Enhancing Access to IDEA Dispute Resolution Processes: Indiana Complaint, Hearing, and Mediation Process (I-CHAMP)

Presenters: Zoretta Ward-Holloway and Brooke Russell Date: October 23, 2025

Individuals with Disabilities Education Act

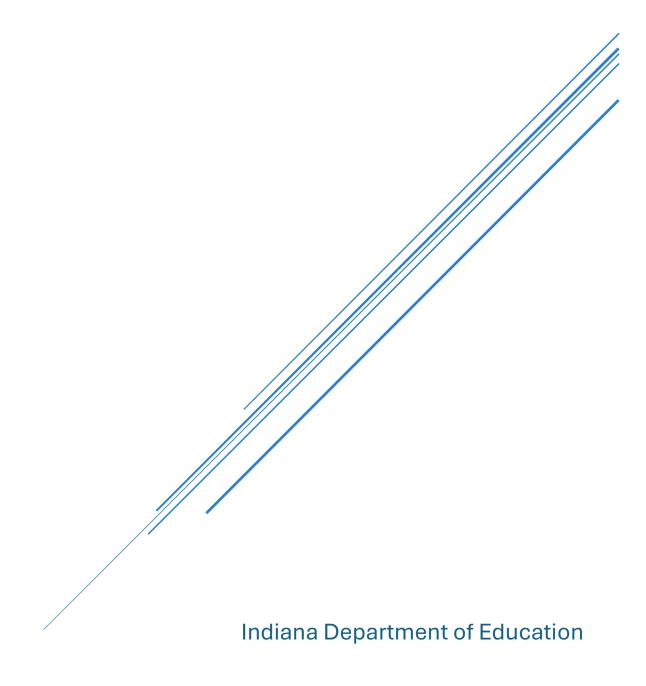




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OSEP's Questions and Answers on State General Supervision Responsibilities under Part B and C of the IDEA Monitoring, Technical Assistance, and Enforcement (July 24, 2023)

In July 2023, the Office of Special Education Programs (OSEP) provided guidance that incorporated longstanding interpretations reflected in OSEP's monitoring, determinations process, policy letters, and grant documentation to address common questions that OSEP has received from parents, states, local programs, and other stakeholders. OSEP further clarified or expanded its positions in the following three areas:

- **REASONABLY DESIGNED GENERAL SUPERVISION SYSTEMS** OSEP is clarifying that, as part of a state's general supervision system, a state may not ignore credible allegations about potential noncompliance, to ensure the timely identification of noncompliance. States should ensure all LEAs or EIS programs are monitored at least once within the six-year cycle of the state's SPP/APR, presumptively implementing a reasonable timeframe for monitoring. (See Questions A-11 and B-2.)
- TIMELINE CONSIDERATIONS FOR IDENTIFICATION OF NONCOMPLIANCE OSEP is articulating reasonable timelines for identifying noncompliance and issuing a written notification of noncompliance (i.e., a finding). (See Questions B-2 and B-7.)
- **CORRECTION OF CHILD-SPECIFIC NONCOMPLIANCE** OSEP has had a longstanding position on how states demonstrate they have verified correction of individual child-specific noncompliance, including the state's responsibilities to enforce a state complaint or due process hearing decision when a child leaves the jurisdiction of an LEA or EIS program or provider. OSEP is now indicating that states and their LEAs or EIS programs or providers must demonstrate that they verified correction of *each* individual case of the

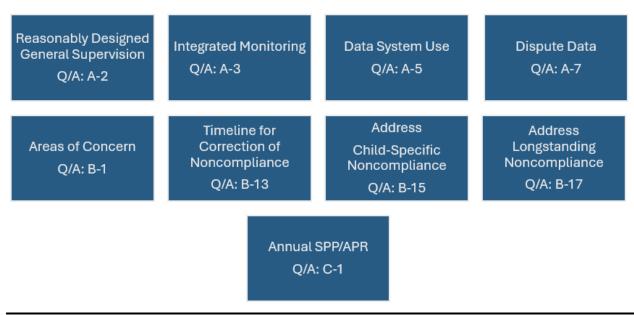




previously noncompliant files or records, rather than using a subset of such records. (See Question B-15.)

Other key topics in this guidance incorporate longstanding policy and include public reporting of State, LEA, and EIS program performance; enforcement actions; and State responsibilities for general supervision during disasters.

Some key terms and questions at a glance:



OSEP's Questions and Answers on IDEA Part B Dispute Resolution Procedures (July 23, 2013)

MEDIATION

A. Mediation

Authority: The requirements for mediation are found in the regulations at 34 CFR §300.506.





Question A-1: What is mediation?

Answer: Mediation is an impartial and voluntary process that brings together parties that have a dispute concerning any matter arising under 34 CFR part 300 (the Part B of IDEA (Part B) regulations) to have confidential discussions with a qualified and impartial individual. The goal of mediation is for the parties to resolve the dispute and execute a legally binding written agreement reflecting that resolution. Mediation may not be used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B. 34 CFR §300.506(b)(l) and (8).

Question A-4: Who are the parties to mediation? Can states offer mediation to individuals and organizations other than parents?

Answer: Parties to mediation are parents of a child with a disability, as defined in

34 CFR §300.30 and the LEA, or, as appropriate, a state agency in accordance with 34 CFR §300.228, the SEA, or other public agencies that have responsibility for the education of children with disabilities. 34 CFR §300.506. Unlike state complaints, which can be filed by an organization or individual other than the child's parents, the IDEA contemplates that mediation must be made available only to parents and public agencies to resolve disputes involving any matter under 34 CFR part 300, including matters arising prior to the filing of a due process complaint.

While IDEA does not require that mediation be made available to nonparents, there is nothing in IDEA that would prohibit a state from making mediation available to resolve disputes between public agencies, organizations, or individuals other than the child's parent regarding matters arising under IDEA and its implementing regulations. 34 CFR \$300.152(a)(3)(ii) and (b)(l)(ii); see also Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Regulations, *Analysis of Comments and Changes*, 71 FR 46540, 46604 (Aug. 14, 2006).





Question A-6: What are the types of issues that can be the subject of mediation?

