

Parent Advocacy in the School Setting

SMRLS Client Intake: 1-877-696-6529
or apply for services online: <http://www.smrls.org>

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Education Law Advocacy Project

Family Voices Conference
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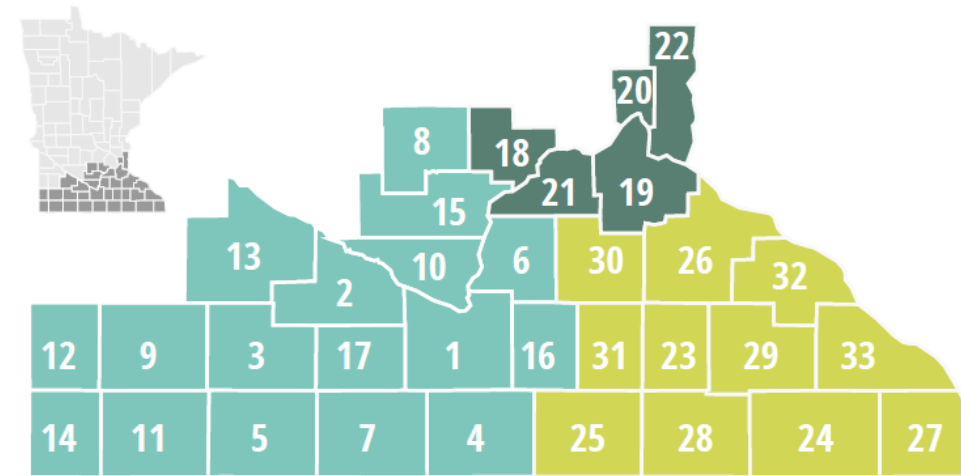
Who we are



Southern Minnesota Regional Legal Services (SMRLS) is the oldest legal aid program in Minnesota and provides free, high-quality legal aid to people with low-income in critical civil matters.

- 113 years serving Minnesotans with low-income
- 9 locations
- SMRLS services 33 counties across the East metro and Southern Minnesota
- Eligibility:
 - within service area boundaries
 - income at or below 200% FPG
 - some asset limits and other restrictions apply
- Legal services include family, housing, immigration, government benefits, elder law,
AND Education Law

Service Area



Our service area includes the following counties:

Southwest	Southwest	Southeast
1 Blue Earth	13 Redwood	23 Dodge
2 Brown	14 Rock	24 Fillmore
3 Cottonwood	15 Sibley	25 Freeborn
4 Faribault	16 Waseca	26 Goodhue
5 Jackson	17 Watonwan	27 Houston
6 LeSueur		28 Mower
7 Martin	Metro	29 Olmsted
8 McLeod	18 Carver	30 Rice
9 Murray	19 Dakota	31 Steele
10 Nicollet	20 Ramsey	32 Wabasha
11 Nobles	21 Scott	33 Winona
12 Pipestone	22 Washington	



Goals of the Education Law Advocacy Project

The Education Law Advocacy Project (ELAP) started at SMRLS in 1995 with the sole focus of helping families with low-income enforce their educational legal rights



Collaborative approach to representation

Ensure students receive services they need

Empower and support students and families

Build long-term relationships

Why We're Here

The “achievement gap” is the difference in academic achievement or educational outcomes among different groups of students.

Minnesota’s Office of the Legislative Auditor published a report in March of 2022, identifying issues surrounding Minnesota’s Achievement Gaps.

Such disparities exist between students of different races, ethnicities, or socioeconomic statuses, among others.

Minnesota’s achievement gaps are some of the largest in the nation.

Minnesota has some of the worst gaps in the nation with respect to college readiness exams.

March 2022 Report: <https://www.auditor.leg.state.mn.us/ped/pedrep/achievementgap.pdf>

Students at most risk include:

- Students with disabilities
- English Learners/Multilingual Students
- Students who are facing discrimination in school
- Students experiencing homelessness or are frequently mobile
- Students in foster care



ELAP can help students struggling with

Academic Performance

- Failing grades and/or behind in graduation credits
- Insufficient communication from teachers about progress
- Parent complaints about poor performance

School Enrollment/Placement

- Inability to enroll/placement disagreements

Students with Disabilities

- School refusal/delay in evaluating student for special education services
- School not implementing services defined in IEP, or insufficient progress
- Disagreement about IEP goals and accommodations
- Disagreement about related services, including specialized transportation

Student Transportation

- District denying transportation to students experiencing homelessness, students in foster care, and/or special education transportation

Maltreatment in School

- Reporting of injuries or neglect in a school setting



ELAP can help students struggling with

Harassment and Bullying

- Complaints about bullying and harassment in school or online
- Bullying based on protected status

Systemic Discrimination

- Lack of access to challenging curriculum
- Racially disparate discipline in schools
- Failure to address systemic bullying and harassment

School Discipline and Truancy/Avoidance

- Proposed change of placement (special education)
- Suspension/Expulsion
- Attendance problems resulting in charges of truancy (student) or educational neglect (parent)

English Learner Instruction

- Lack of access to instruction for EL
- Unequal opportunity to participate in school programs
- Lack of parental notification, involvement
- Discrimination (language, national origin)



After a Referral & Intake

After intake, if accepted for investigation:

- Gather signed releases from parent(s) or guardian(s)
- Request and review school records
- Discuss with parent(s) or guardian(s) to clarify family's objectives and advise

Representation beyond legal advice could involve any or all the following:

- Negotiations with the school district attorney and/or school district staff
- Attend IEP team meetings or other school meetings
- Mediation at the request of school district or client

And if unable to resolve the matter:

- Assist in filing a complaint with appropriate government agency: MDE or MDHR or OCR
- Represent at administrative hearings



Learning Objectives

- Basics of IDEA
- Understand the basics of an IFSP
- Compare a 504 Plan with an IEP
- Know the IEP process
- Identify what a PWN can look like and how to object to a PWN.
- Understand the importance of attainable goals and data collection.
- How to request data, progress reports, and inserting parent communication into the IEP.
- Dispute resolution and other investigation options



IFSP v. IEP

IFSP is a Family Service Plan for children birth to 3

- Should include statement of family's resources and parent services
- Priorities and concerns tied to the family's child that has a disability
- Early intervention services will be in the plan and the plan can include all of the child's levels of development (vision, hearing, gross and fine motor, self-help skills, communication, etc.)

IEP is an Individualized Education Program is for 3 to 21.

- ❖ Both start with an evaluation
- ❖ Team members are different
- ❖ IEP has measurable annual goals for academic and functional behaviors and the IFSP has major outcomes desired for the child and family and how to measure the progress

Chart! <https://www.pacer.org/parent/php/PHP-c59.pdf>



IEP v. 504 Plan

IEP

- A written plan for a student's special education and related services, to meet a child's unique needs.
- Behavioral (crisis planning) supports.
- Requirements (under IDEA):
 - Have one or more of the disabilities listed in IDEA
 - Disability must affect the child's educational performance and/or ability to learn in a general education classroom
 - The child must need specialized instruction to make progress in school

504 Plan

- A plan for how the school will provide support and remove barriers for students with a disability.
- Requirements (under the Rehabilitation Act of 1973).
 - Have any disability
 - Disability must interfere with the child's ability to learn in a general education classroom

IEP Qualification: Child must have one or more of the disabilities listed in IDEA

Specific learning disability (e.g. dyslexia)

Other health impairment (e.g. ADHD)

Autism spectrum disorder

Emotional disturbance (e.g. OCD, depression)

Speech or language impairment

Orthopedic impairment (e.g. cerebral palsy)

Intellectual disability (e.g. below-average intellectual ability)

Traumatic brain injury

IEP Qualification: Child must have one or more of the disabilities listed in IDEA

Visual impairment, including blindness

Deaf

Hearing impairment

Deaf-blind (programs for just the deaf or the blind aren't adequate)

Multiple disabilities

504 Qualification: Child must have an impairment that substantially limits a major life activity

Examples of physical or mental impairments that may be covered under Section 504 include: epilepsy, AIDS, allergies, vision impairment, broken limbs, cancer, diabetes, asthma, temporary condition due to accidents or illness, ADD/ADHD, learning disabilities, autism, depression, intellectual disability, traumatic brain injury, and post-traumatic stress disorder.

Examples of major life activities that can be affected by the student's disability include: learning, thinking, concentrating, reading, speaking, walking, breathing, sleeping, caring for oneself, as well as major bodily functions, including brain function, immune system function, or digestive functions. This is not an exhaustive list.

