

Understanding Dispute Resolution Rights and School Choice

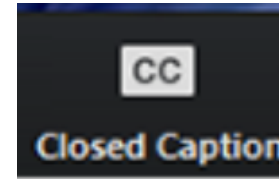
National Parent Center Webinar
January 29, 2026

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Director



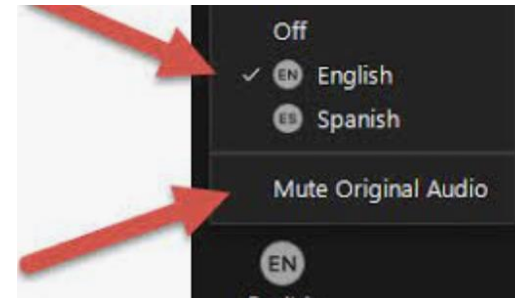
Using Closed Captioning

- To start using CC, click the caption button



Uso de la interpretación de idiomas

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Introducing Chat Cat



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Today's Agenda

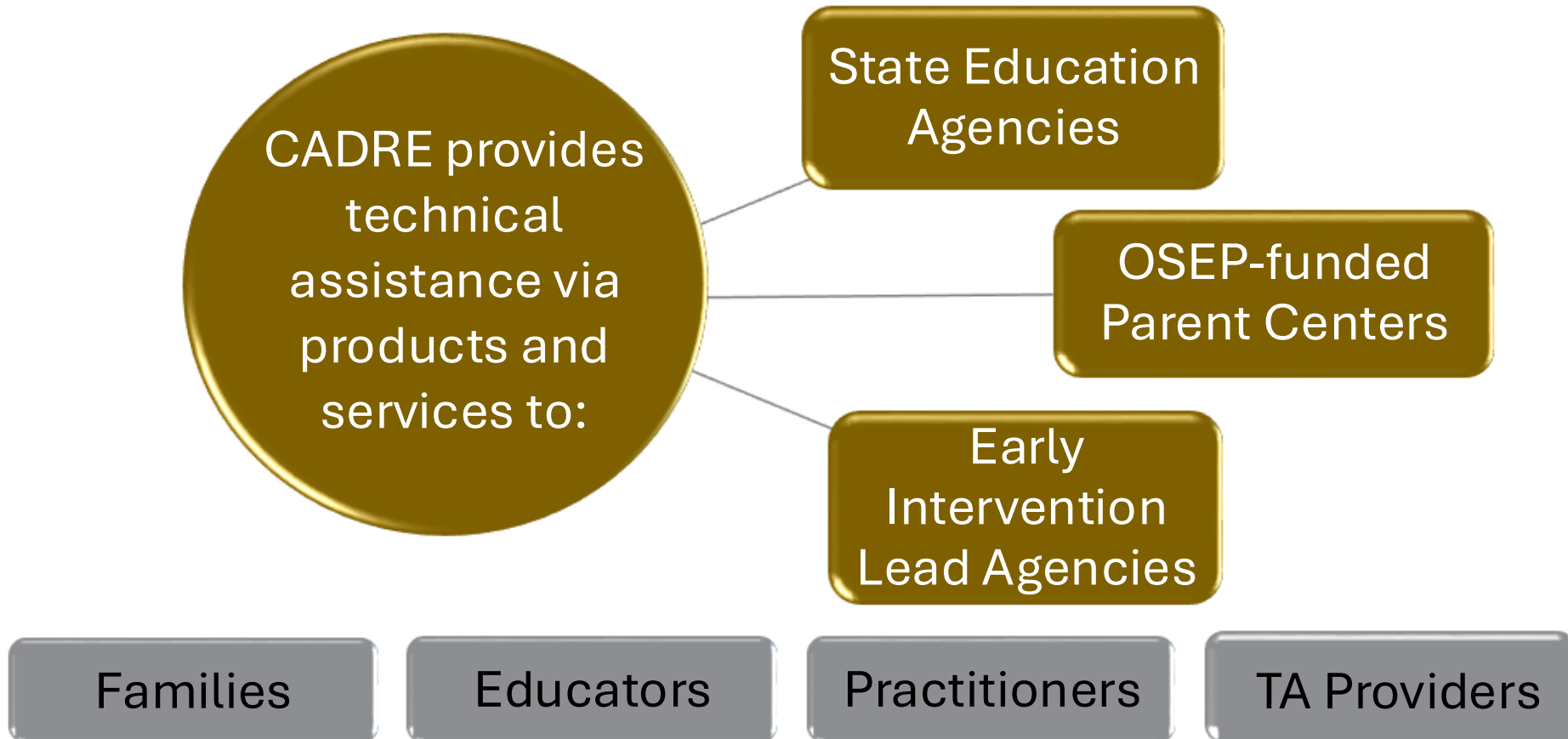
- Introduction
- About CADRE
- What is School Choice?
- Different Options for School Settings
- Critical Importance of Informed Choice
- Key Differences in Federal Laws
- Dispute Resolution Protections under Section 504 and IDEA
- Helping Parents Make Informed Choices
- CADRE Resources



