

Dispute Resolution Process Comparisons

Processes	Facilitated IEP	Mediation	Resolution	State Complaint	Due Process Hearing Request
Uses	When a parent and school are unable to agree on important issues related to the child's IEP or when a meeting is expected to be controversial	Anytime there is a disagreement between the parents and educators about special education	To resolve issues listed in a due process hearing request	Anytime there is a concern about a particular child or an issue that affects children system-wide	To resolve disagreements related to the identification, evaluation, placement, or provision of FAPE for a child
Initiation	A parent or school may request. A state agency may recommend as an alternative to a more formal process	A parent or school may request. A state agency may recommend as an alternative to a more formal process	The school must hold a resolution meeting within 15 calendar days of receiving notice of a parent's request for a due process hearing	Any person or organization may file a state complaint	A parent or school may file a due process hearing request
Process Differences	An impartial facilitator assists the IEP team with communication and problem-solving	A mediator helps the team communicate with each other and resolve their disagreements	A meeting that takes place after a due process hearing request is filed, but before the hearing is conducted	A written document to request an investigation into an alleged violation of IDEA	An independent hearing officer issues a written decision to resolve a formal complaint
Desired Result	An IEP that is supported by the team members and benefits the child	A signed, legally enforceable, written agreement	A signed, legally enforceable, written agreement that resolves the issues within the due process hearing request	A written decision that includes findings, conclusions, and actions to address the needs of the child in relation to the complaint	A written decision with findings of fact and conclusions of law, which may order specific activities be carried out
Decision-maker	IEP team	Participants work on solutions together & control the outcome	Parents and school district identify terms of agreement	The state ensures completion of investigation	A hearing officer or administrative law judge

Center for Appropriate Dispute Resolution in Special Education. (2015). *Quick guide to special education dispute resolution processes for parents of children with youth ages 3-21*.