



Community Advisory Committee

Q & A

November 16, 2022

<p>1. How many due process specialists are now in the Due Process Unit and how many attorneys working on IDEA disputes are in OGC?</p>	<p>The Due Process Department is comprised of staff who are highly experienced in all aspects related to special education programs, laws and mandates. The Department is comprised of administrators and program specialists who assist in all aspects of dispute resolution pertaining to special education disputes/disagreements.</p>
<p>2. Can we please get a basic comparison of the formal differences and track between IEP and 504?</p>	<p>A student with a disability may qualify for accommodations or classroom modifications under Section 504 of the Rehabilitation Act of 1973. A student may be eligible under Section 504 if the student is determined to have a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such impairment. The school team will conduct a Section 504 evaluation for a student, who because of a disability, may need accommodations in the general education program. Parents are notified when the evaluation meeting is to take place and are encouraged to participate in this meeting. If eligible, the child may be provided with accommodations, modifications, and intervention strategies in the general education classroom.</p> <p>Some students with a disability may require special education and related services. The special education referral process includes referral for assessment, evaluation/assessment, development of the Individualized Education Program (IEP) for eligible students, and the IEP review process. The Individuals with Disabilities Education Act</p>



	<p>("IDEA") provides various eligibility categories for which a student may qualify, including (but are not limited to): intellectual disability, hearing impairment (including deafness), speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness, multiple disabilities, and who, by reason thereof, needs special education and related services. If a student is eligible for special education, they are entitled to a free appropriate public education (FAPE).</p>
<p>3. What happens when there is a backlog for assessments that go beyond 60 days and waiting for complaint procedures another 60 days leaves the child without access to services? Is there a plan for getting outside providers so that students can be served in a timely manner and things like complaints can be avoided?</p>	<p>The District is committed to completing all assessments within legal timelines. If there is a concern regarding your child's timely assessment and/or IEP meeting, please contact the school administrator responsible for special education at your child's school.</p>
<p>4. Is the brochure that is in black and gray also available in Spanish?</p>	<p>Please visit the LAUSD website for all the brochures available in Spanish. Click on the link to access brochures information https://achieve.lausd.net/Page/16797</p>
<p>5. How is a partial agreement/disagreement addressed on Pg. 10? For example, if BII service has been offered and that is needed immediately, but there is a disagreement with a lack of or the provision of other services. Can you disagree with those while still getting the BII in</p>	<p>Parents have the right to agree or disagree to any component of their child's IEP, or agree/disagree to the entire IEP. In order to implement the agreed upon components of the IEP, parental consent in writing is required. Upon parental consent, the District will implement those components of the IEP to which there is written consent.</p>



<p>place on Pg. 10. Previous administrators have stated that it's all or nothing.</p>	
<p>6. Since a signed agreement is also a release to claims prior to that date, what happens if there is only a partial agreement during the ADR and IDR process?</p>	<p>The Alternate Dispute Resolution (ADR) and Informal Dispute Resolution (IDR) process is individualized for each student, based upon student needs and area(s) of concern/disagreement identified by the parents. Any resolution that is reached during these processes is via mutual agreement of the District and the parents. All components of any Agreement are reviewed and discussed prior to finalizing a written document.</p>
<p>7. Isn't the ADR process connected to the additional funding that we received because of COVID? Will ADR continue to exist once the funding has been exhausted?</p>	<p>The District is committed to working with parents and families to resolve concerns/disagreements at the school site level as quickly as possible and, at this time, is confident that the ADR process will continue beyond the 2022-2023 school year.</p>
<p>8. Who is the neutral mediator in ADR? Is it someone from LAUSD or a school site admin IEP person?</p>	<p>The ADR process for CDE compliance complaints can include a neutral mediator if the District and the parents mutually agree that a mediator would be of assistance in the process. The ADR process for IEP disputes/disagreements involves the parent and the school site team who know the child best. While the ADR process for IEP disputes/disagreements does not include a mediator, Local and Central District staff assist in the process as appropriate.</p>
<p>9. Can we request for an in-person mediation only and mediation in Due Process? Isn't the due process specialist from the District representing the District in a Mediation Only? They are like paralegals, certainly like advocates for the</p>	<p>The California Office of Administrative Hearings (OAH) governs the processes of both Mediation Only (MO) and formal due process proceedings. At this time, the OAH is conducting mediations and hearings via virtual platform. The OAH will consider requests for in-person meetings on an individualized, case-by-case basis.</p>



<p>District, which makes it an unfair playing field when parents cannot bring special education advocates but the District can. Is this something that the District can discuss with OGC about so that everyone is on the same playing field?</p>	<p>The California Education Code Section 56500.3(a) provides that an attorney or independent contractor used to provide legal advocacy services may not accompany a parent or district in a mediation only. However, California Education Code Section 56500.3(b) does not preclude the parent or public agency from being accompanied or advised by non-attorney representatives in mediation and parties may consult with an attorney before or after the mediation.</p> <p>District representatives involved in the mediation only process are student-focused and will work with parents, listen to their concerns, and review data in an effort to address concerns fairly and quickly.</p>
<p>10. If there is a dispute with an independent charter under LAUSD, does that mean that LAUSD is the respondent in a due process complaint, and not the independent charter?</p>	<p>The determination of the respondent for a Due Process dispute should include the student's enrollment history at LAUSD and/or independent charter school(s). Based upon student's enrollment history, the parent can consider and decide whether to list the independent charter, the District, or both the independent charter and District as respondents.</p>
<p>11. What is the process to verify LAUSD is compliant with Special Education Law across all school sites and district offices? For instance, who certifies accountability for the district processes, fully trained staff, complaints filed, outcomes, etc?</p>	<p>Amongst other processes and systems, the District Validation Review (DVR) is a District internal monitoring process for LAUSD Special Education program, and includes reviews of District schools, charter schools and contracted non-public schools.</p> <p>Data from DVR is used to identify areas of strength and improvement, and areas in need of improvement are remediated through required corrective actions. Follow-up monitoring and technical assistance is provided as appropriate. In addition to the DVR, there are additional processes and systems in place to monitor</p>



	special education compliance, accountability, and provide on-going staff training.
12. As a public servant, I'm always mandated to have continued education where I am reminded of laws and procedures that I need to follow ethically and legally. Don't LAUSD employees go through this? Why is it that they don't follow it if it is the case?	The District provides on-going professional development in a variety of formats, including District-wide training.

Acronyms

ADR – Alternate Dispute Resolution

IDR – Informal Dispute Resolution

DVR – District Validation Review

FAPE –Free Appropriate Public Education

MO – Mediation Only

OHA – Office of Administrative Hearings