



Resources for families of children with disabilities.

Summer 2015

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Circuit is a quarterly publication of South Dakota Parent Connection. Circuit is intended to be a reference publication packed with information and is provided electronically and in printed format.

South Dakota Parent Connection also produces an electronic semi-monthly newsletter (weConnect) with current events and time-sensitive information.

EMPOWERING FAMILIES FOR 30 YEARS

Circuit

Offering information and assistance to parents and families caring for children with a disability or special need.



What Parents Should Know... About Parent Rights and Responsibilities in Special Education

Procedural Safeguards Protect Your Child

When Congress enacted Public Law 94-142 as the Education for All Handicapped Children's Act in 1975, they included a system of PROCEDURAL SAFEGUARDS designed to protect the rights of children with disabilities and their parents. During subsequent reauthorizations of the law, now known as the Individuals with Disabilities Education Act, Congress maintained and added to these safeguards. Procedural safeguards include the right to participate in all meetings, to examine all educational records, and to obtain an independent educational evaluation (IEE) of the child. Parents have the right to written notice when the school proposes to change or refuse to change the identification, evaluation, or placement of a child. More importantly and the focus of this article, the law also includes several ways to resolve disputes which are listed below.

COMPLAINT: Parents may file a complaint, a written signed statement, with the state Department of Education, listing the ways in which they believe the school district is out of compliance with the IEP. The statement must include an explanation of the violation, facts on which

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Procedural Safeguards Protect Your Child

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the statement is based, signature and contact information, specific child's information, description of the nature of the problem, and a proposed resolution. A copy of the complaint must also be provided to the district serving the child. An investigator is assigned to study the situation, review the paperwork, interview participants, and make a determination. State complaints must be resolved within a 60-calendar-day timeline. South Dakota Advocacy Services can help a family to determine whether this is an appropriate course, and if they are able to assist in the process.

FACILITATION: A parent or school can request the state Department of Education — Special Education Programs (DOE-SEP) to provide a facilitator who will serve as a one-time team leader to guide the meeting process of the IEP team. A facilitator's job is to support everyone to do their best thinking as the team works within the regulations. IEP facilitation is not used to resolve disputes unrelated to the IEP.

MEDIATION: Either parents or the school superintendent can request the state Department of Education to assign a mediator, a qualified and impartial individual who is trained in effective mediation techniques, to work with the parties to review concerns, seek common ground, and suggest a resolution. Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to those involved. This may or may not include attorneys.

DUE PROCESS HEARING: Either parents or the school superintendent can file for a due process hearing with the state Department of Education. This is the most adversarial approach to dispute resolution within the state education system. The complaint must remain confidential and include specific child information, the nature of the problem, and a proposed resolution. Within 15 days of receiving notice of the parents' due process complaint, and prior to the initiation of a due process hearing, the district must convene a meeting with the parents and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint. If the district has not resolved the due process complaint to the satisfaction of the parents within 30 days of receiving the due process complaint, the due process hearing may occur. Each side would have its own attorney. For some families, a lawyer may be requested through South Dakota Advocacy Services. The state assigns a hearing examiner or administrative law judge who receives background material as evidence ahead of time, hears information from both sides, and issues a decision that has the force of law no later than 45 days after the expiration of the 30 day period regarding a resolution meeting.

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New Infographics Created to Address Transfer of Rights, Power of Attorney, Guardianship/Conservatorship Issues

South Dakota Advocacy Services, South Dakota Parent Connection, and LifeScape have teamed-up to develop Infographics that provide information related to the transfer of rights process, power of attorney and guardianship /conservatorship. Because the rights of students are different from parents in these areas, there are separate documents explaining these rights from each perspective.

School districts must inform students with disabilities and parents at the IEP meeting prior to the student's seventeenth birthday about the transfer of rights that will occur at age eighteen. The goal is for these documents to be a resource mainly for school districts to distribute. Ideally, schools will use and provide these documents at this important meeting.

The infographics are available by contacting Paula Souhrada at South Dakota Parent Connection (psouhrada@sdparent.org or 800-640-4553), Tisha DeGross at LifeScape (Tisha.DeGross@cchs.org or 444-9880), or John Hamilton at South Dakota Advocacy Services (hamilton@sdadvocacy.com or 361-7438).

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CIVIL COURT: If a parent or the district has lost in a due process hearing and wants to appeal, they would work with an attorney to file a case in a state or federal civil court. The parents or district has 90 days from the date of the decision of the hearing officer to file a civil action.

OCR COMPLAINT: If parents feel there has been discrimination against the student, they can file a complaint with the U.S. Department of Education's Office of Civil Rights. A written complaint must be filed within 180 calendar days of the date of the discrimination.

