Family Engagement, Dispute Prevention, and Dispute Resolution

Jamila C. Pollard, Esq., Program Manager Senior/Legal Officer
Family Engagement and Dispute Resolution
Division for Special Education Services and Supports
Learning Targets

• I can discuss the special education family engagement initiatives.

• I can compare and contrast the three dispute prevention processes and the three dispute resolution processes.

• Based on the benefits and considerations of the dispute prevention and resolution processes, I can determine which process(es) are most appropriate in certain situations.
It’s all about the kids...
A Parent’s Experience with the Special Education System
What Can Educators Do?

• Communicate, communicate, communicate
• Build trust
• Listen
• Eliminate jargon
• Structure IEP Team meetings
• Understand perspectives
• Reduce power imbalance
• Support family engagement

A major system of the complex school organization that develops quality links between local school professionals and the parents and community the school is intended to serve.
Family Engagement and Dispute Resolution Unit

Providing a continuum of resources for Georgia families and school districts

**Family Engagement**
- Georgia Parent Mentor Partnership
- State Advisory Panel (SAP)
- Collaboration with Parent2Parent of Georgia
- Collaboration with Title I Family-School Partnership Program

**Dispute Prevention**
- Procedural Safeguards (Parents' Rights)
- Special Education Help Desk
- IEP Facilitation

**Dispute Resolution**
- Mediation
- Formal Written Complaints
- Due Process Hearings/Resolution Session Meetings

Providing a continuum of resources for Georgia families and school districts
Family Engagement
Georgia Parent Mentor Partnership

- Parent mentors are parents of children with disabilities who work with families of students with disabilities on a daily basis providing them with tools, resources, and strategies that they can use to support their children at home, at school, and in the community.

- Georgia Parent Mentor Partnership’s Vision Statement
  - Parent mentors and special education administrators will lead the way in Georgia to bridge the gap between home, school and community partnerships.

- [http://www.parentmentors.org/](http://www.parentmentors.org/)
State Advisory Panel (SAP)

- The SAP is comprised of parents, persons with disabilities, educators, and administrators as well as representatives from public and private agencies.
- The SAP advises the GaDOE on the provision of special education and related services for students with disabilities.
  - Advises on the unmet needs related to education of special education students within the State
  - Provides feedback on any rules or regulations proposed by the State regarding special education
  - Advises the Division on the improvement activities that need to be developed and implemented in order to improve outcomes for students with disabilities
Parent 2 Parent of GA

• Georgia’s Parent Training and Information Center (PTI)
  • “Helping families work with early intervention and education systems so you can be EQUAL partners in decision making”

• Offers support services, information support, educational opportunities, and leadership involvement
  • “Helping parents become their child’s best advocate”

• [http://p2pga.org/] or 1-800-229-2038
Special Education Parent Survey

- Indicator 8 – Parent Involvement – Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
- 10 questions
- Real-time results available in SE Application Dashboard in the GaDOE portal
A Continuum

Tension  Conflict  Dispute
What to do when tension or conflict arises?

• **First Recommendation**: Utilize techniques and strategies at the school level to possibly prevent disputes (train lead teachers and administrators)

• **Second Recommendation**: Utilize district-level staff (e.g., parent mentor, special education administrator) in the district to assist in working out the differences

• **Final Recommendation**: When a resolution cannot be worked out locally, utilize the GaDOE’s and IDEA’s dispute prevention and resolution processes
A Continuum of Dispute Prevention and Resolution Processes

- Procedural Safeguards (Parents’ Rights)
- Special Education Help Desk
- IEP Facilitation
- Mediation
- Written Formal Complaint
- Due Process Hearing
  - Resolution Sessions
Dispute Prevention Processes
An Ounce of Prevention is Worth a Pound of Cure
- Benjamin Franklin -
Procedural Safeguards (Parents’ Rights)

