



Due Process Options in the Special Education Process

Built into the Individuals with Disabilities Education Act (IDEA) and Minnesota's special education rules, are ways to resolve disagreements. If you and the school cannot agree, PACER encourages you to use one of these options:

- **Conciliation Conference (Minnesota specific).** If a parent objects to a proposal or refusal from the district, they must have an opportunity to request at least one conciliation conference. The conference must be held within ten calendar days of the district's receipt of the parent's objection and request for a conciliation conference. It must be held at a mutually convenient time and place. Within five business days after the final conciliation conference, the district must provide a written memo to the parents with any resulting resolution or proposal. The district must participate if a parent requests a conciliation conference.
- **Mediation:** Parents or school staff may request mediation which involves an impartial mediator assigned by the Minnesota Department of Education (MDE). Mediation is provided at no cost to either party. Both parties must agree to mediate, and the discussions that occur during the mediation are confidential and cannot be used in a due process hearing. Any agreements reached will be written up by the mediator, and reviewed by both parties. If they agree, both parties sign the document, which then must legally be followed.
- **Facilitated Team Meetings.** Parents or the school can request a facilitated team meeting which also includes a facilitator assigned by the MDE at no cost to either party. The facilitator's role is to promote effective communication and assist the IEP team in the development of the IEP. The meeting can address only areas of concern or disagreement or the complete IEP document.
- **State Complaint.** If anyone feels that the IEP isn't being followed, a complaint can be filed with the Minnesota Department of Education (MDE). An investigator at MDE is then assigned to determine if a child's rights have been violated. A decision on the complaint will be made within 60 calendar days from the filing date of the complaint.
- **Impartial Due Process Hearing.** A parent or district may request in writing a due process hearing. The burden of proof is on the party requesting the hearing. Within 15 calendar days of receiving notice of the request, the school district must convene a resolution meeting with the parents and relevant team members to discuss the complaint. If all parties are in agreement, the resolution session can be waived. If the matter is not resolved within 30 days of receipt of the due process complaint, the hearing timelines begin. A hearing officer listens to the case and makes a determination within 45 calendar days from the filing date. Most parents will use an attorney for this process.

Contact PACER Center for further information on your due process options......

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