Answer: The mediation process offers an opportunity for parents and public agencies to resolve disputes about any matter under 34 CFR part 300, including matters arising prior to the filing of a due process complaint. 34 CFR \$300.506(a). This includes matters regarding the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to a child with a disability, as well as any other matters arising under 34 CFR part 300 that may not be the subject of a due process complaint. An example of a matter that cannot be the subject of a due process complaint but that can be the subject of mediation is a dispute regarding the alleged failure of a particular SEA or LEA employee to be highly qualified. 34 CFR \$300.18(£); see also Question C-1 in Questions and Answers on Highly Qualified Teachers Serving Children with Disabilities, January 2007.

Question A-11: Does the IDEA address where mediation sessions are held?

Answer: The IDEA provides that each session in the mediation process must be held in a location that is convenient to the parties to the dispute. 34 CFR §300.506(b)(5). OSEP encourages the parties to work together to determine a convenient location for a mediation session that is acceptable to both parties. If the parties are comfortable with the location of the mediation session, it is more likely that they will work cooperatively to achieve a resolution of their dispute.

Question A-16: Who pays for the mediation process?

Answer: IDEA provides that the state must bear the cost of the mediation process required under section 615(e) of IDEA and 34 CFR §300.506, including the fee charged by the mediator and the costs of meetings described in 34 CFR §300.506(b)(2) to discuss the benefits of the mediation process. Therefore, states may not require their LEAs to use Part





B funds to pay the costs of mediation. 71 FR 46624 (August 14, 2006). In addition, IDEA does not allow states that choose to make mediation available to parties other than parents or offer mediation on matters not addressed in IDEA to use IDEA funds for those activities.

Question A-17: How is a mediator selected?

Answer: The success of mediation is closely related to the mediator's ability to obtain the trust of both parties and commitment to the process. 64 FR 12612 (March 12, 1999). One important way to establish this trust is the selection of a qualified and impartial mediator. To build trust and commitment in the process of selecting a mediator, IDEA provides several mechanisms for selecting a mediator. The state must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations related to the provision of special education and related services. 34 CFR \$300.506(b)(3)(i). The state must select a mediator from this list on a random, rotational, or some other impartial basis. 34 CFR \$300.506(b)(3)(ii). The state's selection of mediators on an impartial basis would include permitting the parties involved in a dispute to agree on a mediator. 71 FR 46695 (August 14, 2006).

Question A-18: May more than one mediator be selected to conduct mediation under IDEA?

Answer: No. The mediation process required under IDEA specifies that the mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. 34 CFR §300.506(b)(l)(iii). The use of a single mediator is important to ensure clear communication and accountability. 64 FR 12611-12612 (March 12, 1999). Therefore, it is impermissible for states to use a panel of mediators to resolve disputes between parents and public agencies involving matters arising under 34 CFR part 300.





Question A-22: If the parties to the mediation process resolve their dispute, must the agreement reached by the parties be in writing?

Answer: Yes. If the parties resolve a dispute through the mediation process, the parties must execute a legally binding written agreement that sets forth that resolution and states that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. In order for the agreement to be legally binding, it must be in writing. The agreement must be signed by both the parent and a representative of the public agency who has the authority to bind the agency. 34 CFR §300.506(b)(6). It is important that the parties understand that the mediation agreement is legally binding and that it is enforceable in any state court of competent jurisdiction or in a district court of the United States or by the SEA, if applicable. 34 CFR §\$300.506(b)(7) and 300.537. Parties are free to consult with others before entering into a mediation agreement.

Question A-26: May parties to the mediation process be required to sign a confidentiality pledge or agreement prior to, or as a precondition, to the commencement of the mediation process?

Answer: No. In the Notice of Proposed Rulemaking implementing IDEA Amendments of 2004, the Department included a provision that would have required parties to a mediation to sign a confidentiality pledge, without regard to whether the mediation ultimately resolved the dispute. 70 FR 35870 (June 21, 2005). This proposed provision was based on Note 208 of Conf. Rpt. (Conference Report) No. 108-779, p. 216 (2004). 14 However, the Department decided to remove this proposed provision when the final Part B regulations were published in 2006 based on the statutory requirement in section 615(e)(2)(G) that discussions that occur during the mediation process must remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. 71 FR 46696 (August 14, 2006).





Additionally, if the parties resolve a dispute through the mediation process, as noted above, 34 CFR \$300.506(b)(6)(i) requires that the legally binding written agreement contain a statement that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. 34 CFR \$300.506(b)(6)(i). This is so even if the parties do not enter into a mediation agreement. However, nothing in these regulations is intended to prevent states from allowing parties to sign a confidentiality pledge to ensure that discussions during the mediation process remain confidential, irrespective of whether the mediation results in a legally binding written agreement resolving the dispute. 71 FR 46696 (August 14, 2006).

Question A-27: May a state use nonjudicial mechanisms (e.g., state complaint procedures) to resolve allegations that the public agency did not implement a mediation agreement?

Answer: Yes, as long as the use of those mechanisms is voluntary and does not operate to deny or delay the parties' right to seek judicial enforcement of mediation agreements. IDEA provides that parties who resolve a dispute through the mediation process under 34 CFR \$300.506 must execute a legally binding written agreement that sets forth that resolution. 34 CFR \$300.506(b)(6). A written, signed mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States. 34 CFR \$300.506(b)(7). However, notwithstanding the provisions in 34 CFR \$\$300.506(b)(7) addressing judicial enforcement of mediation agreements and 300.510(d)(2), addressing judicial enforcement of resolution agreements, nothing in part 300 would prevent the SEA from using other mechanisms to seek enforcement of those agreements, provided that the use of the State's mechanisms is not mandatory and does not delay or deny a party the right to seek enforcement of the written agreement in a state court of competent jurisdiction or in a district court of the United States. 34 CFR \$300.537. Therefore, in addition to judicial enforcement of mediation and resolution agreements, 34 CFR \$300.537 gives states the flexibility to allow enforcement of those agreements through other state





mechanisms such as their state complaint resolution procedures in 34 CFR §§300.151-300.153. 71 FR 46604-46605 and 71 FR 46703 (August 14, 2006).

STATE COMPLAINTS

Q/A:

Question B-3: Who may file a state complaint?

Answer: Any organization or individual, including one from another state, may file a signed written state complaint that meets the requirements in 34 CFR §300.153. 34 CFR 300.151(a).

Question B-4: Are there any mechanisms that an SEA must provide to assist parents and other parties in filing a state complaint?

