

Interpreter Materials for Special Education Mediation

Prepared by:
**Wisconsin Special Education
Mediation System
(WSEMS)**



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Dear Interpreter:

Thank you for providing interpreting assistance to the Wisconsin Special Education Mediation System (WSEMS). The provision of educational services to students with special needs is very important, and clear communication between school districts and parents is an essential part of the process.

As an interpreter in a WSEMS mediation or IEP facilitation, your role will be to translate between the parties. You are not acting as a representative for either side, but as deliverer of crucial information. You are hired by WSEMS, not either one of the parties, and your role is to remain impartial and neutral in your communication with both sides.

The field of education (and specifically, special education) is filled with unique words, phrases, acronyms, and names - many of which have legal consequences. It is important that you translate word for word and do not attempt to summarize what a party is saying using your own words. However, it is possible that some of the terms do not have an exact translation in your language. Therefore, please ask for clarification of any words or phrases that you do not understand - or that do not have an exact translation.

These materials have been created in order to provide a broad overview of the WSEMS system. We have included a list of common terms in the fields of education and dispute resolution and their corresponding definitions. There is a description of the mediation and facilitation processes, as well as an overview of the administrative portion of the process. You can then see the steps of the WSEMS timeline and at what point you will be involved.

Thank you again for your assistance in this very important work.

Sincerely,

Nissan Bar-Lev, WSEMS Partner and CESA 7 Special Education Director
Jan Serak, WSEMS Partner and WI FACETS Co-Director
Nina Meierding, WSEMS Partner and Mediation Professor, Trainer
Jane Burns, Intake Coordinator & Administrator
Nelsinia Ramos, WSEMS Multicultural Outreach Coordinator and WI FACETS staff person

What Happens in Mediation?

WSEMS mediations usually start with a joint session where all the parties are together, although this is not true in all cases. The mediator makes an “opening statement” to the parties about the mediator’s role, the process, the day’s goals and reviews the Agreement to Mediate (to view a sample go to <http://www.wsems.us/wp-content/uploads/2014/05/2013-14-Agreement-to-Mediate.pdf>). Everyone present signs the Agreement to Mediate, including the interpreter.

After the mediator finishes the opening statement (which includes a statement about the role of the interpreter), the parties (and their attorneys, if present) have an opportunity to each make a statement. This part of the mediation can be quite brief or rather lengthy.

Sometimes all the participants will stay in the same room together for most of the mediation - other times the mediator will shuttle back and forth between the parties in what is called a “caucus” or “separate session.” The parties communicate their needs and goals either directly to each other (or through the mediator) and the mediator assists them in reaching an agreement on their issues. The interpreter usually “travels” with the mediator to these separate sessions.

If the parties reach an agreement, all the parties agree who will write up in the agreement. This person is called a “scrivener.” The agreement may be written up at the end of session and all parties sign it. In the alternative, the mediator may write up the agreement after the mediation is over, using notes, words, and agreements from the session, and then send it to parties for their review. The mediator can then incorporate any agreed upon changes and send the revised agreement to the parties for their signature. If no agreement is reached, another mediation session can be scheduled or the parties may decide to proceed to a due process hearing.

In mediation, the parties control the outcome of their dispute by reaching a mutually agreeable decision, but in a due process hearing the decision is made by an administrative law judge (third party neutral).

Wisconsin Special Education System Mediation Administrative Procedure

Step 1: Intake Process

If a parent or school is requesting information about mediation:

1. The intake coordinator answers any questions about the WSEMS system and the process of mediation. If the parent or school is interested in proceeding, the intake coordinator instructs them to sign and return the mediation request form to initiate the mediation process.
2. If people have access to the internet, the intake coordinator refers them to the www.wsems.us website for information about mediation, the request form, and the mediator bios. If a person does not have access to the internet, the intake coordinator sends an information packet that can include a WSEMS brochure, request form, and list of short mediator bios.

If a parent or school district submits a Mediation Request Form:

1. The intake coordinator assigns a WSEMS case number and calls the parties to verify that all the information on the request form is correct. The intake coordinator clarifies issues to be addressed in mediation and asks questions - such as the nature of the child's disability.
2. If an attorney signs the request form, the intake coordinator sends all letters to the attorney and send copies to their client (parent and/or school district.)

In contacting the WSEMS office, the parties may either jointly request mediation (see B2 option below), or only one party requests mediation (see option B1 below).

