

Dispute Resolution in Special Education

What we will cover today:



Who has the information you need?



Comparison of services available to parents and schools



Tips on the special education dispute resolution process



Questions and Resources

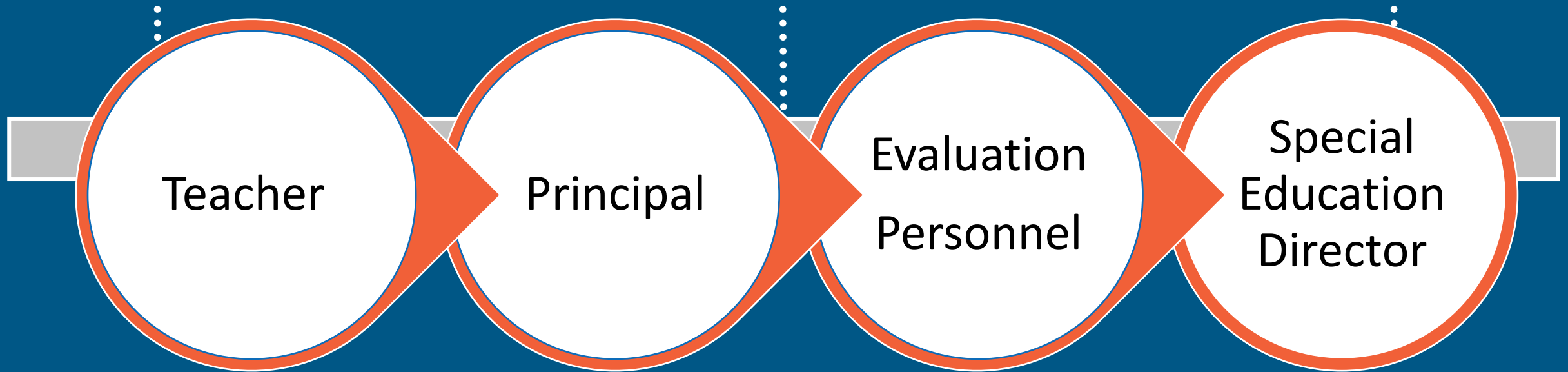


Relationships

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Communication

Who has is the information you need?



Who has the information you need?

Your child's teacher can provide information on:

- IEP Implementation
- Behavioral Challenges
- Classroom Schedule
- Grade Level Expectations

Who has the information you need?

The Principal can provide information on:

- School Policies and Procedures
- Transportation
- Classroom Schedule
- School Records
- Staff availability
- Discipline Procedures
- IEP services on the campus and basic information about district programs
- Information about the referral process

Who has the information you need?

Evaluation personnel can provide information on:

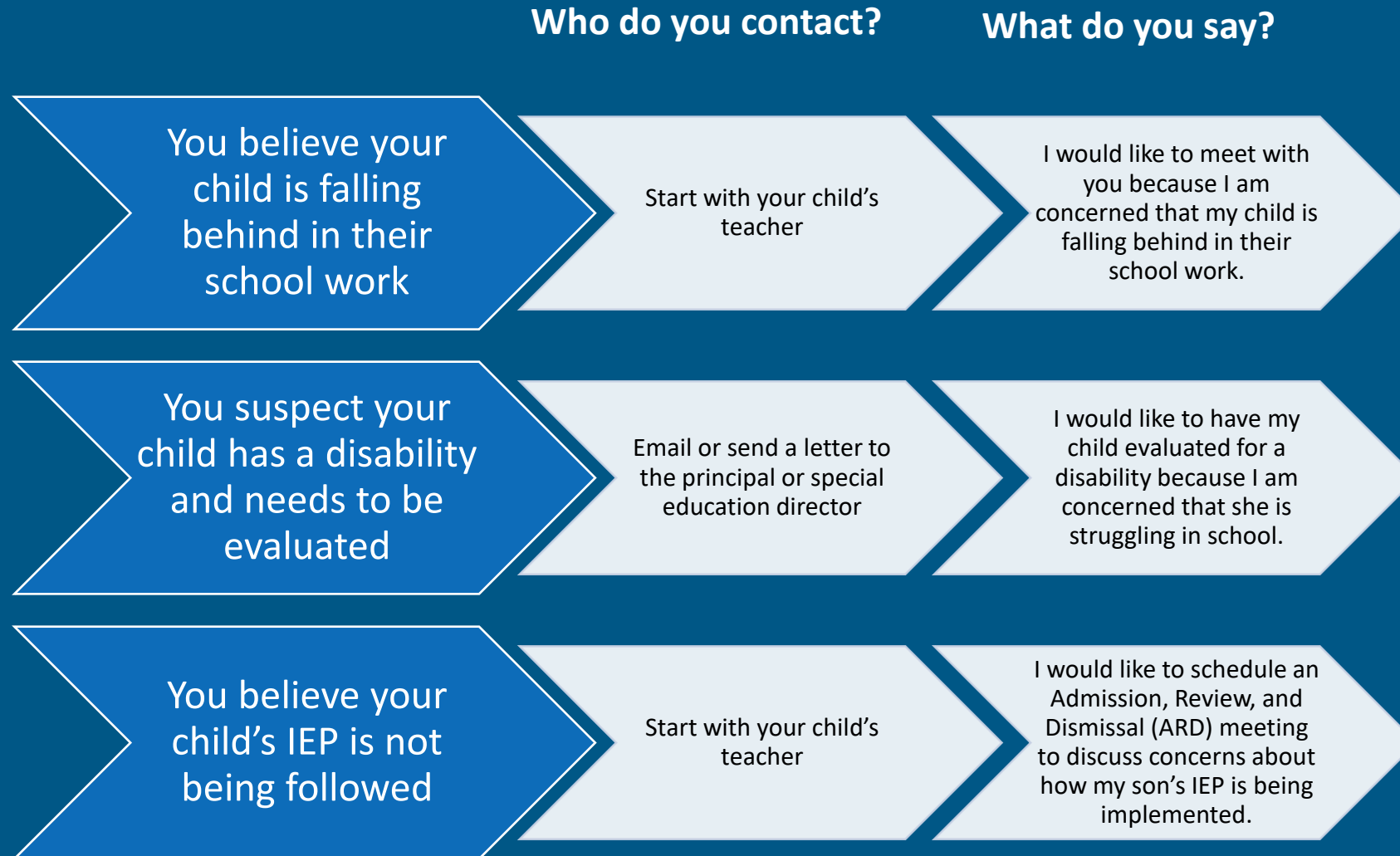
- Evaluations
- Disabilities
- Interventions
- Accommodations

Who has the information you need?

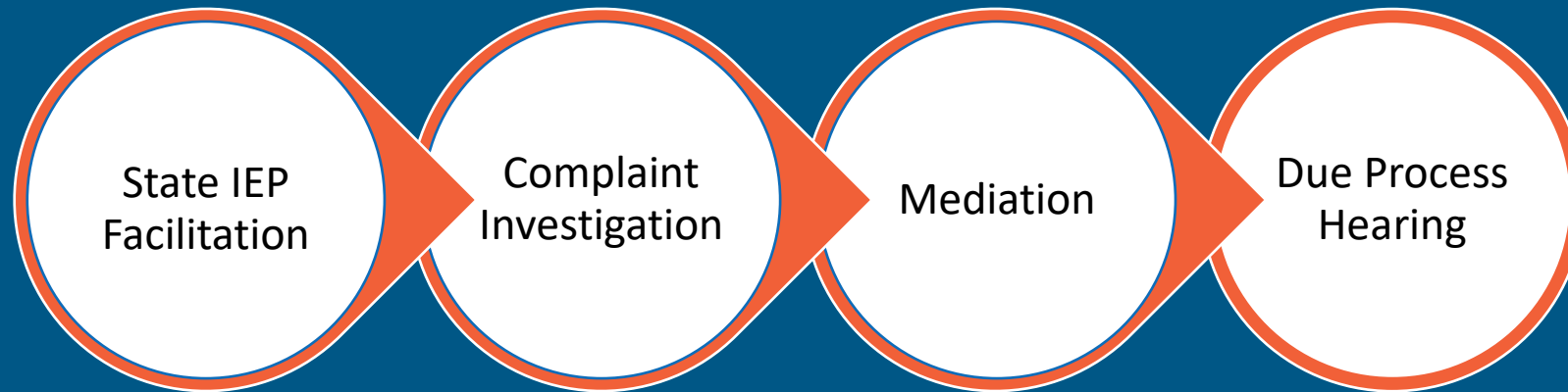
Special Education Director can provide information on:

- Special Education Policies and Procedures
- District Resources
- Independent Educational Evaluations (IEE)
- Special Education Records

Examples of How to Begin Resolving an Issue



Services Available to Parents



Texas Continuum of Special Education Conflict Resolution Options

STAGE 1: Prevention

- Local and regional training for parents and educators
- ARD committee meetings
- Case Manager Teacher
- Parent-to Parent Assistance
- SpedTex and/or TEA technical assistance
- Local facilitated ARD meeting (§29.0019 and §89.1196)

Local Opportunities for Resolution of Disputes

STAGE 2: Disagreement

- Disagreement in an ARD committee team meeting
- State-sponsored facilitated ARD committee meeting (§29.020 and §89.1197)
- Local mediation
- SpedTex and/or TEA technical assistance

STAGE 3: Procedural Safeguards

- Mediation under IDEA
- Special Education Complaint
 - TEA-Assisted Alternate Dispute Resolution
 - Early Resolution Proposals
- Due Process Hearing Resolution Session
- Due Process Hearing

Third-Party Options for Resolution of Disputes

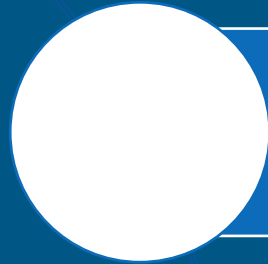
STAGE 4: Legal Review

- **Litigation**
 - Civil Suits
 - Appeals
- **Legislation**

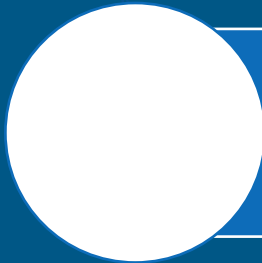
IEP Facilitation

- Helps ARD committee Members develop ground rules and an agenda for the meeting
- Guides discussion by asking student-focused questions
- Keeps the ARD committee on task and the meeting on schedule
- Asks questions to clarify points of agreement and disagreement and helps identify workable solutions
- Does not make decisions or determine if team members are right or wrong

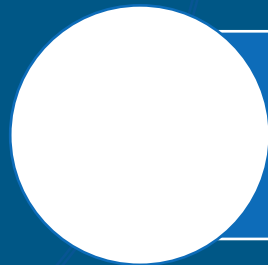
Complaint Investigation



Reviews information related to the complaint



May interview the complainant and school staff



Makes findings and determinations based on the record and special education requirements

Complaints that TEA Cannot Investigate

- Fraud, Waste, Abuse
 - State Auditor's Office (SAO)
- Public Information Request Violations
 - Office of Attorney General
- Discrimination Violation including Section 504
 - U.S. Department of Education, Office of Civil Rights
- Child Abuse
 - Department of Family and Protective Services (DFPS)
- Staff hiring and evaluation; classroom assignments; dress code; facilities; homework practices
 - Refer complainant to whatever local process exists to address these types of issues.
- Cameras in special education settings
 - Complaints are addressed through the local grievance process.
- General Complaints
 - Division of Complaints Management

Early Resolution Proposals

- The district investigates the complaint independently and determines remedies to the complaint as applicable.
- The district communicates directly with the parent to discuss proposed actions to resolve the conflict.
- If both parties agree, the complaint timeline may be extended to allow for continued collaboration toward an agreement.
- If the conflict is resolved independently, the complainant may request to withdraw the complaint.

Note: Once the Investigative Report is issued, the LEA is required to implement the corrective actions outlined in the report.

TEA Assisted Alternate Dispute Resolution

- May be initiated by either party (LEA or complainant).
- TEA staff will facilitate a process toward the development of a collaborative and mutually agreeable resolution.
- TEA can aid in communication between the parties but cannot provide legal advice.
- If both parties are agreeable, the complaint timeline may be suspended or extended to allow time for the local resolution process.
- If a negotiated resolution is developed and accepted by the parties, the complainant may request to withdraw the complaint.

Mediation

- Helps participants develop ground rules for the session
- Creates a safe environment and encourages participants to be respectful of the other points of view
- Guides discussion by listening, identifying interests, and clarifying concerns
- Does not make decisions
- Is knowledgeable of requirements relating to special education and related services

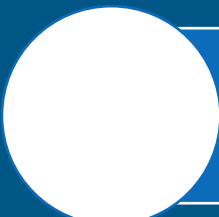
Due Process Hearing

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Oversees the hearing timeline, including all pre-hearing activities

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Conducts the hearing and manages procedural matters

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Uses applicable law to write a decision based on evidence and testimony presented at the hearing

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May dismiss the complaint if the issues are resolved before the hearing

- [Comparison Chart of State Dispute Resolution Options](#)
- [IEP Facilitation](#)
- [State Written Complaints Process](#)
- [Mediation](#)
- [Due Process Hearings](#)



Tips for Resolving Issues

Tip 1: Build a solid working relationship with your child's teacher, and reinforce the relationship with open and regular exchanges of information.

Tip 2: Ensure your contact information at your child's school is up-to-date.

Tip 3: Work to resolve minor issues as they arise.

Tip 4: Consider requesting an ARD meeting to address your concerns.

Tip 5: Contact SPEDTex or PRN with questions about special education.

Tip 6: Access resources TEA offers in dispute resolution.

Explore Resources

- TEA Family Video Series

- [ARD Process](#)
- [Complaints Process](#)

- Dispute Resolution Handbook

<https://tea.texas.gov/sites/default/files/se-dispute-resolution-handbook-english.pdf>

- Family Member Webinars

- <https://www.cadreworks.org/webinars>
- <https://www.cadreworks.org/resources/cadre-materials/working-together-series>
- [Moving Beyond Disputes: Mobilizing and Orchestrating a “Village” When Extensive Change is Required](#)
- [Playing Nicely Together: Family-Centered Practices to Help Practitioners and Families Work Together](#)

What must happen in the IEP team meeting?

IDEA regulations at 34 CFR §300.324 require the ARD committee to consider the strengths and needs of the student, the concerns of the parents, and the student's evaluation information when developing the student's individualized education program (IEP).

Why is clear communication important in the ARD committee meeting?

- Clear communication is essential for helping to ensure the best possible environment for discussing the student's needs.
- Clear communication is essential in order for everyone to discuss and understand the student's strengths and needs.
- Clear communication is essential in order for the ARD committee to design an IEP that builds on the student's strengths and that meets the student's needs.
- Clear communication is essential in order for everyone to clearly understand how the IEP will be implemented.

What can a parent do to help improve communication?

- Provide a list of concerns to the district or facilitator as soon as possible prior to the ARD committee meeting so that the district can have the appropriate personnel and data at the meeting and won't be surprised at the meeting.
- Provide your data to the district or facilitator as soon as possible prior to the ARD committee meeting so that the district can have time to review it.
- Keep in touch with the student's education providers and try not to make assumptions.

Other strategies that a parent can use

- ◎ Keep a record of your communications with the district: Whom did you talk with? When did you talk to him/her? What did you talk about? What did s/he say?
- Stay engaged in the conversation. If you don't understand something, ask.
- ◎ Read your *Notice of Procedural Safeguards* and the *Guide to the ARD Process*. If you have questions, you can ask district personnel, other parents, the Parent Training and Information Center, your Education Service Center, and/or TEA for help in understanding the special education process.
- ◎ Most importantly, keep the meeting focused on the student.

Remember

- Everything in the ARDC committee meeting involves communication.
- Improving communication amongst the ARD committee members improves the whole process for everyone involved, especially the student.



1-855-773-3839



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www.spedtex.org



Partners Resource Network
Empowerment Through Education



1-800-866-4726



partnersresource@sbcglobal.net



<https://prntexas.org/>

Additional Resources

- Center for Appropriate Dispute Resolution in Special Education (CADRE)
<http://www.directionservice.org/cadre/>
- Directory of Community Resources in Texas <http://disabilityresources.tamu.edu/>
- Legal Framework (includes links to the *Notice of Procedural Safeguards* and to the *Guide to the ARD Process*)
<http://framework.esc18.net/display/Webforms/LandingPage.aspx>
- Partners Resource Network/Parent Training Institute <http://www.partnerstx.org/find-your-pti>

A blue-tinted photograph of students walking on a set of stairs in a school hallway. The students are carrying backpacks and are moving in various directions. The text "Thank You!" is overlaid in the center in a bright orange color.

Thank You!