Quick Poll

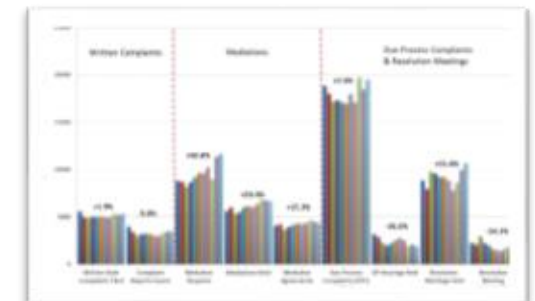
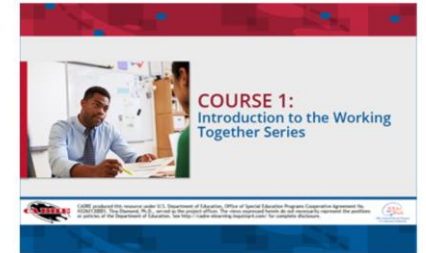
The National Center on IDEA Dispute Resolution (DR)

Since 1998, CADRE has served as the national technical assistance center under the U.S. Department of Education's Office of Special Education Programs (OSEP), serving all 50 states and 10 entities/territories.



CADRE's Major Activities

- Communities of Practice and Workgroups
- Resource Development and Distribution
- Trainings and Webinars
- Research Database & Literature Briefs
- System Improvement Support and DR Data Analysis Tools
- National Symposia
- Targeted and Intensive Technical Assistance
- And more...



CADRE's Disclaimer

The information offered in this presentation is not intended to represent legal advice. The presenter is not an attorney. Opinions expressed are not represented to be an official or unofficial interpretation of guidance from the U.S. Department of Education or CADRE. Application of any information presented may be affected by your State's statutes, regulations, local policies and practices, and unique fact patterns of a particular case.

What is School Choice?

In the broadest sense, school choice refers to policies and programs that allow families to use public education funds or credits to select the elementary or secondary school they determine fits their child's needs, rather than being limited to a neighborhood public school based on residency.

Left Leaning/Liberal Views

*Access & Equitability Concerns;
Defunding Public Education Hurts
Outcomes for Most Children*

Right Leaning/Conservative Views

*Parental Freedom;
Competition & Innovation Promote
Better Outcomes*

Different Public School Settings

- **Traditional Public Schools:** Neighborhood schools funded by local taxes, offering standard curriculum and services.
- **Magnet Schools:** Public schools with specialized programs (e.g., arts, STEM) to attract diverse students, often with selective admission.
- **Charter Schools:** Publicly-funded but independently run, offering more flexibility in curriculum and governance than traditional public schools.
- **Virtual/Online Schools:** Publicly available education delivered primarily online, offering flexibility.
- **State Schools:** Specialized residential and day schools operated by the state designed to serve students with specific disabilities, such as those who are deaf and/or blind.

Non-Public School Settings

- **Private Schools: (Tuition-based)**
 - **Independent Schools:** Non-religious private schools, often with unique philosophies and approaches (e.g., Montessori, private charters)
 - **Parochial/Religious Schools**
 - **Boarding Schools**
- **Alternative Schools:** Broad category for non-traditional and non-public options (e.g., vocational centers, therapeutic schools, military schools, programs for at risk youth).
- **Homeschooling:** Education provided by parents, sometimes supplemented by co-ops or online resources.

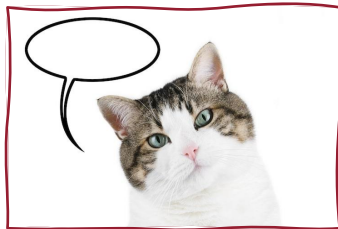


What is the most common alternative to public school in your

Common Financial Options Regarding School Choice (Varies by State)

- **Vouchers:** Government-funded certificates to pay for private school tuition.
- **Tax Credits/Deductions:** Individuals or organization to fund scholarships to use toward private school tuition.
- **Education Savings Accounts (ESAs):** Funds deposited into family-controlled accounts for various educational expenses, including private school, tutoring, curriculum, therapies, and online learning.

Financial options are not the only considerations for making an informed decision about school



What else should parents consider when deciding to remove their child from the public school system?

Informed School Choice: Federal Laws Impacting the Children with Disabilities and their Families

