



Part C Family Dispute Resolution Guides and Resources

September 10, 2018

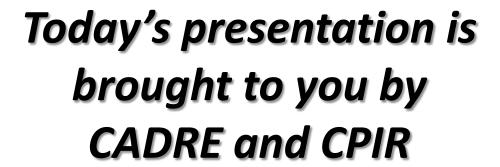
12:00 pm - 1:15 pm PT (3:00 pm-4:15 pm ET)

Note: The presentation will be available on the CADRE website: https://www.cadreworks.org/events/introducing-part-c-dispute-resolution-family-guides

Technical Stuff:

- ▶ Please enter any questions or technical difficulties into the questions box.
- Thank you, in advance, for taking the time to respond to the brief survey at the end of the webinar!







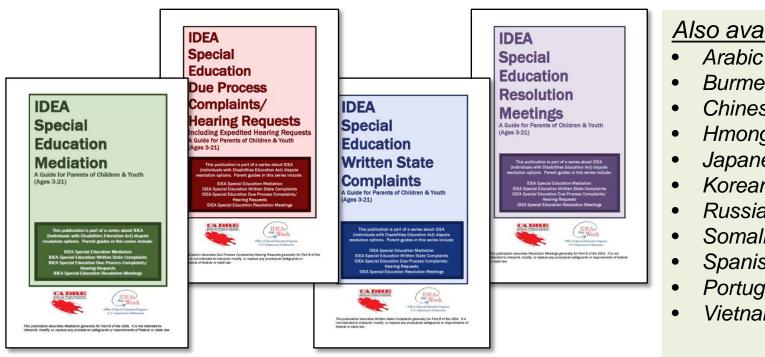
- Melanie Reese, Ph.D.
- Center for Appropriate Dispute Resolution
- in Special Education (CADRE)
- Myriam Alizo
- Center for Parent Information & Resources (CPIR)
- Statewide Parent Advocacy Network (SPAN)



Initial OSEP Initiative



In 2014, CADRE released four IDEA Part B Dispute Resolution Parent Guides.



Also available in:

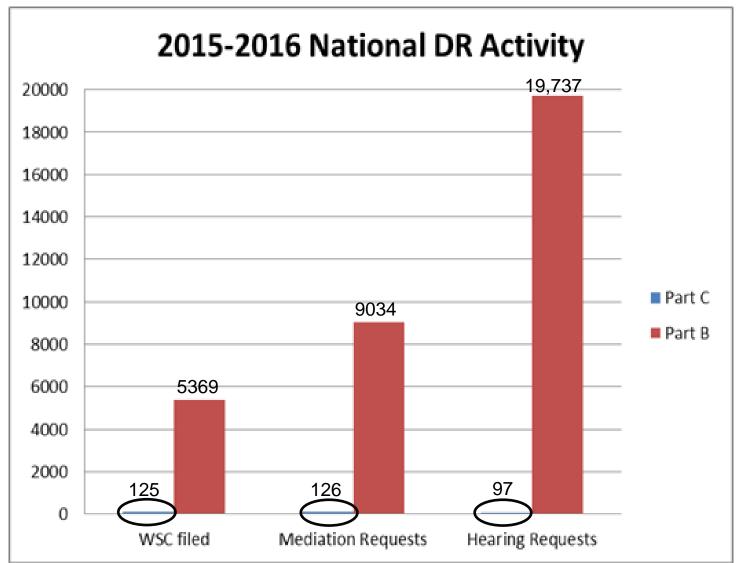
- Burmese
- Chinese (Simplified)
- **Hmong**
- Japanese
- Korean
- Russian
- Somali
- Spanish
- **Portuguese**
- Vietnamese

