



Dispute Resolution and Monitoring (DRM) Alternative Resolution Options

Family Café
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Florida Department of Education's (FDOE's) Mission and Vision

- The mission of Florida's Early Learning-20 education system shall be to increase the proficiency of **all students** within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents and communities.
- Florida will have an efficient, world-class education system that engages and prepares **all students** to be globally competitive for college and careers.

[Section \(s.\) 1008.31, Florida Statutes \(F.S.\)](#), and [FDOE's Strategic Plan \(2021\)](#)



FDOE's Goals

1. Highest Student Achievement
2. Seamless Articulation and Maximum Access
3. Skilled Workforce and Economic Development
4. Quality Efficient Services

[S. 1008.31, F.S.](#), and [FDOE's Strategic Plan \(2021\)](#)



Overview

- Dispute Resolution and Monitoring (DRM) Overview
- Alternative Resolution Options
- Areas for Improvement
- Resources and Questions

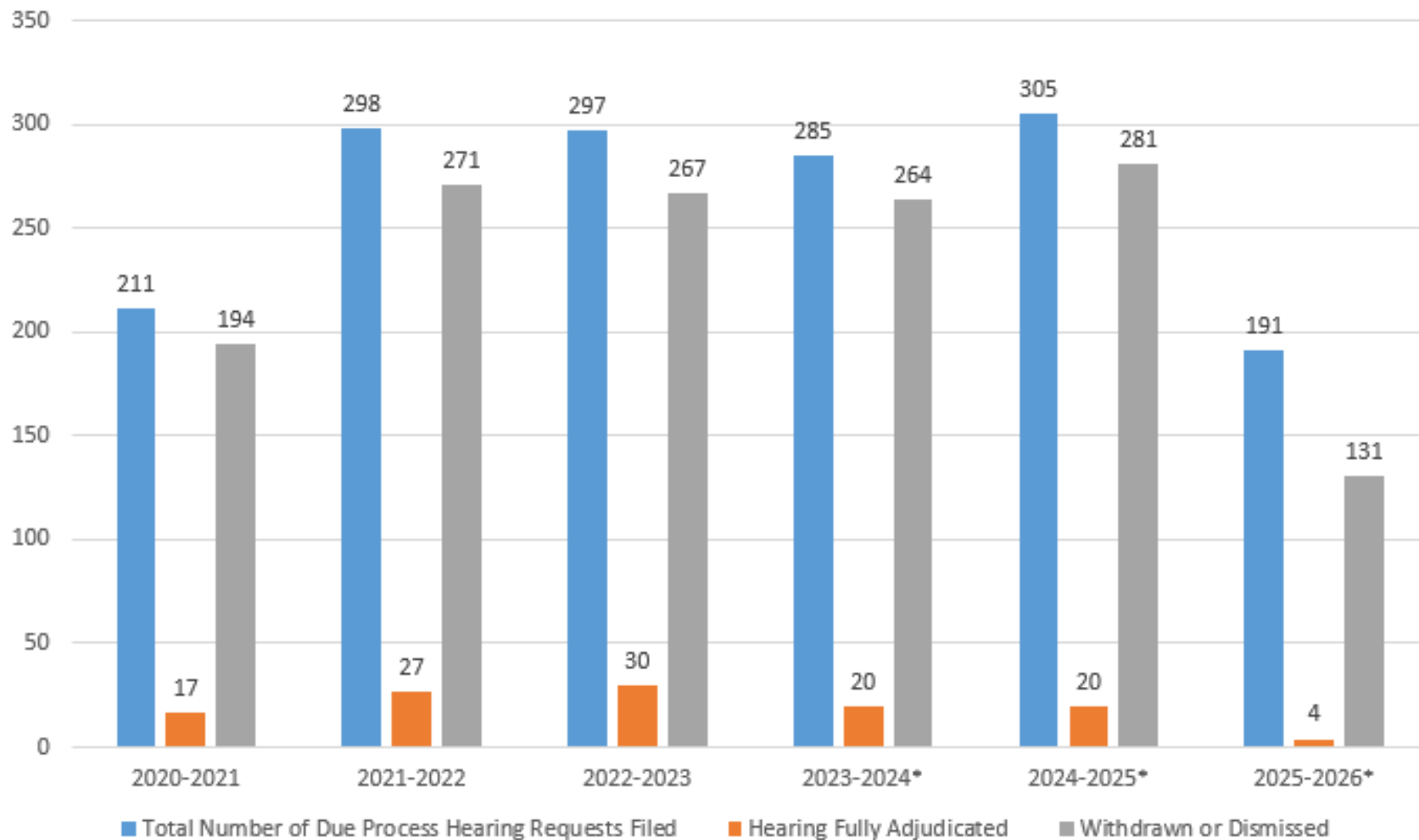


DRM Support

- The DRM team supports and assists districts with the following:
 - State Complaints
 - Communications
 - Alternative Resolution:
 - State-Facilitated Individual Educational Plan (SFIEP)
 - Mediation
 - Due Process
 - Monitoring:
 - Indicator 15 – Resolution Sessions
 - Indicator 16 – Mediation

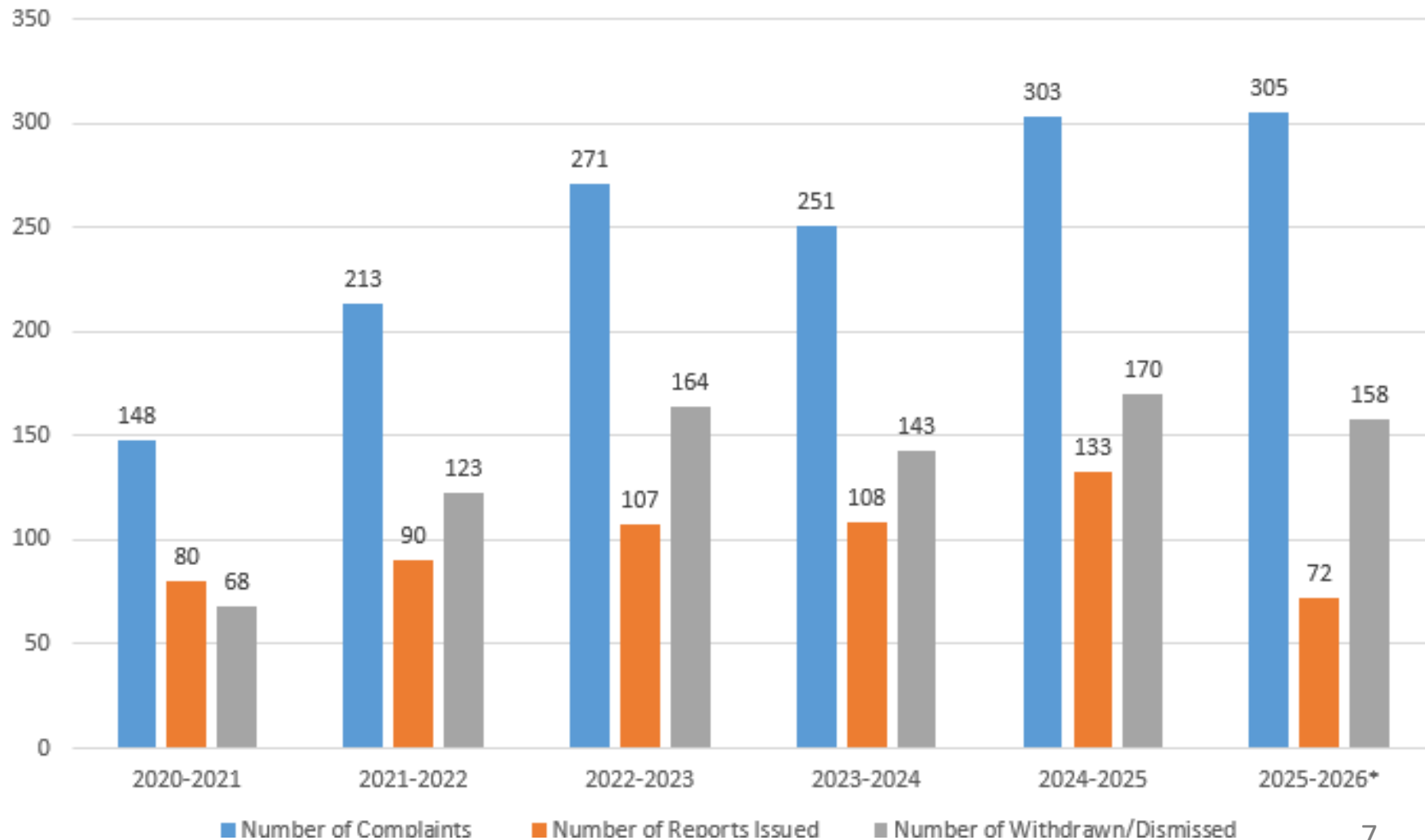


Due Process Hearing Requests





State Complaint Data





What Happens After an Individual Files a Written State Complaint?

