



Stafford MSD

# Special Education

## *Operating Guidelines*

WHY MAY I REAR YOU MAY SHAT  
THEY USE IF YOU WILL  
BUT THE SCENT OF ROSES WILL  
LINGER AROUND IT STILL

TRUTH AND REASON CONSTITUTE  
THE MOST INTELLECTUAL GOLD  
THAT DEFIES DESTRUCTION

EACH HEART HOLDS THE SECRET  
KINDNESS IS THE WORD

WHATSOEVER THY HAND FINDETH  
TO DO DO IT WITH THY MIGHT

IN TEMPERANCE IS A DANGEROUS  
COMPANION

A MAN SHOULD NEVER BE ASHAMED  
TO OWN THAT HE HAS BEEN IN THE  
WRONG

BY ATTENTION IDEAS ARE  
REGISTERED IN THE MEMORY

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## 5. PARENTS AND THE DISPUTE RESOLUTION PROCESS

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### What's Required?

Under IDEA, parents are given a large level of participation at every stage of the special education process. This Notice of Procedural Safeguards describes various activities that may take place during that process. The document must be provided to parents at least once a year and when any of the following circumstances occur:

- Upon referral or request for an initial evaluation of your child;
- Upon receipt of the first state complaint in a school year;
- Upon receipt of the first request for a due process hearing in a school year;
- On the day a decision is made to make a disciplinary change of placement; and
- Upon request.

Parent information such as parent consents, prior written notices, discipline removals, and timelines are included throughout the operational procedures, in the appropriate chapters. This section focuses on the Parent's Rights regarding dispute resolutions.

### Dispute Resolution

From time to time, disputes may arise relating to the identification, evaluation, educational placement, or the provision of a FAPE to your child with a disability. If disagreements arise, parents are strongly encouraged to work with school personnel to resolve differences as they occur.

### Filing a Complaint

In accordance with 34 Code of Federal Regulations (CFR), §300.151, Stafford MSD has established a complaint resolution process that provides for the investigation and issuance of findings regarding alleged violations of Part B of the Individuals with Disabilities Education Act (IDEA).



A complaint may be filed with the Stafford MSD Department of Federal and State Programs by any individual or organization and must: (1) be in writing;

(2) include the signature and contact information for the complainant;

(3) contain a statement that a school within the district or the district has violated Part B of the IDEA; 34 CFR, §300.1 et seq.; or a state special education statute or administrative rule;

(4) include the facts upon which the complaint is based;

(5) if alleging violations with respect to a specific student, include:

(A) the name and address of the residence of the student;

(B) the name of the school the student is attending;

(C) in the case of a homeless child or youth (within the meaning of §725(2) of the McKinney-Vento Homeless Act (42 United States Code, §11434a (2)), available contact information for the student and the name of the school the student is attending;

(D) a description of the nature of the problem of the student, including facts relating to the problem; and

(E) a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed;

(6) allege a violation that occurred not more than one calendar year prior to the date the complaint is received; and

(7) be forwarded to the school that is the subject of the complaint while the complaint is filed with the district.

If a complaint does not meet the requirements outlined in this section, SMSD must notify the complainant of the deficiencies in the complaint.

### **Dispute Resolution Process**

Upon receipt of a complaint that meets the requirements of this section, Stafford MSD must initiate an investigation to determine whether the school or district is following applicable law and regulations in accordance with the following procedures.

1. Stafford MSD must send written notification to the parties acknowledging receipt of a complaint.





- a. The notification must include:
  - i. the alleged violations that will be investigated;
  - ii. alternative procedures available to address allegations in the complaint that are outside of the scope of Part B of the IDEA; 34 CFR, §300.1, et seq.; or a state special education statute or administrative rule (see district policy);
  - iii. a statement that the public education agency may, at its discretion, investigate the alleged violations and propose a resolution of the complaint;
  - iv. a statement that the parties can resolve the complaint through mediation in accordance with the procedures in §89.1193 of this title (relating to Special Education Mediation);
  - v. a timeline for the school to submit:
    1. documentation demonstrating that the complaint has been resolved; or
    2. a written response to the complaint and all documentation and information requested by the TEA;
  - vi. a statement that the complainant may submit additional information about the allegations in the complaint, either orally or in writing within a 10-day timeline, and may provide a copy of any additional information to SMSD to assist the parties in resolving the dispute at the local level; and
  - vii. a statement that SMSD may grant extensions of the timeline for a party to submit information at the request of either party.
2. The school must provide SMSD with a written response to the complaint and all documentation and information requested by the Department of Federal and State Programs. The campus must forward its response to the parent who filed the complaint at the same time that the response is provided to the district. The campus may also provide the parent with a copy of the documentation and information requested by the district. If the complaint was filed by an individual other than the student's parent, the campus must forward a copy of the response to that individual only if written parental consent has been provided to the campus.
3. If the complaint is also the subject of a due process hearing or if it contains multiple issues of which one or more are part of that due process hearing, SMSD must:



- a. set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing; and
  - b. resolve any issue in the complaint that is not a part of the due process hearing.
4. If an issue raised in the complaint has previously been decided in a due process hearing involving the same parties, SMSD must inform the complainant that the due process hearing decision is binding.
5. SMSD has 60 calendar days after a valid written complaint is received to carry out the investigation and to resolve the complaint. SMSD may extend the time limit beyond 60 calendar days if exceptional circumstances, as determined by SMSD, exist with respect to a particular complaint. The parties will be notified in writing by SMSD of the exceptional circumstances, if applicable, and the extended time limit. The time limit may also be extended if the parties agree to extend it in order to engage in mediation or other alternative means of dispute resolution. In accordance with the Texas Education Code, §29.010(e), SMSD must expedite a complaint alleging that a public education agency has refused to enroll a student eligible for special education and related services or that otherwise indicates a need for expedited resolution, as determined by the Texas Education Agency.
6. During the course of the investigation, SMSD must:
  - a. conduct an investigation of the complaint that must include a complete review of all relevant documentation and that may include interviews with appropriate individuals and an independent on-site investigation, if necessary;
  - b. consider all facts and issues presented and the applicable requirements specified in law, regulations, or standards;
  - c. make a determination of compliance or noncompliance on each issue in the complaint based upon the facts and applicable law, regulations, or standards and issue a written report of findings of fact and conclusions, including reasons for the decision, and any corrective actions that are required, including the time period within which each action must be taken;
  - d. review any evidence that the public education agency has corrected noncompliance on its own initiative;



- e. ensure that the district's final decision is effectively implemented, if needed, through technical assistance activities, negotiations, and corrective actions to achieve compliance; and
    - f. in the case of a complaint filed by an individual other than the student's parent, provide a copy of the written report only if written parental consent has been provided to SMSD.
7. In resolving a complaint in which a failure to provide appropriate services is found, SMSD must address:
  - a. the failure to provide appropriate services, including corrective action appropriate to address the needs of the student, including compensatory services, monetary reimbursement, or other corrective action appropriate to the needs of the student; and
  - b. appropriate future provision of services for all students with disabilities.
8. In accordance with 34 CFR, §300.600(e), the school and/or district must complete all required corrective actions as soon as possible, and in no case later than one year after SMSD's identification of the noncompliance. A campus or district's failure to correct the identified noncompliance within the one-year timeline will result in an additional finding of noncompliance and may result in penalties.
9. If a party to a complaint believes that SMSD's written report includes an error that is material to the determination in the report, the party may submit a signed, written request for reconsideration to the Director of Federal and State Programs by mail, hand-delivery, or email within 15 calendar days of the date of the report. The party's reconsideration request must identify the asserted error and include any documentation to support the claim. The party filing a reconsideration request must forward a copy of the request to the other party at the same time that the request is filed with the district. The other party may respond to the reconsideration request within five calendar days of the date on which the district received the request. Stafford MSD will consider the reconsideration request and provide a written response to the parties within 45 calendar days of receipt of the request. The filing of a reconsideration request must not delay the school and/or district from implementation of any corrective actions required.



## **Dispute Resolution Options**

SMSD provides the following dispute resolution options.

1. Immediate corrective actions that are agreed upon by the complainant and campus/district.
2. Mediation provided through the SMSD Department of Federal and State Programs.

## **Texas Education Agency Involvement**

In the instance that the parent is not satisfied with the response from Stafford MSD, he/she may follow the Texas Education Agency's dispute resolution options that can be found in the Notice of Procedural Safeguards (Link: [fw.escapps.net](http://fw.escapps.net)). Additional information on special education dispute resolution may be found on the TEA's website (Link: [bit.ly/3bL6n73](https://bit.ly/3bL6n73)).