



# **Dispute Resolution Summary FY22**

**Jeff Studer, Director of Dispute Resolution**

**Special Education Director's Check-In  
August 18, 2022**



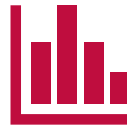
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# State Complaint Overview FY22



## Complaint Totals

166 Received  
35 Did not qualify  
21 Withdrawn  
110 Reports issued



## Complaint Origin

73% District  
51% Elementary  
25% HS  
92% Filed online



## Allegations

Top 3:  
Service Delivery  
Evaluation Request  
IEP Review

**§ 300.153 contains the regulations for accepting a state complaint**



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# State Complaints: FY21 vs FY22

## FY 21

- 147 Complaints Received
- 47 Did not qualify
- Fall 2020 = 50 investigated
- Spring 2021 = 50 investigated
- 95% submitted online
- Top 3 Allegations: Service Delivery, Accommodations, IEP Review

## FY 22

- 166 Complaints Received
- 35 Did not qualify
- Fall 2021 = 72 investigated
- Spring 2022 = 59 investigated
- 92% submitted online
- Top 3 Allegations: Service Delivery, Evaluation Request, IEP Review

**\*PEAs are found to be in compliance 70% of the time**



# Dispute Resolution Options

## Mediation

- 62 requests
- 81% resulted in Agreement
- 82% from Districts
- 81% male students
- 48% ELE, 30% HS
- Online filing available

## Due Process

- 33 requests
- 9% resolved at Mediation
- 82% from Districts
- 73% male students
- 55% ELE, 41% HS
- Online filing available

## Facilitated IEP

- 48 requests
- 88% Team Agreement
- 75% from Districts
- 73% male students
- 42% ELE, 35% HS
- Online filing coming!





## Contact Us—Dispute Resolution

Team email: [ESSDRInbox@azed.gov](mailto:ESSDRInbox@azed.gov)

Team phone number: (602) 542-3084

Team web page: <https://www.azed.gov/disputeresolution>



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# Facilitated IEP Program Overview

**Heather Schlemmer**  
**Alternative Dispute Resolution Specialist**



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# IEP Facilitation

A student-focused process in which a trained individual (facilitator) ensures that

- An agenda and ground rules are established prior to the meeting
- An IEP is developed by a collaborative team whose members share responsibility for the meeting process and results
- Decision-making is managed using facilitation skills, especially when there is disagreement among team members



# Benefits of an FIEP Culture



Maintains focus on students and their needs



Provides a predictable and transparent structure



Supports full participation of all members



Strengthens relationships between families and staff



Provides opportunity to resolve conflicts, if they arise





# ADE/ESS Support for the FIEP Process

“The aim is to build capacity among educators and families to ensure that collaborative, student-focused IEP teams are equipped to make sound decisions in the development of IEPs”

- ▶ FIEP Trainings for Public Education Agencies (PEA)
- ▶ State-Coordinated FIEP Program

[www.azed.gov/disputeresolution/facilitated-iep](http://www.azed.gov/disputeresolution/facilitated-iep)



