**Dispute Resolution Parent Survey**

**March 2022**

**Volume XXXVIII, No. 3**

**SPIN** is co-sponsored by the Disability & Communication Access Board and the Department of Education.

Services include a phone line for information referral and support, a quarterly newsletter, an annual conference and community workshops. SPIN is guided by an Advisory Committee made up of parents, teachers and people with disabilities.

**SPIN**

1010 Richards Street #118

Honolulu, Hawaii 96813

PHONE

**586-8126**

Neighbor Islands dial the ex- change below, then 6-8126

Kauai - **274-3141**

Hawai’i - **974-4000**

Maui - **984-2400**

Molokai - **1-800-468-4644**

Lanai - **1-800-468-4644**

FAX

586-8129

E-MAIL

spin@doh.hawaii.gov

WEB

[www.spinhawaii.org](http://www.spinhawaii.org/)

 Like us on Facebook

When Congress drafted the Individuals with Disabilities Education Act (IDEA), it anticipated that families and schools may occasionally have disagreements over a student’s identification, evaluation, program, placement or discipline. That’s why

a number of formal procedures were placed into IDEA to help provide solutions to these disagreements,

so that a student could receive the services and supports to allow him or her to make progress.

These dispute resolution procedures that help protect the rights of students and their parents include *mediation*, *a written state complaint*, and a *due process*

*hearing* by a hearing officer. *Due process* refers to rules and procedures that promote fairness.

In Hawaii, organizations like the Special Education Advisory Council have tracked the usage of these of these due process procedures over the years. While the percentage of special education parents who use formal dispute resolution options

is very small, both here and on the Mainland, one consistent trend stands out: Hawaii parents of children with disabilities tend to use mediation to solve disagreements much less than in many mainland states. Another

trend is that the number of due process hearings in Hawaii has dropped significantly over the last 20 years.

The Hawaii Department of Education has asked a national organization, WestEd, to help review

Hawaii’s due process procedures to make sure that they are working effectively and fairly for parents and students. One key step in that review is a **Dispute Resolution Parent** [**Survey** available online at https:// forms.gle/azAScW8rQbhhHi9h8.](https://forms.gle/azAScW8rQbhhHi9h8)

Survey questions are aimed at finding out **whether parents are aware** of mediation, written state complaints and due process hearing requests, and **whether they have used any**

**of these procedures**. The more parents that respond to the survey, the more information the Department of Education will have to improve the system. **The survey has been extended until April 15th, so please**

##### consider adding your voice to the survey.

Parents interested in providing more information are also encouraged to email Jennifer Wolfsheimer at WestEd (jwolfsh@wested.org) to arrange for a time to chat with her.

In the meantime, check out page 2 through 4 to learn more about the stages of conflict, mediation and written state complaints.

**WHAT’S INSIDE**

Stages of Conflict 2

Mediation Infographic 3

Written State Complaint 4

Speak Now App 5

Spotlight on CSC 5

New Mask Guidelines 5

Transition Planning Steps 6-7 Calendar of Events 8

**Understanding Conflict & the Importance of Acting Early**

t is not always possible to avoid disagreements between parents of students with disabilities and

I

other IEP team members. Nor is conflict necessarily a bad thing. It allows for the opportunity to look

at an issue or problem from different perspectives and potentially arrive at a solution that improves the delivery of educational services to the student with a disability. It is also generally believed that the sooner

a solution to the conflicting positions can be found, the more likely it is to keep a positive working relationship between home and school.

The **Center for Appropriate Dispute Resolution in Special Education (CADRE)** is the national center funded by the Office of Special Education Programs to assist states in improving their capacity to prevent and act early when disagreements occur. CADRE promotes greater awareness, partnership and working together

to avoid the human and financial costs to schools and

families when disagreements become more drawn out and result in winners and losers. The graphic

below is an adaptation of CADRE’s Continuum which highlights the stages of special education conflict and various interventions that can be used at each stage.\*

CADRE makes the important points that as conflicts between home and school progress from one stage to another, certain things are lost including:

* the ability of the two sides to reach an agreement without calling in a third party,
* the freedom to come up with flexible solutions,
* the loss of time--it takes longer to engage in a formal intervention like a mediation, a written complaint or a due process hearing. Due process hearings and appeals also may result in significant costs to the parties.

