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This Training is being Recorded.

***Please feel free to ask questions as
they come up,
but we will have several Chat Box
Check-Ins
throughout the training.***



MAINE DEPARTMENT
OF EDUCATION

Office Hours: Special Education Law for General Education Teachers 4/9/2025

The OSSIE Supervision, Monitoring and Support Team

Presented by: Leigh Lardieri



Meet the Supervision, Monitoring and Support Team



Colette Sullivan
Federal Programs Coordinator
colette.sullivan@maine.gov



Jennifer Gleason
Educational Specialist
jennifer.gleason@maine.gov



Karlie Thibodeau
Educational Specialist
karlie.l.thibodeau@maine.gov



Ashley Satre
Educational Specialist
ashley.satre@maine.gov



Julie Pelletier
Secretary Associate
julie.pelletier@maine.gov

Dispute Resolution: Common concerns related to MUSER and IDEA

Presented by Leigh Lardieri, Ph. D.
Maine Department of Education
Office of Special Services and Inclusive Education

Leigh.Lardieri@maine.gov

April 9, 2025

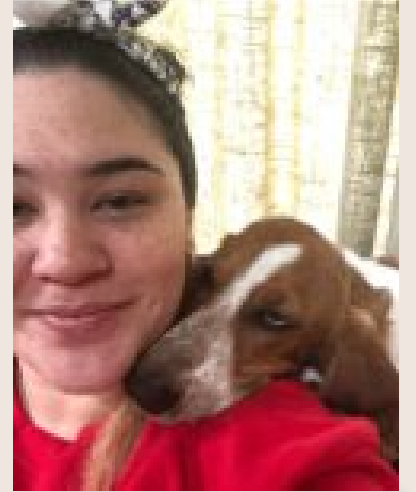
Meet the Dispute Resolution Team



**Leigh Lardieri,
Coordinator**



**David Emberley
Education Specialist
Consultant**



**Alisha Brownstein
Legal Seretary
Associate**

Dueprocess.DOE@maine.gov

Due Process Activities

State Complaint Investigations

Due Process Hearings

Mediation

Stand-alone Mediation

IEP Meeting Facilitators

Required by IDEA

Offered by Maine DOE and some, but not all states

What are some of the most common issues from MUSER and IDEA that are disputed or investigated in Due Process cases?

-Procedural Safeguards/FAPE

-Child find/initial referrals/parent requests

-Evaluations

-Services

-Eligibility

-Placement/LRE

-IEP: Special factors

-Behavior/Discipline

-PLEPS and IEP goals

-Abbreviated days

**-Supplemental aids,
Services and modifications**

-Staffing issues

Child find/ Initial Referrals/ Parent Requests

Procedural and substantive issues

- **Timeliness of response**
- **Information gathering/documentation**
- **Convening initial referral IEP meeting**
- **Notice of Procedural Safeguards**



Child find/ Initial Referrals/ Parent Requests

Things to Remember

Procedural and substantive issues

- Parents can request a referral/evaluations at any time. (MUSER IV.2.E.(3), p. 23)
- Outside providers can make referrals (MUSER IV.2.E., p. 24)
- Children receiving home instruction or in parentally-placed private schools are entitled to child find. (MUSER IV.2.A., p.21)
- Children experiencing chronic absenteeism, or housing instability are entitled to child find. (MUSER IV. 2.A., p.21)



Evaluations

Procedural and substantive issues

- **Consideration of all suspected areas of disability/referral questions are IEP team decisions.**
- **Obtain signed parental consent to conduct evaluations.**
- **Consideration of parent-initiated evaluations.**
- **Evaluation reports are due to parents 3 days in advance of the IEP meeting to review the results within 45 school days.**
- **Having trained and qualified evaluators to complete evaluations, and interpret results for the IEP team.**



Evaluations:

Things to remember

In conducting the evaluation, the SAU shall:

-Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; (MUSER V.2.B.(2), p.45)

and

-Evaluation reports shall not make either eligibility or placement determinations. These determinations are the responsibility of the IEP Team, pursuant to federal and State law and regulation. (MUSER V.4.D., p. 51)



Evaluations:

Things to remember: IEEs

Independent Educational Evaluations (IEEs):

Independent Educational Evaluation [34 CFR 300.502]

A. General

(1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs B through E of this section.

(2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph 5 of this section.