- BEESS will assign a complaint investigator to work with the family and school district throughout the process.
- The investigator will send the complainant and school district a letter, which includes:
 - The name and contact information of the investigator;
 - State complaint timelines and important information about the process;
 - Information about early resolution and availability of mediation; and
 - A request for specific documents and other information.



What Happens After an Individual Files a Written State Complaint?

- The complaint investigator will schedule and hold a call with the complainant and school district to discuss the complaint and early resolution options, such as mediation or facilitation.
- The complainant and school district must communicate their interest to participate in early resolution options within seven calendar days from the Notice of Acknowledgement.



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Mediation Overview





What is Mediation?

(34 Code of Federal Regulation [C.F.R.] § 300.506)

- The goal of mediation is for the parties to resolve a dispute and execute a legally binding written agreement reflecting that resolution. Mediation:
 - Is voluntary on the part of the parties;
 - Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques;
 - Is confidential, including discussions that happen during mediation; and
 - Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of the Individuals with Disabilities Education Act (IDEA).



Who Pays for Mediation?

- In Florida, exceptional student education (ESE) mediation is provided at no cost to parents.
- Mediators involved in mediation for students with disabilities are paid for by the FDOE, whereas districts pay for gifted education mediation.
- Each party is responsible for their individual expenses (e.g., attorney's fee).



What is a Mediator?

- A mediator is a qualified and impartial individual who facilitates confidential discussions to achieve a resolution of the dispute that is mutually agreeable to the parties.
- Please note that FDOE IDEA mediators must be currently certified through the Florida State Courts (more information about this certification is available at <https://www.flcourts.org/Resources-Services/Alternative-Dispute-Resolution/Training-Information>).
- A mediator must not be an FDOE employee or an employee of any school district or state agency that receives IDEA funds through the U.S. Department of Education.



Who are the Parties in Mediation (34 C.F.R. § 300.506)?

- Parents of a student with a disability*; and
- Local educational agency (school district); or
- Other public agencies that have responsibility for the education of students with disabilities.

* If the student has reached the age of majority, the party would be the student with a disability.



Mediation Topics

Examples of topics include:

- Eligibility determination;
- IEP issues (development, review, revision and implementation);
- Educational placement;
- Provision of a FAPE;
- Reevaluation;
- State complaint; and
- Due process (unresolved issues).



Benefits of Mediation

The benefits of mediation include:

- Effective means of dispute resolution;
- Less costly;
- Expeditious process;
- Relationships are improved;
- More collaborative;
- Creative solutions are encouraged;
- A voluntary, mutually beneficial resolution can be reached with an impartial third party;
- The resolution of the dispute is within the parties' control; and
- Private and confidential.



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Requesting and Scheduling Mediation



Requesting Mediation

- The [Mediation Request Form](#) must be completed for the state to contact the other party for agreement to participate.
- The Mediation Request Form may be sent to IDEAMediation@fldoe.org.
- The parent may also request FDOE IDEA mediation by submitting a completed Mediation Request Form to the local school district's ESE office.
- If a parent submits their mediation request to the district, the district should timely provide the request to IDEAMediation@fldoe.org.



Scheduling Process of BEESS

- The other party is contacted by a mediation liaison.
- Once an agreement to participate in mediation is made, all parties are notified.
- The district is asked to supply three dates and times that they are available for three to six hours.
- The dates and times are shared with the parent and the parent selects one to attend.
- A mediator is assigned.
- A confirmation letter is sent to the district, the parent and the assigned mediator.



How are FDOE IDEA Mediators Selected and Assigned for a Mediation?