September 10, 2018



Part C/Part B Data

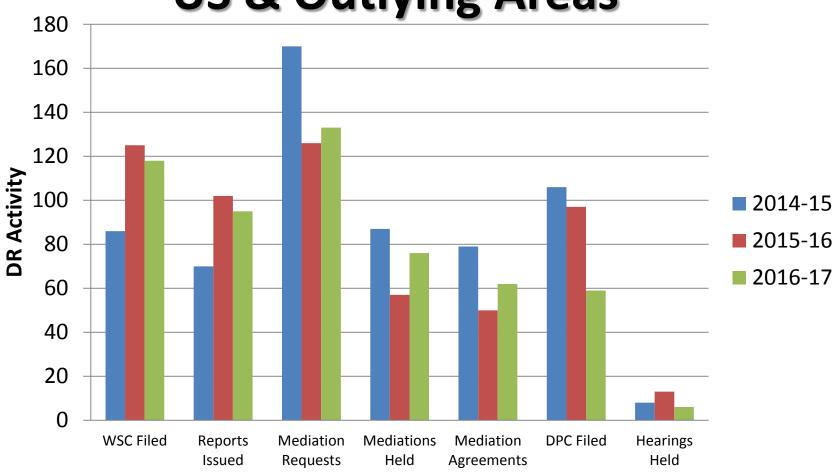






Three Years of Part C DR Activity: US & Outlying Areas







WSC Activity 2016-17



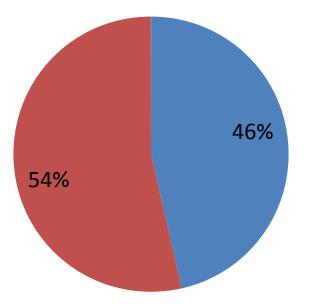
 118 written State complaints filed

96 reports issued

 66 findings of non-compliance

Part C WSC Activity

- States With Activity
- States Without Activity



"States" includes the 50 states, DC and 5 territories



Mediation Activity 2016-17



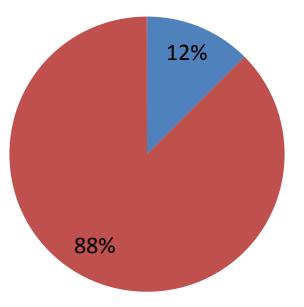
• 133 mediation requests

76 mediations held

 62 mediation agreements

Part C Mediation Activity

- States With Activity
- States Without Activity



"States" includes the 50 states, DC and 5 territories



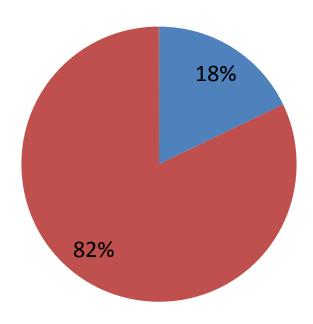
DPC Activity 2016-17 Parent Information & Resources

59 DPCs Filed

- 6 hearings held
- 52 resolved without a hearing
- 1 was pending

Part C DPC Activity

- States With Activity
- States Without Activity



"States" includes the 50 states, DC and 5 territories



Goals for Guides



Provide resources to explain, in parent-friendly language, the dispute resolution options available under Part C of the IDEA, specifically:

- Mediation
- Written State Complaints
- Due Process Complaints and Hearings Requests (for states adopting Part C Procedures)
- Due Process Complaints and Hearing Requests (for state adopting Part B Procedures)



Challenges



- Balancing the use of legal terminology and maintaining general understanding
- Ensuring readability without compromising meaning
- Explaining complex processes in a "userfriendly" way





NOTE: Guides are Not IDEA Substitutes

- In an effort to make the material accessible, we have used different language from the IDEA.
- Every attempt has been made to communicate the same meaning.
- However, the IDEA is the law. Families should know that these guides are not substitutes for knowing the law.







CADRE Team

- Anita Engiles
- Melanie Reese
- Marshall Peter (Senior Consultant)
- Candace Hawkins (Senior Consultant)

OSEP Support

- Lisa Pagano and Jennifer Wolfsheimer
- Tina Diamond and Carmen Sanchez



Review and Revise Process

ESTEEMED REVIEWERS

- Sharon Walsh (ECTA)
- Ed Feinberg (Senior Consultant)
- Miriam Alizo (SPAN)
- Judy Swett, Gretchen Godfrey (PACER)
- Hodan Farah Mohamed (Open Doors for Multicultural Families)
- Luz Hernandez (Philadelphia HUNE, Inc.)
- Larry Ringer (Senior Consultant)



Part C Family Guides Information & Resources





September 10, 2018 14





Encourages Collaboration and Relationship Building

CADRE aimed to present the dispute resolution options factually and directly, while simultaneously encouraging the building of collaborative relationships.

Sharing information allows families to make informed decisions so they can participate fully in resolving concerns about their children.



