



Memorandum

To: Special Education Directors
From: Dispute Resolution
Date: April 19, 2023
Re: Discontinuation of Offer of Early Resolution (OER) SEA Process

After reviewing the state administrative complaint process outlined in the Individuals with Disabilities Education Act (IDEA) and after consulting with the Arizona Attorney General's Office, effective immediately, the Arizona Department of Education/Exceptional Student Services (ADE/ESS) will no longer accept Offers of Early Resolution (OERs) from public education agencies (PEAs). The OER policy that the Department has implemented is not required within the IDEA, and excluding a parent in the OER process does not align with the ADE's mission of empowering parents. PEAs are encouraged to continue to propose resolutions to issues, as intended, through a collaboration between the PEA and Complainant (when they are a parent).

ADE's belief is that the removal of the state education agency from the early resolution process will help to enhance the role of the parent and to promote the cooperative resolution of state administrative complaints at the local level. Early resolution of state administrative complaints is in the best interest of students and has benefits for both the parent and the PEA.

Early resolution activities between the PEA and Complainant:

- Provides an opportunity for the Complainant (a parent or student who has reached the age of majority) and school personnel to openly discuss the allegation(s);
- encourages a collaborative, problem-solving approach to conflict resolution;
- can result in a mutually developed solution; and
- requires less time to address and resolve the allegations in the complaint.

The PEA or the parent may choose to resolve the issues contained in the state complaint by requesting a conference between their two parties, not including ADE/ESS/Dispute Resolution (DR), and following the steps below:

- If the local-level conference between the two parties results in a resolution, the Complainant may choose to withdraw the state administrative complaint. In this case, the Complainant must contact ADE/ESS/DR in writing, stating their desire to withdraw the complaint.
 - Upon receipt of the Complainant's written request to withdraw the state administrative complaint, ADE/ESS/DR will consider the complaint closed.

- If the local-level conference between the two parties does not result in a resolution, the state administrative complaint will proceed normally unless the Complainant chooses to withdraw the complaint.

As a reminder, the ADE/ESS/DR also has additional options for parents and schools to address and resolve these special education conflicts, including mediation (34 C.F.R. § 300.506) and Facilitated IEPs (FIEP). Parents and school staff are always encouraged to communicate and work together to reach an agreement that is in the best interest of the child.