

To Access interpretation via your computer | 通過你的電腦取得口譯

Para acceder a la interpretación a través de su computadora



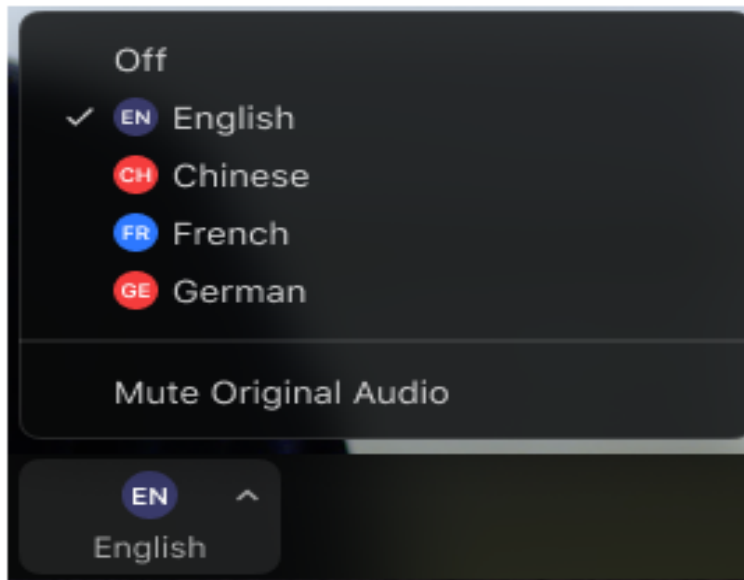
1. In your meeting/webinar controls, click **Interpretation**.



在下方會議/網絡研討會控件中，單擊“口釋”

1. En el control de seminarios web, haga clic en interpretación

2. Click the language that you would like to hear.



點擊您想听的語言

2. Haga clic en el idioma que desea escuchar, español

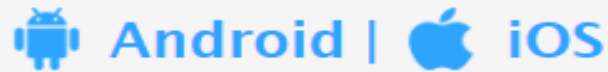
3. (Optional) si solo desea escuchar el lenguaje interpretado, haga clic en silenciar el audio original.

3. (Optional) To only hear the interpreted language, click **Mute Original Audio**.

(可選) 僅聽到翻譯的語言，請點擊“關原始音”

To Access interpretation via your mobile phone | 通过手机获取口译服务

Para acceder a la interpretación a través de teléfono móvil.



1. In your meeting controls, tap ... More. 在您的會議控件中，點擊...更多



1. En el control de seminarios web, haga clic en mas (3 puntos)

2. Tap Language Interpretation. 點擊語言翻釋 2. Haga clic en interpretación

3. Tap the language you would like to hear. 點擊您想听的語言 3. Haga clic en el idioma que desea escuchar, español

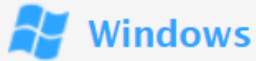


4. (Optional) Tap the toggle to Mute Original Audio.

(可選) 點擊切換按鈕以使原始音頻靜音 4. (Opcional) si solo desea escuchar el lenguaje interpretado, haga clic en silenciar el audio original.

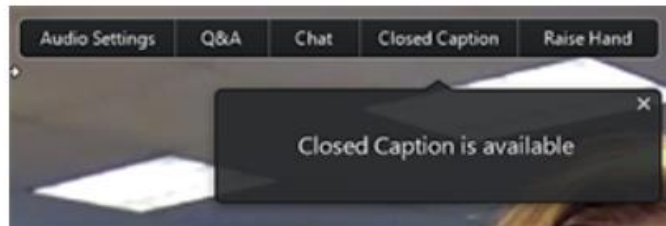
5. Click Done. 點擊完成 5. Haga clic hecho/Done

To Access Closed Captioning

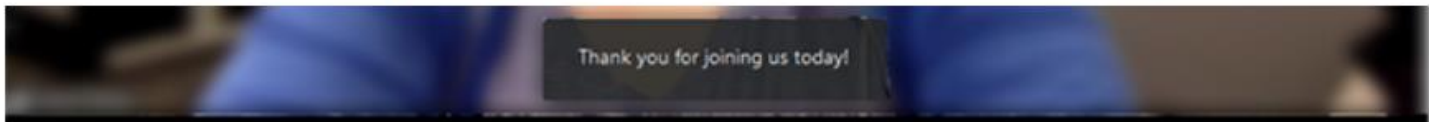


1. When closed captions are in use, you will see a notification.

- In a webinar, this will appear in the controls at the top of your screen.



