

PACER encourages families to try to resolve differences by first sharing their concerns with their Individualized Education Program (IEP) case manager and/or the school district's director of special education. If differences are not resolved at that level, and depending on which option is chosen,

## **PARENTS MAY CONTACT THE FOLLOWING IN WRITING:**

### **For Conciliation, Mediation, or Facilitated Team Meeting:**

Send written request to the district director of special education and building principal

### **For State Complaint or Due Process Hearing Request:**

Send a copy of your complaint or request for hearing to the district director of special education and to:

#### *Due Process Supervisor*

Minnesota Department of Education  
Division of Compliance and Assistance  
1500 Highway 36 W.  
Roseville, MN 55113-4266  
Voice: (651) 582-8689 Fax: (651) 582-8725  
www.education.state.mn.us

### **For Minnesota, Section 504 Complaint:**

Office for Civil Rights-Chicago  
U.S. Department of Education  
Citigroup Center  
500 W. Madison St., Suite 1475  
Chicago, IL 60661  
Voice: (312) 730-1560, (877) 521-2172  
Fax: (312) 730-1576 TDD: (312) 730-1609



## **About PACER Center**

PACER Center is a parent center for families of children and young adults with all disabilities: physical, cognitive, learning, and emotional. It is based on a parents-helping-parents philosophy.

PACER Center provides workshops, publications, and other resources to help families make decisions about education, vocational training, employment, and other services for their child or young adult with disabilities.



Learn more about PACER projects  
by visiting our website:

**PACER.org**

or by contacting PACER directly:

**PACER Center, Inc.**

8161 Normandale Blvd.

Minneapolis, MN 55437-1044

Voice: (952) 838-9000

Toll-free in MN: (800) 537-2237

E-mail: [PACER@PACER.org](mailto:PACER@PACER.org)

Paula F. Goldberg, Executive Director

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# **MINNESOTA DUE PROCESS OPTIONS**

## **Resolving Differences Through the Special Education Process**



**(952) 838-9000 | [PACER@PACER.org](mailto:PACER@PACER.org) | [PACER.org](http://PACER.org)**

# MINNESOTA DUE PROCESS OPTIONS

*\*General information only; please call PACER Center at (952) 838-9000 or the Minnesota Department of Education (MDE) at (651) 582-8689 for further information\**

OPTIONS	ISSUES	WHO IS USUALLY INVOLVED	DECISION MAKER(S)	TIMELINE	COST (PARENT PAYS)
<b>Conciliation</b> <ul style="list-style-type: none"> <li>When district receives a parent's objection to a proposal</li> <li>Required if parent requests</li> </ul>	Parent-school disagreement regarding identification, evaluation, placement, or services	Director of special education, school district staff, parent(s)	Parent(s) and school district	From receipt of request: <ul style="list-style-type: none"> <li>set up within 10 calendar days,</li> <li>memo 5 school days after final conference</li> </ul>	None
<b>Mediation</b> Voluntary for both parties	Parent-school disagreement regarding identification, evaluation, IEP placement and services, or other matters	Mediator (assigned by MDE), parent(s), district staff, and others each may choose	Parent(s) and school district	Complete within 30 calendar days of MDE's receipt of parent's written request	None
<b>Facilitated Team Meeting</b> Voluntary for both parties	Parent-school cannot agree on an Individualized Education Program (IEP)	IEP team (including parents) and facilitator (assigned by MDE)	IEP team with support from facilitator	Must be scheduled in a timely manner	None
<b>State Complaint</b>	Claim that district is not following special education laws or regulation	Parent(s), organization or any citizen; MDE, Division of Compliance and Assistance	MDE, Division of Compliance and Assistance	File within one year of violation; final decision by MDE 60 calendar days from filing	None
<b>Section 504 Complaint</b>	Claim of discrimination based on disability	Parent(s), organization, or any citizen; local 504 Officer, Office for Civil Rights (Region V Chicago)	Office for Civil Rights (Region V Chicago)	File within 180 calendar days of violation	None
<b>Impartial Due Process Hearing</b> Required if parent or school requests	Parent-school disagreement regarding identification, evaluation, placement, or services	Hearing officer from Office of Administrative Hearings, parent(s), district staff, expert witnesses, attorneys	Hearing officer  Must appeal to the Minnesota Court of Appeals within 60 calendar days of decision	File within 2 years of the alleged violation  Written decision within 45 calendar days from the date filed with MDE	Parent(s) pays own attorney fees, expert witnesses (if needed) If parents prevail, they may recover attorney's fees.

## PARENTS NEED TO KNOW

### CONCILIATION:

- If parents object to any written proposal, they must be offered at least one conciliation conference
- Discussion information may not be used as evidence in a due process hearing
- Memorandum and IEP can be used in a due process hearing
- Request must be in writing
- You may invite your child or others who know him/her

### MEDIATION:

- Either party may request, but both must agree to participate
- Information is confidential; may not be used as evidence in a due process hearing or civil proceeding
- For complex issues, may require more than one session
- Written agreement is signed by responsible parties
- You may invite your child or others who know him/her

### FACILITATED TEAM MEETING:

- Either party may request, but both must agree to participate
- Entire IEP team required
- Information can be used in a due process hearing
- Can address the specific areas of concern/disagreement or the entire IEP
- May help build and improve relationships between parents and the school
- You may invite your child or others who know him/her

### STATE COMPLAINT:

- Anyone can file a complaint if they feel a violation has occurred
- MDE complaint investigator makes the decision; decisions can be appealed

### SECTION 504 COMPLAINT:

- Can determine discrimination based on disability
- Office of Civil Rights (OCR) does not handle cases that are being addressed by another agency or within the school grievance procedure
- You have 60 days to refile your complaint with OCR once the other process is completed
- OCR does not represent parties or provide advice if the issues go to a court hearing
- Provides for an impartial 504 hearing but details aren't provided; decision can be appealed within 60 days of OCR's determination

### DUE PROCESS HEARING:

- Decision is made by the Office of Administrative Hearings (OAH) Hearing Officer/Administrative Law Judge
- Considerable amount of time needed for preparation
- Burden of proof is on the party requesting the hearing
- Most parents use an attorney