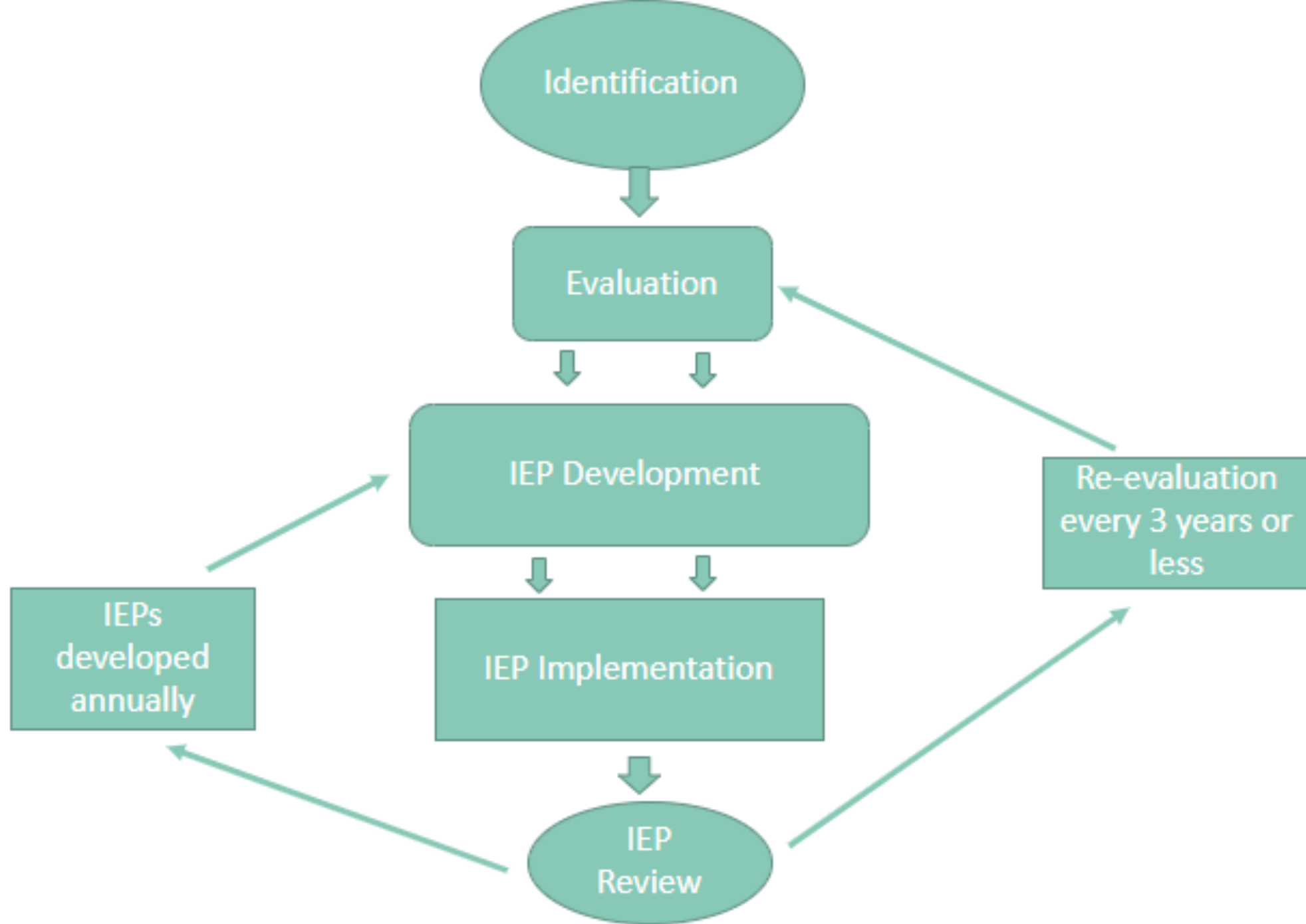


The IEP Process

IDENTIFICATION

EVALUATION, REEVALUATION & INDEPENDENT EDUCATIONAL EVALUATION

NOTES ON THE FUNCTIONAL BEHAVIORAL ASSESSMENT

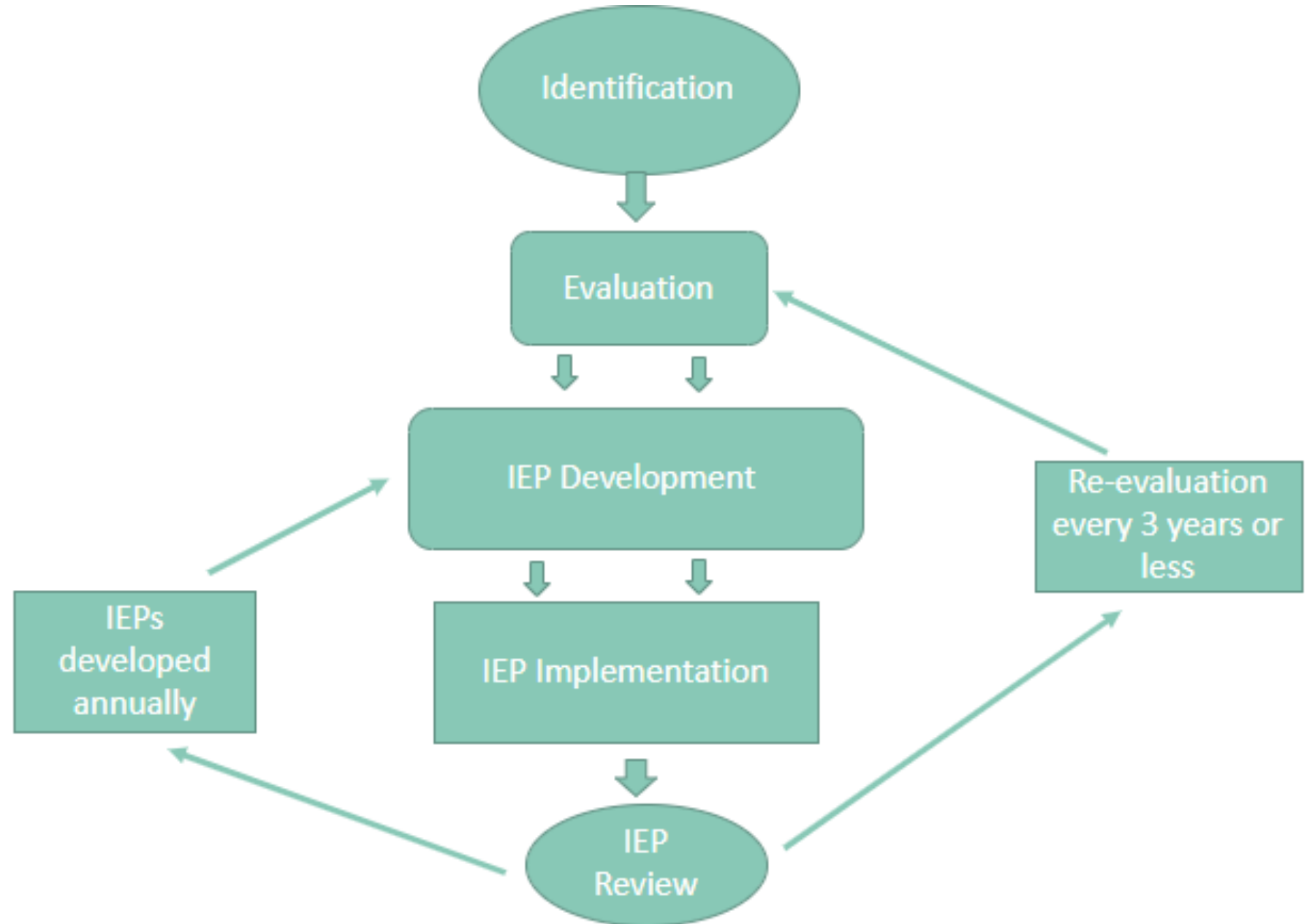




Identification

School districts must identify, locate, and evaluate all children with disabilities who may need special education services.

