

# Resolving Conflict Through the Dispute Resolution Processes

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*Office of General Counsel*

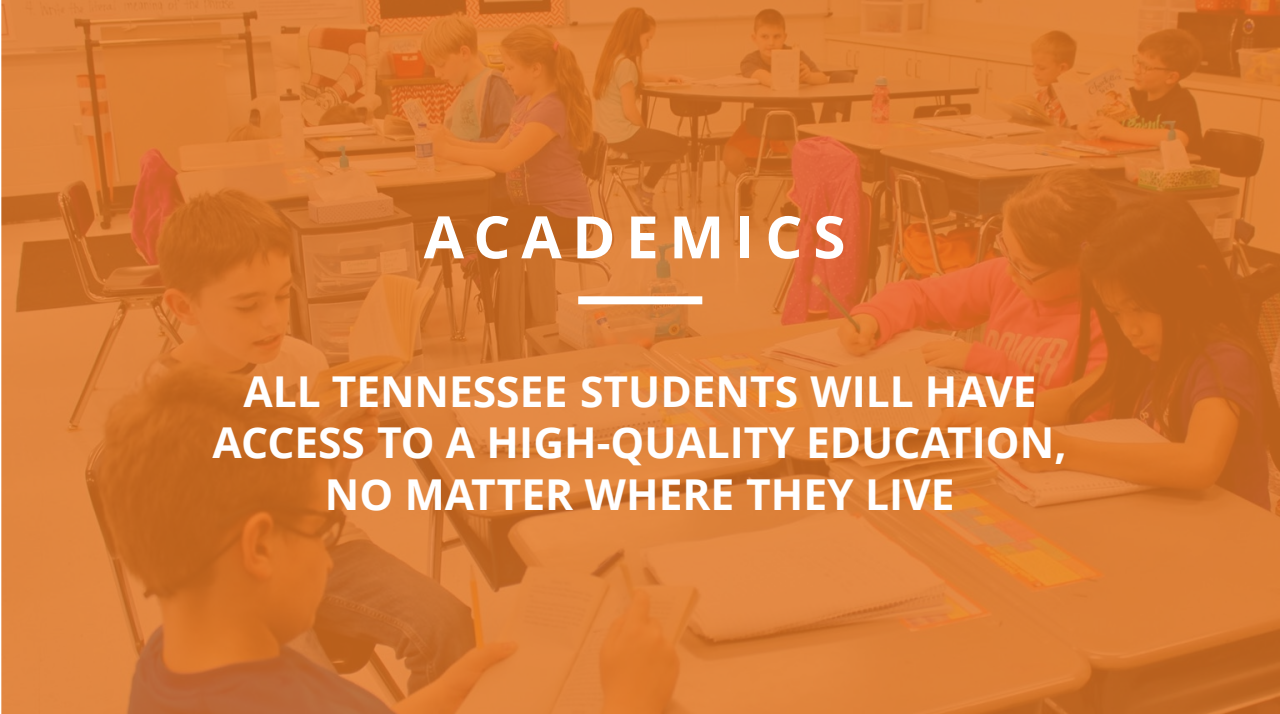






**BEST** FOR ALL

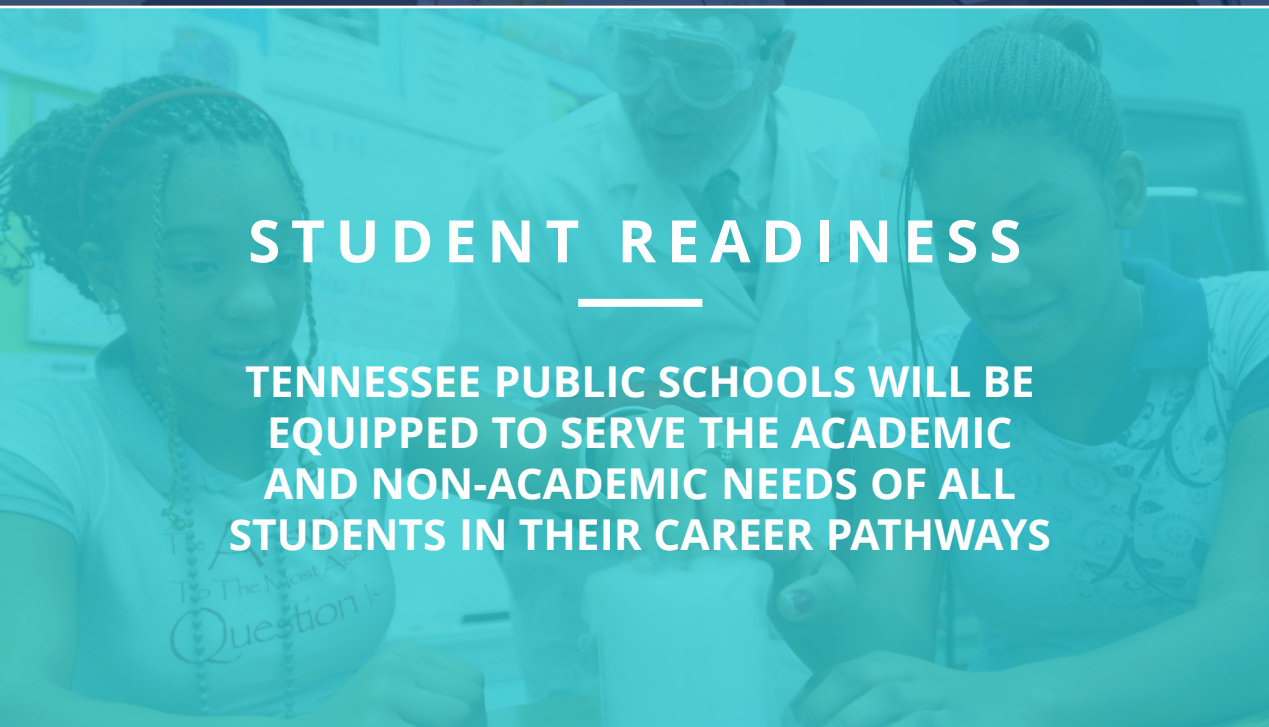
