

# *Dispute Resolution*

**A GUIDE TO RESOLVING DISPUTES FOR  
FAMILIES OF STUDENTS WITH DISABILITIES**



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**State Advisory Panel for Special Education  
and  
Divisions for Special Education  
Services and Supports**

**Georgia Department of Education  
1870 Twin Towers East  
205 Jesse Hill Jr. Drive, SE  
Atlanta, GA 30334-5010**

**[http://www.gadoe.org/ci\\_exceptional.aspx](http://www.gadoe.org/ci_exceptional.aspx)**

**Phone: 404-656-3963 or  
1-800-311-3627 and ask to be  
transferred to Special Education**

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*We will lead the nation in improving student achievement.*



Kathy Cox, State Superintendent of Schools

# FORMAL COMPLAINTS

A Formal Complaint is a written signed complaint alleging a violation of the Individuals with Disabilities Education Act (IDEA) or state rules for special education that is filed with both the Georgia Department of Education (GaDOE) and the local school system. A letter may be written or the GaDOE form may be completed. The Divisions for Special Education Services and Supports will review the complaint, conduct an investigation and assist the parties in coming to a resolution. The family does not need an attorney to file a complaint. There is no cost to filing a complaint. The complaint must include:

- ➔ A statement that a local school system or other public agency has violated a requirement of the IDEA.
- ➔ The facts on which the statement is based and suggested solutions to the problem.

The family may request mediation as part of the solution.

The violation must have occurred within one calendar year of receipt of the complaint.

The Divisions for Special Education Services and Supports will issue a written decision that addresses each issue in the complaint and contains the facts and the decision regarding compliance with the law. The decision should be issued within 60 days of the receipt of the complaint. The timeline may be extended to accommodate for mediation or other circumstances.

If there is a violation of the law or regulations, then a specific solution will be required. The solution may include activities by the system to provide services that may not have been provided or other activities such as training for school system staff.

# MEDIATION...



When families and school systems disagree about the education of a student with a disability, either of them may request mediation. Families do not need an attorney for mediation. There is no cost for mediation.

An impartial person, called a mediator, assists the school and the families to clarify the concern, explore interests, discuss options, and reach a mutually agreeable solution. The mediator does not tell either party how to resolve the dispute, but works with them in the development of their solution.

If an agreement is reached, it is documented in writing and signed by all parties. This informal and collaborative approach to problem solving can often foster a positive working relationship between the school system and the family. Agreements reached in mediation are legally binding and enforceable in State or District Court or through the Formal Complaint Process.

## WHAT ARE MEDIATORS?



Mediators are trained in conflict resolution, collaborative problem solving and effective communication. In addition, mediators for special education are required to have knowledge and experience in the laws impacting the education of students with disabilities. The GaDOE contracts with a number of qualified mediators. When mediation is requested, a mediator will be assigned from the list the state manages.

# DUE PROCESS HEARING



A Due Process Hearing is conducted by the Office of State Administrative Hearings (OSAH) between a family and the school system. Both parties present their position and have the opportunity to offer documents and testimony to support their case. A hearing officer decides on the appropriate educational program based on the requirements in the law. An expedited Due Process Hearing may be requested if the hearing is related to a manifestation determination or a discipline issue.

A Resolution meeting or mediation will be offered whenever a Due Process Hearing is requested. The parties must either engage in one of these early resolution processes or both agree in writing to bypass mediation and Resolution meeting.

A Resolution meeting shall be convened by the school system with 15 days of a request for a due process hearing. It is a meeting with the family and IEP members with specific knowledge of the issue as well as a representative from the system with decision-making authority. If an agreement is reached, the agreement is enforceable in a State or District Court or through the Formal Complaint Process.

If the parties do not reach a settlement within 30 days, the Due Process Hearing can proceed. It must occur within 45 days. Usually a family will want representation by an attorney at a Due Process Hearing. The hearing is at the family's expense, although in some cases fees may be awarded. Decisions of Due Process Hearing are final unless appealed in a District Court.

For more detailed information on dispute resolution or the forms for requesting any of these options and more details please visit: [www.doe.k12.ga.us/curriculum/exceptional/dispute.asp](http://www.doe.k12.ga.us/curriculum/exceptional/dispute.asp)

## *What can I do to resolve my concern regarding my child's education?*

The best practice is always to contact the person with whom you have a concern.

- Discuss concern with the teacher

*If unresolved*

- Discuss with the principal

*If unresolved*

- Discuss with the special education director or his/her designee

*If unresolved*

- Discuss with the superintendent

*If unresolved*

- Consider the dispute resolution process

## **TIPS FOR PARENTS**

### **SUGGESTIONS.....**

- Request an IEP team meeting to discuss concern
- Focus on the issue at hand.
- Keep the discussion ALL about the student and his or her educational needs.
- Remember, everyone is on the same team to ensure an appropriate education for the student

# Who can tell me about the options for resolving disputes with my school system about special education?

- *Parent to Parent of Georgia*  
770-451-5484 or 1-800-229-2038  
[www.parenttoparentofga.org](http://www.parenttoparentofga.org)
- *The Georgia Advocacy Office*  
404-885-1234 or 1-800-537-2329  
[www.thegao.org](http://www.thegao.org)

## System Resources...

- *Special Education Director for the System*
- *Parent Mentor*  
(check [www.parentmentors.org](http://www.parentmentors.org) to determine if your district has a parent mentor)

**The Georgia Department of Education  
Divisions for Special Education  
Services and Supports**

**District Liaison for your school system  
404-656-3963**

**Legal Services Division  
404-656-4689**

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