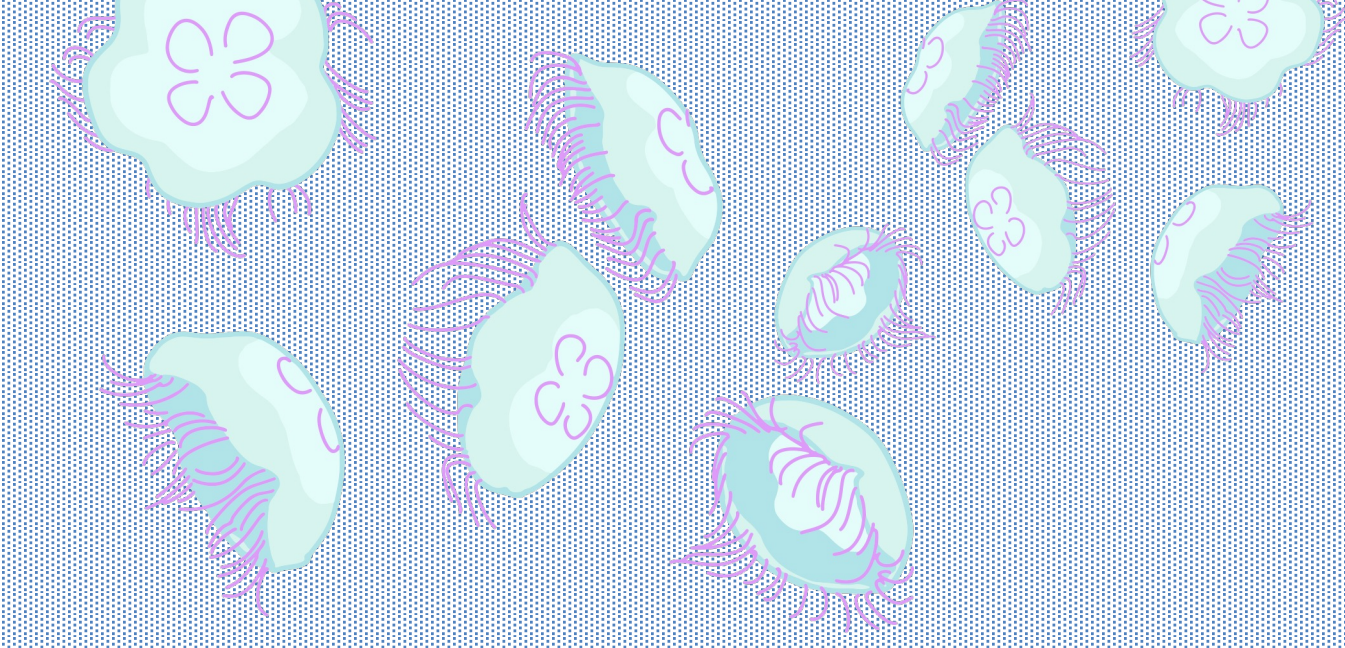


Learning Objectives



- 🐚 Understand “positions vs interests”
- 🐚 Understand procedural safeguards in resolving disputes between parents and schools
- 🐚 Tips and strategies on resolving conflicts
- 🐚 Learn about local and national resources





