



Support for Caregivers Navigating the IEP Process
An Offering of the Chris Walsh Center for Educators and Families of MetroWest
Week 4: March 23, 2023

Welcome

Mission statement of Chris Walsh Center

To provide information for families and educators about the continuum of educational support available to students with disabilities, students who are gifted, and students with unmet needs. The center will offer support, workshops and other programming for families, educators, student support professionals, administrators, and advocates in the MetroWest area. The center also will engage in scholarly research, educator preparation, and professional development.

Purpose of the Group

Provide accurate, objective information for people to learn and use or apply to their own individual situation. We welcome questions about the process or the information presented but please refrain from asking questions about how the information we present should or might be applied to individual circumstances.

Group guidelines and expectations

- Confidential safe space
 - Don't expect answers to specific questions
 - Respect each other's confidentiality
 - Share ideas not names
 - It's expected that we have different experiences. We're here to listen, inform, not advise or judge
 - Assume good intentions



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Topic: Proposed 504s and IEPs, What's Do We Do Next?

Introductions

Ice breaker

Questions and Review of Last Week: The IEP, Preparing for Meetings

Outstanding Questions

Topic: Proposed 504s and IEPs, What's Next?

What Happens Once a 504 or IEP is Written and Proposed?

A. 504

1. is not as clear cut as IEP - no timelines
2. If agree with 504, it is implemented
 - You verbally agree (no signature required)
 - Find out how teachers will be informed of the accommodations
 - It is important to request and receive a copy
 - Keep a copy in a binder with all communications, evaluations, invitations, etc. for your child
 - Should be reviewed annually and at a minimum when your child transitions to a new building
3. If disagree with parts or whole of 504, you should follow the same steps to achieve clarification and agreement as outlined below

B. IEP

1. Leaving the IEP meeting
 - If leave with draft or meeting notes, the district has 10 school days to get you the IEP with the N1, response page, and placement
 - If leave without draft or meeting notes (could be the case with Zoom meetings), then they have 3 days to get you the IEP with the N1, response page, and placement
2. You have 30 days to respond after receipt of the IEP meeting with one of 3 choices:
 - Accept
 - Find out how teachers will be informed of the accommodations, goals, and services
 - Schedule may have to be changed
 - find out by whom and by when
 - Keep a copy of the IEP in a binder with all communications, evaluations, invitations, etc. for your child
 - IEP will be reviewed



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- annually each of the 2 years following eligibility.
 - The 3rd year should have a 3 year eligibility meeting. Consent should be sent to re-evaluate your child. Eligibility process begins again.
- Partially Accept/Partially Reject
- School has 5 days to notify BSEA about rejection
 - Previous IEP (if any) remains in effect until that section is resolved, known as stay put
 - Can request meeting to discuss
 - Find out how teachers will be informed of the accommodations, goals, and services to be implemented
 - Schedule may have to be changed, find out by whom and by when
 - Follow the process outlined below for the rejected parts of the IEP
 - Keep a copy of the IEP in a binder with all communications, evaluations, invitations, etc. for your child
 - IEP will be reviewed at an annual meeting each of the 2 years following eligibility. The 3rd year should have a 3 year eligibility meeting. Consent should be sent to re-evaluate your child. Eligibility process begins again.
- Reject in Full
- Can request meeting to discuss
 - Begin the process outlined below for mediation and/or due process to work towards a resolution and agreement. The process for this is the same as it is for someone seeking resolution for a 504
 - Previous IEP (if any) remains in effect until resolution, known as stay put
- Note:** If the district gets no response, it assumes the parent rejects the IEP and sends a letter of rejection to the BSEA

Process to Follow When Parents Disagree with Any or All Parts of a 504 or IEP ?

- 1) Contact the Team
 - 504
 - Guidance counselor or classroom teacher
 - 504 school coordinator/Assistant principal or principal
 - IEP
 - Contact Named on the IEP
- 2) Contact the District
 - 504
 - District 504 coordinator – usually director of student services or assistant superintendent
 - IEP
 - Contact Named on the IEP



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3) Contact Different Departments in the State of MA

➤ [Problem Resolution System](#)

- You can contact them for guidance without filing a complaint
- [Procedures and Guidelines](#)
- A formalized complaint decision is final
- If you file a complaint and then decide to pursue mediation or Due Process Hearing
 - A request to set aside the complaint will be asked of both parties
 - A complaint will be set aside for a Due Process Hearing

➤ [Bureau of Special Education Appeals \(BSEA\)](#)

- [Mediation](#)
 - No cost
 - Voluntary and must be agreed upon by both parties; requires a signed agreement; a good faith intent assumed
 - Confidential (information cannot be used in Due Process Hearing)
 - No attorney or advocate needed; if choose to have an attorney, must disclose that have an attorney but this will include costs to you
 - Meeting facilitated by mediator assigned to school district
 - Available year round
 - Meeting Date based on availability of all
 - Negotiated Agreement is binding
- [Due Process Hearing](#)
 - [Statutes and Regulations for Due Process](#)
 - More formal
 - All BSEA meetings are available at no cost to both parties. But there could be costs at hearing for other things, such as copying, delivering documents, attorney, or witness fees.
 - Decision is final unless appealed to a court 90 days after final decision
 - [Process with timelines](#)
 - To file a hearing request must be sent to BSEA and opposing party at the same time.
 - In 5 business days after receipt, BSEA processes it; issues a notice of hearing, which includes:
 - Name of hearing officer
 - Time and date of initial meeting with hearing officer
 - Date and location of hearing



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- 10 days after receiving a parent hearing request, the school district must send the parent and hearing officer a response. A challenge must occur within 15 days.
- Within 15 calendar days of parent filing hearing request, the parties must meet for a resolution session. Unless both parties have agreed to mediation or waive the resolution session.
 - Resolution session includes the following members:
 - Parent
 - IEP Team members
 - School district rep with authority to make binding decision
 - Attorney for district may participate only if parent has an attorney present
 - If resolution is reached, each party has 3 days to back out.
 - If the agreement stands, the parent should send a letter to hearing officer saying issue resolved and the BSEA closes the case.
- 19 days after hearing the request is received, there's a conference call between both parties and the hearing officer.
- The due process hearing happens on date scheduled
- Decision of hearing is binding. Each side has 90 days to file a complaint after the hearing officer's opinion.

- Massachusetts Superior Court - requires an attorney

4) Federal/MA

- [Office of Civil Rights \(OCR\)](#) - if disagreement is based on discrimination and access
- Federal District Court
- Supreme Court

Coming Up Next Week, March 30: Transition Planning