This is called Child Find



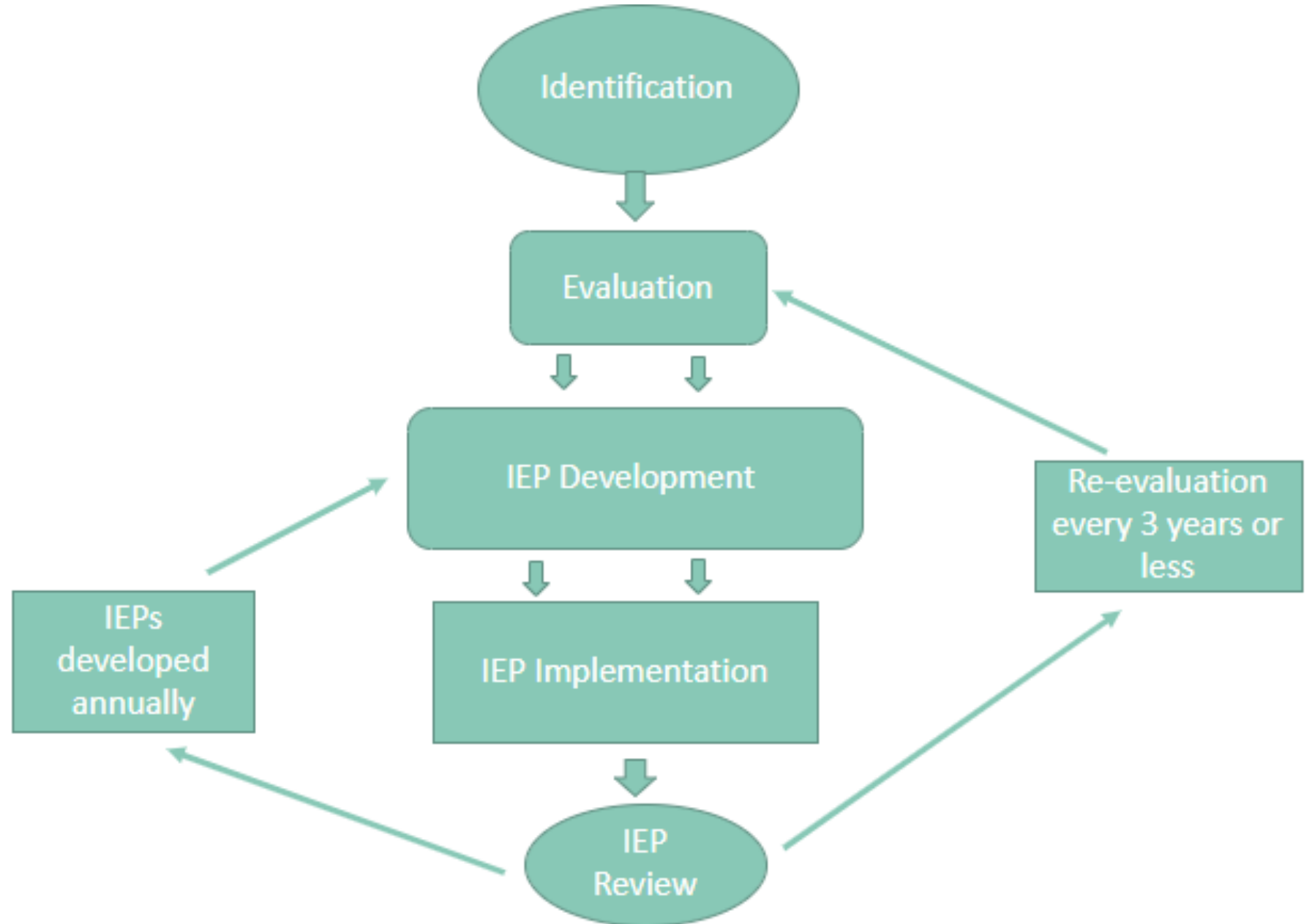


Evaluation

An evaluation request can come from a school or a parent.

The school may choose to not evaluate. And a parent may object to have the child evaluated.

The school must send a Prior Written Notice (PWN) to the parent with their proposal.



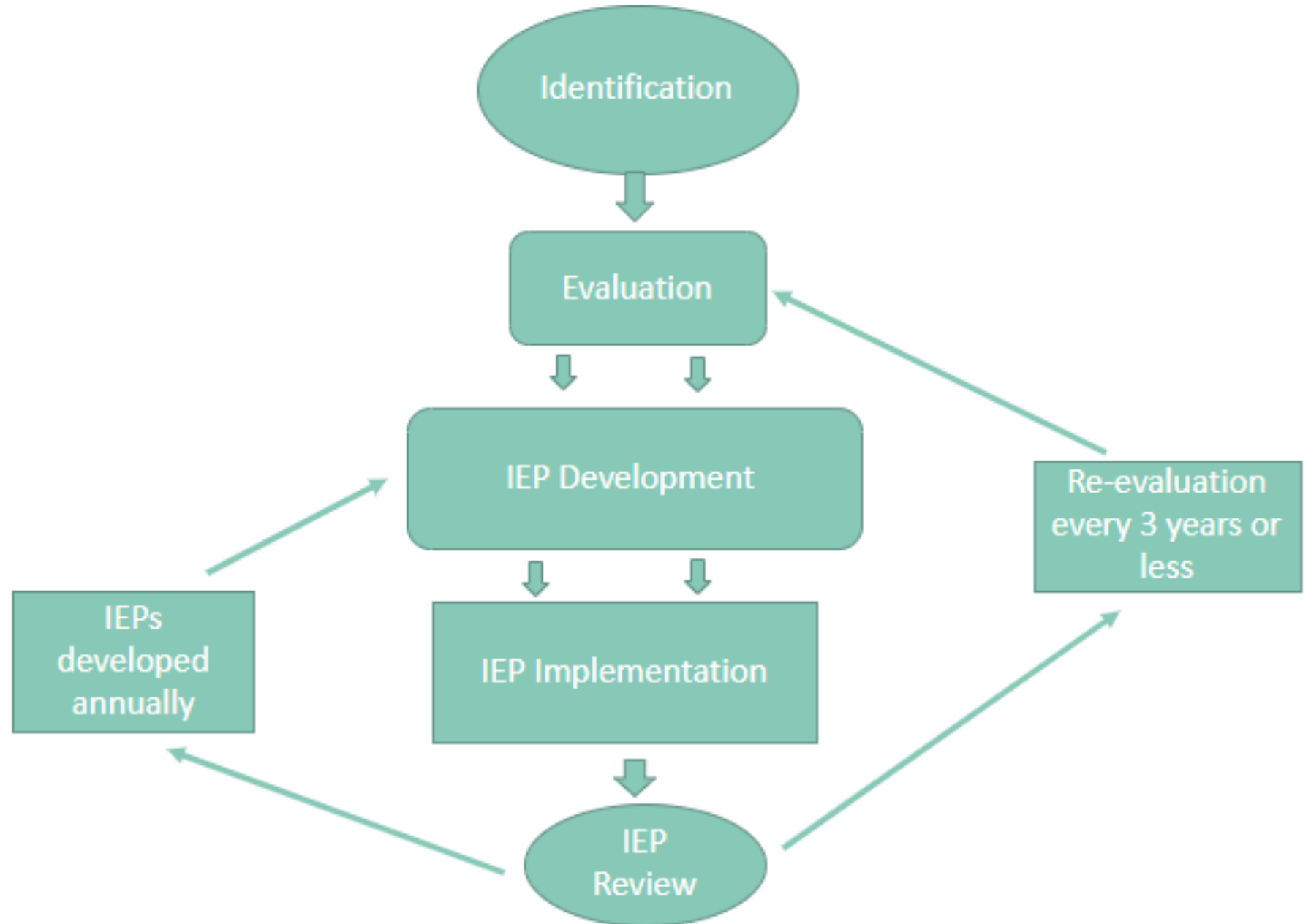


Evaluation Cont.

The evaluation must be completed in 30 school days after the school receives permission (PWN with consent)

The evaluation must be comprehensive and evaluate all areas of suspected disability.

An evaluation doesn't mean an IEP (or 504 plan) will be developed!





What Happens After an Evaluation Request?

DID YOU...

- * MAKE THE REQUEST IN WRITING?
- * FOLLOW UP, IF NECESSARY?
- * ATTEND THE PRE-EVALUATION MEETING?
- * RECEIVE A PWN?



What Happens After an Evaluation Request?

The School may request your request without a meeting. If that is the case, they still should to send you a PWN.

The School may schedule a pre-evaluation meeting to discuss your request with the special education director and other key school members.

Tip: Provide key documents ahead of time and bring copies to the meeting.

Remember to take notes of your conversations with the school, including this meeting.

Identify concerns with the school staff:

- Behavioral?
- Sensory?
- Academic?
- Developmental?
- Functional?
- Physical?
- Intellectual?

Tip: Note if certain staff appear to agree with you or disagree with your concerns.



What Happens After an Evaluation Request?

After parent(s) and school staff identify areas of concerns, it is important to record the proposed means of collecting additional data need to be identified.

This can include specific tools (BASC-3) or other means of collecting data (interviews and observations).

NOTE: This pre-evaluation meeting can be somewhat of a brain storming session, which is why it is important to document who is recommending what assessment or data collection option. Given the fluidity of the conversation – things aren't always properly captured in the PWN for the evaluation proposal.