The Zone



POSITION VS. INTEREST



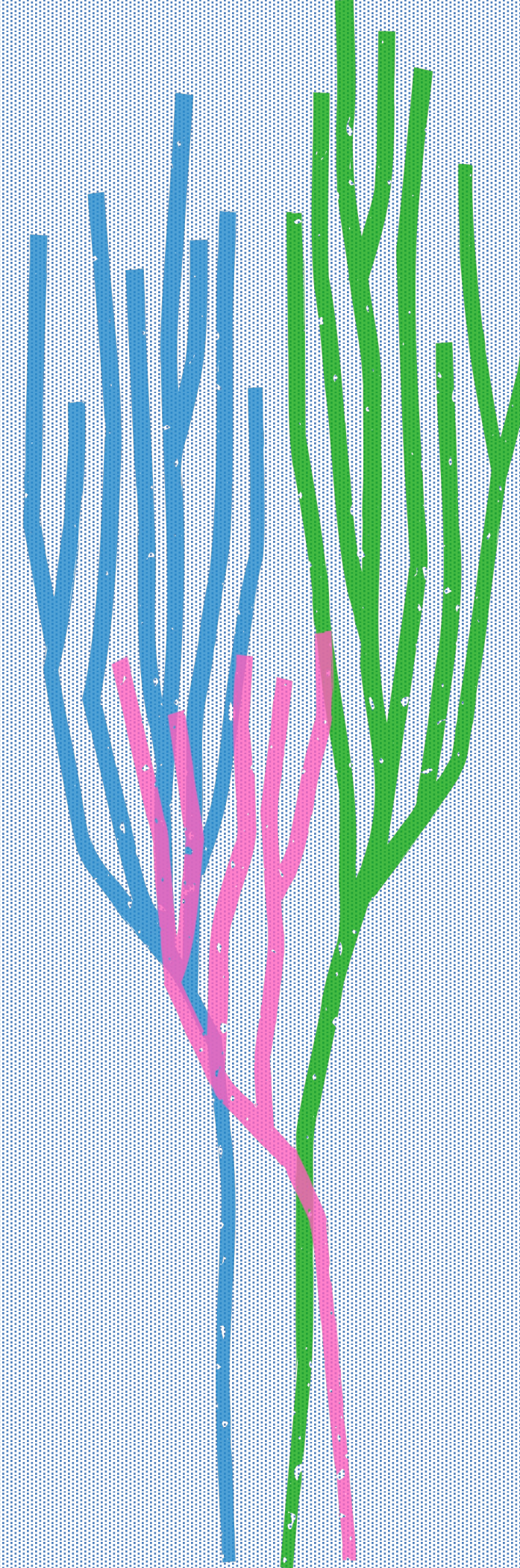


Position

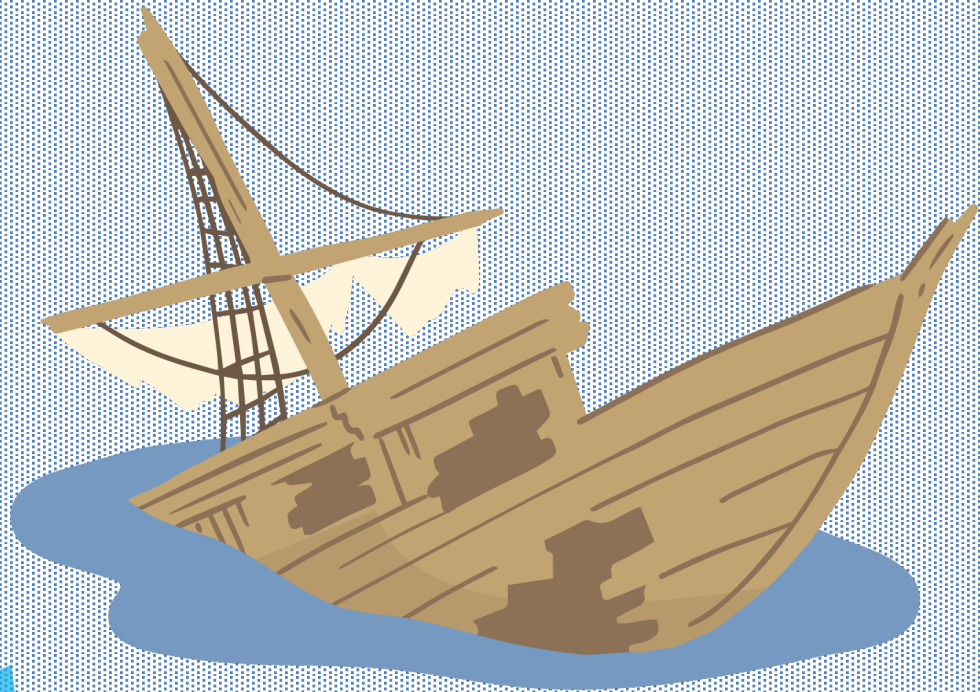
Interests

A **position** is a particular stance taken by one party in a negotiation. It typically outlines their preferred result.