Answer: Yes. Under 34 CFR §300.509, each SEA must develop model forms to assist parents and other parties in filing a state complaint; however, the SEA or LEA may not require the use of the model forms. Parents and other parties may use the appropriate model form, or another form or document, so long as the form or document that is used meets the content requirements in 34 CFR §300.153 for filing a state complaint. If the SEA's model form includes content not required by 34 CFR §300.153, the form must identify that content and specify that it is optional.

Question B-5: If a parent wishes to challenge a public agency's eligibility determination, may a parent file a state complaint?

Answer: Yes. The Department's long-standing position is that an SEA may not refuse to resolve a parent's state complaint challenging a public agency's eligibility determination through its complaint resolution procedures even though the complaint concerns a matter





that could also be the subject of a due process complaint to request a due process hearing.

Question B-6: How should an SEA resolve a state complaint challenging a public agency's eligibility determination?

Answer: In resolving a state complaint challenging a public agency's eligibility determination, an SEA should determine not only whether the public agency has followed the required Part B procedures to reach its determination, but also whether the public agency has reached a determination consistent with Part B requirements governing the evaluation and eligibility determination in 34 CFR §§300.304-300.311, in light of the individual child's abilities and needs. The SEA must determine whether the child was determined eligible based on evidence that he or she met the definition of "child with a disability" under 34 CFR \$300.8 and fell within the age ranges specified at 34 CFR §§300.101 and 300.102. To do so, the SEA may need to review the evaluation data in the child's record or any additional data provided by the parties to the complaint. In addition, the SEA may need to review the explanation included in the public agency's prior written notice to the parents under 34 CFR \$300.503 explaining why the agency made the challenged eligibility determination (and/or refused to make an alternative determination requested by the parents or others). If necessary, the SEA may need to interview appropriate individuals to determine: (1) whether the public agency followed procedures and applied standards that are consistent with state standards, including the requirements of Part B; and (2) whether the public agency's eligibility determination is consistent with those standards and supported by the evaluation and other data included in the child's record or the information provided by the parties to the complaint. The SEA may find that the public agency has complied with Part B requirements if the public agency has followed required procedures, applied required standards, and reached a determination that is reasonably supported by the child-specific data and is consistent with Part B. If the SEA determines that the public agency's eligibility determination is not supported by the childspecific facts, the SEA can order the public agency, on a case-by-case basis, to reconsider





the eligibility determination in light of those facts. In addition, a parent always has the right to challenge the public agency's eligibility determination by filing a due process complaint to request a due process hearing and may also engage in mediation with the public agency to seek to resolve the dispute.

Question B-13: May states establish procedures permitting a state complaint to be filed electronically?

Answer: Yes. Under 34 CFR §300.153(a), a complaint must be signed and written. This regulation does not address whether states can accept state complaints filed electronically with digital or electronic signatures. Because IDEA does not prohibit this practice, states considering accepting or choosing to accept, electronic submissions of state complaints with electronic signatures would need to ensure that there are appropriate safeguards to protect the integrity of the process. 71 FR 46629 (August 14, 2006) (regarding whether states can accept electronic parental consent). In developing the appropriate safeguards, states should consider that the Department has addressed criteria for accepting electronic signatures to satisfy the signed written consent requirements in the FERPA regulations in 34 CFR part 99. Under 34 CFR §99.30(d), "signed and dated written consent" may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the consent and indicates such person's approval of the information contained in the electronic consent. Applying these criteria to electronic complaint submissions, it would be reasonable for states that either are considering accepting, or have chosen to accept, electronic filings of Part B state complaints with electronic signatures to ensure that their process includes safeguards sufficient to identify or authenticate the complainant and indicate that the complainant approves of the information in the complaint. In other words, these safeguards should be sufficient to ensure that an organization or individual submitting a complaint electronically understands that the complaint has the same effect as if it were filed in writing. States would also need to ensure that the same confidentiality requirements that apply to signed written state complaints apply to state complaints filed electronically. 34 CFR §§300.611-





300.626. States that are considering or have chosen to accept state complaints filed electronically with electronic signatures also should consult any relevant state laws governing electronic transactions.

Question B-14: Must states have procedures for tracking when state complaints are received, including state complaints filed electronically, if applicable?

Answer: Yes. Each SEA must include in its minimum state complaint procedures a time limit of 60 days after the date that the complaint is filed to resolve the complaint. 34 CFR \$300.152(a). This includes all signed written complaints, including complaints filed electronically, if applicable. The Department interprets this requirement to mean that States must ensure that the 60-day time limit for complaint resolution begins on the date that a complaint is received. While a state has some discretion in determining when a complaint is considered received, the SEA must ensure that its procedures allow for the timely resolution of complaints and are uniformly applied, consistent with 34 CFR \$300.152(a) and (b). For example, if a state complaint is filed electronically on a day that is not considered a business day (e.g., the weekend), the state could consider the complaint received on the date the complaint is filed or on the next business day.

Under 34 CFR §300.151(a)(2), the state must adopt procedures for widely disseminating to parents and other interested individuals, including parent training and information centers, community parent resource centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the state complaint resolution procedures under 34 CFR §8300.151-300.153. These must include criteria the state uses for determining when the state considers a state complaint to be received. Likewise, information about filing and timelines for resolving state complaints must also be included in the explanation of state complaint procedures in the procedural safeguards notice to parents in accordance with 34 CFR §300.504(c)(5). The procedural safeguards notice must be provided to parents at least one time a school year, upon receipt of the first state complaint in a school year, and in the other circumstances specified in 34 CFR §300.504(a).





Question B-26: Can an issue that is the subject of a state complaint also be the subject of a due process complaint requesting a due process hearing?

Answer: Yes. An issue in a state complaint can also be the subject of a due process complaint requesting a due process hearing, as long as the issue relates to a matter regarding the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to the child, as described in 34 CFR §300.507(a)(l) or to a disciplinary matter as described in 34 CFR §\$300.530-300.532. If a due process complaint is filed on an issue that is also the subject of a pending state complaint, the state must set aside any part of the state complaint that is being addressed in the due process hearing until the hearing officer issues a final decision. However, any issue in the state complaint that is not part of the due process action must be resolved using the 60-day time limit and procedures described in 34 CFR §300.152(a) and (b). 34 CFR §300.152(c)(l).