Comprehensive Evaluation

- Use a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent.
- These tools and strategies should be designed to assist in determining whether the child is a student with a disability, the content of their IEP, and how the student can be involved in and progress in the general curriculum.
- Not use any single procedure as the sole criteria for determining if a child is considered a student with a disability or determining an appropriate education program for the student;
- Use technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.



What Happens After the Pre-Evaluation Meeting?

PWN sent to the parent for review.

For an initial evaluation, the parent must consent.

The school district has 30 school days to complete their evaluation after receiving consent.

NOTE: Attendance is not a reason to refuse an evaluation request.



PWN Example – Parent Objected

The district will not begin the evaluation without your written consent.

Area	Eval/Assessments	Evaluators
Physical Status	Review Records and Medical Diagnoses	School Nurse
Sensory Status	Review Hearing and Vision Screenings	School Nurse
Intellectual Functioning	Review of Records, Wechsler Intelligence Scale for Children - 5th Edition (WISC-5)	School Psychologist
Academic Performance	Review of Records, Woodcock-Johnson Tests of Achievement - 4th Edition, Woodcock-Johnson Tests of Oral Language - 4th Edition, Basic Psychological Processing Inventory, Other Health Disabilities Inventory, Current Performance	Special Education Teacher
Social, Emotional, Behavioral	Review of Records, Mental Health Screening, Parent Interview, Teacher Interview, Student Interview, Behavior Assessment System for Children (BASC-3) 3rd Edition, Functional Behavioral Assessment (FBA)	School Psychologist
Observation(s)	Observations	School Psychologist, Special Education Teacher
Transition	Student Interview, Traitify Online Career Inventory, Parent Interview	Special Education Teacher
Other	Parent Input, Assistive Technology Considerations	Special Education Teacher



PWN Example – Parent Objected

The school district seeks your consent or objection before moving ahead with the proposed actions as stated in the enclosed Prior Written Notice sent **10/19/2022**.

Step 1: Understand your rights

The school district **will not** proceed with an initial evaluation or initial placement and provision of special education services without your prior written consent.

For other actions, the school district **will** proceed with the proposed or refused action(s) in the prior written notice **unless**:

- you object in writing within 14 calendar days (11/02/2022) **and**
- you either request a conciliation conference, a meeting with appropriate Individualized Education Program (IEP) team members, file an impartial due process hearing, or you request a mediation or a facilitated team meeting.

If you would like to request a mediation, facilitated team meeting, or a due process hearing, please contact MDE at 651-582-8689 or by email at mde.adrservices@state.mn.us.

Step 2: Review the school district's proposed or refused action(s) as described in the prior written notice.

Step 3: Check one of the boxes to indicate your response to the proposed or refused action(s).

- Consent:** I agree, so the school district will proceed with the proposed or refused action(s) in the prior written notice.
- or
- Objection:** I do not agree and **I request a conciliation conference** to be held within ten calendar days from the date the school district receives this request to resolve my concerns and understand the school district will not proceed with the proposed or refused action(s) in the prior written notice.
- or
- Objection:** I do not agree and **I request a meeting with appropriate members of my child's IEP team** to resolve my concerns and understand the school district will not proceed with the proposed or refused action(s) in the prior written notice.
- If you choose this option, please explain the specific part that you object to:

Step 4: Sign, date, and return this form.

Parent Signature

Date



PWN Example – Parent Consent

Area	Eval/Assessments	Evaluators
Physical Status	Review Records; Medical Diagnoses; Parent Interview	School Nurse
Sensory Status	Review Hearing and Vision Screenings	School Nurse
Intellectual Functioning	Review of Records, Wechsler Intelligence Scale for Children - 5th Edition (WISC-5)	School Psychologist
Academic Performance	Review of Records, Woodcock-Johnson Tests of Achievement - 4th Edition, Woodcock-Johnson Tests of Oral Language - 4th Edition, Basic Psychological Processing Inventory, Other Health Disabilities Inventory, Current Performance, Teacher Interview, Parent Interview, Student Interview, Classroom Observation	Special Education Teacher
Social, Emotional, Behavioral	Review of Records, Mental Health Screening, Parent Interview, Teacher Interview, Student Interview, Behavior Assessment System for Children (BASC-3) 3rd Edition, Functional Behavioral Assessment (FBA), Social Skills Improvement System (SSIS), Classroom Observation	School Psychologist
Transition	Student Interview, Traitify Online Career Inventory, Parent Interview, Review of Records	Special Education Teacher
Assistive Technology	Parent Input, Student Input, Student Environment, Tasks, and Tools (SETT),	Special Education Teacher



PWN Example – Parent Consent

education services. The District will not begin the evaluation without written consent. In response to the parent's requests for revision to the initial evaluation PWN, the District is proposing the following updates to the initial evaluation plan:

Physical Status: Add parent interview

Academic: Add teacher, parent, and student interviews

Social-Emotional: Add student observation and Social Skills Improvement System (SSIS)

Observation: Remove the Observation Section and include observations in each specific evaluation area for which observation will occur

Transition: Add review of records

Other: Change "Other" to "Assistive Technology"

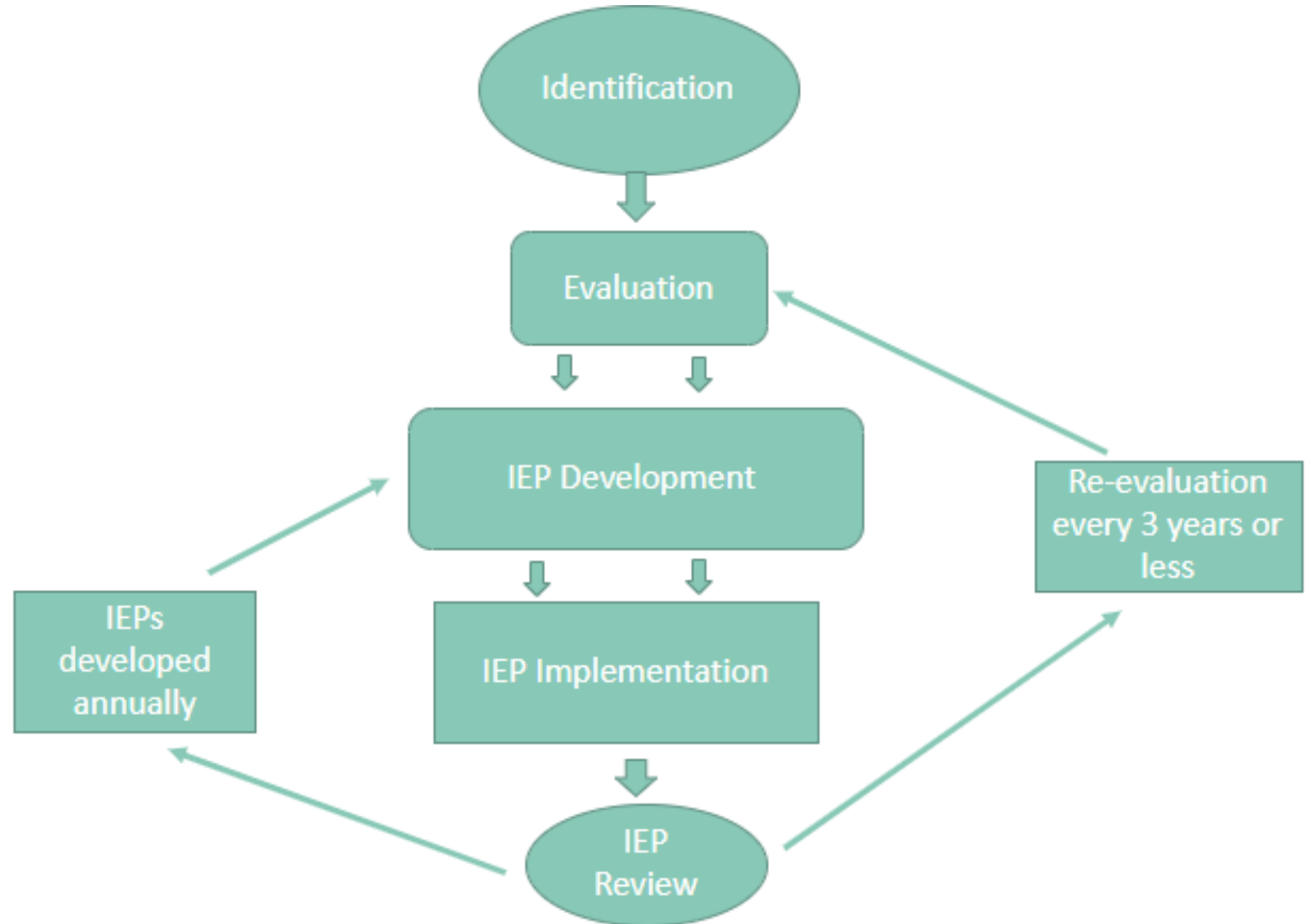


Reevaluation



Reevaluation

- A reevaluation can be performed at any time if requested by the parents or if the school believes that the student's education or service needs would benefit from it.
- A re-evaluation of the student must be done at least every 3 years, unless both the parents and the school agree that it is not needed.