We will set all students on a path to success.



## ACADEMICS

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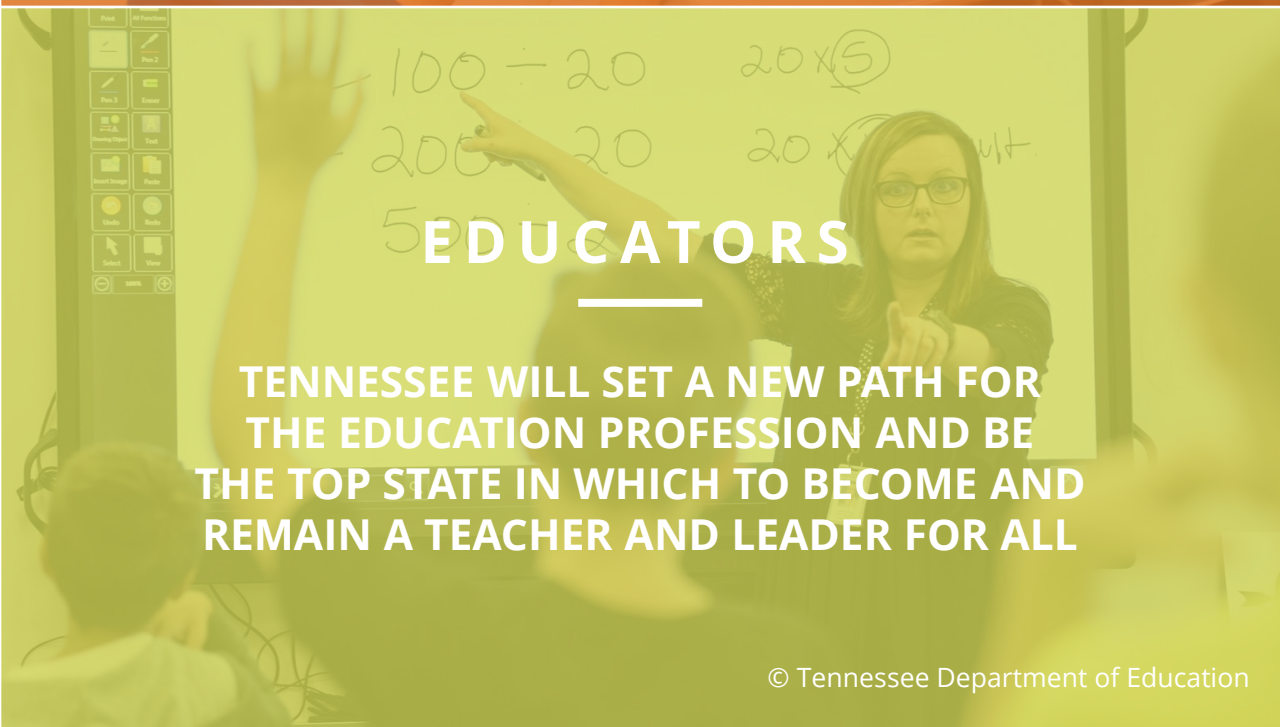
ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



