

# **WARRIOR MOMS**

Fighting for Children with Disabilities

Queen's Bench Luncheon - July 10, 2018



# WARRIOR MOMS - Presenters

Elizabeth Polay, *Wiscarson Law*

- Former educator
- Special Education Attorney representing parents of children with disabilities in the public schools

Heather Decker, *tcb coaching + consulting*

- Parent of 13-year-old son with ADHD and 504 plan
- Business Management Coach/Formal private practice litigation attorney

Laurie Zwingli, *Law Offices of Laurie H Zwingli LLC*

- Parent of 20-year-old son diagnosed with ADHD as high school Sophomore, 17-year-old son with ADD and 504, and 13-year-old son with autism and IEP.
- Family law attorney representing children

# The Law - Part 1

Elizabeth Polay



# Differences Between the IDEA, Section 504, and the ADA

- Who is eligible
- Standards for eligibility
- Which entities are required to implement which laws
- How each law is implemented and what each law requires
- Parents' rights and responsibilities under each law

# The IDEA

- Applies to children ages birth to 21 in **public** school districts
- Standards for Eligibility: The student's disability adversely affects educational performance, and the student is in need of **specially designed instruction**
- Requires **public school districts** to provide special education, related services, accommodations, and modifications to children with disabilities in public schools
- Provides for specially designed instruction (SDI), related services, accommodations, and modifications by public school districts

# Section 504

- Applies to any entity that receives government funding or government assistance, including public school districts
- **A discrimination statute:** Forbids discrimination on the basis of disability by government funded or assisted agencies
- The Standard for Eligibility: The person has a disability (physical or mental impairment) that substantially limits a major life activity
- Requires **government funded or assisted agencies, including public school districts**, to allow for accommodations related to equal access

# The ADA

- Applies not only to government funded or assisted agencies, including school districts, but also to **places of public accommodation**
- **A discrimination statute:** Forbids discrimination on the basis of disability by government funded or assisted agencies, **and** by places of public accommodation
- The Standard for Eligibility: The person has a disability (physical or mental impairment) that substantially limits a major life activity
- Requires government funded or assisted agencies and places of public accommodation to allow for accommodations related to equal access

