



FEDERATION FOR CHILDREN
WITH SPECIAL NEEDS

Family FACTS on Special Education

A publication of the Parent Training and Information Center

How to Resolve Disagreements with the School



It is better to resolve disagreements informally in order to maintain good relationships with your child's school whenever possible. Consider talking with the school to gather more information and understanding about the dispute. Make the effort to promote effective communication and collaboration with the school.

I. Local Options

Meetings: Requesting a second IEP meeting to further discuss the issues may be helpful. Sometimes an in-person meeting with the special education director, school principal, and/or superintendent can help clarify and resolve issues.

Independent Educational Evaluation (IEE): When you disagree with a Team decision (such as reducing or removing a service or a finding of ineligibility), you have a right to request an Independent Educational Evaluation (IEE). There are three options for obtaining an IEE. For more information, click here: *Independent Educational Evaluations*.

II. Procedural Violations and Enforcement Issues

Problem Resolution System / Program Quality Assurance (PRS/PQA) 781-338-3700: PRS/PQA is part of the Department of Elementary and Secondary Education (DESE). PRS/PQA will investigate whether the school district has followed the law, if the problem

happened within the last twelve months. Some examples of the types of complaints PRS/PQA handles are:

- 1) failure to provide language access (interpreters for meetings, translation of important documents);
 - 2) services required by the IEP that are not being delivered;
 - 3) special education timelines that are not being followed;
 - 4) evaluations are being performed by individuals without the appropriate training and credentials; and
 - 5) discipline procedures that are not being followed.
- PRS/PQA will NOT handle disagreements about eligibility for special education and related services, the types of services the child should receive, or placement disputes. For more information, click here: *Problem Resolution System / Program Quality Assurance*.

U.S. Department of Education Office for Civil Rights (OCR) 617-289-0111: Office for Civil Rights (OCR) enforces five federal civil rights laws that prohibit discrimination on the basis of race, color,

national origin, sex, disability, and age in programs or activities receiving federal financial assistance from the Department of Education. This includes schools. Discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. OCR investigates complaints regarding the failure to provide language access, different treatment, disability harassment, any exclusion or denial of benefits, or other forms of discrimination. A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause shown. To make a complaint, call the Boston regional office or go the OCR website: www2.ed.gov/about/offices/list/ocr/docs/howto.pdf.

III. Voluntary Alternative Dispute Options

Facilitated IEP Meeting 617-626-7250: A parent or school district may request a facilitated IEP meeting. If both parties agree, a representative of the Bureau of Special Education Appeals (BSEA) will attend an IEP meeting to help guide the discussion. It is used when a parent and school district are unable to agree on important issues related to a child's IEP or when the meeting is expected to address complex issues or be controversial. For more information, click here: *Facilitated Team Meeting*.

Mediation 617-626-7291: A parent or a school district may request mediation. If both parties agree, a mediator is appointed by the Bureau of Special Education Appeals (BSEA). It is an alternative to a more formal process and is available anytime there is a disagreement between parents and school about special education and related services. For more information, click here: *Mediation*.

SpedEx email: david.scanlon@bc.edu:

It is available when the parent has rejected an IEP (or part of an IEP) and the parties disagree about whether the child is receiving a free and appropriate public education in the least restrictive environment (FAPE in the LRE). If both parties agree to participate, they mutually chose a SpedEx consultant from a BSEA list of approved consultants. The consultant will review the rejected IEP and all evaluations, speak with the teachers, parents, and anyone else who has important information about the child, and observe the child in their current placement. The consultant then issues a report detailing whether the

rejected IEP and/or placement provides the child with FAPE in the LRE. The consultant's report is non-binding; meaning either party can reject the consultant's findings. However, the consultant's report does become part of the student's permanent school record.

IV. Due Process Hearing and Settlement Options

Bureau of Special Education Appeals (BSEA) 617-626-7250: A parent or the school district may file a written request for a due process hearing with the Bureau of Special Education Appeals (BSEA). Hearings are used to resolve disagreements about the identification, evaluation, educational placement, or provision of a free appropriate public education in the least restrictive environment (FAPE in the LRE) to a child who needs or is suspected of needing special education and/or related services. The legal proceeding includes testimony from expert witnesses and is conducted by an administrative law judge. School districts are typically represented by an attorney. It is also advisable for parents be represented by an attorney. For more information, click here: *Bureau of Special Education Appeals*.

Resolution Meeting: The school district must hold a resolution meeting within 15 calendar days of receiving notice of a parent's BSEA hearing request. The resolution meeting is an opportunity to resolve the issues listed in the hearing request. The meeting must take place unless the parent and school district agree in writing not to have the meeting, to use mediation, or use other settlement options. Another option is a pre-hearing conference with the hearing officer. A settlement conference with the director of BSEA is available when both parties are represented by attorneys. For more information, click here: *Resolution Meetings*.