

Comparison of Options in the IDEA Complaint System

Mediation	Child Complaint	Due Process
Informal	Formal	Formal
Confidential	Confidential	Confidential
Supports mutual problem solving	Commissioner makes final determination	Solution ordered by hearing panel
Mediation session less than a day	Process may take several weeks	Hearing may last several days and process may take several months
Supports open communication	Communication with investigator	Witnesses testify under oath
Agreements made jointly	Determined by allegations	Law-based solution
If no agreement reached, can pursue other systems	Decision of Commissioner is final	Decision binding; however, can be appealed to state or federal court
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
Attorneys cannot participate	Attorneys neither required nor prohibited	Parties are represented by attorneys
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