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# FIEP Training for PEAs

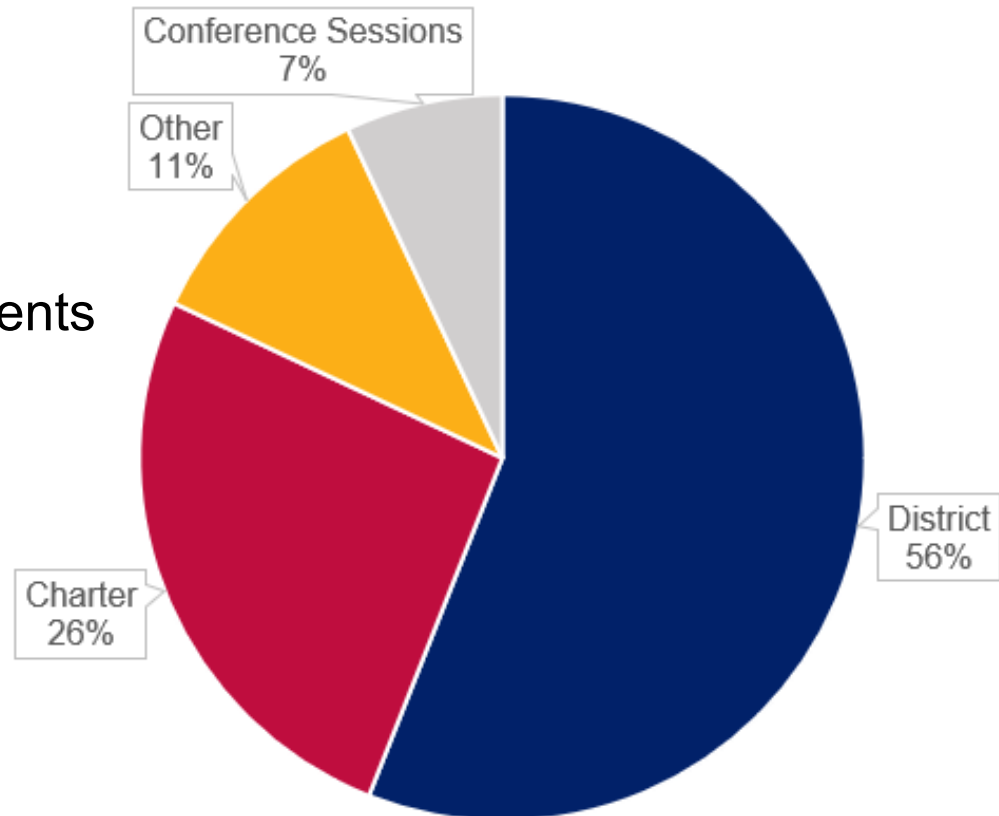
- Provides in-depth review of 3 core components of facilitation
- Options for session number, length, and format
- Developed for staff involved in developing a student's IEP
- Available at no cost
- Specialized topical presentations in development
- Facilitated IEP PEA Training Request Survey  
([surveymonkey.com](https://www.surveymonkey.com))



# FY22 Training Requests

57 requests received

- 11 completed in FY22
  - “Us Against the Agenda”
  - 45% in-person, 55% virtual
  - 427 participants
  - 3 counties, 3 state-wide events
- 16 scheduled for FY23



# What Participants Are Saying

**Heather was an incredibly knowledgeable and relatable presenter. We really appreciated having a presenter who had lived and breathed the challenges we have faced in this process. There were several strategies and talking points that we are ready to implement immediately as a result.**

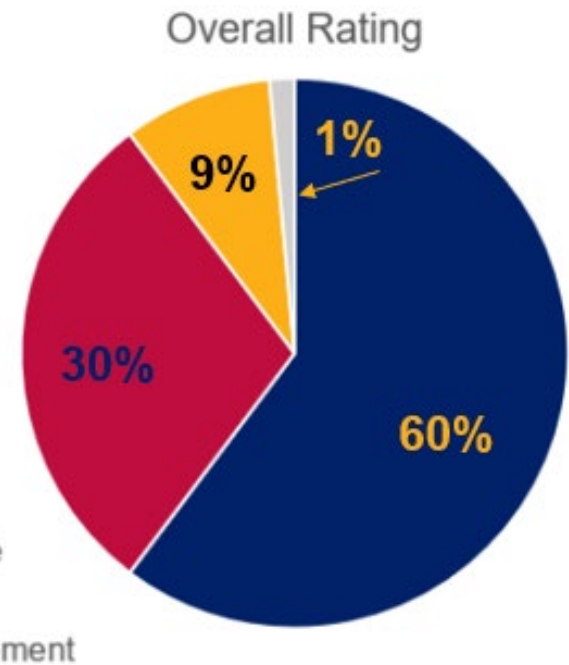
**We had FIEP training 4+ years ago and found this was a good up-to-date refresher. I appreciate the tools and examples that were provided to assist teachers to implement the FIEP.**

