

Special Education Dispute Resolution in Illinois

The following table provides a comparison of each of the dispute resolution processes offered by the Illinois State Board of Education (ISBE),
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 IEP.	Available anytime there is a disagreement between parents and educators about special education and/or related services, even if a written state complaint or due process 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 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 (i.e., to challenge an Independent Educational Evaluation (IEE) request, to seek temporary removal of a student due to dangerous behavior).
Request Form	https://sec.isbe.net/sems/iepfacilitationrequestpublic.aspx	https://www.isbe.net/Documents/34-15-mediation-request.pdf	https://www.isbe.net/Documents/complaint-form-English.pdf	https://www.isbe.net/Documents/dp_parental_19-86a.pdf
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*
Legal Representation	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.	Although not required, parties are often represented by attorneys.
District Participation	Voluntary	Voluntary	Required	Required
Statute of Limitations	Not applicable	None	One Year	Two Years
Allowable Extensions	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
Website	https://www.isbe.net/Pages/IEP-Facilitation-System.aspx	https://www.isbe.net/Pages/Special-Education-State-Sponsored-Mediation.aspx	https://www.isbe.net/Pages/Special-Education-Complaint-Investigation-Process.aspx	https://www.isbe.net/Pages/Special-Education-Due-Process.aspx

*Regular hearing request with full resolution session timeline.

Adapted from Quick Guide to Special Education Dispute Resolution Processes for Parents at:

<https://www.cadnetworks.org/sites/default/files/resources/Dispute%20Resolution%20Process%20Comparison%20Chart.pdf>