



## **Dispute Resolution in Education**

Students with disabilities and their parents have several ways to resolve disagreements with a school. These options range from informal problem-solving to formal legal processes. The right option depends on the student's needs and the type of plan the student has.

### **Frequently Asked Questions**

#### **▶ What rights do students with disabilities have in school?**

Students with disabilities have important rights at school.

Some rights apply to all students with disabilities, whether the student has a 504 Plan or an Individualized Education Program (IEP). Students with disabilities who do not have a 504 Plan or IEP are also protected. Other rights depend on:

- Whether the student has an IEP or a 504 Plan.
- Whether the student attends a public or private school.

If a student has an IEP or a 504 Plan, the student has the right to:

- Be safe at school, including protection from bullying.
- Attend field trips and participate in school and after-school activities.
- Learn and interact with classmates without disabilities, when appropriate for the student.
- Receive the educational services and supports they need.
- Not be unfairly disciplined for behavior caused by their disability or the school's failure to implement their plan.

#### **▶ What rights do parents have?**

If a student has an Individualized Education Program (IEP) or a 504 Plan, parents have the right to:

- Get copies of school records and request corrections.
- Receive evaluations and IEP/504 documents in their primary language.
- Ask for draft reports and IEP/504 documents before meetings.

- Invite doctors, therapists, or other support people to IEP or 504 meetings.
- Submit letters from doctors or therapists requesting changes.
- Ask the team to consider outside evaluations.
- Add written disagreements to the student’s school record.
- Challenge how the school evaluated the student.
- Challenge the school if it changes the student’s classroom or school because of their disability.
- Have help from an advocate or attorney.
- Use dispute resolution options.

NOTE: The term “parent” is used throughout this FAQ. This could be a biological parent or someone else who has educational decision-making.

### ▶ **How does a parent challenge a school when they disagree with a decision or think the school has done something wrong?**

Parents may:

- Request a facilitated IEP meeting
- Request mediation.
- File a state complaint with the Colorado Department of Education.
- File for due process.
- File a Colorado Civil Rights Division Complaint
- File a U.S. Department of Education Office for Civil Rights complaint.
- File a U.S. Department of Justice Complaint.

Some of these options are only available if a student has an IEP. Please review [dispute resolution video](#) for more information.

## **Facilitated Individualized Education Program (IEP) Meetings**

### ▶ **What is a facilitated IEP meeting?**

An impartial facilitator will come to the student’s IEP meeting and help the parents, student, and the IEP team develop the student’s IEP.

## ▶ How do I request a facilitated IEP meeting?

This process is voluntary. All parties need to agree to participate. It can be requested on the [Colorado Department of Education's website](#).

# Colorado Department of Education (CDE) Mediation

## ▶ When is mediation available?

Mediation with the CDE is available both before or after filing a complaint. Mediation is also often available with other places or complaint processes, but this information is specific to mediation with the CDE.

## ▶ What is mediation?

Mediation is a voluntary meeting where parents and the school work with a neutral mediator to resolve disagreements.

## ▶ Who Is the mediator?

The mediator:

- Is assigned through the Colorado Department of Education.
- Does not work for the school.
- Is trained to help both sides reach an agreement.
- Does not give either side legal advice.

## ▶ What happens in mediation?

Mediation usually lasts a few hours or a full day and includes:

- Ground rules set by the mediator.
- Each side explaining the problem.
- Questions from the mediator.
- Private conversations if needed.
- A written agreement if both sides agree.

The agreement is legally binding once signed.

## ➤ Does the school have to go to mediation?

No. Mediation is voluntary.

## ➤ Why would parents request mediation?

Parents may use mediation to:

- Request new services or supports.
- Stop a harmful practice.
- Address concerns about the student's Individualized Education Program or Behavior Intervention Plan.

## ➤ Why would a school go to mediation?

Your school might want mediation:

- To stop the problem from getting bigger.
- To keep a good relationship with the parents.
- To have a mediator who can help both sides stay calm and work together.
- To stop parents from filing due process. Due process is like having a trial. It can cost the school a lot of money and time. Mediation is faster and cheaper.

## ➤ Who attends mediation?

- Parent
- School representative
- Mediator

Parents may bring an attorney or advocate. The school may also bring an attorney. The student may attend all, part, or none of the session.

## ➤ When do I request mediation?

Parents can request mediation at any time through the [Colorado Department of Education's website](#). Parents often ask for mediation when an IEP meeting does not fix the problem. It is important to keep timelines of other complaint processes in mind.

### ▶ **What should I write in my mediation request?**

Give a brief history of the student's needs, Individualized Education Program, and schooling. Explain the problem, along with what the parents and the school have done to try to fix the problem. Give a few ideas for how to fix the problem.

### ▶ **What If mediation does not work?**

Parents may still use other dispute resolution options unless the deadlines for those options have passed.

### ▶ **Are there any special rules with mediation?**

Mediation is confidential. This means that if mediation doesn't work and the parents file for due process, what the school said in mediation cannot be used to prove the school is wrong.

Mediation is binding. This means that the parents and the school have to do whatever the agreement says. Both sides can be taken to court for not doing what was promised in the signed agreement.

## **Colorado Department of Education (CDE) State Complaints**

### ▶ **How do I file a state complaint?**

If the student has an Individualized Education Program (IEP) and the issue happened within the last year, parents may file a complaint with the Colorado Department of Education (CDE). Note that the CDE must physically receive your complaint within the one-year time period and complaints may not be submitted electronically, so plan ahead.