B1. Single (One-party) request

1. The intake coordinator sends a copy of the request form and an information brochure to the non-requesting party with an introductory letter. The intake coordinator sends a copy of the letter to the requesting party. Mediation is a voluntary process and the non-requesting party has 5 business days to respond whether they want to participate in mediation or not.
2. If there is no response within 5 business days, the intake coordinator follows up with a phone call to answer any questions and explain the benefits of mediation. If the party still declines, the Intake Coordinator notifies the requesting party that the other party has not consented to mediation and the Intake Coordinator closes the file. However, if the other party agrees to mediation, the Intake Coordinator proceeds to Step 3, Referral (Assigning a Mediator).

B2. Joint (Two-Party) Request

1. The Intake Coordinator proceeds to Step 2, Screening.

Step 2 : Screening

A. Subject Matter Screening (based on WI Stat §115.797)

Does the dispute involve services for one or more of the following disabilities based on IDEA 2004/Wisconsin Administrative Code PI 11?

1. Autism
2. Emotional Behavioral Disability
3. Hearing Impairment
4. Intellectual Disability
5. Orthopedic Impairment
6. Other Health Impairment
7. Specific Learning Disability
8. Speech/Language Disability
9. Traumatic Brain Injury
10. Visual Impairment
11. Significant Developmental Delay (3-9 years old)

The eligibility criteria for these disabilities can be found in Wis. Adm. Code PI 11, and the DPI website: <http://dpi.wi.gov/sped/program>

B. Party Screening

The requestor can be a parent or legal guardian, district administrator, special education or pupil services director, attorney, or competent adult pupil.

C. Nature of the Dispute

The state statute requires that the nature of the dispute be about a denial of FAPE (free and appropriate public education), eligibility, placement, or IEP issues.

Step 3: Referral(Assigning the Mediator)

A. Specific Mediator Requested

The parties can request a specific mediator from the WSEMS roster, but both parties must agree on who the mediator will be.

B. No Mediator Requested

If the parties don't jointly request the same mediator, the parties work with the intake coordinator to find a mutually agreeable choice.

STEP 4: FOLLOW-UP

The Intake Coordinator follows up with the mediator on the status of the case.

Glossary of Dispute Resolution Terms With Spanish Translations for the Terms

A

Active Listening/*escuchar activamente* involves focusing on what the other person is saying in a non-judgmental way. The listener then confirms his or her understanding of both the content of the message and the emotions and feelings underlying the message to ensure that the interpretation and understanding is accurate.

ADR (Alternative Dispute Resolution)/*Opciones para la Resolución de Disputas o Conflictos* is the use of processes (such as mediation and facilitation) which avoid the inflexibility of litigation and focus instead on enabling the parties to achieve mutually agreeable results, oftentimes with less direct and indirect costs.

Advocacy/*abogacía (de abogar o defender)* is the process of giving support for a cause or position. Lawyers engage in advocacy when they represent a client in a legal proceeding. In special education, parent advocates provides advocacy for parents and children. Disputants can also engage in advocacy themselves - arguing for their own position in mediation, or facilitation. Any attempt to persuade another side to agree to your position or offer is advocacy.

Agreement to Mediate/*acuerdo para tener una mediación* is a document setting down the conditions under which the mediation will take place, including confidentiality, authority to settle, and role of the mediator.

Arbitration/*arbitración* is a traditional, private dispute process in which the parties agree to be bound by the decision of a neutral third party, the arbitrator, whose award is usually legally enforceable as a court judgment.

B

Backlash/*contragolpe/contraataque* is a strong, adverse response to an action or an event. For example, when a person or a group feels pressured to do something, they will often resist or try to retaliate at the person or group who put placed them in the uncomfortable position. Parents with children in special education may be fearful that if they request mediation or a fair hearing their child will suffer backlash from school personnel. This can also result in a reversal of an apparently resolved situation, and may even escalate the conflict further.

BATNA (Best Alternative to Negotiated Agreement)/*Mejor Alternativa para un Acuerdo Negociado* is a measure developed by Roger Fisher and William Ury of the Harvard Negotiation Project which enables negotiating parties to evaluate their alternatives if a settlement is not reached. The BATNA is the best result that a party could hope for if one or both parties terminate the negotiation.

C

Caucus/Caucus is a private, confidential meeting between the mediator and one party or the other party separately. A party could also caucus (have a separate meeting) with just their own support people, either with or without the mediator. Either the mediator or either party can suggest a caucus meeting. Caucus meetings are often used to examine the important issues and needs of each party, encourage openness about underlying interests, explore weaknesses as well as strengths in the parties' positions, discuss options for reaching agreement, or when parties are unable to be in the same room with each other.

Co-mediation/co-mediación is a process using two or more mediators in the same mediation.

