

**Operating Standards for Ohio Educational Agencies Serving Children with Disabilities**

**CONFLICT RESOLUTION PROCESSES**

<b>FACILITATED IEP MEETING</b>	<b>ADMINISTRATIVE REVIEW</b>	<b>STATE COMPLAINT</b>	<b>MEDIATION</b>	<b>DUE PROCESS COMPLAINT</b>	<b>RESOLUTION MEETING</b>
<b>What is it?</b>					
<p>A voluntary process that can be used when all parties agree to an IEP meeting that is facilitated by an impartial third party (who has received specialized training in IEP development), available through the ODE/OEC. Typically, a facilitator is involved when parents and the school district are having difficulties communicating with one another about the child's needs. This process should be used when disagreements first emerge and before parties begin considering mediation, complaints or due process. (This process is not addressed in rules.)</p>	<p>A process that provides parents or other educational agencies the opportunity to present complaints to the superintendent of the child's district of residence and to resolve disputes at the local level. The superintendent and/or designee conducts a review or may hold an administrative hearing and issues a written decision within 20 school days of the request for a review.</p>	<p>A signed, written complaint that is filed with ODE/OEC alleging a violation of federal or state laws and rules. The OEC reviews all relevant documentation and may conduct an on-site investigation.</p>	<p>A confidential, voluntary process that provides parents and school district personnel with an opportunity to meet with a mediator (an impartial third party) who will assist them in resolving their disputes and reaching an agreement. Mediation is offered by the ODE/OEC, is available at any time, and is offered when a due process complaint or state complaint is filed. Parties to the mediation may be represented by an attorney.</p>	<p>A written complaint filed with the child's school district of residence requesting an impartial due process hearing. If the complaint is not resolved at the resolution meeting or through other dispute resolution processes, a formal hearing may be held and conducted by an impartial due process hearing officer. Parties to the hearing may be represented by legal counsel and may compel witnesses to attend.</p>	<p>A mandatory meeting that the school district must convene within 15 days of receiving a parents' due process complaint unless the parties agree to use state mediation instead or agree in writing to waive the meeting. This meeting includes parents, members of the IEP team relevant to the complaint, and a representative of the school district who has decision making authority. If both the parents and school district agree, a mediator available through the ODE/OEC may facilitate the meeting. Meeting discussions are confidential.</p>
<b>Who can initiate the process?</b>					
<p>Any member of the IEP team, including the parents. Must be agreed upon by both the parents and the school district.</p>	<p>The parents or educational agency other than the school district of residence.</p>	<p>Any individual or organization, including those from out of state.</p>	<p>Parents or school district. Must be agreed upon by both parties.</p>	<p>Parents, school district, county board of MR/DD or other educational agency providing services to the child or requested to provide services.</p>	<p>The district must initiate this process when the parents file a due process complaint.</p>

**Operating Standards for Ohio Educational Agencies Serving Children with Disabilities**

**CONFLICT RESOLUTION PROCESSES**

<b>FACILITATED IEP MEETING</b>	<b>ADMINISTRATIVE REVIEW</b>	<b>STATE COMPLAINT</b>	<b>MEDIATION</b>	<b>DUE PROCESS COMPLAINT</b>	<b>RESOLUTION MEETING</b>
<b><i>What is the time limit for filing?</i></b>					
None specified.	None specified.	Not more than one year from the date of the alleged violation.	None specified. Mediation can be requested at any time with or without the filing of a complaint or due process request.	Not more than two years after the party knew or should have known of the alleged violation, with limited exceptions. <sup>1</sup>	Within 15 days of receiving the parents' due process complain unless the parties agree in writing to waive the meeting or agree to use state mediation.
<b><i>What issues can be resolved?</i></b>					
Any issues addressed through an IEP	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education (Note exceptions). <sup>2</sup>	Alleged violation of federal and state laws and regulations that apply to children with disabilities.	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education (Note exceptions). <sup>2</sup>	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education (Note exceptions). <sup>2</sup>	The issues raised in the parents' due process complaint.
<b><i>What is the timeline for resolving the issues?</i></b>					
No specified timeline. If agreement is not reached at the first meeting, IEP facilitation can be scheduled for another meeting.	Within 20 days after receipt of a complaint.	Within 60 days from receipt of the complaint, unless an extension is permitted. <sup>8</sup>	None specified.	45 days from the end of the resolution period, unless a specific extension to the timeline is granted. <sup>3,4</sup>	The resolution period is 30 days from receipt of the parents' due process complaint, unless the timelines are adjusted. <sup>3,5,6,7</sup>

