

Mediation, Citizen Complaints and Due Process and Complaints

2009 WASA Conference

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Mediation

392-172A-05060 to 05075

- Mediation is voluntary-Parents and Districts must agree.
- OSPI pays for cost of mediation
- Sound Options Mediation and Training Group facilitates mediation, including times and location.
- Mediators are neutral

Mediation Tips

Come prepared to:

- Listen
- Offer solutions
- Focus on the future and needs of the student
- Work cooperatively

Citizen Complaints

WAC 392-172-05025 to 05045

- Citizen Complaint review is through OSPI
- Anyone may file written complaint alleging violations of IDEA and alleging that a district is not implementing a mediation or resolution agreement.
- Investigation timeline is 60 days
- Parties may agree to extend timeline to mediate

Complaint Tips

- The rules require that you admit or deny each allegation.
- Information from the complainant is shared with the district. Information from the district is shared with the complainant.
- The clearer your response, the less likely we will have to request additional information
- Prepare staff for the possible need for interviews or on-site visits

Due Process

WAC 392-172A-05080 to 05125

- Parents or Districts may file hearing request
- Parent or District must file request with specific information on the other party with a copy to OSPI.
- When Parent file, 45 day hearing timeline begins 30 days after filing, for a resolution session period. Districts must convene within 15 days

Due Process, continued

- If resolution is achieved, complete a written agreement, which is enforceable in court. (3 day cancellation period.)
- Other party must file an answer to the complaint.
- Hearings are under oath and heard by administrative law judges.
- Decisions may be appealed. Parents may file a complaint if district does not implement the decision.

Due Process, Discipline

- Hearing to occur 20 school days after request, decision issued 10 school days after hearing. Resolution hearing required within 7 days of parent's due process hearing request.

Due Process Tips

- Be aware of all timelines
- Be prepared
- Be courteous in the hearing

Thank you!

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