Question B-30: Once an SEA resolves a state complaint, what must the SEA's written decision contain?

Answer: Within 60 days of the date that the complaint was filed, subject to allowable extensions, an SEA is required to issue a written decision to the complainant that addresses each allegation in the complaint and contains: (1) findings of fact and conclusions; and (2) the reasons for the SEA's final decision. 34 CFR \$300.152(a)(5). In addition, under 34 CFR \$300.152(b)(2), the SEA must have procedures for effective implementation of its final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance. Therefore, if necessary to implement the SEA's final decision, the SEA's written decision must contain remedies for the denial of appropriate services, including corrective actions that are appropriate to address the needs of the child or group of children involved in the complaint. If appropriate, remedies could include compensatory services or monetary reimbursement, and





measures to ensure appropriate future provision of services for all children with disabilities. 34 CFR §300.151 (b).

Question B-31: What is the SEA's responsibility after a written decision on a state complaint is issued?

Answer: The SEA must ensure that the public agency involved in the complaint implements the written decision on the complaint in a timely manner. The state's complaint procedures must include procedures for effective implementation of the SEA's final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance. 34 CFR §300.152(b)(2).

To ensure corrective action and pursuant to its general supervisory responsibilities in 34 CFR §§300.149 and 300.600, the SEA must inform the public agency that is involved in the complaint of any findings of noncompliance and the required corrective action, and ensure that the corrective action is completed as soon as possible and within the timeframe specified in the SEA's written decision, and in no case later than one year of the state's identification of the noncompliance. 34 CFR §300.600(e).

Question B-32: May a state complaint decision be appealed?

Answer: The regulations are silent as to whether a state complaint decision may be appealed. The regulations neither prohibit nor require the establishment of procedures to permit either party to request reconsideration of a state complaint decision, although as noted below, the parent or public agency may use mediation or file a due process complaint to request a due process hearing to resolve disputed issues.





DUE PROCESS COMPLAINTS AND DUE PROCESS HEARING PROCEDURES

Authority: The requirements for due process complaints and due process hearings are found in the regulations at 34 CFR §§300.507-300.516.

Q/A:

Question C-7: Must states have procedures for tracking when due process complaints are received, including due process complaints filed electronically if a state accepts due process complaints filed electronically?

Answer: Yes. States must have procedures, which may be determined by state law, to determine when due process complaints are received, whether filed in hard copy or electronically, including mechanisms to ensure the timely resolution of due process complaints in accordance with 34 CFR \$300.510 and for the timely resolution of due process hearings in accordance with 34 CFR \$300.515. While a state has some discretion in establishing procedures for determining when a due process complaint notice is considered received, the state remains responsible for ensuring that its procedures allow for the timely resolution of due process complaints and due process hearings and are uniformly applied, consistent with 34 CFR \$\$300.510 and 300.515. For example, if a due process complaint notice is filed electronically on a day that is not considered a business day (e.g., the weekend), the state could consider the due process complaint notice received on the date the due process complaint notice is filed or on the next business day.

Under 34 CFR §300.504(c)(5), the state must include an explanation of the state's due process complaint procedures in the notice of procedural safeguards, which must be given to parents one time a year and upon receipt of the first due process complaint under 34 CFR §300.507 in a school year. Because these procedures must include filing and decisional deadlines, these procedures would need to address the criteria that the state uses for determining when the state considers a due process complaint notice to be





received, including due process complaint notices filed electronically, if the state permits due process complaints to be filed electronically.

Question C-8: Are there any mechanisms that an SEA must provide to assist parents and public agencies in filing a due process complaint?

Answer: Under 34 CFR §300.509, each SEA must develop model forms to assist parents and public agencies in filing a due process complaint; however, the SEA or LEA may not require the use of the model forms. Parents and public agencies may use the appropriate model form, or another form or document, so long as the form or document that is used meets the content requirements in 34 CFR §300.508(b) for filing a due process complaint. If the SEA's model form includes content not required by 34 CFR §300.508(b), the form must identify that content and specify that it is optional.

Question C-21: Once the 30-day resolution period or adjusted resolution period expires, what is the timeline for issuing a final hearing decision?

Answer: The public agency conducting the due process hearing (either the SEA or the public agency directly responsible for the education of the child) must ensure that not later than 45 days after the expiration of the 30-day resolution period described in 34 CFR \$300.510(b) or the adjustments to the time period permitted in 34 CFR \$300.510(c), a final decision is reached in the due process hearing and a copy of the decision is mailed to each of the parties. The SEA is responsible for monitoring compliance with this timeline, subject to any allowable extensions described in Question C-22. 34 CFR \$\$300.149 and 300.600.

Question C-26: What is the SEA's responsibility after a due process hearing decision is issued?

Answer: Hearing decisions must be implemented within the timeframe prescribed by





the hearing officer, or if there is no timeframe prescribed by the hearing officer, within a reasonable timeframe set by the State as required by 34 CFR §§300.511-300.514. The SEA, pursuant to its general supervisory responsibility under 34 CFR §§300.149 and 300.600, must ensure that the public agency involved in the due process hearing implements the hearing officer's decision in a timely manner, unless either party appeals the decision. If necessary to achieve compliance from the LEA, the SEA may use appropriate enforcement actions consistent with its general supervisory responsibility under 34 CFR §§300.600 and 300.608.

Question C-27: Which public agency is responsible for transmitting the findings and decisions in a hearing to the state advisory panel (SAP) and making those findings and decisions available to the public?

Answer: The entity that is responsible for conducting the hearing transmits the findings and decisions to SAP and makes them available to the public. In a two-tier system where the hearing is conducted by the public agency directly responsible for the education of the child (i.e., the LEA), that public agency, after deleting any personally identifiable information, must transmit the findings and decisions in the hearing to the SAP and make those findings and decisions available to the public. In a one-tier system where the hearing is conducted by the SEA, the SEA must first delete any personally identifiable information and then transmit the findings and decisions in the hearing to the SAP and make those findings and decisions available to the public. 34 CFR §300.513(d). If a state has a two-tier due process system and the decision is appealed, the SEA, after deleting any personally identifiable information, must transmit the findings and decisions in the review to the SAP and make those findings and decisions available to the public. 34 CFR §300.514(c). In carrying out these responsibilities, SEAs and LEAs must comply with the confidentiality of information provisions in 34 CFR §\$300.611-300.626. 34 CFR §300.610.

