





# LEARNING OBJECTIVES

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# SPECIAL EDUCATION MEDIATION

Is a voluntary process in which parents of students with disabilities and school district personnel meet with a specially trained, impartial individual (i.e., a mediator) to work out differences in a collaborative way.



7KH ILUVW GXH SURFHVV ULJKW IRU IDPLOLHV LV UH  
SULRULW\ IRU WKH 1HZ <RUN 6WDWH (GXFDWLRQ 'HS  
HGXFDFWLRQ PHGLDWLRQ LV DQ HIIHFWLYH GLVSXWH  
SURFHVV LQ ZKLFK SDUHQWV RI VWXGHQWV ZLWK GL  
SHUVRQQHO PHHW ZLWK D VSHFLDOO\ WUDLQHG LPS  
ZRUN RXW WKHLU GLIIHUHQFHV LQ D FROODERUDWLY  
  
6SHFLDO HGXFDFWLRQ PHGLDWLRQ LV FRQGXFWHG E\  
&RPPXQLW\ 'LVSXWH 5HVROXWLRQ &HQWHUV &'5&  
FRQWUDFWRU WKDW SURYLGHV WUDLQLQJ IRU VSHFL  
  
,QIRUPDWLRQ RQ PHGLDWLRQ LV DYDLODEOH WKURX  
3DUWQHUVKLS )DPLO\ DQG &RPPXQLW\ (QDJHPHQW



# SPECIAL EDUCATION MEDIATION (Continued)

Mediation can be requested by the parent or the local educational agency (LEA) and is voluntary for both parties

A parent may elect to engage in mediation while also pursuing an impartial hearing

During the 2019-20 and 2020-21 school years, of those cases that proceeded to mediation in NYS, 83.3% resulted in agreement between parents and school districts

0HGLDWLRQ LV D KLJKO\ HIIHFWLYH SURFHVV WR UHV  
HGXFDWLRQ ,Q ERWK WKH DQG VFKRRO \H  
SURFHGHG WR D PHGLDWLRQ VHVLRQ LQ 1HZ <RUN  
DJUHHPHQW EHWZHHQ SDUHQWV DQG VFKRRO GLVWUL

,Q PHGLDWLRQ WKH IRFXV LV RQ HVWDEOLVKLQJ FRO  
EHWZHHQ WKH SDUWLHV 0HGLDWLRQ DOORZV WKH SD  
WRJHWKHU WR GHYHORS D PXWXDOO\ DJUHHDEOH OH  
PHGLDWLRQ LV SURYLGHG DW QR FRVW WR WKH SDUH  
WKH OHDVW DGYHUVLDO ZD\ RI UHVROYLQJ GLVXW

7R VXPPDULJH

‡ 0HGLDWLRQ FDQ EHTXHVWHG E\ WKH SDUHQW RU  
/(\$ DQG LV YROXQWU\ IRU ERWK SDUWLHV

‡ \$ SDUHQW PD\ HOHFW WR HQJDJH LQ PHGLDWLRQ ZK  
KHDULQJ

‡ &DVHV WKDW SURFHGHG WR PHGLDWLRQ LQ 1HZ <RUN  
EHWZHHQ SDUHQWV DQG VFKRRO GLVWULFWV ,Q ID  
FRQLVWHQWO\ ~~WISGLDID KISXFDWLRQ~~ DJUHHPHQW  
WKH FRXQWU\



# SPECIAL EDUCATION MEDIATION CURRENT IMPROVEMENT ACTIVITIES

7R LQFUHDVH WKH DZDUHQHV DQG XVH RI PHGLDWRQ DFURVV WKH  
 (GXFDWRQ 'HSDUWPHQW 1<6(' DZDUGHG WZR FRQWUDFWV WR

D SURPRWH WKH XVH RI PHGLDWRQ DQG SURYLGH ULJRURXV WUDLQLQJ WR PHGL  
 E FROOHFW DQG UHSRUW PHGLDWRQ GDWD DQG SURYLGH UHPEXUVHPHQW IRU

2XWUHDFK HIIRUWV KDYH VKLIWHG WR D V\WHPLFDSSURDFK LQ F  
 GDWD WR SLQSRLQW UHJLRQV VSHFLILF DUHDV LQ QHHG RI VXSSR

7KURXJK D 0D\ &RPSUHKHQVLYH &RPSOLDQFH \$VXUDQFH SODQ  
 IRU WKH 1HZ <RUN &LW\ 'HSDUWPHQW RI (GXFDWRQ 1<&'2( WKH  
 WKH LQFUHDVHG XVH RI PHGLDWRQ

