



**IDAHO**  
STATE DEPARTMENT OF EDUCATION

# Dispute Resolution

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# Foundations of 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.



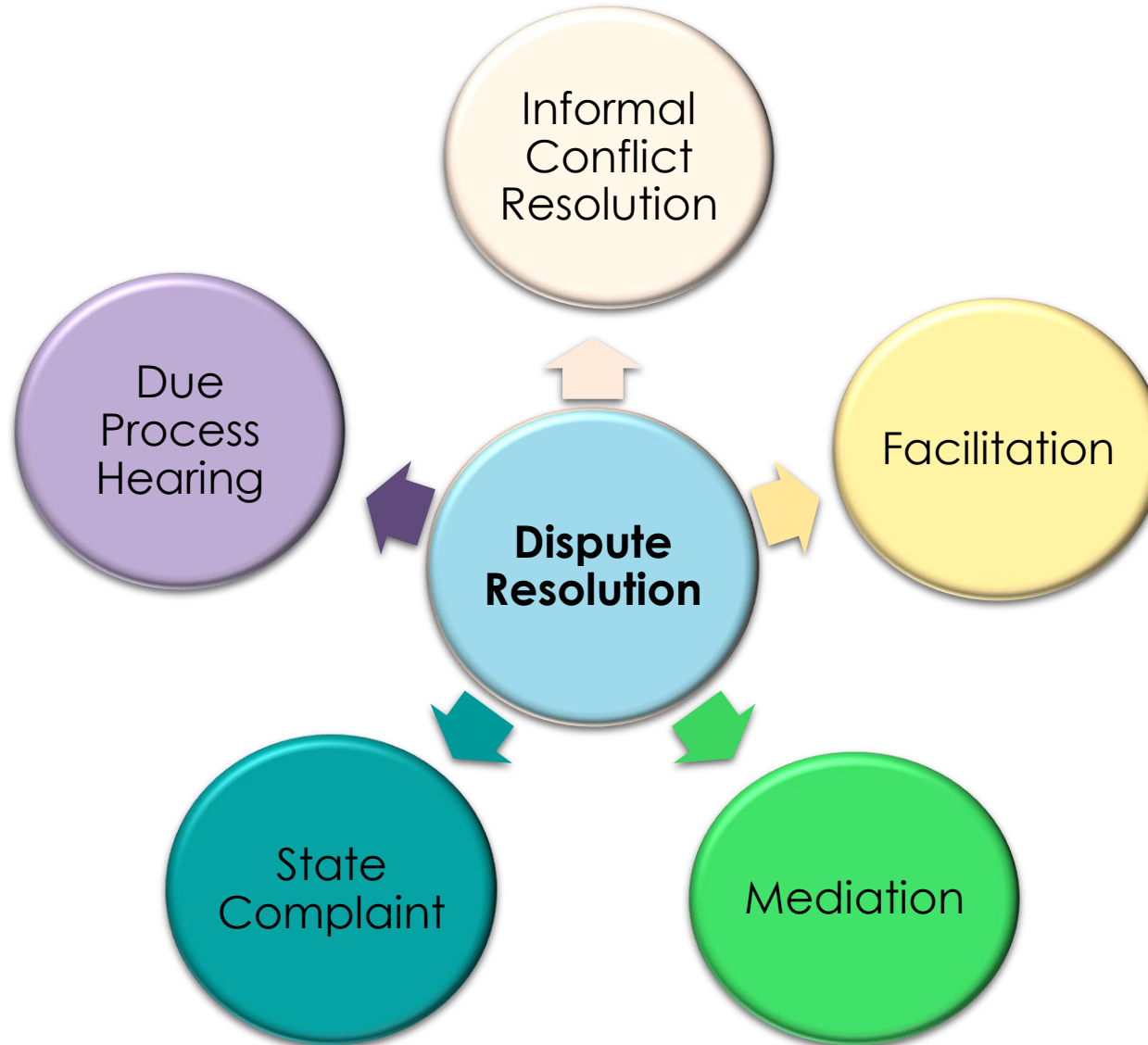
# Technical Assistance and Education



- Field calls from districts, families, advocacy groups
- Provide training to districts and agencies on IDEA
- Informal sounding board (“cone of silence”)



# Dispute Resolution Options





# SDE Website Home Page

<https://www.sde.idaho.gov/>



**Educational Resources**  
For educators and parents



**Events & Training**  
Upcoming events and training opportunities



# SPED Website Home

<https://www.sde.idaho.gov/sped/>



## HIGHLIGHTS



RESOURCE CENTER



NEW & EXPERIENCED

FEDERAL PROGRAMS DIRECTORS MEETING

IDAHO TRAINING  
Clearinghouse



Empowering the mental wellness of children, youth and their families

## DEPARTMENT AREAS

Dispute  
Resolution

Funding & Fiscal  
Accountability

Program  
Monitoring

Public  
Reporting

Results-Driven  
Accountability

Special Education  
Advisory Panel

Special Education  
Forms

Special Education  
Manual

# Dispute Resolution Website Home Page



## Dispute Resolution

The Individuals with Disabilities Education Act (IDEA) requires states to have a formal process for parents and districts to resolve special education related disputes. We offer facilitation and mediation of special education meetings, as well as overseeing the state administrative complaints and due process hearings systems. For more information about the Dispute Resolution processes, please reference the Special Education Manual.

### Description of the scope of the DR office

#### We believe:

- Conflict provides opportunities
- Perceptions of neutrality, fairness, and honesty are the currency of the office
- Everyone deserves to be heard and understood
- Conflict should be resolved at the lowest level appropriate
- Good outcomes are child-centered and IDEA compliant

### Our Guiding Principles

- + FACILITATION
- + MEDIATION
- + STATE ADMINISTRATIVE COMPLAINT
- + DUE PROCESS HEARING
- + EXPEDITED DUE PROCESS HEARING

### (+) Expandable information buttons for each process

[Files](#)[FAQs](#)[Training](#)[Links](#)[Frequently Asked Questions](#)[FAQs for each DR process](#)

### Special Education »

- > **Dispute Resolution**
- > Funding & Fiscal Accountability
- > Public Reporting
- > RDA Monitoring System
- > Special Education Advisory Panel
- > Special Education Forms
- > Special Education Manual

### Archives »

### Events »

### Resource Center »

### FERPA »

### Contact Details

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### Staff »

### Special Education Directors

# Dispute Resolution Website FAQs



Files

FAQs

Training

Links

## Frequently Asked Questions

### General

- Who can access the Dispute Resolution for Special Education services? +
- Who are the people who provide dispute resolution through the SDE? +
- Do I have to start with one dispute resolution option before trying another option? +
- How does contacting the Dispute Resolution Office impact the relationships between parents and schools? +

### Facilitation

- What is facilitation? +
- Who is the facilitator and how is a facilitator assigned? +
- What does a facilitator do? +
- Do I have to try facilitation before I request mediation or file a complaint or a due process hearing? +
- Is there any cost for facilitation? +
- How do I request facilitation? +

### Mediation

- What is mediation? +
- Who is the mediator and how is a mediator assigned? +
- What does a mediator do? +





# How to Request Dispute Resolution Services



**Complete a request form and email it to our office.**

**Files** | FAQs | Training | Links

### Resource Files

**General Files**

- [Dispute Resolution Comparison Chart - Reviewed 2021](#)
- [Discipline and Manifestation Determination Flowchart - Reviewed 2021](#)
- [Andrew F. Supreme Court Ruling Update - Reviewed 2021](#)

**Facilitation**

- [Facilitation Parent Guide | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)
- [Facilitation Request Form \(Fillable\) - Reviewed 2021](#)
- [Facilitation Request Form \(Printable\) | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)

**Mediation**

- [Mediation Parent Guide | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)
- [Mediation Request Form \(Fillable\) - Reviewed 2021](#)
- [Mediation Request Form \(Printable\) | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)

**State Administrative Complaint**

- [State Administrative Complaint Form \(Fillable Version\) - Reviewed 2021](#)
- [State Administrative Complaint Form \(Print Only Version\) | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)
- [Procedural Safeguards Notice | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)
- [Procedures for Resolving Complaints | \[\\(versión en español\\)\]\(#\) - Reviewed 2021](#)

**Due Process Hearing**

- [Due Process Hearing Parent Guide | \[\\(versión en español\\)\]\(#\)](#)
- [Due Process Hearing Request Form \(Fillable\) - Reviewed 2020](#)
- [Due Process Hearing Request Form \(Printable\) | \[\\(versión en español\\)\]\(#\) - Reviewed 2020](#)
- [Expedited Due Process Hearing - Discipline Related Form \(Fillable\) - Reviewed 2020](#)
- [Expedited Due Process Hearing - Discipline Related \(Printable\) | \[\\(versión en español\\)\]\(#\) - Reviewed 2020](#)

**Facilitation Request Form**

**Mediation Request Form**

**State Complaint Form**

**Due Process Hearing Request Form**

# Facilitation Request Form



## Request for IEP Team Meeting Facilitation

### Special Education

Facilitation is a voluntary process provided free of charge to the school district and the parent/guardian during which a State contracted facilitator attends an IEP team meeting or other IDEA-related team meeting. The facilitator is not a member of the team and acts as a neutral third-party to provide balance, perspective and an opportunity for individual team members to be heard and understood. The role of the facilitator is to help team members communicate effectively by focusing on key issues and moving toward a productive outcome. Facilitation supports early dispute resolution by providing assistance before the conflict develops into a formal dispute. A facilitator will not be responsible for creating or documenting agreements made by the team. Both the parent/guardian and school district must agree to participate in facilitation. Please see Chapter 13 of the Idaho Special Education Manual for additional information.

☐ I have read the above statement and understand both parties must agree to facilitation for this request to move forward. I acknowledge the facilitator is a neutral party and is NOT a member of the team, an advocate or decision maker.

