



Quick Guide to Special Education Dispute Resolution Processes for Parents of Children & Youth (Ages 3-21)

This guide is not intended to interpret, modify, or replace any IDEA Part B procedural safeguards or requirements of federal or state law. State regulations associated with these processes vary widely. Parents are encouraged to contact their state educational agency or parent center for more information.

Processes	IEP Facilitation Not required by the IDEA; availability varies by state	Mediation	Resolution Meeting	Written State Complaint	Due Process Complaint/ Hearing Request	Expedited Hearing Request & Resolution Meeting
How the Processes Differ	An optional early resolution process where an impartial facilitator assists the IEP team with communication and problem solving.	A voluntary process that brings people together with a mediator, who helps them communicate with each other and resolve their disagreements.	A meeting that takes place after a parent files a due process complaint/hearing request but before a due process hearing takes place.	A written document used to communicate that a public agency (e.g., school district) has not followed the IDEA, and to request an investigation.	A process used to resolve a formal complaint made by a parent or public agency (e.g., school district), who are together referred to as "the parties."	A special type of due process complaint/hearing request available only in certain situations that relate to a student's discipline and placement.
What Issues & When Used	Used when a parent and school district are unable to agree on important issues related to a child's IEP, or when a meeting is expected to address complex issues or be controversial.	Available anytime there is a disagreement between parents and educators about special education and/or related services.	The meeting must occur unless the parent and school district agree in writing not to have the meeting, or to use the mediation process instead.	Available anytime there is a concern about a particular child or an issue that affects children system-wide.	Used to resolve disagreements relating to the identification, evaluation, educational placement or provision of a free, appropriate public education (FAPE) to a child who needs or is suspected of needing special education and related services.	Used when parents disagree with a school district's discipline-related decision that affects their child's placement, or whether the child's behavior is related to his or her disability.
Who Initiates	A parent or school district may request IEP facilitation. A state educational agency may also recommend this, as an alternative to a more formal process.	A parent or school district may request mediation. A state educational agency may also recommend this, as an alternative to a more formal process.	The school district must hold a resolution meeting within 15 calendar days of receiving notice of a parent's due process complaint/hearing request.	Any person or organization may file a written state complaint.	A parent or school district may file a due process complaint/hearing request.	A parent or school district may file an expedited due process complaint/hearing request.
Outcome or Desired Result	An IEP that is supported by the team members and benefits the child.	A signed, legally enforceable, written agreement.	A signed, legally enforceable, written agreement that resolves issues listed in the due process complaint/hearing request.	A written decision that includes findings and conclusions, and lists reasons for the final decision. Must also include actions required to address the needs of the child or children related to the complaint.	A written decision with findings of fact and conclusions of law, which may order specific activities to be carried out.	A written decision with findings of fact and conclusions of law, which may order the child to be provided with a specific educational placement.
Process Distinctions	IEP facilitation is an early dispute resolution option that is not required by the IDEA.	Mediation discussions are confidential. Mediation is a flexible process – participants may influence the process, and ultimately determine the outcome.	Resolution meetings only occur after a due process complaint/hearing request is filed. The resolution meeting occurs unless the parent and school district both agree in writing not to have the meeting, or go to mediation instead.	This is the only dispute resolution option open to any person or organization, including those unrelated to the child.	A formal record of the hearing (a written or electronic transcript) must be made and provided to the parent.	See Due Process Complaint/Hearing Request
Benefits	IEP facilitation allows all members of the team the chance to participate fully, since the facilitator serves as the meeting leader.	Discussions are confidential – what is said in mediation can't be used as evidence in a due process hearing or civil lawsuit.	Provides a chance for the parent and school district to work together to resolve issues prior to a due process hearing.	The final decision may include corrective actions that are child-specific or relate to system-wide issues.	The prevailing party may attempt to recover attorneys' fees in a separate court action.	This process is intended to quickly address decisions concerning a student's discipline and placement.
	May build and improve relationships among IEP team members.	A more flexible, less adversarial alternative to other dispute resolution options, like due process complaints/hearing requests.	Keeps decision-making with the parent and school district who know the child.	A written decision must be issued no later than 60 calendar days after the complaint was received, unless the timeline is extended.	From the date that the complaint is filed until the decision is final, your child stays in his or her current educational placement, unless you and the school district agree otherwise – this is called "pendency" or "stay-put."	
	Sometimes, team members feel better heard when a facilitator is involved.	Sometimes, participants work with the mediator to design the process; in some cases, they may be allowed to select the mediator together.	The school district may only bring an attorney to the resolution meeting if the parent chooses to bring an attorney.	A written state complaint is relatively easy to file.	The decision is legally binding on the parties.	
	Can help resolve disagreements more quickly than other options.	Can help resolve disagreements more quickly than other options.	The parent or school district may cancel a resolution agreement within 3 business days of the agreement being signed.		The state educational agency is responsible for ensuring the decision is followed, unless it is appealed.	
	Keeps decision-making with team members who know the child best.	Mediation is voluntary, so the parent and school district must both agree to participate.	Discussions at the resolution meeting are not confidential, and you cannot be required to sign a confidentiality form to participate in the meeting.			The expedited hearing timeline is based on school days, and the resolution meeting period is based on calendar days.
	The IEP team may work together more effectively and efficiently.	Whether there is resolution of the issues, or an agreement is created, depends upon the participants.	Parents and the school district may choose to sign a confidentiality agreement or include it in a resolution agreement.			It is important to keep timeline differences in mind, especially during or close to times when school is not in session, such as vacations and extended breaks.
Considerations	Parents and the school district must agree to use IEP facilitation.	Complex situations may require multiple mediation sessions to come to agreement. There is no guarantee that a written agreement will be created.	Parents and the school district may choose to sign a confidentiality agreement or include it in a resolution agreement.	The IDEA does not require states to offer an appeal process for the written decision—check with your state educational agency for options that may be available.		The resolution period, hearing, and decision timelines cannot be extended.
	For the process to be successful, everyone at the meeting needs to respect the role of the facilitator and be willing to participate.					
	The facilitator typically does not address issues unrelated to the IEP.					

