

Dispute Resolution Procedures

State and federal laws provide three ways to solve problems in special education if the Individualized Education Program (IEP) team can't agree on a solution. These are mediation, filing an administrative complaint, and due process.

BEFORE considering any of those three options, there are steps you can take to try to solve the problem at the local level. Doing this first might help you find a quicker solution that benefits your child and improves your relationship with the school system:

Contact the teacher or service provider and discuss the concerns.

Notify the principal and request his or her assistance.

Request an Individualized Education Program (IEP) team meeting.

Contact the district director or supervisor of special education to make him/her aware of the concerns and provide the results of any contact with the teacher, principal, etc.

Contact the Family Engagement in Special Education team at (800) 835-7077 or specialeducation@thearctn.org.

Contact the Tennessee Department of Education's special education legal team at Dispute.Resolution@tn.gov to receive information related to the dispute resolution options, advocacy resources, and additional assistance options available, or to schedule a call with a member of the special education legal team. Please be advised the office cannot provide legal advice but readily shares resources and information related to dispute resolution options in Tennessee.

For more information and a detailed explanation of each option, visit https://www.tn.gov/content/dam/tn/education/legal/Quick_Guide_to_Dispute_Resolution.pdf

Administrative Complaint

An administrative complaint is a way to make sure that state and federal laws are being followed, that the rights of the parent and child are respected, and that the child is getting all the special education and services promised in the IEP.

Anyone or any organization can file an administrative complaint; however, complaints cannot be anonymous.

Complaints may be filed about a school district, the Tennessee Department of Education, or another public agency if suspected of not following the rules of Part B of the Individuals with Disabilities Education Act (IDEA).

The complaint must be written and signed by the person filing it.

Complaints can be sent through US mail, fax, or email.

An IDEA complaint investigator will collect information in whatever way is needed to address the complaint. This might include asking for more documents, sending emails, making phone calls, or visiting the school.

An administrative complaint is a way to fix problems, not to punish the school. Parents do not get money for damages, and schools do not get fined for errors or wrongdoing.

TDOE has 60 days to look into and resolve the complaint after they get it, unless there is an exceptional reason for a delay.

Links to Complaint Forms:

https://www.tn.gov/content/dam/tn/education/forms/Administrative_Complaint_form_english.pdf

Mediation

Mediation is a fair and optional way to solve a problem. The people involved speak privately about the issue with a trained, neutral person who helps them work through the disagreement. Either a parent or a school district can ask for mediation for issues related to anything covered by Part B of the federal IDEA.

Mediation is less formal, free for parents, and faster than a due process hearing.

The people involved have more say in the decision-making and can develop their own solutions.

Mediation can cover more issues than a due process hearing, and the solutions are made to fit the child's specific educational needs.

Mediations must be scheduled “in a timely manner,” but the exact timing depends on how complicated the issues are and when everyone is available, including the student’s parents, school representatives, and the mediator. Usually, mediations happen within 30 days after the request is received.

Link to form:

https://www.tn.gov/content/dam/tn/education/forms/Model_Mediation_form.pdf

Due Process Hearing

A due process hearing is a way to solve a problem in which a judge listens to complaints about how a child with a disability is being identified, tested, placed, or given a free appropriate public education (FAPE). A due process hearing is the most formal and least cooperative way to solve a disagreement.

Both sides show proof to support their case.

The judge then writes a final decision, which includes:
the facts they found,
the laws that apply, and
a decision about any suspected wrongdoing.

Either a parent or a school district can ask for a due process hearing.

Due process hearings can be completed as quickly as 60 days after the complaint is filed, but they may take longer if the issue is complicated. The final decision must be written within 45 days after the resolution period ends, unless the judge gives more time. Judges sometimes allow extra time if either side needs to gather information, talk to experts, or prepare legal papers.

Link to form:

https://www.tn.gov/content/dam/tn/education/forms/Model_Due_Process_Complaint_form.pdf



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