

**Dispute Resolution Process (160-4-7-.12)**

A resolution in a dispute with a district over the rights and services afforded to students with disabilities and their families can be accomplished several different ways. The quickest and most efficient method is to contact the special education administration in the district. The special education director can often assist a family in working out the differences with minimal time and conflict. When a resolution cannot be worked out locally, other processes are guaranteed to students with disabilities under the Individuals with Disabilities Education Act (IDEA). These include (1) formal complaints, (2) mediation, and/or (3) a due process hearing..

**Dispute Resolution Comparison Chart**

<b>Question</b>	<b>Complaint</b>	<b>Mediation</b>	<b>Due Process Hearing</b>	<b>Resolution Session (only upon request for a due process hearing)</b>
<b>Who can initiate the process?</b>	Any individual or organization.	Parent or district, but must be voluntary for both parties	Parent or district	District schedules the resolution session upon receipt of a due process hearing request unless the parties agree to waive or use mediation
<b>What is the time limit for filing?</b>	One year from the date of the alleged violation	None specified	Two years of when the party knew or should have known of the problem with limited exceptions	Triggered by a parent's due process hearing request
<b>What issues can be resolved?</b>	Alleged violations of federal regulations and Georgia Department of Education Rules For Special Education	Any matter under the IDEA federal regulations and Georgia Department of Education Rules For Special Education including matters arising prior to the filing of a due process complaint ( <i>some exceptions</i> )	Any matter relating to the identification, evaluation, educational placement or provision of a free appropriate public education ( <i>some exceptions</i> )	Same issues as the due process hearing request
<b>What is the timeline for resolving the issues?</b>	60 days from receipt of the complaint unless extended for unusual circumstances	None specified	45 days from the end of the resolution session unless specific extensions to the timeline are granted	District must convene a resolution session within 15 days of receipt of the due process hearing request unless both parties agree in writing to waive the session or agree to use mediation. The resolution period lasts for not more than 30 days.
<b>Who resolves the issues?</b>	Georgia Department of Education/ Divisions for Special Education Services and Supports	Parent and district with a mediator; both parties must agree to the solution in writing; decisions are legally binding	Administrative Law Judge	Parent and the district; both parties must agree to the solution in writing; decisions are legally binding