- Mediators are assigned based on rotation and availability.
- The mediators provide their availability to BEESS at the beginning of each month.
- BEESS confirms their availability through email.



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Preparing for Mediation



Tips for Preparing for Mediation

- Review the student's records in detail and bring necessary records (be prepared);
- Make sure the appropriate school participants are present;
- Determine your negotiables;
- Know your resources;
- Be prepared to listen and demonstrate respect;
- Be flexible, patient and present; and
- Keep the focus on finding a solution for the student.

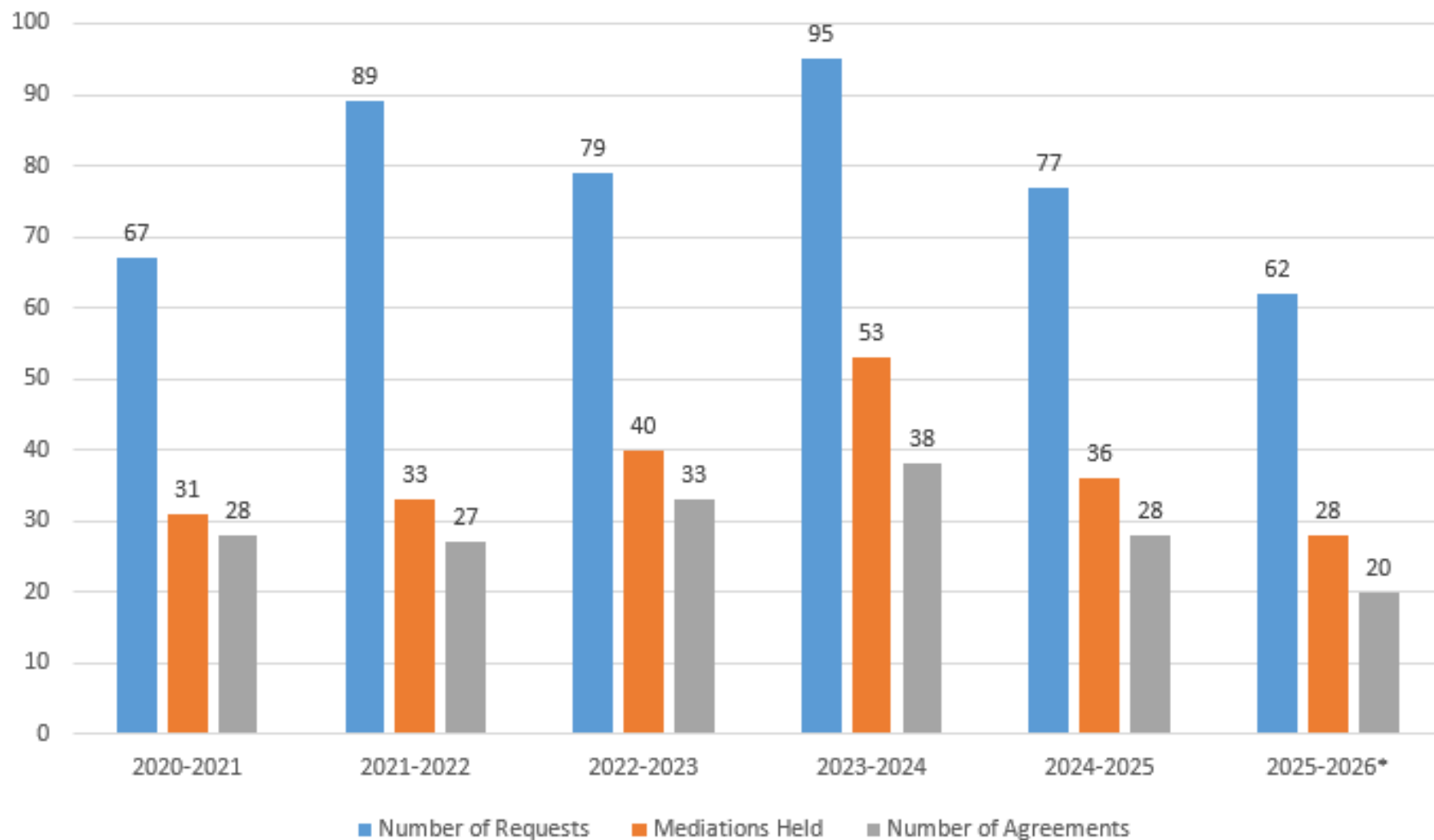


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Outcomes of Mediation



Mediation Data





Outcomes of Mediation

Type	Description	Next Steps
Full Agreement	Parties agreed to all issues in dispute	Parties follow the terms of the agreement (contract between the parties).
Partial Agreement	Parties agreed to some issues in dispute	The parties should comply with the terms they have agreed upon. For any issues that were unresolved, the parties could: • Adjourn or postpone; • File a due process request (only on unresolved issues); • File a state complaint (only on unresolved issues); or • Consent to disclose those items not agreed upon (BEESS will only investigate those unresolved issues tied to a state complaint).
No Agreement	Parties could not resolve any issues in dispute	File a due process request or state complaint.



Mediator Grievance

If you believe that a mediator has violated the ethical standards for Florida-certified mediators, you may file a grievance with the Florida Courts Dispute Resolution Center:

<https://www.flcourts.gov/Resources-Services/Alternative-Dispute-Resolution/Discipline-Complaints>.



Additional Information and Resources

- FDOE ESE Dispute Resolution Web Page and Resources
 - <https://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>
- The Center for Appropriate Dispute Resolution in Special Education (known as CADRE) Parent Resources
 - <https://www.cadeworks.org/resources/cadre-materials/idea-dispute-resolution-parent-guides>
- U.S. Department of Education, Office of Special Education Programs (OSEP), OSEP Memo and Q&A on Dispute Resolution (2013)
 - <https://sites.ed.gov/idea/idea-files/osep-memo-and-qa-on-dispute-resolution/>



