SPECIAL EDUCATION DISPUTE RESOLUTION SERVICES

DUE PROCESS HEARINGS

A formal, legal hearing to decide disputes alleged in a special education due process complaint under the Individuals with Disabilities Education Act (IDEA). The hearing consists of the student's parents/guardians, the parents' representative, and a school representative. The ODR provides a neutral hearing officer to hear the evidence and issue a hearing decision. Each party has the opportunity to present their case, using witnesses, testimony, documents and legal arguments, for the hearing officer to consider in ruling on the dispute.

Rights of All Parties:
- May be accompanied and advised by counsel and others with knowledge or training in the education of children with disabilities
- May present evidence and confront, cross-examine and compel the attendance of witnesses
- May get a written (or electronic, at the option of the parents) verbatim record of the hearing
- May get a written (or electronic, at the option of the parents) findings of fact and decisions

Parents' Special Rights:
- May have the child who is the subject of the hearing present
- May open the hearing to the public
- May have the record of the hearing, the findings of fact and/or decision provided at no cost

SPECIAL EDUCATION MEDIATION

A voluntary, confidential, process to resolve special education disputes under the IDEA. Mediation sessions typically consist of the student's parent(s) or guardian(s), a school representative and a representative of the Local Education Agency (LEA) who has the authority to resolve the dispute. The parties sit around a table together and discuss their goals and concerns. The ODR provides a neutral, impartial mediator trained in special education law and conflict-resolution techniques to facilitate the mediation session. Mediation is free of charge for both parents and LEAs.

Why Choose Mediation: Mediation provides an opportunity to resolve special education disputes in a safe environment that promotes open communication and collaboration. The resulting outcomes are developed by the parties themselves, instead of being adjudicated by a hearing officer. The mediator facilitates a discussion in which the parties can freely share their differences and work towards a resolution. The benefits of mediation include:
- Mediation can help everyone better understand differing points of view.
- Participants work on solutions together and are in control of the outcome.
- Parties who develop a mutual agreement in mediation are more likely to comply with its terms.
- Mediation is generally far less expensive than litigation.
- The collaborative process preserves the working relationship between parent and school.

FACILITATED INDIVIDUALIZED EDUCATION PROGRAM (FIEP) MEETING

A meeting in which the parent, IEP team, and a neutral facilitator discuss and develop a special education plan for a student. The student remains the focus of the discussion, and the student's education is decided by those who know the student best, rather than a hearing officer. The ODR provides a facilitator to maintain open communication among all members and assist the members in resolving conflicts that may have come up in the past or arise during the meeting. This method may maximize the potential to develop a comprehensive plan for the student and improve the relationship between the parents and school. Facilitation is offered at no cost to the parents or school.

Why Choose an FIEP Meeting: Facilitation promotes consensus-building. It affords the parents and school personnel an opportunity to fully and meaningfully participate in the discussions in a non-confrontational environment. The process is voluntary and does not preclude the parties from initiating a due process hearing. However, if a hearing later occurs, the facilitated discussion may well have narrowed disagreements and clarified points of agreement between the parties, which can lead to a more focused, effective and efficient due process hearing.