



## Procedural Safeguards – Options for Resolving Disputes between Parents and School Districts

Division of Compliance	Mediation	IEP Facilitation	Due Process Hearing
<ul style="list-style-type: none"> <li>• <b>When to file a DOC complaint:</b> Parents can file a complaint with the State’s Division of Compliance when their child is not getting the services already listed on the IEP or the school district is not complying with legally required timelines or procedures. DOC does <u>not</u> resolve disputes about a child’s eligibility for special education or the type and amount of services that would be appropriate for the child.</li> </ul> <p><b>Important Points:</b></p> <ul style="list-style-type: none"> <li>• Parents can call the State’s Special Education ConsultLine at 1-800-879-2301 to request a complaint form.</li> <li>• In general, the complaint must be filed within one year of the violation. There are some exceptions to this rule; call the Disability Rights Network at 800-692-7443 with questions.</li> <li>• The parents may request “<i>compensatory education</i>” services, which are extra services designed to make up for what the child missed. If</li> </ul>	<ul style="list-style-type: none"> <li>• <b>When to use mediation:</b> Mediation is a quick, informal method of resolving disputes that is useful when the school district and parents disagree about the appropriateness of a child’s special education program or placement.</li> </ul> <p><b>Important Points:</b></p> <ul style="list-style-type: none"> <li>• To request mediation, call the Office for Dispute Resolution: 1-800-222-3353 or go to <a href="http://odr.pattan.net">http://odr.pattan.net</a> for a copy of the form.</li> <li>• Mediation in Pennsylvania has an 83.5% agreement rate and it takes less time than a hearing.</li> <li>• Mediation is free and optional: If the parents and school district agree to mediate, a trained and impartial person is assigned by the state to meet with both parties and try to resolve the dispute.</li> <li>• A parent can request mediation at any time, but it usually makes sense to request mediation before asking for a due process hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>When to use IEP Facilitation:</b> Like mediation, IEP Facilitation is a less formal and typically less stressful way to resolve disputes about the content of a child’s IEP without resorting to a hearing.</li> </ul> <p><b>Important Points:</b></p> <ul style="list-style-type: none"> <li>• Parents and school staff can ask an IEP Facilitator to attend an IEP meeting if they think there will be serious disagreement at the meeting.</li> <li>• It is a free service offered by Pennsylvania’s Office for Dispute Resolution (ODR).</li> <li>• The Facilitator is a neutral person assigned by ODR to help IEP team members stay focused at the IEP meeting and resolve conflicts and disagreements that arise during the meeting.</li> <li>• To request IEP Facilitation, call ODR at 1-800-222-3353 to get an IEP Facilitation Request form. The form is also available at <a href="http://odr.pattan.net">http://odr.pattan.net</a>.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>When to ask for a hearing:</b> Hearings are designed to resolve disputes between parents and school districts over the identification, evaluation, program, or placement of a child.</li> </ul> <p><b>Important Points:</b></p> <ul style="list-style-type: none"> <li>• Parents can request a hearing by checking “I do not approve” on a Notice of Recommended Educational Placement (NOREP).</li> <li>• Parents must fill out a “Due Process Complaint Notice” if they request a hearing and send a copy of the form to ODR and the school district. Parents can call ODR at 1-800-222-3353 or go to <a href="http://odr.pattan.net">http://odr.pattan.net</a> to get a copy of the form.</li> <li>• On the complaint notice form, the parents must, among other things, describe the problem and propose a resolution.</li> <li>• <b>Timeline:</b> A parent must request a hearing within <b>two years</b> of learning about the action (or refusal to act) that the parent is challenging.</li> <li>• The parents have the right to</li> </ul>

<p>you want this remedy, clearly ask for compensatory education on the complaint form. Parents can also request monetary reimbursement if, for example, they paid for a service on the child's IEP that the school district should have provided.</p> <ul style="list-style-type: none"> <li>• The state has <b>60 calendar days</b> to investigate the problem and to issue a report stating whether a violation occurred and what remedy is required.</li> <li>• Parents must send a <b>copy</b> of the complaint to the school district.</li> <li>• The complaint does not have to be filed by the parent. Another person (like an advocate) or an organization (like the ARC) can also file a complaint on the child's behalf.</li> </ul>	<ul style="list-style-type: none"> <li>• Neither side can bring an attorney, but parents may bring an advocate.</li> <li>• If the parents and school district reach an agreement, it is written down and may become part of the child's IEP. A written, signed agreement is legally enforceable in state or federal court.</li> <li>• Mediation discussions are confidential and can <b>not</b> be used as evidence in later due process or court proceedings.</li> </ul> <div data-bbox="585 992 938 1214" style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p>For more information about these options, contact the Disability Rights Network at 800-692-7443</p> </div>		<p>(but are not required to) bring an attorney. The school district will have an attorney.</p> <ul style="list-style-type: none"> <li>• An impartial hearing officer will decide the case; parents can present evidence, their own expert witnesses, and question the school's witnesses.</li> <li>• Parents will want to show why the school district's evaluation, program, or placement is <b>not</b> appropriate and what services would be appropriate.</li> <li>• If the family wins, the attorney's fees ( but <b>not</b> expert's costs) <b>may</b> be reimbursed.</li> </ul> <p><b>Resolution Session:</b></p> <ul style="list-style-type: none"> <li>• If a hearing is requested, the parties must first have a "Resolution Session." The parties may agree, in writing, to skip the Resolution Session. They may also skip this step if they already have mediated the dispute.</li> <li>• If the parents and school district enter a written agreement at the Resolution Session, it is legally binding and can be enforced in state or federal court.</li> </ul>
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