

FEDERAL WAY PUBLIC SCHOOLS



SPECIAL EDUCATION

Parent Handbook

August 22, 2011

<http://www.fwps.org/dept/sped/>

WELCOME TO FEDERAL WAY PUBLIC SCHOOLS

Student Support Services Department

Welcome Parents!

Our District realizes that a critical element in the foundation of a successful school system is a network of knowledgeable parents who work collaboratively with staff members to ensure successful outcomes for their children. We hope you will find the information in this Handbook useful in becoming an active partner in this process.

The five sections included in this Handbook are:

- Section I - Where To Seek Help
- Section II – A Brief Overview of The Special Education Process
- Section III – How To Prepare For An IEP Meeting
- Section IV – Are You New To The District?
- Section V – Frequently Asked Questions About Special Education

Thank you for taking time to familiarize yourself with our District's programs and services. We look forward to building a partnership with you that will contribute to your child's success.

Sincerely,

Chuck Nykreim & Christopher Willis
Co-Directors, Student Support Services

SECTION I

WHERE TO SEEK HELP

Programs and Services

There are many Federal Way Public School (FWPS) offices and staff members who provide information or services to parents of students with special needs. You can also find more information on the FWPS Website by following the directions below:

- Go the Federal Way Public Schools website at: <http://www.fwps.org/>
- Click on the header **Programs & Services**
- Scroll down the drop-down list to a program of your choice and click on it to view further information regarding the following:

- Student Support Services
- Special Education
 - Section 504 Procedural Handbook
- Head Start/ECEAP
- Native American Education
- Deaf and Hard of Hearing Program
- Health Services

An overview is provided on the following page of the Student Support Services Staff.

STUDENT SUPPORT SERVICES PROGRAM STAFF

All telephone numbers start with: (253) 945.

ELEMENTARY

Co-Director	Chuck Nykreim	cnykreim@fwps.org	2082
Secretary	Dale Thomas	dthomas@fwps.org	2092
Elementary Behavior Specialist	Nancy Grimes	ngrimes@fwps.org	4012
Early Entry to Kindergarten/1 st Grade	Tina Fraser	tfraser@fwps.org	2080
Birth-to-Three	Julie Hunt	jhunt@fwps.org	4580
Child Find	Sharon Boedecker	sboedeck@fwps.org	2093
Early Childhood Program Specialist	Julie Hunt	jhunt@fwps.org	4580
ECEAP Coordinator	Eileen Borne	eborne@fwps.org	4581
Head Start Coordinator	Sharon Cryan	scryan@fwps.org	5882

Program Specialists:

Assigned Schools: Adelaide/Camelot/ Green Gables/Lake Dolloff/Mark Twain/ Meredith Hill/Mirror Lake/Olympic View/ Silver Lake/Star Lake/Wildwood/	Katherine Hinkle	khinkle@fwps.org	2019
Assigned Schools: Brigadoon/Enterprise/ Lake Grove/Lakeland/Nautilus/ Panther Lake/Rainier View/Sherwood Forest/Sunnycrest/Twin Lakes/Valhalla	Vera Taguchi	vtaguchi@fwps.org	2129

SECONDARY

Co-Director	Chris Willis	cwillis@fwps.org	2084
Secretary	Dale Thomas	dthomas@fwps.org	2092

Employment & Transition Program	Chris Willis	cwillis@fwps.org	2084
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Program Specialists:

Assigned Schools: Decatur/Thomas Jefferson/Sequoyah/Saghalie Skills/Orion/Relife/Overlake Transition	Sue Marcoe	smarcoe@fwps.org	2135
Assigned Schools: Todd Beamer/ Truman/Totem/TAF/A/ ESY/Lakota/Woodmont	Barbara Olmstead	bolmstea@fwps.org	2063
Assigned Schools: Federal Way/Merit/ Sacajawea/Illahee/Kilo/WAAS	Tom Steinbeck	tsteinbe@fwps.org	2081

DISTRICT-WIDE PROGRAMS

Autism Specialist	Jane Murphy	jmurphy@fwps.org	4584
Deaf/Hard of Hearing Coordinator	Ann Curry	acurry@fwps.org	3027
Health Services	Sue Overton, RN	soverton@fwps.org	4575
Native American Education Coordinator	Maxine Alex	malex@fwps.org	4583
Vision Program	Elizabeth Eagan-Satter	leagansa@fwps.org	2425
	Diane Warren	dwarren@fwps.org	2425
504 Accommodations-Elementary	Chuck Nykreim	cnykreim@fwps.org	2082
504 Accommodations-Secondary	Chris Willis	cwillis@fwps.org	2084

SECTION II

A BRIEF OVERVIEW OF THE SPECIAL EDUCATION PROCESS

Important Elements of the Special Education Process:

The Individuals with Disabilities Education Act (IDEA, Public Law 108-446), defines *special education* as “specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.” A *child with a disability* as defined by IDEA means “a child with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who by reason thereof, needs special education and related services.” The term *child with a disability* for “a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and who, by reason thereof, needs special education and related services.” The Special Education Guidelines for Staff and Parents flow chart summarizes this process.

The definition of the term *special education* is significant to parents for two reasons. First, a child may have a disability but not fit the definition as it is used for *educational* purposes; therefore, he or she would not be covered under IDEA. Second, the definition of *related services* is related to the definition of special education. A *related service* is a service designed to enable a student to benefit from special education instruction and general education curriculum (e.g., Speech and Language, Nursing Services, Occupational Therapy, Physical Therapy, Counseling). Therefore, if a child does not need special education there can be no related service(s).

How do the parents and the school determine if a student needs special education services and which services would be appropriate to meet the student’s unique needs?

The summary on the following pages describes the identification, referral, evaluation, eligibility, and Individualized Education Program process, Annual Review, Reevaluation.

- Telephone numbers are available at the District’s Website:
 - Go to the District Website at: <http://www.fwps.org/>
 - Click on the header “In Our Schools”
 - In the drop down list, click on “School Profiles” and then click on the school of interest.

SECTION II (continued)

A Brief Overview of the Special Education Process (continued)

Identification: Recognition on the part of a parent, a teacher, or another person that a child may have special learning needs.

- Primary contact person for children under 3: Birth to Three @ (253) 874-5445.
- Primary contact person for preschool-age children: Child Find @ (253) 945-2093.
- Primary contact person for school-age children: Principal of the school.

Referral: Informing a school or agency that a student may have special learning needs.

A parent, teacher, or other appropriate staff member may refer a student. To refer a child, request a Special Education referral form from the school, complete it, and return it to the school with any supporting documentation, e.g., outside evaluations that you may have. Children do not have to be in public school to be referred. The school staff must consider whether to evaluate within 25 school days.

- Primary contact person for children under 3: Birth to Three @ (253) 874-5445.
- Primary contact person for preschool-age children: Child Find @ (253) 945-2093).
- Primary contact person for school-age children: Principal of the school.

Evaluation: The process of collecting and analyzing information and assessments such as psychological, medical, sociocultural, educational, and other appropriate information about a child, which are used to determine if the student has a condition which may have an impact on him or her educationally. Evaluation must be completed within 35 school days from parent's written consent to evaluate.

- Primary contact person: School Psychologist – contact the school psychologist at your neighborhood school.

Eligibility: The process by which a committee of professional staff members and the parents consider the individual needs of a student and determine whether the student is eligible for special education and related services.

Eligibility committees meet at the child's school. If the student is found eligible for special education services, parents and school staff members meet within 30 calendar days to develop an individualized education program (IEP).

- Primary contact person: School Psychologist – contact the school psychologist for your neighborhood school.

SECTION II (continued)

A Brief Overview of the Special Education Process (continued)

Individualized Education Program: The procedure by which parents and school staff members develop a written plan called the Individualized Education Program (IEP) describing a student's special learning needs and the special education services to be provided to meet those needs. The IEP team consists of parents; the student as appropriate; the student's teacher; a general education teacher if the student participates or may participate in general education classes; a representative of the school system who is qualified to provide or supervise special education services; and others as requested. IDEA requires that an IEP contain the following:

- A description of the student's present level of educational performance, as well as any concerns of the parents.
- A statement of annual goals, which may also include short-term instructional objectives.
- A statement of the specific special education services to be provided to the student.
- A statement concerning the extent to which the student will participate in general education activities.
- The date when special services will begin and how long the services will last.
- Information about how and when the student's progress toward IEP goals will be evaluated.
- A list of needed curriculum, testing, and classroom accommodations and modifications.
- A statement concerning the extent to which a student will participate in the district-wide and statewide assessment programs and accommodations that a student will need during testing. If the student will not participate in the assessments, the IEP must indicate how the student will be assessed.
- Parent signature required for services to begin, but is not required for continued services.
- A statement of needed transition services for 16 years of age or older.
 - Primary contact person: Special Education Teacher. To locate the Special Education teacher for your child, utilize the contact telephone numbers for all schools.

SECTION II (continued)

A Brief Overview of the Special Education Process (continued)

Annual Review: A scheduled meeting of school staff members and parents to develop, review, and revise the IEP of a student receiving special education services.

- Primary contact person: Special Education Teacher. To locate the Special Education teacher for your child, utilize the contact telephone numbers for all schools.

Reevaluation: A review to decide if additional and/or updated information is needed to determine individual needs and continued eligibility for special education and related services. A reevaluation is required every three years or more frequently if conditions warrant or upon request by the parent(s).

- Primary contact person: School Psychologist. . To locate the school psychologist for your child, utilize the contact telephone numbers for all schools.

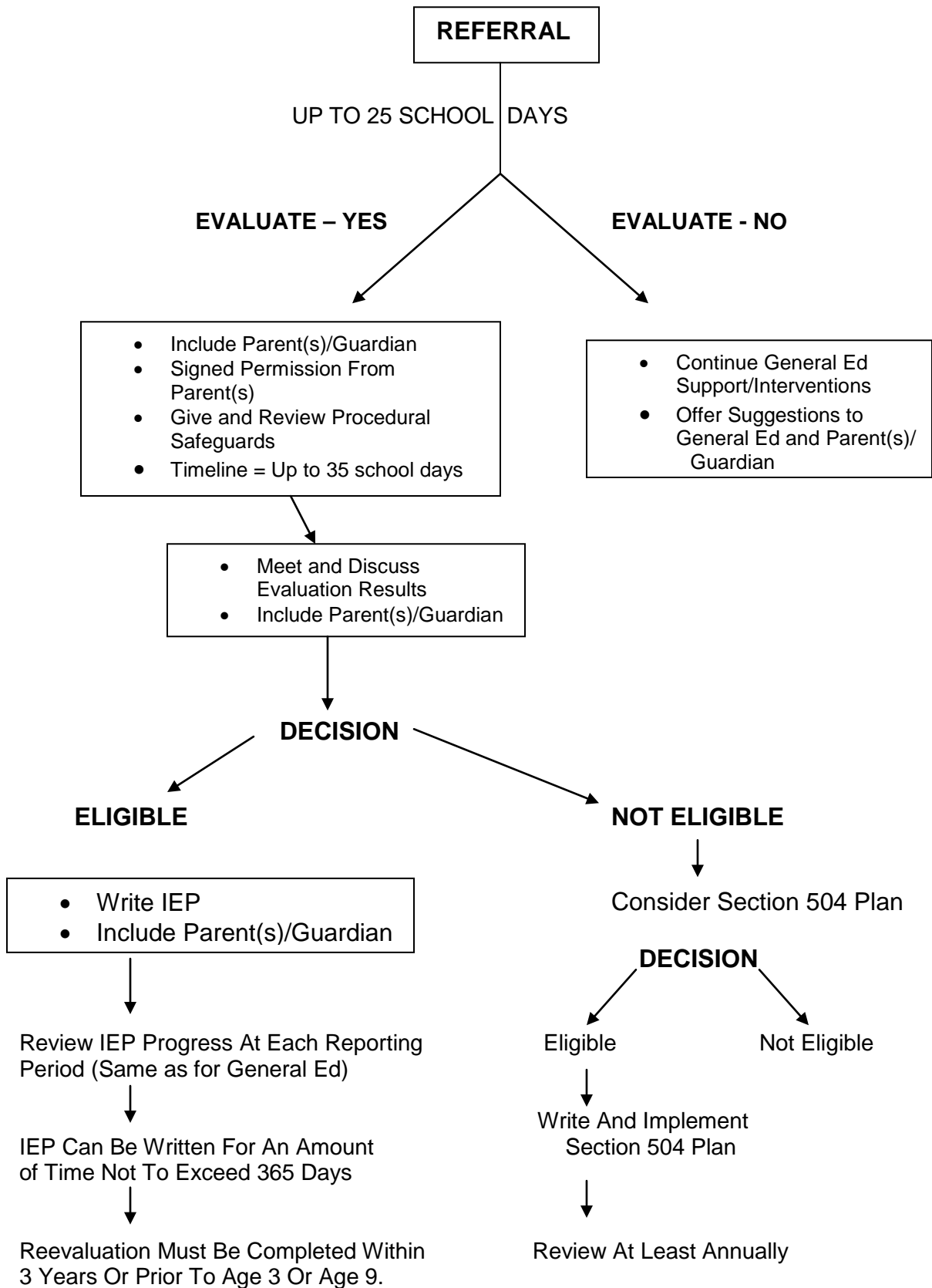
FEDERAL WAY PUBLIC SCHOOLS

SCHOOL CONTACT INFORMATION

(All numbers begin with Area Code 253)

SCHOOL	STREET	CITY/ZIP	PHONE
<u>Elementary Schools</u>			
Adelaide	1635 SW 304 th St	Federal Way 98023	945-2300
Brigadoon	3601 SW 336 th St	Federal Way 98023	945-2400
Camelot	4041 S 298 th St	Auburn 98001	945-2500
Enterprise	35101 5 th Ave SW	Federal Way 98023	945-2600
Green Gables	32607 47 th Ave SW	Federal Way 98023	945-2700
Lake Dolloff	4200 S 308 th St	Auburn 98001	945-2800
Lake Grove	303 SW 308 th St	Federal Way 98023	945-2900
Lakeland	35827 32 nd Ave S	Auburn 98001	945-3000
Mark Twain	2450 S Star Lake Road	Federal Way 98003	945-3100
Meredith Hill	5830 S 300 th St	Auburn 98001	945-3200
Mirror Lake	625 S 314 th St	Federal Way 98003	945-3300
Nautilus	1000 S 289 th St	Federal Way 98003	945-3400
Olympic View	2626 SW 327 th St	Federal Way 98023	945-3500
Panther Lake	34424 1 st Ave S	Federal Way 98023	945-3600
Rainier View	3015 S 368 th St	Federal Way 98003	945-3700
Sherwood Forest	34600 12 th Ave SW	Federal Way 98023	945-3800
Silver Lake	1310 SW 325 th Pl	Federal Way 98023	945-3900
Star Lake	4014 S 270 th St	Kent 98032	945-4000
Sunnycrest	24629 42 nd Ave S	Kent 98032	945-4100
Twin Lakes	4400 SW 320 th St	Federal Way 98023	945-4200
Valhalla	27847 42 nd Ave S	Auburn 98001	945-4300
Wildwood	2405 S 300 th St	Federal Way 98003	945-4400
Woodmont	26454 16 th Ave S	Des Moines 98198	945-4500
<u>Middle Schools</u>			
Illahee	36001 1 st Ave S	Federal Way 98003	945-4600
Kilo	4400 S 308 th St	Auburn 98001	945-4700
Lakota	1415 SW 314 th St	Federal Way 98023	945-4800
Public Academy	34620 9 th Ave S	Federal Way 98003	945-3270
Sacajawea	1101 S Dash Point Rd	Federal Way 98003	945-4900
Saghalie	33914 19 th Ave SW	Federal Way 98023	945-5000
Sequoyah	3425 S 360 th St	Auburn 98001	945-3670
Totem	26630 40 th Ave S	Kent 98032	945-5100
TAFA	26720 40 th Ave S	Kent 98032	945-2187
<u>High Schools</u>			
Decatur	2800 SW 320 th St	Federal Way 98023	945-5200
Employment & Transition	33250 21 st Ave SW	Federal Way 98023	945-4170
Federal Way	30611 16 th Ave S	Federal Way 98003	945-5400
Merit	36001 1 st Ave S	Federal Way 98003	945-2084
TAFA	26720 40 th Ave S	Kent 98032	945-2187
Thomas Jefferson	4248 S 288 th St	Auburn 98001	945-5600
Todd Beamer	35999 16 th Ave S	Federal Way 98003	945-2570
Truman	31455 28 th Ave S	Federal Way 98003	945-5800

SPECIAL EDUCATION GUIDELINES FOR STAFF AND PARENTS FLOW CHART



SECTION III

HOW TO PREPARE FOR AN IEP MEETING

- Come prepared. Before the meeting write down your ideas, questions, and concerns.
- Speak with your child's teacher(s) about any assessments he or she has used to determine your child's progress, and discuss the results.
- Ask for a draft copy of the IEP before the meeting. This will allow you time to go over it in depth and to make notes. If the draft does not address your areas of concern, contact the teacher. Remember that you are a member of the IEP Team and your input will be considered.
- If you have questions to be resolved or issues of concern for individual staff members, please try to address them before the meeting. You should have an ongoing dialogue with your child's teacher and open communication all year long so that issues can be resolved as they arise and not result in a long and potentially difficult meeting.
- Consider making an appointment with the teacher to observe your child in the classroom.

AT THE IEP MEETING

- Initial IEP -- If you feel that the proposed IEP accurately describes your child's strengths and needs, and you feel that the proposed placement can meet those needs, sign the document indicating that you are providing consent for initial Special Education services, and services can start immediately.
- With the staff, discuss how much progress has been made on goals from the last IEP, which goals will need to be continued, and which will need to be modified. You may want to see specific examples of how progress has been measured on the current IEP.
- Remember that your signature is required for initial special education services, but not for continuing services.
- If you have not seen the IEP draft in advance and you need more time to consider it, let the staff know that you would like to take it home with you and return it within the next few days. Be sure to get back to the staff within a reasonable amount of time (1-2 days) because staff members need to follow-up on unsigned IEPs.
- Discuss your concerns with other people if you need to, and then try again to resolve your differences with the school staff.
 - If you cannot reach agreement and you are beginning to feel upset, frustrated, or uncomfortable, calmly ask to end the meeting and reconvene at another time. Agree on a date to reconvene before the meeting ends. Prior to the next meeting, provide the team members with your concerns so that they can be addressed in a positive manner.

SECTION IV

ARE YOU NEW TO THE DISTRICT?

The Special Education Department delivers specially designed instruction and related services to educate students with disabilities. The program uses Child Find and other identification activities and provides appropriate services for students with disabilities. At Federal Way Public Schools, we have made a firm commitment to help all students get the instruction and help they need to be successful learners. We have a variety of programs to meet the needs of students with special learning needs, including:

- Special Education
 - Birth to Three
 - ECEAP (Early Childhood Education Assistance Program)
 - Head Start
 - Preschool Special Education
 - Native American Education
 - Deaf and Hard of Hearing
 - Health Services
 - Counseling
- **Registering Your Child in Federal Way Public Schools**

If you are new to our District, no doubt you have a lot of questions. How can you make sure your child is in the program, class, or school that appropriately meets his or her needs?

No matter what your child's individual needs, you have an important role to play. A brief overview of the registration process and how to get started follows.

- Elementary schools serve Kindergarten through 5th Grade students with exception of Nautilus and Woodmont (K-8).
- Middle schools serve 6th through 8th Grade students.
- High schools serve 9th through 12th Grade students.

If you are not sure which school is your neighborhood school, click on the following website and then enter your address to locate the school:

<http://www.fwps.org/info/schools/boundaries/>

A list of Federal Way apartment buildings and their neighborhood schools can also be found at the website. You may also call Tanya Nascimento at (253) 945-2071 or e-mail her at tnascime@fwps.org.

- **If your child has been receiving special education services, here's what to do.** If your child received special education services in the last district he or she attended, we ask that you **register at two locations**: your local school which serves your neighborhood and the District's main office. It doesn't matter where you register first. We do need you to register at both.

SECTION IV (continued)

ARE YOU NEW TO THE DISTRICT? (continued)

- **At your local school:** Depending on the services your child needs, he or she may be assigned to attend a different school that has a program which most closely matches your child's needs. However, all of your basic information can be taken at the local school and sent to the assigned school when a placement decision is made. You will not be asked to fill this paperwork out again even if your child is assigned to another school.
- **At the school district's Student Support Services office** (Special Education Department), located in the Educational Services Center, 31405 18th Avenue South, Federal Way, you'll fill out a packet of information that includes:
 - A registration form for special education
 - A Medicaid consent form
 - Authorization for exchange of confidential educational information
 - A parent questionnaire for the transfer student

These forms will help us determine your child's specific needs and how we can appropriately meet them. If your child is a transfer student, we will request records from her or his previous school. In addition, we will give you the name and phone number of the school psychologist. The psychologist will review the information you provide and the previous school's records. You will be informed of the program location.

If your child will be assigned to a school outside of your neighborhood for special education services, the District will provide transportation to that school. All records that you complete at the local school will be provided to the assigned school.

- **What to bring**

The school will need information about your child's education and health history.

- If your child has been enrolled in another school district, you will need to provide the name of the last school/district he or she attended. The address and telephone number of the school are helpful, but not required.
- When registering for elementary school, be sure to bring your child's immunization records. A list of immunizations your child needs before starting school is available on our Website at: <http://www.fwps.org/info/enrollment/>. You can also pick up a list of immunizations needed from your school's office or the health department. If you have never registered in any other school district, please bring your child's **birth certificate**, too.

SECTION IV (continued)

ARE YOU NEW TO THE DISTRICT? (continued)

- For a list of the forms you need to complete to register your child, and to download most of them, go to: <http://www.fwps.org/info/enrollment/>.
Downloading and filling them out ahead of time will help speed up the process for you and the school.

SECTION V

FREQUENTLY ASKED QUESTIONS ABOUT SPECIAL EDUCATION

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SECTION V

Key Definitions

What is the Individuals with Disabilities Education Act (IDEA)? The Individuals with Disabilities Education Act (IDEA) is the nation's special education law. First enacted three decades ago, IDEA provides federal funding to assist states and local communities in providing educational opportunities for approximately six million students with varying degrees of disability who participate in special education.

In exchange for federal funding, IDEA requires states to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE). The statute also contains detailed due process provisions to ensure the provision of FAPE. Originally enacted in 1975, the Act responded to increased awareness of the need to educate children with disabilities and to judicial decisions requiring states to provide an education for children with disabilities if they provide an education for children without disabilities.

Part A of IDEA contains the general provisions, including the purposes of the Act and definitions. Part B, the most frequently discussed Part of the Act, contains provisions relating to the education of school-aged and preschool children, the funding formula, evaluations for services, eligibility determinations, Individualized Education Programs (IEPs), and educational placements. It also contains detailed requirements for procedural safeguards (including the discipline provisions) as well as withholding of funds and judicial review. Part B also includes the Section 619 program, which provides services to children aged 3 through 5 years old.

Part C of IDEA provides early intervention and other services for infants and toddlers with disabilities and their families (from birth through age 3). These early intervention and other services are provided in accordance with an Individualized Family Service Plan developed in consultation between families of infants and toddlers with disabilities and the appropriate state agency. Part C also provides grants to states to support these programs for infants and toddlers with disabilities. Part D provides support for various national activities designed to improve the education of children with disabilities, including personnel preparation activities, technical assistance, and special education research.

What is a free appropriate public education (FAPE)? IDEA recognizes that, to the extent possible, children with disabilities are entitled to the same educational experience as their non-disabled peers. IDEA further recognizes that the expenses associated with providing for the special needs of children with disabilities are a public responsibility. Therefore, the centerpiece of the law is the FAPE concept. Generally, FAPE means that children with disabilities are entitled to publicly financed education that is appropriate to their age and abilities.

Specifically, FAPE means special education and related services that are available to all children with disabilities in a state that:

- are provided at public expense, under public supervision and direction, and without charge;
- meet the standards of the state educational agency (SEA);
- include an appropriate preschool, elementary school, or secondary school in the state; and
- are provided in conformity with the Individualized Education Program established for the child.

SECTION V (continued)

KEY DEFINITIONS (continued)

What is the least restrictive environment (LRE)? When IDEA was originally enacted in 1975, Congress recognized that many children with disabilities were unnecessarily separated from their peers and educated in alternative environments. Therefore, IDEA requires that states provide a free appropriate public education (FAPE) to children with disabilities in the least restrictive environment (LRE). The general goal is to allow children with disabilities to be educated with their peers in the regular classroom to the extent possible.

IDEA recognizes that there is an array of placements that meet the general requirements of providing FAPE in the least restrictive environment. LRE may change from child to child, school to school, and district to district. In developing the IEP, parents and the local educational agency are empowered to reach appropriate decisions about what constitutes LRE for the individual child, including placements that may be more or less restrictive in order to maximize the child's benefit from special education and related services.

What is an Individualized Education Program (IEP)? The Individualized Education Program, or IEP, is the key document developed by the parent and his or her child's teachers and related services personnel that lays out how the child receives a free appropriate public education in the least restrictive environment. Among other components, the IEP lays out the child's academic achievement and functional performance, describes how the child will be included in the general education curriculum, establishes annual goals for the child and describes how those goals will be measured, states what special education and related services are needed by the child, describes how the child will be appropriately assessed including through the use of alternate assessments, and determines what accommodations may be appropriate for the child's instruction and assessments.

What is an Individualized Family Service plan (IFSP)? An IFSP is the Part C (formula program for infants and toddlers with disabilities) equivalent to an IEP. It is developed through an assessment and evaluation process, identifies the child's present levels of development and performance, establishes goals for future development and performance, and outlines how the child will receive early intervention and other services. Unlike an IEP, the IFSP explicitly integrates the needs of the family with those of the child and presents a comprehensive plan that enables the family to meet its goals.

PRIVATE SCHOOLS

What rights are provided to children with disabilities, and their parents, who voluntarily enroll in private schools? Children with disabilities should not be excluded from special education evaluations or services simply because their parents choose to place them in private schools. Therefore, under IDEA children with disabilities who are enrolled in private schools by their parents are entitled to evaluations and, if necessary, special education and related services from the school district with jurisdiction over the district in which the private school is located. Such special education and related services must be equitable to what is provided to the public school children. In addition, the school district must consult with representatives of the parents and the private schools to ensure that the design and delivery of evaluations and special education and related services meet the children's needs.

SECTION V (continued)

PRIVATE SCHOOLS (continued)

What are the obligations of school districts in providing for children with disabilities who are enrolled by their parents in private schools? School districts are required to provide special education and related services for children with disabilities who are enrolled by their parents in private schools located in the school district service area. School districts can provide services, including direct services, such as professional development for teachers, physical therapy, occupational therapy, and provide educational materials in specialized formats. Funds for these services must be equal to a proportionate amount of the federal funds made available to the school district under Part B of IDEA as related to the number of private school students located in the school district. State and local funds may be used to supplement federal funds, but may not be used in place of federal money to comply with this requirement.

Special education and related services may be provided to children with disabilities on the premises of private schools to the extent consistent with state and federal law or, when appropriate, at a location and in a manner deemed appropriate by the school district in consultation with representatives from the private schools and the parents. Special education and related services must be provided by employees of a public agency or through contract by the public agency with another entity, and be secular, neutral, and non-ideological. The funds used to provide the special education and related services must be controlled and administered by a public agency. In addition, the school district must provide the state educational agency (SEA) the number of children enrolled by their parents in private schools evaluated by the school district, the number of such children determined to be children with disabilities, and the number of children served.

INDIVIDUALIZED EDUCATION PROGRAM

What is the timeline for getting a child evaluated for a disability? In order for a child to be eligible for special education and related services, the child must first be determined to have a disability. Parents, teachers, or other school officials who suspect that the child may have a disability would request that the child be evaluated by a multi-disciplinary team to determine if the child has a disability and needs special education or related services as a result of the disability. Generally speaking, IDEA requires that a child be evaluated within 35 school days once the parent has given written consent for the evaluation. States may establish shorter or longer timeframes in their own state legislation or regulation, and those state-developed timelines would be binding.

Exceptions to the timelines exist if the child moves from one district or state to another district or state after the evaluation was requested or if the parent refuses to make the child available for the evaluation. Under those circumstances, districts are required to make sufficient progress to ensure that a timely evaluation is conducted.

SECTION V (continued)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If a child moves from one district to another within the state, does the IEP follow the child? The new school district is required to continue to provide a free appropriate public education to the child with a disability including providing services that are comparable to those services outlined in the child's original IEP. The new school district is not required to implement the pre-existing IEP, but may choose to do so at its own discretion. If the new school district does not implement that IEP, the new school district must work with the parent through the IEP Team process to develop an IEP that is consistent with federal and state law.

If a child moves from one state to another, does the IEP follow the child? The new local school district in the new state is required to provide a free appropriate public education to the child with a disability including providing services that are comparable to those services outlined in the child's original IEP. The new school district in the new state is not required to implement the pre-existing IEP, but may choose to do so at its own discretion. If the new school district does not implement that IEP, the new school district in the new state must work with the parent through the IEP Team process to develop an IEP that is consistent with federal and state law. Additionally, because definitions of disability and eligibility vary from state to state, the new school district in the new state may require the child to be evaluated to determine whether the child is eligible to be identified as a child with a disability under state law. If the child is eligible for services under IDEA in the new state, an IEP must be developed and implemented for the child.

What if a parent doesn't provide consent for evaluation or for services? If a parent does not provide their consent for an evaluation, the local school district does have the authority to use the due process procedures to seek an order from a hearing officer requiring an evaluation. School districts should use this authority sparingly.

If a parent does not provide their consent for the provision of services, no special education or related services may be provided. The right of a parent to decide what educational services their child receives cannot be overturned using IDEA's due process procedures. If a parent indicates that they will refuse both consent for evaluations and consent for services, nothing in IDEA requires that a school district use the due process procedures to proceed through the evaluation phase.

Must all children with disabilities participate in state assessments? Under the No Child Left Behind Act (NCLB), for the first time ever states and local schools are held accountable for ensuring all children – including children with disabilities – are learning. Children with disabilities must be included in the assessment system required under the No Child Left Behind Act and schools must report their results through NCLB's adequate yearly progress structure. IDEA requires that the IEP Team determine how the child with a disability is assessed, not whether the child is assessed. IDEA recognizes that children learn in different ways, with different methods of instruction and assessment. The IEP Team is required to determine which accommodations are necessary, how to instruct the child, and how to assess the child. The IEP Team can have a child with a disability take the regular state assessment; the regular state assessment with appropriate accommodations such as Braille, additional time, or have the

SECTION V (continued)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

instructions read to the child multiple times; an alternate assessment aligned to grade level standards; or an alternate assessment aligned to alternate achievement standards. This array of assessment opportunities ensure that all students with disabilities can be assessed appropriately for individual and systemic accountability efforts.

Who are the IEP Team members? The IEP Team is responsible for developing the IEP and ensuring its effective implementation so that the child can receive special education and related services. The IEP Team must include the parents/guardian of the child with a disability, a regular education teacher (if the child is participating in the regular education environment), a special education teacher, and a representative of the school district. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate, can be invited to the meeting.

PROCEDURAL SAFEGUARDS

What is the procedural safeguards notice? When must it be provided? The procedural safeguards notice is a copy of the procedural safeguards available to parents and children with disabilities. IDEA requires state and local educational agencies to provide parents with this notice. Generally, the agency is only required to provide the notice once a year. However, the notice must also be provided when parents request an initial evaluation or when a child is initially referred to the agency, the first time parents file any complaint, and whenever parents request the notice.

DISPUTE RESOLUTION

What to do if there is a breakdown in communication or parent believes IEP or Evaluation are not appropriate? Parents, including surrogate parents, are important participants in all aspects of their children's special education program. This involvement begins at the initial referral of a student for special education. The Office of Superintendent of Public Instruction (OSPI), Special Education Section, always encourages parents and school districts to work together to try to resolve disagreements that affect a student's special education program at the lowest possible level. There will be occasions when a parent or an adult student disagrees with the district's program and does not think that the issues can be resolved through the Individualized Education Program (IEP) team or through communication with school district administrators. There will also be times when a district believes that it is unable to resolve disputes with a parent that involve the district's ability to provide a free appropriate public education (FAPE) to the student. When parents and districts are not able to resolve differences through direct communication, there are more formal dispute resolution options available.

The following Special Education Mediation information is an overview of the three dispute resolution processes available for students age 3 through 21 under Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA):

SECTION V (continued)

DISPUTE RESOLUTION (continued)

Special Education Mediation

Mediation services are offered by OSPI at no charge to parents or school districts. Mediation is available to help resolve problems that involve the initial identification of a student, evaluations of the student, the educational placement, and the educational services provided to a student.

An impartial mediator works with the parties to clarify issues, resolve conflicts and develop agreements between the parties, when an agreement is reached. Parents and school districts may invite any participants they believe will assist in the mediation. Mediation is a voluntary process for the parents and districts. Either the district or the parent may refuse to mediate, and there are occasions when parties are not able to reach an agreement. Mediation may not be used to delay or deny rights under IDEA or the right to proceed to a due process hearing. When parties reach an agreement, those agreements are in writing and are enforceable in state and federal courts.

To request mediation, or obtain more information call: Sound Options Mediation and Training Group, L.L.C. at 1-800-692-2540 or (206) 842-2298 (Seattle). Washington State relay service numbers are 1-800-833-6388 (TDD) or 1-800-833-6384 (voice).

Sound Options - <http://www.somtg.com>

Citizen Complaints

Any individual or organization may file a citizen complaint if it believes a school district, another public agency serving special education students, a private agency under contract with a public agency to serve special education students, an educational service district, or the state has violated federal or state laws or regulations implementing IDEA. **The complaint must be in writing and it must be signed.**

The signed complaint **must** include the following information:

- A statement that a public agency has violated a requirement of Part B of IDEA, or corresponding state law or regulation; or, a statement that the school district is not implementing a mediation or resolution agreement.
- The name, address, and telephone number of the person filing the complaint.
- If the complaint involves a specific student, including students who are homeless, the name and contact information for the student.
- The name of the school district. If the complaint is about an agency other than the school district providing special education services, include the name and address of the other agency.
- A description of the problem with the facts supporting the allegations.
- A proposed resolution of the problem to the extent known.

When preparing a complaint it is helpful to include as much information as possible including significant dates and events that may be relevant to the allegations. Although it is not required, a complaint form has been developed to assist individuals or organizations in providing the information needed in order to accurately process complaints. This form may be requested from OSPI, Special Education at (360) 725-6075. It is also available on the special education

SECTION V (continued)

DISPUTE RESOLUTION (continued)

web site at: www.k12.wa.us/specialed/pubdocs/Citizen_Complaint_Request_Form.pdf or
www.k12.wa.us/SpecialEd/pubdocs/Citizen_Complaint_Request_Form.doc

The citizen complaint should be sent directly to:

Office of Superintendent of Public Instruction
Attn: Special Education
PO Box 47200
Olympia, WA 98504-7200

Signed, written complaints may also be faxed to OSPI, Special Education at (360) 586-0247.

A copy of the complaint **must** be provided to the district or other agency.

After a complaint is received by OSPI, a copy of the complaint, along with any accompanying documentation, is sent to the school district, and the district is asked to respond to the allegations. A copy of the district's response is sent to the complainant and he or she is given an opportunity to reply to the district's response. After investigation, a written decision is issued within 60 days, unless an extension of time is warranted. If the parent or district needs additional time to address issues raised in the complaint he or she must request an extension and the reasons needed for the extension. If there are violations of either state or federal special education law or regulations, the decision will address measures that are designed to correct both student specific and district systemic violations.

OSPI only investigates allegations of violations under Part B of the IDEA that have occurred in the past year.

OSPI only has authority to investigate issues arising from an allegation of a violation of IDEA, or the regulations that implement IDEA, unless a different statute or regulation requires parties to use a different dispute resolution provision. For example, if a parent is requesting an order placing a student in a private school or residential facility because the parent believes that the district is unable to provide a FAPE, federal special education law as implemented by the state's regulations require that this type of dispute be resolved through a due process hearing. OSPI also cannot investigate matters that are currently the subject of a due process hearing, or matters that have been previously resolved in a due process administrative hearing decision.

Impartial Due Process Hearings

Both parents and school districts may request an impartial due process hearing involving issues about the identification, evaluation, placement, or provision of a FAPE to a student. The Office of Administrative Hearings (OAH) assigns an independent administrative law judge (ALJ) to conduct the special education due process hearing.

The original request for a due process hearing must be provided to the other party. Parents who are requesting a hearing provide the original request for a due process hearing to the superintendent of the school district. A copy of the due process hearing request must also be sent to OSPI, Administrative Resource Services:

SECTION V (continued)

DISPUTE RESOLUTION (continued)

Office of Superintendent of Public Instruction
Attn: Administrative Resource Services
Old Capitol Building
PO Box 47200
Olympia, WA 98504-7200

A copy of the due process hearing request may also be faxed to Administrative Resource Services at (360) 753-4201.

State and federal regulations require that a request for a due process hearing contain the following written information (which remains confidential):

- The name of the student;
- The address of the residence of the student (or available contact information in the case of a homeless student);
- The name of the school the student is attending;
- A description of the nature of the problem and the facts related to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time.

The right to a due process hearing can be denied or delayed if the request does not include all of the information stated above. It is up to the party requesting the hearing to provide proof that the due process hearing request was received. Any issues about whether or when the due process hearing request was received will be determined by the ALJ.

OSPI has developed a hearing request form available for use at:

http://www.k12.wa.us/SpecialEd/pubdocs/DPH_form.doc.

The form may be requested from OSPI, Administrative Resource Services or Special Education, or from the school district. OSPI has also developed written instructions entitled *Procedures and Timelines for Due Process Hearings Under IDEA 2004* that addresses the required procedures for providing the due process hearing request notice to the other party, including timelines before the due process hearing can begin. It is on the webpage:

[http://www.k12.wa.us/SpecialEd/pubdocs/DPH Time Procedures.doc](http://www.k12.wa.us/SpecialEd/pubdocs/DPH_Time_Procedures.doc).

Once OSPI receives a hearing request OSPI assigns a cause number and forwards a copy of the hearing request to OAH. OAH appoints an ALJ who sends written confirmation to both parties that addresses the proceedings and timelines for the hearing process.

IDEA 2004 establishes a resolution period after the due process hearing request is provided to the other party. An explanation of the resolution period is provided in the *Interim Notice of Procedural Safeguards* and in the "Resolution Session Information Sheet" available on OSPI's webpage at:

http://www.k12.wa.us/SpecialEd/pubdocs/Resolution_Session_Info.doc.

