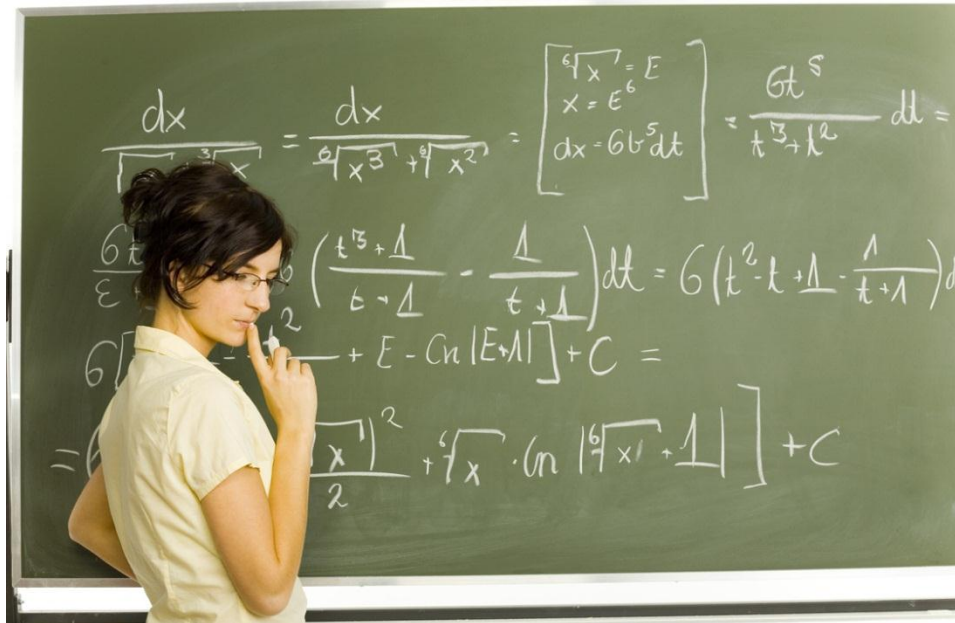
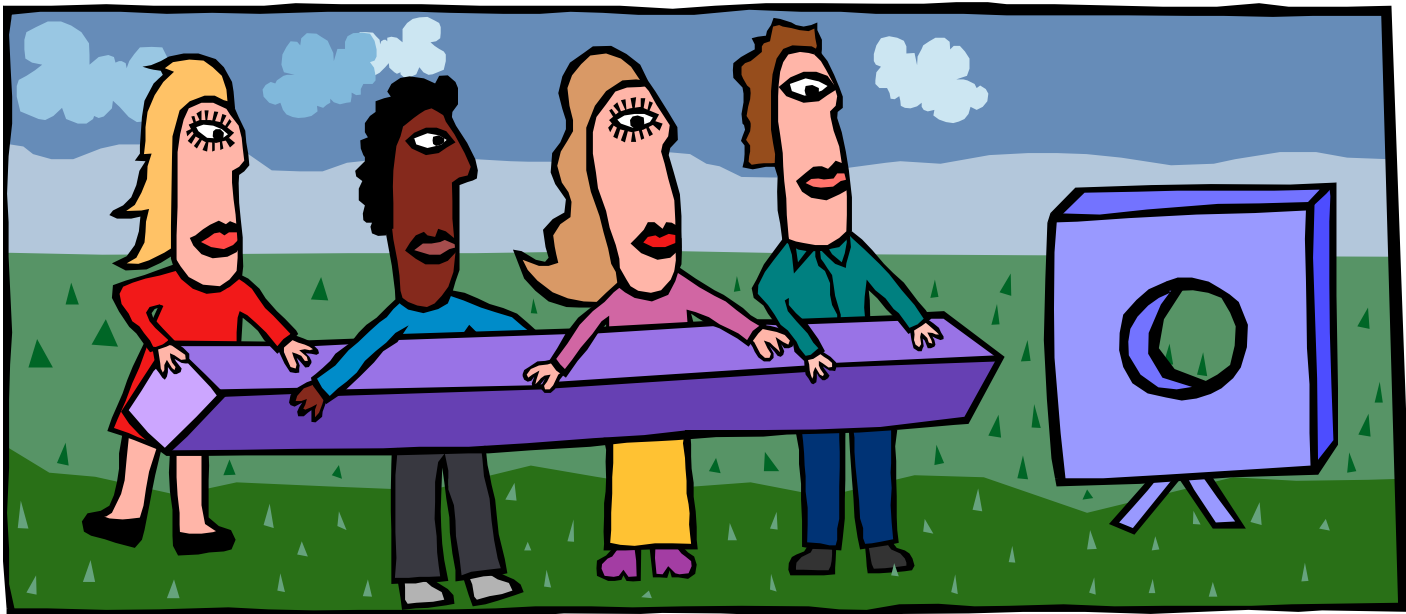


# From Conflict to Resolution: Demystifying the Complaint Process



San Diego Unified School District  
Presented by: Amy Perez  
April 12, 2012

Have you ever felt like your child's educational program just didn't seem to fit no matter how hard you tried?



