

# Dispute Resolution Options in Special Education

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WISCONSIN DEPARTMENT OF  
**Public Instruction**  
Jill K. Underly, PhD, State Superintendent

# Overview of Options



## IEP Facilitation

This early conflict prevention option provides a neutral, trained facilitator to help the IEP team with the IEP process. The facilitator helps the IEP team maintain open, respectful, and productive communication and is provided by WSEMS.

Contact:

Wisconsin Special Education Mediation  
System

888-298-3857

[gia@wsems.us](mailto:gia@wsems.us)



## Mediation

Mediation is available to resolve issues by providing a free professional mediator. The goal of mediation is to come to a mutual decision, in writing. Discussions during mediation are confidential and enforceable in court.

Contact:

Wisconsin Special Education Mediation  
System

888-298-3857

[gia@wsems.us](mailto:gia@wsems.us)



## IDEA State Complaint

Any individual or organization may file a complaint to be investigated with the DPI if they believe a school district has violated state or federal requirements regarding special education and related services.

Contact:

DPI Special  
Education Team

608-266-1781

[dpisped@dpi.wi.gov](mailto:dpisped@dpi.wi.gov)



## Due Process Hearing Request

A written request for a hearing related to the identification, evaluation, placement, issues pertaining to the IEP, or the provision of a free and appropriate public education of a child with a disability.

Contact:

DPI Special  
Education Team

608-266-1781

[dpisped@dpi.wi.gov](mailto:dpisped@dpi.wi.gov)

# Scenario Part One

Kayla is a third grade student who was determined eligible for IDEA after meeting criteria for several disability areas last year. Kayla's parents, Ellen and Frank, are in the midst of an acrimonious divorce.

# Scenario Part Two

Frank lives in a neighboring district and is trying to get the family court to give him primary placement. Frank has threatened to revoke consent for services because he, “thinks all this special education stuff is a bunch of crap.”

# Scenario Part Three

Ellen is concerned that Kayla is being bullied because of her disability and the school is not doing enough to meet her disability-related needs. Ellen has heard from friends about ClearChoice, a wonderful private school which serves students with Kayla's disability-related needs and would be a safer place for Kayla.

# Scenario Part Four

Ellen demands that the IEP team meet and change Kayla's placement ClearChoice. The principal, who is also the LEA representative at Kayla's IEP team meetings thinks Kayla is a disruptive presence at school and has told Ellen outside an IEP team meeting that ClearChoice would be a good idea.

# Scenario Part Five

Frank is really mad at the principal for being disrespectful of his daughter. He has demanded to see any and all records pertaining to his daughter's education before he will agree to any IEP team meeting.

# Scenario Part Six

You, as director, believe Kayla's IEP team made an appropriate placement determination, that the school is providing Kayla FAPE, and that ClearChoice is the opposite of what Kayla needs.

# Timelines Part One

Option	Initial Actions/Response	Event	Resolution	Corrective Action
Facilitated IEP team meeting	Contact WSEMS at least two weeks in advance if meeting scheduled	IEP team meeting with up to three hours of facilitation	Can anticipate or resolve potential issues at meeting	Not Applicable
Mediation (individual request)	WSEMS contacts other party, other party has five business days to decide; If both agree, WSMES schedules an intake	First mediation within 21 days of agreeing on mediator	If an agreement is reached, the family and LEA decide the content and terms	Not Applicable
Mediation (jointly filed)	WSEMS schedules an intake with each party	First mediation within 21 days of agreeing on mediator	If an agreement is reached, the family and LEA decide the content and terms	Not Applicable

# Timelines Part Two

Option	Initial Actions/Response	Event	Resolution	Corrective Action
IDEA State Complaint	Acknowledgement letter usually within two weeks of receiving complaint	Interviews usually within four weeks of receiving complaint	DPI decision within 60 days of receiving complaint	DPI ensures noncompliance corrected within one year of decision date
Due Process Hearing	Resolution session within 15 days of filing, resolution period 30 days	If no resolution, hearing within 15 days of resolution period ending unless extended	Administrative Law Judge (ALJ) decision within 45 days of resolution period ending unless extended	ALJ sets terms and DPI ensures noncompliance corrected within reasonable time
Expedited Due Process Hearing	Resolution session within seven days of filing, resolution period 15 days	If no resolution, hearing within 20 school days, no extensions permitted	ALJ decision within 30 school days, no extensions permitted	ALJ sets terms and DPI ensures noncompliance corrected within reasonable time