COLORADO
Department of Education

Colorado IEP Parent Training

Module 9: Resolving Disagreements

May 15, 2026

Module 9 overview

- Dispute prevention and resolution
- CADRE resources and communication strategies
- Informal approaches to resolving disagreements
- Alternative dispute resolution (ADR)
- IDEA dispute resolution (DR) options
  - Mediation
  - State complaint
  - Due process complaint

Review of acronyms

- **IDEA**: The Individuals with Disabilities Education Act
- **ECEA**: The Exceptional Children's Educational Act
- **CDE**: Colorado Department of Education
- **AU**: Administrative Unit, which includes school districts and Boards of Cooperative Education Services (BOCES) and other agencies
- **FAPE**: Free Appropriate Public Education
- **IEP**: Individualized Education Program
- **PSN**: Procedural Safeguards Notice
- **PWN:** Prior Written Notice

Dispute prevention and resolution

- When parents have concerns about their child's special education services, they may want to start by contacting their child's special education teacher or the AU's director of special education to talk about their concerns.
- If the IEP team needs some support in meetings, CDE offers an **alternative dispute resolution (ADR)** option of facilitation for special education meetings. An impartial facilitator (someone who does not represent any party) can come to a meeting to support the meeting process.
- IDEA includes specific **dispute resolution (DR)** options for when parents and schools cannot agree. The three dispute resolution options include Mediation, State Complaint, and Due Process Complaint

CADRE resources

- The Center for Appropriate Dispute Resolution in Special Education (CADRE) provides technical assistance on early dispute resolution to improve outcomes for children with disabilities.
- CADRE offers a variety of resources for families related to communicating and resolving disputes related to special education.

CADRE | The Center for Appropriate Dispute Resolution in Special Education

CADRE Steps to Success

- Steps to Success: Communicating with Your Child's School is a resource that offers specific communication skills that may be helpful to parents as they develop and maintain partnerships with their child's school.
- This resource describes the following steps for communicating with your school:
  - Be mindful of your emotional pressure gauge as you work with your child's school.
  - Prioritize and plan.
  - Actively listen to understand the other person's perspective.
  - Clarify your statements if you see a puzzled expression on another person's face. Ask for clarification in return.
  - Have options in mind and offer them for discussion, as needed.
  - You're only human – do what you can to humanize what is often a formal process.

Positions and interests

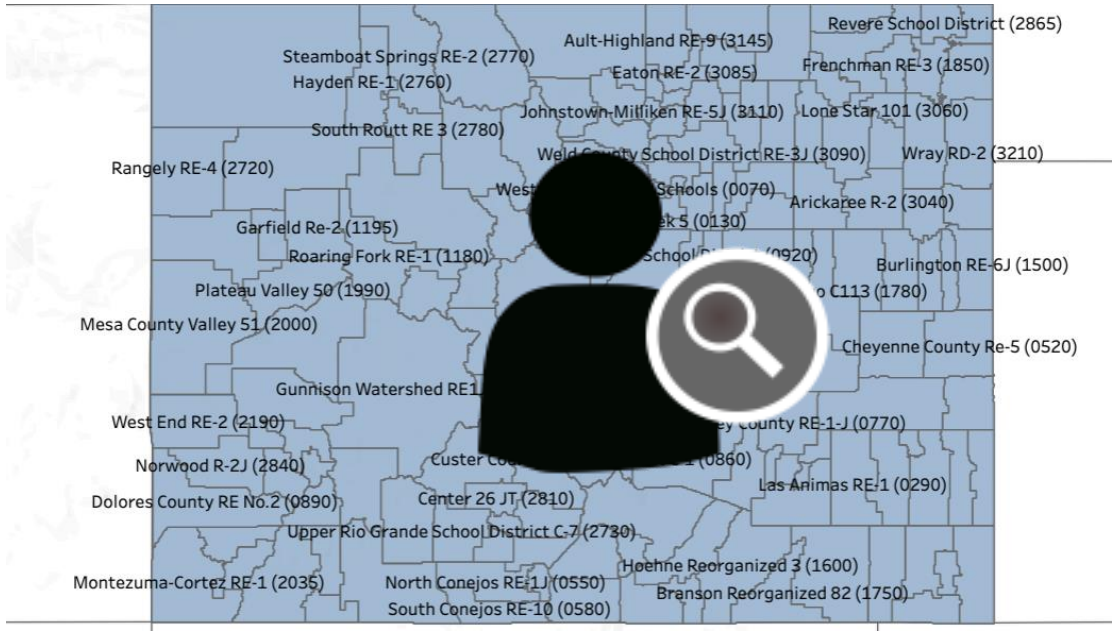
- Recognize your positions and interests.
  - A **position** is where a party stands on an issue. It's **what** the person wants. It could be a demand, a bottom line, an ultimatum, a threat, etc.
  - An **interest** is what motivates people. It is **why** they want what they want. It is the underlying concern, desire, need or value.
- Focusing on interests can lead to more possible solutions.
- See, e.g., CADRE, Understanding Positions and Interests video.

