

Resolving Special Education Concerns

This webinar is presented by the Division of Special Education Complaints

[Resolving Concerns and Complaints](#)

By the end, participants should be able to:

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| 01 Consider local conversations when helpful | Identify the concern, prepare facts, and consider a local meeting or process that may address it. |
| 02 Use early, collaborative supports | Understand Early Resolution and FIEP as voluntary, no-cost options designed to keep relationships intact. |
| 03 Understand available processes | Understand mediation, special education complaints, and due process hearings by function, requester, timing, and outcome. |
| 04 Protect rights while solving problems | Know that collaborative processes do not deny or delay access to complaint, mediation, or due process options. |

0–5 min

Why it may be helpful to consider local resolution first

5–15 min

Early Resolution: solve before conflict grows

15–25 min

FIEP: Facilitated ARD/IEP conversations

25–38 min

Formal TEA dispute resolution options

38–45 min

Decision guide, resources

SECTION 1

Consider local when helpful

A timely, specific, student-focused local conversation may help families and districts address concerns efficiently.

The resolution pathway: choose the least formal effective step



Clarify the concern

Consider the facts, what the student needs, and how that need can be met



Work with the campus / district

Consider asking for a meeting, sharing the facts, explaining the student's needs, and asking about available local processes.



Use collaborative supports

Early Resolution, FIEP, or mediation can bring neutral support to a conversation.



Use formal options when needed

A special education complaint or due process hearing may help resolve issues through an independent final determination.

Core message Choose the option that addresses the concern and meets the requested outcome.

Define the concern

State the issue in observable terms: service not provided, evaluation concern, IEP implementation, communication breakdown.

Request the right forum

Ask for a teacher/case manager conversation, campus meeting, ARD committee meeting, or district grievance step as appropriate.

Bring useful information

Dates, documents, student impact, attempted solutions, and the specific change or support requested.

Document next steps

Confirm who will do what by when; schedule follow-up; keep records of communications and agreed actions.

Districts are expected to have local processes for responding to concerns raised by parents and community members.

SECTION 2

Early Resolution: help before conflict escalates

A free, voluntary support from TEA and SPEDTex that helps families and schools talk through special education concerns early.

A trained facilitator guides a productive, informal conversation focused on mutually acceptable, student-focused solutions.

Free and voluntary

Families and schools choose to participate together and can stop at any time.

Relationship-preserving

The facilitator keeps the discussion respectful, focused, and solution-oriented.

Rights-preserving

If concerns are not resolved, families retain procedural rights and other dispute options.

Confidential and separate

Conversations stay private and are independent of complaint processes.

[Early Resolution: Helping Families & Schools Work Together](#), [Early Resolution: Overview for ESC and LEA](#), and [Early Resolution on SPEDTex](#)

- Request** —→ Either the family or the school requests an ER meeting.
- Agree** —→ Both parties agree to participate and identify the concerns to discuss.
- Talk** —→ A SPEDTex consultant neutrally facilitates a focused 30–60 minute conversation.
- Resolve** —→ If successful, the parties create a written local resolution plan that can be implemented.

Use ER for IDEA-related special education concerns that can be solved through dialogue. It is not for 504 plans, discrimination, bullying, child abuse, professional conduct, personnel issues, or cases already in TEA mediation/due process.

SECTION 3

Facilitated IEP (FIEP): Facilitated ARD / IEP conversations

Facilitated IEP (FIEP) helps an ARD committee communicate, stay organized, and work toward a mutually agreed-upon IEP.

IEP facilitation is an alternative dispute resolution method for ARD committee meetings. It is voluntary and provided at no cost to parents.

Facilitator role

Important boundaries

Organizes the meeting	→	Helps establish an agenda, guidelines, and time allotments.	→	Not an ARD member
Guides communication	→	Keeps discussion open, transparent, respectful, and focused on the student.	→	No decision-making authority
Supports participation	→	Ensures each committee member has an opportunity to contribute.	→	No opinion on IEP content
Helps manage disagreement	→	Assists the committee in resolving disagreements and staying on task.	→	Cannot delay or deny other rights

Who requests?

The parent and the school sign a request form.

When?

TEA's comparison chart says the form must be filed within 10 calendar days of the ARD committee meeting that ended in disagreement.

Additional Conditions

The request must concern avoiding a potential FAPE dispute or reconvening after disagreement. A facilitator must be available.

Same School-Year Limit

The same parties must not have used the state FIEP facilitation for the same student earlier in the same school year.

FIEP is often one of the fastest no-cost supports when the disagreement is inside the ARD/IEP process.

Mediation is a free, voluntary option that lets parents and school districts work toward a solution with a mediator.

When it can be used

Any time there is a dispute arising under IDEA Part B.

Who can request

A parent or school district may request mediation in writing. TEA encourages use of its model request form but does not require it.

Confidentiality

Mediation discussions are confidential and not subject to release. Settlement agreements may be released with personally identifiable information removed.

Decision-making

The parties control the outcome; the mediator helps them communicate and negotiate.

	Early Resolution	FIEP	Mediation	Local Process
Best Fit	Early concern before escalation	Potential FAPE Dispute or ARD/IEP meeting disagreement	Any dispute arising under IDEA Part B	Campus or district concern that can be addressed locally
Neutral Support	SPEDTex facilitator	Independent / trained facilitator	Mediator	District/campus personnel
Outcome	Local resolution plan if successful	Mutually agreed-upon IEP	Written agreement if resolved	Local action, grievance decision, or next step
Voluntary?	Yes — both agree	Yes	Yes	Varies by local process

SECTION 4

Formal TEA dispute resolution options

When local and collaborative options do not resolve the issue, TEA processes are available for investigation, mediation, or hearing.