(3) For the purposes of this subpart:

(a) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

(b) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with 34 CFR§300.103.



Evaluations:

Things to remember: IEEs

Independent Educational Evaluations:

Independent Educational Evaluation [34 CFR 300.502]

B. Parent right to evaluation at public expense

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs B.(1) through (4) of this section.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either:

(a) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

(b) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to 34 CFR §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.



Evaluations:

Things to remember: IEEs

Independent Educational Evaluations:

Independent Educational Evaluation [34 CFR 300.502]

B. Parent right to evaluation at public expense

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.



Eligibility Determinations

Procedural and substantive issues

Three-prong eligibility standard under IDEA: (34 CFR 300.8)
and (MUSER V.2.F., p.47)

1. Is there a **disability** present?
2. Is there an **adverse effect** on the child's education?
3. Does the child **need specially designed instruction?**



Eligibility Determinations

Procedural and substantive issues

Use as directed in MUSER:

-Adverse Effect form

[Special Services - 2024-25 Adverse Effect QRD - 9.17.2024.pdf](#)

-Specific Learning Disability Eligibility Form

[Special Services - 2024-25 Specific Learning Disability QRD - 9.17.2024.pdf](#)

-Speech or Language Impairment Eligibility Form

[Special Services - 2024-25 Speech Language QRD - 9.17.2024.pdf](#)



Eligibility Determinations:

Things to Remember

Procedural and substantive issues

- IEP decision-making process and parent input;
(MUSER VI.2.1.,p. 68)
- Ensure that parents receive a copy the Adverse Effect form, and/or Specific Learning Disability Eligibility form;
- Notice of Procedural Safeguards.



Development of the IEP:

- Special factors
- PLEPS and IEP goals
- Supplementary aids, services, modifications and supports
- Services
- Placement/LRE

Procedural and substantive issues

Based upon the **needs** of the child, make sure there are **inclusive** discussions about:

- considerations, including special factors;
- the development of PLEPS and measurable goals and **objectives (if applicable)**;
- the supplementary aids, services, modifications and supports that will be in place to ensure that the child will make progress on the measurable goals/**objectives**;
- the services that will be in place to ensure that the child will make progress on the measurable goals/objectives;
- the placement/LRE where services will be delivered (e.g., Specially Designed Instruction [SDI]).
- Endrew F. v. Douglas County Schools (2017).



Development of the IEP:

- Things to remember

Procedural and substantive issues

-Unilateral placement decision- be careful about making them, and or/be aware that parents may decide to “parentally place” and then request tuition reimbursement.

Review and Revision of IEP: (MUSER IX.3.D, p. 102)

-If the student is not making progress, convene an IEP meeting to review and make revisions (as needed) to the IEP.

-Endrew F. V. Douglas County Schools (2017).

Written notices:

- Make sure what is recorded in the written notice, and what is written in the IEP are the same.

Timelines:

- Advance Written Notices
- Written Notices
- IEPs



Behavior, Discipline, and Abbreviated Days

Procedural and substantive issues

Discipline of Students with Disabilities: (MUSER XVII.,p. 187)

**-Suspensions and disciplinary removals
(MUSER XVII.1.,p. 187)**

**-Manifestation Determination
(MUSER XVII.1.E., p.189)**

**-Functional Behavior Assessments (FBAs)
(MUSER XVII.1.B., p.187)**

**-Service provision for students in interim alternative
educational placements (IAES)
(MUSER XVII.F.(1)(a), p.189)**



Behavior, Discipline, and Abbreviated Days

Procedural and substantive issues

Discipline of students with disabilities: Special Circumstances (MUSER XVII.1.G., p.190)

- Weapons
- Drugs
- Serious bodily injury

Abbreviated Days

- Educational or medical reasons



Behavior, Discipline, and Abbreviated Days

Things to remember:

Behaviors

- Document, document, document
- Positive Behavior Interventions and Support (PBIS)
- FBAs
- Behavior Intervention Plans (BIPs)

Discipline

- Suspensions- in-school counts as disciplinary removal
- Sending child home/ calling parent to pick up counts as a disciplinary removal.

Manifestation Determination

- Student must have educational programming including access to general education curriculum.

