



IDAHO
STATE DEPARTMENT OF EDUCATION

Dispute Resolution: Numbers Count

Ed Litteneker



Supporting Schools and Students to Achieve

SHERRI YBARRA, ED.S., SUPERINTENDENT OF PUBLIC INSTRUCTION

The Individuals with Disabilities Education Act (IDEA)



Requires all states to oversee dispute resolution processes for parents and districts to resolve conflicts over special education:

- Identification
- Eligibility
- Educational placement
- Provision of a free, appropriate, public education (FAPE)

Office of Dispute Resolution



Coordinator: Ed Litteneker

Program Specialist: Jessica Spoja

Contractors Statewide

- 15 Facilitators
- 7 Mediators
- 6 Complaint Investigators
- 1 Hearing Officer

Foundations for Dispute Resolution



- Conflict provides opportunities.
- Perceptions of neutrality, fairness, and transparency are the currency of the office.
- Everyone deserves to be heard and understood.
- Aim to resolve at the lowest level appropriate.
- Good outcomes are child-centered and legally defensible.

Dispute Resolution Options

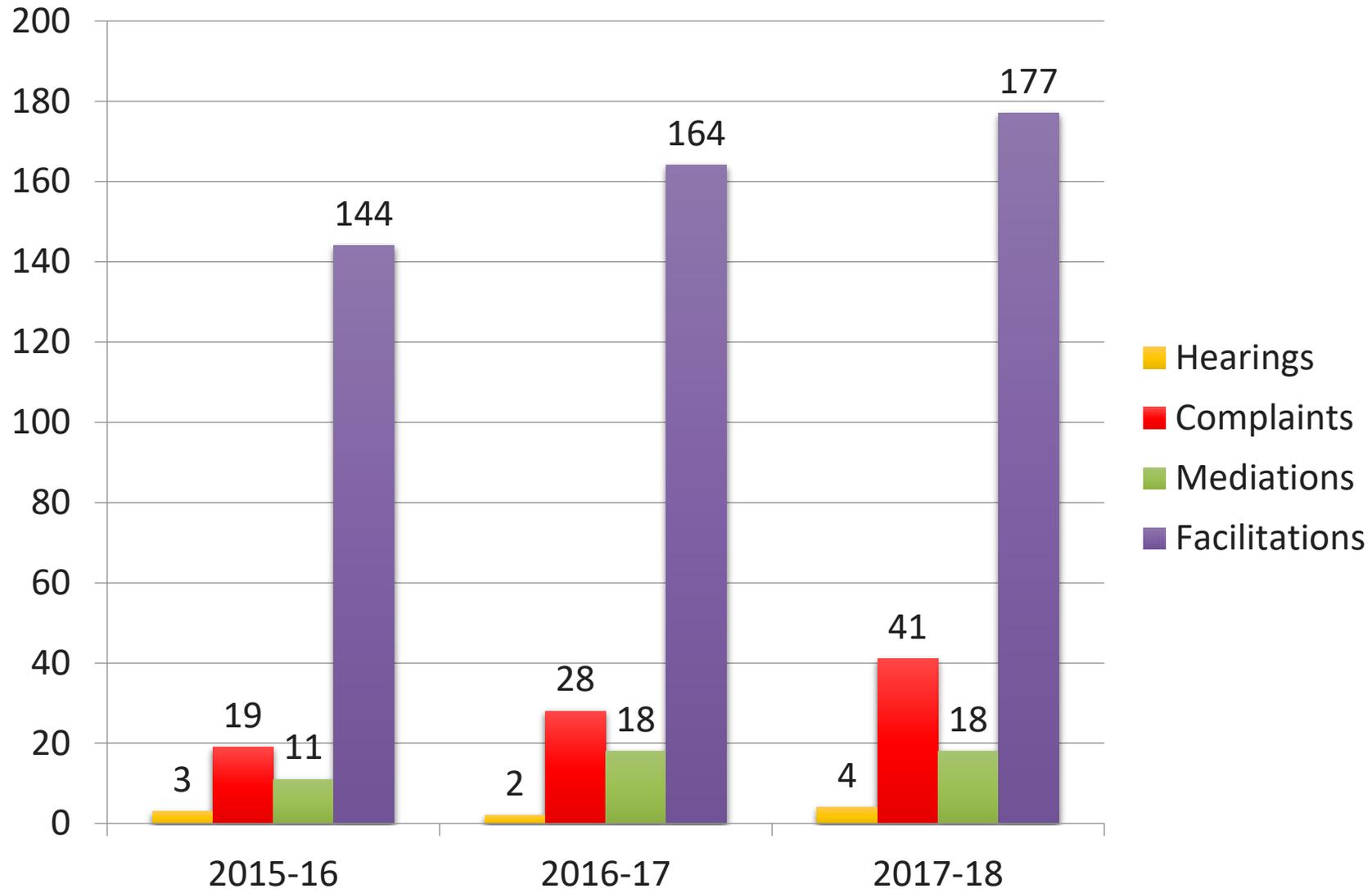


Dispute Resolution Comparison Chart



	IEP FACILITATION	INFORMAL CONFLICT RESOLUTION	MEDIATION	STATE ADMINISTRATIVE COMPLAINT	DUE PROCESS HEARING
Who can initiate the process	Parent or public agency, but must be voluntary for both	Parent or public agency, but must be voluntary for both	Parent or public agency, but must be voluntary for both	Any individual or organization including those from out of state	Parent or public agency
Time limits	None specified	None specified	None specified	One year from date of alleged violation	Two years from when the party knew or should have known of the alleged problem
