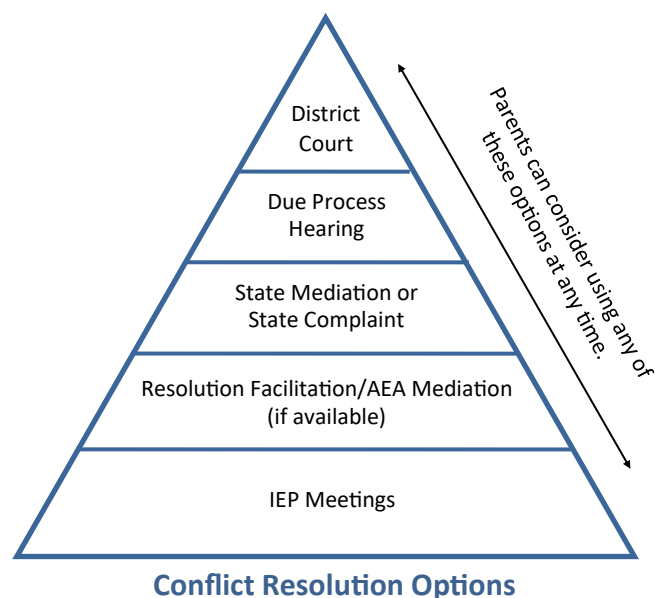


Parents have many rights in Special Education, including the right to disagree with the IEP (Individualized Education Program) team and express concerns about the supports and services for their child.

There are a range of formal and informal options that parents have to address IEP related concerns for their student. Informal problem solving through routine conversation helps promote IEP team partnership and collaboration. Formal legal actions can be taken at any time but may have an impact on IEP team relationships.



Why is a strong partnership important?

Successful conflict resolution needs everyone's effort to be part of the solution. If this model is followed, attempts to resolve disagreements will happen at each level and those that remain at the top will be very few.

Parents can consider using any of these options at any time. If higher level actions are taken first, it may be difficult to move to lower levels.

How can I build a good partnership?

The most effective way to prevent conflict is to establish good partnerships. This is done through communication, relationships and collaboration.

Positive relationships between families and educators develops with regular contact before there is a problem. Creating a foundation for working together makes it easier to collaborate through more difficult issues.

The way you choose to communicate could have an impact on how your message is received.

To support good partnerships:

- Don't micro-manage, but also don't save up many small concerns until they become big concerns.
- Minor issues can easily be communicated with a brief phone conversation or email, but don't rely on those methods for important messages.
- If it is an issue causing disagreement, create written documentation through a letter or email to the teacher, the administrator, or other service professional.
- If you expect a written reply, ask for it in your letter or email.
- Keep communications clear and focused on the biggest concern or request regarding your student.
- When a problem or difference of opinion happens, parents may request a problem-solving meeting.
- A short conference with the teacher may be enough to address a small concern, but if changes to the IEP need to be considered, the team should have a meeting with parents.

How can the Individual Education Program (IEP) process help resolve disagreements?

Your child's IEP meetings may be the single best way to resolve disagreements before considering higher levels of conflict resolution.

IEP teams should always include people needed to make decisions. There are other factors which may influence the decision making process, but the team should always be focused on the student's needs. Parents or educators can suggest any changes to the IEP they think appropriate for the student. Families may share any supporting information from other professionals, which must be considered by the team.

If the team is unable to agree, parents can ask for a Prior Written Notice (PWN) of the proposed or refused action. The PWN states the reason for the school's decision. Parents may challenge or appeal a decision by using their conflict resolution options.

What is Resolution Facilitation (AEA Mediation)?

If you have not been able to successfully resolve the differences within the IEP process, and more structure is needed, check with your Area Education Agency (AEA) to see if they offer the Resolution Facilitation process. This is sometimes referred to as AEA Mediation. A "Resolution Facilitator" is a person from an AEA who is trained as a mediator to facilitate discussions.

What is State Mediation?

Mediation is a meeting between families and school or AEA officials to try to work out areas of disagreement. The mediation process is facilitated by someone who is trained by the Iowa Department of Education, who helps clarify the problem, facilitates conversations and finds an agreement which is acceptable to all. Parents should come prepared with specific IEP related requests, supporting information, and ready to negotiate in the best interest of their student. Families and schools may choose to be represented by an attorney at a mediation session.

What is a State Complaint?

A State Complaint can be filed with the Iowa Department of Education if parents believe that the school district or AEA has violated a Special Education state rule or law under IDEA, including a violation of their child's IEP. This must be completed within one year from when the violation happened. Be sure to identify the impact this had on your student's education from the violation.

In this process a fact-finding investigation and written conclusion should be completed by the Iowa Department of Education within 60 days of the complaint. If the investigation concludes that violations have occurred, a corrective action plan will be issued.

What is a Due Process Hearing?

A due process hearing is a legal proceeding in which both parents and school officials present their case to an administrative law judge (ALJ) designated by the Iowa Department of Education (DE). It is a much more formal process than mediation. Parents, school districts, and/or the AEA are represented by their own attorney. Parents who choose to be represented by an attorney are responsible for the costs. Under IDEA parents are able to recover their legal expenses from the school districts and/or AEAs when they "prevail" or win their case. Repayment is not automatic.

It is important for families to understand the financial costs, as well as the possible relationship damage caused by a due process. It has been said that mediation is like marriage counseling and a due process is like divorce.

What is District Court Action?

If either parents or educators disagree with the due process decision from the administrative law judge or a complaint decision from the Iowa DE, an appeal can be filed in district court.

Focus on Students and Solutions

Your ongoing working relationship with the school district and AEA personnel is a very important component of your child's successful education. Focus on your student and their needs. While there are a range of options available to parents, there may be lasting benefits of working towards resolving disagreements at the lowest level.

Related Resources

Look for the following resources on the ASK website:

- Parent Guide to Educational Advocacy
- Communication Matters
- We Still Disagree— What is the Next Step?
- Prior Written Notice

ASK Essential Questions

- Have I put my concerns in writing?
- Do I have a Prior Written Notice from the school explaining the school's reason for a decision that has been made?
- Should I consider getting legal representation?