**I learned a lot about fostering an FIEP culture. Very hands on and positive. I learned great tips! Thank you for an awesome training!**



# Participant Feedback

- Clear and concise information—79% Strongly Agree
- Practical examples, engagement strategies—82% Strongly Agree
- Maintained interest—76% Strongly Agree
- Prepared to implement/apply new learning—70% Strongly Agree



# State-Coordinated FIEP Program

- Early resolution option
  - Not a required procedural safeguard available under the IDEA
  - Teams should attempt to solve issues at the local level first
- Free of charge
- Parent or PEA may request
- Voluntary participation
- Contracted, neutral facilitators



# Potential Benefits of Neutral Facilitator

- Develop an IEP reasonably-calculated to provide FAPE
- Improve team relationships
- Increase consensus
- Avoid formal dispute resolution\*
- Meeting efficiency
- Capacity-building within PEA



# Program Limitations

- May only address IEP team decisions
- Should not delay annual review date
- Facilitator is not a member of the IEP team and does not make decisions regarding the student's IEP
- PEA Representative maintains final decision-making authority in absence of consensus
- Facilitators are not authorized to give legal advice, represent, or advocate for either party
- A State-coordinated FIEP is typically provided once





# State-Coordinated FIEP Process



1. FIEP Request Form sent to [FIEPinbox@azed.gov](mailto:FIEPinbox@azed.gov)



2. ADR Specialist seeks Agreement to Participate from other party



3. Facilitator is assigned and contacts both parties



4. FIEP meeting is held using standardized procedures and meeting management strategies to maximize collaboration

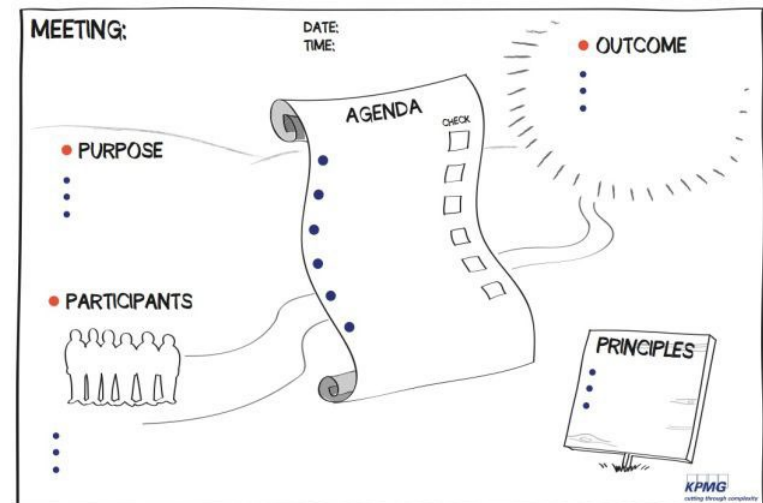


5. Participant feedback is collected through online survey



# Role of Facilitator—Before the Meeting

- Explains the FIEP process
- Gathers information from both parties
- Assists with scheduling
- Prepares agenda/ground rules



