

Special Education Webinar

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Presented by:

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Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 1 – Invest in reading programs, services and training so that your district will have alternative ways to address reading-based needs when they arise

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 2 – Recognize the exhaustion of response to intervention strategies is only legally required for students in kindergarten through fourth grade suspected of having a learning disability in reading

- Coordinate with school buildings to ensure that their RTI processes are consistent with state guidance (i.e., multiple tiers, with more intensive interventions from one tier to the next)
- Prevent students from “getting lost” or “falling through the cracks” in the RTI process. The purpose of RTI is to rule out whether the student needs extra academic help before being classified by the CSE. Students should not remain in RTI for many years.

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 3 – When a student's program is adversely impacted by a staff shortage (e.g., the district does not have an occupational therapist to provide OT services per the student's IEP; the district is unable to secure an out-of-district placement so the student is provided home instruction), the district should regularly update the parent on its efforts to address the situation

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Tip Number 4 - Invest time and resources to staffing and placement shortages:

- recruiting and employee retention
- strong relationships with agencies, BOCES centers and other districts (e.g., communicating programming needs)
- political outreach to ensure that there are sufficient amount of out-of-district placements (e.g., funding, capacity issues based on FAPE 22)

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Tip Number 5 - Coordinate with school building administrators to ensure that all school removals (including, but not limited to, formal suspensions) are accurately tracked throughout the school year so that pattern determinations (and, by extension, manifestation-determination-review meetings) are conducted when legally required.

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Tip Number 6 – When placing a student in an out-of-district program, invite a representative from that program to the CSE meeting

- Legally required
- Will help ease the parent's concerns regarding the program

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 7 – Take steps to convince parents to attend CSE meetings, especially when the CSE is likely to make significant changes to the student's IEP

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Tip Number 8 - Overreliance on pre-CSE meetings. The parent must be heard at the CSE meeting.

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Tip Number 9 - Regularly update IEP PLEPs and statements of need. This will help ensure the appropriateness of the student's annual goals, since they should be based on the student's current needs. Plus, it will demonstrate to the parent that the student's IEP is a dynamic and evolving document, narrowly tailored to address the student's current needs.

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Tip Number 10 - Develop annual IEP goals that focus on the skills necessary for the student to master the curriculum, as opposed to simply basing progress on whether the student passes a class and/or an exam

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Tip Number 11 – When a parent disagrees with the CSE’s recommendation at a CSE meeting, the Chairperson should clearly explain to the parent: (a) that the committee has considered his or her input; and (b) the basis for the CSE’s recommendation.

- general statements such in response to the parent’s request such as “we don’t do that here”. All responses should be specific and individualized.

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Tip Number 12 – Develop measurable IEP goals so the parent (and staff) is able to understand how the student's progress will be monitored.

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Tip Number 13 – Recommend parent counseling when legally required

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Tip Number 14 – Recognize that students in certain special classes are presumed to be eligible for extended school year services

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 15 – Gather accurate data to determine if students are eligible for extended school year services and share such data with parents

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 16 – Exhaust all potentially appropriate supplementary aids and services before placing a student in a more restrictive setting. This is especially important for students with behavioral needs but applies for all students with disabilities.

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 17 – Consider the need for additional evaluative data, with input from the parent, before declassifying a student. This should be well documented throughout the process.

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Tip Number 18 – Schedule CSE Meetings well in advance of any applicable deadlines so there is flexibility to address cancellations and other unforeseen issues

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 19 – Recommending home instruction while awaiting placement in an out-of-district program

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 20 – Leaving a general education student on home instruction for a lengthy period of time without making a CSE referral

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 21 - Do not refuse to classify a student who displays a need for special education exclusively due to the parent's failure to produce a medical diagnosis

Tips and Suggestions to Avoid Impartial Hearing Requests

Tip Number 22 – Regularly remind staff that physical restraints should only be used when less restrictive positive, proactive interventions have been exhausted

Thank You

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