2. After selecting **Closed Caption**, you will see the captioning at the bottom of your screen.



Education Challenges During the COVID-19 Pandemic for Children with Special Health Care Needs and their Families

Part 2: Service Provision and Advocating for Your Rights

Friday, September 25, 2020

Welcome

— SPIRIT —



CALIFORNIA
CHILDREN'S
HOSPITAL
ASSOCIATION

— PARTNER —



CalOptima
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Valley
Children's
HEALTHCARE



HealthPlan
OF SAN MATEO



Stanford
Children's Health

Lucile Packard
Children's Hospital
Stanford



PDHCC

Pediatric Day Health Care Coalition

McCune
FOUNDATION

— COLLABORATION —



Disability
Rights
California



Putting California's Children First



Tri-Counties
Regional Center



RESEARCH
PROGRESS
HOPE

— HOPE —



American Academy of Pediatrics
DEDICATED TO THE HEALTH OF ALL CHILDREN™
American Academy of Pediatrics, California



- Statewide collaborative of parent run centers
- State affiliate of Family Voices National
- California's "Family-to-Family-Health-Information-Center"
- Statewide support to families of CYSHCN
- www.familyvoicesofca.org

Presenters



Alison Stewart, Special Needs Inclusion
Project Manager



Lilian Ansari, Special Needs Parent Advocate



Cheryl Theis, DREDF



Suge Lee, Disability Rights California

Heather Calomese
Director of the Special Education Division
California Department of Education



CALIFORNIA DEPARTMENT OF EDUCATION
Tony Thurmond, State Superintendent of Public Instruction

Key Survey Results

- 360 responses
 - 329 English- speaking
 - 31 Spanish-speaking
- 71% reported that IEP goals were put on hold in the spring
 - An additional 21% reported resulting skill regression
- 87% reported severe reduction of school-based services
 - 88% reported a significant impact on the child/family from decreased service provision

Quotes

"I am but 1 person trying to accomplish the work of a team of 6 or more. I do in-home therapy with my daughter, but I lack the expertise to create a program that will help her truly progress towards any of her defined goals."

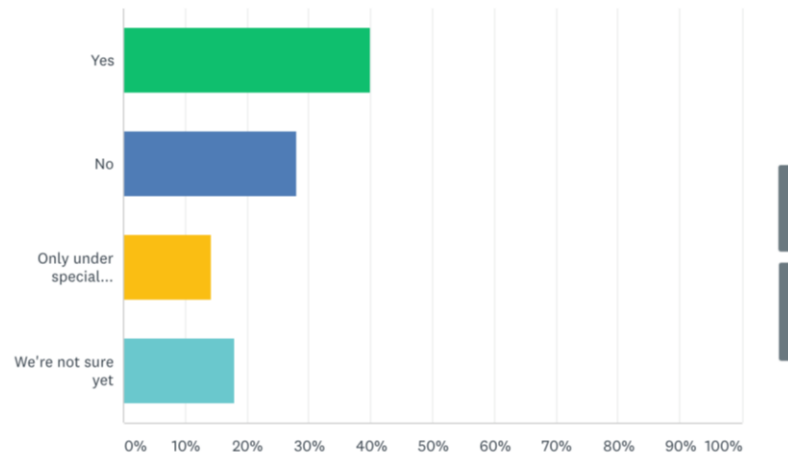
--Survey Parent

"Speech was on zoom but it was difficult for my son's SLP to hear him, OT was on zoom but I had to be a 1:1 aide. It is essentially homeschooling but the district is getting the funds."

--Survey Parent

If your child's school will be in-person in the fall, either full-time or through an in-person/online combination, do you plan on having them attend?

