



Getting a “Yes!” to Your Proposal

Dispute Resolution and Monitoring

Technical Assistance



Learning Objectives

Each participant will be able to:

- Identify the various resolution options
- Draft a proposal with a student specific language and a corrective action plan
- Utilize the compliance manual to assist with selection of a resolution option







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A Dispute Occurs!

How the District is Informed of the Dispute

- Local
 - Parent/advocate visits the school or district office
 - Parent/advocate call
 - Parent/advocate email
- State
 - Single complaint
 - Multiple complaints
 - Advocate on behalf of complainant files complaint
 - Systemic complaint



Resolution Options

Seven types of resolution options:

1. Locally Facilitated Individual Education Plan (L-FIEP) meeting
2. State-sponsored Facilitated Individual Education Plan (S-FIEP) meeting
3. Mediation
4. District and Complainant Agreement
5. District Proposal [Bureau Resolution Determination (BRD)]
6. Document Submission for Investigation [Report of Inquiry (ROI)]
7. Due Process



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Bureau Resolution Process

1. Review complaint
2. Draft the acknowledgement and documentation letter and forward to the district via email
3. Contact the district to discuss resolution options



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Facilitated Individual Education Plan (FIEP) Meetings

1. Locally Facilitated Individual Education Plan (L-FIEP) meeting
2. State-sponsored Facilitated Individual Education Plan (S-FIEP) meeting

Facilitators

- Assists the team with crafting **agreements** that lead to educational programs with beneficial outcomes for students with disabilities
- Helps keep members of the IEP team focused on the development of the IEP
- Addresses conflicts and disagreements that may arise during the meeting
- Creates an environment in which the IEP team members can listen to each member's point of view.

Local (L-FIEP) Meetings

- The school provides a locally trained facilitator not directly affiliated with the team.
- Locally trained staff within the district, independent of the team and school, become the facilitator to assist with L-FIEP meetings.
- **How does your district provide more information to parents and staff about having an L-FIEP meeting?**

State-sponsored (S-FIEP) Meetings

- External facilitators provided by the bureau upon parent and district request.
- Both parties must agree for the bureau to provide the facilitator.
- Facilitator is independent of the state, school district, and team members.
- Bureau contact: 850-245-0475 or BEESComplaints@fldoe.org
- <http://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>



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Mediation

Mediation

- A trained mediator helps the parties reach a **mutually satisfactory** and legally binding agreement that is in the best interest of the student.
- Both parties must agree for the bureau to provide the mediator.
- Discussions that occur during the mediation process are confidential.
- Bureau contact: 850-245-0475 or BEESComplaints@fldoe.org
- <http://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>



District and Complainant Agreement

At any time during the complaint process, the district and complainant may develop an agreement locally to resolve concerns listed in the complaint.



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District Proposal (BRD)

A complainant must propose a resolution in the complaint.

A district has a right to propose a resolution to the complaint.

A district's proposed resolutions must address the IDEA allegations expressed.

Resolutions

- Complainant and district resolutions do not need to match.
- Complainant resolutions might contain items which are not under the authority of IDEA.
- Complainant resolutions may be considered by the district.
- Sometimes complainant resolutions explain the largest concerns of the complaint.



District Proposal

District proposals should contain the following:

1. Student specific activities
 - Meetings, if applicable
 - Compensatory services, if applicable
2. Corrective action plan (CAP) activities
 - Memos, if applicable
 - Trainings, if applicable
 - Procedural language, if applicable



Student Specific

1. Student specific language
 - How do we help the student?
 - Does the student need an evaluation?
 - Is the student's IEP appropriately developed?
 - Is implementation of services appropriately addressed?
 - Should compensatory services be provided?

Student Specific Example #1

Allegation A: The district failed to provide the initial evaluation within the 60-day time period after receipt of consent for evaluation.

- **Student Specific Language:** By XX date, the district will complete all evaluations, schedule an eligibility determination meeting and develop an IEP, if applicable. The district will also provide compensatory services, if applicable.

Student Specific Example #2

Allegation B: The district did not conduct a comprehensive evaluation for the student and did not develop the student's IEP to include services that addressed the needs of the student with a visual impairment.

- **Student Specific Language:** By XX, the district will reconvene the IEP team to review the student's vision needs and, if applicable, obtain parental consent for a reevaluation.

CAP Activities

2. CAP language

- Memos
- Trainings
- Procedural language

CAP Example #1

Corrective Action Plan for Allegation A:

- The district will provide training to the ESE staffing specialists, school staff and the student's MTSS team on initial evaluation completion within 60 days after parental consent is obtained. The district will submit documentation for verification of the training to the bureau no later than XX, to include the date of the training, name and title of the presenter and list of participants that includes signatures and titles of all participants.

CAP Example #2

Corrective Action Plan for Allegation B:

- No later than XX, the district will collaborate with the Florida Instructional Materials Center for the Visually Impaired to provide training to district staff for students suspected of having visual impairments on specific evaluations, evaluation instruments and service provisions.

District Proposal Tools

- Dispute Resolution and Monitoring Contacts
<http://www.fldoe.org/academics/exceptional-student-edu/staff/dispute-resolution-monitor.shtml>
- Bureau eligibility-specific specialists
<http://www.fldoe.org/academics/exceptional-student-edu/ese-eligibility/>
- Discretionary Project Resources and Staff
<http://www.fldoe.org/core/fileparse.php/7567/urlt/projectslisting.pdf>



Additional Proposal Tools

- Provide training to specific schools or specific staff members.
- Memorandums to provide the location of the SP&P and the section which had alleged noncompliance.
- Specific training can be provided to your district by discretionary projects.