The information above was taken from the South Dakota Department of Education's website https://doe.sd.gov/oess/document/SPED_parentalrights_handbook.pdf or by phone - 605-773-3678; and for the Office for Civil Rights— <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Navigator Program

An alternative resolution available to those in South Dakota at no cost is the Navigator Program, a partnership between the South Dakota Department of Education, Special Education Programs and South Dakota Parent Connection. The Navigator Program provides individualized guidance to parents of children and youth with disabilities or special health care needs and school professionals at no cost. Peer Navigator Consultants are located around the state and have expertise in issues related to special education, disability, special health care needs, communication and conflict resolution.

Navigators remain objective and neutral as they help families understand and participate in the IEP process; help school personnel support family involvement; help parties locate and utilize resources; help parties improve communication; help parties partner and improve results/outcomes for students; help parties reach or make progress towards agreement; and help families gain confidence and skills to proceed independently. Contact Paula Souhrada, the Navigator Coordinator, at psouhrada@sdparent.org or 800-640-4553.

Communication Log

SDPC Offers New Resource for Families

Families with children or youth with special health needs or disabilities interact with multiple systems and providers. The Communication Log is a convenient and portable resource to help families capture important information, prepare for meetings, or support family-school communication. Suggested uses include, but are not limited to:

Parent Record Keeping

- Record contacts with medical or service providers, program staff, schools, insurance, etc. Include date, name of person you spoke with, contact information, and a brief summary of the conversation.
- Write down questions or comments in advance of meetings, to help you stay focused on what you want to accomplish.

Parent – School Communication

Determine what information should be shared between home and school to support the student. Positive information should be shared as well as concerns.

- Examples might include communicating about behaviors, homework assignments, current or upcoming events at school or home that may impact the student's behavior or attendance, and student medical or other appointments.
- Include use of the Communication Log in your child's IEP or 504 Plan.

Please contact SDPC at 800-640-4553 or sdpc@sdparent.org if you would like to receive the Communication Log or any of our other valuable resources.

"I just wanted to say thank you so much for all the time and energy spent on putting last night's picnic together! My daughter and I had a great time and even met some new friends; a couple of which we plan to share our tickets (we won) to zoo with! My daughter is a very social young lady and through the picnic last night, she was able to meet another special young lady with the same abilities and struggles, we are looking forward to future play dates together! Thanks again, I would say it was a great success!!"

SDPC Celebrates 30

South Dakota Parent Connection recently celebrated 30 years of empowering families with celebrations in Rapid City and Sioux Falls. In Rapid City Phil Baker interacted with SF Canaries Mascot Cagey and the crowd for dancing and music. In Rapid City the crowd joined in dances with Dallas Chief Eagle and in Sioux Falls Better Relationships Creative Fallout Community in Aberdeen engaged the crowd with music and dancing.

Throughout 30 years of empowering families, SDPC has partnered with SD Advocacy Services. At both locations, SDAS staff celebrated the partnership with a gift of a plant to SDPC. Pictured here are Lisa Sanderson and Elaine Roberts from SDPC and Beth Overmore from SDAS.



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Several lucky attendees at the events went home with door prizes courtesy of SD Game Fish and Parks, Thunder Road, Target—Rapid City, SkyZone, Box Elder Pizza Hut, Reptile Gardens, Sertoma Butterfly House, Sioux Falls Storm Football, Great Plains Zoo, and Scheels—Rapid City. Thank You to those who donated door prizes!

Making these Celebrations Possible

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Communicating with Professionals

Keeping lines of communication open when there are disagreements can be difficult. Many parents feel intimidated when working with professionals who support their child. There is much in our society which encourages us to look at professionals and to accept what they say without question.

But you don't have to let yourself be intimidated. After all, it is your child who is being talked about. You have spent far more time with your child than any school employee, and you know him/her better than anyone else. Your observations and hunches about your child are important. And you have a legal right to help in designing his/her educational program.

An "advocate" can be broadly defined as "someone who speaks up to make things better." Advocates can speak up for themselves or others. Parents have already been an advocate. You may not have attached that label to your actions. Advocacy covers a very broad range of activities that just about everyone, in many settings, does every day. You advocate for yourself and you advocate for others. As a parent of a child with a disability, you have already had to speak on behalf of your child. You may have spoken to a teacher, day care worker, doctor, nurse, social worker, other parents, relatives, or friends.

Advocacy is much more important than playing a game for recreation, but some of the main ideas are the same. Imagine you are playing a board game or a card game. Games have rules, and the players need to know those rules to play the game. But the players also need "people skills," such as turn-taking, concentration, making conversation, and managing emotions (do you play with a "straight face"?). What is the strategy or plan you will use in the game?

Of course, the social security program, your doctor's office, and your child's special education program are not "games," but they have processes with "rules" that also require "people skills" and the skill to resolve a disagreement. Knowing the rules of the "game" or process will help you be an effective advocate for your child.