## STUDENT READINESS

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TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS



## EDUCATORS

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TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL

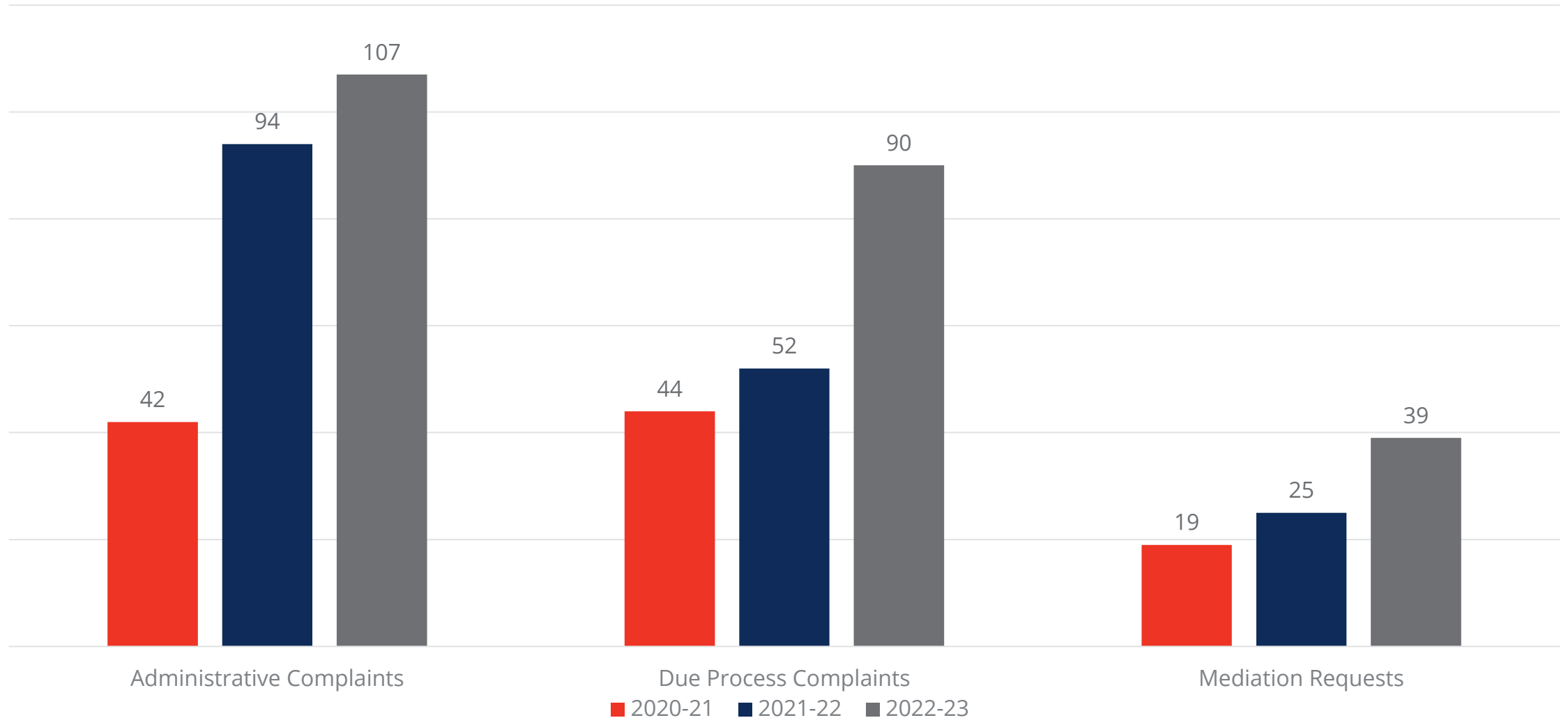


# Agenda

- General Tips for Avoiding Conflict
- Understanding the Special Education Dispute Resolution Processes