# **The Key Difference Between the IDEA and the Discrimination Statutes**

Specially Designed Instruction

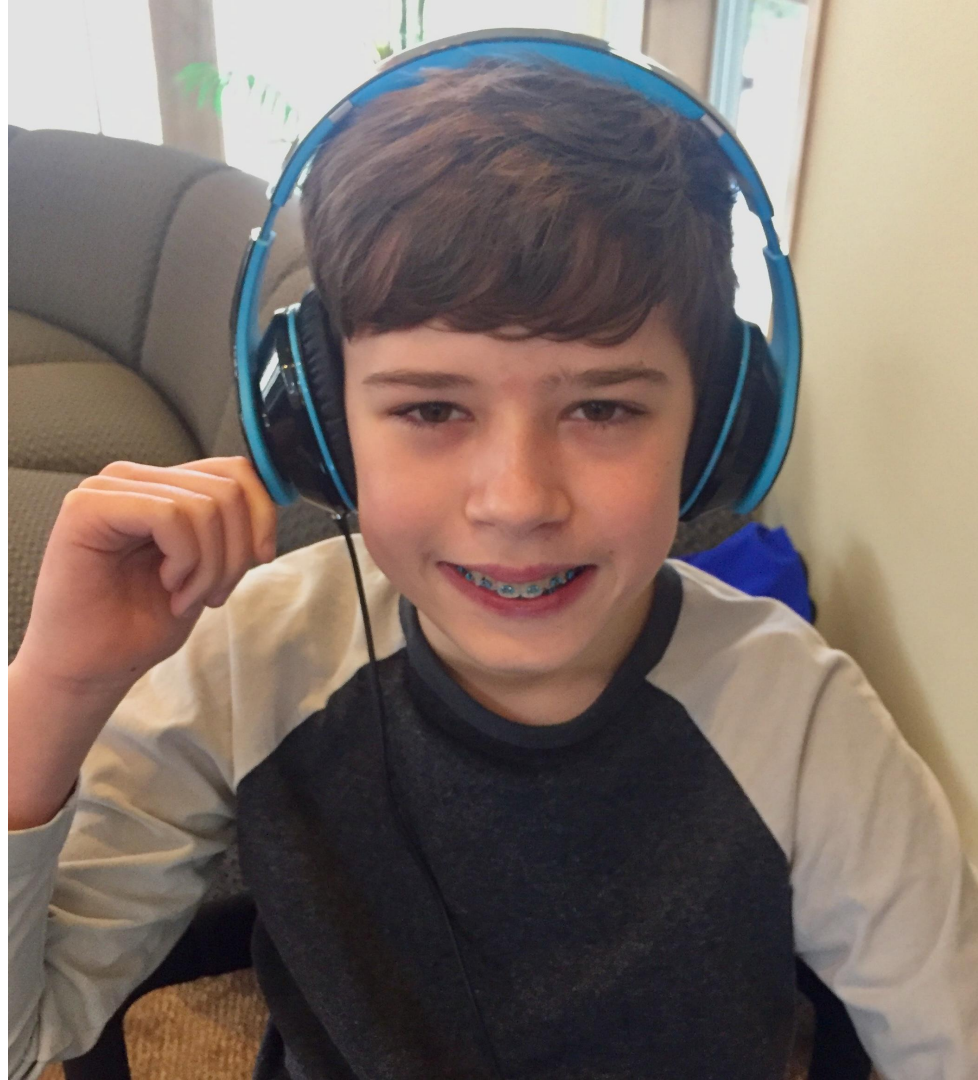


# Parent Role

Heather Decker



**Hello!**  
**My name is Will**



# Parent as Compassionate Partner

- Shift your perspective and mindset -

“What is wrong with my child?” vs.

“What is life like for my child and how can I help them?”

- Educate yourself and others in your child's life
- Accept your child for who they are and just as they are right now
- Understand that if your child could do better, they would

# Parent as Advocate

- Create and lead a multi-disciplinary team of medical and other care providers
- Reach out to your child's education team -
  - Who's who? Look for allies and build relationships
  - Offer to coordinate and attend regular meetings with the education team
  - Facilitate year-to-year transfer of information and experience for teachers
  - Offer teaching resources and education opportunities
- Coordinate the medical team with the education team
- Learn about IEPs and 504 plans, and understand the law

# Parent as Enforcer

- Make sure the school follows the IEP/504 plan
  - If teachers are overwhelmed or under-equipped, advocate for help
  - If they're not interested, be politely relentless
  - Seek school district support and resources
  - Consider consulting an education attorney
- If the IEP/504 plan covers discipline, hold educators accountable to its terms
- If the IEP/504 plan is inadequate, seek changes

# Person Centered Plans

Laurie Zwingli





# Northwest Regional Education Service District

(503) 614-1428  
Toll-free 1-888-990-7500

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In partnership with the communities we serve, Northwest Regional ESD improves student learning by providing equitable access to high quality services and support to Oregon's children and families.

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## QUICK LINKS

[Summer Food Sites: Washington County](#)

**Non-discrimination:** Northwest Regional ESD recognizes the diversity and worth of all individuals and groups. We



[www.resd.org](http://www.resd.org)

# LIAM

## 2018 Eighth Grade Personal Portfolio

### INSIDE ...

*My story  
I Am a Learner  
My Strengths, Gifts and  
Capacities  
How I learn  
Liam's Helpful Hints  
Our Family Wishes*



*Hi! It's nice to meet you.  
My name is Liam.*

*I live at home with my  
mom, older brothers Tyler  
and Brady, and my dog,  
Mojo.*

*I hope you will take a few  
minutes to read this  
portfolio about me, it  
might tell you a few things  
that most people don't get  
to see unless they spend a  
lot of time with me.  
Questions? Ask my mom,  
she can tell you lots!*

*"There is nothing in a caterpillar that tells  
you it's going to be a butterfly."*

*~Richard Buckminster*

### I HAVE CLIMBED MOUNTAINS...

*In 2004, when my parents realized I was coming, they had no  
idea what kind of surprises I had in store for them. Sadly, my  
dad never found out, because he passed away before I was  
born. But Mom was thrilled when I finally decided to venture  
out into the world, and all seemed just fine. I smiled, I liked  
attention, I ate well, I was cute, cuddly, and all kinds of fun.  
But then things began to happen. First, I was diagnosed with*



*torticollis (one side  
of my neck was  
stronger than the  
other). Physical  
therapy fixed it and  
my neck is fine now,  
but the torticollis led  
to plagiocephaly (my  
skull plates aligned  
improperly). I got to  
wear a helmet for a  
while for that, and  
once it was done  
everything seemed  
fine for a while. But  
then mom noticed  
that I wasn't talking  
or playing enough. I  
was a very relaxed  
and easy-going*

