Themes and Trends in Conflict Resolution

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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.

Special Education Dispute Resolution in Illinois, cont.

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.cadreworks.org/sites/default/files/resources/Dispute%20Resolution%20Process%20Comparison%20Chart.pdf

Top Ten Issues in Conflict Resolution
July 1, 2025 through April 15, 2026

Complaints	Due Process	Mediation
Parent Participation in IEP Meetings	Placement Determination	Educational Services/IEP
Development of IEP (Special Factors, Amending IEP)	Independent Educational Evaluation	Placement Determination
IEP Implementation (Special Education Svcs/Program)	Sufficiency of Instructional Services Offered	Evaluation of Students
IEP Implementation (Accommo-dations/Modifications)	FAPE (general)	Procedural Safeguards
IEP Implementation (Related Services/Programs)	Parent Participation in IEP Meetings	Eligibility for Special Education Services
FAPE (general)	Sufficiency of Related Services Offered	Reimbursement
Prior Written Notice	Placement of Children by Parents When FAPE Is an Issue	Discipline Procedures
Placement Determination	Content of IEP	Related Services
IEP Review and Revision	Disagreement over Eligibility	Records
Independent Ed. Evaluation	Suspension/Expulsion, MDR	Other

IEP Facilitation Statistics

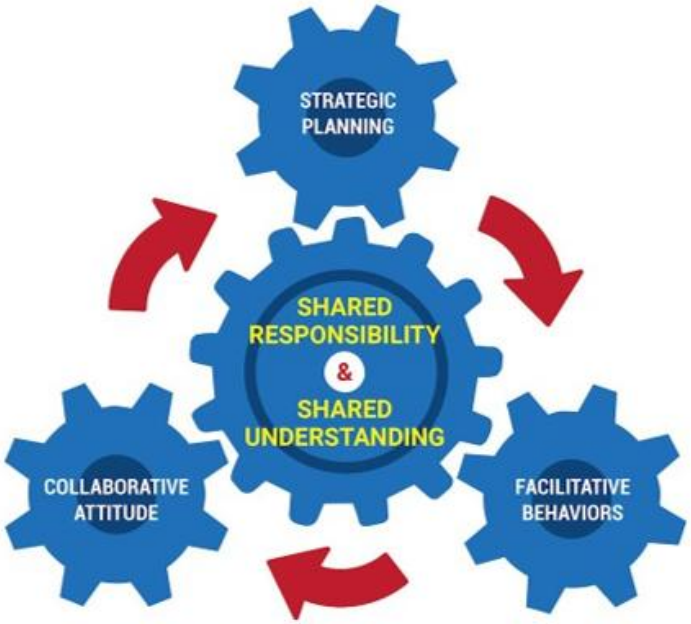
*through 4/15/26

IEP Facilitations	2023-24	2024-25	2025-26*
Total requests	155	216	189
Facilitations held	153	153	140
Average meeting duration	1:32	1:29	1:36



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What is a Facilitated IEP Meeting?



Where these concepts come together the team finds shared responsibility and shared understanding.

A Facilitated Individualized Education Program (IEP) meeting is one in which:

- An IEP is developed by a collaborative team whose members share responsibility for the meeting process and results
- Decision-making is managedthrough the use offacilitation skills

This process of Facilitation for IEP meetings enables the team to:

- Build and improve strong relationships among team members
- Reach true consensus
- Focus the IEP content and process on the needs of the student
- Exercise an efficient, guided meeting process where effective communication and reflective listening are practiced

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Benefits of IEP Facilitation

- Builds and improves relationships among IEP team members
- Keeps the meeting focused on the student
- Encourages parents and professionals to consider new options to address unresolved problems
- Provides opportunities for the IEP team to resolve conflicts
- Supports participation of all IEP team members
- No cost to the parties
- Typically, less stressful than formal dispute resolution options
- Improves communication skills and keeps the team focused on the development of the IEP
- Keeps decision-making with team members who know the student best
- Develops greater capacity of teams as they learn from facilitators how to conduct meetings successfully

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Public Act 104-0047

Sec. 14-19. Parental notice of right to be accompanied to meeting and of the IEP facilitation process. The notice provided to a parent or guardian prior to a meeting pursuant to subsection (g) of Section 14-8.02 shall inform the parent or guardian of the parent's or guardian's right to invite other individuals to the meeting to assist the parent or guardian, including individuals who have knowledge or special expertise regarding the child, and advocates for the parent, guardian, or child. The notice shall include a request that the parent or guardian inform the school prior to the meeting if the parent or guardian plans to bring other individuals to the meeting so arrangements can be made to accommodate the additional participants.

