

Resolving Disagreements

Step ONE: What is the source of the disagreement?
Determine whether this is an “appropriateness” issue, a “compliance” issue or a “discrimination” issue.

Step TWO: To get more help with questions about your child’s education,
Call a Parent Advisor at the PEAL Center, 412 281-4404 or toll free 866-950-1040.

Compliance *examples*

They are not doing what they said they would or are not following legal mandates.

The school is not implementing some or all of the provisions in the IEP or did not complete an evaluation within required timelines.

File Division of Compliance (DOC) Complaint

- Parent must put the complaint in writing on a Complaint Form.
- Parent must give a copy of the complaint to the school at the same time it is sent to the Division of Compliance.
- Must clearly state what specific part of the IEP is not being implemented and “how much” of a service the student has missed due to school district’s failure to provide that service.
- Should state how school is out of compliance with state or federal law.
- State how to resolve the complaint and/or compensate the student for missed services
- PA Department of Education compliance staff will investigate, talking both to parent and school district and make a determination.

Discrimination *examples*

Why can’t my kid be in the band?

Why can’t my child go on the field trip?

My child doesn’t get art class because art is on the second floor and the building doesn’t have an elevator.

When your child is being discriminated against because of his/her disability:

- File a complaint with the US Department of Education’s Office for Civil Rights or the PA Human Relations Commission. US Department of Education or PA Human Relations Commission will investigate and make a finding.

Appropriateness *example*

We can’t agree on what should be in the IEP.

After your child has been evaluated for special education services by school district personnel to determine whether the student is eligible for special education services, OR when you meet to develop your child’s IEP, you and the school district personnel do not agree on whether your child is eligible for special education services or what services your child needs. You MUST write your specific areas of disagreement on a **NOREP**.

You have the following options to resolve the dispute:

- **IEP Facilitation:** You can request a trained neutral IEP Facilitator to assist you and other members of the IEP team to develop the IEP. There is no cost to parents or the school.
- **Mediation:** You can request a non-binding mediation session with a trained neutral Mediator who will work with both you and the school to try to help you reach an agreement satisfactory to both parties. The Mediator cannot impose an agreement. If you reach an agreement, ask that it be incorporated into the IEP so it is easier to enforce. There is no cost to parents or school.
- **Resolution Meeting:** If you indicate on the NOREP that you disagree with the proposed IEP, and you file a Due Process complaint the school is required to convene a Resolution Meeting within 15 days to work to resolve the dispute. Only the specific issues identified by you on the Due Process complaint will be considered.
- **Due Process Hearing:** If the issues are not resolved at the Resolution Meeting, a formal hearing is held with an impartial Hearing Officer who hears evidence by both parties and makes a ruling based on the law. Schools will be represented by an attorney. Parents often are represented by an attorney but it is not required.