# Special Education Dispute Resolution Data





# Tips for Avoiding Conflict



# Common Issues in Complaints

- Failing to provide an appropriate individualized education program (IEP).
- Failing to implement IEPs as written.
- Failing to meet timelines.
- Failing to issue a sufficient prior written notice (PWN).
- Failing to issue meaningful progress reports.
- Failing to follow special education disciplinary provisions.
- Failing to follow proper independent educational evaluation (IEE) procedures.

# Preventative Solutions Against Complaints

- Ensure your staff understand what a free appropriate public education (FAPE) is and [how it has been defined by courts](#).
- Ensure you have a plan in place for staffing shortages and for providing compensatory education when necessary.
- Ensure your staff are familiar with all special education [timelines](#).
- Ensure your staff are trained on writing IEPs, prior written notices, and progress reports.
- Ensure your staff understand the manifestation determination review process and zero-tolerance offenses.
- Ensure you have agency criteria in place for IEEs.

# Resolution is always possible!

- The best way to maintain a long-term relationship with a student's parent or guardian may be to **resolve the issue outside of the adversarial dispute resolution processes.**
- Resolution outside of the adversarial dispute resolution processes has clear benefits:
  - Resolution is **confidential.**
  - Resolution can result in **tailored outcomes** that are acceptable to both parties.
  - Resolution does not impact your Federal Programs and Oversight **Results-Based Monitoring.**
  - Resolution does not impact the **Local Education Agency (LEA) Approval process.**



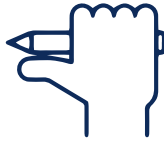
# Special Education Dispute Resolution Processes

# The Administrative Complaint Process



1

The student's parent or an interested party files an administrative complaint form with TDOE.



2

TDOE issues an opening letter to both parties within 5 calendar days of the complaint form being filed.



3

The local education agency (LEA) submits a written response to the allegations within 15 calendar days of TDOE issuing the opening letter.



4

The LEA can seek a time extension of up to 10 calendar days for good cause shown.

# The Administrative Complaint Process



5

TDOE may seek additional information from either party.



6

TDOE issues a written determination letter no later than 60 calendar days from the date the complaint was filed.



7

If there is no finding, the matter is closed. If there is a finding, TDOE will issue a corrective action plan.



8

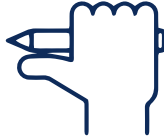
If there is a corrective action plan, the action items must be completed within one calendar year from the date the written determination letter was issued.

# The Due Process Complaint Process



1

The student's parent files a due process complaint form with TDOE.



2

TDOE requests that the LEA complete the LEA section of the due process complaint form within 3 business days of receipt.



3

TDOE files the completed due process complaint form with the Secretary of State's Office.



4

The Secretary of State's Office assigns an administrative law judge (ALJ) to the matter.



# The Due Process Complaint Process



5

The ALJ convenes a prehearing conference to schedule the final hearing and to set intermediate deadlines.



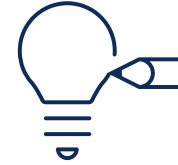
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The LEA must convene a resolution session within 15 calendar days of the complaint form being filed, unless the parties agree to waive the session or go to mediation.



7

The parties can engage in discovery and motion-practice prior to the final hearing.



8

The parties go to a final hearing, and the ALJ issues a final written order thereafter.

# The Mediation Process



1

The student's parent files a mediation request form with TDOE.



2

TDOE submits the mediation request form to the LEA.



3

If the LEA agrees to mediation, TDOE files the completed mediation request form with the Secretary of State's Office.



4

The Secretary of State's Office assigns a mediator to the matter.