Often, parents don't feel like "partners."

Often parents don't even feel like "players"! But remember the Alice Walker quote — "You do have power; you just need to use it."

Understanding the different roles and backgrounds of each participant may help you and staff members work together more effectively. Here are some differences to consider:

- Staff persons have chosen their careers, while most parents did not know that they would have a child with a disability.
- You will be involved with your children for life, while most agency and service staff will be involved with your child for a much shorter time.
- Professionals have formal training and usually receive payment for their role in your child's life.
- Both you and staff have the goal of providing appropriate services for your child.

Parents, please remember:

- Parent knowledge and opinions are valuable. No one else knows what you know about your child.
- Only parents have an in-depth, long-term, daily relationship with the child.
- Parents can learn new skills to advocate and communicate clearly and assertively.
- Parents often have the power of giving or withholding consent for services.

Partners who work together:

- have the same overall purpose or goal; partners want a win-win situation,
- make an effort to communicate clearly,



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- have respect for what each partner brings to the relationship,
- have individual roles or jobs and a clear understanding of each,
- have authority to make changes with the permission of the other partners,
- have opportunities for giving feedback to one another,
- bring different skills and information to the endeavor,
- are accountable for the results,
- use problem-solving strategies as early as possible. Don't focus on who was wrong, but on what went wrong and how the partners can fix it.

These concepts can apply to school, agency or service partnerships. The “business” of this partnership is providing appropriate services for your child. When the adults are “partners,” your child will benefit.

Final Tips:

1. Each time you have contact with school professionals remind yourself ahead of time that you are important and have a right to be involved.
2. Prepare for meetings. Know ahead of time the important points you want to make. Make a list and take it with you.
3. If possible, take someone with you — to take notes, help you make a point, or provide whatever other form of support you need.
4. When you don't understand something, ask for clarification.
5. Learn to communicate assertively, rather than passively or aggressively.
 - An **assertive** person clearly states his/her point of view and takes into account what others have to say. Other people generally respect an assertive person.
 - A **passive** person discounts his/her own needs and defers to the other person. People learn that they can take advantage of a passive person.
 - An **aggressive** person discounts others and insists on what she/he wants. Others may feel forced to do what the aggressive person wants, but they often feel angry about doing it and will do only as much as they have to. The aggressive person teaches others to fear and avoid him/her.
6. At meetings, let your nonverbal behavior tell others that you know you belong on the team. Examples: Look at people when you talk to them. Take notes. Sit at the table with other participants, not back in your chair like an observer.
7. If you say some of what you wanted to say, but not all of it, don't be hard on yourself.
8. Like other skills, assertive communication develops with practice. Congratulate yourself for taking the first steps! (If a major problem will result because of what you didn't say, find out what you can do to get that information included.)
9. It is important to stand up for your rights and those of your child. It is often necessary to compromise. For most people, deciding when to do which is difficult. It will help to think carefully about your priorities for your child. Of all the things you want, which are most important? Which are you willing to negotiate?
10. When you have a complaint, discuss it first with the person directly involved. If that doesn't produce results, then go to someone higher up. You will help your own credibility by giving the person involved a chance to make changes before going to a supervisor.
11. Let the school hear from you when you are pleased with what they are doing, not just when you have a problem or complaint. We all appreciate positive feedback, and it can create a reservoir of good will” to help you if problems do arise.
12. Continue to remind yourself that what you have to say is important. If necessary, remind other people that you have a legal right to be included in decisions about your child's education.



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Partners in Policymaking Can Be Life Changing...

Partners in Policymaking is a training program designed for parents of children with disabilities, self-advocates, and family members. Over 500 South Dakotans have successfully completed the training and many say it has been life-changing. South Dakota will be starting its 24th year of Partners in Policymaking in November 2015.

Partners learn about current issues and best practices and become familiar with the policymaking and legislative processes at the local, state, and national levels. The overall goal is to achieve a productive partnership between people needing and using services and those in a position to make policy and law. Partners attend two-day training sessions, six times a year, with each session beginning on Friday morning and concluding mid-afternoon on Saturday. Each session is devoted to specific topics with nationally known presenters.

Participant lodging and meals will be paid for while at the training session. Participants will be reimbursed for mileage and meals to and from the sessions. Respite care and personal assistance services will also be reimbursed to the participants.

To receive an application, contact Sandy Stocklin Hook at 1-800-658-4782 or you can apply on line at www.sdadvocacy.com.

SD Parent Connection is a sponsor of Partners in Policymaking. Other sponsors are South Dakota Council on Developmental Disabilities, Lifescape, and Sanford School of Medicine University of South Dakota Center for Disabilities.

"I now have the knowledge to be more successful when dealing with those who oppose my views. I know that the word NO is by no means the last word and should be considered a challenge."

Partners Graduate