Answered: 318 Skipped: 11



Attendance Plans for Fall



Lilian Ansari

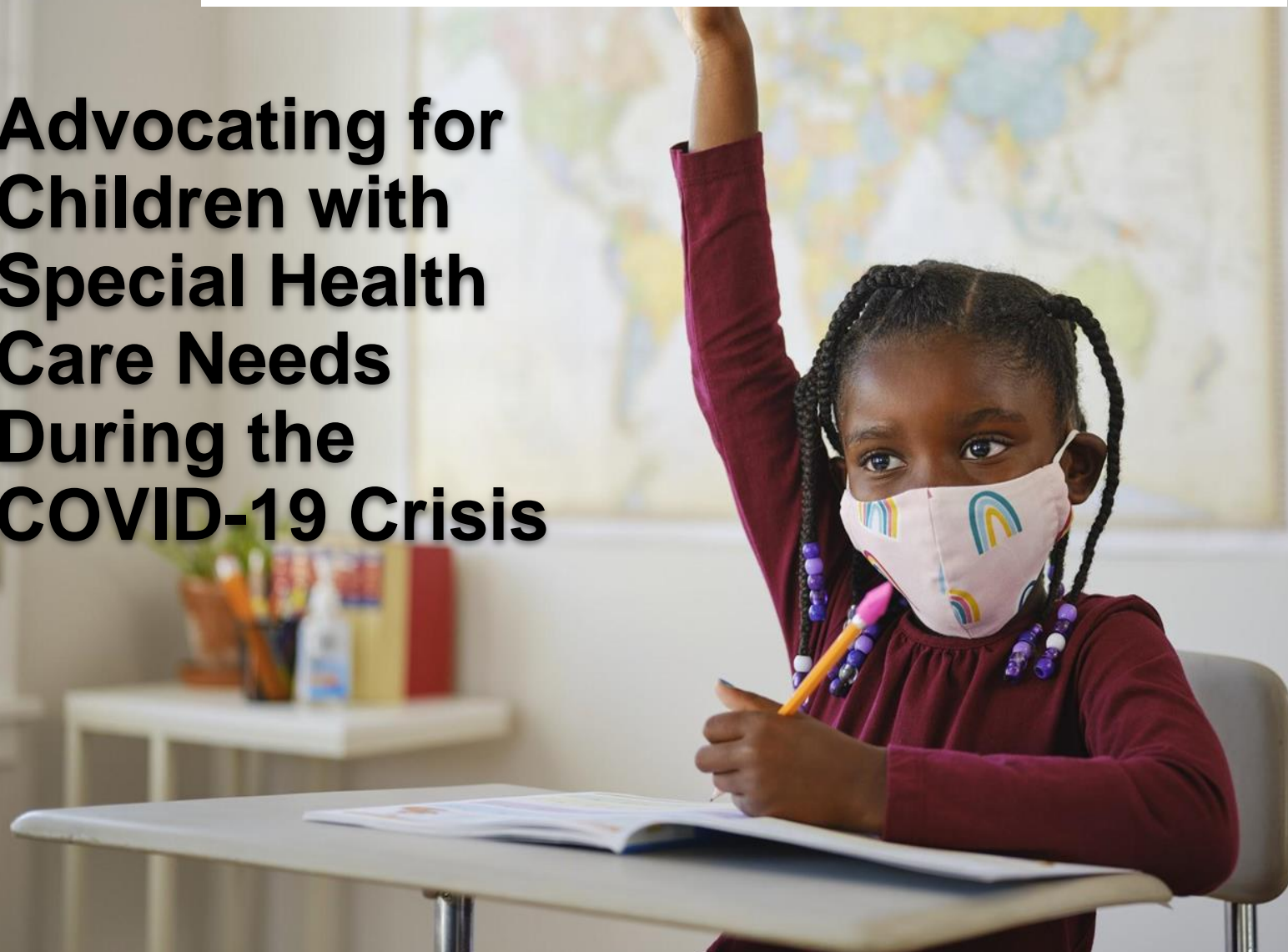
Special Needs Parent Advocate





Disability Rights Education & Defense Fund

Advocating for Children with Special Health Care Needs During the COVID-19 Crisis





Disability Rights Education & Defense Fund

- Unique alliance of people with disabilities and parents of children with disabilities.
 - National law and policy center dedicated to protecting and advancing disability civil and human rights.
 - Disability rights are civil rights.
 - **VISION:** a just world where all people live full and independent lives free of discrimination.
 - Educate legislators and policy makers on affecting rights of people with disabilities.
-
- DREDF is working hard to protect and support the civil rights of people with disabilities during this **pandemic:**
www.dredf.org

Parent Training and Information Centers

- DREDF's Parent Training and Information Center provides information, training and support. Part of national network of Parent Training and Information (PTI) Centers funded by the US Department of Education to help you participate effectively in process!
- PTI are places where families can get help to understand their child with a disability education rights and learn to use them effectively.
- PTIs offer free training for parent and youth with disabilities.
- No family is ever turned away.
- They are required by the Department of Education.
- To find a PTI visit the [Center for Parent Information Resources](#).