Issues	Any issue related to the development of an IEP including related services and behavioral plans	Generally issues related to relationships, communication, or process between districts and parents	Any matter under IDEA part 300, including matters arising from a due process complaint (with some exceptions)	Alleged violations of Part B of IDEA or Part 300	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education (with some exceptions)
Timeline to resolve issues	Non specified, but must meet IEP annual deadlines	None specified	None specified	60 days from SDE's receipt of the complaint unless extension granted	No more 45 days from the end of the resolution period (maximum of 30 days). Public agency must convene a resolution meeting within 15 days of receipt of the complaint, unless parties agree to waive it, or agree to mediate (other factors may affect timeline)
Who oversees process	SDE Dispute Resolution assigns IEP Facilitator	SDE Dispute Resolution Coordinator or assigned conflict manager/mediator	SDE Dispute Resolution assigns mediator	SDE Dispute Resolution assigns Complaint Investigator	SDE Dispute Resolution assigns Hearing Officer
Decision Makers	IEP Team	Parties involved	Parties involved (agreements are legally binding)	Complaint Investigator and approved by SDE	Hearing Officer
Cost Center	SDE	SDE	SDE	SDE	Public Agency

Dispute Resolution Comparison: 2005-2018



Facilitation and Informational Meetings



A voluntary process where, at no cost to parent or district, we provide a neutral facilitator to run the meeting. Used as a proactive tool to build good relationships and compliant IEPs.

- Eligibility and evaluation meetings
- Yearly IEP meetings
- Three-year re-evaluation meetings
- Any time an IEP Teams is called to discuss: behavioral problems, new information, or concerns about the progress of the student.

2017-18 Facilitations



Number of facilitations: **177**

Number of cases with multiple meetings: **13**

Number of facilitations requested by:

Parents **93**

Districts **69**

Both **15**

Number of Districts: **65**



Facilitation Costs



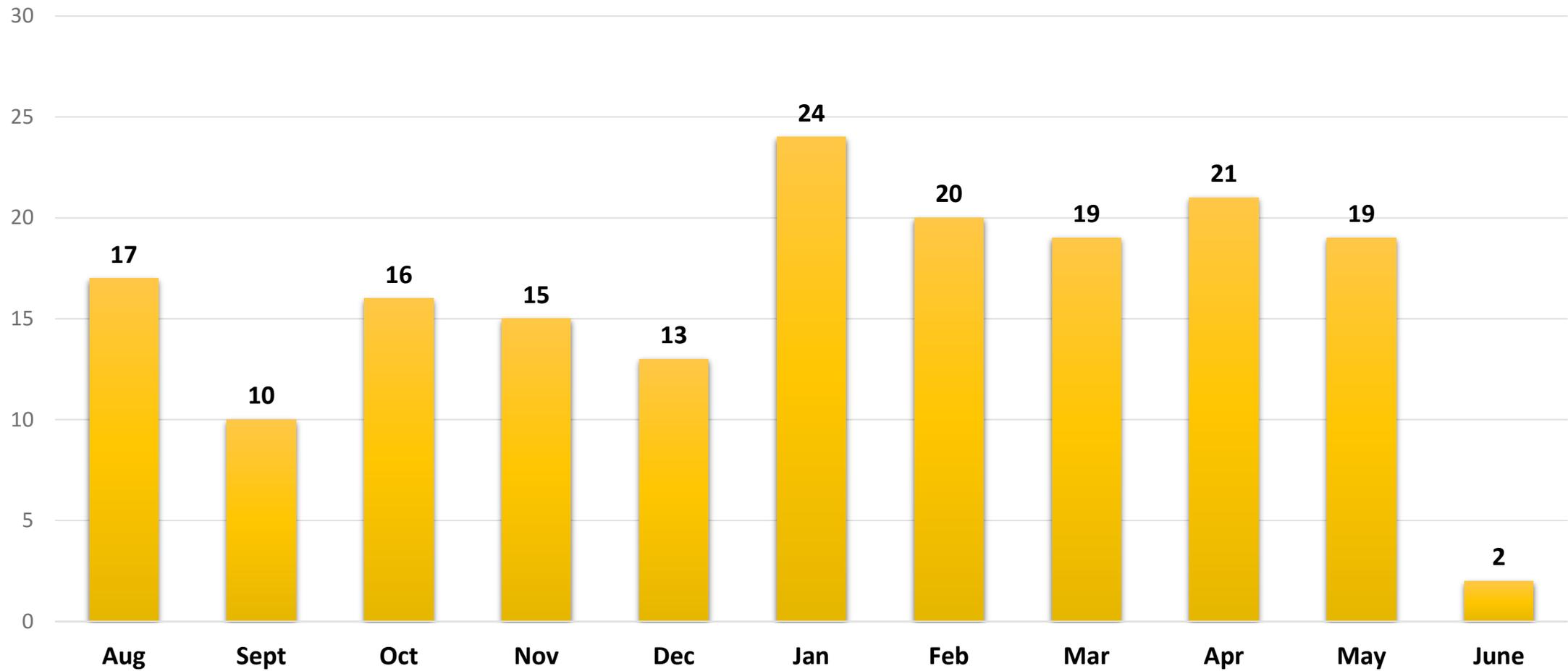
Average Cost \$667.45

Facilitation HIGH \$3,507.62

Facilitation LOW \$86.10



Facilitation Requests



Mediation



A voluntary process where, at no cost to parent or district, we provide a neutral third party to aid parties in building formal, written and enforceable agreements over any special education issue.

- Up to three parties from each “side”
- Issue specific (not full IEP team)
- Confidential process (not discoverable)
- Can amend an IEP without full team
- Mediator is not a decision maker – decisions are owned by the parties.
- SDE does not enforce mediated agreements

2017-18 Mediations



Number of mediations: **18**

Number of mediations requested by:

Parents **11**

Districts **5**

Both **2**

Number of Districts: **14**



Mediation Costs



Average Cost	\$1230.63
Mediation HIGH	\$3,036.34
Mediation LOW	\$481.63



State Complaints



Any individual or agency can allege an LEA has violated any component of the IDEA within the past 365 days. SDE contracted Complaint Investigator(s) provide report within 60 days.

- Investigatory costs assumed by SDE
- Complaints can be individual or systemic
- LEA can choose to correct non-compliance prior to investigation with no findings against them
- Founded allegations require corrective actions to be overseen by SDE
- Automatically offer mediation to both parties

2017-18 Complaint Investigations



Number of complaints: **41**

Cases with final report: **35**

Cases with founded allegations: **20 (57%)**

Cases denied/withdrawn: **6**



Complaint Investigation Costs



Average Cost \$3,747.33

Complaint HIGH \$9,153.35

Complaint LOW \$204.00



Due Process Hearings



Districts or parents request a Hearing Officer decide any matter relating to the identification, evaluation, educational placement, or provision of FAPE.