• What are they?
  • Written notice provided to parents of students with disabilities, explaining the rights of parents and students under IDEA

• What rights are explained?
  • Independent Educational Evaluations
  • Prior written notice
  • Parental Consent
  • Access to education records
  • Mediation, Formal Written Complaints, Due Process Hearings
  • Child placement during pendency of due process complaint
  • Procedures for students subject to placement in interim alternative educational setting
  • Requirements for unilateral placement by parents of children in private school at public expense
  • Civil actions and Attorneys’ fees
Procedural Safeguards (Parents’ Rights)

• When are they provided?
  • One time a school year, except also given a copy: (1) upon initial referral or parent request for evaluation; (2) upon receipt of first State complaint and first due process complaint in a school year; (3) when a “change of placement” occurs under discipline procedures; and (4) upon request by a parent

• Where can they be accessed electronically?
  • [On GaDOE website](#) (may also be available on school district website)
# Procedural Safeguards (Parents’ Rights)

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Considerations</th>
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<tbody>
<tr>
<td>Readily available</td>
<td>May be hard to understand</td>
</tr>
<tr>
<td>Provides a basis of knowledge</td>
<td>Does not include every IDEA issue</td>
</tr>
<tr>
<td>Videos and Fact Sheets available for certain topics</td>
<td>May not go into depth</td>
</tr>
<tr>
<td>No cost</td>
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</table>
Special Education Help Desk

• What is it?
  • A telephone and email information and assistance line designed to answer special education-related questions and provide individuals with useful information and resources

• Who can use it?
  • Anyone, including parents, teachers, school district administrators, and members of the community
Special Education Help Desk

• What type of information is provided?
  • Explanation of IDEA procedural safeguards (Parents’ Rights)
  • Information about, access to, and assistance with the family engagement resources and dispute prevention and resolution processes
  • Discussion of options for addressing concerns or disagreements about a student’s special education program
  • Information relevant to the education of students with disabilities
  • Information about other agency resources and materials
Special Education Help Desk

- **Who is providing the information and support?**
  - Members of the GaDOE’s Family Engagement and Dispute Resolution Unit

- **How do I access it?**
  - Call (404) 657-9968
  - Email at SPEDhelpdesk@doe.k12.ga.us
# Special Education Help Desk

<table>
<thead>
<tr>
<th>Benefits</th>
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<tbody>
<tr>
<td>Easy way to ask special education related questions</td>
<td>May not be able to provide in-depth answers</td>
</tr>
<tr>
<td>Can refer parties to appropriate personnel and resources as needed</td>
<td>No legal advice provided</td>
</tr>
<tr>
<td>Saves time for all involved</td>
<td>May be seen as impersonal</td>
</tr>
<tr>
<td>Can help resolve issues more quickly and easily (e.g., by request, GaDOE can contact SPED director)</td>
<td>May not completely resolve an issue</td>
</tr>
<tr>
<td>Information from GaDOE personnel</td>
<td></td>
</tr>
<tr>
<td>No cost</td>
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IEP Facilitation

• What is it?

  • A voluntary, collaborative dispute prevention and resolution process used when members of an IEP Team agree that the presence of a neutral third party would help facilitate communication and problem solving

  • It is the same as any other IEP Team meeting, except that a neutral facilitator joins the meeting
IEP Facilitation

• Who can request it?
  • Any parents or school districts in Georgia for any IEP Team meetings.