## Strengths, Gifts and Capacities

### Home Observations

#### Likes the Water

- Sense of adventure
- Attends to activity
- Curiosity beyond self
- Sensory stimulation
- Overcoming fear



#### Visual Learner

- Learns best  
with visual  
aids



*-Symbols representing the next step in a series  
of steps serve as prompts, requiring less  
supervision, and strengthening familiarity with  
problem solving skills through repetition*

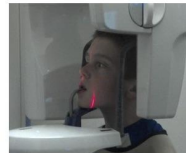
#### Loves to Be Helpful

- Follows directions
- Cooperation
- Strength
- Social
- Building relationships
- Recognizes that a job  
needs to be done
- Wants to be involved



#### Tolerates Mechanical Noises

- Trust for adults
- Processing  
external stimuli
- Increased  
patience and  
tolerance for the  
uncertain



#### Engaging!

- Sweet
- Happy
- Funny
- Compassionate
- Infectious laugh—note, however, that  
random laughing is a symptom of ASD that  
he cannot necessarily control or stop on  
command
- Empathetic-aware of sadness and anger in  
others
- Affectionate-likes to get and give hugs,  
especially from teacher



#### Books!

- Visual learning
- Loves cartoon  
books, can read  
chapter books
- Reads at grade  
level, but comprehension  
still needs work
- Extensive vocabulary
- Dramatic inflection when  
reading out loud





## *Liam's Helpful Hints* (cont.)

### *Things that Liam, Mom and the Team Have Worked Hard to Achieve—*

- *Making eye contact with friends and teachers*
- *Math, reading, writing, spelling, social skills*
- *Writing stories about more than Pokémon and video games*
- *Using words instead of noises*
- *Following up in conversations with friends*
- *Playing with friends*
- *Smoother transitions from one activity to another*
- *Fewer reminders to get his work started and completed, especially for disfavored activities*
- *Using words to indicate when he is feeling overwhelmed and upset, so as to offer him help early enough to prevent escalation*
- *Accepting encouragement from his peers*



*Liam faces and overcomes challenges **every day**. He is an intelligent, happy, loving child who responds very well to people who care about him and his success. With a little help, he will have a wonderful year in eighth grade.*

## *Our Family Wishes*



### *For Liam, we wish:*

- *For him to not be on the outside looking in;*
- *For him to be part of his peer community;*
- *For him to have a successful, independent life*

### *For Liam, we hope that others:*

- *Will have patience*
- *Will give him time*
- *Will give him opportunity*
- *Will raise the bar*
- *Will expect the best of him*
- *Will stand by him*

*We envision a future for Liam that is full of richness and diversity, one in which he determines his own destiny. We offer the support of a loving family and promise him that through life's many challenges we will stand by him; there when he needs us, but yet willing to allow him to struggle that he might experience personal triumph...may Liam be rich in what truly is of value...relationships, friendships, and a deep sense of identity and belonging. We believe in a world that will accept Liam for who he is and not the archaic stereotype of a less than whole young man. Liam is healthy, and not in need of a remedy or cure. Liam is not broken, and does not need to be fixed.*

# The Law - Part 2

Elizabeth Polay



# Parents' Rights

- Participate in the development of the IEP
- Review and have access to student records
- Challenge decisions made by district representatives if parents disagree:
  - Independent Educational Evaluation (IEE)
  - Office for Civil Rights Complaint (federal)
  - Department of Justice Complaint (federal)
  - State Complaint (state)
  - Mediation(state)
  - Due Process Complaint (state)

# Helpful Links

- Link to Procedural Safeguards Notice for the 2018-19 school year:  
<https://www.oregon.gov/ode/rules-and-policies/Documents/englishk21.pdf>
- Oregon Department of Education (ODE) Dispute Resolution webpage:  
<https://www.oregon.gov/ode/rules-and-policies/Pages/Dispute-Resolution.aspx>
- ODE's List of Attorneys in Oregon Who Represent Parents and Children in Special Education Disputes:  
<https://www.oregon.gov/ode/rules-and-policies/Documents/attorneyscurrent.pdf>
- Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/index.html>
- ODE's Civil Rights 504/ADA webpage:  
<https://www.oregon.gov/ode/students-and-family/equity/civilrights/Pages/Section504.aspx>

**Questions?**

**THANK YOU!**

**See written materials for  
further reading and resources**

**WARRIOR  
MOMS**

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