Visit CADRE to take advantage of their parent guides and videos: [https://www.cadreworks.org/cadre.](https://www.cadreworks.org/cadre)

**3rd Party Decision-making Interest- Informal & Assistance by Parties Based Flexible**

PREVENTION

Stage 1 **(Family/School Partnership practices, stakeholder training)**

DISAGREEMENT

Stage 2

**(Parent-to-Parent Assistance-**

**-LDAH, SPIN, CCCs, etc.)**

5 Stages of Conflict

& Levels of Intervention\*

Stage 3

CONFLICT

**(IEP Facilitation, Mediation prior to a due process hearing request)**

PROCEDURAL

SAFEGUARDS

Stage 4

**(Mediation, Written**

**Complaint, Resolution Session, Due Process Hearing)**

LEGAL REVIEW

Stage 5

**(Appeals to Hawaii Civil Court, 9th Circuit Court of Appeals & Supreme Court)**

**3rd Party Decision-making Rights- Intervention by 3rd Party Based**

**Formal & Fixed**

2

Resolving Disagreements Through Mediation

#### What is Special Education Mediation?

Mediation is an impartial and voluntary process that brings parents and school staff together to resolve their disagreements. A mediator is a qualified and impartial individual who helps each party to communicate their views and positions in confidence so that the dispute can be resolved in a way that is mutually agreeable.

**IDEA** promotes mediation as the first step to working out conflicts with your child's school over his or her special education services.

#### Benefits of Mediation:

It can help preserve the parent/school relationship

It's free of charge to both parents & schools

It saves time. Most mediations take 1-6 hours.

Information shared is kept

#### Formal vs. Informal:

The Individuals with Disabilities Education Act (IDEA) requires school districts to offer mediation before and after formal disputes:

Informally, whenever parents and schools need help resolving a disagreement, and

Formally, after a parent files a written complaint or a request for a due process hearing. Mediation is

**Confidential**

confidential.

Mediation agreements are enforceable in court.

available as an opportunity to find a solution to the complaint before a decision is issued by the Complaints Management Program or a hearing officer formally decides on a due process hearing matter.

#### Where can you learn more information about mediation?

The Hawaii State Department of Education makes mediation available through the **Mediation Center of the Pacific.** Parents may call or visit their website for information about requesting a mediation session.

(808) 521-6767 http[s://www.mediatehawaii.or](http://www.mediatehawaii.org/special-education)g/sp[ecial-education](http://www.mediatehawaii.org/special-education)

SPIN

March 2022

Resouces: [Special Education Mediation Brochure](https://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/Mediation.pdf)

[CADRE **IDEA Special Education Mediation Parent Guide**](https://www.cadreworks.org/sites/default/files/resources/Mediation%20Parent%20Guide%202014_0.pdf)

3

Written State Complaint


### A Procedural Safeguard Under IDEA

A **Written State Complaint** can be filed by any individual (including a parent) or any organization that believes a school has violated a requirement of IDEA. Examples of issues contained in complaints are the following:

**identification** (the referral process prior to an evaluation),

**evaluation** (the process to determine eligibility for IDEA and needed services), **FAPE** (a free appropriate public education--special education and related services), **placement** (the educational environment for implementing a student's IEP), and **failure to implement a due process hearing decision**.

The complaint must be filed **within one year** of the alleged violation having occurred.

### 1. 2. 3.

FILING A COMPLAINT INVESTIGATION WRITTEN DECISION

**60 days**

Complainants are advised [to use the HIDOE written complaint form & include:](https://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/WrittenComplaint.pdf)

their contact information,

the areas of IDEA believed to be violated,

facts on which the complaint is based,

proposed solutions, and

the student's name, address and school attended.

The HIDOE Complaints Management Program will carry out an independent on-site investigation, if needed, and review all relevant information. The school is given an opportunity to respond and submit a proposal to resolve the complaint. Parents are offered the opportunity to engage in mediation.

A written decision is given to the complainant and the school within 60 days. It contains:

findings of fact and conclusions, reasons for the

decision, and

requirements for corrective action to achieve compliance with IDEA, if violations are found.

SPIN Sources: [Chapter 60, §8-60-52 State Complaint Procedures](https://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/StateCompliantProcedures.pdf)

March 2022 CADRE IDEA Special Education Written State Complaints Parent Guide

4

Spotlight on Supports



School Bully Repoting App

Speak Now is a Hawaii Department of Education reporting app that allows anyone to instantly send information about bullying incidents on campus to appropriate school officials. When you report an incident on the app, you can choose to share your name or be anonymous, share the location where the bullying is happening, explain what happened and who is involved. If you don’t know the names, you can provide a description. The app is monitored during school hours, 7:45 to 4:30 Monday through Friday, and is seen by designated staff at the school where the bullying is happening or has happened.

Download the app for free in the App Store or on Google Play, or submit a tip online at [www.speaknowhidoe.com](https://speaknowhidoe.com/)

Report a bullying incident. Be an upstander!