• Why would someone request it?
  • To help the IEP Team overcome any pressure or anxiety associated with complex or controversial meetings
  • To assist an IEP Team who has had a history of difficult interactions
IEP Facilitation

• What will the facilitator do?
  • Guide the discussions by asking student-focused questions
  • Assist IEP Team members in the thoughtful, productive construction of a quality IEP
  • Help create an agenda, group norms, and expected outcomes for the meeting
  • Encourage full participation of all members of the IEP Team

• Who are the facilitators?
  • Our facilitators represent a diverse group of individuals with backgrounds including:
    • parents of students with disabilities
    • attorneys
    • mediators
    • former special education teachers and administrators
    • college professors
IEP Facilitation

• How do parties request an IEP Facilitation?
  • Access the FIEP Team meeting request form from the GaDOE’s website at www.gadoe.org/IEP-Facilitation.
  • Complete and submit the FIEP Team meeting request form to the special education director in the district, who will complete and send to the GaDOE via email at SPEDhelpdesk@doe.k12.ga.us or fax at (770) 344-4458.
  • For questions, parties can contact the Special Education Help Desk at (404) 657-9968.
## IEP Facilitation

<table>
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<tr>
<th>Benefits</th>
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<tbody>
<tr>
<td>May build and improve relationships among IEP Team members</td>
<td>Voluntary</td>
</tr>
<tr>
<td>Team members may feel better heard when a facilitator is involved</td>
<td>Facilitator will not address issues unrelated to the IEP</td>
</tr>
<tr>
<td>Can help resolve disagreements more quickly</td>
<td>Facilitator will not make decisions or determine if Team members are right or wrong</td>
</tr>
<tr>
<td>Keeps decision-making with the Team members who know the child best</td>
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- Neutral, third party facilitator
- Scheduled just like any IEP Team meeting
- No cost
Additional information about FIEP Team meetings

- [www.gadoe.org/IEP-Facilitation](http://www.gadoe.org/IEP-Facilitation) (GaDOE)
- [www.cadreworks.org](http://www.cadreworks.org) (CADRE)
- [https://vimeo.com/180313121/6545e683ec](https://vimeo.com/180313121/6545e683ec) (Illinois)
- [https://www.youtube.com/watch?v=C-bFi_zUuuA&feature=youtu.be](https://www.youtube.com/watch?v=C-bFi_zUuuA&feature=youtu.be) (Florida)
- [http://www4.esc13.net/fiep/fiep-a-facilitated-iep-meeting](http://www4.esc13.net/fiep/fiep-a-facilitated-iep-meeting) (Texas)
Dispute Resolution Processes
Dispute Resolution Processes under the IDEA

• Mediation (34 C.F.R. § 300.506)
• Formal Written Complaints (34 C.F.R. §§ 300.151-300.153)
• Due Process Hearing Requests (34 C.F.R. §§ 300.507-300.518)
  • Resolution Sessions (34 C.F.R. § 300.510)
Mediation

• What is it?
  • A voluntary process that brings parents and school districts together to resolve their disagreements using a skilled, impartial mediator

• Who can request it?
  • Parents or school districts

• What is the time limit for requesting?
  • None specified
Mediation

• What issues can be resolved?
  • Any matter under IDEA and the state special education rules

• Who resolves the issues?
  • Parents and school districts with assistance of a mediator

• How are the issues resolved?
  • Through a legally binding, written mediation agreement signed by both parties
More Information on Mediations

- Mediation can occur through a general mediation request or as a part of the due process hearing or formal complaint process.

- When all parties agree to participate in mediation, the GaDOE assigns a contracted mediator on a rotational basis and the mediator contacts all parties to schedule the mediation.

- The mediation is conducted in a location convenient to the parties (either in-person or virtually).
# Mediation

<table>
<thead>
<tr>
<th>Benefits</th>
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<tbody>
<tr>
<td>Mutually Developed and Agreed Upon Solution</td>
<td>Voluntary</td>
</tr>
<tr>
<td>Solution in short period of time</td>
<td>Less likely to reach resolution if not used early on</td>
</tr>
<tr>
<td>Flexibility in Solution</td>
<td>Can be emotional, tiring, and frustrating process</td>
</tr>
<tr>
<td>Helps everyone better understand differing points of view</td>
<td>Complex situations may require more than one mediation session</td>
</tr>
<tr>
<td>Less Adversarial</td>
<td>No guarantees that mediation will lead to a written agreement</td>
</tr>
<tr>
<td>Confidential</td>
<td>Meet face-to-face</td>
</tr>
<tr>
<td>Legally binding and enforceable</td>
<td></td>
</tr>
<tr>
<td>No cost</td>
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Considering Mediation for Special Education Disputes: A School Administrator’s Perspective

While the State Education Agency is responsible for providing mediation services, the process ultimately depends on the participation of administrators and parents in order to be successful. This resource describes the advantages and disadvantages of mediation from an administrator’s perspective.

