



# Dispute Resolution and Monitoring Update

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# Agenda

- Dispute Resolution Continuum
- Dispute Resolution Process Improvements
- Common Trends and Issues in Dispute Resolution
- Monitoring Updates
- Feedback and Questions



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# Dispute Resolution Continuum

	<b>Individual Educational Plan (IEP) Facilitation</b>	<b>Mediation</b>	<b>State Complaint</b>	<b>Due Process Hearing</b>
<b>How the Processes Differ</b>	Optional process not required in the Individuals with Disabilities Education Act (IDEA) in which parent or district can request an impartial facilitator to assist the IEP team with communication and problem solving	A voluntary process that brings people together with a mediator to resolve disagreements about special education or related services	A formal process in which a person or organization sends written request for investigation, alleging violation of the IDEA	A parent or district files a formal hearing request to resolve issues related to identification, evaluation, placement or free appropriate public education
<b>Result</b>	Successful meeting results in IEP that is supported by team members and benefits the child	Successful mediation results in a written agreement	State educational agency issues written decision including findings, conclusions and corrective action, if warranted *District may propose early resolution without admitting violation of law	Hearing officer or administrative law judge issues a legally binding decision with findings of fact and conclusions of law
<b>Timeline</b>	No specific timeline; scheduled within a few days or weeks of request	Available any time; must be scheduled within a reasonable time of request; generally scheduled in less than 30 days	Decision must be issued 60 calendar days from date of complaint	Decision must be issued 45 calendar days after resolution period *Resolution meeting takes place within 15 calendar days of hearing request; the resolution period is 30 days *Expedited hearing available in certain situations related to discipline and placement (decision within 20 days of request)



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# Facilitated Individual Educational Plan (FIEP) Initiative

## FIEP Initiative

Think of the use of FIEPs in a multitiered system of supports framework.

- Tier one—All school personnel use good facilitation skills for all IEP meetings. IEP meetings use:
  - Collaborative attitude
  - Facilitative process
  - Facilitation tools (i.e., agendas, consensus, clear communication and action planning)
  - A team member who may serve as facilitator

## FIEP Initiative (continued)

- Tier two—Use of a facilitator for an IEP meeting who is not a member of the IEP team (e.g., another person at the school, a person from the district office)
- Tier three—State-sponsored FIEP
  - Used when the parent or district requests a neutral third party from outside the district in order to move forward
  - Contact BEESS for assistance

# The Florida Diagnostic and Learning Resources System (FDLRS) Training

At least two people from each of the 19 FDLRS centers participated in train-the trainer: May 2016

- Coaching of trainers: July 2016 – December 2016
- Goal: to have at least two trainers in each FDLRS center “certified” to provide professional development on the FIEP beginning in the 2016-17 school year



## FIEP Video for Parents

- Introduces the FIEP process to parents in order to encourage IEP team resolution
- Parents learn more about FIEP and how the IEP team can work together, in the best interest of the student to resolve concerns or disagreements and move forward
- Available with English and Spanish subtitles

[https://www.youtube.com/watch?v=C-bFi\\_zUuuA&feature=youtu.be](https://www.youtube.com/watch?v=C-bFi_zUuuA&feature=youtu.be)



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# Mediation

## 2015-16 Statewide Mediation Requests

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Total number of mediation requests	61
Mediations held	40
Mediation requests withdrawn	21
Mediations pending at time of report	0

## 2015-16 Mediations by District (mediations held in 19 districts)

District	Percentage of Mediations
Broward	15%
DeSoto	15%
Palm Beach	10%
Hillsborough	7.5%
Dade	7.5%
Sumter	7.5%
Remaining 12 districts combined (each having one mediation session)	37.5%



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# State Complaints

## 2015-16 Statewide Written, Signed Complaints

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Total number of complaints filed	201
Complaints with reports issued	92
Complaints withdrawn or dismissed	48
Complaints pending at time of report	28
Complaints with findings of noncompliance	43

