

## **Dispute Resolution Processes for K-12 Students with Disabilities**

### **What informal resolution procedures are available?**

As a parent or guardian, you have the right to pursue dispute resolution regarding your student's rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), Colorado's Exceptional Children's Educational Act (ECEA), and the Colorado Anti-Discrimination Act (CADA). Before pursuing any formal resolution processes, it may be helpful to formally request **in writing** what you would like from your child's school district to resolve your concerns.

*If you are already working with an education advocate or attorney, you should check-in with them about your legal options and advocacy strategy prior to pursuing any of these dispute resolution options.*

### **What alternative dispute resolution processes are available?**

If you are having a hard time with the school district during IEP meetings, you can attempt resolutions through a [facilitated IEP meeting](#) through the Colorado Department of Education (CDE). In this process, an impartial facilitator will come to your child's IEP meeting and help you and the IEP team develop your child's IEP. This option is unfortunately not available for students with Section 504 plans.

### **What formal administrative dispute resolution processes are available?**

<b>PROCESS</b>	<b>JURISDICTION</b>	<b>TIMELINE</b>	<b>PROS</b>	<b>CONS</b>
<a href="#">Mediation through CDE*</a>  <i>*Mediation can be requested when filing any type of complaint, but it can also be requested without filing a formal complaint of any kind.</i>	IDEA, ECEA (but can address any concerns expressed by the parent or guardian through mediation)	Mediation can be requested at any time and typically occurs within 30 calendar days of being requested	<ul style="list-style-type: none"> <li>Allows you to work together with the school district and an impartial mediator.</li> <li>Allows you to have more of a voice in what you want for your child.</li> </ul>	<ul style="list-style-type: none"> <li>If you agree to mediation after filing a complaint, any agreement you come to with the district will be conditioned on your complaints being withdrawn and dismissed. Thus, there will be no official finding by a third party.</li> </ul>
<a href="#">State Complaint</a>	IDEA, ECEA	Must be filed within 1 year of the alleged violation	<ul style="list-style-type: none"> <li>Generally best for procedural claims that lead to denial of a free appropriate public education (FAPE).</li> <li>Allows CDE to investigate alleged violations and make official findings.</li> </ul>	<ul style="list-style-type: none"> <li>This process is entirely in the hands of the State Complaint Office (SCO), and may or may not end up in your favor.</li> <li>You do not get a say in the resolution terms.</li> </ul>
<a href="#">Due Process</a>	IDEA, ECEA	Must be filed within 2 years of the alleged violation	<ul style="list-style-type: none"> <li>Usually necessary for placement disputes when the District disagrees with you regarding what services your student needs to receive FAPE.</li> <li>Mandatory resolution session where you attempt to reach a resolution with the District.</li> </ul>	<ul style="list-style-type: none"> <li>This process generally requires that you hire an attorney.</li> <li>Parents have a low success rate with due process claims.</li> <li>You do not have a say in resolution terms.</li> </ul>

<a href="#">OCR Complaint</a>	Section 504, Title II of the ADA (public schools)	Must be filed within 180 calendar days of the alleged violation	<ul style="list-style-type: none"> <li>• Easy process to file.</li> <li>• Generally best for students covered by Section 504 and not on an IEP.</li> <li>• Can raise issues such as harassment, retaliation, physical accessibility, equal access, and different treatment based on disability.</li> <li>• Can also raise claims based on race, national origin, color, sex, and age.</li> <li>• Potential to resolve concerns through OCR's mediation process (called Facilitated Resolution between the Parties (FRBP)).</li> </ul>	<ul style="list-style-type: none"> <li>• Short timeline to file.</li> <li>• OCR likely will not open your complaint if you have other ongoing complaints.</li> <li>• OCR complaints can sometimes take six months or more to resolve.</li> <li>• If not resolved through FRPB, you do not have a say in the resolution terms.</li> </ul>
<a href="#">DOJ Complaint</a>	Section 504, Titles II and III of the ADA (public and private schools)	No specified timeline, but often refers complaints to OCR, which does have a 180-day limit for filing.	<ul style="list-style-type: none"> <li>• Easy process to file.</li> <li>• Generally best for students covered by Section 504 and not on an IEP.</li> <li>• Can raise issues such as harassment, retaliation, physical accessibility, equal access, and different treatment based on disability.</li> <li>• Can also raise claims based on race, national origin, color, sex, and age.</li> <li>• DOJ has a mediation process you can use to try to resolve your concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• May take a while for your complaint to be acknowledged as received by DOJ.</li> <li>• DOJ complaints can take a long time to resolve.</li> <li>• You do not have a say in the resolution terms.</li> <li>• Often refers complaints back to OCR.</li> </ul>
<a href="#">CCRD Complaint</a>	CADA	Must be filed within 60 calendar days of the alleged violation.	<ul style="list-style-type: none"> <li>• Can raise claims of retaliation and disparate treatment.</li> <li>• Can also raise claims based on disability, race, creed, color, sex, sexual orientation (which is statutorily defined as "including transgender status" - i.e. Gender Identity), marital status, national origin, and ancestry.</li> <li>• CCRD has a mediation process you can use to try to resolve your concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• Extremely short timeline to file.</li> <li>• Limited to protections afforded by CADA.</li> </ul>

This handout covers administrative dispute resolution options and does not include information about filing a state or federal lawsuit. If you are considering filing a lawsuit, you should consult an attorney. If you need help or have questions about your rights, you can contact [Disability Law Colorado](#).