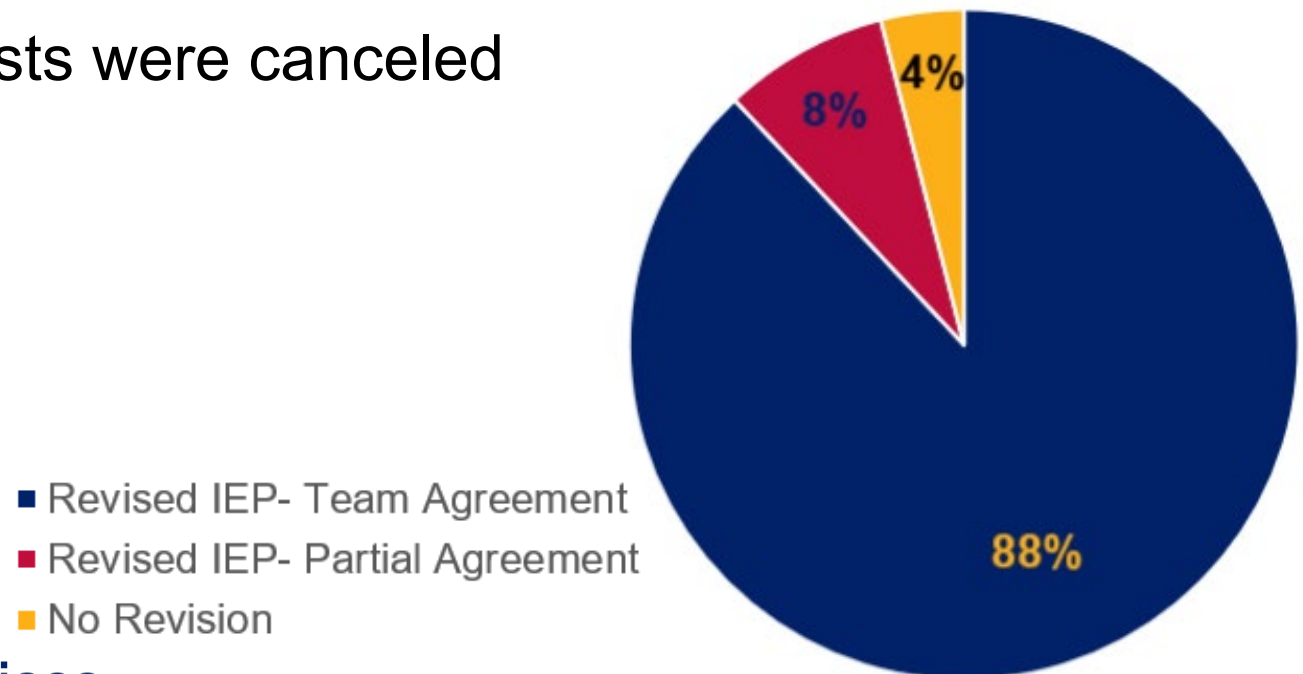
# Role of Facilitator—During the Meeting

- Keeps discussion focused on meeting purpose
- Guides team through a structured, collaborative decision-making process
- Fosters open communication and full participation of all members
- Models conflict resolution strategies
- Charts key information/agreements
- Maintains impartiality



# State-Coordinated FIEP Outcomes

- 71% of requests result in an FIEP meeting
- 25% of requests were never assigned
  - Other party declined voluntary participation
  - Did not meet requirements
- 4% of requests were canceled



# Role of Facilitator—After the Meeting

- Notify the ADR Specialist that meeting was held
- Provide contact information for survey participants
- Provide both parties with a copy of the signed Agreement to Participate and Action Plan (if developed)
- Will not provide copies of memory aids to any participant



# What PEA Leaders Are Saying

**This IEP facilitation process proved to be a very positive experience for all participants. Mostly, the parent felt her concerns were being heard. The team was able to come up with a very viable plan.**

**[The facilitator] was patient and kind. Thank you for supporting everyone through the FIEP process for this student.**

**[The facilitator] was kind and professional. Her support was a key factor in resolving issues that were present at the IEP meeting. Thank you!**





[FIEP Program Survey](#)

## Contact Us—Facilitated IEP

Heather Schlemmer

Alternative Dispute Resolution Specialist

[FIEPinbox@azed.gov](mailto:FIEPinbox@azed.gov)

(602) 542-7579

For more information on the Facilitated IEP Program and to access the request form, please visit our website.

[www.azed.gov/disputeresolution/facilitated-iep](http://www.azed.gov/disputeresolution/facilitated-iep)



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