

FIEP System

Format?	Who decides?	How long does it take?	How is information gathered?	How is decision made?	Agreement?	Timeline to complete process?	Legal representation?	Format of process?
Informal Confidential	IEP Team Consensus	FIEP usually less than a day	Facilitator supports open communication	IEP Team Consensus	If no agreement reached, can pursue child complaint or due process	Must follow IEP meeting requirements	Attorneys neither required nor prohibited	Parties meet face to face for an informal discussion

Comparison of the IDEA Complaint System Options

Comparing the systems	Format?	Who decides?	How long does it take?	How is information gathered?	How is decision made?	Agreement?	Timeline to complete process?	Legal representation?	Format of process?
Mediation	Informal Confidential	Supports mutual problem solving by the parties	Mediation session usually less than a day	Supports open communication	Agreements made jointly between parties	If no agreement reached, can pursue child complaint or due process	Must be completed in 30 days of the agreement to mediate	No attorney shall participate or attend on behalf of any party. However, parents may be accompanied by a lay advocate	Parties meet face to face for an informal discussion
Child Complaint	Formal Confidential	Commissioner of Education, or a designee, makes final decision of DESE	Process may take up to sixty (60) calendar days	Documentation requests and phone interviews will be the primary methods of data collection	Resolution of a child complaint shall be through the issuance of a Decision letter	The findings of the Commissioner of Education, or a designee, related to the complaint shall constitute a final decision of DESE. No further appeal is available	Must be completed in 60 days unless an extension is granted to determine the facts	Attorneys neither required nor prohibited	Parties do not meet, investigator requests information from both sides and independently reviews it

Due Process	Formal Confidential	Decision ordered by a Commissioner from the Administrative Hearing Commission	Hearing may last one or two days; however, the process may take up to several months	Witnesses testify under oath. Documentation is sent to the Administrative Hearing Commission	Law-based solution	Decision binding; however, can be appealed to state or federal court	Can be completed in 45 days but can take up to several months	Although not required, parties are often represented by attorneys	Parties meet face to face in adversarial setting
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