

Dispute Resolution Options under the IDEA for students on an IEP

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What is Dispute Resolution?

Dispute Resolution includes a variety of methods for resolving disagreements between families and school districts. These options should be used after parents have attempted to resolve the disagreement directly with the school.

For a Sample Letter requesting an IEP meeting, see our sample letter here.

Types of dispute resolution options for students on an Individualized Education Plan (IEP) include facilitation, mediation, state complaint, due process hearing, and expedited due process hearings.

Facilitation

A facilitator is a neutral third party, appointed and paid for by the State Department of Education. The facilitator will attend any IDEA-related meetings to help team members communicate. They focus on collaboration and preventing conflicts.

Facilitation is voluntary, and both sides must agree to it.

Mediation

A mediator is a neutral third party, appointed and paid for by the State Department of Education. They will attend any meetings related to identification, evaluation, educational placement, or provision of free and appropriate public education (FAPE). Having an attorney at mediation is not necessary, and if you do not have one, the school district is not allowed to have one either.

If both parties come to an agreement by the end of mediation, a mediation agreement will be created. This agreement is legally binding.

Mediation is voluntary, and both sides must agree to it.

State Complaint

A state complaint is a document, usually written by a parent, and filed with the State Department of Education. It can cover any IDEA violations that occurred within one year (365 days) of filing. Within 60 days of receiving the complaint, the State Department will investigate and issue a final report, which may include any findings, conclusions, and corrective actions.

You do not need a lawyer to write/file a state complaint. The State Department is required to provide reasonable accommodations for anyone who needs assistance filing a complaint. In Idaho, a template explaining what needs to be included in the complaint is available on the State Department of Education's website, linked below.

Due Process Hearing

A due process hearing request is a formal complaint that is filed with the State Department of Education. It must be filed within 2 years of the alleged violation. It can address violations of identification, evaluation, education placement, and free and appropriate public education (FAPE).

After a complaint is filed, a hearing will be held by a hearing officer within 90 school days. A due process hearing is like a court case. Both sides will present evidence, examine witnesses, and testify. Although a lawyer is not necessary for a due process hearing/complaint, you should anticipate the school district will have a lawyer.

There is another dispute resolution option called expedited due process. It is similar to a due process hearing, except it is only available when the parent 1. Disagrees with a determination that a student's behavior was not a manifestation of the disability, or 2. Disagrees with a discipline decision, which results in a change in placement. During expedited due process, a hearing will be held within 20 school days, and a decision will be issued 10 school days after the hearing.

Lawsuit

To bring a lawsuit against a district for IDEA-related claims, students and their parents/guardians must first exhaust their administrative remedies. This

means that, before a lawsuit can be brought, students must first file for Due Process and receive a decision from the hearing officer.

What's next?

To request mediation or facilitation, contact the Idaho State Department of Education's Dispute Resolution Coordinator. [To file a state complaint or due process request, visit the Idaho Department of Education's Dispute Resolution page here.](#)

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