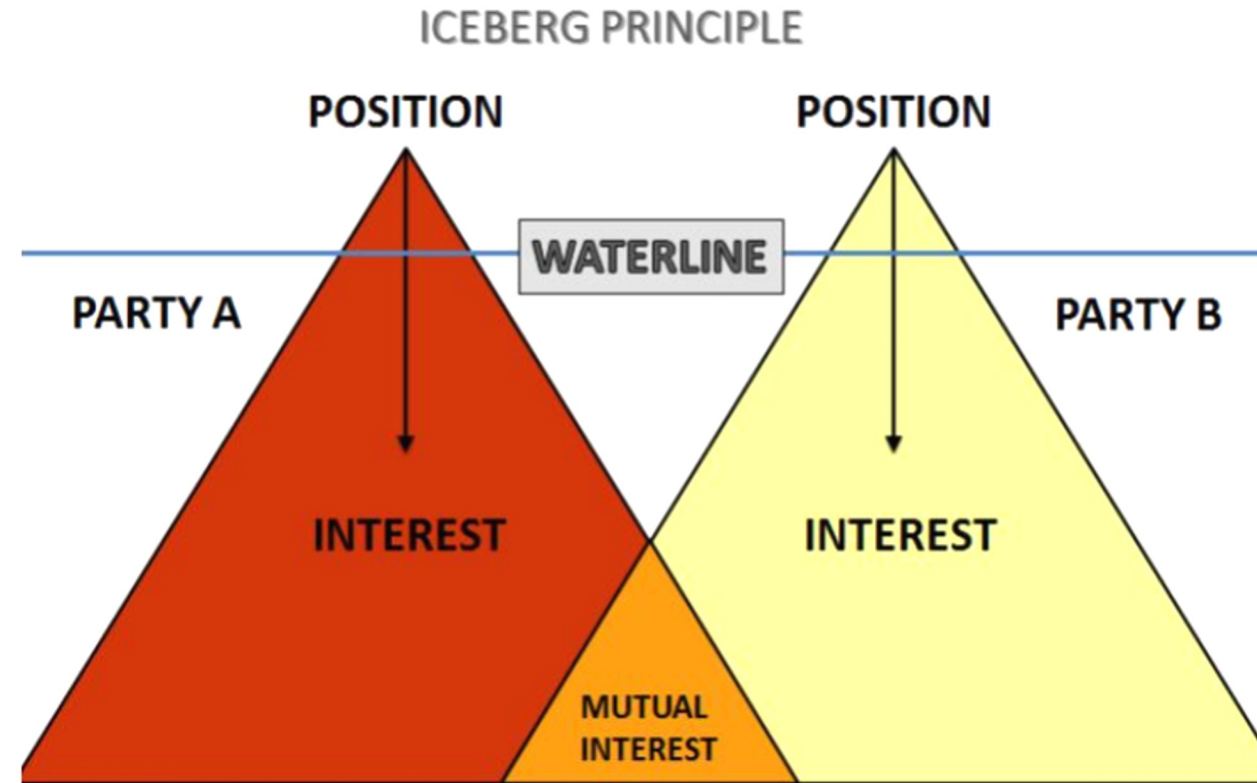
Interests, on the other hand, are the reasons behind the position. Interests define the problem.

