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## Dispute Resolution Options for Students with Disabilities

### Administrative Review

An **administrative review** (AR) is a Fairfax County Public Schools (FCPS) informal, voluntary process to resolve special education and Section 504 disputes, convened at the request of the parent or the school principal. Issues related to child find, special education eligibility or Section 504 qualification, manifestation determination review or 504 causality hearing, and individualized education program (IEP)/504 Plan can be addressed through an AR. The administrative review committee consists of FCPS staff members with specific expertise, who have not had prior involvement and are impartial. The administrative review committee considers all available and relevant oral and written information before rendering an opinion or decision. A summary statement of the review discussion, opinion, and recommendations is provided to the parent and becomes part of the student record. The entire process typically takes up to six weeks to complete. Please note that voluntary participation in the FCPS administrative review process is **not** a prerequisite for access to any of the dispute resolution options outlined in the Virginia Department of Education (VDOE) Special Education Procedural Safeguards which are listed below. The parent or principal must submit a dated and signed written request specifically describing their concern to the coordinator of the FCPS [Due Process and Eligibility](#) office.

### Due Process Hearing

A **due process hearing** (DPH) is an impartial administrative legal process utilized to resolve disputes. It is conducted by an independent hearing officer appointed by the Supreme Court of Virginia. The parent or FCPS may initiate a request for a due process hearing based on alleged violations that occurred not more than two (2) years before the date the parent or FCPS knew, or should have known, about the alleged violation. The VDOE is responsible for ensuring that the hearing officer's decision and the management of the hearing comports with federal and state mandates. Additional information and the Parent Due Process form is located at <https://www.doe.virginia.gov/programs-services/special-education/resolving-disputes/special-education-due-process-hearings>. A request for a hearing shall be made in writing to the Office of Dispute Resolution and Administrative Services (ODRAS) at the VDOE. A copy of that request shall be delivered contemporaneously to the coordinator of the FCPS [Due Process and Eligibility](#) office.

### Facilitated IEP

A **facilitated IEP** (FIEP) meeting uses a facilitator appointed by the VDOE, to assist with communication in developing an IEP. Both the parent and the school must agree to a FIEP. A facilitator can assist the team in establishing an agenda; making sure everyone has a chance to speak and be heard; helping to keep the team on task and within the time allotted; and seeks to improve clarity and understanding in communications. Additional information and the Request for a Facilitated IEP Meeting form is located at <https://www.doe.virginia.gov/programs-services/special-education/resolving-disputes/facilitated-ieps>. The parent and school division must jointly initiate the Facilitated IEP process by completing this form and sending to the ODRAS at the VDOE.

### Mediation

**Mediation** is a voluntary and confidential dispute resolution process available to the parent and FCPS through the VDOE Statewide Special Education Mediation System. Both the parent and school must agree to enter the mediation process. Mediation can be an effective tool to address and resolve disputes, including matters arising prior to the filing of a request for a due process hearing. The entire process typically takes up to six weeks to complete. Additional information and the Virginia Special Education Mediation Services Request form is located at <https://www.doe.virginia.gov/programs-services/special-education/resolving-disputes/special-education-mediation>. FCPS and the Parent must jointly complete the request form and submit it to the ODRAS at the VDOE.

## Office for Civil Rights Complaint

The **Office for Civil Rights** (OCR) enforces several federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the United States Department of Education. Anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of one of these protected classes may file a complaint with the OCR. The Due Process and Eligibility office collaborates with other FCPS stakeholders to respond to OCR complaints that allege the school division discriminated against a student based on disability. Additional information and the Complaint form is located at <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>. The complaint form or written statements should be submitted directly to the OCR.

## Resolution

A **resolution** meeting is a dispute resolution process that must take place after a parent requests a due process hearing. Resolution meetings offer parents and school divisions the opportunity to resolve issues before a due process hearing occurs. Participants include the parent, FCPS staff, and attorneys, if appropriate. The school division must hold a resolution meeting within 15 calendar days of receiving notice of a parent's due process hearing request. An informal resolution meeting can be requested outside a due process hearing to resolve disputes locally. This informal resolution meeting can address issues related to special education or Section 504. An informal resolution meeting request can be made by contacting the coordinator of the FCPS [Due Process and Eligibility](#) office at 571-423-4470.

## Section 504 Impartial Hearing

A **Section 504 impartial hearing** may be requested by FCPS or the parent or guardian of a student with a disability as defined by Section 504 to resolve any disagreement regarding the identification, evaluation, accommodations, modifications, and/or services; provision of a free appropriate public education (FAPE); or causality determination of a student with a disability. A hearing may only be requested within one year of the date the parents knew, or should have known, about the alleged actions or facts that form the basis of the complaint. Additional information is located at <https://www.fcps.edu/academics/academic-overview/special-education-instruction/special-education-procedural-support/Section-504-information>. Requests for an impartial hearing shall be made in writing and delivered to the coordinator of the FCPS [Due Process and Eligibility](#) office.

## State Complaint

A **state complaint** is a request for the VDOE to investigate an alleged violation of special education regulations by a local educational agency. A complaint is a statement of some disagreement with a procedure or process regarding any matter relative to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education. A state complaint is not designed for violations of civil rights related to disability nor does it address personnel issues or general education matters. The VDOE has sixty calendar days to respond. Additional information and the State Special Education Complaint form is located at <https://www.doe.virginia.gov/programs-services/special-education/resolving-disputes/resolving-disputes>. A copy of the complaint, which includes the supporting documentation, must be simultaneously forwarded to the coordinator of the FCPS [Due Process and Eligibility](#) office.

## Additional Resources

- FCPS Special Education Procedural Support: <https://www.fcps.edu/academics/academic-overview/special-education-instruction/special-education-procedural-support>
- Regulations Governing Special Education Programs for Children with Disabilities in Virginia: <https://www.doe.virginia.gov/home/showpublisheddocument/894/63794562391360000>.
- Virginia Special Education Procedural Safeguard Requirements: <https://www.fcps.edu/sites/default/files/media/forms/se4.pdf>
- Section 504 Procedural Safeguards: <https://www.fcps.edu/sites/default/files/media/forms/se92.pdf>
- Special Education Procedural Support: Contact Information: <https://www.fcps.edu/academics/academic-overview/special-education-instruction/special-education-procedural-support/contact-information>

If you have questions concerning any of the above processes, contact the [Due Process and Eligibility](#) office at 571-423-4470 or the Office of Dispute Resolution and Administrative Services of the Virginia Department of Education at 807-225-2013,