Section 504 of the Rehabilitation Act of 1973



- Federal **Civil Rights Anti-Discrimination** Law.
- Protects **ALL PEOPLE** with a disability that impairs one or more major life activities (learning, moving, focusing...) in programs receiving federal money
- In education, **“504 Plan”** removes barriers to learning and provides equal opportunities for student to participate.
- Applies during COVID-19 closures. **Accommodations and supports may need adjusting. ALL Students need ACCESS**
- Parents have important information to share--especially during distance learning.
- Eligibility: A medical diagnosis is not required but can be helpful

Individuals with Disabilities Education Act (IDEA): Special Education

- A Federal **Education** Law / 1975.
- Students must fit at least 1 of 13 categories of disability (not medical).

And (must meet both)

- Students **also** need **specialized** support and instruction to benefit from education.

- Provides an “**IEP**”:
Individualized **E**ducation **P**rogram.
 - specialized instruction.
 - supportive related services.
 - Individualized to meet unique needs.
- During distance learning, services may be provided DIFFERENTLY but to extent “REASONABLY POSSIBLE”.

COVID-19 and Distance Learning Challenges

- Assessment and records delays
- Delays in Transitioning from Early Intervention (Regional Centers) to School District Services (Age 3)
- Inclusion time: Is student still included with typical peers?
- Services via telemedicine
- Technology needs
- Family needs/situation
- Behavior and mental health concerns
- Some students CANNOT access distance learning at all.
- Regression (loss of skills) puts child further behind
- Compensatory Education concerns
- Parents need training, support and help!
- **Parent and child stress, overwhelm, changes in routine/social opportunities**

So What Can YOU do?

Advocacy Essentials

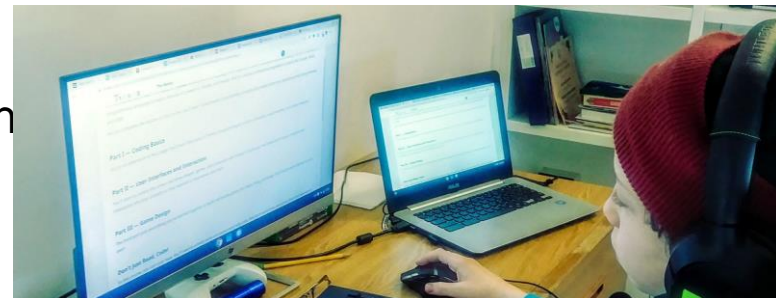
- Write it, don't say it! Keep records of what YOU write and how school RESPONDS
- Use Sample letters for common situations (see: [Sample Letters and Forms - Disability Rights Education & Defense Fund](#))
- Get proof of delivery (confirm email, call to check if no response)
- Set deadlines /expectations and request answers **in writing (Prior Written Notice** <https://www.parentcenterhub.org/notice-prior/>)
- Keep work samples, logs, videos, photos
- How can you SHOW/ EXPLAIN the problem?



Sample Distance Learning Accommodations

Some Examples:

- Breakout room to work with special ed staff during work periods
- Camera off when students feels anxious/needs visual break
- Captioning
- Questions and answers put in “chat” rather than spoken
- Visual Schedule presented by teacher/para online each morning
- Mental health phone/zoom quick check-ins with student or parent
- Access to recorded lectures to watch or rewatch at time that works for student or when help is available
- Presentations recorded rather than “live”
- Extra time for assignments and tests
- Written notes provided
- Larger print or captioning of all information



Placement, Discipline/Attendance during Distance Learning

- Attendance still required. Ask how it will be measured
- “Disruptive” online behavior may mean student needs more supports,
- More mental health crises right now--5150's, hospitalizations. Team should meet to discuss how to support changing needs
- Changes of placement: **Be careful.** Understand and consider options. Get help to understand what is available, possible impact of changes.
- For students who struggle with change, have regressed, may struggle to return to school, request “reintegration” plan
- For students for whom social distancing, masks, hygiene practices will be challenging--school team can work with you to start preparing NOW.