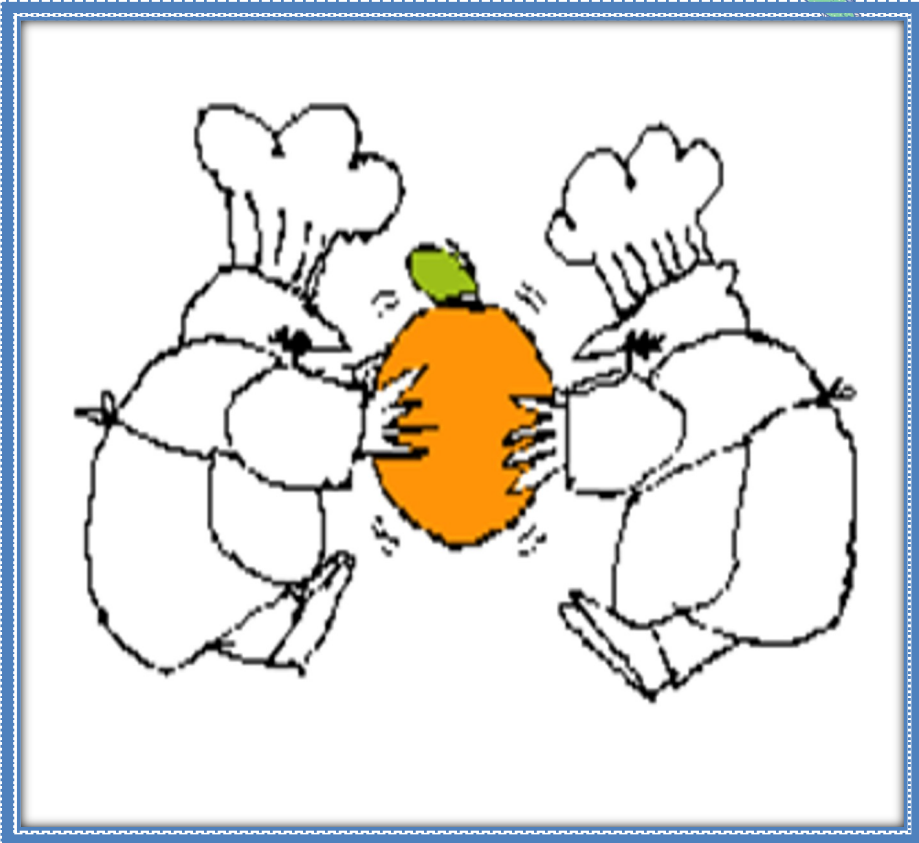
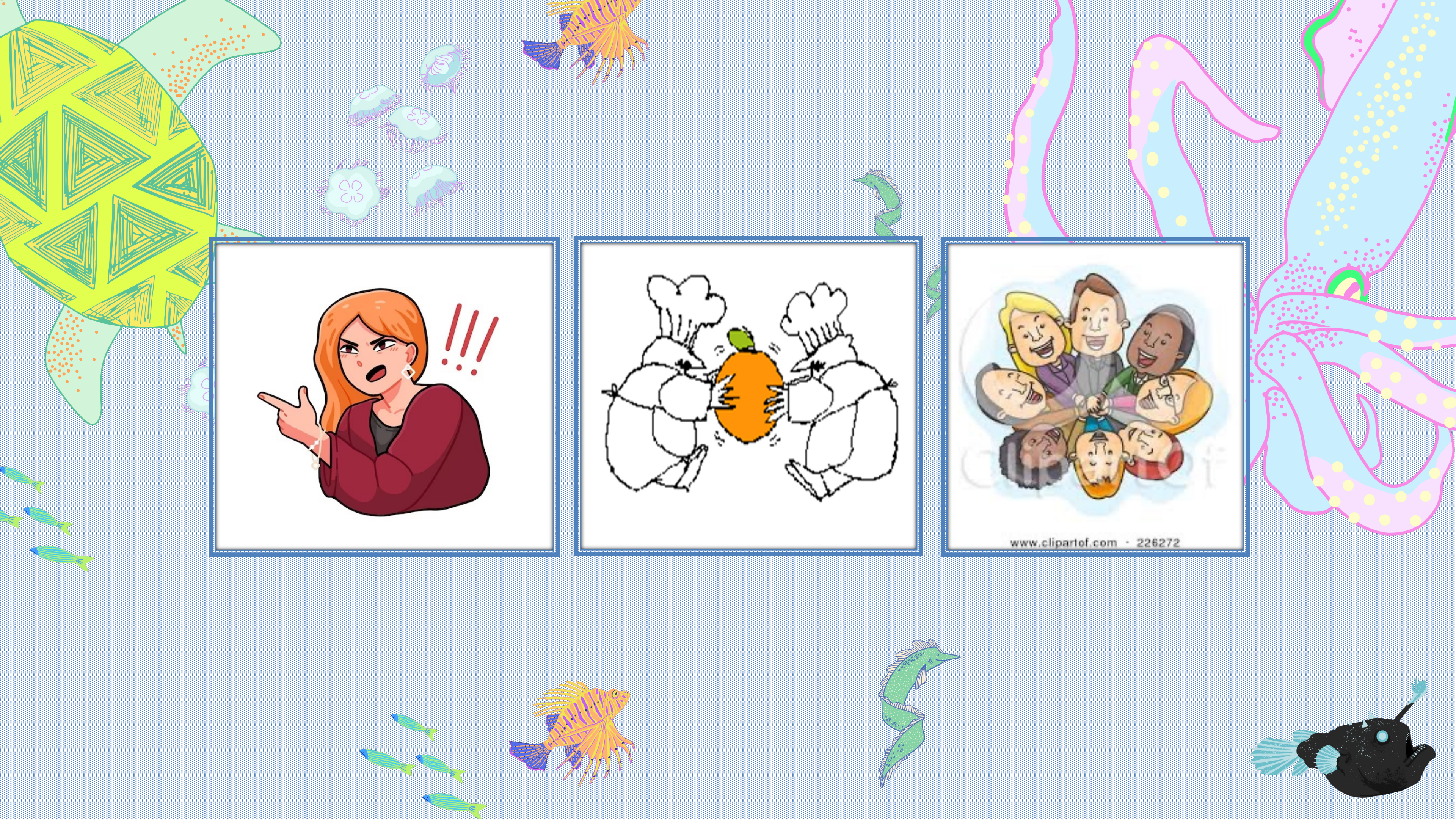


Position vs. Interest



Investigate: Positions vs. Interests





PROCEDURAL SAFEGUARDS

Mediation

State Written Complaints

Due Process Hearings

PROCEDURAL SAFEGUARDS NOTICE

for Parents and Students Under The Individuals With Disabilities Education Act and Hawaii Law and Regulations¹

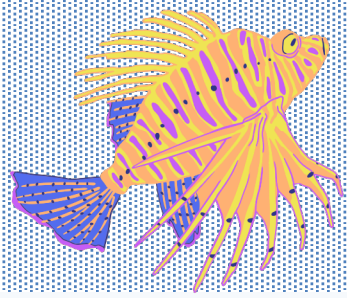
May 2022

This document is available electronically at:

<https://www.hawaiipublicschools.org/TeachingAndLearning/SpecializedPrograms/SpecialEducation/Pages/Special-Education-Rights.aspx>

¹Based on the U.S. Department of Education's Model Form: Procedural Safeguards Notice

RS 24-0073, July 2023 (Rev. of RS 22-1070)



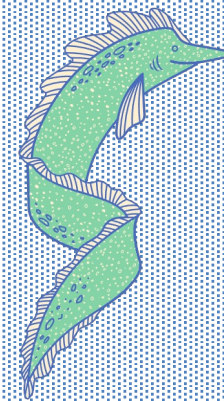
Mediation

- Voluntary process: both parties must agree
- Any matter related to special education
- Preserves and strengthens relationships
- Mediator is impartial
- No cost to families and Schools
- Produces a legally binding agreement



THE MEDIATION CENTER
of THE PACIFIC

Request a no cost mediation session:
www.mediatehawaii.org/special-education
(808) 521-6767
mcp@mediatehawaii.org



Special Education Mediation

Resolving Conflicts Between Parents and Schools



What is Special Education Mediation?