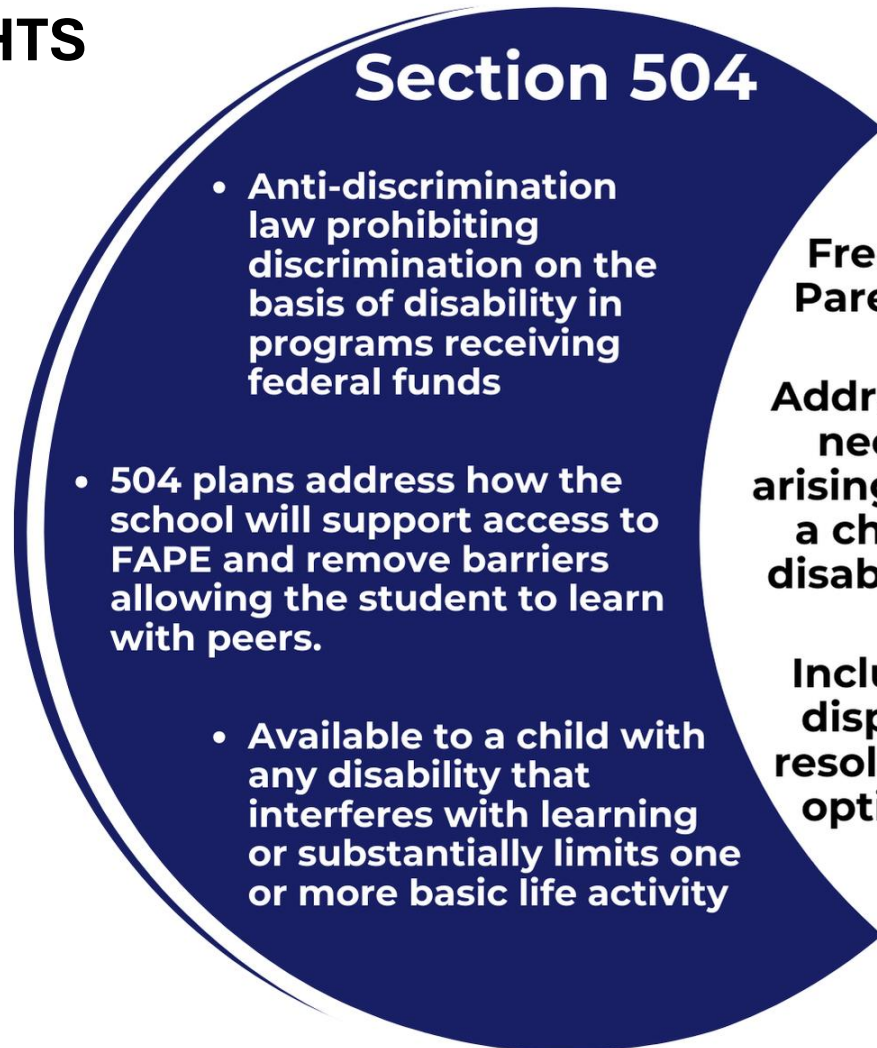
- Title II and Title III of the Americans with Disabilities Act
- Section 504 of Rehabilitation Act
- Individuals with Disabilities Education Act (IDEA)

Title II and Title III of the ADA

- Title II applies to all state and local government services.
- Prohibits discrimination
- Ensures effective and accessible communication (including Section 508 – accessible docs)
- Requires program accessibility through facility modification, barrier removal, or alternative methods.
- Title III applies to private businesses and nonprofits open to the public
- Prohibits discrimination
- Ensures effective communication (e.g., interpreters, assistive listening devices)
- Provides accessibility for new construction and alterations and removal of barriers when "readily achievable."
- **Does not apply to religious entities.**

