



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

TITLE: Special Education Dispute Resolution - The Three Options For Parents Wishing to Initiate a Form of Dispute Resolution Regarding the Proposed Components of an IEP:
(1) Informal Dispute Resolution, (2) State Mediation Only, and (3) Formal Due Process Hearing

NUMBER: REF-1410.9

ISSUER: Beth Kauffman, Associate Superintendent
Division of Special Education

DATE: September 4, 2017

PURPOSE: The purpose of this Reference Guide is to provide schools with updated information and to clarify procedures for addressing parent/guardian/student (18-21) (hereinafter referred to as “Parent”) disagreement(s) with the Individualized Education Program (IEP) offer of a Free and Appropriate Public Education (FAPE).

MAJOR CHANGES: This Reference Guide replaces REF-1410.8, dated March 14, 2016, and clarifies procedures for schools in addressing Parent disagreement(s) to components of the proposed IEP, specifically the Informal Dispute Resolution (IDR) Process. The school site Special Education Administrator/Administrative Designee will now submit the electronic request form <https://goo.gl/dwi9cw> to initiate the IDR process. It may be accessed using your LAUSD single sign-on (LAUSD username and password).

BACKGROUND: Schools are encouraged to resolve IEP disagreements during IEP team meetings whenever possible. If a school cannot resolve an IEP disagreement, a Parent may elect to pursue three optional dispute resolution processes. Participation in dispute resolution is voluntary and a Parent is not required to initiate any form of dispute resolution as to the components of the proposed IEP to which the Parent does not agree. However, if the Parent does wish to initiate a form of dispute resolution in an effort to resolve an IEP disagreement, the following three dispute resolution options are available:

- I. Informal Dispute Resolution
- II. State Mediation Only

ROUTING
 All Locations
 Local District
 Superintendents
 Instructional Directors
 Special Education
 Administrators
 School Site Administrators
 Charter School Administrators
 Related Services Providers
 Teachers



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BACKGROUND (Continued):

III. Formal Due Process Hearing

If a Parent does wish to initiate a form of dispute resolution in an effort to resolve an IEP disagreement, the Parent can find additional information in the District publication entitled: “A Parent’s Guide to Special Education Services (Including Procedural Rights and Safeguards),” in the section entitled: “Your Right to Procedural Safeguards to Resolve Disagreements Over What is Appropriate for Your Child.”

INSTRUCTIONS:

If a Parent disagrees with any components of the proposed IEP, the Parent will be asked to specify what they disagree with at the conclusion of the IEP team meeting, so that it can be documented on page 10 of the IEP. It is important that the specific issues be fully documented, if known.

The Parent should be referred to the District’s publication entitled: “A Parent’s Guide to Special Education Services (Including Procedural Rights and Safeguards)” to the section entitled: “Your Right to Procedural Safeguards to Resolve Disagreements Over What is Appropriate for Your Child.”

The District will implement those portions of the IEP to which the Parent provides written consent so as to not delay providing instruction and services.

In the event that the Parent does not consent to any component of the IEP, the District will continue to implement the last agreed upon and implemented IEP until the dispute is resolved.

DISPUTE RESOLUTION OPTIONS AND PROCEDURES

I. INFORMAL DISPUTE RESOLUTION (IDR)

The District’s IDR process is an optional process in which Parents identify their issues and concerns related to the IEP and the District attempts to work with the Parent to resolve the issues and concerns quickly and informally. It is the Parent’s decision whether or not to initiate the IDR process. Participation in the IDR process is voluntary. A Parent is not required to utilize the IDR process before initiating formal due process proceedings. Further, a Parent may utilize the IDR process and subsequently initiate formal due process proceedings if the IDR process is unsuccessful.

IDR Information and Referral Process

The purpose of the IDR process is to facilitate the early resolution of concerns and issues regarding disputed components of the IEP quickly and informally. The process is completed within 20 school days and is often a better process for resolving disputes because it is faster, less contentious, and less expensive than



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INSTRUCTIONS (Continued):

formal dispute resolution options (State Mediation Only or Formal Due Process Proceedings).

Phase 1: Documentation of Disagreement and IDR Request

An “IEP disagreement” is defined as a Parent’s disagreement over part, or all, of the IEP offer of FAPE. When an IEP disagreement occurs that cannot be resolved during the IEP meeting, the school site Special Education Administrator/Designee of the IEP team must do all of the following:

1. Request that the Parent mark the appropriate box(es) to reflect the disagreement on page 10 of the IEP and document the disputed IEP issues and concerns in the “Parent Concerns and Comments” section. If requested, the administrator/designee must assist the Parent in identifying and documenting Parent’s disputed IEP issues and concerns on Page 10 of the IEP in the “Parent Concerns and Comments” section.
2. Request that the Parent sign Page 10 of the IEP.
3. Upon receipt of a signed copy of Page 10 documenting the Parent’s disputed IEP issues and concerns, upload Page 10 to Welligent.
4. The IEP Administrator/Administrative Designee explains the IDR process to parent and offers the IDR process as an option for the District to address parent’s concern(s).
5. If parent agrees to participate in the IDR process, the IEP Administrator/Administrative Designee or Special Education Administrator at the school site will use the following link to submit the IDR request: <https://goo.gl/dwi9cw>. It may be accessed using your LAUSD single sign-on (LAUSD username and password).
6. If parent does not agree to participate in the IDR process, the school site Special Education Administrator/Designee must notify their Local District Special Education Administrator (SEA). The Local District SEA will assign the IEP disagreement to a Least Restrictive Environment (LRE) Specialist for follow up as appropriate.

