

We still disagree—What is the next step?

Special education dispute resolution options for parents

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, they are: State Mediation, Due Process and State Complaint. The table below explains the basics of each Special Education resolution type, as well as where each 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	Pg. 20-21	Pg. 21-23	Pg. 15-16
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.	After requesting a due process, parents will be invited, and must attend a resolution session to attempt an agreement without a hearing. A due process hearing happens in a court setting with lawyers for the school district and family and is overseen by an Administrative Law Judge.	A parent submits a written complaint to the Iowa Department of Education when they think a Special Education rule has been violated. After filing a written complaint a parent will be invited to a mediation, which they may choose to attend or not. Every complaint filed by a parent is investigated.
Results	A legally binding agreement is written and a person called a "shepherd" is assigned to address issues or problems implementing 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 a parent requests the resolution action	The form to request a Mediation Conference is on page 47 in Procedural Safeguards Manual.	The form to Request a Due Process Hearing is located on page 45 of the Procedural Safeguards Manual.	The State Complaint form is on page 43 in the Procedural Safeguards Manual.

Once a form is complete, a parent should send a copy to each educator/professional listed at the bottom of the page. A parent should also 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 the differing opinions, the IEP team should consider the following options:

- Consulting with AEA and LEA administrators
- Utilizing a facilitator in meetings
- Adjourning 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.

Other related resources:

[LEA/AEA Dispute Resolution Tips](#)

[Navigating differences—Iowa IDEA Information dispute resolution resources](#)

A complete copy of the manual can be found here [Procedural Safeguards Manual](#).

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?

Related ASK Resources:

- [Conflict Resolution Options in Special Education](#)
- [Prior Written Notice](#)
- [Sample Letter Requesting Written Notice](#)



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