Common Ground/Commonalities/puntos comunes refers to ideas, beliefs, situations etc. that two people or groups share, or hold in common. These may include living in the same place or having similar values, interests, or needs. A goal of mediation and negotiation is to explore the commonalities of the parties so that they can work together more effectively.

Confidentiality/confidencialidad provides that information shared during the course of a dispute resolution process is deemed private and is not admissible in any further legal proceeding. Typically, the expectations and the legal requirements regarding confidentiality are discussed before a process begins. See Wis. Stat. §904.085 for Wisconsin's mediation confidentiality statute.

Consensus/consenso/acuerdo unánime is a method of seeking the resolution of a multiple-party conflict or dispute, relying upon equal participation of all parties. The end goal is to develop an agreement, usually without voting, that all of the participants can live with. Though the individual parties may find parts of the agreement more or less appealing, they all agree to fully support the end result.

Core Issues/asuntos principales are the fundamental interests, values, and needs which are in conflict with each other.

D

Dispute System Design/diseño del sistema de disputas is a studied approach or procedural framework that analyzes the means by which disputes are handled within a specific group or organization. Appropriate dispute resolution processes are then designed to handle the specific types of issues that arise in a group or organization like special education.

Due process hearing/audiencia del proceso legal debido is a procedure to resolve disputes between parents and schools with an administrative hearing before an impartial hearing officer (administrative law judge) appointed by the Wisconsin Department of Public Instruction.

E

Evaluative Mediation/Mediación evaluativa is an approach to mediation where the neutral takes a relatively active or directive role, making suggestions or putting forward views about the available options of the case or particular issues between parties.

F

Face Saving/face saving "Face" refers to one's image, both to oneself and to others. A face-saving approach involves allowing both parties to negotiate an acceptable result without appearing to lose or to look weak. By allowing all disputants to save face, a negotiated settlement is much more likely to be reached.

Facilitative Mediation/mediación facilitativa is an approach to mediation where the neutral aids or assists the parties' own efforts to formulate a settlement. The mediator is in charge of the process, but the parties are in charge of the content. This approach is sometimes referred to as 'interest-based' mediation as distinguished from a facilitated IEP.

Facilitator/facilitador is a person competent in the use of dispute resolution who provides a neutral's services to groups involved in a dispute or conflict. The facilitator provides procedural assistance to the parties.

Facilitation/facilitación is a collaborative process involving the use of a neutral third party (facilitator) to design and oversee a group process. WSEMS provides facilitation for IEP meetings. Facilitation is used to help a group reach a goal or complete a task to the mutual satisfaction of participants. It is often used when there are many interested parties or stakeholders.

IEP Facilitation/Facilitación de IEP o IEP Facilitado

I

IDEA Complaint/queja de IDEA ante el Estado is a written complaint submitted to the Wisconsin Department of Public Instruction stating that the school district has violated state requirements under Chapter 115, Wis. Stats. or PI 11, Wis. Admin. Code, or federal requirements under IDEA 2004 when providing special education programs.

Impartiality/imparcialidad refers to the ability of a person to retain a balanced and fair perspective in dealing with issues between differing parties. An impartial third party will retain objectivity in discussions and will not advocate for either side.

Interests/intereses, are the underlying desires and concerns that motivate people to take a position. While their position is what they say they want, such as "I want my child with autism in only regular education classrooms", their interests are the reasons why they take that position, "I am concerned my child's bad behavior will become even worse." Often parties' interests are compatible, and hence negotiable, even when their positions seem to be in complete opposition.

Interest-Based Problem Solving/Solventar los problemas en base a los intereses defines problems in terms of interests, not positions, and works to reconcile the interests to obtain a mutually-satisfactory solution.

Interpreter/intérprete is a person who carries out oral translation from one language to another. In the WSEMS system, it is very important that the interpreter interprets exactly what is spoken without summarization, advocacy, or commentary.

J

Joint Session/sesión conjunta is a phase in mediation when the negotiating parties are together. The opening joint session takes the form of an introduction by the mediator and brief presentations by each party of why they are in mediation and what outcome they would like to achieve.

L

Litigation/Litigación is a method of dispute resolution involving an impartial third party, a judge, who hears arguments on both sides and issues a judgment. Litigation is an adversarial and usually public process that tends to create a winner and loser.

M

Mediation/mediación is a flexible process conducted confidentially in which an impartial person actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to reach agreement and the terms of resolution.

Mediation Agreement/acuerdo de mediación is a written document created and signed by the parties that resolves all or part of the disputes. In special education

in Wisconsin, this document is a legally binding contract in State and Federal Court.

