



# OSSE Dispute Resolution Processes Parent Training



Office of the State Superintendent of Education

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

# OSSE Dispute Resolution Processes Parent Training



# Training Agenda



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

- 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?

## 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.

## Corrective actions:

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



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).

- 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.

- State Complaint

<http://osse.dc.gov/publication/state-complaints-form>

- Due Process

<http://osse.dc.gov/publication/due-process-complaint-form>

# 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

1012 Pennsylvania Ave SE  
(202) 678-8060

4201 Georgia Ave., NW  
(202) 265-9102

[www.aje-dc.org](http://www.aje-dc.org)