,Q FROODERUDWRQ ZLWK LWV FRQWUDFWRU 1<6(' KDV G

&XUUHQW LPSURYHPPHQW DFWLYLWLHV UHODWHG WR  
 WKH IROORZLQJ

7R LQFUHDVH WKH DZDUHQHV DQG XVH RI PHGLDWRQ  
 1<6(' DZDUGHG WZR FRQWUDFWV WR

D SURPRWH WKH XVH RI PHGLDWRQ DQG SURYLGH  
 PHGLDWRUV RQ VSHFLDO HGXFDWRQ UHTXLUH  
 SURFHVVHV DQG

E FROOHFW DQG UHSRUW PHGLDWRQ GDWD DQG  
 WKH FRVW RI PHGLDWRQV KHOG DFURVV WKH

2XWUHDFK HIIRUWV YLD WKH FRQWUDFW KDYH VKL  
 FRQMXQFWLRQ ZLWK WKH XVH RI 6WDWHZLGH GDWD  
 LQ QHHG RI VXSSRUWV

7KURXJK D 0D\ &RPSUHKHQVLYH &RPSOLDQFH \$V  
 GHYHORSHG IRU WKH 1HZ <RUN &LW\ 'HSDUWPHQW  
 LGHQWLILHG D SODQ IRU WKH LQFUHDVHG XVH RI  
 ,Q FROODERUDWRQ ZLWK LWV FRQWUDFWRU WKH  
 EURFKXUH RQ PHGLDWRQ DQG ZLGHO\ GLVWULEXV  
 (GXFDWRQ 3DUWQHUVKLS (V )DPLO\ DQG &RPPXQL

# STATE COMPLAINT

- f* May be filed by parent, individual or organization
- f* Allege a violation of a Federal or State law or regulation
- f* Submit a written, signed State complaint to the New York State Office of Education
- f* NYSED must receive complaint within one year of violation
- f* NYSED issues a decision within 60 days of receipt of complaint (except where there are exceptional circumstances)
- f* More information regarding **State complaint procedures**, including a sample State complaint form, can be found at [www.nysed.gov/special-education/state-complaint](http://www.nysed.gov/special-education/state-complaint)



FLDO

7KH VHFRRG GXH SURFHVV ULJKW IRU IDP6WDMHLV I  
FRPSODLQW PD\ EH ILOHG E\ D SDUHQW LQGLTVQ Q G







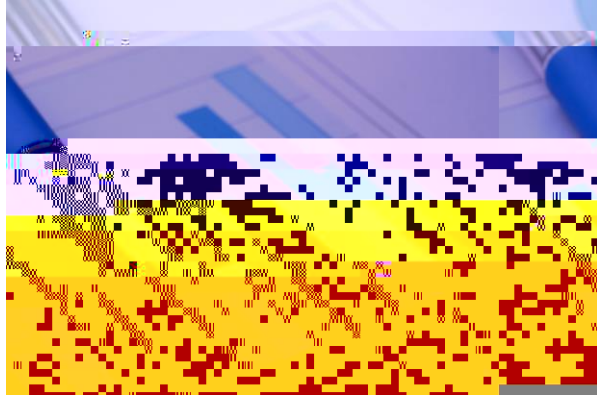
## REQUIREMENTS REGARDING RESOLUTION SESSIONS

State regulations require that parent-requested due process impartial hearings include a resolution period where the parties try to resolve the complaint before moving to an



