



# Special Education Dispute Resolution

## Purpose:

The Individuals with Disabilities Education Act of 2004 (IDEA) requires states to make available dispute resolution options to parents and districts to assist in resolving special education disagreements.

## Options Available:

The South Dakota Department of Education, Office of Special Education Programs (SEP) has four dispute resolution options available including IEP Facilitation, mediation, state complaints, and due process hearings.

*Detailed information on each of the four available options can be found on the back of this document.*

## SD Resources:

SEP Regional Representatives <https://doe.sd.gov/sped/>

SD Dispute Resolution: <https://doe.sd.gov/sped/complaints.aspx>

SD Procedural Safeguards and Parent Rights: <https://doe.sd.gov/sped/parentalrights.aspx>

Dispute Resolution Coordinator: [Wendy.Trujillo@state.sd.us](mailto:Wendy.Trujillo@state.sd.us) or (605)773-3678

## Additional Resources:

- The Center for Appropriate Dispute Resolution in Special Education (CADRE)  
<https://www.cadeworks.org/>
  - Resources for families, districts, and state educational agencies
    - Frequently asked questions
    - Technical assistance on engaging parents, systems change, building local supports, dispute resolution, and prevention
    - District self-assessments
  - Parent Guides that can be used to assist parents and districts with understanding the four dispute resolution options
- South Dakota Parent Connections: Navigator Program (800) 640-4553  
<https://sdparent.org/about/information-center/#Navigator-Program>
  - Available for parents and districts to utilize
- Disability Rights South Dakota (800) 658-4782  
<https://drsdlaw.org/>

Type of Meeting	IEP Facilitation	Mediation	State Complaint	Due Process Hearing
Why request?	<p>You and the school district cannot agree upon an Individualized Education Program (IEP) and will benefit from a neutral third party who is effective in communicating to facilitate the IEP meeting.</p> <p>Available for both parties to request.</p> <p><b>Both</b> parties must agree to participate.</p>	<p>You and the school district are in disagreement about special education services and supports and would benefit from a neutral third party who is effective in communicating to develop a mutually agreeable plan.</p> <p>Available for both parties to request.</p> <p><b>Both</b> parties must agree to participate</p>	<p>Your child's school has not followed the requirements of the Individuals with Disabilities Act (IDEA) and you want to request an investigation of the problem.</p> <p>Any person or organization may file a written state complaint request.</p>	<p>You or the school district are in disagreement about the identification, evaluation, or educational placement of a student with disabilities.</p> <p>Available for both parent and public agency to request.</p>
How to request?	Submit a <a href="#">Request for IEP Facilitation</a> to the South Dakota Department of Education.	Submit a <a href="#">Request for Mediation</a> to the South Dakota Department of Education.	Submit a <a href="#">Request for Written State Complaint</a> to the South Dakota Department of Education.	Submit a <a href="#">Request for Due Process Hearing</a> to the South Dakota Department of Education.
Who participates?	<p>Members of the IEP team</p> <p>Facilitators are <b>not</b> decision makers.</p>	<p>The parent, staff from the school district, and the mediator. Others may attend if it is agreed upon before meeting.</p> <p>Mediators are <b>not</b> decision makers.</p>	A neutral person assigned by the state education agency (SEA) to work on the complaint.	A neutral hearing officer who is assigned by the SEA.
Timeline			Final decision is issued within 60 days of receipt of request.	<p>Final decision is issued within 45 days after the resolution period.</p> <p>An expedited hearing is available when a parent disagrees with a public-school districts discipline decision.</p>
Outcome	An IEP developed that is agreed upon by the IEP team and benefits the student	If an agreement is reached, a written agreement is signed by both parties.	The issues are investigated and a final decision is issued.	The hearing officer hears the case and makes a final decision