The Comprehensive Services Center (CSC) is a one-stop support and referral service for people who are deaf, hard of hearing or deaf-blind and their families. Their Ohana Program provides a range of ASL classes, workshops and support to parents including:

**Family Sign Language Classes:** free for 2 people in the same Ohana and $75 per person for additional members. Classes are once a week for 8 weeks and are one hour long.

**Lending Library:** children’s books that come with ASL videos, games and resources.

**Read to Your Deaf Keiki:** parents classes are taught by deaf mentors to help improve litera- cy, and social and emotional development. **“Guy Time ASL:** classes for the important men in your child’s life to learn how to expand communication with their deaf/hard of hearing keiki.

**Ohana Times:** quarterly gatherings to discuss topicsrelated to raising a child who is deaf/ hard of hearing.

Contact information: Website: [www.csc-hawaii.org](https:///www.csc-hawaii.org/) Phone: 808-369-0499, videophone: 808-447-2044, Email: csc@csc-hawaii.org

Address: 1953 S. Beretania Street, Honolulu, HI 96826

Hawaii DOE’s Updated Masking & Quarantine Guidelines

Interim Superintendent Keith Hayashi sent a memo to parents and guardians on March 11th with updated masking and quarantine guidelines for students attending Hawaii public schools.

Optional masking for outdoors became effective on March 9th and the continued indoor and updated quarantine guidelines began on March 21st when students returned from spring break. Although Hawaii’s statewide indoor masking mandates have expired, DOE schools are following Hawaii Department of Health and CDC recommendations to keep indoor masking a requirement for students attending public and charter schools.

**Outdoor masking** on public school campuses or facilities is optional, unless community risk is high and crowding or sustained close contact may occur. **Indoor masking** is required by all students, staff and visitors and on all school buses.

**Individual close contact** identification, notification and quarantine of in-school exposure is not required.

**Notification** to the entire school community is no longer required as all positive cases will be report- ed on the HIDOE’s online Covid-19 dashboard.

**Notification to classes** or groups will continue if they are exposed to a positive case for more than 15 minutes when indoors or at a high-risk activity. Source: [DOE Memo dated March 11, 2022](https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/Supt-Parent-Letter-March-2022-Updated-COVID-Guidance.aspx)

5

# The Many Parts of Transition

It's never too early to begin thinking about and planning for when your child turns 18.

## Start Now

Transition Booklet

## Elementary

Financial Literacy & Allowance

## Elementary

Job Exploration and Interests

## Age 14+

Diploma or Certificate Track

## Age 14+

Open an ABLE Savings Account

## Age 14+

DVR & Job Training Skills

Download the Footsteps to Transition Workbooks at [www.footstepstotransition.weebly.com.](http://www.footstepstotransition.weebly.com/)

Find local and national booklets and toolkits and select the one that's right for your family.

Agree on simple household chores and provide an allowance that allows your child to save.

Increase responsibilities as your child develops, to add new skills and build confidence.

Explore career fields; if your child likes animals, discuss all the different kinds of jobs in that field. Sign up for classes and workshops. If they are still interested, keep going. If not, try a new path.

Start talking to your middle school IEP team about your child earning a high school diploma or a certificate of completion.

Consider what life skills, work skills, and social skills your child will need after high school.

Visit [www.hawaiiablesavings.com](https://www.hawaiiablesavings.com/) to see if your child is eligible to open an ABLE savings account. ABLE accounts allow your child to save for their future without affecting government benefits like Medicaid & Social Security (within limits).

Beginning at age 14, talk with your IEP team about Pre-Employment Transition Skills (Pre-ETS) like workplace readiness, job and college exploration, self-advocacy and more.

Invite a DVR counselor to your next IEP meeting.

To learn more about the many parts of transition to adult life, visit [Hawaii Division of Vocational Rehabilitation](https://humanservices.hawaii.gov/vocationalrehab/)

[ABLE for All](https://ableforall.com/)

SPIN Infographics

SPIN Newsletter

March 2022

# The Many Parts of Transition

There are many facets to transition and every student will need their own plan for success!

## Age 18

Age of Majority with the DOE

## Age 18

Citizenship

## Age 18+

Insurance Providers

## Age 18+

Pediatric to Adult Doctors

## Age 18+

Apply for College & Supports

## Age 18+

Apply for Other Programs

If your child turns 18 and is still attending public school, all rights transfer to them.

Other options include: guardianship, a POA for SpEd or an Educational Representative.

Click [here](https://footstepstotransition.weebly.com/other-stuff.html) for an infographic on turning 18.

When your child turns 18, they can register to vote and apply for a state ID card.

All males over 18 must register with the Selective Service System.

Your child can stay on your personal/private health insurance until the age of 26.