OSEP has advised that in a one-tier due process system, the SEA may meet these requirements by means such as posting the redacted decisions on its website or another





website location dedicated for this purpose and directing SAP members or members of the public to that information.

RESOLUTION PROCESS:

Authority: The requirements for the resolution process are found in the regulations at 34 CFR \$300.510.

Q/A:

Question D-4: If a due process complaint is amended and the 15-day timeline to conduct a resolution meeting starts over, must the LEA conduct another resolution meeting?

Answer: Yes. Under 34 CFR §300.508(d)(3), a party may amend its due process complaint subject to the following conditions. The other party must consent in writing to the amendment and be given the opportunity to resolve the complaint through a meeting held pursuant to 34 CFR §300.510.

Alternatively, the hearing officer may grant permission to amend the complaint at any time not later than five days before the due process hearing begins. This process is intended to ensure that the parties involved understand the nature of the complaint before the due process hearing begins. 71 FR 46698 (August 14, 2006).

Under 34 CFR §300.508(d)(4), when a due process complaint is amended, the timeline for the resolution meeting and the time period for resolving the complaint begin again with the filing of the amended due process complaint. 71 FR 46698 (August 14, 2006).

Question E-1: What is an expedited due process hearing?

Answer: An expedited due process hearing is a hearing involving a due process complaint regarding a disciplinary matter, which is subject to shorter timelines than a due process hearing conducted pursuant to 34 CFR §§300.507-300.516. Under 34 CFR §300.532(a), a





parent2 of a child with a disability who disagrees with any decision regarding placement under 34 CFR §\$300.530 and 300.531, or the manifestation determination under 34 CFR §300.530(e), or an LEA that believes that maintaining the child's placement is substantially likely to result in injury to the child or to others, may appeal the decision by requesting a hearing. If a parent or LEA files a due process complaint to request a due process hearing under one of these circumstances the SEA or LEA is responsible for arranging an expedited due process hearing, which must occur within 20 school days of the date that the due process complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing. 34 CFR §300.532(c)(2). Although this hearing must be conducted on an expedited basis under these shortened timelines, it is an impartial due process hearing subject to the requirements of 34 CFR §\$300.507, 300.508(a)-(c), and §\$300.510-300.514, except as provided in 34 CFR §300.532(c)(2)-(4), as described in Question E-3. 34 CFR §300.532(c)(l).

The shortened timelines for conducting expedited due process hearings in disciplinary situations should enable hearing officers to make prompt decisions about disciplinary matters while ensuring that all due process protections in 34 CFR §§300.510-300.514 are maintained. Note that when a due process complaint requesting an expedited due process hearing is filed either by the parent or the LEA, the child must remain in the alternative educational setting chosen by the IEP Team pending the hearing officer's decision or until the time period for the disciplinary action expires, whichever occurs first, unless the parent and the public agency agree otherwise. 34 CFR §300.533 and 71 FR 46726 (August 14, 2006).

Question E-6: May a party challenge the sufficiency of a due process complaint requesting an expedited due process hearing?

Answer: No. The sufficiency provision in 34 CFR §300.508(d), described previously in Questions C-3 and C-4 of this Q&A document, does not apply to expedited due process complaints. Because of the shortened timelines that apply to conducting an expedited due





process hearing, it would be impractical to extend the timeline in order for this provision to apply. 34 CFR §300.532(a) and 71 FR 46725 (August 14, 2006).

Question E-7: May a hearing officer extend the timeline for making a determination in an expedited due process hearing?

Answer: No. The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the due process complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing. 34 CFR §300.532(c)(2). There is no provision in Part B regulations that would give a hearing officer conducting an expedited due process hearing the authority to extend the timeline for issuing this determination at the request of a party to the expedited due process hearing.

A state may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines in 34 CFR 300.532(c)(3), those rules must be consistent with 34 CFR §§300.510 through 300.514.

SYSTEM 1: ICHAMP ELECTRONIC FILING SYSTEM

- Self-serve features available at any time
- Instructive dispute resolution options





• Access old complaints and hearings. Search by school corporation or IDEA issue.







Available at I-CHAMP.

SYSTEM 2: Internal customer relationship management (CRM)

- Database management system that tracks/documents the activities of users in a case from start to finish and notices parties involved;
- Links associated complaints, mediations, and hearings;
- Preserves the records;
- Generates unique reports as needed;
- · Provides notices of due dates to officers; and
- Other features to support general supervision and monitoring.





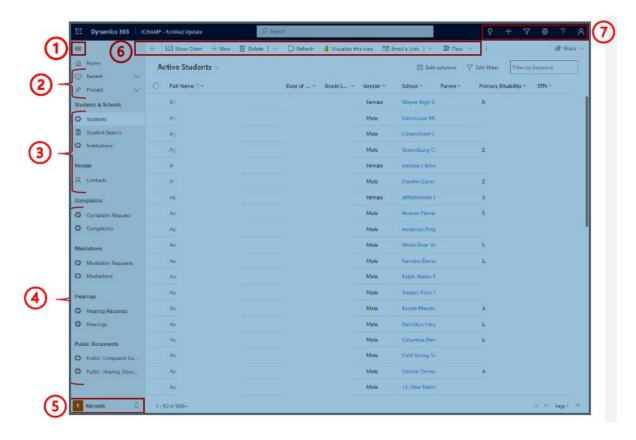


NAVIGATION

The gray section on the left-hand side of D365 CRM (also referred to as the **Site Map**) provides the navigational options available in the system







- 1. **Menu button** Select to open or collapse the site map.
- 2. This area provides access to items that you **recently worked on** and records that you want to have **pinned** to the site map for easier access.
- 3. This is where you can search for **students, institutions, contacts,** and their associated records.