Features



Definitions

Benefits

Considerations

Frequently Asked Questions

Preparation Strategies

WHAT IS MEDIATION?

Mediation is a voluntary process under Part C of the IDEA that brings people together to resolve disagreements. An impartial, qualified and trained mediator helps participants communicate with each other so

BENEFITS OF MEDIATION

- Mediation is free to parents.
- Mediation can help everyone better understand other points of view.

CONSIDERATIONS ABOUT MEDIATION

- It is important to prepare in advance of the meeting to keep the meeting focused and make sure your concerns are addressed.
- Some complex situations might require more than one mediation session in order to create an agreement.

FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION

Who can request mediation?

Parents, an early intervention services (EIS) provider, state lead agency staff, or a public agency may request mediation.

WAYS TO PREPARE FOR MEDIATION

 Make a list of the issues and questions you want to discuss during the mediation process. This can help you remember all of your concerns so you can present them in an organized manner.



Where to Find More Information



In each guide:

SOURCES OF IMPORTANT INFORMATION

A current list of all parent centers in the nation is available through the Center for Parent Information and Resources (CPIR):

https://parentcenterhub.org/find-your-center

or call (973) 642-8100

The Center for Appropriate Dispute Resolution in Special Education (CADRE) is the national technical assistance center on dispute resolution: http://www.cadreworks.org

or call (541) 359-4210



Information on the Individuals with Disabilities Education Act (IDEA) is available online: https://sites.ed.gov/



On the website:

If you have questions about information in this Guide, contact your service coordinator, state lead agency or Office of Special Education Programs (OSEP) funded parent center for assistance.

Commonly used terms and additional information is available at: www.cadreworks.org/ resources/idea-early-intervention-family-guides

17



IDEA Early Intervention Guides Web Resources



Link: www.cadreworks.org/resources/idea-early-intervention-family-guides

IDEA Early Intervention Family Guides

These four family guides are designed to explain the dispute resolution options under Part C of the IDEA: mediation, written state complaints and the due process complaint and hearing procedures specific to families with infants or toddlers with disabilities (Birth to Two). The companion resource, "Quick Guide to Early Intervention Dispute Resolution Processes for Infants & Toddlers (Ages Birth through 2)" offers a side-by-side look at dispute resolution options under Part C of the IDEA.

CADRE developed the following four Family Guides and the Quick Comparison Chat with the support of OSEP and Parent Leaders from across the country:



Mediation



Written State Complaints



Due Process Complaints and Hearings (Part B)



Due Process Complaints and Hearings (Part C)



Commonly Used Terms

Additional Information About Part C Due Process Complaints and Hearings

DR Process Comparison Chart

Find Local Contact Information

Find your local Parent Center



IDEA Early Intervention Guides Web Resources: Commonly Used Terms



Link: www.cadreworks.org/resources/idea-early-intervention-family-guides

IDEA Early Intervention Family Guides



Additional Information About Part C Due Process Complaints and Hearings

DR Process Comparison Chart



Commonly Used Terms:

- Early Intervention Services
- Individualized Family Service
 Plan
- IFSP Team
- Individuals with Disabilities
 Education Act IDEA Part B
- IDEA Part C
- Lead Agency (LA)
- Parent
- Parent Center
- Public Agency
- Service Coordinator
- State Educational Agency (SEA)



IDEA Early Intervention Family Guides

Commonly Used Terms

Additional Information About Part C Due Process Complaints and Hearings

DR Process Comparison Chart

Additional Information About Part C DP Complaints and Hearings:

What Rules Apply to Your State?



- Qualifications of a Hearing Officer
- Parents' Rights at a Due Process
 Hearing



Part B and Part C Procedures for Due Process Complaints & Hearings

Under IDEA, states can choose to follow Part C procedures for due process complaints and hearings, or use the Part B system already established in their state.

IDEA Early Intervention Due Process Complaints and Hearing Requests — Part B Procedures

A Guide for Families of Infants and Toddlers (Birth through Age 2)



September 2018

This publication is part of a series of guides on dispute resolution options available under Part C of the IDEA. These options include mediation, written state complaints, and due process complaints and hearings.

For more information on resolving early intervention disputes, visit the CADRE website:

www.cadreworks.org/resources/idea-early-interventionfamily-quides



* This Guide describes the procedures for due process complaints for states that have adopted Part B procedures under Part C of the Individuals with Disabilities Education Act (IDEA). This Guide does not interpret, modify, or replace any procedural safeguards or requirements of federal or state law.



