

Problem Solving Strategies for Parents

Special Education law creates a partnership between parents and the school to work together to help students with disabilities. With any partnership, communication may break down. It is in the best interest of your child to resolve problems at the earliest indication of communication breakdown and to seek resolution at the school site whenever possible.

While the law establishes formal methods for dispute resolution, SFUSD has established a system of internal, less formal resolution, which you are encouraged to use whenever you believe a problem is developing.

Here are some suggestions:

- 1. Discuss the problem with your child's classroom teacher and/or other school staff member who knows your child's needs.** This can include your child's resource teacher, counselor, hearing or language specialist, or other specialist helping your child. You may also speak with the special education program content specialist assigned to your school.
- 2. Review your child's IEP and determine if the plan is being implemented.** Does it need to change to meet any changing needs of your child? You may request a review of the IEP at any time. A meeting must be held within 30 days of your request.
- 3. If there is no resolution, discuss the problem with the school principal.** Your principal may ask the assistant principal with responsibility for special education to help.
- 4. If there is no resolution, call Special Education at 408-201-6040.**
- 5. Federal and state law provide several mechanisms for resolving issues with the local school district.**

Complaints - Any parent, citizen, or organization may use the complaint process when there is a belief that the District is not following special education laws or regulations.

1. The **Uniform Compliance Complaint** – This is a formal complaint that is filed with the Uniform Complaint Compliance Officer, Office of Equity Assurance, 555 Franklin St, Room 306, San Francisco, CA 94102. Information can be obtained by calling the Office of Equity Assurance at 415-355-7323.

1. A complaint can be filed directly with the **California Department of Education**. This state-level investigation and final report must be completed within 60 days of CDE receiving the complaint unless an extension is granted. The final report may contain a timeline for resolving the problem. This complaint should be filed with the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 1430 N. Street, Suite 2401, Sacramento, CA 95814-5901.

Mediation Only and Due Process Hearings – Due process is a procedure to use when there is a disagreement between the parents and the education agency regarding assessment, identification, or placement of a student.

Mediation Only – If the parent or District request Mediation Only, a mediator from the Office of Administrative Hearings will be assigned to assist the parties in trying to resolve their disagreement. For this process, no attorneys are permitted.

Due Process Hearings – A due process hearing is presided over by an administrative Law Judge (ALJ) and can include attorneys. Using this process, the ALJ makes a final determination that is binding on both parties. Either party can appeal the hearing decision by filing a civil action in state

or federal court within 90 days of the final decision.

To obtain more information about filing for mediation only or a due process hearing, contact: Office of Administrative Hearings, Special Education Unit, 1102 Q Street, 4th Floor, Sacramento, CA 95814; phone (916) 263-0880; fax (916) 263-0890