

# ASK AN OMBUDS OEO LUNCHTIME WEBINAR

WITH ROSE SPIDELL, EDUCATION OMBUDS  
AND CARRIE BASAS, DIRECTOR

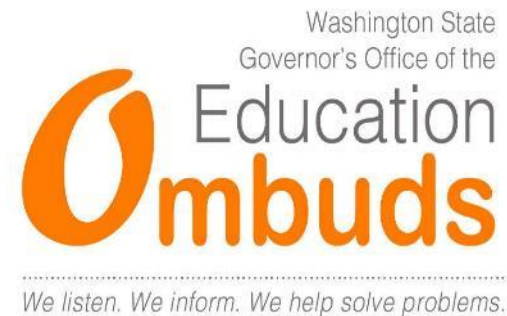
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155 NE 100<sup>th</sup> Street, Suite 210

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



# OVERVIEW OF QUESTIONS WE WILL COVER TODAY

- Educational Services during Suspension/Expulsion
- Extended School Year
- Consensus in IEP Decision-Making
- Dispute Resolution Options (IEP)
- Special Education and ALEs
- Appropriate Services (Special Education)
- Inclusion and Equity



# QUESTION 1: EDUCATIONAL SERVICES DURING LONG-TERM SUSPENSION OR EXPULSION

- **There have been some new rules, so new questions have emerged:**

What do/should equitable and comparable educational services look like?

- Can't suspend educational services as a disciplinary action
- Alternative settings
- Questions to consider:
  - How much time/what kind of instruction/where?
  - Who decides how much is enough?
  - Will transportation be included? Supervision?
  - How soon should it get started?
  - ?

# HAVE YOUR VOICE HEARD: INFLUENCE POLICY

State Rules on Discipline are currently under revision by OSPI. When the Proposed Rules are published, there will be opportunity for **PUBLIC COMMENT**.

## **YOU CAN WEIGH IN ON WHAT THE RULES SHOULD SAY ABOUT EDUCATIONAL SERVICES DURING SUSPENSION/EXPULSION**

Anyone can subscribe to receive alerts from OSPI re Student Discipline and/or Rule-Making:

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

<http://www.k12.wa.us/ProfPractices/adminresources/RulesProcess/OSPIchanges.aspx>

## QUESTION 2: EXTENDED SCHOOL YEAR (“ESY”)

- Usually, requests for ESY are based on regression and recoupment data—
  - What does that mean?
  - And what if that does not exist? What else can an IEP team consider?
- **Districts must develop criteria** for determining need that **include**:
  - **Regression and recoupment** time based on documented evidence **OR**
  - Determinations of the IEP team, based on **professional judgment** of the team and **consideration of factors** including nature and severity of disability, rate of progress, emergency skills

# QUESTION 3: WHAT IF THERE IS NOT CONSENSUS ABOUT AN IEP DECISION?

- Doesn't the team make a decision?
- What if the team cannot decide? Do things just stay in limbo?
- PWN: A written notice from the district to the parents **after a decision is made**, but **prior to/before its implementation**, required for all:
  - Decisions relating to a **child's identification, evaluation, placement or provision of FAPE**,
    - made at an IEP meeting or
    - made by the district in response to a parent's request
  - **Read More: Notice of Procedural Safeguards, p.2**
  - Also, from OSPI:  
[http://www.k12.wa.us/SpecialEd/pubdocs/Understanding\\_PWN.pdf](http://www.k12.wa.us/SpecialEd/pubdocs/Understanding_PWN.pdf)

PWN- AKA: a **powerful tool** to help **clarify what decisions have been made, and why** in a process that requires ongoing collaboration between multiple team members.

# QUESTION 4: DISPUTE RESOLUTION AND SPECIAL EDUCATION

- If we can't agree as an IEP team, what can I do?
- Informal Problem-Solving with Team:
  - Is there **information** that might help the team **reach a shared understanding of the problem and likely solutions**? How could the team get that information?
  - Are there additional **staff or people** who know the child who could help shed light on the child's needs or strengths?
- Can a **district administrator** join the team to ensure the team is aware of all possible options?
- Can someone **independent** of the team help **clarify options** or **facilitate communication**? (Ombuds, Parent Liaison, Advocate)



## ADDITIONAL OPTIONS FOR DISPUTE RESOLUTION RE SPECIAL EDUCATION MATTERS

- In-person **Mediation** or IEP Facilitation through Sound Options (<http://somtgc.com/our-services/conflict-engagement/mediation/>)
- **Citizen Complaint** – to OSPI
- **Due Process** Hearing – in front of Administrative Law Judge

For details, check out OSPI's Special Education pages on Dispute Resolution:

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

Complaint to the **Office for Civil Rights (OCR)** (US Department of Education)

<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

## QUESTION 5: SPECIAL EDUCATION AND ALEs

- How does it work if a student with an IEP is enrolled in a “Parent Partnership Program”? (where some or all student learning is done outside of a traditional school setting)
- Who sets goals? Who provides the instruction? Who takes data?
- Public school student → supports
- For more info: Contact OSPI Special Education Parent Liaison or OSPI Equity & Civil Rights Program Supervisor. OSPI Directory:  
<http://www.k12.wa.us/AboutUs/ContactUs.aspx>

## QUESTION 6: MAKING UP FOR LACK OF APPROPRIATE SERVICES (SPECIAL ED)

- What are our options if we pulled our child out due to concerns the district was not providing appropriate services and now the district has agreed that they were not following the IEP?
- Compensatory services
- What did the student miss? How has it impacted the student? What would the student need to make up that lost instruction/service? When could the student receive the compensatory service? Who will provide it?

## QUESTION 7: INCLUSION— BIG PICTURE

- HOW SCHOOLS CAN APPROPRIATELY SERVE STUDENTS WITH DISABILITIES, IN INCLUSIVE ENVIRONMENTS AND ADDRESS EQUITY FOR ALL (OR EVERY) STUDENTS
  - What do effective supports look like?
  - What are districts' responsibilities?
  - What does it mean to make progress?
  - What are some best practices in the field that are grounded in a disability rights perspective that embraces racial equity?

# INCLUSION – LEAST RESTRICTIVE ENVIRONMENT

- **Universal Design for Learning**
- **Leadership** to Support TEAM COLLABORATION
- **Team Collaboration**
- **Flexible, reflective process** for identifying and addressing needs with engagement of the student and family in that process
- From 'self-contained' to more time in general education:
  - Ask team to closely review general education classroom schedule/activities, consider student's strengths and craft plan to increase time with extra support for staff and student during transition period; identify and address specific behaviors that may be barrier to greater participation in general education...

# Resources: Unpacking Equity & Inclusion

Hearing from People who Experience Intersections of Disability and ...

Rooted in Rights: <http://www.rootedinrights.org/blog/>

Hearing from People who Experience Intersections of Race and ...

#RaceAnd: <https://www.raceforward.org/videos/RaceAnd>

## Disability Identity

*Disability Identity "Nothing About Us Without Us" 12/15/2016* [Webinar](#) [PowerPoint](#)  
(<http://oeo.wa.gov/publications-reports/webinars/>)

*Thinking about disability identity*

<http://www.apa.org/pi/disability/resources/publications/newsletter/2013/11/disability-identity.aspx>

## Diversity of the Disability Experience

Cultural Understandings of Disability and the Diversity of the Disability Experience, World Health Organization, Chapter 1, Understanding disability:

[http://www.who.int/disabilities/world\\_report/2011/chapter1.pdf](http://www.who.int/disabilities/world_report/2011/chapter1.pdf)

# TIME FOR QUESTIONS!

Please share your Feedback on this Webinar!

Link to survey: [\\_https://www.surveymonkey.com/r/ZL3Z9L6](https://www.surveymonkey.com/r/ZL3Z9L6)

Thank you for your participation!

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

[oeoinfo@gov.wa.gov](mailto:oeoinfo@gov.wa.gov)

1-866-297-2597

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