The goal is to help other administrators make informed decisions about whether mediation is an appropriate option to resolve conflict.
Formal Complaints

• **What is it?**
  • A written complaint to the GaDOE alleging violations by the district that need to be investigated

• **Who can initiate it?**
  • Any person or organization

• **What is the time limit for filing?**
  • One year from the date of the alleged violation
Formal Complaints

• What issues can be resolved?
  • Alleged violations of IDEA and state special education rules

• Who resolves the issues?
  • GaDOE Division for Special Education Services and Supports

• How are the issues resolved?
  • Contracted investigator conducts investigation, interviews all relevant parties, reviews documents and records
  • The GaDOE issues a written decision containing findings of facts and conclusions within 60 days of filing unless extended for exceptional circumstances
  • If a finding of non-compliance is made, then appropriate corrective action is required
More Information on Formal Complaints

• An **initiation letter** is emailed through the GaDOE portal to the district superintendent and special education director outlining the IDEA or state special education rule allegations.

• The **district response** is requested to be submitted within **10 business days** to the investigator, the GaDOE, the complainant and the parent if the complainant is not the parent. If a 3rd party complainant, no personally identifiable information provided unless signed FERPA release.

• Be sure to document you have given the parent their **procedural rights** for the first complaint of the school year.

• Parties can agree to **extend or toll** the timeline while participating in mediation.
## Formal Complaints

<table>
<thead>
<tr>
<th>Benefits</th>
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</thead>
<tbody>
<tr>
<td>External investigation</td>
<td>Takes 60 days for resolution</td>
</tr>
<tr>
<td>No cost; mediation also available</td>
<td>No mutually developed or agreed upon resolution</td>
</tr>
<tr>
<td>Requires no legal representation</td>
<td>Final decision issued and no direct appeal process</td>
</tr>
<tr>
<td>No face-to-face interaction</td>
<td>Procedural violation alone for finding of non-compliance</td>
</tr>
<tr>
<td>Investigation limited to issues within 1 year of filing</td>
<td>A finding of non-compliance will result in a corrective action plan</td>
</tr>
<tr>
<td>Can result in district-wide change and awareness</td>
<td></td>
</tr>
<tr>
<td>Final decision issued and no direct appeal process</td>
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Due Process Hearing Request

• What is it?
  • A written document used to request a formal hearing before an administrative law judge (ALJ)

• Who can initiate it?
  • Parents or school districts

• What is the time limit?
  • Two years from when the parties knew or should have known of the alleged problem
Due Process Hearing Request

• What issues can be resolved?
  • Any matter related to the identification, evaluation, or educational placement, or provision of a free appropriate public education (FAPE) to the child

• Who resolves the issues?
  • An administrative law judge (ALJ)

• How are the issues resolved?
  • After the ALJ considers pleadings and evidence (including witness testimony) in a formal, judicial hearing, he/she issues a written decision within 45 days after the 30-day resolution period (unless extension granted)
Resolution Session

• **What is it?**
  - A meeting held between a parent and district to resolve issues listed in a due process hearing request

• **Who can initiate it?**
  - District must hold the meeting with the parent unless both parties agree in writing not to have the meeting or to use mediation instead

• **What is the time limit?**
  - Must occur within 15 days* of the district receiving notice of the parent’s due process hearing request
Resolution Session