CAUTION

Problem Solving Steps:

Can you explain what isn't working for your child? How could you show?

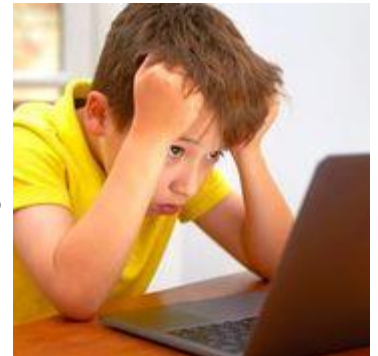
Examples:

- **Not enough services** (time decreased without your consent)
- **How services are being provided** (telemedicine, online para, online instruction, packets) don't work for your child
- **Technology barriers** (internet, computer, training to use)
- **Family situation** (working parent, multiple children, etc.)
- Online learning is not appropriate for your child
- Instruction "live" won't work--need recorded lessons to listen to in small parts or when parents are available to help.



Options for Addressing Distance Learning Challenges

- Call or continue a (virtual) IEP/504 meeting. [Requesting An IEP Meeting During COVID-19 Remote Learning Periods \(DOCX\) April 2020.](#)
- Document and monitor, collect work samples, video, etc. to share. [IEP/504 Plan Service Tracking Log from DRC](#)
- Request more/new evaluation or Independent Educational Evaluation (IEE).
- Use parent rights/safeguards
- Contact your PTI to learn/review options.
- Don't Get Mad--Get **DATA!** Tell your child and family's



Parent Consent

Remember: IEP and 504 Plans are LEGAL documents!

- Before **CONSENTING** (SIGNING) the IEP or 504 Plan, **take the time you need to understand and REVIEW CAREFULLY.**
- **Request explanation, clarification, translation etc, and/or contact your PTI for help!**
- Don't agree to changes without understanding:
 - What changes are
 - What alternatives are
 - Does this make sense for your child? Your opinion matters!
- **KNOW THAT:** Parents/Guardians can:
 - Agree to “parts” of an IEP so they can be started
 - Attach “**Parent Exceptions to the IEP**” outlining disagreements.
 - Sign that they agree to implement the plan WHILE working to resolve areas of disagreement

See DREDF [Parent Exceptions to the IEP](#)



What about REGRESSION

Ideas for addressing:

- Documenting what's changed (what services, supports CHANGED that can explain this?)
- Document/Show areas of regression. For Example:
 - motor skills
 - Social skills
 - coping skills/mental health
 - communication
 - behavior
 - academics (reading, writing, math, earning credits...)
- Understand your rights/options--Compensatory Education?

Compensatory Education

What is it?

- An form of reimbursement when a school district does not provide a free and appropriate public education (“FAPE”) by not following law or the IEP).
- Can be in the form of reimbursement for out-of-pocket educational expenses, additional future services or supports, or even a more supportive educational setting.
- Goal: To place the student in a position that he or she would have been if there had been no violations.
- Act now to avoid regression- better for student, better for district.

Family Participation: Get involved! Be a Leader!

- **NOTHING ABOUT US WITHOUT US!**
- Join your Community Advisory Committee (CACs).

A Community Advisory Committee on Special Education is a legally mandated group formed to focus and advise on issues which affect our children in special education. The members are primarily parents of children with disabilities.

**Check your school district/charter school website or contact your
Special Education Administrator to find how to join the CAC!**

COVID-19 Resources

Educating All Learners During the COVID Disaster: <https://www.educatingalllearners.org/>

- CDE guidance on School Closures:
<https://www.cde.ca.gov/ls/he/hn/specialedcovid19guidance.asp>
- DREDF [Special Edition: Special Education During COVID-19 School Closures](#)
- DREDF Special Edition: Youth With Disabilities During COVID-19: You can make a difference! <https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=eb7203bbf2>
- DREDF Special Edition: New US Department of Education Guidance: Dispute Resolution During COVID-19 Emergency
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=6a8c47f7a9>
- DREDF Special Edition: August 2020 New CA Law Requires Emergency Plans for Special Education Students
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=a6122ef7f4>
- [IEP/504 Plan Service Tracking Log from Disability Rights CA](#)

COVID-19 Resources (continued)