State complaints are a good option when:

- The school did not follow the IEP; or
- The student was improperly restrained or secluded.

The CDE has 60 days to investigate. The CDE may:

- Review records.

- Speak with staff and families.

The school has a right to explain its actions. The CDE will also usually talk to the parents and then decide if the school broke the law. The CDE will tell you this in writing. If the school broke the law, the CDE will ask the school to fix the problem.

### ▶ **Where do I file a state complaint?**

Complaints must be mailed or hand-delivered to:

- The Colorado Department of Education; and
- The school district's special education director

Instructions are available on the [Colorado Department of Education's website](#).

## **Due Process Hearings**

### ▶ **What is a due process hearing?**

A due process hearing is a formal legal process, similar to a trial. Both sides present evidence, and a hearing officer decides:

- Who is right; and
- How the problem must be fixed.

### ▶ **Who is the hearing officer?**

The Colorado Department of Education assigns a trained hearing officer, who is an administrative law judge.

### ▶ **How long can due process take?**

A due process hearing can happen in just 45 days, but it often takes a few months.

### ▶ **Who can file for due process?**

- Parents
- The school district

## ➤ Does the school have to participate?

Yes. Due process is not voluntary.

## ➤ When is due process a good fit?

Parents can file for a due process hearing when they do not agree with the student's IEP or how the school is helping the student. Examples include when the school:

- Refuses to evaluate the student.
- Tests the student but says the student does not need an IEP.
- Will not let the student in a classroom with typically developing classmates.
- Will not give the student a special kind of therapy.

Additional examples include when the student is not:

- Making progress and the school will not change how it teaches the student.
- Being taught the way their IEP says the student needs to be taught.

## ➤ When should I file for due process?

Due process can take time and money. Think of it as a last resort. First, write to the school, have an IEP meeting, go to mediation, or file a lower-level complaint. Due process complaints must be filed within two years.

## ➤ How do I file for due process?

Send a Due Process Complaint Notice to the school district. The form is available on the [Colorado Department of Education's website](#).

## ➤ What helps improve the chances of winning?

Winning is never a sure thing, but here are a few ways to help improve the odds.

- Prepare for all required meetings.
- Submit paperwork on time.
- Have records that prove the things you are saying.
- Write a detailed complaint.
- Work with a special education attorney. Parents who do not have a lawyer are much more likely to lose.
- Have experts come to the hearing to back up what you are saying.
- Practice explaining your concerns clearly and calmly.

## ➤ What happens if I win the hearing?

This depends on what the hearing officer determines the school did wrong, if anything. The hearing officer can order the school to:

- Pay for the student to go to a new school.
- Give the student a new teacher with special training.
- Pay for the student to get tutoring or therapy inside and outside of school.
- Give the student a new support like an aide, assistive technology, a Behavior Intervention Plan, or summer school.

Hearing officers cannot award money damages.

## ➤ What if I lose?

You can appeal the decision in state or federal court. The appeal must be started within 120 days of the date of the hearing officer's decision. An attorney can be very helpful on appeal because court is even more formal than a due process hearing.

# **Colorado Civil Rights Division (CCRD) Complaints**

## ➤ What can a CCRD complaint do?

The CCRD complaints can address issues related to discrimination or different treatment based on a person's disability or other protected characteristics like race and gender.

## ➤ How do I file a complaint with the CCRD?

The CCRD complaints need to be filed within 60 days of the alleged discrimination. The form can be found on the [Colorado Civil Rights Division's website](#). The complaint is not filed until you do an intake with CCRD and they draft the complaint for you, so you need to contact them well before the 60-day deadline.

## **U.S. Department of Education, Office of Civil Rights (OCR) Complaints**

### **▶ What can an Office of Civil Rights (OCR) complaint do?**

If a parent believes a student with a disability has been discriminated against, bullied, or their plan wasn't followed, they can file a complaint with the OCR. The OCR also handles complaints of retaliation, physical accessibility, and other protections under Section 504 and the Americans with Disabilities Act. The OCR can:

- Investigate the complaint.
- Tell the school how to fix the problem if the OCR finds a violation.

This option is available for students with an Individualized Education Program or a 504 Plan. The OCR complaints must be filed within 180 days of when the problem happened. Extremely limited exceptions apply.

Parents may need:

- Written proof they told the school about the problem and tried to resolve it.
- Letters or opinions from doctors or therapists who agree with the parent's concerns.
- Proof the school did not follow the law.

### **▶ How do I file a complaint with the OCR?**

File a complaint on the [Office of Civil Rights website](#).

## **U.S. Department of Justice (DOJ) Complaints**

### **▶ What can a DOJ complaint do?**

A DOJ complaint can address issues related to discrimination, harassment, and equal access. Typically, systemic concerns are best for this process. Other complaints may be referred to the U.S. Department of Education Office of Civil Rights.

### **▶ How do I file a complaint with the DOJ?**

File a complaint on the [Department of Justice's website](#).

Disability Justice distributes this material for informational purposes only. It does not constitute legal advice or establish a lawyer-client relationship. For further assistance, contact the phone numbers or internet sites referred to in this publication or seek the counsel of an attorney.

**[www.DisabilityJustice.co](http://www.DisabilityJustice.co)**

Updated: 3-2-2026