Abbreviated Days

- Adhere to timelines
- re-entry plan, re-entry plan, re-entry plan




Staffing Shortages

Implementation of the IEP- Program in Effect: (MUSER IX.3.B.(3)., p.98)

- IEP team must meet every 30 days to come up with alternative solutions.**
- Look at ways to reconfigure staffing assignments to ensure services and supports for all students with IEPs are covered.**
- Involve your district level administration (e.g., superintendent) in problem solving and support for recruitment of staff, and substitute teachers and Ed Techs.**



Other Thoughts

- Parent input and communication is key.
- Most of the time you may have .Complainants may still file, because they can.
- Allegations may/ may not result in violations. It depends upon the totality of the facts in a case.
- **** If your district finds itself in a situation where violations are found in a complaint investigation or hearing, and corrective action is ordered, *try* to take it as an opportunity for learning and technical assistance.



Questions?

Please reach out to us for support.

Leigh.Lardieri@maine.gov, Dispute Resolution Coordinator

David.C.Emberley@maine.gov, Ed. Specialist, Consultant

Alisha.Brownstein@maine.gov, Legal Secretary Associate

Dueprocess.DOE@maine.gov

[Effective Dispute Resolution | Department of Education](#)

Maine Department of Education, Office of Special Services and Inclusive Education

Feedback?

Please reach out to us. We want to know.
Thank you.

Dispute Resolution Issues:
Wednesday, April 9, 2025: Maine
DOE- OSSIE Team



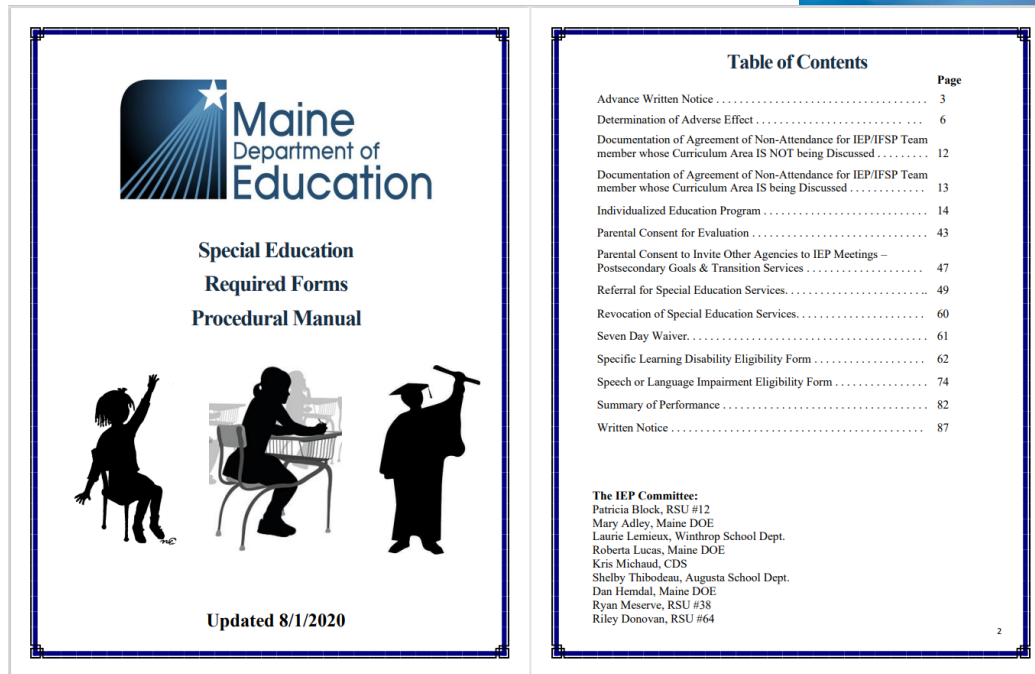


Resources



Resources

Procedural Manual



Resources

Maine Unified Special Education Regulations (MUSER)



05-071 Chapter 101

**Maine Unified Special Education Regulation
Birth to Age Twenty-Two**

Effective Date: July 26, 2024



Resources

2024-25 Cohort IEP Quick Reference Document

*Compliance
*Best Practice



Maine Unified Special Education Regulations (MUSER IX.3.G.)

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

SAU or CDS Site:

Date IEP Sent to Parent:

FOT7- Compliance:

☐ Date sent to parent is \leq 21 school days from Annual Date of IEP Meeting

1. CHILD INFORMATION

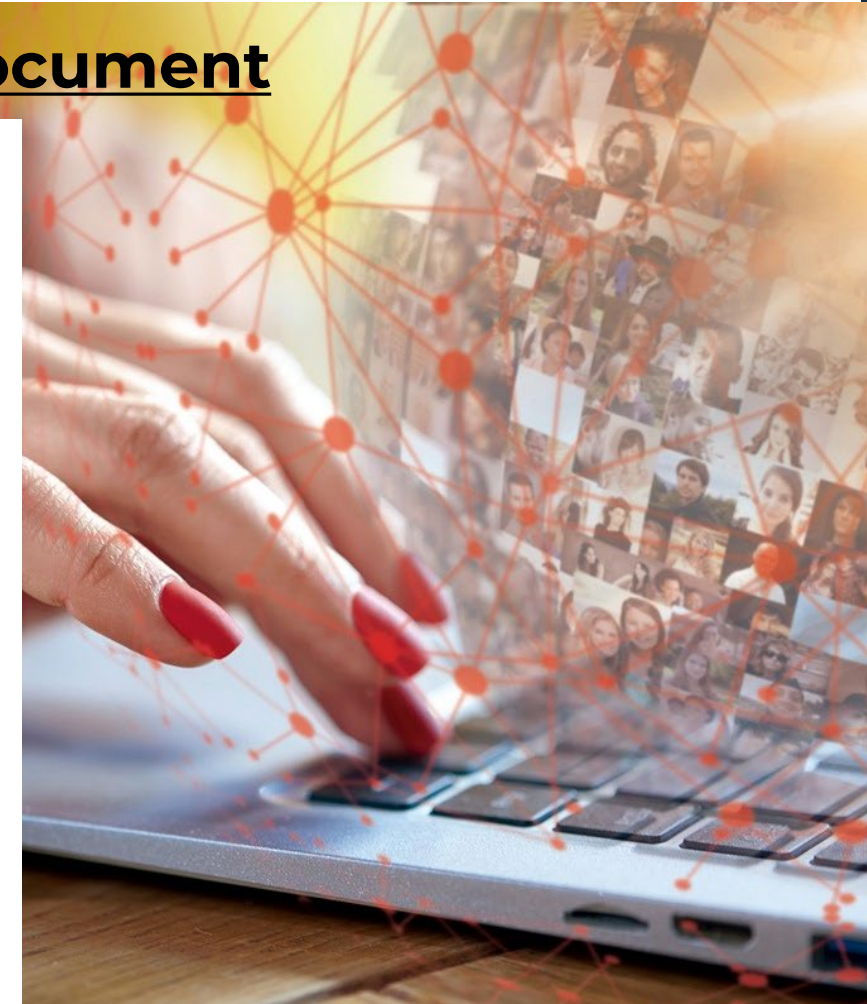
Child's Name:	Annual Date of IEP Meeting:
Date of Birth:	Duration of the IEP:
Age:	Grade:
	Date of Next Annual IEP Meeting:
	FOT8- Compliance:
	<input type="checkbox"/> Date of next annual is within 364 days of annual meeting date
School/Program:	Date of Re-Evaluation:
Parent/Guardian Name:	Date(s) of Amended IEP:
Child's Address:	Case Manager:
City, State, ZIP:	
State Agency Client? <input type="checkbox"/> YES <input type="checkbox"/> NO	

2. DISABILITY

<input type="checkbox"/> Autism	<input type="checkbox"/> Deaf-Blindness	<input type="checkbox"/> Deafness
<input type="checkbox"/> Developmental Delay (3-5)	<input type="checkbox"/> Developmental Delay (Kindergarten)	<input type="checkbox"/> Emotional Disturbance
<input type="checkbox"/> Hearing Impairment	<input type="checkbox"/> Intellectual Disability	<input type="checkbox"/> Visual Impairment (including Blindness)
<input type="checkbox"/> Other Health Impairment	<input type="checkbox"/> Orthopedic Impairment	<input type="checkbox"/> Speech/Language Impairment
<input type="checkbox"/> Specific Learning Disability	<input type="checkbox"/> Traumatic Brain Injury	<input type="checkbox"/> Multiple Disability
(check all applicable concomitant disabilities)		

Compliance:

- ☐ Only one disability checked, unless Multiple Disability is checked
- ☐ If Multiple Disability is checked, all disabilities making up the multiple are checked



Resources



[Professional Development Calendar](#)

[Link for Recordings and Power Points](#)



[Special Education Resources](#)

[Special Education Laws and Regulations](#)



[Resources for Families & Schools-Forms](#)



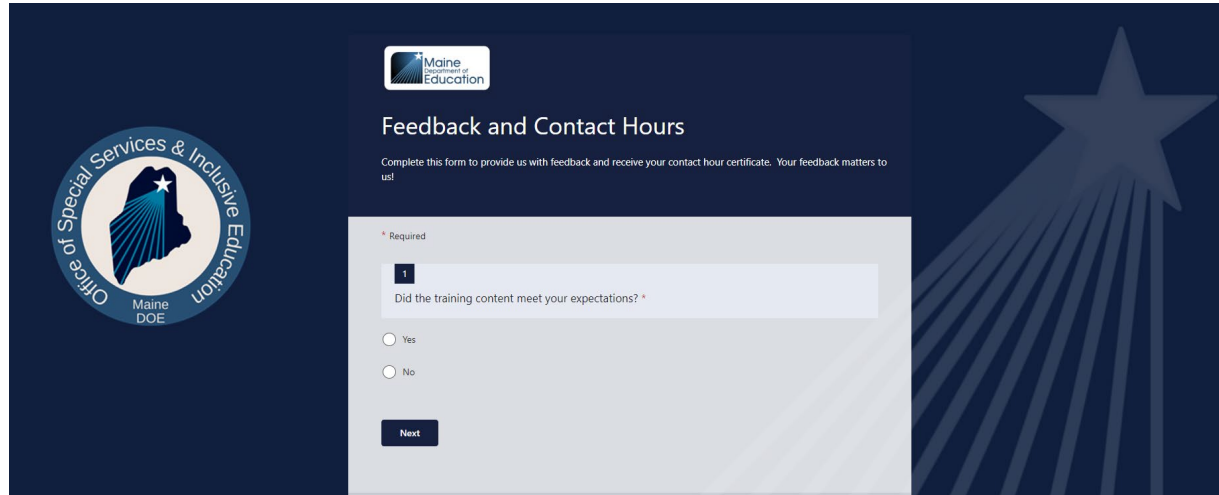
2024-25 Professional Development Schedule

<u>DATE</u>	<u>TOPIC/DESCRIPTION</u>	<u>REGISTRATION LINK</u>
Wednesday 9/11/24	Resources	YouTube Slides
Wednesday 9/25/24	IEP Essentials for New Teachers	YouTube Slides
Wednesday 10/9/24	Alignment	YouTube Slides
Tuesday 10/15/24	All District IEP Training	YouTube Slides
Wednesday 10/23/24	Advanced Written Notice and Written Notice	YouTube Slides
Thursday 10/31/24	All District B13 Training	YouTube Slides
Wednesday 11/13/24	Inclusion Presented by: Tracy Whitlock	Recording coming soon
Wednesday 12/11/24	How Community Case Managers Can Help IEP Teams Presented by: KVBH	Recording coming soon

2024-25 Professional Development Schedule (cont.)

<u>DATE</u>	<u>TOPIC/DESCRIPTION</u>	<u>REGISTRATION LINK</u>
Wednesday 1/8/25	Alternate Assessments Guest Speaker: Jodi Bossio-Smith	Recording coming soon
Wednesday 1/22/25	Compliant versus Good IEPs Developing a Strong IEP Part 1	Recording coming soon
Wednesday 2/12/25	Compliant versus Good IEPs Developing a Strong IEP Part 2	Recording coming soon
Wednesday 2/26/25	Accommodations and Services	Recording coming soon
Wednesday 3/12/25	Transition from CDS to Public School Guest Speaker: Lori Whittemore	Recording coming soon
Wednesday 3/26/25	Abbreviated Day	Recording coming soon
Wednesday 4/9/25	Special Education Law for General Education Teachers Guest Speaker: Leigh Lardieri	Recording coming soon
Monday 5/12/25	All District B13 Transition Training	All District B13 Transition Training Registration Link (5/12/24)
Wednesday 5/14/25	Forms	Forms Registration Link
Friday 5/28/25	Discipline & Manifestation Determination	Discipline & Manifestation Determination

Professional Learning Feedback and Contact Hour Form.



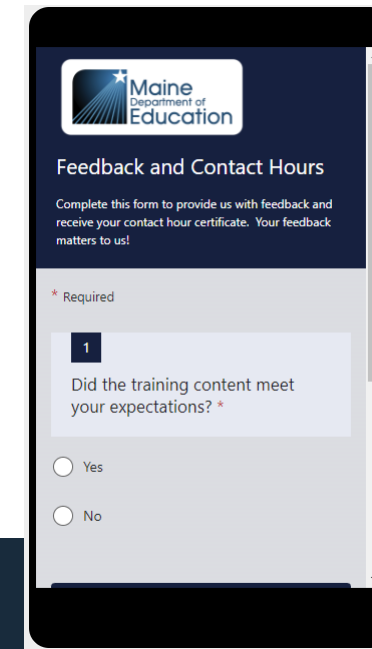
The screenshot shows a desktop view of the 'Feedback and Contact Hours' form. On the left is the 'Office of Special Services & Inclusive Education' logo. The form title is 'Feedback and Contact Hours' with a subtitle: 'Complete this form to provide us with feedback and receive your contact hour certificate. Your feedback matters to us!'. A question is displayed: '1 Did the training content meet your expectations? *'. Below the question are two radio button options: 'Yes' and 'No'. A 'Next' button is at the bottom of the form area.

Use the link to complete the form
on your computer

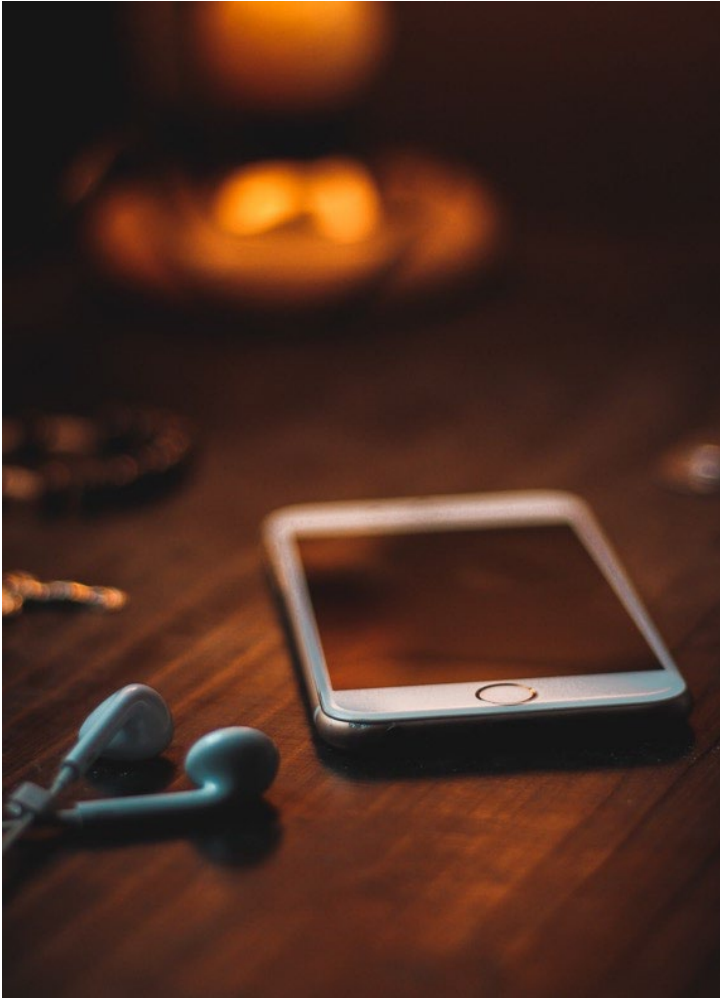
OR

Use the QR code to complete the
form on your mobile device

<https://forms.office.com/g/by472QQLDJ>



The screenshot shows a mobile view of the same 'Feedback and Contact Hours' form. The layout is adapted for a smaller screen, with the logo and form content stacked vertically. The question '1 Did the training content meet your expectations? *' and the 'Yes/No' radio buttons are clearly visible.



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@MaineDepartmentofEducation1



Colette Sullivan – Federal Programs Coordinator

colette.sullivan@maine.gov

Jennifer Gleason – Special Education Consultant

jennifer.gleason@maine.gov

Karlie Thibodeau – Special Education Consultant

karlie.l.thibodeau@maine.gov

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julie.pelletier@maine.gov



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