

# Conflict Resolution Options in Special Education

At ASK Resource Center, we often get calls from frustrated parents who say, “I can’t get the school to give my child what he needs. I just want to sue them!” We understand those feelings, we have learned through experience, that suing someone, is not a productive way to resolve differences and can actually be damaging. There are situations where legal action may be necessary but there are several methods of conflict resolution available that can, and should be tried before reaching that point.

## Building A Strong Foundation

You may have heard the saying, “If you aren’t part of the solution, you are part of the problem.” Successful conflict resolution needs everyone’s effort to be part of the solution. Conflict resolution in Special Education can be thought of as a series of activities, starting with a solid foundation and building to a peak. Teams should work together to resolve differences at each level.

Most conflicts never reach the upper levels of the pyramid. 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. Any of the strategies are available to families at any time. If higher level actions are taken first, it may be difficult to move to lower levels.

## Communication

Use natural ways of communication, based on solid working relationships with educators, to present and resolve any issues of concern. Do your best to strike a good balance. Don’t micro-manage, but also don’t save up many small problems they become big ones. The way you choose to share your message may have an impact on how it is received. 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, a written letter (not an email) to the teacher, the administrator, or other service professional. If you expect a written reply, ask for it in your letter, without demanding an immediate response. Keep communications clear and focused on the biggest concern or request regarding your student.

## Relationships

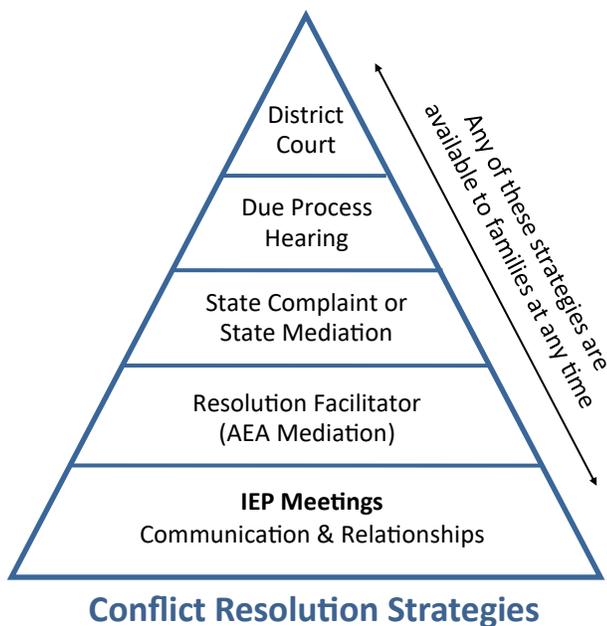
The most effective way to prevent conflict is to establish solid working relationships. When positive relationships between families and educators develop with regular contacts addressing ordinary matters, a foundation for working together exists, making it easier to tackle more difficult issues.

## Problem-Solving

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.

## The Individual Education Program (IEP) Process

Your child’s IEP meetings may be the single best way to resolve disagreements before requiring 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 legal reason for the school's decision. Parents may challenge or appeal a decision in writing.

### **Resolution Facilitation (AEA Mediation)**

If you have not been able to successfully resolve the differences within the IEP process, and more structure is needed, you may use Resolution Facilitator process. A "Resolution Facilitator" is a person from an Area Education Agencies (AEA) who is trained as a mediator to facilitate discussions.

### **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 involves everyone in the work to find 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 your student. Families and schools may choose to be represented by an attorney at a mediation session.

### **Due Process Hearing**

A due process hearing is a legal proceeding in which both parents and school officials present their case to a judge designated by the Iowa Department of Education. It is a much more formal process than the 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.

### **District Court Action**

The IDEA allows actions in district court to enforce children's educational rights, but strongly encourages mediation and other means of conflict resolution and it requires that a due process hearing is held and a decision rendered before the case can go on to district court. If either parents or educators disagree with the due process decision of the administrative law judge, that decision can be appealed to the district court.

### **State Complaint**

A State Complaint can be filed with the Iowa Department of Education within one year if parents believe that the school district or AEA has violated a Special Education state rule or law under IDEA. In this process a fact-finding investigation and written conclusion will be completed within 60 days of the complaint. If the investigator concludes that violations have occurred, a corrective action plan will be issued.

### **Focus on Students and Solutions**

Next time you are feeling frustrated about your child's educational program, consider whether the best way to solve the problem might be another attempt to communicate with the IEP team and encouragement to work collaboratively.

### **Related Resources**

Look for the following information sheets at [www.askresource.org/resources](http://www.askresource.org/resources)

- Legal Resources in Iowa
- Parent Guide to Educational Advocacy
- Communication Matters

And view Dispute Resolution information from the Iowa Department of Education at [www.educateiowa.gov/pk-12/special-education/dispute-resolution](http://www.educateiowa.gov/pk-12/special-education/dispute-resolution).

### **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?