



Idaho Department
of Education

A Guide to Idaho's Dispute Resolution Processes

ESEA/IDEA Directors Meeting



Objectives



- Explore the Dispute Resolution Options available to IEP teams in Idaho.
- Learn how LEA representatives can best support IEP teams in developing and implementing individualized special education services while being aligned with the requirements of IDEA.

Introduction to Dispute Resolution



Required by the IDEA

The Individuals with Disabilities Education Act (IDEA) requires states to have a formal process for parents and districts to resolve special education related disputes.

The Idaho Department of Education's Special Education Dispute Resolution provides free facilitation and mediation of special education meetings and oversees the state administrative complaints and due process hearing systems.

Foundations of Dispute Resolution

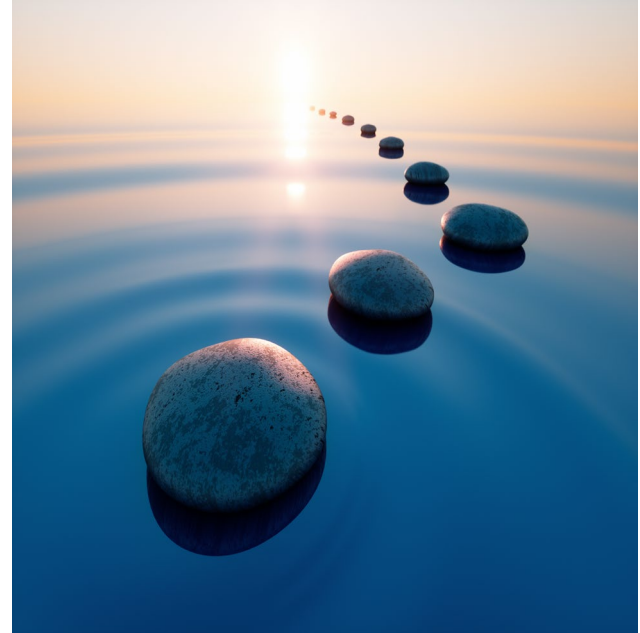
Everyone deserves to be heard and understood.

Conflict provides opportunities.

Conflicts should be resolved at the lowest level appropriate.

Students have better outcomes when families and school teams work together.

Teams may function better with the support of a fair and neutral third party.



Facilitation



Facilitation is a voluntary process that is provided at no cost to parents or districts. A neutral facilitator will run the meeting and support the special education team with problem-solving and communication. Used as a proactive tool to build good relationships, compliant IEPs, and services that benefit the student.

- Eligibility and evaluation meetings
- Annual IEP meetings
- Three-year re-evaluation meetings
- Any time an IEP team is convened

Mediation



Mediation is a voluntary process that is provided at no cost to parents or districts. A mediator, who is a neutral third party, aids parties in building formal, written, and enforceable agreements about any special education issue.

- Typically, up to three people participate in the mediation session for each party
- Issue specific (not full IEP team)
- Confidential process (not discoverable)
- Can modify an IEP without the full team
- The mediator is not a decision maker – decisions are owned by the parties
- The Idaho Department of Education does not enforce mediated agreements

State Administrative Complaints



Any individual or agency can file a state administrative complaint alleging that an LEA has violated any component of the IDEA within the past 365 days. A contracted Complaint Investigator provides a report within 60 days.

- Investigatory costs are assumed by the Idaho Department of Education
- Complaints can include individual or systemic allegations
- Founded allegations require corrective actions to be overseen by the Department
- Parents and districts involved in a complaint are automatically offered the opportunity to participate in mediation

Due Process Hearings



In Due Process Hearings, districts or parents may request that a Hearing Officer decide any matter relating to the identification, evaluation, educational placement, or provision of FAPE.

- The cost of the Hearing Officer is assumed by the LEA
- Alternatives to hearing decisions are built into the system and include:
 - A Resolution Session, and
 - A Resolution Period for Mediation
- Decisions are only appealable to the District Court and not to the Department

Expedited Due Process Hearings



A district may request an expedited hearing if the district believes maintaining the current placement or returning the student to the prior placement is substantially likely to result in injury to the student or others.

A parent/adult student may request an expedited hearing if: he or she disagrees with a determination that the student's behavior was not a manifestation of the disability; or he or she disagrees with the district's discipline decision, which resulted in a change of placement.

There are shorter timelines associated with an expedited due process hearing.

For More Information About Dispute Resolution

To access request forms, FAQs, descriptions, and resources related to dispute resolution, please visit the [Dispute Resolution](#) webpage on the [Idaho Department of Education's website](#).

Information about the IDEA is found

- [On the Special Education Manual webpage](#),
- [The Idaho Training Clearinghouse website](#), and
- The web pages for [SESTA](#)

Leadership Tips for LEA Representatives

(The included information is based on a presentation given by **Julie Weatherly** to the Idaho Department of Education. Contact the Dispute Resolution office for a copy of the full handout)

1. Maintain good meeting invitation and parent participation processes.
2. Prepare adequately for IEP meetings.
3. Take steps to ensure that “content people” are prepared to attend IEP meetings with sufficient evaluative data in hand.
4. While meeting preparation is key, avoid the appearance of and redirect actions or statements that reflect “predetermination and placement.”

5. Use effective and efficient communication aids and strategies when conducting IEP meetings.
6. Ensure that parents have received notification of their rights and have been offered an explanation of them.
7. Allow for and guide appropriate participation of parent “invitees.”
8. Ensure that the team properly “considers” recommendations of private/outside evaluators.

9. Keep all IEP team members focused on the “I” in IEP and IDEA in all IEP meetings.
10. Look out for signs of inappropriate IEP goals.
11. Use a “consensus-building” approach to help the team make decisions.
12. Use an action plan or meeting minutes to document agreements made regarding things “to do” after the IEP meeting.

Thank you!



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Please visit the [Dispute Resolution](#) webpage for more resources and information.