Section 504 and the IDEA

CIVIL RIGHTS LAW

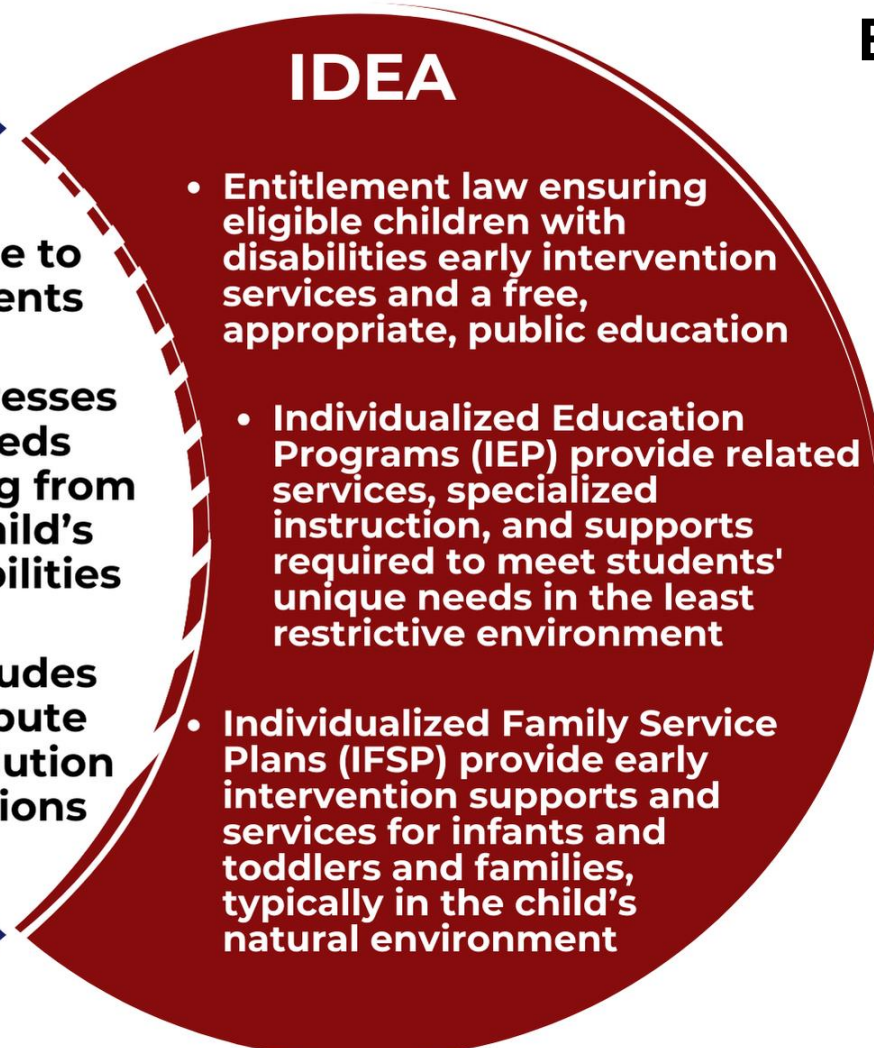


**Free to
Parents**

**Addresses
needs
arising from
a child's
disabilities**

**Includes
dispute
resolution
options**

IDEA



ENTITLEMEN T LAW

Difference Between an IEP and a 504 Plan

IEP

- Child has a qualifying disability, and the disability must significantly impact the child's education.
- Requires individualized program to meet unique needs of student.
- Does not follow student into higher education.

504

- The child has a physical or mental impairment which substantially limits one or more major life activities.
- Requires reasonable physical modifications (e.g., ramps), accommodations (e.g., extra time), or auxiliary aids to ensure student access to education comparable to their peers.
- Can follow a student into higher education.

Informed School Choice Regarding the Provision of Special Education, Related Services, and Supports under IDEA

Public Schools: The IDEA must be followed by public schools, states, and other public agencies to provide eligible children with disabilities (birth through age 21*) early intervention services and a free, appropriate public education (FAPE) in the least restrictive environment, with parents actively involved in creating their child's Individualized

Private Schools/Homeschools (Limited Basis): While private schools that do not receive federal funding are generally not required to provide special education services, public school districts must still dedicate a "proportionate share" of IDEA funds to provide some services to eligible children placed in private settings by their parents.

Do Private Schools have to Follow Section 504 of the Rehabilitation Act?

- If a private school accepts **federal funds** (e.g., student aid, grants, USDA food programs), it's considered a "recipient" and must comply with Federal laws.
- If a student qualifies, they must provide “minor adjustments,” such as preferential seating, extended time for tests, assistive technology, or note-taking help.
- They are not required to make major alterations to the curriculum, such as offering a reduced academic load or providing one-on-one aides.

Informed Choice Regarding Dispute Resolution Protections

DISPUTE RESOLUTION UNDER IDEA & SECTION 504

Both the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act protect the rights of children with disabilities. However, when there are disputes with how these Laws are implemented, there are different processes available for resolution.

IDEA

- Provides legal rights for children with disabilities
- Procedural Safeguards that protect families' rights. Includes options to:
 - Meet with the IEP Team
 - Request State Mediation
 - File a State Complaint
 - Request a Due Process Hearing through the State Agency

504

- Provides legal rights for children with disabilities
- Procedural Safeguards that protect families' rights. Includes options to:
 - Meet with the 504 Team
 - Request Mediation, if available
 - Request an Impartial Hearing through the local district
 - File a complaint with the Office of Civil Rights (OCR)

If possible, work with your child's team to resolve concerns. Recent case law held that a student does not necessarily have to exhaust IDEA due process remedies to seek relief under other federal anti-discrimination laws (see *Perez v. Sturgis Public Schools*, 2023).

Helping Parents of Children with Disabilities Make Informed Decisions about School Choice Options



**What questions should
parents ask to make
informed decisions about
their school choice**

Example Questions for Parents to Make Informed Decisions about School Choice

- What is child's FAPE under the IDEA and what will be offered by the school under consideration?
- What is the school's philosophy on inclusion and access?
- What is the role of the parent in determining the appropriate special education and services for the child? How do parents participate in educational decisions?
- Does the school under consideration have qualified staff (per credentialing standards of the state)?
- What does the district's "proportionate share" of IDEA funds cover in the choice school for services (e.g., PT, OT, speech therapy, assessments)?
- What protections does the child have regarding discipline (e.g., suspensions, expulsions, seclusion, restraints, corporal punishment)?
- How are disagreements and disputes regarding the provision of special education, supports, and services resolved?
- How will records be maintained and privacy ensured?