Mediator/mediador is a neutral person who helps disputing parties try to arrive at an agreed resolution of their dispute. Mediation cannot take place without a mediator, whose presence creates a new dynamic that is absent when parties undertake direct negotiation without third party assistance and involvement.

N

Negotiation/negociación is a process where parties exchange ideas, views, promises, and problems surrounding a dispute. Positional bargaining tends to focus on demands and counter-demands of disputing parties, sometimes leading to a bargaining process where parties trade concessions and make counter-offers. Interest-based negotiations focus on the interests underlying one's position on an issue. The parties explore their needs, concerns, and eventually work on developing mutually acceptable solutions that meet as many of the disputants' interests as possible. The WSEMS supports interest-based negotiation in mediation.

Negotiation Loopback/regresarse a negociar is a term that refers to the ability to include a provision in the mediation agreement to return to mediation as a first option if either party feels the agreement is not being followed. Parties can "loopback" to negotiation to avoid a protracted and costly court struggle.

Neutral/neutral is a third party who is detached from the issue in dispute and can manage the process of achieving resolution in a way that is not possible for parties, lawyers and parent advocates who are more directly involved (See also Mediator).

Neutrality/neutralidad means that a third party (the mediator) treats the parties in a balanced and fair way throughout the process and does not favor either side.

O

Opening Statements/comentarios iniciales are the oral presentations which are given after the mediator's opening address and allow each party the chance to present an uninterrupted narrative of their case.

P

Parties/partes are the people who are involved in the dispute. Most parties are disputants--the people who are in conflict with each other. Other parties--often called "third parties,"--are parties that intervene in the dispute to try to help the disputants resolve it. Mediators and judges, for example, are third parties.

Polarization/*polarización* occurs as a conflict rises in intensity or escalates. Often, as escalation occurs, more and more people get involved, and take strong positions either on one side or the other. "Polarization" refers to this process in which people move toward extreme positions ("poles"), leaving fewer and fewer people in the middle.

Positions/*puntos de vista/posiciones* are what people say they want--the superficial demands they make of their opponent. According to Fisher and Ury, who first distinguished between interests and positions, positions are what people have decided upon, while interests are what caused them to decide. Often one person's position will be the opposite of the other person's interests, although their interests may actually be compatible.

R

Reality Testing/*chequeo a la realidad* is a tool used by mediators that involves describing to a party the picture they have drawn of their position, and encouraging them to test what they hear. While use of this tool requires sensitivity, it can be vital for helping parties to adjust their position and become more flexible.

Reframing/*reformar o reestructurar* is a technique used by mediators that involves changing words, tone and inflection, body language, and/or the circumstances and the order in which ideas are presented in order to allow a situation to be viewed more positively - while retaining the intent of the original speaker.

S

Scrivener - is when a mediator writes down the parties' agreement points using the parties' own words and as directed by the parties themselves.

Shuttle Mediation/Diplomacy/*see caucus* is a private, confidential meeting between the mediator and each party separately or a separate meeting with a party and their support people. Caucus meetings are often used to examine the important issues and needs of each party, encourage openness about underlying interests, explore weaknesses as well as strengths in the parties' positions, and discuss options for reaching agreement (See Caucus).

Stakeholders/*grupos interesados* are people who will be affected by a conflict or the resolution of that conflict. It includes current disputants and also people who are not currently involved in the conflict, but might become involved because they are likely to be affected by the conflict or its outcome sometime in the future.

I

Third Party (Neutral)/*un tercero (neutral)* is a term used to describe an impartial person, group, or organization that assists disputing parties in reaching a resolution. Mediators, arbitrators, and facilitators, are all considered third party neutrals.

Transformative Mediation/*mediación transformativa* is an approach that focuses on empowerment and recognition of the parties, rather than reaching a specific settlement or resolution.

W

Win-Win (Cooperative or Problem Solving) Approach/*ambos ganan (método)* is the approach to conflict taken by people who want to find a solution that satisfies all the disputants. In "win-win" bargaining, the disputing parties try to cooperate to solve a joint problem in a way that allows both parties to "win." This is contrasted with the "win-lose" (adversarial) approach to conflicts that assumes that all opponents are enemies and that in order to win a dispute, the opponent must lose.

Sources:

Law Society of Upper Canada

Ohio Commission on Dispute Resolution and Conflict Management

Conflict Resolution Consortium

Glossary of Special Education Terms with Spanish Translations for the Terms

A

Accommodations/*acomodaciones* are changes in how a test is administered that do not substantially alter what the test measures and may include changes in presentation format, response format, test setting or test timing. Appropriate accommodations are made to level the playing field, i.e., to provide equal opportunity to demonstrate knowledge.

