

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://somtgroup.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.

How do I ask for an interpreter from my child's school?

Your child's school should give you information (<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/information-families-civil-rights-washington-schools/interpretation-and-translation-services>) **in your language** about your child's education. They should give you an interpreter for meetings, hearings and conversations about your child's education.

They should give you documents translated into your language **if you ask for them to be translated** into your language. You might have to ask for the translations. Schools may only provide automatic translations into certain languages that might not include your language.

The school shouldn't use your children or other students as interpreters. You shouldn't use your child as the interpreter with their school.

- You can ask for these services if your child **can** read or speak English but you **can't**.
- You can ask for these services even if you can speak some English, but not well enough to understand what's being communicated by the school.

You should directly ask the child's school for these services. Contact the school's main office to get help. You can also try to contact the school's principal.

The school is supposed to give you information in your language if it's about any of these issues:

- Registration and enrollment in school
- Grades, academic standards, and graduation
- School rules and student discipline
- Attendance, absences, and withdrawal
- Parent permission for activities or programs
- Health, safety, and emergencies
- School closures
- Opportunities to access programs or services-including highly capable, advanced placement, and English language learner programs
- Special education and services for students with disabilities

If the school fails to give you an interpreter or translations, you can make a complaint. You can get help with [making a complaint](https://ospi.k12.wa.us/about-ospi/contact-us/how-file-complaint) (<https://ospi.k12.wa.us/about-ospi/contact-us/how-file-complaint>) to the Office of Superintendent of Public Instruction (OSPI). For help with your child's school try contacting:

- The Office of Superintendent of Public Instruction at 360-725-6162.
- The Office of the Education Ombuds 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.