- Special Education Mediation is a voluntary and confidential dispute resolution process used to address any matter related to special education.
- 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.

What are the Benefits of Special Education Mediation?

- Preserves and strengthens relationships between families and school staff.
- Empowers families and school staff to resolve their disagreements.
- Maintains the confidentiality of mediation discussions.
- Legally commits the school and families to the outcomes memorialized in a mediation agreement.
- Ensures no cost to families and schools through the Mediation Center of the Pacific (MCP).

What to Expect?

Request Mediation

- A request for mediation can be through the following:
 - Form: <https://bit.ly/MediationRequestForm>
 - Phone: (808) 521-6767
 - Email: mcp@mediatehawaii.org

Receive Contact from the MCP

- A Client Service Specialist from the MCP will reach out to both parties to identify the issues, explain the mediation process, and answer questions.

Schedule Mediation

- If both parties agree to participate in mediation, a Client Service Specialist will coordinate a session at a mutually agreeable date, time, and location/platform (in-person or video conference).

Participate in Mediation

- A mediator guides the process by encouraging open dialogue, clarifying issues, promoting understanding, and working to reach a mutually acceptable agreement.

Develop Mediation Agreement

- The mediation participants create the outcome of the mediation.
- The mediator memorializes the outcomes in an agreement that is signed by all participants and then becomes legally binding on family and school.

Note: If mediation participants do not reach an agreement, the parties may exercise their right to resolve the matter through the state written complaint or due process complaint procedure. Please refer to the Procedural Safeguards Notice for more information at <https://bit.ly/ProceduralSafeguardNotice>.

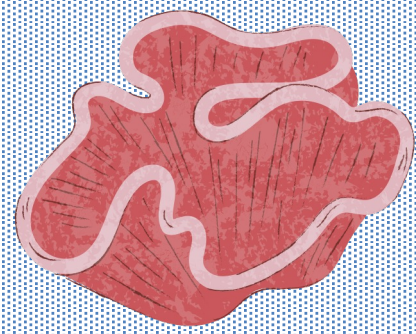


THE MEDIATION CENTER
of THE PACIFIC

Request a no cost mediation session:
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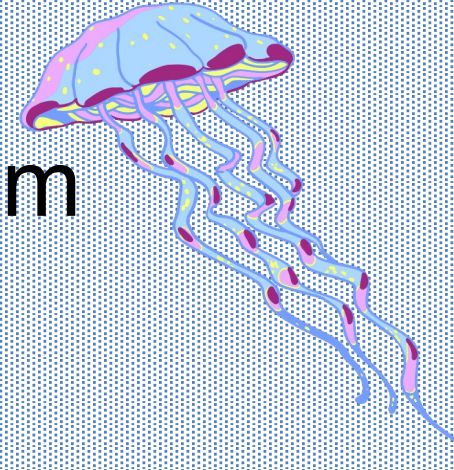
You may also contact the Complaints Management Program via email at specialcomplaints@k12.hi.us or phone at (808) 307-3600 or visit HIDOE's Dispute Resolution Website at <https://bit.ly/DisputeResolutionHIDOE> or use the QR Code.






State Written Complaint

- An individual or an organization can file a state written complaint.
- 1 year limitation to file a complaint from when the violation occurred.
- Investigated by The Monitoring and Compliance Branch - 60 calendar days to investigate and render a decision.



According to 34 CFR §300.153 and HAR §8-60-54, an organization or individual may file a signed written state complaint if the organization or individual believes the Department has violated provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Hawaii Administrative Rules (HAR) Chapter 60.



**HAWAII STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION
STATE WRITTEN COMPLAINT FORM**

This form is optional. The asterisked (*) information is required for the state complaint to be processed.

TO: Complaints Management Program
Monitoring and Compliance Branch
P.O. Box 2360
Honolulu, HI 96804
Phone: (808) 307-3600
Email: specialedcomplaints@k12.hi.us

***Complaint Contact Information (Complainant)**
FROM: _____
*Print Name _____
Check one: Parent/Legal Guardian
 Other: _____
*Phone Number _____
*Email Address _____

Student Information (required if you are alleging violation with respect to a specific student)

*Name of Student _____

Date of Birth _____

*Name of Current School _____

*Student's Residential Address** (if applicable) _____

City _____ State _____ Zip Code _____
**If the student is a homeless student or youth, please provide the student's contact information.

Check All Applicable

Yes No Alleged violation occurred not more than one (1) year prior to the date of this written complaint.

Yes No I am an adult student without guardianship and can file a written complaint.

Yes No The student is not an adult. I am the parent or legal guardian who has not had his/her parental rights terminated.

