

D.C. Office of the State Superintendent of Education (OSSE)  
Division of Special Education  
Office of Quality Assurance & Monitoring

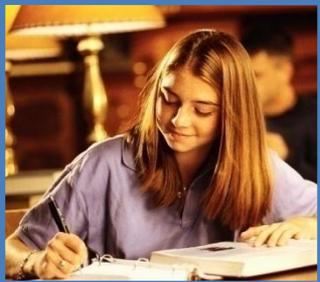
# OSSE Dispute Resolution Processes Parent Training

**August 10, 2011**

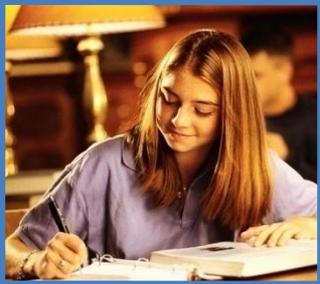
*Melanie Byrd Chisholm, Director*  
*Mary Boatright, State Complaints Manager*

# Training Agenda

- Overview of Dispute Resolution Processes
- Model Forms
- General Dispute Resolution Tips
- Questions



# Dispute Resolution Processes

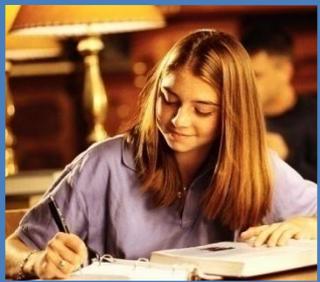


- Mediation
  - What is it?
  - How can mediation be accessed?
- State Complaints
  - What is it?
  - How is a State Complaint filed?
- Due Process
  - What is it?
  - How is a due process complaint filed?

# Mediation

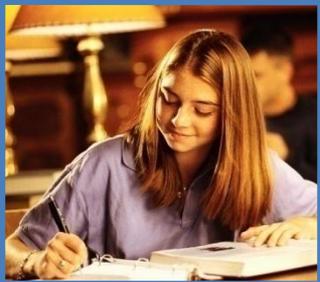
34 CFR §300.506 requires OSSE to:

- Ensure that procedures are established and implemented that allow all parties to disputes that involve any matter under the IDEA, including matters arising *prior* to the filing of a due process complaint, to resolve their disputes through a mediation process; and
- Provide an opportunity for a parent who has filed a State administrative complaint and the public agency to voluntarily engage in mediation.



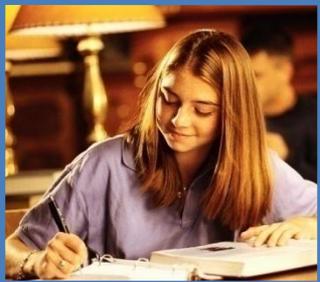
# Mediation (cont.)

- Mediation must be voluntary on the part of the parties;
- Mediation may not be used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under the IDEA; and
- Mediation must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

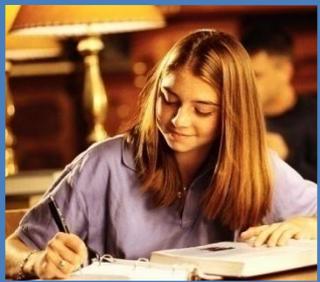


# Mediation (cont.)

- After a request for mediation is made, OSSE will appoint an independent mediator to facilitate the mediation session.
- The mediator is not an employee of OSSE and will not have a personal or professional interest in the case that would affect his/her objectivity.
- All mediators are knowledgeable in laws and regulations related to special education and related services.



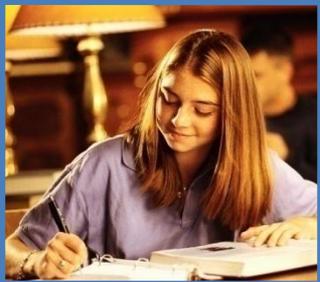
# Mediation (cont.)



- The mediator will contact the parties to schedule the mediation session at a time that is convenient to both parties. (Typically held at 810 First Street, NE)
- If an agreement is reached, the written, signed mediation agreement is enforceable in any State court or in a district court of the United States.

# Mediation (cont.)

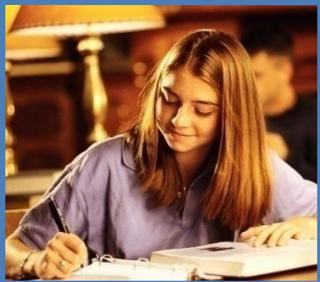
- Discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing.



# State Complaints

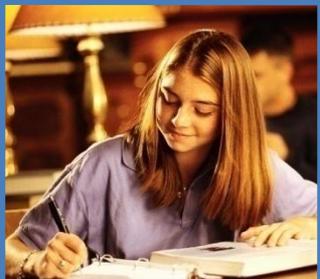
34 CFR §§300.151 and 300.152 require OSSE to:

- Provide for the filing of a complaint alleging a violation of Part B of the IDEA;
- Review all relevant information and make an independent determination as to whether the public agency has violated Part B of the IDEA; and
- Where a failure to provide appropriate services is found, address that failure through corrective action appropriate to the needs of the child.



