



Understanding Special Education Dispute Resolution in Virginia

*A Guide to Resolving
Concerns When Families
and Schools Disagree*

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Facilitated IEP (FIEP) Meeting

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WHEN TO USE Facilitated IEP meetings can be used anytime, especially when there's disagreement or communication issues, but the team still wants to work together—with help from a neutral facilitator—to develop the student's Individualized education program (IEP).

WHAT HAPPENS A trained, neutral facilitator runs the meeting, makes sure everyone gets a chance to speak, and keeps the team working together to focus on the student.

WHO IS INVOLVED The full IEP team, including the family, and if appropriate, the student. The family can still bring people to support them to the meeting.

OUTCOME The team will develop an agreed upon IEP.

COST FREE

HOW TO REQUEST [VDOE Facilitated IEP Request Form](#)

PEATC RESOURCE [Facilitated-IEP Overview](#)

Facilitated IEP (FIEP) Meeting: At a Glance

- BENEFITS**
- It helps IEP team members build trust and work better together.
 - It can lower conflict and stop problems from getting worse.
 - It keeps decisions with the people who know the child best.
 - It helps the meeting stay focused and organized.
 - It can help IEP meetings run more smoothly, with better teamwork.

- CONSIDERATIONS**
- Everyone on the team must agree to use a facilitator.
 - Both sides must be willing to collaborate to come up with a solution.
 - The facilitator helps with the meeting process and building agreement, and can ask questions or suggest looking at laws, regulations, and policy when needed.
 - Some issues may not be fully resolved through this process.

TIMEFRAME The meeting is scheduled as soon as possible after everyone agrees, but there's no set deadline.

DECISION-MAKER The IEP team works together to make all decisions.

**ROLE OF
THIRD PARTY**

The facilitator

- Keeps the meeting organized and focused.
- Helps the team understand disagreements and find solutions.
- Can help the team identify inaccurate information regarding rules or regulations.
- Helps the team focus on solving problems for the student.
- Stays neutral and does not take sides or make decisions for the team.

2 Mediation

WHEN TO USE Mediation can be used any time there's a disagreement about special education services and both sides want help from a neutral person.

WHAT HAPPENS A trained mediator helps the parent and school talk and try to find a solution.

WHO IS INVOLVED Usually, it's just the parent and school staff. Lawyers can come but are not necessary. If a parent wishes to bring an attorney, they should let the mediator know so that the school division can decide if they want to bring an attorney.

OUTCOME If both sides agree, they sign a written agreement that is legally binding and is enforceable in court.

COST FREE

HOW TO REQUEST [VDOE Mediation Request Form](#)

PEATC RESOURCE [Mediation-Toolkit](#)

Mediation: At a Glance

- BENEFITS**
- Mediation helps parents and schools talk openly and respectfully.
 - Discussions are confidential and can't be used in a later due process hearing.
 - It can help resolve problem faster than formal steps like due process.
 - It is flexible and helps families guide the conversation and ideas.

- CONSIDERATIONS**
- Both the parents and school must agree to try mediation.
 - It may not result in an agreement.
 - Big problems may take more than one meeting.
 - Lawyers can join, but they're not needed. If they attend, the discussion may be less collaborative.

TIMEFRAME Meetings can be scheduled quickly and happen at any time.

DECISION-MAKER Parents and school staff work together to decide on any solution.

- ROLE OF THIRD PARTY**
- A neutral mediator**
- Helps guide the conversation.
 - Helps both sides understand each other.
 - Keeps the focus on the student and special education rules and regulations.
 - Helps the team think through ideas without taking sides.
 - Doesn't make decisions or give legal advice.

Written State Complaint



WHEN TO USE A special education complaint can be filed if school isn't following a student's IEP or is not complying with special education regulations.

WHAT HAPPENS The Virginia Department of Education (VDOE) looks into the issue and gives a written response, called a Letter of Findings, to the parent and the school division. Not every complaint is investigated.

WHO IS INVOLVED A parent, student, or third party can file a complaint for a student or a group of students.

OUTCOME If the school is found to be wrong, VDOE will notify the parent and school in writing (called a Letter of Findings) and tell the school how it must fix the problem.