Yes No I am a parent acting as a legal guardian or legal advocate of an adult student.

Yes No I would like to schedule mediation to resolve these concerns.

Yes No The student has a pending due process hearing.

Individuals with Disabilities Education Act (IDEA)/Hawaii Administrative Rules (HAR) Chapter 60 Violation:
Check All Applicable

IDENTIFICATION: Referral process prior to evaluation or determination of eligibility

EVALUATION: Activities involved in information gathering to determine special education eligibility and/or the extent of special education and related service(s) needed by the student

PLACEMENT: The educational setting for the implementation of the Individualized Education Program (IEP)

PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION: Activities/services related to the IEP

FAILURE TO IMPLEMENT DUE PROCESS HEARING DECISION

OTHER IDEA/HAR CHAPTER 60 RELATED VIOLATION

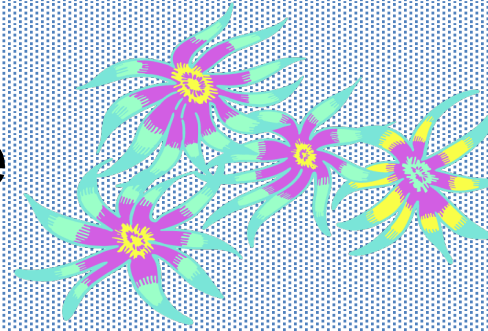
DISTRIBUTION FOR DEPARTMENT USE:
Complex Area Superintendent
District Educational Specialist
Principal, Department's School of Attendance

Special Education State Written Complaint Form
Revised February 2024
Page 1 of 2

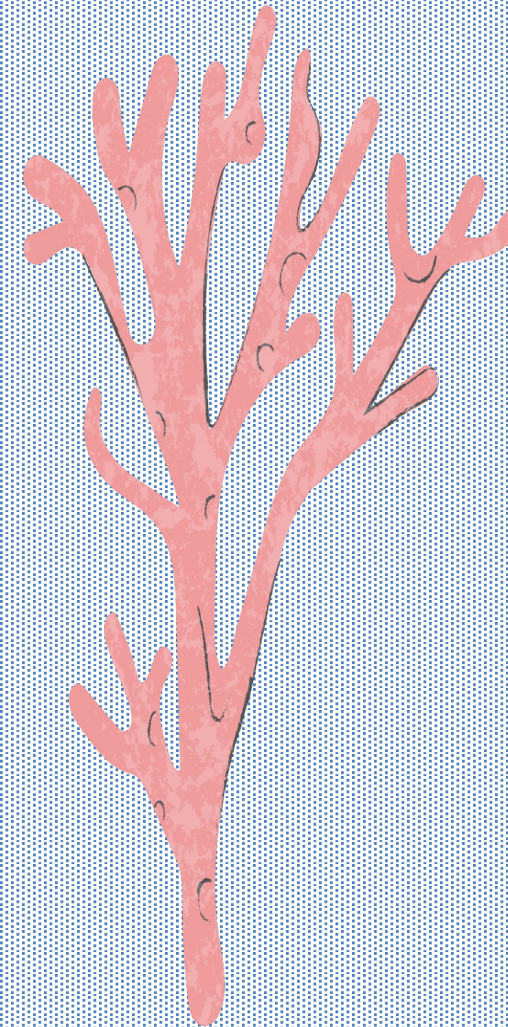
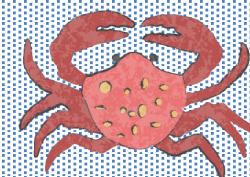
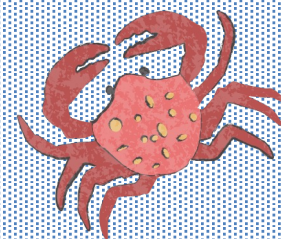
You may access the form [here](#)


Request for a Due Process Hearing

A parent or the Department may file a due process complaint on matters relating to:



- 1) a proposal or a refusal to initiate or change the identification,
- 2) evaluation,
- 3) educational placement of a student with a disability, or
- 4) the provision of FAPE to the student.



 HAWAII STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION
REQUEST FOR AN IMPARTIAL DUE PROCESS HEARING FORM

This form is optional; however, the asterisked (*) information is required for the request to be processed.

TO: _____ RE: _____
Complex Area Superintendent (CAS) *Name of Student
See CAS list: <https://bit.ly/ComplexAreaDirectory>
specialcomplaints@k12.hi.us Date of Birth _____ Phone _____
atg.odr@hawaii.gov

FROM: _____ *Student's Residential Address**
Print Name _____
Check one: Parent/Legal Guardian Department Representative
 Attorney for Parent City _____ State _____ Zip Code _____
*Name of School Student is Attending _____
**If the student is a homeless student or youth, please provide the student's contact information.