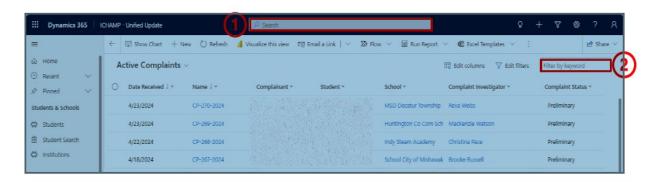
- 4. This section provides access to everything that you need in regard to **Complaints**, **Hearings**, and **Mediations**.
- 5. Work Area Use this feature to switch between the different work areas available in the application.
- 6. Access the ribbon/command bar for quick actions.
- 7. **App Bar:** Provides quick access to various tools that can assist you while you are working:

SEARCH OPTIONS

- 1. **Global Search** Queries across the entire D365 database, checking across multiple entities (or tables). When using this feature, results will include records that begin with a specific word. For example, if you want to search for "Alpine Ski House", type **alp** in the search box; if you type **ski**, the record won't be found.
- Entity Search This search feature is more refined and only looks through records
 for the specific entity and view chosen. For example, if you are in the "Active
 Complaints" view, the results will only display search results for Complaint records
 with a Status of Active.

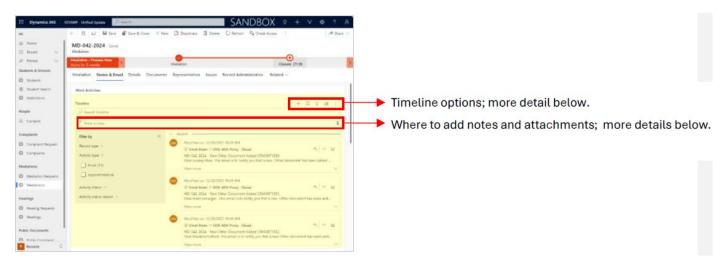






TIMELINE

The **timeline** is a feature available on Complaint, Mediation, and Hearing records in D365 to capture activities like notes, appointments, emails, tasks and more to ensure all interactions are tracked and visible over time. It's rich in features and functionality that can be configured and tailored (by a system administrator) to support specific business needs.



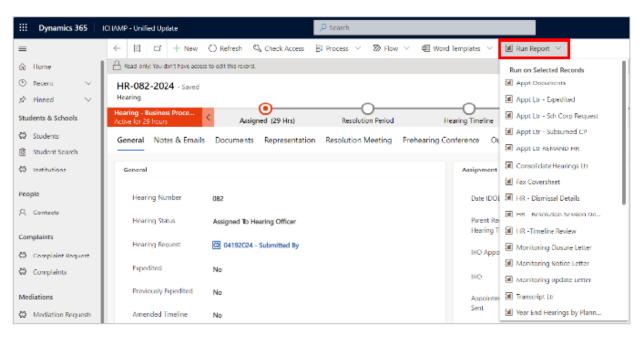




LETTERS/REPORTS

Overview of Reports

Whenever you are on a case record in the system, there are various report or template letter options available for export. By running a report/letter from within a record itself, they will be exported with pre-populated data from the system. To do so, find the **Run Report** button along the main ribbon.











List of available reports, by dispute option:

COMPLAINTS:

Run on Selected Records

- Additional Issue Ltr
- Assignment Sheet
- Blank CP Template Parent
- Es sidilité l'emplore l'arent
- III Blank CP Template School
- □ CA Compliance Closure Ltr
- ☑ CA Noncompliance
- **Ⅲ** CIR
- CIR Cover Ltr
- Closure Letter CA
- Closure Ltr No CA
- Closure Ltr WA
- Closure Ltr WD V
- Closure MD Agreement
- Closure WD Written
- Complaint Addendum Preli...
- d CP Fax Coversheet
- III Issue Letter
- Issue Ltr Revised
- Laura's Test Report

 Mediation Issues Ltr
- III Notice of Subsumed CP
- III Prelim Ltr
- III Recon Denied Closure Ltr
- III Recon Denied Need CA Ltr
- Recon Denied Timeline Ltr
- III Recon Notice Letter
- III Recon Revised Report
- Revised Notification MD Iss...
- III Revised Recon Cover Letter
- II Tolled Timeline MD Notific...
- III Withdrawl Written

- Run on All Records
- Appt Ltr Subsumed CP
- FV Complaint Count
- FY Complaint Issue Count
- FY Federal Report
- III FY Request by Roundtable
- III FY Request by School
- FY Request Summary
- Yearly Complaint Issues

MEDIATIONS:

Run on Selected Records

- Assignment Ltr
- MD Agreement
- Scheduling Ltr

Run on All Records

- III FY Federal Report
- III FY MD Invoice Totals
- FY Mediation Count
- FY Mediation Issue Count
- FY Request by Roundtable
- III FY Request by School
- FY Request Summary
- Invoice Summary

HEARINGS:

Run on Selected Records

- Appt Documents
- Appt Ltr Expedited
- Appt Ltr Sch Corp Request
- Appt Ltr Subsumed CP
- Appt Ltr REMAND HR
- Consolidate Hearings Ltr
- Fax Coversheet
- III HR Dismissal Details
- III HR Resolution Session De...
- III HR -Timeline Review
- Monitoring Closure Letter
- Monitoring Notice Letter
- Monitoring Update Letter
- Transcript Ltr
- Year End Hearings by Plann...





MANAGING COMPLAINTS, HEARINGS, AND MEDIATIONS DOCUMENTS

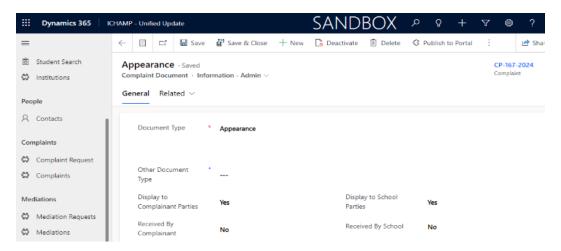
Where Portal Documents are meant to accept documents from an associated Complaint Request, Mediation Request, or Hearing Request. These documents can be disseminated to external IDOE participants.

From the document record in D365 CRM, users can view and update the Document Type, if it should be displayed to the complainant or school, and if the complainant or school received the document. **Complaints:** Documents uploaded by a CI default to being shown to both the Complainant and School.

Mediations: Documents can only be uploaded by the Dispute Resolution Team and the Mediator. Parties cannot upload in ICHAMP. All parties see anything uploaded in the mediation, apart from the billing statement.

Hearing Requests: Documents can be uploaded by any party to the matter. The documents uploaded default to being visible by all. Once uploaded, documents cannot be deleted by any party outside of the Dispute Resolution Team.

To update if the document should be displayed to the complainant or school, use the **Yes/No** options next to the respective field, and **save** the record.