Timelines are critical to the efficiency of the IDR process. The 20 school day timeline is calculated from the date the District receives notification of the Parent’s consent and /or request to initiate the IDR process.

Phase 2: Resolution Coordinator Process

The Resolution Coordinator will use up to 20 school days to attempt to



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INSTRUCTIONS (Continued):

resolve the IEP dispute.

1. The Resolution Coordinator will review all relevant documentation and work with the Parent(s), school staff, and LRE Specialist to resolve the disagreement.
2. School staff and LRE Specialist will provide the Resolution Coordinator with pertinent information regarding possible resolution options.
3. The Resolution Coordinator will document all resolution activities.
- 4a. If a verbal IDR agreement is reached, then the Resolution Coordinator will notify the responsible staff of required implementation actions and close the case.
- 4b. If an IDR settlement agreement is written, then the Resolution Coordinator will route the signed settlement offer to the responsible staff for implementation and close the case.
5. If the IDR process results in an agreement that requires changes to the IEP, then the school administrator/designee will hold an IEP meeting, if needed, to document any changes to the offer of FAPE within 30 school days of the date an agreement is reached.

II. STATE MEDIATION ONLY

The State Mediation Only is an optional formal process available per state and federal special education law, in which a neutral mediator is assigned by the California Office of Administrative Hearings (OAH) to assist Parents and the school district in discussing possible resolutions to their IEP disagreement. The State Mediation Only process is voluntary and free of cost to both Parents and the school district. Requesting State Mediation Only does not preclude a Parent from subsequently initiating Formal Due Process proceedings.

III. FORMAL DUE PROCESS HEARING

Formal Due Process Hearing is the most formal option available to Parent(s) and the school district for resolving an IEP disagreement, per state and federal special education law. These proceedings include a resolution period, an optional pre-hearing mediation, and a formal hearing presided over by an administrative law judge (ALJ) where each party is afforded an opportunity to present documentary evidence, witness testimony, and argument.



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INSTRUCTIONS (Continued):

If a Parent chooses the State Mediation Only option or the Formal Due Process Hearing option to resolve their IEP disagreement(s), the school administrator/designee of the IEP meeting should provide the Parent with a copy of the following two items:

1. The District's publication entitled: "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)".
2. Attachment A (of this Reference Guide): Directions to File for Due Process. This form is also available on the Office of Administrative Hearing (OAH) website at www.oah.dgs.ca.gov.

IV. SPECIAL INSTRUCTIONS

When Parent refuses and/or fails to sign an IEP: If a Parent refuses and/or fails to sign an IEP, a minimum of three (3) attempts (e.g., telephone calls, home visits, and correspondence) must be made to obtain the Parent's signature. All attempts to obtain a Parent signature must be documented in the Welligent IEP meeting notes on the "IEP Meeting" tab; the box, "Parent Refused to Sign IEP" checked; the IEP Status on the IEP Management screen changed to "Inactive" with IEP Status Reason as "Parent did not sign IEP"; and school site Special Education Administrator/Designee must notify the LRE Specialist with this information. If these efforts are unsuccessful, or if the IEP team maintains that the placement, services and supports offered in the IEP to which the Parent disagrees are necessary for the student to access a FAPE, then the school site Special Education Administrator/Designee must immediately contact their Local District SEA for assistance.

ATTACHMENTS: Attachment A - Directions to File for Due Process. This form is also available on the Office of Administrative Hearing (OAH) website at www.oah.dgs.ca.gov.

RELATED RESOURCES: The "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)" is posted on the Division of Special Education website at <http://achieve.lausd.net/sped>. The Guide includes an overview of IDR, State Mediation Only, and Formal Due Process Hearing.

ASSISTANCE: For assistance or further information regarding this Reference Guide, please contact Monique Arbuckle, Director of Psychological Services and Due Process, Division of Special Education at (213) 241-8303.

Los Angeles Unified School District
Division of Special Education

DIRECTIONS TO FILE FOR DUE PROCESS

- 1.) Download the Mediation Complaint Forms or the Formal Due Process forms at www.oah.dgs.ca.gov or call (916) 263-0880 to request forms by mail.
- 2.) If you need assistance in completing this form or have questions about the due process hearing and mediation process, assistance is available by contacting the Office of Administrative Hearings at the numbers identified below.

Office of Administrative Hearings, Special Education Unit
2349 Gateway Oaks Suite #200
Sacramento, CA 95833
Phone: (916) 263-0880
Fax: (916) 376-6319

- 3.) Send **all** the pages of the Complaint Form by fax or mail to **both**:

- A) California Office of Administrative Hearings
Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Fax: (916) 376-6319
- B) Due Process Department
Division of Special Education
Los Angeles Unified School District
333 S. Beaudry Ave, 17th Floor
Los Angeles, CA 90017
Fax: (213) 241-8917

*** Failure to provide the Complaint Form to both of the locations listed above may result in a delay or dismissal of your complaint.**