

Oklahoma Special Education Resolution Center



IEP Facilitation ■

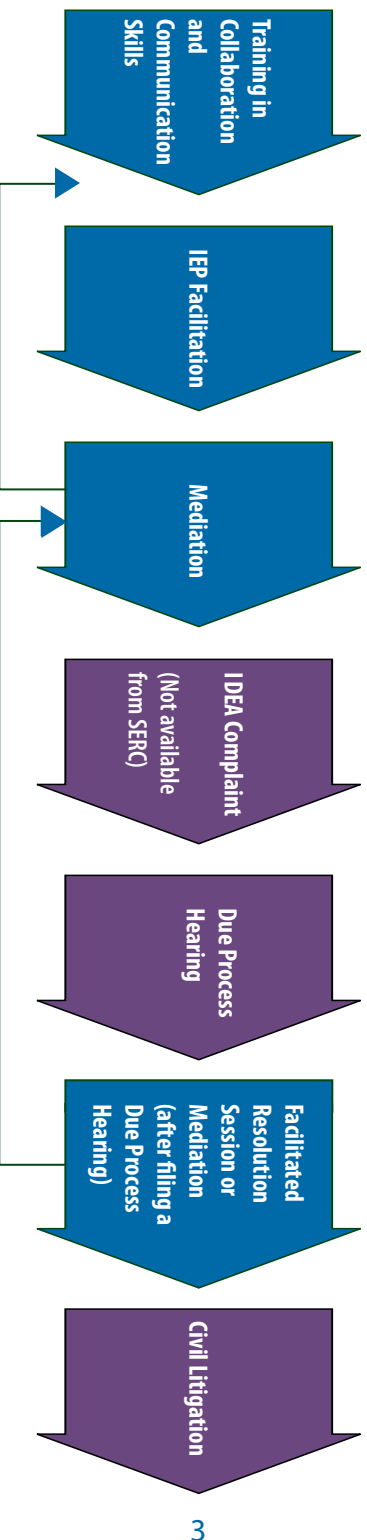
Mediation ■

Resolution Process ■

Due Process Hearings ■

*Helping Families & Schools Resolve
Issues at the Earliest Stage Possible*

Dispute resolution options available to parents and schools



Choosing the blue options gives parents and schools more control over the outcome. For more information about the IDEA Complaint option, contact the Oklahoma State Department of Special Education at (405) 521-3351.

SPECIAL EDUCATION RESOLUTION CENTER (SERC)

A Statewide System

SERC, Oklahoma State University, is funded by the Oklahoma State Department of Education to serve all Oklahoma counties.

Mediators/Facilitators

- Impartial
- Skilled in mediation and facilitation
- Familiar with special education

Dispute Resolution Options

- IEP Facilitation
- Mediation
- Facilitated Resolution Sessions

Free

NO COST to parents or schools

Helping families and school districts resolve disagreements about special education at the earliest stage possible.

Information

<http://serc.okstate.edu>
888-267-0028 (toll free)
918-270-1849

COMMUNICATION & COLLABORATION SKILLS TRAINING

Effective, problem-solving processes typically involve all participants, encourage all voices to be heard, explore underlying issues and concerns, and identify mutually-agreeable next steps.

If educators and parents alike feel respected and well-regarded by the other members of the student's team, they are able to engage more productively in problem-solving. When those closest to the student communicate effectively about their differences and work together to make important educational decisions, everyone benefits.

from

[Engaging Parents in Productive Partnerships](#), CADRE

Contact SERC for training options for school districts and families to support effective communication and collaboration skills.

- Getting Out of Difficult Conversation
- 6 Conversations in Effective Collaboration
- Customer Service
- Crucial Conversations[©]
- Creating Agreement
- and many more!

SERC will individualize training for your needs.

COMMUNICATION TIPS

When Issues Arise

- Communicate directly with the people involved as soon as possible.
- First, you can schedule an informal meeting to discuss the situation.
- Second, you can prepare for the meeting by making a list of issues and some possible solutions.

At the Meeting

- See if you can agree on the issues to be addressed.
- Listen to understand the other person's perspective.
- Communicate your perspective clearly. Use your notes to keep you on track.
- Ask questions or re-state so that others are clear in your understanding.
- Work together to suggest some possible options to resolve the issues.
- Analyze all options to see if you can find areas of agreement.
- Discuss what should happen next.

If Issues Are Not Resolved

- Consider calling a meeting with additional people.
- Call others for suggestions on possible future actions.
- Call SERC, 888-267-0028 (toll-free). A facilitated IEP or mediation could be helpful.

Bring a friend - remain calm

IEP FACILITATION

What is a facilitated IEP?

- An option for early conflict resolution that Oklahoma has chosen to make available to parents and schools.
- A neutral, trained professional (a facilitator) helps the IEP team with the IEP process.
- The process may be used for a high conflict IEP team meeting.
- This is a voluntary process. If either the parents or the school say no, a facilitated IEP will not be held.

Is there a fee?

- No. IEP facilitation is free to parents and schools.

How is an IEP Facilitation requested?

- Call SERC, 888-267-0028 (toll-free).
- Ask about the process and see if it would apply to your situation.