- Cost of Hearing Officer is assumed by LEA
- Alternatives to hearing decision built into system
- Resolution Sessions
- Resolution Period for Mediation
- Decisions appealable to District Court (not SDE)

2017-18 Due Process Hearings



Number of hearings: **4**

Settled: **2**

HO Decision: **1**

Cases Pending: **1**

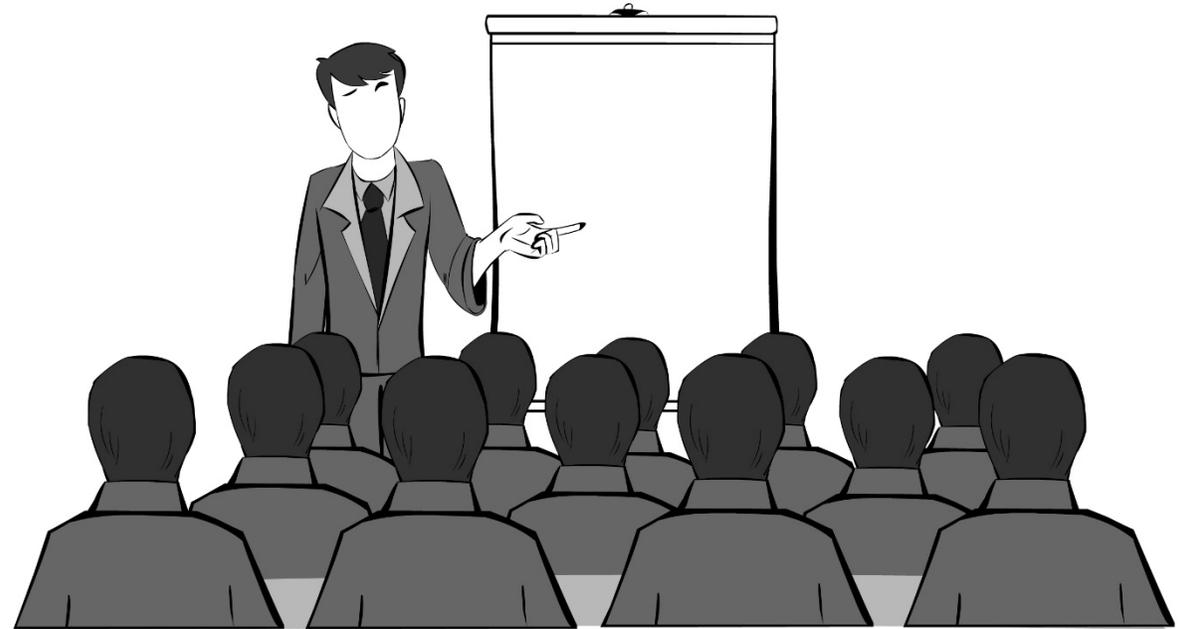
Number of Districts: **3**



Technical Assistance and Education



- Provide information to districts, families, advocacy groups, and others about the IDEA and special education in Idaho
- Provide training to districts and agencies on IDEA and improving communication



Specific Questions



Ed Litteneker | Dispute Resolution Coordinator

Idaho State Department of Education

650 W State Street, Boise, ID 83702

208.332.6914

elitteneker@sde.idaho.gov

www.sde.idaho.gov



IDAHO
STATE DEPARTMENT OF EDUCATION

Supporting Schools and Students to Achieve

SHERRI YBARRA, ED.S., SUPERINTENDENT OF PUBLIC INSTRUCTION

General Questions



Dr. Charlie Silva
Special Education Director
(208) 332-6806

Alisa Fewkes
Data & Reporting Coordinator
(208) 332-6919

Anthony Mukuna
Funding & Accountability Coordinator
(208) 332-6916

Jeff Brandt
Special Populations Coordinator
(208) 332-6915

Brenda Arnold
Administrative Assistant
(208) 332-6896

Kailey Bunch-Woodson
Data & Reporting Program Specialist
(208) 332-6925

Grace Dehner
Contracts & Fiscal Program Specialist
(208) 332-6910

Ed Litteneker
Dispute Resolution Coordinator
(208) 332-6914

Alayna Gee
MTSS Coordinator
(208) 332-6979

Dr. Karren Streagle
Alt Assessment/Low Incidence/
Medicaid Coordinator
(208) 332-6824

Kendrick Lester
Secondary Special Education Coordinator
(208) 332-6918

Jessica Spoja
Dispute Resolution Program Specialist
(208) 332-6912



IDAHO
STATE DEPARTMENT OF EDUCATION

Shannon Dunstan
Results Driven Accountability/
Early Childhood Coordinator
(208) 332-6908

Supporting Schools and Students to Achieve

SHERRI YBARRA, ED.S., SUPERINTENDENT OF PUBLIC INSTRUCTION