

Dispute Resolution

Any person who has a concern about the education of a student with a disability can raise the issue in one of several ways. For example, it is always appropriate to discuss the matter with the student's teacher or principal at the local school, or it is also helpful to contact the Director of Exceptional Children Program in the central office of the school system, charter school, or state operated program.

The Exceptional Children Division's consultants for dispute resolution and consultants for instructional support and related services are also able to offer consultation to assist parents, advocates, or school system, charter school, or state operated programs personnel who request help with problem-solving.

Consultants at the Department of Public Instruction are neutral and refrain from taking sides when there is a disagreement, but consistently advocate for appropriate services for children with disabilities. They are committed to the protection of rights for children with disabilities and their parents.

An informal means of problem solving is provided through the Exceptional Children Division's Facilitated IEP Program for school systems, charter schools, state operated programs, and parents.

Formal means for dispute resolution are also available through the Department of Public Instruction, Exceptional Children Division. These options are requirements of federal and state laws governing special education - [Individuals with Disabilities Education Improvement Act \(IDEA\)](#), and [Policies Governing Services for Children with Disabilities](#).

When there is an unresolved disagreement over identification, evaluation or educational placement of a child with a disability or the provision of free appropriate public education, the options for dispute resolution are mediation, formal written complaint, and due process hearing. A formal complaint filed on the same issue(s) as contained in a petition for a due process hearing will not be investigated. These options are also available to the adult student who has reached the age of majority (18), unless legally deemed incompetent or unable to make educational decisions.

Dispute Resolution End of Year Reports

Informal Dispute Resolution

Facilitation

When parents or school representatives are apprehensive about the next IEP meeting, or it is a complex meeting with numerous participants, or communication between home and school is becoming tense, an impartial facilitator can be requested to assist the IEP team members in communicating more effectively, keeping the focus on student outcomes, and developing compliant IEPs.

Formal Means of Dispute Resolution

Mediation

You or the school have the right to request the Department of Public Instruction to provide mediation services if you and the school are unable to agree upon the identification, evaluation, educational program, placement or the provision of a free, appropriate public education of your son or daughter.

Formal Written Complaints

When informal means for solving disagreements have not been successful, more formal dispute resolution alternatives are available through the provisions of federal and state laws governing special education [the Individuals with Disabilities Education Act (IDEA) and Article 9 of Chapter 115C of the North Carolina General Statutes].

Due Process Hearings

The term *Parent* means a biological or adoptive parent of a child; a foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed in accordance with § 300.519 or section 639(a)(5) of the Act. [§34 CFR 300.30]

[Brochure: Dispute Resolution](#)

[Brochure: Dispute Resolution \(Spanish\)](#)