

Understanding Article 7



Module 4: Communication and Dispute Resolution

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“A good relationship is like a savings account that you can draw on in moments of trouble.” -William Ury



Steps in Problem Solving

- Define the problem
- Collect information to support position
- Schedule meeting with key person
- Work to help make changes
- Be positive!



Tips for Tough Conversations

- State the common goal
- Use “and” instead of “but”
- Use “I” instead of “you”
- Positive rather than negative

*“It’s easy to get good players.
Getting’ em to play together—
that’s the hard part.” – Casey
Stengel*

Due Process Procedures

- Protect the rights of parents to participate
- Provide steps to resolve disagreements



Dispute Resolution Options

- Mediation
- Complaint
- Due process hearing
- Resolution session
- Civil suit

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Mediation

- Initiated by parents *or* school
 - Both agree, in writing, to mediate
 - Resolve violation of Article 7
- or*
- Disagreement about services

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Mediation (continued)

- No cost to either parents or school
- Mediator arranges meeting, participants
- Confidential process
- Agreements in writing, legally binding

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State Complaint – Overview

- May be filed by anyone
- Possible Article 7 violation, i.e.
 - School not following Article 7 rules or
 - School not following a student's IEP
- Must be in writing
 - To local public agency **and**
 - To IN Department of Education

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Complaint Steps

- Written statement of alleged violation
- Propose resolution to problem
- Sign, date with contact information
- Include student's name, residence, school

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Complaint Steps (continued)

- Submit to IN DOE & local public agency
- <http://www.doe.in.gov/exceptional/speed/docs/FilingComplaint-ElectronicVer.pdf>
- Timelines
 - Days 1--10, local agency may respond
 - Days 11--40, DOE investigates, issues findings

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Resolving a Compliant

- Local public agency options
 1. Respond to complainant & IN DOE *and*
 2. Meet with complainant to resolve *or*
 3. Agree with parent to **mediate** issues *or*
 4. Notify IN DOE to investigate
- If option 4 is chosen a Complaint Investigator is assigned by DOE

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DOE Complaint Investigation

- Investigator, Division of Special Education
- Contacts complainant and school
- Issues written report, results of investigation
- May require corrective action
- Public agency must comply

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Reconsideration of Complaint

- If either party disagrees with outcome results they can request reconsideration
 - Written request to IN DOE
 - Seven (7) calendar days of report
- Specify facts, areas to be reconsidered
- Sixty (60) calendar days, start to finish

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Due Process Hearing

- Requested by parent **or** school
- Document facts related to issues
- Include proposal for resolving issues
- Request form to be completed
- <http://www.doe.in.gov/exceptional/speced/dp-dueprocess.html>

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Due Process Hearing Issues

- Student identification, eligibility for services
- Appropriateness of educational evaluation
- Level, amount of services for student
- Provision of FAPE

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Hearing Process

- Independent hearing officer appointed by DOE
- School responsibilities:
 - Inform parent of mediation, low cost legal services
 - Send parent written notice
 - Send parent written response to issues
 - Offer resolution meeting, 15 calendar days

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Resolution Meeting

- Schools must offer meeting
 - Discuss facts re: hearing request
 - Provide opportunity to resolve dispute
- Public agency representative & parent
- Written agreement, signed by both parties
- Legally binding after 3 business days

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Parents' Hearing Rights

- Legal counsel
- Inspect, review all records prior to hearing
- Separation of witnesses
- Transcript, finding of fact, hearing decision at no cost
- Recover attorney's fees in civil court **if** parent prevails
- Allow hearing open/closed to public

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Hearing Appeal

- Submit written appeal within 30 calendar days
- Send to Superintendent of Public Instruction
- May/may not involve oral arguments
- Review for procedural or written decision errors
- Costs paid by IN DOE

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In Summary

- Build positive relationships
- Develop good communication skills
- **Focus on the student's needs**
- Learn steps to problem solving
- **Focus on the student's needs**
- Use "I" statements
- **Focus on the student's needs**



Resources

- IN*SOURCE main office 800.332.4433
 - www.insource.org
- IN*SOURCE General Training Packet
 - http://www.insource.org/pdf/GEN_TRAINING_PACKET.pdf
- Article 7
 - <http://www.doe.in.gov/exceptional/speced/docs/2008-08-06-Article7.pdf>
- Understanding Special Education Process (chart)
 - <http://www.taalliance.org/publications/pdfs/all17.pdf>