

DUE PROCESS/COMPLAINT/MEDIATION REPORT

Reporting Period FY21 (July 1, 2020 – June 30, 2021)
Reporting Period FY22 (July 1, 2021- September 16, 2021)

Summary of Due Process Activity

	Total # of Students Enrolled in Nevada Schools	October 1, 2020 Special Education Child Count	Requests for Due Process Received	Hearings Conducted	Reviews
Reporting Period FY21	481,345	62,000	63	3	1
Reporting Period FY22			11	0	0

Summary of Complaint/Mediation Activity

Complaint requests received:

Reporting Period FY21	10
Reporting Period FY22	0

Mediation requests received:

Reporting Period FY21	13
Reporting Period FY22	3

Facilitation requests received:

Reporting Period FY21	8
Reporting Period FY22	1

Trends to Date for Reporting Period FY21:

State Complaints:

- IEP Implementation
- Placement
- Eligibility

Due Process:

- IEP Implementation
- Placement
- Evaluation

Mediation:

- IEP Implementation
- Parent Participation

HISTORICAL DATA	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Due Process Requests Received:	77	81	98	83	102	109	99	139	97	63
Due Process Requests Settled/Withdrawn:	74	76	93	80	95	107	96	134	94	60
Hearings Conducted:	2	5	2	2	3	2	3	4	3	3
Reviews Conducted:	1	4	1	0	2	2	2	3	2	1
Complaints Investigated:	16	22	3	12	9	21	8	9	7	9
Mediation Requests Received:	5	2	4	1	7	10	8	7	6	13

DUE PROCESS SUMMARIES FY20 & 21: To review copies of FULL Due Process reports, please go to: [Inclusive Education Dispute Resolution](#)

Facilitation:

- Not Required under IDEA.
- An optional resolution process that is initiated by a parent or school district where an impartial facilitator assists the IEP team with communication and problem solving with the final outcome of developing an IEP that is supported by all team members that benefits the student. Mediation must be agreed upon by both parties.
- Provided at public expense.

Mediation:

- Initiated by parent or school district and must be agreed upon by both parties.
- A voluntary process that brings people together with a mediator.
- Mediator helps communication between parties to resolve disagreements. The final outcome of mediation is a signed legally enforceable written agreement.
- Provided at public expense.

State Complaint:

- This process is used to *communicate that* a public agency has not followed the IDEA, and to request an investigation. ***This is the only dispute resolution process that can be initiated by anyone.***
- The outcome of the State Complaint is a written decision that includes findings and conclusions listing reasons for the final decision. The final decision might include corrective actions that are student specific and/or systemic.
- Timeline: A written decision must be issued no later than 60 calendar days after the complaint was received, unless the timeline is extended.
- Filed within 1 year of the date when the individual knew or should have known of the problem.
- Provided at public expense.

Due Process:

- Initiated by a parent or school district.
- This process is used to *resolve* a formal complaint regarding disagreements relating to the identification, evaluation, educational placement or provision of a free appropriate public education to a child who needs or is suspected of needing special education and related services. The outcome of Due Process is a written decision with findings of fact and conclusions of law that is legally binding. From the date the complaint is filed until the decision is final, the student remains in his/her current educational placement, unless the parent and school district agrees otherwise.
- The decision can be appealed in state or federal court.
- Timeline:
 - A **resolution meeting** must take place within 15 calendar days of the filing of a due process complaint. Can have up to 30 calendar days to work on a resolution prior to the hearing timeline.
 - A written decision must be issued within 45 calendar days from the end of the resolution period, unless a party requests a specific extension of the timeline.
- Must be filed within 2 years of the date when a party knew or should have known of the problem.
- The hearing, hearing officer or administrative law judge, facilities, and decision are all provided at public expense. Each party pays its own expenses, such as attorney's fees and witnesses.