

			<b>State Complaint</b>
	<b>Provide New or Additional Information to the Team</b>	<b>Request Another IEP Team Meeting</b>	<b>STATE COMPLAINT IS NOT INTENDED FOR RESOLVING DISAGREEMENTS – IT IS ONLY FOR ALLEGED VIOLATIONS OF A CHILD’S OR A PARENT’S RIGHTS</b>
<b>What Issues Can Be Addressed?</b>	Any issues that are part of an IEP team meeting; when the team lacks the information to fully understand existing options or the parent or other team member wishes to offer a new option to consider	Any issues that are part of an IEP team meeting (or unresolved issues when a parent provides partial consent), when communication has broken down or the team needs more time to consider options.	Whenever it is alleged that a child or parent’s special education rights have been violated (e.g. IEP requirements, timelines, consent, written prior notice)
<b>Who Can Initiate this Procedure?</b>	Parent or LEA (local education agency is the school district/public agency) may provide additional information; the LEA may have criteria for accepting independent educational evaluations	Parent or LEA (school district/public agency) may request a meeting; the LEA can refuse, but must then provide a written prior notice (WPN) explaining their refusal	Any individual or organization (including those from out of state)
<b>What is the Time Limit: • For Filing?</b>	No time limit	The meeting must be scheduled and convened, or the LEA must provide the WPN within 21 days after receiving a parent’s request for an IEP team meeting	Must be filed 1 year from the date of the alleged violation
<b>• For Resolving the Dispute?</b>	There is no specific time limit for resolving the matter	There is no specific time limit for resolving the matter	60 days after receiving the complaint, (some extensions allowed). LEA must be given a chance to resolve
<b>How is the Dispute Resolved?</b>	The IEP team considers any additional information, along with existing information, to make an informed decision	The IEP team uses the additional meeting to more fully understand, discuss and/or consider the options available. A written prior notice documents any decisions made (actions that are proposed or refused)	The Commissioner of Education issues a report of facts and conclusions as recommended by the investigator
<b>What are the Benefits of this Dispute Resolution Procedure?</b>	Provides the IEP team the information and time they may need to work together to reach agreement at the IEP team meeting level. Win-Win	Provides the IEP team with a break when communication at a meeting has broken down; provides additional time the IEP team may need to work together to reach agreement at the IEP team meeting level. Win-Win	Provides a means for alleged violations to be investigated and, as warranted, corrective action ordered. Also considers whether the violation is systemic. Sanctions may be ordered.
<b>What are the Drawbacks to this Option?</b>	May not result in an agreement. If agreement is not reached through these informal dispute resolution options, the IEP team may still decide to use any of the remaining informal or formal NH dispute resolution procedures. If available, local alternative dispute resolution options may also be used. While agreement may be reached, each process attempted that does not result in agreement will add to the time it takes to resolve the dispute.		<b>Must be able to document or demonstrate (prove) each alleged violation.</b>  The process takes 60-calendar days
<b>Impact on Team Relationships</b>	Gives team members an opportunity to provide additional input so the team can work together to make informed decisions as they strive to reach agreement	Allows the IEP team to continue working together to make decisions at the IEP team meeting level	School staff will likely not view investigation as a positive act so the relationship can be damaged or compromised. “Win/Lose”
<b>How Can I Learn More?</b>	NH Department of Education, Legislation and Hearings at (603) 271-2299 / Appeals and Mediation: <a href="https://www.education.nh.gov/parents-and-students/appeals-and-mediation">https://www.education.nh.gov/parents-and-students/appeals-and-mediation</a> The Parent Information Center on Special Education at (603) 224-7005 / toll-free at 1-800-947-7005 / <a href="http://www.picnh.org">www.picnh.org</a>		

	<b>Due Process Complaint (Hearing)</b>	<b>Resolution Session</b>	<b>Facilitated Team Meeting</b>	<b>Mediation</b>	<b>Neutral Conference (NH)</b>
<b>What Issues Can Be Addressed?</b>	Any matter regarding identification, evaluation, educational placement or provision of FAPE	Any issue. Is intended to address issues raised by a parent’s filing for a due process hearing	Any issues that are part of an IEP team meeting; when communication has broken down	Any issue. Can be requested prior to or after filing for a due process hearing	
<b>Who Can Initiate this Procedure?</b>	Parent or LEA	Must be scheduled by the LEA when a parent files for a due process hearing (parties may agree to waive it or use mediation instead)	Parent or LEA (school district/public agency), but both parties must agree to participate	Parent or LEA, but both parties must agree to participate	
<b>What is the Time Limit for Filing?</b>	2 years from when the party knew or should have known of the issue	Must be scheduled by the LEA within 15 days of receiving a due process complaint	A facilitator, who is a neutral party, must be requested prior to the team meeting (the Department may have limited availability of facilitators)	No time limit	
<b>What is the Timeline for Resolving the Matter?</b>	45 days after receipt of the due process request, or, if a parent filed for the hearing: 45 days from the end of the 30-day resolution period, with some exceptions.	The resolution period ends 30 days after receiving a due process complaint or when the parties agree: to waive the resolution session or that no agreement is possible.	There is no specific time limit for resolving the matter	If used as an alternative to a due process hearing, a mediation conference shall be conducted within 30 calendar days after receipt of a written request	No time limit
<b>How is the Dispute Resolved?</b>	The hearing officer issues a decision (a party may appeal the decision by filing a civil action within 90 days from the decision)	The parent and LEA reach an agreement or the issue goes on to a due process hearing. The LEA cannot bring an attorney unless the parent brings one.	Both parties work with the facilitator to try to reach an agreement; the facilitator is impartial and supports the team working together, while keeping the agenda moving forward.	Both parties work with the mediator to try to reach an agreement	The “Neutral” renders a non-binding opinion
<b>What are the Benefits of this Dispute Resolution Procedure?</b>	Provides a formal means for parents and LEAs to resolve disagreements	Provides the LEA with an opportunity to resolve the dispute to the satisfaction of the parent prior to a due process hearing	Provides a way to help the IEP team work together more effectively to reach agreement at an IEP team meeting. Is often a Win-Win outcome	Provides an alternative to a due process hearing in which the parties can reach an agreement, that is binding in court. Win-Win	Provides a 3 <sup>rd</sup> party to review issues and give a non-binding opinion; is shorter than / may avoid, a due process hearing
<b>What are the Drawbacks to this Dispute Resolution Procedure?</b>	Adversarial; can be costly; generally involves attorneys; decision can be appealed to court. Someone “wins” and someone “loses”	Only required when a parent files for a due process hearing (unless the parties agree to waive it or to use mediation instead). Either party may revoke the agreement within 3 business days (this will likely deepen mistrust between parties).		May not result in an agreement (could then decide to proceed to a due process hearing, or if both parties agree, to a neutral conference)	Parties may not accept the Neutral’s opinion (could then proceed to a due process hearing or mutually agree to attempt mediation)
<b>Impact on Team Relationships</b>	Relationships can be damaged / trust broken; may make working together in future meetings more difficult. May be appealed to civil court, prolonging the negativity.	If no resolution is reached the parties may continue to see each other as adversaries; may question each other’s good-faith efforts to resolve the dispute	Helps the team stay focused and work together to make team decisions; supports effective communication and collaboration (may build skills for use at future meetings)	Helps the team see how they can brainstorm / work collaboratively to come to agreement in a safe setting	Helps the parties to evaluate the merit of their positions in a neutral setting
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