What about reevaluations?

A reevaluation may not occur more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and district agree is it unnecessary.

✓ Document! Document! Document!

If completed, must be comprehensive and within the timeline. This is required even if it just a review of existing data.



Reevaluations

Reevaluations do not require a returned consent PWN to start.

The reevaluation report must be completed 30 days from the date that the district received parental consent or the expiration of the 14-calendar day parental response time.

If the reevaluation consists of only a review of existing data, the timeline starts after the district notifies the parent of their right to request additional assessments and the parent doesn't make that request.



Reevaluations

At minimum, the evaluation report must include a summary of all evaluation results, documentation on if the student continues to have a disability, the student's present level of performance and educational needs, needs special education and related services to meet the IEP goals and participate in general curriculum.

NOTE: A Functional Behavioral Assessment (FBA) is not necessarily considered a reevaluation and can be a stand-alone assessment. Parents can request a comprehensive evaluation if an FBA is proposed. See the FBA handout.



Reevaluations

Other examples of what might be considered a reevaluation:

1. An evaluation to see if the student's disability category has changed;
2. An evaluation to see if the Student qualifies under an additional disability category;
3. An evaluation to identify related service needs (including assistive technology needs) for a student receiving special education services.

Examples of what is not considered a reevaluation:

If more than 12 months elapsed since a student received special education and related services. Then this would be an initial evaluation and the parent would need to consent to have it start.



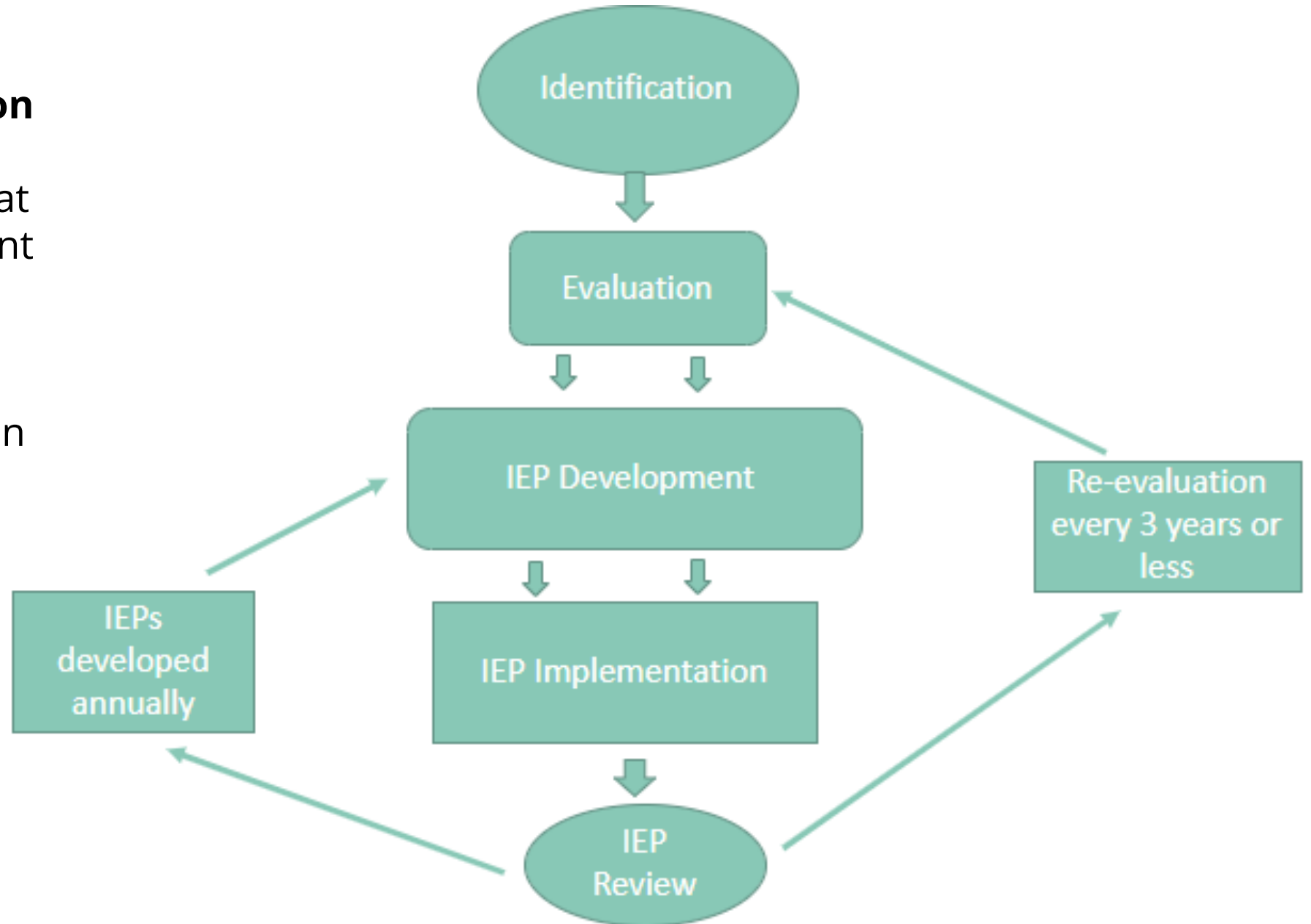
Independent Educational Evaluation (IEE)



Independent Education Evaluation (IEE)

This can be requested at any point that the parent disagrees with the evaluation.

Tip: Make the request in writing!





IEE Process

A parent has the right to an independent educational evaluation at public expense if the parent **disagrees** with an evaluation obtained by the public agency.

If a parent requests an IEE, the school may ask for the parent's reason why they object to the public evaluation. However, the school may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

The school must respond! Either arrange for the IEE at public expense or file a due process complaint.



IEE Process

If the school selects to file a due process complaint notice to request a hearing and the final decision is that the student's evaluation is appropriate, the **parent still has the right** to an independent educational evaluation, but not at public expense.

Further, the hearing officer can request an IEE. If that happens it would be at public expense.

A parent is entitled to only one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.



Functional Behavioral Assessment

(STAND ALONE OR PART OF THE COMPREHENSIVE EVALUATION)



What must be included in the Functional Behavioral Assessment?

Depending on the suspected disability, even during the initial evaluation the District should conduct a FBA.

This *should* be part of the comprehensive evaluation.

Functional behavioral assessment or FBA is defined as:

"Functional behavioral assessment" or "FBA" means a process for gathering information to maximize the efficiency of behavioral supports.

An FBA *includes* a description of problem behaviors and the identification of events, times, and situations that predict the occurrence and nonoccurrence of the behavior.

An FBA *also identifies* the antecedents, consequences, and reinforcers that maintain the behavior, the possible functions of the behavior, and possible positive alternative behaviors.

An FBA *includes* a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns.



The FBA information is used to create the Positive Behavior Support Plan in the IEP

A well-done FBA is critical in the development of a PBSP.

The PBSP will provide school staff with a list of triggers and replacement skills to be taught the child.



Sections of the FBA may be labeled as:

- ✓ A description of the target behaviors and their frequency, severity, and duration;
- ✓ A description of the events, times, and situations that predict the occurrence and non-occurrence of the target behaviors;
- ✓ A description of the antecedents, consequences, and other reinforcers that maintain the target behavior;
- ✓ A description of the apparent functions of the behaviors and possible replacement behaviors;
- ✓ Positive behavioral interventions and support and other strategies used and their effectiveness;



Continued...sections of the FBA may be labeled as:

Sections of the FBA may include:

- ✓ A description changes in the environment in which the target behaviors occur that may reduce the frequency of the behaviors;
- ✓ A description of any other evaluation data that may assist in the development of an appropriate behavior intervention plan for the student;
- ✓ Summary statements and hypotheses about the purpose of the target behaviors that will assist in the development of the child's behavioral intervention plan.

What Questions Do You Have?





