

Conflict & Dispute Resolution

of Special Education Issues



What can I do if the services my child is receiving are not satisfactory?

The *Individuals with Disabilities Education Act* (IDEA) establishes that children with disabilities are entitled to a free appropriate public education (FAPE). Sometimes families are not satisfied with the identification, evaluation, educational placement, related services, or provision of specially designed instruction for their child. If you are concerned about your child's special education services, there are some proactive actions that you can take. This parent tip sheet is designed to give you an overview of these actions. One set of actions for consideration is informal methods to resolve a conflict through active communication. In this parent tip sheet, these **informal methods** are referred to as "conflict resolution." A second set of actions to consider are formal methods to resolve a dispute. These formal methods for resolving a dispute are indicated in the IDEA. In this parent tip sheet, these **formal methods** are referred to as "dispute resolution." There are advantages and disadvantages to each of the different methods. Special Education Services (SES) hopes that this information will be useful in helping you determine which method is best suited to your child's individual situation.

What is conflict resolution and how might it help to satisfactorily resolve my concerns?

In this parent tip sheet conflict resolution describes a series of actions that you can take to actively communicate with individuals and agencies to help resolve disagreements about your child's FAPE. These actions are voluntary. You do not have to participate in any of these informal methods prior to pursuing one of the formal dispute resolution options. Here are some suggestions for your consideration:

- ◆ It is helpful to make a list of specifics about the disagreement and have a description of what you consider to be appropriate solutions to the disagreement.
- ◆ Contact the case manager, principal, or administrator at your child's school and request an IEP Team meeting to discuss your disagreement. If a parent has reason to suspect that the IEP needs revision, an IEP Team meeting may be requested at any time. In Alabama, the local education agency (LEA) must conduct the IEP Team meeting within 30 calendar days of the receipt of the request.
- ◆ Contact the Special Education Coordinator for your child's school district and notify the coordinator of your disagreement. The Special Education Coordinator's contact information can usually be found on the school system's website. You are also welcome to call SES at the Alabama State Department of Education (ALSDE). A receptionist will be glad to give you the name and telephone number of the Special Education Coordinator for your child's school district. The telephone number for SES is **(334) 694-4782**.
- ◆ Contact the SES Regional Specialist at the ALSDE. The SES Regional Specialist is the ALSDE contact person who is assigned to work with the schools and the school district personnel in your area. When you call, ask the receptionist to connect you to the SES Regional Specialist for your child's school district. The SES Regional Specialist will gather information about your disagreement and relay this information to the appropriate individual in your child's school district so they may address your concern.
- ◆ Consider requesting a facilitated IEP (**FIEP**) Team Meeting. If both the school and the parent agree to participate a neutral facilitator will be provided, at no cost to the school or parent, to help with communication among IEP Team members. The facilitator does not make decisions about the IEP but does help the team keep focused on developing an IEP that is focused on the student. Contact SES for more information about an FIEP.
- ◆ Contact a member of the SES dispute resolution team at the ALSDE. In addition to relaying information about your disagreement to appropriate individuals, members of the dispute resolution team can provide you with additional information about formal options for dispute resolution.
- ◆ Contact an independent advocacy agency. Sometimes parents feel more comfortable discussing their disagreement about their child's FAPE with someone who is not part of the local or state educational agencies. Contact information for advocacy agencies located in Alabama is listed on the following page.
- ◆ While not required it is often helpful to keep a record of who you have contacted about the disagreement, when you contacted them, and any action that resulted from your contact.

What is dispute resolution and how might it help to satisfactorily resolve my concerns?

The IDEA provides three options for formal dispute resolution. The options are **mediation**, a **written state complaint**, and a **due process hearing**. Each option has advantages and disadvantages. Each option has specific requirements that are necessary prior to initiation. Below is a brief description of each of these formal dispute resolution options. You may also telephone one of the dispute resolution contacts at the ALSDE and he or she will be glad to mail you additional information or help you find answers to your questions. The telephone number is (334) 694-4782. You may also fax the ALSDE at (334) 694-4986. For individuals who are deaf or hearing impaired, the Video Relay Phone number is (334) 394-3744. Information about formal dispute resolution is also available on the ALSDE's website. The web address is www.alabamaachieves.org. Select the *Dispute Resolutions* tab on the right. Sample forms and additional information are found under the *Parent Resources* tab.

MEDIATION

Mediation is available as a method to resolve problems or disagreements about a child's special education program. It is a separate procedure from either filing a written state complaint or requesting an impartial due process hearing. When an impartial due process hearing has been requested, mediation may also provide opportunities to reach an agreement. An agreement reached through mediation may end the need for a hearing. Either a parent or school official may request mediation. For mediation to take place, both local school officials and the parent must agree to participate in mediation.

WRITTEN STATE COMPLAINTS

A signed, written complaint may be sent to the State Superintendent of Education, Attention: Special Education Services. When a formal complaint is filed, the Alabama State Department of Education investigates the violations of the IDEA requirements that have been alleged. A specialist will be assigned as a complaint contact for each complaint filed.

DUE PROCESS HEARING

An impartial due process hearing is a legal procedure available when a parent or the school system disagrees with any matter relating to the proposal or refusal to initiate or change the identification, evaluation, or educational placement of a child or the provision of FAPE to a child. An independent hearing officer assigned by the State Superintendent of Education will conduct the hearing. Legal counsel usually represents both parties in the hearing to present their cases, though the regulations do not require this. The hearing officer gives a written decision after the impartial due process hearing. If dissatisfied, either party may appeal the decision in civil court.

Are there free or low-cost legal and other relevant services available?

Yes. In this area, there are two advocacy programs that you can contact to discuss the options that are available to resolve your disagreement about your child's special education services. These agencies are not affiliated with the local school district or with the ALSDE. Contact information is listed below.

ALABAMA DISABILITIES ADVOCACY PROGRAM (ADAP)

P. O. Box 870395
Tuscaloosa, Alabama 35487-0395
(800) 826-1675
www.adap.net

ALABAMA PARENT EDUCATION CENTER (APEC)

10520 US Highway 231
Wetumpka, AL 36092
(866) 532-7660
www.alabamaparentcenter.com

Additionally, the Alabama State Bar may be contacted to request a referral to an attorney who specializes in Special Education Law. The telephone number for the Alabama State Bar is (800) 392-5660.