



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 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 Connection: 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>Both 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>Both 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 Request for IEP Facilitation to the South Dakota Department of Education.	Submit a Request for Mediation to the South Dakota Department of Education.	Submit a Request for Written State Complaint to the South Dakota Department of Education.	Submit a Request for Due Process Hearing to the South Dakota Department of Education.
Who participates?	<p>Members of the IEP team</p> <p>Facilitators are not 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 not 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