COST FREE

HOW TO REQUEST [VDOE State Special Education Complaint Form](#)

PEATC RESOURCE [Complaint-Toolkit](#)

Written State Complaint: At a Glance

- BENEFITS**
- Anyone can file a complaint including, but not limited to parents, students, and advocates.
 - The complaint process is easy.
 - VDOE will decide whether the school is following special education laws and regulations.
 - Complaints can fix problems for one student or for a group if it's a bigger issue.
 - The school may be required to make changes if mistakes are found.

- CONSIDERATIONS**
- Proof (evidence) is needed to support a complaint.
 - It's not meant to fix relationships between parents and schools.
 - VDOE's decision is final unless either side appeals it.
 - You can still try mediation while the complaint is being reviewed.
 - The parents or the school may prevail (win) on all, some, or none of the issues.

- TIMEFRAME**
- Parents must file the complaint within one year of knowing about the problem.
 - VDOE makes a decision within 60 days, unless more time is granted.

DECISION-MAKER Virginia Department of Education (VDOE)

- ROLE OF THIRD PARTY**
- A VDOE Compliance Specialist looks at the facts and decides based on the law and regulations.

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Due Process Complaint and Hearing

WHEN TO USE Due process hearings are used when parents and schools can't agree on important issues like the IEP, evaluations, eligibility, placement, or other services the student needs to get a free appropriate public education (FAPE).

WHAT HAPPENS Due Process is a formal hearing, like a trial, led by an impartial hearing officer.

WHO IS INVOLVED Either the parents or the school can file for a hearing. Lawyers or advocates are usually involved.

OUTCOME An impartial hearing officer issues a legally binding decision.

COST The hearing is free, but each side pays their costs for lawyers and paid witnesses unless the winning side asks to be paid back for legal costs (which may or may not be granted).

HOW TO REQUEST [VDOE Due Process Request Form](#)

PEATC RESOURCE [Due-Process-Toolkit](#)

Due Process Complaint and Hearing: At a Glance

- BENEFITS**
- The hearing officer's decision is legal and based on what both sides say and the proof they share.
 - Each side can share documents, bring in witnesses, and explain their side.
 - The student usually stays in their current placement during the process, unless both sides agree to a change.
 - Either side can appeal if they don't agree with the decision.
 - The steps and deadlines are set by law.

- CONSIDERATIONS**
- This is the most serious and stressful process and can affect relationships with the school.
 - It usually involves lawyers and the hearing officer will look for clear proof that a law or rule was broken.
 - It takes a lot of time to prepare for and can be very expensive. Even if you win, you might not get your legal fees back.
 - If you represent yourself (this is called pro se), you have to do all of the tasks that a lawyer would do. This takes a lot of time and knowledge. Special education law can be very complicated.
 - The hearing officer's decision is final unless you appeal to a state or federal court.

- TIMEFRAME**
- A request for a hearing must be filed within two years of when the problem was known.
 - The hearing happens within 45 days after a resolution period ends.

DECISION-MAKER An impartial hearing officer

- ROLE OF THIRD PARTY**
- A hearing officer manages all aspects of the hearing.
 - They make the final decision based on proof provided and what the law requires.

Expedited Due Process Hearing (Discipline)

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WHEN TO USE An expedited hearing can be requested when parents disagree with discipline-related placement changes.

WHAT HAPPENS It results in a quicker hearing and decision about the student's placement.

WHO IS INVOLVED Either the parents or schools may file for an expedited hearing.

OUTCOME The hearing officer issues a fast legally binding decision about placement.

COST Same as standard due process.

HOW TO REQUEST [VDOE Due Process Request Form](#)

PEATC RESOURCE [Manifestation-Determination-Review-MDR-Toolkit](#)

Expedited Due Process Hearing (Discipline): At a Glance

- BENEFITS**
- Fast resolution for discipline-related disputes.
 - Helps quickly decide the appropriate placement for the student.
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- CONSIDERATIONS**
- The timelines are short and strict so quick preparation is needed.
 - It is only used for certain discipline-related issues.
 - A lawyer may be needed due to complex legal issues.
 - The hearing officer's decision is final, unless appealed in court.
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- TIMEFRAME**
- A resolution meeting happens within seven calendar days.
 - The hearing happens within 20 school days.
 - A decision is made within 10 school days after the hearing.
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DECISION-MAKER An impartial hearing officer

- ROLE OF THIRD PARTY**
- A hearing officer leads the expedited (fast) process.
 - They make a quick legal decision about where the student should be placed.



703-923-0010 | Email us at PARTNERS@PEATC.ORG | Visit us at WWW.PEATC.ORG

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