## 2015-16 State Complaints by District (districts with five or more complaints)

District	Percentage of Complaints
Pinellas	11%
Highlands	8%
Orange	8%
Seminole	6%
Broward	6%
Dade	6%
Palm Beach	5%
Hillsborough	4%
Polk	4%
Escambia	3%
Charlotte	3%
Duval	2%
Martin	2%



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# Due Process Hearings



# 2015-16 Statewide Due Process Hearings

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Total number of due process complaints filed	204
Due process complaints fully adjudicated	9
Due process complaints withdrawn or dismissed	122
Due process complaints pending at time of report	5
Due process complaints resolved through resolution meetings	68

## 2015-16 Statewide Expedited Due Process Hearings (related to disciplinary decision)

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Total number of expedited due process complaints filed	3
Expedited due process complaints fully adjudicated	3
Expedited due process complaints withdrawn or dismissed	0

## Due Process Hearings

- Special Education Unit created at Division of Administrative Hearings
  - Three administrative law judges hear special education cases
- Positive impact on due process hearing timelines
  - 100% compliance



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# DRM Process Improvements

# Goals and Expected Outcomes of Improvements

- Meet IDEA requirements (process and timelines)
- Address complainant issues appropriately and adequately
- Develop concise, legally sufficient reports and correspondence
- Use plain language so that people at all levels, including parents, are able to read and understand
- Create clear expectations for all
- Ensure accountability for all

# Complaint Process Improvements

Implemented March 2016

- Acknowledgement and issue letters no longer separate

- New – One initial letter

Acknowledgement/Documentation Request Letter  
(Ack/Doc Letter)

# Complaint Process Improvements

- New BEESS complaint email address:
  - [BEESScomplaints@fldoe.org](mailto:BEESScomplaints@fldoe.org)
- Updated complaint form:
  - <http://fldoe.org/core/fileparse.php/7675/urlt/StateComplaintRequestForm.pdf>

## Ack/Doc Letter

- Sent within three to five days of receipt
- States the allegations
- Notification of allegations outside jurisdiction
- Includes complaint's proposed resolution



## Ack/Doc Letter

- Ask whether the district will agree to complainant's resolution, proposed a different resolution, or would like to attempt resolution through mediation
- States that if neither is feasible, documentation must be sent
- Set deadlines for documents, approximately ten days from the date of the letter



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# Resolution/Early Resolution Options

## Resolution/Closure

- Complaint issues outside the jurisdiction of the bureau
  - Not addressed by state or federal special education law or regulations
  - Not within the authority of BEESS to investigate
  - Provide the name, address, contact information of the appropriate agency with jurisdiction
  - No investigation
  - No report

## Resolution/Closure

- All complaints issues encompassed within due process hearing
  - Issues pending before DOAH
  - Issues have already been decided by DOAH
  - No investigation
  - No report

## Resolution/Closure

- Withdrawal by complainant (due to IEP team meeting, mediation agreement or other reasons)
  - Obtain written documentation or withdrawal
  - No investigation
  - No report

## Resolution/Closure

- Settlement Agreement
  - Obtain copy of signed agreement
  - No investigation
  - No report

## Early Resolution Options

- New BEESS Bureau Resolution Determination (BRD) for early resolution (complainant proposal and district proposal)
  - Addresses each allegation in the complaint and contains:
    - Findings of fact
    - Conclusion
    - Final decision
    - Actions to be completed

# Early Resolution Options – Complainant Proposal

- District Acceptance of Complainant Proposal
  - Submit written confirmation of acceptance of the complainant’s proposal
  - Consider whether the district’s statement includes all the complainant requested and that the district has authority to carry out



# Early Resolution Options – Complainant Proposal

- Acceptance of Complainant’s Proposal (Things to consider)
  - Do you have jurisdiction over the items included in the complainant’s proposal? (e.g., promotion/retention, investigation of staff misconduct)
  - If the proposal include items that must be determine by the student’s IEP team, the district must convene the IEP team (e.g., increase speech/language services, paraprofessional)

## Early Resolution Options – Complainant Proposal

- No investigation
- Order letter for bureau chief's signature
- Bureau Resolution Determination (BRD) Report
- BEESS will monitor the completion of the terms of the proposal
- Close and notify all parties when all terms of the proposal have been satisfied