IDEA Early Intervention Due Process Complaints and Hearing Requests — Part C Procedures

Parent

Information & Resources

A Guide for Families of Infants and Toddlers (Birth through Age 2)



September 2018

This publication is part of a series of guides on dispute resolution options available under Part C of the IDEA.

These options include mediation, written state complaints, and due process complaints and hearings.

For more information on resolving early intervention disputes, visit the CADRE website:

www.cadreworks.org/resources/idea-early-interventionfamily-guides



* This Guide describes the procedures for due process complaints for states that have adopted Part C procedures under Part C of the Individuals with Disabilities Education Act (DEA). This Guide does not interpret, modify, or replace any procedural safeguards or requirements of federal or state law.





Part B or Part C: Part B or Part C: What Rules Apply to Your State?



States that have adopted $\underline{Part\ B}$ procedures for Part C due process complaints and hearings:

States that have adopted <u>Part C</u> procedures for Part C due process complaints and hearings:

Alabama	Arkansas	Delaware	District of Columbia	Florida
Guam	Illinois	Maine	Maryland	Michigan
Minnesota	Nevada*	Ohio*	Oklahoma*	Oregon
South Dakota	Tennessee Vermo		Virgin Islands	

^{*} Indicates a state that, in the case of an appeal of a hearing decision, has a state-level review process. In other states, appeals would be made to state or federal court.

Alaska	Arizona	California	Colorado	Connecticut
Georgia	Hawaii	Idaho	Indiana	lowa
Kansas	Kentucky	Lousiana	Massachusetts	Mississippi
Missouri	Montana	Nebraska	New Hampshire	New Jersey
New Mexico	New York	North Carolina	North Dakota	Pennsylvania
Rhode Island	Sourth Carolina	Texas	Utah	Virginia
Washington	West Virginia	Wisconsin	Wyoming	



Procedures for Due Process Complaints & Hearings cont.

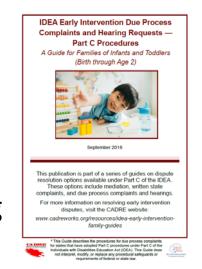
Differences in Part C and Part B Procedures

Who can file

What must be in the written request for a hearing

- Timelines for decisions
- Time limit for filing
- Whether there is a resolution meeting
- Other differences





Parent

Information & Resources



IDEA Early Intervention Guides Web Resources:



DR Process Comparison Chart

Link: www.cadreworks.org/resources/idea-early-intervention-family-guides

IDEA Early Intervention Family Guides

Commonly Used Terms

Additional Information About Part C Due Process Complaints and Hearings

DR Process Comparison Chart

Quick Guide to Early Intervention Dispute Resolution Processes for Families of Infants & Toddlers (Birth through Age 2