Resources

Federal Laws >>	Individuals with Disabilities Education Act (IDEA)	Section 504 of the Rehabilitation Act of 1973	Title II of the Americans with Disabilities Act	Family Educational Rights and Privacy Act (FERPA)
STATE AND LOCAL RESPONSIBILITIES FOR OVERSIGHT AND ENFORCEMENT	Each SEA is responsible for administering IDEA Part B within the State, including distributing IDEA funds for the provision of special education programs. Each State Lead Agency is responsible for administering IDEA Part C early intervention services.	A recipient of Federal funds from the USDOE that employs fifteen or more persons (e.g., LEA) must designate at least one employee to coordinate its efforts to comply with and carry out their responsibilities. The recipient must develop procedures that would be prohibited by Part 35 standards and equitable resolution procedures.	A public entity that employs 50 or more persons must designate at least one employee to coordinate its efforts to comply with and carry out their responsibilities, including any responsibilities relating to the resolution of any complaint communicated to the public entity alleging its noncompliance or alleging any actions that would be prohibited by Part 35 of the ADA. The public entity must also designate one or more employees to handle inquiries on the Basis of Disability in State and Local Government Services).	FERPA and its implementing regulations do not specifically address State and local responsibilities for oversight and enforcement.
FEDERAL RESPONSIBILITIES FOR OVERSIGHT AND ENFORCEMENT	The Office of Special Education Programs (OSEP) in the USDOE administers the IDEA. OSEP is responsible for monitoring State implementation of IDEA Part B and Part C. Contact information for OSEP is available here .	The Office for Civil Rights (OCR) in the USDOE enforces Section 504 in public elementary and secondary schools. Contact information for OCR's enforcement of Section 504 is available here .	The Office for Civil Rights (OCR) in the USDOE shares responsibility for enforcement of Title II of the ADA in education-related matters with the U.S. Dept. of Justice (DOJ). DOJ is responsible for interpreting and providing technical assistance about the requirements of Title II. Contact information for OCR's enforcement of Title II is available here .	The Student Privacy Policy Office (SPPO) in the USDOE provides oversight and coordination to ensure compliance and enforce Federal privacy laws and regulations. SPPO's enforcement role includes investigating complaints from parents and eligible students and other alleged violations of FERPA, providing intermediation.

**Also available
in Spanish**

CADRE's Dispute Resolution Under Various Federal Laws Resource Page

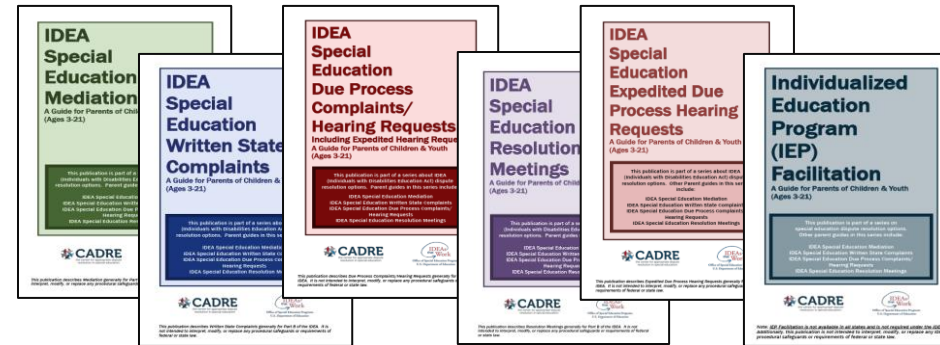
- Web resources
- IDEA, Section 504, Title II and FERPA Comparison Chart
- Graphics explaining differences between Section 504 and IDEA
- Links to government resources

<https://cadreworks.org/media/6717/download?attachment>



Booklets on IDEA Dispute Resolution Options in Parent-Friendly Language

** Available in 13 languages!*



What Is Mediation?

Mediation is a voluntary process that brings people together to resolve their disagreements. A mediator helps participants communicate with each other and provides an opportunity to express concerns.

- Parents and educators meet in order for mediation to take place.
- Participants may learn from each other.
- Mediation discussions are confidential.

Benefits Of Mediation

- Mediation can help everyone better understand differing points of view.
- Participants work on solutions together, rather than the child making a decision for them.
- People tend to be more satisfied with the outcome.

Frequently Asked Questions About Mediation

Who can request mediation?

Parents or school district. If communications are difficult, mediation can help resolve the issues.

Ways You Might Prepare For Mediation

- Organize your documents and write dates and notes on them. Consider making three copies – one for yourself, one for the other party, and one for the mediator.
- Make a list of the issues and questions you want to discuss during the mediation process. This can help you remember all of your concerns, so you can present them in an organized manner.