Informal approaches

- Disagreements are an expected part of the process of working with a multidisciplinary team. Constructive disagreement can lead to better decisions and improved outcomes.
- Informal approaches to working out disagreements include:
  - Informal meetings with a teacher, service provider, or administrator.
    - In general, begin meeting informally with the person involved with the matter of concern. If after reaching out, you still need help, consider reaching out to a school or AU administrator.
    - Some schools provide a communication ladder or other resource on who to contact with concerns.
  - Requesting an IEP review meeting.

Special education directors

- If you have questions about special education in your AU, you can contact the Special Education Director.
- You can find your Special Education Director on the CDE website.
  - [Find Your Special Education Director]



Keep records of your communications

- When dispute resolution options are used, documentation can provide important evidence of what occurred.
- Maintain records and organize your documents throughout the year.
- It can be helpful to confirm your understanding of conversations in writing.
- Be mindful of your tone in your written and electronic communications.
- While it is important to have written records, you may want to start with a conversation about a concern and then follow up in writing.

AI precautions

- If using AI to generate or support communications, consider the risks and benefits of using AI.
- You can find many resources on best practices for using AI from reliable sources online. For example, The National Cybersecurity Alliance provides many resources on online safety.
- Keep in mind:
  - Use tools safely. Avoid uploading or sharing confidential or personally identifiable information.
  - Check accuracy and bias. Verify information because of the potential for AI to produce inaccurate or biased information.

Alternative dispute resolution (ADR)

- CDE began offering special education meeting facilitation in 2017 as part of its efforts to develop alternative dispute resolution (ADR) options.
- Feedback from parents and educators had shown a need for more options to:
  - prevent IEP's from moving into contentious and costly dispute processes, **and**
  - result in better outcomes for students.
- A statewide advisory board determined that facilitation was a highly promising practice for Colorado. Some form of IEP meeting facilitation is offered in most states.

Facilitated special education meetings

- Special education meeting facilitation is a voluntary process. The AU and the parents must agree to have the facilitator attend.
- CDE's special education meeting facilitation is offered at no cost to the parents or the AU.
- An impartial facilitator attends the meeting to promote effective communication and assist the IEP team in developing an IEP based on the child's needs.
- Facilitation is available for IEP and other special education meetings