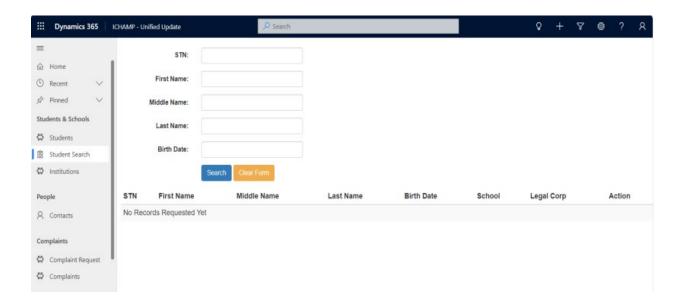




Student Search Feature - How to Use

The student search button is helpful when you are processing a new matter, and you type in the field student like the first and last name and can't find the student. Ex 1: If First Name = Andrew and Date of Birth = 11/3/1999, the system will return all Students with a First Name of Andrew and Date of Birth 11/3/1999.

Ex 2: First Name = Mc. That will return all Student with a First Name of Mc. It will not return McKenna, McCoy, McKayla, or any other version of the name.

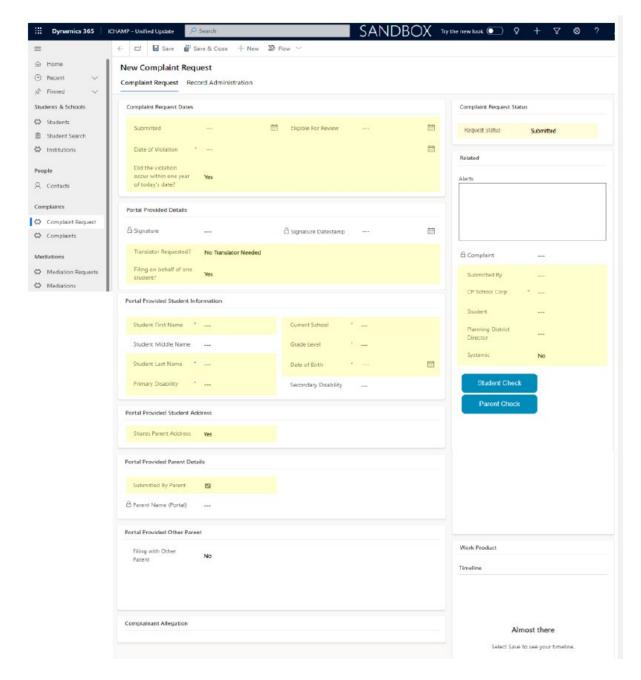


How to Create a Complaint Request

Manually (fax submission) Complaint Requests submitted by fax or paper copy must be manually added to D365 CRM. To create a new Complaint Request, navigate to Complaint Request on the left-hand side navigational panel under Records. Then click + New on the main ribbon.







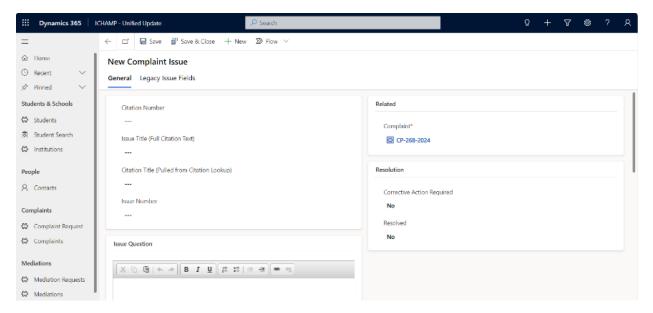




Sample Complaint Investigator Tasks:

Adding Issues to Complaints

- From within a Complaint record, go to the Issues & Report tab.
- Next, under the Issues sub-grid, select the + New Complaint Issue.

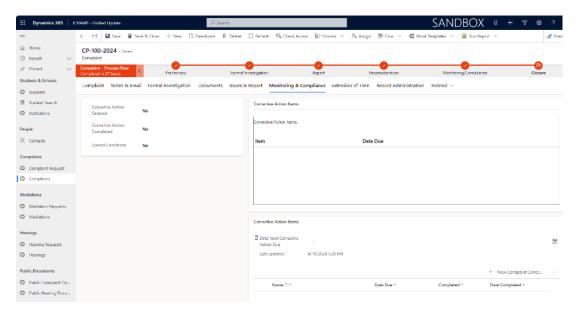


Adding Corrective Action

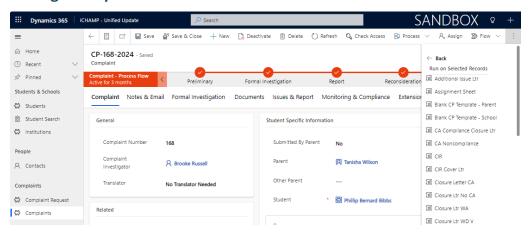
- From within a complaint record, click on the Monitoring & Compliance tab.
- Under the bottom section, click on the + New Complaint Corrective Action button.







Writing the Report







Edit Filter



INDIANA DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION

COMPLAINT INVESTIGATION REPORT

COMPLAINT NUMBER: CP-166-2024
COMPLAINT INVESTIGATOR: Reva Weiss
DATE COMPLAINT FILED: 1/9/2024

COMPLAINT ISSUES:

1.

FINDINGS OF FACT:

CONCLUSIONS:

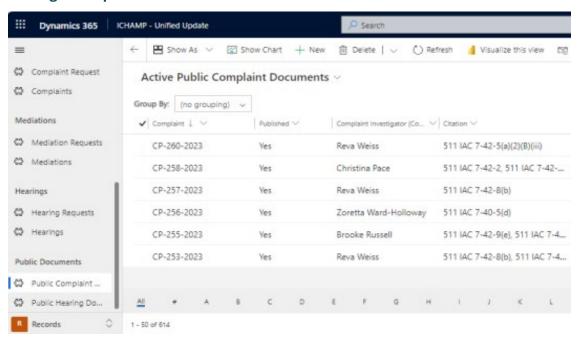
1.