Processes	IFSP Facilitation Not required by the IDEA: availability varies by state	Mediation	Written State Complaint	Due Process Complaint/Hearing Request IDEA <u>Part B</u> States Only*	Resolution Meeting IDEA <u>Part B</u> States Only*	Due Process Complaint/Hearing Request IDEA <u>Part C</u> States Only*
How the Processes Differ	An optional early resolution process typically conducted by an impartial and trained facilitator who assists the individualized family service plan IFSP team with communication and problem solving.	A voluntary process that brings people together with an impartial, qualified, and trained mediator, who helps them communicate with each other, express concerns, and resolve disagreements.	A written document used to communicate that an early interventions service provider, the state lead agency, or other public agency has not followed the IDEA, and to request a resolution by the state.	A legal process used to resolve a complaint flied by a parent, early antervention service provider, or the state's Part C lead agency.	A meeting that takes place after a parent files a due process complaint, but before the due process hearing takes place. The purpose of the meeting is for the parent to discuss the due process complaint with the lead agency in an attempt to resolve the issues.	A process used to rejolve a complaint filed by a parent.
What Issues & When Used	Used when an ISSP tream is unable to agree on important issues related to a child's ISSP, or when a meeting is expected to address complex issues or differing points of view.	Available anytime there is a disagreement between parents and educators about special education and/or related services. It can be requested any time, including prior to, or when a due process hearing request or a written state complaint has been filed.	Available when there is a quettion about whether the IDEA regulations have been followed with respect to a particular infant/foddler and families system-wide.	Used to resolve disagreements relating to the identification, evaluation, or placement of an infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that child's family.	Used to resolve issues listed in a parent's due process complaint/hearing request. The meeting must occur unless the parent and the lead agency agree in writing not to have the meeting, or to use the mediation process instead.	Used to resolve disagreements relating to the identification, evaluation, or placement of an infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that child's family.
Who Initiates	A family member, Early Intervention Service (EIS) provider, lead agency and/or public agency may request IFSP facilitation. A state lead agency may also recommend it as an alternative to a more formal process. Participation is voluntary for all parties.	A family member, EIS provider, lead agency and/or public agency may request mediation, but participation must be voluntary for all parties.	Any person or organization, even one from another state, may file a written state complaint.	A parent, an early intervention service provider, or the state's Part C lead agency may file a due process complaint/hearing request.	The lead agency must hold a resolution meeting within \$5 calendar days of receiving notice of a parent's oue process complaint/hearing request.	A parent may file a due complaint/hearing request.
Outcome or Desired Result	An ISP that is supported by the family and other ISP Team members and benefits the child and family. The ISP may address other issues related to the provision of services for the infant/toddler and family.	A signed, legally enforceable, written agreement.	A written decision that includes findings and conclusions, and lists reasons for the final decision. If there is a finding that the IDEA was not followed, the report must also include corrective actions required to address the needs of the infant/todder and family related to the complaint.	Written findings of fact and decisions. The decision may order specific actions to be taken.	A signed, legally enforceable agreement that resolves some or all of the issues listed in the due process complaint/hearing request, often referred to as a settlement agreement.	Written findings of fact and decisions. The decision may order specific actions to be taken.
Process Distinctions	IFSP facilitation is an early dispute resolution option that is not required by the IDEA. IFSP facilitation is not available in all areas.	Mediation discussions are confidential and not admissible in a due process hearing or civil lawsuit. Mediation is a flexible process —	This is the only dispute resolution option open to any person or organization, including those unrelated to the child.	The parents have the right to obtain a written or electronic verbatim transcript of the hearing, at no cost to the parents.	Resolution meetings occur only after a due process complaint/hearing request is filed by a parent. The resolution meeting occurs unless the	The parents have the right to obtain a written or electronic verbatim transcript of the hearing, at no cost to the parents.





Quick Guide to Part C Dispute Resolution



Processes

Quick Guide to Early Intervention Dispute Resolution Processes for Families of Infants & Toddlers (Birth through Age 2)

This guide is not intended to interpret, modify, or replace any IDEA Part B or Part C procedural safeguards or requirements of federal or state law. State regulations associated with these processes vary widely but federal requirements remain consistent. Parents are encouraged to contact their state lead agency or OSEP-funded parent center for more information.

