IDEA Dispute Resolution Processes Comparison Chart

	MEDIATION	DUE PROCESS COMPLAINT	RESOLUTION PROCESS	STATE COMPLAINT
Who can initiate the process?	Parent or public agency, but must be voluntary for both	Parent or public agency	Public agency schedules the resolution meeting upon receipt of a due process complaint unless the parties agree to waive or use mediation	Any individual or organization including those from out of state
What is the time limit for filing?	None Specified	2 years of when the party knew or should have known of the problem with limited expectations[1]	Triggered by a parent's due process complaint	1 year from the date of the alleged violation
What issues can be resolved?	Any matter under Part 300, including matters arising prior to the filing of a due process complaint (there are exceptions)[2]	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education (there are exceptions)	Same as the issues raised in the parent's due process complaint	Alleged violations of Part B of IDEA or Part 300
What is the timeline for resolving the issues?	None specified	45 days from the end of the resolution period unless a specific extension to the timeline is granted [3,4]	Public agency must convene a resolution meeting within 15 days of receipt of the parent's due process complaint, unless the parties agree in writing to waive the meeting or agree to use mediation Resolution period is 30 days from receipt of the parent's due process complaint unless the parties agree otherwise or the parent or public agency fails to participate in the resolution meeting or the public agency fails to convene the resolution meeting within 15 days of receipt of the parent's due process complaint[3,5,6,7]	60 days from receipt of the complaint unless an extension is permitted [8]
Who resolves the issues?	Parent and public agency with a mediator The process is voluntary and both parties must agree to any resolution	Hearing Officer/Administrative Law Judge (ALJ)	Parent and public agency Both parties must agree to any resolution	Maryland State Department of Education/State Education Agency (SEA)[9]

1

[1] The time limit does not apply to a parent if the parent was prevented from filing a due process complaint due to: (1) specific misrepresentations by the public agency that it had resolved the problem forming the basis of the due process complaint; or (2) the public agency's withholding of information from the parent that was required under Part 300 of IDEA to be provided to the parent (34 CFR 300.511(f)).

[2] Such exceptions include: the public agency many not file a due process complaint or use mediation to override a parent's refusal to consent to the initial provision of special education services (34 CFR 300.300(b)(3)); the public agency may not file a due process complaint or use mediation to override a parent's refusal to consent to an initial evaluation or reevaluation of a parentally-placed private school child or home schooled child; (34 CFR 300.300(c)(4)(i)); the right of parents of parentally placed private school children to file a due process complaint is limited to the public agency's failure to meet the child find requirements (34 CFR 300.140); the public agency's failure to provide a highly qualified teacher is not an issue subject to due process, but a State complaint could be filed with the State Education Agency (SEA) (34 CFR 300.156(e)).

[3] If the due process complaint is filed for an expedited hearing pursuant to discipline procedures, or the student is not currently enrolled and attending school, the resolution period is 15 calendar days (with the meeting being held within 7 days). If the matter has not been resolved to the satisfaction of both parties, the hearing must occur within 20 school days of the date the hearing is requested and a decision must be issued with 10 school days after the hearing.(34 CFR 300.532(c) and COMAR 13A.05.01.15).

[4] A hearing officer/ALJ may grant specific extension of time at the request of either party. (34 CFR 300.516(c)).

[5] The regulations allow for adjustments to the 30-day resolution period. The 45-day timeline for the due process hearing starts the day after one of the following events: (1) both parties agree in writing to waive the resolution meeting; (2) after either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; (3) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process. (34 CFR 300.510 (c)).

[6] Parent failure to participate in the resolution meeting delays the timelines for the resolution process and due process hearing until the meeting is held. (34 CFR 300.510(b)(3)).

[7] If the public agency fails to hold the resolution meeting within 15 days of receiving the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer/ALJ to begin the due process hearing timeline (34 CFR 300.510(b)(5)).

[8] The timeline for resolving the State complaint may be extended if exceptional circumstances exist with respect to a particular complaint, or the parent (or individual or organization, if mediation or other alternative means of dispute resolution, is available to the individual or organization under State procedures) and the public agency agree to extend the time to engage in mediation or to engage in other alternative means of dispute resolution, if available in the State (34 CFR 300.152(b)(1)).

[9] The SEA's complaint procedures must provide the public agency with the opportunity to respond to the complaint, including, at the discretion of the public agency, a proposal to resolve the complaint; and an opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation. (34 CFR 300.152(a)(3)). In some cases, the complainant and public agency may be able to resolve the dispute without the need for the SEA to resolve the matter.