



## Dispute Resolution Summary

The following processes have been established under the Individuals with Disabilities Education Act ("IDEA") to aid parents, local school districts, and area education agencies (AEAs) resolve special education related disputes.

**Mediation** – This is a voluntary process designed to help parties identify mutually agreeable solutions with the assistance of a qualified and impartial mediator assigned by the Iowa Department of Education. Mediation (formerly referred to as a "pre-appeal") may be requested at any time, regardless of whether the parties have initiated other dispute resolution processes or not. This process is often very successful in resolving disputes. When the parties reach an agreement, a legally binding agreement is written and signed by the parties. This agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

**Due Process Complaint (also known as "Request for Due Process Hearing")** – A due process complaint is a formal complaint regarding the identification, evaluation, educational placement, or provision of a free appropriate public education. A due process complaint may be filed by the parent, school, or agency involved in the child's education. Attorneys are typically involved in this process. An administrative law judge is assigned by the Iowa Department of Education and is in charge of the due process hearing. A resolution meeting or mediation is required to take place before the hearing occurs, unless both parties agree otherwise in writing. A due process hearing most closely resembles going to court. During the hearing, both sides present their case. Upon hearing both sides and reviewing the submitted information, the administrative law judge will issue a decision. If a party disagrees with the decision, they may appeal it to state or federal district court; otherwise, the decision is final.

**State Complaint** – A state complaint (sometimes referred to as "Formal Written Complaint") is different than the other previously mentioned processes. In this process, any individual or organization who believes a public agency has violated a requirement of the IDEA may file a signed complaint with the Iowa Department of Education. This complaint must be submitted in writing and must include a description of the problem, as well as a proposed resolution to the problem. The state will then carry out an independent investigation and issue a finding within 60 calendar days of receiving the complaint. If the agency is determined to be in violation of the law, the agency will be required to develop and implement a corrective action plan that must be completed within one year.

NOTE: Forms for requesting a Mediation, filing a Due Process Complaint, or filing a State Complaint can be found in the back of the Procedural Safeguards Manual for Parents and on the Iowa Department of Education's website at the following link: <https://educate.iowa.gov/pk-12/special-education/dispute-resolution>