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PTI
Nebraska
Improved Outcomes for Children with Disabilities

PTI & Answers4families Webinar

Informational Sessions from the convenience of your Office or Home – 12:00pm or 8:30pm

Disagreement Resolution Options

*Presented by PTI Nebraska
Guest Speaker – Jenn Miller – PTI Specialist*

Parent Training and Information Nebraska

PTI Nebraska is a statewide resource for families of children with disabilities and special health care needs.

- *PTI Nebraska's staff are parent/professionals*
- *PTI Nebraska conducts relevant workshops across the state.*
- *PTI Nebraska has printed and electronic resources available at no cost.*
- *PTI Nebraska encourages and supports parents in leadership roles locally and statewide.*





Family to Family Health Information Center

PTI Nebraska is the home of
Nebraska's Family to Family
Health Information Center

This project is supported by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) under grant number and title for grant amount (H84MC08009, Family Professional Partnership CYSHCN, total \$96,500, no other additional funds provided). This information or content and conclusions are those of the author and should not be construed as the official position or policy of, nor should any endorsements be inferred by HRSA, HHS or the U.S. Government.

Thank you to Our Partner

Answers  Families.org

Special thanks to
Answers4families in providing
the website connection allowing
PTI Nebraska to share
information with families and
professionals
free of cost.

Answers Families.org

Check out answers4families.org

For more information about children with special healthcare needs and/or disabilities:

- Self-Assessments for Services
- Discussion groups
- Ask an Expert
- Ask Rx
- Nebraska Resource & Referral System (NRRS)
 - A state wide system to locate services in your area by
 - State, county, city or zip code.

Focused on Families

As the Parent Training and Information Center for Nebraska, our goal is to inform families of the systems and resources that serve their children.

It is important for professionals to know about the information we share with families. We value their participation in the webinars.



Webinar Information

- Please ask questions to guide your learning.
 - Open the chat box on your computer for questions or comments or
 - Email questions to nbaker@pti-nebraska.org for answers after the presentation
- Documents are available
 - All handouts & the evaluation will be emailed following final presentation
- Certificate of Attendance is available
 - Emailed to all registered participants

Disagreement Resolution Processes

Jenn Miller, PT, NEBRASKA

Learning Objectives

Participants will understand the Dispute Resolution Options (Procedural Safeguards) available to them when disagreements occur in regards to a child's Individualized Education Program (IEP):

- Facilitated IEP Meetings (Not in Rule 51 Regulations)
- Mediation
- State Complaint
- Due Process

Use Your Voice

You have the right to:

- Voice your concerns
- Be informed of your rights
- Partner with the school in helping to plan your child's future
- A free and appropriate public education (FAPE) for your child
- Question decisions being made about your child, especially when you do not agree with these decisions
- Challenge decisions you do not agree with and utilize dispute resolution options made available to you in the law

When Disagreements Happen

First, try to work it out and solve the problem with your school (school level):

- IEP Meeting
- Start at the lowest level possible and go from there
 - Teacher
 - Principal
 - District-level Special Education Director
 - Superintendent
 - Local school board

Ask For Prior Written Notice

Schools are required to give parents Prior Written Notice when they (the LEA) initiates or changes, or refuses to initiate or change the following for the student:

- Identification
- Evaluation
- Educational Placement
- Provision of a free appropriate public education

Dispute Resolution Options

If you are not able get the situation solved to your satisfaction and you have unsuccessfully tried to work with the teacher, IEP team, and district staff, then it may be time to address your concerns using a formalized dispute resolution process through the state

States are required to provide three dispute resolution processes to help solve disputes and conflicts: Mediation, State Complaint, and Due Process

Facilitated IEP Meeting

- Not required in SPED law, not a procedural safeguard at this time
- Request this through the IEP case manager (check for availability)
- Require entire IEP team to be present
- May invite your child or others who know him/her
- Can address specific areas of concern/disagreement or the entire IEP
- Facilitator helps maintain open communication between everyone (create agenda, set ground rules, guide discussion, keep meeting on track, ask questions, help identify solutions)
- Facilitator does not make decisions about the IEP