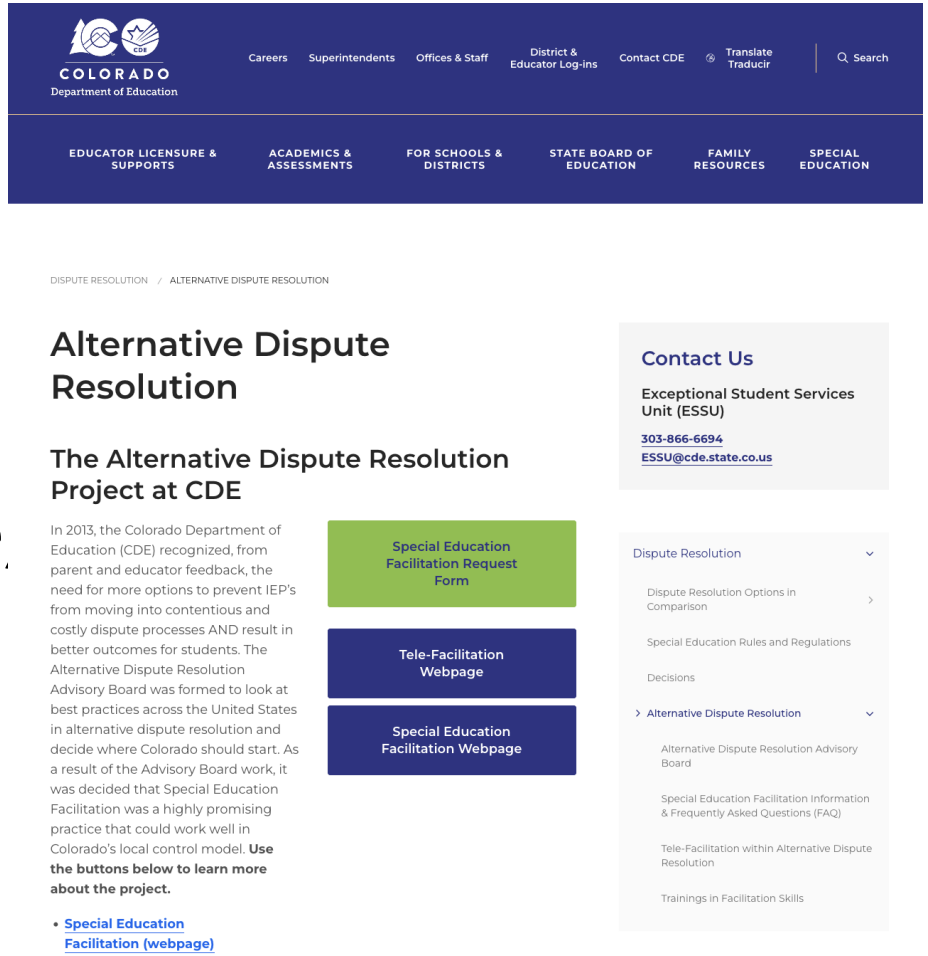
Considering facilitation

- Facilitation is most effective when the parties are still willing to work through issues together with some professional support.
- Some examples of when facilitation might be helpful:
  - communication is difficult.
  - you feel like your voice is not being heard.
  - there is a history of conflict within the IEP team.
  - the meeting is expected to be emotional.
  - you would like to rebuild trust among team members.
  - you are having trouble understanding evaluation information or the special education process.

Requesting a facilitator

- Use the search terms “CDE ADR” to find CDE’s ADR page.
- Click the green box to get to the form to request a facilitator.
- Request as early as you can. When possible, try to request at least 2 weeks before a scheduled meeting. You can request before the meeting is scheduled to be sure a facilitator is available.

Special Education Facilitation Request Form



IDEA dispute resolution (DR) options

- IDEA requires that states offer three options for dispute resolution. The three options are:
  - Mediation
  - State Complaint
  - Due Process Complaint
- Appendix C of the PSN provides a brief overview of the DR Options in a table form.
- More information is available in Section C of the PSN (pages 12 -27) and on CDE's Dispute Resolution page.

Mediation

- Mediation is a process where the parties meet with an impartial third party (someone who is not helping or on the side of any party). The mediator helps the parties try to reach an agreement.
- The mediation happens in a separate meeting (not an IEP meeting).
- Consider mediation when you have tried to resolve a disagreement about your child's special education and have not been able to get past it.
- If the parties can agree in the mediation meeting, they sign a **legally binding written agreement**.

