

ASK AN OMBUDS

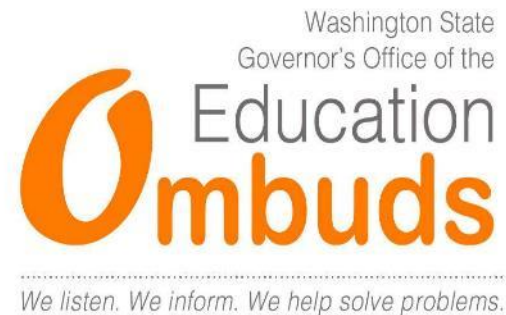
OEO LUNCHTIME WEBINAR

WITH SAM BLAZINA, REGIONAL EDUCATION OMBUDS AND
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AUGUST 8, 2017

Toll free: 1-866-297-2597

Online: 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 to address barriers to student achievement and reduce the opportunity gap.



QUESTIONS

- Where to find a forum on Dyspraxia?
- What to do if a student with an IEP did not make progress on goals? What to do if you learn of this only after school is over, and the student was not recommended for summer school?
- Where can parents get help with “due process” hearings? What is the process in “due process” hearings?
- Can home-schooled students access special education and general education services? What is the nature of those services?

PLEASE share your FOLLOW UP and ADDITIONAL QUESTIONS via the CHAT or Q&A functions

QUESTION 1: DO YOU HAVE FORUMS ON DYSPRAXIA?

Dyspraxia –first, definitions:

“impairment of the ability to perform coordinated movements”

[--https://www.merriam-webster.com/medical/dyspraxia](https://www.merriam-webster.com/medical/dyspraxia)

“a brain-based condition that makes it hard to plan and coordinate physical movement.”

[--https://www.understood.org/en/learning-attention-issues/child-learning-disabilities/dyspraxia/understanding-dyspraxia](https://www.understood.org/en/learning-attention-issues/child-learning-disabilities/dyspraxia/understanding-dyspraxia)

DYSPRAXIA (AND OTHER CONDITIONS/DISABILITIES): WHERE TO LEARN MORE?

Washington State's **Parent Training & Information Centers:**

- Open Doors for Multicultural Families:
www.multiculturalfamilies.org
- PAVE: www.wapave.org

Parent to Parent Groups:

[http://arcwa.org/getsupport/parent to parent p2p programs](http://arcwa.org/getsupport/parent%20to%20parent%20p2p%20programs)

Special Education PTAs: <http://www.wssec.org/special-ed-ptas>

Disability Advocacy Organizations (ARC of Washington, County ARCs, WAAA, WABIDA,)

Online Resources (articles, webinars, expert chats):

www.understood.org

QUESTION 2: MY SON'S END OF YEAR REPORT CARD SHOWS HE MADE LITTLE TO NO ACADEMIC PROGRESS. HE'S ON AN IEP AND HIS TEACHERS MADE NO INDICATION OF HIM FALLING BEHIND AND FAILED TO REFER HIM TO SUMMER SCHOOL. WHAT STEPS DO I TAKE TO ADDRESS THIS SITUATION?

STARTING WITH SOME BACKGROUND:

IEP RULES, PRESENT LEVELS, ANNUAL GOALS AND PROGRESS REPORTING

IEPs must include:

- a statement of the child's **present levels of academic achievement and functional performance** and
- a statement of **measurable annual goals**, including **academic and functional goals**, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability.

STARTING WITH SOME BACKGROUND:

IEP RULES, PRESENT LEVELS, ANNUAL GOALS AND PROGRESS REPORTING

Present levels of academic achievement and functional performance require objective data from assessments.

Information on present levels also comes from:

- current or “real time” information from teachers and other providers;
 - classroom based assessments or
 - other data used to report progress towards annual goals,
- state and district-wide tests;
- more recent reevaluations;
- observations of the student;
- parent, and student information.

STARTING WITH SOME BACKGROUND:

IEP RULES, PRESENT LEVELS, ANNUAL GOALS AND PROGRESS REPORTING

The student's progress should be assessed objectively and often.

Each IEP must explain:

- How the child's progress toward meeting the annual goals will be measured; and
- When periodic reports on progress will be provided (quarterly, with report cards, etc.).

ACTION STEPS TO ADDRESS THE CONCERN

- ✓ Request an IEP meeting
- ✓ Prepare for the meeting by understanding the current evaluations, assessments, and/or data being used in the IEP to measure goals
- ✓ Discuss a plan about future communication about student's progress and how to address potential setbacks
- ✓ Bring an advocate if needed for support and knowledge

QUESTION 3: DUE PROCESS HEARINGS


Who, What, When, Why and How??

Who can help parents with due process hearings? How do parents prepare for them? What is the process with due process hearings?

Note – today we focus on Special Education due process hearings.

