



1-855-RESOLVE (1-855-737-6583) info@osedisputeresolution.org
<https://www.osedisputeresolution.org/>

Special Education Dispute Resolutions Options

Questions	Mediation	State Complaint	Due Process (non-expedited)
What is it?	Special education mediation is a voluntary process in which parents and school district personnel meet with a specially trained, impartial individual (i.e., a mediator) to work out differences in a collaborative way.	Special education state complaint is a process used if a parent, individual or organization believes that a violation of federal or New York State (NYS) law or regulation relating to the education of students with disabilities has occurred.	A due process hearing (aka impartial hearing) is a formal process in which the parents and the school district present their case and refute evidence before an impartial hearing officer (IHO) who issues a written decision.
For what issues?	Any matter relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE) to a student with a disability or a student suspected of having a disability.	Any alleged violation of federal or NYS law or regulation relating to the education of students with disabilities that occurred not more than 1 year prior to the date of a properly filed complaint.	Any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement, or the provision of FAPE to a student generally occurring within the past 2 years.
Who can file?	Parent or school district (also known as the parties)	An individual or organization, including individuals or organizations from another state.	Parent or school district.
How to file?	<p>A request must be made by the parents to the Committee on Special Education (CSE), Committee on Preschool Special Education (CPSE) or to the school district Board of Education (BOE).</p> <p>For additional information see NYSED Sample Mediation Form.</p>	<p>Requests for a State complaint must be made in writing and filed with the New York State Education Department (NYSED) Office of Special Education. A copy must be sent to the school district or public agency.</p> <p>For additional information see NYSED State Complaint webpage</p>	<p>A parent requests an impartial hearing by writing to the board of education of the child's school district. If a school requests an impartial hearing the request is sent to the parent. A copy should always be sent to NYSED.</p> <p>For additional information see NYSED Sample Due Process Complaint Notice.</p>
What happens?	An impartial mediator who is trained in effective mediation techniques is assigned. The	A State complaint is filed with NYSED Office of Special Education. The party who is not the complainant has an	The school district selects the IHO through a rotational selection process in accordance with regulatory



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	mediator helps the participants listen to each other's views, and then assists in developing mutually satisfactory solutions. The goal of mediation is for both parties to find a workable solution to resolve their dispute.	opportunity to file a response, and then the complaining party can file a reply to the response. The assigned unit in the NYSED Office of Special Education investigates the complaint, and reviews all relevant information.	timelines. The school district convenes a resolution meeting for a parent requested hearing. The IHO presides over the hearing at which the parties have an opportunity to present evidence and testimony. The IHO decides and mails the finding of fact and decision to the parties and to NYSED in accordance with regulatory timelines. The decision of the IHO is final unless appealed to a State Review Officer (SRO) of NYSED.
Who are the Decision Makers?	The parties (i.e., parents and school district)	New York State Education Department Office of Special Education.	Impartial Hearing Officer (if appealed the decision maker is the State Review Officer)
What is the timeline?	The mediation session must be scheduled in a timely manner. There are no specific timelines for mediations but are scheduled at the earliest convenience of the parties.	A written decision, must be issued within 60 calendar days of receipt of the complaint, except where expectational circumstances exist or when the parent and school district or other public agency involved agree to extend the time to engage in mediation.	Absent a valid extension, in general decisions must be rendered within: <ul style="list-style-type: none"> • 30 days - District Requested CPSE Case • 45 days - District Requested CSE Case • 60 days - Parent Requested CPSE Case • 75 days - Parent Requested CSE Case
What is the cost?	Provided at no cost to parents and school districts. Costs of mediation are the responsibility of NYSED.	Free to file.	Costs of Impartial Hearings are the responsibility of the school district. Provided at no cost to parents.
Where can I find additional information?	Questions and Answers on Special Education Mediation	Questions and Answers on New York State Complaint Procedures	Questions and Answers on Impartial Due Process Hearings for Students with Disabilities