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## Agora Cyber Charter School

### Board of Trustees Policy

## DISPUTE RESOLUTION AND ALTERNATIVE DISPUTE RESOLUTION POLICY

It is the policy of the Agora Cyber Charter School (“Charter School”) to ensure that disputes between parents and Charter School regarding the identification, evaluation, programming and services available to eligible students are addressed effectively and in accordance with applicable state and federal laws.

Every effort should be made to address and resolve disputes at the IEP team level if possible. The CEO or designee is directed to be aware of alternative dispute resolution procedures and programs, including facilitated IEP team meetings and mediation, and utilize those programs when deemed appropriate.

When alternative dispute resolution is not practical or otherwise appropriate, or when a due process complaint is filed, the CEO or designee is directed to follow applicable state procedures regarding the filing and answering of a due process complaint, including requirements relating to dissemination of procedural safeguards.

The CEO or designee is responsible for ensuring that due process decisions are implemented in accordance with the state regulations and is directed to maintain evidence of implementation.

Included in such resources for the CEO, the Charter School Team and Parents, is the PA Office of Dispute Resolution for information on the following:

**ConsultLine** at 800-879-2301 (Toll-free in Pennsylvania) or 717-901-2145, is a statewide toll-free help line:

- Serving families, advocates, and agencies that have questions about special education for students and young children with disabilities.
- Providing information about special education laws, parents' rights, the formal complaint process, and other dispute resolution options to address concerns so that children with disabilities and students considered gifted receive a free and appropriate public education (FAPE).

### **Individualized Education Program (IEP) Facilitation**

This is a voluntary option that is available when both the Charter School and Parent(s) agree to have a neutral person – the IEP Facilitator – at the IEP meeting to assist in discussing concerns regarding the development of the IEP.

The IEP Facilitator:

- Is not a member of the IEP team, but assists the IEP team to resolve conflicts and disagreements that arise during the meeting.
- Helps to maintain open communication among all IEP team members, maintains impartiality, and does not write the IEP.
- Builds and improves relationships among the IEP team members, and provides opportunities to resolve conflicts as they arise.

IEP Facilitation is more cost-efficient and less stressful than due process.

### **Mediation**

If both parties agree to mediation, the Office for Dispute Resolution will arrange for a neutral, specially-trained mediator to meet with them at a mutually convenient location. The following guidelines apply:

- ODR provides independently contracted mediators to families and school districts.
- The mediator will meet with both parties together (and separately if necessary) to listen to both points of view, in order to understand each side's position.
- Mediation can take place at any time before or during the due process cycle.
- Mediation is not a required process and may not delay or deny a parent the right to a due process hearing.

Neither school officials nor parents may include an attorney at the mediation session.

### **Resolution Meeting Facilitation**

When a parent requests due process, the school and parents must hold a Resolution Meeting within 15 days unless both sides agree to waive the meeting or try mediation instead. If both parties agree to have a neutral person at the resolution meeting, ODR will send a facilitator to assist the parties in reaching agreement.

Benefits of Resolution Meeting Facilitation:

- Builds and improves relationships between parents and schools;
- Encourages parties to identify new options to address unresolved issues;
- Could be less stressful and less expensive than a due process hearing;
- If agreement is reached, the due process hearing might not be needed.

The CEO or designee is responsible for ensuring that any agreements entered into as a result of a Mediation or Resolution Session are implemented in accordance with the state regulations and is directed to maintain evidence of implementation.

### **Office of Dispute Resolution Hearing Officer Settlement Conference Program**

A hearing officer settlement conference (HOSC) is a service from PDE's Office of Dispute Resolution where parties who are close to a resolution, but have identifiable sticking points or roadblocks, can work with a sitting hearing officer to see if those sticking points/roadblocks can be overcome so that the parties can avoid a hearing and can move to finalizing the resolution.

If both parties agree to participate in a HOSC, the ODR case manager will assign a settlement hearing officer who is an active hearing officer, but who is not the presiding hearing officer in the case, to assist the parties through a HOSC. There is no cost to either party and it is non-binding but provides a substantive opportunity for the parties to obtain valuable input from a hearing officer as to potential liability and valuation.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**