What is an SFIEP?



SFIEP

An SFIEP is a voluntary process through which a trained, impartial, third-party facilitator contracted by FDOE helps establish a common agenda and keeps an individual educational plan (IEP) team meeting focused on a resolution.



Benefits of an SFIEP

- Typically generates less stress than formal complaint proceedings;
- Drives the common goal to resolve issues and develop the student's IEP;
- Helps the IEP team stay focused on what is within their control;
- Provided at no cost to the family or the district; and
- Can help restore broken or damaged relationships and re-establish trust.



Commonly Resolved Issues Using SFIEP

- Behavioral or academic concerns
- Increase or decrease in services
- Accommodations
- Change of placement
- IEP goals



How Do You Know When an SFIEP is Appropriate?



An SFIEP Might be Needed When ...

- The IEP team is spending more time trying to resolve conflicts than working on coming up with a plan for the student to be successful.
- The IEP team meets multiple times with little or no resolution in sight.
- The IEP team wants help overcoming a particular obstacle that is preventing progress in the development of the IEP.
- There is a history of contentious interactions between team members.



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Process for Requesting and Scheduling an SFIEP



SFIEP Request Form

- The SFIEP request form must be completed and submitted to BEESS to initiate the process for scheduling an SFIEP meeting.
- The SFIEP request form can be found on BEESS's website at <http://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>.
- The SFIEP request form can be submitted to SFIEP@fldoe.org as an attachment.



Scheduling an SFIEP

- The process begins when BEESS receives the request for an SFIEP.
- If both parties agree to an SFIEP, BEESS will notify all participants.
- The district is then required to provide BEESS with dates and times of availability to hold the SFIEP meeting.
- These dates and times are shared with the parent to choose one of the proposed dates.
- BEESS then assigns a facilitator to conduct the meeting.
- A confirmation letter is sent to the district, the parent and the assigned facilitator.



Scheduling an SFIEP (continued)

The district must provide a meeting notice to the parents once the date and time for the SFIEP meeting has been finalized.



