

## **Comparison of Options in the IDEA Compliant System**

<b>Comparing the systems</b>	<b>Mediation</b>	<b>Child Complaint</b>	<b>Due Process</b>
Format?	Informal Confidential	Formal Confidential	Formal Confidential
Who decides?	Supports mutual problem solving	Commissioner makes final determination	Solution ordered by administrative hearing judge
How long does it take?	Mediation session less than a day	Process may take several weeks	Hearing may last several days and process may take several months
How is information gathered?	Supports open communication	Communication with investigator	Witnesses testify under oath
How are decision made?	Agreements made jointly	Determined by allegations	Law-based solution
Agreement?	If no agreement reached, can pursue other systems	Decision of Commissioner is final	Decision binding; however, can be appealed to state or federal court
Timeline to complete process?	Must be completed in 30 days	Must be completed in 60 days unless an extension is needed to determine the facts	Can be completed in 45 days but usually takes approximately 6 months
Legal representation?	Attorneys cannot participate	Attorneys neither required nor prohibited	Parties are represented by attorneys
Format of process?	Parties meet face to face for an informal discussion	Parties do not meet, investigator requests information from both sides and independently reviews it	Parties meet face to face in adversarial setting