



TIP SHEET

Resolving Differences

Resolving differences can be thought of as a series of activities, starting with a solid foundation and building to a peak. Teams should work together to resolve differences at each level. Most conflicts never reach the upper levels of the pyramid. If this model is followed, attempts to resolve disagreements will happen at each level. Few disagreements will peak at the top. Any of the strategies listed in the pyramid below are available to families at any time. If higher level actions are taken first, it may be difficult to move to lower levels. There are situations where legal action may be necessary. However, there are several methods of conflict resolution available that can and should be tried before reaching that point.

How can parents and schools work together to minimize conflict?

The most effective way to prevent conflict is to establish solid working relationships based on good communication. Use effective communication to share and resolve any issues of concerns. Many disagreements can be positively resolved when teams work together to create solid working relationships. One way to encourage healthy working relationships is to share concerns as they arise. Don't save up so many small problems that they become big ones. Also, consider how you communicate your concerns. The way you choose to share your message may have an impact on

how it is received. Minor issues can easily be communicated with a brief phone conversation or email, but don't rely on those methods for important messages. If it is an issue causing disagreement, and phone calls and/or emails aren't effective in resolving the matter, compose a written letter respectfully requesting an IEP meeting. Send this letter to your child's special education teacher. If you expect a written reply, ask for it in your letter, without demanding an immediate response. Keep communications clear and focused on the biggest concern or request regarding your student.

What can parents do when a problem or difference of opinion occurs?

When a problem or difference of opinion happens, parents may request a conference to discuss the issues. A short conference with the teacher may be enough to address a small concern. However,

if changes to the IEP need to be considered, the IEP team should meet and discuss the potential changes to your child's plan.

What processes can be used to resolve differences?

THE INDIVIDUAL EDUCATION PROGRAM (IEP) PROCESS

Your child's IEP meetings may be the single best way to resolve disagreements before requiring higher levels of conflict resolution. Parents or educators

can suggest any changes to the IEP they think appropriate for the student. Families may share any supporting information from other professionals,

which must be considered by the team. If the team is unable to agree, parents can ask for a Prior Written Notice (PWN) of the proposed or refused

IEP FACILITATION PROCESS

If you have not been able to successfully resolve the differences within the IEP process, and more structure is needed in the IEP meeting, you may consider using the IEP Facilitation process. An IEP Facilitator is an impartial person trained to build agreements among IEP team members. The

STATE MEDIATION PROCESS

Mediation is a meeting where families and schools try to work out areas of disagreement. The mediation process is facilitated by someone who is trained by the Nebraska Department of Education, is not affiliated with the district or the state. The mediator clarifies the problem, facilitates conversations, and involves everyone in finding an agreement which is acceptable to all parties.

STATE COMPLAINT

A state complaint can be filed with the Nebraska Department of Education if parents believe that the school district has violated a Special Education state rule or law under IDEA. The violation must have occurred within the past calendar year. A state

DUE PROCESS HEARING

A due process hearing is a legal proceeding in which both parents and school officials present their case to a hearing officer designated by the Nebraska Department of Education. It is a much more formal process than the mediation. Parents may choose to be represented by an attorney. The school district will be represented by their legal counsel. Parents who choose to be represented by an attorney are

How can the IEP team stay focused on students and positive solutions?

Next time you are feeling frustrated about your child's educational program, consider whether the best way to solve the problem might be another attempt to communicate with the IEP team. This is

Key Considerations for Resolving Differences

action. The PWN states the legal reason for the school's decision.

facilitator creates an atmosphere in which every voice is heard, focusing the team on building an IEP that is appropriate for your child. If you would like more information regarding facilitated IEPs, reach out to a parent/professional at PTI Nebraska.

Parents should come prepared with specific requests in regards to their child's IEP. They should provide supporting information for their request, and be ready to negotiate in the best interest of their child. Families and schools may choose to be represented by an attorney at a mediation session. For more information on mediation, go to <https://www.education.ne.gov/sped/mediation/>.

complaint is a fact finding investigation and written conclusion will be completed within 60 days of the complaint. If the investigator concludes that violations have occurred, the district will be issued a corrective action plan.

responsible for the costs. Under federal and state law, parents may be able to recover their legal expenses from the school districts if they win their case. Repayment is not automatic. It is important for families to understand the financial costs of due process. For more information on due process, contact a parent/professional at PTI Nebraska.

a positive way to encourage IEP team members to work collaboratively and focus on finding a solution for your child.

- Ask the IEP team to clarify and explain the topic of your concern
- Have I put my concerns in writing? In the letter, include the date, name of the contact person, and a clear, concise summary of your concerns.
- Do I have a Prior Written Notice from the school explaining the school's reason for a decision that has been made?
- If considering due process, should I consider obtaining legal representation? Am I prepared for the time commitment and expense of litigation?
- The complaint must allege a violation that occurred in the past two years.

For more information about resolving differences, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and [pti-nebraska.org](https://www.pti-nebraska.org), or the Nebraska Department of Education at (402) 471-2471 and [education.ne.gov/sped/](https://www.education.ne.gov/sped/).

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf.

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf

SOURCES

Ask Resource Center - adapted with permission

<https://www.askresource.org/resources/conflict-resolution>

Nebraska Department of Education - Dispute Resolution

<https://www.education.ne.gov/wp-content/uploads/2017/07/Resolution-Options-doc.pdf>

Nebraska Department of Education - Mediation Options

<https://www.education.ne.gov/sped/mediation/>