What can I do to resolve my concern regarding my child’s education?

The best practice is always to contact the person with whom you have a concern.

⇒ Discuss concern with the teacher
   If unresolved

⇒ Discuss with the principal
   If unresolved

⇒ Discuss with the special education director or his/her designee
   If unresolved

⇒ Discuss with the superintendent
   If unresolved

⇒ Consider the dispute resolution process

**TIPS FOR PARENTS**

**SUGGESTIONS.....**

* Request an IEP team meeting to discuss concern.

* Focus on the issue at hand.

* Keep the discussion ALL about the student and his/her educational needs.

* Remember, everyone is on the same team to ensure an appropriate education for the student.

Who can tell me about the options for resolving disputes with my school district about special education?

✔ Parent to Parent of Georgia
   770-451-5484 or 1-800-229-2038
   www.p2pga.org

✔ The Georgia Advocacy Office
   404-885-1234 or 1-800-537-2329
   www.thegao.org

**DISTRICT RESOURCES...**

◊ Special Education Director for the District

◊ Parent Mentor
   (check www.parentmentors.org to determine if your district has a parent mentor)

The Georgia Department of Education
Division for Special Education Services and Supports
**FORMAL COMPLAINTS**

A Formal Complaint is a written signed complaint alleging a violation of the Individuals with Disabilities Education Act (IDEA) or state rules for special education that is filed with both the Georgia Department of Education (GaDOE) and the local school district. A letter may be written or the GaDOE form may be completed. The Divisions for Special Education Services and Supports will review the complaint, conduct an investigation and assist the parties in coming to a resolution. The family does not need an attorney to file a complaint. There is no cost to filing a complaint. The complaint must include:

- A statement that a local school district or other public agency has violated a requirement of the IDEA.
- The facts on which the statement is based and suggested solutions to the problem.
- The family may request mediation as part of the solution.
- The violation must have occurred within one calendar year of receipt of the complaint.

The Division for Special Education Services and Supports will issue a written decision that addresses their solution. The family does not need an attorney for mediation. There is no cost for mediation.

If an agreement is reached, it is documented in writing and signed by all parties. This informal and collaborative approach to problem solving can often foster a positive working relationship between the school district and the family. Agreements reached in mediation are legally binding and enforceable in State or District or through the Formal Complaint Process.

**WHAT ARE MEDIATORS?**

Mediators are trained in conflict resolution, collaborative problem solving and effective communication. In addition, mediators for special education are required to have knowledge and experience in the laws impacting the education of students with disabilities. The GaDOE contracts with a number of qualified mediators. When mediation is requested, a mediator will be assigned from the list the state manages.

**DUE PROCESS HEARING**

A Due Process Hearing is conducted by the Office of State Administrative Hearings (OSAH) between a family and the school district. Both parties present their position and have the opportunity to offer documents and testimony to support their case. A hearing officer decides on the appropriate educational program based on the requirements in the law. An expedited Due Process Hearing may be requested if the hearing is related to a manifestation determination or a discipline issue.

A Resolution meeting or mediation will be offered whenever a Due Process Hearing is requested. The parties must either engage in one of these early resolution processes or both agree in writing to bypass mediation and Resolution meeting.

A Resolution meeting shall be convened by the school district within 15 days of a request for a due process hearing. It is a meeting with the family and IEP members with specific knowledge of the issue as well as a representative from the district with decision-making authority. If an agreement is reached, the agreement is enforceable in a State or District Court or through the Formal Complaint Process.

If the parties do not reach a settlement within 30 days, the Due Process Hearing can proceed. It must occur within 45 days. Usually a family will want representation by an attorney at a Due Process Hearing but representation by an attorney is not required. The family is responsible for paying their attorney’s fees, although in some cases fees may be awarded. Decisions of Due Process Hearing are final unless appealed in District Court.

For more detailed information on dispute resolution or the forms for requesting any of these options and more details please visit: [www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Dispute-Resolution.aspx](http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Dispute-Resolution.aspx)