



# Commissioner's Back-to-School Meeting

Connecticut State Department of Education | August 15, 2017

[www.ct.gov/sde/backtoschool](http://www.ct.gov/sde/backtoschool)

## Resources from the Bureau of Special Education

### A One-Page Guide to the Special Education Dispute Resolution

The Individuals with Disabilities Education Act (IDEA, the federal special education law) requires that procedures be made available, free of charge, to resolve special education disputes between school districts and families. The following dispute resolution forums are managed by the Due Process Unit of the Bureau of Special Education (BSE).

**State Complaints:** Any individual or organization may submit a complaint to the Connecticut State Department of Education that claims a school district has failed to comply with a requirement of the IDEA or with a requirement of Connecticut laws regarding special education. The complaint procedures are available to resolve disagreements over any matter concerning the identification, evaluation, or the educational placement of a student, or the provision of a free and appropriate public education to such student. In addition, a complaint that alleges a school district has failed to implement a special education due process decision will be reviewed and resolved through this process. The BSE will investigate the complaint through requests for documentation, telephone or in-person communications, and issue a report with findings and conclusions. If a violation of a special education requirement is found, required corrective action(s) may be issued to the school district.

**Mediation:** Mediation is a voluntary process available to families and school districts to resolve disputes regarding the identification, evaluation, educational placement, or the provision of a free, appropriate public education to a student who is, or may be eligible to receive special education and related services. Either party may request mediation although both parties must agree to participate in mediation. Upon receipt of a request for mediation, the Due Process Unit assigns, on a rotational basis,

an impartial mediator to work with the parties to develop an agreement that addresses and resolves the dispute between the parties. Mediations are usually held at the office of the school district and are generally completed within one day. While until recently the mediators have been education consultants in the BSE, at the direction of the federal Office of Special Education Programs (OSEP), the BSE has now contracted with 10 independent, impartial mediators who have the requisite experience and qualifications and who are not employees of the Connecticut State Department of Education.

**Due Process Hearings:** Parents may request a due process hearing to resolve any disputes regarding the identification, evaluation, educational placement, or the provision of a free, appropriate public education to a student who is, or may be eligible to receive special education and related services. Due process hearings are formal, administrative proceedings in which both parties have the opportunity to present evidence and examine and cross-examine witnesses under oath. Hearings are recorded by an independent court reporting service and transcripts of the hearings may be obtained. Upon receipt of a request for hearing, the Due Process Unit assigns an impartial, contracted hearing officer, on a rotational basis, to hear the case, make findings of fact and conclusions of law, and issue a final decision and order; final decisions are appealable to state or federal court. The CSDE currently has 14 due process hearing officers.

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**For detailed information about all aspects of special education dispute resolution, visit the Bureau of Special Education at [www.ct.gov/sde/SpecialEducation](http://www.ct.gov/sde/SpecialEducation) and look under Legal/Due Process.**