<https://www.cadeworks.org/resources/cadre-materials/idea-dispute-resolution-parent-guides>



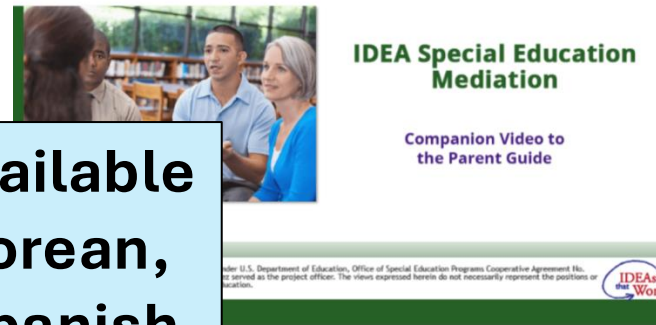
IDEA Dispute Resolution Parent Guide Companion Videos

IEP Facilitation



Videos are Available
in English, Korean,
Arabic and Spanish

Mediation



Written State Complaints



Due Process Complaints

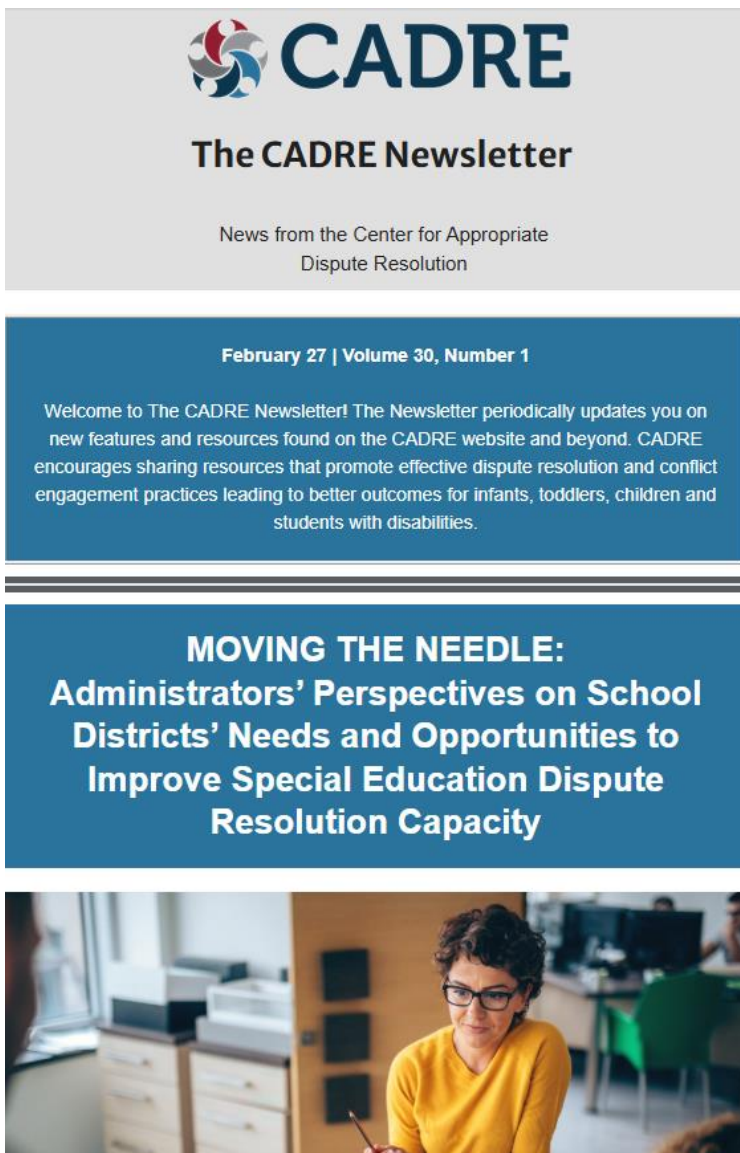


Quick Guide to Special Education Dispute Resolution Processes for Parents of Children & Youth (Ages 3-21)

*This guide is not intended to interpret, modify, or replace any IDEA Part B procedural safeguards or requirements of federal or state law.
State regulations associated with these processes vary widely. Parents are encouraged to contact their state educational agency or parent center for more information.*

