

Dispute Resolution



In the event parent(s)/guardian(s) have a dispute with the services provided by the LEA, the following procedures will be followed: - The parent(s)/guardian(s) may request to have an Individualized Education Program Facilitator present at an Evaluation, Reevaluation, and/or IEP meeting to assist in discussing concerns regarding the development of the IEP. - The parent(s)/guardian(s) may request to undergo the process of mediation by completing the Mediation Request Form found at the end of the Procedural Safeguards Notice provided at the IEP meeting. - The parent(s)/guardian(s) may request to undergo due process by completing the Due Process Request Form found at the end of the Procedural Safeguards Notice provided at the IEP meeting. - The LEA will hold a resolution meeting within 15 days of the submission of the Due Process Complaint Notice unless the parent(s)/guardian(s) and the LEA agree to waive the meeting or try mediation instead. - The LEA shall, on request, provide parents/guardians with an opportunity for a hearing to challenge decisions or actions made by the LEA in violation of the student's privacy or other rights. The LEA recognizes that parents/guardians who believe that there is a due process violation may also request a special education due process hearing

The LEA did receive a parent complaint last year and the parent requested mediation. Mediation is an option aimed at resolving conflicts and promoting better communication between parents and school district personnel regarding children with special needs. A mediation session provided the participants a chance to express their points of view and in a non-threatening, non-adversarial surrounding. Through the mediator's facilitation, the team reached an agreement within an hour of starting the process. It was important to validate the parents concerns as communication from the school had not been sufficient to meet the needs of the parent or student. This situation began during the transition of both administrative and special education staff and the remaining staff did not address ongoing concerns.

The mediation did not address services not delivered through the IEP process. The complaint dealt with lack of communication and grades from a regular education class which had several transitions in staff members. The student was shifted to another elective class and the parent agreed to attend the IEP meeting in two weeks. The parent was provided with a draft copy of the IEP and was pleased with the level of communication included in the SDI of the IEP, which required all regular education teachers to provide bi-weekly email communication.

The LEA has not been required to participate in any due process complaints.

In the event the LEA has request for additional mediation, the following procedures will be followed to ensure mediation agreements are implemented:

1. The IEP team and LEA will agree to mediation.
2. The IEP team and LEA will negotiate a time with the parent through the office of Dispute Resolution
3. The IEP team and LEA will agree upon terms from the mediation process provided by the office of Dispute Resolution.

The Office for Dispute Resolution (ODR) is a federally-funded project under IDEA and provides facilitations, mediations and due process hearings for all students with disabilities. Due process hearings are similar to trials, with the Hearing Officer presiding and acting as a judge. An attorney will represent the educational agency. The parent may also be represented by an attorney, or may proceed without counsel. For this reason the LEA will communicate with counsel immediately should they get notice of a due process hearing. The LEA will make every effort to communicate with the family in good faith and attempt mediation to resolve the current conflict.

In the event the LEA has undergone due process, the following procedures will be followed to ensure due process decisions are implemented: - If, as a result of the hearing, the LEA agrees with the presence of a violation of the student's rights, the LEA shall implement the agreed upon terms accordingly and inform the parent/guardian in writing. - If, as a result of the hearing, the LEA disagrees with the presence of a violation of the student's rights, the LEA shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the LEA's decision. Any explanation placed in the student's records shall be: 1. Maintained by the LEA as part of the student's records as long as the record or contested portion is maintained by the LEA; and 2. Included with the record or contested portion if the record or contested portion are disclosed to any party