169

Cayucos Elementary School District
(805) 995-3694

Coast Unified School District
(805) 909-0641

SLO County Office of Education
(805) 593-3186

Lucia Mar Unified School District
(805) 474-3000 ext. 1152

Paso Robles Joint Unified School District
(805) 769-1000 Ext 30415

Pleasant Valley JUESD
(805) 467-3453

San Luis Coastal Unified School District
(805) 549-1220

San Miguel Joint Union School District
(805) 227-1040

Shandon Joint Unified School District
(805) 238-0286

Templeton Unified School District
(805) 434-5853