



## **IEP Dispute Resolution**

Parents and school staff sometimes disagree about a student's Individualized Education Program (IEP). There are several options for parents who wish to take the next step in trying to resolve the disagreement.

### **Communicating Directly with School Staff**

Direct communication with the student's teacher or the school principal can be the easiest and fastest way to resolve an issue. Written communication, such as a polite and factual email, can be more useful than phone calls or notes sent back and forth in the student's backpack because emails create a clear record of attempts to resolve the issue and information exchanged between parents and school staff.

If direct communication with the school staff does not resolve the issue, then contacting the school district's Exceptional Children's Director can be very helpful. The EC Director's contact information is listed on the school system's website.

### **Calling DPI's Dispute Resolution Consultants**

When issues cannot be resolved at the local level, a parent may want to consider calling the Exceptional Children's Division of the North Carolina Department of Public Instruction (DPI). You can reach DPI's dispute resolution consultants at (919) 807-3969. A consultant can provide information about various methods for addressing the issue.

### **Informal Dispute Resolution from DPI: Facilitation and Mediation**

A parent can ask for a trained facilitator to come to an IEP meeting scheduled specifically to address the disputed issue. The facilitator is a neutral manager of the IEP meeting. He or she will create a mutually agreeable agenda and ensure that all team members have the opportunity to be heard during the meeting. The facilitator also will make sure the meeting focuses on constructive conversation, collaboration, and problem-solving. The structure and guidance the facilitator brings to the meeting often helps parents and school staff resolve disputed issues. DPI provides facilitators at no cost to the parent or school. Some school districts also provide facilitators.

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Mediation is another option. DPI provides mediators at no cost to the parent and school, and they must be qualified and impartial. Mediators usually engage more in the negotiation process than facilitators do and sometimes offer suggestions for resolving disputes. A successful mediation ends with an agreement signed by the participants stating how the dispute has been settled, though parents should not feel obligated to sign an agreement with which they are not comfortable.

### **Filing a Formal, Written Complaint**

Sometimes a parent may want to consider formal options for resolving the dispute.

One formal option is to file a written complaint—also called a “State Complaint” or a “Formal Complaint”—with DPI’s Exceptional Children’s Division. In the complaint, the parent needs to explain the decision they disagree with and, if possible, how the school violated the student’s special education rights under the Individuals with Disabilities Education Act (IDEA), federal regulations, or state policies. DPI will then investigate the complaint by reviewing the student’s records and talking to the parent and school staff. DPI will issue a written decision within 60 days. More information about the State Complaint process can be found in the Formal Complaint Procedures publication on DPI’s website.

Another formal complaint option is to file a Petition for a Contested Case Hearing—also called a “Due Process Complaint”—with the Office of Administrative Hearings (OAH). Parents and school staff must meet in person within 15 calendar days of the filing at a “Resolution Meeting” to try to resolve the disagreement. If the parent does not have an attorney present at the Resolution Meeting, the school system’s attorney cannot be there either. If the case goes all the way to hearing, an administrative law judge will rule on the case in a written decision.

Finally, parents can file a formal complaint with the Office for Civil Rights (OCR) for the U.S. Department of Education. OCR enforces the ADA and Section 504 of the Rehabilitation Act, which are federal civil rights laws that prohibit discrimination in schools.

Information on facilitation, mediation, state complaints and due process petitions can be found at [ec.ncpublicschools.gov/parent-resources/dispute-resolution](http://ec.ncpublicschools.gov/parent-resources/dispute-resolution). Information about OCR complaints can be found at [www2.ed.gov/about/offices/list/ocr/docs/howto.html](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html).

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Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Contact us for assistance or to request this information in an alternate format.

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