If your child receives Quest/Medicaid, they will need to apply for adult Quest/Medicaid by age 19.

Pediatric doctors or specialists will start transitioning patients to adult care providers after they turn 18.

Watch a workshop on healthcare transitions on the [Footsteps to Transition](https://footstepstotransition.weebly.com/) website.

Apply for a 4-year or community college by the spring of the year your child will exit high school. Once accepted, contact the Disability Services Office on campus.

Watch a [video](https://footstepstotransition.weebly.com/post-secondary.html) about post-secondary supports.

Look for adult services and programs to support your young adult (DDD, DVR, employment, housing). When your child turns 18, they can apply for Social Security as an adult.

To learn more about the many parts of transition to adult life, visit [FootstepstoTransition.weebly.com](https://footstepstotransition.weebly.com/)

[SPINConference.org](https://spinconference.org/) [PACER.org/transition](https://www.pacer.org/)

SPIN Newsletter

March 2022

**Calendar of Events**

|  |  |  |  |
| --- | --- | --- | --- |
| **4/27** | **Hoomana Parent Support Group**Groups are meeting online via Zoom and are open statewide for families who have achild with a disability. For more information, email hoomanagroup@gmail.com.5:00 - 7:30 pm Virtual Open House |  | **Leadership in Disabilities and Achievement****Hawaii (LDAH)**Parent Talk Cafe FREE Every Thursday from 6:00 - 7:00 pm on Zoom. March events feature Deaf/Hard of Hearing topics. Follow them on Parent Talk Cafe on Facebook for April topics. |
| **4/28** | 10:30 am - 12:00 pm Talk Story | **4/16** | Traveling Mini Conference FREE For more |
| **4/28** | 6:00 - 7:00 pm Talk Story |  | info, call 808-536-9684 or visit their website at[www.ldahawaii.org](http://www.ldahawaii.org/) |
|  | **TACA - The Autism Community in Action** |  | **Hawaii Branch of the International Dyslexia** |
| **3/28****4/8** | 6:30 - 8:00 pm Parent Meeting FREE Preparing for Parent Advocacy Across the Spectrum on Zoom. Register at www.tacanow/local-chapters/west/hawaii/.TACA Autism Action Conference $25 | **4/20** | **Association (HIDA)**Advocating for your Child with Dyslexia6:30 - 7:30 pm FREE Kathy Ferguson from UH Manoa and a panel of parents will share their experiences with advocacy. For more info, email |
| **4/9** | 2-day conference on Zoom for families. Scholarships available. Regisgter at [www.](http://www/) |  | info.hi@dyslexiaida.org or visit their website at[www.hi.dyslexiaida.org](http://www.hi.dyslexiaida.org/) |
|  | tacanow.org/conferences/autism-action- |  |  |

|  |  |
| --- | --- |
| **4/25** | **Kawaii Kon - an Anime Conference $20 pp** |
| **4/26** | Never Quit Dreaming has secured a special rate |
| **4/27** | for families to attend: $20 for 10 years old and up |
|  | free for kids under 10 with a paying adult. Visit |
|  | [www.nqdhawaii.org](http://www.nqdhawaii.org/) to sign up. |

**6/7** Person-Center Planning with Evan

|  |  |
| --- | --- |
|  | conference. |
| **DDD 1st Tuesday Training Series FREE** |
| 11:00 am - 12:00 pm on Zoom. To register, go to |
| [www.health.hawaii.gov/ddd.](http://www.health.hawaii.gov/ddd) For more |
| information, call 808-453-6030 or email the |
| DDD Training Unit at doh.ddtraining@doh. |
| hawaii.gov. |
| **4/5** | Abuse, Neglect & Exploitation |
| **5/3** | Avoiding Preventable Deaths |

**4/15 SEAC** - **Special Education Advisory 5/13 Council Meeting** 9:00 am - 12:00 pm

Open to the public. Meetings are held online via Zoom. For a meeting link, see the curent Agenda on the SEAC website at [www.seac-hawaii.org.](http://www.seac-hawaii.org/) For more info, call 808-586-8126

Don’t forget: You can watch recordings from the 2020 and 2021 SPIN Conferences on our website: www.spinconference.org! You can also find the Parent Guide, Resource Guide and community resources here too!

##### SAVE THE DATE!

**8/22 36th Annual SPIN Conference “It’s a Marathon, Not a Sprint”**

8:30 am - 3:30 pm at UH Campus Center More information will be available at [www.spinconference.org.](http://www.spinconference.org/)



For more events and happenings around the state, be sure to visit our website events calendar at [www.spinhawaii.org/events](http://www.spinhawaii.org/events) and like us on Facebook!

SPIN - Special Parent Information Network

8