

# Special Education Dispute Resolution

The following table provides a comparison of each of the dispute resolution processes offered by the Special Education Department.

|                  | State-Sponsored IEP Facilitation  | State-Sponsored Mediation  | Written State Complaint  | Due Process Hearing   |
|------------------|---|--|--|---|
| Purpose          | Used to promote effective communication and prevent conflicts as a parent and school district develop a mutually acceptable Individualized Education Program (IEP). | Available any time there is a disagreement between parents and educators about special education and/or related services, even if a written state complaint or due process request has been filed. | Available when there is a concern that a public agency has not followed special education rules and regulations. May be filed on behalf of an individual student or a group of children. | Used to resolve disagreements relating to the identification, evaluation, educational placement, or provision of free and appropriate public education (FAPE) to a child.   |
| Issues Addressed | Any issues related to IEP development.  | Any issues related to special education.   | Alleged violations of state/federal special education requirements.  | Any issue related to identification, evaluation, placement, or the provision of FAPE.   |
| Request          | A parent or school district may request facilitation by contacting ISBE.  | A parent or school district may request mediation by contacting ISBE.  | Any person or organization may submit a written complaint to ISBE.   | A parent may file a due process request with the district superintendent. A district may file a due process request under limited circumstances (e.g., to challenge an Independent Educational Evaluation request, to seek temporary removal of a student due to dangerous behavior). |

|                              | State-Sponsored IEP Facilitation  | State-Sponsored Mediation   | Written State Complaint   | Due Process Hearing   |
|------------------------------|---|---|---|---|
| Request Form                 | <a href="#">State-Sponsored IEP Facilitation Request form</a>   | <a href="#">Mediation Request form</a>  | <a href="#">Request for State Special Education Complaint form</a>  | <a href="#">Parent Request for an Impartial Due Process Hearing Officer</a>   |
| Process                      | ISBE provides a trained facilitator at no cost to the parties to help foster effective communication between parents and districts as they develop a mutually acceptable IEP. | ISBE provides a trained mediator at no cost to the parties as a means of resolving disagreements regarding special education matters. | Information and documentation related to the allegation(s) are reviewed by an ISBE complaint investigator.                  | An impartial hearing officer hears formal arguments, witness testimony, and documentary evidence similar to a court proceeding. |
| Format of Process            | Parties meet within context of formal IEP meeting.  | Parties convene for a formal discussion.  | Parties do not meet. Complaint investigator requests information from the district and independently reviews documentation. | Parties meet in an administrative hearing.  |
| Potential Outcome            | A mutually acceptable IEP is developed.   | A legally binding mediation agreement enforceable in court is developed.  | A report with findings of facts, conclusions, and corrective actions (if noncompliance is identified) is issued.            | A decision that orders remedial action, as determined by the hearing officer.   |
| Timeline to Complete Process | No specific timeline.   | Must be scheduled in a timely manner.   | 60 calendar days.   | 75 calendar days.*  |

\*Regular hearing request with full resolution session timeline.

|                                   | <b>State-Sponsored<br/>IEP Facilitation</b>                      | <b>State-Sponsored<br/>Mediation</b>   | <b>Written State<br/>Complaint</b>  | <b>Due Process Hearing</b>   |
|-----------------------------------|--|--|---|--|
| <b>Legal<br/>Representation</b>   | Attorneys are neither required nor prohibited.                   | Participants may include attorneys, advocates, interpreters, and other relevant parties who have knowledge of the student and/or of the matter being mediated. | Attorneys are neither required nor prohibited.                            | Parties are often represented by attorneys, though this is not required. |
| <b>District<br/>Participation</b> | Voluntary  | Voluntary  | Required  | Required   |
| <b>Statute of<br/>Limitations</b> | Not applicable   | None   | One year  | Two years  |
| <b>Allowable<br/>Extensions</b>   | Meeting can be rescheduled with agreement of parties.            | Meeting can be rescheduled with agreement of parties.  | Only when exceptional circumstances require an extension.                 | At the request of either party.  |
| <b>Website</b>                    | <a href="#">Special Education State-IEP Facilitation webpage</a> | <a href="#">Special Education State-Sponsored Mediation webpage</a>  | <a href="#">Special Education Complaint Investigation Process webpage</a> | <a href="#">Special Education Due Process webpage</a>                    |