

Dispute Resolution: Exploring Your Options

The special education process has multiple “pressure points” that can lead to conflict. Parents and school staff may disagree when designing a child’s special education services or planning various aspects of service delivery. In other cases, schools and parents may experience relationship-oriented conflicts stemming from a loss of trust, communication breakdown, or cultural differences. In instances like these, a school or family’s initial response may be to involve an attorney, file an IDEA State Complaint, or request a due process complaint hearing – all processes that can be time-consuming, expensive, and that may result in adversarial relationships. Fortunately, the USOE supports a range of alternative dispute resolution options that schools and families can access when seeking to find agreement on special education related matters. Through sharing information about how to access the following options, LEA Special Education Directors can steer schools and families toward processes that will preserve working relationships and resources and result in solutions that everyone can support.

Parent to Parent Assistance

Parents of children with disabilities who have already learned to successfully navigate the special education system are often a valuable yet underutilized resource. Did you know that the Utah Parent Center sponsors a cadre of IEP Coaches who are available to assist parents in preparing for IEP meetings (and even attend IEP meetings when possible)? Thanks to collaboration between the USOE, the UPC, and multiple LEAs, trained Parent Consultants are another available resource that can help parents prepare for IEP meetings and mediation, engage in self-advocacy, and better understand the special education process through access to training, networking opportunities, and other informational resources. When seeking assistance, many parents welcome the opportunity to work with another parent who can empathize with some of the barriers and shared experiences that parents face when raising children with special needs. Through participation in this process, many parents gain a sense of empowerment as they become more confident and better equipped to advocate for their child when future issues arise.

Facilitated IEP Meetings

Many of Utah’s LEAs provide the option to engage IEP Facilitators who are not part of the IEP team and can assist in instances when a meeting is likely to cover unresolved or adversarial issues between schools and families. IEP Facilitators can create an agenda and ground rules, guide team discussions using student-focused questions, and assist the team in resolving conflicts that may arise during the meeting. Throughout the meeting, an IEP facilitator models effective communication and listening skills and helps to clarify points of agreement and disagreement. Because this process takes place in the context of an IEP meeting, a separate meeting is not needed to formalize any agreements that are reached.

Mediation

Mediation is a voluntary process that can be used to resolve disagreements between families and schools at any point of special education planning or implementation. Mediation draws on the strengths of both parties to foster mutual problem solving without assigning blame or fault and empowers schools and families to work together to explore issues, make decisions, and design solutions in a confidential manner that results in a legally binding agreement. Mediation is less time consuming and less costly than other more formal dispute resolution options and requests can be made within a short time frame. Forms to request mediation are available on the USOE website.

Conclusion

Parent to parent assistance, IEP facilitation, and mediation are dispute resolution options that can be utilized whenever the need arises. These options are available at no cost to families and can be provided within a very short turnaround time from the initial request. In many cases, reliance on these processes can help to preserve the working relationship between schools and families in a way that might not be possible with some of the more adversarial decision making procedures. Through utilizing early dispute resolution strategies, schools and families can feel empowered to develop individualized and workable solutions that will best meet the needs of their student.

For more information, refer to the USBE's Dispute Resolution webpage or contact the USBE Dispute Resolution Specialist at 801-538-7884.