

Special education issues: Things parents and caregivers can do

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If you live in Washington State and you're having problems with special education, here are some options for trying to make things better.

What can I do?

These are some options from simple to hard. You should get advice before choosing or trying any of these options.

You can get advice and help from local parent groups or the state's Education Ombudsman (<https://www.oeo.wa.gov/en>). The Education Ombudsman works with families, communities, and schools to solve K-12 education problems. Or apply for legal help.

What's an IEP?

An IEP (Individualized Education Plan) (<https://www.oeo.wa.gov/en/education-issues/supports-students-disabilities/individualized-education-programs-iep>) is a process that's basically a discussion with the school district about what supports your student needs. You can ask for an IEP if you're not getting

special education services yet. Or you can ask for one if you're getting special education services but you need something different. Talk with your school district to find out how.

If you're age 16 or older, the school must invite you to your own IEP meetings. This may be a good opportunity (<https://wapave.org/attention-students-lead-your-own-iep-meetings-and-take-charge-of-your-future/>) for you.

If you're worried about an IEP meeting, or you've had a hard time with one in the past, you can ask for an IEP facilitator (<https://ospi.k12.wa.us/student-success/special-education/dispute-resolution/request-facilitation>). A facilitator can help guide the meeting process and make sure everyone is heard. The facilitator won't argue for any one side.

What is mediation?

Mediating with the school means trying to reach a compromise with help from a neutral professional. (The mediator doesn't argue for any one side.)

The school must choose to mediate with you. You can't make them do it.

You can mediate many different problems. You can get to a solution quickly if everyone agrees.

If you want to try mediation, call Sound Options Group (<http://sometg.com/our-services/conflict-engagement/mediation/#special>) at 800-692-2540 or 206-842-2298 in Seattle. Washington State relay service numbers: 800-833-6388 (TDD) or 800-833-6384 (voice).

What is a Community Complaint?

You can file a Community Complaint with the state Office of Superintendent of Public Instruction (<https://www.k12.wa.us/>) (OSPI) if you think a school or district broke a special education rule or law. This process (<https://wapave.org/procedural-safeguards-how-to-file-a-special-education-complaint/>) can take several months. You can't do this and go through the due process complaint process at the same time.

What if I think the school or district has violated federal law or discriminated against me or my child?

Section 504 (<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/information-families-civil-rights-washington-schools/section-504-students-disabilities>) and the Americans with Disabilities Act (<https://adata.org/learn-about-ada>) are federal laws that protect students with disabilities. If you believe the school or district has violated these laws, you can try to file a federal civil rights complaint with the U.S. Department of Education (<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>).

There's no guarantee that the federal government will take on your case.

If you believe the school or district has discriminated against you or broken any federal civil rights law, you can try to file a federal civil rights complaint with the Department of Justice (<https://civilrights.justice.gov/report/>). Talk to a lawyer to decide if it makes sense for you to do this. **There's no guarantee that the federal government will take on your case.** You can't do this and go through the due process complaint process at the same time.

What is a due process hearing?

You can ask for a due process hearing (<https://ospi.k12.wa.us/student-success/special-education/dispute-resolution/request-due-process-hearing>) if you believe the school or district has violated your student's 504 plan (<https://wapave.org/section-504-a-plan-for-equity-access-and-accommodations/>) or broken the federal IDEA law (<https://ospi.k12.wa.us/student-success/special-education/laws-and-procedures/special-education-wac-and-federal-idea>). Each law protects the right of a student with disabilities to a free and appropriate education (FAPE).

This process can be complicated, but the school district, not the student's family, must prove its case by a preponderance of the evidence. This will make it easier for you.

You might have to do a due process hearing before you can file a lawsuit.

You make your **due process request** with the school district Superintendent. Send a copy to Administrative Resource Services at the Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200.

Can I file a lawsuit in state or federal court for other reasons?

Filing a court case can solve serious problems you have with the school or district, but it's hard and can take a long time. You might first have to go through the due process complaint process. Don't try to do this on your own. Talk to a lawyer.

¿Cómo pido un intérprete en la escuela de mi niño?

La escuela de su niño debería darle información

(<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/information-families-civil-rights-washington-schools/interpretation-and-translation-services>) **en su idioma** acerca de la educación de su niño. Deben darle un

intérprete para reuniones, audiencias y conversaciones sobre la educación de su niño.

También deben darle documentos traducidos a su idioma **si usted pide que sean traducidos** a su idioma. Puede ser que tenga que pedir las traducciones. Es posible que las escuelas solo proporcionen traducciones automáticamente en ciertos idiomas que podrían no incluir el suyo.

La escuela no debe usar a sus niños o a otros estudiantes como intérpretes. Usted no debe usar a su niño como intérprete en su escuela.

- Usted puede pedir estos servicios si su niño **sabe** leer o hablar inglés, pero **usted no**.
- Puede pedir estos servicios incluso si puede hablar algo de inglés, pero no lo suficientemente bien como para entender lo que está siendo comunicado por la escuela.

Debería pedir estos servicios directamente a la escuela del niño.

Comuníquese con la oficina principal de la escuela para obtener ayuda.

También puede intentar ponerse en contacto con el director de la escuela.

Se supone que la escuela debe darle información en su idioma si se trata de alguno de los siguientes asuntos:

- Inscripción y matrícula en la escuela
- Notas, estándares académicos y graduación

- Reglas escolares y disciplina estudiantil
- Asistencia, ausencias y retirada de la escuela
- Permiso de los padres para actividades o programas
- Salud, seguridad y emergencias
- Cierres de la escuela
- Oportunidades de acceso a programas o servicios, incluyendo programas para estudiantes muy capaces, cursos avanzados y de aprendizaje del idioma inglés
- Educación especial y servicios para estudiantes con discapacidades

Si la escuela no le da un intérprete o traducciones, usted puede presentar una denuncia. Puede obtener ayuda para presentar una denuncia (<https://ospi.k12.wa.us/about-ospi/contact-us/how-file-complaint>) en la Oficina del Superintendente de Instrucción Pública (OSPI). Para obtener ayuda con la escuela de su niño, intente ponerse en contacto con:

- La Oficina del Superintendente de Instrucción Pública al 360-725-6162.
- La Oficina del Ombudsman (Defensor) para la Educación al 206-729-3251.

What if my child needs a diploma but can't go to school?

If they're age 16 – 19, live in Washington State, and were expelled from school, or don't feel safe in school, they can still get a high school diploma.

To learn more about the GED high school equivalency exam, available study materials and classes, or to sign up to take the test, visit ged.com (<https://ged.com/>). You'll need to create an account there and fill out an online form asking for permission to take the GED test.

There may be some cost to preparing for and taking the test but help with those costs may be available. Contact your local DSHS, library, or community college to find out about any help near you.

Learn more

Washington Office of Superintendent of Public Instruction:

- [Dispute resolution options \(https://ospi.k12.wa.us/student-success/special-education/dispute-resolution\)](https://ospi.k12.wa.us/student-success/special-education/dispute-resolution)
- [Complaints and concerns about discrimination \(https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/complaints-and-concerns-about-discrimination\)](https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/complaints-and-concerns-about-discrimination)

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.