

# Solving Disagreements With Your Individualized Education Program (IEP) Team After You Turn 18: Questions and Answers for Students With Disabilities Who Are Their Own Guardian

Getting into a disagreement with anyone is tough. When you have a disagreement with your IEP team, you may feel frustrated. There are several things you can do to make your voice heard and work out a solution that you and your IEP team can agree on.

If you and your family decide you will be your own guardian when you turn 18, you have rights that are meant to help you when you disagree with the school district about what you need in your IEP. You may be asking some of the questions below. We hope the answers here will help you feel more comfortable with your new rights to solve disagreements with your IEP team.

## **Question:**

### **What is a Conciliation Conference?**

The school district just sent me a Prior Written Notice and a new IEP, but I disagree with the IEP. For one thing, I think I need to work on different goals. I also need different work experiences than what my IEP team wrote in my IEP. On the last page of the Prior Written Notice I signed my name and I checked a box that said “I object.” When I gave the form back to my IEP case manager, she told me I can request a meeting with some of the people from my IEP team who can best hear my concerns, or I can request a Conciliation Conference. What is a Conciliation Conference?

## **Answer:**

In Minnesota when you object to a Prior Written Notice from the school district, you have the right to request a few different kinds of meetings to solve your disagreement. It’s important that you understand your options when you disagree with the school district about your IEP.

You can request a meeting with some of the people from your IEP team who can best hear your concerns, or instead, request a **Conciliation Conference**. The Conciliation Conference happens quickly, no more than 10 calendar days after you request it, and it usually lasts about an hour. If you request a Conciliation Conference, the school district has to schedule one. It’s a good meeting to start with to try to work out an agreement with the school district on what you need in your IEP, especially if you and your IEP team communicate well with each other and the only problem you need to solve is your disagreement to some parts of your IEP.

Often there are only a few people at a Conciliation Conference, because your whole IEP team does not have to participate. Usually the Conciliation Conference is at your school. You can talk to a PACER Advocate to help you get ready for the Conciliation Conference.

## **Question:**

### **What is a Facilitated Team Meeting?**

What if the communication with my IEP team is totally broken down? What if it’s difficult for us to even talk to each other, and that’s why it’s so hard to write an IEP that I can agree to?

**Answer:**

If you and the school district are really struggling to communicate and it is getting in the way of agreeing on what you need in your IEP, you can request a **Facilitated Team Meeting**. You have to ask the Minnesota Department of Education to schedule this meeting. The Minnesota Department of Education has a **special form to fill out to request a Facilitated Team Meeting**. A PACER Advocate can help you find the form and answer any questions you have about this option.

If the school district agrees to go to a Facilitated Team Meeting with you, then your whole IEP team attends and it is a long meeting, at least four hours. It is often held at a different location, such as a meeting room in your school district's main office building. A facilitator who does not work for the school district leads the meeting. The facilitator will not take sides and is there to help you and your IEP team communicate better to write an IEP that everyone agrees is right for you.

**Question:****What is Mediation?**

So, if I disagree with my IEP team about my IEP, I can ask for a meeting to solve the disagreement. And there are different kinds of meetings I can ask for, such as a meeting with some of the people from my IEP team who can best hear my concerns, a Conciliation Conference, or a Facilitated Team Meeting. Are there any other kinds of meetings I should know about?

**Answer:**

Yes. If you're feeling really stuck in a disagreement with the school district, you can ask the Minnesota Department of Education to schedule a **Mediation**. The Minnesota Department of Education has a **special form to fill out to request a Mediation**. A PACER Advocate can help you find the form and answer any questions you have about this option. You should plan a whole day for this meeting, because it usually takes five to six hours. The meeting happens at a neutral location in your community, such as a library or a church.

If the school district agrees to go to Mediation with you, then a mediator who does not work for the school district leads the meeting. The mediator will not take sides and is there to help you and the school district talk about possible solutions. If you do work out an agreement, then the mediator writes a description of it in a document called a Mediated Agreement that you and the school district sign.

**Question:**

**I would feel very nervous about going to any of those meetings. Could someone help me at a meeting with the school district to solve a disagreement?**

**Answer:**

Any time you do not agree to a new IEP or any other Prior Written Notice you get from the school district, you can call a PACER Advocate and talk about it. The PACER Advocate will listen to you, help you decide which meeting to request, and help you prepare for your meeting. You may decide together that it would be helpful for the PACER Advocate to attend the meeting with you.

**Question:**

**What if I do all this work to get an IEP I agree to, but then the school doesn't follow my IEP?**

**Answer:**

If you see that the school district is not following your IEP, you have the right to file a **special education complaint** with the Minnesota Department of Education. For example, if your IEP says you have job experiences in the community, and travel training to learn to ride the bus every afternoon, and that doesn't happen, you can file a special education complaint. Another reason you could file a special education complaint is if you think the school district is not following the laws under the Individuals with Disabilities Education Act (IDEA).

You have to file your complaint in writing and the Minnesota Department of Education has an **optional form you can fill out**. A Minnesota Department of Education Investigator will look into your complaint, decide if the school district did something wrong, and send you their decision in writing. If the investigator agrees with your complaint, they may order corrective action for the school district to fix the problem. The whole process takes about 60 days. You can call a PACER Advocate for help with any questions you have about filing a special education complaint. You can also talk to someone at the Minnesota Department of Education.

**Question:**

**What if I think the school district did something wrong and I want a judge to fix it?**

**Answer:**

There is another complaint you can file, called a **due process complaint**. You have to file it in writing and the Minnesota Department of Education has an **optional form you can fill out**. Before a judge hears your complaint, you have to go to a Resolution Meeting with the school district to try to work it out. This meeting happens no more than 15 days after you file your complaint. If you and the school district cannot agree at your Resolution Meeting, then your complaint may go to a due process hearing in front of an Administrative Law Judge.

Most people have a lawyer to represent them at a due process hearing, but it is not required. **You can find a list of free or low-cost legal help and lawyer referral services** on the Minnesota Department of Education’s website. If your due process complaint does go to a hearing with a judge, the whole process takes time, usually 75 days or more. You can call a PACER Advocate for help with any questions you have about filing a due process complaint. You can also talk to someone at the Minnesota Department of Education.

**Question:**

**There is a lot to know about my rights for solving disagreements with my IEP team! If I have more questions, who should I ask?**

**Answer:**

There are many people you can talk to. Ask your parents about their experiences working out disagreements with your IEP team in the past. Set up a time to meet with your IEP case manager so you can talk about all these options. You can call a PACER Advocate at (952) 838-9000 or email PACER@PACER.org. You can also call the Minnesota Department of Education at (651) 582-8689 or email mde.compliance-assistance@state.mn.us.

**Resources**

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- [“Making Decisions About Your IEP After You Turn 18: Questions and Answers for Students With Disabilities Who Are Their Own Guardian”](#)
- [PACER’s Online Guide to Your Dispute Resolution Options in Minnesota](#)
- [Minnesota Department of Education’s Online Guide to Solving Conflicts in Special Education](#)

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