This is a request for an impartial due process hearing. Please describe the nature of the problem, including related facts and a proposed resolution to the extent known to you. Be specific.

Individuals with Disabilities Education Act (IDEA)/Hawaii Administrative Rules (HAR) Chapter 60 Violation:
Check All Applicable

- IDENTIFICATION: Referral process prior to evaluation or determination of eligibility
- EVALUATION: Activities involved in information gathering to determine special education eligibility and/or the extent of special education and related services needed by the student
- PLACEMENT: The educational setting for the implementation of the Individualized Education Program (IEP)
- PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION: Activities/services related to the IEP
- OTHER IDEA/HAR CHAPTER 60 RELATED VIOLATION

*Alleged Violation(s): Please describe the nature of the problem(s).

*Statement of Facts: Provide facts to support the statement of the alleged violation(s).

DISTRIBUTION FOR DEPARTMENT USE:
District Educational Specialist
Principal, Department's School of Attendance
Complaints Management Program

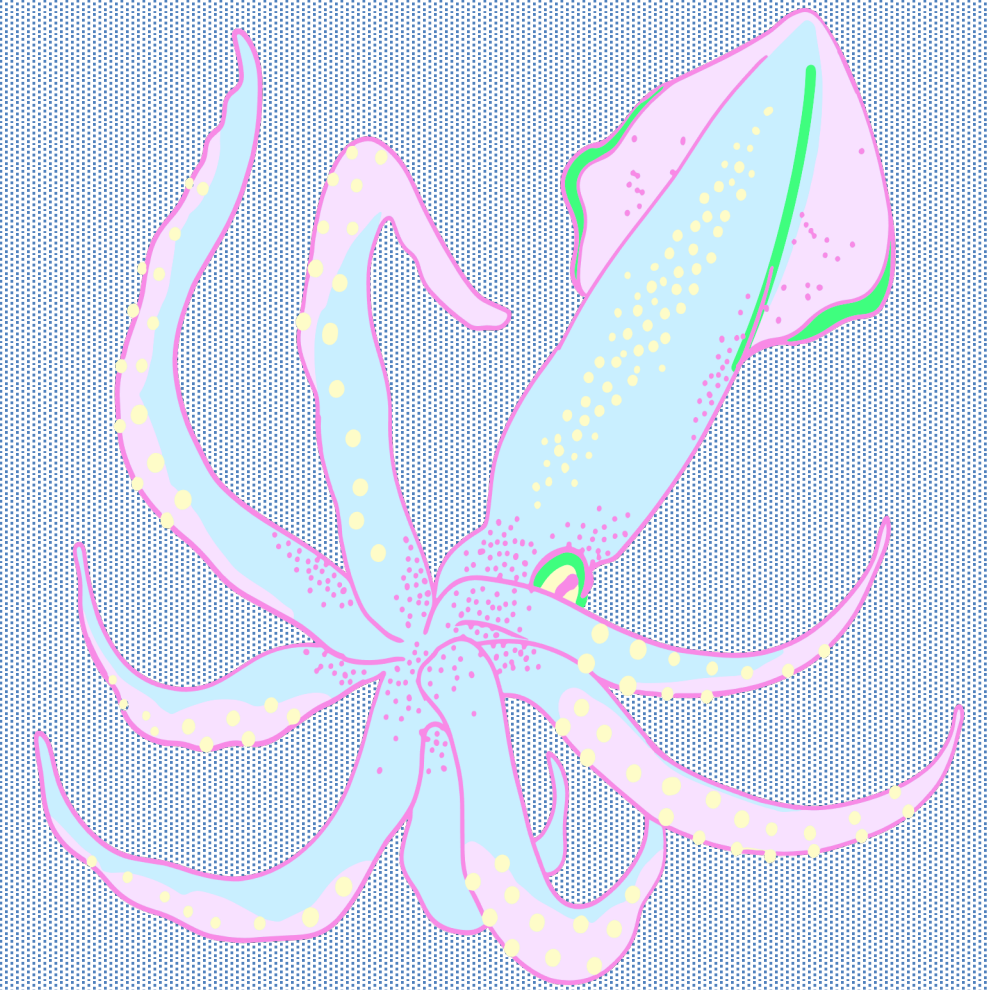
Form 105 (Revised February 2024)
Special Education Request for an Impartial Due Process Hearing Form
Page 1 of 2

You may access the form [here](#)

Tips and Tools

Referrals/Evaluations

- A request for an evaluation can be made at the homeschool by: 1) verbally, in person or on the phone; 2) in written form, eg. letter or email; 3) on the State of Hawaii, Department of Education Request for Evaluation Form.
- Visit the [Hawaii Department of Education special education Website](#).
- Bring relevant student information (e.g. Dr. report, outside assessment, etc.) to the Student Focus Team (SFT) meeting.