Achievement discrepancy/*discrepancia de logro* is a difference between a child's performance and his or her measured potential.

Achievement test/*prueba de rendimiento* is a test that measures competency in a particular area of knowledge or skill. The test measures mastery or acquisition of skills.

Adaptive physical education/*adaptaciones en la educación física* describes physical education that has been modified or adapted to meet the needs and disabilities of exceptional youngsters.

Americans with Disabilities Act of 1990 (ADA)/*Ley para Americanos con Discapacidades* was legislation enacted to prohibit discrimination based on disability.

Assessment/*evaluación* is a systematic method of obtaining information from tests or other sources. Procedures are used to determine child's eligibility, identify the child's strengths and needs. The assessment also describes the services the child needs to meet these needs. (See also evaluations)

Assistive technology (AT)/*tecnología de asistencia* is an item a child needs to increase, maintain or improve how the child does in school. AT includes low-tech and high-tech items, from a calculator to a computer. AT also can mean services a child needs to help in choosing, getting, or using the item.

Attention deficit disorder (ADD)/*transtorno de déficit de atención* describes a condition in which a child exhibits signs of developmentally inappropriate hyperactivity, impulsivity and inattention.

Audiology/*audiología* is the science or study of hearing. It is a related service; includes identification, determination of hearing loss, and referral for habilitation of hearing.

Autism/autismo is a developmental disability that affects communication and social interaction, adversely affecting educational performance, and is generally evident before age 3. Children with autism often engage in repetitive activities and stereotyped movements, resist environmental change or change in daily routines, and have unusual responses to sensory experiences.

B

Basic skills/destrezas básicas are skills in subjects like reading, writing, spelling, and mathematics.

Behavior disorder (BD)/transtorno de la conducta are behaviors over a long period of time that deviate significantly from socially acceptable norms for the child's age and situation.

Behavioral Intervention Plan (BIP)/ plan de intervención para el comportamiento is a plan of positive behavioral interventions in the IEP of a child whose behaviors interfere with his/her learning or that of others.

Business day/día laboral means Monday through Friday, except for federal and state holidays.

C

Calendar day/día calendario (See "day").

CESA (Cooperative Educational Service Agency)/ *Agencia Cooperativa de Servicios Educativos* is an agency that provides special education and other services to schools. Schools buy services from a CESA, but the school is still responsible for the services.

Child Find/Child Find is a state requirement that ensures that all children with disabilities are identified, located and evaluated, and determines which children are receiving special education and related services.

C.F.R. Code of Federal Regulations/Código de Regulaciones Federales

Cognitive/cognitivo is a term that describes the process that people use for remembering, reasoning, problem-solving, understanding, evaluating and using judgment.

Confidentiality/confidencialidad is the process of keeping private information private.

Confidential file/archivo confidencial is the file maintained by the school that contains evaluations conducted to determine whether the child is handicapped

and other information related to special education placement. Parents have a right to inspect the file and have copies of any information contained in it.

Consent/*consentimiento o permiso* is when the parent tells the school in writing that the parent understands and agrees to what the school plans to do. The consent form says the parent understands that consent is voluntary and that the parent can revoke consent at any time before the school does what it plans to do. Parents can revoke the consent, but it does not cancel what the LEA has already done.

Controlled substance/*substancia controlada* means a drug or other substance identified under schedules I, II, III, IV, or V of the Controlled Substances Act. It does not include a substance that is legally possessed or used under the supervision of a licensed health care provider.

Counseling services/*servicios de consejería* is a related service and includes services provided by social workers, psychologists, guidance counselors, or other qualified personnel.

Cumulative file/*archivo acumulativo* is the general file maintained by the school. The parent has right to inspect the file and have copies of any information contained in it.

D

Damages/*daños* is monetary compensation that may be recovered by a person who has suffered loss, detriment or injury to his person, property or rights, through the unlawful act or negligence of another; damages are not generally available under the IDEA.

Day/*día* means a calendar day unless otherwise indicated as school day or business day.

Delayed language/*retraso en el lenguaje* is a language disorder in which there is a noticeable delay in the development of vocabulary and grammar that is necessary for expressing and understanding thoughts and ideas.

Delayed speech/*retraso en el habla* is the failure of speech to develop at the expected age.

Developmental age/*edad de desarrollo* is the actual age score that a child receives within a specific developmental area regardless of chronological age.

Disability/*discapacidad* is one of 14 specific primary terms included in IDEA under the lead definition of "child with a disability." These federal terms and

definitions guide how states define disability and who is eligible for a free appropriate public education under special education law.

Distractibility/ *la distracción* is when attention is drawn too frequently to unimportant or irrelevant external stimuli.

