



**DEPARTMENT OF EXCEPTIONAL STUDENT EDUCATION**  
**Dispute Resolution**

**Fast Facts #12 (10-08)**

<p><b>School Level Meetings:</b> <i>A meeting held at a school site and attended by parents, school-based and, as appropriate, district-level personnel to resolve differences concerning identification, evaluation, placement, and/or the provision of a free appropriate public education (FAPE) for a student with a disability, or one suspected of having a disability.</i></p>	<p>Issues of dispute and/or concerns of the parent are discussed by the meeting participants and a resolution is attempted at the school level.</p> <p>This type of meeting is typically chaired by the ESE Case Manager, ESE Specialist or the Staffing Specialist.</p>
<p><b>Area Office Level Meetings/Case Reviews:</b> <i>A meeting held at one of the district's seven Area Offices and attended by parents, ESE and Staffing/Compliance personnel from a district office, as well as, school personnel and representatives from School Social Work and/or Psychological Services to resolve differences, which were not resolved at the school level.</i></p>	<p>The meeting participants address concerns with identification, evaluation, placement, and/or the provision of a free appropriate public education (FAPE) for a student with a disability, or one suspected of having a disability.</p> <p>This type of meeting is typically chaired by the Staffing Coordinator when it involves IEP and or eligibility issues of concerns.</p> <p><i>NOTE: Disputes that address issues with particular school/district personnel and/or with special assignment are addressed with parents at school/district meetings but are not relevant to the Case Review process which addresses disputes involving the provisions of the federal law, <i>Individuals with Disabilities Education Act</i>.</i></p>
<p><b>District Level Case Reviews:</b> <i>A meeting held with parents, district level personnel from Staffing/Compliance, Psychological Services, School Social Work, ESE district-level personnel as well as school personnel to resolve differences that were not resolved at the school and/or Area Office meeting level.</i></p>	<p>The meeting participants address concerns with identification, evaluation, placement, and/or the provision of a free appropriate public education (FAPE) for a student with a disability, or one suspected of having a disability.</p> <p>This type of meeting is typically chaired by the Supervisor for ESE Staffing.</p>
<p><b>Formal State Complaint:</b> <i>A process by which a parent may file a formal written complaint.</i></p>	<p>A Formal State Complaint may be filed by any individual or organization alleging a violation of any Part B requirement. Florida Department of Education (FDOE) must resolve a Formal State Complaint within a 60-calendar-day timeline, unless that timeline is properly extended. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. The party filing the complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time that the party files the complaint with the State Education Agency (FDOE).</p> <p>The district's respondent to Formal State Complaints is the Supervisor for ESE Compliance.</p>

<p><b>State Mediation:</b>  <i>A process that is voluntary for the parents and school districts to utilize in order to resolve differences about the identification, evaluation, placement and/or the provision of a free appropriate public education (FAPE) for a student with a disability, or one suspected of having a disability.</i></p>	<p>State Mediation is an intervening, voluntary step that may be used prior to the parent requesting a formal Due Process Hearing. Although State Mediation may be a less costly and a less divisive way to resolve disputes, neither the IDEA 2004 nor its regulations require it. While the United States Department of Education encourages states to use mediation as an alternative dispute mechanism, states cannot require parents to submit to mediation. Participation in the State Mediation process is voluntary for both the parents and the School District.</p> <p>District representatives at State mediation are typically the Supervisor for ESE Compliance, other ESE or Staffing administrators, and others who have knowledge of the student or the issues in dispute. The ESE Compliance Supervisor typically serves as the District representative who signs a Mediation Agreement when the process culminates in the production of that document.</p>
<p><b>Due Process Hearing:</b>  <i>The process that either a parent or school district (or similar public agency) may initiate to resolve a disagreement about the identification, evaluation, educational placement, and/or provision of free appropriate public education (FAPE) for a child with a disability or suspected of being disabled under IDEA, as established in the IDEA.</i></p>	<p>An impartial Administrative Law Judge conducts Due Process Hearings for the Florida Department of Education. IDEA 2004 requires that a Resolution Meeting be convened by the School District within 15 days of receiving a request for a due process hearing from a parent and prior to the initiation of a due process hearing. The purpose of the Resolution Meeting is for parents to discuss their request for a Due Process Hearing and the facts that form the basis of the request so that the District has the opportunity to resolve the dispute. A request for a due process hearing must allege a violation that occurred not more than two years before the complaining party knew or should have known about the alleged action that forms the basis of the complaint.</p> <p>The District is represented by legal counsel at Due Process Hearings and the Supervisor for ESE Compliance is the District's representative and contact for this process.</p>

NOTE: School Level, Area Office Level, and District Level Meetings are available to parents, but in no way prohibit parents from exercising their right to the Formal State Complaint process, State Mediation or the filing of a request for a Due Process Hearing.

Detailed information regarding Formal State Complaint, State Mediation, and Due Process Hearings is provided in the brochure titled *Part B Procedural Safeguards Notice*.

The *Part B Procedural Safeguards Notice* brochure is provided to parents, at a minimum, upon initial referral, or request for an evaluation; upon the school district's refusal to conduct an initial evaluation that a parent has requested; upon each notification of a meeting of the Individual Educational Plan (IEP) Team for a child; upon requesting parental consent for a reevaluation; upon the school district's receipt of a request for a due process hearing; when a decision is made to take a disciplinary action that constitutes a change of placement, and any other time that a parent requests to receive a copy.

Available district and Area Office personnel who may provide additional information:

- Area ESE Supervisors and District Resource Teachers
- Staffing Coordinators & Staffing Specialists
- FDLRS Personnel (837-7777)
- ESE Compliance Supervisor (273-7060)
- ESE Staffing Supervisor (273-7035)
- District-Level Supervisors, Coordinators and District Resource Teachers
- ESE Hotline (273-7221)