Mediation - 2

- Mediation is offered at no cost to the parent or AU.
- The mediation must be held in a timely manner and at a convenient location. Mediations can be held in person or virtually.
- The mediation is a confidential discussion.
- Typically, mediations are completed within 30 calendar days of a mediation request.
- Mediation can be requested even when the party has filed a state complaint or due process complaint.
- If the parties cannot agree, often called an impasse, the child's services will not be changed. The other dispute resolution options (state complaint and due process complaint) remain available.

Mediation - 3

- Either the parent or the AU can request mediation, but both parties must agree to the mediation.
- Mediation can be requested by contacting the CDE Alternative Dispute Resolution Coordinator at 720-955-2784 or by submitting a mediation request form to the CDE Office of Dispute Resolution or by fax at 303-866-6767.
- A model mediation request form can be found on CDE's mediation page. You are not required to use this form.
- 34 CFR § 300.506. ECEA Rules 6.02(6) & 6.02(7.5)(d). The PSN has information on mediation on pages 12 – 13.

Planning for mediation

- The mediator will contact the parties within 1-2 days after being assigned to schedule a meeting.
- The parties should plan for a full day of mediation.
- A mediation session may take only a few hours or may last a full day, depending on the complexity of the issues and the number of participants.
- Be prepared to share your concerns about your child's special education at the meeting.
- The mediator is not allowed to make decisions. The mediator works with the parties to clarify the issues and work toward solutions.
- Learn more under Questions and Answers & Preparing for Mediation on CDE's Mediation page.

Benefits of ADR options

- Alternative dispute resolution (ADR) options such as mediation allow those who know the child best (parents and IEP team members) to shape the path forward and determine what needs to happen to resolve the concerns.
- In both the state complaint and due process complaint options, these decisions will be made by a third-party neutral (e.g., a judge or hearing officer) who does not know the child.
- The more adversarial options are most useful when the nature of the dispute concerns the scope of what IDEA provides, and moving forward requires someone with authority to ensure fairness in the proceedings and make legal rulings.

Review question 1

- Who are the decision makers in alternative dispute resolution options such as facilitated special education meetings or mediation?

State complaint

- A state complaint is a request for an **investigation** by CDE about violations of special education requirements.
- Any individual or organization can file a state complaint.
- Consider a state complaint when you feel like the school or AU is not following the IEP or the requirements of IDEA or ECEA and want an investigation. The State Complaint Officer will investigate the complaint. The parties do not have the burden of producing evidence and proving their claim.
- The PSN has information about state complaints on pages 14 – 18.

State complaint - 2

- The state complaint is a formal, written complaint filed with CDE. The complaint must be mailed or hand-delivered to CDE.
- You can use the Model State Complaint Form on CDE's State Complaint page. You are not required to use this form.
- The State Complaint can be about **any alleged IDEA or ECEA violation that occurred not more than 1 year prior to proper filing**.
- Proper filing of the complaint will initiate an investigation by a state complaint officer (SCO).
- The SCO will issue a written decision with findings of fact and the CDE's reason for the final decision. Remedies will be issued if there are findings of noncompliance.

State complaint - 3

- A written decision is issued within 60 calendar days after a properly filed complaint was received by the SCO and the AU. This timeframe may be extended for exceptional circumstances or if the parties agree to mediation and to pause the investigation while mediation occurs.
- The decision cannot be appealed.
- A party who disagrees with the written decision may file a due process complaint if the disagreement concerns the identification, evaluation, or educational placement of a child with a disability or the provision of a free appropriate public education (FAPE).

State complaint – 4 (remedies)

- If CDE concludes that IDEA has been violated, any remedy ordered to address the violation must be consistent with IDEA and the authority of the CDE.
- If an IDEA violation is found, some examples of remedies include reconvening the IEP team, a corrective action plan, staff training, compensatory services, and/or other remedies.
- CDE does not have the authority to issue some commonly requested remedies. For example, CDE does not have authority over an AU's personnel decisions and cannot fire staff. Similarly, CDE does not have the authority to enroll a child in a different school, change a child's class schedule, or retain a child's grade level.