Processes	IFSP Facilitation Not required by the IDEA; availability varies by state	Mediation	Written State Complaint	Due Process Complaint/Hearing Request IDEA <u>Part B</u> States Only*	Resolution Meeting IDEA <u>Part B</u> States Only*	Due Process Complaint/Hearing Request IDEA Part C States Only*
How the Processes Differ	An optional early resolution process typically conducted by an impartial and trained facilitator who assists the individualized family service plan IFSP team with communication and problem solving.	A voluntary process that brings people together with an impartial, qualified, and trained mediator, who helps them communicate with each other, express concerns, and resolve disagreements.	A written document used to communicate that an early intervention service provider, the state lead agency, or other public agency has not followed the IDEA, and to request a resolution by the state.	A legal process used to resolve a complaint filed by a parent, early intervention service provider, or the state's Part C lead agency.	A meeting that takes place after a parent files a due process complaint, but before the due process hearing takes place. The purpose of the meeting is for the parent to discuss the due process complaint with the lead agency in an attempt to resolve the issues.	A process used to resolve a complaint filed by a parent.
What Issues & When Used	Used when an IFSP team is unable to agree on important issues related to a child's IFSP, or when a meeting is expected to address complex issues or differing points of view.	Available anytime there is a disagreement between parents and educators about special education and/or related services. It can be requested any time, including prior to, or when a due process hearing request or a written state complaint has been filed.	Available when there is a question about whether the IDEA regulations have been followed with respect to a particular infant/toddler and family or infants/toddlers and families systemwide.	Used to resolve disagreements relating to the identification, evaluation, or placement of an infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that child's family.	Used to resolve issues listed in a parent's due process complaint/hearing request. The meeting must occur unless the parent and the lead agency agree in writing not to have the meeting, or to use the mediation process instead.	Used to resolve disagreements relating to the identification, evaluation, or placement of an infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that child's family.
Who Initiates	A family member, Early Intervention Service (EIS) provider, lead agency and/or public agency may request IFSP facilitation. A state lead agency may also recommend it as an alternative to a more formal process. Participation is voluntary for all parties.	A family member, EIS provider, lead agency and/or public agency may request mediation, but participation must be voluntary for all parties.	Any person or organization, even one from another state, may file a written state complaint.	A parent, an early intervention service provider, or the state's Part C lead agency may file a due process complaint/hearing request.	The lead agency must hold a resolution meeting within 15 calendar days of receiving notice of a parent's due process complaint/hearing request.	A parent may file a due complaint/hearing request.
Outcome or Desired Result	An IFSP that is supported by the family and other IFSP Team members and benefits the child and family. The IFSP may address other issues related to the provision of services for the infant/toddler and family.	A signed, legally enforceable, written agreement.	A written decision that includes findings and conclusions, and lists reasons for the final decision. If there is a finding that the IDEA was not followed, the report must also include corrective actions required to address the needs of the infant/toddler and family related to the complaint.	Written findings of fact and decisions. The decision may order specific actions to be taken.	A signed, legally enforceable agreement that resolves some or all of the issues listed in the due process complaint/hearing request, often referred to as a settlement agreement.	Written findings of fact and decisions. The decision may order specific actions to be taken.
Process Distinctions	IFSP facilitation is an early dispute resolution option that is not required by the IDEA. IFSP facilitation is not available in all areas.	Mediation discussions are confidential and not admissible in a due process hearing or civil lawsuit. Mediation is a flexible process –	This is the only dispute resolution option open to any person or organization, including those unrelated to the child.	The parents have the right to obtain a written or electronic verbatim transcript of the hearing, at no cost to the parents.	Resolution meetings occur only after a due process complaint/hearing request is filed by a parent. The resolution meeting occurs unless the	The parents have the right to obtain a written or electronic verbatim transcript of the hearing, at no cost to the parents.



How to Use the Family Guides



- Know the Part C Lead agency in your state
- Share guide with:
 - Part C service providers
 - Hospitals
 - Community centers
 - Early Head Start
 - Childcare centers







As a resource for families when providing TA

 Technical assistance to districts, professionals and partners

Parent groups



How to Use the Family Guides (3)



IDEA and Dispute Resolution presentations

IEP clinics

Train parent center staff

Parent Center website link to CADRE guides



How to Use the Family Guides (4)



 Short videos in different languages disseminated through social media (such as Facebook, Twitter, Instagram and WhatsApp)



Dissemination Activities



Post on CADRE website with banner

Link: www.cadreworks.org

- Publicize in CADRE Caucus
- Disseminate through CADRE Listservs
- Publicize with Partner TA&D Centers
- Share at conference presentations



Print & Disseminate



- Sending copies to Parent Centers (PTACs, PTIs & CPRCs) this month
- Accessible documents are currently available online to print: <u>Link:</u> <u>http://www.cadreworks.org/resources</u> /idea-early-intervention-family-guides
- Spanish versions available soon



'enter

Order through the CADRE website: <u>Link:</u> <u>https://www.surveymonkey.com/r/CAD</u> REPublications





Myriam Alizo (**) Cultural Review Process



 Revision of translation using the OSEP Spanish Glossary: Link:

http://www.neparentcenters.org/glossary/glossary.html



What They're Saying



"They did a great job of trying to make this stuff digestible by parents."

"Overall it was easy to understand. I like the fact that it gives just enough information without being overwhelming and that it refers to the Parent Center in your area for more information."

"I think it will be so helpful to have this document. We all know how hard it is to make this understandable and still consistent with the regs."



Questions?





Comments?





Thank you for joining us!

Please take a few minutes to respond to this brief survey about your experience:

Webinar Survey

https://www.surveymonkey.com/r/PartCFamilyGuides