The IEP Process (continued)

IEP DEVELOPMENT

IEP IMPLEMENTATION

NOTES ON GOALS AND DATA COLLECTION

IEP REVIEW



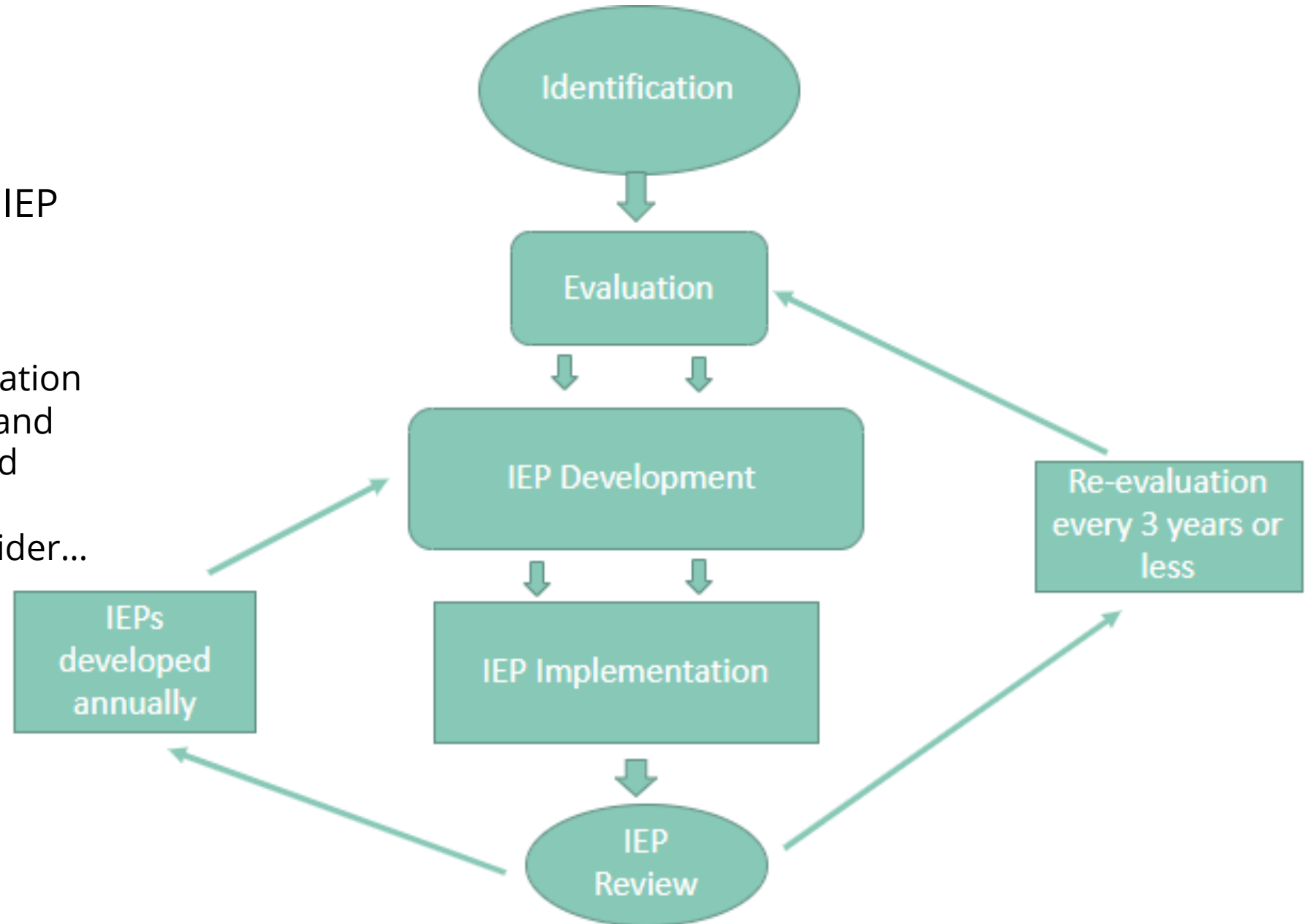
IEP Development

When creating the IEP, the IEP team should consider:

- Strengths of the student
- Concerns of the parents
- Results of the newest evaluation
- Academic, developmental, and functional needs of the child

So many other things to consider...

- Parent Communication Requests
- Bullying Concerns
- ESY (summer school)
- Transportation needs
- Field Trips
- Attendance

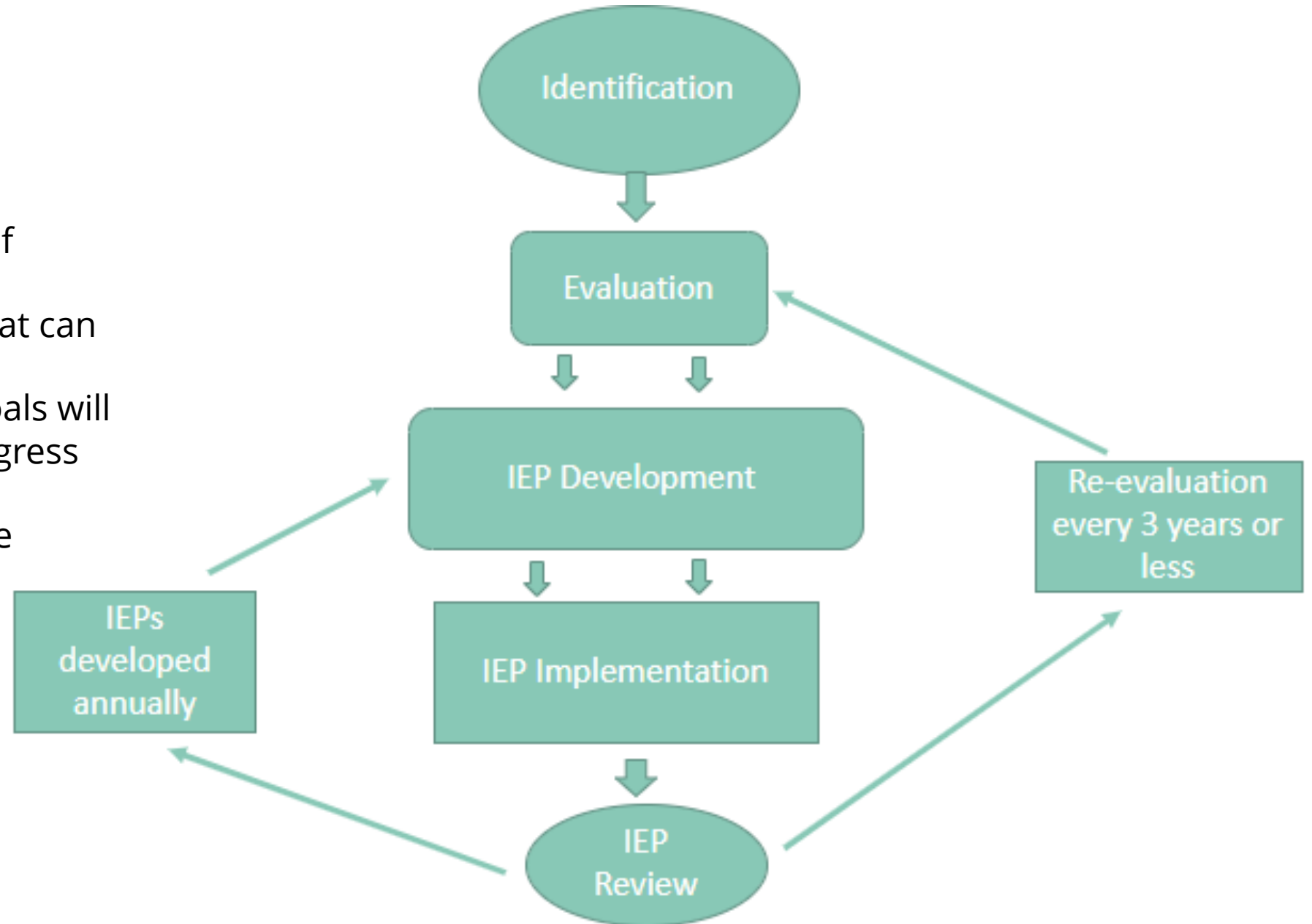




IEP Development

The IEP should include:

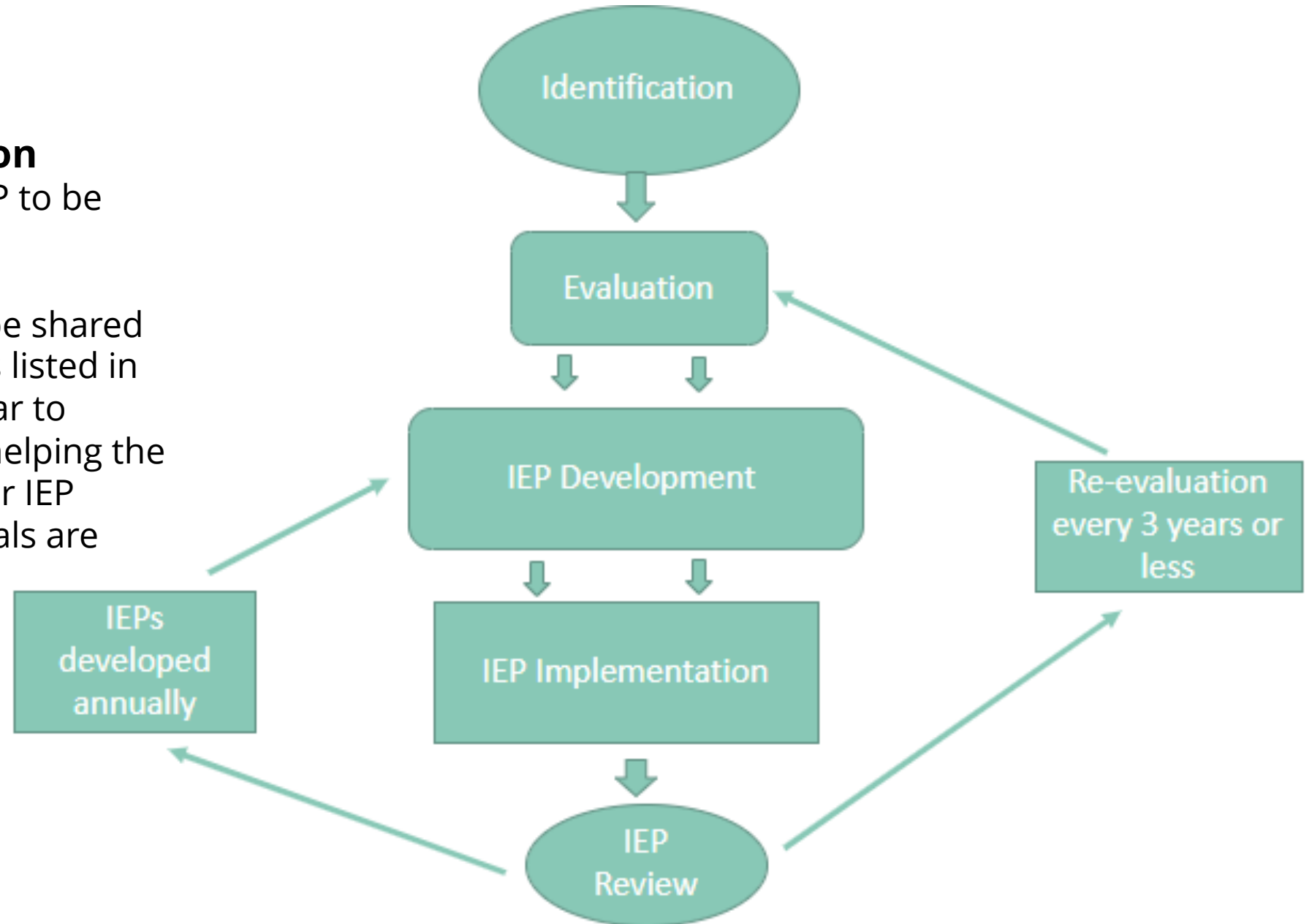
- ✓ The student's current level of performance;
- ✓ Statement of yearly goals that can be measured;
- ✓ Explanation of how these goals will be measured and when progress reports will be sent;
- ✓ Explanation of how often the student will be in a regular classroom;
- ✓ Explanation of whether the student will take standardized tests; and,
- ✓ Date services are to begin.





IEP Implementation

- Services must be in the IEP to be implemented.
- Progress Reports should be shared in accordance with what is listed in the IEP throughout the year to ensure that the school is helping the student work towards their IEP goals and also that the goals are appropriate.



Goals in the Individualized Education Program (IEP)

Goals are skills your child should learn to be successful in school.

The IEP team will measure improvement on those goals and provide progress reports.

Goals should be set, at minimum yearly, and should be changed to help your child continue to be challenged at school.



Goals in the Individualized Education Program (IEP)

Goals are based on present levels of academic achievement and functional performance as well as based on comprehensive evaluations.

The present levels and comprehensive evaluations should identify your child's strengths, academic levels, and behavioral needs.



Goal Layout

Each goal should have the following information:

1. Present Levels of Academic Achievement and Functional Performance
2. The Measurable Annual Goal
 - What your child needs to have learned by the end of the year.
3. Benchmarks or Short Term Objectives
 - What your child needs to do.
4. How will progress towards meeting this annual goal be measured



How to Determine if a Goal is a Good Goal

1. Each goal will name a skill or behavior your child should learn and the progress your child will make.
2. Each goal will be challenging but attainable. Think ahead about where your child should be in a year.
3. Each goal will explain what skill will be measured and who will be measuring.

Laura is unable to consistently read CVC words.

By January of 2024, **when given 50 written CVC words and a teacher modeled decoding strategy (e.g., arm pats), Laura will make the sound for all letters for 50 out of 50 words as assessed by special education staff.**



Benchmarks and Short Term Objectives

If there are any skills that you want your child to be improving on, this is where to break it down. It can be both incremental and task-based.

For example

Measurable Annual Goal: Laura is unable to consistently read CVC words. By January of 2024, when given 50 written CVC words and a teacher modeled decoding strategy (e.g., arm pats), Laura will make the sound for all letters for 50 out of 50 words.

Benchmarks or Short-Term Objectives: When given 50 written CVC words and a teacher modeled decoding strategy, Laura will make the sound for all the letters for **13 out of 50 words by May of 2023.**



The Individualized Education Program

To ensure that your child reaches their goal, the IEP should also have a section on the service needs and time for your child; statement about the Least Restrictive Environment; Accommodations, Modifications, and Supports; Program Support for School Personnel; Statewide Assessments; and, depending on your child's needs, a Positive Behavioral Support Plan.



How do we know if services and supports are properly in place to help a student reach their goals?

Progress Reports!!



Progress Reports

Progress Reports should be listed on page 1 of the IEP and sent as required under IDEA.

34 CFR 300.320 (a)(3)(ii)

"When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided."

Progress reports should include a summary of the **data collected** to show how your child is doing on reaching their goals.

Red Flag: When progress reports have been sent out and the school doesn't have data collection to support their progress reports, this may be a sign that your child is not meeting their goals as written in the IEP.



Purpose of Data Collection

The main purpose of data collection is to measure progress.

Collecting data will also ensure that the services and supports offered to your child are helping them make progress and reach their goals.

Data collection should be individualized, and the data collection should be focused on the goals of that student.



What is Data?

Data Sheets

Tracking sheets

ABC Data Forms

Observations notes

Checklists

Student work

Teacher records

Survey data

Data Collection Questions

- What data should be collected (Academic? Behavior?)
- How will it be collected? (Data sheet? Formative Assessments?)
- How often will they be collected? (Daily? Weekly?)
- How will the information be shared with the parent?
- How will the team analyze the data to know whether or not your child is making progress?
- Do team members know how to collect data? Is it being collected properly? Are the goals clear and understandable?



Data Collection Changes

Considerations:

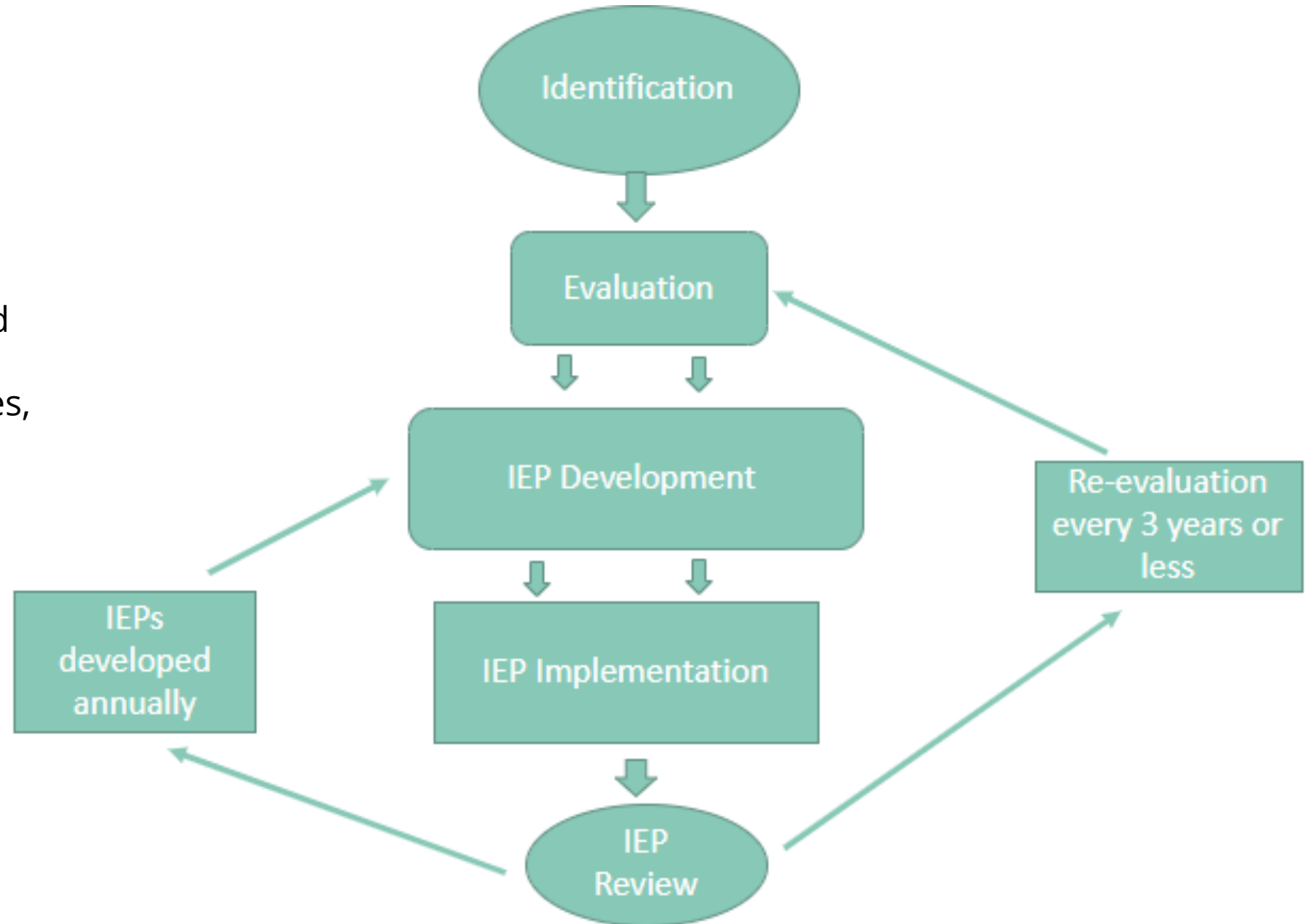
1. Have the special education staff members been trained on the IEP goals, PBSP, and/or data collection?
2. Should the IEP include a communication plan between the parent and school on the data collected? This could be important if there are significant academic struggles or behavioral issues.
3. Are services and supports in place to address the child's needs? If not, does the IEP team need to add better supports for behavioral issues, academic concerns, or social skills?
4. If there is disagreement on proposed goals or data collection, the first step is to complete the PWN. Next steps might be a conciliation meeting, facilitated team meeting, or a mediation.





IEP Review

- This must be done every year (at least).
- The IEP should be updated to reflect the student's current strengths, struggles, and goals.





When IEPs must be in effect?

At the beginning of each school year.

A meeting to develop an IEP for a child is conducted within **30 days** of a determination that the child needs special education and related services. And as soon as possible following the development of the IEP, special education and related services are made available to the child.

A child who transfers with an IEP must be provided free appropriate public education (comparable services) until a new evaluation is conducted and the school develops, adopts, and implements a new IEP.

What Questions Do You Have?





IEP Dispute Resolution Options



IEP Dispute Resolution... and a few other options

Conciliation Conference – School District

Facilitated Team Meeting – Coordinated by the Minnesota Department of Education

Mediation – Coordinated by the Minnesota Department of Education

Special Education Complaint – Minnesota Department of Education

Special Education Due Process Complaint – Office of Administrative Hearings

Maltreatment Complaint or Licensing Complaint – Minnesota Department of Education

Discrimination due to disability (Minnesota Department of Human Rights & Office of Civil Rights with US Department of Education)

Privacy Violation (FERPA) – US Department of Education

Bullying Complaint – Minnesota Department of Education



IEP Dispute Resolution Resources

Conciliation Conference

- Scheduled within 10 days
- <https://www.pacer.org/learning-center/dispute-resolution/due-process-options/conciliation.asp>

Facilitated Team Meeting

- Neutral 3rd party
- <https://education.mn.gov/MDE/dse/sped/conf/team/index.htm>
- <https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/mdaw/mdl5/~edisp/059646.pdf>

Mediation

- Neutral 3rd party
- <https://www.revisor.mn.gov/rules/3525.3700/Mediation>
- <https://education.mn.gov/MDE/dse/sped/conf/med/005442>



IEP Dispute Resolution Options

Special Education Complaint - Minnesota Department of Education

- 1 year to file
- <https://education.mn.gov/MDE/dse/sped/conf/Comp/>

Special Education Due Process Complaint – Office of Administrative Hearings

- Expedited option for disciplinary actions
- File within 2 years
- <https://mn.gov/oah/>
- <https://education.mn.gov/MDE/fam/sped/conf/due/#:~:text=A%20parent%20or%20district%20must,complaint%2C%20unless%20certain%20exceptions%20apply.>



Other Investigation Options

Maltreatment or Neglect Complaint – Minnesota Department of Education

- <https://education.mn.gov/MDE/fam/maltr/>

Licensing Concerns – Minnesota Department of Education

- <https://mn.gov/pelsb/districts/complaints/>

Discrimination due to disability, race, gender or other protected status

- **Minnesota Department of Human Rights**
- <https://mn.gov/mdhr/>
- 1 year to file

- **Office for Civil Rights, US Department of Education**
- <https://www2.ed.gov/about/offices/list/ocr/index.html>
- 6 months to file



Other Investigation Options

FERPA Violation Complaint – US Department of Education

- <https://studentprivacy.ed.gov/file-a-complaint>

Safe and Supportive School Violation Complaint (Bullying) –
Minnesota Department of Education

Technical Assistance Center : 651-582-8364

MDE.SSTAC@state.mn.us

NOTE: 504 Plans or IEP can address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.



504 Plan Process

FLOW CHART!

[HTTPS://WWW.PACER.ORG/PARENT/IMAGES/504_FLOW_CHART.PDF](https://www.pacer.org/parent/images/504_flow_chart.pdf)

Who qualifies for a 504 Plan?

Examples of physical or mental impairments that may be covered under Section 504 include: epilepsy, AIDS, allergies, vision impairment, broken limbs, cancer, diabetes, asthma, temporary condition due to accidents or illness, ADD/ADHD, learning disabilities, autism, depression, intellectual disability, traumatic brain injury, and post-traumatic stress disorder.

Examples of major life activities that can be affected by the student's disability include: learning, thinking, concentrating, reading, speaking, walking, breathing, sleeping, caring for oneself, as well as major bodily functions, including brain function, immune system function, or digestive functions. This is not an exhaustive list.



504 Evaluation

A Few Notes:

School districts must conduct an evaluation in a timely manner when it is believed a student needs services because of a disability.

Parental permission is needed for initial evaluations, and they need to be reviewed yearly to make sure the needs of the student are being met.



504 Plan & Evaluation

- A 504 Plan is not an Individualized Learning Plan (IEP). A student who doesn't qualify for an IEP may still qualify for a 504 Plan. Or a student proceeding through an IEP evaluation may benefit from a 504 Plan while the evaluation is being completed.
- ❑ Similar to an IEP in that it provides supports and accommodations.
- ❑ Unlike an IEP because it does not include goals and objectives.
- If a student has an impairment that is impacting their attendance, an evaluation should be requested to see if the student meets the criteria for a 504 Plan.



504 Evaluation

If there is a 504 Plan in place: “The school shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability..”



504 Plan Dispute Resolution Options



504 Plan

Alternative Dispute Resolution Options

Negotiate with the 504 Team

Submit a Complaint to Office of Civil Rights with US Department of Education

Mediation

File a suit for discrimination

Tip: If you object to a 504 Plan, share your objection in writing with the school and request another meeting.



Helpful Links

Minnesota Department of Education

Special Education

<https://education.mn.gov/MDE/fam/sped/>

Special Education Acronyms

<https://education.mn.gov/MDE/fam/sped/studst/049966>

IEP

<https://education.mn.gov/MDE/fam/sped/index.htm>

PBIS

<https://education.mn.gov/MDE/dse/sped/pbis/>

504 Plans

<https://education.mn.gov/MDE/fam/504/index.htm>

Dispute Resolution

<https://education.mn.gov/MDE/fam/sped/conf/>

Pacer

Special Education

<https://www.pacer.org/parent/>

<https://www.pacer.org/parent/videos-trainings.asp>

Bullying

<https://www.pacer.org/bullying/>

Surrogate Parent Training

<https://www.pacer.org/parent/surrogate/>

Ombudsperson for MH and DD

<https://mn.gov/omhdd/>

Ombudspersons for Families

<https://mn.gov/ombudfam/about-us/staff/>

Contact Us!



Education Law Advocacy Project

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SMRLS' Intake

SMRLS.org
877-696-6529