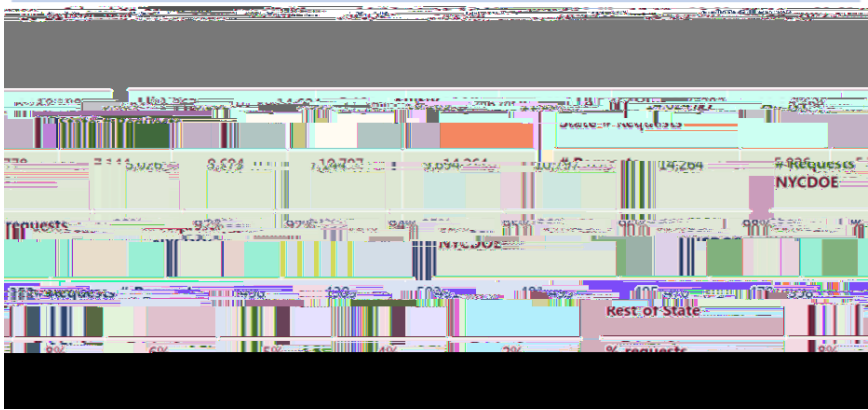


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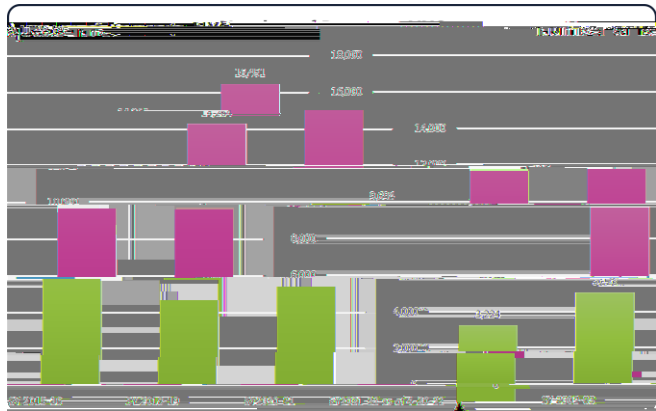


/HW¶V ORRN DW WKH GDWD RQ WKH QH[W ILYH VOLGH

# TREND DATA OF DUE PROCESS COMPLAINTS FILE



# NUMBER OF DUE PROCESS COMPLAINT REQUESTS IN NYC YEAR TO DATE

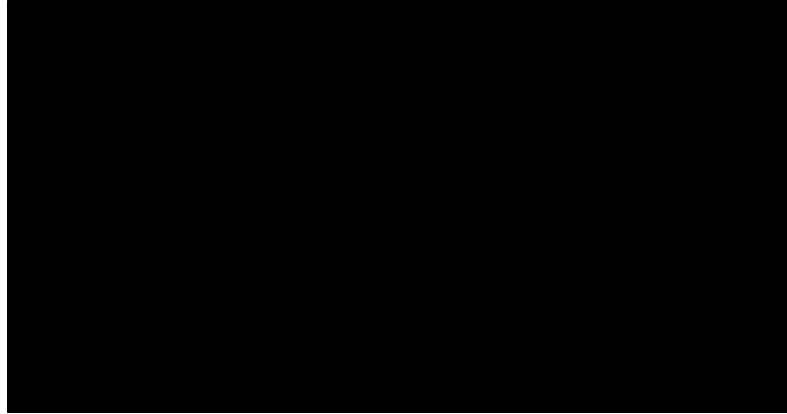


7KLV FKDUW VKRZV WUHQG GDWD IRU WKH QXPEHU RI  
 VFKRRO \HDU LQ 1HZ <RUN &LW\ \$V \RX FDQ VHH WK  
 FRPSODLQWV ILOHG DQQXDOO\ FRQWLQXHV WR VLJQL

,Q WKH VFKRRO \HDU WKHUH ZHUH UHTXHV  
 UHTXHVVV LQ WKH VFKRRO \HDU 7KLV UHSUHV  
 UHTXHVVV IRU LPSDUWLDO KHDULQJV LQ 1HZ <L  
 KDYH EHHQ UHTXHVVV IRU LPSDUWLDO KHDULQJ  
 VFKRRO \HDU D SHUFHQW RU IRXUIROG LQFU



## DUE PROCESS COMPLAINTS IN NYC



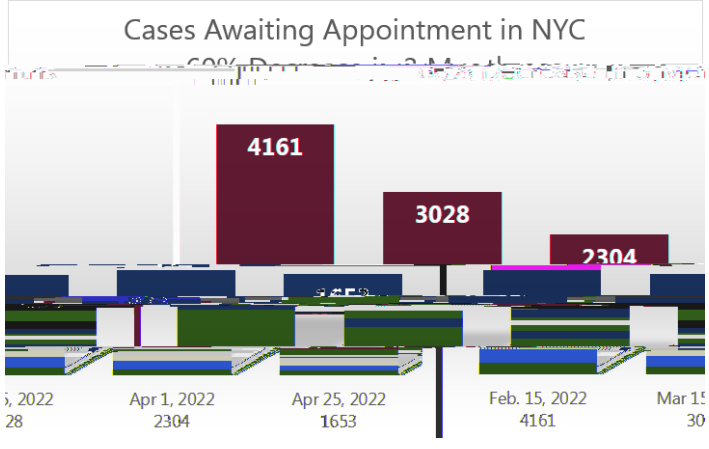
+HUH \RX FDQ VHH WKH VDPH LQIRUPDWLRQ SUHVHQW  
FRPSOHWH VFKRRO \HDU

'XULQJ WKH VFKRRO \HDU WKH YDVW PDMRULWY  
SHUFHQW ZHUH ILOHG LQ 1HZ <RUN &LW\ 2QO\ C  
SHUFHQW ZHUH ILOHG LQ RWKHU VFKRRO GLVWULFWY





