

# Parent and Family Updates

## Exceptional Children | NC DPI

North Carolina Department of Public Instruction Office of Exceptional Children website contains resources for parents, teachers, and administrators.

[www.dpi.nc.gov](http://www.dpi.nc.gov)

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## IEP Dispute Resolution Options

What happens if a parent and their school team are unable to reach agreement on proposed changes to a student's Individualized Education Program (IEP)? The first steps would be for the parents to request to reconvene the IEP Team to discuss the disagreement, review the IEP and hopefully come to a consensus on how to resolve the disagreement. If the team is unable to agree, parents are encouraged to attempt to resolve the issue locally by discussing the disagreement with the EC Director. If the IEP team cannot come to an agreement, with the involvement of the EC Director, the parents or the school district may want to consider one of the Dispute Resolution processes offered through the Office of Exceptional Children (OEC) as detailed in the [Individuals with Disabilities Education Act \(IDEA\)](#) and North Carolina [Policies Governing Services for Children with Disabilities](#).

### **Facilitation**

IEP facilitation is an optional, *informal* process of dispute resolution, not required by the IDEA though offered by the OEC. A facilitated IEP (FIEP) is an IEP meeting facilitated by an impartial third party. The facilitator develops a mutually agreeable meeting agenda, guides the process, and assists all members of the IEP team to communicate effectively. The facilitator does not make decisions about the student's IEP. A FIEP meeting's goal is to develop an IEP supported by all team members and benefits the student.

- Families and schools must both agree to participate in a FIEP.
- Either party can request a FIEP.
- Facilitators maintain open communication and ensure every team member can participate fully.

- Facilitators help keep the meeting's focus on the mutually agreeable meeting agenda based on the student's unique needs.
- Facilitation is available at no cost to parents or school districts.

## **Mediation**

Mediation is a *formal* meeting of the parent(s) and a school representative led by a neutral third party, the mediator. The mediator helps the parents and school system resolve disagreements concerning special education issues. Mediation can help the parties reach agreement about specific issues.

- Mediation is private and confidential.
- Mediation is a voluntary process where both the parent(s) and the school have control and ownership over the settlement; nothing is decided unless the parties agree to it.
- If an agreement is reached, a Mediation Agreement is written and signed by both parties with the mediator as the witness. The DPI maintains a copy of the agreement.
- Mediation is available at no cost to parents or school districts.

## **Formal Written Complaint**

If a parent suspects a violation of special education federal and state law, regulations and/or policies, the parent(s) has a right to file a state complaint with the OEC. Complaints are a *formal* process.

- Complaints must allege a violation occurred not more than one year before the date the complaint is received by the OEC.
- If a complaint is found to be sufficient, the issue(s) will be investigated by an OEC consultant.
- Results of investigations are shared with both parties within 60 calendar days of the day the complaint is received.
- If the district is found to be compliant, the complaint will be closed.
- If the district is found to be noncompliant, the report will include a corrective action plan the district must implement to address the findings of noncompliance.
- Complaint investigation decisions are final.
- The OEC does not investigate personnel, general education, or other non-special education issues.

## **Due Process Petition**

A Due Process petition is a *formal* process and a legal action filed to obtain a decision by an administrative law judge about a special education issue. Due

Process can address disputes about identification, evaluation, educational placement, free appropriate public education (FAPE), or manifestation determination.

- The petition can be filed by a parent of a special education student or the student if he or she is 18 or over.
- School districts can file Due Process petitions.
- The parties must try to resolve the issue(s) through a resolution meeting or mediation.
- The petition must be filed within one calendar year of disputed activity.

More information about Dispute Resolution can be found on the [Parent Resources](#) website. If you have questions, please contact [Johanna Lynch](#).

## An opportunity for parents to participate

The Council on Educational Services for Exceptional Children (Council) is established as an Advisory Council to the State Board of Education. Its establishment is set forth in the Individuals with Disabilities Education Improvement Act (IDEA) federal regulations in §§ 300.167-300.169 and the North Carolina General Statutes in §115C-121.

The Council advises the State Board of Education with respect to the unmet needs of children with special needs and in the development and implementation of policies related to the coordination of services for students with disabilities. The Council also advises the State Board of Education with respect to developing evaluations, reporting on data, and developing corrective action plans to address findings in federal monitoring reports.

The Council duties:

- Advise the State Board of Education with respect to unmet needs within the State in the education of children with disabilities;
- Comment publicly on rules and policies proposed by the State Board of Education regarding the education of children with disabilities;
- Advise the State Board of Education in developing evaluations and reporting on data to the U.S. Secretary of Education;
- Advise the State Board of Education in developing corrective action plans to address findings identified in Federal monitoring reports;
- Advise the State Board of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and

- Carry out any other responsibility as designated by federal law or the State Board of Education.

If you are a parent of a child with disability with an interest in becoming a member of the Council, please submit a cover letter and resume to [Rupan Fofaria](#).

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## Agencies of Interest:

[Office of Special Education Programs](#) (U.S. Department of Education)  
[N.C. Department of Public Instruction](#)

## Upcoming events:

[Autism Society of North Carolina](#)  
[Autism Speaks](#)  
[The Center for Appropriate Dispute Resolution in Special Education](#)  
[Exceptional Children's Assistance Center](#)  
[Family Support Network](#)  
[National Alliance on Mental Illness](#)  
[NC ABLE](#)  
[NC Down Syndrome Alliance](#)  
[Special Olympics North Carolina](#)  
[Triangle Disability & Autism Services](#)

Do you have an event you would like to share with the community? Please email with information.

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## Contact information:

[Johanna Lynch, Parent Liaison](#)  
Office of Exceptional Children, NCDPI

Historical Newsletters can be found in the [Parent Newsletter Google Folder](#).