Processes	IEP Facilitation <i>Not required by the IDEA; availability varies by state</i>	Mediation	Resolution Meeting	Written State Complaint	Due Process Complaint/ Hearing Request	Expedited Hearing Request & Resolution Meeting
How the Processes Differ	An optional early resolution process where an impartial facilitator assists the IEP team with communication and problem solving.	A voluntary process that brings people together with a mediator, who helps them communicate with each other and resolve their disagreements.	A meeting that takes place after a parent files a due process complaint/hearing request but before a due process hearing takes place.	A written document used to communicate that a public agency (e.g., school district) has not followed the IDEA, and to request an investigation.	A process used to resolve a formal complaint made by a parent or public agency (e.g., school district), who are together referred to as "the parties."	A special type of due process complaint/hearing request available only in certain situations that relate to a student's discipline and placement.
What Issues & When Used	Used when a parent and school district are unable to agree on important issues related to a child's IEP, or when a meeting is expected to address complex issues or be controversial.	Available anytime there is a disagreement between parents and educators about special education and/or related services.	Used to resolve issues listed in a due process complaint/hearing request. The meeting must occur unless the parent and school district agree in writing not to have the meeting, or to use the mediation process instead.	Available anytime there is a concern about a particular child or an issue that affects children system-wide.	Used to resolve disagreements relating to the identification, evaluation, educational placement or provision of a free, appropriate public education (FAPE) to a child who needs or is suspected of needing special education and related services.	Used when parents disagree with a school district's discipline-related decision that affects their child's placement, or whether the child's behavior is related to his or her disability. A school district may use this process if it believes that a child's behavior could be dangerous to the child or others.
Who Initiates	A parent or school district may request IEP facilitation. A state educational agency may also recommend this, as an alternative to a more formal process.	A parent or school district may request mediation. A state educational agency may also recommend this, as an alternative to a more formal process.	The school district must hold a resolution meeting within 15 <u>calendar</u> days of receiving notice of a parent's due process complaint/hearing request.	Any person or organization may file a written state complaint.	A parent or school district may file a due process complaint/hearing request.	A parent or school district may file an expedited due process complaint/hearing request.
Outcome or Desired Result	An IEP that is supported by the team members and benefits the child.	A signed, legally enforceable, written agreement.	A signed, legally enforceable, written	A written decision that includes findings	A written decision with findings of fact and conclusions of law, which may order specific activities to be carried out.	A written decision with findings of fact and conclusions of law, which may order the child to be provided with a specific educational placement.
Process Distinctions	IEP facilitation is an early dispute resolution option that is not required by the IDEA. IEP facilitation allows all members of the team the chance to participate fully, since the facilitator serves as the meeting leader.	Mediation discussions are confidential. Mediation is a flexible process – participants may influence the process and ultimately determine the outcome.	Also available in Spanish		A formal record of the hearing (a written or electronic transcript) must be made and provided to the parent. The decision is appealable in state or federal court. The prevailing party may attempt to recover attorneys' fees in a separate court action.	See Due Process Complaint/Hearing Request ←
Benefits	May build and improve relationships among IEP team members. Sometimes, team members feel better heard when a facilitator is involved. Can help resolve disagreements more quickly than other options. Keeps decision-making with team members who know the child best. The IEP team may work together more effectively and efficiently.	Discussions are confidential – what is said in mediation can't be used as evidence in a due process hearing or civil lawsuit. A more flexible, less adversarial alternative to other dispute resolution options, like due process complaints/hearing requests. Sometimes, participants work with the mediator to design the process; in some cases, they may be allowed to select the mediator together. Can help resolve disagreements more quickly than other options.			From the date that the complaint is filed until the decision is final, your child stays in his or her current educational placement, unless you and the school district agree otherwise – this is called "pendency" or "stay-put." The decision is legally binding on the parties. The state educational agency is responsible for ensuring the decision is followed, unless it is appealed.	This process is intended to quickly address decisions concerning a student's discipline and placement.
Considerations	Parents and the school district must agree to use IEP facilitation. For the process to be successful, everyone at the meeting needs to respect the role of the facilitator and be willing to participate. The facilitator typically does not address issues unrelated to the IEP.	Mediation is voluntary, so the parent and school district must both agree to participate. Whether there is resolution of the issues, or an agreement is created, depends upon the participants. Complex situations may require multiple mediation sessions to come to agreement. There is no guarantee that a written agreement will be created.	Discussions at the resolution meeting are not confidential, and you cannot be required to sign a confidentiality form to participate in the meeting. Parents and the school district may choose to sign a confidentiality agreement or include it in a resolution agreement.	The person or organization filing the complaint must provide facts to support the problems listed in their complaint. This process does not require those involved to try resolving the dispute collaboratively. Mediation remains available anytime. The IDEA does not require states to offer an appeal process for the written decision—check with your state educational agency for options that may be available.	The decision is made by a hearing officer or administrative law judge who is not involved in the child's education. The decision is legally binding, even if you disagree with the outcome. If a decision is appealed, it may not be carried out until the appeal is final. School districts are typically represented by attorneys. If a parent hires an attorney, it is at their own expense.	The expedited hearing timeline is based on <u>school</u> days, and the resolution meeting period is based on <u>calendar</u> days. It is important to keep timeline differences in mind, especially during or close to times when school is not in session, such as vacations and extended breaks. The resolution period, hearing, and decision timelines cannot be extended.

Stay Up-to-Date: Subscribe to CADRE's Newsletter



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- New Resources
- Featured Continuum Practices
- Food for Thought
- Curated High-Quality Resources



<https://cadreworks.org/subscribe-cadre-e-newsletter>

CADRE's "For Families" Page

For Families

[Español](#)

Frequently Asked Questions



Frequently asked questions to help direct families of children and youth with disabilities to CADRE's most valued parent and family-centered resources

Learn More >



State Agency & Parent Center Information

A map portal providing contact information for state education agencies, early intervention lead agencies, and federally funded parent centers.

Learn More >



Steps to Success

Offers specific communication skills that may be helpful to parents as they develop and maintain partnerships with their child's school.

Learn More >



Educational Advocates: A Guide for Parents

This resource provides families interested in hiring an advocate with questions to consider and highlights additional resources available to families.