# CASES AWAITING APPOINTMENT IN NYC TREND DATA



7KLV ODVW FKDUW VKRZV WKH QXPEHU RI 1HZ <RUN &  
DZDLWLQJ DSSRLQWPHQW RI DQ LPSDUWLDO KHDULQJ  
)HEUXDU\ 2YHU WKH SDVW WKUHH PRQWKV WKH C  
FRPSODLQWV DZDLWLQJ DQ DSSRLQWPHQW RI DQ LPS  
GHFUHDVHG SHUFHQW 3OHDVH QRWH WKLV GHFUHD  
FDVHV DZDLWLQJ DSSRLQWPHQW LQ 1HZ <RUN &LW\ LC





## OATH FAQ(continued)

- f*What virtual platform is being used by OATH?
- f*What is done with adjournments, amendments and withdrawals?
- f*Who are the court reporting vendors?
- f*Who do we inform if we need a translator for our witnesses?





# ACCELERATED REVIEW AND ORDER OF RELIEF LEGISLATION BROAD OVERVIEW

Legislation Signed December 29, 2021

- Effective March 29, 2022
- Amends Section 4404 of Education Law

Option for Parents to Have Impartial Hearing Officer (IHO) Appointed:

- If Not Appointed 196 Days From Filing of Complaint
- May Issue Order Based on Proposed Order of Relief Submitted By Parent

Districts are required to report annually on the number of due process complaints resolved through accelerated review



7KH IRXUWK DQG ILQDO OHDUQLQJ REMHFWLYH RI WKLV  
 RI WKH \$FFHOHUDWHG 2UGHU RI 5HOLHI OHJLVODWLRQ  
 7R DGGUHVW WKH KLJK QXPEHU RI GXH SURFHVV FRPSOD  
 LPSDUWLDO KHDULQJ RIILFHU ,+2 RQ 'HFHPEHU  
 /HJLVODWXUH SDVVHG DFFHOHUDWHG UHYLHZ OHJLVODW



## ACCELERATED REVIEW LEGISLATION: ADDITIONAL CONSIDERATIONS

*f* The accelerated review will be conducted exclusively on the written record and via email. There are no in-person hearings.

*f* Accelerated review is NOT available when the due process complaint involves:

- R* The initial identification of a student as a student with a disability
- R* Manifestation Determination

%\ UHTXHVWLQJ DQ DFFHOHUDWHG UHYLHZ WKH SDU  
VKDOO EH FRQGXFWHG LQ SODFH RI WKH KHDULQJ D  
FRQGXFWHG H[FOXVLYHO\ RQ WKH ZULWWHQ UHFRUG

