

# We still disagree—What is the next step?

*Special education dispute resolution options for parents*

If a parent disagrees with the school district or AEA about a proposed change or refused action to their child’s Individualized Education Program (IEP) and they have received a Prior Written Notice (PWN) about the proposed change or refused action, they have choices for how to resolve those differences. The Individuals with Disabilities in Education Act (IDEA) outlines three resolution options which include: Mediation, Due Process Complaint 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: Rights of Parents of Students with Disabilities Ages 3-21.

Type of Dispute Resolution	Mediation	Due Process Complaint	State Complaint
<b>Page in Procedural Safeguards Manual</b>	Pages 14-15	Pages 15-19	Pages 20-21
<b>Process</b>	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.
<b>Results</b>	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.
<b>How parents start a resolution action</b>	The form to request a Mediation Conference is on <b>page 39</b> in the Procedural Safeguards Manual.	The form to request a Due Process Hearing is on <b>page 41</b> in the Procedural Safeguards Manual.	The State Complaint form is on <b>page 43</b> 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 a Free and Appropriate Public Education (FAPE) for an eligible individual. If this occurs, IEP teams should try to resolve differing opinions with ongoing communication between 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.

If the IEP team is unable to resolve matters, a parent may exercise their right to utilize 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

### 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?