

# Special Education Advocacy Options for Parents and Caregivers

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❖ Read this only if you live in the state of Washington.

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## Should I use this?

**Yes, if** you are having problems with special education, and are wondering what you can do to help make things better.

You should get advice before choosing or trying any of these options. You can get advice and help from local parent groups or the state's Education Ombudsman. See below for where you can get legal help.

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❖ The **Education Ombudsman** works with families, communities, and schools to solve k- 12 education problems. Visit <https://oeo.wa.gov/en> to find out more.

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## What can I do?

We listed your options below in order of simple to hard. You can

1. **Ask for an IEP (Individualized Education Plan).** You can do this if you are not getting special education services yet, or if you are but you need something different. Talk with your school district to find out how. This process is a discussion with the school district about supports your student needs.

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❖ If you are worried about an IEP meeting or had a hard time with one in the past, you can **ask for an IEP facilitator**. A facilitator can help guide the meeting process and make sure everyone is heard. The facilitator will not argue for any one side. Read <http://sometg.com/site/wp-content/uploads/2018/07/IEP-Trifold-final.pdf> to find out more.

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2. **Mediate** with the school. This means trying to reach a compromise with help from a neutral professional. (The mediator does not argue for any one side.) The school must agree to mediate with you. You cannot make them do it. You can mediate many different problems. You can get to a solution quickly if everyone agrees.

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❖ If you want to try mediation, call Sound Options Group at 800-692-2540 or 206-842-2298 (Seattle). Washington State relay service numbers: 800-833-6388 (TDD) or 800-833-6384 (voice).

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3. **File a citizen's complaint** with the state Office of Superintendent of Public Instruction (OSPI). You can do this if you think a school or district broke a special education rule or law. This process can take several months. You cannot do this and go through the due process complaint process (see #6 below) at the same time.

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❖ To file a citizen's complaint, write to Office of Superintendent of Public Instruction, Attn: Special Education, P.O. Box 47200, Olympia, WA 98504-7200 or Fax: 360-586-0247.

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4. **File a federal civil rights complaint with the U.S. Department of Education.** You can do this if you believe the school or district has violated Section 504 or the Americans with Disabilities Act. These federal laws protect students with disabilities. There is no guarantee that the federal government will take on your case.

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❖ You can file this complaint online at <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>. Or write to Seattle Office for Civil Rights, U.S. Department of Education, 915 Second Avenue Room 3310, Seattle, WA 98174-1099.

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**5. File a federal civil rights complaint with the Department of Justice.** You can do this if you believe the school or district has discriminated against you or broken any federal civil rights law. Talk to a lawyer to decide if it makes sense for you to do this. There is no guarantee that the federal government will take on your case. You cannot do this and go through the due process complaint process (see #6 below) at the same time.

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❖ You can file this complaint online at <https://civilrights.justice.gov/> or <https://civilrights.justice.gov/report/>. Or you can call (202) 514-3847, 1-(855)-1247 (toll free), TTY: (202) 514-0716. Or write to U.S. Department of Justice - Civil Rights Division, 950 Pennsylvania Avenue, S.W., Washington D.C. 20530-0001.

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**6. Ask for a due process hearing.** You can do this if you believe the school or district has violated your student's 504 plan or broken the federal IDEA law. Each law protects the right of a student with disabilities to a free and appropriate education (FAPE). This process can be complicated. You might have to do this before you can file a lawsuit.

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❖ You make your **due process request** with the school district Superintendent. Send a copy to Administrative Resource Services at the Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200.

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**7. File a lawsuit in state or federal court.** You should not try to do this on your own. Talk to a lawyer. Filing a court case can solve serious problems you have with the school or district, but it is hard. It can take a long time. You might first have to go through the due process complaint process.

## Learn more

- **Dispute resolution options:** [www.k12.wa.us/student-success/special-education/dispute-resolution](http://www.k12.wa.us/student-success/special-education/dispute-resolution)
- **Discrimination:** [www.k12.wa.us/policy-funding/equity-and-civil-rights/complaints-and-concerns-about-discrimination](http://www.k12.wa.us/policy-funding/equity-and-civil-rights/complaints-and-concerns-about-discrimination)
- **How to File a Complaint:** [www.k12.wa.us/about-ospi/contact-us/how-file-complaint](http://www.k12.wa.us/about-ospi/contact-us/how-file-complaint)
- **[How to File a Special Education Citizen Complaint](#)**, available at WashingtonLawHelp.org
- Learn about NJP's **free special education clinic** at [www.washingtonlawhelp.org/resource/special-education-legal-clinic](http://www.washingtonlawhelp.org/resource/special-education-legal-clinic)

## Get Legal Help

**Northwest Justice Project (NJP)** provides free legal help to people with low incomes. There are 3 ways you can contact them:

1. To sign up for NJP's free Special Education Clinic, call 1-206-707-7297
2. call NJP's statewide hotline: 1-888-201-1012
3. apply online: [nwjustice.org/apply-online](http://nwjustice.org/apply-online)

**TeamChild** provides free legal help to young people ages 12-24 in these locations:

- **King County:** call (206) 322-2444 or toll-free (877) 295-2714, fax (206) 381-1742, or email [kinginfo@teamchild.org](mailto:kinginfo@teamchild.org)
- **Pierce County:** call (253) 274-9929 or toll-free (888) 244-5450, fax (253) 274-1888, or email [pierceinfo@teamchild.org](mailto:pierceinfo@teamchild.org)
- **Spokane County:** call (509) 323-1166 or toll-free (888) 240-4172, fax (509) 381-7176, or email [spokaneinfo@teamchild.org](mailto:spokaneinfo@teamchild.org)
- **Yakima County:** call (509) 573-4993 or toll-free (888) 573-4993, fax (509) 575-5530, or email [yakimainfo@teamchild.org](mailto:yakimainfo@teamchild.org)



www.WashingtonLawHelp.org

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**Disability Rights Washington (DRW)** provides legal information, resources, and strategies for disability-related issues. This includes education to people with disabilities. DRW does not screen for income. Call 206-324-1521, 1-800-562-2702, 711 for Washington Relay Service (TTY).

### Other legal help

- To find a lawyer who handle due process hearings, visit [www.k12.wa.us/sites/default/files/public/specialed/disputeresolution/pubdocs/LegalReferralList.pdf](http://www.k12.wa.us/sites/default/files/public/specialed/disputeresolution/pubdocs/LegalReferralList.pdf)

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