



**Presents**  
**Dispute Resolution &**  
**Procedural Safeguards**  
**Webinar 9-3-20**

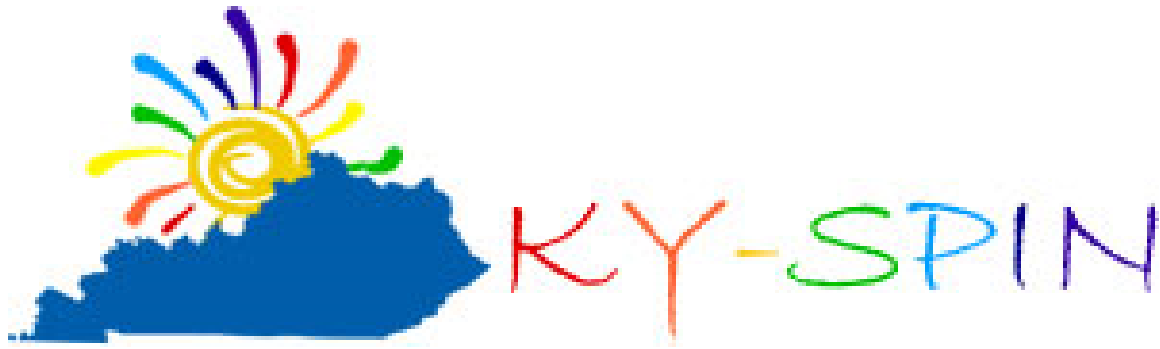
# **KY-SPIN**

**(Special Parent Involvement Network)**

## **Parent Training & Information (PTI)**

### **Center**

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families, and professionals.



We do NOT:  
Act as Attorneys

We DO:

- ♥ Empower Families to Effectively Advocate for their Children
- ♥ Provide peer support to help families access needed information and resources



**Individuals with Disabilities  
Education Act (IDEA)**



**Federal Law**



**Kentucky Administrative  
Regulations (KAR)**



**State Law**



**Local Policies and  
Procedures**



**Public School  
District**

# Individuals with Disabilities Education Act (IDEA)

- IDEA guides how states and school districts provide specially designed instruction and related services to children with disabilities.
- Funded in part with federal dollars
- Part C – Early Intervention / 0-3  
(First Steps in KY)
- **Part B – Public school / 3-21**

# The Principles of IDEA

- Free Appropriate Public Education (FAPE)
- Appropriate evaluation
- Individualized Education Program (IEP)
- Parent & student participation
- Least Restrictive Environment (LRE)
- Procedural safeguards

# Free Appropriate Public Education (FAPE)

IDEA defines FAPE as:

“special education and related services ... provided at public expense, under public supervision and direction and without charge; meet the standards of the SEA; ...in conformity with the individualized education program ...”

# Procedural Safeguards



# Procedural Safeguards



- ▶ Every eligible student has equal protection under the law
- ▶ The school must give parents a copy of the procedural safeguards every year

# Procedural Safeguards

- ▶ Parent consent to evaluate and agree for their child to receive special education services
- ▶ Prior written notice of upcoming meeting or changes
- ▶ Access to records
- ▶ Independent Education Evaluation (IEE)
- ▶ Procedures for placement changes



# Dispute Resolution



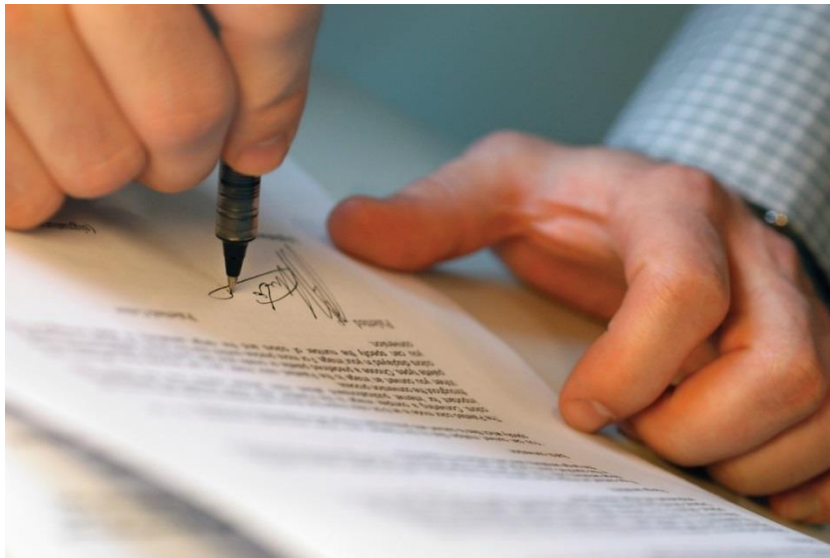
# Step 1: Conflict Resolution

Meet with your child's teacher  
Follow-up with letter or email



## Step 2: Conflict Resolution

- Request Admissions and Release Committee (ARC/IEP) Meeting
- Document agreed upon action and who is responsible
  - Document anything you are not in agreement with
  - Follow-up with letter or email



### Important Tip:

The conference Summary of your ARC/IEP meeting should accurately reflect conversation/concerns/request/etc. even when you all do not agree.

## Step 3: Conflict Resolution

Request ARC/IEP Meeting in which Head of Special Education or their designee chairs the meeting.

- Document agreed upon action and who is responsible
- Document anything you are not in agreement with
- Follow-up with letter or email

### Important Tip:

The conference Summary of your ARC/IEP meeting should accurately reflect conversation/concerns/request/etc. even when you all do not agree.



# Step 4: Conflict Resolution

## Right to request Mediation

Both Parent and School have to agree to mediation

**Mediation:**  
impartial meeting  
where a trained  
mediator will  
work to get the  
two side to agree;  
written  
agreement is  
binding



Safeguards to  
Resolve  
Disputes

# Step 5: Conflict Resolution

Safeguards to  
Resolve  
Disputes

Right to file a Formal Complaint with  
Kentucky Department of Education (KDE)

**State Complaint:**  
letter written to show  
what part of the law is  
not being followed,  
investigated by the  
state who will issue a  
written decision





# Step 6: Conflict Resolution

## Right to File Due Process

**Due Process Hearing:**  
a hearing officer will  
make a decision  
based on the facts  
she/he hears  
(mediation or  
resolution session has  
to be done before the  
hearing)



Safeguards to  
Resolve  
Disputes

KENTUCKY DEPARTMENT OF EDUCATION (KDE)  
SPECIAL EDUCATION  
Dispute Resolution Process Webpage

COVID Dispute Resolution Procedure Update  
(July 2020)

**If it is part of your child's program it  
needs to be in writing in the IEP!**

**Anyone should be able to look at your  
child's IEP and be able to implement  
their program.**



**Important Tip:**

The conference Summary  
of your ARC/IEP meeting  
should accurately reflect  
conversation/concerns/re  
quest/etc. even when you  
all do not agree.

Together we can accomplish great things for our children!



If you still have  
questions...



(800) 525-7746

(502) 937-6894

[spininc@kyspin.com](mailto:spininc@kyspin.com)

[www.kyspin.com](http://www.kyspin.com)

**Please complete our evaluation**

Information modified from Family Network  
on Disabilities of FL with their permission