Dual enrollment/ *matrícula doble* is when a student attends both a public and private (or specialized) school to receive his or her education.

E

Early intervention (EI)/ *intervención temprana* is special education and related services provided to children under age of 5.

Education records/ *archivos de educación* are all records about the student that are maintained by an educational agency or institution; includes instructional materials, teacher's manuals, films, tapes, test materials and protocols.

Educational consultant/diagnostician/ *Consultante educacional (o maestro diagnóstico –si trabaja en la escuela)* is an individual who may be familiar with school curriculum and requirements at various grade levels: may or may not have a background in learning disabilities; may conduct educational evaluations.

Emotional behavioral disturbance (EBD)/ *trastorno emocional y de comportamiento* describes a disability category under IDEA; includes depression, fears, schizophrenia; adversely affects educational performance.

ESY/ *Año Escolar Extendido* means extended school year services.

Evaluation/ *evaluación* is a way of collecting information about a student's strengths, interests and needs (including tests, observation, and parental input.) A professional gathers information about a child to decide if the child qualifies for special education or the kind and amount of services the child needs.

Evaluation Report/ *Reporte sobre la evaluación* is when the IEP team gathers all evaluation information about a child who is being evaluated. They work together to write a final report about the evaluation. The report includes whether the child qualifies for special education.

F

FERPA (Family Educational Rights and Privacy Act)/ *Ley de Privacidad y Derechos Educativos de la Familia* is a statute describing confidentiality and access to education records.

FAPE (Free appropriate public education)/Educación Pública Gratuita y Apropiable is the right to special education and related services provided in conformity with an IEP, without charge, that meet standards of the state education agency (WI Dept. of Public Instruction)

G

General curriculum/currículo general is the environment in which children without disabilities learn in the regular education classroom from preschool through high school.

Gross motor/motor grueso is movement that requires balance, coordination and large muscle activity.

Guardian ad litem/Guardian ad litem (solamente para propósitos de acción legal) is the person appointed by the court to represent the rights of minors.

H

Hearing impairment/impedimento auditivo is a reduction in hearing that affects a person's educational, academic or social performance. It is a disability category under IDEA; and describes a permanent or fluctuating impairment in hearing that adversely affects educational performance.

I

IDEA The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)/*Ley de Educación para Individuos con Discapacidades* is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

IEE/Evaluación Educacional Independiente (or IEE) is an independent education evaluation done by qualified people who are not district employees. If the parents do not agree with the evaluation and testing done by the school district, they can request that the school pay for an IEE.

IEP (Individualized Education Program)/Programa de Educación Individualizado (or IEP) is the individualized educational program developed by the child's IEP team which includes the child's present level of academic achievement and functional performance, the annual goals, and specifies the special education and related services which the child will receive.

IEP Facilitation/*facilitación de IEP* is a collaborative process involving the use of a neutral third party (facilitator) to design and oversee the IEP team process. . IEP Facilitation is used to help an IEP team reach a goal or complete a task to the mutual satisfaction of participants. In Wisconsin WSEMS provides facilitation for IEP meetings.

IFSP (Individualized Family Service Plan)/*Plan Individualizado de Servicios para la Familia* documents and guides the early intervention process for children in the Birth to 3 program.

Illegal drug/*Droga o substancia ilegal* is a controlled substance. It does not include substances that are legally possessed or used under the supervision of a licensed health-care professional.

Impairment/*Impedimento* is something that someone lacks. It can be physical, mental, hearing or weakness in an arm. It can be acquired during the course of a life or can be congenital (born with)

Impulsivity/*impulsividad* is acting or speaking too quickly (on impulse) without first thinking about the consequences.

Inclusion or inclusive education/*inclusión o educación inclusiva* is the practice of educating children with special needs in regular education classrooms in neighborhood schools. (See also mainstreaming and least restrictive environment.)

Intellectual Disability (ID)/*discapacidad intelectual* is a significant delay in measured intelligence, adaptive functioning, and academic functioning

Interdisciplinary team/*equipo interdisciplinario* is the multiple disciplinary team whose members interact and rely on each other for information and suggestions.

Itinerant instruction/*instrucción ambulante* describes instruction that is provided by staff who travel to multiple schools or school districts and offer services in such areas as visual impairment, hearing impairment, orientation and mobility, physical therapy, occupational therapy, etc.

L

Language delay/*retraso del lenguaje* is when the normal rate of language development is interrupted, but developmental sequence remains intact.

Learning disability/*discapacidad en el aprendizaje* (See specific learning disability (SLD)).

