

Comparison of IDEA Dispute Resolution Processes

	Administrative Complaint	Mediation	Due Process Hearing Request
What?	A written allegation that a school district has failed to follow federal and/or state special education laws and a request for an investigation into the allegation.	A voluntary process that can be requested before or in conjunction with a due process hearing in which an impartial mediator is assigned to help the school district and parent resolve disagreements.	A formal request used to resolve disagreements relating to identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE) to a child with a disability or suspected of having a disability under IDEA.
Who can request?	Any person or organization may submit a complaint.	A parent or school district may request mediation.	A parent or school district may file a due process hearing request.
Timeline?	<p>Complaints must allege a violation that occurred not more than one (1) year prior to the date the complaint is received.</p> <p>The written decision must be issued no later than sixty (60) calendar days from the date the complaint was filed, unless an extension is granted.</p>	<p>Mediation is available at any time, even when a due process hearing has been requested.</p> <p>Mediation must be scheduled in a timely manner.</p>	<p>A due process hearing request must be filed within two (2) years of the date the issue was known to either party.</p> <p>A resolution meeting must occur within fifteen (15) calendar days of receiving the due process, and if not resolved within thirty (30) calendar days, the hearing must be completed within forty-five (45) calendar days of the end of the resolution period, unless an extension is requested.</p>
Cost?	<p>No cost to the complainant</p> <p>The complaint is investigated by the Tennessee Department of Education, Office of General Counsel.</p>	<p>No cost to parent</p> <p>The Tennessee Secretary of State's office provides the mediator.</p>	<p>Each party must pay its own expenses, which may include attorney fees and witnesses.</p> <p>The Tennessee Secretary of State's office provides the administrative law judge.</p>
Outcome?	A written decision that includes the findings and conclusions, reasons for the decision, and actions required by the school district to correct any violations.	The development of a signed, legally binding, written agreement.	A written decision that includes finding of facts, conclusion of the law, and if applicable, orders for specific actions.