The State Board of Education shall prepare and distribute to each school district written informational material about the individualized education program (IEP) facilitation process. The material may consist of a one-page document that HB1366 Enrolled LRB104 05855 LNS 15886 b Public Act 104-0047 briefly describes the process and how to request IEP facilitation.

The informational material on IEP facilitation shall be disseminated to parents and guardians by schools using the same distribution methods employed to transmit other documents and information related to an IEP meeting to a parent or guardian.

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Top Ten Issues in Mediation
Two Years of Side-by-Side Data

July 1, 2024 – June 30, 2025	July 1, 2025 – April 15, 2026
Educational Services/IEP	Educational Services/IEP
Placement Determination	Placement Determination
Evaluation of Students	Evaluation of Students
Procedural Safeguards	Procedural Safeguards
Eligibility for Special Education Services	Eligibility for Special Education Services
Reimbursement	Reimbursement
Related Services	Discipline Procedures
Discipline Procedures	Related Services
Personnel	Records
Other	Other

Mediation



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Mediation Statistics

*through 4/15/26

Mediations	2023-24	2024-25	2025-26*
Total requests	502	607	439
Mediations held	277	338	238
Mediations held related to DP	106	124	107
Mediation agreements reached related to DP	57	80	71
Mediations held NOT related to DP	171	213	127
Mediation agreements reached	120	144	78
Mediations withdrawn or not held	149	189	132
Mediations pending	0	80	69
Percentage of mediation agreements	64%	66%	63%



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Benefits of Mediation

- Results in lowered financial and emotional costs compared to due process
- Provides participants with an opportunity to increase their understanding of their unique situation and to explore a mutually acceptable resolution
- Often results in written agreements where parties have an increased commitment to and ownership of the resolution
- Enables parties to have more control over the process and decision-making
- Remedies are often individually tailored, contain workable solutions, and are easier for the parties to implement
- Mediation focuses on developing a plan for the future
- Mediation discussions are confidential and cannot be used in a due process hearing or civil lawsuit
- May be helpful in resolving issues that are subject to State complaints or due process complaints

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Preparing for and Attending Mediation

- Ensure the appropriate decision makers are participating in mediation. Representatives should attend who can make commitments on behalf of the school or service providers, and the family should be encouraged to bring individuals who can support them during the process.
- Review policies and guidelines to ensure they don't act as impediments to the process. For example, setting strict time limits on length of mediation sessions or restricting the number of sessions may falsely limit problem-solving opportunities.
- Make a list of possible resolutions for each concern/issue.
- Come to the mediation with an open mind and the desire to find a workable solution. Be creative and willing to look at other options that are brought to the table.
- Express your viewpoint as clearly as you can by using supporting documentation.
- Listen respectfully to the parent's point of view and do not interrupt. Ask questions and consider their views even if they are different from yours.
- Keep the emphasis on planning for the future.
- If an agreement is reached, read it carefully before signing the document to make sure it clearly describes your understanding of what was agreed to at the meeting.

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“Stay-Put” in Mediation & Due Process

- Invoking “stay-put”—The “stay-put” placement shall be the student’s present educational placement and the student must continue, if applicable, in his or her present eligibility state and be provided with the special education and related services in place at the time the dispute arose.
- Illinois has now added a “stay-put” provision to mediation when mediation occurs outside of a pre-existing due process case.
- If a parent seeks mediation within ten days of an IEP meeting that results in a change of placement, “stay-put” will take effect until (a) the district declines to participate in mediation, or (b) the mediation takes place but no agreement is reached
- Upon termination of the mediation, the parent has an additional ten days to file for due process to continue the protections of “stay-put”
- In the context of mediation, the mediator does **NOT** serve as a judge to determine what the “stay-put” placement actually is or should be

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“Stay-Put” in Mediation & Due Process, cont.