QUESTION 3: DUE PROCESS HEARING PROCESS

<http://www.k12.wa.us/SpecialEd/DisputeResolution/DueProcess.aspx>



State of Washington
OSPI
Office of Superintendent of Public Instruction

Languages | A - Z Index | Print Version

Home | Certification | Offices & Programs | Learning & Teaching | Assessment | Finance & iGrants | Data & Reports | Website Accessibility

Special Education Home

Special Education > Dispute Resolution > Request a Due Process Hearing

Laws & Procedures

Guidance for Families

Data & Reporting

Dispute Resolution

Funding & Finance

Program Review

Resource Library

Contact Us

Request a Due Process Hearing


A **due process hearing** is a formal, legal proceeding conducted by an administrative law judge (ALJ). Parents and districts have a right to present and question witnesses, and to submit or challenge documents regarding the issues.

A written request for a due process hearing is made by a parent or district relating to issues about the identification, evaluation, educational placement, or provision of [Free Appropriate Public Education](#) to a student. Requests must be made within—and allege violations that occurred not more than—**two years** before the date you knew or should have known about the allegation. Only an administrative law judge may allow an exception to the two-year timeframe.

Frequently asked questions

1. Who can I contact if the issue involves discrimination, or other matters that are not addressed through IDEA?
2. What are the requirements for requesting a due process hearing?
3. Where do I file my due process hearing request?
4. Is there a form for filing a due process hearing request?
5. Do I need to know the exact rule or law that I think is not being followed?
6. What does OSPI do with my due process hearing request?
7. What is the Office of Administrative Hearings (OAH)? What do they do with my request?
8. Who are the administrative law judges (ALJ)?
9. What is a resolution session?
10. How long does a due process hearing take?
11. What is "stay put"?
12. What if my due process hearing involves discipline?
13. Can I get advice from an attorney?
14. Is there more information about due process hearing requests and timelines?
15. Where do I find due process decisions?

This information is intended to provide guidance about requirements under IDEA Part B. It does not address every requirement contained in chapter 392-172A WAC and it is not legal advice. The intent is to support and not replace careful study of the IDEA and Washington state regulations implementing the IDEA.



[Notice of Procedural Safeguards for Students and Their Families](#)

[Legal Assistance List](#)

Updated 3/8/2017

DUE PROCESS

Due Process Hearings will require you to consider and prepare:

- Evidence – witnesses and documents
- Issues and Burden of Proof – what will you (or the district) need to prove?
- Remedy – if there was a violation, what should the remedy be?

You'll want to think about:*

- ✓ What is the likelihood that a hearing officer would agree with you?
- ✓ What does the law say?
- ✓ What documents and witnesses do you need to prove your case?
- ✓ How do due process hearings work?

*taken from Pennsylvania Dept. of Ed Publication (see next slide for link).

DUE PROCESS – WHEN, WHY AND HOW???

- OSPI's Special Education Webpages:
<http://www.k12.wa.us/SpecialEd/default.aspx>
- Washington State's IDEA Regulations "the WACs":
<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-172A&full=true>
- Center for Parent Information & Resources:
<http://www.parentcenterhub.org/details-dueprocess/>

Other States' Materials/Guides on Due Process:

- Understanding Special Education Due Process Hearings, A Guide for Parents, Office for Dispute Resolution, Pennsylvania Department of Education:
http://odr-pa.org/wp-content/uploads/pdf/dph_parent_guide.pdf
- Pro Se Parent Guide to Special Education Impartial Due Process Hearings:
https://www.education.nh.gov/legislation/special_ed_due_process.htm
- Preparing for Special Education Mediation and Resolution Sessions: A Guide for Families and Advocates:
<https://www.advocacyinstitute.org/resources/Preparing.for.SpEd.Mediation.Resolution.Sessions.pdf>

QUESTION 4: HOME SCHOOLED STUDENTS ACCESSING SERVICES FROM K-12 PUBLIC SCHOOLS

Washington State's Laws Regulating Home-Based Instruction ("the pink book"):

<http://www.k12.wa.us/privateed/homebaseded/PinkBook/pinkbook.pdf>

Links to Homeschool Organizations:

<http://www.k12.wa.us/privateed/homebaseded/default.aspx>

Learning By Choice Guide:

<http://www.k12.wa.us/GeneralInfo/pubdocs/LearningByChoice2014.pdf> (part time & ancillary services options at p.19)

Posted here: <http://www.k12.wa.us/GeneralInfo/EnrollmentOptions.aspx>

Special Education services:

February 2016 Monthly Update from OSPI Special Education – p. 4:

Information on Part Time Enrollment:

<http://www.k12.wa.us/SpecialEd/monthlyupdates/Feb2016updates.pdf>

TIME FOR QUESTIONS!

Please share your Feedback on this Webinar!

Link to survey:

https://www.surveymonkey.com/r/August_8_2017

Thank you for your participation!

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Interpretation Available

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