# The Mediation Process



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The mediator reaches out to the parties to schedule mediation.



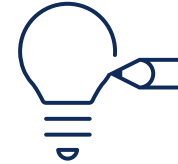
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The mediator issues a letter to the parties with information for the mediation participants.



7

The mediation occurs. If the mediation is successful, the parties enter into a written agreement.

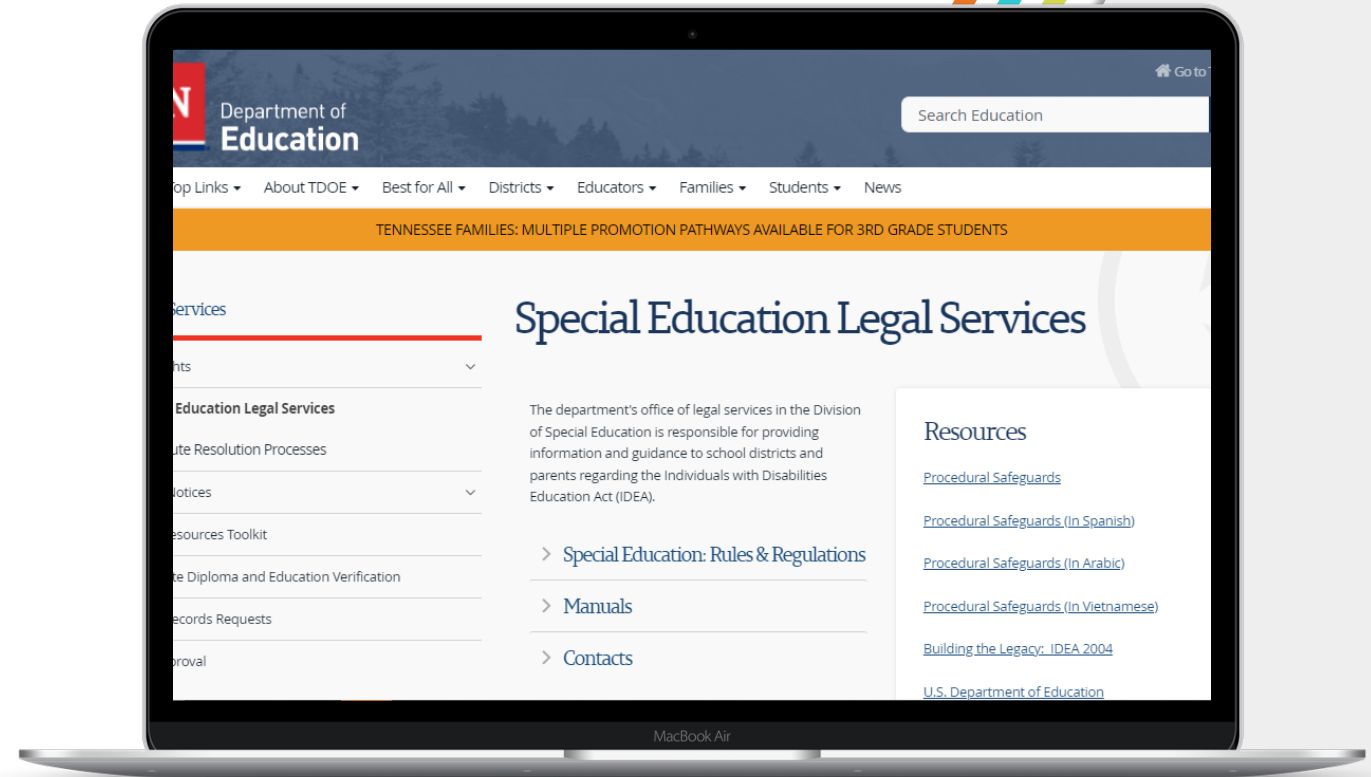


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If the mediation is unsuccessful, the parties can agree to convene another mediation or to close the matter.

# Special Education Dispute Resolution Resources

- Questions? Email [dispute.resolution@tn.gov](mailto:dispute.resolution@tn.gov)
- [Quick Guide to Dispute Resolution Processes in Tennessee](#)
- [The Center for Appropriate Dispute Resolution in Special Education](#)







# Thank You!

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