LRE (Least restrictive environment)/ambiente lo menos restrictivo describes the most normal environment possible for instruction, treatment and/or living. It is a requirement to educate special needs children with children who are not disabled (to the maximum extent possible).

LEA Local education agency or school district/*agencia de educación local o distrito escolar*

LEA representative/representante LEA is a person on the IEP Team who has knowledge about, and can commit, the school's resources so that the child receives the IEP services. All IEP meetings must have an LEA representative.

M

Mainstreaming/convencional is the process of integrating children with disabilities into regular educational or social programs and implementing the least restrictive environment concept. (See also least restrictive environment and inclusion.)

Manifestation determination review/revisión de la determinación de la manifestación is the hearing to determine if a child's behavior was caused by their disability. The hearing occurs when the child with a disability engages in behavior or breaks a rule or code of conduct that applies to nondisabled children and the school proposes to remove the child.

Medical services/servicios médicos is a related service and includes services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

Modalities/modalidades are the pathways through which an individual receives information and therefore learns. (examples: visual, auditory, tactile)

Modifications/modificaciones are substantial changes in what the student is expected to demonstrate and includes changes in instructional level, content, and performance criteria. It may also include changes in test form or format and/or alternate assessments.

Multiple disabilities/discapacidades múltiples is a disability category under IDEA; which includes concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.) that cause such severe educational problems that problems cannot be accommodated in special education programs solely for one of the impairments. This category does not include deaf-blindness.

N

Native language/ *lengua o idioma nativo(a)* is the language normally used by the child's parents.

Norm-referenced test (See standardized test)

O

OCR Office of Civil Rights/*Oficina de Derechos Civiles*

Occupational therapy/ *terapia ocupacional* is a related service which focuses on the development of adaptive, physical or functional skills that will help an individual function in their daily living.

Opinion/ *opinión* is the formal written decision by judge or court that contains the legal principles and reasons upon which the decision was based.

Orientation and mobility services/ *servicios de orientación y movilidad* is a related service; and includes services to visually impaired students that enable students to move safely at home, school, and community

Orthopedic impairment (OI)/ *impedimento ortopédico* is a disability category under IDEA; orthopedic impairment that adversely affects child's educational performance

OSERS Office of Special Education and Rehabilitative Services/ *Oficina de Educación Especial y Servicios de Rehabilitación*

OSEP Office of Special Education Programs/*Oficina de los Programas de Educación Especial*

Other health impairment (OHI)/ *otro impedimento de salud*, Disability category under IDEA; refers to limited strength, vitality or alertness due to chronic or acute health problems that adversely affects educational performance.

P

Parent / *padre o madre* is the term for the parent, guardian, or surrogate parent and may include a grandparent, step-parent, or foster parent with whom a child lives.

Physical therapy/ *terapia física* is a related service and includes therapy to remediate gross motor skills.

Prior written notice/ *notificación previa por escrito* is the required written notice to parents when the school proposes to initiate or change (or refuses to initiate or change) the identification, evaluation, or educational placement of the child.

Pro se/Pro se means representing oneself without assistance of legal counsel

Procedural safeguards/*garantías procesales*

Procedural safeguards notice/*notificación sobre las garantías procesales* is the requirement that schools provide full easily understood explanations of procedural safeguards that describe the parent's right to an independent educational evaluation, the right to examine records, and to request mediation and/or due process.

Psychological services/*servicios psicológicos* is a related service and includes administering psychological and educational tests, interpreting test results, and interpreting child behavior related to learning.

Public Law (P.L.) 94-142/*Ley Pública* is the The Education for All Handicapped Children Act; enacted into law in 1975

R

Reasonable accommodation/*acomodación razonable* is the process of making changes in a facility or program that can be accomplished without undue administrative or financial burden.

Receptive language/*lenguaje receptivo* is language that is spoken or written by others and received by an individual. The receptive language skills would include reading and listening.

Recoupment/*recobro o recuperación de destrezas* is the amount of time it takes to regain the prior level of functioning (in knowledge and skills) after a break in education (as, summer or holiday break)

Recreation/*recreación* is a related service and includes therapeutic recreation services, recreation programs, and leisure education.

Rehabilitation Act of 1973/*Ley de Rehabilitación de 1973* is the civil rights statute designed to protect individuals with disabilities from discrimination. The goals of the act are to maximize employment, economic self-sufficiency, independence, inclusion and integration into society.

Rehabilitation counseling services/*consejería de servicios de rehabilitación* is a related service and includes career development, preparation for employment, and vocational and rehabilitation services. The services were funded under the Rehabilitation Act of 1973.