State complaint – 5 (resources)

- In addition to the information in the PSN, you can find more information on CDE's website.
- Learn more: CDE, Special Education State Complaints Under the IDEA Q&A.
- Colorado State Complaint decisions can be viewed on CDE's Decisions page.
- 34 CFR §§300.151 - 300.153; ECEA Rule 7.06.

Review question 2

- Who is the decision maker when a state complaint is filed?

Due process complaint

- A due process complaint is a request for a **formal hearing** conducted by an administrative law judge (ALJ) to resolve disputes about special education.
- **Only the parents or the AU can file** a due process complaint.
- You can use the Model Due Process Complaint form on CDE's Due Process Complaint page. You are not required to use this form.
- Consider a due process hearing when other DR processes have been unsuccessful or you have a disagreement about the identification, evaluation, placement, or provision of a free appropriate public education (FAPE) for your child and have not been able to reach agreement as a team and want a formal hearing.

Due process complaint - 2

- The due process complaint may be about **any alleged violation of IDEA or ECEA concerning identification, evaluation, placement or provision of FAPE within prior 2 years**.
- A due process hearing is a formal, trial-like process with witnesses and documentary evidence before an an administrative law judge (ALJ).
- The party who files the due process complaint has the burden to produce evidence and prove their claim.



Due process complaint - 3

- Filing the due process complaint is the first step in the process that may lead to a due process hearing.
- The following slides will give information on additional steps leading to a due process hearing, including:
  - Response to the complaint
  - Possible challenge to sufficiency of the complaint
  - Resolution meeting (unless waived or the parties agree to use mediation)
- More information on these steps can be found in the PSN on pages 18-22.

Due process complaint - 4

- When a parent files a due process complaint, the AU must respond to the complaint within 10 calendar days of receiving it. The AU must send the parent this response unless it has already sent a prior written notice (PWN) regarding the subject matter in the complaint.
- A due process complaint (filed by either the parent or the AU) will be considered sufficient ***unless*** the other party (the party who the complaint is against) notifies both the ALJ and the party who filed the complaint that it does not meet filing requirements within 15 calendar days of the date it was received.
- If notice is given that the complaint is insufficient, the ALJ has 5 calendar days to determine if the complaint is sufficient.

Due process complaint – 5

- The AU must convene a **resolution meeting** within 15 calendar days of a properly filed complaint (unless the parent and AU agree in writing to waive the resolution meeting or agree to use mediation in place of it).
- The resolution period may continue for up to 30 calendar days. If the issues in the complaint are resolved at the resolution meeting, the parent and the AU will put their agreement in writing (settlement agreement).
- If no resolution is reached, a hearing must be conducted and a decision issued within 45 calendar days, unless extended by the ALJ at the request of either party.
- Pages 21 – 22 of the PSN have more information on resolution meetings.

Due process complaint – 6

- A hearing must be conducted and a decision issued within 45 calendar days after the resolution period ends (or after specific events).
- The ALJ will conduct a hearing and write a decision according to standard legal practice. If a parent files a due process complaint, the parent is responsible for providing and sharing evidence to prove that the AU violated the IDEA.
- If a violation is found, the ALJ issues an order to correct the violations, which might include reconvening the IEP meeting, compensatory services, reimbursement of expenses, and/or other remedies.
- Pages 22 - 24 of the PSN have more information on the hearing process.
- The ALJ's decision may be appealed in state or federal district court within 90 days of the date of the decision. The process of an appeal working through the courts can take months or years. Page 25 of the PSN has information on appealing a decision.

