

# Louisiana Believes

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Early Resolution Process  
July 2016

# Special Education Dispute Resolution System

- Designed to ensure all students with disabilities are provided a Free and Appropriate Public Education (FAPE)
- LDOE committed to resolving school-parent disagreements in least adversarial manner possible
- A parent, adult student, individual, or organization is encouraged to first contact the local education agency (LEA) before utilizing state-level dispute resolution process \*

**\*NOTE: Throughout this deck, the term “parents” will be used to imply “parents and other concerned individuals/constituents.”**

# Dispute Resolution: General Information

Dispute resolution occurs when parents and LEAs work together

- to resolve disagreements concerning special education.
- to preserve the relationships necessary to student success.

Common areas of dispute:

- identification/eligibility
- evaluation
- appropriate services
- delivery of services
- placement
- discipline

# Complaint and Dispute Resolution: Options in Louisiana

- **Early Resolution Process/Informal Complaint**
- Individualized Education Program (IEP) Facilitation
- Formal Complaint Investigation
- Mediation
- Due Process Hearing

# References and Resources

- Louisiana Bulletin 1706, *Regulations for Implementation of the Children with Exceptionalities Act*, Subchapter J (State Complaint Procedures), §151.C. Informal Complaints
  
- *Louisiana Educational Rights of Children with Disabilities*



# Early Resolution Process (ERP) Overview

ERP is a systematic, *local level* process for the prompt and orderly resolution of complaints.

All LEAs, including charters, must establish an internal ERP to include

- designation of a local (LEA) ERP representative and notice of the name, address, telephone number and other contact information
- management of an informal complaint within 15 calendar days of the LEA receiving the complaint, or an extended period agreed upon by the parties in writing
- advising the parent of the availability of other dispute resolution processes available through the LDOE if a resolution cannot be agreed upon

# Initiating the Early Resolution Process

ERP can be initiated in one of the following ways:

- Parents can contact the LEA directly to engage in early resolution.
- Parents can contact the LDOE to make an informal complaint and the LDOE refers the complaint to the ERP representative of the LEA.

**NOTE:** At any time during the ERP process, parents or LEA staff may pursue the other dispute resolution options provided by the LDOE.

# LDOE Role in ERP

LDOE ERP Intake Coordinators' role is to:

- receive concerns/inquiries from parents
- document information in a neutral and confidential manner
- relay informal complaints to the LEAs
- provide parents with contact information for the LEA ERP representative



# Parent Decision

Parents filing an informal complaint will be advised of the 15 calendar day window in which the LEA is to work with them to resolve the issue leading to the informal complaint.

- Parents will be given the option of contacting the LEA ERP representative themselves to convey the information or have the LDOE contact the LEA on the parents' behalf.
- Parents will be informed they can contact the LDOE ERP Intake Coordinator if a resolution has not been reached to be advised of additional dispute resolution processes available through the LDOE.

**If parents do not agree** to participate in the ERP, they will be referred to the LDOE legal department.

# ERP: District Notification

Within 2 days of receiving an informal complaint, the LDOE ERP Intake Coordinator notifies the local level ERP representative of the informal complaint by email with a read-receipt designation.

The notice will include:

- a brief neutral and confidential description of the reason for the informal complaint
- timelines for resolution
- the concerns conveyed by the parent

The notice to the LEA is only a summary of the concerns conveyed by the parent. The notice does not represent/reflect any position held by the LDOE.

# ERP: District Response

LEA has 15 calendar days from receipt of informal complaint to resolve the issue, or an extended period agreed upon by both parties in writing.

If not resolved, the LEA's ERP representative shall provide the parent with other available dispute resolution processes through the LDOE.

- You may give them the phone number to the LDOE Legal Office (225-342-3572).

**NOTE:** Documentation of ERP decisions are maintained at the local level.

# LEA ERP Management Considerations

- Establish written procedures for in-taking and documenting ERP results.
- Ensure that all appropriate LEA staff understand the ERP process/procedures and their role in assuring the timelines are met.
- Keep the LDOE informed of the current contact information for the LEA ERP Intake Coordinator. Send updates to:

[specialeducation@la.gov](mailto:specialeducation@la.gov)

# Questions

[specialeducation@la.gov](mailto:specialeducation@la.gov)

LDOE Legal Office (225-342-3572)

[madavis@la.gov](mailto:madavis@la.gov)

# Informal Early Resolution Process Status

## District Name

[Insert name of district ] (“District”) and [Insert name of parents] (“Parents”) agree that:

Pursuant to the Bulletin 1706, beginning [Insert date of receipt of request], the parties have been engaged in an informal ERP and: (check one)

- A resolution agreement was signed and complainant wishes to withdraw verbal complaint.
- Parties need additional time to reach resolution and jointly request that the resolution period be extended to [date].
- The parties were unable to reach an agreement and parent was provided with additional dispute resolution options available through the LDOE.

PARENT’S NAME \_\_\_\_\_

PARENT’S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DISTRICT’S NAME \_\_\_\_\_ DATE \_\_\_\_\_

DISTRICT REP’S NAME \_\_\_\_\_

DISTRICT REP’S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Note: This form should be completed and maintained in our central office special education files.