

DUE PROCESS GUIDE: DISPUTE RESOLUTION OPTIONS AND RESOURCES

This guide is not intended to modify or replace any of the IDEA Part B procedural safeguards or the requirements of federal or state law; nor should it be considered legal advice. Should you require legal advice, please consult your own attorney.

WHEN CONFLICT ARISES:

Know that there is no right place to start or wrong place to start when it comes to resolving conflict; however, it is important to remember the value of relationships in education and to include early intervention attempts when possible.

Think about what it is that you want or need, and identify which dispute resolution option is best for your particular situation.

DISPUTE RESOLUTION OPTIONS:

- 1. Dispute resolution processes through the school corporation** may lead to a more efficient, effective, and collaborative resolution process than would be possible through other channels. Some options, in no particular order, include:

Reconvening the Case Conference Committee (CCC): While an Individualized Education Program (IEP) is a legal document, it should be ever-evolving. When the information documented in the IEP is no longer relevant or effective, the CCC should reconvene and consider revising the IEP.

Requesting a Meeting with the District Director of Special Education: A District Director of Special Education may be unaware of an existing conflict; however, he or she is generally equipped to immediately begin addressing the concerns brought to his or her attention.

Requesting a Facilitated IEP through the Indiana IEP Resource Center: A Facilitated IEP enables a neutral party, through the use of an agenda and extensive training, to ensure the participation of all participants in the process of developing an IEP that thoroughly addresses the needs of the student.

Article 7 (Indiana Special Education Rules): <http://www.doe.in.gov/sites/default/files/specialed/art-7-english-january-final-rule-update-2015-2017-spi.pdf>

Navigating the Course (Parent Friendly version of Article 7): <http://www.doe.in.gov/sites/default/files/specialed/idoenavigating-course-2017.pdf>

DISPUTE RESOLUTION OPTIONS (con't)

2. Dispute resolution processes through the Indiana Department of Education/Office of Special Education are typically more formal and may not be as efficient as the options pursued through the school corporation. The state dispute resolutions, in no particular order, include:

Mediation: Mediation is a student-centered resolution option that is efficient and collaborative in nature. It is a voluntary process in which participants determine not only the process but the outcome and is available for any disagreement about special education and related services. A mediated agreement is legally enforceable.

Due Process Hearing: A due process hearing is a student-centered resolution option that is more formal and potentially more adversarial than all other dispute resolution options. It may be used to resolve disagreements related to identification, evaluation, educational placement, and the provision of Free and Appropriate Public Education (FAPE). Due process hearings promote collaboration as an early intervention via a resolution meeting in which parties come together and attempt to resolve their concerns. In certain circumstances, parties may request an expedited due process hearing.

State Complaint: A state complaint is a resolution option that investigates alleged procedural violations of IDEA/Article 7. The entire process may take between 40 and 60 days and results in a Complaint Investigation Report (CIR). The state complaint process promotes collaboration by encouraging the parties to use the first 10 days of the process to work towards a resolution. Alleged violations may pertain to a specific student or a clearly-identified group of students.

3. On occasion, disputes about a school corporation policy may best be addressed by contacting members of the local school board. Concerns taken to the local school board should pertain to a corporation-wide issue, not a specific student.



I-CHAMP

Welcome to the Indiana Complaint, Hearing, and Mediation Process (I-CHAMP). This new online system has been designed with enhanced self-service features to make it easier and faster for you to access the following Due Process procedures: Complaint, Hearing, Mediation.



The screenshot shows the I-CHAMP website interface. At the top right, there are 'Register' and 'Sign In' buttons. The main header features a blue map of Indiana with 'I-CHAMP' written in white. Below this is a navigation bar with a home icon. The main content area is titled 'Indiana Complaint, Hearing, and Mediation Process' and 'Office of Special Education'. On the left, there are four buttons: 'LOGIN WITH PROFILE', 'CREATE PROFILE', 'CONTACT US', and 'RESOURCES'. In the center, there is a large image of diverse children holding a sign that says 'SPECIAL EDUCATION Learning for Everyone'. Below the image, there is a welcome message and three columns for 'Complaint', 'Hearing', and 'Mediation', each with a description and 'LEARN MORE' and 'GET STARTED' buttons.

For Help with I-CHAMP Issues:
 email: ichampHelpDesk@doe.in.gov; Telephone: 317-232-7537; Fax: 317-232-0589

Facilitated IEP (FIEP)

Facilitated IEP (FIEP):

A FIEP is an option available at the request of schools and parents for conflict prevention and resolution. This service is provided at no cost to parents or schools. A trained impartial facilitator helps the case conference committee with the IEP process by:

- Keeping the meeting focused on the student
- Ensuring everyone at the table has a voice
- Encouraging active listening by all participants
- Helping keep team members on task and within the time allotted for the meeting
- Participating as a non-committee member, which does not impose decisions on the group

<https://www.indianaieprc.org/index.php/facilitated-iep>

References/Resources

INSOURCE functions as Indiana’s Parent Training and Information Center. Under 20 U.S.C.A. § 1471, the center should “assist parents to...communicate effectively and work collaboratively with personnel responsible for providing special education, early intervention services, transition services, and related services.” www.insource.org

The Indiana IEP Resource Center is funded through federal funds distributed by the Indiana Department of Education and provides professional development and technical assistance statewide. The Indiana IEP Resource Center provides the Facilitated IEP resolution process referenced above. www.indianaieprc.org