Mediation

- Must put in a request through school/IEP team
- Collaborative problem-solving process
- Voluntary and free
- Confidential
- May result in a binding agreement between parents and school

Mediation

Trained mediator:

- Assists the parties in trying to resolve their dispute
- Helps the parties express their opinions, views, and interests
- Remains neutral and does not take the side of either party
- Does not make decisions, but assists the parties in reaching their own mutually agreeable solution

State Complaint

- File with the Nebraska Department of Education
- Voluntary and free
- Rule 51/I.D.E.A. violation and documentation
- Statute of limitation – must file complaint within one year
- Follow state complaint checklist

State Complaint

- Complaint investigator is assigned
- Investigator has 60 calendar days to investigate the complaint, gather information (which could include phone calls and providing additional data or documentation), and issue a written decision with findings and conclusions to support the decision made

Due Process

Three Parts:

- Due Process Complaint Petition (Notice)
- Resolution Meeting
- Due Process Hearing

Due Process

- Must file a Due Process Complaint Petition (Notice)
- This petition lets the school district know you are requesting a due process hearing
- State that a violation of your child's education has occurred and include a description of the violation(s)
- Statute of limitation – Must be filed within two years of when parent knew or should have known of the action

Due Process

- Once the petition is filed, both parties will be required to meet to see if they can resolve the dispute in a Resolution Meeting
- This meeting must be held within 15 days of when the state received notice of the petition
- Parent and school can waive it or do mediation instead
- If both parties agree, it will be entered into a binding written agreement
- If the parties do not reach an agreement within 30 days, the state will appoint a hearing officer for a Due Process Hearing
- Parents can bring a lawyer at their own cost

Additional Options

- Contact the Nebraska Department of Education – Special Education
- Contact your local Educational Service Unit (ESU)
- Contact State Senator – your legislative representative
- Rule 27 – Professional Practices for Certificate Holders
- Office of Civil Rights (OCR) Discrimination Complaint (504/ADA) – Regional office in Kansas City

Denials of Eligibility or Services Federal, State or Medical

- Read Denial letter completely – it will tell you why the program or service was denied
- Look for Appeal procedures – usually sent with the denial
- An Appeal letter will need to be sent – can't be done over the phone or by email. The letter could be sent by the doctor who requested the procedure, so talk with the doctor
- For insurance denials – Is the service or medication covered?
 - Talk with the Insurance care coordinator – they will work for you to get services when needed
- Call F2F at PTI for assistance

Communication Tips!

- Organize your child's records and files
- Make a list of your concerns
- Write down your questions
- Write down possible options, outcomes and goals
- Practice what you want to say
- Use an assertive communication style (not passive or aggressive)

Communication Tips!

- Listen
- Ask open-ended questions
- Use up-to-date data and documentation in your discussion
- Separate the people from the problem – separate your own emotions from the problem
- Focus on your interests instead of your position
- Use clarifying statements to make sure you understand what is being said, and so you know where the areas of agreement and disagreement are
- Be willing to negotiate

Thank You!

- Thank you for attending this training
- Please fill out the evaluation form, we appreciate your opinions
- Please contact PTI if you have any questions or concerns about your child's education. Main line is 402-346-0525 and our toll-free number is 800-284-8520.

Jenn Miller
THANK YOU [jmiller@pti-
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Answers4Families.org



For More Information
Contact:

Nina Baker
PTI Nebraska
402-403-3908
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Evaluation

- Please complete the evaluation.
- Copy/paste the link below. OR a link will be sent by email tomorrow.
- Future funding and support of PTI Nebraska programs benefit from your honest evaluations
- Changes to programs come through comments on evaluations
- <http://www.surveymonkey.com/s/PTIwebinar>