

Teaching Social Work Students as Advocates in Special Education

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Background & Purpose

The Individuals with Disabilities Education Act (IDEA) (2004) ensures that students with disabilities receive a free and appropriate public education (FAPE). Throughout the United States, public schools are required to create Individualized Education Programs (IEPs) for students with disabilities to meet their educational needs in the least restrictive environment. Social workers are part of the educational team in the school system that works to develop, implement, monitor, and revise the IEP plan and provide the educational services that the student needs. When families are not getting the most appropriate educational services, there are options available to them. A Due Process Complaint is a legal proceeding that allows a parent to file a complaint on behalf of the child. The complaint may be filed related to identification, evaluation, or educational placement. The Due Process Complaint results in a Due Process Hearing which can be intimidating for parents who are often not knowledgeable about legal proceedings (Partnership for Educational Advocacy and Parity, 2013). An Office of Civil Rights (OCR) complaint may be used when a child is discriminated against in a school setting because of his or her race, color, national origin, disability, sex, or age (Partnership for Educational Advocacy and Parity, 2013). OCR complaints may be filed by a parent or an advocate such as a social worker.

This presentation will highlight ways in which social workers and support and advocate with families that are going through disputes with a school district. Case studies will be used to highlight situations that are appropriate for either a Due Process Complaint or a OCR complaint. Tips and strategies for social workers working with families will be given. Finally, the presentation will make suggestions for how these case studies, tips, and strategies can be integrated into a social work classroom at either the undergraduate or graduate level.

References

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Office of Civil Right Complaint

The OCR is responsible for enforcing civil rights laws that apply to recipients of Federal financial assistance from the U.S. Department of Education. If you believe that the child has been discriminated against because of their race, color, national origin, disability, sex or age by the school district, the parent or social worker may file a complaint for the child. The parent is not required to use the school district's grievance process before filing a complaint. But, if they do use that process, they must file the complaint within 60 days of completing the process. Otherwise, the social worker or parent must file the complaint within 180 the last act of discrimination.

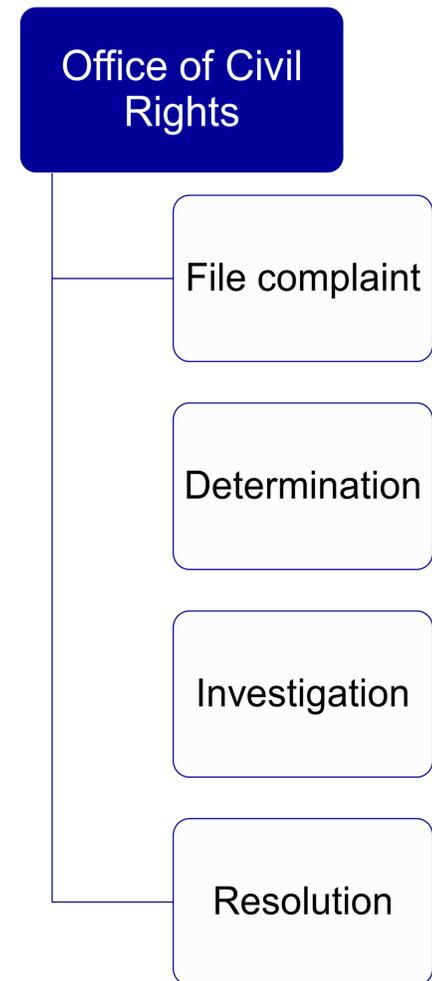
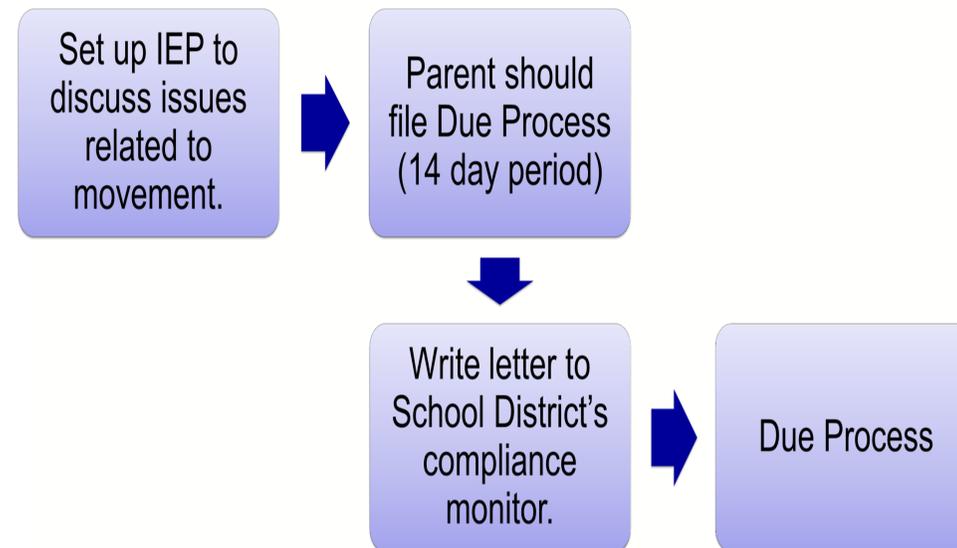
The grievance may be filed online or by mail. Upon completion of filing the complaint an investigator will contact the individual filing the complaint to guide them through the process.

Case Scenario: Timothy, a White/Caucasian, 9 year old male, was recently diagnosed with diabetes. He has a 504 plan, which states that Timothy requires testing before and after lunch by a school nurse. The school has told the mother that they cannot provide Timothy with these services. The mother has spoken to the social worker to inquire about what she can do to help her son get the that services he needs.

Due Process Complaint

Due process is procedure that is used to take legal action to protect the educational rights of children with disabilities. You may file a due process complaint a matter that is related to identification, evaluation, or education placement of a child with a disability. The social worker or parent may file the complaint to get a "stay put" if the child has an IEP and the school desires to move that child to an inappropriate placement. The social worker or parent must file a due process complaint with the school district and a copy must be sent to the state's Department of Education.

Case Scenario: Michael, a African American, a 13 year old male, and has a diagnosis of Emotional Disturbance. He receives mental health services under his IEP and currently has a behavior plan in place for his consistent emotional outburst in the classroom. The teacher called an IEP meeting because Michael is not making progress in the classroom and the principle would like to transfer him to another school. The mother asked to retrieve a copy of an incident report, instances when the BIP did not deescalate Michael, and suggested that Michael receive medication for his disability. The school reported that they did not have an incident report or documentation for the BIP. The principle stated that they would like to transfer Michael to another school because they have run out of options for him. The mother is seeking the social worker's help to ask about filing a Due Process.



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