

## Dispute Resolution Comparison Chart

| Question  | Complaint  | Mediation  | Due Process Hearing   | Resolution Session<br>(only upon request for a<br>due process hearing)   |
|---|--|--|---|--|
| <b>Who can initiate the process?</b>                  | Any individual or organization.  | Parent or LEA, but must be voluntary for both parties  | Parent or LEA.  | LEA schedules the resolution session upon receipt of a due process hearing request unless the parties agree to waive or use mediation.   |
| <b>What is the time limit for filing?</b>             | One year from the date of the alleged violation.   | None specified.  | One year from when the party knew or should have known of the problem, with limited exceptions.   | Triggered by a parent's due process hearing request.   |
| <b>What issues can be resolved?</b>                   | Alleged violations of federal regulations and North Carolina Department of Public Instruction Exceptional Children Policies. | Any matter under the IDEA federal regulations and DPI Policies For Exceptional Children including matters arising prior to the filing of a due process complaint (there are some exceptions) | Any matter relating to the identification, evaluation, educational placement, manifestation determination, or provision of a free appropriate public education (there are some exceptions). | Same issues as the due process hearing request.  |
| <b>What is the timeline for resolving the issues?</b> | 60 days from receipt of the complaint unless extended for unusual circumstances.   | None specified.  | 30 days for resolution period and 45 days from the end of the resolution session/period unless specific extensions to the timeline are granted.   | LEA must convene a resolution session within 15 days of receipt of the due process hearing request unless both parties agree in writing to waive the session or agree to use mediation. The resolution period lasts for not more than 30 days. |
| <b>Who resolves the issues?</b>                       | North Carolina Department of Public Instruction, Exceptional Children Division   | Parent and LEA with a neutral mediator provided by the EC Division. Both parties must agree to the solution in writing. Decisions are legally binding and enforceable by DPI.                | Administrative Law Judge  | Parent and the LEA. Both parties must agree to the solution in writing. Decisions are legally binding and enforceable by DPI.  |

Local Education Agency (LEA) means the local school system or charter school.

This chart was adapted from a chart created by the Georgia Department of Education/Division for Special Education Services.