Due process complaint – 7 (stay put)

- A child must remain (referred to as “stay put”) in the current educational placement (the one described in the most recent IEP) while a due process complaint is in progress, unless the parent and AU agree to a change in placement.
- The purpose of the stay-put provision is to ensure that the child’s educational program is not disrupted while the dispute is resolved.
- **The stay-put provision only applies if you file a due process complaint.** Stay-put is not available for mediation or state complaints.
- 34 CFR §§ 300.507-509, ECEA Rule 6.02(7.5).

Review question 3

- Who is the decision maker when a due process complaint is filed?
- Who has the “burden of proof” (the duty to present evidence to prove their claim) when a due process complaint is filed?

Expedited due process complaint

- If a due process complaint concerns a **disciplinary change of placement** (suspension or expulsion greater than 10 days) or disagreement about a **manifestation determination**, the due process complaint will be expedited.
- This means that the proceedings will occur within different, and shorter, timeframes.
- **Module 8** and the PSN beginning on page 27 give more information on a disciplinary change of placement. You can find more information on an Expedited Due Process hearing on pages 22 – 23 of the PSN. See also 34 CFR § 300.532(c) & ECEA Rule 6.02(7.5)(i).

Expedited due process hearing timeline

- The AU must schedule a resolution meeting within **7 calendar days** after the expedited due process complaint is received.
- If the dispute is not resolved within **15 calendar days**, the hearing timeline proceeds.
- The hearing must be held within **20 school days** of the expedited hearing request being filed.
- The Administrative Law Judge (ALJ) must issue a decision within **10 school days** after the hearing ends.
- Timelines for an expedited due process hearing may not be extended. ECEA Rule 6.02(7.5)(i).
- More information on expedited due process hearings is on page 23 of the PSN.

Relation of IDEA options to other legal options

- IDEA's three DR procedures provide options for enforceable agreements, correctives actions, or formal decisions to protect a child's IDEA rights.
- IDEA does not restrict or limit the rights, procedures, and remedies available under the U.S. Constitution, the ADA, Section 504, or other Federal laws protecting the rights of children with disabilities, except as provided in IDEA's "exhaustion requirement."
- IDEA requires parents to "exhaust" administrative remedies prior to filing a lawsuit for violations of IDEA. 20 U.S.C. § 1415(l).

Recap of ADR vs. DR options

- CDE offers alternative dispute resolution (ADR) options, including
  - Facilitated special education meetings
  - Mediation (one of the dispute resolution options required by IDEA).
- ADR options allow those who know the child best (parents and IEP team members) to determine what needs to happen to resolve the concerns.
- The other two options required by IDEA are:
  - State complaint
  - Due process complaint
- Using the state complaint and due process options means that decisions will be made by a third-party (e.g., an ALJ or SCO) who does not know the child.

Individual support

Families, educators, and other professionals with questions about Special Education or needing assistance can contact CDE's Office of Special Education.

Phone: 720-926-1453

Email:

Parents_ESSUquestions@cde.state.co.us



CDE/Colorado resources

- CDE, Colorado Procedural Safeguards Notice (linked on CDE's Individualized Education Program page and at Dispute Resolution, Parent and Child Rights in Special Education)
- CDE, Special Education Facilitation Information & FAQs
- CDE, Dispute Resolution
- CDE, Mediation
- CDE, State Complaints
- CDE, Special Education State Complaints Under the IDEA Q&A
- CDE, Due Process Complaints
- CDE, Due Process Complaint and Request for Hearing Q&A
- CDE, Decisions (Due Process, State Complaints, Restraint and Seclusion)

Other resources (not specific to Colorado)

- Center for Parent Information and Resources (CPIR), 5 Options, 1-2-3
- CPIR, Resolving Disputes Between Parents and Schools
- Center for Appropriate Dispute Resolution in Special Education (CADRE), IDEA Dispute Resolution Parent Guides and Companion Videos
- CPIR, Informal Approaches to Resolving Disputes
- CADRE, Steps to Succes: Communicating with Your Child's School
- CADRE, Working Together series (strategies for working through conflict)
- PACER Center, Use Questions to Find Answers