Tips and Tools

Eligibility Determination

- 🐚 Review evaluation assessments that were conducted before attending the eligibility determination meeting.
- 🐚 The IEP team will review the student's evaluation information and answer a pair of key questions:
 - 🐚 Does the student have a disability?
 - 🐚 Does that disability affect the student's academic and/or functional performance to such an extent that student requires special education services?
 - 🐚 If the answer to both these questions is "yes," the student is considered eligible for special education services.

Tips and Tools

IEP Development

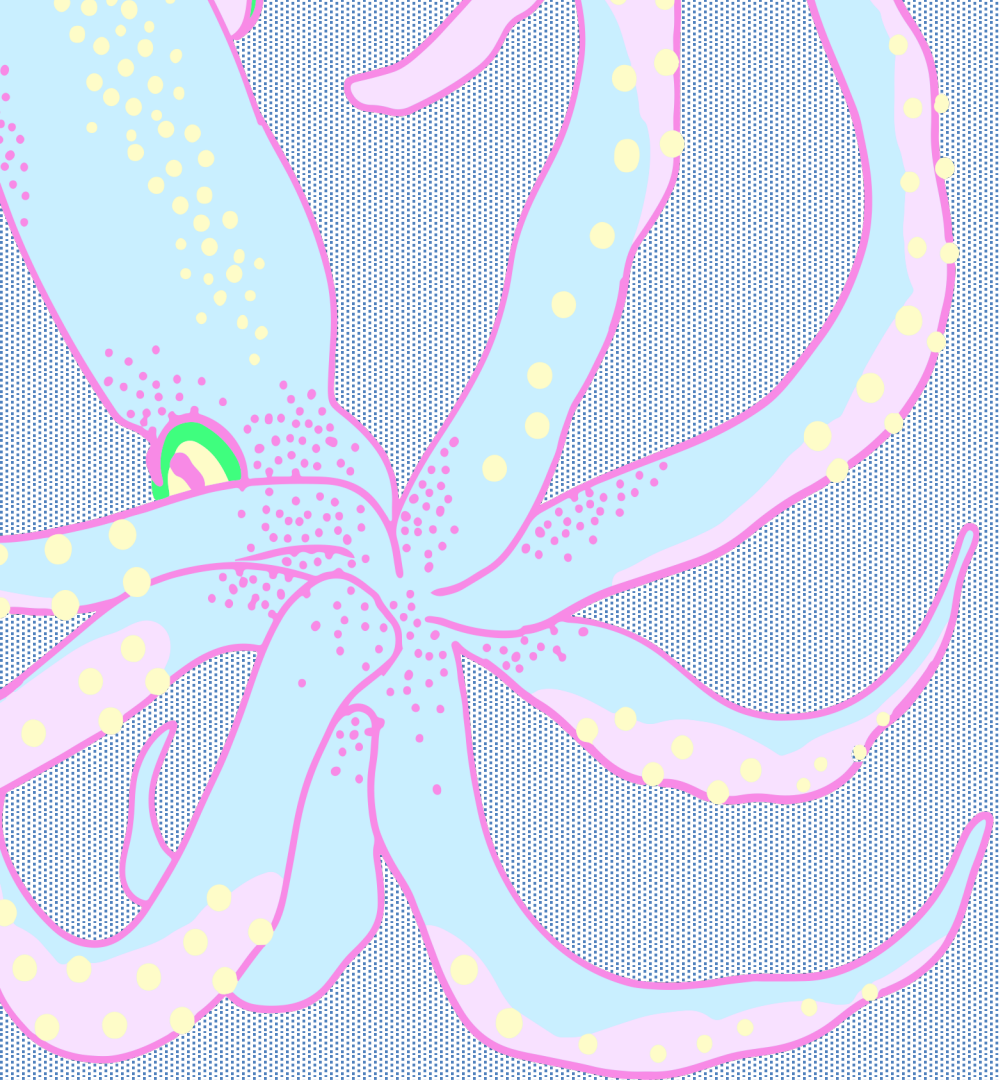
The IEP Team develops the IEP

- Seek assistance: Individual support, mentoring, and/or advocacy. [Leadership in Disabilities and Achievement in Hawaii \(LDAH\)](#)
- Know your rights. Review the Procedural Safeguards ahead of time with an mentor or advocate.
- Identify and discuss the academic and social goals you have for your child.
- Participate and provide input throughout the IEP meeting.



Family Input into the PLGP

- Student Strengths
 - Describe your child's social and educational strengths.
- Behavior Performance
 - Describe behavior at home or school and list specific examples of behavior that interferes with academic performance.
- Social Interaction
 - Describe the child's interaction with family members, teachers and other students, including specific incidents whenever possible.
- Your Concerns
 - Describe your concerns in regards to academic, behavior, social and emotional aspect of your child.
- Needing of Assistance
 - Describe areas you have observed that your child may need assistance.
- Your Child's Concern(s)
 - Describe any concern your child has shared with you about school.



THANK YOU
Q E A