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Decision-maker	The IEP team. A facilitator typically: <ul style="list-style-type: none"> Helps team members develop ground rules and an agenda for the meeting. Guides discussion by asking child-focused questions. Keeps the team on task and the meeting on schedule. Asks questions to clarify points of agreement and disagreement, and help identify workable solutions. Does not make decisions or determine if team members are right or wrong. 	Participants work on solutions together and are in control of the outcome. A mediator typically: <ul style="list-style-type: none"> Helps participants develop ground rules for the session. Creates a safe environment and encourages participants to be respectful of other points of view. Guides discussion by listening, identifying interests, and clarifying concerns. Does not make decisions. Is knowledgeable of laws relating to special education and related services. 	The parents and school district identify the terms of any agreement. The IDEA does not include a third party for resolution meetings. Some states may provide facilitators for resolution meetings if requested by the parent and school district, although this is not required.	The state is responsible for ensuring that an investigation is done, if necessary, and a decision is made about the complaint. An investigator: <ul style="list-style-type: none"> Reviews information related to the complaint. May interview or meet with people related to the complaint. Makes findings and a determination based on applicable law. 	A hearing officer or administrative law judge makes the decision. If the decision is appealed, a judge makes the decision. The hearing officer or administrative law judge: <ul style="list-style-type: none"> Oversees the hearing timeline, including all pre-hearing activities. Conducts the hearing and manages procedural matters. Uses applicable law to write a decision based on evidence and testimony presented at the hearing. May dismiss the complaint if the issues are resolved before the hearing. 	See Due Process Complaint/Hearing Request See Due Process Complaint/Hearing Request
Role of Third Party	Available at any time, even if a due process complaint/hearing request or written state complaint has already been filed. Must be scheduled in a timely manner.	Available at any time, even if a due process complaint/hearing request or written state complaint has already been filed. Must be scheduled in a timely manner.	If the requirement is not waived, or mediation is not used, a resolution meeting must take place within 15 calendar days of the filing of a due process complaint/hearing request. A parent may ask the hearing officer or administrative law judge to start the hearing timeline if the school district does not hold the resolution meeting on time. The parties have up to 30 calendar days to work on a resolution prior to the hearing timeline. The hearing officer or administrative law judge may extend this period at the request of the parties.	Under the IDEA, written state complaints must be filed within 1 year of the date when the individual knew or should have known of the problem. The written decision must be issued no later than 60 calendar days from the date the complaint was filed, unless the timeline is extended.	The 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. The hearing timeline proceeds if the issue is not resolved within 15 calendar days. The hearing must be held within 20 school days of the request being filed. The decision must be issued within 10 school days of the hearing.	A resolution meeting must occur within 7 calendar days, unless the parties agree in writing not to have the meeting, or use mediation instead. The hearing timeline proceeds if the issue is not resolved within 15 calendar days. The hearing must be held within 20 school days of the request being filed. The decision must be issued within 10 school days of the hearing.
Time Frame	Meetings may be scheduled within a few days or weeks of a request being received.	Meetings may be scheduled within a few days or weeks of a request being received.	If the requirement is not waived, or mediation is not used, a resolution meeting must take place within 15 calendar days of the filing of a due process complaint/hearing request. A parent may ask the hearing officer or administrative law judge to start the hearing timeline if the school district does not hold the resolution meeting on time. The parties have up to 30 calendar days to work on a resolution prior to the hearing timeline. The hearing officer or administrative law judge may extend this period at the request of the parties.	Under the IDEA, written state complaints must be filed within 1 year of the date when the individual knew or should have known of the problem. The written decision must be issued no later than 60 calendar days from the date the complaint was filed, unless the timeline is extended.	The 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. The hearing timeline proceeds if the issue is not resolved within 15 calendar days. The hearing must be held within 20 school days of the request being filed. The decision must be issued within 10 school days of the hearing.	A resolution meeting must occur within 7 calendar days, unless the parties agree in writing not to have the meeting, or use mediation instead. The hearing timeline proceeds if the issue is not resolved within 15 calendar days. The hearing must be held within 20 school days of the request being filed. The decision must be issued within 10 school days of the hearing.
