

Dispute Resolution Summary

The following processes have each been established to aid parents, local school districts, and area education agencies (AEAs) in resolving special education disagreements.

AEA Mediation (formerly Resolution Facilitator Process) – This voluntary process uses an AEA staff member trained in mediation to help resolve issues impartially and at the earliest level. Each AEA has at least one designated person who serves as a mediator. This process may be requested when disagreements arise between school officials and parents over educational issues. Additional information is available through your local AEA.

Mediation – This is a voluntary process designed to resolve disputes in the early stages of disagreement. An impartial mediator, who is assigned by the Iowa Department of Education, will help both parties come to a mutually agreeable solution. Mediation (formerly referred to as a “preappeal”) is an option available either outside of a request for a due process hearing, or after a due process hearing has been requested. Either way, this process is often very successful in resolving disputes. When both parties reach an agreement, a legally binding agreement is written and a “shepherd” is assigned to address any issues that may result during implementation of the agreement.

Due Process Hearing – A due process hearing is a formal event that occurs when disputes arise over a child’s special education identification, evaluation, placement, or services. The process is started when a person, school, or agency submits a written request for a due process hearing – also known as a “due process complaint” – with the Iowa Department of Education. Attorneys are typically involved in this process. An administrative law judge assigned by the Iowa Department of Education is in charge of the due process hearing. A due process hearing occurs only after mediation and a resolution session have been offered to both parties. A due process hearing most closely resembles going to court. During the hearing, both sides present their case. Upon hearing both sides and reviewing the submitted information, the administrative law judge makes a decision. This decision is final unless a party who disagrees with it appeals the decision to state or federal district court.

Formal Written Complaint – A formal written complaint process is different than the other previously mentioned processes. In this process, an individual or educational organization who believes a school district or AEA has violated a requirement of the Iowa Rules of Special Education may file a formal written complaint with the Iowa Department of Education. This complaint must be submitted in writing and must include a description of the problem, as well as a proposed resolution to the problem. The state will then carry out an independent investigation and issue a finding within 60 calendar days of receiving the complaint. If the district is determined to be in violation of the law, the district will be required to develop and implement a corrective action plan that must be completed within one year.

NOTE: Forms for requesting a Mediation Conference or for filing a Due Process Hearing or Formal Written Complaint can be found in the back of the *Procedural Safeguards Manual for Parents*. Additional information can be found on the Iowa Dept. of Education website by web searching: ***iowa education resolution*** or by going to: **<http://alturl.com/35z6j>**