

Who may request early resolution?

Either the district or the parent/adult student may request early resolution to a state complaint by contacting the other party and conducting a conference at the local level.

What are the timelines for early resolution and complaint investigations?

There are several timelines that must be met by the Office of Federal Programs & Support (OFPS) and the school district.

Complaints may be resolved at any time during the complaint investigation process. However, if the county school district and the parent reach an early resolution of all complaint allegations within 15 calendar days of being notified of the complaint or other timeline as specified by the OFPS:

- The county school district is not required to submit to the OFPS its written response to the allegations, and
- The OFPS will not proceed with the complaint investigation and will consider the complaint resolved.

Any allegation that is unresolved by early resolution will be investigated by the OFPS and a letter of findings issued in accordance with the required 60-day timeline.

For additional information:

West Virginia Department of Education
Office of Federal Programs & Support
Building 6, Suite 700
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
Phone: 304.558.7805
800.642.8541



West Virginia Board of Education 2020-2021

Miller L. Hall, President
Thomas W. Campbell, CPA, Vice President
F. Scott Rotruck, Financial Officer

Robert W. Dunlevy, Member
David G. Perry, Member
Daniel D. Snaveley, M.D., Member
Debra K. Sullivan, Member
Nancy J. White, Member
James S. Wilson, D.D.S., Member

Sarah Armstrong Tucker, Ph.D., Ex Officio
Chancellor

West Virginia Higher Education Policy Commission
West Virginia Council for Community and Technical College Education

W. Clayton Burch, Ex Officio
State Superintendent of Schools
West Virginia Department of Education



West Virginia DEPARTMENT OF
EDUCATION

Early Resolution of State Complaints

October 2020
West Virginia Department of Education

Foreword

Communication between parents and county school districts results in partnerships that enhance the education of students. This brochure, "Early Resolution for State Complaints," has been developed to assist parents and students in learning about one of the options available for resolving a state complaint. It is intended to help parents ensure their children with exceptionalities receive a quality education that meets their needs.



W. Clayton Burch
West Virginia Superintendent of Schools

Introduction

Federal and state laws and regulations provide several dispute resolution options including mediation, due process hearings, state complaints and Facilitated IEP Team meetings (FIEP), when disagreements arise regarding the implementation of special education requirements and/or the provision of a free appropriate public education (FAPE) for students with exceptionalities. With regard to resolving a state complaint, mediation and/or early resolution may be used by parents and county school districts. The purpose of this brochure is to provide information specific to the early resolution of state complaints.

What is early resolution?

Early resolution is an informal conference involving the parent and the special education director or designee. The purpose of the conference is to:

- talk about the allegation(s) specified in the written complaint;
- discuss how the allegation(s) can be resolved by the county school district; and
- if agreement is reached, document how each allegation will be resolved on the Verification of Early Resolution form.

The Verification of Early Resolution form must include the following:

- a statement of each complaint allegation;
- the details of the resolution for each allegation;
- whether the parent and the district have agreed to the resolution for each allegation; and
- the signatures of both parties.



Why use early resolution?

Early resolution of state complaints is in the best interest of students and has benefits for both the parent and the county school district. Early resolution:

- provides an opportunity for the parent and district personnel to openly discuss the allegation(s);
- encourages a collaborative, problem solving approach;
- can result in a mutually developed solution; and
- requires less time to address and resolve the parent's complaint allegations.

Early resolution can also have the following positive results:

- an increased understanding of the other party's perspective(s);
- student needs are met in accordance with the views of both the district and the parent; and
- a partnership between the district and the parent is established for future problem-solving.