- Sample letter to request distance learning support:
<https://files.constantcontact.com/aa0639b6001/02a47e06-6976-4f54-961f-9eb16a44a867.pdf>
- Sample letters from DREDF to request IEP/504 meeting during distance learning:
<https://dredf.org/special-education/sample-letters/>
- Virtual IEP Meeting Tip Sheets:
<https://drive.google.com/file/d/1-3KRY8QKDrmLt4UizxrdCot7gsVOebgu/view?ts=5f31d2ed>
- Virtual IEP Meeting Checklist:
https://drive.google.com/file/d/1-0q5hLypIEyJ7ExFVSKjBqkL1s_9aoJ/view?ts=5f31d2fe
- COVID-19 Parent Resources:
<https://www.nclد.org/covid-19-parent-resources/>
- Parent Advocacy Toolkit:
https://www.nclد.org/wp-content/uploads/2020/06/2020-NCLD-Parent-Advocacy-Toolkit_v2.pdf

DREDF Resource Links

- Special Education Rights and Responsibilities (SERR)
<https://serr.disabilityrightsca.org/>
- DOWNLOAD DREDF Training Materials & Publications!
www.dredf.org/special_education/trainings.shtml
www.dredf.org/publications/publications.shtml
www.dredf.org/special_education/special_ed_resources.shtml
- DREDF “Guide to CA Families: Special Education Due Process and the Resolution Meeting”
http://dredf.org/special_education/dueprocess.pdf
 - DREDF: www.dredf.org
 - CDE Special Education: www.cde.ca.gov/sp/se
 - CDE/PENT (Behavior): www.pent.ca.gov
 - Disability Rights CA (DRC): www.disabilityrightsca.org
 - NICHCY: www.nichcy.org/
 - OSEP: www.osepideasthatwork.org
 - OCR: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>
 - Wrightslaw: www.wrightslaw.com



Disability Rights Education & Defense Fund

DREDF provides information and training to parents/guardians of school-age children with disabilities (up to age 26), and professionals who serve these students and their families.

Call to ask for an “**Education Advocate**”!

Phone:	510.644.2555 ext. 5227
Toll Free:	800.348.4232
Fax/TTY:	510.841.8645
Email:	iephelp@dredf.org
Website:	www.dredf.org
Facebook:	www.facebook.com/dredf.org

APPEALS & COMPLAINTS DURING THE COVID CRISIS

Suge Lee, Managing Attorney, Youth Practice Group

Disability Rights California



DRC'S MISSION

Disability Rights California
advocates, educates,
investigates, and litigates to
advance the rights, dignity,
equal opportunities, and
choices for all people with
disabilities.



What are my child's rights during the COVID 19 crisis?

- Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act still apply
- Free Appropriate Public Education
 - *Least Restrictive Environment*
 - *Special education instruction and related services*
 - *Accommodations*
- Emergency Conditions?
 - *Emergency services more than 10 days? IEP must be amended (SB98)*
- IEP and 504 plans must be based on student's unique and individual needs

What if my child needs in-person services?

