

What Options do Parents Have if they Disagree with a Decision of the School?

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WISCONSIN DEPARTMENT OF
Public Instruction
Jill K. Underly, PhD, State Superintendent

IEP Team Decision Making

- **Parents are equal participants in the IEP team**
 - **Parents are equal partners with school personnel**
 - **IEP team should work towards consensus**
 - **Local Education Agency (LEA) is responsible for Free Appropriate Public Education (FAPE)**
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What Now?

- If initial evaluation, parent could choose to not provide consent for placement.
 - Could revoke consent for special and related services at any time
 - Or...
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Dispute Resolution Options



WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION
Tony Evers, PhD, State Superintendent

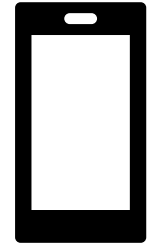
Dispute Resolution

- Facilitated IEP
- Mediation
- Complaint
- Due Process



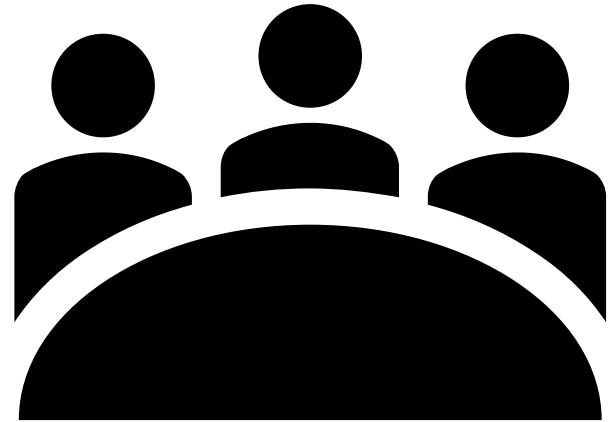
Call Special Education Director

- Informal option
- All districts have a special ed or pupil services director
- DPI Website > WI School Directory > Contacts



Facilitated IEP Meeting

- Neutral, trained facilitator to help the IEP team with the IEP process
- The facilitator helps the IEP team maintain open, respectful, and productive communication
- No cost
- Wisconsin Special Education Mediation System



Facilitated IEP/Mediation

- WSEMS
- Free professional mediator
- Goal is mutual decision, in writing
- Discussions during mediation are confidential
- Written agreement enforceable in circuit court

[Wisconsin Statute 115.797](#)



Complaints

- Anyone with knowledge of an alleged violation of state or federal special ed requirements
- Must be in writing and signed
- One year limitation
- Three steps (investigation, decision, corrective action)

[34 CFR § 300.151 - 153](#)



Due Process

- Parents, adult students, districts may file
- DPI forwards to Division of Hearings and Appeals
- One year limitation
- District written response – 10 days
- Resolution session – 15 days – No attorney for district if parent does not have one.



Due Process

- If parties agree at resolution session, written agreement signed by both parties
- Legally binding
- Enforceable in state or district court



Due Process

- If no agreement at resolution session proceed to hearing with Administrative Law Judge (ALJ)
- Legal counsel and witnesses
- Written decision, legally binding
- Aggrieved party may file a lawsuit

[Wisconsin Statute 115.80](#)



Timelines Part One

	Initial Actions/Response	Event	Resolution	Corrective Action
Facilitated IEP team meeting	Contact WSEMS at least two weeks in advance if meeting scheduled	IEP team meeting with up to three hours of facilitation	Can anticipate or resolve potential issues at meeting	Not Applicable
Mediation (individual request)	WSEMS contacts other party, other party has five business days to decide; If both agree, WSMES schedules an intake	First mediation within 21 days of agreeing on mediator	If an agreement is reached, the family and LEA decide the content and terms	Not Applicable
Mediation (jointly filed)	WSEMS schedules an intake with each party	First mediation within 21 days of agreeing on mediator	If an agreement is reached, the family and LEA decide the content and terms	Not Applicable

Timelines Part Two

	Initial Actions/Response	Event	Resolution	Corrective Action
IDEA State Complaint	Acknowledgement letter usually within two weeks of receiving complaint	Interviews usually within four weeks of receiving complaint	DPI decision within 60 days of receiving complaint	DPI ensures noncompliance corrected within one year of decision date
Due Process Hearing	Resolution session within 15 days of filing, resolution period 30 days	If no resolution, hearing within 15 days of resolution period ending unless extended	Administrative Law Judge (ALJ) decision within 45 days of resolution period ending unless extended	ALJ sets terms and DPI ensures noncompliance corrected within reasonable time
Expedited Due Process Hearing	Resolution session within seven days of filing, resolution period 15 days	If no resolution, hearing within 20 school days, no extensions permitted	ALJ decision within 30 school days, no extensions permitted	ALJ sets terms and DPI ensures noncompliance corrected within reasonable time

Resources

- Wisconsin Special Education Mediation System:
<https://wsems.us/>
- IDEA State Complaint info and decisions:
<https://dpi.wi.gov/sped/dispute-resolution/complain>
- Due Process info and decisions:
<https://dpi.wi.gov/sped/dispute-resolution/due-process>
- DPI Bulletins: <https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins>

Contact

DPI
Special Education Team
608-266-1781
dpisped@dpi.wi.gov

Wisconsin Special Education
Mediation System
888-298-3857
gia@wsems.us

Questions?