# Early Resolution Options – District Proposal

- District Proposal (Different from Complainant’s Proposal)
  - Submit written proposal
  - Proposal does not include either admission or denial of the complainant allegations
  - Consider whether the proposal will correct the issue and consists of actions BEESS would have required as corrective action if the district had been found in violation of a state or federal statute, rule or regulation during the investigation

# Early Resolution Options – District Proposal

- What must the Proposed District Resolution include?
  - The proposal actions must address allegations referenced in the complaint and must align with regulations and statutes (e.g., initial evaluation timeline)
  - Consider student specific corrections
  - Consider district or school corrections

## Early Resolution Options – District Proposal

- No investigation
- Order letter for bureau chief's signature
- BRD Report
- BEESS will monitor the completion of the terms of the proposal
- Close and notify all parties when all terms of the proposal have been satisfied

## Resolution Option - Investigation

- Complaint Allegations/Issues within BEESS Jurisdiction (No lack of jurisdiction/dismissal, no hearing, no withdrawal, no early resolution)
  - Request and review documents
  - Interviews
    - Complainant opportunity to orally submit additional information, and for clarification if needed
    - District staff for clarification if needed
  - Request expertise of others, when needed
  - Order letter with bureau chief's signature
  - Report of Inquiry
  - BEESS will monitor the completion of the corrective action
  - Close and notify all parties when all corrective actions completed

## Resolution Option –Investigation (continue)

- A more concise, streamlined Report of Inquiry format:
  - Background
  - Issues
  - Applicable statutes, rules and regulations
  - Findings of fact
  - Conclusions
  - Corrective actions
  - Other allegations outside jurisdiction of BEESS



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# Common Issues and Trends in Disputes



## Common Issues and Trends

- Implementing Multitiered System of Supports/  
Response to Intervention (RtI)
  - Failure to:
    - Implement appropriate general education interventions
    - Analyze RtI data correctly and use appropriate evidence-based interventions for suspected areas of disability
    - Include parents in the problem-solving process and communicate RtI progress monitoring results and data

## Common Issues and Trends (continued)

- Identification, location and evaluation to determine if the student is a student with a disability in need of special education and related services
  - Failure to:
    - Conduct evaluations within 60 days
    - Evaluate in all areas of suspected disability
    - Initiate the evaluation process while having prior knowledge or suspicion that a student may be a student with a disability

## Common Issues and Trends (continued)

- Implementation of IEP (accommodations, behavior intervention plans and services)
  - Addressing needs of students with autism
  - Provision of hospital/homebound services
  - Provision of prior written notice
  - Parent participation

## Common Issues and Trends (continued)

- Extended school year (ESY) services
  - Violation of IDEA requirements regarding:
    - Eligibility determination
    - Limiting the amount, type and duration ESY services
    - Limiting the provision of services to specific disability populations
    - Provision of needed related services



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# Addressing the Issues

## Corrective Action, Required Action, and Actions to be Completed

- Districts must provide documentation to BEESS as verification of completion of actions
- All corrections must be completed within one year (most are completed much earlier)
- Examples of Actions:
  - Specific to student
    - Conduct evaluation, reconvene IEP team, provide compensatory services, etc.
  - Specific to districts and schools
    - Professional development, revise policies and procedures, etc.



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# Monitoring Updates

## Monitoring Updates

- 2016-17 Fall Cycle Level 1 Self-Assessment
  - School selections were emailed the week of August 15, 2016
  - Request for student lists will be emailed the week of September 19, 2016
  - District call is scheduled for the September 28, 2016
- 2016-17 SP&P
  - Conference Call PowerPoint is available
  - Most edits are for current data
  - Assistance will be provided for Rtl updated
  - First submission due October 31, 2016



## Assistance with SP&P RtI Update

- Describe how district teams are directed to explicitly ask whether the circumstances described in Rule 6A-6.0331, F.A.C., exist when students are receiving Tier 2 or Tier 3 supports
- Describe the method for notifying parents of the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided, as well as notifying parents of their right to request an evaluation at any time a student is receiving tier 2 or 3 supports



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# Feedback and Questions



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MATTERS**



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