- Once due process is filed, the “stay-put” provision is automatic. It does not need to be invoked.
- Unlike mediation, a due process hearing officer does have the authority to determine and rule upon what the “stay-put” placement is.
- “Stay-put” in due process remains until:
  - The parties agree to another placement pending the final outcome of the due process, or
  - The hearing officer issues a final ruling or the due process request is either dismissed or withdrawn

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Mediation, Due Process and Timelines

- Mediation, by itself, does not have a strict timeline. ISBE's strong preference is to assign a mediator and complete the mediation as fast as reasonably possible.
- Due Process, however, does have a timeline: the 30-day "resolution period" and the 45-day hearing timeline. The hearing timeline does not start until the resolution period concludes (except in Expedited Hearings)
- Per the requirements of 34 CFR 300.510, the resolution period may be longer or shorter depending on certain factors:
  - The parties agree in writing to waive the resolution meeting
  - The one party or the other refuses to participate in the resolution process when it is required to go forward, or
  - The parties agree in writing to utilize state-sponsored mediation in lieu of a resolution meeting – in this case, the hearing timeline does not start until the mediation is at an end

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Mediation, Due Process and Timelines, cont.

- Important points about Mediation and Due Process:
  - Mediation can be requested at any time during Due Process, even if the parties attempted Mediation prior to the filing of the Due Process Request
  - If Mediation is undertaken AFTER the resolution period, it does not affect the hearing timeline
  - In the case of Expedited Hearings, Mediation does not delay the hearing timeline, even when Mediation in lieu of the Resolution Meeting. Expedited Hearing timelines can NEVER be extended.
  - If the parties engage in Mediation during Due Process, it is the parties' responsibility to keep the hearing officer informed of the progress in the mediation

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Top Ten Issues in Due Process
Two Years of Side-by-Side Data

July 1, 2024 – June 30, 2025	July 1, 2025 – April 15, 2026
Placement Determination	Placement Determination
Independent Educational Evaluation	Independent Educational Evaluation
Sufficiency of Instructional Services Offered	Sufficiency of Instructional Services Offered
Placement of Children by Parents When FAPE Is an Issue	FAPE (general)
FAPE (general)	Parent Participation in IEP Meetings
Parent Participation in IEP Meetings	Sufficiency of Related Services Offered
Sufficiency of Related Services Offered	Placement of Children by Parents When FAPE Is an Issue
IEP Implementation (Special Education Svcs/Program)	Content of IEP
Child Find	Disagreement over Eligibility
Disagreement over Eligibility	Suspension/Expulsion, MDR

Due Process Statistics

*through 4/15/26

Due Process	2023-24	2024-25	2025-26*
Total requests	254	295	227
Hearings held	14	14	5
Withdrawn/ Closed	221	222	149
Dismissed	24	53	15
Open	0	6	58

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Your Due Process "To Do" List

- Contact your legal counsel when a due process request (or an IEE demand) arrives ASAP
- Gather together all written communications between the parent and the staff
- Pull the student file and make sure it's organized
- Discuss as soon as possible with legal counsel whether a settlement will be possible (resolution session/ mediation)
- Always consider options such as Resolution Meetings or Mediations as a means of resolving the dispute.
- Identify key staff that may need to serve as witnesses for the district
- Do not discuss the due process case with the parent without your legal counsel's knowledge and agreement
- Expedited hearings are a priority (you have a 20-school-day timeline that can't be extended)

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Top Ten Issues in Complaints
Two Years of Side-by-Side Data

July 1, 2024 – June 1, 2025	July 1, 2025 – April 15, 2026
IEP Implementation (Special Education Services/Program)	Parent Participation in IEP Meetings
Parent Participation in IEP Meetings	Development of IEP (Special Factors, Amending IEP)
IEP Implementation (Accommodations/Modifications)	IEP Implementation (Special Education Svcs/Program)
Development of IEP	IEP Implementation (Accommo-dations/Modifications)
IEP Implementation (Related Services/Programs)	IEP Implementation (Related Services/Programs)
Notification (prior notice, content of notice, understandable language)	FAPE (general)
FAPE	Prior Written Notice
Referral/Evaluation Procedures	Placement Determination
IEP Review and Revisions	IEP Review and Revision
Referral/Evaluation Procedures	Independent Ed. Evaluation

