

Dispute Resolution Options

On occasion, conflicts arise between Local Educational Agencies (LEA) and parents and/or adult students. Several mechanisms are available through the Oklahoma State Department of Education Office of Special Education Services (OSDE-SES) to assist in resolving disputes.

This resource tool addresses four dispute resolution options:

- IEP Facilitation
- Mediation
- State Complaint
- Due Process Hearing Request

When disputes arise, parents and the LEA are encouraged to address their differences through informal means whenever possible. The OSDE-SES encourages parents and LEAs to voluntarily engage in formal Mediation or IEP Facilitation to resolve their disagreements. When those informal means are unsuccessful, a parent, individual, or organization, may submit a State Complaint.

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Option	Resource / Information
<p>IEP Facilitation</p> <p>A voluntary process in which a highly trained facilitator is appointed to guide an IEP team meeting. The goal is to help structure the discussion in a way that assists the IEP team in focusing on the student’s unique needs.</p> <p>The IEP Facilitation is offered at no cost to the parents or LEA.</p> <p>Note: The IEP Facilitator does not have the authority to render any legal advice or resolve disagreements.</p>	<p>Oklahoma State Department of Education Resources:</p> <ul style="list-style-type: none"> • OSDE-SES Policies & Procedures, 2022. Dispute Resolution – Ch. 11, Section 2, p. 300 <p>Special Education Resolution Center Resources:</p> <ul style="list-style-type: none"> • IEP Facilitation Webpage <p>IEP Facilitation Forms</p> <ul style="list-style-type: none"> • IEP Facilitation Form for A Parents • IEP Facilitation Form for School Districts

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<p>Mediation An agreement-reaching process in which a highly trained mediator helps resolve disagreements between school districts and parents. Topics of disagreement may include the identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE).</p> <p>Discussions during mediation are confidential and are not subject to release. If an agreement is reached, both parties receive a copy of the signed agreement, which is legally binding.</p> <p>Mediation is available at no cost to the parent or LEA. However, parties who choose to involve their attorneys are responsible for their own attorney fees.</p>	<p>Oklahoma State Department of Education Resources:</p> <ul style="list-style-type: none"> • OSDE-SES Policies & Procedures, 2022. Dispute Resolution – Ch. 11, Section 3, pp. 300-301 <p>Special Education Resolution Center Resources:</p> <ul style="list-style-type: none"> • Mediation Webpage <p>Mediation Forms</p> <ul style="list-style-type: none"> • Parent Consent for Release of Confidential Information Form • Parent Agreement to Mediate and Request for Mediation Form • School Agreement to Mediate and Request for Mediation

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<p>State Complaint Parents, other individuals, and organizations, including those from another State, may file a complaint if they believe a school district or public agency has violated the Individuals with Disabilities Education Act (IDEA).</p> <p>The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.</p> <p>OSDE-SES investigates all sufficient complaints and issues a report of finding within 60 days.</p> <p>The OSDE-SES will accept a complaint by mail, email, or hand delivery.</p>	<p>Oklahoma State Department of Education Resources:</p> <ul style="list-style-type: none"> • OSDE-SES Policies & Procedures, 2022. Dispute Resolution – Ch. 11, Section 4, pp. 301-302 <p>State Complaint Form</p> <ul style="list-style-type: none"> • State Complaint Form • State Complaint Form - Spanish

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<p>Due Process Hearing Request</p> <p>A court-like review process governed by administrative laws. A highly trained hearing officer will preside over the hearing. Their decisions have the effect of law and are binding upon the parties participating in the hearing.</p> <p>A regular due process hearing is an administrative hearing to resolve disputes on any matter related to the identification, evaluation, educational placement, and the provision of a FAPE.</p> <p>An expedited due process hearing is an administrative hearing to resolve disputes only concerning:</p> <ul style="list-style-type: none"> • A manifestation determination or an interim education placement during a suspension exceeding 10 school days for the school year. This applies to parents. • Removing a student to an Interim Alternative Education Setting (IAES) for 45 school days where there is substantial evidence that maintaining the current educational placement is likely to result in injury to the student or others. This applies to the local education agency (LEA). <p>The OSDE-SES will accept a request by mail, email, or hand delivery.</p>	<p>Oklahoma State Department of Education Resources:</p> <ul style="list-style-type: none"> • OSDE-SES Policies & Procedures, 2022. Dispute Resolution – Ch. 11, Section 5, pp. 302-311 <p>Special Education Resolution Center Resources:</p> <ul style="list-style-type: none"> • SERC Due Process Webpage <p>Due Process Hearing Request Form</p> <ul style="list-style-type: none"> • Parent Request for Due Process Hearing • Parent Request for Expedited Due Process Hearing • Local Education Agency (LEA) Request for Due Process Hearing • Local Education Agency (LEA) Request for Expedited Due Process Hearing

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Awareity	
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<p>Awareity An online reporting platform that allows community members to report on a wide range of concerns about Oklahoma school districts. The Awareity reporting system is not intended to replace direct contact with school leaders attempting to resolve parent concerns directly.</p> <p>If individuals submit a concern anonymously, no personally identifiable information will be disclosed. Anonymous submissions may limit the scope of research due to an inability to fully identify and investigate all matters pertaining to the circumstances. Individuals are asked to provide specific information related to the concern.</p>	<p>Share A Concern</p> <ul style="list-style-type: none"> • Awareity Reporting System <p>Issues addressed by the Office of Special Education Services:</p> <ul style="list-style-type: none"> • Identification – Process to identify students suspected of having a disability, age 3 through 21 years. • Evaluation – Determine eligibility under one of the disability categories of IDEA. • Placement – The appropriate balance of settings and services to meet the student’s individual needs • Implementation / FAPE – Free Appropriate Public Education (FAPE) is determined for each student with a disability by the IEP team. The IEP team must develop an IEP that allows the student to make progress considering their unique circumstances. • FERPA – Family Educational Rights and Privacy Act (FERPA) - Disclosing personally identifiable information. <p>Issues not under the authority of the Individuals with Disabilities Education Act (IDEA) and Oklahoma Policies and Procedures will be addressed by other offices in the agency.</p>

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Resources

Parents Rights in Special Education: Notice of Procedural Safeguards

As the parent(s) of a child who is receiving or may be eligible for special education and related services, you have certain rights according to State and Federal laws. If you have questions about these rights and procedural safeguards, please contact your school district, or the OSDE-SES. These rights and procedural safeguards are in accordance with Federal Law, the Individuals with Disabilities Education Act (IDEA).

- [Parents Rights and Procedural Safeguards](#)

Special Education Resolution Center (SERC)

Special Education Resolution Center (SERC) offers innovative programs that assist school districts and parents in settling disputes regarding the Individualized Education Programs (IEPs) of students with disabilities. Various programs are provided at **no cost** to parents or LEAs through a partnership with the OSDE-SES.

- [Special Education Resolution Center Webpage](#)

Oklahoma Parents Center (OPC)

The Oklahoma Parents Center (OPC) educates and supports parents, families, and professionals in building partnerships that meet the needs of children and youth with disabilities ages birth through 26. The OPC offers services in three key areas:

- Individualized Assistance;
- Trainings; and
- Information and Resources

The resources are available at **no cost** through a partnership with the OSDE-SES.

- [Oklahoma Parents Center Webpage](#)

Center For Appropriate Dispute Resolution in Special Education (CADRE)

The Center for Appropriate Dispute Resolution in Special Education (CADRE) provides many resources for families and educators to learn strategies for working together through conflict.

- [Working Together Series Webpage](#)