**Operating Standards for Ohio Educational Agencies Serving Children with Disabilities**

**CONFLICT RESOLUTION PROCESSES**

<b>FACILATED IEP MEETING</b>	<b>ADMINISTRATIVE REVIEW</b>	<b>STATE COMPLAINT</b>	<b>MEDIATION</b>	<b>DUE PROCESS COMPLAINT</b>	<b>RESOLUTION MEETING</b>
<b>Who resolves the issues?</b>					
The IEP team with the assistance of an IEP facilitator.	The superintendent of the child's district of residence, or the superintendent's designee.	The ODE/OEC.	Parents and school district, with the assistance of a mediator.	Impartial due process hearing officer.	Parents and school district (with the assistance of a mediator, if both parties agree to have a mediator act as a facilitator).
<b>What is the outcome?</b>					
If the IEP team reaches agreement, the outcome is a revised IEP. If an agreement is not reached, the parents and the school district are free to pursue other forms of conflict resolution.	The superintendent (or the superintendent's designee) notifies the parties of the decision in writing within 20 school days of the request for a review.	The ODE/OEC issues a written decision that includes the findings, conclusions and corrective actions, if any, required by the district. <sup>9</sup>	If agreement is reached, a written, signed, legally binding mediation agreement that is enforceable in any state court of competent jurisdiction or in a district court of the United States.	Written findings and decision issued by the hearing officer that is final, unless the decision is appealed to the ODE for a state-level review.	If a resolution to the dispute is reached, a written, legally binding settlement agreement that is enforceable in any state court of competent jurisdiction or in a district court of the United States and the withdrawal of the complaint. If a resolution is not reached, a hearing may be held.

1. The time limit does not apply to a parent if the parent was prevented from filing a due process complaint due to: (1) specific misrepresentations by the school district that it had resolved the problem forming the basis of the due process complaint; or (2) the school district's withholding of information that was required under Part 300 of IDEA to be provided to the parent. (34 CFR 300.511(f) and (OAC 3301-51-05(K)(10)(f))
2. Such exceptions include: the school district of residence may not file a due process complaint or use mediation to override a parent's refusal to consent to the initial provision of special education services (34 CFR 300.300(b)(3) and (OAC 3301-51-05(C)(2)(c)); the school district may not file a due process complaint or use mediation to override a parent's refusal to consent to an initial evaluation or reevaluation of a parentally placed private school child or home schooled child; (34 CFR 300.300(c)(4)(i)) and the right of a parent of a parentally placed private school child to file a due process complaint is limited to the school district's failure to meet the child find requirements (34 CFR 300.140 and (OAC 3301-51-08(L)(1)); the school district's failure to provide a highly qualified teacher is not an issue subject to due process, but a state complaint could be filed with the State Education Agency (SEA). (34 CFR 300.156(e) and (OAC 3301-51-01(B)(27)(f)). A nonpublic school may file a complaint with the Ohio Department of Education regarding the consultation process with the public school district (34 CFR 300.140(c) and OAC 3301-51-08(L)(4)).
3. If the due process complaint is filed for an expedited hearing pursuant to disciplinary procedures, the resolution period is 15 calendar days (with the resolution meeting being held within seven days). If the matter has not been resolved to the satisfaction of both parties, the hearing must occur within 20 school days of the date the hearing is requested, and a decision must be issued within 10 school days after the hearing. (34 CFR 300.532(c) and (OAC 3301-51-05(22)(c)(ii) and (iii)). No extensions of time are permitted.

## ***Operating Standards for Ohio Educational Agencies Serving Children with Disabilities***

### **CONFLICT RESOLUTION PROCESSES**

4. A hearing officer may grant specific extensions of time at the request of either party. (34 CFR 300.515(c) and (OAC 3301-51-05(K)(15)(c))
5. The regulations allow for adjustments to the 30-day resolution period. The 45-day timeline for the due process hearing starts the day after one of the following events: (1) both parties agree in writing to waive the resolution meeting; (2) after either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; and (3) if both parties agree in writing to continue the mediation at the end of the thirty-day resolution period, but later, the parent or school district of residence withdraws from the mediation process. (34 CFR 300.510 (c)) and (OAC 3301-51-05(K)(9)(c))
6. Parent failure to participate in the resolution meeting delays the timelines for the resolution process and due process hearing until the meeting is held. (34 CFR 300.510(b)(3)) and (OAC 3301-51-05(K)(9)(b)(iii))
7. If the school district of residence fails to hold the resolution meeting within 15 days of receiving the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline (34 CFR 300.510(b)(5)) and (OAC 3301-51-05(K)(9)(b)(v))
8. The timeline for resolving the state complaint may be extended if exceptional circumstances exist regarding a particular complaint, or if the parent and the school district of residence agree to extend the time to engage in mediation or to engage in other alternative means of dispute resolution, including, but not limited to, an administrative review. (34 CFR 300.152(b)(1)) and (OAC 3301-51-05(K)(5)(b)(i))
9. The ODE/OEC's complaint procedures must provide the school district of residence with the opportunity to respond to the complaint, including, at a minimum: (a) at the discretion of the school district of residence, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the school district of residence to voluntarily engage in mediation. (34 CFR 300.152(a)(3)) and (OAC 3301-51-05(K)(5)(a)(iii))

Adapted from IDEA Dispute Resolution Processes Comparison Chart, IDEA Regional Implementation Meetings, January and February 2007. Retrieved March 2008 @ <http://www.directionservice.org/cadre/drcompchart.cfm>