

A Guide for Families

H

What can I do if the services my child is receiving aren't satisfactory?

Children with disabilities are entitled to a free appropriate public education. Sometimes families are not satisfied with the services their child is receiving. This is often based on seeing the child's behavior, his or her success in school or on the parents' own participation in IEP (individual education program) meetings and other procedures related to meeting the needs of the child. Parents may think a child's program is not adequate because they disagree with the planning, evaluation or implementation of the child's program.

What first steps should be taken?

If appropriate, it is recommended that parents contact personnel within the local school building as a starting point, including classroom teachers, special education personnel or the principal. Some parents think that meetings with school staff can take place only at regularly scheduled review or parent-teacher conference times, but this is not the case. Parents may request a meeting to discuss concerns about their child's program at any time. A conference or an IEP meeting is a first step to resolving problems.

E

If my concerns are not resolved, what additional steps should I take?

If attempts to resolve problems at the local school level do not work, parents may request help from other sources. This may mean contacting the special education coordinator of the local school system. Upon request, someone at the local school building site will provide parents with the necessary information to contact the special education coordinator. Also, if the child is receiving special education services, the name, address and telephone number of the special education coordinator may be printed on letter(s) from the school system or other informational materials provided by the local school system.

L

What formal complaint procedures should I follow?

When the above ways for resolving problems have been tried unsuccessfully, a mediation may be requested by calling (334) 242-8114. A mediator from Special Education Services may assist the parties in reaching agreement.

P

When serious violations of Part B of the *Individuals With Disabilities Education Act* (IDEA) and 34 CFR Part 300 are observed or suspected, it may be necessary for parents to file a formal complaint or request an impartial due process hearing. Every state must make these administrative remedies available. Either procedure requires a signed written request to activate the process. If you have a question about either of these remedies, you may call (334) 242-8114 and ask for assistance.

FORMAL PROCEDURES

MEDIATION:

Mediation is available as another way to resolve problems or disagreements in a child's special education program. It is a separate procedure from either filing a complaint or requesting an impartial due process hearing. When an impartial due process hearing has been requested, this procedure may also provide opportunities to reach agreement. An agreement reached through mediation may end the need for a hearing. Either a parent or school official may request a mediation whenever both local school officials and parents agree to participate in the procedure. For information about mediation, you may call (334) 242-8114 and a specialist from Special Education Services will assist you.

COMPLAINT:

A signed written complaint may be sent to the State Superintendent of Education, Attention Special Education Services. When a formal complaint is filed, the Alabama Department of Education investigates the observed/suspected violations of the IDEA requirements that may have occurred. A specialist will be assigned as complaint contact for each complaint filed.

AN IMPARTIAL DUE PROCESS HEARING:

An impartial due process hearing is a legal procedure to determine whether procedural safeguards required by the IDEA, such as provision of appropriate notice or parental consent for initial placement, have been followed. This procedure also is available if parents and school officials cannot reach agreement on a child's educational program. A qualified hearing officer, assigned by the State Superintendent of Education, will conduct the hearing. Both parties in the hearing are usually represented by legal counsel to present their cases, though this is not required by the regulations. A written decision is given by the hearing officer after the impartial due process hearing. If dissatisfied, either party may appeal the decision in civil court.

For more information contact the:

Alabama State Department of Education
Division of Instructional Services
Special Education Services
Post Office Box 302101
Montgomery, Alabama 36130-2101
or telephone
(334) 242-8114
(334) 242-8406 (TDD)