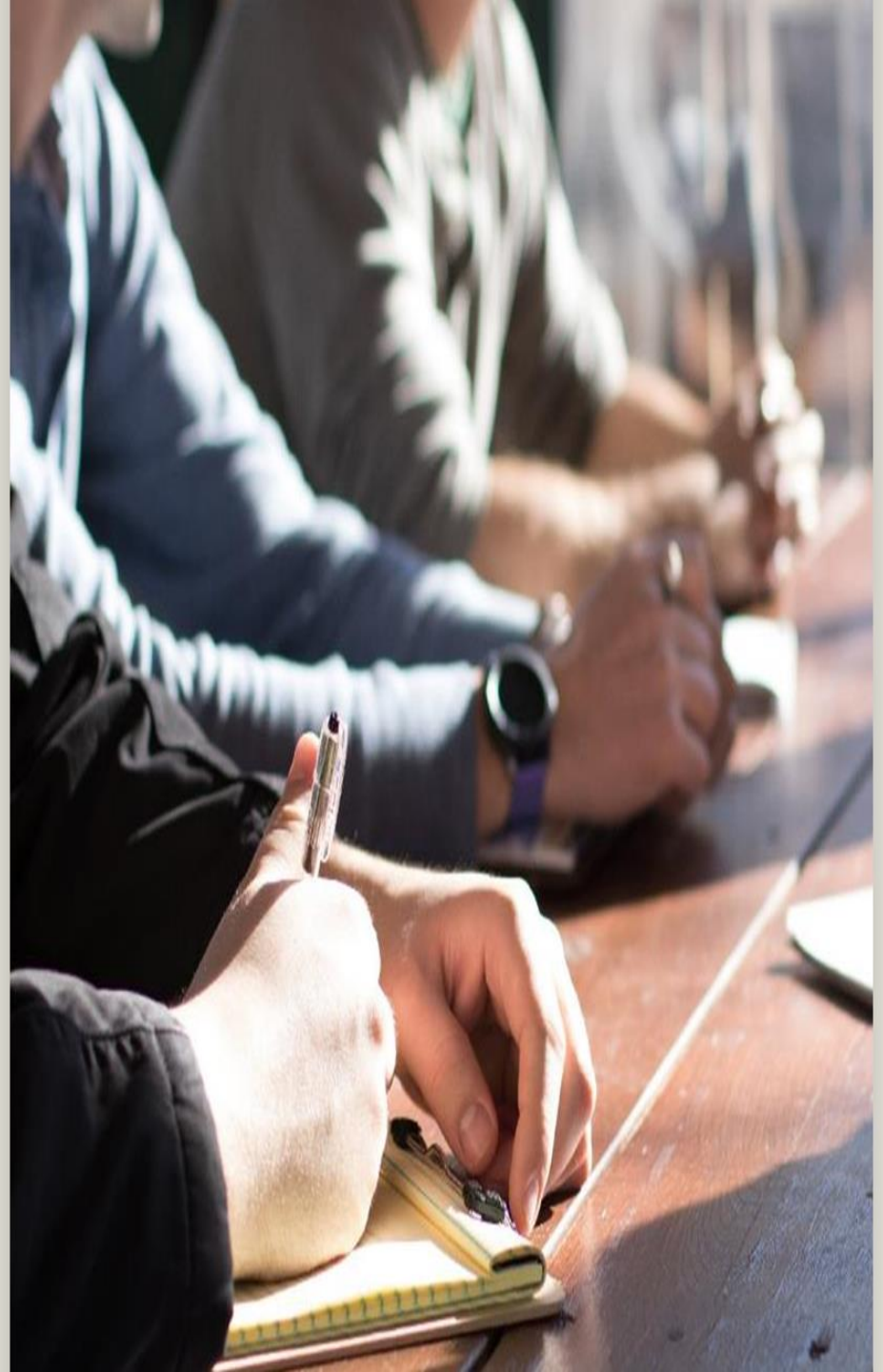
- In-person services are not prohibited and may be necessary for a student to receive a FAPE
- Assessments
- California is allowing up small groups or “cohorts” of up to 14 students for in-person instruction and services
 - *School districts and counties must decide whether they will permit cohort education*

What are parents' rights during the COVID crisis?

- With some exceptions, same procedural requirements and timelines apply
 - *IEP meeting within 30 days of request*
 - *Triennial IEP*
- Assessments and records requests may be delayed (SB117)
 - *Pending bill SB820 would reinstate assessment timelines*
- Right to language interpretation and translation
- Right to file an appeal or complaint

Advocacy Best Practices

- Make sure everything is in writing!
 - *Requests for services*
 - *Requests for assessments*
- Keep data and records
 - *Services Log*
 - *Work samples*
- Read IEP notes make changes if necessary
 - *Parent Addendum*
 - *Limited consent*
- Ask for District to respond and explain their decision in writing
 - *Prior Written Notice*



A photograph of two hikers from behind, looking out over a dense forest. The hiker on the left is wearing a dark blue t-shirt, and the hiker on the right is wearing a light blue patterned shirt and a red backpack. They are standing on a wooden bridge or path. The background is filled with lush green trees and foliage.

APPEAL OPTIONS

State, Federal and Local

What are my appeal options?