Related services/*servicios relacionados* are services that are necessary for a child to benefit from special education and include speech-language pathology

and audiology services, psychological services, physical and occupational therapy, recreation, early identification and assessment, counseling, rehabilitation counseling, orientation and mobility services, school health services, social work services, parent counseling and training.

Remediation/remediación is the process by which an individual receives instruction and practice in skills that are weak or nonexistent in an effort to develop/strengthen these skills.

S

School day/día escolar is a day when children attend school for instructional purposes.

School health services/servicios de salud en la escuela is a related service provided by a qualified school nurse or other qualified person.

Sensory awareness/conciencia sensorial is the ability to receive stimuli from the environment (visual, auditory, tactile, olfactory, taste.)

Section 504/Sección 504, Section 504 of the Rehabilitation Act protects individuals with disabilities from discrimination (due to disability) by recipients of federal financial assistance. WSEMS does not mediate 504 disputes unless a student is receiving primary services under IDEA and related services under 504.

Special education/educación especial is special instruction designed to meet the unique needs of a child with a disability. The services are provided at no cost to the parents. The services can be provided in many different settings.

Specific learning disability (SLD)/discapacidad específica de aprendizaje is a disability category under IDEA and includes disorders that affect the ability to understand or use spoken or written language. It may manifest in difficulties with listening, thinking, speaking, reading, writing, spelling, and doing mathematical calculations; includes minimal brain dysfunction, dyslexia, and developmental aphasia.

Speech-language pathology services/servicios de patología del habla y lenguaje is a related service and includes identification and diagnosis of speech or language impairments, speech or language therapy, counseling and guidance.

Speech or language impairment/trastorno del habla o lenguaje is a disability category under IDEA and includes communication disorders, language impairments, voice impairments that adversely educational performance.

Standardized test/prueba estándar is a norm-referenced test that compares a child's performance with the performance of a large group of similar children (usually children who are the same age).

State education agency (SEA)/agencia de educación del estado State departments of education.

Summary of Performance (SoP)/resumen sobre el desempeño is a document that the LEA may complete for a child who will be graduating or aging out of eligibility for special education at 21. It is usually provided in the final year of a student's high school education. The SoP includes a summary of the child's current level academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals. This information is intended to help postsecondary institutions consider accommodations for access.

Supplementary aids and services/ayudas y servicios suplementarios means aids, services, and supports that are provided in regular education classes that enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate

T

Technology/tecnología (see assistive technology)

Transition services/servicios de Transición describes the services that prepare a child for life after high school. Transition planning is a required part of every child's IEP starting at age 14. Transition planning is also required for every child moving from Birth to Three Programs to a school's Early Childhood special education. Sometimes transition planning happens when a child moves from one grade to the next, or one school to the next. Transition can also mean moving from one class to the next class in school.

Transportation/transportación is a related service about travel and includes specialized equipment (i.e., special or adapted buses, lifts, and ramps) if required to provide special transportation for a child with a disability.

Traumatic brain injury (TBI) / lesión cerebral traumática is disability category under IDEA and includes acquired injury caused by external physical force and open or closed head injuries that result in impairments. The term does not include congenital or degenerative brain injuries or brain injuries caused by birth trauma.

Travel training (See orientation and mobility services)

U

U.S.C. United States Code/Código de los Estados Unidos

V

Validity/*validez* is the degree a test measures what it is supposed to measure. Validity tells what can be inferred from a test score.

Visual aids/*ayudas o apoyos visuals* are any materials, machines or actions that allow a student to see information. Examples are chalkboards, overheads, filmstrips, VCRs, pictures, computers.

Visual impairment (VI); including blindness/*impedimento visual, incluye la ceguera* is a disability category under IDEA; impaired vision that adversely affects educational performance.

Visual memory/*memoria visual* is the ability to remember for immediate recall (4-5 seconds) all the characteristics of a given form.

Vocational program/*programa vocacional o de empleo* is a planned program of instruction, courses, services or activities designed to meet an occupational objective.

W

Weapon/*arma* means a “dangerous weapon” as defined in the United States Code.

X, Y, Z

This glossary is adapted from the dictionary developed by Juli Schlaht, Parent Information Specialist and the South Dakota Department of Special Education and Cultural Affairs, the glossary developed by Peter W. D. Wright and Pamela Darr Wright, and the glossary developed by WSEMS for its website.

List of Sources for Special Education and Dispute Resolution

WI Special Education Mediation System <http://www.wsems.us>

Special Education in Plain Language <http://www.specialed.us/pl-07/pl07-index.html>

WI Dept. of Public Instruction <http://dpi.wi.gov/sped/a-z>

The National Center on Dispute Resolution in Special Education
<http://www.directionservice.org/cadre/>