Resolving Disputes Between Parents and Schools — National Dissemination Center for Children with Disabilities

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This info in Spanish | Esta información en español

In drafting the provisions of IDEA, our nation's special education law, Congress clearly contemplated that, at times, there would be disagreements between parents of children with disabilities and the school districts providing special education and related services to their children. While it is expected that parents and school personnel will work in partnership to ensure children with disabilities are provided appropriate services, there are times when the child's parents and school officials cannot reach consensus on what constitutes a free appropriate public education (FAPE) for an individual child. When such disagreements occur, parents and school districts can turn to IDEA's procedural safeguards and dispute resolution options.

In this section of NICHCY's website, you'll find authoritative information about critical aspects of resolving conflicts under IDEA. Use the links below to find out more.

Five Options, 1-2-3
If you'd like to start with a crash course on dispute resolution options in a short read, this one's for you.

Informal Approaches to Resolving Disputes
While IDEA offers parents and schools several ways to resolve their disputes, other less formal approaches are available as well, including holding an IEP meeting to review and revise the child's IEP or holding a facilitated IEP meeting.

Filing a State Complaint
Find out about the state complaint under IDEA—what is involves, who may file one and to whom, what information the complaint must contain, and what happens when it's received.

Mediation
Mediation is designed to bring about a peaceful settlement or compromise between parties to a dispute through the objective intervention of a neutral party. This section provides the details.

The Due Process Complaint
Filing a due process complaint is the first step in the process that may lead to a due process hearing, a formal proceeding held to resolve conflicts between parents and schools. Find out what's involved in filing a due process complaint and what must occur as a result.

The Resolution Process
The resolution process became part of IDEA in 2004! The school system must convene a resolution meeting within 15 days of receiving notice of the parent's due process complaint and prior to initiating the hearing. The purpose of the meeting is for parents to discuss their due process complaint, and the facts that form the basis of the due process complaint, so that the school system has the opportunity to resolve the dispute.

Due Process Hearings
When parents and schools have been unable or unwilling to resolve a dispute themselves, they may proceed to a due process hearing. There, an impartial, trained hearing officer hears the evidence and issues a hearing decision. Learn about important timelines, the rights each party has at the hearing, and the role the hearing officer plays.

Appeals and Civil Action
Can a hearing officer's decision be appealed? Yes. This page will tell you how.