- Request for Due Process/Fair Hearing with the Office of Administrative Hearing
- Compliance Complaint with the California Dept. of Education
- Office of Civil Rights Complaint with the U.S. Dept. of Education
- Uniform Complaint Procedures(UCP) with school district
 - *Williams Complaint*

Due Process/Fair Hearing with the Office of Administrative Hearings

- Disagreement about the student's eligibility, placement, program needs, or related services and see compensatory education
- Claims can go back up to 2 years
- Motion for "Stay-put"
- Optional opportunities to resolve before hearing
 - *Resolution Session within 15 days*
 - *Mediation & "Mediation only"*
- Resolution session within 30 days of filing, OAH decision must issue 45 days after

Recent Promising COVID-related Due Process Decisions and Orders

- Student v. Pleasanton USD & Contra Costa COE ([OAH Case No. 2020070970](#))
 - *OAH order on stay-put motion said that stay-put must be a comparable program*
 - *OAH ordered in-person nursing, speech, physical therapy & vision services during stay-put*
- Student v. LAUSD ([OAH Case No. 2020050465](#))
 - *OAH compared how many minutes in the IEP with how many minutes of services were provided during distance learning.*
 - *OAH found LAUSD had failed to materially implement Student's IEP during distance learning*
 - *OAH ordered LAUSD to provide 40 hours of transition counseling & 1 hours speech*

Compliance complaint with the California Dept. of Education

- For when district fails to implement IEP or violates special education procedure, i.e.
 - *failure to implement an individualized education program (IEP);*
 - *failure to follow timelines for assessment and referral;*
 - *failure to inform parents of an IEP meeting; or*
 - *failure to implement a due process hearing decision or mediation agreement.*
- Claims can go back up to 1 year
- “Various” or multi-student complaints
- CDE typically has 60 days to investigate and reach a resolution, although currently delayed due to SB117

Discrimination Complaint with the Office for Civil Rights

- Discrimination, harassment, retaliation based on disability and other protected identity
- “Various” and multi-student complaints
- Must be filed within 180 days of the last discriminatory incident
- Office for Civil Rights will investigate. They can either reach a decision or sometimes OCR will reach a settlement with the school district.
- There are no timelines for OCR’s investigation and resolution

Uniform Complaint Procedure

Complaint with School Districts

- Check with your local school district rules, policies, or procedures for Uniform Complaint Procedures
- For a violation of state or federal law. May include
 - *Discrimination, harassment & bullying*
 - *Student discipline*
 - *Pupil fees for fundamental educational activities*
 - *Access to textbooks or educational materials (including tech)*
 - *Unsafe/unhealthy conditions at school*
 - *Teacher vacancy and credentialing*
- School District has 60 days to investigate and issue a report

How to prepare an appeal

- Make sure everything is in writing!
- Identify witnesses and gather statements and letters of support
- Gather relevant documents and other evidence (IEP documents, letters, emails, work samples, photos, video, or audio recordings)
 - *Do not record people without their consent. It is illegal.*
- Contemporary/Real-time data and observations
- Evaluations & assessments



Helpful Resources

■ Disability Rights California

- Website: www.disabilityrightsca.org
- COVID19 Resource Page:
www.disabilityrightsca.org/post/announcement-coronavirus-and-how-disability-rights-california-can-help-you
- Special Education Rights and Responsibilities (SERR) Manual: serr.disabilityrightsca.org

■ Office of Administrative Hearings

- Telephone: (916) 263-0880
- Special Education Division: www.dgs.ca.gov/OAH/Case-Types/Special-Education
- Self-Help Resources: www.dgs.ca.gov/OAH/Case-Types/Special-Education/Self-Help

Helpful Resources (cont.)

■ Office for Civil Rights:

- San Francisco Office tel.: (415) 486-5555; email: ocr.sanfrancisco@ed.gov
- How to file a discrimination complaint: www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt
- Complaint form: www2.ed.gov/about/offices/list/ocr/complaintform.pdf
- How to file a discrimination complaint and complaint forms (available in 24 languages): www2.ed.gov/about/offices/list/ocr/docs/howto-index.html

■ California Department of Education

- Complaint Support Unit tel.: (800) 926-0648; email: speceducation@cde.ca.gov
- Special Education Complaint Process: www.cde.ca.gov/sp/se/qa/cmpltntproc.asp
- Special Education Model Complaint Form: www.cde.ca.gov/sp/se/qa/documents/sedcomplaintform.pdf
- Uniform Complaint Process: www.cde.ca.gov/re/cp/uc/index.asp



Website: www.disabilityrightsca.org

Toll-free Intake Line: 1-800-776-5746

Facebook: @DisabilityRightsCalifornia

Twitter: @DisabilityCA

Q&A

Closing

familyvoicesofca.org
info@familyvoicesofca.org