

Chapter 11 Dispute Resolution

Oklahoma Special Education
Policies and Procedures
July 2022



OKLAHOMA
Education



Dispute Resolution



Disagreements sometimes arise between Local Education Agencies (LEA) and parents and/or adult students. Options to assist in resolving disputes include: mediation, due process, and IDEA complaint.



IEP Facilitation

- Voluntary for parents and school personnel
- Offered when disputes arise
- Confidential, thus encouraging all participants to speak freely
- A No-Cost Service to parents and LEAs
- An Alternative that does not delay the status of a due process hearing or formal complaint

Mediation

- Voluntary for parents and school personnel
- Offered when disputes arise, including, but not limited to, formal complaints and due process hearing requests
Confidential, thus encouraging all participants to speak freely
- A No-Cost Service to parents and LEAs
- An Alternative that does not delay the status of a due process hearing or formal complaint

Formal State Complaint

- A formal state complaint may be filed with the OSDE by any individual or organization who believes the LEA or other education agency has violated a requirement of the Individuals with Disabilities Education Act (IDEA).
- The alleged violation occurred not more than one year prior to the date that the complaint is received.
- The complaint must be in writing and include the required information.

OSDE Complaint Procedures

- Determine whether the complaint meets the required criteria.
- Notify the complainant if their submission is insufficient.
- Notify the LEA that a complaint has been received and the timeline to submit documentation.
- Give the complainant the opportunity to provide additional information about the allegations, either orally or in writing.
- Investigate and resolve the complaint and issue a Final Report within 60 calendar days of receipt of the complaint.

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- The report will state:
 - How to remedy any denial of services, which may include the award of compensatory services, or other corrective action as appropriate to the needs of the student
 - The future provision of services for a student with a disability, if such clarification is needed.
- OSDE must ensure the LEA takes corrective action (if applicable).
 - All corrective actions must be completed no later than one year from the issuance of the finding of violation.
 - The OSDE may require a timeline for correction at a date earlier than one year.

Due Process

- A request for a due process hearing may be made by:
 - Parent, adult student, attorney representing the parent/adult student or
 - LEA
- The request must be mailed, emailed, faxed, or hand-delivered.
- All applicable timelines for due process hearings and resolution sessions will start when the request has been filed with the other party and the OSDE.

Regular and Expedited Due Process

- Two types of hearings when a parent, adult student, or attorney files a due process:
 - Regular due process
 - Expedited due process
 - A manifestation determination or an interim education placement during a long-term suspension
 - Removing a student to an Interim Alternative Education Setting (IAES) for 45 school days when there is substantial evidence that maintaining the current educational placement is likely to result in injury to the student or others.

Dispute Resolution Contact & Resources

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- [OSDE-SES Dispute Resolution Webpage](#)
- [Special Education Resolution Center \(SERC\)](#)