SECTION V (continued)

DISPUTE RESOLUTION (continued)

Except for hearings involving discipline, while the due process hearing is pending, a student must remain in his or her present educational placement until the completion of all the proceedings unless the parties agree otherwise. An ALJ must issue a final decision not later than 45 days after the hearing time period begins unless the ALJ grants an extension of time at the request of either party. When a due process hearing request involves disciplinary matters, the due process hearing is expedited. While a hearing involving discipline is pending the student remains in the interim alternative educational setting until the ALJ decision, or the expiration of the disciplinary time period, whichever comes first, unless the parties agree otherwise. Expedited due process hearings must occur within 20 school days from the date the hearing is requested. The ALJ must issue a final decision within 10 school days after the hearing. You may refer to the *Procedures and Timelines for Due Process Hearings Under IDEA 2004* instructions for more information about these timelines.

Both parents and school districts may be accompanied and advised by an attorney and by individuals with special knowledge or training with respect to the problems of children with disabilities. For parents seeking legal assistance, information can be obtained by contacting OSPI, Special Education at (360) 725-6075 or on the special education web site at: www.k12.wa.us/SpecialEd/pubdocs/legal_referral_list.pdf.

OSPI Special Education Section

Special education staff is available to answer questions from parents, districts and the general public regarding special education issues. In addition, OSPI funds state needs projects to provide information and resources in various areas including autism, sensory disabilities, assistive technology, early childhood, transition, and staff training. Publications containing information about special education operations and resources are available on the special education web site at: <http://www.k12.wa.us/specialed/>, email: speced@k12.wa.us or by calling (360) 725-6075, or TTY (360) 586-0126.

DISCIPLINE

In what circumstances do the discipline procedures apply? In reauthorizing IDEA, the bipartisan conference committee sought to ensure that schools would be safe for students and teachers, and that discipline problems would be addressed with common sense. The new IDEA helps school personnel ensure school safety and hold students responsible for their actions, while protecting the rights of children with disabilities. The discipline procedures only apply where the discipline infraction results in a change in placement for longer than 10 school days, and was a direct result of the child's disability. Unless a disciplinary infraction is the direct result of a child's disability, the child will be disciplined in the same manner and for the same duration as a non-disabled student.

SECTION V (continued)

DISCIPLINE (continued)

If the discipline infraction of the child relates to drugs, weapons or serious bodily injury, will that child's discipline be handled differently? Yes. If the disciplinary infraction involves the serious safety issues of drugs, weapons, or serious bodily injury, the child will automatically be removed from the classroom for up to 45 school days. The child will be placed in an interim alternative educational setting, but will continue to receive educational services to make progress on his or her IEP. Also during this time, a determination will be made as to whether the disciplinary infraction was the direct result of a child's disability.

What process will determine whether the disciplinary infraction was the direct result of a child's disability? In order to determine whether the disciplinary infraction was the direct result of a child's disability, the school district, the parent and the *relevant* members of the IEP Team must determine whether the conduct in question was a "manifestation of the child's disability." This process is called a manifestation determination. The manifestation determination will analyze the child's behavior as demonstrated across settings and across time when determining whether the discipline infraction is a direct result of the child's disability. Previously, the school district had to prove that the child's action resulting in the discipline infraction was *not* caused by the child's disability. The new IDEA places the obligation on the parent to show that the child's action resulting in the discipline infraction was the direct result of the child's disability.

What does the term manifestation of a child's disability mean? This term has been significantly changed in this reauthorization. Previously any tangential or attenuated relationship between the discipline infraction and the child's disability was sufficient to determine that the infraction was a "manifestation" of the child's disability. In the new IDEA, the bipartisan consensus acknowledged that "[i]t is the intention of the Conferees that the conduct in question was caused by, or has a direct and substantial relationship to, the child's disability, and is not an attenuated association, such as low self-esteem, to the child's disability." Accordingly, it is now clear in the new IDEA that the disciplinary infraction must be caused by or be the direct result of a child's disability, and not a mere correlation or attenuation.

Who are the relevant members of the IEP Team when conducting a manifestation determination? Depending on the type of discipline infraction, when the infraction occurred and who was present, some members of the IEP Team may not be relevant to the discussion of the discipline event. For example, although transportation is an important issue, if the discipline infraction occurred during the school day, the transportation member would not be relevant to the discussion of the discipline event. Conversely, if the discipline infraction occurred on the school bus, the transportation member may be the relevant member of the IEP Team. Nonetheless, in each instance the relevant members should be determined in collaboration by the parents and the school district.

What services and placement would then be available to the child if the actions are determined to be a manifestation of the child's disability? In situations where the local educational agency, the parent and the relevant members of the IEP Team determine that the discipline infraction was the direct result of the child's disability, a child with a disability would not be subject to discipline in the same manner as a non-disabled child. However, such determination is not to say that the child should not be subject to any discipline.

SECTION V (continued)

DISCIPLINE (continued)

In these situations, the IEP Team shall determine whether a functional behavioral assessment has been conducted and a behavioral intervention plan has been implemented for such child. If the IEP Team finds either that such assessment has not been conducted or a behavioral intervention plan has not been implemented for such child, then both should be completed. Where a behavioral intervention plan has been developed, the IEP Team must review the behavioral intervention plan and modify it, as necessary, to address the behavior. Additionally, unless the parent and the school district agree to a change of placement, the child must be returned to the placement from which the child was removed.

What services and placement are available to the child if the actions are determined not be a manifestation of the child's disability? Unless a disciplinary infraction is the direct result of a child's disability the child will be disciplined in the same manner and for the same duration as a non-disabled student. The child may be placed in an interim alternative educational setting. However, if the suspension is for longer than 10 school days, the child will continue to receive educational services to make progress on his or her IEP.