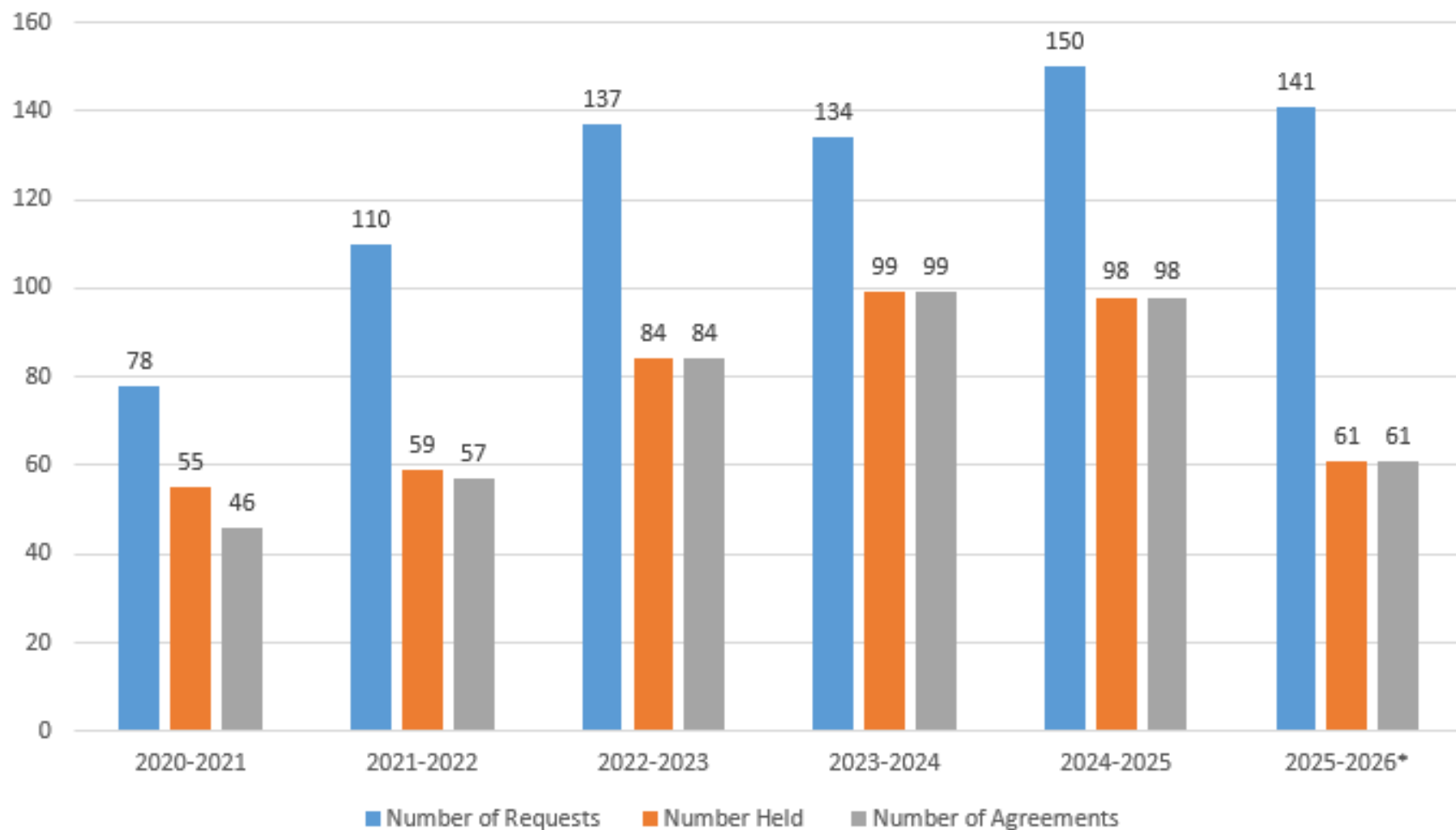
SFIEP Facilitator Requirements

An SFIEP Facilitator must:

- Possess a graduate degree from an accredited university or relevant, applicable experience;
- Be able to demonstrate experience in alternate dispute resolution, to include mediation, or have extensive experience conducting IEP team meetings;
- Be trained in the facilitated IEP process;
- Possess knowledge of and the ability to understand the provisions of the IDEA; and
- Not be employed in the school district for which they are serving as a state facilitator.



SFIEP Data





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We Are Here to Assist



Let Us Work With You

- SFIEP is at no cost to all participants.
- All facilitators have been approved by the state.
- We assist with the meeting logistics, so you do not have to do it alone.



Additional Resources About Facilitation

- <https://www.fdlrsemeraldcoast.org/professional-development>
- <http://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>
- <https://www.cadreworks.org/>



Additional Information and Resources

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