

## ATTORNEY TIP SHEET #8

### WHAT IF AN IEP MEETING DOES NOT RESOLVE MY CONCERNS?

Special education law provides for a robust system of remedies for parents. These are the available remedies from lowest to highest level.

#### I. FACILITATION

Facilitation **takes place in a team meeting** such as an individualized education program (IEP) team meeting, evaluation planning meeting or an evaluation team meeting. The facilitator is a neutral, third party who is not a member of the team and does not make any decision for the team. Having a facilitator **assists the team in being productive and keeping the focus on the student**. Facilitators are professional mediators who have been trained in special education processes.

#### II. MEDIATION

Mediation is a **voluntary process** for resolving disputes between two parties. For mediation to occur, both sides must agree to mediate. The mediation process is facilitated by a trained impartial third party, the mediator, who helps the parties communicate with each other about their concerns in an effort to reach a mutually acceptable solution.

#### III. STATE COMPLAINT

ODE has instituted effective complaint investigation procedures, allowing issues to be resolved in a timely manner. ODE reviews written and signed allegations concerning violations of state or federal special education law. A state complaint can be **filed on issues that are not more than one year old**.

#### IV. DUE PROCESS

Parents, school districts or other agencies (e.g., county boards of developmental disabilities, Department of Youth Services) may request an impartial due process hearing to resolve disagreements about the identification, evaluation and placement of a student or the provision of free appropriate public education (FAPE). The hearing is conducted by an impartial hearing officer who is appointed by ODE. A due process hearing can be **requested on issues that are not more than two years old**.

#### V. STATE OR FEDERAL COURT

Any party may appeal a due process decision to state or federal court. The party must completely exhaust the due process system. The system in Ohio has two-tiers. A hearing before an impartial hearing officer (IHO), and an appeal of that decision to a state level review officer (SLRO). **A complaint must be filed within 90 days to federal court, and within 45 days to state court.**