



# INDIANA STATE BOARD OF EDUCATION

**June 5, 2019**

## **Resolution Regarding the Establishment of the Education Dispute Resolution Working Group**

*WHEREAS*, IC 20-19-2-22.5 requires that the Indiana State Board of Education (“Board”) establish the “education dispute resolution working group” (“EDR working group”).

*NOW, THEREFORE, BE IT RESOLVED THAT*, the State Board authorizes the creation of the EDR working group.

*BE IT FURTHER RESOLVED THAT*, the EDR working group consist of the following nine (9) members appointed by the Board:

- A representative of Indiana Disability Rights, recommended by the organization.
- A representative of The Arc of Indiana, recommended by the organization.
- An employee of the Indiana Department of Education (“Department”), recommended by the State Superintendent of Public Instruction.
- A representative of the Indiana Council of Administrators of Special Education (ICASE), recommended by the organization.
- A representative of the Indiana School Boards Association, recommended by the organization.
- A representative of the Indiana Association of Public School Superintendents, recommended by the organization.
- A representative of INSOURCE, recommended by the organization.
- Dr. Byron Ernest, appointed to the Board by the Speaker of the Indiana House of Representatives, pursuant to IC 20-19-2-2.2(a)(3).
- The member of the Board that will be appointed by the by the President Pro Tempore of the Indiana Senate, pursuant to IC 20-19-2-2.2(a)(4).

*BE IT FURTHER RESOLVED THAT*, the EDR working group will select two (2) additional members during the first meeting, who will be nominated by the representative of Indiana Disability Rights, the representative of The Arc of Indiana, the employee from the Department, or the representative from INSOURCE. The two additional members must be approved by the majority of the Board appointed EDR working group members, and satisfy the following criteria:

- One nominated member that is a parent of a student with a disability.
- One nominated member that is a parent of a student who is not receiving special education services.
- The two (2) additional members may not be a current or retired employee of a school corporation or have another affiliation with a school other than having a child attending a school.

*BE IT FURTHER RESOLVED THAT*, the Board appoints Dr. Byron Ernest to serve as chairperson for the EDR working group.

*BE IT FURTHER RESOLVED THAT*, pursuant to IC 20-19-2-22.5(g), on or before November 1, 2019, the EDR working group shall make recommendations to the Department, the Board, and the general assembly regarding the following topics or other state education laws:

- The complaint and investigation requirements set forth in 511 IAC 7-45-1 that could reduce costs to school corporations and parents of students with disabilities.
- The recruitment, training, and payment of administrative law judges or hearing officers.
- A system of access to low cost legal advocacy regarding educational disputes that encourages efficient resolution of disputes and does not incentivize protraction.
- Implications to the receipt of federal funding regarding changes made to 511 IAC 7.
- Information and communication strategies to parents of students with disabilities and school corporations for resolving disputes concerning special education issues.
- Patterns of complaints that emerge regarding special education rights and services, in order for the Department to develop strategies to better resolve issues that lead to a particular pattern of complaints.
- Appropriateness of nondisclosure agreements in settlements involving special education and public schools.
- Whether the Department shall establish a special education board of appeals to review administrative hearings or findings.
- Whether a dispute resolution ombudsman within the Department would reduce costs relating to legal advocacy and facilitate more efficient resolution of disputes.

*BE IT FURTHER RESOLVED THAT*, in developing the recommendations, the EDR working group shall consider:

- Not deterring legitimate complaints.
- Successful approaches from other states.
- A process to develop a statewide or regional education dispute resolution ombudsmen concept to facilitate efficient resolution of disputes.
- Administrative law judge (including independent hearing officer) recruitment, training, and payment.
- Ensuring that recommendations made by the EDR working group are consistent with cooperative federalism.
- Any opinions rendered by the United States Department of Education

*BE IT FURTHER RESOLVED THAT*, all EDR working group meetings shall be open to the public, the first meeting of the EDR working group shall occur by August 1, 2019, and the EDR working group shall dissolve after the submission of the recommendations to the Department, the Board, and the general assembly.

*BE IT FURTHER RESOLVED THAT*, except for the appointment of the two (2) members nominated by the Board appointed EDR working group members, the affirmative votes of at least six (6) members of the EDR working group are necessary for the EDR working group to take action.

*BE IT FURTHER RESOLVED THAT*, to the extent possible, the procedures at all EDR working group meetings shall be governed by the current edition of Robert's Rules of Order, Newly Revised.

ADOPTED ON: June 5, 2019