The Department of Education, Office of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

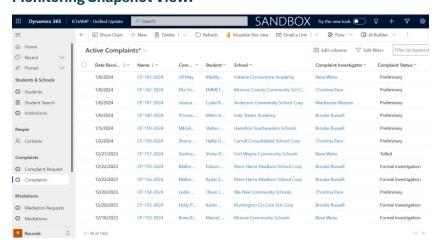




Posting the Report



Monitoring Snapshot View:



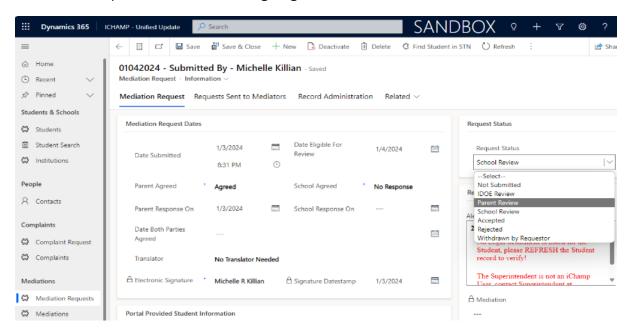




MEDIATION

School/Parent Agreement to Mediate

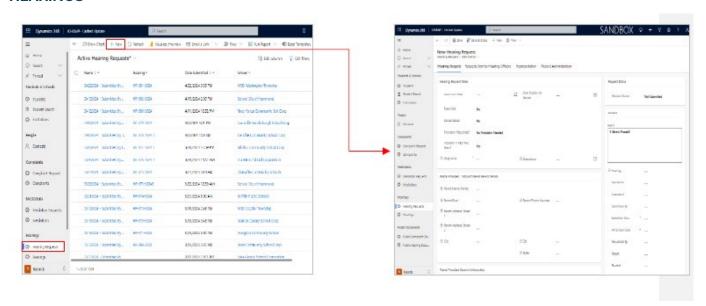
- IDEA Mediation is a voluntary process, and both the school and parent must agree to the mediation. As such, a request for mediation must be approved by the non-submitting party.
- To accomplish this, change the Request Status to Parent Review or School Review, depending on which party submitted the request (i.e., choose the "other" party).
- Upon saving the record, the Mediation Request is sent to the non-submitting party. In the I-CHAMP Portal, the reviewing party can agree or decline the mediation.
 - o If the mediation is declined, it will not move forward.
 - o If the mediation is agreed to, IDOE Staff may move to the next step in the process, which is assigning a mediator.







HEARINGS

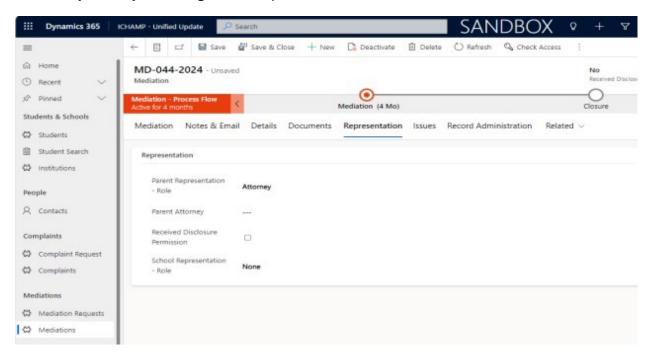






How to enter an appearance for a mediation request (with or without ICHAMP access)

All due process appearances are manually entered. Attorneys will email the appearance document to the DRT team, then the program manager or a DRT team member adds them into the system by following these steps:







D16 ICHAMP Portal – User Experience Feedback

I-CHAMP

SURVEY ANALYSIS

OVERALL STATS:

- 43 Responses
- Average time to complete survey: 3 minutes, 30 seconds
- 70% of respondents use the portal monthly
- 86% of respondents were school personnel (Local Director, Planning District Director, Superintendent)
- Dispute resolution process primary use:
 - o Complaints 66%
 - o Mediations 4%
 - o Hearings 30%

System ease of use: 7.91

- o 32% (14 users) selected 10/10
- o 20% (9 users) selected 9/10
- o 11% (5 users) selected 8/10
- o 16% (7 users) selected 7/10
- o 9% (4 users) selected 5/10
- o 7% (3 users) selected 4/10
- o 5% (2 users) selected 3/10

• 3 Highest scored responses:

- o "I receive frequent communication from the ICHAMP team" 8.64/10
- o "Overall, how do you rate the ICHAMP Portal?" 7.95/10
- o "The ICHAMP Portal is easy to use" 7.91/10

• Other

- o 75% of respondents find that the User Guides are helpful and meet their needs
- o 82% understand where to go for requests to mediate requiring their attention
- o 77% understand how to change their view from open to closed matters

USER CHALLENGES





22 total responses

*Did not include comments from parents venting or responses not related to the portal.

- Sometimes I struggle finding the area to submit the results of open mediation, complaints, and due processes.
- I am just learning that you can view closed cases while taking this survey. I will have to go back to the user manuals to teach myself.
- The login page and dashboard page are virtually the same page. It seems reasonable to expect to view something different once you are logged in.
- I didn't know what I was doing at all. There were a lot of questions I had that I didn't know where to get the answers to nor did I have enough time to find the answers. I was so confused about the whole process and no one to guide me.
- It's not that user friendly.
- Closed, old cases often remain on my dashboard.
- Having a link to Documents similar to courts system would be helpful. Delays getting confirmation of filings. Often glitches in system offline, emails alerts didn't work, needing updates etc.
- Finding closed complaints was a challenge at first before I learned the system. Also, I don't particularly appreciate that I can delete documents I do not own.
- The only challenge is remembering to go in and enter the information to close out a resolution session. I always forget that step, so the email reminders are helpful.
- There are far too many "clicks" to get to where I need to go.
- New users struggle to navigate and learn.
- I am certain that all my uploads do not always reach my assigned mediator or CI as they don't always receive it then I have to reupload it.





USER COMMENTS OR SUGGESTIONS FOR IMPROVING THE PORTAL

*Comments not directly related to portal enhancements are not listed below.

- There should be **mandatory training** for new director to train in how to navigate the system and get log-in information.
- Once logged in it would be nice **to go directly to the information I need** (complaints, due process) that is specific to my school corporation.
- Maybe a guide tutorial that someone could go back to. Or live chat with Al.
- Remove access to delete documents that are not owned by the user
- Less steps to access filings would be better
- It would be nice if the complaint/hearing/mediation number also included the name/initials of the parties (eg: DK NACS). I know our attorneys have given this feedback when they have multiple complaint/hearings/mediations open.

SURVEY RESPONSES:

