SD Dispute Resolution Overview

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What is Dispute Resolution

The IDEA requires state educational agencies (SEA) to have procedures in place to offer dispute resolution when a parent and school district disagree over special education services provided under IDEA.

- SEAs are required to offer:
 - Mediation
 - Written State Complaint (investigations)
 - Due Process Hearing and Expedited Due Process Hearings
- Other Options Available in South Dakota
 - IEP Facilitation
 - SD Parent Connections Navigator Program

Mediation, Written State Complaints, Due Process

- IEP Facilitation: A facilitated IEP meeting is an IEP meeting that includes an impartial facilitator who promotes effective communication and who assists the IEP team in developing an acceptable IEP. The facilitator keeps the team focused on the proper development of the IEP while addressing conflicts that arise. IEP facilitation is not used to resolve disputes unrelated to the IEP. IEP facilitation is not required by federal mandates and is states choice to utilize.
- Mediation: refers to a process conducted by a qualified and impartial mediator to peacefully resolve a disagreement between a parent and public agency. Both parties will sign a legally enforceable written agreement.
- Complaint: Any parent of a child with a disability, another individual, agency or organization that believes a school district is not following state or federal laws or regulations related to the Individuals with Disabilities Education Act (IDEA) may file a formal complaint with the Department of Education.
- Due Process Hearing: A request for a due process hearing is requested when issues are related to disagreements about the identification, evaluation, or education placement of a child with a disability.
 - Expedited Due Process means the process time is shortened and is requested the parent disagrees with the school
 districts discipline related decision affecting the student's placement.

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Request Received in SY 2023-24

		Mediation	State Complaint		Expedited Due Process
Total Number Received	7	12	19	7	2
Parent Request	2	4	12	3	2
District Request	5	1	0	0	0
Third Party Request	0	7	6	4	0
# Withdrawn or dismissed	4	3	3	3	2
# went through full process	3	9	16	4	0
# with findings of non- compliance	NA	NA	11	0	0

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Dispute Resolution	IEP Development	16
Results	IEP Implementation Accommodations/Modifications	
Special Education Programs saw an increase in Due Process Hearing Requests from previous years	Behavior Intervention Plan	8
There was an increase in requests filed by third parties on behalf of parents	Placement	
Top Issues were:	Inclusion (LRE)	5
IEP Development Placement	Meaningful Parent	
IEP Implementation	Participation	4
Meaningful Parent Participation	Evaluation Procedures	4
 Evaluation Procedures Behavior Intervention Plans 	Discipline Procedures	4
(Implementation and Development)	Child Find	3

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Due Process Hearing Findings

- Due Process Hearing redacted final decisions can be obtained through a public records request.
 - The link and directions can be found at https://doe.sd.gov/sped/complaints.aspx under "Dispute Hearing Logs"
 - Complaint decisions are not considered public and the Department is not required to make them available to the public or stakeholders.

Activities Conducted to Improve Results

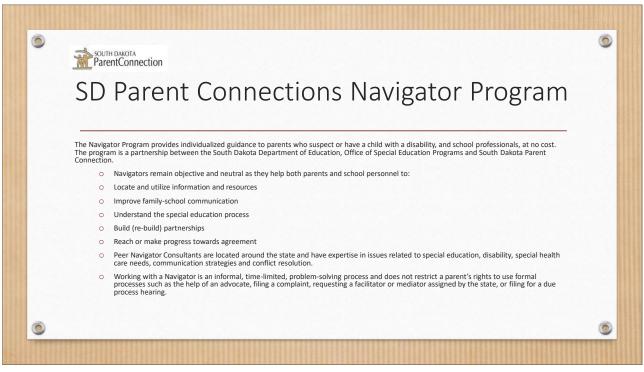
Districts

- Training and supports:
 - · Effective dispute resolution
 - · Effective IEP Facilitation
 - SDPC Navigator Program
 - Share strategies and supports for effective communication
- Subscription to SpedConnections technical assistance on sped topics
 - Highlight monthly topics on sped director webinars

Parents

- · Training and supports:
 - Provide options for dispute and sample forms
 - · SDPC Navigator Program
 - Parent Rights are offered in multiple language
 - Parent Guide to the IEP Process
 - Provide surveys after IEP Facilitation and Mediation

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Resources

- Third Party Resources for Parents and Districts
 - Navigator Program website https://sdparent.org/about/information-center/#Navigator-Program
 - Center for Appropriate Dispute
 Resolution in Special Education (CADRE)
 https://www.cadreworks.org/
 - Disability Rights of South Dakota <u>https://drsdlaw.org/</u>

- DOE, Office of Special Education Resources
 - Dispute Resolution Site https://doe.sd.gov/sped/complaints.asp x
 - Parent Rights& Resources <u>https://doe.sd.gov/sped/parentalrights.</u> aspx
 - Regional Representatives https://doe.sd.gov/sped/

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