\$FFHOHUDWHG UHYLHZ LV QRW DYDLODEOH ZKHUH W  
LGHQWLILFDWLRQ DV D VWXGHQW ZLWK D GLVDELOL

# ACCELERATED REVIEW TIMELINE



'LVWULFWV PXVW IROORZ VSHFLILF WLPHOLQHV IRU DQ\ FRP  
 ,+2 DSSRLQWHG DQG WKH ,+2 PXVW LVVXH D ILQDO GHWHU  
 SDUHQW PD\ UHTXHVW LPPHGLDWH DSSRLQWPHQW RI DQ ,+2  
 IURP WKH GDWH WKH\ ILOHG WKHLU GXH SURFHVV FRPSODL  
 7KH DFFHOHUDWHG UHYLHZ WLPHOLQH UHTXLUHV  
 ‡ 1R ODWHU WKDQ ILYH EXVLQHVV GD\ DIWHU GD\ IURP  
 FRPSODLQW WKH GLVWULFW PXVW OHW WKH SDUHQW NQR  
 DFFHOHUDWHG UHYLHZ  
 ‡ :LWKLQ RQH EXVLQHVV GD\ RI UHFHLSW RI WKH SDUHQWV  
 ‡ :LWKLQ WZR EXVLQHVV GD\ RI WKH ,+2 DSSRLQWPHQW W  
 HPDLO RI WKH VFKHG\XOH RI WKH HOHFWRQLF VXEPLVLR  
 UHOLHI DQG VXSSRUWLQJ ZULWWHQ GRFXPHQDWLRQ L F  
 GHFODUDWLRQV DQG H[KLELWV  
 ‡ 7KH SDUHQWV KDYH XS WR WHQ EXVLQHVV GD\ WR VXEPL  
 DQG WKH GLVWULFW UHSUHVHQDWLYH  
 ‡ :LWKLQ WZR EXVLQHVV GD\ DIWHU UHFHLSW RI WKH SDUH  
 PD\ ILOH REMHFWLRQV RU GRFXPHQDWLRQ LQ UHVSRQVH  
 YLD HPDLO WR WKH SDUWLHV  
 ‡ :LWKLQ WZR EXVLQHVV GD\ WKH SDUHQW FDQ UHVSRQG  
 ‡ :LWKLQ WZR EXVLQHVV GD\ RI WKH SDUHQWV UHVSRQVH  
 GRFXPHQWV ZLOO EH UHYLHZHG DQG FHUWLILHV WKH UHF  
 ‡ :LWKLQ WZR EXVLQHVV GD\ DIWHU FHUWLILFDWLRQ RI WK  
 GHWHUPLQDWLRQ  
 ‡ 7ZHQR\ RQH GD\ LV WKH PD[LQXP WLPHOLQH IRU WKH KH  
 GHWHUPLQDWLRQ

# ACCELERATED REVIEW AND ORDER OF RELIEF: FINAL DETERMINATION

The IHO issues a final determination in the form of either:



- f* The order of relief proposed by the parents;  
or
- f* The order of relief proposed by the parents as modified by the impartial hearing officer based upon the written record; or
- f* A finding that no relief is warranted based upon the written record.

7KLV VOLGH SURYLGHV D UHYLHZ RI WKH WKUHH SRV UHYLHZ

7KH LPSDUWLDO KHDULQJ RIILFHU LVVXH D ILQDO G

‡ 7KH RUGHU RI UHOLHI SURSRVHG E\ WKH SDUHQWV

‡ 7KH RUGHU RI UHOLHI SURSRVHG E\ WKH SDUHQWV KHDULQJ RIILFHU EDVHG XSRQ WKH ZULWWHQ UHFR

‡ § ILQGLQJ WKDW QR UHOLHI LV ZDUUDQWHG EDVHG



# ACCELERATED REVIEW AND ORDER OF RELIEF: FINAL DETERMINATION (continued)



If either party disagrees with the relief or finding, they retain the right to appeal to a State Review Officer.

Except that a parent cannot appeal a final determination in the form of the order of relief proposed by the parent.

&RQWLQXLQJ ZLWK WKH ILQDO GHWHUPLQDWLRQ UHTX

x ,I HLWKHU SDUW\ GLVDJUHHV ZLWK WKH ,+21V RUG WKH ULJKW WR DSSHDO WR D 6WDWH 5HYLHZ 2IILF

x Except D SDUHQW FDQQRW DSSHDO D ILQDO GHWHUPL RI UHOLHI WKDW WKH\ SURSRVHG 7KLV PHDQV D RI 5HOLHI WKDW WKH\ UHTXHVWHG



# NYSED SPECIAL EDUCATION RESOURCES

- f [Special Education Quality Assurance \(SEQA\)](http://www.nysed.gov/special-education/special-education-quality-assurance-regional-offices)  
(www.nysed.gov/special-education/special-education-quality-assurance-regional-offices)
- f [Special Education Mediation](http://www.nysed.gov/special-education/mediation)  
(www.nysed.gov/special-education/mediation)
- f [OSE Educational Partnership](http://osepartnership.org)  
(osepartnership.org)
- f [Information Related to Special Education Impartial Hearings](http://www.nysed.gov/special-education/EFVQSPDFTTIFBSJOH)  
(www.nysed.gov/special-education/EFVQSPDFTTIFBSJOH)

7KLV VOLGH LQFOXGHV UHVRXUFHV IRU SDUHQWV DQ  
FRQWDFW WKH 2IILFH RI 6SHFLDO (GXFDWLRQV 6SH  
2IILFH ,QIRUPDWLRQ RQ 6SHFLDO (GXFDWLRQ 0HGLD  
3DUWQHUVKLS 7KH OLQN LQ WKH ODVW EXOOHW OHI  
LQIRUPDWLRQ UHODWHG WR VSHFLDO HGXFDWLRQ LF  
SURFHVV DPHQGPHQWV