IEP FACILITATION

When to request a facilitated IEP:

- Early in the IEP Process.
- When you think an IEP team meeting will be difficult for you. For example, if you feel that there may be lack of trust or you are worried about problems with communication.

What is the facilitator's role?

- The facilitator helps the IEP team maintain open and respectful communication; keeps team members on task; and offers ways to resolve conflicts that arise in the development of the IEP.
- The facilitator is not a member of the IEP team.

Notes: _____



MEDIATION

What is mediation?

- An option for early conflict resolution required by state and federal law to be available for parents and schools.
- A mediator helps parents and schools resolve special education issues in a less formal setting.

Is there a fee?

- No. Mediation is free to parents and schools.

How to request mediation?

- Call SERC, 888-267-0028 (toll-free).
- This is a voluntary process. If either the parents or the school say no, mediation will not take place.

Who may participate?

- Parents (or adult student) and representatives of the school.
- Parents may bring someone they trust with them.



MEDIATION

When to request mediation?

- When you think you need a mediator to help you reach agreement on specific issues.
- When special education issues involve: identification, evaluation, IEP, placement, or a free appropriate public education.
- When there is an ongoing relationship, a need for privacy and creative and flexible solutions.

Notes: _____



RESOLUTION PROCESS

What is a resolution process?

- An option for dispute resolution made available whenever a due process hearing has been requested.
- The resolution process is a session between the school and parents to give them an opportunity to resolve the specific dispute that is the basis of the due process complaint.
- The resolution session may be held with, or without, the help of a neutral facilitator.
- Facilitators are available from SERC.

Is there a fee for the facilitator?

- No. Facilitation is free to parents and schools.

How to request a facilitator?

- Call SERC, 888-267-0028 (toll-free).
- If either the parents or the school do not want a facilitator, one will not be provided.

May the session be waived?

- Yes – but the parent and the school district must both agree to waive the option of a resolution session.
- They must sign a written waiver and either go to the mediation process or go directly to a due process hearing.

RESOLUTION PROCESS

Who may participate in a resolution session?

- Parents, school representative (with decision-making authority on behalf of the school), and relevant member(s) of the IEP team.
- The parents and school district decide who they each would like to have participate.
- The school district may not bring an attorney unless the parents bring an attorney. (No attorney's fees are awarded in the resolution process.)

Is there a timeline?

- The resolution session must be held within 15 days of the school receiving the due process hearing request. The process may consist of one or more sessions.
- If either the parents or schools do not want a facilitator, one will not be provided.

What about confidentiality?

- There is no legal requirement to keep discussion in the resolution session confidential.
- A confidential agreement may be considered for parties to sign at the beginning of the session.

DUE PROCESS HEARING (DPH)

What is a due process hearing?

- An administrative process used to resolve a formal complaint notice made by a parent or a school district.
- Used to resolve disagreements relating to the identification evaluation, education placement or provision of a free appropriate public education (FAPE) to a child who needs, or is suspected of needing, special education and related services.

Who conducts the hearing?

- An impartial hearing officer is appointed to oversee the process, conduct the hearing, and make findings of fact and a decision-based on relevant state and federal law.
- The impartial hearing officer is trained in both legal procedures and special education law.

How long does it take?

- Federal law requires a 30-day resolution time period. If the matter does not settle within the resolution period, the matter is conducted within a 45-day time period.
- Parties to the process may request an extension of the timeline for good cause.

DUE PROCESS HEARING (DPH)

Do I need an attorney?

- Parties choose whether or not to hire an attorney. A person who is not represented by an attorney may be referred to as “pro se”. This term means a person represents themselves.
- Considerable preparation is needed to adequately present a case.
- Parties should be prepared to gather and submit evidence, prepare testimony, witness lists and other hearing documents, prepare questions and cross-examine witnesses.

How much do hearings cost?

- The hearing, hearing officer, facilities and decision are provided at no cost to the parent.
- Each party pays its own expenses, which may include attorney’s fees and witnesses.
- Prevailing parties may collect attorney fees in court.
- Attorney fees may be collected by school districts if a parent files a complaint with no legal basis.
- If the Due Process decision is appealed, the state pays the cost of the tier two appeal process. All other costs are paid for by the parties.

How do I file a DPH Complaint Notice?

- You can go online and [download a form to print](https://goo.gl/Fwr1Ls) (<https://goo.gl/Fwr1Ls>) and send it in.

OKLAHOMA SPECIAL EDUCATION RESOLUTION CENTER

9726 E. 42nd Street, Suite 203
Tulsa, OK 74146

Toll free: 888-267-0028

Phone: 918-270-1849

FAX: 918-270-2062

Website: <http://serc.okstate.edu>

Jo Anne Pool Blades,
Program Manager
jo.blades@okstate.edu

Shannon Esmeyer,
Administrative Assistant
shannon.esmeyer@okstate.edu

Linda Jaco,
Associate Director for Sponsored Programs,
Department of Wellness,
Oklahoma State University



OKLAHOMA STATE DEPARTMENT OF
EDUCATION
— CHAMPION EXCELLENCE —



DEPARTMENT OF
Wellness