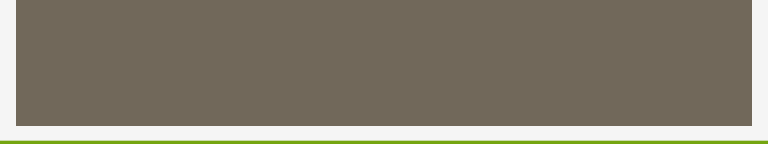
## Sources of conflict...

- Parents feel passionate about their children
- Educators feel passionate about their students
- Education is complicated – so are the rules that regulate the field
  - IDEA
  - FAPE

# Call Mr. Fix-It



- 800-555-1212
- \$5.00 per minute fee applies



Unfortunately, there is no  
Mr. Fix it, but there steps  
you can take

# What can you do when you have a problem?

## Options

- Informal or 'local resolutions'
  - Easy, inexpensive, quick
- Informal with structure
  - Solutions Panel
- Formal
  - Legal processes
    - Time consuming

## Informal: Work the Chain

- Child's teacher
- Case Manger
- Principal
- Special Education Program Manager
- Special Education Executive Director

Ombudsperson

You've done that and still think  
your time would have been better  
spent...





# Informal with Structure: The Solutions Panel

- Parties can meet in a neutral environment with the assistance of a trained facilitator
- Parties can discuss issues and concerns outside of an IEP team meeting
- Voluntary
- Non-binding

What can you do when  
informal options don't work?



# Formal Processes

- Compliance investigations
  - California Department of Education (CDE)
  - Office of Civil Rights (OCR)
- Request for a Due Process hearing with the Office of Administrative Hearing (OAH)

# Compliance Complaints - CDE

- Allegation of IEP non-compliance made to CA Department of Education (CDE)
- Parent submits a written allegation
  - CDE requests written response from district and evidence supporting district position

# Compliance Complaints: CDE

## Outcomes

- Finding of compliance in all areas of investigation and case is closed
- Finding of non-compliance and corrective actions are issued

# Office of Civil Rights Complaints

- Parent submits a written allegation of discrimination on the basis of a disability
- Requires District to supply requested information, OCR investigates and issues its findings and corrective actions, if any

## Due Process Complaints

- Complainant files with the Office of Administrative Hearings (“OAH”) and alleging a denial of FAPE
- Requests a “fair and impartial administrative hearing” with an administrative law judge (ALJ)
- Litigation within scope of IDEA only

# Due Process Timelines

- 10<sup>th</sup> day- Written response to complainant
- 15<sup>th</sup> day- Resolution Session
- 31<sup>st</sup> day\*\* –Mediation
- 45<sup>th</sup> day\*\*- Hearing
- 80<sup>th</sup> day\*\*-Hearing Decision



## After request for due process hearing, the district:

- Prepares and serves a written response to the complainant
- Convenes a required Resolution Session: an “informal” attempt to resolve issues

# Resolution Session

- Required step
- Informal
  - Typically no SDUSD attorney
- Both parties determine the outcome of settlement
- Timely

# Resolution Agreement

- Resolution Agreement developed and case closed
- legal contract executed
- Binding
- no prevailing party

# Mediation

- Voluntary
- Administrative Law Judge is **mediator**, not decision-maker
- Both parties control the outcome of the settlement
- Binding
- No prevailing party
- Protracted process

# No Agreement

- Case proceeds to hearing
  - Extensive preparation work by both parties
  - Time consuming and expensive
  - Requires parties to work with the legal process
  - Administrative Law Judge renders a decision according to the law
  - Neither party controls the outcome
  - Opportunity for appeal

# Commitment to Resolution

- SDUSD remains committed to attempting to resolve parent issues at all stages of the legal process without the intervention of a judge.
- Everyone wins when parties can determine the solution to the problem

# Due Process Team

- Nancy Batinica, District representative
- Amy Perez, District Representative
- Sonya Sandrik, Clerk
- Phyllis Trombi, District Representative
- Jim Wood, Program Manger

# Key Contacts

- Executive Director 619-725-7650
- Ombudsperson 619-725-8186
- SDUSD Solutions Panel 619-725-7327
- California Dept. Education 800-926-0648
- OAH 916-263-0880
- OCR 800-421-3481