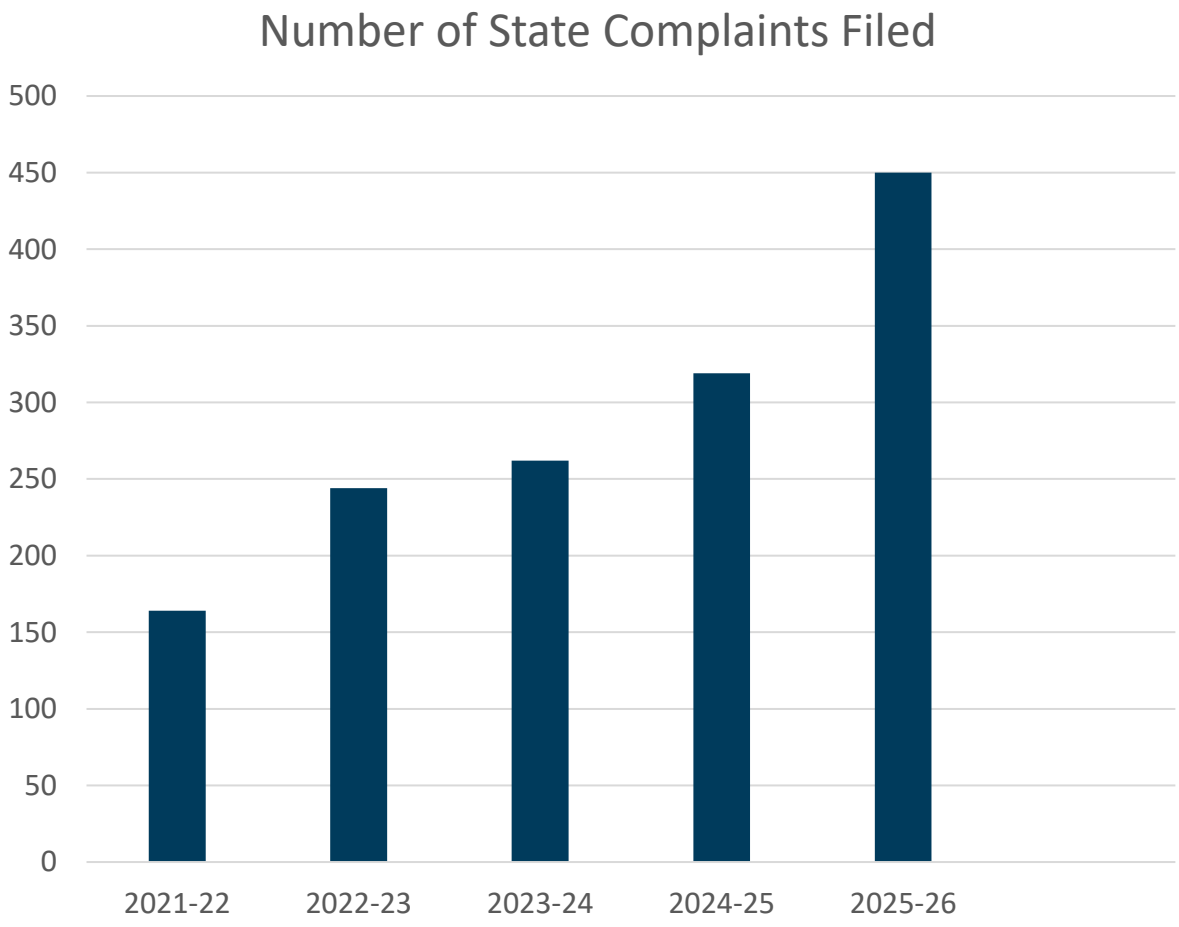
Complaint Statistics

*through 4/23/26

Complaints	2023-24	2024-25	2025-26*
Total complaints filed	262	319	365
Total investigations conducted	153	164	126
Violations identified	107	112	73
No violations identified	46	52	53
Complaints withdrawn or dismissed	108	138	146

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State Complaints Filed 2021-22 to 2025-26



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Written State Complaints- Key Points

- Less formal option to resolve non-compliance than Due Process
- Anyone can file a complaint
- Local resolution of complaints strongly encouraged
- Parent can use Mediation or IEP Facilitation to resolve complaint
- ISBE will notify LEA in writing of the complaint and request response
- Investigation may include review of documentation, interviews, on-site visit; No hearing involved
- LEA encouraged to offer resolution to complaint
- Written decision issued within 60 calendar days; May include corrective action to address non-compliance.
- Participating in local resolution, Mediation, or IEP Facilitation does not automatically freeze complaint timeline
- If written decision includes corrective action, LEA must show that non-compliance is completed before complaint is closed.

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Contact Information

- **ISBE State Complaint Team:**
  - Elise Black
  - Mark Conyer -
  - Karen Handy
  - Karen Kath
  - Dr. Kristina Kynaston
  - Katherine Lin
  - Stacie Marcum
  - Natalie White

- **ISBE Due Process Coordinator**: Andy Eulass

- **ISBE Mediation Coordinator:** Emily Postelmans

- **ISBE IEP Facilitation Coordinator:** Emily Postelmans

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