Date: \_\_\_\_\_

Facilitation request is being initiated by (check one):

☐ Parent ☐ Guardian ☐ Adult Student ☐ School District Representative

Are both parties aware of this request? (check one): ☐ Yes ☐ No

### Have you spoken with the SPED Director in the School District?

#### STUDENT INFORMATION

Student Name: \_\_\_\_\_

Student's Grade: \_\_\_\_\_ Student's Age: \_\_\_\_\_

School Student Attends: \_\_\_\_\_

School District/Agency: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

#### DISTRICT INFORMATION

Special Education Director Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### IEP INFORMATION

Date of last IEP Team Meeting: \_\_\_\_\_

Topics of Discussion for the facilitated IEP Team Meeting Include:

- |  |  |
|--|--|
| <input type="checkbox"/> Identification/Evaluation | <input type="checkbox"/> Accommodations/Modifications  |
| <input type="checkbox"/> Related Services          | <input type="checkbox"/> Placement                     |
| <input type="checkbox"/> Assistive Technology      | <input type="checkbox"/> Goals and Objectives          |
| <input type="checkbox"/> Progress Reporting        | <input type="checkbox"/> Services                      |
| <input type="checkbox"/> Transition                | <input type="checkbox"/> Present levels of performance |
| <input type="checkbox"/> Discipline/Behavior       | <input type="checkbox"/> Implementation of IEP         |
| <input type="checkbox"/> Other: _____              |  |

IEP MEETING DATE: \_\_\_\_\_

Is an IEP meeting already scheduled? (check one): ☐ Yes ☐ No

If yes, please provide the day and time: \_\_\_\_\_

*\*The Idaho State Department of Education takes precautions to maintain the confidentiality of personally identifiable information. However, email communications are not always secure and may be read by individuals who are not the intended recipients. By completing this form and emailing it to the Idaho State Department of Education you acknowledge that you understand the potential risks and are voluntarily communicating by email.*

*If you do not wish to email this form, you may print, sign and mail the completed form to*

*Dispute Resolution Program  
Idaho Department of Education  
PO Box 83720  
Boise, ID 83720-0027.*

**\*\*NOTE:** Our office needs a minimum of 10 school days to fulfill facilitation requests. If a meeting is not scheduled, the facilitator will coordinate a date and time that works for all parties.

# Facilitation



**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 (36,871 students)
- Three-year re-evaluation meetings
- Any time an IEP Team is called to discuss: behavioral problems, new information, or concerns about the progress of the student

# Mediation



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

- Up to three participants for each party
- Issue specific (not full IEP team)
- Confidential process (not discoverable)
- Can modify an IEP without full team
- Mediator is not a decision maker – decisions are owned by the parties
- SDE does not enforce mediated agreements\*

# State Administrative Complaint



**Any individual or agency can allege an LEA has violated any component of the IDEA within the past 365 days. An SDE contracted Complaint Investigator provides a 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



# Due Process Hearing



**Districts or parents 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
  - Resolution Sessions
  - Resolution Period for Mediation
- Decisions appealable to District Court (not SDE)

# Expedited Due Process Hearing



1. 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.
2. A parent/adult student may request an expedited hearing if:
  - a. he or she disagrees with a determination that the student's behavior was not a manifestation of the disability; or
  - b. he or she disagrees with the district's discipline decision, which resulted in a change of placement.

# Leadership Tips for LEA Representatives



Based on Information Presented by Julie Weatherly

- 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 action or statements that reflect “predetermination and placement”.**

# Leadership Tips for LEA Representatives



- 5. Use effective and efficient communication aids and strategies when conducting IEP meetings.**
- 6. Ensure that parents have received 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.**

# Leadership Tips for LEA Representatives *(continued)*



- 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.**



# Special Education Manual: Resource Materials



## Special Education Manual

### Resource Materials

For additional documents, click the appropriate + sign below to open a dropdown list.

Chapter 1 - Overview



Chapter 2 - Free and Appropriate Public Education



Chapter 8 - Charter Schools



Chapter 9 - Private School Students



Resource	Posted
Affirmation of Consultation with Private School Officials and Reps of Parents	October 6, 2020
Private School or Facility Application Checklist of Required Documents	August 10, 2021
Dual Enrollment Q&A	July 14, 2020
Home Programs and IDEA Q & A	February 18, 2021
OSEP Q&A Private School Proposed Guidance	August 10, 2021
Private School or Facility Application Packet	August 10, 2021
Private School Approval Procedures	August 10, 2021

Chapter 10 - Improving Results



# Resources: SESTA / ITC



<https://idahotc.com/>



The Idaho Training Clearinghouse (ITC), funded by the Idaho State Department of Education-Special Education, is designed **to link school professionals and parents with special education training opportunities and resources** across the state.

Idaho SESTA assists the Idaho State Department of Education, Special Education Department by **providing professional development and monitoring supports** to build the capacity of **district administrators and school-based personnel** to (a) increase positive student outcomes in inclusive environments **through evidence-based practices** and (b) **increase achievement on IDEA indicators**.

# Questions



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