Financial Cost/ Who Pays	Typically, there is no cost to the parent – the meeting is provided at public expense.	No cost to the parent – the mediator and facilities are provided at public expense.	No cost to the parent – the meeting is provided at public expense.	No cost to the complainant – the investigation and decision are provided at public expense.	The hearing, hearing officer or administrative law judge, facilities, and decision are provided at public expense. Each party pays its own expenses, which may include attorneys' fees and witnesses. Due process is considered the most adversarial dispute resolution process.	See Due Process Complaint/Hearing Request See Due Process Complaint/Hearing Request
Impact on Relationships	Having a facilitator present at IEP meetings can help team members problem-solve together more effectively. Better communication and improved relationships often result from facilitated IEP meetings.	A mediator may help participants problem-solve more effectively. A successful mediation can help improve the school-family relationship.	Resolution meetings give parents and school districts an opportunity to resolve issues without going to a hearing. Where available, using a facilitator to guide discussion and problem-solve may result in better communication. It may be helpful to: <ul style="list-style-type: none"> Bring a copy of the due process complaint/hearing request and other materials that may be useful to you. Make a list of your child's needs. Organize materials, including dates and notes on documents. Consider all possible solutions to the problem. Think about how you plan to deal with emotions during the meeting, and try to stay optimistic. Consider asking someone to go to the meeting with you, to help you stay positively focused. 	This process does not focus on relationships. A complainant should: <ul style="list-style-type: none"> Include information to support the problems identified when the complaint is filed. Follow state requirements for filing the complaint. (For example, some states require an original, signed complaint.) Provide the school district with a copy of the complaint. Respond to all requests for more information about the complaint in a timely manner. Review the school district's response to the complaint and, if appropriate, provide additional information according to the state's guidelines. 	Due process is considered the most adversarial dispute resolution process. Considerable preparation is needed to present a case adequately. Parties should be prepared to do the following for a hearing: <ul style="list-style-type: none"> Gather and submit evidence. Prepare testimony, witness lists, and other hearing documents. Question and cross-examine witnesses. 	See Due Process Complaint/Hearing Request See Due Process Complaint/Hearing Request
How to Prepare	It may be helpful to: <ul style="list-style-type: none"> Make a list of the issues you want to discuss and questions you want to ask. Think about what is most important to your child and his or her needs. Be willing to listen and carefully consider others' ideas. Organize documents, put dates and notes on them, and bring extra copies. Bring materials that may be helpful to explain or inform others. Think about how you plan to deal with emotions during the meeting. Arrive a little before the meeting, so you have time to get ready to participate. 	It may be helpful to: <ul style="list-style-type: none"> Identify issues you want to discuss during the mediation. Make a list of your child's needs and questions you want to ask. Think of questions that others might ask and write down possible responses. Organize documents, put dates and notes on them, and bring extra copies. Bring materials that may be helpful to explain or inform others. Be willing to listen and carefully consider others' ideas, as well as possible solutions. Think about how you plan to deal with emotions during the meeting. 	It may be helpful to: <ul style="list-style-type: none"> Bring a copy of the due process complaint/hearing request and other materials that may be useful to you. Make a list of your child's needs. Organize materials, including dates and notes on documents. Consider all possible solutions to the problem. Think about how you plan to deal with emotions during the meeting, and try to stay optimistic. Consider asking someone to go to the meeting with you, to help you stay positively focused. 	Parties choose whether to hire or consult with an attorney. A person who is not represented by an attorney may be referred to as appearing "pro se." This is a Latin term that means the person represents himself or herself in the legal proceeding.	Parties should be prepared to do the following for a hearing: <ul style="list-style-type: none"> Gather and submit evidence. Prepare testimony, witness lists, and other hearing documents. Question and cross-examine witnesses. 	See Due Process Complaint/Hearing Request See Due Process Complaint/Hearing Request
Additional resources are available on the CADRE Website						

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