

**OPERATING PROCEDURES
FOR
DISPUTE RESOLUTION COMMITTEE**

Oregon Department of Education
Office of Learning/Student Services

I. Introduction

The Oregon Department of Education (ODE) offers dispute resolution services to individuals, public agencies, or other organizations to resolve disputes related to the provision of special education in the state. ODE's dispute resolution services are intended to 1) provide fair and efficient resolution to special education disputes and 2) ensure that local educational agencies in the state comply with the Individuals with Disabilities Education Act and Oregon state law.

II. Function of the Committee

The function of the DRC is to serve as a primary advisory group to ODE on special education dispute resolution matters.

The DRC has the following objectives:

1. To ensure that implementation of ODE's mediation, FIEP, complaint investigation, and due process hearing systems are carried out fairly and effectively;
2. To provide ODE with review and recommendations on the resolutions to complaints and hearings and the procedures used to conduct complaint investigations and hearings under the IDEA; and,
3. To ensure statewide access to appropriate dispute resolution options for resolving special education disputes.
4. To add topics for discussion with ODE prior to each meeting.

III. Reporting

The DRC will report on its activities to the Assistant Superintendent for the Office of Learning/Student Services and the chairpersons of SACSE and SICC.

IV. Membership

The DRC shall be composed of the following members:

1. At least one representative of SACSE;
2. At least one representative of the State Interagency Coordinating Council (SICC) for Part C;
3. At least two parent representatives, with a preference that one parent be the parent of an infant, toddler, or child with a disability aged six or younger;
4. At least two special education representatives, at least one of whom is a school district or ESD administrator;
5. A school district or ESD principal or superintendent;
6. A representative of Disability Rights Oregon (DRO);
7. A representative of a Parent Training & Information Center (PTI);
8. A school district attorney;
9. A parent/student attorney;
10. A mediator representative. and

11. At least one member of the public, which could include a representative of higher education, a school board member, a general education teacher, a person with a disability, who has experienced education under the IDEA, or other person with an interest in special education dispute resolution.

Recruitment will be a combined effort of the DRC and ODE. The DRC will approve appointments to the committee based on a majority vote.

Members will be appointed for three year terms. Recruitment and applications will follow at the end of each term for roles that are not by appointment. Members may re-apply for their respective roles. The committee will vote for each vacancy and a majority vote will determine which applicant will fill the role.

The DRC works as a stakeholder meeting if all members representing different viewpoints consistently attend and participate in discussions and recommendations. Members are expected to attend all scheduled meetings, either in person or, when available, by other means such as conference call or V-TEL. Members may be excused from attendance. Members who miss two or more meetings a year without justification may be removed from the committee. The DRC will approve removals from the committee.

Any member may resign membership by so notifying the ODE Legal Specialist in writing.

V. Meetings

The DRC will meet at least three times per year.

A quorum will consist of a simple majority (more than half of committee membership).

The DRC will not have officers. ODE staff will chair the meeting unless the committee appoints a different chair.

ODE staff will prepare draft meeting agendas for each meeting and will provide members with information relevant to the agenda items. Any member may request additional items.

At each meeting ODE will provide the most recent volume up-dates and results of applicable surveys.

Copies of agendas and meeting materials will be distributed to committee members prior to the meeting.

Copies of approved meeting minutes will be distributed to the Assistant Superintendent for the Office of Learning/Student Services.

VI. Decision Making

The method for decision-making ordinarily will be by a quorum vote. Any proposed recommendations will be modified by discussion until all committee members present agree to a final form. Voting can be by proxy at the meeting or by email after the meeting within the designated timeframe. Members are expected to vote for requested items and abstention is not permitted.

If, after reasonable effort, consensus cannot be reached, any committee member may call for a vote. If a vote is taken, a quorum of the members present is necessary to pass a proposal.

The meeting minutes will reflect the original proposal, the major points of discussion, the amended proposal, if any, the recommendation of the committee, and minority viewpoint(s), if any.

Anyone attending the meeting may speak on any issue. Only committee members may initiate or amend proposals, and only committee members may vote. ODE staff and the representatives from the Office of Administrative Hearings and the Department of Justice are not considered members of the committee.

If a decision is required between meetings and it is not possible to assemble the committee, the chair or designee may poll the members by email. In this case, quorum of the members must approve any action or recommendation and a report will be made and entered into the meeting minutes at the next meeting.

Committee members have the responsibility to identify possible or actual conflicts of interest and make the committee aware of the conflict before participating in any decision. If the decision concerns contracted services or purchases, the committee member will abstain from the decision process.