Allegations

[examples]

- The district did not complete the student's reevaluation within a reasonable timeframe
- The district did not evaluate the student for all suspected disabilities

- The district retaliated to a complaint made by the parent by giving the student low grades, without written proof or teacher advisement regarding the student's academic decline

Potential Actions

- Get signed consent
- Dates for completion of evaluations
- Dates of meeting to discuss results

- Allegations concerning retaliation are not within the ESE district office. Refer the complainant to the appropriate district staff

Bureau Resolution Determination (BRD)

1. Bureau reviews the district's proposal
2. Bureau provides feedback to the district, if applicable
3. District revises proposal, if applicable
4. District resubmits proposal, if applicable
5. Bureau communicates with the complainant or advocate regarding the district's proposal



BRD

Components:

- Background
- Findings of Facts (district's proposal)
- Conclusions
- Actions Already Completed, if applicable
- Actions to be Completed

Completion of the BRD

1. Bureau approval
2. BRD disseminated to the complainant and district
3. Bureau follows up on the actions to be completed



ACTIVITY

Creating a District Proposal





Document Submission for Investigation (ROI)

- District selects this resolution option
- District submits documentation
 - Sample format for documentation submission
- Complainant option to submit documentation
 - Sample format for documentation submission



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Due Process

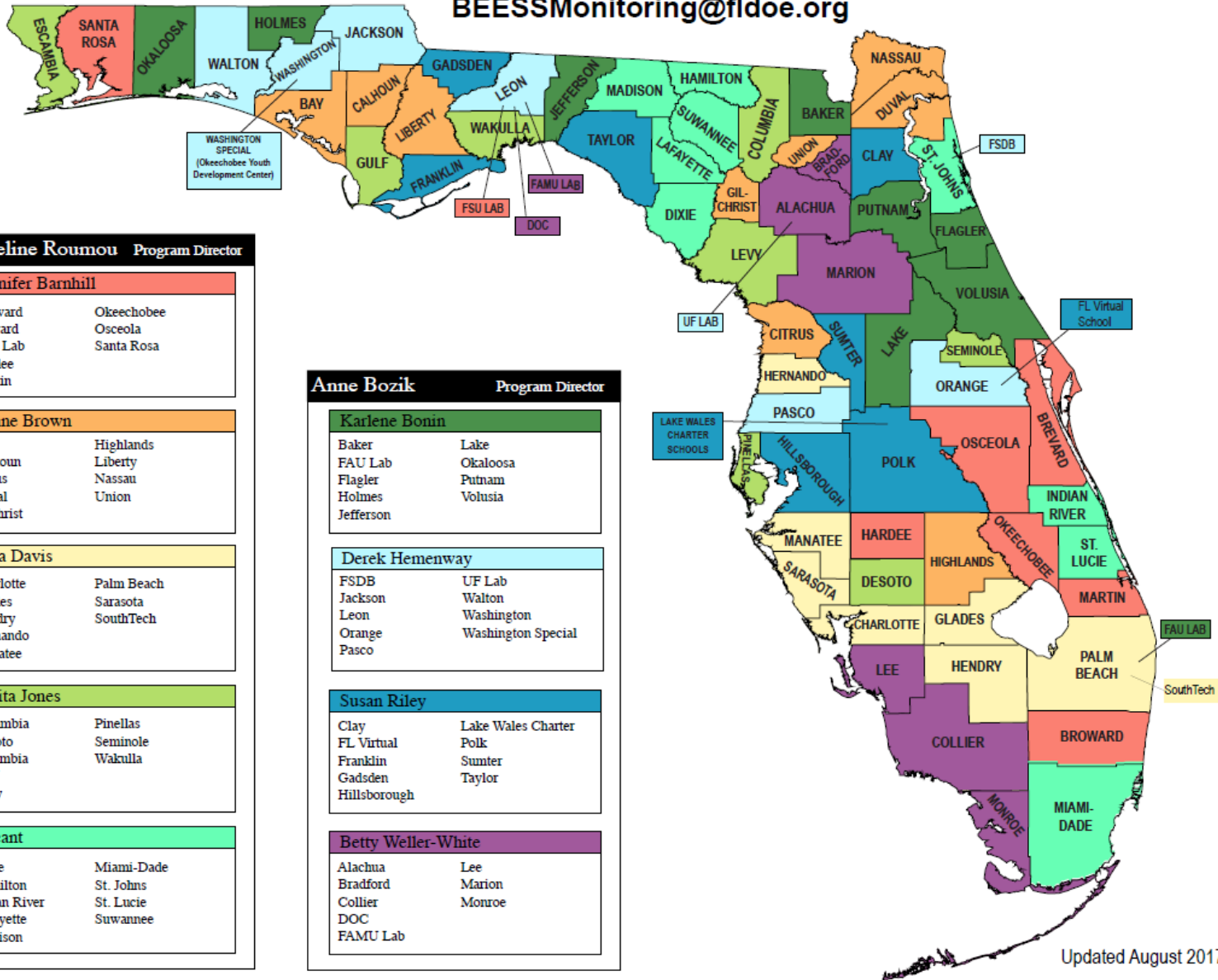
- A parent or district educational agency may file a due process complaint.
- The district educational agency must file the parent's request with the Department of Administrative Hearings.

Your Dispute Resolution and Monitoring DReaM Team





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ESE Monitoring Team - District Liaisons
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**Thank you for attending the BEESS,
Dispute Resolution session! Have a
great day!**





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