

SPECIAL EDUCATION

WHEN PARENTS HAVE QUESTIONS & CONCERNS

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
1.0 Building level	1.1 Working with teachers and/or administrators at your school. (school psychologist, school nurse, principal, assistant principal)	1.2 Most questions can be answered at this level. Possible examples: <ul style="list-style-type: none">▪ Concern over materials/equipment▪ Need for evaluation▪ Ideas to assist at home▪ Questions about a teaching method▪ Concern over scheduling▪ Grading/progress▪ Criteria for entry/exit▪ Discipline▪ Curriculum questions▪ Concern over supervision or safety▪ Concern about school buildings or classrooms▪ Promotion, retention and graduation issues▪ Verifying “stories” brought home by child▪ Personnel issues▪ Desire to revise the IEP▪ Concern over paraeducator support services	1.3 Contact your child’s teacher or the school’s principal, Assistant principal or school psychologist

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
2.0 District level	2.1 District personnel are contacted when issues cannot be resolved at the school level.	2.2 When concerns cannot be satisfactorily answered at the school, it may be appropriate to contact the school district office	<p>2.3 Contact the district's director or coordinator of special education</p> <p>Lois Healey Special Education Director</p> <p>Jan Brusca Coordinator – Preschool (PANDA) and self contained Elementary Programs</p> <p>Dr. Barbara McLoone Coordinator – Elementary Resource Programs: Vision Services, Hearing Services, Adaptive P. E.</p> <p>Laurie Baughan Coordinator – M. S. and H. S. Special Education programs: OT, PT, Music Therapy, High School Transition Services</p>

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
3.0 School board level	3.1 The local elected school board governs the overall operation of the district.	3.2 The school board should be contacted, in most cases, only after <u>not</u> being able to resolve issues at the school or district levels. Boards vary in their involvement in the special education process.	3.3 Address concerns in writing to the president of the local school board.

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
<p>4.0 Formal complaint</p>	<p>4.1 Contact the Arizona Department of Education, Exceptional Student Services (ADE/ESS) to allege non-compliance with any part of the individuals with Disabilities Education Act (IDEA). The staff from ADE/ESS have a procedure for investigating the complaint with the district within 60 days. After the investigation, a letter of findings and necessary corrective action will be returned to the district if non-compliance with law or regulation can be verified. Corrective action will be submitted by the district to the state and verified by state staff. Parents will be kept apprised during the complaint process.</p> <p>NOTE: Many times a complaint may be handled informally by contacting the ADE/ESS staff assigned to the district. With the “okay” from the parent, the staff can contact the district and attempt to assist without the parent submitting a formal written complaint.</p>	<p>4.2 Complaints should be over issues that are observable enough to be verified without simply a judgment call on the part of the investigating staff. Examples might include:</p> <ul style="list-style-type: none"> • Placement into a special education program without evaluation, placement permission, rights or IEP • Placement different than evaluation and staffing recommendation • Evaluations and IEPs not covering all required areas • Transportation not being provided in accordance with IEP • Program changed without notification • Services not provided as agreed upon in the IEP meeting • Child suspended without services for more than 10 days during a school year • Child’s school day is shortened without a complete IEP revision • Transition services (and course of study) not documented on the IEP at least by 16 years of age. 	<p>4.3 For more information about the complaint process, you may contact ADE/ESS:</p> <p>Phoenix – (602) 542-4013</p> <p>Parents can file a complaint by placing the allegations in writing and send to: Arizona Dept. of Education Exceptional Student Services 1535 W. Jefferson Phoenix, AZ 85007</p>

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
<p>5.0 Mediation</p>	<p>5.1 This voluntary service is available to parents and schools to assist in resolving special education disputes. The program is administered and supervised by Exceptional Student Services of the Arizona Department of Education. It may not be used to delay due process. It is free to all parties and usually <u>does not</u> involve attorneys.</p>	<p>5.2 Mediation may be appropriate in many areas where a problem solving process is needed and both the parents and school are genuinely interested in a good faith compromise with the intention of reaching a written agreement without more formal or adversarial methods. Parties usually see mediation as a win/win process.</p> <p>Examples might include:</p> <ul style="list-style-type: none"> ▪ Amount and type of special education service needed ▪ Amount and type of related service needed ▪ Classroom teacher is not making attempts to consider accommodations for student with disabilities ▪ Consent for evaluation ▪ Private vs. public placement ▪ Amount of time outside the general classroom <p>Mediation <u>may not</u> be appropriate or best direction in areas such as:</p> <ul style="list-style-type: none"> ▪ Identified non-compliance ▪ Alleged non-compliance with a due process decision ▪ School board or some other authority has made a commitment in a direction which could not be compatible with either side. 	<p>5.3 May be requested by the school or parents, by letter or phone to: Arizona Dept. of Education Exceptional Student Services (602) 542-4013</p> <p>Mediation normally takes 5 to 10 days to arrange.</p>

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
<p>6.0 Local due process</p>	<p>6.1 This is a 14th Amendment guarantee of the U. S. Constitution. It is a formal adversarial proceeding similar to a court setting with an impartial hearing officer listening to evidence submitted by both sides and making a decision within 45 calendar days of the hearing request. The purpose is to resolve differences in special education when they cannot be resolved by less formal means. After a request for hearing the child's placement cannot be changed until the decision of the hearing officer unless the parents and school agree on the change. Schools typically will be represented by an attorney. Due process is at no expense to the parents unless they wish to have their own legal representation involved.</p>	<p>6.2 A parent or district may request a due process hearing on any areas listed below.</p> <ul style="list-style-type: none"> ▪ Proposal to initiate or change the identification, evaluation, or placement of the child ▪ Provision of a free appropriate education ▪ Refusal to initiate or change the identification, evaluation, or education placement. 	<p>6.3 Convened at the request of the district or parent. The request must be submitted in writing to the district. It should contain the reasons for the request and the specific issue over which the dispute has arisen. The requesting party should keep copies of the due process request.</p>

STEP	DESCRIPTION	WHEN TO USE	HOW TO USE
7.0 State due process	7.1 If either party disagrees with the findings of the local due process they may appeal through the Office of Administrative Hearings. It is an administrative review based upon the record (the local due process transcript) and does not involve a hearing in front of an administrative law judge (ALJ). The state officer may request additional information from either party. The ALJ's decision is binding on all parties, subject only to judicial review through established court procedures. The findings of fact and decision will be sent to all parties within 30 calendar days.	7.2 Same as for a local due process hearing. (Refer to 6.2)	7.3 Either party may appeal the local hearing officer's decision to the Office of Administrative Hearings within 35 calendar days after receipt of the decision.

SOME ADDITIONAL SUPPORTS

1. Local special advisory council, special education parent group, PTA/PTO, or the ADE/ESS Parent Information Network System.
2. Advocacy from family and friends.
3. Various organizations such as Pilot Parents, Arizona Center for Disability Law, Learning Disabilities Association and the ARC.
4. State or private advocacy and support groups.
5. Federal Special Education Office:
 - Office of Special Education & Rehabilitation Services
 - Switzer Building, 400 Maryland Ave.
 - Washington, D.C. 20202-2524
6. Office of Civil Rights
 - Federal Building #310
 - 1244 Speer Blvd.
 - Denver, CO 80294-3584
 - (303) 844-5695
7. Courts