A complaint asks TEA to investigate alleged violations of special education requirements related to one or more students.

Who may file

Any person or organization may file. This is the only special education dispute option open to people not directly related to the student.

Scope

TEA investigates special education issues under IDEA/state special education requirements.

What it must include

A signed, written complaint with the alleged violations and supporting facts. Anonymous complaints are not accepted.

Time limit

The complaint must allege a violation that occurred not more than one calendar year before TEA receives it.

Where it goes

Send the complaint to TEA and send a copy to the public education agency that is the subject of the complaint.

Timeline

TEA has 60 calendar days to resolve a federal special education complaint, with extensions in certain circumstances.

File

Written, signed complaint sent to TEA and the district/charter.

Review

TEA reviews for jurisdiction, allegations, timelines, and needed information.

Investigate

TEA gathers information and evaluates whether requirements were met.

Findings

TEA issues a written report; if requirements were not met, corrective actions are required.

Important interaction with due process

If a complaint and due process hearing involve the same issues, the complaint investigation may be placed on hold until the due process hearing ends.

Due process is the most formal special education dispute resolution option. It resolves disputes through a hearing officer decision.

Purpose

A formal way for parents and school districts to resolve disagreements about identification, evaluation, educational placement, or all matters concerned with FAPE.

Who can file

A parent or school district may file a written due process hearing request; a copy must be sent to the school district.

Resolution period

Federal rules require a resolution meeting within 15 days of notice unless waived in writing or mediation is chosen; the resolution period is generally 30 days.

Decision timeline

A final hearing decision is generally due within 45 days after the resolution period ends, unless extensions are granted for good cause as determined by the hearing officer.

TEA materials state they are informational and not legal advice; TEA cannot provide legal advice.

Start with the job the process needs to do, not simply how formal the process sounds.

EARLY RESOLUTION	Repair communication	A facilitated conversation helps the family and school identify a student-centered solution.
FIEP	Support the ARD meeting	A facilitator helps the ARD committee communicate, stay organized, and work toward an IEP.
MEDIATION	Negotiate an agreement	A mediator helps the parties explore solutions and reach a voluntary written agreement.
COMPLAINT	Investigate an allegation	TEA reviews whether special education requirements were met and issues written findings.
DUE PROCESS	Obtain a decision	A hearing officer decides a dispute involving identification, evaluation, placement, or FAPE.

Remember: FIEP helps the meeting work. Mediation helps the parties negotiate.

Early Resolution

Private and independent of complaint processes; SPEDTex materials describe sessions as confidential.

FIEP

Student confidentiality rules that apply to ARD meetings also apply during IEP facilitation.

Mediation

Discussions are confidential; settlement agreements may be released with identifiable information removed.

Complaint

TEA written findings are subject to release with identifiable information removed.

Due process

Hearing request is confidential; parent may open the hearing to the public; decisions are posted with identifiable information removed.

SECTION 5

Decision considerations

Use the concern, desired outcome, and timing to choose a process that solves the problem with efficiency.

Need to repair communication early?	→	Early Resolution
ARD/IEP meeting ended in disagreement?	→	FIEP request window
Both parties want a negotiated agreement?	→	Mediation
Need TEA to investigate alleged violation?	→	Special education complaint
Need a formal hearing decision about Identification/FAPE/placement/evaluation?	→	Due process hearing

Always ask: “What student-centered outcome do we need, and who has authority to make it happen?”

Scenario A — communication breakdown

A family believes supports are not being implemented consistently, but the school team is willing to meet quickly. Try a local meeting; if communication is stuck, consider Early Resolution.

Scenario B — ARD disagreement

An ARD committee recesses after disagreement on required IEP elements. If the parent and school agree, they may jointly request an independent IEP facilitator within the 10-calendar-day timeframe.

Scenario C — alleged violation

A required special education service was not provided over time and the desired outcome includes TEA findings or corrective action. A special education complaint may fit.

Scenario D — formal FAPE dispute

The disagreement is about identification, evaluation, placement, or FAPE and the parties need a hearing officer decision. Due process may fit.

Collaboration is a skill set. These moves help families and districts keep the focus on the student.

Name the shared goal

“We all want the student to make meaningful progress.”

Separate people from the problem

Discuss the service, data, or decision — not motives.

Ask for authority in the room

Invite people who can make or implement the needed decision.

Turn concerns into requests

Replace broad frustration with a specific proposed action, timeline, and follow-up.

Confirm agreements in writing

Capture action steps, owners, and dates so everyone leaves with the same understanding.

IEP Facilitation

If a parent and a school want to request an independent facilitator, they must complete the Request for a State Facilitated Individualized Education Program Meeting form, which can be found at the following links: [English](#) | [Spanish](#).

SPEDTex

Special education information center; Early Resolution requests and support. 1-855-773-3839 | inquire@spedtex.org | spedtex.org

Special education complaints

spedcomplaints@tea.texas.gov | Fax 512-463-9560 | TEA Office of Special Populations and Student Supports.

Mediation / due process

TEA Office of General Counsel resources; questions commonly route to se-legal@tea.texas.gov.

Local district process

District/charter grievance steps, handbooks, special education contacts, and ARD committee procedures.

Reminder: TEA resources are informational; TEA cannot provide legal advice.

Thank you

Next best step: identify concern(s), determine desired student outcome(s), and the best process that can realistically solve the concern(s) in an efficient manner while maintaining relationships.

Final Note

Keep the focus on the student. Consider local, TEA, or SPEDTex supports based on the desired outcome.