• What issues can be resolved?
  • The issues listed in the due process hearing request

• Who resolves the issues?
  • The parent and school district

• How are the issues resolved?
  • Through a written resolution agreement signed by both parties
  • Legally binding after 3 business days
Due Process Hearing Request

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedural violation alone does not mean denial of FAPE (must be Procedural Plus)</td>
<td>Adversarial/Meet face to face in hearing</td>
</tr>
<tr>
<td>Provides legal avenue for districts</td>
<td>Stay put mechanism (except for discipline appeals)</td>
</tr>
<tr>
<td>Required resolution session meeting unless both parties waive</td>
<td>Costly in time, emotion, and money; district will have attorney representation</td>
</tr>
<tr>
<td>Limited type of issues that can be raised</td>
<td>Can look back 2 years or more in certain cases</td>
</tr>
<tr>
<td>Appealable decision</td>
<td>Can place strain on relationships</td>
</tr>
<tr>
<td></td>
<td>No mutually developed or agreed upon resolution</td>
</tr>
<tr>
<td></td>
<td>May take up to 75 days for a resolution (30 day resolution period plus 45 days for hearing/decision)</td>
</tr>
<tr>
<td></td>
<td>Appealable decision</td>
</tr>
</tbody>
</table>
## Resolution Session

<table>
<thead>
<tr>
<th>Benefits</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Required resolution session meeting unless both parties waive</td>
<td>Discussions are not confidential</td>
</tr>
<tr>
<td>Mutually Developed and Agreed Upon Solution</td>
<td>No guarantees that resolution session will lead to a written agreement</td>
</tr>
<tr>
<td>Solution in short period of time; may prevent having to go to a hearing</td>
<td>Either party may cancel the agreement within 3 days</td>
</tr>
<tr>
<td>No cost</td>
<td>Meet face-to-face</td>
</tr>
<tr>
<td>Helps everyone better understand differing points of view</td>
<td>District can only bring attorney if parent chooses to bring an attorney</td>
</tr>
<tr>
<td>Legally binding and enforceable</td>
<td>No third-party neutral</td>
</tr>
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Richard Woods, Georgia’s School Superintendent | Georgia Department of Education | Educating Georgia’s Future
POP QUIZ
Who am I?

• If you use me, I can look back at certain issues that occurred at least 2 years ago.
  • Due process hearing request

• I allow the GaDOE to make the final decision regarding whether the district was out of compliance with the IDEA.
  • Formal Complaint
Who am I?

• I am voluntary and use a third party to help parties reach a binding, legal agreement.
  • Mediation

• I allow the parties to resolve their issues and reach a legal agreement, but it is only binding after 3 days.
  • Resolution Session
Who am I?

• I am an easy way to ask a GaDOE employee questions related to special education?
  • Special Education Help Desk

• I help facilitate communication and problem solving at IEP Team meetings through a neutral third party?
  • IEP Facilitation
Who am I?

• Both of us result in an outside party making the final decision; one decides in 60 days and the other in 45-75 days, sometimes longer.
  • Formal Complaint and Due Process Hearing Request

• I am the only resolution process that can be initiated by individuals/organizations other than parents or districts.
  • Formal Complaint
Who am I?

• I provide a full explanation of specific IDEA rights and am given out every school year.
  • Procedural Safeguards (Parents’ Rights)

• I am a partnership where parents in my local school district provide assistance to other parents.
Can you hit the “bullseye”?

• Can you discuss the special education family engagement initiatives?

• Can you compare and contrast the three dispute prevention processes and the three dispute resolution processes?

• Based on the benefits and considerations of the dispute prevention and resolution processes, can you determine which process(es) are most appropriate in certain situations?
Offering a holistic education to each and every child in our state.

Jamila Pollard jpollard@doe.k12.ga.us (404) 670-2683

www.gadoe.org

@georgiadeptofed

youtube.com/georgiadeptofed