Learn More >



Working Together



Dispute Resolution Parent Guides

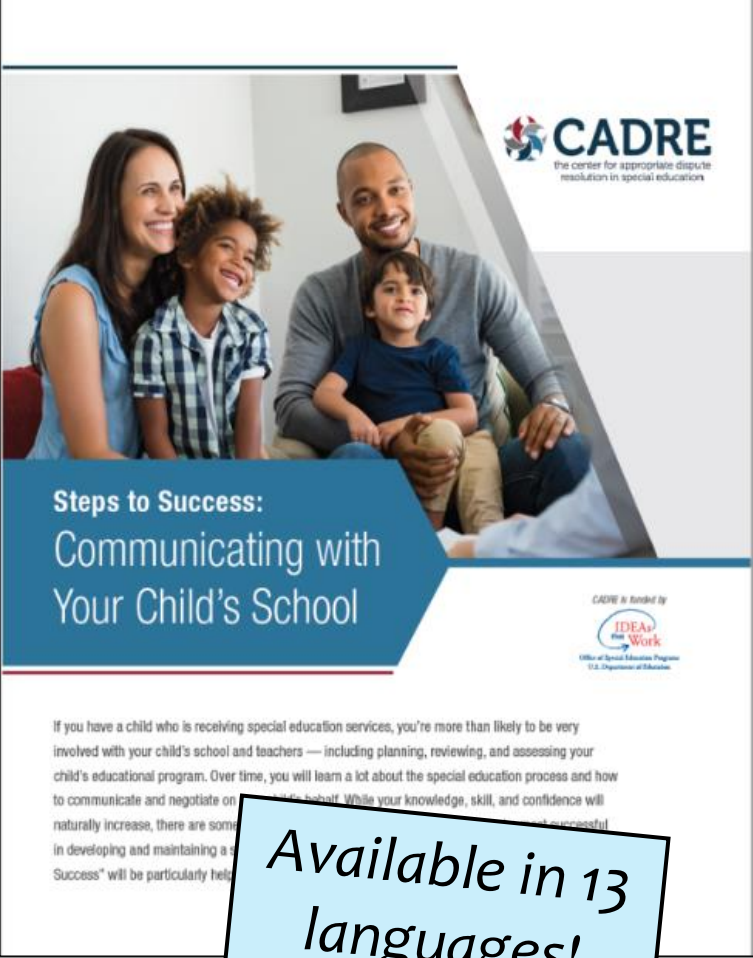


Dispute Resolution Family Guides

www.cadeworks.org/for-families

28

A Variety of Parent Resources



**Steps to Success:
Communicating with
Your Child's School**

CADRE
the center for appropriate dispute
resolution in special education

CADRE is funded by
IDEA
Work
Office of Special Education Programs
U.S. Department of Education

If you have a child who is receiving special education services, you're more than likely to be very involved with your child's school and teachers — including planning, reviewing, and assessing your child's educational program. Over time, you will learn a lot about the special education process and how to communicate and negotiate on your child's behalf. While your knowledge, skill, and confidence will naturally increase, there are some challenges you may face. This book provides practical advice and strategies in developing and maintaining a successful partnership with your child's school. "Steps to Success" will be particularly helpful for parents of children with disabilities.

*Available in 13
languages!*



**Educational Advocates:
A Guide for Parents**

An educational advocate, also known as a parent advocate, child advocate, student advocate, or independent advocate, assists parents of students with disabilities in navigating the complex world of special education. For a fee, professional advocates provide information, guidance and support throughout the IEP process to encourage decisions that meet the needs of the child.

*Also available in
Spanish!*



The Center for Appropriate Dispute
Resolution in Special Education

Supporting the prevention and resolution of disputes through partnership and collaboration

About Us - CADRE Continuum - Improving Your System - Resources - For Families - For I

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Supporting Families to Engage in the IEP/IFSP Process and Resolve Conflicts



Supporting Families to Engage in the IEP/IFSP Process and Resolve Conflicts^{cd}

This self-paced online course supports Parent Center staff, advocates, and others who assist families in engaging effectively in the IEP and IFSP process and resolving conflicts constructively. The course introduces core topics—communication, conflict engagement, parental rights to dispute resolution, and responding to dispute resolution calls—by leveraging CADRE's trusted tools and materials. Real-life scenarios and short knowledge checks with feedback support practical, real-world application. A final module focuses on using CADRE resources to extend and reinforce learning, making this course a strong onboarding and refresher tool.

Take the Course >

This course is designed to increase your capacity to empower families to resolve conflict earlier, more collaboratively, and more effectively while informing them of their dispute resolution rights by leveraging CADRE's resources.

Topics covered include:

- Communication
- Conflict Engagement
- Parental Rights Related to Dispute Resolution
- Responding to Dispute Resolution Calls
- Using CADRE Resources for Learning and Support

<https://cadreworks.org/supporting-families-engage-iepifsp-process-and-resolve-conflicts>

Additional Resources?



**What other resources do
you find useful when
supporting parents
considering school choice**

Contact Information



CADRE
the center for appropriate dispute resolution

- **Melanie Reese, Ph.D., Director**
- mreese@directionservice.org
- www.cadeworks.org