# State Complaints (cont.)

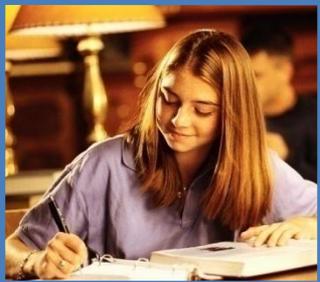
- A State complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received by OSSE.



# State Complaints (cont.)

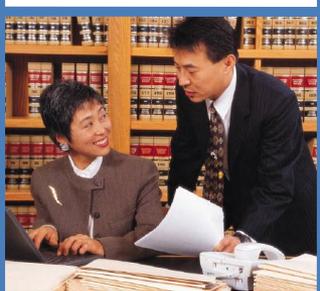
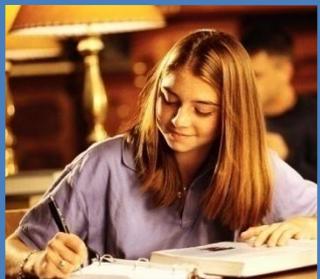
A complaint must include the following information:

- A statement that a public agency has violated a requirement of Part B of the IDEA;
- The facts on which the statement is based;
- The signature of the person filing the complaint (complainant);
- The contact information of the complainant;



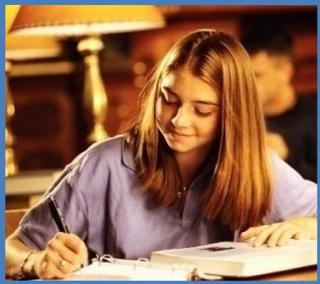
# State Complaints (cont.)

- The name and address of the child;
- The name of the school the child is attending;
- A description of the nature of the problem; and
- A proposed resolution of the problem.



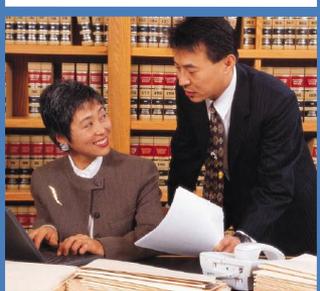
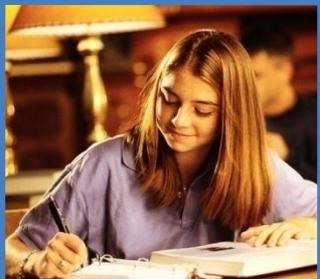
# State Complaints (cont.)

- After a complaint that meets all of the above requirements is filed, OSSE will notify the local educational agency (LEA) against whom the complaint is filed and request a response.
- If both the LEA and the complainant agree, they may engage in mediation to resolve the issues raised in the complaint.



# State Complaints (cont.)

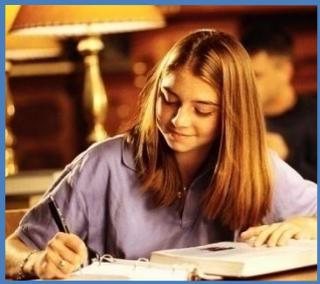
- OSSE has 60 days to conduct an investigation, make a determination as to whether the LEA is violating a requirement of Part B of the IDEA and issue a written decision that addresses each allegation.
- The timeline can be extended for mediation, if both parties agree.



# State Complaints (cont.)

## Corrective actions:

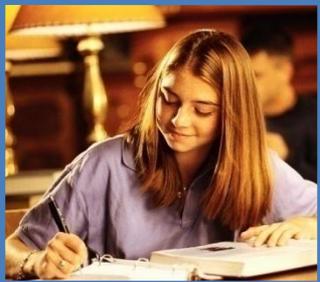
- Timeline specified in Letter of Decision
- Corrective action may be student level, LEA level, or both



# Due Process Complaints

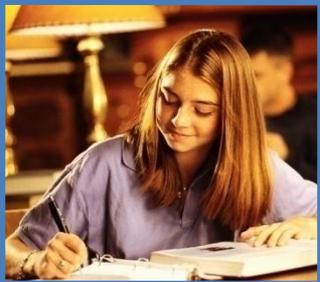
34 CFR §§300.507 – 300.518 govern due process complaints.

- A parent or public agency may file a due process complaint.
- Complaint must be related to:



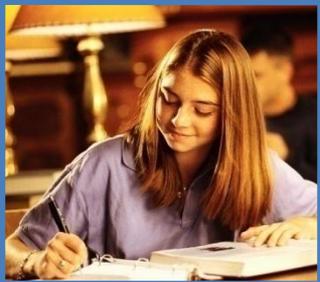
# Due Process Complaints (cont.)

- Identification;
- Evaluation;
- Educational placement; or
- Provision of free appropriate public education (FAPE).



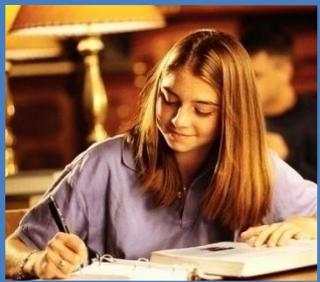
# Due Process Complaints (cont.)

- Violation must have occurred not more than two years before the complaint is filed.
- Complaint must include:
  - Name of child;
  - Address of child;
  - Description of the nature of the problem; and
  - Proposed resolution.



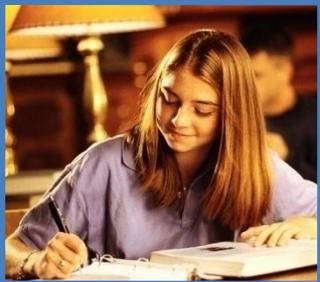
# Due Process Complaints (cont.)

- Within five days, a hearing officer must make a determination on whether the due process complaint meets the requirements.
- Party receiving the complaint must respond within 10 days.
- A resolution session must be held within 15 days.



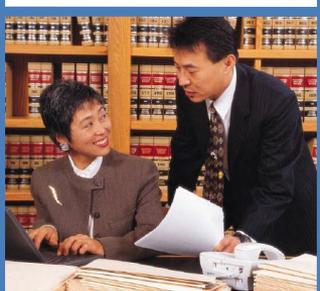
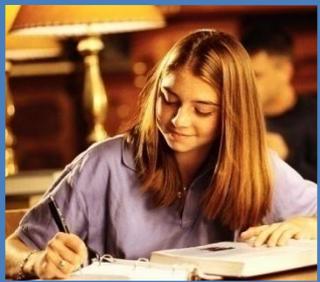
# Due Process Complaints (cont.)

- Resolution period lasts for 30 days.
- Hearing must be held within 45 days of the end of the resolution period.
- Hearing officer will schedule a pre-hearing conference.
- Must disclose all evidence at least 5 days before the hearing.



# Due Process Complaints (cont.)

- In hearing present evidence including witnesses.
- Decision is final, except a party may appeal to a State court of competent jurisdiction or in a district court of the United States.



# Model Forms

- **Mediation**

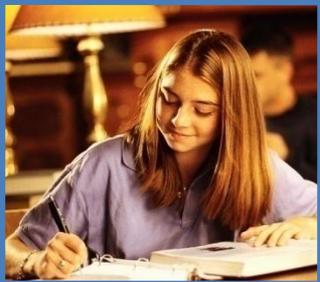
[http://osse.dc.gov/seoframes.asp?doc=/seo/lib/seo/special\\_education/request\\_for\\_mediation\\_form\\_10\\_06\\_10.pdf](http://osse.dc.gov/seoframes.asp?doc=/seo/lib/seo/special_education/request_for_mediation_form_10_06_10.pdf)

- **State Complaint**

[http://osse.dc.gov/seoframes.asp?doc=/seo/lib/seo/special\\_education/final\\_model\\_state\\_complaint\\_form\\_8\\_2010.pdf](http://osse.dc.gov/seoframes.asp?doc=/seo/lib/seo/special_education/final_model_state_complaint_form_8_2010.pdf)

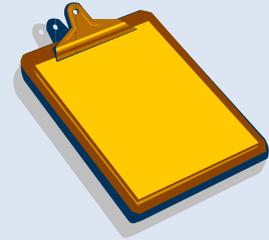
- **Due Process**

[http://osse.dc.gov/seoframes.asp?doc=/seo/lib/seo/sho/Due\\_Process\\_complaint\\_form2011.pdf](http://osse.dc.gov/seoframes.asp?doc=/seo/lib/seo/sho/Due_Process_complaint_form2011.pdf)



# Advocacy Quick Tips

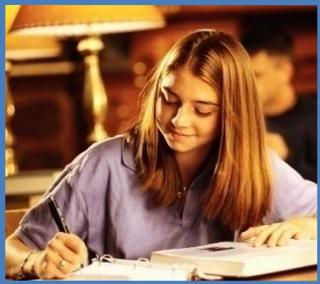
- Take notes, take names.



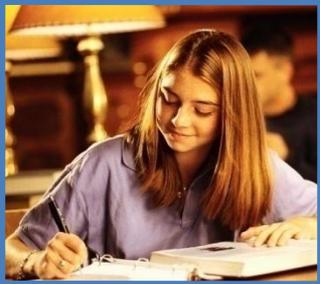
- Put it in writing.

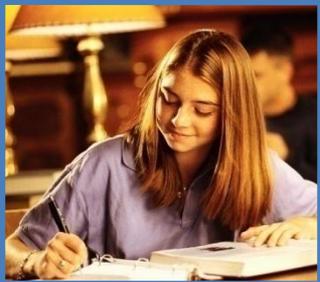


- Keep a copy.



# Questions / Discussion





# For Additional Assistance



District of Columbia Parent Training &  
Information Center – Advocates for Justice  
in Education



2041 Martin Luther King Jr. Ave., SE, Suite 400  
(202) 678-8060



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(202) 265-9102



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