

After a parent receives a Prior Written Notice (PWN) about a proposed change or refused action and continue to disagree with the school, they have choices for how to resolve those differences. **The Individuals with Disabilities in Education Act (IDEA)** outlines three resolution options which include: State Mediation, Due Process and State Complaint. The table below explains the basics of each Special Education resolution option, as well as where each option is explained in the Procedural Safeguards Manual for Parental Rights in Special Education.

Type of Dispute Resolution	State Mediation	Due Process Hearing	State Complaint
Page in Procedural Safeguards Manual	Pages 19-21	Pages 21-23	Pages 14-16
Process	A voluntary process where a neutral state trained mediator is assigned to oversee the mediation meeting. A mediation is less formal than a due process hearing. There are enforced timelines. Lawyers may or may not be involved.	A formal event that usually involves lawyers for both the school district/AEA and the family. A due process hearing happens in a court setting overseen by an Administrative Law Judge (ALJ) with specific timelines.	A parent submits a written complaint to the Iowa Department of Education when they think a Special Education rule has been violated. Every complaint filed by a parent is investigated by the Iowa Department of Education within established timelines.
Results	A legal binding agreement is written and a person called a “shepherd” is assigned to address any issue that happens during implementation of the agreement.	An Administrative Law Judge makes a decision that is legally binding.	If it is determined a Special Education rule has been violated, a corrective action plan is required within one year.
How parents start a resolution action	The form to request a Mediation Conference is on page 44 in the Procedural Safeguards Manual.	The form to request a Due Process Hearing is on page 42 in the Procedural Safeguards Manual.	The State Complaint form is on page 40 in the Procedural Safeguards Manual.

Once the form is complete a parent should send a copy to each educator/professional listed at the bottom of the page. A parent should always keep a dated copy for their own records.

Differences of opinion may develop among IEP team members regarding evaluation, eligibility, placement, and the provision of FAPE for an eligible student. If this occurs, IEP teams should try to resolve differing opinions with ongoing communication with IEP team members. If the IEP team is not able to resolve differing opinions, the IEP team should consider the following options:

- Consulting with AEA and LEA administrators;
- Utilizing a facilitator in meetings or;
- Adjourning the meeting to reconvene later with a facilitator, additional information and other ideas.

However, if the teams are unable to resolve matters, a parent may exercise their right to the Special Education dispute resolution options.

Related Resources:

Look for the following resources on the ASK website:

- What Can I Do if I Disagree with the IEP Team?
- Prior Written Notice
- Sample Letter Requesting Prior Written Notice
- Legal Resources in Iowa
- Resolving Differences of Opinion, Disagreements and Disputes from <https://iowaideainformation.org/>

ASK Essential Questions

Do I understand all of the options before deciding which process and result best meets our situation?

Have I considered my need for an attorney to participate in this process?

Have I completed all of the necessary forms?

Do I know to whom and to where I send the forms?

Are there timelines for the process? Do I understand how long the process could take?

What kind of services will my child receive while we wait for the resolution process to be completed?