

U.S. DOE ISSUES GUIDANCE REGARDING SPECIAL EDUCATION DISPUTE RESOLUTION DURING COVID-19

On June 22, 2020, the Office of Special Education Programs (OSEP) issued Frequently Asked Questions Guidance regarding timelines and procedures for State complaints, resolution meetings, mediations, and special education due process hearings.

According to OSEP, the sixty day timeline for state complaint resolution may not be categorically extended due to COVID-19, but the State Board of Education may extend timelines on a case by case basis, if, for example, due to the pandemic, the State does not have sufficient staff available to investigate the complaint or if the State is unable to access student records or other specific information necessary to resolve the complaint.

Resolution meetings may be held remotely, with parent agreement. The parties may agree to extend the fifteen calendar day timeline for holding a resolution meeting and the thirty day resolution period. However, the timelines for expedited due process hearings (seven calendar day timeline for a resolution meeting and fifteen calendar day resolution period) may not be extended.

Mediations may be held remotely, with parent agreement, and the parties may agree upon the timeline for mediation.

Due process hearings may be held remotely if the parent is ensured an impartial hearing. The hearing officer may grant specific extensions of time at the request of either party if the hearing officer documents the length of, and reasons for the extension of time. However, deadlines for expedited due process hearings may not be extended.

If you have questions regarding this Guidance or special education during the COVID-19 pandemic, please call or email one of our attorneys.